

City of St. Helens

265 Strand Street • St. Helens, OR 97051 • 503-397-6272

Application Fee: \$40.00

Animal Facility License Application

St. Helens Municipal Code Chapter 6.04

If you own any of the following inside the city limits, you must have an Animal Facility License:

- More than 3 adult dogs; or
- More than 3 adult dogs and one litter of puppies; or
- More than 3 adult hens and/or ducks and 6 chicks or ducklings under 9 weeks; or
- More than 3 adult rabbits and/or 1 litter of bunnies under 9 weeks; or
- An exotic animal

Complete the application and return to the above address with the fee, copies of your dogs' licenses and a copy of your homeowners insurance. You must list each animal separately in the space provided below that you intend to keep at your facility. Your facility, including perimeter fence if required, must be inspected before your application will be forwarded to the City Council for action. The Police Department will contact you within 10 days of application to schedule an inspection. The application fee is \$40 for a two year license and must be renewed prior to expiration.

If your application is denied, you have two options to obtain compliance: 1) You meet the requirements for an animal facility license; or 2) you have only allowed animals on your property. Once you can prove that you are in compliance for a license, we can seek approval by the City Council. If you have eliminated the need for an animal facility license, you may request a refund of the application fee.

Address at which animal(s) will be kept:

Applicant Information

Name:	Name:
Mailing address:	Mailing address:
City/State/Zip:	City/State/Zip:
Cell phone:	Cell phone:
Home phone:	Home phone:
Email:	Day/time of week that works best for you:

Alternate Contact/In Case of Emergency

List each animal to be kept at the above address (attach additional paper if more than 6 animals)

Species/Breed	Name	Sex	Age	County Dog License Expiration Date
1.				
2.				
3.				
4.				
5.				
6.				

Veterinarian Information

Name:	Phone:
Address:	City/State/Zip:

Liability Insurance Information

Agent's Name:	Phone:
Insurance Company:	Policy No.:

Attach a copy of the policy indicating applicant is covered while maintaining the described animal(s).

AUTHORIZATION

I, _____, understand that I am applying for an animal facility license to keep the above listed animal(s) at _____, St. Helens, Oregon. I have read Municipal Code Chapter 6.04 Animal Control Code, and fully understand my obligation as an animal owner and facility operator and agree to comply with the Code and applicable county, state and federal laws. I further understand that this license, if approved, is valid for a period of two years and must be renewed prior to expiration.

Applicant Signature

Date Signed

FOR OFFICE USE ONLY

Date received:	Officer assigned:	Date forwarded to City Recorder:
Received by:	Date/Time of inspection:	Council meeting date:
Receipt No.:	Officer recommendation:	<input type="checkbox"/> Approved <input type="checkbox"/> Denied
Dated forwarded to PD:	<input type="checkbox"/> Approve <input type="checkbox"/> Deny	If approved, date license issued:
Forwarded by:		Expiration date:

**Title 6
ANIMAL CONTROL**

Chapters:

[6.04 Animal Control](#)

Chapter 6.04 ANIMAL CONTROL

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6.04.010 Definition of terms.

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

(2) "Animal" means any nonhuman mammal, bird, reptile, amphibian or fish.

(3) "Animal facility," as used in this chapter, means any site, as identified by a mailing address, where any animals are kept, that meets the definitions outlined in SHMC [6.04.080](#).

(4) At-Large. For purposes of this chapter, "at-large" means not on a leash as required herein, when an animal is off or outside the premises belonging to the owner or person having custody or control of the animal. Dogs in designated dog park areas are not considered "at-large."

(5) City. Whenever the word "city" is used in this chapter it shall mean the city of St. Helens, Oregon.

(6) County. Whenever the word "county" is used in this chapter it shall mean the county of Columbia, Oregon.

(7) Court. Whenever the word “court” is used in this chapter, without a further qualifying description, it shall mean the municipal court of the city of St. Helens, Oregon.

(8) “Dangerous animal” means any animal, other than a dog, that constitutes a physical threat to human beings or domestic animals.

(9) “Dangerous dog” means any dog that has been found to have engaged in any of the behaviors specified in SHMC [6.04.060](#)(1)(b).

(10) “Dogfight” means a fight, arranged by any person, between two or more dogs, the purpose or probable result of which fight is the infliction of injury by one dog upon another.

(11) “Equipment” used for training or handling of a fighting dog includes harnesses, treadmills, cages, decoys, pens, houses, feeding apparatuses, training pens, breaking sticks, leashes, collars and other devices that may be used to train or restrain a dog, when owned or possessed by a person convicted of involvement in animal fighting.

(12) “Euthanized” means put to death in a humane manner by a licensed veterinarian or certified euthanasia technician.

(13) “Exhibition of fighting” means a public or private display of combat between two or more animals in which the fighting, killing, maiming or injuring of animals is a significant feature. “Exhibition of fighting” does not include demonstrations of the hunting or tracking skills of an animal or the lawful use of animals for hunting, tracking or self-protection.

