

CHAPTER 1

ANIMAL CONTROL

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4-1-1: **DEFINITIONS:** Whenever the following words or terms are used in this chapter, they shall have such meanings as ascribed to them:

ANIMAL CONTROL OFFICER: Includes chief of police, dog catcher and/or any animal control officer so designated by the city.

AT LARGE: Off the premises of the owner and not under the control of the owner or a member of his immediate family or an agent or employee of the owner by leash, cord, chain or otherwise. For the purposes of defining "at large", a dog in the owner's or keeper's vehicle shall not be considered to be at large.

- CAT:** Any member, male or female, of the genus felis catus.
- DOG:** Any member, male or female, of the genus canis familiaris.
- HARBORING:** Maintaining any premises on which an animal remains or to which it customarily returns daily for food. Care of an animal for a period of five (5) days or longer is presumed to be harboring or keeping the animal within the meaning of this chapter.
- KEEPER:** The owner or person caring for or harboring an animal, or a person or entity having the immediate care, custody, or control of an animal, or any person apparently acting on behalf of a keeper with the express or implied permission of the keeper.
- KENNEL:** Any lot or premises or portion thereof, other than a veterinary hospital, on which four (4) or more dogs or cats are maintained, harbored, possessed, boarded, bred, or cared for shall be deemed a kennel.
- LEASH:** A cord, chain or rope of the length to restrict the dog to the owner's property and, when the dog is off the owner's property, the leash shall not be more than eight feet (8') in length.
- PREMISES:** Any real property and its appurtenances.
- UNDER CONTROL:** The restraint of any animal by means of a leash or other device that physically restrains the animal to the keeper's immediate proximity thus preventing the animal from trespassing upon the property of others or chasing other persons, animals, or motorized or nonmotorized vehicles of any sort. An animal which is otherwise securely confined in or upon any motor vehicle shall be deemed to be under control.
- VICIOUS DOG:** A. Any dog with a known propensity, tendency, or disposition to attack unprovoked, or cause

injury to, or otherwise threaten the safety of human beings or domestic animals; or

B. Any dog which, because of its size, physical nature, or vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this chapter; or

C. Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or

D. Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting. (Ord. 409, 9-28-1998)

4-1-2: LICENSE REQUIRED; FEES:

- A. License Required: All dogs kept, harbored or maintained by their owners in the city shall be registered and licensed.
- B. Application; Form: The owner shall state, at the time application is made for such license, upon printed forms provided for that purpose, his name and address and description of the dog to be licensed in such manner that the dog may be identified with reasonable certainty, and the name to which the dog answers.
- C. Rabies Inoculation Required: Each applicant for a license shall present to the city clerk satisfactory evidence that every dog over six (6) months of age has been inoculated against rabies according to standard veterinary practices. (Ord. 409, 9-28-1998)
- D. Term Of License; Renewal: Each license issued under the provisions of this chapter shall be valid until and including December 31 of the year for which it was issued, and shall be renewed annually upon payment of the fees herein provided. Such renewal shall be effective as of January 1 and shall be made not later than February 1 of each year. All fees authorized by this chapter which are due on January 1 of each year shall be doubled in amount if not paid prior to February 1. (Ord. 409, 9-28-1998; amd. Ord. 412, 5-24-1999)

- E. When Required: All dogs in excess of eight (8) weeks of age kept, harbored or maintained in the city shall wear a metal tag evidencing such licensing at all times. Any person having charge of any dog in the city shall, on or before January 15 of each year, make application to the city clerk for a license for said dog. New residents and new owners shall purchase licenses at the regular fee within thirty (30) days of their bringing a dog into the city.
- F. Cats: Owners may also license cats; however, such licensing shall be voluntary.
- G. License Fees: The clerk shall collect from each applicant the following license fee:
1. Neutered Or Spayed Dogs: For each neutered male and spayed female, the sum of ten dollars (\$10.00).
 2. Unneutered Or Unspayed Dogs: For each unneutered male and unspayed female dog the sum of twenty dollars (\$20.00). Each applicant for a license shall present evidence satisfactory to the city clerk that said female/male has been spayed or neutered prior to issuing any license.
 3. Cat: For each cat, the sum of three dollars (\$3.00) (voluntary license).
 4. Kennel: For each kennel, the sum of twenty five dollars (\$25.00) per year per cat or dog as reflected on the maximum number licensed.
- H. Issuance: Upon application, payment of fees and submission of evidence of rabies inoculation and spaying as required, the city clerk shall issue to the applicant a receipt designating the name of the applicant, the number of the license to be issued, sex of the dog, amount paid by the applicant and a metal tag bearing the number corresponding to that on the receipt.
- I. False Statements: It shall be unlawful for anyone to make false statements on said application for license. (Ord. 409, 9-28-1998)
- J. Exemptions: Assistance dogs properly trained to assist a person with a disability when such dog is actually being used by such person for the purpose of aiding them in going from place to place, shall be licensed without charge and, except for this licensing provision, shall

