

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Interpretation of the )  
Columbia County Kennel )  
Ordinance )

ORDER NO. 34-2009

WHEREAS, on November 5, 2008, the Columbia County Board of Commissioners adopted Ordinance No. 2007-7, the Columbia County Kennel Ordinance (the "Kennel Ordinance"); and

WHEREAS, the Kennel Ordinance became effective on February 5, 2009; and

WHEREAS, the Kennel Ordinance established new standards for the issuance of dog kennel licenses by Columbia County and replaced the requirements of Ordinances Nos. 88-13 and 88-14; and

WHEREAS, questions have been raised by County staff as to the implementation of the Kennel Ordinance, including: the collection of fees; the process for denying applications; and the applicable laws and regulations when considering denials or license modifications and/or revocations; and

WHEREAS, the Board of Commissioners has broad authority to interpret its own enactments such as the Kennel Ordinance; and

WHEREAS, the Board of County Commissioners desires to issue this interpretation to resolve those questions and enable County staff to implement and apply the Kennel Ordinance in an understandable, uniform and consistent manner;

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Board adopts the following findings of fact and conclusions of law:
  - A. The Board finds that administration of a kennel licensing program with a kennel license application process by necessity means that some applications will be approved and others will be denied.

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- B. Many kennel operators in Columbia County licensed under the previous kennel ordinances operated in compliance with applicable laws, while others were in operation without kennel licenses or in violation of other applicable laws. The Board finds that the Kennel Ordinance contemplates County staff approving kennel license applications that meet the requirements of Sections 9 and 10 of the Kennel Ordinance, as well as any other applicable federal, state and local laws regarding the keeping of animals and the operation of kennel facilities.
  - C. Likewise, because an application process is in place, the Board finds that the Kennel Ordinance contemplates County staff denying kennel license applications that do not meet the requirements of Sections 9 and 10 of the Kennel Ordinance or any other applicable federal, state or local laws regarding the keeping of animals or the operation of kennel facilities, with applicant appeals to the Board of Commissioners. When an appeal is filed, the applicant will hold a hearing on the appeal in the typical quasi-judicial capacity and consistent with the requirements of modification and/or revocation hearings outlined in Section 11 of the Kennel Ordinance.
  - D. The Board finds that proper implementation of the Kennel Ordinance requires the Columbia County Animal Control Division to coordinate with other County departments when processing kennel license applications to ascertain compliance with all applicable laws regarding the keeping of animals and the operation of kennel facilities, including but not limited to Columbia County Land Development Services Department and the Columbia County Road Department.
  - E. The Board finds that the Kennel Ordinance does not intend the mere payment of any applicable kennel license fees to constitute the issuance of a kennel license. Applicants are not deemed licensed kennel operators until a license is issued by the Columbia County Animal Control Division. However, the Board finds that late fees do not apply to renewal applications received on or before March 1 of the renewal year, even though the County may not complete processing a given renewal application by March 1.
2. To further facilitate the uniform implementation of the Kennel Ordinance consistent with this Order, the Board adopts the following forms for use by kennel license applicants and County staff:
- A. Columbia County Kennel License Application, attached hereto as Exhibit 1 and incorporated herein by this reference.

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- B. Columbia County Kennel License, attached hereto as Exhibit 2 and incorporated herein by this reference.
- C. Columbia County Interim Kennel License, attached hereto as Exhibit 3 and incorporated herein by this reference.

DATED this 10<sup>th</sup> day of June, 2009.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

By:   
Chair

By:   
Commissioner

By:   
Commissioner

Approved as to Form

By:   
Office of County Counsel

COLUMBIA COUNTY



**ANIMAL CONTROL DIVISION**

2084 Oregon Street

St. Helens, Oregon 97051

Phone: (503) 397-3935 Fax: (503) 366-3990

**COLUMBIA COUNTY KENNEL LICENSE APPLICATION**

Kennel Licence applications must be fully completed. Submitted applications will be reviewed for completeness by Columbia County Animal Control prior to conducting inspections. Inspections will be conducted based on the information provided in the application. License eligibility determinations will be made after complete applications are submitted and inspections are conducted. Kennel Licence fees are due upon license application approval, and licenses will be issued when all fees are paid. Kennel Licenses issued do not constitute any land use approval required for operation of the kennel at the property indicated below.

