

## ORDINANCE NO. 387

AN ORDINANCE RELATING TO ANIMAL CONTROL, PROVIDING PENALTIES FOR VIOLATION THEREOF AND REPEALING ORDINANCES NOS. 8, 51, AND 232.

THE CITY OF COLUMBIA CITY DOES ORDAIN AS FOLLOWS:

Section 1. Definition of Terms. As used in this ordinance.

1. "Owner" shall mean a person, firm, association or corporation owning, keeping or harboring an animal;
2. "At Large" shall mean off the premises of the owner or person having control, custody or possession of the animal while the animal is not under the complete control of the owner or such person by adequate leash, except that an animal in obedience or field training exercise under the direct supervision of a handler shall not be considered to be "at large" as herein defined if it is off a leash;
3. "Animal" for purposes of control, health, and safety, this term shall include, but not be limited to dogs, cats, livestock, poultry, unusual pets such as reptiles, rodents and ferae naturae animals, and all brute creatures.

Section 2. Licensing of Dogs. A dog shall be licensed according to the laws of the State of Oregon, and it shall be unlawful for any person to own or have custody of a dog not so licensed.

Section 3. Animals at Large.

1. It shall be unlawful for an owner to intentionally permit or negligently permit or recklessly engage in conduct which enables an animal to run at large upon any public street, highway, or public place, or upon private property owned by a person or persons other than the owner or keeper of the animal.
2. It shall be unlawful for any person or persons to leave any horse, mule, or any other beast of burden or livestock animal on the streets without first properly securing the same, or to tie any horse, mule, or other beast of burden or livestock animal of any description whatsoever, to any telephone pole, or to any lamppost, water hydrant, private fence, shade tree, or awning post.

Section 4. Public Nuisances.

1. It shall be unlawful to keep or maintain within the City any animal which is a nuisance. An animal is a nuisance as described if it:
  - a. Makes loud, disturbing or unnecessary noise which either annoys, disturbs, injures, or endangers the comfort, repose, health, safety, or peace of others;
  - b. Injures or kills another animal which does not belong to its owner or custodian;

- c. Bites a person;
- d. Chases vehicles or persons;
- e. Damages or destroys property of persons other than the owner or custodian of the animal;
- f. Scatters garbage.

#### Section 5. Disease Control.

1. No person shall permit any animal or bird owned or controlled by him to be at large within the City if such animal or bird is afflicted with a communicable disease.

2. No person shall permit the body of any animal owned by him or under his control to remain upon the public streets or places for a period of time longer than is reasonably necessary to remove such carcass, and no person who is the owner of or has control over any animal carcass shall permit the carcass to remain on any private property for a period of time longer than is reasonably necessary to dispose of such carcass.

3. No person shall permit any premises under their control to remain in such state or condition as to cause a nuisance or offensive odor or which is in an unsanitary condition, or upon which animal or vegetable products or substances are rendered, heated, steamed, or burned in such manner as to cause or permit the escape of offensive odors.

4. No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of man or beast may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the Police Department or the Health Department.

5. No person shall cause or allow any stable or place where any animal is or may be kept to become unclean or unwholesome.

6. An animal which is rabid may be summarily killed by any person.

7. It shall be unlawful for a person owning or keeping an animal to intentionally permit or negligently permit or recklessly engage in conduct which enables the animal to deposit solid waste matter on any property other than that of the person owning or keeping said animal, but it shall be a defense to this section if such owner or keeper immediately removes the solid waste deposited by the animal on such property.

#### Section 6. Dangerous Animals.

1. It shall be unlawful to permit any dangerous animal or vicious animal of any kind to run at large within the city; Exhibitions or parades of animals which are naturally wild in the eyes of the law may be conducted only upon securing a permit from the Police Department.

2. The members of the Police Department or any person in the city are authorized to kill any dangerous animal of any kind when it is necessary for the protection of any person or property.

3. An animal found biting a person or showing a propensity to bite persons may be summarily seized by any person and promptly delivered to the Police Department or the Columbia County Animal Control Officer for impounding. [As amended by Ordinance No. 00-561-O 6/20/00.]

