

## CHAPTER 90: ANIMALS

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### GENERAL PROVISIONS

#### **§ 90.01 RUNNING AT LARGE.**

(A) It shall be unlawful for any person to allow or permit any animal to run at large, provided, however, that this section shall not apply to domestic animals.

(B) All animals found running at large are hereby declared to be a nuisance and shall be impounded.

(C) The owner of any animal shall be responsible for any damages to the person or property of others caused by said animal while running at large.

(Ord. 1984-7, passed 8-27-1984) Penalty, see § 90.99

#### **§ 90.02 DISEASED ANIMALS RUNNING AT LARGE.**

All animals which are afflicted with a contagious or infectious disease and have been found at large, or have come into contact with or exposed to any public place, shall be placed in an animal shelter provided for that purpose by contract or otherwise by the town, under the supervision and direction of the Marshal.

(Ord. 1984-7, passed 8-27-1984)

#### **§ 90.03 LIVESTOCK AND WILD ANIMALS.**

(A) It shall be unlawful for any person to have, keep, or otherwise maintain within the corporate limits of the town, any livestock, fowl, or wild animal, excepting household pets as hereinafter defined, unless such livestock, fowl, or wild animal is confined not less than 150 feet from the residence of any other person; provided, however, that no such livestock, fowl, or wild animal shall be so kept or maintained if noxious and/or offensive odors are thereby caused to enter upon and cross the real estate owned and/or occupied by another.

(B) (1) **LIVESTOCK AND FOWL** shall be construed to mean all animals and fowl that provide food and/or are beasts of burden such as cattle of all species, cows, bulls, horses, mules, ponies, burros, goats, sheep, hogs, chickens, ducks, and any other animal of a similar kind, nature, type, or use.

(2) **HOUSE PETS** shall be construed to be dogs, cats, parakeets, canaries, and other small animals or birds which are normally kept within the living quarters of an abode.

(3) **WILD ANIMALS** shall be construed to mean all poisonous reptiles or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal, or any other animal or reptile of wild, vicious, or dangerous propensities. This term shall include, but not be restricted to, apes, bears, constrictor snakes over six feet in length, coyotes, deer, foxes, gamecocks and other fighting birds, monkeys, and wolves.

(Ord. 1984-7, passed 8-27-1984) Penalty, see § 90.99

#### § 90.04 VICIOUS DOGS.

(A) It shall be unlawful for any person to keep or harbor any cross, vicious, or unruly dog.

(B) The Marshal or his or her deputy is hereby authorized to kill any dangerous or vicious animal when it is necessary for the protection of any person or property.

(Ord. 1984-7, passed 8-27-1984) Penalty, see § 90.99

### HUMANE TREATMENT OF ANIMALS

#### § 90.15 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ABANDONMENT.** The voluntary relinquishment or possession by the owner with the intention of terminating his or her ownership but without vesting it in any other person.

**AT LARGE.** Off the premises of the owner's property or residence while not under the control of the owner or other person by leash, cord, chain, or other device of actual physical restraint. An exception to **AT LARGE** shall be for instances where a dog, cat, or other animal would be under voice control while engaged in hunting, tracking, or other verifiable training procedures.

**DOG, CAT, AND ANIMAL.** Include both the male and female of all forms of dogs, cats, or other animals of any type or character.

**OWNER.** Any person, firm, association, entity, group, or corporation owning, keeping, boarding, or harboring a dog, cat, or other animal within the unincorporated areas of the county.

**VICIOUS.** With a propensity, inclination, tendering or attitude toward, or causing an unprovoked attack or assault on a human or another animal.

(Ord. 87-308, passed 4-20-1987)

#### § 90.16 JURISDICTION.

This subchapter and the rules, regulations, restrictions, and punishments herein provided shall pertain only to activities arising from or occurring within the unincorporated areas of the county.

(Ord. 87-308, passed 4-20-1987)

#### § 90.17 CONTROL MEASURES.

(A) An owner shall keep his or her dog, cat, or other animal under control at all times.

(B) It shall be deemed that an owner does not have control of his or her animal if he or she permits said animal to:

(1) Run at large at any time within the unincorporated areas of the county;

(2) Damage or defile the premises or property of another within the unincorporated areas of the county;

(3) Bark or howl unduly, for periods exceeding 30 minutes, so as to disturb the quiet of the neighborhood or any person or persons; provided, however, that this division (B)(3) shall not apply to duly licensed and operated kennels permitted by the county zoning ordinance to be operated at the location at issue, by specific zoning ruling, special use permit, or other provisions of the zoning ordinance; or

(4) Bite, or attempt to bite, attack, or belligerently pursue any person or persons.

(Ord. 87-308, passed 4-20-1987) Penalty, see § 90.99

#### § 90.18 FEMALE DOGS AND CATS.

Any female dog or cat in heat shall be confined in a secure enclosure by its owner in such manner that the female cannot come in contact with a male animal of its own species.

(Ord. 87-308, passed 4-20-1987)

#### § 90.19 ABANDONMENT OF ANIMALS.

It shall be unlawful for any owner or any animal to abandon the same within the unincorporated areas of the county.

(Ord. 87-308, passed 4-20-1987) Penalty, see § 90.99

## **§ 90.20 INOCULATION.**

All dogs or cats kept, harbored, or maintained by their owners in the county, and over the age of six months, shall have current and valid rabies inoculations, and must wear a tag at all times attached to a properly fitted collar or harness verifying the inoculation.

(Ord. 87-308, passed 4-20-1987)

## **§ 90.21 VICIOUS ANIMALS.**

(A) It shall be unlawful for any person to keep, maintain, or have in his or her possession or under his or her control within the unincorporated areas of the county, any dangerous dog or other animal with vicious or dangerous propensities toward humans or other animals.

(B) This section does not prohibit trained law enforcement dogs nor certified, trained production dogs.

(Ord. 87-308, passed 4-20-1987) Penalty, see § 90.99

## **§ 90.99 PENALTY.**

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) A person violating any provision of §§ 90.01 to 90.04 shall be fined in any sum not to exceed \$500.

(C) Any person violating any of the provisions of §§ 90.15 to 90.21 shall be deemed guilty of an infraction and shall be punished by a fine of not less than \$25 nor more than \$200, together with the court costs or other assessments imposed by a court of competent jurisdiction. Any person convicted of a subsequent violation or violations of §§ 90.15 to 90.21, within one year after a prior conviction, shall be punished by a fine of not less than \$25 nor more than \$500, together with the court costs or other assessments imposed by a court of competent jurisdiction. For purposes of §§ 90.15 to 90.21, each day's violation of any of the terms or provisions hereof shall be deemed a separate offense.

(Ord. 1984-7, passed 8-27-1984; Ord. 87-308, passed 4-20-1987)