Section 5. Public Nuisance

A. Upon receipt of 1 completed Nuisance form signed by a resident in the vicinity in which the violation and issue occurred, setting forth the nature and the date of the act, the apparent owner/keeper of the animal, the address of the said apparent owner/keeper and the description of the animal creating the nuisance, the Animal Control Officer shall investigate the complaint to determine if the act violates this ordinance.

B. Restraint of Animal: Every person owning or having possession, charge, care, custody or control of any animal shall keep such animal exclusively upon the owner's premises. However, such animal may be off such premises if it is under the control of a person competent to handle and control the animal and restrained by a chain, leash, harness, electronic collar or other means of physical control, or is under the person's direct control and is obedient to that person's commands.

C. It shall be unlawful for the owner/keepers of any domestic animal determined by Animal Control to be a nuisance to allow that animal to run loose off the owner/keeper's real property. In such cases the owner/keeper must correct the nuisance situation immediately by keeping the animal that has been found to be creating a public nuisance on his property at all times. For the purpose of this section, public nuisance includes, but is not limited to:

1. Offensive odors of any animal that remain upon or emanates from the property of the owner/keeper; or

2. The keeping of any animal, which is frequently at large on the property of the others and creating a nuisance; or

3. Allowing or permitting an animal to damage the property of anyone other than its owner/keeper, including but not limited to turning over garbage containers, or damaging gardens, flowers, or vegetables, or defecating upon the property o f another; or

4. Maintaining animals in an unsanitary environment; or

5. Maintaining animals in such a manner and location that animal waste can accumulate and run off onto another person's property or body of water; or

6. Maintaining the owners/keepers property in such a manner that is offensive, annoying, or dangerous to the public health, safety, or welfare of the community because of the density or location of the animals on the property; or

7. Maintaining an animal that is diseased and dangerous to the public health through transmission of zoonotic disease; or

8. Failing to confine a female canine or feline which is in heat in a secure enclosure in such a manner that will prevent the animal from coming in contact with a male of its species, or attract other animals; provided, however this section will not be construed to prohibit the intentional breeding of animals within a securely enclosed area on the premises of the owner/keeper of the animal which is being bred; or

9. Maintaining an animal(s) that habitually or repeatedly barks, whines, howls, or makes any other vocal noise.

D. Upon determination by Animal Control Officers that the nuisance complaints are valid, Animal Control Officers may issue a verbal warning or written order stating the conditions and proper corrective procedures to remedy the situation

E. Animal Control Officer (s) may deem an animal (s) to be a nuisance animal(s) under this section without complaint forms being filed, if the Animal Control Officer(s) determines that the animal(s) meet any of the criteria set forth in any section of this ordinance