

**TITLE 10**

**ANIMAL CONTROL**

**CHAPTER**

1. DOMESTIC ANIMALS.
2. VICIOUS DOGS AND CATS.

**CHAPTER 1**

**DOMESTIC ANIMALS**

**SECTION**

- 10-101. Seizure and disposition of domestic animals.
- 10-102. Running at large prohibited.
- 10-103. Keeping in such manner as to become a nuisance prohibited.

**10-101. Seizure and disposition of domestic animals.** Any domestic animals found running at large may be seized and disposed of by proper authority as designated by board of commissioners. (1993 Code, § 10-101, as amended by Ord. #010809, Feb. 2009)

**10-102. Running at large prohibited.** It shall be unlawful for any person owning or being in charge of any cows, sheep, horses, mules or goats, or any chickens, ducks, geese, turkeys, or other domestic fowl, cattle, livestock, or any domesticated animals knowingly or negligently to permit any of them to run at large in any street, alley, or unenclosed lot within the corporate limits.

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. (1993 Code, § 10-102, modified)

**10-103. 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. (1993 Code, § 10-103)

## CHAPTER 2

### VICIOUS DOGS AND CATS

#### SECTION

- 10-201. Definition.
- 10-202. Procedure for declaring a dog or cat vicious.
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**10-201. Definition.** Vicious dogs and cats means:

- (1) Any dog or cat with the known propensity, tendency, or disposition to attack without provocation, to cause injury, or threaten the safety of human beings or other domestic animal; or
- (2) Any dog or cat which, without provocation, has attacked, or bitten, or scratched a human being or domestic animal; or
- (3) Any dog or cat owned or harbored primarily or in part for the purpose of animal fighting or to be used in and for training for animal fighting. (as added by Ord. #010809, Feb. 2009)

**10-202. Procedure for declaring a dog or cat vicious.** (1) An animal control officer, police officer, or any adult person may request under oath that a dog or cat be classified as vicious as defined in § 10-201 by submitting a sworn, written complaint. Upon receipt of such complaint, the city manager (or his designee) shall notify the owner of the dog or cat, in writing, that a complaint has been filed and that an investigation into the allegations as set forth in the complaint will be conducted.

- (2) At the conclusion of an investigation, the city manager (or his designee) may:
  - (a) Determine that the dog or cat is not vicious and, waive any impoundment fees incurred and release the dog or cat to its owner; or
  - (b) Determine that the dog or cat is vicious and order the owner to comply with the requirements for keeping a vicious dog or cat set forth in § 10-206 and if the dog or cat is impounded, release the dog or cat to its owner after the owner has paid all fees incurred for impoundment. If all impoundment fees have not be paid within ten (10) days after the final

determination that the dog or cat is vicious, the city manager (or his designee) may cause the dog or cat to be destroyed.

(c) Nothing in this chapter shall be construed to require a dog or cat to be declared vicious prior to taking action under state law. (as added by Ord. #010809, Feb. 2009)

**10-203. Notification of vicious dog or cat declaration.** (1) Within five (5) days after declaring a dog or cat vicious, the city manager (or his designee) shall notify the owner by certified mail or personal delivery of the dog's or cat's designation as a vicious dog or vicious cat and other requirements for keeping a vicious dog or cat as set forth in § 10-206. The city manager (or his designee) shall also notify the City of Maryville Animal Control Facility of the designation of any dog or cat as vicious.

(2) The notice shall inform the owner that he or she may request, in writing, a hearing to contest the city manager's finding and the designation within five (5) days after delivery of the vicious dog or cat declaration notice. (as added by Ord. #010809, Feb. 2009)

**10-204. Hearing on vicious dog or vicious cat declaration.**

(1) The city manager shall hold such a hearing within ten (10) days after receiving the owner's written request for such a hearing. The city manager shall provide notice of the date, time, and location of the hearing to the owner by certified mail or personal delivery and to the complainant by regular mail.

(2) At the hearing, all interested parties shall be given the opportunity to present evidence on the issue of the animal's viciousness. Criteria to be considered at a hearing shall include but not be limited to the following:

- (a) Provocation;
- (b) Severity of attack or injury to a person or animal;
- (c) Previous aggressive history of the dog or cat;
- (d) Observable behavior of the dog or cat;
- (e) Site and circumstances of the incident; and
- (f) Statements from interested parties.

(3) A determination at the hearing that the dog or cat is in fact vicious shall subject the dog or cat and its owner to the requirements of § 10-206. (as added by Ord. #010809, Feb. 2009)

**10-205. Appeal from vicious dog or cat declaration.** If the city manager (or his designee) determines that the dog or cat is vicious at the conclusion of the hearing conducted under § 10-204, that decision shall be final unless the owner of the dog or cat appeals the decision to circuit court in the time and manner provided by state law. (as added by Ord. #010809, Feb. 2009)

**10-206. Requirements for keeping a vicious dog or cat.**

(1) Confinement. All vicious dogs or cats shall be securely confined indoors or in an enclosed and locked pen or structure upon the premises of the owner that is suitable to prevent the entry of children and is designed to prevent the dog or cat from escaping. The pen or structure shall have minimum dimensions of five feet (5') in width and length by ten feet (10') in height and must have secure sides and a secure top attached to the sides. If no bottom is secured to the sides, the sides must be embedded into the ground no less than two feet (2'). All pens and structures must be kept clean and sanitary. The enclosure must provide shelter and protection from the elements and must provide adequate exercise room, light, and ventilation. Under no circumstances may any vicious dog or cat be confined by a fence, whether it is electronic, a similar underground wire system, or otherwise. Under no circumstances may more than one (1) vicious dog or cat be kept in any one (1) pen or structure.

