

Chapter 205

ANIMAL REGULATIONS

ARTICLE I

Dogs and Cats ¹

Section 205.010. Policy. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

The intent of this Article is to require dog and cat owners to comply with the law and not merely to operate an impoundment program. Police Officers and Humane Officers shall therefore place primary emphasis upon apprehending and initiating prosecution of violators of this Article.

Section 205.020. Definitions. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

For the purpose of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

DOG — For the purpose of licensing of the dog or cat of either sex if over the age of six (6) months.

EXPOSED TO RABIES — A dog or cat has been exposed to rabies if it has been bitten by any other animal known or reasonably suspected to be infected with rabies.

HUMANE OFFICER — An agent designated by the Mayor or Chief of Police to enforce or assist in the enforcement of this Article.

OWNER — Shall be held and construed to mean any person having a right of property in a dog or cat or who keeps or harbors a dog or cat or who has it in his/her care or acts as its custodian or who knowingly permits a dog or cat to remain on or about any premises owned or occupied by him/her.

PIT BULL DOG — Shall be held and construed to mean any and all of the following dogs:

1. The Staffordshire Bull Terrier breed of dogs.
2. The American Staffordshire Terrier breed of dogs.
3. The American Pit Bull Terrier breed of dogs.

¹. Editor's Note — Ord. no. 205, adopted August 11, 2003, repealed article I "dogs and cats, sections 205.010 — 205.120 and enacted new provisions set out in articles I — III respectively of this chapter. Article II "livestock" was subsequently renumbered as article IV and sections 205.130 — 205.160 renumbered as sections 205.370 — 205.400. Former sections 205.010 — 205.120 derived from ord. no. S-39 §1, 5-3-82; ord. no. 03-13 §1, 3-10-03; ord. no. 03-14 §1, 3-10-03. Subsequently this chapter has been amended by ord. no. 205A adopted September 11, 2006.

4. Dogs which have the appearance and characteristics of being predominately of the breeds of the dogs known as Staffordshire Bull Terrier, American Pit Bull Terrier or American Staffordshire Terrier.

RESTRAINT — A dog or cat is under restraint if it is within a fully enclosed or fenced area or under the hand-held leash of the owner or agent of the owner, or on a leash confining such animal to the yard of its owner.

SPAYED FEMALE DOG OR CAT — A female dog or cat certified by a licensed veterinarian to have been spayed.

VICIOUS DOG — Shall be held and construed to mean any of the following dogs:

1. Any dog, whether or not running at large and whether or not unrestrained, that without provocation has bitten any person not a trespasser causing serious physical injury to that person.
2. Any unrestrained dog, whether or not running at large, that without provocation has attempted to bite any person not a trespasser which would cause serious physical injury to that person.
3. Any unrestrained dog, whether or not running at large, that without provocation has placed any person not a trespasser in apprehension of immediate serious physical injury.
4. Any dog that has attacked another dog, cat or other domestic animal without provocation.
5. Any pit bull dog.
6. If any dog attacks or attempts to attack any other dog or other animal or, when unprovoked, chases or attempts to catch a person upon the streets, sidewalks or any public grounds or private property (including that property of the owner) in a menacing fashion or apparent attitudes of attack, regardless of whether or not a person is injured by said dog, then such dog shall be conclusively presumed to be a vicious dog and to have vicious propensities and tendencies.

Section 205.030. Enforcement of Chapter. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

The provisions of this Chapter shall be enforced by the Department of Police and by any Humane Officer of the City.

Section 205.040. Exemptions. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

Licensed veterinarians, hospitals, clinics and other facilities operated by licensed veterinarians for the care and treatment of animals are exempt from all provisions of this Chapter except Section 205.050 and Article II of this Chapter.

Section 205.050. Right of Entry of Police Officers and Humane Officers — Interfering With Police Officers or Humane Officers. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

Any Police Officer or Humane Officer is authorized to enter any premises where a dog or cat is kept or harbored, to inspect conditions under which the animal is kept and to require the owner to exhibit a license for the dog or cat. No person shall hinder, molest or interfere with any Police Officer or Humane Officer in the performance of his duties.

Section 205.060. Humane Care of Dogs or Cats. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

The owner of a dog or cat shall provide it with humane shelter from heat, cold, rain, wind and snow and shall give it food and water adequate to keep the animal in good health and comfort and in a clean environment.

