

BOARD OF COMMISSIONERS  
LAKE COUNTY, OREGON

REVISED ORDINANCE PROVIDING )  
FOR THE REGULATION OF DOGS )  
IN LAKE COUNTY, OREGON. )

ORDINANCE NO. 18A  
AMENDED FEBRUARY 2019

THE BOARD OF COUNTY COMMISSIONERS OF LAKE COUNTY, OREGON, ORDAINS AS FOLLOWS:

Section 1: ANIMAL CONTROL AUTHORITY. The animal control authority is that person jointly appointed by the Town of Lakeview Council and the Lake County Board of Commissioners. The animal control officer is an officer of Lake County.

Section 2: DEFINITIONS.

2.1 Animal Owner. Any person, firm, association, or corporation who is the owner of a dog who has a right of property in a dog or who harbors a dog or who has it in his care, possession, custody or control or who knowingly permits a dog to remain on any premises occupied by him. Owner does not include veterinarians or commercial kennel operators temporarily maintaining on their premises for a period of not more than 30 days, dogs owned by other persons.

Any person, except a veterinarian or commercial kennel operator, who resides where a dog is kept, harbored or cared for shall be presumed to be the owner of that dog. This presumption may be rebutted by proof that such person has no property right in the dog, is not the licensed owner, and is neither harboring nor caring for the dog.

2.2 Dog Kennel. An establishment or premises within Lake County more than 1/2 mile of the town or city limits of an incorporated town or city within the County that is licensed as such with an appropriate State or Federal Agency. No person shall own or keep more than 4 dogs within 1/2 mile of the town or city limits of an incorporated town or city within the County.

2.3 Neutered. The removal of the ovaries and uterus, ovarian hysterectomy in female animals. The removal of the male gonads in male animals.

2.4 Vicious Dog. Any dog which has the propensity to bite or attack any person without provocation and the capacity to inflict harm on that person shall be regarded as vicious. It shall be presumed that any dog which has bitten a human being without provocation is a vicious dog. A watchdog who bites or attacks a person while protecting a person or property shall not be presumably considered a vicious dog. No dog shall be presumed to be vicious solely by reason of its breed, i.e. "all Pitbulls" or "all German Shepherds".

2.5 Watchdog. A dog confined at a home, business or commercial establishment to protect a person, home, business or property including but not limited to said persons, merchandise, inventory or equipment. All watch dogs shall have a special license from Lake County.

2.6 Livestock. Cattle, sheep, horses, goats, swine, fowl, poultry and any fur bearing animal bred and maintained commercially or otherwise within pens, cages and hutches.

### Section 3. LICENSES.

3.1 Every owner of a dog which has grown a set of permanent canine teeth or has attained the age of six (6) months, whichever event occurs first, shall immediately obtain a license for the dog.

3.2 Licenses shall be valid from January 1 to December 31 and are renewable on January 1 of each year, provided further that a penalty fee shall be collected for each dog not licensed by March 1st.

3.3 No license shall be issued until a certificate of vaccination for rabies, valid for the license year, is presented to the licensing department.

3.4 A license tag issued to a dog owner shall be attached securely to a collar or harness on the dog for which it was issued. If a license tag is lost, the owner may obtain a duplicate license tag upon payment of the required fee.

3.5 Issuance of License. Licenses shall be issued through the Lake County Clerk or an authorized agent during regular business hours. All accounting and records shall be the responsibility of that department.

### Section 4. FEES.

4.1 The dog license fee which is due and payable upon the issuance of a license, and the other fees required to be paid under the provisions of Ordinance 52.106.

4.2 No license fee shall be required for any dog owned by a blind person who uses the dog as a guide. A license shall be issued for such dog upon proper proof of rabies vaccination and upon filing an affidavit by the blind person showing such dog to come within this exemption. Such affidavit shall be filed with the Lake County clerk.

4.3 Dog owners applying for a reduced fee for a neutered or spayed dog must present to the licensing department a certificate from a licensed veterinarian stating that the dog to be licensed has been neutered or spayed.

4.4 The fee for an individual dog license owned by a person 55 years of age or older will require proper proof of rabies vaccination and proof of age of the owner.

