

2.05 Public Nuisance.

A. *Failure to exercise proper care prohibited.* It is unlawful for any owner to fail to exercise proper care and control over any animal owned or in the custody of such owner, or to fail to exercise proper care and control over the premises where any such animal is kept, so as to prevent such animals, or the conditions of such premises, from becoming a public nuisance.

B. *Conditions constituting a nuisance.* All of the following conditions, situations or occurrences are hereby declared to be a public nuisance and constitute a failure of the owner to exercise proper care and control of his animal and/or the premises where said animal is or has been kept:

1. Any animal which turns over garbage containers or scatters garbage or which otherwise damages private or public property.
2. Any Dog, Cat or Livestock At Large.
3. Any animal that barks, whines, howls, crows, or makes other sounds or noise in an excessive, continuous, or untimely fashion; or
4. Any building, room, cage, kennel, yard, run, stable, shed, pen, fenced pasture, or any other place or facility where animals are kept or harbored which is not maintained in a clean and sanitary condition so as to prevent obnoxious odors, the attraction, breeding or potential breeding of flies, the attraction, harboring or breeding of rodents or potential breeding of rodents, or the creation of any other public health nuisances.

C. *Running at large.* A person commits an offense if the person allows or permits an animal owned by him/her, other than a cat, to run at large. A culpable mental state is not required as an element of this offense.

It is an affirmative defense to prosecution if the animal was running at large due to the act of some person other than the owner of the animal or an occupant of the premises where such animal is possessed, or due to some factor not reasonably foreseeable by the owner or person having possession of said animal.

Animals, other than cats, running at large are subject to impoundment by an officer of the animal control department. It shall be the duty of every animal control officer to apprehend any dog found running at large and to impound such dog found running at large and to impound such dog at the city animal shelter.

D. *Wild animals prohibited.* A person commits an offense if the person intentionally or knowingly keeps or has in his/her possession or under his/her control, within the city, any wild animal.

It is a defense to prosecution under this subsection that the owner or possessor is a governmental entity, operates a zoo that is open to the public, is a research institution, or owns or operates an animal exhibition, rodeo, or circus in which the animal is an integral part, if the animal is restrained from inflicting injury upon persons, property or other animals, and a adequate provision is made for the care and protection of the animal.

Article II. Dogs and Cats

2.04 Keeping of Dogs; Number of Dogs or Cats allowed.

A. Any dog shall be confined on premises of the owner by either (1) a building, substantial fence or other structure or enclosure; or (2) by a chain, fastener, or

tie that keeps the dog at least five (5) feet from any property that the owner does not have the right to occupy.

B. It is unlawful for any person to keep, harbor, own, maintain, or allow to be kept, harbored, owned, or maintained more than a total of four (4) Dogs or Cats, over three (3) months of age, upon or within any premises owned, occupied, or under the control of such person within the City.

2.05 Rabies vaccination required.

A. A person commits an offense if the person intentionally or knowingly owns or possesses an animal that has not been immunized with an anti-rabies vaccine in the preceding twelve (12) months.

B. In any prosecution authorized by this section where proof is presented that the animal was not wearing a tag indicating rabies immunization within the preceding twelve (12) months, such animal shall be presumed not to have been immunized within the preceding twelve (12) months with an anti-rabies vaccine.

C. It shall be defense to any prosecution under this section if the person accused of the offense presents a certificate of vaccination issued by the person administering the anti-rabies vaccine on a date not more than twelve (12) months prior to such date of the offense.

D. It shall be an affirmative defense to any prosecution under this section if:

1. The animal was less than four (4) months old on the date of the offense; or
2. The animal is of a species not susceptible to rabies.

Identification tags must be secured from the City Utilities Department, which tag shall be securely attached to such animal. Untagged Dogs or Cats at Large may be picked up and destroyed. All tags shall expire one (1) year after issuance by the City. Lifetime tags will be issued yearly upon proof of rabies inoculation. An expired identification tag shall have the same force and effect as though no tag had been issued and the animal wearing the expired identification tag will be deemed to be untagged and At Large and may be picked up and destroyed.