

HOBBS CITY CODE

ANIMALS

Chapter 6.04

ANIMALS GENERALLY

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For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

“**Animal**” means any vertebrate animal of a species that is susceptible to rabies, excluding man.

“**Animal control officer**” means any person designated by the City Manager as a law enforcement officer who is qualified to perform such duties under the laws of this State.

“**Animal shelter**” means any establishment authorized by the City for the care and custody of impounded animals.

“**Bite**” or “**bitten**” means a puncture or tear of the skin inflicted by the teeth of an animal.

“**City**” means the area lying within the corporate boundaries of the City of Hobbs.

“**City Manager**” means the City Manager or his or her designated representative.

“**Enclosure**” or “**enclosure fence**” means any animal pen, fenced or walled yard.

“**Keeper**” means any person who owns, harbors, keeps or has control or custody of an animal for more than six days; provided, that this term shall not apply to veterinarians or kennel owners temporarily maintaining on their premises animals owned by others. If the owner of an animal is a minor, the parent or guardian of the minor shall be considered the owner.

“**Kennel**” means any establishment or premises where dogs and/or cats are boarded or kept.

“**Person**” means any individual, household, firm, partnership, corporation, society or association and every agent and employee.

“**Pet**” means any dog, cat, small caged bird, aquarium fish, caged rodent or caged ferret.

“**Quarantine**” means to detain or isolate an animal suspected of being infected with rabies.

“**Restraint**” means securing of any animal by a leash or lead

no more than eight feet in length which is under the immediate control of a competent person, any animal within a secured enclosed area within the real property limits of his owner or competent person or any animal participating in a dog show approved by the City.

“**Running at large.**” An animal shall be deemed to be “running at large” if such animal is not kept under restraint.

“**Stray**” or “**estrays**” means any licensed or unlicensed animal running at large unattended within the City limits on any public street, alley or private property of another private citizen.

“**Veterinarian**” means any veterinarian with a valid license to practice veterinary medicine. (Ord. 826 § 3 (part), 1995; prior code § 6-1)

6.04.020 ADMINISTRATION OF CHAPTER.

- A. Responsibility. The City Manager is responsible for the administration of this chapter. Reasonable rules and regulations shall be prescribed by the City Manager to carry out the intent and purpose of this chapter.
- B. Authority. The City Manager, his or her designated agent, or the animal control officer shall have the authority to issue citations for violation of this chapter and to perform such other duties as are prescribed herein. (Ord. 826 § 3 (part), 1995; prior code § 6-2)

6.04.030 RABIES CONTROL.

- A. Annual Vaccination. It is the duty of every person keeping a dog or cat over the age of three months to have such animal vaccinated with an anti-rabies vaccine approved by the Director of the Health and Environment Department of the State and administered by or under the supervision of a veterinarian. All dogs and cats must be revaccinated annually. Every veterinarian who vaccinates a dog or cat hereunder shall issue to the owner or keeper of the animal a numbered vaccination certificate and tag. The certificate shall contain the name and address of the owner or keeper of the animal, a description of the animal vaccinated, the type of vaccine used, the date of vaccination and the expiration date of the period of immunity.
- B. Display of Vaccination Certificate. Every person who keeps a dog or cat must exhibit his or her copy of the certificate of vaccination upon the demand of any person charged with the enforcement of this chapter.
- C. Harboring Unvaccinated Animals. It is unlawful for any person to keep a dog or cat which has not been vaccinated against rabies as provided in this section.
- D. Reporting Rabies Suspects. Every veterinarian who makes a clinical diagnosis of rabies and every person who suspects rabies in a domestic or wild animal shall immediately report the same to the local district health office of the Health Services Division of the Health and Environment Department stating precisely when and



where such animal was seen and, if possible, where it may be found.