4. A dog shall not be considered a public nuisance or dangerous animal under Section 4 or Section 6 of this Ordinance, or destroyed, if it bites a person who wrongfully assaulted the dog or the dog's owner or if it bites a person who is trespassing upon premises occupied by the dog's owner or keeper after being provoked by that person.

5. Whenever any animal bites a person, the owner of said animal shall immediately notify the Animal Control Officer or Police Department who shall order the animal held on the owner's premises or shall have it impounded for a period of two weeks. The animal shall be examined immediately after it has bitten anyone and again at the end of the two-weeks period. If at the end of two weeks, a veterinarian is convinced that the animal is then free from rabies, the animal shall be released from quarantine or from the pound as the case may be. If the animal dies in the meanwhile, its head shall be examined for rabies.

#### Section 7. Cruelty to Animals.

1. Specific Acts as Cruelty to Animals.

a. As used in this Section, "Animal" means any mammal, bird, reptile or amphibian.

b. It shall be unlawful for any person to overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate or cruelly kill, or cause or procure such cruel treatment of any animals, or for any person having the charge of or custody of any animal as owner, or otherwise, to inflict cruelty upon the animal.

c. It shall be unlawful for any owner or person having the charge or custody of any animal, to cruelly drive or work the animal when it is unfit for labor, or to cruelly abandon the animal, or carry or cause the animal to be carried in or upon any vehicle or otherwise, in a cruel, inhumane manner, or to knowingly or to willfully authorize or permit the animal to be subjected to torture, suffering, or cruelty of any kind.

d. It shall be unlawful for any owner or person having the charge or custody of any animal to deprive such animal of necessary and adequate food and drink for more than 36 hours, except in the case of an emergency.

e. If there is probable cause to believe that subsection (d) of this section is being violated, after obtaining a search warrant in the manner authorized by law, a peace officer may enter the premises where the animal is being held, provide food and water and impound such animal. If after reasonable search the owner or person having custody of

such animal cannot be found and notified of the impoundment, such notice shall be conspicuously posted on such premises and within 72 hours after the impoundment such notice shall be sent by certified mail to the address, if any, at which the animal was impounded.

f. No person shall put out or place any poison where the same is liable to be eaten by any horse, cattle, sheep, goat, hog, dog, cat or other domestic animal.

g. The dehorning of cattle or the docking of horses or sheep, or any other practice of good livestock husbandry, is not a violation of this section.

h. A certification by a licensed Oregon Veterinarian that the subject animal was examined immediately following the time of the charge and found to be in good condition shall be a defense to any charge made under subsections (b) or (c) of this Section or any charge that the animal was deprived of necessary sustenance or cruelly driven or worked when unfit for labor.

i. The provisions of this section shall not apply to the treatment of animals in transit by common carrier.

2. Involvement in Animal Fighting. It shall be unlawful for any person to:

a. Own or train an animal with the intention that the animal engage in an exhibition of fighting; or

b. Promote, conduct, participate in or is present as a spectator at an exhibition of fighting or preparations thereto; or

c. Keep or use, or in any way be connected with or interested in the management of, or receive money for the admission of any person to any place kept or used for the purpose of an exhibition of fighting; or

d. Knowingly suffer or permit any place over which he has possession or control to be occupied, kept or used for the purpose of an exhibition of fighting.

e. For purposes of this section, "Exhibition of Fighting" means a public or private display of combat between two or more animals in which the fighting, killing, maiming or injuring of animals is a significant feature. "Exhibition of Fighting" does not include demonstrations of the hunting or tracking skills of an animal or the lawful use of animals for hunting, tracking or self-protection.

f. Nothing in this section applies to or prohibits any customary practice of breeding or rearing game cocks even though those cocks may be subsequently used in cock fighting exhibitions outside the State of Oregon.

3. Chasing or Harassing Wildlife. Except as the Oregon Wildlife Commission by rule may provide otherwise, no person shall chase, harass, molest, worry or disturb any wildlife except in lawfully angling for, hunting or trapping such wildlife.

