
CODIFIED ORDINANCES OF JACKSON COUNTY

TITLE TWO - Business Regulation

Chap. 844	Kennels and Animal Rescue Entities.
Chap. 848	Repealed
Chap. 868	Secondhand Dealers.
Chap. 870	Sexually-Oriented Businesses.

CHAPTER 844

Kennels and Animal Rescue Entities

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CROSS REFERENCES

- Rabies control - see ORS 433.345 et seq.
- County control of dogs and rabies - see ORS 433.360 et seq., 609.015
- Dog control districts - see ORS 609.030, 609.090, 609.100, 609.180
- Dogs as nuisances - see ORS 609.090, 609.095, 609.097, 609.150
- Licensing exemption for kennels - see ORS 609.100
- Animals generally - see GEN. OFF. Ch. 610

844.01 DEFINITIONS.

As used in Sections 844.01 to 844.15:

- (a) Kennel - means a place of business or a facility, not including an animal hospital:
 - (1) In which dogs owned by persons other than the business or facility owner are given training, boarded, or groomed for profit or compensation; or
 - (2) Maintained by public or private funds which serves as a temporary shelter for holding lost, strayed, surrendered, or abandoned dogs and cats until disposition by redemption, adoption, or euthanasia is made; or
 - (3) A facility which trains dogs as guides for the visually, physically, or hearing impaired; or
 - (4) Which is maintained and operated as a business for breeding, buying, selling, or bartering of dogs and cats for profit or compensation.
- (b) Kennel Permit - means a permit from the County Health and Human Services Department which indicates compliance with the rabies control provisions of ORS 433.365 and the animal care standards of OAR 603-15-0025 to 603-15-0060.

(E. Ord. 85-8. Passed 6-19-85; P. Ord. 85-7. Passed 6-19-85; Ord 94-23. Passed 6-8-94; Ord 2016-16. Passed 12-07-16.)

844.02 PERMIT REQUIRED; VIOLATION.

- (a) No person shall own or operate a kennel for which a kennel permit has not been issued.

(b) Any kennel described in Section 844.01 of this chapter which operates without a permit as required by this section is in violation of this chapter and is subject to penalty under Section 844.99.

(E. Ord. 85-8. Passed 6-19-85; P. Ord. 85-7. Passed 6-19-85; Ord. 94-23. Passed 6-8-94.)

844.03 PERMIT APPLICATION AND ISSUANCE.

An application for a kennel permit shall be submitted on forms provided by the Jackson County Health and Human Services Department, Animal Control Program. The Program staff shall inspect the kennel for compliance with the requirements of this chapter, except that any kennel which has been inspected and approved by the United States Department of Agriculture, Animal and Plant Inspection Service, shall be deemed to comply with all the standards of Section 844.10. The Program shall issue the permit if the kennel complies with this chapter and all other applicable ordinances, regulations, or statutes.

(E. Ord. 85-8. Passed 6-19-85; P. Ord. 85-7. Passed 6-19-85; Ord. 94-23. Passed 6-8-94.)

844.04 COMPLIANCE WITH ZONING CODE AND COMPREHENSIVE PLAN REQUIRED.

No kennel permit will be issued until proof is submitted by the applicant that the location and operation of the kennel are in compliance with the Jackson County Land Development Ordinance and Comprehensive Plan, or any other pertinent zoning laws and land use regulations for any city within the county.

(E. Ord. 85-8. Passed 6-19-85; P. Ord. 85-7. Passed 6-19-85; Ord. 94-23. Passed 6-8-94.)

844.05 PERMIT FEES; EFFECTIVE PERIOD.

Each kennel permit shall be issued for the period of the fiscal year from July 1 until June 30 of the calendar year next following, and there shall be charged an annual fee in the amount set by order of the Board of Commissioners. A fee for a full year shall be paid at the time of application, except as provided in this section. Any kennel opening for the first time after December 31 of the fiscal year shall, for the first year's permit, pay not more than one-half the year's fee. Application fees for an existing kennel permit renewal shall be due no later than July 31 of each year. Application renewals received August 1 through August 31 of the same year will be charged a late fee in an amount to be set by the Board of Commissioners. Applications received after August 31 of the same year will be charged an additional late fee in a monthly amount set by the Board of Commissioners for any portion of the month the permit was not renewed.

(E. Ord. 85-8. Passed 6-19-85; P. Ord. 85-7. Passed 6-19-85; Ord 94-23. Passed 6-8-94.)

