

Animals

CHAPTER 1

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ARTICLE A

DEFINITIONS

SECTION 4-101 DEFINITIONS.

The following words and phrases when used in this chapter shall have the meanings prescribed in this section except in those cases where the context clearly indicates a different meaning:

1. "Animals" means any horse, pony, mule, donkey, cow, bull, steer, sheep, goat, hog, dog, cat, rabbit, chicken, goose, duck, turkey, ratites including, but not limited to, ostrich, emu (or emeu), and rhea, or other animal or fowl;
2. "At large" means not securely confined by a fence or other means on premises under

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the control of, or occupied by, the owner, and not under the control of the owner or an agent of the owner by leash or otherwise, whether on the owner's premises or not;

3. "Large animals" means any horse, pony, mule, donkey, cow, bull, steer, ratites including, but not limited to, ostrich, emu (or emeu) and rhea, or any other animal similar in size;

4. "Owner" means any person, firm, or corporation owning, harboring or keeping an animal. The occupant of any premises on which a domesticated or tamed animal remains, or to which it customarily returns for a period of ten (10) days or more, shall be deemed to be harboring or keeping the animal;

5. The word "dogs" as used in this chapter shall include male, female and spayed dogs; and

6. "Vicious dog" means a dog which has bitten, or attempted to bite, any person without undue provocation, or which attacks, or barks, or growls at and acts as if it intended to attack or bite, or bites a person or person, when not unduly provoked.

ARTICLE B

GENERAL PROVISIONS

SECTION 4-111 ANIMALS NOT TO BE AT LARGE.

It is unlawful for any animal to be at large at any time. No person who owns, harbors or keeps any animal shall permit the animal to be at large.

SECTION 4-112 TURNING ANIMALS AT LARGE.

It is unlawful for any person to open any enclosure in which any animal is confined as required by ordinance so as to turn such animal at large. It is unlawful in any manner to turn any animal at large.

SECTION 4-113 ABANDONMENT OF ANIMALS.

It shall be unlawful for any person to release any animal for the purpose of abandonment in the town limits.

SECTION 4-114 PASTURING IN PUBLIC AREAS, ETC., ILLEGAL.

It is unlawful for any person to stake, confine, or pasture any animal on any public school ground or on any other public, federal, state, or town property. It is unlawful for any person to stake, confine, or pasture any animal on any railroad right-a-way, or on any property without consent of the person owning or controlling such property.

SECTION 4-115 ANIMALS WHICH DISTURB PROHIBITED.

It is unlawful for any person to keep any dog or other animal which, by barking, howling, or otherwise, disturbs the peace and quiet of any person or persons.

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ARTICLE C

LARGE ANIMALS

SECTION 4-121 LARGE ANIMALS PROHIBITED; EXCEPTION.

The keeping of large animals within the town is hereby prohibited, however, if not in violation of the town's planning and zoning ordinance or the nuisance ordinance, large animals may be kept under the following conditions:

1. Such animals shall be kept in an enclosure of not less than one and one-half (1 1/2) acre in area for each animal kept therein;
2. Other than that of the owner of the animal or animals, the enclosure mentioned above shall not be less than one hundred fifty (150) feet from any living quarters or residence used for human occupancy;
3. Other than that of the owner of the animal or animals, the barn or animal shelter in which animals are kept shall not be closer than two hundred (200) feet from living quarters of a residence used for human occupancy; and
4. The enclosure in which the animal or animals are kept, or any barn or animal shelter therein, shall, at all times, be kept in a clean and sanitary condition.

ARTICLE D

FOWL

SECTION 4-131 FOWL PROHIBITED; EXCEPTION.

It shall be unlawful for any person, firm or corporation to keep any chicken, chickens or poultry of any kind within the corporate limits of the town, however, if not in violation of the town's planning and zoning ordinance or the nuisance ordinance, fowl may be kept in an enclosure surrounded by a tight fence made of lumber or woven wire of a sufficient height to prevent such chickens from getting out of such enclosure.

ARTICLE E

SWINE, HOGS, SHOATS AND PIGS

SECTION 4-141 SWINE, HOGS, SHOATS AND PIGS PROHIBITED.

It shall be an offense against this chapter for any person, firm or corporation to keep or maintain any type of swine, hog, goat or pig within the corporate limits of the town.

ARTICLE F

STABLES, KENNELS, COOPS

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SECTION 4-151 LOCATION.

