



# 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: November 25, 2015

Jurisdiction: City of Irrigon

Local file no.: U13005-2015

DLCD file no.: 005-15

The Department of Land Conservation and Development (DLCD) received the attached notice of adopted amendment to a comprehensive plan or land use regulation on 11/23/2015. 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 36 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](mailto:plan.amendments@state.or.us)



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

**FOR DLCD USE**  
005-15  
File No.: {23873}  
Received: 11/23/2015

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 Irrigon

Local file no.: **U13005-2015**

Date of adoption: 11/17/2015

Date sent: 11/23/2015

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): 6/26/2015

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:

**Yes with minor grammatical edits and items presented by the public at the Hearings**

Local contact (name and title): Aaron Palmquist - City Manager

Phone: 541-922-3047

E-mail: [manager@ci.irrigon.or.us](mailto:manager@ci.irrigon.or.us)

Street address: 500 NE Main

City: Irrigon

Zip: 97844-

## 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:

Addresses long term improvement of high groundwater nitrate levels in the LUBGWMA. Irrigon is within this area Amendment to City's Development Code Title 10-2A-6 Special Use Standards (B) Agricultural Uses; and Article A - Definitions; Title 10 Article I. Miscellaneous Permits Section 10-4I-1;

### 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:

Ordinance 239-15 - Various amendments to improve animal density and groundwater/nitrite issues

**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 Irrigon; Morrow County;

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 239-15 with EXHIBIT 1 through 4

**ORDINANCE NO. 239-15**

**AN ORDINANCE AMENDING THE IRRIGON DEVELOPMENT CODE RELATING TO ANIMAL DENSITIES AND GROUNDWATER PROTECTION IN THE LOWER UMATILLA BASIN GROUNDWATER PROTECTION AREA AND DECLARING AN EMERGENCY**

**WHEREAS**, the City Charter authorizes the City of Irrigon to exercise authority within the city over matters of City concern; and

**WHEREAS**, the City entered into an grant agreement with Infrastructure Finance Authority (IFA), Business Oregon to conduct ways to limit and reduce nitrates to our groundwater; and

**WHEREAS**, the City has attempted to minimize adverse social, economic development, environmental impacts and code enforcement issues associated with the public health, safety, and welfare of Irrigon residents; and

**WHEREAS**, the City plans to amend Sections 10-2A-6 Special Use Standards, 10-4I-1 Temporary Use Permits, and Title 10 Definitions of the City Development Code, and Irrigon Code 5-3-1 Animal Licensing and Control; and

**WHEREAS**, these amendments incorporate lower densities of animals and their proper management will contribute to the protection of our groundwater.

**WHEREAS**, the City published proper public and agency hearing notice as required by City Development Code and State law; and

**WHEREAS**, the City of Irrigon Planning Commission held a public hearing on October 6, 2015; and

**WHEREAS**, the City of Irrigon City Council held public hearings on November 17, 2015; and

**WHEREAS**, based on testimony entered and consideration of the whole record, including the proposed Findings of Fact, the City of Irrigon Planning Commission concluded the proposal was in conformance with Section 10-4A-5, Type IV Procedure (Legislative), of the City of Irrigon Development Code, and forwarded a recommendation of Approval to the City Council; and

**WHEREAS**, based on testimony entered and consideration of the whole record, including the proposed Findings of Fact identified and recommendation by the Planning Commission on October 6, 2015,

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF IRRIGON ORDAINS AS FOLLOWS:**

**Section 1. Title of Ordinance**

This Ordinance shall be known, and may be cited, by the title.

**Section 2. Affected Documents**

The following exhibits, attached hereto and incorporated herein by reference, are hereby adopted as follows:

1. Exhibit [1] amending Title 10, Article A: Definitions of the Irrigon Development Code.
2. Exhibit [2] amending Irrigon Development Code Section 10-2A-6 Special Use Standards (B) Agricultural Uses.
3. Exhibit [3] amending Section 10-4I-1 Temporary Use Permits of the City of Irrigon Development Code.
4. Exhibit [4] amending Title 5 Public Safety, Chapter 3 Animal Licensing and Control 5-3 of the City of Irrigon Code.

**Section 4. Declaration of Emergency.** The City Council declares that an emergency exists in order that no delay in implementing this ordinance.

