

TITLE 6 ANIMALS**CHAPTER 6.04 ANIMALS AND BIRDS GENERALLY****CHAPTER 6.08 DOGS****CHAPTER 6.12 WILD, EXOTIC OR DANGEROUS ANIMALS****CHAPTER 6.04 ANIMALS AND BIRDS GENERALLY****6.04.010 COMMUNICABLE DISEASES****6.04.020 ANIMALS AND BIRDS****6.04.030 REMOVAL OF ANIMAL OR BIRD CARCASSES****6.04.040 PLACING POISON FOR ANIMALS OR BIRDS****6.04.060 PENALTIES****6.04.070 MORATORIUM****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.

(Ord. 1224, § 1, 2011; Ord. 955, 1986)

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.

1. 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 person's 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.
2. The following are considered to be household pets:
 - a. Felis Catus (domestic cat).
 - b. Canis Familiaris (domestic dog).
 - c. A fish kept in a tank.
 - d. 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.
 - e. A gerbil, hamster, guinea pig, mouse, rat, squirrel, chipmunk or similar rodent-like creature kept in a cage.
 - f. Any amphibian less than one foot in length, such as a frog, toad, or salamander.
 - g. Ant farm.
 - h. Arachnids, including tarantulas.

C.

1. Nuisance, for this chapter, is defined to include any animal or bird covered by this chapter that does any of the following:
 - a. Defecates on the property of a person other than the owner.
 - b. Creates noticeable odors that can be detected off the property where the animal or bird is kept.
 - c. Makes noises that annoy or disturb the comfort, repose or peace of another person.
 - d. Damages the property of a person other than the owner.
 2. 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 miniatures thereof:
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 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 six rabbits.
 - c. On properties less than one-quarter acre there shall not be more than three 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 six 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 feet from front property line.

7. A coop over 200 square feet or ten feet in height must meet the standards for an accessory structure in Sweet Home Municipal Code 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 ten feet from property lines, unless a greater set back is required.

L. Honey bees:

1. A maximum of five (5) hives may be kept per property or lot; and
2. Anyone keeping five hives must register their hives with the Oregon Department of Agriculture; and
3. Hives must be kept in a side or rear yard at least 10 feet from property lines, unless a fence, wall, or dense vegetation at least six feet in height and extending at least ten feet beyond the hive(s) in each direction separates them from neighboring properties.
4. Bees must have access to a constant source of water within 15 feet of each hive at all times during the months of March through October.
5. Hives must be well maintained so as not to create a nuisance.
6. Any resident or property owner keeping bees on their property must notify all neighbors within 50 feet of the hive(s).

(Ord. 1224, § 1, 2011; Ord. 1203, § 19, 2008; Ord. 955, 1986; Ord. 1282, § 9, 2020)

HISTORY

Amended by Ord. [1300](#) on 12/14/2021

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.

(Ord. 1224, § 1, 2011; Ord. 955, 1986)

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.

(Ord. 1224, § 1, 2011; Ord. 1203, § 20, 2008; Ord. 886, 1983)

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 day's 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.

(Ord. 1224, § 1, 2011; Ord. 1203, § 22, 2008)

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 months.

(Ord. 1224, § 1, 2011).

