

1 **SECTION 3.**

2 **2.607 Quarantine**

3 **(1) Upon receipt of a report required by LCC 2.605, the law enforcement agency**
4 **shall promptly investigate the report and, if verified, shall cause the animal to be**
5 **quarantined in compliance with OAR 333-019-0345(4)(b), and shall promptly notify the**
6 **Lincoln County Public Health Officer of the time, place, and manner of quarantine. If**
7 **the owner of the animal refuses to permit quarantine, the law enforcement officer shall**
8 **immediately notify the Lincoln County Public Health Officer, who shall utilize the**
9 **procedure provided by ORS 433.355 to force quarantine.**

10 **(2) A decision to quarantine a dog pursuant to this section does not by itself**
11 **constitute a decision to impound pursuant to ORS 609.090(1). If a dog is also impounded**
12 **pursuant to ORS 609.090(1) for allegedly having bitten a person, the law enforcement**
13 **officer shall prepare and forward a report as required by LCC 2.720(3).**

14 **SECTION 4.**

15 LCC 2.610 is amended to read:

16 **2.610 Quarantine Order**

17 **(1) Upon receipt of a report required by LCC 2.605, the Lincoln County Public Health**
18 **Officer *[and the Animal Control Officer]* shall investigate the report. If the report is verified,**
19 **and the animal has not been quarantined as provided in LCC 2.607(1), the health officer**
20 **shall issue an order of quarantine in the form provided by LCC 2.615 and the *[animal***
21 ***control officer]* law enforcement agency with jurisdiction in the area shall promptly**

1 *[impound]* **quarantine the animal in compliance with the order and OAR 333-019-**
2 **0345(4)(b), and promptly notify the Lincoln County Public Health Officer of the time,**
3 **place, and manner of quarantine.** *[Animals impounded pursuant to an order of quarantine*
4 *shall be isolated for observation at the Lincoln County Animal Shelter or at an approved*
5 *kennel under the care of a licensed veterinarian. An animal does not have to be isolated as*
6 *provided by this section if the owner can document that the animal has been vaccinated by*
7 *production of an animal rabies vaccination certificate and the rabies tag issued with the*
8 *certificate.]* **If the owner of the animal refuses to permit quarantine, the law enforcement**
9 **officer shall immediately notify the Lincoln County Public Health Officer, who shall**
10 **utilize the procedure provided by ORS 433.355 to force quarantine.**

11 (2) Upon being notified that an animal has been quarantined pursuant to LCC 2.607(1)
12 or 2.610(1), the Lincoln County Public Health Officer shall determine whether the head of the
13 quarantined animal must be submitted to the Oregon Public Health Laboratory as required by
14 OAR 333-019-0345(4)(b)(B). If the Public Health Officer so determines, the Public Health
15 Officer shall immediately take all actions as necessary under LCC 2.620, ORS chapter 433,
16 and OAR 333-019-0345.

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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 **SECTION 5.**

2 LCC 2.705 is amended to read:

3 **2.705 Dog Licenses and Fees**

4 **(1) Dogs are required to be licensed in Lincoln County in accordance with this**
5 **section and the provisions of ORS 609.100. Licenses may be purchased through the**
6 **Lincoln County Animal Shelter.**

7 **(2)(a) Except as provided in paragraph (b) of this subsection, wolf-dog hybrids**
8 **are subject to all dog and animal control laws, ordinances, and rules that would**
9 **otherwise apply to dogs.**

10 **(b) Animals declared by the owner to be wolf-dog hybrids must be licensed, but**
11 **are exempt from the requirement for rabies vaccination. In the event that a rabies**
12 **vaccine becomes licensed for use in wolf-dog hybrids, this exception will no longer apply.**

13 **(3) As provided in ORS chapter 609, fees for licenses shall be collected by the [county**
14 **clerk,] animal control officer, [and operator of the county] animal shelter, and appointed**
15 **agent of the animal shelter, in amounts set by order of the Board of Commissioners.**

16 **SECTION 6.**

17 LCC 2.720 is amended to read:

18 **2.720 Procedure and Disposition of Dog Impounded for Killing, Wounding,**
19 **Injuring, or Chasing a Person or Livestock**

20 **(1) For purposes of this section:**

1 (a) "Animal Control Officer" means the Lincoln County Animal Control Officer or
2 any Lincoln County Sheriff's Deputy performing the functions of the Lincoln County
3 Animal Control Officer.

