Chapter 609

2009 EDITION

Animal Control; Exotic Animals; Dealers

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DOG CONTROL

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609.015 Application of ORS 609.030 and 609.035 to 609.110. (1) ORS 609.030 and 609.035 to 609.110 apply in every county except as otherwise provided by county charter or ordinance. ORS 609.030 and 609.035 to 609.110 do not limit the powers of cities and counties to adopt ordinances and regulations relating to the control of dogs.

(2) A county dog licensing and control program shall not apply within the limits of a city that has its own dog licensing and control program. [1967 c.496 §3; 1977 c.237 §1; subsection (2) enacted as 1977 c.802 §2; 1999 c.756 §16]

609.020 Dogs as personal property. Dogs are hereby declared to be personal property.

609.030 Establishing dog control district; appointment of supervisors; enforcement; county governing body as supervisors; dog control officer. (1) The governing body of any county may declare the county a dog control district.

(2) Upon declaration of the dog control district the county governing body may appoint a board of supervisors, and provide for the terms, compensation and other aspects of service by board members, at least two of whom shall be connected directly or indirectly with the livestock industry.

(3) The board may issue licenses and enforce all of the county and state laws relating to the control of dogs within the county, including that of making arrests and shall perform such other duties as the county governing body may assign to it.

(4) The county governing body may elect to act as the board of supervisors of the dog control district.

(5) The county governing body may provide for appointment of a dog control officer and otherwise provide for administration and enforcement of a dog control program. [Amended by 1957 c.79 §1; 1963 c.398 §1; 1975 c.297 §1; 1977 c.189 §9]

609.035 Definitions for ORS 609.035 to 609.110 and 609.990. As used in ORS 609.035 to 609.110 and 609.990:

(1) "Dog control board" means a group of persons whose duties include, but need not be limited to, fulfilling the duties of a dog control district board of supervisors as described in ORS 609.030.

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

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

(a) A licensed business primarily intended to obtain a profit from the kenneling of dogs;

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

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

(d) A veterinary facility.

(4) "Menaces" means lunging, growling, snarling or other behavior by a dog that would cause a reasonable person to fear for the person's safety.

(5) "Potentially dangerous dog" means a dog that:

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

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

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

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

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

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

(c) Within any part of a vehicle.

(7) "Serious physical injury" has the meaning given that term in ORS 161.015. [2005 c.840 §4]

609.040 Election to determine whether dogs may run at large. (1) When the petition of 100 or more electors of any county is filed with the county clerk 45 days before the general or special election in any year, the county clerk shall cause notice to be given that at the election a vote will be taken for and against permitting dogs to run at large in the county.

(2) On the petition of 15 or more electors of an election precinct in any county being filed with the county clerk 45 days before the general or special election in any year, the county clerk shall cause notice to be given that at the election a vote will be taken for and against permitting dogs to run at large in that precinct.

(3) On the petition of 20 or more electors of any incorporated city or precinct being filed with the county clerk before the time of giving notice of the general or special election in any year, the county clerk shall cause notice to be given that at the election a vote will be taken for and against permitting dogs to run at large in the city.

(4) The provisions of this section shall not apply to areas in the county inside a city that has an established dog licensing program. [Amended by 1977 c.802 §4]

609.050 [Amended by 1967 c.496 §1; repealed by 1977 c.802 §15]

609.060 Notice of election result; dogs running at large prohibited; deposit of fees and fines. (1) If a majority of all votes cast in the election provided for by ORS 609.040 is against permitting dogs to run at large, or if the governing body of the county by ordinance prohibits dogs from running at large, the county shall give notice, by publication in some newspaper having a general circulation in the county, and in the election precinct if the prohibition of dogs running at large affects any one precinct only, for three consecutive weeks.

(2) After 60 days from the date of the notice, every person keeping a dog shall prevent the dog from running at large in any county, city or precinct where prohibited. A person who is the keeper of a dog is guilty of a violation if the dog runs at large in a county, city or precinct where prohibited.

(3) County license fees and the penalty for violation of subsection (2) of this section or ORS 609.100, when collected, shall be paid into the county treasury, and kept in a special fund. [Amended by 1965 c.499 §1; 1977 c.802 §5; 1999 c.658 §5]

609.070 [Repealed by 1969 c.677 §5]

609.080 [Amended by 1959 c.618 §2; repealed by 1967 c.495 §4]

609.090 Impounding certain dogs; procedure for county disposition of impounded dogs; impoundment fees and costs; release of dog. (1) A law enforcement officer or dog control officer may cite a keeper, impound a dog, or both if:

(a) The dog is found running at large in violation of ORS 609.060;

(b) The dog is a public nuisance as described by ORS 609.095; or

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

(2) All dogs impounded under this section and ORS 609.030 shall be held in an adequate and sanitary pound to be provided by the county governing body from the general fund or out of funds obtained from dog licenses and from the redemption of dogs so impounded. However, in lieu of the establishment of a dog pound, the county governing body may contract for the care of the dogs. Unless claimed by its keeper, a dog shall be impounded for at least three days if the dog is without a license or identification tag and for at least five days if it has a license or identification tag. A reasonable effort shall be made to notify the keeper of a dog before the dog is removed from impoundment.

(3) Unless the dog control board or county governing body provides otherwise, if the keeper appears and redeems the dog, the keeper shall pay a sum of not less than $10 for the first impoundment and not less than $20 for each subsequent impoundment and also pay the expense of keeping the dog during the time it was impounded. If the dog is unlicensed the keeper shall also purchase a license and pay the applicable penalty for failure to have a license. If the keeper is not the owner of the dog, the keeper may request that a license purchased by the keeper under this subsection be issued in the name of the dog owner.

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

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

(6) If no keeper appears to redeem a dog within the allotted time, the dog may be killed in a humane manner. The dog control board or county governing body may release the dog to a responsible person upon receiving assurance that the person will properly care for the dog and upon payment of a sum established by the county governing body plus cost of keep during its impounding, and purchase of a license if required. The person shall thereafter be the keeper of the dog for purposes of ORS 609.035 to 609.110.

(7) If the keeper of a dog is not charged with violating ORS 609.095 (2) or (3) or ORS 609.098, and the dog control board or county

governing body finds that the dog has menaced or chased a person when on premises other than the premises from which the keeper may lawfully exclude others or has bitten a person, the dog control board or county governing body may order that the dog be killed in a humane manner. Before ordering that the dog be killed, the board or governing body shall consider the factors described in ORS 609.093 and issue written findings on those factors. Notwithstanding ORS 34.030, if the disposition order issued by the board or governing body provides that the dog is to be killed, a petition by the keeper for a writ of review must be filed no later than the 10th day after the dog control board or county governing body sends notice of the order to the keeper. Notwithstanding ORS 19.270, 19.330 and 34.070, the order for the killing of the dog may not be carried out during the period that the order is subject to review or appeal. If the dog is not killed, the board or governing body may impose reasonable restrictions on the keeping of the dog. The keeper must pay the cost of complying with the reasonable restrictions.

