

ORDINANCE NO. 229

AN ORDINANCE ADOPTING AN ANIMAL CONTROL ORDINANCE BY REFERENCE FOR THE CITY OF GOSHEN, ARKANSAS.

WHEREAS, the City Council of the City of Goshen has determined that it is in the best interest of the City and its citizens to modify and replace its present Ordinance 84 -Vicious Dog Ordinance, which shall supersede and replace the Vicious Dog Ordinance previously adopted in its entirety. and

WHEREAS, the City Council sees the need to adopt an Animal Control Ordinance and therefore seeks to adopt the attached Exhibit A = Animal Control Ordinance, and

WHEREAS, the prior Ordinance 84 – Vicious Dog Ordinance is no longer adequate for the safety and protection of the citizens of the City of Goshen Arkansas. The City Council wishes to proceed with the adoption of a more detailed Animal Control Ordinance.

NOW, THEREFORE. BE IT ORDAINED BY THE CITY COUNCIL FOR THE CITY OF GOSHEN, ARKANSAS:

Section. 1. The Animal Control Ordinance as set forth in the attached "Exhibit A" is hereby adopted by reference in its entirety.

PASSED AND APPROVED this 9th day of July, 2024.

APPROVED:

RUSSEL STROUD, Mayor



ATTEST

MARJORIE VAILLANCOURT Recorder/Treasurer



BRIAN HOGUE City Attorney



ROLL CALL

Names of those voting YEA

Birch Wright
Paula Anderson
Max Poye

Names of those voting NAY

John Vaillancourt

Abstained

Shawn Mayfield

Absent

Colton Martin

(EXHIBIT – A)

Title 6

Animals and Fowl Policy

Chapters:

06.1	Dogs and Cats
06.2	Keeping of Livestock
06.3	Keeping of Small Animals and Fowl
06.4	Keeping of Innately Wild and/or Exotic Animals
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CHAPTER 06.01

DOGS AND CATS

Sections:

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06.01.02	Vicious or Dangerous Dogs
06.01.03	Declaration of a Vicious or Dangerous Dog
06.01.04	Vaccinations
06.01.05	Restraint & Confinement
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06.01.15	Animal Bites
06.01.16	Animal Care

6.1.01 Definitions

The following words, terms and phrases and their derivatives shall have the following meanings, except where their context clearly indicates a different meaning.

Abandon means any person in possession of an animal who knowingly refuses to provide care for the animal as defined in this Chapter or knowingly leaves an animal unattended at any location.

Animal means any creature, living or dead, domestic or exotic, which is not human.

Animal Control Officer means an employee or agent of the City of Goshen, designated by the Mayor to administer and enforce the licensing, inspection and enforcement requirements contained within this Chapter.

At Large means any animal not in an adequate enclosure or fence and/or not on a leash and in immediate physical control by person(s) capable of restraining the animal.

Breeder and Hobbyist, means any person, partnership, or corporation which maintains an unaltered, unsterilized, intact dog or cat and breeds such animal for any consideration of show, profit, fee or compensation.

Cats when used herein shall include animals of all ages, both male and female, which are members of the domesticated feline or cat family.

Collar means any material of sufficient width to encircle an animal's neck, provide a fastener for a leash and be of sufficient strength as to enable a person to control the animal. There should be two (2) fingers width between the collar and the neck to prevent choking.

Cruelty means any act of omission whereby unjustifiable physical pain, suffering or death of an animal is caused or permitted, including failure to provide proper drink, nutritious food, air, space, shelter or protection from the elements and a sanitary and safe living environment and veterinary care. In the case of activities where physical pain is necessarily caused, such as medical or scientific research, food processing, customary and normal veterinary and agricultural husbandry practices, pest elimination and hunting, "cruelty" shall mean a failure to employ the most humane method reasonably available.

Dangerous Animal means any dog or other animal which:

- 1) exhibits a propensity, tendency or disposition to attack, cause injury or threaten the safety of persons or other animals without provocation
- 2) without provocation, chases, confronts, or approaches a person on a street, sidewalk, or other private property in a menacing fashion such as would put an average person in fear of attack; or,
- 3) in a manner that causes or should cause its owner to know that it is potentially vicious.

