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Subject: Domestic Fowl Code Amendments
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Janelle -

I was glad to see that the staff looked at how other jurisdictions have addressed this issue. I'd be curious as to whether Salem and Eugene in particular are thinking of making any changes since they've had time to see how well their regulations work.

Way back on December 11, 2017 The Oregonian ran an Associated Press story about a rat problem in Eugene that was attributable to "relaxed regulations for urban farming". All across the city, including the neighborhood I lived in at the time, experienced an influx of rats. The local rat exterminators blamed the increased population on the "prevalence of chicken coops, compost piles and backyard gardens".

With this in mind, I'd like us to consider the following modifications to the proposed amendments to TMC 6-15:

Section 030(2) allows a "maximum of four domestic fowl". We may want to change this to a "combined maximum of four" just to clarify that someone cannot have four each of two or more different birds. (I'm thinking about the guys on the "Friends" TV show who keep both a chicken and a duck in their apartment!)

Section 010 defines domestic fowl by naming several specific birds, but also adds the words "and similar birds". This provides some discretion for addressing unforeseen future types of birds that someone might want to raise, thereby avoiding the need for another potential amendment. We may want to include this wording in 030(3) to give that same sort of leeway to birds that should be prohibited. And also, to follow Salem's code, we might consider adding "ostriches and emus" to the list just to be specific.

Section 030(4) prohibits "harvesting or butchering". We may want to consider being silent on "harvesting" so as not to preclude egg gathering, and instead prohibit "slaughtering" along with "butchering" for clarity. Also, to follow Salem's code again, we might add the words "on site", i.e., "On site slaughtering or butchering of a domestic fowl is prohibited".

Section 030(6) requires domestic fowl facilities to be "25 feet from all residences". The Salem code differentiates in this regard, i.e., "25 feet from a residence on an adjacent property", but only "3 feet from any building on the property" where the birds are. Lot sizes and configurations could make it difficult to satisfy our one-size-fits-all proposed distance.

Section 030(7) specifies that a domestic fowl facility, i.e., coop and/or run, "must not exceed 200 square feet". For the sake of the birds we may want to also specify some minimum size. Salem requires at least one square foot of coop space per bird for small birds, and three square feet of coop space plus six square feet of run space per bird for larger birds.

Section 030(10) lists "obnoxious smells and substances" whereas Salem addresses "odors and noise that create a nuisance", and Eugene goes further by describing a noise disturbance as "any animal which makes sounds frequently or for a long duration". Looking for some "clear and objective standard" here.

Sections 030(11) **addresses the rat problem**. While (11) specifies how feed is to be stored, Eugene goes further: "Animal manure cannot be allowed to accumulate and should be disposed of so as not to create an odor issue that is detectable beyond property lines. Compost piles that contain manure and bedding must be located at least 5 feet from all property lines and be confined within a container or bin enclosed on all sides and covered to deter vermin". **I think this deserves close attention in our code.**

Some additional regulations from the other jurisdictions that I think are worth discussing include:

Forest Grove includes age in its definition of "allowed domestic fowl", i.e., "three months of age or older". I suppose someone asked if baby birds could exceed the maximum number ... and the answer was "yes, but only for a while".

Salem requires that ducks must have "a clean supply of water in a pond, wading pool, tub or other container large enough for the duck to fit its entire body and deep enough for it to submerge its head". I googled this, and apparently ducks need water to keep themselves clean and healthy.

Eugene requires that fencing "must be designed and constructed to confine animals on the site". I encountered a chicken on the sidewalk in my neighborhood recently. I think it wandered off of an unincorporated parcel. I don't know if it was planning to cross the road.

Eugene also requires that "no person shall subject any animal to cruel mistreatment or neglect". Maybe our code addresses animal cruelty in some other section, but if not, perhaps it should be added here in order to give our compliance official needed authority.

I realize this is a lot to digest, and maybe Erin could send it to the other PC members to review before our meeting. I look forward to our discussion.

Thanks

Randy

Explosion of rats in Eugene linked to chickens, compost

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Eugene's rat population is exploding, thanks to an abundance of chickens and compost.(Courtesy of AP)

By The Associated Press Oregon Live/The Oregonian

EUGENE — In late 2016, Eugene resident Jim Kocher and his wife, Sally, began hearing strange knocking and pitter-patter sounds in the ceiling and walls of their home.

An exterminator quickly identified the culprits as rats and, over the course of six months, trapped about 10 of them. But after a year of lost sleep and increased anxiety, rodents still are running free somewhere inside their Friendly-area neighborhood home.