- E. Human Exposure to Rabies. Any person with knowledge that an animal has bitten a human being shall immediately report the incident to the animal shelter and/or to the local district health office. Any person not able to contact either of the above shall immediately notify the Police Department of such incident. Every physician or other health care professional who treats a person for such bite shall report such treatment to the local district health office within twelve hours of such treatment. Such report must specify the name and present location of the person bitten.
- F. Quarantine of Rabies Suspects. Any dog or cat which has bitten a person shall be confined and observed for a period of ten (10) days from the date of the bite at the animal shelter, a veterinary hospital or an approved kennel. However, if the animal has a current vaccination for rabies, the Environmental Services Director may permit quarantine of such animal at the owner's home. Home confinement shall not be permitted unless the premises have been inspected and approved for such purpose by the animal control officer. If observance of the animal is denied or prevented, the animal shall immediately be confined at the animal shelter for the remainder of the quarantine period.
- G. Enforcement of Quarantine. It is unlawful to remove any dog or cat from enforced quarantine during the period of confinement without written consent of the responsible Environmental Director.
- H. Bites by Animals Other than Dogs or Cats. Bites inflicted by animals other than dogs and cats must be reported to and discussed with the local district health office for proper disposition. (Ord. 826 § 3 (part), 1995: prior code § 6-3)

6.04.040 LICENSE.

- A. Issuance of License. All local licensed veterinarians will issue dog and cat licenses. Such license shall be the same as the annual rabies vaccination tag. A monthly report, including the name of the owner, address, telephone number, vaccination tag number, and a description of the animal, will be supplied to the animal control officers.
- B. Proof of Rabies Vaccination. No dog or cat shall be licensed without proof of rabies vaccination as provided in Section 6.04.030(A).
- C. Display and Inspection of Certificates and Tags. The veterinary rabies tags shall be affixed to the licensed dog or cat at all times except when the dog or cat is being kept in an approved kennel, veterinary hospital or training class. The original rabies certificate and tag of all dogs and cats shall be retained by the owner and shall be available for inspection by any person charged with the enforcement of this chapter.
- D. Loss of License Tag. In the event the original license tag is lost, the keeper shall obtain a duplicate tag from

the veterinarian. Proof of rabies vaccination within the last twelve (12) months as required by Section 6.04.030(A) must be provided by the owner to the veterinarian. (Ord. 826 § 3 (part), 1995: prior code § 6-4)

6.04.050 PROHIBITED ACTIVITIES.

- A. Transfer of Licenses or Tags to Other Animals--False and Stolen Documents. It is unlawful for any person to transfer any license or rabies tag from one animal to another or to make use of a stolen, counterfeit or forged license, certificate or tag.
- B. Dogs Running at Large. It is unlawful for any keeper of a dog to permit such animal to run at large.
- C. Animal Nuisance. No keeper shall allow any animal to:
 1. Persistently bark, howl or make noise;
 2. Disturb the peace;
 3. Emit noxious or offensive odors;
 4. Molest passersby or passing vehicles on public property;
 5. Attack other animals;
 6. Trespass on school grounds, public or private property;
 7. Run at large;
 8. Damage, soil, defile or defecate on public or private property other than the owner's unless such waste is immediately removed and properly disposed of by the owner of the animal; or
 9. Otherwise endanger or become offensive to the environment of the City; or to be kept or maintained in such a manner as to disturb or otherwise endanger the health and welfare of the inhabitants of the neighborhood.
- D. Confinement of Female Dogs or Cats During Estrus. Any female dog or cat in the state of estrus (heat) shall be confined to a building or other secure enclosure so that contact with a male animal of the same species will be prevented except for intentional breeding purposes. Keepers who do not comply with this subsection may be required to place such animal in a boarding kennel or veterinary hospital at the keeper's expense.
- E. Physical Abuse. It is unlawful for any person to maliciously kill, maim, torture, mutilate, burn or cruelly drive or work any animal.
- F. Abandonment of Animals. It is unlawful to abandon any animal within the City.
- G. Poisoning. It is unlawful to poison any domestic animal or to distribute poison or toxicant in any manner with the intent to poison.
- H. Care and Maintenance. It is unlawful for any keeper to fail to provide an animal with proper food, drink and shelter, or to carry an animal in or upon any vehicle in a cruel or inhumane manner or to fail to provide veterinary care when needed to prevent suffering.
- I. Animal Fights. It is unlawful to cause, instigate or promote any fight in which two or more animals or fowl are engaged for the purpose of injuring, maiming or destroying themselves or another animal.



