

CHAPTER 3: ANIMALS

Article

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ARTICLE I: IN GENERAL

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Statutory reference:

Municipal regulation of animals, see G.S. §§ 160A-182, 160A-186 et seq.

§ 3-1 RUNNING AT LARGE PROHIBITED.

It shall be unlawful for any person to permit any animal or fowl under his control to run at large in the city except as permitted elsewhere in this chapter.

('89 Code, § 3-1) Penalty, see § 3-91 *et seq.*

§ 3-2 ANIMAL FIGHTS PROHIBITED.

(A) It shall be unlawful for any person to incite or cause any animal to fight.

(B) It shall be unlawful for any person to commit any of the acts made unlawful by the provisions of G.S. §§ 14-362 and 14-362.1 or to commit any other act made unlawful by any other state law relating to animal fighting or baiting. The repeal of such state law or laws shall have no effect upon this section and the acts made unlawful by this section shall, in the event of such repeal, be those referred to in such law immediately prior to such repeal.

('89 Code, § 3-2) Penalty, see § 3-91 *et seq.*

Statutory reference:

Animal fighting or baiting prohibited, see G.S. §§ 14-362, 14-362.1

§ 3-3 KEEPING ANIMALS GENERALLY.

(A) *Roosters.*

(1) The City Council finds that the noise and disturbance associated with the keeping of roosters by individuals, corporations or entities within the City's corporate limits constitutes a nuisance.

(2) No person, corporation or entity may cause, suffer or permit roosters to be kept

on any property situated within the corporate limits of the City.
(‘89 Code, § 3-3) (Am. Ord. passed 4-21-09) Penalty, see § 3-91 *et seq.*

(B) Chickens.

(1) It shall be unlawful for any person to keep more than twenty (20) female chickens within the corporate limits of the City.

(2) Female chickens must be kept a minimum of one hundred (100) feet from the dwelling house of another person.

(3) All chicken houses and lots must be maintained in a clean and sanitary condition at all times.

(4) It shall be unlawful to raise female chickens for commercial purposes within the corporate limits of the City.

(‘89 Code, § 3-3) (Am. Ord. passed 4-21-09) Penalty, see § 3-91 *et seq.*

(C) Other Animals.

It shall be unlawful for any person to confine, tie, stake out, keep or allow any cow, horse, goat, sheep or any other animal or fowl not mentioned in paragraphs (A) and (B) above to be kept or to remain on his premises closer than 100 feet from the dwelling house of another person, provided this section shall not apply to a dog or cat confined within the fenced yard of its owner if the fence is located adjacent to three of the outside boundaries of the owner’s yard and the fenced-in area is equal to one-half the minimum required lot area for the permitted use of the property according to the zoning ordinances of the city. (‘89 Code, § 3-3) (Am. Ord. passed 4-21-09) Penalty, see § 3-91 *et seq.*

§ 3-4 KEEPING HOGS OR PIGS PROHIBITED.

It shall be unlawful for any person to maintain, keep or raise any hog or pig within the corporate limits.

(‘89 Code, § 3-4) Penalty, see § 3-91 *et seq.*

§ 3-5 SANITARY ENCLOSURES; ABATEMENT OF NUISANCE.

(A) Pens, coops and other enclosures where animals or fowl are fed or kept shall be maintained at all times in a clean and sanitary condition so as not to constitute a public nuisance or give offense to persons in the vicinity. Waste shall not be permitted to accumulate but shall be removed and disposed of in a sanitary and lawful manner.

(B) Upon complaint or of his own volition, the City Manager may cause an investigation to be made of any pen, coop or other enclosure where animals or fowl are kept or fed. If during the investigation it appears there is a violation of subsection (A), the investigating official shall direct the responsible person to take necessary action to abate the nuisance within a reasonable time.

(‘89 Code, § 3-5) Penalty, see § 3-91 *et seq.*

§ 3-6 REMOVAL OF DEAD ANIMALS.

