

**TITLE 10**

**ANIMAL CONTROL**

**CHAPTER**

1. IN GENERAL.
2. DOGS.
3. PIT BULLS AND OTHER VICIOUS DOGS.

**CHAPTER 1**

**IN GENERAL**

**SECTION**

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**10-101. Running at large prohibited.** It shall be unlawful for any person owning or being in charge of any cows, swine, sheep, horses, mules, goats, or other livestock, or any chickens, ducks, geese, turkeys, or other domestic fowl, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits. (1983 Code, § 3-101)

**10-102. Keeping near a residence or business restricted.** No person shall keep any animal or fowl enumerated in the preceding section within two hundred (200) feet of any residence, place of business, or public street, without a permit from the health officer. The health officer shall issue a permit only when in his sound judgment the keeping of such an animal in a yard or building under the circumstances as set forth in the application for the permit will not injuriously affect the public health. (1983 Code, § 3-102)

**10-103. Pen or enclosure to be kept clean.** When animals or fowls are kept within the corporate limits, the building, structure, corral, pen, or enclosure in which they are kept shall at all times be maintained in a clean and sanitary condition. (1983 Code, § 3-103)

**10-104. Adequate food, water, and shelter, etc., to be provided.** No animal or fowl shall be kept or confined in any place where the food, water, shelter, and ventilation are not adequate and sufficient for the preservation of its health, safe condition, and wholesomeness for food if so intended.

All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (1983 Code, § 3-104)

**10-105. Keeping in such manner as to become a nuisance prohibited.** No animal or fowl shall be kept in such a place or condition as to become a nuisance because of either noise, odor, contagious disease, or other reason. (1983 Code, § 3-105)

**10-106. Cruel treatment prohibited.** It shall be unlawful for any person unnecessarily to beat or otherwise abuse or injure any dumb animal or fowl. (1983 Code, § 3-106)

**10-107. Seizure and disposition of animals.** Any animal or fowl found running at large or otherwise being kept in violation of this chapter may be seized by the health officer or by any police officer and confined in a pound provided or designated by the city council. If the owner is known, he shall be given notice in person, by telephone, or by a postcard addressed to his last-known mailing address. If the owner is not known or cannot be located, a notice describing the impounded animal or fowl will be posted in at least three (3) public places within the corporate limits. In either case the notice shall state that the impounded animal or fowl must be claimed within five (5) days by paying the pound costs or the same will be humanely destroyed or sold. If not claimed by the owner, the animal or fowl shall be sold or humanely destroyed, or it may otherwise be disposed of as authorized by the city council. The pound keeper shall be entitled to collect from each person claiming an impounded animal or fowl a reasonable fee, to cover the costs of impoundment and maintenance. (1983 Code, § 3-107)

**10-108. Inspections of premises.** For the purpose of making inspections to insure compliance with the provisions of this title, the health officer, or his authorized representative, shall be authorized to enter, at any reasonable time, any premises where he has reasonable cause to believe an animal or fowl is being kept in violation of this chapter. (1983 Code, § 3-108)

## CHAPTER 2

### DOGS

#### SECTION

- 10-201. Rabies vaccination required.
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- 10-207. Bitches to be confined while proud.
- 10-208. No liability for killing proud bitch at large.
- 10-209. Penalty for violation.
- 10-210. Maximum number of dogs and cats allowed.

**10-201. Rabies vaccination required.** It is unlawful for any person to own, keep or harbor any dog or cat which has not been vaccinated against rabies as required by the Tennessee Anti-Rabies Act as codified at Tennessee Code Annotated, § 68-8-101 et seq. (Ord. #94-58, Dec. 1994)

**10-202. Dogs to wear rabies tags.** It shall be unlawful for any person to own, keep or harbor any dog which does not wear a metal tag evidencing the vaccination of said dog in compliance with the Tennessee Anti-Rabies Act and the preceding section. (Ord. #94-58, Dec. 1994)

**10-203. Seizure of dogs running at large - redemption by owner.**

(1) Any dog found running at large may be seized by the health officer or by any police officer and placed in the designated dog pound. For the purposes of this chapter, running at large shall be defined as not being in a secure enclosure or on a leash or chain, regardless of whether the dog is on its owner's property or not.

(2) (a) If the dog is wearing a tag evidencing rabies vaccination, the owner shall be notified by a postcard addressed to the owner's last known mailing address to appear at city hall within five (5) days and redeem the owner's dog by paying a pound fee of \$10.00 or the dog shall be destroyed.

