

WORK SESSION MINUTES

April 11, 2017

9:00 a.m.

Commissioners' Office Conference Room

PRESENT: Commissioners Stan Primozych, Mary Starrett and Richard L. "Rick" Olson.

STAFF: Laura Tschabold, Ken Huffer, Christian Boenisch, and Mikalie Frei,

Guests: Nicole Montesano, News Register, and others as listed on the attendance sheet.

TOPIC: Dog Control

Commissioner Primozych opened the meeting at 9:05 a.m.

Sheriff Svenson presented a slide show stating the revenue and expenses, the proposed restructuring and ordinance, and the transition to a new program (see Exhibit A). Sheriff Svenson stated that in the last eight years there has been a significant decline in revenue and an incline in operating costs. Sheriff Svenson discussed Deschutes County's ordinance stating it shows good quality programs that are focused more on the citizens, dogs, public safety, and the care of the dogs vs. an enforcement-based program (see Exhibit B). The Commissioners raised concerns regarding the municipalities that are not supported by the Yamhill County Sheriff's Office that would be responsible for their own enforcement within their city limits under the new proposed program. Sheriff Svenson discussed missing dogs, strays and at-large dogs, quarantines, disaster preparedness, owner surrenders, and adoptions.

Commissioner Starrett asked the board if the non-profit community representatives could be allowed a brief opportunity to share or ask questions. Kimball Kiess suggested that a chip reader be available to the non-profit entities to use to scan the dogs' microchips in an effort to more efficiently get the dogs back to their owners. This would eliminate the need for an officer to be called to respond to stray, at-large, hurt, or abandoned dogs. Rebekah Wallace discussed the possibility of the county establishing something similar to the Buster Fund, where law enforcement officers have access to emergency funds for dogs in need of medical care. Sharon Smith talked about the kennel fees proposed in the new program. She stated she feels it would be best to base the fee more on usage and not just a guaranteed amount. Reed Prince, owner of Companion Pet Clinic discussed owner surrenders. Dr. Prince stated the need to be careful not to eliminate safe surrender locations for the dogs. He added that there needs to be a list of resources to give to pet owners to ensure the dogs are taken to the proper facilities and not abandoned.

Commissioner Primozych thanked the public for their work in making sure the dogs are taken care of and helping to maintain the safety of Yamhill County's citizens.

There being no other business the meeting adjourned at 10:36 am.

Crystal Cox
Secretary

Accepted by Yamhill County
Board of Commissioners on
5-4-17 by Board Order
17-144

Dog Control Work Session

April 11, 2017

History of Dog Control

- ◆ The Sheriff's Office oversees the Dog Control Program and places a high emphasis on the enforcement side in order to gain compliance with the current County ordinance and fund the self-supporting program, including staff.
- ◆ It has been cost-prohibitive for several years. Bringing people into compliance can be expensive and monies recouped from licensing and fines does not off-set the personnel cost involved with these investigations.

Dog Control Revenue and Expense

\$700,000									
\$600,000		\$629,095	\$649,946	\$650,130	\$644,308				
	\$563,293					\$573,858			
\$500,000							\$482,860	\$477,074	\$430,684
\$400,000									
\$300,000			\$304,512	\$317,384	\$300,714	\$305,113			\$318,226
		\$255,049			\$255,138			\$208,566	
\$200,000	\$210,759	\$253,023	\$243,824	\$267,001			\$258,419		
	\$160,350								
\$100,000						\$174,619			
	\$91,048	\$91,559	\$88,756	\$96,990	\$100,441		135,548	\$128,633	\$131,980
						\$94,125	\$88,867	\$92,386	
\$0	2007-08	2008-09	2009-10	2010-2011	2011-12	2012-13	2013-14	2014-15	2015-16
			Revenue	Personnel	M&S	Endg Bal			

Proposed Restructuring

- ◆ With the loss of our sole Dog Control Officer due to resignation, the opportunity to restructure the program is now.
- ◆ In reviewing how other counties handle dog control, we found that Yamhill County is unique in its approach.
- ◆ After discussion and research, we propose a shift from enforcement-focused to more citizen- and dog-focused compliance and public health safety.
- ◆ Engagement with and support of non-profits provides a more collaborative approach to keeping animals healthy, while making it easier for citizens to maintain compliance.

Proposed Ordinance

- ◆ Deschutes County provides a workable model that can be easily modified for Yamhill County:
 - ◆ Annual licenses only; eliminates the two and three year license options
 - ◆ Suggested annual license fee of \$20 for spayed/neutered and \$30 for fertile dogs
 - ◆ Suggested \$4 for replacement tag
 - ◆ Suggested Non-Commercial Kennel fees: \$5 per dog (zoning approval with affidavit required)
 - ◆ Suggested Commercial Kennels: \$100 per year (zoning approval with affidavit required)
 - ◆ Consider establishment of an Appeals Board to have limited authority to deny or affirm specific charges imposed under the county ordinance or state law.

Where will citizens go to license?

- ◆ The County will provide a list to the public of all entities offering licensing and renewals.
- ◆ Licensing can be done at a county office TBD, participating veterinarians, contract shelters, or the location designated by the municipality of residence. Online licensing is being explored.
- ◆ Participating shelters will have access to Shelter Pro database for continuity. The cost of Shelter Pro and its maintenance (currently \$1,500 annually) will be paid by the County.
- ◆ Licensing revenue collected from shelters and veterinarians will be processed by the county.

Where will the license revenue go?