Kocher, who has owned his house for 30 years, said he'd never seen a rat inside his home before last year.

"We're traumatized," said Kocher, who estimated the couple have spent well more than a \$1,000 on pest control. "If we hear a sound in the middle of the night now . it's just a horrible feeling."

The Kochers are hardly alone.

About 100 people in the neighborhood in south-central Eugene have reported seeing or hearing rats in their homes or around the neighborhood within the past few months.

In response, the neighborhood association has formed a group, known as the Rodent Action Team, or RAT, to coordinate efforts to best the pests.

"Rats have been present all along," said Jason Blazar, a landscape ecologist who lives in the neighborhood and leads the group. "We hit this tipping point, and it's kind of added up."

Blazar and other neighbors say the problem is bigger than they can handle and are seeking help from City Hall. Eugene city councilors, at the request of Councilor Emily Semple, who represents the neighborhood, have agreed to have a discussion Monday night.

Residents "have been doing a good job with responding, but it's too big," Semple said.

The Friendly area isn't unique. There are reports all over the city of an increased rat population, including along River Road, downtown and the northern and western neighborhoods of the city.

Rodents are well-known as carriers of infectious diseases.

Dr. Patrick Luedtke, Lane County's health officer, said there has been no increase in reports of infectious diseases that can be traced to rats. They include bubonic plague, hantavirus, leptosporosis and rat-bite fever. Humans can get these diseases if they are bitten by an infected rat or inhale or ingest microorganisms in the rat's feces or urine.

"We're not seeing that, which is good," Luedtke said.

He added the risk of bubonic plague spreading in the community is theoretical.

"It certainly would be possible here, but it would be unlikely to happen."

Lane County Public Health does not have a rodent eradication program.

Representatives of four local pest control companies told The Register-Guard last week that they've seen a marked increase in calls about rats over at least the past year. City officials also have noted a similar increase in public complaints about rodents.

"We're seeing an explosion in the rat population," said Ed Byerly, the owner of Oregon Pest Control.

The pest control representatives said that typically there is a spike in calls about rats with the onset of cold weather as rodents seek warm shelter. But Byerly said he received two calls a week about rats last summer, compared with one a month in a normal year.

Grant Williams, who owns Ultimate Pest Control, said he's receiving three times more calls about rats than normal, and his supply ordering is barely keeping pace.

The representatives all identify as a primary culprit the prevalence of chicken coops, compost piles and backyard gardens around Eugene. They noted that weather and increased development also can be factors.

In 2013, city councilors relaxed regulations for urban farming. The change increased the number of chickens that a resident within city limits can have from two to six. In addition, a resident now can have up to six chicks.

Robin Morrison, branch manager for Bug Zapper Pest Control, said the chicken coops, compost piles and fallen, rotting fruit are a magnet for rodents.

"That's like a free buffet for rats," he said.

Kocher, who has an enclosed compost bin, said there are open compost piles near his home.

Rats are prolific breeders, and they will spread out as the competition for food among a burgeoning rodent population grows. They also are adept at finding "chinks in the armor" of nearby houses, including a crack in the foundation or a hole in a crawl space vent, Williams said.

Byerly noted that a rat can fit through an opening the size of a quarter.

And once inside, rodents can create havoc, chewing on walls and wiring and urinating and defecating widely.

Steve Barron, who lives in the Gilham neighborhood in north Eugene, said he spotted his first rat in his garage in October. He has owned the house for 14 years, and the encounter was his first there.

He trapped one but kept seeing and hearing more of them, including one rodent that he observed scaling down the bicycle he hung from his ceiling like it was a jungle gym.

"I'm lying in bed, and I could hear them chewing" at 3 a.m., he said.

He said the rats likely were attracted to the dog food he kept in the garage, the door of which he regularly cracked open for ventilation. He now keeps the door shut.

The rats are now gone. Barron said he trapped six of them. But they might have damaged the home's heat ducts. A contractor will come out Monday to evaluate.

"It's been a bit of a headache," he said. "The big concern is, what kind of damage are they doing?"

The formation of the Friendly RAT group began with Blazar commiserating with his neighbors about the rodents in early 2017.

Blazar and his neighbors all have chicken coops, so they discussed taking steps to keep rats out of them. Rats are attracted to chicken feed and also are known to steal the eggs for a later meal.

