

Title 6

ANIMALS¹

Chapters:

- 6.04 Dogs (repealed by Ord. 286, 1998)
- 6.08 Livestock (repealed by Ord. 286, 1998)
- 6.12 Animal Nuisance

CHAPTER 6.12

ANIMAL NUISANCE

Section:

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6.12.010 Definitions. As used in this chapter, the following words shall mean:

(1) At Large means off the premises of the owner while the dog, animal or reptile is not under the complete control of the owner or keeper by adequate leash or bridle. However, a dog in a duly recognized obedience school on field training exercise and under the direct supervision of a handler or a dog within a vehicle shall not be considered to be “at large” as defined in this section.

(2) Dangerous animal, dog or reptile means any animal, dog or reptile which has:

(a) without provocation, placed a person in fear of imminent physical injury, said fear being reasonable under the circumstances; or

(b) has attacked a person or domestic animal without provocation; or

¹ For statutory provisions on animals, see ORS Title 48, ORS Ch. 596 - 610.

(c) is trained for or used in animal fighting.

(3) Keeper means, in addition to its ordinary meaning, the parents or guardian of an animal, dog or reptile owner, when the owner is under the age of 18 years and when the owner resides with the parent or guardian on the date of the alleged violation of this chapter.

(4) Owner means a person, firm, association or corporation owning, in possession of, in temporary control of, or who is responsible for the care of an animal, dog or reptile.

(5) Physical injury means impairment of physical condition or substantial pain.

(6) Unconfined means not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner or keeper of a dangerous animal, dog or keeper. Such pen or structure must be securely constructed and must be adequate to ensure the confinement of the dangerous animal, dog or reptile.

6.12.020 Cats. This ordinance does not pertain to domestic cats.

6.12.030 Dog Licensing

(1) Every person owning or keeping any dog that has a set of permanent canine teeth or that is six months old, whichever comes first, shall within 30 days after he becomes the owner or keeper of the dog, and yearly thereafter, procure from the county a license for the dog.

(2) Every dog licensed under this section shall display its license tag in all instances when it is deemed to be at large under this ordinance.

(3) A dog not licensed according to this ordinance may be impounded, and no dog impounded under the authority of this ordinance shall be released from the impound facility until so licensed.

(4) Licenses shall not be required for dogs owned by dealers, breeders or exhibitors if the dogs are kept in kennels exclusively for sale or exhibition purposes, or while such dogs are being transported by dealers, breeders, or exhibitors to and from a dog show or fair.

(5) Licenses are required for dogs used by blind persons, however no fee will be charged.

6.12.040 Animal Waste Prohibited. It is unlawful for an owner or keeper to allow a dog or an animal to deposit solid waste matter on any property other than that of the person owning or keeping said animal, dog or reptile. It shall be a defense to this action if the owner promptly removes the solid waste deposited by said animal, dog or reptile and properly disposes of the waste.

6.12.050 At Large. No animal, dog or reptile shall run at large. The owner or keeper is responsible for an animal, dog or reptile at large.

6.12.060 Conditions when an animal, dog or reptile is a public nuisance. An animal, dog or reptile is a nuisance if it:

- (1) Disturbs any person by frequent or prolonged noises.
- (2) Bites or injures a person.
- (3) Places a person in fear of imminent physical injury, without provocation.
- (4) Chase vehicles.
- (5) Chases people.
- (6) Damages or destroys property belonging to a person other than the owner or keeper of the animal, dog or reptile.
- (7) Injures or kills an animal or fowl belonging to a person other than the owner or keeper of the animal, dog or reptile.
- (8) Scatters garbage.

6.12.070 Dangerous Animals, Dogs or Reptiles.

- (1) No owner or keeper of a dangerous animal, dog or reptile shall permit such animal, dog or reptile to go unconfined on the premises of the owner or keeper.
- (2) No owner or keeper of a dangerous animal, dog or reptile shall permit such animal, dog or reptile to go beyond the premises of such person unless such animal, dog or reptile is securely leashed and humanely muzzled or otherwise securely restrained and humanely muzzled.

