

B. Upon conviction for violation of §§ 6.04.020 or 6.04.060 with respect to any dog which has been spayed or neutered, the fine shall be as follows:

1. For first conviction, not less than \$25.00 nor more than \$750.00.

2. For second conviction, not less than \$50.00 nor more than \$750.00.

3. For third or subsequent conviction, not less than \$100.00 nor more than \$750.00.

C. In any court proceeding, it shall be presumed that the dog or dogs involved in any violation were not spayed or neutered, unless the owner or other responsible person presents evidence that the dog or dogs were spayed or neutered at the time of such violation.

D. In addition to any other penalty which may be imposed, any person convicted three or more times of violation of any provision of this Chapter within any period of twenty-four consecutive months may have any held permit to keep a dog revoked and no new permit issued for one year thereafter. (Ord. 235, 1993; Ord. 194 §3, 1986; Ord. 178 §1, 1985; Ord. 174 §14, 1985)

Chapter 6.08

LIVESTOCK

Sections:

- 6.08.010 Definitions.
- 6.08.020 Permit required; Exceptions.
- 6.08.030 Permit; Application; Issuance; Fee; Expiration.
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- 6.08.050 Animal control officer; Responsibilities and authority.

6.08.060 Nuisances--Prosecution and abatement.
6.08.070 Violation--Penalties.

6.08.010 Definitions. As used in this chapter, unless the context indicates otherwise:

A. "Animal control officer" means that person appointed and empowered to administer Chapter 6.04 of this title.

B. "Livestock" means any horses, cattle, hogs, goats, sheep, mules, donkeys, rabbits, fowl, or poultry. It shall not, however, refer to parrots, canaries, budgies, or other caged birds as may be commonly housed within the primary structure and kept as pets.

C. "Nuisance" means any accumulation of urine, manure, or any other substance which results in an unsightly or odorous condition perceptible from any adjoining property. "Nuisance" shall also refer to any livestock whose behavior meets one of the definitions of "nuisance" set forth in Section 6.04.010E of this title.

D. "Owner" means the person, persons, or corporation having legal ownership of any livestock; however, where care, custody, and control of any livestock has been vested in some party other than the legal owner, the term "owner" as used herein shall also refer to the person, persons, or corporation having such care, custody, and control of the livestock.

E. "Unrestrained" means not secured within a fence, pen, building, or other appropriate enclosure as provided in Section 6.08.030 of this chapter. (Ord. 195 §2(part), 1986)

6.08.020 Permit--Required--Exceptions. It shall hereafter be unlawful for any owner, as defined in this chapter, to pasture, stable, house, or otherwise keep any livestock within the town without first obtaining a permit as set forth in Section 6.08.030 of this chapter. However, the provisions of this section shall not apply to any livestock which is properly secured upon property which is zoned for agricultural usage, nor shall it apply to the operations of any duly established veterinary clinic or hospital or animal boarding service which is operated in compliance with the provisions of Title 17 of this code. (Ord. 195 §2(part), 1986)

6.08.030 Permit--Application--Issuance--Fee--Expiration.

A. Application for a permit shall be made on forms issued by the town. A separate permit shall be required for each animal, except that one permit shall suffice for each flock of fowl or poultry or for each warren of rabbits. Applications shall include the following information:

1. The name, address, and telephone number of the owner of each animal, and if different, the name, address, and telephone number of the person or persons having care, custody, and control of the animal;

2. A description of the animal the permit is requested for;

3. The number of fowl or poultry to be included in the flock;

4. A description by lot, block, subdivision, and address of where the animal is to be secured;

5. A description of the fence, pen, building, or other enclosure to be used in securing the animal on the premises; and

6. A list showing the name and legal mailing address of all persons owning property or residing within one hundred forty feet, not including intervening streets or alleys, of the premises where the livestock is to be secured.

B. Before issuing a permit, the animal control officers shall send a copy of the application to each person listed in subsection (A) (6) of this section and allow reasonable time for comment. If any objection is received, no permit shall be issued. In addition, the animal control officer shall verify that the fence, pen, building, or other enclosure to be used in securing the animal is in full compliance with this code with respect to building and zoning codes and that all necessary permits for such fence, pen, building, or enclosure have been obtained.

C. Prior to being issued any permit, the applicant shall pay a fee of five dollars for each permit requested, and shall further pay the cost of sending copies of the application(s) to nearby residents as provided in subsection B of this section.

D. Permits granted pursuant to this section will expire on December 31st of the year of issuance. (Ord. 195 §2(part), 1986)

6.08.040 Unrestrained livestock--Prohibited--Exceptions. It shall hereafter be unlawful for any owner to allow any livestock to be unrestrained upon any public or private property within the town. However, this section shall not apply to any livestock which is properly secured upon any property which is zoned for agricultural usage, nor shall it apply to any properly attended livestock which is being driven through town for purposes of being moved from one range or pasture to another. (Ord. 195 §2(part), 1986)

6.08.050 Animal control officer--Responsibilities and authority. The animal control officer shall be responsible for enforcement of this chapter. The animal control officer is hereby authorized and empowered to issue permits and collect the fees therefor on behalf of the town; issue citations and summon alleged violators to appear before the municipal judge in response thereto; take up and impound any livestock found to be unrestrained in violation of this chapter; release impounded livestock to the appropriate persons, but only after collecting impound fees as provided in

Section 6.04.090 of this title and assuring that any permits as may be required under this chapter have been obtained; place unclaimed impounded livestock out for adoption pursuant to Section 6.04.110 of this title; dispose of unclaimed impounded livestock as provided in Section 6.04.100 of this title and assess the costs thereof to the owner; and initiate proceedings to prosecute, abate, mandate, or enjoin nuisances pursuant to Section 6.08.060 of this chapter. (Ord. 195 §2(part), 1986)

6.08.060 Nuisances--Prosecution and abatement. Any person who is the author of a nuisance as defined in this chapter is guilty of a misdemeanor, and upon conviction thereof, may be punished as provided in Section 6.08.070 of this chapter. In addition, or in the alternative, this chapter may be enforced by injunction, mandamus, or abatement as in the manner set forth in subsection B of Section 8.04.180 of this code, which procedure is adopted for abatement of nuisances as defined within this chapter, except that the time limit for compliance with or appeal of any order of abatement shall be twenty-four hours. (Ord. 195 §2(part), 1986)

6.08.070 Violation--Penalties. Any person violating any provision of this chapter is guilty of a misdemeanor, and upon conviction thereof, shall be punished in accordance with the general penalty provision set forth in Section 1.16.010 of this code. In addition, any person convicted of violating any provision of this chapter three or more separate times within any period of twenty-four consecutive months may have his permit to pasture, stable, or house any livestock within the town revoked for a period of one year. (Ord. 195 §2(part), 1986)