

CHAPTER 2

DOGS

ARTICLE A. REGISTRATION AND LICENSES

SECTION:

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5-2A-1: DOG LICENSE(S) REQUIRED; KENNELS; FEES:

A. License; Fee: It shall be unlawful for any person to own or keep a dog four (4) months old or older within the corporate limits of the city without making application to the city recorder or other person designated by the mayor and city council, and paying to said city recorder or other person for the benefit of the city, an annual licensing fee in such amount as established by resolution of the city council. Proof of rabies vaccination is required to license a dog. **All new residents who own a dog, or any resident obtaining a new dog will need to license the dog within 30 days. Each property may have a maximum of 2 dogs. In addition to keeping up to 2 dogs as pets, citizens may operate a kennel for its designated purpose, as listed below if all requirements are met and it is approved prior to operating the kennel as described in this section.**

B. **Breeding** Kennels: **Kennels licenses** are intended for dog breeders who plan on keeping more than two (2) adult dogs (over 4 months old). **Breeding Kennels licenses** are not intended for homeowners who have inadvertently obtained more than two (2) adult

dogs and desire to become compliant without the intent of running a dog breeding operation. All other animal related ordinances must be continuously complied with. ~~See this article for details.~~ If the below conditions are met, the city council, **or designee**, may approve an application for a **new Breeding Kennel license or a renewal application for a Breeding Kennel license, after an inspection is performed to ensure that all requirements are met for the Breeding Kennel. If the Breeding Kennel is approved, the applicant shall immediately obtain a dog license for each of the dogs in the Breeding Kennel.**

1. Shelter: An approved kennel requires a permanent humane shelter for dogs including, but not limited to:

- a. Covered enclosure for all animals.
- b. Concrete floor pad which is cleaned at least twice weekly to maintain hygiene, reduce odors and prevent disease.
- c. Fenced with chainlink wire sufficiently strong to ~~keep the particular breed of animals inside the enclosure at all times.~~ **always keep the particular breed of animals inside the enclosure.**
- ~~d. Kennel will be at least twenty feet (20') from all property lines.~~
- ~~e-d.~~ Kennels will be subject to inspection by enforcement officers at any time.

C. Livestock and Hunting Dog Kennels: are intended for residents who utilize those dog breeds associated with livestock protection and control and for those residents who use the typical breeds in the legal, licensed hunting and sportsman activities, as allowed by and governed by the agencies who oversee those activities, and who plan on keeping more than two (2) adult dogs (over 4 months old) for one or more of these purposes. Livestock and Hunting Dog licenses are not intended for homeowners who have inadvertently obtained more than two (2) adult dogs and desire to become compliant without the intent of using the animals with its licensed purpose. All other animal related ordinances must be continuously complied with. If the conditions below are met, the city council, or designee, may approve an application for a new Livestock and Hunting Dog Kennel license or a renewal of a Livestock and Hunting Dog Kennel license after an inspection is performed to ensure that all requirements are met for the Livestock and Hunting Dog Kennel. If the Livestock and Hunting Dog Kennel is approved, the applicant shall immediately obtain a dog license for each of the dogs in the Livestock and Hunting Dog Kennel.

1. Shelter: An approved shelter requires a permanent humane shelter for dogs including, but not limited to:

a. Covered enclosure for all animals.

b. Concrete floor pad or alternative flooring, which is cleaned at least twice weekly to maintain hygiene, reduce odors and prevent disease.

c. Fenced with chainlink wire sufficiently strong to always keep the particular breed of animals inside the enclosure or other fencing as appropriate that is sufficiently strong to keep the particular breed of animals inside the enclosure at all times.

d. Shelters will be subject to inspection by enforcement officers at any time.