844.06 DOGS AT LARGE.

If any dog maintained under a kennel permit under this chapter is found at large or out of the confines of the kennel structure or designated exercise area, the dog may be dealt with as an unlicensed dog, subject to fines, penalties, and licensing requirements applicable to such dogs.

(E. Ord. 85-8. Passed 6-19-85; P. Ord. 85-7. Passed 6-19-85; Ord 94-23. Passed 6-8-94.)

844.07 RABIES INOCULATION; EXEMPTIONS.

Dogs maintained in kennels as defined under Section 844.01(a)(4) are exempt from proof of inoculation against rabies as long as such dogs are confined to a kennel structure as defined in 844.10(b). Any dog permitted outside of the confines of the kennel structure must have proof of inoculation against rabies.

(E. Ord. 85-8. Passed 6-19-85; P. Ord. 85-7. Passed 6-19-85; Ord. 94-23. Passed 6-8-94.)

844.08 PERMIT DISPLAY; RECORDS.

A kennel permit shall be displayed in a readily visible location on all kennel premises. In addition, the operator of any such kennel shall keep available for inspection upon request by the Animal Control Program records of:

- (a) The name, address, and telephone number of the owner of each animal kept at the kennel; and
- (b) All sales of animals, pursuant to OAR 603-15-0060(1).

(E. Ord. 85-8. Passed 6-19-85; P. Ord. 85-7. Passed 6-19-85; Ord 94-23. Passed 6-8-94; Ord 2016-16. Passed 12-07-16.)

844.09 INDIVIDUAL DOG LICENSES NOT REQUIRED FOR KENNEL DOGS.

The individual dog license required by ORS 609.100(1) is not required for any dog kept in a kennel described in Section 844.01(a)(4) which has a permit under this chapter.

(E. Ord. 85-8. Passed 6-19-85; P. Ord. 85-7. Passed 6-19-85; Ord 94-23. Passed 6-8-94.)

844.10 STANDARDS FOR OPERATION.

Every kennel with a permit pursuant to this chapter shall conform to the following standards:

- (a) Those standards for indoor and outdoor facilities and health and husbandry practices as specified in OAR 603-15-0040, 603-15-0045, and 603-15-0050;
- (b) The kennel structure and floor shall be sound and maintained in good repair to protect animals from injury, to safely confine the animals kept therein, to prevent entry of other animals, and to allow each animal to stand, sit, lie, and turnabout freely and comfortably;
- (c) If dog houses with chains are used as primary enclosures for dogs kept outdoors, the chains used shall be placed or attached such that they cannot become entangled with the chains of the other dogs or any other object. Such chains shall be of a type commonly used for the size dog involved and shall be at least three times the length of the dog as measured from the tip of its nose to the base of its tail and shall allow the dog convenient access to the dog house;
- (d) The kennel shall have an adequate and potable water supply for all animals;
- (e) Storage of food supplies and bedding materials shall be designed to prevent infestation by vermin. Refrigeration shall be furnished for perishable foods;
- (f) Disposal facilities, in addition to being operated so as to minimize vermin infestation, odors, and disease hazards, shall comply with applicable Federal, State, and local laws and regulations relating to pollution control and the protection of the environment. Included is the removal and disposal of animal and food waste, bedding, dead animals, trash, and debris;
- (g) Clean up agents and water shall be available to animal caretakers and handlers;
- (h) Proper and healthy temperatures shall be maintained at all times for animals in the kennel. Adequate ventilation shall be maintained to provide a fresh air supply and to minimize drafts, odors, and moisture condensation;
- (i) Interior areas shall have adequate natural or artificial lighting;
- (j) Interior building surfaces shall be so constructed and maintained so as to prevent moisture penetration and allow easy sanitization;
- (k) Drainage facilities shall be available to assure rapid elimination of excess water from indoor housing facilities. The design shall assure obstruction-free flow and traps to prevent sewage backflow;

- (l) Outdoor facilities shall provide protected shading and adequate shelter against cold, wind, precipitation, and inclement weather;
- (m) Fire extinguishers of the correct type and in adequate numbers shall be available;
- (n) Dogs shall be fed at least once daily with a diet of nutritionally adequate and uncontaminated food. Clean water shall be continuously available unless otherwise recommended by a veterinarian;
- (o) Animal waste shall be removed at least once daily and more often if necessary;
- (p) Cages, rooms, hard surface pens, and runs, shall be sanitized at least once weekly to prevent disease. Animals shall be removed from the enclosure during the cleaning process and adequate care shall be taken to protect the animals in other enclosures. Before any animal new to the facility is introduced to empty enclosures that were previously occupied, such enclosures shall be sanitized;
- (q) All sick or diseased animals shall be isolated; and
- (r) An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.

