

**CHAPTER 90: ANIMALS**

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## GENERAL PROVISIONS

### § 90.01 DEFINITIONS.

For the purpose of §§ 90.01 through 90.11 and 90.25 through 90.33, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ANIMAL CONTROL OFFICER.** The person or persons employed or designated by the City Manager as the municipality's enforcement officer.

**ANIMAL SHELTER.** Any premises designated by action of the city for the purpose of impounding and caring for all animals found running at large in violation of this chapter.

**AT LARGE.** Any animal shall be deemed to be **AT LARGE** when he or she is off the property of his or her owner and not under control of a competent person.

**EXPOSED TO RABIES.** An animal which has been exposed to rabies within the meaning of this chapter if it has been bitten by or been exposed to, any animal known to have been infected with rabies.

**FOWL.** Any domesticated bird such as game cocks and hens, chickens, ducks and the like, but it shall not include birds used as household pets that are kept inside the house.

**KENNEL.** Any person, group of persons or corporations engaged in breeding, buying, selling or boarding of dogs or cats.

**LIVESTOCK.** Swine, cattle, goats or any other domestic animal kept for use on a farm or raised for sale or profit.

**RESTRAINT.** A dog or cat is under **RESTRAINT**, within the meaning of this chapter, if he or she is controlled by a leash, under control of a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper.

**SPAYED FEMALE.** Any bitch which has been operated upon to prevent conception.

(1994 Code, § 10-101) (Ord. 409, passed 2-24-1986; Ord. 425, passed 3-5-1987)

### § 90.02 RUNNING AT LARGE PROHIBITED.

It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats or any chickens, ducks, geese, turkeys or other domestic fowl, cattle or livestock, knowingly or negligently to permit any of them to run at large in any street, alley or unenclosed lot within the corporate limits.

(1994 Code, § 10-102) (Ord. 409, passed 2-24-1986) Penalty, see § 90.99

### § 90.03 VICIOUS ANIMALS OTHER THAN DOGS AND CATS.

No one shall keep, possess or harbor a vicious animal in the city. It shall be the duty of any animal control officer or police officer to impound any such animal and, if impoundment cannot be made with safety to the animal control officer, police officer or other citizens, the animal may be destroyed.

(1994 Code, § 10-103) (Ord. 409, passed 2-24-1986) Penalty, see § 90.99

#### **§ 90.04 LIVESTOCK OR FOWL.**

It shall be unlawful for any person to keep, harbor or confine any livestock or type of fowl in any building, structure, shed, corral, pen or enclosure within the corporate limits of the city, except:

(A) Where such animals are being kept at a licensed stock show, lasting not longer than ten days; and/or

(B) Where such animals are kept at a licensed slaughterhouse, recognized stockyard or processing facility where swine or fowl are kept for a period of not more than four days.

(1994 Code, § 10-104) (Ord. 409, passed 2-24-1986; Ord. 425, passed 3-5-1987) Penalty, see § 90.99

#### **§ 90.05 PEN, ENCLOSURE TO BE KEPT CLEAN; ADEQUATE PROVISIONS; NUISANCES.**

(A) When animals are kept within the corporate limits, the building, structure, corral, pen or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition and it shall be a civil offense for the owner thereof to keep the same otherwise.

(1994 Code, § 10-105)

(B) No animal shall be kept or confined in any place where the food, water, shelter and ventilation are not adequate and sufficient for the preservation of its health, safe condition and wholesomeness for food if so intended. All feed shall be stored and kept in a rat-proof and fly-tight building, box or receptacle.

(1994 Code, § 10-106)

(C) No animal shall be kept in such a place or condition as to become a nuisance either because of noise, odor, contagious disease or other reason.

(1994 Code, § 10-107)

(Ord. 409, passed 2-24-1986; Ord. 494, passed 9-2-1993) Penalty, see § 90.99

#### **§ 90.06 WILD ANIMALS; PERMIT.**

(A) No person shall have, sell, keep or maintain any wild, exotic, dangerous or non-domesticated animal or reptile without first applying to and receiving from the City Commissioners a permit to do so; provided, however, that, the keeping or maintenance of such animals shall conform to any applicable zoning regulations as well as any applicable state and/or federal regulations.

(1994 Code, § 10-108)

(B) (1) The animal control officer and/or any police officer are hereby authorized to apprehend any wild animal that may be at large within the city. Such wild animal may be impounded, released in wild areas outside the city or destroyed as the animal control officer, in his or her discretion, shall determine subject to the applicable state laws. Animal control officers are authorized to use any tranquilizer guns, firearms or any other suitable devices to subdue or destroy any animal that is deemed by the animal control officer, in his or her discretion, to be of a danger to itself or the public health and safety.

