

## CHAPTER II. ANIMAL AND FOWL

Article 1. Animals and Fowl Generally

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### ARTICLE 1. ANIMALS AND FOWL GENERALLY

- 2-101. DEFINITIONS. For the purpose of this chapter, the following words shall mean:
- (a) Animal: Any live, vertebrate creature, domestic or wild;
  - (b) Animal Shelter: Any facility operated by a humane society, or municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law;
  - (c) Animal Control Officer: Any person designated by the mayor as a law enforcement officer who is qualified to perform such duties under the laws of the city and the state;
  - (d) Kennel: Any premises wherein any person engaged in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats;
  - (e) Owner: Any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more;
  - (f) Performing Animal Exhibition: Any spectacle, display, act, or event other than circuses, in which performing animals are used;
  - (g) Pet: Any animal kept for pleasure rather than utility;
  - (h) Pet Shop: Any person, partnership, or corporation, where operated separately or in connection with another business enterprise except for a licensed kennel, that buys, sells, or boards any species of animal;
    - (i) Public Nuisance: Any animal or animals which:
      - (1) molests passersby or passing vehicles;
      - (2) attacks other animals;
      - (3) trespasses on school grounds;
      - (4) is repeatedly at large;
      - (5) damages private or public property;
      - (6) barks, whines, or howls in an excessive, continuous, or untimely fashion;
      - (7) upsets or otherwise disturbs trash receptacles.
  - (j) Restraint: Any animal secured by a leash or lead, or on the real property limits of its owner;
  - (k) Veterinary Hospital: Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals;
  - (l) Wild Animal: Any live monkey (non-human primate), raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx, coyote or any other warm blooded animal which can normally be found in the wild state;

(m) Zoological Park: Any facility, other than pet shop or kennel, displaying or exhibiting one or more species of nondomesticated animals operated by a person, partnership, corporation, or government agency. (Ord. 478, Sec. 1)

- 2-102. LIVESTOCK, PROHIBITED. It shall be unlawful for any person, firm or corporation to keep, corral, harbor, pasture or graze any cattle, horses, mules, donkeys, sheep, goats, swine or other livestock within the city. (Code 1984)
- 2-103. ANIMALS AND FOWL; RUNNING AT LARGE; ABANDONING. It shall be unlawful for the owner or any person having the care, custody or control of any cattle, horses, mules, sheep, goats, swine or other animals, chickens, ducks, geese, turkeys or any other domestic fowl to permit the same to run at large upon any public or private grounds in the city other than property in the possession or under the control of the owner or person having the care, custody or control of such animals or domestic fowl or to abandon any such animals. (Ord. 478, Sec. 3)
- 2-104. ANIMAL CONTROL OFFICER. There is hereby created the position of animal control officer for the city and such officer shall be charged with the enforcement of this article. Any person employed by the city as an animal control officer and commissioned by the mayor of the city shall have such powers and authority as allowed by law in the enforcement of this article. All animal control officers shall be subject to the supervision and direction of the mayor. (Ord. 478, Sec. 4)
- 2-105. KILLING DANGEROUS ANIMALS. The animal control officer may destroy any dog, cat or warm blooded animal after exercising due diligence to notify the owner, keeper, or harbinger thereof of any such animal infected with or suspected of being infected with rabies or infectious distemper whether or not it bears the tag herein provided for. Any animal control officer may destroy any fur bearing animal or reptile without notice to the owner, keeper or harbinger thereof, when any such animal is dangerous to person or property. (Ord. 478, Sec. 5)
- 2-106. UNLAWFUL ACTS; CRUELTY TO ANIMALS. It shall be unlawful for any person to be cruel to animals and fowl. Cruelty to animals and fowl is any of the following acts:
- (a) Intentional killing, injuring, maiming, torturing or mutilating an animal or fowl; or
  - (b) Having physical custody of an animal or fowl and acting or failing to act when the act or failure to act causes or permits pain or suffering to such animal or fowl; or
  - (c) Abandoning or leaving any animal or fowl in any place without making provisions for its proper care; or
  - (d) Having physical custody of any animal or fowl and failing to provide such food, potable water or protection from the elements, opportunity for exercise or other care as is needed for the health or well-being of such kind of animal or fowl; or
  - (e) Willfully or maliciously administering or causing to be administered poison, of any kind whatsoever to any dog, cat or other domestic animal or fowl.

