

**4-21 ANIMAL CONTROL.**

**4-21.1 Dog Kennels.** Any person who shall own or keep upon his or her premises more than three (3) dogs, other than dogs under four (4) months of age, shall be deemed the operator of a dog kennel. It is unlawful to operate a dog kennel in the City without having first secured a license to operate a kennel.

**4-21.2 Application for Kennel License.** Any person desiring to operate a dog kennel shall file application upon such form as may be prescribed by the City Manager which application shall show that the proposed kennel and its operation will not violate any provisions of the laws of this State or this Code. If it appears that the kennel and its operation will comply with State laws and this Code, the City Clerk shall issue a kennel license to the applicant upon the payment of a fee of One Hundred Fifty (\$150) Dollars. The license shall permit the operation of a dog kennel for a period of one (1) year from the date of its issuance unless previously revoked. Any violation of this Chapter shall constitute sufficient cause for the revocation of a kennel license.

**4-21.3 Requirements for Kennel License.** No person shall be licensed to operate a kennel in the City unless upon the following condition and under the following requirements, limitations and regulations:

- (A) No kennel shall be operated within less than two thousand (2,000) square feet of open ground or enclosed building available and in use for dogs to be maintained in the kennel.
- (B) All kennels located within one thousand (1,000) feet of any dwelling house or within one thousand (1,000) feet of any property known as "residential" property under the provisions of Chapter 30 of this Code shall also have provided a completely enclosed building within which such dogs shall be confined each day during the time between sunset and 9:00 a.m. of the following day. The enclosed buildings shall be constructed and maintained as nearly soundproof as may be through ordinary building construction.
- (C) All of the outdoor enclosure of a kennel shall be enclosed behind wire fencing and heavy shrubbery or behind solid fencing of at least eight (8) feet in height so that there shall be a complete barricade to sight from inside of the enclosure to the outside.
- (D) If more than four (4) dogs are maintained or kept in a kennel, the ground area required under Subparagraph (1) of this Section shall be increased by four hundred (400) square feet for each additional dog over four (4) months of age.
- (E) All kennel dogs shall be fed, maintained and housed in separate compartments and separate outdoor runways so that each dog may not come in physical contact with or see other dogs except when breeding is taking place, or in the case of a female dog and her puppies.
- (F) All inside and outside spaces shall be completely and entirely cleaned of all refuse matter at least twice per day.
- (G) Kennels may be maintained and operated only within areas permitted under the provisions of Chapter 30 of this Code.
- (H) In case any kennel is located within five hundred (500') feet of one (1) or more buildings used or occupied as a residence, the dogs shall be continuously confined within the kennel building and not allowed to run at large or to be in the outdoor enclosure of the kennel.

**4-21.4 Nuisance; Inspections.** Dog kennel premises shall be maintained in a clean, sanitary condition at all times, and sanitary methods shall be used to obliterate or prevent any offensive odors. All dogs which are habitual barkers shall be confined inside an enclosed building at all times. The City Manager shall have the right to inspect a dog kennel at all reasonable hours.

**4-21.5 Dogs Under Reasonable Control of Owner or Keeper.**

- (A) It is unlawful for any person who owns or keeps a dog to allow the dog to be upon the streets, alleys, or other places, public or private within the City, unless the dog is at all times, under reasonable control of its owner, keeper, or some member of the owner's family.

- (B) It is unlawful for the owner or keeper of any female dog to permit it to go beyond the premises of the owner or keeper when it is in heat unless the dog be held properly in leash.

**4-21.6 Dogs Running at Large.** Members of the Police Department and other persons authorized by the City Manager may seize, or cause to be seized, any dogs that may be running at large contrary to the provisions of this Chapter or any dog found within the City not having a metal license tag affixed to its collar as required by State statute. Dogs seized shall be delivered into the custody of the Dog Warden for impounding, and all dogs so impounded shall be under the care of the Dog Warden.