- J. Selling, Live Animals as Premiums and Novelties--Coloring Chickens, Ducklings or Fowl. It is unlawful to sell, offer for sale, barter or give away any live animal or fowl as a premium, prize, award, novelty or incentive to purchase merchandise. It is unlawful to color, stain or dye any chicken, duckling or fowl or to sell any chicken, duckling or fowl that has been colored, stained or dyed.
- K. Sale of Turtles. It is unlawful to sell, offer for sale, barter or give away turtles, except in conformance with appropriate Federal regulations.
- L. Vicious Animals. It is unlawful for any person to keep or harbor any animal without compliance to this chapter that has bitten or attacked a person or domestic animal without provocation, or in a menacing manner, approaches without provocation any person or domestic animal as if to attack, or has demonstrated a propensity to attack without provocation or otherwise endanger the safety of human beings or domestic animals. No animal shall be declared a vicious animal if the threat, injury or damage caused by the animal was the result of a person's willful trespass upon another's property without consent of the owner of the property, or the person injured was tormenting, abusing or assaulting the animal or its owner, or was committing or attempting to commit a crime at the time of injury, or a dog trained and used by the police. If deemed necessary to protect public safety, a vicious animal found running at large may be destroyed by a person designated by the City Manager without a hearing to determine viciousness.
1. Compliance. A keeper whose animal fits the definition of a vicious animal or whose animal is determined to be vicious by hearing as stated below must comply with this chapter, confine and control the animal in accordance with the provisions of this chapter, register the animal with the animal control supervisor and post warning signs as approved by the animal control supervisor.
 2. Hearing for Determination of a Vicious Animal. In the event that the City Manager, his or her designated agent, or the animal control supervisor has reasonable grounds to believe that an animal may be vicious, a hearing shall be convened to determine viciousness. The hearing will be presided over by three hearing officers appointed by the City Manager.
 - a. Notice. Written notice informing the owner of the charged viciousness and of the hearing shall be served by the City Manager or his or her agent pursuant to the Rules of Civil Procedure.
 - b. Due Process. The due process hearing will be conducted by the hearing officers. The hearing officers will make findings of fact and conclusions of law within five days after the hearing to determine viciousness. The hearing officers shall provide the owner with a written copy of the findings. Only two of the three hearing officers need to determine an animal is vicious in order for the owner of the animal to comply with the requirements of subsection L of this section.
- c. Hearing Procedures. The hearing shall be informal and shall be open to the public. At the hearing, both oral and documentary evidence may be taken from any interested person in determining whether the animal is vicious. Any owner who fails to appear at the hearing after notice is given without obtaining a continuance from the appointed hearing officers may be deemed to have waived any right to introduce evidence or object to any order made by the hearing officers. The hearing officers' decision shall be based on the preponderance of evidence.
 - d. Impoundment Before Hearing. In the event the animal control officer or law enforcement officer has probable cause to believe that the dog in question is vicious and may pose a threat of harm to human beings or other domestic animals, the animal control officer or law enforcement officer may require the seizing and impoundment of the animal pending the hearing. When the animal is impounded a hearing date shall be held not later than ten (10) calendar days from the date notice was served to the owner.
3. Viciousness Determined. Immediate steps that must be completed within one calendar day upon completion of notification of a determination of viciousness by the hearing officers:
 - a. Leash and Muzzle. No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely restrained with a leash no longer than six feet in length. No person shall permit a vicious dog to be kept on a chain, rope, or other type of leash outside confinement unless a person is in physical control of the leash. Such animal may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all vicious animals on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals. Any kennel, pen or structure must have secure sides and a secure top and bottom attached to the sides. Such pen, kennel or structure shall be locked when such vicious animal is within the structure.
 - b. animal control officer is permitted to enter the premises of the owner of any vicious animal at any reasonable time for the purpose of inspection or reinspection to determine com-



pliance with this section.

