

Animals

PART 4

ANIMALS

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## Animals

Animals

ARTICLE A

GENERAL PROVISIONS

SECTION 4-101 DEFINITIONS

The following words and phrases when used in this chapter shall have the meanings prescribed in this section except in those cases where the context clearly indicates a different meaning:

1. "Animal" means all vertebrate and invertebrate animals such as, but not limited to, any dog, cat, bovine, cattle, horses and other equines, hogs, goats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons and other fowl or wild mammals, reptiles, fish or birds that have been tamed, domesticated or captivated;
2. "Animal control officer" means the person or persons designated by the city manager as an enforcement officer for this chapter;
3. "Animal shelter" means any premises officially designated by the city for the purpose of impounding and caring for all animals found in violation of this chapter;
4. "At large" means any dog or cat when he is not under restraint;
5. "Cat " means and includes any cat and every other animal of feline species at the age of two (2) months or older which is situated within the city limits for a period of fifteen (15) consecutive days or more;
6. "Cattery" means any premise operated for profit where there is being maintained or harbored a total of four (4) or more cats, except veterinary hospitals;
7. "Confined on the premises" means that condition in which a dog or cat is securely and physically confined and retained on and within the premises of the owner or keeper by means of walls or fences;
8. "Contracted veterinarian" means a licensed veterinarian who has entered into a contract with the city to provide services pertaining to animal control;
9. "Dangerous animal" means any animal that when unprovoked:
  - a. Approaches a person in a menacing fashion or apparent attitude of attack on public property;

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- b. Has a known propensity, tendency or disposition to attack, cause injury, or otherwise to threaten the safety of humans or domestic animals;
  - c. Has been on three (3) or more occasions at large; or
  - d. Is un-licensed;
10. "Dog" means any dog or other animal of the canine species at the age of two (2) months or more which is situated within the city limits for a period of fifteen (15) days or more;
11. "Harboring" means any person who allows any animal to habitually remain or lodge or to be fed within his home, store, yard, enclosure or place of business or any other premises in which such person resides or controls, shall be considered as harboring such animal;
12. "Kennel" means any premise operated for profit where there is being maintained or harbored a total of three (3) or more dogs, over three (3) months of age, except veterinary hospitals;
13. "Owner" means any person or group of persons possessing, keeping, harboring, having an interest in or having custody or control of an animal or animals;
14. "Restraint" means a dog or cat is under restraint within the meaning of this chapter if he is controlled by a leash not more than eight (8) feet in length or at "heel" beside a competent person and obedient to that person's commands, or confined on the premises of his owner or keeper;
15. "Stray" means any animal which does not appear, upon reasonable inquiry, to have an owner;
16. "Unconfined dangerous animal" means a dangerous animal that is not:
- a. Securely confined indoors on the premises of the owner;
  - b. Confined in a securely closed and locked pen or structure upon the premises of the owner;
  - c. Chained by a chain which will not allow it to come within six (6) feet of a fence which prevents the entry of young children on the premises of the owner; or

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d. On the owner's premises, unless such animal is securely chained or leashed and muzzled and under the owner's physical control.

17. "Unconfined vicious animal" means a vicious animal that is not:

- a. Securely confined indoors while on the owner's premises; or
- b. In a securely enclosed and locked pen or structure suitable to prevent entry or injury of young children and preventing the animal from escaping. Such pen or structure shall have secure sides and top and enclosed within a fence to prevent young children from approaching the pen or structure;

18. "Vicious animal" means:

- a. Any animal which has on two (2) or more occasions attacked or bitten either a human or a domestic animal; or
- b. An animal that has been adjudicated to be vicious and is either un-licensed or unconfined; and

19. "Vicious dog" means any dog that when unprovoked has attacked or bitten either a human or a domestic animal on public or private property.

### SECTION 4-102 ANIMALS NOT TO BE AT LARGE

No owner shall permit any animal (including a dog, cat or fowl) owned, harbored, or kept by him to be at large within the city. It is unlawful for any animal to be at large at any time within the city.

### SECTION 4-103 TURNING ANIMALS AT LARGE UNLAWFUL

It is unlawful for any person to open any enclosure in which any animal is confined as required by ordinance so as to turn the animal at large or in any manner to turn the animal at large.

