

PART 4

ANIMALS

Chapters:

- 1 Animal Regulations
- 2 (Reserved)

Chapter 1

ANIMAL REGULATIONS

Sections:

Article A. General Provisions

- 4-101 Definitions.
- 4-102 Animals not to be at large.
- 4-103 Turning animals at large unlawful.
- 4-104 Pasturing in public areas illegal.
- 4-105 Swine not to be kept within city.
- 4-106 Animals or livestock which may be kept; conditions.
- 4-107 Animals which disturb prohibited, nuisance, procedure.
- 4-108 Buildings for animals; construction and conditions.
- 4-108.1 Confinement of vicious dogs.
- 4-109 Stables, kennels, coops; location.
- 4-110 Keeping dogs within city limits; sanitation.
- 4-111 Stables to be kept clean.
- 4-112 Disposal of manure.
- 4-113 Health officer to inspect.
- 4-114 Certain acts are prohibited.
- 4-115 Animal control officers.
- 4-116 Authority of animal control officer.
- 4-117 Interference with animal control officer.

Article B. Dog and Cat Vaccination, Tags and Tax

- 4-120 Dogs and cats to be vaccinated.
- 4-121 Dog and cat tax; registration; tag.
- 4-122 Vicious dogs, determination, may be killed.
- 4-122.1 Unconfined vicious dogs.
- 4-122.2 Unlicensed vicious dogs.
- 4-122.3 Seizure and impoundment of vicious dogs.
- 4-123 Dogs and cats confined; when.
- 4-124 Vicious dogs issuance of license.

Article C. Animal Pound

- 4-130 Pound established.
- 4-131 Animals to be impounded.
- 4-132 Breaking pound.
- 4-133 Fees for impounding.
- 4-134 Owner may redeem.
- 4-135 Sale of impounded animals.
- 4-136 Owner may claim excess money.
- 4-137 Unclaimed animals.

Article D. Cruelty to animals.

- 4-140 Cruelty to animals.
- 4-141 Poisoning animals.
- 4-142 Encouraging animals to fight.

Article E. Kennels

- 4-150 Kennel proprietor.
- 4-151 Kennel tags.

Article F. Zoning Ordinance to Prevail

- 4-160 Zoning ordinance to prevail.

Article G. Proclamation of Rabies

- 4-170 Quarantine of animals for observation.
- 4-171 Securing support information on diagnosed animals.
- 4-172 Rabies crisis declaration.
- 4-173 Destruction of animals under crisis period.
- 4-174 Surrender of animals under suspect.

Article H. Penalties

- 4-180 Penalty.

Article A. General Provisions

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 any horse, mule, donkey, pony, cow, sheep, goat, hog, dog, cat, rabbit, chicken, goose, duck, turkey, or other animal or fowl;
2. "At large." An animal shall be deemed at large unless it is on the premises under the control of or occupied by its owner, or unless it is under restraint by a competent person by means of leash or otherwise;
3. "Confined on the premises" means that an animal is securely and physically confined and restrained on and within the premises of the owner by means of walls or fences, or by rope, chain, leash or other device, of such strength and size as physically to prevent the dog from leaving the premises;

4. "Kennel proprietor" means a person who, for a period of more than ninety (90) days, keeps or harbors more than three (3) dogs. Such a person is presumed to operate a kennel whether it be for pleasure or profit, and classified as commercial in nature;

5. "Owner" means any person, firm or corporation owning, harboring or keeping an animal, except a kennel proprietor. The occupant of any premises on which a domesticated or tamed animal remains, or to which it customarily returns, for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal;

6. "Under leash" means an animal is securely held, restrained and confined by his owner, member of family or agent, by means of a strap, chain, rope, cord or other device not exceeding eight (8) feet in length, and in such manner as to prevent the animal from attacking any person; and

7. "Vicious animal" means an animal which has bitten, or attempted to bite, any person without undue provocation, or which attacks, or acts as if it intended to attack or bite, or bites a person or persons, when not unduly provoked. It also means an animal with a disposition to attack all other persons or animals or a natural fierceness or mischief which may lead it to attack other persons or animals without provocation.