### Section 5. VICIOUS DOG.

5.1 Except for licensed watchdogs, no person shall own a vicious dog.

5.2 A vicious dog may be impounded by any peace officer or animal control officer and destroyed after satisfying the provisions of this Ordinance.

5.3 A vicious dog running at large which because of its disposition or diseased condition is too hazardous to apprehend may be destroyed by a peace officer, animal control officer, or by a person acting in defense of himself, his family, or another person.

5.4 An animal owner keeping a licensed watchdog shall post the premises with at least four (4) conspicuous signs, not less than 6" by 12" each to warn the public. At no time shall a watch dog be permitted to run at large. Any such dog running at large shall be considered a vicious dog under this Ordinance.

#### Section 6. IMPOUNDMENT OF DOGS.

6.1 Any peace officer or animal control officer may impound a dog that is in violation of this Ordinance.

6.2 The animal control officer shall impound a dog or cat if the owner of the dog or cat has not posted bail or paid a fine for a violation of this Ordinance imposed by any Court pursuant to this Ordinance. For any dog or cat so seized, the

6.3 Any person whose property has been trespassed upon by a dog in violation of this Ordinance may immediately apprehend that dog upon his premises and hold the dog until delivery to an animal control officer, or to any peace officer. Any person who so impounds a dog must immediately notify the animal control authority of such impoundment.

#### Section 7. IMPOUNDING REGULATIONS AND DISPOSITION OF IMPOUNDED DOGS.

7.1 The animal control authority shall keep any dog impounded for the period of time hereinafter specified. A daily record of such dogs shall be kept at the place of impoundment and shall be made available to the public by the Animal Control Authority when requested by any member of the public.

The animal control authority shall dispose of such dogs in accordance with the following provisions:

7.1.1 An unlicensed dog or a dog for which the owner is unknown which has not been redeemed with three (3) working days, may be adopted or destroyed.

7.1.2 A licensed dog or a dog for which the owner is known which has not been redeemed with five (5) working days after notification of the owner by telephone contact or by mailing of impoundment notice may be adopted or destroyed.

7.2 Except as provided in Section 7.1, the animal control authority shall notify the owner in person, by telephone or by the mailing of an impoundment notice as soon as practicable after impoundment. The impoundment notice shall advise the owner of the place where the dog is kept, the procedure required for the redemption of the dog; the fees for the impoundment, daily care and redemption, and the consequences of failure to redeem the dog.

7.3 A dog owner whose dog is impounded as a vicious dog under Section 5 of this code, within the period described in Sections 7.1.1 and 7.1.2, whichever is applicable, believing himself aggrieved by the seizure and impounding of his dog, may apply to the District Court for the release of his dog, and the District Court shall thereupon set a time and place for hearing the application and notify the impounding officer, and upon a summary hearing the District Court shall have full power

to determine whether the dog has been wrongfully impounded and whether it shall be returned to its owner, and upon what terms. Wrongful impoundment shall not result in any liability to Lake County or its agents and employees.

7.4 Notwithstanding the previous sections, any dog given to the dog control authority by the owner for disposal may be destroyed immediately, or, in the alternative, sold to any person. Dogs or cats specifically requested by the owner to be destroyed shall be destroyed.

7.5 Impound facilities must comply with requirements of ORS.

7.6 Any animal to be disposed of under this Ordinance, shall be put to sleep as provided for by ORS 609.405 and OAR Chapter 875 section 20.

#### Section 8. IMPOUNDMENT -- REDEMPTION AND SALE.

8.1 Redemption of an impounded dog shall be made by satisfactory proof of ownership and by paying the following fees and charges as stated in Section 4 of this Ordinance:

- a. Impoundment fee.
- b. Room and Board fee.
- c. License and rabies vaccination fees, if required; and
- d. Medical care fees, if required.

8.2 Impounded dogs may be adopted, pursuant to the other provisions Of this Ordinance.

8.3 When a dog is adopted, the new owner shall pay any required license, rabies vaccination fees, impound fees and room and board fees.

8.4 No impoundment of care charge shall be made for a dog released after a court of proper jurisdiction determines that no violation occurred.