CHAPTER 6.08 DOGS

6.08.010 GENERALLY

6.08.020 LICENSE REQUIRED

6.08.030 RUNNING AT LARGE PROHIBITED

6.08.040 NUISANCES--ALLOWING PROHIBITED

6.08.050 NUISANCES--CONDITIONS CONSTITUTING DESIGNATED

6.08.060 WASTE MATTER DEPOSIT AND REMOVAL

6.08.070 IMPOUNDMENT OF DOG

6.08.080 IMPOUNDMENT--CUSTODY AND DISPOSAL

6.08.090 KILLING OF DOG PERMITTED

6.08.100 ABATEMENT

6.08.110 VIOLATION--PENALTY

6.08.010 GENERALLY

- A. No kennel for dogs shall be located in the city. The city dog shelter facility shall not fall under the purview of this section. A kennel is any premises, except a veterinary clinic or pet store, on which four or more dogs more than four months of age are kept.
- B. It is unlawful for the owner of any dog to own, keep or operate a kennel inside the city limits of the city.
- C. **OWNER** means any person or legal entity having a possessory property right in a dog or who harbors, cares for or exercises control over a dog or knowingly permits any dog to remain on premises occupied by that person.
- D. **RUNNING AT LARGE** means off the premises of the owner while the dog is not under complete control of the owner by a leash not exceeding eight feet in length, but the use of such leash shall not be required when said dog is in a vehicle. However, a dog off a leash in obedience, retrieving or field training under the direct supervision of the handler in designated off leash areas in public parks, shall not be considered to be at large.

(Ord. 1260, 2017; Ord. 1033, 1991)

6.08.020 LICENSE REQUIRED

No person shall own a dog that is not licensed in accordance with the provisions of O.R.S. 609.100 and Linn County Dog Licensing Code LLC 560.200 to 560.299.

(Ord. 1260, 2017)

6.08.030 RUNNING AT LARGE PROHIBITED

No owner of a dog shall allow the dog to run at large.

(Ord. 1260, 2017)

6.08.040 NUISANCES--ALLOWING PROHIBITED

No owner of a dog shall allow the dog to be a public nuisance.

(Ord. 1260, 2017)

6.08.050 NUISANCES--CONDITIONS CONSTITUTING DESIGNATED

A. A dog shall be considered a public nuisance under the meaning of this chapter in the following instances:

1. Any dog, that when unprovoked, bites any person or animal, or shows a propensity to do so;
2. Any dog which chases vehicles or, when off the premises of the owner, chases any person or persons;
3. Any dog which damages or destroys property of persons other than the owner of the dog;
4. Any dog which scatters garbage other than that of its owner;
5. Any dog which trespasses on private property, other than its owner's property;
6. Any dog which barks cumulatively for more than 20 minutes during any one-hour period when such barking is audible off the premises of the dog's owner;
7. Any dog which is a female in heat and running at large; or
8. Any dog which habitually escapes from confinement and trespasses on public or private property. Trespass of more than two occasions shall be considered "habitual" under the meaning of this section.

B. The Municipal Court, by written notice, can order the owner of a dog to remove that dog from the city permanently if, upon written complaint made to the Court, the Court finds that the dog is a public nuisance, as herein defined, and that the dog's owner knew or should have known that the dog created the nuisance and permitted that nuisance to continue or to be repeated. The notice shall state the cause for its issuance, order the owner of the dog to immediately confine the dog and, within five days, to remove the dog from the city permanently. The notice shall be sent by certified mail to the owner of the dog and/or shall be posted prominently upon the property on which the dog is kept. After delivery and/or posting of the notice, it is unlawful not to immediately confine the dog or within five days to permit it to be kept anywhere within the city. If an owner does not remove the dog as ordered by the Court, the Municipal Court Judge may have the dog removed from the city at the owner's expense.

C. The Municipal Court Judge can place reasonable restriction on a dog including sterilization, declare a dog a dangerous dog, or order a dog killed by following the procedures in O.R.S. Chapter 609. In addition to any other authority given by law any costs to the city associated with the orders of the court are liens on real property of the owner and a personal obligation of the owner to pay as set forth in § 6.08.100.

D. The Municipal Court Judge can order a dog rehomed within the city.

(Ord. 1260, 2017)

6.08.060 WASTE MATTER DEPOSIT AND REMOVAL

It is unlawful for a dog owner to allow the dog to deposit solid waste matter on any property other than that of the dog owner or where the owner of the dog has permission. It shall be a defense to this section if the dog owner immediately removes the solid waste. (See § 6.04.020 and § 8.04.020 dealing with odors).