Dogs when used herein shall include animals of all ages, both male and female, which are members of the domesticated canine or dog family.

Domestic Animal includes dogs, cats, domesticated sheep, horses, cattle, goats, swine, hogs, fowl, llama, llama family, ducks, geese, turkeys, quail, confined domestic hares and rabbits, pheasants, chickens, and other birds and animals that have historically been maintained in confinement for food production or as pets.

Enclosure means a fence or structure forming or causing an enclosure suitable to adequately confine any animal. In reference to animals in heat or season, an enclosure is a fence or structure, which adequately restricts access to the female which is in heat or season. Any animal deemed vicious, (pending outcome of an appeal) or dangerous must meet enclosure requirements as outlined in Section 06.01.05

Exotic Animal means any live animal in the family or species of monkey, alligator, crocodile, cayman, raccoon, skunk, fox, bear, sea mammal, poisonous snake, member of the feline species other than domestic cat (*felis domesticus*), member of the canine species other than domestic dog (*canis familiaris*) or any other animal that would require a standard of care and control greater than that required for ordinary household pets or domestic farm animals.

Fowl means any live bird or bird kept for its reproduction.

Impoundment means the taking into custody of an animal by any Animal Control Officer, Police officer, or any authorized representative thereof.

Intact means any animal which has the ability to reproduce.

Kennel, Cattery, or Pet shop means any premises wherein any person, firm or corporation engages in the business of boarding, breeding, buying, letting for hire, raising, training for a fee, or selling for profit or locating homes for no-profit dogs or cats or other small animals for profit, whether operated separately or in conjunction with another business.

Livestock means any animal typically raised for production, a.k.a. sale, including but not limited to cows, horses, pigs, goat, sheep, etc. and other than domesticated cats, dogs, and other animals commonly purchased as pets.

Livestock guardian dogs means a domesticated dog kept for the purpose of protecting livestock and deterring predators.

Microchipped means a device implanted under the skin of an animal which can be read by a microchip scanner and has an identification number which can be used to locate the owner.

Muzzle when required by this Chapter, means a muzzle of appropriate materials with sufficient strength to restrain the animal from biting and no such muzzle employed shall be made from any material or maintained on the animal in any manner to cut, injure or cause pain to the animal.

Nuisance Animal means any animal whose behavior is described in Section 6.01.14.

Owner means any person having temporary or permanent custody of, sheltering or having shared or full-time charge of, exercising control over, or having property rights to, any animal covered by this Ordinance.

Running At Large or At Large means any animal which is not adequately confined by fence, enclosure or leash, or under restraint and control by a person capable of controlling the animal.

Severe or Serious Injury means any physical injury which results in broken bones or disfiguring lacerations which will require multiple sutures or cosmetic surgery.

Stray means any dog or cat or other domestic animal which does not have a rabies tag or other appropriate identification and vaccination tag affixed to it or on a collar.

Under Restraint means an animal is secured by a leash lead under control of a person physically capable of restraining the animal and obedient to the person's commands, or securely enclosed within the real property limits of the owner's premises.

Vaccination means when used herein means an injection of any vaccine for rabies approved by the state veterinarian.

Vicious Dog means any dog which:

- 1) causes death or serious injury to a person engaged in lawful activity.
- 2) attacks or bites without provocation and with such severity as cause physical injury to a person or property done to a person engaged in lawful activity.
- 3) while off the property of its owner and without provocation, kills or seriously injures another domestic animal.

6.01.02 Vicious or Dangerous Dogs

Animal Control or a Police Officer may make this determination upon investigation and reasonable belief formed therefrom. However, the fact that an animal has bitten or attempted to bite some person when that person was teasing the animal or otherwise provoking it shall not constitute the animal a vicious animal. An animal which bites as a result of suffering an injury or following an injury shall not constitute the animal a vicious animal.

