

609.415 Animal rescue entities; licensing; records; fees; rules; civil penalty.

(1) As used in this section and ORS 609.420:

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

(b) "Animal rescue entity" means an individual or organization, including but not limited to an animal control agency, humane society, animal shelter, animal sanctuary or boarding kennel not subject to ORS 167.374, but excluding a veterinary facility, that keeps, houses, and maintains in its custody 10 or more animals and that solicits or accepts donations in any form.

(c) "Enforcing agency" means the agency that operates a city or county dog licensing and control program under ORS 609.035 to 609.110 or under any city or county ordinances or regulations that operate in lieu of ORS 609.035 to 609.110, or any other agency designated the enforcing agency by the city or county governing body.

(2) Any animal rescue entity shall comply with all of the following record-keeping requirements:

(a) Maintain a record for each animal that identifies:

(A) The date of birth for the animal or, if the date of birth is unknown, the approximate age of the animal;

(B) The date the animal rescue entity acquired possession, control or charge of the animal and the source of the animal;

(C) The number of offspring the animal produced while in the possession or control of the animal rescue entity, if applicable;

(D) The disposition the animal rescue entity makes of each animal possessed by, controlled by or in the charge of the animal rescue entity, including the date of disposition, manner of disposition and the name and address for any individual or organization taking possession, control or charge of an animal;

(E) The source of the animal, date of acquisition, age, sex, breed type and weight of the animal at intake; and

(F) A photograph of the animal taken within 24 hours of intake by the animal rescue entity.

(b) Permit an authorized representative of the enforcing agency to inspect records of the animal rescue entity required by this subsection and furnish reports and information required by the enforcing agency, as provided under ORS 609.420.

(3) An animal rescue entity shall comply with the following licensing requirements:

(a) The entity shall obtain a license issued by the enforcing agency in accordance with this section and any rules or policies adopted by the enforcing agency; and

(b) The entity shall pay a reasonable fee, as determined by the enforcing agency, for a license or an annual renewal of the license to provide for the actual cost of enforcing this section and ORS 609.420.

(4) The enforcing agency may not issue or renew a license under this section unless the animal rescue entity is in compliance with this section and ORS 609.420.

(5) An animal rescue entity may transfer a license issued under this section to another person with the written consent of the enforcing agency, provided that the transferee otherwise qualifies to be licensed as an animal rescue entity under this section and rules applicable to the transferee and does not have a certified unpaid debt to the state. The transferee shall submit a signed release to the enforcing agency permitting the performance of a background investigation of the transferee, and the enforcing agency shall conduct the background investigation.

(6) An applicant for a license issued under this section shall demonstrate that the animal rescue entity that is the subject of the application complies with all standards imposed under applicable law.

(7) Any animal rescue entity is subject to inspection by the enforcing agency as provided in ORS 609.420.

(8)(a) A violation of this section may result in imposition of civil penalties to be determined by the enforcing agency, including but not limited to impoundment of all animals under the animal rescue's control, the revocation of the animal rescue's license to operate animal rescue operations and a civil penalty of not more than \$500 for each violation.



(b) Before a civil penalty may be imposed under this section, the enforcing agency shall adopt rules or policies that:

(A) Ensure that a person who is the subject of an alleged violation receives notice of the allegations and potential imposition of civil penalties;

(B) Allow for an opportunity for a hearing prior to the imposition of civil penalties; and

(C) Allow for the opportunity for judicial review of the imposition of civil penalties.

(9) Moneys raised by the enforcing agency under this section are dedicated to and shall be used for enforcing agency operations undertaken pursuant to this section and 609.420.

#### 609.420 Investigation and inspection of animal rescue entity.

(1) Whenever an authorized representative of an enforcing agency is advised or has reason to believe that an animal rescue entity is operating without a license, the authorized representative may visit and conduct an on-site investigation of the premises of the animal rescue entity. The purpose of an investigation under this section is to determine whether the animal rescue entity is subject to the requirements of ORS 609.415.

