

EXHIBIT A

The Jefferson County Code is amended as follows:

Chapter 6.04 DOGS

6.04.009E Note to Chapter 6.04

*Prior ordinance history: Ord. O-84-2000.

6.04.010 Definitions.

As used in this chapter the following definitions shall apply:

Dog as a Public Nuisance. A dog shall be considered a public nuisance if it:

1. Bites a person;
2. Chases vehicles or persons;
3. Damages or destroys property of persons other than the owner of the dog;
4. Scatters garbage;
5. Trespasses on private property of persons other than the owner of the dog;
6. Disturbs any person by frequent or prolonged noises; or
7. Is a female in heat and is running at large.
8. It shall be unlawful for a dog owner to allow the dog, except for seeing eye dogs, to deposit solid waste matter on any property other than that of the dog owner. It shall be a defense to this section if the dog owner immediately removes the solid waste.

A dog shall not be considered a public nuisance or destroyed if the dog bites a person wrongfully assaulting the dog or the dog's owner or if the dog bites a person trespassing upon premises occupied by the dog's owner after being provoked by that person.

"Head of the family" means any person who has charge or manages the collective affairs of a collective body of persons residing together, the relations between whom are of a permanent and domestic character.

"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 any provision of this Chapter.

"Livestock" means ratites, psittacines, horses, mules, jackasses, cattle, llamas, sheep, goats, swine, domesticated fowl and any fur bearing animal bred and maintained commercially or otherwise, within pens, cages and hutches.

"Dog Owner" means any person having a right of property in an animal or who harbors an animal or who has it in the care of the person, or acts as its custodian, or who knowingly permits an animal to remain on or about any premises occupied by the person. "Owner" does not include veterinarians or lawfully established kennel operators temporarily maintaining on their premises, animals owned by other persons for a period of not more than 30 days.

"Running at Large" A dog shall be considered to be running at large when it is off or outside the premises belonging to the owner or keeper of such dog, or not in the company of or under the control of its owner or keeper. This definition of running at large does not apply to the use of a dog under the supervision of a person in order to legally hunt, chase or tree wildlife; use of a dog to control or protect livestock; or use of a dog in other related agricultural activities. (Ord. O-14-01 § 1.0, 2001)

6.04.020 Application.

This chapter shall apply to all the area within the geographical boundaries of Jefferson County, Oregon, excepting those areas located within the limits of an incorporated city which has its own dog licensing and control program. (Ord. O-14-01 § 2.0, 2001)

6.04.030 Dog control district.

Pursuant to an order of the Jefferson County court dated March 6, 1957, Jefferson County has been declared a dog control district. The formation of the dog control district is affirmed and the Jefferson County commission shall serve as the board of supervisors for the Jefferson County dog control district. (Ord. O-14-01 § 3.0, 2001)

6.04.040 Dog control program.

The dog control program shall have jurisdiction over the following areas of local concern:

- A. Dog licensing;
- B. The creation, maintenance and rules of operation of the county dog kennel;
- C. Dogs running at large, public nuisance dogs, aggressive dogs and dangerous dogs;
- D. Rabies;
- E. Penalties;
- F. Disposition of funds; and
- G. Other duties and responsibilities as required to effectuate a dog control program pursuant to this chapter and the laws of the state of Oregon. (Ord. O-14-01 § 4.0, 2001)

6.04.050 Dog licensing.

A. Every person owning or keeping any dog which has a set of permanent canine teeth or is four months old, not later than March 1st of each year or within thirty (30) days after he or she becomes owner or keeper of the dog, procure from the Jefferson County clerk's office, a license for the dog by paying the appropriate fee or any greater amount as may be required by the Oregon Revised Statutes as follows:

1. The licensing fee shall be set by the Jefferson County Board of Commissioners. A higher fee will be charged for sexually intact dogs than for spayed females or neutered males. To obtain the lower fee the owner must present evidence in the form of a veterinarian's certificate of spay or neuter. In addition, the rabies certificate required by Section 6.04.150 of this chapter shall be valid for the entire period of the license to be issued. All required certificates shall remain on file for as long as a license is maintained on the dog.

2. The license fee for kenneled dogs shall be as provided for in the Jefferson County ordinance governing the licensing of dog kennels.

