

ORDINANCE NO. 778

AN ORDINANCE ADOPTING AN ANIMAL CONTROL POLICY AND REGULATION FOR THE CITY OF SEDGWICK, KANSAS; PROVIDING PENALTIES FOR THE VIOLATION THEREOF; AND REPEALING ANY AND ALL FOREGOING ORDINANCES IN CONFLICT HEREWITH.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF SEDGWICK:

SECTION 1: Adopting and Incorporating by reference the Animal Control Policy and Regulation. There is hereby adopted and incorporated by reference for the City of Sedgwick, Kansas, an Animal Control Policy and Regulation. Not less than three copies of said policy marked or stamped "Official Copy as Adopted by Ordinance NO. 778" to which shall be attached a published copy of this ordinance shall be filed with the city clerk to be open to inspection and available to the public at all reasonable hours.

SECTION 2: Jurisdiction. The area of jurisdiction shall be all land within the limits of the City of Sedgwick, Kansas.

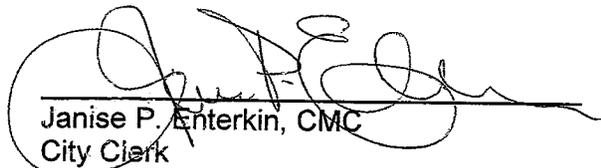
SECTION 3: Repeal. Ordinances No. 319, 498, 533, 589, 693 and 742 of the Ordinance Code of the City of Sedgwick, Kansas, and all other ordinances or parts of ordinances in conflict with the Animal control Policy as herein adopted and incorporated by reference are hereby repealed.

SECTION 4: Effective Date. This ordinance shall take effect and be in force from and after its once publication in the official city newspaper.

PASSED AND ADOPTED BY THE GOVERNING BODY OF THE CITY OF SEDGWICK, KANSAS THIS 21st DAY OF JUNE, 2010.


Donald K. DeHaven, Mayor

ATTEST:


Janise P. Enterkin, CMC
City Clerk

(seal)

City of Sedgwick Animal Control and Regulation

Article 1. General Provisions

Article 2. Dogs and Cats

Article 3. Dangerous, Vicious or Exotic Animals

Article 1

General Provisions

Section 1-1. Definitions:

For the purposes of this article, the following words and phrases shall mean:

- (a) Abandon includes the leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care.
- (b) Bite means any actual or suspected abrasion, scratch, puncture, tear, bruise, or piercing of the skin, caused by any animal, which is actually or suspected of being contaminated or inoculated with the saliva from the animal, directly or indirectly, regardless of the health of the animal causing such bite.
- (c) Domestic Animals means all vertebrate and invertebrate animals such as but not limited to bovine cattle, horses and other equines, hogs, goats, llamas, dogs, cats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons, and other fowl or wild animals, reptiles, fish, bees or birds that have been tamed, domesticated or captivated.
- (d) Domestic Animal Shelters. All pens, houses, or fenced enclosures where domestic animals are confined for commercial purposes, such as, but not limited to, hutches cotes, lofts, kennels, warrens, feedlots, barns or other buildings and enclosures.
- (e) Cat means any member of the species felis catus, regardless of sex.
- (f) Dangerous or Vicious Animal means any animal deemed to be dangerous or vicious per Article 3 of this ordinance.
- (g) Dog means any member of the species canis familiaris regardless of sex.
- (h) Fowl means all animals that are included in the zoological class aves, which shall include, but not limited to, chickens, ducks, geese, turkeys, guineas, and pigeons.
- (i) Harbor means any person who shall allow any animals to habitually remain or lodge or to be fed within his or her home, store, yard enclosure or place of business or any other premises where he or she resides or controls.
- (j) Humane Live Animal Trap means any cage trap that upon activation encloses an animal without placing any physical restraint upon any part of the body of such animal.

- (k) Humanely Euthanize means the proper injection of a substance that quickly and painlessly terminates the life of an animal, or any other method approved by the American Veterinary Medical Association or the American Humane Society.
- (l) Immediate Control means the regulation and supervision by a competent person so that an animal is unable to run or get loose at will.
- (m) Kenel means any establishment, commercial or otherwise, maintained for breeding, rearing, grooming, boarding, or otherwise harboring in an enclosure in one location only, three or more dogs over the age of six months. **Kennels are not permitted within the corporate city limits.**
- (n) Livestock includes, but is not limited to cattle, horses, goats, sheep or other animals commonly regarded or used as farm or ranch animals.
- (o) Neutered means any male or female cat or dog that has been permanently rendered sterile.
- (p) Own means and includes own, keep, harbor, shelter, manage, possess, or have a part interest in any animal. If a minor own any such animal subject to the provisions of this article, the head of the household of which such minor is a member shall be deemed to own such animal for the purposes of this ordinance.
- (q) Owner means the one who owns, or his or her employee, agent, or other competent person into whose charge an animal has been placed by the actual owner as described in subsection (q) above.
- (r) Running-at-large means to be outside of a fence or other enclosure which restrains the animals to a particular premise or not under the control, by leash or lead, of the owner or other authorized person capable of restraining the animal. Animals tethered to a stationary object within range of public thoroughfares are deemed to be "At-Large".
- (s) Vaccination means an injection of a vaccine, approved by the State Board of Public Health and administered by a licensed veterinarian for the purpose of immunizing an animal against rabies.
- (t) Veterinary Hospitals means a domestic animal hospital operated by a doctor of veterinary medicine licensed by the State of Kansas.
- (u) Waste or Wastes means manure or the body discharge of all domestic animals, spilled feed or unconsumed feed, and liquid cleaning wastes including suspended solids resulting from cleaning operations.

