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 **CHAPTER** **90**

**CHAPTER 90: ANIMALS**

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***GENERAL PROVISIONS***

**90.01 DOG AND KENNEL LICENSING**

(A) *Dog licensing*

(1) Every person, known as owner or keeper, in the city who owns, possesses, controls, maintains, or otherwise has charge of a dog that has a set of permanent canine teeth or is six months old, whichever comes first, shall procure a license for the dog. The license must be procured by completing and submitting a dog license application to the Code Enforcement and by paying an application for license fee to the City Clerk’s office within 30 days after the person becomes the keeper of the dog or January 1 of each year.

(2) No license shall be issued until a certificate of vaccination for rabies, valid for the license year(s), is presented to the city.

(3) No registration fee shall be required for any dog kept by a blind person who uses it as a guide. No registration fee shall be required for any dog kept by a deaf person who uses it as a guide. Accompanying the dog license application, the applicant shall provide an affidavit verifying that the dog comes within this exemption. This also includes guide dogs for medically certified persons.

(4) Every person completing a dog license application shall be provided a copy of the dog ordinance and agree to abide by the terms of the ordinance. The Code Enforcement has the ability to place additional restrictions or mandate a level of care on dog keepers to ensure they are providing safe and reasonable living conditions for the dog.

(5) Every registered dog must have the provided license tag with a serial number attached to the dog’s collar at all times. The keeper of a dog that loses its license tag shall immediately obtain a replacement tag. The replacement tag shall be valid for the same period of time as the original registration.

(6) No person shall place a license tag on any other dog than the intended dog as listed on the dog license application form. A dog that does not have a license tag attached to its collar or a dog displaying another dog’s serial tag shall be considered unregistered.

(7) This subchapter affirms O.R.S. 609.020 which declared dogs to be personal property. The city does not wish to discourage dog ownership, in order to protect the general public, dog owners must understand that they can be criminally and/or civilly liable for intentional, reckless or negligent actions resulting from their dog.

(8) Violation of this division shall be considered a Class D violation as defined by Oregon Revised Statutes.

(B) *Kennel licensing*

(1) Every person, known as owner or keeper, in the city who owns, possesses, controls, maintains, or otherwise has charge of four or more dogs for commercial or non‑commercial purposes that has a set of permanent canine teeth or is six months old, whichever comes first, shall procure a kennel license for the dogs. The license must be procured by completing and submitting a dog license application to the Code Enforcement and by paying a license fee to the City Clerk’s office within 30 days after the person becomes the keeper of the dogs or January 1 of each year.

(2) Kennel licenses are in lieu of individual dog licenses. Dogs licensed under this division must at all times be confined to the kennel premises, except when leashed and/or exercising.

(3) All commercial kennel license require a conditional use permit from City Hall. All non-commercial kennel licenses per code enforcement. No kennel license will be issued under this division to anyone not in conformance with applicable zoning statutes and ordinances.

(4) Violation of this division shall be considered a Class A violation as defined by Oregon Revised Statutes.

(C) *Breeding operations*

(1) It shall be unlawful for any person, corporation or entity to maintain a commercial or non‑commercial puppy breeding operation, commonly referred to as puppy mills within the city. A puppy mill shall be defined as 12 or more dogs of any age on one property at any time.

(2) Violation of this division shall be considered a Class A violation as defined by Oregon Revised Statues.

(D)  *Limit on number of adult dogs kept for non-commercial purposes*

1. No person shall keep or maintain more than four (4) adult dogs (six months of age or older) on any parcel of land within the City for non-commercial purposes without obtaining approval and an appropriate permit from the City Council.

1. Receipt of a permit will be conditioned upon meeting the following minimum standards:
2. Satisfactory showing of adequate indoor and outdoor space to reasonably accommodate the dogs, considering size, breed, and temperament;
3. When appropriate, satisfactory showing of adequate outdoor shelter to protect dogs from cold, heat, rain, snow, and freezing conditions;
4. Satisfactory showing of adequate fencing or kenneling to prevent dogs from running at large;
5. No record of violations within the last five (5) years of violations of the nuisance provisions of the Weston City Code relating to animals.
6. No unlawful tethering, as defined in ORS 167.343, as follows: Unlawful tethering means (1) using a tether that is not a reasonable length given the size of the animal and space and that allows the animal to become entangled in a manner that risks the health or safety of the animal; and/or (2) using a collar that pinches or chokes when pulled; and/or (3) tethers the animal for more than 10 hours in a 24 hour period or for more than 15 hours in a 24 hour period if the tether is attached to a running line, pulley or trolley system.
7. No record of any other violation of ORS chapter 167, “Offenses Against Animals.”
8. Approval of all required conditions by the City’s Code Enforcement Officer.
9. Payment of all required fees.

