

1 BEFORE THE BOARD OF COUNTY COMMISSIONERS

2 FOR MULTNOMAH COUNTY, OREGON

3 ORDINANCE NO. 918

4 An ordinance amending Ordinance No. 909, in order to correct several inadvertent  
5 typographical errors and omissions contained in that Ordinance relating to the Animal  
6 Control Code and declaring an emergency.

7 (Language ~~lined through~~ and [bracketed] is to be deleted; underlined language in  
8 **bold** is new) Multnomah County ordains as follows:

9 Section I. AMENDMENT

10 MCC 8.10.010 is amended and added to as follows:

11 (A) *Animal* means any non-human vertebrate.

12 (B) *Animal at large* means any animal, excluding domestic cats ~~licensed and~~  
13 ~~sterilized cats~~, that is not physically restrained on the owner's or keeper's  
14 premises, ~~(private property)~~ (including motorized vehicles) in a manner that  
15 physically prevents the animal from leaving ~~that property~~ the premises or  
16 reaching any public areas; or, is not physically restrained when on public  
17 property, or any public area, by a leash, tether or other physical control device  
18 not to exceed eight feet in length and under the physical control of a capable  
19 person.

20 (C) *Aggressively bites* means any dog bite that breaks the skin and is accompanied  
21 by an attack where the dog exhibits ~~behavior including~~ one or more of the  
22 following behavior(s), but not limited to ~~any of the following~~: snarling, baring  
23 teeth, chasing, growling, barking, snapping, pouncing, lunging, **multiple attacks**,  
24 multiple lunges, or multiple bites.

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2 (D) *Board* means the Multnomah County Board of County Commissioners.

3 (E) *Chronic safety nuisance* is demonstrated by the issuance of two (2) or more  
4 notice of infractions or citations for:

5 (1) Violation of MCC 8.10.270 relating to the same dog, or

6 (2) Any dangerous animal that is not confined as required by law, or

7 (3) Any other violation of this chapter based on animal behavior that causes a  
8 substantial risk to public safety.

9 (F) *Chronic noise nuisance* is demonstrated by the issuance of two (2) or more  
10 notice of infractions or citations for violation of MCC 8.10.190(b)(5)(6) and the  
11 receipt of multiple complaints from ~~more than one~~ (1) or more households, within  
12 a one (1) year period, in close proximity to the animal's location.

13 ~~[(1) Excluding all lawful commercial operation operated under appropriate~~  
14 ~~zoning.]~~

15 (G) *Dangerous or Exotic Animal* means any animal, ~~including insects~~, which is of a  
16 wild or predatory nature, and which because of its size, vicious nature or other  
17 characteristics would constitute an unreasonable danger to human life or  
18 property, ~~if not kept, maintained or confined in a safe and secure manner. A dog~~  
19 ~~that has engaged in the behaviors specified in MCC 8.10.271.~~ A dangerous or  
20 exotic animal under this chapter shall include any of the following animals:

21 (1) Any large felid from the genus Panthera, including: lion, P. leo; tiger,  
22 P. tigris; jaguar, P. onca; leopard, P. pardus; and snow leopard, Uncia

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1 uncia; as well as the puma (cougar or mountain lion), Puma concolor;

2 clouded leopard, Neofelis nebulosa; and cheetah, Acinonyx jubatus.

3 (2) Any monkey, ape, gorilla, hybrid thereof, or other non-human primate;

4 (3) Any wolf or canine except the species Canis Familiaris (domestic dog);

5 (4) Any bear;

6 (5) Any venomous or poisonous reptile;

7 (6) Any reptile of the order Crocodilia (crocodiles, alligators and caimans),

8 or any snake of the family Pythonidae or Boinae capable of obtaining

9 eight (8) feet or more in length.

10 (H) Dangerous Dog means any dog found to have engaged in any of the  
11 behaviors specified in MCC 8.10.271.

12 (I)(H) Dangerous Dog Facility means any site for the keeping of one or more  
13 dangerous animals dogs.

14 (J)(+) Director means the director of the department of environmental services  
15 animal control division of Multnomah County or the director's designee.

16 (K) Domestic Animal. Any animal whose physiology has been determined or  
17 manipulated through selective breeding and does not occur naturally in the  
18 wild, or which may be vaccinated against rabies with an approved rabies  
19 vaccine and for which there is an established rabies quarantine observation  
20 period. Examples of domestic animals include dogs, cats and livestock.

21 (L) ~~(J)~~ Euthanasia means putting an animal to death in a humane manner.

22 (M)~~(K)~~ Facility is a site excluding veterinary hospitals operated or used for:

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1 (1) Boarding, training or similar purposes of dogs, cats, or other animals  
2 commonly maintained as pets for varying periods of time.

3 (2) ~~For~~ The purpose of breeding, buying, selling, or bartering of dogs and/or cats,  
4 or other animals commonly maintained as pets.

5 ~~(3) (4) Facility operated by animal welfare/rescue organization. Breeding of~~  
6 ~~dogs and/or cats for the preservation of the breed.~~

7 (N) Harboring of a Dangerous or Exotic Animal means to knowingly allow the animal  
8 to remain, lodge, be fed, or to be given shelter or refuge within the person's  
9 home, store, yard, enclosure, vehicle or building, place of business, or any  
10 other premises in which the person resides or over which the person has  
11 control.

12 (O) ~~(L)~~ *Hearing officer* means a person appointed by the chair to hear appeals  
13 decisions of the director concerning violations of this chapter, ~~or license~~  
14 ~~denial or revocation under MCC 8.10.100 through 8.10.145~~ chapter.

15 (P) ~~(M)~~ *Immediate health hazard* exists if at any given location there are conditions  
16 related to animal care that the director determines warrant immediate  
17 intervention; such conditions include, but are not limited to inadequate  
18 sanitation, untreated disease, or animals in numbers greater than the animal's  
19 owner or keeper can reasonably care for.

20 (Q) ~~(N)~~ *Keeper* means any person or legal entity who harbors, cares for, exercises  
21 control over, or knowingly permits any animal to remain on premises occupied  
22 by that person for a period of time not less than 72 hours or someone who  
23 accepted the animal for the purpose of safe keeping.

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1 ~~(O) Liability insurance means public liability insurance in a single incident amount of~~  
2 ~~not less than \$50,000.00 for bodily injury to or death of any person or persons~~  
3 ~~or a cash bond or irrevocable letter of credit in the amount up to \$2,500.00.~~  
4 ~~The owner or keeper shall be required to provide the director with certification~~  
5 ~~of insurance within ten days of receiving notification of classification. Such~~  
6 ~~policy shall provide that no cancellation of the policy will be made unless ten~~  
7 ~~days' written notice is given to the director by certified mail.~~

8 ~~(R)(P) Livestock~~ means animals, including but not limited to fowl, horses, mules,  
9 burros, asses, cattle, sheep, goats, llamas, emu, ostriches, rabbits, swine and  
10 or other farm domestic animals, excluding dogs and cats.

11 ~~(S)(Q) Livestock facility~~ means any site for the keeping of livestock.

12 (T) ~~(R)~~ *Minimum care* has the meaning as provided in ORS 167.310(8) (1995).

13 (U) ~~(S)~~ *Muzzle* means a device constructed of strong, soft material or a metal  
14 muzzle that ~~complies with specifications to be adopted as administrative~~  
15 ~~rules by the director. The muzzle must be~~ is made in a manner that will not  
16 cause injury to the dog or interfere with its vision or respiration but must  
17 prevent it from biting any person or animal.

18 (V) ~~(T)~~ *Owner* means any person or legal entity having a possessory property  
19 right in the animal or any person who has been a keeper of an animal for  
20 more than 90 days.

21 (W) ~~(U)~~ *Permit*, for the purpose of MCC 8.10.190, shall include human conduct  
22 that is intentional, deliberate, careless, inadvertent, or negligent in  
23 relationship to an animal.

1 (X) ~~(V)~~ *Person* means any natural person, association, partnership, firm or  
2 corporation.

3 (Y) ~~(W)~~ *Pet license* is a record issued by Animal Control which identifies an  
4 animal of licensable age and the owner. ~~Means a license for any owned~~  
5 ~~animal that is of licensable age.~~

6 (Z) *Pet* means a domestic or other animal allowed under this Chapter to be kept  
7 as a companion;

8 (AA) ~~(X)~~ *Physical device or structure* means a tether, trolley system, other  
9 physical control device or structure made of material sufficiently strong to  
10 adequately and humanely confine the animal in a manner that would  
11 prevent it from escaping the premises.

12 (BB) ~~(Y)~~ *Physical injury* means physical impairment or as evidenced by scrapes,  
13 cuts, punctures, bruises or physical pain ~~or other evidence of physical~~  
14 ~~impairment.~~

15 (CC) ~~(Z)~~ *Potentially dangerous dog* means any dog that has been found to have  
16 engaged in any of the behaviors specified in MCC 8.10.270.

17 (DD) ~~(AA)~~ *Public nuisance animal* is an animal that has been determined by the  
18 director to be a chronic noise nuisance, or a chronic safety nuisance, or an  
19 animal that is subjected to an immediate health hazard.

20 (EE) ~~(BB)~~ *A secure enclosure* shall be:

21 (1) A fully fenced pen, kennel or structure that shall remain locked with a padlock  
22 or combination lock. Such pen, kennel or structure must have secure sides,  
23 minimum of five feet high, and the director may require a secure top attached

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1 to the sides, and a secure bottom or floor attached to the sides of the  
2 structure or the sides must be embedded in the ground no less than one foot.

3 The structure must be in compliance with the jurisdiction's building code.

4 (2) A house or garage. When dogs are kept inside a house or garage as a  
5 secure enclosure, the house or garage shall have latched doors kept in good  
6 repair to prevent the accidental escape of the dog. A house, garage, patio,  
7 porch or any part of the house or condition of the structure is not a secure  
8 enclosure if the structure would allow the dog to exit the structure ~~on~~ of its  
9 own volition; or

10 (3) For a Dangerous Dog, a fully fenced pen, kennel or structure at least six feet  
11 in height, installed beneath the ground level or in concrete or pavement, or a  
12 fabricated structure to prevent digging under it. Either enclosure shall be  
13 designed to prevent the entry of children or unauthorized persons and to  
14 prevent those persons from extending appendages inside the enclosure and  
15 be equipped with a self closing and self latching gate. A "Dangerous Dog"  
16 sign prescribed by the director must be posted at the entry to the owner's or  
17 keeper's premises.

