

CHAPTER 17

ANIMAL REGULATIONS

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ARTICLE I GENERAL PROVISIONS

Sec. 17.101 Definitions --- As used in this Chapter, the following terms shall have the meanings herein ascribed unless the context otherwise requires:

"Animal" means any living organism other than a human being or those commonly considered plants, whether domestic or wild.

"Animal control officer" means the person designated by the Chief of Police for purposes of administering these regulations. Such person shall be under the direct supervision and control of the Chief of Police, but shall not otherwise be considered a member of the Police Department.

"Designate" means that individual selected by the Chief of Police as his designate for purpose of administering this Ordinance, which individual shall be known as the Animal Control Officer.

"Owner" means any person, partnership or corporation owning, keeping, housing, or harboring any animal or animals.

"person" means a person, firm or corporation.

Sec. 17.102 Cruelty to animals --- No person shall cruelly treat, beat, torment, underfeed, overload, overwork, or otherwise abuse any animal in the Village.

Sec. 17.103 Abandonment of animals --- No person shall abandon any animal in the Village.

Sec. 17.104 Dangerous animals ---

A. It shall be unlawful to cause or permit any dangerous or vicious animals to run at large within the Village.

B. It shall be unlawful to house or bring into the Village any dangerous or vicious animal without first securing a permit so to do from the Chief of Police, or his designate, which permit may impose precautions or conditions necessary for the protection of persons and property.

C. Exhibitions or parades of animals which are *ferae naturae* (of a wild nature or disposition) in the eyes of the law may be conducted only after securing a permit from the Chief of Police, or his designate.

Sec. 17.105 Killing dangerous animals --- The Chief of Police, his designate, and the members of the Police Department may kill any dangerous animal within the Village of any kind when necessary for the protection of persons or property. Such animals shall, if reasonably possible, be killed by means other than shooting such animal in the brain so as to preserve the brain for laboratory determination of whether such animal had contracted rabies. Any such animal shall be preserved as necessary for such rabies determination.

Sec. 17.106 Noises --- It shall be unlawful to harbor or keep any animal which disturbs the peace by loud or continuous noises at any time of the day or night.

Sec. 17.107 Diseased animals ---

A. No diseased animal shall be brought into the Village.

B. No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at large or to be exposed in any public place whereby the health of man or other animal may be affected, nor shall any such diseased animal be shipped or removed from the premises of the owner or keeper thereof, except under the supervision of the Chief of Police, his designate, or the state veterinarian.

C. It shall be the duty of the Chief of Police, or his designate to secure the disposition of any diseased animal and to provide such treatment of any infected premises so as to prevent the communication and spread of the contagion and infection, except where the state veterinarian is empowered to and does act or where the owner employed a veterinarian to provide such treatment. Any person owning or knowing of any animal afflicted with a suspected or confirmed contagious disease shall promptly report such information to both the Clayton Police Department and the Adams County Health Department.

Sec. 17.108 Animals housing ---

A. No person shall cause or allow any stable or place where any animal is or may be kept to become unclean, filthy or unwholesome.

B. It shall be unlawful to maintain any stable or barn where horses or ponies are kept unless the following provisions are complied with:

1. The stable or barn must not be located within one hundred and fifty feet (150') of any residence or within fifty feet (50') of any other building;

2. The stable or barn must be of construction complying with all building codes of the Village, with proper drainage connected to the sanitary sewer; and,

3. A manure box of cement construction, with a tight cover, must be provided, and all refuse therein removed from the premises at least once each week.

C. It shall be unlawful to stable or house cattle, swine, pigs, burros, mules, sheep, goats or similar animals within the Village.

Sec. 17.109 Search and seizure in pursuit --- The Chief of Police, his designate, and any police officer of the Village shall have the right to enter upon any private property or public property in the Village in order to examine or capture any dog, cat or other animal thereon or therein which such officer reasonable believes to be in violation of this Chapter; provided, however, that no such officer shall have the right to enter any house which is in use as a residence without first having secured a search warrant therefor.

