

CHAPTER 3

ANIMALS

Article 1. Definitions

Sec. 3-1. 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 days or more, shall be deemed to be harboring or keeping the animal.

(4) "Vicious dog" means a dog at large 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 intended to attack or bite, or bites a person or persons, when not unduly provoked.

Article 2. Animals General

Sec. 3-2. Animals Not To Be At Large.

No owner shall permit any animal owned, harbored or kept by him to be at large; and it is unlawful for any animal to be at large at any time within the Town.

Sec. 3-3. 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 such animal at large, or in any manner to turn such animal at large.

Sec. 3-4. Pasturing Public Areas, Etc., 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.

Sec. 3-5. Swine Not to be Kept Within the Town Except as Stated in Zoning Regulations.

It is unlawful for any person to keep swine within the Town, except in an enclosure awaiting immediate transportation, or as specified by the agricultural zoning regulations of the Town Zoning Code.

Sec. 3-6. Animals Which Disturb Prohibited.

It is unlawful for any person to keep or harbor within the Town any dog or other animal which, by barking, howling, or otherwise, disturbs the peace and quiet of any person or persons.

Sec. 3-7. Buildings for Animals.

Every stable or building wherein any horse, mule, donkey, pony, cow, goat, sheep or animal raised for fur-bearing purposes shall be kept within the Town, shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

Every such stable or building, if located within two hundred feet (200) of 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 such animal is kept, shall be provided with a water-tight and fly-tight receptacle for manure, of such size as to hold all accumulations in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in such receptacle.

Sec. 3-8. Stables, Kennels, Coops, etc.: Location.

No stable, dog kennel, chicken coop, dovecote, rabbit warren, yard or other establishment wherein animals are kept, shall be maintained closer than forty feet 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 such animal is kept.

Sec. 3-9. Permit Required.

It shall be unlawful for any person, persons, firm, corporation or association of individuals to allow or permit any fowl, including, but not limited to chickens, pigeons and other like fowls, or any domestic animal, including but not limited to horses, mules, donkeys, cows, sheep or goats, within the Town limits without first having obtained a permit from the Town clerk.

Sec. 3-10. Application; Petition, Permission of Town Council.

The Town clerk shall issue a permit, subject to the satisfaction of the requirements of Sec. 3-11 of this article, upon receipt of an application in writing, together with a petition, requesting permission for an animal or a fowl pen, said petition to be signed by one hundred percent (100%) of the owners and occupants of the property adjacent to, or within one hundred (100) feet, excluding streets and alleys, of the outside boundary of the site of such animal or fowl pen, but no such permit shall be issued without the prior approval of the Town council.

Sec. 3-11. Suitable Enclosure Required.

Prior to the issuance of a permit for the keeping of animals and fowls within the Town limits, the Town clerk shall ascertain that suitable enclosure space has been erected for the safekeeping of such animals or fowls, and each such enclosure or pen shall be substantially erected on the ground area of not less than ten (10) square feet per each fowl pen, and not less than twenty (20) square feet per each animal, and not less than forty (40) feet from any dwelling, and all of such enclosures shall be situated on an alley or rear property line of the lot.

Sec. 3-12. Revocation of Permit.

The keeping of any animal or fowl shall be upon the condition that the Town council may revoke the permit issued for this purpose when it is satisfactorily proved that any of the provisions of this article have been violated; or that the keeping of any such animal or fowl is a nuisance to any individual, neighborhood or the public generally, or that the keeping of same is likely to endanger, or be prejudicial to the public health or welfare of any citizen or citizens of the Town.

Sec. 3-13. To be Kept Clean, etc.

Every stable, structure, pen, coop 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.

Sec. 3-14. 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.

Sec. 3-15. Health Officer to Inspect.

The health officer, 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 such animal to cause such 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 shall not abridge the right of others to make such complaint.

Article 3. Dogs and Cats: Vaccinations, Tag, License, Etc.

Sec. 3-16. Dogs and Cats to be Vaccinated.

