

BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

In the Matter of Adopting the)
Columbia County Kennel Ordinance) **ORDINANCE NO. 2007 - 7**
_____)

The Board of County Commissioners for Columbia County, Oregon, ordains as follows:

SECTION 1. TITLE.

This ordinance shall be known as Ordinance No. 2007 - 7. Exhibit "A", which is attached hereto and incorporated herein, shall be known as the "Columbia County Kennel Ordinance".

SECTION 2. AUTHORITY.

This Ordinance is adopted pursuant to ORS 203.035, 609.015(1) and 609.100(3).

SECTION 3. PURPOSE.

The purpose of this ordinance is to adopt the Columbia County Kennel Ordinance.

SECTION 4. ADOPTION.

The Columbia County Kennel Ordinance, a copy of which is attached hereto, labeled Exhibit "A" and incorporated herein by this reference, is hereby adopted.

SECTION 5. REPEAL.

Ordinance Nos. 88-13 and 88-14 are repealed.

SECTION 6. REVIEW.

The Board of County Commissioners shall conduct a review of this Ordinance after eighteen months to evaluate its effectiveness and consider changes. As the Board deems appropriate, the Kennel Ordinance Task Force Committee may be reconvened for the review.

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SECTION 7. SEVERABILITY.

If any portion of this Ordinance, including Exhibit "A", is for any reason held invalid by any court of competent jurisdiction, such a portion shall be deemed as a separate, distinct, and independent portion and such holdings shall not affect the validity of the remaining portion of this ordinance.

DATED this 5th day of November, 2008.

Attest:

BOARD OF COUNTY COMMISSIONERS
FOR COLUMBIA COUNTY, OREGON

By: *Jan Seendalgh*
Recording Secretary

By: *[Signature]*
Chair

First Reading: 10-22-08
Second Reading: 11-5-08
Effective Date: 2-5-09

By: *[Signature]*
Commissioner

Approved as to form

By: *[Signature]*
Commissioner

By: *[Signature]*
Office of County Counsel

EXHIBIT "A"

COLUMBIA COUNTY KENNEL ORDINANCE

SECTION 1. DEFINITIONS.

- A. As applied in this Ordinance, "Kennel" means:
- (1) Any property that houses ten (10) or more dogs over six (6) months of age.
 - (2) Any "Animal Pound" or "Animal Shelter" as defined by OAR 603-015-0025(1).
 - (3) Any "Boarding Kennel" as defined by OAR 603-015-0025(2).
 - (4) Any "Commercial Kennel" as defined by OAR 603-015-0025(3).
 - (5) Any "Grooming Parlor" as defined by OAR 603-015-0025(5).
 - (6) Any "Pet Shop" or "Animal Dealer" as defined by OAR 603-015-0025(7) that handles dogs.
- B. "Board" means the Board of County Commissioners for Columbia County, Oregon.
- C. "Owner" and "operator", as used in this Ordinance, do not include mortgagees, beneficiaries under a trust deed, or contract vendors under a land sale contract. The term "owner", however, includes landlords, lessors, lessees and contract vendees under a land sale contract.

SECTION 2. ANNUAL KENNEL LICENSE REQUIRED.

Except as provided by Section 11 below, it is unlawful to own property within Columbia County where a kennel is located, or to operate a kennel within Columbia County, without possessing a valid annual kennel license for the current calendar year; or, during January and February of any year, without possessing a valid annual kennel license for the current or previous calendar year.

SECTION 3. COMPLIANCE WITH KENNEL STANDARDS REQUIRED.

Except as provided by Section 11 below, it is unlawful to own property within Columbia County where a kennel is located, or to operate a kennel within Columbia County, that does not comply with the kennel standards established by this Ordinance.

SECTION 4. ANNUAL KENNEL LICENSES; RENEWAL; LATE FEE.

A. Before a new annual kennel license may be issued under this Ordinance, the owner or operator must have an inspection and demonstrate compliance with the kennel standards established under Section 9 of this Ordinance. Kennel licenses may be renewed without a new inspection, but if a kennel does not maintain compliance with the kennel standards established under Section 9 and the additional standards under Section 10, the kennel license may not be renewed, and/or may be subject to suspension or revocation under Section 11 of this Ordinance.

