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Chapter 6.12

ANIMAL SHELTER

Sections:

- 6.12.010 Short title.
- 6.12.020 Definitions.
- 6.12.030 Purpose.
- 6.12.040 Statutory authority.
- 6.12.060 State law to prevail.
- 6.12.070 Advisory committee--Authority.
- 6.12.080 Advisory committee--Composition.
- 6.12.090 Advisory committee--Meetings.
- 6.12.100 Advisory committee--Action.
- 6.12.110 Advisory committee--Compensation and reimbursement.
- 6.12.120 Establishment.
- 6.12.130 Hours of operation.
- 6.12.140 Holding periods.
- 6.12.150 Animals delivered by peace officer.
- 6.12.160 Animals delivered by owner.
- 6.12.165 Dogs picked up at owner's request.
- 6.12.170 Implied consent of adoption or other disposition.
- 6.12.180 Redemption by owner.
- 6.12.190 Adoption.
- 6.12.200 Injured or diseased animals.
- 6.12.210 Disposal of unclaimed animals.
- 6.12.220 Acceptance of animals.
- 6.12.230 Veterinary care.
- 6.12.240 Supervisor authority.
- 6.12.250 Financial administration.
- 6.12.260 Contract with Humane Society.

6.12.010 Short title. This chapter shall be referred to as the county animal shelter ordinance. (Ord. 83-3-2 §1.05, 1983)

6.12.020 Definitions. Unless the context clearly indicates otherwise, the following words, terms and phrases shall mean as follows:

- A. "Adopt" means to accept custody of an animal and to assume responsibility for

the care and control of such animal.

B. "Animal" means any brute creature.

C. "Committee" means the county animal shelter advisory committee established by this chapter.

D. "Department" means the county special services department. (Ord. 93-4-1, §7, 1993)

E. "Dog" includes both domestic breeds of dogs and wolf-dog hybrids. A wolf-dog hybrid shall be deemed to be a dog for all purposes of this chapter except as set forth herein. Wolf-dog hybrids shall be exempt from the rabies vaccination requirements and penalties if all of the following conditions are met: (1) the dog is declared by the owner in writing to be a wolf-dog hybrid, (2) the dog is declared by an Oregon licensed veterinarian in writing to be a wolf-dog hybrid, (3) an Oregon licensed veterinarian declares in writing that inoculation of the wolf-dog hybrid with any rabies vaccine would be an unlawful use of the vaccine. (Ord. 98-11-1 §3, 1999)

F. "Fund" means the county dog control fund created by the county dog control ordinance.

G. "Humane Society" means the Umpqua Valley Humane Society.

H. "Owner" means any person who has a possessory property right in an animal or who harbors, cares for or exercises control over an animal or who knowingly permits an animal to remain on premises occupied by that person.

I. "Person" means a natural person, or a firm, partnership, or corporation.

J. "Shelter" means the county animal shelter established by this chapter.

K. "Stray animal" means any animal that is lost, abandoned, unclaimed by any person, or wandering at large. An animal shall be considered a "stray animal" when it is not in the company of or under the control of its owner, or if its owner is unknown, or cannot be located.

L. "Supervisor" means the person appointed by the board as director of the special services department. (Ord. 83-3-2 §1.10, 1983; Ordinance 82-6-1, as amended; Ord. 88-3-1 §1, 1988; Ord. 93-4-1 §7, 1993)

6.12.030 Purpose. A. This chapter is adopted to provide for the establishment, operation, and maintenance of the county animal shelter. It shall be the purpose of this chapter to:

1. Provide care and shelter for impounded animals in clean, sanitary facilities;
2. Provide facilities for carrying out the duties mandated to the county by ORS 433.340 to 433.390 and ORS Chapter 609;
3. Provide for the impoundment and care of stray animals;
4. Provide for adoption of animals from the shelter by responsible persons;
5. Provide for humane disposition of animals that have been impounded in the shelter;
6. Promote and protect the general public health, safety, convenience and welfare.

