

ORDINANCE NO. 139
SERIES 2013

Ordinance for the Regulating of Dogs in the City Limits of Haines

Sec. 1 - Ordinance No. 98, 98A, 137 and 138 and all resolution and all ordinances or parts of ordinances in conflict with any provisions contained hereinafter, be and same are hereby repealed.

Be it ordained by the people of the City of Haines, as follows;

Sec. 2 - **Definitions**

As used in this ordinance unless the context requires otherwise:

1. Dog - any mammal of the canine family.
2. Dangerous dog - any dog which bites or chronically demonstrates menacing behavior toward human beings, dogs, cats or livestock. For purposes of this section, "menacing behavior" shall include, but not limited to, baring of teeth, charging at a victim, growling in a threatening manner or approaching a victim within ten feet while barking.
3. Livestock - any fur bearing animal bred and maintained commercially or otherwise, cattle, horses, sheep, llamas, goats, swine, turkeys, chickens and other fowl properly maintained in an enclosure.
4. Owner - any person who keeps, has custody of, possesses, harbors or exercises control over a dog or other animal with the exception of a veterinary hospital and pet shops.
5. Dog running at large - a dog off or outside the premises of the owner, not restrained by a rope, line, leash, chain or other similar means, or not under immediate control, restraint or command of the owner thereof and displaying nuisances or threatening behaviors.
6. Dog Control Officer - any person assigned by the City as a Dog Control Officer. This person may be a Council person.
7. Continuous annoyance - permit any dog to cause annoyance, alarm or disturbance for more than 15 continuous minutes at any time of the day or night, be it repeated barking, whining, howling or other like sounds which can be heard beyond the boundary of the owner's property and thereby unreasonably depriving a person of peace and quiet.

8. Commercial breeding kennel - a place of business for the breeding and/or selling of dogs. The term is not intended to include an animal hospital or noncommercial kennel.

9. Commercial kennel - a place of business where dogs are boarded. No more than two of the dogs shall be used for breeding. The term is not intended to include an animal hospital or noncommercial kennel.

10. Noncommercial dog kennel - an establishment or premises where three or more dogs, over six months of age, are kept or maintained. No more than two of the dogs shall be used for breeding. The term does not include any animal hospital.

11. Secure enclosure - a structure in which a dog is confined such that the dog does not have access to humans or other animals. The structure must be secure on all sides, top and bottom. If the floor is not concrete, the outside walls must extend into the ground not less than one foot to prohibit the digging out of the dog. Enclosure must be of proper size for the dog being kept.

12. Animal neglect - when the dog is not given minimum care, which would preserve the health and well-being of the dog.

Sec. 3 - The City of Haines hereby establishes a dog control district within the City limits of Haines.

Violations

It shall be a violation for an owner of any dog to:

- (1) Not have dogs vaccinated against rabies by the age of six months.
- (2) Not have dogs licensed each year.
- (3) Permit any such dog to run at large that becomes a nuisance or threatens to cause personal injury or property damage off the premises of the owner.
- (4) Permit a dog to chase a vehicle, person, ATV/ four wheeler or bicycle.
- (5) Permit a dog to scatter garbage.
- (6) Permit a dog to damage or destroy property of persons other than the owner of the dog.
- (7) Permit any dog to cause continued annoyance, which may be heard beyond the boundary of the owner's property.

(8) Keep a dangerous dog not properly confined.

(9) To leave a dog unattended for more than 24 consecutive hours without adequate food, water, shelter, care or supervision. Shelter shall include a structure or other means of protection from the weather and injury.

(10) Physically mistreats any dog, either by deliberate abuse, neglect to furnish adequate care, including medical attention. It is a violation for any person to harass or allow any dog to be harassed.

(11) Intimidate an Dog Control Officer.

(a) "Intimidation" as used in this section means the use or threatened use of violence, physical force or any other means that creates a substantial risk of physical injury to any person.

(b) No person shall intentionally intimidate someone known by them to be an dog control officer who is enforcing any provision of this ordinance.

(12) But not limited to just these as violation of this ordinance.

Sec. 4 - The City Council will appoint a Dog Control officer to carry out dog control enforcement duties and who will work under the guidance and direction of the City Council.

Sec. 5 - The City Council by resolution shall set fines and penalties in accordance with this dog ordinance and may change the amount of such fines and penalties upon yearly review.

Sec. 6 - **Fees and Fines**

(a) License fees collected under the provisions of this ordinance shall be paid to the City of Haines and shall be placed in the General Fund for dog control.

(b) One half of all fines collected by Justice Court under the provisions of this ordinance shall be reimbursed to the City of Haines and shall be placed in the General Fund for dog control.