- 1) It shall be unlawful for any person to keep within the city limits any vicious dog except those owned and maintained by a law enforcement agency.
- 2) It shall be unlawful for any person to keep within the City limits any dangerous dog, except those owned and maintained by a law enforcement agency. Penalty for violation of the Vicious or Dangerous Dog, Section 6.01.02, shall be twenty dollars (\$20.00) per day beginning from the date of notice from the Goshen Animal Control Officer or a Goshen Police Officer to the date the animal is removed from the corporate city limits of Goshen, not to exceed one-thousand dollars (\$1,000.00) total plus all court costs and other penalties. Penalty for violation may also result in the owner being charged with a misdemeanor.

6.01.03 Declaration of A Vicious Or Dangerous Dog

If the Animal Control Officer or a Police Officer has cause to believe that a dog is vicious or dangerous within the meaning of a vicious or dangerous dog, it shall be surrendered to the Animal Control Officer or Police Officer and impounded.

- 1) Notice to owner of declaration of vicious or dangerous dog. In instances where the dog is declared vicious or dangerous, it shall be surrendered to the Animal Control Officer or Police Officer and impounded by the City or an agency thereof.
- 2) If possession of the dog is obtained other than through surrender by the owner of the dog a Notice of Declaration of vicious or dangerous, shall be hand-delivered, where feasible, or, if not, posted at the owner's or custodian's last known address, that the animal has been determined to be either vicious and/or dangerous, and has been impounded by Goshen Animal Control. The owner shall have five (5) business days from delivery of the notice within which to file an appeal in writing with Animal Control contesting the determination of vicious or dangerous. If the owner does not file an appeal of the determination by the end of the regular business hours on the fifth (5th) day, the City of Goshen may apply to the Presiding District Court for an order to have the animal euthanized.
- 3) Court Appearance. If the owner of the dog contests the determination of Animal Control that the dog is vicious or dangerous, the Animal Control Officer through the Goshen Police Department shall issue a citation to the owner to appear in the Presiding District Court for maintenance of a vicious or dangerous dog. The dog shall remain at an animal control facility or veterinary facility while being observed for possible rabies and the owner shall be responsible for all fees including boarding fees.
- 4) Judicial Determination. If the Court determines that the dog is vicious, and that maintenance of the dog is a danger to public safety, the court may impose any penalty provided in Section 6.01.02 of this chapter; and in addition to any boarding fees owed, one of these alternatives:
 - a) That the dog be euthanized, or
 - b) That the dog be removed from the city limits forthwith
 - c) Exemptions. This section shall not apply to dogs properly kept and maintained by a Police department or law enforcement agency.

- d) Violations and Penalties. Any person violating or permitting the violation of this section shall upon conviction in a court competent jurisdiction, be subject to section 6.11.01. In addition to the fine imposed, the court may order the dog removed from the City or euthanized.

06.01.04 Vaccinations

- 1) All animals in the City of Goshen which are over the age of four (4) months and which are subject to rabies shall be vaccinated according to the label duration of the vaccine, either one (1) or three (3) years.
- 2) A metal tag evidencing such vaccination shall be affixed to the collar of animal.

06.01.05 Restraint and Confinement

- 1) It shall be unlawful for the owner of any animal to fail to keep such animal under restraint or to permit such animal to run at large upon the streets and public ways of the City. Therefore, any person owning, possessing, or keeping an animal, whether vaccinated or unvaccinated, licensed or unlicensed, microchipped or non-microchipped, shall confine the animal to the animal owner's personal property by any humane mean necessary to prevent the animal from running at large. Penalties are according to Section 6.10.01.
- 2) Choke chains without inward facing barbs are only permissible when used for training purposes. When using a choke chain for training, there must be enough room between the collar and the animals throat through which two (2) fingers may fit.
- 3) Any Collar with spikes or prongs facing inward outside of dedicated training shall be considered cruelty.
- 4) Any animal while on the street, sidewalk, public way or in any park, public square or other public space, or upon any private property without the consent of the owner, shall be under the control of the owner either by being secured by a leash or chain of sufficient tensile strength or by verbal control to restrain the animal.
- 5) Every female animal in heat or season shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

06.01.06 Service Charge For After Hours And Weekend Activity

Whenever the Animal Control Officer is called upon during hours other than normal working hours to bring under control any animal running at large, there shall be assessed upon the owner thereof an afterhours service charge of fifty dollars (\$50.00), regardless of whether the owner therefore requested the Animal Control Officer.

