

ORDINANCE NO. 8 OF 1998

AN ORDINANCE ESTABLISHING THE MINIMUM REGULATIONS GOVERNING THE CONDITIONS FOR THE KEEPING, LICENSING AND CONTROL OF ANIMALS BY OWNERS AND/OR PERSONS HAVING CUSTODY OF ANIMALS, PROVIDING FOR AN ANIMAL CONTROL OFFICER AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF; KNOWN AS THE ANIMAL CONTROL ORDINANCE

BE IT ORDAINED AND ENACTED by the Council of the Borough of Coaldale, it is hereby ordained and enacted by the authority of the same as follows:

Article I - General Provisions

Section 1. PURPOSE: The purpose of this article is to promote harmonious relationships in the interaction between humans and animals by:

- (a) protecting animals from improper use, abuse, neglect, exploitation, inhumane treatment and health hazards;
- (b) delineating the animal owner's and harboring's responsibility for the acts and behavior of his/her animal at all times;
- (c) providing security to residents from annoyance, intimidation, injury and health hazards by animals;
- (d) encouraging responsible pet ownership; and,
- (e) providing standards for any and all persons and agencies, public or private, engaged in confinement, buying, selling, harboring or dealing in animals in any manner whatsoever.

Section 2. DEFINITIONS: As used in this article:

- (a) "Animal" is any mammal, domestic or wild, other than man which may be affected by rabies.
- (b) "Animal control officer" is that person educated in the care, seizure, custody and confinement of animals or an agent as appointed by the Borough Council and supervised by the chief of police.
- (c) "Animal nuisance" is created when an animal:
 - (1) runs uncontrolled;
 - (2) molests or disturbs persons or vehicles by chasing, barking or biting;
 - (3) attacks other animals;
 - (4) damages property other than that of the owner or harboring;
 - (5) barks, whines, howls, honks, brays, cries or makes any other noises excessively;
 - (6) creates noxious or offensive odors;
 - (7) defecates upon any public place or upon premises not owned or controlled by the owner or harboring unless promptly removed by the animal owner or harboring; or,
 - (8) creates an insect breeding and/or attraction site or unsanitary condition due to an accumulation of excreta.
- (d) "Animal shelter" is a licensed facility, public or private, used to confine and house animals seized, lost, abandoned or given over by owners.

(e) "Bite" means to be seized with the teeth or jaws so that a person or animal has been nipped, gripped, wounded or pierced and saliva of the biting animal has contacted the resulting break or abrasion of the skin.

(f) "Boarding kennel" is a licensed facility other than an animal hospital, the Borough pound or an animal shelter where animals, normally dogs and cats now owned by the proprietor, are temporarily sheltered, fed, watered and exercised in return for a fee.

(g) "Borough" is the Borough of Coaldale, Schuylkill County, Pennsylvania.

(h) "Breeder" (professional) is any person who breeds animals for profit or who produces more than two litters of animals, normally dogs or cats, in any one calendar year. The licensee shall maintain affiliation in a nationally recognized society for the betterment, control and/or competitive display of an animal species. "Breeder" (hobbyist) is any person who harbors four or more animals, normally dogs or cats, or who breeds animals as a hobby, producing not more than two litters in any one calendar year.

(i) "Cat" is any member of the animal species *Felis Catus* six (6) months or more in age.

(j) "Control" of an animal means that same is on a leash not more than eight feet in length; is under voice control in the presence of a competent person; is on or within a vehicle being driven or parked; or is within the property limits of its owner or harborer or upon the premises of another person with the consent of that person.

(k) "Dog" is any member of the animal species *Canis Familiaris* six (6) months or more in age.

(l) "Domestic animal" includes dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants and other birds and animals raised and/or maintained in confinement.

(m) "Euthanasia" is a death brought about by any method which produces rapid loss of consciousness to a painless death.

(n) "Exhibitor" is a person who exhibits animals, normally dogs and cats, for compensation or improvement of the breed.

(o) "Face bite" is a bite anywhere above the shoulders of a human.

(p) "Groomer" is a person who performs the service of trimming, bathing or pedicure of animals, normally dogs and cats.

(q) "Harborer" is any person who provides food and shelter for any domesticated animal.

(r) "Owner" is any person having right of property in any animal; who keeps an animal; who has an animal in his or her care or custody; or who knowingly permits an animal to remain on or about any premises occupied by him or her.

