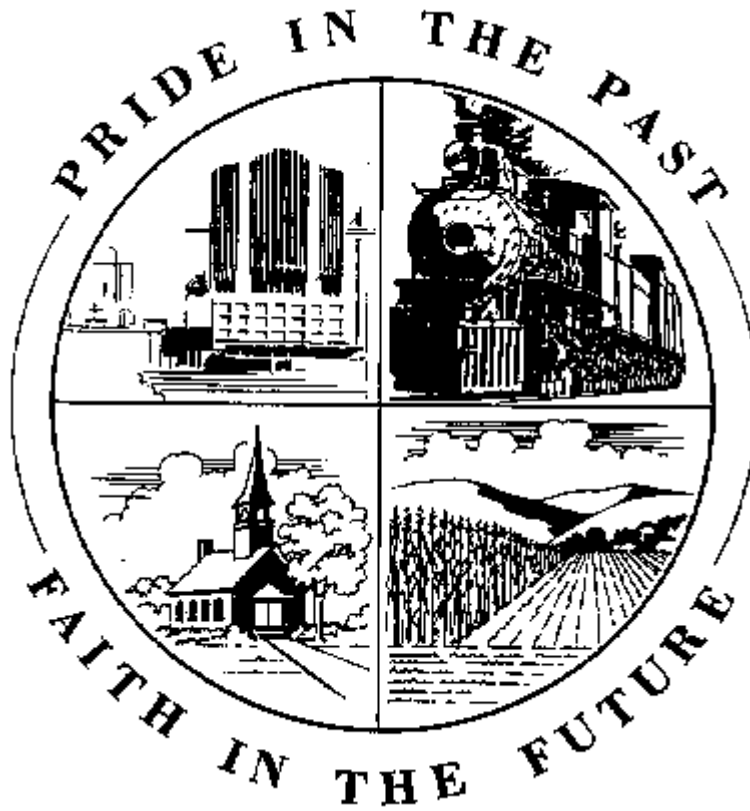


CITY OF CLEVELAND

ANIMAL CONTROL CODE



March 1, 2011

BILL NUMBER: 436

Ordinance Number 011-001

EFFECTIVE DATE: March 1, 2011

Bill Number: 436

Ordinance Number: 011-001

AN ORDINANCE TO REPEAL PREVIOUS ANIMAL CONTROL ORDINANCES AND TO ADOPT AN ANIMAL CONTROL CODE. BE IT ORDAINED BY THE BOARD OF ALDERMAN OF THE CITY OF CLEVELAND, MISSOURI, AS FOLLOWS:

Section 1. That the Animal Control Code, attached hereto as Exhibit A and incorporated herein by reference, is hereby adopted as the Animal Control Code of the City of Cleveland and that the animal control ordinances listed in the attachment hereto as Exhibit B and incorporated herein by reference are repealed.

Section 2. That nothing in this ordinance or in the *Animal Control Code* hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any right acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 3. That this ordinance shall take effect and be in force from and after its approval as required by law.

Duly read two (2) times, and approved this 1st day of March 2011.

Patricia A. Masterson Mayor

Approved this 1st day of March 2011.

Patricia A. Masterson Mayor

ATTEST:

Tasneam Nawaz, City Clerk

Votes:

Ayes; Ackermann, Aksamit, Campbell, Muller, Smith

Nays; 0

Absent; 0

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Article I - General

Sec. 1-1. Definitions.

The following terms as used in this Code shall be deemed to have the following meanings:

Adequate Care: Normal and prudent attention to the needs of an animal, including that care which is normally necessary to maintain good health in a specific species of animal.

Adequate Food: Wholesome foodstuffs suitable for the species provided at suitable intervals in a sanitary manner in quantities sufficient to maintain good health in an animal considering its age and condition.

Adequate Health Care: The provision to assure all immunizations and preventative care required to maintain good health; space adequate to allow the animal rest and exercise sufficient to maintain good health; and provision to each sick, diseased or injured animal of necessary veterinary care or humane death.

Adequate Shelter: A structurally sound, properly ventilated, sanitary and weatherproof shelter suitable for the species, condition and age of the animal which provides access to shade from direct sunlight and regress from exposure to inclement weather conditions. The condition of the shelter should be such as to not exacerbate existing weather conditions, e.g. a metal dog house in the hot sun.

Adequate Water: A continual access to or access at suitable intervals to a supply of clean, fresh, potable water provided in a sanitary manner suitable for the species, condition and age of the animal in sufficient amounts to maintain good health in the animal. Such water will be provided in a secure manner so that the container cannot be overturned.

Animal: Any live vertebrate creature, domestic or wild other than humans.

Animal Control Officer: The duly appointed person who is designated to enforce ordinances related to animal control; i.e. Animal Control Officer, City police officer, any other City employee, or City official.

Animal Shelter: The facility or facilities designated by the Board of Aldermen of the City of Cleveland, Missouri, for the purpose of impounding or harboring seized, stray, homeless, abandoned, or unwanted animals held under the authority of this Code or State law.

At-Large: Any animal shall be deemed to be at-large when it is off the property of its owner and not under the control of a responsible person.

Commercial Animal Establishment: Any pet shop, grooming shop, boarding kennel, sentry or guard dog service, animal trainer, business keeping animals in stock for retail or wholesale trade, or any establishment performing one (1) or more of the principal activities of the aforementioned establishments.

Commercial Kennel: Any persons, group of persons or corporations engaged in the commercial business of breeding, buying or selling or boarding dogs and pets.

Confinement: Confinement or confined as used in this Code shall mean constant and continuous, sole and segregated, physical enclosure of the animal.

Control: Under immediate and effective restraint of a responsible person, to include leashes and voice control.

Dog: Any member of the canine family.

Domestic Animal: Any animal of the species of a horse, mule, ass, cattle, swine, sheep, goat, alpaca, llama, poultry, fowl, American bison, used or raised, generally on a farm, especially those kept for profit.