(8) If the keeper of a dog is charged with violating ORS 609.095 (2) or (3) or 609.098, upon conviction of the keeper the court may determine the disposition of the dog as provided under ORS 609.990.

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

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

(11) A dog control board or county governing body may impose lesser fees or penalties under subsections (3) and (6) of this section for certain senior citizens under certain circumstances. [Amended by 1953 c.571 §2; 1957 c.79 §2; 1963 c.237 §1; 1963 c.585 §1; 1967 c.495 §2; 1969 c.677 §4; 1973 c.655 §3; 1975 c.499 §1; 1977 c.802 §6; 1999 c.658 §§6,6a; 2001 c.636 §7; 2005 c.840 §5]

609.092 [1977 c.802 §14; repealed by 1999 c.1051 §299]

609.093 Considerations prior to disposing of chasing, menacing or biting dog. In determining whether a dog should be killed as provided under ORS 609.090 (7) or 609.990 (6), a dog control board, county governing body or court shall consider the following factors:

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

(2) Whether the keeper has a history of maintaining dogs that are a public nuisance;

(3) The impact of keeper actions on the behavior of the dog;

(4) The ability and inclination of the keeper to prevent the dog from chasing or menacing another person on premises other than the premises from which the keeper may lawfully exclude others or from biting another person;

(5) Whether the dog can be relocated to a secure facility;

(6) The effect that a transfer of the keeping of the dog to another person would have on ensuring the health and safety of the public;

(7) Behavior by the dog before or since the biting, chasing or menacing; and

(8) Any other factors that the board, governing body or court may deem relevant. [1999 c.658 §2; 2001 c.636 §8; 2005 c.840 §6]

609.095 Dog as public nuisance; public nuisance prohibited; complaint. (1) A dog is a public nuisance if it:

(a) Chases persons or vehicles on premises other than premises from which the keeper of the dog may lawfully exclude others;

(b) Damages or destroys property of persons other than the keeper of the dog;

(c) Scatters garbage on premises other than premises from which the keeper of the dog may lawfully exclude others;

(d) Trespasses on private property of persons other than the keeper of the dog;

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

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

(g) Is a potentially dangerous dog, but is not a dangerous dog as defined in ORS 609.098.

(2) The keeper of a dog in a county, precinct or city that is subject to ORS 609.030 and 609.035 to 609.110 maintains a public nuisance if the dog commits an act described under subsection (1) of this section. Maintaining a dog that is a public nuisance is a violation.

(3) A keeper of a dog maintains a public nuisance if the keeper fails to comply with reasonable restrictions imposed under ORS 609.990 or if a keeper fails to provide acceptable proof of compliance to the court on or before the 10th day after issuance of the order imposing the restrictions. If the court finds the proof submitted by the keeper un-

acceptable, the court shall send notice of that finding to the keeper no later than five days after the proof is received.

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

609.097 [1975 c.499 §4; 1999 c.658 §9; 2001 c.636 §10; repealed by 2005 c.840 §9]

609.098 Maintaining dangerous dog. (1) As used in this section, "dangerous dog" means a dog that:

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

(b) Acts as a potentially dangerous dog, as defined in ORS 609.035, after having previously committed an act as a potentially dangerous dog that resulted in the keeper being found to have violated ORS 609.095; or

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

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

(3) Maintaining a dangerous dog is punishable as described in ORS 609.990. [2005 c.840 §2]

Note: 609.098 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 609 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

609.100 Dog licenses, tags and fees; exemptions. (1) In a county, precinct or city having a dog control program under ORS 609.030, 609.035 to 609.110 and 609.405, every person keeping a dog that has a set of permanent canine teeth or is six months old, whichever comes first, shall procure a license for the dog. The license must be procured by paying a license fee to the county in which the person resides not later than March 1 of each year or within 30 days after the person becomes keeper of the dog. However, the county governing body may provide for dates other than March 1 for annual payment of fees. The fee for the license shall be determined by the county governing body in such amount as it finds necessary to carry out ORS 609.035 to 609.110. A license fee shall not be less than $25 for each dog, except that the fee shall not be less than $3 for each spayed female or neutered male dog for which a veterinarian's certificate of operation for the spaying or neutering of the dog is presented to the county. If the person fails to procure a license within the time provided by this section, the county governing body may prescribe a penalty in an additional sum to be set by the governing body.

(2) The county shall, at the time of issuing a license, supply the licensee, without charge, with a suitable identification tag, which shall be fastened by the licensee to a collar and kept on the dog at all times when not in the immediate possession of the licensee.

(3) The license fees in subsection (1) of this section do not apply to dogs that are kept primarily in kennels and are not permitted to run at large. The county governing body may establish a separate license for dogs that are kept primarily in kennels when the dogs cease to be considered inventory under ORS 307.400, the fee for which shall not exceed $5 per dog.

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

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

(6) Notwithstanding any other provision of this section or ORS 609.015, when the keeper of a dog obtains a license for the dog, that license is valid and is in lieu of a license for the dog required by any other city or county within this state, for the remainder of the license period:

(a) If the keeper of the dog changes residence to a city or county other than the city or county in which the license was issued; or

(b) If the keeper of the dog transfers the keeping of the dog to a person who resides in a city or county other than the city or county in which the license was issued. [Amended by 1953 c.27 §2; 1959 c.374 §1; 1969 c.677 §1; 1973 c.655 §4; 1977 c.189 §10; 1977 c.802 §8; 1987 c.240 §1; 1999 c.658 §§10,10a; 2001 c.753 §13; 2007 c.70 §280]

609.105 Exemption for assistance animals. Notwithstanding ORS 609.015 or 609.100, a county or city shall not charge a fee to license a dog used as an assistance animal as defined in ORS 346.680. [1979 c.366 §1; 1991 c.67 §155; 1999 c.658 §11; 2001 c.104 §238]

609.110 Dog License Fund. All funds derived under ORS 433.340 to 433.385 and 609.035 to 609.110 shall be turned over to the county treasurer, who shall keep them in a

fund to be known as the Dog License Fund, to be expended as provided for by law. At the end of a fiscal year any amount of money in the fund determined by the county governing body to be in excess of the requirements of the Dog License Fund may be placed in the general fund of the county. [Amended by 1963 c.309 §1; 1969 c.677 §2; 1973 c.655 §5; 1977 c.189 §11]

LIABILITY OF DOG KEEPER

609.115 Liability for injury or property damage caused by potentially dangerous dog. (1) As used in this section, "keeper" and "potentially dangerous dog" have the meanings given those terms in ORS 609.035.

(2) Except as provided in subsection (3) of this section, if a court has determined under ORS 609.990 that a dog is a potentially dangerous dog, and subsequent to that determination the dog causes physical injury to a person or damage to real or personal property, the keeper of the dog is strictly liable to the injured person or property owner for any economic damages resulting from the injury or property damage.