(E. Ord. 85-8. Passed 6-19-85; P. Ord. 85-7. Passed 6-19-85; Ord. 94-23. Passed 6-8-94. Ord 2016-16. Passed 12-07-16.)

844.11 PERMIT DENIAL OR REVOCATION.

A kennel permit required by this chapter may be denied or revoked by the Animal Control Program for any of the following reasons:

- (a) Failure to comply with any provision of this chapter;
- (b) Conviction of the owner, or of any person subject to his or her direction or control, for a violation of any provision of this chapter or any other applicable State or Federal law, rule, order, or regulation pertaining to any activity relating to the humane treatment of animals; or
- (c) Furnishing false information on the application for a kennel permit.

(E. Ord. 85-8. Passed 6-19-85; P. Ord. 85-7. Passed 6-19-85; Ord. 94-23. Passed 6-8-94.)

844.12 APPEALS.

Denial or revocation of a kennel permit may be appealed by filing a notice of appeal with the County Administrator within twenty days after the date of such denial or revocation. The Board shall hold a hearing on the appeal and may affirm, reverse, or modify the decision of the Animal Control Program. Denial or revocation of a kennel permit is a contested case and shall be heard according to the rules provided for contested cases in ORS Chapter 183.

(E. Ord. 85-8. Passed 6-19-85; P. Ord. 85-7. Passed 6-19-85; Ord. 94-23. Passed 6-8-94.)

844.13 DISPOSAL OF ANIMALS AFTER PERMIT REVOCATION.

The operator of any kennel whose permit is revoked shall dispose of all animals in the kennel within ten days after the revocation becomes final. The revocation becomes final either by affirmance of appeal or by not taking an appeal. Disposal shall be by sale, transfer to a licensed kennel, or humane destruction.

(E. Ord. 85-8. Passed 6-19-85; P. Ord. 85-7. Passed 6-19-85; Ord. 94-23. Passed 6-8-94.)

844.14 INSPECTIONS.

Any kennel with a permit pursuant to this chapter, including any kennel exempt from fees, and any records pertaining to ownership of animals kept within the kennel during the past three years or to the number of dogs kept within the kennel during the prior three years, shall be subject to inspection by a representative of the Animal Control Program at any reasonable time, without notice. The person operating the kennel shall permit access to all parts of the establishment.

(E. Ord. 85-8. Passed 6-19-85; P. Ord. 85-7. Passed 6-19-85; Ord 94-23. Passed 6-8-94.)

844.15 KENNEL PERMIT PENALTY.

Any kennel operating for up to three months without a permit is subject to a five hundred dollar (\$500.00) fine. Each month of operation thereafter without a permit is a separate violation.

(Ord. 2016-16. Passed 12-07-16.)

844.16 DEFINITIONS FOR ANIMAL RESCUE ENTITIES.

As used in Sections 844.16 to 844.35:

(a) Animal Rescue Entity - means an individual or organization, including but not limited to an animal control agency, humane society, animal shelter, animal sanctuary or boarding kennel not subject to ORS 167.374, but excluding a veterinary facility and businesses and facilities that meet the definition of kennel in Section 844.01(b)(3), that keeps, houses, and maintains in its legal custody 10 or more animals, whether physically located at a facility operated by the entity or kept, housed or maintained elsewhere, and that solicits or accepts donations in any form.

[Reference: ORS 609.415(1) (b)]

(b) Animal Rescue Entity Permit - means a permit from the County Health and Human Services Department which indicates compliance with the rabies control provisions of ORS 433.365, the animal care standards of OAR 603-15-0025 to 603-15-0060, and Sections 844.16 to 844.35 of this chapter.

(c) Director - means the department director or other designee determined by the County Administrator to be responsible for the Animal Control Program.

(Ord. 2016-16. Passed 12-07-16.)

844.17 ANIMAL RESCUE ENTITY PERMIT REQUIRED; TRANSFER; VIOLATION.

(a) No person or entity shall operate an animal rescue entity described in Section 844.16(a) for which an animal rescue entity permit has not been issued.

