

CITY OF ATHENA
Livestock Ordinance No. 540

An ordinance providing for the licensing, regulation and control of livestock within the City of Athena, including the Urban Growth Area. It is the purpose of this ordinance to regulate the type, location, and number of animals within the community so as to allow their enjoyment without causing nuisance conditions or health hazards.

The City of Athena, Oregon ordains as follows:

Minimum Standards

Possession of animals for individual domestic purposes not including commercial operations shall conform to the minimum standards below. When minimum land area requirements are designated, they are considered exclusive; to be independent of minimum land area requirements for other permitted uses, such as residences and/or out buildings not intended for use in stabling livestock.

Section 1.

Licenses *are* required by this ordinance and shall be obtained prior to placing livestock or fowl upon said premises. There is a fee for the license and the license will be renewed each year. Refer to the fee list in the front of the ordinance book.

Section 2.

Permitted livestock license holders are required to apply and have the area inspected by a member of the Livestock Commission. A complete inspection of the proposed barnyard, fowl house or other enclosure is to insure that such structure will not constitute a nuisance or health hazard, and that such lot has been previously presented, planned and used for such purposes. Upon payment of a fee, the City Recorder shall issue the license. The fee for such license shall be established by the city council by resolution. The City retains jurisdiction to alter such fees from time to time. Such license shall be for a period of one calendar year, unless sooner suspended or revoked, shall be renewable, providing applicant has complied with all provisions of this ordinance, and shall be subject to revocation for violation thereof.

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FENCES, HEDGES, AND FREE-STANDING WALLS: Fences and free-standing walls may be built and hedges planted and maintained to a maximum height of seven feet (7") around the perimeter of a lot or anywhere within the lot, except that no wall, fence, or hedge may be greater than three and one-half feet (3.5') in height within ten feet (10") of the front property line.

Fences and free-standing walls must be built of uniform material and not detract from the value and appearance of neighboring property.

No owner or person in charge of property shall construct or maintain a barbed-wire fence thereon, or permit barbed-wire to remain as part of a fence along a sidewalk or public way; except such wire may be placed above the top of other fencing not less than six feet, six inches high.

No owner or person in charge of property shall construct, maintain or operate an electric fence along a sidewalk or public way or along the adjoining property line of another person.

Section 7.

All barnyards, fowl yards and other enclosures licensed hereunder shall be at all times kept and maintained in a clean and sanitary manner so that no offensive odors are emitted there from, and so as to prevent same from becoming a breeding place for flies, mosquitoes or other insects or vermin. Inspection of licensee property conditions can be made at any time by the Livestock Commission.

Section 8.

If any citizen of the city of Athena is of the opinion that any such enclosure is offensive by reason of emission of odors or is creating a breeding place for flies, other insects and unsanitary vermin, such citizen shall file a complaint, in writing, with the City recorder of the City of Athena who shall thereupon refer the same to the city livestock commission for investigation. If, upon investigation, the city livestock commission determines that a violation of this ordinance exists, the commission shall so report to the City Recorder, who shall thereupon issue a notice to the violator directing to clean up said premises and make them sanitary and in full compliance with the requirements of this ordinance within seven (7) days. The effective date of giving such notice shall be the date upon which same is postmarked for mailing at the United States Post Office in Athena.

Section 9.

If any person found to be in violation of this ordinance shall fail to clean up such premises within the period provided for by this ordinance, his license shall be revoked and such revocation shall be effective as of the date of mailing of the notice.

Section 10.

Any person, persons, firm, company or corporation, who shall have, keep or maintain without a license any animals, fowl or premises required by this ordinance to be licensed, shall be guilty, and upon conviction thereof shall be punished by a minimum fine of \$100. Each day that such premises, animal or fowl remains unlicensed shall constitute a separate violation.

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Section 11.

No person, persons, firm, company or corporation, having obtained a license under the provisions of this ordinance, shall keep any greater number of animals or fowl than the number approved by the livestock commission. To increase the number of livestock, a new license must be applied for and granted permitting the number of fowl or animals desired.

Section 12.

The following, singly or together are deemed to constitute cruel treatment to animals.

Therefore, it shall be unlawful for any person to:

- A. Confine an animal within or on a motor vehicle or other enclosure or structure when unattended and under such conditions as may endanger the health and well being of the animal. Such conditions include, but are not limited to, dangerous temperature or lack of food or water.
- B. Knowingly placing food of any description containing poisonous or other injurious ingredients in any location likely to be accessible to domesticated, wild, exotic animals or livestock.
- C. Not provide open or adequate access to potable water in sufficient quantity to satisfy the animal's needs. Snow or ice is not an adequate water source.
- D. In the case of pets, domestic animals or livestock, deny access to a barn, dog house or other enclosed structure sufficient to protect the animal from wind, rain, snow or sun and which has adequate bedding to protect against cold and dampness.
- E. Deny veterinary care deemed necessary by a reasonably prudent person to relieve distress from injury, neglect or disease.
- F. Confine livestock to an area without adequate space for exercise necessary for the health of the animal or which does not allow access to a dry place for the animal to rest. The air temperature in a confinement area must be suitable for the livestock involved. Confinement areas must be kept reasonable and free from excess waste or other contaminants which could affect the animal's health.

Section 13.

Diseased Animals:

- A. To minimize the occurrence of diseased animals, no person shall become delinquent in the vaccination and worming for each livestock animal within their care.
- B. No person may permit an animal or bird owned or controlled by him/her that is infected with a communicable disease, to run at large.
- C. An animal or bird infected with a communicable disease that is dangerous to the public may be summarily seized by the city. After certification by a licensed veterinarian that the animal or bird is incurable and dangerous, the city shall dispose of the animal or bird in a humane manner.
- D. Expense: Including veterinarian fees, food, medicines and housing, incurred by the city in keeping a diseased animal or bird shall be charged to the owner or person controlling the animal and shall be collected before the release of the animal or bird or if disposed, collected within thirty (30) days.

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Section 14.

A city livestock commission, consisting of three persons, shall be appointed by the mayor. The term to be served by each board member shall be three (3) years.

Section 15.

APPEAL PROCESS:

Should your livestock application be rejected by the Athena Livestock Commission you have the right to appeal the decision directly to the body of the Athena City Council at a public meeting. Meetings are held a minimum of once a month on the second Thursday. Please call City Hall, by the first of the month and ask to be put on the agenda and to confirm dates and times of the meeting. Your attendance at the meeting is not mandatory but may prove helpful in assisting the council body in their decision process. The decision of the Athena City Council will be final. No further appeals may be made by you or by another party in your behalf on the same issue.

Passed by the Council and approved by the Mayor on May 11, 2006

Passed by the Council and approved by the Mayor November 15, 2007

Modified, passed by the Council and approved by the Mayor on September 8, 2011