

Animal Control Regulations

Curry County:

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 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) after the transfer of ownership. The license shall remain valid until expiration date, if proper notice was given.

(4) The license shall be valid for one (1) year from the date of issuance.

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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 owner or keeper for keeping a dog which is a public nuisance, of appearance that person in court cited in shall accordance be allowed with the 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 4.01.1 10 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

(l) 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 injures 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 Sheriffs 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 Sheriffs Department of the incident.

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

(6) If claims are 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.

(7) 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.

(8) 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.

(9) 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.

(10) 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, 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 being with caged, an kenneled, police dog, knowing the dog to be a police dog, while the dog is 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.

Oregon ORS Animal Statutes:

2017 ORS 609.030¹

Establishing dog control district

- **(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]

2017 ORS 609.020¹

Dogs as personal property

Dogs are hereby declared to be personal property.

2017 ORS 609.035¹

Definitions for ORS 609.035 to 609.110 and 609.990

As used in ORS **609.035 (Definitions for ORS 609.035 to 609.110 and 609.990)** to **609.110 (Dog License Fund)** and **609.990 (Penalties for ORS 609.060, 609.095, 609.098, 609.100, 609.169 and 609.405)**:

(1) “Boarding kennel”:

(a) Means, except as provided in paragraph (b) of this subsection, a facility that provides care for a fee to dogs that stay at the facility an average of less than 30 days.

(b) Does not mean a facility that is subject to ORS [167.374 \(Possession or control of dogs for purpose of reproduction\)](#) or [167.376 \(Standards of care applicable to dog breeders\)](#).

(2) “Dog control board” means a group of persons whose duties include, but need not be limited to, fulfilling the duties of a dog control district board of supervisors as described in ORS [609.030 \(Establishing dog control district\)](#).

(3) “Dog control officer” means a person whose duties include, but need not be limited to, enforcing the dog control laws for a dog control district.

(4) “Keeper” means a person who owns, possesses, controls or otherwise has charge of a dog, other than:

(a) A boarding kennel;

(b) A humane society or other nonprofit animal shelter;

(c) A facility impounding dogs on behalf of a city or county; **or**

(d) A veterinary facility.

(5) “Menaces” means lunging, growling, snarling or other behavior by a dog that would cause a reasonable person to fear for the person’s safety.

(6) “Potentially dangerous dog” means a dog that:

(a) Without provocation and while not on premises from which the keeper may lawfully exclude others, menaces a person;

(b) Without provocation, inflicts physical injury on a person that is less severe than a serious physical injury; **or**

(c) Without provocation and while not on premises from which the keeper may lawfully exclude others, inflicts physical injury on or kills a domestic animal as defined in ORS [167.310 \(Definitions for ORS 167.310 to 167.351\)](#).

(7) “Running at large” means that a dog is off or outside of the premises from which the keeper of the dog may lawfully exclude others, or is not in the company of and under the control of its keeper, except if the dog is:

(a) Being used to legally hunt, chase or tree wildlife while under the supervision of the keeper;

(b) Being used to control or protect livestock or for other activities related to agriculture; **or**

(c) Within any part of a vehicle.

(8) “Serious physical injury” has the meaning given that term in ORS [161.015 \(General definitions\)](#). [2005 c.840 §4; 2015 c.292 §1]

¹ Legislative Counsel Committee, *CHAPTER 609—Dogs; Exotic Animals; Dealers*, https://www.oregonlegislature.gov/bills_laws/ors/ors609.html (2017) (last accessed Mar. 30, 2018).

² Legislative Counsel Committee, *Annotations to the Oregon Revised Statutes, Cumulative Supplement - 2017, Chapter 609*, https://www.oregonlegislature.gov/bills_laws/ors/ano609.html (2017) (last accessed Mar. 30, 2018).

2017 ORS 609.060¹

Notice of county prohibition on dogs running at large

(1) If the governing body of a county by ordinance, or a measure approved by the electors in an election conducted in accordance with ORS chapter 250, prohibits

dogs from running at large, the county shall give notice, by publication in a newspaper having a general circulation in the county.

