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Sec. 5-19. - Leash and pooper scooper required.

An animal owner or keeper shall not walk an animal without a leash restraint, and shall not guide or take animals onto the yards or driveways of property not owned, leased or occupied by the animal owner for the purpose of allowing the animal to defecate, but shall keep the animal in the public right-of-way, and shall carry a container and implement for the sanitary removal of the animal's fecal matter from the public sidewalk and public right-of-way adjacent to any property with a structure or other improvements thereon.

(Ord. No. 2010-06-17-0555, § 1, 6-17-10)

(Ord. No. 2010-06-17-0555, § 1, 6-17-10)

Sec. 5-21. - Unlawful acts; criminal penalties; civil remedies.

(a)

Unless otherwise specifically provided for in this chapter, if it is found that a person intentionally, knowingly or recklessly violated any provision of this chapter, then upon conviction a person shall be fined an amount not less than one hundred dollars (\$100.00) and not more than two thousand dollars (\$2,000.00) except that, in the event a person has once previously been convicted under this chapter, the person shall be fined an amount not less than two hundred dollars (\$200.00) and shall be fined not less than three hundred dollars (\$300.00) for a third conviction and for each conviction thereafter.

(b)

If it is found that a person intentionally, knowingly or recklessly violated sections [5-4](#), [5-5](#), [5-7](#), [5-8](#) and [5-80](#) then upon conviction a person shall be punished by a minimum fine of five hundred dollars (\$500.00) and a maximum fine of two thousand dollars (\$2,000.00) for a first offense, a minimum fine of one thousand dollars (\$1,000.00) and a maximum fine of two thousand dollars (\$2,000.00) for a second offense, and a fine of two thousand dollars (\$2,000.00) for a third and subsequent offense.

(c)

Nothing in this section shall limit the remedies available to the city in seeking to enforce the provisions of this chapter. Each day's violation thereof shall constitute a separate offense.

(d)

Where it is deemed necessary by the city manager and the director, the city attorney's office is hereby empowered to secure injunctive relief to enforce the provisions of this chapter. This shall be in addition to, and not in lieu of, the criminal penalties provided for in this chapter.

(Ord. No. 2010-06-17-0555, § 1, 6-17-10)

. 5-150. - Animal nuisances.

The owner or keeper of any animal in the city is responsible for the behavior and conduct of that animal at all times including the creation of a public nuisance. Violations of the following acts or omissions are public nuisances:

- (a)

The owner or keeper shall keep the animal (except cats) restrained at all times and insure that the animal (except cats) does not roam or run at large at will;
- (b)

The owner or keeper shall not keep any dog which barks or whines in such a manner, with such intensity, or with such continued duration, or keep any other animal, fowl, or bird, which makes frequent or long, continued noise, so as to annoy, distress or disturb the quiet comfort or repose of persons of normal nervous sensibilities within the vicinity of hearing thereof;
- (c)

The owner or keeper shall prevent his animal from biting or injuring without provocation, any animal or person;
- (d)

The owner or keeper shall prevent his animal from damaging or destroying public property or property other than its owner's private property;
- (e)

The owner or keeper shall not keep more than the number of animals allowed under this chapter;
- (f)

An owner or keeper creates an animal nuisance by the keeping, frequent feeding or harboring of any poisonous or inherently dangerous or prohibited animal.

(Ord. No. 2010-06-17-0555, § 1, 6-17-10)

Sec. 5-151. - Outdoor cats.

All outdoor cats must be spayed or neutered.

(Ord. No. 2010-06-17-0555, § 1, 6-17-10)

Sec. 5-152. - Misdemeanor violations by animal owners; presumptions.

- (a)

An animal owner commits a misdemeanor offense if by act, omission or possession he creates an animal nuisance.
- (b)

The following presumptions are hereby declared applicable in the prosecution of an offense pursuant to subsection (a):

 - (1)

The filing of a complaint by two (2) or more neighbors, within a 12-month period, regarding the barking of an animal kept by its owner shall give rise to the presumption that an owner keeps an animal which barks or whines in such a manner, with such intensity, or with such continued duration so as to annoy, distress or disturb the quiet, comfort or repose of persons of normal nervous sensibilities. For the purpose of this presumption, each neighbor must occupy a different residence;
 - (2)

The fact that an animal in question has bitten or injured another animal or human being during the previous eighteen (18) months shall give rise to the presumption that the animal bites or injures other animals or human beings without provocation;
 - (3)

The fact that an animal in question has damaged or destroyed public or private property during the last twelve (12) months shall give rise to the presumption that the animal has a propensity to destroy property.

(Ord. No. 2010-06-17-0555, § 1, 6-17-10)

Sec. 5-162. - Abatement of animal nuisance complaint and citation; summary statement.

- (a)

Any person may, upon presentation of a duly executed affidavit stating the existence of an animal nuisance, as defined in this chapter, and identifying the name and address of the owner or owners of such animal may request the city prosecutor to file a complaint in municipal court against the owner or owners of such animal under the provisions of this chapter. The filing of a complaint by the person will result in the issuance of a court summons to the owner or owners of the animal in question.

(b)

Animal care officers and other law enforcement officers may issue the owner or owners of animals creating an animal nuisance, as defined in this chapter, a citation to appear in municipal court to answer the offense charged.

(Ord. No. 2010-06-17-0555, § 1, 6-17-10)