(2) At any reasonable time, an authorized representative of an enforcing agency, a law enforcement agency or the United States Department of Agriculture may conduct an on-site investigation of the premises of any licensed animal rescue entity to determine whether the entity is in compliance with ORS 609.415.

(3) An authorized representative of the enforcing agency or a law enforcement agency shall conduct an on-site investigation of the premises of any licensed animal rescue entity if the agency receives a complaint about the animal rescue entity related to the failure to comply with the requirements of ORS 609.415 that the agency determines is credible and serious. The investigation by the agency shall be limited to determining if the animal rescue entity has failed to comply with the requirements of ORS 609.415.

(4) Any state agency that receives a complaint about a licensed animal rescue entity shall notify the enforcing agency about the complaint and any subsequent action taken by the state agency based on that complaint.

(5) A licensed animal rescue entity shall permit an authorized representative of the enforcing agency to inspect records of the animal rescue entity and shall furnish any reports and information required by the enforcing agency.

(6) If, during the course of an inspection made under this section, the enforcing agency finds evidence of animal cruelty in violation of ORS 167.310 to 167.351, 167.352, 167.355 or 167.360 to 167.372, the enforcing agency shall seize the evidence and report the violation to law enforcement. Evidence of animal cruelty found through a valid inspection under this section shall be presumed admissible in any subsequent criminal proceeding.

#### 609.500 Definitions for ORS 609.500 to 609.520 and 609.994.

As used in ORS 609.500 to 609.520 and 609.994, unless the context requires otherwise:

(1) "Animal control officer" means any person operating under the authority of this state, any unit of local government or the United States Government or pursuant to an agreement with any state or local government authority, for the purpose of:

(a) Providing shelter and other care for lost, homeless or injured animals;

(b) Serving as an information center concerning missing and found animals;

(c) Protecting the public from hazardous or insanitary conditions associated with animals that are running at large; or

(d) Protecting animals from neglect, cruelty or abuse.



(2) "Animal dealer" means any person, whether or not duly licensed or registered under state or federal law, who acquires or maintains possession of a dog or cat with the intention of selling the animal to another person, but does not include:

- (a) Any research facility, retail pet store, animal control agency or animal shelter;
- (b) Any person who sells the person's companion animal or the offspring of the companion animal;
- (c) Any person who receives less than \$250 per calendar year for the sale of animals;
- (d) Any person who breeds or possesses animals solely for sale to research facilities and does not purchase or accept animals from the public or paid collectors;
- (e) Any commercial breeder or distributor who sells animals exclusively for the purpose of private pet ownership;
- (f) Any person who receives lost or injured animals for the exclusive purpose of rehabilitating the animals or placing them in private pet ownership;
- (g) Any person who breeds or possesses dogs or cats for competition, exhibition, legal sporting events, search and rescue activity or police activity; or
- (h) Any person licensed to practice veterinary medicine, surgery or dentistry under ORS chapter 686.

(3) "Animal shelter" means any person operating a facility in this or any other state for the purposes of:

- (a) Providing shelter and other care for lost, homeless or injured animals;
- (b) Serving as an information center concerning missing and found animals; or
- (c) Protecting animals from neglect, cruelty or abuse.

(4) "Companion animal" means a dog or cat possessed by a person, business or other entity for purposes of companionship, security, hunting, herding or providing assistance in relation to a physical disability.

(5) "Person" means a human being, corporation, nonprofit corporation, association, partnership, sole proprietorship or other legal entity.

(6) "Research facility" means any person who:

- (a) Investigates or gives instruction concerning the structure or functions of living organisms, the causes, prevention, control or cure of diseases or abnormal conditions of human beings or animals, or the effects of substances on human beings or animals; or
- (b) Manufactures or sells products to be used in the prevention, control or cure of diseases or abnormal conditions of human beings or animals, or in the testing of the effects of substances on human beings or animals.