Section 1-2. Animal Control Officer; Duty to Impound; Citation Alternative.

- (a) There is hereby created the position of Animal Control Officer for the City and such officer shall be charged with the enforcement of this ordinance. Any person employed by the City as an Animal Control Officer shall be subject to the daily supervision of the Police Chief and overall direction of the City Administrator and shall have such powers and authority as allowed by law in the enforcement of this ordinance.

- (b) Except as provided in subsection (c) it shall be the duty of the Animal Control Officer to take up and impound all animals found in the City in violation of the provision of this ordinance.
- (c) As an alternative to the provisions of subsection (b) of this section, any law enforcement officer or the Animal Control Officer may issue a citation to the owner, harbinger or keeper of an animal in violation of this ordinance, and the person receiving the citation shall appear in the municipal court of the City to answer the charged violation of this ordinance. Such court date shall not be less than 14 days later than the date of the citation.

Section 1-3. Same; Capture/Destruction.

When deemed necessary by law enforcement officers or the animal control officer for the health, safety and welfare of the residents of the City, the animal control officer may:

- (a) Place a humane trap on public or a requesting resident's property for the purpose of capturing any animal defined in this ordinance as creating a nuisance in the City;
- (b) Use any tranquilizer guns, humane traps, or other suitable devices to subdue and capture any animal that is deemed by the Animal Control Officer, in his or here discretion, to be of a danger to itself or to the public health and safety.
- (c) It shall be the responsibility of the Police Department to oversee the use of firearms or other suitable weapons used to destroy any rabid animal, any vicious animal as defined in Section 3-2, or any animal creating a nuisance as defined in Section 1-11, where such animal is impossible or impractical to catch, capture or tranquilize.

Section 1-4. Same; Right of Entry; Unlawful Interference.

- (a) The Animal Control Officer or any law enforcement officer shall have the right of entry upon any private unenclosed lots or lands for the purpose of collecting any animal whose presence thereupon is a violation of this ordinance.
- (b) It shall be unlawful for any person to interfere with the Animal Control Officer in the exercise of his or her duties.

Section 1-5. Municipal Pound Established.

A municipal pound shall be established and/or contracted for to carry out the provisions of this ordinance. Such a pound may be operated by a contractor and all services required herein may be provided by a contractor. When so contracted, the pound shall have the following services and facilities as a minimum:

- (a) Adequate pickup and impounding of all stray and ownerless dogs otherwise in violation of the provisions of this ordinance.
- (b) Group holding facilities for stray, ownerless and unvaccinated dogs impounded for violation of the provisions of this ordinance.
- (c) A facility for the individual isolation of sick, biting, rabid and suspected rabid animals, and for the humane destruction of such animals.

Section 1-6. Breaking Pound.

- (a) It shall be unlawful for any unauthorized person to open, unlock, break open or attempt to break open the pound or to take or let out any animal placed therein, or take or attempt to take from an authorized officer of this City any animal taken up by him or her under the provisions of this ordinance, or in any manner interfere with or hinder any authorized officer or employee of this City in catching, taking up, or impounding any animal.
- (b) It shall be unlawful for any person or persons, other than those dully authorized, to care for, feed, attempt to feed, or interfere in any way with the care of impounded animals.

Section 1-7. Cruelty to Animals.

It shall be unlawful for any person to:

- (a) Willfully or maliciously kill, maim, disfigure, torture; beat with a stick, chain, club or other object; mutilate, poison, burn or scald with any substance; or otherwise cruelly set upon any animals, except that reasonable force may be employed to drive off vicious animals;
- (b) Drive or work any animal cruelly or cruelly work any maimed, mutilated, infirm, sick or disabled animal, or cause, allow or permit the same to be done;
- (c) Have, keep or harbor any animal that is infected with any dangerous or incurable and/or painfully crippling condition except as provided in Section 1-8.
- (d) Sell or offer for sale, barter, give away, or use as an advertising device or promotional display, living baby chicks, rabbits, ducklings or other fowl under two months of age in any quantity less than 1; or to sell, offer for sale, barter, give away, or display animals or fowls as specified in this section which have been dyed, colored or otherwise treated so as to impart to them an artificial or unnatural color. This section shall not be construed to prohibit the sale or animals or fowls as specified in this subsection, in proper facilities, by hatcheries or persons engaged in raising and selling such animals and fowls for recognized animal husbandry purposes;
- (e) Promote, stage, hold, manage, or in any way conduct any game, exhibition, contest or fight in which one or more animals are engaged for the purpose of injuring, killing, maiming, or destroying themselves or any other animal.