(3) Failure to comply with these conditions may result in revocation of the permit, in addition to any other penalties provided by law.

(4) Violation of this Section shall be considered a Class A violation as defined by Oregon Revised Statutes.

(D) *Fee schedule*

(1) For dog ordinance fees, see the approved fee schedule form.

(2) The Code Enforcement may provide for lesser fees or fines to promote the adoption of abandoned dogs; to promote the earlier registration and licensing of dogs; and to allow for special promotions by non‑profit civic groups.

(3) Funds collected from this division shall be placed into the city’s general fund.

(E) *License revocation*

(1) The following provisions shall govern revocation of dog license or kennel licenses:

(a) Three or more violations of this subchapter within a period of 12 calendar months.

(b) A dog that has attacked and seriously injured or killed a human being or other domestic animal.

(c) Criminal charges or violation that involves animal abuse, animal neglect or failing to provide for the minimum care of an animal.

(d) Operation of a breeding operation commonly known as a puppy mill.

(e) Unpaid fees or fines related to this subchapter after 60 days of being delinquent.

(2) Any dog license or kennel license may be revoked by the Code Enforcement, based on the above provisions for any single calendar year. A permanent revocation request may be presented to the Municipal Court and a judge may revoke a person’s ability to possess a dog license for two or more years.

(F) *Classification*

(1) The Code Enforcement shall classify all dogs within the city that comes to their attention. A letter of classification must be sent to a dog keeper any time a classification level is changed on a dog. An appeal of this classification may be made in writing to the Code Enforcement requesting a second review of the conditions that provided for the dog’s classification. Once the Code Enforcement has completed the review process, the determination shall be final.

(a) *Level 1* A Level 1 classification is a non-aggressive dog that does not frequently violate this subchapter.

(b) *Level 2*

1. A Level 2 classification is a dog that shows signs of aggressive behavior (such as but not limited to growling, snarling or snapping) but has not attempted to attack or menace a human or other domestic animal; or a dog that violates this subchapter three or more times within a calendar year.

2. If a dog is classified as Level 2, the Code Enforcement shall perform a review of the conditions in which the dog is being kept and may impose reasonable restrictions to ensure the dog will have limited or no exposure to the general public. These restrictions shall be the financial responsibly of the dog keeper. Refusal to comply with these restrictions will cause the Code Enforcement to revoke the dog license.

3. If a dog is assigned a Level 2 classification for violating this subchapter, it shall remain in effect for a minimum of one additional calendar year. If at the end of that second calendar year, if the dog does not violate this subchapter, the dog keeper may request the Code Enforcement to reassign it a Level 1 classification.

(c) *Level 3*

1. A Level 3 classification is any dog that has the propensity to bite, causes physical injury, or otherwise threatens or endangers the safety of any person or domestic animal, without provocation. Once a dog is classified as Level 3 for being a dangerous dog, this ranking will stay with the dog indefinitely; or a dog that violates this subchapter five or more times within a calendar year.

2. If a dog is classified as Level 3, the Code Enforcement shall perform a review of the conditions in which the dog is being kept and may impose reasonable restrictions to ensure the dog will have no exposure to the general public. These restrictions shall be the financial responsibly of the dog keeper. Refusal to comply with these restrictions will cause the Code Enforcement to revoke the dog license.

3. If a dog is assigned a Level 3 classification for violating this subchapter, it shall remain in effect for a minimum of one additional calendar year. If at the end of that second calendar year, the dog does not violate this subchapter, the dog keeper may request the Code Enforcement to reassign it a lower classification.

(2) Examples of possible restrictions for Level 2 or 3 include but not limited to:

(a) Providing and securing a dog in a kennel (minimum dimensions of five feet by ten feet or larger depending on dogs size) or other enclosure which includes a secured top cover and cement floor;

(b) Providing signage warning to others about the dog;

(c) Determine the location or proximity to property lines to limit public exposure or contact;

(d) Mandating the use of muzzle; or

(e) Sterilization.

(Ord. 4-140, passed 1-12-2011) Penalty, see 90.99

**90.02 IMPOUNDING DOGS**

(A) *Impounding authorized*

(1) The city may impound a dog that is in violation of any section of this subchapter at the expense of the owner. The city shall impound a dangerous dog or confirm the dog has been properly secured on his or her keeper’s property.

(2) The city may impound any dog found within the city limits that does not have a dog license.