6.12.080 Impound.

- (1) An animal, dog or reptile found at large or otherwise in violation of this chapter, may be seized and impounded. If a member of the Police Department is unable to apprehend such animal, dog or reptile without risking injury to the officer or other people, the officer may kill the animal, dog or reptile.
- (2) An animal, dog or reptile impounded pursuant to subsection (1) of this section shall be held at a licensed impound facility in Deschutes County.
- (3) An animal, dog or reptile that has been impounded for a violation of section 6.12.060(2), (3) or (7) or section 6.12.070 may be held at a licensed impound facility in Deschutes County until any citations are issued to the animal, dog or reptile's owner or keeper.
- (4) An animal, dog or reptiles that have been impounded for a violation of this chapter

or any other law, other than sections 6.12.060(2), (3) or (7) or section 6.12.070 (2)(3) or (7) or Section 7, may be humanely destroyed or handled according to applicable law and licensed impound facility policies, rules and regulations.

(5) If the owner or keeper of an impounded animal, dog or reptile fails to appear in Sisters Municipal Court to answer the charges filed against the owner or keeper, which resulted in the animal, dog or reptile's impoundment or if the owner later fails to appear as required by the Municipal Court, the court may issue an order terminating the rights of the owner or keeper to the animal dog or reptile. The court may also order that the animal, dog or reptile be humanely destroyed. Prior to issuing a forfeiture order, the Court shall mail a notice to the owner advising the owner that their rights to the impounded animal, dog or reptile will be forfeited unless they appear in court at the next scheduled court date. The notice to appear shall be mailed to the animal, dog or reptile owner or keeper at the address shown on the citation or at such address given to the court by the owner or keeper.

(6) Any person whose property has been trespassed upon by any animal, dog or reptile in violation of this ordinance may immediately apprehend that animal, dog or reptile upon his premises and hold the animal, dog or reptile until delivery to an animal, dog or reptile control officer or the police department. Any person who so impounds an animal, dog or reptile must immediately notify the animal, dog or reptile control officer or police department of such impoundment.

6.12.090 Seizing Certain Animal, Dogs or Reptiles. Any animal, dog or reptile found biting, attacking or injuring or which has injured a person may be summarily seized by any person and promptly delivered to a member of the Police Department. Further, any member of the Police Department may apply to the Sisters Municipal Court for a warrant authorizing the search for and seizure of any animal, dog or reptile that is found in violation of sections 6.12.060(2), (3) or (7) or section 6.12.070. Nothing in this section is intended to limit the search and seizure authority of Police Officer.

6.12.100 Rabid Dogs.

(1) To safeguard the public from dangers of rabies, the mayor shall, when necessary, issue a proclamation ordering every person owning or keeping a dog to confine it securely on the person's premises unless the dog has a muzzle of sufficient strength to prevent its biting a person. An unmuzzled dog running at large during the time of proclamation shall be seized and impounded, unless noticeably infected with rabies. All dogs noticeably infected with rabies may be killed by the city without notice to the owner or keeper.

(2) If a dog is believed to have rabies or has been bitten by a dog suspected of having rabies, the dog shall be confined by a leash or chain on the owner's premises and shall be placed under the observation of veterinarian at the expense of the owner for a period of ten days. The owner shall notify the poundmaster of the fact that his dog has been exposed to rabies, and the poundmaster may have the dog removed from the owner's premises to a veterinary hospital and there placed under observation for a period of ten days at the expense of the owner.

(3) No person, knowing or suspecting a dog has rabies, shall allow the dog to be taken off the person's premises or beyond the city limits without written permission of the poundmaster. An owner, or other person, on ascertaining a dog is rabid, shall immediately notify the poundmaster or a police officer, which shall remove the dog to the pound or summarily destroy it.

(4) If a dog bites a human being, the owner of the dog shall display proof of vaccination, the Police Department shall impound the dog for ten days at the owner's expense or may require the owner to quarantine the dog for ten days. Failure by the owner to pay impound fees required by this section is a violation of this code.

6.12.110 Penalties.

(1) A violation of sections 6.12.060, 6.12.070, or 6.12.100 is a Class A civil infraction.

