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GENERAL OFFENSES CODE**

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EDITORS NOTES

14455 (12/8/06) amended the animal control provisions by repealing the dangerous animal section, preventing pets in the City owned cemetery at 10th and Linden, modified the enforcement procedures and contained other miscellaneous items.

14262 (3/3/2005) amended the 725, the anti-litter provisions, by giving Sweep Officers enforcement authority and other changes.

14150 (2/20/04) amends the Noise provisions to exempt snow blowers.

14156 (2/22/004) amended the Skateboard by establishing a fine of at lease \$25.

14229 (11/18/04) amended the Shopping Cart provisions to make the penalty section dovetail with general penalty.

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CROSS REFERENCES

Animals at Large - 3RD CLASS §2403(8); 53 P.S. §37403(8)

700.01 DEFINITIONS

The following words, terms and phrases when used in this article shall have the meaning ascribed to them in this section, except where the context clearly indicates a different meaning:

1. **Animal** means all non-human vertebrate and invertebrate species, whether wild or domestic, commonly considered to be part of the animal kingdom.
2. **Animal housing** shall mean any property, premises, or place where animals are located but not a place that is defined as a kennel.
3. **At large** means an animal off the premises of the owner not secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands.
4. **City** means the City of Allentown, Pennsylvania.
5. **City Official** means that person or persons designated by the Mayor to enforce the provisions of this article, including but not limited to, the Animal Control Officer, police officers and other authorized inspectors. (14455 §1 10/6/06)
6. **Guard or Sentry Dog** shall mean a dog which has been trained or conditioned to attack only to protect persons or property.
7. **Hobby breeder** shall mean any person who places together dogs or cats for the purposes of breeding and sells, trades or otherwise transfers the product of such breeding provided that:
 - a. Such breeding, selling, trading or transfer is conducted by the person at the person's residence and/or property;
 - b. Such breeding does not take place more frequently than once per annum; and
 - c. The person is not regularly engaged in the business or breeding, selling, or trading dogs or cats. (12450 §1

1/21/81)

8. **Kenel** shall mean any property, premises, place or commercial establishment in or at which dogs and/or cats are kept under the following condition:

More than a total of four (4) dogs and/or cats more than six (6) months of age that are kept for the purpose of sale or rental or in connection with the boarding, care, grooming, breeding, or the training of dogs for guard or sentry purposes for which any fee is charged. This provision is not intended to apply to hobby breeders.

9. **Kenel owner** shall mean any person, firm, partnership, or corporation who owns or operates a kennel.

10. **Notice of violation** is a written document issued to a person in violation of a city ordinance which specifies the violation and contains a directive to take corrective action within a specified time frame or face further legal action. (14455 §1 10/6/06)

11. **Owner** means and includes every person, firm or corporation having a right of property in any animal which is kept harbored, or cared for within the City of Allentown for a period of three (3) or more days as well as every person, firm or corporation occupying any premises within the City which permits any animal to remain on or about its premises for a period of three (3) or more days.

12. **Person** means every natural person, firm, corporation, partnership, association, or institution. (14455 §1 10/6/06)

13. **Pets** means a domesticated animal kept for pleasure rather than utility, i.e. dog, cat, etc. (14455 §1 10/6/06)

14. **Pet Shop** shall mean any property, premises, place, commercial establishment or person that buys for resale and sells dogs, cats, birds, fish or other animals to the general public on a retail basis. This excludes persons making a sale or trade of any such animal from their residence and/or property when not regularly engaged in the business of selling or trading animals.

15. **Residential Area** means any area of the City where the predominant land use is the residential dwelling use of human beings and shall include but not limited to the residential zones as defined in Articles 1325, 1327, 1329, 1331, and 1332 of the City's Codified Ordinances.

16. **Use of guard or sentry dogs** shall mean dogs kept at a place, property, or premises for the purpose of protecting the premises.

17. **Veterinarian** means a graduate of a recognized school of veterinary medicine licensed to practice in the State of Pennsylvania.

18. **Vicious Animal** means any animal which has attacked without cause a human being or domestic animal in such a manner as to inflict physical damage on the human being or domestic animal, or has caused property damage.