Section 205.070. Confinement of Female Dogs or Cats "In Heat". [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

The owner shall confine any female dog or cat "in heat" within a building, in such a manner that the animal will not attract male animals or be accessible to other animals except for planned breeding.

Section 205.080. Vicious Dogs or Cats Prohibited — Impoundment. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

No person shall own, keep or harbor any dog or cat within the City limits, whether licensed or not, which is believed or known to have vicious propensities. Any vicious dog or cat with vicious propensities shall be impounded as provided in this Chapter and any person who shall violate this Section by owning, keeping or harboring a vicious dog shall be deemed guilty of misdemeanor.

Section 205.090. When Vicious Dogs or Cats May Be Summarily Killed. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

Any dangerous or vicious dog or cat having dangerous or vicious propensities and tendencies, found at large after the owner thereof has previous knowledge or notice that such dog is dangerous or vicious or has dangerous or vicious propensities and tendencies, may be killed by any Police Officer of the City without such officer having to catch or impound such dog or cat.

Section 205.095. Keeping of Pit Bull Dogs Prohibited. [Ord. No. 205B §1, 12-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

A. *Prohibition — Definition.* It shall be unlawful to keep, harbor or own in any way possess within the corporate limits of the City of Wellington, Missouri, any pit bull dog; provided that pit bull dogs residing in the City on the date of passage of this Section may be kept within the City subject to the standards and requirements herein set forth. "*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. Dogs of mixed breed or other breeds than above listed which breed or mixed breed is known as pit bulls, pit bull dogs or pit bull terriers;
5. 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 commonly known as pit bulls, pit bull dogs or pit bull terriers or a combination of any of these breeds.

B. *Standards For Keeping Already Resident Pit Bull Dogs.*

1. *Registration.* Pit bull dogs residing in the City at the time of passage of this Section must be registered with the City by the owners within its kennel or pen unless such a dog is securely leashed with a leash no longer than four (4) feet in length. No person shall permit a pit bull to be kept on a chain, rope or other type of leash outside its kennel or pen ten (10) days of the passage of this Section.
2. *Leash and muzzle.* No person shall permit a pit bull dog to go outside unless a person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, buildings, etc. In addition, all pit bull dogs on a leash outside the animal's kennel must be muzzled by a muzzling device sufficient to prevent such dog from biting persons or other animals.
3. *Confinement.* All pit bull dogs shall be securely confined indoors or in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen, kennel or structure must have secure sides and a secure top attached to the sides. All structures used to confine pit bulls must be locked with a key or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two (2) feet. All structures erected to house pit bull dogs must comply with all zoning and building regulations of the City. All such structures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
4. *Confinement indoors.* No pit bull may be kept on a porch, patio or any part of a house or structure that would allow the dog to exit such a building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the dog from exiting the structure.
5. *Signs.* All owners, keepers or harborers of pit bull dogs within the City shall within ten (10) days of the effective date of this Section display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog — Pit Bull". In addition, a similar sign is required to be posted on the kennel or pen of such animal.
6. *Insurance.* All owners, keepers or harborers of pit bull dogs must within ten (10) days of the effective date of this Section provide proof to the City of Wellington of public liability insurance in a single incident amount of three

hundred thousand dollars (\$300,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership, keeping or maintenance of such animal. Such insurance policy shall provide that no cancellation of the policy will be made unless ten (10) days' written notice is first given to the City of Wellington.

7. *Identification of photographs.* All owners, keepers or harborers of registered pit bull dogs must within ten (10) days of the effective date of this Section provide to the Police Officer two (2) color photographs (two (2) different poses) of the animal clearly showing the color and approximate size of the animal.
8. *Reporting requirements.* All owners, keepers or harborers of pit bull dogs must within ten (10) days of the incident report the following information in writing to the Police Officer as required hereinafter:
 - a. The removal from the City or death of a pit bull dog;
 - b. The birth of offspring of a pit bull dog;
 - c. The new address of a pit bull dog owner should the owner move within the corporate City limits.
9. *Sale or transfer of ownership prohibited.* No person shall sell, barter or in any other way dispose of a pit bull dog registered with the City to any person within the City unless the recipient person resided permanently in the same household and on the same premises as the registered owner of such dog; provided that the registered owner of a pit bull dog may sell or otherwise dispose of a pit bull dog or the offspring of such dog to persons who do not reside within the City.
10. *Animals born of pit bull dogs.* All offspring born of pit bull dogs registered with the City must be removed from the City within six (6) weeks of the birth of such animal.
11. *Irrebuttable presumptions.* There shall be an irrebuttable presumption that any dog registered with the City as a pit bull dog or any of those breeds prohibited by this Section is in fact a dog subject to the requirements of this Section.
12. *Failure to comply.* It shall be unlawful for the owner, keeper or harborer of a pit bull dog registered with the City of Wellington to fail to comply with the requirements and conditions set forth in this Section. Any dog found to be the subject of a violation of this Section shall be subject to immediate seizure and impoundment. In addition, failure to comply will result in the revocation of the license of such animal resulting in the immediate removal of the animal from the City.
13. *Penalties.* Any person found guilty of violating the provisions of this Section shall be punished by a fine of not more than five hundred dollars (\$500.00) or imprisonment not exceeding ninety (90) days, or by both such fine and imprisonment. The court shall have the power to order the impoundment,