Exotic Animal: Any animal which, when in its wild state, is capable, while at large, of inflicting serious physical harm upon human beings including, but not limited to the following:

- (a) Apes, monkeys and related forms.
- (b) Poisonous reptiles, amphibians and other poisonous animals including poisonous spiders and insects.
- (c) Any deadly or dangerous snake or reptile over eight (8) feet in length.
- (d) Cats from the wild family, including, but not limited to, bobcats, cheetahs, cougars, jaguars, leopards, lions, lynxes, mountain lions, panthers, pumas, tigers.
- (e) Non-domesticated, carnivorous animals including hybrid crosses of non-domesticated carnivorous animals, including, but not limited to, raccoons, opossums, skunks, foxes, coyotes, wolves, etc.
- (f) Crocodylia, including, but not limited to, crocodiles and alligators.
- (g) Piranha fish over four (4) inches in length.
- (h) Chondrichthyes, including, but not limited to, sharks over 12 inches in length.
- (i) Struthio, including, but not limited to, ostriches.
- (j) Proboscidea, including, but not limited to, elephants.

- (k) Perissodactyla, including, but not limited to, rhinoceros and other animals with an odd number of toes (not horses or donkeys or mules).
- (l) Artiodactyls, including, but not limited to, camels and other hoofed mammals with an even number of toes (not cattle or swine or sheep or goats).
- (m) Birds of prey, including, but not limited to, eagles, hawks, falcons, buzzards.
- (n) Ursidae, all bears.
- (o) Edentates, including, but not limited to, anteaters, sloths, armadillos.
- (p) Viverridae, including, but not limited to, mongoose, civets, and genets.

Exposed to Rabies: Any animal, whether licensed or vaccinated for rabies or not, which has been bitten by, or fought with, or has come in close contact with an animal showing symptoms of rabies.

Fowl: Includes hens, pullets, roosters, turkey hens, gobblers, ducks, drakes, pigeons, geese or other poultry.

Harboring: Any person who offers asylum, refuge, or sanctuary to any animal on a basis so temporary as to not be deemed to be owning or keeping shall be deemed to be harboring.

License Tag: Any form of numbering system used for the animal identification approved by the Board of Aldermen.

Livestock: See Domestic Animal

Owning or Keeping: Any person who feeds or shelters any animal for five (5) or more consecutive days or who professes ownership of such animal shall be deemed to be owning or keeping.

Primary enclosure: Any structure used to immediately restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, compartment, pool or hutch.

Public Nuisance: Any animal or group of animals which:

- (a) Molests any passerby or chases passing vehicles including bicycles.
- (b) Attacks any other animal.
- (c) Is in heat and not properly confined.
- (d) Is at large in violation of Section 2-2.

- (e) Damages public or private property.
- (f) Barks, whines, howls, meows, crows or creates any other disturbance which is continuous or untimely so as to disturb an individual who is a neighbor (a neighbor for this purpose is hereby defined as an individual residing in a residence structure which is within one hundred (100) feet of the property on which the animal is kept or harbored) and who does in writing state that he will so testify if called upon to testify about such matter under oath.
- (g) Causes injury to a person or persons.
- (h) Threatens or causes a condition which endangers public health or safety.
- (i) Impedes refuse collection by ripping any bag or tipping any container of such.

Puppy: Any member of the canine family less than six (6) months of age

Sanitary: Clean and free from infectious or deleterious influences.

Veterinary Medical Care Facility: A facility which has the primary function of providing medical care for animals and is operated by a currently licensed veterinarian.

Wild Animal: Any animal which is predominantly free-roaming as opposed to domesticated.

Sec.1-2. Domestic animals or fowl running at large

It shall be unlawful for any person possessing, owning or otherwise having under his custody or control any domestic animal or fowl of any kind to permit the same to run at large in or upon any of the streets and public places or upon the land of any person in the City or tether the same in such a way that such animals or fowl may go across or upon any of such places.

Sec. 1-3. Keeping of stallion or jack

It shall be unlawful within the City for any person to keep any stallion or jack.

Sec. 1-4. Keeping of goats, horses, or other forms of livestock

No person shall keep a cow, bull, mare, horse, goat, or sheep or other domesticated livestock within the city of Cleveland except in those areas zoned as Agricultural or Rural Residential.

No person shall keep a cow, bull, mare, horse, goat, or sheep in an outdoor enclosure or pasture, the exterior boundary of which is within 100 feet of any residence, business or other such structure intended for human habitation on a permanent or temporary basis. The pen, pasture or enclosure in which such animals are kept shall provide an area of at least 900 square feet for each such animal. This Section shall not apply to animals kept in the conduct of commercial enterprise or business at locations where such enterprise or business is permitted. Any such animals kept within the City prior to the effective date of this Code shall be permitted to remain in similar number and kind.

All horses and livestock shall be kept under the control of the owner at all times when off the premises of the owner.

Every person riding a horse upon a City street or roadway shall ride as near to the right- hand side of the street or roadway as practicable, exercising the highest degree of care when passing a standing motor vehicle or one proceeding in the same direction, and shall ride single file when practicable and shall not ride at a greater speed than is reasonable and prudent unto the conditions then and there existing. No person shall ride a horse at nighttime on a City street or roadway.

All livestock upon a City street or roadway shall be under the control of its owner, and its owner shall keep livestock as near to the right hand side of the street or roadway as practicable, exercising the highest degree of care when passing a standing motor vehicle or one proceeding in the same direction, and shall not have the livestock upon the streets or roadways at nighttime.

No person shall ride a horse upon the sidewalks, nor drive livestock upon the sidewalks within the City limits.

The Mayor or his/her designee is authorized to erect or have erected signs on any sidewalk, street or roadway prohibiting the riding of horses thereon by any person or the driving of livestock thereon by any person, and when such signs are in place no person shall disobey the same.

Sec. 1-5. Keeping of hogs, swine or pigs – Prohibited (Exception pot-bellied pigs)

No hogs, swine, or pigs (except pot-bellied pigs noted below) shall be kept within the City under any conditions.

Pot-bellied pigs:

Domesticated pot-bellied pigs may be kept in residentially zoned areas of the City provided that males over the age of four (4) weeks and females over the age of 120 days are neutered and adult pigs do not exceed 95 pounds in weight. All such animals must be of proven pure-bred lineage, and the owner must be able to produce litter papers to verify pedigree. In addition, pot-bellied pigs over the age of 120 days must be registered and licensed as required of dogs. Fees for such licenses will be the same as required for dogs and must be obtained from the City Office, who must receive a certificate of immunization from a licensed veterinarian that such pot-bellied pig has been vaccinated against pseudo-rabies prior to issuing such license. All sections of this Code relative to dogs running at large shall be applicable to pot-bellied pigs.

