

CHAPTER II
ANIMAL CONTROL AND REGULATION

Article 1. General Provisions

Article 2. Dogs

Article 3. Other Animals

Article 4. Pit Bull Dogs

ARTICLE 1
GENERAL PROVISIONS

2-101 DEFINITIONS. For the purposes of this chapter, 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) Animals means all vertebrate and invertebrate animals such as but not limited to bovine cattle, horses and other equines, hogs, goats, 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.
- (c) Animal Shelter means the facility or facilities operated by the City or its authorized agents for the purpose of impounding or caring for animals under the authority of this chapter or state law.
- (d) 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.
- (e) 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.
- (f) Cat means any member of the species felis catus, regardless of sex.
- (g) Dangerous or Vicious Animal means any animal deemed to be dangerous or vicious per section 2-117.
- (h) Dog means any member of the species canis familiaris, regardless of sex.
- (i) 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.
- (j) Harbinger 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.
- (k) 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.
- (l) 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.

- (m) Immediate Control means the regulation and supervision by a competent person so that an animal is unable to run or get loose at will.
- (n) Kennel means any establishment, commercial or otherwise, maintained for breeding, rearing, grooming, boarding, or otherwise harboring in an enclosure in one location only, more than three dogs.
- (o) Livestock includes, but is not limited to cattle, horses, goats, sheep or other animals commonly regarded or used as farm or ranch animals.
- (p) Neutered means any male or female cat or dog that has been permanently rendered sterile.
- (q) Own means and includes own, keep, harbor, shelter, manage, possess, or have a part interest in any animal. If a minor owns any such animal subject to the provisions of this chapter, the head of the household of which such minor is a member shall be deemed to own such animal for the purposes of this chapter.
- (r) 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.
- (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) Veterinarian means a doctor of veterinary medicine licensed by the State of Kansas.
(Code 1999)

2-102 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 chapter. Any person employed by the City as an animal control officer and commissioned by the Chief of Police of the City shall have such powers and authority as allowed by law in the enforcement of this chapter. All animal control officers shall be subject to the supervision and direction of the Chief of Police of the City.

(b) Except as provided in subsection (b), 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 provisions of this chapter.

(c) As an alternative to the provisions of subsection (a) 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 chapter, and the person receiving the citation shall, within 10 days, appear in the Municipal Court of the City to answer the charged violation of this chapter. (Ord. 2035, Sec. 1; Code 1993, 2-106; Code 1999)

2-103 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, such officers and/or their agents may:

- (a) Place a humane trap on public or a requesting resident's property for the purpose of capturing any animal defined in this chapter as creating a nuisance in the City;
- (b) Use any department approved tranquilizer gun, humane trap, or other suitable device, after obtaining certification in the operation of such device, to subdue and capture any animal that is deemed by the animal control officer, in his or her discretion, to be of a

danger to itself or to the public health and safety.

(c) If a law enforcement officer uses firearms or other suitable weapons to destroy any rabid animal, any vicious animal as defined in section 2-117, or any animal creating a nuisance as defined in section 2-112, where such animal is impossible or impractical to catch, capture or tranquilize. (Ord. 2035, Sec. 1; Code 1999)

2-104 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 chapter.

(b) It shall be unlawful for any person to interfere with the animal control officer in the exercise of his or her duties. (Ord. 2035, Sec. 1; Code 1999)

2-105 MUNICIPAL POUND ESTABLISHED.

(a) A Municipal Pound shall be established to carry out the provisions of this chapter. The Municipal Pound shall be operated by the City of Clay Center, through the Clay Center Police Department, with the annual budget for said pound accounted for through the Police Department budget. The Municipal Pound may use any funds donated for that purpose as well as any budget allocated. The Municipal Pound shall have the following services and facilities as a minimum:

(1) Adequate pickup and impounding of at-large, stray and ownerless dogs in violation of the provisions of this chapter; and

(2) Individual isolation facilities for sick, biting, rabid and suspected rabid animals.

If at any time the City believes the Municipal Pound to be too full to accept additional dogs, or if any dog is deemed too dangerous to be handled by staff at the Municipal Pound, the City may require, at the dog owners expense, a dog to be impounded at another facility, such as by a veterinarian.

