

**CITY OF NORTH POWDER
ORDINANCE NO. 2018-02**

AN ORDINANCE REPEALING ORDINANCE 2014-03, ORDINANCE 2007-1, ORDINANCE 1998-1, AND ORDINANCE 1991-1, AS WELL AS ANY AND ALL REMAINING ANIMAL RELATED ORDINANCES OF THE CITY OF NORTH POWDER; PROHIBITING ANIMALS FROM RUNNING AT LARGE; PROVIDING THAT CERTAIN ACTS CREATE A NUISANCE; AUTHORIZING THE IMPOUNDMENT AND DISPOSAL OF ANIMALS; IDENTIFYING ANIMALS PERMITTED WITHIN CITY LIMITS; PROVIDING MINIMUM ACREAGE REQUIREMENTS FOR KEEPING OF ANIMALS; PROVIDING PENALTIES FOR VIOLATIONS; ADOPTING UNION COUNTY DOG CONTROL DISTRICT ORDINANCE NO. 2014-03; AND ESTABLISHING THE EFFECTIVE DATE HEREOF.

WHEREAS, Ordinance No. 2014-03 of the City of North Powder, Union County, Oregon, adopted on January 5, 2015, Ordinance #2007 -1 adopted on March 5, 2007, Ordinance No. 1998-1, adopted on April 7, 1998, and Ordinance 1991-1 adopted on May 6, 1991 are in conflict with the Union County Dog Control District and ORS Chapter 609; and

WHEREAS, in order to remain current with Union County Dog Control District and ORS Chapter 609, and to reduce the number of ordinances for dog and animal control in the City of North Powder; and

WHEREAS, the City of North Powder has chosen to adopt the Union County Dog Control District Ordinance No. 2014-03 for all dog related incidences;

NOW THEREFORE, THE CITY OF NORTH POWDER ORDAINS AS FOLLOWS:

SECTION 1. Ordinance No. 2014-03, Ordinance No. 2007-1, Ordinance No. 1998-1 and Ordinance No. 1991, as well as any and all other animal ordinances in the City of North Powder are hereby repealed.

SECTION 2. The City of North Powder hereby does adopt the Union County Dog Control District Ordinance No. 2014-03 and all that it entails.

a) ALL issues pertaining to dogs shall hereby be referred to the Union County Animal Control and the Union County Dog Control District Ordinance No. 2014-03 with the exception of additional approval from the City of North Powder for kennel licensing as identified in Section 13(b) of this ordinance.

b). All citations issued by Union County Animal Control shall be handled by Union County Justice Court.

SECTION 3. Definitions. As used in this ordinance unless context indicates otherwise:

a) The word "animal" shall include all animals which, because of their size or temperament may threaten persons or property if allowed to run at large, including cats, fowl, horses, cattle, donkeys, mules, sheep or goats.

b) The word "fowl" shall include chickens, pigeons, ducks, turkeys, geese, or other domestic birds.

c) The word “livestock” shall mean any horse, mule, donkey, dairy or beef cattle, goat, sheep, or rabbit, regardless of age.

d) The word “owner” shall mean any person, firm, or corporation who owns, keeps, harbors, possesses, or has in his control an animal or animals defined in sub-section (a).

e) The word “person” shall mean and include every natural person, male or female, individual, corporation, association, firm, or partnership.

f) The words “municipal court” shall mean any municipal court in the City of North Powder, or any other court authorized to act in the place of such court.

g) “Running at large” shall mean any animal, within the meaning of this ordinance, that is:

1. On the premises of a person other than the animal owner, without the consent of the owner or occupant of such premises;
2. In or upon a vehicle without the consent of the owner or possessor of the vehicle;
3. In a park, cemetery, public or private school grounds, or public place and is not under the control of the owner, possessor, or keeper by a leash or other means of physical restraint;
4. On a public street, alley, or other right-of-way, except when under control of the owner, possessor, or keeper by means of a leash or other form of physical restraint.

