

EXHIBIT 2 - TMC Amendment (Formatted)

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## TUALATIN MUNICIPAL CODE

### CHAPTER 6-15 - KEEPING OF DOMESTIC FOWL ~~BACKYARD CHICKENS~~

#### TMC 6-15-005 Purpose.

The purpose of this code is to provide minimum standards for keeping **domestic fowl humanely in urban backyards** ~~backyard chickens for domestic purposes and to~~ **while** safeguarding the health, safety, and welfare of the citizens of Tualatin.

(Ord. 1362-13 §1, 11-25-13)

#### TMC 6-15-010 Definitions.

As used in this chapter, the following definitions apply:

~~Chicken means Gallus gallus domesticus, a domestic fowl believed to be descended from the red jungle fowl of southeastern Asia and developed in a number of breeds.~~

*City Manager* means the City Manager or the City Manager's designee.

~~Chicken Facility means a coop, a run, or a combination of a coop and a run.~~

*Coop* means a structure that provides roofed shelter **that protects domestic fowl from the elements and predators** ~~for chickens.~~

**Domestic Fowl** means chickens, ducks, pheasants, pigeons, quail, partridges, doves, and similar birds for personal use.

**Domestic Fowl Facility** means a coop, a run, or a combination of a coop and a run.

~~Hen means an adult female chicken.~~

*Licensee* means the person granted a license to keep **domestic fowl** ~~chickens.~~

*Run* means an enclosed or fenced area either surrounding or separate from the coop in which **domestic fowl** ~~poultry~~ are kept and allowed to walk, run about, ~~peck~~ and otherwise move freely.

*Rodent* means a mouse or rat.

~~Rooster means a male chicken over four months of age.~~

*Vector* means any insect organism; including, but not limited to: flies, fleas, lice, ticks, fly maggots and mosquito larvae capable of bearing or carrying a disease transmittable to human beings.

*Vermin* means any rodent or vector.

(Ord. 1362-13 §1, 11-25-13)

#### TMC 6-15-020 License to Keep Domestic Fowl ~~Chickens~~ Required.

- (1) A person must not keep **domestic fowl** ~~chickens~~ within the City of Tualatin, unless the person has a valid license issued by the City of Tualatin for such purpose.
- (2) The license to keep **domestic fowl** ~~chickens~~ is valid for a period of five years, and may be renewed for additional five-year terms. The process for renewal shall be the same as for acquiring a license.

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(Ord. 1362-13 §1, 11-25-13)

**TMC 6-15-030 Conditions of License.**

Every licensee must comply with the following conditions at all times:

- (1) The place where the **domestic fowl** ~~chickens~~ are to be kept must be within a planning district that allows the keeping of **domestic fowl** ~~chickens~~ as a use;
- (2) A **combined** maximum of four **domestic fowl of any type** ~~hens~~ are permitted on any one lot;
- (3) Roosters, **geese, guinea fowl, peacocks, turkeys, emus, and ostriches** are prohibited;
- (4) ~~Harvesting~~ **On site slaughtering** or butchering of a **domestic fowl** ~~chicken~~ is prohibited;
- (5) **Domestic fowl** ~~Chickens~~ must be confined at all times within a **domestic fowl** ~~chicken~~ facility; unless, ~~the domestic fowl are roaming under the direct supervision of the licensee and~~ within a fenced yard ~~and under the direct supervision of the licensee;~~
- (6) The **domestic fowl** ~~chicken~~ facility must be located in the rear yard of a lot and be at least ten feet from all property lines and 25 feet from all **abutting** residences;
- (7) The **domestic fowl** ~~chicken~~ facility must not exceed 200 square feet in floor space;
- (8) The **domestic fowl** ~~chicken~~ facility must not exceed a height of eight feet measured from the tallest part of the roof surface to the ground;
- (9) The coop must have at least three enclosed sides. The fourth side may be open with the open side facing away from all neighboring property lines;
- (10) The **domestic fowl** ~~chicken~~ facility ~~and the place where the chickens are located~~ must be maintained in good repair, in a clean and sanitary condition, ~~and~~ free of vermin, and obnoxious smells and substances that create a nuisance for adjoining property; and
- (11) **Domestic fowl** ~~chicken~~ feed must be properly stored in **a metal or other** vermin-proof containers ~~or receptacle.~~

