



Oregon

Kate Brown, Governor

Department of Land Conservation and Development

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NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

Date: June 16, 2016

Jurisdiction: City of Burns

Local file no.: 16-1

DLCD file no.: 001-16

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 06/14/2016. A copy of the adopted amendment is available for review at the DLCD office in Salem and the local government office.

Notice of the proposed amendment was submitted to DLCD 38 days prior to the first evidentiary hearing.

Appeal Procedures

Eligibility to appeal this amendment is governed by ORS 197.612, ORS 197.620, and ORS 197.830. Under ORS 197.830(9), a notice of intent to appeal a land use decision to LUBA must be filed no later than 21 days after the date the decision sought to be reviewed became final. If you have questions about the date the decision became final, please contact the jurisdiction that adopted the amendment.

A notice of intent to appeal must be served upon the local government and others who received written notice of the final decision from the local government. The notice of intent to appeal must be served and filed in the form and manner prescribed by LUBA, (OAR chapter 661, division 10).

If the amendment is not appealed, it will be deemed acknowledged as set forth in ORS 197.625(1)(a). Please call LUBA at 503-373-1265, if you have questions about appeal procedures.

DLCD Contact

If you have questions about this notice, please contact DLCD's Plan Amendment Specialist at 503-934-0017 or plan.amendments@state.or.us



NOTICE OF ADOPTED CHANGE TO A COMPREHENSIVE PLAN OR LAND USE REGULATION

FOR DLCD USE

File No.: 001-16 {24349}

Received: 6/14/2016

Local governments are required to send notice of an adopted change to a comprehensive plan or land use regulation **no more than 20 days after the adoption.** (See [OAR 660-018-0040](#)). The rules require that the notice include a completed copy of this form. **This notice form is not for submittal of a completed periodic review task or a plan amendment reviewed in the manner of periodic review.** Use [Form 4](#) for an adopted urban growth boundary including over 50 acres by a city with a population greater than 2,500 within the UGB or an urban growth boundary amendment over 100 acres adopted by a metropolitan service district. Use [Form 5](#) for an adopted urban reserve designation, or amendment to add over 50 acres, by a city with a population greater than 2,500 within the UGB. Use [Form 6](#) with submittal of an adopted periodic review task.

Jurisdiction: City of Burns

Local file no.: #16-1

Date of adoption: June 8, 2016

Date sent: June 14, 2016

Was Notice of a Proposed Change (Form 1) submitted to DLCD?

Yes: Date (use the date of last revision if a revised Form 1 was submitted): 3/22/2016

No

Is the adopted change different from what was described in the Notice of Proposed Change? Yes No

If yes, describe how the adoption differs from the proposal:

No

Local contact (name and title): Mindy Clemens - Planning Commission Secretary

Phone: (541) 573-5255

E-mail: mclemens@ci.burns.or.us

Street address: 242 S. Broadway

City: Burns

Zip: 97720

PLEASE COMPLETE ALL OF THE FOLLOWING SECTIONS THAT APPLY

For a change to comprehensive plan text:

Identify the sections of the plan that were added or amended and which statewide planning goals those sections implement, if any:

Verbiage additions and changes to zoning ordinance definitions, Section 3.08 General Commercial Zone, Section 3.09 Light Industrial Zone, Section 3.10 Heavy Industrial Zone, and Section 3.17 Livestock Activities.

For a change to a comprehensive plan map:

Identify the former and new map designations and the area affected:

Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.
Change from	to	acres.	A goal exception was required for this change.

Location of affected property (T, R, Sec., TL and address):

The subject property is entirely within an urban growth boundary

The subject property is partially within an urban growth boundary

If the comprehensive plan map change is a UGB amendment including less than 50 acres and/or by a city with a population less than 2,500 in the urban area, indicate the number of acres of the former rural plan designation, by type, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

If the comprehensive plan map change is an urban reserve amendment including less than 50 acres, or establishment or amendment of an urban reserve by a city with a population less than 2,500 in the urban area, indicate the number of acres, by plan designation, included in the boundary.