Sec. 1-6. Keeping of rabbits, chickens, ducks, turkeys, fowls or other domestic small animals

No person shall keep rabbits, chickens, ducks, turkeys, and fowls in such numbers as to create a health or unsanitary condition. Sections 1-11 and 1-12 of this Code shall apply to the keeping of such animals.

Sec. 1-7. Confinement of livestock, fowl or small animals within the City

Every person owning land within the City upon which livestock are kept or permitted to be kept by the landowner shall confine or restrict such livestock, fowl, or small animals at all times to such property. Failure to so confine or restrict livestock, fowl, or small animals kept or permitted to be kept in the City shall be a misdemeanor.

Sec. 1-8. Cleanliness of barns, sheds, hutches, pens, or yards

Every stable, barn, building or other structure where livestock are kept or maintained shall be maintained in a clean and sanitary condition at all times, devoid and free of any objectionable odor, smell or stink and rodents and vermin, and such structure shall be provided with a watertight and flytight receptacle for manure or refuse, which shall be emptied sufficiently to prevent it from becoming a nuisance. Such receptacle shall be kept securely covered at all times, except for removal. When removed, such manure and refuse shall be buried with a covering of

not less than eight (8) inches of dirt, or if used as a fertilizer, shall be thoroughly spaded into the ground or shall be removed from the property.

Sec. 1-9. Loading and transporting of livestock and fowl

No person shall, within the City, load, unload or transfer from one vehicle to another vehicle any hogs, sheep, cattle or other livestock or fowl in any public place, street or roadways. No person shall park or stand any vehicle in which hogs, sheep, cattle or other livestock are loaded on any public place, street or roadway or any unenclosed private premises for a longer period than one (1) hour. Nothing continued in this Section shall prohibit loading, unloading or transferring of hogs, sheep, cattle or livestock or fowl at any established and maintained stockyard, slaughterhouse, or sale barn or in any unenclosed building.

Sec.1-10. Possession and sale of exotic or wild animals - Prohibited

No person or corporation shall possess, house, shelter, pen, sell or offer for sale within the limits of the City of Cleveland, any exotic animal as defined in Article I, Section 1-1 Definitions hereof.

It shall be unlawful for the owner, possessor, or any other person in control of a lot, tract, or parcel of land within City limits or any residence or business premises situated thereon to knowingly permit any other person to be in possession of an exotic animal upon the property, residence or premises.

Any animal that is determined by an Animal Control Officer or Police Officer to be an exotic and/or wild animal and is found inside of the City limits of Cleveland shall be immediately impounded (Article III).

Section 1-10 shall not apply to the following:

- (a) What is commonly known as a "pocket pet", including, but is not limited to ferrets, guinea pigs, gerbils, mice, hamsters, chinchillas, rabbits, sugar glider, domestic rats and hedgehogs.
- (b) Non-poisonous reptiles and amphibians, which are commonly considered pets, including, but not limited to green iguanas, chameleons, turtles, frogs, bearded dragons and small snakes, kept in a secure enclosure.
- (c) Small to large caged birds, including but not limited to parrots, cockatoos, cockatiels.

- (d) The animal shelter or any agent or official thereof, acting in an official capacity.
- (e) Any agency or official of the Federal, State, or local government, acting in an official capacity.
- (f) Circuses and performing animal exhibitions with current city exhibitors permit.
- (g) State universities, other state agencies, medical research facilities, and local schools working with wild or exotic animals for teaching or research purposes only.
- (h) Licensed veterinarians tending to injured or sick wild and/or exotic animals.
- (i) Zoological parks and aquariums that are accredited by the American Association of Zoological Parks and Aquariums.
- (j) Wildlife rehabilitations who are in compliance with City Zoning Code and possess a valid City, State and Federal permit for capture and possession of injured, infirm, orphaned wild animals for the purpose of treatment and release.

The Animal Control Officer is authorized to release any endogenous wild and/or exotic animal, which has been deemed capable of survival in the wild and approved by an official of the Missouri Department of Conservation.

A wild and/or exotic animal possessed or maintained in violation of this Code may be subject to euthanasia if any of the following exigent circumstances are deemed to exist by the Animal Control Officer and/or any Police Officer:

- (a) The wild and/or exotic animal presents an imminent likelihood of serious physical harm to the public and there is no other reasonably available means of abatement; or
- (b) There is no reasonable basis to believe that the violation can be or in good faith will be corrected and after reasonable search or inquiry by the Animal Control Officer no facility as authorized by local, State or Federal law is available to house the exotic animal; or
- (c) The wild and/or exotic animal suffers from a communicable disease injurious to other animals or human beings; provided that this section shall not apply if the animal is under treatment by a licensed veterinarian and may reasonably be expected to recover without infecting other animals or human beings.

Any wild and/or exotic animal impounded under the provisions of this Article and not reclaimed by the owner within five (5) days may be humanely destroyed by a veterinarian or a qualified person designated by the City by injection of a substance that is considered to be humane, or released to a zoological park or to any other person or agency deemed appropriate.

Any person desiring to possess a wild or exotic animal within city limits may apply in writing for an exception to the Animal Control Officer. The Animal Control Officer will research the possibility of an exception and then forward the request to the city within ten (10) working days.

The Board of Aldermen shall then be responsible to review the application and approve or decline the application. A person desiring to possess a wild or exotic animal which is prohibited under this Section shall have the right to request a hearing before the Board of Aldermen. The hearing shall take place at the Board of Aldermen's next regularly scheduled meeting. The decision of Board of Aldermen shall be the final decision.

In the event a wild or exotic animal escapes from the custody of the owner and/or possessor, the owner and/or possessor shall, upon conviction, shall be fined according to the provisions of the Article VIII of this Code.

Sec. 1-11. Cruelty to or mistreatment of animals

A person commits an offense if he/she intentionally or knowingly tortures or seriously overworks an animal; fails unreasonably to provide necessary food, care, or shelter for an animal in his/her custody; abandons unreasonably an animal in his/her custody; transports or confines an animal in a cruel manner; kills, injures, or administers poison to animals belonging to another without legal authority or the owner's effective consent; causes one animal to fight with another; or treats any animal in an inhumane or improper manner or exercises any control over an animal inconsistent with rights of ownership of the animal.

