

TITLE 6

ANIMALS

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Chapters:

6.04 Animal Regulations

Chapter 6.04

ANIMAL REGULATIONS

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6.04.010 Definitions. As used in this Chapter, the following terms are defined as follows:

- (1) "Abandoned Animal" means any animal left without proper food and/or water for a period of over 24 hours, or any barking animals without supervision for a period of over 24 hours.
- (2) "Animal" means cattle, calves, horses, mules, swine, goats, dogs, cats, poultry or other bird, and any living creature, other than man, domestic or wild.
- (3) "Department" means the City of Jasper Police Department, the Code Enforcement Officer for the City of Jasper and the Jasper Street Department.
- (4) "Diseased animals" means an animal with a contagious or infectious disease.
- (5) "Loud Animal" means any animal which persistently barks, crows, howls, or emits other sounds and thereby unreasonably deprives a person of peace and quiet.
- (6) "Owner" means any person having a right of property in an animal, or who keeps or harbors an animal, or who has it in his care or acts as its custodian, or who knowingly permits an animal to remain on or about any premises occupied by him. This definition specifically includes the feeding of or otherwise caring for or maintaining stray animals.
- (7) "Running at Large" means any animal:

- a. found off the owner's premises;
- b. which is not accompanied by the owner or a representative of the owner;
and
- c. which is not restrained by a secure collar and a leash of not more than six (6) feet in length, a radio control device, or otherwise controlled by a form of disciplinary restraint.

An animal is not "Running at Large" where the animal is on a property, other than the animal owner's property, with the express consent of the owner of said property. (Ord. 2018-4, S1, Jan. 17, 2018) (Ord. 1997-19, S6.04.10, 1997) (Ord. 1005, S1, 1980)

6.04.020 Regulations.

- (1) **ANIMALS RUNNING AT LARGE.** It shall be unlawful to permit any animal of any kind to run at large within the City. Any animal found running at large on the streets, sidewalks or other public property or private property, may be taken to the nearest holding facility.
- (2) **NUMBER OF ANIMALS.** It shall be unlawful to keep or harbor more than four (4) animals, of any kind, over the age of four (4) months, on any premises or portions thereof. In the case of multi-family housing units, no more than two (2) animals may be maintained per unit. Provided, however, nothing in this Ordinance, shall provide authority to the occupier of any rental property, lessee, or someone other than a property owner, to violate the provisions of any rental agreement, lease, or other similar agreement.
- (3) **NOISES.** It shall be unlawful for any person to own, keep, or harbor any animal, which, disturbs the peace at any time of the day or night, by howling, yelping, barking or other noise, which shall cause annoyance or disturbance to any person, other than that of the owner.
- (4) **DISEASED ANIMALS.** It shall be unlawful to allow any animal afflicted with a contagious or infectious disease to run at large, or to be exposed in any public place whereby the health of man or beast may be affected.
- (5) **NONIMMUNIZED ANIMALS.** It shall be unlawful to harbor a nonimmunized animal.
- (6) **ANIMAL FECES.** Any person owning, keeping, possessing or harboring any animal shall promptly remove and dispose of, in a sanitary manner, all feces left by the animal on any public property, public right-of-way, or private property not under the control of the animal's owner.

- (7) **ABANDONED ANIMALS.** It shall be unlawful for person to allow an animal in his care to become abandoned by failure to supply such animals with adequate food, water or shelter. An emaciated condition of any such animal or an unnatural and excessive craving for food and drink shall be prima facie evidence of abandonment.
- a. In the case of an animal that is determined to be abandoned, the Department may either:
- i. Provide food or water to an abandoned animal, with the owner paying for such services; or
 - ii. Impound an abandoned animal.
- b. As soon as practical, notice of impoundment under this section shall be posted at the house at which the animal was found or be mailed to the owner, if identified. (Ord. 2018-4, S2, Jan. 17, 2018) (Ord. 2009-3, S1, Feb. 18, 2009) (Ord. 2000-27, S1, 2, Aug. 23, 2000) (Ord. 1997-19, S6.04.20, 1997) (Ord. 1005, S2, 1980)

