

ORDINANCE NO. 05-02

**AN ORDINANCE RATIFYING TILLAMOOK COUNTY ORDINANCE NO. 64, AND
REPEALING ORDINANCE NO. 87-1 RELATING TO DOG CONTROL**

WHEREAS, on December 15, 2004 the Board of Commissioners for Tillamook County adopted Ordinance No. 64 relating to dog control; and

WHEREAS, in order for the County Ordinance to be effective within the City limits of Manzanita, the City must ratify the Ordinance; and,

WHEREAS, the City Council deems it to be in the best interest of the health and safety of Manzanita residents to apply the County dog control Ordinance within the City limits of Manzanita; now, therefore,

THE CITY OF MANZANITA DOES ORDAIN AS FOLLOWS:

SECTION 1: Ratification The City Council hereby ratifies Tillamook County Ordinance No. 64 Prohibiting the Running of Dogs at Large; Providing for the Licensing, Impoundment and Care of Dogs; Providing for the Applicability of this Ordinance within Certain Incorporated Cities; Repealing Prior Enactments and Establishing Penalties for Violations of this Ordinance.

SECTION 2: Removal of Animal Waste from Public Areas. Any person in physical possession and control of any dog on a public place shall remove excrement or other solid waste deposited by the dog in any public area not designated to receive such waste, including but not limited to streets, sidewalks, parking strips, public parks, and public areas.

SECTION 3: Penalties. In addition to any other remedies under law, violation of Section 2 of this Ordinance is punishable upon conviction by a fine not to exceed \$500.

SECTION 4: Manzanita Ordinance No. 87-1 and all other ordinances and orders or parts of ordinances or order, in conflict herewith, are hereby repealed.

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR TILLAMOOK COUNTY, OREGON

In the Matter of Prohibiting the Running of Dogs)	
at Large; Providing for the Licensing, Impoundment)	ORDINANCE
and Care of Dogs; Providing for the Applicability of)	
this Ordinance within Certain Incorporated Cities;)	# <u>64</u>
Repealing Prior Enactments and Establishing)	
Penalties for Violations of this Ordinance; and)	
Declaring an Emergency)	

The Board of Commissioners for Tillamook County, Oregon, ordains as follows:

Section 1. Definitions

"**Enforcement Officer**" means any law enforcement officer, dog control officer, public official or code enforcement officer as designated by Tillamook County or incorporated city which has consented to jurisdiction of this ordinance.

"**Run at Large**" or "**Running at Large**" means any dog not confined to the premises of its owner, unless in or upon any vehicle or restrained by a leash, tether or other physical control device not to exceed 8 feet in length and under the physical control of a person, whether or not the owner of such dog, or which enters upon land of another person or of a lawful occupant without authorization of that person or lawful occupant, or which is not within the complete control of the owner.

"**Owner**" means any person or legal entity having a possessory property right in a dog or who harbors, cares for, exercises control over or knowingly permits any dog to remain housed by such person or legal entity.

"**Board of Commissioners**" or "**Board**" means the Board of County Commissioners for Tillamook County.

Section 2. Running at Large Unlawful

Hereafter it shall be unlawful for any owner of a dog to suffer or permit such dog to run at large.

Section 3. Impoundment

Any enforcement officer is hereby authorized to impound any dog running at large as defined in this ordinance.

Section 4. Disposition of Impounded Dogs

If the owner of an impounded dog does not claim and redeem an impounded dog within the period of five days from and including the date of impoundment, the County may cause the dog to be transported to any humane society within or without Tillamook County, that is willing to take the dog.

Section 5. Conditions For Release of Impounded Dog

Any dog impounded pursuant to the provisions of this ordinance may be released to the owner by the impoundment facility operators during its regular business hours upon payment to the facility operators the expense incurred in the housing and maintenance of the dog.

Section 6. Fees and Penalties for Impounded Dogs

Following the release of any dog impounded pursuant to the provisions of this ordinance, the owner of the dog shall pay to the County Clerk at the Tillamook County Courthouse, during regular business hours:

- A. an impoundment fee of \$25.00 for the first impoundment, \$50 for the second impoundment, or \$100 for each subsequent impoundment; and
- B. if unlicensed, the applicable license fees as provided in Section 9 of this ordinance.

Section 7. Barking Dogs

No person who is the owner of a dog, or who has or shares the care, custody, possession or control of a dog shall allow the dog to bark loudly or with such frequency as to cause discomfort to other persons. Once a complaint has been received by an enforcement officer, a citation may be issued for violation of this section if a complaint is signed by the person complaining of the barking dog.

Section 8. Licenses

A. Every owner of a dog residing within the unincorporated areas of Tillamook County, or within the city limits of an incorporated city which has consented to jurisdiction of this ordinance, and which dog has grown permanent canine teeth or has attained the age of six (6) months, whichever event occurs first, shall immediately obtain a license for the dog.

