

Title 6

ANIMALS

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Chapter 6.04

ANIMALS GENERALLY

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6.04.010 Definitions. The following words and phrases when used in this title shall, for the purpose of this title, have the meanings respectively ascribed, as follows:

“Animal” means any living creature domestic or wild.

“Animal warden” means any officer of the City designated by the governing body to enforce the provisions of this title.

“At large” means off the premises of the owner, and not controlled either by leash, cord, chain or otherwise.

“Dog” means every canine male or female.

“Household pet” means any trained or domesticated animal kept at a place of residence, excluding horses, cows, sheep, goats, pigs, animals of bovine genus, chickens, ducks, peacocks, turkeys, geese, fowl, rabbits, mink, chinchilla, snakes of over three feet in length or any venomous animal, venomous amphibian, venomous reptiles,

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venomous snakes, venomous lizards, venomous frogs and any such animals not ordinarily kept as household pets. Household pets include dogs, cats, canaries, parrots, and other small caged birds, hamsters, guinea pigs, and similar rodents, ferrets, fish, reptiles and other such species that normally would be kept at a dwelling, but does not include any species or animal capable of inflicting substantial physical harm to man.

“Owner” means any person owning, keeping, harboring, maintaining or having custody of or being in charge of a dog or other animal.

“Vicious animal” means any animal which attacks or rushes, bites, snaps, growls or snarls at or otherwise menaces persons, other animals or vehicles, in any public or private place outside the premises of its owner or keeper, or shows a disposition to do any of the foregoing without provocation or excuse.

“Vicious dog” means any dog which attacks or rushes, bites, snaps, growls or snarls at or otherwise menaces persons, other animals or vehicles, in any public or private place outside the premises of its owner or keeper, or shows a disposition to do any of the foregoing without provocation or excuse.

6.04.020 Animals running at large a nuisance—Removal of dog and other animal defecation from public and private properties. A. No animal other than cats shall run at large within the City or within any park or any ground owned, leased or controlled by the City. Any such animal found running at large in the City, or running or ranging within any of the prohibited areas hereinbefore mentioned, is declared to be a nuisance; and any person being the owner of any such animal at large within the City shall be deemed the author of such a nuisance and upon conviction, shall be fined as provided in Section 6.04.140.

B. Any cats which are found running at large within the City or within any park or any ground owned, leased or controlled by the City may be apprehended by the City as hereinafter provided in Section 6.08.030 and impounded as hereinafter provided in Section 6.08.040.

C. An owner or person having custody of any dog or any other animals shall not permit the dog or any other animal to defecate on any school ground, public street, alley, sidewalk, park or any other public grounds or any private property within the City, other than the premises of the owner or person having custody of the dog or other animal, unless such defecation is removed immediately and placed in any solid waste container for collection by the City provided such defecation is first placed in a separate closed, sealed or tied container sufficient to keep it separated and to contain the odor therefrom. (Ord. 3-1994 § 1, 1994: Ord. 3-1991 § 1, 1991)

**6.04.030 Restrictions on animals within city limits—Wild animals prohibited—Exceptions.** A. Except as otherwise provided for herein, it is unlawful for any person to be the owner or possessor of any wild animal or exotic pet within the corporate City limits of Powell, except that this section shall not apply to the keeping of household pets, small caged birds or aquatic, amphibian or non-poisonous reptilian animals, or such small rodents as hamsters, guinea pigs or gerbils solely as pets, within the limitations contained in the zoning ordinances of the City, nor shall it apply to the temporary housing of animals at the Park County Fairgrounds or at the campus of Northwest College, during exhibitions, demonstrations, classes and educational and recreational activities for which animals are required, nor shall this section apply to any private or governmental research laboratories, the City Animal Shelter or the temporary housing of animals for treatment at veterinary clinics located within the City. (Ord. 20, 2002)

B. The keeping of any animal in violation of this section, or keeping of any animal under the exceptions hereto in such a manner as to create unsanitary, unhealthy or malodorous conditions is declared to be a nuisance.