(b) An animal rescue entity may transfer an animal rescue entity permit issued under this chapter to another person with the written consent of the Animal Control Program, provided that the transferee otherwise qualifies to be permitted as an animal rescue entity under this chapter and does not have a certified unpaid debt to the state. The transferee shall submit a signed release to the Animal Control Program permitting the performance of a background investigation of the transferee, and the Animal Control Program shall conduct the background investigation.

[Reference: ORS 609.415(5)]

(c) Any animal rescue entity described in Section 844.16(a) of this chapter which operates without a permit as required by this section is in violation of this chapter and is subject to penalty under Section 844.99.

(Ord. 2016-16. Passed 12-07-16.)

844.18 PERMIT APPLICATION AND ISSUANCE.

(a) An application for an animal rescue entity permit shall be submitted on forms provided by the Jackson County Health and Human Services Department, Animal Control Program. An applicant for an animal rescue entity permit for an animal rescue entity under this chapter shall demonstrate that the animal rescue entity that is the subject of the application complies with all standards imposed under applicable law.

[Reference: ORS 609.415(6)]

(b) The Animal Control Program staff shall inspect the animal rescue entity for compliance with the requirements of this chapter, except that any animal rescue entity which has been inspected and approved by the United States Department of Agriculture, Animal and Plant Inspection Service, shall be deemed to comply with all the standards of Section 844.25. The Animal Control Program shall issue the animal rescue entity permit if the animal rescue entity complies with this chapter and all other applicable ordinances, regulations and statutes.

(Ord. 2016-16. Passed 12-07-16.)

844.19 COMPLIANCE WITH ZONING CODE AND COMPREHENSIVE PLAN REQUIRED.

No animal rescue entity permit will be issued until proof is submitted by the applicant that the location and operation of the animal rescue entity are in compliance with the Jackson County Land Development Ordinance and Comprehensive Plan, or any other pertinent zoning laws and land use regulations for any city within the County.

(Ord. 2016-16. Passed 12-07-16.)

844.20 PERMIT FEES; EFFECTIVE PERIOD.

Each animal rescue entity permit shall be issued for the period of the fiscal year from July 1 until June 30 of the calendar year next following, and there shall be charged an annual fee in the amount set by order of the Board of Commissioners. A fee for a full year shall be paid at the time of application, except as provided in this section. Any animal rescue entity opening for the first time after December 31 of the fiscal year shall, for the first year's permit, pay not more than one-half the year's fee. Application fees for an existing animal rescue entity permit shall be due no later than July 31 of each year. Application renewals received August 1 through August 31 of the same year will be charged a late fee in an amount to be set by the Board of Commissioners. Applications received after August 31 of the same year will be charged an additional fee in a monthly amount set by the Board of Commissioners for any portion of the month the permit was not renewed.

(Ord. 2016-16. Passed 12-07-16.)

844.21 PERMIT DISPLAY; RECORDS.

(a) An animal rescue entity permit shall be displayed in a readily visible location on all animal rescue entity premises.

(b) Any animal rescue entity shall comply with all of the following record-keeping requirements:

- (1) Maintain a record for each animal that identifies:
 - A. The date of birth for the animal or, if the date of birth is unknown, the approximate age of the animal;
 - B. The date the animal rescue entity acquired possession, control or charge of the animal and the source of the animal;
 - C. The number of offspring the animal produced while in the possession or control of the animal rescue entity, if applicable;
 - D. 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;
 - E. The source of the animal, date of acquisition, age, sex, breed type and weight of the animal at intake; and
 - F. A photograph of the animal taken within 24 hours of intake by the animal rescue entity.
- (2) Permit Animal Control Program staff to inspect records of the animal rescue entity required by this subsection and furnish reports and information required by the Animal Control Program, as provided in Section 844.26.
[Reference: ORS 609.415(2) (a) and (b)]

(Ord. 2016-16. Passed 12-07-16.)

844.22 INDIVIDUAL DOG LICENSES NOT REQUIRED FOR ANIMAL RESCUE ENTITY DOGS.

The individual dog license required by ORS 609.100(1) is not required for any dog kept for less than thirty (30) days by an animal rescue entity described in Section 844.16(a) which has an animal rescue entity permit under this chapter.

(Ord. 2016-16. Passed 12-07-16.)

844.23 DOGS AT LARGE.

If any dog maintained under an animal rescue entity permit under this chapter is found at large or out of the confines of a kennel structure described in Section 844.25(b), the dog may be dealt with as an unlicensed dog, subject to fines, penalties and licensing requirements applicable to such dogs.

(Ord. 2016-16. Passed 12-07-16.)

