

Animals

PART 4

ANIMALS

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CHAPTER 2

(RESERVED)

Animals

ARTICLE A

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SECTION 4-101 DEFINITIONS.

A. As used in this chapter:

1. "Animal" means any horse, mule, donkey, pony, cow, sheep, goat, hog, dog, cat, rabbit, turkey or other animal or fowl;

2. "At large" means:

- a. Not securely confined by a fence, leash or other means on premises under the control of, or occupied by, the owner of the animal; or
- b. Not under the control of the owner of the animal or an agent of the owner, by heel or leash not more than six (6) feet in length if off the premises of the owner or keeper.

3. "Fowl" means chickens, guineas, geese, ducks, pigeons, turkeys, pheasants, or any other bird which is usually kept for commercial purposes or typically lives outside.

4. "Owner" or "keeper" means any person, group of persons or corporation owning, keeping, maintaining or harboring, or having care or custody of, an animal or animals or fowl or birds;

5. "Provoke" or "provocation" means, with respect to an attack by an animal, that the animal was hit, kicked or struck by a person with an object or part of a person's body or that any part of the animal's body is pulled, pinched or squeezed by a person;

6. "Vicious animal" means an animal 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 intends to attack or bite, or bites a person or persons when not unduly provoked; and otherwise endangers the safety of a human being or another animal.

7. "Without provocation" means that an animal was not teased, tormented or abused; and also means where the animal was not protecting its owner or owner's property from criminal activity by a perpetrator of a crime.

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8. “Altered” dog or cat (spayed or neutered) means either a male or female dog or cat which has been prevented from impregnating or from becoming impregnated by a procedure rendered by a veterinarian. An “unaltered” dog or cat shall mean a dog or cat which has not been spayed or neutered by a veterinarian.

9. “Animal Control Officer” means the person or persons designated by the Town under the supervision or control of the Police Chief with the duty of enforcing the provisions of this chapter and others related to control of animals to include commissioned police officers.

10. “Animal Shelter” means any premises officially designated by the Town for the purpose of impounding and caring for all animals found at large in violation of this chapter.

11. “Animal Wild by Nature” shall mean and include any animal which, because of its dangerous physical features, or its great size or vicious or venomous nature, present a clear and proven danger to human beings and other animals, or any animal which is not commonly a domestic pet and which generally lives in a natural setting.

12. “Heel” means a dog is obedient to verbal or signal command and under the immediate control and supervision of its owner or its owner’s agent in such a manner as to prevent the dog from attacking any person or another animal.

13. “Leash” shall mean and include the condition of a dog being securely held, restrained and confined by its owner, or owner’s agent by means of a strap, chain, rope, cord or other device not exceeding six (6) feet in length, and is such a manner as to prevent the dog from attacking any person or other animal.

B. All other words or phrases used herein shall be defined and interpreted according to their common usage.

SECTION 4-102 RUNNING AT LARGE, OWNERS CITED, ENCLOSURES.

A. No owner shall permit any animal, including fowl, owned, harbored or kept by them, to be at large within the Town. It is unlawful for any animal to be at large within the Town.

B. Any animal running at large in the Town may be taken up and impounded at the animal shelter. The animal control officer may, at their discretion, cite the owner of such animal to appear in municipal court to answer charges of violation of this chapter.

SECTION 4-103 CONTROL OF ANIMALS REQUIRED, REGULATIONS.

It is unlawful for any owner or person to:

1. Fail to prevent any animal from running at large within the Town;
2. Perform, do or carry out any inhumane treatment against any animal;
3. Keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal or animals which by reason of noise, odor or sanitary conditions become offensive to a reasonable and prudent person of ordinary tastes and sensibilities, or which constitute or become a nuisance and/or health hazard as determined by the health officer or animal control officer; or
4. Turn any animal at large or release an animal which is restrained or confined in an enclosure as required by this chapter.
5. Keep, possess, own or maintain an animal wild by nature, except where permitted in accordance with the Town's zoning ordinances.
6. Deposit any live dog, cat, or other animal along any private or public roadway or in any other private or public place with the intent of abandoning the animal.

SECTION 4-104 BUILDINGS, STRUCTURES FOR ANIMALS, LOCATION, SPECIAL RULES FOR LIVESTOCK.

A. Every building or place where any animal or fowl is kept shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

B. No place where an animal is kept shall be kept closer than forty (40) feet to the premises of an apartment, hotel, restaurant, boarding house, food store, building used for educational, religious or hospital purposes, or dwelling other than that occupied by the owner or occupant of the premises upon which the animal is kept.

