

TITLE 6
CHAPTER 6

ANIMAL CONTROL

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6-6-000: DEFINITIONS: As used in this chapter, the following definitions apply:

ANIMAL	Any nonhuman mammal, bird, reptile, amphibian or fish
ANIMAL DAYCARE OR OVERNIGHT BOARDING FACILITY	An animal shelter or a place of business where animals are boarded, but does not include a breeding kennel
DANGEROUS ANIMAL	Any animal that the Municipal Court Judge has determined to have: Without provocation, placed a person in reasonable fear or imminent physical injury; or Attacked a person or domestic animal without provocation; or Been trained for or used in animal fighting
DOMESTIC DOG OR "DOG"	Animals of the species <i>Canis familiaris</i>
DOMESTIC CAT OR "CAT"	Animals of the species <i>Felis catus</i>
EXOTIC PET	An animal, other than livestock, kept and maintained as a pet, including but not limited to guinea pigs, gerbils, turtles, ferrets, small reptiles, and various small rodents or mammals specifically bred as household pets and customarily routinely kept in residential areas as a domestic pet, but excluding the domestic dogs and domestic cats.
KEEPER	In addition to its ordinary meaning, an individual, firm, partnership, association, or corporation which is in possession of, in temporary control of, or who is responsible for the care of an animal. The term "keeper" also means the parent or guardian of the Owner of an animal, if the Owner is under the age of 18 years and the Owner resides with the parent or guardian on the date of the alleged violation.

LIVESTOCK	Includes but is not limited to, the following animals that are normally kept for agricultural purposes: pigs, horses, mules, asses, swine, emus, ostrich, turkeys, ducks, geese, male chickens (roosters), camels, llamas, alpacas, sheep, goats, deer, moose, elk, bison, fur bearing animals including fox and mink and animals of the bovine species, but does not include domestic cats, domestic dogs, or exotic pets.
OFF LEASH AREA	An area designated by the Florence City Council pursuant to this chapter of the Florence City Code as an area where dogs are not required to be leashed.
OWNER	An individual, firm, partnership, association, or corporation that owns an animal.
PHYSICAL INJURY	Impairment of physical condition or substantial pain
PROHIBITED ANIMALS	Livestock, rodents which do not meet the definition of exotic pets, poisonous snakes, large carnivorous snakes, bears, deer, felines other than domestic cats, crocodiles, alligators, or other similar predators not customarily and routinely kept in residential areas as domestic pets.
RUN AT LARGE	An animal is off or outside the private premises from which the Owner or Keeper is allowed to exclude others and is not under the complete, tethered control of the Owner or Keeper by adequate leash or bridle. Any animals fully enclosed inside a vehicle shall not be considered to be "at large". As used in this Chapter, "adequate leash or bridle" means a leash or bridle that is strong enough to physically restrain and control the animal and one that does not extend beyond 6 feet in length.
SMALL ANIMAL CLINIC	A business establishment in which veterinary services are rendered to small domestic pets on an outpatient basis with overnight boarding allowed.

6-6-005: EXEMPTION FOR LAW ENFORCEMENT ANIMALS: An animal owned by a law enforcement agency is exempt from the provisions of this Chapter, so long as the animal is under the care and control of a law enforcement officer.

6-6-010: OWNER/KEEPER RESPONSIBILITY FOR ANIMAL: The Owner or Keeper of an animal which violates the provisions of this chapter is responsible for the animal's acts and condition and the Owner or Keeper is subject to the penalties provided in Section 6-6-100 for the animal's violations of any provision of this chapter.

6-6-015: ANIMAL WASTE: It shall be unlawful for an Owner or Keeper of an animal, other than a domestic cat, to allow it to deposit solid waste matter on any property other than the property of the Owner or Keeper of the animal without prior permission from the owner or occupant of the property, unless the Owner or Keeper of the animal promptly and completely removes the solid waste deposited by the animal.

6-6-025: ANIMAL AT LARGE:

- A. No animal, except domestic cats, shall run at large. The Owner or Keeper of an animal is responsible for an animal at large.
- B. Notwithstanding the subsection (A) of this section, domestic cats with infectious diseases are prohibited from running at large as provided in Section 6-6-060.

6-6-030: OFF LEASH AREAS:

- A. The Florence City Council may, in its discretion, designate certain areas of public parks or other areas under the ownership or control of the City, which are owned or leased by the City, as areas where dogs are not required to be leashed, subject to the other provisions of this section.

