

**CHAPTER 3**

**ANIMALS**

**ARTICLE I - DOGS**

**3-1-1**        **DEFINITIONS OF TERMS.** As used in this Chapter unless the context otherwise indicates:

**"ANIMAL CONTROL OFFICER" OR "OFFICER"** shall mean the person designated "Animal Control Officer" by the City. A police officer of the City shall have the same authority under this Chapter as the Animal Control Officer.

**"ANIMAL SHELTER" OR "POUND"** shall mean any facility approved for the purpose of enforcing this Chapter and used as a shelter for seized, stray, homeless, abandoned or unwanted animals.

**"AT LARGE"** shall be intended to mean off the premises of the owner, and not under the control of the owner or other responsible person either by leash not to exceed **twelve (12) feet**. Leash meaning a cord, rope, strap or chain securely fastened to the collar or harness of the dog. Such leash must be of sufficient strength to keep such dog under control.

**"DOG" and "CAT"** shall be intended to mean both male and female.

**"IMPOUNDED"** shall mean taken into custody by the Animal Control Officer and placed in the Animal Shelter.

**"OWNER"** shall mean any person who:

- (A) owns or has a right of property in an animal;
- (B) keeps or harbors an animal;
- (C) has an animal in such person's care or custody; or
- (D) knowingly permits an animal to remain on or about any premises owned or occupied by such person.

**"PERSON"** shall mean any individual, household, firm, partnership, corporation, company, society, association and every officer, agent or employee thereof. **(Ord. No. 12-14; 10-09-12)**

**3-1-2**        **VACCINATION AND TAG.** It shall be unlawful for the owner of any dog or cat to keep or maintain such animal unless it shall have been currently vaccinated by a licensed veterinarian with anti-rabies vaccine and the owner shall comply in all respects with the requirements of **Animal Control Act** of the State of Illinois, including display of any tag required by said law.

**3-1-3**        **RUNNING AT LARGE PROHIBITED.** No owner or keeper of any dog or cat shall permit such dog or cat to run at large. **(Ord. No. 11-11; 07-12-11)**

**3-1-4**        **DOGS ON SCHOOL GROUNDS OR RECREATION AREAS.** Owners shall not permit their dog on any school grounds when school is in session, or on any public recreation area when an organized activity is being conducted, unless the dog is controlled by a leash or similar device.

**3-1-5**        **ANIMALS WITHIN CEMETERIES.** Animals are prohibited within the grounds of City cemeteries, and it shall be unlawful for the owner or keeper of any animal to permit such animal within the grounds a City cemetery, either when under the control of the owner or keeper or when running at large. This prohibition shall not apply to service animals as defined by the Americans with Disabilities Act or under the provisions of the Illinois Human Rights Act or other law of the State of Illinois. **(Ord. No. 16-4; 03-08-16)**

**3-1-6**        **IMPOUNDING.** Any officer, as defined in this Article, may, when necessary apprehend any dog found running at large and impound such dog, and he shall within a reasonable time under the circumstances of the situation cause a Notice of Violation of this Article to be issued to the dog's owner, if known. On impounding any dog, a complete registry indicating the breed, color and sex of such dog and whether licensed, shall be entered of record and name and address of the owner and the number of any tag shall be recorded.

**3-1-7**        **NOTICE TO OWNER AND REDEMPTION.** Upon the impounding of any dog, the owner, if known, shall be notified within a reasonable time under the circumstances of the situation. The owner of any dog so impounded may reclaim such dog upon paying all costs and charges incurred for impounding, maintenance or treatment of such dog and by paying any fine and costs under this Article. If, at the expiration of **seven (7) days** from the date of notice or if the ownership cannot be ascertained within **seven (7) days** and such dog is not redeemed it shall become the property of the Humane Society to be dealt with by such Humane Society.