**4-21.7 Barking Dogs.** No person shall own, harbor, or keep any dog which by loud or frequent barking, howling, yelping, baying, growling, whining, or any other noise causes serious disturbance or annoyance to any resident of the City or becomes a nuisance in the neighborhood in which the dog is harbored or kept. Every dog in the City shall at all times between sunset of each day and sunrise of the following day be confined upon the premises of its owner or custodian except where such dog is otherwise under the reasonable control of some responsible person. Any police officer who witnesses a violation of this Section may issue an appearance ticket to the owner or custodian of the dog in question requiring the person to appear in District Court to answer to an alleged violation of this Section. Upon receiving sworn complaints by two (2) or more persons of different households residing in the vicinity where any dog is harbored or kept alleging that a person has violated the provisions of this Section, any police officer may issue an appearance ticket to the owner or custodian of the dog in question requiring such person to appear in the District Court to answer to an alleged violation. Any violation shall be considered a civil infraction and any person found to be responsible for a civil infraction under this Section shall pay a civil fine of not more than Two Hundred (\$200) Dollars plus costs of the action. In the alternative, any alleged violation of this Section may be charged under the provisions of Section 4-21.13 of this Chapter.

**4-21.8 Notice by Chief of Police.** The Chief of Police may cause to be served on any person violating this Section a written notice requiring the person within twenty-four (24) hours to restrain a dog from running at large or causing serious disturbance or annoyance in the City.

**4-21.9 Public Interference and Seizure.**

- (A) No person shall remove a collar or license or inoculation tags attached to the collar except the owner of the dog, the owner's agent or the Dog Warden.
- (B) No person shall interfere with, prevent or hinder any police officer, Dog Warden or other authorized person in the performance of his or her duties under the provisions of this Chapter.
- (C) Any person who takes possession or control of any stray dog or dog belonging to another person shall within twenty-four (24) hours notify the Dog Warden or the Police Department.

**4-21.10 Dangerous and Fierce Dogs.** It is unlawful for any person who is the owner or possessor of any fierce or dangerous dog or any dog which habitually runs and barks at pedestrians, or at vehicles to permit the dog to go at large to the danger or the annoyance of any person unless the dog shall be upon a leash and under the immediate control of the owner or possessor when upon the streets, alleys, or other places, public or private in the City.

**4-21.11 Licensing and Inoculation of Dogs.**

- (A) Except for dogs confined in a duly licensed dog kennel, it shall be unlawful for any person to own or keep any dog over the age of six (6) months that does not at all times wear a collar with a license tag attached in accordance with the laws of the State. Application for a license shall be accompanied by proof of vaccination of the dog for rabies within the year preceding the date of application or where the dog has been vaccinated with modified live rabies virus of chick embryo origin accompanied by proof of vaccination with such virus within two (2) years preceding the date of such application. Dog kennel owners shall be governed by applicable State law as to license and vaccination requirements.
- (B) A certificate of inoculation in the form approved by the County Health Department shall be presented on demand at any time to any member of the Police Department. A metal tag for rabies shall be attached to the collar of each dog inoculated and shall be worn at all times.

**4-21.12 Rabies, Bites and Quarantine.**

- (A) It shall be the duty of any person who shall have in his or her possession a dog, cat, or other animal which has contracted rabies or which has been attacked or bitten by another dog, cat, or other animal known to have been afflicted with rabies or showing symptoms of rabies or which has bitten any person to immediately notify either the Police Department, the Dog Warden, or the District Health Department that the person has the dog in his or her possession and it shall be his or her duty upon demand of any policeman, Dog Warden, Health Officer, or official of the District Health Department to surrender the dog to be held for observation.
- (B) Whenever a dog is reported to have bitten any person, it shall be the duty of the Dog Warden to seize the animal and confine the same in a veterinarian hospital for a period of at least ten (10) days for the purpose of ascertaining whether the dog is afflicted with rabies, or the Dog Warden or any police officer may notify in writing the person owning or possessing any dog to confine same in a veterinarian hospital in the City or the vicinity thereof for a period of at least ten (10) days for the purpose of ascertaining whether such dog is afflicted with rabies and it shall be the duty of the owner of such dog to accomplish the confinement of the dog within twelve (12) hours of receiving notice. If the dog is afflicted with rabies it shall be destroyed under the direction of the Dog Warden. If the dog is not afflicted, it may be returned to its owner. In the event that any animal is confined under the provision of this Section, the owner shall be liable for any fees and costs which accrued because of the detention of the dog.
- (C) It shall be unlawful for any person who owns or keeps a dog to allow the dog to be upon the streets, alleys, or other places, public or private, or about the premises of the owner or keeper during the periods of quarantine declared by the City Manager or other authorized person unless the dog be securely attached to a chain or leash and under the immediate control of the owner or keeper, or otherwise confined and restrained in accordance with the provisions of the quarantine.

