

**ANIMALS**

**5.250 Definitions.** As used in sections 5.250 to 5.292:

- (1) "At Large" means off the premises of the owner while the dog or animal is not under the complete control of the owner by adequate leash or bridle. However, a dog in a duly recognized obedience school on field training exercise and under the direct supervision of a handler or a dog within a vehicle shall not be considered to be "at large" as defined in this section.
- (2) "Dangerous Animal" means any animal which:
  - (a) has, without provocation, placed a person in fear of imminent physical injury, said fear being reasonable under the circumstances; or
  - (b) has attacked a person or domestic animal without provocation; or
  - (c) is trained for or used in animal fighting.
- (3) "Keeper" means, in addition to its ordinary meaning, the parents or guardian of an animal owner when the owner is under the age of 18 years and when the owner resides with the parent or guardian on the date of the alleged violation of Bend Code 5.250 to 5.292.
- (4) "Owner" means a person, firm, association or corporation owning, in possession, in temporary control of, or who is responsible for the care of an animal.
- (5) "Physical injury" means impairment of physical condition or substantial pain.
- (6) "Unconfined" means not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner or keeper of a dangerous animal. Such pen or structure must be securely constructed and must be adequate to ensure the confinement of the dangerous animal.

**5.252 Dog At Large.** No dog shall run at large. The owner or keeper is responsible for a dog at large.

**5.253 Dog Leash Exceptions Related to Specific Designated Areas**

- (1) The Bend City Council may designate certain areas of public parks, owned and operated by the Bend Metro Parks and Recreation District, or other properties under the control or ownership of others, in the discretion of the City Council, as areas where dogs are not required to be leashed, subject to the other provisions of this section.

- (2) A designation of an area by the Bend City Council under Section 5.253(a) of the Bend Code shall not be effective unless the governing body of an organization, or other owner, of land where dogs will be allowed off-leash provides written consent to the Bend Chief of Police specifying the terms and conditions under which dogs will be allowed off-leash. The terms and conditions provided by the owner of the land, together with the terms and conditions established by the Bend City Council for the preservation of the health, safety and welfare of the public, shall be posted at the property where dogs are allowed off-leash. Any dog owner or person responsible for control of a dog shall be subject to a civil penalty under Bend Code 5.252 for violation of the terms and conditions for off-leash dogs as provided in this Section.
- (3) No dog is allowed off-leash unless its owner is within voice- control range of the dog at all times.
- (4) Dog owners must control their dogs at all times. Allowing a dog to engage in fighting with other dogs or allowing a dog to harass, bark at, threaten or injure a person or animal is not permitted.
- (5) Dog owners must clean up all dog waste promptly after it occurs.

[Section 5.253 added by Ord NS-1854, passed January 15, 2003]

[Section 5.253 re-enacted by Ord NS-2053, passed June 20, 2007]

[Section 5.253 amended by Ord NS-2083, passed December 19, 2007]

#### **5.255 Dog Licensing.**

- (1) Every dog within the city that has a set of permanent canine teeth shall be licensed. The license tag shall be attached to a collar worn by the dog. The owner and/or keeper of the dog shall be found in violation of this ordinance if the dog is not wearing its collar and tag or if the tag is not present on the dog's collar at any time.
- (2) A person owning or controlling a dog within the city shall license the dog not later than 30 days after the person becomes the owner or in control of the dog.
- (3) Licenses shall not be required for dogs owned by dealers, breeders or exhibitors if the dogs are kept in kennels exclusively for sale or exhibition purposes, or while such dogs are being transported by dealers, breeders, or exhibitors to and from a dog show or fair. Licenses are not required for dogs used by blind persons.

[Section 5.255 amended by Ord. No. NS-1492 6-7-89]

**5.260 Animal Waste.** It shall be unlawful for an owner or keeper to allow a dog or an animal listed in Bend Code 5.265 (1) to deposit solid waste matter on any property other than that of the person owning or keeping said animal, but it shall be a defense to this action if the owner promptly removes the solid waste deposited by his animal on any property other than his own.

**5.265 Animals At Large.** No owner or keeper having the care or control of horses, cattle, sheep, or goats shall permit such animals to run at large.