19. **Violation Ticket** is a form issued by a police officer or public officer to a person who violates a provision of this Article. The violation ticket is an offer by the City of Allentown extended to a person to settle a violation by paying the fine in lieu of a citation being issued against the violator. (14455 §1 10/6/06)

20. **Wild or Exotic Animal** shall mean any animal of a species prohibited by Title 50, Code of Federal Regulations, or otherwise controlled by the Commonwealth of Pennsylvania. It shall include any animal which is wild, fierce, dangerous, noxious, or naturally inclined to do harm.

Wild animals, however domesticated, shall also include but not be limited to:

Dog family (Canidae): All except domesticated dogs -- including wolf, fox, coyote, dingo, etc.;

Cat family (Felidae): All except commonly accepted domestic cats -- including lions, pumas, panthers, mountain lions, leopards, jaguars, ocelots, margays, tigers, wild cats, etc.;

Bear (Ursidae): All bears, including grizzly bears, brown bears, black bears, etc.;

Weasels (Mustelidae): All including weasels, martens, mink, wolverine, ferrets, badgers, otters, ermine, mongoose, etc.;

Raccoons (Procyonidae): All raccoons and civets;

Primates (Hominidae): All sub-human primate;

Porcupine (Erethizontidae): All porcupines; Skunks;

Snakes: All venomous and constricting snakes; venomous lizards;

Crocodylians: All alligators, caimans, crocodiles, gavials, etc.;

Venomous fish and piranha;

Venomous invertebrates.

700.02 LICENSE, COLLAR AND TAG REQUIRED

A. Dogs

No person shall own, keep or harbor within the City, any dog three (3) months or older unless such animal is licensed by the Treasurer of Lehigh County, Pennsylvania and unless such dog wears a collar and license tag. This provision is not intended to apply to dogs whose owners are non-residents and temporarily in the City nor to any seeing-eye dog or hearing dog properly trained to assist blind persons or hearing impaired persons when such dog is actually used by a blind person or hearing impaired person for the purpose of going from place to place. (12450 §1 1/21/81)

700.03 VACCINATION OF DOGS AND CATS AGAINST RABIES REQUIRED

It shall be unlawful for the owner or custodian of a dog or cat to keep, harbor or have in his custody or control a dog or cat three (3) months or older for longer than fourteen (14) days, unless such dog or cat has a current compendium of animal rabies vaccine as approved by the National Association of State Public Health Veterinarians. Proof of vaccination shall be furnished at the request of the City Animal Control Officer or public health officials. (12615 §1 8/15/84)

700.04 PERMITTING ANIMALS TO TRESPASS, AT LARGE ANIMALS PROHIBITED, LEASH LAW, AND CLEANUP OF ANIMAL FECAL MATTER

A. Permitting Animals to Trespass

The owner, possessor or manager of any animal shall not permit the same to trespass upon the premises of another property owner without prior permission or he shall be in violation of this Article and shall have the burden of proving permission to trespass was granted.

B. Old Allentown Cemetery

The owner, possessor or manager of any pet shall not permit the same to enter upon or trespass in the Old Allentown Cemetery located at 10th and Linden Streets, Allentown, PA. (14455 §1 10/6/06)

C. At Large Animals Prohibited

1. No owner or custodian of an animal shall permit the animal to run at large in the City. For the purposes of this section, an animal is considered to run at large if it is not secured by a leash no longer than six (6') feet controlled by a human when on public property including but not limited to streets, sidewalks and parks or with or without a leash if on private property without the consent of the owner of such property. It shall be unlawful for any owner of an animal to place such animal or allow it to be placed in the custody of any other person not physically capable of maintaining effective control of such animal. This section shall not apply to any person who uses an animal while engaged in a supervised formal obedience training class or show, or during formally sanctioned field trials. (12969 §1 4/18/90)

2. No dogs shall be allowed in City parks except at places designated by the Superintendent of Parks and provided that said dogs shall not be at large and no dogs shall be allowed on the Hamilton Mall except as authorized by the Director of Community Development or the Director's designee.