Dead dogs, cats and smaller animals will be removed from any public way or public property by the city upon notice to the Police Department of the existence of such dead animal. Large animals such as horses, ponies, cows, etc., shall be immediately and properly disposed of by the owner. Any dead animal or fowl on private property shall be immediately and properly disposed of by the property owner and it shall be unlawful for any person to allow a dead animal to remain on any premises in his legal possession or under his control.

('89 Code, § 3-6) Penalty, see § 3-91 *et seq.*

§ 3-7 COMPLIANCE WITH RABIES LAW.

(A) The failure of an owner to comply with any law of the state relating to the control of rabies shall constitute a violation of this section. Specifically, but not to be construed as a limitation hereof, it shall be unlawful for an owner to fail to have each dog or cat owned by him vaccinated against rabies as required by such state law and to procure the metal tag issued upon such vaccination. Such tag shall be referred to in this chapter as the metal rabies tag.

(B) It shall be unlawful for any owner to fail to provide each dog or cat owned by him which is required by state law to be vaccinated against rabies with a collar or harness to which a currently valid metal rabies tag is securely attached.

(C) It shall be unlawful for any person to place or cause or allow to be placed on any dog or cat a metal rabies tag other than such tag duly issued with respect to such dog or cat.

('89 Code, § 3-7) (Am. Ord. passed 9-21-10) Penalty, see § 3-91 *et seq.*

Statutory reference:

Rabies control law, see G.S. § 130A-184 et seq.

§ 3-8 CRUEL TREATMENT.

(A) It shall be unlawful for any person to needlessly and without justifiable excuse molest, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate or kill, wound, injure, poison, abandon or subject to conditions detrimental to its health or general welfare any animal or to cause or procure such action. The words "torture," "torment," or "cruelly" shall be held to include every act, omission or neglect whereby unjustifiable physical pain, suffering or death is caused or permitted, but such shall not be construed to prohibit an animal control officer or veterinarian from destroying dangerous, unwanted or injured animals in a humane manner or from destroying impounded animals as provided in § 3-67 *et seq.*

(B) It shall be unlawful for any person to keep animals under unsanitary or inhumane conditions; to fail to provide proper food and water daily, shelter from the weather, reasonably clean quarters and proper medical attention for sick, diseased or injured animals, as well as adequate inoculation against disease.

Eden - Animals

(C) *Tethering:* It shall be unlawful for any person to tether a dog in a manner as to cause injury, strangulation or entanglement of the animal on fences, trees, or other manmade or natural obstacles; or to a fixed-point; or that is under four (4) months of age; or that is sick or injured. It shall be unlawful to fail to provide any dog with adequate space. "Adequate space" means sufficient space to allow each dog to easily stand, sit, lie, turnabout, and make all other normal body movements in a comfortable, normal position for the dog and interact safely with other animals in the enclosure.

When a dog is tethered, "adequate space" means a tether that permits the above actions and is appropriate to the age and size of the dog. The tether must be attached to the dog by a properly applied collar, halter, or harness configured so as to protect the dog from injury and prevent the dog or the tether from becoming entangled with other objects or animals, or from extending over an object or edge that could result in the strangulation or injury of the dog.

Fixed. Tethered dogs must be attached to a swiveled ground anchor by a coated cable wire at least fifteen (15) feet in length and of sufficient strength to restrain the dog without breaking. Chains, ropes, twine, cords and non-cable wire are not acceptable types of tethers. All tethers must have swivels attached at both ends to prevent twisting. The area shall be free of garbage and other debris that can harm the dog. There shall be no fences or objects within the radius of the tether that the dog can get hung upon. The tether must be arranged so as to be free from obstacles that may limit the movable length of the tether. Tethers must be attached to a safe and secure harness or collar. Under no circumstances shall the tether be placed directly around the dog's neck. Tethers are never to be used in conjunction with training collars such as choke or pinch prong style collars. Shelter and water must be present and always within reach of a tethered dog. If a tethered dog cannot reach its shelter or water due to a tangled or shortened tether or if the tether does not meet the requirements of this section, the owner or keeper of the dog is considered to be in violation.

