YAMHILL COUNTY
Dog Control
Ordinance
N°150
YAMHILL COUNTY DOG CONTROL ORDINANCE

ORDINANCE NO. 150

JANUARY 1978
# YAMHILL COUNTY DOG CONTROL ORDINANCE

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IN THE BOARD OF COMMISSIONERS OF THE STATE OF OREGON

FOR THE COUNTY OF YAMHILL

(Sitting for the Transaction of County Business)

An Ordinance Providing for the Licensing and Regulating Conduct, Care and Treatment of Certain Animals; Prohibiting Activities; Establishing Procedures; Providing Penalties. )

ORDINANCE NO. 150

The Board of County Commissioners of Yamhill County, Oregon, ordains as follows:

SECTION 1. POLICY, PURPOSE AND TITLE.

1. 1 POLICY. The Board of County Commissioners of Yamhill County, recognizing that 1977 Oregon Laws, Chapter 802, grants non-home-rule Counties the power to regulate dogs by Ordinance, and the Board finds it necessary to establish and implement a program for the licensing and regulation of dogs and the facilities which house them: for the purpose of protecting the health, safety and welfare of the residents and citizens of Yamhill County; to recognize the need to protect the property rights of both owners and non-owners of dogs; and to provide for the control and protection of dogs located within the County, the Board does hereby enact this Ordinance.

1.2 PURPOSE. This Ordinance is enacted in order to provide a procedure and program for the implementation of the policy above-described; to set forth the requirements for licensing, regulation, care and treatment of dogs; to describe the activities in relation thereto which shall be prohibited in Yamhill County; and consistent with the declaration of July 5, 1929, in which Yamhill County was declared to be a Dog Control District by a vote of the electors of Yamhill County, and pursuant to Chapter 802, Oregon Laws 1977, Yamhill County is hereby declared to be a Dog Control District.

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1.3 TITLE. This Ordinance shall be known as the "Dog Control Ordinance".

SECTION 2. DEFINITIONS.

2.1 GENERAL DEFINITIONS. As used in this Ordinance, the terms defined in this section shall have the defined meanings unless the context requires otherwise; words in the present tense include the future; the singular includes the plural; plural usage includes the singular; "shall" means mandatory, not directory; and the masculine gender includes the feminine.

2.2 SPECIFIC DEFINITIONS. As used in this Ordinance:
(a) "animal" means any mammal, bird, reptile, or amphibian.
(b) "bail" means money or its equivalent deposited by a defendant to secure his appearance in Court for a Dog Control offense.
(c) "barking dog" means any dog that disturbs any person by frequent or prolonged noises.
(d) "dog" means any mammal of the canine family.
(e) "Dog Control Board" means the Board created pursuant to this Ordinance and appointed by the Yamhill County Board of Commissioners for the purpose of administering and enforcing dog control in Yamhill County.
(f) "dog facility" means any site where four or more dogs of licensable age are kept, whether such animals are the property of the site owner or other persons, provided, however, dogs kept as household pets shall not be counted for the purpose of determining whether a "dog facility" exists.
(g) "dog running at large" means a dog off or outside of the premises of the owner, not restrained by a rope, line, leash, chain or other similar means, or not under the immediate control and command of an owner thereof. If a dog is not restrained by a tether of some kind, is not at heel or not a working dog in the field, that dog shall be deemed "at large".
(h) "dog license" means that license required to be issued annually for each individual dog, pursuant to the provisions of this Ordinance.

(i) "holding facility (shelter)" means a facility built and maintained by a city or Yamhill County, for the purpose of enforcing or administering an animal or dog control program.

(j) "household pet" means an animal kept primarily for the personal pleasure and enjoyment of the owner.

(k) "isolation" means the secure restraint of a specific animal by means of a strong metal leash, closed cage, secured fenced-in area, pound or other approved building or facility affording such security from any other animal or person.

(l) "Humane Society" means an official or employee of Yamhill County Humane Society, or of the Oregon Humane Society, Inc., an Oregon non-profit corporation, commissioned as a special agent by the Governor's Office of the State of Oregon, for the purpose of the prevention of cruelty to animals in the enforcement of anti-cruelty animal statutes.

(m) "kennel" means a site providing for the accommodation of four or more dogs, cats, or other household pets of at least four months of age, such animals being kept for board, propagation, training or sale.