- (Ord. 478, Sec. 6)
- 2-107. INJURY TO DOMESTIC ANIMALS. No person shall willfully and maliciously:
- (a) Administer any poison to any domestic animal;
  - (b) Expose any poisonous substance with the intent that the same shall be taken or swallowed by any domestic animal; or
  - (c) Kill, maim, or wound any domestic animal of another without the consent of the owner.
- This section shall not apply to any person exposing poison upon their premises for the purpose of rodent or nuisance bird control, nor shall it apply to any licensed veterinarian who administers any such substance in the practice of veterinarian profession, nor to a law enforcement officer while engaged in the performance of his or her duties. (Ord. 478, Sec. 7)
- 2-108. ANIMAL CARE. (a) No owner shall fail to provide his or her animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- (b) No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.
  - (c) No owner of an animal shall abandon such animal.
- (Ord. 478, Sec. 8)
- 2-109. KEEPING OF WILD ANIMALS. (a) No person shall keep or permit to be kept on his or her premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be constructed to apply to zoological parks, performing animal exhibitions, or circuses.
- (b) No person shall keep or permit to be kept any wild animal as a pet.
  - (c) The city may issue a temporary permit for the keeping, care and protection of an infant animal native to this area which has been deemed to be homeless.
  - (d) The city shall have the power to release or order the release of any infant wild animal kept under temporary permit, which is deemed capable of survival.
- (Ord. 478, Sec. 9)
- 2-110. PERFORMING ANIMAL EXHIBITIONS. (a) No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause, or is likely to cause, physical injury or suffering.
- (b) All equipment used on a performing animal shall fit properly and be in good working condition.
- (Ord. 478, Sec. 10)
- 2-111. ANIMAL WASTE. The owner of every animal shall be responsible for the removal of any excreta deposited by his or her animal(s) on public walks, recreation areas, or private property. (Ord. 478, Sec. 11)

- 2-112. PENALTY. Any person violating any provision of this article shall be deemed guilty of an offense and shall be punished by a fine of not less than \$5 nor more than \$100. If any violation be continuing, each day's violation shall be deemed a separate violation. (Ord. 478, Sec. 30)

## ARTICLE 2. DOGS AND CATS

- 2-201. LICENSING AND REGISTRATION (a) The owner or keeper of any dog shall pay the city clerk on or before April 1st of each year before the dog is registered, a registration fee of \$5 for each dog. There shall be a late payment charge of \$25.00 for every dog registered after April 1st. Upon payment of the license fee and applicable late fees, if any, the City Clerk shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The shape and color of the tag shall be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number of the certificate. Every owner shall be required to provide each dog with a collar or harness to which the license tag must be affixed and shall see that the collar or harness and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate shall be issued by the clerk upon presentation of a receipt showing the payment of the license fee for the current year and the further payment of \$1 for such duplicate. Dog tags shall not be transferable from one dog to another and no refund shall be made on any dog leaving the city before expiration of the license. Such licensing shall be required on or before the 1st day of April of each year. New residents of the city shall have 60 days from date of residency to comply with this section.
- (b) The provisions of this section shall not apply to "seeing-eye" dogs properly trained to assist blind persons for the purpose of aiding them in going from place to place.
- (c) It shall be unlawful for any person to keep any dog over the age of six months in the city without having the same registered as setforth above or violate any other provisions of this article. (Ord. 704)
- 2-202. CERTIFICATE OF IMMUNIZATION. Before the city clerk shall register the name of any owner or keeper of a dog or issue a license, the owner or keeper must present a certificate of rabies vaccination from a licensed veterinarian. The certificate shall be deemed current if it does not expire within the current license year. (Ord. 478, Sec. 13; Code 1984)
- 2-203. NON-RESIDENT OWNER OR KEEPER. Any non-resident owner or keeper may at his or her option register and license his or her dog or cat as herein provided. The city shall recognize any valid registration and licensing by any other political subdivision. (Ord. 478, Sec. 14)
- 2-204. LIMIT ON DOGS AND CATS. (a) The city clerk shall not register nor issue licenses on more than three dogs over six months of age that are to be kept at the same address or on the same premises without the consent of the governing body.

In such cases where an owner or keeper desires to keep more than three dogs at the same address or on the same premises, the governing body or an appointed agent shall first view the premises, and if it is determined by the governing body that the keeping of more than three dogs would be a nuisance or detrimental to the general welfare of the area, then the governing body may refuse to register or issue the license.

