

CHAPTER 4. ANIMALS

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¹ Chapter 14, Article 3, Section 4- 25 is repealed and reenacted and Sections 4-26, 4-27, 4-28 and 4-29 are enacted. (Ord. 1732, eff., 8-29-03)

CHAPTER 4. ANIMALS

ARTICLE 1. GENERAL PROVISIONS.

Section 4-1. Butchering unlawful and a nuisance; exception.

(1) It shall be unlawful for any person to kill or dress any cow, calf, sheep, hog or goat or to steam or render any tallow or lard, except for his/her own use or consumption.

(2) Any person who violates this section shall be deemed guilty of maintaining a nuisance. (Code 1958, Sec. 4-1.)

Section 4-2. Cruelty to animals.

It shall be unlawful for any person to commit cruelty to animals. A person commits cruelty to animals if, except as authorized by law, he/she knowingly over drives, overloads, overworks, tortures, torments, deprives of necessary sustenance unnecessarily or cruelly beats, needlessly mutilates, needlessly kills, carries in or upon any vehicles in a cruel manner, or otherwise mistreats or neglects any animal, or causes or procures it to be done, or, having the charge and custody of any animal, fails to provide it with proper food, drink or protection from the weather or abandons it. Any person who violates this Section shall be subject to the penalty set forth in Section 1-8 of the Code of Ordinances.

Section 4-3. Keeping hogs in the City.

It shall be unlawful for any person to keep hogs or pigs within the City, except as follows. Any person may keep what is commonly known as a Miniature Pot-Bellied Pig within any zone district within the City in which domestic animals are permitted.

Section 4-4. Fowl not to run at large.

It shall be unlawful for any owner or keeper of chickens, ducks, geese or other like fowl to permit them at any time to run at large within the City. (Code 1958, Sec. 4-10.)

Section 4-5. Animals not to run at large.

It shall be unlawful for any owner or keeper of horses, asses, mules, cattle, sheep, goats and swine to permit them to run at large within the City. (Code 1958, Sec. 4-13.)

Section 4-6. Offensive pens - Nuisance.

It shall be unlawful for any person after notice to abate by a City officer, to permit or maintain any pen, place or premises in or upon which animals are kept so as to be offensive or any annoyance to any person. All such places are declared to be a nuisance. (Code 1958, Sec. 4-6.)

Section 4-7. Keeping of noisy and odoriferous poultry.

It shall be unlawful and a nuisance for any person to knowingly keep, maintain or permit to remain, under his/her control, upon any lot or parcel of land in the City, any poultry or fowl, or any creature which by any persistent or pertinacious noise, sound or outcry, or by the creation or causing of offensive odors, shall disturb the peace or comfort of any neighborhood or interfere with any person in the reasonable and comfortable enjoyment of life or property, and such conditions shall be abated upon the order of the City Manager or any other authorized official of the City.

Section 4-8. Penalty for violation.

Any person who knowingly violates any of the provisions of this Article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be subject to the penalties provided in Section 1-8 of this Code.

Section 4-9. Release of impounded animal without authority.

It shall be unlawful for any person to release or attempt to release any animal that has been impounded, from the custody of any animal control officer or police officer of the City, or from the City's Animal Shelter, transport vehicle or cages or traps set in the field, by opening the gate of the Animal Shelter, tearing down the fence or enclosure, or in any other manner without the consent of the person in charge thereof.

ARTICLE 2. IMPOUNDING.

Section 4-10. Animals running at large to be impounded; notice of sale.

Any animal control officer or police officer shall impound at the City's Animal Shelter any of the animals listed in Sections 4-4 or 4-5 of this Code, found running at large. Where livestock is so impounded, the State Brand Inspector shall be notified as soon as practicable of such impoundment.

Section 4-11. Disposition of impounded animals.

(1) Disposition of impounded livestock shall be in accordance with State statutes and regulations and at the direction of the State Brand Inspector.

(2) The following procedures shall be followed with respect to the disposal of all other animals impounded pursuant to this Article: No such animal shall be put up for adoption or humanely destroyed unless the ownership of such animal cannot be ascertained or at least fifteen (15) days have elapsed since written notice of impoundment has been issued to the owners. Said notice shall advise the owner as to where the animal was impounded, the date and time of the impoundment, the location where the animal is being held, a description of the animal, that the animal must be claimed within fifteen (15) days of the issuance of the notice, and the impound

fee and feeding costs to be paid prior to the release of the animal to the owner. Said notice shall be either mailed by certified mail to the owner's last known address or hand delivered to the owner.