6.04.030 Penalty for violation.

- (1) The owner of any animal found in violation of this Chapter shall be issued an ordinance violation with a fine of not less than Twenty-Five Dollars (\$25.00) and not more than One Hundred Dollars (\$100.00). A second violation will result in a fine of not less than Fifty Dollars (\$50.00) and not more than One Hundred Dollars (\$100.00). Subsequent violations will result in a fine of not less than One Hundred Dollars (\$100.00). Fines shall be paid to the Clerk-Treasurer of the City of Jasper to be placed in a fund to defray expense incurred by the City for the maintenance of impounded animals and to defray the expenses of enforcing this Chapter. If the fine is not paid, at the discretion of the City Attorney and the Police Chief, the ordinance violation may be filed in court, in which case the owner, if found to be in violation of this chapter, shall also be responsible for court costs. The City shall also have the right to recover any other costs of administering this Ordinance, including but not limited to attorney fees.
- (2) The owner of any animal found in violation of this Chapter shall also be responsible for all fees and expenses, including but not limited to veterinary fees and confinement fees, for the care of such animal. Veterinary fees shall be at the rate imposed by the respective veterinarian. If the animal is confined at the Jasper Street Department, confinement fees shall be equal to the actual cost of confinement. These amounts shall be in addition to any penalties and fines assessed for violations of this Chapter.
- (3) The owner of an impounded animal may obtain the release of such animal upon compliance with the provisions of this Chapter and the payment of the appropriate fees and fines as applicable. The owner may be required to pay any fines and/or fees prior to the release of the animal.

- (4) An animal impounded under this Chapter, and which is not claimed by its owner, shall be confined in a humane manner for a period of not less than three (3) business days. An animal not claimed within the three (3) day period may be sold or otherwise humanely disposed of.
- (5) For animals that remain in the custody of the Jasper Street Department following the three (3) day impoundment period, a person other than the animal's owner may adopt the impounded animal which has not been claimed, and shall pay the accrued fees and any other fines as applicable. The person who adopts such animal which has been impounded under this section shall first agree in writing to:
 - a. Pay for immunization of the animal against rabies; and
 - b. Attach a permanent identification tag or microchip to such animal.
(Ord. 2018-4, S3, Jan. 17, 2018) (Ord. 2006-35, S1, Aug. 23, 2006)
(Ord. 1997-19, S6.04.30, 1997) (Ord. 1005, S3, 1980)

6.04.040 Administrative liability. No officer, agent, or employee of the City of Jasper shall render himself personally liable for any damage that may occur to persons, property, or animals as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer, agent or employee of the City of Jasper as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the City Attorney until the final determination of the proceedings therein. (Ord. 2018-4, S4, Jan. 17, 2018) (Ord. 1997-19, S6.04.40, 1997)

6.04.050 Enforcement. The Jasper Police Department and Code Enforcement Officer shall be empowered to enforce this Ordinance. Such officer shall be empowered to issue written warnings and citations to owners of animals in violation of this Chapter. The City of Jasper Street Department shall have authority to assist in the enforcement of this ordinance. (Ord. 2018-4, S5, Jan. 17, 2018) (Ord. 1997-19, S6.04.50, 1997)

6.04.060 Entry Onto Private Land. Any duly authorized officer, in the course of their duties in enforcing this chapter, shall have the privilege of entering onto private land, provided the officer has probable cause that a violation of this chapter has occurred, but said officer shall not enter into any building or dwelling without permission or authorization. (Ord. 2018-4, S6, Jan. 17, 2018)

6.04.070 Animals Utilized By Law Enforcement. The provisions of this chapter shall be inapplicable to animals utilized in the line of duty by a duly qualified law enforcement officer, fire or safety officer, or other member of the Department. (Ord. 2018-4, S7, Jan. 17, 2018)