(b) It shall be unlawful for any person to own, keep or harbor more than three cats over six months of age at the same address or on the same premises if it is determined by the governing body or appointed agent that such animals are a nuisance or detrimental to the general welfare of the area.  
(Ord. 478, Sec. 15)

2-205. KENNELS. Any person engaged in the business of raising dogs or cats for profit or trade and who shall own, keep or harbor or maintain in the city with the permission of the city, as provided for by section 2-205, four or more dogs and/or cats over six months of age, shall be deemed to be operating a kennel. The license for such a kennel shall be the sum of \$10 per year. (Ord. 478, Sec. 16)

2-206. IMPOUNDING DOGS AND CATS. It shall be lawful for any animal control officer designated by the governing body of the city to pursue and capture any dog or cat found running at large and to impound the same. Any cat or dog picked up under this section which is unacceptable by the designated impounding agency because of being infected with a communicable disease may be disposed of at the discretion of the animal control officer. (Ord. 478, Sec. 17; Code 1984)

2-207. SAME; NOTICE TO OWNER AND REDEMPTION. Upon receipt of a dog at the designated agency, notification will be made to the owner immediately, if licensed. Within three days after any dog or cat is impounded, the owner or keeper of the dog or cat so held may appear before the designated agency and pay the cost of boarding and impounding the dog or cat. The impounding fee shall be \$20 for a licensed dog or cat and \$25 for an unlicensed dog for the first time during any 12-month period. The second time during any 12-month period an animal is picked up, the fee shall be \$35. The third and any succeeding time during one 12-month period, the fee shall be \$50. The boarding fee shall be \$5 per day for each day or portion of a day that the dog or cat is impounded. If the dog or cat is not claimed within three days as covered in this section, it may be disposed of by the impounding agent for the city. (Ord. 668, Sec. 18; Code 2003)

2-208. SAME; ISSUANCE OF CITATION. (a) As an alternative to impoundment provisions of this article and other laws of the city, any police officer or animal control officer may issue a citation to the owner, harbinger or keeper of the dog or cat that the person is in violation of this article and the person receiving such citation shall, within 30 days, appear in the municipal court of the city to answer the charge of permitting such dog or cat to run at large in violation of the laws of the city.

(b) Upon conviction of violation of this article, the owner, harbinger or keeper of such dog shall be fined in an amount of not less than \$25 nor more than \$75 and shall upon subsequent convictions of the same violation be fined an amount of

not less than \$35 nor more than \$100 and in any instance shall pay the costs of the court in addition to such fine.

(c) Any person receiving a citation, who shall fail to appear within 30 days shall, upon conviction of a violation of this article be subject to the penalty provided by section 2-219 of this article.

(Ord. 478, Sec. 19; Ord. 514, Sec. 1; Code 1986)

- 2-209. SAME; NON-LICENSED ANIMALS. In the event that the impounded dog is a non-licensed animal, before the impounding agent shall release the animal to the owner or keeper thereof, such owner or keeper shall post a deposit of \$25 with the city clerk. Subsequent to being released, the animals must be given immunization as required by this article and a license obtained by the payment of such fees and delinquencies as are applicable under the condition of this article within a seven-day period or such deposit shall be forfeited. After such forfeiture, the dog will be licensed under section 2-201. In the event that the animal is licensed within the seven-day period, the \$25 deposit will be returned to the owner or keeper upon the payment of the licensing and delinquency fees which are applicable. (Ord. 478, Sec. 20)
- 2-210. STERILIZATION. No unclaimed dog or cat shall be released for adoption without being sterilized, or without a written agreement from the adopter guaranteeing that such animal will be sterilized. (Ord. 478, Sec. 21)
- 2-211. RABIES CONTROL. When rabies is known to exist in the community, or when it is known to exist in neighboring communities, the mayor shall declare a quarantine of all dogs, cats, or other domestic animals, and any other warm blooded animals. It shall be the duty of the owner, keeper or harbinger of a dog, cat or other domestic animal, and any other warm blooded animal to keep such dog, cat, or domestic animal and any other warm blooded animal confined to the premises of such owner, keeper or harbinger and under safe control, except when taken abroad on a leash, in a car or other conveyance, or in a crate or carrier case suitable for shipment. Any violation of this section is a misdemeanor and punishable as provided in section 2-219. (Ord. 478, Sec. 22)
- 2-212. QUARANTINE OF RABID ANIMALS. Any dog, cat or other warm blooded animal suspected of having rabies and which is apprehended by the animal control officer shall be confined under observation by the city and if the owner thereof is known or can be located, he or she shall be liable for the expenses incurred. (Ord. 478, Sec. 23)
- 2-213. QUARANTINE OF BITE ANIMALS. Any dog, cat or other warm-blooded animal which bites, scratches, or otherwise injures a person shall be confined under the care and observation of a licensed veterinarian, whose place of business is in Shawnee County, for a period of not less than 10 days from the date of the actual bite. The chief of police or his or her agents shall cause the owner of the animal to be personally notified and directed to place the animal in the care of the licensed veterinarian of his or her choice immediately or as soon as his or her office is open for business. This period of confinement is to be at the owner's expense. The veterinarian will furnish the city clerk a written report regarding the

animal's health at the expiration of the 10 day observation period. (Ord. 478, Sec. 24)

2-214. SAME; ALTERNATIVES FOR CONFINEMENT OF BITE ANIMALS.

