

Title 6
ANIMALS

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Chapter 6.04

INTRODUCTORY PROVISIONS

Sections:

- 6.04.010 Relationship to state law.
- 6.04.020 Relationship to county law.
- 6.04.030 Definitions.

6.04.010 Relationship to state law.

ORS Chapter 609, pertaining to animal control, exotic animals and dealers, shall apply in the city of Bandon except where expressly superseded by this title. To the extent the city is authorized by law to enforce the provisions of ORS 167.310 through 167.388 pertaining to offenses against animals, those provisions shall also apply in the city.

6.04.020 Relationship to county law.

Certain Coos County animal control regulations supercede ORS Chapter 609 and are applicable within the city of Bandon including:

- A. Dog licenses and tags.
- B. Kennel license (County Section 05.01.080).
- C. Redemption and sale of impounded animals.

6.04.030 Definitions.

As used in this title, except where the context indicates otherwise, the following shall mean:

"Animal" means any nonhuman mammal, bird, reptile, amphibian, fish or domestic bee, including, but not limited to, domestic animals, domestic pets and livestock.

"At large" means being off or outside of the premises belonging to the owner or keeper of a domestic animal, domestic pet, or livestock, and not in the company of and under the control of its owner or keeper.

"Breeding Kennel" is a place for the breeding and/or selling of dogs. The term is not intended to include a veterinary hospital operated by a licensed veterinarian .

"Dangerous animal" means any animal generally thought of as "wild" and capable of inflicting injury (such as cougars and boa constrictors - whether owned as pets or not) and including animals which are not dangerous under normal conditions but could become so under abnormal conditions, for example, a rabid dog or an unconfined bull.

"Dog" means any animal of the species *Canis familiaris*, whether male, female, neutered, adult or juvenile. Dogs are declared to be personal property.

"Dog at large" Means a dog inside the corporate limits of the city, off the premises of the owner, and not under complete control by adequate leash. A dog in field training or a dog in an area designated as a dog-off-leash area within a city park, is exempted unless the dog causes personal injury or property damage off the premises of the owner.

"Dog-off-leash" area is an officially designated area in which dogs may be allowed to run off-leash.

"Domestic animal" means any animal raised for food, profit or other practical use, including but not limited to farm animals, rabbits and bees.

"Domestic pets" means animals generally recognized as pets, including dogs, cats, fish and hamsters, which can be kept safely in residential quarters without causing a health problem, even though the owner may not intend to keep the animal inside residential quarters.

"Leash" means any humane device constructed of rope, leather strap, chain or other sturdy material not exceeding eight feet in length, being held in the hand of a person capable of controlling the animal to which it is attached.

"Livestock" means emu, ostriches, horses, mules, jackasses, cattle, llamas, alpacas, sheep, goats, swine, domesticated fowl and any fur-bearing animal bred and maintained commercially or otherwise.

"Owner" means a person owning, keeping or harboring animals and/or livestock.

"Person in charge of property" means an owner, agent, occupant, lessee, contract purchaser or other person having possession or control of real property.

"Police dog" is used in police work under the control of a police officer who has successfully qualified in the care and use of a police dog as required by state statutes, whether or not the animal is being so used. Neither a police service dog nor the officer using it is subject to any of the restrictions or regulations contain in this chapter.

"Public place" means any building, place or accommodation, whether publicly or privately owned, open and available to the public.

"Secure enclosure" means a structure in which an animal is confined such that the animal does not have access to humans or other animals.

"Watchdog" is a dog confined at a business for the exclusive use of protecting people or property of said business.

"Wildlife" means any non-domesticated animal.

"Wild Turkey" means any non-domesticated turkey.

Chapter 6.08

ADMINISTRATION AND ENFORCEMENT

Sections:

- 6.08.010 Jurisdiction.
- 6.08.020 Summary abatement.
- 6.08.030 Filing a complaint.
- 6.08.040 Animals subject to seizure.
- 6.08.050 Impounding by city peace officer.
- 6.08.060 Redemption fees for impounded animal

6.08.010 Jurisdiction.

The Municipal Court of the City of Bandon has jurisdiction over violations of any of the provisions of this title within the corporate limits of the city.

6.08.020 Summary abatement.

Any city enforcement official may proceed summarily to abate a health hazard or other nuisance which unmistakably exists, and which imminently endangers human life or property.

