

Title 6

ANIMALS

Chapters:

6.04 Animals Generally

6.08 Dogs

Chapter 6.04

ANIMALS GENERALLY

Sections:

6.04.010 Definitions.

6.04.020 Prohibited.

6.04.030 Scope.

6.04.040 Dangerous animals.

6.04.050 Removal of animal carcasses.

6.04.060 Impounding.

6.04.070 Sale.

6.04.080 Redemption.

6.04.090 Charges.

6.04.100 Interference.

6.04.110 Penalty.

6.04.010 Definitions.

As used in this chapter, except where the context indicates otherwise:

“City” means the city of Boardman, Oregon.

“Council” means the governing body of the city.

“Dangerous animal” means a member of an animal species or any individual animal which has a demonstrable propensity to cause human personal injury or property damage.

“Domestic pets” means any animal usually kept in and about a residence as a pet.

“Farm animal” means any animal normally kept or maintained for farm purposes.

“Fowl” means any goose, duck, chicken, turkey, pigeon or other domestic fowl.

“Person” means every natural person, firm, partnership, association or corporation.

“Wild animals” means animal species customarily found in the wild. (Ord. 141 § 1, 1985)

6.04.020 Prohibited.

Excepting for the purposes of transportation, no person shall keep or maintain overnight within the city any animal or fowl in any zone except an industrial zone or farm use zone. (Ord. 141 § 2, 1985)

6.04.030 Scope.

This chapter does not apply to dogs, cats and similar household pets. (Ord. 141 § 3, 1985)

6.04.040 Dangerous animals.

No person shall keep any animal dangerous to persons or permit such animals to run at large in the city. (Ord. 141 § 4, 1985)

6.04.050 Removal of animal carcasses.

No person shall permit any animal carcass owned by him or her or under his or her control to remain upon the public streets or places or any private property for a period of time longer than is reasonably necessary to remove such carcass. (Ord. 141 § 5, 1985)

6.04.060 Impounding.

It is the duty of the chief of police or designated agent to take up and impound any animal or fowl found running at large or in violation of the provisions of this chapter. Immediately upon impounding an animal, the chief of police shall make every reasonable effort to notify the owner and inform the owner of the conditions for release of the animal. The chief of police shall not later than the day following, cause a notice to be published in a newspaper of general circulation in the city, such notice to contain a description of the animal or fowl so taken up, together with a description of any artificial marks or brands visible on the same, if any can be discovered by the use of reasonable care in looking at the animal or fowl. The notice shall also state that if the animal or fowl described is not claimed by the owners, or those entitled to possession thereof, and the cost, charges and expenses against them paid, and if they be not removed within ten (10) days from the date of the notice, the animal or fowl shall be sold to the highest bidder at public

auction, and the proceeds of such sale applied to the payment of the costs, charges and expenses of taking up and keeping such animal or fowl and making such sale. In computing the ten (10) days, the day on which the notice is published shall be excluded. (Ord. 141 § 6, 1985)

6.04.070 Sale.

If at the end of the ten (10) day notice, the animal or fowl shall not have been claimed by any person, or if claimed, and the costs, charges and expenses of taking up, keeping and posting it or them shall not have been paid, then the chief of police shall at the time published in the notice of the day following the day on which such ten (10) days notice expires, offer the animal or fowl for sale at public auction, to the highest bidder, and shall sell the same for cash and apply the proceeds of such sale to the payment of all charges, costs and expenses of keeping such animal or fowl, the cost of posting such notice, taking up such animal or fowl and the sale of the same. If there be any surplus, it shall be paid to the city clerk, who shall keep a separate account of such moneys, and if such moneys are not claimed or refunded as provided in Section 6.04.080, it shall after six months from receipt, be transferred to the general fund of the city. (Ord. 141 § 7, 1985)

6.04.080 Redemption.

Upon sufficient proof of ownership or proprietorship made to the chief of police after such animal or fowl is taken up and impounded and before the sale, the chief of police shall restore the same to the owner upon the payment to him or her of all charges, costs and expense, up to the time such proof is made, and not otherwise. Upon sufficient proof made before the city clerk within six months from the date of sale of such animal or fowl of the ownership or proprietorship of the same, and upon claim being made therefore, the city clerk shall issue a refund out of the moneys collected and deposited, the surplus received from the sale of the animal or fowl, so claimed and proven, to the person claiming and proving the same, less the charges of making such proof and of writing such order. (Ord. 141 § 8, 1985)

