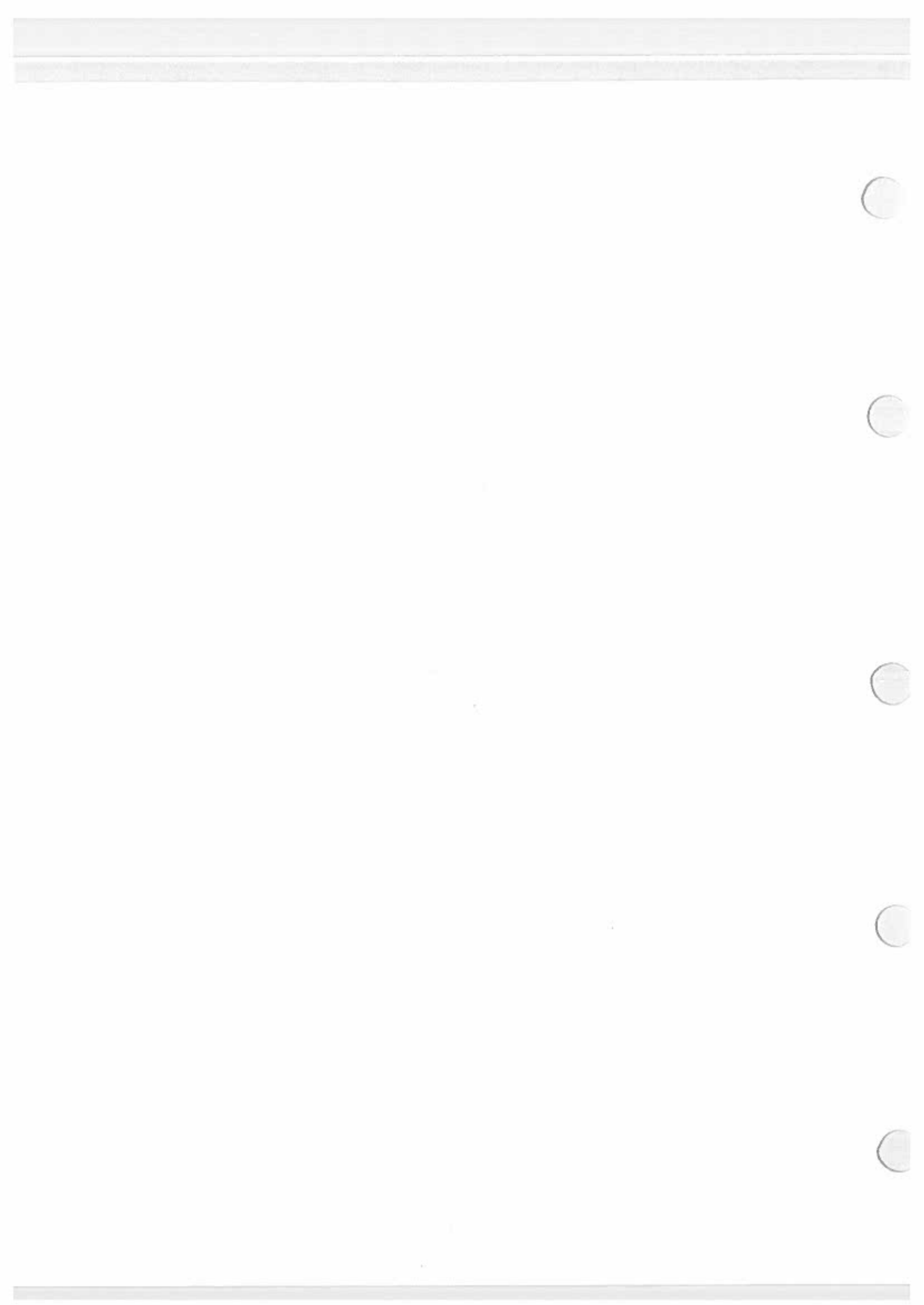


PART 4
ANIMALS

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Animals

CHAPTER 1

ANIMAL REGULATIONS

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ARTICLE A

GENERAL PROVISIONS

SECTION 4-101 DEFINITIONS.

