

**CITY OF BOARDMAN
ORDINANCE NO. 2-2024**

**AN ORDINANCE AMENDING THE BOARDMAN MUNICIPAL CODE
TITLE 6 ANIMAL CONTROL**

WHEREAS, the City of Boardman ("City") has authority granted by the Boardman Charter of 1985; and

WHEREAS, the City has an adopted Municipal Code; and

WHEREAS, the City has identified a need to amend provisions of the Boardman Municipal Code, Title 6 Animal Control, to create clarity and address the inconsistencies; and

WHEREAS, the Boardman City Council considered the changes on February 6, 2024, at which it received comment from the public; and

WHEREAS, after considering the amendment, the Boardman City Council decided to approve the amendment to Title 6 Animal Control of the Boardman Municipal Code.

NOW THEREFORE, THE PEOPLE OF BOARDMAN DO ORDAIN AS FOLLOWS:

Section 1 Affected and Attached Document. After full consideration of the matter, the City Council of the City of Boardman adopts the amendment to Title 6 Animal Control of the Boardman Municipal Code attached as Exhibit A.

Section 2 Readings. The first reading of this Ordinance shall be on February 6, 2024.

Section 3 Effective Date. This ordinance shall take effect 30 days after its final reading and passage.

Passed by the Council and approved by the Mayor, this 6th day of February, 2024.

Paul Keefer, Mayor

ATTEST:

Amanda Mickles, City Clerk

EXHIBIT A

Title 6 – ANIMAL CONTROL

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Chapter 6.04 - ANIMAL CONTROL

6.04.010 - Definitions.

As used in this chapter, except where the context indicates otherwise:

"Aggressive dog" means any dog that has been found to have engaged in any of the behaviors specified in BMC 6.04.060(1)(a).

"Animal shelter" means facility designated or recognized by the city of Boardman for the purpose of impounding and caring for animals.

"At-Large" means that a dog is off or outside of the premises from which the keeper of the dog may lawfully exclude others, or is not in the company of and under the control of its keeper.

"City" means the city of Boardman, Oregon

"Council" means the governing body of the city.

"Dangerous animal" means any animal, other than a dog, that constitutes a physical threat to human beings or domestic animals.

"Dangerous dog" means any dog that has been found to have engaged in any of the behaviors specified in BMC 6.04.060 (1)(b).

"Dog run" means a secured structure not less than twelve (12) feet by five feet in size with a concrete floor, fencing surrounding and secured into the concrete and over the top of the enclosure, lockable gate and provisions for maintaining the animal in a humane manner.

21 "Euthanized" means put to death in a humane manner by a licensed veterinarian or certified euthanasia
22 technician.

23 "Exotic animal" means any lion, tiger, leopard, cheetah, ocelot or any other cat not indigenous to
24 Oregon, except the species *Felis catus* (domestic cat); any monkey, ape, gorilla or other nonhuman
25 primate; any wolf or any canine not indigenous to Oregon, except the species *Canis familiaris* (domestic
26 dog); any bear except the black bear (*Ursus americanus*); any venomous or poisonous reptile, any reptile
27 of the order Crocodylia (crocodiles, alligators and caimans), or any snake of the family Pythonidae or
28 Boinae capable of obtaining eight feet or more in length.

29 "Kennel" means an establishment kept for the purpose of breeding, selling or boarding dogs or engaged
30 in training dogs.

31 "Licensing authority" means the agency or department of the city of Boardman or any designated
32 representative thereof charged with administering the issuance and/or revocation of permits and
33 licenses under the provisions of this chapter.

34 "Livestock" includes, but is not limited to, any horse, mule, burro, llama, cow, goat, sheep, swine, or
35 poultry such as roosters, chickens, geese, turkeys or other domestic fowl, regardless of age.

36 "Minimum care" means care sufficient to preserve the health and well-being of an animal and, except
37 for emergencies or circumstances beyond the reasonable control of the owner, includes, but is not
38 limited to, the following requirements:

- 39 a. Food of sufficient quantity and quality to allow for normal growth or maintenance of body
40 weight.
- 41 b. Open or adequate access to potable water in sufficient quantity to satisfy the animal's needs.
42 Access to snow or ice is not adequate access to potable water.

