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Chapter 6 ANIMALS

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Chapter 6 ANIMALS¹

ARTICLE I. IN GENERAL

Sec. 6-1. Definitions.

The following words and phrases when used in this chapter shall have the meanings set forth as follows:

Adequate shelter means a structure or area of structural soundness with three sides, a waterproof roof, solid floor, adequate bedding material, positioned to allow for protection from north and west winds, proper ventilation, and which is suitable for the species, age, condition, size, and type of animal which is safe and protects each animal from injury, precipitation, direct sunlight, adverse effects of extreme heat or cold, enables the animal to be clean and dry, and is six inches longer than the animal, nose to tail, and six inches taller than the head of the animal while standing, allowing for retention of the animal's body heat. Wildlife, livestock, and other non-domesticated animals normally residing outdoors shall only be required to have appropriate shelter from extreme weather through natural or artificial means available to it to protect the animal.

Altered animal means an animal that has been spayed or neutered.

Animal control center means a facility designated and operated by the city, including the actual premises where animals are regularly kept, or places where the chief of police may designate for the purpose of keeping or impounding stray, neglected, abused or seized animals and provide adequate care. The animal welfare center may also include facilities to provide for animal adoptions, education, citizen involvement, and spaying or neutering of animals.

Animal welfare group means a non-profit organization which is registered and approved by the mayor and has a purpose to provide for the welfare and/or protection of animals. The registration may be revoked if any member has a record of cruelty to animals, is under 18 years of age, owns animals which are in violation of any requirements of this chapter, refuses to comply with the adoption requirements of the city, has released two or more animals to the custody of the city, lacks adequate housing and/or fencing to contain the animals, or has a conviction in municipal court for violation of this chapter.

¹Editor's note(s)—Ord. No. 175-06052023, adopted June 5, 2023, in effect repealed ch. 6 and enacted a new ch. 6 as set out herein and later amended. Former ch. 6 pertained to similar subject matter and derived from Prior Code ch. 3; 1984 Code §§ 4-101—4-117, 4-120—4-124, 4-130—4-134, 4-136, 4-137, 4-140—4-142, 4-150, 4-151, 4-160, 4-170—4-174, 4-180; Ord. No. 4-15-91; Ord. No. 5-6-91; Ord. No. 9-16-91A; Ord. No. 9-16-91B; Ord. No. 40-15-91; Ord. No. 8-16-93; Ord. No. 9-20-93; Ord. No. 4-18-94C; Ord. No. 51-111504; Ord. No. 56-032105; Ord. No. 57-032105; Ord. No. 58-032105; Ord. No. 59-032105; Ord. No. 60-032105; Ord. No. 61-032105; Ord. No. 63-032105; Ord. No. 85-08, adopted August 12, 1985; and Ord. No. 101-012208.

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At heel means an animal within a radius of ten feet of the owner and obedient to the owner's commands.

At large means an animal that is:

- (1) Off the premises of its owner and not securely and physically restrained by means of a harness, leash, or other device designed to restrain such animal; or
- (2) Not confined on the premises of the owner or at heel on those premises.

Confined on the premises means an animal is securely and physically restrained on and within the premises of the owner by means of fences, leashes, walls, or other devices designed to prevent the animal from leaving the premises.

Dangerous animal means an animal whose behavior, temperament, size, or any combination thereof, when considered under the totality of the circumstances, including the nature of the surrounding area, constitutes a reasonable risk of injuring a human or animal or damaging personal or real property. That behavior includes, but is not limited to, an animal biting, or attacking, or attempting to attack a human or another animal. However, this definition shall not apply to any animal that has been subject to provocation or if the victim has been trespassing as set forth in this Code.

Feral cat means a cat that was either born in the wild or has reverted to a wild state due to abandonment or lack of domestication and has no owner. Any feral cat which has been captured and neutered or spayed and returned to the wild shall continue to be classified as a feral animal.

Foster home means any premises owned by an individual who works under the direction of an approved animal welfare group registered with the city who will take in stray or unowned dogs and/or cats, or other animals, for the purpose of providing temporary care up to six months for each animal. A temporary care extension may be requested and granted for up to an additional three months for an animal if there is proof of a documented medical condition that requires the extended temporary housing.