- B. A designation of an area as an Off Leash Area by the Florence City Council shall be effective as soon as notice of the designation has been provided to the Florence Chief of Police. Owners and Keepers of dogs utilizing Off Leash Areas must comply with any City regulations applicable to all Off Leash Areas as established by Resolution of the City Council or as established by the City Manager.
- C. The Owner or Keeper of a dog that is in an Off Leash Area must control the dog at all times. The Owner or Keeper of a dog shall not allow a dog to fight with other dogs, or to harass, bark at, bite, threaten, or injure any person or animal.
- D. If a dog or an Owner or Keeper is found to be in violation of this section, the dog may be excluded from Off Leash Areas for up to twenty-four hours. If a citation is issued for animal nuisance under this chapter, the dog shall be excluded from all Off Leash Areas, pending a review of and determination on the citation by the Florence Municipal Court Judge. An Owner or Keeper who returns a dog to an off Leash Area during the time the dog is excluded from Off Leash Areas is subject to the penalties described in 6-6-100.
- E. Dogs which have been designated as Dangerous Animals under this Chapter shall not be permitted in an Off Leash Area under any circumstances.
- F. Any Owner or Keeper of a dog shall be subject to the penalties described in 6-6-100 for violation of the terms and conditions of an Off Leash Area.

6-6-035: DANGEROUS ANIMALS: Any animal may be designated as a Dangerous Animal by the order of the Florence Municipal Court Judge. If an animal is designated as a Dangerous Animal, the following restrictions apply to the animal:

- A. The Owner or Keeper of the Dangerous Animal shall cause the animal to be confined to premises from which the Owner or Keeper may lawfully exclude others, either securely indoors or confined in a securely enclosed and locked pen or similar structure; such pen or structure must be securely constructed and must be adequate to ensure the confinement of the animal.
- B. No Owner or Keeper of a Dangerous Animal shall permit the animal to leave the premises from which the Owner or Keeper may lawfully exclude others unless the animal is humanely muzzled and either securely leashed or otherwise securely restrained and led by a person physically capable of handling the animal.
- C. The Florence Municipal Court Judge may require that the animal's Owner or Keeper post signs on the premises where the animal is kept indicating that the animal is a Dangerous Animal.
- D. If the animal designated as a Dangerous Animal is a dog, the dog shall at all times be required to wear a special dog tag indicating that the dog is a Dangerous Animal. In addition, the dog must be micro-chipped for identification purposes. The Owner shall be responsible for payment for the special tag and microchip.
- E. Dangerous Animals are prohibited in all public parks and on any other property owned by the City.

6-6-040: ANIMAL NUISANCES: An animal is a nuisance if it:

- A. Bites, injures or attacks a person without provocation;
- B. Places a person in fear of imminent physical injury, without provocation, said fear being reasonable under the circumstances.
- C. Injures or kills an animal belonging to a person other than the Owner or Keeper of the nuisance animal;
- D. Is trained for or used in animal fighting;
- E. Disturbs any person by frequent or prolonged noises;

- F. Chases vehicles, including bicycles, or obstructs traffic;
- G. Chases people;
- H. Damages property belonging to a person other than the Owner or Keeper of the animal;
- I. Scatters garbage;
- J. Is under the control of an Owner or Keeper who fails to comply with Section 6-6-030(C) and/or any off leash regulations at an Off Leash Area;
- K. Is found running at large in the City more than three (3) times within any twelve month period or five (5) or more times over the entire time the animal has lived in the City.
- L. Is under the control of an Owner or Keeper who fails to prevent it from traveling upon school grounds, public parks, or public watershed areas unless the areas are specifically signed or otherwise noticed to permit such.

6-6-045: IMPOUND:

- A. An animal that has violated this Chapter or that lacks a required license may be seized and impounded by an officer of the Florence Police Department.
- B. If an animal poses an immediate threat to human or animal life, and the officer has determined that other means of controlling the animal are or would likely be ineffective, the officer may kill the animal.
- C. An impounded animal shall be placed in an animal shelter under contract with the City of Florence Police Department and shall be held by that animal shelter until:
 - 1. The Florence Police Department has authorized the release of the animal to the Owner or Keeper of the animal;
 - 2. The Florence Police Department has authorized the release of the animal to the animal shelter; or
 - 3. The animal shelter has received a court order releasing the animal to the shelter, directing the shelter to release the animal to the animal's Owner or Keeper, or directing the shelter to humanely destroy the animal.
- D. An animal released to an animal shelter by the Florence Police Department or by court order as provided in paragraph (C) of this section, shall be handled according to Oregon law and the animal shelter's policies, rules and regulations, including those governing humane destruction of the animal.
- E. If an animal has been impounded and one or more citations have been issued to the animal's Owner or Keeper, but the animal's Owner or Keeper does not make a personal or written appearance on the citation(s) in the Florence Municipal Court within the time required by the citation(s), then the Court may issue an order terminating the rights of the Owner to the animal and declaring that the animal may be handled according to Oregon law and the animal shelter's policies, rules and regulations, including humane destruction of the animal. Prior to issuing an order terminating the rights of the Owner, the Court shall cause a written notice to be delivered or mailed to the Owner or Keeper of the animal. The notice shall advise the Owner or Keeper that the Owner or Keeper's rights to the impounded animal will be forfeited unless the Owner or Keeper makes a personal appearance in the Florence Municipal Court within five business days of the date of the notice. The notice shall be mailed or delivered to the Owner or Keeper of the animal at the address shown on the citation or at any address provided to the Court by the animal's Owner or Keeper.
- F. If an animal has been impounded and the Owner or Keeper of the animal makes a first appearance in the Florence Municipal Court, but the Owner or Keeper later fails to appear as required by the Municipal Court, then the Court may proceed as provided in subsection (E) of this Section.

