

ORDINANCE NO. 85

AN ORDINANCE FORBIDDING THE KEEPING OR HARBORING OF CERTAIN WILD, EXOTIC, OR NONDOMESTIC ANIMALS WITHIN THE CITY OF BROWNTON; AND PROVIDING FOR PENALTIES THEREOF.

THE COUNCIL OF THE CITY OF BROWNTON ORDAINS:

Section 1. **Definitions.** As used in this ordinance, the following terms shall mean:

Animal: Any mammal, reptile, amphibian, fish, bird (including all fowl and poultry) or other member commonly accepted as a part of the animal kingdom. Animals shall be classified as follows:

- A. Domestic: “Domestic animals” shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, domesticated rabbits, fish, nonpoisonous, non-venomous, and non-constricting reptiles or amphibians, and other similar animals.

- B. Non-Domestic: “Non-Domestic animals” shall mean those animals commonly considered to be naturally wild or exotic and not naturally trained or domesticated, or which are commonly considered to be inherently dangerous to the health, safety, and welfare of people. Unless otherwise defined, such animals shall include:
 - 1. Any member of a large cat family (family felidae) including lions, tigers, cougars, bobcats, leopards, and jaguars, but excluding commonly accepted domesticated house cats.
 - 2. Any natural wild member of the canine family (family canidae) including wolves, foxes, coyotes, dingoes, and jackals, but excluding commonly accepted domesticated dogs.
 - 3. Any crossbreeds such as a crossbreed between a wolf and a dog, unless the crossbreed is commonly accepted as a crossbred domesticated animal.
 - 4. Any member or relative of a rodent family including skunk (whether or not de-scented), raccoon, fox, squirrel, or ferret, but excluding those members otherwise defined or commonly accepted as domesticated pets.
 - 5. Any poisonous, venomous, constricting, or inherently dangerous member of the reptile or amphibian families including rattlesnakes, boa constrictors, pit vipers, crocodiles and alligators.
 - 6. Any other animal which is not explicitly listed above but which can be reasonably defined by the terms of this subsection, including, but not limited to bears, deer, monkeys, and game fish.

- C. Farm: “Farm animals” shall mean those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined,

such animals shall include members of the equestrian family (horses, mules) bovine family (cows, bulls), sheep poultry (chickens, turkeys), fowl (ducks, geese), swine (including Vietnamese potbellied pigs), goats, bees, and other animals associated with a farm, ranch, or stable.

D. Owner: Intended to mean any person or persons, firm, association or corporation owning, keeping, or harboring an animal.

Section 2. Findings.

The Council finds that the keeping, harboring, or possession by a person of a wild, exotic, or non-domestic animal within the corporate limits of the city of Brownton represents a danger to the safety of persons within the city and to their domestic animals, regardless of the method used to confine, because of the danger that would be presented by such an animal's escape from confinement or even while confined. Therefore, the health, safety, and welfare of the citizens require that the keeping, harboring, or possession of such an animal by a person should be prohibited.

Section 3. Prohibited Animals.

It shall be unlawful for any person to keep in the city in any area one or more non-domestic animals, and/or one or more farm animals as defined in this ordinance. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to the handicapped or disabled.

If any non-domestic animal or farm animal remains in any area, for a period of more than twelve (12) hours, such shall be in violation of this ordinance.

It is not a defense to a criminal charge of violating this provision that the animal was or had been tamed, or that the person had a permit to keep or possess the animal issued by a State or Federal Agency.

Section 4. Subsequent Offenses; Seizure.

If a person has been convicted of a violation of this ordinance and the person is charged with a subsequent violation of this ordinance, the City may commence a civil action against the owner of such wild, exotic, or non-domestic animal, seeking a court order requiring the immediate seizure, impoundment, destruction, or testing of the animal, or other relief as required in the interest of public health and safety.

Section 5. Penalty.

A violation of the provisions of this ordinance shall be a misdemeanor.

Section 6. This ordinance shall be effective from and after its publication.

Passed and adopted by the Brownnton City Council this 2nd day of August, 2005.

Curtis Carrigan
Curtis Carrigan - Mayor

Attest: Cynthia Lindeman
Cynthia Lindeman – City Clerk