

TITLE 20 – ZONING ORDINANCE OF GENOLA

CHAPTER 11 ANIMAL CONTROL

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20.11.01 **DEFINITIONS**

As used in this chapter, unless context otherwise indicates, the following words shall mean:

ANIMAL CONTROL OFFICER: The officer selected by the Town Council to be responsible for the enforcement of this ordinance.

AT LARGE: Any animal off the premises of the owner and not under the control of the owner or a member of his immediate family or authorized agent.

DOG: Any canis familiaris over six (6) months of age.

PUPPY: Any canis familiaris under six (6) months of age.

ESTRAY: Any valuable animal, except dogs or cats, not wild, found wandering from its owner.

IMPOUNDED: Having been received into the custody of any authorized agent.

KENNEL: An establishment having three (3) or more dogs for the purpose of keeping as pets, boarding, breeding, buying, letting for hire, training for fee or selling.

OWNER: When applied to the proprietorship of a dog, shall mean any person or persons, firm, association or corporation owning, keeping or harboring a dog or puppy.

POUND: An animal shelter, lot, premises or building maintained by, authorized by or employed by the Town for the confinement or care of dogs and puppies seized either under the provision of this chapter or otherwise.

STRAY: Any animal "at large" as defined herein.

UNLICENSED DOG: A dog for which the license for the current year has not been paid, or to which the tag provided for in this chapter is not attached.

VICIOUS DOG: A dog that has bitten a person without provocation or a dog that has a known propensity to attack, bite or threaten human beings.

WORRY: To harass by tearing, biting or shaking with the teeth.

20.11.02

ANIMAL CONTROL OFFICER

- A. Appointment: Until such time as an Animal Control Officer is appointed, the Chief of Police, or his designee, shall be acting Animal Control Officer.
- B. Duties: The Animal Control Officer shall perform the following duties:
 - 1. Carry out and enforce the provisions of this chapter.
 - 2. Take into his possession and impound all strays running at large and dispose of the same as hereinafter provided.
 - 3. Enforce the licensing of any dogs over 6 months old and control all dogs and puppies within the Town as hereinafter provided.
 - 4. File complaints in the courts against any person failing to comply with the provisions of this chapter.
 - 5. Capture and secure all dogs and puppies found running at large contrary to the provisions of this chapter and impound such dogs and puppies in a humane manner.
 - 6. Provide for a good and sufficient pound in which all animals duly committed to his charge or otherwise impounded by him shall be maintained.
 - 7. Enter a description thereof in records kept for that purpose stating the kind of animal, the circumstances under which the animal was received or impounded, a description thereof sufficient to provide identification and the costs expended for the maintenance or sale of the animal.
- C. Fees for service: The Animal Control Officer shall charge the owner of the animals taken into his possession for impound, disposal or other services. The owner shall pay such fees and charges for services performed by the pound or Animal Control Officer as the Town Council shall establish by resolution. All fees received by the Animal Control Officer shall be paid over to the Town.

- D. Interference with Animal Control prohibited: Any person found to interfere, molest, hinder or obstruct the Animal Control Officer or any of his authorized representatives in the discharge of their duties as herein prescribed shall be guilty of a Class C Misdemeanor.

20.11.03 **DOG POUND**

The Town shall contract with an adjoining municipality or with the County for the purpose of providing suitable premises and facilities to be used by the Town as the dog pound. It shall be maintained in a convenient location and shall be sanitary and so operated as to properly feed, water and protect the dogs from injury.