Kennel classifications.

- (1) *Commercial kennel* means any business or establishment, whether operated separately or in connection with another business or establishment that keeps, boards, sells, shows, and/or trains dogs and/or cats for profit, except for an animal hospital as defined herein.
- (2) *Private kennel* means any premises which exceeds the allowable number of dogs and/or cats as described in this section, and animals are kept as pets and not used for any other purpose other than companionship for their owners.
- (3) *Rescue* means any facility operated by a 501(c)(3) non-profit animal welfare group where dogs and/or cats, or other animals are kept and are provided temporary housing for an animal for, up to six months and up to an additional six months if there is proof of a documented medical condition that requires the extended temporary housing and care for the purpose of placing them into a permanent home, except for a designated foster home.

Neutered means a process performed by a veterinarian or other person authorized by law which removes the reproductive organs of any male animal.

Nuisance animal means an animal that:

- (1) Damages the property of anyone other than its owner.
- (2) Habitually prowls around, on, or over any premises not the property of its owner to the frequent annoyance of the owner or occupant of those premises.
- (3) Habitually overturns any garbage can or other container.

- (4) Chases or kills any domesticated animal or domesticated bird.
- (5) Annoys or disturbs any person by loud and frequent barking, howling, yelping, or causes noise in an excessive, continuous or untimely fashion/manner so as to interfere with the reasonable use and enjoyment of neighboring private premises.
- (6) Habitually or repeatedly chases, snaps at, or barks at pedestrians, joggers, bicycles, or vehicles.
- (7) Disturbs the rights of, threatens the safety of, or injures a member of the general public.

Owner means any person possessing legal title to any animal or possessing no legal title, is identified by city pet license or microchip registration, or a person who keeps or harbors the animal in excess of seven days without delivering the animal to its proper owner or the animal welfare center, provides food or water regularly for the animal or provides regular or ongoing non-emergency medical care for the animal.

Service animal means a dog or miniature horse that has been individually trained to do work or perform tasks for the benefit of an individual with a disability, including an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. The Americans with Disabilities Act (ADA) rules provide that other animals, whether wild or domestic, do not qualify as service animals. Dogs that are not trained to perform tasks that mitigate the effects of a disability, including dogs that are purely for emotional support, are not service animals.

Spayed means a process performed by a veterinarian or other person authorized by law, which removes the reproductive organs of any female animal.

Unprovoked means an act of aggression towards an animal or human that occurs without apparent cause, reason, prompting or motivation.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-2. Authority of animal control officers.

The animal control officers, for the purpose of enforcing the provisions of this chapter, possess all the authority of police officers of the city. The animal control officers are specifically authorized to use whatever means are necessary to impound animals in violations of the provisions of this chapter.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-3. Fees, charges and deposits.

Fees, charges, and deposits may be charged for each animal claimed by an owner and/or adopted from the city that are lawfully impounded by the animal control officers for the following services:

- (1) Impoundment.
- (2) Room and board.
- (3) Sterilization fee.
- (4) Handling fee for special equipment or services.
- (5) Veterinarian fees as determined by shelter staff in accordance with common local costs.
- (6) Quarantine and impoundment of animals that injure humans.
- (7) Quarantine and impoundment of animals suspected to have rabies.

- (8) Quarantine and impoundment of animals declared dangerous or impounded during the declaration process.
- (9) Relinquishment fee of bite animal.
- (10) Dead animal disposal fee.
- (11) Relinquishment fee.
- (12) City pet license fee.
- (13) Other fees as deemed appropriate.

All fees shall be established by the city council and based upon the actual cost of providing services.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-4. Obtaining release of impounded animals.

Owners of impounded animals may retrieve or otherwise obtain the release of their animals from the animal welfare center only after the payment of applicable fees.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-5. Disposition of animals not retrieved by owners.

