

ORDINANCE NO. 705

AN ORDINANCE AMENDING STAYTON MUNICIPAL CODE SECTION 6.04.020, "DEFINITIONS;" ADDING SECTION 6.04.185, "KEEPING OF LIVESTOCK AND/OR POULTRY WITHIN THE CITY LIMITS OF THE CITY OF STAYTON;" AND DECLARING AN EMERGENCY.

WHEREAS, the keeping and raising of domestic livestock and/or poultry within the city limits of the City of Stayton creates or has the potential of creating a nuisance through unsightliness, smell, noise, or disposal of waste; and

WHEREAS, the mayor and Stayton City Council recognize the need to protect inhabitants of the city by restricting the raising of domestic livestock and/or poultry;

NOW, THEREFORE, THE STAYTON CITY COUNCIL hereby ordains as follows:

SECTION 1: SECTION 6.04.020, "Definitions," of the Stayton Municipal Code, is hereby amended to read:

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 ANIMAL: 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.

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).

SECTION 2: SECTION 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).

SECTION 6.04.185

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

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.

SECTION 3:

It is hereby adjudged and declared that existing conditions are such that this ordinance amending the Stayton Municipal Code Sections related to the control of animals within the City of Stayton is necessary to serve the public health, safety, welfare, convenience, and environmental amenities of the City of Stayton and the inhabitants thereof, and this ordinance shall be in full force and effect when executed by the mayor.

ADOPTED BY THE STAYTON CITY COUNCIL this 20th day of July 1992.

Date: 7-22-92 By: Willmer Van Vleet
WILLMER VAN VLEET, Mayor

ATTEST

Date: 7-22-92 By: David W. Kinney
DAVID W. KINNEY, City Administrator

APPROVED AS TO FORM

Date: JUL 02 1992 By: David A. Rhoten
DAVID A. RHOTEN, City Attorney

rt:b(6-30-92)