

505.08 NUISANCE CONDITIONS PROHIBITED

(a) No person shall keep or harbor any animal in the City so as to permit or suffer to be permitted the commission or evidence of a nuisance as hereinafter defined. There is hereby created a presumption whereby any animal which commits, creates or becomes a nuisance as described in subsection (b) below is presumed to have done so with the permission of the owner or person in charge or control of such animal.

(b) Any animal which disturbs the peace and quiet endangers the repose or health of any person or persons, or causes property damage, in any one of the following manners is hereby declared to be a nuisance:

(1) By frequently or habitually making loud and offensive noises, including, but not limited to barking, howling, hissing, crying, screaming, screeching, or yelping;

(2) By frequently or habitually scratching or digging in, or urinating upon, any lawn, tree, shrub, plant, building or any other property, public or private, other than the property of the owner or person in charge or control of such animal, thereby causing damage to said lawn, tree, shrub, plant or building;

(3) On any occasion, when the animal is found on the property of another or upon public property, and is, in an aggressive manner, threatening to attack, or has attacked, any human being;

(4) By the accumulation of animal waste so as to create noxious or offensive odors or unsanitary conditions that cause a risk to the health, safety or public welfare; or

(5) By defecating upon any lawn, tree, shrub, plant, building or any other public or private property, other than the property of the owner or person in charge or control of such animal.

(c) On complaint of any person or police officer that an animal, harbored or kept in the City, has disturbed the peace and quiet, endangered the repose or health of any person or persons, or damaged property in any one of the manners specified above, written notice therefor by the Animal Warden shall be given to the person harboring or keeping such animal. Failure to abate the nuisance complained of shall subject the person to the penalty provided for in this section.

(d) In the case of defecation, noxious or offensive odors or unsanitary conditions, wherein the owner or person in charge or control of such animal, removes all feces deposited by such animal and disposes of the same in a sanitary manner, such nuisance shall be considered abated.

(e) If upon complaint by the person or police officer as provided in paragraph (c) above, the owner, harborer or keeper of the animal cannot be immediately determined, the Animal Warden may seize and impound the animal. Thereafter, the animal shall be kept and disposed of as provided for in Section [505.02](#).

(f) Whoever violates this section shall be guilty of a minor misdemeanor for a first offense; for each subsequent offense such person shall be guilty of a misdemeanor of the fourth degree. (Ord. 2004-130. Passed 9-21-04.)