

BOARD OF COUNTY COMMISSIONERS

KLAMATH COUNTY, OREGON

Date 4/1/86

Original Clerk

Copy file, Proc

Book, Jim

Herlings, Bruce

Argumson

IN THE MATTER OF ENACTING AN )  
 ORDINANCE RELATING TO ANIMAL )  
 CONTROL, OPERATION, PROHIBITING )  
 TAMPERING WITH LAW ENFORCEMENT )  
 ANIMALS, REGULATING COMMERCIAL )  
 KENNELS AND PROVIDING AUTHORITY )  
 FOR SETTING FEES AND DECLARING )  
 AN EMERGENCY )

ORDINANCE NO. 51

WHEREAS, it appears to the Klamath County Board of Commissioners that regulation of animals is necessary in certain portions of Klamath County; and the charging of fees will be necessary to effectuate such regulation; and

WHEREAS, the Klamath County Board of Commissioners has determined that it would be in the best interest of the citizens of Klamath County that procedures be established for animal control; and

WHEREAS, proper notice has been given on July 12, 1984 and March 28, 1985 for the required public hearings held by the Board of Commissioners on this Ordinance; and

WHEREAS, the Board of Commissioners has considered the provisions of this Ordinance and all testimony and exhibits pertaining thereto; and

WHEREAS, the Board of Commissioners of Klamath County pursuant to Oregon Revised Statutes, Chapter 203, deem such an Ordinance necessary for the protection of the health, safety, and general welfare of its citizens;

NOW, THEREFORE, the Board of Commissioners of Klamath County, Oregon ordains as follows:

Section 1

TITLE, PURPOSE OF THE ORDINANCE:

1.1 Title: This Ordinance may be referred to as the Klamath County Animal Control Ordinance.

1.2 Purpose: In order to protect the health, safety, and welfare of the residents and citizens of Klamath County and to provide for control and the protection of animals therein, to prohibit tampering with law enforcement animals, to regulate commercial kennels and to provide authority for setting fees, the Board of County Commissioners of Klamath County, Oregon, does hereby enact the following provisions:

Section 2

DEFINITIONS:

- 2.1 Animal. Any dog, exotic, wild or dangerous animal or livestock.
- 2.2 Owner. Is a person, firm, association, or corporation having a right of property in an animal, or who harbors one or has one in his/her care, or acts as its custodian, or who knowingly permits one to remain on or about any premises occupied by that person. "Owner" does not include veterinarians or commercial boarding facilities temporarily maintaining on their premises in their boarding facilities animals owned by other persons for a period of not more than 30 days.

- 2.3 Fowl. A bird of any kind.
- 2.4 Nuisance. Anything done by an animal that works or causes injury, damage, hurt, inconvenience, annoyance, or discomfort to another in the legitimate enjoyment of his/her reasonable rights of person or property.
- 2.5 Wild Animal. A species of animal not usually domesticated, regardless of comparative docility or familiarity of the individual animal with man; a species which is *ferae naturae*.
- 2.6 Non-commercial Kennel. An establishment or premises where three or more sexually reproductive dogs, either sex, over six months or age, are boarded, exhibited in AKC licensed dog shows or trails, kept or maintained for the hobby of the householder. No more than three of the sexually reproductive dogs, either sex shall be used for breeding per year.
- 2.7 Commercial Dog Kennel. A place of business for the care of dogs, including but not limited to: the boarding, grooming, breeding, exhibiting, training, or selling of dogs. A limit of 4-10 sexually reproductive dogs, either sex, over six months old are kept for breeding per year. This does not include a veterinary facility.

2.8 Commercial Breeding Kennel. A place of business for the care of dogs, including, but not limited to: the boarding, breeding, or selling of dogs. Eleven sexually reproductive dogs, either sex, or more which are over six months old are kept for breeding per year.