(Ord. 1260, 2017)

6.08.070 IMPOUNDMENT OF DOG

When any dog is found running at large, or when a dog is a public nuisance, any police officer, city code enforcement officer, or private citizen may impound it.

(Ord. 1260, 2017)

6.08.080 IMPOUNDMENT--CUSTODY AND DISPOSAL

All dogs taken up and impounded under this chapter may be held and disposed of as provided in O.R.S. 609.090 or LLC 560.430.

(Ord. 1260, 2017)

6.08.090 KILLING OF DOG PERMITTED

- A. A dog may be summarily killed by any person if the dog constitutes an imminent threat to human life.
- B. A police officer may kill a dog when it has been injured and no owner can be determined.

(Ord. 1260, 2017)

6.08.100 ABATEMENT

Abatement of violations of this chapter can be accomplished by any remedy open to the city, including using the procedures for abatement of nuisances set out in §§ 8.04.210 through 8.04.260 for an owner without having to comply with § 8.04.200. If abatement is performed by the city, the cost thereof shall become a lien on the real property of the owner and the personal obligation of the owner as set out in the procedures followed for abatement.

(Ord. 1260, 2017; Ord. 1033, 1991)

6.08.110 VIOLATION--PENALTY

- A. Violation of this chapter constitutes a violation and may be prosecuted under the provisions of Chapter 9.36 as now enacted or hereafter amended. Each day's violation is considered a separate offense.
- B. In addition to any fine ordered by the Court, if an owner is convicted of owning, keeping or operating a kennel, the Court may order that the dogs be taken up so that this chapter is complied with and the dogs disposed of as the Court directs.
- C. Any peace officer or city code enforcement officer has authority to enforce the provisions of this chapter.

(Ord. 1260, 2017; Ord. 1237, § 1 (part), 2013; Ord. 1033, §§ 3, 4, 1991)

CHAPTER 6.12 WILD, EXOTIC OR DANGEROUS ANIMALS

[6.12.010 DEFINITIONS](#)[6.12.020 EXOTIC, WILD OR DANGEROUS ANIMALS](#)[6.12.030 OFFENSE AND NUISANCE](#)[6.12.040 CERTAIN ANIMALS EXEMPT](#)[6.12.050 EXCEPTIONS TO PROVISIONS](#)[6.12.060 ABATEMENT OF EXOTIC, WILD OR DANGEROUS ANIMAL NUISANCE](#)[6.12.070 ENFORCEMENT](#)[6.12.080 INTERFERENCE WITH OFFICERS](#)[6.12.090 VIOLATION--PENALTY](#)**6.12.010 DEFINITIONS**

As used in this chapter, except where context otherwise requires:

CUSTODIAN. Any person who is not an owner of an animal, but who has custody of, harbors (providing either shelter or food or both) or exercises effective control over the animal.

EXOTIC, WILD OR DANGEROUS ANIMAL. The meaning given in § 6.12.020.

OWNER. Any person who exercises possessory rights over any animal.

(Ord. 975, 1988)

6.12.020 EXOTIC, WILD OR DANGEROUS ANIMALS

A. Definition.

EXOTIC, WILD OR DANGEROUS ANIMALS. Any animal which, because of its size, vicious nature, poisonous bite or sting or other characteristic, would constitute a danger to human safety or property.

B. Description. Exotic, wild or dangerous animal includes, but is not limited to:

1. Any cat other than of the species *Felis Catus* (domestic cat);
2. Any nonhuman primate;
3. Any wolf, coyote or other canine not of the species *Canis Familiaris* (domestic dog);
4. Any shark, dogfish or similar carnivorous fish;
5. Any piranha fish;
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;
7. Any bat;
8. Any skunk, weasel, badger, fox, mammals of the raccoon family or wolverine;
9. Any boar or wild pig;
10. Any bear;
11. Any kangaroo;
12. Any eagle, hawk, buzzard or similar predatory bird; and/or
13. Any poisonous or venomous insect.

