

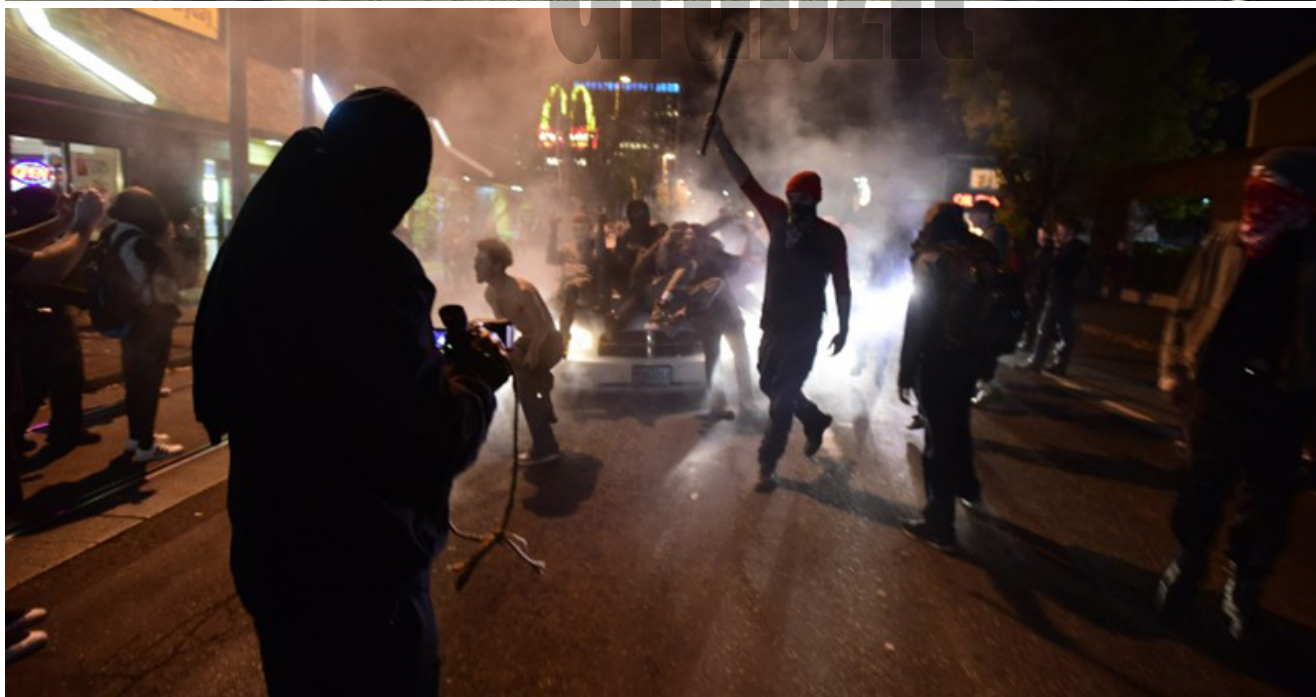
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2015 ORS § 609.090¹

Impounding certain dogs

- **procedure for county disposition of impounded dogs**
- **impoundment fees and costs**
- **release of dog**

(1) A law enforcement officer or dog control officer may cite a keeper, impound a dog, or both if:

- (a) The dog is found running at large in violation of ORS [609.060 \(Notice of county prohibition on dogs running at large\)](#);
- (b) The dog is a public nuisance as described by ORS [609.095 \(Dog as public nuisance\)](#); or
- (c) The officer has probable cause to believe that the dog is a dangerous dog as defined in ORS [609.098 \(Maintaining dangerous dog\)](#).

(2) All dogs impounded under this section and ORS [609.030 \(Establishing dog control district\)](#) shall be held in an adequate and sanitary pound to be provided by the county governing body from the general fund or out of funds obtained from dog licenses and from the redemption of dogs so impounded. However, in lieu of the establishment of a dog pound, the county governing body may contract for the care of the dogs. Unless claimed by its keeper, a dog shall be impounded for at least three days if the dog is without a license or identification tag and for at least five days if it has a license or identification tag. A reasonable effort shall be made to notify the keeper of a dog before the dog is removed from impoundment.

(3) Unless the dog control board or county governing body provides otherwise, if the keeper appears and redeems the dog, the keeper shall pay a sum of not less than \$10 for the first impoundment and not less than \$20 for each subsequent impoundment and also pay the expense of keeping the dog during the time it was impounded. If the dog is unlicensed the keeper shall also purchase a license and pay the applicable penalty for failure to have a license. If the keeper is not the owner of the dog, the keeper may request that a license purchased by the keeper under this subsection be issued in the name of the dog owner.

(4) In addition to any payment required pursuant to subsection (3) of this section, a dog control board or county governing body may require as a condition for redeeming the dog that the keeper agree to reasonable restrictions on the keeping of the dog. The keeper must pay the cost of complying with the reasonable restrictions. As used in this subsection, reasonable restrictions may include, but is not limited to, sterilization.