A daily board fee of **Twenty-Five Dollars (\$25.00)** shall be charged for all impounded animals, either sterilized or non-sterilized, which amount is exclusive of and does not include other costs and charges of impounding, maintenance or treatment. **(Ord. No. 07-08; 06-12-07)**

**3-1-8**        **LIABILITY.** In conducting the impounding and notice to owner of animals hereinabove described, the City nor the officer shall be liable for damages to any alleged owner.

**3-1-9**        **RABIES – NOTICE.** Any dog biting any person, or suspected of having rabies, or who has been bitten by an animal having rabies and any dog in direct contact with such animals, shall be handled as provided in the Illinois Animal Control Act. Any officer shall cooperate and assist in complying with this Article and said Act. **(Ord. No. 07-08; 06-12-07)**

**3-1-10**       **HUMANE CARE.** All owners shall provide their animals with sufficient food and water, proper shelter, veterinary care when needed to prevent suffering and with humane care and treatment. No person shall poison, ill treat or abandon any animal. Unwanted animals may be given to the Jackson County Humane Society or any other such agency.

If any officer encounters a stray animal suffering pain he shall promptly act to notify the owner and if unable to ascertain or locate the owner, he may take the animal to a veterinarian for treatment or to be disposed of in a humane manner. The cost of any such care or treatment shall be borne by the owner. **(Ord. No. 12-14; 10-09-12)**

**3-1-11**      **LICENSE REGISTRATION.**

(A)      All dogs and cats, **four (4) months** of age or over, kept or maintained by their owners within the City shall be licensed and registered. Licenses shall be issued by the Police Department upon payment of a license fee as follows: **Fifteen Dollars (\$15.00)** for each non-sterilized dog or cat, and **Ten Dollars (\$10.00)** for each sterilized dog or cat. Owners of a sterilized dog or cat shall provide a certificate signed in writing by a licensed veterinarian describing the animal and indicating that said animal has been sterilized. The owner shall state, at the time application is made for such license and upon printed forms provided for such purpose, his or her name and address, the name, breed, color and sex of each dog or cat owned or kept by him and shall provide evidence for compliance with **Section 3-1-2** above.

(B)      All licenses shall be valid for **one (1) year** from the date of issuance. Upon payment of the license fee, a tag and license certificate shall be issued to the owner. The owner shall affix the tag to a collar or similar device which shall be displayed upon each animal at all times.

(C)      If application for a license is made more than **sixty (60) days** after the expiration of a license or more than **sixty (60) days** after the dog or cat reaches **four (4) months** of age, a penalty of **fifty percent (50%)** of the license fee shall be assessed, which amount shall be added and collected with the regular license fee.

**(Ord. No. 16-10; 06-14-16)**

**3-1-12**      **RESPONSIBILITY FOR REMOVAL OF EXCREMENT.** The owner or any person in control of any dog or cat shall be responsible for the immediate removal and sanitary disposal of any excrement deposited by his animal anywhere within the City limits. **(Ord. No. 02-04; 06-11-02)**

**3-1-13**      **LIMITATION ON NUMBER OF DOGS AND CATS.** It shall be unlawful for any residential household to keep more than **three (3) dogs** and **three (3) cats** on any part of any residential premises within the City with the exception that a litter of pups or kittens or portions thereof may be kept for a period of time not exceeding **five (5) months** from birth. Each member of such household is charged with the responsibility to limit the number of animals on such premises to **three (3) dogs** and **three (3) cats.** **(Ord. No. 02-04; 06-11-02)**

**3-1-14**      **PROHIBITED ACTS.** No owner shall permit his dog or cat to:

(A)      Molest or threaten persons or vehicles by chasing, barking, biting or clawing;

(B)      Damage any property of another in any manner;

(C)      Bark, whine, howl or make any other sound excessively; or

(D)      Create noxious or offensive odors.