Exclusive Farm Use – Acres:	Non-resource – Acres:
Forest – Acres:	Marginal Lands – Acres:
Rural Residential – Acres:	Natural Resource/Coastal/Open Space – Acres:
Rural Commercial or Industrial – Acres:	Other: – Acres:

For a change to the text of an ordinance or code:

Identify the sections of the ordinance or code that were added or amended by title and number:

Section 2.0 Interpretation, add text, Section 3.08 General Commercial (CG) Zone, 2. Uses Permitted Outright, change and add text, 3. Use Permitted Conditionally, remove and change text, 4. Limitations On Uses, add C. text. Section 3.09 Light Industrial (IL) Zone, 3. Uses Permitted Conditionally, add C. text. Section 3.10 Heavy Industrial (IH) Zone, 3. Uses Permitted Conditionally, add C., D., & E. text. Section 3.17 Livestock Activities, remove, add, and change text for entire section.

For a change to a zoning map:

Identify the former and new base zone designations and the area affected:

Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:
Change from	to	Acres:

Identify additions to or removal from an overlay zone designation and the area affected:

Overlay zone designation:	Acres added:	Acres removed:
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Location of affected property (T, R, Sec., TL and address):

List affected state or federal agencies, local governments and special districts: City of Burns

Identify supplemental information that is included because it may be useful to inform DLCD or members of the public of the effect of the actual change that has been submitted with this Notice of Adopted Change, if any. If the submittal, including supplementary materials, exceeds 100 pages, include a summary of the amendment briefly describing its purpose and requirements.

ORDINANCE NO. 16-841

AN ORDINANCE AMENDING CITY OF BURNS ZONING ORDINANCE.

WHEREAS, the City of Burns ("City") adopted the Zoning Ordinance in April of 1997, which has been amended several times since its adoption (as amended, the "Zoning Ordinance");

WHEREAS, pursuant to Section 5.4 of the Zoning Ordinance, the Burns City Council ("City Council") or the City of Burns Planning Commission ("Planning Commission") may initiate a legislative change to the Zoning Ordinance;

WHEREAS, the Planning Commission found that the Zoning Ordinance is in need of revision and initiated a legislative change by proposing several amendments to the City Council;

WHEREAS, City provided the Department of Land Conservation and Development appropriate notice of the proposed amendments;

WHEREAS, the Planning Commission provided appropriate notice and held a public hearing on the proposed amendments on March 1, 2016, but continued their deliberations to the March 17, 2016 meeting;

WHEREAS, the Planning Commission recommended adoption of the proposed amendments at its March 17, 2016 meeting;

WHEREAS, the City Council provided appropriate notice and held a public hearing on the proposed amendments on May 25, 2016; and

WHEREAS, the City Council finds that the proposed amendments are consistent with applicable land use goals, statutes, regulations, comprehensive plans, and ordinances.

NOW, THEREFORE, the City of Burns ordains as follows:

1. Findings. The above-stated findings are hereby adopted.
2. Amendments. The amendments to the Zoning Ordinance depicted on the attached Exhibit A, incorporated herein by reference, are hereby adopted. Those provisions of the Zoning Ordinance unaffected by the amendments shall remain the same. Staff is directed to incorporate the amendments into the Zoning Ordinance and format and renumber as appropriate.
3. Severability; Corrections. All pronouns contained in this Ordinance and any variations thereof will be deemed to refer to the masculine, feminine, or neutral, singular or plural, as the identity of the parties may require. The singular includes the plural and the plural includes the singular. The word "or" is not exclusive. The words "include," "includes," and "including" are not limiting. Any reference to a particular law, statute, rule, regulation, code, or ordinance includes the law, statute, rule, regulation, code, or ordinance as now in force and hereafter amended. If any section, subsection, sentence, clause, and/or portion of this Ordinance is for any reason held invalid, unenforceable, and/or unconstitutional, such invalid, unenforceable, and/or unconstitutional section, subsection, sentence, clause, and/or portion will (a) yield to a construction permitting enforcement to the maximum extent

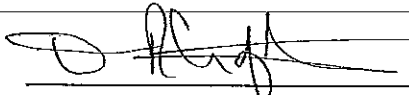
permitted by applicable law; and (b) not affect the validity, enforceability, and/or constitutionality of the remaining portion of this Ordinance. This Ordinance may be corrected by order of the City Council to cure editorial and/or clerical errors. Nothing in this Ordinance affects the validity of any criminal or civil enforcement actions commenced prior to the adoption of this Ordinance; all City ordinances existing at the time that such actions were filed will remain valid and in full force and effect for purposes of those actions.