No owner or keeper of an animal shall fail to provide the animal with adequate care, adequate food, adequate water, adequate health care, and adequate shelter. Such shelter should be clean, dry, shaded and compatible with the condition, age and species.

An animal must also have the opportunity for adequate daily exercise as determined by the Animal Control Officer. The area where animals are kept must also be kept free from unsanitary conditions, vermin-harboring debris, junk or any other dangerous protuberances which can provide an opportunity for injury or a danger to the animal's health. Any owner, keeper or harbinger of an animal in this City by the act of owning, keeping or harboring such animal does thereby authorize the Animal Control Officer to enter the yard where such animal is kept, if the Animal Control Officer reasonably believes that the animal is kept in an unlawful, negligent, cruel, abusive or inhumane manner, and to examine such animal and to seize and impound such animal at an animal shelter when, in said examiner's opinion, it is being kept in an unlawful, negligent, cruel, abusive or inhumane manner. If an Animal Control Officer cannot view and observe the animal in plain sight, the owner, keeper or harbinger, upon request, must exhibit for inspection any and all animals which are not in plain sight but are on or inside the premises.

No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate or permit any dogfight, cockfight, or other combat between animals or between animals and humans. Any animal so used shall be seized, impounded and promptly humanely destroyed. In addition, no person shall place or attempt to place an animal in an enclosure or in any other place for the purpose of fighting or combat. Nor shall any person attend such unlawful exhibition or be umpire, judge or spectator at such.

Sec. 1-12. Humane treatment of animals

No person shall collect, purchase or solicit dogs, cats, or other domestic animals for resale to serum plants, laboratory supply houses, or for other experimental, research teaching purposes. The provisions of this Section shall not be applicable to pet shops or commercial kennels.

Sec. 1-13. Animals damaging property

No person shall own, keep, or harbor any animal which does damage to shrubs, gardens or property.

Sec. 1-14. Trapping

No person shall or attempt to, kill, wound, injure any animal or bird except that the owner, tenant or authorized agent of real estate in the City frequented by animals or birds which would deprive the owner of full enjoyment of such property or real estate, may by humane methods, trap such animals or birds. No traps shall be set in any manner that could in any way unreasonably jeopardize the life or health of any person.

The City Board of Alderman may at times authorize licensed trappers to trap beavers, muskrat and other animals at the City Lake that are damaging the area.

Sec. 1-15. Defecation on public or private property prohibited

It shall be unlawful for any person owning or in control of any animal to permit or allow such animal to defecate upon any public property or private property of another unless such person shall remove immediately all feces so deposited by such animal and dispose such feces in an appropriate trash receptacle.

Sec. 1-16. Powers of Mayor to declare emergency

In the event that the Mayor determines that rabies or other contagious disease control emergency exists, he/she shall so declare to issue emergency regulations and take all steps necessary within the provision of this Code and State law to abate the threat. Such emergency steps and regulations shall be in effect only during the period of the declared emergency.

The Mayor is also hereby empowered to issue standing regulations for rabies and contagion control that he/she finds necessary to protect the public health which standing regulations shall be filed with the City Clerk. Such regulations shall be in keeping with the United States Public Health Service guidelines and Missouri State Law.

Sec. 1-17. Abandonment of an animal within the City

The abandonment of any animal within the corporate limits of this City is hereby prohibited. It shall be unlawful for any owner or keeper to abandon any animal. For the purpose of this Section, "to abandon" includes but is not limited to any instance where the owner or keeper leaves an animal without demonstrated or apparent intent to recover or to resume custody; or leaves an animal for more than 12 hours without providing for adequate food, water and shelter for the duration of the absence; or turns out or releases an animal; or dumps or releases an animal from a vehicle.

Sec. 1-18. Turning out animals to cause impounding

No person shall turn loose from any pen or enclosure any animal for the purpose of causing the same to be impounded.

Sec. 1-19 – 1-30. Reserved

Article II - Small Animals

Sec. 2-1. City License and Rabies' Vaccinations/Rabies Tags

Every person owning, keeping, harboring or permitting a dog, six (6) months or older to remain on his premises is required to have the animal vaccinated annually with an anti-rabies vaccine by a licensed veterinarian. Every such person owning or controlling such animal shall be required to display on the animal the metallic tag issued by the veterinarian showing the animal has a current vaccination and shall see that the tag is worn constantly. This Section shall not apply to an animal whose owner is a non-resident, temporarily in the City not to exceed 30 days, nor to "leader", seeing-eye dogs or other animals which have been vaccinated and are trained and actually used to assist a handicapped person. No person shall remove or cause to be removed the tag from any animal without consent of the owner or keeper thereof.

It shall be the duty of every person owning, keeping or harboring in the City any dog over 180 days old to procure a license therefore from the City Office. The receipt issued for the license shall constitute a certificate of registry and evidence of licensure for the keeping of such dog within the City. A delinquent fee of ten dollars (\$10.00) will be assessed for any license purchased after the required date of licensure (month of January each year). The license or identification issued by the City shall be attached to the collar of the animal for which it was issued.

For the issuance of each dog license required by this Section, the owner or keeper shall pay to the City the sum of \$5.00, except that when any such owner, keeper, or other applicant for such license shall submit such proof as may be required by the Animal Control Officer that a dog is fully trained as a "seeing-eye dog" or a "hearing dog" and is regularly used in the service of a blind or deaf person or that a dog is owned by a governmental unit, then such license shall be issued without the payment of such fee.

The licensure evidenced by the certificate of registry shall entitle an owner or keeper to keep the licensed dog in the City until the 31st day of December. All licenses shall be issued for the calendar year and shall be due on January 1 and delinquent after January 31.

Before any license or tag for a dog is issued, the owner or keeper thereof shall file with the City Office a certificate from a licensed veterinarian showing that within 365 days the dog was immunized against rabies.

The Animal Control Officer shall keep a record giving the name and address of the owner or keeper of each licensed dog and the number of the dog tag, together with a general description of the dog.

