

Title 6

ANIMALS

Chapters:

6.04 Animal Control

6.05 Deer Feeding Prohibited

Chapter 6.04

ANIMAL CONTROL*

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* Prior history: Prior code §§ 12-2016 12-213 as amended by Ords. 428, 528 and 579.

6.04.010 **Definitions.**

As used in this chapter:

"Animal" means any live, vertebrate creature, domestic or wild, excluding humans for the purpose of Section 6.04.040, ðanimalö shall mean any animal that may be infected with rabies.

"Animal control center" means 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 the laws governing such controls.

"Animal control officer" means any person duly authorized by state, county or local authorities to enforce these ordinances.

"At large" any animal shall be deemed to be "at large" when it is off the property of its owner and not under control of a competent person, unless the animal is under the immediate control of its owner or custodian by means of a leash, under verbal control, or is securely confined in a vehicle.

ōCruelty, mistreatment or tortureö means every act, omission or neglect whereby unnecessary, unjustifiable, or unreasonable physical pain or suffering of an animal is caused or permitted.

ōDangerous animalö any animal that, but itself or by environmental circumstances, at the determination of an animal control officer after investigation, is a threat to the physical well-being of other owned animals or humans.

ōDomestic animalö means any animal that through long association with man, has been bred to a degree which has resulted in genetic changes affecting the temperament, color, conformation, or other attributes of the species to an extent that makes it unique and different from wild individuals of its kind.

"Exposure to rabies" means any animal that has been exposed to rabies within the meaning of this chapter or it has been bitten by or exposed to any animal known to be or suspected of being infected with rabies.

"Feral animal" means livestock, or pets, not effectively controlled by any person, and exhibiting predatory, scavenger, or vicious tendencies.

"Inhumane treatment and neglect" means any act of mistreatment, torture, cruelty, neglect, abandonment, mutilation or inhumane slaughter, of an animal that is not consistent with generally accepted training, use, and husbandry procedures, for the species, breed, physical condition and type of animal.

"Kennel" means any person, group of persons, or corporation engaged in the commercial enterprise of buying, selling, breeding, or boarding animals. A kennel is not allowed within city limits without the prior approval of the city common council. Kennels shall provide appropriate housing or adequate protection that will allow the animal to be out of the elements.

"Livestock" means mammals or birds of a type, which are typically kept for draft, production of food, or the hides, plumage, or pelts of which are generally marketable. This includes, but is not limited to, cattle, buffalo, sheep, goats, swine, poultry, mink, chinchilla, nutria, horses, donkeys and burros.

"Neglect of animal" means the failure to provide food, water, protection from the elements, adequate sanitation, adequate facilities, or care generally considered to be standard and accepted for the animal's health and well-being consistent with the species, breed, physical condition, and type of animal.

"Neutered animal" means any male animal which has undergone surgery to prevent reproduction, whose owner can provide proof of such surgery.

"Owner" means any person, partnership or cooperative or other legal entity owning, keeping or harboring any animal or in the case of a person under the age of eighteen (18), that persons parent(s) or legal guardian. An animal shall be deemed to be harbored if it is fed or sheltered for twenty (20) consecutive days or more.

"Pets" means mammals of a type generally housed in, or near, a human habitation, and kept for companionship, protection, hunting, or show but excluding livestock as defined herein. No residence, within city limits, may keep, or harbor, more than six pets (not including fish and birds) over the age of six months at one time.

ōPotentially dangerous animalö shall mean any animal that, because of its aggressive nature, training or characteristic behavior, presents a risk of substantial physical harm or death to human beings, or would constitute a danger to human life, physical well-being, or property if not kept under the direct control of the owner. The term öpotentially dangerous animalö includes any animal that, according to the records of the animal control officer or any law enforcement agency:

1. Has when unprovoked, bitten, attacked, endangered, or inflicted injury on a human being on public or private property, or when unprovoked, has chased or approached a person upon the streets, sidewalks, or any public grounds in a menacing fashion or apparent attitude of attack;

2. Has more than once severely injured or killed a domestic animal or livestock while off the owners property; or
3. Has been used primarily or in part for the purpose of animal fighting, or is an animal trained for animal fighting.

"Public nuisance" means any animal or animals which:

1. Molests passersby or passing vehicles;
2. Attacks other animals;
3. Damages private or public property;
4. Is repeatedly at large; or
5. Barks, whines or howls in an excessive, continuous or untimely fashion.