ARTICLE II DOGS

Sec. 17.201 Keeping of dogs --- No person or persons shall keep six (6) or more dogs over six (6) months of age in the Village at any place or on any premises in the Village, without first obtaining a permit from the Village Council so to do, said Council may grant or refuse such permit in its discretion as necessary for the health, safety and welfare of the Village, provided that if such permit is granted said Council may perscribe such conditions as may be advisable or necessary to prevent the keeping of any or all such dogs from becoming a nuisance. The keeping and harboring of dogs contrary to this Section is hereby declared to be a nuisance. This limitation shall not apply to a licensed veterinarian relative to a veterinary hospital or clinic maintained and operated by the licensed veterinarian. No charge shall be made for any permit issued hereunder.

Sec. 17.202 Muzzling of dogs --- The President of the Board of Trustees by proclamation may require the owners of all dogs to securely muzzle them with muzzles of wire, gauze, or leather, securely put on, so as to prevent them from biting, for such length of time as the President of the Village Board shall designate, whenever in the opinion of the President of the Village Board there exists a reasonable necessity for such muzzling as a protection of the public safety. Dogs unmuzzled and running at large during such period shall be destroyed. In addition to such muzzling of dogs, the President of the Village Board may also, under such proclamation, order the retention of all dogs on the owner's premises or at designated public places such as veterinary establishments, and such proclamation may include muzzling such dogs while so restrained.

Sec. 17.203 Dangerous dogs --- Any dangerous, fierce, or vicious dog running at large in any place within the Village, whether upon private premises or not, and any dog which unduly disturbs the quiet and peace of any person or neighborhood, molests passers-by, chases vehicles or bicycles, attacks other domestic animals, trespasses upon school grounds, trespasses upon private property in such manner as to damage property, or which shall bite any person or injure any person or injure any persons shall be deemed a nuisance. Any such dog shall be taken up and impounded in Article IV, hereof. Prior to releasing any dog impounded hereunder, or alternative to such impounding, the Chief of Police, or his designate, can impose such requirements relative to such dog in order to abate such danger as necessary for the public health, safety and welfare including, but not limited to, the chaining or fencing of such dog.

Sec. 17.204 Dog bite --- Any dog which does not have a current rabies vaccination and shall bite any person or injure any person shall be kept under the observation of a licensed veterinarian for a period of two (2) weeks and the veterinarian shall at the end of the two-week period make a written report to the Adams County Department of Health and should said dog show evidence of rabies, then it shall be killed in a humane manner. In the event the dog is pronounced free from rabies by the veterinarian, then said dog shall be released to the owner or keeper upon the payment of the veterinarian's fees. The owner of the dog may claim the same at the end of the two-week period by making payment of the costs involved while the dog is under observation and also the costs of a license if said dog is not licensed. If the owner does not claim the dog at this time then in that event any person may redeem it by making a like payment. If the dog is not claimed as set forth herein, then said dog shall be killed in a humane manner.

Sec. 17.205 Female dog in heat --- 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.

Sec. 17.206 Dogs running at large --- No person shall cause or permit any dog owned or kept by him to run at large at any time or in any place in the Village; provided, however, that the provisions of this section shall not prohibit the owner or keeper from permitting such dog to run at large on the private premises of such owner or keeper, or upon the private premises of another person with such person's consent, so long as otherwise consistent with this Chapter. Notwithstanding anything herein to the contrary, dogs may be permitted to run upon public ways, including streets and sidewalks, but only when on a leash not exceeding ten (10) feet in length, controlled by the owner or keeper of the dog.

It shall be the duty of the owner or keeper of any dog to keep such dog from running at large. If a dog is running at large through the act or intervention of a third person not a member of the owner's household and without the owner's consent, such fact shall be and constitute an affirmative defense to any proceeding brought under this Chapter.

Sec. 17.207 Current rabies vaccination --- It shall be the duty of the owner or keeper of any dog in the Village to cause such dog to have a current rabies vaccination.

The inoculation of dogs shall be performed by a veterinarian duly licensed to practice his profession in this state. Upon performing such inoculation, such veterinarian shall issue to the owner or keeper a certificate showing such fact and shall also deliver to such owner or keeper a metallic or other suitable tag to be attached to the collar or harness of such dog, which tag shall also certify to the fact of inoculation against rabies.

The inoculation performed shall be effective until the expiration of the calendar year in which the vaccination was performed or the expiration of such period of time as may be promulgated by the Department of Agriculture.

