Chapter 609

1959 REPLACEMENT PART

Dogs

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609.010 Definitions. (1) As used in ORS 609.140 to 609.190, "livestock" means cattle, sheep, goats, swine, turkeys, chickens and any fur-bearing animal bred and maintained commercially or otherwise, within pens, cages and hutches.

(2) As used in ORS 609.040 to 609.130, any dog shall be considered "running at large" when it is off or outside of the premises belonging to the owner or keeper of such dog, without a muzzle, as provided by ORS 609.080, or not in company of and under the control of its owner or keeper. [Amended by 1959 c.618 §1]

609.020 Dogs as personal property. Dogs are hereby declared to be personal property.

609.030 Establishing dog control district; appointment, duties and powers of supervisors of dog control district. (1) The county court of any county may, or upon the presentation of a petition signed by not less than 50 sheep or goat owners, or other livestock or poultry owners in the county shall, declare such county a dog control district.

(2) Upon declaration of the dog control district the county court shall appoint a board of three resident supervisors. They shall serve without pay, but may be paid necessary expenses, in no event exceeding $175 for each supervisor per annum, to be paid from the dog license fund. The term of office of these supervisors shall be for two years, or until their successors are appointed and qualified. The three supervisors shall select from their number a chairman, who shall preside at all meetings, and a secretary, who shall keep the minutes of all meetings and other proceedings. The board shall meet on the call of the president or upon the call of any two members.

(3) The board may issue licenses and enforce all of the laws relating to the control of dogs within the county, including that of making arrests. The board of supervisors shall pass upon all claims against the dog license fund for sheep or goats or other livestock or poultry killed or injured, and make recommendations to the county court covering the amounts to be paid upon such claims. The board may hire an enforcement officer for such time as is deemed necessary, for the effective enforcement of the laws relating to dogs. Salaries of enforcement officers shall be paid entirely from money in the dog license fund. The law enforcement officer shall act under the direction of the board of supervisors. He shall be vested with full authority to make arrests and to collect fees therefor, to impound all dogs not licensed, to do all things authorized by law to reduce the damage inflicted by dogs upon domestic animals and poultry and to investigate claims against the dog license fund.

(4) If no such petition is filed, the county court may elect to act as the board of supervisors of the dog control district. If they so elect they shall perform the duties and have the powers conferred upon the board of supervisors of the dog control district. If the county court elects so to act they shall not be entitled to any compensation or expenses from the dog fund. [Amended by 1957 c.79 §1]

609.040 Election to determine whether dogs shall run at large. (1) When the petition of 100 or more legal voters of any county is filed with the county clerk 45 days before the general or special election in any year, the county clerk shall cause notice to be given that at such election a vote will be taken for and against permitting dogs to run at large in the county.

(2) On the petition of 15 or more legal voters of an election precinct in any county being filed with the county clerk 45 days before the general or special election in any year, the county clerk shall cause notice to be given that at such election a vote will be taken for and against permitting dogs to run at large in such precinct.

(3) On the petition of 20 or more legal voters of any incorporated city or precinct being filed with the county clerk before the time of giving notice of the general or special election in any year, the county clerk shall cause notice to be given that at such election a vote will be taken for and against permitting dogs to run at large. However, in any county in which there is located a city having a population of more than 100,000, as disclosed by the last census, the proceedings shall be as follows:

(a) No election shall be held for the entire county, but when a petition of 100 or more legal voters of any such county in the state, residing outside of any such city, is filed with the county clerk 45 days before the general or special election in any year, the county clerk shall cause notice to be given that at such election a vote

shall be taken for and against permitting dogs to run at large in that portion of the county lying outside the corporate limits of such city.

(b) On the petition of 15 or more legal voters of any election precinct in any such county, which precinct lies outside the limits of such city, being filed with the county clerk 45 days before the general or special election in any year, the county clerk shall cause notice to be given that at such election a vote will be taken for and against permitting dogs to run at large in such precinct.

(c) On the petition of 5,000 or more legal voters of any such incorporated city being filed with the county clerk 45 days before the general or special election in any year, the county clerk shall cause notice to be given that at such election a vote will be taken for and against permitting dogs to run at large within the corporate limits of the city.

609.050 Ballots and canvass of vote. In voting for and against dogs running at large, there shall be printed or written on the same ballot with the candidates for county offices the following: "For dogs running at large—Yes." "For dogs running at large—No." The votes thus cast shall be canvassed the same as those cast for any county or city officer.

609.060 Notice of election result; civil liability for dogs running at large in violation of law. (1) If a majority of all votes cast in the election provided for by ORS 609.040, is against permitting dogs to run at large, the county clerk shall give notice, by publication in some newspaper having a general circulation in the county, and in the election precinct if the election for dogs running at large affects any one precinct only, for three consecutive weeks.

