

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR MULTNOMAH COUNTY, OREGON

ORDINANCE NO. 773

An ordinance amending MCC 8.10. relating to Animal Control, clarifying the status of an infraction based on non-payment of the Potentially Dangerous Dog (PDD) Annual License Fee, raising the fee and creating separate fees based on the level of classification of the dog.

(Language in brackets [] is to be deleted; ~~shaded and underlined~~ language is new)

Multnomah County ordains as follows:

Section I. Findings

A. MCC Chapter 8.10.280(G) presently provides that to obtain a license for a dog classified potentially dangerous, the party responsible for the dog must pay the regular license fee plus a \$15 "classified dog fee."

B. Multnomah County Animal Control recommends the classified dog fee system be amended. Animal Control is requesting a two-tiered system with larger fees for the higher classified animals.

C. The present code should be clarified with respect to the consequence of failure to pay the fee. This amendment makes the failure to pay the PDD fee a Class C Infraction and adds language to various sections of MCC 8.10 for internal consistency of the Chapter.

Section II. Amendment to MCC 8.10.191

MCC 8.10.191 is amended to read as follows:

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1 (A) The failure to comply with any conditions or restrictions
2 lawfully imposed pursuant to a notice of infraction or Director's
3 decision not otherwise stayed under MCC 8.10.056 is a violation of
4 this chapter. Failure to pay the civil fine shall be an infraction
5 under this section. A notice of infraction issued under this
6 section for failure to comply shall be of the same classification
7 as the original infraction. The first notice of infraction issued
8 under this section shall not be construed as a second offense under
9 MCC 8.10.900(B).

10 (B) Except as provided in MCC 8.10.191(C), all enforcement
11 actions under this section shall be brought before a Hearings
12 Officer.

13 (C) Any enforcement action for failure to comply wherein the
14 circumstances of the failure to comply by the party in violation
15 are determined by the Director to:

- 16 1) Be a substantial risk to public safety; or
- 17 2) Be a substantial risk to the care and treatment of
18 the subject animal(s); or
- 19 3) Be a failure to pay past-due fines on three or more
20 infractions within a 12-month period;

21 shall be brought in the State Court as provided under ORS 203.810
22 and ORS 30.315.

23 (D) Notwithstanding subsection (A) of this section, a notice
24 of failure to comply issued under this section that is based solely
25 on the failure to pay the annual classified dog fee under MCC
26 8.10.280(G), shall be a Class C infraction.

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1 SECTION III Amendment to MCC 8.10.280

2 MCC 8.10.280 is amended to read as follows:

3 8.10.280 Regulation of potentially dangerous dogs. In addition to
4 the other requirements of MCC Chapter 8.10, the owner or keeper of
5 a potentially dangerous dog shall comply with the following
6 conditions:

7 (A) Dogs classified as Level 1 dogs shall be restrained in
8 accordance with MCC 8.10.010(B) by a physical device or structure,
9 in a manner that prevents the dog from reaching any public
10 sidewalk, or adjoining property and must be located so as not to
11 interfere with the public's legal access to the owner's property,
12 whenever that dog is outside the owner's home and not on a leash.

13 (B) Dogs classified as Level 2 dogs shall be confined within
14 a secure enclosure whenever the dog is not on a leash or inside the
15 home of the owner. The secure enclosure must be located so as not
16 to interfere with the public's legal access to the owner's
17 property. In addition, the Director may require the owner to
18 obtain and maintain proof of public liability insurance. In
19 addition, the owner may be required to pass a responsible pet
20 ownership test administered by the Director.

21 (C) Dogs classified as Level 3 or Level 4 dogs shall be
22 confined within a secure enclosure whenever the dog is not on a
23 leash or inside the home of the owner. The secure enclosure must
24 be located so as not to interfere with the public's legal access to
25 the owner's property, and the owner shall post warning signs, which
26 are provided by the Director, on the property where the dog is

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1 kept, in conformance with rules to be adopted by the Director. In
2 addition, the Director may require the owner to obtain and maintain
3 proof of public liability insurance. The owner shall not permit
4 the dog to be off the owner's property unless the dog is muzzled
5 and restrained by an adequate leash and under the control of a
6 capable person. In addition, the Director may require the owner to
7 satisfactorily complete a pet ownership program.

8 (D) Dogs classified as Level 5 dogs as described in MCC
9 8.10.270 shall be euthanized. In addition, the Director may
10 suspend, for a period of time specified by the Director, that dog
11 owner's right to be the owner of any dog in Multnomah County,
12 including dogs currently owned by that person.

13 (E) All dogs classified as Level 5 potentially dangerous dogs
14 shall be euthanized at any time not less than twenty (20) days
15 after the date of classification. Notification to the Director of
16 any appeal to the Hearings Officer as provided for in MCC
17 8.10.054(A) or to any court of competent jurisdiction shall delay
18 destruction of the dog until a date not less than fifteen (15) days
19 after a final decision by the Hearings Officer of final judgment by
20 the court.