Other than that occupied by the owner or occupant of the premises upon which animals are kept, no stable, dog kennel, chicken coop, dovecote, rabbit warren, yard, or other establishment wherein animals are kept, shall be maintained closer than forty (40) feet to any tenement or apartment, hotel, restaurant, boarding house, retail food store, building used for educational, religious, or hospital purposes, or residence.

SECTION 4-152 TO BE KEPT CLEAN.

Every stable, structure, pen, coop, or place wherein an animal is kept or permitted to be, shall be maintained in a clean and sanitary condition devoid of rodents and vermin and, shall be free of objectionable odors.

SECTION 4-153 MANURE.

Manure shall be hauled outside the town in a manner not to jeopardize the public health, or else shall be spread evenly upon the ground and turned under at once or as soon as the weather permits.

SECTION 4-154 HEALTH OFFICER OR TOWN BOARD TO INSPECT.

The health officer or town board, upon complaint of any person, shall inspect any structure or place where an animal is kept and may do so on his own initiative. He may issue any such reasonable order as he may deem necessary to the owner of such animal to cause such animal to be kept as provided in this article or in a manner so as not to constitute a nuisance. He may make a complaint before the town board against any person for violation of any provision of this article or of any such reasonable order; but this shall not abridge the right of others to make such complaints.

ARTICLE G

LICENSING AND RABIES

SECTION 4-161 LICENSE REQUIRED.

It shall be unlawful for any dog or cat over the age of six (6) months to be kept or to remain in the town unless such dog or cat shall be registered and the tax imposed by this article shall be paid by the owner thereof.

SECTION 4-162 LICENSE TAX, VACCINATION REQUIRED.

A. All persons living within the town and owning a dog or cat shall pay an annual fee for a pet license for each dog or cat over six (6) months of age as set by the town board by motion or resolution for:

1. Dog
2. Dog (neutered)
3. Cat

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4. Cat (neutered)
5. Guide or hearing dog No Fee; and
6. Fee for senior citizens 50% discount.

B. The owner shall pay such tax to the town clerk for every calendar year before the first of May thereof, or upon acquiring after the day any dog or cat within the town upon which the tax has not been paid for the year in which acquired, or upon bringing a dog or cat into the town after the day.

C. Before the town clerk accepts any money offered in payment of the tax for a dog or cat, or issues a license for a dog or cat, the person offering the tax shall present to the clerk the certificate of a veterinarian or other person legally authorized to immunize dogs or cats, showing that the dog or cat has been immunized against rabies during the calendar year, (that is, since the 31st of the last December).

D. When such tax is paid the clerk shall issue to the owner of such dog or cat, a tag and original receipt as now provided by the ordinances of the town and it shall be the duty of the owner of the dog or cat to keep around the neck of such registered dog or cat a collar to which such tag shall be attached.

E. It shall be the duty of the town clerk to procure metallic plates having cast, raised or stamped thereon the words: "Disney Animal Tax" and date indicating the date for which the tax has been paid, and number corresponding to the number on a book in which dogs and cats shall be registered.

F. In case a tag is lost before the end of the year for which it was issued, the owner may secure another for the dog or cat by applying to the town clerk, presenting the original receipt and paying a fee as set by town board by motion or resolution.

SECTION 4-163 CERTAIN DOGS TO BE IMPOUNDED.

Dogs, which if permitted to run loose, stampede livestock, invade garbage containers, dig holes in other peoples' places, destroy gardens or lawns or carry and scatter bones or refuse, or if penned or restrained, bark to the extent that persons of ordinary sensibilities are annoyed, or which dogs, or the feeding thereof, give off or cause offensive odors, will be impounded. Female dogs permitted to run loose during the breeding and mating period will be impounded.

SECTION 4-164 RABID DOG OR CAT MAY BE KILLED.

Any dog or cat whose appearance or conduct is such as would cause an ordinarily prudent person to believe the animal to be afflicted with rabies may be disposed of by any person.

SECTION 4-165 DOG OR CAT MAY BE KILLED IN SELF-DEFENSE.

Any person may dispose of a dog, cat or other small animal in self-defense, or in defense of another, when the animal, without undue provocation, bites him or the other, or attacks, or attempts to bite or attack him or the other in such a manner that an ordinarily prudent person would be led to believe the person toward whom the efforts of the animal are directed is about to be bitten or otherwise physically harmed.

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SECTION 4-166 ANIMAL WHICH HAS BITTEN A PERSON SHALL BE CONFINED.