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

(15) “Feral animal” means any animal that has escaped from domestication and become wild, or dog or cat that is born in the wild and has not been domesticated.

(16) “Fighting dog” means a dog that is intentionally bred or trained to be used in, or that is actually used in, a dogfight. A dog does not constitute a fighting dog solely on account of its breed.

(17) “Good animal husbandry” includes, but is not limited to, the dehorning of cattle, the docking of horses, sheep or swine, and the castration or neutering of livestock, according to accepted practices of veterinary medicine or animal husbandry.

(18) "Livestock" includes, but is not limited to, any horse, mule, burro, llama, cow, goat, sheep, swine, or poultry such as roosters, geese and turkeys, regardless of age.

(19) "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) In the case of pet or domestic animals, access to a barn, house or other enclosed structure sufficient to protect the animal 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) Pet or domestic animals shall not be confined to an area without adequate space for exercise necessary for the health of the animal or which does not allow access to a dry place for the animal to rest. The air temperature in a confinement area must be suitable for the animal involved. Confinement areas must be kept reasonably clean and free from excess waste or other contaminants which could affect the animal's health.

(20) "Owner" means any person, firm, association or corporation that has a possessory property right in an animal or who harbors, cares for, exercises control over or knowingly permits an animal to remain on the premises occupied by that person, firm, association or corporation.

(21) "Officer" means any person employed by the city of St. Helens as a police officer, code enforcement officer, or animal control officer.

(22) "Pet" or "domestic animal" means any animal that is owned or possessed by a person, that lives and breeds in a tame condition and can be handled by an owner to the extent that minimum care is provided.

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

(24) "Physical injury" means impairment of physical condition or substantial pain.

(25) "Possess" means to have physical possession or otherwise to exercise dominion or control over property. The act of providing food and water for feral animals is not sufficient grounds to claim possessory rights.

(26) "Serious physical injury" means physical injury, which creates a substantial risk of death or which causes serious and protracted loss or impairment of the function of any bodily organ.

(27) "Targeted grazing" means the use of goats to accomplish a defined vegetation or landscape goal.

(28) "Wildlife" means any undomesticated wild mammal or reptile that is wild by nature. (Ord. 3187 §§ 1, 2, 2015; Ord. 3108 § 1, 2009; Ord. 3040 § 1, 2007; Ord. 2959 § 2, 2005; Ord. 2733, 1996; Ord. 2725 § 1, 1996)

6.04.020 Owner's duties.

(1) Dog Licensing.

(a) A dog shall be licensed according to the laws of the county and it shall be unlawful for any person to own or have custody of a dog not so licensed.

(b) An officer shall consider a dog not displaying a valid and current license as probable cause that the dog is unlicensed unless the owner shows a valid and current license to the officer, or the officer is able to ascertain the validity of the license through county records.

(c) If a dog has been impounded for license violation and is later found to have been licensed properly at the time of the impoundment, then that dog shall be released to the owner without fine or fees, unless the dog was also impounded for another violation of this chapter.

(d) The provisions of this section do not apply to animals owned by a licensed research animal facility, or a not-for-profit or government operated or licensed animal shelter.

(2) Disease Control.

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

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

(c)(i) Any owner or person having custody or control of an animal shall immediately remove excrement or other solid waste deposited by the animal on public or private property. Nothing in this chapter authorizes a trespass by an animal or its owner onto private property of another or the creation of an unsanitary condition on private property of another or on public property.

(ii) Excrement shall be removed from primary enclosures and areas as often as necessary to prevent contamination, reduce disease hazards and minimize odors.

(d) No owner shall cause or allow any stable or place where any animal is, or may be kept, to become unclean or unwholesome. Storage of food supplies and bedding materials shall be designed to prevent vermin infestation.

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

(f) Whenever any animal bites a person, the owner of said animal shall immediately notify the police department. The police department shall order the animal held on the owner's premises or shall have it impounded for a period of not less than 10 days if it has been determined that there is no proof of proper rabies inoculation which is current.

(g) No person shall own, keep or harbor any dog over six months of age unless the dog is vaccinated for rabies.

(3) Animal Housing and Restraint.

(a) Housing structures shall be adequately constructed and maintained in good repair to protect animals and the public from injury, safely confine any animal housed therein and prevent entry of other animals that may be dangerous to the animals the enclosure is meant for.

(b) Where applicable, housing structures for animals shall be dry and adequately sealed to prevent cold air and moisture from entering the enclosure.

(c) Outdoor facilities shall provide protective shading and adequate shelter areas designed to minimize harmful exposure to weather conditions for those animals not acclimatized to the environment.

(d) The primary enclosure for animals shall be of sufficient size to permit each animal housed therein to stand freely, sit, turn about and lie in a comfortable normal position.