- ◆ For municipalities that participate in a county licensing program, the suggested distribution of 75% of each dog license fee back to municipalities if the dog resides within that city.
- ◆ For municipalities that choose to license independently and separately from the county, 100% of the revenue generated will be kept by the municipality for distribution pursuant to their code/process.

Kennel Inspections

- ◆ The County will appoint an inspector or contract with an inspector to perform annual kennel inspections within rural Yamhill County and contract cities.
- ◆ All other municipalities will be responsible for kennel inspections in their jurisdiction pursuant to their city code.
- ◆ The restructured kennel licensing fees will continue to preclude puppy mills but allow responsible owners the ability to continue to own multiple dogs.

Who will benefit?

- ◆ A portion of each dog license obtained by the county through a veterinary office or shelter could be distributed back on a monthly basis to that entity upon receipt of license fees.
- ◆ For county-licensed dogs who reside in the rural county or contract cities, a portion of each dog license fee could be distributed back to the non-profit shelters on a monthly basis.
- ◆ Additional options may be available depending on the approach selected by the County.

Where will the dogs go?

- ◆ Shelters contractually designated as holding kennels for law enforcement purposes will be paid a flat rate per dog for the 5 day statutory requirement.
- ◆ If the owner is identified, shelters may, at their discretion, recoup costs of boarding from a dog's owner that is the result of a stay (unless being held as evidence or judicial/administrative order).
- ◆ Dogs will become the property of the shelter after the 5 day statutory requirement or when surrendered by the owner(s), unless other circumstances exist.

- ◆ Dogs being held for evidentiary or under judicial/administrative order will be paid an additional daily rate for days 6-10 and a lower additional daily rate for days exceeding 10. (*Note: This scenario is rare.*)
- ◆ Shelters will be required to comply with Section 10 of Senate Bill 6 which outlines the need for "animal rescue entities" to maintain records of animals, including, but not limited to, date of birth (or approximate age), the number of offspring produced by the animal while in possession, the disposition of the animal, the source, date of acquisition, age, sex, breed type, and weight at intake and a photograph of the animal.

Who will be responsible for enforcement?

- ◆ Enforcement of rural county and contract cities to be done by the YCSO under county ordinance or state statute.
- ◆ Other municipalities will provide enforcement within their city limits under their city code or state statute.
- ◆ Deputies having contact with dogs due to complaints or other circumstances will be encouraged to determine whether the dog is unlicensed and provide information to the owner on how to bring into compliance.

How will we handle...?

- ◆ Missing dogs
- ◆ Strays and At-Large dogs
- ◆ Quarantines
- ◆ Disaster Preparedness
- ◆ Owner Surrenders
- ◆ Adoptions

Missing Dogs

- ◆ Shelters contracted for boarding services for the county or municipalities will have an electronic database or social media outlet (e.g., Facebook, Pet Finder, etc.) to alert owners of dogs that have come into their possession. All attempts will be made to keep the database up-to-date.
- ◆ The county will provide a list of these websites to citizens but will be limited to data entry (i.e., the county office issuing licenses will be updating select information).

Strays and At-Large Dogs

- ◆ Law enforcement agencies will be responsible for the disposition of at-large and stray dogs found in their jurisdiction. If taken to a shelter by law enforcement, or by a third party at the explicit direction of law enforcement, that agency will be responsible for payment to the shelter. However, dogs recovered outside an agency's jurisdiction but who are found, through investigation, to reside within said jurisdiction will be the financial responsibility of the agency of the jurisdiction where the dog resides, regardless of the agency that rendered the dog to the shelter.
- ◆ Example: If a dog is found inside the City of McMinnville, but is later found to belong to a rural McMinnville address, the County will be responsible for the financial compensation to the shelter.

Quarantines

- ◆ Mandatory reports from physicians involving dog bites will be routed through Public Health per ORS (as current practice), who will distribute the reports to the agency of jurisdiction for record-keeping and follow-up. That agency will be responsible for ensuring the quarantine is in place.
- ◆ In-home quarantines will be highly encouraged, but quarantined dogs may be taken to shelters if no other option exists. The owner of the quarantined dog will be responsible for the daily boarding costs.

Disaster Preparedness/Emergency

- ◆ The County will maintain a list of boarding kennels that accept pets in case of emergencies.
- ◆ The County will enter into individual MOU's with each entity that cover boarding for the purpose of disaster preparedness/emergency response.
- ◆ These kennels will have to be in compliance with county ordinance and Senate Bill 6 to be offered a MOU.

Owner Surrenders

- ◆ The County will provide a list of shelters that may accept owner surrenders as a courtesy to citizens.
- ◆ The acceptance of a surrendered dog is at the sole discretion of the shelter pursuant to its philosophy and practices.
- ◆ The County will not be involved in this process.

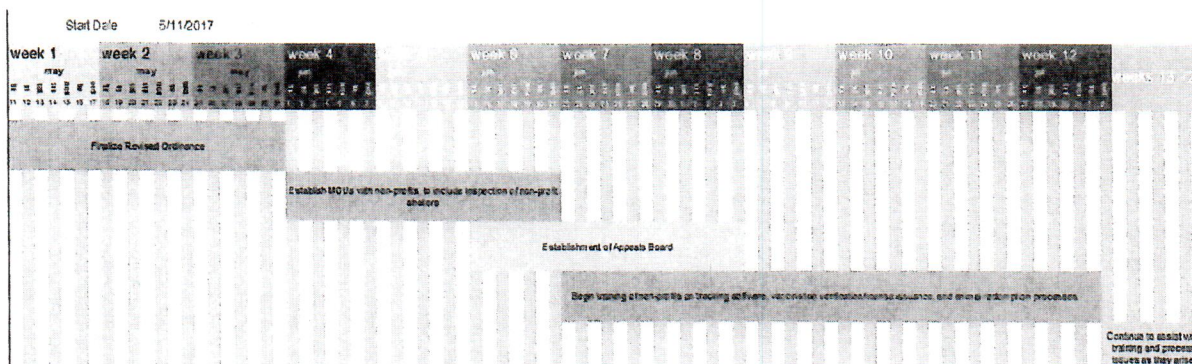
Adoptions

- ◆ The County will provide a list of shelters that may provide adoption services.
- ◆ The shelter will provide adoptions pursuant to its philosophy and practices.
- ◆ The County will not be involved in the actual adoption / rehoming process.