- 43 c. For a domestic animal other than a dog engaged in herding or protecting livestock, access to
44 adequate shelter.
- 45 d. Veterinary care deemed necessary by a reasonably prudent person to relieve distress from
46 injury, neglect or disease.
- 47 e. Domestic animal shall not be confined to an area without adequate space for exercise necessary
48 for the health of the animal or which does not allow access to a dry place for the animal to rest.
49 The air temperature in a confinement area must be suitable for the animal involved.
50 Confinement areas must be kept reasonably clean and free from excess waste or other
51 contaminants which could affect the animal's health.

52 "Neutered" or "Spayed" means rendered permanently incapable of reproduction.

53 "Officer" means any person employed by the city of Boardman as a Police Officer, Code Compliance
54 Officer, or Animal Control Officer.

55 "Owner" or "Keeper" means any person, firm, association or corporation that owns, possesses, controls
56 or otherwise has charge of a dog.

57 "Pet" or "domestic animal" means an animal, other than livestock or equines, that is owned or
58 possessed by a person, that lives and breeds in a tame condition and can be handled by an owner to the
59 extent that minimum care is provided.

60 "Physical control device" means a sufficiently strong collar connected to a leash or tether made of chain
61 links, or other material as strong, or fenced or enclosed in a structure so as to prevent the escape of an
62 animal by breaking of the device.

63 "Physical injury" means impairment of physical condition or substantial pain.

64 "Possess" means to have physical possession or otherwise to exercise dominion or control over
65 property. The act of providing food and water for feral animals is not sufficient grounds to claim
66 possessory right.

67 "Public nuisance" means a dog is a public nuisance if it:

- 68 1. Bites a person;
- 69 2. Chases or menaces persons or chases vehicles on premises other than premises occupied
70 exclusively by the keeper of the dog;
- 71 3. Damages or destroys property of persons other than the keeper of the dog;
- 72 4. Scatters garbage on premises other than premises occupied exclusively by the keeper of the
73 dog;
- 74 5. Trespasses on private property of persons other than the keeper of the dog;
- 75 6. Disturbs any person by frequent or prolonged noises;
- 76 7. Is a female in heat and running at large; or
- 77 8. Injures or kills a domestic animal.

78 "Restraint" means a dog will be considered under "restraint" if it is within the real property limits of the
79 keeper of the dog and is under control of a responsible person, or it is contained with a fence that
80 maintains control of the animal. While off of the property of the keeper of the dog, the animal must be
81 on a leash or lead under control of a responsible person or be contained within a portable kennel. If the
82 dog has been determined, by the city, to be a dangerous or aggressive dog, consistent with the
83 definitions of this chapter, restraint shall mean contained by means of city approved kennel or dog run,
84 chained and muzzled, securely fenced and muzzled, inside of a secure structure, or leashed and muzzled
85 when off the premises of the premises occupied by the keeper of the dog.

86 "Serious physical injury" means physical injury, which creates a substantial risk of death or that causes
87 protracted disfigurement, protracted impairment of health or protracted loss or impairment of the
88 function of a limb or bodily organ.

89 "Tethering" means to restrain a domestic animal by tying the domestic animal to any object or structure
90 by any means. Tethering does not include using a handheld leash for the purpose of walking a domestic
91 animal.

92 "Wildlife" means any undomesticated wild mammal or reptile that is wild by nature.

93 6.04.020 - Licensing and rabies vaccination.

94 A. No person shall own, keep, or harbor any unvaccinated or unlicensed dog over six months of age
95 within the city unless a licensed veterinary doctor provides written documentation stating
96 reasons the doctor will not vaccinate the dog. In no instance will an unvaccinated or unlicensed
97 dog over one year of age be allowed within the city. The provisions of this section do not apply
98 to animals owned by a licensed research facility or held in a veterinary medical facility or
99 government operated or licensed animal shelter.

100 B. All dogs shall be vaccinated against rabies by a licensed veterinarian, in accordance with the
101 latest Compendium of Animal Rabies Vaccines and Recommendations for Immunization
102 published by the National Association of State Public Health Veterinarians.