- (a) Except as hereinafter provided, any animal which is impounded by the city pursuant to the provisions of this chapter, may be sold, destroyed or otherwise disposed of after five full working days from the time of its impoundment at the animal welfare center. Provided, however, in the event an animal is taken into the custody of the animal welfare center and the animal has been injured or otherwise disabled as would ordinarily require the animal's destruction or treatment by a veterinarian, the police chief or designee may order its destruction if the ownership of such animal cannot be determined within a reasonable period of time. Should such ownership be determined, the injured or disabled animal shall be promptly delivered to the owner. Impoundment kittens and puppies which enter the shelter in groups of three or more and are under four months of age without a known owner or mother may, at the discretion of the shelter staff, be exempted from any required hold times prior to their release.
- (b) Animals held at the animal welfare center due to legal seizure arrest, medical situation, protective custody seizures, or other legal means involving law enforcement requests shall be returned to the owner or legal representative as soon as possible. Upon verification that the animal's owner has been notified of its impoundment, the five-day holding time referenced in the above subsection shall apply as if the animal were impounded for other reasons.
- (c) An animal's impoundment period will be increased by 48 hours should the impounded animal display a microchip or markings indicating that the owner of such animal is a city resident or such animal displays a tag which indicates it is vaccinated against rabies.
- (d) Should it be determined that the owner of an impounded animal is experiencing a situation that prohibits him or her from reclaiming or arranging the release of the animal in a timely and reasonable manner, the police chief or designee may seek an order from a judge of competent jurisdiction for the release of the animal into the care and custody of the animal welfare center or to a responsible party in order that the highest level of long-term care and safety of the animal may be provided for.
- (e) Notwithstanding any provisions of this chapter, no animal suspected of being rabid or otherwise diseased shall be destroyed until such destruction is recommended by the police chief or designee.

- (f) The manner and method of disposal or destruction of an impounded animal shall be directed by the police chief or designee. Such disposal may include, but is not limited to adoption, euthanasia, or transfer to an animal welfare group, an animal rescue group or other animal welfare facility. For domestic animals other than dogs and cats, sale by auction may be utilized as outlined in state law. No live animals shall be released or sold to any facility for educational, scientific, and/or medical research.
- (g) Adoption or sale may be refused to anyone the police chief determines meets one or more of the following:
 - (1) Has a record of cruelty to animals;
 - (2) Is under 18 years of age;
 - (3) Has committed acts of harassment to animals;
 - (4) Owns other animals which are in violation of any requirement of this chapter;
 - (5) Refuses to comply with adoption requirements;
 - (6) Has released two or more animals to the animal welfare center in the preceding 12 months;
 - (7) Lacks adequate housing and/or fencing to contain the animal(s); or
 - (8) Has a conviction in municipal court for any violation of this chapter.
- (h) Animals in custody of the animal welfare center or partnering organizations as part of a trap neuter return (TNR) program or a return to field program may be returned to their original location in accordance with common program standards. Further, cats trapped from identified feral colonies and placed in the custody of the animal welfare center who have no identifiable owner may, after necessary holding times, alterations, examinations, and vaccinations be returned to their original location at the direction of the police chief or designee.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-6. Owner relinquishment of dogs and cats.

The animal welfare center shall accept any dog or cat, from within the city limits, the owner desires to release to the center. The owner shall sign a release form vesting all rights and title to the dog or cat to the animal welfare center. All dogs or cats relinquished will be screened for placement into the adoption program, or for transfer to another animal welfare rescue, animal welfare group, or animal welfare facility. If the dog or cat is not acceptable for placement into the adoption program or determined not to be transferable for any reason, including, but not limited to disease, injury, or illness, then the dog or cat may be euthanized.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-7. Quarantine of animals which injure humans.

- (a) When any animal capable of carrying or transmitting rabies or other disease bites or otherwise injures a person or is suspected of having rabies, such animal shall be quarantined as directed in the state department of health zoonotic disease control rules pursuant to the authority contained in the state statutes.
- (b) It shall be unlawful to refuse to confine an animal that has bitten a person or other animal. Each day that a violation or failure to comply exists shall constitute a separate offense.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-8. Animals that die within ten days after injuring a person.

