

TITLE 6
ANIMALS AND FOWL

Chapters:

6.04 Animal Control

CHAPTER 6.04

ANIMAL CONTROL

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6.04.01 Definitions. For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

Abandon or abandonment – to leave an animal without demonstrated or apparent intent to recover or resume custody.

Animal Control Officer – any individual duly authorized by the city to enforce this ordinance.

At large – failure to have a dog under the control of the owner or custodian by leash, cord, chain, fence or other physical control. However, a dog shall not be considered to be at large when on the premises of the owner or custodian of the dog.

Competent person – an individual who has adequate physical strength and the mental ability properly to maintain control of the animal in question.

Custodian – one who has the care of an animal of another.

Dangerous animal – any animal that either:

- A. Exhibits fierce or vicious behavior to a human being, a pet, or a farm animal and such animal is due to its size, strength, propensity or breeding, capable of inflicting serious harm to human beings, pets, or farm animals or
- B. Attacks a human being, a pet, or a farm animal without provocation inflicting serious physical harm.

Farm animals – those animals normally maintained for the purpose of producing a food supply (bovine, swine, turkeys, chickens, rabbits, etc.) or an animal of burden which reduces farmer/rancher toiling (mule, donkey, horse, oxen, etc.)

Hazardous animal – any animal that either:

- A. Exhibits aggressive behavior to a human being, a pet, or a farm animal but is, due to its size, strength, propensity or breeding, not capable of inflicting serious harm to human beings, pets, or farm animals or
- B. Attacks a human being, a pet, or a farm animal without provocation inflicting minor physical harm and is, due to its size, strength, propensity or breeding, not capable of inflicting serious harm to human beings, pets, or farm animals.

Kennel – an establishment where either:

- A. Dogs or cats are bred for commercial purposes regardless of the quantity or;

- B. Five (5) or more dogs or cats, or combination thereof, are kept, maintained or harbored at any one period of time at one location within the city.

Owner – any person who:

- A. Owns, keeps or harbors an animal;
- B. Knowingly permits an animal to remain on or about any premises occupied by that person or;
- C. Knowingly permits an animal to remain on or about premises over which that person has substantial control.

Person – any individual, partnership, association, organization, corporation or institution commonly recognized by law as a unit.

Pet – a domesticated animal kept for pleasure rather than utility. Pets include, but are not limited to, dogs, cats, birds, fish, rabbits and other animals which, by habit or training, live in association with humans.

Secure enclosure – any structure, building or compound which confines an animal so that escape is impossible. Any structure, building or compound from which an animal has escaped shall not be considered a secure enclosure. Any structure, building or compound that, in the judgment of the Animal Control Officer, is not adequately constructed to prohibit the escape of an animal shall not be considered a secure enclosure.

Sterilized – incapable of reproducing.

Tether – a device (rope, chain, leash, etc.) by which an animal is fastened to limit its range as a means of restraint.

Vicious animal – any animal that attacks a human being with or without provocation inflicting serious physical harm or death.

Wild animals – any living member of the animal kingdom, including those born or raised in captivity, except the following: human beings, pets, farm animals, and rodents. Hybrid animals created by breeding domestic dogs with wolves or by breeding domestic cats with exotic cats shall be considered wild animals. Hybrid birds that are part wild and part captive-bred species of common cage birds shall not be considered wild animals. (Ord. No. 2006-300, Sec. 2.)

6.04.02 Dog license

- A. It shall be unlawful for any person to own, keep or harbor a dog who is six (6) months of age or older within the corporate limits of the city without having first

paid to the city a license fee for the dog. The license fee required by this section shall be due and payable as soon as the dog attains six (6) months of age and will be in effect for one (1) year from the date of the dog's first rabies vaccination. Once this date is set, at the time of registration, it shall not change unless authorized by the order of the Animal Control Officer.

