

*If for some reason some of the lines seem to be blurry please increase the size by clicking on the zoom out tool to make the print clearer*

## Chapter 6.08

### DANGEROUS DOGS

#### Sections:

- 6.08.010 Definitions.
- 6.08.020 Classification of levels of dangerousness.
- 6.08.030 Identification--Determination.
- 6.08.040 Notice--Appeal of findings.
- 6.08.050 Public hearing.
- 6.08.060 Notice--Compliance required.
- 6.08.070 Impoundment.
- 6.08.080 Regulation of potentially dangerous dogs.
- 6.08.090 Euthanization.
- 6.08.100 Prohibited acts.
- 6.08.110 Violation--Penalty.

6.08.010 Definitions. As used in this chapter unless the context requires otherwise:

- A. "Board" means the county board of commissioners.
- B. "Dangerous dog" means any dog that has been found to have been engaged in any of the behaviors specified in Section 6.08.020(B).
- C. "Director" means the person appointed by the board as director of the special services department to act under this chapter. (Ord. 93-4-1 §5, 1993)
- D. "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 §2, 1999)
- E. "Dog at large" means any dog:
  - 1. On private property without the permission of the owner or person entitled to possession and not in a kennel or restrained by a physical control device and under the control of a capable person.
  - 2. On public property and not in a kennel or restrained by a physical control device and under the control of a capable person.
- F. "Euthanized" means put to death in a humane manner by a licensed veterinarian or certified euthanasia technician.

G. "Hearings officer" means the board or a person appointed by the board to review the correctness of the director's determination that a dog has engaged in any of the behaviors specified in Section 6.08.020.

H. "Kennel" means an enclosure of sound structural strength in good repair capable of containing the dog enclosed and preventing the entrance of other animals.

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

J. "Person" means any natural person, association, partnership, firm or corporation.

K. "Potentially dangerous dog" means any dog that has been found to have engaged in any of the behaviors specified in Section 6.08.020(A).

L. "Physical control device" means a sufficiently strong collar connected to a leash or tether made of chain links, or other material as strong, so as to prevent the escape of a dog by the breaking of the device.

M. "Serious injury" means any physical injury that results in a broken bone or the need for stitches, or any other medical condition determined by the director, in consultation with the county health officer or the county health officer's designee, to be of equal or greater severity. (Ord. 86-6-4 §1, 1986)

6.08.020 Classification of levels of dangerousness. A. A dog shall be classified as potentially dangerous based upon specific behaviors exhibited by the dog as follows:

1. It is at large and menaces, chases, aggressively bites, causes physical injury, displays threatening or aggressive behavior or otherwise threatens or endangers the safety of any person or domestic animal; or

2. While off the property of the owner, and on a physical control device, it menaces, chases, aggressively bites, causes physical injury, displays threatening or aggressive behavior or otherwise threatens or endangers the safety of any person or domestic animal; or

3. While in or on a motor vehicle and not physically restrained or otherwise physically prevented from reaching any area outside the perimeter of the vehicle, it menaces, aggressively bites, causes physical injury, displays threatening or aggressive behavior or otherwise threatens or endangers the safety of any person or domestic animal.

B. A dog shall be classified as dangerous if:

1. It causes the serious injury or death of any person; or

2. It is at large and kills any domestic animal or

3. It is off the property of the owner but a physical control device and kills any domestic animal; or

4. It has previously been classified as a potentially dangerous dog because it aggressively bit or caused physical injury to any person, the owner has received notice of such classification and the dog again aggressively bites or causes physical injury to any person.

C. The director shall have the authority to refrain from classifying a dog as dangerous or potentially dangerous, even if the dog has engaged in the behaviors specified in subsections A or B of this section, if the director determines that the behavior

was caused by abuse or torment of the dog or other provocation.