(2) Any animal brought into the city for purposes of display in any carnival, menagerie or circus shall be fully confined in a secure cage and shall not be removed from the cage under any circumstances.

(1994 Code, § 10-109)

(Ord. 409, passed 2-24-1986) Penalty, see § 90.99

#### **§ 90.07 POISONING OR TRAPPING OF ANIMALS PROHIBITED.**

It shall be a civil offense for any person to poison or to trap any animal or aid, abet or assist in the poisoning or trapping or the putting out or placing of poison or a trap at any point or place outside of buildings within the corporate limits of the city where dogs, cats or other domesticated animals may secure or encounter the same; provided, however, in instances where any animal by reason of

damage to property, danger to life or threat to public health becomes a nuisance, a live, humane trapping method approved by the City Commissioners may be used.

(1994 Code, § 10-110) (Ord. 409, passed 2-24-1986; Ord. 494, passed 9-2-1993) Penalty, see § 90.99

### **§ 90.08 DEAD ANIMALS.**

No person shall place or leave the carcass of any dead animal or fowl in any street, alley or lot or allow the same to remain on his or her lot.

(1994 Code, § 10-111) (Ord. 409, passed 2-24-1986) Penalty, see § 90.99

### **§ 90.09 RABIES; HYDROPHOBIA; DUTY OF OWNER, CUSTODIAN; PROCEDURE IN SUSPECTED CASES.**

(A) Except as stated in division (B) below, any animal which shows symptoms of rabies, or which has bitten anyone, shall be penned up immediately by its owners, or by the person having charge of the animal, or by the person sheltering, feeding, harboring or taking care of said animal. The animals shall be confined in a place approved by the Animal Control Officer or his or her authorized representative for not less than ten days. The animal shall be subject to observation by the city, or a person designated by the Animal Control Officer at all times during said period.

(B) If rabies or hydrophobia does not develop within said period, then the animal shall be released to his or her owner, but if either of them does develop, the said animal shall be destroyed by the city in a humane manner.

(1994 Code, § 10-112) (Ord. 409, passed 2-24-1986)

### **§ 90.10 CRUEL TREATMENT PROHIBITED.**

It shall be a civil offense for any person unnecessarily to beat or otherwise abuse or injure any animal.

(1994 Code, § 10-113) (Ord. 409, passed 2-24-1986; Ord. 494, passed 9-2-1993) Penalty, see § 90.99

### **§ 90.11 INSPECTIONS OF PREMISES.**

For the purpose of making inspections to ensure compliance with the provisions of this chapter, the Public Officer or his or her authorized representative shall be authorized to enter, at any reasonable time, any premises where he or she has reasonable cause to believe an animal is being kept in violation of this chapter.

(1994 Code, § 10-114) (Ord. 409, passed 2-24-1986)

## **DOGS AND CATS**

### **§ 90.25 RABIES VACCINATION REQUIRED.**

(A) It shall be a civil offense for any person to own, keep or harbor any dog more than three months old that has not been vaccinated against rabies as required in this section. Only a vaccine that meets the standards prescribed by the United States Department of Agriculture for interstate sale shall be used. The vaccination shall be made annually by or under the supervision of a licensed veterinarian. The veterinarian making the vaccination shall collect his or her fee for the same from the owner of the dog, shall issue a vaccination tag and shall sign and issue a certificate bearing the owner's name and address, number of the vaccination tag issued, date of vaccination, date the dog should be revaccinated, description and sex of the dog vaccinated and the type and lot number of vaccine administered. The certificate shall be prepared in triplicate; the original shall be given to the owner, the first copy filed in the office of the local Health Department, and the second copy retained by the person administering the vaccine. The certificate form shall be the same as prepared and distributed by the State Department of Public Health.

(B) It shall be unlawful for any owner to own, keep, harbor or to permit to remain on or about the premises of such owner any dog that does not wear a tag evidencing that the dog has been vaccinated.

(1994 Code, § 10-201) (Ord. 409, passed 2-24-1986; Ord. 486, passed 4-1-1993; Ord. 494, passed 9-2-1993) Penalty, see § 90.99

### **§ 90.26 REGISTRATION AND LICENSE REQUIRED.**

(A) (1) Except as hereinafter expressly provided, all persons owning, keeping or harboring any dog, within the corporate limits, more than three months old, shall annually register it with the city and apply for a license for such dog. The registration fee shall be \$5 per animal. The fee shall be due and payable within five calendar days after acquisition of such dog or its becoming three months old and thereafter on or before May 1 of each year. The city shall issue an annual license and tag for each dog whose owner pays the above registration fee and exhibits a rabies vaccination certificate issued within the past 12 months. The license issued shall contain a description (to be furnished by the applicant) of the dog for which it is issued, showing age, sex, name, color, breed and any special markings. A carbon copy of the license shall be retained by the city. The tag issued shall bear the serial number of the license and shall be colored. The color shall be changed each year so that the same color shall not be used for two consecutive years.