"Vicious dog" means:

a. Any dog which has attacked a human being or domestic animal one or more times, without provocation;

b. Any dog with a history, tendency, or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals;

c. Any dog that snaps, bites, or manifests a disposition to snap or bite;

d. Any dog that has been trained for dog fighting, animal fighting or animal baiting or is owned or kept for such purposes;

e. Any dog trained to attack human beings, upon command or spontaneously in response to human activities, except dogs owned by and under the control of the police department, a law enforcement agency of the state or of the United States or a branch of the armed forces of the United States;

f. Staffordshire terrier breed of dog;

g. The American pit bull terrier breed of dog;

h. The American Staffordshire terrier breed of dog; or

i. Any dog which has the appearance and characteristics of being predominately of the breeds of Staffordshire terrier, American pit bull terrier, or American Staffordshire terrier. (Prior Code, Chapter 3, in part; Ord. 56-032105 § 1)

State Law Reference: Regulation of animals, city powers, 11 O.S. Section 22-115.

4-102 Animals not to be at large.

No owner shall permit any animal, including fowl, owned, harbored, or kept by him in compliance with Part 4 of this code to be at large within the city. It is unlawful for any animal to be at large at any time within the city. This section shall not apply to any cat which is collared and to which a valid city registration tag is affixed. (Prior Code, Chapter 3, in part; Ord. No. 4-15-91)

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. (Prior Code, Chapter 3, in part)

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. (Prior Code, Chapter 3, in part)

4-105 Swine not to be kept within city.

It is unlawful for any person to keep swine, hog, pig or boar within the city except in an enclosure awaiting immediate transportation. (Prior Code, Chapter 3, in part)

4-106 Animals or livestock which may be kept; conditions.

A. It is unlawful to keep or maintain any cow, bull, animal of the bovine species, horse, mule, sheep, chicken, rabbits or goats in the city except as provided in this section and the remainder of this chapter.

B. Repealed by Ordinance Number 51-111504 § 1.

C. This section shall not apply to the specified animals in city limits on the fairgrounds property during the county fair or other special event so long as the animal is not in the city limits for more than one week. (Prior Code, Chapter 3, in part; Ord. 51-111504 § 1)

4-107 Animals which disturb prohibited, nuisance, procedure.

A. It is unlawful for any person to harbor, keep or possess within the city any dog or cat which damages property, meows, barks, whines or howls in an excessive, continuous or untimely fashion, or otherwise endangers or offends the peace and quiet or well-being of the public without cause.

B. It is the duty of the chief of police, or person designated by him, on being notified that any person claiming that an animal is a nuisance within the meaning of this chapter has filed a verified complaint alleging that an animal is a nuisance within the meaning of this chapter to seize and impound the animal therein described. If the municipal judge shall find that no nuisance exists, he shall order that the animal be surrendered to the owner. If the municipal judge shall find that the nuisance exists, he shall order the animal to be destroyed as in the case of a vicious animal. If the owner of such animal shall give a good and sufficient bond, to be approved by the city clerk, and conditioned that such owner shall abate and prevent such nuisance, the municipal judge shall order the return of such animal to the owner thereof upon payment of the poundage fees herein specified. Nothing in this section shall be construed to permit any animal to run or be at large except as permitted under the city ordinances. No such animal shall be returned to the owner if the same is a vicious animal or in any event unless the same is registered and licensed as required by the chapter.

C. No provision herein shall limit or prohibit the city from abating any nuisance as otherwise provided by ordinance or statute. (Prior Code, Chapter 3, in part; Ord. No. 40-15-91)

4-108 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.

B. Every such building, if located within two hundred (200) feet of any tenement or 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, of such size as to hold all accumulations of manure. 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 shall be allowed to accumulate on such premises except in the receptacle.

C. This section shall not apply to vicious dogs as defined in Section 4-101(7) of the code of ordinances. (Ord. 58-032105 § 1)

4-108.1 Confinement of vicious dogs.

A. All vicious dogs shall be securely confined within an occupied house or residence or in a securely enclosed and locked pen or kennel, except when leashed as provided in this section. Such pen, kennel, or structure must have secure sides and a secure top attached to the sides or, in lieu of a top, walls at least six (6) feet in height and at least six (6) feet taller than any internal structure.

B. All pens or other structures designed, constructed, or used to confine vicious dogs must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom, floor, or foundation attached to the sides of the pen, or the sides of the pen must be embedded in the ground no less than two (2) feet so as to prevent digging under the walls by the confined dog.

C. All structures erected to house vicious dogs must comply with all city zoning and building regulations. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition. No vicious dog may be kept on a porch, patio, or in any part of a house or structure that would allow the dog to exit such building on its own volition.