This Ordinance was PASSED and ADOPTED by the Burns City Council by a vote of 6 for and 0 against and APPROVED by the mayor on this 8th day of June, 2016.



Craig J. LaFollette, Mayor

ATTEST:



Dawn Crafts, City Recorder

Exhibit A
Zoning Ordinance

[attached]

Exhibit A

(Note: underlined/double underlined is new text, ~~strikethrough~~ text are deletions)

Amendment #1

2.0 INTERPRETATION

Words used in a singular include the plural, and words used in the plural include the singular. The word "shall" is mandatory and the word "may" is permissive. The masculine includes the feminine and the neuter. Words used in the present tense include the future, and the future tense includes the present.

For the purposes of this Ordinance, the following words and phrases shall mean:

...

AUTO DETAIL SHOP

A commercial business engaged in one or more of the following activities: shampooing and cleaning of motorized vehicles; repairing or reconditioning of motorized vehicles; minor assembly of motorized vehicle and motorized vehicle parts; pressure washing and buffing.

...

AUTOMOBILE SALVAGE OR WRECKING YARD

A premises used for the storage or sale of used automobile parts, or for the storage, dismantling or abandonment of obsolete automobiles, trailers, trucks, machinery, or parts thereof. Three or more dismantled, obsolete, inoperable motor vehicles or any inoperable machinery or parts thereof on one lot shall constitute a wrecking yard.

...

EQUINE THERAPY

Also known as equine-assisted therapy (EAT), is a treatment that includes equine activities or an equine environment to promote physical, occupational and emotional growth in persons with conditions including, but not limited to, attention deficit hyperactivity disorder (ADHD) anxiety, autism, cerebral palsy, dementia or depression. Equine therapy businesses may also include the following activities: trail riding, animal care, blacksmith shop, leather working shop, and coffee/snack shop.

...

LARGE ANIMALS

Large animals include cattle, sheep, goats, swine, llamas, horses, mules or donkeys and similar animals.

...

LIVESTOCK

Livestock includes large animals and/or poultry/fowl.

MOTORIZED EQUIPMENT MAINTENANCE AND REPAIR ESTABLISHMENT

A commercial business engaged in the construction, repair and reconstruction, of motorized equipment, including small engines, marine equipment, farm equipment, automobiles, trucks and motorcycles that have been damaged by collision or aging; mechanical maintenance and upgrades of all components including powertrains, chassis and bodies; paint and body work; tire and wheel sales and service; and, custom modifications to existing vehicles and construction of new vehicles.

POULTRY/FOWL

Only chickens (excluding roosters), turkeys, ducks and geese.

RECYCLING CENTER

A facility that receives and temporarily stores separated recyclable waste materials including glass, scrap paper, corrugated paper, newspaper, tin cans, aluminum, plastic and oil. Maximum storage for each type of separated recyclable waste shall not exceed six hundred cubic feet. Oil storage shall not exceed six hundred gallons. Preparation of separated materials shall be limited to non-mechanical methods such as baling and glass breaking.

Amendment #2

3.08 GENERAL COMMERCIAL (CG) ZONE

1. Purpose

The General (CG) Commercial zone is intended to preserve and enhance areas within the City dedicated to providing business goods and services to the resident population and the traveler. The intent is to provide compatible standards for the central business district, which is generally oriented to pedestrians, and for the outlying commercial areas that are generally oriented to vehicles.