"Rabies control authority" means the city and its duly appointed agents.

"Restraint" means any animal secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.

"Spayed animal" means any female animal which has undergone surgery to prevent conception, whose owner can provide suitable proof of such surgery.

"Vaccination against rabies" means the inoculation of an animal with rabies vaccine licensed by the United States Department of Agriculture.

"Vicious animals" means animals with an existing propensity to attack or bite human beings or other animals, which is known, or should reasonably be known, to the owner. For the purpose of this chapter, a vicious dog is any dog which, when unprovoked, in a vicious, or terrorizing manner, approaches in an apparent attitude of attack, bites, inflicts injury, assaults, or otherwise attacks a human being upon the streets, sidewalks, or any public grounds or places; (or) any dog which, on private property, when unprovoked, in a vicious, or terrifying manner, approaches in an apparent attitude of attack, bites, inflicts injury, or otherwise attacks a serviceman, journeyman, delivery man, or other employed person who is on private property by reason of permission of the owner or occupant of such property, or who is on private property by reason of a course of dealing with the owner or occupant of such private property.

"Wild animal" means any animal not in captivity, other than a domestic animal. (Ord. 749, 2014; Ord. 636 (part), 2006)

6.04.011 Purpose.

The purpose of this chapter is to define the types of animals allowed, and prohibited, within the Custer City, enumerate the exceptions and guidelines for these exceptions, describe the licensing requirements of the Custer City, describe the types of animals that need to be licensed and terms of such licenses, establish rules regarding pets, livestock, wild animals and domestic animals within the city limits, describe those animals considered to be undesirable, and policies related thereto, and to generally describe and enumerate offenses caused by animals, abusive animals, destruction, impoundment, and penalties for such violations. (Ord. 749, 2014; Ord. 636 (part), 2006)

6.04.012 Limits.

A maximum of six pets, over the age of six months, per residence (not including fish and birds) may be kept, maintained, harbored, or in the custody of a person within city limits if all of the following criteria are met:

- A. The owner, keeper, or custodian of the pet(s) has applied for, and received, a license for the pet(s) as required in this chapter.

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B. A registration tag bearing the legible number of the license for the animal(s) is securely fastened to the animal's collar or harness, and is clearly visible.

C. The animal(s) is restrained by a leash, lead, tether, or chain fastened to an immobile object, held in the hand of a person capable of controlling the animal, or is confined within a building, kennel, pen, run, or enclosure from which it cannot escape. (Ord. 749, 2014; Ord. 636 (part), 2006)

6.04.013 Interference.

No person shall interfere with, hinder, or molest the animal control officer, law enforcement officer, and/or city employee in the performance of any lawfully ordained duty of their office. No person shall seek to release any animal in the custody of such officers, or where the pet is contained in an animal shelter except as provided in this chapter. (Ord. 749, 2014; Ord. 636 (part), 2006)

6.04.020 Licensing.

Any person owning, keeping, harboring or having custody, maximum of six pets per residence, six months of age or older must obtain a license each year as provided in this section. The licensing period for dogs shall begin with the calendar year January 1st each year through December 31st. No citation shall be issued for failure to license animals until two weeks after the lapse of a previous valid license.

A. Application for a license is to be made to the city finance office within twenty (20) days after obtaining a dog from the age of six months or older, except that this requirement will not apply to a nonresident keeping a dog within the city limits for less than thirty (30) days. Applicant shall warrant that the animal is not vicious, and will not be permitted to run at large.

B. Upon acceptance of the license application, fee, and veterinarian's certificate that the animal has been vaccinated against rabies and distemper/parvo as required by veterinarian standards, the licensing authority shall issue a durable tag or identification collar, stamped with an identifying number and year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness. Dogs must wear identification tags on collars at all times when off the premises of the owners. Every owner of a licensed cat shall be required to produce evidence of license issued for such cat upon request by the animal control officer, law enforcement office, and/or city employee.

C. The licensing authority shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public.

D. Persons who fail to obtain a license as required within the time period specified in this section may be subject to a fine of twenty-five dollars (\$25.00) (first offense).

E. A license shall be issued after payment of the applicable fee:

1. For each non-neutered male animal: twenty-five dollars (\$25.00);

2. For each non-spayed female animal: twenty-five dollars (\$25.00);

3. For each neutered male or spayed female animal (certified by a veterinarian's certificate or receipt): seven dollars (\$7.00);

4. For each neutered male or spayed female animal that has been microchipped (certified by a veterinarian's certificate or receipt): two dollars (\$2.00).

