

ARTICLE FOUR - ANIMAL CONTROL AND PROTECTION

DIVISION ONE DOG CONTROL REGULATIONS

SECTION 4.01.010 RESERVED

SECTION 4.01.020 RESERVED

SECTION 4.01.030 PURPOSE STATEMENT

The purpose of this division shall be as follows:

- (1) To ensure that all dogs within Curry County are properly licensed; and
- (2) To make certain that all such dogs are vaccinated against rabies; and
- (3) To ensure that dogs shall not become a nuisance to the people within Curry County; and
- (4) To protect livestock from predatory dogs.

SECTION 4.01.040 JURISDICTION

- (1) The provisions of this division dealing with the licensing of dogs, and the prohibiting of dogs from running at large shall apply to all areas of Curry County.
- (2) All other provisions of this division apply only to the unincorporated areas of Curry County.

SECTION 4.01.050 DOG LICENSING

- (1) All dogs which have a set of permanent canine teeth or are six (6) months old, whichever comes first, are required to be duly licensed in accordance with this division by Curry County.
- (2) An owner or keeper who acquires an unlicensed dog must license said dog within thirty (30) days after becoming owner or keeper of the dog.
- (3) An owner who acquires a dog already licensed in Curry County must notify the licensing authority of the change of ownership within ten (10) days after the transfer of ownership. The license shall remain valid until the expiration date, if proper notice was given.
- (4) The license shall be valid for one (1) year from the date of issuance.

SECTION 4.01.060 PUBLIC NUISANCE

The owner or keeper of any dog shall not allow his/her dog to be a public nuisance.

SECTION 4.01.070 DEFINITIONS OF PUBLIC NUISANCE

Except as provided in Section 4.01.080, a dog is deemed to be a public nuisance if it:

- (1) Bites a person.
- (2) Chases any person or vehicle.
- (3) Damages or destroys property of persons other than the dog's owner.
- (4) Scatters garbage.
- (5) Trespasses on private property of persons other than the dog's owner.
- (6) Disturbs any person by frequent or prolonged noises.
- (7) Is a female in heat and running at large

SECTION 4.01.080 EXCLUSIONS TO PUBLIC NUISANCE

A dog shall not be considered a public nuisance under Section 4.01.070 if it bites a person who is wrongfully assaulting the dog or the dog's owner, or if it bites a person unlawfully trespassing upon premises owned or occupied by the dog's owner after being provoked by that person.

SECTION 4.01.090 PUBLIC NUISANCE PROCEDURE

(1) Any person who has cause to believe a dog is being maintained as a public nuisance may make a complaint 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 this dog is in violation of Section 4.01.070.

(2) When a dog is found to be a public nuisance in accordance with Section 4.01.070, it may be impounded by the Sheriff's Deputy or Animal Control Officer, and the owner or keeper may be cited into court. Should a citation to appear in court be issued to the owner or keeper for keeping a dog which is a public nuisance, that person cited shall be allowed the option of forfeiture of bail in lieu of appearance in court in accordance with ORS. 609.092.

(3) If a dog has been impounded as a public nuisance for killing or injuring a person, it may be killed in a humane manner.

(4) Notwithstanding the provisions of this section, any dog impounded for biting a person shall be held for not less than ten (10) days before redemption

or destruction to determine if the dog is rabid.

(5) Except as provided in Section 4.01.090 (3) and (4), all dogs taken up and impounded as a nuisance shall be kept for at least three (3) days if the dog is without a license or identification tag and for at least five (5) days if it has a license or identification tag or unless sooner redeemed by the owner. If no owner redeems the dog within the allotted time, the dog may be released 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 sum established by the Board of County Commissioners, and purchase of a license if required. Should no person redeem or request the dog within the three or five days, whichever applies, the dog may be disposed of in a humane manner.

(6) If an owner redeems his dog, he shall pay a fee set by the Board of County Commissioners. The owner shall also pay the expense of keeping the dog during its confinement. If the dog is unlicensed, the owner shall purchase a license and pay the applicable penalty, if any, for failure to have a license.

