



CITY COUNCIL NOVEMBER 9, 2015 AGENDA
WORK SESSION 6:30 PM
City Hall, 1001 Bridge St. Vernonia OR 97064

Mission Statement

The City of Vernonia pledges to be an ethical and responsive government using community collaboration to foster leadership and a vision for civic improvement while providing a safe, peaceful, economically viable community.

- 1. Call to Order and Pledge of Allegiance – Mayor Parrow**
- 2. Additions or Removal of Agenda Items.....p.1**
- 3. Mayor Report**
 - A. Letter from Stuart Potter, Esq. with recommendations for Farm Animals Ordinance.....p.2
- 4. Unfinished Business**
 - A. Farm Animal Ordinance Revisited.....p.3-7
- 5. New Business**
- 6. Action Items Summary – City Administrator**

Adjournment

*****AMERICANS WITH DISABILITIES ACT NOTICE*****

Please contact the City Recorder, Vernonia City Hall, 1001 Bridge Street, Vernonia, OR 97064 (Phone No. 503-429-5291) at least 48 hours prior to the scheduled meeting time if you need an accommodation. TCC users please call Oregon Telecommunications Relay Service at 1-800-735-2900.

TO: Vernonia City Council

From: Stuart Potter

658 Weed Ave

Vernonia, Oregon

I have been unable to attend the council meetings that have dealt with FARM ANIMALS in the city limits. I do have concerns that need to be addressed: [1] what species, [2] how many, & [3] odor nuisances.

In my humble opinion there needs to be a limit on the species and the total animals in the menagerie on one single property.

I also believe that a property with animals should be 100% contained with fencing that prevents them from wandering into adjacent properties or on the loose.

Cattle; horses; pigs (not Pot Bellies) should never be in the city limits, in my estimation. All other animals should be "regulated".

Furthermore roosters are creatures that belong out of town in a rural setting that lets them crow at their hearts delight.

Respectfully,

Stuart M. Potter, Esq.



3-06.03 [Livestock and Domesticated Fowl]

3-06.03-10 [Definitions]

“Animal” means any living vertebrate creature, reptile or bird, except human or unless otherwise expressly excepted.

“At large” means any animal that falls under this chapter found off the premises or outside of the vehicle of the owner or custodian of the animal, and not under control of a person by means of a leash.

“Bovine animal” includes cows and other cattle.

“Domesticated Fowl” means domestic fowl normally raised for meat, eggs and/or other purposes, and specifically includes, without limitation, chickens, turkeys, ducks, geese, guinea hens, peafowl, ostriches, and emus.

“Inhumane treatment” means any act, omission or neglect whereby unnecessary or unjustifiable physical pain or suffering is caused or permitted.

“Miniature livestock” means livestock of a dwarfed variety, or species bred so as to be a smaller version than its standard livestock counterpart. Rabbits are considered miniature livestock.

“Standard livestock” “barnyard animal” means any horses, bulls, cows, calves, heifers, goats, sheep, donkeys, llamas, or other animal stock, as further defined in this section.

“Owner,” “ownership” or “custodian” includes or refers to any person, firm, corporation, partnership or cooperative owning, having custody or possession of any animal and any such natural or artificial person who keeps, harbors, feeds or allows an animal to remain on their property for longer than five days.

3-06.03-20 [Prohibited Animals]

A. It is unlawful to have or keep within the City limits of Vernonia any live pigs or swine.

B. Notwithstanding the above, the having or keeping of swine commonly referred to as Miniature Vietnamese, Chinese or Oriental pot-bellied pigs (*sus scrofa vittatus*) is allowed subject to the following:

1. Any pig or swine shall be considered to fall within these exceptions if its maximum height is no greater than 18 inches at the shoulder and it weighs no more than 95 pounds.
2. No more than three Miniature Vietnamese, Chinese or Oriental pot-bellied pigs shall be kept at any one address for any period.

3-06.03-30 [Provisions]

A. Required Open Space and Minimum Dimensional Requirements for Pasturing.

LIVESTOCK CATEGORIES	Maximum Number of Livestock Allowed on Single Family Residential Property			
	5000 sq. ft.	5,001-10,000 sq. ft.	10,000 sq. ft. to 1 acre	Over 1 acre of larger in area
Poultry	25 sq. ft. per bird			
Livestock	10,000 sq. ft. of open space for maintaining and pasturing 1 st animal, additional 5,000 sq. ft. for each additional animal			
Poultry	4	5-6	9+ by sq. ft. or permitted	9+ by sq. ft. or permitted
Miniature Livestock	3	3+ by sq. ft. or permitted	3+ by sq. ft. or permitted	3+ by sq. ft. or permitted
Standard Livestock	0	0	1+ by sq. ft. or permitted	3+ by sq. ft. or permitted

For standard livestock animals, there shall be not less than ten thousand (10,000) square feet of open space for maintaining and pasturing the first animal on any parcel of property, and an additional five thousand (5,000) square feet shall be required for each additional standard livestock animal.

For poultry, there shall be not less than twenty-five (25) square feet for each fowl.