2. Uses Permitted Outright

In the CG zone, the following uses and their accessory uses are permitted outright:

- A. Business or trade school;

- B. Retail trade establishment such as a food store, drug store, hardware store, furniture store, clothing store, department stores, or similar retail stores;
- C. Business, governmental or professional office and financial institutions;
- D. Service, commercial, and amusement establishment such as hotel, restaurant, tavern, club, lodge, fraternal organization and indoor theaters;
- E. Personal and business service such as barber shop, tailoring shop and printing shop;
- F. Parking lots;
- G. Laundry or dry cleaning shop;
- H. Second-hand goods store; and
- I. Public facilities and services.
- J. Automobile and boat rental and sales;
- K. ~~Automobile repair garage;~~ Motorized equipment maintenance and repair establishments/auto detail shops;
- L. Automobile, truck or vehicles service station;
- M. Retail building materials, lumber supply and hardware sales; and
- N. Motels including one dwelling unit for on-site manager.
- O. Veterinary clinic or animal hospital, including boarding areas for convalescent use.

3. **Use Permitted Conditionally**

- A. Auction house.
- B. ~~Vehicle and machinery repair establishment.~~ C. Monument sales.
- ~~D.~~ C. Trailer or truck rental and sales;
- ~~E.~~ D. Farming or logging materials, implements or machinery sales and service;
- ~~F.~~ E. Outdoor storage of merchandise;

GE. Mobile home sales;

HG. Drive-in theater;

IH. Drive-in restaurant; and

J-I. Residential uses on second floor above an existing commercial uses subject to sub-section 4 below.

KJ. Dwelling units, including mobile homes, and associated improvements, provided that a dwelling unit was an existing use at the time of the adoption of the Reformatted and Revised Zoning Ordinance for the City of Burns, Oregon, on August 27, 1997.

L. K. Schools, including private schools, youth clubs, and associated ~~improvements~~ improvements.

ML. Owner operated cabinet, carpenter, or wood working shop including furniture and similar products with the manufacture and assembly done within an enclosed building, upon the condition that such use shall not create, permit, or continue any loud, disturbing or unreasonable noise.

NM. Recreational vehicle or trailer park, excluding mobile home parks.

O-N. Animal Kennels

O. ~~P.~~ Medical Marijuana Dispensary

4. Limitations On Uses

A. All business, service, repair, processing, storage of merchandise displays in the CG zone shall be conducted wholly within an enclosed building except for the following: off-street parking or loading, drive-in windows, nursery plants, shrubs or trees, tires, or displays of new or used automobiles, trailers, trucks, boats, or other mobile equipment that are displayed by a state licensed dealer.

B. Signs advertising a use or business located in a CG zone shall be maintained in good repair, appearance, and condition. Any sign shall be located on the premises of the use or business which the sign advertises.

C. Residential uses may be located anywhere above the ground floor of a structure. Ground-floor residential uses may not occupy any portion of the storefront, generally identified as the initial portion of the side(s) of a building fronting a street, except that ground-floor entrances or breezeways may be located on a street frontage to

provide access to dwelling units. Ground floor residential uses are also limited to occupying no more than 20% of the area of the ground floor.

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Amendment #3

3.09 LIGHT INDUSTRIAL (IL) ZONE

1. Purpose

To provide sites for limited industrial activity in areas close to other types of land-uses, and to provide standards to help assure compatibility with such uses; and to permit only those industrial uses which should not cause undue negative impacts on surrounding uses.

2. Uses Permitted Outright

In an IL zone the following uses and their accessory uses are permitted outright:

- A. Night watchman dwelling.
- B. Cabinet, carpenter or wood working shop.
- C. Freight depot.
- D. Laboratory for research or testing, but not including the testing of combustion engines.
- E. Laundry, dry cleaning or dyeing establishment.
- F. Lumber Yards.
- G. Manufacture, repair or storage of articles from the following previously prepared materials: bone, cellophane, cloth, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, precious or semi-precious stone or metal, shell, textiles, wax, wire or yarn.
- H. Manufacture, repair or storage of ceramic products, musical instruments, novelties, rubber or metal stamps, toys, optical goods, scientific or precision instruments, medical or dental supplies or equipment, small electronic supplies or equipment, business machines, watches or timing devices, luggage, photographic equipment, or small pleasure boats.

