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6.08.010 Definitions.

As used in this chapter unless otherwise indicated, the following words and terms shall mean as follows:

- A. "At large" means to be off the premises of the owner and not under the control of the owner or of an authorized person, whether by leash or otherwise, but a dog within an automobile or other vehicle of its owner shall be deemed to be upon the owner's premises.
- B. "Barking dog" means any dog which by frequent or habitual howling, yelping, or barking annoys or disturbs other persons in the vicinity of the premises or upon the public street.
- C. "Dog" includes both male and female, natural or sterilized.
- D. Harboring. The occupant of any premises on which a dog remains or to which it customarily returns daily for food and care for a period of five days is presumed to be harboring or keeping the dog within the meaning of this chapter.
- E. "Leash" means and includes a cord, thong, or chain not more than ten feet in length by which a dog is controlled by the person accompanying it.
- F. "Owner" or "keeper" means and includes any person, association or corporation owning, keeping, or harboring a dog.
- G. "Predatory dog" means and includes any dog of either sex whose actions or habits customarily defiles, despoils, or damages property of others.
- H. "Public emergency" means and includes any situation resulting from conditions of war, insurrection, contagious diseases, or other circumstances which, in the opinion of the city marshal or other police officers, warrants the restraint and confinement of dogs within the premises of the owner or keeper.
- I. Restraint. A dog shall be deemed to be under restraint if it is confined within the property limits of its owner or keeper by a suitable fence or securely restrained within the premises by a leash affixed to a post or other securely fixed object.

J. "Spayed female" means and includes a female dog which has been sterilized by a licensed veterinarian to avoid or prevent conception. Proof of such sterilization may be required by the city clerk in the form of a certificate of a licensed veterinarian.

K. "Veterinary hospital" means and includes any establishment maintained and operated by a licensed veterinarian for the diagnosis, treatment, and care of diseased or injured dogs and for their care and training.

L. "Vicious dog" means and includes those dogs whose temperament or habits creates danger of injury to persons or to other animals or creates reasonable apprehension of injury to persons or other animals.

(Ord. 501 § 1, 1986: Ord. XXX § 12, 2022)

6.08.020 Permit--Required when.

No person shall, without first obtaining a permit ~~therefor~~ therefore in writing from the City Clerk-Treasurer, own, keep, harbor, or have custody of a dog, except unweaned pups.

(Ord. 501 § 2, 1986: Ord. XXX § 12, 2022)

6.08.030 Permit--Application--Fee.

Upon application, a permit shall be issued following payment of the applicable fee, as follows:

A. Normal Rates

1. For each neutered / spayed dog:
 - a) Ten (\$10) dollars for one-year permit;
 - b) Twenty-five (\$25) dollars for a three-year permit;
 - c) Fifty (\$50) dollars for life-time permit.
2. For each unaltered dog:
 - a) Twenty-five (\$25) dollars for one-year permit;
 - b) Fifty (\$50) dollars for a three-year permit;
 - c) Seventy-five (\$75) dollars for life-time permit.

B. Senior/Disabled Rates:

1. For each neutered / spayed dog:
 - a) Five (\$5) dollars for one-year permit;
 - b) Ten (\$10) dollars for a three-year permit;
 - c) Twenty (\$20) dollars for life-time permit.
2. For each unaltered dog:
 - a) Ten (\$10) dollars for one-year permit;
 - b) Twenty (\$20) dollars for a three-year permit;
 - c) Thirty-five (\$35) dollars for life-time permit.

A late fee of \$20 will be added to permits that are not applied for within 30 days of obtaining the dog or upon the expiration of any non-lifetime permit.

(Ord. 501 § 3, 1986: Ord. XXX § 12, 2022)

6.08.040 Permit--Expiration.

A permit, if not revoked, shall be valid for the time period of the permit starting at the date of issuance through the last day of the month prior; or for the life of the dog for a life-time permit.

(Ord. 501 § 4, 1986: Ord. XXX § 12, 2022)

6.08.050 Permit--Identification tags.

Upon issuing a permit to keep any dog, the City Clerk-Treasurer shall issue to the owner a metallic or durable tag, stamped with an identifying number and with the year of issuance and so designed that it may be conveniently fastened to a dog collar or harness. Such tag shall be fastened to the dog's collar or harness by the owner and shall be worn at all times when the dog is off the premises of its owner. The City Clerk-Treasurer shall maintain a record of the identifying numbers and shall make this record available to the public.

(Ord. 501 § 6, 1986: Ord. XXX § 12, 2022)

6.08.060 Permit--Revocation.

The City Council, the Chief of Police, or the City Clerk-Treasurer may revoke any permit if the person holding the permit refuses or fails to comply with this chapter or any state or local law governing cruelty to animals or the keeping of animals. Any person whose permit is revoked shall, within ten days thereafter, humanely dispose of all dogs being owned, kept, or harbored by such person and no part of the permit fee shall be refunded.