4. Immediate Seizure for Violation. In the event any keeper of a vicious animal violates any of the requirements of this chapter, the animal may be immediately seized and impounded by the animal control officer. In addition, the animal shall be seized immediately if the animal bites, injures or attacks a human being or another animal.
 5. Violation--Suspension and Revocation of Registration--Appeals. A vicious animal registration may be denied, suspended or revoked by the City Manager or his or her designated agent upon a determination that the keeper of the vicious animal is in violation of this chapter. An opportunity for a hearing on any denial, suspension or revocation shall be provided at a time and place determined by the City Manager. Based upon the record of such hearing, the Municipal Judge shall make a finding and shall sustain, modify or rescind the action considered at the hearing. Any vicious animal which is seized for causing injury to a human being or another animal may be ordered removed from the City or humanely destroyed and may not continue to be registered as a vicious animal.
- M. Concealment of Animal--Interference With Enforcement of Chapter. It is unlawful for any person to conceal any animal from the officers charged with the enforcement of this chapter or to interfere with such officers in the discharge of the duties herein imposed.
- N. Killing Songbirds or Robbing Nests. It is unlawful for any, person to wilfully without justifiable reason kill any songbird or rob the nest of such bird.
- O. Wild and Exotic Animals.
1. It is unlawful to keep the following animals:
 - a. Wild animals, or any animal which is wild by nature and cannot normally be domesticated or controlled, kept in such numbers or in such a manner as to constitute a likelihood of harm to the animals themselves or to other animals, to human beings or to the property of human beings, or which constitute a public or private nuisance;
 - b. Exotic animals which are rare or different from ordinary domesticated animals and are not indigenous to the State, exotic animals, or wild animals prohibited by Federal or State law or regulation;
 - c. Venomous reptiles;
 - d. Bats; and
 - e. Skunks.
 2. No person shall receive, purchase, own or keep wild or exotic animals without first applying for and receiving from the City and from the State Department of Game and Fish a permit to do so. The applicant must provide evidence of knowledge and facilities for the care and feeding of the animals involved. The City Manager, his or her agent, or animal control officer is permitted to enter the premises of any permittee hereunder at any reasonable time for the purpose of inspection or reinspection to determine compliance with this section. The City Manager or his or her agent may deny, revoke or suspend a permit for failure to comply with this section. The fee for such permit shall be three dollars (\$3.00). A separate permit shall be required for each species of wild or exotic animals.
3. This section shall not apply to and shall not be construed to require a permit for the keeping of:
 - a. Nonvenomous species of reptiles endemic to the United States;
 - b. Amphibians endemic to the United States;
 - c. Wild or exotic animals kept within the City for a period not to exceed fourteen (14) days for purposes of paid or charitable entertainment.
- P. Keeping Domestic Livestock and Fowl. It is unlawful to keep, harbor or maintain within the City limits any horses, mules, burros, cows, pigs, goats, sheep, swine and all other domesticated animals, with the exception of pets. It also is unlawful to keep more than one fowl. "Fowl" is defined as turkeys, geese, ducks, guineas, chickens and all other domestic fowl.
- Q. Abuse or Interference with Police Department Animals.
1. It is unlawful for any person to wilfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable or kill any animal used by any peace officer in the performance of his or her duties or of the function or duties of the Police Department.
 2. It is unlawful for any person to knowingly interfere with or meddle with any such animal, or the equipment used on or by such animal.
 3. It is unlawful for any person to knowingly engage in conduct designed to agitate or distract any such animal.
- R. Duty of Motorist Upon Striking Animal. It is unlawful for the operator of any vehicle upon striking and injuring or killing any animal to leave the scene of such incident prior to notification and arrival of a police officer, a veterinarian or an animal control officer. It shall be the duty of the operator of the vehicle to notify one of the above.
- S. Exclusion of Qualified Service Animals From Places of Business. It is unlawful for any person owning, operating or maintaining any public place of business or conveyance into which the general public is invited for any business purpose to exclude therefrom any qualified service animals which are trained to lead partially or totally blind persons, aid hearing impaired persons or assist mobility impaired persons; provided, that such qualified service animals are in the company of the partially or totally blind persons, hearing impaired persons or mobility impaired persons.
- T. Keeping Vietnamese Potbellied Pigs or Potbellied Pigs.