**(Ord. No. 02-04; 06-11-02)**

**3-1-15**      **NUISANCE DECLARED; DESTRUCTION OF ANIMAL.** Any dog or cat which is found guilty to have committed any of the actions stated in **Section 3-1-13** on **three (3)** or more separate occasions shall be considered a public nuisance and may be removed

from the residence by the Animal Control Officer and destroyed in a humane manner or the owner may be required to remove such animal from the City limits. **(Ord. No. 16-10; 06-14-16)**

**3-1-16**      **SEPARABILITY.**    If any word, phrase, clause, item, sentence, paragraph, section or part in or of this Article shall judicially be declared to be unconstitutional or the applicability thereof to any person or circumstance is held invalid, the unconstitutionality of the remainder of this Code and the applicability thereof to other persons and circumstances shall not be affected thereby.

**3-1-17**      **ENFORCEMENT.**    This Article shall be enforced by any or all of the following:

        An animal officer appointed by the Mayor of the City and confirmed by the City Council, any police officer of Murphysboro Police Department or any auxiliary police officer of Murphysboro Police Department.

**ARTICLE II - GENERALLY**

**3-2-1 DANGEROUS ANIMALS.** It shall be unlawful to permit any dangerous or vicious animal of any kind to run at large within the City, and the Officer is authorized to kill any dangerous or vicious animal of any kind when it is necessary for the protection of any person or property.

**3-2-2 DISEASED ANIMALS.** No domestic animal afflicted with a contagious or infectious disease shall be allowed to be exposed in any public place whereby the health of man or other animal may be affected, nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the Officer.

It is hereby made the duty of the Officer to secure such disposition of any diseased animal and such treatment of affected premises as to prevent the communication and spread of the contagion or infection, except in cases where the State Veterinarian is empowered to act.

**3-2-3 DEAD ANIMALS.** Whenever any animal shall die within the limits of the City, the owner or person having possession or control thereof shall forthwith remove or cause the same to be removed out of the City limits and buried at least **four hundred (400) yards** from any dwelling.

**3-2-4 CRUELTY.**

(A)

A person commits cruelty to animals when the person:

- (1) Confines the animal in such a manner so that it is forced to stand, lie or sit in its own excrement;
- (2) Fails to provide an exercise quarter of at least **twenty-four (24) square feet**;
- (3) Fails to provide living quarters of sufficient size to exercise and move about;
- (4) Fails to provide living quarters that are protected from excessive heat or cold, precipitation, wind or other effects of the elements. Excessive heat shall be defined as the outside ambient air temperature exceeding **ninety (90) degrees Fahrenheit** or when The National Weather Service has issued a Heat Advisory and/or Warning for the Murphysboro, Illinois area. Excessive cold shall be defined as the outside ambient air temperature being **thirty-two (32) degrees Fahrenheit** or below or when The National Weather Service has issued a Wind Chill Advisory and/or Warning or has issued a Winter Storm Watch and/or Warning for the Murphysboro, Illinois area;
- (5) Fails to keep an animal in a clean, sanitary and healthy manner;
- (6) Deprives the animal of proper veterinary care or adequate sustenance;
- (7) Tethers an animal with a choke collar;
- (8) Tethers an animal on a leash of less than **eight (8) feet** in length;
- (9) Tethers an animal on a leash of a weight or in such a manner that prevents the animal from moving freely without entanglement;

## ANIMALS 3-2-5

- (10) By abandoning, overdriving, overworking, cruelly beating, torturing, tormenting, or cruelly killing any animal, or causing or knowing the same to be done;
- (11) Unjustifiably kills, injures or attempts to kill or injure any animal in a cruel or unjustifiable manner;
- (12) Allows an animal to remain unattended in a motor vehicle when the outside ambient air temperature exceeds **eighty (80) degrees Fahrenheit** or confines an animal in an area without adequate air circulation. In order to protect the health and safety of an animal, the Animal Control Office may enter such a motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner.
- (13) By working any maimed, lame, sick or disabled animal, or causing or knowingly allowing the same to be done;
- (14) Causes, instigates, permits, facilitates, aids, abets, encourages or attends any dog fight or other combat between animals or between animals and humans; or
- (15) Crops an animal's ears, docks an animal's tail or performs other surgeries, except as a licensed veterinarian of the State of Illinois.