**Section 5. Effective Date**

This Ordinance shall take effect after adoption.

This ordinance supersedes any prior ordinance adopting.

Passed by the Council this 17th day of November, 2015

Approved by:



\_\_\_\_\_  
Sam Heath, Mayor

Attested to:

  
\_\_\_\_\_  
Aaron Palmquist, City Manager

**City of Irrigon**

**Title 10 Development Code**

**Article A: Definitions**

**AGRICULTURAL USES:** Those activities which utilize property to produce crops or raise non-domestic animals for home, personal or educational use. (Ord. 239-15, 11-17-2015)

**KENNEL:** Any property where seven (7) or more dogs are kept, whether such animals are kept as personal property of the property owner or as a business venture. It is not deemed a kennel when one of the dogs is a female with a litter under the age of six months. (Ord. 239-15, 11-17-2015)

**City of Irrigon**

**Development Code Title 10:**

**10-2A-6B Special Use Standards (B) Agricultural Uses**

B. Agricultural Uses: Agricultural uses are those activities that raise, produce or keep plants or animals. For the purpose of this title, typical household gardens are not included in this definition and are allowed in all zones. All other agricultural uses shall comply with the following standards:

1. Definitions:

A. Enclosure: A small, fenced-in location such as a pen, corral, run, or other non-permanent holding area for an agricultural animal.

B. Pasture: A fenced-in location that is planted in pasture grass or other accepted forage and is irrigated and its purpose is to graze agricultural animals.

C. Sacrifice Area: Small fenced-in areas near a pasture usually used to temporarily keep animals off a pasture while it regrows.

D. Agronomic Rate: The application of fertilizer that provides the amount of plant nutrients such as nitrogen needed by the crop grown on the land while minimizing the amount that passes below the root zone.

2. Regulations for agricultural animal uses:

A. Processing of animal or plant products, including milk, and feed lots are not allowed.

B. Sale of animal or plant products may be allowed only under a Home Based Business or Conditional Use Permit, as applicable.

C. 4-H or FFA animal raising and/or keeping is allowed when permitted as a Temporary Use.

D. Plant nurseries that are oriented to retail sales are not allowed in residential zones.

E. The following rules apply to large and medium sized agricultural animals in residential and rural residential single-family zones.

- a) Enclosure space and pastures will not include driveways or other right of way easements, residential yards, or open space that is not fenced and dedicated as animal enclosure or pasture space.

- b) Enclosures, animal runs, barns, and pens shall be located at least seventy feet (70') from the front property line and at least fifty feet (50') from any adjacent residence.
- c) Number of Animals Allowed: The total number of all large and medium-sized animals allowed in a pasture or enclosure (not including young less than 6 months old) will be allowed as follows:
  - I. Horses or cows on pasture deemed to be “excellent” - Total animals = 2 per acre; ~~on each acre: 1;~~
  - II. Horses or cows on pasture deemed to be “good” or “poor” - Total animals = 1 per acre;
  - III. Sheep, lama, and goats on pasture deemed to be “excellent” - Total animals per acre = 4; ~~on each 1/2 acre: 2;~~
  - IV. Sheep, lama, and goats on pasture deemed to be “good” or “poor” - Total animals = 2 per acre; ~~on each 1/2 acre: 1.~~
  - V. Other domestic farm animals: One miniature horse = one horse; one low-line cow = one cow; one llama = one goat; one swine = one goat. Other domestic animals not specifically mentioned will be determined by the planning official and/or city official.
- d) Sacrifice Areas. The following rules apply to bare-ground sacrifice areas:
  - I. Confining animals for more than 45 days in the sacrifice area can define the area as an animal feeding operation, which is not allowed within the City limits;
  - II. No rain or irrigation water is allowed to run off from a sacrifice area;
  - III. Manure must be managed so that animals are not standing in or on their own waste. Failure to manage manure in sacrifice areas constitutes a nuisance and a health hazard for the animal and for humans.