Sec. 7 - Any person who has cause to believe a dog is a public nuisance may complain in writing to the Dog Control Officer or City Recorder. The victim must leave his/her name, address, file a complaint and be willing to testify against the defendant if necessary.

A dog is a public nuisance if it:

(a) Is habitually running at large causing menacing behavior.

(b) Bites a person.

- (c) Habitually chases vehicles or a person.
- (d) Damages or destroys property.
- (e) Scatters garbage on property other than that of its owner.
- (f) Habitually trespasses on private property or on public lands unattended or beyond control of the owner.
- (g) Make frequent or prolonged noise.
- (h) Chases or injures livestock.
- (i) Is kept in a pen/kennel that creates offensive odors due to improper care by owner.

Sec. 8 - Defenses

In a prosecution, "Nuisances", it is a affirmative defense that:

- 1. The dog's owner proves he/she did not allow the dog to be a public nuisance.
- 2. The dog bites or attempts to bite a person wrongfully harassing or assaulting the dog's owner or the dog.
- 3. The dog bites a person or attempts to bite a person trespassing upon premises occupied by the dog's owner without implied consent.

Sect. 9 - Dangerous Dog

The purpose of this section is to establish a clarification of a dangerous dog.

- 1. A dog, whether or not confined, causes the serious injury or death of any person.
- 2. A dog, while at large, kills any domestic animal or livestock.
- 3. A dog engages in or found to have been trained to engage in exhibitions of fighting.
- 4. Has rabies.
- 5. If a dog has been deemed "dangerous" by the City of Haines and has not been ordered destroyed by Justice Court, the dog must be restrained in a secure enclosure. Said enclosure shall comply with the following requirement:
 - (a) The enclosure shall consist of a pen, kennel or other secure enclosure with secure sides, secured bottom and a secure top.
 - (b) If the enclosure does not have a secured bottom, the sides shall be embedded in the ground no less than one foot.
 - (c) The enclosure must be of a proper size for the dog, kept clean and secured with a padlock or key lock.
 - (d) The owner will not permit the dog to leave the owner's property unless muzzled and restrained.
 - (e) If the owner chooses to keep such a dog, he/she must provide proof to the City Recorder of public liability insurance in a single incident of five hundred thousand dollars (\$500,000) for bodily injury or death of any

person or persons or damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal.

(f) Such insurance policy shall provide that no cancellation of the policy will be made unless ten days written notice is first given to the City Recorder.

(g) The owner shall provide two color photographs of the dog in question.

(h) Failure to comply will be a violation of the ordinance.

6. A dog, will not be deemed dangerous if dog bites, attacks or menaces a trespasser on the property of its owner or anyone wrongfully assaulting or harassing that dog or its owner.

Sec. 10 Animal Neglect

As used in this section, "minimum care" means care sufficient to preserve the health and well being of an animal and except for emergencies or circumstances beyond the reasonable control of the owner, includes, but is not limited to, the following requirements:

(a) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.

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

(c) A dog house or other enclosed structure must be sufficient to protect the dog from wind, rain, snow or sun and which has adequate bedding to protect against cold and dampness.

(d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.

(e) Confinement areas must be kept reasonably clean and free from excess waste or other contaminants which could affect the dog's health.

LICENSES AND FEES

Sec. 1 Dog License

Every person who keeps a dog which has attained the age of six months, shall obtain a license for said dog.

(a) Licenses shall be issued on a calendar year basis and shall be valid for the year issued.

(b) No license shall be issued until a certificate of vaccination for rabies, valid for the license year, is presented to the City Recorder.

(c) Dog owners shall renew the dog license annually for as long as they own the dog.

(d) A license tag issued to a dog owner shall be attached securely to a collar or harness on the dog. If a license tag is lost, the owner may obtain a duplicate license.

(e) A lower fee for individual dog license will be provided for dogs which have been neutered. Dog owners applying for this reduced fee must present to the City Recorder a certificate from a licensed veterinarian stating that the dog to be licensed has been neutered.

Sec. 12 - License fees - generally

The dog license fee is due and payable upon the issuance of a license.

Sec. 13 - License fees - exceptions

No license fee shall be required for any dog, when owner can provide a service card or letter from a doctor with proof of current rabies vaccination. A copy of card or letter and rabies certificate shall be filed with the City Recorder.

REGULATIONS

Sec. 14 - Kennel Notification

No person shall operate a kennel, whether commercial or noncommercial, without the appropriate kennel notification. Kennel notifications shall be valid for one year from the date issuance.

(a) A person who has a commercial kennel, commercial breeding kennel, noncommercial dog kennel shall license the individual dogs as long as they live at the kennel

(b) The kennel must conform with applicable zoning statutes and ordinances.