21 (F) To insure correct identification, all dogs that have been
22 classified as potentially dangerous may be marked with a permanent
23 identifying mark, photographed, or fitted with a special tag or
24 collar provided by the Director. The Director shall adopt rules
25 specifying the type of required identification.

26 (G) In addition to the normal licensing fees established by

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1 MCC 8.10.220(A)(1) and (2), there shall be an annual fee of [~~\$15~~
2 ~~for dogs that have been classified as potentially dangerous~~] ~~\$25~~
3 ~~for dogs classified at Level 1 and Level 2; and \$50 for dogs~~
4 ~~classified at Level 3 and Level 4.~~

5 (H) The owner of a potentially dangerous dog shall not permit
6 the warning sign to be removed from the secure enclosure, and shall
7 not permit the special tag or collar [~~from being~~] ~~to be~~ removed
8 from the classified dog. The owner of a potentially dangerous dog
9 shall not permit the dog to be moved to a new address or change
10 owners without providing the Director with ten (10) days prior
11 written notification.

12 (I) Declassification of potentially dangerous dogs. Any
13 owner of a classified potentially dangerous dog may apply to the
14 Director or the hearings officer, in writing, to have the
15 restrictions reduced or removed.

16 (1) The following conditions must be met:

17 (a) Level 1 or Level 2 dog has been classified for
18 one year without further incident or two years for Level 3 or Level
19 4 dogs; and

20 (b) The owner provides the Director with written
21 certification of satisfactory completion of obedience training for
22 the dog classified; and

23 (c) There have been no violations of the specified
24 regulations; and

25 (d) In addition, the Director may require the dog
26 owner to provide written verification that the classified dog has

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1 been spayed or neutered.

2 (e) Any reclassification request submitted under
3 this subsection must include \$25 review fee.

4 (2) When the owner of a potentially dangerous dog meets
5 all of the conditions in this subsection, the restrictions for
6 Level 1 and Level 2 classified dogs may be removed. Restrictions
7 for Level 3 and Level 4 dogs may be removed, with the exception of
8 the secure enclosure.

9 SECTION IV Amendment to MCC 8.10.900(A)

10 MCC 8.10.900(A) is amended to read as follows:

11 8.10.900 Penalties, generally.

12 (A) Violations of the provisions of this chapter shall be
13 classified as provided below.

14 (1) Class A Infractions. Violations of the following
15 sections or subsections shall be Class A infractions:

- 16 (a) MCC 8.10.030
- 17 (b) MCC 8.10.180
- 18 (c) MCC 8.10.190(B)(3)
- 19 (d) MCC 8.10.190(B)(8)
- 20 (e) MCC 8.10.190(B)(9)
- 21 (f) MCC 8.10.190(B)(10)
- 22 (g) MCC 8.10.190(B)(12)
- 23 (h) MCC 8.10.200)

24 (2) Class B Infractions: Violations of the following
25 sections or subsections of this chapter shall be Class B
26 infractions:

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- 1 (a) 8.10.150
- 2 (b) 8.10.155
- 3 (c) MCC 8.10.190(B)(4)
- 4 (d) MCC 8.10.190(B)(5)
- 5 (e) MCC 8.10.190(B)(6)
- 6 (f) MCC 8.10.190(B)(7)
- 7 (g) MCC 8.10.190(B)(11)

8 (3) Class C Infractions. Infractions of the following
9 sections or subsections of this chapter shall be Class C
10 infractions:

- 11 (a) MCC 8.10.070
- 12 (b) MCC 8.10.170
- 13 (c) MCC 8.10.190(B)(1)
- 14 (d) MCC 8.10.190(B)(2)
- 15 (e) MCC 8.10.210

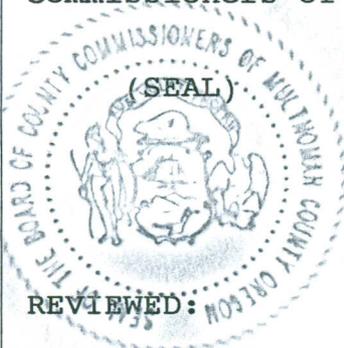
16 (4) ~~Except as provided under MCC 8.10.191,~~ any other
17 violation of this chapter not listed in this subsection shall be a
18 Class A infraction.

19 SECTION V. Adoption.

20 ADOPTED this 22nd day of July, 1993, being

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1 the date of its _____ second _____ reading before the Board of County
2 Commissioners of Multnomah County, Oregon.



Hank Miggins, Acting Chair
Multnomah County, Oregon

7 REVIEWED:

8 LAURENCE KRESSEL, COUNTY COUNSEL
9 FOR MULTNOMAH COUNTY, OREGON

10 By
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