- I. Motor vehicle body shop, tire shop, or similar repair service.
- J. Plumbing, heating, electrical, or paint sales, repairs or storage.
- K. Packaging or storage of food and beverages.
- L. Railroad tracks and related facilities.
- M. Utility lines, station or substation.
- N. Warehousing, including mini-storage.
- O. Welding, sheet metal or machine shop.
- P. Wholesale distribution or outlet, including warehousing and storage.
- Q. Machinery or equipment sales, services or storage.

3. **Uses Permitted Conditionally**

In an IL zone, the following uses and their accessory uses are permitted conditionally:

- A. Temporary dwelling unit.
- B. Dwelling units, including mobile homes, and associated improvements, provided that a dwelling unit was an existing use at the time of the adoption of the Reformatted and Revised Zoning Ordinance for the City of Burns, Oregon, on August 27, 1997.
- C. Recycling center.

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Amendment #4

3.10 HEAVY INDUSTRIAL (IH) ZONE

1. **Purpose**

To provide sites for a wide range of industrial and related uses which may need various types of access, and which, because of the nature of their operation, may or may not be compatible in close proximity to other land-uses; and to permit normal manufacturing and industrial activity subject only to those regulations necessary to control congestion and pollution which may have an adverse affect on the City's livability or conduct of other uses.

2. **Uses Permitted Outright**

In an IH zone the following uses and their accessory uses are permitted outright:

- A. Night watchman dwelling.
- B. Compounding, packaging or storage of cosmetics, drugs, perfumes, pharmaceuticals, soap or toiletries.
- C. Ice or cold storage plant.
- D. Processing, packaging or storage of food or beverages, including processes involving distillation, fermentation, slaughtering or rendering of fats and oils.
- E. Welding, sheet metal, or machine shop.
- F. Cement or asphalt plant.
- G. Metal Foundry.
- H. Manufacture of furniture, automobiles, and other large bulk items.
- I. Saw mills, lumber mills.

3. **Uses Permitted Conditionally**

In an IH zone the following uses and their accessory uses are permitted when authorized in accordance with the requirements of a conditional use:

- A. Temporary dwelling unit.
- B. Dwelling units, including mobile homes, and associated improvements, provided that a dwelling unit was an existing use at the time of the adoption of the Reformatted and Revised Zoning Ordinance for the City of Burns, Oregon, on August 27, 1997.
- C. Recycling center.
- D. Equine therapy.
- E. Automobile salvage or wrecking yard

4. **Limitations on Uses**

In an IH zone the following conditions and limitations shall apply:

- A. A use is prohibited which creates a nuisance because of noise, smoke, odor, dust or gas, or which has been declared a nuisance by statute, by action of the municipal court, or by a court of competent jurisdiction.
- B. Wastes and other materials shall be stored and grounds shall be maintained in a manner that will not attract or aid the propagation of insects or rodents, or otherwise create a health hazard.
- C. There shall be no outside storage of materials, products, or waste unless appropriate security fencing is provided.
- D. Points of access from a public street to properties in an IH zone shall be so located as to minimize traffic congestion and avoid directing traffic onto residential streets.
- E. Building entrances or other openings adjacent to or across the street from a residential (RS, RS/MH, RM) zone shall be prohibited if they cause glare, excessive noise, or otherwise adversely affect land-uses in the residential zone.

Amendment #5

3.17 LIVESTOCK ACTIVITIES

1. PURPOSE

The City of Burns has attempted to accommodate livestock within the corporate city limits since the early 1960s. The City's Comprehensive Plan policies recognize the need to allow livestock within certain areas of the City. However, the Comprehensive Plan does state "..... the City shall consider livestock lands to be urbanizable lands, when demonstrated urban need is shown for such lands." The intent is to allow the keeping of livestock until such time as the land is needed for urban land uses. Over time, the keeping of livestock in the City will be diminished. Therefore, ~~beginning with the adoption of this Ordinance, and specifically implemented~~ on January 1, 1998, a new set of rules will be in place concerning keeping of livestock in the City of Burns. It is the intent of the City that this new process be as fair and equitable to all property owners in the City, including those who currently have livestock, and those who are living next to properties with livestock located there.