The following words and phrases when used in this chapter shall have the meanings prescribed in this section except in those cases where the context clearly indicates a different meaning:

1. "Animal" means any horse, mule, donkey, pony, cow, sheep, goat, hog, dog, cat, rabbit, chicken, goose, duck, turkey, or other animal or fowl;
2. "At large" means not securely confined by a fence or other means on premises under the control of, or occupied by, the owner, and not under the control of the owner, a member of his immediate family over twelve (12) years of age or an agent of the owner, by leash or otherwise, whether on the owner's premises or not;
3. "Owner" means any person, firm or corporation owning, harboring or keeping an animal. The occupant of any premises on which a domesticated or tamed animal remains, or to which it customarily returns, for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal;
4. "Redemption fee" means the amount of money that must be paid to the town to redeem any animal captured or impounded by the animal control department and shall include all applicable fees;
5. "Stray animal" means any animal running at large in the town which does not have a current, valid registration, which is evidenced by a metal tag issued by the town clerk-treasurer and attached to the collar of the animal; and

6. "Vicious dog" means a dog which has bitten, or attempted to bite, any person without undue provocation, or which attacks, or barks or growls at and acts as if it intends to attack or bite, or bites a person or persons, when not unduly provoked. (Prior Code § 3-1; amd. Ord. 87-3, 10-7-1986; Ord. 88-2, 3-8-1988)

4-102: **ANIMALS NOT TO BE AT LARGE:** No owner or keeper shall permit any animal owned, harbored or kept by him to be at large. It is unlawful for any animal to be at large at any time within the Town limits. (Ord. 2017-4, 6-29-2017)

4-103: **TURNING ANIMALS AT LARGE UNLAWFUL:** It is unlawful for any person to open any enclosure in which any animal is confined as required by ordinance so as to turn the animal at large, or in any manner to turn the animal at large within Town limits. (Ord. 2017-5, 6-29-2017)

4-104: **PASTURING IN PUBLIC AREAS ILLEGAL:** It is unlawful for any person to stake, confine or pasture any animal on any public school ground or other public property, Federal, State, Town or other, on any railroad right-of-way, or on any property without the consent of the person owning or controlling such property. (Prior Code § 3-4)

4-105: **ANIMALS PROHIBITED IN CERTAIN AREAS; EXCEPTIONS:** No person shall permit any animals but properly licensed dogs and cats and chicken hens (excepting roosters) to be kept in the hydranted area of the Town at any time. (Ord. 2017-6, 6-29-2017)

4-106: **ANIMALS WHICH DISTURB PROHIBITED:** It is unlawful for any person to keep or harbor within the hydranted area of the Town any dog or other animal which, by barking, howling or otherwise, disturbs the peace and quiet of any person. (Ord. 2017-8, 6-29-2017)

4-107: **STABLES, KENNELS; LOCATION; PERMIT FEE¹:** No kennel, stable, chicken coop, lot, pen or any other establishment or place wherein animals are kept shall be maintained closer than

1. See section 4-160 et seq., of this chapter.

forty feet (40') to any tenement or apartment house, hotel, restaurant, boarding house, retail food store, building used for educational, religious or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which the animal is kept. (Ord. 78-2, 8-15-1978)

4-108: **KENNELS, STABLES TO BE KEPT CLEAN:** Every stable, kennel, structure, pen, lot or place wherein an animal is kept or permitted to be shall be maintained in a clean and sanitary condition, devoid of rodents and vermin and free from objectionable odors. (Prior Code § 3-9)

4-109: **DISPOSAL OF MANURE:** Manure shall be hauled outside the Town in a manner which does not jeopardize the public health, or else shall be spread evenly upon the ground and turned under at once or as soon as the weather permits. (1984 Code)

