

Title 6 ANIMALS

**Title 6 ANIMALS**

[Sec. 6.04.010. Definitions.](#)

[Sec. 6.04.020. Accidents injuring animals—Responsibility.](#)

[Sec. 6.04.030. Adoption—General.](#)

[Sec. 6.04.040. Animal control officer—Powers and duties.](#)

[Sec. 6.04.050. Animal control shelter—Duties and records.](#)

[Sec. 6.04.060. Animal waste—Owners responsibility.](#)

[Sec. 6.04.070. Animals—Violations.](#)

[Sec. 6.04.080. Animals in motor vehicles—Unlawful acts.](#)

[Sec. 6.04.090. Same—Remedies.](#)

[Sec. 6.04.100. Animals surrendered—Holding.](#)

[Sec. 6.04.110. Breaking into animal control facility—Prohibited.](#)

[Sec. 6.04.120. Citation—Procedure.](#)

[Sec. 6.04.130. Cruelty to animals—Unlawful acts.](#)

[Sec. 6.04.140. Same—Remedies authorized.](#)

[Sec. 6.04.150. Dangerous dog—Responsibilities.](#)

[Sec. 6.04.160. Disposal of animals—Authorized.](#)

[Sec. 6.04.170. Dogs at large—Prohibited.](#)

[Sec. 6.04.180. Same—Impoundment.](#)

[Sec. 6.04.190. Dogs disturbing the peace—Prohibited.](#)

[Sec. 6.04.200. Same—Impoundment.](#)

[Sec. 6.04.210. Enforcement—Police department authority.](#)

[Sec. 6.04.220. Fees—Disposition and use.](#)

[Sec. 6.04.230. Fowl housed within—Prohibited.](#)

[Sec. 6.04.240. Fowl at large—Prohibited.](#)

[Sec. 6.04.250. Same—Impoundment.](#)

[Sec. 6.04.260. Impounded animals—Reclamation.](#)

[Sec. 6.04.270. Same—Release conditions.](#)

[Sec. 6.04.280. Same—Segregation.](#)

[Sec. 6.04.290. Licensing requirements—Dogs.](#)

[Sec. 6.04.300. License fees—Waiver.](#)

[Sec. 6.04.310. Maintaining yard or pen for animals.](#)

[Sec. 6.04.320. Proper food, drink, shade, shelter and care.](#)

[Sec. 6.04.330. Quantity of animals—Restrictions.](#)

[Sec. 6.04.340. Rabbits and pigeons.](#)

Title 6 ANIMALS

[Sec. 6.04.350. Releasing of animals—Unlawful.](#)

[Sec. 6.04.360. Removal of dead animals.](#)

[Sec. 6.04.370. Stock—Prohibited.](#)

[Sec. 6.04.380. Stock at large—Prohibited.](#)

[Sec. 6.04.390. Stock—Impoundment.](#)

[Sec. 6.04.400. Trapping—Restrictions.](#)

[Sec. 6.04.410. Vaccinations and rabies control—Bites.](#)

[Sec. 6.04.420. Vicious animals.](#)

[Sec. 6.04.430. Violation—Citation and notice to appear.](#)

[Sec. 6.04.440. Same—Penalty.](#)

[Sec. 6.04.450. Wild animals prohibited—Exception.](#)

[Sec. 6.04.460. Wolf hybrids—Prohibited.](#)

**Sec. 6.04.010. Definitions.**

*Abandon* means relinquishing, withdrawing or failing to provide for the care, custody and control of an animal without provisions for adequate food, water, shelter or someone to check the animals condition, in excess of 24 hours.

*Adult* means any animal above the age of six months.

*Altered* means spayed or neutered.

*Animal* means any live, vertebrate creature except human beings, domestic or wild.

*Animal control district* means the city limits or other contracted area.

*Animal control office* means any person designated by the city as a lawful enforcement officer who is qualified to perform such duties under the laws of the state.

*Animal control shelter* means any facility operated by the municipal agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

*At large.* A dog is deemed 'at large' if it is off the premises of the owner and the dog is not under restrain nor is it under the control of the owner. "At large" means and shall include any dog which:

- a) Molest people or passing vehicles (including bicycles);
- b) When off premises of the owner, attacks a human or other domestic animal;
- c) Trespasses on school grounds;
- d) Damages public or private property;
- e) Is an unrestrained female dog in heat;
- f) Presents a traffic hazard;
- g) Is on private property without the prior permission of the property owner.

*Cat* means a domesticated feline.

- CODE OF ORDINANCES

Title 6 ANIMALS

*Clean* means premises which do not have an offensive odor, do not have an excessive number of flies or other insects; do not otherwise cause an unsanitary condition in the enclosure(s) of the surroundings where the animals are kept.

*Confined* means with an enclosure designated to prevent intrusion or escape.

*Control* means an animal which is under verbal restraint which:

- a) Is physically capable of hearing normal commands and is obedient to those commands.
- b) Is at the time under consideration, within reasonable proximity to the controller, so that shouting or excessively loud commands are not necessary.

*Dangerous dog* shall mean and include:

- a) Any animal which has been deemed vicious by the municipal court, with a known propensity, tendency, or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of a human being or domestic animal, without provocation on public or private property.
- b) Is trained for dog fighting;
- c) Is owned or harbored primarily or in part for the purpose of dog fighting.

*Dog* means a domesticated canine.

