

TITLE 10

ANIMAL CONTROL

CHAPTER

1. IN GENERAL.
2. LIVESTOCK AND OTHER FARM ANIMALS.
3. VICIOUS DOGS.

CHAPTER 1

IN GENERAL

SECTION

- 10-101. Definitions.
- 10-102. Running at large prohibited.
- 10-103. Noise prohibited.
- 10-104. Cruelty to animals.

10-101. Definitions. Whenever in this title the following terms are used, they shall have the meanings respectively ascribed to them in this section.

(1) "Animals and fowls" as specifically named by whatever name they might be called, and includes every age and sex of each of the herein named species of animals and fowls.

(2) "Approval" means approval by the health officer pursuant to power granted to him in this chapter.

(3) "Health officer" is the director of health and sanitation of the city.

(4) "Keeper" refers to any person owning, keeping, having, using or maintaining any of the animals or fowls herein referred to.

(5) "Rodent-proof" is a state or condition not conducive to entry, feeding or harboring of rodents.

(6) "Sanitary" means a condition of good order and cleanliness which precludes the probability of disease transmission. (1972 Code, § 6-1)

10-102. Running at large prohibited. It shall be unlawful for any person raising, owning and/or keeping any dog or other animal to willfully suffer or permit any such creature to run at large upon the public streets, avenues, alleys, parks or other public property of the city, or to willfully suffer or permit any dog or other animal to run at large or to go upon the premises owned or in possession of or under the control of any other person in the city. (1972 Code, § 6-38)

10-103. Noise prohibited. No person shall willfully or knowingly keep or harbor on his premises any dog or other animal that makes or creates loud and obnoxious noises by whatever method created, thereby disturbing the peace of the neighborhood or disturbing the occupant of adjacent premises or people living in the vicinity of such loud and obnoxious noise.

A person shall be deemed to have willfully and knowingly violated the terms of this section if such person shall have been notified by any police officer of such disturbance and shall have refused for a period of twenty-four (24) hours to correct such disturbance and prevent its recurrence. (1972 Code, § 6-39)

10-104. Cruelty to animals. It shall be unlawful for any person to cruelly maltreat any dumb animal in the city; or to willfully and wantonly kill, maim, wound, poison or disfigure any horse, ass, mule, cattle, sheep, goat, swine, dog or other domesticated animal, bird or beast of any kind; or to mutilate, cruelly kill, over-drive, over-ride or over-load, or unnecessarily confine, or in any manner oppress the same; or to unnecessarily fail to provide the same with proper food, drink or shelter; or to drive, work or use the same when such animal is maimed, wounded, sick, lame or otherwise unfit for labor; or to willfully abandon the same to die; or to carry or to cause the same to be carried, hauled or forced along in a cruel or inhumane manner; or to leave any animal tied up or confined anywhere, day or night, for more than six (6) hours at a time without properly feeding, watering and caring for the same. This section shall not be construed to prevent policemen or other persons from destroying dogs or other animals when lawfully entitled to do so. (1972 Code, § 6-7)

CHAPTER 2

LIVESTOCK AND OTHER FARM ANIMALS

SECTION

- 10-201. Application of chapter.
- 10-202. Where animals to be kept.
- 10-203. Approval required by health officer to keep animals.
- 10-204. Temporary permit for show animals.
- 10-205. Pen, stables, etc., to be clean.
- 10-206. Orders and notices by health officer.
- 10-207. How feed is to be kept.
- 10-208. General care of animals.
- 10-209. Right of entry by health officer.
- 10-210. Failure to comply constitutes nuisance; abatement; misdemeanor.

