

Chapter 5

ANIMALS

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ARTICLE I. IN GENERAL

Sec. 5-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Animal control officer: means the person appointed by the City to act as animal control officer of the City.

Game bird: means any bird that is hunted chiefly for sport or taken for food or profit.

Guard dog: means any dog that is utilized to protect property.

Owner or caretaker: means any person owning, keeping, harboring or having under their control one or more dog, cat or other animal.

(Ord. No. 1510, 9-19-11)

Sec. 5-2. Unwanted animals.

(A) *Acceptance; conditions*. At the sole discretion of the animal control officer, the City animal shelter may accept unwanted animals from residents of the County of Lake for adoption or humane disposition, provided that the appropriate fees are paid and authorization is given by the owner or caretaker.

(B) *Fees*. The fee for acceptance of animals at the City animal shelter shall be \$30 (thirty dollars) per animal.

(Ord. No. 1510, 9-19-11)

Sec. 5-3. Disturbance of peace.

The owner or caretaker of an animal shall not allow the animal to disturb the peace and quiet of the City or of any person.

(Ord. No. 1510, 9-19-11)

Sec. 5-4. Animals on school grounds property or recreation areas.

No owner or caretaker shall permit their animal to be upon any school property except upon express permission of the school principal or their designee, or upon any public park unless the animal is in the control of the owner or caretaker by a leash, except when a dog is participating in an organized event or activity.

(Ord. No. 1510, 9-19-11)

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Sec. 5-5. Confinement of animals which cause injury to persons; immunization against rabies required before release.

- (A) An animal control officer, police officer or other person of proper authority are authorized and empowered to impound and confine any animal which they have reason to believe has bitten, scratched or otherwise injured any person.
- (B) Any animal that has the potential to carry rabies and that has injured any person shall be confined at the expense of the owner or caretaker of the animal for a period of 14 days in a manner directed by the animal control officer or police department; however, if there is reason to believe that the animal is rabid, an additional confinement period may be ordered to determine whether the animal is rabid.
- (C) If it is determined during the confinement period that the animal may have rabies and a tentative diagnosis is given by a licensed veterinarian, the animal control officer shall destroy the animal by humane means and obtain laboratory confirmation of rabies.
- (D) Every owner or caretaker having knowledge that their animal has bitten or is suspected of biting a human shall immediately report the incident to the animal control officer for confinement and testing of the animal in accordance with the provisions of this chapter.
- (E) The owner or caretaker of any dog or cat confined under the provisions of this section may obtain release of their dog or cast from confinement upon demonstrating proof of a current rabies vaccination and proof of a current dog or cat identification, and upon approval of the animal control officer.
- (F) The animal control officer or any properly designated City employee is authorized to enter upon private property for the purpose of enforcing this section. No person shall conceal any animal or otherwise interfere with the proper enforcement of this section.
- (G) An animal control officer or any properly designated City employee may impound an animal for the purposes of rabies testing or when the owner or caretaker fails to comply with this section.

(Ord. No. 1510, 9-19-11)

Sec. 5-6. Number of pets limited.

It is unlawful for any person or caretaker to have or keep more than six domestic pets over the age of four months, except birds and fish, on any lot or premises in the city, unless such person or caretaker residing on or within the lot or premises has a valid pet shelter or kennel license issued by the City. The City animal shelter, sale barn, 4-H grounds and veterinarian offices are exempt from the provisions of this section.

(Ord. No. 1510, 9-19-11)

Sec. 5-7. Unattended animals in standing or parked vehicles – Authority to remove – Liability for removal.

No owner or caretaker may leave a dog, cat or other small animal unattended in a standing or parked vehicle in a manner that endangers the health or safety of such animal. The owner or operator of a vehicle containing an unattended animal will be contacted if possible before

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reasonable force may be used to remove such animal by any animal control officer or police officer. Removal of an unattended animal by an animal control officer or police officer shall not constitute an offense.