Running cable line or "trolley system." A running cable line (minimum of fifteen (15) feet in length) must be firmly secured to fixed anchor points (i.e. posts, trees or fences) and attached at least four (4) feet but not more than seven (7) feet above ground. The tether shall be attached to the running cable line and must have a swivel at both ends to prevent entanglement and must have a stopper device attached near each end of the running cable line to prevent the cable wire tether from entangling around the anchor points. The running cable line must be of sufficient strength to support the tether cable wire and restrain the dog without breaking. Tethers must be attached to a safe and secure harness or collar. Under no circumstances shall the tether be placed directly around the dog's neck. Tethers are never to be used in conjunction with training collars such as choke or pinch style collars. Only one (1) animal may be tethered to a single running cable line or trolley system. Shelter and water must be present and always within reach of the tethered dog. If the tethered dog cannot reach the shelter or water due to a tangled or shortened tether, or if the running cable line or trolley system does not meet the requirements of this section, the owner or keeper of the dog is considered to be in violation.

(D) *Adequate Shelter:* No person owning or responsible for any animal shall fail to provide the animal with proper shelter, protection from the weather or humanely clean conditions as prescribed in this section.

Adequate shelter means provision of and access to shelter that is suitable for the species, age, condition, size, and type of each animal; provides adequate space for each animal; is safe and protects each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health; is properly cleaned; enables each animal to be clean and dry, except when detrimental to the species; and, for dogs and cats provides a solid surface, level resting platform, pad, floor mat, or similar device that is large enough for the dog or cat to lie on in a normal manner and can be maintained in a sanitary manner. Adequate shelters for a dog or cat should consist of (3) walls, a top and a floor. Under this chapter, shelters whose wire, grid, or slat floor (i) permit the animal's feet to pass through the openings, (ii) sag under the animal's weight, or (iii) otherwise do not protect the animal's feet or toes from injury are not adequate shelter. Crawl spaces under building/decks, under or in a vehicle, made from materials easily degraded by the elements, carriers or crates designed for temporary housing are not defined as adequate shelter. When sunlight is likely to cause heat exhaustion of an animal tied or confined outside, sufficient shade by natural or artificial means shall be provided to protect the animal from direct sunlight.

(E) Adequate Food & Water

Adequate food: The provision at suitable intervals, of a quantity of wholesome foodstuff suitable for the species and age, sufficient to maintain a reasonable level of nutrition in each animal. Such foodstuff shall be served in a receptacle, dish, or container that is physically clean.

Adequate water – Means provision of and access to clean, fresh, potable water of a drinkable temperature which is provided in a suitable manner, in sufficient volume, and a suitable intervals, to maintain normal hydration for the age, species, condition, size and type of each animal; and is provided in clean, durable receptacles which are accessible to each animal and are placed so as to minimize contamination of the water by excrement and pests or an alternative source of hydration consistent with generally accepted husbandry practices.

(F) Properly fitted collars required. An owner of a dog or cat shall not permit injury or inflict pain upon such animal from an improperly fitting or embedded collar.

(G) Any act in which an animal found to have been treated in a manner inconsistent with this Article is made unlawful by this section and may be taken up and impounded by the Animal Control Officer. Redemption of such animal may be made by the owner thereof upon compliance with the requirements of § 3-68; provided, however, that the Animal Control Officer may impose such other requirements for redemption as are appropriate to ensure treatment of such animal dog that complies with this section.

('89 Code, § 3-34) (Am. Ord. passed 11-16-99) (Am. Ord. passed 4-17-18) Penalty, see § 3-91 *et seq.*

ARTICLE II: DOGS AND CATS

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DIVISION 1 GENERALLY**§ 3-26 DEFINITIONS.**

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

ANIMAL CONTROL OFFICER. The animal warden or dog warden, police officers, officers and employees of the animal control shelter and such other agents, employees or designees of the city, by whatever designation referred to, as may be given the authority of enforcement of the provisions of this article by the city.