(3) Subsection (2) of this section does not apply if a physical injury is to a person provoking the dog or assaulting the dog's keeper or to a person who trespasses upon premises from which the keeper may lawfully exclude others. [2005 c.840 §1]

609.120 [Amended by 1969 c.677 §3; repealed by 1977 c.802 §15]

DOGS HARMING LIVESTOCK

609.125 Definition of "livestock." As used in ORS 609.135 to 609.190, "livestock" means ratites, psittacines, horses, mules, jackasses, cattle, llamas, alpacas, sheep, goats, swine, domesticated fowl and any furbearing animal bred and maintained commercially or otherwise, within pens, cages and hutches. [1999 c.756 §11]

609.130 [Repealed by 1977 c.802 §15]

609.135 Applicability of ORS 609.156, 609.162 and 609.168. (1) ORS 609.156, 609.162 and 609.168 apply in every county having a dog control program.

(2) Except as provided under subsections (1) and (3) of this section, ORS 609.135 to 609.190 apply in every county having a dog control program except as otherwise provided by county charter or ordinance. Except as provided under subsections (1) and (3) of this section, the provisions of ORS 609.135 to 609.190 do not limit the powers of cities or counties to adopt ordinances and regulations relating to the control of dogs.

(3) ORS 609.162 (2) does not eliminate or restrict the ability of a county to adopt a charter or ordinance that is contrary to ORS 609.163. Notwithstanding any county charter or ordinance, a notice of determination sent under ORS 609.156 (2) or after a full and fair hearing shall be sent as provided under ORS 609.158 (4). [1999 c.756 §9a]

609.140 Right of action by owner of damaged livestock. (1) The owner of any livestock which has been damaged by being injured, chased, wounded or killed by any dog shall have a cause of action against the owner of such dog for the damages resulting therefrom, including double the value of any livestock killed and double the amount of any damage to the livestock.

(2) If one or more of several dogs owned by different persons participate in damaging any livestock, the owners of the respective dogs shall be jointly and severally liable under this section. The owners of dogs jointly or severally liable under this section have a right of contribution among themselves. The right exists only in favor of an owner who has paid more than the pro rata share of the owner, determined by dividing the total damage by the number of dogs involved, of the common liability, and the total recovery of the owner is limited to the amount paid by the owner in excess of the pro rata share of the owner.

(3) An action brought under this section may be tried as an action at law in any court of competent jurisdiction.

(4) As used in this section:

(a) "Owner" means the head of the family of the home where the dog is cared for at the time of the damage.

(b) "Head of the family" means any person who has charge or manages the affairs of a collective body of persons residing together, the relations between whom are of a permanent and domestic character. [Amended by 1973 c.655 §7; 1975 c.749 §1]

609.150 Right to kill dog that harms or chases livestock. (1) Except as provided in subsection (3) of this section, any dog, whether licensed or not, which, while off the premises owned or under control of its owner, kills, wounds, or injures any livestock not belonging to the master of such dog, is a public nuisance and may be killed immediately by any person. However, nothing in this section applies to any dog acting under the direction of its master, or the agents or employees of such master.

(2) If any dog, not under the control of its owner or keeper, is found chasing or feeding upon the warm carcass of livestock not the property of such owner or keeper it shall be deemed, prima facie, as engaged in killing, wounding or injuring livestock.

(3) No person shall kill any dog for killing, wounding, injuring or chasing chickens upon a public place, highway or within the

corporate limits of any city. [Amended by 1975 c.749 §6]

609.153 Dog owner education program. (1) The State Department of Agriculture shall coordinate the development of a program to educate dog owners concerning their responsibility to avoid conflicts between dogs and livestock. The program shall include the publication of a brochure. A discussion of penalties and other measures provided for under ORS 609.162 and 609.163 shall be included in the brochure.

(2) The obligation of the department under subsection (1) of this section is limited to the extent of any moneys specifically appropriated for that purpose or available from donations, gifts and grants by private or other nonstate sources. [1999 c.756 §10]

609.155 Impoundment for harming or chasing livestock; determination of fact; costs. (1) In a county with a dog control program, upon finding a dog engaged in killing, wounding, injuring or chasing livestock or upon receipt from a complainant of evidence that a dog has been so engaged, the dog control officer or other law enforcement officer shall impound the dog.

(2) If there is reason to believe that reasonable testing of a dog impounded pursuant to subsection (1) of this section, including but not limited to a fecal examination or examination of the teeth of the dog, will provide substantial further evidence as to whether the dog has been engaged in killing, wounding, injuring or chasing livestock, the county shall provide for the administration of the tests by a licensed veterinarian.

(3)(a) After the completion of tests administered pursuant to subsection (2) of this section and allowing an opportunity for a hearing under ORS 609.158, the county shall determine whether the dog has been engaged in killing, wounding, injuring or chasing livestock. If the county determines that the dog has been so engaged, the county shall take action as provided under ORS 609.162 and 609.163. In addition to any action taken under ORS 609.162 and 609.163, the county may require that the dog owner pay the costs of keeping and testing the dog during impoundment. If the county determines that the dog has not been engaged in killing, wounding, injuring or chasing livestock, the dog shall be released to its owner and, if the dog had been impounded upon receipt of evidence from a complainant, the complainant shall pay the costs of keeping and testing the dog during the impoundment.

(b) Notwithstanding ORS 609.090, a dog impounded pursuant to subsection (1) of this section shall not be released until a determination is made by the county pursuant to this subsection. [1975 c.749 §4; 1977 c.802 §9; 1999 c.756 §20]

609.156 Opportunity to request hearing. (1) Prior to making a determination whether a dog has killed, wounded, injured or chased livestock, a county shall provide an opportunity for the dog owner to receive a hearing. The county shall send notice of the opportunity to request a hearing in a manner that is reasonably calculated, under all the circumstances, to apprise the dog owner of the specific behavior and incident alleged and the possible penalties, and to provide the dog owner with a fair opportunity for making the hearing request.

(2) A dog owner must cause a hearing request to be delivered to the county not later than the 14th day following the sending of notice under subsection (1) of this section. If a dog owner does not make a timely request for a hearing, the dog owner is conclusively presumed to have admitted the matter alleged and the county may immediately take action under ORS 609.162 and 609.163. The county shall send notice of its determination in the manner provided under ORS 609.158 (4). [1999 c.756 §2]

609.157 [1975 c.749 §5; 1999 c.756 §21; renumbered 609.161 in 1999]

609.158 Hearing process; notice of determination; reexamination of determination. (1) A hearing may be conducted and a determination whether a dog has killed, wounded, injured or chased livestock may be made by the county governing body or any members thereof, the dog control board or any members thereof or a county hearings officer.

(2) Notwithstanding ORS 9.160 and 9.320, the county may choose to be represented at the hearing by any employee of the county. If the employee is not an attorney, the employee shall not present legal argument, examine or cross-examine witnesses, present rebuttal evidence or give legal advice to the governing body, dog control board or hearings officer conducting the hearing.

(3) The person presiding at the hearing shall ensure that the record developed at the hearing shows a full and fair inquiry into the facts necessary to determine the matter alleged. A determination made by a county following a hearing must be upon consideration of the whole record and supported by reliable, probative and substantial evidence.

(4) The county shall notify the dog owner of its determination and of any civil penalties or other measures imposed by delivering or mailing a copy to the dog owner or, if applicable, the attorney of the dog owner.