2. LIVESTOCK PERMITS REQUIRED CITY WIDE

Henceforth, with the adoption of this Ordinance, A. Beginning on January 1, 1998, livestock permits shall be required for all properties in the City which currently have livestock upon them, during the year 1997 and where such parcels exist in a parcel configuration of 2 1/2 acres or less. This applies to all existing permit holders, regardless of parcel size, in the area known as the Red Line Zone for livestock, and to all lands outside of the Red Line Zone in the City limits. Lands or individual properties, as shown by the Harney County Assessor's Office as one tax lot larger than 2 1/2 acres, shall not require livestock permits, except for existing permit holders. Lands livestock kept on properties 2.5 acres or smaller unless identified by the Comprehensive Plan as unbuildable due to natural hazards shall be exempt from this section of the ordinance.

B. Parcels 2.5 acres or larger, as shown by the Harney County Assessor's Office, shall not require livestock permits.

C. Notwithstanding subsections (A) or (B) above, any property that previously required a livestock permit shall continue to require a livestock permit regardless of parcel size.

D. No new livestock permits shall be issued for large animals except lots or parcels resulting from the subdivision or partitioning of lands not previously subject to livestock permitting. New livestock permits may be issued for poultry/fowl in residential zones and the Open Space (OS) Zone.

E. A livestock permit may allow for up to one livestock unit per .5 acres. A livestock unit shall be one large animal or 5 poultry/fowl. Acreages shall be rounded down for purposes of determining the maximum number of livestock units. For example, a 2.5 acre property with four large animals could have 5 poultry/fowl for a total of 5 livestock units, but a 1.1 acre property with two large animals could not have any poultry/fowl as it already meets the maximum number of livestock units. Properties not subject to livestock permitting are not restricted in the number of livestock units that may be kept of the property.

F. The Council may, by resolution, suspend the provisions of this Section 3.17 during the time of the Harney County Fair and Rodeo.

3. APPLICATION PROCESS

A. For each year, commencing with the year 1998, with respect to each such parcel of land subject to permitting requirements, the owner thereof shall, not later than December 15 of the preceding year, file with the City Manager or designee an application for a permit to keep

~~not more than five animals or livestock, during such year, upon the land described in such application; subject to the following limitations: livestock permit.~~

~~**Large Animals:** One animal per one-half acre with a maximum of five animals for each 2 1/2 acre parcel. Stallions or bulls are not permitted.~~

B. Each such application shall be made upon forms furnished by the City; shall describe with reasonable certainty the lands to which the application refers; shall describe the specie or species of animals or livestock proposed to be kept thereon; shall contain the name or names and addresses of the owners of record of such land; and shall be submitted with an annual permit fee as set forth by City Council Resolution.

~~B.~~ C. Commencing with the year 1997, not later than December 1 of each year, the City Manager or designee shall mail to each holder of any such permit a notice informing such permit holder that said permit shall expire on December 31 of that year, and that the right to keep animals and livestock on the lands covered by said permit shall become void, should application for a permit for the succeeding year not be filed by December 31.

~~C.~~ D. If the City Manager or designee finds the land to which any such application refers is eligible for use in the keeping of such animals or livestock thereon under this section, and that such application meets the requirements of this section, the City Manager or designee shall issue the permit. The property owner for each such permit shall furnish such statements or other evidence as the City Manager or designee may require in determining whether the land to which such application refers is eligible for the keeping of animals or livestock thereon under this section. Any permit issued by the City for the keeping of such animals or livestock upon any such land for the preceding calendar year shall be prima facie evidence of such eligibility.

~~D.~~ E. Each permit issued pursuant to this section shall be issued to and in the name of the property owner; shall describe with reasonable certainty the land to which it is limited; shall be limited to a total of five animals or livestock per 2 1/2 acre parcel, in any combination, at any one time; shall describe the specie or species of animals or livestock to which the permit is limited; shall bear the date of expiration of such permit; and shall be appurtenant to and run with the land therein described, and may not be transferred to another parcel of land.