release, removal from the City, return to the City or confinement by an individual of any animal seized, impounded or the subject of a violation charge under this Section after a preliminary or final hearing on the merits. Nothing herein confers a right to any preliminary hearing before the court on any issue. The court shall have the power to assess the costs of boarding any dangerous animal boarded by the City upon any conviction and cause said assessment to be paid.

Section 205.100. Control of Dogs or Cats Within The City — Penalty. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

- A. The following provisions shall affect the control of dogs or cats within the City of Wellington, Missouri:
1. *Restraint.* The owner shall keep his dog or cat under restraint at all times and shall not permit such dog or cat to be at large off the premises of the owner, unless under the restraint of a competent person.
 - a. "*Under restraint*" is defined as controlled by a hand-held leash or within a vehicle being driven or parked or within the property limits of the owner or keeper of said animal; however, animals in open vehicles must be restrained by a leash or chain in such a way so as not to allow the animal to reach beyond the perimeter of the vehicle.
 - b. "*At large*" is defined as off the property of its owner or keeper and not under the restraint of a competent person.
 2. *Howling, barking, yelping or fighting.* Any owner who permits his dog or cat, while tied or penned, to fight, howl, bark or yelp for a period of time so that such fighting, howling, barking or yelping shall annoy or disturb any neighbor or neighborhood shall be deemed to be guilty of disturbing the peace of another and, upon conviction, shall be punished as provided in this Chapter.
 3. *Legal liability for a dog or cat not under restraint.* The owner of any dog or cat who fails to keep his dog or cat under restraint shall be held liable for all damages caused by said dog or cat.
 4. *Handling of dogs when not under restraint — summary killing of dogs.* When and/or if any dog is found running at large and cannot be safely taken up and impounded, then any Police Officer is hereby authorized to use such force as may be necessary to capture said dog, including the actual killing of such dog.
 5. *Prosecution of owner when dog or cat is at large.* Whenever a dog or cat is at large, known to be owned, harbored, kept or fed at a certain residence or by a certain family, then the head of such residence or family or any adult living there is hereby declared to be the owner of said dog or cat and shall be charged with a violation of this Section even though the dog or cat is not captured; and the officer may, upon request, search the premises where he believes the dog or cat is kept to attempt to verify that said dog or cat is being kept by such person as owner.

6. *Non-resident may not leave any dog or cat on uninhabited property within the City limits of Wellington.* A non-resident shall be described as someone who does not reside at the residence on a daily basis.
7. While on the owner's property, a dangerous dog must be securely confined indoors or in a securely enclosed and locked pen or structure made of chain-link fencing suitable to prevent the animal from escaping. Such pen or structure must be constructed within thirty (30) days of the dog being deemed vicious and must have minimum dimensions of five (5) feet by ten (10) feet and must have secure sides and a secure top. If it has no bottom secured to the sides, the sides must be embedded into the ground not less than twelve (12) inches. The enclosure must also provide protection from the elements for the dog, shall not be occupied by any other animal. If the dangerous dog is a female with a litter of puppies under three (3) months of age, the puppies may occupy the same enclosure as the mother. The pen or structure must be at least five (5) feet from the property line and not located in the front or side yards and must not obstruct access to any utility.

ARTICLE II
License/Liability Insurance

Section 205.110. Required. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. 2007-3, 9-10-2007; Ord. No. Ch. 205 §1, 12-13-2010]

No person shall own, keep or harbor any dog or cat within the City limits unless such animal is licensed under the provisions of this Chapter.

