

CHAPTER 9

ANIMAL CONTROL

ADMINISTRATION

9.005 Definitions. As used in Benton County Code Chapter 9:

- (1) **"Abandon"** means either permanently or temporarily relinquishing all ownership rights and responsibilities in an animal.
- (2) **"Abuse"** means any mistreatment of a dog which results in the physical injury or death of the dog.
- (3) **"Adult dog"** means a dog which is at least six months old or which has a set of permanent canine teeth.
- (4) **"Animal"** means a dog or other animal of a species susceptible to rabies.
- (5) **"Animal Control Program"** means the Animal Control Program of the Benton County Sheriff's Office.
- (6) **"Animal Control Deputy"** means the person employed by and authorized by Benton County Sheriff's Office to enforce BCC Chapter 9 and ORS Chapters 167, 433, and 609 concerning animal control. The term includes any and all deputies of the Benton County Sheriff's Office, who are hereby authorized to enforce BCC Chapter 9 and ORS Chapters 167, 433, and 609.
- (7) **"At Large"** means a dog off the premises of the owner and not under the immediate control of the owner or of a competent person; except "at large" does not include exhibition in dog shows, obedience training or the use of a dog under the supervision of a person to hunt, chase or tree predatory animals or game birds, or the use of a dog to control or protect livestock or use in other related agricultural activities.
- (8) **"Public Nuisance"** includes several topics:
 - (a) **"Barking Dog,"** a dog which repeatedly and for prolonged periods barks, or makes other noise, without provocation which disturbs the peace and quiet of any nearby County Resident.
 - (b) **"Estrus,"** the regularly recurrent period of ovulation and sexual excitement in female dogs, also known as "in heat."
 - (c) **"Menacing"** means any behavior by a dog which would cause fear of imminent danger in a reasonable person.
- (9) **"Health Department"** means the Benton County Health Department.

(10) **"Kennel, commercial"** means a lot or premise on which five or more adult dogs are kept for breeding purposes for profit and/or where five or more adult dogs are boarded for profit.

(11) **"Kennel, hobby"** means a lot or premise on which five or more adult dogs are kept for purposes other than those described for a commercial kennel. These purposes include, but are not limited to, show, hunting, stock raising or other personal use.

(12) **"Livestock"** for the purpose of dog control, means animals kept for husbandry. Livestock includes, but is not limited to, cattle, sheep, horses, mules, asses, burros, goats, swine, llamas and other hoofed domesticated animals and any forbearing animal bred and maintained within pens, cages, or hutches. Livestock, for all other purposes related to this Chapter, shall have the definition provided in Oregon Revised Statutes.

(13) **"Minimum Care"** means provision of care sufficient to preserve the health and well-being of the specific dog. This level of care requires, but is not limited to:

(a) providing food of sufficient quantity and quality to allow for normal growth or maintenance of body weight;

(b) providing adequate access to potable water in sufficient quantity to satisfy the dog's needs. Snow or ice is not an adequate water source;

(c) providing access to an enclosed shelter sufficient to protect the dog from wind, rain, snow or sun and which has adequate bedding to protect against cold and dampness;

(d) providing veterinary care to the extent deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease;

(e) providing adequate space for exercise necessary for the health of the dog; and

(f) providing a confinement area which is reasonably clean and free of contaminants which could affect the health of the dog. The air temperature in the confinement area must be suitable for the dog.

(14) **"Neglect"** means failure to provide minimum care to a dog, whether or not such failure results in physical injury or death of the dog.

(15) **"Neutered"** means the removal of the ovaries and uterus, or ovarian hysterectomy in female dogs or the removal of the male gonads in male dogs. This term also includes any other method of sterilizing a dog which is certified and performed by a licensed veterinarian.

(16) **"Owner"** means any person:

(a) having a right of property in an animal;

(b) harboring an animal;

(c) having an animal in his or her care;

- (d) acting as an animal's custodian; or
- (e) knowingly permitting an animal to remain on or about any premises occupied by the person.

(17) **"Permit"** means human conduct in relation to a dog which is intentional knowing, reckless, careless or with criminal intent.

(18) **"Provocation"** means any action by a human which torments or abuses a dog.

(19) **"Records and Elections Department"** means the department managed by the Benton County Clerk administering dog and animal rescue entity licensing programs.

