

1 (e) **"Shelter Manager"** means the Lincoln County Animal Shelter Manager, or
2 any Lincoln County Sheriff's Deputy performing the functions of the Lincoln County
3 Animal Shelter Manager.

4 (2) In accordance with ORS 609.015, the following provisions of ORS 609.010 to
5 609.190 shall not apply in Lincoln County, and the provisions of this section shall apply
6 in lieu of those sections:

7 (a) ORS 609.090(2), as applied to dogs that have been impounded for killing,
8 wounding, injuring, or chasing a person; and

9 (b) ORS 609.155(3)(a), as applied to dogs that have been impounded for killing,
10 wounding, injuring, or chasing livestock.

11 (3) If a dog has been impounded pursuant to ORS 609.090(1) or ORS 609.155(1)
12 for allegedly having killed, wounded, injured, or chased a person or livestock, the
13 Animal Control Officer shall cause a report of that incident to be promptly filed with
14 the Dog Judge. In addition to all other matters deemed relevant by the Animal Control
15 Officer, the report shall specifically identify the names and mailing addresses of the
16 owner of the dog and all alleged victims and interviewed witnesses.

17 (4) Upon receipt of a report described in subsection (3) of this section, the Dog
18 Judge shall promptly set a hearing on the matter, and shall issue a notice of that
19 hearing to all persons identified in the report as the dog owner, victim, witness, or law
20 enforcement officer. The notice shall state the date, time, and location for the hearing,

1 and shall include a copy of the report. The notice shall be mailed by regular first class
2 mail.

3 (5) The hearing conducted by the Dog Judge pursuant to this section shall be
4 informal and open to the public. No rules of evidence or civil procedure shall apply to
5 the conduct of the hearing. The Dog Judge may establish reasonable parameters for
6 the conduct of the hearing to ensure an orderly and complete presentation of the
7 evidence.

8 (6) Upon completion of the hearing, the Dog Judge shall promptly forward
9 written findings of fact and a disposition recommendation to the Board, along with a
10 proposed form of order.

11 (7) If the Dog Judge finds that the allegations have not been proven by a
12 preponderance of the evidence, then the Dog Judge shall recommend that the Board
13 enter an order directing release of the dog to the owner of the dog, without payment by
14 the owner of any accumulated impound fees, but with full compliance with all licensing
15 and vaccination requirements of ORS chapter 609 and 433.

16 (8) If the Dog Judge finds that the allegations have been proven by a
17 preponderance of the evidence, then the Dog Judge shall recommend that the Board
18 enter an order directing that the dog be killed in a humane manner, unless the Dog
19 Judge has also made findings that, by a preponderance of the evidence, the dog is not
20 dangerous, can be safely kept, and a responsible person has agreed to accept release of

1 the dog on probation and has agreed to sign an acceptance of all conditions
2 recommended by the Dog Judge.

3 (9) If the Dog Judge recommends release of the dog on probation as described in
4 subsection (8) of this section, the Dog Judge:

5 (a) Shall recommend the following conditions of probation:

6 (A) That the dog and the person to whom the dog is to be released comply with
7 all dog control laws and conditions of probation;

8 (B) That the term of probation shall last for a period of five years from the date
9 of release of the dog;

10 (C) That the dog be immediately licensed and vaccinated in accordance with
11 ORS chapters 609 and 433, if the dog is not already licensed and vaccinated;

12 (D) That upon probable cause to believe that there has been any violation of the
13 probation, the dog may be immediately impounded by the Animal Control Officer
14 pending a probation revocation hearing as described in subsection (11) of this section;

15 (E) That the person to whom the dog is to be released on probation be liable as
16 owner of the dog as provided by ORS 609.010 to 609.190 and 609.405; and

17 (F) That the person to whom the dog is to be released sign an acceptance of all
18 conditions of probation.

19 (b) May recommend one or more of the following conditions of probation:

1 **(A) That accrued impound fees, or a portion of the accrued impound fees, be**
2 **paid by or on behalf of the person to whom the dog is to be released on probation; and**

3 **(B) Any other condition that is reasonably related to ensuring the welfare and**
4 **safety of the victim, the public, or livestock.**

5 **(10) Upon receipt of findings and recommendations from the Dog Judge**
6 **pursuant to this section, the members of the Board that are available shall each**
7 **individually review the findings and recommendation, and shall each indicate their**
8 **approval or rejection of the recommendation on the proposed form of order submitted**
9 **to the Board by the Dog Judge. The completed order shall be returned to the Dog**
10 **Judge, who shall forward a certified true copy to the Shelter Manager for execution of**
11 **the order. The Dog Judge shall also forward a copy of the order, by regular first class**
12 **mail, to each person to whom notice of the hearing was sent.**

13 **(11)(a) If a dog has been impounded pursuant to subparagraph (D) of**
14 **paragraph (a) of subsection (9) of this section for allegedly having violated a condition**
15 **of probation, the Dog Control Officer shall forward a report of that incident to the Dog**
16 **Judge, who shall set a hearing on that matter, issue notice of the hearing, and conduct**
17 **a hearing in the manner described in subsections (4) and (5) of this section.**

18 **(b) If the Dog Judge finds that the probation violation allegation has not been**
19 **proven by a preponderance of the evidence, the Dog Judge shall order the probation to**
20 **be continued and the dog to be released to the owner of the dog, without payment by**

NOTE: Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing ordinance to be omitted. New sections are in **boldfaced** type.

1 **the owner of any accumulated impound fees, but with full compliance with all licensing**
2 **and vaccination requirements of ORS chapter 609 and 433.**

3 **(c) If the Dog Judge finds that the probation violation allegation has been**
4 **proven by a preponderance of the evidence, the Dog Judge shall order that the dog be**
5 **killed in a humane manner, unless the Dog Judge finds by clear and convincing**
6 **evidence that the dog is not dangerous, can be safely kept, and a responsible person has**
7 **agreed to accept release of the dog on continued probation and has agreed to sign an**
8 **acceptance of all previous conditions of probation, and any additional conditions of**
9 **probation imposed by the Dog Judge.**

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SECTION 3.

This Ordinance being necessary for the immediate preservation of the public peace,
health and safety, an emergency is declared to exist and this Ordinance shall take effect upon
its passage.

DATED this 14th day of August, 1996.

LINCOLN COUNTY BOARD OF COMMISSIONERS

Excused
Nancy E. Leonard, Chair

Jean Cowan
Jean Cowan, Commissioner

Don Lindly
Don Lindly, Commissioner

ATTESTED TO:

Susan Kays
Susan Kays, Recorder

APPROVED AS TO FORM:

Wayne Belmont
Wayne Belmont, County Counsel

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