Donations

- ◆ Citizens wishing to donate dog food, supplies, or money will be provided a list of shelters where they can submit the donation.

Transition to New Program



Board Considerations

- ◆ Creation and adoption of new County ordinance
- ◆ Licensing at County – which department?
 - ◆ Who will oversee and manage the budget?
- ◆ Flat vs. Daily Rate for impounded dogs
 - ◆ Including rates for extended stays
- ◆ Distribution of licensing revenue
- ◆ Contract for additional services to non-profits
- ◆ Kennel Inspection Process – contract or in-house?
- ◆ General Fund allocation?

Chapter 6.04. DOG LICENSES

- 6.04.010. Definitions.**
- 6.04.020. Dog Licenses Required.**
- 6.04.030. Dog Licenses.**
- 6.04.040. Expiration.**
- 6.04.050. Fees.**
- 6.04.060. Exemptions from License Fees.**
- 6.04.070. Dogs Kept Primarily in Kennels.**
- 6.04.080. Kennel Licenses.**
- 6.04.090. Violation.**

6.04.010. Definitions.

As used in DCC Title 6, the words and phrases are defined as set forth in DCC 6.04.010.

"Dog" means any mammal of the canine family.

"Dog kept primarily in a kennel" means a dog, such as a show dog or dog kept for breeding, that is housed primarily in a kennel and not in the residence of its owner or keeper and that is not allowed to run at large.

"Kennel" means a premises for the housing of dogs.

"Kennel, commercial" means any premises where four or more dogs, at least four months of age, are kept commercially for board, breeding, training or sale.

(Ord. 95-031 §1, 1995; Ord. 92-013 §4, 1992; Ord. 90-036 §1, 1990; Ord. 90-019 §1, 1990)

6.04.020. Dog Licenses Required.

Every person owning or keeping any dog that has a set of permanent canine teeth or that is six months old, whichever comes first, shall within 30 days after he becomes the owner or keeper of the dog, and yearly thereafter, procure from the County a license for the dog either under DCC 6.04.030 or DCC 6.04.070.

(Ord. 95-031 §1, 1995; Ord. 90-036 §2, 1990; Ord. 90-019 §1, 1990)

6.04.030. Dog Licenses.

A. Persons with dogs not qualifying under DCC 6.04.070 shall license their dogs with individual dog licenses as set forth herein.

B. Every dog licensed under DCC 6.04.030 shall display its license tag in all instances when it is deemed to be at large under DCC 6.08.010.

(Ord. 95-031 §1, 1995; Ord. 90-036 §3, 1990)

6.04.040. Expiration.

A. Dog licenses shall be valid for a period of one year from the date of purchase or to the rabies expiration date, whichever comes first.

B. A dog license is not transferable to another dog. The dog license is assigned to the dog and shall remain with the dog upon transfer to another owner for the life of the license. Upon transfer, the dog's new owner shall notify the County of the transfer within 30 days of the transfer.

C. A dog displaying a current license from jurisdictions outside Deschutes County, but within the State of Oregon, shall not require licensing under DCC 6.04 until expiration of the current license, provided that the dog remains in the possession of the owner to whom the license was duly issued.

(Ord. 90-019 §1, 1990)

6.04.050. Fees.

- A. The Board of County Commissioners shall determine the dog license fee amounts.
- B. The license fee for dogs that qualify for the kennel fee shall be \$5.00 per dog for up to 10 dogs and \$1.00 per dog for each additional dog over 10 dogs.
(Ord. 2003-024 §1, 2003, Ord. 98-007 §1, 1998; 93-048 §1, 1993; Ord. 90-019 §1, 1990)

6.04.060. Exemptions from License Fees.

No dog license fee shall be required to be paid for any dog owned by a blind or deaf person who uses the dog as a guide. A license shall be issued for such a dog upon filing with the County a signed statement by the blind or deaf person stating facts showing that the person is entitled to this exemption. Such licenses shall be renewed every year.
(Ord. 90-019 §1, 1990)

6.04.070. Dogs Kept Primarily in Kennels.

- A. Owners of dogs kept primarily in a kennel and not allowed to run at large are entitled, upon making the showing required in DCC 6.04.070, to be licensed at the kennel fee rate. A person requesting licensing at the kennel rate shall establish by affidavit or signed statement (1) if the kennel is a commercial kennel, that the kennel complies with applicable land use laws and ordinances; (2) that the person houses his or her dogs primarily in a kennel, as defined herein; (3) that the person has four dogs or more; (4) that the person has not been convicted of animal abuse under County or state law for failure to maintain minimum care standards; and (5) that the person has not been convicted under County or state law for allowing his or her dogs to be at large during any period for which he or she has had a kennel license.
- B. Any owner or keeper convicted of animal abuse under state or County law by virtue of the conditions under which dogs are kept in the owner or keeper's kennel shall not be entitled to be licensed at the kennel rate.
- C. Any owner or keeper convicted of a dog at large violation while having dogs licensed at the kennel rate shall thereafter not be entitled to license his or her dogs at the kennel rate. The kennel license of the owner or keeper so convicted shall remain valid for the remainder of its term.
- D. The dog owner applying for a kennel license shall grant authority to visit the premises to such County representatives as are necessary to verify that the qualifications set forth in the application are met.
(Ord. 92-013 §1, 1992; Ord. 90-036 §4, 1990; Ord. 90-019 §1, 1990)

