

Title 6
ANIMALS

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**Chapter 6.05
ANIMAL REGULATIONS**

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6.05.010 Definitions.

The following words and phrases shall mean:

(1) Animal: Any mammal, reptile, amphibian, insect or fowl, fauna, whether wild or domesticated, or mixed breed thereof.

(2) Dangerous dog: Any dog with a propensity, tendency, or disposition to attack, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals without more than slight provocation.

(3) Dog: Both male and female, either sterilized or not, of any breed, wild or domestic, purebred or mixed.

(4) Exotic: Foreign to this country, whether wild or domesticated.

(5) Fowl: A bird of any kind, including but not limited to chickens, turkeys, ducks, geese, pheasants, pigeons, and parrots.

(6) Muzzle: Shall mean a device constructed of strong, soft material or a metal muzzle such as that used commercially with greyhounds. The muzzle must be made in a manner which will not cause injury to the dog or interfere with its vision or respiration, but must prevent it from biting any person or animal.

(7) Nuisance: Anything done by an animal that works or causes injury, damage, hurt, inconvenience, annoyance, or discomfort to another in the legitimate enjoyment of his/her reasonable rights of person or property.

(8) Owner: A person, firm, association, or corporation having a right of property in an animal, or who harbors one or has one in his/her care, or acts as its custodian or guardian, or who knowingly permits one to remain on or about any premises occupied by that person. "Owner" does not include veterinarians temporarily maintaining on their premises animals owned by other persons for a period of not more than 30 days.

(9) Vermin: Rats, gophers, moles, mice, skunks, or other representatives of small animal life of destructive or filthy and troublesome tendencies. "Vermin" does not include raccoons, squirrels, and similar wild animals.

(10) Wild animals: A species of animal not usually domesticated, regardless of comparative docility or familiarity of the individual animal with man; a species which is ferae naturae. [Ord. 759 § 1, 2003; Ord. 661 § 1, 1988]

6.05.020 Control.

The owner of any animal shall keep, restrain, and maintain it in such manner as not to endanger or cause nuisance to other persons or property. Failure of the owner to so restrain the animal shall constitute a violation of this chapter.

(1) Cruelty to Animals. No person shall intentionally or recklessly:

(a) Subject any animal under human custody or control to cruel treatment.

(b) Subject any animal under his/her custody or control to cruel neglect, including failure to provide fresh and appropriate food and water and adequate shelter from extreme climactic conditions.

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(c) Leave an animal confined within a vehicle or cage where conditions of extreme temperature or air circulation would cause the animal undue discomfort or pain.

(d) Abandon or release any live animal for the purpose of discard in any place or property, public or private.

(e) Knowingly withhold care or treatment or otherwise maintain any animal in a wounded or diseased condition that would cause the animal undue pain or suffering, or expose other animals or persons to infectious or contagious diseases.

(f) Kill, without legal privilege, any animal under the custody or control of another.

(2) Poisoning of Animals. No person shall place, or cause to be placed, any toxic substance where the same is liable to be eaten by any domestic or wild animal. Legally approved poisons intended for vermin control must be used and placed so as to prevent the accidental contact or ingestion by other humans and animals.

(3) Trapping of Animals. No person shall place, or cause to be placed, any trap within the city, except upon the person's own property. Further, no person shall use a trap designed to kill, maim, or injure any animal other than vermin, muskrat, mink or beaver.

(4) City Parks. No owner shall bring or cause to be brought any animal into any city park or cemetery without a leash; provided, however, this section shall not apply to those owners participating in an animal show scheduled by the city parks, recreation and cemeteries divisions, or other designated city authorizing body, or to those persons requiring the services of a seeing-eye or hearing dog, or to federal, state, county or city law enforcement personnel using an animal for law enforcement purposes. [Ord. 759 § 2, 2003; Ord. 661 § 2, 1988]

6.05.030 Dog licenses.

Every owner of a dog which is over six months old or which has a set of permanent canine teeth, whichever come first, shall, not later than January 1st of each year or within 30 days after he/she becomes the owner of the dog, procure from the city a license for the dog by paying to the city a license fee. Every owner of a dog which does not qualify for a license under the prior sentence shall obtain a license for such dog as soon as such dog becomes six months old or gets a set of permanent canine teeth, whichever comes first. Fees shall be set by council resolution.

(1) Shots. Licenses shall only be issued for dogs which have been inoculated against rabies as shown by a current rabies inoculation certificate.