Whenever any one of the following factors appears undisputed between the injured person and the owner, keeper or harborer of any animal alleged to have bitten, scratched or otherwise injured a person, the animal may be confined as provided in this section.

Factors: The animal which injured the person did so while confined on a chain within the owner's property, or within a fence or building enclosing the owner's property, or in the owner's automobile or under leash control if the animal is not normally considered vicious or dangerous or the animal has an effective rabies inoculation and is duly licensed with the city when applicable or the injured person was on the property of the owner without permission or on the owner's property with permission but the injured person failed to avoid the animal's perimeter when it was obvious or after warning. If any of the above factors is undisputed between the injured person and the owner, keeper or harborer of the animal then the animal may be confined on the owner's premises if the owner agrees to maintain observation for a period of not less than 10 days and will not remove the animal from the property except for veterinary treatment and agrees to allow the animal control officer to make daily checks on the animal. At the end of the observation period a licensed veterinarian of the owner's choice must check the animal and furnish written notification to the city clerk reporting the animal's health. (Ord. 478, Sec. 25)

2-215. UNLAWFUL ACTS; ANIMALS-AT-LARGE. (a) At Large. It shall be unlawful for the owner, keeper or harborer of any dog or cat to permit such animal to be out of control within the city.

(1) All dogs must be confined to a chain or in a fence on the premises of the owner, keeper or harborer when unattended by same. Dogs shall be deemed out of control when off these premises except when on a leash, in a cage, in a car or other conveyance.

(2) All cats which cause injury to persons or damage to property shall be presumed out of control within the city.

(b) Conduct. It shall be unlawful for the owner, keeper or harborer of any dog, cat or other domestic animal to carelessly, negligently or willfully permit such dog, cat or other domestic animal to disturb the peace, harmony, quiet or property of any person or persons, or engage in conduct which would tend to anger, alarm or arouse resentment in any person or persons.

(Ord. 478, Sec. 26)

2-216. SAME; DANGEROUS ANIMAL-AT-LARGE. Permitting a dangerous animal to be at large is unlawful and defined as:

(1) The act or omission of the owner or keeper of an animal of dangerous or vicious propensities who, knowing of such propensities, permits such animal to go at large.

(2) The act or omission of the owner or keeper of an animal of dangerous or vicious propensities who, knowing of such propensities, keeps such animal without taking reasonable care to restrain it and protect other persons from injury.

(Ord. 478, Sec. 27)

- 2-217. CREATING A PUBLIC NUISANCE. It shall be unlawful for the owner, keeper or harbinger of any dog, cat or other domestic animal to carelessly, negligently or willfully permit such dog, cat or other domestic animal to create a public nuisance. (Ord. 478, Sec. 28)
- 2-218. ENFORCEMENT. The civil and criminal provisions of this article shall be enforced by those persons or agencies designated by municipal authority. It shall be a violation of this article to interfere with an animal control officer in the performance of his or her duties. (Ord. 478, Sec. 29)
- 2-219. PENALTIES. Any person violating any provision of this article shall be punished by a fine of not less than \$5 nor more than \$100. If any violation be continuing, each day's violation shall be deemed a separate violation. If any person be found guilty by a court of violating sections 2-201 and 2-205 his or her permit to own, keep, harbor, or have custody of animals shall be deemed automatically revoked and no new permit may be issued. (Ord. 478, Sec. 30)

### ARTICLE 3. PIT BULL DOGS

- 2-301. ANIMALS; KEEPING PROHIBITED. It shall be unlawful to keep, harbor, own or in any way possess within the corporate limits of the city:
- (a) Any warm-blooded, carnivorous or carnivorous, wild or exotic animal (including but not limited to on-human primates, raccoons, skunks, foxes and wild and exotic cats, but excluding fowl, ferrets and small rodents of varieties used for laboratory purposes.
  - (b) Any animal having poisonous bites.
  - (c) Any pit bull dog, provided, Pit Bull Dog is defined to mean:
    - (1) The bull terrier breed of dog;
    - (2) Staffordshire bull terrier breed of dog;
    - (3) The American pit bull terrier breed of dog;
    - (4) The American Staffordshire terrier breed of dog;
    - (5) Dogs of mixed breed or of other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers;
    - (6) Any dog which has the appearance and characteristics of being predominantly of the breeds of bull terrier, Staffordshire bull terrier, American pit bull terrier, American Staffordshire terrier; any other breed known as pit bulls, pit bull dogs or pit bull terriers; or a combination of any of these breeds.
- (Ord. 693)