(Ord. No. 1510, 9-19-11)

Sec. 5-8. Stray, abandoned or unkept animals.

No person or caretaker shall harbor or keep any stray animals. Animals known to be strays shall be immediately reported to the City Animal Control Department by the person who observes the stray animal.

(Ord. No. 1510, 9-19-11)

Sec. 5-9. Public nuisance.

Any animal will be considered a public nuisance if such animal is destroying or defacing property or is disturbing to any person. Any owner or caretaker of such animal shall be held responsible for allowing such public nuisance to occur.

(Ord. No. 1510, 9-19-11)

Sec. 5-10-5-40. Reserved.**ARTICLE II. CRUELTY TO ANIMALS AND RELATED OFFENSES****Sec. 5-41. Cruelty to animals generally.**

No person shall cruelly beat, torture or injure any animal, nor overload any working animal, nor shall any person willfully or negligently abuse, mistreat or neglect any such animal.

(Ord. No. 1510, 9-19-11)

Sec. 5-42. Teasing, baiting or harassing.

It shall be unlawful for any person to tease, bait or harass any animal.

(Ord. No. 1510, 9-19-11)

Sec. 5-43. Humane care of animals.

An owner or caretaker shall provide their animal with sufficient food and water, proper shelter, humane care and treatment and veterinary care when needed to prevent suffering. No person shall mistreat any animal nor shall any animal be abandoned. An owner or caretaker may take an animal they no longer desire to care for to the City animal shelter.

(Ord. No. 1510, 9-19-11)

Sec. 5-44. Poisoning of animals.

It shall be unlawful for any person to willfully or maliciously administer or cause to be administered poison of any sort whatsoever to any animal with the intent to injure or destroy such animal, or to willfully or maliciously place any poison or poisoned food where the same is accessible to any animal. Rodenticides must be administered by a licensed exterminator, with the exception that anyone may administer a warfarin rodenticide.

(Ord. No. 1510, 9-19-11)

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Sec. 5-45. Instigating or allowing fights between animals.

No person shall engage in or allow any fighting between animals, birds or fowl of any kind upon their premises or premises in their possession or under their control in the City. No person shall keep any house, pit, or other place to be so used in permitting fights between animals, birds or fowl. No person shall instigate or encourage any animal, bird or fowl to attack, bite, wound or worry another animal, bird or fowl for any bet, stake, reward or entertainment.
(Ord. No. 1510, 9-19-11)

Sec. 5-46. Injured or ill animals.

Whenever an animal control officer encounters a stray animal suffering pain, the animal control officer shall take the animal to a veterinarian where the cost of any care or treatment shall be borne by the owner or caretaker. If ownership of the animal cannot be determined, the animal control officer shall impound the animal for five days unless it appears that a longer impoundment will lead to identification of the owner or caretaker. If the owner or caretaker cannot be located, the animal may be disposed of by humane means without notice.
(Ord. No. 1510, 9-19-11)

Sec. 5-47. Restraint of animal in a vehicle.

An animal within a vehicle upon a public street or confined in a parked vehicle in a public parking lot shall be restrained as necessary so the animal cannot reach outside the confines of that vehicle.

(Ord. No. 1510, 9-19-11)

ARTICLE III. DOMESTIC ANIMALS (DOGS AND CATS EXCEPTED)

Sec. 5-81. Livestock and Houses.

No person shall keep any horse, cow, goat, sheep or other livestock within the City unless otherwise allowed through City zoning regulations.

(Ord. No. 1510, 9-19-11)

Sec. 5-82. Fowl.

It shall be unlawful for any person to enclose or house any guinea fowl, ducks, geese, turkeys, or other domestic fowl, except pigeons and except falcons and hawks in the possession of a state and federally licensed handler within the City.

(Ord. No. 1510, 9-19-11)

Sec. 5-83. Swine.

