

ORDINANCE NO. 120

AN ORDINANCE ESTABLISHING THE REGULATION OF ANIMALS; ESTABLISHING A PROCEDURE FOR SETTING FEES; PROVIDING FOR REMEDIES; AND REPEALING ORDINANCES NO. 40, 72, 88, 94, 106, 111, 113 and 119.

THE CITY OF WESTFIR ORDAINS AS FOLLOWS:

Section 1. Purpose. An Animal Control Authority for the City of Westfir is hereby established, for the purpose of providing for the health, welfare and safety of citizens within the corporate boundaries of the city, and for the health, welfare and safety of their animals.

Section 2. Definitions. As used in this ordinance, the following words and phrases unless the context otherwise requires, mean:

Abandoned Animal-A animal left without proper food and water for a period of over 24 hours, or any animal that is howling,screeching,barking or any other continuous noise without supervision for a period of over 24 hours.

Animal-Any nonhuman species that include mammals, reptiles,amphibians,birds, and fish.

Animal Control Authority – The animal control enforcement authority appointed by the city or person designated by the City to enforce the ordinance.

Animal Owner-Any person, firm corporation who is the licensed owner of an animal, or who has right of property in an animal, or who harbors an animal, or who has it in said person's care, possession, custody, or control, or who knowingly permits a animal to remain on any premises occupied by said person.

At Large-An animal not in control by the owner and off of the premises of the owner.

Livestock- Cattle, sheep, horses, goats, fowl, poultry, swine and any fur-bearing animal bred and maintained commercially or otherwise within a pen, cage or hutch.

Noise Nuisance-Any animal that howls, barks, screeches or any other continuous noise and thereby unreasonably deprives a person of peace and quiet.

Commercial Animal Kennel-A place of business for the care of animals, including but not limited to, the boarding, grooming, breeding, training, or selling of animals. This term is not intended to include an animal hospital.

Non Commercial Animal Kennel-An establishment or premises when three or more animals, over 6 months of age, are kept or maintained for the hobby of the householder. (Exception) If the storage of the animals is temporary, such as a temporary animal rescue, they can be allowed to maintain the animals with council approval.

Confined Area-Confined area means fenced area or other area which would prevent the animal from becoming an animal at large if that property were the property of the owner of the dog.

Leash-Any humane device constructed of rope, leather, strap, chain, or other sturdy material not exceeding 8 feet in length, being held in the hand of a person capable of controlling the animal to which it is attached.

Vicious Animal-Any animal which has the propensity to bite or attack any person without provocation and capacity to inflict serious harm on that person shall be regarded as vicious. It shall be presumed that any animal which has bitten a human or another animal on two occasions without provocation is a vicious animal.

Minimum Care-The care sufficient to preserve the health and well being of an animal.

Public Nuisance-An animal which,

1. Bites a person;
2. Chases vehicles or persons;
3. Damages or destroys property of persons other than the owners of the animal;
4. Scatters garbage,
5. Trespasses on private property of persons other than the owners of the animal;
6. Deposits animal waste on any other property to include city right of ways, not belonging to the owner of the animal; (It is an affirmative defense to this section if the animal owner picks up the waste)
7. It is a violation to allow animal waste to accumulate for more than seven (7) days on your private property, where the waste causes an offensive odor to others outside the property of the animal owner;
8. An animal that screeches, howls, barks or that makes any continuous noise that disturbs the peace and quiet of the city;
9. Is a female animal in heat and is running at large;

10. Injures or kills an animal belonging to a person other than the owner of the offending animal.

Section 3. Reporting of Biting Animals.

1. The owner of an animal which bites a human shall immediately notify the Animal Control Authority of the bite, the time and circumstance, and the name and address of the person bitten (if known). The animal owner must also immediately present proof that the animal in question has a current rabies vaccination.
2. Any person who is bitten by an animal shall immediately notify the Animal Control Authority of such bite, giving a description of the animal, the time and circumstances of the bite, and the name and address of the owner, if known.
3. Failure of any person to notify the Animal Control Authority of an animal bite shall be a violation of this ordinance.

Section 4. Quarantine of Biting Animals.

1. upon notice that an animal has bitten someone, the Animal Control Authority shall cause the animal owner to quarantine the animal for a ten day observation period and shall also cause a quarantine notice to be delivered to the animal owner.