(20) **"Sheriff's Office"** means the Office in which the Animal Control Deputy is supervised and the Office that is hereby authorized to enforce BCC Chapter 9 and ORS Chapters 167, 433, and 609.

(21) **"Trespasser"** means any person entering on the property of another for an illegitimate purpose or with criminal intent. Any person entering the property of another outside the reasonable access area shall be rebuttably presumed to be a trespasser. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2007-0218; Ord. 2012-045; Ord. 2016-0274]

9.010 County Ordinance Supersedes State Law. The purpose of Chapter 9 is to provide for animal control within Benton County. Chapter 9 supersedes certain provisions of ORS Chapters 167, 433 and 609 by providing regulations governing the control of animals in Benton County. Whenever this Chapter conflicts with ORS Chapters 167, 433 and 609, this Chapter shall prevail. Where no conflict exists, ORS Chapters 167, 433 and 609 shall be in full force and effect. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122]

ANIMAL CONTROL PROGRAM AND DEPUTY

9.105 Animal Control Program Powers and Duties. The duties of this program shall be:

- (1) To enforce the provisions of BCC Chapter 9 and ORS Chapters 167, 433, and 609 where applicable;
- (2) To maintain or contract for the maintenance of an animal shelter where all animals which are subject to impoundment may be safely and humanely kept; and
- (3) To collect any costs, fees, and charges provided by BCC Chapter 9. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2012-0245 Ord. 2016-0274]

9.110 Dog License Revenue Account. All funds derived from dog licensing and other fees and fines required to be paid under authority of Chapter 9 shall be paid to the Records and Elections Department and maintained in an account within the County General Fund known as the Dog License Revenue Account. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2007-0218; Ord. 2016-0274]

9.115 Citation Authority. The Animal Control Deputy may issue to an owner a warning or a citation for any violation of BCC Chapter 9. A citation must be filed within three months of the date of the alleged violation.

(1) Unless otherwise provided, a violation of any mandatory provision of BCC Chapter 9 shall result in a citation being issued to the violator.

(2) The amount of fine or penalty for a violation of BCC Chapter 9 shall be established by order of the Board of Commissioners, and shall be recorded in the Sheriff's Office. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2012-0245]

9.120 Entry On To Private Land. The Animal Control Deputy may enter onto private land in the course of enforcing the provisions of BCC Chapter 9 and ORS Chapters 167, 433, and 609 but shall not enter any building or dwelling without first obtaining an administrative search warrant or the authorization of the owner or occupant of the premises. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2012-0245]

9.125 Interference with Animal Control Deputy Prohibited. No person shall intentionally interfere with the Animal Control Deputy while the Deputy is performing his/her duties. [Ord. 90-0061; Ord. 97-0122; Ord. 2012-0245]

MANDATORY PROVISIONS

9.205 Dogs At Large. No owner shall permit his/her dog to be at large. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122]

9.206 Public Nuisance. No dog owner shall permit their dog in estrus (heat) to become an attraction to other dogs; shall own, keep or harbor a barking dog; nor allow their dog to menace by any behavior which would cause fear of imminent danger in a reasonable person [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2012-0245]

9.207 Barking Dogs. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; deleted by Ord. 2012-0245]

9.208 Maintaining Dangerous Dog. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; deleted by Ord. 2012-0245]

9.209 Livestock at Large.

(1) No person owning or having the custody, possession or control of an animal of a class of livestock shall permit the animal to run at large or to be herded, pastured or to go upon the land of another.

(2) This section is not intended to prohibit a person from driving livestock along a public road. [Ord. 2016-0274]

9.210 Unprovoked Attacks Against Non-livestock Animals.

(1) No owner shall permit his/her dog to attack, without provocation, a dog, cat, domesticated fowl, or other non-livestock animal of another person off the property owned or occupied by the owner of the attacking dog.

(2) In addition to any fine imposed, an owner found guilty in Circuit Court of permitting an unprovoked attack shall make full restitution to the owner of the injured animal(s) for the actual damages resulting from the unprovoked attack. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 99-0147; Ord. 2016-0274]

9.215 Chasing, Injuring, Killing of Livestock/Domesticated Fowl.

(1) No owner shall permit his/her dog to chase, injure or kill livestock or domesticated fowl.