No person shall place, keep or maintain live hogs or other swine within the City.
(Ord. No. 1510, 9-19-11)

Sec. 5-84. Sanitary condition required.

No person shall keep or maintain any building or enclosure where excepted livestock or domestic fowl are kept unless the building or enclosure is kept at all times in a clean and sanitary condition.

(Ord. No. 1510, 9-19-11)

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Sec. 5-85. Keeping of bees.

No person shall keep or have any bees, swarms of bees, or hives of bees in the City.
(Ord. No. 1510, 9-19-11)

Sec. 5-86. Pigeons.

(A) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Dwelling: means a building or portion thereof, designed or used exclusively for occupancy of at least one person.

Garage: means an enclosed building or space designed or used for the storage of personal motor vehicles and other customary household articles which are owned and used by the occupants of the building to which it is accessory.

Lot: means a piece, plot or parcel of land, or group of abutting and contiguous parcels of land, established by survey, plat or deed, occupied or to be occupied by a dwelling.

Pigeon: means any kind of pigeon, whether wild or kept as a pet, or for hobby purposes such as breeding, showing, or sporting.

(B) *Limit in dwellings or garages.* No person shall keep or cause to be kept more than five pigeons within any dwelling or garage in the City.

(C) *Limit upon lots.* No person shall keep or cause to be kept upon any lot within the City more than a total of 25 pigeons.

(D) (Ord. No. 1510, 9-19-11)

Sec. 5-87. Livestock running at large.

No person shall allow any horses, cattle, swine, sheep, goats or other domestic animals to run at large within the City.
(Ord. No. 1510, 9-19-11)

Sec. 5-88. Fowl at large.

It shall be unlawful for any person to permit or allow any guinea, fowl, ducks, geese, turkeys or other domestic fowl, except pigeons and except falcons and hawks in the possession of a state and federally licensed handler, to run or be at large within the City.
(Ord. No. 1510, 9-19-11)

Sec. 5-89. Picketing.

No person shall stake out any domestic animal in such manner as to permit such animal to go upon any street, alley or sidewalk within the City or to approach within 125 feet of any dwelling or building within the City which is used or occupied as a residence of any person other than that of the owner or caretaker of such animal.
(Ord. No. 1510, 9-19-11)

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Sec. 5-90. Keeping of game birds prohibited.

No person shall keep or have any game birds, including but not limited to, pheasants, geese, ducks, quail and partridge in any house, pen, coop or enclosure or other building situated within a distance of 125 feet of any church, school or other public building or within 125 feet of any dwelling, store or other building used or occupied as a residence of any person other than that of the owner or caretaker of such fowl.

(Ord. No. 1510, 9-19-11)

Sec. 5-91-5-120. Reserved.

ARTICLE IV. DOGS AND CATS

DIVISION 1. GENERALLY

Sec. 5-121. Dogs running at large.

It shall be unlawful for any person to permit or allow a dog to run at large within the City. All dogs shall be restrained in such a manner so they cannot run at large within the City.

(Ord. No. 1510, 9-19-11)

Sec. 5-122. Impoundment of animals.

(A) The animal control officer, fire chief, or law enforcement officer may impound any dog which is at large if the owner or caretaker of the dog cannot be located or is not available to take immediate possession of the dog. For purposes of this section, a dog is considered at large if it is not on a leash and is either off its owner's or caretaker's premises or is upon or returns to its owner's or caretaker's premises and its owner or caretaker is not present at such premises at such time.

(B) The following fees shall be charged for the impoundment of any animal:

- (1) For the first redemption of the animal within the calendar year, twenty-five (\$25.00) dollars.
- (2) For the second redemption of the animal within the calendar year, thirty-five (\$35.00) dollars.
- (3) For each additional redemption of the animal within the calendar year, forty-five (\$45.00) dollars.
- (4) An additional fee of ten (\$10.00) dollars shall be charged for each day, or fraction thereof, of impoundment for feeding and caring for any animal.

