

## **Chapter 7.05 Animals**

### **§ 7.05.005 Definitions.**

For the purpose of this chapter, the following words and phrases shall mean:

- A. Animal: any fish, fowl, reptile or nonhuman mammal.
- B. Animal Control Officer: the officer designated by the city council to administer this chapter.
- C. At-Large: away from the property owned or occupied by the owner of the animal.
- D. Kennel: a building, enclosure or premises wherein more than 4 dogs and cats (in any combination) over 4 months of age are kept.
- E. Leashed: securely confined by a leash not exceeding 6' in length.
- F. Non-domestic Animal: an animal of a species that has not been domesticated so as to live and breed in a tame condition. "Non-domestic animal" includes wolf/dog hybrids.
- G. Owner: a person who legally owns an animal or who harbors an animal with the permission of the legal owner.
- H. Vicious Animal: an animal that has bitten or scratched a person or another animal without provocation.
- I. Wild Bird: a bird of the columbine family. "Wild bird" includes pigeons and doves.

### **§ 7.05.010 Penalty.**

Violation of any of the provisions of this chapter shall constitute an infraction unless prosecuted pursuant to the administrative citation procedure of this code.

### **§ 7.05.015 Animal Control Officer.**

A. The animal control officer shall be responsible for the administration of this chapter. In performing such duty, the animal control officer may do the following without limitation:

1. Require posting of a "Beware of Animal" sign at a property at which there is an animal having a disposition to attack without provocation.

2. Order the enclosure of an animal having a disposition to attack without provocation.

3. Order the quarantine of a vicious animal. In the event of such order, the owner of the animal shall not remove the animal from the premises and shall not kill the animal for the period specified by the animal control officer.

4. Require posting of an "Animal Quarantine" sign at a property harboring an animal for which a quarantine order has been issued.

5. Procure license certificates and tags.

B. The animal control officer may not remove an animal from the property of its owner without the written consent of such person except where circumstances (including without limitation injury, distress or danger to life or limb) require removal.

**§ 7.05.020 Animal Shelter.**

The city or the animal control officer shall provide a building or enclosure to hold impounded animals. The animal control officer shall collect fees for holding impounded animals and miscellaneous animal shelter services. The fee amounts shall be set by city council resolution.

**§ 7.05.025 Animal Keeping.** (Ord. No. 1551)

A. In addition to complying with any restrictions set forth in the City's zoning regulations, no person shall keep any animals except a maximum of:

1. 4 weaned cats and dogs in any combination.
2. 6 parakeets, parrots, canaries, or similar domestic birds.
3. 6 reptiles (e.g. turtles, lizards, or snakes, etc.).

B. Reptiles maintained outside shall be kept in a fully enclosed structure located a minimum distance of 10 feet from any lot line, 50 feet from any dwelling units, and 100 feet from any school, park, religious establish, hospital, or similar institution.

**§ 7.05.030 Non-domestic Animal Permit.**

A. No person shall keep a non-domestic animal without first obtaining from the animal control officer, and maintaining in full force and effect, a non-domestic animal permit for such animal. The fee for a non-domestic animal permit shall be set by city council resolution.

B. The animal control officer may approve, conditionally approve or deny a request for a non-domestic animal permit. A non-domestic animal permit may be denied for any of the following reasons:

1. Adequate provision has not been made for the restraint, care and feeding of the animal.
2. Keeping the animal is not necessary for educational or research purposes.
3. Keeping the animal will be detrimental to the public health, safety or welfare.

C. The animal control officer may revoke a nondomestic animal permit if the permittee has violated this chapter, or if the animal poses a threat to the public health, safety or welfare. The animal control officer shall afford the permittee a hearing prior to revoking a nondomestic animal permit. Reasonable advance written notice of the time and place of such hearing, as well as a brief statement of the grounds on which the proposed revocation is based, shall be given to the permittee.

**§ 7.05.035 Cat or Dog Breed Permit.**

A. No person shall keep a cat or dog for breeding purposes without first obtaining a cat or dog breed permit from the animal control officer. The fee for cat and dog breed permits shall be set by city council resolution.

B. A breed permit shall not be issued if the premise where the animal is harbored is within 300 feet of a dwelling inhabited by someone other than the applicant.

C. Selling or giving away a puppy or kitten from a litter shall be prima facie evidence of breeding.

**§ 7.05.040 Dog License.**

A. No person shall keep a dog over 4 months of age without maintaining a current license from the animal control officer. The fee for a license shall be established by city council resolution.

