

May 4, 2015

To the Oregon House of Representatives Judicial Committee on the hearing of SB-378.

I am sorry that I am not able to testify before you today, but a prior commitment prevents my being present.

My name is Robert B. McPherren. My wife and I live at 12915 SE Ethan Loop, Prineville, Crook County, Oregon. Our home is in a neighborhood zoned RR-5M in a development of houses that borders a tract upon which is housed a commercial dog breeding kennel which houses outdoors an average of 40 Miniature Australian Shepard dogs. They are kenneled in 10' x 10' chain link enclosures which are about 800unobstructed feet across a flat pasture from my back door.

Admittedly, they do not bark all the time, but they do bark virtually every day and night anywhere from a minute or two up to hours on end. Since Judge Williams redefined the nuisance noise law to exclude breeding kennels from the criminal nuisance laws, we have no legal recourse to attempt to get the barking controlled no matter how long or what time of the day or night it occurs. As a result of that "redefinition", the breeder believes that she does not have any need to make any effort whatsoever to control her dog's noise so she doesn't. Even though her property is zoned the same as mine, if I let my dog bark I will be served by the sheriff's department, have to go to court, and will be fined for nuisance noise. She is no longer covered by the laws that still apply to the rest of us.

I urge you to approve this clarification of SB-378 and provide the citizens of the state of Oregon with the protection from nuisance noise that I believe the law was written to provide.

Sincerely Yours,

*Robert B. McPherren*

Robert B. McPherren