B. It is declared that the foregoing are public purposes and shall be regarded as performing essential governmental functions of county concern. This chapter shall be

construed liberally to achieve these purposes. (Ord. 83-3-2 §1.15, 1983)

6.12.040 Statutory authority. This chapter exercises authority over matters of county concern and is adopted pursuant to ORS 203.035 and Chapter 609. (Ord. 83-3-2 §1.20, 1983)

6.12.050 Interpretation. deleted (Ord 97-1-4 §10, 1997)

6.12.060 State law to prevail. In the event any provision of this chapter is inconsistent with the provisions of ORS 433.340 to 433.390 or the administrative rules promulgated to such statutes, the provisions of the state law and administrative rules shall prevail. In the event any provision of this chapter is inconsistent with the provisions of ORS Chapter 609, the provisions of ORS Chapter 609 shall prevail, except the conditions for redemption of an animal as set forth in Section 6.12.180 of this chapter shall supersede any inconsistent conditions contained in ORS 609.090(2). (Ord. 83-3-2 §1.35, 1983)

6.12.070 Advisory committee--Authority. The county animal shelter advisory committee is created to serve as an advisory body with the authority and duty to advise the board on all matters concerning the operation of the shelter. The committee shall review and make recommendations on policies adopted by the supervisor for operation of the shelter. The committee also shall review and make recommendations on the annual budget of the department for operation of the shelter. (Ord. 83-3-2 §2.05, 1983)

6.12.080 Advisory committee--Composition. A. All positions on the committee shall be deemed to be vacant on the 31st day of December 2001. Effective the next day, the committee shall be a composed of fifteen members. At least one member of the committee shall be a member of the Humane Society. At least one member of the committee shall be a member of the Society for Prevention of Cruelty to animals. At least one member of the committee shall be a veterinarian. The board shall consider the recommendation of the Southwest Oregon Veterinary Medical Association in appointing such member. Upon the effective date set forth in the second sentence of this section, the members of the committee shall be appointed by the board for terms which will expire as follows:

1. Five members' terms shall expire on June 30, 2002;
2. Five members' terms shall expire on June 30, 2003;
3. Five members' terms shall expire on June 30, 2004.

(Ord. 2001-9-3, §1, 2001)

B. Thereafter each member shall be appointed for a term of three years. At the expiration of a member's term, the board shall appoint a new member or may reappoint a member for an additional term. If a member is removed by the board or resigns from the committee any replacement member shall serve for the remainder of the term of the member being replaced. All members of the committee shall serve at the pleasure of the board. (Ord. 84-6-2 §1, 1983: Ord. 83-3-2 §2.10, 1983)

6.12.090 Advisory committee--Meetings. The committee shall meet and organize

by the election of a chairperson from among its members. The organizational meeting to elect a chairperson shall occur between July 1st and July 31st each year. The committee shall meet at the call of the chairperson or any three members as necessary to perform the duties required by this chapter. The supervisor or his designee shall act as recording secretary for the committee. The supervisor shall assist the chairperson in scheduling meetings. The chairperson shall preside at all meetings of the committee and shall conduct the meetings in accordance with procedural rules established by the committee. (Ord. 83-3-2 §2.15, 1983)

6.12.100 Advisory committee--Action. Three members shall constitute a quorum. No decision shall be made by the committee unless a quorum is present. A majority of the members present at a meeting must vote in favor of any proposed decision or action of the committee before it may be implemented. (Ord. 83-3-2 §2.20, 1983)

6.12.110 Advisory committee--Compensation and reimbursement. The members of the committee shall receive no compensation for services provided as members, except for reimbursement of actual and necessary travel and other expenses incurred in the performance of their duties. Request for reimbursement of expenses shall be submitted to the supervisor. (Ord. 83-3-2 §2.25, 1983)

6.12.120 Establishment. The county is authorized to establish, operate, maintain, and provide for an adequate animal shelter and related facilities to receive, care for and safely confine animals delivered to the county under any of the following circumstances:

A. Animals impounded pursuant to ORS 133.375 to 133.179 and ORS 167.850 to 167.865;

B. Dogs impounded pursuant to the provisions of ORS Chapter 609;

C. Animals impounded pursuant to ORS 433.340 and the corresponding Oregon Administrative Rules promulgated by the State of Oregon Department of Human Resources, Health Division;