(b) If the City Council determines that it is in the City's best interests, the operation of the Municipal Pound may be delegated to a contractor and all services required herein may be provided by a contractor. When so contracted, the Municipal Pound shall have the following services and facilities as a minimum:

(1) Adequate pickup and impounding of all stray and ownerless dogs and cats and other animals otherwise in violation of the provisions of this chapter.

(2) Group holding facilities for stray, ownerless and unvaccinated animals impounded for violation of the provisions of this chapter.

(3) Individual isolation facilities for sick, biting, rabid and suspected rabid animals.

(4) Facilities for the humane destruction of animals. (Code 1999)

2-106 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 chapter, 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 duly authorized, to care for, feed, attempt to feed, or interfere in any way with the care of impounded animals. (Code 1993, 2-107; Code 1999)

2-107 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 which is infected with any dangerous or incurable and/or painfully crippling condition except as provided in section 2-108.
- (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 12; 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 of 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) These provisions shall not apply to the exceptions sanctioned under section 2-108.
(Code 1993, 16-301, 303; Code 1999)

2-108 SAME; EXCEPTIONS. The provisions of section 2-107 shall not apply to:

- (a) Normal or accepted veterinary or veterinary hospital practices or treatment of animals under active veterinary care;
- (b) Bona fide experiments carried on by commonly recognized research facilities;
- (c) Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of Chapter 32 or Chapter 47 of the Kansas Statutes Annotated;
- (d) Rodeo practices accepted by the rodeo cowboys' association;
- (e) 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;
- (f) 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;
- (g) The humane killing of an unclaimed animal after 72 hours following the receipt of such animal at a Municipal pound or an incorporated humane society shelter by the owner, operator or authorized agents of such establishments.
(Code 1993, 16-302; Code 1999)

2-109 KEEPING OF ANIMALS.

- (a) It shall be unlawful for any person, persons, firm or corporation to keep any horse, cow, goat, mule, sheep swine or other animal of a like nature within the City Limits in any structure, building, pen, corral or other enclosure, or tied or

picketed within the City Limits at any point or place, except, it shall be lawful to keep up to, but not more than, three (3) hooped animals within the City Limits at any point or place, but not less than 150 feet from any other residence or business building within the City Limits.

- (b) It shall be unlawful for any person, persons, firm or corporation to keep chickens, ducks, geese, or other fowl of a like nature within the City Limits unless they are kept at a distance of 150 feet, or more, from any other residence or business building within the City Limits.
- (c) No person or household shall own or harbor more than three dogs of six (6) months of age or older or more than one litter of pups, or more than three cats of more than six (6) months of age or more than one (1) litter of kittens, or more than a total of three (3) dogs and cats, more than six (6) months of age in any combination, or engage in the commercial business of breeding, buying, selling, trading, training, or boarding cats or dogs or both cats and dogs.
- (d) It shall be unlawful for any person to maintain a kennel within the City.

2-110 SAME; EXCEPTIONS. The provisions of 2-109 shall not apply to:

- (a) The hauling of such animals upon the streets of the City;
- (b) The proper keeping of non-poisonous and non-vicious, domesticated animals such as cats, hamsters, rabbits, parakeets and comparable animals, when kept as household pets and in a safe and sanitary manner.
- (c) The proper keeping of such animals at the place of business of any veterinarian;
- (d) The proper keeping of such animals at a certified zoo;
- (e) The proper keeping of such animals for temporary purposes at the Clay County Fairgrounds, in conjunction with the Clay County Fair or similar activities, or for amusements and entertainments, such as circuses, parades or other exhibitions. Temporary shall mean not more than seven (7) days, unless an exception is granted by the City of Clay Center;
- (f) The proper keeping of such animals for temporary purposes at a commercial stock yard or sale barn, providing the location of such stockyard or sale barn shall not violate any zoning ordinance of the City. Temporary shall mean not more than seven (7) days, unless an exception is granted by the City of Clay Center;
- (h) The proper keeping of such animals by special permit granted by the City of Clay Center. (Ord. 2158; 05-04)

2-111 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. (Code 1999)

2-112 NUISANCE ANIMALS. Any person who keeps or harbors any dog, cat or other animal shall prevent such animal from being a nuisance. Any animal shall be considered a nuisance if it: damages, soils, defiles or defecates on private property other than its keeper's or harborer's, or on public rights-of-way or recreation areas, unless such waste is immediately removed and properly disposed of by its keeper or harborer; causes unsanitary, dangerous or offensive conditions; scatters refuse that is bagged or otherwise contained; causes a disturbance by making loud and excessive barking, howling, whining, or other noise-making tending to disturb the peace and quiet of the City and its inhabitants; or chases vehicles, or molests, attacks or interferes with persons or domestic animals on property other than property of its harborer or keeper.