- B. To secure a license, the owner must
 - 1. Provide proof of rabies vaccination by a person authorized to distribute the rabies vaccine which vaccination will not expire within ninety (90) days, and
 - 2. Pay the license fee to the city.
- C. It will be the duty of the city to furnish the owner of the dog a metal tag with the license number for that specific dog. This license number shall be kept on file by the city. The license record is updated and a new tag is only issued upon request.
- D. Every dog covered by this ordinance must have and wear a collar of such type that allows the city tag to be firmly attached. City tags, when issued, shall be attached at all times to the dog collar or harness. The owner may, at the owner's cost, tattoo the license number in the dog's ear or place a microchip containing the number in the dog, but such shall not excuse the wearing of the city tag, except as provided herein.
- E. The license fee is an annual fee to be paid on or by the date of expiration of said license. License fees shall be Four Dollars (\$4.00) for a male dog, Four Dollars (\$4.00) for a sterilized female dog, and Ten Dollars (\$10.00) for an unsterilized female dog. If a license is not renewed within thirty (30) days of the date of expiration, a penalty of Five Dollars (\$5.00) shall apply in addition to the license fee. (Ord. 2006-300, Sec. 3.)

6.04.03 Failure to exhibit license. It shall be unlawful for the owner of any dog in the city, which required licensing, not to exhibit the city license tag on said dog. In cases where for medical purposes the dog cannot wear a collar, the person in custody of said dog must have such license on his or her person when out in a public place or street with said dog. (Ord. No. 2006-300, Sec. 4.)

6.04.04 Fictitious dog tags

- A. No person shall attach to or keep upon any dog any tag provided for by this ordinance which is not lawfully registered to such dog under the provisions of this ordinance.
- B. No person shall attach to or keep upon any dog or make or have in his or her possession any counterfeit or imitation of any tag provided for in this ordinance. (Ord. No. 2006-300, Sec. 5.)

6.04.05 Vaccination. No person shall own any dog in the city or obtain a license for any dog over the age of six (6) months unless said dog has been vaccinated with an anti-rabies vaccine. All such dogs shall be vaccinated against rabies annually by a person authorized to distribute the rabies vaccine. (Ord. No. 2006-300, Sec. 6.)

6.04.06 Certificate of vaccination. It shall be unlawful for any person, except a licensed veterinarian or a licensed vendor of the rabies vaccine, to make use of, or have in his or her possession, any uncompleted rabies vaccination certificate. It shall be unlawful for any person to make use of, or have in his or her possession, a stolen or counterfeit rabies vaccination certificate. (Ord. No. 2006-300, Sec. 7.)

6.04.07 Dogs at large. No owner of any dog may have said dog at large. If any dog is found at large, it will be in violation of this ordinance. Any dog present in public (i.e. off the premises of the owner or custodian of the dog) must be accompanied by a competent person and be tethered. This must be done for the protection of said dog, the public and other animals. (Ord. No. 2006-300, Sec. 8.)

6.04.08 Hazardous animal

- A. It shall be unlawful for any person to keep within the corporate limits of the city any hazardous animal, unless such animal:
1. Is confined by the owner or custodian within a secure enclosure, the entrance of which shall be secured with a key or combination lock which would prevent entrance by anyone other than the owner or custodian, or
 2. Is tethered and under the physical control of a competent person while outside the secure enclosure.
- B. When, in the judgment of the Animal Control Officer, any animal is determined to be a hazardous animal, a written warning shall be issued as official notice of such determination to the owner or custodian who shall forthwith comply with the provisions of this section. The owner or custodian may appeal said determination within ten (10) days thereof to the City Court by filing a petition, although said appeal shall not stay the implementation of said determination. (Ord. No. 2006-300, Sec. 9.)

6.04.09 Dangerous animal

- A. It shall be unlawful for any person to keep within the corporate limits of the city any dangerous animal, unless such animal:
1. Is confined within a secure enclosure in which all entrances shall be secured with a key or combination lock which would prevent entrance by anyone other than the owner or custodian, or

2. Is tethered and under the physical control of a competent person while outside the secure enclosure.
- B. When, in the judgment of the Animal Control Officer, any animal is determined to be a dangerous animal, a written warning shall be issued as official notice of such determination to the owner or custodian who shall forthwith comply with the provisions of this section. The owner or custodian may appeal said determination within ten (10) days thereof to the City Court by filing a petition, although said appeal shall not stay the implementation of said determination. (Ord. No. 2006-300, Sec. 10.)
- C. Prohibition and fine
1. No person shall keep in or allow to roam within the city limits of the city of Little Flock any dangerous animal as defined herein:

Dangerous animal is defined as any animal who attacks a person or another animal or who damages property, including getting into trash.