(2) No person shall own, keep or harbor any dog which does not at all times wear current license and vaccination tags.

(B) In the event the license tag is lost, the city shall issue a duplicate tag for a fee of \$2.

(1994 Code, § 10-202) (Ord. 486, passed 4-1-1993; Ord. 494, passed 9-2-1993) Penalty, see § 90.99

### **§ 90.27 RUNNING AT LARGE PROHIBITED.**

It shall be a civil offense for any person to knowingly or negligently permit any dog owned by him or her or under his or her control to run at large within the corporate limits. A dog shall be deemed to be running at large when it goes uncontrolled by the owner upon the premises of another without the consent of the owner of the premises or other person authorized to give consent or goes uncontrolled by the owner upon a highway, public road, street or any other place open to the public generally.

(1994 Code, § 10-203) (Ord. 409, passed 2-24-1986; Ord. 494, passed 9-2-1993; Ord. 750, passed 12-16-2013) Penalty, see § 90.99

### **§ 90.28 VICIOUS DOGS TO BE SECURELY RESTRAINED.**

(A) (1) It shall be a civil offense for any person to own or keep any dog known to be vicious or dangerous unless such dog is so confined and/or otherwise securely restrained as to reasonably provide for the protection of other animals and persons.

(2) If a dog or cat attacks a person by biting or in any manner causing injury or habitually or repeatedly attacks livestock or other domestic animals without provocation, it shall be prima facie evidence that the dog or cat is vicious.

(3) After a notification by the animal control officer that the dog or cat is vicious, the owner or keeper of such dog or cat shall keep the same chained or muzzled, or in a secure enclosure at all times, or have it humanely destroyed or shall turn it over to the animal shelter for humane destruction.

(B) (1) Any person who receives such a notice shall have the right to appeal this decision to the City Manager.

(2) The City Manager or his or her representative shall, upon such appeal, conduct a hearing within ten days to determine if the animal is vicious. If the animal is judged not to be vicious, it may be returned to the owner.

(3) In the event of an appeal to the courts from the City Manager's or his or her representative's decision, pending the appeal, the dog or cat shall be confined at the animal shelter or with a veterinarian, the cost of which shall be borne by the owner.

(1994 Code, § 10-204) (Ord. 409, passed 2-24-1986; Ord. 494, passed 9-2-1993) Penalty, see § 90.99

### **§ 90.29 NOISY DOGS PROHIBITED.**

It shall be a civil offense for any person to keep or harbor any dog which, by loud and frequent barking, whining or howling, disturbs the peace and quiet of any neighborhood.

(1994 Code, § 10-205) (Ord. 409, passed 2-24-1986; Ord. 494, passed 9-2-1993) Penalty, see § 90.99

### **§ 90.30 NUISANCE DEFINED: ACTIONS CONSTITUTING A NUISANCE.**

(A) The actions of a dog or cat constitute a nuisance when a dog or cat disturbs the rights of, threatens the safety of or damages the property of or injures the person or a member of the general public or interferes with the ordinary use and enjoyment of his or her property.

(B) It shall be a civil offense for any person to own, keep, possess or maintain a dog or cat in such a manner as to constitute a public nuisance. By way of example and not a limitation, the following acts or actions by an owner or possessor of an animal are hereby declared to be a public nuisance and, therefore, unlawful:

- (1) Failure to exercise sufficient restraint necessary to control a dog or cat;
- (2) Allowing or permitting a dog or cat to damage the property of any one other than its owner, including, but not limited to, turning over garbage containers or damaging gardens, shrubs, lawns, flowers or vegetables;
- (3) Maintain a vicious dog or cat (see § 90.28 of this chapter);
- (4) Maintaining dogs or cats in a unsanitary environment which results in offensive odors or is dangerous to the animal or the public health, welfare or safety;
- (5) Maintaining property in a manner that is offensive, annoying or dangerous to the public health, safety or welfare because of the number, type, variety, density or location of the dogs or cats on the property;
- (6) Maintaining a dog or cat that is diseased or dangerous to the public health;
- (7) Maintaining a dog or cat that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, bicycles or vehicles; and/or
- (8) Failure to confine a female dog while in heat for 24 days in a building or secure enclosure in such a manner that she will not be in contact with another dog, or create a nuisance by attracting other dogs. This division (B)(8) shall not be construed to prohibit the intentional breeding of dogs within an enclosed area on the premises of the owner of the dog which is being bred.