3. It shall be the duty of the City Official to seize and detail any animal, licensed or unlicensed found running at large, either upon the public streets or highways of the City or on the property of any other person and unaccompanied by its owner or keeper. The City Official is hereby authorized and empowered to go on any public premises and to enter any public building to seize and detain any animal which has been running at large unaccompanied by an owner or keeper when such City Official is in immediate pursuit of such animal.

D. Cleanup of Animal Fecal Matter

1. No owner of any animal or any person having the care, custody and control of any animal shall permit the same to discharge or deposit any fecal matter upon the property of another without immediately removing such matter and disposing of it in a sanitary manner. The term "property of another" shall be interpreted to include the property of the City of Allentown or of any other political subdivision.

2. No owner or possessor of real property shall permit animal fecal matter to accumulate on such property for more than twenty-four (24) hours and it shall be the owner's or possessor's responsibility to daily remove such matter to prevent any such accumulation from becoming a danger to public health. (12450 §1 1/21/81)

700.05 IMPOUNDMENT OF UNRESTRICTED ANIMALS AND UNVACCINATED ANIMALS, VICIOUS ANIMALS AND LARGE ANIMALS

A. It shall be the duty of the City Official charged with the enforcement of this article to impound any dog found at large and not confined to the dog owner's premises. If the owner or custodian of the animal can be ascertained and located, a summons may be issued and the animal may, in lieu of impoundment, be released to its owner or custodian. However, within seventy-two (72) hours of the animal's release, the owner must present the City Official with a valid rabies certificate or surrender the animal to the City Official.

B. Should it be necessary for a City Official to seize or pickup a large animal such as a horse, cow or mule, or any other animal not acceptance to an animal shelter or animal hospital, he is hereby empowered to have such animal removed by a trucking firm at the animal owner's expense to a farm or stable where such animal can be housed. If no such place exists within the City, such animals may be taken outside the City limits. (12450 §1 1/21/81)

700.06 ANIMAL BITES AND RABID ANIMALS

A. Persons Bitten by Animals. - It shall be the duty of any persons who has knowledge that an animal has bitten or injured any person in this municipality to immediately report the incident to the Bureau of Health, City of Allentown. (12615 §3 8/15/84)

1. The owner of every such animal shall immediately place said animal in confinement in such a manner as to prevent it from escaping, running at large or having physical contact with other animals or humans other than the animal owner or controller, and maintain such confinement for a ten (10) day period of observation. (12615 §3 8/15/84)

2. At the end of said ten (10) day observation period the animal shall be examined by a veterinarian employed by the owner, and a written report of the results of such examination shall be submitted by the owner or veterinarian within twenty-four (24) hours to the Bureau of Health. If the report reveals no symptoms of rabies the animal may then be released. If the owner fails or refuses to have the animal examined for rabies by a veterinarian within twenty-four (24) hours of the end of the ten (10) day observation period, in violation of this article, the Bureau of Health shall be authorized to have the animal seized and taken to a veterinarian solely for the purpose of said rabies examination. The owner shall be responsible for all expenses incurred for said examination and will be cited for violations of the provisions of this article. (12615 §3 8/15/84)

3. If at any time during the said ten (10) day period of observation the animal develops symptoms indicative of rabies, such fact shall be communicated at once to the Bureau of Health and the animal shall immediately be removed to a veterinary hospital acceptable to the Bureau of Health. (12615 §3 8/15/84)

4. If the animal is diagnosed as rabid it shall be humanely euthanized. Confirmatory tests for the presence of rabies shall be conducted on the animal's remains as necessary. After such testing the remains of the animal shall be disposed of in such manner as the Bureau of Health directs. (12615 §3 8/15/84)

5. If the animal is a stray that cannot be identified, it shall be the duty of the City Official charged with the enforcement of this article to impound such animal and place it in confinement for observation, examination or other necessary action normally required of a private animal owner as specified in Section 701.08. (12615 §3 8/15/84)

6. It shall be the duty of the Bureau of Health of the City of Allentown to notify the victim of an animal bite of the results of the ten (10) day observation period and veterinary examination of the biting animal in writing following the receipt of reports of those results. (12615 §3 8/15/84)

B. Animal Bitten by an Animal Suspected of Rabies

It shall be the duty of any person who has knowledge that an animal in this municipality has been bitten or otherwise injured by, or been exposed to, or been in contact with an animal infected with or suspected of being infected with rabies, to immediately report the facts and the whereabouts of such animals to the Bureau of Health.