C. The City may authorize in writing, the possession of specific wild or exotic animals to be kept within the corporate City limits, provided said wild or exotic animals are nonvenomous, subject to the following provisions:

1. A wild animal/exotic pet request form, provided by the City Clerk, must be completed and submitted to the City Police Department. A separate form shall be submitted for each species.

2. At the time that the wild animal/exotic pet form is submitted to the Police Department, the applicant must attach a current copy of the importation/possession permit issued by the Wyoming Game and Fish Department or any and all other permits or other documentation required pursuant to any applicable local, state or federal law, rule or other regulation, for each and every subject animal(s), if applicable.

3. Within thirty days following the submission of the completed wild animal/exotic pet request form to the Police Department, the Chief of Police or his designee shall issue a written determination either approving or disapproving the request. The Police Department may issue a conditional approval subject to reasonable conditions or requirements being agreed to and/or met by the applicant. The written determination shall be mailed to the applicant at the address as set forth on the request form.

4. Any approval allowing for the possession of any wild animal/exotic pet shall be site specific allowing for the possession of any such animal only at the address set forth on the wild animal/exotic pet request form. Any change in the owner's address shall require the owner to reapply for permission to possess the subject specific

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wild/exotic animal by completing and submitting to the City an additional request form.

D. Any appeal from the Chief of Police or his designee's determination shall be made in writing to the City Council. The appellant must provide written notice of his or her appeal to the Council and the Chief of Police within ten days after the Chief of Police or his designee issues the written determination. The notice of appeal must include the reason or reasons for the appeal and any information that the appellant wishes the City Council to consider in a review of the Chief of Police's or his designee's determination. The Chief of Police or his designee shall provide a written response to the City Council and appellant within ten days after receipt of the notice of appeal. The City Council may either set the appeal to be heard at the next regular scheduled meeting of the City Council, or the City Council may instead decide the appeal on the basis of the written information provided by the appellant and the Chief of Police or his designee at the City Council's sole discretion. The City Council shall issue a written determination to the appellant and the Chief of Police or his designee within sixty days of receipt of the notice of appeal. The written determination of the City Council shall be a final decision.

E. Permits issued under the provisions of this chapter may be immediately revoked by the Chief of Police or any other law enforcement officer for any of the following causes:

1. Fraud, misrepresentation, false statement contained in the application for the permit;
2. Any violation of this chapter;
3. Any violation of the conditions contained in the permit as issued.

Notice of the revocation of the permit shall be given in writing, setting forth specifically the grounds for revocation. Such notice shall either be mailed, postage prepaid, to the permittee at his last known address or shall be served upon the permittee by any local law enforcement officer.

F. The Chief of Police or his designee is authorized to enter the premises of any permittee to ascertain and secure compliance with the provisions of this title and the permit issued to permittee. (Ord 9-1998 § 1, 1998)

**6.04.035 Rabbit Permit Process.** A. The City may authorize in writing the possession of rabbits to be kept within the corporate City limits subject to the following provisions:

1. An annual pet rabbit request form provided by the Powell Police Department must be completed and submitted to the Powell Police Department. Permits will be issued for a calendar year. Each annual pet rabbit request form shall be accompanied with a \$5.00 annual fee.

2. The request form/application must also be signed by a parent or guardian if the applicant is under 18 years of age.

3. The maximum number of rabbits per residential building or unit of a residential building shall be six (6) adult rabbits, provided however, that no more than three of said six adult rabbits may be female. An adult rabbit is a rabbit which is at least 10 weeks of age. Any rabbits under the age of 10 weeks are exempted from the limitation of six adult rabbits.

4. All individuals who are granted a permit for rabbits must comply with the following restrictions.

(a). Hutches shall be located so that adequate drainage is obtained, normal drying occurs and standing water is not present.