6.08.030 Filing a complaint.

Any person who has cause to believe any animal regulated by this title is being maintained as a public nuisance may complain, either orally or in writing, to the Code Compliance Officer or any city police officer or a Coos County animal control officer. The complaint shall be considered sufficient cause for the officer to investigate the matter and determine if the owner or keeper of the animal is in violation of a provision of this title. The city police officer may use discretion in referring the matter to a county animal control officer for prosecution.

6.08.040 Animals subject to seizure.

- A. Animals within the city limits subject to being seized and impounded include:
 - 1. An animal found biting a person or showing a propensity to bite persons;
 - 2. An unlicensed dog;
 - 3. An animal running at large, except domestic bees or a cat;
 - 4. Any livestock found in violation of Sections 6.24.020, 6.24.030 or 6.24.040 of this title.
- B. An animal found biting a person, or showing a propensity to bite persons, may be summarily seized by any person and promptly delivered to a police officer or county animal control officer for impounding.

6.08.050 Impounding by city police officer.

- A. Whenever an animal is impounded pursuant to the provisions of this title, and if the owner or custodian of the animal is known to the city police and the animal has not been accused of biting a person, the police officer shall make reasonable attempts to deliver the animal to its owner.
- B. In case the owner or custodian of the animal is not known to the city police, the animal shall be delivered to a Coos County animal control officer or to a suitable animal shelter pending delivery to the owner or to animal control.

6.08.060 Redemption fees for impounded animal

- A. Fees for redemption of the animal by its owner shall be due and payable to the county in accordance with county regulations.
- B. The city retains the right to collect from the animal's owner reimbursement of any actual costs incurred by the city for interim care of the animal while in the temporary custody of the city. A statement of expenses shall be mailed to the owner or presented in person and a copy shall be forwarded to the county office of animal control within forty-eight (48) hours of the animal's transfer to the county's custody. In addition to any fees payable to the county, costs owed to the city must be paid prior to redemption of the animal.
- C. The owner shall pay for any boarding, care or medical expenses incurred in accordance with Section 6.16.020.

Chapter 6.12

DOGS

Sections:

- 6.12.010 License required.
- 6.12.020 Running at large prohibited.
- 6.12.030 Nuisance dogs.
- 6.12.040 Deposit of dog waste prohibited.

6.12.010 License required.

A dog shall be licensed according to Coos County animal control regulations, and no person shall own or have custody of a dog within the Bandon city limits which is not licensed.

6.12.020 Dogs at large prohibited.

- A. No dog owner shall permit a dog to be at large.
- B. A dog owner is deemed to be negligent per se for the actions of a dog at large, or a dog undergoing field training, or a dog in a dog-off-leash area, when the dog causes injury to a person or property.

6.12.030 Nuisance dogs.

- A. A dog is a public nuisance if it:
 - 1. Bites a person, except as provided in subsection B of this section;
 - 2. Chases vehicles or persons;
 - 3. Damages or destroys property of persons other than the owner of the dog;
 - 4. Scatters garbage;
 - 5. Trespasses on private property of persons other than the owner of the dog;
 - 6. Is a female in heat and running at large; or
 - 7. Injures or kills an animal or fowl belonging to a person other than the owner or custodian of the dog.
- B. A dog shall not be considered a public nuisance if the dog bites a person wrongfully assaulting the dog or the dog's owner, or if the dog bites a person trespassing upon the premises occupied by the dog's owner after being provoked by that person.
- C. The owner or keeper of a dog within the city shall not allow the dog to be a public nuisance under subsection A of this section.
- D. A dog in field training, or a dog in an area designated as a dog-off-leash area, is exempted unless the dog causes personal injury or property damage off the premises of the owners.

6.12.040 Deposit of dog waste prohibited.

- A. Allowing Deposit Prohibited. No person owning or in charge of any dog shall allow the dog to soil, defile or defecate on any public property, including but not limited to streets, sidewalks, parks and paths, or upon any private property without the permission of the owner of the property.
- B. Removal. Any person owning or in charge of any dog shall be in violation of subsection A of this section unless the person immediately removes and disposes of all feces deposited by the dog in a sanitary manner.

Chapter 6.16

ANIMALS RUNNING AT LARGE

Sections:

- 6.16.010 Animals at large.
6.16.020 Dangerous, sick or injured animals.