B. An annual kennel license issued pursuant to this Ordinance is valid from January 1 of the year in which it was issued until December 31 of that year.

C. The owner or operator of a facility or property where a kennel is located, and who has a valid kennel license for a calendar year, must renew the annual kennel license by March 1 of the following calendar year.

D. The owner or operator of a facility or property where a kennel is located, and who had a valid kennel license for the previous calendar year, must pay a late fee if the annual kennel license is not renewed by March 1 of the following calendar year.

E. The Animal Control Officer may, but is not required to, notify or remind owners and operators of kennels of the requirement to renew their annual kennel licenses.

SECTION 5. FIELD KENNEL LICENSE APPLICATIONS.

An owner or operator of a facility or property where a kennel is located who does not possess a valid annual kennel license for the current calendar year or the previous calendar year may request a field kennel license application, in lieu of a citation. In order to obtain a kennel license, the person must immediately complete the field kennel license application, pay the annual kennel license fee and the field kennel license surcharge. A kennel license will not be issued until the kennel is inspected and is found to be in compliance with the kennel standards established under Section 9 of this Ordinance.

SECTION 6. FIELD INSPECTIONS.

A. The Animal Control Officer or the Officer's designee may inspect any kennel located within Columbia County to verify compliance with the kennel standards established by this Ordinance. Kennel operators shall allow inspections during normal business hours (9 a.m. to 5 p.m., Monday through Saturday) upon the request of the Animal Control Officer or the Officer's designee.

B. The Animal Control Officer or Officer's designee will give 2 hours notice of a routine inspection to be conducted of a kennel operation. Routine inspection will be conducted when the kennel operator or representative is on-site and available to aid in the inspection process. No inspection will be conducted without the kennel operator or representative being physically present at the time of inspection. When a kennel operator or representative cannot be contacted to provide the two hour notice of a routine inspection, written notice may be posted conspicuously on the property where a kennel is located at least 48 hours before the routine inspection. The refusal to allow a field inspection by the Animal Control Officer or Officer's designee, after providing proper notice as provided in this Section, shall be a violation of this Ordinance subject to enforcement pursuant to Section 13 of this Ordinance. Each day a field inspection is refused shall be a separate offense.

C. An owner or operator of a facility or property where a kennel is located which is not in compliance with the kennel standards established by this Ordinance may request and immediately pay for a re-inspection within 48 hours, in lieu of a citation.

SECTION 7. ESTABLISHMENT AND ADJUSTMENT OF FEES.

A. The following fees are established:

Annual Kennel License Fee	\$175
Late Fee	\$100
Field Kennel License Surcharge	\$100
Re-Inspection Fee	\$100

B. The fees established by this Ordinance may be adjusted by ordinance, order or

resolution adopted at a public meeting by the Board.

SECTION 8. DOG LICENSES NOT REQUIRED.

An owner or operator of a facility or property where a kennel is located who possesses a valid, annual kennel license for the current calendar year (or, during January and February of any year, who possesses a valid annual kennel license for the current or previous calendar year) shall not be required to purchase or possess dog licenses for the dogs located, housed or boarded in the kennel.

SECTION 9. ESTABLISHMENT AND REVISION OF KENNEL STANDARDS.

A. The following kennel standards are established:

(1) Facilities. All facilities shall satisfy the requirements of OAR 603-015-0040 and OAR 603-015-0045.

(2) Standards of Care. All kennel operators shall satisfy the standards of care requirements of OAR 603-015-0050 and OAR 603-015-0055.

B. The Board may establish new or additional kennel standards, or revise these kennel standards by adoption of an Ordinance, order or resolution at a public meeting.

SECTION 10. ADDITIONAL REQUIREMENTS.

A. Records.

(1) All dogs six months of age or older housed in kennels must have on-site proof of current rabies vaccinations.

(2) All kennels must comply with the records requirements of OAR 603-015-0060.

