BEFORE THE BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON

In the Matter of Imposing a Civil Penalty)	
Against Wendy Hart for Livestock Chase)	
and Kill, Adopting Findings and)	Order No. 73-2006
Conclusions and Authorizing Action)	

WHEREAS, on afternoon of March 29, 2006, Columbia County Animal Control Officer, Roger Kadell, was called to the home of Frank and Ann Queen at, 31455 Tide Creek Road, Rainier, Oregon. The Queens complained that Wendy Hart's dogs, a black Labrador Retriever and a German Shepard, had chased and attacked two of their chickens, killing them. Mr. Queen reported that in the early morning hours he witnessed the Labrador with a chicken in its mouth, and that he caught the German Shepard, but the Labrador ran off. Roger Kadell took photos of the dead animals. Roger Kadell then impounded the German Shepard, which was later redeemed at the Animal Control offices; and

WHEREAS, in the afternoon of March 29, 2006, Roger Kadell impounded the black Labrador at the property of Wendy Hart; and

WHEREAS, Roger Kadell verified that the chickens appeared to have been mauled by dog bites and took photos of the animals; and

WHEREAS, the impound fee for the Labrador is \$30.00 plus \$10.00/per day for each day of impoundment; and

WHEREAS, Wendy Hart was notified by mail dated March 31, 2006, that the County was required to make a determination whether the dog was engaged in killing, wounding, injuring or chasing livestock, and that she had 14 days after the date of the letter to request a hearing, or the Board would immediately take action under ORS 609.162 and ORS 609.163; and

WHEREAS, Ms. Hart requested a hearing within the statutory 14 day period; and

WHEREAS, on April 19, 2006, the Board of County Commissioners held a hearing in the matter; and

WHEREAS, during the hearing, the Board of Commissioners took action under ORS 609.162 and ORS 609.163, considering the complaints and reports made regarding the alleged attacks, as well as photographs taken of the injured chickens and of the testimony given;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

Order No. 73-2006

- 1. The Board of County Commissioners adopts the following findings of fact and conclusions of law:
 - A. The Board of Commissioners finds that on March 29, 2006, Wendy Hart's black Labrador Retriever, entered upon the property of Ann and Frank Queen at 31455 Tide Creek Road, Rainier, Oregon, and chased and killed two of the Queen's chickens thereon.
 - B. The Board of Commissioners finds that the Labrador Retriever was thereafter impounded and has continuously been held by Columbia County Animal Control Services.
 - C. The Board of Commissioners finds evidence that the Labrador Retriever had previously chased, injured or killed livestock.
 - D. Pursuant to ORS 609.162, the Board of Commissioners finds that because the Labrador Retriever chased and killed the two chickens, as alleged, and has previously chased and killed livestock, the Board must impose a civil penalty of not less than \$500.00 and not more than \$1000.00.
- Wendy Hart is hereby ordered to pay to Columbia County, a civil penalty in the amount of five hundred dollars (\$500.00). The penalty shall be delivered to the office of County Counsel within 14 days of the date of this Order.
- 3. Wendy Hart's black Labrador Retriever is hereby ordered surrendered and relinquished to Columbia County Animal Control Services.
- Wendy Hart is hereby ordered to pay the \$30.00 impound fee and daily impound fees of \$10.00 per day for 30 days (\$300.00) from March 29, 2006, to April 28, 2006. The impoundment fee shall be delivered to the office of County Counsel within 14 days of the date of this Order.

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	of the civil penalty assessed against Wendy Hart as provided in ORS 609.166.			
1	Dated this6th	_day of <u>September</u> , 2006.		
Approved as to By: Sauce County	h Langon	BOARD OF COUNTY COMMISSIONERS FOR COLUMBIA COUNTY, OREGON By:		