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ARTICLE I. IN GENERAL

Sec. 14-1. Ill treatment, abandonment prohibited.

(a) It is unlawful to cruelly treat animals as prohibited in VT.C.A., Health and Safety Code

§ 821.023.

(b) It shall be unlawful for any person to abandon or dump any animal within the city limits. All animals which are abandoned shall be considered surrendered to animal control for impoundment or disposal under the provisions of this chapter.

Code 1987 §§4.12, 4.40

Sec. 14-2. Molesting or releasing animals.

(a) It shall be unlawful for any person to in any manner, tease, annoy, disturb, molest, or irritate any animal that is confined to the owner's premises.

(b) It shall be unlawful for any person, except the owner of a pet animal or his authorized agent, to willfully open any door or gate on any private or public premises for the purpose of enticing or enabling any animal to leave such private or public premises.

Code 1987 §4.50

Sec. 14-3. Animal quarantine.

(a) The animal control officer shall have the authority to order the quarantine of animals responsible for bite incidents or suspected of having any disease considered to be a hazard to the human population or other animals.

(b) Every animal that bites a human, or attacks another animal in an unnatural manner, or has rabies or any other disease, or is under suspicion of having rabies or any other disease, shall be immediately confined by the owner, who shall promptly notify the animal control officer or the city police department of the place where such animal is confined and the reason for confinement. The owner shall not permit such animal to come in contact with any other person or animal. The owner shall surrender possession of such animal to the animal control officer or city police on demand for supervised quarantine. Supervised quarantine shall be at the impoundment facility, a veterinary hospital, or by any other method of adequate confinement.

Code 1987 §4.8

Sec. 14-4. Nuisances.

 The following shall be considered a public nuisance and shall be unlawful:

(1) The keeping of any dog or cat which, by causing frequent or long continued barking or noise, shall disturb any person of ordinary sensibilities in the vicinity.

(2) The keeping of any animal in such a manner as to endanger the public health; to annoy neighbors by the accumulation of animal wastes which cause foul and offensive odors or are considered to be a hazard to any other animal or human being, or by continued presence of an animal on the premises of another.

(3) All animal pens or enclosures in which any animal may be kept or confined which from use have become offensive to a person of ordinary sensibilities.

Code 1987 §§4.9,4.11

Sec. 14-5 Prohibiting animal selling and/or giveaways in public places

 (a) A person must not display any dog or cat in a public place for the purpose of selling or giving the animal away. This section does not apply to the display of animals in a pet shop, commercial kennel, or veterinarian’s office. Any non-profit county animal welfare organization, as defined by section 501(c)(3) of the Internal Revenue Code, may display animals for adoption with a permit issued at no charge by the director.

 (b) No person shall sell, barter, exchange or offer for adoption, whether for compensation or otherwise, any dog or cat to any minor under the age of eighteen. It is unlawful for any private person to display with the intent to sell or offer for sale, barter, give away, or otherwise dispose of any animal upon any street, sidewalk, public building, public park, or other public places.

 (c) No owner or person shall display for commercial purpose, offer, sell, trade, barter, lease, rent or give away, any live animal, on any roadside, public right-of- way, commercial parking lot or any flea market. This provision does not prohibit the sale or purchase of animals from a person’s private residence.

 (d)No person shall sell, give away, or abandon any dog, cat or domesticated animal in any public place, including the right-of-way of any public highway, road or street, or on the property of another. No person shall sell, give away, or abandon any dog, cat, or domesticated animal on the property of another, without the written consent of the property owner.

Adopted 6-20-2006

Secs. 14-6 – 14-40. Reserved.

ARTICLE II. ENFORCEMENT

Sec. 14-41. Responsibility.

(a) Enforcement shall be the responsibility of the animal control officer or the police department. The animal control officer or a city police officer shall have the authority to issue citations for any violations of this chapter. If the person cited is not present, the animal control officer or a city police officer may send the citation to the alleged defendant by registered or certified mail.

(b) It shall be unlawful for any person to interfere with any animal control officer or police officer in the performance of his duties.

