

## TITLE 10

### ANIMAL CONTROL<sup>1</sup>

#### CHAPTER

#### 1. IN GENERAL.

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#### SECTION

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**10-101. Definitions.** The following definition of "public nuisance" shall apply in the interpretation and enforcement of this chapter. An animal becomes a public nuisance if one (1) or more of the following conditions apply:

- (1) Is repeatedly found at large;
- (2) Damages the property of anyone other than its owner;
- (3) Molests or intimidates pedestrians or passersby;
- (4) Chases vehicles; and/or
- (5) Attacks other animals. (2011 Code, § 10-101)

**10-102. Running at large prohibited.** It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits.

Any person, including its owner, knowingly or negligently permitting an animal to run at large or to be a public nuisance may be prosecuted under this chapter, even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (2011 Code, § 10-102)

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<sup>1</sup>Wherever this title mentions dogs it pertains to dog and cats.

**10-103. Pen or enclosure to be kept clean.** When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition and not to become a nuisance. (2011 Code, § 10-103)

**10-104. Adequate food, water, and shelter, etc., to be provided.** No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health and safety. All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle in a manner that will not create a public nuisance. (2011 Code, § 10-104)

**10-105. Keeping in such manner as to become a nuisance prohibited.** No animal or fowl shall be kept in such a place or condition as to become a public nuisance because of either noise, odor, contagious disease, or other reason. (2011 Code, § 10-105)

**10-106. Inspection of premises.** The city hereby designates the building codes officer the authority and power to enter any premises at any reasonable hour of the day for the purpose of making inspections. When violations are discovered, he has the authority to issue such orders as he deems necessary to correct the public nuisance conditions within a reasonable time. It shall be unlawful for any person to fail to comply with such order. (2011 Code, § 10-107)

**10-107. Seizure and disposition of animals.** Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by any police officer or other properly designated officer or official and confined in a pound provided or designated by the board of mayor and aldermen. If the owner is known, he shall be given notice in person, by telephone, or by a postcard addressed to his last known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case, the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed.

The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of mayor and aldermen, to cover the costs of impoundment and maintenance. (2011 Code, § 10-108)

**10-108. Violations and penalty.** A violation of any provision of this chapter shall subject the offender to a penalty under the general penalty

provision of this code. Each day a violation shall be allowed to continue shall constitute a separate offense. (2011 Code, § 10-109)