2-113 WASTE CONTROL; EXCEPTION. The provisions of this section shall not apply to a blind person accompanied by a Seeing-eye dog.

2-114 HANDLING OF COMPLAINTS.

(a) When a complaint is filed that an offense has been committed in violation of this article, the Municipal judge may issue a summons instead of a warrant at the request of the City attorney. If a defendant fails to appear in response to the summons, a warrant shall issue. The summons shall be served upon a defendant by delivering a copy to him or her, personally or by leaving it at his or her dwelling, house or usual place of abode with some person of suitable age and discretion then residing therein, or by mailing it to the defendant's last known address.

(b) If a summons is issued charging violation of this provision, a subpoena shall also be issued to the complainant to testify to the nuisance under oath.

2-115 ANIMAL CONFINES; SHELTERS.

(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) Excrement shall be removed at least once each week from any animal shelter, pen or yard area where animals are kept, or more often if necessary to prevent or control odors, fly breeding, or rodent infestation. If excrement is stored on the premises by any animal owner, it shall be stored in adequate containers with fly-tight lids, and all such stored or accumulated wastes shall be disposed of at least once each week.

(c) All animal shelters, pens and yards shall be so located that adequate drainage is obtained, normal drying occurs, and standing water is not present.

(d) All animal shelters and board fences confining animals shall be maintained in good repair, and all animal shelters and board fences confining animals subject to residential and commercial classification shall be protected from deterioration by painting or comparable treatment.

(e) 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 charge fence is protected by an exterior fence.

(f) 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 24 hours after notice is served on the owner. Any animal kept under any condition which could endanger the public or animal health or create a health nuisance may be impounded. Animals shall be released after fees are paid and cause for impoundment has been corrected. (Code 1999) 2-113A Repealed (Ord. 2158; 05-04)

2-116 SAME; STOCKYARDS; COMMERCIAL HOLDING PENS. Animal shelters owned or operated as a stockyard or commercial holding pen shall be at least 150 feet from any residence or business and adequately maintained and cleaned as often as is necessary, as determined by the health officer, to control fly breeding or to control other conditions adversely affecting the public health including the following:

(a) 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.

(b) Grain or protein feed shall be stored in tightly covered rodent-proof metal

containers or rodent-proof bins.

(c) Premises subject to the terms of this section shall be maintained free of rodent harborage and in accordance with sections 8-601- 8-608 of this code.

(d) 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.

(e) 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.

(f) 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.

(g) 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 metal containers, with tight- fitting metal lids, and all such stored or accumulated wastes shall be disposed of at least once each week.

(h) 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 chapter 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 health officer. The health officer shall waive this standard for domestic animal holding operations where such animal holding is longer than 24 hours for any domestic animal involved or where dirt lots are more appropriate to the proper care of cattle, horses or sheep.

(i) 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 chapter 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 health officer. (Code 1993, 2-112; Code 1999)

2-117 DEATH OF ANIMALS. All dead animals shall be disposed of by the owner or keepers within 24 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. (Code 1999)

2-118 VICIOUS ANIMALS.

(a) Prohibited: It shall be unlawful for any person to keep, possess or harbor a vicious animal within the City. Impoundment of animals whose owners have been cited for violation of this section shall be at the discretion of the animal control officer. If the animal presents a clear and present danger to the public health or safety, it shall be the duty of the animal control officer or his or her agent to impound such animal.

(b) Defined: For purposes of this chapter a vicious animal shall include:

(1) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

(2) Any animal which attacks a human being or domestic animal without provocation;

(3) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting;

(4) Any animal which is urged by its owner or harborer to attack, or whose owner or harborer threatens to provoke such animal to attack, any law enforcement officer while such officer is engaged in the performance of official duty.