Not wanting to simply drive the rodents elsewhere, Blazar approached the neighborhood association's board last summer to get their go-ahead on examining the breadth of the issue. Two other neighbors soon joined to form the team.

At the neighborhood's summer picnic, about 100 people told Blazar they'd seen or heard rats in their homes or around the neighborhood in the last few months. About 40 people placed dots on an aerial map of Friendly identifying where they'd seen rats, showing the wide sweep of the problem.

The RAT group mulled applying for a city neighborhood grant to buy enclosed compost bins as a first step to address the rat problem.

But more than that needed to be done, the team soon realized.

The group arrived for a Nov. 8 RAT meeting it had advertised in the neighborhood newsletter.

Blazar expected a few neighbors to show up for the meeting, in the upstairs dining area of the Market of Choice grocery store on Willamette Street. Nearly 30 people attended.

There, according to an email Kocher later sent to Eugene councilors, neighbors who had lived in Friendly a decade or longer said they'd never had rat problems until the past year.

One man said he'd seen a rat in his child's bedroom. Another speaker claimed to have caught 100 rats. Other speakers were nearly in tears relating their stories, Kocher said.

Blazar said the meeting was cathartic in that it brought into the open the seriousness of the problem.

Blazar said people may have been reluctant to talk about rats because of shame and embarrassment.

"It's a sign you're living in turmoil or some sort of conditions that aren't healthy," he said, referring to common perception about rat-infested homes and properties.

Blazar said his team is pressing ahead with an informational website, a brochure and a data-gathering app that allows residents to report details about their encounters with rodents. The group has shared information with the River Road Community Organization, whose residents also have noted an uptick in rats.

What can Eugene officials do about rats?

The city generally leaves it up to individual property owners to deal with rats — with some exceptions.

City code specifically prohibits conditions that attract rats. It requires "rodent-proof" chicken coops and other outbuildings where food is present. It prohibits owners from storing garbage and other items. It also gives city employees the authority to make inspections and issue notices of violation.

Rachelle Nicholas, the city's code compliance supervisor, said the number of rat-related complaints have increased in recent years with a spike last summer. The exact number of complaints wasn't available last week.

Inspectors who respond to these complaints seek to identify the source of the problem and then educate homeowners, she said.

The city also baits its sanitary sewer lines with rat poison if a resident makes a request and an employee finds evidence of rats. The city does not bait its stormwater pipes.

Rats can get into homes through cracks and holes in aging sewer lines.

The number of baiting requests by residents has exploded in the past two years. Brian Richardson, spokesman for the city's public works department said there were 15 requests in 2015, 24 in 2016 and 84 so far this year.

Blazar said the city could take some steps to improve the situation.

First, it could make its pilot food waste collection program in certain neighborhoods permanent and citywide, giving residents the option of throwing food waste that can draw rats into a covered bin rather than onto an open compost pile.

Second, it could organize workshops to teach residents about how to keep chicken coops and compost piles rodent-free.

"Education is key here," he said.

Third, it could prioritize the replacement of older sewer lines that rats can get into through cracks and holes.

He said the city needs to be cautious about the use of code enforcement as it could lead to disputes between neighbors.

"I hope that's a last resort where we have to go to code enforcement," he said.

Kocher said the city could subsidize the cost of enclosed compost bins. But he also offered more far-reaching ideas, including banning chicken coops and outdoor compost piles and even declaring a public health emergency due to the potential for rats to spread infectious disease.

Semple said the city could require enclosed bins for compost but noted that tightening regulations for chickens would be controversial.

"But if that's where the rats are, that's something we have to look at," she said. "We can't have a rat infestation."

-- The Associated Press

The standards in [Eugene Code \(EC\) 9.5250](#) allow for increased opportunities for residential urban animal keeping and farming within the city limits, while encouraging compatibility within the urban environment. Animal keeping is the practice of raising domesticated animals that are used primarily as food or product sources. These standards are intended to improve the way animals are cared for, while increasing the likelihood that neighbors will accept your property uses and food choices.

Where are farm animals allowed?

Farm animals are allowed in the following zones:

- Agricultural (AG)
- Public Land (PL)
- Residential (R-1, R-2, R-3, R-4)
- Chase Node (S-C/HDR/MU & S-C/HDR)
- Downtown Westside (S-DW)
- Elmira Road (S-E)
- Royal Node (S-RN/LDR & S-RN/MDR)
- Whiteaker (S-W)

To determine the zone of your property go to <http://www.eugene-or.gov/zoningmap>.

