

**ORDINANCE 616  
CITY OF DAYTON, OREGON**

***An Ordinance Amending Chapter 5 – Abatement of Public Nuisance, of the Dayton Municipal Code to Make Changes to Livestock Permit Requirements, the Keeping of Livestock and Poultry, and to Refer the Fence Permit Fee to the City’s Fee Schedule***

**WHEREAS**, the City Council desires to amend Chapter 5 – Abatement of Public Nuisance of the Dayton Municipal Code to make changes to the livestock permit requirements, the keeping of livestock and poultry, and to refer the fence permit fee to the City’s Fee Schedule; and

**WHEREAS**, the City Council of the City of Dayton considered changes to Chapter 5 regarding the keeping of livestock and poultry in a public meeting on August 5, 2013; and

**WHEREAS**, on September 3, 2013, the City Council considered the information provided by staff and deliberated on the proposed action.

**The City of Dayton ordains as follows:**

**Section 1.** The City Council hereby adopts Ordinance 616.

**Section 2.** The City Council adopts the amendments to Chapter 5 of the Dayton Municipal Code attached as Exhibit 1 and incorporated by reference herein; and

**Section 3.** This Ordinance shall become effective 30 days after adoption by the City Council.

**PASSED AND ADOPTED** by the City Council of the City of Dayton on this 7<sup>th</sup> day of October 2013.

Mode of Enactment:

Date of first reading: September 3, 2013

Date of second reading: October 7, 2013

No Council member present at the meeting requested that the ordinance be read in full.

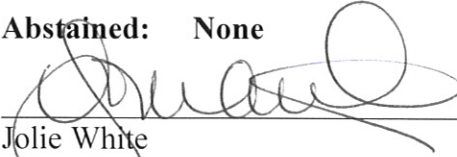
A copy of the ordinance was provided to each Council member; three copies were provided for public inspection in the office of the City Recorder no later than one week before the first reading of the Ordinance.

**In Favor: Bixler, Blackburn, Collins, Frank, Utt, White & Wytoski**

**Opposed: None**

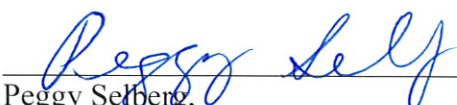
**Absent: None**

**Abstained: None**

  
\_\_\_\_\_  
Jolie White  
Mayor

10/10/13  
Date of Signing

ATTESTED BY:

  
\_\_\_\_\_  
Peggy Selberg,  
City Recorder

10/7/13  
Date of Enactment

**Attachment: Exhibit 1**

## CHAPTER 5 - ABATEMENT OF PUBLIC NUISANCE

**5.1 Enacting Ordinance.** Unless otherwise indicated in code sections, Chapter 5 of Dayton Municipal Code is enacted by Dayton City Ordinance #485, adopted 10/03/94 and effective 11/03/94; and amended by Ordinance #496, adopted and effective 04/08/97; and #512, adopted 03/01/99 and effective 04/01/99.

**5.2 Animals.** *(Revised by Ordinance #512, 03/01/99 and effective 04/01/99)*

### 5.2.1 Definitions.

- (a) **Animal.** Any nonhuman mammal, bird, reptile, amphibian, or fish.
- (b) **Domestic Animal.** An animal conditioned so as to live and breed in a tame environment and normally amenable to human habitats.
- (c) **Enforcement Complaint.** That document(s) which, when properly served upon the alleged violator of a City Code which is punishable as a violation, brings the matter before the appropriate court for resolution.
- (d) **Fowl.** A bird of any kind.
- (e) **Violation.** An offense or violation of a City Code punishable only by a fine, forfeiture, suspension, or revocation of the registration or other privilege, or other civil penalty.
- (f) **Injury.** Includes, at a minimum, the breaking or scraping of bodily tissue of any person or animal, no matter how slight.
- (g) **Keeper.** Any person, firm, corporation, organization, association, or department possessing, or harboring, or having the care and custody of, or authority to control, an animal.
- (h) **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, and generally raised for commercial purposes.
- (i) **Mistreatment.** Improper care of an animal, which includes but is not limited to, abusive treatment, neglect, over driving, overloading, torturing, tormenting, cruel acts, beating, mutilation, deprivation of necessary sustenance and shelter, or abandonment of any animal.
- (j) **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.

- (k) **Poultry.** Domestic fowl, including but not limited to, chickens, turkeys, ducks, geese, emu, ostrich or other fowl raised for meat or eggs.
- (l) **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, and is 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.
- (m) **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.