### SECTION 4-104 PASTURING IN PUBLIC AREAS ILLEGAL

It is unlawful for any person to stake, confine or pasture any animal on any public school ground or other public property, federal, state, city or other, on any railroad right-of-way, or on any property without the consent of the person owning or controlling such property.



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### SECTION 4-105 CERTAIN ANIMALS NOT TO BE KEPT WITHIN CITY, EXCEPTIONS

A. It is unlawful for any person to keep swine, cattle, horse, mule, goat, sheep, livestock, fowl or exotic animal, as provided in Section 4-150 of this code, within the city, except in the following circumstances:

1. Those instances in which animals are kept in an enclosure awaiting an immediate transportation;
2. Those instances in which animals do not remain in the city for a period longer than seventy-two (72) hours; or
3. Those instances in which animals are kept on properties properly zoned agricultural by the city.
4. No more than two (2) chickens/hens are permitted in a single family dwelling only, no roosters are allowed, no outside slaughtering of birds, all fowl must be kept in a secure enclosure. Enclosure must be at least twenty-five (25) feet from the nearest neighbor's residence and enclosures are to be kept neat and sanitary at all times and cleaned on a regular basis so as to prevent offensive odors. The location of the cage/coop must be in the back yard of the house enclosed by chain link or privacy fence and must meet the requirements of an accessory structure in the city zoning ordinance for the zoning district in which it is located. The enclosure must protect the poultry from the elements. No chickens/hens are allowed within the city unless a valid permit has been issued by the City of Coweta.

This section is not intended to apply to indoor birds kept as pets such as parrots or parakeets, nor does it apply to poultry kept in agriculturally zoned areas (AG). Fowl currently existing in the city shall not be "grand-fathered" or permitted to remain after the effective date of this Ordinance; however, owners of the poultry will have ninety (90) days from the effective date to come into compliance with is ordinance.

- B. The keeping or maintaining, or permitting to be kept or maintained, any of the animals listed in Subsection A hereof within the city in violation of this section is hereby declared to be a public nuisance.

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### SECTION 4-106 ANIMALS WHICH DISTURB PROHIBITED

It is unlawful for any person to keep or harbor within the city any dog or other animal which, by barking, howling, crowing or otherwise, disturbs the peace and quiet of any person.

### SECTION 4-107 BUILDINGS FOR ANIMALS, CONSTRUCTION AND CONDITIONS

A. Every stable or building wherein any animal is kept within the city shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times and not be offensive or dangerous to the public health.

B. Every such building, if located within two hundred (200) feet of any apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious, or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which such animal is kept, shall be provided with a water-tight and fly-tight receptacle for manure or droppings, of such size as to hold all accumulations of manure or droppings. The receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure or droppings shall be allowed to accumulate on such premises except in the receptacle.

C. No building, structure, chicken coop, dovecote, rabbit warren, yard or other establishment wherein animals are kept shall be maintained closer than forty (40) feet to any tenement, business or residence other than that occupied by the owner or occupant of the premises upon which such animal(s) are kept. Such premises shall be maintained in clean and sanitary condition free from objectionable odors.

### SECTION 4-108 ANIMAL CONTROL OFFICER TO INSPECT

The animal control officer, upon complaint of any person, shall inspect any structure or place where an animal is kept, and may do so on his own initiative. He may issue any such reasonable order as he may deem necessary to the owner of the animal to cause the animal to be kept as provided in this chapter or in a manner so as not to constitute a nuisance. He may make a complaint before the municipal judge against any person for violation of any provision of this chapter or of any such reasonable order, but this procedure shall not abridge the right of others to make such complaint.

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### SECTION 4-109 ANIMAL A NUISANCE

A. An animal is a nuisance which by loud, frequent or habitual barking, howling, yelping or other noise or action disturbs any person or neighborhood within the city limits. Any animal which scratches or digs into any flower bed, garden, tilled soil, shrubbery, and in so doing injures the same, or which habitually prowls around or over any premises not the property of its owner, to the annoyance of the owner or occupant of such premises, or which overturns any garbage can or vessel for waste products, or scatters the contents of same, or an animal which chases or kills any fowl or animal owned by another is also declared a nuisance. A female dog in season at large is a nuisance.

