

BEFORE THE PLANNING COMMISSION  
FOR COLUMBIA COUNTY, OREGON

In the Matter of Determining Whether )  
Dogs Chased, Wounded, Injured or ) ORDER NO. 44-2002  
Killed Livestock and Instituting )  
Penalties )

WHEREAS, on the morning of June 17, 2002, Columbia County Animal Control Officer, Shaun Barrett, was called to the house of Ronald Bone, 34524 Millard Road, Warren, Oregon 97053. Mr. Bone complained two dogs had attacked his calf, injuring it. One of the dogs (a malamute) remained on the property. Shaun Barrett impounded that animal. Shaun Barrett then drove down Keliher Drive and found a german shepard dog running outside of a fenced back hard at 34530 Keliher Drive. Mr. Bone identified the german Shepard as the other dog responsible for the attack. Shaun Barrett then impounded the German Shepard, and notified the owners of both dogs (Nick and MaryBeth Olson) that the dogs had been impounded pursuant to ORS 609.155; and

WHEREAS, on June 17, 2002, Nick and Mary Beth Olson were notified by fax and mail that they had the right to request a hearing before the Board of County Commissioners before a determination was made under ORS 609.155. MaryBeth Olson requested a hearing on June 17, 2002, and a hearing was scheduled for June 20, 2002, at 1:00 p.m. The livestock owner, Mr. Bone, was notified of the hearing; and

WHEREAS, On June 20, 2002, in a regular Board meeting, the Board opened the hearing in the matter of determining whether Sitka and Sasha chased, wounded, injured or killed livestock. The Board heard testimony from Shaun Barrett, Columbia County Animal Control, Ronald Bone, and Nick and Marybeth Olson. The Board received the following evidence into the record:

- A. Columbia County Animal Control Incident Report;
- B. Four photographs of livestock injuries;
- C. Multiple Incoming Animal Receipt - Boarding Fees;
- D. 17 Photographs of Fence and Kennel Improvements made after June 7, 2002;
- E. Allstate Insurance Claim and copy of check paid to the order of Ronald Bone.

NOW, THEREFORE, IT IS HEREBY ORDERED as follows:

1. The Board of County Commissioners adopts the findings of fact and conclusions of law which are attached hereto as Attachment 1, and are incorporated herein by this reference.
2. Sitka and Sasha shall be released from impoundment by Columbia County Animal Control subject to the following conditions:
  - A. The improvements that have been made to the fence and kennel located on the Olsons' property shall be kept and maintained at all times such that Sitka

and Sasha may not escape from the Olsons' kennel or yard.

- B. The dogs shall be kept in the kennel when the Olsons or other responsible adults are not at home. When the Olsons or other responsible adults are at home, such persons shall know where the dogs are located on the property at all times.
- C. Prior to release from impoundment, the following shall occur:
  - I. Columbia County Animal Control shall inspect the kennel and fence and make a determination that the dogs are not able to escape from the kennel or yard.
  - II. The Olsons shall sign a notarized written pledge that the owners will prevent the dogs from chasing again.
  - III. The Olsons shall pay a civil penalty to Columbia County in the amount of \$250.00.
  - IV. The Olsons shall pay all impound fees to Columbia County Animal Control.
  - V. The Olsons shall pay all license fees, and obtain dog licenses from the Columbia County Clerk.
  - VI. The Olsons shall pay all citation/violation fees for failure to license the dogs.

Dated this 20<sup>th</sup> day of June, 2002.