**5.270 Animal Nuisances.** A dog or other animal is a nuisance if it:

- (1) Disturbs any person by frequent or prolonged noises.
- (2) Bites, injures or attacks a person.
- (3) Places a person in fear of imminent physical injury, without provocation, said fear being reasonable under the circumstances;
- (4) Chases vehicles.
- (5) Chases people.
- (6) Damages property belonging to a person other than the owner or keeper of the animal.
- (7) Injures or kills an animal or fowl belonging to a person other than the owner or keeper of the animal.
- (8) Scatters garbage.
- (9) The owner or keeper of an animal committing any of the acts set forth in this section is responsible for the animal's acts and is subject to a civil infraction citation.

**5.272 Dangerous Animals.**

- (1) No owner or keeper of a dangerous animal shall suffer or permit such animal to go unconfined on the premises of the owner or keeper.
- (2) No owner or keeper of a dangerous animal shall suffer or permit such animal to go beyond the premises of such person unless such animal is securely leashed and humanely muzzled or otherwise securely restrained and humanely muzzled.

**5.275 Impound.**

- (1) An animal that has violated Bend Code 5.252, 5.265, 5.270 or 5.272 or is unlicensed as required by law may be seized and impounded. If a member of the Bend Police Department is unable to apprehend such animals without risking injury to the officer or other people, the officer may kill the animal.

- (2) An animal impounded pursuant to subsection (1) of this section shall be held at the Humane Society of Central Oregon, S.P.C.A.
- (3) Animals that have been impounded for violating Bend Code 5.270 (2), (3) or (7) or Bend Code 5.272 shall be held at the Humane Society until any citations issued to the animal's owner or keeper have been resolved by the court system or until the Society has received a court order directing the Society to release or humanely destroy the animal. If no citations have been issued to the impounded animal's owner or keeper within three days of the animal's impoundment or if the court has resolved the citations issued to the animal's owner or keeper and has not issued an order concerning the disposition of the animal, the animal may be humanely destroyed or handled according to Oregon law and Humane Society policies, rules and regulations.
- (4) Animals that have been impounded for any violation of this Code or any other law, other than Bend Code 5.270 (2), (3) or (7) or 5.272, may be humanely destroyed or handled according to Oregon law and Humane Society policies, rules and regulations.
- (5) If the owner or keeper of an impounded animal fails to appear in Bend Municipal Court to answer the charges filed against the owner which resulted in the animal's impoundment or if the owner later fails to appear as required by the Municipal Court, the court may issue an order terminating the rights of the owner to the animal. The court may also order that the animal be humanely destroyed. Prior to issuing a forfeiture order, the Court shall mail a notice to the owner advising the owner that their rights to the impounded animal will be forfeited unless they appear in court within five days of the date of the notice. The notice shall be mailed to the animal owner or keeper at the address shown on the citation to appear or at such address given to the court by the owner or keeper.

#### **5.280 Seizing Certain Animals.**

- (1) Any animal found biting, attacking or injuring or which has injured a person may be summarily seized by any person and promptly delivered to a member of the Bend Police Department.
- (2) Any member of the Bend Police Department, including community service officers, may apply to the Bend Municipal Court for a warrant authorizing the search for and seizure of any animal that has violated Bend Code 5.270 or Bend Code 5.272. The Bend Municipal Court shall have the authority to issue a warrant authorizing the search for and seizure of any animal found to be in violation of any order of the court then in effect.
- (3) Nothing in this section is intended to limit the search and seizure authority of City police officers otherwise provided by law.

**5.285 Rabid Dogs.**

Management and disposition of rabid animals shall be as prescribed by Oregon Law.

**5.290 Vehicles Injuring Animals.**

- (1) A person operating a vehicle who runs over, strikes, injures, maims or kills a domestic animal shall immediately stop and aid the animal if the animal is injured, or provide for the disposition of the carcass if the animal is killed. In either case, such person shall diligently inquire to determine the owner of the animal. If the owner is found, the person shall notify the owner of the occurrence and, if the owner is not found, the person shall report it to the Bend Police Department.