F. Forage Condition and Pasture Management.

- a) Pastures with excellent forage condition has the following characteristics:
  - I. Forage is at least 6 to 8 inches in height with healthy root systems at least as deep as the forage height;
  - II. Irrigation has been managed to keep plants thriving without allowing for wasteful runoff of irrigation water from the enclosure space area;
  - III. Fertilizers, if utilized, have been applied at appropriate agronomic rates.
- b) Pastures with good or poor forage condition have the following characteristics:
  - I. Good forage is between 3 and 6 inches in height with shorter, less healthy root systems not deeper than the plants' height, there may be evidence of overgrazing.



- II. Poor forage is less than 3 inches or lacking and root system is also less than 3 inches in depth or lacking.
- III. Irrigation may be well managed or patchy;
- IV. No evidence of fertilizer use.

G. Number of Small Animals Allowed: The total number of chickens, fowl and/or rabbits over the age of six (6) months will not exceed one per five hundred (500) square feet of enclosure space.

H. All animals shall be properly penned, caged or housed and kept within the boundary of the owner's property. Proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in rodent proof containers.

I. The total number of bee colonies allowed on a lot shall not exceed one colony per one thousand (1,000) square feet of lot area. Bee colonies will be located at least seventy feet (70') from the front property line and at least fifty feet (50') from any adjacent residence. (Ord. 239-15, 11-17-2015)

## City of Irrigon

### Development Code Title 10

#### Article I. Miscellaneous Permits

##### Section 10-4I-1: Temporary Use Permits:

Temporary uses are characterized by their short term or seasonal nature and by the fact that permanent improvements are not made to the site. Temporary uses include, but are not limited to: construction trailers, leasing offices, temporary carnivals and fairs, parking lot sales, retail warehouse sales, keeping of agricultural animals for 4-H, FFA or educational purposes, and seasonal sales such as Christmas tree sales and vegetable or fruit stands. Five (5) types of temporary uses require permit approval (see subsections A through E of this section):

A. Seasonal And Special Events: These types of uses occur only once in a calendar year and for no longer a period than thirty (30) days (see exception in subsection A2 of this section).

I. Approval, Denial Of Permit: Using the type II procedure under section [10-4A-4](#) of this chapter, the city shall approve, approve with conditions or deny a temporary use permit based on findings that all of the following criteria are satisfied:

a. The use is permitted in the underlying land use district and does not violate any conditions of approval for the property (e.g., prior development permit approval);

b. The applicant has proof of the property owner's permission to place the use on his/her property;

c. No parking will be utilized by customers and employees of the temporary use which is needed by the property owner to meet their minimum parking requirement under [chapter 3, article C](#) of this title;

d. The use provides adequate vision clearance, as required by section [10-3A-2](#) of this title, and shall not obstruct pedestrian access on public streets;

e. Ingress and egress are safe and adequate when combined with the other uses of the property; as required by section [10-3A-2](#) of this title;

f. The use does not create adverse off site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner in which other uses allowed outright in the district do not affect the adjoining use; and

g. The use is adequately served by sewer or septic system and water, if applicable (the applicant shall be responsible for obtaining any related permits).

2. Exception: Seasonal fruit stands are allowed to occur for a period of ninety (90) days once in a calendar year.

B. Temporary Sales Office Or Model Home: Using a type I procedure under section [10-4A-2](#) of this chapter, the city may approve, approve with conditions or deny an application for the use of any real property within the city as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or tract of land within the city, but for no other purpose, based on the following criteria:

1. Temporary Sales Office:

a. The temporary sales office shall be located within the boundaries of the subdivision or tract of land in which the real property is to be sold.

b. The property to be used for a temporary sales office shall not be permanently improved for that purpose.

c. Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.

2. Model House:

a. The model house shall be located within the boundaries of the subdivision or tract of land where the real property to be sold is situated; and

b. The model house shall be designed as a permanent structure that meets all relevant requirements of this title and other applicable codes and permit requirements.

C. Temporary Building, Trailer, Kiosk, Or Structure: Temporary or permanent placement of a building, trailer, kiosk, or structure, including, but not limited to, prefabricated building(s) for use on any real commercial or industrial property within the city, shall require a development permit. Using a type II procedure, as governed by section [10-4A-3](#) of this chapter, the city may approve, approve with conditions or deny an application for a placement of a building, trailer, kiosk, or structure for temporary use, or temporary placement, such as a temporary commercial or industrial use or space associated with the primary use on the property, based on following criteria:

1. The temporary trailer or building shall be located within the specified property line setbacks of the parcel of land on which it is located.