B. A metallic license tag and certificate with corresponding numbers shall be furnished by the animal control officer upon payment of the license fee. The animal control officer shall keep records of each person to whom a license tag and license certificate is issued.

C. Each license shall expire on December 31st each year.

D. A dog license shall not be required for the following:

1. Seeing eye dogs.

2. Dogs honorably discharged from the armed forces.

3. Dogs kept by nonresidents traveling through the city for a period of less than 30 days. Notwithstanding the foregoing, a license shall be required for dogs that use a city dog park, unless the dog has a valid license and has a license tag or tattoo issued by the jurisdiction of the dog owner's primary place of residence. (Ord. No. 1523, Ord. No. 1533)

4. Dogs temporarily brought into the city to participate in an exhibition.

#### **§ 7.05.045 Display of Dog License.**

A. The license tag issued for the current license year shall be securely fastened to the collar or harness of the dog, and shall be worn by the animal when at large.

B. No dog owner shall fail or refuse to show to the animal control officer or to a police officer the license tag or certificate issued for the animal.

C. A dog may, at the owner's option and expense, be tattooed with its registration information.

#### **§ 7.05.050 Rabies Vaccination.**

A. Every person who possesses a dog over the age of 4 months shall cause the animal to be inoculated against rabies within 30 days from the date the animal is brought into the city. The inoculation shall be with an anti-rabies vaccine approved by the county health officer.

B. This section shall not apply if proof can be shown that the dog has been inoculated with an anti-rabies vaccine approved by the county health officer and that the vaccine period is still active. This section also shall not apply upon presentation of an affidavit from a licensed veterinarian stating that the vaccination likely would seriously injure the dog.

**§ 7.05.070 Transportation of Animals.**

No person shall transport an animal by motor vehicle unless the animal is confined to prevent falling or jumping off the vehicle.

**§ 7.05.075 Kennels.**

No person shall operate a kennel within 1,000 feet of any dwelling inhabited by someone other than the kennel operator.

**§ 7.05.080 Sanitary Measures.**

A. No cat owner or dog owner shall fail or refuse to remove feces defecated by the animal onto city property or onto private property not owned by such owner.

B. No person owning or occupying property where an animal is kept shall maintain such property in an unsanitary condition. An accumulation of uneaten food, feces or other matter that emits an offensive odor or encourages insect breeding shall constitute prima facie evidence of an unsanitary condition. This provision shall not prohibit storage of uneaten food, feces or other matter in a closed container prior to disposal.

**§ 7.05.085 Separation from Commercial Food.**

A. No owner of an animal shall permit the animal to remain in any restaurant, store or vehicle where commercial food for human consumption is offered for sale, prepared, stored or transported.

B. This section shall not apply to visually impaired persons utilizing seeing eye dogs.

**§ 7.05.090 Blocking Public Places.**

No owner of a dog shall tie the dog to a tree, bike rack or similar object in front of any public place.

**§ 7.05.095 Selling on Public Property.**

No person shall offer any animal for sale, barter or donation on city property.

**§ 7.05.100 Feeding Wild Birds.**

No person shall feed any wild bird. This prohibition shall not apply to the feeding of wild birds that are confined in an enclosure on private property.

**§ 7.05.105 At-Large Requirements for Miscellaneous Animals.**

No owner of an animal, other than a cat or dog, shall permit the animal to run at large.

**§ 7.05.110 Separation from Sensitive Uses.**

A. No person shall keep an animal within 50 feet of a school or hospital. This prohibition shall not apply to the keeping of cats, dogs or birds of the psittacine family. This prohibition also shall not apply to the keeping of an animal in the dwelling of the owner.

B. No person shall keep more than 4 birds of the psittacine family within 35 feet of any inhabited structure, school or hospital.

**§ 7.05.115 Bees.**

No person shall keep a beehive within 200 feet of a dwelling inhabited by someone other than the beekeeper. This prohibition shall not apply to the keeping of bees within an educational institution, medical office or laboratory for educational or research purposes, provided the bees are not permitted to fly at large.

**§ 7.05.120 Prohibited Animals.** (Ord. No. 1633; Ord 1635 - 2014)

A. No person shall keep any of the following animals: cattle; hogs; fowl; goats; horses; mules; or pigs of any size, kind, or sex.

B. Notwithstanding this Section, a person may keep a pig of any size, kind, or sex if that person first obtains a non-domestic animal permit pursuant to Section 7.05.030 of Chapter 7.05. All permitting requirements, conditions, and procedures applicable to the non-domestic animal permit shall also apply to a non-domestic animal permit for the keeping of a pig.