6.16.010 Animals at large.

- A. No owner or person in charge of an animal shall permit the animal to wander freely and unattended so that the animal is likely to cause a nuisance to other persons or property.
- B. Animals at large may be taken into custody by the city and disposed of in accordance with the procedures provided by Oregon Revised Statutes Chapter 609 as modified by Coos County animal control regulations, or by Sections 6.08.020, 6.08.050, 6.08.060 or 6.16.020 of this title.

6.16.020 Dangerous, sick or injured animals.

- A. No person shall permit any animal or bird owned or controlled by that person to be at large within the city if such animal or bird is afflicted with a communicable disease.
- B. No owner or person in charge of an animal shall permit an animal which is dangerous to public safety to be exposed in public.
- C. Any sick or injured animal found by a police officer or animal control officer off the premises of the owner may be delivered to its owner. Any such animal for which the owner is either unknown or cannot be reached, after reasonable attempts to do so, shall be delivered by the animal control officer to a veterinarian for medical treatment in accordance with state and county regulations.
- D. Any police officer or animal control officer may humanely destroy a domestic pet or other domestic animal that is too severely injured to move and is not on the property of its owner, when the owner is either unknown or cannot be reached after reasonable attempts to do so.

Chapter 6.18

ANIMAL ABANDONMENT

Sections:

- 6.18.010 Animal Abandonment
- 6.18.020 Forfeiture of Rights
- 6.18.030 Impoundment of Animals

6.18.010 Animal Abandonment

- A. A person commits the offense of animal abandonment if the person leaves a domesticated animal at a location without providing for the animal's continued care.
- B. It is no defense to the offense defined in (A) that the defendant abandoned the animal at or near an animal shelter, veterinary clinic or other place of shelter if the defendant did not make reasonable arrangements for the care of the animal.

6.18.020 Forfeiture of Rights

- A. In addition to, and not in lieu of, any other penalty it may impose, the municipal court may require a defendant convicted under 6.18.010 to forfeit any rights in the animal subject to abuse, neglect or abandonment, and to repay the reasonable costs incurred by any person or agency prior to judgment in caring for each animal subjected to abuse, neglect or abandonment.
- B. When the court orders the defendant's rights in the animal to be forfeited, the court may further order that those rights be given over to the animal regulation authority for further disposition. A transfer of rights under this subsection constitutes a transfer of ownership.

6.18.030 Impoundment of Animals

- A. Any police officer may impound an animal that is in violation of this Code.
- B. If any police officer has probable cause to believe that an animal is potentially dangerous, then he/she may impound the animal. The officer shall hold the animal until a hearing is held or until the animal is redeemed or disposed of.
- C. If a police officer has probable cause to believe that any animal in an unoccupied motor vehicle may be in danger of dying, he/she may enter the motor vehicle and impound the animal and leave a notice in the vehicle where the animal may be reclaimed.
- D. If there is probable cause to believe that any animal is being subjected to abuse or mis-treatment, after obtaining a search warrant in the manner prescribed by law, a police officer may enter the premises where the animal is being held and impound such animal. If after reasonable search the

owner or person having custody cannot be found and notified of the impoundment, such notice shall be conspicuously posted on such premises and within 72 hours after the notice, such notice shall be sent by certified mail to the address, if any, at which the animal was impounded.

- E. No person shall fail to surrender an animal to a person identifiable as a police officer or Code Compliance Officer upon demand, so that the animal can be impounded or quarantined.

Chapter 6.20

NUISANCE ANIMALS

Sections:

6.20.010 Domestic animals and domestic pets which are nuisances.

6.20.020 Offensive animals.

6.20.030 Removal of carcasses.

6.20.010 Domestic animals and domestic pets which are nuisances.

A. A domestic animal or domestic pet is a public nuisance if it:

1. Bites a person; or
2. Damages or destroys property of persons other than the owner of the animal.

B. The owner or keeper of a domestic animal or domestic pet within the city shall not allow the animal to be a public nuisance under subsection A of this section.

6.20.020 Offensive animals.

No person in charge of property shall keep or allow to be kept on that property any animals which:

- A. Either individually or collectively cause an offensive odor or are maintained in unsanitary conditions; or
- B. By any frequent or long-continued noise shall cause annoyance or discomfort to a reasonable person of normal sensitivity in the vicinity.

6.20.030 Removal of a carcass.

No person shall permit an animal carcass owned or controlled by that person to remain upon a public easement or public property, or to be exposed on private property, for a period of time longer than is reasonably necessary to remove or dispose of the carcass.