(b) If the dog is not wearing a tag evidencing rabies vaccination, the dog shall be destroyed, unless legally claimed by the owner within two (2) days; the owner shall pay a pound fee of \$10.00 prior to the release of said dog.

(3) No dog shall be released in any event from the pound unless and until it has been vaccinated and a tag placed on its collar.

(4) When, because of its viciousness or apparent infection with rabies, a dog found running at large cannot be safely impounded, it may be summarily destroyed by the health officer or any policeman. (Ord. #94-58, Dec. 1994)

**10-204. Property damage by dog running at large.** The owner of any dog running at large in violation of this chapter shall be liable for any property damage caused by said dog. Should the owner of said dog be a minor, the minor's parent, guardian or custodian shall be liable for said damage. (Ord. #94-58, Dec. 1994)

**10-205. Confining or isolating dog upon suspicion of rabies.** If any dog has bitten any person or is suspected of having bitten any person or is for any reason suspected of being infected with rabies, the health officer or chief of police may cause the dog to be confined or isolated for such time as said health officer or chief of police reasonably deems necessary to determine if such dog is rabid. (Ord. #94-58, Dec. 1994)

**10-206. Liability of non-owner for death or injury to dog.** The owner or occupant of any property within the city limits shall have no liability for any injury or death occurring on the property owned or occupied by said persons to any dog found to be destroying property, causing a nuisance or displaying any viciousness upon said property owned or occupied by said person. Should the health officer or any police officer respond to a call from the owner or occupant of any property within the city limits with regard to a dog not belonging to said property owner or occupant which is found to be destroying property, causing a nuisance or displaying any viciousness, said health officer or police officer shall react appropriately any shall incur no liability for any injury or death occurring to said dog in the actions of said health officer or police officer in removing or otherwise tending to the situation involving said dog. (Ord. #94-58, Dec. 1994)

**10-207. Bitches to be confined while proud.** Every owner of a bitch is required to confine the same during such time as she is proud. (Ord. #94-58, Dec. 1994)

**10-208. No liability for killing proud bitch at large.** Any person crippling, killing, or any way destroying a proud bitch that is running at large shall not be held liable for the damages due to such killing or destruction. (Ord. #94-58, Dec. 1994)

**10-209. Penalty for violation.** Any person adjudicated in violation of this chapter shall be subject to fine of not less than twenty-five and no/100 dollars (\$25.00) and not more than five hundred and no/100 dollars (\$500.00) plus the court costs. (Ord. #94-58, Dec. 1994)

**10-210. Maximum number of dogs and cats allowed.** (1) Maximum allowable number of dogs and cats at single family residence. Except as otherwise provided in this section, no person shall keep more than a total of six (6) dogs or cats over the age of six (6) months per household in any single family residence in Dyer. These restrictions mean a total of six (6) animals, for example, four (4) dogs and two (2) cats, or five (5) cats and one (1) dog, but in no event shall the total number exceed six (6) such animals per household.

(2) Maximum allowable number of dogs and cats at multiple family residence. Except as otherwise provided in this section, no person residing at a multiple family residence shall keep more than a total of two (2) dogs or cats over the age of six (6) months per household in Dyer. These restrictions mean a total of two (2) animals for example, one (1) dog and one (1) cat but in no event shall the total number exceed two (2) such animals per multiple family household. For the purposes of this section, a multiple family residence shall include all duplexes, triplexes, apartment buildings, and other structures in which more than one (1) family resides.

(3) Exceptions. The provisions of subsections (1) and (2) of this section shall not apply to the following types of property or conditions:

(a) Single family residences located on lots which are five (5) acres or larger (217,800 square feet).

(b) Single family residences located on property which is listed on the rolls of the Gibson County Tax Assessor as agricultural land.

(c) Commercially licensed kennels, or a kennel maintained in conjunction with a small animal clinic.

(d) Where the maximum allowable number of animals is exceeded due to birth(s), the property owner shall have six (6) weeks following such birth(s) to achieve compliance with subsections (1) and (2), as applicable, of this section.

(e) Newly annexed properties and properties on which more than the maximum allowable number of animals were kept and maintained on the effective date of the ordinance comprising this section, subject to the following conditions:

(i) The animals are kept and maintained in a decent, safe, and sanitary condition; and

(ii) The number of animals kept and maintained on the premises is not increased following the effective date of the ordinance comprising this section; and

(iii) Until compliance with subsections (1) or (2), as applicable, is achieved, no person shall replace any animal which has died, been sold or given away, or which for any reason ceased being kept or maintained on the premises.