You may have Covenants, Conditions, and Restrictions (CC&R's) that may be more restrictive than these standards. You can obtain a copy of the CC&R's from Lane County Deeds and Records, your active homeowners association, or your landlord.

What animals am I allowed to have?

If the property is less than 20,000 square feet in area, any two of the following four categories of animals are allowed:

1. **Chickens and Domestic Fowl** (quails, pheasants, ducks, pigeons, and doves). Up to 6 over six months of age and 6 under six months of age. No roosters, geese, peacocks, or turkeys allowed.
2. **Rabbits**. Up to 6 over six months of age and 6 under six months of age.
3. **Miniature Goats** (pygmy, dwarf, and miniature goats). Up to 3 provided that males are neutered.
4. **Miniature Pig**. One up to 150 pounds.

If the property is 20,000 square feet or greater in area, please contact Land Use staff at 541-682-8336 or landuseinfo@eugene-or.gov for additional animal allowances, honey beehive allowances, and setback requirements.

Can I have honey beehives?

Yes, if the development site is less than 20,000 square feet in area, you can have up to three hives as long as they are located at least 5 feet from all property lines, pointed toward the center of the property, and a water source must be provided on site within 15 feet of each hive.

Do I have to live on site?

The person responsible for keeping an animal must reside on or adjacent to the property the animal is kept. There is an exception for school and religious uses.

What are the sanitation requirements?

Animal manure cannot be allowed to accumulate and should be disposed of so as not to create an odor issue that is detectable beyond property lines. Compost piles that contain manure and bedding must be located at least 5 feet from all property lines and be confined within a container or bin enclosed on all sides and covered to deter flies, rodents, and other pests. ✓

Composting raw manure from backyard animals should be done with caution. Manures contain pathogens that can make people sick and should be composted with care. Most backyard methods are not sufficient to kill all pathogens. Any dumping, leaching, or disposal of pet waste in any open waterway or the Stormwater system is strictly prohibited.

How do I prevent a rodent problem?

The person responsible for keeping animals must not allow conditions to exist that are likely to attract, feed, or harbor rats or mice per EC 6.015. Food must be stored in metal or other rodent-proof containers. Good practice is to feed amounts that can be consumed in a 15 minute period morning and evening. ✓

www.eugene-or.gov/farmanimals

Am I required to provide fencing?

Yes, fencing is required and must be designed and constructed to confine all animals on the site. The fence location and height are those required by the zone that the property is located in. Animals are free to roam or graze up to the property line as long as fences keep animals on the owner's property.

What about animal enclosures?

An enclosure is required to provide shelter from the weather for all animals kept outdoors and must be roofed and have at least two solid sides. The height of the enclosure must comply with the requirements for accessory structures in the applicable zone. Structures used to provide shelter for all animals must be located at least 10 feet from all property lines, including any covered animal runs (unless an adjacent property owner authorizes in writing that the enclosure can be located closer to their property).

Do I need a permit for the enclosure?

A building permit is not required for an enclosure 200 square feet or less in area and that is no more than 10 feet high. Other permits (electrical, plumbing) may be required depending on the scope of the work.

Please contact a residential plan reviewer at residentialpermitinfo@eugene-or.gov or 541-682-5611 for any building code related questions.

Are there noise regulations?

Yes, any animal which makes sounds frequently or for a long duration creating a noise disturbance is prohibited per EC 4.083, 4.084, and 4.430. Animals make noises through the course of their day and some noise is to be expected. However, chickens squawking or the crying of a goat for longer than 15 minutes might qualify as unreasonable noises in a residential neighborhood. A good neighbor will not let these vocalizations continue for long durations of time.

Is animal care regulated?

Yes, no person shall subject any animal to cruel mistreatment or neglect per EC 4.335 and 4.340. This includes, but not limited to; depriving any

Note: This document should not be used as a substitute for codes and regulations. The applicant is responsible for compliance with all code and rule requirements, whether or not described in this document.

animal of necessary food, drink, shelter, sanitation, space, exercise, and veterinary treatment; abandonment of any animal; and willfully torturing and inflicting inhumane injury or pain on any animal.

Is my yard big enough?

Not every property is big enough to house the maximum number of animals and meet the required standards. It is important to confine animals to the owner's property, provide shelter to protect animals from predators and harm, and to provide enough room for animals to move freely as intended. Additional covered area may be necessary to store animal bedding, animal feed, tools, and, if desired, a compost area.