C. Animals Infected with Rabies

It shall be the duty of any person who has knowledge that an animal in this municipality is infected with or suspected of being infected with rabies to immediately report the facts and the whereabouts of such animals to the Bureau of Health. Any animal suspected of being infected with rabies shall immediately be removed to and confined in a veterinary hospital acceptable to the Bureau of Health, and such animal shall not be released therefrom without permission of the Bureau of Health. Any animal infected with rabies shall be disposed of in such a manner as the Bureau of Health may direct.

D. Animals Dying of Rabies

Any person killing an animal that is rabid or suspected of being rabid, or any person having knowledge that an animal has died of rabies, or is suspected of having died of rabies, shall report the facts and the whereabouts of the animal to the Bureau of Health, which will determine the disposition of the animal's remains. (12450 §1 1/21/81)

700.07 RECLAIMING SEIZED ANIMALS; FEES; DISPOSITION OF UNCLAIMED ANIMAL

A. Notification

The City Official who has seized an animal under the provisions of this Article shall see that the same is properly kept and fed and if ownership of such animal can be ascertained, the City Official shall immediately give notice of such seizure by registered mail to the owner of said animal to claim such animal within ten (10) days from the receipt of the notice.

B. Reclaiming

The owner of the animal so seized and detained may reclaim the same by:

1. Paying all expenses incurred in feeding and boarding the animal at a prevailing rate established by the Humane Society or other similar organization at which the animal is detained.
2. Paying an impoundment fee of Five (\$5.00) Dollars;
3. Paying any fines levied due to the violation of this article; and
4. Providing proof of compliance with Article 701.04 of this article.

C. Disposition

Any animal seized and detained by the City Official which has not been claimed by its owner can be given to the humane society or another similar organization or destroyed by such City Official in a humane manner. (12450 §1 1/21/81)

700.08 SUMMARY DESTRUCTION OF ANIMALS FOR HUMANE REASONS

When in the judgment of the City Official, it is determined at the scene of an accident that an animal is injured beyond any medical help, such animal may be humanely destroyed. (12450 §1 1/21/81)

700.09 SLAUGHTERING OF ANIMALS

The slaughtering, killing or dressing of animals such as but not limited to cattle, sheep, swine, goats, horses, rabbits or poultry shall not be allowed in the City except at places authorized by state or federal government agencies. This provision is not intended to apply to wild animals or fishes taken in conformance with applicable game and/or fish laws. (12450 §1 1/21/81)

700.10 BURIAL OR CREMATION OF DEAD ANIMALS AND FOWL

The owner of any animal or fowl which has died when said owner knows of such death shall forthwith have its body cremated or buried, or otherwise disposed of in a manner acceptable to the City Official. Should the owner of any dead animal or dead fowl fail to comply with the provisions of this article and after forty-eight (48) hours of written notice delivered to such owner by the City Official, said City Official shall be authorized to cause any dead animal or fowl to be cremated or buried at the expense of said owner. (12450 §1 1/21/81)

700.11 KENNELS AND PET SHOPS

A. Location

Kennels and Pet Shops shall not be permitted in residential areas as defined in Article 1325, 1327, 1329, 1331, and 1332 of the City's Codified Ordinances. Kennels and Pet Shops shall be permitted in other zones of the City as defined in Part Thirteen, Zoning Code, of the City's Codified Ordinances so long as they meet all those zones' requirements. This Section shall not relieve any person from meeting the requirements of the Zoning Ordinance.

B. Minimum Standards

1. Feeding

All kennel and pet shop animals shall be provided with sufficient, wholesome food and water which is free from contamination. Such food and water shall be of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of each animals and to assure the proper health of each animal.

2. Health of the Animals

(a) All kennel and pet shop animals shall have fresh water available at all times. Water vessels shall be of the removable type and shall be mounted or secured in a manner that prevents tipping.

(b) Sick or diseased animals in a kennel or pet shop shall be properly cared for and isolated at all times from any healthy animal kept in a kennel or pet shop and shall not knowingly be sold while sick or diseased, and shall be kept segregated so as to prevent the illness or disease from being transmitted to any other animal or individual.

