

Chapter 609

1975 REPLACEMENT PART

Dogs and Cats

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CROSS REFERENCES

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DOGS

609.010 Definitions for ORS 609.040 to 609.130 and 609.140 to 609.190. (1) As used in ORS 609.140 to 609.190, "livestock" means horses, mules, jackasses, cattle, sheep, goats, swine, domesticated fowl 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, or not in company of and under the control of its owner or keeper.

[Amended by 1959 c 618 s 1; 1967 c 495 s.1; 1975 c 749 s.2]

609.015 Application of ORS 609.010 to 609.190. ORS 609.010 to 609.190 apply in every county except as otherwise provided by county charter or ordinance.

[1967 c 496 s 3]

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; county court may act as supervisors of dog control district. (1) The county court of any county may declare the county a dog control district.

(2) Upon declaration of the dog control district the county court shall appoint a board of three resident supervisors, two of whom shall be connected directly or indirectly with the livestock industry. The other supervisor shall be one who is not connected directly or indirectly with the livestock industry and shall be an actual resident of the area within the district subject to the jurisdiction of the board of 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) 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. Upon the election of the county court to act as the board, the board of supervisors is abolished and the tenure of office of members of the board of supervisors shall cease. 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 s 1, 1963 c 398 s 1; 1975 c.297 s 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 or 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.

The question of whether or not dogs should be permitted to run at large shall be printed or written on the same ballot with the candidates for county offices. The votes cast shall be canvassed the same as those cast for any county or city officer.

[Amended by 1967 c 496 s 1]

609.060 Notice of election result; dogs running at large prohibited; deposit and use of fees and fines. (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) (a) As used in this subsection, "running at large" does not include (A) use of a dog under the supervision of a person in

order to hunt, chase or tree predatory animals; (B) use to control or protect livestock; or (C) use in other related agricultural activities.

(b) After 60 days from the date of the notice, every person owning a dog shall keep such dog from running at large in any such county, city or precinct. Any person who is the owner or who has the control or possession of a dog and who has knowledge that the dog is or has been running at large is guilty of a violation of this subsection if he negligently permits or causes such dog to thereafter run at large in any such county, city or precinct.

(3) License fees and the penalty for violation of subsection (2) of this section or ORS 609.100 or 609.120, 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 by dogs in such county, precinct or city shall be paid.

[Amended by 1965 c.499 s.1]

609.070[Repealed by 1969 c 677 s 5]

609.080[Amended by 1959 c 618 s 2, repealed by 1967 c 495 s 4]

609.090 Impounding certain dogs; disposing of dogs. (1) When any dog is found running at large in any county, precinct or city, which by vote comes under ORS 609.040 to 609.130 or when a dog is a public nuisance described by ORS 609.095 or 609.150, every chief of police, constable, sheriff or deputy of either, or other police officer shall impound it or cite the owner or keeper to court. 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 from the general fund or 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 and redeems the dog, he shall pay a sum not to exceed \$5 for the first impoundment and \$10 for each subsequent impoundment 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 or if the dog has been impounded as a public nuisance for killing or seriously injuring a person, it shall be killed in a humane manner except that 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 a sum not to exceed \$5 plus cost of keep during its impounding. Such person shall thereafter be liable as owner of said dog as provided by this chapter.

(3) Notwithstanding the provisions of subsection (2) of this section, any dog impounded for biting a person shall be held for not less than 10 days before redemption or destruction to determine if the dog is rabid. [Amended by 1953 c.571 s 2; 1957 c.79 s.2; 1963 c 237 s.1, 1963 c 585 s.1; 1967 c.495 s 2; 1969 c 677 s.4, 1973 c.655 s.3, 1975 c.499 s.1]

609.095 When dog is public nuisance.

A dog is a public nuisance if it:

- (1) Bites a person;
 - (2) Habitually chases vehicles or persons;
 - (3) Damages or destroys property of persons other than the owner of the dog;
 - (4) Scatters garbage;
 - (5) Habitually 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 running at large.
- [1973 c 655 s 2]