SECTION 4. Nuisance.

a) An animal is considered a public nuisance if:

1. It bites or harms a person or another animal;
2. It damages or destroys property of persons other than the owner of the animal;
3. It scatters garbage;
4. It habitually (3 or more times in a 7 day period) trespasses on private property of a person other than the owner of the animal;
5. It disturbs any person by making frequent or prolonged noises (five or more minutes of constant noise in any 15 minute period shall be deemed “prolonged);
6. Causes unsanitary conditions in enclosures or surroundings where the animal is kept or creates foul odors that are an annoyance or discomfort to neighbors or others in close proximity of the animal;
7. It is offensive or dangerous to the public health, safety or welfare by virtue of numbers, size or temperament.

b) The owner or keeper of an animal committing any of the acts set forth in this section is responsible for the action of the animal and is subject, upon conviction in Municipal Court, to the penalties set forth in Section 14 herein.

c) After two violations, within any time period, the City, by written notice, shall order the owner or keeper of an animal to remove the animal from the city permanently if, upon written complaint made to the Court, the Court finds that the animal is a nuisance as herein defined and that the owner of the animal knew or should have known that the animal has created the nuisance and permitted that nuisance to continue to be repeated.

1. The notice shall state the cause for its issuance, order the owner of the animal to immediately confine the animal, and within 5 days, to remove the animal from the city permanently; the notice shall be sent by certified mail to the owner of the animal or shall be posted prominently upon the property on which the animal is kept. After delivery or posting of the notice, it is unlawful not to immediately confine the animal, or to release the animal or permit it to be kept anywhere within the city.

SECTION 5. Confinement of Certain Animals. No animal or fowl, wild or domesticated, or with fierce, dangerous, or vicious propensities shall be allowed to run at large, whether on a leash or otherwise. Any owner found violating any provision of this section shall be punished by a fine of not more than fifty-five dollars (\$55.00) for such offense.

SECTION 6. Dangerous Animals. In the event that any animal shall be determined to be dangerous by Municipal Court after hearing, the judge thereof may order that animal destroyed or removed from the city permanently.

SECTION 7. Keeping of Animals. No person shall keep, hold, pasture, confine or allow to be kept, held, pastured or confined any livestock as defined herein within the city limits of North Powder, Oregon unless the conditions set forth herein are met.

a) The owner or keeper of an animal shall own, lease, or control at least 7,500 square feet of contiguous square footage of land which is available for use by the following:

1. For each dairy or beef cow of any age (limited to no more than 2 per owner or residence), or for each mother and un-weaned offspring as a pair, subject to Section (c) below.
2. For each horse, mule, or donkey of any age (limited to no more than 2 per owner/residence) or for each mother and un-weaned offspring as a pair, subject to Section (c) below.
3. For each two adult sheep or goats (limited to no more than 2 per owner/residence) or for each pair of mother and un-weaned offspring of the same, subject to Section (c) below.

b) The owner or keeper of fowl shall own, lease or control at least 1,000 square feet of contiguous square footage of land which is available for use by each ten (10) chickens or other fowl kept thereon.

- c) No swine, stud horses, bulls, billy goats, or ram sheep shall be kept or allowed within the city limits.
- d) Rabbits and other small animals, excluding house pets, shall be kept in a confined area.
- e) No commercial breeding of any animal, including cats or other household animals, shall be allowed within the city limits.
- f) Temporary Use Permits for exceptions to any of the conditions set in this section may be granted by the City Council for 4-H and FFA projects or other special conditions provided such permits have been granted prior to bringing the animals into the city limits. Any variances or special conditions to Section 9 conditions shall be noted on the Temporary Use permit.

SECTION 8. Keeping and Pasturing Animals.

- a) It shall be deemed unlawful to keep or pasture any animal whatsoever in any manner which is dangerous or detrimental to public health, safety, or welfare by reason of noise of a disagreeable or annoying nature, noxious odors, or unsanitary conditions. For the purpose of this section only, the term animal shall mean any living organism capable of moving about but not of making its own food through photosynthesis. The owner may be ordered by the Court to take such steps as may be necessary to abate dangerous or detrimental conditions and may be held in contempt upon a failure to do so, in addition to any penalties otherwise set forth herein.
- b) It shall be unlawful to pasture or keep any animal on a public-right-of-way

SECTION 9. Removal of Animal Carcasses or Waste.