(5) If a hearing is not conducted by a majority of the county governing body, the

owner may request that the county governing body reexamine the determination. If the county governing body does not grant the request for reexamination within 14 days, the request shall be deemed denied. A county governing body may not reexamine a determination if a petition for judicial review of the determination has been filed. [1999 c.756 §3]

609.160 [Amended by 1975 c.499 §2; 1999 c.756 §22; renumbered 609.169 in 1999]

609.161 Disputable presumption that dog harms or chases livestock. For purposes of ORS 609.135 to 609.190, a disputable presumption shall arise that a dog has been engaged in killing, wounding, injuring or chasing livestock if:

(1) The dog is found chasing livestock not the property of the owner of the dog in an area where freshly damaged livestock are found;

(2) The dog is found feeding upon a warm carcass of a livestock animal;

(3) An examination of the dog's feces indicates ingestion of portions of the anatomy or covering of the anatomy of livestock by the dog; or

(4) Portions of the anatomy or covering of the anatomy of livestock are found on the teeth of the dog, unless the dog is regularly used for the purpose of herding sheep. [Formerly 609.157]

609.162 Guidelines for imposing remedial measures, civil penalties or other sanctions. (1) If a county determines under ORS 609.156 (2) or after a full and fair hearing that a dog has engaged in killing, wounding, injuring or chasing livestock, the county shall take action in accordance with the following guidelines:

(a) If the dog has engaged in chasing livestock and has not previously killed, wounded, injured or chased livestock:

(A) The county shall take reasonable measures to prevent a recurrence. Reasonable measures include, but are not limited to, requiring that the dog owner take specific measures to adequately confine the dog and provide a notarized written pledge that the owner will prevent the dog from chasing livestock again; and

(B) The county may impose a civil penalty of not more than $500.

(b) If the dog has engaged in chasing livestock and has previously killed, wounded, injured or chased livestock, or if the dog has engaged in wounding or injuring livestock and has not previously killed, wounded, injured or chased livestock, the county shall impose a civil penalty of not less than $250 and not more than $1,000. In addition to imposing the civil penalty, the county may:

(A) Require the dog owner to surrender the dog for adoption by a new owner approved by the county;

(B) Require the owner to remove the dog to a location where, in the opinion of the county, the dog does not present a threat to livestock; or

(C) Require that the dog be put to death in a humane manner. Before requiring that a dog be put to death under this subparagraph, the county shall make specific findings on the record that other measures are not available, are not adequate to remedy the problem or are otherwise unsuitable.

(c) If the dog has engaged in wounding or injuring livestock and has previously killed, wounded, injured or chased livestock, or if the dog has engaged in killing livestock and has not previously killed livestock, the county shall impose a civil penalty of not less than $500 and not more than $1,000. In addition to imposing the civil penalty, the county shall:

(A) Require the dog owner to remove the dog to a location where, in the opinion of the county, the dog does not present a threat to livestock; or

(B) Require that the dog be put to death in a humane manner.

(d) If the dog has engaged in killing livestock and the dog has previously killed livestock, the county shall impose a civil penalty of not less than $500 and not more than $1,000. In addition to imposing the civil penalty, the county shall require that the dog be put to death in a humane manner.

(2) In establishing the history of a dog for purposes of this section, or the history of an owner for purposes of ORS 609.163, a county shall consider all known determinations involving the dog or owner by any court, or by a governing body, official or agency of any local or state government, without regard to where or when the incident occurred. [1999 c.756 §5]

609.163 Enhanced civil penalties for habitual violators. (1) If a county assesses a civil penalty under ORS 609.162 against a dog owner who has previously been assessed a civil penalty, fine or forfeiture based upon the killing, wounding, injuring or chasing of livestock in an incident not involving the same dog or dogs as in the matter being determined, the county shall assess an additional civil penalty of not less than $250 and not more than $1,000.

(2) If a county assesses a civil penalty under ORS 609.162 against a dog owner who has previously been assessed two or more civil penalties, fines or forfeitures, or a combination thereof, based upon the killing,

wounding, injuring or chasing of livestock in two or more incidents not involving the same dog or dogs as in the matter being determined, the county shall assess an additional civil penalty of not less than $1,000 and not more than $5,000. A penalty under this subsection is in lieu of a civil penalty under subsection (1) of this section.

(3) In addition to any other civil penalty under this section or ORS 609.162, if a dog that kills, wounds, injures or chases livestock is not licensed as required, the county may assess a civil penalty of not more than $1,000. A civil penalty imposed under this subsection shall prevent imposition of a fine under ORS 609.990 for violation of ORS 609.100. [1999 c.756 §6]

609.165 Judicial review of county determination. (1) A determination issued under ORS 609.156 or 609.158 is subject to judicial review by the circuit court for the county making the determination as provided under ORS 34.010 to 34.100. Notwithstanding ORS 34.070, filing a petition for review shall automatically stay execution of the determination made by the county.

(2) Notwithstanding ORS 34.030, a petition for review must be filed no later than the 21st day following the date on which the county delivered or mailed its determination in accordance with ORS 609.158 (4). The filing of a request for reexamination under ORS 609.158 (5) does not act to toll the time for filing a petition for judicial review. However, if a county governing body reexamines the determination, the time for filing a petition for judicial review shall be extended through the 21st day following the date that the result of the reexamination is delivered or mailed.

(3) If the court reverses the decision of the county, the court shall make special findings of fact based upon the evidence in the record and conclusions of law indicating clearly all aspects in which the county's procedure or determination was in error. [1999 c.756 §4]

609.166 Record of penalized owners. (1) When a civil penalty is assessed against a dog owner under ORS 609.162 or 609.163, the county shall supply the State Department of Agriculture with information identifying the dog owner. The department shall supply the counties with forms for recording the information.

(2) The department shall maintain the record of a penalized dog owner for a reasonable period and shall make the record available to any county upon request.

(3) The county and the department may charge reasonable fees to the dog owner to cover the cost of conducting and administering the dog owner information program. [1999 c.756 §8]

609.167 Conversion of civil penalty into lien; disposition of proceeds. (1) Moneys collected from a dog owner under ORS 609.162 or 609.163 shall be deposited in the county treasury.

(2) A civil penalty under ORS 609.162 or 609.163 is a penalty against the person owning the dog at the time that the dog killed, wounded, injured or chased livestock. The penalty may not be transferred to a subsequent owner of the dog.

(3) When a county assesses a civil penalty under ORS 609.162 or 609.163, if the amount of penalty is not paid within 21 days after delivery or mailing of the determination, the county may record the penalty with the county clerk of any county of this state. The clerk shall thereupon record in the County Clerk Lien Record the name of the person incurring the penalty. However, the county shall not record a penalty with a county clerk while a request for reexamination or petition for judicial review is pending.

(4) In addition to any other remedy provided by law, recording an order in the County Clerk Lien Record pursuant to this section has the effect provided for in ORS 205.125 and 205.126, and the order may be enforced as provided in ORS 205.125 and 205.126.

