

**BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

ORDINANCE NO. _____

Amending MCC Chapter 13 – Animal Control.

(Language ~~stricken~~ is deleted; double underlined language is new.)

The Multnomah County Board of Commissioners Finds:

1. 2013 Senate Bill 6 created new provisions and amended state law relating to animals and has been codified in ORS 609.415 and ORS 609.420.
2. It is necessary to amend MCC Section 13.002 and MCC Section 13.151 to update definitions and licensing procedures.

Multnomah County Ordains as Follows:

Section 1. MCC § 13.002 is amended as follows:

§ 13.002 DEFINITIONS.

ANIMAL RESCUE ENTITY. An individual or organization, including but not limited to an animal control agency, humane society, animal shelter, animal sanctuary or boarding kennel not subject to ORS 167.374, but excluding a veterinary facility, that keeps, houses, and maintains in its custody 10 or more animals and that solicits or accepts donations in any form.

ENFORCING AGENCY. The agency that operates a city or county dog licensing and control program under ORS 609.035 to 609.110 or under any city or county ordinances or regulations that operate in lieu of ORS 609.035 to 609.110, or any other agency designated the enforcing agency by the city or county governing body.

Section 2. MCC § 13.151 is amended as follows:

§ 13.151 LICENSING PROCEDURE.

(A) Application for a facility license or dangerous dog facility license shall be made upon forms furnished by the director, shall include all information required therein and shall be accompanied by payment of the required fee.

(B) A facility license or dangerous dog facility license shall be valid for one year from the date of issuance, unless revoked.

(C) The director shall inspect any facility for which a license is sought and, upon determination that the facility and its operation complies with all applicable provisions of this chapter and other applicable local, state and federal laws, shall issue a license which may include one or more conditions of approval and/or operation.

(D) If the director fails to approve or deny a fully completed application within 60 days of its receipt and payment of fees, the application shall be considered approved for the current year, subject only to revocation as provided in §13.152.

(E) A license shall be conspicuously displayed on the facility premises and a holder of a license shall keep available for inspection by the director a record of the name, address and telephone number of the owner or keeper of each animal kept at the facility, the date each animal was received, the purpose therefor, the name and address of the person from whom the animal was purchased or received, a description of each animal including species, age, breed, sex and color and the animal's veterinarian, if known, at the discretion of the director. For small animals such as fish, gerbils, hamsters or similar kinds of animals acquired in lots, an individual record should not be required for each animal, but the holders shall keep adequate invoice records of the lot acquisition.

(F) Any animal rescue entity shall comply with all of the following recordkeeping requirements:

(1) Maintain a record for each animal that identifies:

(a) The date of birth for the animal or, if the date of birth is unknown, the approximate age of the animal;

(b) The date the animal rescue entity acquired possession, control or charge of the animal and the source of the animal;

(c) The number of offspring the animal produced while in the possession or control of the animal rescue entity, if applicable;

(d) The disposition the animal rescue entity makes of each animal possessed by, controlled by or in the charge of the animal rescue entity, including the date of disposition, manner of disposition and the name and address for any individual or organization taking possession, control or charge of an animal;

(e) The course of the animal, date of acquisition, age, sex, breed type and weight of the animal at intake; and

(f) A photograph of the animal taken within 24 hours of intake by the animal rescue entity.

(2) Permit an authorized representative of the enforcing agency to inspect records of the animal rescue entity required by this subsection and furnish reports and information required by the enforcing agency, as provided under ORS 609.415.

(G) An animal rescue entity shall comply with the following licensing requirements:

(1) The entity shall obtain a license issued by the enforcing agency in accordance with ORS 609.415 and any rules or policies adopted by the enforcing agency; and

(2) The entity shall pay a reasonable fee, as determined by the enforcing agency, for a license or an annual renewal of this license to provide for the actual cost of enforcing ORS 609.415.

(H) The enforcing agency may not issue or renew a license under this section unless the animal rescue entity is in compliance with ORS 609.415.

(I) An animal rescue entity may transfer a licensed issued under this section to another person with the written consent of the enforcing agency, provided that the transferee otherwise qualifies to be licensed as an animal rescue entity under this section and rules applicable to the transferee and does not have a certified unpaid debt to the state. The transferee shall submit a signed release to the enforcing agency permitting the performance of a background investigation of the transferee, and the enforcing agency shall conduct the background investigation.

(J) An applicant for a license issued under this section shall demonstrate that the animal rescue entity that is the subject of the application complies with all standards imposed under applicable law.

(K) Any animal rescue entity is subject to inspection by the enforcing agency as provided in ORS 609.420.

(L) A violation of this section may result in imposition of civil penalties to be determined by the enforcing agency, including but not limited to impoundment of all animals under the animal rescue's control, the revocation of the animal rescue's license to operate animal rescue operations and a civil penalty of not more than \$500 for each violation.

(M) Before a civil penalty may be imposed under this section, the enforcing agency shall adopt rules or policies that:

(1) Ensure that a person who is the subject of an alleged violation receives notices of the allegations and potential imposition of civil penalties;

(2) Allow for an opportunity for a hearing prior to the imposition of civil penalties; and

(3) Allow for the opportunity for judicial review of the imposition of civil penalties.

(N) Moneys raised by the enforcing agency under this section are dedicated to and shall be used for enforcing agency operations undertaken pursuant to ORS 609.420.

FIRST READING: _____ *(type in meeting date)*

SECOND READING AND ADOPTION: _____ *(type in meeting date)*

**BOARD OF COUNTY COMMISSIONERS
FOR MULTNOMAH COUNTY, OREGON**

Deborah Kafoury, Chair

**REVIEWED:
JENNY M. MADKOUR, COUNTY ATTORNEY
FOR MULTNOMAH COUNTY, OREGON**

By _____
David N. Blankfeld, Assistant County Attorney

SUBMITTED BY: Kim Peoples, Director