B. It is unlawful to own or harbor an animal which is determined to be a nuisance.

### SECTION 4-110 VICIOUS DANGEROUS ANIMALS UNLAWFUL; PERMIT AND INSURANCE FOR DANGEROUS OR VICIOUS ANIMALS; CONFINEMENT

A. It is unlawful for the owner of a dangerous animal to permit the animal to be unconfined.

B. It is unlawful for the owner of a vicious animal to permit the dog to be unconfined.

C. No person shall transport a dangerous animal or a vicious animal in an open vehicle unless the animal is confined by leash or chain and muzzled or within a closed container.

D. It is unlawful to harbor or own a vicious animal. Such an animal shall be destroyed upon orders of the animal control officer or confined in an appropriate manner.

E. Owners of animals that have been adjudicated to be dangerous animals must purchase a permit in such sum as set by the city council from the city clerk and provide proof of liability insurance issued in the amount of at least Twenty Thousand Dollars (\$20,000.00), insuring the owner for any personal injuries or property damage inflicted by the dangerous animal.

F. Owners of dogs that have been adjudicated to be vicious animals must purchase a permit from the city clerk and provide proof of liability insurance issued in the amount of at least Fifty Thousand Dollars (\$50,000.00), insuring the owner for any personal injuries or property damage inflicted by the vicious animal.

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### SECTION 4-111 FEMALES IN SEASON TO BE CONFINED

It is unlawful for the owner to fail to keep any female dog or cat which is in season under restraint.

### SECTION 4-112 KENNELS PERMITS

A. It is unlawful for any person to keep more than three (3) dogs over three (3) months of age within the limits of the city, unless the area on which the dogs are kept is being used as a kennel and the area is properly zoned for a kennel.

B. Any person who is not in compliance with Subsection A set forth herein shall be permitted a reasonable amount of time needed to procure a zoning permit for kennels and thereafter shall be subject to the provisions of Subsection A as set forth herein.

C. Any person who violates Subsection A set forth herein shall upon conviction thereof, be punished as provided in Section 1-108 of this code. Every day's violation of any provision of this chapter constitutes a separate offense.

D. For purpose of this section, a person is defined as any natural person or sum total of individuals who occupy in common a dwelling located at one residential address.

### SECTION 4-113 DOG AND CAT STERILIZATION

The city hereby adopts in its entirety Sections 499 through 499.10 of Title 4 of the Oklahoma Statutes, the Dog and Cat Sterilization Act, which became effective November 1, 1986, and all amendments thereto, with the exception that deposits, fees and penalties in reference of that act shall be set and approved by motion or resolution of the city council of this city.

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ARTICLE B

DOG AND CAT VACCINATION, LICENSE TAGS AND TAX

SECTION 4-120 DOGS AND CATS TO BE VACCINATED

The owner of a dog or cat over six (6) months of age shall have the dog or cat vaccinated against rabies by a veterinarian or other authorized person every calendar year before the thirty-first day of December thereof, or, in the case of a pup or kitten, before it is six (6) months old. The person vaccinating the dog or cat shall furnish the owner a certificate of vaccination.

SECTION 4-121 DOG AND CAT LICENSE; REGISTRATION; TAG

A. A charge as set by the council per year for every male or female dog or cat more than three (3) months of age is hereby levied upon the owner of any such dog or cat kept or harbored within the city.

B. The tax levied in this section shall not apply to a dog or cat only temporarily brought and kept within the city for a period less than fifteen (15) days, nor to a dog or cat brought within the city to participate in a dog or cat show, nor to a "seeing eye" dog when such dog is actually being used by a blind person to aid him in going from place to place, nor to dogs or cats being kept in kennels or pet shops for sale.

C. The owner shall pay the tax levied to the city clerk or contracted veterinarian for every calendar year at the following times:

1. Before the first day of January of each calendar year; or

2. If the dog or cat is acquired or brought in the city after the first day of January, or becomes six (6) months of age after the first day of January, within fifteen (15) days after acquiring or bringing the dog or cat into the city or its becoming six (6) months of age. The fee for part of the year may be prorated based on the number of days left in the year, but in no instance shall the fee be less than one-half of the annual rate.

D. Before the city or contracted veterinarian accepts any money offered in payment of the tax for a dog or cat or issues a license for it, the person offering the tax shall present to the city clerk the certificate of a veterinarian or other person legally authorized to immunize dogs or cats, showing that the dog or cat has been immunized against rabies during the calendar year, that is, since the thirty-first day of the preceding December.

