

Chapter 8.04

NUISANCE AND VICIOUS ANIMALS

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8.04.010 Number of Dogs. It shall be unlawful for any person or family, to keep, harbor or maintain any number more than two (2) dogs over six (6) months of age, whether licensed or not, in or upon any premises, without first obtaining the permission of the Town Council and any person having any dogs over the number of two (2) and up to five (5) shall obtain a permit from the Town Council at the cost of one (\$1.00) dollar for said permit. This section shall not apply to licensed veterinarian hospitals but is intended to apply to keeping or maintaining a dog kennel, and breeding dogs, for profit, which are hereby declared to be nuisances, unless licensed after permission granted by the Town Council, after application and hearing. A kennel license shall be required where the application owns, harbors or keeps five (5) or more dogs and shall be authorized or refused in the sole discretion of the Town Council, having regard to the facilities offered and the effect upon neighbors. The kennel license fee shall be fifteen (\$15.00) dollars per calendar year, or any part thereof, for the first five (5) dogs and one (\$1.00) dollar for every dog over the number of five; all licenses mentioned herein shall expire on December 31, unless sooner revoked. Upon complaint being made to the Town Council that a licensed kennel is being operated in an improper manner, the Town Council shall schedule a hearing upon revocation of the license, giving the licensee at least five (5) days written notice thereof, the notice stating in general terms the grounds for revocation. After the hearing the Town Council may either revoke or continue the kennel license, in its discretion.

8.04.020 Nuisance Animals. It is hereby declared a public nuisance for any dog or other animal to destroy property, or other pets, to bite, or chase after persons not trespassing on the property of, or injuring or attempting to injure the person, family or property of the owner, to chase vehicles in public streets or way, or by prolonged howling, yelping, barking, or any other means, cause annoyance or disturbance to any person. Any such nuisance animal may be taken up and impounded by the Poundmaster. It is unlawful for any person to own, harbor, keep, or maintain any such nuisance animal and it shall be the duty of the Poundmaster and all law enforcement officers to issue tickets and file complaints for all such violations occurring in their presence. Any person aggrieved by a nuisance animal may file a complaint in the Police Court, charging the owner with the violation of this section where the offense is not committed in the presence of the Poundmaster or a law enforcement officer. Upon a third conviction under this section the nuisance animal shall be seized and taken up by the Poundmaster and put to death forthwith.

8.04.030 Vicious Animals. Whenever affidavit shall be made before the Poundmaster or the Police Judge that any dog or other animal has bitten a person and that the person bitten was not at the time trespassing upon the property of, or injuring or attempting to injure the person, family or property of the owner, the Poundmaster or Police Judge shall issue an order requiring the owner of such dog or other animal to surrender the same to the Pound for quarantine within twenty-four (24) hours after service of the order. Such order may be served by the Poundmaster or any law enforcement officer and, if the owner cannot be found at his place of residence, the order may be served by leaving it with a person of suitable age and discretion at, or by placing it in a prominent place at the front door of, such residence. It is unlawful for any person to refuse or neglect to surrender any such vicious animal within twenty-four (24) hours after the service of such order as herein provided, and the Poundmaster shall forthwith seize and impound such animal. In the event that the owner is unknown upon the making of such affidavit, the Poundmaster, or any law enforcement officer shall seize and impound such animal without notice. Any dog or other animal which has bitten persons under the circumstances set forth in this section on three (3) separate occasions shall be put to death by the Poundmaster. Any person may protect his/her pets, his/her property, his/her person, or the person of any other human being from the attack of a vicious or dangerous dog or other animal by force, even to the extent of slaying the same, if reasonably necessary.

Definitions:

"Dangerous animal" means any animal that in the absence of intentional provocation:

- a) Inflicts serious bodily injury to a person on public or private property; or
- b) Is involved in a continuous sustained attack upon a person, not allowing the victim any means of escape, regardless of the extent of injury or defensive action; or
- c) Is previously found to be potentially dangerous and while on or off the owner's property chases or approaches a person in a menacing fashion or apparent attitude of attack or inflicts bodily injury to a person or small animal; or
- d) Inflicts injury to a person on public or private property which injury results in death of the person.
- e) These definitions do not apply to animals used in military or law enforcement work while they are actually performing in that capacity.

Quarantine-Rabies.

1. Any animal not currently vaccinated for rabies which bites a person shall be isolated in strict confinement at the animal shelter or a licensed veterinarian's clinic to be observed for at least ten (10) days from the day of infliction of the bite. The owner will be responsible and must pay the confinement fees. If the owner fails to pay such fees. The animal control officer shall dispose of the animal.