3. No license fee shall be required for any certified service dog owned by a handicapped person. A license shall be issued for such a dog upon filing with the Jefferson County clerk an affidavit of said dog's certification.

B. Animals declared to be wolf-dog hybrids will be licensed pursuant to the requirements for all other dogs as set forth in this chapter, but will be exempt from the requirement for rabies vaccination. In the event that a rabies vaccine becomes licensed for use in wolf-hybrids, this exemption shall automatically be withdrawn. All other dog control regulations as set forth in this chapter and pursuant to state law shall apply to wolf-dog hybrids.

C. Should any person fail to procure a license within the time limits prescribed by this section, an additional fee shall be charged as set by the Jefferson County Board of Commissioners.

D. Upon payment of any applicable license fee, the Jefferson County clerk shall at the time of issuing the license, supply the licensee, without additional charge, with a suitable identification tag, which shall be fastened by the licensee to a collar and kept on the dog at all times when not in the immediate possession of the licensee.

E. Jefferson County shall keep a record of dog licenses. (Ord. O-14-01 § 5.0, 2001)

6.04.060 Dog control officer.

A. A dog control officer shall be appointed by the Jefferson County Commission.

B. The dog control officer shall be authorized to issue citations for violations of this chapter and any other county ordinance affecting animal regulation. (Ord. O-14-01 § 6.0, 2001)

6.04.070 Rules governing impoundment.

A. Any dog impounded pursuant to the provisions of this chapter or any applicable state law shall, unless claimed by the owner, be impounded for at least three working days if the dog is without a license or identification tag and for at least five working days if it has a license or identification tag.

B. A reasonable effort shall be made to notify the owner of a dog before the dog is removed from impoundment. If the owner appears and redeems the dog, he or she shall pay a fee set by the Jefferson County Board of Commissioners. The owner shall pay all fees for keeping the dog.

C. Any dog that bites a person shall be impounded for not less than ten (10) days before redemption or euthanasia to determine if the dog is rabid. A licensed veterinarian shall make the determination as to whether said dog has rabies. The owner of the dog shall be responsible for all costs associated with the determination along with all costs of impoundment.

D. For any impounded dog the owner shall pay an impoundment fee in an amount set by the Board of Commissioners. There is an additional fee for disposal of each euthanized dog. (Ord. O-14-01 § 7.0, 2001)

6.04.080 Dogs running at large.

A. The owner or keeper of a dog in Jefferson County shall not allow the dog to run at large.

B. The prohibition against dogs running at large is effective immediately pursuant to the results of the November 3, 1964 general election.

C. When a dog is found running at large in Jefferson County, a law enforcement officer or other police, sheriff or dog control officer shall impound it or cite the owner or keeper or both. (Ord. O-14-01 § 8.0, 2001)

6.04.090 Public nuisance dogs.

A. The owner or keeper of a dog in Jefferson County shall not allow the dog to be a public nuisance.

B. Any person who has cause to believe that a dog is being maintained as a public nuisance may complain as described in ORS 609.095(3).

C. When a dog is determined to be a public nuisance, a law enforcement officer or any other police, sheriff or dog control officer shall impound it or cite the owner or keeper or both. (Ord. O-14-01 § 9.0, 2001)

6.04.100 Hearings.

A. General. When an owner or keeper of a dog is issued a citation for violation of any of the provisions of this chapter, the owner or keeper shall either pay the full amount of the bail indicated on the citation or must appear before the Jefferson County Circuit Court at the time and place set forth on the citation. Owners or keepers who elect to appear shall have the opportunity to explain their case and present any relevant evidence to the Court. Upon the completion of any testimony and receipt of any relevant evidence, the Court shall either dismiss the citation or impose any applicable penalty.

B. Hearing Involving Killing, Wounding, Injuring or Chasing Livestock. If a dog is impounded pursuant Section 6.04.110(A) of this chapter, the owner or keeper of the dog shall be entitled to a hearing before the dog control board as follows:

1. The owner or keeper of the dog and the complainant shall be served with actual notice of the hearing, not less than three days prior to the hearing. 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 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.

2. The owner or keeper and the complainant shall be afforded the opportunity to present evidence to the dog control 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.

