Chapter 609

1987 REPLACEMENT PART

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DOGS

609.010 Definitions for ORS 609.040 to 609.190. (1) As used in ORS 609 140 to 609 190, "livestock" means 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

(2) As used in ORS 609 040 to 609 110, 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 §1, 1967 c 495 §1, 1975 c 749 §2, 1987 c 415 §1]

609.015 Application of ORS 609.010 to 609.190. (1) ORS 609 010 to 609 190 apply in every county except as otherwise provided by county charter or ordinance The provisions of ORS 609 010 to 609 190 shall not be construed to limit the powers of cities and counties to adopt ordinances and regulations, relating to the control of dogs

(2) A county dog licensing and control program shall not apply within the limits of a city which has its own dog licensing and control program [1967 c 496 §3, 1977 c 237 §1, subsection (2) enacted as 1977 c 802 §2]

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; county governing body as supervisors; dog control officer. (1) The governing body of any county may declare the county a dog control district

(2) Upon declaration of the dog control district the county governing body may appoint a board of supervisors, and provide for the terms, compensation and other aspects of service by board members, at least two of whom shall be connected directly or indirectly with the livestock industry

(3) The board may issue licenses and enforce all of the county and state laws relating to the control of dogs within the county, including that of making arrests and shall perform such other duties as the county governing body may assign to it

(4) The county governing body may elect to act as the board of supervisors of the dog control district

(5) The county governing body may provide for appointment of a dog control officer and otherwise provide for administration and enforcement of a dog control program [Amended by 1957 c 79 §1, 1963 c 398 §1, 1975 c 297 §1, 1977 c 189 §9]

609.040 Election to determine whether dogs shall run at large. (1) When the petition of 100 or more electors 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 the 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 electors 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 the election a vote will be taken for and against permitting dogs to run at large in that precinct

(3) On the petition of 20 or more electors 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 the election a vote will be taken for and against permitting dogs to run at large in the city

(4) The provisions of this section shall not apply to areas in the county inside a city that has an established dog licensing program [Amended by 1977 c 802 §4]

609 050 [Amended by 1967 c 496 §1, repealed by 1977 c 802 §15]

609.060 Notice of election result; dogs running at large prohibited; deposit 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, or if the governing body of the county by ordinance prohibits dogs from running at large, the county shall give notice, by publication in some newspaper having a general circulation in the county, and in the election precinct if the prohibition of dogs running at large affects any one precinct only, for three consecutive weeks

(2)(a) As used in this section, "running at large" does not include (A) use of a dog under the supervision of a person in order to legally hunt, chase or tree wildlife, (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 the dog from running at large in any county, city or precinct where prohibited 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 the person negligently permits or causes the dog to thereafter run at large in the county, city or precinct

(3) County license fees and the penalty for violation of subsection (2) of this section or ORS 609 100, when collected, shall be paid into the county treasury, and kept in a special fund [Amended by 1965 c 499 §1 1977 c 802 §5]

609 070 [Repealed by 1969 c 677 §5]

609 080 [Amended by 1959 c 618 §2, repealed by 1967 c 495 §4]

609.090 Impounding certain dogs; disposing of dogs; fees for impoundment; release of dog. (1) When any dog is found running at large in any county, precinct or city, which is subject to ORS 609 010 to 609 190 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 or dog control officer shall impound it or cite the owner or keeper to court or do both

(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 governing body 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 governing body may contract for the care of the dogs Unless claimed by the owner, a dog shall be impounded for at least three days if the dog is without a license or identification tag and for at least five days if it has a license or identification tag A reasonable effort shall be made to notify the owner of a dog before the dog is removed from impoundment Unless the county governing body provides otherwise, if the owner appears and redeems the dog, the owner shall pay a sum of not less than $10 for the first impoundment and not less than $20 for each subsequent impoundment and also pay the expense of keeping the dog during the time it was impounded If the dog is unlicensed the owner shall also purchase a license and pay the applicable penalty for failure to have a license If no owner appears to redeem a dog within the allotted time, or if the dog has been impounded as a public nuisance for killing or injuring a person, it shall be killed in a humane manner If in the opinion of the dog control board or county governing body the dog is not dangerous and can be safely kept, the board or governing body may release the dog to a responsible person upon receiving assurance that the person will properly care for the dog and not allow it to become a nuisance, and upon payment of a sum established by the county governing body plus cost of keep during its impounding, and purchase of a license if required The person shall thereafter be liable as owner of the dog as provided by 609 010 to 609 190 and 609 405