**4-21.13 Complaint of Violation.** Upon sworn complaint before the District Court that any one of the following facts exist:

- (A) That a dog has destroyed property or habitually trespasses in a damaging way, or habitually commits a nuisance on property of persons other than the owner;
- (B) That a dog has attacked or bitten a person.
- (C) That a dog shows vicious habits and molests or annoys passerby when lawfully upon the public highway whether or not the dog is on a public highway;
- (D) That a dog habitually runs or barks at pedestrians, other domestic animals, or vehicles;
- (E) That a dog habitually howls, barks, whines or bays to the serious disturbance or annoyance of the public;
- (F) That a person is keeping a dog under such unsanitary conditions that create vile odors to the annoyance of the public in the vicinity;
- (G) That a dog is running at large in violation of the terms of any lawful quarantine relating to rabies;

The Court shall issue a summons to the owner, or person in possession of the dog or dogs commanding him or her to appear before the Court and show cause why the dog or dogs should not be removed or otherwise disposed of. The summons shall be made returnable not less than six (6) nor more than twelve (12) days from the date and shall be served at least two (2) days before the time of appearance in Court. Upon the return date fixed in the summons, or upon adjournment, the Court shall proceed to determine the complaint, and if the Court shall find the allegations to be true, the Court may either order the dog(s) disposed of or may order the dog(s) confined to the premises of the owner, or may make another order with reference to the matter complained of as appears to be just. If the complaint sets forth the unsanitary keeping of a dog, the Court may also make such order as it shall determine to be necessary to abate the unsanitary condition of the premises upon which the dog is kept. If the owner of the dog disobeys the order and fails to abide by the provisions within ten (10) days following the entry, the owner shall be liable to be punished under Section 4-21.20. Costs as in civil cases shall be taxed against the owner of the dog or dogs and collected by the City.

**4-21.14 Responsibility for Damage Caused By Domestic Animals and/or Fowls.** It is unlawful to permit any horse, ass, mule, swine, sheep, goat, cow or other domestic animal, geese, chickens or other domestic fowl to run at large anywhere in the City.

**4-21.15 Detention of Domestic Animals and/or Fowls at Large.** Any police officer may detain, in some convenient place authorized by the City Manager, any horse, ass, mule, swine, sheep, goat, cow or other domestic animal, and any goose, chicken or other domestic fowl running at large in the City, and the owner of the domestic animal or fowl shall be required to pay all costs related to the detention.

**4-21.16 Housing for Rabbits and Domestic Fowl.** It is unlawful for any person to keep any rabbits, chickens, ducks, geese, or any poultry in the City unless the same be kept in a sanitary condition and in an enclosed yard or coop which shall be located not less than twenty (20) feet from the street line nor located within such a distance as to jeopardize the health and welfare of the occupants of the adjacent approved or adjoining property, the distance to be determined and approved by the City Manager.

**4-21.17 Swine Permit.** It is unlawful for any person to keep upon any premises in the City, any swine without a special permit from the City Commission which permit shall be granted only upon the written application of the person desiring the permit, and the application shall specify the location of the premises upon which it is proposed to keep swine and the number desired to be kept, and the permit, if granted, shall state the location of the premises and the number of swine allowed to be kept, and it shall not be lawful to keep swine upon any other premises nor any greater number than specified in the permit.

**4-21.18 Horses and Farm Animals.** It is unlawful for any person to keep upon any premises in the City any horse or other farm animal on any premises having an area of less than five (5) acres or to keep such animal in any building or enclosed area within three hundred (300) feet of any building or enclosed area within three hundred (300) feet of any building or structure used for residential purposes other than the residence of the owner of the animal.

**4-21.19 Cruel and Inhumane Treatment.** No person shall treat a dog or other animal or fowl in a cruel or inhumane manner, or willfully or negligently cause or permit any dog, other animal or fowl to suffer unnecessary torture, abuse, or pain.

**4-21.20 Penalty for Violation.** Any person violating or failing or refusing to comply with an order of the District Court as set forth in Section 4-18.13 or for violation of this Chapter shall, upon conviction, be punished as prescribed in Chapter 1 of this Code.

(A) Civil Infractions. In addition to any other penalty for violation of this Chapter, a person who violates any provision of this Chapter is responsible for a municipal civil infraction, subject to the payment of a civil fine of not less than Fifty (\$50) Dollars plus costs and other sanctions for each infraction. Repeat offenses under this Chapter shall be subject to increased fines as provided in Chapter 1 of this Code.