D. No person shall permit a vicious dog to go outside its kennel or pen unless such dog is securely leashed with a leash no longer than six (6) feet in length. No person shall permit a vicious dog to be kept on a chain, rope, or other type of leash outside its kennel or pen unless both the dog and the leash are under the actual physical control of a person eighteen (18) years of age or older.

E. Vicious dogs may not be leashed to inanimate objects such as trees, posts, buildings, or any other object or structure.

F. Any person, firm, or corporation who violates any provision of this section shall, upon conviction, be punished as provided in Section 1-108 of this code. The penalties provided in this section shall be in addition to other remedies of the city and shall not be construed as exclusive. (Ord. 57-032105 § 1)

4-109 Stables, kennels, coops; location.

No dog kennel or other establishment wherein animals are kept shall be maintained closer than forty (40) feet to any tenement or 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. (Prior Code, Chapter 3, in part)

4-110 Keeping dogs within city limits; sanitation.

A. It is unlawful for any person, other than a properly licensed kennel proprietor, to keep or maintain or permit or suffer to be kept or maintained any dog, upon any property or premises within the city limits except that not more than two (2) dogs may be kept:

1. In any pen, lot or enclosure of four hundred (400) square feet in area, for each dog; or
2. On a leash or chain of sufficient length or mobility as to permit each dog to occupy any area of not less than four hundred (400) square feet in area, which areas must be ten (10) feet or more in width, and shall not extend or protrude closer than or within twenty (20) feet from any street side property line of such premises.

B. All owners or persons having charge or control of any premises where the keeping of dogs is permitted shall pick up and remove daily from the area within or upon which such dogs are kept or maintained, all dung and animal excrement, and shall thereupon place or cause same to be placed in an enclosed, fly-proof container. The owner shall further prevent any offensive, disagreeable, or noxious smell, stench or odor to arise from such area within or upon which any dog or dogs may be kept or maintained. Upon failure to comply with the provi-

sions of this section, the keeping of dogs and the area within which same are confined or restrained shall be and constitute a nuisance, subject to abatement as provided in any other ordinance of the city pertaining to abating nuisances or dogs.

4-111 Stables to be kept clean.

Every structure or place wherein an animal is kept or permitted to be shall be maintained in a clean and sanitary condition, devoid of rodents and vermin and free from objectionable odors. (Prior Code, Chapter 3, in part)

4-112 Disposal of manure.

Manure shall be hauled outside the city in a manner which does not jeopardize the public health, or else shall be spread evenly upon the ground and turned under at once or as soon as the weather permits. (Prior Code, Chapter 3, in part)

4-113 Health officer to inspect.

The health officer or police chief, 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. (Prior Code, Chapter 3, in part)

4-114 Certain acts are prohibited.

It is an offense and a violation of this chapter for any owner, as herein defined, within the corporate limits of the city to:

1. Abandon or desert any dog, cat or other animal or to permit any dog, cat or other animal to become a stray;
2. Allow a female dog or cat to run at large while she is in heat, whether such female dog or cat is licensed or not;
3. Harbor, keep, or have possession of any vicious dog, cat or other animal as herein defined;
4. Harbor, keep, or have possession of any dog, cat or other animal which is a nuisance as defined herein;
5. Allow any dog or cat to be at large during the period of any epidemic of rabies, after proclamation of such epidemic;
6. Fail, or refuse, to deliver to the pound officer or persons designated by him, upon demand, any unlicensed dog or cat, any vicious dog or cat, any animal which is a nuisance, any rabies suspected dog or cat, any animal found at large during the period of an epidemic of rabies, or any dog or cat, the keeping, harboring or possessing of which is declared to be an offense;
7. Keep or pen any dog on premises, under his control or under the control of himself jointly with another, within an area used for confining dogs, which is less in size and dimension than hereinafter provided, or to maintain an area for such purpose, any part of which protrudes, extends or is located within a minimum distance from a street side property line, as required by ordinance;
8. Fail or refuse to comply with any sanitation rule or requirement set forth or prescribed by the provisions of this chapter or any other ordinance of the city pertaining to sanitation;
9. Permit a nuisance to exist by keeping, possessing, harboring or allowing to remain on premises under the control of the owner as defined in this chapter, any animal which emit sounds or noises, which disturb the peace or quietude of any persons within the vicinity of or neighborhood where such premises are located; and

10. Do anything which is prohibited or failing to do that which is required and commanded by any part of this chapter. (Prior Code, Chapter 3, in part; Ord. No. 4-15-91)

4-115 Animal control officers.