#### 5.2.6 Offenses.

- (a) No animal shall run at large within the city limits upon any public street, right-of-way or other public place, or trespass upon private property not owned or controlled by the owner or keeper of such animal. A dog, or dogs, under the control of a law enforcement agency or its authorized representative or agent may be exercised or utilized in the performance of their duties as police dogs without being on a leash, tether, or any other restrictive device and shall not be considered as running at large.
- (b) No domestic animal shall:
  - (1) 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;
  - (2) Cause injury to a person, animal, or property, or show a propensity to cause injury to persons, animals, or property;
  - (3) Chase persons or vehicles;
  - (4) Chase, injure or kill an animal belonging to a person other than the owner or keeper of the offending animal;
  - (5) Damage property belonging to a person other than the animal's owner or keeper.
- (c) Any person who keeps, possesses, or otherwise maintains an animal shall not allow the accumulation of raw or untreated animal waste which creates an offensive odor to occur upon any property, whether public or private, or attracts insects or vermin to such property.
- (d) No person shall:

- (1) Subject any animal to mistreatment; nor shall any person transport or permit to be transported any animal in a cruel and inhumane manner.
  - 2) Kill any animal under the custody or control of another without legal privilege.
  - (3) Slaughter or allow slaughtering within the city limits.
  - (4) Place or distribute any poison or other substance with the intent of poisoning any animal, except those animals commonly recognized as pests or rodents.
- (e) **Violation; Penalty.** A violation of Section 5.2.6 (d) of Dayton Municipal Code is a Class A violation.

#### 5.2.12 Shelter Requirements.

- (a) 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. All fences or enclosures shall be properly erected to prevent the escape of any animal.
- (b) 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 City Council or its designee may direct the animal control official or Code Enforcement Officer to deliver a written notice to the owner or keeper of such animal, directing the owner or keeper to remove the animal within seven (7) days from the service of such notice.

#### 5.2.13 Keeping of Livestock and Poultry within the City Limits. The keeping of livestock and poultry As of January 1, 2000, the keeping of livestock and poultry within the City Limits is permitted according to the following restrictions: prohibited without a domestic animal permit, regardless of whether they are raised for sale or as pets.

~~5.2.13.1 Permit for Livestock and Poultry. Only cows, horses, sheep, goats, potbelly pigs, rabbit, fowl and bees are eligible for a permit. Anyone desiring to keep such an animal within the corporate limits of the City of Dayton shall apply for a permit with the City Recorder. The City Recorder or his/her designee shall make an investigation and issue the permit if it is determined that the same meets the requirements set forth in this Code.~~

**5.2.13.1 Lot Size.** Minimum lot sizes for permitted animals are outlined below. Such space requirements shall be in addition to that required for shelters, accessory buildings and homes on the property:

- (a) One horse, one cow, or one potbelly pig for each 10,000 square feet of lot area.

- (b) One sheep or one goat for each 5,000 square feet of lot area.
- ~~(c) The land required for horses, cows and potbelly pigs shall be in addition to the land required for any sheep or goats and vice versa.~~
- (c) Twelve poultry or rabbits (or any combination of the two equaling twelve animals total) may be maintained on a lot in any residential zone as long as the lot is at least 6,000 square feet. Any in excess of this number shall require an additional 500 square feet of lot area per poultry or rabbit.
- (d) Bees shall not be kept on lots of less than one acre.

~~5.2.13.2 Prohibited Poultry. The keeping of turkeys, geese, emu, ostriches, or any fowl not defined as domestic fowl under 5.2.1 of the Dayton Municipal Code shall be prohibited. The keeping of roosters is prohibited unless it is a non-crowing or bantam rooster.~~

~~5.2.13.3 Shelters & Fencing. Animal runs, fencing, pens or barns shall be located on the rear half of the property, but not closer than 70 feet from the front property line and 15 feet from side and back lot lines. All fences or enclosures shall be properly erected and maintained to prevent the escape of any animal.~~

**5.2.13.3 Other Requirements.** All livestock, poultry and bees shall be properly caged and proper sanitation shall be maintained at all times. All animal or poultry food, other than properly baled and stacked hay, shall be stored in metal or other rodent-proof containers. Animal shelters located closer than 5 feet from any neighboring fence or property line shall provide a barrier between the shelter and the fence or property line that prevents any odor or sanitary nuisances.

~~5.2.13.5 Request for Waiver. For barns and shelters that were built before adoption of this section of the Code, a waiver from the setback requirements may be requested, in writing, from the Dayton City Council. Applicants must show that the barns and shelters are in good repair, explain why they cannot be moved to meet the new requirements, and show how maintenance of animals in said barns or shelters shall not otherwise violate any other provision of this Code. Such waivers are not a permit to keep an animal and, when granted, are valid only for the present owners of the property and are not transferable. Any waiver issued under this section of the Code may be revoked at any time by the City Council whenever maintenance of animals therein violates any provision of city codes.~~

**5.2.13.4 Removal of Animals**~~vocation of Permit. The City Manager may order the removal of animals from any premises. Any permit issued under this section of the Code may be revoked at any time by the City Administrator~~ whenever the maintenance of such animals violates any provision of city codes.

5.2.13.5 **Violation; Penalty.** Violation of Section 5.2.13 of Dayton Municipal Code is a Class A violation.