F. A duplicate license may be obtained upon payment of a one-dollar (\$1.00) replacement fee upon proof of a license record.

G. If there is a change of ownership of an animal during the licensed year, the new owner may have the current license transferred in his or her name upon application to the city finance office.

H. A veterinarian office, a humane society, a pet store, kennel, or the animal control officer shall be exempt from licensing of impounded/boarded or saleable animals. (Ord. 749, 2014; Ord. 640 (part), 2007; Ord. 636 (part), 2006)

6.04.025 Citations.

The animal control officer, law enforcement officer, any individual firm or business entity contracting with the city and/or city employee are authorized, empowered, and directed to enforce these ordinances, issue citations, with fines, for any violation of the provisions of this section. The fine will be issued to the owner, and all fines are to be paid to the animal control officer or the licensing authority within seventy-two (72) hours after receiving such notice and before the animal(s) will be released.

Owners of animals that are issued citations shall pay the fee as stated in this section for the first offense, double that amount for a second offense, triple that amount for the third offense, and so on, per licensing year.

A. The following shall be designated as the animal control bond schedule:

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| 1. Use of any license for any animal other than the animal for which it is issued (first offense) | \$25.00 |
| 2. Failure to license (first offense) | 25.00 |
| 3. Female animal in heat not contained (first offense) | 25.00 |
| 4. Licensed animal at large (first offense) | 25.00 |
| 5. Renewal of vaccination (first offense) | 25.00 |
| 6. Failure to vaccinate (first offense) | 25.00 |
| 7. Failure to vaccinate after release (first offense) | 25.00 |
| 8. Unlicensed animal at large (first offense) | 30.00 |
| 9. Barking dogs (first offense) | 30.00 |
| 10. Public nuisance violation (as defined in this chapter) (first offense) | 30.00 |
| 11. Teasing, molesting, bothering animals (first offense) | 30.00 |
| 12. Vehicle accident involving animal (first offense) | 50.00 |
| 13. Feeding of wild animals (first offense) | 50.00 |
| 14. Excreta removal (first offense) | 50.00 |
| 15. Vicious animal Mandatory appearance bond (first offense) | 75.00 |

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| 16. Attacking dogsô Mandatory appearance bond (first offense) | 75.00 |
| 17. Chasing, wounding, worrying livestock or wild animals, domestic animals or petsô Mandatory appearance bond (first offense) | 125.00 |
| 18. Killing of livestock, pets, wild animals or domestic animalsô Mandatory appearance bond (first offense) | 125.00 |
| 19. Cruelty to animalsô Mandatory appearance bond (first offense) | 125.00 |

Any violation of this chapter not listed in this section, will have a first offense fine of thirty dollars (\$30.00). (Ord. 749, 2014; Ord. 636 (part), 2006)

6.04.030 Restraint.

All animals shall be kept under restraint.

A. No owner or custodian shall fail to exercise proper care and control of his/her animals to prevent them from becoming a public nuisance. The owner or custodian of such animal shall, immediately after the animal passes excreta, remove such excreta and appropriately dispose of the same.

B. Every female animal in heat shall be confined in a building or secure enclosure in such a manner that the female animal cannot come into contact with another animal not for planned breeding.

C. Every vicious animal, as determined by the licensing authority, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged and under full control of a competent person whenever off the premises of its owner. After an animal has been declared vicious, the owner of the dog shall be notified accordingly in writing by law enforcement, animal control officer or designee. The written notification shall also include any containment procedures or facilities deemed necessary by law enforcement, animal control officer or designee to control the animal which may include, but necessarily be limited to, muzzling, chaining, double fencing, or caging. Any animal that has been declared vicious by the procedures set forth in this section that is subsequently found off the premises of the owner or if law enforcement, animal control officer or designee determines that a violation of the written containment notice has occurred, law enforcement, animal control officer or designee shall immediately seize and impound the dog. If the dog cannot be captured without undue risk to the safety of law enforcement, animal control officer or designee, it may be immediately destroyed in a manner whereby the head is not damaged. If the dog has been seen running at large and/or has bitten a person or animal, law enforcement, animal control officer or designee may order the owner or custodian to deliver the dog to the animal control center within twenty-four (24) hours to be impounded.