18 (FF) ~~(GG)~~ *Serious physical injury* means any physical injury which creates a  
19 substantial risk of death or which causes ~~significant~~ disfigurement, ~~significant~~  
20 ~~impairment of health or significant loss or impairment of the function of any body~~  
21 ~~part or bodily organ~~ or protracted loss or impairment of health or of the function of  
22 any body part or organ.

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1 ~~(GG) (DD)~~ *Service animal* is an animal that is professionally trained to provide  
2 assistance and whose primary function is to provide such service. Service  
3 animals include, but are not limited to, guide dogs, police dogs and rescue dogs.  
4 means any guide dog, signal dog or other animal individually trained to do work  
5 or perform tasks for the benefit of an individual with a disability, including, but not  
6 limited to, guiding individuals with impaired vision, alerting individuals with  
7 impaired hearing to intruders or sounds, providing minimal protection or rescue  
8 work, pulling a wheelchair, or fetching dropped items. Service animal shall also  
9 mean trained animals used by government agencies in police and rescue work.

10 (HH) ~~(EE)~~ *Sexually unproductive* means being incapable of reproduction and  
11 certified as such by a licensed veterinarian.

12 ~~(FF)~~ *Vicious animal* means any dangerous animal, excluding dogs or cats, which  
13 bites any human being or other domestic animal or which demonstrates  
14 menacing behavior towards human being or domestic animals. "Vicious animal"  
15 does not include an animal which bites, attacks or menaces a trespasser on the  
16 property of its owner or keeper or harms or menaces anyone who has tormented  
17 or abused it.

18 (II) Wolf-Hybrid means any animal which is either the result of cross breeding a  
19 purebred wolf and a dog or an existing wolf-hybrid with a dog.

20 [Ord. 156 § II (2) (1978); Ord. 379 §§ 1--3 (1983); Ord. 480 § 1 (1985); Ord. 517 § 2  
21 (1986); Ord. 591 § 1 (1988); Ord. 732 §§ 1--3 (1992); Ord. 850, § 1 (1996)]

22 Section II. AMENDMENT

23 MCC 8.10.020 is amended as follows:



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1 The board of county commissioners recognizes that ORS Chapter 609  
2 constitutes state law for the regulation of dogs but may be superseded in home rule  
3 counties which provide for regulation by ordinance. The board finds that it is  
4 necessary to establish and implement a program for the licensing and regulation of  
5 dogs and other animals and facilities which house them; that animals require legal  
6 protection; that the property rights of owners or keepers and nonowners of animals  
7 should be protected and that the health, safety and welfare of the people residing in  
8 Multnomah County would best be served by adoption of such an ordinance.

9 Section III. AMENDMENT

10 MCC 8.10.035 is amended as follows:

11 (A) Whenever a county animal control officer or person designated by the director  
12 has reasonable grounds to believe that an animal or facility is in violation of this  
13 chapter, that officer or designee shall be authorized to issue the owner or  
14 keeper notice of civil infraction containing the following information:

15 (1) The name and address, if known, of the owner or person in violation of this  
16 chapter and description of the animal, if applicable; and

17 (2) The Code section allegedly violated plus a brief descriptive statement of the  
18 nature of the violation; and

19 (3) A statement of the amount due as a civil fine for the infraction and notice that  
20 the animal is to be impounded if impoundment is authorized hereunder.

21 (4) A statement explaining all fines are due within 30 days of service of the  
22 notice;

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1 (5) A statement advising that if any civil fine is not timely paid, the failure to  
2 comply may lead to enhancement of the original fine or additional fines;

3 (6) A statement that the determination of violation is final unless appealed by  
4 filing a written notice of appeal ~~including~~ with a ~~-\$25.00~~ non-refundable fee  
5 ~~with~~ to the director of animal control division within 20 days of the date of the  
6 notice of infraction was served.

7 (7) A statement that an admission of infraction would be on record and could lead  
8 to the enhancement of fine on any subsequent infraction issued under this  
9 chapter as provided under MCC 8.10.900 (B).

10 [Ord. 732 § 4 (1992); Ord. 850, § 4 (1996)]

11 Section IV. AMENDMENT

12 MCC 8.10.036 is amended as follows:

13 The notice of infraction shall be served on the owner or keeper of the animal  
14 or facility in violation of this chapter by personal service or by regular and certified  
15 mail with return receipt requested.

16 [Ord. 732 § 5 (1992); Ord. 850, § 5 (1996)]

17 Section V. AMENDMENT

18 MCC 8.10.038 is amended as follows:

19 (A) Any party who is issued a notice of infraction for any offense listed under MCC  
20 8.10.900(A) may, in lieu of requesting a hearing, admit the infraction and submit  
21 the fine as stated on the notice of infraction to the animal control division. The  
22 party may attach a written explanation of mitigating circumstances with the  
23 payment of the fine.

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1 (B) Any written explanations submitted under subsection (A) shall be reviewed by  
2 the hearings officer. The hearings officer shall have discretion to reduce the  
3 submitted fine and refund any portion not retained based on the written  
4 explanation.

5 (C) When a person issued a notice of infraction for violation of any of the following  
6 sections of this chapter: MCC 8.10.190(B)(2), (5) ~~(6)~~, (10) ~~(11)~~, (11) ~~(12)~~, or (12)  
7 ~~(13)~~; or MCC 8.10.191(A), the violation may be compromised as provided at  
8 MCC 8.10.038(D).

9 (D) If the person injured, damaged, or otherwise detrimentally impacted by the  
10 commission of the violation; acknowledges in writing any time before the final  
11 decision of the director, hearings officer, or a court of requisite jurisdiction, that  
12 the person has received satisfaction for the injury damage or detrimental impact,  
13 the director hearings officer or court may in their discretion, on payment of any  
14 cost or expense incurred, order the notice of infraction dismissed.

15 (1) The director, hearings officer, or court when issuing an order to dismiss under  
16 this section, may impose additional conditions or requirements upon the party  
17 issued the violation, if in their determination the additional requirements are  
18 necessary to further protect the public health or safety.

19 (2) Any condition or requirement imposed pursuant to MCC 8.10.038(D)(1) shall  
20 be complied with prior to the entry of the final order dismissing the notice of  
21 infraction(s).

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1 (E) The order authorized by MCC 8.10.038(D) when made and entered by the  
2 director, hearings officer or court is a bar to another enforcement action for the  
3 same violation.

4 [Ord. 732 § 7 (1992); Ord. 850, § 6 (1996)]

5 Section VI. AMENDMENT

6 MCC 8.10.040 is amended as follows:

7 (A) The director shall operate, maintain or provide for an adequate facility to receive,  
8 care for and safely confine any animal delivered to the director's custody under  
9 provisions of this chapter, which facility shall be accessible to the public during  
10 reasonable hours for the conduct of necessary business concerning impounded  
11 animals.

12 (B) Any animal may be impounded and held at the facility when it is the subject of a  
13 violation of this chapter, when an animal requires protective custody and care  
14 because of mistreatment or neglect by its owner or keeper or when otherwise  
15 ordered impounded by a court, a hearings officer, or the director.

16 (C) An animal shall be considered impounded from the time the director or the  
17 director's designee takes physical custody of the animal.

18 (D) Impoundment is subject to the following holding period and notice requirements:

19 (1) An animal bearing identification of ownership shall be held for 144 hours from  
20 time of impoundment. The director shall make reasonable effort ~~within 24~~  
21 ~~hours of impoundment~~ by phone to give notice of the impoundment to owner  
22 or keeper and, if unsuccessful, shall mail written notice ~~within 48 hours of~~  
23 ~~impoundment~~ to the last known address of the owner or keeper advising of

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1 the impoundment, the date by which redemption must be made and the fees  
2 payable prior to redemption release.

3 (2) An animal dog for which no identification of ownership is known or reasonably  
4 determinable shall be held for 72 hours from time of impoundment before any  
5 disposition may be made of the animal.

6 (3) Animals held for periods prescribed under this section, or as otherwise  
7 required by ORS 433.340 or 433.390, and not redeemed by the owner or  
8 keeper, shall be subject to such means of disposal as the director considers  
9 most humane.

10 (4) Animals delivered for impoundment by a peace officer who removed the  
11 animal from possession of a person in custody of the peace officer shall be  
12 held for the period prescribed in paragraph (1) of this subsection. A receipt  
13 shall be given the peace officer, who shall deliver the receipt to the person in  
14 custody from whom the animal was taken. The receipt shall recite  
15 redemption requirements and shall serve as the notice required by this  
16 section.

17 (E)(1) Any impounded animal shall be released to the owner or keeper or the  
18 owner's or keeper's authorized representative upon payment of impoundment,  
19 care, rabies, vaccination deposits, license fees, past due fines, and all fees and  
20 deposits related to potentially dangerous dog regulations with the addition of the  
21 following conditions:

22 (a) Any animal impounded by court, hearings officer's or director's order shall be  
23 released to the owner or keeper or the owner's or keeper's authorized

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1 representative upon payment of all fees required in subsection (E) (1) of this  
2 section, and upon receipt of a written order of release from the court of  
3 competent jurisdiction or the hearings officer or the director issuing the order.

4 (b) Any classified potentially dangerous dog shall be released to the owner or  
5 keeper or the owner's or keeper's authorized representative upon payment of  
6 all fees required in subsection (E)(1) of this section, and upon verification of  
7 satisfactory compliance with the regulations required in MCC 8.10.270 to  
8 8.10.280. Failure to be in satisfactory compliance with the potentially  
9 dangerous dog regulations within ~~ten days of~~ twenty days after the date of  
10 impoundment shall result in the owner or keeper forfeiting all rights of  
11 ownership of the dog to the county.

12 (2) An animal held for the prescribed period and not redeemed by its owner or  
13 keeper, and which is neither a dangerous or exotic animal nor in a ~~dangerous~~  
14 unhealthy condition ~~of health~~, may be released for adoption subject to the  
15 provision of MCC 8.10.045.

16 (3) The director shall dispose of animals held for the prescribed period without  
17 redemption or adoption only by humane means ~~of euthanasia, provided,~~  
18 ~~however, that, irrespective of any prescribed holding period, the director,~~  
19 ~~upon advice of a licensed veterinarian,~~

20 (4) At any time the director may euthanize any unlicensed and feral animal, or  
21 any unhealthy or injured animal by humane means without regard to the  
22 holding period specified in (D)(1)(2) above, provided the animal's injuries  
23 must be determined to be life threatening or if the animal is unhealthy the

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1 animal's condition must be found to present a health threat to the other  
2 animals in the shelter.