6.04.080. Kennel licenses.

- A. Kennel licenses shall be valid for a one-year period from the date of purchase.
- B. Dogs kept primarily in kennels and entitled to be licensed under a kennel license shall be covered by one kennel license issued by the office of the Deschutes County Treasurer, which license shall be posted in a conspicuous place on the kennel.
(Ord. 95-031 §1, 1995; Ord. 92-013 §2, 1992; Ord. 90-036 §5, 1990)

6.04.090. Violation.

Violation of any provision of DCC 6.04 is a Class B violation.
(Ord. 2003-021 §12, 2003; Ord. 90-019 §1, 1990)

Chapter 6.08. ANIMAL CONTROL

- 6.08.010. Definitions.**
- 6.08.015. Definition-At Large.**
- 6.08.020. Definition-Dangerous Dog.**
- 6.08.025. Definition-Keeper.**
- 6.08.030. Definition-Livestock.**
- 6.08.035. Definition-Livestock District.**
- 6.08.040. Definition-Open Range.**
- 6.08.045. Definition-Unconfined.**
- 6.08.050. Conditions When Animals Are Nuisances.**
- 6.08.060. Animals At Large.**
- 6.08.070. Dangerous Dog.**
- 6.08.080. Impermissible Harboring.**
- 6.08.090. Violations.**
- 6.08.100. When Impoundment of Dogs Authorized.**

6.08.010. Definitions.

As used in DCC 6.08, the words and phrases are defined as set forth in DCC 6.08.015 through DCC 6.08.045.

(Ord. 95-031 §1, 1995)

6.08.015. Definition-At Large.

- A. "At large" means a dog or other animal found off the premises of the owner or keeper while the dog or animal is not under the complete control of a capable person.
- B. A dog shall not be considered to be at large under the following circumstances: (a) a dog in a duly recognized obedience school on field training exercises and under the direct supervision of a handler; (b) a dog within a vehicle; (c) a dog being used to hunt, chase, or tree wildlife while under the supervision of its owner or keeper; (d) use of a dog to control or protect livestock; and (e) use of a dog in other related agricultural activities.
- C. Livestock on the open range shall not be considered to be at large.

(Ord. 90-019 §1, 1990)

6.08.020. Definition-Dangerous Dog.

"Dangerous dog" means any dog:

- A. Whose owner has been convicted or has admitted responsibility, or has in effect admitted responsibility on a charge that the dog without provocation impermissibly placed a person in reasonable fear of imminent physical injury;
- B. Whose owner has been convicted or has admitted responsibility, or has in effect admitted responsibility on a charge that the dog attacked a person or domestic animal without provocation; or
- C. That is trained for or used in animal fighting.

(Ord. 90-019 §1, 1990)

6.08.025. Definition-Keeper.

"Keeper" means, in addition to its ordinary meaning, the parents or guardian of an animal owner when the owner is under the age of 18 years and when the owner resides with the parent or guardian on the date of the alleged violation of a provision of DCC 6.08.

(Ord. 90-019 §1, 1990)

6.08.030. Definition-Livestock.

"Livestock" means any animal that is defined to be livestock by the petition or order establishing the livestock district in which the subject livestock was found.

(Ord. 90-019 §1, 1990)

6.08.035. Definition-Livestock District.

"Livestock district" means any geographic area wherein as established pursuant to state law it is unlawful for livestock to be at large. This definition shall apply only to those livestock districts or portions of livestock districts lying within the jurisdiction of Deschutes County.

(Ord. 90-019 §1, 1990)

6.08.040. Definition-Open Range.

"Open range" means any area outside the boundaries of a city that is not within the boundaries of a livestock district, as defined in DCC 6.08.

(Ord. 90-019 §1, 1990)

6.08.045. Definition-Unconfined.

"Unconfined" means not securely confined indoors or confined in a securely locked pen or structure upon the premises of the owner or keeper of a dangerous dog. Such pen or structure must be constructed in a manner adequate to ensure the confinement of the dangerous dog.

(Ord. 90-019 §1, 1990)

6.08.050. Conditions When Animals Are Nuisances.

A. An animal other than livestock is a public nuisance if it:

1. Bites, injures or attacks a person;
2. Chases vehicles or persons;
3. Damages or destroys property of persons other than the owner of the animal;
4. Scatters garbage;
5. Trespasses on private property of persons other than the owner of the animal;
6. Disturbs any person by frequent or prolonged noises;
7. Places a person in reasonable fear of imminent physical injury, when such incident takes place off the premises of the animal's owner or keeper;
8. Injures or kills an animal or fowl belonging to a person other than the owner or keeper of the animal;
9. Is found to be in violation of DCC 6.08.060.

B. An animal shall not be considered to be a nuisance under DCC 6.08.050 if the subject animal bites a person or another animal wrongfully assaulting the subject animal or if the subject animal bites a person or other animal trespassing upon premises occupied by the dog's owner or keeper after being provoked by that person.

