

CHAPTER XIII
ANIMALS AND FOWL

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CHAPTER XIII
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Article 1
General Regulations

13.0101 Cruelty

No person shall cruelly treat any animal in the City in any way; any person who inhumanly beats, underfeeds, overloads or abandons any animal shall be deemed guilty of a violation of this section.

05/05/80

13.0102 Dangerous Animals

It shall be unlawful to permit any dangerous animal or vicious animal of any kind to run at large within the City; exhibitions or parades of animals which are feral natural in the eyes of the law may be conducted only upon securing a permit from the chief of police.

05/05/80

13.0103 Noises

It shall be unlawful to harbor or keep any animals which disturb the peace by loud noises at any time of the day or night.

05/05/80

13.0104 Prohibited Animals

No swine, cattle, horses, mules, sheep, goats, or other hard-hoofed animals or chickens, ducks, geese, turkeys, doves, pigeons, or other fowl shall be kept by any person within the city, except:

- (1) For industrial uses in industrial districts as provided by Chapter XVII.
- (2) Registered purebred miniature Vietnamese potbelly pigs and other similar registered purebred miniature pigs provided that the miniature pig shall not exceed one hundred (100) pounds and no more than two (2) miniature pigs, six (6) months of age or older, shall be allowed in any single family dwelling. All miniature pigs shall be maintained under restraint either by leash, cord, chain, electronic/invisible fence, or by being kept in an enclosure. No person having the custody or control of any miniature pig shall permit such pig to be within or upon any street, sidewalk, public park, public place, bike path, or upon any private land belonging to another without the miniature pig being effectively restrained by chain, rope, cord, or other restrictive leash or by an electronic/invisible fence or enclosure effectively preventing such animal from reaching any street, sidewalk, public park, public place, or any private land belonging to another
- (3) Fowl may be allowed within the city limits for nonindustrial, noncommercial or nonagricultural purposes, as approved by the City Council after considering the impact of noise, odors, sanitation and other public health, safety and welfare

considerations upon neighboring properties, the neighborhood and the city.

Except as otherwise provided in this article, any person who owns or keeps at any time within the limits of the city any unauthorized animal and/or fowl of any kind shall be deemed guilty of maintaining a public nuisance punishable as provided in Emerado City Code 12.0403 if such animal or fowl is not removed from the city within five (5) days after notice. Each day's continuance of such nuisance shall be a separate offense.

05/05/80; 03/07/18

13.0105 Killing Dangerous Animals

The members of the police department or any other person in the City, are authorized to kill any dangerous animals of any kind when it is necessary for the protection of any person or property. The members of the police department are not required to hold any dog, cat or any other animal for any period of time prior to killing the animal if the animal is deemed to be dangerous and the destruction of the animal is necessary for the protection of any person or property.

06/03/91

13.0106 Diseased Animals

No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be exposed in any public place whereby the health of man or beast 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 chief of police or the health officer.

It is hereby made the duty of the health 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.

05/05/80

13.0107 Housing

No person shall cause or allow any stable or place where any animal is or may be kept to become unclean, or unwholesome, and it shall be unlawful to keep any live swine or pigs, cattle, chickens, goats, horses, sheep, turkeys, ducks or geese in the City.

05/05/80

Article 2 Dogs

13.0201 License Required

No dog shall be permitted to be or remain in the City without being licensed as hereinafter provided if over six (6) months of age. No license or renewal license shall be issued for a dog over six (6) months of age unless it has been inoculated against rabies.

09/13/99

13.0202 License Fees

All dogs kept in the City shall be registered as to sex, breed, name and address of the owner and name of dog. Upon registration, the owners shall obtain a license for such dog and shall pay a fee of Two Dollars (\$2.00) for a neutered male or female and Five Dollars (\$5.00) for all other dogs. It shall be the duty of said owner to cause such license tag to be securely attached around the dog's neck and kept there at all times during the license period.