(3) Any property owner or tenant, whose property has been trespassed upon by any dog, may hold the dog until delivery to the Code Enforcement Official, unless the dog owner has arrived and is demanding the return of the animal, at which time the property owner or tenant shall relinquish control, if identification of the dog owner is established. Any person who impounds a dog shall immediately notify the Code Enforcement of such impoundment.

(B) *Disposition.*

(1) The city shall arrange for the dog impoundment for the period of time hereinafter specified. The city shall dispose of such dogs in accordance with the following provisions:

(a) An unlicensed dog or a dog for which the owner is unknown, which has not been redeemed within forty eight (48) hours after impoundment may be sold, adopted, or disposed of.

(b) A licensed dog or a dog for which the owner is known, which has not been redeemed within forty eight (48) hours after notification of the owner by telephone contact or by mailing of impoundment notice, may be sold, adopted, or disposed of.

(2) When possible, the city shall notify the owner by telephone or by the mailing of an impoundment notice as soon as practicable after impoundment. The impoundment notice shall advise the owner of the place where the dog is kept, the procedures required for the redemption of the dog, the fees for the impoundment, daily care and redemption, and the consequences of failure to redeem the dog.

(3) A dog owner whose dog is impounded as a dangerous dog believing himself or herself aggrieved by the seizure and impounding of his or her dog, may apply to the Municipal Judge for the release of his or her dog; and the Municipal Judge shall thereupon set a time and place for hearing the application and notify Code Enforcement; and upon a summary hearing at such time and place, the Municipal Judge shall have full power to determine whether the dog has been wrongfully impounded and whether he or she shall be returned to his or her owner and upon what terms. Payment of the impoundment fee shall not prejudice a dog owner’s right to appeal an allegedly wrongful impoundment.

(4) Notwithstanding the previous subsections, any dog given to the city by the owner for disposal may be disposed of immediately, or, in the alternative, sold to any person.

(5) When Code Enforcement impounds any dog which is in need of medical attention, they may at their discretion:

(a) Authorize the necessary medical attention; or

(b) Have the dog humanely killed.

(6) The member of Code Enforcement shall make diligent effort to locate the owner or keeper of a dog in need of medical attention before authorizing such medical attention or disposal of the dog. Should the member of Code Enforcement authorize the necessary medical attention, then and in that event, the owner or keeper of the dog shall be liable for the costs of the medical treatment rendered to the animal.

(7) No person shall at any time interfere with the Code Enforcement Official or any person engaged in seizing or impounding any dog under authority of this subchapter. No person shall encourage or urge any dog to attack or worry any person engaged in the performance of duties under this subchapter.

(8) No owner shall refuse to pick up the animal from the city after it has been impounded for any lawful reason.

(9) In the event, the Municipal Court orders a dog license revocation or a person is convicted of fail to provide the minimum, the owner of the dog will have five (5) days to provide the court with a solution for the care and/or the custody for the animal. If the owner fails to make acceptable and safe arraignments for the animal, the Judge may order the animal to be turned over to an animal rescue.

(10) Violation of this division shall be considered a Class A violation as defined by Oregon Revised Statutes.

(C) *Redemption; sale*

(1) Redemption of an impounded dog shall be made by exhibiting satisfactory proof of ownership and by paying the following required fees and charges:

(a) Impoundment fee;

(b) Daily care fee;

(c) License and rabies vaccination fees, if required;

(d) Medical care fees, if required; and

(e) Licensing fee.

(2) Impounded dogs may be sold. When a dog is sold, the purchaser shall pay any required license and rabies vaccination fees.

(Ord. 4-140, passed 1-12-2011) Penalty, see 90.99

**90.03 STANDARDS OF CARE; NUISANCES; BITING DOGS**

(A) *Minimum care*

(1) All dog keepers shall provide a basic minimum care standard for their dog.

(2) Minimum care means care sufficient to preserve the health and well‑being of an animal and, except for emergencies or circumstances beyond the reasonable control of the owner, includes, but is not limited to, the following requirements:

(a) Food of sufficient quantity and quality to allow for normal growth or maintenance of body weight.

(b) Open or adequate access to potable water in sufficient quantity to satisfy the animal’s needs. Access to snow or ice is not adequate access to potable water.

(c) For a domestic animal other than a dog engaged in herding or protecting livestock, access to a barn, dog house or other enclosed structure sufficient to protect the animal from wind, rain, snow or sun and that has adequate bedding to protect against cold and dampness.

(d) Veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.