(Ord. 2015-012 §1, 2015; Ord. 98-008 §1, 1998; Ord. 95-031 §1, 1995; Ord. 90-019 §1, 1990)

6.08.060. Animals at Large.

- A. Any dog found at large is a public nuisance.
- B. Any livestock in a livestock control district found at large is a public nuisance.
- C. An owner or keeper of a dog or livestock shall be liable for a violation of DCC 6.08.060 only if such public nuisance resulted from the owner or keeper's negligent conduct.

(Ord. 98-008 §1, 1998; Ord. 97-011 §2, 1997; Ord. 95-031 §1, 1995; Ord. 90-019 §1, 1990)

6.08.070. Dangerous Dog.

- A. No owner or keeper of a dangerous dog shall suffer or permit such dog to go unconfined on the premises of the owner or keeper.
- B. No owner or keeper of a dangerous dog shall suffer or permit such animal to go beyond the premises of such person unless such animal is humanely muzzled and securely leashed or otherwise securely restrained.

(Ord. 98-008 §1, 1998; Ord. 95-031 §1, 1995; Ord. 90-019 §1, 1990)

6.08.080. Impermissible Harboring.

No person shall own, harbor, or keep any dog with knowledge that, while off the premises owned or controlled by its owner or keeper and while not acting under the direction of its owner or keeper or employees or agents of such persons, the dog has killed or injured any person.

(Ord. 98-008 §1, 1998; Ord. 90-019 §1, 1990)

6.08.090. Violations.

- A. Except as provided herein, violation of any provision of DCC 6.08 is a Class B violation.
- B. Violation of DCC 6.08.050(A)(1), (7) or (8), DCC 6.08.060, DCC 6.08.070 or DCC 6.08.080 is a Class A violation.

(Ord. 2003-021 §13, 2003; Ord. 98-008 §1, 1998; Ord. 97-011 §2, 1997; Ord. 95-031 §1, 1995; Ord. 90-019 §1, 1990)

6.08.100. When Impoundment of Dogs Authorized.

When a dog is a public nuisance under DCC 6.08, any peace officer or animal control officer may, in addition to citing the owner for a violation under DCC 6.08.090, impound the dog.

(Ord. 95-031 §1, 1995; Ord. 90-019 §1, 1990)

Chapter 6.12. LIVESTOCK KILLS

6.12.010. Definitions.

6.12.012. Definition-Animal Control Officer.

6.12.015. Definition-Board.

6.12.018. Definition-Chasing.

6.12.019. Definition-Injury, Injures or Injuring.

6.12.020. Definition-Livestock.

6.12.025. Definition-Domesticated Fowl.

6.12.030. Killing, Wounding or Injuring Livestock-Nuisance.

6.12.040. Harboring of Livestock Killing Dogs Prohibited.

6.12.050. Killing, Wounding or Injuring Livestock-Evidence.

6.12.060. Hearing.

6.12.065. Payment of Costs and Penalties; Liens.

6.12.070. Killing, Wounding or Injuring Of Livestock-Disputable Presumption.

6.12.080. Owner of Livestock-Damage Claims.

6.12.090. Damage Claims Hearing.

6.12.100. Damage Claims-Collection.

6.12.110. Civil Right of Action.

6.12.120. Microchip Identification of Dog.

6.12.130. Release of Dog Found To Have Killed Domesticated Fowl.

6.12.010. Definitions.

As used in DCC 6.12, the words and phrases are defined as set forth in DCC 6.12.012 through DCC 6.12.025.

(Ord. 2012-015 §1, 2012; Ord. 95-031 §1, 1995)

6.12.012. Definition-Animal Control Officer.

"Animal control officer" means the Deschutes County Animal Control Officer or any Deschutes County Sheriff's Deputy performing the functions of the Deschutes County Animal Control Officer.

(Ord. 97-011 §1, 1997)

6.12.015. Definition-Board.

"Board" means the board of supervisors, as defined under DCC 2.50.

(Ord. 95-014 §1, 1995; Ord. 90-019 §1, 1990)

6.12.018. Definition-Chasing.

"Chasing" means causing livestock to move from a place or remain in a place involuntarily.

(Ord. 97-011 §1, 1997)

6.12.019. Definition-Injury, Injures or Injuring.

"Injury, injures or injuring" means abrasion or laceration of skin or hide, fracture of bones, impairment of normal gait, and aborting of fetus.

(Ord. 97-011 §1, 1997)

6.12.020. Definition-Livestock.

"Livestock" means ratitites, psittacines, horses, mules, jackasses, cattle, llamas, sheep, goats, swine, domesticated fowl, and any fur-bearing animal bred and maintained commercially or otherwise within a pen, cage or hutch.

(Ord. 2012-015 §1, 2012; Ord. 90-019 §1, 1990)

6.12.025. Definition-Domesticated Fowl.

“Domesticated Fowl” means chickens, geese, ducks, peafowl, guinea fowl and turkeys.
(Ord. 2012-015 §1, 2012)

6.12.030. Killing, Wounding or Injuring Livestock-Nuisance.

- A. Except as provided in DCC 6.12.030(C), any dog, whether licensed or not, that, while off the premises of its owner or keeper, kills, wounds, or injures any livestock not belonging to the owner or keeper of such dog, is a public nuisance and may be killed immediately by any person. However, nothing in DCC 6.12.030 applies to any dog acting under the direction of its owner or keeper, or the agents or employees of such owner or keeper.
 - B. If any dog, not under the control of its owner or keeper, is found feeding upon the warm carcass of livestock not the property of such owner or keeper it shall be deemed prima facie, as engaged in killing, wounding or injuring livestock for purposes of this section 6.12.030.
 - C. No person shall kill any dog for killing, wounding or chasing chickens upon a public place, highway or within the corporate limits of any city.
- (Ord. 2012-015 §1, 2012; Ord. 95-031 §1, 1995; Ord. 90-019 §1, 1990)