*Domesticated animal* means those individual animals which are tractable or tame. Tractable means easily managed, taught docile or compliant.

*Swelling unit* means one or more rooms and a single kitchen designed for or occupied as a unit by one family or individual for living and cooking purposes.

*Fowl* means any of the larger domestic birds, used as food as the chicken, duck, turkey etc.

*Good repair* means is capable of confining the animal(s) for which the enclosure is being used.

*Hybrid* means the offspring of wild animals bred with domestic dogs and cats.

*Isolation facility* means any place specified by an animal control officer, police officer, or county health officer which is equipped with a pen or cage which isolates an animal from contact with other animals.

*Leash* means a thong, cord, rope chain or similar device which holds an animal in restraint and which is not more than six feet in length.

*Licensing authority* means the city animal control facility or their designees.

*Live trap* means a device designed to capture or contain an animal without causing injury.

*Owner/keeper* means any person partnership or corporation or their agents, owning, keeping or harboring one or more animals. In the case of dogs bearing a license issued by the city, the owner of such dog shall be presumed, in the absence of direct evidence to the contrary, to be registered applicant for such dog license as disclosed by the records in the office of the city clerk. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

*Premises of the owner or keeper of an animal* means only that the property over which the owner or keeper has full possession and control. The unenclosed property of a condominium or city house or the common passageway, parking facility, or unenclosed common yard of an apartment building or trailer court are not premises of any owner or keeper.

*Proper shelter* means natural or artificial shelter appropriate to the local climatic conditions for the species concerned, as necessary for the health of the animals.

*Provocation* means threatening, teasing, or striking an animal or threatening, or striking the animals owner either on or off the animal owner's property.

Title 6 ANIMALS

*Public nuisance* means any animal which trespasses on public or private property; is at large, damages, soils, urinates or defecates on private or public property; causes garbage which has previously been placed in a garbage or refuse container to be strewn or deposited on private or public property; habitually, constantly or frequently disturbs the sleep, rest, tranquility or peace of any neighborhood or person; chases pedestrians, bicyclists, or motor vehicles, attacks other domestic animals, any dog in heat which is not confined, any animal which is tethered in such a way that either it or its tether obstructs any part of a public road, alley, pedestrian walkway; any animal which creates offensive odors disturbing to any neighbor or person.

*Rabies certificate* means a certificate signed by a licensed veterinarian verifying that an animal is vaccinated against rabies, and which includes the date of immunization and the date that the immunization expires.

*Restraint.* An animal shall be considered under restraint if it is under the physical control of a responsible person by a leash or lead no longer than six feet in length, or fixed to a stationary object not within reach of a street or sidewalk, alley or trail by a tether not less than 15 feet in length, but within the real property limits of its owner.

*Surrender* means forfeiture by the owner of ownership and possession to the city.

*Veterinary hospital* means an establishment maintained and operated by a licensed veterinarian for the boarding of animals or the diagnoses and treatment of diseases and injuries of animals.

*Vicious animal* shall mean and include:

- a) Any animal that constitute a physical threat to human beings or other animals; one that bits claws, or attempts to bite or claw any person or other animal.
- b) Any animal which attacks, inflicts injury, assaults, bites or menaces other people or other animals in any public or private place without just provocation;
- c) Any animal which, unrestrained or inadequately restrained without provocation, approaches in an endangering or terrorizing manner, any person upon the street, sidewalk, or any public ground or place; within the animals control district or other contracted area, whether or not the attach was consummated;
- d) Any animal owned or harbored primarily or in part for the purpose of vicious animal fighting or any animal trained for vicious animal fighting.

*Wild animal or exotic pet* means any live monkey (non-human primate), raccoon, skunk, fox, wolf poisonous snake, leopard, panther, lion, lynx or any other warm blooded animal which can normally be found in the wild state.

**Sec. 6.04.020. Accidents injuring animals—Responsibility.**

The driver of any motor vehicle involved in an accident resulting in injury to a domestic animal shall immediately and safely stop and render such assistance as may be possible, and shall take reasonable steps to notify the owner of such animal or give notice of such accident to the local police department or animal control department.

**Sec. 6.04.030. Adoption—General.**

- A. Adoption of any animal shall be by persons deemed by the animals control officer to be a responsible and suitable owner, who will agree to comply with the provisions of this chapter and all amendments thereto; provided that no animal shall be released until fees have been paid. Adoption of a dog [is] conditional until the animal is altered.

Title 6 ANIMALS

- B. A dog impounded under authority of this title and available for adoption as provided in this chapter shall be released to the adopter upon payment of the adoption fee of \$25.00 plus any veterinary care incurred on behalf of said dog. Notwithstanding the foregoing, any person who is over the age of 55 who is deemed by the animal control officer to be a suitable and responsible owner, shall not be charged an adoption fee for a dog to be kept as a pet by the person.