In addition, the following minimum dimensional requirements for open space and pasturing purposes shall be provided:

1. The stable, coup, or other shelter housing the livestock animals or domesticated fowl shall be set back at least five (5) feet from any side, and ten (10) feet from any rear property line; no structures that shelter livestock or domesticated fowl shall be located in front of the main structure.
2. In the event any livestock animal gives birth, thereby exceeding the number of livestock animals allowed by the minimum set forth in this subsection, the owner of said livestock animal and/or the occupier of the premises shall conform to the number of livestock animals for the dimensional requirements within six months following of the birth of the animal.

B. Number Permitted. No more than three livestock animals may be kept on any premises, without a special use permit. In the case of poultry, any number may be kept for non-commercial purposes insofar as the required space is provided for each fowl. Roosters shall be permitted within that number if secluded or confined within an area of the property where adjacent neighbors will not be unreasonably disturbed.

C. Fencing. The owner and/or tenant and/or other occupier of the premises upon which any livestock animal is maintained for more than seven consecutive days within the city limits shall provide adequate fencing in a good state of repair to guarantee the confinement of said animal within the fence, fence shall completely enclose an area adhering to the minimal dimensional requirements.

D. Waste Disposal. The owner of each livestock animal and the owner and/or occupier of the premises upon which said animal is maintained within the city limits shall guarantee and at all times maintain the premises upon which the animal is maintained in a sanitary and neat condition, including, but not limited to, disposal of manure or other waste material from said animal. An unreasonable accumulation of flies or other insects or pests within the property on which said animal is maintained, and/or noxious or offensive odors, or the unreasonable accumulation of flies, insects or other pests transcending or migrating into neighboring or vicinal real property, shall be presumed to be inadequate sanitary conditions. No more than one cubic yard of solid waste may be kept on the property at any one time and must be kept dry, and be located behind the front building plane of the residence and must be kept a minimum of 10 feet from all property lines.

E. Slaughtering. No person shall kill or slaughter, within the city, any animal or animals, the flesh of which is intended to be sold or offered for sale or consumption; or kill or slaughter any livestock through the use of a firearm or other cartridge activated device without giving prior notice to the animal control officer.

3-06.03-40 [Other Animals]

A. Bees. 1-4 Hives. Owners must notify all neighbors within 150 feet of the hive or proposed facility. Proposed hives must be a minimum of fifteen (15) feet away from “any public walkway, street, road, or any public building, park or recreational area, or any residential dwelling” owner’s dwelling excluded. Hives that are also less than 150 feet from any streets, parks, houses, etc. must be “protected by a six foot hedgerow, partition, fence or similar enclosure.” **5 or more Hives.** Must follow the above restrictions, the owner must also register them with the Oregon Department of Agriculture.

B. Exotic Animals. Exotic animals are prohibited except as provided in subsection (B) of this section.

C. Wild Animals. No person shall own any wild animal unless he or she has obtained a permit from the State Fish and Wildlife Department, Federal Fish and Wildlife Service or other appropriate governmental agency; provided, that the animal control authority may allow a person to temporarily care

for an infant or injured wild animal native to this area which is homeless, while the person acquires the necessary state and/or federal permits.

3-06.03-50 [Control and Confinement]

A. All horses on public property after dark shall have a reflective device of some kind so that they are visible.

B. It is unlawful for any person or persons who are the owner or custodians of livestock to allow any of said animals to be at large within the town.

C. It is unlawful for any person to herd, drive, lead, ride or pasture any livestock upon any sidewalk within the town.

D. It is unlawful for any person or persons who are owners or custodians of livestock to damage property of another, including other animals.

E. It is unlawful to have possession or control of any animal that is sick or infected with an untreated infectious or contagious disease, or to permit any diseased or infected animal to run at large, or come in contact with other animals.

F. It is unlawful to permit any livestock to spread or spill garbage.

G. It is unlawful to tether an animal in such a manner as to permit the animal to enter any sidewalk, street, alley or to enter any adjacent lot or premises unless authorized by the occupant of the adjacent premises.

H. It is unlawful to have horses, livestock, or domesticated fowl in any town public park.

3-06.03-60 [Shelter]

A. Keeping of livestock and domesticated fowl is permitted, provided an adequate shelter is maintained for said animals. This regulation shall not be construed to permit the keeping of animals in any place or manner which will endanger public health and safety or interfere with the reasonable use and enjoyment of surrounding properties.

B. Livestock and domesticated fowl must be maintained in a neat, sanitary and orderly condition.

C. Shelters shall conform to the Uniform Building Codes as adopted by the City of Vernonia.

D. All livestock shall be kept only within buildings, pens or fences, each of which shall be sufficient in size and strength to resist the pressure from the animals within so as not to allow them to escape. A violation of this section is an infraction.

E. Protective Impoundment. The animal control officer is empowered to impound any animal found within any building, establishment or premises, whether public or private, in such condition as would be considered by a reasonably prudent person to be cruel to the animal, or any animal found seriously sick or injured.

3-06.30-70 [Violation]

A. Any person or entity convicted of the violation of this section 3-06.03 shall be fined \$500.00 for each violation. For the purposes of enforcement of this section, each day of a violation shall constitute a separate violation.