Section 4-12. Impoundment fees; claiming impounded animal.²

The owner of any animal impounded pursuant to this Article shall be charged Ten Dollars (\$10.00) per day for boarding of said animal plus the cost of feeding said animal. If the owner of the impounded animal shall claim such animal within the fifteen (15) day period specified in the notice and pay all costs then accrued for impounding and feeding, plus a Fifteen Dollars (\$15.00) redemption fee, the animal shall be released to the owner; except that in the case of livestock, the owner may also be required by the State Brand Inspector to pay the cost of transporting the animal to the Animal Shelter before the animal is released.

ARTICLE 3. DOGS AND CATS.

Section 4-13. Definitions.

As used herein:

- (1) *Animal control Officer* shall mean the person employed by the City Manager as being responsible for control of animals by the City.
- (2) *Dog* shall mean an animal of canine species, male or female.
- (3) *Female dog* shall mean a dog of the female sex.
- (4) *Male dog* shall mean a dog of the male sex.
- (5) *Owner* shall mean any person owning, keeping or harboring a dog.
- (6) *Spayed female dog* shall mean a dog of the female sex upon which surgery has been performed to make her incapable of reproduction.

Section 4-14. License and registration required; fees.³

(1) All dogs and/or cats kept, harbored and maintained by their owners, except as provided in Subsection (4) hereof, shall be licensed and registered annually, and each owner shall pay to the City for its use and benefit, the following license fees:

- (a) Female dogs (unspayed) and male dogs (Unneutered)-----\$15.00

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² 4-12 Repealed and Re-enacted(Ord. 1523, 12-5-1995)

³ 4-14(1)(a & b) Repealed and Re-enacted (Ord. 1523, 12-5-1995)

(b) Male dogs (neutered) and female dogs (spayed)-----\$ 8.00

⁴(c) Cats-----\$ 3.00

(2) All license fees shall be due and payable not later than the 15th day of January of the ensuing year.

(3) The owner shall state at the time application is made for license, and upon printed forms provided for such purpose, his/her name and address, and the name, breed, color and sex of each dog and/or cat owned or kept by him/her.

(4) All dogs and/or cats over four (4) months old shall be licensed as herein provided, within ten (10) days after their acquisition or purchase by the owner or after their arrival in the City.

Section 4-15. Tag and collar.

(1) A license tag will be furnished by the City Clerk upon receipt of the application, together with a certificate from a veterinarian licensed to practice veterinary medicine in this State, unless the same has been waived as provided in Section 4-16, that the dog and/or cat has a certificate of rabies vaccination that is valid until the end of the year, together with the payment of the required fee. Every owner shall be required to provide each dog and/or cat with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn.

(2) In case a dog and/or cat tag is lost or destroyed, a duplicate will be issued by the City Clerk upon presentation of a receipt showing the payment of the license fee for the current year and the payment of Two Dollars (\$2.00) fee for the issuance of the duplicate tag.

(3) Dog and/or cat tags shall not be transferable from one dog and/or cat to another and no refund shall be made on any dog and/or cat license fee because of the death of the dog and/or cat or the owner leaving the City before the expiration of the license.

Section 4-16. Vaccination.

(1) Each dog and/or cat shall be vaccinated against rabies and such vaccination shall be repeated as determined by the veterinarian administering the original vaccination. A certificate of vaccination shall be completed in duplicate by the veterinarian, and one (1) copy retained in the veterinarian's file. In the event the dog and/or cat is not of age to be properly vaccinated, the vaccination shall be waived therein and a certificate delivered to the City.

(2) No dog and/or cat shall be licensed as provided in Section 4-14 unless a valid certificate of rabies vaccination accompanies the application for the license.

⁴ 4-14(1) is amended by the addition of Section (c). Also throughout Sections 4-14, 4-15 and 4-16 “and/or cat” has been added after the word “dog” wherever it appears, also “and/or cats” has been added after the word “dogs” wherever it appears. (Ord. 1732, eff., 8-29-03.)