Sec. 15 - Reporting of Dog Biting

The owner of a dog that bites shall immediately notify the dog control officer or Baker County Health officer of such bite, the time and circumstances of bite and the name and address of the person bitten, if known.

Owner must show proof of a rabies vaccination and if there is no such proof, said dog must be quarantined for ten days at owners expense.

If a dog exhibits symptoms of rabies while it is under quarantine, dog may be ordered destroyed at owners expense.

Sec. 16 - This ordinance does not preclude owners of livestock or citizens to pursue or take action afforded to them under Baker County or State of Oregon statutes, rules or


regulations. (ORS 609.150 and ORS 609.140). Any citizen of Haines has the right to make complaints directly to Baker County or the State of Oregon.

Sec. 17 - If any part or section of this ordinance is declared by the courts to be unconstitutional or in violation of any of the provisions of the charter of the City of Haines, Oregon or in violation of any State law of the State of Oregon, or invalid for any other reason, such declaration shall not effect the validity of any other portion or section of this ordinance.

EFFECTIVE DATE: This ordinance will become effective thirty (30) days after its approval.

PASSED AND APPROVED by the City Council of the City of Haines on this 14th day of August, 2013. Ayes: 5 Nays: 0

APPROVED by the Mayor of the City of Haines, Oregon this 14th day of August, 2013.


Dennis Anthony, Mayor

ATTEST BY THE CITY RECORDER this 14th day of August, 2013


Valerie Russell, City Recorder

RESOLUTION NO. R-1304-3

RESOLUTION ESTABLISHING FINES FOR DOG VIOLATIONS FOR THE CITY OF HAINES OREGON

WHEREAS, the City Council of the City of Haines, adopted on April 12, 2011, Ordinance No. 138, Series 2011 Regulating of Dogs in the City Limits of Haines,

WHEREAS, allows the City Council of the City of Haines to establish a fine structure for dog violations,

WHEREAS, the City Council of the City of Haines shall periodically review the fine structure for dog violations to assure they are adequate for the City of Haines, and

NOW, THEREFORE BE IT RESOLVED, that the following fine structure shall be established:

| | |
|--|-----------------|
| <u>Dog bites a person</u> | <u>\$150.00</u> |
| <u>Dog chases vehicle or persons (includes: walking, ATV, bicycle)</u> | <u>\$50.00</u> |
| <u>Dog damages or destroys the property of others</u> | <u>\$75.00</u> |
| <u>Dog scatters garbage</u> | <u>\$50.00</u> |
| <u>Dog disturbs any person by frequent or prolonged noises</u> | <u>\$50.00</u> |
| <u>Dog has not been vaccinated for rabies</u> | <u>\$30.00</u> |
| <u>Possession of unlicensed dogs (per household)</u> | <u>\$30.00</u> |
| <u>Dog chases livestock</u> | <u>\$100.00</u> |
| <u>Dog is dangerous</u> | <u>\$150.00</u> |
| <u>Other</u> | |

BE IT RESOLVED that these fines shall be effective April 9, 2013, and shall remain in effect until such time that the City Council will review the above fines and make appropriate adjustments, if any.

Passed by City Council April 9, 2013.

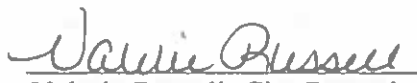
Date: April 9, 2013

Approved:



Dennis Anthony, Mayor

Attest:



Valerie Russell, City Recorder

Addendum No. 1

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6. Dog Control Officer - any person assigned by the City as a Dog Control Officer. This person may be a Council person.
7. Continuous annoyance - permit any dog to cause annoyance, alarm or disturbance for more than 15 continuous minutes at any time of the day or night, be it repeated barking, whining, howling or other like sounds which can be heard beyond the boundary of the owner's property and thereby unreasonably depriving a person of peace and quiet.

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(b) No person shall intentionally intimidate someone known by them to be a dog control officer who is enforcing any provision of this ordinance.

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Sec. 4 - The City Council will appoint a Dog Control officer to carry out dog control enforcement duties and who will work under the guidance and direction of the City Council.

Sec. 5 - The City Council by resolution shall set fines and penalties in accordance with this dog ordinance and may change the amount of such fines and penalties upon yearly review.

Sec. 6 - Fees and Fines

(a) License fees collected under the provisions of this ordinance shall be paid to the City of Haines and shall be placed in the General Fund for dog control.

(b) Distribution of all fines collected by Justice Court under the provisions of this ordinance are as follows: 6.25 % will be paid to the State of Oregon and the remainder will be split between Baker County and the City of Haines. The City of Haines will place those funds in the General Fund for dog control.