(B) Animals that have been treated cruelly as defined in Subsection (A) above may be impounded and may be given veterinary care at the owner's expense and may be euthanized at the owner's expense when appropriate in the judgment of the Animal Control Officer to prevent further suffering. The owner shall be responsible for all costs, including any veterinary costs, the costs of impoundment, maintenance and boarding.

**(Ord. No. 16-10; 06-14-16)**

**3-2-5 HOUSING.** No person shall cause or allow any place where any animal is or may be kept to become unclean or unwholesome.

**3-2-6 MAINTAINING ABATTOIR A NUISANCE WITHOUT SPECIAL PERMISSION; ABATEMENT OF SUCH NUISANCE.** Every person who shall keep or use any house, building, pen or other place within the City limits for slaughtering purposes or as an abattoir, without having first obtained special permission from the City, shall, on conviction thereof, be deemed guilty of maintaining a public nuisance. Any such establishment operated without special permission from the City is hereby declared a nuisance and shall be abated by the City accordingly.

**3-2-7 KEEPING ANIMALS WITHIN CITY LIMITS PROHIBITED.** It shall be unlawful to keep any chicken, goose, hog, pig, goat, cow, horse, or other livestock within the City limits under any circumstances.

**3-2-8 DYED RABBITS AND CHICKS.** It shall be unlawful for any person to have in his possession in the City any dyed rabbit or chick for any purposes.

**3-2-9 POLICE DOGS.** It shall be unlawful for any person to beat, kick, strike, torture, torment, injure or kill any dog used by the Police Department of the City in the performance of the functions and duties of such Police Department, or to interfere in any manner with such dog while it is being used by the Police Department or any member thereof in the performance of the duties of such Police Department or such officer or member.

**3-2-10**      **COLLAR REQUIRED.** Every owner shall provide each dog kept, harbored or otherwise maintained by him in the City, with a sturdy collar to which an identification tag shall be securely fastened, and it shall be the owner's duty to make certain that the collar and tag are worn at all times by the dog when off the owner's premises. The collar shall state thereon the owner's name and address.

**3-2-11**      **FIERCE DOGS CONFINED.** Any dog of fierce, dangerous or vicious propensities shall be confined by the owner on the owner's premises at all times in such a manner that it cannot reach persons who may have occasion to lawfully enter upon said premises.

**3-2-12**      **RESPONSIBILITY OF OWNER.** It shall be the duty of the owner of any dog to prevent such dog from biting or attacking any person in the City, and if a person is bitten by a dog, he shall report the incident to the Police Department immediately.

**3-2-13**      **DOG DECLARED NUISANCE.** Any dog which may unprovokedly bite or attack any person in the City is hereby declared to be a public nuisance, and such dog may be apprehended by a police officer, animal warden, or other person charged with the enforcement of this Article.

**3-2-14**      **NOISOME DOG.** It shall be unlawful for an owner to keep, harbor or otherwise maintain a dog in the City which shall disturb the quiet of any person or neighborhood, or which shall attack any person, or which shall cause danger or fear to any person or neighborhood.

**3-2-15**      **RABID DOG.** Any dog suffering from rabies is hereby declared to be a public nuisance and such dog may be slain by any police officer, or such other person charged with the enforcement of this Code, if the same cannot be safely apprehended and impounded. It shall be the duty of any person keeping, harboring or otherwise maintaining any such dog to place it immediately in a veterinary hospital, or upon demand, or surrender such dog to any police officer, animal warden or other person charged with the enforcement of this Code.

**3-2-16**      **REPORTING RABID DOG.** It shall be the duty of every person who, for good cause, believes that any dog is suffering with rabies, or has been bitten by a dog suffering with rabies, to report such fact immediately to the Chief of Police. Such report shall give the name, if known, and the place of residence of the person keeping, harboring or otherwise maintaining any such dog, and the place where the same can be found. Any such dog shall be immediately confined in a veterinary hospital, or taken up and impounded and securely kept until it can be determined whether any such dog is suffering with rabies.