(Ord. No. 988, § 1, 8-6-02)

**Sec. 6.04.040. Animal control officer—Powers and duties.**

- A. The animal control officer shall enforce this title and shall provide all impounding animals with suitable care, feed and water and veterinary attention while so confined.
- B. The animal control officer shall not entice any animal off the owner's premises. The animal control officer may go upon any public property to take into custody any animal suspected of biting a person. The animal control officer may go upon private property when in fresh pursuit of an animal if the officer observed the violation.
- C. The animal control officer shall keep an accurate record of all impounded or surrendered animals confined in the city animal shelter. Such record shall include the date of impoundment, and the following, if known: sex, breed, color, age, inoculation and neutering history and other pertinent facts which may assist in identification or adoption of the animal. At the time of disposal of the animal, the animal control officer shall enter the date, method of disposal and fee charged, name address, and phone number of person receiving such animal, and other information required by the current city form.
- D. The animal control officer may seize and impound any animal at large which has committed in the presence of the animal control officer an act which is defined as a public nuisance. If an animal is injured and the owner cannot be immediately located, the animal control officer shall have authority in the owner's absence to contact with a licensed veterinarian for all necessary and reasonable care for such injured animal.
- E. Upon the veterinarian's recommendation the animal control officer may authorize euthanasia. All reasonable costs incurred for the treatment of the animal shall be reimbursed to the city by the owner. No animal may be repossessed by the owner until such costs have been reimbursed to the city.

**Sec. 6.04.050. Animal control shelter—Duties and records.**

- A. The animal control shelter which is notified or to which an animal is delivered shall keep a record of each animal, giving a description, the date of impoundment or notification, and the disposition of the animal.
- B. The city animal control facility is not required to release the names of the adopters of unclaimed animals.

**Sec. 6.04.060. Animal waste—Owners responsibility.**

- A. It shall be the responsibility of the owner of a dog to keep his/her property free and clear of animal waste so as not to present a potential danger to the public health, as determined by the county health officer. If the determination is made that a situation exists which is potentially dangerous to the public health, a notice of ordinance may be issued.
- B. The owner of every dog shall be responsible for the removal of any excreta deposited by his/her animal on public walks, recreation area, or private property.

Title 6 ANIMALS

**Sec. 6.04.070. Animals—Violations.**

In addition to, or in lieu of impounding a dog found at large, or in violation of any of the section listed in this chapter, the animal control officer or police officer may issue to the known owner (or his agent) of such animal a citation or notice of ordinance violation. A criminal warrant may initiated before the municipal or county judge in the event the owner or his agent fails to appear as stated in the citation or notice, or fails to post an appropriate bond in lieu thereof.

**Sec. 6.040.080. Animals in motor vehicles—Unlawful acts.**

- A. No person shall leave a dog unattended in the bed of a pickup truck in a public parking area unless the dog is restrained in such a manner as to prevent the dog from making physical contact with a pedestrian who is passing the truck in a place where the pedestrian is legally entitled to be.
- B. It is considered cruel and therefore unlawful for a person to leave a dog, cat or any animal unattended in a motor vehicle when the temperature is seventy degrees Fahrenheit or above, unless, in the opinion of the officer adequate ventilation and water is provided.

**Sec. 6.04.090. Same—Remedies.**

- A. If a police officer or animal control officer observes a vehicle parked within the animal control district, in which domestic or wild animals are confined with no means of ventilation or water and circumstances are such that the health or safety of the animal(s) are threatened, the police officer or animal control officer shall immediately attempt to locate the vehicle owner or person responsible to provide ventilation and water, ore remove such animal from the vehicle. If unable to locate the vehicle owner or person responsible within a reasonable amount of time, the police officer or animal control officer shall be empowered to use whatever means are reasonably necessary to enter the vehicle to preclude serious harm to the animal.
- B. No officer or agent taking action under this section shall be labile for damage reasonable necessary to rescue the confined animal.

**Sec. 6.04.100. Animals surrendered—Holding.**

Any dog (animal) surrendered by its owner to the city animal shelter shall be held no less than five days, proving the animal is health, adequate cage space is available, and a surrender fee, if required, has been paid. As a condition of acceptance of a surrendered animal, the animal control officer shall require identification of the person surrendering the animal.

**Sec. 6.04.110. Breaking into animal control facility—Prohibited.**

It is unlawful for any person to break into the animal control shelter, or vehicle, or turn loose or otherwise release any animal impounded therein, or hinder, obstruct or prevent the animal control officer from impounding any animal liable to be impounded.

**Sec. 6.04.120. Citation—Procedure.**

Every animal control officer, upon issuing a citation herein authorized, shall deposit the original of the citation within the municipal court, and shall issue a copy of the same to be given to the person against whom the violation is charged. Upon deposit of the original citation with the court, the citation may be disposed of only by trail in court or other official action by the judge of the court, including forfeiture of the

Title 6 ANIMALS

bail, or by the deposit of sufficient bail with, or payment of the fine to the municipal court by the person to whom the citation was sworn to, as required under the general laws of the state in respect to a complaint charging a commission of the offence alleged in the citation to have been committed, then the citation, when filed with the municipal court, shall be deemed a lawful complaint for the purpose of prosecution under this chapter.

**Sec. 6.04.130. Cruelty to animals—Unlawful acts.**

Cruelty to animals shall be prohibited within the animal control district.

- A. No person shall override, overload, drive when overloaded, overwork, torture or torment an animal, or deprive an animal of necessary sustenance.
- B. No person shall unnecessarily or cruelly beat, mutilate or kill an animal unless specifically authorized by law.
- C. No person shall cause, instigate, be a spectator at or permit a dogfight, cockfight, bullfight (bloodless or otherwise) or other combat involving animals.
- D. No person shall abandon any animal. All animals which are deemed abandoned shall be considered surrendered to the city for impoundment, adoption or disposal.
- E. No person shall fail to provide his/her animal with sufficient good and wholesome food and water, proper shelter to protect it from the weather (including sunlight) veterinary care when needed to prevent suffering, and with humane care and treatment.
- F. It is unlawful to annoy, bait, harass, torment or tease any confined or chained animal.
- G. Unless specifically authorized by law, no person shall willfully maim or disfigure any domestic or wild animal, or administer poison, or cause to be ingested any foreign object to any such animal, or expose a poisonous substance with the intent that it shall be taken by any animal, except pests of public health concern. The provisions of this section do not and will not in any way limit the right of a police officer or animal control officer to kill any domestic or wild animal if such officer determines that there is a reasonable danger to the public safety.

