

ORDINANCE NO. 141

AN ORDINANCE ENACTED TO REGULATE DOMESTIC ANIMALS WITHIN THE CITY OF WESTFIR; TO PROTECT THE PUBLIC FROM ANIMAL RELATED INJURIES AND NUISANCES, ESTABLISH REQUIREMENTS AND RESPONSIBILITIES RELATED TO OWNERSHIP OF DOMESTIC ANIMALS, ESTABLISH PENALTIES, SETTING FEES, AND TO PROTECT DOMESTIC ANIMALS FROM ABUSE AND UNWARRANTED HARM; AND REPEALING ORDINANCE NO 120.

THE CITY OF WESTFIR ORDAINS AS FOLLOWS:

Section 1. – Definitions.

As used in this ordinance, the following words and phrases shall have the meanings ascribed to them in this section:

Animal owner – A person who is the owner of a domestic animal, who has the right of property in an animal, who harbors an animal or exercises care, possession, custody or control of an animal, or who knowingly permits an animal to remain on any premises occupied by the person.

Dangerous dog – Any dog within the city limits that bites any human being, dog, cat or livestock, or which chronically demonstrates menacing behavior toward human beings, dogs, cats or livestock. For purposes of this section, "menacing behavior" shall include, but is not limited to, baring of teeth, charging at a victim, or growling in a threatening manner.

Dog at large – A dog off the premises of the owner and not under control of either the owner, or a person authorized by the owner. An animal is presumed not to have been under control if injury, damage, or trespass has occurred. Control means secured by a leash of enough strength to restrain the dog and designed to be held in the hand of a person capable of controlling the dog.

Dog owner – A person who is the owner of a licensed dog, who has the right of property in a dog, who harbors a dog or exercises care, possession, custody or control of a dog, or who knowingly permits a dog to remain on any premises occupied by the person.

Domestic animal (animal) – any species of vertebrates that has been domesticated by humans to live and breed in a tame condition and depend on humankind for survival.

Leash – Any humane device constructed of rope, leather, strap, chain, or other sturdy material not exceeding 8 feet in length.

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.

Section 2. – Animal waste matter.

It is a violation of this ordinance to allow an animal to defecate on any property within the City that does not belong to the animal owner or for which the animal owner does not have permission to enter.

- (a) It is a violation of this ordinance if waste matter is not removed immediately from property that the animal owner has permission to enter. It shall be a defense to a violation if the animal owner immediately removes the waste matter.
- (b) It is a violation of this ordinance to allow animal waste matter to accumulate on the animal owner's property for more than a seven-day period, or if the accumulated animal waste matter causes an offensive odor to others, outside the boundaries of the animal owner's property.

Section 3. – Dog at large.

Dogs off the premises of the owner and not under control of either the owner, or a person authorized by the owner. "Under control" by means of voice, signal, electrical device, or physical control so as to restrain a dog from approaching an unwelcoming bystander, entering private property, or causing damage to property. An animal is presumed not to have been under control if injury, damage, or trespass has occurred. "Physical control" means secured by a leash of sufficient strength to restrain the dog and designed to be held in the hand of a person capable of controlling the dog.

Section 4. – Noise Nuisance.

No animal owner shall allow an animal to bark, whine, howl or any other continuous noise for more than 45 minutes at any time of the day or night, be it repeated barking, whining, screeching, howling, braying or other like sounds which can be heard beyond the boundary of the owner's property.

Section 5. – Dangerous dog.

No person shall own a dangerous dog within Westfir city limits.

Section 6. – Fighting dogs.

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

Section 7. – Biting dogs.

The owner of a dog that bites a human shall immediately notify the City Recorder of the bite, and complete an Animal Bite Form. The dog owner must also immediately present proof that the dog in question has a current rabies vaccination. Any person who is bitten by a dog shall immediately notify the City Recorder and complete an Animal Bite Form.

(a) It shall be a defense to this section if:

1. The dog attempts to bite a person who is wrongfully provoking or assaulting the dog's owner, the owner's spouse, or children;
2. The dog bites, or attempts to bite a person trespassing upon premises occupied by the dog's owner, the owner's spouse, or children;
3. A person wrongfully assaults the dog.