20.11.04 **LICENSING REQUIREMENTS**

- A. Licensure and Registration: It is unlawful for any person to keep, harbor or maintain any dog unless such dog is registered and licensed in the manner herein provided.
1. Application:
 - a. Application for registration and licensing shall be made to the Town. The owner shall state at the time of application his name and address, the name, sex, breed and color of each dog owned or kept by him. The owner shall also provide proof of the animal's current rabies vaccination and of the animal's reproductive status at time of application.
 - b. The owner of any newly acquired dog shall make an application for registration and license within thirty (30) days after such acquisition.
 2. Fees: All fees for dog licensure are payable to the Town prior to the issuance of a license. All fees shall be established by resolution of the Town Council.
 3. Renewal: Licenses are to be renewed upon expiration.
 4. Issuance of tag: Upon payment of the license fee, the Town shall issue to the owner, a license receipt and a numbered metallic tag for each dog so licensed. The number shall be recorded for the purpose of animal identification. The owner shall provide each dog a collar to which the license tag shall be affixed and shall assure that the collar and tag are constantly worn by the dog.
 5. Duplicate Tag: In the event a dog tag is lost or destroyed, a duplicate tag will be issued by the Town upon presentation of a receipt showing the payment of the license fee and upon payment of the replacement tag fee.
 6. Tag Not Transferable: Dog Tags shall not be transferable from one dog to another dog.
- B. Kennel Regulation: Anyone owning, keeping, harboring or maintaining

three (3) or more dogs, or puppies over six (6) months of age, for whatever purpose, shall be considered operating a kennel and the following regulations will apply:

1. Each kennel must have a current valid kennel license and a current valid business license in those areas which require a business license in addition to a kennel license. Such licenses are required to be displayed and readily available for inspection by any authorized person.
2. The kennel shall maintain a dog run consisting of an area with a minimum of 216 square feet, with an additional seventy-two (72) square feet for each dog beyond three (3) dogs in the kennel.
3. Each dog run must be fenced and must have a shelter to protect the animal for the elements.
4. The kennel and dog run must be at least twenty (20) feet from the property line.
5. Inspection and approval by the Animal Control Officer shall be required before a kennel license will be issued.
6. Anyone operating a dog kennel shall be required to pay an annual kennel license fee, which shall be in addition to the fees established for the licensing of dogs. All fees shall be established by resolution of the Town Council.

(Amended by Ordinance 2015-05)

C. Licensing Exceptions:

1. Temporary Residents: The provisions of this section shall not be intended to apply to dogs whose owners are non-residents temporarily within the Town nor to dogs brought to the Town for the purpose of participating in any dog show or to board in any kennel for no longer than three (3) months.
2. Guide Dogs and Service Dogs: Dogs used as guide or service shall be licensed and registered as other dogs hereinabove provided; except that the owner or keeper of such a dog shall not be required to pay any fee therefor.

20.11.05

CRUELTY TO ANIMALS PROHIBITED

It shall be unlawful for any person to:

- A. Treat in cruel and inhumane manner: willfully or maliciously kill, maim, disfigure, burn or scald, overdrive, overload, overwork, torture, cruelly beat, mutilate, carry or transport in any vehicle or other conveyance in a cruel and inhumane manner or cause any of these acts to be done;

- B. Abandon: abandon or turnout at large any animal. Such animal shall, when rendered useless by reason of sickness or other disability, be killed by the owner thereof and its carcass disposed of in such manner as to create no nuisance or hazard to health of the animal;
- C. Poison: administer poison to any animal or to expose any poisonous substance with the intent that it shall be taken by any such animal to cause harm or death. This provision shall not be interpreted so as to prohibit the use of poisonous substances for the control of vermin when applied in such a manner as to reasonably prohibit access to other animals;
- D. Fail to provide care: fail to provide any animal in his charge or custody with necessary sustenance, drink and protection from the elements, or cause any of these acts to be done; and
- E. Maintain place of exhibition: maintain any place where fowl or other animals are suffered to fight upon exhibition or for sport upon any wager.

Any person found to violate this section shall be guilty of a Class C Misdemeanor. Any person found to violate this section, after having been previously convicted of violating this section within the previous five years, shall be guilty of a Class B Misdemeanor.

20.11.06

DANGEROUS OR VICIOUS ANIMALS

- A. Dogs attacking persons and animals:
 - 1. Allowing dog to attack: It shall be unlawful for the dog owner or person having charge, care, custody or control of any dog to allow such dog to attack, chase or worry any person, animal, any species of hooved protected wildlife or domestic fowl.
 - 2. Crime: Any person found to violate subsection A.1. of this section shall be guilty of an Infraction. Any person found to violate this section, after having been previously convicted of violating this section within the previous five years, shall be guilty of a Class C Misdemeanor.
 - 3. Owner Liability: The owner in violation in subsection A.1. of this section shall be strictly liable for violation of this section. The owner of such dog shall also be liable for damages to any person injured or to the owner of any animal injured or destroyed thereby.
 - 4. Defenses: The following shall be considered in mitigating the penalties or damages or in dismissing the charges:
 - a. That the dog was properly confined on the premises.
 - b. That the dog was deliberately or maliciously provoked.

