

TITLE VI
ANIMALS AND FOWL

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CHAPTER 6.04

ANIMAL CONTROL REGULATIONS

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Section 6.04.01 Definitions

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

- a. Altered Dog/Cat: Any dog or cat which has been surgically altered to prevent conception.
- b. Animal Control Department: The agency of the City of Berryville having primary responsibility for the implementation of this chapter hereinafter prescribed.
- c. At Large: Any dog not confined as hereinafter required.

- d. Cat: A member of the felis catus family normally considered to be the domesticated type.
- e. Cable run: means a metal cable that is mounted aboveground at a designated height to two stationary objects for the purpose of attaching a pulley system that moves from one end of the cable to the other and to which a dog is tied or secured by means of a rope, chain, or cable attached to the dog's collar or harness.
- f. Collector: The City Treasurer or his duly authorized agent.
- g. Dogs: When used here shall include animals of all ages, both female and male, which are members of the canine, or dog family.
- h. Kennel: Any person, group of persons or corporation owning, keeping, or harboring three (3) or more dogs.
- i. Muzzle: When required by this chapter, a muzzle shall be of appropriate material with sufficient strength to restrain a dog from biting and no such muzzle employed shall be made from any material or maintained on the dog in any manner so as to cut or injure the dog.
- j. Owner: Every person, firm partnership or corporation, owning, keeping or harboring a dog within the corporate limits of the city.
- k. Potentially dangerous animal: any dog or other animal that has shown a propensity, tendency, or disposition to attack without provocation and is able or likely to inflict injury to another person or animal.
- l. Proper confinement or enclosure: Securely enclosed, locked pen or structure with at least 150 feet of space for each animal kept therein that is capable of preventing the animal from escaping.
- m. Rabies Exposure: A dog or cat has been exposed to rabies within the meaning of this ordinance if it has been bitten by, or been exposed to, any animal known to have been infected with rabies.
- n. Swivel: pivoting hardware that can be used in a trolley system to attach a cable run to a tether or a tether to a dog's collar or harness in order to minimize twisting and tangling of the tether.
- o. Tether: a rope, chain, or cable that is attached to a dog's collar or harness for purposes of restraining the dog.
- p. Trolley system: a method of restraining a dog which utilizes a cable run, swivel and tether attached to a dog's collar or harness.

- q. Vaccination: An injection of any vaccine for rabies approved by the State veterinarian and administered by a licensed veterinarian or agent of the Health Officer.
- r. Vicious dog or vicious animal: Any dog or other animal that has bitten or attempted to bite any person, or caused serious injury to another domestic animal or livestock without provocation and is able or likely to inflict injury to another person.

Section 6.04.02 Administration

- A. The primary responsibility for the enforcement of this ordinance shall rest with the Animal Control Department and its designated employees and the Police Department.
- B. The Animal Control Department shall be authorized and empowered to adopt and promulgate such rules and regulations as may be necessary and proper to effectuate this chapter, under the direction of the Mayor.
- C. Persons appointed to, or otherwise serving on the Animal Control Department at the time of the adoption of this chapter, shall constitute the initial membership thereof.

Section 6.04.03 Animal License Fees, Tags and Kennel Operation

- A. It shall be unlawful for any person, firm or corporation to own, keep or harbor a dog or cat within the corporate limits of the City without having first paid to the Animal Control Office an annual license fee per the following schedule:
 - a. Years 2013 and 2014: \$7.50 for each altered dog or cat
\$20.00 for each unaltered dog or cat
 - b. Years 2015 and thereafter: \$5.00 for each altered dog or cat
\$25.00 for each unaltered dog or cat

The license fee required by this section shall be due and payable as soon as the dog or cat attains six (6) months of age and at the same time the dog or cat receives a rabies vaccination. The license as referred to in this section shall be effective for the year ensuing its issuance and must be renewed in each subsequent year by the same month and day it was originally issued. This license shall be nontransferable and must be returned to the Animal Control Officer upon the death of the dog or cat; provided, however, the owner may obtain a duplicate tag, if such tag is lost, by payment of a two dollar (\$2.00) fee to the Animal Control Officer.