6.12.040. Harboring of Livestock Killing Dogs Prohibited.

- A. No person shall own, harbor, or keep any dog with knowledge that it has killed or wounded any livestock except as permitted by the Board, a court of competent jurisdiction, or pursuant to adoption or relocation of the dog as approved by the County or its designee.
 - B. Notwithstanding the foregoing, no person shall be liable for harboring or keeping such dog with knowledge that it has killed or wounded domesticated fowl, unless the owner fails to pay full damages for the domesticated fowl killed or wounded within three days after receipt of a demand for such damages from the owner.
 - C. Violation of DCC 6.12.040 shall be a class A violation.
- (Ord. 2012-015 §1, 2012; Ord. 95-031 §1, 1995; Ord. 90-019 §1, 1990)

6.12.050. Killing, Wounding, Injuring or Chasing Livestock-Evidence.

- A. Upon observing a dog engaged in killing, wounding, injuring or chasing livestock or upon receipt from a complainant of a written complaint supported by evidence that a dog has been so engaged, the dog control officer or other law enforcement officer shall impound the dog.
 - 1. The written complaint referenced in subsection (A), above, shall be made on a form prepared by the Deschutes County Sheriff's Office.
 - 2. Such form shall clearly state that:
 - a. The complaint is made upon declaration of the complainant of the truth of the statements contained therein, and
 - b. If the dog is ultimately determined to have not engaged in chasing, killing, injuring or wounding livestock, the complainant may be liable for the impoundment fee and/or the costs of keeping and testing the dog pursuant to DCC 6.12.060(B).
 - B. If there is reason to believe that reasonable testing of a dog impounded pursuant to DCC 6.12.050(A), including, but not limited to, a fecal examination or examination of the teeth of the dog, will provide substantial further evidence as to whether the dog has been engaged in killing, wounding, injuring or chasing livestock, the County may order administration of tests by a licensed veterinarian.
 - C. The decision whether to order any such testing shall be wholly within the discretion of the County, and the County's failure to order such testing shall not be considered as evidence by the Board.
- (Ord. 2012-015 §1, 2012; Ord. 95-031 §1, 1995; Ord. 90-019 §1, 1990)

6.12.060. Hearing.

- A. If a dog is impounded pursuant to DCC 6.12.050, the owner or keeper of the dog shall be entitled to a hearing as follows:
1. At the time the dog is impounded, or as soon as practicable thereafter, the County shall provide the dog's owner or keeper notice of the right to request a hearing before the Board.
 2. Notice of the right to request a hearing shall be provided in a manner reasonably calculated, under all the circumstances, to apprise the owner or keeper of the specific behavior and incident alleged and the possible penalties, and to provide the owner or keeper with a fair opportunity for making the hearing request.
 3. A dog's owner or keeper shall cause a hearing request to be delivered to the County not later than the 14th day after notice is provided under subsection (A)(1), above.
 4. If the owner or keeper does not make a timely request for hearing, the owner or keeper may be conclusively presumed to have admitted the matter alleged and the County may immediately take action under subsection (C), below.
 5. If the dog's owner or keeper timely request hearing, the Board shall schedule a hearing for the first reasonably available date.
 - a. The owner or keeper of a dog shall be provided with notice of the hearing not less than three days prior to the hearing.
 - b. If the owner or keeper of the dog cannot be found, notice shall be given by mailing a certified or registered letter to the owner's or keeper's last known address at least five days before the date of the hearing, or, if no last known address is known to the County, by publication at least five days before the date of the hearing.
 - c. If the County has ordered that the dog be tested under DCC 6.12.050(B), the hearing shall be convened after completion of those tests.
 6. The owner shall be afforded the opportunity to present evidence to the Board during such hearing. Other individuals may present evidence at the hearing. The owner or keeper of the dog shall have a final opportunity to rebut any evidence submitted by others and shall be entitled to cross examine witnesses.
 7. The hearing conducted by the Board pursuant to DCC 6.12.060 shall be informal and open to the public.
 8. All relevant evidence shall be considered by the Board.
 9. The Board may establish reasonable parameters for the conduct of the hearing to ensure an orderly and complete presentation of the evidence. The Board, on reasonable grounds, shall continue the hearing to allow the owner or keeper of a dog sufficient opportunity to prepare a defense.
 10. The person presiding at the hearing shall ensure that the record developed at the hearing shows a full and fair inquiry into the facts necessary to determine the matter alleged.
 11. A determination made by the Board shall be supported by reliable, probative and substantial evidence.
- B. If, after hearing, the Board determines that the dog has not engaged in killing, wounding, injuring or chasing livestock, the dog shall be released to its owner. In such cases, if the dog was impounded upon receipt of a complaint from a complainant, the complainant may be required to pay the impoundment fee and/or the costs of keeping and testing of the dog during its impoundment.
- C. If, after hearing, the Board determines that a dog has engaged in killing, wounding, injuring or chasing livestock, the Board shall take action in accordance with the following guidelines:
1. If the dog has engaged in chasing livestock and has not previously killed, wounded, injured or chased livestock:
 - a. The Board shall take reasonable measures to prevent a recurrence. Reasonable measures include, but are not limited to, requiring that the dog owner take specific measures to