(e) When restraining devices are used in connection with a primary enclosure intended to permit movement outside the enclosure, such devices shall be adequate in strength, installed in a manner to prevent entanglement with the devices of other animals or objects and shall be fitted to the animal by a harness or well-fitted collar, other than a choke type collar, and shall not be shorter than three times the length of the animal as measured from the tip of its nose to the base of its tail. (Ord. 3178 § 2, 2014; Ord. 3166 § 1, 2013; Ord. 3038 §§ 1, 2, 2007; Ord. 2959 § 3, 2005; Ord. 2899 § 2, 2003; Ord. 2725 § 2, 1996)

6.04.030 Public duties.

(1) Aiding Injured Animals. Any person operating a vehicle, as defined by the Motor Vehicle Act of the state of Oregon, who runs over, strikes, injures, maims or kills any domestic animal shall immediately stop and notify the owner of the animal, if known, or notify any law enforcement agency with jurisdiction in the area of the incident, and remain at the scene until such time as an officer arrives.

(2) Refusing to Assist an Officer. A person commits the offense of refusing to assist an officer if, upon lawful command by an officer known by the person to be an officer, the person unreasonably refuses or fails to assist in effecting an authorized action or prevent another from effecting an authorized action, pursuant to this chapter.

(3) Interference with an Officer. It shall be unlawful for any person to interfere with or hinder an officer while that officer is enforcing this chapter. (Ord. 3040 § 3, 2007; Ord. 2725 § 3, 1996)

6.04.040 Prohibited activities.

(1) Chasing or Harassing Wildlife. Except as the Oregon Wildlife Commission by rule may provide otherwise, no person shall chase, harass, molest, worry, keep, or disturb any wildlife in the city limits except in lawfully angling for, hunting or trapping such wildlife. Ducks, geese and other waterfowl in the city limits are considered wildlife unless registered through the city by business license or conditional use permit by a person or organization as owned property.

Nothing in this section shall prohibit an officer, or a representative of the city, from humanely removing wildlife, for the protection of the public, or for the protection of wildlife.

(2) Animals At Large. It shall be unlawful for an owner to permit, either by negligence or by intention, any animal to run at large, except domestic cats or birds. Notwithstanding this general rule, dogs shall be allowed to be off leash for play and exercise purposes in the area designated as the McCormick Park pet off-leash area by Resolution No. 1564, so long the rules of the off-leash area are being observed.

(3) Public Nuisances. It shall be unlawful to keep or maintain within the city any animal which is a nuisance. An animal is a nuisance as described if it:

- (a) Causes continuous noise lasting for a minimum period of 15 minutes or intermittent noise lasting for a minimum period of 30 minutes by excessive barking or noise making, for which the listener can clearly hear the content of the sound produced by the animal from inside any neighboring building, vehicle or residence;
- (b) Chases vehicles;
- (c) Damages or destroys property of a person other than the owner or custodian of the animal;
- (d) Scatters garbage;
- (e) Molests, attacks or interferes with persons or other domestic animals on property other than the

owner's property.

(4) Removal of Animal. It shall be unlawful for any person to remove or cause the removal of any animal from the city for which the owner has been cited for violation of dangerous animal, aggressive animal, animal abuse, animal neglect, animal abandonment, or animal fighting until a final ruling has been made on the case by the court. The court may grant exception to this subsection if the owner of the animal can show just cause for such a request.

(5) Animal Restrictions and Prohibitions.

(a) The following are prohibited except as set forth in subsections (5)(b), (5)(c) and (5)(d) of this section:

(i) Beekeeping. No person shall possess, maintain or keep bees in the city limits.

(ii) Dogs. No single-family residence shall contain more than three adult dogs and one litter of puppies under six months of age.

(iii) Exotic Animals. No person shall possess, maintain or keep any exotic animal in the city limits.

(iv) Hens and Ducks. No single-family residence shall possess, maintain or keep more than three adult hens or ducks, or any combination thereof, and six chicks or ducklings, or any combination thereof, under nine weeks of age.

(v) Livestock. No person shall possess, maintain or keep any livestock in the city limits.

(vi) Rabbits. No single-family residence shall possess, maintain or keep more than three adult rabbits and one litter of rabbit kits (bunnies) under nine weeks of age.

(vii) Wildlife. No person shall possess, maintain or keep any wildlife in the city limits.

(b) Except for subsections (5)(a)(i), (5)(a)(v) and (5)(a)(vii) of this section, an owner may request an animal facility license for the keeping of such animals in the manner as set forth in SHMC [6.04.080](#).

(c) Persons owning and keeping roosters, dogs or rabbits in the city in numbers exceeding the provisions of subsection (5)(a) of this section on August 1, 2007, shall be allowed to continue the same without an animal facility license subject to the following:

(i) No such animal in excess of the otherwise allowed number shall be replaced or returned following death or dispossession of the animal.

(ii) Such person can provide documented evidence of such animals as of the above date.

(iii) This subsection (5)(c) shall apply only to roosters, dogs and/or rabbits not exceeding five in number.