(5) Imposition of a civil penalty under ORS 609.162 or 609.163 does not prevent the bringing of an action for damages under ORS 609.140 or 609.190. A determination by the county that a dog has killed, wounded, injured or chased livestock is prima facie evidence of the matter in a subsequent action under ORS 609.140 but not in an action under ORS 609.190. [1999 c.756 §7]

609.168 Microchip identification of dog; rules. (1) A county shall implant an identifying microchip into a dog described in ORS 609.162 that is not put to death. Implantation shall be made prior to any adoption or relocation of the dog. The State Department of Agriculture, by rule, shall prescribe standards for microchip implantation. The county making an implantation shall forward the microchip information and the record of the dog to the department.

(2) The department shall maintain the record for a dog implanted with a microchip under this section for a reasonable period and shall make the record available to any county upon request.

(3) The county and the department may charge reasonable fees to the dog owner to cover the cost of conducting and administer-

ing the microchip implantation program. [1999 c.756 §9]

609.169 Keeping dog with knowledge that it has harmed livestock. (1) Except as provided under subsections (2) and (3) of this section, a person may not own, harbor or keep any dog with knowledge that it has killed, wounded or injured livestock within this state or, with knowledge that, while off the premises owned or under the control of its owner and while not acting under the direction of its master or the agents or employees of such master, it has killed or seriously injured any person.

(2) A person is not prohibited from owning, harboring or keeping a dog pursuant to a county approved adoption or relocation of a dog under ORS 609.162 (1)(b) or (c).

(3) A person is not prohibited from owning, harboring or keeping a dog, with knowledge that it has killed or wounded chickens, unless the dog owner fails to pay full damages for the killed or wounded chickens within three days after receipt of a demand for those damages from the owner of the chickens. [Formerly 609.160]

609.170 Claim by owner of livestock. In a county with a dog control program the owner of any livestock killed, wounded, chased or injured by any dog may, within 10 days after the killing, wounding, chasing or injuring occurred, or became known to the owner, present to the dog control board or county governing body a verified statement containing a full account of the incident, stating in detail the amount of damage claimed on account thereof, and the name and address of the owner or keeper of the dog, if known. The claim shall be supported by the affidavit of at least one disinterested person as to all material facts contained in it. [Amended by 1953 c.640 §2; 1975 c.749 §7; 1977 c.802 §10]

609.180 Hearing and payment of claims. All claims presented as provided by ORS 609.170 shall be heard at the first regular session of the dog control board or county governing body after their presentation, or as soon thereafter as may be practicable. If the board or governing body determines that any livestock has been damaged by being killed, wounded, injured or chased, it shall file and enter a record of the value of the livestock and order a warrant drawn for the amount of damages thus found, or any portion thereof that it considers just, to be paid by the county treasurer out of the Dog License Fund. A livestock owner may refuse to accept the tendered payment and may withdraw a claim filed under ORS 609.170. If the dog control board or county governing body considers the claim unjust, it shall disallow the claim and enter that fact upon its record. A claim may not be allowed where it appears that the damage complained of was caused by a dog owned or controlled by the claimant or the agent of the claimant. [Amended by 1975 c.749 §8; 1977 c.802 §11; 1999 c.756 §23]

609.190 Subrogation of county paying claim; collection by district attorney. In each case where a claim against the Dog License Fund of any county has been paid by the dog control board or county governing body, the county shall be subrogated to all the rights of the livestock owner against the dog owner for damages. The district attorney shall proceed promptly, in a lawful way, to collect for those damages. Any money so collected shall be paid over immediately to the treasurer of the county and credited to the Dog License Fund. [Amended by 1975 c.749 §9; 1977 c.802 §12; 1999 c.756 §24]

EXOTIC ANIMALS

(Local Government Regulation)

609.205 Prohibitions against keeping of wild or exotic animals. Notwithstanding the provisions of ORS chapters 496, 497 and 498 relating to wildlife, and ORS 609.305 to 609.355 and 609.992 relating to exotic animals, a city or county may prohibit by ordinance the keeping of wildlife, as defined in ORS 496.004, and may prohibit by ordinance the keeping of exotic animals as defined in ORS 609.305. [1977 c.802 §3; 1985 c.437 §9]

(Generally)

609.305 "Exotic animal" defined. As used in ORS 609.305 to 609.355 and 609.992, "exotic animal" means:

(1) Any member of the family Felidae not indigenous to Oregon, except the species Felis catus (domestic cat);

(2) Any nonhuman primate;

(3) Any nonwolf member of the family Canidae not indigenous to Oregon, except the species Canis familiaris (domestic dog);

(4) Any bear, except the black bear (Ursus americanus); and

(5) Any member of the order Crocodylia. [1985 c.437 §2; 1999 c.699 §3; 2009 c.492 §1]

609.309 Policy on exotic animals. It is the policy of this state to protect the public against health and safety risks that exotic animals pose to the community, ensure the health, welfare and safety of exotic animals and ensure the security of facilities in which exotic animals are kept, so as to avoid undue physical or financial risk to the public. [1985 c.437 §1; 1999 c.699 §4; 2009 c.492 §2]

609.310 [1963 c.217 §1; repealed by 1977 c.802 §15]

609.312 Seller to provide buyer with informational material. A person who sells an exotic animal must, prior to accepting the

offer to purchase, provide the prospective purchaser of the exotic animal with informational material approved by the State Department of Agriculture regarding the care, husbandry, health and nutritional needs of the exotic animal. This section does not allow the sale of an exotic animal to a person located in this state other than an entity described in ORS 609.345. [1999 c.699 §2; 2009 c.492 §3]

609.315 [1985 c.437 §8; 1999 c.699 §5; 2009 c.492 §4; renumbered 609.345 in 2009]

609.319 [1985 c.437 §3; 1999 c.699 §6; 2009 c.492 §5; renumbered 609.341 in 2009]

609.320 [1963 c.217 §2; repealed by 1977 c.802 §15]

609.325 Conditions for keeping exotic animal. Any person who keeps an exotic animal shall keep the animal under conditions of confinement or control that, given the nature of the animal, would be imposed by a reasonable and prudent keeper to avoid physical or financial risk to the public as a result of escape of the animal or otherwise. [1985 c.437 §4; 1999 c.699 §7]

609.329 Liability for escape or injury. (1) A keeper of an exotic animal is strictly liable for:

(a) Costs incurred by any person or city, county or state agency in attempting to remedy the animal's escape from custody;

(b) Personal injury, property damage or similar loss directly or indirectly caused by the animal's escape from custody, the lack of custody over the animal or efforts to remedy the animal's escape from custody; and

(c) Personal injury directly caused by the animal while in custody.