(2) After 60 days from the date of the notice, when any dog is found running at large in such county, city or precinct, its owner is subject to a fine of $10 for the first offense and $25 for each subsequent offense. Such fine shall be recovered from the owner of the dog in a civil action in the name of the State of Oregon before a justice of the peace of the precinct in which the owner or keeper, or either resides.

(3) Such penalty, license fees and the penalty provided by ORS 609.100, 609.120 and subsection (1) of 609.990, when collected, shall be paid into the county treasury of the county within which the precinct or city is situated, and kept in a special fund. From such fund all costs of prosecution and damage done to domestic livestock by dogs in such county, precinct or city shall be paid.

609.070 Notice to owner prior to recovery of penalties. No prosecution shall be commenced to recover the penalties named in ORS 609.060 until at least five days' notice has been given to the owner or person having charge of such dog, if such owner or keeper is known.

609.080 Muzzling of dogs running at large. No dog shall run at large or off of the premises of the owner or keeper thereof, in any county, precinct or city which, by vote, comes under ORS 609.040 to 609.130, unless it has a shepherd's muzzle made of wire or metal and properly fastened around his nose and neck sufficiently strong to prevent him from biting or injuring any person, or any sheep, goat or other livestock or domestic animal. [Amended by 1959 c.618 §2]

609.090 Impounding dogs running at large; disposing of dogs. (1) When any dog, coming under ORS 609.080, is found running at large, every chief of police, constable, sheriff or deputy of either, or other police officer shall impound it. However, this section does not apply to the herdsman using the dogs for the legitimate protection of his flock against the ravages of animals.

(2) All dogs taken up and impounded under this section and ORS 609.030 shall be held in an adequate and sanitary pound to be provided by the county court out of funds obtained from dog licenses and from the redemption of dogs so impounded. However, in lieu of the establishment of a dog pound, the county court may contract for the care of such dogs. Any dogs so impounded shall be held for at least five days from the date of such impounding before being destroyed or otherwise disposed of. If the owner appears to redeem the dog he shall pay the sum of $1 and also the expense of keeping the dog during the time it was impounded. If no owner appears and redeems such dog within five days from its impounding, it shall be killed in a humane manner or, if in the opinion of the dog control board, county court or board of county commissioners such dog is not dangerous and can be safely kept, such

board or court may release such dog to any responsible person upon receiving assurance that such person will properly care for such dog and not allow it to become a nuisance, and upon payment of $1 plus cost of keep during its impounding. Such person shall thereafter be liable as owner of said dog as provided by this chapter. A fee of $1 shall be paid out of the dog fund for each dog killed as required by this section. [Amended by 1953 c.571 §2; 1957 c.79 §2]

609.100 Dog licenses and records. (1) Every person owning or keeping any dog which has a set of permanent canine teeth shall, not later than March 1 of each year or within 30 days after he becomes owner or keeper of such dog, procure from the county clerk of the county in which he resides, a license for the dog by paying to the county clerk a license fee. The fee for such license shall be determined by the county court in such amount as it finds necessary to carry out ORS 609.040 to 609.130. Such license fee shall not be greater than $2 for each male or spayed bitch dog and not greater than $3 for each female dog. If the person fails to procure such license within the time provided by this section, the county court may prescribe a penalty in an additional sum of not to exceed $2 for each dog.

(2) The county clerk shall, at the time of issuing such license and as a part thereof, supply the licensee, without charge, with a suitable metal tag, having legibly stamped with dies across one side thereof:

DOG (number of license) (name of county) Co., Ore., (year license issued)

The tag shall be prepared with holes at the top and bottom and 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. Such license fee shall be the only license or tax required for the ownership or keeping of a dog within this state. No city, town or municipal subdivision thereof shall impose any further license fee for dogs. However, cities of 100,000 or more population may prescribe and impose a license fee which shall be in lieu of the license fee required by this section.

(3) This section does not apply to dogs owned by dealers, breeders or exhibitors where they are kept in kennels exclusively for sale or exhibition purposes, or while such dogs are being transported by dealers, breeders or exhibitors to and from a dog show or fair. No license shall be required for such dogs kept for such purposes until they are sold or otherwise disposed of to another person or permitted to run at large.

(4) No license shall be required to be paid for any dog owned by a blind person who uses it as a guide. A license shall be issued for such dog upon filing with the county clerk an affidavit by the blind person showing such dog to come within this exemption.

(5) The county clerk shall keep a record of such dog licenses in a special book for such purposes. [Amended by 1953 c.27 §2; 1959 c.374 §1]

609.110 Dog license fund. All funds derived under ORS 609.040 to 609.130 shall be turned over to the county treasurer, who shall keep them in a fund to be known as the Dog License Fund, to be expended as provided for by law. On January 1 of each year any amount of money in the fund in excess of $1,000 shall be placed in the general fund of the county.