D. Stray animals as defined by this chapter;

E. Any animal delivered to the county by the animal's owner with a proper release signed by the owner;

F. Animals delivered to the county by any peace officer, animal control officer, or other authorized person employed by any city located within the boundaries of the county if there is an existing intergovernmental agreement between the city and the county for the care of such animals by the county. (Ord. 83-3-2 §3.05, 1983)

6.12.130 Hours of operation. The shelter shall be accessible to the public during reasonable hours for the conduct of necessary business concerning impounded animals. The supervisor shall determine the hours of operation. (Ord. 83-3-2 §3.10, 1983)

6.12.140 Holding periods. Animals that are impounded at the shelter shall be subject to the following holding periods:

A. A dog impounded pursuant to ORS 609.090(1) shall be held for the period stated in ORS 609.090(2).

B. Any animal impounded pursuant to ORS 433.365 shall be held for the period stated in ORS 433.385.

C. Any dog bearing valid dog license shall be held for five days from the date of impoundment before any disposition may be made of the animal.

D. Any rabies susceptible animal which has bitten a person shall be held for at least ten days for observation unless otherwise ordered by the local health officer in accordance with OAR 333-19-345. No animal that is subject to this provision shall be released to its owner or released for adoption until expiration of the ten-day holding period. (Ord. 83-3-2 §3.15, 1983)

6.12.150 Animals delivered by peace officer. Any animal delivered for impoundment by a peace officer who removed the animal from possession of a person in custody of the peace officer shall be held for the period prescribed in Section 6.12.140(A) of this chapter. A receipt shall be given to the peace officer, who shall deliver the receipt to the person in custody from whom the animal is taken. (Ord. 83-3-2 §3.20, 1983)

6.12.160 Animals delivered by owner. If any animal is delivered to the shelter by the animal's owner, before the animal may be accepted by the county, the owner shall:

A. Execute a general release in a form approved by the county counsel releasing the county, its agents, and employees from all liability arising out of the county's acceptance of the animal;

B. Provide any information on the animal that is requested by the supervisor;

C. Certify that the animal has, or has not, to the knowledge of the owner bitten any person within fourteen days prior to delivery to the county.

D. Indicate whether the animal may be released to a college or other educational institution or hospital in Douglas County for the purpose of training individuals in human life-saving procedures. (Ord. 83-3-2 §3.25, 1983; Ord. 83-3-1 §5, 1988)

E. Pay a euthanasia fee for a cat or dog according to the following schedule:

0 to 15 pounds: \$10

16 to 30 pounds: \$12

31 to 50 pounds: \$14

51 to 100 pounds: \$16

over 100 pounds: \$20

If the dog or cat is adopted the euthanasia fee shall be refunded to the owner. (Ord. 93-4-1, §9, 1993)

6.12.165 Dogs picked up at owner's request. If a dog owner requests that his or her dog be picked up by the county, before the dog may be picked up by the county the owner shall, in addition to the requirements set forth in Douglas County Code section 6.12.160, pay a pick up fee of ten dollars per dog. (Ord. 93-4-1, §10, 1993)

6.12.170 Implied consent of adoption or other disposition. The owner of any animal that is impounded at the shelter pursuant to this chapter or state law shall be deemed to have given consent to the adoption or other disposition of the animal in

accordance with the terms of this chapter. There shall be no liability upon the county, its agents, or employees, to an animal's owner, for releasing the animal for adoption or otherwise disposing of the animal pursuant to this chapter. (Ord. 83-3-2 §3.30, 1983)

6.12.180 Redemption by owner. Unless otherwise restricted by the provisions of ORS Chapter 443, Section 6.12.140 of this chapter, an order of the board, or a court order, any impounded animal shall be released to the owners or the owner's authorized representative subject to the following conditions:

A. The owner shall pay an impound fee of ten dollars for cats (except that the boarding fee for the first day will be waived) and impound fees for dogs according to the following schedule:

first impound of dog: \$20
second impound of dog: \$30
third impound of dog: \$50
fourth and subsequent impound of dog: \$75.

B. In addition to the impound fee, the owner shall pay a boarding fee of four dollars per day for keeping a cat or dog during the time.