(c) No condition shall be maintained or permitted to exist that is knowingly injurious to the health of any animal.

(d) Adequate exercise shall be provided to assure the good health of each animal.

(e) All kennel and pet shop animals shall be segregated on the basis of size and sex except in the case of immature animals or in the case of animals deliberately placed together for breeding purposes.

3. Buildings and Enclosures of Kennels and Pet Shops

(a) All kennel and pet shop buildings and enclosures shall provide adequate protection against weather extremes for each animal. The floors and walls of all such enclosures and buildings and the runs, shall be of a surface material to permit proper cleaning and disinfecting. Building temperatures shall be maintained at a temperature comfortable for each animal. Each such building shall provide adequate ventilation for each animal, and shall be kept clean, dry and in a sanitary condition with the use of a disinfectant. All animal waste and refuse must be removed daily and must be placed in tightly covered, impervious receptacles which must be removed every other day so as to prevent it from becoming a nuisance.

(b) Animals shall be maintained in quarters so as to prevent their escape.

4. Cages and Runs

(a) Each animal shall have sufficient space to stand up, lie down, and turn around without touching the sides or top of his cage.

(b) Cages are to be of a material and construction that allows for cleaning and sanitizing.

(c) Cage floors of concrete shall have a resting board or other adequate bedding.

(d) Runs shall be of sufficiently large size to provide an adequate exercise area, and shall provide adequate weather protection.

C. Compliance with Minimum Standards, Enforcement:

1. It shall be unlawful for the owner of any kennel to fail to comply with any of the minimum standards set forth in this article.

2. The City Official shall have the authority to inspect the premises of any kennel at a reasonable time and in a reasonable manner to assure compliance with the provisions of this article. When permission is refused or cannot be obtained, inspections shall be conducted upon obtaining a lawfully authorized warrant. (12450 §1 1/21/81)

700.12 ANIMAL HOUSING

A. Minimum Standards

1. Housing

It shall be unlawful for the owner or caregiver of any animal to house their animal in an unoccupied structure such as a garage or shed, with the exception of shelters that are normally considered to be dog or cat shelters, and the like, unless the provisions of two through five are met: (13266 §1 6/20/94)

2. Feeding

All animals shall be supplied with sufficient, wholesome food and water, free from contamination, and which food and water shall be of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of each animal and to assure the proper health of each animal.

3. Health of Animals

(a) Proper shelter and protection from the weather shall be provided at all times to assure that no animal is overcrowded or exposed to excessive heat or cold. Proper temperature for the well-being of each animal shall be maintained at all times.

(b) Adequate exercise shall be provided to assure the good health of each animal.

(c) No condition shall be maintained or permitted to exist that is knowingly injurious to the health of any animal.

4. Sanitation and Safety

(a) There shall be sufficient, clean, dry bedding to meet the needs of each animal. All animals and animal quarters shall be kept in a clean and sanitary condition and adequate ventilation shall be maintained.

(b) Animals shall be maintained in quarters so as to prevent their escape.

(c) No condition(s) shall be maintained or permitted to exist that is (are) injurious to the health of any person or in any way creates a public health hazard nuisance.

5. Compliance with Minimum Standards

(a) It shall be unlawful for the owner of any animal housing to fail to comply with any of the minimum standards set forth in this article.

(b) The City Official shall have the authority to inspect the premises of any animal housing at a reasonable time and in a reasonable manner to assure compliance with the provisions of this article. When permission is refused or cannot be obtained, inspections shall be conducted upon obtaining a lawfully authorized warrant. (12450 §1 1/21/81; 13277 §1 6/20/94)

700.13 KEEPING OF CERTAIN ANIMALS PROHIBITED

A. Wild or Exotic Animals Prohibited

No person shall keep a wild or exotic animal in any place other than a zoological park, veterinary hospital or clinic, humane society, or circus, sideshow, amusement show or facility used for educational or scientific purposes, which provides proper cages, fences and other protective devices adequate to prevent such animal from escaping or injuring the public.