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E. The owner of the dog or cat shall, at the time of paying the tax, register the dog or cat by giving the name and address of the owner, the name, breed, color and sex of the dog or cat, and such other reasonable information as the city clerk or contracted veterinarian may request.

F. The city clerk or contracted veterinarian thereupon shall deliver an original receipt to the taxpayer and also an appropriate tag to him for the dog or cat. Such tag shall constitute a license for the dog or cat.

### SECTION 4-122 TAG TO BE PLACED ON COLLAR; LOST TAGS

A. The owner shall cause the tag received from the city clerk or contracted veterinarian to be affixed to the collar of the dog or cat upon which the tax has been paid so that the tag can easily be seen by officers of the city. The owner shall see that the tag is so worn by the dog or cat at all times.

B. In case the tag is lost before the end of the year for which it was issued, the owner may secure another by applying to the city clerk or contracted veterinarian, presenting to him the original receipt, and paying to him a fee as set by the council.

### SECTION 4-123 TAGS. COUNTERFEITING; PLACING ON OTHER DOGS OR CATS

No person shall counterfeit, or attempt to counterfeit, any tag issued for a dog or cat as provided in this article, or take from any dog or cat a tag legally placed upon it, or place such tag upon a dog or cat for which the tag was not specifically issued.

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ARTICLE C

ANIMAL SHELTER

SECTION 4-130 SHELTER ESTABLISHED

A city animal shelter is hereby established under the jurisdiction of the police department. It shall be under the immediate control of an animal control officer or of such other person as may be officially designated. The person in charge of the shelter shall provide proper sustenance for all animals impounded and shall treat them in a humane manner. The city may contract with another agency for the use of a shelter maintained by the agency.

SECTION 4-131 ANIMALS TO BE IMPOUNDED

A. The animal control officer, a police officer, or such other officer or employee of the city as may be authorized by the city manager shall take into custody and impound any animal running at large or in violation of any provision of the ordinances of the city and may enter upon the premises of the owner or other private premises to take such animal into custody.

B. Animals taken into custody as provided in this chapter, shall be destroyed in a humane manner by the officer or employee of the city in charge of such animal, or by the animal control officer or contracted veterinarian, after seventy-two (72) hours have elapsed after taking the animal into custody, provided the animal is not redeemed or claimed as provided in this article. A description of the animal, the date impounded and the place of impoundment shall be kept by the pound officer or other officer in charge. If the owner can be identified by tag or otherwise, the animal control officer shall send notice to the owner orally by telephone or in writing at the address on the city's registration records that unless claimed by the owner, the animal will be disposed of as provided herein.

SECTION 4-132 BREAKING SHELTER

No unauthorized person shall:

- A. Break or attempt to break open the shelter, or take or let out any animal therefrom;
- B. Take or attempt to take from any officer or employee of the city any animal taken into custody as provided by this chapter; or
- C. In any manner interfere with or hinder an officer or employee in the discharge of his duties relating to the taking into custody and impounding of animals as provided in this chapter.

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### SECTION 4-133 FEES FOR IMPOUNDING

A. The city council by motion or resolution shall determine the fees to be charged for impounding and keeping animals. In computing the fee, a fraction of a day during which an animal has been fed shall be deemed a full day.

B. Any person redeeming an impounded animal shall pay the required fees to the city clerk and present his receipt therefor to the person in charge of the pound before the latter releases the animal.

C. Any person redeeming a dog or cat not licensed as required by Sections 4-120 through 4-127 of this code shall pay the required license tax to the city clerk and secure a tag and present the receipt therefor and the tag to the person in charge of the pound before the latter releases the dog or cat. If a dog or cat has been licensed but is not wearing the tag, the person in charge of the pound shall require adequate evidence of the proper licensing of the dog or cat before releasing it.

### SECTION 4-134 OWNER MAY REDEEM

An owner of an impounded animal or his agent may redeem the animal, prior to its sale or destruction as provided for herein, by paying the required fees against the animal and meeting any other requirements which may be prescribed in this chapter. However, when in the judgment of the animal control officer an animal should be destroyed for humane reasons; such animal may not be redeemed.

### SECTION 4-135 DISPOSITION. SALE OF IMPOUNDED ANIMALS

A. As soon as practicable after any animal of apparent value has been impounded, the animal control officer or other employee or officer impounding the animal, shall inform the chief of police; and the chief of police shall thereupon post a notice thereof at the police office of the city. The notice shall describe the animal and notify the owner to pay the charges thereon and remove the same prior to a designated time. The notice shall also state that, unless the animal is redeemed, the animal will be sold or destroyed.