be exempt from the provisions of this chapter. (Ord. 409, 9-28-1998; amd. 2010 Code)

- K. Exceptions: Any licensing provision of this chapter shall not apply to any dog owned by nonresidents, or to dogs brought into the city for temporary purposes. (Ord. 409, 9-28-1998)

4-1-3: **TAG AND COLLAR:**

- A. Issuance: Upon payment of the license fee, including renewal fees, the clerk shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The tag shall have the number stamped thereon corresponding with the number on the certificate.
- B. Collar: Each 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 by the dog.
- C. Duplicate Tag: In case a dog tag is lost or destroyed, a new tag will be issued by the clerk upon presentation of receipt showing the payment of the license fee for the current year and the payment of one dollar (\$1.00) for each duplicate.
- D. Transferability: Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of death of the dog or the owner leaving the municipality before expiration of the license period.
- E. Improper License Tags: It shall be unlawful for any person to allow any dog or cat owned, kept, or harbored by him to wear a license tag received for a different dog or cat, or to wear any imitation of a current license tag issued by the city. The licensee of a dog or cat license shall remain liable under this chapter for any and all violations regarding any dog licensed to him until such license expires or is terminated by said licensee requesting termination of license from the city clerk.
- F. Violation To Remove Tags: It shall be a violation of this chapter for any person to remove the license tag issued under this chapter from any dog or cat other than his or her own dog or cat. (Ord. 409, 9-28-1998)

4-1-4: **NUMBER; LIMITATIONS:** It shall be unlawful for any person to own, keep or harbor more than four (4) dogs or cats over six (6) months old within the corporate limits of this city; except that this provision shall not apply to dog hospitals and veterinarians when dogs or cats are kept on the premises used by hospitals and veterinarians as their normal place of business; nor shall these provisions apply when the person is the owner or operator of a kennel at a location permitted for such use by the city zoning ordinance. The keeping of more than four (4) dogs or cats on the premises of the owner or keeper shall be prima facie evidence of a violation of this section and the burden of proof shall be on the owner or keeper to show the ages of such dogs or cats. (Ord. 409, 9-28-1998)

4-1-5: **ANIMALS AT LARGE:**

- A. Declared Nuisance: No owner or keeper of any animal shall allow or permit such animal to be at large within the corporate limits of the city whether licensed or unlicensed at any time. No animal of fierce, dangerous or vicious propensities, whether licensed or unlicensed, shall be permitted to run at large within the corporate limits of the municipality at any time during the year. Any animal that is so at large is hereby declared to be a nuisance.
- B. Impoundment; Fees: Any person may take up said animal and deliver it to the animal control officer. Owners or keepers of animals shall pay all impound fees owing prior to release of such animal.
- C. Proof Of Intent Unnecessary: In any prosecution under this section, it shall not be necessary to allege or prove any intent on the part of the owner or keeper of a animal to allow or permit such animal to run at large.
- D. Citation; Complaint: If an owner is known or may be determined, an officer may, as an alternative, or in addition to impoundment, issue to the owner or keeper of the dog a citation and complaint in the form and manner prescribed by law. (Ord. 409, 9-28-1998)

4-1-6: **PEN AND PREMISES SANITARY REQUIREMENTS:** It is unlawful for any person or entity keeping or harboring animals to fail to keep the premises where such animals are kept free from offensive odors to the extent that such odors are disturbing to the person(s) residing within a reasonable proximity to the premises. It is unlawful to allow premises where animals are kept to become unclean and a threat to the

public health by failing to diligently and systematically remove all animal waste from the premises. (Ord. 409, 9-28-1998)

