

Chapter 6 - ANIMAL CONTROL

FOOTNOTE(S):

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Editor's note—Ord. No. 44, adopted Sept. 21, 1993, repealed former Ch. 6, animals, which consisted of substantive §§ 6-21—6-24 and 6-51—6-55, and enacted new provisions as §§ 6-21—6-39. Formerly, Ch. 6 derived from Ord. No. 8, §§ 1—4, adopted Oct. 11, 1988; Ord. No. 25, § 1, adopted Feb. 13, 1990; and Ord. No. 25AA, adopted May 8, 1990.

Cross reference— Prohibited sound levels by animals, § 19-71(5).

ARTICLE I. - IN GENERAL

Secs. 6-1—6-20. - Reserved.

ARTICLE II. - ANIMAL CONTROL

Sec. 6-21. - Definitions.

The following words, when used in this article, shall have the following meanings ascribed to them unless a different meaning clearly appears from the context:

Animal control officer. The person(s) designated by the city to represent and act for the city in the impoundment of animals, controlling of animals running at large and as otherwise required in this article.

Animal shelter. Any publicly owned and/or nonprofit establishment operated for the purpose of housing, maintaining and/or boarding any lost, abandoned or abused animals.

At large. Any animal, dog, cat or fowl shall be deemed to be at large when not on a leash, behind a fence or enclosure, or under the control of a competent person.

Feral dog. A dog that has escaped from domestication and has become wild, dangerous and untamed.

Health officer. A licensed physician or veterinarian appointed by the mayor and city council to have charge and control of the work of protecting and preserving the public health.

Inhumane treatment. Any treatment to any animal which deprives the animal of necessary sustenance, including food, water and protection from weather, or any treatment of any animal such as overloading, overworking, tormenting, beating, mutilating, teasing or poisoning or other abnormal treatments as may be determined by:

- (1) A licensed health officer;
- (2) An authorized law enforcement officer; or
- (3) An animal control officer.

Kennel. Any premises wherein any person, partnership or corporation engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs, cats or other animals.

Large canine breeds. Dogs equivalent to or greater than an average size cocker spaniel, 30 pounds.

Livestock. All domesticated animals including, but not limited to, horses, cows, mules, goats, sheep and pigs.

Owner. Any person, firm or corporation owning, keeping or harboring any animal or fowl.

Person. Any individual, firm, association, syndicate, partnership or corporation.

Vaccination. An injection of United States Department of Agriculture approved rabies vaccine administered every 12 calendar months by a licensed veterinarian.

Vicious animal. Any animal or animals that constitute a physical threat to humans or to other animals.

Wild animals. All nondomesticated animals including, but not limited to, lions, tigers, bears, wolves, apes, monkeys, foxes, baboons, skunks, raccoons, opossums, squirrels and coyotes.

(Ord. No. 44, 9-21-93)

Sec. 6-22. - Control and protection of animals in general.

(a) It shall be unlawful for any person to:

- (1) Permit any animal to run at large within the corporate limits of the city;
- (2) Carry out or inflict any inhumane treatment against any animal;
- (3) Interfere with, attack or molest a dog used by the police department of the city in the performance of the function or duties of such department;
- (4) Permit or allow more than four domesticated animals, over the age of six months, in any one yard or open premises of a residence of the owner of such animals or premises at any one time, and such animals shall at all times be leashed or enclosed in a fence and shall not be permitted to run at large in violation of other provisions of this article;
- (5) Keep or harbor any animal which, by loud, frequent or habitual barking, howling, yelping or other noise or action, disturbs any person or neighborhood within the corporate limits of the city;
- (6) Keep or maintain on their premises any pen(s), enclosure(s), etc., for keeping of animals or fowls so as to become a public nuisance to persons residing in the vicinity thereof, nor shall they be maintained or kept in any manner as to cause bodily injury to any person residing in the vicinity of the pen, enclosure, etc.;
- (7) Keep and maintain animals for breeding/show purposes within the corporate limits of the city, except in those areas zoned commercial or industrial, except as provided in section 6-38;
- (8) Keep or harbor any animal(s) or fowl in such a manner as to constitute a public nuisance by reason of odor or unsanitary conditions to person(s) residing in the vicinity thereof;
- (9) Fail to provide animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment;
- (10) Leave an animal unattended inside a motor vehicle when such action is harmful or reasonably potentially harmful to such animal. In the event the owner of such vehicle is not available and cannot be found or refuses to prevent such harm or reasonably potential harm from continuing, the animal control officer or the police department shall be authorized to remove such animal from such vehicle and to utilize any reasonable method to effect such removal;
- (11) Expose any known poisonous substance, whether mixed with food or not, purposely intended to harm or cause harm to animals, in such a manner as to be ingested by any animal to purposely harm such animal.

