

Title 6

ANIMALS

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It is unlawful for any person, firm or corporation to keep cattle, horses, swine, sheep, goats or other livestock within the city, except as otherwise provided by conditional use.

6.04.011 Conditional Use Permitted.

Any person, firm or corporation owning or in possession of property within the city may apply for a conditional use permit to allow the keeping of livestock on their property. The application and procedure shall conform to that contained in Metolius City Code section 17.56 and the following provisions.

1. The number of cattle, horses, swine, sheep, goats or other livestock shall be limited to not more than one animal occupying each contiguous five thousand (5,000) square feet of property owned or possessed by each person, firm or corporation in said city.
2. The livestock shall be properly fenced in to keep the livestock from leaving the applicant's property.
3. The property upon which the livestock is kept shall be maintained in such a manner and clean so as not to create offensive odors.
4. The city may, in its discretion, waive any fees associated with any conditional use permit applied for under this title. The city shall waive fees associated with educational programs designed to provide experience related to care and raising of livestock. (Ord 47B § 1, 1981; Ord. 201.5 § 2, 1996)

6.04.014 Prohibited Animals

A. It is unlawful for any person, firm or corporation to keep roosters within the city of Metolius. However, with the written consent of the city council, a person may keep, for a period of no more than 18 months, up to two roosters as companion animals provided the person submits in advance a letter from a licensed counselor, psychologist or psychiatrist that explains the nature of the disability, the reasons for this form of companion animal, and the extent of the need. The person may reapply for consent to keep the companion rooster. In addition, with the written consent of the city council, a person, under the age of 20, may keep no more than two roosters as 4-H animals. Any roosters kept as companion animals or 4-H animals must be equipped with an anticrow device and the owner must comply with any additional conditions required by the city council. The city council may, at any time, revoke the consent if it determines in its sole discretion that the roosters are disruptive to the neighborhood. (Ord. 251 § 1, 2015; Ord 252 § 1, 2016)

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6.04.020 Livestock at Large Prohibited-Police Authorized to Seize Tampering with Fences Prohibited.

- A. It is unlawful to permit any cattle, horses, swine, sheep, goats or poultry to run at large in the city or to negligently allow cattle and horses to run at large in the city by reason of negligence in failing to maintain the fences herein provided so as to allow said animals to be at large and it further is unlawful to leave any gate in said fence to remain open so that said animals shall run at large; any such animals running at large in any public place in the city shall be impounded in the manner provided in the following section. It shall further be unlawful to picket or tie any such animal in any of the streets, parks or parking places of the city for the purpose of grazing or feeding.
- B. The members of the police department or any other persons in the city are authorized to take said animal into their possession and comply with ORS 607.303 et seq., for the redemption or sale thereof.
- C. It is unlawful for any person to deliberately open a gate in said fences, dismantle said fences or in any otherwise not specifically herein stated manner assist another to so do for the purpose of allowing said animals to run at large in the city. (Ord. 47B §§ 2-4, 1981)

6.04.030 Violation-Penalty.

Any person, firm or corporation violating any of the provisions of this chapter shall be fined not more than twenty-five dollars (\$25.00) for the first offense and not more than fifty dollars (\$50.00) for the second and subsequent offenses; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 47B §§ 5, 1981)

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Sections:

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- 6.08.020 Dogs which are Nuisances.
- 6.08.030 Dog Licenses.
- 6.08.040 Seizing Certain Dogs.
- 6.08.050 Killing Certain Dogs.
- 6.08.060 Impoundment of Dogs.
- 6.08.070 Pound Regulations.
- 6.08.080 Violation-Penalty.

6.08.010 Dogs Running at Large Prohibited.

No person shall allow a dog owned by him or under his control to be at large. A dog off or outside the premises of the owner or custodian, and not restrained by a rope, line, leash, chain or other similar means, or not under the immediate control, restraint or command of the owner or custodian, shall be considered "at large." (Ord. 87 § 1, 1978; Ord. 110 § 5, 1981)

6.08.020 Dogs which are Nuisances.

A. A dog is a nuisance if it:

1. Howls or barks in such a manner as to deprive any person of peace and quiet;
2. Roams about the city;
3. Trespasses on property not owned by or under the control or custody of the owner or custodian of the dog;
4. Bites a person;
5. Shows a propensity to bite persons;
6. Habitually chases vehicles or persons; or
7. Injures or kills an animal or fowl belonging to a person other than the owner or custodian of the dog.

B. A dog which is such a nuisance may be impounded and its owner or custodian fined in an amount authorized for a violation of this chapter. (Ord. 87 § 21 1978)

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6.08.030 Dog Licenses.

- A. Licenses Required. A dog shall be licensed according to the laws of the state of Oregon, and no person shall own or have custody of a dog not so licensed.
- B. Impounding of Un-licensed Dogs. A dog not licensed according to the laws of the state of Oregon may be impounded, and no dog impounded under the authority of this chapter shall be released from the pound until so licensed. (Ord. 87 § 3, 1978)

6.08.040 Seizing Certain Dogs.

A dog found biting a person or showing a propensity to bite persons may be summarily seized by any person and promptly delivered to the chief of police for impounding. (Ord. 87 § 4, 1978; Ord. 110 § 1, 1981)

6.08.050 Killing Certain Dogs.

A dog which is rabid may be summarily killed by any person. (Ord. 87 § 5, 1978)

6.08.060 Impoundment of Dogs.

- A. The chief of police or dog control officer may impound a dog that is in violation of this chapter.
- B. The chief of police or dog control officer may issue either a citation or complaint to the owner or custodian of a dog violating this chapter.
- C. The chief of police or dog control officer shall impound a dog if the owner of the dog has not posted bail or paid a fine for a violation of this chapter imposed by the municipal judge. For any dog so seized, the notice and disposition of the dog shall be in the same manner as provided in Section 6.08.080.
- D. Any person whose property has been trespassed upon by a dog in violation of this chapter may immediately apprehend that dog upon his premises and hold it until delivery to a dog control officer or to the chief of police. Any person who so impounds a dog must immediately notify the dog control officer or chief of police of such impoundment. (Ord. 87 § 6, 1978; Ord. 110 § 2, 1981)

6.08.070 Pound Regulations.

- A. Whenever a dog is impounded pursuant to the provisions of this chapter, in case the owner or custodian of the dog is known to the chief of police, he shall

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immediately give written notice of the impounding by personal service upon the owner or custodian, and if the owner or custodian does not within five days after the date of service of the notice claim the dog and pay a redemption fee required by the Jefferson County dog pound, the dog may be humanely killed or disposed of to a person agreeing to provide it a suitable home.

- B. In case the owner or custodian of the dog is not known to the chief of police, if at the expiration of ten (10) days after it has been impounded at the Jefferson County dog pound its owner or custodian has failed to claim it and pay a redemption fee required by the Jefferson County dog pound, it may be humanely killed or disposed of to a person agreeing to provide it a suitable home. (Ord. 87 § 7, 1978; Ord. 110 § 3, 1981)

6.08.080 Violation-Penalty.

Violation of this chapter is punishable by a fine of not less than five dollars nor more than fifty dollars (\$50.00) for each offense. (Ord. 87 § 8, 1978; Ord. 110 § 4, 1981)

