

Animals and the city

Dogs

• Sec. 14-5. - Running at large.

(a) *Prohibited.* It shall be unlawful for the owner or custodian of any dog or other animal to fail to keep the dog or other animal from running at large within the city. For the purposes of this chapter, an animal shall be deemed running at large when such animal is not physically restrained as follows:

(1) When the animal is being restrained by tethering upon the premises of the owner or custodian, it must have a cord, leash or chain that is a minimum of six feet in length. It must not be able to enter upon public property, including sidewalks, or the premises of another. Any animal off the premises of the owner or custodian shall be restrained by a leash, cord or chain a maximum of ten feet in length, held by a person who is physically able to control the animal.

(2) For the purposes of this chapter, the term "premises of the owner or custodian" shall be defined as the residence of the owner or custodian, including the attached property surrounding the residence that is leased or owned by the owner or custodian, but not including any common area, park or recreational property jointly owned or leased by the members of a homeowners' or tenants' association.

(3) No animal shall be deemed to be running at large when the animal is upon the premises of the owner or custodian and when the animal is contained on or restricted to the premises by fencing or other means secured by an adequate locking device.

(4) Any animal enclosed within the automobile or other vehicle of its owner or custodian shall be deemed to be upon the owner's or custodian's premises.

(5) No dog shall be deemed to be running at large when the dog is upon the premises of a city dedicated off-leash dog park.

(b) *Animal killed or injured on highway.* Notwithstanding any provisions herein to the contrary, animals injured or killed on or along public streets or other rights-of-way shall be presumed to be running at large. The animal care officer shall remove all such animals and, at his or her discretion, take those needing medical attention to a veterinarian or to the city animal shelter. The owner of such animal shall be liable for all expenses of treatment and of impoundment, as well as any penalties which may be imposed for violation of this section.

(c) *Unspayed females.* Any unspayed female animal in the state of estrus (heat) shall be deemed to be running at large unless confined during such period of time within a house, building or other secure enclosure which shall be so constructed that no other animal of the opposite sex of the same species may gain access to the confined area unless intentionally admitted to such area by the confined animal's owner for breeding purposes. The animal care officer shall have the authority to order the owner to remove any unspayed female animal in the state of estrus (heat) to the type of confinement described in this subsection and may furthermore require the animal to be confined to a boarding kennel or veterinary hospital of the owner's choice or to the animal shelter for the duration of the estrus cycle. Any animal so confined to the animal shelter shall not be disposed of as provided in subsection 14-4(b). However, after notification that the animal is no longer in estrus and the animal is not redeemed after three days, the owner is deemed to have abandoned the animal and subsection 14-4(b) shall become applicable. All expenses that were incurred as a result of confinement shall be paid by the owner. No impound fee shall be assessed. Failure to comply with the confinement order of the animal care officer shall constitute a violation of this section and the animal will then be impounded as set forth in [section 14-4](#) and its owner shall be subject to the penalty set forth in subsection (d) of this section.

(d)*Penalty.* Any person found guilty of violating this section shall, upon the first conviction, be subject to the payment of a fine of not less than \$25.00 upon the conviction of a second offense involving the same animal shall be fined a sum not less than \$75.00 and shall be required to spay or neuter and microchip the animal; (unless the owner provides a written statement from a licensed veterinarian that the spay or neuter procedure would be harmful or dangerous to the health of the animal), and upon the third and subsequent offenses shall be fined in an amount not less than \$150.00. In addition to the fines stated in this subsection, a person convicted under this section may be subject to not more than one year in jail. The minimum monetary fines stated in this subsection may not be suspended by the municipal court. Nothing in this subsection shall be construed as preventing the animal care officer from instituting a proceeding in the municipal court for violation of this section where there has been no impoundment.

(Code 1979, § 7-2; Ord. No. 97-51, § 3, 10-13-97; Ord. No. 2001-55, § 1, 8-20-2001; Ord. No. 2002-70, § 3, 11-18-2002; Ord. No. 2004-52, § 3, 8-23-2004; Ord. No. 2013-28, § 2, 8-26-2013, eff. 9-28-2013)

Sec. 14-7. - Keeping vicious, aggressive or dangerous animals.

(a)*Prohibited.* It shall be unlawful for any person to keep or harbor a fierce, vicious, aggressive or dangerous animal. For the purposes of this chapter, the term "fierce, vicious, aggressive or dangerous animal" shall mean any dog or other animal that, without intentional provocation, bites or attacks humans or other animals or in a fierce, vicious, aggressive, dangerous or in a terrorizing manner approaches any person or other animal in an apparent attitude of attack, whether or not the attack is consummated or capable of being consummated. It shall be an affirmative defense to charges under this section if the actual or intended victim of any attack has made an unlawful entry into the dwelling of the owner.