Can I harvest animals on site?

Only chickens, domestic fowl, and rabbits can be harvested on the same development site in which they live. Harvesting must be done out of view of any public area or any adjacent property, in a humane and sanitary manner, and not for commercial purposes.

How does the City regulate these requirements?

If you are not meeting these standards your neighbor has the right to submit a complaint to City staff. At this time there is no licensing requirement. It is recommended that some form of identification be on your animals in the event they get loose and need to be returned.

How to be a good neighbor?

It is best to inform neighbors in advance and be proactive about your urban animal keeping intentions. Letting neighbors know that you are aware of the regulations regarding the keeping of urban animals is recommended. Let neighbors know that you intend to be a good neighbor and that concerns will be addressed in a timely manner.

Please contact Land Use staff at 541-682-8336 or landuseinfo@eugene-or.gov for information related to these standards. See the City of Eugene web page for community resources.

CONTACT



Poultry Keeping Rules

Keeping Poultry in Salem

In Salem, you can keep domesticated birds for eggs or meat, including chickens, ducks, guinea fowl, pheasants, pigeons, quail, partridges, doves, and similar birds for personal use, as long as you follow city guidelines. However, geese, turkeys, emus, ostriches, and similarly sized birds are prohibited. No permit or license is needed to keep poultry, but you must maintain your poultry facility to prevent noise or odors that could disturb your neighbors.

Property Types

You can keep poultry in the following locations:

- Your home
- A community garden
- School-owned property
- Property owned by a religious organization

How Many Poultry You Can Have

- You may have a maximum of twelve poultry total per property.
- Roosters are not allowed.

Poultry Facilities

A "poultry facility" includes both a coop and a runway:

- **Coop:** A roofed shelter that cannot exceed 120 square feet.
- **Runway:** A fully enclosed fenced area connected to the coop, providing an indoor and outdoor environment for the birds.



Special Requirements for Ducks

If you keep ducks, your facility must include a water source. This can be a clean supply of water in a pond, wading pool, tub, or other container large enough for the duck to fit its entire body and deep enough for it to submerge its head.

Confinement and Space Requirements

- Poultry must remain confined within the facility at all times, except when under the control of an owner or custodian.
- The facility must not produce noise or odors that create a nuisance for neighbors. ✓
- Facilities for quails and similar-sized small poultry must provide one square foot of coop space per bird. ✓
- Facilities for all other poultry, including chickens and ducks, must provide at least six square feet of runway space and at least three square feet of coop space per bird. ✓

Location of Your Poultry Facility

Your poultry facility must be located:

- In the rear yard. ✓
- At least three feet away from any other building on the property. ✓
- At least 25 feet away from a residence on an adjacent property. ✓
- Chicken and duck coops must comply with these distance requirements and zoning standards.

Guideline Exemptions

You do not have to follow these guidelines if your property meets one of the following criteria:

- Zoned Residential Agriculture (RA) with a lot size of at least 10,000 square feet.
- Zoned Exclusive Farm Use (EFU) of any size.

To check your property zone, [you can look it up online](#) or call the Planning Information Desk at 503-588-6213.

By following these guidelines, you can responsibly keep poultry while ensuring the comfort of your neighbors and the well-being of your birds.

Additional Information

- [Salem Revised Code 50.710](#) - Property maintenance law for the City of Salem
- [Adopting and caring for backyard chickens](#) - Humane Society of the United States

- (A) As used in this section, **“ALLOWED” DOMESTICATED FOWL** means chickens, ducks, pheasants and quails **three months of age or older.** ✓
- (B) Fowl shall be permitted in single-family residential zoning districts only and in compliance with the following regulations and limitations and all other applicable provisions of this code.
- (C) Any keeping of fowl shall be **for personal use, and any related commercial production is prohibited.** ✓
- (D) Roosters are prohibited.
- (E) Up to four adult fowl shall be allowed on any lot with a minimum area of 5,000 square feet. One additional adult fowl is allowed for each 2,000 square feet of additional lot area, up to a maximum of 12 fowl.
- (F) The owner or person in charge of real property shall not allow animal waste to accumulate.
- (G) All animal food shall be stored in metal or other rodent-proof containers.
- (H) Fencing shall be designed and constructed to confine all allowed fowl to the owner's property at all times.
- (I) **Structures that house fowl shall be located at least 20 feet from all abutting residences.** ✓
- (J) **Structures that house fowl shall be located at least five feet from any side or rear property line.** ✓