3. The hearing conducted by the dog control board shall be informal and open to the

public. All relevant evidence shall be considered by the dog control board.

4. The dog control board may establish reasonable parameters for the conduct of the hearing to ensure an orderly and complete presentation of the evidence. The dog control board shall, upon reasonable grounds, continue the hearing to allow the owner or keeper of a dog sufficient opportunity to prepare a defense.

5. Upon completion of any tests as are administered pursuant to Section 6.04.110(B) of this chapter, the dog control board shall schedule a hearing to determine whether the dog has been engaged in killing, wounding, injuring or chasing livestock. If the dog control board determines that the dog has been so engaged, the dog may be euthanized in a humane manner, and costs of keeping and testing of the dog during the impoundment shall be paid by the owner or keeper of the dog. If the dog control board determines that the dog has not been so engaged, the dog shall be released to its owner or keeper. In such cases, if the dog was impounded upon receipt of evidence from a complainant, the complainant may be required to pay the costs of keeping and testing of the dog during the impounding.

6. Notwithstanding subsection (B)(5) of this section, at the owner or keeper's request at the time of the hearing, a dog found to have chased livestock may be released if the dog control board finds by a preponderance of the evidence that:

a. The dog has not previously engaged in chasing livestock; and

b. The livestock suffered no injury. This shall be based upon a written report signed by a veterinarian approved by the livestock owner, who at the dog owner's expense examined the livestock immediately after the chasing incident and again two weeks later for signs of any injury; and

c. A responsible person, who may be the owner or keeper of the dog, has agreed in writing to accept irrevocable ownership and custody of the dog in a location and area approved by the dog control board; and

d. The dog owner has tendered to the Jefferson County clerk a payment of two hundred dollars (\$200.00) as a penalty in addition to any other applicable fine or penalty to be used exclusively for the Jefferson County dog control program; and

e. The dog owner agrees to pay for and have an identification chip implanted in the dog or the dog's lip tattooed with the word "chaser" prior to the dog being released. The license records of the dog and the dog's license shall be clearly marked "livestock chaser" and data regarding the chip or tattoo shall be retained by the county.

If at the time of the hearing, the dog control board finds that the dog could potentially qualify to be released under this subsection, except that two weeks' time has not passed to allow a second examination of the livestock by a veterinarian, the owner or keeper may request a continuance to allow for the second examination to occur, during which time the dog shall be boarded at a private kennel at the expense of the dog owner or keeper.

C. Failure to Appear or Pay Applicable Bail--Separate Offense. Failure to pay the applicable bail amount prior to the hearing date or to appear before the dog control board at the date, time and place set forth on the original citation shall cause a new citation to be issued in the Jefferson County Circuit Court and shall constitute an additional violation of this chapter. (Ord. O-14-01 § 12.0, 2001)

6.04.110 Killing, wounding, injuring or chasing 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 this chapter 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 the 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. O-14-01 § 13.0, 2001)

6.04.120 Harboring a dog that has injured livestock or persons.

A. No person shall own, harbor or keep any dog with knowledge that it has killed or wounded any livestock or, with knowledge that, while off the premises owned or under the control of its owner and while not acting under the direction of its master or the agents or employees of such master, it has killed or injured any person.

B. However, no person shall be liable for harboring or keeping such dog, with knowledge that it has killed or wounded chickens, unless the owner fails to pay full damages for the chickens killed or wounded within three days after receipt of a demand for such damages from the owner. (Ord. O-14-01 § 14.0, 2001)

6.04.130 Owner of livestock--Damage claims.

The owner of any livestock killed, wounded, injured or chased by any dog may within ten (10) days after the killing, wounding, injuring or chasing occurred, or become known to him or her, present to the dog control 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. The claim shall be supported by the affidavit of at least one disinterested person to all material facts contained in it. (Ord. O-14-01 § 15.0, 2001)

6.04.140 Dangerous or aggressive dogs.

It is unlawful for any person to:

- A. Be the owner of a dangerous dog;
- B. Fail to comply with the requirements of this chapter applicable to aggressive dogs. (Ord. O-14-01 § 19.0, 2001)

6.04.150 Definition of dangerous or aggressive dogs.

A. A dog shall be classified as “aggressive” if it bites, causes physical injury, or otherwise threatens or endangers the safety of any person or domestic animal while:

- 1. It is at large; or
- 2. It is off the property of the owner or keeper and on a restraining device;
- 3. 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.

