

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of the Livestock Attack by)
a Dog Owned by Nawnie Hack) ORDER NO. 55-2014

WHEREAS, on November 13, 2014, Animal Control Officer Roger Kadell arrived at the 33673 Canaan Road, Deer Island, Columbia County, Oregon, in response to a complaint from property owner Scott Conrad that the neighbor's Husky dog had chased and caused injuries to horses on his and neighboring properties; and

WHEREAS, Officer Kadell interviewed Scott Conrad, who reported that he witnessed the dog in his and his neighbor's pasture, that the dog chased two race horses in the neighbor's pasture through a fence into his pasture, and that a horse belonging to Joel Yarbor was injured; and

WHEREAS, Mr. Conrad further reported that he had caught the dog in his pasture a few times over the past two weeks and that he has returned the dog to its owner, Nawnie Hack, who is a neighbor; and

WHEREAS, Officer Kadell inspected the property and the horses and found evidence consistent with Mr. Conrad's report, specifically, that the horses had broken through the fence and one horse suffered injuries to its rear legs, most likely from the fence; and

WHEREAS, Officer Kadell then made contact with Nawnie Hack at 33727 Canaan Road, Deer Island, Oregon. She reported that she had acquired a Husky dog, named Bo, two weeks earlier and that she was aware of the issues with the dog and the horses; and

WHEREAS, based on the information obtained during his investigation, Officer Kadell impounded Bo pursuant to ORS 609.155 for chasing and injuring livestock; and

WHEREAS, pursuant to ORS 609.156, the County provided Ms. Hack notice of the opportunity to request a hearing in a letter dated November 19, 2014. That notice was sent to Ms. Hack's physical address and was returned to the County unopened on November 24, 2014. The County sent a second notice to Ms. Hack's postal box on November 25, 2014; and

WHEREAS, on November 22, 2014, Ms. Hack timely requested a hearing; and

WHEREAS, the County scheduled a hearing for December 3, 2014, and notified Ms. Hack. Due to lack of a quorum on December 3, 2014, the hearing was subsequently rescheduled to December 10, 2014; and

WHEREAS, the Board of County Commissioners held a hearing on December 10, 2014 and received testimony and evidence into the record, a list of which is attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, during the hearing, Ms. Hack testified that she is in the process of building a kennel enclosure for Bo to prevent future escape and that she has installed chains on the doors of her house to prevent the door from swinging open and allowing Bo to escape. Ms. Hack's father, Richard Mundy,

testified that he has paid the victim, Mr. Yarbor, for vet bills related to the horse's injuries; and

WHEREAS, neighbor Lisa Conrad testified that although she has concerns that Bo will chase and cause harm to her horses, she does not object to the dog being returned home provided the dog is kept secured on its owner's property; and

WHEREAS, Commissioner Hyde stated that Joel Yarbor contacted him by phone and stated that Mr. Mundy had paid his vet bills and that he did not object to the dog returning home, provided the dog is kept secured on its owner's property; and

WHEREAS, the Board then deliberated and voted to impose a fine on Nawnie Hack for her dog Bo and to allow Bo to return home subject to conditions, as set forth below.

NOW, THEREFORE, based on the evidence before the Board, the Board of County Commissioners makes the following findings and conclusions:

1. The Board adopts the above recitals as findings in support of its decision;
2. Nawnie Hack is the owners of Bo, a male Husky.
3. On November 13, 2014, Bo chased and caused harm to a horse owned by Joel Yarbor on properties located at and around 33673 Canaan Road, Deer Island, Columbia County, Oregon in violation of ORS 609.155.
4. Bo has no prior record of killing, wounding, injuring or chasing livestock, and is therefore subject to ORS 609.162(1)(b), which requires a minimum fine of \$250 and gives the Board discretion to impose additional penalties. Based on testimony and evidence, Bo is a friendly dog who does not appear to chase livestock for purposes of predation, Bo can be returned home without posing a threat to livestock if he is contained on his owner's property. The Board, however, finds that the additional conditions proposed by Officer Kadell in his compliance order, which is attached hereto as Exhibit B and incorporated herein by this reference, are necessary because of Bo's ability to escape fenced enclosures.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. Columbia County Animal Control shall release Bo to Nawnie Hack, subject to the following conditions in the Compliance Order, dated December 10, 2014, which is attached hereto as Exhibit B and incorporated herein by this reference; and
2. Pursuant to ORS 609.162(1)(b), Nawnie Hack shall pay a civil penalty of \$250.00 for Bo; and
3. Nawnie Hack shall be responsible for all impoundment fees and boarding costs accruing from the date of impoundment until Bo is released, less any fees and costs accrued from December 3, 2014 to December 10, 2014, during which the hearing was set over by the County. The fees and costs are generally set forth in Exhibit C, which is attached hereto and incorporated herein by this reference; and

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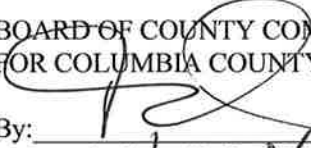
4. All penalties, impoundment fees and boarding costs imposed by this Order shall be paid prior to the release of the dog, unless otherwise agreed to in writing by the County.

