

Title 6

ANIMALS

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6.04 Animals

Chapter 6.04

ANIMALS

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6.04.010 Definitions.

"Animal" means any non-human mammal, bird, fish, or reptile.

"Animal facility" means any site where animals are kept that functions as a licensed research animal facility or a government operated or licensed animal shelter or private enterprise, used for commercial purposes.

"At large" means off the premises belonging to the owner and not in the company of and under control of a person.

"City" means the city of Toledo, Oregon.

"Communicable disease" means a disease carried by an animal which may be transmitted to another animal or to humans.

"Confinement area" means any site where an animal is contained or kept on private property, including grounds and housing structures.

"Control" means an animal is under control if restrained from placing others at risk, whether by physical control device, or trained to respond to verbal commands and in close proximity to and in view of the owner.

"County" means the county of Lincoln, Oregon.

"Court" means the municipal court of the city of Toledo, Oregon, or other court of competent jurisdiction.

"Dangerous animal" means any animal which has the propensity to bite or attack any person without provocation and the capacity to inflict physical injury upon that person. It shall be presumed that any animal that has injured a human being on one or more occasions without provocation is a dangerous animal.

"Domestic animal" means any animal that is trained and kept as a pet or as livestock.

"Family" means a group of persons, whether or not related by blood or marriage, living together in a residence as a single-family unit.

"Housing structure" means any contained area or structure where an animal is kept.

"Minimum care" means care sufficient to preserve the health and well-being of an animal and, except for emergencies or circumstances beyond the control of the owner, includes, but is not limited to, the following requirements:

1. Sufficient food to maintain an animal's health.
2. Access to potable water to satisfy the animal's needs. Snow or ice is not an adequate water source.
3. Access to a barn, house or other enclosed structure for the protection of the animal.
4. Access to an exercise area on a regular basis as required for the health and well being of the animal.
5. Veterinary care to relieve distress from injury or disease.
6. Confinement area having adequate space and ventilation.

"Officer" means any individual empowered by the city to enforce this ordinance.

"Owner or keeper" means any individual, or group of people, that has an ownership interest in an animal; or who harbors, cares for, exercises control over or knowingly permits an animal to remain on the premises occupied by that individual or individuals.

"Physical control device" means a collar, connected to a leash or tether made of material of sufficient strength to prevent the escape of the animal, or fenced or enclosed in a containment area so as to prevent the escape of the animal.

"Physical injury" means an act that physically damages or hurts a human or other animal causing pain, loss, or impairment of health.

"Residence" means any dwelling unit designed for occupancy by a family or families.

"Wildlife" means animals that are not domesticated.

(Ord. 1294 § 1, 2001)

6.04.020 Officer's authority to cite.

An officer shall determine whether a violation of any section or sections of this ordinance has occurred. The determination shall be based upon an investigation that includes observation of the location, the animal, or through the statements to an officer of other witnesses who personally observed the violation.

(Ord. 1294 § 2, 2001)

6.04.030 Public duties.

This section expands the statutory requirements of ORS 811.710 to include wildlife as defined in this ordinance, as follows:

- A. **Aiding Injured Animals.** Any person operating a vehicle, as defined by the Motor Vehicle Act of the state of Oregon, who runs over, strikes, injures, maims or kills any domestic animal or wildlife, shall immediately stop, render care, and notify the owner of the animal, if known, or notify any law enforcement agency with jurisdiction in the area of the incident, and remain at the scene until released by said law enforcement agency.
- B. **Refusing to Assist an Officer.** A person commits the offense of refusing to assist an officer if, upon command by an officer known by the person to be an officer, the person unreasonably refuses or falls to assist in effecting an authorized action or prevents another from effecting an authorized action.
- C. **Interference with an Officer.** It shall be unlawful for any person to interfere with or hinder an officer while that officer is enforcing this ordinance.

(Ord. 1294 § 3, 2001)

6.04.040 Owner's duties.

- A. **Licensing of Dogs.** A dog shall be licensed according to the laws of the county. Exceptions to this requirement are dogs owned or located at an animal facility.
- B. **Disease Control.**
 - 1. No owner shall permit any animal that is afflicted with a communicable disease to come in contact with another animal or human that is susceptible to the affliction other than medical personnel for treatment.
 - 2. No owner shall permit the body of a deceased animal to remain upon the public streets or private property for a period of time longer than the minimum necessary to remove such carcass.
 - 3. Any owner of an animal shall remove excrement or other solid waste deposited by that animal on maintained areas of public property, and on private property not owned or under the control of the animal owner, unless posted otherwise.

4. Excrement, waste and contaminants shall be removed from confinement areas as often as necessary to prevent parasite contamination, reduce disease hazards and minimize odors.
5. Whenever any animal bites a person, the owner of said animal shall immediately notify the city or the county. An officer or the county animal control authority shall order the animal held in quarantine on the owner's premises or shall have it impounded and quarantined by the county for a period of not less than ten (10) days if there is no proof of current rabies inoculation.
6. Any animal that is placed under quarantine by the city or the county shall be kept separated from any other animals or people other than the owner's family or pets for a period of not less than ten (10) days.