B. Licenses shall be valid from January 1st to December 31st and are renewable on January 1st of each year, provided further that a penalty of \$3.00 shall be collected for each dog not licensed after March of each year. The licensing program shall become effective on January 1, 2005.

C. No license shall be issued until a certificate of vaccination for rabies, valid for the license year, is presented to the licensing department.

D. For record purposes, a new owner of a licensed dog is required to notify the licensing department within thirty (30) days at no additional cost to the new owner.

E. A license tag issued to a dog owner shall be attached securely to a collar or harness on the dog for which it was issued. If a license tag is lost, the owner may obtain a duplicate license tag upon payment of the required fee.

F. Licenses shall be issued through the Tillamook County Clerk's office at the County Courthouse in the City of Tillamook during regular business hours.

Section 9. License Fees

The dog license fee which is due and payable upon the issuance of a license, and the other license fees required to be paid under the provisions of this ordinance, shall be as follows:

Dog license fee - not neutered fee	\$25.00
Dog license fee - neutered fee.....	\$5.00
Dog license fee - not neutered fee, owner 65 years or older.....	\$9.00
Dog license fee - neutered fee - owner 65 years or older.....	\$3.00
Duplicate license.....	\$2.00
Late license penalty fee (additional).....	\$3.00

A. No license fee shall be required for any dog owned by a blind person who uses the dog as a guide. A license shall be issued for such a dog upon proper proof of rabies vaccination; and upon filing an affidavit by the blind person showing such dog to come within this exemption. Such affidavit shall be filed with the licensing department.

B. No license fee shall be required for any dog used as an "assistance animal" as defined by ORS 346.680.

C. Dog owners applying for a reduced fee for a neutered dog must present to the licensing department a certificate from a licensed veterinarian stating that the dog to be licensed has been neutered.

D. For dogs acquired after July 1 of each year, the dog license fees shall be:

Dog license fee - not neutered fee	\$6.00
Dog license fee - neutered fee.....	\$2.50
Dog license fee - not neutered fee, owner 65 years or older...	\$4.50
Dog license fee - neutered fee - owner 65 years or older.....	\$1.50

Section 10. Entry onto Private Property

Any enforcement officer shall have the privilege of entering onto private land in the course of the officer's duties in enforcing the provisions of this ordinance, but such officer shall not enter into any building or dwelling without legal authorization or permission of the owner or occupant of the premises.

Section 11. Disposition of Funds

The expense of administering the dog control program under this ordinance and any other expenses incurred in the enforcement of this ordinance shall be paid from the Dog Control Fund within the General Fund, as is specified in the budget of Tillamook County and all monies received from dog license fees, penalties, or other income attributable to this ordinance shall be credited to this fund, and used exclusively for the purposes set forth herein.

Section 12. Animal Confinement

A. It shall be unlawful for any person to allow or permit any animal to be confined within or on a motor vehicle, or at any location, under such conditions as may endanger the health or well being of the animal, including but not limited to dangerous temperature, lack of food, water or attention, or confinement with a dangerous animal.

B. No enforcement officer shall be held criminally or civilly liable for action pursuant to this section, provided the officer acts in good faith, or with probable cause and without malice.

Section 13. Applicability

A. This ordinance shall apply within the unincorporated areas of Tillamook County as well as within those incorporated cities that have consented to the jurisdiction of this ordinance, as indicated by the signature of its designated public official contained herein.

Section 14. Severability

If any section, subsection, provision, clause or paragraph of this ordinance shall be adjudged or declared by any court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not affect the validity of the remaining portions of this ordinance; and it is hereby expressly declared that every other section, subsection, provision clause or paragraph of this ordinance enacted, irrespective of the enactment or validity of the portion thereof declared to be unconstitutional or invalid, is valid.

Section 15. Penalties

A. In addition to any other remedies under law, failure to procure a license in accordance with ORS 609.100 and this ordinance shall be deemed a violation and punishable upon

B. No license fee shall be required for any dog used as an "assistance animal" as defined by ORS 346.680.

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Section 15. Penalties

A. In addition to any other remedies under law, failure to procure a license in accordance with ORS 609.100 and this ordinance shall be deemed a violation and punishable upon

conviction by a fine of not more than \$100. This fine shall be separate from and in addition to required licensing fees and penalties established under this ordinance.

B. In addition to other remedies under law, violation of Sections 2, 6, 7 and 12 is punishable upon conviction by a fine of not less than \$100, nor more than \$500, plus court costs and the actual cost and expense incurred by the County in the seizure, holding, treatment, maintenance and disposition of a dog which was permitted by its owner or the person having or sharing the care, custody, possession or control of the dog, to violate any portion of this ordinance.

Section 16. Repeal

Tillamook County Ordinance No. 6 and all other ordinances and orders or parts of ordinances or order, in conflict herewith, are hereby repealed.

Section 17. Declaration of Emergency

This ordinance being necessary for the immediate preservation of the public peace, health, safety and welfare, an emergency is declared to exist and this ordinance shall take effect upon its passage.