05/05/80

13.0203 Dangerous Dogs

No vicious, dangerous, ferocious dog or dogs sick with or liable to communicate hydrophobia or other contagious or infectious disease shall be permitted to run at large in the City. A dangerous dog means any dog with a known propensity, tendency or disposition to attack unprovoked, to cause injury to, or to otherwise endanger the safety of humans or other domestic animals; or any dog which attacks a human being or other domestic animal without provocation; or any dog known by the owner to be a pit bull terrier, which shall herein be defined as any American Pit Bull Terrier or Staffordshire Bull Terrier or American Staffordshire Terrier breed of dog or any mixed breed of dog which contains as an element of its breeding the breed of American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier as to be identifiable as partially of the breed of American Pit Bull Terrier, Staffordshire Bull Terrier or American Staffordshire Terrier. A dangerous dog is "at large" if such dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of such dog. Such pen or structure must have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot. "Owner" means any person or legal entity having a possessory property right in a dog or who harbors, cares for, exercises control over, or knowingly permits any animal to remain on premises occupied by them. The owner of a dangerous dog shall not suffer or permit such dog to go beyond the premises of such person unless such dog is securely leashed and muzzled or otherwise securely restrained and muzzled. It shall be a Class B misdemeanor to violate this section.

05/05/80

13.0204 Nuisance - When

Excessive, continuous, or untimely barking, molesting passers by, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds, or trespassing upon private property or damaging property by a dog hereby declared to be a nuisance. Further, any dog without a valid license and collar is a nuisance.

05/05/80

13.0205 Rabies Inoculation

It shall be the duty of the owner or person in custody of any dog kept in the City to have the dog inoculated against rabies at least once each year if the vaccine used was Phenalized vaccine and within three years if the vaccine used was Avianized vaccine, and no license shall be issued for any dog unless the applicant exhibits a certificate of veterinarian showing compliance with this section.

05/05/80

13.0206 Impounding

Unrestrained dogs may be taken by the police or the city dog warden and impounded in an animal shelter and confined in a humane manner. Impounded dogs shall be kept for not less than twenty-four (24) hours unless reclaimed by the owners. If by permit tag or other means the owner can be identified, the officer shall immediately upon impoundment notify the owner by telephone or mail of the impoundment of the animal. Stray dogs shall be humanely disposed of. A pick-up fee of Twenty-five Dollars (\$25.00) shall be imposed on owners of all dogs picked up by the police department or city dog warden. The City shall not be liable for the costs of any dogs released to any animal shelter or humane society. The owner of said dog shall be liable for any and all costs incurred in the case of said dog in an animal shelter.

05/05/80

13.0207 Return to Owner if Known

Notwithstanding the provisions of section 13.0206, if an animal is found at large and its owner can be identified and located, such animal need not be impounded but may, instead be taken to the owner. In such case, the policeman, dog warden or other officer may proceed against the owner for violation of this ordinance.

05/05/80

13.0208 Term of License

The license provided for by this chapter shall be valid from January 1 to December 31 for each year. No reduction in the fee shall be given for a partial year registration.

05/05/80

13.0209 Disposition of License Fee

All license fees shall be deposited in the general fund of the City.

05/05/80

13.0210 Dogs To Be Leashed

All dogs in the City must be leashed or confined within a building or fenced enclosure at all times.

05/05/80

13.0211 Penalties

The penalty for violations of this Article shall be as follows:

- a. For an offense involving an already licensed animal, a fee of Fifteen Dollars (\$15.00.)
- b. For an offense involving an unlicensed animal, a fee of Twenty Five Dollars (\$25.00) plus the cost of license, which shall then be awarded to the owner or handler.
- c. It shall be a Class B Misdemeanor to violate section 13.0203.

Article 3
Cats

13.0301 License Required

No person, firm, association or corporation shall own, keep, or harbor a cat which is over six (6) months of age without first having obtained a license therefor as hereinafter provided.