- a) No person shall permit any animal carcass or animal waste owned by him or under his control to remain upon a public street or any other public place for a period of time longer than is reasonably necessary to remove such carcass or animal waste.
- b) No person who is the owner of or has the control over any animal carcass or animal waste shall permit the carcass or animal waste to remain on any private property for a period of time longer than is reasonably necessary to remove such carcass or animal waste;
- c) No person shall bury any animal carcass within City limits.

SECTION 10. Animal Facilities.

- a) Any person owning or keeping any animal within the city shall properly maintain facilities for such animal in a sanitary condition and shall not permit accumulations of manure and other debris on the premises, or on city or other private property.
- b) Any private residence with four (4) or more dogs shall require a kennel permit pursuant to the Union County Dog Control District Ordinance 2014-03 and sub-section 13 (B1 through B4) herein;

1. After obtaining an inspection approval from Union County Animal Control, the person seeking a kennel permit shall submit an application to the City Recorder of the City of North Powder along with an application fee of \$50.00, which hereafter may be set by resolution of the City Council. Union County Animal Control shall have the final say and control over any and all kennel permits issued within the City of North Powder.

2. Upon receiving a kennel application and the accompanying fee, the City Recorder shall send written notice of the kennel permit request to every property owner and/or residence and business within 300 feet of the proposed kennel property. Property owners and residents will have 30 days to respond if they oppose the issuance of such license.

3. No kennel application shall be approved for property that is adjacent to an existing city park, public school, commercial or private school, state licensed day care provider, or designated pedestrian/bicycle pathway.

4. All kennel licenses must be renewed annually with Union County Sheriff's Department and notification of such renewals or rescinded licenses shall be sent to the City of North Powder along with copies of any complaints received.

SECTION 11. Penalties. Any person convicted of violating any of the provisions hereof shall be guilty of an unclassified violation and punished as provided and according to the Oregon Revised Statutes.

SECTION 12. Animal Owner Citation Forms.

a) A form of citation approved by the City Council shall be provided by the City Recorder for use by Municipal Court or by any appropriate police or ordinance officer for cases violating this ordinance. Each form shall be serially numbered and shall state the time, place and circumstances of the alleged violation and shall direct the person cited to appear in Municipal Court for the City of North Powder at the time and date stated.

b) The citation form shall be worded as a complaint and the original shall be designated as a summons and shall serve as such when issued to the person named thereon. The summons copy shall specify bail as fixed by Municipal Court for each violation indicated on the citation and shall state that court appearance may be waived by forfeiture of bail posted prior to the date of appearance.

c) If for any reason a citation must be invalidated, the officer invalidating it shall return the entire citation.

d) Report of Citations. A monthly report from the court to the recorder shall note any discrepancies and citations not accounted for. In addition, the court shall include the citation number and reason for the dismissal or invalidation.

SECTION 13. Procedure on Animal Owner Citations. The Municipal Court, in its discretion, may set hearing dates in response to the summons and any citation issued to a person alleged to have owned, possessed, or kept an animal in violation of this ordinance provided that all persons cited shall be given adequate opportunity to be heard. The Court shall issue a bench warrant for any person who fails to

appear in answer to the summons on the day and hour he is cited to appear or fails to post bail prior to such day.

SECTION 14. Severability. The provisions of this ordinance are hereby declared to be severable. If any section, sentence, clause, paragraph, or part of this ordinance is adjudged by a court of competent jurisdiction to be invalid, such judgement shall not affect, impair or invalidate the remainder of this ordinance, but shall be confined in its operation to the section, clause, paragraph or part thereof directly involved in the controversy and against which such judgement shall have been rendered.

SECTION 15. Effective Date. This ordinance shall be in full force and effective 30 days after passage by the City Council and approved by the Mayor of the City of North Powder.

PASSED AND APPROVED by the City Council and Mayor of the City of North Powder, Oregon this 7th day of January, 2019 .