

GENERAL REGULATIONS

- 90.10.10 **Definitions.** The following terms when used in this Chapter shall have the meanings set forth in this Section:
- 90.10.11 “Animal” - Any living creature, except humans and plants. “Animal” includes any mammal, bird, reptile, snake, turtle, crustacean or any other vertebrate or invertebrate.
- 90.10.25 “Dangerous Animal” - A wild or feral animal, other than a dog or cat, which because of its size, aggressive nature or other characteristics constitutes a danger to persons or property.
- 90.10.30 “Domestic Animal” - An animal, other than a dog, that is not feral in nature, including, but not limited to horses, cows, chickens, geese, pigeons, ducks, steers, ponies, mules, donkeys, sheep, swine, pigs and goats.
- 90.10.35 “House Pet” - A non-domestic and non-dangerous small animal normally kept confined as a pet, including but not limited to hamsters, fish and parakeets.
- 90.10.60 “Owner” - A person or a group of persons who owns, controls, harbors, keeps, or has a property interest in any animal.
- 90.10.65 “Person” - An individual, employee, corporation, partnership or association.
- 90.10.90 “Wild Animal” – An animal that is not defined in this Chapter as a dangerous animal, domestic animal or house pet.

DUTIES OF ANIMAL OWNERS

- 90.30.50 Possession of Excrement Removal Device. No person, who is accompanying an animal, shall allow that animal to be on property owned by another unless the person has in his or her immediate possession, an appropriate device for the scooping and temporary storage of excrement. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.
- 90.30.55 Removal of Animal Excrement. No person, who owns or controls an animal that deposits excrement on property owned by another, shall fail to immediately remove such excrement and immediately dispose of it in a receptacle located on the property of the person who owns or controls the animal and if the person is not aware that the animal deposited excrement on another property, shall upon being made aware of such fact, immediately dispose of it in a receptacle located on the property of the

person who owns or controls the animal. A person who violates this section is guilty of a misdemeanor punishable by imprisonment in the county jail for not more than 90 days or by a fine of not more than \$500 or both.

PERMITS

90.70.10 Permit Required for Domestic, Dangerous and Wild Animals. No person shall own or control a domestic animal or a dangerous animal or a wild animal, other than a dog, cat or house pet, within the City of Troy, without having obtained an animal permit from the Clerk for the City of Troy. A person who violates this section is responsible for a Municipal Civil Infraction subject to the provision of Chapter 100 of the Code of the City of Troy. Each day that the violation continues is a separate Municipal Civil Infraction. Sanctions for each violation shall include a fine of not more than \$500, costs, damages, and injunctive orders as authorized by Chapter 100.

Exception:

- a) a permit is not required for a dog, house pet or domestic cat.
- b) permits are not required for wild animals if the Housing and Zoning Inspector determines that the wild animal, because of its size, the number of animals, temperament or other characteristics does not create a hazard or nuisance.

90.70.20 Permit Application Process. An applicant for a domestic, dangerous or wild animal permit shall:

- a) furnish the Housing and Zoning Inspector a list of the species of animals to be kept and the maximum number of each species to be kept at any one time, and
- b) demonstrate that the animals will be treated humanely and will not be neglected or treated with cruelty, and
- c) demonstrate that the animals will be maintained in quarters constructed to prevent their escape, and
- d) demonstrate that reasonable precautions shall be taken to protect the public from the animals and the animals from the public, and
- e) demonstrate that he or she can comply with the ordinance and any regulations promulgated by the Animal Control Appeal Board, and
- f) in the case of domestic animals, demonstrate to the Housing and Zoning Inspector that the lot or parcel that animals will be kept on is

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three-quarters ($\frac{3}{4}$) of one (1) acre or larger. This requirement may be waived by the Animal Control Appeal Board if the applicant can demonstrate circumstances that allow for waiver pursuant to regulations promulgated by the Animal Control Appeal Board. Waivers will not be granted for animals that are loud or likely to be detrimental to the neighborhood.