05/05/80

13.0302 License Fees

All cats kept in the City shall be registered as to the name, color, breed, age, sex, the rabies vaccination date and number, the name and address of the veterinarian who administered the vaccination, and the name and address of the owner of the cat. Upon registration, the owner shall obtain a license for such cat and shall pay a fee of Two Dollars (\$2.00) for neutered male cat and spayed female cat and Five Dollars (\$5.00) for all other cats. The burden of establishing that any male cat has been altered or neutered or that any female cat has been spayed shall be upon the owner thereof and the Five Dollar (\$5.00) license fee shall be collected unless the owner shall furnish evidence to the police, either by veterinarian's certificate, personal affidavit or otherwise that said male cat has been altered or neutered or that said female cat has been spayed.

05/05/80

13.0303

Before any money shall be accepted in payment of the cat license fee or before a receipt shall be issued therefor, the person applying for the license shall present a certificate of a veterinarian to the effect that the cat for which the license is being procured has been vaccinated for rabies within the previous twelve (12) month period, or within the previous twenty-four (24) month period providing said veterinarian's certificate states that a vaccine set aside for a two (2) year period was used.

05/05/80

13.0304 Tags To Be Issued

Upon the payment to the City of Emerado of the license upon any cat, the officer or employee receiving the payment shall execute a duplicate receipt to be retained by the police department, the original receipt being delivered to the person paying such license. The receipt shall list the name of the person paying such license; the name, color, breed, age, sex and other relevant information pertaining to the cat license; the rabies vaccination date and number; and the name and address of the veterinarian who administered the vaccination. A durable tag will be provided to the person paying such license with which to identify the cat so licensed. It shall be the duty of the person owing, keeping, or harboring the cat so licensed to cause such license tag to be securely attached around the cat's neck and kept there at all times during the licensed period.

05/05/80

13.0305 Nuisance

Any cat running or being at large in any of the streets, public ways, public places, parks, or upon the private premises of any other person than the owner or keeper of such cat, within the City shall be deemed and be considered to be a public nuisance and shall be deemed to be an animal naturally wild and shall be impounded in a suitable place provided by the City. The owner of any such cat shall be subject to the penalty hereinafter provided, and for such purpose the head of the household of the premises on which such cat is kept shall be considered to be the owner. The police chief shall keep a record of all cats impounded, listing breed, color, sex, and the place and time of taking. Impounded cats shall be kept for not less than three days unless reclaimed by their owners.

05/05/80

13.0306

Information as to the records of all cats impounded will be available to the public at all times upon request to the police department. The owner of any impounded cat, if known, shall be notified by the police department by personal, telephone or written notice, as soon as reasonably possible. Cats not claimed by their owners within three (3) days shall be humanely disposed of.

05/05/80

13.0307 Dangerous Cats

It is hereby declared unlawful for the owner or keeper of any vicious cat within the City to refuse to deliver the same up to any police officer, whenever requested by such police officer for the purpose of being destroyed.

05/05/80

13.0308 Return to Owner, If Known

If an animal is found at large on its own or can be identified and located, such animal may not be impounded but may, instead, be taken to the owner. In such case, the policeman, or other officer may proceed against the owner for violation of this ordinance.

05/05/80

13.0309 Term of License

The license provided for by this chapter shall be due upon the first day of January in each year, or six (6) months after birth and shall be valid until December 31st of each year. No reduction in the fee shall be given for a partial year registration.

05/05/80

13.0310 Duplicate Tag

In case a cat tag is lost or destroyed, a duplicate shall be issued by the police chief upon presentation of a receipt showing the payment of the license fee for the current year and the payment of a Two Dollar (\$2.00) fee for such duplicate.

05/05/80

13.0311 Disposition of License Fee

All license fees shall be deposited in the general fund of the City.

13.0312 License Tags Not Transferrable; No Refunds

Cat tags shall not be transferable from one cat to another, and no refunds shall be made on any cat license fee because of the death of the cat or the owner leaving the City before expiration of the license period.

05/05/80

13.0313 Penalties

The penalties for violation of this article shall be as follows:

- a. For an offense involving an already licensed animal, a fee of Fifteen Dollars (\$15.00.)
- b. For an offense involving an unlicensed animal, a fee of Twenty-five Dollars (\$25.00) plus the cost of a license which shall then be awarded to the owner or handler.

05/05/80