(Ord. No. 1510, 9-19-11)

Sec. 5-123. Disturbance of the peace.

(A) The owner or caretaker of an animal shall not allow the animal to create a disturbance by making loud continuous noises at any time of the day or night.

(B) Any animal control or police officer may remove and impound any animal which is disturbing the peace when the owner or caretaker of the animal cannot be located. If an animal control or police officer removes an animal because of a disturbance, and the owner or caretaker cannot be located, a notice advising the owner or caretaker of the impoundment and complaint shall be left on the premises of the owner or caretaker.

(Ord. No. 1510, 9-19-11)

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Sec. 5-124. Emergency confinement.

An animal control officer or the police chief, in an emergency, may order that all dogs and cats in the City shall be confined in such a manner as to make it impossible for such dogs and cats to bite any person, dog, cat or other animal. A statement declaring the confinement order shall be issued to all local news media and shall require confinement of all dogs and cats upon 24 hours' notice.

(Ord. No. 1510, 9-19-11)

Sec. 5-125. Defecation disposal.

No owner, keeper, caretaker or attendant of a dog or cat shall allow that animal to defecate on public or private property other than their own. If such dog or cat does defecate upon such public or private property, the owner, keeper, caretaker or attendant shall immediately clean the fecal material from such public or private property. Public property shall include any park in the City. (Ord. No. 1510, 9-19-11)

Sec. 5-126. Vicious or biting dogs.

(A) An animal may be declared to be a biting, dangerous or vicious animal by at least two persons which may include law enforcement and animal control officers, utility personnel or veterinarians, or by the attending physician of a victim of an animal bite or scratch may make such declaration under the following guidelines:

- (1) An animal which, in a vicious or aggressive manner, approaches in an apparent attitude of attack, or bites, inflicts injury, assaults or otherwise attacks a person or other animal upon the streets, sidewalks or any public grounds, parks or places; or
- (2) An animal, while on private property, approaches in a vicious or aggressive manner, in an apparent attitude of attack, or bites, or inflicts injury, or otherwise attacks a postal worker, meter reader, service person, journeyman, delivery person, or other such person, or other animal, provided such person or animal is on private property by reason of permission of the owner or occupant of such property or who is on private property by reason of a course of dealing with the owner or occupant of such private property.
- (3) No animal may be declared biting, dangerous or vicious if the injury or damage is sustained to any person or animal who is committing a willful trespass or is not authorized to be upon the premises occupied by the owner or caretaker of the animal, or who is teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime.

The following conditions shall also be considered:

- a. The nature or severity of the attack or bite.
- b. Whether the dog has shown a propensity to display dangerously aggressive behavior and is able or likely to inflict injury to another animal or person.
- c. Previous incidents of a similar nature.

(B) When the animal in question is declared to be biting, dangerous or vicious, an animal control officer shall notify the owner of such declaration in writing that such animal must be registered as a biting, dangerous or vicious animal. The notice shall be served either in person or by mail.