- (a) The identity and address of the owner of any animal that bites a person or inflicts by any other means an open wound on a human and cause exposure to saliva or other potentially infectious tissue, shall be promptly furnished to the animal control officer and the county health department.
- (b) The animal control officer shall securely quarantine the animal for a period of ten days and shall not release such quarantined animal until a reasonable determination has been made that the animal is not infected with rabies. At the discretion of the animal control officer, such quarantine may be at a veterinary hospital of the owner's choice at the owner's expense or at the animal welfare center. If the animal has a current rabies vaccination, in the discretion of the animal control officer, the animal may be quarantined on the premises of the owner.
- (c) In case of animals whose ownership is unknown, such quarantine shall be at the animal welfare center. The animal may be reclaimed by the owner if adjudged free of rabies and the owner pays all related fees and costs.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

ARTICLE II. DOG AND CAT VACCINATION, TAGS AND FEES

Sec. 6-9. Dogs and cats to be vaccinated.

Every person owning, possessing, controlling, harboring or keeping within the city any dog or cat over the age of six months shall cause the dog or cat to be vaccinated for rabies by a person duly authorized to practice veterinary medicine in this state or by any person who is under the immediate and direct supervision of a licensed veterinarian.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-10. Dogs and cats to be altered.

Every person owning, possessing, controlling, harboring or keeping within the city any dog or cat over the age of six months shall cause the dog or cat to be spayed or neutered. Persons excepted from this section are those who obtain an in-tact permit for the dog or cat from the city as provided herein.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-11. Dog and cat registration,

- (a) Every person within the city owning, possessing, controlling, harboring, or keeping any dog or cat over six months of age shall procure a pet license tag for each dog or cat as long as ownership of the dog or cat continues.
- (b) Every person within the city owning, possessing, controlling, harboring, or keeping any dog or cat over six months of age that is not altered shall procure an in-tact pet license tag for each dog or cat as long as ownership of the dog or cat continues.
- (c) Every person within the city who procures a pet license tag pursuant to this section shall continue to procure the pet license tags as required by this article.
- (d) Voluntarily licensing stations operated by a 501(c)(3) nonprofits or veterinarians may retain \$4.00 of the pet licensing fees with the remainder of such fee amounts to be remitted to the city.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-12. Application and term of license.

Each pet owner shall provide their name, address, telephone number and name, breed, color, age, sex, and microchip of each dog or cat for which application is made. Each license issued shall be effective for a period of one or three years, at the option of the owner. It shall be issued upon payment of all required fees and verification of rabies vaccination sufficient to immunize for the entire license period.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-13. Tags must be shown; exception for microchipping.

No person shall fail or refuse to show the animal control officer or police officer the license certificate or tag for any duly registered dog or cat. Persons excepted from this requirement are those persons who can provide evidence that the dog or cat is microchipped.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

ARTICLE III. CRUELTY TO ANIMALS

Sec. 6-14. Cruelty to animals.

- (a) No person shall willfully or maliciously:
 - (1) Torture, cruelly beat, injure, maim, mutilate, or unjustly destroy or kill any animal;
 - (2) Deprive any animal in subjugation or captivity of food generally accepted as being nutritious, potable drinking water, or adequate shelter;
 - (3) Unjustly administer any poison or noxious drug or substance to any animal;
 - (4) Unjustly expose any drug or substance with the intent that the same shall be taken by an animal, whether such animal be the property of that owner or another person.
- (b) It shall be unlawful for any person to leave any animal in any standing or parked vehicle, box, container or other situation without providing for adequate ventilation nor shall a person allow an animal to be exposed to extreme temperature while contained in a vehicle, box, container, or other situation which would likely cause distress, harm or death to the animal.
- (c) It shall be unlawful for any person to intentionally torment, harass, throw objects at, verbally or physically confront any animal, whether confined or unconfined, in a manner to cause unjustified agitation or injury to the animal.
- (d) It shall be unlawful for any person to cause an animal to be overloaded or forced to work in a manner unsuitable to its species, breed, condition, or health so as to cause injury to the animal.
- (e) It shall be unlawful for any person to fail to provide or to deprive any animal in their possession, care or control, reasonable medical or necessary veterinary care if the animal is sick, diseased, and/or injured.
- (f) It shall be unlawful to participate in, assist with, sell transport, or otherwise allow any animal to be provided to another person as a promotional item, prize to be given away at any event, festival, carnival, or parade.
- (g) Animal control officers or police officers are hereby authorized to remove, impound or take possession of any animal which has been treated in violation of this section.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-15. Clean enclosures and pens required.