4-110: **HEALTH OFFICER TO INSPECT:** The Health Officer or Police Chief, upon complaint of any person, shall inspect any structure or place where an animal is kept, and may do so on his own initiative. He may issue any such reasonable order as he may deem necessary to the owner of the animal to cause the animal to be kept as provided in this chapter or in a manner so as not to constitute a nuisance. He may make a complaint before the Municipal Judge against any person for violation of any provision of this chapter or of any such reasonable order, but this procedure shall not abridge the right of others to make such complaint. (Prior Code § 3-7)

ARTICLE B. DOG AND CAT VACCINATION; TAGS AND TAX

4-120: **DOGS AND CATS TO BE VACCINATED:** The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a duly licensed veterinarian or other authorized person every calendar year before December 31, thereof, or, in the case of a pup or kitten, before it is three (3) months old. The person vaccinating the dog or cat shall furnish the owner a certificate of vaccination. (Prior Code § 3-16)

4-121: DOG AND CAT FEE, REGISTRATION, TAG:

- A. A fee in such amounts as set by the Town Board for every dog or cat more than three (3) months of age, is levied upon the owner of any such dog or cat kept or harbored within the Town.
- B. The fee levied in this section shall not apply to a dog or cat only temporarily, for a period of thirty (30) days or less, brought and kept within the Town, nor to a dog or cat brought within the Town to participate in a dog or cat show, nor to a "seeing eye" dog when such dog is actually being used by a blind person to aid him in going from place to place, nor to a dog or cat kept in a licensed kennel.
- C. The owner shall pay the fee levied to the Town Clerk-Treasurer for every calendar year at the following times:
 - 1. Before April 1 of each calendar year; or
 - 2. If, the dog or cat is acquired or brought in the Town after April 1, within thirty (30) days after acquiring or bringing the dog or cat into the Town.
- D. Before the Town Clerk-Treasurer accepts any money offered in payment of the fee for a dog or cat or issues a license for it, the person offering the tax shall present to the Town Clerk-Treasurer the certificate of a veterinarian or other person legally authorized to immunize dogs or cats, showing that the dog or cat has been immunized against rabies during the calendar year, that is, since the 31st of the last December.
- E. The owner of the dog or cat shall, at the time of paying the fee, register the dog or cat by giving the Town Clerk-Treasurer the name and address of the owner, the name, breed, color and sex of the dog or cat, the amount paid for the license and such other reasonable information as the Town Clerk-Treasurer may request.
- F. The Town Clerk-Treasurer thereupon shall deliver an original receipt to the owner and also an appropriate metal tag to him for the dog or cat. Such tag shall constitute a license for the dog or cat. (Prior Code §§ 3-16 - 3-18; amd. Ord. 87-3, 10-7-1986)

4-122: TAG TO BE PLACED ON COLLAR; LOST TAGS:

- A. The owner shall cause the metal tag received from the Town Clerk-Treasurer to be affixed to the collar of the dog or cat upon which the

tax has been paid so that the tag can easily be seen by officers of the Town. The owner shall see that the tag is so worn by the dog or cat at all times.

- B. In case the tag is lost before the end of the year for which it was issued, the owner may secure another for the dog or cat by applying to the Town Clerk-Treasurer, presenting to him the original receipt, and paying to him a fee of fifty cents (\$0.50). (Ord. 87-3, 10-7-1986)

4-123: **TAGS; COUNTERFEITING, PLACING ON OTHER DOGS OR CATS:** No person shall counterfeit, or attempt to counterfeit, any tag issued for a dog or cat as provided in this chapter, or take from any dog or cat a tag legally placed upon it, or place such tag upon a dog or cat for which the tag was not specifically issued. (Ord. 87-3, 10-7-1986)