It is unlawful for any person to receive, purchase, own, maintain, harbor or keep Vietnamese potbellied pigs and/or potbellied pigs without first applying for and receiving from the City an exotic livestock permit to do so. It also is unlawful to keep more than one Vietnamese potbellied pig and/or potbellied pig.

1. Permit. The animal shall not be in excess of sixty-five (65) pounds in weight. All Vietnamese potbellied pigs and/or potbellied pigs must have received all necessary vaccinations, and a copy of vaccination certificates must be available at all times for inspection by the animal control officer. The name and address of attending veterinarian and all health certificates must be available at all times. Vietnamese potbellied pigs or potbellied pigs must not be left unattended outdoors, and must be kept under restraint when outdoors. The applicant must provide evidence of knowledge and facilities for the proper care and feeding of the potbellied pigs. The City Manager, his or her designated agent, or the animal control officer is permitted to enter the premises of any permittee hereunder at any reasonable time for the purpose of inspection or reinspection to determine compliance with this section. The City Manager, his or her designated agent, or the animal control officer may deny, revoke or suspend a permit for failure to comply with this section. Permits shall expire on December 31st of each year and shall be renewed by February 1st of the following year. The fee for such permit shall be ten dollars (\$10.00).
2. Vietnamese Potbellied Pigs or Potbellied Pigs not Under Restraint. It is unlawful for any keeper to allow Vietnamese potbellied pigs or potbellied pigs to be left unattended or not under restraint. (Ord. 826 § 3 (part), 1995: prior code § 6-5)

6.04.060 IMPOUNDMENT--REDEMPTION--ADOPTION.

- A. Animal Shelter. A suitable animal shelter shall be provided for the purpose of boarding and caring for animals impounded under the provisions of this chapter.
- B. Impounding Animals. Animals kept in violation of this chapter and stray animals may be taken in to custody by an animal control officer or other designated official and impounded.
- C. Right of Entry of Animal Control Officers. Animal control officers in the performance of their duties may enter upon private property, except a private residence, for the purpose of apprehending animals running at large and stray animals.
- D. Resignation of Impounded Animals. Upon impounding or receiving any animal, the animal control officer shall register such animal by entering the breed, color and sex of the animal and the time and place such animal was apprehended into the registry kept for this purpose.
- E. Notice to Owner. If the keeper of an impounded animal is known, he must immediately be notified. If the keep-

er of the animal is not known, notice of the impoundment shall be posted in a conspicuous place at the animal shelter for a period of seventy-two (72) hours.