103 C. A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form
104 recommended by the Compendium. Each keeper of a dog shall also receive a durable
105 vaccination tag indicating the year in which it was issued.

106 D. 1. Application for a license must be made within thirty (30) days after obtaining a dog over six
107 months of age, except that this requirement will not apply to a nonresident keeping a
108 vaccinated dog within the city of Boardman for no longer than sixty (60) days.

109 2. Application for a dog license can be made to the city on the city of Boardman dog license
110 application form online via Citizenserve, which includes the name, address, phone and other
111 contact information of the keeper of the dog and the name, breed, color, age, sex and history of
112 the dog. Applicants also shall pay the prescribed licensing fee and provide proof of current
113 rabies vaccination.

114 E. The standard licensing period shall be for two years. License renewal may be applied for within
115 sixty (60) days prior to the expiration date. New residents must apply for a license within thirty
116 (30) days of establishing residence.

117 F. A dog determined, by the city or designee, to be a dangerous or aggressive dog as defined by
118 Section 6.04.010 of the Boardman Municipal Code shall have a licensing period of six months.
119 Proof of liability insurance or a bond in the amount of ten thousand dollars (\$10,000.00)
120 covering the actions of the dog is required for the length of the licensing period. Failure to
121 renew the license for a dangerous or aggressive dog will be a violation of this code and the
122 keeper of the dog can be issued a citation with penalties which can include humane euthanizing
123 of the dog.

124 G. Upon acceptance of the license application and fee, the city shall issue a durable license tag
125 including an identifying number.. Both rabies and license tags must be attached to the collar of
126 the dog. Tags must be worn at all times and are not transferable. The city shall maintain a record
127 of all licenses issued.

128 H. A license shall be issued after payment of a fee in an amount established by resolution of the
129 city council. Persons who fail to obtain a license as required within the time period specified will
130 be subjected to a delinquent fee.

131 I. The city may revoke any license if the person holding the license refuses or fails to comply with
132 this chapter, the regulations promulgated by the city or any other law governing the protection
133 and keeping of animals.

134 J. If any applicant is shown to have withheld or falsified any material information on the
135 application, the city may refuse to issue or may revoke a license. The city will attempt to notify
136 the respective license holder by certified mail within ten (10) working days after refusing to
137 issue a license, or revoking any license previously issued.

138 6.04.030- Disease control

139 A. No owner shall permit any animal or bird that is afflicted with a communicable disease to come
140 in contact with another animal, bird, or human that is susceptible to the affliction.

141 B. No owner shall permit the body of an animal to remain upon the public streets or private
142 property for a period of time longer than is reasonably necessary to remove such carcass.

143 C. Any owner or person having custody or control of an animal shall immediately remove
144 excrement or other solid waste deposited by the animal on public or private property. Nothing
145 in this chapter authorizes a trespass by an animal or its owner onto private property of another
146 or the creation of an unsanitary condition on private property of another or on public property.
147 Excrement shall be removed from primary enclosures and areas as often as necessary to prevent
148 contamination, reduce disease hazards and minimize odors.

149 D. No owner shall cause or allow any place or location where an animal is or may be kept, to
150 become unclean or unwholesome. Storage of food supplies and bedding materials shall be
151 designed to prevent vermin infestation.

152 E. An animal that is placed under quarantine by the city shall be kept separated from any other
153 animals or people other than the owner's family or pets for a period of not less than 10 days.

154 F. Whenever any animal bites a person, the owner of said animal shall immediately notify Animal
155 Control. Animal Control shall order the animal held on the owner's premises or shall have it
156 impounded for a period of not less than 10 days if it has been determined that there is no proof
157 of proper rabies inoculation which is current.

158 G. No person shall own, keep, or harbor any dog over six months of age unless the dog is
159 vaccinated for rabies.

160 6.04.040 - Owner responsibility.

161 A. All dogs shall be kept under restraint as defined in this chapter.

162 B. Every dog determined by the city to be a dangerous or aggressive dog shall be confined by the
163 keeper of the dog, within a secure building, secure kennel or dog run. Whenever off the
164 premises, the dog shall be securely muzzled and leashed or muzzled and caged.

