

ARTICLE V. ANIMAL NUISANCES

Sec. 4-70. Intent of article

The keeping, harboring, maintaining, or owning of any animal committing an animal nuisance as defined in section 4-11 of this chapter, in addition to being a violation of this article, is hereby declared to be a nuisance subject to abatement proceedings conducted in a similar, but not necessarily identical, manner as proceedings for abatement of other public nuisances.

(Ord. No. 1444, §1)

Sec. 4-71. Authority to abate

Upon a determination after a hearing held in accordance with the provisions of article VII, the director shall have the authority to take whatever measures are specified in the determination to abate the animal nuisance including, but not limited to, impoundment and destruction of the nuisance animal.

(Ord. No. 1444, §1)

Sec. 4-72. Complaint

Any person aggrieved by an animal nuisance may file a complaint, signed under penalty of perjury, with the director. Such complaint shall be in writing in the form of an affidavit and shall contain the following facts:

- (a) A description of the offending animal including, to the extent known, the color, size, sex, breed, and name of the animal, and the name and address of the owner of the animal.
- (b) An assertion that the animal described creates an animal nuisance within the meaning of section 4-11 of this chapter together with a statement of facts upon which the assertion is based, including the name and address of any person who has been aggrieved by the animal, a description of the animal nuisance, the names and addresses of any witnesses thereto, and the time, date, and location of any incident related to the assertion.
- (c) The name, residential and occupational addresses and telephone numbers of the affiant.

(Ord. No. 1444, §1)

Sec. 4-73. Barking, howling, trespassing, etc., animals

(a) The keeping or harboring of any dog, cat or other animal or fowl, whether licensed or not, which by habitual howling, yelping, barking or other noise disturbs or annoys persons in the neighborhood, is unlawful and is hereby declared to be a public nuisance.

(b) No person shall suffer or permit any animal or fowl to habitually trespass on private or public property so as to damage or destroy any property or thing of value, and the same is hereby declared to be a nuisance.

(c) Whenever it shall be affirmed in writing by three or more persons having separate residences or regularly employed in the neighborhood that any animal is a habitual nuisance by reason of trespassing, howling, barking or other noise, or in any other manner causing undue annoyance, and if the director or the animal control officer, finds such nuisance to exist, notice shall be served upon the owner or custodian that such nuisance shall be abated. Upon receipt of such notice, such nuisance shall be immediately abated. Failure to comply with such notice and abate such nuisance shall be deemed to be a misdemeanor.

(Ord. No. 927, §2; Ord. No. 1444, §1)

Sec. 4-74. Timely filing

Unless otherwise provided, the filing of an animal nuisance complaint must be made within thirty (30) calendar days of the most recent event or circumstances occasioning the complaint. Upon evidence that good cause exists that the complaint could not be filed within thirty (30) calendar days, the director may extend the deadline for filing of the complaint.

(Ord. No. 1444, §1)

Sec. 4-75. Impoundment of animal

Upon receipt by the director of a complaint filed in compliance with section 4-72, the director shall initiate an investigation of the incident or incidents described in the complaint for the purpose of verifying the facts stated or obtaining other information. If, after an investigation, the identified facts show the existence of an animal nuisance within the meaning of section 4-11, the director shall order the nuisance to be abated. If such nuisance poses an imminent threat to public health or safety, or if the owner fails to comply with the director's abatement notice within a reasonable time, or if the director determines that exceptional circumstances warrant, the director shall immediately locate and impound the animal which is the subject of the complaint. If said animal is impounded, the owner may request a hearing pursuant to Article VII of this chapter.

(Ord. No. 1444, §1)

Sec. 4-76. Notice of hearing

Not later than fourteen (14) calendar days after the impoundment of a purported nuisance animal or, if the animal is not impounded but a determination has been made to abate an animal nuisance, the director or the director's designee shall determine a time for a hearing, and shall either personally serve upon or mail to the residential address of the owner of the animal and the affiant the following:

(a) A written notice of the time, date, and place of the hearing prescribed by Article

VII of this chapter.

(b) A copy of the complaint filed pursuant to section 4-72 of this chapter.

(c) A copy of the provisions of this Article V.

(Ord. No. 1444, §1)