BOARD OF COUNTY COMMISSIONERS  
FOR COLUMBIA COUNTY, OREGON

Approved as to form

By: [Signature]  
Chair

By: Sarah T. [Signature]  
County Counsel

By: Not Present  
Commissioner

By: [Signature]  
Commissioner

## ATTACHMENT 1

1. On June 7, 2002, Nick and Marybeth Olson left their two dogs, Sitka (an Alaskan Malamute) and Sasha (a German Shepard) alone in their fenced backyard located at 4531 Keliher Drive, Warren, Oregon 97053. The dogs were not locked in the kennel located in the fenced backyard. Around 10:00 a.m., the dogs escaped the backyard by swinging a loose fence board out. They then proceeded to the residence of Ronald Bone at 34524 Millard Road, Warren, Oregon 97053.
2. While on Ronald Bone's Property, Sasha and Sitka chased a calf into a stream on the property and attacked the calf. The two dogs bit the calf several times on the flank and near the neck. The calf was injured.
3. Upon hearing the calf's cries, Ronald Bone approached the calf, and saw the two dogs on top of the calf biting it. He then hit Sasha in the head area with a pitchfork, stunning it. When Mr. Bone hit Sasha, the German Shepard ran off and then circled as if to come back toward the calf, or Sasha, but then finally ran off. Mr. Bone identified Sasha as one of the attackers when Shaun Barrett, the Animal Control Officer, arrived on the scene. Later, while driving with Shaun Barrett, Mr. Bone identified the other dog, a German Shepard named Sasha, as the other attacker. The German Shepard was running along a fenced backyard at 34531 Keliher Drive, Warren, Oregon. The German Shepard was also impounded.
4. The dog owners do not dispute that Sasha and Sitka both chased and injured Mr. Bone's calf. The evidence in the record shows that the Sasha and Sitka chased and injured Mr. Bone's calf.
5. Due to the severity of the calf's injuries, it was necessary for Mr. Bone to obtain veterinary services for the calf on two occasions. The fees for such services totaled two hundred and sixty-two dollars (\$262.00). The Olsons submitted a claim for such veterinary fees to their insurance carrier which has issued a check paid to the order of Ronald Bone in the amount of two hundred and sixty-two dollars (\$262.00).
6. The Olsons have had both dogs since they were puppies. One dog is 7-8 years old and the other is 8-9 years old. The Olsons testified that they had never had any other complaints against the dogs, either while they were living in Hillsboro or while in Columbia County. The Olsons testified that the dogs had never chased or injured livestock in the past. The Olsons have lived in Warren at their current address for almost three years. There is no record of past citations in Columbia County for these two dogs. According to the record, the dogs have not previously chased, injured, wounded or killed livestock.

7. Having found that the two dogs have chased and injured livestock but have not previously chased, injured, wounded or killed livestock, the County shall impose a penalty under ORS 609.162 (1)(a) and (b). ORS 609.162(1)(b) requires that if a dog injures livestock, but has not previously killed, wounded, injured or chased livestock, the County shall impose a civil penalty of not less than \$250.00 or more than \$1000.00. The County shall impose a civil penalty in the amount of \$250.00.
8. ORS 609.162(1)(a), also requires that if a dog has engaged in chasing livestock but has not previously killed, wounded, injured or chased livestock, the County shall take reasonable measures to prevent a recurrence. The Olsons' fence was built using staples rather than screws and the fence was 6 feet tall. After the incident on June 7, 2002, the Olsons held a work party and installed 3500 screws into the fence, making it more secure, and also added wire above the fence, making it 9 feet tall. The Olsons also added wire at the bottom of the fence so that the dogs cannot dig out under the fence, and added additional wire to the top of the kennel. These improvements make the Olson's kennel and yard reasonably secure. Escape for these two dogs will be very difficult because they will be required to be kenneled when responsible adults are not at home. The Olsons are required to maintain the fence and kennel to prevent the dogs from escaping and are required to sign a notarized written pledge that they will not allow the dogs to escape. By imposing these conditions on the release of the dogs from impoundment, the Board has taken reasonable measures to prevent a reoccurrence.
9. The dogs have been impounded at Columbia County Animal Control for 13 days. Each is subject to a \$10.00/day impoundment fee under ORS 699.155(3)(a). The Olsons shall therefore be required to pay such impound fee.
10. The Olson's have failed to license the two dogs in Columbia County and are subject to citations under the Columbia County Dog Control Ordinance. The Olsons shall therefore pay for and obtain licenses for the two dogs and shall pay fines for failure to have the dogs licensed on the date of the incident.