4-1-7: **ANIMAL WASTE:** The owner or keeper of any animal shall immediately remove any solid excreta deposited by any animal which he or she owns or keeps on public walks and streets, in any park or other recreation area, or on private property. Failure to remove such waste shall constitute a nuisance and the owner or keeper of such animal who knowingly fails to remove such waste shall be deemed guilty of a misdemeanor. (Ord. 409, 9-28-1998)

4-1-8: **LIABILITY FOR DAMAGE TO PROPERTY:** The owner, harborer or keeper of any animal that does damage to property other than his own, shall be liable to that property owner for the damages suffered and costs of suit, if any, in the prosecution of sanctions for such damages. It is not necessary for the plaintiff to show that the owner, harborer or keeper of such animal had knowledge of the fact that such animal was doing said damage to the property. (Ord. 409, 9-28-1998)

4-1-9: **ANIMALS CAUSING DAMAGE OR INJURY:**

- A. Notice To Owner Or Keeper: After complaint of an attack by a animal on a person or injury caused by an animal either on or off the owner's property, with evidence of such injury or damage, has been made to the animal control officer, he or she shall serve a notice, either in writing or in person, upon the owner or keeper of the animal complained upon. Such notice shall inform the owner or keeper of the damage or injury caused by such animal.

- B. Animal Bite; Quarantine: In the case of a citizen being bitten by an animal, the animal shall be held in quarantine for a period of fifteen (15) days during which said animal shall be observed to determine whether the animal has rabies. If the animal is determined to have rabies, the animal shall be destroyed. If the animal is found not to have rabies, the animal shall be returned to the owner or keeper upon the payment of all costs and expenses incurred, including any veterinarian charges incurred in determining whether the animal has rabies. The place of quarantine shall be at the discretion of the animal control officer. After being so notified, any owner or keeper of such animal shall thereafter keep such animal securely confined within an adequate enclosure.

- C. Two Bites Within Twenty Four Months: Upon a finding by a court based upon a preponderance of the evidence that an animal has twice bitten a person or persons without provocation or justification within a consecutive twenty four (24) month period, the court may order such action which the court in its discretion believes is appropriate up to and including euthanasia in order to assure that the animal does not bite persons in the city again. (Ord. 409, 9-28-1998)

4-1-10: **HOWLING OR BARKING DOGS:** It is unlawful for any person or entity to keep on their premises or under their control any dog which, by loud and frequent barking and howling, disturbs the peace and quiet of any person who may reside within reasonable proximity of the place where such dog is kept. Such barking or howling is hereby declared to be a public nuisance. The animal control officer may order the owner or keeper of such a dog to immediately abate such a public nuisance and the failure of such an owner or keeper of such dog to comply with such an order shall be a violation of this chapter. (Ord. 409, 9-28-1998)

4-1-11: **VICIOUS ANIMALS; RESTRAINT:** All animals which are known or suspected of being vicious must be properly kept in an enclosure or securely tied and fastened, muzzled and chained, if necessary, to restrain said animal, and must be restricted to the owner's premises. Printed notices shall be conspicuously displayed whereby the same may be seen by persons passing in the vicinity of where such animal may be kept. (Ord. 409, 9-28-1998)

4-1-12: **IMPOUNDMENT; RELEASE:**

- A. Power To Impound: Any animal, whether licensed or unlicensed, running at large in the city may be impounded whenever such animal may be found by the animal control officer.
- B. Owner Known: If the owner of such animal be known, the officer shall notify him/her either in person, by telephone or in writing, and may release the animal to the owner, after the proper fees have been collected, and may issue an appropriate citation. The officer may issue an appropriate citation to the owner of such animal without obtaining possession of said animal.

- C. **Owner Unknown:** In the event the animal is impounded and the owner or person in charge of the animal be unknown, a public notice shall be given promptly, in writing, by posting said notice in two (2) public places within the city, with one of the places being at the front of city hall.
- D. **Redemption Of Animal; Fees:** The owner or person in charge of any animal impounded under the provisions hereof may recover possession of such animal by payment of the annual license fee, if any, and an additional sum of twenty dollars (\$20.00) to cover costs of impounding and giving notice, and an additional sum of five dollars (\$5.00) per day for care and feeding such animal. The fees as stated in this section shall be in addition to whatever penalty may be imposed as a result of any citation which may be issued for a violation of this chapter which penalty is prescribed by section 1-4-1 of this code.
- E. **Disposition Of Unclaimed, Dangerous Or Rabid Animals:** It shall be the duty of the animal control officer to keep all impounded animals for a period of at least five (5) days after the posting and giving of all required notices of the impounding of any animal. Any notice given by mail shall be deemed given on the date of such mailing. If, at the expiration of five (5) days from the date of posting or giving of such notice, the animal shall not have been redeemed by the owner, it may be disposed of or sold for the sum of money sufficient to cover the costs and charges incurred by the city for impounding and keeping the animal along with the annual license fee for the current year; provided, that no such animal which appears to be suffering from rabies or any animal with fierce, dangerous or vicious propensities shall be released from the pound but shall be disposed of in a proper manner. The adoptee of animals under the provisions of this subsection shall become the owner of the animal free from any claim or title of the original owner or keeper. (Ord. 409, 9-28-1998)