(b) The duly sworn and authorized animal control officer(s) or police officer(s) of the city may seize or cause to have seized any animal whose owner is found to be in violation of any part of subsection (a) and impound or cause to be impounded such animal in a designated shelter. Such animal shall be held for a period not to exceed five days, and if reasonable corrections are not made by the owner of the

animal so that the owner is no longer in violation of subsection (a), the animal shall be released to the county animal shelter. The animal control officer shall designate to the owner what corrections are necessary to bring the owner into compliance with subsection (a).

(Ord. No. 44, 9-21-93)

Sec. 6-23. - Vaccination of domesticated animals required; issuance of certificate and metal tag.

- (a) Each year every owner or keeper of a domesticated animal three months old or older in the city shall cause such domesticated animal to be vaccinated against rabies by a veterinarian licensed to practice in the state.
- (b) Evidence of vaccination shall consist of a metal tag and certificate issued and signed by the veterinarian administering the vaccination and containing pertinent data for identification of the domesticated animal, which data must consist of the owner's name, address and telephone number. The metal tag must be worn at all times by the domesticated animal.

(Ord. No. 44, 9-21-93)

Sec. 6-24. - Keeping of livestock.

- (a) No person shall keep livestock closer than 150 feet to any property line adjoining that on which the livestock is kept; provided that each animal herein defined as livestock shall be kept on a lot or tract of three acres or greater.
- (b) At the request of the animal control officer, each livestock owner shall notify the animal control officer of the type, number and location of any and all livestock kept within the corporate limits. The owner shall further furnish his name, address and telephone number to the animal control authority and to the city police department at the request of either.

(Ord. No. 44, 9-21-93)

Sec. 6-25. - Keeping fowl regulated.

- (a) No person shall keep more than two fowl such as chickens, ducks, turkeys, geese, pigeons or guineas, except when enclosed 150 feet from any property line adjoining that on which the fowl are kept, or except by special permit issued by the city or designated agency of the city.
- (b) It shall be unlawful for the owner of such fowl to allow such fowl to roam outside the property of such owner, except carrier pigeons on training or racing flights.

(Ord. No. 44, 9-21-93)

Sec. 6-26. - Ferocious, vicious or dangerous animals prohibited.

- (a) It shall be unlawful for any person to keep or maintain within the city any vicious, ferocious or dangerous animal or fowl. Any such animal or fowl may be impounded or destroyed.
- (b) The violation of this section shall constitute a misdemeanor.

(Ord. No. 44, 9-21-93)

Sec. 6-27. - Keeping wild animals and reptiles prohibited.

- (a) No person shall keep any wild animal(s) or reptile(s) within the corporate limits of the city.
- (b) No person shall keep or cause to be kept on his premises or in any roadside zoo or pet store any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee.

- (c) The animal control officer is hereby granted the authority to seize any wild animal(s) or reptile(s) kept in violation of this section, federal law or state statutes, upon conviction of the owner for such offenses and, if seized, shall deliver such wild animal(s) or reptile(s) to the department of wildlife conservation or equivalent state agency. In his discretion, the animal control officer may grant the owner of such animals 24 hours to remove them from the boundaries of the city to a lawful place if the public safety and welfare will not be jeopardized thereby.

(Ord. No. 44, 9-21-93)

Sec. 6-28. - Performing animal exhibits or circuses; regulations.

- (a) No performing animal exhibit or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemicals, mechanical, electrical or manual devices in any manner which is likely to cause physical suffering or injury to the animals.
- (b) All equipment used on or by a performing animal shall fit properly and be in good working condition.
- (c) The owners, managers and caretakers of animals used as performing animals shall provide them with good and sufficient food and water and shelter from extremes of weather and shall at no time hobble, tether, tie or stake them alongside city streets, state highways, public rights-of-way or any thoroughfare within the corporate limits of the city.
- (d) The animal control officer is hereby authorized to inspect the conditions and premises of such operations at any given time to determine compliance with this section.