10-201. Application of chapter. No owner, lessee, tenant, or sub-tenant, of any property, public or private, located within the corporate limits of the city shall keep, maintain, or cause to be kept any horses, mules, donkeys, cattle, swine, chickens, turkeys, ducks, geese, goats, sheep, hares, or similar animals or fowls either domesticated or nondomesticated except under conditions hereinafter set forth in the provisions of this chapter. (1972 Code, § 6-18)

10-202. Where animals to be kept. No animals, fowls or poultry described in section 10-201, shall be kept within a distance of one thousand (1,000) linear feet of any adjacent residence, place of business, industry or establishment within the city, without the approval of the health officer. The health officer shall approve the keeping of animals and fowls on public and private premises only when in his opinion the keeping of such animals and fowls will not injuriously affect the public health and welfare, and in no case will he approve the keeping of animals or fowls within two hundred fifty (250) linear feet of any resident, place of business, industry or establishment. This section shall not apply to small animal hospitals under the direct personal supervision of a licensed veterinarian. (1972 Code, § 6-19)

10-203. Approval required by health officer to keep animals. The health officer is hereby authorized to prohibit the keeping of animals and fowls described in section 10-201 within the corporate limits of the city when it has been determined that the keeping of such animals and fowls is not in compliance with the provisions included in section 10-202, and/or when in his opinion the keeping of such animals and fowls may prove detrimental to the public health by creating or causing situations conducive to the breeding and attractivity of flies and other injurious and obnoxious insects, the breeding, feeding and harboring of rats, and which may give rise to offensive smells and odors. "Approval" for the maintenance of such animals or fowls may be at the discretion of the health officer. Owners and keepers of such animals and fowls, when specifically notified to dispose of them by the health officer shall comply within twenty (20) days with such notice, or correct all deficiencies in keeping with the standards herein prescribed. (1972 Code, § 6-20)

10-204. Temporary permit for show animals. Persons bringing show animals into the city for the purpose of exhibiting or showing shall apply for a temporary permit to the health officer. The health officer shall have authority to grant such temporary waivers as will, in the opinion of the health officer, not adversely offset the health of the community. No waiver may be granted for more than 20 days. (1972 Code, § 6-21)

10-205. Pen, stables, etc., to be clean.

(1) No animals or fowls described in section 10-201 shall be kept in any place in which manure or liquid discharges from such animals or fowls is allowed to collect or accumulate to any degree of offensiveness. Further, all such manure and liquids shall be at once removed to some proper place of disposal and/or effectively stored between periods of removal in closed containers, which shall provide for the maximum practical fly, rodent and order control.

(2) Stalls, stables, pens, yards and appurtenances in which such animals and fowls are kept shall at all times be maintained in a clean and wholesome condition, so that no offensive odor shall be allowed to escape therefrom, and no rodent, flies or other insects will be able to breed therein or become attracted thereto.

(3) Buildings, pens, yards, and appurtenances constructed for the purpose of housing and impounding animals and fowls shall be located with adequate drainage and constructed so as to facilitate routine cleaning.

(4) This section shall also apply to dogs. (1972 Code, § 6-22)

10-206. Orders and notices by health officer. It shall be the duty of the health officer or his authorized representative to issue orders requiring the removal of animals and fowls from within the corporate limits of the city when the keeping of such animals and fowls is in violation of this chapter and at all times when the keeping of such animals or fowls may constitute a hazard to the public health. The health officer or his authorized representative may issue orders requiring the owners of animals and fowls, or owners, tenants, and lessees of properties where such animals and fowls are quartered, to routinely clean stalls, stables, pens, and yards and to maintain such appurtenances in a clean and sanitary condition. Failure to maintain premises in a satisfactory condition at any and all times following the receipt of such orders from the health officer will be considered as justification to cause the removal of such animals or fowls from within the corporate limits. (1972 Code, § 6-23)

10-207. How feed is to be kept. Every keeper of such animals and/or fowls shall cause feed provided therefor, to be stored and kept in a rat-proof, fly-tight building, box or receptacle. (1972 Code, § 6-24)

10-208. General care of animals. No keeper of any pound, kennel, coop, pen, veterinary hospital, or other such places where animals or fowls may be kept or impounded shall allow the same, or any animal therein by reason of want of care, food, ventilation, or cleanliness or otherwise, to be or to become dangerous or detrimental to human life, health or welfare. (1972 Code, § 6-25)

10-209. Right of entry by health officer. It shall be the duty and authority of the health officer or his authorized representative to enter onto any premises, public or private, at any reasonable hour of the day to make inspections for the purpose of carrying out the provisions of this chapter. (1972 Code, § 6-26)