Upon notice that any dog, cat or other small animal has bitten any person, the animal shall be confined in the veterinary clinic, or if those facilities are unavailable, in the town pound. The confinement to be for a period not to exceed two (2) weeks unless ordered by the county health officer. At the end of the confinement the town officer involved shall make a determination subject to final authority of the town board, as to whether or not the animal constitutes a danger to the community. Upon a determination the animal is a danger to the community, the animal shall not be released but shall be disposed of in a humane manner. If the animal is not determined to be a danger to the community, it shall be released in compliance with the town's ordinance and upon payment of veterinary or impounding expenses. The town will not be liable for veterinary expenses.

SECTION 4-167 ANIMALS REPORTED TO BE DANGEROUS; DETERIORATION.

Upon notice that any animal is held or confined within the town limits which exhibits dangerous propensities or is reported to be dangerous, the town officers shall investigate, and upon considering all factors, if the animal is determined to constitute a potential threat to the safety of the community, the owner or persons in charge of the animal shall be given seven (7) days notice in which to comply with an order to improve confinement to ordered specifications, or at the option of the town officers, to remove the animal from the town limits. Upon failure to comply, the animal shall be impounded and disposed of in a humane manner.

ARTICLE H

POUND

SECTION 4-171 POUND ESTABLISHED.

A town pound may be established under the jurisdiction of the town board, to be operated under contract with the town, or as otherwise may be directed by the board. The person in charge of the pound shall provide sustenance for all animals impounded and shall treat them in a humane manner.

SECTION 4-172 POUND OFFICER, POWERS AND DUTIES.

The pound person or other officer or employee of the town as the town board of trustees may authorize, shall take into custody and impound any animal running at large in violation of any provision of the ordinances of the town. All animals kept in the pound for three (3) days shall be disposed of in a humane manner.

SECTION 4-173 FEE FOR IMPOUNDING, REDEMPTION.

A. The fees for impounding and keeping an animal, to be paid upon redemption, are all costs incurred for impounding. In computing the fee, a fraction of day during which an animal has been fed shall be deemed a full day.

B. Any person redeeming an impounded animal shall pay the above fees to the town clerk and present his receipt therefrom to the person in charge of the pound before the latter releases the animal.

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SECTION 4-174 BREAKING POUND.

No authorized person shall break or attempt to break open the pound, or take or let out any animal, therefrom, or take or attempt to take from any officer or employee of the town any animal taken into custody as provided by this article, or in any manner interfere with or hinder such officer or employee in the discharge of his duties relating to the taking into custody and impounding of animals as provided in this chapter.

SECTION 4-175 OWNER MAY REDEEM.

Any owner of an impounded animal or his agent may redeem his animal prior to its sale or destruction as provided for herein, by paying the required fees against the animal and meeting any other requirements which may be prescribed in this chapter.

SECTION 4-176 SALE OF IMPOUNDED ANIMALS.

As soon as practicable after any animal or apparent value has been impounded, the pound person or other employee or officer concerned, shall post a notice thereof at three (3) conspicuous places in the town or at the pound. Such notice shall describe the animal and notify the owner to pay the charges thereon and remove the same prior to a designated time, and such notice shall also state that unless the animal is redeemed, the animal will be sold and the proceeds of the sale shall be deposited in the town treasury for the town's use.

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CRUELTY TO ANIMALS

SECTION 4-181 CRUELTY TO ANIMALS.

It is unlawful for any person to willfully and maliciously pour on, or apply to, an animal any drug or other thing which inflicts pain on the animal; or knowingly to treat an animal in a cruel or inhumane manner; or knowingly to neglect an animal belonging to him or in his custody in a cruel or inhumane manner.

SECTION 4-182 POISONING ANIMALS.

It is unlawful for a person to willfully poison any dog, cat or other animal or knowingly to expose poison so that the same may be taken by such animal except a noxious, nondomesticated animal.

SECTION 4-183 ENCOURAGING ANIMALS TO FIGHT.

It is unlawful for any person to instigate or encourage a fight between animals or to encourage one animal to attack, pursue, or annoy another animal except a noxious, nondomesticated animal; or to keep a house, pit, or other place for fights between animals.

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PENALTY

SECTION 4-191 PENALTY.

Any person, firm or corporation who violates any provision of this chapter or who violates or refuses or neglects to carry out, any reasonable order made by the health officer, pound person, person designated by the town board or the town board, pursuant to this chapter, shall upon conviction thereof, be fined in a sum as provided in Section 1-108 of this code. Every day's violation of any provision of this chapter or of such order of the health officer, pound person, person designated by the town board or the town board, shall constitute a separate offense.