ANIMAL CONTROL SHELTER. A place provided and operated by the city, whether or not jointly with another governmental unit for the restraint, care and disposition of animals.

AT LARGE. Off the property of its owner and not under restraint.

DOG. Any male or female dog.

OWNER. Any person owning, keeping, having charge of, sheltering, feeding, harboring or taking care of a dog.

RESTRAINT. Controlled by means of a leash; sufficiently near the owner or handler to be under his direct control and obedient to such person's commands; on or within a vehicle being driven or parked; or within a secure enclosure.

SPAYED FEMALE. Any female dog which has been operated upon to prevent conception.

STRAY DOG. Any dog within the city wandering at large or lost without an apparent owner, or any dog within the city whose owner has failed to comply with the requirements of § 3-7.

VICIOUS DOG. Any dog that has made one or more unprovoked attacks on a human by biting or by causing abrasions or cuts of the skin, or any dog who makes repeated attacks on farm stock or pet animals.

('89 Code, § 3-26)(Am. Ord. passed 02-21-12)

§ 3-27 EXEMPTIONS FROM ARTICLE.

Hospitals, clinics and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this article, except for § 3-34.

('89 Code, § 3-27)

§ 3-28 ACTS DEEMED TO BE PUBLIC NUISANCE.

The following acts committed by dogs are deemed and designated a public nuisance:

(A) Any act that would result in a dog being defined as a vicious dog;

(B) Repeated chasing, snapping at, attacking or barking at pedestrians, bicyclists or other vehicles off of the owners' premises;

(C) Turning over or removing the contents of garbage containers;

(D) Damaging vegetable or flower gardens;

(E) Being at large, in the case of a female dog, during estrus; and

(F) Any other acts that would constitute a public nuisance under the laws of the state.
(’89 Code, § 3-28) Penalty, see § 3-91 *et seq.*

§ 3-29 DOG TO BE KEPT ON OWNER'S PREMISES; EXCEPTION.

It shall be unlawful for the owner of a dog to permit or allow his dog to leave the owner's premises, unless the dog is at all times in the presence of and under the control of the owner.
(’89 Code, § 3-29) Penalty, see § 3-91 *et seq.*

§ 3-30 STRAY DOGS AND CATS.

(A) It shall be unlawful for any person knowingly and intentionally to harbor, feed or keep in possession by confinement or otherwise any stray dog or cat unless he has, within 24 hours of the same, notified an animal control officer.

(B) It shall be unlawful for any person to refuse to surrender, when duly requested to do so, any stray dog or cat to an animal control officer.
(’89 Code, § 3-30) (Am. Ord. passed 02-21-12) Penalty, see § 3-91 *et seq.*

§ 3-31 VICIOUS DOGS - RESTRICTIONS.

It shall be unlawful for the owner of a vicious dog to keep it within the city unless it is confined within a secure building or enclosure, or unless it is securely muzzled and under restraint by a competent person who by means of a leash, chain or rope, has such dog firmly under control at all times.
(’89 Code, § 3-31) Penalty, see § 3-91 *et seq.*

§ 3-32 VICIOUS DOGS - SLAYING.

In the event any vicious dog is found running at large and cannot by reasonable and diligent attempt be taken up and impounded, such dog may be slain by an animal control officer. ('89 Code, § 3-32)

§ 3-33 NOTIFICATION OF OWNER, ANIMAL CONTROL OFFICER OR POLICE DEPARTMENT OF INJURED DOG.

It shall be unlawful for any person injuring a dog by running over or into it with an automobile, motorcycle, bicycle or other vehicle to fail to notify immediately the owner of such dog, the Animal Control Officer or the Police Department. ('89 Code, § 3-33) Penalty, see § 3-91 *et seq.*

§ 3-34 RELEASE OF DOG OR CAT BY OWNER TO ANIMAL CONTROL OFFICER.