C. If the animal is a dog and the owner furnishes adequate proof of inoculation for rabies, the owner shall purchase a dog license.

D. If the animal is a dog, and the owner cannot provide adequate proof that the dog has been inoculated against rabies, the owner shall post a twenty-dollar deposit with the county prior to release of the dog. Upon demonstrating proof of rabies inoculation within eight days of obtaining possession of the animal, the twenty-dollar deposit shall be refunded to the owner less an amount deducted for the cost of a dog license, and a license shall be issued to the owner. If proof of rabies inoculation is not provided within eight days after the owner obtains possession of the animal, the twenty-dollar deposit shall be forfeited to the county.

E. The owner shall execute a general release in a form approved by the county counsel releasing the county, its agents, and employees from all liability arising from the county's impoundment of the animal, and the owner shall agree to defend, indemnify, and hold the county harmless from any claims, actions, or damages which may arise out of the release of the animal to the owner. (Ord. 83-3-2 §3.35, 1983; Ord. 93-4-1 §8, 1993)

6.12.190 Adoption. The supervisor or his designee shall have the authority to release any animal which has been impounded in the shelter for adoption subject to the following conditions:

A. Except as provided in §6.12.160, no animal shall be released to biomedical research laboratories, training institutions, pharmaceutical houses and other facilities that use animals for experimental, teaching or testing purposes.

B. No animal shall be released to any person who has a history of violations of any animal control law or ordinance, including but not limited to the county dog control ordinance.

C. No animal shall be released to any person who has been convicted of the crime of cruelty to animals.

D. The supervisor may decline to release an animal to a person who has inadequate or inappropriate facilities for confining the animal or for providing proper care for the animal.

E. The supervisor may decline to release an animal because of circumstances which in the opinion of the supervisor would endanger the welfare of the animal or the health, safety, and welfare of the citizens of the county. In making a decision under this provision, the supervisor shall consider any policies that have been adopted for the operation of the shelter pursuant to this chapter.

F. No animal shall be released if the supervisor has reason to believe that the prospective adoptive owner intends to use the animal for any of the above purposes or for any other reason than for a pet. Provided, however, that nothing in this chapter shall prohibit the supervisor from releasing a dog:

1. For use as a guide dog for a deaf or blind person.

2. To a veterinarian who desires to use the dog as a blood donor to save the life of another dog. The veterinarian shall euthanize or otherwise dispose of the donor in a humane manner upon completion of the transfusion.

3. Or a cat whose owner has consented to the release as provided in Section 6.12.160 to a college or other educational institution or hospital in Douglas County for the purpose of training individuals in human life-saving procedures.

G. The adoptive owner shall be required to sign a written agreement that he or she will furnish proper care to the animal.

H. The adoptive owner shall pay an adoption fee in the sum of twenty dollars for a dog six months old or older, fifteen dollars for a dog less than six months, and five dollars for a cat. However, the supervisor may waive such fee for any dog that is adopted as a guide dog for a deaf or blind person, or is adopted by a law enforcement agency. The supervisor may require the adoptive owner to pay a reasonable adoption fee for any animal that is not described in this subsection. Such fee shall be determined by the supervisor and shall be based on the cost incurred by the county for holding such animal.

I. If the animal is a dog that has a current rabies inoculation or if the animal is a wolf-dog hybrid that is exempt from the rabies vaccination requirements, the adoptive owner shall purchase a dog license at the time of adoption. (Ord. 98-11-1, §5, 1999)

J. Unless the animal is a wolf-dog hybrid that is exempt from the rabies vaccination requirements, if the animal is a dog that has not been inoculated against rabies, the adoptive owner shall post a twenty dollar deposit with the county prior to release of the animal. If proof of rabies inoculation is not provided within eight days after the owner obtains possession of the animal, the twenty-dollar deposit shall be forfeited to the county. (Ord. 98-11-1, §6, 1999)

K. If any animal that is released for adoption is returned to the shelter by the adoptive owner, the adoption fee and any license fee may be refunded to the adoptive owner at the discretion of the supervisor, if the supervisor determines that the animal had to be returned for reasons beyond control of the adoptive owner. However, this provision shall not be construed to require the supervisor to refund any fees if the supervisor determines that a refund is not justified.