4. Aiding Injured Animals. Any person operating a vehicle, as defined by the Motor Vehicle Act of the State of Oregon, who shall run over, strike, injure, maim, or kill any domestic animal shall immediately stop and render aid to such animal, if injured, or provide for the disposition of the carcass, if such animal be killed. Such person shall in either case make due and diligent inquiry to determine the owner of such animal, and, if the owner be found, he shall notify him of the occurrence.

#### Section 8. Impounding.

1. Impounding. Any animal which is
  - a. Running at large,
  - b. Is a nuisance, or
  - c. Is unlicensed as provided herein, is in violation of this Ordinance and may be impounded by any Police Officer of the City or the duly appointed Columbia County Animal Control Officer. [As amended by Ordinance No. 00-561-O 6/20/00.]
2. Pound Regulations. Whenever an animal is impounded pursuant to the provisions of this ordinance,
  - a. In case the owner or custodian of the animal is known to the person doing the impounding, he shall give notice of the impounding by personal service or by registered or certified mail upon the owner or custodian. [As amended by Ordinance No. 00-561-O 6/20/00.]

#### Section 9. Powers and Duties.

1. The Columbia County Animal Control Officer and the City Police are hereby given concurrent authority to enforce all of the provisions of this Ordinance and to discharge their duties provided herein. [As amended by Ordinance No. 00-561-O 6/20/00.]
2. The City Police Officer or the County Animal Control Officer, in the course of their duties in enforcing this Ordinance, shall have the privilege of entering onto private land without permission, but shall not enter into any building or dwelling without permission or authorization. [As amended by Ordinance No. 00-561-O 6/20/00.]

#### Section 10. Appeals and Clauses.

1. Right of Appeal. An animal owner, believing himself aggrieved by the seizure and impounding of his animal, may apply to the Municipal Judge for the release of his animal and the Municipal Judge shall thereupon set a time and place for hearing the application and notify the impounding officer, and upon a summary hearing at such time and place the Municipal Judge shall have full power to determine whether the animal was wrongfully impounded and whether the animal should be returned to the owner and upon what terms.
2. Repeal of Conflicting Laws. Ordinances No. 8, 51, and 232 and provisions of all ordinances that are inconsistent with the provisions of this

Ordinance, are hereby declared to be of no further force and effect from and after the effective date of this Ordinance and are hereby repealed.

3. Saving Clause. If any title, section, subsection, phrase, clause, sentence or word of this ordinance shall for any reason be held invalid or unconstitutional by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby, and shall remain in full force and effect.

Section 11. Penalties.

1. Separate Violations. Each day's violation of a provision of this ordinance constitutes a separate offense.

2. Penalties.

a. Violation of Section 2 is punishable by a fine not to exceed \$50.

b. Violation of Sections 3, 4, 5 and 6 are punishable by a fine not to exceed \$500.

c. Violation of Section 7, Subsection 1, 2 and 3 are punishable by a fine not to exceed \$500.

d. Violation of Section 7, Subsection 4 is punishable by a fine not to exceed \$250.

[As amended by Ordinance No. 00-561-O 6/20/00.]

3. The Municipal Court by written notice may order the owner or keeper of a dog to remove that dog from the City permanently if, upon written complaint made to the Court, the Court finds that the dog is a nuisance as herein defined and that the dog's owner knew or should have known that the dog has created the nuisance and permitted that nuisance to continue or be repeated.

The notice shall state the cause for its issuance, order the owner of the dog to immediately confine the dog, and, within five days, to remove the dog from the City permanently; the notice shall be sent by certified mail to the owner of the dog or shall be posted prominently upon the property on which the dog is kept. After delivery or posting of the notice, it is unlawful not to immediately confine the dog, or to release the dog or permit it to be kept anywhere within the City.

4. The owner or keeper of a dog committing any of the acts set forth in this ordinance is responsible for the dog's act and is subject, upon conviction in Municipal Court, to the penalties set forth herein.

[As amended by Ordinance no. 05-613-O 9/2/05.]

Passed by the council and approved by the mayor July 15, 1982.