Any animal who attacks a person or another animal on its owner's property or who damages property on its owner's property shall not be considered a dangerous animal. Nothing in this ordinance shall prohibit dogs and cats from running at large. This ordinance shall only prohibit the running at large of animals that meet the definition of "dangerous animal."
 2. It shall be prima facie evidence of the ownership of an animal for the animal to be habitually present on a person's property.
 3. Any person convicted of a violation of this ordinance shall be subject to a fine of up to One Hundred Dollars (\$100.00) if the dangerous animal causes only property damage, up to Five Hundred Dollars (\$500.00) if the dangerous animal attacks another animal, and up to One Thousand Dollars (\$1,000.00) if the dangerous animal attacks a person. (Ord. No. 2005-285, Secs. 1-3.)

6.04.10 Vicious animal

- A. Any person having custody of a vicious animal on his or her property must confine the same in a secure enclosure with secure sides and a top attached to the sides. If the secure enclosure has no bottom secured to the sides, the sides must

be embedded into the ground no less than one (1) foot and the ground beneath the gate shall be secured by posts embedded into the ground no less than one (1) foot with the bottom of the gate no more than two (2) inches above the ground. If the pen has a concrete bottom, the sides need only be embedded two (2) inches deep into the concrete and the bottom of the gate be no more than two (2) inches above the concrete. The pen shall be constructed of no more than one and one-half

(1½) inch mesh with no less than eleven (11) gauge wire and said mesh shall be securely attached or laced at each intersection where the mesh makes contact with the frame. If the side panels are framed on all four (4) sides and laced as required and securely attached to the concrete foundation and said frame is no more than two (2) inches from the concrete, its sides need not be embedded in the concrete foundation.

- B. All fences shall also conform to any other applicable fence ordinances of the city.
- C. When in the judgment of the Animal Control Officer, any animal is determined to be a vicious animal, the Animal Control Officer shall give notice of such determination of the owner or custodian who shall forthwith comply with the provisions of this section. The owner or custodian may appeal said determination within ten (10) days thereof to the City Court by filing a petition, although said appeal shall not stay the implementation of said determination. In determining whether an animal is a vicious animal, the court shall accept a valid and certified temperament test administered by the American Temperament Test Society by a certified Master Tester or a behavioral assessment performed by a qualified person.
- D. The owner or custodian of a vicious animal shall not suffer or permit the animal to go unconfined unless the animal is securely muzzled and restrained by a tether and under the physical restraint of a competent person capable of restraining the animal. The muzzle shall be made in a manner that will not cause injury to the animal or will not interfere with its vision or respiration, but shall prevent it from biting any human or animal.
- E. The owner or custodian of a vicious animal shall display in a prominent place on his or her premises a clearly visible warning sign to indicate that there is a vicious animal on the premises. A similar sign is required to be posted on each side of the pen or enclosure where the animal is kept.
- F. The owner or custodian of a vicious animal must provide to the Animal Control Officer, on demand, proof of liability insurance in the amount of at least One Hundred Thousand Dollars (\$100,000.00) insuring the owner or custodian for any personal injuries inflicted by the animal.
- G. During the transport into or through the city, a vicious animal shall be securely confined
 - 1. In an enclosed vehicle,
 - 2. In an enclosed bed of a pickup truck, or
 - 3. If in an open vehicle, in a locked crate so that the head of the animal cannot protrude beyond the walls of said crate or vehicle or be accessible to other people.
- H. No person shall possess, harbor, maintain, care for or have custody of any dog for the purpose of dog fighting.

- I. No person shall train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack any human being, pet, or farm animal.

(Ord. No. 2006-300, Sec. 11.)