609.120 Collection of dog license fees by cities. (1) When any incorporated city with a population of less than 100,000 applies to the county court or dog control district board of the county in which the city is located, for an agreement between the court or board and such city whereby such city shall undertake to diligently enforce the collection of the license imposed under ORS 609.100 within it, the county court or such board shall thereupon enter into the agreement and direct the appointment of any person or officer of such city recommended by the governing body thereof, as a deputy charged with, but with authority limited to, the enforcing of such sections within such city. Such deputy's services shall be paid for by the city. The agreement may be canceled by the county court or dog control board, when, in the judgment of such court or board, and after five days' notice to the city of the intended cancelation, it appears that such city is not diligently enforcing such provisions. While the agreement is in effect, the city is entitled to receive 80 percent of the license fees collected for dogs kept within such city, to be determined by the residence of the owners thereof, and to be remitted to the city on the first of each month thereafter.

(2) For the purposes of effectively carrying out ORS 609.040 to 609.130, the county clerks of the various counties may arrange for sale of the licenses imposed under such sections within any city entering into such agreement.

(3) All incorporated cities may require by ordinance the purchase of the licenses imposed by ORS 609.100 for dogs within their corporate limits, and impose a penalty for failure to comply with such sections.

609.130 Issuing and payment of warrants from dog fund. The county clerk shall on January 1, April 1, July 1 and October 1 of each year, furnish an itemized statement to the county treasurer of all warrants that have been issued for the three months immediately preceding such date. The treasurer shall, on or before the tenth day of each of such months, pay the warrants issued by the county clerk out of the dog fund.

609.140 Right of action by owner of damaged livestock. (1) The owner of any livestock which has been damaged by being wounded or killed by any dog shall have a cause of action against the owner of such dog for the full amount of the damage.

(2) Such action may be tried as an action at law in any court of competent jurisdiction.

609.150 Right to kill dog that kills or injures livestock. (1) Except as provided in subsection (3) of this section, any dog, whether licensed or not, which, while off the premises owned or under control of its owner, kills, wounds, or injures any livestock not belonging to the master of such dog, is a public nuisance and may be killed immediately by any person. However, nothing in this section applies to any dog acting under the direction of its master, or the agents or employes of such master.

(2) If any dog, not under the control of its owner or keeper, is found chasing livestock not the property of such owner or keeper it shall be deemed, prima facie, as engaged in killing, wounding or injuring livestock.

(3) No person shall kill any dog for killing, wounding, injuring or chasing chickens upon a public place, highway or within the corporate limits of any city.

609.160 Keeping dog with knowledge that it has injured livestock. (1) No person shall own, harbor or keep any dog with knowledge that it has killed or wounded any livestock.

(2) 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.

609.170 Claim by owner of livestock, ducks, geese or rabbits killed. The owner of any livestock, ducks, geese or rabbits killed by any dog may, within 10 days after the killing occurred, or became known to him, present to the dog control board, county court or the board of county commissioners in the county in which such killing occurred, a verified statement containing a full account of such killing, 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 his name is known. The claim shall be supported by the affidavit of at least one disinterested person as to all material facts contained in it. [Amended by 1953 c.640 §2]

609.180 Hearing and payment of claims; purchase of rabies vaccine. (1) All claims presented as provided by ORS 609.170, shall be heard at the first regular session of the dog control board, county court or board of county commissioners after their presentation, or as soon thereafter as may be practicable. The court or board shall allow them, or any portion thereof that it deems just. It shall file and enter a record of the value of such livestock so killed, and order a warrant drawn for the amount of damages thus found, to be paid by the county treasurer out of the dog fund. If it deems the claim unjust, it shall disallow it and enter such fact upon its record. No claim shall be allowed where it appears that the injury or damage complained of was caused by a dog owned or controlled by the claimant or his agent.

(2) The dog control board, county court or board of county commissioners may, in the event of a rabies outbreak within any county, use such portion of the dog fund as it deems necessary to purchase rabies vaccine, to be administered under the direction of the State Department of Agriculture.

609.190 Subrogation of county paying claim; collection by district attorney. In each case where a claim against the dog fund of

any county has been paid by the dog control board, county court or board of county commissioners, the county shall be subrogated to all the rights of the owner of the livestock killed against the owner of the dog for damages. The district attorney shall proceed promptly, in a lawful way, to collect it. Any money so collected shall be paid over immediately to the treasurer of the county and credited to the dog fund.

609.200 to 609.980 [Reserved for expansion]

609.990 Penalties. (1) Violation of any provision of ORS 609.100 to 609.120 is punishable, upon conviction, by a fine of $10 for each offense, and costs of the proceedings.

(2) Violation of ORS 609.160 is punishable, upon conviction, by a fine of not less than $10 nor exceeding $100.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on November 1, 1959.

Sam R. Haley
Legislative Counsel