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- (C) The owner or caretaker of an animal that has been declared biting, dangerous or vicious shall register the dog as a biting, dangerous or vicious animal and shall comply with the following:
- (1) The owner or caretaker of the animal shall notify the City Animal Control Department of any changes in the following:
 - a. Ownership of the dog;
 - b. Name, address and telephone number of a new owner;
 - c. Address change of the owner or any change of where the dog is housed;
 - d. Any changes in the health status of the animal; and
 - e. Death of the animal.
 - (2) If the dog is indoors, the dog shall be in control of a person over 18 years old.
 - (3) If the dog is outdoors and attended, the dog shall be muzzled, on a leash no longer than six feet and under control of a person over 18 years of age.
 - (4) If the dog is outdoors and unattended, the dog must be locked in an escape proof kennel approved by the City Animal Control Department.
 - (5) The owner shall present proof of current rabies vaccination and current City identification of the dog to the Animal Control Department and shall be required in the future to maintain current and up-to-date rabies vaccination and identification.
 - (6) The owner shall present proof the dog has been altered to prevent reproduction to animal control.
- (D) The biting, dangerous or vicious dog shall be impounded by the City Animal Control Department for a period of no longer than 30 days at the owner's expense until such time as all provisions of subsection (c) are fully performed.
- (E) If the conditions of subsection (c) are not fully performed within the 30 days allowed, the dog shall be euthanized in a humane manner and proof of euthanasia filed with animal control.
- (F) Any biting, dangerous or vicious dog found off the premises of its owner, other than provided for in this article, shall be seized by an animal control officer, any police officer or any sheriff's deputy and impounded. If the dog cannot be captured, it may be destroyed. If the dog has been running at large, or bites a person, or bites another animal, the animal control officer, any police officer or any sheriff's deputy may order the owner to deliver the dog to the City animal shelter within 24 hours and the owner required to appear in court to show cause why the dog shall not be destroyed. If the owner of the dog fails to deliver the dog as ordered, an animal control officer, any police officer or sheriff's deputy shall use such means necessary to impound the dog.

(Ord. No. 1510, 9-19-11)

Sec. 5-127. Guard dogs.

- (A) *Designation.* The owner or caretaker of a dog whose purpose is to guard and protect property must designate that their dog is a guard dog at the time of obtaining a City dog license.

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(B) *Signs.* It shall be the responsibility of the owner or caretaker of a guard dog to post appropriate warning signs indicating that there is a guard dog upon the premises.

(C) *Confinement.* The guard dog shall be confined to the premises protected by such dog.
(Ord. No. 1510, 9-19-11)

Sec. 5-128. Sanitary conditions required.

No person shall keep or maintain any building, enclosure, yard or kennel area where animals are kept unless it is kept at all times in a clean and sanitary condition and not permitted to become stagnant, noxious or a nuisance. Failure to clean up unsanitary conditions after inspection and verbal or written notice by an animal control officer shall constitute a violation of this section.
(Ord. No. 1510, 9-19-11)

Sec. 5-129-5-150. Reserved.**DIVISION 2. IDENTIFICATION REQUIREMENTS****Sec. 5-151. Required.**

It shall be unlawful for any person within the City to keep, maintain or have in their custody or under their control any dog or cat which is over the age of three months, without first having obtained an electronic identification device from an authorized agent of the City.
(Ord. No. 1510, 9-19-11)

Sec. 5-152. Rabies vaccination required.

No dog or cat identification device shall be issued to any owner or caretaker of any dog or cat who does not present to an authorized agent a certificate of vaccination against rabies by a veterinarian duly licensed to practice veterinary medicine within any state. The certificate must show the date of such vaccination and shall state the period of time for which the dog or cat is effectively immunized, which period immunization shall be for at least one year from the date of issuance of the license tag.
(Ord. No. 1510, 9-19-11)

Sec. 5-153-5-180. Reserved.**DIVISION 3. IMPOUNDMENT AND REDEMPTION****Sec. 5-181. Notice to owner or caretaker.**

The owner or caretaker of any dog or cat impounded under the provisions of this article shall be notified that their dog or cat has been impounded within 24 hours if the owner's or caretaker's identity and location can be obtained by reasonable means.
(Ord. No. 1510, 9-19-11)

Sec. 5-182. Reserved.**Sec. 5-183. Redemption of a dog or cat by owner or caretaker.**

(A) The owner or caretaker of any impounded dog or cat, upon satisfactory proof of ownership, may redeem their dog or cat upon payment of fees and charges as provided by resolution and upon proof of a current rabies vaccination and City license.