(2) After 60 days from the date of the notice, every person keeping a dog shall prevent the dog from running at large in any county or city where prohibited. A person who is the keeper of a dog commits a Class B violation if the dog runs at large where prohibited. [Amended by 1965 c.499 §1; 1977 c.802 §5; 1999 c.658 §5; 2011 c.597 §§248,317]

2017 ORS 609.090¹

Impounding certain dogs

- procedure for county disposition of impounded dogs
- impoundment fees and costs
- release of dog

(1) A law enforcement officer or dog control officer may cite a keeper, impound a dog, or both if:

(a) The dog is found running at large in violation of ORS [609.060 \(Notice of county prohibition on dogs running at large\)](#);

(b) The dog is a public nuisance as described by ORS [609.095 \(Dog as public nuisance\)](#); **or**

(c) The officer has probable cause to believe that the dog is a dangerous dog as defined in ORS [609.098 \(Maintaining dangerous dog\)](#).

(2) All dogs impounded under this section and ORS [609.030 \(Establishing dog control district\)](#) 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 its keeper, 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 keeper of a dog before the dog is removed from impoundment.

(3) Unless the dog control board or county governing body provides otherwise, if the keeper appears and redeems the dog, the keeper 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 keeper shall also purchase a license and pay the applicable penalty for failure to have a license. If the keeper is not the owner of the dog, the keeper may request that a license purchased by the keeper under this subsection be issued in the name of the dog owner.

(4) In addition to any payment required pursuant to subsection (3) of this section, a dog control board or county governing body may require as a condition for redeeming the dog that the keeper agree to reasonable restrictions on the keeping of the dog. The keeper must pay the cost of complying with the reasonable restrictions. As used in this subsection, "reasonable restrictions" may include, but is not limited to, sterilization.

(5) A keeper of a dog maintains a public nuisance if the keeper fails to comply with reasonable restrictions imposed under subsection (4) of this section or if a keeper fails to provide acceptable proof of compliance to the dog control board or county governing body on or before the 10th day after issuance of the order imposing the restrictions. If the board or governing body finds the proof submitted by the keeper unacceptable, the board or governing body shall send notice of that finding to the keeper no later than five days after the proof is received.

(6) If no keeper appears to redeem a dog within the allotted time, the dog may be killed in a humane manner. The dog control board or county governing body may

release the dog to a responsible person upon receiving assurance that the person will properly care for the dog 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 the keeper of the dog for purposes of ORS [609.035 \(Definitions for ORS 609.035 to 609.110 and 609.990\)](#) to [609.110 \(Dog License Fund\)](#).

(7) If the keeper of a dog is not charged with violating ORS [609.095 \(Dog as public nuisance\)](#) (2) or (3) or ORS [609.098 \(Maintaining dangerous dog\)](#), and the dog control board or county governing body finds that the dog has menaced or chased a person when on premises other than the premises from which the keeper may lawfully exclude others or has bitten a person, the dog control board or county governing body may order that the dog be killed in a humane manner. Before ordering that the dog be killed, the board or governing body shall consider the factors described in ORS [609.093 \(Considerations prior to disposing of chasing, menacing or biting dog\)](#) and issue written findings on those factors. Notwithstanding ORS [34.030 \(Jurisdiction to grant writ\)](#), if the disposition order issued by the board or governing body provides that the dog is to be killed, a petition by the keeper for a writ of review must be filed no later than the 10th day after the dog control board or county governing body sends notice of the order to the keeper. Notwithstanding ORS [19.270 \(Appellate jurisdiction of Supreme Court and Court of Appeals\)](#), [19.330 \(Stays generally\)](#) and [34.070 \(Stay of proceedings\)](#), the order for the killing of the dog may not be carried out during the period that the order is subject to review or appeal. If the dog is not killed, the board or governing body may impose reasonable restrictions on the keeping of the dog. The keeper must pay the cost of complying with the reasonable restrictions.

(8) If the keeper of a dog is charged with violating ORS [609.095 \(Dog as public nuisance\)](#) (2) or (3) or [609.098 \(Maintaining dangerous dog\)](#), upon conviction of the keeper the court may determine the disposition of the dog as provided under ORS

609.990 (Penalties for ORS 609.060, 609.095, 609.098, 609.100, 609.169 and 609.405).