(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

(4) A board or county governing body may provide for lesser fees or fines under this section for certain senior citizens under certain circumstances [Amended by 1953 c 571 §2, 1957 c 79 §2, 1963 c 237 §1, 1963 c 585 §1, 1967 c 495 §2, 1969 c 677 §4 1973 c 655 §3, 1975 c 499 §1, 1977 c 802 §6]

609.092 Forfeiture of bail. A citation issued for violation of ORS 609 095 (2) shall give the person cited the option of forfeiture of bail in lieu of appearance in court [1977 c 802 §14]

Note 609 092 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 609 or any series therein by legislative action See Preface to Oregon Revised Statutes for further explanation

609.095 Dog as public nuisance; public nuisance prohibited; complaint. (1) A dog is a public nuisance if it

(a) Bites a person,

(b) Chases vehicles or persons,

(c) Damages or destroys property of persons other than the owner of the dog,

(d) Scatters garbage,

(e) Trespasses on private property of persons other than the owner of the dog,

(f) Disturbs any person by frequent or prolonged noises, or

(g) Is a female in heat and running at large

(2) The owner or keeper of a dog in a county subject to ORS 609 010 to 609 190 shall not allow the dog to be a public nuisance under subsection (1) of this section

(3) Any person who has cause to believe a dog is being maintained as a public nuisance may complain, either orally or in writing, to the county The complaint shall be considered sufficient cause for the county to investigate the matter and determine if the owner or keeper of the dog is in violation of subsection (2) of this section [1973 c 655 §2, 1977 c 802 §7]

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 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 [1975 c 499 §4]

Note 609 097 was enacted into law by the Legislative Assembly and was added to and made a part of 609 010 to 609 190 but not to 609 040 to 609 110 by legislative action See Preface to Oregon Revised Statutes for further explanation

609.100 Dog licenses, tags and fees. (1) In a county having a dog control program under ORS 609 010 to 609 190 and 609 405, every person owning or keeping any dog which has a set of permanent canine teeth or is six months old, whichever comes first, shall, not later than March 1 of each year or within 30 days after the person becomes owner or keeper of the dog, procure from the county in which the person resides, a license for the dog by paying to the county a license fee provided, however, that the county governing body may provide for dates other than March 1 for annual payment of fees The fee for the license shall be determined by the county governing body in such amount as it finds necessary to carry out ORS 609 040 to 609 110 A license fee shall not be less than $9 for each dog, except that the fee shall not be less than $3 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 If the person fails to procure a license within the time provided by this section, the county governing body may prescribe a penalty in an additional sum to be set by the governing body.

(2) The county shall, at the time of issuing a license, supply the licensee, without 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

(3) The license fees in subsection (1) of this section do not apply to dogs that are kept primarily in kennels and are not permitted to run at large The county governing body may establish a separate license for dogs that are kept primarily in kennels when the dogs cease to be taxed as inventory under ORS 307 400, the fee for which shall not exceed $5 per dog

(4) No license fee 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 an affidavit by the blind person showing such dog to come within this exemption

(5) The county shall keep a record of dog licenses

(6) Notwithstanding any other provision of this section or ORS 609 015, when the owner or keeper of a dog obtains a license for the dog, that license is valid and is in lieu of a license for the dog required by any other city or county within this state, for the remainder of the license period

(a) If the owner or keeper of the dog changes residence to a city or county other than the city or county in which the license was issued, or

(b) If the owner or keeper of the dog transfers ownership or possession of the dog to a person who resides in a city or county other than the city or county in which the license was issued [Amended by 1953 c 27 §2, 1959 c 374 §1, 1969 c 677 §1, 1973 c 655 §4, 1977 c 189 §10, 1977 c 802 §8, 1987 c 240 §1]

609.105 Exemption for guide dogs for the deaf. Notwithstanding ORS 609 015 or 609 100, a county or city shall not charge a fee to license a dog owned and used as a guide by a deaf person [1979 c 366 §1]

Note· 609 105 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 609 or any series therein by legislative action See Preface to Oregon Revised Statutes for further explanation

609.110 Dog License Fund. All funds derived under ORS 433.340 to 433 385 and 609 040 to 609 110 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 At the end of a fiscal year any amount of money in the fund determined by the county governing body 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 §1, 1969 c 677 §2, 1973 c 655 §5, 1977 c 189 §11]

