

### **3.17 LIVESTOCK ACTIVITIES**

#### **1. PURPOSE**

The City of Burns has attempted to accommodate livestock within the corporate city limits since the early 1960s. The City's Comprehensive Plan policies recognize the need to allow livestock within certain areas of the City. However, the Comprehensive Plan does state "..... the City shall consider livestock lands to be urbanizable lands, when demonstrated urban need is shown for such lands." The intent is to allow the keeping of livestock until such time as the land is needed for urban land uses. Over time, the keeping of livestock in the City will be diminished. Therefore, beginning on January 1, 1998, a new set of rules will be in place concerning keeping of livestock in the City of Burns. It is the intent of the City that this new process be as fair and equitable to all property owners in the City, including those who currently have livestock, and those who are living next to properties with livestock located there.

#### **2. LIVESTOCK PERMITS REQUIRED CITY WIDE**

- A. Beginning on January 1, 1998 livestock permits shall be required for all livestock kept on properties 2.5 acres or smaller unless identified by the Comprehensive Plan as unbuildable due to natural hazards.
- B. Parcels 2.5 acres or larger, as shown by the Harney County Assessor's Office, shall not require livestock permits.
- C. Notwithstanding subsections (A) or (B) above, any property that previously required a livestock permit shall continue to require a livestock permit regardless of parcel size.
- D. No new livestock permits shall be issued for large animals except lots or parcels resulting from the subdivision or partitioning of lands not previously subject to livestock permitting. New livestock permits may be issued for poultry/fowl in residential zones and the Open Space (OS) Zone.
- E. A livestock permit may allow for up to one livestock unit per .5 acres. A livestock unit shall be one large animal or 5 poultry/fowl. Acreages shall be rounded down for purposes of determining the maximum number of livestock units. For example, a 2.5 acre property with four large animals could have 5 poultry/fowl for a total of 5 livestock units, but a 1.1 acre property with two large animals could not have any poultry/fowl as it already meets the maximum number of livestock units. Properties not subject to livestock permitting are not restricted in the number of livestock units that may be kept on the property.
- F. The Council may, by resolution, suspend the provisions of this Section 3.17 during the time of the Harney County Fair and Rodeo.

### 3. APPLICATION PROCESS

- A. For each year, commencing with the year 1998, with respect to each parcel subject to permitting requirements, the owner thereof shall, not later than December 15 of the preceding year, file with the City Manager or designee an application for a livestock permit.
- B. Each such application shall be made upon forms furnished by the City; shall describe with reasonable certainty the lands to which the application refers; shall describe the specie or species of animals or livestock proposed to be kept thereon; shall contain the name or names and addresses of the owners of record of such land; and shall be submitted with an annual permit fee as set forth by City Council Resolution.
- C. Commencing with the year 1997, not later than December 1 of each year, the City Manager or designee shall mail to each holder of any such permit a notice informing such permit holder that said permit shall expire on December 31 of that year, and that the right to keep livestock on the lands covered by said permit shall become void, should application for a permit for the succeeding year not be filed by December 31.
- D. If the City Manager or designee finds the land to which any such application refers is eligible for use in the keeping of such animals or livestock thereon under this section, and that such application meets the requirements of this section, the City Manager or designee shall issue the permit. The property owner for each such permit shall furnish such statements or other evidence as the City Manager or designee may require in determining whether the land to which such application refers is eligible for the keeping of livestock thereon under this section.
- E. Each permit issued pursuant to this section shall be issued to and in the name of the property owner; shall describe with reasonable certainty the land to which it is limited; shall describe the specie or species of livestock to which the permit is limited; shall bear the date of expiration of such permit; shall be appurtenant to and run with the land therein described, and may not be transferred to another parcel of land.
- F. If a livestock permit application is denied by the City Manager, the owner may appeal the denial to the City Council following the procedure set forth in Sections 6.4 and 6.5 of this ordinance.
- G. With respect to any parcel of land for which a permit has been issued pursuant to this section, failure to apply for a permit covering such land for the year following expiration of the existing permit therefore, shall

automatically render such land ineligible for a livestock permit for large animals.

#### 4. REQUIREMENTS FOR KEEPING LIVESTOCK

- A. No person keeping livestock may treat or maintain the livestock in violation of any federal, state, or local law.
- B. The parcel of land occupied by any livestock shall be kept in a reasonably clean condition, as determined by the City Manager or designee, or any appropriate state official.
- C. Large animals shall be housed within pens, corrals, sheds or wire enclosures. Poultry/fowl shall be housed within pens or coops. If livestock are permitted to move beyond their housing, such area(s) shall be enclosed with four wire, woven wire, or board fencing with the posts being not further than 16 feet apart. Barbed wire is not permitted within the City limits. All enclosures and fencing shall be designed as to prevent livestock from roaming at large and be constructed and maintained in a workmanlike manner. All gates shall be kept locked when not in use.
- D. Buildings to be used in conjunction with livestock shall meet the applicable setbacks for the zone in which the property is located.
- E. Landlords shall ensure that their tenants comply with the terms of this Section 3.17 and shall not allow any violation of this Section 3.17 to persist. Following notice to the landlord at the address of record with the Harney County Assessor's Office, landlords shall be deemed responsible for continuing violations.
- F. Any livestock kept within the City without the required permits shall be in violation of this ordinance, shall constitute a nuisance, and shall be immediately removed by the owner upon notice from the City. If the animals are not timely removed, the City may remove such animals and assess the costs to the property owner in the manner prescribed for abating nuisances.
- G. Should any complaint be presented to the Council charging any person with violating any provision of this Section 3.17, the Council, after having given such person reasonable notice and opportunity to be heard, may cancel or suspend such permit, may impose fines, and may, by resolution, declare such person permanently ineligible for keeping livestock within the City limits.