2. The primary use on the property to be used for a temporary trailer is already developed.

3. Ingress and egress are safe and adequate as demonstrated by an approach permit approved by the road authority, as applicable. See also, section [10-3A-2](#) of this title.

4. There is adequate parking for the customers or users of the temporary use as required by [chapter 3, article C](#) of this title.
5. The use will not result in vehicular congestion on streets.
6. The use will pose no impediment or hazard to pedestrians in the area of the use.
7. The use does not create adverse off site impacts including vehicle traffic, noise, odors, vibrations, glare or lights that affect an adjoining use in a manner which other uses allowed outright in the district do not affect the adjoining use.
8. The building complies with applicable building codes.
9. The use can be adequately served by sewer or septic system and water, if applicable. (The applicant shall be responsible for obtaining any related permits.)
10. The length of time that the temporary building will be used does not exceed six (6) months. When a temporary building exceeds this time frame, the applicant shall be required to remove the building, or renew the temporary use permit.
11. Conditions may be imposed regarding temporary utility connections, and as necessary to protect public health, safety, or welfare.

D. Temporary RV (Recreational Vehicle) Residence: Using a type I procedure under section [10-4A-2](#) of this chapter, the city may approve, approve with conditions or deny an application for the use of an RV as a temporary residence on any residential zoned property within the city, based on the following criteria:

1. The RV is parked on site, in an approved parking area (driveway, carport or garage);
2. The primary use on the property is single-family residential;
3. The use will not create adverse impacts including vehicle and pedestrian traffic, noise, odors, glare or lights that affect adjoining properties;
4. The use can adequately be served by sewer and water systems, if applicable; and
5. The length of time that the RV will be used as a residence does not exceed thirty (30) days. If the use exceeds thirty (30) days, the applicant shall be required to discontinue the use or renew the temporary permit. (Ord. 175-07, 6-19-2007)

E. Keeping of Agricultural Animal for 4H, FFA or Educational Purposes: The City may approve, approve with conditions or deny an application for keeping a horse, cow or steer, sheep, goat, swine, or other small agricultural animal such as poultry, fowl or rabbits for educational purposes based on the following criteria:

1. The educational purpose must be documented and involvement maintained for the duration of the permit.
2. All animals, chickens, and fowl will be humanely and properly caged or housed, and proper sanitation shall be maintained at all times. All animal or poultry food shall be stored in rodent proof containers;
3. Animals will reside on the subject property for a defined period of time not more than 250 days;
4. The pen or enclosure must be maintained and manure removed at least weekly;
5. Number of Animals Allowed: As permitted by the Planning Commission but not more than can be humanely and properly accommodated in the space available according to a statement to be provided by a local veterinarian;
6. Space Requirements: The applicant shall meet enclosure space requirements as outlined in this Code under 10-B Animal and Agricultural Uses unless the Planning Commission finds that the above requirements can be met on a temporary basis in a smaller enclosure space. The enclosure space or pen must not be smaller than 10,000 square feet for large animals and 250 square feet for smaller animals;
7. Noncompliance with any one of these criteria will result in permit revocation and the owner must remove the animals from the subject property.
8. When the use is proposed to be in a commercial zone, it shall be a Type II decision. (Ord. 239-15, 11-17-2015)

TITLE 5 PUBLIC SAFETY

CHAPTER 3

ANIMAL LICENSING AND CONTROL

5-3-1: DEFINITIONS: As used in this chapter, the following terms shall have the meanings ascribed to them in this section:

**ABANDONMENT:** Leaving an animal unattended for more than twenty four (24) hours, releasing the animal upon public highways or public or private lands, or failure to provide proper or adequate food, water, exercise, or medical care.

**ANIMAL:** Any mammal, bird, fish, reptile, ferret, snake, turtle, horse, mollusk, crustacean, or any other vertebrate other than a human being.

**CAT:** Any member of the species "Felis catus" over the age of six (6) months or having permanent teeth, whichever comes first.