(b). It shall be unlawful for any person to keep, possess or maintain any rabbits, pens, enclosures, hutches, cages or other structures in which any such rabbits are kept, possessed or maintained within twenty-five feet (25') of any actual residence or habitation of human beings, or within twenty-five feet (25') of any church, school or hospital other than the residence of the keeper, possessor or owner of such rabbits, such distance of 25' to be measured in a straight line from the nearest point of any pen, enclosure, hutch, cage or other such structure in which rabbits are kept to the nearest point of any such actual residence or place of human habitation, church, school or hospital. Additionally, all rabbit pens, enclosures, hutches, cages or other structures in which rabbits are kept, possessed or maintained must be at least ten (10) lineal feet from any neighbor's existing patio or deck.

(c). Pens, hutches or other houses or enclosure in which rabbits are kept must be cleaned and disinfected daily and must be kept in a clean and sanitary condition at all times.

(d). Litter and droppings from such rabbits must be collected daily and stored in a fly-tight container and hauled away at intervals not to exceed seven (7) days. Rabbit hutches must have traps or floors to keep droppings or urine off of the ground.

(e). Within 30 days of submission of the completed rabbit permit form to the Police Department, the Chief of Police or his designee shall issue a written determination either approving or disapproving the request. The Police Department may issue a conditional approval subject to reasonable conditions or requirements being agreed and/or met by the applicant. The written determination shall be mailed to the applicant at the address set forth on the request form.

(f). Any approval allowing for the possession of any rabbit shall be site specific, allowing for the possession of any such animal only at the address set forth on the rabbit permit request form. Any change in the owner's address shall require the owner to re-apply for permission to possess a rabbit or rabbits by completing and submitting to the City an additional request form.

B. Any appeal from the Chief of Police or his designee's determination shall be made in writing to the City Council. The appellant must provide written notice of his or her appeal to the Council and the Chief of Police within ten days

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after the Chief of Police or his designee issues the written determination. The notice of appeal must include the reason or reasons for the appeal and any information that the appellant wished the City Council to consider in a review of the Chief of Police's or his designee's determination. The Chief of Police or his designee shall provide a written response to the City Council and appellant within ten days after receipt of the notice of appeal. The City Council may either set the appeal to be heard at the next regular scheduled meeting of the City Council, or the City Council may instead decide the appeal on the basis of the written information provided by the appellant and the Chief of Police or his designee at the City Council's sole discretion. The City Council shall issue a written determination to the appellant and the Chief of Police or his designee within sixty days of receipt of the notice of appeal. The written determination of the City Council shall be a final decision.

C. Permits issued under the provisions of this chapter may be immediately revoked by the Chief of Police or any other law enforcement officer for any of the following causes:

1. Fraud, misrepresentation, or false statement contained in the application for the permit;
2. Any violation of this chapter;
3. Any violation of the conditions contained in the permit as issued.

Notice of the revocation of the permit shall be given in writing, setting forth specifically the grounds for revocation. Such notice shall either be mailed, postage prepaid, to the permittee at his last known address or shall be served upon the permittee by any local law enforcement officer.

D. The Chief of Police or his designee is authorized to enter the premises of any permittee to ascertain and secure compliance with the provisions of this title and permit issued to permittee. (Ord. 17 – 2007)

6.04.040 Impounding and fee. Any animal found running at large or ranging in violation of Section 6.04.020 shall be taken up and confined by the Police Department in a secure place provided for that purpose, and registration, notice, adoption or destruction of said animal shall proceed as hereinafter provided for animals in Sections

6.08.040 through 6.08.070, inclusive. (Ord. 8-1998 §3, 1998)

**6.04.050 Picketing animals.** It is unlawful for any person to picket, tie or fasten any animal in such a manner that such animal or any riggings thereof shall obstruct any public street, sidewalk or other public way.

**6.04.060 Slaughtering animals.** It is unlawful for any person to slaughter any animal within the City without first having obtained a permit from the City Administrator or other designated City officer, and it shall further be unlawful to occupy or use any yard, pen, enclosure or building or other place for the purpose of slaughtering any of the animals without such permit. (Charter Ord. 1-1989 §3 (part), 1989)

**6.04.70 Cruelty to Animals – Unlawful Acts Designated.**

A. No person shall override, overload, drive an overloaded, overwork, torture or torment an animal or deprive an animal of necessary sustenance.

