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CHAPTER 3

ANIMALS

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Article 1. General Provisions

Section 3-1. Definitions.

The following words and phrases, when used in this Chapter, shall have the meanings prescribed in this Section, except in those cases where the context clearly indicates, or specifically provides for, a different meaning:

1. Animal. The word "animal" shall mean all vertebrate and invertebrate animals, whether domesticated or wild, including, but not limited to, bees, birds and fowl (including parakeets), cattle, cats, chickens, dogs, ducks, geese, goats, fish, horses, livestock of all types, mammals (including elephants), rabbits, all reptiles, rodents, sheep, swine and turkeys.

2. Animal Control Officer. The term "Animal Control Officer" shall mean the person(s) responsible for enforcement of the Town of Okarche, Oklahoma's, Ordinances and regulations pertaining to animal control in said community.

3. Animal Shelter or Municipal Pound. The terms "Animal Shelter" or "Municipal Pound" shall mean any premises formally designated by the Town Council for the purpose of impounding and caring for animals held under the authority of this Chapter, without regard of whether or not said premises are within or without the Municipality's corporate boundaries, and regardless of whether or not said premises are under actual Municipal ownership or provided for under a contractual arrangement between the Town of Okarche, Oklahoma, and private owner(s).

4. At Large. The term "at large" shall mean not securely confined by a fence or other means, on premises under the control of, or occupied by, the owner, and not under the control of the owner, a member of his immediate family over twelve (12) years of age or an agent of the owner, by leash or otherwise, whether on the owner's premises or not.

5. Harboring. The word "harboring" shall mean allowing any animal to habitually remain, or be fed, on premises under his control.

6. Kennel. The word "kennel" shall mean any structure or place located in properly zoned commercial district wherein more than a total of four (4) dogs and cats (aggregate) over the age of six (6) months may be kept

7. Livestock. The word "livestock" shall mean all animals, other than dogs, cats, small caged birds or small aquatic or amphibian animals.

8. Neuter. The word "neuter" shall mean to render a male dog or cat unable to reproduce.

9. New Owner. The term "new owner" shall mean a person legally competent to enter into a contract acquiring a dog or cat from the releasing agency.

10. Owner. The word "owner" shall mean any person, firm or corporation owning, harboring or keeping an animal; occupants of any premises to which a domesticated or tamed animal customarily returns for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal, and thereby considered to be an "owner" of said animal

11. Pet. The word "pet" shall mean any animal kept for pleasure, rather than for sale or commercial purpose.

12. Releasing Agency. The term "releasing agency" shall mean any Pound (Municipal or otherwise), shelter or humane society organization, whether public or private.

13. Restraint. An animal shall be deemed to be under "restraint" if confined on the premises of its owner, if on a leash and accompanied by a responsible person, or in the case of a hunting dog, if accompanied by its owner engaged in the act of hunting.

14. Spay. The word "spay" shall mean to remove the ovaries of a female dog or cat, in order to render said animal unable to reproduce.

15. Sterilization. The word "sterilization" shall mean to spay or neuter a dog or cat.

16. Vicious Dog or Animal. The term "vicious dog or animal" shall refer to any a) dog or animal which has bitten or attempted to bite any person without undue provocation, or which attacks, barks or growls at and acts as if it intended to attack or bite, any person or persons when not unduly provoked; or b) any dog or animal owned or harbored primarily, or in part, for the purposes of fighting, or any dog trained for dog-fighting.

17. Wild Animal. The term "wild animal" shall mean any animal which can normally be found living in a naturally wild state and is not ordinarily tamed or domesticated; the term shall include such animals (hereinabove described) which may be owned by a circus or wild animal show or exhibition.

Section 3-1A Number of Dogs and Cats Permitted.

1. Prohibition. No person shall harbor or keep more than a total of three (3) dogs or three (3) cats or a total of four (4) dogs and cats in the aggregate over the age of six (6) months in any household. The owner, occupant or person in lawful possession or control of the premises shall be responsible for any violation of this section by any of the members of the household.