Section 205.120. Application For License — Contents. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. 2007-3, 9-10-2007; Ord. No. Ch. 205 §1, 12-13-2010]

Written application for a license required by this Article shall be made to the City Collector or other City Official and shall state the name, address and telephone number of the owner and the name, breed, color, sex, distinguishing marks of the dog or cat, weight, special characteristics and physical address.

Section 205.130. Fees. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. 2007-3, 9-10-2007; Ord. No. Ch. 205 §1, 12-13-2010]

The one-time fee for a license required by this Article shall be ten dollars (\$10.00) for each dog or cat. The license fee shall be paid to the City Collector or other City Official at the same time of making application for the license.

Section 205.140. When License Is To Be Obtained. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. 2007-3, 9-10-2007; Ord. No. Ch. 205 §1, 12-13-2010]

- A. It is the responsibility of the dog or cat owner to register their animal within thirty (30) days of passage of this Chapter.
- B. All newly acquired dogs and cats must be registered within ten (10) days of acquiring the animal.

- C. Verification of vaccination for the dog or cat to be registered is required at the time of registration. Nationally registered service dogs are exempt of Chapter 205: Animal Regulations.

Section 205.150. Memorandum of Vaccination Required Prior To Issuance of License. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

The owner, at the time of the application for a dog or cat license, shall deliver to the City Collector or other City Official a written memorandum signed by a licensed veterinarian stating the name and address of the owner, the name, breed, color and sex of the dog or cat and the date of the last vaccination of the animal for rabies. The City Collector or other City Official shall not issue a license unless the dog or cat has shown by the memorandum of the veterinarian, has been vaccinated for rabies and has at least two (2) years remaining of a three (3) year term on said vaccination, beginning with the date of the veterinarian's certificate.

Section 205.160. Issuance of Tag and Receipt — Records To Be Kept of Tags and Receipts. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

The City Collector or other City Official shall issue a receipt and a numbered metallic or plastic tag for each dog licensed pursuant to this Article and shall maintain two (2) records of such receipts and tags, one (1) arranged alphabetically by the name of the dog or cat owner and the owner arranged numerically by tag number. Such records shall be open to public inspection at all business hours.

Section 205.170. Tag To Be Affixed To Collar or Harness. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

The owner shall keep on the dog or cat all times, when the animal is not inside a private building, a collar or harness and the tag issued pursuant to this Article shall be affixed to the collar or harness in such a manner that the tag can be easily seen.

Section 205.180. Tags Not To Be Used On Dogs or Cats For Which Tag Was Not Issued. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

No person shall use any registration tag on any animal other than the animal for which it was issued.

Section 205.190. Duplicate License. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

If a license issued pursuant to this Article is destroyed or lost, a duplicate or replacement license may be obtained from the City Collector for a fee of two dollars (\$2.00).

Section 205.200. (Reserved)²

Section 205.210. Insurance For Dangerous Animal. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

². Editor's Note — Ord. no. ch. 205 §1, adopted December 13, 2010, repealed section 205.200 "application of division to non-residents" in its entirety. Former section 205.200 derived from ord. no. 205 §1, 8-11-03; ord. no. 205A §1, 9-11-06.

The owner or keeper of a dangerous dog shall present to the Animal Control Department proof that the owner or keeper has procured liability insurance in the amount of at least one hundred thousand dollars (\$100,000.00) covering the period the dog resides in the corporate limits of Wellington. This policy shall contain a provision requiring the City of Wellington to be notified by the insurance company of any cancellation, termination or expiration of the policy.

Section 205.220. Photographs. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

All owners or keepers of dangerous dogs must within (10) days of such declaration provide the Supervisor of Animal Control two (2) color photographs (one (1) showing the left profile, the other showing the right profile of the animal) clearly showing the color and approximate size of the animal.

ARTICLE III Impoundment

Section 205.230. When Dogs or Cats May Be Impounded — Place of Impoundment. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

Dogs or cats not licensed pursuant to this Chapter or not under the restraint of a competent person or abandoned or vicious dogs may be seized and impounded by the Police Officer or Humane Officer. Impoundment may be in any animal shelter designated by the City Council.

Section 205.240. Notice To Owner of Impoundment. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

If the owner of an impounded dog or cat can, by any reasonable means, be identified and located, the owner shall, within twenty-four (24) hours of impoundment of his dog or cat, be notified that the animal has been impounded.