(s) "Person" is any individual, firm, corporation, partnership, association, trust, estate or other legal entity.

(t) "Pet shop" is an establishment operated by a person which acquires animals, birds, reptiles and fish bred by others whether an owner, agent or on consignment and sells, offers to sell, exchanges or offers for adoption with or without charge such animals, birds, reptiles, and fish as domestic pets to the general public at wholesale or retail.

(u) "Pound" is that facility as designated by Borough Council used to temporarily confine and house animals that have been seized.

(v) "Trainer" is a person qualified by training and experience in various facets of animal life, normally dogs.

(w) "Vaccination" is the administration of anti-rabic vaccine by a licensed veterinarian at such intervals as required by state statutes and the State Department of Agriculture.

(x) "Vicious (dangerous) animal" is any animal, domestic or wild, known to attack a person where he may lawfully be at any time without provocation, or any animal that bites or otherwise injures a human.

(y) "Work dog" is any member of the animal species *Canis Familiaris* trained for and actively engaged in rescue, law enforcement or war work, or as a guide for the blind or deaf.

(z) "Voice control" is deemed to mean that an animal:

(1) is physically capable of hearing normal commands;

(2) is, at the time under consideration, within reasonable proximity to the controller so that shouting or excessively loud commands are not necessary;

(3) has been adequately trained in obedience so as to be capable of understanding control commands; and,

(4) either continually demonstrates, or is able to demonstrate on demand, response to a command that will cause the animal to immediately come into close proximity to the controller and cease any kind of aggressive behavior or action that would be offensive to other persons or animals.

Section 3. ANIMAL CONTROL OFFICER: There is hereby created the position of animal control officer within the organization of the police department. The animal control officer or an agent, or any officer of the law:

(a) shall enforce all the provisions of this ordinance;

(b) at reasonable times and subject to constitutional restrictions on unreasonable searches and seizures, may enter upon private premises to apprehend a stray animal, a vicious animal, a wild creature or an animal suspected of being infected with rabies;

(c) may enter upon private premises to investigate complaints of irresponsibility or inhumane animal care;

(d) may seize, impound or dispose of any vicious animal of any kind when necessary for the protection of any person or animal;

(e) if entry is refused or not obtained, the officer is authorized to pursue recourse as provided by law; and,

(f) the officer shall carry proper identification in the performance of duties under this ordinance.

Section 4. BOROUGH POUND: A facility for proper impoundment of animals on a temporary basis shall be provided or designated by the Borough.

Section 4.1. POUND REGISTRY: The animal control officer shall maintain a registry of all animals served by the pound, including dates of receipt and discharge, reason for use, description of the animal, itemization of impoundment expenses incurred and disposition.

Section 5. RESPONSIBLE ANIMAL CARE. It shall be unlawful for any owner or harbinger of a domestic animal not to provide for his or her animal:

(a) sufficient quantity of good and wholesome food and water;

(b) proper protection and shelter from the weather;

(c) veterinary care when needed to prevent suffering;

(d) humane treatment;

(e) prompt removal and sanitary disposal of all excreta deposited by his or her animal anywhere in the Borough; and

(f) any other provision under the Pennsylvania Crimes Code Title 18, Section 5511.

Section 6. ANIMAL CONTROL COMMISSION: There is hereby established a commission to be known as the animal control commission. The commission shall be concerned

with application of this ordinance to satisfy the goals set forth in Section 1 and may hear and make recommendations on nuisance complaints as defined in Section 2. It shall be the commission's function and duty to:

- (a) study the problems of human and animal interactions and possible solutions in depth;
- (b) keep the Borough Council advised of study results and offer recommendations for the improvement of human and animal relationships and amendments to this chapter;
- (c) hear, consider and advise the Borough Council concerning citizen suggestions and complaints;
- (d) recommend revocation of any permit issued to a breeder; and,
- (e) hear, consider and make recommendations on nuisance charges brought forth by citizens and confirmed by the animal control officer.

Section 6.1. MEMBERSHIP: The Council President, with the consent of the Borough Council, shall appoint a chairman and two (2) members and two (2) alternates who shall be members of the Borough Council.

Section 6.2. ORGANIZATION: As soon as practicable after initial membership appointment, the commission shall meet and organize. The commission shall have the power to adopt bylaws consistent with the provisions hereof, governing the conduct of its business and to establish standards as deemed necessary.