- B. Upon payment of the license tax or fee required by this section, it shall be the duty of the Animal Control Officer to furnish the owner of said dog or cat with a metal tag of distinctive design, on one side of which shall be stamped the words

“Tax Paid,” the year for which the same is paid, and the serial number of the dog or cat. Every dog or cat covered by this chapter must have and wear a collar of such type that the city license tag may be firmly attached to said collar. Such tag, when issued, shall at all times be securely attached to the dog’s or cat’s collar or harness, and failure to keep such tag on the dog’s or cat’s collar shall be unlawful.

- C. Every person, group of persons, or corporation engaged in the commercial business of buying, selling, breeding or boarding, and who owns, harbors, or keeps three (3) or more dogs or cats in a kennel shall pay an annual license fee to the Animal Control Officer of fifty dollars (\$50.00).

Section 6.04.04 Rabies Control

- A. Every animal which bites a person shall be promptly reported to the Animal Control Department, shall thereupon be securely quarantined at the discretion of the Animal Control Department for a period of ten (10) days, and shall not be released from such quarantine except by written permission of the Animal Control Department. At the discretion of the Animal Control Department, such quarantine may be at the animal shelter, or, at the owner’s expense, in a veterinary hospital of his choice. In the case of stray animals, or of animals whose ownership is not known, such quarantine shall be at the shelter designated as the City Animal Shelter.
- B. The owner, upon demand by the Animal Control Department, shall forthwith surrender any animal which has bitten a human, or which is suspected of having been exposed to rabies, for supervised quarantine at the owner’s expense. The animal may be reclaimed by the owner if adjudged free of rabies upon payment of fees set forth in Section 6.04.09 (D) of this code and upon compliance with licensing provisions set forth in Section 6.04.03 of this code.
- C. When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observation, the Animal Control Department shall immediately send the head of such animal to the State Health Department for pathological examinations and shall notify the proper public health officer of reports of human contacts and the diagnosis made of the suspected animal.
- D. When one or both reports gives a positive diagnosis of rabies, the Animal Control Department shall recommend a city-wide quarantine for a period of thirty (30) days, and upon the invoking of such quarantine, no animal shall be taken into the streets, permitted to be in the streets, or be taken or shipped from the city without written permission of the Animal Control Department during such period of quarantine.
- E. During such period of rabies quarantine, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed or, at the owner’s option and expense, shall be treated for rabies infection by a licensed veterinarian, or held

under thirty (30) days quarantined by the owner in the same manner that other animals are quarantined.

- F. In the event there are additional positive cases of rabies occurring during the period of quarantine, the period of quarantine may be extended for an additional six (6) months.
- G. No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any such animal that has bitten a human, except as herein provided. Nor shall any such animal be removed from the city limits without written permission from the Animal Control Department.
- H. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to the Animal Control Department.
- I. The Animal Control Department shall direct the disposition of any animal found to be infected with rabies.
- J. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand therefore is made by the Animal Control Department.
- K. It shall be the duty of every licensed veterinarian to report to the Animal Control Department his diagnosis of any animal observed by him as a rabies suspect.
- L. No person shall own, keep, or harbor or have control over any dog in the City of Berryville, or obtain a license for any dog over the age of six (6) months unless said animal shall have been vaccinated with an anti-rabies vaccine. All such dogs shall be vaccinated against rabies in accordance with A.C.A § 20-19-305.
- M. All veterinarians who are licensed to practice in Carroll County shall be appointed registrars of the City of Berryville and shall register each dog that receives a rabies vaccination if such dog is to be kept within the corporation limits of the City of Berryville.

Section 6.04.05 Confinement of Dogs

- A. Any person owning, possessing or keeping a dog or dogs shall confine such dog or dogs within a Proper Confinement or Enclosure as set forth within Section 6.04.01 (f) of this code, or by a proper Trolley system as provided for in Section 6.04.05 (B).
- B. Direct-point chaining or tethering of dogs to a stationary object is prohibited. Dogs may be restrained by means of a Trolley system, if the following conditions are met:
 - (1) Only one dog may be tethered to each cable run.