The animal may be quarantined:

1. On the owners premises, in such a manner as to prevent it from being in contact with any other animal or person; or
2. At the owners expense at a veterinary hospital or kennel approved by the Animal Control Authority.
3. A rabid animal or an animal bitten by another animal proved to be rabid shall be destroyed. A health official or licensed veterinarian may require the rabid animals head to be submitted to the Oregon State Public Health Laboratory for a pathology examination.

Section 5. Interfering With an Animal Control Officer or Peace Officer.

It is a violation for any person to interfere someone known to them as an animal control officer or peace officer, who is enforcing any provision of this ordinance.

Section 6. Failure to Surrender Animal.

It is a violation of this ordinance for an animal owner to fail to surrender an animal to the Animal Control Authority (including a city animal control officer, or peace officer), upon their demand, so the animal can be impounded or quarantined as provided for in this ordinance.

Section 7. Animal Impoundment

1. Authority to impound; An animal control officer or peace officer may impound any animal in violation of this ordinance.
2. Notice of Impoundment; As soon as practical, notice of impoundment shall be posted at the home of the animal owner (if known), transmitted via telephone or electronic media, and mailed to the animal owner.
3. The impoundment notice shall advise the owner of the place where the animal is kept, the procedures required for redemption, the fees for impoundment and related maintenance, and the consequences for failing to redeem the animal.
4. If the animal is unlicensed (or the owner is otherwise unknown) and is not redeemed within 120 hours, the animal may be sold or destroyed.

Section 8. Disposition of impounded Animals

1. The Animal Control Authority shall dispose of animals in accordance with the following provisions:
2. Animals not redeemed within 120 hours after impoundment may be sold or destroyed (by any humane method). Additionally, the animal owner (if known) may be issued a citation for animal abandonment.
3. Redemption of an impounded animal shall be made by exhibiting proof of ownership and by paying impoundment, daily care and licensing fees if applicable). Additionally, animal owners must reimburse the city for any medical costs incurred, prior to the release of the impounded animals.
4. The Animal Control Authority may require an adoptive or prospective animal owner to prepay animal licensing fees before releasing the animal. Additionally, an adoptive or prospective animal owner may be required to sign a promissory statement indicating the animal will be neutered within 30 days of adoption.
5. No live animal shall be sold or otherwise released by the Animal Control Authority for surgical or medical demonstration or vivisection.

Section 9. Abandoned/At Large/ Vicious Animal

No animal owner shall abandon a animal, have a animal to be at large, or have a vicious animal within the city limits of the City of Westfir.

Section 10. License, Registration, Fees and Exceptions.

(1) Licenses for dogs.

(a) Every owner of a dog, six months of age or older, shall immediately obtain a license for the dog.

(b) Licenses shall be valid from January 1st of the issuing year to December 31st of the same year or until the sale or gift of the animal, whichever occurs first. Dog licenses are non-transferable.

(c) No dog license shall be issued until a certificate of vaccination for rabies, valid for the license year, is presented to the Animal Control Authority, or authorized representative. A dog owner may prepay the license fee, however, before a license tag is issued. Prepaying a license fee does not satisfy licensing requirements of this ordinance.

(d) Dog owners shall renew animal licenses before they become delinquent for as long as they own the animal.

(e) It shall be a defense to a violation of subsection (a) and (d) of this section, if the animal owner demonstrates the dog in question is deceased, has been given to someone else, or is no longer under the owner's care, before the license expires. Demonstration that the dog in question belongs to someone else, includes a bill of sale or transfer, with the new owner's name, address, phone number and other applicable information.

(f) A license tag issued to a dog owner shall be attached securely to a collar or harness on the animal for which it was issued. If a license tag is lost, the owner may obtain a duplicate license tag upon payment of the required fee.

(2) Fees.

(a) Fees which are due and payable upon the issuance of a dog license and other fees required to be paid under the provisions of this ordinance, shall be set by council resolution and amended regularly.

(3) License fees; exceptions.

(a) No license fee is required for an assistance animal as defined by ORS 346.680. Proof of rabies vaccination is also required before a license for an assistance animal is issued.