**CITY:** The City of Irrigon, Morrow County, Oregon, a municipal corporation.

**DANGEROUS ANIMAL:** Any animal, wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition or which, because of its size, vicious nature or other characteristics, would constitute a danger to human life or property; or, any animal which bites or attacks a person or an animal but does not include any of the following:

A. An animal that bites or attacks a person or animal that is trespassing on the property of the animal's owner;

B. An animal that bites or attacks a person or animal that provokes, torments, tortures, or treats an animal cruelly; or

C. An animal that is responding in a manner that an ordinary and reasonable person would conclude was designed to protect a person if that person is engaged in lawful activity or is the subject of an assault or battery, or to protect itself or another animal.

**DOG:** Any animal, either male or female, of the canine species over the age of six (6) months or having permanent teeth, whichever comes first.

**ENFORCEMENT OFFICERS:** The person duly authorized by the City Manager or mayor to care for, seize and confine animals, or any City employee or person or firm designated by the City Council to perform such duties.

**EXOTIC ANIMALS:** Any of the following described animals:

A. All animals, including snakes and spiders, whose bite or venom are poisonous or deadly to humans.

B. Badgers, bears, crocodilians, alligators, constrictor snakes, coyotes, gamecocks and other fighting birds, wolves and wolf hybrids, raccoons, and any member of the cat family other than domestic cats.

**HIS:** A male or female person.

**IMPOUNDMENT FEE:** The charges made for placing an animal in an animal shelter or the City's kennel.

**KENNEL:** Any property where 7 or more dogs are kept, whether such animals are kept as personal property of the property owner or as a business venture. It is not deemed a kennel when one of the dogs is a female with a litter under the age of six months.

**LEASH:** A cord, chain, strap or other flexible material, not over the length of eight feet (8'), of sufficient strength to control the animal.

**NEGLECT:** Failure to comply with the minimum requirements for animal care set forth by City ordinance or as outlined by state law.

**OWNER OR KEEPER:** Any person, firm, association or corporation having a right of property in an animal or who has an animal in his care, or acts as the animal's custodian, or who knowingly permits the animal to remain on or about the person's, firm's, association's or corporation's premises.

**PERSON:** Includes any natural person, association, partnership, organization or corporation.

**PERSONAL PROPERTY:** As used in this chapter, animals are considered to be personal property.

**POUND:** That facility as designated by the City to temporarily confine and house animals that have been seized.

**PROVOKE:** To perform an act or omission that an ordinary and reasonable person would conclude is likely to precipitate the bite or attack by an animal.

**RUNNING AT LARGE:** Any animal shall be considered running at large if it is off or outside the premises or property belonging to the owner or keeper of such animal, or not under control of its owner or keeper by means of a chain or leash, or contained in or on any vehicle.

**THREATENING OR AGGRESSIVE BEHAVIOR:** Threatening or aggressive behavior of an animal includes, but is not limited to: growling, barking, raising of hair, baring of teeth, lunging or other aggressive movements or actions toward people or other animals.

**TORMENT:** An act or omission, including abandonment or neglect, which causes pain, suffering, or distress to an animal, including mental or emotional distress as evidenced by the animal's altered behavior.

**UNLICENSED:** Any dog on public property or not on the property or premises of his owner or keeper and not wearing a current dog license issued by the City. (Ord. 239-15, 11-17-2015)

### 5-3-2: LICENSING REQUIREMENTS, FEES AND TAGS:

#### A. License Required:

1. No dog shall be kept or allowed to remain within the City limits for a period exceeding ten (10) days unless the owner has obtained a license as hereafter provided.
2. Any person desiring to keep a dog within the City limits shall, on or before January 1 each year, or within ten (10) days after bringing a dog within the City, procure a City dog license and pay to the City or designated licensing agent for the license of said dog.
3. Having an implanted microchip would not eliminate the need to obtain a license.

#### B. Fees Imposed; Exemption:

1. Fees will be set by periodic resolution of the City Council. The following information shall also be provided: breed, coloring, sex, name, date of rabies inoculation, and license number.
2. Any dog used primarily as a guide for a blind or deaf person shall be licensed at no cost to the owner providing all other licensing requirements have been met.

