

**CITY OF SILVERTON**  
**ORDINANCE**  
**17-13**

**AN ORDINANCE OF THE SILVERTON CITY COUNCIL AMENDING SILVERTON MUNICIPAL CODE ADDING NEW CHAPTERS TO TITLE 6 (ANIMALS) INCLUDING THE PROHIBITION ON FEEDING DEER**

**WHEREAS**, on September 18, 2017, the Silverton City Council discussed changes to the Silverton Municipal Code (Code) to impose prohibitions on the intentional feeding of deer; and

**WHEREAS**, the City desires to prevent the intentional feeding of deer because it contributes to the overpopulation of deer and encourages deer to congregate in urban areas causing public safety issues; and

**WHEREAS**, the City desires to prevent the intentional feeding of deer and to educate the community about the issue; and

**WHEREAS**, the City also desires to move all the sections in the Code that deal with prohibited acts and animals into Title 6 (Animals); and

**WHEREAS**, the City desires to move Chapter 8.05 Nuisance – Dogs into Title 6 renaming it Chapter 6.04 to meet that objective; and

**WHEREAS**, the City desires to revise the Code as set forth in this Ordinance.


**NOW, THEREFORE, THE CITY OF SILVERTON ORDAINS AS FOLLOWS:**

**Section 1:** The Silverton Municipal Code is amended in substantially the same form as set forth in the attached Exhibit A (Title 6).

**Section 2:** The Silverton Municipal Code is amended to delete Chapter 8.05 in its entirety.

**Section 3:** This ordinance shall be effective upon and from 30 days of adoption.

Ordinance adopted by the City Council of the City of Silverton, this 6<sup>th</sup> day of November 2017.

  
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Mayor, City of Silverton  
Kyle Palmer

ATTEST

  
\_\_\_\_\_  
Acting City Manager/Chief of Police  
Jeff Fossholm

Exhibit A

**TITLE 6**

**ANIMALS**

(additions in *italics* and deletions in ~~strikethrough~~)

**Chapter 6.04**  
**NUISANCE – DOGS**

Sections:

- 6.04.010 *Definitions.*
- 6.04.020 *Control required.*
- 6.04.030 *Vicious dogs – Control required.*
- 6.04.040 *Dog – Control required when in car or truck.*
- 6.04.050 *Leash required.*
- 6.04.060 *Removal of dog waste.*
- 6.04.070 *Dogs – Noise.*
- 6.04.080 *Penalties for violation.*

**6.04.010 Definitions.**

*“Vicious dog” means a dog which has bitten any person or other domestic animals or which has a known propensity to attack or bite human beings or other domestic animals.*

**6.04.020 Control required.**

*All dogs must be confined by fence, leash, or obedience training to the property of the person owning, harboring or having the charge, care, control, custody or possession of such dog; however, it shall be permissible for a dog to be confined by fence, leash or obedience training to the property of another if such other person has given express permission; provided, however, that the city council may, in its discretion, designate certain areas within the city where dogs may be permitted to run free while under the owner’s or keeper’s control.*

**6.04.030 Vicious dogs – Control required.**

*Any dog that is vicious or dangerous to the safety of persons must be confined by enclosure or a leash to property of its owner or keeper. It shall be unlawful for any person to permit a dog to injure or kill a pet or domestic animal as defined in ORS 167.310(2).*

**6.04.040 Dog – Control required when in car or truck.**

*It is permissible for a dog to be confined to a car or truck, which is owned by its owner or keeper, and such confinement may be either by physical means or by obedience training.*

**6.04.050 Leash required.**

Any dog not confined to property as set forth in this chapter and which is on either public or private property must be on a leash not longer than six feet in length.

**6.04.060 Removal of dog waste.**

Any person, with the exception of a sightless person, responsible for any dog, shall be in possession of tools for the removal of, and shall remove, excrement deposited by the dog:

A. In any public area not designed to receive those wastes, including but not limited to streets, sidewalks, parking strips, city parks and trails or roads paralleling ditches, swales, culverts, canals and similar facilities owned or operated by the city of Silverton; or

B. On any private property. It is an affirmative defense to a prosecution on any charge under this subsection that the property owner or person in charge of the property consented to such use of the property.

**6.04.070 Dogs – Noise.**

It shall be unlawful for any person to permit any animal to cause unreasonable 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 keeper's property.

**6.04.080 Penalties for violation.**

Any person who violates any provision of this chapter shall be punished as set forth in SMC 1.08.010.

**Chapter 6.08  
INTENTIONAL FEEDING OF DEER**

Sections:

6.08.010	Definitions.
6.08.020	Community education.
6.08.030	Feeding deer prohibited.
6.08.040	Affirmative Defense.
6.08.050	Enforcement.
6.08.060	Penalty.

**6.08.010 Definitions.**

“Food” means corn, fruit, oats, hay, nuts, wheat, alfalfa, salt blocks, grain, vegetables, and commercially sold wildlife feed, birdseed or livestock feed, but excludes shrubs, live crops, plants, flowers, vegetation, gardens, trees, and fruit or nuts that have fallen on the ground from trees.

**6.08.020 Community education.**

The city manager shall establish and implement a program to educate the community about the dangers of overpopulation of deer in urban and suburban areas.

**6.08.030 Feeding of Deer Prohibited.**

*A. Except as provided in subsection (C), a person commits an offense if the person intentionally feeds deer or makes food available for consumption by deer on private or public property within the limits of the city.*

*B. A person shall be presumed to have intentionally fed deer, or made food available for consumption by deer, if the person places food, or causes food to be placed, on the ground outdoors or on any outdoor platform that stands fewer than five feet above the ground.*

*C. This section does not apply to an animal control officer, veterinarian, peace officer, City employee, federal or state wildlife official, or property owner who is authorized by a local, state, or federal government to treat, manage, capture, trap, hunt, or remove deer and who is acting within the scope of the person's authority.*

**6.08.040 Affirmative Defense.**

*It is an affirmative defense to prosecution under this chapter if a person places food, in good faith, for the purpose of feeding domestic livestock or pets located on the property.*

**6.08.050 Enforcement.**

*A. A person may report a violation of this chapter to the Police Department or Code Enforcement Officer.*

*B. The City will enforce this chapter and may seek injunctive relief.*

*C. The city manager may authorize a City employee conducting an inspection under any provision of the city code to also inspect for compliance with this chapter and issue a citation for violation of this chapter.*

**6.08.060 Penalty.**

*A person who violates this chapter commits a violation of City Code. A violation under this Chapter is punishable under the general penalty provisions of SMC Section 1.08.010.*