(2) Any dog at large which chases, injures, or kills any livestock not belonging to its owner may be killed immediately by any person.

(3) When a complaint has been received alleging that a dog at large chased, injured or killed livestock, and investigation by the Animal Control Deputy supports such conclusion, the dog owner shall be cited for violation of BCC Chapter 9.

(4) If reasonable testing of a dog alleged to have injured or killed livestock, including, but not limited to, a fecal examination or examination of the teeth of the dog, is likely to provide substantial evidence as to whether the dog has injured or killed livestock, the owner must surrender the dog to the Animal Control Deputy for testing. The Animal Control Program shall provide for the administration of the tests by a licensed veterinarian. Testing will only be done at the request of the livestock owner and if the results are negative, the livestock owner shall be responsible for all costs incurred. If the results are positive, the dog owner shall pay for all costs incurred.

(5) The dog of an owner found guilty in Circuit Court of permitting his/her dog to chase, injure, or kill livestock shall be disposed of in accordance with BCC 9.325(1).

(6) Any dog at large which chases, injures or kills any domesticated fowl not belonging to its owner may be killed immediately by any person, except that no person shall kill a dog which has chased, injured, or killed chickens upon a public place or highway, or kill any dog acting under the direction of its owner, or the agents or the employees of its owner. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 99-0147; Ord. 2012-0245; Ord. 2016-0274]

9.220 Abandoned, Neglected, and Abused Dogs. [Ord. 4A, adopted February 7, 1979; Ord. 90-0061; Ord. 97-0122; Ord. 99-0147; deleted by Ord. 2012-0245]

9.225 Biting Dogs to be Reported.

(1) The owner of a dog which bites a human being shall immediately notify the Health Department or the Animal Control Program, and shall give the division the name and address of the person bitten, if known.

(2) Any person who is bitten by a dog shall immediately notify the Health Department or the Animal Control Program, giving a description of the dog and the name and address of the owner, if known.

(3) When a doctor, veterinarian or hospital employee has information that a person has been bitten by a dog, such person shall immediately notify the Health Department or the Animal Control Program. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2016-0274]

POTENTIALLY RABID ANIMALS

9.230 Quarantine.

(1) When either the Health Department or the Animal Control Program has grounds to suspect that an animal is infected with rabies, written notice shall be delivered both personally and by first class mail to the owner of the animal. Delivery of the notice to any apparently responsible person over age fifteen (15) residing upon the premises where the animal is kept shall be considered personal delivery of notice to the owner.

(2) Surveillance, confinement, and testing of the animal shall be in accordance with the Oregon Health Authority Investigative Guidelines – Animal Bites and Rabies and OAR 333-019-0017 through -0027. Any animal required to be quarantined shall be confined at the owner's expense in a veterinary hospital, the Benton Humane Society, or a kennel or other facility approved by the Health Department or by the Animal Control Program. At the discretion of the Animal Control Program, the dog may be quarantined on property designated by the Animal Control Deputy pursuant to an "Agreement of Confinement" as established in BCC Chapter 9.310.

(3) If an animal exhibits symptoms of rabies while it is under quarantine, the Health Administrator may order in writing that it be destroyed and that its head be submitted to the Oregon State Public Health Laboratory or the Oregon State University Veterinary Diagnostic Laboratory in accordance with the Oregon Health Authority Investigative Guidelines. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2012-0245; Ord. 2016-0274]

9.235 General Provisions. Any animal that has been exposed to known or suspected rabid animals shall be handled in accordance with Oregon Health Authority Investigative Guidelines. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2012-0245]

IMPOUNDMENT/DESTRUCTION OF ANIMALS

9.305 Impoundment of Animals.

(1) The Animal Control Deputy is authorized to impound and hold, for as long as necessary, any animal which is the subject of a violation of BCC Chapter 9 or ORS Chapters 167, 433, or 609.

(2) The Animal Control Deputy is authorized to impound and hold, for as long as necessary, any animal which the Animal Control Deputy reasonably believes constitutes a continuing threat to the health and welfare of a human, livestock, any animal other than livestock, or fowl.

(3) The Animal Control Deputy is authorized to impound and hold, for as long as necessary for the welfare of the animal, any animal which has been abandoned, neglected, or abused by its owner.