All pens or enclosures for animals shall be maintained in a clean condition and be free of filth at all times. All manure shall be cleaned daily from the pens, and if kept in a manure pile, shall be removed at least twice weekly. Each pen and enclosure shall be sprayed with a suitable residual spray as often as is necessary to control flies, insects and noxious odors.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-16. Tethering.

It shall be unlawful for the owner of any dog to keep or maintain the animal on a tie-out, tether, picket, or similar device consisting of a rope, cable, or other type of tether for any duration unless continuously supervised by its owner or other adult responsible for the animal at the time. Exemptions may be approved by the police chief or designee, so long as the animal has access to water, shelter, and not subject to entanglement that could cause the animal any injury or clear discomfort.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-17. Abandonment of cats and dogs; reporting of found animals.

- (a) No person shall abandon or desert their dog or cat or permit such animal to become a stray. Any dog or cat found at large not wearing any tag indicating proof of current vaccination against rabies, having a microchip, or that the owner is a city resident, shall be presumed abandoned, and will be impounded by the city.
- (b) Any person who takes possession of, keeps or harbors an animal that reasonably appears to be at large or stray shall make notification to the police department within 24 hours. Such notification shall include a complete and accurate description of the animal, when and where it was located, where it is being housed, and contact information for the reporting person. The person reporting the animal shall additionally ensure that the animal is scanned for a microchip or inspected for identifying markings by an animal shelter, medical provider, or rescue group.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

***ARTICLE IV. CONFINEMENT; ZONING; NUMBER; SALE; ANIMALS OTHER THAN
DOGS AND CATS***

Sec. 6-18. Confinement of dogs and cats.

- (a) It shall be unlawful for any person to knowingly or unknowingly permit his or her dog to be at large anywhere within the city limits. Any dog so found may be impounded and/or the owner cited by the city.
- (b) It shall be unlawful for any person to knowingly or unknowingly permit his or her cat to be at large unless the cat is altered, current on its vaccinations as required by this chapter, has a valid issued pet license, and has either a collar with a valid city pet license attached or has a registered microchip containing accurate and current information on the owner.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-19. Prohibition of dogs and cats in certain areas.

Regulations pertaining to the prohibition and exceptions of live animals on the premises of a food establishment as set forth in the Oklahoma Administrative Code shall be enforceable as if set out in full.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-20. Number of dogs and cats allowed.

No person shall harbor or keep more than three dogs and/or four cats.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-21. Sale of animals.

It shall be unlawful for any person to offer any animal for sale or to trade, exchange, barter or give away or to accept any animal on any property not owned or rented by the seller or buyer or on any public curbside, roadside, alleyway, street, park or parking lot unless specifically permitted by the city. Animal welfare groups registered with and approved by the city are exempt from the provisions of this section when conducting adoption events on property not owned by the group with authorization from the property owner.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-22. Keeping of animals other than dogs and cats.

Except as otherwise provided, all animals commonly known as domesticated farm animals, including fowl, may be kept and maintained only in agricultural districts. It shall be unlawful for any person to allow any domesticated farm animals to be at large.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-23. Reptiles.

It shall be unlawful for any person to knowingly and intentionally harbor, possess, or keep large reptiles, such as snakes, or lizards that are capable of exceeding 40 pounds at an adult age on any lot, premises or in any structure. Animals naturally gathering or living in an outdoor setting area where the animals are not kept for commercial uses shall not be counted towards the limits set within this section.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

ARTICLE V. DANGEROUS ANIMALS; NUISANCE ANIMALS

Sec. 6-24. Dangerous animals prohibited.

It shall be unlawful for any person to own, harbor, possess or keep within the city limits any dangerous animal as defined in [section 6-1], the state statutes, or [which] another governmental entity has determined to be dangerous.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-25. Animal bites.

- (a) It shall be unlawful for the owner, harboring, possessor, or keeper of an animal to negligently allow or maintain any animal where it could bite a human unless the animal has been subjected to provocation, or unless the victim has been trespassing.
- (b) It shall be unlawful for the owner, harboring, possessor, or keeper of an animal to negligently allow or maintain the animal to bite, attack or kill another animal unless the animal has been subjected to provocation or attack by another animal.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-26. Confinement/impoundment.

