

# Title 5 – Public Safety

## Chapter 5

### ANIMAL CONTROL

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**5-5-1: DEFINITIONS:**

When used in this chapter, the following words, terms and phrases, and their derivations, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**ANIMAL:** Any live creature, both domestic and wild, except humans. "Animal" includes fowl, fish and reptiles.

**ANIMAL SHELTER:** Any facility operated by the town, county, other municipality, or humane society for the temporary care, confinement and detention of animals, and for the humane killing and other disposition of animals. The term shall also include any private facility authorized by the public safety director or designee to impound, confine, detain, care for or destroy any animal.

**AT HEEL:** A dog that is directly behind or next to a person and obedient to that person's command.

**AT LARGE:** An animal that is off the premises of the owner, and not on a leash or otherwise under the immediate control of a person physically capable of restraining the animal.

**DISPOSITION:** Adoption, quarantine, voluntary or involuntary custodianship or placement, or euthanasia humanely administered to an animal. "Disposition" includes placement or sale of an animal to the general public, or removal of an animal from any pet shop to any other location.

**DOMESTIC ANIMAL:** Includes dogs, cats, domesticated sheep, horses, cattle, goats, swine, fowl, ducks, geese, turkeys, confined domestic hares and rabbits, pheasants, and other birds and animals raised and/or maintained in confinement.

**IMPOUNDMENT:** The taking into custody of an animal by any police officer, animal control officer, or any authorized representative thereof.

**MUZZLE:** A device constructed of strong, soft material, or of metal, designed to fasten over the mouth of an animal to prevent the animal from biting any person or other animal.

**NUISANCE ANIMAL:** Any nuisance arising out of the keeping, maintaining or owning of, or failure to exercise sufficient control of, an animal.

**OWNER:** Any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by this chapter. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) or more consecutive days.

**PUBLIC NUISANCE ANIMAL:** Any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to the enjoyment of life or property. The term "public nuisance animal" shall include, but not be limited to:

- A. Any animal that is offensive or dangerous to the public health, safety or welfare by virtue of the number of animals maintained at a single residence or the inadequacy of the facilities;
- B. Any animal that is repeatedly found running at large;
- C. Any dog or cat in any section of a park or public recreation area, unless the dog or cat is controlled by a leash or similar physical restraint;
- D. Any animal that damages, soils, defiles or defecates on any property other than that of its owner;
- E. Any animal that makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- F. Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- G. Any animal in heat that is not confined so as to prevent attraction or contact with other animals;

- H. Any animal, whether or not on the property of its owner, that without provocation, molests, attacks or otherwise interferes with the freedom of movement of persons in a public right of way;
- I. Any animal that chases motor vehicles in a public right of way;
- J. Any animal that attacks domestic animals; or
- K. Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored.

**SANITARY:** A condition of good order and cleanliness to minimize the possibility of disease transmission.

**UNDER RESTRAINT:** An animal that is secured by a leash or lead and under the control of a person physically capable of restraining the animal and obedient to that person's commands, or securely enclosed within the real property limits of the owner's premises.

**VICIOUS OR DANGEROUS ANIMAL:** Any animal that attacks, bites or physically injures human beings, domestic animals or livestock without adequate provocation, or which, because of temperament or training, has a known propensity to attack, bite or physically injure human beings, domestic animals or livestock. Any wild animal, or any animal that without provocation has bitten or attacked a human being or other animal, shall be prima facie presumed vicious or dangerous.

**WILD ANIMAL:** Any live monkey, nonhuman primate, raccoon, skunk, fox, leopard, panther, tiger, lion, lynx or any other warm blooded animal that can normally be found in the wild state. The term "wild animal" does not include: domestic dogs (excluding hybrids with wolves, coyotes or jackals), domestic cats (excluding hybrids with ocelots or margays), farm animals, rodents, any hybrid animal that is part wild, and captive bred species of common cage birds. (Ord. 02-001, 2-12-2002)