(2) Notwithstanding subsection (1) of this section, if an injury or escape by an exotic animal is in whole or in part the result of a willful unlawful act by a person other than the keeper, the keeper's liability for damages resulting from the escape or injury is the amount of total damages multiplied by the percentage of fault attributable to the keeper's negligence. [1985 c.437 §5; 1999 c.699 §8]

609.330 [1963 c.217 §3; repealed by 1977 c.802 §15]

609.335 Department rules regulating keeping of exotic animals; sanctions for rule violations. (1) The State Department of Agriculture shall adopt reasonable rules for issuing permits to keep exotic animals and establishing conditions for keeping the exotic animals. The conditions shall be directed toward ensuring the health, welfare and safety of the exotic animals and, where necessary, the security of facilities in which the exotic animals are kept so as to avoid undue physical or financial risk to the public. The rules shall be no more restrictive upon keepers of exotic animals than is reasonably necessary to carry out the purposes of ORS 609.309.

(2) The department may revoke a permit upon finding a violation of rules adopted under this section, or the department may issue a finding of violation and a warning to remedy the violation by a specified date. [1985 c.437 §7; 1999 c.699 §9; 2009 c.492 §6]

609.340 [1963 c.217 §4; repealed by 1977 c.802 §15]

609.341 Permit requirement for keeping of exotic animal; breeding of animal. (1) A person may not keep an exotic animal in this state unless the person possesses a valid State Department of Agriculture permit for that animal issued prior to January 1, 2010, or issued as provided in ORS 609.351.

(2) Except as provided in subsection (4) of this section, a person keeping an exotic animal in this state may not breed that animal.

(3) A person may not keep an exotic animal in this state for more than 30 days after the expiration, revocation or suspension of a permit.

(4)(a) A person may breed a small exotic feline if the person:

(A) Is exempt from the requirements for a permit under ORS 609.345; or

(B) Breeds a small exotic feline with a member of the species Felis catus (domestic cat), and:

(i) The person has a permit issued by the State Department of Agriculture under ORS 609.351; and

(ii) The person provides written documentation, including the person's business license, that the person bred the animals for the purpose of retail sale of the offspring.

(b) As used in this subsection, "small exotic feline" means a member of the family Felidae, except the species Felis catus (domestic cat), that weighs 50 pounds or less when fully mature. [Formerly 609.319]

609.345 Exceptions to permit requirement. (1) The requirements for a permit in ORS 609.335 and 609.341 do not apply to the following:

(a) A wildlife rehabilitation center operated under a valid permit issued by the State Fish and Wildlife Commission pursuant to ORS 497.308.

(b) A facility operated under a valid license or research facility registration issued by the United States Department of Agriculture pursuant to the federal Animal Welfare Act of 1970 (7 U.S.C. 2133 or 2136).

(c) An exotic animal protection organization, including humane societies and animal shelters, incorporated under ORS chapter 65, that houses an exotic animal at the written

request of the state or a state agency for a period not to exceed 30 days.

(d) A law enforcement agency.

(e) A licensed veterinary hospital or clinic.

(f) An educational facility that houses a member of the order Crocodylia pursuant to a written request of the state, a local government or a state agency stating the need to house the member of the order Crocodylia at the educational facility.

(g) A person or organization that takes in an exotic animal in an emergency situation but that does not otherwise qualify for an exemption under this section. The person or organization may keep the exotic animal for not more than 48 hours during which time the person or organization must make a good faith effort to contact a law enforcement agency, the State Department of Agriculture or a wildlife rehabilitation center described in paragraph (a) of this subsection.

(h) A person with a disability as defined in 42 U.S.C. 12102(2)(A) who possesses a service monkey if:

(A) The person presents, at the request of the State Department of Agriculture, written proof from a medical doctor that the person has a disability and that the service monkey performs specific tasks for the benefit of the person with the disability;

(B) The service monkey was obtained from, and trained at, a nonprofit organization whose mission is to improve the quality of life of persons with disabilities; and

(C) The person complies with any requirements of the Americans with Disabilities Act relating to service animals.

(2) As used in subsection (1)(h) of this section, "service monkey" means a nonhuman primate of the genus Cebus that is trained to perform specific tasks for a person with a disability. [Formerly 609.315]

609.350 [1963 c.217 §5; repealed by 1977 c.802 §15]

609.351 Issuance and renewal of exotic animal permit; fee. (1) The State Department of Agriculture may issue a permit to a person to keep an exotic animal if the person applies for the permit within 90 days after January 1, 2010.

(2) The department may, within one year of January 1, 2010, issue a permit to a person to possess an exotic animal if the person submits satisfactory proof to the department that the person possessed the exotic animal prior to January 1, 2010, and that the person meets requirements of rules adopted by the department under ORS 609.335.

(3) The department may charge a fee to issue or renew a permit under this section. The fee may not exceed $100. Each permit or renewal of a permit is valid for two years. [2009 c.492 §8]

609.355 Issuance of permit upon lapse of federal license or registration. The State Department of Agriculture may issue a permit to a person to keep an exotic animal if:

(1) The person operated a facility under a valid license or research facility registration issued by the United States Department of Agriculture pursuant to the federal Animal Welfare Act of 1970 (7 U.S.C. 2133 or 2136);

(2) The person does not renew the person's license or registration described in subsection (1) of this section;

(3) The person applies for the permit within 90 days after the renewal date of the license or registration; and

(4) The person meets the requirements of rules adopted by the department under ORS 609.335. [2009 c.492 §9]

DESTRUCTION OF ANIMALS

609.405 Requirement for destroying dogs and cats. (1) No city or county or any facility with which the city or county has contracted to perform animal control functions and no humane society shall cause a dog or cat to be destroyed except by lethal injection of sodium pentobarbital or other substance approved by the Oregon State Veterinary Medical Examining Board.

(2) If a particular dog or cat to be destroyed poses an imminent threat to human or animal life, making use of lethal injection of sodium pentobarbital inappropriate, a reasonable and appropriate alternative may be used. The alternative method may be subject to review by the Oregon State Veterinary Medical Examining Board. [1985 c.289 §2(1),(2)]

ANIMAL DEALERS

609.500 Definitions for ORS 609.500 to 609.520 and 609.994. As used in ORS 609.500 to 609.520 and 609.994, unless the context requires otherwise:

(1) "Animal control officer" means any person operating under the authority of this state, any unit of local government or the United States Government or pursuant to an agreement with any state or local government authority, for the purpose of:

(a) Providing shelter and other care for lost, homeless or injured animals;

(b) Serving as an information center concerning missing and found animals;

(c) Protecting the public from hazardous or insanitary conditions associated with animals that are running at large; or

(d) Protecting animals from neglect, cruelty or abuse.

(2) "Animal dealer" means any person, whether or not duly licensed or registered under state or federal law, who acquires or maintains possession of a dog or cat with the intention of selling the animal to another person, but does not include:

(a) Any research facility, retail pet store, animal control agency or animal shelter;

(b) Any person who sells the person's companion animal or the offspring of the companion animal;

(c) Any person who receives less than $250 per calendar year for the sale of animals;

(d) Any person who breeds or possesses animals solely for sale to research facilities and does not purchase or accept animals from the public or paid collectors;

(e) Any commercial breeder or distributor who sells animals exclusively for the purpose of private pet ownership;

(f) Any person who receives lost or injured animals for the exclusive purpose of rehabilitating the animals or placing them in private pet ownership;

(g) Any person who breeds or possesses dogs or cats for competition, exhibition, legal sporting events, search and rescue activity or police activity; or

(h) Any person licensed to practice veterinary medicine, surgery or dentistry under ORS chapter 686.