C. Every building where any animal, including livestock, is kept, if located within two hundred (200) feet of any apartment, hotel, restaurant, boarding house, food store, building used for educational, religious or hospital purposes, or any dwelling other than that occupied by the owner or occupant of the premises upon which the animal is kept, shall be provided with a watertight and fly-tight receptacle for manure, of such size as to hold all accumulation of manure. The receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in receptacle.

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D. The animal control officer or health officer shall inspect any structure or place where an animal is kept on his own initiative or upon complaint. He may issue any such reasonable order as he may deem necessary to the owner of such animal to cause the animal to be kept as required in this chapter or in a manner so as not to constitute a nuisance. He may make a complaint before the town court against any person for violation of any provision of this chapter, or of any such reasonable order.

SECTION 4-105 NOISY ANIMALS, NUISANCE, VICIOUS ANIMALS.

A. No person shall keep any animal which causes frequent or long-continued noise or otherwise so as to disturb the comfort or repose of any person in the vicinity. Any violation of this section is declared to be a nuisance and as such, may be abated.

B. No person shall keep any animal which is a nuisance or is vicious as defined in this code or which:

1. Prowls around or over any premises not the property of its owner, to the annoyance of the owner or occupant of such premises;
2. Overturns any garbage can or other vessel for waste products, or scatters the content of the same;
3. Scratches, or digs, into any flower bed, garden, tilled soil, vines, shrubbery or small plants, and is so digging injures the same.

SECTION 4-106 PASTURING IN PUBLIC AREAS ILLEGAL.

It is unlawful for any person to pasture any animal on any public property or private property without the consent of the person owning or controlling the property.

SECTION 4-107 LIABILITY OF PARENTS.

The parent or guardian of any minor claiming ownership of any animal shall be deemed to be the owner of such animal and shall be charged for all applicable fees due under this chapter and shall be prosecuted for violations of this chapter.

SECTION 4-108 DOGS AND CATS WITHIN THE TOWN LIMITS; REQUIREMENTS.

A. It is unlawful for any person, other than a person or organization exempt by the Board of Trustees for the purpose of being a licensed kennel proprietor in an agriculturally-zoned area or granted a rescue exemption waiver for the Town of Sperry to provide animal foster care, to keep or maintain upon any property or premises within the city limits more than five (5) dogs and cats total, with no more than three (3) being dogs. This limitation shall not be applicable to any litter of puppies or kittens for a period of ninety (90) days from birth if such puppies or kittens are born unto any adult dog or cat permanently maintained at such premises.

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B. All owners or persons having charge or control of any premises where the keeping of dogs or cats are permitted shall pick up and remove from the area within or upon which such dogs and cats are kept or maintained all dung and animal excrement, and shall thereupon place or cause same to be placed in an enclosed, fly-proof container. The owner shall further prevent any offensive, disagreeable, or noxious smell, stench or odor to arise from such area within or upon which any dog or cats may be kept or maintained. Upon failure to comply with the provisions of this section, the keeping of dogs or cats and the area within which they are confined or restrained shall constitute a nuisance, subject to abatement as provided within this code of ordinances.

C. It shall be an offense under this section for any owner within the Town limits of Sperry to harbor, keep or possess a dog or cat over the age of six (6) months, other than a dog used by the Sperry Police Department as a police dog, that has not been spayed or neutered unless the dog or cat is licensed as required under Section 4-202. A rebuttable presumption that the dog or cat has not been spayed or neutered is established in the event the owner of a dog or cat over the age of six (6) months is unable to produce a current license, license tag or documentation of spay or neuter. In such event, an animal control officer shall issue a citation to the owner requiring that the dog or cat be spayed or neutered within thirty (30) days. Failure to do so will result in issuance of additional citations.

D. Special Circumstances Exceptions: Any person owning a dog or cat that is registered with AKC, UKC, or other national/international animal association, and who is able to produce certification papers of the same, and who intends to use the animal for breeding and/or show purposes, may apply for an exception to the mandatory spay/neuter law. If approved, the applicant will be granted an exception for defined period not to exceed 6 months. Breeders must be registered with the Town of Sperry. The granting of an exception under this section does not exempt the animal owner from compliance with items B and C as defined above.

E. A rescue exemption waiver may be granted by the Board of Trustees for a period of 60 days, and upon payment of fees related thereto as set by the Board of Trustees. Granting of such waiver will allow the permit holder to house a number of animals exceeding the number set forth in (A), and in such number as may be set by the Chief of Police or his or her designee. The following qualifications must be met to obtain a rescue exemption:

- i. All animals must be in an agriculturally-zoned area and kept inside a dwelling except that the permit holder may permit the animals outside in such number as set in (A);
- ii. Regularly scheduled and/or random inspections will be conducted by the Chief of Police or his designee to ensure adequate standards of sanitation are being met and the animals are treated humanely.