4-124: **OFFENSES:**

- A. It is an offense for any person within the hydranted area of the Town to:
1. Permit any dog owned, possessed, or harbored by him upon any private property which he does not own or control. This section shall not apply to any person who takes a dog upon private property not owned by him or under his control with the consent of the person who owns or controls such property where such dog is either confined in a vehicle or controlled by means of a chain or leash of sufficient strength and length;
 2. Permit any dog owned, possessed, or harbored by him upon any street, alley, or other public place, unless the dog is under control of the owner or other person in a vehicle or by means of a chain or leash of sufficient strength and length to control the actions of such dog;
 3. Own, keep, possess, harbor, or allow to remain on premises under his control any dog or cat of the age of three (3) months or older, unless such dog or cat shall have been licensed as provided in this chapter;
 4. Fail to confine any dog or cat as provided by this article;
 5. Remove the metal license tag without the owner's consent;

6. Place the metal license tag on any animal other than the one for which it was issued;

7. Own, possess, keep, or harbor any dog or cat which by loud and frequent barking, howling or yelping shall cause annoyance or disturbance to any of the citizens of the Town; and

8. Own, possess, keep, or harbor any dog or cat of such vicious and fierce disposition as to attack human beings without provocation. The fact that a dog or cat has previously bitten a human being two (2) or more times without provocation shall be prima facie evidence that the dog or cat is of a vicious and fierce disposition. (Ord. 2017-9, 6-29-2017)

4-125: CONFINEMENT OF DOGS:

- A. Every person who owns, possesses, or harbors any dog within the hydranted area of the Town shall confine such dog to premises owned or controlled by him either by a substantial fence or similar enclosure of sufficient strength and height to prevent the dog from escaping therefrom, or inside a house or other building, or by a leash consisting of a metal chain or other material of sufficient strength to prevent that dog from escaping from the premises when the leash is stretched to its full length. This section shall not apply to any person who takes a dog upon private property with the consent of the owner or person in control of such property or upon any street, alley, or other public place when the dog is under the control of the person in a vehicle or by means of a chain or leash of sufficient strength and length to control the actions of such dog. The Board of Trustees of the Town may, at its discretion, set aside Town-owned lands under its jurisdiction for the purpose of training hunting dogs. The Board shall have the authority to promulgate and enforce regulations pertaining to the use of such land for the purposes designated. When under the supervision of the Board, the dogs and their owners shall not be subject to the provisions of this section. For the purpose of this chapter, agricultural areas shall be the same as agricultural districts as defined by the zoning ordinances of the Town. (Ord. 2017-10, 6-29-2017)
- B. Police service dogs while on duty are exempt from the provisions of this section so long as they are under the control of their commanding officer. (Prior Code §§ 3-20, 3-21)

4-126: **DESTRUCTION OF VICIOUS DOGS:** When any complaint is filed in the Municipal Court of the Town alleging that a vicious or dangerous dog is owned, possessed, kept or harbored in violation of section 4-124 of this article, it is the duty of the person against whom such complaint is filed, or any other person having control or custody of the dog alleged to be vicious and dangerous, to deliver such dog to the dog catcher or his duly appointed representative for confinement in the Town dog pound, pending the judgment of the Municipal Court in such case. If the Municipal Court shall find the party against whom the complaint is filed guilty of violating the provisions of section 4-124 of this article, such dog may be destroyed. If the Municipal Court judgment is appealed to a higher court as provided by the statutes of the State and the ordinances of the Town, this dog will not be destroyed until the appeal is disposed of by the higher court. (Prior Code § 3-23)

SECTION 4-127 SELF-DEFENSE FROM VICIOUS DOG.

Any person may kill a dog in self-defense or in defense of another when the dog, without undue provocation, bites him or the other, or attacks, or attempts to bite or attack him or the other in such manner that an ordinarily prudent person would be led to believe that the person toward whom the efforts of the dog are directed is about to be bitten or otherwise physically harmed. (Prior Code, Sec. 3-28)

SECTION 4-128 ENCLOSED BREEDING PENS.

