

## Chapter 609

### Dogs

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ATTY. GEN. OPINIONS: Power of county dog control board to deny payment of claim for livestock killed by a dog when claimant has action against the dog owner, 1948-50, p 38; constitutionality of use of dog license fees to reimburse livestock owners for damage by dogs, 1952-54, p 90; dog licensing as matter of state-wide concern, 1960-62, p 384; dog "running at large" without knowledge of owner, 1966-68, p 126.

LAW REVIEW CITATIONS: 46 OLR 251, 263.

#### 609.010 to 609.190

ATTY. GEN. OPINIONS: Primary purpose as control of dogs which run at large, (1970) Vol 35, p 292.

#### 609.010

CASE CITATIONS: O'Harra v. Pundt, (1957) 210 Or 533, 310 P2d 1110.

ATTY. GEN. OPINIONS: Construing "running at large," 1966-68, p 126.

#### 609.020

#### NOTES OF DECISIONS

This section is merely a legislative declaration of present day common law. McCallister v. Sappingfield, (1914) 72 Or 422, 425, 144 P 432.

Since dogs are property, an ordinance providing for the impounding and destruction of dogs without notice to unknown owners was unconstitutional as a violation of due process. Rose v. Salem, (1915) 77 Or 77, 150 P 276.

Although dogs were recognized as property under 1919 c. 186 §7, [ORS 609.090], authorizing the summary destruction of unmuzzled dogs without notice to the owner did not deprive the owner of his property without due process of law. Hofer v. Carson, (1921) 102 Or 545, 203 P 323.

ATTY. GEN. OPINIONS: Racing dogs kept in kennels as taxable property, (1970) Vol 35, p 292.

#### 609.030

#### NOTES OF DECISIONS

The enforcement officer hired under this section is a public officer and a contract for a definite period with such officer is not binding upon the board. Morris v. Parks, (1934) 145 Or 481, 28 P2d 215.

ATTY. GEN. OPINIONS: Statutes relating to dog control districts, 1930-32, p 180; duty of county clerk as to dog licenses, 1938-40, p 284; expenses incurred in hiring a person to take care of board member's farm while he attended to official duties as reimbursible, 1940-42, p 7; power of legislator to be a member of a county dog control board, 1950-52,

p 201; county dog fund as restricted to uses authorized by statute, 1954-56, p 127.

#### 609.040

ATTY. GEN. OPINIONS: Calling election; necessity of voters' pamphlet, effect on city ordinance, 1960-62, p 384; authority to submit this question at special election for tax referendum, 1962-64, p 259; authority of home rule county to regulate dogs, 1966-68, p 260.

#### 609.050

ATTY. GEN. OPINIONS: Election procedure for county leash law, 1960-62, p 384; authority of home rule county to regulate dogs, 1966-68, p 260.

#### 609.060

ATTY. GEN. OPINIONS: Counties' liability for damage by dogs within incorporated cities of less than 100,000, 1940-42, p 438; county dog fund as restricted to uses authorized by statute, 1954-56, p 127; election procedure for county leash law, 1960-62, p 384; effect of five-day notice requirement on enforcement of this section, 1966-68, p 126; authority of home rule county to regulate dogs, 1966-68, p 260.

#### 609.090

CASE CITATIONS: O'Harra v. Pundt, (1957) 210 Or 533, 310 P2d 1110.

ATTY. GEN. OPINIONS: County dog fund as restricted to uses authorized by statute, 1954-56, p 127.

#### 609.100

#### NOTES OF DECISIONS

A former licensing statute which exempted from its operation certain counties was unconstitutional under Ore. Const. Art. IV, §23, prohibiting the legislature from passing special or local laws for punishment of crimes and misdemeanors. Lewis v. Varney, (1917) 85 Or 400, 167 P 271.

This statute was a valid exercise of the state's police power and was not unconstitutional under the privileges and immunities clause of Ore. Const. Art. I, §20, under Ore. Const. Art. IV, former §1a, reserving the initiative and referendum to municipalities, under Ore. Const. Art. IX, §1, providing for uniformity of taxes, under Ore. Const. Art. XI, §2, granting municipalities police power, or under the due process clause of U.S. Const., Am. 14. Hofer v. Carson, (1922) 102 Or 545, 203 P 323.

ATTY. GEN. OPINIONS: Requirement of license as to dogs reaching age of eight months, 1938-40, p 284; racing dogs kept in kennels as taxable property, dog racing as exhibition, (1970) Vol 35, p 292.

**609.110**

ATTY. GEN. OPINIONS: Time when surplus of dog license fund becomes part of the general fund of the county as affected by fiscal year, 1940-42, p 595; payment of general administrative costs of issuing licenses, 1954-56, p 127; purpose of license fees, (1970) Vol 35, p 292.

**609.120**

ATTY. GEN. OPINIONS: Counties' liability for damage by dogs within incorporated cities of less than 100,000, 1940-42, p 438; duty of a county court or dog control district board to enter into an agreement with a city for municipal enforcement of the dog licensing Act as mandatory, 1942-44, p 174; constitutionality of use of dog license fees to reimburse livestock owners for damage by dogs, 1952-54, p 90.

**609.140**

ATTY. GEN. OPINIONS: Power of county dog control board to deny payment of claim for livestock killed by a dog when claimant has action against the dog owner, 1948-50, p 38.

**609.150****NOTES OF DECISIONS**

The title of the 1945 amendment is not unconstitutional under Ore. Const. Art. IV, §20, as enlarging the scope of the 1941 Act's title. *Green v. Leckington*, (1951) 192 Or 601, 236 P2d 335.

FURTHER CITATIONS: *Eaton v. Lake*, (1921) 100 Or 622, 197 P 292.

**609.160**

CASE CITATIONS: *Green v. Leckington*, (1951) 192 Or 601, 236 P2d 335.

**609.170**

ATTY. GEN. OPINIONS: Power of county dog control board to deny payment of claim for livestock killed by a dog when claimant has action against the dog owner, 1948-50, p 38; constitutionality of use of dog license fees to reimburse livestock owners for damage by dogs, 1952-54, p 90; purpose of license fees, (1970) Vol 35, p 292.

**609.180**

ATTY. GEN. OPINIONS: Allowing claims for damage to livestock caused by the claimant's dog and another dog, 1944-46, p 252; power of county dog control board to deny payment of claim for livestock killed by a dog when claimant has action against the dog owner, 1948-50, p 38; constitutionality of use of dog license fees to reimburse livestock owners for damage by dogs, 1952-54, p 90; county dog fund as restricted to uses authorized by statute, 1954-56, p 127; purpose of license fees, (1970) Vol 35, p 292.

**609.190**

ATTY. GEN. OPINIONS: Procedure to be followed despite possibility of numerous actions by county against dog owners, 1948-50, p 38.

**609.990**

ATTY. GEN. OPINIONS: Effect of five-day notice requirement on enforcement of ORS 609.060, 1966-68, p 126.