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## Sec. 6-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Abandoned animal* means any domesticated animal that has been placed upon public property or within a public building or upon or within the private property of another without the express permission of the owner, custodian or tenant of the private property and is unattended or uncared for. Any domesticated animal shall also be considered abandoned, when it has been unattended and without proper food and water for a period in excess of 36 hours, regardless of where said animal may be found or kept.

*Animal at large* means any animal not under restraint and off the property of its owner.

*Animal under restraint* means any animal secured by a leash or lead; or enclosed by way of fence or other enclosure; or under the control of a responsible and competent person and obedient to that person's commands, and the person being present with the animal; or the animal confined within a vehicle, parked or in motion.

*Companion animal* means a domesticated animal kept for pleasure rather than utility. Pets include, but are not limited to, birds, cats, dogs, hamsters, horses, mice, reptiles, domesticated wild animals, exotic animals, and other animals associated with man's environment.

*Domesticated animals* means animals that are accustomed to live in or about the habitation of men, including but not limited to cats, cows, dogs, fowl, horses, swine, domesticated wild animals and/or exotic animals. This definition only applies to those animals mentioned herein and is only applicable to this chapter and in no way affects the meaning or application of a definition of the described animal as may be found in any other town ordinance.

*Guard dog* means any dog which has been trained to attack persons or other animals independently or upon oral command and any dog which, while not so trained, is reasonably expected to perform as a guardian of the property upon and within which he is located.

*Owner* means any person having the right of property of, keeping, harboring, or acting as custodian of a domesticated animal.

*Public nuisance* means any animal which:

- (1) Is found at large or abandoned;
- (2) Is a vicious animal/fowl as hereinafter defined;
- (3) Produces, because of quantity, manner or method in which the animals are domesticated or maintained unsanitary conditions in the town;
- (4) Attacks passersby or passing vehicles;
- (5) Is inimical to the public health, welfare, or safety according to the rules and regulations promulgated by the county health department, whose rules and regulations are incorporated herein and made a part hereof as if fully set out in this chapter, is hereby declared to be a public nuisance and any person that knowingly keeps, owns, harbors, or acts as custodian of an animal constituting said nuisance shall be guilty of an unlawful act and shall be punishable as hereinafter provided.

*Tethering* means using a rope, strap, chain or cord to fasten, tie or restrain an animal to a fixed or stationary single point in order to keep the animal within a certain area for a continuous time period.

*Vicious animal/fowl* means any animal/fowl which attacks, bites or injures humans, other animals or fowl without provocation; or which, because of temperament, conditioning or training, has a known propensity to attack, bite or injure other living creatures without provocation; or an animal/fowl which has on one or more occasions caused injury to other living creatures without provocation; or any animal which constitutes a physical threat to human

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beings or domesticated animals by one or more attacks without provocation of such severity as to cause physical injury. An animal/fowl is not considered vicious if it attacks, bites or menaces:

- (1) Anyone attacking the owner;
- (2) Unlawful trespassers on the property of the owner;
- (3) Any person or animal that has tormented or abused it;
- (4) In defense of its young or another animal; or
- (5) Another animal/fowl while accompanying a person who is hunting and while acting in conformity with generally accepted and otherwise lawful hunting practices.

(Code 1984, § 9-3-1; Ord. No. 51, 11-20-1980; Ord. No. 154, 11-17-1988)

### **Sec. 6-9. Restraint of animals; while on property.**

- (a) It shall be the duty of every owner of any animal to ensure that it is confined by way of a fence or other enclosure or is restrained by chain or leash or, in some other physical manner, under the control of a competent person so that it cannot wander off of the real property limits of the owner. It is the intent of this section that all animals be prevented from leaving, while unattended, the real property limits of their owners.

(b) Tethering.

- (1) No person shall tether, fasten, chain, tie or restrain an animal, or cause such restraining of an animal to a single point, tree, fence, post, doghouse, or other stationary object except as set forth in subparagraph (b)(2) and (b)(3) below.
- (2) Cable trolley system. No person shall tether, fasten, chain, tie or restrain an animal, or cause such restraining of an animal, except by a cable trolley system that meets the following requirements:
  - a. The system must allow movement of the animal;
  - b. The cable along which the trolley tethering device can move must have swivels installed at each end and be attached to stationary objects that cannot be moved by the animal;
  - c. The length of the cable along which the trolley tethering device can move must be at least ten feet long;
  - d. The cable along which the trolley tethering device can move must be a minimum of four feet high and a maximum of seven feet high;
  - e. Tethers and cables attaching the animal to the running cable line trolley tethering device must be made of a substance which cannot be chewed by the animal, must not weigh more than five percent of the body weight of the animal tethered and must have swivels at both ends;
  - f. The tethering line attached to the animal's collar or harness must be of such length that the animal is able to move ten feet away from the cable perpendicularly but:
    1. Must maintain a sufficient distance from any other object to prohibit the tangling of the cable;
    2. Must maintain a sufficient distance from any object or edge that could result in injury or strangulation of the animal; and
    3. Must maintain a sufficient distance from any fence as to prohibit the animal access to the fence and to ensure the animal cannot move beyond the property limits of the owner;

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- g. The tethering line attached to the animal's collar or harness must be of such length to allow access to food, water and shelter;
  - h. The tethering line must not be directly wrapped around the animal's neck, but must instead be attached with a swiveling clasp to a properly fitted harness or collar which allows at least two fingers between the collar and the animal's throat; choke collars and pinch collars are prohibited for the purposes of tethering and attaching an animal to a running cable or trolley system;
  - i. The area must be sufficient in size so as to allow the animal the ability to defecate or urinate in an area separate from the area where it must eat, drink or lie down;
  - j. Only one animal may be attached to the cable trolley system at a time;
  - k. Unsterilized females may not be attached to a cable trolley system unless immediately supervised by a responsible and competent person; and
  - l. No animal may be attached to such a cable trolley system for more than four hours nor from 10:00 p.m. until 6:00 a.m., and the owner/keeper must be present on the property or premises where the cable trolley system is located when the animal is attached thereto.

(3) Exemptions. The following animals are exempt from the requirements contained herein:

- a. Animals that are in immediate attention of a responsible and competent person while still on their property and cannot come within 10 feet of any street, multi-use path or sidewalk.
- b. Animals that are under the physical control of a professional who, for compensation, trains, conditions, shows, grooms or provides medical attention.

(bc) In addition, all male and female dogs and cats that have not been spayed or neutered must be securely confined in such a way that they cannot be reached by other dogs or cats.

(Code 1984, § 9-3-7.1; Ord. No. 233, § 1, 8-5-1992)