B. Sale, Exchange, Adoption, Exchange or Transfer of Wild or Exotic Animals Prohibited

No person shall sell, offer for sale, adoption, exchange or transfer, with or without charge any wild or exotic animal. This section is not intended to apply to persons owning or possessing wild or exotic animals prior to the passage of this article provided that the person or persons taking possession of such wild or exotic animal following said sale, adoption, exchange or transfer is/are not a resident of the City of Allentown.

C. Keeping Farm Animals Prohibited

It shall be unlawful for any person to keep or maintain any cattle, swine, sheep, goats or fowl in the City except at such places as are provided for slaughtering or laboratory purposes. This provision is not intended to apply to the Lehigh County Agricultural Society and its activities at the Allentown Fair.

D. Disposition and Impoundment

Any person who keeps a wild or exotic animal or prohibited farm animal in contravention of this article may dispose of the animal by removal of the animal from the City or by giving the animal to the City Official. The City Official is authorized to release the animal to the wild, to a zoological park, or to dispose of the animal in some humane manner.

700.14 TRAINING AND USE OF GUARD AND SENTRY DOGS

A. Training of Guard or Sentry Dogs

Use of dogs which show evidence of brutalization, drugging or medication used to induce viciousness or have been tampered with physically, e.g., the filing of teeth or being fitted with collars or harnesses that cause physical discomfort or undue fear is prohibited. The City reserves the right to have the animal certified, prior to use, as a properly trained animal by the City Official.

B. Housing of Guard and Sentry Dogs

1. Minimum Standards

(a) Runs must have six (6') foot high fences completely surrounding them to which are to be added to the top anti-climbers or the top must be completely covered.

(b) All gates and entrances to the runs, kennel and training areas must be locked when not in use.

(c) A perimeter fence at least eight (8') feet high must be installed to encircle the training and kennel area to which are to be added anti-climbers, and fences must be maintained escape proof.

(d) A dog in training as a guard or sentry dog must at all times be confined to its kennel or run, unless it is under control of its trainer.

C. Use of Guard or Sentry Dogs; Exemption

Owners, handlers, renters or anyone except sworn police officers who engage in the use of guard or sentry dogs shall comply with the following:

1. Have each dog used for guard or sentry use tattooed with an identification number. The description and tattoo number of each dog shall be registered with the City Official prior to its being used within the City.

2. Have a substantial collar of a bright reflective orange (International Orange), at least one (1") inch wide, to which is attached a metal tag imprinted with the name, address and telephone number of the owner or custodian. Such a collar shall be on the dog at all times.

3. Notify the City Official of the name, address, and location of place, property, or premises where the dog is posted and the hours during which the dog will be there. A duplicate copy of this information shall be transmitted by the City Official to the City's Communication Center where it will be available for use of the Communication Center operators.

4. Clearly post the area within which the dog is confined with notices, located at all public entrances, that a guard or sentry dog is on the premises. Signs shall be constructed of weather-proof materials with lettering at least two (2") inches in size and of contrasting colors that are distinctive and attract attention.

5. Insure that the area within which the dog is confined affords shelter and water and that it is escape proof.

D. Compliance with Minimum Standards

It shall be unlawful for the owner or operator of any organization using guard dogs to fail to comply with the minimum standards set forth in this article. (12450 §1 1/21/81)

700.15 POWER TO PROMULGATE RULES AND REGULATIONS

The City Official with the Mayor's approval may promulgate such written rules and regulations as may be reasonably necessary for the administration of the provisions of this article. (12450 §1 1/21/81)

700.16 INTERFERENCE WITH CITY OFFICIAL

Any person interfering with the Animal Control Officer, any Police Officer or any authorized inspector in the enforcement of this article shall be guilty of a violation of this article. (12450 §1 1/21/81)

700.17 UNLAWFUL RELEASE OF SEIZED ANIMAL

Any person who shall take away, or attempt to take away, or who shall cut or attempt to cut the leash of any animal from the possession and custody of the Animal Control Officer, any Police Officer or any Health Officer of the City shall be guilty of a violation of this article. (12450 §1 1/21/81)

700.18 CRUELTY TO ANIMALS

It shall be unlawful for any person:

1. To overdrive, overload, overwork, torture, beat, mutilate, kill needlessly, carry in a vehicle in an inhumane manner or otherwise mistreat any animal.
2. To fail to provide any pet or animal with proper food, drink, protection from the weather and veterinary care.
3. To abandon any pet or animal.
4. To intentionally poison any pet or animal.
5. To allow or promote any fight between animals or to allow or permit any such fight in or upon any premises in his possession or under his/her control.
6. In the event the City Official or other authorized agency finds animals in neglected or suffering conditions, it shall have the right forthwith to remove or cause to be removed any such animals to a safe place for care at the owner's expense, providing that the owner is properly notified. Return to the owner shall not be permitted until the owner has made full payment for expenses incurred. Said payment shall not be considered in lieu of criminal charges which may be filed. (12450 §1 1/21/81)

700.95 POWERS OF THE BOARD OF HEALTH

Pursuant to the powers and duties as may be granted to it by law, statute or ordinance, the Board of Health of, and on behalf of the City, shall have the power to prevent, abate or remove as nuisances such conditions found by it to be in violation of this article or detrimental to the public health. (12615 §4 8/15/84)

700.96 SEVERABILITY OF PROVISIONS

The provisions of this Code are severable and if any provisions of this Code is held unconstitutional or illegal, the remaining provisions of this Code shall in no way be affected or impaired.

700.97 ENFORCEMENT

- A. The provisions of this Article shall be enforced by the Animal Control Officer, police officers, or any other authorized inspector.
- B. Any violation of the provisions of this Article may be cause for a citation, a violation ticket and/or a notice of violation to be issued to the violator.
- C. A notice of violation or violation ticket shall be served upon a violator by handing it to the -violator, by handing it at the residence of the person to be served to an adult member of the household or other person in charge of the residence, by leaving or affixing the notice or violation ticket to the property where the violation exists, by handing it at any office or usual place of business of the violator, to his/her agent or to the person for the time being in charge thereof, or by mailing the notice to the violator's address of record.
- D. Each day a violation continues or is permitted to continue may constitute a separate offense for which a separate fine may be imposed.
- E. A public officer is authorized and empowered to cause a violation to be corrected.
- F. If the City has effected the correction of the violation, the cost thereof may be charged to the owner of the property, tenant or offending party. The cost shall be determined by the Director of Community Development or designee in order that the City shall be compensated for both direct and indirect costs and expenses incurred. (14455 §1 10/6/06)

700.98 VIOLATION TICKET APPEALS PROCESS

- A. A person in receipt of a violation ticket may appeal to the City by filing a request within ten (10) days of receipt of the violation ticket.

B. A Hearing Officer, designated by the Director of Community Development, may uphold the Appeal, deny the Appeal or may modify the violation ticket and/or any associated costs, fines or penalty amounts. (14455 §1 10/6/06)

700.99 FINES AND PENALTIES

A. Violation Ticket Fines

1. Violation tickets shall be issued in the amounts of Twenty-five (\$25) Dollars or One Hundred (\$100) Dollars.

2. Any person who receives a violation ticket for any violation of this Article, may within ten (10) days, admit the violation, waive a hearing and pay the fine in full satisfaction of twenty-five (\$25) dollars or one hundred (\$100) dollars, as indicated on the violation ticket.

B. Violation Ticket Penalties

1. If the person in receipt of a twenty-five (\$25) dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a ten (\$10) dollar penalty for days eleven (11) through twenty (20).

2. If the person in receipt of a one hundred (\$100) dollar violation ticket does not pay the fine or request a hearing within ten (10) days, the person will be subject to a twenty-five (\$25) dollar penalty for days eleven (11) through twenty (20).

3. Failure of the person to make payment within twenty (20) days shall make the person subject to a citation.

C. Citation Fines

Any person, firm or corporation who shall fail, neglect or refuse to comply with any of the terms or provisions of this Article or of any regulation or requirement pursuant hereto and authorized hereby shall, upon conviction, be ordered to pay a fine not less than Fifty (\$50.00) Dollars, nor more than One Thousand (\$1,000) Dollars on each offense or imprisoned no more than ninety (90) days, or both.

D. Restitution

The Magisterial District Judge may order the violator to make restitution to said real or personal property owner. (14455 §1 10/6/06)