(2) License Tag. The owner shall keep the license tag fastened to a collar and kept on the dog at all times when the dog is not upon the property of the owner. No person shall cause or permit a tag to be placed on a dog which has not been issued for that dog.

(3) Guide Dogs. No license fee shall be required to be paid for any dog owned by a blind or deaf person who uses it as a guide. A license shall be issued for such dog upon filing an affidavit by the blind or deaf person showing such dog to come within this exemption.

(4) Penalties. Failure to maintain a current license as required in this section shall result in a fine or penalty imposed by the municipal judge. [Ord. 759 § 3, 2003; Ord. 661 § 3, 1988]

6.05.040 Dog control.

(1) Lost or Stray Dogs. If any dog becomes lost or strayed from its home and is permitted to make its home with any person not its owner, it shall be the duty of such person to notify the city, giving the name and address of the person having the care or custody of the dog, together with a full description of the dog, and to surrender the same to the city on demand. The city shall keep a record of such notices in a convenient form and shall permit any person interested therein, or any person searching for a lost dog, to have free access to the notices.

(2) Certain Dogs Declared a Nuisance. A dog which habitually annoys or otherwise molests persons or other domestic animals, or property within the city or habitually annoys, follows, or otherwise molests pedestrians, automobiles or bicycles and their operators while upon the public ways of the city, or habitually molests children, is hereby declared to be a nuisance and no owner/guardian shall have or keep

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any such dog. For purposes of this section, three or more complaints received by the city within any 90-day period shall constitute evidence of habitual behavior.

(3) Prohibited Dogs.

(a) No person shall own, harbor, or keep any dog known to have bitten one or more persons.

(b) A dog shall not be considered a prohibited dog under subsection (3)(a) of this section if the dog bites a person wrongfully assaulting the dog, the dog's owner, or the owner's spouse or children, or if the dog bites a person trespassing upon premises occupied by the dog's owner or the owner's spouse or children. Provocation shall require more than mere trespass unless such trespass occurs within the owner's residential structure.

(4) Leashes Required.

(a) No owner of any dog shall permit the dog to run upon premises, streets or alleys, other than the property of its owner, unless it is under control on a leash not exceeding six feet in length.

(b) This section shall not apply to federal, state, county or city law enforcement personnel using a dog for law enforcement purposes.

(5) Females in Heat. Female dogs in heat shall be restrained by the owner in such a manner as not to create a nuisance by allowing male dogs access to such female dogs.

(6) Dangerous Dogs.

(a) The owner/guardian of a dangerous dog shall keep said animal confined at all times.

(b) A dangerous dog is "confined" as the term is used in this section if the dog is secured indoors, or leashed and muzzled, or secured in an enclosed and locked pen or structure upon the premises of the owner. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot. The pen shall be adequate in size and design to allow the animal reasonable space for movement and sanitary conditions while confined therein.

(7) Scoop Law. No person shall allow a dog owned or under his/her control to defecate on property other than the owner's without immediately thereafter picking up and disposing of the excrement. [Ord. 759 § 4, 2003; Ord. 661 § 4, 1988]

6.05.050 Rabies control.

(1) Rabies Vaccination.

(a) No owner shall keep a dog over six months of age or which has a set of permanent canine teeth, whichever comes first, unless such dog has been inoculated against rabies.

(b) The owner of any animal required to be vaccinated against rabies by this section shall fasten a rabies tag showing current inoculation to a collar and keep the collar and city license tag on the animal at all times when the dog is not upon the property of the owner.

(2) Report of Animal Bites. Whenever any animal susceptible to rabies or other infectious or contagious diseases bites any person or other domestic animal and is suspected of having rabies or has been in close contact with an animal suspected of having rabies, the facts shall be immediately reported to the city by any person having direct knowledge of this. The city may promptly impound the animal, or order the animal quarantined by a private veterinarian, pursuant to the rules and regulations of the State Health Division.

(3) Quarantine. Any animal impounded pursuant to subsection (2) of this section shall be quarantined by the city in conformance with the rules and regulations of the State Health Division. The owner of any such animal shall be responsible for all costs and expenses incurred by the city for such quarantine. [Ord. 759 § 5, 2003; Ord. 661 § 5, 1988]

6.05.060 Enforcement.

(1) Impoundment.

(a) Animal control personnel and police officers are hereby authorized and directed to take up and impound any animal found to be in violation of any of the provisions of this chapter; any animal which requires protective custody and care because of mistreatment or neglect; any animal in possession of a

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person in police custody; or any animal otherwise ordered impounded by a court.

