

CHAPTER 211: DOGS

SECTION 211.010: APPLICABILITY

This Chapter shall apply to dogs as they are defined in Chapter 210. The definitions contained in Chapter 210 shall also apply to this Chapter.

SECTION 211.020: DEFINITIONS

ATTACK: Aggressive behavior by a dog or cat that involves biting or repeatedly biting or shaking its victim.

CABLE RUN: A metal cable that is mounted aboveground at a designated height to two (2) stationary objects for the purpose of attaching a pulley system that moves from one end of the cable to the other and to which a dog is tied or secured by means of a rope, chain, or cable attached to the dog's collar or harness.

DIRECT POINT CHAINING: Means attaching a dog directly to a stationary object by means of a leash, rope, chain, cable or other material attached to the dog's collar or harness but does not include temporary restraint of a dog for purposes of vehicular transport.

ELECTRONIC CONTAINMENT DEVICE: A transmitter/receiver system for the confinement of dogs which consists of (1) a boundary wire that emits a radio signal, and (2) a battery-operated electronic device on the dog's collar which receives the radio signal and emits an audible warning beep and a corrective electrical stimulus as the dog approaches the wire.

PIT BULL: A pit bull is defined as any dog that is an American pit bull terrier, Staffordshire terrier, American Staffordshire terrier, American Bulldog, American Bully or any dog of mixed breeding that has the primary characteristics of such breeds of dog. A pit bull may be identified as any dog which exhibits those distinguishing characteristics of such breeds that substantially conform to the standards established by the American Kennel Club or United Kennel Club. An identification checklist, which is on file in the City offices, shall be used to assist in identifying such breeds.

PROVOCATION: means causing a bite or attack by:

- A. Any intentional act of pulling, pinching, squeezing, kicking, hitting or striking the dog with an object or a part of a person's body, unless the person is responding to an attack or an immediate threat of attack by the dog as indicated by the dog's lunging, snarling or baring of its teeth; or
- B. Any attempt or threat to kick, hit or strike the dog with an object or part of a person's body, unless the person is responding to an attack or an immediate threat of attack by the dog as indicated by the dog's lunging, snarling, or baring of its teeth;
- C. Any act of teasing or tormenting the dog;
- D. Any act of holding, kicking, hitting, striking, or otherwise physically harming the dog's owner or other member of the dog owner's household;
- E. Entry into the dog's area of confinement without the owner's presence, provided that this definition does not apply if the dog is confined in a particular manner for the purpose of causing provocation to prevent legal access to the premises in violation of this article; or
- F. Any act of breaking and entering, or other unlawful entry, into the dog owner's residence, vehicle, or other property.

SWIVEL: Pivoting hardware that can be used in a trolley system to attach a cable run to a tether or a tether to a dog's collar or harness in order to minimize twisting and tangling of the tether.

TETHER: A rope, chain, or cable that is attached to a dog's collar or harness for purposes of restraining the dog.

TROLLEY SYSTEM: A method of restraining a dog which utilizes a cable run, swivel and tether attached to a dog's collar or harness.

SECTION 211.030: MAXIMUM NUMBER

It shall be unlawful for more than three (3) dogs to be kept, located or harbored at any household or business. No more than one (1) pit bull dog may be kept, located or harbored at any household in a residentially zoned district and no other dogs may be kept at a residence with the one pit bull dog. Pit bull dogs may not be located at any commercially zoned premises. This section does not apply to veterinarians, licensed dog breeders or pet stores. Puppies under the age of four (4) months which were born to a dog which has a City animal license shall be exempt from this section.

SECTION 211.040: CONFINEMENT

- A. Any person owning, possessing or keeping a dog shall keep the dog securely confined behind a fence or otherwise restrained upon the person's property by adequate means to prevent the dog's escape; or shall effectively control the dog, whether on or off the person's property, by means of a leash or other proper method of supervised restraint from which the dog cannot escape.
- B. Dogs shall not be confined in any manner for the purpose of preventing legal access to public utility facilities or for the purpose of causing the dog to be provoked by visitors in areas accessible to and commonly used by visitors for legal access to the premises.
- C. Direct-point chaining or tethering of dogs to a stationary object is prohibited. Dogs may be restrained by means of a trolley system, or a tether attached to a pulley on a cable run, if the following conditions are met:
 1. Only one (1) dog may be tethered to each cable run. Dogs on two separate trolley systems shall not be close enough to become entangled with each other.
 2. The tether must be attached to a properly fitting collar or harness worn by the dog, with enough room between the collar and the dog's throat through which two (2) fingers may fit. Choke collars and pinch collars are prohibited for purposes of tethering a dog to a cable run.
 3. There must be a swivel on at least one (1) end of the tether to minimize tangling of the tether.
 4. The tether and cable run must be of adequate size and strength to effectively restrain the dog. The size and weight of the tether must not be excessive, as determined by the animal services officer, considering the age, size and health of the dog.
 5. The cable run must be at least ten (10) feet in length and mounted at least four (4) feet and no more than seven (7) feet above ground level.
 6. The length of the tether from the cable run to the dog's collar should allow access to the maximum available exercise area and should allow continuous access to water and shelter. The trolley system must be of appropriate configuration to confine the dog to the owner's property, to prevent the tether from extending over an object or an edge that could result in injury or strangulation of the dog, and to prevent the tether from becoming entangled with other objects or animals.