(n) "livestock" means horses, mules, jackasses, cattle, sheep, goats, swine, domesticated fowl, and any fur-bearing animal bred and maintained commercially or otherwise, within pens, cages and hutchies.

(o) "owner" or "keeper" means any person who keeps, has custody of, possesses, harbors or exercises control over a dog or other animal, with the exception of veterinarian hospitals, as defined in this Ordinance. In a family situation, such person is presumed to be the head of the household.
(p) "person" means an individual, a partnership, company, association, corporation or any other legal entity.

(q) "public nuisance" means a dog that does any of the following:

1. Bites a person;
2. Chases vehicles or persons;
3. Damages or destroys the property of persons other than the owner of the dog;
4. Trespasses on private property of persons other than the owner of the dog;
5. Disturbs any person by frequent or prolonged noises;
6. Is a female in heat and running at large.

(r) "veterinarian" means a practicing veterinarian, licensed pursuant to the laws of the State of Oregon, to perform any of the acts set forth in ORS 686.030.

(s) "veterinary hospital" means any business establishment maintained and operated by a veterinarian, which is operated for the diagnoses and treatment of diseases or injuries to animals.

(t) "vicious or dangerous dog" means any dog which bites any human being or any domestic animal, or which demonstrates menacing behavior toward human beings or domestic animals. However, an animal shall not be deemed vicious if it bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it.

SECTION 3. ADMINISTRATION AND ENFORCEMENT.

3.1 DOG CONTROL BOARD. For the purpose of administering and enforcing this Ordinance, the Yamhill County Board of Commissioners hereby creates a Dog Control Board. The Dog Control Board shall consist of five residents of Yamhill County, two of whom shall be connected directly or indirectly with the livestock industry. One member of the Dog Control Board shall reside within a city in Yamhill County. One member of the Dog Control Board shall be a member of the
Humane Society, if one is organized within the County, otherwise that member shall be selected from the County at large. The final member of the Dog Control Board shall be selected from the County at large. The Dog Control Board members shall serve at the pleasure of the Board of Commissioners, without pay, but may be paid necessary expenses, such as travel; but in no event shall such expenses paid to any one member exceed the amount of $200.00 per annum, unless otherwise approved by the Board of Commissioners. Expenses shall be paid from the Dog Control Fund. The initial members of the Dog Control Board and their terms shall be determined by Order of the Board of Commissioners, duly entered in the Commissioners' Journal. These initial members shall serve until their successors are appointed and qualified by the same means. The term of office of members of the Dog Control Board, except the initial members, shall be five years, or until replaced by the Board of Commissioners as provided herein. No one person shall serve more than two consecutive terms as a member of the Dog Control Board. The members of the Dog Control Board shall select from the number a Chairman, who shall preside at all meetings, and a Secretary, who shall keep the Minutes of meetings and other proceedings. The Dog Control Board shall meet on the call of the Chairman or upon the call of any three members. Regularly scheduled meetings may be established in the discretion of the Dog Control Board. The Dog Control Board shall adopt by-laws for the conduct of Dog Control Board business, which by-laws shall be subject to the review and approval of the Yamhill County Board of Commissioners.

3.2 **POWERS OF THE DOG CONTROL BOARD.** The Dog Control Board shall be empowered to issue all licenses required herein, and enforce all the laws relating to the control of dogs within Yamhill County, including the making of arrests. The Dog Control Board shall pass upon all claims against the Dog
Control Fund for sheep, goats or other livestock or poultry killed or injured by 
a dog, and make general policy recommendations to the Yamhill County Board of 
Commissioners covering the amounts to be paid upon such claims, and the Dog Con-
trol Board shall have the power to hire one or more Dog Control Officers for 
such time as deemed necessary by the Dog Control Board for the effective enforce-
ment of this Ordinance and all other laws relating to the control of dogs in 
Yamhill County. The salary fro the Dog Control Officers shall be paid from the 
Dog Control Fund. The Dog Control Board shall each year conduct a program 
directed toward the education of the public on the subject of neutering or spay-
ing of dogs, and other responsibilities of dog ownership.

