

Chapter 7 - ANIMALS<sup>11</sup>

Footnotes:

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**Cross reference**— Health and sanitation, ch.17.

ARTICLE V. - LIVESTOCK, ETC.

DIVISION 1. - GENERALLY

Sec. 7-138. - Restraining of livestock.

Livestock shall not be allowed to run at large and, when legally kept, must be restrained in a manner and by such means as will prevent such animals from escaping, straying or running at large. In agriculturally zoned areas, gates around the perimeter of the property used to restrain livestock shall be kept closed with a chain and padlock to minimize vandalism.

(Code 1988, § 7-81; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-139. - Release of livestock from large animal holding area; fees.

Livestock impounded or otherwise held because of the owner's violation or alleged violation of any of the provisions of this chapter may be released by the director of animal control to the owner upon the owner's completion of an affidavit of ownership and payment of expenses incurred for the pickup, shelter, handling, feeding, and care, including medical care, of the livestock, as determined by the supervisor of animal control, and any expenses for publication of notice as required by section 7-140. The owner of released livestock shall remain responsible for penalties imposed for violation of any of the provisions of this chapter.

(Code 1988, § 7-82; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-140. - Release for adoption, humane destruction, or sale at public auction of unclaimed livestock; publication of notice; extension of time to pay fees.

- (a) If impounded livestock has not been released to the owner within 14 calendar days, the director of animal control shall arrange for the release for adoption, humane destruction, or sale at public auction of the livestock, as provided in sections 7-141, 7-142, and 7-143.
- (b) Except in the circumstances set forth in section 7-142(a), prior to the release for adoption or humane destruction of livestock, the director of animal control shall publish for seven consecutive days in a newspaper of general circulation in the area where the animals were found a notice stating the date on which the animals shall be released for adoption or destroyed and also stating that failure of a person having an interest in the animals to claim them by the specified date shall result in their forfeiture. The notice shall state the kind, sex, age, and brand of the livestock and the date and location where the animals were picked up, but shall not contain any statement as to the color of the animals, any marks or other distinguishing features, or the location of the impounded animals. The notice shall inform persons with an interest in the livestock that they may present any objections to

the release for adoption or destruction of the animals to the director of animal control in writing prior to the date specified for the animal's disposition.

- (c) Prior to sale at public auction of livestock, the director of animal control shall publish for seven consecutive days in a newspaper of general circulation in the area where the animals were found a notice stating the date, place, and time of sale. The notice shall identify the animals in the manner specified in subsection (b) of this section. The notice shall state that proceeds from the sale of the livestock may be claimed as provided in section 7-143(b) and that failure to claim the proceeds within the time specified in section 7-143(b) shall result in their forfeiture. The notice shall inform persons with an interest in the livestock that they may present any objections to the sale at public auction of the animals to the director of animal control in writing prior to the date specified for the animals' disposition.
- (d) In addition to publishing notices as required by subsections (b) and (c) of this section, the director of animal control shall send to any person known to have an interest in impounded livestock seven days' written notice by first class mail of the pending release for adoption, humane destruction, or sale at public auction of the animals. The notice shall contain information specified in this section.
- (e) If, following the notice, the owner fails to secure the release of the livestock, the livestock may be released to any person having an interest therein upon completion of an affidavit of interest and payment of fees as provided in section 7-139.
- (f) If a person claiming an interest in the livestock objects in writing to the release for adoption, destruction, or sale at public auction of the animals, the supervisor of animal control shall hear the reasons for the objection and render a decision prior to the disposition of the animals.
- (g) If a person having an interest in the livestock completes an affidavit of ownership or interest prior to the release for adoption, humane destruction, or sale at public auction of the livestock, but is unable to pay the required fees for release of the livestock, the animal control director shall grant to the person a reasonable extension of time in which to pay the fees before release for adoption, humane destruction, or sale at public auction of the animals.
- (h) "Interest," as used in this section and in section 7-143, means legal interest and includes ownership interest, security interest, and statutory and judicial liens.