- A. 6.04.11 Nuisance animals. It shall be unlawful for the owner or custodian of an animal To allow the animal to disturb any person or neighborhood at any time, night or day, within the corporate limits of the city, by loud, unprovoked, frequent or habitual barking, howling, yelping or by making other noises continuously for a period of twenty (20) minutes. The person reporting such nuisance shall provide to the Police Department his or her name, address and telephone number and agree to testify in court in order for the report to be considered a valid complaint,
- B. To fail to immediately remove and dispose of, in a sanitary manner, any feces deposited by such animal upon any public or private property which is improved or occupied without the consent of the property owner or person in lawful possession of the property. The provisions of this section shall not apply to a blind person accompanied by a guide dog,
- C. To fail to keep a female dog, during the period that such animal is “in heat,” not securely confined indoors within a residence, a building or other enclosed structure, i.e., garage, storage building or fenced enclosure, except when out upon the owner’s or custodian’s premises and tethered or otherwise physically restrained by a competent person,
- D. To allow the animal to molest passersby, pets, or passing vehicles, or
- E. To allow the animal to tear into and/or spread trash from containers or bags.

(Ord. No. 2006-300, Sec. 12.)

6.04.12 Wild animals. When opossum, skunk, raccoon, poisonous reptile or other wild animal deemed to be a nuisance is found to be upon any public property, street, highway, alley or is found to be upon private property and molesting, injuring or threatening to injure any person or damaging property, such wild animals may, in the discretion of the Animal Control Officer, be taken up to be relocated or destroyed. (Ord. No. 2006-300, Sec. 13.)

6.04.13 Number of animals

- A. It shall be unlawful for any person to own a combination of more than four (4) dogs older than six (6) months or cats older than six (6) months within the city limits of the city. This provision shall not apply to animal hospitals, veterinarians, kennels, and pet shops, provided that:
 - 1. The land on which the animal hospital, veterinarian, kennel, or pet shop is located is properly zoned to allow the use,
 - 2. The animal hospital, veterinarian, kennel, or pet shop has a business license, and

3. The animal hospital, veterinarian, kennel, or pet shop has the necessary facilities properly to care for the animals on such premises.
- B. Any person found not to be in compliance with this section shall, at the discretion of the Animal Control Officer, have not less than ten (10) days nor more than thirty (30) days to reduce the number to comply with this provision.
- C. Each animal over the limit shall constitute a separate offense under this section.
(Ord. No. 2006-300, Sec. 14.)

6.04.14 Cruelty to animals

- A. No person shall intentionally or knowingly:
1. Beat, molest, torture, main, ill-treat, overload, overwork, injure, cruelly cause the death of or otherwise abuse any animal.
 2. Kill any pet or farm animal or another without the consent of the owner, except a hazardous animal, a dangerous animal, or a vicious animal.
 3. As the operator of a motor vehicle, strike any animal, other than a wild animal, without stopping to assess the injuries and render such assistance as may be possible, and immediately report such injuries or death to the owner or Animal Control Officer.
 4. Fail to provide sufficient, good, wholesome food and water in proper containers for any animal owned by him or her.
 5. Fail to provide a proper shelter for protection from the elements, kept in good repair and maintained in a clean and sanitary condition for any animal owned by him or her.
 6. Fail to provide proper veterinary care for any animal owned by him or her when needed to treat injury or illness that without such care causes or will cause unreasonable pain or suffering, but the reasonableness and cost of the veterinary care shall be considered in determining whether there was a failure to provide proper veterinary care.
 7. Abandon any animal in that person's custody within the city limits of the city.
 8. Inflict burns, cuts, lacerations or other injuries or pain by any method to any animal, except to the extent normal and customary with respect to farm animals.
 9. Transport or confine an animal in a cruel manner.

10. Fail to provide treatment for parasite or vermin infestation for any animal when said infestation is inflicting unreasonable pain, suffering or physical abnormalities.
 11. Fail to restrain an animal while transporting the animal in a vehicle and said animal accidentally falls out of or intentionally exits the vehicle thereby causing pain, suffering, injury or death.
- B. In addition to the penalty imposed by this ordinance, the court may order the person convicted under this section to surrender custody and forfeit the animal or animals whose treatment was the basis of the conviction, and any other animal in the convicted person's custody, for any period of time the court determines, including permanently and may impose other restrictions on the person's custody of any animals as necessary for the protection of said animals.
- C. Whenever any animal is seized for violation of this section, the court shall order the payment of any and all necessary expenses incurred for taking charge of and sustaining the same to the city by the owner or custodian of the animal at the time of violation. This payment option shall continue until custody of the animal is returned to the owner or custodian or until the animal is adopted or euthanized if the animal is permanently forfeited.
- D. If and when the animal is returned to the custody of the convicted person, the court may order supervision or monitoring by the Animal Control Officer.
(Ord. No. 2006-300, Sec. 15.)