**3-2-17**      **EMERGENCY DECLARED.** Whenever the Mayor, by proclamation, shall declare that danger from rabies is great, it shall be unlawful to permit or allow any dog upon the public street, alley, or sidewalk or other place unless such dog is securely muzzled.

**3-2-18**      **INTERFERENCE WITH OFFICER.** It shall be unlawful to hinder or molest any police officer, or person engaged in the enforcement of this Code and such persons shall have the right to enter upon private property in the pursuit and search for dogs.

**3-2-19**      **KENNEL.** The owner of every dog shall maintain said dog in a kennel, or other property quarters, which said kennel or other quarters shall, at all times, be kept in a clean and sanitary condition. The owner of any dog who fails to maintain his animal in a clean and sanitary condition shall be guilty of a violation of this Code.

**3-2-20**      **ANIMALS SHALL NOT BE HOUSED OR CONTAINED IN FRONT YARD.** No animal shall be housed or contained in the front yard of any premises within the City. The prohibition created hereby shall include, but not be limited to, any dog house, dog pen or other animal enclosure located in the front yard of any premises, but shall not include the running of an animal in a fenced yard that includes the front yard of the premises. **(Ord. No. 07-13; 08-14-07)**



**ARTICLE III - CATS**

**3-3-1**        **DEFINITIONS.** As used in this Article unless the context otherwise indicates:

**"CAT"** shall be intended to mean both male and female.

**"OWNER"** Any person, persons, associations, corporation, firm, owning, keeping, maintaining, or harboring a cat.

**"STRAYING"** shall mean entering upon the property of another without that property owner's permission.

**(Ord. No. 07-08; 06-12-07)**

**3-3-2**        **ENFORCEMENT.** The provisions of this Article shall be enforced by the animal control officer and such other persons designated by the Chief of Police or the Mayor, hereby authorized and directed to enforce this Article.

**3-3-3**        **LICENSING.** No person shall own, keep, maintain or harbor any cat within the City unless such cat is licensed in accordance with **Section 3-1-10** of this Code.  
**(Ord. No. 07-08; 06-12-07)**

**3-3-4**        **RESERVED.** **(Ord. No. 07-08; 06-12-07)**

**3-3-5**        **IMPOUNDMENT.** Any officer as defined in this Article, may, when necessary apprehend any cat found straying and impound such cat. Upon impounding such cat, the officer shall cause a notice of violation of this Article to be issued to the owner.

(A)            When cats are found straying and their ownership is known to the officer, such cats need not be impounded, but the officer may, at his/her discretion, cite the owners of such cats to appear in court to answer to charges of violation of this Article.

(B)            Immediately upon impounding cats, the officer shall make every possible effort to notify the owners of such cats, so impounded, and inform such owners of the conditions whereby they may regain custody of such cats.

**3-3-6**        **NOTICE TO OWNER AND REDEMPTION.** Upon the impounding of any cat, the owner, if known, shall be notified within a reasonable time under the circumstances of the situation. The owner of any animal so impounded may reclaim such animal upon paying all costs and charges incurred for impounding, maintenance or treatment of such animal by paying any fees and costs under this Article. If, at the expiration of **seven (7) days** from the date of notice or if the ownership cannot be ascertained within **seven (7) days** and such cat is not redeemed it may become the property of the Humane Society to be dealt with by such Humane Society.

## **ANIMALS 3-3-7**

A daily board fee of **Twenty-Five Dollars (\$25.00)** shall be charged for all impounded animals, either sterilized or non-sterilized, which amount is exclusive of and does not include other costs and charges of impounding, maintenance or treatment. **(Ord. No. 07-08; 06-12-07)**

**3-3-7**        **CONFINEMENT OF CATS IN HEAT.** No person shall permit any female cat while in heat to stray or run loose in the City.