844.24 RABIES INOCULATION; EXEMPTIONS.

Dogs maintained for less than thirty (30) days by animal rescue entities as defined in Section 844.16(a) are exempt from proof of inoculation against rabies as long as such dogs are confined to a kennel structure as defined in Section 844.25(b). Any dog permitted outside of the confines of the kennel structure must have proof of inoculation against rabies.

(Ord. 2016-16. Passed 12-07-16.)

844.25 STANDARDS FOR OPERATION.

Every animal rescue entity with an animal rescue entity permit issued pursuant to this chapter shall conform to the following standards:

- (a) Those standards for indoor and outdoor facilities and health and husbandry practices as specified in OAR 603-15-0040, 603-15-0045, and 603-15-0050;
- (b) Kennel structures and floors shall be sound and maintained in good repair to protect animals from injury, to safely confine the animals kept therein, to prevent entry of other animals, and to allow each animal to stand, sit, lie, and turnabout freely and comfortably;

- (c) If dog houses with chains are used as primary enclosures for dogs kept outdoors, the chains used shall be placed or attached such that they cannot become entangled with the chains of the other dogs or any other object. Such chains shall be of a type commonly used for the size dog involved and shall be at least three times the length of the dog as measured from the tip of its nose to the base of its tail and shall allow the dog convenient access to the dog house;
- (d) The animal rescue entity shall have an adequate and potable water supply for all animals;
- (e) Storage of food supplies and bedding materials shall be designed to prevent infestation by vermin. Refrigeration shall be furnished for perishable foods;
- (f) Disposal facilities, in addition to being operated so as to minimize vermin infestation, odors, and disease hazards, shall comply with applicable Federal, State, and local laws and regulations related to pollution control and the protection of the environment. Included is the removal and disposal of animal and food waste, bedding, dead animals, trash and debris;
- (g) Clean up agents and water shall be available to animal caretakers and handlers;
- (h) Proper and healthy temperatures shall be maintained at all times for animals in the animal rescue entity. Adequate ventilation shall be maintained to provide a fresh air supply and to minimize drafts, odors and moisture condensation;
- (i) Interior areas shall have adequate natural or artificial lighting;
- (j) Interior building surfaces shall be so constructed and maintained so as to prevent moisture penetration and allow easy sanitization;
- (k) Drainage facilities shall be available to assure rapid elimination of excess water from indoor housing facilities. The design shall assure obstruction-free flow and traps to prevent sewage backflow;
- (l) Outdoor facilities shall provide protected shading and adequate shelter against cold, wind, precipitation and inclement weather;
- (m) Fire extinguishers of the correct type and in adequate numbers shall be available;
- (n) Dogs shall be fed at least once daily with a diet of nutritionally adequate and uncontaminated food. Clean water shall be continuously available unless otherwise recommended by a veterinarian;

- (o) Animal waste shall be removed at least once daily and more often if necessary;
- (p) Cages, rooms, hard surface pens and runs shall be sanitized at least once weekly to prevent disease. Animal shall be removed from the enclosure during the cleaning process and adequate care shall be taken to protect the animals in other enclosures. Before any animal new to the facility is introduced to empty enclosures that were previously occupied, such enclosure shall be sanitized;
- (q) All sick or diseased animals shall be isolated; and
- (r) An effective program for the control of insects, ectoparasites, and avian and mammalian pests shall be established and maintained.
- (s) When an animal is disposed, provide to the individual or organization taking possession of the animal a notification of the licensure and inoculation requirements of Jackson County.

(Ord. 2016-16. Passed 12-07-16.)

844.26 INSPECTIONS; INVESTIGATIONS.

- (a) Any animal rescue entity with an animal rescue entity permit issued pursuant to this chapter, including any animal rescue entity exempt from fees, and any records pertaining to ownership of animals kept by the animal rescue entity during the past three years or to the number of dogs kept by the animal rescue entity during the prior three years, shall be subject to inspection by Animal Control Program staff at any reasonable time, without notice. The operator of the animal rescue entity shall permit access to all parts of the animal rescue entity's premises.
- (b) Whenever the Animal Control Program is advised or has reason to believe that an animal rescue entity is operating without an animal rescue entity permit, Animal Control Program staff may visit and conduct an on-site investigation of the premises of the animal rescue entity. The purpose of the investigation under this section is to determine whether the animal rescue entity is subject to the requirements of this chapter.
[Reference: ORS 609.420(1)]
- (c) At any reasonable time, Animal Control Program staff may conduct an on-site investigation of the premises of any animal rescue entity issued an animal rescue entity permit under this chapter to determine whether the entity is in compliance with this chapter.
[Reference: ORS 609.420(2)]

(d) Animal Control Program staff shall conduct an on-site investigation of the premises of any animal rescue entity issued an animal rescue entity permit under this chapter if the Animal Control Program receives a complaint about the animal rescue entity related to the failure to comply with the requirements of this chapter that the Animal Control Program determines is credible and serious. The investigation by the Animal Control Program shall be limited to determining if the animal rescue entity has failed to comply with the requirements of this chapter.

