

BEFORE THE BOARD OF COUNTY COMMISSIONERS

FOR COLUMBIA COUNTY, OREGON

In the Matter of the Livestock Attack by)
a Dog Owned by Tommy Carr) ORDER NO. 39-2012

WHEREAS, on July 18, 2012, Animal Control Officer Roger Kadell arrived 1282 Louisiana Avenue, Vernonia, in Columbia County, Oregon, in response to a call from resident Penny Costley, who reported that a dog was attacking and killing chickens in her fenced chicken coop; and

WHEREAS, Officer Kadell observed a black and white Husky dog, with feathers in his mouth and surrounded by dead chickens, in a fenced chicken coop in the Costleys' yard; and

WHEREAS, Officer Kadell removed the dog from the chicken coop and found and photographed seven dead chickens and one injured chicken; and

WHEREAS, Ms. Costley reported that the dead chickens were 1 ½ year-old prime laying hens and advised Officer Kadell of their value; and

WHEREAS, based on the information obtained during his investigation, Officer Kadell determined that the dog was subject to impoundment under ORS 609.155 for harming and chasing livestock; and

WHEREAS, although the dog lacked identification, its owner was later identified as Tommy Carr, who explained that he and his black and white Husky, "Saber," had been visiting the Texas Avenue area of Vernonia when Saber ran off having been startled by gun shots from a neighboring property. Mr. Carr explained that he searched for Saber, but was unsuccessful; and

WHEREAS, pursuant to ORS 609.156, Mr. Carr was provided notice of the opportunity to request a hearing in a letter dated July 24, 2012; and

WHEREAS, Mr. Carr has waived a hearing; and

WHEREAS, Mr. Carr signed a Settlement Agreement admitting that Saber chased and harmed livestock on July 18, 2012 and agreeing to certain conditions regarding the keeping of Saber; and

WHEREAS, the Board of County Commissioners considered the Animal Control Officer's report on this matter and approved the Settlement Agreement with Mr. Carr at its meeting on July 25, 2012.

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

ORDER NO. 37-2012

1. Tommy Carr, who resides at 60749 Flack Road, Oregon, is the owner of Saber, a black and white Husky.
2. On July 18, 2012, Saber harmed and chased chickens on Penny Costley's property at 1282 Louisiana Avenue, Vernonia, Oregon. During the attack, Saber killed seven chickens and injured one. Saber, therefore chased and harmed livestock in violation of ORS 609.155.
3. According to Columbia County Animal Control, Saber has no prior record of killing, wounding, injuring or chasing livestock.

NOW, THEREFORE, IT IS HEREBY ORDERED that Columbia County Animal Control shall release Saber to Tommy Carr, subject to the following conditions:

1. Tommy Carr shall take measures to prevent recurrence, including compliance with the conditions set forth in the Settlement Agreement, attached hereto as Exhibit "B."
2. Pursuant to ORS 609.162(1)(b), a civil penalty of \$500.00 is imposed on Tommy Carr for the livestock attack carried out by his dog Saber. Mr. Carr shall pay pay \$50.00; the remaining \$450.00 of the civil penalty shall be suspended provided Mr. Carr continues to comply with the Settlement Agreement.
3. Pursuant to ORS 609.155(3)(a), in addition to the civil penalty imposed, above, Tommy Carr shall pay all costs and fees arising from the impoundment of the dog, as described in the Statement of Costs, attached hereto as Exhibit "C" and incorporated herein by this reference, and all boarding fees at a rate of \$15 per day for Saber, accruing from July 18, 2012, to the date at which Mr. Carr retrieves Saber from Animal Control.
4. Any penalties or impoundment and boarding costs and fees imposed by this Order shall be paid prior to the release of Saber, unless otherwise agreed to in writing by the County.

DATED this 1st day of ~~July~~^{Aug}, 2012.

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: Not present
Anthony Hyde, Chair