The owner of a dog or cat shall have the dog or cat vaccinated against rabies by a veterinarian or other authorized person every calendar year before the first day of May thereof or, in the case of a pup or kitten, before it is six months old. The person vaccinating the dog or cat shall furnish the owner a certificate of vaccination.

Sec. 3-17. Dog and Cat Tax, Registration, Tag.

A tax of five dollars (\$5.00) per year for every male or spayed female dog or cat more than six months of age, and a tax of ten dollars (\$10.00) per year for every unspayed female dog or cat more than six months of age, is hereby levied upon the owner of any such dog or cat kept or harbored within the Town.

The tax shall not apply to a dog or cat only temporarily 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 dogs or cats being kept in kennels or pet shops for sale.

The owner shall pay such tax to the Town clerk for every calendar year before the first of May thereof, or upon acquiring after said day any dog or cat within the Town upon which the tax has not been paid for the year in which acquired or upon bringing a dog or cat into the Town after said day.

Before the Town clerk accepts any money offered in payment of the tax for a dog or cat

or issues a license for it, the person offering the tax shall present to the Town clerk 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 thirty-first of the last December).

The owner of the dog or cat shall, at the time of paying the tax, register the dog or cat by giving the Town clerk the name and address of the owner, the name, breed, color and sex of the dog or cat, and such other reasonable information as the Town clerk may request.

The Town clerk thereupon shall deliver an original receipt to the taxpayer and also an appropriate tag to him for the dog or cat. Such tag shall constitute a license for the dog or cat.

Sec. 3-18. Tag to be Placed on Dog or Cat Collar; Lost Tags.

The owner shall cause the tag received from the Town clerk 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; and the owner shall see that the tag is so worn by the dog or cat at all times.

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, presenting to him the original receipt, and paying to him a fee of one dollar \$1.00.

Sec. 3-19. 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.

Sec. 3-20. Vicious Dog May be Killed.

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. Dog must be at large.

Sec. 3-21. Rabid Dog May be Killed.

Any person may kill a dog the appearance or conduct of which is such as would cause an ordinarily prudent person to believe the dog to be afflicted with rabies. Dog must be at large.

Article 4. Pound: Establishment, Operation

Sec. 3-22. Pound Established.

A Town pound is hereby established under the jurisdiction of the police department. It shall be under the immediate control of a pound man 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.

Sec. 3-23. Animals to be Impounded.

The pound man, a policeman, or such other officer or employee of the Town as may be authorized, shall take into custody and impound any animal running at large in violation of any provision of the ordinances of the Town; may enter upon the premises of the owner or other private premises to take such animal into custody; and if with reasonable effort a dog or cat illegally at large cannot be caught, may kill it, either on or off private premises.

Any other person may take such animal into custody and present it to the authority in charge of the pound for impounding. The council, by motion or resolution, may provide for the payment of rewards to private persons who present such animals at the pound, when an appropriation exists for the purpose.

Animals which are of no apparent value, taken into custody as provided in this section, shall be destroyed in a humane manner by the officer or employee of the Town in charge of such animal or by the pound man, and shall not be kept in the pound. Animals may be destroyed only after a full week or equal hours have elapsed.

Sec. 3-24. Breaking Pound, etc.

No unauthorized person shall break, or attempt to break open the pound, or take or let out any animal therefrom, or take or attempt to take from any officer or employee of the Town any animal taken into custody as provided by ordinance, or in any manner interfere with or hinder such officer or employee in the discharge of his duties relating to the taking into custody and impounding of animals as provided in this chapter.

Sec. 3-25. Fees for Impounding, etc.

- (1) For any horse, mule donkey, pony, cow, or similar large animal:

For impounding	\$5.00
For keeping, each per day	\$3.00

(2) For any dog, cat, hog, sheep, goat, or other similar small animal:

For impounding	\$5.00
For keeping, each per day	\$3.00

(3) For any fowl:

For impounding	\$5.00
For keeping, each per day	\$3.00

In computing the fee, a fraction of a day during which an animal has been fed, shall be deemed a full day.