[Reference: ORS 609.420(3)]

(e) Any animal rescue entity issued an animal rescue entity permit under this chapter shall permit Animal Control Program staff to inspect records of the animal rescue entity and shall furnish any reports and information required by the Animal Control Program.

[Reference: ORS 609.420(5)]

(f) If, during the course of an inspection made under this section, the Animal Control Program finds evidence of animal cruelty in violation of ORS 167.310 to 167.351, 167.352, 167.355 or 167.360 to 167.372, the Animal Control Program shall seize the evidence and report the violation to law enforcement. Evidence of animal cruelty found through a valid inspection under this section shall be presumed admissible in any subsequent criminal proceeding.

[Reference: ORS 609.420(6)]

(Ord. 2016-16. Passed 12-07-16.)

844.27 PERMIT DENIAL OR REVOCATION.

An animal rescue entity permit required by this chapter may be denied or revoked by the Director for any of the following reasons:

- (a) Failure to comply with any provision of this chapter;
- (b) Conviction of the animal rescue entity, or of any person owning or operating the animal rescue entity, for a violation of any provision of this chapter or any other applicable Federal or State law, rule, order, regulation, statute or ordinance pertaining to any activity relating to the humane treatment of animals; or
- (c) Furnishing false information on the application for an animal rescue entity permit.

(Ord. 2016-16. Passed 12-07-16.)

844.28 APPEAL OF PERMIT DENIAL OR REVOCATION.

Denial or revocation of an animal rescue entity permit may be appealed by the operator of the animal rescue entity filing a written notice of appeal and request for hearing with the County Administrator no later than 5:00 p.m. on the second full business day after the notice of permit denial or revocation. If the second business day after the notice of permit denial or revocation occurs on a Saturday, Sunday or County holiday, the notice shall be filed with the County Administrator and the supervisor of the Animal Control facility on the first business day thereafter. The notice shall include the telephone number and address of the permit applicant.

(Ord. 2016-16. Passed 12-07-16.)

844.29 DISPOSAL OF ANIMALS AFTER PERMIT REVOCATION.

The operator of any animal rescue entity whose permit is revoked shall dispose of all animals kept by the animal rescue entity within ten (10) days after the revocation becomes final. Disposal shall be by sale, transfer to a permitted kennel or animal rescue entity, or humane destruction.

The revocation becomes final by:

- (a) The animal rescue entity failing to file a notice of appeal and request for hearing with the County Administrator within the time required by Section 844.28;
- (b) The animal rescue entity failing to file for judicial review of the hearings officer's decision on the appeal of permit denial or revocation; or
- (c) The final decision of the Jackson County Circuit Court on judicial review of the hearings officer's decision.

(Ord. 2016-16. Passed 12-07-16.)

844.30 NOTICE OF COUNTY VIOLATIONS.

- (a) Whenever an Animal Control officer has reasonable grounds to believe that an animal rescue entity is in violation of this chapter, the officer shall be authorized to issue to the operator of the animal rescue entity a notice of County Violation.
- (b) The notice of County Violation shall be served on the operator of the animal rescue entity in violation of this chapter by personal service or by regular and certified mail.

- (c) The notice shall contain the following information:
- (1) The name and address, if known, of the operator of the animal rescue entity in violation of this chapter and a description of the animal(s), if applicable;
 - (2) The code section allegedly violated plus a brief descriptive statement of the nature of the County Violation;
 - (3) A statement of the amount due as a civil fine for the County Violation and notice that the animal(s) is to be impounded if impoundment is authorized hereunder;
 - (4) A statement explaining all fines are due within 30 days of service of the notice;
 - (5) A statement advising that if any civil fine is not timely paid, the failure to compel may lead to an increase of the original fine or additional fines;
 - (6) A statement that the determination of County Violation is final unless appealed by filing a written notice of appeal and request for hearing, including a fee, in an amount set by the Board of Commissioners, with the County Administrator within 20 days of the date of the notice of County Violation was served; and
 - (7) A statement that an admission of County Violation would be on record and could lead to the increase of a fine on any subsequent County Violation issued under this chapter as provided for in Section 844.99.