- (f) Neglect or refuse to supply such animal with necessary and adequate care, food, drink, air, light, space, shelter or protection from the elements as necessary for health and well-being of such kind of animal.
- (g) Abandon or leave any animal in any place without making provisions for its proper care.
- (h) Those provisions shall not apply to the exceptions sanctioned under Section 1-8.

Any person violating this section shall be charged with a Class A Misdemeanor and the municipal court judge may order a person convicted of violation under this section to turn the animal involved over to a designated animal shelter. All such animals taken by the designated agency may be placed with another or more suitable person or destroyed humanely as soon thereafter as is conveniently possible.

Section 1-8. Same; Exceptions.

The provisions of Section 1-7 shall not apply to:

- (a) Normal or accepted or veterinary or veterinary hospital practices or treatment of animals under active veterinary care;
- (b) Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of Chapter 3 or Chapter 47 of the Kansas Statutes Annotated;
- (c) Rodeo practices as accepted by the rodeo cowboys' association;
- (d) The humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or by an authorized agent such as a licensed veterinarian, at the request of the owner;
- (e) The humane killing of an animal by the Animal Control Officer, a public health officer or a law enforcement officer in the performance of his or her official duty;
- (f) The humane killing of an unclaimed animal after three full business days following the receipt of such animal at the municipal pound, by a licensed veterinarian or authorized agent of such establishments.

Section 1-9. Keeping Animals.

It shall be unlawful for the owner, lessee, occupant or person in charge of any premises in the City to possess and maintain any animal or fowl within the City in violation of the zoning ordinances of the City. This provision shall not apply to:

- (a) The maintaining of a stockyard or sales barn for the loading, unloading, temporary, detention and sale of such livestock, if the location of such stockyard or sales barn does not otherwise violate the zoning ordinances of the City;
- (b) The maintaining of dogs which are regulated by Article 2 of this ordinance.

- (c) The maintaining of non-poisonous and non-vicious animals and fowl which are commonly kept as household pets, hamsters, rabbits, parakeets, pigeons and comparable animals when kept as household pets and in a safe and sanitary manner in accordance with Section 1-14 of this ordinance.
- (d) The transporting of animals through the City by ordinary and customary means;
- (e) The maintaining of horses regulated by Section 1-22 of this article;
- (f) The maintaining of chickens regulated by Section 1-23 of this article.

Section 1-10. Animal Traps.

It shall be unlawful for any person to use, place, set out, or deploy any animal trap aboveground which makes use of a spring gun, spring jaws, clamping devices, cutting or stabbing mechanism or any other devices that will damage or severely injure any animal when caught or trapped by the device or trap; except that nothing herein contained shall prohibit the use of animal traps that are so designed to trap and hold animals without injuring the animals.

Section 1-11. Animal Activities Prohibited.

It shall be unlawful for any person to:

- (a) Keep or maintain any animal in the City so as to constitute a nuisance. For the purpose of this section, "nuisance" is defined as any animal which:
 - (1) Molests or interferes with persons in the public right-of-way;
 - (2) Attacks or injures persons, or other domestic animals;
 - (3) Damages public or private property other than that of its owner or harbinger by its activities or with its excrement;
 - (4) Scatters refuse that is bagged or otherwise contained;
 - (5) Causes any condition that threatens or endangers the health or wellbeing of persons or other animals.
- (b) Permit any dog to enter any public building in the City, whether accompanied by its owner or person in charge or otherwise, except in the case of a visually or hearing impaired person who has charge of and is accompanied by a seeing eye dog, as defined by state statutes. This section shall not apply to the operator of a pet shop or related business.
- (c) Break or train any horse or other animal, except dogs on any street, sidewalk or other public place within the corporate limits of the City.
- (d) Picket any horse, cow or other animal on any street, sidewalk or other public place within the corporate limits of the City, with the exception of fairs, parades and other official events.

Section 1-12. Noisy Animals.

The keeping, or harboring of any animal which by loud, frequent and habitual barking, howling, yelping, mewing, roaring or screeching shall disturb the peace of any neighborhood is hereby prohibited. It shall be the duty of any person harboring or keeping such loud or noisy animal or animals to abate the condition.

Section 1-13. Domestic Animal Shelters; Permit Required; Exception.