3 (5) Any device attached to any animal upon impoundment shall be retained, 30  
4 days, by the director should the animal be disposed of as provided in  
5 paragraph (3) of this subsection. Otherwise, the device shall accompany the  
6 animal when redeemed or adopted.

7 [Ord. 156§ III (2) (1977); Ord. 276 § 2 (1981); Ord. 379 §§ 5, 6 (1983); Ord. 591 § 4  
8 (1988); Ord. 732 § 3 (1992); Ord. 580, § 7 (1996)]

9 Section VII. AMENDMENT

10 MCC 8.10.041 is added as follows:

11 (A) Whenever a person in possession of an animal, which has been used in the  
12 commission of a violation of this Chapter, and which is the subject of a lawful  
13 order of impound, refuses to voluntarily release said animal to an Animal Control  
14 Officer upon timely and reasonable request, the Director shall determine the  
15 need to procure the animal's immediate impoundment.

16 (B) A limited search warrant authorized under this section shall be sought by the  
17 Division after the Director has determined the animals immediate impoundment  
18 is necessary based on one or more of the following factors:

19 (1) The public's health and safety is at risk by the subject animal remaining in  
20 the possession of the owner.

21 (2) The health and welfare of the subject animal is at risk by the animal  
22 remaining in the possession of the owner or keeper.

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1       (3) The Owner/Keeper has failed to comply with requirements specified in MCC  
2           8.10.192.

3       (C)The Director shall request the assistance of the Sheriff to procure and execute  
4           the limited search warrant. The Sheriff shall prepare the application for the  
5           warrant including the affidavit in support thereof. The Sheriff shall obtain the  
6           warrant in compliance with the procedures and practices authorized under State  
7           law for the seizure of property pursuant to a search warrant. The Director and  
8           the Sheriff shall coordinate with the Office of County Counsel to review the  
9           affidavit for compliance with all the provisions herein stated.

10      Section VIII. AMENDMENT

11           MCC 8.10.045 is amended as follows:

12      (A)An animal may be released for adoption or transferred to another adoption  
13           agency, approved by the director, subject to the following conditions:

14           (1) The adoptive owner ~~or keeper~~ shall agree in writing to furnish proper care to  
15           the animal in accordance with this chapter;

16           (2) Payment of required fees; however, animals transferred to another adoption  
17           agency are exempt from the requirement of paying adoption fees;

18           (3) In the case of a fertile dog or cat, the adoption agency must obtain prior to  
19           transfer from the adoption agency to the adoptive owner a surgical  
20           prepayment deposit in an amount not to exceed \$45.00 refundable upon  
21           furnishing evidence that the animal has been rendered sexually  
22           unreproductive; and written agreement by the adoptive owner ~~or keeper~~ to  
23           render any adopted dog or cat sexually unproductive within 30 days of



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1 adoption or upon the animal attaining sexual maturity, whichever event last  
2 occurs, together with a fee not to exceed \$45 refundable upon furnishing  
3 evidence the animal has been rendered sexually unproductive. Failure to  
4 perform the agreement shall be a forfeiture of the amount deposited under  
5 this paragraph and the director may require return of the adopted dog or cat  
6 to the shelter. It is unlawful to fail to return an adopted animal as required by  
7 the director.

8 ~~(4) A written agreement by the adoptive owner or keeper to render any adopted~~  
9 ~~dog or cat sexually unproductive within 30 days of adoption or upon the~~  
10 ~~animal attaining sexual maturity, whichever event last occurs, together with a~~  
11 ~~fee not to exceed \$45 refundable upon furnishing evidence the animal has~~  
12 ~~been rendered sexually unproductive. Failure to perform the agreement shall~~  
13 ~~be a forfeiture of the amount deposited under paragraph (3) of this section~~  
14 ~~and the director may require return of the adopted dog or cat to the shelter. It~~  
15 ~~is unlawful to fail to return an adopted animal as required by the director.~~

16 (B) The director may decline to release an animal for adoption under any of the  
17 following circumstances including but not limited to:

18 (1) The prospective adoptive owner ~~or keeper~~ has a history of violations of the  
19 animal control ordinance or has been convicted of an animal-related crime.

20 (2) The prospective adoptive owner ~~or keeper~~ has inadequate or inappropriate  
21 facilities for confining the animal and for providing proper care to the animal  
22 as set out in MCC 8.10.190;

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1 (3) The existence of other circumstances which in the opinion of the director  
2 would endanger the welfare of the animal or the health, safety and welfare of  
3 the people residing in Multnomah County. ~~In making a decision under this~~  
4 ~~subsection, the director shall consider the guidelines adopted by the~~  
5 ~~Multnomah County animal adoption panel.~~

6 (4) The animal is classified as a dangerous dog animal or a potentially dangerous  
7 dog.

8 (C)For purposes of this section "adoption agency" shall mean any government,  
9 association, corporation or similar entity approved by the director and capable of  
10 caring for animals pending final adoption placement.

11 [Ord. 275 § 4 (1981); Ord. 379 § 7 (1983); Ord. 732 § 3 (1992); Ord. 850, § 8 (1996)]

12 Section IX. AMENDMENT

13 MCC 8.10.054 is amended as follows:

14 **8.10.054. Appeals, ~~fee.~~**

15 (A) Any party served a notice of infraction or director's decision or order under this  
16 chapter may appeal the infraction or director's decision by submitting a notice of  
17 appeal in writing along with ~~the \$25.00 hearing fee~~ to the ~~a~~Animal ~~e~~Control  
18 ~~d~~Division within 30 days of the date the notice of infraction or director's decision  
19 or order was served on the party.

20 (B) Any party whose application for a facility license or dangerous animal facility  
21 license was denied, revoked or issued subject to conditions may appeal the  
22 license denial, revocation or conditional approval by submitting a notice of appeal  
23 in writing along with ~~the \$25.00 hearing fee~~ to the ~~a~~Animal ~~e~~Control ~~d~~Division

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1 within 20 days of the date the denial or conditional approval was mailed to the  
2 applicant by certified mail.

3 [Ord. 732 § 9 (1992); Ord. 850, § 10 (1996)]

4 Section X. AMENDMENT

5 MCC 8.10.055 is amended as follows:

6 (A) The board shall adopt procedural rules governing the conduct and scheduling of  
7 the appeal hearings under this chapter.

8 (B) Upon the receipt of a timely appeal, animal control division shall set the matter  
9 for hearing on the next available date scheduled for animal control hearings.

10 (C) Any party appealing a notice of infraction or license denial/revocation or director's  
11 decision or order under this chapter shall be given a written notice of the hearing  
12 date no less than ten days prior to the scheduled hearing.

13 (D) The hearings officer shall hold a public hearing on any timely appeal from a  
14 notice of infraction, director's decision or order, or the denial/revocation of a  
15 facility license. The party who brought the appeal or any other person having  
16 relevant evidence concerning the nature of the infraction or license  
17 denial/revocation shall be allowed to present testimony and documentary  
18 evidence at the hearing. The hearings officer may consider mitigating or  
19 extenuating circumstances presented on behalf of a party.

20 (E) If the hearing is held to address a notice of infraction or director's decision issued  
21 under MC 8.10.275 or 8.10.290, the hearings officer shall determine whether the  
22 infraction contained in the notice did occur. The hearings officer shall have the

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1 same authority as the director under MCC 8.10.275 when conducting potentially  
2 dangerous dog hearings.

3 (F) If the hearing is held to address a facility license condition, denial or revocation,  
4 the hearings officer shall determine whether the license conditions were rightfully  
5 imposed or the license was rightfully denied or revoked as provided under MCC  
6 8.10.120.

7 (G) The hearings officer shall issue a written decision containing findings of fact  
8 addressing the allegations contained in the notice of infraction, the director's  
9 decision, or the license denial/revocation under MCC 8.10.100 through 8.10.145.  
10 The decision shall clearly state the hearings officer's conclusion and the  
11 reasoning based on the findings of fact. The decision shall be signed and dated  
12 by the hearings officer and shall be served by personal service or regular and  
13 certified mail to the last known address of the party who filed the appeal. The  
14 decision shall be final on the date of personal service or three (3) days after  
15 mailing.

16 (H) In all appeal under this chapter the hearings officer shall have discretion ordering  
17 conditions, restrictions and penalties.

18 (I) Failure of a party to file an appeal as provided in this section or unexcused failure  
19 of a party to appear at a duly scheduled hearing shall constitute a waiver by the  
20 party of any further appeal under this chapter. Upon the entry of a waiver in the  
21 record, the last decision issued by the animal control division shall become final.

22 [Ord. 732 § 10 (1992); Ord. 850, § 11 (1996)]

23

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1 SECTION XI. AMENDMENT

2 MCC 8.10.060 is amended as follows:

3 **8.10.060. Dogs and cats subject to pet licensing.**

4 (A) The provisions of MCC 8.10.060 to 8.10.090, shall apply to dogs and cats not  
5 covered under a facility subject to licensure under MCC 8.10.100 to 8.10.140.

6 (B) Any animal declared by its owner or keeper to be a wolf-hybrid shall be  
7 considered a dog under this chapter and subject to all provisions relating to  
8 dogs under state law and this chapter with respect to the possession, ownership  
9 and licensing of the animal, including the requirement to vaccinate the animal  
10 against rabies.

11 (C) As a condition of the issuance of a license to a wolf-hybrid owner or keeper, and  
12 notwithstanding that person's obligation to vaccinate the animal against rabies  
13 under MCC 8.10.060(B), any such owner or keeper shall agree in writing to  
14 immediately release the animal for euthanization upon demand of the County  
15 Health Officer or the Director, if the animal has bitten a person or has been  
16 exposed to a rabid animal. This condition, consenting to release, shall be  
17 effective for the life of the wolf-hybrid or until such time as a rabies vaccine is  
18 approved and certified by the Oregon State Department of Agriculture for use in  
19 wolf-hybrids.

20 [Ord. 156 § IV(1) (1977); Ord. 480 § 2 (1985); Ord. 850 § 13 (1996)]

21 Section XII. AMENDMENT

22 MCC 8.10.070 is amended as follows:

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1 (A) Dogs and cats shall be licensed within 30 days of obtaining the age of six  
2 months or within 30 days of obtaining residency in the county or within 30 days  
3 of acquisition by the owner or keeper, whichever occurs later.

