

**Chapter 10**  
**ANIMALS AND FOWL**

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**[HISTORY: Adopted 7-12-71, effective 8-2-71. Amended in its entirety 11-5-79. Amended 11-7-94, effective 1-1-95. Amended 9-8-98, effective 9-28-98. Amendment history noted where applicable.]**

**REFERENCES**

**Municipal infractions -- See Chapter 46.**

**Stables, kennels -- See Chapter 50.**

**§ 10-1. Definitions.**

As used in this ordinance, the following terms shall have the meanings indicated;

"Animal" -- Any fowl or four-legged animal accustomed to living in or about the habitation of man, including but not limited to cats, dogs, fowl, horses, cows, swine, rabbits, and domesticated wild animals.

"Animal under restraint" -- Any animal secured by a leash or lead or under the control of a responsible person and obedient to that person's command or confined within a vehicle or within the real property limits of its owner.

"At large" -- An animal not under restraint and off the premises of its owner.

"Owner" -- Any person or persons owning, keeping, or harboring or acting as custodian of an animal.

"Public nuisance animal" -- Any animal which is repeatedly found at large; makes excessive, continual, or untimely barking, howling, whining, crowing, or any other disturbing noise; molests passersby; chases vehicles; causes fouling of air by odors; causes unsanitary condition of enclosures or surroundings by virtue of the number of animals maintained and is offensive or dangerous to the public health; excretes on property other than that of the owner; or is the cause of excretory matter being dropped on the ground or floor, feed left lying about, and/or housing materials which afford food, harborage, or a breeding place for rats.

### **§ 10-2. Impoundment.**

An animal found at large may be temporarily impounded by the town code enforcement officer and/or the police department until reasonable efforts can be made to locate the owner. If no owner is found, then the animal shall be turned over to the county animal control facility. The animal shall not be held longer than twenty-four (24) hours and must be given adequate care and shelter while so impounded.

### **§ 10-3. Alternate procedure to impoundment.**

In addition to or in lieu of impounding a dog found at large, and/or if the owner can be located, the town code enforcement officer and/or the police department shall impose such penalties as are outlined in §10-4.

### **§ 10-4. Penalties for public nuisance animals. [Revised 3-6-95, Amended 9-8-98.]**

(a) It shall be unlawful for any owner or custodian to fail to provide effective care and control of his animals to prevent them from becoming a public nuisance.

(b) Upon receiving a written or oral complaint and after an investigation, the town code enforcement officer and/or the police department shall declare an animal to be a public nuisance and shall serve the owner with a notice of violation of this ordinance, and unless the nuisance is removed or abated within ten (10) days, the owner shall be deemed guilty of a municipal infraction.

### **§ 10-5. Female dog in heat.**

Every female dog while in heat shall be kept confined in a building or secure enclosure by the owner in such manner that she shall not be in contact (except for intentional breeding purposes) with another dog nor create a nuisance by attracting other animals.

### **§ 10-6. Confinement of animal with history of biting people.**

Every fierce, dangerous, or vicious animal, including dogs that have a history of unlawful biting of a human being, shall be confined by the owner within a building or secure enclosure.

Such animal may not be taken out of such building or secure enclosure unless securely muzzled.

**§ 10-7. Confinement of animal biting a person.**

The town code enforcement officer and/or the police department shall confine any animal biting any person for clinical observation for a period of ten (10) consecutive calendar days. At the discretion of the town code enforcement officer and/or the police department, the confinement may occur on the premises of the animal's owner, provided that the owner signs a written agreement to provide for properly supervised confinement. In the alternative, the animal may be confined at any animal shelter, veterinary hospital, or humane shelter at the owner's option and expense. No person shall knowingly allow such confined animal to escape, or sell, give away, or otherwise dispose of such animal before the expiration of the ten day confinement and observation period.

**§ 10-8. Cows, swine, and horses. [Revised 3-6-95.]**

(a) It shall be unlawful to keep within the town any swine, cow, or animal of the bovine kind.

(b) It shall be unlawful for any person to keep upon any premises, yard, or enclosure any horse, mule, pony, or any other animal of the equine kind within the town, except upon any lot or adjoining lots having a total combined area of not less than twenty-five thousand (25,000) square feet and not within a radius of one hundred (100) feet of any building used for human habitation.

**§ 10-9. Defecation; Removal of excrement. Repealed and replaced 9-8-98 [Adopted 9-8-98]**

(a) No person owning, keeping, or having custody of a dog or cat except a seeing eye dog, shall allow or permit excrement of such animal to remain on: (1) Public property or right-of-way; or (2) private property without the consent of the owner or occupant thereof.

(b) The person owning, keeping, or having custody of the animal shall immediately remove the excrement deposited by the animal.

**§10-10. Violations and penalties. [Adopted 9-8-98.]**

Violations of §§ 10-1 through 10-9 of this chapter of the Code are declared to be municipal infractions, the penalty for which shall be fifty dollars (\$50) for the first offense, one hundred dollars (\$100) for a second offense, and two hundred fifty dollars (\$250) for each subsequent offense.