2. Application; Forms: The owner shall ~~state at the time application is made for such license and upon printed forms provided for such purpose, the owner's name, address and telephone number, the name, breed, color, sex and age of each dog and the address where such animal is usually kept if different from the address of the owner.~~ **apply for a Kennel using the application designed for each type of Kennel as described in each of the Kennel descriptions and requirements for the type of Kennel that is wanted.**

3. Fees: Approved dog license(s) shall be required to pay **an the applicable** annual **kennel** license fee(s) in such amount as established by resolution of the city council. The maximum number of dogs over four (4) months allowed is four (4). **Any person wanting more than 4 dogs as part of their Kennel , must apply for and be approved for a variance to this ordinance prior to obtaining or keeping more dogs than allowed by this ordinance. All variances must be in writing with clear number of total dogs allowed by the variance. The dates for any variance shall be the same as the dates for all dog licenses and must be renewed annually.** All dogs must maintain current vaccination and licensing status (see subsection A of this section). Owners of dogs unlicensed **at the time within five (5) days of an approved application for a kennel licenses** will be required to pay double the standard fee for each unlicensed dog as a penalty.

C. Term: All licenses that have been legally issued for any period of time may be renewed by the applicant at the expiration of said period by paying the proper fee for the next period of time to the city recorder or other person designated by the mayor and city council. All licenses will be renewed annually by March 31 or the renewal fee will be double. (Ord. 16-04, 3-23-2016)

5-2A-2: ANIMAL CONTROL OFFICER:

The mayor, by and with the consent of the city council, shall ~~appoint some competent hire~~ **or appoint one or more** person(s) to act as animal control officer(s). (Ord. 94-1, 10-18-1994, eff. 10-18-1994)

5-2A-3: COLLARS AND TAGS:

All ~~dogs so licensed~~ **licensed dogs** shall wear a suitable collar with their dog tags attached. Dog tags are not transferable. The city will replace lost or misplaced tags upon payment of a fee in such amount as established by resolution of the city council. (Ord. 94-1, 10-18-1994, eff. 10-18-1994; amd. 2006 Code)

5-2A-4: LEASH REQUIRED:

It shall be unlawful for any owner or keeper of a dog to allow said dog to be on any public street, alley, sidewalk, or any public way or public place within the city, unless said dog is on a leash. (Ord. 94-1, 10-18-1994, eff. 10-18-1994)

5-2A-5: DOGS WITHOUT COLLARS AND UNREGISTERED DOGS:

- A. Any dogs within the corporate limits of the city that are not wearing collars with licenses attached or are running at large are hereby declared to be a nuisance and shall be immediately taken and impounded for a period of three (3) days. Any dog so impounded wherein no owner has called or claimed ~~the same~~ within ~~the said three (3)~~ **five (5) days shall may be humanely euthanized** or caused to be ~~killed~~ **humanely euthanized** by the animal control officer, **or other governing agency in the absence of an Animal Control Officer. Alternatively, governing agencies may choose to implement the following if the animal shelter is designated as a “No-Kill Shelter”.**

The “No Kill Shelter” is expressly authorized and encouraged to use the following humane alternatives before considering euthanasia:

- a. Adoption programs (including off-site events and promotions);**
- b. Transfer of animals to rescue organizations, foster networks, or shelters with available capacity;**
- c. Temporary and permanent foster care placements;**
- d. Behavioral rehabilitation and medical treatment when reasonably feasible;**
- e. Collaboration with qualified nonprofit animal welfare organizations to expand lifesaving capacity.**

B. Any person calling and claiming said dog so impounded shall pay to the city such fees as established by resolution of the city council for any dog that has been impounded and shall produce a collar with a license attached for said dog before said dog is released. The

city recognizes ownership after ~~three (3)~~ **five (5)** days of care (food and water). (Ord. 99-4, 10-19-1999, eff. 10-19-1999; amd. 2006 Code)

5-2A-6: FEMALE DOGS IN HEAT:

~~It shall be unlawful for any person who keeps or owns a female dog to allow the same to run at large while in heat. Said female dog while so in heat and running at large, whether collared or not, shall be humanely killed (Ord. 94-1, 10-18-1994, eff. 10-18-1994)~~