2.9 Dog at Large. Means any Dog not confined to the premises of its owner, unless restrained by a leash, tether or other physical control device not to exceed eight feet in length and under the physical control of a person, whether or not the owner of the animal, or which enters upon land of another person without authorization of that person or a lawful occupant. Excepted from this definition are exhibition in dog shows, obedience training or trial, or use of the dog under the supervision of a person to hunt, chase or three predatory animals, or game birds, or protect livestock, or in other related agricultural activities. A dog is not off the premises of its owner if the property of the owner is separated by a road or roads and the dog is on the road which separates said property.

2.10 Vicious Animal. Any animal which bites any human being or other domestic animal or which demonstrates menacing behavior toward human beings or domestic animals, but does not include an animal which bites, attacks or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it.

2.11 Handicare Dog. A dog trained to assist in the every day functions of a handicapped person.

Section 3.

CONTROL. The owner of any animal shall keep, restrain, and maintain it in such manner as not to endanger or cause nuisance to other persons or property. Failure of the owner to so restrain the animal shall constitute a violation of this Ordinance.

Section 4.

CRUELTY TO ANIMALS. No person shall intentionally or recklessly:

- 4.1 Subject any animal under human custody or control to cruel treatment.
- 4.2 Subject any animal under his/her control or custody to cruel neglect.
- 4.3 Kill, without legal privilege, any animal under the custody or control of another.

Section 5.

POISONING OF ANIMALS. No person shall, knowingly, place or cause to be placed any toxic substance where the same is liable to be eaten by any domestic animal with intent to harm.

Section 6.

DOG LICENSES.

6.1 License Required

(a) Every owner of a dog which is over six months old or which has a set of permanent canine teeth, whichever comes first, shall, not later than March 1 of each year or within thirty (30) days after he/she becomes owner of the dog, procedure from the County a license for the dog by paying to the County a license fee. Every owner of a dog which does not qualify for a license under the prior sentence shall obtain a license for such dog as soon as such dog becomes six months old or gets a set of permanent canine teeth, whichever comes first.

(b) Licenses shall only be issued for dogs which have been inoculated against rabies as shown by a current rabies inoculation certificate.

(c) No license fee shall be required to be paid for any working handicare dog. A license shall be issued for such dog upon filing an affidavit by the blind or deaf person showing such dog to come within this exemption.

6.2 License Tag. The owner shall keep the license tag fastened to a collar which shall be kept on the dog at all times when the dog is not upon the property of the owner. No person shall cause or permit a tag to be placed on a dog which has not been issued for that dog.

Section 7.

DOG CONTROL

7.1 Lost or Stray Dogs. If any dog becomes lost or strayed from its home and is permitted to make its home with any person not its owner, it shall be the duty of such person to notify the Animal Control Officer, giving the name and address of the person having the care or custody of the dog, together with a full description of the dog, and to surrender the same to the Animal Control Officer on demand. The Animal Control Officer shall keep a record of such notices on a convenient form and shall permit any person interested therein, or any person searching for a lost dog, to have free access to the notices.

7.2 Certain Dogs Declared a Nuisance. A dog which habitually annoys or otherwise molests persons or property within the County or habitually annoys, follows or otherwise molests automobiles or

bicycles and their operators while upon the public ways of the County, or habitually molests children, is hereby declared to be a nuisance; and no owner shall have or keep any such dog.

7.3 Leashes Required.

(a) No owner of any dog shall permit the dog to run upon premises, streets or alleys, other than the property of its owner, unless it is under control on a leash not exceeding eight feet in length.

(b) This Section shall not apply to Federal, State, County or City law enforcement personnel using a dog for law enforcement purposes.

7.4 Females in Heat. Female dogs in heat shall be restrained by the owner in such a manner as not to create a nuisance by allowing male dogs access to such female dogs.

Section 8

RABIES CONTROL

8.1 Rabies Vaccination.

(a) No owner shall keep a dog over six months of age or which has a set of permanent canine teeth, whichever comes first, unless such dog has been inoculated against rabies.