(2) A violation of sections 6.12.030, 6.12.040, or 6.12.050 is a Class B civil infraction.

(3) Where a violation of this chapter is found, the Sisters Municipal Judge may order the owner or keeper of an animal, dog or reptile to pay restitution to compensate any person for damages caused by the animal, dog or reptile. Restitution shall be limited to those damages that could be recovered as special damages in a civil action based upon the animal, dog or reptile's conduct. The payment of restitution under this section is not intended to limit or impair the ability of an injured person to sue and recover damages from the owner or keeper in a civil action.

(4) Where a violation of this chapter is found, the Sisters Municipal Court Judge may order the owner or keeper of an animal, dog or reptile to reimburse the City of Sisters for any and all impound costs incurred by the City.

(5) Where a violation of section 6.12.060(2) is found, the Sisters Municipal Court Judge may enter an order requiring that an animal, dog or reptile be humanely destroyed, unless the owner or keeper can establish by a preponderance of the evidence that the animal, dog or reptile was provoked into biting, injuring or attacking.

(6) The Sisters Municipal Court Judge may enter an order requiring that an animal, dog or reptile be humanely destroyed if the animal, dog or reptile has committed a total of two violations, within a five year period, of any sections 6.12.060(3), (7), or 6.12.070. If the owner or keeper establishes, by a preponderance of the evidence, that the animal, dog or reptile was provoked into committing one of the two violations, the Municipal Court Judge may suspend said order.

(7) If the Sisters Municipal Court Judge determines that the violation of sections 6.12.060(2), (3), (7) or 6.12.070 was caused in any part by the neglect, abuse or tormenting of the animal, dog or reptile by its owner or keeper, the Judge may enter an order terminating the owner or keeper's rights to the animal, dog or reptile and prohibiting the owner or keeper from owning or possessing an animal, dog or reptile within the City of Sisters. Further, the Judge may allow such an abused animal, dog or reptile to be placed with the Humane Society for possible adoption if the Court believes that the abuse was the primary cause of the violation of sections 6.12.060(2), (3), (7)

or 6.12.070. A person who violates an order entered pursuant to this subsection commits a Class A civil infraction.

(8) The Sisters Municipal Judge may stay the execution of his or her order to humanely destroy an animal, dog or reptile which has been entered pursuant to section 6.12.110(5) or (6), if the animal, dog or reptile's owner or keeper can demonstrate by a preponderance of the evidence that the animal, dog or reptile is unlikely to be a repeat offender of this chapter. The stay of execution may last for up to five years upon such conditions as are reasonably related to the violation of this code. Such conditions may include, but are not limited to the following:

(a) confinement of the animal, dog or reptile in a securely enclosed and locked pen or structure upon the premises of the owner or keeper or within the residence of the animal, dog or reptile's owner or keeper;

(b) muzzling the animal, dog or reptile in a humane manner;

(c) a requirement that the animal, dog or reptile or owner commit no further violation of animal, dog or reptile related laws;

(d) a requirement that the animal owner post a bond of up to \$5,000 which may be used to pay for future injuries caused to people, animals or property;

(e) a requirement that the animal, dog or reptile's owner or keeper pay Court ordered fines and restitution resulting from the animal's violation of this code.

6.12.120 Appeals. The allowance of an appeal filed by the Defendant shall not stay the proceedings on the judgment unless the defendant:

(1) Posts bail in the amount set by the Municipal Court bail schedule; and

(2) For any offense that the animal, dog or reptile has been impounded pending disposition of the infraction complaint, the animal, dog or reptile owner must execute an undertaking with one or more sureties for the costs and disbursements that may be awarded against the appellant on appeal. Said costs shall include the cost incurred by the City for impounding the animal, dog or reptile pending appeal and shall be set in an amount no less than the cost of impounding the animal, dog or reptile for one year at the rate charged the City by a licensed impound facility in Deschutes County.

(3) If the owner or keeper of the animal, dog or reptile disagrees with the final determination of the Judge, that person may appeal that determination to the Deschutes County Circuit Court.