**C. Tags:** The person procuring the license will be provided with a license tag of a durable substance, with the name of the City, the year for which the license is valid and the number of the license imprinted into the license material. The dog will be required to wear this license tag on a collar. The license will be valid from January 1 until the following December 31 and shall be renewed annually. (Ord. 239-15, 11-17-2015)

### 5-3-3: INOCULATION:

At the time of the licensing, the owner shall provide proof that the dog has a current inoculation for rabies prior to application of a license. A copy of such proof shall be kept on file at City hall until the expiration thereof. A license will not be issued without proof of inoculation. (Ord. 239-15, 11-17-2015)



5-3-4: ANIMALS RUNNING AT LARGE:

Every person owning, keeping or harboring an animal shall ensure that such animal does not run at large in the City. An animal shall be considered running at large when it is off or outside the premises or property belonging to the owner or keeper of such animal, or not under the control of its owner or keeper by means of a leash or contained in or on any vehicle. Any person owning or keeping an animal, which runs at large within the City, shall be guilty of a violation of this section. (Ord. 217-12, 7-17-2012)

5-3-5: NUISANCE ANIMALS<sup>1</sup>:

A. Nuisance Conditions: Specific Nuisances listed in 4-1-3 or an animal is a public nuisance:

1. Scatters refuse or garbage;
2. Creates noise in a manner that disturbs the peace and quiet of any neighbors;
3. Trespasses on property not owned by or under the control of the owner or keeper of the animal;
4. Damages, destroys or substantially interferes with the property of persons other than the owner or keeper of the animal;
5. While on the property of the owner or keeper and not engaged in the defense of the owner, his property or his immediate family, the animal bites or threatens to bite a person or persons other than the owner or his immediate family;
6. Chases vehicles, persons or other animals;
7. Running at large or is a female in heat;
8. Soils, defiles, or defecates on property causing adverse health, safety, odorous, dangerous or offensive conditions;
9. Is a stray or feral animal which may be ill, disease carrying, or too many at any given location or property. Property owner or tenants will not feed stray, wild or feral animals;
10. Where 3 or more cats exist by the property owner or tenant. Only one litter under the age of six months may take place; or
11. Kept within commercial zones, unless kept and contained on site for business security or disability reasons and conforms within the Irrigon Development Code Title 10.

B. Owner Responsibility: The owner or keeper of an animal shall be guilty of a violation of this section if their animal is a public nuisance. (Ord. 239-15, 11-17-2015)

5-3-6: IMPOUNDMENT AND FEES:

A. Cause For Impoundment: Any owner or keeper of an animal within the City which is unlicensed, a nuisance or is running at large shall be in violation of this chapter and said animal may be impounded by any police officer, code enforcement officer or other designated City employee or any person or firm designated by the City to perform such duties.

B. Notice To Owner; Redemption:

1. Whenever any animal shall be impounded upon the authority of this chapter, the proper City official shall promptly give notice to the owner or keeper of such animal, if such person is known to such City official.

2. No animal shall be released to the owner or keeper unless and until the owner or keeper has produced proof of current inoculation for rabies and procurement of a license. In addition, the owner or keeper of the animal shall pay a fine set by periodic resolution of the City Council for the release of the animal, plus the cost of pound care during impoundment.

3. The City (upon request of owner/tenant) may transport caged or tethered animals and charge the property owner or tenant. Upon request provide cage(s) for resident use to independently trap and transport at requestor's expense. All cages set will note location, date and person(s) requesting or placing such cage(s).

C. Fees:

Impoundment fees will be set by periodic resolution of the Irrigon City Council.

D. Unknown Owner; Posting Notice; Disposition of Animal:

If the owner or keeper does not claim the animal within this period as set by the impounding facility and by paying the fees and costs of impoundment, the animal may be humanely destroyed or may be disposed of to a person paying said costs, plus licensing if required, and agreeing to provide the animal a suitable home. (Ord. 239-15, 11-17-2015)

5-3-7: KILLING CERTAIN ANIMALS:

A. Conditions Under Which Killing Allowed: An animal that is displaying obvious or classic symptoms of being rabid, or is so vicious that it cannot be impounded without risk to human safety or life, or is so seriously injured that warrants its destruction, may be summarily killed by any police officer, code enforcement officer or a person or firm designated by the City to perform such duties.

**B. Vicious Animal:**

1. Declaration; Order Of Destruction: Any animal not engaged in the defense of its owner, the owner's family, or the owner's property, while not on the owner's property, which bites or shows a disposition to bite a person or animal may be declared a vicious animal and may be ordered to be destroyed by order of the municipal court or the appropriate court cited.