It shall be unlawful for any person who keeps or owns a female dog to allow the same to run at large while in heat. Said female dog while so in heat and running at large, whether collared or not, is hereby declared to be a nuisance and shall be immediately taken and impounded for a period of up to five (5) days. Any dog so impounded wherein no owner has called or claimed the same within the said five (5) days may be humanely euthanized or caused to be humanely euthanized by the animal control officer. Alternatively, governing agencies may choose to follow the guidelines as described in 5-2A-5 if the animal shelter is designated as a "No-Kill Shelter". (Ord. 94-1, 10-18-1994, eff. 10-18-1994)

5-2A-7: DANGEROUS AND MISCHIEVOUS DOGS AT LARGE:

A. It shall be unlawful for any owner or possessor of a fierce, dangerous ("dangerous" or "fierce" is defined the same as "vicious" in section [5-2A-9](#) of this article) or mischievous ("mischievous" is defined as a dog not restrained on a leash and off the owners property) dog to permit the same to be "at large" (meaning off the premises of the owner and not under the control of the owner or a member of his immediate family either by leash, cord, chain or otherwise).

B. Any person may kill a dog while it is attacking, chasing or worrying any domestic animal or person while such dog is being pursued thereafter. (Ord. 94-1, 10-18-1994, eff. 10-18-1994)

5-2A-8: DOGS DISTURBING THE PEACE:

~~A. It shall be unlawful for any person to own, keep or harbor within the limits of the city, any dog which by barking, howling or yelping disturbs the peace and quiet of any neighborhood or person. It shall be unlawful for any person, firm or corporation to allow a dog to bark after ten o'clock (10:00) P.M. and before seven o'clock (7:00) A.M. The first offense will be a verbal warning. The second offense will be a citation. The third offense will be a citation with a petition to the judge to destroy the animal. (Ord. 94-1, 10-18-1994, eff. 10-18-1994)~~

It is unlawful to own, keep, or harbor any dog within the city that, by barking, howling, yelping, or other noise, substantially disturbs the peace or unreasonably annoys nearby persons, or that jumps on fencing, lunges at passersby, or behaves in a menacing or attacking manner that interferes with neighbors' quiet enjoyment of their property at any time.

It is also unlawful to allow a dog to bark between 10:00 p.m. and 7:00 a.m. Any person whose quiet enjoyment of their property or nearby public areas is disturbed by a nuisance dog may file a complaint with animal control, code enforcement, or any authorized law enforcement agency.

A violation occurs when a dog continuously and excessively causes a disturbance for at least ten (10) minutes per incident, at least twice within a one (1) hour period, occurring within a five (5) day period.

No violation shall be found if the dog is responding to trespass, attempted trespass, teasing, or provocation.

Proof of violation must include a written log describing the incidents and unaltered, legally obtained audio or video recordings with timestamps. (Ord. 94-1, 10-18-1994, eff. 10-18-1994)

B. The first offense will be a verbal warning. The second offense will be a citation for a Nuisance Animal. The fee for the Nuisance Animal citation shall be the same as the fine and fees for the First Offense Impound of Animal fee. The third offense will be a citation for a Class C misdemeanor. Any additional offenses (within a 12 month period) will be a citation for a Class B misdemeanor with and may include a petition to the judge to ~~destroy the animal~~ have the animal humanely euthanized by the appropriate agency. Alternatively, governing agencies may choose to follow the guidelines as described in 5-2A-5 if the animal shelter is designated as a "No-Kill Shelter". (Ord. 94-1, 10-18-1994, eff. 10-18-1994)

5-2A-9: VICIOUS DOGS:

A. All vicious dogs shall be confined in a locked and covered enclosure. It shall be unlawful for any owner or keeper to maintain a vicious dog upon any premises which does not have a locked enclosure.

B. It shall be unlawful for any owner or keeper to allow any vicious dog to be outside of the dwelling of the owner or keeper or outside of the enclosure unless the vicious dog shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not exceeding three feet (3') in length, and shall be under

the direct control of a person capable of completely restraining the dog and under the direct supervision of the owner or keeper of the vicious dog.

