

TITLE 7
ANIMALS

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CHAPTER 7.04

DOGS AND CATS

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7.04.010: **DEFINITIONS:**

As used in this chapter:

CAT: Includes all animals of the feline species: male, female, and neutered.

DOG: Includes all animals of the canine species: male, female, and neutered.

PERSON OR OWNER: Any person, corporation, or firm who:

- A. Has a right of property to a dog or cat;

- B. Keeps or harbors a dog or cat;
 C. Has a dog or cat in his care; or
 D. Acts as a custodian of a dog or cat.

PREMISES: Any building, lot, parcel of land, or portion of land, whether improved or unimproved, including adjacent sidewalks, parkways, tree banks and parking strips. (Ord. G52-07 § 1, 2007; Ord. G47-95 § 2, 1995; Ord. G50-86 § 2, 1986)

7.04.030: **RABIES INOCULATION REQUIRED:**

No dog or cat shall be permitted to be kept in the city unless properly inoculated for rabies as required by law. It shall be the duty of the owner to cause the tag issued to the owner evidencing rabies inoculation to be securely attached around the inoculated animal's neck and kept there during the effective period of rabies inoculation. (Ord. G14-96 § 1, 1996; Ord. G47-95 § 3, 1995; Ord. G50-86 § 2, 1986)

7.04.040: **DOGS AT LARGE; PROHIBITED:**

No person shall cause or allow any dog owned or kept by him to run loose at any place within the city, other than on the property of such person. Any dog not upon the owner's property which is not fastened and restrained by a leash shall be deemed at large, and a public nuisance. All dogs found being at large, whether currently

licensed or not, shall be promptly impounded as provided by this chapter. (Ord. G14-96 § 3, 1996; Ord. G50-86 § 2, 1986)

7.04.050: DOGS PROHIBITED IN CERTAIN AREAS:

- A. It is unlawful for any dog, even though on a leash to be or enter upon any school premises, public playground, public swimming pool, public hall, food service establishment, the Fountain Square Mall area, or any sidewalk or path extending through any of the above described areas.
- B. The provisions of this section shall not apply to seeing eye dogs in the performance of their duties.
- C. Special exemptions to subsection A of this section may be granted upon approval of the chief of police or director of parks. (Ord. G14-96 § 3, 1996; Ord. G50-86 § 2, 1986)

7.04.060: DANGEROUS DOGS:

- A. A "dangerous dog" is defined to be a dog which shall cause annoyance or reasonable fear of bodily injury to any person by attacking or threatening to attack such person. Any such dog is declared a nuisance. Any such dog shall be kept contained in a secure enclosure or on a leash and muzzled, so that such dog is rendered incapable of biting, and kept under control at all times.
- B. Any such dog, after being found to be dangerous, and not so confined or restrained shall be promptly impounded.

- C. A dangerous dog which has bitten any person or persons on three (3) occasions will be required to be removed from the city by the owner of such dog. If such dog is not removed, it will be impounded by duly authorized police personnel. (Ord. G14-96 § 3, 1996; Ord. G50-86 § 2, 1986)

7.04.070: DISEASED DOGS OR CATS:

A "diseased dog or cat" is defined to be a dog or cat which is likely carrying hydrophobia (rabies) or any other contagious disease. No such dog or cat shall be permitted in the city. (Ord. G14-96 § 3, 1996; Ord. G47-95 § 5, 1995; Ord. G50-86 § 2, 1986)

7.04.080: DEFECATION; NUISANCE DECLARATION:

It is a public nuisance for any person to cause or allow any dog or cat owned or kept by him to defecate upon any public street, sidewalk or other public place, or upon any premises not owned or controlled by the person owning or keeping the dog or cat; provided, however, that any such defecation is completely and promptly removed by the owner or keeper, the terms of this section shall not be found applicable. (Ord. G14-96 § 3, 1996; Ord. G47-95 § 6, 1995; Ord. G50-86 § 2, 1986)

7.04.090: DAMAGE TO PROPERTY:

No person shall without the consent of the owner of the property concerned, permit or allow any dog or cat in his custody or control to enter upon the premises of another within the city, or permit or allow any dog or cat in his custody to injure or carry away any vegetable, plant, fruit, refuse, shrub,

tree, flower, or any other thing which may be on said premises or which may be planted there. The person having custody of such dog or cat shall be liable for damage incurred. (Ord. G14-96 § 3, 1996; Ord. G47-95 § 7, 1995; Ord. G50-86 § 2, 1986)

7.04.100: DISTURBING THE PEACE:

- A. A dog which disturbs the peace and quiet of a neighborhood by loud barking, howling, or other noises is declared to be a nuisance. Any person who harbors any such dog within the city shall be subjected to the penalties provided by this code.
- B. If a person having control of such barking dog cannot be located, or the dog cannot be sufficiently confined, the dog may be impounded to return peace to the neighborhood. The dog may be returned to the owner as provided in section 7.04.130 of this chapter. (Ord. G14-96 § 3, 1996; Ord. G50-86 § 2, 1986)

7.04.110: LIMITATION ON NUMBER OF DOGS TO BE KEPT:

- A. No person shall permit more than three (3) dogs to be kept in or about any single-family residence or more than two (2) dogs in any single-family unit of any multiple-family housing building within the city.
- B. This section shall apply only to dogs over three (3) months of age.
- C. When circumstances dictate removal of any dog(s) to assure compliance with this section, the officer shall noti-

fy the county circuit court of the violation and apply for an order of removal.

- D. This section shall not be held applicable to residences having more than the designated number of animals on the date of this section's enactment. (Ord. G14-96 § 3, 1996; Ord. G44-93 § 1, 1993; Ord. G50-86 § 2, 1986)

7.04.120: ANIMAL BITES; OWNER'S DUTIES:

- A. It is unlawful for the owner or keeper of any dog or cat or other animal when notified that such animal has bitten or scratched any person or has otherwise injured any person so as to cause an abrasion of the skin, to sell or give away such dog or cat or other animal or allow such dog or cat or animal to be taken away beyond the limits of the county; but it shall be the duty of such owner, upon receiving notice of the incident aforesaid to immediately place such dog or cat or animal in a duly licensed veterinary hospital where such dog or cat or animal shall be confined for a period of at least ten (10) days for observation, or cause to be delivered, any such dog or cat or animal to offer for required observation. In case such dog or cat or other animal is delivered to a veterinary hospital, notice of the name and location of such hospital shall be immediately furnished to the officer by the owner of such dog or cat or other animal, and upon receipt of such dog or cat or animal, the veterinary hospital shall submit to the officer a certificate stating that such dog or cat or other animal either shows no symptoms of rabies or does show symptoms of rabies. If, at the expira-

tion of the ten (10) days of confinement in such veterinary hospital, the veterinary hospital submits to the officer a second certificate stating that the dog or cat or other animal does not have rabies, the dog or cat or other animal may then be released to the owner.

- B. If, however, evidence is presented that such dog or cat or animal has been inoculated against rabies within the time prescribed by law prior to the biting, such dog or cat or animal shall be confined in the house of its owner or in a manner that will prohibit such dog or cat or other animal from biting any person for a period of ten (10) days, unless in the judgment of the officer, rabies inspector, or the veterinarian, circumstances are such that the dog or cat or animal should be confined elsewhere. Such dog or cat or animal so confined shall be examined by a licensed veterinarian on the first, fifth, and tenth day during confinement. If at the expiration of the ten (10) days of confinement the veterinarian submits a certificate stating that the dog or cat or other animal does not have rabies, the dog or cat or other animal may be released to the owner.
- C. The owner of any dog or cat or other animal suspected to have been involved in a biting incident may be required to surrender the dog, cat or animal to an officer upon demand.
- D. When an officer believes that a dog or cat or other animal may present a danger to the public by its propensity to bite or otherwise injure a person, such officer shall notify the appropriate circuit court of the situation and

apply for an order of removal or destruction of the animal. (Ord. G14-96 § 3, 1996; Ord. G47-95 § 8, 1995; Ord. G50-86 § 2, 1986)

7.04.130: IMPOUNDMENT; REDEMPTION; FEES:

- A. Any dog which has been impounded or taken up for being at large or for any violation of law may be redeemed by the owner of such dog upon payment to the city of the sum of fifty dollars (\$50.00), for the cost of taking up and impounding such animal. The owner must also pay the cost of keeping the animal during the impoundment.
- B. Payment of redemption or professional fees shall not release the owner from other complaints being brought or fines being levied under this chapter. (Ord. G14-96 § 4, 1996; Ord. G50-86 § 2, 1986)

7.04.140: NUISANCE DECLARATION; REMOVAL OR DESTRUCTION OF DOG:

A dangerous dog or a dog found at large on at least three (3) separate occasions or a dog otherwise declared to be a public nuisance under the provisions of this chapter, will be required to be removed from the city by the owner of such dog. If such dog is not removed, it will be impounded by duly authorized police personnel, and such officer shall notify the applicable county circuit court of the situation and apply for an order of removal or destruction of the animal. (Ord. G14-96 § 5, 1996; Ord. G50-86 § 2, 1986)

7.04.150: **PENALTY FOR VIOLA-
TION:**

Any person violating the provisions of this Chapter shall be punished for a first offense by a fine of not less than fifty dollars (\$50.00), for a second offense by a fine of not less than seventy five dollars (\$75.00), and for a third offense and any subsequent offenses by a fine of not less than one hundred dollars (\$100.00). Each day that an offense continues shall be deemed to constitute a separate violation of this Chapter. (Ord. G14-96 § 6, 1996)

CHAPTER 7.08

KEEPING REGULATIONS

SECTION:

- 7.08.010: Definitions
 7.08.020: Cruelty To Animals
 7.08.030: Dangerous Or Wild Animals
 7.08.040: Noisy Animals
 7.08.050: Farm Animals

7.08.010: **DEFINITIONS:**

The word "animal" as used in this Chapter means any living creature, domestic or wild, but does not include man. (Ord. G50-86 § 2, 1986)

7.08.020: **CRUELTY TO ANIMALS:**

No person shall beat or cruelly treat any animal in any manner, including, but not limited to, the following:

- A. By overloading, overdriving, overworking, cruelly beating, torturing, tormenting, mutilating, or cruelly killing any animal, or causing or knowing the same to be done;
- B. By cruelly working any old, maimed, infirm, sick or disabled animal, or causing or knowingly allowing the same to be done;
- C. By unnecessarily failing to provide any animal in his charge or custody as owner or otherwise with proper food, drink, shelter, and air for twenty four (24) hours or longer;

- D. By failing to provide necessary veterinary attention to sick animals in need in his ownership;
- E. By abandoning any animal where it may become a public charge or may suffer injury, hunger, or exposure;
- F. By operating, managing, maintaining, charging admission to, or being a patron at any place used for the purpose of fighting or baiting any bull, bear, dog, cock, or any other animal;
- G. By carrying or causing to be carried, driven or kept, any animal in an unnecessarily cruel manner;
- H. No dog or any other animal shall be left completely enclosed in a parked vehicle without adequate ventilation, in such a way as to subject the animal to temperatures sufficiently above ambient to affect the animal's health and welfare;
- I. No dog or any other animal shall be transported on any public thoroughfare in any vehicle unless such animal is totally enclosed within such vehicle, within a secured container carried upon such vehicle, or securely cross-tethered to such vehicle in such a way as to prevent any injury to the animal. (Ord. G50-86 § 2, 1986)

7.08.030: DANGEROUS OR WILD ANIMALS:

- A. It is unlawful to keep or harbor in the City any animal which is *ferae naturae* in the eyes of the law. It is unlawful to own any animal which would be dangerous to the public as a result of its propensity to injure persons.
- B. The members of the Police Department, or any other person in the City, are authorized to kill any dangerous animals of any kind when it is necessary for the protection of any person or property. (Ord. G50-86 § 2, 1986)

7.08.040: NOISY ANIMALS:

- A. It is unlawful to harbor or keep any animal which disturbs the peace by loud noises at any time of the day or night.
- B. When circumstances dictate removal of such animal for the peace of the neighborhood, the animal shall be removed and impounded. (Ord. G50-86 § 2, 1986)

7.08.050: FARM ANIMALS:

It is unlawful to raise or keep any animal commonly considered a farm animal, including, but not limited to:

- A. Cows;
- B. Horses;
- C. Pigs;
- D. Chickens. (Ord. G50-86 § 2, 1986)