(4) The Animal Control Deputy is authorized to impound a dog whose owner is guilty of three (3) or more violations of BCC Chapter 9 or ORS Chapters 167, 433, or 609.

(5) An owner shall be liable for all costs to house and maintain an impounded animal. [Ord. 4A, adopted February 7, 1,979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2012-0245]

9.310 Agreement of Confinement in Lieu of Impoundment.

(1) If the owner requests and the Animal Control Deputy concludes that an animal which is subject to impoundment under BCC Chapter 9.305 can be safely maintained at its current residence, the owner must sign an "Agreement of Confinement." The agreement shall be negotiated by the Animal Control Deputy and be executed by the Benton County Sheriff on behalf of the County and shall provide:

(a) That the animal must remain confined to the designated property at all times;

(b) That the animal shall not be sold, given, or transferred in any manner to another owner, person, or entity;

(c) That if the animal impounded is a dog, the dog at all times must wear a color-designated tag indicating that it is currently under confinement;

(d) That any subsequent violation of BCC Chapter 9 or ORS Chapters 167, 433, and 609 concerning the control of animals or violation of the terms of the agreement of confinement will result in the issuance of an additional citation and immediate impoundment of the animal;

(e) That the animal must be surrendered upon demand of the Animal Control Deputy following conviction of the owner in Circuit Court on any charges concerning the animal; and

(f) That the owner shall be fully responsible for any damage caused by his/her animal while under confinement and shall agree to defend, indemnify, and hold the County harmless against any claim or award for such damages. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2012-0245]

9.315 Redemption or Sale of Impounded Animals.

(1) Redemption of an impounded animal by the owner shall be made by exhibiting satisfactory proof of ownership and by paying charges for impoundment, board, any necessary license fees, and any reasonable medical expenses which have been incurred during the impoundment.

(2) An impounded animal may, pursuant to BCC Chapter 9.320, be destroyed or be sold to any person for any reasonable price established by the Animal Control Program or its designated agent.

(3) A new owner shall, at his/her own expense, obtain any necessary license and vaccination at the time of purchase. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2012-0245; Ord. 2016-0274]

9.320 Disposition of Impounded Dogs. Any dog impounded for alleged violation of BCC Chapter 9 or ORS Chapters 167, 433, or 609 shall be held and disposed of in accordance with the following provisions:

(1) An unlicensed dog which has not been redeemed within three (3) working days after impoundment may be sold or destroyed.

(2) An impounded dog with a valid license shall be disposed of in the following manner:

(a) The Animal Control Program or its designated agent shall attempt to notify the owner by phone or personal contact.

(b) If the dog is not redeemed within twenty-four (24) hours of impoundment, the Animal Control Program shall notify the owner by regular and certified mail at the owner's last known address that the dog must be redeemed within three (3) days of receipt of notice or it will be sold or destroyed.

(c) If the notice sent by certified mail returns unsigned and the dog is not redeemed by its owner, the dog may be sold or destroyed immediately.

(3) The owner of any dog impounded pursuant BCC 9.305(4) shall be notified that the dog may be offered for adoption, for a period to be determined at the discretion of the Animal Control Deputy, before the dog shall be destroyed.

(4) Any dog whose owner forfeits, either voluntarily or involuntarily, ownership rights in the dog, may be sold or destroyed immediately.

(5) A daily record of impounded dogs shall be maintained by the County or its designated agent, and shall be made available to the public. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2016-0274]

9.325 Grounds for Destruction of Dogs.

(1) A dog shall be impounded and destroyed upon conviction of the owner in Circuit Court on the charge that the dog killed or injured livestock.

(2) A dog shall be impounded and destroyed upon conviction of the owner in Circuit Court on the charge that he/she keeps or harbors a vicious dog. [Ord. 97-0122; Ord. 99-0147]

9.330 Process for Destruction of Dogs.

Within two (2) working days after conviction of a violation of BCC 9.325(1) or (2), and impoundment of the dog, the owner shall be notified in writing that the dog will be destroyed in a humane manner three (3) working days following the date of notice. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 99-0147; Ord. 2007-0218]