10-210. Failure to comply constitutes nuisance; abatement; misdemeanor. Failure to comply with any of the provisions of this chapter or with the lawful orders of the health officer shall constitute a nuisance. The city shall have the authority to order immediate abatement of such nuisance. and failure to comply immediately therewith shall constitute a misdemeanor. The city shall have authority, after giving due notice, to enter onto the premises of any person allowing such a nuisance to exist on his premises and to remove and correct the nuisance. The cost of such removal or correction shall be charged against the person owning the property and shall constitute a lien on such premises in favor of the city until all such charges are paid. (1972 Code, § 6-27)

CHAPTER 3

VICIOUS DOGS

SECTION

- 10-301. Definition of terms.
- 10-302. Hearings panel.
- 10-303. Declaring a dog vicious.
- 10-304. Notice of vicious dog declaration.
- 10-305. Hearing on vicious dog declaration.
- 10-306. Requirements for keeping a vicious dog.
- 10-307. Impoundment and destruction.
- 10-308. Notice of impoundment.
- 10-309. Hearing on impoundment/destruction.
- 10-310. Exemption.
- 10-311. change of status.
- 10-312. Dog fighting.
- 10-313. Change of ownership.
- 10-314. Penalties.
- 10-315. Right of entry by health officer.

10-301. Definition of terms. As used in this chapter:

- (1) "Owner" means a person, firm or corporation keeping, possessing, harboring or having the care or custody of a dog.
- (2) "Vicious dog" means:
 - (a) Any dog which, "without provocation" has attacked or bitten a human being or domestic animal; or
 - (b) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting. (Ord. no. 1991-11, § 1)

10-302. Hearings panel. There is hereby created and established a hearings panel. The panel shall consist of three members: one veterinarian jointly appointed by the county executive and the mayor; one person jointly appointed by the county executive and the mayor to be chosen from either a kennel owner, obedience trainer or an animal rights association; one person from the local Humane Society, suggested by said society, and approved by both governing bodies. The term of an office of such panel members shall be three (3) years, no person can serve more than two (2) consecutive terms, the three (3) members will be on staggered appointments, one each year. Members of the panel shall meet on an as-needed basis and shall serve without compensation. (Ord. no. 1991-11, § 1)

10-303. Declaring a dog vicious. If the hearings panel has cause to believe that a dog is vicious, the hearings panel may find and declare that dog a vicious dog, subject to the following provisions:

- (1) No dog may be declared vicious for injury or damage sustained by a person who was committing a willful trespass, or other tort, upon the premises of the dog's owner.
- (2) No dog may be declared vicious for injury or damage sustained by a person who was teasing, tormenting, abusing, or assaulting the dog. (Ord. no. 1991-11, § 1)

10-304. Notice of vicious dog declaration. Within ten (10) days of declaring a dog vicious, the hearings panel shall notify the dog's owner in writing of the declaration. The notice shall identify the requirements and conditions for maintaining a vicious dog as set forth in this chapter. If the owner cannot be located, the dog may be immediately impounded and notice shall be posted on the owner's property or sent by certified mail to the owner's last known address. (Ord. no. 1991-11, § 1)

10-305. Hearing on vicious dog declaration.

(1) The owner of a dog declared vicious shall have the right to file, within ten (10) days after receiving notice, a written request for a hearing to contest the vicious dog declaration. The hearing shall be held within thirty (30) days after the hearings panel receives the owner's written request.

(2) The hearing shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral or written evidence, and cross examine witnesses.

(3) The hearings panel shall issue a decision within ten (10) days after the close of the hearing and shall notify the owner in writing of the decision.

(4) If the hearings panel upholds the vicious dog declaration, the owner shall comply with all the requirements and conditions for maintaining a vicious dog as set forth in this chapter.

(5) The decision of the hearings panel is final. (Ord. no. 1991-11, § 1)

10-306. Requirements for keeping a vicious dog. The owner of a vicious dog shall be subject to the following requirements:

(1) Confinement. All vicious dogs shall be securely confined indoors or in an enclosed and locked pen or structure upon the premises of the owner. The pen or structure must have minimum dimensions of five feet by ten feet 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. All pens or structures must be adequately lighted and kept clean and sanitary. The enclosure must also protect the dog from the elements.