**Sec. 6.04.140. Same—Remedies authorized.**

- A. An animal control officer may lawfully interfere to prevent the perpetration of any act of cruelty upon an animal in his/her presence.
- B. A law enforcement officer or animal control officer may remove, shelter and care for any animal found to be cruelly exposed to the weather, starved or denied water, neglected, abandoned or otherwise treated in a cruel manner, and may deliver the animal(s) to another person to be cared for and given medical attention, if necessary. In all cases, the owner, if known, shall immediately be notified, and such officer or other person having possession of the animals shall have a lien thereon for its care, keeping and medical attention, and expense of notice. If the owner or custodian is unknown and cannot, with reasonable effort, be ascertained, or does not within five days after notice, redeem the animal by paying the expenses incurred, it may be treated as abandoned and dealt with as provided in [section 6.04.160](#)
- C. Whenever, in the opinion of any law enforcement officer, animal control officer or county health officer any animal is suffering from distemper, parvo virus or other serious disease, or is severely maimed and suffering from injury, it shall be lawful for such officer to kill such animal after consulting with a licensed veterinarian. If the animal is licensed or tattooed, and attempts to notify its owner shall be made before the animal is killed. The above mentioned officer or representative may kill an animal without consulting a licensed veterinarian or an owner if it is considered an emergency

Title 6 ANIMALS

situation, to relieve the animal from suffering. The owner thereof shall not recover damages for the killing of such animal unless he/she shall prove that such killing was unwarranted.

- D. If an animal is restrained or confined without food or water or proper attention, the city may enter into and upon any property where the animal is restrained or confined and supply it with necessary food, water and attention, so long as it remains there. If necessary for the health of the animal, the city may remove the animal and not be liable for any action for the entry or for taking possession. If the city reasonably believed that a violation of this section will continue, the city is authorized and empowered to remove and impound the animal. Additionally, the city is authorized and empowered to remove and impound any animal in plain view from immediate life threatening exigent circumstances.

**Sec. 6.40.150. Dangerous dog—Responsibilities.**

Upon conviction of an owner, by a court of competent jurisdiction, of a vicious dog violation, such dog shall be considered a 'dangerous dog.' When a dangerous dog is allowed to remain within the animal control district, the following requirements shall be enforced:

- A. No owner of a dangerous dog shall permit such dog to go beyond the property of the owner or keeper unless such dog is securely muzzled and physically restrained with a chain having a minimum tensile strength of 300 pounds and not exceeding three feet in length.
- B. When off the premises of the owner or keeper such dog shall be accompanied by a competent person, physically capable of handling such dog.
- C. While unattended on the owner's property, a dangerous dog shall be securely confined, in a humane manner, indoors or in a securely enclosed and locked pen or structure suitably designed to prevent the entry of young children and to prevent the dog from escaping. The pen or dangerous animal run area must have all sides six feet high and a secure top. If the pen structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot.
- D. The owner of a dangerous dog shall post warnings signs on the property where the dog is kept that clearly visible and that inform persons that a dangerous dog is on the property.
- E. No person shall possess with the intent to sell, offer for sale, breed, or buy or attempt to buy, within the animal control district any dangerous dog.
- F. Any dangerous dog may be immediately seized and impounded by an animal control officer or police officer if the owner is in violation of this section. The owner shall be responsible for the reasonable cost incurred by the city for the care of a dangerous dog confiscated by the animal control officer or for the destruction of any dangerous dog if the action by the city is pursuant to law and if the owner violated this section. Any such dog shall be retained by the city pending the order of an appropriate court.
- G. In addition to any other penalty, a court may order the city to dispose of a dangerous dog in an expeditious and humane manner.
- H. Any dangerous dog found upon any property, public or private, not the premises of the owner may, if such animal cannot be safely taken up and impounded by reasonable means, be destroyed by the animal control or police officer.
- I. The owner of a dangerous dog shall notify the city within 24 hours of the animal's escape or release, that the animal is loose, unconfined, has attacked another animal, or a human being, has died or been given away. If the dangerous dog has been given away, immediately upon the conveyance, the owner or keeper shall provide the animal control shelter with the name, address and telephone number of the new owner. Upon conveyance, the new owner, if he/she

Title 6 ANIMALS

resides within the animal control district, will be obligated to comply with the requirements of this chapter and section.

**Sec. 6.04.160. Disposal of animals—Authorized.**

No owner shall fail to exercise proper care and control of his/her dog(s) to prevent them from becoming a public nuisance, as defined in [section 6.04.010](#). Any owner which is the subject of three violations of [section 6.04.170](#) and [section 6.04.190](#) within a two-year period shall be, on the third time, declared a habitual public nuisance, and upon determination thereof by the court, the owner shall be required to have the dog destroyed or relocated outside the animal control district. The owner shall have ten days from the date of notification to relocate such dog outside the animal control district and provide proof of such relocation. At the end of this period, if the dog is not relocated, the dog shall be humanely disposed of by the law enforcement authority or the animal control officer at the owners or keepers expense.