(7) If a dog has been repeatedly found to be a public nuisance under Section 4.01.070, the court may order such disposition of the dog as the court considers necessary for the safety or health of the public.

SECTION 4.01.100 DOG RUNNING AT LARGE

In accordance with that election held by the citizens of Curry County in 1964, Curry County has been declared to be a Dog Control District. No dog is allowed to run at large within the confines of Curry County

SECTION 4.01.110 EXCLUSIONS TO DOG RUNNING AT LARGE

As used in this Section, running at large does not include:

- (1) Use of a dog under supervision of a person in order to legally hunt, chase or tree wildlife.
- (2) Use to control or protect livestock.
- (3) Use in any other related agricultural activities.

SECTION 4.01.120 DOG RUNNING AT LARGE PROCEDURE

(1) A reasonable effort shall be made to notify the dog's owner before it is removed from impoundment.

(2) If no owner appears to redeem his/her dog within the allotted time (as outlined in Section 4.01.090 (5)), the dog may be released to a responsible person upon receiving assurance from that person that they will properly license and care for the dog and not allow the dog to become a nuisance, and upon payment of a sum set by the Board of Commissioners which will cover the cost of keeping the dog during its impoundment. The person shall

thereafter be liable as owner of the dog as provided by this section.

(3) Should no person redeem or request the dog within three or five days, whichever applies, the dog may be disposed of in a humane manner.

(4) It is the policy of Curry County that all dogs found running at large shall be returned to the owner or keeper, if at all possible. The Animal Control Officer shall have total discretion in exercising this policy.

(5) If the owner redeems his/her dog, he/she shall pay a fee set by the Board of County Commissioners. The owner shall also pay the expense of keeping the dog during its confinement. If the dog is unlicensed the owner shall purchase a license and pay the applicable penalty, if any, for failure to have a license.

SECTION 4.01.130 ADDITIONAL PROHIBITED ACTIVITY

No person shall own, harbor, or keep any dog with knowledge that, while the dog was off the premises owned or under the control of its owner or keeper and while not acting under the direction of its master or the agents or employees of such master, the dog kills or seriously injures any person.

SECTION 4.01.140 RESERVED

SECTION 4.01.150 DOG INJURING LIVESTOCK

No owner or keeper shall allow or permit his/her dog(s) to kill, wound, injure, worry harass or chase livestock in Curry County.

SECTION 4.01.160 DEFINITIONS

For purposes of Sections 4.01.150-4.01.170, the following definitions apply unless the context otherwise indicates:

(1) "Livestock": 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) "Owner": Owner means the person assuming the care and welfare of the dog at the time of the damage.

(3) "Keeper": Keeper means any person assuming the care and welfare of the dog at the time of the damage.

SECTION 4.01.170 DOG INJURING LIVESTOCK PROCEDURE

(1) Any dog whether licensed or not, which while off the premises owned or under the control of its owner or keeper, that 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, with the following exception: no person shall kill any dog for killing, wounding or chasing chickens upon a public place,

highway or within the corporate limits of any city.

(2) Any dog not immediately killed in the act of killing, wounding or causing injury to livestock shall be bound over to the County Animal Control Officer or other Law Enforcement Officers and impounded in a shelter to be established under the County General Fund or Dog Licensing Fund.

(3) Any dog impounded under Section 4.01.170 (2) shall not be released until a determination is made by the County Governing Body.

(4) If any dog not under the control of its owner or keeper is found chasing livestock or feeding upon the warm carcass of livestock not the property of such owner or keeper, this shall be deemed Prima Facie evidence that the dog has engaged in killing, wounding or causing injury to livestock.

(5) If there is reason to believe that reasonable testing of the dog is required, the dog will be impounded.

(6) It shall be within the discretion of the County Animal Control Officer to determine if a fecal examination or examination of the teeth of the dog will provide substantial evidence as to whether the dog has been engaged in killing, wounding or chasing livestock. Such examination shall be done by a licensed veterinarian.

(7) The County Governing Body shall determine whether the dog has been engaged in killing, wounding, chasing or causing injury to livestock. If the County Governing Body determines that the dog has been so engaged, the dog shall be killed in a humane manner, and the cost of keeping and testing of the dog during impoundment shall be paid by the owner of the dog.