(4) Violation and penalty. Any violation of any subsection of this section shall subject the offender to a penalty of up to fifty dollars (\$50.00) for

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each offense. Each day the violation shall continue shall constitute a separate offense. (as added by Ord. #2007-158, Sept. 2007)

### CHAPTER 3

#### PIT BULLS AND OTHER VICIOUS DOGS

##### SECTION

10-301. Pit bull dogs.

10-302. Vicious dogs.

10-303. Penalties.

**10-301. Pit bull dogs.** (1) Definitions. The words, terms, and phrases, and their derivations as used in this chapter, except where the context clearly indicates otherwise, shall have the following meanings:

(a) "Pit bull" means and includes any of the following dogs:

(i) The bull terrier breed of dog;

(ii) The Staffordshire bull terrier breed of dog;

(iii) The American pit bull terrier breed of dog;

(iv) The American Staffordshire breed of dog;

(v) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bull, pit bull dogs, or pit bull terriers; and

(vi) Any dog which has the appearance and characteristics of being predominantly of the breeds of dogs known as bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier, and any other breed commonly known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.

(b) "Predominately" means knowledge through identification procedures or otherwise, or admission by owner, keeper, or harbored that a dog is more than fifty percent (50%) pit bull. Predominately also means that the dog exhibits the physical characteristics of a pit bull more than that of any other breed of dog.

(c) "Impoundment" means the taking or picking up and confining of an animal by any police officer, animal control officer or any other public officer under the provisions of this chapter.

(d) "Muzzle" means a device constructed of strong, soft material or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

(e) "Confined" means to be securely kept indoors, within an automobile or other vehicle, or kept in a securely enclosed and locked pen or structure upon the premises of the owner or keeper of such dog.

(f) "Securely enclosed and locked pen or structure" means a fenced-in area that shall be a minimum of ten feet (10') wide, ten feet (10') long, and six feet (6') in height above grade, and with a horizontal top covering said area, all to be at least nine (9) gauge chain link fencing with

necessary steel supporting posts. The floor shall be at least three inches (3") of poured concrete with the bottom edge of the fencing embedded in the concrete or extending at least two feet (2') below grade. The gate must be of the same materials as the fencing, fit securely, and be kept securely locked. The owner shall post the enclosure with a clearly visible warning sign, including a warning symbol to inform children, that there is a dangerous dog on the property. The enclosure shall contain and provide shelter and protection from the elements, adequate exercise room, be adequately lighted and ventilated, and kept in a sanitary condition.

(g) "Physical restraint" means a muzzle and a leash not to exceed four feet (4') in length.

(h) "Under restraint" means that the dog is secured by a leash, led under the control of a person who is at least eighteen (18) years of age and physically capable of restraining the dog, and that the dog is obedient to that person's commands. A dog kept within a securely enclosed and locked pen or structure shall also be considered to be under restraint.

(i) "Sanitary condition" means a condition of good order and cleanliness to minimize the possibility of disease transmission.

(j) "Owner" means any person, partnership, corporation, or other legal entity owning, harboring, or possessing a pit bull or any other dog regardless of breed determined to be vicious, or in the case of a person under the age of eighteen (18), that person's parent or legal guardian. Such dog shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days. This definition shall not apply to any veterinary clinic or boarding kennel.

(2) Pit bull restrictions. It shall be unlawful to keep, harbor, own, or in any way possess a pit bull dog within the corporate limits of Dyer. Provided, however, that persons owning such dogs at the time the ordinance comprising this chapter is adopted shall be allowed to keep them, provided that they comply with all of the provisions of this chapter, including § 10-301(3), within thirty (30) days of the effective date of the ordinance comprising this chapter.

(3) Standards and requirements for pit bulls. The following standards and requirements shall apply to pit bull dogs located within the corporate limits of Dyer:

(a) Permit required. Each owner, keeper, harbored, or possessor of a pit bull dog shall annually obtain a pit bull permit from the Dyer City Recorder. Such pit bull permit shall cost thirty dollars (\$30.00) per year and the pit bull's owner shall make a personal appearance at the Dyer City Recorder's office when submitting an application for a permit. The thirty dollar (\$30.00) annual permit fee shall be non-refundable and shall be paid prior to any consideration of the permit application or issuance of the permit.