(e) For a domestic animal, continuous access to an area:

1. With adequate space for exercise necessary for the health of the animal;

2. With air temperature suitable for the animal; and

3. Kept reasonably clean and free from excess waste or other contaminants that could affect the animal’s health.

(3) Violation of this division shall be considered a Class A violation as defined by Oregon Revised Statues. Code Enforcement may forgo the violation and pursue criminal charges through the District Attorney’s office at their discretion.

(B) *Public nuisance*

(1) A dog is a public nuisance if it:

(a) Chases persons or vehicles on premises other than premises from which the keeper of the dog may lawfully exclude others;

(b) Damages or destroys property of persons other than the keeper of the dog;

(c) Scatters garbage on premises other than premises from which the keeper of the dog may lawfully exclude others;

(d) Trespasses on private property of persons other than the keeper of the dog;

(e) Disturbs any person by frequent or prolonged noises;

(f) Is a female in heat and running at large;

(g) Is a potentially dangerous dog; or

(h) Any unlicensed dog.

(2) Violation of this division shall be considered a Class D violation as defined by Oregon Revised Statues. If the same dog is in violation of this division three times within the previous 12 months, the violation of this division shall be a Class C violation on the third and subsequent offenses.

(C) *Dogs at large*

(1) It shall be unlawful for any owner or keeper of a dog to permit any such dog to be a dog at large.

(2) Running at large means any dog off or outside the premises belonging to the owner or person having the control, custody or possession of the dog while the dog is not under complete control of such person by means of an adequate leash, or is within a vehicle of such person

(3) Violation of this division shall be considered a Class D violation as defined by Oregon Revised Statues. If the same dog is at large three times within the previous 12 months, the violation of this division shall be a Class C violation on the third and subsequent offenses of dog at large.

(4) In addition to any other remedy set forth herein, if a dog is found to be running at large more than three (3) times in a 12-month period, the City may immediately impound the dog according to the processes described in Section 90.02 of this Code. If impoundment occurs under this subsection, the City may keep the dog at an undisclosed location and the dog’s owner shall have thirty (30) days from the date of notification of impoundment to appeal the impoundment to the Municipal Judge. The dog shall not be released to the owner except by order of the Municipal Judge. If the Municipal Judge declines to order the dog released, the dog shall be deemed forfeited to the City and the City may thereafter dispose of the dog in any appropriate manner.

(D) *Biting dogs*

(1) A keeper of a dog shall not intentionally, recklessly or with negligence allow their dog to bite another person unless that bite was in defense of a person or their residence.

(2) A dog found biting a person or which has bitten any person may be immediately seized by any person and promptly delivered to the city for impounding and ten-day quarantine as described in division (I).

(3) Violation of this division shall be considered a Class B violation as defined by Oregon Revised Statutes.

(E) *Reporting requirements*

(1) All biting dogs shall be reported to Code Enforcement.

(2) The owner of a dog which bites a human being shall immediately notify the Code Enforcement of such bite, giving the name and address of the person bitten, if known to him or her.

(3) Any person who is bitten by a dog shall forthwith notify the Code Enforcement Official of such bite, giving a description of the dog and the name and address of the owner, if known to him or her.

(4) When a doctor, veterinarian, or hospital employee has information that a person has been bitten by a dog, such person shall forthwith notify the Code Enforcement.

(5) Violation of this division shall be considered a Class B violation as defined by Oregon Revised Statutes.

(F) *Dangerous dogs*

(1) Any dog that has the propensity to bite, causes physical injury, or otherwise threatens or endangers the safety of any person or domestic animal, without provocation, shall be considered dangerous.

(2) A dog shall not be considered a dangerous dog if it bites a person wrongfully assaulting the dog or the dog’s owner, or if it bites a person trespassing upon premises occupied by the dog’s owner after being provoked by that person.

(3) No dog shall be found to be dangerous or aggressive if it is a dog trained for law enforcement purposes and is on duty under the control of a peace person.

(4) Violation of this division shall be considered a Class A violation as defined by Oregon Revised Statutes. If a dog is cited for being a dangerous dog, the dog’s classification shall immediately become a Level 3.

(G) *Dog fighting*

(1) No person shall possess, harbor, or maintain care or custody of any dog for the purposes of dog fighting, nor shall any person train, torment, badger, bait or use any dog for any reason of causing or encouraging the dog to attack human beings or domestic animals.

(2) Violation of this division shall be considered a Class A violation as defined by Oregon Revised Statutes.

(H) *Taunting*

(1) No person shall taunt, disturb or attempt to provoke a dog by throwing rocks, sticks or other objects at the dog. They shall not attempt to taunt, disturb or provoke a dog by yelling, directing unreasonable noise towards the dog or use an explosive device.