06.01.07 Conditions of Pens and Premises

- 1) It shall be unlawful for any person keeping animals to fail to keep the premises where such animals are kept free from offensive odors to the extent that such odors are disturbing to any person within reasonable proximity of said premises.
- 2) It shall be unlawful to allow premises where animals are kept to become unclean and a threat to the public health by failing to remove diligently and systematically all animal waste from the premises.
- 3) It shall be unlawful to allow animals on premises where animals are kept to become infested with ticks; fleas or other vermin, by failing to diligently and systematically apply accepted methods of insect and parasite control.

06.01.08 Abandonment & Relinquishment to Animal Control

It shall be unlawful for any person to illegally abandon an animal within the corporate city limits of Goshen. Any person desiring to abandon an animal and relinquish said animal shall contact the City of Goshen and pay the current Goshen relinquishment fee as set forth in Section 6.11.01.(2), to the City of Goshen. Once the fee has been paid, the city will give a letter of relinquishment and the owner must take the animal and said letter to the County Animal Shelter.

In the event that any unwanted domesticated animal(s) are requested to be relinquished or surrendered to the Goshen Animal Control Officer for any reason, regardless of the method of acquisition (i.e., a stray) of the animal(s) by the requestor, the owner/surrenderor will be responsible for the transfer of the animal(s) to the animal shelter.

06.01.09 Impounding: Release or Euthanization of animals

- 1) In addition to other remedies provided in this Chapter of the Municipal Code, an Animal Control Officer or a Police Officer may seize or impound to the agency or shelter of contract or use or other facility contracted for such services, any of the following animals:
 - a. Any animal at large;
 - b. Any animal constituting a public nuisance;
 - c. Any animal considered a vicious or dangerous animal per Section 06.01.03
 - d. Any animal that is in violation of any quarantine or confinement order of the City or District Court;
 - e. Any unattended animal that is ill, injured or otherwise in need of care.
 - f. Any animal that is reasonably believed to have been abused or neglected;
 - g. Any animal that is reasonably suspected of having rabies;
 - h. Any animal that is charged with being vicious or dangerous, or where an Animal Control Officer or Police Officer determines that there is a

threat to public safety; Any animal that a court of competent jurisdiction has ordered impounded or destroyed;

- i. Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his or her regular place of residence.

06.01.10 Notice to Owner & Redemption

Upon impoundment of an animal whose owner is known, the Animal Control Officer shall immediately attempt to notify the owner. Notice shall be placed on the premises of the owner, if known. Any notice shall include the location of the facility contracted for such services, the time frame in which the owner must claim the dog or cat before it is placed for adoption or euthanized, hours during which the dog or cat can be reclaimed, and that the owner may claim their animal by paying the City of Goshen fees and reimbursing the facility where the animal is housed.

06.01.11 Release or Adoption of Animals

Animals not claimed by the owner within the prescribed time frame of the facility contracted for services are entirely subject to the ordinances regulating either facility.

- 1) Anyone wishing to claim their animal from said shelter shall, in addition to any other shelter requirements, be required to pay a Goshen animal recovery fee of One-Hundred Dollars (\$100.00) for the costs of responding, catching the animal, transporting the animal, an impound fee of One-Hundred Fifty Dollars (\$150.00), and any other related costs. Such fee shall be deposited into the general fund of the City of Goshen.

06.10.12 Disposition of Injured or Diseased Animals

- 1) It shall be unlawful for any person to knowingly keep:
 - a. Any injured animal without providing proper treatment for such injury; or,
 - b. Any animal infected with a disease which may contaminate other animals or be a health hazard.
- 2) When the owner of a seriously ill or diseased animal is unidentified, disposition of seriously injured or diseased animals shall be at the discretion of the Animal Control Officer, Police Officer, or a licensed veterinarian. The identified owner of any such untreated or diseased animal shall be notified to obtain immediate treatment, or when necessary, have the animal euthanized to prevent unwarranted suffering. The decision by an Animal Control Officer regarding how an ill or diseased animal is treated or euthanized shall be fully documented as to date, time, location animal was found, any identifying license identification and any photograph if possible.
- 3) Documentation of seriously diseased and euthanized animals shall be kept as part of the Animal Control records.