An animal that is impounded at the time of an incident or after an investigation that resulted in the owner being charged with harboring or possessing a dangerous animal shall be confined pending the disposition of the animal. Such confinement shall be at the owner's expense. Provided, however, the animal may be confined in a licensed veterinary clinic, other licensed facility, or confined at the home of the owner or some other responsible person in the discretion of the police chief.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-27. Authority to seize a dangerous animal.

In addition to any other authority or procedure authorized by this chapter or by any other law to seize an animal, the animal control officer, police chief, or designee shall have the authority to immediately seize any animal when there is cause to believe that an animal is dangerous or poses a serious threat to public safety under the totality of the circumstances. It shall be unlawful for any person owning, keeping, possessing or otherwise maintaining an animal declared to be dangerous to refuse to immediately surrender the animal to an animal control officer, the police chief or designee.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-28. Hearing and adjudication.

- (a) If, after a citation is issued alleging an animal as a dangerous animal as set forth in this chapter, the owner does not appear at the hearing, the animal shall be deemed abandoned and subject to disposition as set forth in this chapter. The hearing shall be set within ten days of issuance of a citation.
- (b) The municipal court judge, upon presentation of all evidence at the hearing and upon a finding that the animal is a dangerous animal, may:
 - (1) Allow the animal to remain within the city limits under restrictions as may be ordered;
 - (2) Order the removal of the animal from the city limits; or
 - (3) Order the destruction of the animal.
- (c) Upon a second conviction for dangerous animal, the municipal court judge may order the destruction of the animal.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-29. Dangerous animal permit required.

It is unlawful for an owner to have a dangerous dog without certificate of registration issued under this section. This section shall not apply to dogs used by law enforcement officials for police work. The animal control officer shall issue a certificate of registration to the owner of a dangerous animal if the owner presents to the city sufficient evidence of the following:

- (1) A proper enclosure to confine a dangerous dog and the posting of the premises with a clearly visible warning sign that there is a dangerous dog on the property. A proper enclosure means the secure confinement within an occupied house or residence, in a securely enclosed and locked pen or kennel, structures that have secure sides and a top or, in lieu of a top, walls at least eight feet in height and at least eight feet taller than any internal structure.
- (2) Conspicuous display of a sign with a warning symbol that informs children of the presence of a dangerous dog; and
- (3) A policy of liability insurance, such as homeowner's insurance or surety bond, issued by an insurer qualified the state statutes in the amount of not less than \$100,000.00 insuring the owner for any personal injuries inflicted by the dangerous dog.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-30. Dangerous animal; muzzle and restraint.

- (a) It is unlawful for an owner of a dangerous dog to permit the dog to be outside a proper enclosure, unless the dog is muzzled and restrained by a substantial chain or leash and remains under the physical restraint of a responsible person over 16 years of age. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal.
- (b) Dogs shall not be declared dangerous 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 dog, or was tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have tormented, abused, or assaulted the dog or was committing or attempting to commit a crime.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-31. Animals that are nuisances.

It shall be unlawful for any person to own, keep, possess, or harbor any animal that is a nuisance unless the animal is confined at the residence of the owner.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

Sec. 6-32. Permitting dogs to deposit solid waste material on places open to the public or on certain private property prohibited.

It shall be unlawful for the owner, keeper or person having control of any dog to permit such dog to defecate upon any sidewalk, public park, street, alley or other place open to the public, or on private property without the permission of the owner thereof. In the event that the owner, keeper, or person having control of any dog is unable to prevent the deposit of fecal material in violation of this section, it shall be the duty of such person to properly collect and dispose of such waste material within a reasonable time and before leaving the immediate area.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)

ARTICLE VI. PENALTIES

Sec. 6-33. Penalties.

Except as otherwise provided herein, any person convicted of violating the provisions of any section of this chapter shall be punished by a fine of not less than \$50.00 nor more than \$750.00.

(Ord. No. 175-06052023, §§ 1—39, 6-5-2023)