165 C. No dog shall be allowed to cause a public nuisance. The keeper of every dog shall be held
166 responsible for every behavior of such dog under the provisions of this chapter.

167 D. Any person responsible for any dog, shall remove excrement deposited by the dog:

168 1. In any public area not specifically designated to receive those wastes, including, but not
169 limited to, streets, sidewalks, parking strips, city parks, trails or pathways paralleling
170 swales, ditches, culverts or other similar facilities operated by the city; or

171 2. On any private property, other than property owned by or controlled by the owner or
172 keeper of the dog, without prior permission by any other property owner where said
173 excrement is deposited by the dog.

174 E. A person commits the offense of unlawful tethering if the person tethers a domestic animal in
175 the person's custody or control:

- 176 1. With a tether that is not reasonable length given the size of the domestic animal and
177 available space that allows the domestic animal to become entangled in a manner that
178 risks the health or safety of the domestic animal;
- 179 2. With a collar that pinches or chokes the domestic animal when pulled;
- 180 3. For more than 10 hours in a 24-hour period; or
- 181 4. For more than 15 hours in a 24-hour period if the tether is attached to a running line,
182 pulley or trolley system.

183 6.04.050 – Animal restrictions and prohibitions

- 184 A. Exotic Animals. No person shall possess, maintain, or keep any exotic animal in the city limits.
- 185 B. Livestock. No person shall possess, maintain, or keep any livestock in the city limits.
- 186 C. Wildlife. No person shall possess, maintain, or keep any wildlife in the city limits.
- 187 D. Dangerous Animals. No person shall possess, maintain, or keep any dangerous animals inside
188 city limits.

189 6.04.060 – Dangerous or aggressive dog

- 190 1. Classification of Levels of Dangerousness of Dogs.
- 191 A. A dog shall be classified as aggressive if it bites, causes physical injury, or otherwise threatens or
192 endangers the safety of any person or domestic animal while:
- 193 1. It is at-large;
- 194 2. It is off the property of the owner and on a physical control device;
- 195 3. It is on the property of the owner but not restrained or contained in a manner that
196 would reasonably prevent incidental contact by any person; or

197 4. It is in or on a motor vehicle and not restrained or otherwise physically prevented from
198 reaching any area outside the perimeter of the vehicle.

199 B. A dog shall be classified as dangerous if:

200 1. It causes the serious physical injury or death of any person;

201 2. While at-large or off the property of the owner it kills any domestic animal; or

202 3. Causes physical injury to any person after the owner has received notice of the
203 aggressive dog classification because of causing physical injury to a person.

204 C. A dog shall not be classified as dangerous or aggressive, even if the dog has engaged in these
205 behaviors, upon a determination that the behavior was caused by abuse or torment of the dog,
206 or criminal activity on the part of any victim.

207 D. No dog shall be found to be dangerous or aggressive if it is a dog trained for law enforcement
208 purposes and is on duty under the control of an officer.

209 2. Identification of Dangerous or Aggressive Dogs – Appeals – Restrictions Pending Appeal.

210 A. An officer shall determine whether any dog has engaged in the behaviors specified in
211 subsection 1 of this section. The determination shall be based upon an investigation that
212 includes observation of the dog's behavior by an officer, or by other witnesses who personally
213 observed the behavior. Observations must be in writing attesting to the observed behavior.

214 B. The officer shall give the dog's owner written notice by certified mail or personal service that
215 includes;

216 1. the dog's specific behavior;

217 2. the dog's classification as a dangerous or aggressive dog; and

218 3. additional restrictions applicable because of the dog's classification.

219 4. The owner may appeal the officer's decision to the City Clerk by filing within 10 days
220 of the date the notice was mailed or the owner was personally served, a written
221 request for a hearing with the city council.

222 3. Regulation of Aggressive Dogs. In addition to complying with all other requirements of this section,
223 the owner of an aggressive dog shall comply with the following by:

224 A. Restraining the dog to prevent it from interfering with the public's legal access to the owner's
225 property or from reaching any public sidewalk or road or adjoining property;

226 B. Notifying the city where the dog is kept and renotify within 10 days of any change; and

227 C. Posting warning signs in a conspicuous place visible from the public sidewalk, the road
228 adjoining the property, or the boundary line of the property where access is provided to the
229 property.