D. If any dangerous, fierce or vicious animal is found at large and cannot be safely taken up and impounded, such animal may be slain by any officer or agent. Proof of the fact that such animal has attacked or bitten any person or animal at any place where such person or animal is legally entitled to be shall be evidence that such animal is vicious, fierce and dangerous within the meaning of this chapter.

E. Any animal attacking any person or persons, or clothing of the persons, in a vicious manner, may be destroyed immediately to protect the safety of that person or persons. Should the animal not be destroyed, and the

owner or custodian of the animal is located, the owner may be fined in accordance with ordinances governing the endangering of safety.

F. No person may allow an animal under their control to make loud noises to the great discomfort of the peace and quiet in such continuous manner as to materially disturb or annoy persons who are of ordinary sensibilities. Upon notice to the owner if the problem is not resolved, a criminal summons may be issued, or a fine imposed of thirty dollars (\$30.00) for the first offense.

G. It is unlawful to allow any animal to be at large upon property other than the property owned or occupied by the owner of such animal unless under the control of a competent person. Any law enforcement, or animal control officer or designee is authorized, empowered and directed to impound any such animal running at large in violation of the provisions of this section. A fine may be issued to an owner if it is not possible to capture the animal and impound it by law enforcement, animal control officer, or designee. All fines are to be paid to the licensing authority and its agents within seventy-two (72) hours following the issuance of such penalty; failure to do so will result in criminal summons being issued. An owner of an unlicensed animal shall have seventy-two (72) hours in which to license his or her animal after receiving such notice. Failure to do so may result in the issuance of criminal summons.

H. An officer or duly appointed person may enter upon private property to capture any animal found running at large thereon when the animal is not the property of the owner or occupant of the land.

I. Immediately upon impounding any animal, law enforcement, animal control officer or designee shall make every possible effort to notify the owner of such animal and inform them of the conditions whereby they may regain possession of the animal. Any animal, whether unlicensed or licensed, which is captured while in violation of this chapter shall be impounded in the animal control center. All licensed or unlicensed animals may be held for a period of three (3) days, after which time animals not claimed by their owners may be placed for adoption, or may be humanely destroyed by trained, authorized personnel, i.e. veterinarian.

J. Any owner reclaiming an animal must pay an impoundment fee per day for each day the animal has been impounded as agreed upon by Custer City and law enforcement or the animal control officer and any veterinarian service fees. Any animal impounded and subsequently returned to its owner shall be implanted with a microchip prior to its release from the animal shelter and the owner of the animal shall be responsible for paying and cost incurred prior to the animal's release. If a dog is unlicensed, the owner must, prior to the release of the dog from the animal control center, purchase a license tag. At the time of release, the owner shall also present a valid rabies certificate to law enforcement, animal control officer or designee. If a valid rabies certificate cannot be made available, the owner may be subject to a fine of twenty-five dollars (\$25.00) and must then obtain the rabies vaccination within seventy-two (72) hours of release of the dog or show evidence that an appointment has been made to get the vaccine. In the event the animal has not been vaccinated for rabies within seventy-two (72) hours after the release or at the time an appointment had been made, the owner or custodian may be subject to a fine of twenty-five dollars (\$25.00).

K. Any person finding any animal upon his property to his injury or annoyance may take up same and shall contact law enforcement, animal control officer or designee for removal to any private or public animal shelter or pound that will take possession of it.

L. No person shall permit any wild, feral, or vicious animals of any type to remain upon property owned, or occupied, by the person within the city.

M. The sole exception to this prohibition is a guard dog that is professionally trained, and fully controlled by voice command, or a dog that is enclosed within a pen so that it is inaccessible to children or other pets. (Ord. 749, 2014; Ord. 640 (part), 2007; Ord. 636 (part), 2006)

6.04.040 Rabies, bite cases, quarantine.

All domestic animals shall be vaccinated against rabies at the required age of each animal as determined by veterinarian standards.

A. Rabies vaccination must be renewed every three years on all domestic animals. Puppies are required to have the first vaccination which is good for one year.

B. A valid rabies certificate shall be issued listing the owner's name, address, telephone number, date of vaccination, type of rabies vaccine administered, rabies vaccination tag number, manufacturer's serial number of vaccine, and description of animal including its age, breed, sex and name. It must be signed by a licensed veterinarian.

