

## **Chapter 5 ANIMALS AND FOWL**

**Art. I.** In General, §§ 5-1—5-15

**Art. II.** Dogs, §§ 5-16—5-50

**Art. III.** Livestock, §§ 5-51—5-57

\*Cross reference-Unlawful noise from animals

### **ARTICLE I. IN GENERAL**

#### **Sec. 5-1. Defecation upon public domain.**

(a) Any person having within his care, custody or control, any dog, cat, horse or other animal shall, in the event the animal defecates upon any public street, avenue, sidewalk, alley or other way, public park or public recreational area or private property zoned for any use other than agricultural, immediately upon the completion of the act of defecation, remove the feces so deposited from the area and dispose of same upon the property of the person owning the animal or upon property, the owner of which shall have authorized the person to use same for such disposal.

(b) The disposal of the feces shall be in such manner and under such conditions as not to create a nuisance to the health, welfare and well-being of the residents of the city.

(Code 1974, § 4-13)

#### **Sec. 5-2. Penalty for violations.**

(a) If a citation issued for violation of this chapter shall be paid prior to the issuance of a Notice to Appear or Municipal Information, the fine shall be twenty-five dollars (\$25.00). After the issuance of a Notice to Appear or Municipal Information the penalties provided in section [1-8](#) of this code shall be applicable.

(Code 1974, §§ 4-14, 4-26, 4-27; Ord. No. 81-8-1, §§ 1, 2, 8-11-81, Ord. No. 91-3-6, § 6, 3-26-91; Ord. No. 99-10-5, §2, 10-26-99).

#### **Sec. 5-3. Nuisances defined; actions constituting nuisances.**

(a) The actions of an animal constitute a nuisance when an animal disturbs the rights of, threatens the safety of, or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.

(b) It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner so as to constitute a public nuisance. By way of example and not of limitation, the following acts or actions by an owner or possessor of an animal are hereby declared to be a public nuisance:

(1) Allowing or permitting an animal to bark, whine, howl, crow or cackle in an excessive, continuous or untimely fashion to make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.

(2) Allowing or permitting an animal to damage the property of anyone other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, flowers, or other plant material.

(3) Maintaining an animal that is diseased and dangerous to the animal or to the public health, welfare or safety.

(c) In all residential zoning districts, it shall be unlawful to house more than three (3) dogs, excluding offspring less than four (4) months of age, per dwelling unit.

**Secs. 5-4—5-15. Reserved.**

## **ARTICLE II. DOGS**

### **Sec. 5-16. Definitions.**

The following words and phrases, when used in this article, shall have the meanings respectively ascribed to them:

*At large* shall be intended to mean off the premises of the owner and not under the control, custody, charge or possession of the owner or other responsible person to whom custody, control, charge or possession of said dog, either by leash, cord, chain or otherwise, has been delegated.

*Dog* shall be intended to mean both male and female.

*Owner* shall be intended to mean any person owning, keeping or harboring a dog.  
(Code 1974, § 4-21)

**Cross reference**-Definitions and rules of construction generally, § [1-2](#).

### **Sec. 5-17. Running at large prohibited.**

No person owning or having possession, charge, custody or control of any dog shall cause, permit or allow the dog to stray, run, be, go, or in any other manner to be at large in or upon any public street, sidewalk or park, or on private property of others without the express consent of the owner of such private property. (Code 1974, § 4-22) Ord. 64-7-1

### **Sec. 5-18. Prohibited in parks and recreational areas.**

No person owning or having possession of any dog shall cause, permit or allow the dog to run, go, or in any other manner be in or upon any public park or recreational area, whether such dog be at large or restrained in any manner by the owner. (Ord. No. 80-10-4, § 1, 10-7-80)