Section 7. RABIES CONTROL: All cases of rabies occurring with the Borough shall be reported by the animal control officer to the Pennsylvania Department of Health. If in the opinion of the animal control officer, danger of a rabies epidemic exists, legal notice shall be used to inform all owners and harborers of animals to confine or securely muzzle their animals for such period of time as shall be designated in the published notice.

Section 8. RABIES PROCEDURE: It shall be unlawful for the owner or harborer of any animal to refuse or fail to promptly surrender any animal suspected of being affected by rabies. Any animal suspected of being affected by rabies shall be seized by the animal control officer and impounded with a licensed veterinarian for observation, examination and testing. Upon declaration by a licensed veterinarian that an animal may be affected by rabies, the animal control officer shall cause immediate euthanasia of the affected animal and removal of the animal's head for examination by a qualified laboratory. Disposal of the animal's body shall be controlled by the animal control officer.

Section 9. DISEASED ANIMALS: It shall be unlawful for the owner of any domestic animal to knowingly cause or allow the same to run at large or be exposed in any public place anywhere in the Borough, or to ship or remove such animal from the owner's premises when same is afflicted with a contagious or infectious disease except under the supervision of the animal control officer. This provision shall not prevent taking a diseased animal to a licensed veterinarian at the request of the veterinarian. It shall be the duty of the animal control officer to order the disposition of such diseased animal and treatment of the affected premises to prevent the communication and spread of contagion or infection except in cases where the state veterinarian is empowered to act and does act.

Section 10. CRUELTY TO ANIMALS: It shall be unlawful for any person to:

- (a) beat, underfeed, overload, overwork, torment, abandon or otherwise inhumanely treat any domestic animal anywhere in the Borough;
- (b) sell, offer for sale, barter or give away as a pet or a novelty any rabbit, hare, baby chick, ducking or other fowl which has been dyed, colored or otherwise treated to impart an artificial color thereto;

(c) sell, offer for sale, barter or give away as a pet or a novelty any baby chick or duckling;

(d) kill or wound, or attempt to kill or wound, or take the eggs or young of any game or song bird;

(e) knowingly poison or cause to be poisoned any domestic animal except that common rat poison mixed only with vegetable or grain substances may be exposed for the protection of property; or,

(f) give away any domestic animal as a prize for or as an inducement to enter any contests, game or other competition; or as an inducement to enter into any business agreement when the offer was for the purpose of attracting trade.

Section 11. NUISANCE PROHIBITED: It shall be unlawful for the owner or harbinger of any dog, cat or other domestic animal to cause or permit such animal to perform, create or engage in any nuisance as defined by Section 2. Any animal found acting in any way forbidden by this chapter, in the determination of the animal control officer, shall hereby be declared a nuisance and its owner or harbinger shall be subject to citation.

Section 12. REMOVAL OF EXCREMENT: No person shall appear with an animal upon the public ways, within public places or upon the property of another, absent that person's consent, without some means for the removal of excrement; nor, shall any person fail to remove any excrement deposited by such animal. This section shall not apply to a blind person while walking his or her guide dog. Feces shall be removed daily from yards, pens and enclosures, and shall be wrapped and stored in tightly covered plastic or metal containers until final disposal.

Section 13. WILD CREATURES: It shall be unlawful for any person to keep, permit or have custody of any of the following anywhere in the Borough:

(a) any wild creature contrary to federal, state or local laws or regulations, except that such a creature too young to survive without the presence of specie adults native to the area may be temporarily kept, cared for and protected in the same manner as domestic animals; or

(b) an imported creature as is subject to special permit and licensing by the State Department of Agriculture.

Section 14. ANIMAL EXHIBITIONS: Exhibitions or parades involving ferae naturae or domestic animals or both may be conducted only upon the issuance of a permit therefor by the Borough Police Department. Performing exhibits, circuses and parades must be investigated in advance by the animal control officer as to purpose, intent, animal care procedures and assurances for human health and safety.

Section 15. FEMALE ANIMALS IN HEAT: All female animals in heat shall be confined in a building or secure enclosure or upon leash in such a manner that the animal cannot come into contact with a male animal except for planned breeding.

Section 16. BITING ANIMAL: It shall be unlawful for the owner or harbinger of an animal involved in a biting incident to euthanize, sell, give away or otherwise dispose of such animal until a full release on the incident has been issued by the animal control officer. Animals, other than dogs and cats, must be examined by a veterinarian on the first and tenth day following a bite. See Section 27 for dog or cat bite procedure.