(8) If the County Governing Body determines that the dog has not been so engaged, the dog shall be released to its owner and no costs assessed against the owner.

(9) If the dog had been impounded upon receipt of evidence from a complainant, and the Governing Body determines that the dog has not been so engaged, the complainant may be ordered to pay the cost of keeping and testing of the dog during impoundment.

(10) There is a disputable presumption that a dog kills, wounds or causes injury to livestock if:

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

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

(c) An examination of the dog's feces indicated ingestion of portions of the anatomy or covering of the anatomy of livestock; or

(d) An examination of the dog's teeth indicate ingestion of the anatomy or covering of the anatomy of the livestock, unless the dog is regularly used for the purpose of herding livestock.

SECTION 4.01.180 KEEPING A DOG WITH KNOWLEDGE IT HAS KILLED OR INJURED LIVESTOCK

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

(2) However no person shall be liable for harboring or keeping such dog with knowledge that it has killed or injured chickens unless the owner fails to pay full damages within three (3) days after receipt of demand for such damages from the owner.

SECTION 4.01.190 CLAIMS BY OWNERS OF LIVESTOCK

(1) The owner of any livestock killed, chased or injured by any dog may, within ten (10) days after the killing, chasing or injuring occurred or, became known to him, present to the 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 (1) disinterested person as to all material facts contained in it.

(2) It shall be the livestock owner's responsibility to notify the Curry County Sheriff's Department of the incident as soon as he/she becomes aware of it. The owner shall leave all slain livestock where found until the investigation has been completed.

(3) Upon being contacted by the livestock owner pursuing a claim, the Animal Control Officer shall investigate the claim and submit a written report to the Board.

(4) No claims shall be heard by the County Governing Board until all of the following has been completed:

(a) The livestock owner has submitted to the Board a written claim on the form adopted by the County.

(b) The livestock owner has notified the Curry County Sheriff's Department of the incident.

(c) The Sheriff's Department has completed the investigation and submitted a written report to the board.

(5) All claims presented to the County Governing Board shall be heard at the first regular session after their presentation, or as soon thereafter as may be practicable.

(6) If the 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 the livestock and order a warrant drawn for the amount of damages thus found or any portion thereof that is considered 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.

(7) 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.

(8) The rate of payment shall be up to the following amounts: Sheep - \$25.00 each; Lambs - \$15.00 each; and all other livestock to be determined by the County Governing Board, but not to exceed \$50.00 each.

(9) In each case where a claim against the Dog Fund of Curry County has been paid by the County Governing Board 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 or County Counsel shall proceed properly in a lawful way to collect the damages. Any money so collected shall be paid over immediately to the County Treasurer and credited to the Dog Fund.

SECTION 4.01.200 FEES

The Board of Curry County Commissioners, may by appropriate Order, establish such fees (not previously referenced by this division) which are necessary or expedient for the dog control program. Such fees may include, but shall not be limited to, charges for euthanasia and the renting of live traps.

ARTICLE FOUR

DIVISION TWO HARMING OR INTERFERING WITH POLICE DOGS

SECTION 4.02.010 DEFINITIONS

As used in Article 4, Division 2, "police dog" means a dog used in police work under the control of a peace officer as defined in ORS 161.015.

SECTION 4.02.020 HARMING A POLICE DOG

A person commits the offense of harming a police dog if the person intentionally kills, disables, tortures or injures any police dog, knowing the dog to be a police dog while the dog is being caged, kenneled, transported, exhibited, exercised or used in discharging or attempting to discharge any lawful duty of function as a police dog.

SECTION 4.02.030 INTERFERING WITH A POLICE DOG

(1) A person commits the offense of interfering with a police dog if the person intentionally torments, kicks, strikes, chokes, throws an object at or in any other way tampers or interferes with any police dog, knowing the dog to be a police dog, while the dog is being caged, kenneled, transported, exhibited, exercised and used in discharging or attempting to discharge any lawful duty or function as a police dog.

(2) The offense of interfering with a police dog is a lesser included offense of harming a police dog.