8.2 Report of Animal Bites. Whenever any animal susceptible to rabies bites any person or is suspected of having rabies or has been in close contact with an animal suspected of having rabies, the facts shall be immediately reported to the Animal Control Officer by any person having direct knowledge. The Animal Control Officer may promptly impound the animal, or order the animal quarantined by a private veterinarian, pursuant to the rules and regulations of the State Health Division.

8.3 Quarantine. Any animal impounded pursuant to Section 8.2 of this Ordinance shall be quarantined by the Animal Control Officer in conformance with the rules and regulations of the State Health Division. The Owner of any such animal shall be responsible for all costs and expenses incurred by the County for such quarantine.

#### Section 9.

#### ENFORCEMENT

9.1 Impoundment. Animal Control personnel and police officers are hereby authorized and directed to take up and impound at the County Pound any animal found to be in violation of any of the provisions of Sections 3 through 8.

9.2 Time and Notice. A dog bearing identification of ownership shall be held for 120 hours from time of impoundment. The Animal Control Officer shall make reasonable effort within 24 hours of impoundment to give notice of the impoundment to the owner by telephone, and, if unsuccessful, shall mail written notice within 48 hours of impoundment to the last-known address of the owner advising of the impoundment, the date by which redemption must be made and the fees payable prior to redemption release.

9.3 Redemption.

(a) Any impounded animal, unless restrained by court order, shall be released to the owner of the owner's authorized representative upon payment of impoundment, care, rabies and license fees.

(b) A dog held for the prescribed period and not redeemed by its owner, and which is neither vicious nor in a dangerous condition of health may be released for adoption subject to the provisions of Section 10 of this Ordinance.

(c) Any device attached to any animal upon impoundment shall be retained by the Animal Control Officer should the animal be disposed of as provided in this Ordinance.

Section 10

ADOPTION

A dog or cat may be released for adoption subject to the following conditions.

- 10.1 Proper Care. The adoptive owner shall agree in writing to furnish proper care to the dog or cat in accordance with this Ordinance.
- 10.2 Required Fees. Payment of required fees, including any medical care costs incurred during impoundment.
- 10.3 Prepayment Deposit. In the case of a dog or cat that is sexually reproductive, a surgical prepayment deposit in an amount to be established pursuant to this Ordinance, refundable upon furnishing evidence that the animal has been rendered sexually unproductive.
- 10.4 Forfeiture of Deposit. A written agreement by the adoptive owner to render any adopted dog or cat sexually unproductive within 30 days of adoption or upon the animal attaining sexual maturity, whichever event last occurs. Failure to perform the agreement shall be forfeiture of the amount deposited under subsection 10.3 of this section and the Animal Control Officer may require return of the adopted dog or cat to the shelter.

Section 11

KENNEL LICENSE

- 11.1 License. No person shall operate a Kennel, whether commercial, non-commercial or commercial breeding, without the appropriate kennel license. Kennel licenses shall be valid for one (1) year from the date of issuance.
- 11.2 In Lieu of Individual Dog Licenses. Kennel licenses are in lieu of individual dog licenses. Dogs licensed under this section must at all times be confined to the kennel premises so as not to be at large.
- 11.3 Zoning Statutes and Ordinances. No kennel license will be issued under this section to anyone not in conformity with applicable zoning statutes and Ordinances.
- 11.4 Application. Application for a kennel license shall be made upon forms approved by the Animal Control Board and shall include all information required therein and shall be accompanied by payment of the required fee.
- 11.5 Commercial Dog Kennels. Dogs housed within a commercial dog kennel or commercial breeding kennel shall be kept in a humane and responsible

manner and meet all federal and state standards pertaining thereto. Such kennels shall be subject to inspection by the Animal Control Officer at all reasonable times.