(Ord. 1224, §§ 2, 3, 2012; Ord. 975, 1988)

6.12.030 OFFENSE AND NUISANCE

Except as provided in this chapter, it is unlawful for any person to keep or maintain one or more exotic, wild or dangerous animal within the corporate limits of the city. It is further declared that the keeping or maintenance of such an exotic, wild or dangerous animal is a public nuisance and the nuisance shall be dealt with as set forth in this chapter.

(Ord. 975, 1988)

6.12.040 CERTAIN ANIMALS EXEMPT

Notwithstanding the provisions of § 6.12.030, but subject to any other applicable sections of this chapter and any applicable federal or state law in effect at the time of an alleged offense, if an animal is not identified as an exotic, wild or dangerous animal in § 6.12.020B., then a person may lawfully keep or maintain the animal, subject to the provisions of any other applicable city ordinance if the animal is:

- A. Of the species *Felis Catus* (domestic cat);
- B. Of the species *Canis Familiaris* (domestic dog);
- C. A fish kept in a tank;
- D. Any nonpoisonous reptile;
- E. A gerbil, hamster, guinea pig, mouse, rat, squirrel, chipmunk or similar rodent-like creature kept in a cage;
- F. Any amphibian less than one foot in length, such as a frog, toad, salamander or chameleon;
- G. Any livestock;
- H. Any rabbit kept in a cage or hutch;
- I. Any bees kept in a collection of hives or colonies; and/or
- J. Ant farm.

(Ord. 975, 1988)

6.12.050 EXCEPTIONS TO PROVISIONS

- A. The provisions of §§ 6.12.030 and 6.12.040 shall not apply to the keeping of exotic, wild or dangerous animals in the following cases:
 - 1. The keeping of the animals in zoos, bona fide educational or medical institutions, museums or any other place where they are kept as live specimens for the public to view or for the purposes of instruction or study;
 - 2. The keeping of such animals for exhibition to the public of the animals by a circus, carnival or other exhibit or show;
 - 3. The keeping of the animals in a bona fide, licensed veterinary hospital for treatment; and
 - 4. The keeping of a nonhuman primate that is less than 20 pounds or whose average adult weight is less than 20 pounds and is used and kept as a bonafide medical “assistant” to a disabled person, with prior approval of the City Manager who shall consider the

request after finding that the animal is a bona fide medical “assistant”, can be housed in a safe and proper manner, and will not be a danger to the public. The approval and conditions shall be reviewed at least once a year.

- B. The institution or persons keeping or maintaining exotic, wild or dangerous animals in conformity with subsection A. of this section shall nevertheless comply with all federal and state regulations regarding the maintenance.

(Ord. 975, 1988)