D. No dog shall be found to be dangerous or potentially dangerous if it is a dog trained for law enforcement purposes and is on duty under the control of a law enforcement officer at the time it exhibits behavior under subsections A or B of this section. (Ord. 86-6-4 §2, 1986; Ord. 93-4-1 §6, 1993)

6.08.030 Identification--Determination. The director shall have authority to determine whether any dog has engaged in the behaviors specified in Section 6.08.020. The determination shall be based upon an investigation that includes observation of the dog's behavior by county animal control officers or by other witnesses who personally observed the behavior, sign a written statement attesting to the observed behavior and agree to provide testimony regarding the dog's behavior if called upon to do so. (Ord. 86-6-4 §3(A), 1986)

6.08.040 Notice--Appeal of findings. The director shall give the dog's owner written notice by certified mail or personal service of the dog's specific behavior, of the dog's classification as a dangerous or potentially dangerous dog and of the additional restrictions applicable to that dog by reason of its classification. If the owner denies that the behavior in question occurred, the owner may appeal the director's decision to the hearings officer by filing with the director, within ten days of the date the notice was mailed to the owner by certified mail or the owner was personally served, a written request for a hearing. (Ord. 86-6-4 §3(B), 1986)

6.08.050 Public hearing. The hearings officer shall hold a public hearing on any appeal from the director's decision to classify a dog as dangerous or potentially dangerous. The owner and any other person having relevant evidence concerning the dog's behavior as specified in Section 6.08.020 shall be allowed to present testimony. The hearings officer shall determine whether behavior specified in Section 6.08.020 was exhibited by the dog in question. The hearings officer shall issue an order containing his or her determination, which shall be final. (Ord. 86-6-4 §3(C), 1986)

6.08.060 Notice--Compliance required. Once the owner has received notice of the dog's classification pursuant to Section 6.08.040, the owner shall comply with the restrictions specified in the notice until such time as the director's decision is reversed on appeal. Failure to comply with the specified restrictions pending the completion of all appeals shall be a violation of this chapter for which a fine can be imposed. Additionally, the director shall have authority to impound the dog pending completion of all appeals. (Ord. 86-6-4 §3(D), 1986)

6.08.070 Impoundment. If the director finds that a dog is a dangerous dog the dog shall be impounded pending the completion of all appeals. If the director's decision is upheld on appeal, the dog's owner shall be liable for the cost of the dog's impoundment. (Ord. 86-6-4 §3(E), 1986)

6.08.080 Regulation of potentially dangerous dogs. In addition to complying with

all other requirements of this chapter, the owner of a potentially dangerous dog shall:

A. Physically restrain the dog to prevent it from interfering with the public's legal access to the owner's property or from reaching any public sidewalk or road or adjoining property.

B. Fasten to a collar and keep on the dog at all times a suitable tag issued by the director identifying the dog as a potentially dangerous dog.

C. Pay an annual fee of twenty-five dollars at the time the director issues the tag described in subsection B of this section and a like fee each year thereafter so long as the dog is alive. This fee shall be in addition to any other required license fee.

D. Notify the director by certified mail of any change of ownership or where the dog is kept within ten days of the change.

E. Post a warning sign supplied by the director in a conspicuous place visible from the public sidewalk or road adjoining the location the dog is kept or if there is no such public sidewalk or road then at the boundary line of the property where access is provided.

F. The requirements of this section shall apply to any person who is transferred ownership or who keeps a potentially dangerous dog. (Ord. 86-6-4 §4, 1986)

6.08.090 Euthanization. Any dog that has been found to be a dangerous dog shall be euthanized. If such dog is euthanized by a licensed veterinarian, the dog owner shall have delivered to the director a certification by the veterinarian that the dog has been euthanized. (Ord. 86-6-4 §5, 1986)

6.08.100 Prohibited acts. It is unlawful for any person to:

A. Be an owner of a dangerous dog;

B. Fail to comply with the requirements applicable to potentially dangerous dogs;

C. Be an owner of a dog which engages in any of the behaviors described in Section 6.08.020 whether or not such behavior is permitted or allowed unless the behavior was caused by abuse, torment or other provocation or is exempted under Section 6.08.020(D). (Ord. 86-6-4 §6, 1986)

6.08.110 Violation--Penalty. Any person convicted of violation of Section 6.08.100 shall be subject to a fine of not more than five hundred dollars except that any owner of a dangerous dog shall be subject to a fine of not less than two hundred dollars and not more than five hundred dollars. (Ord. 86-6-4 §7, 1986)