Code 1987 §4.2

Sec. 14-42 Complaint.

1. It is the responsibility of the city secretary to provide any citizen with appropriated designated complaint form for the purpose of filing a complaint regarding any violation of this chapter.
2. It is the responsibility of the person filing a complaint to complete the necessary forms regarding the complaint, furnishing a complete description of the violation, to include but not limited to date, place, nature of violation if known and the name and address of the violator. The Complainant must furnish his name, address and phone and provide a valid signature upon the complaint. Such complaint may be used to pursue the necessary action to correct the violation. The Signature of the complainant upon the complaint form is to be construed to believe that the complainant is willing to act as witness if the need shall arise, on behalf of the representative of the city.
3. Failure of a citizen to provide a signature and description of violation renders the complaint null and void.

Code 1987 § 4.60

Sec. 14.43 Warrants.

It is the responsibility of the appropriate city officer to investigate the complaint and if a violation is found shall take the appropriate action.

Code 1987 § 4.61

Sec 14.44 – 14.60 reserved

 ARTICLE III DOGS AND CATS

 DIVISION 1. GENERALLY

Sec.14.61 definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to then in this section, except where the context clearly indicates a different meaning:

*Cat* means any member of the feline species either male or female.

*Dog* means any member of the canine species either male or female.

*Running at large* means not completely confined by a building, wall or fence of sufficient strength or construction to restrain the dog or cat except when such dog or cat is either on a leash or held in the hands of the owner or keeper, or under direct supervision of the owner, within the limits of the owner’s private property.

Code 1987 §4.1

Sec 14.62 Running at large

It shall be unlawful for any person who owns, possesses, keeps, or harbors a dog to permit such dog to run at large.

Code 1987 § 4.3

Sec. 14.63 Impoundment, euthanization authorized.

The animal control officer is authorized to impound any dog at large. The animal control officer ha the authority to euthanize or put down any dog in an emergency situation.

Division 2. License and Rabies Control

Secs. 14.64 – 14.80 Reserved

14.81 Animal vaccination and registration

Every owner shall obtain a license for a dog or cat kept or harbored within the corporate limits of the city which is four months of age or over, and a tag will be issued by the city

Code 1987 § 4.4

Sec. 14-82. Issuance of license.

All licenses and registration shall be issued by the city or persons authorized to act on behalf of the city upon payment of a license fee in the amount on file and presentation of a properly completed application for license and a certificate from a licensed veterinarian showing that the dog or cat has been vaccinated for rabies, including the date of such vaccination. Application for a license shall be upon printed forms furnished by the city for such purpose and shall require the name, address and phone number of the owner, and the name, breed and sex of the dog or cat. If an owner does not obtain a license for a dog or cat within 30 days from expiration of the date of a license or when otherwise required to be licensed, a penalty of $10.00 will be assessed in addition to the licensing fees.

Code 1987 § 4.4

Sec. 14-83. Validity; certificate, tag.

(a) A license under this division shall be valid for a period of one year from the date of issuance. The initial license obtained under this section shall be valid until the expiration of one year from the date of vaccination.

(b) Upon compliance by the owner of a dog or cat with the registration and licensing requirements of this division, such owner shall be issued a license certificate and metallic tag for each dog or cat licensed.

Code 1987 § 4.4

Sec. 14-84. Collar and tags.

(a) The owner of a dog or cat shall provide and place on such dog or cat a collar or harness to which the license tag and vaccine tag required by this division shall be affixed. The owner shall see that the collar and tags are at all times worn by the dog or cat.

(b) In case a dog's or cat's tag is lost or destroyed, a duplicate will be issued by the city upon presentation of the receipt showing the payment of the license fee for the current time, presentation of a certificate showing that the dog or cat has been vaccinated within one year and the payment of a fee on file for such duplicate.

(c) Dog or cat tags shall not be transferable from one dog or cat to another, and no refund shall be made on any license fee because of the death of a dog or cat or the owner's leaving the city before the expiration of the license period.