**3-3-8**        **RABIES - NOTICE.** Any cat biting a person, or suspected of having rabies, or who has been bitten by an animal having rabies and any cat in direct contact with such animals, shall be handled as provided in the Illinois Animal Control Act. Any officer shall cooperate and assist in complying with this Article and said Act. **(Ord. No. 07-08; 06-12-07)**

**(Ord. No. 99-01; 01-12-99)**

**ARTICLE IV - VICIOUS DOGS**

**3-4-1**

**DEFINITIONS.** For the purposes of this Article:

(A)

**"Vicious dog"** means:

- (1) Any individual dog that when unprovoked inflicts bites or attacks a human being or other domestic animal either on public or private property.
- (2) Any individual dog with a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals.
- (3) Any individual dog that has a trait or characteristic and a generally known reputation for viciousness, dangerousness or unprovoked attacks upon human beings or other domestic animals, unless handled in a particular manner or with special equipment.
- (4) Any individual dog which when either unmuzzled, unleashed or unattended by its owner or a member of its owner's family, in a vicious or terrorizing manner, approaches any person in an apparent attitude of attack upon streets, sidewalks, or any public grounds or places.
- (5) No dog shall be deemed vicious if it bites, attacks, or menaces a trespasser on the property of its owner, or harms or menaces anyone who has tormented or abused it, or is a professionally trained dog for law enforcement or guard duties while performing duties as expected. Vicious dogs shall not be classified in a manner that is specific as to breed.

(B)

**"Enclosure"** means a fence or structure of at least **six (6) feet** in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures that may be taken by the owner or keeper, such as tethering of the vicious dog within the enclosure. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be capable of preventing the animal from escaping from the enclosure.

(C)

**"Found to Be Vicious Dog"** means:

- (1) Upon complaint or observation, the Animal Control Officer has conducted an investigation and made a finding in writing that the animal is a vicious dog as defined in Subsection (A) above.
- (2) At a meeting of the Public Safety Committee to be held within **ten (10) days** after such finding, the Animal Control Officer has presented his finding of vicious dog to the Public Safety Committee.
- (3) Prior the meeting of the Public Safety Committee, notice has been given to the owner of the dog, either personally or by certified mail/return receipt requested to the owner's last known address.
- (4) The Public Safety Committee, after reviewing the investigative reports, hearing from the Animal Control Officer, giving the owner of the dog, the victim or other persons the opportunity to be heard, has declared that the animal be deemed a vicious dog.

- (5) Notice in writing of the declaration of vicious dog has been given to the owner, either personally or by certified mail/return receipt requested to the owner's last known address.

**3-4-2 IMPOUNDMENT PENDING MEETING OF PUBLIC SAFETY COMMITTEE.**

(A) Upon the finding of vicious dog by the Animal Control Officer under **Section 3-54-1(C)(1)**, the animal shall be impounded.

(B) If the Public Safety Committee declares that the animal be deemed a vicious dog, the owner shall be charged a daily board fee of **Twenty-Five Dollars (\$25.00)** and other costs and charges to redeem the animal under **Section 3-1-6**.

(C) If the Public Safety Committee does not declare that the animal be deemed a vicious dog, the owner shall not be required to pay the daily board fee but shall be required to pay all other costs and charges to redeem the animal under **Section 3-1-6**.

(D) In the sole discretion of the Animal Control Officer, boarding of the animal at some facility other than impoundment at the Animal Shelter, at the sole cost of the owner, may be approved pending the meeting of the Public Safety Committee and declaration of whether or not the animal be deemed a vicious dog.

(E) A dog declared to be deemed a vicious dog shall not be released to the owner until the Animal Control Officer approves the enclosure required by **Section 3-4-5**.