Any owner may offer to the Animal Control Officer a dog or cat to be disposed of or destroyed in a humane manner by such officer in the officer's discretion. The Animal Control Officer is hereby authorized but not required to receive such dog or cat for such disposition or destruction, provided that such owner must remit to the Animal Control Officer the fee for such disposition as set forth in the schedule of taxes adopted annually by the City Council. Upon such offer, receipt and payment, the owner shall execute a release upon a form to be provided by the Animal Control Officer, which release shall contain, along with such other matters and things as may be included by the Animal Control Officer, a statement as to the intended disposition or destruction of such dog or cat, which statement shall be acknowledged by the owner. ('89 Code, § 3-35) (Am. Ord. passed 09-21-2010) (Am. Ord. passed 4-17-18)

§ 3-35 INTERFERENCE WITH ANIMAL CONTROL OFFICER OR VETERINARIAN.

It shall be unlawful for any person to interfere with, hinder or molest an animal control officer or veterinarian in the performance of any duty authorized by this article, or to seek the release of any dog in the custody of an animal control officer except as provided in this article. ('89 Code, § 3-36) (Am. Ord. Passed 4-17-18) Penalty, see § 3-91 *et seq.*

§ 3-36 CONTROL OF DOG FECES.

(A) It shall be unlawful for the owner or custodian of any dog to take said dog off the owner's own property without the means to properly remove and dispose of the dog's feces from any public or private property.

(B) It is the responsibility of a dog's owner or custodian to clean up the dog's feces from any public or private property outside of the dog owner's property. Such property includes, but is not limited to, parks, rights-of-way, paths, and public access areas.

(C) "Means to properly remove and dispose of feces" shall consist of having on or near one's person a device such as a plastic bag, or other suitable plastic or paper container, that can be used to fully clean up and contain dog waste until it can be disposed of in an appropriate container. Such a device must be shown, upon request, to anyone authorized to enforce this chapter. Depositing the feces in any river, body of water or directly into the city's sanitary or storm sewer systems is prohibited and constitutes a violation of this section.

(D) This provision shall not apply to handicapped persons assisted by trained guide or assistance dogs.

(Ord. passed 11-17-09) (Am. Ord. passed 4-17-18) Penalty, see § 3-91 *et seq*

DIVISION 2 LICENSES

§ 3-46 LICENSE EXEMPTIONS.

The license requirements of this division shall not apply to:

(A) Dogs brought into the city for the purpose of participating in a dog show;

(B) Dogs whose owners are nonresidents temporarily within the city; or

(C) Veterinarians with respect to dogs in their professional care for treatment or boarding; provided, however, that nothing contained in this section shall exempt from the requirements of this division the licensing of a dog whose owner establishes permanent residence in the city, notwithstanding there may have been issued a valid license by another municipal government.
(‘89 Code, § 3-46)

§ 3-47 IMPOSITION OF LICENSE TAX.

(A) The owner of each dog shall pay annually a license tax in the amount of \$4 for each dog for the privilege of keeping such dog within the city and shall obtain for each such dog a license. Such tax and license are referred to in this article as the license tax and the license.

(B) Evidence of payment of the license tax may take the form of an entry upon the city ad valorem property tax payment receipt.
(‘89 Code, § 3-47) Penalty, see § 3-91 *et seq*.

§ 3-48 APPLICATION FOR LICENSE.

Each dog owner shall apply annually in writing to the Tax Collector for a license for each dog owned. Application shall be made annually during the time designated for the listing of property for the city ad valorem property taxation. The application shall state such information as to each dog and its owner as may be called for by the Tax Collector.
(‘89 Code, § 3-46)

§ 3-49 TERM OF LICENSE; LICENSING YEAR.

The license shall be issued for one licensing year. The licensing year shall extend from January first of each calendar year until the last day, in the following calendar year, as for the listing of property for the city ad valorem property taxation.
(‘89 Code, § 3-49)

§ 3-50 DUE DATE FOR LICENSE TAX; DELINQUENT PAYMENT.