B. Sales herein provided for shall be for cash and shall be conducted by, or under the direction of the chief of police. If an impounded animal cannot be sold, he shall destroy the animal, or have it destroyed, in a humane manner, or otherwise dispose of it in a legal manner.



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C. The purchaser of an animal at a sale held as provided herein shall acquire absolute title to the animal purchased.

D. The police department shall pay to the city clerk all money received from the sale of impounded animals on the day it is received or on the next day upon which the office of the city clerk is open for business.

### SECTION 4-136 OWNER MAY CLAIM EXCESS MONEY

The owner of an impounded animal sold as provided herein may claim the excess of the sale price of the animal above the fees for impounding and keeping the same and a fee as set by the council by motion or resolution to reimburse the city for any expense it has had in making the sale, at any time within three (3) months after the sale. If a claim is so made and approved by the council, the city clerk shall pay him such excess. If a claim is not made, the excess shall belong to the city.

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ARTICLE D

CRUELTY TO ANIMALS

SECTION 4-140 CRUELTY TO ANIMALS

It is unlawful for any person willfully and maliciously to pour on, or apply to, an animal any drug or other thing which inflicts pain on the animal or knowingly to treat an animal in a cruel or inhumane manner or knowingly to neglect an animal belonging to him or in his custody in a cruel or inhumane manner.

SECTION 4-141 POISONING ANIMALS

It is unlawful for a person willfully to poison any dog or other animal except a noxious, non domesticated animal or knowingly to expose poison so that the same may be taken by such an animal.

SECTION 4-142 ENCOURAGING ANIMALS TO FIGHT

It is unlawful for any person to instigate or encourage a fight between animals; or to encourage one animal to attack, pursue or annoy another animal except a noxious, non-domesticated animal; or to keep a house, pit or other place used for fights between animals.

SECTION 4-143 ANIMAL PROTECTION OTHER ACTS PROHIBITED

A. It is unlawful for any person to deposit within the limits of this city any animal or animals with the intention of abandoning same.

B. It is unlawful to carry out inhumane treatment against any animal. Inhumane treatment is hereby defined to include, but is not limited to, the following:

1. Any physical punishment inconsistent with the health of such animal;
2. Lack of food or water for more than a twenty-four (24) hour period;
3. Knowingly permitting obvious nutritional deficiencies or other evident health problems involving any animal;
4. Improper use of any collar or harness or a fixed leash for the purpose of confining any animal which results in flesh laceration, obvious pain or to cause choking to such animal;

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5. Depriving animal of adequate shelter; and
6. Inhumane killing or attempting to kill any animal.

C. It is unlawful for any person to set out, dispose of, cause or permit any animal, to be exposed to any drug, chemical or other substance whatever, in any open place, whether public or private property; when such substances poisonous or capable of causing the death or dangerous sickness of any domestic or household animal.

D. Upon conviction of a violation of this chapter for inhumane treatment to any animal, it is unlawful for the owner or keeper of such animal to not release such animal kept in inhumane conditions to an animal control officer for disposition in accord with the provisions of this chapter.

## ARTICLE E

### EXOTIC ANIMALS

#### SECTION 4-150 KEEPING OF WILD, EXOTIC OR DANGEROUS ANIMALS APPLICATION.

A. For the purpose of this section, a wild, exotic or dangerous animal means an animal of the larger variety which is usually not a domestic animal and which can normally be found in the wild state, with or without mean or vicious propensities, including, but not limited to, lions, tigers, leopards, panthers, bears, wolves, alligators, crocodiles, apes, foxes, elephants, rhinoceroses, and all forms of poisonous snakes, lynxes, raccoons, skunks, monkeys, and other like animals.

B. It is unlawful to keep or harbor any wild, exotic or dangerous animal in the city or for display or for exhibition purposes, whether gratuitously or for a fee, except Subsection C of this section.

C. This section shall not apply to such animals kept for temporary periods of time for exhibition purposes only, by circuses, zoos, and educational institutions. The term "temporary periods of time" as used in this article shall be defined as, and shall be limited to, a period of time not to exceed one week per year per applicant. Cross Reference: See also Section 4-110 on dangerous animals and vicious animals.