- (2) The tether must be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which two fingers may fit. Choke collars and pinch collars are prohibited from tethering a dog to a cable run.
 - (3) There must be a swivel on at least one end of the tether to minimize tangling of the tether.
 - (4) The cable run must be at least ten (10) feet in length and mounted at least four (4) feet and no more than seven (7) feet above ground level.
 - (5) The length of the tether from the cable run to the dog's collar should allow access to the maximum available exercise area and should allow continuous access to water, food, and shelter. The trolley system must be of appropriate configuration to confine the dog to the owner's property, to prevent the tether from extending over an object or an edge that could result in injury or strangulation of the dog, and to prevent the tether from becoming entangled with objects or animals. The area where any animal is tethered must provide proper and adequate drainage.
- C. At all times when not confined as stated above, the owner of any dog or dogs shall confine such dog or dogs within an automobile, or the dog or dogs shall be leashed and under the control of a person competent to control such dog or dogs.

Section 6.04.06 Running at Large

No person owning, possessing, or keeping a dog shall allow the same to run at large within the City of Berryville.

Section 6.04.07 Barking and Howling

It shall be hereinafter unlawful for any person, firm or corporation to keep on his premises, or under his control, any dog which by loud and frequent barking and/or howling shall disturb the peace and quiet of any person who may reside within reasonable proximity of the place where such dog is kept.

Section 6.04.08 Impoundment and Release/Disposition Procedures and Fees

- A. The Animal Control Department shall take into custody any dog found at large in the city, and shall impound the dog in the city animal shelter or such other place as such animal control worker may designate for purposes of impoundment. Such impounded dog shall be held for a period of three (3) days at the end of which the dog shall be made available for adoption. During these three (3) days of such impoundment, the Animal Control Officer shall make diligent effort to determine

the owner of such dog and notify him of such impoundment. If the owner of such dog fails or refuses to claim and repossess such dog by the payment of the proper fee as prescribed herein within the three (3) days of such impoundment, then the Animal Control Officer may deliver custody and possession of such dog to any person other than the owner upon the payment of the fee as prescribed in subsection (E) of Section 6.04.09 of this code between the third day of said impoundment and the sixth day of said impoundment.

- B. When dogs are found running at large, and their ownership is known to the agents of the Animal Control Department, such dogs need not be impounded, but the agent may, in his discretion, cite the owners of such dogs to appear in court and to answer to charges of violation of this ordinance.
- C. Animals other than dogs and cats shall be impounded when found running at large within the city limits and disposed of in accordance with law.
- D. Immediately upon impounding other animals, the agent of the Animal Control Department shall make every possible effort to notify the owners of the animals so impounded and inform them of the conditions under which they may regain custody of such animals.
- E. No unaltered female dog which has been impounded by reason of its running at large shall be allowed to be adopted from the shelter unless the prospective owner agrees to have such female altered. Proof of alteration shall be furnished to the City Animal Control Officer or his agent within fifteen (15) days after adoption.
- F. Every female dog or cat in heat shall be kept confined in a building or secure enclosure or in a veterinary hospital or boarding kennel in such manner that such female dog or cat cannot come into contact with another animal except for breeding purposes.
- G. No wild animal may be kept within the city limits, except under such conditions as shall be fixed by the Animal Control Department; provided, however, that wild animals may be kept for exhibition purposes by circuses, zoos and educational institutions in accordance with such regulations as shall be established by the Animal Control Department.

Section 6.04.09 Reclamation Procedures and Fees

- A. Any person owning, possessing or keeping a dog which has been allowed to run at large and which has been impounded may claim and retrieve such dog from the city animal shelter by payment of the fees herein set forth and proof that the dog has been vaccinated within the year next preceding such impounding, and is currently licensed as required by law. The burden of proof, as to vaccination and licensing, shall be upon the party attempting to claim the dog from the Animal Control Officer under this chapter. Any person claiming unvaccinated and unlicensed dogs, shall, after payment of the fee assessed herein, and prior to

release of the dog, sign a promise in writing to the Animal Control Officer that such person will immediately have the dog vaccinated and licensed if the animal is released to him. Proof shall be furnished to the Animal Control Officer, or his agent, within one (1) week after release.