(c) Complaint: Whenever a sworn complaint is filed in the Municipal Court against the owner of an animal alleging that such animal is vicious and in violation of this section, the Municipal Judge shall hold a hearing to determine whether or not the animal is vicious 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 bite;
- (2) Past history of attacks or bites;
- (3) Likelihood of attacks or bites in the future;
- (4) The condition and circumstances under which the animal is kept or confined;
- (5) Other factors which may reasonably relate to the determination of whether or not the animal is vicious. The Municipal Judge shall order the impoundment, the muzzling in accordance with subsection (d) and/or the confinement of the animal accused of being in violation of this section in a manner and location that will insure that it is no threat to persons or other animals pending the outcome of the hearing. If such impoundment, muzzling or otherwise safe confinement is not possible or if prior Court orders to restrain such animal have gone unheeded, the Municipal Judge may order the animal immediately destroyed.

(d) Responsibility of Owner for Expenses Incurred: The City shall, under no circumstances assume the responsibility for any expenses incurred in treatment of any wound inflicted by a vicious animal or for the necessity of the use of alternate facilities for impoundment. Upon a Court finding of responsibility of an owner for a vicious animal, said owner may be found liable for said medical treatment. Under Court Order only, shall the City of Clay Center pay for any expenses incurred in seizure or housing of a vicious animal or for medical treatment of any wound inflicted by a vicious animal.

(e) Immediate Destruction: Nothing in this chapter 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.

(f) Release of: If a complaint has been filed in the Municipal Court against the owner of an impounded animal for a charge under this section, the animal shall not be released except on the order of the Municipal Judge, who may also direct the owner to pay all impounding fees in addition to any penalties for violation of this chapter. The Municipal Judge may, upon making a finding that an 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 by the animal shelter. Surrender of an animal by the owner thereof to the animal control officer does not relieve or render the owner immune from the decision of the Court, nor to the fees and fines which may result from a violation of this section. (Code 1993, 2-108, 205; Code 1999)

2-119 **RUNNING AT LARGE.** It shall be unlawful for any person to willfully allow any animal or fowl under his or her control to be or to run at large within the City. Any animal or fowl found at large shall be impounded as provided in section 2-207. (Code 1993, 2-101; Code 1999)

2-120 **POLICY, PROCEDURES AND REQUIREMENTS WITH RESPECT TO ANIMALS POTENTIALLY CARRYING THE RABIES VIRUS.** The City consents to Clay County Home

Rule Resolution No. 2000-24, a home rule resolution establishing policies, procedures and requirements with respect to animals potentially carrying the rabies virus, and incorporates that resolution by reference herein, as follows:

(a) **ADOPTION.** The City of Clay Center hereby adopts Clay County Home Rule Resolution No 2000-24 which establishes policies, procedures and requirements with respect to animals potentially carrying the rabies virus.

(1) Pursuant to K.S.A. 75-5661 any law enforcement officer or local health officer is authorized to enter upon private or public property to take up any mammal which has exposed to rabies a person or other mammal; and

(2) Pursuant to K.A.R. 28-1-13 and K.A.R. 28-1-14 animals are to be taken up and handled in cases where the animal may have caused rabies in or exposed rabies to a human being or other animal.

(b) **PROCEDURE.**

(1) Any Law Enforcement Officer, Animal Control Officer, Public Health Officer or their designee or agent is authorized and empowered to take into their control any animal within the City Limits, that may have been exposed to the rabies virus, or may have exposed a human being or other animal to the rabies virus.

(2) Any Law Enforcement Officer, Animal Control Officer, Public Health Officer or their designee or agent is authorized and empowered to take into their control any animal within the City Limits, that has bitten a human being, unless proof can be shown to the officer that the animal has a current vaccination for rabies, in which event, the animal may be detained by its owner.

(3) Any animal taken into control due to this Ordinance shall undergo a thorough exam by a licensed veterinarian within 48 hours of the bite or exposure to a human being and again at the end of a 10 day observation period. Animals taken into control by Law Enforcement or Health Officer shall be detained at a location and under terms as directed by the Clay County Health Officer, pursuant to K.A.R. 28-1-13 and Home Rule Resolution No. 2000-24.