2. Statute Considered By Court: In determining whether an animal should be killed, the court shall consider the factors set forth in Oregon Revised Statutes 609.093(1) as it now exists or is hereafter amended. It may be a defense for such action if the animal was being teased or tormented by the person(s) who was bitten.

C. Defense For Killing Certain Animals: It shall be a defense to any action brought by a person against any police officer, code enforcement officer or a person or firm designated by the City for killing an animal, if the animal killed was dangerous to human safety and/or life, or if the designated person or firm had good cause to believe that the said animal was dangerous to human safety or life. (Ord. 239-15, 11-17-2015)

**5-3-8: PENALTIES; OWNERS OF MINOR AGE:**

A. Penalties Imposed: Any person violating subsection [5-3-2](#), section [5-3-4](#) or [5-3-5](#) of this chapter shall be guilty of a violation and shall be set by periodic resolution of The City Council. For purposes of this section, each occurrence of a violation may be considered a separate offense.

B. Owners Of Minor Age: It shall be no defense of any violation of this chapter when the true or registered owner of an animal is of a minor age such as to prevent his appearance to answer to such charge or charges in the municipal or justice courts of the City, and, upon such occurrence, the parent or guardian of such minor owner shall be required to appear in his stead and assume full responsibility for the actions of the minor owner. (Ord. 239-15, 11-17-2015)

**5-3-9: KEEPING DANGEROUS OR EXOTIC ANIMALS:**

A. Dangerous Or Exotic Animals Prohibited: Except as provided in this section, no person shall own, keep or harbor any dangerous or exotic animals in the City.

B. Exceptions: Exceptions to subsection A of this section shall apply to the following situations:

1. Keeping of such animals in a bona fide licensed veterinary facility for treatment;
2. Keeping such animals for use in circus, carnival, zoo or other event for entertainment which is authorized by the City's applicable permitting process ~~by request~~, and in accordance with all applicable laws and ordinances;
3. The owner shall provide that property bond or insurance be posted to indemnify those who may be injured or killed by such animals. The type and amount of such bond or insurance shall

be determined and set by periodic resolution of The City Council, except where otherwise provided by ordinance.

4. Keeping of an animal that has been properly licensed by The City of Irrigon.

C. Dangerous/Exotic Animal License: Subject to this section and any state or federal law in effect at the time of an alleged offense, it shall be lawful for a person to keep or maintain those animals identified as dangerous or exotic if the person keeping or maintaining such animals has been issued and maintained an annual dangerous animal license under the requirements of this section.

D. Licensing Conditions, Requirements: The City may issue a dangerous/exotic animal license for the keeping or maintenance of those animals as defined in this chapter, for a period of one year, and may renew the license for subsequent one year periods if it is found by the enforcement officer, after inspection of the premises where the animals are to be kept that:

1. The animal is at all times kept or maintained in a safe manner and is at all times confined securely so that keeping the animal will not constitute a danger to human life or property;

2. Adequate safeguards are made to prevent unauthorized access to the animal;

3. The health and wellbeing of the animal is not in any way endangered by the manner of keeping or confinement;

4. The keeping of the animal will not harm the surrounding neighborhood or disturb the peace and quiet of the surrounding neighborhood;

5. The quarters in which the animal is kept or confined are adequately lighted and ventilated and are so constructed that the animal can be kept in a clean and sanitary condition;

6. The keeping of the animal will not create or cause offensive odors or in any other way constitute a danger to public health;

7. The animal is muzzled and leashed or securely confined with a cage when off the owner's premises; when on the owner's premises, the animal is kept inside the house and/or securely penned; and

8. The applicant for such a license has proven ability to respond in damages up to and including the amount of one hundred thousand dollars (\$100,000.00) for bodily injury or death to any person or for damage to property owned by any other person, which may result from the keeping or maintenance of such animal. Such proof of ability to respond in damages may be given by filing with the City a certificate of insurance stating that the applicant is, at the time of this application and will be during the period of his license, insured against liability for personal and property damages as described in this section prior to the issuing of the dangerous/exotic animal license, and operative to the time of the license in the amount of one hundred thousand dollars (\$100,000.00). The certificate of insurance shall provide that no cancellation of insurance will be

made unless thirty (30) days' written notice is first given to the City. Should such notice be given to the City, the license shall be immediately canceled.