(2) Violation of this division shall be considered a Class B violation as defined by Oregon Revised Statutes.

(I) *Rabid dogs*

(1) If Code Enforcement is notified that a person or animal has received a dog bite wound that penetrated the skin, the person shall determine, if possible, whether or not the biting dog has a current rabies vaccination. If it does not have a current rabies vaccination or it cannot be determined to have such, the dog shall be placed in quarantine by the owner for a period of ten days. If the owner cannot be located, the dog shall be transported to a suitable veterinary clinic for quarantine at the owner’s expense for a period of ten days.

(2) When Code Enforcement has grounds to suspect that a dog is infected with the disease of rabies, there shall be delivered to the owner of the dog a written notice thereof. The owner shall thereupon be required to quarantine the dog for ten days. The biting of any person by the dog shall constitute adequate grounds for suspecting the dog to be so infected. The delivery of the notice to an adult residing upon the premises where the dog is kept shall be considered a delivery of the notice to the owner.

(3) Any dog required to be quarantined shall be confined on the owner’s premises in such a manner as to prevent it from being in contact with any other animal or person or confined at the owner’s expense in a veterinary hospital or a kennel approved by Code Enforcement.

(4) During the ten-day quarantine period, the dog shall be inspected for rabies by a licensed veterinarian. The cost of this inspection shall be the sole responsibility of the dog’s keeper.

(5) Any animal that has been bitten by a dog proved to be rabid shall be destroyed.

(6) If a dog exhibits symptoms of rabies while it is under quarantine, the Code Enforcement Official may order in writing that it be destroyed and that its head be submitted as directed to the State Public Health Laboratory.

(7) A dog which is rabid may be immediately killed by the Code Enforcement or any other person.

(Ord. 4-140, passed 1-12-2011) Penalty, see 90.99

 **90.04 DOG WASTE MATTER**

(A) It shall be unlawful for a dog owner to allow the dog to deposit solid waste matter on any public or private property other than that of the dog owner. It shall be a defense to this section if the dog owner immediately removes the solid waste.

(B) Violation of this section shall be considered a Class D violation as defined by Oregon Revised Statutes.

(Ord. 4-140, passed 1-12-2011) Penalty, see 90.99

**90.05 DOGS IN CITY PARKS**

(A) It shall be unlawful for any person to allow any dog to roam freely within the boundaries of the city park. Dogs are required to be leashed at all times. It shall be a defense to this section if the dog is used as a guide dog for a deaf or blind or medically certified person.

(B) Violation of this section shall be considered a Class D violation as defined by Oregon Revised Statutes.

(Ord. 4-140, passed 1-12-2011) Penalty, see 90.99

**90.06 PRIVATE PROPERTY AND MOTOR VEHICLES; ENTRY**

(A) The persons in the course of their duties in enforcing this subchapter shall have the privilege of entering onto private land, but shall not enter into any building or dwelling without permission or authorization.

(B) If a dog is in a motor vehicle during extreme weather or the Code Enforcement has concern for its immediate safety, the Code Enforcement Official shall attempt to contact the vehicle owner. If unable to contact the vehicle owner or the dogs life is imperil, the Code Enforcement Official may enter the vehicle, by force if necessary, to seize and provide care for the dog. Any damages resulting from the entry to a vehicle shall be the responsibility of the person that left the dog in the vehicle.

(Ord. 4-140, passed 1-12-2011)

**90.07 KILLING OF DOGS**

(A) The following four events apply to when a person can kill a dog:

(1) A dog may be immediately killed by any person if the dog constitutes an imminent threat to human life.

(2) A Code Enforcement Official may kill a dog when it has been injured and no owner can be determined.

(3) Any person may immediately kill a dog that is infected with the disease rabies.

(4) A Code Enforcement Official may kill a dog deemed by the city to be dangerous or violates Oregon Revised Statues or as directed by this subchapter, that allows for the destruction of a dog.

(B) In compliance with O.R.S. 609.093, the Code Enforcement Official and the Municipal Court will use the following considerations prior to disposing of chasing, menacing, biting or dangerous dog. In determining whether a dog should be killed, the Code Enforcement or Municipal Court shall consider the following factors:

(1) If the dog has bitten a person, the circumstances and severity of the bite;

(2) Whether the keeper has a history of maintaining dogs that are a public nuisance;

(3) The impact of keeper actions on the behavior of the dog;

(4) The ability and inclination of the keeper to prevent the dog from chasing or menacing another person on premises other than the premises from which the keeper may lawfully exclude others or from biting another person;

(5) Whether the dog can be relocated to a secure facility;

(6) The effect that a transfer of the keeping of the dog to another person would have on ensuring the health and safety of the public;

(7) Behavior by the dog before or since the biting, chasing or menacing; and

(8) Any other factors that the city deems to be relevant.