4 (B) Licenses shall be valid for one, two or three years from date of issuance, at the  
5 option of the pet owner or keeper and, for dogs and cats, shall require a current  
6 rabies inoculation for licensing period selected and shall be issued upon payment  
7 of the fee required by MCC 8.10.220.

8 (C) Licenses issued under prior existing Multnomah County ordinances shall remain  
9 valid until expiration.

10 (D) The person who licenses an animal becomes the owner or keeper of record and  
11 is responsible for the action or behavior of his or her animal including those  
12 responsibilities of an owner as provided in MCC 8.10.190 (A).

13 [Ord. 156 § IV(2a) (1977); Ord. 480 § 3 (1985); Ord. 732 § 3 (1992); Ord. 850, § 14  
14 (1996)]

15 Section XIII. AMENDMENT

16 MCC 8.10.080 is amended as follows:

17 (A) Pet license tags shall be securely displayed upon animals at all times, except  
18 when the animal is confined to the owner's or keeper's premises or displayed in  
19 an exhibition. ~~Pet owners or keepers shall be allowed to choose the means by~~  
20 ~~which to display the pet license number (tag, collar, tattoo, microchip or another~~  
21 ~~form of identification with the pet license number on it.)~~ A pet license tag, with  
22 pet license number, shall be issued by the director. Any additional expenses ~~is~~  
23 are to be borne by the pet owner or keeper.

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1 (B) A pet license is not transferable to another animal. The pet license number shall  
2 be assigned to the animal and shall remain with the animal upon transfer to  
3 another owner or keeper for the life of the animal.

4 (C) An animal displaying a current license from jurisdictions outside Multnomah  
5 County, but within the State of Oregon, shall not require licensing under this  
6 chapter until expiration of the current license.

7 (D) Animal control may inspect the premises ~~with five or more~~ where animals are  
8 kept to insure that owners or keepers are providing minimum care and facilities.

9 [Ord. 156 § IV(2b) (1977); Ord. 195 § 11 (1979); Ord. 480 § 5 (1985); Ord. 732 § 3  
10 (1992); Ord. 850, § 15 (1996)]

11 Section XIX. AMENDMENT

12 MCC 8.10.090 is amended as follows:

13 (A) License Fees shall be waived for licenses issued for any dog used primarily as a  
14 service animal upon presentment the owner or keeper establishing the service  
15 animal's function as an assistance animal under the Americans With Disabilities  
16 Act, 42 USC § 12101 et seq..of an ADA affidavit by the animal's owner or keeper.  
17 ~~A service animal license shall be valid for the duration that the dog provides the~~  
18 ~~service or upon retirement due to age or infirmity and so long as the dog remains~~  
19 ~~the property of the person named in the affidavit.~~

20 (B) License fees for dogs and cats owned by persons aged 65 or older and persons  
21 deemed by the director to be under financial hardship ~~shall~~ may be reduced by  
22 up to 50 percent for up to two (2) animals per household.

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1 (C) License fees shall be waived for any dog used as a service animal by any Local,  
2 State or Federal Government agency. This exemption shall expire when the dog  
3 is no longer used primarily as a service animal.

4 [Ord. 156 § IV(2c) (1977); Ord. 480 § 6 (1985); Ord. 684 § 3 (1991); Ord. 732 § 3  
5 (1992); Ord. 850, § 17 (1996)]

6 Section XV. AMENDMENT

7 MCC 8.10.100 is amended as follows:

8 (A) A facility license or dangerous animal dog facility license shall be granted in  
9 accordance with procedures, standards and limitations provided in MCC  
10 8.10.100 to 8.10.140, and no such facility may lawfully be operated except upon  
11 application and payment of prescribed fees for the license.

12 ~~(B) Issuance of the license shall require prior land use approval and shall be in~~  
13 ~~compliance with any land use restrictions or regulations which may apply to the~~  
14 ~~proposed facility operation.~~

15 ~~(C) The Oregon Humane Society, located at 1067 NE Columbia Boulevard in~~  
16 ~~Portland, Oregon, shall be exempt from the requirements of MCC 8.10.100 to~~  
17 ~~8.10.140.~~

18 [Ord. 156 § V(1) (1977); Ord. 480 § 7 (1985); Ord. 850, § 18 (1996)]

19 Section XVI. AMENDMENT

20 MCC 8.10.110 is amended as follows:



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1 (A) Application for a facility license or dangerous ~~animal~~ dog facility license shall be  
2 made upon forms furnished by the director, shall include all information required  
3 therein and shall be accompanied by payment of the required fee.

4 (B) A facility license or dangerous ~~animal~~ dog facility license shall be valid for one  
5 year from the date of issuance, unless revoked.

6 (C) The director shall inspect any facility for which a license is sought and, upon  
7 determination that the facility and its operation complies with all applicable  
8 provisions of this chapter and other applicable local, state and federal laws, shall  
9 issue a license which may include one or more conditions of approval and/or  
10 operation.

11 (D) If the director fails to approve or deny a fully completed application within 60 days  
12 of its receipt and payment of fees, the application shall be considered approved  
13 for the current year, subject only to revocation as provided in MCC 8.10.120.

14 (E) A license shall be conspicuously displayed on the facility premises and a holder  
15 of a license shall keep available for inspection by the director a record of the  
16 name, address and telephone number of the owner or keeper of each animal  
17 kept at the facility, the date each animal was received, the purpose therefor, the  
18 name and address of the person from whom the animal was purchased or  
19 received, a description of each animal including species, age, breed, sex and  
20 color and the animal's veterinarian, if known, at the discretion of the director. For  
21 small animal such as fish, gerbils, hamsters or similar kinds of animals acquired

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1 in lots, an individual record should not be required for each animal, but the  
2 holders shall keep an adequate invoice record of the lot acquisition.

3 [Ord. 156 § V(2) (1977); Ord. 480 § 8 (1985); Ord. 732 § 3 (1992); Ord. 850 § 19  
4 (1996)]

5 Section XVII. AMENDMENT

6 MCC 8.10.120 is amended as follows:

7 (A) A license required by MCC 8.10.100 to 8.10.140 may be denied or revoked for  
8 any of the following reasons:

9 (1) Failure to comply ~~substantially~~ with any provision of this chapter.

10 (2) Conviction of the owner or keeper or any person subject to the owner's or  
11 keeper's direction or control for the violation of any provision of this chapter or  
12 other applicable state or federal law, rule, order or regulation pertaining to any  
13 activity relating to animals.

14 (3) Furnishing false information on an application for a license under this chapter.

15 (B) The director shall refund ~~400~~ 75 percent of any fee paid upon denial of a license,  
16 provided, however, no refund shall be made upon revocation.

17 (C) If the director denies an application for a license or approves subject to  
18 conditions, the determination is final unless the applicant appeals the denial or  
19 conditional approval.

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1 (D)The director shall investigate any complaint concerning licensed facilities and,  
2 upon determination that a license should be revoked, shall serve written notice  
3 upon the licensee of that determination by certified mail. The director's  
4 determination shall become final unless appealed.

5 (E) Failure to file a request within 20 days shall terminate any appeal right, and the  
6 director's decision revoking the license shall not be reviewable otherwise.

7 [Ord. 156 § V(3) (1977); Ord. 732 §§ 3, 13 (1992); Ord. 850, § 20 (1996)]

8 Section XVIII. AMENDMENT

9 MCC 8.10.130 is amended as follows:

10 The director shall not issue facility license or dangerous ~~animal~~ dog facility license  
11 until a site inspection demonstrates compliance with the standards applicable to the  
12 nature and species of any animal to be kept as set forth in this section:

13 (A) Housing structures shall be sound and maintained in good repair to protect  
14 animals from injury, safely confine any animal housed therein and prevent entry  
15 of other animals.

16 (B) Reliable and adequate electrical service and a potable water supply shall serve  
17 the facility.

18 (C) Storage of food supplies and bedding materials shall be designed to prevent  
19 vermin infestation.

20 (D) Refrigeration shall be furnished for perishable foods.

21 (E) Safe and sanitary disposal facilities shall be available to eliminate animal and  
22 food wastes, bedding, dead animals and debris and to minimize vermin  
23 infestation, odors and disease hazards.

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- 1 (F) Cleaning facilities shall be available to animal caretakers and handlers.
- 2 (G) Interior ambient temperature shall be maintained above 50 degrees Fahrenheit  
3 for animals not acclimatized to lower temperatures.
- 4 (H) Adequate ventilation shall be maintained to assure animal comfort by such  
5 means as will provide sufficient fresh air and minimize drafts, odors and moisture  
6 condensation. Mechanical ventilation must be available when ambient  
7 temperatures exceed 85 degrees Fahrenheit, if appropriate.
- 8 (I) Interior areas shall have adequate natural or artificial lighting provided, however,  
9 that primary enclosures for animals shall be protected from excessive  
10 illumination.
- 11 (J) Interior building surfaces shall be so constructed and maintained to permit  
12 sanitizing and prevent moisture penetration.
- 13 (K) Drainage facilities shall be available to assure rapid elimination of excess water  
14 from indoor housing facilities. The design shall assure obstruction-free flow and  
15 traps to prevent sewage back-flow.
- 16 (L) Outdoor facilities shall provide protective shading and adequate shelter areas  
17 designed to minimize harmful exposure to weather conditions for those animals  
18 not acclimatized to the environment, if appropriate for the species.
- 19 (M) The primary enclosure shall be of sufficient size to permit each animal housed  
20 therein to stand freely, sit, turn about and lie in a comfortable normal position as  
21 appropriate for the species. An exercise area or means to provide each animal  
22 with exercise shall be provided on the premises.

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1 (N)When restraining devices are used in connection with a primary enclosure  
2 intended to permit movement outside the enclosure, the devices shall be  
3 installed in a manner to prevent entanglement with devices of other animals or  
4 objects and shall be fitted to the animal by a harness or well-fitted collar, other  
5 than a choke type collar, and shall be of reasonable length.

6 (O)Animals shall be fed, as often as necessary, a diet of nutritionally adequate and  
7 uncontaminated foods.

8 (P)Potable water shall be continuously available, unless otherwise recommended by  
9 a veterinarian in a particular situation.

