



ORDINANCE 2019-013

AMENDING CHAPTER 6.04 OF THE SHERWOOD MUNICIPAL CODE REGARDING ANIMAL REGULATIONS

WHEREAS, Title 6 of the Sherwood Municipal Code (SMC) relates to animals, and contains two chapters, Chapter 6.04 relating to dogs and Chapter 6.08 relating to animal endangerment; and

WHEREAS, there are a number of other provisions of the SMC that relate to animals which are not found in Title 6; and

WHEREAS, a number of the provisions currently found in Chapter 6.04 are outdated, unclear, or otherwise in need of updating; and

WHEREAS, staff has recommended adopting certain other additional regulations relating to animals; and

WHEREAS, in order to accomplish all of the foregoing, staff has recommended amending Chapter 6.04 to broaden it to address animal regulations generally, to amend and update it as needed, and to add cross-references to other animal-related provisions of the SMC;

WHEREAS, City Council held public hearings on this Ordinance on November 5, 2019 and November 19, 2019; and

WHEREAS, it appears to City Council that adoption of this Ordinance is necessary and appropriate.

NOW, THEREFORE, THE CITY OF SHERWOOD ORDAINS AS FOLLOWS:

Section 1. Findings. After full and due consideration, the City Council finds that Chapter 6.04 of the Sherwood Municipal Code should be amended to read as set forth in Exhibit 1, attached hereto.

Section 2. Approval. The proposed amendment to Chapter 6.04 of the Sherwood Municipal Code identified in Exhibit 1 is hereby **APPROVED**.

Section 3. Manager Authorized. The City Manager is hereby directed and authorized to adopt rules and to take such other actions as may be necessary to implement this Ordinance, including necessary updates to the Municipal Code.

Section 4. Effective Date. This Ordinance shall take effect 30 days from the date of its enactment by the City Council and approval by the Mayor.

Duly passed by the City Council this 19th day of November, 2019.



Keith Mays, Mayor



Date

Attest:



Sylvia Murphy, MMC, City Recorder

	<u>AYE</u>	<u>NAY</u>
Scott	<input checked="" type="checkbox"/>	_____
Griffin	<input checked="" type="checkbox"/>	_____
Brouse	<input checked="" type="checkbox"/>	_____
Young	<input checked="" type="checkbox"/>	_____
Garland	<input checked="" type="checkbox"/>	_____
Rosener	<input checked="" type="checkbox"/>	_____
Mays	<input checked="" type="checkbox"/>	_____

Chapter 6.04 - ANIMAL REGULATIONS

Sections:

6.04.010 - Definitions.

Words or phrases in this Chapter have the following meanings unless the context clearly requires a different meaning:

Athletic fields: Means any city-owned natural grass baseball, soccer, football, or lacrosse field, or any other clearly marked city-owned athletic field that is contained by a fence, and all city-owned synthetic turf fields whether fenced or not.

Dangerous dog: Means any dog that has, due to the lack of proper and adequate supervision and control by its keeper, committed a harmful act against a human being.

Dog: Means any domestic mammal of the canine family.

At Large: Means any dog or livestock which is off or outside of the premises occupied by the keeper or is not in the company of and under the control of its keeper, unless restrained by a leash, tether or other physical control device.

Livestock: Means bovine species, horses, mules, burros, asses, sheep, goats, swine and domestic fowl.

Harmful act: Means the unprovoked biting, chasing, and attempted biting or nipping, or jumping upon and knocking down, while the animal is off or outside the premises occupied by the keeper.

Keeper: Means any person who keeps, has custody of, controls, is responsible for the care of, possesses or harbors an animal, or otherwise permits an animal to reside on property owned by the person, whether or not the person has an ownership interest in the animal. In a family situation, the adult head(s) of the household are presumed to be the keepers, jointly and severally, of the animal.

Police Canine: A dog used primarily in law enforcement under the direction of a law enforcement officer handler. A police canine retains its status as such whether or not it is engaged in law enforcement activities.

6.04.020 - Exemption for police canines.

A police canine and its law enforcement officer handler are not subject to the restrictions or regulations contained in this Chapter.

6.04.030 - Unlicensed dogs prohibited.

- A. It is unlawful to keep, or be the keeper of, any dog that is not properly and currently licensed through Washington County Animal Services.
- B. Penalty: Violations of this subsection shall be an infraction.

6.04.040 - Dog waste.

- A. It is unlawful for the keeper of any dog to permit the dog to defecate upon public property or upon the private property of another, unless the person immediately removes the feces and properly disposes of it.
- B. Penalty: Violations of this subsection shall be classified as a Class C violation..

6.04.050 – Harassing other animals.

- A. It is unlawful for the keeper of any animal to permit the animal to chase or bite another animal, provided the chasing or biting occurs off or outside the premises occupied by the keeper.

B. Penalty: Violations of this subsection shall be classified as a Class C violation.

6.04.060 - Running at large prohibited.

A. It is unlawful for the keeper of any dog or livestock to permit the dog or livestock to run at large.

B. Penalty: Violations of this subsection shall be classified as a Class C violation.

6.04.070 - Animals prohibited from city-owned athletic fields and other designated city property.

A. It is unlawful for the keeper of any animal to permit the animal to be on or about any city-owned athletic fields, or any other property owned, controlled, or managed by the city which has been designated by the city as property where animals are prohibited, unless the animal is a service animal under 28 C.F.R. § 36.104 and is not in violation of 28 C.F.R. § 36.302(c)(2).

B. Penalty: Violations of this subsection shall be classified as an infraction.

6.04.080 - Dangerous dogs prohibited.

A. It is unlawful for any person to be the keeper of a dangerous dog.

B. Penalty: Violations of this subsection shall be classified as a Class B violation.

6.04.090 - Maintenance and registration of colonies of bees.

A. Any person, firm, or corporation having honey bees (*Apis mellifera*) on its property shall maintain each colony pursuant to the following conditions:

1. Colonies shall be maintained in moveable frame hives.
2. Adequate space shall be maintained in the hive to prevent overcrowding and swarming.
3. Colonies shall be re-queened following any swarming or aggressive behavior.
4. All colonies shall be registered with the Oregon Department of Agriculture when required by ORS 602.090.

B. It is unlawful for the keeper of any bees to permit bees to live in any space other than moveable frame hives, to abandon any colonies, or to keep diseased bees.

C. Penalty: Violations of this subsection shall be classified as an infraction.

6.04.100 – Other Provisions.

A. Noise Disturbance. It is unlawful for the keeper of any animal to permit any sound produced by the animal which violates Chapter 9.52 (Prohibiting of Noise) of this code..

B. Public Nuisances. It is unlawful for any person to keep any animal in a manner that violates Chapter 9.44 (Nuisances) of this code.

C. Odors. It is unlawful for any person to permit animal odors in violation of Section 8.16.160(I) of this code.

D. Zoning. It is unlawful for any person to keep any animal in a manner not permitted by the Sherwood Zoning and Community Development Code (Title 16).

E. Sidewalks. It is unlawful for any person to allow an animal to use a sidewalk or public pedestrian pathway in a manner that violates Section 9.36.120 of this code.