(C) If the Municipal Court orders a dog killed on this section and the keeper does not make the dog available for that purpose, the court may issue a search warrant for a property upon probable cause to believe that the dog is located at that property.

(Ord. 4-140, passed 1-12-2011)

**90.09 ENFORCEMENT AUTHORITY**

The persons and designated representatives of Code Enforcement are appointed by the City Council and empowered to enforce the provisions of this subchapter.

(Ord. 4-140, passed 1-12-2011)

***GENERAL REGULATIONS***

 **90.50 DEFINITIONS**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

***ACRE*** 43,560 square feet.

***ANIMAL ENFORCEMENT PERSON***  Includes any member of Weston city staff with authority as assigned by the City Council.

***CITY CLERK*** The City Recorder or designated person.

***CITY*** The Planning Commission and/or City Council are hereby referred to as the city.

***CODE ENFORCEMENT PERSON*** Includes any member of Weston city staff with authority as assigned by the City Council.

***DANGEROUS ANIMALS*** Any animal with a propensity, tendency or disposition to attack, without provocation and cause injury to or otherwise endanger the safety of humans or other animals; or any animal which attacks a human being or other animal one or more times without provocation.

***EXOTIC ANIMAL*** Includes the following:

(1) Any member of the family Felidae not indigenous to the state, except the species Felis Catus (domestic cat);

(2) Any nonhuman primate;

(3) Any wolf (Canis lupus); or

(4) Any non-wolf member of the family Canidae not indigenous to the state, except the species Canis familiaris (domestic dog).

***FOWL*** Any chicken, duck, turkey, goose, pheasant, pigeon, dove, guinea or similar sized domesticated fowl.

***LARGE ANIMALS*** Horse, foal, cow, calf, mule, llama, ostrich, emus or similar type animal excluding swine.

***MEDIUM ANIMALS*** Sheep, lambs, goats, kids, miniature horses or similar type animal excluding swine.

***MINIATURE PIGS*** Vietnamese, Chinese or Oriental pot bellied pigs. The pigs shall not exceed a maximum height of 20 inches at the shoulder or weigh more than 100 pounds.

***OWNER*** A person, firm, association, or corporation having a property right in an animal, or who harbors any animal or has one in his or her care, or acts as its custodian, or who knowingly permits any animal to remain on or about any premises owned or occupied by that person. ***OWNER*** does not include a person or business which boards animals for a fee, or veterinarians temporarily maintaining animals owned by other persons, on their premises, for a period of not more than 30 days.

***PYGMY GOAT*** A genetically small, cobby and compact goat whose body circumference in relation to height and weight is proportionately greater than other breeds of goats, having a maximum height not exceeding 27 inches, with measurement taken at the highest part of the back at the base of the neck where the shoulder blades almost meet.

***WILD ANIMAL*** A species of animal not usually domesticated, regardless of comparative docility or familiarity of the individual animal with man, including species which are ferae naturae. ***WILD ANIMALS*** include, but are not limited to, wolves, coyotes, bobcats, bears, foxes, and cougars.

(Prior Code,  6‑900) (Ord. passed 5‑5‑1994)

**90.51 GRANDFATHER CLAUSE**

There is no grandfather clause in any of the animal ordinances or regulations.

 **90.52 PROHIBITED ANIMALS/BIRDS**

(A) Swine/pigs;

(B) Stallions;

(C) Bulls;

(D) Wild animals;

(E) Exotic animals;

(F) Fur‑bearing animal(s) bred and maintained commercially or otherwise;

(G) Peacocks;

(H) Roosters. (Passed August 12, 2015)

It is a violation of this Ordinance for any owner or keeper to own, possess, control, maintain, or

otherwise have charge of any of the above listed prohibited animals or birds within City limits.

City Code Enforcement personnel may take immediate reasonable measures at their discretion to seize a prohibited animal that represents a threat to the safety of the public, or require the animal’s keeper to take such measures.

Violation of subsections (A), (B), (C), (F), (G), or (H) shall be considered a class “C” violation as defined by the Oregon Revised Statutes. Violation of subsections (D) or (E) shall be a class “A” violation as defined by Oregon Revised Statutes.

Each calendar day or portion thereof shall be deemed a separate violation. The penalty may be assessed against the owner or keeper, or both.