Code 1987 § 4.5

Sec.14-85 limit on number of animals

The following limitations on keeping animals within the corporate limits of the city shall apply.

1) No more than three (3) adult Canines and/or Felines (1 year old or more), in any combination shall be kept in/on a Single-Family property. Single-family property is identified as contiguous property owned and occupied and not identified as platted lot(s).

a)Exception: If any owner has licensed animals that exceed these limits, that person may maintain ownership of the licensed animal. Wizen the owner no longer has such ownership of the licensed animals through any manner including attrition, death or loss of any type this ordinance shall apply.

2) Aviaries shall not be allowed unless such aviary is located in a property specifically zoned for such.

3) Aviaries are described as a habitat for more than 5 adult birds of all types except any bird that is further described within the Codes & Ordinances of East Tawakoni

4) Exotics as defined by the owner or by this Municipality shall not be allowed without a specific use permit granted by the authority having jurisdiction for this exemption.

Adopted 12-16-2003

Secs. 14-86 – 14-100. Reserved.

DIVISION 3. IMPOUNDMENT

Sec. 14-101. Impoundment policies.

A dog or cat may be impounded for the following reasons:

(1) Dog or cat does not exhibit evidence of being vaccinated and registered as described in section 14 81.

(2) A dog or cat has a contagious disease or is infected or kept under conditions which could endanger the public or animal health.

(3) A dog or cat is creating a nuisance.

(4) A dog is running at large, as prohibited in section 14 62.

(5) A dog or cat is being treated in a manner determined by the animal control officer to be cruel or inhumane.

(6) A dog or cat has bitten a human being or needs to be placed under observation for rabies determination as determined by the animal control officer.

(7) A dog or cat in violation of any provision of this article.

Code 1987 § 4.6(A)

Sec. 14-102. Resuming possession.

(a) Reasonable effort shall be made by the animal control officer to contact the owner of any dog or cat impounded; however, final responsibility for the location of the dog or cat is that of the owner. The city is held harmless for any actions taken by the city or by the animal control officer in the disposition of any animal that is picked up in violation of this article or any of its regulations.

(a) The owner can resume possession of any impounded dog or cat upon payment of impoundment fees, handling fees and any veterinarian bills incurred by the animal control officer for the welfare of the dog or cat, and upon compliance with vaccination provisions of this chapter. The owner is responsible for any and all expenses incurred.

(b) If any dog or cat is being held under quarantine or observation for rabies, the owner shall not be entitled to possession until it has been released from quarantine by the animal control officer.

(c) The owner shall pay all expense of impoundment and care. This includes the cost or the animal impoundment charge that is billed to the city, to any citation that the individual receives when an animal is impounded.

(d) Any dog or cat not reclaimed by the owner may be humanely euthanized after being impounded five days.

(e) Any impounded dog or cat may be given up to adoption after the fifth day, except those dogs or cats under quarantine.

Code 1987 § 4.6(B) – (H)

Sec. 14-103. Euthanization authorized.

(a) Any owner who no longer wishes responsibility for his dog or cat or believes the dog or cat to be in an ill or injured condition may sign a written waiver supplied by the animal control officer allowing the animal to be immediately euthanized in a humane manner, provided that no dog or cat that has bitten a human being shall be euthanized before expiration of the quarantine period.

(b) Any impounded dog or cat that appears to be suffering from extreme injury or illness may be euthanized.

Code 1987 § 4.6 (I) ,(J)

Sec. 14-104. Collection of impoundment fees.

Once an animal is transported to the designated shelter, the impoundment fees are set and collected by that facility and subject to change as management of that facility determines. All charges incurred are the responsibility of the owner of the animal.

Code 1987 § 4.7(B)

Secs. 14-105 – 14-120. Reserved.

DIVISION 4. DANGEROUS DOG

Sec. 14-121. Definitions.

The following words, terms, and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**1.Animal control authority** means a municipal or county animal control officer with authority over the area in which the dog is kept or a county sheriff in an area with no animal control office.

