

ORDINANCE #2013-002

TOWN OF BUFFALO GAP DOG ORDINANCE

CHAPTER 1 - PURPOSE

The purpose of this ordinance is to provide for the general health, safety and welfare, of the citizens of the Town of Buffalo Gap by establishing regulations regarding the keeping of dogs within the town, and establishing remedies to abate nuisances caused or created by animals or their masters.

CHAPTER 2 - CONTROL

- A. It shall be unlawful for any owner, possessor or person who keeps any dog to permit the same to run at large. Any dog on any public street or public property must be on a leash.
- B. A dog shall be deemed running at large when:
 - a. Not on the premises of the owner, possessor or keeper thereof and not controlled through use of leash, cord or chain held by the dog's owner, possessor or keeper.
 - b. On the premises of the owner, possessor or keeper, but confined in such a way as to allow the dog to have access to the public right of way.
- C. At no time will any dog be permitted within any area designated to be a park
- D. It shall be unlawful for any owner, possessor or person who keeps any dog to permit such animal, whether or not running at large, to destroy, damage or injure any shrubbery, plants, flowers, grass, lawn, fence or anything whatsoever upon any public premises or upon any private premises owned or occupied by a person other than the owner, possessor or keeper of such animal, and the same is hereby declared to be a public nuisance and prohibited.
- E. It shall be unlawful for any person who possesses, harbors or is in charge of any dog not to immediately remove excrement deposited by the animal upon a

common thoroughfare, street, sidewalk or upon any private property when permission of the owner has not been obtained, and such is hereby deemed to be a public nuisance and prohibited. Dog excrement shall not be placed in storm sewers, but may be placed in trash containers if contained in a closed plastic bag or other closed or airtight nonporous container.

- F. It shall be unlawful for any person to harbor or keep any dog that disturbs the peace by barking or other loud noises at any time of the day or night.
- G. Any animal within the Town, which habitually barks, yowls, chases or annoys animals, vehicles, or persons, is hereby declared a nuisance.
- H. Any animal which has ever bitten or scratched any person or animal so as to break the skin, to the knowledge of the person owning, keeping, having charge of, sheltering, feeding, harboring or taking care of such animal, must be kept in a secure kennel with either concrete floor or chain link fence buried at least 20 inches underground with a covered roof.
- I. Any animal having bitten, scratched or attacked two or more persons shall be humanely euthanized by the Veterinarian in contract with the Town of Buffalo Gap after at least three (3) days prior actual notice to the owner who shall have a right to request a hearing in Magistrate Court to show cause why said animal should not be euthanized as a dangerous animal. The request for hearing shall be filed at Custer County. If such a request is filed, the Town shall take no further action on said animal until after the hearing, except in an emergency to protect public safety. The judge may either confirm the proposed action by the Town or make any other appropriate order regarding said animal.

CHAPTER 3 - LICENSE FEES

- A. A fee of \$10.00 will be charged for any neutered dog
- B. A fee of \$20.00 will be charged for any unneutered dog
- C. The above fees will be charged yearly or any part thereof for any dog over the age of six months.

- D. All dog licenses will expire on the last day of September each year and a new yearly license purchased by October 15 of the same year.
- E. All dogs must be vaccinated for rabies and proof of vaccination shown before any license can be issued. Rabies vaccine must be given so no more than three years will have lapsed from the time the vaccine had been given and the yearly license will have expired.
- F. The owner of each and every dog shall purchase dog license(s) from the Town Trustee after producing verification of current rabies shots.
- G. If there is a change of ownership of a dog during the license year, the new owner may have the current license transferred to his/her name upon application to the Town Trustee.
- H. The Town Trustee shall keep accurate and up to date records of all licenses purchased.

CHAPTER 4 – FINES

Whereas, the Board of Trustees of the Town of Buffalo Gap finds it in the public interest to adopt a schedule of fines for violations. The Town also finds that violators may find it preferable to pay those fines without the necessity of a court appearance.

The Town Council of Buffalo Gap shall set the fine schedule.

A fine of not less than \$25.00 and not more than \$100.00 will be charged for any violation stated in ordinance.

There shall be at least 14 days between first and second offenses.