B. No person shall unnecessarily or cruelly beat, mutilate or kill an animal unless specifically authorized by law.

C. No person shall cause, instigate, be a spectator at or permit a dog fight, cock fight, bull fight (bloodless or otherwise), or other combat involving animals.

D. No person shall abandon any animal.

E. No person shall fail to provide his/her animal with sufficient food and water, proper shelter to protect it from weather (including sunlight and extreme temperatures), veterinary care when needed to prevent suffering and with humane care and treatment.

F. It is unlawful to annoy, bait, harass, torment, or tease a confined or chained animal.

G. Unless specifically authorized by law, no person shall willfully maim or disfigure any domestic or wild animal or administer poison or cause to be ingested any foreign object to any such animal, or expose any poisonous substance with the intent that it shall be taken by any animal, except pests of a public health concern.

H. Provisions of this Section shall not in any way limit the right of a police officer or animal control officer to kill or destroy any wild or domestic animal if any such officer determines that there is a reasonable danger to the public safety.

(Ord. 17-2009)

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**6.04.080 Removal of dead animals.** It shall be the duty of every person who is the owner of any animal which shall die within the City or who is the owner of any property or premises on which the carcass of any dead animal lies promptly to remove and dispose of the carcass of the animal beyond the police jurisdiction of the City. Any failure to do so is unlawful and punishable as provided in Section 6.04.140.

**6.04.090 Animals attached to vehicles.** It is unlawful for any person to leave any horse or other such animal attached to any wagon or vehicle of any kind in any public street, sidewalk or other public way, within the City without securely fastening the animal to a stationary fixed object.

**6.04.100 Animals attached to poles and signs.** It is unlawful to hitch or tie any horse, or other animal to any City-owned utility pole or sign.

**6.04.110 Noisy animals.** A. Any dog, cat, or other animal, habitually, or incessantly barking, howling, yelping, screeching or making any other noise which disturbs or endangers the comfort, health, or peace of the neighborhood, is declared to be committing a nuisance, and the owner of such dog, cat or other animal is declared to be the author of such nuisance.

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B. It shall be the duty of any person who is the owner of any dog, cat, or other animal, which barks, howls, yelps, screeches or makes any other noise which disturbs or endangers the comfort, health, or peace of the neighborhood between the hours of ten p.m., and six a.m., to place said dog, cat or other animal inside a closed house or other structure so as to prevent the noise, disturbance and nuisance from continuing.

C. It is unlawful for the owner of any dog, cat or other animal to be the author of any nuisance created thereby. (Ord. 8-1998 § 4, 1998)

**6.04.120 Dumping of dogs and cats.** If any person shall dump or abandon any dog or cat or other animal to stray upon streets or public ways within the City, or should any person otherwise abandon any dog, cat or other animal within the City of Powell, such person shall be guilty of a misdemeanor and upon conviction thereof, shall be punished as provided in Section 6.04.140. Any dog, cat or other animal abandoned by its owner and not reclaimed by said owner within five working days shall become the property of the City and shall be placed for adoption in a suitable home or euthanized. (Ord. 21, 2002)

**6.04.130 Nuisance and abatement.** Every violation of the provisions of this chapter is declared to be a nuisance and subject to abatement as provided in Chapter 8.12, in addition to any fine that may be imposed pursuant to Section 6.04.140.

**6.04.140 Violation—Penalty.** Any person found guilty of violating any provisions of this chapter of a misdemeanor and upon conviction thereof shall be punished by a fine not more than seven hundred fifty dollars for each such offense.

**Chapter 6.08**  
**DOGS AND CATS**

**Sections:**

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6.08.080	Private citizen authorized to take up animals.
6.08.090	Dangerous or vicious animals.
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Sections: (Continued)

- 6.08.120 Removal of tags.
- 6.08.130 Killing licensed dog forbidden.
- 6.08.140 Mayor to impose dog or cat control regulations.
- 6.08.150 Interference with officer.