- F. Right to Redeem Impounded Animal. The keeper of any animal which has been impounded under the provisions of this chapter shall have the right to redeem the animal upon payment of the impounding fees, care and feeding charges, veterinary charges and such other costs as set by the City Commission.
- G. Time Limit for Redemption. Any animal not redeemed within seventy-two (72) hours shall become the property of the City and may be placed for adoption, or the animal may be humanely destroyed.
- H. Adoption and Redemption.
 1. No unvaccinated or unsterilized dog or cat shall be released by way of adoption or redemption from the Hobbs animal shelter to an adopting person or reclaiming owner unless a vaccination and a sterilization agreement (as applicable) have been signed by that person stating that the adopting person or reclaiming owner shall, where applicable, have the animal vaccinated for rabies and distemper and sterilized within the respective time limits set forth in subsections B and C of this section or in lieu of sterilization obtain a breeder's permit or its equivalent within those same time limits. As applicable, a vaccination deposit of twenty-five dollars (\$25.00) and a sterilization deposit of twenty-five dollars (\$25.00) shall be paid by the adopting person or reclaiming owner. The vaccination deposit shall be applied toward the cost of one rabies vaccination and one distemper vaccination, to be administered by a licensed veterinarian of the adopting or reclaiming person's choice, and the sterilization deposit shall be applied toward the cost of sterilization of the animal by a licensed veterinarian of the adopting or reclaiming person's choice. Such applicable deposit(s) shall be applied respectively toward such vaccination and/or sterilization upon presentation by the adopting person or reclaiming owner of a receipt from a licensed veterinarian that the animal has, as applicable, been vaccinated for rabies and distemper and sterilized. The vaccination deposit and the sterilization deposit shall otherwise be nonrefundable.
 2. The time limits for an adopting person or reclaiming owner to obtain vaccinations as required by this chapter are as follows:
 - a. Adult animals over the age of three months: thirty (30) days from the date of adopting or reclaiming;
 - b. Animals under the age of three months: before, or at such time as, the animal reaches three months of age; or within thirty (30) days of adopting or reclaiming, whichever occurs last.
 - c. Animals entered in local kennel club shows



that are registered out of State shall be exempt from the provisions of this chapter.

3. The time limits for an adopting person or reclaiming owner to have the animal sterilized; or, in the alternative, to obtain a breeder's permit or its equivalent are as follows:
 - a. Adult animals over the age of six months: thirty (30) days from the date of adopting or reclaiming;
 - b. Animals under the age of six months: before, or at such time as, the animal reaches six months of age; or within thirty (30) days of adopting or reclaiming, whichever occurs last; or as otherwise determined in writing by a licensed veterinarian, but no later than the onset of fertility in the animal.
 4. Where this chapter uses the words "permit" and "breeder's permit," such words shall mean a permit allowing an owner or keeper of a dog or cat to allow the animal to remain unsterilized for the sole purpose of breeding the animal.
 5. Persons wishing to apply for a breeder's permit may obtain proper forms from the City Manager, or his or her designee. Persons applying for a breeder's permit must provide specific information concerning the animal, intend to breed the animal, and provide proof of current rabies vaccinations for the animal. One permit application must be filed for each animal. The City Manager, or his or her designee, shall have the right to approve or refuse the issuance of a breeder's permit.
 6. Breeder's permit holders shall pay to the City a fee of ten dollars (\$10.00) for each nationally or internationally registered animal including, but not limited to, registration in the AKC or UKC, and a fee of fifty dollars (\$50.00) for each unregistered animal. The City Manager, or his or her designee, shall have the right to revoke a breeder's permit for failure to comply with any provision of the City animal control ordinance.
- I. Impounded Injured/Sick Animals. Any impounded licensed or unlicensed animal which appears to be suffering from serious injury or disease and which is in great pain and suffering and probably will not recover or which appears to have an infectious disease which is a danger to humans or to other animals in the opinion of the animal control supervisor, may be destroyed immediately by the animal control officer. In the event such an animal is licensed, the animal shelter shall attempt to notify the owner before taking action. (Ord. 826 § 3 (part), 1995: prior code § 6-6)
- 6.04.070 KENNELS.**
- A. Restrictions as to Keeping Dogs or Cats Without Kennel License. No person in the City may own, keep or harbor more than three dogs of three months of age or older, or more than three cats of three months of age or older. No person in the City may own, keep or harbor more than three dogs and two cats or two dogs and three cats more than three months of age or older without obtaining a kennel license.
 - B. License Generally--License Fee. Whether or not fees are charged to the public, persons operating a kennel must obtain a nontransferable kennel license which shall be posted in a conspicuous place in the kennel. A kennel license shall expire on December 31st of each year and shall be renewed by February 1st of the following year. No kennel license may be issued without an inspection certificate issued by the City Manager or his or her designated agent. The annual kennel license fee shall be five dollars (\$5.00).
 - C. Structural and Sanitary Requirements. Animal housing facilities must be structurally sound and shall be constructed of nontoxic materials. The facility shall be maintained in good repair and kept clean and sanitary at all times, so as to protect animals from disease and injury. Animals maintained in pens, cages or runs for periods exceeding twenty-four (24) hours must be provided with adequate space to prevent overcrowding and to permit adequate exercise according to the requirements of the species. Indoor housing shall be provided with adequate ventilation and temperature control to provide for the animals' comfort and health. Sufficient lighting shall be provided by either natural or artificial means. If outside housing is provided, it must be sufficient to protect the animal from sunlight, rain, snow or cold weather detrimental to the animal's health. Provisions shall be made for the removal and proper disposal of animal and food waste, bedding, dead animals and debris. Disposal facilities shall be provided and operated so as to minimize vermin infestation, odors and disease hazards. Except where indicated for health, animals shall be provided with clean, fresh, sufficient and wholesome food and water. Food and water containers must be kept clean. Every animal kept in a kennel must be observed daily, and diseased or injured animals must be provided with veterinary care.
 - D. Inspection. The City Manager, his or her agent, or animal control officer shall be permitted to enter, at any reasonable time, for the purpose of inspecting or re-inspecting any kennel or pet shop to determine compliance with this section.
 - E. Violation--Suspension and Revocation of License--Appeals. A kennel license may be denied, suspended or revoked by the City Manager or his or her designated agent upon a determination that the operator of the kennel or pet store is in violation of this section. An opportunity for a hearing on any denial, suspension or revocation shall be provided at a time and place determined by the City Manager. Based upon the record of such hearing, the City Commission shall make a finding and shall sustain, modify or rescind the action considered at the hearing. Any owner of a kennel or pet store whose license has been suspended or revoked may make