(1994 Code, § 10-206) (Ord. 409, passed 2-24-1986; Ord. 494, passed 9-2-1993) Penalty, see § 90.99

### **§ 90.31 IGNORANCE OF DOG'S OR CAT'S HABITS NO DEFENSE.**

It shall be the duty of any person owning, maintaining or harboring any dog or cat to maintain close personal supervision of said animal and ignorance of the habits or character of the dog or cat on the part of such person shall be no defense in actions arising under this chapter.

(1994 Code, § 10-207) (Ord. 409, passed 2-24-1986)

### **§ 90.32 POUND TO BE PROVIDED.**

The City Manager shall establish a dog pound for keeping impounded dogs. The pound may be operated directly by the city or it may be operated by a veterinarian or other suitable person under a contract with the city.

(1994 Code, § 10-208) (Ord. 409, passed 2-24-1986)

### **§ 90.33 IMPOUNDMENT.**

(A) *Impoundment of animals running at large.*

(1) It shall be the duty of the Animal Control Officer or his or her duly authorized representative to apprehend any animal found running at large contrary to the provisions of this chapter and impound such animal in the city animal shelter.

(2) The owner of an impounded animal shall be notified to appear within seven days from the date of notice to the owner, to redeem the animal by payment of the required fees. **DAYS** are defined as days the animal shelter is open. All provisions of this section may be included in the contract with a veterinarian for operation of a dog pound.

(3) Any animal not claimed within the times provided may be either destroyed or sold.

(4) The impoundment of an animal under this section shall not relieve the owner thereof from prosecution for permitting such animal to run at large in violation of § 90.27 of this chapter.

(5) In addition to, or in lieu of, apprehending and impounding an animal found at large, the animal control officer, upon determining the owner, may return the animal to the owner and issue a summons requiring the owner to appear in city court for determination of whether or not there has been a violation within the meaning of § 90.27 of this chapter.

(1994 Code, § 10-209)

(B) *Impoundment and other fees in connection with animal shelter.*

(1) The City Manager is directed to establish fees for the apprehension of any animals running at large, for the impoundment of animals at the city animal shelter, for the redemption of animals impounded under the provisions of this chapter, and for the disposal of animals which are to be adopted by new owners. The City Manager may set different fees for different sizes, sexes and kinds of animals and different fees for registered and unregistered animals. Such fees, in all events, shall be sufficient for the city to recover its costs incurred in the administration of this chapter.

(2) Before any fee authorized by this section shall be levied or amended, it must be published in a local newspaper of general circulation at least five days before it shall become effective.

(1994 Code, § 10-210)

(Ord. 409, passed 2-24-1986; Ord. 494, passed 9-2-1993)

## **§ 90.34 DISPOSITION OF FEES, CIVIL PENALTIES AND THE LIKE.**

All funds collected under the provisions of this chapter, including license fees, redemption charges and civil penalties shall be paid into the General Fund of the city.

(1994 Code, § 10-211) (Ord. 409, passed 2-24-1986; Ord. 494, passed 9-2-1993)

## **PIT BULLS**

### **§ 90.45 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**IMPOUNDMENT.** The taking or picking up and confining of an animal by any police officer, animal control officer or any other public officer under the provisions of this subchapter.

**MUZZLE.** A device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

**OWNER.** Any person, partnership, corporation or other legal entity owning, harboring or possessing any pit bull, or in the case of a person under the age of 18, that person's parent or legal guardian. A pit bull shall be deemed to be harbored if it is fed or sheltered for three or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel.

**PIT BULL.** Any of the following dogs:

- (1) The bull terrier breed of dog;
- (2) The Staffordshire bull terrier breed of dog;

- (3) The American pit bull terrier breed of dog;
- (4) The American Staffordshire terrier breed of dog;
- (5) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bull, pit bull dogs or pit bull terriers; and
- (6) Any dog which has the appearance and characteristics of being predominantly of the breeds of dogs known as bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, and any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

**PREDOMINANTLY.** Knowledge through identification procedures or otherwise, or admission by owner, keeper or harbinger, that the dog is more than 50% pit bull. **PREDOMINANTLY** also means that the dog exhibits the physical characteristics of a pit bull more than that of any other breed of dog.