DOG LICENSES

9.405 Licenses Required.

- (1) An owner shall have a valid Benton County dog license for every adult dog owned by that owner.
- (2) An owner who owns five (5) or more dogs shall be eligible to purchase a multiple dog license in lieu of a regular license for each dog.
- (3) Except as provided in BCC 9.440, an owner who moves into Benton County, or who acquires a dog or multiple dogs of more than six (6) months of age, has thirty (30) days within which to purchase a license for the dog(s) before being subject to the delinquent license penalty.
- (4) Upon receipt of applicable fee a dog license shall be valid for the period of the fee or through the expiration date of the rabies inoculation, whichever comes first, or until death or transfer of ownership of the dog(s). If applicable, proof of renewed rabies inoculation, within 30 days of the previous inoculation expiration shall extend the license through the end of the paid license period.
- (5) The amount of the fees shall be established by order of the Board of Commissioners, and shall be recorded. Dog license fees are non-refundable. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2007-0218; Ord. 2016-0274]

9.410 License Requirements.

- (1) All dogs owned by residents of Benton County shall be inoculated against rabies. No dog license shall be issued absent proof that the dog has been inoculated against rabies pursuant to ORS Chapter 433. Proof shall consist of a certificate of inoculation which must demonstrate that the vaccination is valid for immunity against rabies for the licensing period. The certificate shall include the name and breed of the dog and shall include the name and address of the owner. A license tag issued to an owner shall constitute proof that the dog has been inoculated.
- (2) Veterinarians who maintain offices within Benton County shall, within thirty (30) calendar days of administering each rabies inoculation, submit to the Animal Control Program a true and complete copy of each certificate of inoculation administered to a dog. The certificate shall include the name and breed of the dog and shall include the name and address of the owner. Failure to comply with this section may, absent a showing of cause, subject the veterinarian to a civil penalty in a sum not to exceed Fifty Dollars (\$50) per occurrence.
- (3) The Records and Elections Department shall maintain a current file of dog license records and all current and valid certificates of inoculation delivered by the Animal Control Program to Records and Elections Department. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2007-0218; Ord. 2012-0245; Ord. 2016-0274]

9.420 Penalties for Failure to Acquire License.

- (1) An owner who fails to possess a current dog license may be given a written warning and shall, within fourteen (14) days of the warning, pay all fees due the County for a dog license and shall be issued a receipt. The owner shall present a certificate of inoculation to the Records and
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Elections Department and claim the dog license and tag within the same fourteen (14) days. Owners who fail to claim their license and tag within seven calendar days shall be issued a citation for failure to acquire a license or a citation for failure to have a dog vaccinated against rabies or both.

(2) An owner who fails to acquire a license within the time periods provided in this chapter shall pay a delinquent license penalty. The amount of the penalty shall be established by order of the Board of Commissioners, and shall be recorded. The penalty shall be in addition to the applicable license fee and shall be paid at the time of the issuance of the license. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2007-0218; Ord. 2012-0245; Ord. 2016-0274]

9.425 Guide Dogs and Assistance Animals Exempt From Fees.

(1) No fee shall be charged to license a guide dog owned by a blind or deaf person. A license shall be issued for such a dog upon exhibiting proof of compliance with exemption along with a valid rabies certificate.

(2) No fee shall be charged to license a dog under the 4-H Guide Dog Program for the blind and deaf. A license shall be issued upon exhibiting proof of compliance with the exemption along with a valid rabies certificate.

(3) Notwithstanding subsections (1) and (2) of this section, a dog license tag fee may be assessed for a dog licensed as an assistance animal, under the provisions of subsection (4) of this section.

(4) A signed statement, from the dog owners physician that identifies the need or recommends a guide or assistance animal, must accompany a license application accepted under this section. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2007-0218; Ord. 2016-0274]

9.430 Fees for Persons Aged 65 or older.

License fees for dogs owned by persons aged 65 or older, at the time they license their dog(s), shall be less than the regular license fee. The amount of the fee shall be established by order of the Board of Commissioners, and shall be recorded. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2007-0218]

9.435 Fee for Neutered Dog.

(1) The license fee for neutered dogs shall be less than the regular license fee. The amount of the fee shall be established by order of the Board of Commissioners, and shall be recorded.