(A) The license tax shall be due, with respect to each licensing year, on September first of such year or such other date as the city ad valorem property taxes become due. Payment may be made on or before December 31 of the licensing year or such other date as the city ad valorem property taxes may be paid without a penalty, provided no license shall be valid if payment of the license tax is not made on or before December 31 of the licensing year or such other date as the city ad valorem property taxes may be paid without penalty, which invalidity shall relate back in time to the beginning of the licensing year.

(B) Payment of the license tax shall be deemed to be delinquent if not made on or before December 31 of the licensing year or such other date as payment of the city ad valorem property taxes are deemed to be delinquent. In the event of delinquency the Tax Collector may impose penalties and charge interest in the same manner and rate as the same are imposed and charged with respect to delinquent city ad valorem property taxes.

('89 Code, § 3-50)

§ 3-51 COLLECTION AND ADMINISTRATION OF LICENSE TAX; ISSUANCE OF LICENSE.

Collection of and administration of the license tax and issuance of the license shall be the responsibility of the City Tax Collector. The Tax Collector shall provide a form for application for the license, which may take the form of an entry on the city ad valorem property tax listing abstract. The license may take the form of an entry upon such abstract.

('89 Code, § 3-51)

§ 3-52 IMPOUNDMENT OF UNLICENSED DOG.

Any dog for which there is required to be in effect a currently valid license, but for whom none is in effect, may be taken up by the city, its Animal Control Officer or other designated agent, impounded, handled and dealt with in accordance with the appropriate provisions of state law and applicable city ordinances dealing with the impoundment of animals.

('89 Code, § 3-52)

DIVISION 3 IMPOUNDMENT**§ 3-66 DOGS SUBJECT TO IMPOUNDMENT.**

The following dogs may be impounded and taken to the animal control shelter by an animal control officer:

(A) Any dog failing to have attached to it a currently valid metal rabies tag;

(B) Any stray dog;

(C) Any dog found off of its owner's premises unless the owner is present and the dog is under the control of its owner;

(D) Any vicious dog which has not at all times been confined within a secure building or enclosure or which has not at all times been securely muzzled and kept under restraint by a competent person who by means of a leash, chain or rope, has had such animal firmly under control at all times; and

(E) Any dog subject to impoundment under any other applicable ordinance or state law as, for example, rabies laws, providing for the impoundment.
(’89 Code, § 3-66)

§ 3-67 DISPOSITION.

The following procedure will apply immediately upon the impoundment of a dog:

(A) An animal control officer shall make reasonable effort to notify the owner and inform such owner of the conditions whereby the dog may be redeemed.

(B) The owner of any impounded dog shall have a period of three days immediately following impoundment within which to redeem his dog.

(C) If after the third day of impoundment of any dog the owner shall not have redeemed such dog, the dog shall be offered to any member of the public and transferred to such member of the public upon the terms provided in § 3-69.

(D) If the dog is not redeemed by the owner as provided in § 3-68 or transferred to another party within a period of five days immediately following impoundment, such dog may be disposed of in a humane manner by an animal control officer.
(’89 Code, § 3-67)

§ 3-68 REDEMPTION.

The owner of an impounded dog who wishes to redeem his dog shall be required to:

(A) Pay for and procure a license, if he does not have one, for such dog;

(B) Have the dog duly vaccinated for rabies if it has not been currently vaccinated before the date of redemption;

(C) Pay a penalty of as set forth in the schedule of taxes adopted annually by the City Council; and

(D) Pay the cost of capture for such dog as set forth in the schedule of taxes adopted annually by the City Council.
(’89 Code, § 3-68) (Am Ord. passed 09-21-2010)

§ 3-69 ADOPTION OF UNREDEEMED DOG.

(A) Any dog not redeemed by the owner in the time prescribed by this section may be adopted by any interested party subject to the condition that such party comply with the requirements of § 3-68 except for the requirements of the penalty and capture fee.