(Ord. 1362-13 §1, 11-25-13)

**TMC 6-15-040 License Application.**

- (1) An application for a license to keep **domestic fowl** ~~chickens~~ must include the following:
    - (a) The name and mailing address of the person seeking the license;
    - (b) The address where the **domestic fowl** ~~chickens~~ will be kept;
    - (c) A description of the **domestic fowl** ~~chicken~~ facility to be utilized, its dimensions, a description of the site, including notation of setbacks;
    - (d) The names and addresses of all owners of property adjoining the location where the **domestic fowl** ~~chickens~~ are proposed to be kept;
    - (e) A certification by the person seeking a license that the person agrees to abide by the license provisions of this Chapter for the duration of the license term; and
    - (f) The payment of the licensing fee, as established by resolution of the City Council.
  - (2) The City must grant a license within 30 days of receipt of a complete and valid application.
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- (3) An application for a license to keep **domestic fowl** ~~chickens~~, or a renewal of a license, may be denied for any of the following reasons:
- (a) The application materials contain any inaccurate, misleading, or incomplete statements;
  - (b) The applicant previously failed to comply with the conditions of the license issued; or
  - (c) Other activity by the person seeking the license that presents reasonable doubt about the person's ability to comply with the license conditions or otherwise endanger the health, safety, or welfare of the public.

(Ord. 1362-13 §1, 11-25-13)

### **TMC 6-15-050 Notice of License to Neighboring Properties.**

Within ten business days following approval of a license application, the City shall provide written notice by first class mail to all property owners immediately adjacent to the licensee's property. The notice must list the name and address of the licensee and the City's contact information for persons to seek information or file complaints.

(Ord. 1362-13 §1, 11-25-13)

### **TMC 6-15-060 Complaint Processes.**

- (1) Any person may file a complaint alleging a violation of this Chapter by submitting a written complaint to the City of Tualatin. The complaint must contain the following information:
- (a) The name of the person filing the complaint;
  - (b) The address of the alleged violation; and
  - (c) A complete description of the alleged violation.
- (2) Upon receipt of the complaint, the City Manager must determine if the complaint alleges a violation of this Chapter, and if so, conduct an investigation of the complaint. If the City Manager determines that the complaint is not valid, the case will be closed and all parties will be notified of the closure.
- (a) If after investigating the complaint, the City Manager determines a violation has occurred, the City Manager may issue a warning or citation.

(Ord. 1362-13 §1, 11-25-13)

### **TMC 6-15-070 Inspection of Premises; Administrative Warrant.**

When it is necessary to inspect the premises to investigate or enforce the provisions of this Chapter, the City Manager may, with the owner's permission, enter the premises at reasonable times to inspect or perform the duties imposed by this Chapter, or must otherwise seek an administrative warrant. The process for seeking inspection of a premise is as follows:

- (1) If the ~~single family dwelling or~~ premises are occupied, the City Manager must present credentials to the occupant and request permission to enter.
- (2) If the ~~single family dwelling or~~ premises are unoccupied, the City Manager must make a reasonable effort to locate the owner/keeper or other person having charge or control of the single-family dwelling or premises and request permission to enter.
- (3) If entry is refused or the dwelling unit or premises are unoccupied, the City Manager must obtain an administrative warrant before entry or inspection of the premises.

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**TMC 6-15-080 Abatement of Violations.**

In addition to any other remedy provided by law, the City may cause any violation of this Chapter to be abated as provided by the abatement proceedings in TMC 6-04-170 through 6-04-240.

(Ord. 1362-13 §1, 11-25-13)

**TMC 6-15-090 Violation is Civil Infraction.**

- (1) A person who violates or refuses to comply with this Chapter commits a civil infraction and shall be subject to a fine of up to \$500.00. Each violation, and each day that a violation continues, constitutes a separate civil infraction.
- (2) In addition to any other remedy provided by law, a person that commits more than two violations of this Chapter within any six-month period may have their license revoked for up to one year.
- (3) The civil infraction procedures in TMC 7-01 apply to the prosecution of any violation of this Chapter.

(Ord. 1362-13 §1, 11-25-13)