5. Dogs may be killed: Any person may kill a dog while it is committing any of the acts specified in subsection A.1. of this section or while such dog is being pursued thereafter.
- B. Fierce, dangerous or vicious animals: It shall be unlawful for any person to own any fierce dangerous or vicious animal. Any person found to violate this section shall be guilty of a Class C Misdemeanor and shall be required to make a Court appearance related to the crime.

20.11.07

CONTROL OF RABIES AND RABID ANIMALS

- A. Rabies Vaccination Required: It shall be unlawful for the owner of any dog to suffer, allow or permit such dog to be or go upon any sidewalk, street, alley, public place or square within the Town, without having such dog vaccinated every three (3) years against Rabies as provided in section B of this section and without there being on such dog a collar or harness with a license tag thereon showing that such dog has been so vaccinated.
Exception: Puppy vaccinations for rabies are good for only one (1) year.
- B. Vaccination by licensed Veterinarian: Every owner of any dog within the Town shall have the dog vaccinated against rabies by a licensed veterinarian, shall secure from the veterinarian a certificate thereof and shall attach to the collar or harness, which such person is hereby required to place upon the dog, a tag showing that such vaccination has been done. Exception: The owner of any dog may themselves purchase serum and vaccinate their own dogs and shall provide adequate proof of vaccination.
- C. Reporting of Rabid Animals: Anyone having knowledge of the whereabouts of an animal known to have or suspected of having rabies shall report the fact immediately to the Animal Control Officer.
- D. Biting Animal Quarantined: Any dog or other animal of a species subject to rabies which is known to have bitten or injured any person so as to cause an abrasion of the skin shall be placed in confinement under observation of a veterinarian hospital or the Town Pound at the owner's expense and shall not be euthanized or released until at least ten (10) days after the biting or injury has occurred, in order to determine whether or not the animal has rabies. If the animal dies or has been killed, its head shall be removed and immediately taken to the State Health Laboratory to be examined for rabies.
- E. Bitten Animals Quarantined: Any animal of a species subject to rabies which has been bitten by a known rabid animal or has been in intimate contact with a rabid animal shall be isolated in a suitable place approved by the Animal Control Officer for a period of one hundred twenty (120) days or destroyed.
- F. Knowledge of Bite: Any person having knowledge of any individual or animal having been bitten by an animal of a species subject to rabies shall report the incident immediately to the Animal Control Officer.
- G. Owners shall be responsible for all costs associated with the housing of a rabid animal.

20.11.08 **ANIMALS AT LARGE**

No cattle, horses, mules, sheep, goats, llamas or swine shall be allowed to negligently or with specific intent run at large upon any street. Any person found to violate this section shall pay such fees and charges as the Town Council shall establish by resolution.

20.11.09 **DOG AT LARGE**

A. Unlawful Acts: It shall be unlawful:

1. For the owner or keeper of any dog to permit such dog to run at large
2. For an owner or keeper to permit such dog to go upon or be upon the private property of any person without the permission of the owner or person entitled to the possession of such private property.

B. Violation regardless of precautions: The owner of any dog running at large shall be deemed in violation of this section regardless of the precautions taken to prevent the escape of the dog and to prohibit it from running at large.

C. Declared nuisance: Any dog running at large in violation of the provisions of this section is hereby declared to be a nuisance and a menace to the public health and safety and the dog shall be taken up and impounded as provided in this chapter.

D. Penalties:

1. First Offense/Infraction: Any person violating this section for the first (1st) time shall be guilty of an infraction and subject to penalty as provided in the Town's fee schedule.
2. Second Offense; Class C Misdemeanor: Any person violating this section for a second (2nd) time shall be guilty of a class C misdemeanor and subject to a penalty as provided in the Town's fee schedule.
3. Third Offense and subsequent offenses; Class B misdemeanor: Any person violating this section for a third (3rd) time and subsequent times shall be guilty of a Class B misdemeanor and subject to penalty as provided in the Town's fee schedule.

