

TITLE 10**ANIMAL CONTROL**¹**CHAPTER**

1. IN GENERAL.
2. DOGS AND CATS.

CHAPTER 1**IN GENERAL****SECTION**

- 10-101. Running at large prohibited.
- 10-102. Pen or enclosure to be kept clean.
- 10-103. Storage of food.
- 10-104. Seizure and disposition of animals.
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10-101. Running at large prohibited. (1) It shall be unlawful for any person owning or being in charge of any cows, sheep, horses, mules, goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, or livestock, knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits.

(2) Any person, including its owner, knowingly or negligently permitting an animal to run at large may be prosecuted under this section even if the animal is picked up and disposed of under other provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (Ord. #11-04, Nov. 2011)

10-102. 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. (Ord. #11-04, Nov. 2011)

10-103. Storage of food. All feed shall be stored and kept in a rat-proof and fly-tight building, box, or receptacle. (Ord. #11-04, Nov. 2011)

10-104. Seizure and disposition of animals. (1) Any animal or fowl found running at large or otherwise being kept in violation of this chapter may

¹Wherever this title mentions dogs it pertains to dog and cats.

be seized by any police officer or other properly designated officer or official and confined in a pound provided or designated by the board of mayor and aldermen. 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.

(2) The pound keeper shall collect from each person claiming an impounded animal or fowl reasonable fees, in accordance with a schedule approved by the board of mayor and aldermen, to cover the costs of impoundment and maintenance. (Ord. #11-04, Nov. 2011)

10-105. Animal waste. No person shall allow any dog or cat owned by him to defecate or urinate on the property of another or on any public property, defined as that area between the sidewalk and curb line. Should an animal defecate on the property of another or on any public property, he shall cause the feces to be removed immediately. (Ord. #11-02, Oct. 2011)

10-106. Violations and penalty. (1) Any violation of §§ 10-101 to 10-104 shall constitute a civil offense and shall, upon conviction, pay a penalty of not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00) for each offense.

(2) Any person violating any provision of § 10-105 shall be guilty of an offense, and upon conviction, shall pay a penalty of not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00) for each offense. Each occurrence shall constitute a separate offense. (Ord. #11-02, Oct. 2011, as amended by Ord. #11-04, Nov. 2011)

CHAPTER 2

DOGS AND CATS

SECTION

- 10-201. Running at large prohibited.
- 10-202. Vicious dogs to be securely restrained.
- 10-203. Confinement of dogs suspected of being rabid.
- 10-204. Seizure and disposition of dogs.
- 10-205. Destruction of vicious or infected dogs running at large.
- 10-206. Vicious dog provisions.
- 10-207. Violations and penalty.

10-201. Running at large prohibited. (1) It shall be unlawful for any person knowingly to permit any dog owned by him or under his control to run at large within the corporate limits.

(2) Any person knowingly permitting a dog to run at large, including the owner of the dog, may be prosecuted under this section even if the dog is picked up and disposed of under the provisions of this chapter, whether or not the disposition includes returning the animal to its owner. (Ord. #11-04, Nov. 2011)

10-202. Vicious dogs to be securely restrained. It shall be unlawful for any person to own or keep any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals unless such dog is so confined and/or otherwise securely restrained as to provide reasonably for the protection of other animals and persons. (Ord. #11-04, Nov. 2011)

10-203. Confinement of dogs suspected of being rabid. 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 chief of police or any other properly designated officer or official may cause such dog to be confined or isolated for such time as he deems reasonably necessary to determine if such dog is rabid. (Ord. #11-04, Nov. 2011)

10-204. Seizure and disposition of dogs. Any dog found running at large may be seized by any police officer or other properly designated officer or official and placed in a pound provided or designated by the board of mayor and aldermen. If the dog is wearing a tag, the owner shall be notified in person, by telephone, or by a postcard addressed to his last known mailing address to appear within five (5) days and redeem his dog by paying a reasonable pound fee, in accordance with a schedule approved by the board of mayor and aldermen, or the dog will be sold or humanely destroyed. If the dog is not

wearing a tag, it shall be sold or humanely destroyed unless legally claimed by the owner within two (2) days. No dog shall be released in any event from the pound unless or until such dog has been vaccinated and has a tag evidencing such vaccination placed on its collar. (Ord. #11-04, Nov. 2011)

10-205. Destruction of vicious or infected dogs running at large.

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 any police officer or other properly designated officer. (Ord. #11-04, Nov. 2011)

10-206. Vicious dog provisions. (1) Definition of terms.

(a) "Owner" means any person, firm, corporation, organization, or department possessing or harboring or having the care or custody of a dog, or the parents or guardian of a child claiming ownership.

(b) "Vicious dog" means:

(i) Any dog with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals;

(ii) 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;

(iii) Any dog which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal;

(iv) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting; or

(v) Any pit bull terrier, which shall be defined as any American pit bull terrier or Staffordshire bull terrier or American Staffordshire terrier breed of dog, or any mixed breed of dog which contains as an element of its breeding the breed of American pit bull terrier or Staffordshire bull terrier or American Staffordshire terrier as to be identifiable as partially of the breed of American pit bull terrier or Staffordshire bull terrier or Staffordshire bull terrier or American Staffordshire bull terrier.

(2) A vicious dog is "unconfined" if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot (1'). All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

(3) Confinement. The owner of a vicious dog shall not suffer or permit the dog to go unconfined.

(4) Leash and muzzle. The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash, and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(5) Signs. The owner of a vicious dog shall display in a prominent place on his premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

(6) Dog fighting. No person, firm, corporation, organization or department shall possess or harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.

(7) Insurance. Owners of vicious dogs must within thirty (30) days of the effective date of this chapter provide proof to the city clerk of public liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00), insuring the owner for any personal injuries inflicted by his vicious dog. (Ord. #11-04, Nov. 2011)

10-207. Violations and penalty. (1) Any violation of §§ 10-201 to 10-205 shall constitute a civil offense, and shall, upon conviction, pay a penalty of not less than one dollar (\$1.00) nor more than fifty dollars (\$50.00) for each offense.

(2) Whoever violates any provision of § 10-206 shall be guilty of a gross misdemeanor, and may be punished by a fine of not less than ten dollars (\$10.00) and not more than fifty dollars (\$50.00). The conviction of any owner of three (3) or more offenses under this chapter for any dog during one (1) calendar year shall require a confiscation and forfeiture of that animal based on the danger and incorrigibility of owner and animal. Failure to abide by a lawful order of forfeiture is punishable by contempt. (Ord. #11-04, Nov. 2011, as amended by Ord. #11-05, Nov. 2011)