4 *[(b) "Board" means the Lincoln County Board of Commissioners.]*

5 (b) *[(c)]* "Dog Judge" means the Lincoln County Legal Counsel, the Assistant
6 Lincoln County Legal Counsel, or their duly appointed designee.

7 (c) *[(d)]* "Livestock" has the meaning provided in ORS 609.010(1).

8 (d) *[(e)]* "Shelter Manager" means the Lincoln County Animal Shelter Manager, or
9 any Lincoln County Sheriff's Deputy performing the functions of the Lincoln County
10 Animal Shelter Manager.

11 (2) In accordance with ORS 609.015, the following provisions of ORS 609.010 to
12 609.190 shall not apply in Lincoln County, and the provisions of this section shall apply in
13 lieu of those sections:

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

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

18 (3) If a dog has been impounded pursuant to ORS 609.090(1) or ORS 609.155(1) for
19 allegedly having killed, wounded, injured, or chased a person or livestock, the Animal
20 Control Officer shall cause a report of that incident to be promptly filed with the Dog Judge.

21 In addition to all other matters deemed relevant by the Animal Control Officer, the report

1 shall specifically identify the names and mailing addresses of the owner of the dog and all
2 alleged victims and interviewed witnesses.

3 (4) Upon receipt of a report described in subsection (3) of this section, the Dog Judge
4 shall promptly set a hearing on the matter, and shall issue a notice of that hearing to all
5 persons identified in the report as the dog owner, victim, witness, or law enforcement
6 officer. The notice shall state the date, time, and location for the hearing, and shall include a
7 copy of the report. The notice shall be mailed by regular first class mail.

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

12 (6) Upon completion of the hearing, the Dog Judge shall promptly *[forward]* **issue**
13 written findings of fact and *[a]* disposition *[recommendation to the Board, along with a*
14 *proposed form of]* order.

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

20 (8) If the Dog Judge finds that the allegations have been proven by a preponderance
21 of the evidence, then the Dog Judge shall *[recommend that the Board]* enter an order

1 directing that the dog be killed in a humane manner, unless the Dog Judge has also made
2 findings that, by a preponderance of the evidence, the dog is not dangerous, can be safely
3 kept, and a responsible person has agreed to accept release of the dog on probation and has
4 agreed to sign an acceptance of all conditions recommended by the Dog Judge.

5 (9) If the Dog Judge [*recommends release of*] **releases** the dog on probation as
6 described in subsection (8) of this section, the Dog Judge:

7 (a) Shall [*recommend*] **impose** the following conditions of probation:

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

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

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

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

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

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

21 (b) May [*recommend*] **impose** one or more of the following conditions of probation:

1 (A) That accrued impound fees, or a portion of the accrued impound fees, be paid by
2 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 safety
4 of the victim, the public, or livestock.

5 (10) *[Upon receipt of findings and recommendations from the Dog Judge pursuant to*
6 *this section, the members of the Board that are available shall each individually review the*
7 *findings and recommendation, and shall each indicate their approval or rejection of the*
8 *recommendation on the proposed form of order submitted to the Board by the Dog Judge.*
9 *The completed order shall be returned to the Dog Judge, who shall forward]* A certified true
10 **copy of the findings and order shall be forwarded** to the Shelter Manager for execution
11 of 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 paragraph (a)
14 of subsection (9) of this section for allegedly having violated a condition of probation, the
15 *[Dog] Animal* Control Officer shall forward a report of that incident to the Dog Judge, who
16 shall set a hearing on that matter, issue notice of the hearing, and conduct a hearing in the
17 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 proven
19 by a preponderance of the evidence, the Dog Judge shall order the probation to be continued
20 and the dog to be released to the owner of the dog, without payment by the owner of any

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


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

10 **SECTION 7.**

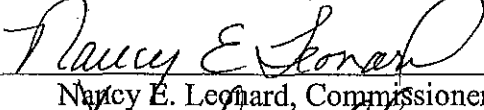
11 This Ordinance being necessary for the immediate preservation of the public peace,
12 health and safety, an emergency is declared to exist and this Ordinance shall take effect upon
13 its passage.

DATED this 24th day of June, 1998.


LINCOLN COUNTY BOARD OF COMMISSIONERS



Jean Cowan, Chair



Nancy E. Leonard, Commissioner



Don Lindly, Commissioner

ATTESTED TO:


Sue Kays, Recorder

APPROVED AS TO FORM:


Wayne Belmont, County Counsel

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