A. Animal control officers, as designated by the chief of police, or his representative, are authorized to enforce the provisions of ordinances dealing with animals. In carrying out such duties, an animal control officer may arrest any person violating or attempting to violate in his presence the provisions of these ordinances. The officer must, before making the arrest, inform the person to be arrested of the cause thereof, and require him to submit, except when the person is in actual commission of the offense or when he is arrested on pursuit immediately after its commission. An animal control officer may issue a citation to any violator to appear in municipal court.

B. In issuing a citation, the animal control officer shall proceed as follows:

1. The officer shall prepare a written citation to appear in municipal court, containing:
 - a. The name and address of the cited person;
 - b. The nature, location and date of the alleged offense; and
 - c. The time and date of the municipal court appearance.

Unless the person requests an earlier date, the time specified in the citation to appear shall be at least five (5) days after the issuance of the citation;

2. The citation, and any copies thereof, shall be signed by the cited person and one signed copy thereof shall be given to him;

3. The officer shall thereupon release the cited person from custody; and

4. The officer shall file one copy of the citation with the municipal court within three (3) days after issuing the citation.

C. If a person fails to appear in response to a citation, a warrant for his arrest shall be issued. Any person who willfully fails to appear in response to a citation is guilty of an offense. (Ord. No. 85-08, 8/12/85)

4-116 Authority of animal control officer.

The animal control officers shall possess all required power and authority necessary to enforce the provisions of this chapter and shall have authority to enter upon private premises for the purpose of carrying out and enforcing the same. (Ord. No. 85-08, 8/12/85)

4-117 Interference with animal control officer.

No person shall interfere with, hinder, delay, or obstruct in any manner whatsoever any animal control officer in the performance of his duties. (Ord. No. 85-08, 8/12/85)

Article B. Dog and Cat Vaccination, Tags and Tax

4-120 Dogs and cats to be vaccinated.

A. It is the duty of every person owning or having in his charge or possession, within the city, any dog or cat over the age of six (6) months to cause the dog or cat to be vaccinated for rabies by a person duly authorized to practice veterinarian medicine in the state, or by any person who is under the immediate and direct supervision of a licensed veterinarian, and to register the dog or cat with the city clerk, or designee and to pay the license fee as is hereinafter provided. Every dog or cat within the city shall be vaccinated annually on or before June 1 of each year; or in the case of a pup or kitten, before it is six (6) months old.

B. Each veterinarian vaccinating dogs or cats for rabies shall issue to the owner of such dog or cat a certificate showing the name of the owner of such dog or cat, the date of rabies vaccination and a sufficient description of the dog or cat to identify the same as required for registration, including the sex thereof and whether neutered/spayed or not.

C. No vaccination against rabies shall be recognized or entitle the owner of a dog or cat to register it unless such vaccination shall have been within the calendar year for which the license was issued or within a period of sixty (60) days prior thereto.

D. The requirement of an annual registration shall not apply to any dog or cat which may follow or be led by any nonresident or traveler through the city while such dog or cat is with its owner or keeper. The waiver of this provision for the dog or cat of a nonresident or traveler shall not exceed thirty (30) days.

E. It is the duty of each veterinarian practicing in the city to keep a record of every dog or cat vaccinated. Such records shall be available to the mayor or any person designated by him, at any reasonable time and upon proper demand for a three (3) year period. (Prior Code, Chapter 3, in part; Ord. No. 4-15-91)

4-121 Dog and cat tax; registration; tag.

A. Every person owning or having a dog(s) or cat(s) in his custody or possession shall procure a license and cause the dog(s) or cat(s) to be registered and pay such licensing fees as provided as follows:

1. For each dog or cat, five dollars (\$5.00) per year; and
2. For each spayed or neutered dog or cat, two dollars (\$2.00) per year.

B. Before the city clerk accepts any money offered in payment of the license fee, the person offering the money shall present to the city clerk the certificate of a veterinarian or any other person legally authorized to immunize dogs or cats, showing the dog or cat has been immunized against rabies as provided in Section 4-120.

C. Any person or owner in possession of a dog or cat may deduct one dollar (\$1.00) of each fee as set forth above if such registration and license is secured on or before the 1st day of June in the year for which such license is required. All registrations and licenses shall expire at midnight on May 31 for the year for which same were issued.