(Ord. 501 § 5, 1986: Ord. XXX § 12, 2022)

6.08.070 Dogs at large.

If a dog is found at large and its owner can be identified and located, such animal may be taken to the owner. In any event, the Chief of Police or other authorized person shall notify the owner and the City Clerk-Treasurer of the violation of this chapter and may proceed against the owner for violation of this chapter. In the event any dog found at large is a stray for whom no owner can be found, the Chief of Police or other authorized person shall be authorized and directed to deliver such dog to the contracted veterinary service for disposition.

(Ord. 501 § 7, 1986: Ord. XXX § 12, 2022)

6.08.080 Confinement of dogs in heat required.

Every female dog in heat shall be confined in a building or secure enclosure in such manner that such female dog cannot come into contact with another animal except for planned breeding.

(Ord. 501 § 8, 1986)

6.08.090 Care and control of dog by owner.

No owner shall fail to exercise proper care and control of his dogs to prevent them from becoming a public nuisance. Excessive, continuous, or untimely barking, molesting passersby, chasing vehicles, habitually attacking other domestic animals, trespassing upon school grounds, or trespassing upon private property in such manner as to damage property shall be deemed a nuisance.

(Ord. 501 § 9, 1986)

6.08.100 Impoundment provisions--Redemption conditions.

A. Animals found to be in violation of this chapter shall be impounded by the Police Department of the City or by such other persons or agencies as may be employed or designated by the City for that purpose.

B. Impounded animals shall be held at such place or places as the Chief of Police directs.

C. The Mayor and City Clerk-Treasurer are authorized to enter into a written agreement with any person or firm suitably equipped to handle the impoundment, care, and destruction of animals. Such agreement shall provide that impounded animals be held in accordance with the terms of this chapter and shall establish the rates to be charged for such services.

D. Subject to the limitations stated, the owner of an impounded animal may redeem the animal within three working days next following the day of impoundment, or thereafter if the animal has not been destroyed or redeemed by another, by payment of all charges incurred for such animal at the place of impoundment, as such charges are established by the agreement of the impounding agency. In addition to such charges, the owner shall pay a release charge as may be established. Such release charge shall be paid at the office of the City Clerk-Treasurer during regular office hours or may be paid to the Chief of Police or other police officer of the City outside of the office hours of the City Clerk-Treasurer. The person receiving such release charge shall give a signed, written receipt, therefore, the payment of the charges here established shall not be deemed an election of remedies by the City in relation to the issuance of a citation by the City charging a violation of the municipal code. No dog shall be released from impoundment unless it first has a valid identification tag attached to it; provided that, if the animal is owned by a nonresident, then that nonresident shall not be required to buy a City animal license.

E. Subject to the limitations stated, any person may redeem an animal by payment of all charges incurred after the animal has been held more than two working days next following the day of impoundment. The impounding agency is authorized to destroy or otherwise dispose of any animal after it has been held for more than seventy-two hours.

F. When an animal has been impounded, so long as the animal has attached to it licenses or other identification making it reasonably possible, the impounding officer shall, as soon as possible, make a reasonable effort to locate and notify the owner of the animal.

G. Notwithstanding the provisions above, if determined appropriate by the officer or official impounding the animal, no animal impounded under this chapter shall be released or redeemed except under conditions meeting the approval of the proper health officials.

H. Notwithstanding the above provisions, no animal impounded under this chapter shall be released or redeemed unless provisions satisfactory to the Chief of Police or his designee have been made to assure that the keeping of the animal will no longer violate this chapter.

I. Notwithstanding the above provisions, no animal impounded under this chapter shall be released or redeemed without a hearing first being held before the District Court Judge, after reasonable notice to the owner and any other party deemed to be concerned by the Chief of Police, and an order of the judge directing the release or redemption of the animal. In the event that pursuant to the provisions of subsection F of this section it has not come to the City's attention as to any party who is either the owner or an interested party in terms of an ownership interest in the animal, then such notice requirement shall be deemed waived. Further, notice shall be deemed reasonable if given twenty-four hours prior to the date and time of the hearing. If after such hearing the judge determines that the animal has or exhibits vicious or dangerous propensities and would, if released, constitute any threat to the welfare of the townspeople, the judge is authorized to direct the governmental agency having jurisdiction over the animal to destroy or otherwise satisfactorily dispose of the animal.

(Ord. 501 § 10, 1986; Ord. XXX § 12, 2022)

6.08.110 Enforcement.

The Chief of Police or other authorized person shall enforce this chapter and no person shall interfere with, hinder, molest, or abuse any such enforcer in the exercise of such powers.