**2.Dangerous dog** means a dog that:

(A) Makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

(B) Commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

3. **DOG**, means a domesticated animal that is a member of the canine family

**4. Secure enclosure** means a fenced area or structure that is:

(A) Locked by a number 3 Master Lock or similar.

(B) Capable of preventing the entry of the general public, including children.

(C) Capable of preventing the escape or release of a dog.

(4) "Dangerous Dog" clearly marked in block characters of not less than three inches in height and is of a color that contrasts with the background. The sign must be of plastic or metal origin and continuously visible and posted on all four sides of the enclosure.

(D) Is constructed with a concrete slab no less than four inches in thickness, with dimensions no less than six feet by eight feet and six feet high, with four sides and a roof constructed of chain link. Corner posts shall be embedded in concrete slab. The sides shall be anchored to concrete every six inches and the roof anchored to the sides every six inches.

(E) Is maintained in accordance with section 14 4.

**5. Owner** means a person who owns or has custody or control of the dog.

Amended 3-21-2000

Sec. 14-122. Adoption of state law.

The provisions of V.T.C.A., Health and Safety Code§ 822.041 et seq. regarding dangerous dogs is adopted by reference and will be enforced in the city.

Amended 3-1-2000

Secs. 14-123 – 14-150. Reserved.

ARTICLE IV. LIVESTOCK AND FARM ANIMALS

Sec. 14-151. Keeping prohibited.

It shall be unlawful for any person with the corporate limits of the city to keep or have, on his own or rented premises swine, mules, jacks, jennies, goat or sheep

Revised 12-16-2003

Amended 10-20-2020

Sec. 14-152. Raising or keeping poultry.

It shall be unlawful for any person to raise, keep of maintain chickens, turkeys, or other domestic fowl within the corporate limits of the city except as provided below.

a) **Definitions**: The following words, terms, and phrases, when used in this section, shall have the following meanings:

**Chicken**. A domesticated fowl that is commonly raised by people for its eggs and meat: a hen or a rooster.

**Hen**. A female chicken

**Owner**. Any person who owns, keeps, shelters, maintains, feeds, harbors, or has temporary or permanent custody of a domestic or prohibited animal, or who knowingly permits a domestic or prohibited animal to remain on or about any premises occupied by that person over which that person has control. An animal shall be deemed to be owned by a person who harbored it, fed it, or sheltered it for five (5) consecutive days or more. If a person under the age of seventeen (17) years owns an animal subject to the provisions of this chapter, the head of the household of which such person under the age of seventeen (17) years is a member shall be the person responsible for the animal under this chapter. Such household head may himself be under the age of seventeen (17) years and therefore subject to the prosecution under this chapter. There may be more than one (1) person responsible for an animal.

**Pen (Coop**), Small enclosure, closely confined; shut up.

**Person**. Any individual, firm, partnership, association, corporation, or other legal entity.

**Roam**. To wander about.

**Rooster**. An adult male chicken.

**Secure enclosure**. A fenced area or structure that is:

(1) Capable of preventing the entry of varmints and predators;

(2) Capable of preventing the escape or release of chicken(s);

(3) In conformance with the requirements for enclosures established by the Chief of Police.

b) Requirements for keeping hens

(1) It shall be unlawful for any person within the corporate limits of the city to keep or have a rooster or to have more than six (6) hens. It shall be lawful to keep or have six (6) or less hens. In all cases, said hens shall be housed or kept in a structure or enclosure in the rear yard at a distance of a minimum of 50 (fifty) feet from all neighboring property lines. All pens (coops) and enclosures must be located in the rear property of an established dwelling. It shall be unlawful for any person to erect or construct any pen or enclosure on any vacant property. It shall be unlawful for any person within the corporate limits of the city to allow said hens to roam freely outside of the enclosure.