#### **5-5-2: LICENSING AND VACCINATION OF CATS AND DOGS:**

- A. License And Vaccination Required: All dogs and cats shall be licensed by the public safety department on a yearly basis. Such licensing shall require a proof of vaccination for rabies, distemper and parvo;
- B. Citation For Unlicensed Pet: The public safety department shall issue its citation to the owner of any pet that is impounded without the appropriate license and vaccination certification. There will be a ten (10) day grace period in which the cited owner may, upon proof of vaccination, purchase a pet license is purchased during the grace period, there will be no fine levied. If a license for the pet is not purchased within the ten (10) day grace period, the pet owner will be levied a twenty five dollar (\$25.00) fine. Any pet impounded with an outstanding citation unpaid shall be transported to the nearest available animal shelter and the owner shall be assessed the shelter's current fee. (Ord. 86-007, 5-27-1986; amd. 2010 Code)

C. Fees And Procedures Established: The fees and administrative procedures for processing the mandatory license applications shall be established by the town council by resolution, and amended as necessary from time to time. (Ord. 86-007, 5-27-1986)

### **5-5-3: NUISANCES:**

It shall be unlawful for any person to keep any animal on corporate limits of the town when the keeping of such animal constitutes a public nuisance or menace to public health or safety. (Ord. 02-001, 2-12-2002)

### **5-5-4: NUMEROUS ANIMALS:**

It shall be unlawful for any person to keep more than three (3) dogs, cats or other animals within the town; except that a litter of pumps, kittens or other young animals may be kept for a period of time not exceeding five (5) months from birth. This section shall not apply to any establishment where animals are kept for breeding, sale, sporting purposes or boarding. (Ord. 02-001, 2-12-2002; amd. 2010 Code)

### **5-5-5: CARING FOR ANIMALS:**

- A. Humane Care And Treatment Required: It shall be unlawful for the owner or custodian of any animal to refuse or fail to provide such animal with sufficient wholesome and nutritious food, potable water, veterinary care when needed to prevent suffering, humane care and treatment, or to unnecessarily expose any such animal to hot, stormy, cold or inclement weather.
- B. Abandonment Prohibited: No owner or custodian of any animal shall wilfully abandon such animal on any street, road, highway or public place, or on private property when not in the care of another person. (Ord. 02-001, 2-12-2002)

### **5-5-6: SANITATION:**

- A. Removal Of Waste: No owner or custodian of any animal shall cause or allow such animal to soil, defile or defecate on any public property, or upon any street, sidewalk, public way, play area or common ground owned jointly by the members of a homeowners' or condominium association, or upon private property other than that of the owner, unless such owner or custodian immediately removes and disposes of all feces deposited by such animal by the following methods:
  - 1. Collection of the feces by appropriate implement and placement in appropriate implement and placement in a paper or plastic bag or other container; and

2. Removal of such bag or container to the property of the animal owner or custodian and disposition thereafter in a manner as otherwise may be permitted by law.
- B. Collection Of Waste: No person owning, harboring or keeping an animal within the town shall permit any waste matter from the animal to collect and remain on the property of the owner or custodian, or on the property of others, so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition on the owner's or custodian's property, or to abutting property of others.
  - C. Inadequate Facilities: No person owning, harboring, keeping or in charge of an animal shall cause unsanitary, dangerous or offensive conditions by virtue of the size or number of animals maintained at a single location or due to the inadequacy of the facilities. (Ord. 02-001, 2-12-2002)

#### **5-5-7: CRUELTY TO ANIMALS:**

- A. Prohibited: It shall be unlawful for any person to wilfully or maliciously strike, beat, abuse or intentionally run down with a vehicle any animal, or otherwise engage in any act to cause or inflict unnecessary pain, injury, suffering or death to such animal; except that reasonable force ; Exception: No person, except a licensed veterinarian for humanitarian purposes, shall administer poison to any animal, or knowingly leave poisonous substance of any kind or ground glass in any place with the intent to injure any animal. The provisions of this subsection are not applicable to licensed exterminators using poisons as part of a pest control program or the use of commercial insecticides and rodent baits used to control insects and wild rodents. (Ord. 02-001, 2-12-2002)

#### **5-5-8: RESTRAINT AND CONFINEMENT; GENERALLY:**

- A. Restraint Required: It shall be unlawful for the owner of any animal to fail to keep such animal under restraint or to permit such animal to run at large upon the streets and public ways of the town.
- B. Leash Or Other Method To Prevent At Large: Any dog, while on a street, sidewalk, public way or in any park, public square or other public space, or upon any private property without be at heel and securely muzzled.
- C. Nuisance Prohibited: No owner or custodian of any animal shall fail to exercise proper care and control of such animal to prevent the same from becoming a public nuisance.
- D. Females: Every female dog or cat in heat shall be confined in a building or other enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.
- E. Exception: The provisions of this section shall not apply to dogs owned or controlled by government law enforcement agencies. (Ord. 02-001, 2-12-2002)