(b) Physical restraint. No person having charge, custody, control, or possession of a pit bull shall permit the dog to go outside its



kennel, pen, or other securely enclosed and locked pen or structure unless such dog is under restraint. No person shall permit a pit bull dog to be kept on a chain, rope, or other type of leash shorter than four feet (4') in length outside its kennel or pen unless such person is of at least eighteen (18) years of age and is in physical control of the leash. Such dogs shall not be leashed to inanimate objects such as trees, posts, buildings, or structures.

(c) Muzzle. It is unlawful for any owner or keeper of a pit bull to allow the dog to be outside its kennel, pen, or other securely enclosed and locked pen or structure unless it is necessary for the dog to receive veterinary care. In such cases, the dog must wear a properly fitted muzzle sufficient to prevent the dog from biting persons or other animals. Such muzzle shall not interfere with the dog's breathing or vision.

(d) Outdoor confinement. Except when leashed and muzzled as provided in this subsection, all pit bull dogs shall be securely confined as defined in subsection (1)(f) of this section. All structures used to confine pit bull dogs must be locked with a key or combination lock when such animals are within the structure. All structures erected to house pit bull dogs must comply with zoning and building ordinances and regulations of the City of Dyer.

(e) Indoor confinement. No pit bull dog shall be kept on a porch, patio, or in any part of a dwelling or structure that would allow the dog to exit such building on its own volition. In addition, no such dog may be kept in a dwelling or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(f) Signs. All owners, keepers, harborers, or possessors of pit bull dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog" and including a warning symbol to inform children that there is a dangerous dog on the property. All such signs shall be displayed within twenty-four (24) hours of the issuance of a pit bull permit by the City of Dyer.

(g) Insurance. Prior to the issuance of a pit bull permit by the City of Dyer, all owners, keepers, harborers, or possessors of pit bull dogs shall provide a certificate of insurance to the Dyer City Recorder as evidence that they have public liability insurance in a single incident amount of one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from owning, possessing, keeping, or maintaining such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days advance written notice is first given to the Dyer City Recorder. Failure to maintain such liability insurance or any other lapse in such coverage

shall be grounds for the immediate revocation of the pit bull permit issued by the City of Dyer.

(h) Identification photographs. Prior to the issuance of a pit bull permit by the City of Dyer all owners, keepers, possessors, or harborers, of pit bull dogs shall provide to the city recorder two (2) color photographs of the dog clearly showing the color and approximate size of the animal.

(i) Reporting requirements. All owners, keepers, possessors, or harborers of pit bull dogs shall within ten (10) days of the incident report the following information in writing to the Dyer City Recorder as required hereinafter:

(i) The removal from the city or death of a pit bull dog.

(ii) The birth of offspring of a pit bull dog.

(iii) The new address of a pit bull dog owner, keeper, possessor, or harborer move his residence within the corporate limits of the City of Dyer.

(4) Sale or transfer of ownership prohibited. No person shall sell, barter, or in any other way transfer possession of a pit bull dog to any person within the City of Dyer unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that the owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the City of Dyer.

(5) Animals born of registered dogs. All offspring born of pit bull dogs within the City of Dyer shall be removed from the City of Dyer within six (6) weeks of the birth of such animal.

(6) Rebuttable presumptions. There shall be a rebuttable presumption that any dog registered with the City of Dyer as a pit bull dog or any of those breeds defined by subsection (1)(a) of this section is in fact a dog subject to the requirements of this chapter.

(7) Impoundment. Any pit bull dog, not kept in compliance with the provisions of this chapter, may be taken into custody by the appropriate authorities of the City of Dyer or agents acting on its behalf, and impounded. The dog's owner shall be solely responsible for payment of all boarding fees associated with the impounding of the dog, in addition to any punitive fines to be paid.

(8) Court proceedings against the owner. If any pit bull dog is impounded, the City of Dyer may institute proceedings in municipal court charging the owner with violation of this chapter. Nothing in this section, however, shall be construed as preventing the city or any citizen from instituting a proceeding for violation of this chapter where there has been no impoundment.

