

CHAPTER 93: ANIMAL CONTROL

Section

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§ 93.01 ANIMAL NUISANCES PROHIBITED.

(A) It shall be unlawful for a person to own or keep any animal which by frequent or habitual howling, yelping, barking, screeching, other vocalization or otherwise shall cause serious annoyance or disturbance to persons in the vicinity.

(B) A person who violates any provision of this section shall be punishable as provided in § 93.99 provided, however, a fine imposed for the first such violation shall not be less than \$25; subsequent or continued violations may also subject the owner to impoundment of the animal by a person or entity having authority to impound such an animal.

(Ord. 2006-12, passed 11-9-2006)

§ 93.02 STRAY ANIMALS.

It shall be unlawful for the owner or keeper of an animal to cause, suffer, or allow that animal which is owned or kept by such person to be at large in the town.

(Ord. 2006-12, passed 11-9-2006)

§ 93.03 OWNER RESPONSIBILITY FOR ANIMAL ATTACKS.

(A) It shall be unlawful for an owner or keeper of an animal to allow that animal to attack and injure a person who did not provoke the animal prior to the attack. For purposes of this section, provoke means the infliction of bodily harm on the animal or another person, or conduct that constitutes a substantial step toward the infliction of bodily harm on the animal or another person.

(B) It shall be a defense to prosecution under this section if:

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(1) The attack occurred in an enclosure in which the animal was confined without means of escape, there was posted at the main entrance of the enclosure a notice to beware of the animal, and the person attacked entered the enclosure without invitation; or

(2) The person was attacked during the commission or attempted commission of a criminal act on the property of the owner or keeper of the animal.

(C) If the violation results in the animal causing serious bodily injury to any person, the court upon request shall order the animal forfeited and/or destroyed.

(Ord. 2006-12, passed 11-9-2006)

§ 93.04 ANIMAL WASTE CONTROL.

(A) No person knowingly shall allow a dog or cat which is kept by that person to defecate or urinate on a public street, byway, municipally owned or public land or building, or upon private property, in the city without the prior permission of the owner of such property; however, if an animal defecates on property described in this subsection, the animal's owner or keeper promptly shall remove any feces to a waste container, or otherwise dispose of such material in a manner inoffensive to reasonable public sensibilities.

(B) Notwithstanding the provisions of subsection (A) of this section, the owner of a dog serving a vision-impaired person in an auxiliary ocular capacity or in any capacity to assist such person with a physical impairment may permit such dog to relieve itself on ground situated outside of pedestrian or vehicular traffic ways, and is relieved of the requirement to remove any feces to the extent such requirement is impractical for a person of such impairment.

(C) No person knowingly shall allow his or her dog or cat to disperse waste material placed for public or private collection upon any public street, or byway or right-of-way, or any municipally owned or public land or building, or upon private property.

(Ord. 2006-12, passed 11-9-2006)

§ 93.05 FARM ANIMALS PROHIBITED.

(A) It shall be unlawful for any person to keep, harbor, raise or stable any cattle, bovine, horses, ponies, donkeys, burros, equine, swine, porcine, sheep, goats, llamas, alpacas, poultry or fowl of any kind within the town.

(B) It shall be unlawful for any person who keeps, harbors, raises or stables any cattle, bovine, horses, ponies, donkeys, burros, equine, swine, porcine, sheep, goats, llamas, alpacas, poultry or fowl of any kind within the town to allow said animal(s) to run at large in any public place within the town. Any such animal found running at large may be impounded by the town or its designated agent.

(Ord. 2014-005, passed 6-17-2014; Am. Ord. 2014-005, passed 7-8-2014)

§ 93.99 PENALTY.

Any person violating this chapter shall upon conviction thereof, be fined as follows:

(A) A sum equal to the total amount charged to the town by any third-party animal control entity responsible for the capture and/or removal of the animal or animals at issue (presently a \$60 per animal charge by the Animal Welfare League), plus

(B) (1) An administrative fee of \$15 if no employee of the town was required to go to any premises within the town limits to locate or participate in the capture the animal, or

(2) An administrative fee of \$25 if one or more employees of the town, including but not limited to, the Town Marshal or Deputy Marshal(s), was required to go to any premises within the town limits to locate or participate in the capture the animal, plus

(C) A fine of \$10 if the conviction is that person's first offense under this chapter, \$25 if the conviction is that person's second offense under this chapter, and \$50 if the conviction is that person's third or subsequent offense under this chapter.

(Ord. 2006-12, passed 11-9-2006)