**3-4-3 NOTIFICATION BY OWNER.** The owner of a dog deemed to be a vicious dog shall inform the Animal Control Officer of the owner's plans for the dog promptly and in any event not more than **seven (7) days** after the giving of written notice that the dog has been deemed a vicious dog. If the owner informs the Animal Control Officer that the owner intends to give up the dog or if the owner fails to inform the Animal Control Officer within **seven (7) days** of the owner's decision to keep the dog, or if the owner fails to make reasonable plans for the enclosure of the vicious dog required by **Section 3-4-5**, or if the owner fails to satisfy the Animal Control officer of the sufficiency of the enclosure for the vicious dog within a reasonable amount of time, the vicious dog shall become property of the Humane Society to be dealt with by such Humane Society.

**3-4-4 VICIOUS DOG LICENSE.**

(A) Any owner of an animal that has been deemed a vicious dog as defined in **Section 3-4-1(A)** shall be required to obtain a special license to harbor the animal. The annual license shall be available through the City at the cost of **Five Hundred Dollars (\$500.00)** per vicious animal, per year. An additional license fee under **Section 3-1-10** shall not also be due.

(B) The initial license shall be required within **ten (10) days** of the declaration that the dog is deemed vicious.

(C) A tag specifying that the animal is a "vicious dog" shall be issued, which shall be attached to the collar of the animal and displayed at all times.

**3-4-5 VICIOUS DOG ENCLOSURE.** It shall be unlawful for any person to keep or maintain any dog which has been deemed to be a vicious dog unless such dog is at all

times kept in an enclosure as defined in **Section 3-4-1(B)**. The only times that a vicious dog may be allowed out of the enclosure are:

- (A) If it is necessary for the owner or keeper to obtain veterinary care for the dog;
- (B) To transport the animal to and from proper enclosures;
- (C) In the case of an emergency or natural disaster where the dog's life is threatened; or
- (D) To comply with the Order of a Court of competent jurisdiction; and
- (E) For purposes of (A), (B), (C) and (D), provided that the dog is securely muzzled and restrained with a chain having a tensile strength of **three hundred (300) pounds** and not exceeding **three (3) feet** in length, and shall be under the direct control and supervision of a responsible adult at least **eighteen (18) years** of age.

**3-4-6 REQUIREMENTS OF OWNER OR VICIOUS DOG.** The owner of a dog that has been deemed to be a vicious dog shall be subject to the following requirements:

- (A) The dog shall be spayed or neutered and micro-chipped, if not already, at the owner's expense within **ten (10) days** of the declaration that the dog is deemed vicious.
- (B) The owner shall display a sign in a prominent place on the premises where the dog is kept, which is readable by the public from a distance of not less than **one hundred (100) feet**, using the words "Beware of Vicious Dog."
- (C) The owner shall immediately notify the Animal Control Officer if a vicious dog is loose, unconfined or missing, has attacked another animal or has attacked a human being.
- (D) The owner of a vicious dog shall present to the Animal Control Officer proof that the owner has procured liability insurance in the amount of at least **One Hundred Thousand Dollars (\$100,000.00)**, covering the year period during which licensing of the vicious dog is sought. The policy shall contain a provision requiring the City to be notified by the insurance company of any cancellation, termination or expiration of the policy.

**3-4-7 CHANGE OF RESIDENCE AND SELLING OR GIVING AWAY VICIOUS DOG.**

- (A) Whenever the owner of a vicious dog changes residences within the City, the owner shall notify the Animal Control Officer within **five (5) days** of the change of residence, and no vicious dog shall be relocated to the different residence until approval by the Animal Control Officer of the enclosure required by **Section 3-4-5**.
- (B) No owner of a vicious dog shall sell or give away any vicious dog within the City, and no dog known to be vicious may be obtained by a City resident, or otherwise be brought into the city, to be kept or harbored within the City.
- (C) Whenever the owner of a vicious dog sells, gives away or otherwise relocates a vicious dog outside of the City, the owner shall so notify the Animal Control Officer within **five (5) days** of the name of the person receiving the dog and location thereof.