C. A valid rabies certificate must be presented at the time of registration to the licensing authority.

D. Any animal suspected of or being rabid shall be reported to law enforcement, the animal control officer, or designee or the county health authorities. If it becomes necessary to destroy such animal, it shall be disposed of in such a manner as to preserve the head structure.

E. It shall be the duty of every physician or other practitioner to report to law enforcement, animal control officer or designee, the names and addresses of persons treated for bites inflicted by animals, together with such information as will be helpful in rabies control.

F. Every owner having knowledge that their animal has bitten or is suspected of biting a human being, shall forthwith report same to law enforcement, animal control officer or designee for disposition of the animal under the provisions of this chapter.

G. All quarantine procedures, and all procedure for management of animals that have bitten humans, animals exposed to rabies, and rabid animals, will be in accordance with the current Compendium of Animal Rabies Control promulgated by the National Association of State Public Health Veterinarians, Inc. In case of conflict between the Compendium and this chapter concerning the quarantines and procedures, the recommendation in the Compendium will take precedence over this chapter.

H. Any animal shall be considered unvaccinated unless proof of a current rabies vaccination effected not less than thirty (30) days prior to the bite as provided within twenty-four (24) hours of the bite. Law enforcement, animal control officer or designee or the State Department of Health may order the destruction of any unvaccinated animal that has bitten any person if, based on sound medical judgments, a greater risk to human life exists by not doing so. In making such a determination the following facts may be considered:

1. The history of the animal, including the possibility of its exposure to rabies.
2. The vaccination record of the animal.
3. The health of the animal.
4. The nature, location, and seriousness of the bite.
5. The circumstances surrounding the bite, including whether or not the bite was provoked.
6. The tolerance of the person bitten to the vaccines used for treatment.

I. Any animal that bites or attacks a person shall be quarantined at the direction of law enforcement, animal control officer, designee, or any veterinarian for a period of not less than ten (10) days. During quarantine the animal shall be securely confined and kept from contact with any other animal or humans other than the caretaker. The owner shall surrender the animal for the quarantine period to law enforcement, animal control officer, designee, or shall place it in a veterinary hospital, either confinement to be at the owner's expense.

J. At the end of the specified quarantine period, the animal will be examined by a veterinarian at the owner's expense. If the veterinarian finds that the animal is showing no clinical signs or symptoms known to be present in active cases of rabies, the animal will be released from quarantine and may be reclaimed by the owner. The veterinarian shall so notify law enforcement, animal control officer or designee.

K. Any stray animal that bites a person, if its ownership cannot be ascertained within forty-eight (48) hours of the bite, shall be euthanized and law enforcement, animal control officer or designee shall arrange to have the animal's head sent to a competent laboratory to be examined for rabies.

L. When any animal has been diagnosed by a veterinarian as being rabid or dies during quarantine or rabies observation, the veterinarian or law enforcement, animal control officer or designee shall immediately send the head of such animal to a competent laboratory for pathological examination and shall notify the proper public health officials, law enforcement, animal control officer, or designee of reports of human contacts and the diagnosis made of the suspected animal.

M. Every owner whose animal is bitten or scratched by animal showing positive symptoms of rabies or by a wild or carnivorous mammal or bat not available for testing, shall have the animal examined by a veterinarian at the owner's expense. The animal shall be euthanized, quarantined or held for further observation as requested and the owner shall be responsible for all expenses incurred as a result thereof.

N. Any person who kills or causes to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, shall immediately report same to law enforcement, animal control officer or designee. No person may sell, give away, remove from the city, or otherwise dispose of such animal without written permission from law enforcement, animal control officer or designee. The carcass of any dead animal exposed to rabies shall, upon demand, be surrendered to law enforcement, animal control officer or designee. Law enforcement, animal control officer, designee or veterinarian shall direct the disposition of any animal found to be infected with rabies. No person shall fail or refuse to surrender any animal for quarantine or euthanasia as required herein when demand is made by law enforcement, animal control officer or designee. (Ord. 749, 2014; Ord. 636 (part), 2006)

6.04.045 Livestock prohibited.

No person shall keep, maintain, harbor, have in custody or under control, or permit upon property owned or occupied by such person, any livestock within the city limits except for special events which must have the prior approval of the city council. (Ord. 749, 2014; Ord. 636 (part), 2006)

6.04.050 Keeping of wild animals.

No person shall keep or permit to be kept on his premises any wild, feral, or vicious animal(s). This section shall not be construed to apply to zoological parks, performing animal exhibitions or circuses.

