

FILED

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BEFORE THE BOARD OF COUNTY COMMISSIONERS
FOR TILLAMOOK COUNTY, OREGONOrdinance No. 13

COUNTY COURT JOURNAL

JUNE WAGNER
COUNTY CLERK

By _____ DEPUTY

AN ORDINANCE PROVIDING FOR THE LICENSING
AND REGULATING OF DOG KENNELS

The Board of Commissioners for Tillamook County, Oregon, does ordain as follows:

Section 1. TITLE

This ordinance shall be known as the "DOG KENNEL ORDINANCE" and may be so pleaded and referred to.

Section 2. PURPOSE

In order to protect the health, safety and welfare of the residents and citizens of Tillamook County and to provide legal protection for dogs kept in kennels, and also to protect the property rights of owners and non-owners of dogs, the Board of Commissioners for Tillamook County, Oregon, does hereby enact the following provisions.

Section 3. DEFINITIONS

As used in this ordinance, unless the context requires otherwise:

- A. DOG: Means any mammal of the canine family.
- B. KENNEL: Means the operation of any business or the participation in any activity at a site, as identified by a mailing address, where five (5) or more dogs of licensable age are kept primarily on the site, and are not permitted to run at large, whether such dogs are the property of the owner of the site, or other persons.
- C. GENERAL KENNEL: Means a kennel where dogs are housed in a primary enclosure and are not used primarily to hunt, chase, or tree wildlife.
- D. HOUND KENNEL: Means a kennel where dogs are not necessarily housed in a primary enclosure and are used primarily to legally hunt, chase, or tree wildlife.

- E. PERSON: Means an individual, association, firm, partnership, company, corporation, or any other legal entity.
- F. VETERINARIAN: Means a practicing veterinarian licensed pursuant to the laws of the State of Oregon to perform any of the acts set forth in ORS 686.030.
- G. LICENSABLE AGE: Means the age at which a dog has a set of permanent canine teeth or is six months old, whichever comes first.
- H. PRIMARY ENCLOSURE: Means a housing structure for dogs.

Section 4. KENNEL LICENSE FEES

It shall be the primary responsibility of the owner of a dog to license it. The keeper of a dog at a kennel shall be considered to be the owner unless a statement acknowledging ownership by another person (such as a boarding contract) is kept on record at the kennel. Any general kennel, or hound kennel, may in lieu of all individual dog license fees imposed upon dogs owned, kept, or boarded at such kennel, pay an annual kennel license fee of \$25.00 for a kennel having ten (10) or less dogs of licensable age, and \$25.00 for each additional ten (10) dogs, or \$5.00 for each one (1) additional dog. A flat fee of \$150.00 may be paid by a kennel having fifty (50) or more dogs.

Section 5. STANDARDS

Any general kennel, or hound kennel, paying an annual kennel license fee in lieu of individual dog license fees shall conform to, and comply with, the following standards:

- A. Dogs must at all times be housed or restrained in a manner which shall assure that dogs will not create a public nuisance by reason of noise or emission of offensive odors, present a danger to human life or property, endanger the health of the dogs or create a safety or health hazard to human beings.
- B. Any primary enclosure shall be of sufficient size to permit each dog housed therein to stand freely, sit, turn around and lie in a comfortable, normal position. Each dog housed in a primary enclosure shall be provided minimum floor space equal to the mathematical square of the dog's length as measured from the tip of its nose to the base of its tail plus six inches. An exercise area or means to provide each dog with exercise shall be provided on the premises.

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- C. Each dog shall be seen at least once per twenty-four hour period by an animal caretaker.
- D. Excrement shall be removed from primary enclosures or a restraining area as often as necessary to prevent contamination, reduce disease hazards, and minimize odors.
- E. Dogs shall be fed at least once daily a diet of nutritionally adequate and uncontaminated foods.
- F. Storage of food supplies and bedding materials for dogs shall be designed to prevent vermin infestation.
- G. Potable water shall be continuously available to each dog, unless otherwise recommended by a veterinarian in a particular situation.
- H. When restraining devices are used, such devices shall be installed in a manner to prevent entanglement with devices of other dogs or objects and shall be fitted to the dog by a harness or well-fitted collar, other than a choke type collar, and shall not be shorter than three times the length of the dog as measured from the tip of its nose to the base of its tail.
- I. All dogs must be inoculated against rabies.
- J. In addition to the general standards contained in this section, the following standards shall apply specifically to hound kennels:
 - 1. No more than five (5) dogs shall be allowed out of a hound kennel at a time without notice to the Tillamook County Animal Control Office.
 - 2. All dogs must have some form or kind of identification (collar, tags, tatoos, etc.) while out of the kennel.

Section 6. LAND USE DISCLAIMER

Issuance of a kennel license shall not constitute approval of the land use, nor be evidence of compliance with any land use restrictions or regulations which may apply to the kennel operation.

Section 7. INSPECTION

It shall be a condition of the issuance of any kennel license to any kennel that the County Dog Control Officers and State of Oregon veterinarians shall be permitted to inspect all dogs and the site of a kennel where such dogs are kept at any reasonable time, and the Board of County Commissioners may, if permission for such inspection is refused, revoke the kennel license as provided in Section 8.

Section 8. REVOCAION OF KENNEL LICENSE

The Board of County Commissioners may revoke any kennel license if the person holding such license, 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 dogs, providing that the following procedure is followed:

- A. The Board of County Commissioners shall hold a public hearing concerning said kennel license revocation at which time the license holder may appear and be heard.
- B. Notice of said hearing shall be placed in the mail to the license holder not later than ten (10) days before the date of said hearing and shall be sent by certified mail.

Any person whose kennel license is revoked shall, within ten (10) days, humanely dispose of all dogs owned by him or obtain individual dog licenses for all dogs not disposed of. No part of the kennel license fee shall be refunded in such case. Review of the Board of County Commissioners revocation shall be solely and exclusively by Writ of Review as provided in ORS 34.010 through 34.100.

Section 9. PENALTIES

Offenses committed in violation of provisions of this ordinance shall be prosecuted in the manner provided in ORS 203.065. Upon conviction of any person for violation of this ordinance, he or she shall be punished by a fine of not more than \$200.00 for a noncontinuing offense, and a fine of not more than \$1,000.00 for a continuing offense.

Section 10. SEPARABILITY

If any section, subsection, paragraph, sentence, clause or phrase

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of this ordinance, or any part thereof, is for any reason held to be unconstitutional or otherwise invalid, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions of this ordinance and they shall remain in full force and effect.

Section 11. EFFECTIVE DATE

This ordinance being necessary for the immediate preservation of the public health, safety and welfare of the residents of Tillamook County, an emergency is declared to exist, and this ordinance shall take effect immediately upon its adoption.

DATE of First Reading: February 5, 1982

DATE of Second Reading: February 19, 1982

ADOPTED this 24 day of February, 1982.

APPROVED AS TO FORM:

BOARD OF COUNTY COMMISSIONERS
FOR TELLAMOOK COUNTY, OREGON

Lynn Rosik
Lynn Rosik, County Counsel

F. E. Knight
F. E. Knight, Chairman

RECORDING SECRETARY:

Carol Williams
Carol Williams, Commissioner

Nina Gallino
Nina Gallino

Gerald A. Woodward
Gerald A. Woodward, Commissioner