SCHEDULE OF FINES FOR VIOLATIONS

<u>VIOLATION</u>	<u>FINE AMT</u>	<u>COSTS</u>	<u>TOTAL</u>
Noisy Animals	\$ 23.50	\$ 26.50	\$ 50.00
2 nd offense	\$ 48.50	\$ 26.50	\$ 75.00
Subsequent offense	\$ 73.50	\$ 26.50	\$ 100.00

Animal unleashed	\$ 23.50	\$ 26.50	\$ 50.00
2 nd offense	\$ 48.50	\$ 26.50	\$ 75.00
Subsequent offense	\$ 73.50	\$ 26.50	\$ 100.00
City Dog License	\$ 23.50	\$26.50	\$ 50.00
Subsequent offense	\$ 48.50	\$26.50	\$ 75.00
Impoundment	\$73.50	\$26.50	\$ 100.00

CHAPTER 5 – ENFORCEMENT

The Animal Control Officer, who shall be employed, supervised and assisted in the performance of his/her duties by the Town Council, shall enforce the provisions of this ordinance.

The Animal Control Officer shall perform the professional services required in the care and treatment of animals. It shall be their duty to issue warnings and citations of violations in ordinance.

It shall be the duty of the Animal Control Officer to keep accurate and detailed records of the licensing and impoundment of all animals coming into his/her custody. It shall also be their duty to keep records of all warnings and citations given.

If an animal is in violation of a provision of this chapter, the Animal Control Officer shall give or attempt to give notice to the animal's owner of the violation before catching, retrieving, or impounding the animal. If the owner of the animal is not available and it is not possible to give the owner notice, the Animal Control Officer shall be entitled to catch or retrieve the animal and the animal shall be impounded pursuant to the provisions of this ordinance and a uniform citation issued and delivered to the owner of the animal as soon thereafter as is possible and reasonable.

The Town of Buffalo Gap shall provide a suitable shelter for the impounding of animals. The Town may operate such shelter or the Town may enter into a contract with a veterinarian or other suitable person for the supplying and operation of the same. All animals confined in such shelter shall be regularly fed and watered and treated in a humane manner.

Immediately upon impounding any animal, the Animal Control Officer shall make every possible effort to notify the owner of such animal and inform them of the conditions whereby he may regain possession of the animal. If an animal wearing a license tag is impounded, the Animal Control Officer, immediately after impounding such animal, shall ascertain the name of the owner from the records of the Town Trustee and inform such owner of the conditions whereby he may regain possession of such animal.

Any animal impounded may be reclaimed upon payment by the owner to the Town of Buffalo Gap of the impoundment fee for each animal reclaimed and any charges for veterinarian services rendered. The impoundment fee shall be due the Town of Buffalo Gap regardless of whether the animal is reclaimed and the Town Finance Officer shall exercise every means available for collection against the owner.

Any animal impounded must show proof of rabies immunizations before Veterinarian will release dog to owner.

Any animal impounded and not reclaimed by its owner within three (3) days may be humanely euthanized by the veterinarian or sold. A fee set by the Town Council shall be charged to the owner.

CHAPTER 6 – GENERAL PROVISIONS

The rules and regulations in this ordinance provided or as elsewhere set out in this ordinance or future ordinances and resolutions of the governing body shall be considered a part of the contract between the Town of Buffalo Gap and every property owner and citizen of Buffalo Gap, and every such person shall be considered to express his/her assent to be bound. This ordinance shall supersede all other dog ordinances from the past.

TOWN OF BUFFALO GAP SIGNATURES

Kirkland Sanford

Sharon Clark

APPLICATION FOR DOG LICENSE

NAME OF OWNER _____

ADDRESS _____

NAME OF DOG _____

BREED _____

COLOR _____

GENDER _____

NEUTERED _____ UNNEUTERED _____

LAST RABIES VACCINATION DATE _____

Animal Control Officer Job description:

The Animal Control Officer's tasks can include investigating reports of animal nuisances, capturing unclaimed or stray animals, delivering captured animals to the shelter for impoundment and keeping detailed reports. They will work on a case-by-case basis and shall be employed by the Town of Buffalo Gap.

Animal Control Officer Qualifications:

1. Background in working with animals
2. Good communication skills