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- (B) The owner or caretaker of any impounded dog or cat which has not been vaccinated or possesses electronic identification under this article may redeem their dog or cat by providing satisfactory proof of ownership and by making a deposit in the amount established by resolution with an animal control officer. The owner or caretaker shall be allowed five days to vaccinate and license such dog or cat. Upon presentation within five days of a license issued under this article, the deposit shall be refunded.
- (C) If such owner or caretaker fails to procure a certificate of vaccination and City license within five days, the deposit shall be forfeited and delivered to the City Clerk's Office to be placed in the General Fund, and the dog or cat shall be re-impounded.

(Ord. No. 1510, 9-19-11)

Sec. 5-184. Redemption by person other than owner or caretaker.

If the owner or caretaker of any dog or cat impounded under the provisions of this article shall fail to redeem their dog or cat within five days after such impoundment, any other person may, upon complying with the provisions of this article, redeem such dog or cat from the animal shelter and become the lawful owner or caretaker of such dog or cat thereafter.

(Ord. No. 1510, 9-19-11)

Sec. 5-185. Disposition.

All dogs and cats impounded under the provisions of this article and remaining unclaimed after five days of impoundment, unless impounded for a longer specified time by order of an animal control officer, may be placed for adoption or, without notice, disposed of by humane means by an animal control officer. No employee or agent of the City shall be liable for the euthanizing or disposal of an animal.

(Ord. No. 1510, 9-19-11)

Sec. 5-186. Alternate procedure.

If a dog or cat cannot be captured and the owner or caretaker is known to an animal control officer, the animal control officer may issue a notice to the owner or caretaker that their dog or cat is in violation of this article, which notice shall state the violation date, time, location, breed and color of the dog or cat, the license number, if known, and the name and address of the owner or caretaker of such dog or cat, and such notice shall direct the owner or caretaker of such dog or cat to pay the impoundment fees as provided in this article either by mail or in person to an animal control officer within ten days of such notice. Failure to pay such fees shall constitute a violation of this article.

(Ord. No. 1510, 9-19-11)

Sec. 5-187-5-220. Reserved.

ARTICLE V. WILD OR DANGEROUS ANIMALS

Sec. 5-221. Registration required.

In the interest of public safety, all wild animals and hybrid animals whose peers exist predominantly in a wild or nonresidential confined state and whose unconfined presence might constitute a danger to humans shall be registered with the City Finance Department.

(Ord. No. 1510, 9-19-11)

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Sec. 5-222. Providing registration information to relevant personnel.

The City Animal Control Department shall provide copies of all wild animal and hybrid registrations to the Police Department and other emergency rescue personnel which may have reason to enter the premises where wild animals are present for purposes of rescue operations resulting from a natural disaster or personal emergency.

(Ord. No. 1510, 9-19-11)

Sec. 5-223. Running at large.

It shall be unlawful for any person to permit or allow any wild or hybrid animal to run at large within the City.

(Ord. No. 1510, 9-19-11)

Sec. 5-224. Prohibited generally.

It shall be unlawful for any person to keep, maintain or have in their possession or under their control within the City any poisonous reptile or any other dangerous animal, hybrid animal or carnivorous wild animal or reptile, or vicious or dangerous domesticated animal, or any other animal or reptile of wild, vicious or dangerous propensities.

(Ord. No. 1510, 9-19-11)

Sec. 5-225. Prohibited animals enumerated.

(A) *Definitions.* The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Dangerous animal: means any wild mammal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition, and which, because of its size, vicious nature or other characteristics would constitute a danger to human life or property if it escaped from secure quarters. The term "dangerous animal" also includes any domestic, reptile or fowl which because of its size or vicious propensity or other characteristic would constitute a danger to human life or property if it escaped from secure quarters.