6-6-055: WARRANT FOR SEIZURE OF ANIMALS:

- A. Any police officer, reserve officer, or code enforcement officer may apply to the Florence Municipal Court for a warrant authorizing the search for and seizure of any animal that has violated this chapter. The Florence Municipal Court Judge may issue the warrant based on a prima facie showing that the violation has occurred.
- B. Nothing in this section is intended to limit the search and seizure authority of City police officers as otherwise provided by law.

6-6-060: RABID & DISEASED ANIMALS: Management and disposition of rabid animals shall be as prescribed by Oregon Law. Owning or keeping an animal infected with a contagious disease and allowing that animal to run at large or to enter any public place where the health of another animal or any person may be affected is prohibited.

6-6-065: CRUELTY & MISTREATMENT: Except as otherwise authorized by law, no person shall intentionally or recklessly:

- A. Subject any animal under human custody or control to mistreatment.
- B. Subject any animal under his custody or control to neglect.
- C. Kill or injure, without legal privilege, any animal under the custody or control of another, or any wild bird. This includes killing animals for human consumption.

6-6-070: FEEDING WILD ANIMALS PROHIBITED:

- A. No person shall scatter or deposit any food or other attractants on public or private property with or without the intent of attracting and/or feeding wild animals, including, but not limited to, bears, seagulls, crows, pigeons, raccoons, feral cats, wild rabbits, rodents, coyotes, and deer. Leaving food outside for any purpose, including for the purpose of feeding domestic animals and pets, in a place where wild animals can access it, shall be a violation of this section if the food in fact becomes an attractant for wild animals.
- B. Exceptions:
 - 1. This section shall not apply to birdseed held in receptacles which are reasonably designed to prevent, and do prevent, access to the food by wild animals such as bears, seagulls, crows, pigeons, raccoons, deer, rabbits, and rodents.
 - 2. This section shall not apply to the feeding of caged animals such as domestic chickens, rabbits, guinea pigs, or various rodents that are commonly kept as pets and allowed by the City Code, provided that they are fed in a way that is reasonably designed to prevent, and does prevent, access to the food by wild animals such as bears, seagulls, crows, pigeons, raccoons, deer, rabbits, and rodents.
 - 3. This section shall not apply to providing food, during daytime hours, in live traps being used to capture feral cats for spaying and/or neutering.

6-6-075: TRAPPING ANIMALS: Trapping animals within the City limits is prohibited except as follows:

- A. Upon written authorization of the Chief of Police or his designee, it shall be legal to trap abandoned domestic and feral cats for the purpose of delivering them to the Florence Area Humane Society or another location approved by the Chief of Police.

- B. Upon the written authorization of the Chief of Police, or his designee, it shall be legal for a licensed pest control business to use live traps within the City for the purpose of controlling pest animals. For purposes of this section "pest animals" means any animals which can cause disease or damage to humans, animals or property.

6-6-080: EXEMPTION FOR GOVERNMENT AGENTS: Police officers, including the City's code enforcement officer, and government wildlife agents are exempt from the provisions of this Chapter when they trap, drug or kill any animal reasonably deemed by them to be a danger to any person, any domestic animal, or a hazard to aviation, navigation, or the use of City Streets.

6-6-085: INJURY BY VEHICLE: Any person operating a vehicle within the City who runs over, strikes, injures, maims, or kills 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. In either case, such person shall make due and diligent inquiry to determine the Owner of such animal, and, if the Owner can be found, shall notify the Owner of the occurrence. If the Owner cannot be found, such person shall report the same to the Chief of Police, or his designee.

6-6-090: REMOVAL OF CARCASS: No person shall permit an animal carcass owned or controlled by him to remain upon 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.