**Sec. 6.04.170. Dogs at large—Prohibited.**

It is unlawful for any owner of any dog, or their agent, to allow or permit such dog to be at large, whether licensed or un-licensed.

**Sec. 6.04.180. Same—Impoundment.**

- A. Animal control offices have the authority to take possession of and impound any dog at large. When in pursuit of any dog at large, the officer may go onto private property, exclusive of buildings, and take such animal into possession for impoundment. Such officer may utilize a tranquilizer dart if necessary in order to capture an animal that cannot be captured by any other means.
- B. No person may capture, restrain, harbor or take possession of a dog not owned by such person, unless the person shall notify or deliver the animal to the animal control shelter within 24 hours. This does not apply to person's who take possession of a dog at the owner's request.
- C. If a dog impounded at the animal control shelter, with a valid license attached to its collar, the animal control officer will notify the owner by phone, by mail or in person to the address currently listed on the license receipt.
- D. Dogs impounded at the animal control shelter shall be held no less than five days from the date of impoundment, unless euthanasia prior to that time is deemed necessary or appropriate by the shelter manager or veterinarian advising the animal shelter personnel, before being placed for adoption and no less than ten days from the date impoundment before being humanely disposed of.

**Sec. 6.04.190. Dogs disturbing the peace—Prohibited.**

It is unlawful for an owner or keeper of a dog to allow or permit such dog to cause serious annoyance or disturb to any person or persons by frequent and habitual howling, yelping barking or otherwise.

**Sec. 6.04.200. Same—Impoundment.**

If the owner or keeper of a dog declared to be disturbing the peace, as provided in [section 6.04.190](#), refuses to quiet the dog after being duly notified of the same, it shall be the duty of the police department to apprehend the dog and to cause such dog to be impounded in the animal control shelter. Upon the

Title 6 ANIMALS

capture and impounding of any dog, it shall be the duty of the officer to notify the owner thereof, if such owner can be ascertained, which notice may be given.

**Sec. 6.04.210. Enforcement—Police department authority.**

The provisions of this chapter shall be enforced by the sworn officers of the city police department and animal control officer in the performance of his/her duties, or to fail to obey the lawful order of any animal control officer.

**Sec. 6.04.220. Fees—Disposition and use.**

All licenses fees, impoundment fees, boarding fees, adoption fees and other revenue received by the city animal control shelter shall be deposited into the city's general fund..

**Sec. 6.04.230. Fowl housed within—Prohibited.**

It is unlawful for any person, firm or corporation to own, keep, harbor or care for any domestic fowl within the animal control district. This section shall include but not be limited to chickens, turkeys, geese, ducks, peacocks or guinea fowl.

**Sec. 6.04.240. Fowl at large—Prohibited.**

It is unlawful for any owner or keeper of any domestic fowl, or their agents, to allow or permit such fowl to be at large within the animal control district.

**Sec. 6.04.250. Same—Impoundment.**

Animal control officers have the authority to take possession of any fowl found to be at large within the animal control district. Any fowl captured by the animal control officer may be impounded at the city's animal control facility or may be placed in the custody of another agency or person for the purpose of housing and care prior to the release of such animals back to his custody.

**Sec. 6.04.260. Impounded animals—Reclamation.**

- A. In the event the owner does not claim a dog within ten days the owner will lose all rights of ownership to such dog.
- B. Any dog impounded and the owner being known to the police department, shall be billed for the impound and boarding fees until such dog is reclaimed or destroyed.
- C. Any dog not reclaimed by the owner within the period prescribed in the section cited above shall be deemed abandoned, and shall be placed for adoption in a suitable home, or humanely destroyed. In disposing of unclaimed animals, it shall be lawful for the city or animal shelter to surrender them to the hospital or reputable institution of learning for use in education.

**Sec. 6.04.270. Same—Release conditions.**

- A. The owner of an impounded animal shall pay the city animal control facility an impound fee:
  - 1) For apprehending and impounding any dog, a \$5.00 fee;

- CODE OF ORDINANCES

Title 6 ANIMALS

- 2) If the same dog or another dog from the same household should be apprehended and impounded within one year of the first dog, a \$20.00 fee;
  - 3) If the same dog or another dog from the same household should be apprehend and impounded within one year of the seconded dog a \$50.00 fee.
- B. The owner of an impounded animal shall pay the city animal control facility a boarding fee of \$5.00 per day, or any portion of a day, that the animal is impounded.
- C. The city animal control facility may release an impounded dog to its owner, or representative of the owner, if:
1. The owner or representative presents a valid form of identification;
  2. The owner or representative presents evidence that the dog is licensed. If the animal is not licensed, the owner must purchase a license, only after proving evidence that the dog has been vaccinated against rabies as prescribed in subsection [6.04.410 A.](#);
  - 3) If the owner of keeper does not have a current rabies vaccination certificate, the owner or keeper may be required to place a cash deposit of \$50.00 with the animals to be refunded upon presenting, within five business days thereafter, proof of current rabies vaccination and license.
  - 4) The owner or representative pays the boarding and impoundment fees or fines for the animal.
- D. The city animal control facility may release a dog to a person other than the owner if:
- 1) The owner does not claim an impounded dog within five days;
  - 2) The person to whom the dog is to be released has filled out the necessary adoption application, and returned it for approval by the city animal control facility;
  - 3) The person to whom the dog is to be released signs a statement agreeing to license the dog (according to their local laws), vaccinate the dog against rabies (unless evidence is presented that proves the dog is currently vaccinated), and to alter the animal within two months of adoption, at the person's expense. If the dog is not old enough to be altered within two months of adoption, the dog must be altered no later than eight months of age;
  - 4) The person to whom the dog is to released, if required by the city animal control facility, pays any required adoption fee or boarding charges.
- E. In the event an adopter does not abide by the signed agreement, the city animal control officer may reclaim the dog, and the adopter will forfeit any fee paid for the animal. When reclaiming a dog, animal control officers may go onto private property, exclusive of buildings.