(b) Animals delivered for impoundment by a peace officer who removed the animal from possession of a person in custody of the peace officer shall be held for a period of up to 30 days. This period may be extended by the clerk. A receipt shall be given the peace officer, who shall deliver the receipt to the person in custody from whom the animal was taken. The receipt shall recite redemption requirements and notwithstanding the requirements of subsection (2) of this section, shall serve as notice of impoundment.

(2) Notice. When an animal is impounded, the city shall notify the owner by first class mail or by telephone, if the owner is known.

(3) Redemption Fee. Subject to the provisions of BMC 6.05.050(1) to (3), any animal impounded shall be released to its owner by the city upon the payment of redemption and boarding fees.

(4) Disposition if Animal Unclaimed.

(a) Whenever any animal is impounded and is not claimed by its owner, the animal shall be kept for a period of three days if without a license or identification tag, and for a period of five days if it has a license or identification tag; after which period it shall be released to any person on payment of the adoption and a spay/neuter fee or shall be humanely euthanized.

(b) When released to a person other than the owner, as provided in subsection (4)(a) of this section, such delivery or sale shall be subject to the right of the owner to redeem the animal within a period of 30 days from the date of the release. To redeem, the owner shall refund to such person the adoption/spay/neuter fee and a reasonable amount for the keeping and care of the animal while in the person's possession and shall reimburse the city for all costs incurred in the holding of the animal. Upon such payment the owner shall be entitled to the immediate return and possession of the animal. The city, making delivery of an animal to a person, shall acknowledge that the person holds the animal subject to the right of the owner to redeem it within 30 days.

(5) Records. The city shall keep a record of all animals impounded, with a description of each animal and the ultimate disposition of the animal, for a period of two years.

(6) Expenses and Fees. Expenses for enforcing subsections (2) through (7) of this section, impounding and caring for animals, shall be paid out of the dog pound account of the general fund. All fees collected shall be delivered to the clerk to be placed in the general fund.

(7) Appeals. Any owner who believes his animal to have been wrongfully impounded may, within the impound period, appeal to the municipal court, which shall have full power to determine whether the animal has been wrongfully impounded, and if so, determine whether it shall be returned to the owner and under what terms.

(8) Fees. All fees established or necessary to the operation of the pound shall be set by resolution of the council and shall be subject to change from time to time.

(9) Application to Law Enforcement Animals. BMC 6.05.020 through 6.05.040(5) shall not apply to law enforcement officers using a law enforcement animal as defined in this chapter.

(10) Destruction of Dangerous Dogs. A dangerous dog running at large, which because of its disposition or diseased condition is too hazardous to apprehend, may be destroyed by a peace officer, dog control officer, or by a person acting in defense of himself, or another person. A written report shall be maintained by or provided to the city describing the circumstances of the need for, and subsequent destruction and disposal of such an animal.

(11) Gratis Distribution. The display and offering through any solicitation of unwanted animals, particularly juvenile dogs (puppies) and cats (kittens) shall occur only with the property owner's permission. No animal may be sold or given to any minor without the prior written consent of the minor child's parent or legal guardian.

(12) Enforcement. All items within this section shall be strictly enforced. [Ord. 759 § 6, 2003; Ord. 661 § 6, 1988]

6.05.070 Penalty.

Any person violating the provisions of this chapter shall, upon conviction, be punished by a fine not

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to exceed \$500.00. If a person is found guilty of those stated acts, the animal shall be impounded and, if suitable, placed for adoption. The guilty party will also be prohibited from owning or keeping an animal within the city for a period of five consecutive years. [Ord. 759 § 7, 2003; Ord. 661 § 7, 1988]

**Chapter 6.10
EXOTIC ANIMALS**

Sections:

- 6.10.010** **Definitions.**
- 6.10.020** **Exotic animals prohibited.**
- 6.10.030** **Certain animals exempt.**
- 6.10.040** **Animals exempt with a license.**
- 6.10.050** **Exotic animal licensing.**
- 6.10.060** **Abatement of exotic, wild or dangerous animal nuisances.**
- 6.10.070** **Exceptions to provisions.**
- 6.10.080** **Institutions.**
- 6.10.090** **Interference with officers.**
- 6.10.100** **Penalties.**