**Please Complete the Following:**

KENNEL BUSINESS NAME (if any): \_\_\_\_\_

Owner Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Cell: \_\_\_\_\_ Email: \_\_\_\_\_

Kennel Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Mailing Address: \_\_\_\_\_ City: \_\_\_\_\_ Zip: \_\_\_\_\_

Alternative/Emergency Kennel Contacts:

1. Name: \_\_\_\_\_ Phone: \_\_\_\_\_

2. Name: \_\_\_\_\_ Phone: \_\_\_\_\_

Which of the following kennel activities will occur at the kennel during the course of the year? Check all that apply.

- Holding dogs for disposition by gift, treatment and care, euthanasia, sale or exchange.
- Care or custody of dogs for boarding, training or similar purposes, for varying periods of time for profit or compensation.
- Breeding, buying, selling or bartering of dogs for profit or compensation.
- Bathing, clipping, pedicures or grooming of dogs for profit or compensation.
- Buying or receiving dogs, and thereafter exhibiting or offering for sale, or selling, trading or bartering such animals.

Please provide the following information. Circle "Yes" or "No" and fill in blanks where appropriate.

Is the kennel currently in operation? Yes No

If Yes:

-current number of dogs over 6 mos. of age kept at your kennel? \_\_\_\_\_

-maximum number of dogs over 6 mos. of age to be kept at your kennel? \_\_\_\_\_

If No, maximum number of dogs over 6 mos. of age anticipated to be kept? \_\_\_\_\_

Are all dogs kept at the kennel owned by the kennel operator? Yes No

If No, approximately what percentage are owned by the kennel operator? \_\_\_\_\_ %

Are any dogs kept at the kennel to be sold for compensation, traded or exchanged? Yes No

If Yes, number of dogs sold, traded or exchanged last year? \_\_\_\_\_

Did you breed any dogs last year? Yes No

If Yes, number of litters? \_\_\_\_\_

BY SIGNING AND SUBMITTING THIS APPLICATION, THE APPLICANT ACKNOWLEDGES AND AGREES TO COMPLY WITH THE TERMS OF THE COLUMBIA COUNTY KENNEL ORDINANCE, ORDINANCE NO. 2007-7. APPLICANT HEREBY AUTHORIZES INSPECTIONS IN ACCORDANCE WITH THE PROVISIONS OF SECTIONS 4 AND 6 OF THE COLUMBIA COUNTY KENNEL ORDINANCE.

ACCEPTANCE AND PROCESSING OF THIS KENNEL LICENSE APPLICATION DOES NOT CONSTITUTE THE ISSUANCE OF A KENNEL LICENSE BY COLUMBIA COUNTY. APPLICATIONS WILL BE PROCESSED BY COLUMBIA COUNTY STAFF AND, IF APPROVED, LICENSES WILL BE ISSUED AFTER KENNEL LICENCE FEES ARE PAID. SEPARATE LAND USE APPROVAL MAY BE REQUIRED. QUESTIONS MAY BE DIRECTED TO THE COLUMBIA COUNTY ANIMAL CONTROL DIVISION AT (503) 397-3935.

Applicant Signature: \_\_\_\_\_ Date: \_\_\_\_\_

SPACE BELOW THIS LINE RESERVED FOR COLUMBIA COUNTY

APPROVED

DENIED

Notes:

LDS

- Outright Permitted Zone; or
- Conditional Use Zone:
  - Conditional Use Approval Obtained.
  - Lacking Conditional Use Approval.



**ANIMAL CONTROL DIVISION**  
2084 Oregon Street  
St. Helens, Oregon 97051  
Phone: (503) 397-3935 Fax: (503) 366-3990

**License No.:**

## **COLUMBIA COUNTY KENNEL LICENSE**

[NAME]

IS HEREBY AUTHORIZED TO HOUSE AND MAINTAIN UP TO **XX** DOGS UNDER THE COLUMBIA COUNTY KENNEL ORDINANCE, ORDINANCE NO. 2007-7, AT THE FOLLOWING ADDRESS:

[ADDRESS]

AND CONSISTENT WITH THE FOLLOWING GUIDELINES:

1. The kennel is subject to and shall comply with all provisions of the Columbia County Kennel Ordinance, Ordinance No. 2007-7.
2. The kennel facility is approved to hold up to **XX** dogs. The kennel facility shall continue to meet the requirements established under Section 9(A)(1) of the Columbia County Kennel Ordinance.
3. The kennel operator shall comply with the standard of care requirements for dogs established under Section 9(A)(2) of the Columbia County Kennel Ordinance.
4. The kennel shall comply with all requirements established under Section 10 of the Columbia County Kennel Ordinance.
5. Solid waste shall be processed as follows:
6. This Kennel License does not constitute any land use approval required for operation of this kennel at the property indicated above.