Section 12

TRANSFER OR ABANDONMENT IN PUBLIC PLACES PROHIBITED

- 12.1 It is unlawful for any person to abandon or transfer to another by gift, sale, or exchange for any consideration, any animal in or upon any sidewalk, street, alley, lane, public right-of-way, park or any other public property.
- 12.2 This section does not prohibit transfer of animals under the following circumstances:
- (a) When the transfer takes place pursuant to a sale conducted by a public body or a public officer.
  - (b) When one of the parties to the transfer is a member of an animal welfare organization and is acting on behalf of the animal welfare organization.
  - (c) When the transfer takes place at an animal show or exhibition conducted by or for persons who regularly engage in the practice of breeding animals for show or exhibition.
- 12.3 "Animal Welfare Organization" as used in this section means an organization which regularly engages in the practice of acquiring or

transferring animals for the purposes of animal welfare, which includes protecting or caring for animals, returning animals to their natural habitat, or placing animals for adoption.

Section 13

ADMINISTRATION

13.1 Animal Control Officer. The Klamath County Board of Commissioners shall appoint the Animal Control Officer whose salary shall be fixed by the Klamath County Board of Commissioners. The Animal Control Officer may hire such assistants as may be necessary for the efficient handling of the animal pound and animal control.

13.2 Powers and Authority. The Animal Control Officer shall have full power and authority to do any and all things necessary, incidental or proper, in the enforcement of this Ordinance and other Ordinance provisions relating to animal control within the County. Chemicals used as restraints or in capture of animals will be used with the supervision of a licensed Oregon veterinarian. No person shall hinder or attempt to prevent the Animal Control Officer or his/her assistants from enforcing these Ordinance sections. However, the power and authority of the Animal Control Officer and his/her assistants shall not include the power to arrest violators.

Section 14

TAMPERING WITH LAW ENFORCEMENT ANIMALS. No person shall torture, torment, tease, beat, kick, strike, choke, cut, stab, stone, shoot, mutilate, injure, disable, kill, or tamper with any law enforcement animal while it is in the custody of a law enforcement officer or while it is being caged, kenneled, transported, exhibited, exercised, or used in discharging or attempting to discharge any lawful duty or function or power of office by any law enforcement officer or his/her representative for any law enforcement agency.

Section 15

CITATION, ENFORCEMENT PROCEDURES

15.1 Requirements of Uniform Animal Control Ordinance

Citation: Form and Content

(a) A Uniform Nuisance Citation conforming to the requirements of this Ordinance may be used for violations of this Ordinance and the rules and regulations adopted pursuant thereto committed in the presence of the complainant and which occur in the unincorporated areas of Klamath County, Oregon.

(b) The Uniform Animal Control Citation shall consist of at least four parts. Additional parts may be inserted for administrative use. The required parts are:

- (1) Complaint;
- (2) County Counsel's record of violation;

(3) Reporting department's record of violation;  
and

(4) Summons.

(c) Each of the parts shall contain the following information or blanks in which such information shall be entered.

(1) Name of the Court and court's docket or file number;

(2) Name of person cited;

(3) Brief description of the violation of which the person is charged in such manner as can be readily understood by a person making a reasonable effort to do so, the date, time and place at which the violation occurred, the date on which the citation was issued, the name of the complainant;

(4) The time and place where the person cited is to appear in court;

(5) The bail, if any, fixed for the violation;

(6) The designation of the method of service and certification that such service was made.

When such service is certified mail, return receipt requested, as described in Subsection 15.3(c) of this section, such shall be stated on the complaint and the



required certification of service may be made upon receipt of the "return receipt" and after filing of the complaint.

(d) Each of the parts shall also contain such identifying and additional information as may be necessary or appropriate for the Animal Control Officer to administer this Ordinance.

(e) The complaint shall contain a form certificate by the complainant to the effect that he certifies, under penalties prescribed at Subsection 16.4 of this Ordinance that he has reasonable grounds to believe, and does believe, that the person cited committed the violation contrary to the Klamath County Animal Control Ordinance or the rules and regulations adopted pursuant thereto, made and provided by Klamath County, Oregon. The certification, if made by the Animal Control Officer or his authorized designee, or a duly authorized peace officer, need not be made before a magistrate or any other person. Any private person utilizing the Animal Control Ordinance Citation shall certify before a District Court Judge, clerk or deputy clerk of the District Court of Klamath County, and this action will

be entered in the court record. The reverse side of the complaint shall contain the court record and contain the substance of the matters appearing on the reverse side of all uniform complaints used in the District Court of Oregon for Klamath County or as otherwise directed by said District Court. A certificate conforming to this section shall be deemed equivalent to a sworn statement.