4-1-13: **OTHER PROHIBITED ACTS:** The following acts shall be unlawful and in violation of this chapter:

- A. **Open Door Or Gate, Coax Or Unleash:** No person shall wilfully open any door or gate on any private premises or unleash or coax away any animal for the purpose of enticing or enabling any animal to leave such private premises and be "at large" as defined in this chapter.

- B. **Provoke, Mistreat Or Abuse:** No person shall wilfully provoke, mistreat, or abuse any animal while confined to its keeper's premises.
- C. **Traps:** No person shall set a "leg hold type" trapping device to catch an animal.
- D. **Abandon:** No person shall abandon any animal by dropping off or leaving such animal on any public street, alley, sidewalk or in any city park or playground or other place or building or on the premises of another.
- E. **Interfere With, Hinder, Delay Or Impede Law Enforcement:** No person shall interfere with, hinder, delay or impede a police officer or animal control officer in the enforcement of the provisions of this chapter.
- F. **False Representations:** No person shall falsely represent to any police officer or animal control officer his or her name, address, ownership of impounded animal or other information required by this chapter.
- G. **Maliciously Kill, Maim Or Wound:** No person shall maliciously kill, maim, or wound any animal, and it shall be unlawful to subject any animal to needless suffering or inflict any unnecessary cruelty upon the same, or abuse any animal or fail to provide an animal in his or her custody with proper food, drink, shelter, protection from the weather, necessary veterinary care, or cruelly drive, ride or otherwise use an animal which is unfit for such labor. (Ord. 409, 9-28-1998)

4-1-14: **TRAINING AREA:** The leash requirement of this chapter shall not apply to a dog under the control of the owner within special areas designated by the city as dog training areas. (Ord. 409, 9-28-1998)

4-1-15: **PROCLAMATION BY MAYOR:** The mayor is hereby authorized and empowered to issue a proclamation upon order of the council whenever the prevalence of rabies in the city and vicinity deems it necessary, calling attention to the public of the necessity of complying with the provisions of this chapter. (Ord. 409, 9-28-1998)

4-1-16: FEES:

- A. Resolution: The city council may change fees in relation to this chapter by resolution.
- B. Disposition Of Fees: The animal control officer shall turn over to the city clerk and treasurer any monies collected by the animal control officer as provided in this chapter, with a statement showing the amount collected, date collected, the person the fees were collected from and for what purpose. Impound fees may also be collected the city clerk and treasurer. (Ord. 412, 5-24-1999)

4-1-17: VIOLATION; PENALTY:

- A. Running At Large: It is hereby declared to be an infraction for any person to permit an animal to run at large in violation of the provisions of this chapter. Such infraction shall be punishable as provided in section 1-4-1 of this code. (Ord. 409, 9-28-1998; amd. 2010 Code)
- B. Citation: It shall be the duty of every police officer who sees an animal running at large during a period of time when said animal should be confined or restrained by the owner or keeper thereof as provided herein, to cite the owner of said animal, if the owner of the animal is known, with a citation.
- C. Misdemeanor: In the event that the owner of the dog is cited with a misdemeanor, the officer is not required to impound the dog.
- D. Owner Unknown: If the owner of the dog running at large is not known, the dog shall, in all cases, be impounded. (Ord. 409, 9-28-1998)
- E. Violation Of Other Provisions: Violation of any other provision of this chapter shall be a misdemeanor punishable as provided in section 1-4-1 of this code. (Ord. 409, 9-28-1998; amd. 2010 Code)
- F. Separate Offense: Each day of any unlawful activity specified under this chapter shall constitute a separate offense. (Ord. 409, 9-28-1998)