Cumberland Town Council
Ordinance 2017 – 24
Amending Animal Regulations

Whereas, the Town of Cumberland Code of Ordinances, § 00-09-91, regulates the number, use, and treatment of domestic and farm animals in the Town of Cumberland; and

Whereas, The Town periodically reviews these regulations to ensure that the interests of animals and well as the property interest of citizens of the Town are protected to the greatest degree possible; and

Whereas, The Town Council finds that it is in the best interest of the Town to impose greater restrictions on the number of animals, treatment of animal, and control of animals.

Therefore, the Town Council finds § 00-09-91 is amended and shall read as stated in Exhibit A.

It is further ordained that any other provision of the Town of Cumberland Code of Ordinances which is not expressly amended by this Ordinance shall remain in full force and effect.

It is further ordained that this Ordinance shall become effective upon adoption.

Ordained this 17th day of December, 2017.

Cumberland Town Council

Anna Pea, President

Joe Sieker, Vice President

Nicole Bell, Member

Aaron Cutshaw, Member
Exhibit A

“§ 00-09-91-01 GENERAL PROVISIONS.

This chapter shall be deemed to be consistent with applicable statutory law as amended from time to time.
(Ord. 2002-3, passed 1-2-2002)

§00-09-91-02 DOMESTIC ANIMALS

(A) Definitions.

(1) At-Large. Any domestic animal, whether licensed or unlicensed, found off the owner’s premises and which is not restrained on a leash, and the leash is not held and under the direct control of the owner.

(2) Domestic Animal. A dog, cat or any other animal such as a rabbit, guinea pig, lizard, iguana, hamster, ferret, mouse, snake, spider, bird, or gerbil which may normally be held or maintained as pets.

(3) Kennels. A place of business that in its ordinary course of business, breeds, trains, boards, or sells dogs and/or cats.

(4) Owner. Any person who owns, harbors, keeps, feeds or otherwise possesses an animal.

(B) General Prohibition.

(1) No person shall own, house, or otherwise possess more than ten (10) domestic animals.

(C) Kennels and Commercial Animal Establishments.

(1) A kennel or a commercial animal establishment must:

(i) Be operated in a manner as to not constitute a public nuisance;

(ii) Provide an isolation area for animals that are sick or diseased to be placed in so as prevent spreading disease;

(iii) Keep all animals caged, within a secure enclosure or under the control of the owner at all times;

(iv) Prohibit selling animals which are unweaned or diseased;

(v) Permit an animal control officer to inspect the premises where the animals are kept at any time of normal operating hours of the establishment;

(vi) Provide each animal with sufficient space to stand, lay, and turn around in a natural position without touching the sides or top of the enclosure; and

(vii) Comply with all applicable requirements of the Town of Cumberland Zoning Ordinance.
(D) **Animals At-Large.**

1. No owner of any dog shall permit a dog off the owner's property without a leash. An owner, when taking a dog off of the owner's property, must hold and have direct control of the leash.

(E) **Actions of Animals Constituting as a Nuisance.**

1. It shall be unlawful for an owner to allow an animal to enter the premises of another without the premises owner's, renter's or lessee's consent, thereby causing damage to property or injury to any person.
2. It shall be unlawful for an owner of an animal to cause serious annoyance or disturbance to any person by frequent and habitual howling, yelping, barking, or by running after or chasing persons, bicycles, or vehicles.
3. It shall be unlawful for an owner of an animal to allow the animal to defecate on another's property.
4. An owner of an animal shall pick up and properly dispose of animal feces on private and public property, including the Town of Cumberland Parks.

(F) **Vaccination of Dogs and Cats.**

1. All dogs and cats three months of age and older must be vaccinated against rabies.

(G) **Domestic Animal in Vehicles.**

1. It shall be unlawful to leave an animal unattended in a vehicle when the conditions in the vehicle would be harmful, hazardous, or deadly to the animal.
2. It shall be unlawful for any animal to ride in the bed of the pick-up truck unless the animal is securely caged and protected from the environment.

(H) **Chaining of Dogs.**

1. It shall be unlawful to tether any animal to a permanent structure by a rope, chain, or cord less than twelve (12) feet in length.
2. It is further unlawful to tether a dog by a rope, chain, or cord that does not have swivels on both ends.
3. It shall be unlawful to tether a dog by a rope chain or cord that is unreasonably heavy as to prevent the animal from moving about freely.
4. It shall be unlawful for any animal to be tethered between the hours of 11:00 p.m. and 6:00 a.m.
5. It shall be unlawful to tether a dog that is less than six (6) months of age or is sick or injured.
6. A properly chained dog must:
   
   i. Have access to a shelter constructed of solid wood or other weather resistant material, consisting of a structure with solid walls on all sides, a dry floor raised above the ground, and a solid roof sloped away from the entrance to protect the dog from weather and extreme cold. The shelter must be large enough for the dog to stand up and turn
around. The entrance of the shelter must be covered by a flexible
wind-proofing material or self-closing door, and must contain clean,
dry bedding, which must consist of an insulating material that does
not retain moisture, such as straw, of sufficient depth for the dog to
burrow. On any day when the temperature is at or above 80°F, the
shelter must be shaded by trees, a tarp, or a tarp-like device.