It shall be unlawful to operate or maintain a commercial domestic animal shelter in the City without first obtaining a permit from the City. The Animal Control Officer shall inspect the premises on which the proposed shelter will be located, and upon a determination by the Animal Control Officer that the proposed shelter does not violate the terms of this article, and upon presentation of the properly completed form and the signatures of a majority of the heads of household within **500 feet** of the location of the proposed shelter consenting to the shelter, the City shall issue a permit which shall be valid for a period of one year at the fee set out by the City Fee Collection Policy. It shall be the responsibility of the person maintaining such domestic animal shelter to renew the permit annually following the same procedure as for the initial permit. All permitted commercial domestic animal shelters shall conform with all other provisions of this article. Veterinary hospitals are excluded from this section.

Section 1-14. Same; Health Standard.

- (a) It shall be unlawful for any person to keep or maintain any animal in any yard, structure or area that is not clean, dry and sanitary, free from debris and offensive odors that annoy any neighbor, and devoid of rodents and vermin.
- (b) All animal shelters, pens and yards shall be so located that adequate drainage is obtained, normal drying occurs, and standing water is not present.
- (c) Barbed wire fences and electrically charged fences shall not be permitted for animal confines except on properties for which an agricultural classification permit is held or where the barbed wire fence or electrically charged fence is protected by an exterior fence.
- (d) All premises on which animals are kept shall be subject to inspection by the Animal Control Officer, duly authorized law enforcement officer, or public health official. If the officer or official determines from such inspection that the premises are not being maintained in a clean and sanitary manner, he or she shall notify the owner of the animals in writing to correct the sanitation deficiencies within 72 hours after notice is served on the owner.
- (e) Animal shelters owned or operated as a stockyard or commercial holding pen shall be adequately maintained and cleaned as often as is necessary, as determined by the Animal Control Officer, to control fly

- breeding or to control other conditions adversely affecting the public health. Collected fecal material and other solid organic waste shall be disposed of at a sanitary landfill, fertilizer processing plant, or by proper dispersal on land used for agricultural purposes.
- (f) Grain or protein feed shall be stored in tightly covered rodent-proof metal containers or rodent-proof bins.
 - (g) Premises subject to the terms of this section shall be maintained free of rodent harborage and in accordance with this code.
 - (h) Wherever reasonable, use shall be made of anti-coagulant rodenticides for the control of rodents and organo-phosphorus insecticides for the control of flies or any other effective chemical means for the control of rodents and flies.
 - (i) Wherever reasonable, use shall be made of soil sterilants and herbicides or other effective means for the control of weeds and grass around structures and buildings.
 - (j) Enclosures including fences where animals such as horses, cows, sheep and goats are maintained shall be constructed in a manner, using dimension lumber materials, or other effective means to prevent such animals from breaking out or causing hazard to persons or property.
 - (k) The solid wastes accumulated from the cleaning of animal shelters and holding pens maintained by persons subject to a residential classification permit as herein provided shall be stored in waterproof and airtight containers, with tight-fitting lids, and all such stored or accumulated wastes shall be disposed of at least once each week.
 - (l) Holding lots, pens and floors of sheds and buildings where animals are held and which are maintained by persons subject to a commercial, industrial or agricultural classification permit according to the terms of this ordinance shall be surfaced with concrete or asphaltic materials and that the drainage system of such surfaced areas shall include proper retaining walls and traps to control the waste from draining into watercourses and such drainage system shall be subject to the approval of the Public Safety Officer. The Public Safety Officer shall waive this standard for domestic animal holding operations where such animal holding is longer than 4 hours for any domestic animal involved or where dirt lots are more appropriate to the proper care of cattle, horses or sheep.
 - (m) Solid wastes accumulated from the cleaning of animal shelters and holding pens maintained by persons subject to a commercial, industrial or agricultural permit according to the terms of this ordinance shall be stored on concrete slabs or other facilities, such as dirt lots on which is stockpiled manure with an exposed perimeter as approved by the health officer; provided that all solid waste shall be properly disposed of at least once each week or as may be approved by the Public Safety Officer.

Section 1-15. Death of Animals.

All dead animals shall be disposed of by the owner or keepers within 12 hours of the animal's death, by burial, incineration in a facility approved by the Animal Control Officer, by rendering or by other lawful means approved by the Animal Control Officer. No dead animal shall be dumped on any public or private property.

Section 1-16. Running at large.

It shall be unlawful for any person to willfully allow any animal, under his or her control to be or to run at large within the City. Any animal found at large shall be impounded as provided in Section 1-17 or 2-7.

Section 1-17. Impoundment; Fee; Notice; Record.