Any person redeeming an impounded animal shall pay the above fees to the Town clerk, and present his receipt, therefore, to the person in charge of the pound before the latter releases the animal.

Furthermore, any person redeeming a dog or cat not licensed as required by ordinance shall pay the required tax to the Town clerk and secure a tag and present the receipt, therefore, and the tag to the person in charge of the pound before the latter releases the dog or cat. If a dog or cat 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 or cat before releasing it.

Sec. 3-26. 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 requirement which may be prescribed in this chapter.

Sec. 3-27. Sale of Impounded Animals.

As soon as practicable after any animal of apparent value has been impounded, the pound man or other employee or officer impounding the same, shall inform the chief of police; and the chief of police shall thereupon post a notice thereof at the police office of the Town. Such notice shall describe the animal and notify the owner to pay the charges thereon and remove the same prior to a designated time; and such notice shall also state that, unless the animal is redeemed, the animal will be sold.

Sales herein provided for shall be for cash and shall be conducted by, or under the direction of the chief of police. If such 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.

The purchases of an animal at a sale held as provided herein, shall acquire absolute title

to the animal purchases.

The chief of police shall pay to the Town clerk 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 Town clerk is open for business.

Sec. 3-28. Owner May Claim Excess Money.

The owner of an impounded animal sold as provided herein, may claim the excess of the sale price of the animal above the fees for impounding and keeping the same and a fee of one hundred dollars (\$100.00) to reimburse the Town for any expense it has had in making the sale, at anytime within three months after the sale. If a claim is so made and approved by the council, the Town clerk shall pay him such excess; but, if a claim is not so made, the excess shall belong to the Town.

Article 5. Pet Shop, Kennel and Cattery Regulations

Sec. 3-29. Pet Shop, Kennel and Cattery Regulations.

All pet shops, catteries and kennels shall:

- (1) Maintain records and retain such records for a two-year period on all dogs and cats maintained in such facility. Such records shall show breed, color, markings, sex and age; date and source of animal; period for which animal is maintained; date and disposition of animal, including name and address of new owner; disease prevention and/or treatment and by whom.
- (2) Provide general environmental conditions to assure adequate physical space for each animal, to control parasites, clean food and water, weather protection and clean and sanitary facilities.
- (3) Provide cages and pens of easily cleanable materials if used for confinement and shall keep such cages and pens clean and sanitary at all times.

Article 6. Proclamation of Rabies

Sec. 3-30. 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. Such animal may be reclaimed by the owner if adjudged free of rabies and such owner shall then pay any related charges for confinement.

Sec. 3-31. 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.

Sec. 3-32. Rabies Crisis Declaration.

When a report gives a suspected or a positive diagnosis of rabies, and/or when the Town, county or state health officials feel that a rabies crisis may be imminent, the health officials may recommend to the mayor Town-wide quarantine, and upon the invoking of such quarantine by the Town council, 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 such 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.

Sec. 3-33. Destruction of Animals Under Crisis Period.

During such 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-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.

Sec. 3-34. 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 said animal. No person shall refuse to surrender any animal for quarantine or destruction when such demand is lawfully made by the Animal Control Officer.

Article 7. Cruelty to Animals

Sec. 3-35. Cruelty to Animals.

It is unlawful for any person willfully 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.

Sec. 3-36. Poisoning Animals.

It is unlawful for any person willfully 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.

Sec. 3-37. Encouraging Animals to Fight, etc.

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.

Article 8. Penalty

Sec. 3-38. Penalty.

Any person, firm or corporation who violates any ordinance provision of this chapter, or who violates, or refuses or neglects to carry out, any reasonable order made by the health officer pursuant to this chapter, shall, upon conviction thereof, be fined in a sum not to exceed one hundred dollars (\$100.00) including costs. Every day's violation of any ordinance provision of this chapter or of such order of the health officer, shall constitute a separate offense.