

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Making ORS 167.315,)
167.320, 167.325, 167.330, 167.340 and)
607.045 Enforceable under the Columbia)
County Enforcement Ordinance and Issuing)
a Letter of Authority Therefor)

ORDER NO. 74-06

WHEREAS, Section 6.U of the Columbia County Enforcement Ordinance ("Enforcement Ordinance") provides that, in addition to the statutes, administrative rules, ordinances, orders and resolutions listed in the Enforcement Ordinance, any other county ordinance, order or resolution which specifically says that it is enforceable under the Enforcement Ordinance may be enforced under the Enforcement Ordinance; and

WHEREAS, Section 11.H of the Enforcement Ordinance provides that the Columbia County Dog Control Officer is authorized to enforce the statutes, ordinances, amendments and provisions listed in Sections 6.J, S and T of the Enforcement Ordinance, which include provisions of ORS Chapter 609 relating to dogs and animal control; and

WHEREAS, the position of Dog Control Officer has been renamed Animal Control Officer, but is still the same position granted authority under the Enforcement Ordinance; and

WHEREAS, the Columbia County Animal Control Officer's job description and duties regularly involves dealing with livestock-at-large issues, and the investigation of animal neglect, animal abuse and animal abandonment issues; and

WHEREAS, the Enforcement Ordinance and letter of authority issued to the Animal Control Officer by the Board of County Commissioners does not currently grant to the Animal Control Officer the authority to enforce the Oregon Revised Statutes relating to livestock-at-large issues, and the investigation of animal neglect, animal abuse and animal abandonment issues; and

WHEREAS, it has been recommended that the Oregon Revised Statutes relating to livestock-at-large issues, and the investigation of animal neglect, animal abuse and animal abandonment issues be made enforceable under the Enforcement Ordinance, and that the Animal Control Officer be granted a letter of authority authorizing him to enforce these statutes as violations under the Enforcement Ordinance;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The following statutes are incorporated herein by this reference: ORS 167.315, Animal Abuse in the Second Degree; ORS 167.320, Animal Abuse in the First Degree; ORS 167.325, Animal Neglect in the Second Degree; ORS 167.330,

Animal Neglect in the First Degree; ORS 167.340, Animal Abandonment; and ORS. 607.045, Livestock Running at Large in a Livestock District.

2. This order and ORS 167.315, 167.320, 167.325, 167.330, 167.340 and 607.045 are hereby adopted and made enforceable under the Enforcement Ordinance.
3. Any person who violates ORS 167.315, 167.320, 167.325, 167.330, 167.340, and/or 607.045 commits a violation of this order and is subject to the penalties and remedies provided in the Columbia County Enforcement Ordinance.
4. The Columbia County Animal Control Officer is authorized to enforce ORS 167.315, 167.320, 167.325, 167.330, 167.340, and 607.045, and the Board approves the issuance of a letter of authority, a copy of which is attached hereto, labeled Exhibit "A", and incorporated herein by this reference, granting him such authority.

DATED this 13th day of September 2006.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Not Present
Chair

By: [Signature]
Commissioner

By: [Signature]
Commissioner

Approved as to form

By: [Signature]
Office of County Counsel

COLUMBIA COUNTY



OREGON

Board of Commissioners

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September 13, 2006

LETTER OF AUTHORITY UNDER THE COLUMBIA COUNTY ENFORCEMENT ORDINANCE

TO: ROGER KADELL, ANIMAL CONTROL OFFICER

Pursuant to Amended Order No. 58 - 2004, adopted on September 29, 2004, by the Board of County Commissioners for Columbia County, Oregon, you are specifically authorized, have jurisdiction of and may enforce certain infractions under Ordinance No. 92-15, the "Columbia County Enforcement Ordinance", and any amendments to Ordinance No. 92-15. In addition, pursuant to Order No. 74 - 2006, adopted by the Board of County Commissioners on September 13, 2006, you are specifically authorized, have jurisdiction of and may enforce certain infractions under ORS 167.315, 167.320, 167.325, 167.330, 167.340 and 607.045, and any amendments thereto. Your authority and jurisdiction is subject to the primary authority of the Board of County Commissioners, and is limited to the specific infractions listed below.

The Board of County Commissioners may at any time, for any reason, by order or resolution, revoke the authority and jurisdiction granted by this letter, Amended Order No. 58 - 2004 and ORS 167.315, 167.320, 167.325, 167.330, 167.340 and 607.045. In addition, your authority and jurisdiction shall be automatically terminated and you shall return this letter if you cease to hold a position authorized by Ordinance No. 92-15 and Amended Order No. 58 - 2004 to enforce infractions.

Pursuant to Section 14.E. of Ordinance No. 92-15, no authorized person shall file any complaint under the ordinance, and the courts shall not have jurisdiction to hear any such complaint, without the express review and approval of the Columbia County Counsel or Assistant County Counsel. This does not mean you cannot issue the summons portion of the citation first, in appropriate cases, and clear it with the County Counsel or Assistant County Counsel later, before filing the complaint. Generally consultation with County Counsel and prior clearance with the Board of Commissioners is encouraged. Subject to the foregoing, you are authorized to issue a warning or citation to any person who commits an infraction listed below.

You may not make an arrest for an infraction, but may detain any individual reasonably believed to have committed an infraction, only so long as is necessary to determine, for the purposes of issuing a warning or citation, the identity of the offender and such additional information as is appropriate for enforcement of the infraction. Before detaining any individual in an attempt to enforce the statutes, rules, ordinances, orders or resolutions enforceable under this ordinance, you shall conspicuously display an official identification card or this letter of authority showing your lawful authority.

The infractions you have authority over, jurisdiction of and may enforce are as follows:

AREAS OF AUTHORITY	RELEVANT ORDINANCE PROVISIONS
Animal Control	Violations of the statutes, and provisions thereof, listed in Subsection J, and relevant amendments and ordinances under Subsections S and T, of Section 6 of the Columbia County Enforcement Ordinance. Violations of ORS 167.315, 167.320, 167.325, 167.330, 167.340 and 607.045

DATED this ____ day of September, 2006.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: _____
Office of County Counsel

By: _____
Chair

By: _____
Commissioner

By: _____
Commissioner