(Ord. No. 44, 9-21-93)

Sec. 6-29. - Pet shops, aviaries, kennels; investigation of complaints.

The animal control officer of the city is hereby authorized at any reasonable time upon written request or demand of any citizen of the city to inspect any store or business which buys, sells, gives away or trades live animals, birds, or operates kennels.

(Ord. No. 44, 9-21-93)

Sec. 6-30. - Impoundment and recovery of animals.

Any dog, animal or fowl caught, picked up or impounded by the animal control officer of the city shall be forthwith turned over to a designated animal shelter in the city. Any impounded animal may be reclaimed within five days of impoundment upon the payment of \$15.00 for the first day of impoundment, \$5.00 for each day thereafter and upon showing proof of current vaccination.

(Ord. No. 44, 9-21-93)

Sec. 6-31. - Procedure on retention, observation and disposition of animals which have bitten persons or other animals, or those suspected of having disease.

- (a) The animal control officer, in the course of his duties of investigation of cases in which animals have bitten persons or other animals, shall immediately notify the owner of such animal which has bitten any person or animal to surrender the animal to the animal control officer immediately or otherwise arrange for the animal control officer to pick up and retain such animal in a separate kennel at the designated animal shelter for a period of not less than ten days after the biting of such person or other animal, during which period it shall be determined by the city health officer or designated official whether such animal is suffering from any disease. If no disease is found, the city health official or other designated official shall signify to the animal control officer that such animal may be released to the owner; provided further that the animal control officer may authorize keeping of any such animal on the owner's premises provided that the owner produces a certificate of rabies vaccination performed by a veterinarian showing that the animal has been vaccinated for rabies not longer than 12 months

previous thereto or other vaccination period recognized by the United States Department of Agriculture; and provided further that the animal control officer may authorize any such animal to be retained for a period of not less than ten days after biting such person or animal in quarters supervised by a veterinarian; provided further that the animal control officer or other designated official may authorize certain animals to be confined on the owner's premises because of veterinary medical reasons, such as small rodents, ferrets, monkeys or other animals difficult to maintain or susceptible to disease which might occur with changes of environment or female dogs with pups, provided the owner secures a written statement of such consideration from a veterinarian if required by the city health officer or other designated official.

- (b) Any animal suspected of having disease shall be subject to the impoundment and observation provision set out in subsection (a) of this section.
- (c) Any animal found to be infected with rabies shall be forthwith destroyed by the animal control officer, an officer of the police department. The animal suspected to be infected with rabies shall not be destroyed in such a manner that damages the head, which will be needed for laboratory analysis.

(Ord. No. 44, 9-21-93)

Sec. 6-32. - Authorization for quarantine.

In the event a potential outbreak of rabies is suspected, and the danger of the public safety from rabid animals is reasonably imminent, the city health officer or other designated official is hereby authorized and it shall be his duty to issue a quarantine proclamation ordering persons owning, keeping or harboring any dog or cat to muzzle the same or confine it as herein provided for such time as may be specified in such quarantine proclamation. Under the publication of such proclamation by the health officer, the person keeping or harboring any dog, cat or other animal shall follow the procedure as prescribed in the definition for "at large," except that any such animal under the control of an adult person on a leash or under control by voice command may do so only if the animal is effectively muzzled. All dogs, cats or other animals found at large during the time specified by the city health officer in a quarantine proclamation, without being properly confined or muzzled if under the control of an adult person, may be destroyed by any other officer of the city if such officer is unable, with reasonable effort, to apprehend the animal for impoundment.

(Ord. No. 44, 9-21-93)

Sec. 6-33. - Animal control officers—Training and certification.

Animal control officer(s) shall be required to be familiar with the city ordinances pertaining to "animals and fowl," and applicable federal and state statutes pertaining thereto.

(Ord. No. 44, 9-21-93)

Sec. 6-34. - Same—Police powers and enforcement responsibility.

- (a) Any animal control officer may utilize any equipment reasonable and necessary to enforce the provision of this article including, without limitation, humane wire box traps; and the animal control officer(s) may lend such traps or other equipment to private persons for the purpose of preventing nuisances resulting from animals running at large.
- (b) Any animal control officer appointed by the city shall be authorized to issue tickets, summons or other process in the same manner as other police officers of the city but in the furtherance of the compliance with this article only.