609 120 [Amended by 1969 c 677 §3, repealed by 1977 c 802 §15]

609.130 [Repealed by 1977 c 802 §15]

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 the pro rata share of the owner, determined by dividing the total damage by the number of dogs involved, of the common liability, and the total recovery of the owner is limited to the amount paid by the owner in excess of the pro rata share of the owner

(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 §7, 1975 c 749 §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 employes 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 §6]

609.155 Impounding dog that kills or injures livestock; testing dog; killing dog; release. (1) In a county with a dog control program, 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 law enforcement officer 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 determination is made by the county governing body pursuant to this subsection [1975 c 749 §4, 1977 c 802 §9]

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 §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 employes 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 §2]

609.170 Claim by owner of livestock. In a county with a dog control program 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 the owner, present to the dog control board or county governing body 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 as to all material facts contained in it [Amended by 1953 c 640 §2, 1975 c 749 §7, 1977 c 802 §10]

609.180 Hearing and payment of claims. All claims presented as provided by ORS 609 170 shall be heard at the first regular session of the dog control board or county governing body after their presentation, or as soon thereafter as may be practicable If the board or governing body 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 the livestock and order a warrant drawn for the amount of damages thus found, or any portion thereof that it considers just, to be paid by the county treasurer out of the dog fund. If it considers the claim unjust, it shall disallow it and enter that 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 the agent of the claimant [Amended by 1975 c 749 §8, 1977 c 802 §11]

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 or county governing body, 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 §9, 1977 c 802 §12]

WILD ANIMALS

609.205 Prohibitions against keeping of wild or exotic animals. Notwithstanding the provisions of ORS chapters 496, 497 and 498 relating to wildlife, and ORS 609 305 to 609 335 and 609 992 relating to exotic animals, a city or county may prohibit by ordinance the keeping of wildlife, as defined in ORS 496 004, and may prohibit by ordinance the keeping of exotic animals as defined in ORS 609 305 [1977 c 802 §3, 1985 c 437 §9]

EXOTIC ANIMALS

609.305 Definitions for ORS 609.305 to 609.335. As used in ORS 609 305, 609.309, 609 319 to 609 335 and 609 992, "exotic animal" means

(1) Any lion, tiger, leopard, cheetah, ocelot or any other cat not indigenous to Oregon, except the species Felis catus (domestic cat),

(2) Any monkey, ape, gorilla or other non-human primate,

(3) Any wolf or any canine not indigenous to Oregon, except the species Canis familiaris (domestic dog), and

(4) Any bear, except the black bear (Ursus americanus) [1985 c 437 §2]

609.309 Policy on exotic animals. It is the policy of this state that the keeping of exotic animals be regulated so as to assure the health, welfare and safety of such animals and to assure the security of facilities in which they are kept, so as to avoid undue risk to the public It is the policy of this state that such regulation place no more burden upon the keepers of exotic animals than is required to accomplish the purposes expressed in this section [1985 c 437 §1]

609 310 [1963 c 217 §1, repealed by 1977 c 802 §15]

609.315 Application of ORS 609.305, 609.309, 609.319 to 609.335 and 609.992. Nothing in ORS 609 305, 609 309, 609 319 to 609 335 and 609 992 shall apply to

(1) A wildlife rehabilitation center operated under a valid permit issued by the Oregon State Fish and Wildlife Department pursuant to ORS chapter 497, or

(2) A facility operated under a valid license issued by the United States Department of Agriculture pursuant to the federal Animal Welfare Act of 1970 (7 U S C 2133) [1985 c 437 §8]

609.319 Permit required to keep exotic animal. No person may keep an exotic animal in this state unless, before acquiring the animal, the person possesses, or has applied for and not been refused or have had revoked or suspended, a valid State Department of Agriculture permit for such animal issued pursuant to ORS 609 335 No

person may keep an exotic animal in this state for more than 30 days after the expiration, revocation or suspension of such a permit [1985 c 437 §3]

609 320 [1963 c 217 §2, repealed by 1977 c 802 §15]

609.325 Conditions for keeping exotic animal. Any person who keeps an exotic animal shall keep the animal under such conditions of confinement or control as, given the nature of the animal, would be imposed by a reasonable and prudent keeper to avoid risk to the public as a result of escape of the animal or otherwise [1985 c 437 §4]

609.329 Liability for escape. Any person who keeps an exotic animal shall be liable for any costs incurred by any person, city, county or state agency resulting from the escape from custody of the animal. [1985 c 437 §5]