(9) Notwithstanding subsections (2), (3), (6), (7) and (8) of this section, any dog impounded for biting a person shall be held for at least 10 days before redemption or destruction to determine if the dog is rabid.

(10) Notwithstanding subsections (2) and (3) of this section, if the keeper is charged with violating ORS **609.098 (Maintaining dangerous dog)**, the dog shall be kept in impoundment pending resolution of the charges. A court may order the keeper to post a deposit with the dog control board or county governing body to cover the cost of keeping the dog in impoundment. If the keeper is convicted of violating ORS **609.098 (Maintaining dangerous dog)**, the court may order the deposit forfeited to the board or governing body.

(11) A dog control board or county governing body may impose lesser fees or penalties under subsections (3) and (6) of 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; 1999 c.658 §§6,6a; 2001 c.636 §7; 2005 c.840 §5]

2017 ORS 609.093¹

Considerations prior to disposing of chasing, menacing or biting dog

In determining whether a dog should be killed as provided under ORS **609.090 (Impounding certain dogs)** (7) or **609.990 (Penalties for ORS 609.060, 609.095, 609.098, 609.100, 609.169 and 609.405)** (6), a dog control board, county governing body or court shall consider the following factors:

(1) If the dog has bitten a person, the circumstances and severity of the bite;

- (2) Whether the keeper has a history of maintaining dogs that are a public nuisance;
 - (3) The impact of keeper actions on the behavior of the dog;
 - (4) The ability and inclination of the keeper to prevent the dog from chasing or menacing another person on premises other than the premises from which the keeper may lawfully exclude others or from biting another person;
 - (5) Whether the dog can be relocated to a secure facility;
 - (6) The effect that a transfer of the keeping of the dog to another person would have on ensuring the health and safety of the public;
 - (7) Behavior by the dog before or since the biting, chasing or menacing; **and**
 - (8) Any other factors that the board, governing body or court may deem relevant.
- [1999 c.658 §2; 2001 c.636 §8; 2005 c.840 §6]

2017 ORS 609.095¹

Dog as public nuisance

- **public nuisance prohibited**
- **complaint**

- (1) A dog is a public nuisance if it:
 - (a) Chases persons or vehicles on premises other than premises from which the keeper of the dog may lawfully exclude others;
 - (b) Damages or destroys property of persons other than the keeper of the dog;
 - (c) Scatters garbage on premises other than premises from which the keeper of the dog may lawfully exclude others;
 - (d) Trespasses on private property of persons other than the keeper of the dog;

(e) Disturbs any person by frequent or prolonged noises;

(f) Is a female in heat and running at large; **or**

(g) Is a potentially dangerous dog, but is not a dangerous dog as defined in ORS [609.098 \(Maintaining dangerous dog\)](#).

(2) The keeper of a dog in a county or city that is subject to ORS [609.030 \(Establishing dog control district\)](#) and [609.035 \(Definitions for ORS 609.035 to 609.110 and 609.990\)](#) to [609.110 \(Dog License Fund\)](#) maintains a public nuisance if the dog commits an act described under subsection (1) of this section. Maintaining a dog that is a public nuisance is a violation.

(3) A keeper of a dog maintains a public nuisance if the keeper fails to comply with reasonable restrictions imposed under ORS [609.990 \(Penalties for ORS 609.060, 609.095, 609.098, 609.100, 609.169 and 609.405\)](#) or if a keeper fails to provide acceptable proof of compliance to the court on or before the 10th day after issuance of the order imposing the restrictions. If the court finds the proof submitted by the keeper unacceptable, the court shall send notice of that finding to the keeper no later than five days after the proof is received.