- (a) The Animal Control Officer or law enforcement officer shall impound any domestic animal found at large in the City or constituting a nuisance or otherwise in violation of this ordinance in a suitable pound or enclosure provided or contracted for by the City. The impounding officer shall make diligent inquiry as to the owner of the animal and shall notify the owner thereof of such impoundment as soon as reasonably possible.
- (b) The City shall be entitled to receive from such owner the actual cost of feeding and maintaining the animal while impounded.
- (c) In case the identity of the owner of the impounded domestic animal cannot be ascertained, the Animal Control Officer or police officer shall, upon taking any such animal into custody and impounding the same, make a record thereof, with a description of the animal and the date and place taken into custody and the place of impounding, and shall thereupon immediately post a public notice stating that the animal has been impounded describing the same with the date and place of taking. The owner shall be responsible for paying any citation issued prior to claiming said animal, together with any impound fees and charges, and any license fees due and unpaid.
- (d) The Animal Control Officer shall keep appropriate records per state regulation and submit such reports to the City for filing and maintaining.

Section 1-18. Redemption of impounded animals.

At any time before the sale or destruction of any animal impounded under the provisions of this article, except for animals impounded under Sections 3-1, 3-2 (vicious) and 1-19 (rabid), the owner thereof may redeem the animal by paying the City office the impounding fee and all costs incurred as a result of such impoundment.

Section 1-19. Impoundment of rabies suspects.

- (a) Any law enforcement officer or Animal Control Officer may take up, upon private or public property, any animal which has bitten or scratched a person or other animal and impound the animal in a veterinary hospital or a contracted animal care facility for a period of not less than 14 days during which time a veterinarian shall determine whether or not such animal is suffering from a disease and, if not, the Police Chief or Public Safety Officer shall authorize the release of the animal upon payment by the owner of the boarding fee therefore. The Animal Control Officer may authorize the keeping of any such animal on the owner=s premises if the owner produces a rabies vaccination certificate showing that the animal has been vaccinated for rabies not more than 13 months prior to the incident. Impoundment costs shall be borne by the owner.
- (b) In lieu of the provisions of subsection (a), the owner of any such animal may, at his or her own expense, take such animal to any duly qualified and licensed veterinarian in the City for observation. Such veterinarian shall report his or her findings in writing to the Police Chief and the Animal Control Officer. If in the opinion of such veterinarian a microscopic examination is justified, the animal shall be turned over for examination by the state board of health, with the approval of the police department.
- (c) Any animal desired for observation by the local Public Safety Officer under this section shall be delivered to the Animal Control Officer or any law enforcement officer upon demand and shall not be withheld, hidden or harbored. Any person violating this provision shall be guilty of a violation of this code. Upon refusal of any person to so deliver such animal, the municipal judge shall cause a warrant to be issued for the arrest of such person, which warrant shall also provide for the surrender of the animal and shall be lawful authority for the apprehending and forcible taking of such animal.

Section 1-20. Animals bitten by rabid animals.

Whenever a dog, cat or other animal is bitten by a rabid animal or an animal later proved to have been rabid, it shall be the duty of the owner of the animal that is bitten, to report that fact to the local health officer and/or the police department. It shall also be the duty of the owner of the bitten animal to either destroy or have his or her bitten animal destroyed unless:

- (a) The animal which was bitten had been vaccinated against rabies at least three weeks before being bitten and has a current vaccination and
- (b) If the bitten animal has a current vaccination, it shall be confined for 90 days; and
- (c) The bitten animal shall be released from confinement only upon written order from the Police Chief, who declares the animal to be free of rabies; and
- (d) If the animal is found to have contracted rabies during confinement, it shall be properly disposed of.

Section 1-21. Emergency; proclamation.

The Animal Control Officer shall report to the Public Safety Officer and City Administrator in the event a potential outbreak of rabies is suspected in the animal population. If the City Administrator and Public Safety Officer concur with the Animal Control Officer that the danger of the public safety from rabid animals is reasonably imminent, the mayor is hereby authorized to issue a quarantine proclamation ordering persons owning, keeping or harboring any dog, or other animal to muzzle the same or to confine it as herein provided for such times as may be specified in any quarantine proclamation. All animals found at-large during the time specified by the Mayor in his or her quarantine proclamation without being properly confined or muzzled may be destroyed by any law enforcement officer of the City under procedures established by the Police Chief.

Section 1-22. Horses.

The keeping of horses and other equines, including but not limited to donkeys, mules and burros, shall be subject to the following limitations in addition to the provisions of this article:

- (a) A minimum of three contiguous acres of land shall be required for the keeping of one horse. Two additional acres contiguous with the first tract shall be required for each additional horse;
- (b) Nothing contained herein shall exempt any person harboring horses from complying with all state and local health, sanitation and zoning laws.
- (c) It shall be unlawful to keep or harbor a stallion or intact male over 2 years of age within the city limits.

Section 1-23. Fowl.

The keeping of chickens and other fowl, including but not limited to peacocks, guineas, pigeons, turkeys, ducks and geese within the City shall be subject to the following limitations in addition to the provisions of this article:

- (a) It shall be unlawful to keep any rooster in the city limits;
- (b) It shall be unlawful to harbor more than six (6) fowl at any one time;
- (c) It shall be unlawful to allow fowl outside of a fence or containment area;
- (d) Nothing contained herein shall exempt any person harboring fowl from complying with all state and local health, sanitation and zoning laws.