6.10.010 **Definitions.**

For the purposes of BMC 6.10.010 through 6.10.080, “exotic, wild or dangerous animals” includes any animal or mixed breed of animal, fish, fowl, or insect which, because of its size, vicious nature, poisonous bite or sting, or other characteristics, would constitute a danger to human life, property, health or welfare if not kept or maintained under the immediate control of the owner. “Exotic, wild or dangerous animal” includes, but is not limited to:

- (1) Any cat other than the *Felis catus*.
- (2) Any nonhuman primate.
- (3) Any wolf, coyote or other canine, or mixed breed thereof, not of the species *Canis familiaris*.
- (4) Any shark, dogfish or similar carnivorous fish.
- (5) Any piranha fish.
- (6) Any poisonous reptile, any crocodilian or lizard whose average adult length is greater than two feet, any snake whose average adult length is greater than six feet, or any snapping turtle.
- (7) Any bat.
- (8) Any skunk, weasel, badger, fox, mammal of the raccoon family or wolverine, or mixed breed thereof.
- (9) Any pig, hog, boar or wild pig, including pot bellied pigs.
- (10) Any bear.
- (11) Any kangaroo.
- (12) Any eagle, hawk, buzzard or similar predatory bird.
- (13) Any poisonous or stinging insect or arachnid. [Ord. 760 § 1, 2003; Ord. 701 § 1, 1994]

6.10.020 **Exotic animals prohibited.**

Except as provided in BMC 6.10.030 through 6.10.050, no person shall keep or maintain one or more exotic, wild or dangerous animals within the city. The keeping or maintenance of an exotic, wild or dangerous animal is a public nuisance and shall be abated in conformity with the requirements of this chapter. [Ord. 760 § 2, 2003; Ord. 701 § 2, 1994]

6.10.030 **Certain animals exempt.**

Subject to any applicable sections of this chapter, and any applicable federal or state law in effect at the time of an alleged offense, if an animal is not specifically identified as an exotic, wild or dangerous animal in BMC 6.10.010, a person may lawfully keep or maintain such animal without an exotic animal license, subject to the provisions of the zoning ordinance, if the animal is kept at a reasonable number so as not to become a nuisance, and is legally available for domestic confinement or capture, and:

- (1) Of the species *Felis catus*.

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- (2) Of the species *Canis familiaris*.
- (3) A fish kept in a tank.
- (4) A nonpoisonous nonconstricting reptile.
- (5) A gerbil, hamster, guinea pig, mouse, rat, squirrel, chipmunk or similar rodent-like creature kept in a cage.
- (6) An amphibian less than one foot in length such as a frog, toad, salamander or chameleon, excluding gila monsters and other aggressive, or poisonous species.
- (7) Livestock, as that term is defined in ORS 596.615.
- (8) A rabbit kept in a cage or hutch.
- (9) Bees kept in a collection of hives or colonies. [Ord. 760 § 3, 2003; Ord. 701 § 3, 1994]

6.10.040 Animals exempt with a license.

(1) Subject to other applicable sections of this chapter and any applicable federal or state law in effect at the time of an alleged offense, it shall be lawful for a person to keep or maintain those animals identified below, if the person keeping or maintaining such animal has been issued and has maintained an annual exotic animal license under the requirements of BMC 6.10.050 and any applicable county, state, or federal laws in place at the time.

(2) The following animals are exempt if licensed:

- (a) Any nonhuman primate of a species whose average adult weight is less than 20 pounds.
- (b) Any cat not of the species *Felis catus*, but of another species whose average adult weight is less than 15 pounds. However, any such cat with a prior history of injury to humans or property shall not be allowed under this section.
- (c) Any poisonous or stinging insect or arachnid. [Ord. 760 § 4, 2003; Ord. 701 § 4, 1994]

6.10.050 Exotic animal licensing.

(1) The city clerk may issue an exotic animal license, with fee, for the keeping or maintenance of those animals identified in BMC 6.10.040, for a period of one year, and he may renew the license for subsequent one-year periods if it is found by the animal control officer, after inspection of the premises where such animal is to be kept, that:

- (a) The animal is at all times kept or maintained in a safe manner and is at all times confined securely so that keeping the animal will not constitute danger to human life or property.
- (b) Adequate safeguards are made to prevent unauthorized access to the animal by a member of the public.
- (c) The health and well-being of the animal is not in any way endangered by the manner of keeping or confinement.
- (d) The keeping of the animal will not harm the surrounding neighborhood or disturb the peace and quiet of the surrounding neighborhood.
- (e) The quarters in which the animal is kept or confined are adequately lighted and ventilated and are so constructed that they can be kept in a clean and sanitary condition providing adequate shelter from extreme climactic conditions.
- (f) The keeping of the animal will not create or cause offensive odors or in any other way constitute a danger, unreasonable annoyance, or inconvenience to the public.