(c) **NOTICE.**

(1) Pursuant to Home Rule Resolution No 2000-24, any officer detaining such an animal shall make reasonable efforts to notify the owner in a manner deemed appropriate by the detaining officer.

(2) Payment for the cost of detaining, maintaining, testing and caring for such animals must be received, by the City, prior to release of any such animal, and is payable by the animal owner. If the animal is unclaimed or otherwise not returned to the owner, the costs of detaining, maintaining, testing, caring, euthanizing and disposal for such animals, shall be paid for by the City of Clay Center, and said costs may be recovered, by the City Attorney or City Prosecutor, on behalf of the City of Clay Center, through the Clay County District Court, against the owner of said animal. Animals are considered unclaimed 10 days after detention of the animal is no longer required.

(Ord. 2101, Sec. 1)

2-121 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 local

health officer, 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. (Code 1999)

2-122 VEHICULAR ACCIDENTS INVOLVING ANIMALS. Any person who as the operator of a motor vehicle strikes any animal shall stop at once and shall immediately report such injury or death to the owner of such animal, or in the event that the owner cannot be ascertained, and located, the operator shall at once report the accident to the animal control officer or any law enforcement officer. (Code 1999)

2-123 EMERGENCY; PROCLAMATION. The mayor is hereby authorized whenever in his or her opinion the danger to the public safety from rabid animals is made imminent to issue a proclamation ordering all persons owning any animal in the City to confine the animal in a good and sufficient enclosure from which the animal cannot escape, or fasten such animal by means of a chain on the premises where the owner may reside, for such time as may be specified in such proclamation. Any animal not confined during such time may be disposed of wherever found by any police officer, or the animal control officer of the City. The owner of such animal shall be prosecuted for such violation thereof. (Code 1999)

2-123 Repealed (Ord. 2158; 05-04)

2-124 LIVESTOCK ENTRUSTED TO CHILD UNDER 16. It shall be unlawful for the owner or owners of any cattle, horses, mules or other livestock mentioned in or any persons who shall have any of the animals under his or her control to entrust any of such stock to any child under 16 years of age, and if any such cattle, horses, mules or other livestock shall be entrusted to the care of any such child and shall while in the care and control of such child trespass upon any public or private lot or lots, public park or public grounds, or upon any sidewalk in this City; the owner or owners of the stock, or party or parties in charge thereof shall be deemed guilty of a misdemeanor. (Code 1993, 2-110)

2-125 ANIMALS; DRIVING OR RIDING SPEED. It shall be unlawful for any person in this City to ride or drive any horse, mule or other beast faster than 10 miles per hour or to so ride or drive as to endanger the safety of others. (Code 1993, 2-113)

2-126 ANIMALS; UNLAWFUL RIDING, DRIVING OR HITCHING. It shall be unlawful for any person in this City to ride, drive, lead or place any horse or other beast of burden, in or on any sidewalk, footway, parking, park, school grounds, or private property of another, otherwise than necessarily going into or out of premises owned or occupied by him or her or his or her employer, or to hitch or fasten any animal to any pump, well curb, fence or railing, or to any ornamental, shade or fruit tree, or to any awning, post or lamp post, not belonging to him or her or his or her employer, unless permission to do so be first obtained from the owner thereof. (Code 1993, 2-114)

ARTICLE 2 DOGS

2-201 REGISTRATION AND VACCINATION REQUIRED; FEE.

(a) Every owner of any dog 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 owned and kept within the City. It shall be unlawful for the owner of any newly acquired dog or any dog brought into the City to fail to register such animal within 30 days from acquisition or bringing the dog into the City. It shall be unlawful for the owner of any previously registered dog to fail to maintain current registration of such dog.

(b) Upon registration, the owner shall present a current, completed certificate of

immunization against rabies. No registration shall follow without evidence of this document, and it shall be unlawful for the owner of any dog over six months of age to fail to maintain effective rabies immunization of such dog.

(c) The owner or harbinger of any dog shall, at the time of registering such dog, present to the City Clerk a certificate from an accredited veterinarian showing that a male dog has been neutered or a female dog has been spayed, if the dog has been neutered or spayed.

(d) The City Clerk shall collect an annual registration fee of \$1.00 for any male dog or spayed female dog, and \$2.00 for any un-spayed female dog.