DATED this 14th day of December, 2014

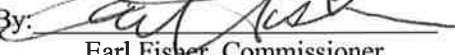
Approved as to form

By: 
Office of County Counsel

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: 
Anthony Hyde, Chair

By: 
Henry Heimuller, Commissioner

By: 
Earl Fisher, Commissioner

Dogs Harming Livestock (Hack)

[illegible]

Dog Control



**COLUMBIA COUNTY
SHERIFF'S OFFICE**
Jeffrey M. Dickerson, Sheriff

Address: 901 Port Ave., St.
Helens, OR 97051 **Phone:** (503)
366-4614 **Fax:** (503) 366-4644
Web **Address:**
www.co.columbia.or.us/sheriff

COMPLIANCE ORDER

ISSUED TO: Nawnie Hack Date: 12/10/2014

This Compliance Order is being issued by the Columbia County Board of Commissioners as requested by the County Dog Control Officer.

The Board has determined that you have violated or are in the process of violating the following County Code rules and regulations: Ordinance 92-15 as it relates to the enforcement of ORS 609. State dog regulations; In that the dog Bo did chase and cause harm to livestock.

In addition to the conditions described in the Boards determination order, in allowing the dog Bo to be returned to the owner, Nawnie Hack the additional requirements are ordered:

You must take the following corrective actions:

Redemption and payment of Boarding fees to the Columbia Humane Society in the amount of \$510 must be completed within ten days and prior to the release of the dog Bo.

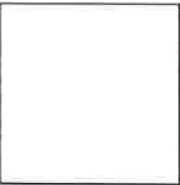
The dog Bo when running free within the home must be kept under adult supervision to prevent accidental escape by minor children at the residence.

The dog Bo when outside of the confines of the home must be maintained by an adult person while harnessed to a leash unless within a secured six foot fenced area.

The dog Bo may be secured outside the home within a six foot kennel that is constructed with a no climb material or is fully enclosed with a top. The kennel will need to be secured with a pad lock to prevent accidental escape by minor children at the residence.

The dog Bo may be secured within a fenced yard if the fencing is constructed of a no climb material and the location has secured gates.

The owners of Bo will be required to report to Ccom at 503-397-1521 any escapes by Bo within 15 minutes of the escape regardless if Bo is located and returned to the property.



The owners of Bo will be required to have Bo micro chipped within ten days and a copy of the chip information provided to the county for registration with the Department of Ag.

The owners of Bo will be required to notify the county of the relocation or adoption of Bo to any other person or location than the Canaan road address of 33727.

Failure to comply with this Compliance Order shall be a violation of the Columbia County Enforcement Ordinance 92-15 section 31, for each day that you fail to comply. Citations may be issued daily for both your failure to comply with the Compliance Order and the underlying violations.

Please contact ,Columbia County Animal Control Officer, at 503-366-4614, if you have any questions.

Roger Kadell
Columbia County
Animal Control
Officer

Service by:

9 POSTING at , on . 9 MAILING Return Receipt Requested to , on 9 ALTERNATIVE SERVICE (describe)

Columbia County Animal Control

901 Port Ave

St. Helens, Oregon 97051

Fax: (503)366-3990

FEES DUE NOTICE**FOR:****Animal Services fees****BILL TO:**Nawnie Hack
33727 Canaan Road
Deer Island, Oregon 97054**NOTICE DATE** | November 2014**OWNER NUMBER****Dog Bo**

DATE	DESCRIPTION	AMOUNT	RATE	TOTAL
11/13/14	Impound of dog Bo / Livestock attack case	1	30.00	30.00
11/13-12/3	Boarding fees	34	15.00	510.00
12/3/14	Chip fee	25	1.00	25.00
				\$565.00
				TOTAL DUE

MAKE CHECKS PAYABLE TO:Columbia County Animal Control
901 Port Ave
St. Helen, Oregon 97051