2. Exception. Businesses located in properly zoned commercial districts may operate kennels wherein more than a total of four (4) dogs and cats (aggregate) over the age of six (6) months may be kept.

Section 3-2. **Animals Not to be At Large.**

1. It shall be unlawful and an offense for the owner of any animal, domestic or wild, (including dogs and cats), to permit the same to be, run at large or trespass upon the premises of another person, or be unlawfully at large at any time within the corporate limits of the Town of Okarche, Oklahoma.

2. It shall be unlawful and an offense for any person to:

A. Keep, own, harbor or possess any dog or cat within the corporate limits of the Town of Okarche, Oklahoma, without providing a substantial and secure pen in which said dog or cat shall be confined (which pen shall be sufficient in size that no sanitation or health problem shall be involved); or to

B. Allow a dog or cat to be under the control of any person, and placed on an inadequately-sized leash so that it can reach or bite any person who may be using the public thoroughfares of the City, so the dog or cat can reach beyond the limits of the lot or premises upon which said dog is kept and confined, or so the dog or cat may reach any person who may be rendering necessary services to the house of such owner, upon the premises where said dog or cat may be kept, harbored or possessed.

C. Fail to confine any dog or cat as provided by this code; or to

D. Remove the metal license tag without the owner's consent; or to

E. Own, possess, keep or harbor any dog of such vicious and fierce disposition as to attack human beings without provocation; the fact that a dog has previously bitten a human being two (2) or more times without provocation shall be prima facie evidence that the dog is of a vicious and fierce disposition; or to

F. Own, possess, harbor or keep any animal which:

(1) Molests passerby or passing vehicles;

(2) Is repeatedly at large; or

(3) Damages private or public property.

Section 3-3. **Disturbances by Animals; Public Nuisance Abatement.**

1. It shall be a public nuisance for any person to keep any dog or other animal which, by barking, howling or otherwise, disturbs the peace and quiet of, or creates a nuisance for, any person or persons.

2. It shall also be a public nuisance for any person to keep any dog or other animal which attacks other animals or damages private or public property.

3. Abatement of such public nuisances shall be handled in accordance with the provisions of the "Nuisances" Chapter in this Code of Ordinances.

Section 3-4. Keeping Animals.

1. It shall be unlawful and an offense for any person to keep any animals within the corporate limits of the Town of Okarche, Oklahoma, except under those conditions and provisions which may hereinafter specifically regulate the keeping of certain types of animals.

2. If no specific provisions are listed in this Code of Ordinances for keeping of a particular type of animal, said animal type shall **not** be kept at all within the corporate limits of the Town of Okarche, Oklahoma.

3. No person may own, keep or harbor any fowl in the corporate limits of the Town of Okarche, Oklahoma.

4. No swine shall be kept within the corporate limits of the Town of Okarche, Oklahoma.

5. Every structure wherein any authorized animal is kept within the corporate limits of the Town of Okarche, Oklahoma, shall be constructed of such material and in such a manner that it can be kept clean and sanitary at all times, and it shall be maintained in said condition, devoid of rodents and vermin and free from objectionable odors, in order to avert the creation of a nuisance to the public health. Every such structure, if located within two hundred (200) feet of any tenement, apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes, or residence (other than that occupied by the owner or occupant of the premises upon which such animal is kept), shall provide a watertight and fly-tight receptacle for manure, of sufficient size to hold all accumulations of manure. Such receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times, except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in such receptacle.

6. The keeping of bees within the corporate limits of the Town of Okarche, Oklahoma, is prohibited.

7. Consistent with provisions of the Town's existing or future Zoning Ordinance, the keeping or raising of horses, sheep, cattle and chickens (or similar fowl), shall not be permitted throughout the Town of Okarche, Oklahoma. Additional restrictions on the raising and/or keeping of animals may be imposed by the Zoning Ordinance without conflicting with this Subsection.

8. The raising of parakeets and/or other small birds or similar fowl for sale shall not be permitted within the Town of Okarche, Oklahoma.

9. The raising or keeping of rodents, for any purpose, shall not be permitted.

10. The raising or keeping of rabbits for individual family pets shall be permitted, in accordance with the provisions of Section 5 hereinabove, as well as any applicable provisions of any adopted zoning ordinance.