6.12.060 ABATEMENT OF EXOTIC, WILD OR DANGEROUS ANIMAL NUISANCE

- A. Upon receiving information that an exotic, wild or dangerous animal is being kept within the city in violation of the provisions of this chapter, the Chief of Police, any police or animal control officer, the City Attorney, or Assistant City Attorney, may file with the Municipal Judge a petition supported by affidavit setting forth such information, requesting a warrant to impound the animal. If he or she is satisfied that there is probable cause to believe that the nuisance exists, the Municipal Judge may issue a warrant directing the Chief of Police or any police or animal control officer to impound the animal pending further order of the Court as provided in this section.
- B. The person executing a warrant issued pursuant to subsection A. of this section shall have all powers of a police officer in executing a search warrant pursuant to O.R.S. Chapter 133; provided, however, that, if forcible entry into a building or vehicle is necessary because of a refusal of the person in possession thereof to consent to entry, or because of the inability of the person or persons attempting to execute the warrant to contact anyone having authority to consent to the entry after at least three attempts more than five hours apart, a regular police officer shall execute the warrant. In the event a police officer, with or without an impoundment warrant, reasonably believes that delay to contact a person having authority to permit entry into a building or vehicle will endanger the safety of the public or any person because of the inherently dangerous character of the particular animal and the reasonable potential for the harm, or because it may be infected with rabies and has bitten or scratched a person, he or she may forcibly enter the building or vehicle for the purpose of impounding the animal.
- C. Upon impounding an animal pursuant to this section, the city shall give notice of the impoundment by personal service or by mail to the owner or custodian of the animal, if known, or otherwise to the record owner of the building, vehicle or other premises from which the animal was taken. If the animal was found running at large and the identity of the owner or custodian is unknown and cannot be found, the animal shall be disposed of by order of the Municipal Court. In the event the identity of the owner or custodian becomes known prior to disposition of the animal, the City Attorney shall cause notice thereof to be given to the Municipal Court and the Court shall proceed as provided in subsection D. of this section. Notice of impoundment pursuant to this section shall specify the animal's description, the time and place of impoundment and the rights of the owner or custodian as provided in subsection D. of this section. Proof of the service shall be filed with the Municipal Judge within 24 hours (Saturday, Sundays and city holidays excepted) of the impoundment.
- D. Within two weeks of filing proof of the service, the Municipal Judge shall convene a hearing to determine disposition of the animal, unless the owner shall have filed with the Court a written waiver of interest in the animal. In the latter case, the Judge shall order the animal disposed of; otherwise, the Court shall cause notice of the time and place of hearing to be served personally or by mail upon the owner, if known, or upon the person to whom notice of impoundment was given.

- E. Upon a determination that the impounded animal is a wild, exotic or dangerous animal kept in violation of this chapter, the Court may order disposition of the animal, including destruction of the animal or permanent removal of the animal from the corporate limits of the city; provided, however, that, if the owner or custodian was charged with a violation of this chapter, and the trial on the violation was not consolidated with the hearing provided for in this section, the Municipal Judge shall not order final disposition of the animal, but may order the animal kept in impound pending a judgment on that violation.
- F. The Court may, as part of any order, provide for the reimbursement of any costs and expenses incurred by the city in the process of abating the nuisance and the impoundment of the animal.
- G. Nothing in this section shall be deemed to affect, limit or impair the authority or duty of any public officer or other person pursuant to O.R.S. 433.340 to 433.390 or rules promulgated thereunder.

(Ord. 1240, § 13, 2015; Ord. 975, 1988)

6.12.070 ENFORCEMENT

- A. Upon a conviction of an owner or custodian for violation of the provisions of this chapter, the Municipal Judge may, in addition to imposing a fine for the violation and assessing costs for an abatement and impoundment, if any, order the disposition of the animal as he or she deems just and equitable. This order may require abatement of the nuisance and destruction of the animal or permanent removal of the animal from the corporate limits of the city.
- B. Failure to comply with the terms of any order of the Court shall be deemed contempt of Court, and upon the failure the Court may, in addition to penalizing the contempt, modify its order to require more effective abatement of the nuisance.

(Ord. 1240, § 14, 2015; Ord. 975, 1988)

6.12.080 INTERFERENCE WITH OFFICERS

It is unlawful for any person to, in any way, resist, hinder, delay, impede or otherwise interfere with, molest or harm any city employee in the prosecution of his or her duties or exercise of his or her authority under the terms of this chapter. Any person so interfering shall be prosecuted under applicable criminal laws as they apply to the situation.

(Ord. 975, 1988)

6.12.090 VIOLATION--PENALTY

- A. Violation of any provision of this chapter constitutes a violation and may be prosecuted under the provisions of Chapter 9.36 and any amendments thereto. Each day's violation is a separate offense.
- B. The remedies, which include penalties herein provided for in this chapter or sections thereof shall be cumulative and not exclusive and shall be in addition to any and all other remedies available to the city.

(Ord. 1240, § 15, 2015; Ord. 1237, § 1 (part), 2013; Ord. 975, §§ 8, 9, 1988)