10 (Q)Cages, rooms, hard-surfaced pens, runs and food and watering receptacles shall  
11 be sanitized daily to prevent disease ~~not less than once very two weeks by~~  
12 ~~washing with hot water (180 degrees Fahrenheit) and soap or detergent, by~~  
13 ~~washing with a combination disinfectant and cleanser, by washing with a~~  
14 ~~detergent followed with a safe, effective disinfectant or by cleaning with steam.~~  
15 Prior to the introduction of housing animals in into empty enclosures ~~previously~~  
16 ~~occupied~~, the enclosures shall be sanitized. Animals shall be removed from the  
17 enclosure during the cleaning process and adequate care shall be taken to  
18 protect animals in other enclosures.

19 (R)Excrement shall be removed from primary enclosures a minimum of every 24  
20 hours, or more often if necessary as to prevent contamination, reduce disease  
21 hazards and minimize odors.

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1 (S) Animals housed together in primary enclosures shall be maintained in compatible  
2 groups with the following restrictions, except in a residential dwelling or otherwise  
3 appropriate for the species:

4 (1) Females in season (estrus) shall not be placed with males except for  
5 breeding purposes;

6 (2) Animals exhibiting vicious behavior shall be housed separately;

7 (3) Animals six months or less of age shall not be housed with adult animals  
8 other than with their mothers, as appropriate for the species;

9 (4) Animals shall not be housed with other non-compatible species of animals;  
10 and

11 (5) Animals under quarantine or treatment for any communicable disease shall  
12 be separated from other animals.

13 (T) Programs of disease control and prevention shall be established and maintained.

14 (U) Each animal shall be seen at least once per 24-hour period by an animal  
15 caretaker.

16 (V) Owner or keeper shall comply with the provisions of MCC 8.10.190(B)(~~6~~)(7) and  
17 (B)(~~8~~)(9).

18 [Ord. 156 § V(4) (1977); Ord. 850, § 21 (1996)]

19 Section XIX. AMENDMENT

20 MCC 8.10.140 is amended as follows:

21 (A) ~~Exotic, wild or dangerous animal regulation facility license.~~

22 It is unlawful to harbor and/or own an exotic or dangerous animal. Any facility for  
23 keeping of any dangerous animal, whether or not otherwise licensed under this

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1 ~~chapter, shall be licensed subject to MGC 8.10.100 and 8.10.110, and the~~  
2 ~~following requirements:~~

3 ~~Animals must at all times be housed in a manner which assures that animals will~~  
4 ~~not create a public nuisance by reason of noise or emission of offensive odors,~~  
5 ~~present a danger to human life or property, endanger the health of the animals or~~  
6 ~~create a safety or health hazard to human beings. The facility must meet the~~  
7 ~~standards as described in the Oregon Administrative Rules chapter 603, division~~  
8 ~~11, sections 700 through 725 as published in 1994 and as is from time to time~~  
9 ~~amended or as required by the director.~~

10 ~~An applicant for a license must demonstrate satisfactory proof to respond in~~  
11 ~~damages for bodily injury or death of any person or for damage to any property~~  
12 ~~which may result from the keeping, owning or control of the animal. The director~~  
13 ~~may require posting of an adequate bond or proof of liability insurance to remain~~  
14 ~~in effect during any license period.~~

15 (B) The following facilities, institutions, persons, entities, associations and  
16 government agencies are exempt from compliance with 8.10.140(A):

17 (1) Any facility accredited by the Association of Zoos and Aquariums (AZ[A]):

18 (2) Any licensed or accredited research or medical institution, including any such  
19 institution dedicated to the training of exotic primates for service animals;

20 (3) License or accredited educational institutions;

21 (4) Veterinary clinics in possession of exotic animals for treatment or  
22 rehabilitation purposes.

23 (5) Traveling circuses or carnivals;

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1 (6) Persons temporarily transporting exotic animals through the county provided  
2 that the transit time shall not be more than three (3) days.

3 (7) Any person or facility licensed as an exhibitor or breeder by the United States  
4 Department of Agriculture (USDA) under the Animal Welfare Act.

5 (8) Persons owning or keeping a trained exotic primate as a service animal and  
6 who have submitted a sworn affidavit affirming the need for the service animal  
7 in their personal dwelling.

8 (C) ~~A license issued under this section shall be subject to revocation by the director~~  
9 ~~under MCC 8.10.120.~~ Any person, not otherwise exempted, in possession of an  
10 exotic animal and a current exotic animal facility license prior to and upon the  
11 date this ordinance takes effect shall be eligible to request an Exemption Permit  
12 from Compliance with MCC 8.10.190(B) [(14)] (13) by submitting a written  
13 petition to the director. The petition must address each of the following  
14 elements:

15 (1) What, if any, financial hardship will be caused by the removal of the animal;

16 (2) Description of the animal including species, age, size, weight, coloring;

17 (3) History of Compliance With All Exotic and Dangerous Animal Facility  
18 Regulations under any applicable federal or state law.

19 (D) The director shall evaluate whether any petition submitted under subsection (E)  
20 herein merits the exotic animal to be maintained at the facility for the duration of  
21 the animal's life. Said determination shall be based on comparison of the risk to  
22 public health and safety by the specified animal remaining in the facility and  
23 petitioner's response to the three factors addressed in the petition.



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1 (E) Any Exemption Permit issued under this section shall only be available to the  
2 original permit holder, and shall be non-assignable and nontransferable. An  
3 exemption permit shall be subject to annual renewal and routine periodic  
4 inspection of the facility. Inspection of the facility wherein the animal is kept  
5 shall be for the purposes of evaluating the adequacy of the facility to protect the  
6 public from the animal as well as for the care and treatment of the animal. The  
7 Exemption Permit shall:

8 (1) Terminate upon death of the animal;

9 (2) Terminate upon the death of the petitioner;

10 (3) Terminate upon the relocation of the petitioner or the animal to an address or  
11 site outside of the boundaries of Multnomah County.

12 (4) Shall be subject to revocation and the animal shall be subject to immediate  
13 impoundment upon any notice of infraction being issued to the permit holder;

14 (5) Provide that upon termination of the permit for any reason, and if the animal  
15 has not been otherwise disposed of at such time, that the permit holder, or his  
16 or her heirs or successors in interest shall either:

17 (a) Immediately release the animal to impound by the Animal Control Division,

18 or

19 (b) Immediately transfer the animal to lawfully exempted agency as provided  
20 in subsection (D) herein, that has agreed in writing to accept the animal,  
21 proof of which shall be provided to the Animal Control Division prior to the  
22 transfer.

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1 (F) Any dangerous or exotic animal found in Multnomah County in violation of this  
2 section and not otherwise exempt under MCC 8.10.140(B) or (C) shall be  
3 subject to immediate impoundment by Animal Control and disposition through  
4 any lawful and humane means available to Animal Control.

5 [Ord. 156 § V(5) (1977); Ord. 850, § 22 (1996)]

6 Section XX. AMENDMENT

7 MCC 8.10.160 is amended as follows:

8 (A) Any person who finds and harbors an animal without knowing the animal owner's  
9 or keeper's identity shall notify the director and furnish a description of the animal  
10 within 5 days after the date of finding the animal.

11 (B) The finder may surrender the animal to the director or retain its possession,  
12 subject to surrender upon demand of the director.

13 (C) Records of reported findings shall be retained for six months by the director and  
14 made available for public inspection.

15 (D) If the finder chooses to retain possession of the animal, the finder shall, within 15  
16 days, cause to be published in a newspaper of general circulation in the county a  
17 notice of the finding once each week for two consecutive weeks. Each such  
18 notice shall state the description of the animal, the location where the animal was  
19 found, the name and address of the finder and the final date before which such  
20 animal may be claimed. If the finder does not wish to have his or her name and  
21 address appear in the notice, he or she may obtain a case number from  
22 Multnomah County Animal Control and have that number published in the  
23 newspaper along with the phone number for animal eControl for contact.

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1 (E) If no person appears and claims ownership of the animal prior to the expiration of  
2 ~~90~~ 180 days after the date of the notice to the director under subsection (A) of  
3 this section, the finder shall be declared the owner of the animal. Any person  
4 becoming owner of any animal under the provisions of this subsection shall  
5 assume the responsibilities of an owner under this chapter.

6 (F) If within ~~three months~~ 180 days of the finder's notice to the director the animal's  
7 owner does appear and establish ownership of the animal, the finder shall  
8 surrender possession of the animal to that owner, provided, however, that the  
9 owner first tender to the finder payment for all of the finder's reasonable actual  
10 costs incurred for giving of notice, providing urgent veterinary care and keeping  
11 of the animal.

12 (G) Any dispute as to ownership or right to possession of the animal, or as to the  
13 amount of the finder's costs, shall be submitted to the director in writing, who  
14 shall promptly decide the matter in writing within 30 days. Any party aggrieved  
15 by the director's decision may appeal the decision under MCC 8.10.054 through  
16 8.10.057.

17 (H) Notwithstanding any other provision in this section, any person who prior to  
18 December 31, 1995 found and harbored any dog or cat and who notified the  
19 director and furnished a description of the animal shall be the animal's owner if,  
20 prior to the expiration of ~~three months~~ 180 days after the director was notified, no  
21 person appeared and claimed ownership of the animal. Any person becoming  
22 owner of any animal under the provisions of this subsection shall assume the  
23 responsibilities of an owner under this chapter.

1 Section XXI. AMENDMENT

2 MCC 8.10.170 is amended to read as follows:

3 Any person in physical possession or control of any animal off the premises of  
4 the animal's owner or keeper shall immediately remove excrement or other solid  
5 waste deposited by the animal in any public area ~~or private property.~~

6 [Ord. 156 § VI(3) (1977); Ord. 850, § 26 (1996)]

7 Section XXII. AMENDMENT

8 MCC 8.10.190 is amended as follows:

9 (A) For the purposes of this section, unless otherwise limited, the owner is ultimately  
10 responsible for the behavior of his or her animal regardless of whether the owner  
11 or another member of the owner's household or a household visitor permitted the  
12 animal to engage in the behavior that is the subject of the violation.

13 (B) It is unlawful for any person to:

14 (1) Permit an animal to be an animal at large.

15 (2) Permit an animal to trespass upon property of another.

16 (3) ~~(4) Keep a vicious animal.~~ Fail to comply with requirements of this chapter  
17 which apply to the keeping of an animal, or dangerous animal or any facility  
18 where such animals are kept.

19 (4) ~~(5)~~ Permit a dog in season (estrus) to be accessible to a male dog not in the  
20 person's ownership except for intentional breeding purposes.