(2) All pens (coops) and enclosures wherein hens are kept shall be designed, constructed, erected with new material, predator resistant and maintained in accordance with applicable codes of the city. All materials shall be weather proofed. Pens (coops) and enclosures shall be a three (3) or more sided structure with a minimum of two (2) square foot of roosting area per hen with a roof or cover to allow the hens to remain dry and protected from the elements and have direct access from the roosting area to an outdoor enclosure that is a minimum of six (6) square feet of ground per hen. Pens (coops) and enclosures shall be easily accessed, constructed, and maintained to reasonably prevent the collection of standing water, predator proof, thoroughly ventilated, and shall be cleaned of droppings, uneaten food, feathers, and other waste weekly or more often if needed to prevent foul odors. All pens (coops) and enclosures shall contain fresh water at all times and food in sufficient quantity and with nutritive value to maintain the health of the hens.

(3) All feed products shall be kept in weatherproof and tamper resistant containers.

c) Maintenance of pens (coops) and enclosures: Owner Responsibility

(1) All pens (coops) and enclosures wherein hens are kept shall be maintained and kept in such a manner as not to become unsanitary or offensive to persons residing in the vicinity thereof and so as not to breed flies or in any manner cause any injury to the health of the public residing in the vicinity of the pen (coop) or enclosure. All waste material must be properly bagged and disposed of in an environmentally friendly and timely manner.

(2) The determination that a pen (coop) or enclosure is unsanitary or offensive to such persons, that such pen (coop) or enclosure is being maintained or kept so as to breed flies, or that such a pen (coop) or enclosure is maintained in any manner as to cause any injury to the health of the public residing in the vicinity of the pen (coop) or enclosure shall be made by the Chief of Police or his authorized representative. Such determination shall be prima facie evidence of a violation of this section.

(3) The impact and spread of a disease can be reduced if households with hens can be identified. A permit requirement will generate a list of all households with chickens allowing for a quicker response to a disease outbreak.

(4) It shall be unlawful for any person or owner within the corporate limits, in reference to this section to sell eggs or chickens.

(5) Owner may not slaughter any chickens for personal consumption.

(6) It shall be a class C Misdemeanor, for any person within the corporate limits of the city to violate any requirements of this section. Any property owner, resident, person in care, custody and control of the property found to be in violation of this chapter by the City of East Tawakoni Chief of Police or his authorized representative is subject to fines, up to $500 per violation, and Permit Revocation. Each day the violation exists is a new violation.

1. First Offense Citation

2. Second Offense Citation (fines escalate)

3. Third Offense Permit Revocation

(7) Failure to obtain a permit will result in a fine up to $500 per violation.

d) Pen (coop) and Enclosure permit required

(1) A permit fee of$25.00 is required for the construction of the pen (coop) and enclosure.

(2) An inspection fee of $25.00 will be required for the inspection of the enclosure and pen (coop) by the Chief of Police or his authorized representative to ensure that it meets the construction design and placement requirements. At the time of the permit application, the applicant will be provided with all requirement documentation.

(3) A onetime registration fee (per residence) of$50.00 is required.

(4) Leg bands are required on all hens and will be provided by the city.

(5) Upon the death destructed of a hen, the owner shall return the leg band to the city and obtain a new band for any replacement hen.

(6) All permit fees shall be paid on the issuance of the permit.

e) Permit revocation and denial

(1) The Chief of Police or his authorized representative may issue a notice of revocation of any permit or deny an application for a permit under this chapter to a permittee or applicant that fails to meet the standards required in this section, refuses to make the premises or hens in his possession available for an inspection, seriously or repeatedly violates this chapter in ways that threaten the health or wellbeing of the permit holder's or applicant's neighbors, or animals in their care 1 or otherwise violates this section in any other way.

(2) The permittee or applicant may reapply for a new permit under this chapter at any time.

(3) The issuance of a revocation of permit shall be a remedy in addition to, and not in lieu of, any penalty authorized by this chapter, and shall not limit any other rights of the Chief of Police or his authorized representative to pursue other enforcement actions or remedies and to address any violation of the provisions of this chapter.