By: [Signature]
Earl Fisher, Commissioner

By: [Signature]
Henry Heimuller, Commissioner

Approved as to form

By: [Signature]
Office of County Counsel

COLUMBIA COUNTY SHERIFF'S OFFICE		INVESTIGATION REPORT				PAGE/OF 1 / 2				
CASE NUMBER		REFER CASE NUMBER		CAD INCIDENT NUMBER 12048428		CLASSIFICATION Livestock attack: 609.155				
DATE / TIME REPORTED 07/18/12 1200		DATE / TIME OCCURRED (START) 07/18/12 12:00		DATE / TIME OCCURRED (END) 07/18/12 12:00		<input type="checkbox"/> RADIO (R) <input type="checkbox"/> S/I (S) <input checked="" type="checkbox"/> PHONE-IN (P)				
LOCATION OF OCCURRENCE 1282 Louisiana Ave, Vernonia Oregon 97064										
PREMISE TYPE 100 - Dwelling, Residence				PRECINCT OF OCCURRENCE Nehalem Valley						
ONE SENTENCE SUMMARY OF INCIDENT Dog impounded after killing seven chickens.										
PERSONS BU - Business Complainant KN - Person w/Knowledge OW - Owner PF - Property Finder SB - Subject RP - Reporting Person VI - Victim WI - Witness										
COPIES <input type="checkbox"/> DET <input type="checkbox"/> CENT <input checked="" type="checkbox"/> RECORDS <input type="checkbox"/> D.A. <input type="checkbox"/> OSP <input type="checkbox"/> P & P <input type="checkbox"/> CCMH <input type="checkbox"/> JUV <input type="checkbox"/> DHS <input type="checkbox"/> SPD <input type="checkbox"/> SHPD <input type="checkbox"/> CPD <input type="checkbox"/> RPD <input type="checkbox"/> VPD <input type="checkbox"/> CCPD <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> COMPUTER ENTRY <input type="checkbox"/> Person <input type="checkbox"/> Vehicle <input type="checkbox"/> Crime/ Prop <input type="checkbox"/> Book	CODE VI	NAME (Last, First Middle) Costley, Penny			CRN	SEX F	RACE W	DOB 03/13/1973		
	HOME ADDRESS 1282 Louisiana Ave		CITY Vernonia	STATE Oregon		ZIP 97064	HOME PHONE 503-429-0196			
	BUSINESS/SCHOOL ADDRESS				<input type="checkbox"/> WORK PHONE <input type="checkbox"/> MSG. PHONE		MOBILE PHONE			
	X1, X2, X9 - SUSPECTS MI - Missing RW - Runaway DK - Drunk DE - Deceased AS - Attempt Suicide ME - Mental									
	CODE X1	NAME (Last, First Middle) Carr, Tommy			CRN	SEX M	RACE W	DOB 07/10/1990		
	HOME ADDRESS 60749 Flack Road		CITY Vernonia	STATE OR	ZIP 97064	HEIGHT	WEIGHT	HAIR	EYES	CUSTODY? <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO
	AKA/MONIKER				<input type="checkbox"/> WRK PHN <input type="checkbox"/> MSG PHONE		MOBILE PHONE 503-724-0104		HOME PHONE	
	OTHER DESCRIPTION									
	VEHICLE S - Stolen R - Recovered L - Locate A - Abandoned T - Towed V - Victim's Vehicle X - Suspect Vehicle									
	OUTSIDE AGENCY NOTIFIED/REFERRED TO? Board of County Commissioners									
PROPERTY RECEIPT NUMBER(S)										
PROPERTY S - STOLEN L - LOST F - FOUND D - DAMAGED K - SAFEKEEPING R - RECOVERED E - EVIDENCE										
CODE K	QTY. 1	ITEM Dog								
BRAND Husky			MODEL / STYLE Male neutered		SERIAL NUMBER Saber		COLOR Black/White			
ENGRAVINGS / PECULIARITIES					SIZE	VALUE				
NARRATIVE-The order of appearance for additional information will be: ITEM 1: N/A ITEM 2: N/A ITEM 3: N/A ITEM 4: ADDITIONAL WORTHLESS DOCUMENTS - Record multiple worthless documents on a fraud supplemental form. Record in the narrative the total number of worthless documents written. ITEM 5: N/A ITEM 6: ADDITIONAL OFFICERS - List all officers present and identify their involvement with the incident being reported. ITEM 7: SUMMARY - A short summary is necessary if the narrative is more than one full page in length. ITEM 8: NARRATIVE - List in chronological order, all of the relevant details of the incident and/or elements of the crime or violation.										
NARRATIVE SUMMARY: On 07/18/2012 around 12 noon, a male Husky dog was apprehended in the act of killing seven chickens at the address of 1282 Louisiana Ave in Vernonia. The dog is currently impounded at the animal shelter for harming and chasing livestock per ORS 609.155.										
NARRATIVE: On 07/18/2012, I responded to the address of 1282 Louisiana Ave in Vernonia Oregon on a report that a dog was inside the callers chicken coop killing her chickens. When I arrived, I found a black and white										
REPORTING OFFICER(S) Roger Kadell				DPSST 15106	DATE 05/22/2012	PREC / DIV STS	ASSN / DIST STS	SUPERVISOR'S SIGNATURE		

CASE
NUMBER

Husky dog sitting inside the fenced chicken area surrounded by deceased chickens. I noted that the dog had feathers in his mouth and around his head area, as well as imbedded in his paws. The dog appeared to be happy and proud of his accomplishments.