- D. An electronic containment device may be used as a primary containment measure. Such area for containment shall not be in the front yard facing the street or main entrance to the premises. Signs stating "pet contained by electronic device" or similar language using a trade name, shall be conspicuously posted and maintained at the perimeter (each side) of the area for purposes of public notice. Such signs shall be a minimum of six (6) inches by eight (8) inches and one (1) of the signs shall be visible from the roadway or entry to the premises if possible. Signs shall be a maximum of ten (10) inches by ten (10) inches. Pit bull dogs and potentially dangerous dogs shall not be allowed to be contained by electronic containment. Such electronic containment device shall be maintained in good operating condition.

SECTION 211.050: MINIMUM CARE FOR DOGS

- A. All dogs shall have continuous access to a structurally sound, moisture-proof and windproof shelter large enough to keep the dog reasonably clean and dry. A shelter which does not protect the dog from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, shall not comply with this section.
- B. A dog's shelter and bedding and other accessible space shall be maintained in a manner which minimizes the risk of the dog contracting disease, being injured or becoming infested with parasites.
- C. It shall be unlawful for any person keeping or harboring any dog to fail, refuse or neglect to provide such dog with clean, fresh, potable water adequate for the dog's size, age, and physical condition. This water supply shall be either free flowing or provided in a removable receptacle that is weighted or secured to prevent tipping.
- D. It shall be unlawful for any person keeping or harboring any dog to fail, refuse or neglect to provide such dog with wholesome foodstuff suitable for the dog's physical condition and age and in sufficient quantities to maintain an adequate level of nutrition for the dog.
- E. The enclosure or confinement area for a dog shall encompass sufficient usable space to keep the animal in good condition. When a dog is confined outside by means of an enclosure or an electronic containment device, the following minimum space requirements shall be met: Large dog. For a dog that is larger than twenty (20) inches at the withers or that weighs more than fifty (50) pounds, the minimum confinement area per dog is one hundred (100) square feet. Medium dog. For a dog that is larger than twelve (12) inches at the withers and up to twenty (20) inches at the withers or that weighs over twenty (20) pounds and up to fifty (50) pounds, the minimum confinement area per dog is eighty (80) square feet. Small dog. For a dog that is twelve (12) inches or less at the withers or that weighs twenty (20) pounds or less, the minimum confinement area per dog is fifty (50) square feet.

SECTION 211.060: BARKING AND NOISE

It shall be unlawful for any person to keep on his premises, or under his control, any dog which by loud and frequent barking and howling shall disturb the reasonable peace and quiet of any person.

SECTION 211.070: POTENTIALLY DANGEROUS DOGS

A. POTENTIALLY DANGEROUS DOGS DESIGNATION

1. DOGS SHALL BE DESIGNATED AS POTENTIALLY DANGEROUS DOGS IF:
 - a. Without provocation, it attacks or bites a person engaged in a lawful activity and any injury caused is minor in nature so as not to require stitches for treatment.

- b. While off the property of its owner and without provocation, it injures another domesticated animal and such injury is minor in nature;
- c. Without provocation while not on a leash and under the control of its owner or custodian, it chases, confronts or approaches a person on a street, sidewalk or other public property in a menacing fashion such as would put a reasonable person in fear of attack;
- d. Acts in a manner which the owner knows, or reasonably should know, is an indication that the dog is dangerous and is not merely being protective in a particular set of circumstances; or
- e. Has been declared dangerous, or has been given some other designation, by another governmental body under circumstances that would meet the grounds for dangerous dog designation under the provisions of this ordinance.
- f. It is a pit bull dog (as defined herein). Identification by the Animal Control Officer shall establish prima facie proof and shall create a rebuttable presumption that a dog is a pit bull dog.
- g. Designation as a potentially dangerous dog shall be made in the opinion of the animal control officer and subject to appeal as set forth herein. In the event the animal control officer designates a dog as potentially dangerous, a written notice shall be given to the owner or posted at the residence.
- h. Any dog designated as a potentially dangerous dog shall not be allowed to remain in the City until the owner complies with the requirements of this section or during any pending appeal of such designation.