B. A kennel license shall be conspicuously posted and openly displayed on the facility premises and the holder of a kennel license shall keep it readily available for inspection by the Animal Control Officer or Officer's designee.

C. All dogs on the property shall be maintained within kennels, or otherwise confined on the property, and not allowed to run free except when under direct control and supervision of kennel staff or the dogs' owners.

D. Solid Waste.

All kennels shall at all times provide proper disposal of animal waste by one of the following means:

(1) Service by a franchised solid waste hauler for the regular disposal of animal waste.

(2) Treatment by an installed on-site septic system approved by the County for handling the level of animal waste generated by the kennel operation.

(3) Self-haul of solid waste for regular disposal at a licensed solid waste transfer station or disposal facility with prior approval from the Animal Control Officer. Self-hauling kennel operations shall keep records of regular solid waste disposal available for

inspection by the Animal Control Officer. The Animal Control Officer may revoke the ability of a kennel to self-haul for the failure to adequately contain solid waste, failure to regularly dispose of solid waste, or for the failure to maintain or provide the Animal Control Officer with adequate records of regular solid waste disposal.

SECTION 11. MODIFICATION AND / OR REVOCATION.

A. The Board of County Commissioners may revoke or modify conditions of any kennel license at any time if the owner or operator, or any person subject to his or her direction or control, refuses or fails to comply with the provisions of this Ordinance, or any other applicable federal, state or local laws regarding the keeping of animals or the operation of kennel facilities.

B. The Board of County Commissioners shall hold a public hearing to consider whether to revoke a kennel license or modify conditions imposed, at which time the owner or operator and affected parties may appear and be heard.

C. Notice of said hearing shall be placed in the mail to the owner or operator not later than ten (10) days before the date of said hearing and shall be sent by certified or registered mail, return receipt requested.

D. A kennel license shall not be revoked unless substantial evidence is produced to show that the owner or operator is not in compliance with the provisions of this Ordinance, or any other applicable federal, state or local laws regarding the keeping of animals or the operation of kennel facilities. The hearing shall be conducted as a quasi-judicial hearing. Review of the revocation decision shall be solely and exclusively by Writ of Review as provided in ORS 34.010 through 34.100 in the Circuit Court of the State of Oregon for Columbia County, located in St. Helens, Oregon.

E. In lieu of revocation of a kennel license, the Board of County Commissioners may place reasonable additional restrictions and/or requirements upon a kennel operation. These requirements may include but are not limited to: limiting the numbers of dogs allowed to be maintained at the kennel, additional fencing or sound barrier requirements, requirements that the animals be enclosed within suitable housing during restricted hours, or other measures designed to eliminate the offending issues. A kennel operation whose kennel license is modified shall meet all requirements placed upon it by the Board within 30 days.

F. An owner or operator whose kennel license is revoked shall, within ten (10) days, humanely dispose of all dogs owned by him or her or shall otherwise obtain individual dog licenses for all dogs not disposed of. No part of the kennel license fee shall be refunded in such case.

SECTION 12. EXISTING KENNEL OPERATIONS.

A. Operators with current commercial kennel licenses issued pursuant to Ordinance No. 88-14 shall purchase new kennel licenses under this Ordinance upon the expiration of their current commercial kennel licenses and comply with the kennel standards provided in this Ordinance. Operators with current commercial kennel licenses shall continue to comply with the requirements of Ordinance No. 88-14 until the expiration of their current kennel licenses.

B. Operators with current non-commercial kennel licenses issued pursuant to Ordinance 88-13 may renew their non-commercial kennel licenses for the fee charged for a kennel license issued under this Ordinance for the first calendar year after the effective date of this Ordinance. After the first calendar year period, non-commercial kennel operators must purchase new kennel licenses as required by this Ordinance and comply with the kennel standards provided in this Ordinance.

Operators with current non-commercial kennel licenses shall continue to comply with the requirements of Ordinance No. 88-13 until the expiration of their current non-commercial kennel licenses.

SECTION 13. ENFORCEMENT.

This Ordinance is enforceable as provided by, and violators hereof are subject to the penalties provided in, the Columbia County Enforcement Ordinance.