- 2. Upon the discretion and advice of the animal Poundmaster any animal currently vaccinated for rabies which bites a person may be isolated in strict confinement at the owner's home provided the following conditions are met:

- a) Animal must be kept away from all animals and people except the immediate household.
- b) Animal must be kept inside an enclosed structure such as a house, garage or if outside, the animal must be in a covered pen from which it cannot escape or come into contact with another animal or person. If confinement is authorized under this condition, the person responsible for the animal shall further assure that the animal shall only be allowed outside the above-described pen or other suitable place approved by the Poundmaster if the animal is on a leash which is held by a person that is capable of and is in fact controlling the animal in question.
- c) Animal cannot be sold, given away, destroyed or moved from the premises by the Poundmaster until the quarantine period is over.
- d) Animal under quarantine is not to receive any vaccinations without the authorization of a veterinarian and the Poundmaster.
- e) If the animal, becomes lost, sick, acts strangely in any way or dies during quarantine it must be reported immediately to the Poundmaster.
- f) Animal control or law enforcement officers must be allowed reasonable access to the place of quarantine between the hours of seven a.m. – ten p.m. for inspection.
- g) The owner will be responsible and must pay all confinement fees. If the owner fails to pay such fees, the Poundmaster shall dispose of the animal.

3. Any animal owner who fails to cooperate with the Poundmaster in satisfactory quarantine of his/her animal "who has bitten a person is guilty of a misdemeanor.

4. Any animal manifesting characteristics of rabies (hydrophobia) may be put to death at the discretion of the Poundmaster or a licensed veterinarian so that the head may be examined to make confirmatory search for Negri bodies. All animals definitely known to have been bitten by the infected animal should be destroyed. If however, the animal is only suspected of having the disease he should not be put to death but quarantined for observation, for a negative laboratory examination at this time would only leave the diagnosis in doubt.

5. Quarantine procedures do not apply to animals used in military or law enforcement work and service animals for the disabled. These animals will be required to be under current veterinarian care and subject to inspections by the Poundmaster.

Dangerous Behavior.

Any person who keeps, feeds, harbors or allows to stay about the premises occupied or controlled by him/her within the Town of Superior any animal exhibiting dangerous behavior is guilty of a misdemeanor. An animal is presumed to have exhibited dangerous behavior if it demonstrated any of the behavior of a dangerous animal as defined above. Such presumption is rebuttable. Upon conviction of maintaining a particular dangerous animal, said animal may be ordered by the court to be destroyed by the Poundmaster or a licensed veterinarian. An animal involved in a fatal attack on a person shall be impounded and destroyed by the Poundmaster or a licensed veterinarian.

8.04.040 Cruelty to Animals.

- a. No person may:
 - 1) Intentionally injure, torment, poison, provoke, or otherwise abuse a domestic animal;
- b. Maintain an animal without providing daily food, water, and shelter adequate to protect the animal from the weather, or abandon an animal where it will not be provided proper food, water, shelter, and care;
- c.
- d. Intentionally kill an animal;
- e. Allow any animal which he owns to molest or harass wild or domesticated animals;
- f. Use a trap within the Town limits that can kill or mangle an animal;
- g. Maintain an animal showing symptoms of infectious or contagious disease without keeping the animal confined in a building or secure enclosure and under proper care.
- h. Subsection (a) of this section does not apply to:
 - 1) Impounding, destruction, or other disposition of an animal in a humane manner.
 - 2) Killing or injuring an animal where necessary to protect a human being or domesticated animal from death or bodily injury;
 - 3) The humane destruction of an animal by its owner or the owner's authorized agent.

8.04.050 Freeing Confined Animals. It is unlawful for any person to open gates or doors or otherwise cause or permit dogs or other animals to escape confinement against the wishes of the owner.

8.04.060 Provoking Animals. It is unlawful for any persons to provoke, harangue, tease, torment, or in any way disturb a dog or other animal with the intent to cause it to bark or attack any person.

8.04.070 Licensee's Liability and Transfer. In all prosecutions for violations of this chapter, the person who applied for and obtained the license for the dog in question shall be deemed the person responsible for the violation unless there has been a transfer of ownership prior to the violation. Any transfer of ownership must be evidenced by a transfer license issued by the Town Clerk. A transfer license may be obtained by furnishing the name and address of the transferee to the Town Clerk and paying a fee of one (\$1.00) dollar.

8.04.080 Penalties. Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punishable as provided in section 1.08.010 of this code.

(Ord 108, 163, 189, 217)