Section 4-17. Confinement of dogs and cats biting persons or suspected of being rabid; procedure.

(1) The owner of any dog or cat that has bitten any person shall immediately advise the Supervising Animal Control Officer of this fact. Any dog or cat that has bitten any person or has been exposed to another animal that is believed to have rabies, shall be immediately confined for a period of ten (10) days or for a longer period, at the discretion of the Animal Control Officer. No owner of any dog or cat that has bitten any person or that has been exposed to another animal that is believed to have rabies, shall destroy such animal before it can be properly confined by the Supervising Animal Control Officer. Such confinement may be on the premises of the owner, if deemed appropriate in the discretion of the Supervising Animal Control Officer, but it must be within the City for a minimum of ten (10) days. If the dog or cat is not confined on the premises, the confinement shall be at the City Animal Shelter or any veterinary hospital of the owner's choice. Such confinement shall be at the expense of the owner. Stray dogs whose owners cannot be located shall be confined in the City Animal Shelter.

(2) No person knowing or suspecting a dog or cat has rabies shall allow such dog or cat to be taken off his/her premises or beyond the limits of the City without the written permission of the Animal Control Officer. Every owner, or other person upon ascertaining a dog or cat is rabid, shall immediately notify the Animal Control Officer or a police officer, who shall remove the dog or cat to the Animal Shelter for observation, or follow the procedure as provided for in Subsection (1) hereof.

Section 4-18. Dogs running at large.

(1) No owner of any dog shall permit the same to run at large within the City, and all dogs shall be confined to the immediate premises of the owner, except under the following conditions:

- (a) When restrained by a leash or other device physically attached to the collar of the dog, which keeps the dog under the absolute control of the owner.
- (b) When accompanied by the owner and under the owner's control by obedience command, as hereinafter provided.

Section 4-19. Obedience command.

The term "obedience command" and the right of an owner of a dog to maintain his/her dog through an obedience command shall be subject to the following conditions:

(1) The dog shall be considered to be under obedience command of the owner when satisfactory evidence is presented by the owner of all of the following:

- (a) That the dog walks at the heel of the owner, and at all times stays within three feet (3') of the owner.
- (b) That the dog will sit and stay when commanded by the owner.

(c) That the dog will come when called by the owner. (Ord. 1732, eff., 8-29-03)

(2) The owner of any dog under obedience command, shall at the request of any official or officer of the City, prove his/her control over said dog by obedience command under the criteria set forth above.

(3) The failure of any owner to prove his/her control of his/her dog by obedience command shall forfeit the right of the owner to allow said dog off his/her premises, except under leash or other device attached to the collar of the dog, which keeps the dog under absolute control of the owner, until such time as he/she can prove that said dog is subject to the control of obedience commands.

(4) All female dogs, when in season, must either be confined to the owner's premises or be kept leashed and may not be taken off of the owner's premises by obedience command.

Section 4-20. Liability of owner.⁵

The owner of any dog shall comply with the following conditions:

(1) Shall not allow said dog to obstruct or interfere with any pedestrian or motor vehicle upon any public way or the entrance of any building or upon any public area.

(2) Shall keep and maintain said dog so that it does not, by noise or other activities, injure or interfere with the rights of other persons.

(3) Shall commit no cruel or inhumane action against said dog.

(4) Shall be liable and responsible for said dog at all times, whether it is on or off the owner's premises.

(5) Shall not feed stray/homeless dog(s) without taking full responsibility for the dog(s) by providing the dog(s) with continued humane treatment which shall include proper food, water, shelter, veterinarian care, rabies vaccination, and alter the dog(s). Any person who feeds stray dogs must follow the regulations by the city in reference to licensing and vaccination. (Ord. 1732, eff., 8-29-03)

(6) It is unlawful for any owner, or temporary owner, to own a pair of dogs of opposite sex of breeding age without one or both of the dogs being altered even if not allowed to roam at large, with the exception of licensed pet stores, veterinary clinics, and animal shelters. (Ord. 1732, eff., 8-29-03)

(7) It is unlawful for any person to offer for sale or for free any dog(s) six (6) months of age or older without the dog(s) being altered, with the exception of pet stores with a current city

