

TITLE 6. ANIMALS

CHAPTER 6.04

ANIMAL CONTROL

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6.04.010 APPLICABLE LAW

The statutes and regulations of the State of Oregon and Marion County, Oregon, shall apply. Accordingly, the City of Stayton shall have the right to prosecute. (Ord. 697, December 1991; Ord. 874, section 22, 2004)

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6.04.020 DEFINITIONS

As used in this chapter, the following words and phrases mean, as set out in this section:

ANIMAL: Any one of the lower animals as distinguished from and not including man, belonging to the animal kingdom of the living beings, typically differing from plants, and including mammals, fowl, reptiles, and fish.

DOMESTIC: An animal conditioned so as to live and breed in a tame environment and normally amenable to human habitats.

ENFORCEMENT COMPLAINT: That document(s) which, when properly served upon the alleged violator of an ordinance which is punishable as an infraction, brings the matter before the appropriate court for resolution. An enforcement complaint shall provide a scheduled fine, set by the municipal judge, which may be paid in lieu of appearance in court.

FOWL: A bird of any kind.

INFRACTION: An offense or violation of a city ordinance punishable only by a fine, forfeiture, suspension, or revocation of the registration or other privilege, or other civil penalty.

INJURY: Includes, at minimum, the breaking or scraping of bodily tissue of any person or animal, no matter how slight.

KEEPER: Any person, firm, or association having the custody of or authority to control the animal.

LIVESTOCK: Horses, mules, jackasses, burros, cattle, sheep, goats, donkeys, swine, and any fur-bearing animal bred and maintained, commercially or otherwise, within pens, cages, and hutches.

MISTREATMENT: Improper care of an animal, which includes but is not limited to abusive treatment, neglect, overdriving, overloading, torturing, tormenting, cruel acts, beating, mutilation, deprivation of necessary sustenance, or abandonment of any animal.

OWNER OF PROPERTY: Any person who has legal or equitable interest in real property, or who has a possessory interest therein, or who resides on the property, or is a guest of any person who owns, rents, or leases said property.

POULTRY: Domestic fowl, such as chickens, turkeys, ducks, geese, or other fowl raised for meat or eggs.

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REGISTRATION: Written information, notation or memorandum of record filed with city or applicable public body, in accordance with its laws and rules.

RUNNING AT LARGE: An animal which is off or outside the premises belonging to the owner, keeper, or person having control, custody, or possession of the animal, or not in the company of and under the control of its owner or keeper by means of an adequate leash, pen, cage, coop, vehicle, or other means of confinement or immediate supervision.

WILD ANIMAL: An animal which normally lives in a state of nature and is not ordinarily tame or domesticated and usually not amenable to human habitats. (Ord. 697, December 1991; Ord. 705, July, 1992)

6.04.30 ENFORCEMENT AUTHORITY

Title 6 shall be enforced by the chief of police or any other police officer or any other person designated or appointed by the chief of police. For the purposes of this title, those officers or persons are referred to as the "animal control official."

6.04.040 ENFORCEMENT COMPLAINT

1. Any person authorized to enforce the provisions of this Title may issue an enforcement complaint to any person found in violation of the provisions of this Title.
2. The issuing official shall cause the enforcement complaint to be delivered to the person alleged to have violated the provisions of this Title. (Ord. 697, December 1991)

6.04.050 INTERFERENCE WITH ANIMAL CONTROL OFFICIAL

1. It is unlawful for any person to interfere in any way with an animal control official engaged in enforcing, seizing, impounding, or lawfully disposing of any animal under the authority of this Title.
2. It is unlawful to release any animal from the custody of the animal control official after such animal has been seized or impounded under the authority of this Title. (Ord. 697, December 1991)

6.04.060 REGISTRATION REQUIREMENTS

1. Every person owning or keeping any animal requiring registration or a license as may be defined by federal, state, county, or municipal law or regulation shall register or license such animal in accordance with the specific regulation or law requiring the registration or license.