Section 17. FACE BITE PROCEDURE:

(a) Impoundment. Regardless of animal age or license status, the owner or harbinger of an animal inflicting a face bite shall impound the animal within twenty-four (24) hours with a licensed veterinarian if the animal species allows or with a humane organization where proper facilities are available. Such impoundment shall be for a period of ten (10) days.

(b) Impoundment exception. When the bitten person is a member of the same household as the owner or harbinger of the animal inflicting the face bite, such impoundment may be upon the premises. Impoundment shall mean within a structure or secure enclosure or upon leash only upon the premises of the owner or harbinger. The animal inflicting the face bite shall be examined by a licensed veterinarian on the first and tenth day of such confinement.

(c) Reporting. All incidents of face bite shall be reported immediately to the animal control officer or his agent. The animal control officer shall report all such incidents to the Schuylkill County Health Department on forms and in the time sequence required by that agency.

(d) Disposition of animal. It shall be unlawful for the owner or harbinger of an animal which has inflicted a face bite for the second time to dispose of such animal by sale, exchange, barter or give away without full disclosure of the animal's history.

Section 18. STRAY ANIMALS: It shall be unlawful for the owner or harbinger of any domestic animal to cause or allow the same to run at large in the Borough or be picketed or tied in any public place for the purpose of grazing or feeding. It shall be the duty of the animal control officer or his/her agent to apprehend and impound any animal not under control. In the event any such animal cannot be safely taken up and the animal is deemed to be a threat to any person or property, the animal control officer is hereby empowered to eliminate same. Depending upon circumstances, impounding shall be in the Borough pound as follows:

(a) Known ownership.

(1) When the owner or harbinger of a stray animal is known through licensing, collar identification or other immediate means, the animal control officer shall notify such person of the impounding in the most expeditious manner available.

(2) The release of an impounded animal shall not be made by the animal control officer until all expenses of apprehension, notification and impounding have been paid by the owner or harbinger.

(3) If the impounded animal is one requiring a license and/or rabies vaccination, the owner or harbinger shall have forty-eight (48) hours in which to present proof of licensing and/or rabies vaccination to the animal control officer.

(4) The known owner or harbinger of the stray animal shall have seven (7) days from the time of notification in which to claim the animal. Failure by the known owner or harbinger to obtain release of the impounded animal within this time period shall be deemed an act of disclaiming and the animal control officer shall consign said animal to a recognized animal humane society or licensed animal shelter.

(b) Unknown ownership.

(1) When the owner or harbinger of a stray animal cannot be ascertained, the animal shall be locally impounded for no less than seventy-two (72) hours.

(2) If unclaimed beyond this time period, the animal control officer shall consign said animal to a recognized humane society or licensed animal shelter. If, in the opinion, of a licensed veterinarian, such animal is not suitable as a pet, same shall be euthanized.

(c) Disclaimed animals.

(1) If, for any reason, the owner or harbinger of any stray animal chooses to disclaim ownership of same upon receipt of the impounding notification, the animal control officer shall proceed to consign the disclaimed animal as provided in Section 20 without regard to the time periods cited above.

Section 19. VICIOUS (DANGEROUS) DOGS: It shall be unlawful for a person to keep or otherwise maintain within the Borough any dog which is known to be vicious or dangerous or which has evidenced a disposition to attack human beings without provocation. The Pennsylvania Department of Agriculture dog law may be applied when there is a question of definition of "dangerous dogs."

Section 20. DISCLAIMED ANIMALS: If, for any reason, the owner or harbinger of an animal chooses to disclaim ownership of same or voluntarily delivers the animal to be disclaimed to the animal control officer; executes formal acknowledgment of such an act; and pays the consignment fee involved, the animal control officer shall process the consignment of said animal to a recognized humane society or licensed animal shelter.

Article II - Licensing

Section 21. LICENSING OF DOGS. Each owner of a dog more than three (3) months of age on January of any year, or three (3) months of age within the license year, shall annually, or within thirty (30) days from the date such dog becomes three (3) months of age, pay a dog license tax and obtain a license therefor in accordance with the laws of the Commonwealth of Pennsylvania.