D. It is the duty of the city clerk to keep a register of all dog and cat licenses of the city, pursuant to the provisions hereof. The registration shall show the date of the issuance of the license, its date of expiration, the name of the owner, or the persons of whom the name of the license is issued, the size of the dog or cat and state as nearly as possible the age, sex, color and breed of such dog or cat. The registration shall further show the date of vaccination and by whom vaccinated. The registration shall show whether the dog or cat has been neutered or spayed.

E. Any person who violates, refuses or neglects to procure a license and registration as set forth in this section, shall, upon conviction, be punished as provided in Section 1-108 of this code. The penalties provided for herein shall be construed as exclusive. (Prior Code, Chapter 3, as amended; Ord. No. 4-15-91; Ord. No. 5-6-91; Ord. No. 4-18-94C)

4-122 Vicious dogs, determination, may be killed.

Repealed by Ordinance Number 62-032105 § 1.
(Prior Code, Chapter 3, in part; Ord. 18-100101 § 1; Ord. 62-032105 § 1)

4-122.1 Unconfined vicious dogs.

A vicious dog which is found more than twice in any calendar year not to be confined as required by this section shall be required to be permanently removed from the city or destroyed. An animal which is returned to the city after removal under this section shall be destroyed. (Ord. 60-032105 § 1)

4-122.2 Unlicensed vicious dogs.

All unlicensed vicious dogs shall be deemed illegal animals. The person harboring or keeping an unlicensed vicious dog shall have the animal removed from the city; if, however, the animal is again found unlicensed in the city or if the person holding or keeping the animal chooses not to remove it from the city, the dog shall be destroyed. This section shall not apply to a dog which, upon initial notice to its owner, the owner agrees to properly license and confine or to a dog for which a hearing has been requested under this chapter to determine if it is vicious or until there has been a final decision on the question raised at hearing at which time the owner may, if the dog is found vicious, properly license and confine the dog. (Ord. 61-032105 § 1)

4-122.3 Seizure and impoundment of vicious dogs.

A. The animal control officer or his or her designee, in his or her discretion or upon receipt of a complaint alleging that a particular dog is a vicious dog as defined in Section 4-101(7), may declare such dog a vicious dog by delivering a written notice of declaration to the owner. The notice shall include a description of the dog and the basis for the declaration of viciousness. This notice shall also set forth that the owner shall be required to license and confine the dog as required by this section. The notice shall be served upon any person eighteen (18) years of age or older residing at the premises where the animal is located or may be posted on those premises if no person eighteen (18) years of age or older is present to accept service.

B. The person owning, keeping, sheltering, or harboring the dog in question may contest the determination that a dog is a vicious dog as defined in Section 4-101(7) by filing a written request with the city clerk within three (3) business days of the receipt of the animal control officer's declaration. If at this time the owner agrees to confine the dog pursuant to Section 4-108.1 of this chapter and submits to the clerk of proof of insurance as described in Section 4-124 of this chapter, the dog shall not be impounded pending appeal. Failure to file a request for hearing shall constitute a waiver of any right to contest the declaration of the animal control officer, and the animal control officer or his or her designee shall be authorized to seize and impound the dog. A dog so seized shall be impounded for a period of seven (7) days. If, at the end of the impoundment period, the owner has not licensed and shown ability to confine the dog as required by this chapter, or has not declared an intent to remove the dog from the city, the animal control officer or his or her designee shall cause the dog to be destroyed.

C. The person owning, keeping, sheltering, or harboring the dog in question shall be given not less than seventy-two (72) hours' written notice of the time and place of the hearing. The notice shall set forth the description of the dog in question and the basis for the allegation of viciousness. The notice shall also set forth that, if the determination of the animal control officer is upheld, the owner shall be required to license and confine the dog as required by this section. The notice shall be served in the same manner as the declaration notice.

D. If, after hearing, the mayor upholds the determination of the animal control officer that the dog is a vicious dog or is a vicious dog held in violation of this section, as set out in the notice of hearing, the mayor shall order the person owning, sheltering, harboring, or keeping the animal to permanently license and confine the dog as required by this section or remove it from the city. The order shall immediately be served upon the individual or entity against whom issued in the same manner as the notice of hearing. If the order is not complied with within three (3) days of its issuance, the animal control officer or his or her designee is authorized to seize and impound the dog. A dog so seized shall be impounded for a period of seven (7) days. If, at the end of the impoundment period, the individual or entity against whom the order of the mayor or his or her designee was issued has not appealed such order to the city council or has not complied with the order, the animal control officer or his or her designee shall cause the dog to be destroyed.