I spoke with the chicken owner, Penny Costley. She advised that she did not notice the dog when she came home. That she went into her home and had stepped out onto her upper deck area. That she looked down into the fenced coop area and saw the Husky dog inside surrounded by dead chickens. She then ran out to the chicken coop area and found the dog inside with a dead chicken in his mouth. The dog remained in the chicken coop mauling on the dead chickens while she counted and found that 7 chickens were dead. She then took photos of the dog in case he escaped and ran away.

COPIES

- DET
- CENT
- RECORDS
- D.A.
- OSP
- P & P
- CCMH
- JUV
- DHS
- SPD
- SHPD
- CPD
- RPD
- VPD
- CCPD
-
-
-
-
-

I then removed the dog from the chicken coop area and took photos of the seven dead chickens. I found one chicken that had been injured and was still alive hiding inside the wood portion of the chicken coop. The Husky dog was checked for tags and/or micro chip and none were found. Ms. Costley advised that she had not seen the dog before.

I spoke with Ms. Costley about her chickens. She told me that they were 1 1/2 years old and prime laying hens. That some of the ones at the home were four H project chickens of her daughters. That she was lucky in that the rest of her four H chickens went to the fair this morning. I advised her to consider the cost of damages and to let me know what the replacement cost of the animal was.

The Husky dog was then taken back to the Animal Shelter in Saint Helens where he was impounded for harming and chasing livestock. A supervisor hold was placed on the dog. Ownership of the dog was unknown at the time of this report.

FOLLOW UP:

On 07/20/2012, I spoke with Indigo rescue in Vernonia Oregon. They advised me that one of their volunteers Linda had been out looking for a Husky dog in Vernonia on the 19th. Indigo was able to provide me the name Tommy and the phone number of 503-724-0104 for the dog owner.

I called the number and spoke with Tommy Carr. He described his missing dog as a black and white husky with blue eyes wearing a black collar with little bones on it and that the dog was missing from the Texas Ave area of Vernonia. This matched in description and area for the dog.

I then informed him of the issues with the dog having killed seven chickens and the process that would be needed for the return of the dog. We discussed and I advised that I would send him by e-mail a stipulated agreement for him to review. I then prepared the attached agreement and sent it to him via e-mail. I included the notice of impound and a copy of a photo of the dog Saber.

COMPUTER ENTRY

Person

OPR

Vehicle

OPR

Crime/
Prop

OPR

Book

The case and stipulated agreement will be forwarded to the Board of Commissioners for review and approval.

OPR	REPORTING OFFICER(S) Roger Kadell	DPSST 15106	DATE 05/22/2012	PREC / DIV STS	ASSN / DIST STS	SUPERVISOR'S SIGNATURE
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2084 Oregon Street
St. Helens, Oregon 97051
Phone: (503) 397-3935 Fax: (503) 366-3990
www.co.columbia.or.us/sheriff/animalcontrol

ANIMAL IMPOUND NOTICE

Owner/Keeper: Tommy Carr

Address__ 60749 Flack Road, Vernonia Oregon 97064

Home#__ 503-724-0104

Breed:__ Husky _____ Color:__ Black and white Gender: Male

Date of violation:__ 07/18/2012__ Date of impound:__ 07/18/2012 _____

A complaint has been filed indicating that a dog owned by you has been involved in the harming or chasing of livestock in violation of ORS 609.155. **ORS 609.155 provides that upon complaint of evidence of a dog harming or chasing livestock that the dog "shall be impounded" pending the a determination by the county if the dog harmed, or chase livestock.**

You will receive notice of an opportunity to request a hearing under ORS 609.156 and information on the hearing process from the County Attorney. Pending the outcome of the hearing the dog at issue will remain in the custody and care of the Columbia County Animal Control.

The penalty and fees for actions of a dogs found to having harmed and chased livestock can be considerable. Serious consideration regarding the hearing process should be considered. Failure to request a hearing within the notification process will result in the finding that the owner is conclusively presumed to have admitted the matter alleged and the county may take action under ORS 609.162 and 609.163.

In this case you may have also been issued a citation for violation of ORS 609.095 dog as a public nuisance, ORS 609.100 unlicensed dog, and /or ORS 609.060 dog running at large. These violation will be separate issue directed to the Justice Court and independent of the harming or chasing livestock issues before the County Board of Commissioner.

If you have any questions, you may contact the Animal Control Officer at 503-397-3935, any correspondences should be directed to Columbia County Counsel, 230 Strand Ave Saint Helens Oregon 97051

Animal Control Officer: Roger Kadell

Date: 07/20/12



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

Date 07/20/2012

Tommy Carr
60749 Flack Road
Vernonia, Oregon 97064

Dog; Saber Impounded for violation of ORS 609.155 livestock attack

Fees due:

07/18/2012	Impound fee	\$ 30.00
	Micro chip fee	\$ 25.00
07/18-25/2012	Boarding fee:	\$ 15.00 per day.