ARTICLE III CATS

Sec. 17.301 Keeping of cats --- No person or persons shall keep six (6) or more cats over six (6) months of age in the Village at any place or in any premises in the Village, without first obtaining a permit from the Village Council so to do, and said Council may grant or refuse such permit in its discretion as necessary for the health, safety and welfare of the Village, provided that if such permit is granted, said Council may prescribe such conditions as may be advisable or necessary to prevent the keeping of any and all such cats from becoming a nuisance. The keeping or harboring of cats contrary to this Section is hereby declared to be a nuisance. This limitation shall not apply to a licensed veterinarian relative to a veterinary hospital or clinic maintained and operated by the licensed veterinarian. No charge shall be made for any permit issued hereunder.

Sec. 17.302 Female cat in heat --- Every female cat in heat shall be confined in a building or secure enclosure in such manner that such female cat cannot come into contact with another animal except for planned breeding.

Sec. 17.303 Cats running at large --- No person shall cause or permit any cat owned or kept by him to run at large at any time or in any place in the Village where such cat constitutes an extreme nuisance, including but not limited to the causing of undue and repeated disturbance, or imminent danger to any person, property or other animal. The mere straying of a cat onto the property of another, public or private, shall not be construed to constitute an extreme nuisance hereunder.

Sec. 17.304 Current rabies vaccination --- It shall be the duty of the owner or keeper of any cat in the Village to cause such cat to have a current rabies vaccination.

ARTICLE IV MISCELLANEOUS ANIMALS

Sec. 17.401 Strays --- It shall be unlawful for any person having charge or custody of any cattle, horses, swine, pigs, sheep, goats, reptile, poultry, or similar animal, to permit such animal to run at large in the Village. Notwithstanding anything herein to the contrary, this Section is not intended to permit animals within the Village otherwise prohibited in this Chapter, but to restrict such animals from running at large if allowed by permit or otherwise by this Chapter.

Sec. 17.402 Breeding of livestock --- No person shall cause or permit the breeding of livestock in any place other than a completely enclosed structure with no portion of the inside thereof open to public use or view.

Sec. 17.403 Horses --- No person shall cause or permit any horse owned by him or under his control to be upon any of the sidewalks located within the limits of the Village.

Sec. 17.404 Fowl --- No person shall cause or permit any chickens, other poultry or fowl owned or kept by him within the Village to constitute an extreme nuisance, including but not limited to the causing of undue and repeated disturbance, or any unreasonable sanitation or health problem. Whenever an unreasonable sanitation or health problem exists in a residential area, the Minimum Housing Supervisor, Chief of Police, or his designate, or the Adams County Health Department, may require the removal of such animals from the premises.

Sec. 17.405 Rabbits --- No person shall cause or permit rabbits owned or kept by him within the Village to constitute an extreme nuisance, including but not limited to the causing of undue and repeated disturbance, or an unreasonable sanitation health problem.

ARTICLE V IMPOUNDING ANIMALS RUNNING AT LARGE

Sec. 17.501 Impoundment --- It shall be the duty of the Chief of Police, or his designate, and of all policement of the Village, to take up and impound any dog, cat or other animal found running at large in the Village contrary to any of the provisions of this Chapter, or other applicable ordinance, order or proclamation. Animals so impounded shall be humanely treated and fed. All such animals and such violations shall be processed and disposed of in accordance with this Article, unless otherwise specifically provided for by ordinance.

Sec. 17.502 Impoundment fees --- Any owner or other person reclaiming an impounded dog, cat or other animal shall pay a fee of five dollars (\$5.00), plus two dollars and fifty cents (\$2.50) for each and every day, or portion thereof, the animal has been impounded, which fee shall be payable to the Village Treasurer. In the event the owner or person reclaiming an animal has been charged with the provisions hereof and such charge is dismissed or the owner or person is found not guilty, any impoundment fees shall be forthwith refunded.