E. The order to license, confine, or remove a vicious dog from the city issued by the mayor or his or her designee may be appealed to the city council. In order to appeal such order, written notice of appeal must be filed with the city clerk within three (3) days after receipt of the order. Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the mayor or his or her designee.

F. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be scheduled within twenty (20) days of the receipt of notice of appeal. The hearing may be continued for good cause. After such hearing the city council may affirm or reverse the order of the mayor or his or her designee. Such determination shall be contained in a written decision and shall be filed with the city clerk within three (3) days after the hearing or any continued session thereof. The hearing shall be confined to the record made before the city council, the arguments of the parties or their representatives, any additional evidence which was not available at the time of the hearing before the mayor or his or her designee, and any other information the city council deems necessary.

G. If the city council affirms the action of the mayor or his or her designee, the city council shall order in its written decision that the individual or entity owning, sheltering, harboring, or keeping such vicious dog shall license and confine the dog as required by this section or remove such animal from the city. The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice set out in subsection A of this section. If the original order of the mayor or his or her designee, is not appealed and is not complied with within three (3) days of its issuance, the animal control officer or his or her designee is authorized to seize and impound such vicious dog. A dog so seized shall be impounded for a period of seven (7) days. If, at the end of the impoundment period, the individual or entity against whom the decision and order of the city council or the city council was issued has not petitioned the district court for a review of the order or has not complied with the order, the animal control officer or his or her designee shall cause the dog to be destroyed in a humane manner.

H. Failure to comply with an order of the mayor or his or her designee issued pursuant to this section and not appealed to the city council after appeal, is a violation and subject to the provisions of Section 4-180.

I. Any dog that is alleged to be vicious and that is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the dog is determined to be vicious. If the dog is not determined to be vicious, all costs shall be paid by the city, except cost attributable to initial confinement prior to notice or costs of any required quarantine which shall nonetheless be paid by the owner. (Ord. 59-032105 § 1)

4-123 Dogs and cats confined; when.

A. When the health officer or chief of police 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. 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. While such resolution 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 for any dog or cat to be at large in violation thereof. (Prior Code, Chapter 3, in part)

4-124 Vicious dogs issuance of license.

A. The owner of a vicious dog for which a license is required shall, on or before June 1 each year, apply to the city clerk, his or her designee, for a license for each dog owned by him or her.

B. Such application for a license may be made after January 1 and at any time for a dog which has come into the possession or ownership of the applicant or which has reached the age of six (6) months after June 1.

C. The owner of any dog defined as vicious under Section 4-101(7) of this chapter shall comply with Section 4-108.1 of this chapter at the time an application for license is made under this section.

D. An application to license a vicious dog must include, in addition to the information required in subsection C of this section, presentation by the applicant of a certificate of insurance issued by an insurance company licensed to do business in this state, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of one hundred thousand dollars (\$100,000.00) for the injury or death of any person, for damage to property of others and for acts or negligence by the owner or his or her agents, in the keeping or owning of such vicious dog. The certificate shall require notice to the city, in conformity with general city standards for certificates of insurance, if the underlying policy of insurance is canceled for any reason. In lieu of such a certificate, a copy of a current homeowner's policy designating these requirements shall be sufficient proof of insurance for purposes of this subsection. If a certificate of insurance or policy is not immediately available, a binder indicating the coverage may be accepted for up to thirty (30) days subsequent to the determination that a dog is vicious; however, if after thirty (30) days a certificate of insurance or a policy has not been submitted, the dog shall be deemed unlicensed and subject to Sections 4-122.2 and 4-122.3 of this chapter, as applicable. (Ord. 63-032105 § 1)

Article C. Animal Pound

4-130 Pound established.

A city pound is hereby established under the jurisdiction of the police department. It shall be under the immediate control of a pound officer or of such other person as may be officially designated. The person in charge of the pound 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 pound maintained by the agency. (Prior Code, Chapter 3, in part)

4-131 Animals to be impounded.