6-6-095: DESTRUCTION OF ANIMALS:

- A. Subject to subsection (D) of this section, if an animal has been found to have violated Florence City Code 6-6-040(A), the Florence Municipal Court Judge may enter an order terminating the animal's rights to the animal and/or requiring that the animal be humanely destroyed.
- B. Subject to subsection (D) of this section, if an animal has been found to have committed two or more violations of Florence City Code 6-6-040 (B), (C) or (D) within a five-year period, the Florence Municipal Court Judge may enter an order terminating the animal Owner's rights to the animal and/or requiring that the animal be humanely destroyed.
- C. If the Judge determines that an animal's violation of Florence City Code 6-6-040 (A), (B), (C), or (D) 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 to the animal and prohibiting the Owner from owning or possessing animals within the City of Florence. Further, if the Judge determines that the neglect, abuse or torment was the primary cause of the animal's violation of Florence Code 6-6-040 (A), (B), (C), or (D) then the Judge may allow the abused animal to be placed with an animal shelter for possible adoption.
- D. If the Florence Municipal Court Judge determines that an animal is unlikely to be a repeat offender of the provisions of this Chapter, then the Judge may suspend any orders in subsection (A) or (B) of this section for a period of up to five years, subject to certain conditions, which may include:
1. A requirement that neither the animal nor the animal's Owner or Keeper commit any further violations of this Chapter;
 2. A requirement that the animal be sterilized;
 3. A requirement that the animal's Owner or Keeper pay Court ordered fines resulting from the animal's violation of this code.
 4. A designation of the animal as a Dangerous Animal that is subject to the Dangerous Animal Restrictions described in Florence Code 6-6-035.
 5. A provision that allows law enforcement officers, including city code enforcement officers, upon a future violation of Sections 6-6-025, 6-6-035 or 6-6-040 by the animal, to take the animal into custody pending further review and order by the Florence Municipal Court Judge.
 6. Any other condition that the judge deems appropriate.

6-6-096: PROHIBITED ANIMALS: It shall be a violation of this Chapter to own or keep any prohibited animals inside the City. However, the City Manager, subject to the terms or conditions the City Manager may impose, may permit prohibited animals to be temporarily kept in the City for special projects or special events when the presence of the animal service a public purpose or is reasonably necessary for a special event.

6-6-100: PENALTIES:

- A. Violations of this Chapter shall be punishable as provided in this section 6-6-100. However, no greater penalty shall be imposed than the penalty prescribed by Oregon statute for the same act or omission.
- B. Violations of section 6-6-060 (Rabid & Diseased Animals) and 6-6-065 (Cruelty & Mistreatment) of this Chapter shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) and/or imprisonment not to exceed three hundred sixty-five (365) days, or both fine and imprisonment.
- C. As used in this Chapter, the following violations are punishable by a fine not to exceed \$750:
 - 1. Owning or Keeping an animal that is a nuisance under Section 6-6-040.
 - 2. Violation of an order terminating an owner's rights issued pursuant to Section 6-6-095.
 - 3. Violation of Section 6-6-035 as it pertains to the confinement and/or control of dangerous animals.
 - 4. Violation of the terms and conditions of an off leash area as provided in Section 6-6-030.
- D. Violation of the dog licensing provisions of Section 6-6-020 is punishable by a fine not to exceed \$175.
- E. Violations of Section 6-6-025 (Animal at Large) shall be punishable as follows:
 - 1. The first violation: \$50
 - 2. The second violation: \$100
 - 3. The third violation: \$200
 - 4. The fourth violation: \$400
 - 5. The fifth and all subsequent violations: \$750
- F. All other violations of this Chapter, except as set out in subsections (A) through (E) above, are punishable by a fine not to exceed \$500.
- G. Reimbursement of impound costs. The Florence Municipal Court Judge may order the Owner or Keeper of an animal that violates any provision of this Chapter to reimburse the City of Florence for any and all impound costs incurred by the City.
- H. Exclusion from Off Leash Areas. If an animal is found in violation of the provisions of this Chapter and the violation occurred in an Off Leash Area, the Florence Municipal Court Judge may order that the animal be excluded from all Off Leash Areas.

Amended by Ord. 13, Series 1993 - Effective May 17, 1993
Amended by Ord. 12, Series 1996 – Effective August 5, 1996
Amended by Ord. 16, Series 1996 – Effective November 6, 1996
Amended by Ord. 8, Series 2010 – Effective May 19, 2010
All sections deleted and replaced by Ord. 17, Series 2011 – Effective September 15, 2011
Section 6-6-040-L added by Ord. 5, Series 2013 – Effective January 8, 2014
Section 6-6-020 deleted by Ord. 18, 2016 – Effective January 18, 2017