(e) The registration year shall be from January 1st through December 31st of each year. The fee shall be payable before March 1st of each year without penalty. Registration fees as enumerated above may be prorated for newly acquired dogs or for dogs owned by a person or persons moving to and establishing a home in the City during a calendar year. Every owner or harbor of dog or dogs who shall fail to register the same prior to the 1st day of March of each year shall pay in addition to the registration fee herein provided a penalty fee for late registration of \$1.00. (Code 1993, 2-201:202; Code 1999)

2-202 DOG 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 dogs, 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 of the dog a certificate in writing, stating that the person has registered the dog and the number by which the dog is registered, and shall also deliver to the owner or keeper of the dog 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 so registered. When any tag has become lost during a registration period, the owner of the dog 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 \$1.00 fee. It shall be unlawful for any person to take off or remove the City registration tag from any dog belonging to another, or remove the strap or collar on which the same is fastened. (Code 1993, 2-203; Code 1999)

2-203 SAME; COUNTERFEIT TAG. It shall be unlawful for any person to place on any dog a tag issued for any other dog or to make or use any false, forged or counterfeited tag or imitation thereof. (Code 1993, 2-204; Code 1999)

2-204 EVIDENCE OF VACCINATION. It shall be unlawful for the owner of any dog kept within the City to fail to display a current certificate of immunization against rabies issued by an accredited veterinarian evidencing the vaccination of such dog within two years, when requested by the animal control officer or any law enforcement officer. (Code 1993, 2-204; Code 1999)

2-205 VISITING DOGS. The provisions of this article with respect to registration shall not apply to any dog owned by any person visiting or temporarily remaining within the City for less than 30 days. However, such dogs shall be kept under restraint by the owner thereof at all times. (Code 1999)

2-206 RUNNING AT LARGE; FINE.

(a) It shall be unlawful for the owner or harbor 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 2-207;

(c) The owner of any dog impounded for running at large shall be required to appear

before municipal court;

- (d) Fines for violation of this section shall be determined by the municipal judge.
(Code 1993, 2-204; Code 1999)

2-207 IMPOUNDMENT; RECORD; NOTICE; REDEMPTION; MINIMUM FEE.

(a) The animal control officer or law enforcement officer shall impound any dog or other animal or any fowl found at large in the City or constituting a nuisance or otherwise in violation of this chapter 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) A record of all dogs impounded shall be kept by the City containing the following information: color, sex, weight, height, identifying marks, registration number (if any) and the date of impoundment.

(c) No dog impounded under this section shall be disposed of until after expiration of a minimum of three (3) full business days of custody during which the public has clear access to inspect and recover the dog through time periods ordinarily accepted as usual business hours. During such time of custody, the City shall attempt to notify the owner or custodian of any dog impounded by such facility if the owner or custodian is known or reasonably ascertainable. Such dog may at any time be released to the legal owner, moved to a veterinary hospital for treatment or observation, released in any manner, if such dog was a gift to the animal shelter, or euthanized by a licensed veterinarian if it appears to the veterinarian that the dog is diseased or disabled beyond recovery. 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.

(d) If at any time before the sale or destruction of any dog 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 shall not apply to any dog alleged as being vicious under section 2-117 or suspected of rabies under section 2-121 of this code.

(e) The minimum impoundment fee shall be \$20.00. Any additional fee of \$5.00 per day, plus the actual cost of feeding and maintaining the animal while impounded shall be charged and all fees shall be paid at the time the dog is released to any person claiming said dog.

(f) Any dog impounded may not be released without a current rabies vaccination.

(g) Impoundment there under 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 chapter shall be prima facie evidence of the violation of such provision by the person redeeming the dog. (Code 2001)

2-208 DISPOSITION OF UNCLAIMED DOGS.

(a) If any dog is not redeemed by its owner or harbor within the time allowed for redemption as specified in section 2 thereof, the animal control officer, any authorized law enforcement officer, any authorized veterinarian or any duly authorized pound personnel may destroy such dog or sell the same for the costs of impoundment and keeping, plus any registration fee due for the current year.