B. PERMIT AND REGISTRATION. A potentially dangerous dog may be kept within the city limits only so long as the registered owner or custodian complies with the requirements and conditions herein. The owner of any potentially dangerous dog shall be allowed to keep such dog within the City only if the owner registers the dog with the city on an annual basis and obtains a potentially dangerous dog permit with each annual registration. As a condition of registration, the owner shall at all times required or requested provide sufficient evidence that the owner is in compliance with all of the following requirements:

1. Rabies vaccination. The dog must be vaccinated against rabies by a licensed veterinarian on an annual basis.
2. Current city license. The owner must purchase an annual city license for the dog, and the dog must wear the city license tag on its collar at all times.
3. Microchip. The dog must be identified by means of a microchip that is injected under its skin by a licensed veterinarian and maintained as long as the animal is kept within the city limits.
4. Photo. The owner must provide a recent photo of the animal taken with the owner.
5. Sterilized. The owner must provide documentary proof from a licensed veterinarian that their dog has been spayed or neutered. This requirement shall not apply if the city receives a letter from the owner's veterinarian stating that the dog is physically unable to reproduce or that the dog is medically compromised to the extent that it cannot be safely sterilized.
6. Place of confinement. A potentially dangerous dog must reside at the owner's residence.
7. R-1 zones only and landlord notice. A potentially dangerous dog shall be allowed in R-1 residential zones only. In the event a person wishes to possess potentially dangerous dog and they are not the owner of the residence, they shall provide proof that they have provided notice to their landlord or the owner of the residence that they will possess a potentially dangerous dog at the residence.

8. Insurance. An owner of a potentially dangerous dog shall provide proof to the city on an annual basis of insurance coverage in an amount of not less than Two hundred thousand (\$200,000) dollars. Any such insurance provided may not contain an exclusion which would deny coverage for such dogs.
9. Window sticker or sign. A window sticker or sign must be posted on the owner's property, visible from the street to indicate that a potentially dangerous dog resides on the property. Such sign must be clearly visible from the street or sidewalk if possible.
10. Confinement. A potentially dangerous dog shall be confined indoors or by means of a fence that is of adequate height and construction to prevent the dog's escape. Such fence or area of confinement must be approved by the Animal Control Officer. Potentially dangerous dogs shall not be confined by means of an electronic containment device, invisible fence or trolley system. When outside of an area of confinement, a potentially dangerous dog must be restrained by means of a secure leash held by a person over the age of 18 who has the ability to control the dog.
11. No transfer of permit. A potentially dangerous breed permit shall not transfer to a new owner residing in the city limits. The new owner must meet all registration requirements within ten (10) days of acquiring the dog.
12. The owner of a potentially dangerous dog may relocate the dog to the owner's new city address if the owner contacts animal services prior to the relocation in order to report the new address.
13. Muzzle. The animal control officer may require that any potentially dangerous dog be muzzled when outdoors on a leash as a condition of it being kept in the City.
14. Inspection. By possessing an dangerous dog, the owner or person possessing such animal gives the city animal control officer permission to perform inspections of the outside of the premises where such animals are kept upon reasonable request.
15. Other requirements. The Animal Control Officer may require other reasonable conditions be met in order to issue such permit which are made with the intent of human safety. Appeals of any such requirement may be made to the Animal Control Board as set forth herein.
16. Notification. Any owner of an animal which is designated as potentially dangerous shall immediately notify City Police in the event that such dog causes any human injury, injury to any other animal or in the event such dog is loose from its confinement.

C. APPEALS.

1. An appeal of a designation as a potentially dangerous dog or any other appeal called for herein may be made upon written request to the City within ten (10) days.
2. A hearing to consider such appeals shall be held within ten (10) business days from the time of such appeal. Such appeals shall be held before the Animal Control Board.
3. The owner of a dog that has been identified as a pit bull under this section shall have the right to an administrative appeal of the breed designation by submitting a request for a hearing to the City in writing within ten (10) days. Failure to make administrative appeal as set forth herein shall make such determination final and conclusive for all purposes. A hearing to consider such appeal of pit bull designations herein shall be conducted by the Animal Control Board. The board shall make a final determination of the dog's breed or predominant breed characteristics.
4. Appeals to the Animal Control Board regarding the requirements for keeping potentially dangerous dogs (section B. herein) may be made at any time. At such hearings the owner of the dog may present any evidence regarding such, including temperament testing results or reports. The decisions of the Animal Control Board regarding such requirements shall be final.