application for reinstatement of the license. If, during the following inspection, the applicant has complied with the requirements of this section, the license shall be reinstated.

- F. Exceptions. This section shall not apply to and shall not be construed to require a kennel license for:
1. A veterinary hospital or clinic operated by a licensed veterinarian;
 2. A bona fide research institution using animals for scientific research;
 3. A publicly owned animal control center or shelter;
 4. A bona fide animal shelter operated by an organized humane society. (Ord. 826 § 3 (part), 1995: prior code § 6-7)

6.04.080 VIOLATIONS--PENALTIES.

Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding five hundred dollars (\$500.00) and/or imprisonment for a period not exceeding, ninety (90) days, or by both such fine and imprisonment. Each day of violation shall be considered a separate offense.

- A. Minimum Fines for Dogs Running at Large.
1. Upon first offense, minimum fine of fifteen dollars (\$15.00).
 2. Upon second offense, minimum fine of thirty dollars (\$30.00).
 3. Upon third offense, minimum fine of sixty dollars (\$60.00).
 4. Upon fourth or subsequent offense, minimum fine of one hundred and fifty dollars (\$150.00).
- B. Minimum Fine for Vicious Animals.
1. Upon first offense, minimum fine of forty dollars (\$40.00) and the registration for vicious animal may be denied or revoked.
 2. Second offense of registered vicious animal in which a hearing was not held to determine viciousness, minimum fine of one hundred and fifty dollars and the registration for vicious animal may be revoked.
 3. Second offense of registered vicious animal in which a hearing was held to determine viciousness, minimum fine of two hundred and fifty dollars (\$250.00) and the registration for vicious animal may be revoked.
 4. Third offense of registered vicious animal, minimum fine of three hundred and fifty dollars (\$350.00) and revocation of registration. Revocation or denial of registration requires the animal to be removed from the City or the animal will be destroyed. (Ord. 826 § 3 (part), 1995: prior code § 6-8)