⁵Chapter 4, Article 3, Section 20 amended by addition of subsections 5,6,7,8,9 & 10. Ord 1732, eff. 8-29-03.

business license and animal shelters. (Ord. 1732, eff., 8-29-03)

(8) It is unlawful for any person to own any number of unaltered dogs of the opposite sex and of breeding age (six months of age or older), with the exception of pet stores with a current city business license and animal shelters. (Ord. 1732, eff., 8-29-03)

(9) It is unlawful for any person who is the owner, or other person in possession, of a dog to permit such dog to cause annoyance in any neighborhood in the City by damage any lawn, garden, shrubbery, or any property of another at any time, or in any other way to create a nuisance on the property of another, including the discharge of deposit of feces or other waste matter. (Ord. 1732, eff., 8-29-03)

(10) It is unlawful for a person to own, keep or harbor more than three dogs in any residence or provided establishment within the city. Within thirty (30) days of enactment of this ordinance, any dog owner who altered and licensed his or her dogs in excess of three can continue to own, keep or harbor such dogs in excess of three. Any owner who has in excess of three dogs and complies with this sub-section cannot replace any dog in excess of three if any of the dogs dies or goes missing. It is the owner's responsibility to provide written documentation of the altering and licensing of the dogs. (Ord. 1732, eff., 8-29-03)

Section 4-21. Impounding dogs.

The Animal Control Officer or any police officer may catch and impound any dog that is not wearing a proper license as herein provided, that is not under proper control or confined to the owner's premises as herein provided or is in violation of any Section of this Article, in the Animal Shelter, provided, however, that if any dog cannot be safely caught and impounded because of its dangerous or vicious propensities, such dog may be slain.

Section 4-22. Notice to owner and period of impounding.

(1) Any dog or cat which has been impounded at the Animal Shelter pursuant to this Article, and whose owner cannot be ascertained, shall be held at least seventy-two (72) hours before said dog or cat is disposed of by adoption or by humane destruction. No notice shall be required prior to disposition of said dog or cat.

(2) Any dog or cat which has been impounded at the Animal Shelter pursuant to this Article, and whose owner is ascertained, shall not be disposed of by adoption or humane destruction until at least fifteen (15) days after written notice of impoundment has been issued to the owner. Said notice shall advise the owner as to where the dog or cat was impounded, the date and time of the impoundment, the location where the dog or cat is being held, a description of the dog or cat, that the dog or cat must be claimed within fifteen (15) days of the issuance of the notice, and the impoundment fee to be paid any vaccination and/or licensing requirements which must be met prior to the release of the dog or cat to the owner. Said notice shall be mailed by certified mail to the owner at the owner's last known address or hand delivered to the owner.

(3) ⁶Any dog that has been impounded at the Animal Shelter pursuant to a summons and complaint under Section 4-24 “Keeping of vicious dogs prohibited” shall be held indefinitely. The dog may be released pending the resolution of the summons and complaint if the owner of the dog has shown cause to the Municipal Judge as to why the dog should be released. The owner of the dog must establish to the Municipal Judge facts that show that the owner has taken steps to confine, restrain, or properly supervise the dog before the dog is released to the owner pending resolution of the summons and complaint. (Ord. 1762, eff., 10-15-04)

Section 4-23. Disposition of impounded dogs and cats.⁷

Any owner may redeem a dog or cat being held at the Animal Shelter upon proof of ownership thereof and the payment of a care and maintenance fee of Eight Dollars (\$8.00) per day or any portion of a day that the dog or cat is maintained at the Animal Shelter or any greater fee that might be charged by a veterinarian for the impounding of such dog or cat, a tranquilization fee of Ten Dollars (\$10.00) where it has been necessary to tranquilize such dog or cat in order to impound it, and payment of a redemption fee of Fifteen Dollars (\$15.00), subject to the provisions of Section 4-17 and vaccination and/or licensing requirements.

Section 4-24. Keeping of vicious dogs prohibited.

(1) It shall be unlawful for any person to own, keep, harbor or possess a vicious dog anywhere in the City.