Penalty, see Section 90.99

**90.53 LARGE AND MEDIUM ANIMALS**

(A) No large/medium animal(s) are to be pastured or kept in the Weston city limits without being fully approved by the Weston City Council. Therefore no animal may be brought into or kept within the city limits during the application process.

(B) The fee for this permit is set forth in the City Fee Schedule and must be paid at the time of application.

(C) The application must be completed with the following information:

(1) The name and address of the applicant;

(2) A description of the type and number of animals to which the permit will apply;

(3) A map of the property showing proposed accommodations for the keeping of animals, the distance and proximity of the accommodations from neighboring property and dwellings;

(4) A description of the pasture fence and any planned enclosure. The fence must be of a type that will keep the described animal(s) confined to that pasture; and

(5) The actual location where the animal is to be kept, if not at the applicant's residence. The owner of the animal must have written permission from the land owner and a copy must be provided to the City of Weston.

 (D) Before the City Council can approve the application for a permit, the Code Enforcement, must verify the following requirements are met:

1. Minimum space to keep a large animal is one (1) acre of actual pasture size for the first animal and one (1) additional acre for each additional animal.
2. Minimum space for a medium animal is one quarter (1/4) acre. Maximum of four (4) animals per acre.
3. No person may keep a large animal in a stable, building, shelter, corral, enclosure or pasture within seventy-five (75) feet of any dwellings, school, church, playground or public building. No person may keep a medium animal in a stable, building, corral, enclosure or pasture within twenty-five (25) feet of any dwellings, school, church, playground, or public building.
4. Animals can be rotated for grazing on smaller sections of overall pasture but cannot be consistently confined to a smaller area.
5. No type of barbed wire is allowed for any place within the City. Any replacement or repair of existing fence, barbed is not allowed.
6. Electric fence is not allowed on the perimeter of any property.
7. All concerns for public safety, public health and welfare have been mitigated.
8. The City reserves the right to refuse to issue a permit for any animal(s).

Violation of this section for each full or partial calendar day shall be considered a class “C” violation as defined by the Oregon Revised Statues.

Penalty, see 90.99

**90.54 PERMIT; REVOCATION**

An animal owner can lose their permit for any of the following:

(A) If pasture is not kept in good condition ‑ no mud/dust bowls allowed.

(B) If animal(s) gets out of its pasture twice in a 12-month period (unless verified by Code Enforcement that this incident was caused by vandalism).

(C) Fencing must be kept in good condition.

(D) Animals must be kept in such a manner as not to create a public nuisance; disturb neighborhood residents because of any excessive noise, odor or damage; or interfere with the enjoyment of properties of abutting land owners. The affected person(s) will notify Code Enforcement in writing as to the offense. The Code Enforcement Official will try and broker an amicable solution to the problem. If a solution cannot be obtained, the complaint and the police report will be addressed to the City Council requesting a hearing to resolve the problem or dismiss the complaint. A hearing will be held within 15 days of written notification to the City Council.

(E) If a permit is revoked, the animal(s) owner shall be allowed 15 calendar days in which to remove the animal(s) from the city. The owner that has the permit revoked will not be allowed to have large/medium animal(s) in the city at for a period of two years at which time a new permit must be obtained and approved by the City Council.

(F) The Code Enforcement Official may issue an order suspending a permit involving threats to health and safety. The suspension will remain in effect until the City Council holds a hearing.

**90.55 PERMIT; EXEMPTIONS**

(A) If any real property where livestock is kept is annexed to the city, provided that no corrals, stables or other structures housing the livestock, other than fences, are located within 200 feet of a dwelling owned or occupied by another person, the owners of the annexed property shall be allowed to maintain the livestock on such property without purchasing a livestock permit for a time not exceed five years from the date of annexation or until the property is sold, whichever occurs first. After such period of exemption, the person owning the livestock must apply for the required permit.

(B) Also exempt is any property over four acres in one parcel. If at any time this parcel of land is subdivided, a permit must be obtained if animal(s) are kept on any property of less than four acres.

(C) This section may be voided and the property owner will have to submit a permit application if the animal(s) pose a threat to health and safety. The animal(s) property owner has ten business days to comply with this violation after being notified in writing by Code Enforcement.

**90.56 TETHERING**

(A) No person shall attach any animal, by the use of any device, to any object or premises other than the person’s own without permission of the owner of the object or premises.

(B) No person shall attach an animal to any object on private or public property in a manner which would allow the animal to have access to any public street, alley, parking lot, sidewalk, right‑of‑way or premises open to the public.

(C) Violation of this section is a Class “C” violation as defined by the Oregon Revised Statutes.