(Ord. 2016-16. Passed 12-07-16.)

844.31 ADMISSION OF COUNTY VIOLATION; CONDITIONS.

- (a) Any animal rescue entity that is issued a notice of County Violation for any County Violation of Section 844.16 to 844.35 may, in lieu of requesting a hearing, admit the County Violation and submit the fine to the County Administrator as stated on the notice of County Violation. The animal rescue entity may attach a written explanation of mitigating circumstances with the payment of the fine.
- (b) Any written explanation submitted under subsection (a) herein shall be reviewed by the Director. The Director shall have discretion to reduce the submitted fine and refund any portion not retained based on the written explanation.

(c) After considering the animal rescue entity's explanation, Animal Control reports or any other credible evidence, the Director retains discretion to set a hearing and give notice reasonably calculated to apprise the animal rescue entity of the possible additional conditions or restrictions to which the animal rescue entity may be subject. A hearing must be afforded to the animal rescue entity not less than 14 days from the date that notice was sent by the Director.

(Ord. 2016-16. Passed 12-07-16.)

844.32 HEARING NOTICE AND REQUEST FOR HEARING.

(a) The County shall provide an opportunity for an animal rescue entity who has received a notice of County Violation or whose animal rescue entity permit has been denied or revoked to receive a hearing. Except as otherwise provided, the County will provide notice of the hearing to the animal rescue entity pursuant to Jackson County Code (JCC) Chapter 203.

(b) If an animal rescue entity is cited with a notice of County Violation pursuant to Section 844.30 or an animal rescue entity's permit has been denied or revoked, the animal rescue entity shall be entitled to a hearing, unless specifically required otherwise, as follows:

- (1) The animal rescue entity that has received a notice of County Violation or notice of permit denial or revocation must request a hearing in writing and deliver the request to the County Administrator no later than 5:00 p.m. on the second full business day after the notice of County Violation or notice of permit denial or revocation. If the second business day after notice of County Violation or notice of permit denial or revocation occurs on a Saturday, Sunday or County holiday, the hearing notice shall be filed with the County Administrator and the supervisor of the Animal Control facility on the first business day thereafter. The hearing request shall include the telephone number and address of the animal rescue entity.

- (2) The animal rescue entity shall be served with actual notice of the hearing not less than three (3) days prior to the hearing. Actual notice may be accomplished by mailing the notice of hearing by certified or registered mail to the address listed on the request for hearing submitted by the animal rescue entity or by personal service on the animal rescue entity. Except as otherwise provided in this subparagraph, a hearing shall be commenced no later than the 15th day after notice of County Violation or notice of permit denial or revocation. In the event a hearing cannot be held within 15 days of the notice of County Violation or notice of permit denial or revocation due to the unavailability of a hearings officer, the hearing shall commence as soon as possible thereafter. The Director shall provide the animal rescue entity with notice regarding the delayed commencement of the hearing due to the unavailability of a hearings officer.
- (3) The hearing allowed for in this section shall be held pursuant to Section 844.33 unless the animal rescue entity is subject to penalties prescribed under ORS 609.990(4), in which case Oregon criminal procedure laws shall apply.
- (4) The decision of the hearings officer shall be the final decision of the County and is not appealable to the Board of Commissioners.
- (5) If the animal rescue entity fails to make a first appearance on a notice of County Violation or notice of permit denial or revocation, or fails to appear at any other subsequent time set for hearing or other appearance, and after the hearings officer considered the facts as presented, the hearings office may enter judgment against the animal rescue entity affirming the permit denial or revocation and impose any penalty otherwise provided for in this chapter.

(Ord. 2016-16. Passed 12-07-16.)

844.33 HEARINGS PROCEDURE.

Unless otherwise specifically provided by law, hearings under Sections 844.16 to 844.35 will be performed pursuant to the procedures set forth under Jackson County ordinances governing administrative hearings.

(Ord. 2016-16. Passed 12-07-16.)

844.34 OTHER RESTRICTIONS; AUTHORITY TO IMPOSE.

(a) The Director or hearings officer shall have the authority to determine whether any violation of Sections 844.16 to 844.35 warrants other restrictions and conditions be imposed on the party guilty of a County Violation in addition to the civil fine provided for in Section 844.99. Such restrictions and conditions include, but are not limited to:

- (1) Permit denial;
- (2) Permit revocation; and
- (3) Training.