Chapter 6.24

MISCELLANEOUS ANIMAL REGULATIONS

Sections:

- 6.24.010 Keeping of animals and fowl generally.
- 6.24.020 Horses--Prohibited activity.
- 6.24.025 Stables and Paddocks, Private
- 6.24.030 Horses on public streets.
- 6.24.040 Horse-drawn sightseeing carriage.
- 6.24.050 Cruelty to animals.
- 6.24.060 Poisoning of animals.
- 6.24.070 Vehicles injuring animals.
- 6.24.080 Uses of Watchdogs
- 6.24.090 Interference with Police Dog
- 6.24.100 Swine/pigs
- 6.24.110 Bees
- 6.24.120 Fowl and Poultry; Rabbits
- 6.24.130 Presumption of Ownership
- 6.24.140 Owner of Animal Responsible for Damages

6.24.010 Keeping of animals and fowl generally.

- A. Any person who keeps in the city any animal or fowl, wild or domesticated, may do so only if kept in accordance with this title and the Bandon Zoning Code.
- B. Exotic animals as defined by ORS 609.305 may not be kept in the city.
- C. The keeping of domestic animals or domestic pets does not include the operation of kennels, breeding pens or commercial training schools, except where authorized under the provisions of the Bandon Zoning Code and licensed by Coos County.

6.24.020 Horses--Prohibited activity.

- A. It is unlawful for any person to ride or lead a horse over or onto any public or private sidewalk or parking lot in the city except to proceed by the shortest route to the traveled portion of the roadway.
- B. No person shall hitch or tie a horse to a tree or shrub in any street or other public place so as to interfere with pedestrian or vehicular traffic.
- C. No person who is the owner or keeper of a horse shall park it or tether it on a public right of way or allow it on a public way or in a park except under the direct control of a qualified person.
- D. It is unlawful for any person owning or having the care, custody or control of, or driving any horse, mule or other large animals used for the purpose of driving or hauling, to permit or allow any such animal to be driven upon any of the streets, avenues or highways of the City unless such animal is

shod in such a manner as will prevent or tend with reasonable certainty to prevent it from slipping or damaging the street surface.

- E. It is unlawful for any manure deposited by a horse upon any public way or private property to remain where it is likely to cause a public nuisance. It shall be the duty of the owner or person in charge of the animal to promptly remove any manure and dispose of it in a manner that will not attract flies or allow odor to escape.

6.24.030 Horses on public streets.

In conjunction with a community-sponsored occasion such as a parade or other special event for which a permit has been issued by the police department to the organizer of the event, a horse may be ridden or led, or may be employed to pull a wagon or passenger carriage, only on the following public streets: 11th Street east of Franklin Avenue, Highway 101 between 11th Street and Grand Avenue (when officially closed to vehicular traffic) and streets within the Old Town business district of the city. It shall be the duty of the owner or person in charge of the animal to promptly remove any manure and dispose of it in a manner that will not attract flies or allow odor to escape.

6.24.040 Horse-drawn sightseeing carriage.

No person shall operate or drive a horse-drawn sightseeing vehicle upon any street, alley, highway or road within the city without the approval of the police department.

6.24.050 Cruelty to animals.

As defined in the ORS cruelty to animals may be a Class A, B or C misdemeanor. Animals are subject to impoundment.

6.24.060 Poisoning of animals.

No person shall put out or place any poison where the same is liable to be eaten by any livestock or other animal.

6.24.070 Vehicles injuring animals.

Any person operating a vehicle within the city who shall run over, strike, injure, maim or kill any domestic animal shall immediately stop and render aid to such animal, if injured, or provide for the disposition of the carcass, if such animal is killed; and in either case such person shall make due and diligent inquiry to determine the owner of such animal; and if the owner is found, the person shall notify the owner of the occurrence and also report the same forthwith to a police officer.

6.24.080 Use of a Watchdog

Any business using a watchdog shall conspicuously post the premises to warn the public of the watchdog. The dog shall not be allowed access to the public that is on the property during business hours. If the dog is used outside of a building, the property shall be fenced in a way to prohibit the dog access to any public right-of-way and other property.

