

**CITY OF ATHENA
ORDINANCE NO. 570**

DOGS

570.1: DEFINITIONS:

The words and terms used in this chapter shall have the meaning indicated below unless the context indicates otherwise:

ANIMAL: Any live vertebrate creature, domestic or wild, except fish.

ANIMAL SHELTER: A facility operated for the purpose of impounding, harboring, selling, placing, or destroying seized, stray, distressed, homeless, abandoned or unwanted animals.

CAT: A domestic cat (*Felis catus*).

DOG: A domestic dog (*Canis familiaris*).

KENNEL: Any person engaged in the breeding of or possessing and/or owning more than three (3) adult dogs on their property with the intent to sell the puppies individually or in litter lots; or in the boarding, training, sale or hire of dogs, except that animal hospitals maintained by a veterinarian licensed by the state of Oregon as part of the practice of veterinary medicine, shall not be considered kennels.

MINIMUM HOUSING REQUIREMENTS:

A. Animal housing standards shall meet or exceed the Oregon Revised Statutes definition of minimum care requirements.

B. Tethering a dog is not considered to be adequate space for exercise necessary for the health of the animal unless:

1. The tether is at least six feet (6') in length or is a cable runner that the dog can run at least six feet (6') from side to side.
2. The animal is allowed off the tether for at least thirty (30) minutes a day for specific activities and social interaction (i.e., fetch).
3. The animal is able to eat, drink and sleep away from its own excrement to protect its health.

OWNER: Any person who acknowledges ownership of an animal or who harbors or keeps an animal for five (5) or more consecutive days. Also, the parent or guardian of any minor who owns, keeps or harbors any animal for five (5) or more consecutive days.

PERSON: Any individual, establishment, firm, association, organization, partnership, trust, corporation or company.

PHYSICAL INJURY: Impairment of physical condition or substantial pain.

POTENTIALLY DANGEROUS DOG:

A. Any dog that exhibits any behavior without reasonable provocation that constitutes a physical threat of bodily harm to a person in a place where such person is conducting himself peaceably and lawfully.

B. Any dog that approaches any person, when unprovoked, in a vicious or terrorizing manner or with an apparent attitude of attack upon the streets, sidewalks, or any public grounds or places.

C. Any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury not classified as a serious injury or to otherwise endanger the safety of human beings or domestic animals.

See also definition of Vicious Animal.

For the purposes of this definition, a person is peaceably and lawfully upon the private property of an owner of the animal when he is on such property in the performance of any duty imposed upon him by the laws of this state or any city or county, or by the laws or postal regulations of the United States, or when he is on such property upon invitation, express or implied.

SERIOUS PHYSICAL INJURY: Physical injury which creates a substantial risk of death or which causes serious and protracted disfigurement, protracted impairment of health or protracted loss of the function of any bodily organ.

VICIOUS ANIMAL: Any animal, except a dog assisting a peace officer engaged in law enforcement duties, which demonstrates any or all of the following behaviors is reputedly presumed vicious:

A. An attack, without reasonable provocation, which requires a defensive action by any person to prevent a serious physical injury and/or property damage in a place where such person is conducting himself peaceably and lawfully.

B. An attack, without reasonable provocation, on another animal or livestock which occurs off the property of the owner of the attacking animal.

C. An attack, without reasonable provocation, that results in a serious physical injury to a person in a place where such person is conducting himself peaceably and lawfully.

D. Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting. Owning such a dog is a felony per the Oregon Revised Statutes.

See also definition of Potentially Dangerous Dog.

For the purposes of this definition, a person is peaceably and lawfully upon the private property of an owner of the animal when he is on such property in the performance of any duty imposed upon him by the laws of this state or any city or county, or by the laws or postal regulations of the United States, or when he is on such property upon invitation, express or implied. (Ord. 946, 2-25-2008)

570.2: ANIMAL BITES; QUARANTINE, VIOLATION AND EXAMINATIONS:

A. Any person having knowledge that any animal is known to have or is suspected of having bitten any person shall immediately report that fact to the police department with full information in regard to the incident.