**3-4-8 LIST OF VICIOUS DOGS.** The Animals Control Officer shall maintain a list of all dogs deemed vicious, the names and addresses of their owners, and the dog's last known location. The list shall be made available to the public to allow the public to be better informed as to any dogs previously deemed vicious.

**3-4-9            VICIOUS DOG AT LARGE.**

(A)            **First Offense.** Any dog that has been deemed a vicious dog and is found to be outside of the owner's enclosure may be impounded and the owner fined in the amount of **One Thousand Dollars (\$1,000.00).**

(B)            **Second or Subsequent Offense.** Any dog that has been deemed a vicious dog and is found outside of the owner's enclosure may be impounded and turned over to the Humane Society or a licensed veterinarian for destruction by lethal injection, and the owner fined in the amount of **One Thousand Dollars (\$1,000.00).**

(C)            **Exceptions.** An exception to this Section shall be that the animal is being transported as described in **Section 3-4-5.**

**ARTICLE V – EXOTIC ANIMALS**

**3-5-1 EXOTIC ANIMALS PROHIBITED.**

(A) **Animals Enumerated.** No person may keep, possess or harbor within the City limits any live lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarondi, bear, hyena, wolf, wolf hybrid, fox, mink, coyote, falcon, condor, eagle or any other raptor, monkey, gorilla, ape or other nonhuman primate, crocodilian reptile, venomous snake or venomous lizard, non-venomous snake exceeding **five (5) feet** in length or non-venomous lizard exceeding **five (5) feet** in length.

(B) **Exceptions.** Subsection (A) shall not apply to any person operating a zoological park, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge.

(C) **Proper Enclosure.** Any person who keeps or maintains within the City limits any live non-venomous snake or non-venomous lizard shall at all times keep or maintain such snake or lizard in an enclosed cage or vivarium to prevent escape.

(D) No non-venomous snake or non-venomous lizard shall be brought onto or displayed on any public property, street, alley, sidewalk or public way.

(E) A person keeping, possessing or harboring a non-venomous snake exceeding **five (5) feet** in length or a non-venomous lizard exceeding **five (5) feet** in length on the effective date of this Article shall be entitled to an exemption from Subsection (A) as to the specific non-venomous snake or non-venomous lizard. Any person claiming such an exception shall obtain a certificate of nonconforming use from the Animal Control Officer. When the person no longer keeps, possesses or harbors that specific non-venomous snake or non-venomous lizard within the City, said person shall not thereafter keep, possess or harbor any other non-venomous snake or non-venomous lizard in its place in violation of Subsection (A).

**3-5-2 DOMESTICATION NO DEFENSE; IMPOUNDMENT; USE OF FORCE.**

(A) It is no defense to a violation of **Section 3-5-1(A)** of this Chapter that the person violating such subsection has attempted to domesticate the animal.

(B) If there appears to be imminent danger to the public, the Animal Control Officer shall impound the animal prohibited by **Section 3-5-1(A)**.

(C) The Animal Control Officer or any police officer may use force, including deadly force, which he reasonably believes is necessary to effect the capture and/or impoundment of any animal prohibited by **Section 3-5-1(A)**.

**(Ord. No. 12-14; 10-09-12)**

**ARTICLE VI – PENALTY**

**3-6-1 PENALTY.**

(A) With the exception of **Sections 3-1-9, 3-1-13, 3-2-4** and **Article IV**, any person violating any provision of this Chapter, on conviction thereof, shall be fined as follows:

First Offense: \$100.00

Second Offense: \$200.00

All Subsequent Offenses: \$300.00

(B) Any person violating **Sections 3-1-9, 3-1-13, 3-2-4** or any Section of **Article IV** for which a fine has not been specified, on conviction thereof, shall be fined in an amount not less than **One Hundred Dollars (\$100.00)** and not more than **One Thousand Dollars (\$1,000.00)**.

(C) Each day on which a violation continues shall constitute a separate offense.

**(Ord. No. 16-10; 06-14-16)**