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- iii. The Chief of Police, or his or her designee, may revoke the special circumstances waiver based on health, sanitation, safety, treatment of animals and the impact and noise of the excess animals on the surrounding neighbors and area at any time, to ensure proper care for the animals housed or to ensure health and safety of citizens. Upon revocation of the waiver, the permittee must move the excess animals covered by the waiver off the premises within five (5) days after revocation of the rescue exemption waiver.

ARTICLE B

LICENSING AND VACCINATION

Section 4-201 Rabies vaccination required; certificate of vaccination; tags.
Section 4-202 Licenses required.

SECTION 4-201 RABIES VACCINATION REQUIRED; CERTIFICATE OF VACCINATION; TAGS.

A. No person shall own, keep or harbor any dog or cat within the town limits unless such dog or cat six (6) months of age or older is vaccinated for rabies annually or before the first day of May of each year.

B. Unless the owner of any dog or cat furnishes written proof that the dog or cat has been vaccinated for rabies by a licensed veterinarian in the past twelve (12) months, the owner shall be guilty of an offense.

C. When a veterinarian vaccinates a dog or cat against rabies, he shall issue to the owner of such dog or cat a metal tag or check evidencing such vaccination and the year of vaccination.

D. It shall be the duty of the owner of the dog or cat to attach the tag or check issued to him pursuant to Subsection C to the dog or cat and it shall be unlawful for any person to remove such tag or check without the owner's consent.

SECTION 4-202 LICENSES REQUIRED.

A. A license is required for all dogs and cats over six (6) months of age kept within the town limits.

B. Any license fee for animals shall be as set by the Board of Trustees by motion or resolution. Each license shall expire on June 30 of each year.

C. This section shall not apply to the keeping of small-caged birds or aquatic and amphibian animals solely as pets; nor is a license required for animals temporarily kept within the town for a period of time not exceeding two (2) weeks; nor shall this section apply to "seeing eye" dogs or "aid" or "service" dogs when such dogs are actually used to aid a blind or physically-challenged person.

ARTICLE C

IMPOUNDMENT REGULATIONS

- Section 4-301 Impoundment, disposition of animals.
- Section 4-302 Breaking pound or interfering with officers.
- Section 4-303 Redemption, adoption of animal.

SECTION 4-301 IMPOUNDMENT, DISPOSITION OF ANIMALS.

A. The Town may operate on its own or contract with an outside agency, including other governmental entities, to serve as the town's animal shelter or pound to provide for the impoundment of animals pursuant to this chapter.

B. Any animal found running at large shall be picked up and immediately impounded in the animal shelter and there confined in an humane manner. Fees for impoundment shall be as provided by the shelter or the Town Board of Trustees by motion, resolution or ordinance.

SECTION 4-302 BREAKING INTO POUND OR INTERFERING WITH OFFICERS.

A. If any person breaks open, or in any manner directly or indirectly aids in, or counsels or advises the breaking open of any town pound or contract pound, or hinders, delays or obstructs any person duly authorized in taking up or taking to the town pound any animal liable to be impounded, he shall be guilty of an offense.

B. No person shall interfere with, or hinder, or molest any agent of the town in the performance of any duty of such agent, or seek to release any animal in the custody of the town or its agents, except as provided by law.

SECTION 4-303 REDEMPTION, ADOPTION OF ANIMAL.

A. An owner of an impounded animal or his agent may redeem the animal prior to its sale, disposition or destruction as provided for herein by paying the required fees against the animal, showing proof of ownership and meeting any other requirements which are outlined by the ordinances, or as set by the Board of Trustees by motion or resolution, or required by the impounding agency pursuant to Agreement with the Town, which may include mandatory spaying or neutering. If the owner or his agent has not redeemed the animal within the first three (3) days after the impoundment of the animal, the animal may be otherwise disposed of by adoption, euthanasia, or release to a zoo or release back to natural habitat, if wild by nature.

B. Any sick or injured animal taken into custody by an animal control officer shall be subject to immediate disposition, including euthanasia, in the discretion of the animal control officers.

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C. A person desiring to adopt an animal from impoundment shall pay an adoption fee, costs of any necessary vaccinations, and a deposit as set by the Board of Trustees to guarantee the neutering or spaying of the dog or cat, and shall sign an agreement with the town and/or impounding agency ensuring that the dog or cat will be spayed or neutered, if not required to be spayed or neutered prior to adoption.

ARTICLE D

CRUELTY TO ANIMALS

Section 4-401 Cruelty to animals.
Section 4-402 Poisoning animals.
Section 4-403 Encouraging animals to fight.

SECTION 4-401 CRUELTY TO ANIMALS.