(2) A vicious dog is any dog which without provocation bites and/or otherwise causes injury to any person or other animal, or snaps at or attacks any person or other animal on public or private property. Such dog shall not be deemed to be a vicious dog under the following circumstances where such dog has bitten or attacked the following:

(a) Any person engaged in the unlawful entry into or upon the dog owner's property where such dog is kept;

(b) Any person engaged in the unlawful entry upon the dog owner's automobile or any vehicle wherein such dog is confined, or which is parked on the street immediately adjacent to the owner's property;

(c) Any person engaged in attacking or molesting another person;

(d) Any person engaged in attempting to stop an altercation between such dog and another dog;

⁶ Chapter 4, Article 3, Section 4-22 is amended by the addition of subsection 3. (Ord. 1762, eff., 10-15-04)

⁷ 14-23 Repealed and Re-enacted (Ord. 1523, 12-5-1995)

(e) Any person who deliberately and wantonly provokes such dog to bite or attack such person, another person or another animal.

(3) Impoundment. It shall be the duty of the Animal Control Officer or any police officer to seize and impound any vicious dog. After making every reasonable attempt to seize such dog, including the solicitation of assistance from the dog's owner if such owner be immediately ascertainable and available, if said officer determines that said vicious dog cannot be seized without exposing the officer or other persons to danger or personal injury from such vicious dog, it shall be lawful for said officer to destroy such dog without notice to the dog owner, keeper or possessor.

(4) Powers of Municipal Judge. The Judge of the Municipal Court may order any person found guilty of violating this Section to surrender such dog to the Animal Control Officer of the City of Trinidad within twenty-four (24) hours of the issuance of said court order for the humane destruction of such vicious dog. The refusal or failure of such person to comply with said order shall subject such person to all of the penalties prescribed in this Chapter, and such person shall be deemed guilty of a separate offense for violation of said court order. Further, upon the failure of such person to comply with said court order, the Animal Control Officer shall impound and cause said dog to be humanely destroyed. The owner of such dog shall be liable for and pay all costs of the impoundment and destruction of said dog.

Section 4-25. Definitions

Definitions. As used in this chapter unless the context otherwise indicates, the following terms shall have the meaning ascribed to each:(Ord. 1732, eff., 8-29-03)

- (1) "Altered" means any animal that has been sprayed or neutered. (Ord. 1732, eff., 8-29-03)
- (2) "Animal Shelter" means an animal shelter operated by city or county government or a shelter operated by a non-profit organization organized to benefit animals. (Ord. 1732, eff., 8-29-03)
- (3) "Cat" means any commonly domesticated feline animal and includes both the male and female sex of the species. (Ord. 1732, eff., 8-29-03)
- (4) "Free Roaming" means any cat that is allowed or that is able to leave the property of the owner at will. (Ord. 1732, eff., 8-29-03)
- (5) "Nuisance Cat" means any cat that is allowed to free roam and is not altered. (Ord. 1732, eff., 8-29-03)
- (6) "Owner" means an adult person or custodian possessing, harboring, keeping, feeding or having control or custody of a cat or any person having any financial interest, right, or property in the cat and also includes any person who permits a cat(s) to remain on or about any premises occupied by that person. (Ord. 1732, eff., 8-29-03)

(7) “Temporary Owner” means an adult person or custodian who harbors an animal with the knowledge and consent of the owner who is temporarily unable to care for the animal because of absence or indisposition. An animal is deemed to be harbored if it is sheltered and/or fed. A temporary owner shall be responsible for any violations of this chapter and shall pay fines or fees charged as a result of any violation. (Ord. 1732, eff., 8-29-03)

Section 4-26. Unlawful conduct.

(1) It is unlawful for the owner, or temporary owner, of any cat(s) to allow it to be a nuisance cat(s). (Ord. 1732, eff., 8-29-03)

(2) It is unlawful for any person to feed stray/homeless cat(s) without taking full responsibility for the cat(s) by providing the cat(s) with continued humane treatment which shall include proper food, water, shelter, veterinarian care, rabies vaccination, and alter the cat(s). Any person who feeds stray cats must follow the regulations by the city in reference to licensing and vaccination. (Ord. 1732, eff., 8-29-03)

(3) It is unlawful for any owner, or temporary owner, to own a pair of cats of opposite sex of breeding age without one or both of the cats being altered even if not allowed to free roam, with the exception of licensed pet stores, veterinary clinics, and animal shelters. (Ord. 1732, eff., 8-29-03)