(4) Any person who has cause to believe a keeper is maintaining a dog that is a public nuisance may complain, either orally or in writing, to the county or city. The receipt of any complaint is sufficient cause for the county or city to investigate the matter and determine whether the keeper of the dog is in violation of subsection (2) or (3) of this section. [1973 c.655 §2; 1977 c.802 §7; 1999 c.658 §8; 1999 c.756 §18; 2001 c.636 §9; 2001 c.926 §15; 2005 c.840 §7; 2011 c.607 §16]

2017 ORS 609.098¹

Maintaining dangerous dog

(1) As used in this section, “dangerous dog” means a dog that:

(a) Without provocation and in an aggressive manner inflicts serious physical injury, as defined in ORS **161.015 (General definitions)**, on a person or kills a person;

(b) Acts as a potentially dangerous dog, as defined in ORS **609.035 (Definitions for ORS 609.035 to 609.110 and 609.990)**, after having previously committed an act as a potentially dangerous dog that resulted in the keeper being found to have violated ORS **609.095 (Dog as public nuisance)**;
or

(c) Is used as a weapon in the commission of a crime.

(2) A person commits the crime of maintaining a dangerous dog if the person is the keeper of a dog and the person, with criminal negligence, fails to prevent the dog from engaging in an act described in subsection (1) of this section.

(3) Maintaining a dangerous dog is punishable as described in ORS **609.990 (Penalties for ORS 609.060, 609.095, 609.098, 609.100, 609.169 and 609.405)**.

[2005 c.840 §2]

Note: **609.098 (Maintaining dangerous dog)** 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.

2017 ORS 609.100¹

Dog licenses, tags and fees

(1) In a county or city having a dog control program under ORS **609.030 (Establishing dog control district)**, **609.035 (Definitions for ORS 609.035 to 609.110 and 609.990)** to **609.110 (Dog License Fund)** and **609.405 (Requirement for destroying dogs and cats)**, every person keeping a dog that has a set of permanent canine teeth or is six months old, whichever comes first, shall procure a license for the dog. The license must

be procured by paying a license fee to the county in which the person resides not later than March 1 of each year or within 30 days after the person becomes keeper of the dog. However, 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 [609.035](#) **(Definitions for ORS 609.035 to 609.110 and 609.990)** to [609.110](#) **(Dog License Fund)**. A license fee shall not be less than \$25 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 considered inventory under ORS [307.400](#) **(Inventory)** and are not permitted to run at large. The county governing body may establish a separate license for dogs that cease to be considered inventory under ORS [307.400](#) **(Inventory)**, the fee for which shall not exceed \$5 per dog.

(4) A license fee is not required to be paid for any dog kept by a person who is blind and who uses the dog as a guide. A license shall be issued for such dog upon the filing by the person who is blind of an affidavit with the county showing that the dog qualifies for exemption.

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

(6) Notwithstanding any other provision of this section or ORS [609.015 \(Application of ORS 609.030 and 609.035 to 609.110\)](#), when the 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 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 keeper of the dog transfers the keeping 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; 1999 c.658 §§10,10a; 2001 c.753 §13; 2007 c.70 §280; 2011 c.607 §17; 2015 c.292 §2]

2017 ORS 307.400¹

Inventory

Items of tangible personal property consisting of inventory, including but not limited to materials, supplies, containers, goods in process, finished goods and other personal property owned by or in possession of the taxpayer, that are or will become part of the stock in trade of the taxpayer held for sale in the ordinary course of business, are exempt from ad valorem property taxation. [Formerly [310.608](#); 1983 c.600 §2; 1987 c.691 §2; part renumbered [307.402 \(Beverage containers\)](#) in 1991; 1995 c.379 §1; 1997 c.325 §22; 2001 c.753 §12]

2017 ORS 433.365¹

Inoculation against rabies

(1) A dog that has permanent canine teeth or that is six months of age or older must be inoculated against rabies, unless specifically exempted by rule of the Oregon Health Authority or the State Department of Agriculture.

(2) Unless pursuant to conditions specified in ORS [430.357 \(Minimum standards\)](#), any rules of the department or the authority with respect to inoculation shall:

(a) Not apply to animals brought temporarily into the state for periods of less than 30 days but may require that the animals be kept under strict supervision by the owners of the animals.

(b) Not apply to dogs or to any other animal specifically exempted from the inoculation requirement by rule of the department or the authority.