6.04.090 Charges.

Charges are to be received and collected by the city clerk. For each animal or fowl taken up and impounded, twenty-five dollars (\$25.00) except that if any such animal has been previously impounded, the impoundment fee shall be fifty dollars (\$50.00), and the owner or proprietor shall also pay to the chief of police, and the same shall be taxed as

part of the costs, charges and expenses against such animal or fowl, the necessary expenses of keeping, feeding and watering such animal or fowl. (Ord. 141 § 9, 1985)

6.04.100 Interference.

No person shall interfere with, hinder, or molest any agent of the city the performance of any duty as herein provided. Any person violating this section shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than twenty-five dollars (\$25.00), or more than one hundred dollars (\$100.00). (Ord. 141 § 10, 1985)

6.04.110 Penalty.

Violation of any provision of this chapter is punishable, upon conviction in the municipal court, by a fine not exceeding two hundred fifty dollars (\$250.00), or by imprisonment in jail not to exceed sixty (60) days, or by both. (Ord. 141 § 11, 1985)

Chapter 6.08

DOGS

Sections:

6.08.010 Definitions.

6.08.020 Licensing and rabies vaccination.

6.08.030 Permits.

6.08.040 Issuance and revocation of permits and licenses.

6.08.050 Owner responsibility.

6.08.060 Impoundment.

6.08.070 Redemption.

6.08.080 Adoption.

6.08.090 Interference.

6.08.010 Definitions.

As used in this chapter:

“Animal” means dog of any breed or type.

“Animal control authority” means the person or persons designated to enforce this chapter.

“Animal establishment” means any pet shop, grooming shop, animal auction, performing animal exhibition, kennel or animal shelter.

“Animal facility” means U.S. Government licensed or state of Oregon licensed facilities to provide veterinary services, research, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provisions of U.S. Public Laws 89544 and 91579.

“Animal shelter” means facility designated or recognized by the city of Boardman for the purpose of impounding and caring for animals.

“At large” means a dog shall be deemed to be at large when off the property of the owner and not under restraint.

“Dog run” means a secured structure not less than twelve (12) feet by five feet in size with a concrete floor, fencing surrounding and secured into the concrete and over the top of the enclosure, lockable gate and provisions for maintaining the animal in a humane manner.

“Humane manner” means care of an animal to include, but not be limited to, adequate heat, ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal’s size, species and breed.

“Keeper of the dog” means a person having the right of property or custody of a dog or who keeps or harbors a dog or knowingly permits a dog to remain on or about any premises occupied by that person.

“Kennel” means an establishment kept for the purpose of breeding, selling or boarding dogs or engaged in training dogs.

“Licensing authority” means the agency or department of the city of Boardman or any designated representative thereof charged with administering the issuance and/or revocation of permits and licenses under the provisions of this chapter.

“Menacing animal” means lunging, growling, snarling, or other behavior by a dog that would cause a reasonable person to fear for the person’s safety.

“Neutered” means rendered permanently incapable of reproduction.

“Owner” means a person having the right of property or custody of a dog or who keeps or harbors a dog or knowingly permits a dog to remain on or about any premises occupied by that person.

“Person” means any individual, limited liability company, partnership, organization or institution commonly recognized by law as a legal entity.

“Pet shop” means an establishment engaged in the business of buying or selling, at retail, dogs or other animals for profit-making purpose.

“Public nuisance” means a dog is a public nuisance if it:

1. Bites a person;
2. Chases or menaces persons or chases vehicles on premises other than premises occupied exclusively by the keeper of the dog;
3. Damages or destroys property of persons other than the keeper of the dog;
4. Scatters garbage on premises other than premises occupied exclusively by the keeper of the dog;
5. Trespasses on private property of persons other than the keeper of the dog;
6. Disturbs any person by frequent or prolonged noises;
7. Is a female in heat and running at large; or
8. Injures or kills a domestic animal as defined in ORS 167.310.