609.097 Exception to dog as public nuisance. A dog shall not be considered a public nuisance under ORS 609.095 or destroyed under ORS 609.090 if he bites a person wrongfully assaulting the dog or the dog's owner or if he bites a person trespassing upon premises occupied by the dog's owner after being provoked by that person. [1975 c 499 s 4]

Note: 609.097 was added to and made a part of 609 010 to 609 190, but was not added to and made a part of 609 040 to 609 130, by legislative action

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 \$10 for each dog, except that the fee shall not be greater than \$5 for each spayed female or neutered male dog for which a veterinarian's certificate of operation for the spaying or neutering of the dog is presented to the county clerk. 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 \$15 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 s 2, 1959 c.374 s.1, 1969 c 677 s.1, 1973 c.655 s.4]

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 determined by the county court to be in excess of the requirements of the Dog License Fund may be placed in the general fund of the county.

[Amended by 1963 c 309 s 1, 1969 c 677 s 2, 1973 c 655 s 5]

609.120 Collection of dog license fees; sharing receipts with city. (1) (a) 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.

(b) 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 cancellation, it appears that such city is not diligently enforcing such provisions. While the agreement is in effect, the city is entitled to receive an amount equal to 80 percent of each license fee collected for a dog kept within the city, to be determined by the residence of the owner of the dog. The share of the city for all license fees collected for dogs kept within the city shall be remitted to the city on the first of each month following collection of the fees.

(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.

[Amended by 1969 c 677 s 3]

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 10th 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 injured, chased, wounded or killed by any dog shall have a cause of action against the owner of such dog for the damages resulting therefrom, including double the value of any livestock killed and double the amount of any damage to the livestock.

(2) If one or more of several dogs owned by different persons participate in damaging any livestock, the owners of the respective dogs shall be jointly and severally liable under this section. The owners of dogs jointly or severally liable under this section have a right of contribution among themselves. The right exists only in favor of an owner who has paid more than his pro rata share, determined by dividing the total damage by the number of dogs involved, of the common liability, and his total recovery is limited to the amount paid by him in excess of his pro rata share.

(3) An action brought under this section may be tried as an action at law in any court of competent jurisdiction.

(4) As used in this section:

(a) "Owner" means the head of the family of the home where the dog is cared for at the time of the damage.

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

[Amended by 1973 c 655 s 7, 1975 c 749 s 1]

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 employees of such master.

(2) If any dog, not under the control of its owner or keeper, is found chasing or feeding upon the warm carcass of 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.

[Amended by 1975 c 749 s 6]

609.155 Impounding dog that kills or injures livestock; testing dog; killing dog; release. (1) Upon finding a dog engaged in killing, wounding, injuring or chasing livestock or upon receipt from a complainant of evidence that a dog has been so engaged, the dog control officer or other officer described in subsection (1) of ORS 609.090 shall impound the dog.

(2) If there is reason to believe that reasonable testing of a dog impounded pursuant to subsection (1) of this section, including but not limited to a fecal examination or examination of the teeth of the dog, will provide substantial further evidence as to whether the dog has been engaged in killing, wounding, injuring or chasing livestock, the county governing body shall provide for the administration of the tests by a licensed veterinarian.

(3) (a) After completion of such tests as are administered pursuant to subsection (2) of this section, the county governing body shall determine whether the dog has been engaged in killing, wounding, injuring or chasing livestock. If the county governing body determines that the dog has been so engaged, the dog shall be killed in a humane manner and costs of keeping and testing of the dog during the impoundment shall be paid by the owner of the dog. If the county governing body determines that the dog has not been so engaged, the dog shall be released to its owner and, if the dog had been impounded upon receipt of evidence from a complainant, the complainant shall pay the costs of keeping and testing of the dog during the impoundment.

(b) Notwithstanding ORS 609.090, a dog impounded pursuant to subsection (1) of this section shall not be released until a determi-

nation is made by the county governing body pursuant to this subsection.