(2) Indoor confinement. No vicious dog or cat may be kept on a porch, patio, or in any part of a house or structure that would allow the dog or cat to exit the structure on its own volition. In addition, no vicious dog or cat may be kept in a house or structure when open windows or screens doors are the only obstacle preventing the dog or cat from exiting the house or structure.

(3) Number of vicious dogs or cats per residence. Only one (1) animal that has been declared vicious may be owned per residence.

(4) Leash and muzzle. The owner of a vicious dog or cat shall not allow the dog or cat to go outside its kennel, pen, or structure unless the dog or cat is muzzled, under the physical control of a capable adult, and/or restrained by a leash not more than four feet (4') in length and of sufficient strength to control the dog or cat. The muzzle must not cause injury to the dog or cat or interfere with its vision or respiration, but must prevent the dog or cat from biting any human being or animal.

(5) Signs. The owner of a vicious dog or cat shall display, in a prominent place on the owner's premises, a clearly visible warning sign reading "Beware of Vicious Dog or Cat." The sign shall be readable from the driveway entrance or street. The owner shall also display a sign with a symbol warning children of the presence of a vicious dog or cat. Similar signs shall be posted on the dog or cat kennel, pen, or structure. The sign shall be at least twelve inches by twelve inches (12" x 12") in size.

(6) Insurance. The owner of a vicious dog or cat shall obtain public liability insurance of at least one hundred thousand dollars (\$100,000.00), per dog or cat, insuring the owner for any damage or personal injury that may be caused by the owner's vicious dog or cat. The policy shall contain a provision requiring the City of Rockford and the Maryville Animal Control Facility to be notified immediately by the agent issuing the policy that the policy is in effect and in the event that the policy is cancelled, terminated, or expired. If there is a lapse in insurance or a cancellation, the owner will be in violation of this title.

(7) Compliance: consequences for failure to comply. For the safety and welfare of the general public, an owner of a vicious dog or cat must comply with the requirements for keeping a vicious dog or cat within the following timeframe:

(a) Immediate. Immediately upon the owner's receipt of the declaration notice, the owner shall comply with all of the requirements set forth in § 10-206.

(b) Failure to comply. Failure of an owner to comply with any of the requirements for keeping a declared vicious dog or cat, or failure of an owner to continue compliance with said requirements, shall result in the vicious dog or cat being apprehended by the Maryville Animal Control Facility. Said vicious dog or cat shall remain in the custody and control of the Maryville Animal Control Facility until such time as the owner can prove, to the city's satisfaction, compliance the requirements for keeping a vicious dog or cat. If the declared vicious dog or cat is impounded for more than five (5) working days the declared vicious dog or cat becomes the property of the city and may be destroyed.

(c) Costs for impoundment. At any time that said dog or cat is apprehended by Maryville Animal Control Facility and held in custody, whether it is after an unprovoked attack and before the declaration of vicious or after the declaration as vicious, the owner of the dog or cat is solely responsible for all of the costs incurred for the boarding, veterinarian or other professional services for which the dog or cat needs as determined by animal control officers and animal control shelter staff. (as added by Ord. #010809, Feb. 2009)

**10-207. Impoundments.** When a dog or cat has attacked a human being or domestic animal, and a police officer or animal control officer witnessed the attack or witnessed the injuries caused by the attack, such dog or cat shall be impounded. (as added by Ord. #010809, Feb. 2009)

**10-208. Notice of impoundment.** Within five (5) days of impoundment of a dog or cat under § 10-207, the City of Maryville Animal Control Facility shall notify the dog or cat owner, if known, in writing of the impoundment. (as added by Ord. #010809, Feb. 2009)

**10-209. Exceptions.** (1) This chapter shall not apply to any dog used by any law enforcement agency.

(2) No dog or cat shall be declared vicious for injuries or damage sustained by a person who is entering the owner's property to commit any type of crime such as burglary, robbery, assault, willful trespass, or any other tort crime.

(3) No dog or cat shall be declared vicious for injuries or damage sustained by a person who is teasing, tormenting, abusing, assaulting, or otherwise provoking the dog or cat.

(4) No dog or cat shall be declared vicious solely because it bites or attacks:

(a) A person assaulting its owner, excluding a law enforcement officer attempting to subdue or effect the arrest of a subject; or

(b) An unrestrained animal that attacks it or its young while it is restrained in compliance with this title. (as added by Ord. #010809, Feb. 2009)

**10-210. Change of status.** The owner of a declared vicious dog or cat shall notify the City of Rockford and Maryville Animal Control Facility if any of the following should occur:

(1) Immediately if the vicious dog or cat is unconfined and on the loose, or has attacked a human being or domestic animal without provocation; or

(2) If the owner has moved outside the city limits, in which case the owner shall give the owner's new address; or

(3) If the dog or cat has died; or

(4) If the vicious dog or cat's owner sells, gives away, or otherwise transfers custody of the vicious dog or cat, the owner shall within three (3) days, provide Maryville Animal Control Facility with the name, address and telephone number of the new owner. (as added by Ord. #010809, Feb. 2009)

**10-211. Change of ownership.** (1) The previous owner shall notify the new owner of the dog or cat's designation as a vicious dog or cat, and if the new owner resides within the city limits, of the requirements and conditions for keeping a vicious dog or cat as set forth in § 10-206.

(2) If the new owner resides within the city limits, the new owner must obtain the required enclosure prior to the acquisition of the vicious dog or cat or confine the dog or cat indoors as required in § 10-206.

(3) The new owner must fully comply with the provisions of this chapter, including obtaining liability insurance, prior to the acquisition of the vicious dog or cat. (as added by Ord. #010809, Feb. 2009)