**§ 7.05.125 Dog Park.** (Ord. No. 1523)

Notwithstanding any other provision of this chapter, the park located at Lampson Avenue and Heather Street ("Arbor Park") is hereby established as a dog park, in which responsible adults may allow dogs to be without leashes within the fenced areas, provided that the responsible adults and all persons accompanying them comply with all of the following conditions. For purposes of this section, "responsible adult" means any person 18 years or older who owns, has a

proprietary interest in, harbors, or has the care, charge, control, custody or possession of a dog.

A. Each dog must be chaperoned by a responsible adult. For the purposes of this section, to "chaperone" a dog means that a responsible adult is inside the dog park and is in control of the dog at all times.

B. Each responsible adult may chaperone a maximum of 3 dogs in the dog park on each visit.

C. A responsible adult may allow any dog that he or she chaperons to be without leashes inside the fenced areas of the dog park. However, dogs must wear leashes at all times the dogs are not inside the fenced areas. (Ord. No. 1533)

D. No animals, other than domesticated dogs, are permitted in the dog park.

E. Persons entering or exiting the fenced areas of the dog park must close park gates behind them.

F. Dog License. A license must be obtained prior to a dog using the dog park, as follows:

1. A city dog license must be obtained pursuant to the provisions of this chapter for a dog owned by a city resident or by any person who lives in a jurisdiction that does not require a license for the dog; or

2. A valid dog license must be obtained by any person who is not a city resident pursuant to the laws of jurisdiction of the dog owner's primary place of residence.

G. Metallic License Tags or Registration Tattoos. Dogs in the dog park must wear metallic license tags at all times, unless the dogs are tattooed with their registration information. If a dog owner is not a city resident, and the jurisdiction of the dog owner's primary place of residence does not provide either license tags or tattooing for licensed dogs, the owner must obtain a license tag or tattoo from the city pursuant to the provisions of this chapter prior to the dog using the dog park.

H. Annual Dog Park Permit for Non-Residents. Prior to using the dog park, an annual dog park permit must be obtained for each dog that belongs to a person who is not a city resident. The application for the permit shall consist of an application fee and proof of a current dog license. The annual fee shall be set by city council resolution. In addition to a license tag or tattoo required pursuant to paragraph G, such dog must wear a metallic permit tag at all times the dog is inside the dog park.

I. No dog shall be permitted in the dog park unless it has received a rabies vaccination within the last 3 years, and the effective period of the vaccine has not elapsed. (Ord. No. 1533)

J. Each responsible adults shall, at all times, take all reasonable precautions to prevent the dog(s) they chaperone from biting, attacking or attempting to bite or attack any person or dog. A responsible adult shall immediately remove a dog he or she chaperones from the dog park if it bites, attacks or attempts to bite or attack any person or dog.

K. No person who has the care, charge, control, custody, or possession of any of the following kinds of dog shall allow such dog to enter or remain in the dog park at any time:

1. A dog less than 4 months old.
2. A dog in heat.
3. A vicious animal.
4. A dog with a communicable illness, infection, fleas, or parasites.
5. A dog that is currently under quarantine or that has previously been under quarantine by order of the animal control officer.

L. The following are prohibited in the dog park and no person shall bring any of the following into the dog park:

1. Food (irrespective of whether the food is intended for consumption by humans, dogs, or other species).
2. Dog treats.
3. Glass containers.
4. Alcohol.
5. Children's toys.
6. Sports equipment.

M. Smoking is prohibited in the dog park and within 20 feet of the perimeter of the dog park.



N. In the event the City designates specific areas of the dog park for dogs of certain sizes, a responsible adult shall not allow a dog to enter an area of the park for dogs of a different size. If a responsible adult brings dogs in different size category to the dog park, none of those dogs will be allowed to enter the park unless each dog within a different size category is accompanied by a chaperone for its designated specific area. (Ord. No. 1533)

O. No responsible adult shall fail or refuse to remove feces defecated by a dog he or she chaperones at the dog park. Waste receptacles are located within the park for disposal purposes.

P. For the safety of all dogs, spike collars, pinch collars and choke collars are not permitted.

Q. Responsible adults shall not allow their dogs to dig holes.

R. All persons shall comply with instructions of peace officers and animal control officers at all times. Violation of this or any other provision of this section shall be grounds for immediate and permanent expulsion from the use of the dog park and revocation of a dog permit.

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