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

SECTION 4-402 POISONING ANIMALS.

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

SECTION 4-403 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, undomesticated animal, or to keep a house, pit or other place used for fights between animals .

ARTICLE E

ZONING ORDINANCE

Section 4-501 Zoning ordinance to prevail.

SECTION 4-501 ZONING ORDINANCE TO PREVAIL.

In case of any conflict between the provisions of this chapter and the zoning ordinances of the Town of Sperry, the zoning ordinances shall prevail.

ARTICLE F

RABIES AND ANIMAL BITES

Section 4-601	Animal bites; rabies examination; quarantine.
Section 4-602	Rabies diagnoses; quarantine of town; time limit.
Section 4-603	Killing or removing rabid animal prohibited.
Section 4-604	Reports of bite cases; report by veterinarian.
Section 4-605	Investigations for violations of chapter.
Section 4-606	Records; funds.

SECTION 4-601 ANIMAL BITES; RABIES EXAMINATION; QUARANTINE.

A. Every animal that bites or scratches a person shall be reported within four (4) hours to the animal control officer and shall thereupon be securely quarantined at a veterinarian hospital for a period of ten (10) days from the date the person was bitten, and shall not be released from such quarantine except by permission of the animal control officer of the town and the veterinarian in charge of the quarantined animal. Such quarantine may be at any veterinarian hospital chosen by the owner. Failure of the owner or keeper to quarantine his animal within the four-hour period herein will make him guilty of an offense;

B. The owner, upon demand by any town officer or animal control officer, shall surrender any animal that has bitten or scratched a human, or which is suspected as having been exposed to rabies, for supervised quarantine testing or euthanasia, the expense for which shall be borne by the owner; and the animal may be reclaimed by the owner if determined to be free of rabies by a licensed veterinarian.

SECTION 4-602 RABIES DIAGNOSES; QUARANTINE OF TOWN; TIME LIMIT.

A. When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observation, the animal control officer or veterinarian shall immediately send the head of such animal to the state health department for pathological examination, and shall notify the proper public health officer of reports of human contacts and diagnosis made of the suspected animal.

B. When one or both reports give a positive diagnosis of rabies, the health or animal control officer of the town may recommend a town-wide quarantine for a period of six (6) months; and upon the invoking of such quarantine, no animal shall be taken into the streets or permitted to be in the streets during such period of quarantine. During such quarantine, no animal shall be taken or shipped from the town without written permission of the animal control officer of the town.

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C. During such period of rabies quarantine as herein designated, every animal bitten by an animal adjudged to be rabid shall be treated for such rabies infection by a licensed veterinarian, or held under six (6) months quarantine by the owner in the same manner as other animals are quarantined.

D. In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended for an additional six (6) months.

SECTION 4-603 KILLING OR REMOVING RABID ANIMAL PROHIBITED.

A. No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting or scratching a human, except as herein provided, nor to remove the animal from the town limits without written permission from the health officer of the town, or the animal control officer.

B. The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the animal control officer.

c. The animal control officer shall direct the disposition of any animal found to be infected with rabies.

D. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by an employee of the Town empowered to enforce this chapter. Such refusal shall be deemed an offense.

SECTION 4-604 REPORTS OF BITE CASES; REPORT BY VETERINARIAN.

A. It is the duty of every physician, veterinarian or other practitioner to report to the animal control officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control, unless such disclosure is prohibited by state or federal law.

B. It is the duty of every licensed veterinarian to report to the animal control officer his diagnosis of any animal observed by him to be suspected of carrying rabies.

SECTION 4-605 INVESTIGATIONS FOR VIOLATIONS OF CHAPTER.

A. For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, the animal control or health officers are empowered to call upon the residents of any premises upon which a dog or cat or small animal is kept or harbored, and to demand the exhibition by the owner of such dog or cat or small animal.

B. The animal control or health officer, in the manner authorized by law, may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal, and to take possession of such animal when, in his opinion, it requires humane treatment. The officer may demand, at the front door of any residence, exhibition by the owner of current animal licenses at any time.

SECTION 4-606 RECORDS; FUNDS.

The animal control officer shall keep or cause to be kept:

1. An accurate and detailed record of the description and date of the seizure of all animals taken, place of impoundment, and disposition of all animals coming into his custody; and
2. An accurate and detailed record of all bite cases reported to the town, with a complete report of the investigation of each case.
3. An accurate record of any fees collected with all funds remitted to the Town Treasurer.

ARTICLE G

PENALTY.

Section 4-701 Penalty.

SECTION 4-701 PENALTY.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished as provided in Section 1-108 of this code. The Town of Sperry may take any other lawful action necessary to enforce compliance with the Town Code of Ordinances.