(Ord. 501 § 11, 1986; Ord. XXX § 12, 2022)

6.08.120 Prosecution of violations.

In the prosecution of alleged violations of the provisions of this chapter, the following provisions shall apply:

A. The appearance of the named defendant shall be mandatory, and no forfeitures shall be allowed without court appearance.

B. Upon a finding of a first violation of this chapter in any one calendar year, an infraction penalty of up to two hundred fifty (\$250) dollars, but in no event less than fifty (\$50) dollars, plus the costs actually incurred by the city in the care, maintenance, and in appropriate circumstances, disposal of the animal; provided, that none of the said costs of care, maintenance, and disposal, nor the first fifty (\$50) dollars of the infraction penalty are subject to suspension.

C. In the event that a person is charged with a second violation of this chapter within any twelve-month period and either a prior alleged violation is still pending or the person has been found to have committed that prior infraction, then this second charge shall be deemed a misdemeanor and shall be subject to punishment as provided in Chapter 1.20 of this code; provided that in the event of a conviction, the fine imposed shall be no less than one hundred fifty (\$150) dollars and the individual shall additionally be required to reimburse the city for the cost of care, maintenance, and disposal, in the appropriate circumstance, of the animal in question. None of said one hundred fifty (\$150) dollars or costs is subject to suspension or deferral.

D. In addition to such fines or penalties as may be imposed pursuant to this section upon the finding of a violation of this chapter or a conviction of a violation of this chapter, the court may impose such restitution for such losses as it finds appropriate that have arisen out of the incident, including but not limited to medical costs incurred for treatment.

(Ord. 501 § 12, 1986; Ord. XXX § 12, 2022)

6.08.130 Leash requirements.

It is unlawful for any person to cause, permit, or allow any dog owned, harbored, controlled, or kept by him, in the City, to roam, run, or stray away from the premises where the same is owned, harbored, controlled, or kept, except that while away from said premises such dog shall at all-time be controlled by means of a leash or chain not exceeding ten feet in length by the owner or some duly authorized and competent person; provided, however, that such leash or chain is not required for any dog when otherwise safely and securely confined or completely controlled while in or upon any vehicle.

(Ord. 501 § 13, 1986; Ord. XXX § 12, 2022)

6.08.140 Harboring of dog—License and collar requirements.

No dog shall be harbored within the City unless the required license shall have been paid and unless such dog shall have a collar of leather or metal properly secured about its neck, with the number of the license stamped or engraved thereon, or upon a metal tag attached thereto.

(Ord. 501 § 14, 1986; Ord. XXX § 12, 2022)

6.08.150 At large dogs—Seizure and placement in facility.

A. It shall be the duty of the Chief of Police or other authorized person of the City to seize and place in a proper facility, either inside the City or at a suitable place, any dog being and remaining in the City in violation of this chapter, or any stray dog running at large in the City.

B. If said person cannot conveniently seize any stray dog, he may destroy the same and properly dispose of its body.

(Ord. 501 § 15, 1986; Ord. XXX § 12, 2022)

6.08.160 Avoidance of license payment unlawful.

It is unlawful for any person to place a collar and number on any dog with intent to avoid payment of a dog license.

(Ord. 501 § 16, 1986)

6.08.170 Offenses—Fees.

A. Any person whose dog has been picked up for being at large within the City limits shall be assessed the sum of twenty-five dollars (\$25) as a pick-up fee for the first offense in any twelve-month period and shall be assessed the sum of fifty (\$50) dollars as a pick-up fee for the second offense in any twelve-month period, and shall be assessed a pick-up fee of seventy-five (\$75) dollars for the third offense in any twelve-month period, and shall be assessed a pick-up fee of one hundred dollars (\$100) for the fourth and subsequent offenses in any twelve-month period.

B. Animals which may from time to time be impounded by the officers and officials of the City shall be transported to and held in such a facility as may from time to time be designated by the Mayor or City Council.

C. In the event that the owner refuses and/or fails to reclaim the animal from a designated holding facility within three business days following pick-up, the said animal shall be subject to such disposition as the responsible individual at the designated holding facility deems most appropriate.

D. Any person whose dog is witnessed to be on property not belonging to the owner, whose dog defecates on said property and the owner does not pick it up, will be assessed a sum of twenty-five (\$25) dollars for the first offense in any twelve-month period; will be assessed a sum of fifty (\$50) dollars for the second offense in any twelve-month period; will be assessed a sum of seventy-five (\$75) dollars in any twelve-month period; and will be assessed a sum of one-hundred (\$100) dollars for the forth and subsequent offenses in any twelve-month period.

(Ord. 501 § 17, 1986; Ord. XXX § 12, 2022)