(2) A certificate of neutering, or equivalent proof that a dog has been neutered, signed by a licensed veterinarian, must be filed with the Records and Elections Department before a license will be sold at the lesser rate. All certificates or proof shall be kept on file in the Records and Elections Department. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2007-0218; Ord. 2016-0274]

9.440 Dog License Reciprocity.

- (1) A dog licensed in another Oregon county or city shall be considered to have a current license in Benton County through the expiration date of the original license or one-year after the owner's residence in Benton County is established, whichever comes first.
- (2) A reciprocity license may be issued in accordance with the established fees with proof of licensing and vaccination information provided. [Ord. 90-0061; Ord. 97-0122; Ord. 2007-0218]

9.445 Tags.

- (1) A license tag shall be issued to the owner, and shall be attached securely to a collar or harness on the dog whenever the dog is outdoors and not in an enclosed pen or confined by a chain.
- (2) If a license tag is lost, or if exempt from the license fee, the owner may obtain a license tag upon payment of a fee established by order of the Board of Commissioners, and recorded.
- (3) Dogs licensed under a multiple dog license are exempted from the requirements of BCC Chapter 9.445(1) while on the property of the kennel. [Ord. 90-0061; Ord. 97-0122; Ord. 2016-0274]

ANIMAL RESCUE ENTITY

9.475 Animal Rescue Entity License Required.

- (1) Any Animal Rescue Entity operating, in whole or in part, in Benton County shall obtain a certificate of registration from the Records and Elections Department prior to beginning operations.
- (2) The Animal Rescue Entity shall procure an Animal Rescue Entity certificate by paying to the Records and Elections Department an annual license fee established by order of the Board of Commissioners.
- (3) An Animal Rescue Entity may not transfer a certificate of registration issued under this section to another person without the written consent of the Records and Elections Department.
- (4) Whenever the Animal Control Program or the Benton County Sheriff's Office is advised or has reason to believe that an Animal Rescue Entity is operating without a certificate of registration, an Animal Control Officer or other county representative may visit and conduct an on-site investigation of the premises. The purpose of the investigation is to determine whether the operator of the Animal Rescue Entity is subject to the registration requirements of this section.
- (5) Animal Rescue Entity license applicants must comply with ORS 609.415 and ORS 609.420 and all other applicable state and local regulations and laws. An Animal Rescue Entity license does not in any way exempt the holder from their responsibility of complying with any other provision of Benton County Code, zoning or permitting requirements, or other applicable law, unless specifically provided for by law.

(6) At any reasonable time, an authorized representative of Benton County, a law enforcement agency, or the United States Department of Agriculture may conduct an on-site investigation to determine whether the entity is in compliance with this section and Oregon law.

(7) Any person who fails to comply with any of subsections (1) through (6) shall be subject to the civil penalties imposed in BCC Chapter 31. [Ord. 2016-0274]

LOST DOGS

9.505 Finders of Lost Dogs.

(1) Any person who finds and harbors a dog shall notify the Animal Control Program and furnish a description of the dog within forty-eight (48) hours of finding the dog.

(2) The finder may surrender the dog to the Animal Control Program or retain possession of it, subject to surrender upon demand of the Animal Control Deputy.

(3) Ownership of a lost dog which has been found can be acquired through compliance with provisions of ORS 98.005. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 2012-0245; Ord. 2016-0274]

DOG KENNELS

9.605 Kennels. Use, operation and conditions of hobby and commercial kennels shall be in accordance with all applicable provisions of the Benton County Development Code. [Ord. 90-0061; Ord. 97-0122]

APPEALS

9.705 Animal Control Hearings. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 99-0147; repealed by Ord. 2007-0218]

9.720 Hearing Procedures. [Ord. 4A, adopted February 7, 1979; Ord. 85-0002; Ord. 90-0061; Ord. 97-0122; Ord. 99-0147; repealed by Ord. 2007-0218]

BAN ON THE USE OF WILD OR EXOTIC ANIMALS IN TRAVELING ANIMAL DISPLAYS AND/OR ACTS

9.805 DEFINITIONS. As used in BCC Chapter 9, Section 8:

(1) **Animal Display** means any exhibition, fair, act, circus, ride, trade show, carnival, race, parade, or similar undertaking in which a wild or exotic animal is required to perform tricks, give rides, fight or participate as accompaniments for the purpose of entertainment, amusement, or benefit of a live audience, whether or not a fee is charged.