“Restraint” means a dog will be considered under “restraint” if it is within the real property limits of the keeper of the dog and is under control of a responsible person, or it is contained with a fence that maintains control of the animal. While off of the property of the keeper of the dog, the animal must be on a leash or lead under control of a responsible person or be contained within a portable kennel. If the dog has been determined, by the city, to be a menacing animal or a public nuisance, consistent with the definitions of this chapter, restraint shall mean contained by means of city approved kennel or dog run, chained and muzzled, securely fenced and muzzled, inside of a secure structure, or leashed and muzzled when off the premises of the premises occupied by the keeper of the dog. (Ord. 2-2007 § 3 (part), 2007: Ord. 1-2005 §§ 1, 2 (part), 2004)

6.08.020 Licensing and rabies vaccination.

A. Except as provided in Section 6.08.030, no person shall own, keep or harbor any unvaccinated or unlicensed dog over six months of age within the city unless a licensed veterinary doctor provides written documentation stating reasons the doctor will not vaccinate the dog. In no instance will an unvaccinated or unlicensed dog over one year of age be allowed within the city. The provisions of this section do not apply to animals owned by a licensed research facility or held in a veterinary medical facility or government operated or licensed animal shelter.

B. All dogs shall be vaccinated against rabies by a licensed veterinarian, in accordance with the latest Compendium of Animal Rabies Vaccines and Recommendations for Immunization published by the National Association of State Public Health Veterinarians.

C. A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the Compendium. Each keeper of a dog shall also receive a durable vaccination tag indicating the year in which it was issued.

D. 1. Application for a license must be made within thirty (30) days after obtaining a dog over six months of age, except that this requirement will not apply to a non-resident keeping a vaccinated dog within the city of Boardman for no longer than sixty (60) days.

2. Written application for a dog license shall be made to the city on the city of Boardman dog license application form, which includes the name, address, phone and other contact information of the keeper of the dog and the name, breed, color, age, sex and history of the dog. Applicants also shall pay the prescribed licensing fee and provide proof of current rabies vaccination.

E. The standard licensing period shall be for two years. License renewal may be applied for within sixty (60) days prior to the expiration date. New residents must apply for a license within thirty (30) days of establishing residence.

F. A dog determined, by the city, to be a menacing animal or a public nuisance as defined by Section 6.08.010 of the Boardman Municipal Code shall have a licensing period of six months. Proof of liability insurance or a bond in the amount of ten thousand dollars (\$10,000.00) covering the actions of the dog is required for the length of the licensing period. Failure to renew the license for a menacing animal or public nuisance dog will be a violation of Oregon Revised Statute 609.095 and the keeper of the dog can be issued a citation with penalties which can include humane euthanization of the dog.

G. Upon acceptance of the license application and fee, the city shall issue a durable license tag including an identifying number, year of issuance, city, county and state. Both rabies and license tags must be attached to the collar of the dog. Tags must be worn at all times and are not transferable. The city shall maintain a record of all licenses issued, and such records shall be available to the animal control authority maintained by the city police department.

H. A license shall be issued after payment of a fee in an amount established by resolution of the city council. Until such time as the city council changes this resolution the fee shall be ten dollars (\$10.00) for each unneutered dog and five dollars (\$5.00) for each neutered dog. Persons who fail to obtain a license as required within the time period specified will be subjected to a delinquent fee of five dollars (\$5.00). (Ord. 2-2007 § 3 (part), 2007; Ord. 1-2005 §§ 1, 2 (part), 2004)

6.08.030 Permits.

A. No person shall operate an animal establishment without first obtaining a permit in compliance with this section. The permit shall be obtained from the city or its designees.

B. The permit period shall begin with the first day of the fiscal year, July 1st, and shall run for one year. Renewal applications for permits may be made within sixty (60) days prior to the expiration date of the current permit. Application for a permit to establish a new breeding animal establishment under the provisions of this chapter may be made at any time and will run to the end of the fiscal year.

C. Failure to comply with the provisions of this section is subject to a fine of twenty-five dollars (\$25.00). (Ord. 2-2007 § 3 (part), 2007: Ord. 1-2005 §§ 1, 2 (part), 2004)

6.08.040 Issuance and revocation of permits and licenses.

A. The city may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this chapter, the regulations promulgated by the city or any other law governing the protection and keeping of animals.