(b)*Guard dogs excepted.* Dogs maintained as guard dogs, as defined in [section 14-74](#) and in compliance with such section, shall not be included under this section.

(c)*Penalty.* Any person found guilty of violating this section shall, upon the first conviction, be subject to the payment of a fine of not less than \$150.00, upon the second conviction shall be fined not less than \$500.00, and upon the third and any subsequent convictions shall be fined not less than \$1,000.00. In addition to the fines stated in this subsection, a person convicted under this section may be subject to not more than one year in jail. None of the minimum monetary fines in this subsection shall be suspended by the municipal court and the penalties in this subsection may be imposed in addition to the court-ordered destruction provided for in subsection 14-4(g). In addition to the fines and penalties stated in this subsection, any person convicted of this section shall be ordered to have the vicious, aggressive or dangerous animal microchipped and spayed/neutered. Any person convicted of a subsequent violation of this section shall be ordered to have all dogs within their ownership microchipped and spayed/neutered. If such violation is a second violation involving the same animal, the animal shall be ordered destroyed.

(d)*Destruction.* Nothing in this chapter shall be construed to prevent the immediate destruction by the animal care officer or a police officer of any fierce, vicious, aggressive or dangerous dog or other animal when less drastic methods, such as tranquilizing, are not available or effective and when neither the animal care officer, a member of the police department nor the animal's owner is able to restrain or control the animal so that it might be impounded in the animal shelter pursuant to [section 14-4](#).

• Sec. 14-9. - Removal of excrement.

It shall be unlawful for the owner of any dog or other animal not to immediately remove excrement deposited by such animal upon a common thoroughfare, street, sidewalk, play area, park or upon any other public property, except unlandscaped city-owned property in its native state, or upon private property when permission of the owner or tenant of the property has not been obtained, and such is declared to be a public nuisance and a violation of this chapter. Animal excrement shall not be placed in storm sewers or street gutters, but shall be disposed of in a sanitary manner. It shall also be unlawful under this chapter to permit

excessive excrement to accumulate on any property to the degree that it becomes offensive or injurious to health.

(Code 1979, § 7-6)

• **Sec. 14-72. - Keeping barking dogs.**

It shall be unlawful to keep or harbor any dog which by frequent, habitual or continued barking, yelping or howling shall cause an annoyance or inconvenience to a neighbor or to people passing to and from upon the public streets or sidewalks, and such is declared to be a nuisance as defined in [section 14-12](#) and a violation of this chapter. The animal care officer or a member of the police department shall have the authority to use all reasonable means to abate such nuisance, including but not limited to requiring that the owner make bona fide efforts to quiet the dog or impoundment of the dog where the owner is absent from the premises. Upon impoundment of a dog for violation of this section, the animal care officer or police officer shall attempt to locate and notify the absent owner by any reasonable means as readily as possible. No summons and complaint shall be issued nor shall there be a conviction for violation of this section unless there are at least two or more complaining witnesses from separate households who shall have signed such complaint and shall have testified at trial. An animal care officer or police officer who has personally investigated the complaint of a single complainant and observed problem behavior of the dog with regard to its frequent, habitual or continued barking, yelping or howling may satisfy the requirement for the second complaining witness and may give testimony to such observations at trial.

(Code 1979, § 7-23)

Cats

• **Sec. 14-101. - Running at large.**

(a)*Prohibited.* It shall be unlawful for the owner of any cat to fail to keep the cat from running at large within the city.

(1)For the purposes of this chapter, a cat not physically restrained when off the premises of the owner or custodian shall be deemed running at large.

(2)For purposes of this chapter, the term "premises of the owner or custodian" shall be defined as the residence of the owner or custodian, including the attached property surrounding the residence that is leased or owned by the owner or custodian, but not including any common area, park or recreational property jointly owned or leased by the members of a homeowners' or tenants' association.

(3)No cat shall be deemed to be running at large when the animal is upon the premises of the owner.

(4)Any cat enclosed within the automobile or other vehicle of its owner or custodian shall be deemed to be upon the owner's or custodian's premises.

(b)*Penalty.* Any person found guilty of violating this section shall, upon the first conviction, be subject to the payment of a fine of not less than \$15.00, upon the conviction of a second offense occurring within a one-year period shall be fined a sum not less than \$25.00, and upon the third and subsequent offenses committed within a one-year period shall be fined an amount not less than \$75.00 nor more than \$1,000.00. In addition to the fines stated in this subsection, a person convicted under this section, may be subject to not more than one year in jail. None of the fines shall be suspended by the municipal court. Nothing in this

subsection shall be construed as preventing the animal care officer from instituting a proceeding in the municipal court for violation of this section where there has been no impoundment.

(Code 1979, § 7-30; Ord. No. 97-51, § 8, 10-13-97)