06.10.13 Expense for Treatment of Injured or Diseased Animals

An owner of an animal which has been treated by a veterinarian other than a facility contracted for such services, under the provisions of Section 6.1.12 of this Chapter shall make direct payment to the veterinarian.

06.10.14 Nuisance Animals

The owner of a nuisance animal shall be subject to a fine of twenty-five (\$25.00) dollars in addition to other lawful orders and fines assigned by the Presiding District Court. The owner shall be responsible for payment of all impound, boarding fees, court costs and fines if any, and City Administrative Fee to redeem the animal. Nuisance animals are any animals which infringe upon the rights of another animal or person, or:

- 1) Molest passerby or passing vehicles.
- 2) Attack other animals;
- 3) Trespass on school grounds;
- 4) Are repeatedly at large;
- 5) Damage public or private property;
- 6) Bark, whine, or howl in an excessive, continuous, or untimely fashion.

06.01.15 Animal Bites

Any animal which has bitten a person is a rabies suspect and such animal shall be immediately released by the owner for quarantine confinement at a veterinarian of their choice for a period of ten (10) days. If the animal has up to date rabies records, the animal may be observed at home.

When any animal has bitten, scratched, or otherwise attacked a person, the person or anyone having knowledge of such incident shall immediately contact the Animal Control Officer or if on a weekend or holiday, contact the Goshen Police Department.

Animals requiring quarantining shall be quarantined for a period of at least ten (10) days at the expense of the owner or ownership may be relinquished immediately and the animal euthanized, and its head taken to the state health department for a pathological examination. Boarding expenses when the animal is quarantined, are the owners responsibility and shall be paid to the facility where the animal is quarantined prior to the animal being released. Failure of the owner to reclaim the animal within five (5) days of quarantine expiration shall result in the animal becoming the property of the shelter or other facility contracted for such services and will result in the disposition of the animal thru adoption or euthanasia. The owner of the animal shall be responsible for all boarding fees which accrue, including any time period for which the animal is not reclaimed or relinquished. Unclaimed stray animals who have bitten a human or other animal may be euthanized after forty-eight (48) hours or two (2) working days, and the head removed and taken to the state health department for

pathological examination.

06.01.16 Animal Care

- 1) All animals must be provided with appropriate shelter and a safe, non-injurious environment. Shelters and enclosures, whether temporary or permanent, must be constructed so that they are the appropriate size, strength and material that allow the animal to stand, turn around, and lie down freely.
- 2) No person shall fail to provide his animals with sufficient, appropriate food; clean water in sufficient quantities; proper air; proper alleviation of temperature, shelter providing protection from the weather.
- 3) No animal may be kept exclusively on the flooring of a wire grid.
- 4) No person shall cruelly ill-treat, torment, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, or other combat between animals, or between animals and humans.
- 5) No person shall confine any animal in a parked car at any dangerous temperature, as determined by an Officer, Animal Control Officers or other law enforcement. Officers shall not be liable for any damage resulting to the vehicle when such confined animals must be removed for their safety and well-being.

CHAPTER 6.02

KEEPING OF LIVESTOCK

Sections:

06.02.01 Keeping of Livestock

- 1) It shall be unlawful to keep or maintain any livestock commonly raised as livestock production for sale, in zoned residential areas of the corporate City limits with insufficient dedicated acreage necessary for the healthy production of the number of livestock as recommended by the Natural Resources Conservation Service division of the USDA (<https://www.nrcs.usda.gov/resources/guides-and-instructions/pasture-management>).
- 2) Any person found not to be in compliance with this Section of this Chapter shall, at the discretion of the Animal Control Officer, have a period of not less than ten (10) days from the date of discovery and written order of the Animal Control Officer nor more than ninety (90) days to come into compliance.
- 3) It shall be unlawful for livestock, including production, to run at large.
- 4) Any livestock not kept and maintained in a proper manner to protect the general health, welfare and safety of the livestock animal and the residents of Goshen, may be subject to Title 6, Animal Control Ordinance.
- 5) Any Livestock found injured shall be treated at the expense of the owner(s) including veterinarian care, hospitalization, and/or euthanized.
- 6) Any livestock found injured on a public street and unable to be removed from the street

due to the injury may be disposed of and the removal of the remains charged to the owner per Section 6.01.12 and Section 6.01.13.