(b) No dog may be transferred to the permanent custody of a prospective owner unless:
(1) Such dog has been surgically spayed or neutered before the physical transfer

of the dog occurs; or

(2) The prospective owner signs an agreement to have the dog spayed or neutered and deposits with the City not less than the lowest nor more than the highest cost of spaying or neutering in the community as determined by the City. Any funds deposited pursuant to such an agreement shall be refunded to such person upon presentation of a written statement signed by a licensed veterinarian that the dog has been spayed or neutered. If such person does not reclaim the deposit within six months after receiving custody of the dog, the City shall keep the deposit and may reclaim the un-spayed or un-neutered dog.

(c) Nothing in this section shall be construed to require sterilization of a dog which is being held by the City and which may be claimed by its rightful owner within the holding period established in section 2-207. (Code 2001)

2-209 CONFINEMENT OF DOGS IN HEAT. Any un-spayed 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 dog or dogs 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 removed to the animal shelter shall be charged at the rate established from time to time by the animal shelter for routine confinement. (Code 1993, 2-06; Code 1999)

2-210 MUZZLING.

(a) Vicious Dogs to be Muzzled: It shall be the duty of every owner, keeper or harbinger of any dog in the City, which dog is vicious or has been known to bite, chase, or run after any person or animal in the streets, alleys, or any public place in the City, to keep the same muzzled with a good and sufficient muzzle. Said muzzle shall be an item meant to be used as a muzzle and shall be made of a material which will not harm said dog. Said muzzle shall be securely fastened so as to wholly prevent such dog from biting any animal or person until such time as a determination has been made by the court as to whether the dog is vicious or not. Any person owning, keeping or harboring any dog within the City limits contrary to this section shall be guilty of a violation of this code. (From Article 1 - with slight changes)

(b) Whenever the mayor 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 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 mayor may deem necessary. (Code 1999)

ARTICLE 3 OTHER ANIMALS

2-301 PROHIBITED ANIMALS.

(a) It shall be unlawful for any person, firm or corporation to keep, maintain or have in his or her possession or under his or her control within the city any poisonous reptile or any other dangerous wild animal or reptile, any vicious or dangerous animal or any other animal or reptile of wild, vicious or dangerous propensities.

(b) It shall be unlawful for any person to keep, maintain or have in his or her possession or under his or her control within the city any of the following animals:

- (1) All poisonous animals including rear-fang snakes.
- (2) Apes: Chimpanzees; gibbons; gorillas, orangutans; and siamangs.
- (3) Baboons.
- (4) Badgers.
- (5) Bears.
- (6) Bison.
- (7) Bobcats.
- (8) Cheetahs.
- (9) Crocodilians, 30 inches in length or more.
- (10) Constrictor snakes, six feet in length or more.

- (11) Coyotes.
- (12) Deer; includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose.
- (13) Elephants.
- (14) Game cocks and other fighting birds.
- (15) Hippopotami.
- (16) Hogs.
- (17) Hyenas.
- (18) Jaguars.
- (19) Leopards.
- (20) Lions.
- (21) Lynxes.
- (22) Monkeys.
- (23) Ostriches.
- (24) Pigs.
- (25) Pumas; also known as cougars, mountain lions and panthers.
- (26) Raccoons.
- (27) Rhinoceroses.
- (28) Skunks.
- (29) Tigers.
- (30) Wolves and wolf hybrids.

- (c) 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.
- (d) The municipal judge shall have the authority to order any animal deemed vicious confined, destroyed or removed from the City. (Code 1993, 2-111; Code 1999)

ARTICLE 4 PIT BULL DOGS

2-401 PIT BULL DOGS. It shall be unlawful to keep, harbor, own, or in any way possess within the corporate limits of the city: Any pit bull dog; Pit bull dog is defined to mean:

- (a) The Staffordshire bull terrier breed of dog;
- (b) The American pit bull terrier breed of dog;
- (c) The American Staffordshire terrier breed of dog;
- (d) Any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire bull terrier, American terrier, or a combination of any of these breeds. (Code 1993, 2-401)

2-402 KEEPING OF REGISTERED PIT BULLS. The provisions of 2-401 are not applicable to owners, keepers, or harborers of pit bull dogs, registered with the City.

As of the date of adoption of this code, the City Council has only authorized the registration of one pit bull dog, a police dog utilized by the Clay County Sheriffs department.
(Ord. 2093, Sec. 1)