L. No animal shall be released until expiration of the applicable holding periods

prescribed by Section 6.12.140 of this chapter. (Ord. 83-3-2 §3.40, 1983) (Ord. 88-3-1 §3, 1988)

M. The supervisor may decline to release for adoption any or all dogs that the supervisor has reason to believe is a wolf-dog hybrid. (Ord. 98-11-1 §4, 1999)

6.12.200 Injured or diseased animals. A. Notwithstanding any other provision of this chapter, the supervisor or the supervisor's designee may order that an animal be destroyed in a humane manner if the supervisor or the supervisor's designee has reason to believe that:

1. The animal, as a result of injury, disease, or other cause, is suffering great pain;
2. The animal is infected with a contagious disease that may spread to other animals at the shelter;
3. The animal is vicious and dangerous to keep; or
4. The animal is a wolf-dog hybrid.

B. No rabies-susceptible animal which has bitten a person shall be destroyed pursuant to this section until the animal has been held for the period prescribed by Section 6.12.140 of this chapter. (Ord. 83-3-2 §3.45, 1983; Ord. 98-11-1 §7, 1999)

6.12.210 Disposal of unclaimed animals. The supervisor, or the supervisor's designee shall have the authority to destroy in a humane manner any animal which has been held for the applicable period prescribed by Section 6.12.140 of this chapter and has not been redeemed by its owner or adopted. (Ord. 83-3-2 §3.50, 1983)

6.12.220 Acceptance of animals. An animal shall be considered impounded in the shelter from the time the supervisor or the supervisor's designee takes physical custody of the animal. Nothing contained herein shall be construed to require the supervisor to accept custody of any animal. Unless otherwise required by state law, the supervisor may refuse to accept custody of any animal if:

- A. The animal is vicious and cannot be safely kept;
- B. The county does not have adequate facilities for keeping the animal;
- C. The animal is diseased or injured;
- D. Acceptance of the animal would be detrimental to the welfare of other animals in the shelter;
- E. Acceptance of the animal would be detrimental to the general public health, safety, convenience and welfare. (Ord. 83-3-2 §3.55, 1983)
- F. The supervisor or the supervisor's designee has reason to believe that the animal is a wolf-dog hybrid. (Ord. 98-11-1 §8, 1999)

6.12.230 Veterinary care. The county shall have the authority to contract with a veterinarian to provide care for animals at the shelter and professional consultation to the supervisor as needed to implement the provisions of this title. The cost of any veterinary care shall be included in the expense which must be reimbursed by an owner redeeming an animal pursuant to Section 6.12.180 of this chapter. (Ord. 83-3-2 §3.60, 1983; Ord. 98-11-1 §9, 1999)

6.12.240 Supervisor authority. The supervisor shall have the authority and duty to perform the following acts for the enforcement and implementation of this chapter:

A. Supervise the operation and maintenance of the animal shelter and any related facilities;

B. Appoint an employee or employees of the department to operate the shelter;

C. Develop policies for operation of the shelter after consultation with the committee;

D. Set any fees that are not specifically set by this chapter and waive any fees that are not required by state law.

E. Develop a budget for the shelter after consultation with the committee;

F. Perform any other acts necessary to implement the provisions of this chapter and applicable state laws. (Ord. 83-3-2 §3.65, 1983)

6.12.250 Financial administration. A separate cost center in the county dog control fund shall be used to account for all financial matters concerning the operation of the shelter. Any revenue which is generated by operation of the shelter shall be continuously appropriated to the fund for the operation and maintenance of the shelter. (Ord. 83-3-2 §3.70, 1983)

6.12.260 Contract with Humane Society. Subject to the Oregon Local Budget Law, the county may contract with the Humane Society, and provide the Humane Society with moneys for the fund, for the performance of projects that are consistent with the purposes of this chapter. The supervisor and the department shall have the authority to collect donations at the shelter on behalf of the Humane Society and deliver such donations to the Humane Society. (Ord. 83-3-2 §3.75, 1983: Ord 88-3-1 §4, 1988)