- adequately confine the dog and provide a notarized written pledge that the owner will prevent the dog from chasing livestock again; and
- b. The Board may impose a civil penalty of not more than \$500.
2. If the dog has engaged in chasing livestock and has previously killed, wounded, injured or chased livestock, or if the dog has engaged in wounding or injuring livestock and has not previously killed, wounded, injured or chased livestock, the Board shall impose a civil penalty of not less than \$250 and not more than \$1,000.
 3. In addition to imposing the civil penalty, the board may:
 - a. Require the dog owner to surrender the dog for adoption by a new owner approved by the Board; or
 - b. Require the owner to remove the dog to a location where, in the opinion of the Board, the dog does not present a threat to livestock; or require that the dog be put to death in a humane manner.
 4. Before requiring that a dog be put to death under this subparagraph, the Board shall make specific findings on the record that other measures are not available, are not adequate to remedy the problem or are otherwise unsuitable.
 5. If the dog has engaged in wounding or injuring livestock and has previously killed, wounded, injured or chased livestock, or if the dog has engaged in killing livestock and has not previously killed livestock, the Board shall impose a civil penalty of not less than \$500 and not more than \$1,000.
 6. In addition to imposing the civil penalty, the Board shall:
 - a. Require the dog owner to remove the dog to a location where, in the opinion of the Board, the dog does not present a threat to livestock; or
 - b. Require that the dog be put to death in a humane manner.
 7. If the dog has engaged in killing livestock and the dog has previously killed livestock, the Board shall impose a civil penalty of not less than \$500 and not more than \$1,000.
 8. In addition to imposing the civil penalty, the Board shall require that the dog be put to death in a humane manner.
 9. In establishing the history of a dog for purposes of this section, or the history of an owner for purposes of ORS 609.163, the Board shall consider all known determinations involving the dog or owner by any court, or by a governing body, official or agency of any local or state government, without regard to where or when the incident occurred.
- D. Notwithstanding any civil penalty imposed upon a dog's keeper or owner under this section, the owner or keeper of a dog that is determined to have chased, injured, wounded or killed livestock shall be responsible for paying the impoundment fee, the cost of implanting a microchip pursuant to 6.12.120, and all costs of keeping and testing the dog during the impounding.
 - E. In lieu of payment of a penalty under DCC 6.12.060(C), the Board may consider a petition of indigence and all other relevant circumstances and allow credit for community service at a rate of \$10 per hour for each hour of community service performed. However, credit for community service shall not be allowed with regard to payment of the impoundment fee, the costs of microchip implantation, or the costs of keeping and testing the dog.
 - F. Notwithstanding DCC 6.16.010, a dog impounded pursuant to DCC 6.16.060(A) or DCC 6.16.060(C) shall not be released until a determination is made by the Board pursuant to DCC 6.12.060.
 - G. The County shall notify the dog's owner or keeper and the livestock owner of its determination and of any civil penalties or other measures imposed, by delivering or mailing a copy of the Board's written decision to the dog's owner or keeper and the livestock owner.
- (Ord. 2012-015 §1, 2012; Ord. 2002-036, §1; Ord. 97-011 §1, 1997; Ord. 95-031 §1, 1995; Ord. 90-019 §1, 1990)

6.12.065. Payment of Costs and Penalties; Liens

- A. When the Board assesses any civil penalty, costs and/or fees against a complainant or a dog's owner or keeper under DCC 16.12.060, if the full amount of the financial obligation is not paid within 21 days after delivery or mailing of the Board's determination the County may record the obligation with the county clerk of any county of this state.
 - 1. The County Clerk shall thereupon record in the County Clerk Lien Record the name of the person incurring the obligation.
 - 2. The County Clerk shall not record an obligation while a request for Board of County Commissioner reconsideration or a petition for judicial review is pending.
 - 3. Immediately upon receipt, Deschutes County Legal Counsel shall provide the County Clerk with a copy of any reconsideration or petition for judicial review.
 - B. In addition to any other remedy provided by law, recording an obligation in the County Clerk Lien Record pursuant to this section has the effect provided for in ORS 205.125 and 205.126, and can be enforced as provided in ORS 205.125 and ORS 205.126.
 - C. When a civil penalty is assessed against a dog's owner under this section, the county shall supply the State Department of Agriculture ("Department") with information identifying the dog owner on forms provided by the Department for this purpose.
- (Ord. 2012-015 §1, 2012)

6.12.070. Killing, Wounding or Injuring of Livestock-Disputable Presumption.

- A disputable presumption shall arise that a dog has been engaged in killing, wounding, injuring or chasing livestock within the meaning of DCC 6.12.050 if:
- A. The dog is found chasing livestock not the property of the owner or keeper of the dog in an area where freshly damaged livestock are found;
 - B. The dog is found feeding upon a warm carcass of a livestock animal;
 - C. An examination of the dog's feces indicates ingestion of portions or covering of the anatomy of livestock; or
 - D. Portions of the anatomy or covering of the anatomy of livestock is found on the teeth of the dog, unless the dog is regularly used for the purpose of herding sheep.
- (Ord. 95-031 §1, 1995; Ord. 90-019 §1, 1990)

6.12.080. Owner of Livestock-Damage Claims.

- A. The owner of any livestock killed, wounded, chased or injured by any dog may, within ten (10) days after the killing, wounding, chasing or injuring occurred, or became known to him, present to the Board a verified statement containing a full account of the incident, stating in detail the amount of damage claimed on account thereof, and the name and address of the owner or keeper of the dog, if known.
 - B. The livestock owner's claim shall be supported by the affidavit of at least one disinterested person to all material facts contained in it. The affidavit shall be submitted to the Board at the same time as the verified statement.
- (Ord. 2012-015 §1, 2012; Ord. 95-031 §1, 1995; Ord. 90-019 §1, 1990)

6.12.090. Damage Claims Hearing.

- A. All claims presented as provided by DCC 6.12.080 shall be heard promptly.
- B. If the Board determines that any livestock has been damaged by being injured, chased, wounded or killed, the Board may award the livestock owner compensation for such damage in an amount not to exceed a total of \$100.00.
- C. The Board shall state on the record the basis for its award, and shall order a warrant drawn for the amount of damages awarded, to be paid by the County Treasurer out of the dog fund.