CHAPTER 6.03

KEEPING OF SMALL ANIMALS AND FOWL

Sections:

6.03.01 Keeping of Small Animals and Fowl

Horses, Cattle, Sheep, Goats and Hogs are not Small Animals and are defined as Livestock. Small mammals such as rabbits and guinea pigs, and fowl such as chickens, turkeys, rabbits and the like, may be kept within the City limits, subject to the following provisions:

- 1) All such animals shall not constitute a nuisance to neighboring businesses and residences and are hereby prohibited from running at large.

CHAPTER 6.04

KEEPING OF INNATELY WILD AND/OR EXOTIC ANIMALS

Sections:

06.04.01 Keeping of Innately Wild and/or Exotic Animals

As used in this Section, the term "innately wild animals" shall mean lions, tigers, cougars, panthers, bears, wolves, and other non-domesticated animals of an untamable disposition; notwithstanding that their natural wildness may be intermittently dormant, as said wildness is likely to be awakened at any time, suddenly and unexpectedly.

The failure to specifically list any animals in this subsection will not preclude such animals from being deemed innately wild and domestic animals of untamable disposition.

- 1) The possession, maintenance, or keeping of innately wild animals, or domestic animals and livestock of an untamable disposition is hereby prohibited without the permission and approval of Arkansas Game and Fish in conjunction with the City of Goshen.

- 2) Any person found not to be in compliance with this Section of this Chapter Shall have, at the discretion of the Animal Control Officer, a period of not less than ten (10) days from the date of discovery and written order of the Animal Control Officer nor more than ninety (90) days to come into compliance

CHAPTER 6.05

BEE KEEPING RESTRICTED

Sections:

6.05.01 Bee Keeping Restrictions

Keeping bees shall be allowed when registered with the Arkansas Department of Agriculture. Find forms at:

https://www.agriculture.arkansas.gov/wp-content/uploads/2020/05/2019_Beeyard_Application_2-27-19.pdf

The Department of Agriculture recommends no more than 2 to 4 beehives per acre for honey production. This range allows each hive enough space to thrive without overcrowding.

Hives shall be properly and safely constructed and located at least one hundred (100) feet from a public sidewalk, street, or nearest neighboring residence or business.

- 1) Active hives shall be placed in such a manner to prevent the tampering by or ingress of passers-by.
- 2) Active hives shall be placed on the property on which the hives are located in a way that provides the maximum amount of protection to all neighboring properties from unintended swarming, inhabitation or other unwanted invasion by the bees inhabiting the active hives. It is expected that beekeepers will locate their hives as far away as possible from neighboring residences and the outdoor spaces where neighbors spend time playing or recreating.
- 3) Any person found not to be in compliance with this Section of this Chapter shall, at the discretion of the Animal Control Officer, have a period of not less than ten (10) days from the date of discovery and written order of the Animal Control Officer nor more than ninety (90) days to come into compliance.

CHAPTER 6.06

STANDARDS FOR PET SHOPS, KENNELS, PUBLIC SALE

Sections:

6.6.01 Standards for Pet Shops and Kennels

6.6.02 Sale or Giving-away of Pets in Public Areas

06.06.01 Standards for Pet Shops, Kennels, Other Public Sale

All pet shops and kennels, regardless if they are run individually or in conjunction with another business, must comply with Arkansas regulations for and of the pet trades and kennel standards.

Any person found not to be in compliance with this Section of this Chapter shall, at the discretion of the Animal Control Officer, have a period of not less than ten (10) days from the date of discovery and written order of the Animal Control Officer nor more than ninety (90) days to come into compliance.

06.06.02 Sale or Giving Away of Pets in Public Areas

- 1) The sale or giving-away of pets in public areas is prohibited within the corporate city limits of Goshen.