Section 1-24. Rabbits.

The keeping of rabbits within the City shall be subject to the following limitations in addition to the provisions of this article:

- (a) It shall be unlawful to harbor, possess or control more than six (6) rabbits at any one time.
- (b) It shall be unlawful to allow rabbits outside of a fence or containment area;
- (c) Nothing contained herein shall exempt any person harboring rabbits from complying with all state and local health, sanitation and zoning laws.

Section 1-25. Keeping livestock.

The keeping of all other domestic animals, commonly known as livestock, including, but not limited to, cattle, llamas, goats, hogs, pigs, and sheep shall be subject to the following limitations in addition to the provisions of this article:

- (a) A minimum of three contiguous acres of land devoted to pasture shall be required for the keeping of one livestock animal. Two additional acres contiguous with the first tract shall be required for each additional animal.
- (b) It is unlawful for any person to indecently exhibit, or cause or allow to be exhibited indecently any livestock including but not limited to a stallion, jackass, bull, boar, ram or billy goat, or to let or cause to allow to be let any such animal to an animal of the opposite sex on any private property or ground, unless the same shall be in some enclosed place entirely out of public view.
- (c) Nothing contained herein shall exempt any person harboring livestock from complying with all state and local health, sanitation and zoning laws.

ARTICLE 2.

DOGS AND CATS

Section 2-1. Permitted dogs and cats

No person or household shall own or harbor more than three dogs of six months of age or older; and more than one litter of pups; and/or more than three cats of more than six months of age and more than one litter of kittens; totaling a maximum of three adult dogs and three adult cats more than six months of age.

Section 2-2. Registration and vaccination required; fee.

- (a) Every owner of any dog or cat over six months of age shall annually register with the City clerk his or her name and address with the name, sex and description of each dog or cat owned and kept within the City. It shall be unlawful for the owner of any newly acquired dog or cat or any dog or cat brought into the City to fail to register such animal within 30 days from acquisition or bringing the dog or cat into the City. It shall be unlawful for the owner of any previously registered dog or cat to fail to maintain current registration of such dog or cat.
- (b) Upon registration, the owner shall present a certificate issued by a licensed veterinarian showing that the dog or cat has been vaccinated or inoculated with a recognized anti-rabies vaccine and showing that the inoculation will be effective for the entire period of time for which the license is issued; provided, that this requirement shall not apply to any animals under the age of six months.
- (c) The owner or harbinger of any dog shall, at the time of registering such dog or cat, present to the City Clerk proof from an accredited veterinarian showing that a male has been neutered or a female has been spayed, if the dog or cat has been neutered or spayed.
- (d) The City Clerk shall collect an annual registration fee as set out in the City Fee Collection Policy for each neutered male and for each spayed female, and for each unneutered male and for each unspayed female.
- (e) The registration year shall be from January 1st through December 31st. The fee shall be payable on or before January 31st of each year. If the license fees are not paid within 30 days of the due date, a penalty shall be added. New residents of the City or persons acquiring a dog or cat after January 31st of any year shall have 30 days within which to register the dog or cat at the regular fee, if such person fails to register the dog or cat within the time herein provided, a penalty shall be added. The full amount of the license fee shall be required regardless of the time of year application is made.

Section 2-3. Tags.

It shall be the duty of the City clerk or designated agent, upon a showing of current rabies immunization and receipt of the registration fee hereinbefore required, to keep in a book suitable for the registration of animals, the time of the registration, the name of the owner or keeper, the number of the registration and the amount paid therefor, and shall deliver to the owner or

keeper a certificate in writing, stating that the person has registered the dog or cat and the number by which the dog or cat is registered, and shall also deliver to the owner or keeper a tag with the registration number and the registration year thereon, which shall be, by the owner or keeper, attached to the collar to be used on the dog or cat so registered. When any tag has become lost during a registration period, the owner of the dog or cat may request a duplicate tag for the remainder of the registration period. When so requested, the City clerk shall, upon presentation of the registration certificate, issue a duplicate of such tag upon the payment of a \$1 fee. It shall be unlawful for any person to take off or remove the City registration tag from any dog or cat belonging to another, or remove the strap or collar on which the same is fastened.

Section 2-4. Same; counterfeit tag.

It shall be unlawful for any person to place on any dog or cat a tag issued for any other dog or cat or to make or use any false, forged or counterfeited tag or imitation thereof.

Section 2-5. Evidence of Vaccination.

It shall be unlawful for the owner of any dog or cat kept within the City to fail to annually display a current certificate of immunization against rabies issued by an accredited veterinarian evidencing the vaccination of such dog or cat with an anti-rabies vaccine, when requested by the Animal Control Officer or any law enforcement officer.

Section 2-6. Visiting Dogs and Cats.

The provisions of this article with respect to registration shall not apply to any dog or cat owned by any person visiting or temporarily remaining within the City for less than 30 days. However, such dogs or cats shall be kept under restraint by the owner thereof at all times.