(5) A keeper of a dog maintains a public nuisance if the keeper fails to comply with reasonable restrictions imposed under subsection (4) of this section or if a keeper fails to provide acceptable proof of compliance to the dog control board or county governing body on or before the 10th day after issuance of the order imposing the restrictions. If the board or governing body finds the proof submitted by the keeper unacceptable, the board or governing body shall send notice of that finding to the keeper no later than five days after the proof is received.

(6) If no keeper appears to redeem a dog within the allotted time, the dog may be killed in a humane manner. The dog control board or county governing body may release the dog to a responsible person upon receiving assurance that the person will properly care for the dog and upon payment of a sum established by the county governing body plus cost of keep during its impounding, and purchase of a license if required. The person shall thereafter be the keeper of the dog for purposes of ORS [609.035 \(Definitions for ORS 609.035 to 609.110 and 609.990\)](#) to [609.110 \(Dog License Fund\)](#).

(7) If the keeper of a dog is not charged with violating ORS [609.095 \(Dog as public nuisance\)](#) (2) or (3) or ORS [609.098 \(Maintaining dangerous dog\)](#), and the dog control board or county governing body finds that the dog has menaced or chased a person when on premises other than the premises from which the keeper may lawfully exclude others or has bitten a person, the dog control board or county governing body may order that the dog be killed in a humane manner. Before ordering that the dog be killed, the board or governing body shall consider the factors described in ORS [609.093 \(Considerations prior to disposing of chasing, menacing or biting dog\)](#) and issue written findings on those factors. Notwithstanding ORS [34.030 \(Jurisdiction to grant writ\)](#), if the disposition order issued by the board or governing body provides that the dog is to be killed, a petition by the keeper for a writ of review must be filed no later than the 10th day after the dog control board or county governing body sends notice of the order to the keeper. Notwithstanding ORS [19.270 \(Appellate jurisdiction of Supreme Court and Court of Appeals\)](#), [19.330 \(Stays generally\)](#) and [34.070 \(Stay of proceedings\)](#), the order for the killing of the dog may not be carried out during the period that the order is subject to review or appeal. If the dog is not killed, the board or governing

body may impose reasonable restrictions on the keeping of the dog. The keeper must pay the cost of complying with the reasonable restrictions.

(8) If the keeper of a dog is charged with violating ORS [609.095 \(Dog as public nuisance\)](#) (2) or (3) or [609.098 \(Maintaining dangerous dog\)](#), upon conviction of the keeper the court may determine the disposition of the dog as provided under ORS [609.990 \(Penalties for ORS 609.060, 609.095, 609.098, 609.100, 609.169 and 609.405\)](#).

(9) Notwithstanding subsections (2), (3), (6), (7) and (8) of this section, any dog impounded for biting a person shall be held for at least 10 days before redemption or destruction to determine if the dog is rabid.

(10) Notwithstanding subsections (2) and (3) of this section, if the keeper is charged with violating ORS [609.098 \(Maintaining dangerous dog\)](#), the dog shall be kept in impoundment pending resolution of the charges. A court may order the keeper to post a deposit with the dog control board or county governing body to cover the cost of keeping the dog in impoundment. If the keeper is convicted of violating ORS [609.098 \(Maintaining dangerous dog\)](#), the court may order the deposit forfeited to the board or governing body.

(11) A dog control board or county governing body may impose lesser fees or penalties under subsections (3) and (6) of this section for certain senior citizens under certain circumstances. [Amended by 1953 c.571 §2; 1957 c.79 §2; 1963 c.237 §1; 1963 c.585 §1; 1967 c.495 §2; 1969 c.677 §4; 1973 c.655 §3; 1975 c.499 §1; 1977 c.802 §6; 1999 c.658 §§6,6a; 2001 c.636 §7; 2005 c.840 §5]

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[Annotations Related](#)

Notes of Decisions

Where plaintiff underwent series of rabies shots because defendant city destroyed dog that bit him before determination of whether dog did or did not have rabies, this section could be used to measure standard of care of officials who impounded dog in determining whether conduct of officials was reasonable under existing circumstances. *Jones v. City of Prairie City*, 86 Or App 701, 740 P2d 236 (1987)

Chapter 609

Atty. Gen. Opinions

Possession and administration of sodium pentobarbital by county animal control program, (1982) Vol 42, p 297

Related Statutes³

- [609.093](#)
[Considerations prior to disposing of chasing, menacing or biting dog](#)
- [609.155](#)
[Impoundment for harming or chasing livestock](#)

¹ Legislative Counsel Committee, *CHAPTER 609—Dogs; Exotic Animals; Dealers*, https://www.oregonlegislature.gov/bills_laws/ors/ors609.html (2015) (last accessed Jul. 16, 2016).

² Legislative Counsel Committee, *Annotations to the Oregon Revised Statutes, Cumulative Supplement - 2015, Chapter 609*, https://www.oregonlegislature.gov/bills_laws/ors/ano609.html (2015) (last accessed Jul. 16, 2016).

³ OregonLaws.org assembles these lists by analyzing references between Sections. Each listed item refers back to the current Section in its own text. The result reveals relationships in the code that may not have otherwise been apparent.

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