A replacement license tag shall be furnished by the City Office to any such owner or keeper upon application satisfactory to the City Office and payment of one dollar (\$1.00).

Sec. 2-2. Dogs At-Large

It shall be a violation of the Animal Control Code of the City of Cleveland, Missouri, for an owner or keeper of a dog to permit such dog to be found running at-large, which is defined to mean off the premises of the owner and not under the control of the keeper, owner, or responsible member of the household. A dog is under control if it is under the immediate and effective restraint of a responsible person by means of a leash attached to its collar or harness and said leash is directly controlled by the keeper or owner. This section shall not apply to law enforcement personnel working with any police K-9. A legally blind person using a "seeing eye dog" in the customary manner shall be deemed to be in compliance with this Section.

Sec. 2-3. Penalty for dogs at-large

Any dog found running at-large within the City will be humanely handled and captured by the Animal Control Officer, or other appropriate officer, and returned to the person making claim for the dog. The person making claim for the dog shall be considered the owner or keeper of said dog by virtue of the claim made, and may be cited for permitting a dog to run at-large. The offense is punishable as authorized by Article VIII of this Animal Control Code of the City of Cleveland, Missouri.

Sec. 2-4. Cats damaging shrubs, gardens and property

Feral cats in the City that do damage to shrubs, gardens or property or create a general nuisance will be humanely handled and captured by the Animal Control Officer, or other appropriate officer, or affected person and impounded per Article III, upon receipt of a signed complaint to the City. The city will make available humane box traps to be used by the complainant to apprehend such cats. A refundable deposit of \$5.00 will be required for use of such traps. The City will pick up all cats apprehended and handle them in accordance with Article III.

Sec. 2-5. Cats /Dogs per household.

No person shall own, keep, harbor, or have custody of more than four (4) cats per household over 120 days of age. No person shall own, keep, harbor, or have custody of more than four (4) dogs per household over 180 days of age.

Sec. 2-6. Animal bite procedures

- (a) Required confinement and notice of authorities: Any animal that shall bite any person or other animal, causing an abrasion of the skin, shall be immediately confined for a period of ten(10) days. It shall be the duty of the person owning, keeping, harboring or permitting any animal to be about his premises to notify the Animal Control Officer or City police immediately upon knowledge or notice that such animal has bitten any person or other animal and if such animal has been or will be delivered to a veterinarian.
- (b) Required immediate veterinarian examination: All animals subject to confinement will as quickly as practicable be transported by the owner or if the owner is unavailable or unwilling, by the Animal Control Officer to a licensed veterinarian for examination.
- (c) Home confinement: If upon examination the first offender animal is free of apparent signs of central nervous system disease and has received rabies vaccination more than 30 days

prior to the bite and not more remotely than one (1) year, or has received a vaccination more remotely than one (1) year and has a certificate from a licensed veterinarian certifying the continuing effectiveness of such vaccination, the owner with facilities to and who will assure the Animal Control Officer of his commitment to do so, will be permitted to confine the animal for ten(10) days conditioned upon his undertaking to have the animal examined by a licensed veterinarian on the tenth day, with reports of the examination to be made expeditiously to the Animal Control Officer or Police department. If in-home confinement an animal is not maintained in confinement, it will be picked up by the Animal Control Officer and confined in the facilities of a licensed veterinarian.

- (d) Veterinarian confinement: In all cases other than those described in Subsection (c) above, the animal will be confined in the facilities of the licensed veterinarian.
- (e) Payment of all veterinarian charges: All inspection confinement charges of the veterinarian will be paid by the person owning, keeping or harboring the animal. If the animal is not claimed by the owner at the end of confinement period, the animal will be impounded and the provisions of Article III followed.
- (f) Disposition of animal without quarantine observation - Prohibited: It shall be unlawful for any person with notice or knowledge that an animal owned, kept, harbored or permitted to remain about his premises has bitten any person, to dispose of such animal in any manner.
- (g) Death while confined; duty to notify Police department: The Animal Control Officer or a veterinarian or owner shall notify the Police department immediately of the death of any animal while under his observation or care. All animals which have bitten any person shall be secured in such a manner so as to prevent their biting other animals while such animal remains in the City pound or in the care of a veterinarian.
- (h) Destruction of dangerous animal prior to quarantine; laboratory examination of brain: If any dangerous, fierce or vicious animal cannot be safely taken up or impounded; such animal may be slain by any Police Officer In all cases where the animal that has bitten a person or caused an abrasion of the skin is slain by any Police Officer, whether by order of court or otherwise, and a period of less than 15 days has elapsed since the day upon which such animal bit any person or caused an abrasion of the skin of any person, it shall be the duty of the Animal Control Officer to cause to be delivered without delay, the head with brain of such animal to the State Division of Health Laboratory or other authorized laboratory for analysis.
- (i) Disposition of animal bitten or scratched by another animal: If an animal which has either not been vaccinated for rabies or has not received timely booster vaccinations for same is bitten or scratched by an animal adjudged to be rabid, such animal shall be forthwith destroyed or held under six(6) months quarantine by the owner the same manner as other animals are quarantined. If an animal which has been vaccinated for rabies is bitten or scratched by an animal adjudged to be rabid, such animal shall be given a rabies booster vaccination and shall be watched for abnormal behavior for a period of 30 days. If an

animal is bitten or scratched by an animal, and it is not known whether that animal is rabid, the bitten or scratched animal shall be quarantined for a period of six (6) months.

- (k) Disposition of animals after quarantine: Any animal which becomes rabid during the period it is confined shall be killed, and the head with the brain of such animal will be delivered to the State Division of Health Laboratory or other authorized laboratory for analysis.

Sec. 2-7. Injury to humans

No person will own, keep, possess, or harbor an animal which has a history of inflicting to any human being injury on more than two separate incidents reported to the Animal Control Officer. No section of this Code shall be construed as preventing a person from exercising reasonable self-defense tactics to prevent an animal attack.

Sec. 2-8. Dogs, cats, or ferrets without current vaccination

It shall be unlawful for any person to own, keep, harbor or permit a dog, cat, or ferret on his premises that has not been vaccinated within one year immediately preceding the date of an alleged injury.