Recommendations:

Dog Saber may be returned to the owners upon payment of fees due and meeting of terms of conditions of return.

Dog Saber would need to be relocated by owner into the city of Hillsboro or other area small livestock animals are not residing.

Dog Saber will need to be maintained within a fenced yard or inside a home when not under the supervision of an adult person.

Dog Lucy would need to be micro chipped by the county prior to release.

Restitution should be collected for the victims in the case under ORS 609.140/609.190.

Submitted by:

Roger Kadell

SETTLEMENT AGREEMENT

This Settlement Agreement ("Agreement") is entered into by and between Columbia County, a political subdivision of the State of Oregon, and Tommy Carr.

RECITALS

WHEREAS, Tommy Carr is the owner of the dog "Saber," described as a black and white Husky; and

WHEREAS, evidence shows that on July 18th, 2012, Saber chased, attacked, and killed seven chickens, belonging to Penny Costley, within a fenced enclosure on Penny Costley's property; and

WHEREAS, Saber was impounded at the Columbia County Animal Shelter pursuant to ORS 609.155 for harming and killing livestock; and

WHEREAS, Columbia County Animal Control initiated a proceeding before the Columbia County Board of Commissioners to determine whether Saber's actions constitute a violation of ORS 609.155 and to determine costs and fees; and

WHEREAS, Mr. Carr has elected to waive his right to a hearing on the violation and enter into this Settlement Agreement with Columbia County for the release of Saber and disposition of the violation; and

WHEREAS, Mr. Carr has advised Columbia County Animal Control that he and Saber will be relocating to a residence within the city of Hillsboro.

AGREEMENT

In consideration of the mutual promises set forth below, the parties hereby agree as follows:

Tommy Carr hereby admits that his dog, Saber, chased and killed livestock, and agrees to the following:

1. Saber will be secured within the home or a fenced yard when not under the observation and control of a adult person.
2. Saber will be micro chipped by Columbia County Animal Control and will be registered with the Department of Agriculture as required under ORS 609.168.
3. In the event Saber escapes, the Animal Control agency with jurisdiction will be immediately notified and advised of Saber's history of killing chickens.
4. Columbia County Animal Control will be immediately notified if Saber is sold, transferred or re-homed.
5. Any acts of aggression by Saber towards any person or livestock animal will be reported to Animal Control within 24 hours at 503-397-3935.

6. ORS 609.162(c) requires a minimum civil penalty of \$500.00. Mr. Carr shall pay \$50.00. The remaining \$450 shall be suspended provided Mr. Carr continues to comply with this agreement.
7. Mr. Carr shall pay all impound, boarding, micro chip, civil penalties prior to the release of Saber.
8. Mr. Carr will pay restitution for the livestock killed in the amount of \$280 under ORS 609.140 and 609.190. Mr. Carr shall submit such restitution to Columbia County.
9. Failure to comply with any of the above terms will constitute a violation of ORS 609.095 (maintaining a dog as a public nuisance). Saber will also be subject to impoundment, and suspended penalties may be sought.

Tommy Carr further agrees to release and hold harmless Columbia County, its officers, agents and employees for any and all claims, suits or actions of any nature, including claims of injury to any person or persons or of damage to property arising out of the County's impoundment of the dog Saber and enforcement of ORS 609.155.

Columbia County hereby agrees to release Saber upon payment of all penalties, fees and costs. The County further agrees to make payment for damages to the Costleys in the amount of \$280.00 under ORS 609.170.

By: _____

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

Date: _____

By: _____
Earl Fisher, Commissioner

Date: _____

Approved as form

By: _____
Office of County Counsel

EXHIBIT C

FEES DUE NOTICE

Columbia County Animal Control
 2084 Oregon Street
 St. Helens, Oregon 97051

Fax: (503)366-3990

FOR:
 Animal Shelter fees

NOTICE DATE | 41109

BILL TO:
 Tommy Carr
 60749 Flack Road
 Vernonia, Oregon 97064

OWNER NUMBER 11728 P

DATE	DESCRIPTION	AMOUNT	RATE	TOTAL
7/18/12	Impound fee	1	30.00	30.00
7/20/12	Micro Chip fee	1	25.00	25.00
7/18-25/12	Boarding fee	7	15.00	105.00
				\$160.00
				TOTAL DUE

MAKE CHECKS PAYABLE TO:
 Columbia County Animal Control
 2084 Oregon Street
 St. Helen, Oregon 97051