(d) The temporary keeping of goats for the sole purpose of targeted grazing of vegetation is an accessory use to the primary use on a unit of land and requires a special use permit. The duration of targeted grazing on any one property one-half acre or less in area is limited to not more than 21 consecutive days. Properties more than one-half acre in area shall be divided into penned areas of one-half acre or less. The duration of targeted grazing is limited to not more than 21 consecutive days for each penned area. Goats may not return to a treated area for 30 days following a targeted grazing treatment. No more than three targeted grazing treatments per calendar year may occur on any one property one-half acre or less in size or on any one penned area in the case of properties greater than one-half acre in size.

(6) Pets in City Parks. Pets are permitted in city parks (unless otherwise posted) only if they are on a leash that is 16 feet or less in length or in an appropriate container. Electronic leashes or training collars that have no visible, physical connection between the animal and its human supervisor will not be considered acceptable under this section. Pets shall be kept under supervision at all times and not allowed to run at large or to commit any nuisance or harass the public in any way. Notwithstanding this provision, dogs shall be allowed to be off leash for play and exercise purposes in the area designated as the McCormick Park pet off-leash area by Resolution No. 1564, so long the rules of the off-leash area are being observed. (Ord. 3206 § 1, 2016; Ord. 3187 § 3, 2015; Ord. 3149 § 1, 2011; Ord. 3099, 2008; Ord. 3058 § 1, 2007; Ord. 3040 § 4, 2007; Ord. 2959 § 4, 2005; Ord. 2733, 1996; Ord. 2725 § 4, 1996)

6.04.050 Cruelty to animals.

(1) Animal Abuse in the Second Degree.

(a) A person commits the crime of animal abuse in the second degree if, except as otherwise authorized by law, the person intentionally, knowingly or recklessly causes physical injury to an animal.

(b) Any practice of good animal husbandry is not a violation of this section.

(2) Animal Abuse in the First Degree. Except as provided for by ORS 167.315 through 167.330, concerning aggravated animal abuse in the first degree:

(a) A person commits the crime of animal abuse in the first degree if, except as otherwise authorized by law, the person intentionally, knowingly or recklessly:

(i) Causes serious physical injury to an animal; or

(ii) Cruelly causes the death of an animal.

(b) Any practice of good animal husbandry is not a violation of this section.

(3) Animal Neglect in the Second Degree. A person commits the crime of animal neglect in the second degree if, except as otherwise authorized by law, the person intentionally, knowingly, recklessly or with criminal negligence fails to provide minimum care for an animal in such person's custody or control.

(4) Animal Neglect in the First Degree. A person commits the crime of animal neglect in the first degree if, except as otherwise authorized by law, the person intentionally, knowingly, recklessly or with criminal negligence:

(a) Fails to provide minimum care for an animal in such person's custody or control; and

(b) Such failure to provide care results in serious physical injury or death to the animal.

(5) Animals Confined in Vehicles.

(a) No animal shall be confined within or on a motor vehicle at any location under such conditions as may endanger the health or well-being of the animal, including but not limited to a dangerous temperature, lack of food or water or attention or a confinement with a dangerous animal.

(b) Any officer is authorized to remove any animal from a motor vehicle at any location when the officer reasonably believes it is confined in violation of this section and no owner of the vehicle or animal can be reasonably located. Any animal so removed shall be delivered to an animal control shelter after the removing officer leaves written notice of the removal and delivery, including the officer's name, in a conspicuous secure location on or within the vehicle.

(6) Illegal Killing. No person shall kill a pet or domestic animal not owned by that person without the permission of the owner, unless it is necessary for the protection and safety of people, other animals, or the humane euthanasia of a sick or injured animal. No person shall knowingly place food of any description containing poison or other injurious ingredients in any area reasonably likely to be accessible to any animal except certain vermin, such as rats or mice, for the sake of pest control. No person shall set any traps that are designed to kill, injure or maim except for certain vermin for the sake of pest control.

(7) Treatment of Livestock. Unless gross negligence can be shown, the provisions of subsections (1) through (5) of this section shall not apply to the treatment of livestock being transported by owner or common carrier, animals involved in rodeos or similar exhibitions or commercially grown poultry.

(8) Animal Abandonment.

(a) A person commits the crime of animal abandonment if the person intentionally, knowingly, recklessly or with criminal negligence leaves a domesticated animal at a location without providing for the animal's continued care.

(b) It is no defense to the crime defined in subsection (8)(a) of this section that the defendant abandoned the animal at or near an animal shelter, veterinary clinic or other place of shelter if the defendant did not make reasonable arrangements for the care of the animal.

(9) Forfeiture and Costs. In addition to and not in lieu of any other sentence it may impose, the court may require a defendant, convicted under subsections (1) through (5) and (8) of this section, to forfeit any rights of the defendant in the animal subjected to abuse, neglect or abandonment, and to repay the reasonable costs incurred by any person or agency prior to judgment in caring for each animal subjected to abuse, neglect or abandonment.