B. Upon the receipt of a report where an animal has bitten a person and broken the skin, an animal control officer or police officer shall quarantine such animal for a period of ten (10) days. The officer may order the owner to quarantine the animal on his premises, if the owner is capable of meeting the requirements of and signing a home confinement agreement.

Any person who fails, refuses, or neglects to quarantine any animal as ordered by the officer, or who

refuses to allow the officer to inspect any private premises where the animal is kept is guilty of a misdemeanor. No animal shall be removed or released during the quarantine period without written permission of the Police Department and the Umatilla County Health Department. Any animals quarantined by order of the officer in a kennel, shelter, or veterinary hospital shall be quarantined at the owner's expense.

C. The head of any animal which dies or is destroyed while under quarantine shall be submitted to the laboratory of the county health department for rabies examination.

570.3: POTENTIALLY DANGEROUS OR VICIOUS ANIMALS:

A. Prohibition: No person shall harbor or maintain any vicious animal within the city limits of Athena.

B. Determination of A Potentially Dangerous Or Vicious Animal:

1. In the event that the law enforcement officer has probable cause to believe that an animal is potentially dangerous or vicious, the law enforcement officer shall conduct an investigation and shall notify the owner or keeper of the animal that a hearing will be held, at which time he or she may have the opportunity to present evidence why the animal should not be declared potentially dangerous or vicious. The hearing shall be held within thirty (30) days after service of notice upon the owner or keeper of the animal. The hearing shall be conducted in the Athena Municipal Court and presided by the Municipal Judge.

2. After the hearing, the owner or keeper of the animal shall be notified in writing of the determination. If a determination is made that the animal is potentially dangerous or vicious, the owner or keeper shall comply with the provisions of this chapter in accordance with a time schedule established by the Municipal Judge, but in no case more than thirty (30) days subsequent to the date of the determination. 3. The court may decide all issues for or against the owner or keeper of the animal regardless of the fact that said owner or keeper fails to appear at said hearing.

4. The determination of the municipal court shall be final and conclusive upon all parties thereto. However, the law enforcement officer shall have the right to declare an animal to be vicious, subject to a new hearing, for any subsequent actions of the animal.

5. If a dog is declared potentially dangerous the dog must be registered as a potentially dangerous dog with the city and meet the following requirements within thirty (30) days:

- a. A completed potentially dangerous dog packet.
- b. Payment of required registration fees.
- c. The dog is to be micro chipped.
- d. Mandatory spay/neuter (if the dog is not already altered).
- e. Photo ID of the dog with its owner (2 views).
- f. A secure enclosure which includes a top and bottom with signage warning of a dangerous dog.
- g. Proof of liability insurance for personal injury in an amount not less than one hundred thousand dollars (\$100,000.00).

Failure to comply with any part of the requirements will result in the dog being seized and humanely euthanized at the owner's expense.

6. In the event that the law enforcement officer has probable cause to believe that the animal in question is vicious and may pose a threat of serious harm to human beings or other domestic animals, the code enforcement officer or law enforcement officer may seize and impound the animal pending the aforesaid hearings. The owner or keeper of the animal shall be liable to the city for the costs and expenses of keeping such animal. The city council may establish by resolution a schedule of such costs and expenses.

570.4: POISONING ANIMALS:

It shall be unlawful for any person to willfully administer poison to any dog, cat or other domestic animal or to willfully place, expose or leave poisonous or harmful substances of any kind in any place with intent to injure or kill any dog, cat or other domestic animal.

Further, it shall be unlawful for any person to maliciously kill, maim, wound, mutilate, torment, torture or physically abuse any animal.

570.5: SEIZURE AND IMPOUNDMENT:

A. An animal control officer may seize and impound an animal for violation of any provision of this title or state law in any of the following situations where the owner is not present and where the officer reasonably believes that such seizure is necessary:

1. To protect public health, safety and property; or
2. To protect an animal which is injured, sick, or starving and must be cared for; or
3. To protect an animal from injury which has strayed onto public property or public right of way.

570.6: FEES FOR IMPOUNDING AND KEEPING:

An impoundment fee shall be charged to the owner of each animal impounded in an amount fixed by resolution of the city council.