Amended 2-18-2020

Sec. 14-153 KEEPING OF HORSES AND CATTLE

KEEPING OF HORSES

It shall be unlawful for any person within the corporate limits of the city with less than Three fenced acres of accessible roaming space to keep or have on his owned or rented premises any horse, provided however that for each acre of roaming space an owner shall be permitted to keep a horse consisting of a mother and offspring under the age of six(6) months: and provided that, in all cases, all horses shall be kept at a distance of further than one hundred (100)feet from the nearest private residence building or public building.

KEEPING OF CATTLE

It shall be unlawful for any person within the corporate limits of the city with less than one hundred (100) fenced acres of accessible roaming space to keep or have on his own or rented premises any cattle; provided, however, that for each acre of property, an owner shall be permitted to keep a unit of cattle, consisting of a mother and offspring under the age of six (6) months; and provided further that, in all cases such cattle shall be kept at a distance of further that one hundred feet from the nearest private residence building or public building

ENCLOSURES

Any enclosure, pen, corral or restrictive area for large livestock shall consist of a solid wall stretching from the ground to at least four feet above the ground, that does not sway or give way when test by city official: or shall consist of a fence. Such fence must have at least four strands of wire with one strand one foot above the ground and one strand at least four feet above the ground, with the two other strands uniformly spaced between the top and bottom strands. The maximum distance between fence posts shall be 15 feet. The fence posts must not sway more than six inches when tested by a city official. Trees may not be used as fence posts. Gates for large livestock shall be mounted on hinges toa solid wall or fence post and stretch from one foot above the ground to at least four feet above the ground. Such a gate must connect to another fence post or solid wall in such a manner that large livestock cannot pass through it, and the gate itself must be constructed so that there is not an opening in it large enough for large livestock to pass through. Such gates must have a latch or chain attached capable of keeping the gate closed when tested by a city official.

REGISTRATION

All horses and cattle shall be registered with city hall and will require the following information description of the animal, proof of all state mandated vaccinations, information relating to the owner, including emergency telephone numbers and telephone number for their veterinarian in case of emergencies. Upon payment of a registration fee and completed application and a certificate from a licensed veterinarian showing that the animal has all required vaccinations and a negative Coggins test a certificate of registration will be issued.

RUNNING AT LARGE

It shall be unlawful for any person who owns, controls, keeps, or harbors any horses or cattle on premises owned or controlled by him/her within the city limits to permit such animal to run at large.

Amended 10-20-2020

14-154 DISPOSAL OF DEAD ANIMALS

Whenever an animal is found dead on any property in the city, in order to safeguard the public health, welfare and well-being and physical property of the people, the owner or caretaker of the animal or the owner of the property or the person who controls the land on which the animal died or on which the carcass is found shall bury or dispose of the carcass within 24 hours after the carcass is found.

Added 10-20-2020

14-155 MAINTENANCE OF PENS AND ENCLOSURES

 All pens and enclosures wherein horses or cattle are kept shall be maintained and kept in such a manner as not to become offensive to persons residing in the vicinity thereof and so as not to breed flies or in any manner causing any injury to the health of the public residing in the vicinity of the pen or enclosure.

The determination that such a pen or enclosure is unsanitary or offensive to such person, that such per or enclosure is being maintained or kept so as to breed flies, or that such pen or enclosure is maintained in any manner as to cause any injury to the health of the public residing in the vicinity of the pen or enclosure shall be made by the Chief of Police or his authorized representative.

Added 10-20-2020

14-156 REMOVAL OF FECES DEPOSITIED ON PUBLIC OR PRIVATE PROPERTY

It shall be unlawful for any owner or person to allow an animal under such person’s control or ownership to defecate on any private or public property not owned by the person having control of the animal, with the immediate removal of any and all feces. Any person aggrieved by such conduct shall report the name and address of the person who has been alleged to have violated this provision. The person filling the complaint shall appear as a witness in the municipal court.

Added 10-20-2020

14-157 PENALTY

Whenever in this chapter an act is prohibited or is made or declared to be unlawful or whenever in this chapter the doing of an act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this chapter shall be punished by a fine or not less than the minimum and not more that the maximum allowed by the law. Each violation and each day each violation of this chapter continues shall constitute a separate offense.

Added 10-20-2020