**SANITARY CONDITION.** A condition of good order and cleanliness to minimize the possibility of disease transmission.

**UNDER RESTRAINT.** The dog is secured by a leash, led under the control of a person physically capable of restraining the dog and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

(Ord. 732, passed 10-22-2012)

## § 90.46 RESTRICTIONS.

It shall be unlawful to keep, harbor, own or in any way possess a pit bull dog within the corporate limits of the city; provided, however, that, persons owning such dogs at the time this chapter is adopted shall be allowed to keep them; provided that, they comply with all of the provisions of this subchapter, including § 90.47 of this chapter, within 30 days of the effective date of this subchapter.

(Ord. 732, passed 10-22-2012) Penalty, see § 90.99

## § 90.47 STANDARDS AND REQUIREMENTS.

The following standards and requirements apply to pit bull dogs located within the corporate limits.

(A) *Registration.* Each owner, keeper, harbinger or possessor of a pit bull dog shall register such dog with the city.

(B) *Leash.* No person having charge, custody, control or possession of a pit bull shall permit the dog to go outside its kennel, pen or other proper enclosure unless such dog is securely leashed with a leash no longer than four feet in length. No person shall permit a pit bull dog to be kept on a chain, rope or other type of leash outside its kennel or pen unless a person of suitable age and discretion is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings or structures.

(C) *Muzzle.* It is unlawful for any owner or keeper of a pit bull to allow the dog to be outside its kennel, pen or other proper enclosure unless it is necessary for the dog to receive veterinary care. In such cases, the dog must wear a properly fitted muzzle sufficient to prevent such dog from biting persons or other animals. Such muzzle shall not interfere with the dog's breathing or vision.

(D) *Confinement.* Except when leashed and muzzled as provided in this section, all pit bull dogs shall be securely confined indoors or confined in a locked pen, kennel or other secure enclosure that is suitable to prevent the entry of children and is designed to prevent the dog from escaping. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure and the structure must have a secure floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. All structures erected to house pit bull dogs must comply with zoning and building ordinances and regulations of the city. The enclosure shall include shelter and protection from the elements and shall provide adequate exercise room, be adequately lighted and ventilated and kept in a clean and sanitary condition.

(E) *Confinement indoors.* No pit bull dog may be kept on a porch, patio or in any part of a house or structure that would allow the dog to exit such building on its own volition. In addition, no such dog may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(F) *Signs.* All owners, keepers, harborers or possessors of pit bull dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog". In addition, a similar sign must be posted on the kennel or pen of such



animal.

(G) *Insurance.*

(1) All owners, keepers, harborers or possessors of pit bull dogs must provide proof to the city of public liability insurance in a single incident amount of \$100,000 for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from owning, possessing, keeping or maintaining of such animal.

(2) Such insurance policy shall provide that no cancellation of the policy will be made unless ten days' written notice is first given to the city.

(H) *Identification photographs.* All owners, keepers, possessors or harborers of pit bull dogs must provide to the city two color photographs of the dog clearly showing the color and approximate size of the animal.

(I) *Reporting requirements.* All owners, keepers, possessors or harborers of pit bull dogs must, within ten days of the incident, report the following information in writing to the city as required hereinafter:

- (1) The removal from the city or death of a pit bull dog;
- (2) The birth of offspring of a pit bull dog; or
- (3) The new address of a pit bull dog owner should the owner move within the corporate limits of the city.

(Ord. 732, passed 10-22-2012) Penalty, see § 90.99

**§ 90.48 SALE OR TRANSFER OF OWNERSHIP PROHIBITED.**

No person shall sell, barter or in any other way transfer possession of a pit bull dog to any person within the city unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that, the owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the city.

(Ord. 732, passed 10-22-2012) Penalty, see § 90.99

**§ 90.49 ANIMALS BORN OF REGISTERED DOGS.**

All offspring born of pit bull dogs within the city must be removed from the city within six weeks of the birth of such animal.

(Ord. 732, passed 10-22-2012) Penalty, see § 90.99

**§ 90.50 REBUTTABLE PRESUMPTIONS.**

There shall be a rebuttable presumption that any dog registered within the city as a pit bull dog or any of those breeds defined by § 90.45 of this chapter is in fact a dog subject to the requirements of this subchapter.

(Ord. 732, passed 10-22-2012)

**§ 90.51 FAILURE TO COMPLY.**

It shall be unlawful for the owner, keeper, harborer or possessor of a pit bull dog within the city to fail to comply with the provisions of this subchapter. Any dog found to be the subject of a violation of this subchapter shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the city.

(Ord. 732, passed 10-22-2012) Penalty, see § 90.99

**§ 90.99 PENALTY.**

Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(Ord. 486, passed 4-1-1993; Ord. 494, passed 9-2-1993; Ord. 732, passed 10-22-2012)