11. The keeping or raising of any wild animals shall be prohibited within the Town of Okarche, Oklahoma, except for those wild animals which may be under the care of traveling shows or circuses, and for which the License requirements of Article 2 of this Chapter are met and a Permit obtained.

12. No snakes which are poisonous in their natural state, may be kept within the corporate limits of the Town of Okarche, Oklahoma, except under the conditions and provisions of any License required for such snakes in Article 2 of this Chapter; it shall be unlawful for any person, firm or corporation to keep or raise such snakes within said Town, without having met Permit requirements and obtained a Permit.

Section 3-5. Responsibilities of Owners.

In addition to any duties previously outlined, the owner of any animal shall have the following additional responsibilities:

1. Owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance.
2. Owners shall provide proper care and treatment of their animals.
3. Owners shall not abandon their animals.
4. It shall be unlawful for any person to keep any animal for breeding purposes within the corporate limits of the Town of Okarche, Oklahoma, except in private, enclosed locations, entirely out of the public view, or to permit any such animals to have sexual intercourse in any place except a private, enclosed place. (This shall not be construed as permitting the conditional keeping of any animals otherwise prohibited or regulated by this Code of Ordinances.)

Section 3-6. Cruelty to Animals.

1. It shall be unlawful for any person knowingly, willfully or maliciously to:
 - A. Deposit any animal with the intention of abandoning the same;
 - B. Pour on or apply to an animal, any drug or other thing which inflicts pain;
 - C. Improperly use any collar, leash, harness, etc., resulting in pain or damage to an animal;
 - D. Treat an animal in a cruel or inhumane manner;
 - E. Neglect an animal belonging to him or in his custody in a cruel or inhumane manner;
 - F. Kill, or attempt to kill, any animal in an inhumane manner; or
 - G. Poison, or expose to poison, any dog or other animal, except a noxious, non-domesticated animal.
2. It shall be unlawful for any person to instigate or encourage a fight between animals, or to keep a house, pit or other place used for fights between animals.

Section 3-7. Turning Confined Animals At Large Unlawful.

It shall be unlawful for any person to open any enclosure in which an animal is confined (as required by Ordinance), so as to turn such animal at large, or to in any other manner turn such animal at large.

Section 3-8. Pasturing in Public Areas Unlawful.

It shall be unlawful for any person to stake, confine or pasture any animal on any public property (Federal, State, Municipal or other), or on any railroad right-of-way, without the consent of the person owning or controlling such property.

Section 3-9. Rabies Control; Vaccination Requirements.

1. Any warm-blooded animal, capable of transmitting the virus rabies, maintained or harbored at any time in the Town of Okarche, Oklahoma, shall be vaccinated against rabies with an approved vaccine administered by a veterinarian who shall maintain a record of vaccination for a period of at least three (3) years, and who shall issue the owner of such animal a Vaccination Certificate (which shall be retained by said owner until it expires and is renewed). The failure to procure such Certificate when so requested by the Animal Control Officer shall be prima facie evidence that such animal has not been so vaccinated. The owner of any such animal all ensure that any animal he/she owns or is in his/her possession and control is at all times current with its rabies vaccination.

2. The identity and address of the owner of any animal that bites a person shall be promptly furnished to the Animal Control Officer and County Health Department. The Animal Control Officer shall securely quarantine such animal until reasonable determination has been made that the animal is not infected with rabies. At the discretion of the Animal Control Officer, such quarantine may be on the premises of the owner, at a veterinary hospital of the owner's choice (at the owner's expense), or at the Municipal Pound or Animal Shelter. In case of animals whose ownership is unknown, such quarantine shall be at the Municipal Pound or Animal Shelter. Said animal may be reclaimed by the owner, if adjudged free of rabies; such owner shall then pay any related charges for confinement.

3. When an animal under quarantine has been diagnosed as being rabid, or is suspected of having rabies by a licensed veterinarian, and dies while under such observation, the Animal Control Officer, veterinarian or other designated person, shall immediately send the necessary part of such animal to the State Health Department for pathological examination and shall notify the proper Health Officer of any reports of human contact.