B. If any applicant is shown to have withheld or falsified any material information on the application, the city may refuse to issue or may revoke a permit or license. The city will attempt to notify the respective permit or license holder by certified mail within ten (10) working days after refusing to issue a permit or license, or revoking any permit or license previously issued. (Ord. 2-2007 § 3 (part), 2007: Ord. 1-2005 §§ 1, 2 (part), 2004)

6.08.050 Owner responsibility.

A. All dogs shall be kept under restraint as defined in this chapter.

B. Every dog determined by the city to be a menacing animal or public nuisance shall be confined by the keeper of the dog, within a secure building, secure kennel or dog run. Whenever off the premises the dog shall be securely muzzled and leashed or muzzled and caged whenever off the premises of the keeper of the dog.

C. No dog shall be allowed to cause a nuisance. The keeper of every dog shall be held responsible for every behavior of such dog under the provisions of this chapter.

D. Any person, with the exception of a sightless person, responsible for any dog, shall remove excrement deposited by the dog:

1. In any public area not specifically designated to receive those wastes, including, but not limited to, streets, sidewalks, parking strips, city parks, trails or pathways paralleling swales, ditches, culverts or other similar facilities operated by the city; or

2. On any private property, other than property owned by or controlled by the owner or keeper of the dog, without prior permission by any other property owner where

said excrement is deposited by the dog. (Ord. 2-2007 § 3 (part), 2007: Ord. 1-2005 §§ 1, 2 (part), 2004)

6.08.060 Impoundment.

A. A dog found running at large may be impounded by the city, and restrained in the city's designated animal shelter. Within a reasonable time following the impounding of a dog, the city shall make every reasonable effort to notify the keeper of the dog and inform the keeper of the dog of the conditions for release of the animal. Any animal not claimed by the keeper of the dog within a period of five full days in which the shelter is open to the public shall become the property of the city.

B. In the event that the city finds dogs to be suffering, it shall have the right forthwith to remove or cause to have removed any such animals to a safe place for care at the expense of the keeper of the dog or to euthanize them, at the expense of the keeper of the dog, when necessary to prevent further suffering. Return to the keeper of the dog may be withheld until the keeper of the dog shall have made full payment for all expenses so incurred.

C. In the event the city determines a dog to be a menacing animal or a public nuisance as defined in this chapter, the city may impound the dog from the premises of the keeper of the dog to prevent further attacks on domestic animals or humans.

D. Disposal of an animal by any method specified herein does not relieve the keeper of the dog of liability for violations and any accrued charges. (Ord. 2-2007 § 3 (part), 2007: Ord. 1-2005 §§ 1, 2 (part), 2004)

6.08.070 Redemption.

A. Any animal impounded may be redeemed by the keeper of the dog thereof within five days of impounding upon payment of an impoundment fee.

B. Any animal confined for rabies quarantine, evidence, menacing or public nuisance as defined in this chapter, or other purpose may be redeemed by the keeper of the dog, after release is authorized by the investigating police officer or compliance official, upon payment of an impoundment fee, which may include all associated costs at the impoundment or veterinary facility.

C. No animal required to be licensed or vaccinated under this chapter may be redeemed until the animal has been vaccinated and the appropriate license has been issued by the city. (Ord. 2-2007 § 3 (part), 2007: Ord. 1-2005 §§ 1, 2 (part), 2004)

6.08.080 Adoption.

An adoption fee of five dollars (\$5.00) shall be assessed at the time of adoption. No dog shall be released for adoption as a pet without being neutered or without a written agreement from the adopter guaranteeing that the animal will be neutered. Vaccination fees, licensing fees, and veterinary costs may be assessed above and beyond the adoption fee. (Ord. 2-2007 § 3 (part), 2007: Ord. 1-2005 §§ 1, 2 (part), 2004)

6.08.090 Interference.

A. A person commits the crime of interfering with a code compliance official or peace officer in the enforcement of the provisions of this chapter, if the person knowing that another person is code compliance official or peace officer:

1. Intentionally acts in a manner that prevents, or attempts to prevent, a code compliance official or peace officer from performing the lawful duties of the code compliance official or peace officer with regards to another person; or
2. Refuses to obey a lawful order by the code compliance official or peace officer.

B. Interfering with a code compliance official or peace officer shall be punishable as a Class A misdemeanor as defined by Oregon Revised Statutes. (Ord. 2-2007 § 3 (part), 2007: Ord. 1-2005 §§ 1, 2 (part), 2004)