Section 8. – Animal abuse.

It is a violation of this ordinance for any person to abuse domestic animals by causing physical injury or the death of any domestic animal.

Section 9. – Duties of a dog owner.

A dog owner within the boundaries of the City of Westfir must provide the dog with a minimum level of care. Duties include:

- (a) Providing a dog with food of sufficient quantity and quality to allow for normal growth or maintenance of body weight;
- (b) Providing a dog with open or adequate access to potable water in sufficient quantity to satisfy the dog's needs (snow or ice is not an adequate water source);
- (c) Providing a dog with access to a doghouse, or other enclosed structure sufficient to protect the dog from the elements (i.e. wind, rain, snow, sun);
- (d) Every dog owner has a responsibility to provide a dog with veterinary care necessary to relieve distress from injury, neglect or disease;
- (e) Dogs shall not be confined to an area without adequate space for exercise necessary for the health of the dog or which does not allow access to a dry place for the dogs to rest. Confinement areas must be kept reasonably clean and free from excess waste or other contaminants which could affect the dog's health.

Section 12. – Raising Livestock Prohibited.

It is a violation of this ordinance to raise livestock, the exception being hens, within the corporate boundaries of the City without a variance to this ordinance; signed, recorded, and maintained at City Hall.

Section 13. – Hens Allowed

- (a) No lot less than 5,400 square feet in area shall have a backyard coop.
- (b) No more than five hens per legal lot are permitted.
- (c) 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.
- (d) 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.
- (e) Coops must be well ventilated to prevent moisture accumulation.
- (f) 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.
- (g) Bird feed must be kept in sealed containers and not accessible to wild birds or animals.
- (h) Proper sanitation shall be maintained:
 - 1. Owners shall not allow hen waste matter to accumulate; waste will be properly disposed of; and
 - 2. Owners shall take necessary steps to ensure odors resulting from hens are not detectable beyond property lines.
- (i) Fencing shall be designed and constructed to confine all hens to the owner’s property.
- (j) Roosters are prohibited.
- (k) All Nuisance and Animal Control Ordinances apply to hen ownership.

Section 14. – Dog License, Registration, Fees and Exceptions.

- (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 City Recorder, or authorized representative. A dog owner may prepay the license fee, however, before a license tag issued. Prepaying a license fee does not satisfy licensing requirements of the 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 shall include 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 replacement tag upon payment of the required fee.
- (g) 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.
- (h) Owners of spayed or neutered dogs may apply for a reduced license fee. A person who requests a reduced license fee for a spayed or neutered dog must present a certificate from a licensed veterinarian stating the animal in question has been spayed or neutered, along with proof of rabies vaccination.
- (i) Senior citizens (65 years of age or older) shall receive a reduced license fee. Applicants must provide proof of their age, along with proof of rabies vaccination for the animal.
- (j) Fees which are due and payable upon the issuance of a dog license and other fees required to be paid under the provision of the ordinance, shall be set by council resolution and amended regularly.

Section 15. – Number of dogs.

No animal owner shall keep, own, harbor, or care for more than two dogs on the premises of the animal owner without a variance to this ordinance; signed, recorded, and maintained at City Hall.

Section 16. – Quarantine of biting dogs.

Upon notice that a dog has bitten someone, the City Recorder shall cause the dog owner to quarantine the dog for a 10-day observation period and shall also cause a quarantine notice to be delivered to the dog owner. The dog may be quarantined on the owner's premises, in such a manner as to prevent it from being in contact with any other animal or person; or at the owner's expense at a veterinary hospital or kennel.

Section 17. – Animal complaints.

Any person, within the city limits of Westfir, may complain in writing to the City Recorder. The receipt of a written complaint is enough cause to have the matter investigated and determine whether a violation has occurred. Upon receiving sufficient evidence to determine that a violation of this ordinance has occurred, an officer may cite an animal / dog owner for a violation, as classified in this ordinance.

Section 18. – Penalty.

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

Section 19. – Repeal of Ordinance

Ordinance Number 120 (dated February 25, 2013) is hereby repealed.

Your comments or questions for City Council to address:

Please return on or before Feb 4, before the meeting. You may place your response in the door mail drop at City Hall.

Your Name and contact info (optional) _____