Section 205.250. Impounding Officers Not To Receive Fees. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

The Chief of Police or other persons authorized to impound dogs or cats will receive no fees for such services.

Section 205.260. Posting Notice of Impoundment. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

It shall be the duty of the Police Chief or other persons authorized to post a notice in Police Chief's office in the City Hall building describing every dog or cat caught and impounded.

Section 205.270. Failure of Owner To Redeem — Disposition of Dog or Cat. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

- A. If a dog or cat impounded pursuant to this Article is not redeemed by the owner within seven (7) days after impoundment, the animal may be disposed of in one (1) of the following ways, but in no other way:

1. By euthanasia using a method approved by the Humane Society of the United States.
2. By release for adoption by a new owner who shows evidence of ability and intention to provide the dog or cat with an appropriate home and humane care; provided that no unspayed female dog or cat shall be released for adoption unless a licensed veterinarian certifies, in writing, that he has been paid in full for spaying the animal and will perform the operation within thirty (30) days or before the dog's or cat's first (1st) estrous period.

Section 205.280. Redemption of Fees. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

An owner redeeming a dog or cat from impoundment shall pay, before release, for the first (1st) impoundment, an impoundment fee of twenty dollars (\$20.00) plus boarding charges. For the second (2nd) impoundment the fee shall be thirty dollars (\$30.00) plus the boarding fee. The fee shall be paid to the City Collector, Police Chief or licensed veterinarian or other City Official designated by the City of Wellington, who shall provide a receipt in order that the owner might obtain the dog or cat from the designated animal shelter. After the second (2nd) impoundment a court appearance will be mandatory.

Section 205.290. (Reserved)³

ARTICLE IV Rabies Control

Section 205.300. Biting Dog, Cat or Other Animal — Confinement of Biting Animal — Responsibility For Expenses — Disposition After Observation. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

The owner of any dog, cat or other animal which bites or scratches any person, regardless of the circumstances or irrespective of whether such dog is vaccinated and registered, shall be required to place such dog, cat or other animal in the custody of the Humane Officer and in a manner that will prevent contact with people and other animals for a period of ten (10) days, following the evening of the day of the bite or scratch, for the purpose of clinical observation. All expenses shall be borne by the owner of the dog, cat or other animal. If such dog, cat or other animal develops clinical symptoms suggestive of rabies, it shall be allowed to die a natural death or, if for any reason, such dog, cat or other animal shall be removed by a licensed veterinarian and submitted to a qualified laboratory. If, at the end of such ten (10) day period, such dog, cat or other domestic animal is alive and healthy, it may be released to its owner.

Section 205.310. Confinement of Animals Exposed To Rabies. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

Every rabid animal or animal exposed to rabies shall be immediately confined by the owner who shall promptly notify a Police Officer or Humane Officer. The owner shall,

³. Editor's Note — Ord. no. ch. 205 §1, adopted December 13, 2010, repealed section 205.290 "persons adopting dogs or cats to obtain license and pay adoption fee" in its entirety. Former section 205.290 derived from ord. no. 205 §1, 8-11-03; ord. no. 205A §1, 9-11-06.

upon demand by the Health Officer, surrender such animal for quarantine in the animal shelter, a Humane Society animal shelter, a licensed veterinary hospital; provided that if the owner elects to place the animal in a hospital, he shall be responsible for all costs. The animal may be quarantined a maximum of ten (10) days but shall be released earlier if certified by a licensed veterinarian to be free of rabies.

Section 205.320. Animal or Body of Animal Exposed To Rabies To Be Surrendered To Director of Public Health. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

The body of any animal dead of rabies or having been exposed to rabies prior to death shall be surrendered by the owner upon demand of the Health Officer.

Section 205.330. Killing or Removing From City Animals Exposed To Rabies Prohibited — Exemptions. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

No person shall kill a rabid animal exposed to rabies, nor remove any such animal from the City, without permission from the Health Officer, except when it is necessary to kill such animal to prevent it from escaping or biting any other animal or person.

ARTICLE V Punishment For Violation

Section 205.340. (Reserved)⁴

Section 205.350. Penalty. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

Any person, firm or corporation violating the provisions of this Chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) or by imprisonment in County Jail for not more ninety (90) days, or by both fine and imprisonment.

