

AN ORDINANCE PERTAINING TO THE REGULATION OF CERTAIN ANIMALS AND BIRDS WITHIN THE CITY OF SWEET HOME

SECTION 1. Sweet Home Municipal Code Chapter 6.04 is amended to read as follows:

ANIMALS AND BIRDS GENERALLY

6.04.010 COMMUNICABLE DISEASES.

No person shall permit any animal or bird owned or controlled by him or her to be at large within the city if the animal or bird is afflicted with a communicable disease.

6.04.020 ANIMALS AND BIRDS.

A. No person shall keep any animal or bird, wild or domesticated, in the city, except as permitted by city ordinance, state law and federal law.

B. Domesticated animals and birds may be kept in the city as allowed by the provisions of this Chapter. A pet is a household animal kept for companionship and a persons enjoyment. Pets may not be allowed to cause a nuisance, as defined by this Chapter. The keeping of domesticated animals and birds does not include the operation of kennels, breeding pens and commercial training schools, except where authorized under the provisions of the zoning title and other city code provisions.

The following are considered to be household pets:

1. Felis Catus (domestic cat).
 2. Canis Familiaris (domestic dog).
 3. A fish kept in a tank.
 4. Any nonpoisonous or nonvenomous reptile, except any crocodilian (includes alligator) that is greater than two feet in length or whose average adult length is greater than two feet, any snake that is greater than six feet or whose average adult length is greater than six feet or any snapping turtle.
 5. A gerbil, hamster, guinea pig, mouse, rat, squirrel, chipmunk or similar rodent-like creature kept in a cage.
 6. Any amphibian less than one foot in length, such as a frog, toad, or salamander.
 7. Ant farm.
 8. Arachnids, including tarantulas.
- C. Nuisance, for this Chapter, is defined to include any animal

or bird covered by this Chapter that does any of the following:

1. Defecates on the property of a person other than the owner.
2. Creates noticeable odors that can be detected off the property where the animal or bird is kept.
3. Makes noises that annoy or disturb the comfort, repose or peace of another person.
4. Damages the property of a person other than the owner.

Any owner or keeper of an animal or bird including a person who provides care and/or food for the animal or bird, whose animal or bird violates this Chapter shall be in violation of this Chapter.

D. Where a person wishes to keep animals or birds other than a pet they may do so, providing the criteria are met for the animal or bird designated in the following subsections.

E. Horse(s), including Donkey(s) and Mule(s) and miniature Horse(s):

1. There must be one acre exclusively set aside for each horse; and
2. The overall location at which the horse(s) are residing have at minimum one and one-half acres; and
3. There must be an enclosed shelter/feeding area for the horse(s); and
4. There must be adequate fencing to contain the horse(s).

F. Cow(s) and miniature Cow(s):

1. There must be one-half acre exclusively set aside for each cow; and
2. The overall location at which the cow(s) are residing have at minimum one and one-half acre; and
3. There must be an enclosed shelter/feeding area for the cow(s); and
4. There must be adequate fencing to contain the cow(s).

G. Goat(s) and Sheep:

1. There must be one-quarter of an acre exclusively set aside for each goat or sheep; and
2. The overall location at which the goat(s) or sheep are

3. residing have at minimum three-quarters of an acre; and
3. There must be an enclosed shelter/feeding area for all goat(s) and sheep; and
4. There must be adequate fencing or controls to contain the goat(s) and sheep.

H. Miniature Goat(s) and Sheep:

1. Miniature goats and sheep must have an area of at least 500 square feet exclusively set aside for each goat or sheep; and
2. The overall location at which the miniature goat(s) or sheep are residing has at minimum 8,000 square feet; and
3. There must be an enclosed shelter/feeding area for all goat(s) and sheep; and
4. There must be adequate fencing or controls to contain the goat(s) and sheep.

I. Pig(s) including miniature Pig(s) and Pot Bellied Pig(s).

1. There must be one acre exclusively set aside for each pig; and
2. The overall locations at which the pig(s) are residing has at minimum one and one-half of an acre; and
3. There must be an enclosed shelter/feeding area for the pig(s); and
4. There must be a wallow; and
5. There must be adequate fencing or controls to contain the pig(s).