(ii) Be brought into a temperature controlled facility when the
temperature is at or below 20°F or at or above 90°F, or when a heat
advisory, wind chill warning, or tornado warning has been issued by
local, state, or national authority.

(iii) Have adequate space for exercise when confined in an enclosure or
pen, which shall consist of no less than one hundred (100) square feet.
A dog over eighty (80) pounds must be provided with an additional
fifty (50) square feet. For each additional dog inside the enclosure,
fifty square feet of space for exercise must be added per dog.

(iv) Be treated so that there are no open lesions on the dog’s skin due to
insect bites or other parasitic infections.

(v) Must be able to reach fresh food and water.

(I) Impounding.

(1) Any animal in violation of a provision of this chapter shall be seized and
impounded and the owner of the animal shall be subject to the penalties
prescribed by this chapter. Any police officer, animal control officer and/or
code enforcement officer shall have temporary access to the premises to
impound the animal. It shall be unlawful to interfere with any police officer,
code enforcement officer or animal control officer.

(2) Impounded animal must be recovered by the owner, upon proper
identification of the animal, and payment of the license fee, impounding fee
and any boarding and vaccination costs incurred by the Town of Cumberland.

(J) Penalties.

(1) Any person violating any provision of this section may be fined up to $250 per
occurrence. Each day an owner is found to be in violation shall constitute as a
separate offense.

(2) In the event an animal is impounded by animal control, and in addition to
any other penalty set forth in this chapter or court costs, the owner of the
animal may be responsible to reimburse the Town of Cumberland for the
costs associated with providing the animal shelter. Any money collected by
the Town shall be deposited into the General Fund of the Town.

§ 00-09-91-03 FARM ANIMALS.

(A) Prohibited Animals: it shall be unlawful for any person to own, keep, or harbor
upon his or her premises within the corporate limits of the Town of Cumberland any
cow, pig, bull, horse, rooster, or other domestic farm animal, except chickens as
provided in subsection B and horses as provided in subsection (C).
(B) **Allowed Chickens:** A person may own, keep, or harbor chickens upon his or her premises within the corporate limits of the Town of Cumberland, subject to the following limitations:

1. Chickens are allowed in residential districts only;
2. No more than ten (10) chickens are allowed on any property at a time;
3. No roosters are allowed;
4. No slaughtering of chickens is allowed on the premises;
5. Chickens are not allowed to roam free. The chickens must be confined in a secure and clean hen house or other enclosure suitable for the confinement of chickens;
6. No hen house or other enclosure may be located within twenty (20) feet of a property line;
7. Town officials shall have the right to inspect the premises without notice in order to ensure compliance with this ordinance; and
8. The person must comply with all other laws, regulations, rules and ordinances of the Town, including but not limited to the Cumberland Zoning Ordinance.

(C) **Allowed Horses:** A person may own, keep or harbor horses upon his or her premises within the corporate limits of the Town of Cumberland, subject to the following limitations:

1. Horses are only permitted in the agriculture districts;
2. Horses must have a minimum of one acre of open space per horse;
3. The minimum lot size to have horses shall be 2.5 acres;
4. Town officials shall have the right to inspect the premises without notice in order to ensure compliance with the ordinance; and
5. The person must comply with all other laws, regulations, rules and ordinances of the Town, including but not limited to the Cumberland Zoning Ordinance.

(D) **Penalty and Fines:** A person who owns, keeps or harbors an animal or animals in violation of this section commits a separate violation for each day the person so
owns, keeps or harbors the animal or animals. The amount of the fine for each violation is $100 for the first violation and $250 for each subsequent violation.

§ 00-09-91-04 DISPOSAL OF ANIMALS.

It should be unlawful for any person to dispose of or throw away any carcass, dead animal, animal blood, or parts of any carcass upon any street, alley, or public place or upon any lot within the town. A person who knowingly dispose of an animal in violation of this chapter will be fined for each violation in the amount of $100.

§ 00-09-91-05 PAYMENT OF FINES.

All fines must be paid to the Clerk-Treasurer within 30 days of the notice. If the violator appeals the notice, as provided below, this 30-day period will be stayed until the resolution of the appeal. If the violator fails to timely pay the fine, the Clerk-Treasurer may authorize the Town Attorney to file an action for the collection of the fine in Town Court. If the Town initiates a case for the collection of a fine, the Town may recover the amount of the fine, reasonable attorney’s fees and court costs incurred in the collection case. Nothing in this Section will be construed as a punishment or criminal penalty. Penalties provided for in this section are civil in nature.

§ 00-09-91-06 APPEALS AND HEARINGS.

If a violation occurs, the Town will issue a notice of violation. The violator named in the notice may appeal the notice of violation by filing a written appeal with the Clerk-Treasurer within 15 days of receipt of the notice. Within 30 days of receipt of the appeal, the Town Council will conduct a hearing on the appeal. The Town Council will provide notice of the hearing to the appealing party at least 10 days prior to the hearing. After the hearing, the Town Council will make written findings of fact and conclusions and mail the findings and conclusions to the appealing party. The appealing party may appeal the decision to a court of competent jurisdiction by filing a written appeal within 30 days of the date of the findings and conclusions.”