- B. Any dog, cat or other animal impounded for being a public nuisance may not be redeemed unless such redemption is authorized by a court having jurisdiction.
- C. When, in the judgment of the Animal Control Department or its agents, any animal should be destroyed for humane reasons, such animal may not be redeemed.
- D. Any animal impounded hereunder may be reclaimed upon payment by the owner to the Animal Control Department, the sum of ten dollars (\$10.00) for each dog or cat, plus ten dollars (\$10.00) for each day such dog or cat is kept after the expiration of the legal detention period; and ten dollars (\$10.00) for any other animal, excepting rabbits, poultry and birds, plus ten dollars (\$10.00) for each day such animal is kept after the legal detention period. Impoundment fees set forth herein shall be collected for the City of Berryville and such additional sums as herein provided for keeping shall be collected by the Animal Control Department and retained by it to help defray costs of keeping such animal beyond the period set forth herein.
- E. Any animal unwanted or unclaimed by owner may be adopted by payment of fees as prescribed by the following fee schedule:
 - Dogs: Twenty dollars (\$20.00) plus costs (neuter/spay fees, etc.).
 - Cats: Twenty dollars (\$20.00) plus costs (neuter/spay fees, etc.).
 - Large animals, such as cows and horses, may be adopted on bid.

Section 6.04.10 Notice and Procedure for Violations

- A. The Police Department and Animal Control Department, or persons employed by such departments, are hereby authorized to give to the offender, a notice to appear in the Municipal Court, Criminal Division, of the City of Berryville. Such notice to appear shall state the name and address of the violator and the date of the violation, shall contain a statement of the nature of the violation, and shall be signed by the person having knowledge of such violation who is also a member of one of the departments of the City of Berryville before mentioned.
- B. For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, any agent of the Animal Control Department, or any police officer, is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such dog of the license for such dog. Any agent of the Animal Control Department may enter the premises

where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal when, in the opinion of the agent, it requires treatment.

- C. No person shall interfere with any animal control worker by use of force, trickery or deceit, or threaten use of force or otherwise intimidate or attempt to intimidate or otherwise frustrate or thwart the work of any animal control worker who may be carrying out or attempting to carry out his normal and reasonable duties hereunder.
- D. It shall be the duty of the Animal Control Department to keep or cause to be kept the following:
 - 1. Accurate and detailed records of the licensing, impoundment and disposition of all animals coming into its custody;
 - 2. Accurate and detailed records of all bite cases reported to it, and its investigation of the same; and
 - 3. Accurate and detailed records of all monies belonging to the City of Berryville.

Section 6.04.11 Animal Abandonment and Conditions of Enclosures

- A. It shall be unlawful for any person, firm or corporation to abandon any dog, cat or other animal within the corporate limits of the City of Berryville. Any person, firm or corporation within the corporate limits of the City of Berryville desiring to, in any way, abandon an unwanted animal, may take said animal to the Animal Control Shelter and upon relinquishment of ownership, full and complete authority is given to the animal shelter to make such disposition of the animal as the shelter may deem satisfactory.
- B. It shall be unlawful for any person, firm or corporation keeping or harboring dogs or other animals to fail to keep the premises where such dogs or animals are kept free from offensive odors and contagious diseases to the extent that such odors or contagious diseases are disturbing or a health threat to any person residing within reasonable proximity of the said premises; and it shall be unlawful to allow premises where such dogs or other animals are kept to become unclean and a threat to the public health by failing to diligently and systematically remove all animal waste from the premises.

Section 6.04.12 Potentially Dangerous and Vicious Animals

- A. It shall be unlawful to keep or harbor a vicious dog or other vicious animal within the corporate limits of the city.

B. Initiation of Official Action

- (1) Upon receipt of first allegations that a specific animal is a potentially dangerous animal, an Animal Control Officer shall provide to the owner written notice of the general content of the allegation and a copy of this article.
- (2) Upon receipt of subsequent complaints that the same animal has exhibited further behavior of a potentially dangerous animal, or upon first allegations that an animal is a vicious animal, or upon observing that an animal displays characteristics of a potentially dangerous animal or vicious animal, an Animal Control Officer shall determine whether the animal is a potentially dangerous or vicious animal, which determination may be made based upon the officer's own observations and/or the results of any investigation into the animal's behavior.
- (3) In making the determination, an Animal Control Officer shall provide the owner with the opportunity to respond to the allegations, and may:
 - a. Interview any person with knowledge of the animal;
 - b. Inspect the animal, as permitted by law or by the owner; and
 - c. Undertake any other reasonable inquiry, including without limitation obtaining the opinion of a licensed veterinarian.

C. It shall be unlawful for any person to keep within the city limits any potentially dangerous animal, except in compliance with the provisions of this section.