(10) Forfeiture of Impounded Animals.

(a) If any animal is impounded pursuant to this section, and is being held by an animal shelter or other animal care agency pending outcome of criminal action charging a violation of this section, prior to final disposition of the criminal charge, the animal shelter or other animal care agency may file a petition in the criminal action requesting that the court issue an order forfeiting the animal to the animal shelter or animal care agency prior to final disposition of the criminal charge. The petitioner shall serve a true copy of the petition upon the defendant and the prosecuting attorney.

(b) Upon receipt of a petition pursuant to subsection (10)(a) of this section, the court shall set a hearing on the petition. The hearing shall be conducted within 14 days of the filing of the petition, or as soon as practicable.

(c) At a hearing conducted pursuant to subsection (10)(b) of this section, the petitioner shall have the burden of establishing probable cause to believe that the animal was subjected to abuse, neglect or abandonment in violation of this section, or of ORS Chapter 167 for aggravated animal abuse. If the court finds that probable cause exists, the court shall order immediate forfeiture of the animal to the petitioner, unless the defendant, within 72 hours of the hearing, posts a security deposit or bond with the court clerk in an amount determined by the court to be sufficient to repay all reasonable costs incurred, and anticipated to be incurred, by the petitioner in caring for the animal from the date of initial impoundment to the date of trial.

(d) If a security deposit or bond has been posted in accordance with subsection (10)(c) of this section, and the trial in the action is continued at a later date, any order of continuance shall require the defendant to post an additional security deposit or bond in an amount determined by the court that shall be sufficient to repay all additional reasonable costs anticipated to be incurred by the petitioner in caring for the animal until the new date of trial.

(e) If a security deposit or bond has been posted in accordance with subsection (10)(d) of this section, the petitioner may draw from that security deposit or bond the actual reasonable costs incurred by the

petitioner in caring for the impounded animal from the date of initial impoundment to the date of final disposition of the animal in the criminal action.

(11) Placement Preference. If an animal is forfeited according to the provisions of this section, in placing the animal with a new owner, the agency to which the animal was forfeited shall give placement preference to any person or persons who had prior contact with the animal, including but not limited to family members and friends of the former owner whom the agency determines are capable of providing necessary, adequate and appropriate levels of care for the animal. (Ord. 2725 § 5, 1996)

6.04.060 Dangerous or aggressive animals.

(1) Classification of Levels of Dangerousness of Dogs.

(a) A dog shall be classified as aggressive if it bites, causes physical injury, or otherwise threatens or endangers the safety of any person or domestic animal while:

- (i) It is at-large; or
- (ii) It is off the property of the owner and on a physical control device; or
- (iii) It is on the property of the owner but not restrained or contained in a manner that would reasonably prevent incidental contact by any person; or
- (iv) It is in or on a motor vehicle and not restrained or otherwise physically prevented from reaching any area outside the perimeter of the vehicle.

(b) A dog shall be classified as dangerous if:

- (i) It causes the serious physical injury or death of any person; or
- (ii) While at-large or off the property of the owner it kills any domestic animal; or
- (iii) An aggressive dog causes physical injury to any person after the owner has received notice of the aggressive dog classification because of causing physical injury to a person.

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

(d) No dog shall be found to be dangerous or aggressive if it is a dog trained for law enforcement purposes and is on duty under the control of a peace officer.

(e) Notwithstanding the mandatory aggressive dog classification set forth in subsection (1)(a) of this

section, no dog shall be determined to be aggressive if an officer makes written findings that such classification is inappropriate based upon mitigating circumstances documented by the officer. This exception to classification is limited to cases not involving physical injury, as defined in this chapter, as relates to a human being.

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

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

(b) The officer shall give the dog's owner written notice by certified mail or personal service that includes (i) the dog's specific behavior; (ii) the dog's classification as a dangerous or aggressive dog; and (iii) additional restrictions applicable because of the dog's classification. The owner may appeal the officer's decision to the court by filing with the court clerk, within 10 days of the date the notice was mailed or the owner was personally served, a written request for a hearing.

(c) The court shall hold a public hearing on any appeal from the officer's decision to classify a dog as aggressive. The owner and any other person having relevant evidence concerning the dog's behavior as specified in subsection (1) of this section shall be allowed to present testimony. The court shall determine whether behavior specified in subsection (1) of this section was exhibited by the dog in question. The court shall issue an order containing the court's determination, which shall be final.

(d) Pending appeal, the owner shall comply with the restrictions specified in the notice. Failure to comply with the specified restrictions pending the completion of all appeals shall be a violation of this section.

(e) If the officer finds that a dog is a dangerous dog, the dog shall be impounded pending the completion of all appeals. If the officer's decision is upheld on appeal, the dog's owner shall be liable for the cost of the dog's impoundment.