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2. Registration tags, when required, shall be attached to the animal when such animal is not in the immediate possession or direct supervision of the owner or keeper. (Ord. 697, December 1991)

6.04.070 IMPOUNDMENT: AUTHORITY

1. Any animal control official is authorized to impound any animal found in violation of any of the provisions of this Title.
2. Any animal which bites a person or another animal or which has caused injury to any person or another animal may be summarily seized by any person and, if seized, shall be promptly delivered to the animal control official.
3. Any animal control official may house an animal impounded under the provisions of this Title at a city kennel, a veterinary clinic, or other animal shelter. (Ord. 697, December 1991)

6.04.080 IMPOUNDMENT: NOTICE

1. When the owner of an animal impounded under the provisions of this Title is known, the owner or keeper shall be given notice of the impoundment, either orally or in writing, by personal service, or by mailing to such owner or keeper's last known address.
2. When the owner or keeper of an impounded animal is not known or cannot be contacted, a notice of such impoundment shall be posted in three public places within the city. The notice shall contain a general description of the animal showing breed or common type animal name, sex if known, color and general markings, and shall designate the disposition date of said animal, as provided in this Title, unless sooner redeemed. (Ord. 697, December 1991)

6.04.090 IMPOUNDMENT: REDEMPTION BY OWNER OR KEEPER

1. Owner or keeper of impounded animals shall have three (3) days from the date of notice of impoundment, whether mailed, posted, or delivered orally, to claim the animal if the dog is without a license or identification tag, and at least five (5) days if the dog has a license or identification tag. If the owner or keeper fails to claim the animal within the specified time period, the animal shall be disposed of as provided in this Chapter. (Ord. 807, Nov. 1999)
2. There shall be an impoundment fee charged, the amount of which shall be established by resolution as adopted by the Stayton City Council. (Ord. 867, September 07, 2004; Ord. 905, June 16, 2008)

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3. The owner or keeper of an impounded animal may redeem the animal upon payment to the city of the impoundment fee for such animal. In addition, if the code requires registration and the animal is not registered at the time of impoundment, upon redemption such person shall either register the animal, or provide a deposit for registration, the amount of which shall be established by resolution as adopted by the Stayton City Council. (Ord. 867, September 07, 2004; Ord. 905, June 16, 2008)
4. If the animal is impounded at a veterinary clinic or other animal shelter, the owner shall pay, in addition to the impoundment fee, any costs resulting from the impoundment. (Ord. 764, ●1, October 1996; Ord. 867, September 07, 2004; Ord. 905, June 16, 2008)

6.04.110 IMPOUNDMENT: DISPOSITION OF ANIMAL

If no person claims or redeems an impounded animal within the time fixed by the applicable notice, such animal shall be sold, given away, destroyed or released to kennel facilities by the animal control official. (Ord. 764, ●3, October 1996; Ord. 807, Nov. 1999)

6.04.120 IMPOUNDMENT: SICK OR INJURED ANIMALS

1. Any animal control official who has lawfully seized or impounded an animal under the provisions of this Title and determines that the animal is in apparent need of immediate medical attention due to illness or injury, may authorize the necessary medical attention and/or have the animal destroyed.
2. The animal control official shall make a reasonable effort to locate the owner or keeper of such sick or injured animal before authorizing such medical attention or destruction of the animal.
3. The owner or keeper of such sick or injured animal shall be liable for any costs incurred for medical treatment rendered to the animal and/or for its destruction.
4. If the owner or keeper of such sick or injured animal is not located, the animal may be disposed of as provided in section 6.04.110. (Ord. 697, December 1991)

6.04.130 IMPOUNDMENT: RECORDKEEPING

1. The animal control official shall make a report of each animal impounded.
2. Such report shall indicate the date and time impounded, where seized and where impounded, description of the animal impounded, name and address of the owner or keeper, if known. Upon disposition of the animal, the report shall indicate the name

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and address of the person to whom the animal is released, the date of release, or the date it is destroyed. (Ord. 697, December 1991)

6.04.140 OFFENSES

1. No dog, livestock, or poultry shall run at large within the city limits upon any public street or other public place or trespass upon private property not owned or controlled by the owner or keeper of such animal.
2. No domestic or wild animal shall:
 - a. Make excessive or unreasonable noise in such a manner as to disturb or annoy any person or deprive any person of peace and quiet, other than the owner or keeper of such animal;
 - b. Cause injury to a person, animal, or property, or show a propensity to cause injury to persons, animals, or property;
 - c. Chase persons or vehicles;
 - d. Injure or kill an animal belonging to a person other than the owner or keeper of such animal;
 - e. Chase, injure, or kill any animal raised or kept for use or profit;
 - f. Damage property belonging to a person other than the animal's owner or keeper.
3. No person who keeps, possesses, or otherwise maintains any animal shall allow the accumulation of raw or untreated animal manure which creates an offensive odor to occur upon any property, whether public or private.
4. No person shall:
 - a. Subject any animal to mistreatment;
 - b. Kill any animal under the custody or control of another without legal privilege.
5. The owner, keeper, or person in charge of an animal found to have committed an offense is punishable in accordance with Section 6.04.290. (Ord. 697, December 1991; Ord. 705, July 1992)