[1975 c 749 s 4]

609.157 Disputable presumption that dog kills or injures livestock. A disputable presumption shall arise that a dog has been engaged in killing, wounding, injuring or chasing livestock within the meaning of ORS 609.140 and 609.155 if:

(1) The dog is found chasing livestock not the property of the owner of the dog in an area where freshly damaged livestock are found;

(2) The dog is found feeding upon a warm carcass of a livestock animal;

(3) An examination of the dog's feces indicates ingestion of portions of the anatomy or covering of the anatomy of livestock by the dog; or

(4) 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.

[1975 c 749 s 5]

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 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 seriously injured any person.

(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.

[Amended by 1975 c 499 s 2]

609.170 Claim by owner of livestock, ducks, geese or rabbits killed. The owner of any livestock killed, wounded, chased or injured by any dog may, within 10 days after the killing, wounding, chasing or injuring 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, wounding, chasing or injuring occurred, a verified statement containing a full account of such killing, wounding, chasing or injuring, 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 s.2, 1975 c 749 s 7]

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. If the court or board determines that any livestock has been damaged by being injured, chased, wounded or killed, it shall file and enter a record of the value of such livestock so killed, wounded, chased or injured, and order a warrant drawn for the amount of damages thus found, or any portion thereof that it deems just, 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.

[Amended by 1975 c 749 s 8]

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, wounded, chased or injured 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.

[Amended by 1975 c 749 s 9]

CATS

609.310 Definitions for ORS 609.310 to 609.350. As used in ORS 609.310 to 609.350, unless the context requires otherwise, "governing body" of a county means

the county court or board of county commissioners.

[1963 c.217 s 1]

609.320 Cats as personal property.

Cats hereby are declared to be personal property in those counties in which ORS 609.310 to 609.350 are operative.

[1963 c 217 s.2]

609.330 Establishing cat control program. The governing body of a county may adopt ordinances establishing a program for continuous and effective control of cats within the county and for the financing of a cat control program.

[1963 c 217 s 3]

609.340 Provisions for enforcement officers and procedures. The governing body of a county, in which ORS 609.310 to 609.350 are operative, may employ an enforcement officer for periods deemed necessary for the effective enforcement of the laws, ordinances and regulations pertaining to cats. The governing body of a county, in which ORS 609.310 to 609.350 are operative, may contract with the board of resident supervisors of a dog control district to have the dog control officer, appointed pursuant to ORS 609 030, enforce the laws, ordinances and regulations as they pertain to cats. The cost of enforcement shall be paid by the county or from the cat control funds as directed by the governing body of a county. The governing body shall, if it adopts a cat control program, provide for:

(1) Collection, impoundment and redemption of cats.

(2) Humane disposition of unclaimed and dead cats.

(3) Sanitary conditions and humane practices of operation in cat pounds, including, but not limited to, providing adequate food and shelter for a redemption period of not less than 10 days.

[1963 c 217 s 4]

609.350 Cooperative cat control programs. The governing body may enter into written agreements, with any incorporated city located within the county, relating to coordination and cooperation of efforts for the control of cats within the county.

[1963 c 217 s 5]

PENALTIES

609.990 Penalties. (1) Violation of any provision of ORS 609.100 to 609.120 is punishable, upon conviction, by a fine of not more than \$15 for each offense, and costs of the proceedings.

(2) Violation of ORS 609.090 and 609.160 is punishable, upon conviction, by a fine of not more than \$50.

(3) Violation of subsection (2) of ORS 609.060 is punishable, upon conviction, by a fine of not more than \$10 for the first offense and not more than \$25 for each subsequent offense.

[Amended by 1963 c 237 s.2, 1965 c 499 s.2, 1967 c 495 s 3, 1973 c 655 s 6]

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173 170, I, Thomas G Clifford, 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,
October 1, 1975

Thomas G Clifford
Legislative Counsel