(Ord. No. 44, 9-21-93)

Sec. 6-35. - Reporting vehicle accident involving animal.

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall at once report the accident to the police department and/or the animal control officer or the local humane society within a reasonable time.

(Ord. No. 44, 9-21-93)

Sec. 6-36. - Vicious or diseased animals.

- (a) Vicious animals or feral dogs. When an animal is determined by the animal control officer to be a vicious animal or a feral dog, that animal may be destroyed by the animal control officer or his designee under the supervision of an officer of the police department, providing each of the following requirements are met:
 - (1) The animal is running at large;
 - (2) There is no vaccination tag around the animal's neck;
 - (3) Attempts to peacefully capture the animal have been made and proved unsuccessful.
- (b) Incurably injured or diseased animals, etc. It shall be the duty of the police department to discharge a firearm in order to mercifully end the life of an animal suffering from an incurable injury or disease or as the sole effective means of controlling a public nuisance or health hazard including, but not limited to, pigeons, rabbits, squirrels, snakes and feral dogs.

(Ord. No. 44, 9-21-93)

Sec. 6-37. - Humane euthanization.

An injured or neglected animal may be humanely euthanized by the animal control officer or his designee immediately, under the supervision of an officer of the police department.

(Ord. No. 44, 9-21-93)

Sec. 6-38. - Conditional permits for show animals.

- (a) The animal control officer or his designee(s) shall have the authority to issue permits, to be renewed annually, to persons within the city to house and maintain animals in their residence for show competition purposes.
- (b) Any person shall be allowed to keep as many domesticated animals housed upon their residential premises as desired, subject to the following conditions:
 - (1) No more than four of any such animals over the age of six months shall be allowed in the yard or open premises of the residence of the owner of such animals at a time, and such animals shall, at all times, be leashed or enclosed in a fence and not allowed to run at large in violation of other provisions of this article.
 - (2) The animal control officer or his designee(s) shall have the right to inspect, at all reasonable times, the premises of any animal owner issued a permit for housing and maintaining such animals hereunder. If it is determined that any violations of this article are occurring, then the animal control officer shall have authority to revoke the permit of the owner immediately.
 - (3) Any person seeking a permit for this purpose shall, as a part of the application therefor, submit written verification from all residents and property owners within a radius of 100 feet of their residence that all such neighboring property owners do not object to the issuance of such permit. If there are such objections, then the permit may be denied.
 - (4) Each permit shall be issued only after application is made through the animal control officer and then approved by the city council.

- (5) An owner shall not be allowed to breed such animals for profit and sale purposes. Any such owner found in violation of this provision shall be guilty of a misdemeanor and, in addition to having his/her permit revoked, shall be penalized as provided in section 6-39 herein.
- (6) The application fee and first-year permit shall be the sum of \$25.00. The yearly renewal fee shall be \$25.00. All such fees shall be paid into the general fund of the city.
- (7) Any permit issued pursuant to the provisions of this section may be revoked if it is determined that any provision of this article is being violated, other than those conditional exceptions allowed in this section. In such case, the animal control officer shall notify the owner of such revocation, and the owner shall, within five days of such notice, remove all animals from his premises. Failure to comply shall constitute a misdemeanor, and the owner shall be penalized as provided in section 6-39 hereof.

(Ord. No. 44, 9-21-93)

Sec. 6-39. - Penalties.

- (a) Any person who violates any of the provisions of this article shall be guilty of a misdemeanor. Each and every day the violator continues the same shall constitute a separate and distinct offense. Any person found guilty of violating this article shall be punished as follows:
 - (1) First offense, a fine not to exceed \$25.00.
 - (2) Second offense, a fine not less than \$50.00 and not more than \$150.00.
 - (3) Third offense, a fine not less than \$75.00 and not more than \$200.00.
- (b) For purposes of this section, any violation is considered a first offense unless it occurs within one year of the adjudication of guilt by the municipal court of a previous violation of this article. For an offense to be considered a third offense, guilt in the previous two violations must have been adjudicated by the municipal court within one year of the latest violation.
- (c) For any situation involving a continuing violation, and not within the requirements of subsection (b), each day the violation continues shall constitute a separate "first offense."

(Ord. No. 44, 9-21-93)