(B) *Prohibited animals.* It shall be unlawful for any person to keep, maintain or have in their possession or under their control within the City any of the following animals:

- (1) Any animal which has been declared to be protected or endangered by the U.S. Department of Interior;
- (2) All poisonous animals, including rear-fang snakes;
- (3) Badgers (*mellinae*);
- (4) Bears (*ursidae*);
- (5) Beavers (*castoridae*);
- (6) Canids, that is: wolves, foxes, coyotes, jackals, dingos, raccoon dogs;
- (7) Civet (*viverrines*);
- (8) Civet or raccoon dog (*nyctereutes procyonoides*);
- (9) Constrictor snakes;
- (10) Crocodilians, that is: alligators, crocodiles, caimans, caymans;

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- (11) Eagles, hawks, owls (falconiformes) except falcons and hawks in the possession of a state and federally licensed handler;
- (12) Edentata, that is: anteaters, tamanduas, sloths, armadillos;
- (13) Emus (casuariiformes);
- (14) Felids, that is: lions, tigers, leopards, cheetahs, jaguars, pumas, lynx, ocelots, bobcats;
- (15) Game cocks and other fighting birds;
- (16) Hyenidae (hyenas);
- (17) Marsupials, that is: opossums, Tasmanian wolf, kangaroos, koalas, wombats;
- (18) Muskrats (ondatra);
- (19) Ostriches (struthio);
- (20) Porcupine (hystricomorpha);
- (21) Primates (nonhuman), that is: apes, monkeys, baboons, chimpanzees, gibbons, gorillas, orangutans, siamangs;
- (22) Procuonids, that is: raccoons, coatis, kinkajous, ring-tailed cats, pandas;
- (23) Rheas (rheiformes);
- (24) Skunks (mephitinae);
- (25) Squirrels (sciuridae);
- (26) Sharks (chondrichthyes);
- (27) Swine (suidae);
- (28) Ungulates, that is: elephants, zebra, tapirs, rhinoceroses, camel, llama, caribou, antelope, bison, reindeer, deer, giraffe, hippopotamus, wild boar, gazelle, gnu;
- (29) Water buffalo (bubalus);
- (30) Wart hogs (phacochoerus aethiopicus);
- (31) Weasels;
- (32) Wolverines (gulo gulo);
- (33) Woodchucks (marmot monas);
- (34) Any other dangerous animal.

(Ord. No. 1510, 9-19-11)

Sec. 5-226. Exception for medical and educational institutions.

The provisions of this Chapter shall not apply to prohibit the possession or keeping of an animal which is in the possession of faculty or staff of Dakota State University and is kept for testing, research or educational purposes and is confined in a cage or enclosure adequate to prevent its escape or the possession or keeping of an animal which is a circus animal or the temporary display of an animal participating in a licensed circus event or temporary display, if:

- (1) Their location conforms to the provisions of the zoning ordinances of the City.
- (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors.
- (3) Animals are maintained in quarters so constructed as to prevent their escape.
- (4) No person lives or resides within 100 feet of the quarters in which the animals are kept.

(Ord. No. 1510, 9-19-11)

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Sec. 5-227. Owner to report escape of dangerous animals or animals not indigenous to state.

The owner or keeper of any member of a species of the animal kingdom that escapes from their custody or control and that is a dangerous animal or is not indigenous of this state or presents risk of physical harm to persons or property shall, within one hour after they discover or reasonably should have discovered the escape, report it to a law enforcement officer of the City and the County Sheriff where the escape occurred.

(Ord. No. 1510, 9-19-11)

Sec. 5-228. Penalty for violation of article.

Any person violating any provision of this article shall be subject to the penalties of Madison City Revised Ordinance 1-8 for each offense, and each separate offense shall be deemed committed once each day during which a violation occurs or continues.

(Ord. No. 1510, 9-19-11)

Sec. 5-229. Public nuisance.

The possession or keeping of any animal prohibited by this article is declared to be a public nuisance.

(Ord. No. 1510, 9-19-11)

Sec. 5-230. Animals declared as a biting, dangerous or vicious animal prohibited.

It shall be unlawful for any person or caretaker to keep, maintain or have in their possession or under their control within this City any animal which has been declared by another governmental entity to be a biting, dangerous or vicious animal.

(Ord. No. 1510, 9-19-11)

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