A. The licensing authority 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.

B. Any wild animal kept in captivity that is in human exposure must be vaccinated against rabies. (Ord. 749, 2014; Ord. 636 (part), 2006)

6.04.055 Keeping of dangerous animals.

A. No person may own, harbor, or keep within the city any dangerous animal, except according to the provisions of this section.

B. The owner or caretaker of a potentially dangerous animal shall keep such animal in a proper enclosure. If a potentially dangerous animal is not in a proper enclosure, it shall be directly accompanied by its owner or caretaker and confined or restrained in such a manner that, after investigation by law enforcement, animal control officer or designee, it is not a dangerous animal.

C. Law enforcement, animal control officer or designee may take possession of and impound any animal suspected of being dangerous, and may hold such animal for a necessary period of time to determine the extent of the danger such animal poses. Law enforcement, animal control officer or designee may dispose of any animal so determined to be dangerous.

D. Law enforcement, animal control officer or designee may use all necessary means to control a dangerous animal so as not to immediately jeopardize the health or safety of themselves or others. Law enforcement, animal control officer or designee may enter, search and investigate premises, take testimony from the owner and witness and seize, impound or euthanize a dangerous animal.

E. At the discretion of law enforcement, animal control officer or designee, a person may continue to own, harbor, or keep a dangerous animal only if law enforcement, animal control officer or designee provides the owner with written containment procedures and the animal is kept accordingly. If law enforcement, animal control officer or designee determines that a violation of the containment notice has occurred, the animal shall be seized and impounded immediately to be disposed of as set forth. The owner of the dangerous animal is subject to any civil or criminal penalties referenced in this chapter. (Ord. 749, 2014)

6.04.060 Enforcement.

The civil and criminal provisions of this chapter shall be enforced by those persons or agencies designated by municipal, county or state authority. It shall be a violation of this chapter to interfere with a humane officer in the performance of his or her duties. (Ord. 749, 2014; Ord. 636 (part), 2006)

6.04.065 Investigation.

It is provided that law enforcement, animal control officer or designee may enter upon the premises where any animal is kept in a reportedly cruel, or inhumane, manner; demand to examine such animal and to take possession of such animal, which in their opinion, requires humane treatment or veterinary care. Such animal in need of humane treatment, or veterinary care, shall be impounded. Minimal veterinary care necessary shall be provided by a licensed veterinarian, and the expenses of such care, and impoundment, shall be held as a lien on the animal to be paid before the animal can be lawfully recovered. The owner of such animal may regain possession upon payment of any fines imposed, and all bills for veterinary care provided during impoundment. Such owner shall be informed that if inhumane treatment occurs a second time, the animal shall again be seized, and destroyed, if necessary, without being held for three days, or if the animal is deemed not dangerous, or undesirable due to the inhumane treatment sustained, such animal may be placed with a person deemed to be a responsible and caring owner, or released to the custody of any humane society to be placed for adoption to a responsible person. Under no circumstances shall the inhumanely treated animal be returned to the former owner, or any agent of the former owner. (Ord. 749, 2014; Ord. 636 (part), 2006)

6.04.067 Record.

A. It shall be the duty of law enforcement, animal control officer or designee to keep, or cause to be kept, accurate and detailed records of the finding, impoundment, and disposition of all animal coming into their custody.

B. It shall be the duty of law enforcement, animal control officer or designee to keep, or cause to be kept, accurate and detailed records of:

1. All bite cases reported to them and their investigation of the same;
2. All citations and warning tickets issued by him or her;
3. All investigations conducted by them concerning reported violations of state law or this chapter regarding inhumane treatment of animal.

C. It shall be the duty of law enforcement, animal control officer or designee to keep, or cause to be kept records of all animals quarantined for rabies observation, reported cause of rabies, animal bites, and proceedings regarding vicious dogs. (Ord. 749, 2014)

6.04.068 Redemption and destruction of impounded animals.

The owner(s) shall be entitled to regain possession of any impounded animal except as herein provided in the cases of certain animal(s) upon compliance with the provisions contained in Section 6.04.040, and payment of all fees and charges provided for in this chapter. Any animal impounded under this provisions of this chapter and not reclaimed by its owner within three days may be humanely destroyed by law enforcement, animal control officer, designee or sold or placed in the custody of some person deemed to be a responsible and suitable person to be the owner of such animal. Law enforcement, animal control officer or designee may destroy any sick or injured animal or feral cat which has been impounded, if that animal is not wearing any rabies tag, license tag, or other identification, without holding it for three (3) days if its condition is such as makes its earlier destruction necessary or desirable. (Ord. 749, 2014)