3.3 DOG CONTROL OFFICERS. The Dog Control Officers appointed by the 
Dog Control Board shall act under the direction of the Dog Control Board, and 
shall be vested with full authority to make arrests, and collect all fees men-
tioned herein, to impound all dogs not licensed, to do all things authorized by 
law to reduce the damage inflicted by dogs upon domestic animals and poultry, and 
to investigate claims against the Dog Control Fund. In addition, the Dog Control 
Officer shall be vested with full authority to enforce the provisions of this 
Ordinance. The Dog Control Officer shall maintain a holding facility or place 
of impoundment where all dogs subject to impoundment shall be kept and safely 
held and provided with proper and sufficient food, water and shelter. The Dog 
Control Officer or Officers shall be duly sworn as Yamhill County Deputy Sheriffs 
for the purpose of dog control.

3.4 OTHER ENFORCEMENT OFFICERS. The Yamhill County Sheriff, his depe-
ties, any City Police Officer, or any duly authorized Dog Control official shall 
have the power to arrest, cite or impound dogs for violations of this Ordinance, 
which power shall be in addition to that power conferred upon those persons
under Oregon State Law.

3.5 YAMHILL COUNTY HEALTH OFFICER. The Yamhill County Health Officer has the responsibility for administering the rules and regulations of the Board of Health of the State of Oregon relating to rabies control in Yamhill County. The Yamhill County Health Officer has delegated to the Dog Control Officer or Officers the authority to isolate dogs that are not known to have been vaccinated against rabies and have bitten a person, or are suspected of having rabies.

3.6 YAMHILL COUNTY DOG CONTROL ADVISORY COMMITTEE. The Yamhill County Board of Commissioners may, by Resolution, create and appoint members to an Advisory Committee, to be known as the Yamhill County Dog Control Advisory Committee. If said Advisory Committee is created, its purpose shall be to provide liaison between the governing bodies of cities within Yamhill County and the Dog Control Board.

SECTION 4. LICENSING OF DOGS.

4.1 LICENSING PROCEDURES. Any person owning or keeping a dog which has permanent canine teeth or which is more than six months of age, shall procure a license for each such dog for each calendar year or any part thereof. Such license shall be procured not later than March 1st of each year, or within 30 days after the date the dog becomes 6 months of age or develops permanent canine teeth, or within 30 days after a dog is brought into Yamhill County; thereafter said dog shall be licensed on a calendar basis from year to year. The County Clerk's Office shall keep a numbered record of all such licenses and shall include information as to sex, breed of dog, and name and address of owner; provided, however, that this section shall not apply to non-resident dog owners, residing outside Yamhill County, if the dogs of such owners are not kept within Yamhill County in excess of 30 days, are duly licensed by the jurisdiction in which the owner
resides, and if such dogs are kept at all times under restraint by the owner.

4.2 LICENSE FEES. The license fee charged for the yearly license shall be as follows:

(a) For each spayed female or neutered male dog for which a veterinarian's certificate of operation for the spaying or neutering of the dog is presented to the County: $5.00;

(b) For each spayed female or neutered male dog for which a veterinarian's certificate of operation for the spaying or neutering of the dog is presented to the County and the dog is owned by a person who is 65 years of age or older: $3.00;

(c) For each dog kept primarily in a kennel and not permitted to run at large: $5.00, so long as the dog is not taxed as inventory, pursuant to ORS 310.608. In the event the dog is so taxed, a fee shall not be charged for the issuance of a license for said dog;

(d) Any dog owned by a blind person as a guide dog shall be licensed as required in this Ordinance, but shall not be required to pay a license fee;

(e) All other dogs: $9.00.

4.3 RABIES INOCULATION AND CERTIFICATE REQUIREMENTS. It shall be the duty of the owner or keeper of any dog with permanent canine teeth, or which is more than 6 months of age, to have that dog inoculated against rabies with a modified live virus vaccine and no license shall be issued for any dog, unless the applicant exhibits a certificate of such inoculation by a veterinarian or, in the case of dogs owned by a kennel, a statement of such inoculation, signed and sworn to by the owner of that kennel.

4.4 LATE LICENSE FEE. Any owner or keeper of a dog who fails to procure or pay for a license within the time limits required by this Ordinance in any year shall pay a delinquent payment for such failure in the sum of $10.00 for each dog, provided that, in the case of a kennel, the failure to procure a valid license as required shall subject that kennel to a delinquent license fee
of $10.00 for each dog on the premises at the date of the violation, if said
dogs are not otherwise exempt from this Ordinance. Such fee shall be in addition
to the regular license fees and shall be paid at the time of the issuance of the
license or licenses.