(f) The summons shall also contain a notice to the person that the complaint will be filed with the District Court of the State of Oregon for the County of Klamath. The reverse side of the summons shall contain the following in a form substantially as follows:

READ CAREFULLY

You have been charged with a violation of the Animal Control Ordinance of Klamath County. You MUST do ONE of the following:

1. Appear in court at the time mentioned in this summons and request a hearing. The court will then set a time for hearing.

2. Mail to the court this summons, together with a check or money order in the amount of the bail indicated on the other side of this summons and tell the court you request a hearing. THIS SUMMONS AND THE BAIL MUST REACH THE COURT BEFORE THE TIME WHEN THIS SUMMONS REQUIRES YOU TO APPEAR IN COURT. If you do not want a hearing, but wish to explain your side, send your written explanation with the summons and bail. The court will then consider your explanation with the summons and bail. The court will then consider your explanation and may forfeit your bail or part of it, on the basis of your explanation and what the officer tells the court.

3. Sign the plea of guilty below and send this summons to the court, together with check or money order in the amount of bail indicated on the other side of this summons. THIS SUMMONS AND THE BAIL MUST REACH THE COURT BEFORE THE TIME WHEN THIS SUMMONS REQUIRES YOU TO APPEAR IN COURT. NOTE: If you have already given bail or other security for your appearance, proceed as mentioned above but do not send in any additional sum as bail.

APPEARANCE, PLEA OF GUILTY, WAIVER

I, the undersigned, do hereby enter by appearance on the complaint of the violation charged on the other side of this summons. I have been informed of my right to a trial, that my signature to this plea of guilty will have the same force and effect as a judgment of court. I do hereby PLEAD GUILTY to said violation as charged, WAIVE my right to a HEARING by the court, and agree to pay the penalty prescribed for my violation.

\_\_\_\_\_  
Defendant's Name

\_\_\_\_\_  
Defendant's Address

MAIL YOUR REMITTANCE TO:

Klamath County District Court  
Courthouse  
316 Main Street  
Klamath Falls, OR 97601

-----  
NOTICE

IF YOU FAIL TO COMPLY WITH THESE INSTRUCTIONS, THE COURT IS AUTHORIZED TO ISSUE A WARRANT FOR YOUR ARREST.

IF YOU FAIL TO DO ONE OF THE THREE FOREGOING PROCEDURES, OR FAIL TO APPEAR FOR TRIAL AT THE TIME SET BY THE COURT, YOU MAY BE CHARGED WITH THE ADDITIONAL AND SEPARATE VIOLATION OF FAILURE TO MAKE REQUIRED APPEARANCE.

THE COURT MAY IN ANY CASE, AFTER NOTICE, REQUIRE YOU TO APPEAR FOR A HEARING.

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(g) Any error in transcribing information into the blanks provided in the citation form when determined by the court to be non-prejudicial to the defendant's defense, may be corrected at the time of trial with notice being given to the defendant.

(h) Except as provided in subsection (g) above, the complaint shall be set aside by the court only upon the motion of the defendant before plea if it does not conform to the requirements of this section.

15.2 Commencement of Action for Animal Control Ordinance Violations.

(a) The Animal Control Officer or his authorized designee, or a duly authorized peace officer, may issue an Animal Control Ordinance Citation for violation of this Ordinance committed in his presence and when committed at any location within the unincorporated area of Klamath County, Oregon.

(b) A private person may commence an action for an Animal Control Ordinance violation as provided in subsection 15.1(e) of this section and under the same conditions provided in subsection 15.1(a) of this section. The commencement of all actions by private persons for violation of this Ordinance

committed in their presence utilizing the Uniform Animal Control Citation form shall be with the discretion and judgment of the office of the County Counsel of Klamath County, Oregon, and conform to the procedures for certification and service as required at subsections 15.1 and 15.3 of this section, respectively.