The judge may also determine that such continued and repeated offenses indicate, on the part of the owner of the animal, complete disregard for this section and the court. The judge may find the owner in contempt of court and declare that the owner has given up his property rights pertaining to the animal. The judge may then either place the animal up for adoption or otherwise order the disposal of the animal.

E. Retrieval of dog: Prior to retrieving a dog from the pound, the owner will also be required to furnish evidence that the dog is licensed and is current with rabies vaccinations, in accordance with section 5-2-4 and 5-2-7 of this

chapter. If the dog does not have a license a citation will be issued. The owner will then have up to seven (7) days to obtain a license and proper immunization and submit proof to the proper authority.

20.11.10

PROHIBITED ACTS AND CONDITIONS

- A. Disposition of Dead Animals: The owner of any animal that has died or been killed shall remove or bury the carcass of such animal within one business day of its death.
- B. Female dogs in heat: The owner of a female dog in heat shall cause such dog to be penned or enclosed in such a manner as to preclude other dogs from attacking such female dog or being attracted to such female dog so as to create a public nuisance.
- C. Trespassing Animals: It shall be unlawful for any owner or caretaker of any domestic fowl or animal to permit such fowl to trespass upon the premises of another person.
- D. Disturbing the Peace: No person shall own or harbor an animal in such a manner that the peace and quiet of the public is unreasonably disturbed in an untimely and continuous manner, excepting that normal agricultural practice is allowed. The keeping or maintenance, or the permitting to be kept or maintained, on any premises owned, occupied, or controlled by any person of any animal or fowl which, by any frequent or long continued noise, shall be in violation.

20.11.11

IMPOUNDING

- A. Duty of Official to impound: It shall be the duty of every police officer or other designated official to apprehend any dog found running at large, not wearing his tag or which is in violation of this chapter and to impound such dog. The Animal Control Officer or other designated official, upon receiving any dog, shall make a complete registry.
- B. Disposition of unclaimed or Infected Dogs: All impounded dogs not redeemed within five (5) days of the date of impound may be destroyed or sold to the person first (1st) making written request for purchase at such a price as may be deemed agreeable. In the case of dogs severely injured or having contagious disease, other than rabies, and which is in the Animal Control Officers judgment suffering and recovery is doubtful, the Animal Control Officer may destroy the dog without waiting the five (5) day period.

20.11.12

LIVESTOCK

- A. It is unlawful for any person owning or having the custody, possession, or control of an animal of a class of livestock or fowl to allow, either negligently or with specific intent, the animal to run at large.

- B. All fencing of property where a class of livestock or fowl, are kept shall be sufficient construction to prevent the escape of or injury to the animals being confined within the fencing. The fencing shall be maintained so that no part of such fence, absent extraordinary circumstances, may be broken, damaged, or in any way create the possibility of injury to the confined animal or to allow the escape thereof.

20.11.13 **PENALTY**

Except as otherwise specifically provided in this chapter, any person violating any provision of this chapter shall be guilty of a Class C Misdemeanor, and unless a different penalty shall be provided for such violation by this chapter, such violation shall be punished as provided in the fee schedule adopted by resolution of the Town Council.

20.11.14 **ENFORCEMENT STANDARDS**

- A. The department, each agent or deputy thereof who is assigned to duties which include the enforcement of animal regulation laws, and any peace officer, are responsible for enforcing the provisions of this chapter and other provisions of state law which they have a duty to enforce.
- B. Each of the individuals referred to in paragraph (A) above shall have the power to make arrests for violations of those provisions, unless prohibited by state or federal law. He has a duty to enforce and to issue citations for any violations.

20.11.15 **RIGHT OF ENTRY FOR ENFORCEMENT**

In the enforcement of any provision of this chapter, any animal regulation officer or authorized agent or deputy may enter the premises of any person to take possession of any animal in violation.

ⁱ Revisions of Ordinance

- 2015-05
- 2011-01
- 2002-03