6.08.010 License, registration and vaccination required. A. All dogs in the City shall be licensed and registered annually if over five months of age or older. Dog licenses shall be issued by the City Police Department upon payment of the license fee of two dollars for each dog that is spayed or neutered, and ten dollars for each do that is not spayed or neutered. The owner shall state at the time application is made upon printed forms provided for such purpose, his name and address, and the name, breed, color and sex of each dog owned or kept by him. A veterinarian certification will be required to confirm that the pet has been spayed, neutered and vaccinated.

B. Each such license shall be of the date the same is issued and shall expire on the 10<sup>th</sup> day of January of each year and shall be renewed and new license and tags issued each year before said date. A late charge of three dollars shall be charged for each license that is issued after February 10<sup>th</sup> of each year, provided that any new license may be issued at any time during the year without the payment of any late charge.

C. No license shall be issued under the provisions of this section unless the applicant therefore shall have first exhibited to the Police Department, a certificate issued by a licensed veterinarian showing that said dog sought to be licensed has a current rabies vaccination.

D. It is unlawful for any person to own or keep a dog or cat of five months of age or older, in the City without first having such dog or cat inoculated or vaccinated for rabies by a licensed veterinarian, and owner of such dog or cat must have proof of such inoculation or vaccination in the form of a certificate issued by such veterinarian. (Ord. 8-1998 § 5, 1998: Ord. 8-1994 § 1, 1994: Ord. 3-1991 §2 (part), 1991)

6.08.020 Tag and collar. Upon the payment of the license fee, the Police Department shall issue to the owner a license certificate and a tag for each dog to be licensed. The shape and color of the tag shall be changed each year and shall have stamped thereon the year for which it was licensed and the number corresponding with the number of the certificate. Every owner shall provide each dog with a collar to which the license tag must be affixed and shall see that the collar and tag are constantly worn. In case a god tag is lost or destroyed, a duplicate will be

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issued by the Police Department upon presentation of a receipt, showing the payment of license fee for the current year, and the payment of the fifty cent fee for such duplicate. Dog tags shall not be transferable from one dog to another and no refund shall be made on any dog license fee because of the death of the dog or the owners leaving the City before the expiration period or other such circumstances. Additionally, every owner shall provide each cat with a collar to which a tag issued from a licensed veterinarian may be attached showing that the cat has been inoculated or vaccinated against rabies, and the owner of the cat shall see that the collar and tag are constantly worn. (Ord. 3-1991, § 2 (part), 1991)

6.08.030 Leash law. A. The owner of a dog shall confine such dog to his own premises. Any dog not on the premises of the owner shall be kept under leash at all times.

B. The City may apprehend any cat which is not confined to the property belonging to its owner. (Ord. 3-1991, § 2 (part), 1991)

6.08.040 Impounding. It shall be the duty of the animal warden to apprehend any dog running at large contrary to the provisions of Section 6.08.030 or of Section 6.04.020 and to impound such dog or other animal in the City Pound or other suitable place. The officer upon receiving any dog or cat shall make a complete registry entering the breed, color, and sex of such dog or cat and whether licensed. If licensed, the name and address of the owner and the number of the license tag shall be entered upon the registry. (Ord. 3-1991 § 2 (part), 1991)

6.08.050 Notice to owner and redemption. Within two business days after the impounding of any animal, the owner shall be notified if he can be identified and found. Notice by mail shall be sufficient, and such notice shall be deemed to have been served when it is deposited in the mail, postage prepaid, and bearing the last known address of the owner. If the owner has not been notified or such animal has not been claimed by the owner within two days after it is impounded, written notice shall be posted for five days at two or more conspicuous public places in the City describing the animal and the place and time of taking. The owner of any animal so impounded may reclaim such animal upon payment of the license fee, if unpaid, and of all costs and charges incurred by the City for impounding and maintenance of said animal and for advertising. A fee of five dollars shall be paid to the Police Department for impounding of any animal, and a fee of one dollar per day shall be paid to the Police Department for keeping any

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animal impounded. (Ord. 8-1998 § 6, 1998: Ord. 3-1991 § 2 (part), 1991)

