

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Authorizing Filing Civil)
Penalties against Dennis Hart) ORDER NO. 41- 2010
in the Columbia County Lien Records)
For Failure to Pay)

WHEREAS, pursuant to ORS 609.162, the Columbia County Board of Commissioners imposed civil penalties in the amount of One Thousand Five Hundred Dollars (\$1,500.00) against Dennis Hart on March 10, 2010, in Order No. 4-2010, a copy of which is attached hereto and incorporated herein by this reference; and

WHEREAS, notice of the determination and imposition of the civil penalties was mailed to Dennis Hart on June 10, 2010, by first class mail, return receipt requested pursuant to ORS 609.158; and

WHEREAS, Dennis Hart has not paid the civil penalties and impoundment and boarding fees, filed a request for reexamination, or petitioned for judicial review in the Columbia County Circuit Court; and

WHEREAS, pursuant to ORS 609.167, the County may record the civil penalties imposed under ORS 609.162 in the Columbia County Lien Record if such penalties are not paid within 21 days after mailing of the determination and imposition of the civil penalties.

NOW, THEREFORE, it is hereby ordered as follows:

1. The lien shall be against Dennis Hart.
2. The lien shall be in the amount of One Thousand Five Hundred Dollars (\$1500.00).
3. This Order shall be recorded in the Columbia County Lien Records, without cost.
4. County Counsel's office is authorized to enforce the lien pursuant to ORS 205.125 and ORS 205.126.

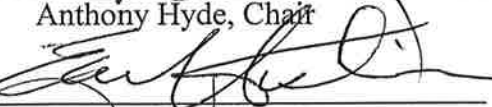
DATED this 14th day of July, 2010.

Approved as to Form:

By: 
Office of the County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Anthony Hyde, Chair

By: 
Earl Fisher, Commissioner

By: 
Rita Bernhard, Commissioner

BEFORE THE BOARD OF COUNTY COMMISSIONERS

COLUMBIA COUNTY

FOR COLUMBIA COUNTY, OREGON

JUN 10 2010

COUNTY COUNSEL

In the Matter of the Livestock Attack by Two)	
Dogs Owned by Dennis Hart on Goats)	ORDER NO. 4-2010
Owned by Wes and April Wedgeworth)	

WHEREAS, on January 28, 2010, Columbia County Animal Control Officer Roger Kadell responded to a call from April Wedgeworth that two dogs had entered her property at 28712 Chapman Road, Scappoose, Oregon, and were attacking and killing her goats; and

WHEREAS, upon arrival at Wes and April Wedgeworth's property, Animal Control Officer Kadell found two goats – a mother goat and her baby goat – both of which had been recently killed; and

WHEREAS, Animal Control Officer Kadell photographed the two dead goats and interviewed Ms. Wedgeworth, who stated that two dogs had entered her property and injured a goat in October 2009, and that the dogs belonged to Dennis Hart; and

WHEREAS, Animal Control Officer Kadell then drove to Mr. Hart's residence at 28611 Melling Drive, Scappoose, where he found a female pitbull dog, "Zoey," and a male pitbull dog, "Gunner," unrestrained and unattended, and he noticed that both dogs had fresh blood on them; and

WHEREAS, Animal Control Officer Kadell transported the dogs back to the Wedgeworth residence where Ms. Wedgeworth positively identified "Zoey" and "Gunner" as the two dogs that had entered her property that day and attacked her goats; and

WHEREAS, having concluded that both dogs attacked and killed livestock, Animal Control Officer Kadell impounded the dogs; and

WHEREAS, Animal Control Officer Kadell photographed the two dogs, both of which had blood on their face and bodies; and

WHEREAS, the feces of the female dog "Zoey" were examined and photographed and contained fur consistent with the dead goats along with bone fragments; and

WHEREAS, on October 27, 2009, Mr. Hart signed a stipulated agreement admitting that "Zoey" had attacked an injured a goat belonging to Wes and April Wedgeworth on October 21, 2009; and

ORDER NO. 4-2010

WHEREAS, pursuant to ORS 609.156, Mr. Hart was provided notice of the opportunity to request a hearing in a letter dated February 1, 2010; and

WHEREAS, Mr. Hart did not request a hearing; and

WHEREAS, the Board of County Commissioners considered a summary of the Animal Control Officer's report on this matter, along with the recommendation of the Animal Control Officer; at its staff meeting on March 3, 2010.

NOW, THEREFORE, based on the report of the Animal Control Officer on this matter, attached hereto as "Exhibit A" and incorporated herein by reference, the Board of County Commissioners makes the following findings:

1. Dennis Hart owns the two pitbull dogs, "Zoey" and "Gunner."
2. "Zoey" and "Gunner" entered the property of Wes and April Wedgeworth at 28712 Chapman Road, Scappoose, Oregon, on January 28, 2010, where they attacked and killed two of the Wedgeworth's goats.
3. "Zoey" previously injured livestock belonging to Wes and April Wedgeworth on October 21, 2009.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Based on the livestock attack and kill carried out by Dennis Hart's female dog, "Zoey," on January 28, 2010, a \$1,000.00 penalty is imposed pursuant to ORS 609.162(1)(c).
2. Based on the livestock attack and kill carried out by Dennis Hart's male dog, "Gunner," on January 28, 2010, a \$500.00 penalty is imposed pursuant to ORS 609.162(1)(c).
3. Pursuant to ORS 609.162(1)(c), within 21 days of the mailing of this order, Dennis Hart shall either remove both dogs to a location where, in the opinion of Columbia County, the dogs will not be a threat to livestock, or surrender the dogs to the County for placement in an area where they will not pose a threat to livestock. Otherwise, the dogs shall be deemed surrendered at the end of the 21-day period.
4. Pursuant to ORS 609.155(3)(a), in addition to the \$1,500.00 in civil penalties imposed above, Dennis Hart shall pay all costs and fees arising from the impoundment of the dogs, as described in the Statement attached hereto as "Exhibit B" and incorporated herein by this reference, and all boarding fees at a rate of \$15 per day for each dog, accruing from January 28, 2010, to the date at which Mr. Hart either retrieves the dogs or surrenders them to the County.

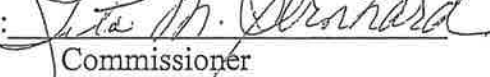
5. Any penalties or impoundment and boarding costs and fees imposed by this Order, not paid within twenty-one (21) days of the mailing of this Order, shall be recorded without costs in the County Clerk Lien Record, pursuant to ORS 609.167.

DATED this 10th day of March, 2010.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Chair

By: 
Commissioner

By: 
Commissioner

Approved as to form

By: 
Office of County Counsel

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