THIS KENNEL LICENSE SHALL BE EFFECTIVE JANUARY 1, 2009, AND SHALL EXPIRE ON DECEMBER 31, 2009, AND IS SUBJECT TO MODIFICATION OR REVOCATION BY THE BOARD OF COUNTY COMMISSIONERS FOR THE FAILURE TO COMPLY WITH THE TERMS OF ITS ISSUANCE OR THE COLUMBIA COUNTY KENNEL ORDINANCE, ORDINANCE NO. 2007-7.

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Roger Kadell, Columbia County Animal Control Officer

PURSUANT TO SECTION 10(B) OF THE COLUMBIA COUNTY KENNEL ORDINANCE, THIS KENNEL LICENSE MUST BE CONSPICUOUSLY POSTED AND OPENLY DISPLAYED ON THE KENNEL PREMISES, AND MUST BE READILY AVAILABLE FOR INSPECTION BY COLUMBIA COUNTY ANIMAL CONTROL.



**ANIMAL CONTROL DIVISION**

2084 Oregon Street

St. Helens, Oregon 97051

Phone: (503) 397-3935 Fax: (503) 366-3990

**License No.:**

## COLUMBIA COUNTY INTERIM KENNEL LICENSE

[NAME]

IS HEREBY AUTHORIZED TO HOUSE AND MAINTAIN UP TO **XX** DOGS UNDER THE COLUMBIA COUNTY KENNEL ORDINANCE, ORDINANCE NO. 2007-7, SECTION 12(B), AT THE FOLLOWING ADDRESS:

[ADDRESS]

AND CONSISTENT WITH THE FOLLOWING GUIDELINES:

1. The kennel may operate as a Non-Commercial Kennel as provided in Columbia County Ordinance No. 88-13, and shall continue to comply with all provisions of that Ordinance.
2. Before conducting any kennel activities at the kennel facility beyond those authorized under Columbia County Ordinance No. 88-13, the kennel operator shall first apply for and obtain a kennel license authorizing those activities pursuant to the Columbia County Kennel Ordinance, Ordinance No. 2007-7.
3. This Interim Kennel License does not authorize boarding services, grooming services or dog training services.
4. All dogs must be the property of the kennel operator.
5. This Interim Kennel License does not constitute any land use approval required for operation of this kennel at the property indicated above.

THIS INTERIM KENNEL LICENSE SHALL BE EFFECTIVE JANUARY 1, 2009, AND SHALL EXPIRE ON DECEMBER 31, 2009, AND IS SUBJECT TO MODIFICATION OR REVOCATION BY THE BOARD OF COUNTY COMMISSIONERS FOR THE FAILURE TO COMPLY WITH THE TERMS OF ITS ISSUANCE OR COLUMBIA COUNTY ORDINANCE NO. 88-13. AFTER DECEMBER 31, 2009, KENNEL LICENSES WILL NO LONGER BE ISSUED UNDER ORDINANCE NO. 88-13, AND ALL KENNELS MUST COMPLY WITH AND HAVE KENNEL LICENSES ISSUED PURSUANT TO THE COLUMBIA COUNTY KENNEL ORDINANCE, ORDINANCE NO. 2007-7.

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Roger Kadell, Columbia County Animal Control Officer

PURSUANT TO SECTION 10(B) OF THE COLUMBIA COUNTY KENNEL ORDINANCE, THIS INTERIM KENNEL LICENSE MUST BE CONSPICUOUSLY POSTED AND OPENLY DISPLAYED ON THE KENNEL PREMISES, AND MUST BE READILY AVAILABLE FOR INSPECTION BY COLUMBIA COUNTY ANIMAL CONTROL.