#### Section 9. REPORTING OF BITING DOGS OR OTHER ANIMALS.

9.1 The owner of a dog or other animal which bits a human being shall immediately notify the animal control authority of such bite, the time and circumstances of such bite and the name and address of the person bitten, if known.

9.2 Any person who is bitten by a dog or other animal shall forthwith notify the animal control authority of such bite giving a description of the dog or other animal, the time and circumstances of the bite and the name and address of the owner, if known.

9.3 When a doctor, veterinarian, hospital employee or other person has information that a person has been bitten by a dog or other animal, such person shall forthwith notify the dog control authority.

Section 10. BITING AND RABID DOGS AND OTHER ANIMALS - QUARANTINE.

10.1 When either the animal control authority or the departments of public health and sanitation or public safety of Lakeview or Lake County has grounds to suspect that a dog or other animal is infected with the disease of rabies, there shall be delivered to the owner of the dog or other animal a written notice thereof. The owner shall thereupon be required to quarantine the dog or other animal for 10 days. The biting of any person by the dog or other animal shall constitute adequate grounds for suspecting the dog or other animal to be so infected. The delivery of the notice to a member of the owner's family 14 years of age or older at the premises where the dog or other animal is kept or at the owner's usual place of abode, shall be considered a delivery of the notice to the owner. Any dog or other animal required to be quarantined shall be confined as follows:

10.1.1 On the owner's premises in such a manner as to prevent it from being in contact with any other animal or person, or

10.1.2 At the owner's expense in a veterinary hospital, or a kennel approved by either the department of health and sanitation or the animal control authority.

10.2 Any animal that has been bitten by a dog or other animal proved to be rabid shall be destroyed.

10.3 If a dog or other animal exhibits symptoms of rabies while it is under quarantine, the Public Health Officer may order in writing that it be destroyed and that its head be submitted to the Oregon State Public Health Laboratory.

Section 11. KENNELS.

11.1 Prior to the issuance of any kennel license, the owner of any kennel shall apply for a license on a form supplied by Lake County.

11.2 The animal control officer shall inspect the premises to ascertain that it meets the requirements of ORS 603- 15-209 through 603-15-065 and the following criteria:

- a. A confinement area of at least 27 square feet per animal.
- b. A doghouse for each dog consisting of three (3) walls and a roof and constructed of material adequate to protect the animal from the weather.
- c. A demonstrable feeding program to include a balanced diet offered at least once during every twenty-four (24) hour period, free choice water in the summer and a watering program in the winter.
- d. Provisions for adequate exercise for each animal.

11.2.1 No person who meets the above specified requirements, and all other applicable provisions of this Ordinance, shall be denied a Kennel License.

11.3 The animal control officer shall have authority to make periodic inspection of the licensed premises to ensure that reasonable care of said animals is being maintained.

Section 12. PROHIBITED ACTS.

12.1 It is the determination of the Board of Commissioners of; Lake County, Oregon, that the owner of a dog should be held strictly responsible for the conduct of that dog. Unless specifically contained therein, the following prohibited acts specifically contain no culpable mental state.

12.2. Owning a Public Nuisance Prohibited. No person shall own a dog which is a public nuisance.

12.3 Dogs Running at Large. A dog running at large within the urban growth boundaries of the Town of Lakeview and the Town of Paisley, said areas being specifically described on the maps attached hereto, is a public nuisance. To run at large includes to wander or stray off the premises of the owner or the person in care, custody or possession of the dog not within the complete control by an adequate leash of the owner or person in care, custody or possession of the dog. When a dog is found: Running at large and its ownership is verified by the animal control officer, the authority may exercise the option of serving the owner with a notice of violation in lieu of impounding the animal.

12.4 Trespassing Dogs. A dog which trespasses on private property of persons other than the owner, the dog is a public nuisance.

12.5 Biting Dogs. A dog which bites a person without provocation is a public nuisance, and shall be considered a vicious dog.

12.6 Dog Killing or Chasing Livestock. A dog which chases, kills or wounds or injures livestock not belonging to the dog's owner while off the premises or under the control of the dog's owner is a public nuisance. Any dog, whether licensed or not, while off the premises owned or under the control of the dog's owner that kills, wounds, or injures. any livestock not belonging to the owner is a public nuisance and may be killed immediately by any person.