(B) Prior to the adoption of any dog impounded, the veterinarian responsible for the impoundment of such dog shall perform the following procedures at the cost to the prospective adopter:

- (1) Heartworm Test
- (2) Da2PPC Vaccine
- (3) Rabies Vaccine
- (4) Neuter or Spay with pain medication

(C) Paragraph (B)(4) of this Section shall not apply to any state licensed Animal Shelter or Animal Rescue Group if the following requirements are met. The Animal Control Officer may release any dog to such Shelter or Group for the purpose of adopting out such dog upon a request for release of the dog. The Shelter or Group must provide a certificate of proof to the Animal Control Officer within 30 days of the release of the dog to be kept on file that the procedures set forth in Paragraph (B)(4) of this Section have been complied with.

('89 Code, § 3-69)(Am Ord. passed 09-21-2010; Am. Ord. passed 02-21-12)

§ 3-70 DISPOSITION OF WOUNDED OR DISEASED DOG.

Any dog impounded which is badly wounded or diseased, other than a rabies suspect, which shall be dealt with as prescribed by applicable laws relating to the same and which has no identification shall be destroyed immediately in a humane manner. If the dog has identification, an animal control officer shall attempt to notify the owner before disposing of such dog, but if the owner cannot be reached readily and the dog is suffering, the Animal Control Officer may destroy the dog in his discretion in a humane manner.

('89 Code, § 3-70)

§ 3-71 PRIORITY OF STATE REGULATIONS.

To the extent that any other applicable section or state law dealing with the disposition of dogs, such as, for example, the rabies control law, conflicts or provides for a different disposition of impounded dogs, such other ordinances and laws shall control.

('89 Code, § 3-71)

§ 3-72 DISPOSITION OF PROCEEDS.

All proceeds derived pursuant to this section shall be delivered to the Finance Officer and credited to the general fund.

('89 Code, § 3-72) (Ord. passed 3-16-99)

§ 3-73 CATS SUBJECT TO IMPOUNDMENT.

The following cats may be impounded and taken to the animal control shelter by an animal control officer:

(A) Any stray cat;

(B) Any cat found off of its owner's premises unless the owner is present and the cat is under the control of its owner.

('89 Code, § 3-66) (Ord. passed 2-2-00; Am. Ord. passed 6-18-02)

§ 3-74 DISPOSITION.

The following procedure will apply immediately upon the impoundment of a cat:

(A) An animal control officer shall make reasonable effort to notify the owner and inform such owner of the conditions whereby the cat may be redeemed;

(B) The owner of any impounded cat shall have a period of three days immediately following impoundment within which to redeem his cat;

(C) If after the third day of impoundment of any cat the owner shall not have redeemed such cat, the cat shall be offered to any member of the public and transferred to such member of the public upon the terms provided in § 3-76;

(D) If the cat is not redeemed by the owner as provided in § 3-75 or transferred to another party within a period of five days immediately following impoundment, such cat may be disposed of in a humane manner by an animal control officer.

('89 Code, § 3-67) (Ord. passed 2-2-00)

§ 3-75 REDEMPTION.

The owner of an impounded cat who wishes to redeem his cat shall be required to:

(A) Pay a penalty as set forth in the schedule of taxes adopted annually by the City Council; and

(B) Pay the cost of capture for such cat as set forth in the schedule of taxes adopted annually by the City Council.

('89 Code, § 3-68) (Ord. passed 2-2-00) (Am. Ord. passed 09-21-2010)

§ 3-76 ADOPTION OF UNREDEEMED CAT.

(A) Any cat not redeemed by the owner in the time prescribed by this section may be adopted by any interested

(B) Prior to the adoption of any cat impounded, the veterinarian responsible for the impoundment of such cat shall perform the following procedures at the cost to the prospective adopter:

- (1) FELV/FIV Test
- (2) FVRCP Vaccine
- (3) Rabies Vaccine
- (4) Neuter or Spay with pain medication

(C) Paragraph (B)(4) of this Section shall not apply to any state licensed Animal Shelter or Animal Rescue Group if the following requirements are met. The Animal Control Officer may release any cat to such Shelter or Group for the purpose of adopting out such cat upon a request for release of the cat. The Shelter or Group must provide a certificate of proof to the Animal Control Officer within 30 days of the release of the cat to be kept on file that the procedures set forth in Paragraph (B)(4) of this Section have been complied with.