Section 22. LICENSING OF CATS. Each owner of a cat more than six (6) months of age on January 1 of any year, or six (6) months of age within the license year, shall annually, or within thirty (30) days from the date such cat becomes six (6) months of age, obtain a license for each cat from the animal control officer. The license year shall commence on January 1 and end on the following December 31. Such cat license fee shall be set by resolution of Coaldale Borough Council from time to time. Each applicant for a cat license shall present a valid certificate of vaccination before being issued a license. All funds received from cat license shall be paid into the general fund of the Borough.

Section 23. VACCINATION: (a) It shall be the duty of each dog and cat owner to have such dog or cat inoculated in accordance with the Pennsylvania Rabies Vaccination Law.

(b) Dogs or cats under six (6) months of age are not required to be vaccinated.

(c) Any dog or cat, for which a veterinarian licensed by the state issues a certificate to the effect that the proposed inoculation will be harmful, shall be exempt from the inoculation prescribed by this article.

Section 24. CERTIFICATE AND TAG: The animal control officer shall assure that a valid certificate of inoculation has been obtained prior to issuance of a cat license and tag. The certificate shall include the name and address of the owner of the cat, date of vaccination, number, breed, color, age and sex of cat and such other information as may be required. The cat tags shall be numbered and contain the year of issuance.

Section 25. DUTIES OF VETERINARIAN AND OWNER: It shall be the duty of each veterinarian after inoculating a dog or cat to insert in a certificate the information required thereby to present to the owner of the dog or cat. The owner or harbinger shall deliver a copy to the animal control officer within five (5) days of receipt.

Section 26. BREEDER PERMIT:

(a) Application. Any person desirous of obtaining a breeder permit shall make application on forms provided by the Borough. No breeder permit shall be issued to any multiple family residential premises and only one permit shall be issued to any one household. Upon verification of the information provided; receipt of required certifications; satisfactory

inspection of related premises and facilities by the animal control officer; and payment of the fee involved, a breeder permit shall be issued.

(b) Fee. A Professional Breeder or Hobbyist Breeder Permit shall attach a fee to be set from time to time by resolution of Coaldale Borough Council.

(c) Revocation. Falsification of original application data or failure by the breeder to properly amend original application data as required during the licensing year shall be cause for revocation of the permit. Further, a nuisance judgment against the holder of a breeder permit may serve as a reason for permit revocation. Three nuisance judgments against the holder of a breeder permit within any twelve (12) month period shall result in automatic revocation of the permit. Any breeder permit once revoked shall not again be issued in subsequent licensing years.

Section 27. BITE PROCEDURE: All incidents of bites by a dog or cat suffered by a human shall be reported to the animal control officer or an agent within twenty-four (24) hours. The animal control officer shall report all bite incidents to the Schuylkill County Health Department on forms and in the time sequence required by that agency. Depending upon circumstances in each case, the following procedure shall apply:

(a) Licensed dog or cat.

(1) The owner or harborer of a properly vaccinated biter dog or cat shall have the dog or cat examined by a licensed veterinarian who shall submit a report to the animal control officer and the Pennsylvania Department of Health within ten (10) days of the incident.

(2) The biter dog or cat may be impounded in accordance with The Dog Law of the Pennsylvania Department of Agriculture.

(3) The owner or harborer of a properly vaccinated biter dog or cat shall have the dog or cat examined by a licensed veterinarian again on the tenth day of impoundment. A written report by the veterinarian that the biter dog or cat is not affected by rabies, filed with the animal control officer, shall terminate the impoundment.

(b) Unvaccinated dog or cat.

(1) The owner or harborer of a biter dog or cat which has not been vaccinated shall have it examined immediately by a licensed veterinarian who shall submit a report to the animal control officer within twenty-four (24) hours of the incident.

(2) The owner or harborer will then impound the biter dog or cat in a licensed animal hospital for the required ten-day confinement period.

Section 28. EXPENSE LIABILITY: The owner or harborer of any dog or cat requiring veterinarian, impounding, licensing, destruction or disposition services as a result of any violations of this ordinance shall be responsible for all such expenses. Failure to assume such expenses shall be deemed an act of disclaiming and the dog or cat involved shall be considered a stray animal.

Article III - Other Animals

Section 29. RABIES INOCULATION RECOMMENDED: All warm-blooded animals, domestic and wild, are susceptible to rabies. Once affected by rabies, the disease is fatal to uninoculated animals and untreated humans. The inoculation of dogs and cats as required by Article 2 is recommended for all other domestic animals.