6.04.070 Liability for death.

Should any animal die while in the possession of any person, such person shall not be liable for the loss, unless the animal's death was the result of mistreatment or willful neglect. (Ord. 749, 2014; Ord. 713 (part), 2012; Ord. 636 (part), 2006)

6.04.071 Disposal of dead animal.

For the owner of a dead animal to permit it to remain un-disposed of longer than twelve (12) hours after its death constitutes a nuisance. (Ord. 749, 2014; Ord. 713 (part), 2012)

6.04.080 Inhuman treatment, mistreatment, torture, cruelty or neglect of animals.

Every person who overdrives, overloads, drives when overloaded, overworks, or unreasonably or unnecessarily tortures, torments, deprives of necessary sustenance, unnecessarily or cruelly beats, or wilfully and maliciously and needlessly mutilates or kills, or carries in or upon any vehicle, or otherwise in a cruel or inhumane manner any animal, or causes or procures it to be done, or who, having the charge and custody of any animal, unnecessarily fails to provide it with the proper food, proper drink or proper protection from the elements, adequate sanitation and/or facilities, or cruelly abandons it shall be guilty of a class 2 misdemeanor. (Ord. 749, 2014; Ord. 636 (part), 2006)

6.04.090 Emergency care, destruction of animals.

Any animal apprehended under this chapter, in need of emergency veterinary care, where the city is unable to immediately identify, contact, and communicate with the owner within one hour, shall be provided with such care at the cost of the owner. The owner is deemed to have consented to such veterinary care as the veterinarian determines in his sole discretion is required. Any animal

impounded and not reclaimed by its owner within three days from the time of the impoundment may be adopted, or humanely destroyed. The animal control officer, law enforcement officer, and/or city employee may authorize the licensed veterinarian to provide the minimum care of any animal; or to destroy any sick or injured, wild, or feral animal which has been impounded if its condition is such as to make its earlier destruction necessary or desirable. All animals destroyed shall be destroyed in a humane manner. Any appointed officer of the licensing authority may lawfully destroy or cause to be disposed any animal in his charge when, in the judgment of such officer, such animal appears to be injured, disabled, diseased past recovery, contagious toward other animals or human, if owner of such animal cannot be located. (Ord. 749, 2014; Ord. 636 (part), 2006)

6.04.110 Penalty for animals chasing, wounding, worrying, killing pets, livestock, domestic or wild animals.

The owner of an animal or animals that have chased, wounded, worried or killed pets, livestock, domestic or wild animals, shall be held responsible for same and shall be guilty of a class 2 misdemeanor. (Ord. 749, 2014; Ord. 636 (part), 2006)

6.04.120 Animal care.

No owner shall fail to provide his animal 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.

A. If a shelter with a chain is used as a primary enclosure for a dog kept outdoors, the chain used shall be so placed or attached that it cannot become entangled with the chains of other dogs or any other objects. Such chain shall be at least three times the length of the dog as measured from the tip of its nose to the base of its tail and shall allow the dog convenient access to shelter.

B. Animals shall be fed at least once each day except as otherwise might be required to provide adequate veterinary care. The food shall be free from contamination, be wholesome, palatable and of sufficient quantity and nutritive value to meet the normal daily requirements for the condition and size of the animal.

C. Excreta shall be removed from primary enclosures as often as necessary to prevent contamination and to reduce disease hazards and odors.

D. Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and attempt to locate the animal's owner; in the event the owner cannot be ascertained and located such operator shall at once report the accident to the appropriate law enforcement agency or the local humane society. (Ord. 749, 2014; Ord. 636 (part), 2006)

6.04.130 Violation—Penalty.

Except as otherwise provided, any person violating any provision of this chapter shall be deemed guilty of a class 2 misdemeanor. If any violation be continuing, each day's violation shall be deemed a separate violation. (Ord. 749, 2014; Ord. 636 (part), 2006)

6.04.140 Severability.

If any provision is declared unconstitutional, or the application of this chapter to any person or circumstance is held invalid or unconstitutional, the remainder of this chapter and applicability thereof to other persons or circumstance shall not be affected thereby. (Ord. 749, 2014; Ord. 636 (part), 2006)