(Code 1988, § 7-83; Ord. No. O-22-03, § 1, 6-5-2003)

#### Sec. 7-141. - Adoption of livestock.

- (a) Subject to the provisions of section 7-140, livestock may be released by the director of animal control for adoption if:
  - (1) The director of animal control determines that the price that the livestock would bring at public auction probably would not exceed the expenses incurred for the pickup, shelter, handling, feeding, and care, including medical care, of the livestock, the cost of publication of notice as required by section 7-140, and any expenses, including handling and transportation expenses, associated with the sale of the animals at public auction;
  - (2) The person seeking to adopt the livestock agrees in writing to furnish proper care to the livestock in accordance with the provisions of this chapter; and
  - (3) The person seeking to adopt the livestock pays the expenses incurred for the pickup, shelter, handling, feeding, and care, including medical care, of the livestock.
- (b) Priority for adoption of livestock shall be given to the provider of livestock pickup and boarding services.

(Code 1988, § 7-84; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-142. - Destruction of livestock.

- (a) The director of animal control shall not order the destruction of any livestock that is impounded or otherwise held until the expiration of at least 21 calendar days, except at any time the director may destroy in a humane manner such livestock if:
  - (1) In the judgment of a licensed veterinarian, the livestock is injured or diseased beyond recovery and faces imminent death;
  - (2) In the judgment of a licensed veterinarian, the livestock is injured or diseased beyond recovery, but does not face imminent death, if its owner cannot be located within 24 hours; or
  - (3) The livestock appears likely to injure any person or property.
- (b) Except in the circumstances specified in subsection (a) of this section, the director of animal control shall not order the destruction of any livestock unless he determines that the price the livestock would bring at public auction probably would not exceed the expenses incurred for the pickup, shelter, handling, feeding, and care, including medical care, of the livestock, the cost of publication of notice as required by section 7-140, and any expenses, including handling and transportation expenses, associated with the sale of the animals at public auction.

(Code 1988, § 7-85; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-143. - Auction of livestock; proceeds.

- (a) Unclaimed livestock not released for adoption or destroyed shall be sold for cash at public auction in agriculturally zoned areas.
- (b) Proceeds from the sale of impounded livestock shall be used to pay expenses incurred for the pickup, shelter, handling, feeding, and care, including medical care, of the livestock, the cost of publication of notice of sale, and any expenses, including handling and transportation expenses, associated with the sale of the animals at public auction. Any remaining proceeds shall be deposited in a special livestock account. If the proceeds are not claimed by a person having interest in the livestock within six months of the date of sale, the proceeds shall be deposited in the general fund of the unified government for public use.

(Code 1988, § 7-86; Ord. No. O-22-03, § 1, 6-5-2003)

Secs. 7-144—7-169. - Reserved.

DIVISION 2. - KEEPING REGULATIONS

Sec. 7-170. - Permit.

- (a) It shall be unlawful for any person to keep or maintain any livestock or fowl or any pen for the same within the city in areas not zoned agricultural without first obtaining a permit to do so from the office of director of animal control.
- (b) Application for the permit shall be made to the office of director of animal control on forms furnished by the office. Such application shall state the name of the person so desiring to keep such animals or fowl and maintain pens therefore within the city, the location of the premises where the same are to be kept and maintained, the kind of animals and fowl to be kept and maintained, and any other information that the office may desire. Such application shall be signed by the applicant and shall bear the date that the application is made. No permit will be granted unless the request conforms

with the zoning ordinances of the city. The initial permit fee and annual renewal fee shall be set by the county administrator.

- (c) A permit issued under this section shall be renewed annually without charge. Such permit shall not be transferable from one person to another or from one premises to another. This permit provision shall not be applicable to birds, less than five in number, kept in the residence as pets, such as canaries, parakeets, parrots, finches and doves.
- (d) A permit issued under this section may be cancelled by the office of director of animal control upon failure of the holder thereof to comply with any provision of this chapter. No person who has had a permit cancelled shall be permitted to make application for another permit within one month from the date of the cancellation of a previous permit.

(Code 1988, § 7-96; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-171. - Keeping of swine prohibited.

- (a) No person shall keep live swine within the corporate limits of the city unless the swine are confined to:
  - (1) Licensed stockyards located in districts zoned for heavy industry; or
  - (2) Livestock exhibitions of a temporary duration such as the county fair or at locations approved by the director of animal control where such swine are being kept by a participant in an educational project of a youth farm program such as 4H or Future Farmers of America. Such approval shall designate the number of swine that may be kept and shall terminate when the educational program is completed. Approval may be denied by the director of animal control if keeping of swine at the particular location would cause problems of sanitation or would affect the neighbor's enjoyment of their property. The decision of the director of animal control shall be final and conclusive; or
  - (3) Locations within the area annexed by Ordinance No. 65653, if the location is zoned for agriculture.
- (b) This prohibition does not apply to certified purebred Vietnamese miniature potbellied pigs that weigh less than 100 pounds. Such miniature pigs kept within the city limits must be registered by the age of four months following the provisions of division 2 of article VI of this chapter, pertaining to the registration of dogs and cats. Each miniature pig must undergo blood testing each year to show that such pig is free from pseudorabies and have a health certificate to that effect. Such miniature pigs must be kept in a fenced area. Each residence within the city limits may have no more than one miniature pig, and the total of dogs, cats, and miniature pigs shall not exceed five. Male miniature pigs must be neutered and female miniature pigs spayed when they reach the age of four weeks.