- (1) Permit required. A potentially dangerous animal may be kept within the city limits only so long as the owner or custodian complies with the requirements and conditions in accordance with the potentially dangerous animal permit.
 - a. The owner or custodian shall pay an annual permit fee of one hundred dollars (\$100.00) for possession of a potentially dangerous animal, in addition to all other required fees.
- (2) Conditions for keeping a potentially dangerous animal. The requirements and conditions for keeping or maintaining a potentially dangerous animal within the city limits shall include:
 - a. Confinement. All potentially dangerous animals shall be securely confined:
 1. Indoors; or

2. In an enclosed and locked pen or physical structure upon the premises of the owner. The pen or physical structure must meet the minimum space requirements of 150 square feet and must have secure sides and a secure top attached to the sides. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two feet. The pen or physical structure must be capable of preventing the entry of the general public, including children, and must be capable of preventing the escape or release of the animal. Electronic containment devices shall not be used to confine dangerous animals.
- b. Spaying or neutering mandatory. All animals that are deemed potentially dangerous must be spayed or neutered within 14 days of being designated as such.
- c. Leash and muzzle. The owner of a potentially dangerous animal shall not allow the animal to go outside of its kennel, pen or physical structure unless the animal is muzzled, restrained by a leash sufficient to control the animal, and under the physical control of an adult. The muzzle must not cause injury to the animal or interfere with its vision or respiration, but must prevent the animal from biting any human or animal. A muzzle is not required if the animal is:
 1. In the owner's yard if the yard is enclosed by a fence that is capable of preventing uninvited entry by other animals or people; and
 2. Is restrained by means of a leash held by an adult.
- d. Signs. The owner of a potentially dangerous animal shall provide public notice of the animals' presence on the premises by displaying a warning sign. The sign shall be placed in a prominent place on the owner's property, clearly visible from the public highway or thoroughfare. Similar signs shall be posted on the animals kennel, pen or enclosed structure.
- e. Photograph identification. Within ten days of the declaration of an animal as dangerous, the owner or custodian shall provide the Animal Control Department manager with two digital-quality color photographs of such animal, clearly showing the color and approximate size of the animal, or shall make the animal available for photographing by the Animal Control Department.
- f. Change of status. The owner or custodian of a potentially dangerous animal shall notify the Animal Control Department

immediately if the animal is unconfined and on the loose, or has attacked a human or a domestic animal.

- g. Change of ownership. If the owner of a potentially dangerous animal sells, gives away, or otherwise transfers custody of the animal, the owner shall contact the Animal Control Department within 24 hours. The owner shall, within five calendar days, provide the Animal Control Department with written documentation containing the name, address, and telephone number of the new owner or custodian. The previous owner shall also before transferring ownership or custody of the dog, notify the new owner of the animals' designation as a potentially dangerous animal and, if the new owner resides within the city limits, of the requirements and conditions for keeping a potentially dangerous animal. This notice shall be in writing and a copy shall be provided to the Animal Control Department. Upon being notified that a potentially dangerous animal has been removed to another jurisdiction, the Animal Control Department is authorized, but not required, to notify the appropriate governmental department in the jurisdiction where the animal has been transferred that the animal has been declared potentially dangerous by the city.

- (3) Failure to comply. It shall be unlawful for the owner or custodian of a dangerous animal to fail to comply with the requirements and conditions set forth in this section. Any animal found by a police officer or animal control officer kept in violation of this section shall be subject to seizure and impoundment. In addition, failure to comply shall result in the immediate revocation of the potentially dangerous animal permit for such animal. In the event of permit revocation, the owner or custodian shall remove such animal from the city limits within 24 hours of receipt of the notice of revocation, or the animal shall become the property of the Berryville Animal Control Department. Notice of such revocation shall be mailed to the address the owner keeps updated with the animal shelter upon registering the potentially dangerous animal.

- (4) Exemptions. Dogs that are used regularly for law enforcement purposes shall not be subject to this section or the vicious animal section.

D. Defense to determination of vicious or dangerous animal.

- (1) It is a defense to the determination of an animal as vicious or potentially dangerous and to the prosecution of the owner of an animal:
 - a. If the threat, injury, or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner of the animal;

- b. If the person was teasing, tormenting, abusing or assaulting the animal or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal;
- c. If the person was committing or attempting to commit a crime;
- d. If the domestic animal killed was at the time teasing, tormenting, abusing or assaulting the animal;
- e. If the animal was protecting or defending a person within the immediate vicinity of the animal from an attack or assault;
- f. If the animal was injured and responding to pain; or
- g. If the animal was protecting its offspring, itself or its kennelmates.