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

(3) Signs. The owner of a vicious dog shall display in a prominent place on the owner's premises a clearly visible warning sign indicating that there is a vicious dog on the premises. The sign must be readable from the public highway or thoroughfare. The owner shall also display a sign with a symbol warning children of the presence of a vicious dog. Similar signs shall be posted on the dog's kennel, pen or structure. All said signs shall be no less than twelve (12) inches by twelve (12) inches in size.

(4) Insurance. The owner of a vicious dog must provide proof to the health department that the owner has procured public liability insurance of at least \$100,000 dollars, insuring the owner for any damage or personal injury which may be caused by his or her vicious dog. In the event said liability insurance is canceled, lapsed, or for any reason becomes non-enforceable, said owner shall be in violation of the provisions of this chapter and subject to the penalties provided herein. (Ord. no. 1991-11, § 1)

10-307. Impoundment and destruction. The health officer or his authorized representative may order the impoundment of a dog; and the hearings panel may order the destruction of a dog where:

- (1) The dog has attacked, bitten, or injured a human being or animal;
- (2) The dog is a vicious dog as defined in section 10-301 and the owner has failed to comply with the requirements and conditions for keeping a vicious dog as defined in section 10-306. (Ord. no. 1991-11, e 1)

10-308. Notice of impoundment. Within ten (10) days of an impoundment, the health officer or his authorized representative shall notify the dog's owner in writing of the impoundment. (Ord. no. 1991-11, e 1)

10-309. Hearing on impoundment/destruction.

(1) Request for hearing. The owner of an impounded dog shall have the right to file within ten (10) days after receiving notice, a written request for a hearing to contest the impoundment.

(2) Informal hearing. The hearing shall be informal and strict rules of evidence shall not apply. The owner may be represented by counsel, present oral and written evidence and cross-examine witnesses.

(3) Decision. The hearings panel shall issued a decision within ten (10) days after the close of the hearing and shall notify the owner in writing of the decision.

(4) Order of destruction or release. After considering all relevant evidence, the hearings panel may order the destruction of the impounded dog, or may release the dog to its owner conditional on the owner complying with the requirements for keeping a vicious dog as set forth in section 10-306, or complying with any other requirements necessary to protect the public health and safety.

(5) Consequence of failure of owner to appear. If the owner of impounded dog fails to appear at a hearing or fails to request a hearing, the dog shall be destroyed.

(6) Expenses of impoundment. Any person who violates this chapter shall pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this chapter. (Ord. no. 1991-11, e 1)

10-310. Exemption. This chapter shall not apply to dogs used by a police department or law enforcement agency. (Ord. no. 1991-11, e 1)

10-311. Change of status. The owner of a vicious dog shall notify the health officer or his authorized representative with 24 hours, if the vicious dog is unconfined and on the loose, or has attacked a human being or animal. (Ord. no. 1991-11, e 1)

10-312. Dog fighting. No person shall posses, harbor, or maintain care or custody of any dog for the purpose of dog fighting, nor shall any person train, torment, badger, bait, or use any dog for the reason of causing or encouraging the dog to attack human beings or domestic animals. (Ord. no. 1991-11, e 1)

10-313. Change of ownership. If the owner of a vicious dog sells, gives away, or otherwise transfers custody of the vicious dog, the owner shall, within three (3) days, provide the health officer or his authorized representative with the name, address, and telephone number of the new owner. The previous owner shall notify the new owner of the dog's designation as a vicious dog and of the requirements and conditions for keeping a vicious dog. (Ord. no. 1991-11, e 1)

10-314. Penalties. Whoever violates any provision of this chapter shall be guilty of a misdemeanor and may be punished according to the general penalty provision of this code of ordinances. (Ord. no. 1991-11, e 1)

10-315. Right of entry by health officer. It shall be the duty and authority of the health officer or his authorized representative to enter onto any premises, public or private, at chapter. (Ord. no. 1991-11, e 1)any reasonable hour of day to make inspection for the purpose of carrying out the provisions of this