Section 30. AREA REQUIREMENTS: A minimum of two acres in total area shall be required to keep, maintain, tether, confine or house sheep, horses, cattle, goats, swine or similar

domestic animals anywhere in the Borough. It shall be unlawful for more than three (3) such animals, in any combination, to be upon such premises. The shelter for such animals in any structure, whether temporary or permanent, must be one hundred fifty feet (150') distant from any public property, church or any building used for residence by other than the owner of such animals.

Section 31. KEEPING OF CERTAIN ANIMALS PROHIBITED: No person shall keep or maintain within the Borough of Coaldale any reptile with an overall length in excess of three feet (3') nor any poisonous reptile regardless of the length, nor any arachnid.

Article IV - Boarding Kennels and Pet Shops

Section 32. LICENSE REQUIRED: It shall be unlawful for any person to maintain or operate a boarding kennel or pet shop without having first obtained a license therefor. Such application shall specify existing district zoning of the premises and the precise location upon the premises of the kennels or pens in which animals are to be kept. No such kennels or pens shall be located less than twenty-five feet (25') from the nearest public place or lot line bounding the premises.

Section 33. INVESTIGATION: Upon receipt of such application, the animal control officer shall cause an investigation to be made as in his/her judgment is necessary and may, with concurrence of Borough Council, cause a license to be issued to the applicant upon payment of the license fee.

Section 34. LICENSE FEES: The license for any boarding kennel or pet shop shall expire on the 31st day of December following its issuance. The annual fees for such licenses shall be set from time to time by resolution of the Coaldale Borough Council.

Should the business of buying, selling or dealing in birds, dogs or other small animals as household pets or for domestic purposes be conducted, operated, managed or carried on in connection with a boarding kennel on the same premises by the same person, then only one license need be obtained. The amount of such license shall be the highest license fee applicable to a kennel. The licensee of any kennel or pet shop shall be held responsible for the proper licensing of each dog and cat which may be owned, kept or harbored at such kennel or pet shop in the Borough.

Section 35. SANITATION REQUIREMENTS: Every kennel and pet shop shall be kept in a sanitary condition and shall be free and clear from decaying food and filth of any kind. All kennels, barns, and pens shall be cleaned and disinfected on a regular schedule, and shall be kept in a sanitary condition satisfactory to the animal control officer, who shall have the right to cause an inspection of said premises to be made from time to time.

Section 36. REVOCATION OF LICENSE: If the report of the animal control officer consistently indicates that the person conducting such kennel or pet shop has not complied with the provisions of this code and with Borough ordinances regulating health, safety and sanitation, the Borough Council may revoke any license granted hereunder.

Article V - Penalties

Section 37. NUISANCE VIOLATION: Any person found guilty of permitting a nuisance to exist as defined by Section 2 in violation of Section 11 shall be fined:

- (a) not less than \$5 nor more than \$100 for the first offense;

- (b) not less than \$15 nor more than \$500 for the second offense within a consecutive 12-month period;
- (c) not less than \$50 nor more than \$500 for the third offense within a consecutive 12-month period;
- (d) not less than \$150 nor more than \$500 for the fourth offense within a consecutive 12-month period; and/or
- (e) ordered to remove such animal permanently from the Borough within twenty-four (24) hours of such order.

Section 38. VICIOUS (DANGEROUS) DOG VIOLATION: Any person found guilty of keeping or maintaining a vicious (dangerous) dog as defined by Section 2 in violation of Section 19 may be:

- (a) fined not less than \$15 nor more than \$500; and/or
- (b) ordered to remove such dog from the Borough within twenty-four (24) hours of such order or within twenty-four (24) hours after the rabies observation period has expired, if applicable.

Section 39. OTHER VIOLATIONS: Any person found guilty of violating any provision of this chapter, excluding Sections 11 and 19, shall be fined not less than \$10 nor more than \$500 for each offense. A separate offense shall be held to have been committed each day that such violation shall occur or continue.

Section 40. PROSECUTION: In case of any unlawful acts, the animal control officer or any sworn police officer shall institute an appropriate action or proceeding at law to exact the penalty provided in Sections 37, 38 and 39 of this Ordinance.

This ordinance shall be effective immediately upon passage, and approved in the manner prescribed by law.

ENACTED AND ORDAINED this 11th day of August, 1998.

ATTEST:

Kathryn J. Jeff
Secretary

Clarence Leick
President

Approved by me this 11th day of August, 1998.

John J. Proctor
Mayor