E. Inspection Of Premises: Prior to the annual renewal of a dangerous animal license, the enforcement officer shall inspect the premises subject to the license to determine if the person to whom it has been issued is continuing to comply with all of the conditions specified in this section. In addition, the enforcement officer shall have the authority to inspect the premises upon receipt of any complaint or in the course of any violation investigation regarding the maintenance of such premises or the animals therein. If the enforcement officer determines, during the inspection, that any of the conditions specified in this section are being violated, the City shall refuse to renew that license or shall revoke the license unless the violation is corrected within a period of time as directed by the enforcement officer, not to exceed thirty (30) days.

F. License Fee: In addition to the requirements of this section, the applicant for a dangerous/exotic animal license shall pay to the City of Irrigon a fee for each animal to be kept or maintained on the premises subject to the license and set by periodic resolution of The City Council.

G. Sale Or Giving Away Restriction: No person shall sell or give away any dangerous or exotic animal to any person residing within the City and not holding a dangerous/exotic animal license issued and maintained under this section.

H. Number Restricted: In no event shall a dangerous/exotic animal license be issued or renewed for the keeping of more than two (2) dangerous or exotic animals total in any single location. (Ord. 239-15, 11-17-2015)

#### 5-3-10: ANIMAL CARE:

A. Every owner or caregiver of an animal shall be required to provide the animal with the minimum standard of care set forth in this section. Any failure to comply with the provisions of this section shall constitute a violation and subject the owner or caregiver of an animal to the penalty provisions of this chapter and shall be deemed to be prima facie evidence of criminal negligence under state law.

B. Every owner or caregiver of an animal shall provide the animal with sufficient good and wholesome food and water, the minimum standards of which are as follows:

1. Sufficient Food: Provisions not exceeding twenty four (24) hours of a quantity of wholesome foodstuff suitable for the animal's specific species and age and which maintains a reasonable level of nutrition.

2. Sufficient Water: Constant access to a supply of clean, fresh potable water provided at intervals not to exceed twenty four (24) hours.

C. Every owner or caregiver of animals shall keep all animals in a clean, sanitary and healthy manner and not confined so as to be forced to stand, sit or lie in their own excrement.

D. Every owner or caregiver of animals shall provide all animals with a shelter that shall be a structure which is ventilated and protected from excessive heat and cold and of sufficient size to permit the animals to exercise and move about freely.

E. The owner or caregiver of a diseased or injured animal shall provide the animal with appropriate veterinary care and shall segregate the diseased animal from other animals to prevent transmittal of disease.

F. No person shall beat, cruelly treat, improperly tether, torment, overload, overwork, or otherwise abuse an animal or cause, instigate, participate in or permit any dogfight, cockfight or other combat between animals or between animals and humans. No person shall provide or use animals as bait or in training for dogfights, cockfights, or other combat between animals or between animals and humans.

G. No person shall expose any known poisonous substance, whether mixed with food or not, so that the poisonous substance may be eaten by any animal, provided that it shall not be unlawful for a person to expose on his or her property common rat poison mixed only with vegetable substances.

H. Animal Waste Matter. It is unlawful for a person owning or keeping a dog or other animal to allow it to deposit solid waste matter on any property other than that of the person owning or keeping the dog/animal. It is a defense to this action if the owner or keeper removes the solid wastes. (Ord. 239-15, 11-17-2015)

#### 5-3-11: SEVERABILITY:

In case any one or more of the sections, subsections, clauses or provisions of this chapter or the application of such sections, clauses or provisions to any situation, circumstance or person, shall for any reason be held unconstitutional or invalid, such unconstitutionality or invalidity shall not affect any other section or provision of this chapter or the application of such sections, subsections, clauses or provisions to any other situation, circumstance or person, and it is intended that this chapter shall be constructed and applied as if such section or provision so held to be unconstitutional or invalid had not been included in this chapter. (Ord. 239-15, 11-17-2015)

#### 5-3-12: PENALTY:

Any person violating any provision of this chapter shall be fined as set by periodic resolution of The City Council. Each occurrence of a violation may be considered a separate offense. Upon conviction individual(s) will be punished to the full extent of the law. (Ord. 239-15, 11-17-2015)