**5.292 Penalties.**

- (1) A violation of Bend Code 5.270, 5.272 or 5.285 is a Class A civil infraction.
- (2) A violation of Bend Code 5.252, 5.253, 5.255, 5.260, 5.265 and 5.290 is a Class B civil infraction.
- (3) The Bend Municipal Judge may order the owner or keeper of an animal that violates any provision of Bend Code 5.250 - 5.290 to pay a part of the court's fine to compensate any person for damages caused by the offending animal. Said damages shall be limited to those damages that could be recovered as special damages in a civil action based upon the animal's misconduct. The payment of compensation under this section is not intended to limit or impair the ability of an injured person to sue and recover damages from the defendant in a civil action.
- (4) The Bend Municipal Court Judge may order the owner or keeper of an animal that violates any provision of Bend Code 5.250 -5.290 to reimburse the City of Bend for any and all impound costs incurred by the City.
- (5) The Bend Municipal Court Judge shall enter an order requiring that an animal that has violated Bend Code 5.270 (2) be humanely destroyed, unless the animal owner can establish by a preponderance of the evidence that the animal was provoked into biting, injuring or attacking.
- (6) The Bend Municipal Court Judge shall enter an order requiring that an animal be humanely destroyed if the animal has committed a total of two violations, within a five year period, of any of the following: Bend Code 5.270 (3), 5.270 (7) or 5.272. If the animal owner establishes, by a preponderance of the evidence, that the animal was provoked into committing one of the two violations, the Municipal Court Judge may suspend said order.

- (7) If the Bend Municipal Court Judge determines that an animal should be humanely destroyed pursuant to Bend Code 5.292 (5) or (6) and the judge finds that the animal's violation of Bend Code 5.270 (2), (3) or (7) or Bend Code 5.272 was caused by the neglect, abuse or tormenting of the animal by its owner, the judge may enter an order terminating the animal owner's rights in the animal and prohibiting the owner from owning or possessing animals within the City of Bend. Further, the judge may allow such an abused animal to be placed with the Humane Society for possible adoption if the Court believes that the abuse was the primary cause of the animal's violation of Bend Code 5.270 (2), (3) or (7) or Bend Code 5.272. A person who violates an order entered pursuant to this subsection commits a Class A civil infraction.
- (8) The Bend Municipal Judge may stay the execution of his or her order to humanely destroy an animal which has been entered pursuant to Bend Code 5.292 (5) or (6) if the animal's owner or keeper can demonstrate by a preponderance of the evidence that the animal is unlikely to be a repeat offender of Bend Code 5.270 (2), (3) or (7) or 5.272. The stay of execution may last for up to five years upon such conditions as are reasonably related to the animal's violation of this code. Such conditions may include, but are not limited to the following:
- a) confinement of the animal in a securely enclosed and locked pen or structure upon the premises of the owner or keeper or within the residence of the animal owner;
  - b) muzzling the animal in a humane manner;
  - c) a requirement that the animal or owner commit no further violations of animal related laws;
  - d) a requirement that the animal owner post a bond of up to \$5,000 which may be used to pay for future injuries caused to people, animals or property;
  - e) a requirement that the animal owner pay Court ordered fines and restitution resulting from the animal's violation of this code.

[Section 5.292 amended by Ordinance No. NS-1492, passed June 7, 1989]

**5.293 Appeals.** The allowance of an appeal filed by the Defendant shall not stay the proceedings on the judgment unless the defendant:

- (1) Posts bail in the amount set by the Municipal Court bail schedule; and
- (2) For any offense that the animal has been impounded pending disposition of the infraction complaint, the animal owner must execute an undertaking with one or more sureties for the costs and disbursements that may be awarded against the appellant on appeal. Said costs shall include the cost incurred by the City for impounding the animal pending appeal and shall be set in an amount no less than the cost of impounding the animal for one year at the rate charged the City by the Humane Society of Central Oregon, S.P.C.A.

5.293

**BEND CODE**

5.293

[Section 5.250 to 5.293 amended by Ord. No. NS-1449, passed 9-3-86]

[Section 5.292 amended by Ord. No. NS-1492, passed 6-7-89]

[Section 5.292 amended by Ord. No. NS-1854, passed 1-15-03]

[Section 5.280 and 5.285 amended by Ord. No. NS-2015, passed 6-21-06]