6.04.15 Poisoning. No person shall place leave or expose in any place accessible to any wild animal, pet, farm animal or any other animal any poisonous substance or ingredient, or any edible substance or ingredient which has, in any manner, been treated or prepared with any poisonous substance or ingredient. (Ord. No. 2006-300, Sec. 16.)

6.04.16 Premises and pens

- A. No person with custody of any animal shall fail to keep the premises where such animals are kept free from offensive odors to the extent that such odors are disturbing to any persons residing within reasonable proximity of said premises.
- B. No person shall allow premises where animals are kept to become unclean and a threat to the public health or the animals' well being, by failing diligently and systematically to remove all animal wastes from the premises.
- C. No person shall allow animals or premises where animals are kept to become infested with ticks, fleas or vermin by failing diligently and systematically to apply accepted methods of insect and parasite control.
(Ord. No. 2006-300, Sec. 17.)

6.04 17 Impounding

- A. It is the duty of the Animal Control Officer to take custody of any dog found at large in the city limits of the city. If the owner of such dog fails to pick up such dog, the dog may be released for adoption pursuant to this ordinance after three (3) days or euthanized after the fifty (5th) day of impoundment. Notwithstanding the foregoing, if a dog wearing a license tag issued by the city is picked up, a reasonable effort shall be made to locate the owner of such dog and the dog shall not be euthanized until after the tenth (10th) day of impoundment.
- B. In order to obtain the release of an animal from impoundment, the owner of the animal must:
 - 1. Pick up from the city the citation for the violation of this ordinance, if any, and
 - 2. Pay the expenses incurred by the city in the impoundment of the animal.
- C. For the purpose of humane treatment of animals and the safety of Animal Control Staff, an animal may be euthanized at any given time without time limitations if:
 - 1. The animal is not identified by a tag, tattoo or other means,
 - 2. The animal is declared to be wild or dangerous by the Animal Control Officer, and
 - 3. Confinement of such animal would be hazardous to the staff or cruel to the animal.
- D. Any unidentified animal, which is injured or diseased and will require veterinarian care at the expense of the city, may be euthanized upon receipt of said animal. There will be no time requirements or limitations for disposition of such animal. Identified animals will be protected as set forth in this section.
(Ord. No. 2006-300, Sec. 18.)

6.04.18 Adoption

- A. Animals not claimed by the owner within the prescribed period of time shall become the property of the city and may be placed in a suitable home.
- B. The city shall have the power to adopt out such animals. The city reserves the right to refuse any adoptions.
- C. Any dog adopted from the city will be issued a free one (1) year license for the adopted dog upon proof of vaccination against rabies and presentation of a sterilization

certificate. The free one (1) year license will only be offered in the first thirty (30) days from date of adoption.

- D. The city and its Animal Control Officer do not guarantee and will not be liable for the health and temperament of any animal adopted from the city.
- E. Any animal that becomes the property of the city may not be sold or given to any medical laboratories or to any person for experimental purposes. (Ord. No. 2006-300, Sec. 19.)

6.04.19 Quarantine

- A. Anyone having knowledge of any animal having bitten or scratched a person shall immediately notify the Animal Control Officer, unless there is proof that the animal has a current rabies vaccination.
- B. Unless there is proof of the animal's having a current rabies vaccination, any animal that bites a human being is a rabies suspect, and such animal shall immediately be surrendered by the owner or custodian for quarantine in a veterinary hospital approved by the city for a period of ten (10) days.
- C. The animal shall be quarantined at the expense of the owner. Alternatively, the owner may relinquish ownership so that the animal may be euthanized and its head taken to the State Health Department of a pathological examination at the owner's expense.
- D. When ownership of an animal is unknown, the complainant may decide whether the animal will be quarantined or humanely euthanized and the head removed and taken for a pathological examination. In such situation, either method will be at the expense of the complainant. (Ord. No. 2006-300, Sec. 20.)