#### **5-5-9: VICIOUS AND DANGEROUS ANIMALS:**

Every vicious animal shall be confined by its owner or authorized agent of its owner within a building or secure enclosure, and whenever off the premises of its owner shall be securely muzzled and restrained with a chain having a minimum tensile strength of three hundred (300) pounds and not more than three feet (3') in length, or caged. Every person harboring a vicious animal is charged with an affirmative duty to confine the animal in such a way that children do not have access to such animal. (Ord. 02-001, 2-12-2002)

#### **5-5-10: PROPERTY OWNERS MAY IMPOUND:**

Any person finding an animal at large upon his property may remove the same to any animal shelter that will take possession of the animal. If no animal in his own possession, and as soon as possible, notify the public safety department. The property owner shall provide a description of the animal and the name of the owner if known. The department shall dispatch an officer to take possession of the animal. (Ord. 02-001, 2-12-2002)

#### **5-5-11: RETURN OF ANIMAL TO OWNER:**

If the name of the owner or custodian of an animal found at large is known or can be obtained with reasonable dispatch, the public safety officer shall return the animal to the residential address of the owner. If there is no one present, the officer shall leave written notice of whom the owner must contact to reclaim the animal. The officer shall then remove the animal to the nearest animal hospital or shelter that will accept the animal. (Ord. 02-001, 2-12-2002)

#### **5-5-12: IMPOUNDMENT:**

A. Authorized Animals: In addition to any other remedies provided in this chapter, a public safety officer may seize, impound and humanely confine to an animal shelter or hospital any of the following animals:

1. Any dog or cat without a valid license tag;
2. An animal at large;
3. Any animal constituting a public nuisance or considered a danger to the public;
4. Any animal that is in violation of any quarantine or confinement order of the public safety director;
5. Any unattended animal that is ill, injured or otherwise in need of care;
6. Any animal that is reasonably believed to have been abused or neglected;

7. Any animal that is reasonably suspected of having rabies;
8. Any animal that is charged with being potentially dangerous, or dangerous, where an animal control officer or the public safety director determines that there is a threat to public health and safety;
9. Any animal that a court of competent jurisdiction has ordered impounded or destroyed;
10. Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested or evicted from his regular place of residence.

B. Notice Of Violation: An animal control officer or Police Officer may also, in lieu of impoundment, issue to the owner a notice of violation. (Ord. 02-001, 2-12-2002; amd. 2010 Code)

#### **5-5-13: NOTICE TO OWNER AND REDEMPTION:**

- A. Notice Requirements: Upon impoundment of an animal, the department of animal control shall immediately attempt to notify the owner by telephone or certified mail. If the owner is unknown, the department shall post written notice for three (3) days at three (3) or more conspicuous places in the town describing the animal and the time and place of taking. Any notice to the owner shall also include the location of the shelter or hospital where the animal is confined, hours during which the animal can be reclaimed, and fees to be charged to the owner. The owner shall also be advised that the failure to claim the animal within a specified period of time may result in the disposition of the animal.
- B. Disposition Of Unclaimed Animals: Any animal not reclaimed by its owner within ten (10) working days shall become the property of the town and shall be placed for adoption in a suitable home or euthanized in a manner prescribed by the local humane society. (Ord. 02-001, 2-12-2002; amd. 2010 Code)

#### **5-5-14: ENFORCEMENT:**

Animal control officers or other designees of the public safety director shall be the enforcement officials for this chapter. These officials, along with police officers, shall have the authority to act on behalf of the town in investigating complaints, impounding and destroying animals, issuing citations, and taking other lawful actions as required to enforce the provisions of this chapter. It shall be a violation of this chapter to interfere with any animal control officer or other enforcement official in the performance of his duties. (Ord. 02-001, 2-12-2002; amd. 2010 Code)

**5-5-15: PENALTY:**

It shall be a violation of this chapter to:

- A. Fail to comply with any provision of this chapter;
- B. Fail to comply with any lawful order of the public safety department, an Animal Control Officer or Police Officer, unless such order is lawfully stayed or reversed. (Ord. 02-001, 2-12-2002; amd. 2010 Code)