Sec. 2-9. Animals annoying humans by barking, howling, yelping, jumping , threatening, spreading garbage or attacking other domestic animals or fowl

No person shall own, keep or harbor any animal which, by loud, frequent or habitual barking, howling or yelping, shall annoy or disturb any neighborhood within 100 feet of the property or person, or by habitually jumping upon or threatening persons upon public streets shall cause persons thereon to be put in fear or injury or habitually spreads garbage or habitually attacks other domestic animals, pets or domestic fowl.

Sec. 2-10 to 2-20 Reserved

Article III – Impounding of Animals

Sec. 3-1. Impounding animals and fowls

Any animal or fowl found running at large or tied, staked, or pastured in, on or along any street, alley, railroad right-of-way, unenclosed land or public place in the City shall forthwith be taken up by the City and impounded in some secure place to be provided by the City. The City will utilize existing animal shelters or veterinary clinics in the surrounding areas for impoundment. Animals may be held overnight or on a weekend in cage(s) at the City Hall garage and cared for by the City Animal Control Officer until moved to a shelter or clinic.

Sec. 3-2. Redemption of impounded animals

It shall be the duty of the City to make diligent search for the owner of any animal or fowl impounded and, when found, to notify him of such impounding; and thereupon such owner may reclaim the animal upon payment to the City or shelter of any expense and penalties fixed and prescribed.

Sec. 3-3. Disposition of Impounded Animals

Impounded dogs and other animals shall be kept for not less than five (5) days.

When an animal arrives at a shelter in so sick or injured a condition that in the judgment of the Animal Control Officer or a licensed veterinarian, human compassion requires that the suffering be promptly ended, in such instance said time period shall not apply and the animal will be humanely killed to prevent needless suffering.

The Animal Control Officer may, in lieu of having an unclaimed animal killed as provided herein, give such animal into the custody of any adult requesting custody (animal adoption) of such specific animal as a pet after viewing it, provided that in the judgment of the Animal Control Officer said person will humanely care for such animal and will not permit its use for laboratory or experimental purposes. The person, taking custody of the animal, will comply with the provisions of this Article and if such small animal is a dog or cat that is not spayed or neutered will agree to have such animal spayed or neutered within 30 days as outlined in Section 273.400 of the Missouri Revised Statutes of the State of Missouri. However, the provisions regarding laboratory or experimental purposes shall not apply to dead animals.

Any dog running at-large within the City of Cleveland, Missouri whose owner or keeper cannot be found, or not wearing a collar bearing a metallic rabies tag as provided and described in Section 2-1 shall be captured by the Animal Control Officer or other appropriate officer, and impounded. When a dog is found running at-large and its ownership is known to the Animal Control Officer, such dog shall be returned to the owner.

If an owner or keeper is present, in lieu of impoundment a general ordinance summons may be issued to that person and said person may retain possession of the animal if it is the belief of the

officer issuing such summons that such possession is not in conflict with any other section of this ordinance.

Every female dog in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that she cannot come in contact with another animal except for breeding purposes.

The Animal Control Officer may impound any animal found on public property, and if necessary a warrant may be obtained from the appropriate court enabling the officer to enter upon private property for the purpose of inspecting, caring for, or impounding neglected or abused animals as defined by Chapter 578 Sections 578.009 and 578.012 of the Missouri Revised Statutes of the State of Missouri.

In any event upon impounding dogs or other animals, the Animal Control Officer will make every possible effort to notify the owner of such dog or animal so impounded and inform the owner of the conditions whereby ownership of the animal may be regained. Any animal routinely considered to be a pet will be impounded for five (5) calendar days, during which time it shall be the responsibility of the Animal Control Officer to see that such animal is fed and watered.

A ten dollar (\$10.00) fee shall be charged when any animal is picked up by the Animal Control Officer and transported to an animal shelter or other City-designated place of impoundment. The pickup fee as well as a \$10.00 per day boarding fee will be paid directly to the City of Cleveland when temporarily boarded by the City. The owner of the impounded animal shall be responsible for animal shelter or other boarding facility fees.

The amount of the animal pickup fee at night and on weekends will be \$30.00, plus \$10.00 per day boarding fee and will be paid directly to the City of Cleveland.

After the impoundment of any animal where a general ordinance summons has not been issued to the owner or keeper, the Animal Control Officer shall promptly notify the owner of such animal of its impoundment if the owner can be determined and located by reasonable investigation; however, no liability shall attach to the City or to the Animal Control Officer, his staff, or the person or persons operating the holding pen at which the animal is held, for failure to give such notice. The owner of an impounded animal who does not redeem his animal may still be proceeded against for violation of any applicable Section or Sections of this or any other applicable ordinance.

The owner of a small animal shall be entitled to resume possession of said impounded animal before it is disposed of, upon compliance with the provisions in Section 2-1 and the payment of the impoundment fees set forth in this Article. The City shall require that such small animal be vaccinated with anti-rabies vaccine as a condition for the release of such animal, and may require such vaccination in the case of any other animal when deemed necessary.

Sec. 3-4. Humane destruction of impounded small animals

Any small animal impounded under the provisions of this Article and not reclaimed by the owner within five (5) days may be humanely destroyed by a veterinarian or a qualified person designated by the City by injection of a substance that is considered to be humane. The above times for holding shall not include Sundays or holidays.

Diseased or dying animals may be humanely destroyed at the time of collection except that if the owner can be discovered from the tags on the animal he will be notified prior to disposing of the animal.

Sec 3-5 to 3-10 Reserved

Article IV - Commercial Kennels

Sec. 4-1. License required of commercial kennels; veterinarian kennels exempt

All persons operating commercial kennels as defined in Article I, Section 1-1, Definitions, shall obtain a license from the City Office for operation of such kennel. Kennels operating in conjunction with a veterinarian licensed by the City shall be exempt from this provision. The annual licensing fee shall be \$250.00 in addition to any other applicable business license fees.

Sec. 4-2. Requirements for operation

Kennel or Cattery can only be established on agriculturally zoned property.

No person, firm or corporation shall operate or maintain an animal shelter, pound, boarding kennel, commercial kennel, contract kennel, cattery, pet shop or exhibition facility in the City of Cleveland, Missouri without securing a license therefore from the City Office. The license fee for a kennel shall be \$250.00 per year and the license fee for a cattery shall be \$250.00 per year. A kennel is defined as having over four (4) dogs over the age of 180 days old. A cattery is defined as having more than four (4) cats per household over 120 days of age.