(b) This determination may be based upon an investigation that includes observation of and testimony about the circumstances and the nature of the County Violation, the animal rescue entity's control of the animals, the care and treatment of the animals, and other relevant evidence as determined by the Director or hearings officer. These observations and testimony can be provided by the County Animal Control officers or by other witnesses who personally observed the circumstances. They shall sign a written statement attesting to the observed circumstances and agree to provide testimony if necessary.

(c) The Director shall give the animal rescue entity guilty of a County Violation written notice by regular and certified mail or personal service of the hearings officer's decision imposing a fine and any conditions or restrictions under this section and Section 844.99. This notice shall contain a brief explanation why the additional conditions and restrictions were imposed. If the party wishes to challenge the hearings officer's decision, the party may appeal, as provided in Section 844.35.

(Ord. 2016-16. Passed 12-07-16.)

844.35 JUDICIAL REVIEW.

(a) Unless otherwise provided, judicial review under this chapter will only be permitted pursuant to the procedures set forth under ORS Chapter 34.010 to 34.102.

(b) All reasonable costs of animal impoundment and care incurred by the County during any period of review and/or appeal are payable to the County and must be paid before release if the animal(s) can be released to any party. Failure to make payments within 10 days of Jackson County's published notice of payment due will be deemed abandonment of the impounded animal(s). The County is not required to release an animal(s) until the County is satisfied that payment for the animal(s)'s release is complete and valid.

(Ord. 2016-16. Passed 12-07-16.)

844.99 PENALTY.

(a) Violation of any provision under this chapter, unless otherwise provided, is subject to penalties set forth in JCC Section 202.99.

(b) The law creating a County Violation may impose other penalties or remedies in addition to a fine set forth in JCC Section 202.99.

(c) Enhanced Penalty:

- (1) An animal rescue entity that has been convicted of violating Section 844.25 within the 12-month period immediately prior to the date of occurrence underlying a conviction for a County Violation of this chapter is subject to a mandatory fine of not less than \$200, nor more than \$500. An animal rescue entity that has been convicted of two or more County Violations of Section 844.25 within the 12-month period immediately prior to the date of occurrence underlying a conviction for a County Violation of this chapter is subject to a mandatory fine of \$500.00.
- (2) An animal rescue entity that has been convicted of violating Section 844.25 prior to the date of occurrence underlying a conviction for any of the same County Violations is subject to a mandatory fine of not less than \$250.00, nor more than \$1000. An animal rescue entity that has been convicted of two or more County Violations of Section 844.25 prior to the date of occurrence underlying a conviction for any of the same County Violations of this chapter is subject to a mandatory fine of \$1000 and not more than \$5000.

(d) In establishing the history of the animal rescue entity for purposes of this chapter, the hearings officer shall consider all known determinations involving the animal rescue entity by any court, or by a governing body, official or agencies, or state government, without regard to where or when the incident occurred.

(e) Late Payment Penalties - If a civil penalty is unpaid after 30 days, the fine then due shall be increased by 25% of the original amount; if the civil penalty is not paid after 60 days, the fine then due shall be increased by 50% of the original amount.

(f) Collection - At the discretion of the hearings officer, any civil penalty not paid within 30 days from the date of issuance of the notice of County Violation may be assigned to a collections agency for collection.

(g) Failure to Comply - The failure to comply with any conditions or restrictions lawfully imposed pursuant to a notice of County Violation or hearings officer's decision is a violation of this chapter. Failure to pay the civil fine shall be a County Violation under this section. A notice of County Violation issued under this subsection for failure to comply or pay the civil fine shall be of the same classification as the original County Violation. The first notice of County Violation issued under this section shall not be construed as a second violation under this section.

(h) Except as provided in subsection (i) below, all enforcement actions for failure to comply under this section shall be brought before a hearings officer.

(i) Any enforcement action for a violation of failure to comply wherein the circumstances of the failure to comply by the animal rescue entity in violation are determined by the hearings officer to:

- (1) Be a substantial risk to public safety;
- (2) Be a substantial risk to the care and treatment of the subject animal(s); or
- (3) Be a failure to pay past-due fines on three or more County Violations within a 12-month period; shall be brought in the state court as provided under ORS 203.810 and ORS 30.315.

(Ord. 94-23. Passed 6-8-94; Ord. 2016-16. Passed 12-07-16.)

THIS PAGE RESERVED FOR EXPANSION