CHAPTER 6.07

ENFORCEMENT

Sections:

06.07.01 Enforcement

06.07.01 Enforcement

- 1) In addition to any other authority that they may have and for the purposes of discharging the duties imposed by the Article and enforcing its provisions, any Police Officer is hereby authorized to issue citations to persons found violating any part of this Article. The citation shall contain a printed statement in which the violator promises to appear in the District Court, Criminal Division, without issuance of any warrant or other process and shall be signed by the violator.
- 2) All written orders compelling conditions of compliance, other than those issued by the court, shall be issued by the City Animal Control Officer or by a City Police Officer.

Citations shall contain the date and location of the violation, a statement as to the nature of the violation, and be signed by the person having knowledge of such violation who is also a member of one (1) of the departments before mentioned. Upon failure to sign the citation, a Police Officer or the Animal Control Officer shall swear out a complaint and the usual procedure upon the filing of complaints in the Presiding District Court shall govern the arrest and trial of the violator. Upon the violator's signing of the agreement to appear and his or her appearance as set out in the notice, no warrant shall be issued for the arrest of the violator.

- 3) Only an Animal Control Officer or Police Officer shall determine that a violation of any Section or Chapter of the Animal Control Ordinance has been committed.
- 4) A vicious or dangerous animal seized by Animal Control shall not be released until the owner signs an affidavit or sworn declaration that he or she will remove the dog from Goshen's corporate city limits. An owner who has signed the affidavit and paid the fees, but knowingly fails to remove the dog as required, shall be subject to a fine of not less than five- hundred dollars (\$500.00) nor more than seven- hundred fifty dollars (\$750.00) for each subsequent offense.

CHAPTER 6.08

RIGHT OF ENTRY

Section:

6.08.01 Right of Entry

6.08.01 Right Of Entry

For the purpose of discharging the duties imposed by this Chapter of the Goshen Municipal Code and to enforce its provisions, the Animal Control Officer, or any Police Officer, is empowered within the bounds of the Fourth (4th) Amendment of the U.S. Constitution, to enter upon any premises in or upon which a dog or other animal is kept or harbored.

CHAPTER 6.09

INTERFERENCE WITH ENFORCEMENT

Section:

06.09.01 Interference with Enforcement

6.09.01. Interference with Enforcement

- 1) It shall be unlawful to fail to comply with specific written orders issued by an Animal Control Officer or Police Officer within the time frame prescribed.
- 2) It shall be unlawful for any person to interfere in any manner with an Animal Control Officer, Police Officer, or City employee while they are discharging their duties or have in their custody any animal. It shall be likewise unlawful for any person to interfere with a veterinarian whose services have been secured by Law Enforcement or Animal Control in furtherance of carrying out the provisions of this Article.
- 3) It shall also be unlawful for any person to remove from Goshen Animal Control or a veterinarian's premises an animal which has been taken into the lawful custody of Animal Control unless release of such animal has been authorized by Animal Control.

CHAPTER 6.10

PENALTIES AND FEES

Section:

6.10.01 Penalties and Fees

6.10.01 Penalties and Fees For Violation

Unless the penalty is otherwise specified, any person violating any Section of Title 6, Animal Control, may be deemed guilty of a misdemeanor and shall be punished upon conviction by a fine not less than twenty-five dollars (\$25.00) and not to exceed five-hundred dollars (\$500.00), or double such sum for each repetition thereof. If the violation is, in its nature, continuous in respect to time, the fine for allowing the continuance thereof shall not exceed two-hundred fifty dollars (\$250.00) for each day it is unlawfully continued.

CHAPTER 6.11

SET PENALTIES

Section:

6.11.01 Set Penalties

6.11.01. Set Penalties

- 1) All fees and fines must be paid prior to release of the animal, if impounded, or within other time periods prescribed or designated by the Court. The following set penalties shall also apply to designated offenses.
- 2) Relinquishment Fee will be equal to the current intake fee being charged by the shelter or agency on contract.
- 3) Nuisance Fee is twenty-five dollars (\$25.00).
- 4) After Hours Service Charge is fifty dollars (\$50.00).
- 5) Failure to maintain the care and maintenance of facilities or property for animals in order to adequately protect the health, welfare, and safety of the general public is one- hundred dollars (\$100.00).