(Ord. No. 988, § 1, 8-6-02)

**Sec. 6.04.280. Same—Segregation.**

Any impounded female while in heat shall be placed in a segregated enclosure.

**Sec. 6.04.290. Licensing requirements—Dogs.**

- A. It is unlawful for any person owning, keeping, harboring or having custody of any dog over six months of age, within the animal control district not obtain a license as provided for in this chapter for the dog. This requirement does not apply to dogs who's owners are not residents of the animal control district, if such animal are not kept in city any longer than 30 days, and while in city such animals are kept under restraint.
- B. No license shall be issued under the provision of this chapter unless the applicant therefore has first exhibited to the licensing authority, a certificate of rabies vaccination issued by a licensed

- CODE OF ORDINANCES

Title 6 ANIMALS

veterinarian of this state or another state, showing that such dog sought to be licensed has within one year past and immediately preceding the date of application for license been vaccinated for rabies.

- C. Dogs must wear license tags at all times when off the premises of the owner.
- D. The licensing authority shall maintain a public record of all tags issued.
- E. A license shall be issued after payment of a \$10.00 fee for all unaltered dogs and a \$5.00 fee for all altered dogs.
- F. A replacement tag may be obtained upon payment of \$1.00 replacement fee, after proof has been shown that a current license was purchased previously. If there is a change in ownership of the dog during the license year, the new owner may have the current license transferred to his name upon payment of \$1.00.
- G. No person shall use any license for any dog other than the dog for which it was issued.
- H. All licenses issued under the provisions of this chapter shall expire on the first of January of each odd-numbered year. The effective date of any license issued shall be January 1 of the preceding odd numbered year. Notwithstanding the definite term of the license, the same may be issued at anytime of the year.
- I. No person other than the owner shall remove the collar or license tag from the licensed animal.

(Ord. No. 988, § 1, 8-6-02)

**Sec. 6.04.300. License fees—Waiver.**

The license fee shall be waived under the following circumstances:

- 1) The applicant is the owner or keeper of an authorized police dog;
- 2) The applicant is totally or partially blind, totally or partially deaf or otherwise physically disabled and is the owner of a guide dog or service dog.

**Sec. 6.04.310. Maintaining yard or pen for animals.**

- A. It is unlawful for any person, firm or corporation to keep, use or maintain any yard, pen or place on his or their premises, or premises under his control, within or near the animal control district, in which a number of cattle, swine, or other animals may be kept in such a manner as to become offensive to any person residing within the vicinity, or annoying to the public. If the determination is made that a situation exists which is offensive to someone residing within the vicinity, a notice of ordinance violation may be issued.
- B. An enclosure is unclean when it contains more than one days eliminations of each animal enclosed therein.
- C. An enclosure is unhealthy when it is likely to cause illness or injury to the animals.

**Sec. 6.04.320. Proper food, drink, shade, shelter and care.**

- A. That each animal shall at suitable intervals and a least once every 24 hours, receive a quantity of wholesome foodstuff suitable for the species physical condition and age, sufficient to maintain an adequate level of nutrition for the animal.
- B. That each animal shall at suitable intervals and at least once every 24 hours, receive an adequate supply of clean, fresh, potable water for the species physical condition, age and such water shall be

Title 6 ANIMALS

provided either free flowing or in a receptacle. If water pans or dishes are used pans or dishes shall have weighted bottoms or be mounted or secured in a manner to prevent tipping.

- C. That each animal shall have convenient access to shelter throughout the year. Any artificial shelter shall be structurally sound and maintained in good repair to protect the animal from injury from the elements, and shall be of sufficient size to permit the animal to enter, stand, turn around and lie down in a natural manner. Any shelter which does not protect the animal from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, shall not comply with this section. This shelter and any other spaces accessible to the animal and all bedding for the animals shall be maintained in a manner which minimizes the risk to the animal fro contracting disease, being injured or becoming infested with parasites.
- D. That each animal receive care and medical treatment for debilitating injuries, parasites and disease, sufficient to maintain the animal in good health and minimize suffering.
- E. That the living area for each animal being kept, confined or restrained shall have adequate drainage such that the animal shall be free to walk or lie down without coming in contact with standing water.
- F. That if any animal is restricted by a chain, leash, wire cable or similar restraint, such restraint shall be designed and placed to prevent choking or strangulation or entanglement with other objects or other animals. Such restrain shall no be less than ten feet in length.
- G. That if any animal is kept in an enclosure, that enclosure shall be constructed of material add in a manner to minimize the risk of injury to the animal, and shall encompass sufficient usable space to keep the animal in good condition. When a dog is confined outside a residence, the following minimum requirements shall be used:

Size of Dog Pen	Size of Dog	Measurements
Extra large	Over 25" at withers or over 75 lbs.	6' x 8' (48 sq. ft.)
Large	Over 20" up to 25," not over 75 lbs.	40 sq. ft.
Medium	Over 12" up to 20," not over 50 lbs.	<a href="#">5</a> x <a href="#">6</a> (30 sq. ft.)
Small	12" or less at withers, not over 20 lbs.	<a href="#">4</a> x <a href="#">6</a> (24 sq. ft.)