A. The pound officer, a police officer, or such other officer or employee of the city as may be authorized by the mayor:

1. Shall take into custody and impound any animal running at large in violation of any provision of the ordinances of the city;
2. May enter upon the premises of the owner or other private premises to take such animal into custody; and
3. If with reasonable effort a dog illegally at large cannot be caught, may kill it, whether on or off private premises.

B. Any other person may take such animal into custody and present it to the authority in charge of the pound for impounding.

C. Animals which are taken into custody as provided in this chapter shall be disposed of or destroyed in a humane manner by a veterinarian, an animal control officer or other authorized city employee, provided however:

1. No animal shall be destroyed or otherwise disposed until such animal has been in custody for seventy-two (72) hours;

2. No dog or cat which is one year of age or less shall be destroyed until such dog or cat has been in custody for one hundred forty-four (144) hours;

3. No animal shall be destroyed or otherwise disposed of in the event the animal is redeemed or claimed as otherwise provided in this chapter; and

4. No animal whose owner has been given notice as provided in subsection D of this section shall be destroyed or otherwise disposed until seventy-two (72) hours has elapsed from the time the notice was given or delivered.

D. If the owner of an animal which has been placed in custody under this chapter has been identified by the animal's tag or otherwise, the animal control officer or other authorized city employee shall notify the animal's owner at the address on the registration tag or city records that the animal is in custody and will be destroyed or otherwise disposed of as provided in this chapter. The notice may be given to the owner or may be left at the owner's address with some member of the family over fourteen (14) years of age. The owner of any animal which has been taken into custody shall be liable for all costs incurred by the city in handling and processing such animal. (Prior Code, Chapter 3, in part; Ord. No. 9-16-91A)

4-132 Breaking pound.

No unauthorized person shall:

1. Break or attempt to break open the pound, or take or let out any animal therefrom;

2. Take or attempt to take from any officer or employee of the city any animal taken into custody as provided by this chapter; or

3. 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. (Prior Code, Chapter 3, in part)

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 not licensed as required by Sections 4-120 through 4-123 of this code shall pay the required license tax to the city clerk and present the receipt therefor to the person in charge of the pound before the latter releases the dog. If a dog has been licensed the person in charge of the pound shall require adequate evidence of the proper licensing of the dog before releasing it. (Prior Code, Chapter 3, in part)

4-134 Owner may redeem.

Any person adopting or redeeming an animal shall pay the following fees:

1. Base fee for adoption, twenty dollars (\$20.00);
2. Base fee for impoundment/redemption:
 - a. Ten dollars (\$10.00) per animal plus three dollars (\$3.00) per day; and
 - b. Twenty-five dollars (\$25.00) per liter plus three dollars (\$3.00) per day;
3. License fee; (if not neutered or spayed), five dollars (\$5.00);
4. License fee; (if neutered or spayed), two dollars and fifty cents (\$2.50);
5. Immunization against rabies, forty dollars (\$40.00); and
6. Spaying or neutering services, if required, forty dollars (\$40.00). (Prior Code, Chapter 3, in part; Ord. No. 8-16-93; Ord. No. 9-20-93)

4-135 Sale of impounded animals.

Repealed by Ordinance 9-20-93.

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 in an amount set by the city 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. (Prior Code, Chapter 3, in part)

4-137 Unclaimed animals.

Upon expiration of the time within which an owner may redeem any animal seized under the provisions of this chapter, a veterinarian, an animal control officer or other authorized city employee may destroy or otherwise dispose of the animal. (Prior Code, Chapter 3, in part; Ord. No. 9-16-91B)

Article D. Cruelty to animals.

4-140 Cruelty to animals.

It is unlawful for any person wilfully 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. It is unlawful for any person to overdrive, overload, drive when overloaded, overwork, torture, torment, deprive of necessary sustenance or water, cruelly beat, mutilate or kill any animal or fail to give such animal sufficient water, or cause or procure an animal to be so overdriven, overworked, tortured, tormented, or deprived of necessary sustenance or water, cruelly beaten, mutilated or killed. (Prior Code, Chapter 3, in part)

4-141 Poisoning animals.

It is unlawful for a person wilfully to poison any dog or other animal except a noxious, nondomesticated animal; or knowingly to expose poison so that the same may be taken by such an animal. (Prior Code, Chapter 3, in part)

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, nondomesticated animal; or to keep a house, pit or other place used for fights between animals. (Prior Code, Chapter 3, in part)

Article E. Kennels

4-150 Kennel proprietor.