21 (5) ~~(6)~~ Permit any animal to unreasonably cause annoyance, alarm or noise  
22 disturbance to any person or neighborhood by at any time of the day or night,  
23 ~~by repeated barking, whining, screeching, howling, braying or other like~~

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1 sounds which may be heard beyond the boundary of the owner's or keeper's  
2 property under conditions wherein the animal sounds are shown to have  
3 occurred either as repeated episodes of continuous noise lasting for a  
4 minimum period of ten minutes or repeated episodes of intermittent noise  
5 lasting for a minimum period of thirty minutes. It shall be an affirmative  
6 defense under this subsection that the animal was intentionally provoked by a  
7 party other than the owner to make such noise. Provided, 8.10.190(B)(5)  
8 shall not be applicable to any lawful livestock owner or keeper; kennel or  
9 similar facility, wherein the presence of livestock or the operation of a kennel  
10 or similar facility is authorized under the applicable land use and zoning laws  
11 and regulations.

12 (6) (7) Leave an animal unattended for more than 24 consecutive hours without  
13 minimum care.

14 (7) (8) Deprive an animal of proper facilities or care, including but not limited to  
15 the items prescribed in MCC 8.10.130. Proper shelter ~~shall~~ must ~~include a~~  
16 ~~structure that does not leak,~~ will provide protection from the weather and is  
17 maintained in a condition to protect the animals from injury.

18 (8) (9) Physically mistreat any animal either by abuse or neglect or failure to  
19 furnish minimum care.

20 (9) (10) Permit any animal to leave the confines of any officially prescribed  
21 quarantine area.

22 (10) (11) Permit any dog to engage in any of the behaviors described in MCC  
23 8.10.270(A) or (B).

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1 (11)~~(12)~~ Permit any dog to engage in any of the behaviors described in MCC  
2 8.10.270(C) through 8.10.270 (D).

3 (12)~~(13)~~ Permit any dog to engage in the behavior described in MCC 8.10.271.

4 (13) ~~[F-e-h]~~ Harbor a dangerous or exotic animal that is not otherwise exempted  
5 under MCC 8.10.140. Provided, any person who owns or is keeping a  
6 dangerous or exotic animal on the effective date of this Ordinance in that  
7 person's jurisdiction, shall have 180 days from the effective date to provide for  
8 the animal's removal from Multnomah County or other lawful disposition.

9 (C) For the purpose of this section "owner" shall mean either owner or keeper as  
10 defined under this chapter.

11 ~~[(E)]~~ (D) Notwithstanding, MCC 8.10.190(B)(10), (11) and (12), any dog that has  
12 been found to have engaged in behaviors as described at MCC 8.10.270 or  
13 8.10.271, shall be classified, regardless of whether it is established by  
14 preponderance of the evidence that the dog owner, keeper or other person  
15 permitted the dog to engage in the behavior. If in any such case, it is not  
16 established by a preponderance of the evidence that the person cited permitted  
17 the dog to engage in the behavior, no fine shall be imposed against that person,  
18 but the dog owner or keeper shall be subject to all other restrictions and  
19 conditions lawfully imposed by the director or a hearings officer pursuant to MCC  
20 8.10.280(B) and 8.10.055(H) respectively and;

21 (1) In any case, wherein the citing officer or the director based upon his or her  
22 investigation and review of such case, determines there is insufficient  
23 evidence to establish the responsible party permitted the dog to engage in the

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1 violative behavior, may in lieu of issuing a Notice of Infraction for violation of  
2 MCC 8.10.190(B)(10), (11) or (12) issue a Notice of Infraction citing this  
3 subsection and the specific subsection of MCC 8.10.270 or 8.10.271 directly  
4 applicable to the dog's alleged behavior.

5 (2) Any Notice of Infraction issued pursuant to 8.10.190 [(E)] (D)(1) shall not be  
6 subject to the imposition of a fine against the person cited, upon issuance or  
7 affirmation but that person shall be subject to all other restrictions and  
8 conditions lawfully imposed by the director or a hearings officer pursuant to  
9 MCC 8.10.280(B) and 8.10.055(H) respectively.

10 [Ord. 156 § VI(5) (1977); Ord. 517 § 4 (1986); Ord. 732 §§ 3, 14 (1992); Ord. 850, §  
11 28 (1996)]

12 Section XXIII. AMENDMENT

13 MCC 8.10.191 is amended as follows:

14 (A) The failure to comply with any conditions or restrictions lawfully imposed  
15 pursuant to a notice of infraction or director's decision not otherwise stayed  
16 under MCC 8.10.056 is a violation of this chapter. Failure to pay the civil fine  
17 shall be an infraction under this section. A notice of infraction issued under this  
18 section for failure to comply shall be of the same classification as the original  
19 infraction. The first notice of infraction issued under this section shall not be  
20 construed as a second offense under MCC 8.10.900(B).

21 (B) Except as provided in MCC 8.10.191(C), all enforcement actions under this  
22 section shall be brought before a hearings officer.

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1 (C) Any enforcement action for a Class A infraction failure to comply wherein the  
2 circumstances of the failure to comply by the party in violation are determined by  
3 the director to:

4 (1) Be a substantial risk to public safety; or

5 (2) Be a substantial risk to the care and treatment of the subject animal(s); or

6 (3) Be a failure to pay past-due fines on three or more infractions within a [20] 12  
7 month period;

8 shall be brought in the state court as provided under ORS 203.810 and ORS  
9 30.315.

10 [(E)] (D) Notwithstanding subsection (A) of this section, a notice of failure to comply  
11 issued under this section that is based solely on the failure to pay the annual  
12 classified dog fee under MCC 8.10.280(G), shall be a Class C infraction.

13 [Ord. 732 § 15 (1992); Ord. 773, § 2 (1993); Ord. 850, § 29 (1996)]

14 (E) In addition to any other remedies allowed by law, judgment may be entered  
15 under this Section in state court against any person issued a citation under  
16 subsection (C) of this section by reason of that person failing to appear at the  
17 time and date set for arraignment or other required appearance provided that  
18 such judgment shall only be allowed if the notice of infraction served on the  
19 person contains a statement notifying the person that a monetary judgment may  
20 be entered against the person up to the maximum amount of fines, assessments,  
21 and other costs allowed by law for the infraction if the person fails to appear at  
22 the time, date and court specified in the notice of infraction or subsequent  
23 hearing notice from the court.



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1 Section XXIV. AMENDMENT

2 MCC 8.10.192 is amended as follows:

3 (A) Whenever a public nuisance animal, as determined by the director under this  
4 chapter is found on any premises within the jurisdiction of the county, a written  
5 order may be given to the owner or keeper of the animal(s), or to the owner,  
6 occupant, person in possession, person in charge, or person in control of the  
7 premises where the animal(s) is (are) located, or a written order may be posted  
8 at such premises when none of the above people can be found at the premises.  
9 Such order shall be signed by the director and shall give the person or persons to  
10 whom it is directed no less than 72 hours (three days) nor more than 120 hours  
11 (five days) to remove and abate the nuisance.

12 (B) If, after the time given to comply with the notice has passed, the nuisance has  
13 not been abated, the director may summarily abate the nuisance by ordering  
14 impoundment of the animal(s) and assess the cost of such abatement against  
15 the owner or keeper of the animal(s), or the owner, occupant, person in  
16 possession, person in charge, or person in control of the premises where the  
17 animal(s) is (are) located, to be collected by suit or otherwise, in addition to the  
18 penalties for the violation thereof.

19 (C) It shall be unlawful to fail to comply with an order to abate a nuisance issued as  
20 provided in subsection (A) and shall be construed ~~as interference with the~~  
21 ~~director under MCC 8.10.030(D)~~ a Class A Infraction.

22 (D)(1) Any party served a written order to abate a nuisance as provided in  
23 subsection (A) of this section, may appeal the order as provided under MCC

Multnomah County Animal Control Code

1 8.10.054. The appeal under this section may be consolidated with any  
2 underlying infraction still pending eligible for appeal under this chapter. Provided,  
3 any challenge to an enforcement action brought under subsection (C) of this  
4 section, including issues relating to the validity of the order to abate the nuisance,  
5 shall be joined in one state court proceeding, and there shall be no further  
6 administrative review or appeal except as directed by the court.

7 (2) Any animal impounded pursuant to the order to abate shall not be released  
8 until such time as the director, hearings officer, or court of competent  
9 jurisdiction orders such release.

10 (E)(1) Any enforcement action first brought under MCC 8.10.191(C) shall bar any  
11 enforcement action brought under this section in relation to the same event or  
12 series of events subject to regulation and enforcement under this chapter.

13 (2) Notwithstanding MCC 8.10.191(C), any enforcement action first brought  
14 under this section shall bar any enforcement action brought under MCC  
15 8.10.191(C) in relation to the same event or series of events subject to  
16 regulation and enforcement under this Chapter.

17 [Ord. 850, § 30 (1996)]

18 Section XXV. AMENDMENT

19 MCC 8.10.200 is amended as follows:

20 It is unlawful for any person in Multnomah County to:

21 (A) Harbor, keep, possess, breed or deal in gamecocks; or

22 (B) Knowingly and intentionally, whether for amusement of self or others, or for  
23 financial gain, cause any animal to fight or injure any other animal, cause it to be

Multnomah County Animal Control Code

1 fought or injured by any other animal or to train or keep for the purpose of  
2 training any animal with the intent that the animal shall be exhibited combatively  
3 with any other animal. Anyone who permits such conduct on premises under  
4 that person's control, and any person present as a spectator at that exhibition,  
5 shall be considered a violator of this subsection and subject to punishment upon  
6 conviction.

7 Section XXVI. AMENDMENT

8 MCC 8.10.270 is amended as follows:

9 Classification of a dog as potentially dangerous shall be based upon specific  
10 behaviors exhibited by the dog. For purposes of MCC 8.10.265 through 8.10.285,  
11 behaviors establishing various levels of potentially dangerous dogs are as follows:

12 (A) Level 1 behavior is established if a dog at large is found to menace, chase,  
13 display threatening or aggressive behavior or otherwise threaten or endanger the  
14 safety of any person ~~or domestic animal~~.

15 (B) Level 2 behavior is established if a dog while at large, causes physical injury to  
16 any domestic animal.

17 (C) Level 3 behavior is established if a dog, while confined in accordance with MCC  
18 8.10.010(B), aggressively bites ~~or causes any physical injury to~~ any person.