15.3 Service of Citation.

(a) If a citation is commenced as described in subsection 15.2(a) or (b) of this section, the Animal Control Officer or his authorized designee or a peace officer, respectively, shall serve the summons portion of such citation in one of the following manners:

(1) Service may be made personally upon the defendant. If the defendant cannot be found personally at his usual abode, then service may be made to a member of his family over 14 years of age who resides at that abode.

(2) If the defendant is unknown or unavailable for personal service by the Animal Control Officer or his authorized designee, then the summons portion of the citation, prepared by the citing individual may be personally served upon the

defendant by any peace officer, authorized to serve such citations.

(3) If, after reasonable and due diligence, the defendant cannot be served in the manner prescribed in subsections (1) and (2) herein above, service of the summons portion of said citation may be made by registered mail, return receipt requested, mailed to such person at his last known address with postage prepaid thereon. For the purposes of this Ordinance, service by mail shall be deemed perfected upon filing with the court the return receipt endorsed by said defendant or a member of his family over the age of 14, who resides at the defendant's abode. As soon as reasonably possible, provided, however, in no event later than the appearance date, complainant shall file the complaint portion of the citation with the Clerk of the District Court and when service is not made at the time of commencement of the complaint, proof of service shall be filed immediately after service has been made.

15.4 Minimum Requirements for Summons.

A summons for Animal Control Ordinance Violation is

sufficient if it contains the following:

- (a) A request for hearing; or
- (b) A statement of matters and explanation in mitigation of the offense charged; or
- (c) The executed appearance, waiver of hearing and plea of guilty appearing on the summons.

15.5 Effect of Statement and Explanation in Mitigation.

If the defendant has submitted to the court a written statement as provided in subsection 15.5(1) (2) or (3) of this section, it constitutes a waiver of hearing and consent to judgment by the court declaring a forfeiture of all or any part of the bail as determined by the court on the basis of such statement and any testimony or written statement of complainant or other witness which may be presented to the court.

15.6 Fixing Hearing Dates; Notice to Defendant; Failure to Appear; the Separate Offense of Failing to Appear in Court Pursuant to Citation, Summons, Court Order or at the Time Set for Trial of Case.

- (a) If the defendant requests a hearing, or pursuant to subsection 15.9(a) of this section, the court directs that a hearing be held, the court



shall fix a date and time for hearing and, unless notice is waived, shall at least five days in advance of the hearing mail to defendant a notice of the date and time so fixed. The notice shall set forth a warning that for failure to appear for the hearing, the defendant may be charged with a separate and additional offense of failure to appear in court pursuant to a court order, or a citation or summons or at a time set for trial of the case.

(b) Notice to the defendant required pursuant to subsection 15.7(a) of this section, shall be made in the form of a court "notice to appear" and be placed in the United States mail addressed to the defendant at his last known address with postage prepaid thereon.

(c) Failure of the defendant to make appearance as set forth in subsection 15.7(a) of this section will constitute a failure to appear for hearing. If the defendant fails to appear when notified by the court to appear pursuant to subsection 15.7(b) of this section, he may be charged with a separate and additional offense of failing to appear in court pursuant to a court order, or a citation or summons or at a time set for trial of the case.

15.7 Failure to Appear in Court Pursuant to a Citation, Summons, Court Order or at a Time Set for Trial of the Case.

Upon finding by the court that the defendant did not make appearance as required pursuant to subsection 15.6(a) of this section without due and good cause, the defendant shall be guilty of failure to appear. The fine for conviction of failure shall be in addition to the fine and court costs of the violation for which he failed to appear and shall not be less than twice the amount of bail for such violation nor more than \$1,000.