4. When a report gives a positive diagnosis of rabies and the County Health Director feels that a rabies crisis may be imminent, the Health Department may recommend to the Town Board of Trustees a community-wide quarantine; upon the invoking of such quarantine by the Town Council, no animal shall be taken into the streets or permitted to be in the streets, except for short periods of exercise (under leash and control of a competent adult). During such quarantine, no animal may be taken or removed from the Town of Okarche, Oklahoma, without written permission of the Animal Control Officer.

5. During such period of rabies quarantine, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed; or, at the owner's expense and option, shall be treated for a rabies infection by a licensed veterinarian; or, held under six (6) month quarantine by the owner in the same manner as a female in season. The period of quarantine may be extended from time to time.

6. No person shall remove from the Town of Okarche, Oklahoma, any animal suspected of having been exposed to rabies, or any animal which has bitten a human, except as herein provided. The carcass of any dead animal exposed to rabies shall be surrendered to the Animal Control Officer upon demand; the Animal Control Officer shall direct disposition of said animal. No person shall refuse to

surrender any animal for quarantine or destruction when such demand is lawfully made by the Animal Control Officer.

7. It shall be the duty of every person within the corporate limits of the Town of Okarche, Oklahoma, owning or harboring any dog or cat which is six (6) months old or older, to procure a Rabies Vaccination Certificate from a licensed veterinarian, or agent authorized by the Town Board of Trustees, showing that the vaccination has been made, date of vaccination, by whom and the date when such vaccination shall expire.

8. It shall be unlawful to not abide by the Municipal vaccination requirements after fifteen (15) days of residency.

Section 3-10. Confining Dogs and Cats; Vicious and other Dogs.

1. Every female dog or cat in heat shall be confined, in a building or secure enclosure, in such a manner that such animal cannot come into contact with another animal, except for planned breeding.

2. Every person who owns, possesses, or harbors any dog or cat within the Town shall confine such dog or cat to premises owned or controlled by him either by a substantial fence or similar enclosure of sufficient strength and height to prevent the dog or cat from escaping there from, or inside a house or other building, or by a leash consisting of a metal chain or other material of sufficient strength to prevent that dog or cat from escaping from the premises when the leash is stretched to its full length.

3. This Section shall not apply to any person who takes a dog upon private property with the consent of the owner or person in control of such property or upon any street, alley, or other public place when the dog or cat is under the control of the person in a vehicle or by means of a chain or leash of sufficient strength and length to control the actions of such dog or cat.

4. The Town Board of Trustees may, at its discretion, set aside Town owned lands under its jurisdiction for the purpose of training hunting dogs; the Town Board shall have the authority to promulgate and enforce regulations pertaining to the use of such land for the purposes designated, and when under the supervision of the Town Board, the dogs and their owners shall not be subject to the provisions of this Section.

5. For the purpose of this Chapter, agricultural areas shall be the same as Agricultural Districts as defined by the Zoning Ordinance of the Town.

6. Police service dogs while on duty are exempt from the provisions of this Section so long as they are under the control of their commanding officer.

7. When any complaint is filed in the Municipal Court of the Town alleging that a vicious or dangerous dog is owned, possessed, kept or harbored in violation of this Chapter or any dog is kept, harbored or owned in violation of this Chapter, it is the duty of the person against whom such complaint is filed, or any other person having control or custody of the dog alleged to be in violation to deliver such dog to the pound officer or his duly appointed representative for confinement in the Municipal Pound, pending the judgment of the Municipal Court in such case. If the Municipal Court shall find the party against whom the complaint is filed guilty of violating the provisions of this Code, a fine in accordance with this code may be levied, and a vicious or dangerous dog may be destroyed or otherwise disposed of upon order of the Court. If the Municipal Court judgment is appealed to a higher Court as provided by the Statutes of the State and the Ordinances of the Town, a vicious or dangerous dog will not be destroyed until the appeal is disposed of by the higher court.