6.24.090 Interference with Police Dog

- A. A person commits the crime of interference with a police dog if the person:
1. Intentionally, knowingly or recklessly torments, interferes with or tampers with a police dog while the police dog is being used in the lawful discharge of its duties;
 2. Intentionally torments or seeks to cause injury to a police dog at any time if the person knows that the animal is a police dog;
 3. Causes or directs any animal to attack or otherwise interfere with a police dog while the police dog is being used in the lawful discharge of its duty. A peace officer may destroy an animal attacking a police dog if no lesser means are reasonably available to prevent injury to the police dog;
 4. Intentionally or knowingly injures a police dog if the person knows or reasonably should know it is a police dog while the police dog is being used lawfully in the discharge of its duty.

6.24.100 Swine/pigs

No swine/pigs shall be permitted inside the city limits.

6.24.110 Bees

The keeping of bees shall be limited to the following:

<u>Number of Hives</u>	<u>Minimum Lot Size</u>
1	10,000 sq. feet
2 or more	2,500 sq. feet/each additional
hive	

6.25.015 Minimum Acreage for Farm Animals

The minimum acreage for farm animals, whether or not used for agricultural purposes, shall be one (1) acre for each horse, mule, jackass, llama, alpaca, sheep or goat.

6.24.120 Fowl and Poultry; Rabbits

- A. The keeping of fowl, poultry and rabbits shall be limited to the following:

<u>Number of Adults</u>	<u>Minimum Lot Size</u>
1 - 4	None
5	10,000 square feet
6 or more	1,000 square feet each additional over 5

The number of permitted young shall be limited to 3 times the number of permitted adults.

- B. Roosters and peacocks are not permitted in the city limits.

6.24.130 Presumption of Ownership

- A. The adult occupants of any dwelling, or manager of any business, shall be conclusively presumed to be the owner or co-owners of any animals which are knowingly provided by such person(s) with food, water or shelter more than once in a seven day period unless such person(s) can establish that they are providing temporary care for the animal at the express request of its owner.
- B. It shall be an affirmative defense to any presumption of ownership that the person providing the animal with food, water or shelter, as set forth in B above is doing so solely for the purpose of capturing the animal to allow for its subsequent spay or neuter, or for another lawful purpose.

6.24.140 Owner of Animal Responsible for Damages

Any owner of an animal which causes damage to public property, or private property of another person, shall be civilly responsible for such damages. The right of action created by this section may be enforced privately in the civil courts of this state by the damaged party.

6.24.150 Feeding Wild Animals Prohibited Activity

- A. The attracting or feeding of wild animals within the city limits is declared to be a public nuisance and is prohibited at all times. This prohibition includes a person placing or knowingly allowing food or other attractants to be placed or to remain on the property or public property with the intent of attracting or feeding wild animals. Nothing contained in this section shall prohibit the feeding of songbirds provided that the food is contained in a feeder which is reasonably designed to avoid access by wild animals and placed in a manner to avoid access by wild animals. This section does not prohibit the feeding of wild animals kept under a valid permit issued by the Oregon Department of Fish and Wildlife.
- B. "Wild animal" means any amphibian, bird, fish, mammal, reptile or other animal which is not normally domesticated in this state; or any non-domestic, or untrained animal which because of its size, natural disposition, or other characteristic constitutes a hazard or menace to persons or animals or is likely to damage property. Without limiting the generality of the foregoing, such animals include, but are not limited to, a bear, rat, mouse, coyote, opossum, raccoon, rabbit, skunk, squirrel or any bird other than songbirds as defined herein.
- C. "Songbird" means any of a large number of bird species in which the vocal organ is developed in such a way as to provide various sound notes commonly known as a bird song. Songbirds are generally described as passerines.
- D. "Attractant" means any substance that draws animals to a particular location and includes, but is not limited to, food, garbage, or salt lick. Attractant does not include lawns, flowers, shrubs, trees, or gardens that are eaten by wild animals.
- E. Notwithstanding any other provision of this code, or penalty prescribed by statute, any person found in violation shall be subject to a minimum \$100 and maximum \$250 fine for the first offense. Additional offenses shall be subject to the provisions of Chapter 6.30 of the Bandon Municipal Code.

Chapter 6.30

VIOLATIONS - PENALTIES

6.30 Violations - Penalties

- A. Except where a different penalty is prescribed by statute, violation of any provision of this title is a civil violation punishable in accordance with Chapter 1.16. Any person found in violation shall be subject to a penalty (forfeiture).
- B. Each day's violation of a provision constitutes a separate offense.