- ~~E~~F. If a livestock permit application is denied by the City Manager, the owner may appeal the denial to the City Council following the procedure set forth in Sections 6.4 and 6.5 of this ordinance.
- F. With respect to any parcel of land for which a permit has been issued pursuant to this section, failure to apply for a permit covering such land for the year following expiration of the existing permit therefore, shall automatically render such land ineligible for use in keeping of ~~animals or~~ livestock, except for cats and dogs kept as pets permit for large animals.

4. REQUIREMENTS FOR KEEPING LIVESTOCK

- ~~G.~~ No holder of any such permit shall cause, suffer, or permit any animals or livestock on lands covered by such permit to be treated or maintained in violation of any law of the State of Oregon, or of any ordinance of the City, relating to cruelty to animals or livestock. Should any complaint be presented to the Council charging any permit holder with the violation of this subsection, the Council, after having given such permit holder reasonable notice and opportunity to be heard, may cancel or suspend such permit and may, by resolution, declare such land permanently ineligible for use in the keeping of animals or livestock thereon, except for cats and dogs kept as pets. A. No person keeping livestock may treat or maintain the livestock in violation of any federal, state, or local law.
- ~~H.~~ The parcel of land occupied by any livestock shall be enclosed with a four wire or woven wire or board fence constructed and maintained in a workmanlike manner, the posts being not further than 16 feet apart. All gates shall be kept locked when not in use.
- ~~I~~B. The parcel of land occupied by any livestock shall be kept in a reasonably clean condition, as determined by the City Manager, a designee, or any appropriate state official.
- ~~C.~~ Large animals shall be housed within pens, corrals, sheds or wire enclosures. Poultry/fowl shall be housed within pens or coops. If livestock are permitted to move beyond their housing, such area(s) shall be enclosed with four wire, woven wire, or board fencing with the posts being not further than 16 feet apart. Barbed wire is not permitted within the City limits. All enclosures and fencing shall be designed as to prevent livestock from roaming at large and be constructed and maintained in a workmanlike manner. All gates shall be kept locked when not in use.

- ~~JD.~~ Buildings to be used in conjunction with ~~such~~ livestock shall meet the setback requirements as required of residential dwellings applicable setbacks for the zone in which the property is located.
- ~~K.~~ If the owner is found guilty of two violations of this ordinance, the City Council shall terminate the right to keep livestock on the premises and terminate the permit permanently.
- ~~E.~~ Landlords shall ensure that their tenants comply with the terms of this Section 3.17 and shall not allow any violation of this Section 3.17 to persist. Following notice to the landlord at the address of record with the Harney County Assessor's Office, landlords shall be deemed responsible for continuing violations.
- ~~L.~~ The Council may, by resolution, suspend the provisions of this ordinance during the time of the Harney County Fair and Rodeo.
- ~~F.~~ Any livestock kept within the City without the required permits shall be in violation of this ordinance, shall constitute a nuisance, and shall be immediately removed by the owner upon notice from the City. If the animals are not timely removed, the City may remove such animals and assess the costs to the property owner in the manner prescribed for abating nuisances.
- ~~M.~~ Any livestock or animals kept within the City without the required permits shall be in violation of this ordinance and shall immediately be removed upon notice to the affected property owner.
G. Should any complaint be presented to the Council charging any person with violating any provision of this Section 3.17, the Council, after having given such person reasonable notice and opportunity to be heard, may cancel or suspend such permit, may impose fines, and may, by resolution, declare such person permanently ineligible for keeping livestock within the City limits.

Subdivisions and Partitions

5. SUBDIVISIONS AND PARTITIONS

- ~~NA.~~ Any partitions or subdivisions partition or subdivision of lands holding a required livestock permit shall render the livestock permit(s) void upon the filing of the final plat.
- ~~O.~~ ~~Lands or parcels~~ B. Properties larger than 2-1/22.5 acres which that are not required to have livestock permits, may be partitioned or subdivided, ~~and at~~ and, if the resulting lots or parcels are subject to livestock permitting, the owner's request may be issued livestock permits by the City Council upon an affirmative recommendation by the Planning Commission during the partition or subdivision review.

The property owner shall make the request for livestock permits as part of its partition or subdivision application.