

ORDINANCE NO. 422
CITY OF ARLINGTON, OREGON

**AN ORDINANCE AMENDING THE CITY'S ANIMAL CONTROL CODE AS
CODIFIED IN THE ARLINGTON CITY CODE, TITLE 5, CHAPTER 3, TO UPDATE
THE CODE REGARDING POSSESSION OF CERTAIN ANIMALS.**

WHEREAS, the Arlington City Council deems it necessary to amend certain sections of the Arlington City Code pertaining to animals and the keeping of chickens in the City of Arlington; and

WHEREAS, the provisions for keeping animals in the Arlington City Code are outdated and the Council desires amendment.

NOW, THEREFORE, the City of Arlington, Oregon ordains as follows:

Section 1. Section 5-3-2 of the Arlington City Code is amended to read as follows:

**5-3-2: POSSESSION OF ANIMALS AND DOMESTIC POULTRY/FOWL;
APPLICATION AND CITY APPROVAL REQUIRED:**

- A. No person shall keep any animal within the city, except when animals are being transported for commercial purposes, without first obtaining approval from the city council. A written application shall be submitted to the city and the city will determine if the animal can be kept in a manner that is in compliance with city code; in a manner that will not be detrimental to the public health, safety, or welfare; and in a manner that will not create a public nuisance.
- B. As used in this chapter, the term "domestic poultry/fowl" means a domestic egg laying chicken.
- C. Domestic poultry/fowl may be kept or maintained in the City of Arlington only if kept or maintained under strict compliance with the following criteria:
 - 1. The keeping or maintaining of domestic poultry/fowl is limited to the personal use of the owner of the property on which the poultry/fowl is located;
 - 2. The domestic poultry/fowl do not pose a threat to public health, safety, or welfare;
 - 3. The domestic poultry/fowl are not for commercial use;
 - 4. No more than four (4) domestic poultry/fowl are located on any premises;

5. All domestic poultry/fowl are kept or maintained in an enclosed coop or pen at all times;
6. All coops, pens, or cages are not visible from any public street or road; and
7. A permit has been obtained from the City allowing the domestic poultry/fowl on the premises.

D. Roosters Prohibited: Roosters shall not be kept or maintained on any property in the city.

E. Permits for domestic poultry/fowl:

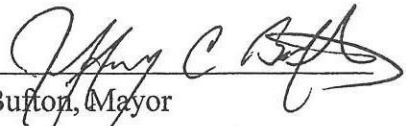
1. The city may provide a permit request form and require an annual application fee as set by resolution of the council.
2. Permits may be revoked if the city code enforcement officer, county sheriff, or other person with authority finds that:
 - a. The premises are not sanitary, adequately enclosed, or reasonably open to inspection;
 - b. Fifty percent (50%) or more of the permit holder's abutting neighbors object in writing to the permit holder's keeping of domestic poultry/fowl; or
 - c. The domestic poultry/fowl present an unreasonable risk of danger to other persons or property.
3. Any permit holder whose permit is revoked shall have ten (10) days to relocate or otherwise dispose of the domestic poultry/fowl. Notwithstanding the above, if the code enforcement officer, sheriff, or other person with authority finds that the domestic poultry/fowl are an unreasonable threat to the health, safety, or welfare of the public, the revocation may require that the domestic poultry/fowl be removed from the permit holder's property immediately.

F. Penalty:


1. Violation of any provisions of this Section shall be punishable by a fine not to exceed \$500.00, plus costs and expenses incurred in enforcement.
2. Separate Violations: Each day's violation of a provision of this Section shall constitute a separate offense.
3. Abatement Additional Remedy: Violation of this Section shall be considered a nuisance. Abatement of a nuisance as herein provided shall not constitute a penalty for a violation of this Section, but shall be in addition to any penalty imposed for a violation of this Section. (Ord. 211, 5-27-1959; amd. 1995 Code).

Section 2. Emergency Declared: This ordinance being necessary for the health, safety, and welfare of the community, shall become effective immediately upon adoption.

ADOPTED by the Arlington City Council this 5 day of October, 2016.



Jeff Bufton, Mayor

ATTEST:


Pam Rosenbalm, City Recorder