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6.04.150 DANGEROUS ANIMALS

1. No person shall keep, possess, or otherwise maintain under their control any dangerous, ferocious, or biting animal.
2. "Dangerous, ferocious, or biting animal" includes any such animal which, with a lack of provocation, is likely to injure, attack, or otherwise threaten the lawful presence of any person or animal.
3. In addition to any fines or other penalties provided in this code, the council may order such disposition of any dangerous, ferocious, or biting animal as it considers necessary for the safety or health of the public. (Ord. 697, December 1991)

6.04.160 WILD ANIMALS

1. No person shall keep or possess or otherwise maintain any wild animal within the city limits, except for purposes of public display.
2. "Public display" means keeping in a public place approved by the council for the sole purpose of exhibiting wild animals held in captivity and open to the general public during reasonable hours.
3. No wild animal shall be allowed to run at large or to run at large upon the property of the person authorized to keep, possess, or otherwise control such animal. (Ord. 697, December 1991)

6.04.170 DISPOSITION OF HABITUAL OFFENDERS

In addition to any fines or other penalties provided herein, if an animal has been found to repeatedly violate the provisions herein, the council may order such disposition of the animal as it considers necessary for the safety or health of the public. (Ord. 697, December 1991)

6.04.180 SHELTER REQUIREMENTS

1. The owner or keeper of any animal shall provide adequate shelter for such animal. Adequate shelter means that which provides protection from the meteorological elements.
2. The council may prohibit the housing or keeping of any animal within the city limits when such housing or keeping may impair the public health, welfare, safety, or create a nuisance. The council may direct the animal control official to deliver a written notice to the owner or keeper of such animal, directing the owner or keeper to remove

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the animal within seven (7) days from the service of such notice. (Ord. 697, December 1991)

6.04.185 KEEPING OF LIVESTOCK AND/OR POULTRY WITHIN THE CITY LIMITS

1. No person owning, possessing, or having control of livestock, shall keep the animals except in a fenced area and on a lot having an area of at least 32,670 square feet (.75 acre) per animal.
2. No person owning, possessing, or having control of poultry, shall keep the animals except in a fenced area.
3. Fencing used for the purpose of containing livestock, as required by this section, shall not be located within twenty feet (20') of a property boundary line.
4. Fencing used for the purpose of containing poultry, as required by this section, shall not be located within ten feet (10') of a property boundary line.
5. Non-Conforming Use: For livestock being kept on parcels of less than 32,670 square feet (.75 acre) per animal, this section shall not preclude any person from continuing to keep or replace livestock which were being kept within the city limits of the City of Stayton on or before July 1, 1992, provided the animal is in a fenced area and a permit to continue to keep the animal is obtained from the chief of police or his designate prior to September 1, 1992.
6. Cessation of Use: For parcels of less than 32,670 square feet (.75 acres), if a non-conforming use for keeping of the livestock is discontinued for a period of ninety days or more, or if the property comes under different ownership, the keeping of livestock shall cease and may not be resumed. (Ord. 705, July 1992)

6.04.190 DEAD ANIMALS: CARCASS REMOVAL

No person may permit the carcass of any animal kept, possessed, or otherwise maintained under that person's control to remain upon any public street or other public place or upon any private property for over twenty-four (24) hours. (Ord. 697, December 1991)

6.04.200 SUMMARY DESTRUCTION OF CERTAIN ANIMALS

Any animal, whether domestic or wild, which presents an imminent threat of serious physical injury or death to any person or other animal, or which has caused injury or death to any person or other animal, and which, under the immediate circumstances, cannot be captured or impounded as provided in this chapter, may be summarily

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destroyed in as humane a manner as is practicable under the existing circumstances.
(Ord. 697, December 1991)

6.04.210 RABID ANIMALS

The statutes and regulations of the State of Oregon and Marion County, Oregon shall apply. (Ord. 697, December 1991)

6.04.220 REMOVAL OF ANIMAL WASTE

The owner of every animal shall be responsible for the removal of any solid waste deposited by the owner's animal on public walks or within any public right of way, or in a park or other public place, or on private property not owned by the animal's owner. (Ord. 1019, June 2018)

6.04.230 TO 6.04.280 RESERVED FOR EXPANSION

6.04.290 VIOLATION: PENALTY

A violation of a provision of this chapter is punishable as an infraction by a fine not to exceed Five Hundred (\$500.00) dollars. (Ord. 697, December 1991)