B. A dog shall be classified as “dangerous” if:

- 1. It causes the serious physical injury or death of any person; or
- 2. While at large or off the property of the owner or keeper, it kills any domestic animal; or
- 3. It is already classified as an aggressive dog and subsequently causes physical injury to any person after the owner or keeper has received notice of the classification as a result of a previous physical injury to another person.

C. A dog shall not be classified as dangerous or aggressive, even if the dog has been engaged in the defined behaviors, upon a finding that the behavior was caused by abuse or torment of the dog by victim.

D. 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 a peace officer. (Ord. O-14-01 § 20.0, 2001)

6.04.160 Identification of dangerous or aggressive dogs--Appeals--Restrictions pending appeals.

A. A dog control officer shall determine whether any dog has engaged in the behavior specified in Section 6.04.140 of this chapter. The determination shall be based upon an investigation that includes observation of the dog’s behavior by the dog control officer or other peace officer, or by witnesses who personally observed the behavior. A record of the observation must be in writing attesting to the observed behavior.

B. The dog control officer shall give the dog’s owner or keeper written notice by certified mail or personal service that includes (1) the dog’s specific behavior; (2) the dog’s classification as a

dangerous or aggressive dog; and (3) additional restrictions applicable because of the dog's classification. The owner or keeper may appeal the dog control officer's decision to the dog control board by filing with the dog control board or its designate, within ten (10) days of the date the notice was mailed or personally served, a written request for a hearing.

C. The dog control board shall hold a public hearing on any appeal from the dog control officer's decision to classify a dog as aggressive or dangerous. The owner or keeper or any other person having relevant evidence concerning the dog's behavior as specified in Section 6.04.140 of this chapter shall be allowed to present testimony. The dog control board shall determine whether the behavior specified in Section 6.04.140 of this chapter was exhibited by the dog in question. The dog control board shall issue an order containing its determination which shall be final.

D. Pending the hearing, the owner or keeper shall comply with the restrictions in the classification notice. Failure to comply with the specified restrictions pending the completion of all appeals shall constitute a separate violation of this chapter.

E. If the dog control officer finds that a dog is a dangerous dog, the dog shall be impounded, pending the completion of all hearings. If the dog control officer's decision is upheld, the dog owner or keeper shall be liable for the fees of the dog's impoundment. (Ord. O-14-01 § 21.0, 2001)

6.04.170 Regulation of aggressive dogs.

In addition to complying with all other requirements of this chapter, the owner of an aggressive dog shall comply with the following:

A. Restrain the dog to prevent it from interfering with the public's legal access to the owner's property and from reaching any public right-of-way and adjoining property;

B. Notify Jefferson County Kennels in writing as to where the dog is kept and re-notify within ten (10) days of any change;

C. Post County approved warning signs at the location where the dog is kept, in a conspicuous place visible from the public right-of-way, and adjoining property;

D. Any dog classified as aggressive shall be muzzled while off the owner's premises and/or has access to the public.

E. The requirements of this section shall apply to anyone to whom the ownership of an aggressive dog is transferred to or who keeps an aggressive dog. (Ord. O-14-01 § 22.0, 2001)

6.04.180 Humane killing of dangerous dogs.

Any dangerous dog shall be euthanized in a humane manner. The dog control board may order the dog euthanized in a humane manner in addition to any other penalties for separate violations applicable under this chapter. (Ord. O-14-01 § 23.0, 2001)

6.04.190 Rabies control.

A. The definitions of "animal" and owner as used in this section shall be as described in ORS 433.340.

B. All owners or keepers of dogs in Jefferson County shall comply with the rabies inoculation requirements set forth in ORS 433.365.

C. Inoculation certificates shall be as described in ORS 433.370.

D. The filing of inoculation certificates, their requirement for licensing and issuance of tags shall be governed by this chapter and ORS 433.375 in its entirety.