The animal care and facilities licensing regulations defined by Chapters 273.325 to 273.357 of the Missouri Revised Statutes of the State of Missouri will be applicable by the passage of this ordinance and adoption of the Animal Control Code.

Permittee shall operate a kennel so as to eliminate excessive or untimely noise from animals and offensive odors from kennel. An isolation ward sufficiently removed so as not to endanger the health of other animals shall be provided for animals sick with a communicable disease. Permittee shall retain name, address and telephone number of the owner of each boarded small animal, and the license number, if applicable, of each small animal. This registration must be exhibited to any representative of the City upon demand. Permittee shall retain name and address of each person selling, trading or giving any small animal to kennel. Permittee shall notify owner of boarded animal when animal refuses to eat or drink causing it to lose flesh or when animal is injured or becomes weak or ill.

No commercial kennel shall operate within 200 feet of any residential use or any residential zoning district.

Secs. 4-3 to 4-10. Reserved

Article V - Pet Shops

Sec. 5-1. Standards

All pet shops, as defined herein, including pet shops run in conjunction with another holding facility, shall in addition to the other requirements of this Article comply with the minimum standards of this Section.

- (a) Water: There shall be available water for washing cages and disinfecting easily accessible to all parts of the shop. Fresh drinking water shall be available to all species at all times. All water containers shall be mounted so the animal cannot turn them over and be removable for cleaning.
- (c) Room temperature: The room temperature of the shop shall be maintained at a level that is healthful for every species of animal kept in the shop.
- (c) Cages and enclosures: Any enclosure having wires or bars for confining birds or animals. Any enclosure used to confine animals.

- (d) Feeding: All animals under three (3) months of age are to be fed at least three (3) times per 24 hours, if appropriate for the species. Food for all animals shall be served in a clean dish so mounted that the animal cannot readily tip it over or defecate or urinate in same.
 - (e) Birds: Each bird must have sufficient room to sit on a perch. Perches shall be placed horizontal to each other in the same cage. Cages must be cleaned every day, and cages must be disinfected when birds are sold. Parrots and over large birds shall have separate cages from smaller birds.
 - (f) Fish: The water temperature shall be maintained at a constant temperature that is healthful.
 - (g) Bedding: There shall be sufficient clean, dry beading to meet the needs of each individual animal.
 - (h) Care: All animals must be fed (if appropriate for the species), watered, and cages cleaned every day, including Sundays and holidays.
 - (i) Fee: An annual business licensing fee shall be required. Said fee shall be the same amount required of merchants for licenses to do business in the city.
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Secs. 5-2 to 5-10. Reserved

Article VI - Diseased or Injured Animals

Sec. 6-1. Sale of known diseased animals

No animal known to be diseased shall be sold or accepted for sale while the disease is active.

Sec. 6-2. Control of Rabies and Dispositions of diseased or injured animals

Every animal exposed to rabies shall be immediately confined by the owners, who shall immediately notify the Animal Control Officer of the animal's exposure. The owner shall

immediately, upon request, surrender such animal to the Animal Control Officer or any authorized agent of the City or Cass County for confinement in a licensed veterinary hospital of the owner's choice in the vicinity of Cleveland, Missouri, or surrender such animal for confinement in an animal shelter designated by the City. The animal shall be confined for a minimum period of ten (10) days from the date of exposure. All costs of confinement shall be assessed against and paid by the owner.

No person shall kill a known or suspected rabid animal or an animal exposed to rabies, nor remove such animal from the city limits of Cleveland, Missouri without the permission of the Animal Control Officer, except when it is necessary to kill such animal to prevent its escape or attack on any person or animal.

The location of the remains of any dead animal known or suspected to have been exposed to rabies prior to death shall be reported to the Animal Control Officer and remains shall be surrendered to the Animal Control Officer for laboratory examination.

Any animal that has been bitten or scratched by another animal that is known or suspected of being rabid, shall be immediately confined in such place as may be directed by the Animal Control Officer who shall have authority to promulgate rules and regulations concerning the confinement of such animals. If the animal that made the bite or scratch is determined to be rabid or evidences positive signs of rabies, such animal that was bitten or scratched will be kept in such confinement for a period of ten (10) days from the date of scratch or bite, or destroyed and its body surrendered to the Animal Control Officer, or otherwise confined or disposed of as may be directed by the Animal Control Officer.

In all instances in which a diseased or injured animal, whether domestic or wild, is suffering as a result of such disease or injury, and the owner thereof is unknown or the animal is a stray, such animal may be adopted, if deemed appropriate by a veterinarian, or shall be humanely destroyed by a veterinarian.

Sec. 6-3. Prohibiting the distribution of animals in public places

So as to promote a spay/neuter program and the prevention of disease, the offering for free or for sale of animals in parking lots or similar public locations shall be prohibited.

Secs. 6-4 to 6-10 Reserved

Article VII - Dangerous Animals

Sec. 7-1. Definitions of dangerous animals

For the purposes of this Article, a "dangerous animal" shall be any animal with the following characteristics:

- (a) Any animal which has inflicted severe or fatal injury on a human being. "Severe injury" means any physical injury resulting directly from an animal's bite which results in broken bones, or lacerations requiring stitches, or inpatient hospitalization.
- (b) Any animal which has killed a domestic animal, livestock or poultry without provocation while outside the owner's property.
- (c) Any animal owned or harbored primarily or in part for the purpose of animal fighting or any animal trained for animal fighting.
- (d) Any animal which has bitten a human being, without provocation, on public or private property other than the property of the owner.
- (e) Any animal which, while on the owner's property, has bitten, without provocation, a human being other than the owner or a member of the owner's family who normally resides at the place where the animal is kept.
- (f) Any animal which, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public grounds, or private property other than the property of the owner, in a menacing fashion or an apparent attitude of attack, regardless of whether a person is injured by said animal.