(9) Court findings. If a complaint has been filed in municipal court against the owner of a dog for violation of this chapter, the dog shall not be released from impoundment or disposed of except on order of the court and payment of all charges and costs incurred under this chapter, including penalties for violating this chapter. The court may, at its discretion, order the

dog to be destroyed in a humane manner. (as added by Ord. #2007-157, Sept. 2007)

**10-302. Vicious dogs.** (1) Definitions. The definitions included in § 10-301(c) through (j) of this chapter shall apply to this section. Additionally, the following words, terms, and phrases, and their derivations as used in this chapter, except where the context clearly indicates otherwise, shall have the following meanings:

(a) "Vicious dog" means a dog of any breed other than a pit bull which:

(i) Approaches any person in an aggressive, menacing or terrorizing manner or in an apparent attitude of attack if such person is upon any public ways, including streets and sidewalks, or any public or private property; or

(ii) Has a known propensity, tendency, or disposition to attack, inflict injury to or to otherwise endanger the safety of persons or domestic animals; or

(iii) Without provocation, bites or inflicts injury or otherwise attacks or endangers the safety of any person or domestic animal; or

(iv) Is trained for dog fighting or which is owned or kept primarily or in part for the purpose of dog fighting.

(2) Vicious dogs prohibited. It shall be unlawful for any person to own, keep, harbor, or possess a vicious dog within the corporate limits of the City of Dyer unless such dog is confined in compliance with this chapter.

(3) Procedure for determining that a dog is vicious. (a) Upon his own complaint alleging a dog to be vicious, or upon the receipt of such complaint signed by one (1) or more residents of Dyer, the Dyer City Recorder or his designee shall hold a hearing within five (5) days of serving notice to the dog owner. The purpose of the hearing shall be to determine whether such dog is, in fact, vicious. The dog owner shall be notified by a certified letter of the date, time, place, and purpose of the hearing and may attend and have an opportunity to be heard.

(b) In making the determination as to whether a dog is vicious, the city recorder or his designee shall consider, but is not limited to, the following criteria:

(i) Provocation;

(ii) Severity of attack or injury;

(iii) Previous aggressive history of the dog;

(iv) Observable behavior of the dog;

(v) Site and circumstances of the incident giving rise to the complaint;

(vi) Age of the victim;

(vii) Statements from witnesses and other interested parties;

(viii) Reasonable enclosures already in place;

(ix) Height and weight of the dog.

(c) Within five (5) days of the hearing, the city recorder or his designee shall determine whether to declare the dog vicious and shall within five (5) days after such determination notify the dog's owner by certified mail of the dog's designation as a vicious dog and the specific restrictions and conditions for keeping the dog. If the dog is declared vicious, its owner shall confine the dog with a securely enclosed and locked pen or structure, and whenever the dog is removed from such secure enclosure it shall be physically restrained and under restraint as defined in this chapter. The owner of the vicious dog shall notify residents of all abutting properties, including those across the street, of such findings. This notice to occupants of abutting properties shall be by certified mail, return receipt requested, and shall be at the owner's sole expense. The city recorder may:

(i) Vary the minimum requirements of a secure enclosure if the owner's residence cannot accommodate a secure enclosure as defined in this chapter; or

(ii) Permit an alternate method of enclosure provided that, in the sole discretion of the city recorder, such alternate method fulfills the objectives as a secure enclosure.

(d) No dog shall be declared vicious if the threat, injury, or damage was sustained by a person who:

(i) Was committing a crime or willful trespass or other tort upon the premises occupied by the owner of the dog; or

(ii) Was teasing, tormenting, abusing, or provoking the dog; or

(iii) Was committing or attempting to commit a crime.

(4) Impoundment of vicious dogs. Any vicious dog, not in compliance with the provisions of this chapter, may be taken into custody by the appropriate authorities of the City of Dyer or agents acting on behalf of the city, and impounded. The dog's owner shall be solely responsible for payment of all boarding fees associated with such impoundment in addition to any punitive fines to be paid. No dog which has been declared vicious pursuant to this chapter shall be released from impoundment unless and until the standards and requirements for keeping vicious dogs, as specified in subsection (5) of this section have been met.

(5) Standards and requirements for keeping vicious dogs. The following standards and requirements shall apply to the keeping of vicious dogs located within the corporate limits of Dyer:

(a) Registration. Within ten (10) days of a dog being declared vicious pursuant to this chapter, the owner, keeper, harbinger, or possessor of such dog shall register the dog with the Dyer City Recorder.

(b) Physical restraint. No person having charge, custody, control, or possession of a vicious dog shall permit the dog to go outside its kennel, pen, or other securely enclosed and locked pen or structure unless such dog is under restraint. No person shall permit a vicious dog to be kept on a chain, rope, or other type of leash outside its kennel or pen unless a person of suitable age and discretion is in physical control of the leash. Such dogs shall not be leashed to inanimate objects such as trees, posts, buildings, or structures.