Chapter 6.05

DEER FEEDING PROHIBITED

Sections:

6.05.010 Prohibition.

6.05.020 Evidence—Presumptions.

6.05.030 Removal.

6.05.040 Penalty.

6.05.050 Exceptions.

6.05.060 Severability.

6.05.010 Prohibition.

A. The city council finds that deer feeding by placing grain, fruit, vegetables, nuts, hay, salt, mineral or other edible material, upon real property for the purpose of attracting deer to eat such food source has the effect of enticing deer from their natural habitat into an unnatural urban environment, thereby endangering the deer, resulting in an unnatural growth of the deer population, resulting in an unnatural loss of the deer's instinctive avoidance of humans, resulting in reliance by deer upon such food source, and also endangering persons and domestic animals, and resulting in damage to property.

B. No person shall feed or allow the feeding of deer. For the purpose of this section, feeding shall mean provision of one-half cubic foot or more of grain, fruit, vegetables, nuts, hay, salt, mineral or other edible material, either on the ground or at a height of less than five feet above the ground, in a manner that attracts deer on a regular basis. Living food sources such as fruit trees and other vegetation, shall not be considered as deer feeding.

C. No person being the owner or occupant of any parcel of real property shall place or allow any device or any fruit, grain, mineral, plant, salt, vegetable, or other material to be placed outdoors on any public or private property for the purpose of attracting or feeding deer. (Ord. 636 (part), 2006)

6.05.020 Evidence—Presumptions.

A. There shall be a rebuttable presumption that the following acts are for the purpose of feeding deer.

1. The placement of one-half cubic foot or more of grain, fruit, vegetables, nuts, hay, salt, mineral or other edible material, either on the ground or at a height of less than five feet above the ground.

2. The placement of grain, fruit, vegetables, nuts, hay, salt, mineral or other edible material in an aggregate quantity of greater than one-half cubic foot in a drop feeder, automatic feeder or similar device regardless of the height of the grain, fruit or vegetable material.

B. It shall be an affirmative defense to any prosecution hereunder that the placement of grain, mineral, fruit, plant, salt, vegetable, or other material in an aggregate quantity of greater than one-half cubic foot or more was placed not less than five feet above the ground and was not accessible to deer, or that the unnatural food source was placed in good faith for the purpose of feeding domestic livestock or pets by or at the request of a person owning or having responsibility for such domestic livestock or pets, or that the unnatural food source was placed in good faith for a purpose other than attracting deer or other wildlife and that the attraction of deer is only an incidental result. (Ord. 636 (part), 2006)

6.05.030 Removal.

Each property owner shall have the duty to remove any device placed on the owner's property to which deer are attracted or from which deer actually feed. Alternatively, a property owner may modify such a device or make other changes to the property that prevent deer from having access to or feeding from the device. Failure to remove such a device or to make such modifications within twenty-four (24) hours after notice from the city shall constitute a separate violation of this chapter. (Ord. 636 (part), 2006)

6.05.040 Penalty.

Any person convicted in violation of any provision of this chapter, or maintaining any nuisance in violation of any provision of this chapter, shall be punished as Class II misdemeanors, for which the punishment is imprisonment not to exceed thirty (30) days, a fine not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00), or both, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (Ord. 636 (part), 2006)

6.05.050 Exceptions.

This chapter shall not apply to the following situations:

- A. Nothing in this section shall be construed to apply to any governmental agency or to any employee or authorized agent thereof in the course of his employment or agency who in the course of their duties have deer in their custody or under their management.
- B. Naturally Growing Materials. Naturally growing grain, fruit or vegetable material, including gardens and residue from lawns, gardens and other vegetable materials maintained as a mulch pile.
- C. Bird Feeders. Unmodified commercially purchased bird feeders or their equivalent.
- D. Authorized by the City Council. Deer feeding may be authorized on a temporary basis by the common council for a specific public purpose as determined by the common council.
- E. Counting. Deer feeding may be authorized on a temporary basis by the city council for the purpose of determining the deer population. (Ord. 636 (part), 2006)

6.05.060 Severability.

If any provision is declared unconstitutional, or the application of this chapter to any person or circumstance is held invalid or unconstitutional, the remainder of this chapter and applicability thereof to other persons or circumstance shall not be affected thereby. (Ord. 636 (part), 2006)