(Prior Code, # 6‑950) (Ord. passed 5‑5‑1994) Penalty, see 90.99

**90.57 CARCASSES**

(A) No person shall permit any animal carcass under his or her control to remain upon a public street or places on any private property for a period of time longer than reasonably necessary to remove carcass.

(B) Violation of this section is a Class “C” violation as defined by the Oregon Revised Statutes.

(Prior Code, # 6‑960) (Ord. passed 5‑5‑1994) Penalty, see 90.99

**90.58 PROPERTY DAMAGE**

(A) No person shall permit or allow an animal kept by that person to damage property, including gardens, shrubs or other plantings of any person other than the keeper of the animal.

Violation of this section is a Class “D” violation as defined by the Oregon Revised Statues. Code Enforcement will document any violation of this subchapter and refer the incident to the Municipal Court. Any person found to be in violation of this subchapter as convicted by the Municipal Court shall make full restitution to the owner of the property for the actual damages caused by the animal(s) behavior.

Penalty, see 90.99

**90.59 DANGEROUS ANIMALS**

(A) No person shall keep any animal dangerous to persons or other animals.

(B) Violation of this section is a Class “A” violation

(Prior Code, 6‑980) (Ord. passed 5‑5‑1994) Penalty, see 90.99

 **90.60 ANIMALS OR FOWL AT LARGE**

(A) It is unlawful for any medium/large animal(s) of any kind to be running at‑large within the city limits of Weston.

(B) Fowl must be confined to the owner(s) property.

(C) Chickens and ducks are limited to 20 per property; all other fowl is limited to five per property.

(D) Violation of this Section is a Class "C" violation.

Penalty, see 90.99

**90.61 CHARGES**

See City of Weston Fee Schedule.

**90.62 ANIMAL CONTROL PERSON**

The Animal Control Person includes any member of Weston Code city staff with authority as assigned by the City Council.

**90.63 ENFORCEMENT AUTHORITY**

The persons and designated representatives of the Code Enforcement are appointed by the City Council and empowered to enforce the provisions of this chapter.

**90.99 PENALTY**

Any person violating any provision of this chapter for which no penalty is prescribed shall be subject to  10.99.

 (Ord. B, passed 1-12-2011) Penalty, see 90.99

 **APPENDIX: LARGE/MEDIUM ANIMAL PERMIT APPLICATION**

 **CITY OF WESTON**

 **LARGE ANIMAL PERMIT APPLICATION**

I/WE ARE APPLYING FOR PERMIT TO RAISE AND MAINTAIN LARGE/MEDIUM ANIMAL(S) WITHIN THE CITY LIMITS OF WESTON, OREGON. THE FEE IS LISTED IN THE CITY FEE SCHEDULE AND IS ENCLOSED WITH THE APPLICATION.

NAME                                                                             DATE

ADDRESS

MAILING ADDRESS                                                        PHONE

LOCATION OF ANIMAL(S): IF NOT KEPT ON ANIMAL(S) OWNERS PROPERTY, YOU MUST PROVIDE A COPY OF THE LANDOWNERS WRITTEN PERMISSION TO KEEP ANIMAL(S) THERE. PROOF OF PROPERTY OWNERSHIP MAY BE REQUIRED.

1. TYPE AND NUMBER OF ANIMAL(S)

2. AMOUNT OF PASTURE AVAILABLE, SQUARE FOOTAGE

3. TYPE/DESCRIPTION AND CONDITION OF FENCE

4. SKETCH OF PROPERTY, WITH ACCURATE MEASUREMENTS. SHOW LOCATION, LAND, FENCES, PENS, BARNS, STABLES, CORRALS, ETC. and DISTANCE FROM ADJOINING PROPERTY. ATTACH 8 x 11 SIZE PAGES.

I/WE HAVE RECEIVED A COPY OF THE CITY OF WESTON ANIMALS REGULATIONS/ORDINANCES AND HAVE READ AND UNDERSTAND THEM. I/WE WILL COMPLY WITH ALL APPLICABLE REGULATIONS/ORDINANCES, RESTRICTIONS AND CONDITIONS. I/WE UNDERSTAND THAT IF I/WE DO NOT CONTINUALLY COMPLY WITH THE REQUIRED RESTRICTIONS AND CONDITIONS, I/WE WILL LOSE THE ANIMAL PERMIT AND OUR RIGHT TO KEEP ANIMAL(S) IN THE CITY OF WESTON.

SIGNATURE                                                 SIGNATURE

\* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \* \*

APPROVED DENIED DATE

SIGNATURE TITLE