4.5 LICENSE TAG. Upon payment of the fees required hereunder, the
County shall issue to the owner of the dog a license tag, suitable for attachment
to the dog’s collar, and the owner of the dog shall attach said license tag to a
collar on the dog and keep it on the dog at all times.

4.6 LOST LICENSE TAGS. If a license tag is lost, the owner may secure
a duplicate license tag from the County upon satisfactory proof of loss and the
payment of the sum of $1.00.

4.7 EXTENDED LICENSE PERIOD. In the event that any dog shall become
subject to the licensing requirements of this Ordinance after the 31st day of
October of any year, the license purchased shall be valid for the remaining
months of that year and the whole of the next calendar year. This section applies
only to dogs which because of age or newly-established residence in Yamhill
County have become subject to this Ordinance after the 31st day of October of
that year and this extended license period shall not apply to cases where the
dog was subject to the Ordinance but a license was not purchased when required.

4.8 LICENSE FEES ARE NOT PENALTIES. The fees specified under this
section are in addition to any penalties prescribed in this Ordinance for owning
or keeping a dog without a license.

SECTION 5. DOG FACILITIES, LICENSING AND INSPECTION.

5.1 COVERAGE. This section covers all dog facilities maintained in
Yamhill County, whether such dog facilities are denominated as kennels, holding
facilities, shelters or otherwise in this Ordinance, and whether owned by public,
private or non-profit organizations. However, this Ordinance does not apply to
municipal holding facilities owned and operated by municipal corporations in
Yamhill County, unless such municipality consents to coverage hereunder by the
execution of an intergovernmental agreement, as provided for in Section 11.1.

5.2 LAND USE. The issuance of a license for a dog facility shall not
constitute approval of the land use or evidence the compliance with any land use
restrictions or regulations which may apply to the proposed facility operation.

5.3 LICENSING REQUIREMENT. All dog facilities covered under this Ordin-
ance shall be required to procure an annual license from Yamhill County. No
person shall operate a dog facility without such a license. The license fee
shall be as follows:

(a) Kennels, as defined in this Ordinance: $25.00.

(b) Holding facilities and Shelters,
operated by non-profit organizations: No Fee.

(c) Holding facilities and Shelters
maintained by municipalities: No Fee.

5.4 LICENSE PERIOD. The license required in this section shall cover
the calendar year or part thereof. Such license shall be applied for not later
than March 1st of each year, or within 30 days after the date that a dog facility
becomes subject to the requirements of this Ordinance, and thereafter, each
facility shall become licensed on a calendar basis from year to year.

5.5 LICENSE PROCEDURE. The Dog Control Officer, upon receipt of an
application for a license of a dog facility under this Ordinance, shall inspect
the facility, and upon determination that the facility and its operation complies
with all applicable provisions of this Ordinance and other applicable State and
Federal laws, shall issue a license as required hereunder. In the event the Dog
Control Officer fails to approve or deny any application under this Ordinance
within 60 days of its receipt and the payment of the applicable fees, the
application shall be deemed approved for the current year, subject only to
revocation as provided hereinafter.

5.6 DISPLAY OF LICENSE. A license granted hereunder shall be con-
spicuously displayed on the dog facility premises, and a holder of the license
shall keep available for inspection by a Dog Control Officer a record of the name
and address and telephone number of the owner of each dog kept at the facility,
the date the dog was received, the purpose thereof, the name and address of the
person from whom the dog was purchased or received, a description of each dog,
including age, sex, breed, color, and the animal's veterinarian, if known. In
addition, a licensee under this Ordinance shall keep available for inspection by
the Dog Control Officer a record of the inoculation by a veterinarian or kennel
owner of each animal kept therein, for rabies, using a modified live virus
vaccine, as required by Oregon State Law.

5.7 STANDARDS FOR LICENSING OF FACILITIES. The Dog Control Officer
shall not issue a license for any dog facility until an inspection demonstrates
compliance with those standards set forth herein, applicable to the nature and
species of any animal to be kept:

(a) Housing structure shall be sound and maintained in good repair
to protect animals from injury, safely confine the animals
housed therein, and prevent entry of other animals.

(b) Reliable and adequate electrical service and a potable water
supply shall serve the facility.

(c) Storage of food supplies and bedding materials shall be
designed to prevent vermin and infection.

(d) Refrigeration shall be furnished for perishable foods.

(3) Safe and sanitary disposal facilities shall be available
to eliminate animal and food waste, bedding, dead animals,
debris, and to minimize vermin infestation, odors, and