('89 Code, § 3-69) (Ord. passed 2-2-00) (Am. Ord. passed 09-21-2010)(Am. Ord. passed 02-21-12)

§ 3-77 DISPOSITION OF WOUNDED OR DISEASED CAT.

Any cat impounded which is badly wounded or diseased, other than a rabies suspect, which shall be dealt with as prescribed by applicable laws relating to the same and which has no identification shall be destroyed immediately in a humane manner. If the cat has identification, an animal control officer shall attempt to notify the owner before disposing of such cat, but if the owner cannot be reached readily and the cat is suffering, the animal control officer may destroy the cat at his discretion in a humane manner.

('89 Code, § 3-70) (Ord. passed 2-2-00)

ARTICLE III: HORSES AND PONIES

Section

- 3-86 Walking or riding on sidewalk
- 3-87 Walking or riding in public park
- 3-88 Riding on another person's property
- 3-89 Reckless riding, driving; disobedience of traffic laws prohibited
- 3-90 Mandatory removal of feces

§ 3-86 WALKING OR RIDING ON SIDEWALK.

It shall be unlawful for any person to walk or ride any horse or pony upon the public sidewalks of the city.

('89 Code, § 3-86) Penalty, see § 3-91 *et seq.*

§ 3-87 WALKING OR RIDING IN PUBLIC PARK.

It shall be unlawful for any person to walk or ride any horse or pony within any public park except on designated roads or where specifically permitted.

('89 Code, § 3-87) Penalty, see § 3-91 *et seq.*

§ 3-88 RIDING ON ANOTHER PERSON'S PROPERTY.

It shall be unlawful for any person to ride any horse or pony upon the property of another without consent of the owner.

('89 Code, § 3-88) Penalty, see § 3-91 *et seq.*

§ 3-89 RECKLESS RIDING, DRIVING; DISOBEDIENCE OF TRAFFIC LAWS PROHIBITED.

(A) It shall be unlawful for any person to ride or drive a horse, pony, mule or other such animal in a reckless manner or to disobey vehicle traffic laws.

(B) Any horse, pony, mule or other such animal that is ridden or driven more than 30 minutes after sunset shall wear reflective devices or lights so that the animals are visible to other members of the public and vehicles.

('89 Code, § 3-90) (Am. Ord. passed 8-16-05) Penalty, see § 3-91 *et seq.*

§ 3-90 MANDATORY REMOVAL OF FECES.

Each and every person, rider, keeper or custodian of any horse, pony, mule or other such animal in any public place, street, sidewalk, parking lot or on the private property of any person other than the animal's owner shall immediately remove all feces deposited by the animal. Such removal shall be accomplished by depositing such feces in a sanitary container. Depositing the feces in any river, body of water or directly into the city's sanitary or storm sewer systems is prohibited and constitutes a violation of this section.

(Ord. passed 8-16-05) Penalty, see § 3-91 *et seq.*

ARTICLE IV: ENFORCEMENT

Section

- 3-91 Enforcement
- 3-92 General penalty for violation of Chapter 3
- 3-93 Civil penalty; nonexclusive

§ 3-91 ENFORCEMENT.

In addition to any remedies hereinbefore specifically authorized by this chapter, the provisions of this chapter may be enforced by the city by any appropriate legal or equitable remedy authorized by § 1-16 of the City Code.
(Ord. passed 6-20-96)

§ 3-92 GENERAL PENALTY FOR VIOLATION OF CHAPTER 3.

The general penalty for violations of Chapter 3 shall be as provided by § 1-16.1, which penalties shall be nonexclusive.
(Ord. passed 6-20-96)

§ 3-93 CIVIL PENALTY; NONEXCLUSIVE.

Violations of this chapter may also be punished by a civil penalty in the amount of \$100 for each violation which penalty shall be enforced as provided by § 1-16.2 of the City Code which remedy shall be nonexclusive.
(Ord. passed 6-20-96)