E. Any animal in violation of this section shall be impounded as described in ORS 433.385 in its entirety.

F. Report of animal bites, handling and disposition of animals shall be governed by ORS 433.345 in its entirety.

G. Authority to take possession and order destruction of an animal is as described in ORS 433.350 in its entirety.

H. Procedures to force compliance with this section shall be as described in ORS 433.355. (Ord. O-14-01 § 24.0, 2001)

6.04.200 Penalties.

- A. Violation of Section 6.04.050 (Dog licensing) shall be punishable by a fine of:
 - 1. First offense, at least twenty-five dollars (\$25.00) but not more than two hundred fifty dollars (\$250.00).
 - 2. Second offense, at least fifty-five dollars (\$55.00) but not more than two hundred fifty dollars (\$250.00).
 - 3. Third offense, at least one hundred ten dollars (\$110.00) but not more than two hundred fifty dollars (\$250.00).
- B. Violation of Section 6.04.080 (Dogs running at large) shall be punishable by a fine of:
 - 1. First offense, at least twenty-five dollars (\$25.00) but not more than two hundred fifty dollars (\$250.00).
 - 2. Second offense, at least fifty-five dollars (\$55.00) but not more than two hundred fifty dollars (\$250.00).
 - 3. Third offense, at least one hundred ten dollars (\$110.00) but not more than two hundred fifty dollars (\$250.00).
- C. Violation of Section 6.04.090 (Public nuisance dogs) shall be punishable by a fine of:
 - 1. First offense, at least twenty-five dollars (\$25.00) but not more than two hundred fifty dollars (\$250.00).
 - 2. Second offense, at least fifty-five dollars (\$55.00) but not more than two hundred fifty dollars (\$250.00).
 - 3. Third offense, at least one hundred ten dollars (\$110.00) but not more than two hundred fifty dollars (\$250.00).
- D. Violation of Section 6.04.140 (Dangerous or aggressive dogs) shall be punishable by a fine of:
 - All offenses, at least two hundred fifty dollars (\$250.00) but not more than five hundred dollars (\$500.00).
- E. Violation of Section 6.04.190 (Rabies control) shall be punishable by a fine of:
 - All offenses, at least seventy-five dollars (\$75.00) but not more than five hundred dollars (\$500.00). (Ord. O-14-01 § 25.0, 2001)

6.04.210 Bail.

- The following bail schedule shall apply:
- A. All violations of Section 6.04.050 of this chapter, two hundred fifty dollars (\$250.00).
 - B. All violations of Section 6.04.080 of this chapter, two hundred fifty dollars (\$250.00).
 - C. All violations of Section 6.04.090 of this chapter, two hundred fifty dollars (\$250.00).
 - D. All violations of Section 6.04.140 of this chapter, five hundred dollars (\$500.00). (Applies only to aggressive dogs. Dangerous dogs are not eligible for bail.)
 - E. All violations of Section 6.04.190 of this chapter, five hundred dollars (\$500.00). (Ord. O-14-01 § 26.0, 2001)

6.04.220 Funds.

All funds from penalties paid through the enforcement of this chapter shall be paid into the county Dog Control fund. (Ord. O-14-01 § 27.0, 2001)

6.04.230 Fees.

All costs and fees provided for in this chapter may be changed annually by the Jefferson County Board of Commissioners as provided for in ORS 203.115. (Ord. O-14-01 § 28.0, 2001)

6.04.240 Repeal of prior conflicting ordinances.

All other ordinances and parts of ordinances which are in conflict with the ordinance codified in this chapter are repealed and shall not be of further force and effect. (Ord. O-14-01 § 29.0, 2001)

6.04.250 Severability.

Should any portion of the ordinance codified in this chapter be adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect, impair, invalidate or nullify the remaining provisions. It is the intent of the Jefferson County Commission to enact the remainder of the ordinance codified in this chapter notwithstanding any part which may be declared unconstitutional or invalid. (Ord. O-14-01 § 30.0, 2001)

6.04.260 Emergency declared.

The ordinance codified in this chapter being immediately necessary in order to protect the health, safety and welfare of the residents of Jefferson County, an emergency is hereby declared to exist and the ordinance codified in this chapter shall take effect immediately upon passage. (Ord. O-14-01 § 31.0, 2001)