Any poisonous animal or any warm-blooded carnivorous or omnivorous animal (including but not limited to nonhuman primates, raccoons, skunks, ferrets, foxes, leopards, panthers, tigers and lions, but excluding fowl, dogs, housecats, and small rodents of varieties used for laboratory purposes) is hereby prohibited

Pit bull dogs are prohibited within the City limits. "Pit bull dog" means:

- (a) The Staffordshire bull terrier breed of dog;
- (b) The American pit bull terrier breed of dog;
- (c) The American Staffordshire terrier breed of dog;

(d) Any dog which has the appearance and characteristics of being predominantly of the breeds of Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, or a combination of any of these breeds.

Sec. 7-2. Procedure for declaring a dangerous animal

- (a) Should a written complaint be filed with an Animal Control Officer or a Police Officer, alleging any of the circumstances set forth in Section 7-1 or an Animal Control Officer or Police Officer personally observe any of the circumstances set forth in Section 7-1, the Animal Control Officer or Police Officer shall issue a notice to the owner or possessor of said animal that said animal will be designated a dangerous animal subject to the regulations of this Article and advise the owner or possessor of said animal that he has five (5) working days to request a hearing before the Appeals Board to appeal such classification. The Appeals Board will consist of the Board of Aldermen, Chief of Police, and the Mayor, or their delegates. If no request for hearing is timely filed, the animal that is the subject of the complaint shall be deemed a dangerous animal, and said animal and its owner shall be subject to the provisions of this Article.
- (b) Once a written complaint has been filed and or an Animal Control Officer or Police Officer has personally observed any violation or can provide sufficient probable cause, as provided in the preceding paragraph, the animal shall be confined pending a determination that said animal is a dangerous animal. Such confinement shall be on the owner's premises if the owner complies with the requirements of Section 7-4 or with a licensed veterinarian or if the owner's premises are insufficient to comply with Section 7-4, at an animal shelter at the owner's expense.
- (c) An Appeals Board shall meet within seven (7) working days of the date of appeal to determine whether the animal in question is dangerous within the meaning of this Article. Testimony of the complainant, witnesses, the owner of the animal, and any other person possessing information pertinent shall be permitted in an informal setting.
- (d) Should a hearing be held by the Appeals Board, and the Board determines that the animal is a dangerous animal, then the animal and its owner shall be subject to the provisions of this Article.
- (e) The Appeals Board shall issue a written finding within five (5) working days after the hearing.
- (f) The decision of the Appeals Board shall be effective immediately. The animal owner may appeal an adverse decision by petition to the Circuit Court within 30 days. Notwithstanding an appeal, the decision of the Appeals Board shall take effect immediately except that any animal seized pending appeal shall be confined at the expense of the owner and not destroyed until ten (10) days after the Circuit Court

decision becomes final unless the owner has complied with the requirements of Section 7-4.

Sec. 7-3. Action to be taken for dangerous animals

- (a) An animal responsible for an unprovoked severe or fatal injury shall be destroyed.
 - (b) In all other cases, a dangerous animal shall be removed from the City and shall not be permitted to be harbored, kept, or possessed within the city limits of Cleveland, Missouri, unless the owner of such animal satisfies all of the requirements of this Article.
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Sec. 7-4. Owner's responsibilities

The owner of the dangerous animal that desires to maintain the animal within the city limits of Cleveland, Missouri rather than remove the animal from the City shall:

- (a) Annually register said animal with the Animal Control Officer by paying a license fee of \$50.00.
- (b) Provide to the Animal Control Officer during registration, two color photographs of the animal showing left and right profiles.
- (c) Cause said animal to wear at all times a bright orange collar with a metal registration tag attached to it so that it can be readily identified as a dangerous animal.
- (d) Confine such animal upon the owner's premises either indoors or in a securely enclosed and locked pen suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen must be at least five feet by ten feet (5 ft. x 10 ft.) and must have secure sides and a secure top. If the pen has no bottom that is secured to the sides, the sides must be embedded into the ground no less than 12 inches. The enclosure, when occupied by the dangerous animal, must not be occupied by any other animal. When the dangerous animal is a female and has a litter of young which are under three (3) months of age, the young may occupy the same enclosure as the mother.
- (e) Display a sign upon his premises stating that there is a dangerous animal on the property. The sign shall be visible and capable of being read from the public street that abuts the property.

- (f) Provide at registration to the Animal Control Officer proof of liability insurance coverage in an amount of at least \$100,000.00 covering any loss or injury caused by the animal that has been designated a dangerous animal. The insurance policy shall require a notice to be sent to the Animal Control Officer should the policy be canceled, terminated, or expired.

Sec. 7-5. Penalty for noncompliance

It shall be unlawful for a person to keep a dangerous animal within the city limits of Cleveland, Missouri and fail to comply with the provisions of this Article. Persons found guilty of violating the provisions of this Article shall be subject to a fine not to exceed \$500 or a jail sentence not to exceed 30 days or both such fine and confinement.

Any animal found to be a dangerous animal and kept in the City of Cleveland, Missouri in violation of the provisions of this Article shall be seized and impounded until the owner thereof complies with the provisions of this Article. If the owner fails to comply with the provisions of this Article within ten (10) days of the date of seizure of the animal, the animal shall be destroyed at the expense of the owner.

Secs. 7-6 to 7-10. Reserved

Article VIII - Penalties

Sec. 8-1. Penalties for violations

Whenever by the terms of this Code the doing of an act is required, or the failure to do any act is declared to be unlawful, where no specific penalty is provided therefore, the violation of such provisions shall be punished pursuant to the guidelines defined in the General Provisions of the Animal Control Code of the City of Cleveland.

Any person found guilty of violating this Code shall be punished by a fine of not less than \$25.00 nor more than \$100.00, except where otherwise stated. The following minimum fine schedule is hereby adopted

1st offense...	\$ 25.00
2nd offense...	\$ 50.00
3rd offense...	\$ 75.00
4th offense...	\$100.00

Violation of sections 1-11, 2-7, 4-1 and 4-2 of this Code constitutes an offense punishable by a fine up to \$500, or by imprisonment for a period of not exceeding three (3) month, or by both such fine and imprisonment.

Sec. 8-2. Responsibility of enforcement

Except as otherwise provided for in this Code, the Mayor shall be responsible for the enforcement of this Code. The Mayor may assign an employee or employees to be responsible for enforcing the provisions of this Code.

Secs. 8-3 to 8-10. Reserved