It is unlawful for any person to fail adequately to confine any female dog under his control while such female dog is in heat. It is unlawful for any person to indecently exhibit or to cause or allow the indecent exhibition of any dog, or to let or cause to be let any male or female dog to a dog of the opposite sex for sexual intercourse, unless the same shall be in some enclosed place entirely out of the public view. (Prior Code, Sec. 3-24)

SECTION 4-129 DOGS AND CATS CONFINED.

A. When the health officer or police chief determines and certifies that a dog, a cat or other animal in the town or within five (5) miles of the town is or was infected with rabies and that an epidemic of rabies threatens the town, the town board of trustees, by resolution, may order all dogs to be confined, within the town, and if deemed desirable, all cats to be confined, during a period of time to be determined by the board. Such resolution or an adequate notice of its passage shall be published in a newspaper of general circulation within the town and shall go into effect on the date following such publication unless the resolution prescribes a later time.

B. While such resolution is in effect, it is unlawful for any owner to permit an unmuzzled dog or a cat to be at large in violation of such resolution, or for any such dog or a cat to be at large in violation thereof.

ARTICLE C

ANIMAL POUND

SECTION 4-130 POUND ESTABLISHED.

A town pound may be established under the jurisdiction of the animal control department. It shall be under the immediate control of a pound officer or of such other person as may be officially designated. The person in charge of the pound shall provide proper sustenance for all animals impounded and shall treat them in a humane manner. The town may also contract with another agency for the use of a pound maintained by the agency either within or without the town. (Prior Code, Sec. 3-30; Ord. No. 87-3, 10/7/86)

SECTION 4-131 AUTHORITY OF DOG CATCHER.

The board of trustees shall appoint, for a period to be terminated at its pleasure, a qualified person or persons to act in the capacity of dog catcher. He shall enforce this chapter and shall have authority to enter upon private premises for the purpose of carrying out provisions of this ordinance. (Prior Code, Sec. 3-25)

SECTION 4-132 ANIMALS TO BE IMPOUNDED.

A. The animal control chief or an animal control officer, or such other officer or employee of the town as the town board may authorize:

1. Shall take into custody and impound any animal running at large or being kept in violation of any provision of the ordinances of the town;

2. Shall take into custody and impound any dog, licensed or unlicensed, which is not confined as required in this chapter;

3. May enter upon the premises of the owner or other private premises to take such animal into custody; and

4. If the animal is so vicious that it cannot be safely taken up, it may be killed by the officer.

B. Any other person may take such animal into custody and present it to the authority in charge of the animal control department for impounding. The board, by motion or resolution, may provide for the payment of some compensation to private persons who present such animals at the animal control department if funds exist for the purpose.

C. Animals which are taken into custody as provided in this section shall be sold or destroyed in a humane manner by the officer or employee of the town in charge of such animal, or by the pound officer, after seventy-two (72) hours of taking the animal into custody, provided the animal is not redeemed or claimed as provided in this chapter. Notice of the impoundment shall be made as provided in Section 4-135 of this code. (Prior Code, Sec. 3-31; Ord. No. 81-3, 10/20/81, in part; Ord. No. 87-3, 10/7/86)

SECTION 4-133 BREAKING POUND.

No unauthorized person shall:

1. Break or attempt to break open the pound, or take or let out any animal therefrom;

2. Take or attempt to take from any officer or employee of the town any animal taken into custody as provided by this chapter; or

3. In any manner interfere with or hinder an officer or employee in the discharge of his duties relating to the taking into custody and impounding of animals as provided in this chapter.

(Prior Code, Sec. 3-32)

SECTION 4-134 FEES FOR IMPOUNDING.

A. The board of trustees by motion or resolution shall determine the fees to be charged for impounding and keeping animals.