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

(a) Restraining the dog to prevent it from interfering with the public's legal access to the owner's property or from reaching any public sidewalk or road or adjoining property;

(b) Notifying the police department in writing where the dog is kept and renotify within 10 days of any change; and

(c) Posting warning signs supplied by the police department at the location the dog is kept, in a

conspicuous place visible from the public sidewalk, the road adjoining the property, or the boundary line of the property where access is provided to the property.

(d) The requirements of this section shall apply to any person who is transferred ownership or who keeps an aggressive dog.

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

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

(a) Be an owner of a dangerous dog;

(b) Fail to comply with the requirements applicable to aggressive dogs.

(6) Dangerous Animals Generally.

(a) Except as permitted by SHMC [6.04.040](#)(5) and [6.04.080](#), it shall be unlawful to keep any animal that is dangerous in the city.

(b) Except as outlined in SHMC [6.04.080](#)(1)(b), it shall be unlawful to maintain any dangerous animal outside of its licensed facility area.

(c) It shall be unlawful to allow any dangerous animal in public without being properly contained and restrained.

(d) The court may order that a dangerous animal be euthanized in addition to penalties for separate chapter violations. The city may hold the animal until a determination has been made by the court. (Ord. 3108 § 2, 2009; Ord. 2959 § 5, 2005; Ord. 2725 § 6, 1996)

6.04.065 Declassification of aggressive dogs.

(1) An owner or keeper of an aggressive dog may file a petition with the city recorder requesting an order declassifying a dog as aggressive if the following conditions have been met:

(a) The dog has been classified for one year without further incident; and

(b) There have been no violations of the animal control regulations; and

(c) All other conditions ordered at the time of classification have been met.

(2) The city recorder shall forward such petition to an officer who may condition declassification on the following

provisions:

- (a) The owner or keeper provides the officer with written certification of satisfactory completion of obedience training for the dog classified;
- (b) The officer may require the dog owner or keeper to provide written verification that the classified dog has been spayed or neutered; or
- (c) Any other condition that is designed to prevent the dog from engaging in behavior specified in SHMC [6.04.060](#)(1) or (2).

(3) Any decision of the officer not to declassify under this section may be appealed to the municipal court in the manner provided for appeals of classification decisions. (Ord. 3108 § 3, 2009; Ord. 3040 § 5, 2007)

6.04.070 Animal fighting.

(1) Involvement in Animal Fighting.

- (a) A person commits the crime of involvement in animal fighting if the person:
 - (i) Owns or trains an animal with the intention that the animal engage in an exhibition of fighting; or
 - (ii) Promotes, conducts, participates in or is present as a spectator at an exhibition of fighting or preparations thereto; or
 - (iii) Keeps or uses, or in any way is connected with or interested in the management of, or receives money for the admission of any person to any place kept or used for the purpose of an exhibition of fighting; or
 - (iv) Knowingly suffers or permits any place over which the person has possession or control to be occupied, kept or used for the purpose of an exhibition of fighting.
- (b) For purposes of this subsection (1), “animal” does not include dogs.
- (c) Nothing in this section applies to or prohibits any customary practice of breeding or rearing game cocks even though those cocks may be subsequently used in cock fighting exhibitions outside the state of Oregon.

(2) Participation in Dogfighting. Except as provided for by ORS 167.365, concerning dogfighting:

- (a) A person commits the crime of participation in dogfighting if the person knowingly:
 - (i) Attends or otherwise offers to sell equipment for the training and handling of a fighting dog.

- (ii) Advertises or otherwise offers to sell equipment for the training and handling of a fighting dog.

(3) Seizure of Fighting Dogs – Procedure.

(a) Pursuant to ORS 133.525 through 133.703, a judge may order the seizure of alleged fighting dogs owned, possessed or kept by any person.

(b) The judge issuing an order for the seizure of a dog, as provided in subsection (3)(a) of this section, may require the dog to be impounded at an animal shelter if the judge believes it to be in the best interest of the animal and the public to so order. The governmental unit, the agency of which executed the seizure of the dog, shall be responsible for the costs of impoundment at the animal shelter, but the governmental unit is entitled to receive reimbursement of this costs from the owner, possessor or keeper of the impounded dog. If the owner, possessor or keeper of the dog is subsequently convicted of dogfighting under ORS 167.365, the court may order the defendant to pay the costs of animal shelter as restitution in the case.

(c) In lieu of ordering such dogs seized under subsection (3)(a) of this section to be impounded at an animal shelter, the court may order the dogs impounded on the property of their owner, possessor or keeper. If dogs are ordered impounded on the property of their owner, possessor or keeper, the court shall order such person to provide all necessary care for the dogs and to allow regular and continuing inspection of the dogs by any persons designated by the court, or the agents of such persons. The court shall further order the person not to sell or otherwise dispose of any of the dogs unless the court authorizes such sale or disposition, or until the seized dogs are released as evidence by the law enforcement agency that seized them, or restored to the person by the court pursuant to an order under ORS 133.643.