(Code 1988, § 7-97; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-172. - Keeping livestock.

- (a) In this section, the term "livestock" includes, but is not limited to, horses, mules, cattle, sheep, and goats.
- (b) Except in areas zoned agriculturally, no livestock or animals of similar or larger size shall be kept, maintained, pastured or fed within 50 feet of the nearest portion of any building in any way used by human beings, other than the dwelling occupied by the owner or keeper of any of such animals. Beyond this limitation of 50 feet, not more than two of such animals shall be kept, provided that the limitation of two horses shall not apply to a licensed commercial riding stable, as a riding academy, nor shall the limitation of two such animals apply to a commercial stockyard or land zoned for

agricultural use, or on parcels of five or more acres. Stables, coops, pens or other structures for the housing of any of the aforementioned animals shall comply with all zoning restrictions.

(Code 1988, § 7-98; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-173. - Offensive odors from enclosures in which animals are kept.

It shall be unlawful for any person to keep any cattle, horses, goats, rabbits, or other animals, chickens, ducks, geese, turkeys, or any other fowl in any pen, shed, or yard within the city from which any deleterious or offensive odor shall be emitted. The maintaining of any of the animals or fowl mentioned in this section in such condition is a nuisance.

(Code 1988, § 7-99; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-174. - Manure accumulations.

All manure accumulations in the area where livestock and other animals are kept shall be removed, stored or disposed of in such a manner as to prevent attracting flies or the spread of disease.

(Code 1988, § 7-100; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-175. - Small animals and fowl in pens.

- (a) This section does not apply to the keeping of dogs or cats.
- (b) Except where fowl or animals are kept for sale within a bona fide produce market, commission house or store for the purposes of trade and while so kept are confined in small coops, boxes or cages, or where such animals or fowl are kept for purposes of research in a laboratory, or less than five birds are kept in a home as pets, such as canaries, parakeets, parrots, finches, and doves, it shall be unlawful for any person to keep or maintain any chicken coop, dove cote, rabbit hutch or other yard establishment for the housing of fowl or small animals closer than 100 feet to the nearest portion of any building occupied by or in anywise used by human beings, other than the dwelling occupied by the owner or keeper of the animals or fowl, or closer than 25 feet to the property line of the lot. Animals and fowl so kept or maintained shall be enclosed on all sides and shall not be allowed to run or fly at large, except for homing pigeons.

(Code 1988, § 7-101; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-176. - Maintenance of enclosures for fowl.

All earthen yards or runways wherein fowl are kept or permitted to be shall be spaded and then limed once every three months from the month of April through the month of December. For the purpose of killing flies and other insects, all structures, pens or coops wherein fowl are kept or permitted to be shall be sprayed with such substances as will eliminate such insects.

(Code 1988, § 7-102; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-177. - Condition of enclosures.

- (a) This section does not apply to the keeping of dogs or cats.

- (b) Any structure, pen, coop, or yard wherein animals or fowl are kept or permitted to be shall be maintained in a clean and sanitary condition, devoid of all rodents and vermin, and free from objectionable odors. The enclosed area of all such structures shall be constructed in such a way as to be dry at all times on the inside. The person maintaining any aforementioned structure, pen, coop or yard in the city does by such act of maintenance authorize the director of health to, at any time, inspect any such structure or premises and issue any such order as may be necessary to carry out the provisions of this section.

(Code 1988, § 7-103; Ord. No. O-22-03, § 1, 6-5-2003)

Sec. 7-178. - Subsequent development of adjacent property.

Should adjacent property be later developed, or residential structures located closer than the distances in section 7-172 and section 7-175, the owner or keeper of such animals shall move or restrict such animals to comply with these provisions.

(Code 1988, § 7-104; Ord. No. O-22-03, § 1, 6-5-2003)

Secs. 7-179—7-209. - Reserved.