B. Any person redeeming an impounded animal shall pay the redemption fee to the town clerk-treasurer and present his receipt therefor to the person in charge of the pound before the latter releases the animal.

C. Any person redeeming a dog not licensed as required by ordinance shall pay the required license fee to the town clerk-treasurer and secure a tag and present the receipt therefor and the tag to the person in charge of the pound before the latter releases the dog. If a dog has been licensed but is not wearing the tag, the person in charge of the pound shall require adequate evidence of the proper licensing of the dog before releasing it. (Prior Code, Sec. 3-33; Ord. No. 87-3, 10/7/86)

SECTION 4-135 OWNER MAY REDEEM.

An owner of an impounded animal or his agent may redeem the animal, prior to its sale or destruction as provided for herein, by paying the required fees against the animal and meeting any other requirements which may be prescribed in this chapter. (Prior Code, Sec. 3-34)

SECTION 4-136 SALE, DISPOSAL OF IMPOUNDED ANIMALS; NOTICE.

A. As soon as practicable after any animal has been impounded, the animal control officer or other employee or officer impounding the animal shall provide a notice thereof at the police station or town clerk-treasurer's office. The notice shall describe the animal and the date of impoundment. The notice shall also state that, unless the animal is redeemed, after paying the appropriate charges prior to seventy-two (72) hours after impoundment, the animal will be sold or destroyed as provided in this chapter. If the dog or cat is licensed, the officer shall notify the owner, as shown by the town license records, either orally or in writing, of the impoundment and sale or destruction if not redeemed in seventy-two (72) hours. Any stray animal taken into custody shall not be subject to the notice provisions or to the seventy-two (72) hour impoundment provision contained in this section.

B. Sales herein provided for shall be for cash and shall be conducted by, or under the direction of the animal control chief. If an impounded animal cannot be sold, he shall destroy the animal, or have it destroyed, in a humane manner, or otherwise dispose of it in a legal manner.

C. The purchaser of an animal at a sale held as provided herein shall acquire absolute title to the animal purchased.

D. The animal control chief shall pay to the town clerk-treasurer all money received from the sale of impounded animals on the day it is received or on the next day upon which the office of the town clerk-treasurer is open for business. The money shall be deposited in the general fund of the town. (Prior Code, Secs. 3-14, 3-15 in part; Ord. No. 87-3, 10/7/86; Ord. No. 88-6, 6/14/88)

ARTICLE D

CRUELTY TO ANIMALS

SECTION 4-140 CRUELTY TO ANIMALS.

It is unlawful for any person wilfully and maliciously to pour on, or apply to, an animal any drug or other thing which inflicts pain on the animal; or knowingly to treat an animal in a cruel or inhumane manner; or knowingly to neglect an animal belonging to him or in his custody in a cruel or inhumane manner. (Prior Code, Sec. 3-40)

SECTION 4-141 POISONING ANIMALS.

It is unlawful for a person wilfully to poison any dog or other animal except a noxious, nondomesticated animal; or knowingly to expose poison so that the same may be taken by such an animal. (Prior Code, Sec. 3-41)

SECTION 4-142 ENCOURAGING ANIMALS TO FIGHT.

It is unlawful for any person to instigate or encourage a fight between animals; or to encourage one animal to attack, pursue or annoy another animal except a noxious, nondomesticated animal; or to keep a house, pit or other place used for fights between animals. (Prior Code, Sec. 3-42)

ARTICLE E

PROCLAMATION OF RABIES

SECTION 4-150 QUARANTINE OF ANIMALS FOR OBSERVATION.

The identity and address of the owner of any animal that bites a person shall be promptly furnished to the animal control officer, the town health officer, and the county health department. The animal control officer shall securely quarantine such animal for a period of ten (10) days and shall not release such quarantined animal until reasonable determination has been made that animal is not infected with rabies. At the discretion of the animal control officer such quarantine may be on the premises of the owner, at a veterinary hospital of the owner's choice at the owner's expense, or at the town animal shelter. In case of animals whose ownership is unknown, such quarantine shall be at the town animal shelter. The animal may be reclaimed by the owner if adjudged free of rabies and such owner shall then pay any related charges for confinement. (Prior Code, Sec. 3-35)

SECTION 4-151 SECURING SUPPORT INFORMATION ON DIAGNOSED ANIMALS.