12.7 Dogs Damaging Property. Any dog which damages or destroys property of persons other than the owner of the dog is a public nuisance.

12.8 Barking and Howling Dogs. A dog that persistently barks and howls which unreasonably deprives other persons of peace and quiet is a public nuisance.

12.9 Dog Waste Matter. A dog which deposits waste matter on any improved property other than the dog's owner is a public nuisance. It is a defense to this section if the dog's owner immediately removes the solid waste.

Section 13. ORDINANCE ENFORCEMENT,

13.1 The dog control officer, the officers of the Town of Lakeview Police Department, the Sheriff and Deputies of the Lake County Sheriff's Office and officers of the Oregon State Police have the authority and are charged with the enforcement of this Ordinance.

13.2 It shall be unlawful for any person to intentionally interfere with any animal control officer or police officer engaged in the enforcement of this Ordinance.

Violation of this specific section is a misdemeanor with a sentence of up to 30 days in the county jail, a fine up to \$1,000.00

Section 14. ORDINANCE ENFORCEMENT PROCEEDING AND PENALTIES.

14.1 Lake County District Court has concurrent jurisdiction of offenses committed in violation of this Ordinance.

14.2 A proceeding for violation of this Ordinance shall be commenced by filing of a complaint verified by oath of the person and bearing an endorsement with acceptance by the District Attorney having jurisdiction thereof who thereafter is known as the complainant.

14.3 The District Attorney is charged with prosecution of a proceeding for violating any provision of this Ordinance.

14.4 Except as otherwise provided, any person found to have violated a provision of this Ordinance shall be punished by a fine not less than \$10.00 nor more than \$1,000.00, plus the actual cost and expense in the seizure, holding, treatment, maintenance and disposal of the dog.

14.5 When a person has been found guilty of violation of this Ordinance and when the court finds that a person has suffered pecuniary damages as a result of the violation, in addition to any fine imposed, the court may order that the defendant make restitution to the victim.

Pecuniary damages mean all special damages, but not general damages, which a person could recover against a defendant in civil action arising out of the facts or events constituting the violation of this Ordinance, and shall include, but are not limited to, the money equivalent of the property taken, destroyed, broken or otherwise harmed and losses such as medical expenses.

In the case of an owner of any livestock that has been damaged by being injured, chased, wounded or killed by any dog, if one or more dogs owned by different persons participating in damaging any livestock, the owners of the respective dogs shall be jointly and severally liable for restitution. The owners of dogs jointly or severally liable have the right of contribution among themselves; the right exists, only in favor of an owner who has paid more than his pro rata share, determined by dividing the total damage by the number of dogs involved, of the common liability, and his total recovery is limited to the amount paid by him in excess of the pro rata share.

14.6 In addition to any fines or restitutions

ordered to be paid for violation of this Ordinance if a dog has twice before been found to be a public nuisance, the court may order such disposition of the dog as the court considers necessary for the safety or health of the public. If a dog is found to be a public nuisance as a result of biting another person the court may after a first offense order such disposition as the court considers necessary for the health and safety of the public...

Section 15. PREVIOUS ORDINANCE REPEALED.

15.1 The previous Ordinance as set out in Lake County Ordinance No. 18A is hereby repealed upon the above Ordinance becoming effective.

Section 16. EMERGENCY CLAUSE.

16.1 It appearing to the Board of Commissioners that the establishment of a Revised Dog Control Ordinance is necessary for the protection of the public health and safety to the inhabitants of Lake

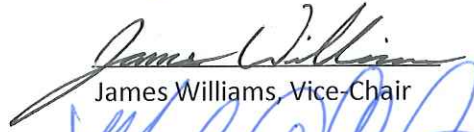
County an emergency is declared to exist and this Ordinance shall become effective on February 20, 2019.

Dated this 25 day of Feb, 2019.

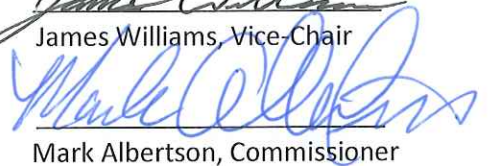
**Lake County Board of Commissioners**



Bradley J. Winters, Chairman



James Williams, Vice-Chair



Mark Albertson, Commissioner