(3) The costs of all such required inoculations shall be borne by the owners of the animal. [1971 c.413 §7; 1975 c.750 §2; 2001 c.636 §3; 2009 c.595 §667]

2017 ORS 609.105¹

Exemption for assistance animals

Notwithstanding ORS [609.015 \(Application of ORS 609.030 and 609.035 to 609.110\)](#) or [609.100 \(Dog licenses, tags and fees\)](#), a county or city shall not charge a fee to license a dog used as an assistance animal as defined in ORS [659A.143 \(Assistance animals\)](#). [1979 c.366 §1; 1991 c.67 §155; 1999 c.658 §11; 2001 c.104 §238; 2013 c.530 §8]

2017 ORS 609.110¹

Dog License Fund

All funds derived under ORS [433.340 \(Definitions for ORS 433.340 to 433.390\)](#) to [433.385 \(Impoundment of animals\)](#) and [609.035 \(Definitions for ORS 609.035 to 609.110 and 609.990\)](#) to [609.110 \(Dog License Fund\)](#) 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]

ORS Criminal Animal Statues

OFFENSES AGAINST ANIMALS

- 167.305 Legislative findings
- 167.310 Definitions for ORS 167.310 to 167.351
- 167.312 Research and animal interference
- 167.315 Animal abuse in the second degree
- 167.320 Animal abuse in the first degree
- 167.322 Aggravated animal abuse in the first degree
- 167.325 Animal neglect in the second degree
- 167.330 Animal neglect in the first degree
- 167.332 Prohibition against possession of same genus or domestic animal;
prohibition period reduction; waiver procedure
- 167.333 Sexual assault of an animal
- 167.334 Evaluation of person convicted of violating ORS 167.333
- 167.335 Exemption from ORS 167.315 to 167.333
- 167.337 Interfering with law enforcement animal
- 167.339 Assaulting a law enforcement animal
- 167.340 Animal abandonment
- 167.341 Encouraging sexual assault of an animal
- 167.343 Unlawful tethering
- 167.345 Authority to enter premises or motor vehicle; search warrant; notice of
impoundment of animal; damage resulting from entry

- 167.347 Forfeiture of animal to animal care agency prior to disposition of criminal action
- 167.348 Placement of forfeited animal
- 167.349 Encouraging animal abuse
- 167.350 Forfeiture of rights in mistreated animal; costs; disposition of animal
- 167.351 Trading in nonambulatory livestock
- 167.352 Interfering with an assistance, a search and rescue or a therapy animal
- 167.355 Involvement in animal fighting
- 167.360 Definitions for ORS 167.360 to 167.372
- 167.365 Dogfighting
- 167.370 Participation in dogfighting
- 167.372 Possessing dogfighting paraphernalia
- 167.374 Possession or control of dogs for purpose of reproduction; records; exceptions
- 167.376 Standards of care applicable to dog breeders; records; exceptions
- 167.383 Equine tripping
- 167.385 Unauthorized use of a livestock animal
- 167.387 Definitions for ORS 167.387 and 167.388
- 167.388 Interference with livestock production
- 167.390 Commerce in fur of domestic cats and dogs prohibited; exception

OFFENSES INVOLVING FIGHTING BIRDS

- 167.426 Definitions for ORS 167.426 to 167.439
- 167.428 Cockfighting
- 167.431 Participation in cockfighting

- 167.433 Seizure of fighting birds or source birds; procedure
- 167.435 Forfeiture of rights in fighting birds, source birds or property; public nuisance
- 167.437 Constructive possession of fighting birds or source birds; procedure
- 167.439 Forcible recovery of a fighting bird

2017 ORS 167.343¹

Unlawful tethering

- (1)** A person commits the offense of unlawful tethering if the person tethers a domestic animal in the person's custody or control:
- (a)** With a tether that is not a reasonable length given the size of the domestic animal and available space and that allows the domestic animal to become entangled in a manner that risks the health or safety of the domestic animal;
 - (b)** With a collar that pinches or chokes the domestic animal when pulled;
 - (c)** For more than 10 hours in a 24-hour period; **or**
 - (d)** For more than 15 hours in a 24-hour period if the tether is attached to a running line, pulley or trolley system.
- (2)** A person does not violate this section if the person tethers a domestic animal:
- (a)** While the domestic animal remains in the physical presence of the person who owns, possesses, controls or otherwise has charge of the domestic animal;
 - (b)** Pursuant to the requirements of a campground or other recreational area;
 - (c)** For the purpose of engaging in an activity that requires licensure in this state, including but not limited to hunting;
 - (d)** To allow the person to transport the domestic animal; **or**

(e) That is a dog kept for herding, protecting livestock or dogsledding.