19 (D) Level 4 behavior is established if:

20 (1) A dog, while at large,

21 (a) aggressively bites ~~or causes physical injury to~~ any person; or

22 (b) kills or causes the death of any domestic animal or livestock; or

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1 (2) A dog classified as a Level 3 potentially dangerous dog that repeats the  
2 behavior in subsection (C) of this section after the owner or keeper receives  
3 notice of the Level 3 classification.

4 (E) Notwithstanding subsection (A) through (D) of this section, the director shall have  
5 discretionary authority to refrain from classifying a dog as potentially dangerous,  
6 even if the dog has engaged in the behaviors specified in subsections (A)  
7 through (E) of this section, if the director determines that the behavior was the  
8 result of the victim abusing or tormenting the dog or was directed towards a  
9 trespasser or other similar mitigating or extenuating circumstances.

10 [Ord. 517 § 3 (1986); Ord. 591 § 2 (1988); Ord. 732 § 3 (1992); Ord. 850, § 36  
11 (1996)]

12 Section XXVII. AMENDMENT

13 MCC 8.10.271 is amended to as follows:

14 (A) Classification of a dog as a dangerous dog animal shall be based upon the dog  
15 engaging in any of the following behaviors:

16 (1) A dog, whether or not confined, causes the serious physical injury or death of  
17 any person; or

18 (2) A dog is used as a weapon in the commission of a crime ~~or~~;

19 ~~(3) A dog classified as a Level 4 potentially dangerous dog that repeats the~~  
20 ~~behavior described in MCC 8.10.270 (C) or (D) of this section after the owner~~  
21 ~~or keeper receives notice of the Level 4 classification.~~

22 (B) Notwithstanding subsection (A) of this section, the director or hearings officer  
23 shall have discretionary authority to refrain from classifying a dog as a dangerous

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1 dog animal, even if the dog has engaged in the behaviors specified in subsection  
2 (A) of this section, if the director or hearings officer determines that the behavior  
3 was the result of the victim abusing or tormenting the dog or was directed  
4 towards a trespasser or other extenuating circumstances that establishes that the  
5 dog does not constitute an unreasonable risk to human life or property.

6 (C) If a dog is classified under this section as a dangerous dog animal, and the  
7 owner requests to keep the dog, the director shall have discretion to order the  
8 dog not be euthanized provided the dog is placed in a certified dangerous animal  
9 facility as defined under this chapter.

10 (D) The director in making a determination under MCC 8.10.271(C) may consider  
11 any relevant evidence that addresses one or more of the following factors:

12 (1) Whether the dog constitutes an unreasonable risk to human life or property if  
13 housed in a dangerous dog facility; or

14 (2) Whether the dog has successfully completed the certified America  
15 Temperament Testing Society and/or Pet Partners as deemed appropriate  
16 been through a certified obedience or other training program; or

17 ~~(3) (4) Whether the dog is a good candidate for obedience training based upon~~  
18 ~~the testimony of a certified animal trainer or behaviorist~~; or The reasonable  
19 likelihood of no repeated behavior by the animal in violation of this chapter.

20 [Ord. 850, § 37 (1996)]

21 Section XXVIII. AMENDMENT

22 MCC 8.10.275 is amended to as follows:

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- 1 (A) The director shall have authority to determine whether any dog has engaged in  
2 the behaviors specified in MCC 8.10.270 or 8.10.271. This determination may be  
3 based upon an investigation that includes observation of and testimony about the  
4 dog's behavior, including the dog's upbringing and the owner's or keeper's  
5 control of the dog, and other relevant evidence as determined by the director.  
6 These observations and testimony can be provided by Multnomah County  
7 aAnimal eControl eOfficers or by other witnesses who personally observed the  
8 behavior. They shall sign a written statement attesting to the observed behavior  
9 and agree to provide testimony regarding the dog's behavior if necessary.
- 10 (B) The director shall have the discretion to increase or decrease a classified dog's  
11 restrictions based upon relevant circumstances.
- 12 (C) The director shall give the dog's owner or keeper written notice by certified mail  
13 or personal service of the dog's specified behavior, of the dog's classification as  
14 a potentially dangerous dog or dangerous animal, of the fine imposed, and of the  
15 restrictions applicable to that dog by reason of its classification. If the owner or  
16 keeper denies that the behavior in question occurred, the owner or keeper may  
17 appeal the director's decision to the hearings officer by filing a written request for  
18 a hearing with the director as provided under MCC 8.10.054.
- 19 (D) Upon receipt of notice of the dog's classification as a Level 1, 2, 3, or 4  
20 potentially dangerous dog or dangerous animal pursuant to subsection (C) of this  
21 section, the owner or keeper shall comply with the restrictions specified in the  
22 notice unless reversed on appeal. Failure to comply with the specified  
23 restrictions shall be a violation of this chapter for which a fine can be imposed.

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1 Additionally, the director shall have authority to impound the dog pending  
2 completion of all appeals.

3 (E) If the director's decision or the hearings officer's decision finds that a dog has  
4 engaged in dangerous animal behavior, the dog shall be impounded pending the  
5 completion of a dangerous animal facility application or any appeals.

6 (F) Any dog classified as a Level 4, that is found to have repeated Level 4 behavior  
7 as defined under this code shall be impounded pursuant to MCC 8.10.192 if not  
8 already impounded. The dog shall not be released to the owner or be made  
9 available for adoption until either potential recipient of the dog has established  
10 arrangements for accommodating the animal consistent with all the security and  
11 safety requirements ordered by the director or the hearings officer.

12 [Ord. 517 § 3 (1986); Ord. 550 §§ 2, 3 (1987); Ord. 591 § 3 (1988); Ord. 732 §§ 3,  
13 16 (1992); Ord. 850, § 38 (1996)]

14 Section XXIX. AMENDMENT

15 MCC 8.10.280 is amended to as follows:

16 In addition to the other requirements of MCC Chapter 8.10, the owner or keeper of a  
17 potentially dangerous dog shall comply with the following conditions:

18 (A) Dogs classified as Level 1 dogs shall be restrained in accordance with MCC  
19 8.10.010(B) by a physical device or structure, in a manner that prevents the dog  
20 from reaching any public sidewalk, or adjoining property and must be located so  
21 as not to interfere with the public's legal access to the owner's or keeper's  
22 ~~property~~ premises, whenever that dog is outside the owner's or keeper's home  
23 and not on a leash.

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1 (B) Dogs classified as Level 2 dogs shall be confined within a secure enclosure  
2 whenever the dog is not on a leash. The secure enclosure must be located so as  
3 not to interfere with the public's legal access to the owner's or keeper's [~~property~~]  
4 **premises**. In addition, the director may require the owner or keeper to obtain  
5 and maintain proof of public liability insurance. In addition, the owner or keeper  
6 may be required to complete a responsible pet ownership program as prescribed  
7 by the director or a hearings officer.

8 (C) Dogs classified as Level 3 or Level 4 dogs shall be confined within a secure  
9 enclosure whenever the dog is not on a leash. The secure enclosure must be  
10 located so as not to interfere with the public's legal access to the owner's or  
11 ~~keeper's [property]~~ **premises**, and the owner or keeper shall post warning signs,  
12 which are provided by the director, on the [~~property~~] **premises** where the dog is  
13 kept, in conformance with rules to be adopted by the director. In addition, the  
14 director may require the owner or keeper to obtain and maintain proof of public  
15 liability insurance. The owner or keeper shall not permit the dog to be off the  
16 owner's or keeper's premises unless the dog is muzzled and restrained by an  
17 adequate leash and under the control of a capable person. In addition, the  
18 director may require the owner or keeper to satisfactorily complete a pet  
19 ownership program.

20 (D) Dogs classified as a dangerous animal as described in MCC 8.10.271 shall be  
21 euthanized or placed in a dangerous animal facility as determined by the director  
22 or hearings officer. A dog classified as a dangerous animal shall be confined  
23 within a secure enclosure with a double security gate and shall meet the



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1 requirements in subsection (C) above. in addition, the director or hearings officer  
2 may suspend, for a period of time specified by the director or hearings officer,  
3 that dog owner's or keeper's right to be the owner or keeper of any dog in  
4 Multnomah County, including dogs currently owned by that person.

5 (E) All dogs classified as dangerous animals, and determined by the director or  
6 hearings officer to be euthanized shall be euthanized at any time not less than 20  
7 days of the date of classification. Notification to the director of any appeal to the  
8 hearings officer as provided for in MCC 8.10.054(A) or to any court of competent  
9 jurisdiction shall delay destruction of the dog until a date not less than 15 days  
10 after a final decision by the hearings officer or final judgment by the court.

11 (F) To insure correct identification, all dogs that have been classified as potentially  
12 dangerous or dangerous animals shall be marked with a permanent identifying  
13 mark, micro-chipped, photographed, ~~or~~ and may be fitted with a special tag or  
14 collar as determined by the director, at the owner's expense. The director shall  
15 adopt rules specifying the type of required identification.

16 (G) In addition to the normal licensing fees established by MCC 8.10.220(A) ~~[(2)]~~ (1)  
17 and (2), there shall be an annual fee of \$50.00 for dogs classified at Level 1; and  
18 \$100.00 for dogs classified at Level 2 and 3 and; \$150.00 for dogs classified as  
19 Level 4; and \$300.00 for dogs classified as Dangerous Animal. This additional  
20 fee shall be imposed at the time of classification of the potentially dangerous dog,  
21 and shall be payable within 30 days of notification by the director. Annual  
22 payment of this additional fee shall be due and payable within 30 days of  
23 notification by the director upon the anniversary date of the classification.

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1 (H) The owner or keeper of a potentially dangerous dog or dogs classified as  
2 dangerous animals shall not permit the warning sign to be removed from the  
3 secure enclosure, and shall not permit the special tag or collar to be removed  
4 from the classified dog. The owner or keeper of a potentially dangerous dog or  
5 dogs classified as dangerous animals shall not permit the dog to be moved to a  
6 new address or change owners or keepers without providing the director with ten  
7 days' prior written notification.