Section 6.04.13 Exemptions

- A. Hospitals, clinics, and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this ordinance, except where otherwise expressly provided.
- B. The licensing and vaccination requirements of this ordinance shall not apply to any dog belonging to a non-resident of the city and kept within the city for not longer than thirty (30) days, provided all such dogs shall at all times, while in the city, be kept within a building or proper confinement or enclosure or be confined by the owner as herein provided.

Section 6.04.14 Criminal Penalty for Violations

Any person violating any portion of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than fifty dollars (\$50.00) nor in excess of two hundred dollars (\$200.00), and if the violation continues each day shall be considered a separate offense.

CROSS REFERENCE: Ordinance 966; Section 1; March 3, 2015

CHAPTER 6.08

OTHER ANIMALS AND FOWL

SECTIONS:

- 6.08.01 Horses and Cows**
- 6.08.02 Swine, Goats and Sheep**
- 6.08.03 Diseased Animals**
- 6.08.04 Releasing Animals**
- 6.08.05 Fowl**

Section 6.08.01 Horses and Cows

- A. It shall be unlawful for any person to keep, maintain or permit to run at large within the corporate limits of the city, any cows and/or horses except as provided in this chapter. The violation of this section is hereby declared to be a misdemeanor. It shall be the duty of the proper law enforcement official to enforce the provisions hereof.
- B. The keeping of horses or cows within the corporate limits of the city is permitted where they are maintained on an enclosed pasture containing one (1) acre for each animal.
- C. The keeping of horses and cows in enclosures as herein provided within the limits of the city shall be under the supervision and control of the proper law enforcement official. Should any of the enclosures become harbors for breeding flies, mosquitoes and rats, or should they become unsanitary, obnoxious, unhealthful and/or discomforting to any of the citizens of the city because of conditions created by keeping of said animals, the proper law enforcement official, upon investigating and finding any such conditions to exist, shall serve written notice on the owners or keepers of the premises as to the conditions thereof by delivering a copy of the notice to the owner or keeper, or by posting same in a conspicuous place on the premises, and if within five (5) days after service of notice said owner or keeper has not corrected the conditions, the City Attorney is authorized to institute an action in a court of competent jurisdiction to abate same as a nuisance.

Section 6.08.02 Swine, Goats and Sheep

It shall be unlawful for any person to keep or maintain any swine, goats or sheep within the city or to permit any such animals to run at large within the city; except when in transit, they may be kept for a period not to exceed twenty-four (24) hours in an established stockyard.

Section 6.08.03 Diseased Animals

No person shall be allowed to transport into this city any animal infected with a contagious disease.

Section 6.08.04 Releasing Animals

It shall be unlawful for any person to knowingly release any animal in any public place within the corporate limits of the city.

Section 6.08.05 Fowl

- A. It shall be unlawful for any person owning or having control of any chickens, turkeys or other fowl to allow the same to run at large within the city.
 - 1) Exception. The waterfowl at George's Pond are exempt from Section 6.08.05 (A).
- B. It shall be unlawful for any person to allow, keep or maintain rooster(s) on any property within the city.
- C. No animal or fowl of any kind shall be kept confined in any place where the water, shelter, ventilation and food are not sufficient and wholesome for the preservation of their health, safe condition and wholesomeness.
- D. The keeping of fowl in enclosures as herein provided within the limits of the city shall be under the supervision and control of the proper law enforcement official. Should any of the enclosures become harbors for breeding flies, mosquitoes and rats, or should they become unsanitary, obnoxious, unhealthful and/or discomforting to any of the citizens of the city because of conditions created by keeping of said animals, the proper law enforcement official, upon investigating and finding any such conditions to exist, shall serve written notice on the owners or keepers of the premises as to the conditions thereof by delivering a copy of the notice to the owner or keeper, or by posting same in a conspicuous place on the premises, and if within five (5) days after service of notice said owner or keeper has not corrected the conditions, the City Attorney is authorized to institute an action in a court of competent jurisdiction to abate same as a nuisance.

CROSS REFERENCE: Ordinance 966; Section 1; March 3, 2015
Ordinance 984; Section 1; November 17, 2015