J. Rabbit(s):

1. Rabbit(s) shall only be kept upon property occupied by a detached single family dwelling or a duplex.
2. Property Size:
 - a. On properties over one-half acre (21,780 square feet), there shall be no more than 24 rabbits.
 - b. On properties between one-quarter acre (10,890 square feet) and one-half an acre there shall be no more than 6 rabbits.
 - c. On properties less than one-quarter acre there

- shall not be more than 3 rabbits.
3. There must be an enclosed shelter/feeding area for the rabbit(s).
 4. There must be adequate fencing to contain the rabbit(s).

K. Chicken(s), Duck(s) and Geese:

1. Chicken(s), duck(s) and geese shall only be kept upon property occupied by a detached single family dwelling or a duplex.
2. Property Size:
 - a. On properties over one-half acre (21,780 square feet), there shall be no more than 24 chickens, ducks or geese.
 - b. On properties between one-quarter acre (10,890 square feet) and one-half an acre there shall be no more than 12 chickens or ducks.
 - c. On properties less than one-quarter acre there shall not be more than 6 chickens.
3. The keeping of roosters is prohibited within the City Limits of Sweet Home.
4. Chickens raised on properties under one-half acre shall be kept for personal, non-commercial use only. No person shall sell eggs or engage in fertilizer production for commercial purposes.
5. There shall be a fully enclosed coop and adequate fencing to contain the chicken(s), duck(s) or geese.
6. Chicken(s), duck(s) or geese and their coop(s) and fenced area(s) shall be located in a side or rear yard on properties less than one-half acre. On properties over one-half acre coop(s) and fenced area(s) may be located in a front yard if such areas are at least 20' from front property line.
7. A coop over 200 square feet or 10 feet in height must meet the standards for an accessory structure in SHMC Title 17, and may require a Building Permit.
8. A coop and fenced area must be kept clean, free of noticeable odors and in good repair.
9. A coop shall be set back a minimum of 10 feet from property lines, unless a greater set back is required.

L. Honey Bees:

1. There must be one-quarter of an acre that is exclusively set aside for each hive of bees; and
2. The overall location at which the bees are residing has at minimum one-half of an acre; and
3. Hives must be kept at least 50 feet from property lines and not opened towards neighboring properties.

6.04.030 REMOVAL OF ANIMAL OR BIRD CARCASSES.

No person shall permit any animal or bird carcass owned by him or her or under his or her control to remain upon the public streets or places for a period of time longer than is reasonably necessary to remove the carcass, and no person who is the owner of or has control over any animal carcass shall permit the carcass to remain on any private property for a period of time longer than is reasonably necessary to dispose of the carcass, but in no case longer than 24 hours.

6.04.040 PLACING POISON FOR ANIMALS OR BIRDS.

No person shall put out or place any poison where it is liable to be eaten by any domestic animal or bird.

6.04.060. PENALTIES.

Violation of this Chapter constitutes a violation and may be prosecuted under the provisions of Sweet Home Municipal Code Chapter 9.36 and any amendments thereto. Each days violation of a provision of this Chapter shall constitute a separate offense. Any nuisance under this Chapter may be abated by following the procedures set forth in Sweet Home Municipal Code Chapter 8.04 - Abatement Procedure.

6.04.070. MORATORIUM.

For animals and birds covered by this Chapter that are kept within the City on or before November 25, 2011, the new area requirement provisions of this Chapter do not apply for a period of six (6) months.

SECTION 2. Sweet Home Municipal Code Section 6.12.020(6) is hereby amended to remove lizard from the exotic, wild or dangerous animal category and Subsection 6 is amended to read as follows:

6. Any poisonous or venomous reptile, any crocodilian (includes alligator) that is greater than two feet in length or whose average adult length is greater than two feet, any snake that is greater than six feet or whose average adult length is greater than six feet or any snapping turtle.

SECTION 3. Sweet Home Municipal Code Section 6.12.020(13) is hereby amended to remove arachnid from the exotic, wild or dangerous animal category and Subsection 13 is amended to read as follows:

13. Any poisonous or venomous insect.

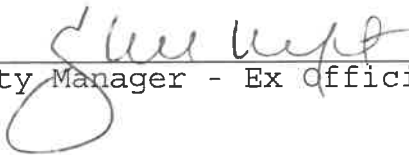
SECTION 5. This Ordinance amends Sweet Home Ordinances 886, 955, 975 and 1203 to make them hereby in conformity herewith.

PASSED by the Council and approved by the Mayor this 25th day of October, 2011.



Mayor

ATTEST:



City Manager - Ex Officio City Recorder