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ARTICLE F

SECTION 4-160 ZONING ORDINANCE TO PREVAIL

In case of conflict between this chapter and the present or any future zoning ordinance, the provision of the zoning ordinance shall prevail and supersede the provision of this chapter.

ARTICLE G

RABIES PROCEDURES

SECTION 4-170 DOGS AND CATS CONFINED, WHEN

A. When the health officer or animal control officer determines and certifies that a dog, a cat, or other animal in the city or within five (5) miles of the city is or was infected with rabies and that an epidemic of rabies threatens the city, the council, by resolution, may order all dogs to be confined, and if deemed desirable, all cats to be confined, during a period of time to be determined by the council and within such radius of the city as determined by the council. Such resolution or an adequate notice of its passage shall be published in a newspaper of general circulation within the city and shall go into effect on the day following such publication unless the resolution prescribes a later time.

B. The city manager, when he deems it necessary due to health, safety and welfare conditions, may order emergency confinement of animals in the city or a one- mile radius thereof. Such order shall not be effective for a period of more than ten (10) days. Notice of the order shall be by posting a copy thereof in at least three (3) places in the city, one of such places shall be the city hall.

C. While any such resolution or order is in effect, it is unlawful for any owner to permit a dog or cat to be at large in violation of such resolution or order.

D. The resolution or order may be enforced by the animal control officer, the health officer or any police officer of the city.

SECTION 4-171 CONFINEMENT REQUIRED

Any person owning, harboring, or keeping an animal, including a dog, cat, or other domestic pet which in the preceding ten (10) days has bitten any person shall, upon receipt of written or oral notice by the health officer or his designated representative, or the city animal control officer, place such animal in confinement under the supervision of a licensed veterinarian for a period of ten (10) days from the date the person was bitten.

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### SECTION 4-172 REPORT OF CHANGES BY VETERINARIAN

It is the duty of the veterinarian in whose supervision the animal is placed to keep the animal isolated in a separate pen or kennel and under observation for any symptoms of rabies. The veterinarian shall report immediately to the health officer or the animal control officer any changes occurring in the condition of the animal. In the event the animal dies or develops rabies-like symptoms within the specified period of confinement, the animal head shall be removed immediately and packed in a shipping container in accordance with instructions published by the State Commissioner of Health and sent to the State Department of Health for examination.

### SECTION 4-173 FEES PAID BY OWNER

Payment of any fees incurred and cost of boarding the animal shall be the responsibility of the person owning, keeping, or harboring the animal.

### SECTION 4-174 CONFINEMENT BY CITY OR COUNTY

In the event there is not a licensed veterinarian to provide supervision for isolation and observation of the suspect animal within the county or where, in the opinion of the health officer or animal control officer, the person owning, keeping or harboring the suspect animal will pay for expenses, such person shall, in accordance with instructions received from the health officer, his designated representative, or animal control officer, keep the suspect animal securely penned and shall immediately advise the health officer or animal control officer of any changes occurring in the condition of the animal. In the event of the animal's death, or illness, the person so designated as responsible for the animal shall immediately notify the health officer or animal control officer and make arrangements for removal of the animal's head, properly packing it in a shipping container and shipping it to the State Department of Health.

### SECTION 4-175 ENFORCEMENT

It is the duty of the animal control officer to enforce these regulations, and in instances where responsibility for the suspect animal cannot be determined or established, he shall make arrangements for the isolation and observation of the animal.

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### SECTION 4-176 DESTRUCTION OR OBSERVATION

Any domestic dog or cat which is not effectively immunized against rabies virus encephalitis and is exposed to rabies through a rabid animal shall be destroyed immediately either by the veterinarian in charge or by the local animal control officer or his agent; or such non-immunized, rabies-exposed dog or cat shall be strictly quarantined and observed for a period of six (6) months by either a veterinarian or by the local animal control officer or his agent. Such animal shall be immunized against rabies at least thirty (30) days prior to release. Expenses of quarantine and immunization shall be borne by the owner or other person responsible for the animal.

### SECTION 4-177 REPORT OF BITES. ACTION AND NOTICE BY CITY

A. Any domestic animal other than a dog or cat which is not immunized against rabies and is exposed to a rabid animal shall be immediately reported to the rabies control division of the State Department of Health for consultation and concerning disposition of that animal.