Section 205.360. First Offense Violator. [Ord. No. 205 §1, 8-11-2003; Ord. No. 205A §1, 9-11-2006; Ord. No. Ch. 205 §1, 12-13-2010]

A first (1st) offense violator of Section 205.100(1)(a) pertaining to restraint shall pay a fine of twenty-five dollars (\$25.00) plus court costs. All other provisions of this Chapter shall apply.

ARTICLE VI Livestock

Section 205.370. Maintaining Cattle Pens Near Dwellings. [Ord. No. S-37 §1, 5-3-1982; Ord. No. 205, 8-11-2003; Ord. No. Ch. 205 §1, 12-13-2010]

Any person, firm, partnership, association, corporation, entity or any person responsible for the same who shall keep or maintain any pen or enclosure wherein any cattle are kept within two hundred (200) feet of any residence or other dwelling place in the City shall

⁴ Editor's Note — Ord. no. ch. 205 §1, adopted December 13, 2010, repealed section 205.340 "compliance by October 1, 2003" in its entirety. Former section 205.340 derived from ord. no. 205 §1, 8-11-03; ord. no. 205A §1, 9-11-06.

be deemed guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than twenty- five dollars (\$25.00) or more than five hundred dollars (\$500.00) or by imprisonment in jail for not longer than thirty (30) days, or by both such fine and imprisonment. If any violation be continuing, each day's violation shall be deemed a separate violation.

Section 205.380. Hog Pens. [Ord. No. S-38 §1, 5-3-1982; Ord. No. 205, 8-11-2003; Ord. No. Ch. 205 §1, 12-13-2010]

Any person, firm, partnership, association, corporation, entity or any person responsible for the same who shall keep or maintain any pen or enclosure wherein any hog or hogs are kept within two hundred (200) feet of any residence or other dwelling place in the City shall be deemed guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than twenty- five dollars (\$25.00) nor more than five hundred dollars (\$500.00) or by imprisonment in jail for nor longer that thirty (30) days, or by both such fine and imprisonment. If any violation be continuing, each day's violation shall be deemed a separate violation.

Section 205.390. Certain Animals Running At Large. [Ord. No. S-40 §1, 5-3-1982; Ord. No. 205, 8-11-2003; Ord. No. Ch. 205 §1, 12-13-2010]

Any person, firm, partnership, association, corporation, entity or any person responsible for any horse, mule, ass, sheep, goats, hogs, cattle, fowls of every kind or other domestic animal, who shall suffer or permit the same to run at large in the City shall be deemed guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) or by imprisonment in jail for not longer than thirty (30) days, or both such fine and imprisonment. If any violation be continuing, each day's violation shall be deemed a separate violation.

Section 205.400. Maintenance and Cleanliness of Premises Where Certain Animals Kept. [Ord. No. S-41 §§1 — 2, 5-3-1982; Ord. No. 205, 8-11-2003; Ord. No. Ch. 205 §1, 12-13-2010]

- A. Any person, firm, partnership, association, corporation or entity who shall keep or maintain within the City limits horses, mules, sheep, goats, hogs, cattle, fowls of every kind or other domestic animal in any pen, building or enclosure which shall be unclean or filthy and no person, firm, partnership, association, corporation or entity shall permit any building, pen or enclosure upon his/her premises to become unclean or filthy on account of confining therein any such animals or fowls and no person, firm, partnership, association, corporation or entity shall keep confined in any building, pen or enclosure any animals or fowls in such manner as to cause obnoxious or disagreeable odors either from the animals, fowls, pens or enclosure.
- B. Any person, firm, partnership, association, corporation or entity who shall violate Subsection (A) of this Section shall be deemed guilty of an ordinance violation and, upon conviction thereof, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00) or by imprisonment in jail for not more than thirty (30) days, or by both such fine and imprisonment. If any violation be continuing, each day's violation shall be deemed a separate violation.

Section 205.410. Severability. [Ord. No. Ch. 205 §1, 12-13-2010]

It is hereby declared to be the intention of the Board of Aldermen that the Sections, paragraphs, sentences, clauses and phrases of this Chapter and the Code hereby adopted are severable and if any phrase, clause, sentence, paragraph or Section of this Chapter or the Code hereby adopted shall be declared unconstitutional or otherwise invalid by the judgment or decree of a court of competent jurisdiction, such unconstitutionality or invalidity shall not affect any of the remaining phrases, clauses, sentences, paragraphs and Sections of this Chapter or the Code hereby adopted.