C. Animal Housing and Restraint. If appropriate to the type of animal:

1. Animal housing structures shall be adequately constructed and maintained in good repair to protect both the animals and the public from injury, safely confine any animal housed therein, and prevent entry of other animals that may be dangerous to the animals within the enclosure.
2. Housing structures shall be dry and adequately sealed to prevent cold air and moisture from entering the enclosure. The primary enclosure for animals shall be of sufficient size to permit each animal housed therein to stand freely, sit, turn about and lie in a normal position, unless not warranted for specific commercial purposes.
3. Confinement areas shall provide protective shading and adequate shelter areas designed to minimize harmful exposure to weather conditions for those animals not acclimatized to the environment.
4. When restraining devices are used in connection with a confinement area intended to permit movement outside the housing structure, such devices shall be adequate in strength and installed in a manner to prevent entanglement with the devices of other animals or objects, and shall be fitted to the animal by a harness or well-fitted collar, other than a choke type collar, and shall not be shorter than three times the length of the animal as measured from the tip of its nose to the base of its tail.
5. Physical control devices must be used with animals, except cats or birds, when off or outside the property of the owner unless the animal is field trained to respond to verbal or hand command.

D. Minimum Care. No owner shall maintain an animal without providing minimum care.

(Ord. 1294 § 4, 2001)

6.04.050 Prohibited activities.

A. Animals at Large. It shall be unlawful for an owner to permit, either by negligence or by intention, any animal to run at large, except cats or birds.

B. Dangerous Animals. It shall be unlawful to keep in the city any animal that is dangerous without being properly contained and restrained.

1. An animal shall be deemed dangerous if it causes or attempts to cause physical injury or death of any person or other animal:
 - a. while at large, or
 - b. when it is on the property of the owner, but not restrained or contained in a manner that would reasonably prevent incidental contact by any person, or
 - c. when it is in or on a motor vehicle and not restrained or otherwise physically prevented from reaching any area outside the perimeter of the vehicle.
2. An animal shall not be classified as dangerous, even if the animal has engaged in these behaviors, upon a determination that the behavior was caused by abuse or torment of the animal, or criminal activity on the part of any victim.
3. No dog shall be found to be dangerous or aggressive if it is a dog trained for law enforcement purposes and is on duty under the control of an officer.

C. Public Nuisances. It shall be unlawful to keep or maintain within the city any animal that is a nuisance. An animal is a nuisance if it:

1. Causes repeated or prolonged disturbances by barking or noise making, plainly audible from inside any neighboring building, vehicle or residence, or
2. Damages or destroys property of a person other than that of the animal owner, or
3. Molests, attacks, menaces, or otherwise interferes with persons or other animals on property other than the owner's property.

D. Illegal Killing. Except as allowed by statute or state regulation:

1. No person shall knowingly kill an animal not owned by that person without the permission of the owner, unless it is necessary for the protection and safety of people, other animals, or the euthanasia of a sick or injured animal.
2. No person shall knowingly place food of any description containing poison or other injurious ingredients in any area reasonably likely to be accessible to any animal.
3. No person shall set any traps that are designed to kill, injure or maim an animal.

(Ord. 1294 § 5, 2001)

6.04.060 Impounding procedures.

A. Violations. Any animal which is running at large, a public nuisance, diseased or in an environment hazardous to its health, dangerous, improperly housed or restrained, in violation of quarantine restrictions, not permitted in the city limits, sick, injured or dead, is unlicensed, or as otherwise provided herein, is or may be in violation of this ordinance, and

1. May be directed by an officer to be impounded by the county and placed in an animal facility. An officer, at their sole discretion, may also direct that the animal be impounded or quarantined by the owner at an alternate location.
2. Any animal allowed to be placed in alternate quarantine or impoundment shall be subject to the same hearing and judicial requirements set forth or imposed on animals impounded at the county.
3. Animals impounded by the county will be disposed of in accordance with the procedure provided by county ordinance for the disposition of impounded animals.
4. Any officer shall have the right of entry upon private land in the course of the officer's duties in enforcing the provisions of this ordinance, but such officer shall not enter into any building or dwelling without legal authorization or permission of the owner or occupant of the premises, except as required to protect life and property.

B. Impoundment Notice. Whenever an animal is impounded pursuant to the provisions of this ordinance, in case the owner or custodian of the animal is known to the person doing the impounding, that person shall forthwith give notice of the impounding by personal service or by registered or certified mail upon the owner or custodian. Said notice shall include the name and number of the impounding agency, the date, time and reason for the impound, the location of the impounded animal, the time limit for response, the process for redemption of the animal, and the penalty or disposition of the animal if no contact is made by the owner. If after reasonable search the owner or person having custody of such animal cannot be found and notified of the impoundment, such notice shall within seventy-two (72) hours after the impoundment be conspicuously posted on such premises at which the animal was impounded, or receiving care or housing, if such can reasonably be determined.

C. Appeal. An animal owner may petition the court for the release of the animal. The court shall set a time and place for hearing the petition and notify the impounding officer. The court shall have full power to determine whether the animal should be returned to the owner and upon what terms, or other disposition of the animal.

D. Costs. Any costs associated with the impoundment of an animal are the owner's responsibility. Any unusual or extraordinary expenses incurred in the enforcement of this ordinance are the responsibility of the animal owner or other responsible party.

(Ord. 1294 § 6, 2001)

6.04.070 Penalties.

A. Separate Violations. Each day's violation of any section of this ordinance constitutes a separate offense.

B. Violation of Sections. Violation of any section of this ordinance is a class "C" violation, unless otherwise specified.

C. Repeat Offenses. Second and subsequent violations of the same chapter of this ordinance that occur within a twelve month period are a class "B" violation, unless otherwise specified.
(Ord. 1294 § 7, 2001)

6.04.080 Severability.

If any title, section, subsection, paragraph, subparagraph, phrase, clause, sentence or word of this ordinance shall, for any reason, be held invalid or unconstitutional by any court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby, and shall remain in full force and effect.
(Ord. 1294 § 8, 2001)