570.7: REDEMPTION OF IMPOUNDED ANIMALS:

The law enforcement officer may permit an owner or other person entitled to custody of an impounded animal to redeem such animal. No animal may be redeemed without payment of fees for impounding and keeping the animal, and without the compliance with the licensing provision of 570.11. In cases where the owner is not able to pay the incurred impound fees, reducing the fees will be at the discretion of the Municipal Judge and handled on a case by case basis.

570.8: NOTIFICATION OF IMPOUNDMENT:

The law enforcement officer shall give notice of impoundment to the owner of every animal impounded, if the owner is known.

570.9: DISPOSITION OF IMPOUNDED ANIMALS:

A. No animal may be disposed of until seventy two (72) hours have elapsed from the time of impoundment, or, if the owner is known, until seventy two (72) hours have elapsed from the time notice was given, exclusive of the day of impoundment and the days that the impounding facility is closed to the public.

B. Any impounded animal which has been determined to be vicious in accordance with the provisions of 570.3 of this chapter may be destroyed in an expeditious and humane manner after the expiration of a five (5) day waiting period exclusive of days the impound facility is not open to the public.

C. Any impounded animal which has been determined to be potentially dangerous in accordance with the provisions of section 570.3 of this chapter may be destroyed in an expeditious and humane manner after the expiration of a five (5) day waiting period exclusive of days the impound facility is not open to the public if the owner does not wish to comply with the terms of the potentially dangerous dog registration. With consent of the chief of police, the owner may satisfy this chapter by signing a contract arranging for the potentially dangerous dog to be permanently transferred to an owner residing outside of the city limits. If the terms of the contract are not met the dog will be humanely euthanized at the owner's expense.

D. Notwithstanding anything to the contrary, an animal which has been determined by a veterinarian licensed by the state of Oregon or by other authorized personnel to be diseased or injured to the extent that emergency veterinary care will not alleviate intense suffering, shall be destroyed in accordance with all state and county humane laws as soon as possible.

570.10: CARE OF IMPOUNDED ANIMALS:

The police officer who impounds an animal or his designee shall assure that all impounded animals receive suitable and adequate food, water and shelter. When the officer is off duty other available city employees may be asked to provide this care.

570.11: LICENSING DOGS; FEES:

A. No person shall keep dogs or puppies over six (6) months of age unless the owner or keeper of such dogs or puppies shall procure from the city a license for each dog.

B. The owner of, or the person having charge of, any dog kept or owned, within the city, except puppies under six (6) months of age, shall, on or before January 1 of each year or within thirty (30) days after he becomes the owner or keeper of such dog, obtain certification of a current rabies vaccination from a licensed veterinarian and pay a sum for each and every dog so owned or kept by him. It shall entitle him to a receipt designating the owner's name, the sex of the dog, breed(s), age, description, rabies expiration date, the amount paid, and the number of the license. Upon payment, the City of Athena shall issue a license tag for the dog bearing the same number as the receipt.

C. The annual time for issuing a license as herein provided, and the time when each and all licenses shall expire shall be on December 31 of each year. Renewal of dog licenses can start sixty (60) days before the expiration of the current year's license.

D. Dogs found to be of wild descent or wild hybrids shall not be deemed licensable within the city of Athena. This is in accordance with the National Association of State Public Health Veterinarians Standards that rabies vaccines are not licensed for use in wild and wild hybrid dogs.

E. Dog license fees are to be set by city council resolution.

570.12: RECORDS:

The City of Athena shall keep a record of the receipts given as well as a complete record of all licenses and tags issued, so that the number of the license shall appear in a book with the name and address of the owner of the dog for which the license was issued.

570.13: RESTRAINT OF DOGS:

A. The owner or person with the right to control of any dog(s) shall keep such dog(s) confined to his own premises or shall keep such dog(s) under physical restraint by means of a leash not to exceed six feet (6') in length except: 1) certified service animals while performing their duties; 2) dogs participating in field or obedience trials or exhibitions; 3) dogs assisting their owner/handler in legal hunting or in the herding of livestock; 4) dogs assisting a security guard or assisting a peace officer engaged in law enforcement activities; 5) dogs being trained for any of the above purposes on private land with permission of the landowner, so long as such dogs are under direct control of such individuals to assure that they do not violate any other provision of law.