6.04.20 Electric fences. Any person who installs or has an electric shock system for the purpose of restraint of animals must post a warning sign on each external side of the fence of compound and such signs shall not be more than one hundred (100) feet apart. Such electric device should be designed (or be of equivalent to type offered on the commercial market) for that animal and be of such voltage as not to cause injury, harm or death to said animal. Any injury, harm, or death caused by an electric shock system shall be considered cruelty. (Ord. No. 2006-300, Sec. 21.)

6.04.21 Authorized equipment. The Animal Control Officer is authorized to employ any equipment deemed necessary to enforce the provisions of this ordinance, including, without limitation, tranquilizer gun, snare pole, nets or humane wire box traps. If lethal force is required, the Animal Control Officer shall call the police. (Ord. No. 2006-300, Sec. 22.)

6.04.22 Court appearance. Any person who commits a second (2nd) or subsequent offense of any section of this ordinance shall be required to appear in court. (Ord. No. 2006-300, Sec. 23.)

6.04.23 Citations. Citations for violation of this ordinance may be issued to the owner or the custodian of the animal, but, if the owner or custodian of the animal is under eighteen (18) years of age, the citation may be issued to the parent or guardian of the owner or custodian. (Ord. No. 2006-300, Sec. 24.)

6.04.24 Enforcement

- A. For the purpose of discharging the duties imposed by this ordinance and enforcing its provisions, the Animal Control Officer is empowered:
 - 1. To enter upon any premises upon which a dog, cat or any animal is kept or harbored and to demand and secure the owner's exhibition of such animal, and
 - 2. To enter upon or pass through any enclosed property while in pursuit of a dog at large for the purpose of apprehending the same.
- B. The Animal Control Officer, in the presence of, and on the authority of, a police officer, and with probable cause to believe that an animal is being kept in a cruel or inhumane manner, is further empowered to enter upon or into the premises to examine such animal and to take possession thereof when it reasonably appears that such animal requires treatment. (Ord. No. 2006-300, Sec. 25.)

6.04.25 Interference with enforcement

- A. No person shall, in any manner, interfere with, or attempt to prevent the seizure of an animal by, or attempt to remove an animal from the custody of the Animal Control Officer while in the discharge of his or her duties.
- B. No person shall refuse to turn over any animal which is unlicensed, unvaccinated or at large, upon the demand of any Animal Control Officer.
- C. It shall be unlawful for any person to remove any animal from the custody of the city unless an authorized representative has authorized the release.
(Ord. No. 2006-300, Sec. 26.)

6.04.26 Fine. Any person violating any portion of this ordinance shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined in a sum not less than Twenty-Five Dollars (\$25.00) nor more than One Hundred Dollars (\$100.00). Each day a violation continues to occur shall be deemed a separate offense. (Ord. No. 2006-300, Sec. 27.)

6.04.27 Dumping of animals

- A. No person shall dump, discard, or leave any animal, alive or dead, in the city limits of the city of Little Flock with no provision having been made for the maintenance, care, or disposal of the animal. Each animal so dumped, discarded, or left in the city limits of the city of Little Flock shall be considered a separate offense.

2. It shall be prima facie evidence of the violation of this ordinance for any animal to be removed from a vehicle within the city limits of the city of Little Flock and for the vehicle to drive away leaving the animal behind.
3. It shall be presumed that the registered owner of a vehicle, from which any animal is removed and left in the city of Little Flock, is the person who removed the animal and left the animal in the city of Little Flock. The registered owner of such a vehicle may rebut this presumption by providing the name, address, and other reasonably requested information on the driver and occupants of the vehicle at the time and place of the violation of this ordinance.
4. Any person convicted of a violation of this ordinance shall be subject to a fine of Five Hundred Dollars (\$500.00) for each offense. (Ord. No. 2005-284, Secs. 1-4.)