When an animal under quarantine has been diagnosed as being rabid or is suspected of having rabies by a licensed veterinarian and dies while under such observation, the animal control officer, veterinarian, the town health officer, or other designated emissary shall immediately send the necessary part of such animal to the state health department for pathological examination and shall notify the proper public health officer of any reports of human contact. (Prior Code, Sec. 3-36)

SECTION 4-152 RABIES CRISIS DECLARATION.

When a report gives a suspected or a positive diagnosis of rabies, or when the town, county or state health officials feel that a rabies crisis may be imminent, the health officials may recommend to the town manager town-wide quarantine, and upon the invoking of such quarantine by the town board, by resolution, no animal shall be taken into the streets or permitted to be in the streets, except for short periods of exercise under leash and control of a competent adult. During the quarantine no animal may be taken or removed from the town without written permission of the animal control officer. This declaration must be made by notice in a general circulated newspaper of the community and will last as long as health officials determine the situation requires such action. (Prior Code, Sec. 3-37)

SECTION 4-153 DESTRUCTION OF ANIMALS UNDER CRISIS PERIOD.

During the period of rabies quarantine as mentioned every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed, or at the owner's expense and option, shall be treated for a rabies infection by a licensed veterinarian, or held under six (6) month quarantine by the owner in the same manner as a female in season. The period of quarantine may be extended from time to time. (Prior Code, Sec. 3-38)

SECTION 4-154 SURRENDER OF ANIMALS UNDER SUSPECT.

No person shall remove from the town any animal suspected of having been exposed to rabies, or any animal which has bitten a human, except as herein provided. The carcass of any dead animal exposed to rabies shall be surrendered to the animal

control officer upon demand, and the animal control officer shall direct disposition of the animal. No person shall refuse to surrender any animal for quarantine or destruction when such demand is lawfully made by the animal control officer. (Prior Code, Sec. 3-39)

SECTION 4-155 RABID DOG MAY BE KILLED.

Any person may kill a dog the appearance of which is such as would cause an ordinarily prudent person to believe the dog to be afflicted with rabies. (Prior Code, Sec. 3-29)

ARTICLE F

KENNELS, LICENSING

SECTION 4-160 DOG KENNELS, LICENSE REQUIRED.

For the purpose of this chapter, the term "dog kennel" means any place where five (5) or more dogs beyond the age of three (3) months are kept, harbored, boarded, sheltered, or bred. It is unlawful for any person, firm, or corporation to operate a dog kennel without first procuring from the town clerk an annual license to operate such kennel. Veterinarian hospitals and non-profit benevolent organizations dedicated to the care and protection of animals and humanitarian purposes are exempted from the payment of the license fees. If a veterinarian hospital or a non-profit benevolent organization dedicated to the care and protection of animals for humanitarian purposes maintain stud animals or maintain five (5) or more animals for breeding purposes, a kennel license shall be required. (Prior Code, Sec. 3-26)

SECTION 4-161 LICENSE FEES.

The dog kennel license fees shall be as set by the town board. (Prior Code, Sec. 3-27)

ARTICLE G

PENALTIES

SECTION 4-170 PENALTY.

Any person, firm or corporation who violates any ordinance or provision of this chapter, or who violates, or refuses or neglects to carry out any reasonable order made by the health officer or police chief pursuant to this chapter, shall, upon conviction thereof, be punished as provided in Section 1-108 of this code. (Prior Code, Sec. 3-44)

Animals

Animals

**CHAPTER 2
(RESERVED)**

Animals