**6.08.060 Disposition of unclaimed or infected animals.** All animals impounded by the City of Powell and not claimed by an owner shall be kept for a period of five (5) days. If, at the expiration of five days from the date of notice to the owner or the posting of such notice, such animal shall not have been redeemed, it may be adopted out or may be destroyed. Animals adopted out must have a current vaccination and any required license at the time of adoption. The vaccination must be obtained to adopt the animal; it shall be at the expense of the adopting party. If after adoption, the animal is to have a home outside the city limits, a city license is not required. Any unlicensed animal suffering from rabies or affected with hydrophobia, mange or other infectious or dangerous disease shall not be released but may be destroyed, provided that the animal suspected of having rabies shall be held for at least two weeks before destruction. An animal which is seriously injured need not be released and may be destroyed if the owner of such animal cannot be determined. (Ord. 8-1998 § 7, 1998: Ord. 3-1991 § 2 (part), 1991); (Ord. 5-2003)

**6.08.080 Private citizen authorized to take up animals.** It shall be lawful for any person to take up any animal running at large contrary to the provisions of the preceding sections, and to deliver or cause such animal to be delivered to the Police Department which shall review the same and proceed in like manner as if the Police Department had impounded the animal. (Ord. 8-1998 § 9, 1998: Ord. 3-1991 § 2 (part), 1991)

**6.08.090 Dangerous or vicious animals.** Any animal which attacked a person in a vicious manner may be destroyed and/or the owner or responsible person for the animal may be fined up to seven hundred fifty dollars. Proof of the fact that the animal has bitten or attacked any person in a place where the person is entitled to be at the time of attack is evidence that the animal is vicious. Any vicious animal found at large which cannot be safely taken up may be destroyed by the City. (Ord. 8-1998 § 10, 1998: Ord. 3-1991 § 2 (part), 1991)

**6.08.100 Rabies—Notice.** If an animal is believed to have rabies or has been bitten by an animal suspected of having rabies, such animal shall be confined and shall be placed under observation of a veterinarian at the expense of the owner for a period of two weeks. The owner shall notify the Police Department of the fact that his animal has been exposed to rabies and the Police Depart-

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ment, at its discretion, is empowered to have such animal removed from the owner's premises to a veterinary clinic for a period of two weeks at the expense of the owner. It is unlawful for any person knowing or suspecting an animal has rabies to allow such animal to be taken off his premises or beyond the limits of the City without the written permission of the Police Department, which shall either remove the animal to the pound, or to a veterinary hospital, or may destroy such animal. (Ord. 8-1998 § 11, 1998; Ord. 3-1991 § 2 (part), 1991)

**6.08.110 Right of entry.** In the enforcement of any of the provisions of this title, Police Officers or the Community Service Officer are authorized to enter the premises of any person and take possession of any licensed or unlicensed animal, when in fresh pursuit of such dog, cat or animal, at the time said animal goes upon private property. The Police Officers or Community Service Officer are authorized to enter the premises of the owner of any animal, to ascertain and secure compliance with the provisions of this title. (Ord. 8-1998 § 12, 1998; Ord. 3-1991 § 2 (part), 1991)

**6.08.120 Removal of tags.** It is unlawful for any person, other than the animal warden performing his duty, to remove the collar or registration tag from any animal without the consent of the animal's owner. (Ord. 3-1991 § 2 (part), 1991)

**6.08.130 Killing licensed dog forbidden.** Except as otherwise provided in this title, no person shall purposely kill or cause to be killed any dog which has been registered and licensed as provided in this title without the consent of the owner of such dog. (Ord. 3-1991 § 2 (part)).

**6.08.140 Mayor to impose animal control regulations.** It is the duty of the Mayor, whenever, in his judgment, danger to the public safety is imminent, to issue his proclamation ordering every person who is the owner of any animal to confine the same by good and sufficient means to his premises or to have such animal properly and securely muzzled during the time specified in the proclamation. Any animal found running at large within the City limits during the time so specified without being properly and securely muzzled may be killed by any person or officer. (Ord. 3-1991 § 2 (part))

**6.08.150 Interference with officer.** It is unlawful for any person to hinder or interfere with any officer of the City in the discharge of his duties as provided in this title. (Ord. 3-1991 § 2 (part)).