(g) The applicant for such a license has proven ability to respond in damages up to, and including the amount of \$300,000 for bodily injury or death of any person or persons, or for damage to property owned by any other person which may result from the keeping or maintenance of such animal. Such proof of ability to respond in damages may be given by filing with the city clerk a certificate of insurance, stating that the applicant is at the time of his application, and will be during the period of his license, insured against liability for personal and property damages as described in this subpart; or by posting a bond with the city clerk prior to the issuing of the exotic animal license and operative to the time of the license in the amount of \$300,000. The bond or certificate of insurance shall provide that no cancellation of insurance or bond will be made unless 30 days' written notice is first given to the city clerk.

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(2) Prior to the annual renewal of an exotic animal license, the animal control officer shall inspect the premises subject to the license to determine if the person to whom it has been issued is continuing to comply with all of the conditions specified in this section. In addition, the animal control officer shall have the authority to inspect the premises upon the receipt of any complaint regarding the maintenance of such premises or the animals therein. If the officer determines, during his inspection, that any of the conditions specified in subsection (1) of this section are being violated, he shall refuse to renew the license or he shall revoke the license unless the violation is corrected within a period of time as he shall direct, not to exceed 30 days.

(3) In addition to the requirements of subsection (1) of this section, the applicant for an exotic animal license shall pay to the city clerk a fee of \$17.50 annually for each adult animal to be kept or maintained on the premises subject to the license.

(4) No person shall sell or give away any exotic, wild or dangerous animal to any person not holding an exotic animal license issued and maintained under this section.

(5) In no event shall an exotic animal license be issued or renewed for the keeping of more than two adult exotic, wild or dangerous animals in any single location. [Ord. 760 § 5, 2003; Ord. 701 § 5, 1994]

6.10.060 Abatement of exotic, wild or dangerous animal nuisances.

The chief of police shall execute any judgment which may be rendered by the municipal judge after a hearing as provided in Chapter 8.10 BMC in the matter of abating any nuisance described in BMC 6.10.020 and 6.10.040. When the judgment requires the chief of police to abate a nuisance caused by an exotic, wild or dangerous animal, the animal shall be seized and confined so that the annoyance complained of will not be continued. The chief of police shall immediately advertise the animal for sale to the highest bidder. The purchaser of the animal shall agree to remove the same from the corporate limits of the city or to otherwise conform its maintenance to provisions of this chapter and any applicable state or federal law then in effect. The proceeds of the sale shall be applied by the chief of police as follows:

(1) To the payment of any cost which may be incurred in the municipal court in the matter of the action for abatement of the nuisance.

(2) To the payment of any cost which the chief of police may incur in caring for such animal and in selling the same.

(3) The surplus, if any, shall be delivered by the chief of police to the owner of the animal. [Ord. 760 § 6, 2003; Ord. 701 § 6, 1994]

6.10.070 Exceptions to provisions.

The provisions of BMC 6.10.020 and 6.10.050 shall not apply to the keeping of exotic, wild or dangerous animals in the following cases:

(1) The keeping of such animals in zoos, bona fide educational or medical institutions, museums or any other place where they are kept as live specimens for the public to view or for the purposes of instruction or study.

(2) The keeping of such animal for exhibition to the public of such animals by a circus, carnival or other exhibit or show.

(3) The keeping of such animals in a bona fide, licensed veterinary hospital for treatment. [Ord. 760 § 7, 2003; Ord. 701 § 7, 1994]

6.10.080 Institutions.

The institutions keeping or maintaining exotic, wild or dangerous animals in conformity with BMC 6.10.070 shall comply with all federal and state regulations regarding such maintenance. [Ord. 760 § 8, 2003; Ord. 701 § 8, 1994]

6.10.090 Interference with officers.

It shall be unlawful for any person to interfere with, molest or harm any police officer in the prosecution of his duties under the terms of this chapter. [Ord. 760 § 9, 2003; Ord. 701 § 9, 1994]

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6.10.100 Penalties.

Violation of any provision of this chapter constitutes a violation punishable by fine of not more than \$500.00. [Ord. 760 § 10, 2003; Ord. 701 § 10, 1994]