609 330 [1963 c 217 §3, repealed by 1977 c 802 §15]

609.335 Permits; rules; fee; revocation; warning. (1) The State Department of Agriculture shall issue permits for the keeping of exotic animals, as defined in ORS 609 305

(2) The department shall adopt reasonable rules for the issuing of permits to keep exotic animals and establishing conditions thereof The conditions shall be directed toward assuring the health, welfare and safety of the animals and, where necessary, the security of facilities in which the animals are kept The rules shall be no more restrictive upon keepers of exotic animals than is reasonably necessary to carry out the purposes of ORS 609 309 and subsection (1) of this section

(3) A separate permit shall be required for each species of animal kept A permit shall be valid for a period of two years from the date of issue and may be renewed

(4) The department may charge a fee for the issuance and for renewal of permits under this section The fee shall not exceed $20 for each issuance or renewal

(5) The department may revoke a permit upon finding a violation of rules adopted under this section, or the department may issue a finding of violation and a warning to remedy the violation by a date certain [1985 c 437 §7]

609 340 [1963 c 217 §4, repealed by 1977 c 802 §15]

609 350 [1963 c 217 §5, repealed by 1977 c 802 §15]

DESTRUCTION OF ANIMALS

609.405 Requirement for destroying dogs and cats. (1) No city or county or any facility with which the city or county has contracted to perform animal control functions and no humane society shall cause a dog or cat to be destroyed except by lethal injection of sodium pentobarbitol or other substance approved by the Oregon State Veterinary Medical Examining Board

(2) If a particular dog or cat to be destroyed poses an imminent threat to human or animal life, making use of lethal injection of sodium pentobarbitol inappropriate, a reasonable and appropriate alternative may be used The alternative method may be subject to review by the Oregon State Veterinary Medical Examining Board [1985 c 289 §2 (1), (2)]

MISCELLANEOUS

609.805 Misrepresentation of pedigree; mutilation of certificate or proof of pedigree. (1) No person shall

(a) By any false representation and with intent to defraud, obtain from any corporation, club, association, society or company organized in whole or in part for the purpose of improving breeds of cattle, horses, sheep, swine or other domestic animals, a false certificate of registration of any such animal in their herd register or other register, or obtain the transfer of any such certificate

(b) Knowingly and with intent to defraud, give a false pedigree of any such animal

(c) During the existence of any mortgage on or lien or charge against any such animal, spoliate, mutilate or destroy the registration certificates or proofs of pedigree, or so encumber the same that the animal covered thereby cannot, in connection with the records, rules and regulations of the corporation, club, association, society or company under which the animal is registered, be directly designated thereby

(2) Violation of this section is a Class B misdemeanor [Formerly 605 040]

PENALTIES

609.990 Penalties for ORS 609.060, 609.095, 609.100, 609.405 and 609.160. (1) Violation of ORS 609 060, 609 100 or 609 160 is punishable by a fine of not more than $250

(2) Violation of ORS 609 095 (2) is punishable by a fine of not more than $25 for the first violation, or not more than $50 for each additional violation occurring within six months of the first violation In addition to any fines, if a dog has been repeatedly found to be a public nuisance under ORS 609.095, the court may order such disposition of the dog as the court considers necessary for the safety or health of the public

(3) Violation of ORS 609 405 constitutes a Class C misdemeanor [Amended by 1963 c 237 §2, 1965 c 499 §2, 1967 c 495 §3, 1973 c 655 §6, 1977 c 802 §13, subsection (3) enacted as 1985 c 289 §2 (3)]

609.992 Penalties for ORS 609.319. (1) Violation of ORS 609 319 is a Class B misdemeanor

(2) In addition to and not in lieu of any jail sentence or fine it may impose, a court may require a defendant convicted under ORS 609 319 to forfeit any rights of the defendant in any exotic animal kept in violation thereof and to repay reasonable costs incurred by any person, city, county or state agency in caring for the animal prior to judgment

(3) When the court orders the defendant's rights in the exotic animal to be forfeited, the court may further order that those rights be given over to an appropriate person or agency demonstrating a willingness to accept and care for the animal or to the county or an appropriate animal care agency for further disposition in accordance with accepted practices for humane treatment of animals This subsection shall not constitute or authorize any limitation upon the right of the person or agency to whom rights are granted to resell or otherwise make disposition of the animal A transfer of rights under this subsection constitutes a transfer of ownership [1985 c 437 §6]