D. VIOLATIONS.

1. Failure to Comply. Failure to comply with any potentially dangerous dog registration requirement or permit conditions shall be a violation and may result in the issuance of a citation and/or warrant to seize the owner's dog if such dog is not voluntarily surrendered or removed from the City or brought into compliance. In the event the owner of a potentially dangerous dog fails to comply with the requirements of this chapter, the Animal Control Officer may declare the dog to be vicious based upon such failure(s).
2. Violations Other Than Cruelty Violations. Permits to keep a potentially dangerous dog within the city shall be revoked upon the owner's second conviction or guilty plea for violation of the city's animal code provisions other than cruelty violations. If the permit(s) is revoked, a warrant to seize the potentially dangerous breed may be served on the owner if the dog is not removed from the city limits. In addition, the owner shall lose their right to register any potentially dangerous dog within the city for a period of two (2) years.
3. Cruelty Violations. Upon conviction for any animal cruelty charge, the owner of a potentially dangerous dog shall lose their potentially dangerous dog permit and shall lose their right to register or possess any potentially dangerous dog within the city for a period of ten (10) years. A warrant may be obtained to seize the owner's potentially dangerous dog(s) pending adjudication of the cruelty violation citation. Upon conviction for animal cruelty and revocation of the potentially dangerous dog permit, the owner's potentially dangerous dog must be removed from the city limits or surrendered to the animal control officer.
4. Impoundment pending declaration. Upon reasonable suspicion that a dog is dangerous and poses a serious threat to public health or safety, the animal control officer, or appointed designee, may seek a warrant, if necessary, to seize the dog for quarantine at a veterinary clinic or for impoundment at the animal services facility, pending the dangerous dog declaration process.

SECTION 211.080: VICIOUS DOG DESIGNATION

- A. It shall be unlawful for any person to keep within the city limits any vicious dog.
- B. A dog is considered vicious for purposes of this section if it:
 1. Causes death or serious physical injury which requires stitches or more serious treatment to a person engaged in a lawful activity; or
 2. On two (2) or more occasions, attacks or bites without provocation a person engaged in a lawful activity or on one occasion a potentially dangerous dog attacks or bites a person engaged in a lawful activity; or
 3. On more than one (1) occasion, while off the property of its owner and without provocation, injures another domesticated animal; or
 4. Without provocation, kills a domesticated animal; or
 5. Trains for dog fighting or is owned or kept for the purpose of dog fighting; or
 6. The owner of a potentially dangerous dog fails to notify the City Police department in the event such dog causes any human injury, injury to any other animal or in the event such dog is loose from its confinement.
 7. The owner of a potentially dangerous dog fails to comply with the requirements of this Chapter for the keeping of potentially dangerous dogs.
 8. Has been declared vicious, or has been given some other designation, by another governmental body under circumstances that would meet the grounds for vicious dog designation under the provisions of this article.

- C. Impoundment pending declaration. Upon reasonable suspicion that a dog is vicious and poses a serious threat to public health or safety, the animal control officer or appointed designee, may seize the dog for quarantine at a veterinary clinic or for impoundment at another facility pending the vicious dog declaration process.
- D. Declaration as Vicious Dog. In instances where the dog is declared vicious, the animal control officer or any other member of the police department shall, within forty-eight (48) hours, notify the owner of the dog in writing either in person or posted at the owner's or custodian's last known address, that the dog has been determined to be a vicious animal, the reasons for the declaration and, if applicable, that the dog has been quarantined or impounded by animal services. The owner shall have twenty four (24) hours from delivery of the notice to contact the city and comply with the ordinance by removing the dog from the city limits or by having the dog euthanized.
- E. Appeal. The notice shall also inform the owner or custodian of the dog that a hearing to contest the declaration shall be held before the Animal Control Board if a request for a hearing is submitted in writing to the city within five (5) working days from receipt of the notice of vicious dog declaration.
- F. Status pending hearing. Once notice of vicious dog designation has been given, the dog shall be considered vicious unless, and until such time as, the declaration is overruled by the Animal Control Board

SECTION 211.090: PENALTIES

Penalties for violations of any provision herein shall be as set forth in Section 100.160 unless otherwise set forth. Each day that a violation of any provision of this chapter continues shall be deemed a separate offense.