- D. If the Board determines the claim unjust, it shall disallow it and enter that fact upon its record.
- E. No claim for damages shall be allowed where it appears that the injury or damage complained of was caused by a dog owned or controlled by the claimant or his agent.

(Ord. 2012-015 §1, 2012; Ord. 95-031 §1, 1995; Ord. 95-014 §2, 1995; Ord. 90-019 §1, 1990)

6.12.100. Damage Claims-Collection.

- A. In each case where a claim against the dog fund has been paid by the County, the County shall be subrogated to all the rights of the owner of the livestock killed, wounded, chased or injured against the owner of the dog for damages, and may proceed in a lawful way to collect any amount paid.
- B. Any money so collected shall be paid over immediately to the County Treasurer and credited to the dog fund.

(Ord. 2012-015 §1, 2012; Ord. 95-031 §1, 1995; Ord. 90-019 §1, 1990)

6.12.110. Civil Right of Action.

Nothing in DCC 6.12 shall be construed to prohibit a livestock owner from pursuing civil redress for the injury or death of livestock through any other available means, including, but not limited to, a civil court action for damages.

(Ord. 97-011 §1, 1997)

6.12.120 Microchip Identification of Dog

- A. When a dog is determined to have chased, injured, wounded or killed any livestock under DCC 6.12.060, the County shall require that a microchip be implanted into any such dog that is not put to death. Implantation shall be done prior to release, relocation or adoption of the dog.
- B. The dog's owner or keeper shall be responsible for paying the reasonable costs of such implementation.
- C. The County shall forward the microchip information to the State Department of Agriculture.

(Ord. 2012-015 §1, 2012)

6.12.130 Release of Dog Found to Have Harmed Domesticated Fowl

- A. Notwithstanding DCC 6.12.060(C), a dog found to have killed domesticated fowl may be released back to its owner or keeper if the Board finds by a preponderance of the evidence that:
 - 1. The livestock owner did not make reasonable efforts, under all of the circumstances, to protect the fowl from predation;
 - 2. The dog's owner or keeper made reasonable efforts, under all of the circumstances, to maintain the dog on the owner's or keeper's property;
 - 3. The dog has not previously engaged in chasing, injuring, wounding or killing any livestock; and
 - 4. The dog's owner or keeper will take necessary measures to prevent a reoccurrence.
- B. This section shall not exempt the dog's owner or keeper from paying a civil penalty, taking necessary measures to prevent a reoccurrence, or satisfying any other obligations reasonably imposed upon the owner or keeper under DCC Chapter 6.12, which obligations may be imposed as a condition to release of the dog.
- C. In addition to any other penalties, fees or obligations imposed upon a dog owner under this subsection, the Board may order that the dog owner pay reasonable compensation to the livestock owner for the domesticated fowl killed, and may make payment of such compensation a condition to release of the dog.

(Ord. 2014-019 §1, 2014; Ord. 2012-015 §1, 2012)

Chapter 6.16. IMPOUNDMENT

6.16.010. Impoundment-Facilities.

6.16.020. Impoundment-Notification to Owner-Disposition of Animals.

6.16.030. Impoundment-Fees.

6.16.040. Care of Dogs of Inmates at County Correctional Facility.

6.16.010. Impoundment-Facilities.

All dogs taken up and impounded under DCC Title 6 shall be held in an adequate and sanitary facility as required by the laws of the state. Any dog so impounded shall be held for at least five days from the date of such impounding before being destroyed or otherwise disposed of. However, in the case of any dog impounded for biting a person, the dog shall be impounded for at least 10 days before redemption or destruction to determine if the dog is rabid.

(Ord. 90-019 §1, 1990)

6.16.020. Impoundment-Notification to Owner-Disposition of Animals.

If the dog is impounded, the impounding officer shall make reasonable effort to identify the owner of the dog and shall notify the owner of the dog of the fact of impounding and the alleged reasons therefor. If the dog is unlicensed, or no owner can be ascertained within five days from its impounding, it shall be killed in a humane manner. The provisions of DCC 6.16 are subject to, and superseded by, any existing and applicable law of the state providing for rabies control.

(Ord. 90-019 §1, 1990)

6.16.030. Impoundment-Fees.

The owner of any dog that is impounded under DCC Title 6 shall be liable to the County for impoundment fees in such amounts as the Board of County Commissioners shall determine.

(Ord. 95-031 §1, 1995; Ord. 90-019 §1, 1990)

6.16.040. Care of Dogs of Inmates at County Correctional Facility.

- A. Animals delivered for impoundment by a county peace officer who removed the animal from possession of a person in custody of the peace officer shall be held for the period prescribed in DCC 6.16.010, during which time the inmate must either make arrangements for the animal to be picked up at the shelter or make arrangements for payment of impoundment fees for the animal. Signature by an inmate of an agreement to be responsible for impoundment fees shall be an acceptable method of assuring payment of such fees.
- B. A receipt shall be given to the peace officer, who shall deliver the receipt to the person in custody from whom the animal was taken. The receipt shall recite redemption requirements and shall serve as the notice required by DCC 6.16.040. At that time, the inmate shall also be given the option of releasing the dog.

(Ord. 95-031 §1, 1995; Ord. 90-019 §1, 1990)