8. Any person may kill a dog in self-defense or in defense of another when the dog,

without undue provocation, bites him or the other, or attacks, or attempts to bite or attack him or the other in such manner than an ordinarily prudent person would be led to believe that the person toward whom the efforts of the dog are directed is about to be bitten or otherwise physically harmed.

9. The Animal Control Officer, designated representatives or any Police Officer of the Town of Okarche, Oklahoma, shall be required to kill any dog running loose within the corporate limits of the Town of Okarche, Oklahoma, which is determined by the Animal Control Officer or Police Officer to be vicious or crazed and a threat to the public health and safety, and which dog is found running at large without being restrained in a pen or on a leash (as provided by this Chapter), without keeping said dog in the Municipal Pound for any period of time.

10. When the Health Officer determines and certifies that a dog, a cat or other animal in the Town or within five (5) miles of the Town is or was infected with rabies and that an epidemic of rabies threatens the Town, the Town Board of Trustees, by Resolution, may order all dogs to be confined within the Town, and if deemed desirable, all cats to be confined, during a period of time to be determined by said Town board. Such Resolution or an adequate notice of its passage shall be published in a newspaper of general circulation within the Town and shall go into effect on the date following such publication unless the Resolution prescribes a later time.

11. While such Resolution is in effect, it shall be unlawful for any owner to permit an unmuzzled dog or a cat to be at large in violation of such Resolution, or for any such dog or a cat to be at large in violation thereof.

Section 3-11. Inspections to Enforce Chapter.

1. The Local or County Health Official, the Animal Control Officer, the Town Clerk or any member of the Town Board of Trustees, upon complaint of any person or on his own initiative, shall inspect any structure or place wherein an animal is kept.

2. The Local or County Health Official or the Animal Control Officer may issue any such reasonable order as he may deem necessary to the owner of such animal, to cause such animal to be kept as provided in this Chapter or in a manner so as not to constitute a nuisance.

3. The Local or County Health Official or the Animal Control Officer may make a complaint before the Municipal Judge against any person for violation of any provision of this Chapter or for any such reasonable order, but this shall not abridge the right of others to make such complaints.

Section 3-12. Zoning Ordinance to Prevail.

1. In case of conflict between this Chapter and the present or any future Zoning Ordinance, the provisions of the Zoning Ordinance shall prevail and supersede the provisions of this Chapter.

2. No animal shall be kept in violation of the Zoning Ordinance.

Section 3-13. Reserved.

Sections 3-14 through 3-24. (Reserved for future use.)

Article 2. **Reserved.**

Sections 3-25 through 3-34. (Reserved for future use.)

Article 3. **No Municipal Pound**

Section 3-35. **No Municipal Pound Authorized.**

1. The Town has no municipal pound but the Animal Control Officer is authorized to impound and place any animal in violation of this code with a licensed veterinarian.

Section 3-36. **Impoundment of Animals.**

1. It shall be the duty of the Animal Control Officer (or any other designated officer or employee of the City), to take into custody and impound any animal running at large in violation of the provisions of this Chapter.

2. The Animal Control Officer shall also proceed to impound any dog or cat that is running at large within the corporate limits of the Town of Okarche, Oklahoma, or that is not confined with a secure and suitable-sized leash (as provided in this Chapter), regardless of whether or not the dog has been vaccinated.

3. The Animal Control Officer shall immediately pick up and impound any and all dogs which are kept, owned, possessed or harbored in violation of any of the terms and provisions of this Code of Ordinances.

4. Any person appearing at the licensed veterinarian's place of business and shall satisfy the keeper of the same of the fact of ownership or the right to the possession of any dog therein impounded, shall have such dog returned to him, upon the payment of the charges due, as authorized by the provisions of this Chapter or as required by such veterinarian.

5. Animals which are of no apparent value, taken into custody as provided in this Chapter, shall be destroyed in a humane manner by the Animal Control Officer, provided that no animal taken into custody shall be destroyed until such animal shall have been impounded at least seventy-two (72) hours. During such time, the owner may reclaim the animal or a proper home may be established for such animal by any person desiring the animal as a pet and willing to pay applicable License fees and expenses incurred in the animal's detention.