(4) It is unlawful for any person to offer for sale or for free any cat(s) six (6) months of age or older without the cat(s) being altered, with the exception of pet stores with a current city business license and animal shelters. (Ord. 1732, eff., 8-29-03)

(5) It is unlawful for any person to own any number of unaltered cats of the opposite sex and of breeding age (six months of age or older), with the exception of pet stores with a current city business license and animal shelters. (Ord. 1732, eff., 8-29-03)

(6) It is unlawful for any person who is the owner, or other person in possession, of a cat to permit such cat to cause annoyance in any neighborhood in the City by any loud or unusual noise, or to damage any lawn, garden, shrubbery, or any property of another at any time, or in any other way to create a nuisance on the property of another, including the discharge or deposit of feces or other waste matter. (Ord. 1732, eff., 8-29-03)

(7) It is unlawful for a person to own, keep or harbor more than three cats in any residence or provided establishment within the city. Within thirty (30) days of enactment of this ordinance, any cat owner who altered and licensed his or her cats in excess of three can continue to own, keep or harbor such cats in excess of three. Any owner who has in excess of three cats and complies with this sub-section cannot replace any cat in excess of three if any of the cats dies or goes missing. It is the owner’s responsibility to provide written documentation of the altering and licensing of the cats. (Ord. 1732, eff., 8-29-03)

(8) It is unlawful for a person to own, keep or harbor a cat or cats that have not been vaccinated pursuant to Section 4-16. (Ord. 1732, eff., 8-29-03)

Section 4-27 Investigation and Complaints.

(1) Upon receipt of a complaint by one or more persons alleging the presence of possible nuisance cat(s), the name of the owner of the animal, the address of the owner, and the description of the suspected cat(s), an animal control officer may investigate the complaint to determine if in fact the animal is a nuisance cat. (Ord. 1732, eff., 8-29-03)

(2) Persons bothered by a nuisance cat may humanely trap the cat(s) on complainant's property. Complainants, after making prior arrangements, may deliver the cat to the animal control shelter. Humane traps will be available at animal control for a nominal fee and/or refundable deposit. Persons using animal control traps shall be provided instructions regarding use of humane traps. (Ord. 1732, eff., 8-29-03)

Section 4-28 Citations, Orders & Impoundment.

(1) The department shall order the owner of a nuisance cat or dog running at large or vicious dog to have the animal altered at the owner's expense, or if there is only one cat owned, order the owner to prevent the cat from free roaming. (Ord. 1732, eff., 8-29-03)

(2) A citation or order may be issued to the owner or temporary owner of a cat for failure to comply with any applicable section of this chapter. (Ord. 1732, eff., 8-29-03)

(3) Animal control may set humane traps, resulting from complaints, where free roaming nuisance cat(s) are suspected and a secure trapping site is available. (Ord. 1732, eff., 8-29-03)

(4) Free roaming cats may be impounded at the city-county animal control shelter. (Ord. 1732, eff., 8-29-03)

(5) Any unaltered cat that is impounded shall be spayed or neutered at the owner's expense and all impound fees, board fees, etc., paid before it can be reclaimed from the shelter. Animal control shall transport the cat to owner's choice of veterinarian clinics within the city limits. (Ord. 1732, eff., 8-29-03)

Section 4-29 Penalty-Fines.

(1) Each day an offense exists shall constitute a separate offense pursuant to this chapter. The City of Trinidad Municipal Court judge shall assess animal violation fines as set forth in the section. (Ord. 1732, eff., 8-29-03)

(2) An owner or temporary owner who is found guilty of a first offense of any violation of this section, other than (3) and (4) below, shall be fined an amount of not less than Twenty dollars (\$20.00), plus an increment of Twenty-Five (\$25.00) for each additional offense occurring within a twelve (12) month period. No jail time will be imposed for any violation of this section. (Ord. 1732, eff., 8-29-03)

(3) An owner or temporary owner who is found guilty of Section 4-24 shall be fined in an amount not to exceed Three hundred Dollars (\$300.00) for each offense. (Ord. 1732, eff., 8-29-03)

(4) An owner or temporary owner who fails license and register his or her dog(s) or cat(s) or fails to vaccinate the dog(s) or cat(s) shall be fined an amount of fifteen \$15.00. (Ord. 1732, eff., 8-29-03)