

**ORDINANCE NO. 42**

**AN ORDINANCE PROVIDING FOR THE CONTROL OF ANIMALS; SPECIFYING VIOLATIONS AND PENALTIES THEREFOR; REPEALING COOS BAY ORDINANCE NO. 2451 AS AMENDED BY ORDINANCES NO. 2500 AND NO. 2648; REPEALING EASTSIDE ORDINANCE NO. 633; AND AMENDING COOS BAY ORDINANCE NO. 2034; AS AMENDED BY 47, 99, AND 107.**

The City of Coos Bay Ordains as follows:

**Section 1. Short Title.** This ordinance shall be referred to as the "Animal Control Ordinance of Coos Bay."

**Section 2. Definitions.** For purposes of this ordinance, the following mean:

**Animal.** Any mammal, reptile, amphibian insect or bird.

**Animal at large.** Any animal, excluding cats, off the premises of its owner and not under complete physical control of its owner or other person.

**Owner.** Any person having a property right in the animal or who harbors the animal or who has it in his care, custody, or control or knowingly permits the animal to remain on or about his premises.

**Vicious animal.** Any animal which has the capacity to inflict serious harm on a person and has previously attacked or bitten any person without provocation or which behaves in such a manner that the owner knows or should reasonably know that the animal has a predisposition to attack or bite persons without provocation.

**Section 3. Animal Control.** It is unlawful for any owner to:

- (a) Permit or allow an animal to run or be at large.
- (b) Permit an animal to trespass upon property of another.
- (c) Keep a vicious animal.
- (d) Permit any animal to cause annoyance, alarm or noise disturbance at any time of the day or night, by repeated barking, whining, screeching, howling, braying, or other like sounds which may be heard beyond the boundary of the owner's property.
- (e) Leave an animal unattended for more than 24 consecutive hours without adequate care.
- (f) Deprive an animal of proper facilities or care, including but not limited to food, potable water, shade or shelter.
- (g) Physically mistreat any animal either by deliberate abuse or failure to furnish adequate care, including medical attention.
- (h) Allow any stable or place where any animal is or may be kept to become unclean or

odiferous.

- (i) Confine an animal within or on a motor vehicle at any location under such conditions as may endanger the health or well-being of the animal.
- (j) Allow an animal to deposit its solid wastes in any public area not designed to receive those wastes, including but not limited to streets, sidewalks, parking strips, and parks, unless such wastes are removed immediately. This section shall not apply to a blind person while walking his guide dog.
- (k) Allow the carcass of an animal to remain on public property or exposed on private property for a period of time longer than is reasonable and necessary to remove and properly dispose of such carcass.
- (l) Lead, ride, tie, or fasten any animal described in Section 7 in such a manner as to permit it to remain on or go along any sidewalk, driveway or pedestrian pathway. [Section 3(1) added by Ordinance No. 107, passed August 10, 1987.]

**Section 4. Licensing.** All dogs kept within the city of Coos Bay shall be licensed according to the laws of the state of Oregon and/or coos county.

**[Sections 5 and 6 are reserved for expansion]**

**Section 7. Animals for Which a Special Permit Must be Obtained.**

- (a) No horse, mule, donkey, pony, cow, pig, goat, sheep, llama, poultry, rabbit, or animal raised for fur bearing purposes shall be kept within the city limits unless a special written permit therefor is issued by the city after inspection of the premises and a finding of fact that no nuisance will be created thereby. [Section 7(a) amended by Ordinance No. 47, section 1, passed June 24, 1985.]
- (b) The following animals may not be kept within the city limits unless a special written permit therefor is issued by the city after an inspection of the premises and a finding of fact that no nuisance will be created thereby:
  - (1) Any cat other than the Felis Catus.
  - (2) Any nonhuman primate.
  - (3) Any wolf, coyote or other canine not of the species Canis familiaris.
  - (4) Any poisonous reptile or any reptile whose average adult length is greater than two feet.
  - (5) Any bat.
  - (6) Any bear.
  - (7) Any bees kept in a collection of hives or colonies.

- (8) Any mammal, reptile or amphibian not native to North America.
- (c) Fees for such special permits shall be set by resolution of the City Council. [Section 7(c) amended by Ordinance No. 47, passed June 24, 1985.]
- (d) A permit shall be for the term of one year, and no renewal shall be issued without a reinspection. The number of such animals allowed under such special permit may be specified. A violation of any of the provisions of section 3 or this section shall be grounds for revocation of such permit.
- (e) Every stable or other building wherein any animal listed in subsection (a) is kept shall be constructed of such material and in such manner that it can be kept clean and sanitary at all time.
- (f) Every such stable or other building occupied by authority of a special permit for animals listed in subsection (a), located within 200 feet of any apartment, house, motel, hotel, restaurant, boardinghouse, retail food store, building used for school, religious or medical purposes, or residence other than that occupied by the owner or occupant of the premises upon which said creatures are kept, shall be provided with a water tight and fly tight receptacle for manure, of such dimension as to contain all accumulations of manure, which receptacle shall be emptied sufficiently often and in such manner as to prevent its becoming a nuisance. Said receptacle shall be kept securely covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate except in such receptacle. If such measures are necessary in order to avoid a nuisance, any such building shall be screened tightly against flies; serviced with running water; serviced with adequate sewers; be floored in such a manner as to be impervious to water; and such other measures be taken as may be necessary to insure proper protection to public health and safety, as conditions precedent to the issuance of any such special permit.
- (g) Every animal permitted under subsection (b) shall be at all times kept or maintained in a safe manner or confined securely so that keeping the animal will not constitute a danger to human life or property.

#### **Section 8. Exemptions.**

- (a) Notwithstanding any restrictions or prohibitions of this ordinance, animals of any kind and any number may be kept for exhibition of amusement purposes, temporarily, by a circus, carnival, or other exhibition licensed in accordance with the applicable city ordinance. All rules as to sanitation and humane treatment contained in this ordinance shall govern the keeping of the animals and maintenance of the premises or buildings where such animals are kept.
- (b) Notwithstanding any restrictions or prohibitions of this ordinance, animals of any kind and in any number may be kept by a school, museum or zoo for educational purposes. All rules as to sanitation and humane treatment contained in this ordinance shall govern the keeping of the animals and maintenance of the premises or buildings where such animals are kept.
- (c) Police service dogs, while in the exercise of their law enforcement duties, are exempt from any restrictions or prohibitions of this ordinance.

[Section 9 and 10 reserved for expansion]

**Section 11. Impoundment.** Any animal which is the subject of a violation of this ordinance may be impounded by any city employee, law enforcement officer or county dog control officer. The procedures established by the County dog Control Board shall control the release or disposal of animals so impounded.

**Section 12. Penalties.**

- (a) Any person convicted of violating any of the provisions of this ordinance shall be fined in an amount not to exceed \$500.
- (b) Each day on which the violation continues shall be a separate offense.
- (c) The abatement of the nuisance by impoundment or otherwise shall be in addition to the penalty imposed hereunder.

**Section 13. Severability.** The sections of this ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

**Section 14. Repeal.** Eastside Ordinance No. 633, preventing animals from being at large, enacted April 8, 1975, is repealed. Coos Bay Ordinance No. 2451, regulating the running at large of dogs, enacted January 25, 1971, as amended by Ordinance No. 2500, enacted March 27, 1975, and Ordinance No. 2648, enacted July 28, 1975, is repealed.

**Section 15.** [Section 15 is repealed by Ordinance no. 99, passed July 13, 1987.]

Passed by the Council and approved by the Mayor February 25, 1985.