Sec. 17.503 Notice of violations --- In addition to, or in lieu of impounding any dog, cat or other animal running at large, the Chief of Police, his designate, or other police officer, as the case may be, shall promptly issue to any person violating any provision of this Chapter relative to any dog, cat or other animal running at large, a Notice of Violations in accordance herewith. Such Notice of Violation shall impose upon such person a penalty of twenty-five dollars (\$25.00) which may, at the discretion of such person, be paid to the Village Treasurer within seventy-two (72) hours of the receipt of the Notice of Violations. Such penalty shall be increased by ten dollars (\$10.00) for each and every subsequent violation. In the event that such penalty is timely paid, such payment shall be in full satisfaction of any penalty for such violation. In the event that such penalty is not paid within the time period prescribed, a criminal warrant shall be initiated by the Chief of Police or other appropriate person before a court of proper jurisdiction for violation of a provision of this Chapter.

The Notice of Violation required by this Section shall be served personally or by certified mail, return receipt requested, and may be in substantially the following form:

NOTICE OF VIOLATION

Pursuant to Section 17.503 of the Municipal Code of Clayton, you are hereby notified that you are charged with having violated Section (cite section violated) of the Municipal Code of Clayton by having permitted a (describe animal, i.e. dog) owned or kept by you to run at large. In accordance therewith, you are hereby assessed a penalty of (state penalty, i.e. \$25.00) for violating the said ordinance provision, which may be paid to the Village Treasurer at the Clayton Village Hall within seventy-two (72) hours from your receipt of this Notice, that being (time by which penalty MUST BE PAID) o'clock on the _____ day of _____, 19____.

The penalty provided by Section 17.503 is twenty-five dollars (\$25.00) for the first violation which is increased by ten dollars (\$10.00) for each and every subsequent violation. In the event that you fail to pay such penalty within the time prescribed, you shall be charged by criminal warrant for violating the said Section and upon conviction may be fined not less than \$25.00 nor more than \$500.00.

In the event that the dog, cat or other animal has also been impounded such Notice of Violation shall further provide:

You are further notified that in accordance with Section 17.501 of the Municipal Code of Clayton, the (dog, cat or other animal) kept by you has been impounded at _____. To reclaim the said (dog, cat or other animal), you are required to pay an

impoundment fee of five dollars (\$5.00), plus two dollars and fifty cents (\$2.50) for each and every day, or portion thereof, the (dog, cat or other animal) is impounded. In the event that you fail to reclaim such (dog, cat or other animal) within fourteen (14) days after impoundment, such (dog, cat or other animal) may be disposed of in accordance with the said Municipal Code.

Dated: this ____ day of _____, 19__.

Title: _____

Sec. 17.504 Reclaiming and disposing of animals --- An owner of any dog, cat or other animal impounded may reclaim such animal within fourteen (14) days of its impoundment, upon payment of the impoundment fee established in Section 17.502 hereof. In the event any animal is not reclaimed within fourteen (14) days of its impoundment, the Chief of Police, or his designate, may destroy such animal in the most humane manner practicable, or give or sell any unclaimed animal, provided that any diseased or vicious animal may be destroyed at any time if such animal cannot be safely taken up or impounded.

Sec. 17.505 Enticement of animals --- No person shall entice or decoy any dog, cat or other animal out of any house or enclosed lot, or bring or cause to be brought or enticed, any dog, cat or other animal from without the Village into the Village for the purpose of having such animal impounded in accordance with this Article.

Sec. 17.506 Transition --- Any person in violation of Section 17.201 or 17.301 on the effective date of this Ordinance may continue such violation in accordance herewith provided that within thirty (30) days thereof, such person applied to the Village Board for an appropriate permit under the application Section. The Village Board shall forthwith consider such application. In the event the application is denied, such person shall comply with the provisions hereof within sixty (60) days after such denial. In the event the application is granted, such person shall forthwith comply with the terms thereof.

Sec. 17.507 Separability --- The provisions of this Ordinance shall be deemed separable, and the invalidity of any portion hereof shall not affect the validity of the remainder thereof.

Sec. 17.508 Penalties --- Any person violating any provision of this Ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined an amount not less than ten dollars (\$10.00) and not more than fifty dollars (\$50.00). Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable hereunder as such.

Sec. 17.509 Savings clause --- Nothing in this Ordinance shall be construed to effect any suit or proceeding impending in any court, or any rights acquitted, or liability incurred, or any cause or causes of action acquired or existing, or permits or licenses issued under any act or ordinance hereby repealed or amended; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.