Sec. 7 - Any person who has cause to believe a dog is a public nuisance may complain in writing to the Dog Control Officer or City Recorder. The victim must leave his/her name, address, file a complaint and be willing to testify against the defendant if necessary.

A dog is a public nuisance if it:

- (a) Is habitually running at large causing menacing behavior.
- (b) Bites a person.
- (c) Habitually chases vehicles or a person.
- (d) Damages or destroys property.
- (e) Scatters garbage on property other than that of its owner.
- (f) Habitually trespasses on private property or on public lands unattended or beyond control of the owner.
- (g) Make frequent or prolonged noise.
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- (i) Is kept in a pen/kennel that creates offensive odors due to improper care by owner.

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- 1. The dog's owner proves he/she did not allow the dog to be a public nuisance.
- 2. The dog bites or attempts to bite a person wrongfully harassing or assaulting the dog's owner or the dog.
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 - (a) The enclosure shall consist of a pen, kennel or other secure enclosure with secure sides, secured bottom and a secure top.
 - (b) If the enclosure does not have a secured bottom, the sides shall be embedded in the ground no less than one foot.
 - (c) The enclosure must be of a proper size for the dog, kept clean and secured with a padlock or key lock.
 - (d) The owner will not permit the dog to leave the owner's property unless muzzled and restrained.
 - (e) If the owner chooses to keep such a dog, he/she must provide proof to the City Recorder of public liability insurance in a single incident of

five hundred thousand dollars (\$500,000) for bodily injury or death of any person or persons or damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal.

(f) Such insurance policy shall provide that no cancellation of the policy will be made unless ten days written notice is first given to the City Recorder.

(g) The owner shall provide two color photographs of the dog in question.

(h) Failure to comply will be a violation of the ordinance.

6. A dog, will not be deemed dangerous if dog bites, attacks or menaces a trespasser on the property of its owner or anyone wrongfully assaulting or harassing that dog or its owner.

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

(c) A dog house or other enclosed structure must be sufficient to protect the dog from wind, rain, snow or sun and which has adequate bedding to protect against cold and dampness.

(d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.

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LICENSES AND FEES

Sec. 1 Dog License

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(a) Licenses shall be issued on a calendar year basis and shall be valid for the year issued.

(b) No license shall be issued until a certificate of vaccination for rabies, valid for the license year, is presented to the City Recorder.

(c) Dog owners shall renew the dog license annually for as long as they own the dog.

(d) A license tag issued to a dog owner shall be attached securely to a collar or harness on the dog. If a license tag is lost, the owner may obtain a duplicate license.

(e) A lower fee for individual dog license will be provided for dogs which have been neutered. Dog owners applying for this reduced fee must present to the City Recorder a certificate from a licensed veterinarian stating that the dog to be licensed has been neutered.

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(b) The kennel must conform with applicable zoning statutes and ordinances.

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Owner must show proof of a rabies vaccination and if there is no such proof, said dog must be quarantined for ten days at owners expense.

If a dog exhibits symptoms of rabies while it is under quarantine, dog may be ordered destroyed at owners expense.

Sec. 16 - This ordinance does not preclude owners of livestock or citizens to pursue or take action afforded to them under Baker County or State of Oregon statutes, rules or

regulations. (ORS 609.150 and ORS 609.140). Any citizen of Haines has the right to make complaints directly to Baker County or the State of Oregon.

Sec. 17 - Violation of this agreement constitutes a Class A Civil infraction and shall be processed in accordance with the procedures set forth in ORS chapter 153. Each day of violation of this agreement shall be a separate violation. In addition to the above penalties, any condition caused or permitted to exist in violation of this agreement shall be deemed a public nuisance and the City Attorney may in addition to other remedies provided by law institute injunction, mandamus, abatement or other appropriate legal proceedings to temporarily or permanently enjoin or abate such violation. Penalties and remedies provided in this agreement are not exclusive and are in addition to any other penalties and remedies that are available to the City under any other provision of this agreement, other City Ordinance or law.

Sec. 18 - If any part or section of this ordinance is declared by the courts to be unconstitutional or in violation of any of the provisions of the charter of the City of Haines, Oregon or in violation of any State law of the State of Oregon, or invalid for any other reason, such declaration shall not effect the validity of any other portion or section of this ordinance.


EFFECTIVE DATE: The revision of this ordinance will become effective immediately.

PASSED AND APPROVED by the City Council of the City of Haines on this 9th day of March, 2021.

APPROVED by the Mayor of the City of Haines, Oregon this 9th day of March 2021.


James H. Brown, Mayor

ATTEST BY THE CITY RECORDER this 9th day of March, 2021


Valerie Russell, City Recorder