B. The law enforcement officers or any person appointed for such purpose is hereby authorized and empowered to seize any dogs found upon the streets, alleys, sidewalks or parks of the city in violation of the provisions of this section and to impound and dispose of such dogs. Such persons are further authorized to shoot any dog that cannot be seized when found upon the streets, alleys, sidewalks or parks of the city in violation of the provisions of this section when the dog poses a serious threat to the safety of humans and/or other domestic animals. All dogs running at large upon the streets, alleys, sidewalks, public rights of way, private or public property (except property of the owner or keeper of such dog) are hereby declared to be public nuisances.

C. Any owner of a dog, or the person in lawful care, custody and control of a dog in violation of this section shall, upon conviction, be punished by a fine to be set by the court.

570.14: UNLICENSED DOGS:

A. All dogs over the age of six (6) months found within the city limits without a license tag thereon are hereby declared to be a public nuisance.

B. It shall be prima facie evidence that any person who obtains the release of a dog as provided in section 570.7 is the owner of said dog.

570.15: PUBLIC NUISANCE:

A. No person owning or having control of any dog shall permit such dog to do any of the following:

1. Defecate on private properties in the neighborhood or community (other than that of the owner or the person having control of the animal);
2. Defecate on public property without immediately cleaning or removing the excrement to a proper receptacle;
3. Permit an animal to obstruct the reasonable and comfortable use of property in any neighborhood or community by chasing vehicles, molesting passersby, barking, howling, baying, or making any other noise;
4. Permit unsanitary conditions to exist on the premises where said animal is kept which would cause odors, attract flies, or vermin or otherwise is injurious to public health and safety, or indecent, or offensive to the senses or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property by the neighborhood, community, or persons.

B. Law enforcement officers may seize and impound any animal causing a public nuisance.

C. A violation of this section is hereby declared a public nuisance.

570.16: EXCEPTIONS:

The licensing provisions of section 570.11 of this chapter shall not apply to dogs owned by dealers, breeders or exhibitors, while such dogs are being transported by said dealers, breeders or exhibitors to and from a dog show or fair.

570.17: KENNELS PROHIBITED:

A. Definition: As used in this section, except where the context indicates otherwise, the following shall mean "kennel": A kennel shall be construed to include any establishment possessing and/or owning more than three (3) adult dogs for the raising, training, boarding or selling of dogs, for hire or profit.

B. Prohibition: Kennels shall not be allowed within the city. It shall be unlawful for any person to operate or maintain a "kennel" as defined herein.

C. Exception: Animal hospitals/clinics maintained by a veterinarian licensed by the state of Oregon as part of the practice of veterinary medicine, shall not be considered kennels. Animal rescue organizations may also be exempt only upon the prior approval of the city council.

D. Penalty: A violation of this section shall be punishable under the terms of section 570.19 of this chapter.

570.18: NUMBER OF ADULT DOGS LIMITED:

No person(s) shall keep or maintain more than three (3) adult dogs on any parcel of land and/or lot within the city. Any "adult dog" is any dog more than six (6) months of age. Exceptions to this rule can be made by application to the Livestock Commission. Exception will only be granted when it can be shown that the property where the dogs will be kept will meet the Minimum Housing Requirement definition and not create a public nuisance as defined in 570.15, sections 3 and 4.

570.19: PENALTIES FOR VIOLATION:

Any violations of sections 570.1 through 570.18 of this chapter shall be punishable by a fine schedule that is set forth by city council resolution.

570.20: LIABILITY OF PARENTS FOR DAMAGES CAUSED BY AN ANIMAL OWNED BY A MINOR:

In the event that the owner or keeper of an animal is a minor, the parent or guardian of such minor shall be liable for all injuries and property damage sustained by any person or domestic animal caused by an unprovoked attack by said animal. The parent or guardian shall also be considered the owner of the animal for the purposes of this chapter.

570.21: HINDERING ENFORCEMENT:

No person shall hinder or molest any person who may be engaged in seizing or killing any animal or removing any carcass in conformity with this chapter.

Passed by the Council and approved by the Mayor on October 13, 2011