Section 2-7. Running at large; fine.

- (a) It shall be unlawful for the owner or harbinger of any dog to permit such dog to run at large within the City at any time;
- (b) Any dog running at large within the City shall be impounded as set out in Section 2-8;
- (c) The owner of any dog impounded for running at large shall pay a fine as set forth by the court and any and all appropriate boarding bills and fees;

Section 2-8. Impoundment; Record; Notice; Redemption; Minimum Fee.

- (a) Any dog found in violation of the provisions of this article shall be subject to impoundment by the City.
- (b) A record of all dogs impounded shall be kept by the Animal Control Officer containing the following information: color, sex, weight, height, identifying marks, registration number (if any) and the date of impoundment.
- (c) If the dog impounded has a current registration tag attached to its collar or if the impounding officer knows the identity of the owner, the owner, as shown by the records of the City shall be notified as soon as possible. If, at the end of three business days the City staff has been unable to locate the owner, or the owner, upon having been located, refuses to claim or redeem said dog, then the dog may be sold, euthanized or otherwise disposed of.
- (d) If the dog impounded has no current registration tag and the identity of the animal's owner is unknown to the Animal Control Officer or the impounding law enforcement officer then such impounding officer shall, upon taking any such animal into custody and impounding the same, make a record thereof, with a description of the animal and the date and place taken into custody and the place of impounding. A public notice shall be posted describing the animal and the date impounded. If found, owner shall be notified that the charges of impounding the animal together with any license fees due and unpaid must be paid within three business days from the date of the notice, or the animal will be disposed of as provided in this code. If within three full business days the owner does not appear to claim the dog, then the dog may be sold, euthanized or otherwise disposed of.
- (e) If at any time before the sale or destruction of any animal impounded under the provisions of this article, the owner of an impounded dog does appear and redeem the dog, it shall be turned over to the person claiming it upon payment of any impoundment fees or penalties plus the actual costs of impoundment, and upon compliance with the registration provisions of this article. This subsection shall not apply to any dog alleged as being exotic or vicious under Sections 3-1, 3-2; or suspected of rabies under Section 1-19 of this code.
- (f) Any dog impounded may not be released without a current rabies vaccination.
- (g) Impoundment hereunder shall not preclude any court from imposing and executing any fine which might otherwise be levied under this article for violation of any of the provisions thereof; nor shall impoundment be a defense in any prosecution commenced hereunder.
- (h) The redemption of any dog impounded for a violation of any provision of this ordinance shall be prima facie evidence of the violation of such provision by the person redeeming the dog.

Section 2-9. Disposition of unclaimed dogs.

If any dog is not redeemed by its owner or harborer within the time allowed for redemption as specified in Section 2-8 thereof, the Police Chief, may authorize the contracted veterinarian to euthanize destroy such dog or sell the same for the costs of impoundment and keeping, plus any registration fee due for the current year.

Section 2-10. Confinement of animals in heat.

Any unspayed female dog in the stage of estrus (heat) shall be confined during such period of time in a house, building or secure enclosure, and the area of enclosure shall be so constructed that no other animal may gain voluntary access to the confined animal except for purposes of planned breeding. Any animal that is in the state of estrus (heat) and that is not properly confined, or any such animal that is creating a neighborhood nuisances, shall be removed to a boarding kennel, to a veterinary hospital or to the animal shelter. All expenses incurred as a result of the confinement shall be paid by the owner. The owner of animals taken to the animal shelter shall be charged at the rate established from time to time by the animal shelter for routine confinement.

Section 2-11. Muzzling.

Whenever the court shall deem it necessary for the protection and welfare of the inhabitants of the City, he or she shall issue an order requiring all dogs and cats kept within the City to be effectively muzzled for such length of time as may be specified in the order, to prevent them from biting or injuring persons or animals. Such order shall be published in the official newspaper of the City for such period of time as the court may deem necessary.

Section 2-12. Police dog.

It shall be unlawful for any person to interfere with or molest any dog used by the police department of the City in the performance of the functions or duties of the department.

ARTICLE 3.

DANGEROUS, VICIOUS OR EXOTIC ANIMALS

Section 3-1. Exotic, Vicious or Dangerous animals.

- (a) It shall be unlawful for any person, firm or corporation to keep, maintain, possess, harbor or have in his/her possession or under his/her control within the City any warm blooded, carnivorous or omnivorous; domestic, wild or exotic animal; poisonous reptile or any other dangerous wild animal or reptile; any vicious or dangerous animal or any other animal or reptile of wild, with known or demonstrated vicious and/or dangerous propensities.
- (b) The prohibitions of this section shall not apply to bona fide pet shops, zoos, circuses, carnivals, educational institutions, or medical institutions, if:
 - (1) Their location conforms to the provisions of the zoning ordinance 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.
- (c) Impoundment of animals whose owners have been cited for violation of this section shall be at the discretion of the Animal Control Officer and/or Police Chief. If the animal presents a clear and present danger to the public health or safety, it shall be the duty of the Public Safety Officer, Police Chief and/or the Animal Control Officer, or his or her agent to impound such animal at an appropriate facility.
- (d) The municipal judge shall have the authority to order any animal deemed vicious confined, destroyed or removed from the City.

