

Columbia County



Oregon

KENNEL ORDINANCE

[Integrated thru November 2013]

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As amended by:

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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. For purposes of enforcing this Ordinance, there shall be a rebuttable presumption that every dog on the property is over six (6) months of age, unless documentation or physical inspection acceptable by the Animal Control Officer proves otherwise.
- (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.
- (7) Any “Animal Rescue Entity,” which means an individual or organization that keeps, houses, and maintains in its custody ten (10) or more animals and that solicits or accepts donations in any form. “Animal Rescue Entity” includes kennels not subject to ORS 167.364 but excludes veterinary facilities.

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.

[Amended by Ord. 2013-5]

SECTION 2. ANNUAL KENNEL LICENSE REQUIRED; RENEWAL; LATE FEE.

A. A kennel license is required to own or operate a kennel in Columbia County.

B. New License. Before a new annual kennel license may be issued under this Ordinance, the owner or operator must submit an application for a kennel license and pay the annual license fee. A kennel license will not be issued until the kennel is inspected and found to be in compliance with the kennel standards of this Ordinance. A decision to deny a kennel license application may be appealed

in accordance with Section 8, below. 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. License Renewal. Kennel licenses may be renewed without a new inspection, but if a kennel does not maintain compliance with the kennel standards established under Section, the kennel license may not be renewed, or may be suspended or revoked under Section 8 of this Ordinance.

D. Late Fee. 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 January 1 of the following calendar year. A late fee will be charged for a kennel license that is not renewed by January 1.

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.

[Amended by Ord. 2013-5]

SECTION 3. 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 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 field 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 7 of this Ordinance.

[Amended by Ord. 2013-5]

SECTION 4. KENNEL 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. Routine inspections will be conducted in the physical presence of the kennel operator or representative. When a kennel operator or representative is not available and cannot be contacted, written notice may be posted conspicuously on the property where a kennel is located that Animal Control will attempt another inspection within 48 hours. For a property that has been posted with a 48-hour inspection notice, the kennel operator or representative may call the County to schedule an inspection to take place within the 48-hour period identified on the notice. The failure to allow a field inspection by the Animal Control Officer or Officer's designee, after the posting of a 48 hours notice, shall be a violation of this Ordinance subject to enforcement pursuant to Section 9 of this Ordinance. Each day a field inspection is refused or cannot be obtained shall be a separate offense.

C. For a kennel that is in violation of the standards of this Ordinance, an owner or operator of a facility or property where a kennel is located may request and immediately pay for a re-inspection within 48 hours, in lieu of a citation. If on re-inspection, the kennel remains in noncompliance with the standards of this Ordinance, a citation may be issued. In addition to or in lieu of a citation, the Animal Control Officer or Officer's designee may require a re-inspection after a 48 hour period of time and the payment of a re-inspection fee.

[Amended by Ord. 2013-5]

SECTION 5. ESTABLISHMENT AND ADJUSTMENT OF FEES.

A. The following fees are established:

Annual Kennel License Fee	\$250
Annual Kennel License Fee for a Grooming Parlor	\$100
Late Fee	\$100
Field Kennel License Surcharge	\$100
Re-Inspection Fee	\$200

B. The fees established by this Ordinance may be adjusted by ordinance, order or resolution adopted at a public meeting by the Board.

[Amended by Ord. 2013-5]

SECTION 6. 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 shall not be required to purchase or possess dog licenses for the dogs located, housed or boarded in the kennel.

[Amended by Ord. 2013-5]

SECTION 7. KENNEL STANDARDS.

All kennels shall comply with the standards in this section. Failure to comply with any of the standards shall be a basis for denial, modification or revocation of the kennel license pursuant to Section 8, below. 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.

- A. Facilities. All facilities shall satisfy the requirements of OAR 603-015-0040 and OAR 603-015-0045.
- B. Standards of Care. All kennel operators shall satisfy the standards of care requirements of OAR 603-015-0050 and OAR 603-015-0055.
- C. 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.
- (3) Kennels that are animal rescue entities, shall comply with the following records requirements:
 - (a) Maintain a record for each animal that identifies:
 - (i) The date of birth for the animal or if the date of birth is unknown, the approximate age of the animal;
 - (ii) The date the animal rescue entity acquired possession, control or charge of the animal and the source of the animal;
 - (iii) The disposition the animal rescue entity makes of each animal possessed by, controlled by or in the charge of the animal rescue entity, including the date of disposition, manner of disposition and the name and address for any individual or organization taking possession, control or charge of an animal;
 - (iv) The source of the animal, date of acquisition, age, sex, breed type and weight of the animal at intake; and
 - (v) A photograph of the animal taken within 24 hours of intake by the animal rescue entity.
 - (b) Allow inspection of the above-listed records and furnish reports required by the Animal Control Officer or his or her designee.
 - (c) The County will not issue a new or renewal license to an animal rescue entity that fails to comply with the records requirements in this Section.

D. 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.

E. All animals 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 owners.

F. 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.

G. Land Use Requirements.

Kennels are subject to the regulations in the Columbia County Zoning Code (CCZO). A kennel license will not be issued until all required land use approvals have been obtained. A kennel shall be in compliance with the terms and conditions of its land use approval. Failure to comply with any land use condition of approval shall be enforceable as a violation of the Kennel Ordinance in addition to any other enforcement action allowed by law.

H. Noise.

Continuous barking or other animal noise shall be prohibited. For purposes of this Ordinance, “Continuous Barking or Other Animal Noise” means barking, whining, howling, or other noise from one or more animals, that:

- (1) Is constant and prolonged for more than 30 minutes, or 15 minutes between the hours of 10 pm to 7 am; and
- (2) Unreasonably interferes with the use and enjoyment of a property that is beyond the boundary of the kennel property.

- I. Obnoxious Odors. Odors that unreasonably interfere with the use and enjoyment of a property that is beyond the boundary of the kennel property are prohibited.

[Amended by Ord. 2013-5]

SECTION 8. DENIAL, MODIFICATION AND REVOCATION.

A. The Animal Control Officer may deny a new kennel license, revoke a current kennel license or establish or modify conditions of a 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. The Animal Control Officer’s decision to deny, modify or revoke a kennel license shall be in writing, and shall be mailed by certified or registered mail, return receipt

requested, to the applicant for a new kennel license (hereinafter “applicant”), or to the license holder of an existing kennel license (hereinafter “licensee”).

B. The Animal Control Officer’s decision may be appealed to the Board of County Commissioners by filing an appeal with Board of County Commissioners, 230 Strand, St. Helens, OR 97501, within 14 days of the date the decision was mailed. The appeal shall be in writing and shall include:

- (1) The name and address of the appellant;
- (2) A copy of the decision being appealed; and
- (3) The reason the decision is incorrect.

C. The Board of County Commissioners shall hold a public hearing to consider the appeal, at which time the applicant or licensee and affected parties may appear and be heard. The hearing shall be conducted as a quasi-judicial hearing.

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

E. A kennel license shall not be denied, modified or revoked unless substantial evidence in the record supports a finding that the kennel 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.

F. 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 animals 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.

G. The Board’s decision shall not be final until it is put in writing and mailed to the applicant or licensee.

H. Review of the decision to deny, revoke or modify a license 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.

I. An owner or operator whose kennel license is denied or revoked shall, within ten (10) days, humanely dispose of all animals 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.

[Amended by Ord. 2013-5]

SECTION 9. ENFORCEMENT.

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