B. Any person who owns an animal which bites or attacks any person, shall be liable to the city for any reasonable and necessary medical or veterinarian expenses incurred by the city.

C. The chief of police shall be empowered to order the destruction of any animal upon notice to its owner if necessary for the health and safety of the public. Notice may be made by posting an order of destruction at the residence of the owner.

### SECTION 4-178 ANIMALS CONSIDERED EXPOSED

Any un-immunized domestic animal which is exposed to a wild skunk, bat or carnivore and the biting animal has escaped or is not available for laboratory study, shall be considered exposed to rabies and shall be dealt with according to Sections 4-174 and 4-175 of this code.

### SECTION 4-179 RE-IMMUNIZATION OF VACCINATED EXPOSED ANIMALS

Any effectively immunized domestic animal which is exposed to a rabid animal shall be immediately re-immunized and restrained, by leashing and confinement for a period of at least ninety (90) days.

Animals

ARTICLE H

PENALTIES

SECTION 4-180 PENALTY

A. Any person, firm or corporation who violates any ordinance or provision of this chapter, or who violates, or refuses or neglects to carry out any reasonable order made by the health officer pursuant to this chapter, shall, upon conviction thereof, be fined or imprisoned as provided in Section 1-108 of this code.

B. Additionally, the animal control officer of the city shall have the authority to issue citations for offenses and in its discretion may issue a citation with preset fines for first offense, second offense and third offence. The fines shall be established and approved by City Council:

The animal control officer shall have the discretion, in lieu of issuing a citation with a preset fine, of filing an offense report with the city prosecutor whereupon a determination can be made as to whether summons shall be issued, in which case the preset fines set forth above shall not be applicable.

C. The penalties provided for herein shall be in addition to other remedies available to the city and aggrieved persons and shall not be construed as exclusive.

Animals  
CHAPTER 2  
(RESERVED)



Animals  
CHAPTER 3  
(RESERVED)

Animals

CHAPTER 4

DANGEROUS DOGS

SECTION 4-414 NUISANCE, POTENTIALLY DANGEROUS AND DANGEROUS DOGS

It shall be unlawful for any person to own, keep or harbor within the city any dog, licensed or unlicensed, which shall constitute a "nuisance" or "potentially dangerous" or "dangerous" dog.

1. "Nuisance dog" means any dog that:

- a. engages in any behavior that requires a defensive action by any person to prevent bodily injury; or
- b. when unprovoked, chases or approaches a person, including a person on a bicycle, in an apparent attitude of attack; or
- c. is maintained in an enclosure that does not sufficiently protect the public from the threat caused by the dog, considering the safety of the enclosure and the degree of aggressive and threatening behavior evidenced by the dog; or
- d. is at large and found to attack, menace, chase, display threatening or aggressive behavior or otherwise threaten or endanger the safety of any domestic animal or person.
- e. Engages in loud, frequent or habitual barking, howling, yelping or other noise or action that disturbs any person or neighborhood within the city limits.

A. "potentially dangerous dog" means any dog that:

- a. when unprovoked inflicts bites on a human either on public or private property, or
- b. when unprovoked kills or severely injures a domestic animal either on public or private property;

B. "dangerous dog" means any dog that:

- a. has inflicted severe injury on a human being without provocation on public or private property,

## Animals

- b. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog thereafter aggressively bites, attacks, or endangers the safety of humans, or
- c. has been previously found to be potentially dangerous, the owner having received notice of such by the animal control authority in writing and the dog thereafter kills or severely injures a domestic animal;

A police officer or animal control officer of the city, or any citizen, may initiate a municipal court proceeding to determine whether a dog is a “nuisance,” “potentially dangerous” or a “dangerous” dog by filing a complaint with municipal court clerk. Upon the issuance of summons and notice to the owner, and upon the conclusion of a hearing, the Judge of the Municipal Court is authorized to enter a finding on the complaint and, if finding that the dog is a “nuisance,” “dangerous” or “potentially dangerous,” may order:

- a. The payment of court costs and fines in the maximum amount allowed by law;
- b. The installation of fencing, restraints, or enclosures in such a manner to provide the degree of protection warranted by the danger presented;
- c. The owner to obtain a policy of liability insurance in the amount deemed necessary to protect the public from any injuries inflicted on the public by the dog;
- d. The removal of the dog from the city limits;

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