8 ~~(I) Declassification of potentially dangerous dogs or dogs classified as dangerous~~  
9 ~~animal. Any owner or keeper of a classified potentially dangerous dog or a dog~~  
10 ~~classified as a dangerous animal may apply to the director, in writing, to have the~~  
11 ~~restrictions reduced or removed.~~

12 ~~(1) The following conditions must be met:~~

13 ~~(a) Level 1 or Level 2 dogs have been classified for one year without further~~  
14 ~~incident, or and two years for Level 3 or and Level 4 dogs four years for~~  
15 ~~dogs classified as dangerous animals; and~~

16 ~~(b) (c) The owner or keeper provides the director with written certification of~~  
17 ~~satisfactory completion of obedience training for the dog classified, with~~  
18 ~~the owner or keeper; and There have been no violations of the specified~~  
19 ~~regulations; and~~

20 ~~(c) (f) Any other condition ordered by the director or hearings officer at the~~  
21 ~~time of classification.~~

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1 ~~(1) The owner or keeper provides the director with written certification of~~  
2 ~~satisfactory completion of obedience training for the dog classified,~~  
3 ~~with the owner or keeper.~~

4 ~~(2) In addition, the director may require the dog owner or keeper to~~  
5 ~~provide written verification that the classified dog has been spayed or~~  
6 ~~neutered.~~

7 ~~(3) Any reclassification request submitted under this section must include~~  
8 ~~\$40.00 review fee.~~

9 ~~(d) In addition, the director may require the dog owner or keeper to provide~~  
10 ~~written verification that the classified dog has been spayed or neutered.~~

11 ~~(e) Any reclassification request submitted under this subsection must include~~  
12 ~~\$40.00 review fee.~~

13 ~~(2) When the owner or keeper of a potentially dangerous dog meets all of the~~  
14 ~~conditions in this subsection, the restrictions for Level 1 and Level 2~~  
15 ~~classified dogs may be removed. Restrictions for Level 3 and Level 4 dogs,~~  
16 ~~and dogs classified as dangerous animals may be removed, with the~~  
17 ~~exception of the secure enclosure.~~

18 [Ord. 517 § 3 (1986); Ord. 850, § 40 (1996)]

19 Section XXX. AMENDMENT

20 MCC 8.10.285 is amended as follows:

21 **MCC 8.10.285 Declassification of potentially dangerous dog.**

22 Declassification of potentially dangerous dogs or dogs classified as a Dangerous  
23 Animal. A \$40.00 Declassification Fee will be assessed when the classification

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1 period begins. Declassification will be automatic pursuant to this section. Any  
2 person who observes or has evidence of behavior as described in MGC 8.10.270 or  
3 8.10.271 shall forthwith notify the director.

4 (A) The following conditions must be met:

5 (1) Level 1 or Level 2 dogs have been classified for one year without further  
6 incident, and two years for Level 3 and Level 4 dogs; and

7 (2) There have been no violations of the specified regulations; and

8 (3) Any other condition ordered by the director or hearings officer at the time of  
9 classification.

10 (a) The owner or keeper provides the director with written certification of  
11 satisfactory completion of obedience training for the dog classified, with the  
12 owner or keeper.

13 (b) In addition, the director may require the dog owner or keeper to provide  
14 written verification that the classified dog has been spayed or neutered.

15 (B) When the owner or keeper of a potentially dangerous dog meets all of the  
16 conditions in this subsection, the restrictions for Level 1 and Level 2 classified  
17 dogs may be removed. Restrictions for Level 3 and Level 4 dogs, and dogs  
18 classified as dangerous animals may be removed, with the exception of the  
19 secure enclosure.

20 [Ord. 517 § 3 (1986); Ord. 850, § 40 (1996)]

21 Section XXXI AMENDMENT

22 MCC 8.10.900 is amended as follows:

23 (A) Violations of the provisions of this chapter shall be classified as provided below.

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1 (1) Class A infractions. Violations of the following sections or subsections shall

2 be Class A infractions:

3 (a) MCC 8.10.030;

4 (b) MCC 8.10.150;

5 (c) MCC 8.10.180;

6 (d) ~~(e) MCC 8.10.190(B)(3)~~ MCC 8.10.190(B)(7)(8);

7 (e) ~~(f) MCC 8.10.190(B)(8)(9)~~;

8 (f) ~~(g) MCC 8.10.190(B)(9)(10)~~;

9 (g) ~~(h) MCC 8.10.190(B)(11)(12)~~

10 (h) MCC 8.10.190(B)(12);

11 (i) MCC 8.10.190(B)(13);

12 (j) MCC 8.10.192;

13 (k) MCC 8.10.200.

14 (2) Class B infractions: Violations of the following sections or subsections of this

15 chapter shall be Class B infractions:

16 (a) MCC 8.10.045(A)(3)(4);

17 (b) MCC 8.10.155;

18 (c) MCC 8.10.190(B)(3)(4);

19 (d) MCC 8.10.190(B)(4)(5);

20 (e) MCC 8.10.190(B)(5)(6);

21 (f) MCC 8.10.190(B)(6)(7);

22 (g) MCC 8.10.190(B)(10)(14).

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1 (3) Class C infractions. Infractions of the following sections or subsections of this  
2 chapter shall be Class C infractions:

3 (a) MCC 8.10.070;

4 (b) MCC 8.10.170;

5 (c) MCC 8.10.190(B)(1);

6 (d) MCC 8.10.190(B)(2);

7 (e) MCC 8.10.210.

8 (4) Except as provided under MCC 8.10.191 and 8.10.192, any other violation of  
9 this chapter not listed in this subsection shall be a Class A infraction.

10 (B) Fines:

11 (1) Class A infraction. A fine for Class A infraction shall be no less than \$100.00  
12 nor more than \$500.00 for a first offense. The fine for a second Class A  
13 infraction committed within 12 months from the date that the first offense was  
14 committed shall be no less than \$200.00, nor more than \$500.00. The fine for  
15 a third Class A infraction committed within 12 months from the date that the  
16 first offense was committed, the fine shall be not less than \$500.00.

17 (2) Class B infraction. A fine for Class B infraction shall be no less than \$50.00  
18 nor more than \$250.00 for the first offense. If the violator committed either a  
19 Class A or B infraction within the 12-month period immediately prior to the  
20 date of the second infraction, the fine shall be no less than \$100.00 nor more  
21 than \$250.00. If the violator has committed two or more Class A or B  
22 infractions within the 12-month period immediately prior to the date of the

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1 most recent notice of infraction for a Class B infraction, the fine shall be  
2 \$250.00.

3 (3) Class C infractions. A fine for a Class C infraction shall be no less than  
4 \$30.00 nor greater than \$150.00 for a first offense. If the violator has  
5 committed a Class A, B, or C infractions within the 12-month period  
6 immediately prior to the date of the second infraction, the fine shall be no less  
7 than \$50.00 nor more than \$150.00. If the violator has committed two or  
8 more Class A, B, or C infractions within the 12-month period immediately prior  
9 to the date of the most recent notice of infraction for a Class C infraction, the  
10 fine shall be \$150.00.

11 (C) Additional conditions and restrictions. In addition to the monetary civil penalties  
12 imposed for infractions of this chapter, and the regulations applicable under MCC  
13 8.10.280, the director and the hearings officer shall have authority to order  
14 additional restrictions and conditions upon the party in violation, including but not  
15 limited to:

16 (1) Require the owner or keeper and animal to satisfactorily complete an  
17 obedience program approved by the director or hearings officer at owner's or  
18 keeper's expense.

19 (2) Require the owner or keeper to attend a responsible pet ownership program  
20 adopted and/or approved by the director or hearings officer, at the owner's or  
21 keeper's expense;

22 (3) Require the owner or keeper of an animal that unreasonable causes  
23 annoyance, as described in MCC 8.10.190(B)(~~5~~)(6), to keep the animal inside

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1 the owner or keeper's residence during hours specified by the director or  
2 hearings officer;

3 (4) The director or hearings officer may suspend, for a period of time specified by  
4 the director or hearings officer, the animal owner's or keeper's right to own or  
5 keep any animal in Multnomah County.

6 (5) Require the owner or keeper to have the animal surgically sterilized within a  
7 time period determined by the director or hearings officer.

8 (6) Any other condition(s) that would reasonably abate the infraction.

9 (D) Late payment penalties. If a civil penalty is unpaid after 30 days, the fine then  
10 due shall be increased by 25 percent of the original amount; if the civil penalty is  
11 not paid after 60 days, the fine then due shall be increased by 50 percent of the  
12 original amount.

13 (E) At the discretion of the director, any civil penalty(ies) not paid within 30 days from  
14 the date of issuance of the notice of infraction may be assigned to a collections  
15 agency for collection.

16 [Ord. 156, § VIII(1) (1977); Ord. 732 § 19 (1992); Ord. 733, § 4 (1993); Ord. 823 § 5  
17 (1995); Ord. 850, § 42 (1996)]

18 Section XXXII. AMENDMENT

19 MCC 8.10.940 is amended as follows:

20 A. Any person convicted of violation of MCC 8.10.200, shall be subject to a fine not  
21 to exceed \$500, and the court may order impoundment of any animal caused to  
22 be engaged in the prohibited conduct, which animal may be disposed of by the  
23 director.



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1 B. Any person previously convicted under this section shall be subject to  
2 punishment by imprisonment for a term of not more than one year and a fine not  
3 to exceed \$1,000 or both.

4 [Ord 156 § VIII(5) (1977); Rpld. By Ord. 732 § 21 (1992)]

5 **Section XXXIII Emergency Clause**

6 This ordinance, being necessary for the health, safety and general  
7 welfare of the people of Multnomah County, an emergency is declared and the  
8 ordinance shall take effect upon its execution by the County Chair, pursuant  
9 to Section 5.50 of the Charter of Multnomah County.]

10 Approved this 6th day of August, 1998 being the date of its [~~third~~] first  
11 reading before the Board of County Commissioners for Multnomah County, Oregon.

12  
13 BOARD OF COUNTY COMMISSIONERS  
14 FOR MULTNOMAH COUNTY, OREGON

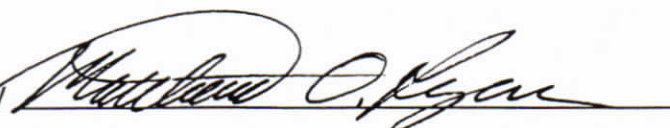
15  
16 By \_\_\_\_\_

17 Beverly Stein, Chair

18 REVIEWED:

19 THOMAS SPONSLER, COUNTY COUNSEL

20 FOR MULTNOMAH COUNTY, OREGON

21  
22 By 

23 Matthew O. Ryan, Assistant County Counsel