(3) Unlawful tethering is a Class B violation. [2013 c.382 §2]

2017 ORS 167.340¹

Animal abandonment

(1) A person commits the crime of animal abandonment if the person intentionally, knowingly, recklessly or with criminal negligence leaves a domestic animal or an equine at a location without providing minimum care.

(2) It is no defense to the crime defined in subsection (1) of this section that the defendant abandoned the animal at or near an animal shelter, veterinary clinic or other place of shelter if the defendant did not make reasonable arrangements for the care of the animal.

(3) Animal abandonment is a Class B misdemeanor. [1985 c.662 §8; 2001 c.926 §11; 2009 c.233 §1]

2017 ORS 433.385¹

Impoundment of animals

(1) Any animal in violation of ORS [433.365 \(Inoculation against rabies\)](#) shall be apprehended and impounded.

(2) All animals apprehended and impounded under this section shall be held in adequate and sanitary pounds to be established or contracted for in each county by the governing body of the county. All animals so impounded shall be given proper care and maintenance.

(3) When an animal is apprehended and impounded, the owner, if known, shall be given notice of not less than five days from the date of such impounding before the

animal is destroyed or otherwise disposed of. An owner appearing to redeem the animal may do so if the provisions of ORS [433.365 \(Inoculation against rabies\)](#) are complied with and if the owner pays the expense of keeping the animal during the time it was impounded and in addition thereto, the sum established by the county governing body. If the animal is subject to any other impounding law the requirements for release under that law shall also be met except that the expense of keeping the animal shall be payable only once for the period of impoundment. If the owner does not appear to redeem the animal after the notice provided for herein, or otherwise, after five days, or if the owner is not known, after three days, the governing body of the county may provide for animals impounded to be released to any other person upon the conditions outlined in this subsection or otherwise disposed of in a humane manner.

(4) If the owner desires to redeem an animal impounded pursuant to this section or the animal is to be released to any other person as provided in subsection (3) of this section, the person shall post a \$20 deposit with the county and obtain possession of the animal for the purpose of complying with ORS [433.365 \(Inoculation against rabies\)](#). The county shall refund the deposit to a person who, on or before the eighth day after obtaining possession of the animal, demonstrates proof of rabies inoculation or exemption from the inoculation requirement and, if applicable, proof of purchase of a license as required under ORS [609.100 \(Dog licenses, tags and fees\)](#). Failure to demonstrate proof of rabies inoculation or exemption and proof of licensing within the prescribed time shall forfeit the deposit to the county.

(5) The governing body of the county shall designate persons responsible for the enforcement of this section. [1971 c.413 §11; 1977 c.189 §7; 2001 c.636 §4]

2017 ORS 167.337¹ Interfering with law enforcement animal

(1) A person commits the crime of interfering with a law enforcement animal if the person intentionally or knowingly injures or attempts to injure an animal the person

knows or reasonably should know is a law enforcement animal while the law enforcement animal is being used in the lawful discharge of its duty.

(2) Interfering with a law enforcement animal is a Class A misdemeanor. [Formerly **164.369**; 2009 c.555 §1; 2011 c.597 §167]

2017 ORS 167.339¹

Assaulting a law enforcement animal

(1) A person commits the crime of assaulting a law enforcement animal if:

(a) The person knowingly causes serious physical injury to or the death of a law enforcement animal, knowing that the animal is a law enforcement animal;
and

(b) The injury or death occurs while the law enforcement animal is being used in the lawful discharge of the animal's duties.

(2) Assaulting a law enforcement animal is a Class C felony. [2003 c.543 §3; 2009 c.555 §2; 2011 c.597 §168]