6. Should any licensed institution request of the Animal Control Officer that animals be delivered to it for scientific or educational research, such animals may be released to said institution, provided that no animal taken into custody shall be delivered to such institution until such animal shall have been impounded for at least five (5) days and remain unclaimed and unredeemed by their owners or any other person desiring such animal as a pet.

7. It shall be unlawful for any person to, in any manner, obstruct the duties and activities of the Municipal official or employee responsible for impounding animals.

Section 3-37. Fees for Impounding and Keeping.

1. The fees for impounding and keeping an animal, to be paid upon redemption, shall be as determined by motion of the Town Board of Trustees.
2. All fees shall be paid to the Town Clerk. Receipt for payment of fees on an impounded animal shall be presented to the Animal Control Officer before the animal shall be released.

Section 3-38. Claiming of Impounded Animals.

1. An owner of an impounded animal, or his agent, may claim or redeem the animal prior to its sale, destruction or delivery to an institution, by paying the required fees against the animal and meeting any other requirements prescribed by this Chapter.
2. Any person claiming an unlicensed dog shall pay the required License fee to the Town Clerk, secure a tag and present the receipt therefore and a tag to the Animal Control Officer before the latter releases the dog. If a dog is licensed, but not wearing the tag, the Animal Control Officer shall require adequate evidence of proper licensing before the animal's release.

Section 3-39. Sale of Impounded Animals of Value.

1. As soon as practicable after any animal of apparent value has been impounded, the Animal Control Officer or the Chief of Police shall thereupon post a conspicuously-visible notice thereof at the Town Hall. Such notice shall describe the animal, notify the owner to pay charges thereon and remove said charges prior to the time fixed for the sale thereof, and also state that unless the animal is claimed, the animal will be sold at public auction at the time and place named in the notice. The time of holding such sale of dogs and fowl shall not be before the 3rd day after posting of the notice and the time of holding such sale for all other animals shall not be before the 10th day after the posting of the notice.
2. Sales provided herein shall be for cash to the highest bidder; the minimum bid shall cover fees for impounding and keeping the animal until the date of sale, plus a five dollar (\$5.00) fee to reimburse the Town of Okarche, Oklahoma, for the sale expense, and shall be conducted by, or under the direction of, the Chief of Police. If there is no bid, the Chief of Police shall provide for and conduct another sale for the sale of such animal by posting notice thereof at the Town Hall, if he believes that a bid would be made at a later time; otherwise, after any offering of an impounded animal at a sale without a bidder, the animal shall be disposed of by the Animal Control Officer as provided in this Chapter.
3. A purchaser of an animal at a sale held as provided herein shall acquire absolute title to the animal purchased.
4. The Chief of Police shall pay to the Town Clerk all money received from the sale of impounded animals on the day it is received or on the next day upon which the office of said Town Clerk is open for business.
5. The owner of an impounded animal sold as provided herein, may claim the excess of the sale price of the animal above the fees for impounding and keeping the animal and a fee of five dollars (\$5.00) to reimburse the Town of Okarche, Oklahoma, for the expense it has incurred in making the sale. Such claim may be made at any time within ninety (90) days after the sale. If a claim

is so made and approved by the Town Board of Trustees, the Town Clerk shall pay the claimant the excess; if a claim is not so made, the excess shall belong to the City.

Sections 3-40 through 3-49. (Reserved for future use.)

Article 4. **Penalty**

Section 3-50. **Penalty.**

Any person, firm or corporation who violates any provision of this Chapter, or who violates or neglects to carry out any reasonable order made by any Health Officer, the Chief of Police or the Animal Control Officer, pursuant to this Chapter, shall be guilty of an offense and, upon conviction thereof, be fined in a sum not to exceed the limits established as the general penalty of this Code of Ordinances, and shall be subject to revocation of any license or operating permit issued pursuant to the provisions of this Chapter. Every day's violation of any provision of this Chapter or of such order of the Health Officer, Animal Control Officer or Chief of Police, shall constitute a separate offense.