(3) "Animal shelter" means any person operating a facility in this or any other state for the purposes of:

(a) Providing shelter and other care for lost, homeless or injured animals;

(b) Serving as an information center concerning missing and found animals; or

(c) Protecting animals from neglect, cruelty or abuse.

(4) "Companion animal" means a dog or cat possessed by a person, business or other entity for purposes of companionship, security, hunting, herding or providing assistance in relation to a physical disability.

(5) "Person" means a human being, corporation, nonprofit corporation, association, partnership, sole proprietorship or other legal entity.

(6) "Research facility" means any person who:

(a) Investigates or gives instruction concerning the structure or functions of living organisms, the causes, prevention, control or cure of diseases or abnormal conditions of human beings or animals, or the effects of substances on human beings or animals; or

(b) Manufactures or sells products to be used in the prevention, control or cure of diseases or abnormal conditions of human beings or animals, or in the testing of the effects of substances on human beings or animals. [1991 c.837 §2]

609.505 Unlawfully obtaining dog or cat. (1) A person commits the crime of unlawfully obtaining a dog or cat if the person:

(a) Is an animal dealer; and

(b) Obtains a companion animal or the offspring of a companion animal from a person who has not raised the companion animal or the offspring of the companion animal on the person's own premises.

(2) Unlawfully obtaining a dog or cat is a Class A misdemeanor.

(3) It is an affirmative defense to a charge of violating subsections (1) and (2) of this section that an animal dealer, having received a companion animal or the offspring of a companion animal in violation of subsections (1) and (2) of this section, delivers the companion animal or the offspring of the companion animal to an animal shelter within 24 hours of acquisition. [1991 c.837 §§3,4]

609.510 Animal dealers required to keep records; report to State Department of Agriculture; fee; public inspection of records. (1) Every animal dealer shall establish and maintain records on each dog or cat and the dog's or cat's offspring in the dealer's possession or control, including:

(a) The species, gender, approximate age, color and distinctive markings and breed of the dog or cat;

(b) A photograph of the dog or cat made within 24 hours of acquisition or birth;

(c) The name, address and driver license number or other official state identification number of the person providing the dog or cat;

(d) The date of acquisition or birth of the dog or cat;

(e) The date and nature of disposition of the dog or cat; and

(f) The intended destination of the dog or cat at release.

(2) Within 24 hours of the acquisition or birth of a dog or cat in the possession of any animal dealer, the dealer shall forward, by first class mail or any more expeditious method, the information required by subsection (1) of this section to the State Department of Agriculture and a fee of $1 for each dog or cat reported.

(3) The department shall maintain the reports and provide for public inspection of, and telephone inquiries concerning, the reports during normal business hours. [1991 c.837 §5]

609.515 Required period of possession of animal by dealer. Every animal dealer shall maintain possession of each dog or cat received for a period of at least 10 days after initial receipt of the dog or cat, unless the dealer:

(1) Returns the dog or cat to its rightful owner; or

(2) Delivers the dog or cat to an animal shelter. [1991 c.837 §6]

609.520 Inspection of dealer records; procedure for obtaining animal held by dealer; penalty for failure to turn over animal; inspection of dealer facilities. (1)(a) An animal dealer shall permit inspection during normal business hours of companion animal records and the location at which companion animals are kept. The dealer may require documentation that a person seeking to inspect the location is the owner of a companion animal. When making the inspection, the person may be accompanied by an animal control officer. A person may demand inspection only if it is for the purpose of seeking the person's own companion animal. A person is allowed no more than three inspections per week for up to six weeks following the disappearance of the person's companion animal.

(b) The person may prove ownership of a companion animal by providing the dealer with:

(A) Photographs clearly showing the companion animal and any distinguishing markings;

(B) Licensing information;

(C) Veterinary records;

(D) Registration records;

(E) Microchip-implantation records; or

(F) Tattooing records.

(2)(a) When a person claims to be the owner of a companion animal being held by an animal dealer, the animal dealer shall:

(A) Upon proof of ownership and payment by the person of actual direct expenses incurred by the animal dealer in obtaining and caring for the dog or cat, turn the dog or cat over to the person; or

(B) If the animal dealer disputes the identification, or if the amount of expenses cannot be agreed upon, turn the dog or cat over to an animal shelter pending resolution of the dispute.

(b) If the person claiming to be the owner and the animal dealer cannot resolve the dispute within a reasonable length of time, the circuit court for the area in which the dog or cat is located may, upon petition, designate a third party to serve as an impartial adjudicator of the issue. The decision of the third party is final and the dog or cat shall be released accordingly. If the decision is in favor of the person claiming to be the owner, that person shall pay the animal dealer the amount of the actual direct expenses incurred by the animal dealer in obtaining and caring for the dog or cat while the dog or cat was in the possession of the animal dealer. The party losing the dispute shall pay the expenses incurred by the animal shelter in caring for the dog or cat during the pendency of the dispute. No filing or other fees shall apply to the petition to the circuit court. The court shall process the matter as informally and as expeditiously as possible.

(c) An animal dealer who fails to turn a dog or cat over as required by this subsection commits a Class A misdemeanor.

(3) Law enforcement officers or animal control officers may conduct routine inspections of animal dealer facilities during normal business hours to insure compliance with animal control statutes, ordinances and regulations. [1991 c.837 §7; 1995 c.658 §110]

REPORTING OF ANIMAL ABUSE

609.650 Legislative findings. The Legislative Assembly finds that:

(1) There is a clear link between animal cruelty and crimes of domestic violence, including child abuse; and

(2) It is in the public interest to enact legislation to encourage the permissive reporting of animal cruelty. [2007 c.731 §1]

609.652 Definitions for ORS 609.654. As used in ORS 609.654:

(1)(a) "Aggravated animal abuse" means any animal abuse as described in ORS 167.322.

(b) "Aggravated animal abuse" does not include:

(A) Good animal husbandry, as defined in ORS 167.310; or

(B) Any exemption listed in ORS 167.335.

(2) "Law enforcement agency" means:

(a) Any city or municipal police department.

(b) Any county sheriff's office.

(c) The Oregon State Police.

(d) A law enforcement division of a county or municipal animal control agency that employs sworn officers.

(3) "Public or private official" means:

(a) A physician, including any intern or resident.

(b) A dentist.

(c) A school employee.

(d) A licensed practical nurse or registered nurse.

(e) An employee of the Department of Human Services, Oregon Health Authority, State Commission on Children and Families, Child Care Division of the Employment Department, the Oregon Youth Authority, a county health department, a community mental health program, a community developmental disabilities program, a county juvenile department, a licensed child-caring agency or an alcohol and drug treatment program.

(f) A peace officer.

(g) A psychologist.

(h) A member of the clergy.

(i) A regulated social worker.

(j) An optometrist.

(k) A chiropractor.

(L) A certified provider of foster care, or an employee thereof.

(m) An attorney.

(n) A naturopathic physician.

(o) A licensed professional counselor.