Section 3-2. Definitions.

For purposes of this ordinance a vicious animal shall include:

- (a) Any animal with a known or recently demonstrated propensity, tendency or disposition to attack unprovoked; to cause injury or to otherwise endanger the safety of human beings or domestic animals; or
- (b) Any animal which attacks a human being or domestic animal without provocation;
- (c) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting;
- (d) Any animal which is urged by its owner or harborer to attack, or whose owner or harborer threatens to provoke such animal to attack;
- (e) Any animal that has bitten one or more times.

Section 3-3. Complaint and Notice to Appear.

- (a) Any person who witnesses or has personal knowledge that an act or acts made unlawful by the provisions of this section have been committed may sign a sworn complaint against the alleged violator.
- (b) Any police officer, or Animal Control Officer of the City is authorized to sign a sworn complaint and notice to appear to any person when the officer personally observes a violation of the provisions of this article or when information is received from any person who has personal knowledge that an act or acts which are made unlawful by the provisions of this article have occurred.
- (c) Whenever a sworn complaint is filed in the municipal court against the owner of an animal alleging that such animal is vicious or dangerous and in violation of this section, the municipal judge shall hold a hearing to determine whether or not the animal is vicious or dangerous within the meaning of this section and thereby in violation of this section. The owner of the animal shall be notified in writing of the time and place of the hearing at least one week prior to the hearing. In making a determination, the municipal judge shall consider the following:
 - (1) The seriousness of the attack or wound;
 - (2) Past history of attacks or wounds inflicted by the animal;
 - (3) Likelihood of attacks or bites in the future;
 - (4) The condition and circumstances under which the animal is kept or confined.
 - (5) The condition existing when the animal inflicted the wound or attack;
- (d) After the hearing, if the court finds reasonable grounds do exist, the court is empowered to enter orders to seize and impound, continue the impoundment, require muzzling in accordance with Section 2-11 and/or the confinement of the animal in a manner and location that will ensure that it is no threat to persons or other animals pending the completion of all trial and legal proceedings held in the municipal court to determine whether there has been a violation of this article. If impoundment, muzzling or otherwise safe confinement is not possible or if prior court orders to restrain the animal have gone unheeded, the court may order the animal immediately destroyed.
- (e) If an animal is ordered to be impounded, muzzled or otherwise confined pursuant to this section, the owner, harbinger, keeper or possessor of the animal shall be entitled to a hearing in the municipal court within 14 days to review the propriety of the impoundment, muzzling or other confinement.
- (f) The costs of impoundment or confinement shall be assessed to the owner, harbinger, keeper or possessor of the animal.

Section 3-4. Immediate destruction.

Nothing in this ordinance shall be construed to prevent the Animal Control Officer or any law enforcement officer from taking whatever action is reasonably necessary to protect himself or herself or members of the public from injury or danger, including immediate destruction of any vicious animal without notice to the owner.

Section 3-5. Release.

Upon the conclusion of all legal proceedings against the owner of an impounded animal for a charge under this article, the animal shall not be released except on the order of the municipal judge, who may order the owner, harbinger, keeper or possessor to confine the animal immediately and continuously so as to be restricted from attacking or biting any person or animal. In addition, the judge may also direct the owner to pay all impounding fees in addition to any penalties for violation of this ordinance. The municipal judge may, upon making a finding that the animal is vicious or that it represents a clear and present danger to the citizens or to other animals in the community, order the animal to be destroyed in a humane manner. Surrender of an animal by the owner thereof to the Animal Control Officer shall not relieve or render the owner immune from the decision of the court, nor the fees and fines which may result from the violation of this ordinance. Failure to comply with any orders of the court shall subject the owner, harbinger, keeper or possessor of the animal to the contempt powers of the court issuing the order.

Section 3-6. Exclusions.

The provisions of this ordinance shall not apply to any law enforcement officer who uses or employs a dog while engaged in law enforcement activities.

Section 3-7. Penalty.

Any person violating the provisions of this article shall upon conviction in a municipal court be punished by a fine of not more than \$500 or by confinement in the county jail for a period not exceeding six months or by both such fine and confinement. Penalties shall be in addition to any other orders entered by the municipal court regarding impoundment, confinement or muzzling of the animal. In addition to the foregoing penalties, any person found in violation of this article shall, upon order of the court, pay all expenses, including shelter, food, handling, veterinary care and testimony necessitated by the enforcement of this article. Each day that a violation of this article occurs shall constitute a separate offense and shall be punishable hereunder as a separate violation.