

## **CHAPTER 844**

### **Kennels**

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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

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### **844.01 DEFINITIONS.**

As used in this chapter:

(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 603-15-030 to 060.

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

### **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 844.04 BUSINESS REGULATION AND TAXATION CODE 4

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 Kennels 844.10 5

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 603-15-050(1).

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

#### **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 603-15-040, 603-15-045, and 603-15-050;

(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 turn about 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;

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(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

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(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.)

#### **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

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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.)

#### **844.99 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. 94-23. Passed 6-8-94.)