230 D. The requirements of this section shall apply to any person who is transferred ownership or who
231 keeps an aggressive dog within city limits.

232 4. Euthanasia for Dangerous Dogs. Any dangerous dog causing serious physical injury to a person shall
233 be euthanized. The court may order that any dangerous dog be euthanized in addition to penalties for
234 separate chapter violations.

235 5. Dog Owner Regulations. It is unlawful for any person to:

236 A. Be an owner of a dangerous dog;

237 B. Fail to comply with the requirements applicable to aggressive dogs.

238 6.04.070 Declassification of aggressive dogs.

239 1. An owner or keeper of an aggressive dog may file a petition with the City Clerk requesting an order
240 declassifying a dog as aggressive if the following conditions have been met:

241 A. The dog has been classified for one year without further incident; and

242 B. There have been no violations of the Animal Control regulations; and

243 C. All other conditions ordered at the time of classification have been met.

244 2. The City Clerk shall forward such petition to an officer who may condition declassification on the
245 following provisions:

246 A. The owner or keeper provides the officer with written certification of satisfactory completion of
247 obedience training for the dog classified;

248 B. The officer may require the dog owner or keeper to provide written verification that the
249 classified dog has been spayed or neutered.

250 C. If the request is denied. The owner may appeal the officer's decision to the City Clerk, by filling
251 within 10 days of the date the notice was mailed or the owner was personally served, a written
252 request for a hearing with the city council.

253 6.04.080 - Impoundment.

254 A. A dog found running at large may be impounded by the city, and restrained in the city's
255 designated animal shelter. Within a reasonable time following the impounding of a dog, the city
256 shall make every reasonable effort to notify the keeper of the dog and inform the keeper of the
257 dog of the conditions for release of the animal. Any animal not claimed by the keeper of the dog
258 within a period of five full days in which the shelter is open to the public shall become the
259 property of the city.

- 260 B. In the event that the city finds dogs to be suffering, it shall have the right forthwith to remove or
261 cause to have removed any such animals to a safe place for care at the expense of the keeper of
262 the dog or to euthanize them, at the expense of the keeper of the dog, when necessary to
263 prevent further suffering. Return to the keeper of the dog may be withheld until the keeper of
264 the dog shall have made full payment for all expenses so incurred.
- 265 C. In the event the city determines a dog to be a dangerous or aggressive dog as defined in this
266 chapter, the city may impound the dog from the premises of the keeper of the dog to prevent
267 further attacks on domestic animals or humans.
- 268 D. Disposal of an animal by any method specified herein does not relieve the keeper of the dog of
269 liability for violations and any accrued charges.

270 6.04.090 - Redemption.

- 271 A. Any animal impounded may be redeemed by the keeper of the dog thereof within five days of
272 impounding upon payment of an impoundment fee.
- 273 B. Any animal confined for rabies quarantine, evidence, dangerous or aggressive dog as defined in
274 this chapter, or other purpose may be redeemed by the keeper of the dog, after release is
275 authorized by the investigating officer, upon payment of an impoundment fee, which may
276 include all associated costs at the impoundment or veterinary facility.
- 277 C. No animal required to be licensed or vaccinated under this chapter may be redeemed until the
278 animal has been vaccinated and the appropriate license has been issued by the city.

279 6.04.100 - Interference.

- 280 A. A person commits the crime of interfering with an officer if the person, knowing that another
281 person is an officer as defined in this chapter.

- 282 1. Intentionally acts in a manner that prevents, or attempts to prevent, the officer from
283 performing the lawful duties of the officer with regards to another person; or
284 2. Refuses to obey a lawful order by the officer.

285 Interfering with an officer shall be punishable as a Class A misdemeanor as defined by Oregon
286 Revised Statutes.

287 6.04.110 Penalties.

288 Any person violating any of the provisions of this chapter is liable for a citation for a Class B Violation
289 consistent with Boardman Municipal Code Chapter 1.16