(b) Owners of spayed or neutered dogs may apply for a reduced license fee. A person who requests a reduced license fee for a neutered dog must present a certificate from a licensed veterinarian stating the animal in question has been neutered, along with proof of rabies vaccination.

(c) Senior citizens (65 years of age or older), shall received a reduced license fee. Applicants must provide proof of their age, along with proof of rabies vaccination for the animal.

Section 11. Leashed Animal

Animal owners shall keep dogs on a leash when not on the property of the animal owner.

Section 12. Public Nuisance

No person shall own an animal which is a public nuisance.

Section 13. Kennels

Commercial and non-commercial kennels shall not be located or licensed within the city limits of the City of Westfir

Section 14. Raising Livestock Prohibited

It is a violation of this ordinance to raise livestock, with the exception of hens, within the corporate boundaries of the City in any non-permitted area, or any area not zoned for the raising of livestock.

Section 15. Hens Allowed

1. No lot less than 5,400 square feet shall have a back yard coop.
2. No more than five hens per legal lot permitted.
3. Coops shall be no less than 5 feet from the side property line; no less than 18 inches from the rear property line; and no less than 20 feet from a window or door of a neighboring dwelling.
4. Coops must not be visible from the road. Any coop that is visible to the neighborhood should never detract from the over-all appearance of the surroundings.
5. Coops must be well ventilated to prevent moisture accumulation.
6. Coop "runs" must be no less than 15 square feet for each hen and the roosting area must be no less than 2 square feet for each hen.
7. Bird feed must be kept in sealed containers and not accessible to wild birds or animals.
8. Proper sanitation shall be maintained:
 - (a) Owners shall not allow hen waste matter to accumulate; waste will be properly disposed of; and

(b) Owners shall take necessary steps to ensure odors resulting from hens are not detectable beyond property lines.

9. Fencing shall be designed and constructed to confine all hens to the owner's property.

10. Roosters are prohibited.

11. All Nuisance and Animal Control Ordinances apply to hen ownership.

Section 16. Fighting Animals Prohibited

It is a violation of this ordinance for anyone to possess, breed, harbor, or maintain any animal for the purpose of subjecting it to combat with another animal for sport or wager.

Section 17. Penalty

Persons found to be violating this ordinance shall be subject to a fine not to exceed \$250.00 for each violation..

Section 18. Animal Control Authority

The animal control officer/peace officer or other designee of the City is authorized to issue citations for violation of this ordinance. Citations shall be served either by personal service upon the person charged with the violating of this ordinance, or by mailing the citation to the accused person, certified mail, return receipt requested, restricted delivery.

Section 19. Number of Animals

Notwithstanding any other provision of this ordinance, nothing in this ordinance shall prohibit a animal owner who keeps, owns, harbors, or cares for three animals prior to passage of this ordinance from maintaining the ownership or care or custody of those three animals after the passage of this ordinance. Provided, however, that upon the loss, whether by death, disappearance, sale, gift, or by any other means of one of those three animals maintained at the time of the passage of this ordinance by the animal owner, the animal owner shall not replace that animal nor shall the animal owner keep, own, harbor, or care for more than two animals on the premises of the animal owner from the time of the loss of that animal.


Section 20. Declare an Emergency

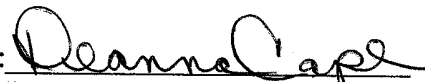
It is hereby judged that the existing conditions are such that this ordinance is necessary for the immediate preservation of public peace, health and safety, therefore an emergency is declared to exist, and this ordinance shall take effect in full force and effect from and after its passage and approval by the Mayor.

Section 21. Repeal of Ordinance

Ordinance number 40 (dated July 20th, 1983), Ordinance number 72 (dated December 9th, 1991), Ordinance number 88 (dated June 10th, 1996) Ordinance Number 94 (dated March 13th, 2000), Ordinance Number 106 (dated December 10, 2007), Ordinance Number 111 (dated February 22, 2010), Ordinance Number 113 (dated February 28, 2011), and Ordinance Number 119 (dated June 27, 2011) are hereby repealed.

Passed by the Council of the City of Westfir and approved by the Mayor this 25th day of February, 2013. AYE: 4, NAY: 0 ABSENT 0.


Rob DeHarport, Mayor

ATTEST: 
Deanna Cape, City Recorder

DATE: 2-25-13