

ORDINANCE NO. 4558

AN ORDINANCE ESTABLISHING ALBANY MUNICIPAL CODE 6.10, REGARDING KEEPING OF ANIMALS.

THE PEOPLE OF THE CITY OF ALBANY DO ORDAIN AS FOLLOWS:

Section 1: Albany Municipal Code Section 6.10 is hereby established to read as follows:

6.10.010 Area requirements and number permitted. The keeping of animals listed in this chapter for more than 72 hours shall be subject to the following restrictions:

1) For poultry, fowl (including domestic and game birds raised for meat, eggs, breeding, or other purposes) and rabbits, not more than two animals on any lot less than 7,000 square feet in area; for each additional animal there shall be an additional 3,000 square feet of lot area.

2) For horses, cows, sheep, and goats, one-half acre of open yard area shall be provided for the first animal with one acre provided for each additional animal over the age of six months.

3) Persons desiring to keep more animals than permitted by this section may do so with approval of the City Manager only when written approval is obtained from the owners of all improved property contiguous to the applicant(s) and which is within 200 feet of any fence, hutch, or pen containing the animals.

4) Permission granted by the City Manager is revokable by the City Council.

6.10.020 Animal containment. All animals covered by this chapter shall be contained entirely on private property under the control of the owner(s) of such animals and in accordance with the following additional provisions.

1) All poultry, fowl, and rabbits shall be contained within hutches, fences, or pens inaccessible to other predatory animals and set back a minimum of ten feet from adjoining property lines and twenty feet from any public right-of-way.

2) Horses, cows, goats, and sheep shall be contained within fences at least four feet in height, but not more than six feet in height. The fence shall be adequate to contain the animal and shall be maintained in good repair.

3) No animal described in this chapter shall be contained by means of tethering, hobbling, or by electric or barbwire fences.

6.10.030 Miscellaneous provisions.

1) Swine are not permitted within the city limits.

2) Other house pets not covered elsewhere under this Title (including exotic animals for which required state or federal permits have been obtained) are permitted if maintained within a dwelling or secure pen.

6.10.040 Public nuisance -- designated. Animals described within this chapter shall be considered a public nuisance in the following instances:

1) The number of animals maintained on any premises is found to exceed the number allowed by this chapter.

2) Any animal or group of animals which make loud or frequent noises disruptive of any person's comfort or repose.

3) Any animal or group of animals which through accumulated waste or other reason cause offensive odors detectable from any right-of-way or adjoining property.

4) Any animal, when unprovoked, bites, kicks, or otherwise threatens the safety of any person.

5) Any animal which habitually escapes from confinement and trespasses on public or private property. Trespass of more than two occasions shall be considered habitual under the meaning of this section.

6) Any animal which is found running at large as defined by Section 6.12.010 of this code.

6.10.050 Public nuisance unlawful. It is unlawful for any person being the owner or keeper of any animal(s) described in this chapter to permit such animal(s) to be a public nuisance as described above.

6.10.060 Owner of animal responsible for damages. Any owner of an animal which causes damage to other private or public property shall be responsible for such damages.

6.10.070 Presumption of ownership. The adult occupants of a dwelling shall be presumed to be the owner or co-owners of any animals contained on the same premises.

Section 6.10.080 Violation -- penalty. Any person violating any of the provisions of this chapter is guilty of a misdemeanor and is subject to those penalties set forth in section 1.04.010 of this code. In addition the court may direct the removal of any animal or group of animals from the city which are deemed to be a public nuisance as defined herein.

Passed by the Council: February 9, 1983

Approved by the Mayor: February 9, 1983

Effective Date: March 11, 1983

*Donald B. Brudney*  
Mayor

ATTEST:

*[Signature]*  
City Recorder