

Section 1. The people of the State of Oregon repeal ORS 609.030 through and including 609.190, and 609.990(1) and (2) and amend ORS 609.010 and 609.015 to read as follows:

609.010 Declaration of Purpose for ORS 609.015. It is the purpose of ORS 609.015 to recognize that, although the regulation of dogs is a matter best suited to the judgments of the governing bodies of counties and cities within Oregon, minimum standards for ordinances and regulations relating to the control of dogs are necessary to assure that (a) dogs are not killed or confined for protracted periods when there are other ways to protect the public's safety, (b) problems relating to behavior of dogs are whenever possible resolved through mediation instead of litigation, (c) appeals from enforcement actions are conducted in a manner which protects both the public's safety and the special relationship between people and dogs, and (d) fines and penalties are reasonably related to the nature of the offense and the likelihood of repeat violations.

609.015 Minimum standards for ordinances and regulations relating to the control of dogs.

(a) Subject to the mandatory provisions of subsection (b), all counties and cities within Oregon may adopt ordinances and laws relating to the control of dogs that the local governing body determines are appropriate and necessary for local circumstances.

(b) The following minimum standards are intended to be applicable throughout the State of Oregon and, from and after thirty (30) days following the effective date of these amendments, shall be construed to preclude the enforcement of all provisions of ordinances and regulations relating to the control of dogs that are in any way inconsistent with their requirements:

(1) No dog may be ordered killed or impounded for a period exceeding ten (10) days unless it is first determined both that (A) the owner or keeper will not properly care for it and will again allow it to become a public nuisance, and that (B) all persons and organizations that have offered to accept the dog for placement or adoption will again allow it to become a public nuisance or will not properly care for it.

In no event may any dog may be placed with or adopted by a research facility or person who breeds or possesses animals for sale to research facilities.

(2) All orders to kill a dog shall be stayed for a period of not less than fifteen (15) business days following the later of (A) personal service of such order upon the dog's owner or keeper and (B) public notice of such order in a manner reasonably calculated to give actual notice to all persons and organizations that have requested such notice. If appealed, all such orders shall be further stayed until the end of the fifteenth business day following issuance of any decision on appeal and, if judicial review of such decision is sought within that period, for a further period of no less than fifteen business days following issuance of the decision on judicial review.

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(3) Any owner or keeper who has appeared to redeem a dog and all persons or organizations that have offered to accept the dog for placement or adoption shall have standing to appeal any order to kill a dog or to impound it for a period exceeding ten (10) days. Appeals from all determinations and orders shall be conducted in substantial compliance with the Attorney General's Model Rules of Procedure adopted under ORS 183.341 and shall be preceded by mediation conducted in substantial compliance with the standards for dispute resolution programs adopted by the Dispute Resolution Commission pursuant to ORS 36.175. Judicial review of final orders shall be solely as provided by ORS 34.010 to 34.100.

(4) No owner or keeper of dogs may be subjected to financial penalty, including increased licensing fees, unless it is first determined that such owner or keeper has failed to exercise reasonable care to prevent a dog from engaging in prohibited behaviors. The determinations of whether to impose a fine or fee and their amounts or to impose requirements relating to the future confinement of the dog within the boundaries of the owner's or keeper's property shall reflect the likelihood of future recurrence in the absence of fees, fines or requirements and the ability of that person to pay or comply with such fees, fines or requirements without undue hardship. The total of all fines, fees, charges for impoundment, and costs of confinement requirements may not exceed the sum of \$1000.00 and may not be imposed upon or assessed against any person or organization other than the owner or keeper. In no event may compliance with confinement restrictions requiring expenses in excess of \$250 or payment of any fines, fees, or charges be made a precondition to release of the dog from impoundment or be required pending appeal.

(5) All local governmental agencies and employees acting in accordance with this section and all persons and organizations to whom or to which a dog has been released for placement or adoption by an owner or keeper or pursuant to this Section shall be immune from civil liability for or resulting from any act or omission done or made while engaged in placement or adoption efforts, unless the act or omission was made or done in bad faith, with malicious intent, or in a manner exhibiting a willful, wanton disregard of the rights, safety, or property of another.

(6) No less than fifteen percent (15%) of all fines and increased licensing fees recovered from dog owners and keepers finally determined to have failed to exercise reasonable care to prevent dogs from engaging in prohibited behaviors shall be turned over to the County or City treasurer, placed within an Animal Welfare Fund, and expended exclusively upon programs designed to lessen the frequency of animal abandonment and increase the frequency of animal adoption.

Section 2. Effective date. All amendments set forth in Section 1 shall take effect upon passage and shall apply to all cases arising or pending on and after that date.

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