90.70.30 Issuance of Permit for Domestic, Dangerous or Wild Animal. The Housing and Zoning Inspector shall issue a domestic, dangerous or wild animal permit upon showing by the applicant that he or she has obtained the approval of the Housing and Zoning Inspector and has paid the applicable fee. The permit shall list with specificity the animals subject to the permit, the location of the animals in the City of Troy and may contain limitations and conditions required by the Housing and Zoning Inspector or the Animal Control Appeal Board.

90.70.40 Duties of Permit Holder. The holder of a domestic, dangerous or wild animal permit shall:

- (a) comply with all present and future ordinances in this Chapter and comply with the regulations promulgated by the Animal Control Appeal Board, and
- (b) apply for a new permit prior to changing their address or changing the location of the animals, and
- (c) indemnify and hold the City of Troy harmless from any personal injury or property damage caused by the animal for which the permit is issued as a result of the negligence of the permittee or any other person placed in control of the animal by the permittee.
- (d) consent to inspection of the applicant's facilities by a Housing and Zoning Inspector before and after the granting of the permit.

90.70.50 Expiration of Permit. A permit shall expire:

- a) 5 years from the date of issuance, or
- b) when ownership or control of the animal or animals is transferred to another person, or
- c) when the animal or animals are moved to another location, or
- d) upon death of the animal for which the permit is issued, unless the permit specifically provides for replacement of the animal, or

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e) when the terms of the permit require that the permit expires.

90.70.60 Revocation of Permit. A Housing and Zoning Inspector may revoke a permit:

a) if the permit holder fails to comply with the requirements of this Chapter, or

b) if the permit holder fails to comply with regulations promulgated by the Animal Control Appeal Board, or,

c) if a permit holder fails to comply with federal, state or local laws governing cruelty to animals or the keeping of animals, or

d) if a species of animal not listed in the permit application is acquired, or

e) the maximum number of animals allowed pursuant to the permit is exceeded.

90.70.70 Removal of Animals. A person whose permit is revoked or has expired, shall immediately remove all animals subject to the permit, from the City of Troy, unless the permit holder has filed a timely appeal with the Animal Control Appeal Board in which case the revocation shall be postponed pending the outcome of the appeal.

ANIMAL CONTROL APPEAL BOARD

90.80.10 Animal Control Appeal Board. There is hereby created an Animal Control Appeal Board.

90.80.20 This Board shall:

a) consist of five (5) members appointed by the City Council for three (3) year overlapping terms, and

b) annually elect from among its members a Chair, a Vice Chair and a Secretary.

90.80.30 All Board Members, including the Chair, Vice Chair and Secretary shall have voting privileges.

90.80.40 The Chair shall preside over meetings of the Board.

90.80.50 The Vice Chair shall preside over meetings of the Board in the absence of the Chair.

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90.80.60 The Secretary shall record and file with the City Clerk accurate and complete resolutions, rules and interpretations rendered by the Board.

90.80.70 Duties Of Animal Control Appeal Board. The Animal Control Appeal Board shall:

- a) promulgate regulations regarding dangerous animal permits and domestic animal permits, and
- b) interpret and determine the application of provisions contained in this Chapter as they relate to specific fact situations presented to the Animal Control Appeal Board, and
- c) adjudicate appeals from a Housing and Zoning Inspector's decision regarding the issuance or denial of a permit for dangerous animals, domestic animals and wild animals, and
- d) adjudicate appeals from a Housing and Zoning Inspector's decision regarding the revocation of a permit for dangerous animals, domestic animals or wild animals.

90.80.80 Procedure for Appeals.

Appeals from the decisions of the Housing and Zoning Inspector to the Animal Control Appeal Board must be:

- a) filed at the office of the Troy Housing and Zoning Inspector on forms provided, and
- b) filed within seven (7) days of the date of the Housing and Zoning Inspector's decision regarding the issuance or denial of a permit for dangerous animals or domestic animals, and
- c) filed within seven (7) days of the date of the Housing and Zoning Inspector's decision regarding the revocation of a permit for dangerous animals or domestic animals.
- d) upon acceptance of an appeal, the City Clerk shall provide notice of the time, date and place of the appeal to all property owners within 300 feet of the appellant's property.

90.8.90 Rulings and interpretations of the Animal Control Appeal Board shall be final.

(Amended: 03/28/2011)