(p) A licensed marriage and family therapist.

(q) A firefighter or emergency medical technician.

(r) A court appointed special advocate, as defined in ORS 419A.004.

(s) A child care provider registered or certified under ORS 657A.030 and 657A.250 to 657A.450.

(t) A member of the Legislative Assembly. [2007 c.731 §2; 2009 c.442 §42; 2009 c.595 §990]

609.654 Public or private official reporting of aggravated animal abuse; immunity. (1) Notwithstanding ORS 40.225 to 40.295, a public or private official who has reasonable cause to believe that an animal with which the official has come in contact has suffered aggravated animal abuse, or that any person with whom the official has come in contact has committed aggravated animal abuse, may immediately report the suspected aggravated animal abuse in the manner prescribed in subsection (2) of this section.

(2) A report of suspected aggravated animal abuse authorized under subsection (1) of this section may be made to a law enforcement agency, either orally or in writing, and may include, if known:

(a) The name and description of each animal involved;

(b) The address and telephone number of the owner or other person responsible for the care of the animal;

(c) The nature and extent of the suspected abuse;

(d) Any evidence of previous aggravated animal abuse;

(e) Any explanation given for the suspected abuse; and

(f) Any other information that the person making the report believes may be helpful in establishing the cause of the suspected abuse or the identity of the person causing the abuse.

(3) A public or private official who acts in good faith and has reasonable grounds for making a report of suspected aggravated animal abuse under this section is not liable in any civil or criminal proceeding brought as a result of making the report. [2007 c.731 §3]

MISCELLANEOUS

609.805 Misrepresentation of pedigree; mutilation of certificate or proof of pedigree; violation. (1) No person shall:

(a) By any false representation and with intent to defraud, obtain from any corporation, club, association, society or company organized in whole or in part for the purpose of improving breeds of cattle, horses, sheep, swine or other domestic animals, a false certificate of registration of any such animal in their herd register or other register, or obtain the transfer of any such certificate.

(b) Knowingly and with intent to defraud, give a false pedigree of any such animal.

(c) During the existence of any mortgage on or lien or charge against any such animal, spoliate, mutilate or destroy the registration certificates or proofs of pedigree, or so encumber the same that the animal covered thereby cannot, in connection with the records, rules and regulations of the corporation, club, association, society or company under which the animal is registered, be directly designated thereby.

(2) Violation of this section is a Class B misdemeanor. [Formerly 605.040]

609.815 On-site individuals for locations where numerous dogs are kept. (1) As used in this section, "dog" means a member of the subspecies Canis lupus familiaris or a hybrid of that subspecies.

(2) A person that possesses, controls or otherwise has charge of at the same time 75 or more dogs shall have one or more individuals on site for at least eight hours each day to care for the dogs. The ratio between dogs and on-site individuals may not be more than 75 dogs to one individual. [2009 c.297 §3]

PENALTIES

609.990 Penalties for ORS 609.060, 609.095, 609.098, 609.100, 609.169 and 609.405; disposition of dog by court. (1) Violation of ORS 609.060 (2), 609.100 or 609.169 is a Class B violation.

(2) Maintaining a public nuisance in violation of ORS 609.095 (2) or (3) is punishable by a fine of not more than $250.

(3)(a) Except as provided in paragraph (b) of this subsection, violation of ORS 609.098 is a Class A misdemeanor.

(b) If a dog kills a person, violation of ORS 609.098 is a Class C felony.

(c) If a keeper violates ORS 609.098, the court shall order the dangerous dog killed in a humane manner.

(4) Violation of ORS 609.405 constitutes a Class C misdemeanor.

(5) In addition to any fine or sentence imposed under this section, a court may order a person who violates ORS 609.060 (2), 609.095, 609.098, 609.100, 609.169 or 609.405 to pay restitution for any physical injury, death or property damage caused by the dog as a result of the keeper's violation of ORS 609.060 (2), 609.095, 609.098, 609.100, 609.169 or 609.405. The court may also order the person to pay the cost of keeping the dog in impoundment.

(6) In addition to any fine imposed or restitution ordered of a keeper for a violation of ORS 609.060 (2), 609.095, 609.100, 609.169 or 609.405, the court may impose reasonable restrictions on the keeping of the dog to ensure the safety or health of the public. The keeper must pay the cost of complying with reasonable restrictions. As used in this subsection, "reasonable restrictions" may include, but is not limited to, sterilization. If the dog is a potentially dangerous dog, the court may order the dog killed in a humane manner. In determining whether to have the dog killed, the court shall give consideration to the factors described in ORS 609.093 and issue written findings on those factors.

(7) Notwithstanding ORS 19.270 and 19.330, subject to periodic advance payment of the cost of keeping the dog in impoundment, the killing of a dog pursuant to an order under subsection (3) or (6) of this section may not be carried out during the period that the order is subject to the appeal process. Unless otherwise ordered by the Court of Appeals, the dog may be killed during the appeal period if the keeper fails to maintain advance payment of the cost of keeping the dog impounded.

(8) If a court orders a dog killed under subsection (6) of this section and the keeper does not make the dog available for that purpose, the court may issue a search warrant for a property upon probable cause to believe that the dog is located at that property. [Amended by 1963 c.237 §2; 1965 c.499 §2; 1967 c.495 §3; 1973 c.655 §6; 1977 c.802 §13; subsection (3) enacted as 1985 c.289 §2(3); 1999 c.658 §§12,12a; 1999 c.1051 §§208,322b; 2001 c.636 §11; 2005 c.840 §8]

609.992 Penalties for ORS 609.319; transfer of rights in exotic animal. (1) Violation of ORS 609.341 is a Class B misdemeanor.

(2) In addition to and not in lieu of any jail sentence or fine it may impose, a court may require a defendant convicted under ORS 609.341 to forfeit any rights of the defendant in any exotic animal kept in violation thereof and to repay reasonable costs incurred by any person, city, county or state agency in caring for the animal prior to judgment.

(3) When the court orders the defendant's rights in the exotic animal to be forfeited, the court may further order that those rights be given over to an appropriate person or agency demonstrating a willingness to accept and care for the animal or to the county or an appropriate animal care agency for further disposition in accordance with accepted practices for humane treatment of animals. This subsection shall not constitute or authorize any limitation upon the right of the person or agency to whom rights are granted to resell or otherwise make disposition of the animal. A transfer of rights under this subsection constitutes a transfer of ownership. [1985 c.437 §6]

609.994 Penalties for ORS 609.510 to 609.520; cause of action for damages; injunctions. (1) Violation of ORS 609.510, 609.515 or 609.520 is punishable by a fine of not less than $500, nor more than $50,000.

(2) A person has a cause of action for the recovery of compensatory damages from any person violating ORS 164.055 (1)(e), 164.085, 609.510, 609.515 or 609.520. In the action, the minimum pecuniary value of any companion animal is $250.

(3) The circuit court for each county has the authority to enjoin any violation of ORS 609.510, 609.515 or 609.520, to issue warrants and to take such other actions as equity or justice may require. [1991 c.837 §8; 1995 c.658 §111]