(2) **Mobile or Traveling Housing Facility** means any transporting vehicle such as a truck, trailer or railway car, used to transport or house wild or exotic animals while traveling for an animal display.

(3) **Traveling Animal Display** means any animal display in which wild or exotic animals are transported to, from or in between locations in a mobile or traveling housing facility, for the purpose of such animal display. This shall not include the transportation of a wild or exotic animal between United States Department of Agriculture licensed sanctuaries and zoos for the purpose of providing lifetime care.

(4) **Wild or Exotic Animal** means any live animal from any of the following scientific classifications, including any hybrid of such animal. The animals listed in parentheses are intended as examples and not to be construed as an exhaustive list, or limit the generality of each group of animals, unless otherwise specified:

- (a) Artiodactyla (including hippopotamuses, giraffes, camels, but excepting alpaca, cattle, llama, swine, sheep, and goats);
- (b) Crocodilia (including alligators and crocodiles);
- (c) Elasmobranchii (including nurse sharks and lemon sharks);
- (d) Elephantidae (elephants);
- (e) Felidae (including tigers, lions, jaguars, leopards, cheetahs, and cougars, but excluding domestic cats);
- (f) Hyaenidae (hyenas);
- (g) Marsupialia (including kangaroos);
- (h) Non-human primates (including apes, monkeys, and lemurs);
- (i) Perissodactyla (including rhinoceroses and tapirs, but excluding Equidae);
- (j) Pinnipedia (including seals, sea lions, and walruses);
- (k) Struthio (ostriches); and
- (l) Ursidae (bears).
- (m) Canidae (including wolves, coyotes, foxes, except domestic dogs)
- (n) Cetacea (including whales, dolphins, porpoises)
- (o) Edentata (including anteaters, sloths, armadillo)
- (p) Mustelidae (including skunks, weasels, mink, badgers, river otters, sea otters)
- (q) Procyonidae (including raccoons, coatis, kinkajous, ringtails)
- (r) Testudinidae (tortoise)

- (s) Viverridae (including civets, mongooses, bearcat)
- (t) Varanidae (monitor lizards, Komodo dragons) [Ord. 2018-0290]

PROHIBITIONS

9.810 Prohibitions.

- (1) It shall be unlawful for any person to allow for the participation of a wild or exotic animal in a traveling animal display.
- (2) The following facilities, institutions, persons, entities, associations and government agencies are exempt from compliance with BCC 9.810(1):
 - (a) Any facility accredited by the Association of Zoos and Aquariums (AZA), World Association of Zoos and Aquariums (WAZA), Oregon Wildlife Rehabilitation Association (OWRA), the National Wildlife Rehabilitation Association (NWRA), International Association of Avian Trainers and Educators (IAATE) or the International Wildlife Rehabilitation Council (IWRC);
 - (b) Any licensed or accredited academic, research or medical institution, including any such institution dedicated to the training of service animals, but excluding wild animal training programs for the purpose of traveling animal displays;
 - (c) Veterinary clinics or wildlife rescue and rehabilitation facilities, which are licensed or permitted by the state of Oregon;
 - (d) Persons temporarily transporting wild or exotic animals through the county provided that the transit time shall not be more than three days and that such animals shall not be presented for animal displays while in the county;
 - (e) Persons owning or keeping a trained exotic primate as a service animal pursuant to ORS 609.345.
 - (f) The employee or contractor of a filmmaker (as defined in ORS 284.368) for the purposes of producing a film (as defined in ORS 284.368). [Ord. 2018-0290]

ENFORCEMENT

9.815 Enforcement.

- (1) The Animal Control Officer shall monitor and enforce compliance with chapter 9, Section 8. [Ord. 2018-0290]
- (2) Enforcement may be initiated by citation.

9.820 Penalties. Violation of BCC chapter 9 shall be deemed a violation of County laws and is punishable upon conviction of a fine of \$500.00 for each separate violation and a fine of \$1,000 for a continuing violation; each day of continued violation is a separate offense and is separately

punishable, but may be joined in a single prosecution. Alternatively or in addition to fines, the court may impose any other terms or conditions it deems appropriate to ensure compliance with this chapter. In addition, Benton County shall have the right to pursue any other remedy provided to it in law or in equity. [Ord. 2018-0290]