An additional [16](#) square feet shall be required for each dog sharing the pen with another animal. The minimum pen size excludes the shelter.

- H. The city animal control shelter shall be exempt from the pen size requirements under this section since the intent is only to hold animals for a maximum of ten days.

**Sec. 6.04.330. Quantity of animals—Restrictions.**

Household pets, including but not limited to dogs and cats, which are generally kept within a dwelling are not permitted in quantities of more than three adult animals over the age of six months per dwelling unit.

Title 6 ANIMALS

**Sec. 6.04.340. Rabbits and pigeons.**

Rabbits and pigeons are allowed within the animal control district; proving that they meet the following requirements:

- a) The animals belong to the individuals owning or renting the property upon which they are kept;
- b) The enclosure, fence, or pen in which animals are kept shall be at least 20 feet from all neighboring residences, unless the owners of said residences waive the requirement in writing;
- c) The animals shall be confined, constrained or in the supervision and control of their owners or keeper at all times;
- d) The fence, pen or enclosure shall be kept in good repair;
- e) The animals are kept for only the purpose of education, science, companionship, exhibitions or personal consumption;
- f) Animals shall not be allowed to make loud or incessant noise which may be annoying or discomforting to neighbors in close proximity.

**Sec. 6.04.350. Releasing of animals—Unlawful.**

It is unlawful for any person who is not the owner of or does not have charge, care, custody or control of any animal to set free the animals from any enclosed area within which the animal is properly restrained or from any restraining device such as a leach or chain which the animal is properly restrained.

**Sec. 6.04.360. Removal of dead animals.**

- A. It shall be the duty of the animal control officer to remove from the streets, alleys and public places within the animal control district all dead dogs, cats and other animals, and to further keep records to include location and description of any such dead animal, and shall notify the owner if known.
- B. It shall be the duty of the owner to dispose of his/her own animals from his/her private property.

**Sec. 6.04.370. Stock—Prohibited.**

It is unlawful for any person, firm or corporation to own, harbor or care for any stock within the animal control district. This section shall include but not be limited to horses, cattle, swine or sheep.

**Sec. 6.04.380. Stock at large—Prohibited.**

It is unlawful for any owner or keeper of any stock, to allow or permit such stock to be at large within the animal control district.

**Sec. 6.04.390. Stock—Impoundment.**

Animal control officers have the authority to take possession of and impound any stock found to be at large within the animal control district. Any stock captured by the animal control officer may be impounded at the city's animal control facility or may be placed in the custody of another agency or person for the purpose of housing and caring for such animals. The owner of such animals shall be required to pay all costs of housing and care prior to the release of such animals back to their custody.

Title 6 ANIMALS

**Sec. 6.04.400. Trapping—Restrictions.**

- A. No traps shall be used for capture of an animal within the animal control district, other than humane live box traps owned by the animal control shelter. Also no traps shall be set when the temperature exceeds 80 degrees Fahrenheit or fall below 32 degrees Fahrenheit, except in an emergency which shall be declared upon the sole discretion of the animal control officer.
- B. Animals captured must be returned to the owner, if known, taken to a local veterinary clinic, if possible, relocated to another home, or humanely disposed of.
- C. Traps must be checked every four hours unless they are set in such a manner as to provide proper shelter once the animal is confined.
- D. Animal control officers may go onto private property, exclusive of buildings, to remove a trapped animal which is not provided with proper shelter.
- E. The final decision for placement of a trap shall be at the discretion of the animal control officer.

**Sec. 6.04.410. Vaccinations and rabies control—Bites.**

- A. The owner of any dog shall have the dog vaccinated against rabies within 30 days after the dog reaches the age of six months. If the owner obtains the dog, or brings the dog in to the animal control district after the dog reaches six months of age, the owner of the dog shall have the dog vaccinated against rabies within 30 days after the dog was obtained or brought into the city animal control district, unless the dog has been vaccinated as evidenced by a current certificate of rabies vaccination from this state or another state. The owner of a dog shall have a dog vaccinated against rabies by a veterinarian before the date that the immunization expires, as stated on the certificate of vaccination, or if no date is specified, within two years after that previous vaccination.
- B. The owner shall pay the cost of the rabies vaccination.
- C. A law enforcement officer, an animal control officer, or a county health officer or his designee may order a dog quarantined if the officer has reason to believe the animal bit a person, is infected with rabies, or has been in contact with a rabid animal. Any dog, if not currently vaccinated against rabies, which inflicts upon any person, a wound breaking the skin shall be impounded within 24 hours, at the isolation facility at the owner's choosing, for a period of no less than ten days, if a quarantine cannot be imposed because the dog cannot be captured, the officer may kill the animal. The officer may kill a dog as a last resort, or if the owner agrees. The officer shall attempt to kill the animal in a humane manner and in a manner which avoids damage to the head. After the animal is dead, the head is to be severed from the body and sent to the state laboratory for examination. In addition, a law enforcement officer, an animal control officer, or a county health officer or his designee may kill a dog and have it examined for rabies if the dog has not been vaccinated as provided in subsection A., if he/she has reason to believe the dog has been exposed to or in physical contact with a rabid animal, and he/she has reason to believe the dog has been in physical contact with humans.
- D. An officer who orders the dog to be quarantined shall deliver the animal, or shall order the animal delivered, to an isolation facility as soon as possible, but no longer than 24 hours after that original order is issued. If the animal is currently immunized against rabies and was not off the premises of the owner at the time of the bite, the officer may order the animal quarantined on the owner's premises. If such animal is found outside the owner's residence, it shall be taken and confined at an isolation facility of the owner's choosing, for the remainder of the confinement period.
- E. The custodian of an isolation facility, shall keep the dog which is ordered to be quarantined in strict isolation under the supervision of a veterinarian. Supervision of a veterinarian for an animal ordered quarantined on the owner's premises shall include examination by a veterinarian within 24 hours of the bite and on the tenth day of quarantine. If the observation period has not been extended, and if