15.8 Hearing Discretionary with Court; Exceptions.

(a) For any Animal Control Ordinance violation for which a Uniform Animal Control Citation has been issued, the court may direct that a hearing be held. Otherwise, the court may enter the appropriate judgment, impose a fine, direct that the fine be paid out of the bail deposited by the defendant and return any amount by which the bail exceeds the fine.

(b) No fine may be imposed in excess of the amount of bail deposited by defendant unless a hearing is held.

15.9 Warrant for Arrest.

(a) If a person cited fails to comply with the provisions of subsection 15.5 of this section, or if he fails to appear at any time fixed by the court, a warrant for his arrest may be issued by a judge of Klamath County District Court. A warrant issued by the District Court may be served without further endorsement, in any county in this state.

(b) No warrant of arrest may be issued pursuant to this section after a period of 60 days from the date of the entry of an order declaring a forfeiture of bail or other security given by the arrested person. Unless a warrant has been issued before the expiration of that period, the order of forfeiture shall be deemed the final deposition of the case.

15.10 Other Enforcement Procedures.

The use of the above citation procedures shall not be construed to prevent the filing of a complaint in any other lawful form, alleging violation of this Ordinance.

Section 16

PENALTIES

- 16.1 Any person who violates any provisions of sections 4 or 5 of this Ordinance is guilty of a misdemeanor, and upon conviction thereof, is punishable by imprisonment in the County jail for a period not to exceed one year and/or by a fine of not more than \$500.00, or both. All other violations shall be punishable by a fine not to exceed \$500.00.
- 16.2 Each day a person shall be in violation of this Ordinance shall be deemed a separate offense.
- 16.3 Any person who in connection with the issuance of a citation, or the filing of a complaint, for a violation of this Ordinance or rules or regulations adopted pursuant thereto, willfully certifies falsely to the matters set forth therein, is punishable by imprisonment in the county jail for not more than one year or by fine of not more than \$500 for a noncontinuing offense and a fine of not more than \$1000 for a continuing offense or both.

\$500 for a noncontinuing offense and a fine of not more than \$1000 for a continuing offense or both.

16.4 Upon conviction of any person for a violation of failure to appear as required by Subsection 15.5 without due and good cause, he shall be punished by a fine in addition to the fine and court costs of the violation for which he failed to appear; and such additional fine shall not be less than \$500.

16.5 The provisions of this section are in addition to and not in lieu of other procedures and remedies provided in this Ordinance or state law.

16.6 The penalties in this section are not in lieu of civil proceedings or criminal remedies otherwise provided in law.

16.7 In addition to any penalty imposed as provided by subsection 16.1 of this section, a court may order the impoundment and destruction of any dog found to be vicious.

Section 17

APPEALS.

Any owner who believes his animal to have been wrongfully impounded may, within the impound period, appeal to the District Court of Oregon for Klamath County, which shall have full power to determine whether the animal has been wrongfully impounded, and if so, determine whether it shall be returned to the owner and under what terms.

Section 18

FEES.

The Klamath County Board of Commissioners shall, in conjunction with the Animal Control Officer of Klamath County, establish by Resolution, license, registration and all applicable fees for facilities and services regulated under this Ordinance.

Section 19

SEPARABILITY.

If any section, subsection, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not effect the validity of the remaining portions of this Ordinance.

Section 20

EMERGENCY CLAUSE.

In order to protect the health, safety, and welfare of the residents and citizens of Klamath County, it is necessary that the terms and conditions of this Ordinance become effective immediately, therefore, an emergency is hereby declared and this Ordinance shall become effective upon adoption by the Board of County Commissioners for Klamath County.

DATED this 27<sup>th</sup> day of March, 1986.

  
\_\_\_\_\_  
CHAIRMAN OF THE BOARD

  
\_\_\_\_\_  
COUNTY COMMISSIONER

  
\_\_\_\_\_  
COUNTY COMMISSIONER

ATTEST:

  
\_\_\_\_\_  
RECORDING SECRETARY

APPROVED AS TO LEGAL FORM:

  
\_\_\_\_\_  
JIM UERLINGS