(4) Forfeiture of Rights in Fighting Dogs or Property – Public Nuisance – Destruction of Dogs.

(a) In addition to and not in lieu of any other penalty it may impose upon a person convicted of dogfighting ORS 167.365 or participating in dogfighting under subsection (3) of this section, the court shall, as a part of the judgment, order to be forfeited to the city the person's rights in any fighting dogs or property proved to have been used by the defendant as an instrumentality in the commission of the crime.

(b) A fighting dog is a public nuisance, regardless of whether or not a person has been convicted of animal fighting with respect to the dog, and a dog proved by a preponderance of the evidence to be a fighting dog in a forfeiture proceeding shall be forfeited to the county to be destroyed.

(c) When the court orders a fighting dog to be forfeited, the dog shall be destroyed by a method consistent with such state law regulating methods to be used for destruction of animals. No forfeited fighting dog shall be released or given to any person or agency other than for purposes of destruction in accordance with this subsection. (Ord. 2725 § 7, 1996)

6.04.080 Animal facility licensing.

An animal facility shall require a license from the city, and no such animal facility may lawfully be operated except upon application and payment of prescribed fees for the license. It shall be unlawful for any person to own or have custody of any animals as defined in SHMC [6.04.040](#)(5)(b).

(1) License Issuance.

(a) Issuance of an animal facility license shall require compliance with land use regulations and permits as required by federal law, state statutes, and city ordinances.

(b) Exhibitions or parades of wildlife, dangerous animals, livestock or exotic animals may be conducted only upon securing a special date-specific permit from the city and complying with any directions set forth by the St. Helens police department.

(2) License Approval. Approval, denial or revocation of animal facility licenses shall be under the authority of the city council.

(3) Facility Inspection. An officer shall inspect any animal facility for which the license is sought, to determine whether the facility and its operation complies with all applicable provisions of this chapter and other applicable state and federal laws. The officer shall issue a written review of the site including any written statements from neighbors whose property borders the site.

(4) Facility Requirements. In addition to any requirements outlined in subsection (3) of this section, an officer inspecting the facility must be convinced that the animals housed in the facility will not represent a threat to the safety of the public. The officer may require any animals currently housed within to be removed for the city in a timely and reasonable manner, until such time that an animal facility license is approved.

(5) License Application. Application for an animal facility license shall be made upon forms furnished by the city and shall include all information required therein and shall be accompanied by the review of the animal facility site by an officer and payment of the required fee. Fees may be refunded if the animal facility license is denied, but not if the license is issued and later revoked. A refund request shall be in writing to the city recorder. An inspection to verify that your property is in compliance with this chapter may be conducted.

(6) Proof of Liability Insurance. An applicant for a license must demonstrate satisfactory proof to respond in damages for bodily injury or death of any person or for damage to any property, which may result from the keeping, owning or control of the animal. The city council may require posting of an adequate bond or proof of liability insurance to remain in effect during any license period.

(7) Licensing Term. An animal facility license shall be valid for two years, beginning on the date the animal facility license is approved by the city council.

(8) Licensing Display. A copy of the license shall be conspicuously displayed on the facility premises. The original must be presented upon request by an officer.

(9) License Inspection. A holder of a license may be inspected at any time during their licensing period and shall keep available for inspection by any city representative or officer a record of the name, address and telephone number of the owner of each animal kept at the facility, the date each animal was received, the purpose for the animal being kept, the name and address of the person from whom the animal was purchased or received, and a description of each animal including age, breed, sex and color, and the animal's veterinarian, if known.

(10) Animal Identification. Any animals removed from the licensed animal facility must bear identification either directly on the animal, if not contained, or on the animal's container.

(11) License Revocation. An animal facility license may be denied or revoked by the city council for failure to comply with any of the provisions of this chapter, or for furnishing false information on an application for a license. If any application for a license is denied, or revoked, the applicant may appeal the denial or revocation to the court. The court's determination shall be final.

(12) License Exceptions. The provisions of this section do not apply to animals owned by a licensed research animal facility, housed by a government operated or licensed animal shelter, or a retail pet store business. (Ord. 3179 § 2, 2014; Ord. 3130 §§ 2, 3, 2010; Ord. 2733, 1996; Ord. 2725 § 8, 1996)

6.04.090 Impounding procedures.

(1) Any animal which is:

- (a) Running at-large;
- (b) A public nuisance;
- (c) In violation of land use restrictions;
- (d) Diseased or in hazardous environment;
- (e) Dangerous or aggressive;
- (f) Involved in animal fighting;
- (g) Subject to abuse, neglect or abandonment;
- (h) Improperly housed or restrained;
- (i) In violation of quarantine restrictions;

- (j) Not permitted in the city limits;
- (k) Chasing or harassing wildlife;
- (l) Sick, injured, or dead;
- (m) In violation of city parks regulations;
- (n) A feral animal; or is
- (o) Unlicensed;

as provided herein is or may be in violation of this chapter and may be impounded by an officer and placed in an animal facility. Wildlife or feral cats, which may not be in violation of this chapter, may be humanely removed to an animal facility, for relocation, medical treatment by a qualified veterinarian, or for euthanasia by a qualified euthanasia technician, when it is in the best interest of the animals for their protection, or for the protection of private or public property.