C. As used in this article, "dog" means any canis familiaris. "Vicious dog" means any dog which, in a vicious or terrorizing manner, approaches any person or domestic animal in apparent attitude of attack. Also, any dog with a known propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or animals on public or private property. "Enclosure" means a fence or structure at least six feet (6') in height, forming or causing an enclosure suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of vicious dog. Vicious dog owners must have an insurance policy with personal liability of one hundred thousand dollars (\$100,000.00). (Ord. 15-05, 11-4-2015)

5-2A-10: OBLIGATION TO PREVENT DOG ATTACKS:

Any owner or keeper of a "dog", as defined in section [5-2A-9](#) of this article, shall keep the dog in a manner and with appropriate precautions to ensure that the dog will not bite or attack a person. Failure to maintain such a dog in a manner and with appropriate precautions to ensure that the dog will not bite or attack a person shall be a class C misdemeanor, subject to penalty as provided in section [1-4-1](#) of this code. (Ord. 94-1, 10-18-1994, eff. 10-18-1994; amd. 2006 Code)

5-2A-11: PENALTY:

Except were otherwise stated in this chapter, Any any person or keeper of a dog violating the provisions of this article, upon conviction thereof, shall be found guilty of a class C misdemeanor and subject to the general penalty provided in section [1-4-1](#) of this code. The animal control officer , **or other governing agency, shall may** be able to approach the court for an order to destroy any vicious, mischievous or biting dog. **Alternatively, governing agencies may choose to follow the guidelines as described in 5-2A-5 if the animal shelter is designated as a "No-Kill Shelter"**. (Ord. 94-1, 10-18-1994, eff. 10-18-1994; amd. 2006 Code)

5-2A-12: ANIMAL WASTE; REMOVAL REQUIRED:

The owner or any person having control over or charge of any dog or other animal shall be responsible for the removal of any feces deposited by such dog or animal in any public place, including, but not limited to, sidewalks, streets, planting strips, parking lots, parks, recreational areas or on private property not in the ownership or control of the person having control or purporting to have control over or charge of such dog or animal. (Ord. 16-04, 3-23-2016)

ARTICLE B. RABIES CONTROL

SECTION:

5-2B-1: Quarantine; Inspection

5-2B-2: Rabid Dogs

5-2B-3: Rabies Shots

5-2B-4: Person Bitten By Dog

5-2B-5: Animal Bitten By Dog

5-2B-1: QUARANTINE; INSPECTION:

Whenever the owner or person having in custody or possession any dog shall have reason to believe that such dog has rabies or has shown symptoms of rabies, such owner or person shall immediately notify the board of health or its health officer to make inspection or examination of such animal and shall immediately confine such animal until such inspection or examination is made. (Ord. 94-1, 10-18-1994, eff. 10-18-1994)

5-2B-2: RABID DOGS:

If it shall appear to the animal control officer upon such examination or inspection that a dog has rabies, it shall be the duty of said officer to kill, or cause to be killed, the dog. (Ord. 94-1, 10-18-1994, eff. 10-18-1994)

5-2B-3: RABIES SHOTS:

All dogs inside the city limits shall be required by law to have current rabies shots. Rabies shots are considered current for two (2) years. (Ord. 94-1, 10-18-1994, eff. 10-18-1994)

5-2B-4: PERSON BITTEN BY DOG:

Whenever any person shall be bitten by a dog, the owner or person having custody of such dog shall immediately notify the animal control officer, who shall confine such dog and keep the same confined for a period of fourteen (14) days. At the end of the fourteen (14) days, the animal control officer will determine if the animal has rabies. All animals quarantined shall pay a fee in such amount as established by resolution of the city council. (Ord. 94-1, 10-18-1994, eff. 10-18-1994; amd. 2006 Code)

5-2B-5: ANIMAL BITTEN BY DOG:

Whenever any animal shall be bitten by a dog having rabies, the owner or person having custody or possession of the animal so bitten shall upon being informed thereof, either kill

such animal forthwith or quarantine it, and keep it tied up or confined for a period of fourteen (14) days, and the animal control officer shall have power in his discretion to kill or quarantine any animals so bitten in case the owner or person having custody or possession thereof shall fail to do so immediately or in case the owner or person having custody thereof is not readily accessible. (Ord. 94-1, 10-18-1994, eff. 10-18-1994)

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