It is unlawful for any person to be a kennel proprietor, as herein defined, within the city unless such proprietor shall first pay to the city clerk of the city an annual license fee in an amount set by the city council by motion or resolution. Upon proof of proper zoning and payment of such fee the city clerk shall furnish to such kennel proprietor a license to engage in such business. The kennel proprietor's license levied in this section shall be in lieu of all other license fees prescribed in this chapter and ordinances of the city for dogs in such kennel. All dogs in such kennel shall be at all times confined on the premises of such kennel proprietor. Should any dog or bitch belonging to, or kept by, such kennel proprietor be allowed off the premises of such kennel proprietor, the owner or keeper thereof shall pay the same tax and license fee thereon as is required by the ordinances of the city for all dogs not kept by a kennel proprietor. Any such dog shall be subject to all of the provisions of such ordinances, including seizure and impounding to the same extent and in the same manner as any dog at large. Such kennel shall be maintained at all times in a clean and sanitary condition and shall be subject to inspection by the cooperative health department or other proper official of the city. (Prior Code, Chapter 3, in part)

4-151 Kennel tags.

It is the duty of the city clerk to furnish to each kennel proprietor a sufficient number of tags upon each of which shall be engraved, carved or stamped, the year of the registration of such kennel and the number under which same was registered. The kennel proprietor or other person in charge of such kennel, shall tag each dog or bitch in such kennel with one of the kennel tags in the same manner that other dogs are tagged. (Prior Code, Chapter 3, in part)

Article F. Zoning Ordinance to Prevail

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. (Prior Code, Chapter 3, in part)

Article G. Proclamation of Rabies

4-170 Quarantine of animals for observation.

The identity and address of the owner of any animal that bites a person shall be promptly furnished to the animal control officer, the city health officer, and the county health department. The animal control officer shall securely quarantine such animal for a period of ten (10) days and shall not release such quarantined animal until reasonable determination has been made that animal is not infected with rabies. At the discretion of the animal control officer such quarantine may be on the premises of the owner, at a veterinary hospital of the owner's choice at the owner's expense, or at the city animal shelter. In case of animals whose ownership is unknown, such quarantine shall be at the city animal shelter. The animal may be reclaimed by the owner if adjudged free of rabies and such owner shall then pay any related charges for confinement. (Prior Code, Chapter 3, in part)

4-171 Securing support information on diagnosed animals.

When an animal under quarantine has been diagnosed as being rabid or is suspected of having rabies by a licensed veterinarian and dies while under such observation, the animal control officer, veterinarian, the city health officer, or other designated emissary shall immediately send the necessary part of such animal to the state health department for pathological examination and shall notify the proper public health officer of any reports of human contact. (Prior Code, Chapter 3, in part)

4-172 Rabies crisis declaration.

When a report gives a suspected or a positive diagnosis of rabies, or when the city, county or state health officials feel that a rabies crisis may be imminent, the health officials may recommend to the mayor city-wide quarantine, and upon the invoking of such quarantine by the city council, by resolution, no animal shall be taken into the streets or permitted to be in the streets, except for short periods of exercise under leash and control of a competent adult. During the quarantine no animal may be taken or removed from the city without written permission of the animal control officer. This declaration must be made by notice in a general circulated newspaper of the community and will last as long as health officials determine the situation requires such action. (Prior Code, Chapter 3, in part)

4-173 Destruction of animals under crisis period.

During the period of rabies quarantine as mentioned every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed, or at the owner's expense and option, shall be treated for a rabies infection by a licensed veterinarian, or held under six (6) month quarantine by the owner in the same manner as a female in season. The period of quarantine may be extended from time to time. (Prior Code, Chapter 3, in part)

4-174 Surrender of animals under suspect.

No person shall remove from the city any animal suspected of having been exposed to rabies, or any animal which has bitten a human, except as herein provided. The carcass of any dead animal exposed to rabies shall be surrendered to the animal control officer upon demand, and the animal control officer shall direct disposition of

the animal. No person shall refuse to surrender any animal for quarantine or destruction when such demand is lawfully made by the animal control officer. (Prior Code, Chapter 3, in part)

Article H. Penalties

4-180 Penalty.

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 punished as provided in Section 1-108 of this code. The penalties provided for herein shall be in addition to other remedies of the city and aggrieved persons and shall not be construed as exclusive. (Prior Code, Chapter 3, in part)

Chapter 2

(RESERVED)