(2) Impoundment Notice. Whenever an animal is impounded pursuant to the provisions of this chapter, in case the owner or custodian of the animal is known to the person doing the impounding, that person shall forthwith give notice of the impounding by personal service or by registered or certified mail upon the owner or custodian. If after reasonable search the owner or person having custody of such animal cannot be found and notified of the impoundment, such notice shall be conspicuously posted on such premises and within 72 hours after the impoundment such notice shall be sent by certified mail to the address, if any, at which the animal was impounded.

(3) Entry onto Private Land or Premises. An officer, in the course of their duties in enforcing this chapter, shall have the privilege of entering onto private land without permission, but shall not enter into any dwelling or building without permission, authorization or search warrant. If there is probable cause to believe that any animal is being subjected to treatment in violation of SHMC [6.04.050](#), Cruelty to animals, and is inside a dwelling or enclosure where entry is not allowable or permissible, an officer, after obtaining a search warrant in the manner authorized by law, may enter the premises where the animal is being held, provide food and water and impound such animal.

(4) Appeal. An animal owner may petition the court for the release of his animal and the court shall thereupon set a time and place for hearing the petition and notify the impounding officer. Upon a hearing, the court shall have full power to determine whether the animal was wrongfully impounded and whether the animal should be returned to the owner and upon what terms.

(5) Fees. Impoundment fees and associated charges shall be established by resolution of the city council. Impoundment fees and other charges are due and payable to the city prior to release of the animal to the owner.

All fees that are to be collected for the impounding of an animal shall be collected regardless of whether or not the animal is claimed by its owner. An owner who has been properly notified of an impoundment and who fails to acknowledge the notification by paying all necessary fees for the impoundment shall be considered to have legally abandoned the animal.

(6) Liability. No officer, euthanasia technician or employee of the city or county shall be held criminally liable for impounding, releasing, handling or euthanizing an animal pursuant to this chapter provided the officer or employee acts in good faith and without malice. (Ord. 2904 § 2, 2004; Ord. 2725 § 9, 1996)

6.04.100 Penalties.

(1) Separate Violations. Each day's violation of a section of this chapter constitutes a separate offense.

(2) Violation of sections:

(a) SHMC 6.04.020 (1)	Licensing of Dogs
(b) SHMC 6.04.020 (2)	Disease Control
(c) SHMC 6.04.020 (3)	Animal Housing and Restraint
(d) SHMC 6.04.040 (2)	Animals At- Large
(e) SHMC 6.04.040 (3)	Public Nuisances
(f) SHMC 6.04.040 (4)	Removal of Animal
(g) SHMC 6.04.040 (5)	Land Use Restrictions
(h) SHMC 6.04.040 (6)	Pets in City Parks
(h) SHMC 6.04.060 (5)(b)	Aggressive Dogs Compliance
(i) SHMC 6.04.060 (6)	Dangerous Animals

	Generally
(j) SHMC	Animal
6.04.080	Facility
	Licensing

are class C violations.

(3) Violation of section:

SHMC	Aiding
6.04.030 (1)	Injured
	Animals

is a class B traffic infraction.

(4) Violation of sections:

(a) SHMC	Dangerous
6.04.060 (5)(a)	Dogs
(b) SHMC	Animals
6.04.050 (5)	Confined
	in/on
	Vehicles
(c) SHMC	Illegal
6.04.050 (6)	Killing
(d) SHMC	Treatment
6.04.050 (7)	of
	Livestock

are class C misdemeanors.

(5) Violation of sections:

(a) SHMC	Animal
6.04.050 (1)	Abuse 2nd
	Degree
(b) SHMC	Animal
6.04.050 (3)	Neglect 2nd

	Degree
(c) SHMC	Animal
6.04.050 (8)	Abandonment

are class B misdemeanors.

(6) Violation of sections:

(a) SHMC	Refusing to
6.04.030 (2)	Assist an
	Officer
(b) SHMC	Interference
6.04.030 (3)	with an
	Officer
(c) SHMC	Chasing or
6.04.040 (1)	Harassing
	Wildlife
(d) SHMC	Animal
6.04.050 (2)	Abuse 1st
	Degree
(e) SHMC	Animal
6.04.050 (4)	Neglect 1st
	Degree
(f) SHMC	Involvement
6.04.070 (1)	in Animal
	Fighting
(g) SHMC	Participation
6.04.070 (2)	in Dog
	Fighting

are class A misdemeanors. (Ord. 2959 § 6, 2005; Ord. 2725 § 10, 1996)