(c) Muzzle. It is unlawful for any owner or keeper of a vicious dog to allow the dog to be outside its kennel, pen, or other securely enclosed and locked pen or structure unless it is necessary for the dog to receive veterinary care. In such cases, the dog must wear a properly fitted muzzle sufficient to prevent the dog from biting persons or other animals. Such muzzle shall not interfere with the dog's breathing or vision.

(d) Outdoor confinement. Except when leashed and muzzled as provided in this chapter, all vicious dogs shall be securely confined as described in § 18-301(c)(iv) of this chapter. All structures used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. All outdoor structures erected to house vicious dogs must comply with zoning and building ordinances and regulations of the City of Dyer and construction of such structures shall be completed within thirty (30) days of the owner's dog being declared vicious.

(e) Indoor confinement. No vicious dog shall be kept on a porch, patio, or in any part of a dwelling or structure that would allow the dog to exit such building on its own volition. In addition, no such dog may be kept in a dwelling or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(f) Signs. All owners, keepers, harborers, or possessors of pit bull dogs shall display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog" and including a warning symbol to inform children that there is a dangerous dog on the property. All such signs require by this chapter shall be installed and in place within fourteen (14) days of an owner's dog being declared vicious.

(g) Insurance. Within fourteen (14) days of being declared vicious, all owners, keepers, harborers, or possessors of vicious dogs shall provide proof to the city recorder of public liability insurance in a single incident amount of one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons or for damage to property

owned by any persons which may result from owning, possessing, keeping, or maintaining such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days advance written notice is first given to the Dyer City Recorder.

(h) Identification photographs. Within fourteen (14) days of being declared vicious, all owners, keepers, possessors, or harborers of vicious dogs shall provide to the Dyer City Recorder two (2) color photographs of the dog clearly showing the color and approximate size of the animal.

(i) Reporting requirements. All owners, keepers, possessors, or harborers of pit bull dogs shall within ten (10) days of the incident report the following information in writing to the Dyer City Recorder as required hereinafter:

(i) The removal from the city or death of a vicious dog.

(ii) The birth of offspring of a vicious dog.

(iii) The new address of a vicious dog owner, keeper, possessor, or harborer should such owner, keeper, possessor, or harborer move his residence within the corporate limits of the City of Dyer.

(6) Sale or transfer of ownership prohibited. No person shall sell, barter, or in any other way transfer possession of a vicious dog to any person within the City of Dyer unless the recipient person resides permanently in the same household and on the same premises as the owner of such dog; provided that the owner of a vicious dog may sell or otherwise dispose of a vicious dog or the offspring of such dog to persons who do not reside within the City of Dyer.

(7) Court proceedings against the owner. If any vicious dog is impounded, the City of Dyer may institute proceedings in municipal court charging the owner with violation of this chapter. Nothing in this section, however, shall be construed as preventing the city or any citizen from instituting a proceeding for violation of this chapter where there has been no impoundment.

(8) Court findings. If a complaint has been filed in municipal court against the owner of a dog for violation of this chapter, the dog shall not be released from impoundment or disposed of except on order of the court and payment of all charges and costs incurred under this chapter, including penalties for violating this chapter. The court may, upon a finding that the dog is vicious pursuant to this chapter, order the dog to be destroyed in a humane manner.

(9) Guard dogs. It shall be unlawful for any person to place or maintain guard dogs in any area of the City of Dyer for the protection of persons or property unless the following provisions are met:

(a) The guard dog shall be confined; or

(b) The guard dog shall be under the direct and absolute control of a handler at all times when not confined; and

(c) The owner or other persons in control of the premises upon which a guard dog is maintained shall post warning signs stating that such a dog is on the premises. At least one (1) such sign shall be posted at each driveway or entranceway to said premises. Such signs shall be in lettering clearly visible from either the curb line or a distance of fifty feet (50'), whichever is lesser and shall contain a telephone number where some person responsible for controlling the guard dog can be reached twenty-four (24) hours a day. (as added by Ord. #2007-157, Sept. 2007)

**10-303. Penalties.** Any person found violating the provisions of §§ 10-301 and 10-302 of this chapter upon conviction shall be fined fifty dollars (\$50.00) and each day of violation shall be deemed a separate violation. (as added by Ord. #2007-157, Sept. 2007)