Title 6 ANIMALS

the veterinarian certifies that the dog has not exhibited any symptoms of rabies, the animal may be released from quarantine at the end of ten-day observation period.

- F. If the veterinarian determines that a dog exhibits symptoms of rabies during the original or extended observation period, the veterinarian shall notify the county health officer and the officer who ordered the animal quarantined and the officer or veterinarian, shall humanely destroy the animal, and have the head examined. If the dog has bitten a person, the county health department shall notify the person's physician.
- G. The owner of an animal is responsible for any expenses incurred in connection with the keeping of the animal quarantined in an isolation facility, supervision and examination of the animal by a veterinarian, preparation of the carcass for laboratory examination, and the fee for examination. If the owner is unknown, the city is responsible for these expenses.
- H. An owner who refuses to have a dog vaccinated against rabies as required in this chapter, may in addition to the other penalties be required to forfeit not less than \$25.00 nor more than \$100.00.
- I. An owner who refuses to comply with an order issued under this section to deliver an animal to an officer, isolation facility, or veterinarian, or who does not comply with the conditions of an order that an animal be quarantined, shall be fined not less than \$100.00 and not more than \$750.00 plus court costs.
- J. Any person having knowledge that an animal has bitten a human shall immediately report that incident to the animal control officer or the county health officer, together with the name and address of the person or persons bitten, if known.

**Sec. 6.04.420. Vicious animals.**

- A. No animals may be declared a vicious animal if the animal was protecting or defending a human being within the immediate vicinity of the animal from unjust attack or assault.
- B. No person shall own or harbor any vicious animal for the purpose of fighting, or train, torment, badger, bait or use any animal for the purpose of causing or encouraging unprovoked attacks upon human beings or domestic animals.
- C. If, under the provision of this section, upon conviction of a person for harboring a vicious dog in violation of this section, it shall appear to the court that the dog is living, the court may, in addition to punishment provided for violation of this section, order the animal control officer or any officer to forthwith cause the dog to be humanely destroyed, and for the purpose any such officer charged with such duty shall have the right to enter upon any premises within the animal control district.
- D. This section shall not apply to dogs owned by law enforcement agencies.
- E. The owner of any dog deemed vicious by a court of competent jurisdiction, shall have that animal spayed or neutered, at the owners expense, within 30 days of the determination that the dog is vicious, if such animal is not currently spayed or neutered, and shall show proof of such to the court within 45 days of the determination.

**Sec. 6.04.430. Violation—Citation and notice to appear.**

Whenever an animal control officer or any police officer observes or has reasonable cause to believe that a person has violated the provisions of this chapter such officer is authorized to prepare a written citation containing a notice to appear in municipal court. The citation, at a minimum, shall be written on a form which notifies the person of the offense with which he/she is charged, and the time and place where the person must appear to answer the charge.

Title 6 ANIMALS

**Sec. 6.04.440. Same—Penalty.**

- A. For the purpose of this section a 'conviction' means a finding of guiltily by a court after trial, or a plea of guiltily or no contest to the offence charged.
- B. If any violation is continuing, each day's violation shall be deemed to constitute a separate offence.
- C. Upon a conviction for a violation of any of the provisions of this chapter, a person shall be fined not more than \$750.00, plus any applicable court costs.
- D. All previous records of the violator shall be considered by the court in regard to determination of the penalty.
- E. In addition to the penalties cited above and in section 6.04 the municipal judge shall be empowered to order any dog destroyed after the dog has been deemed vicious by the court. If the judge orders the specific disposition of the animal, such order shall be carried out immediately.

(Ord. No. 988, § 1, 8-6-02)

**Sec. 6.04.450. Wild animals prohibited—Exception.**

It is unlawful for any person to own, keep, harbor or care for any wild animals or exotic pet within the animal control district, except that this section shall not apply to the keeping of small cage-birds or aquatic, amphibians or non-poisonous reptilian animals, or such small rodents as hamsters guinea pigs or gerbils solely as pets, not to any legally incorporated college, university or school.

**Sec. 6.04.460. Wolf hybrids—Prohibited.**

It is unlawful for any person to own, keep, harbor or care for any wolf hybrid. If a wolf hybrid, vaccinated or not, bites someone, it shall be considered a non-vaccinate.

(5-7-96)