

TITLE XI.

ANIMALS

CHAPTERS:

- 11-01. Domestic Fowl, Farm Animals and Vicious Animals.
- 11-02. Dogs and Cats.

CHAPTER 11-01

DOMESTIC FOWL, FARM ANIMALS AND VICIOUS ANIMALS

SECTIONS:

- 11-0101. Unlawful to Allow Domestic Fowl and Farm Animals to Run at Large in City.
- 11-0102. Unlawful to Keep Domestic Fowl and Farm Animals Near House.
- 11-0103. Vicious Animals.

11-0101. **UNLAWFUL TO ALLOW DOMESTIC FOWL AND FARM ANIMALS TO RUN AT LARGE IN CITY.** It shall be unlawful for the owners, keepers and custodians of chickens, ducks, geese or other domestic fowls, horses, cattle, sheep, swine or goats to permit, suffer or allow the same to run at large within limits of the City of Mapleton.

11-0102. **UNLAWFUL TO KEEP DOMESTIC FOWL AND FARM ANIMALS NEAR HOUSE.** No chickens, ducks, geese or other domestic fowls, horses, cattle, sheep, swine or goats shall be kept within the City limits of the City of Mapleton.

Source: Ord. 193-07, Sec. 1 (2007).

11-0103. **VICIOUS ANIMALS.** No person or persons shall keep any dangerous or unruly animal nor cause or allow the same to run at large within the City or it's extraterritorial area.

- A. For purposes of this section, the words "owner," "running at large," and "suffer" shall be defined as in Section 11-0203 of the ordinances of the City of Mapleton.
- B. For purposes of this section, "dangerous" dog means any dog that has:
 - (1) without provocation, inflicted substantial bodily harm on a human being or public or private property;
 - (2) killed a domestic animal without provocation while off the owner's property; or
 - (3) been found to be unruly, and, after the owner has notice that the dog is unruly, the dog aggressively bites, attacks, or endangers the safety of humans or domestic animals.
- C. For purposes of this section, "unruly" dog means any dog that has:

- (1) when unprovoked, inflicts bites on a human or domestic animal on public or private property;
- (2) when unprovoked, chases or approaches a person, including a person on a bicycle, upon the streets, sidewalks, or any public or private property, other than the dog owner's property, in an apparent attitude of attack; or
- (3) has a known propensity, tendency, or disposition to attack unprovoked, causing injury or otherwise threatening the safety of humans or domestic animals.

Source: Ord. 193-07, Sec. 2 (2007).

CHAPTER 11-02

DOGS AND CATS

SECTIONS:

- 11-0201. Dogs or Cats Running at Large Declared a Nuisance.
- 11-0202. Dogs or Cats Running at Large Prohibited.
- 11-0203. Definitions of Terms.
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- 11-0205. Term of License.
- 11-0206. Impounding Dog or Cat Running at Large.
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- 11-0208. Impounded Animals -- Disposition of Unclaimed or Infected Dogs and Cats.
- 11-0209. Animal Kennels and Shelters.
- 11-0210. Dogs and Cats Having Fierce, Dangerous or Vicious Propensities.
- 11-0211. Habitually Barking, Crying or Howling Dog or Cat Declared Public Nuisance.
- 11-0212. Habitually Barking, Crying or Howling Dog or Cat - Procedure for Complaint.
- 11-0213. Collection of Animal Solid Waste.
- 11-0214. Rabies Control.

11-0201. **DOGS OR CATS RUNNING AT LARGE DECLARED A NUISANCE.** All dogs or cats running at large within the limits of the City of Mapleton contrary to the provisions of this chapter are hereby declared a nuisance.

11-0202. **DOGS OR CATS RUNNING AT LARGE PROHIBITED.** Any person who is the owner or has in his possession any dog or dogs or cat, male or female, shall not suffer the same to run at large, contrary to the provisions of this chapter, within the City of Mapleton.

11-0203. **DEFINITIONS OF TERMS.** As used in this chapter, unless the context otherwise indicates, (a) "owner" means any person, firm, association or corporation owning, keeping, or harboring a dog or cat or both; (b) "running at large" means not on the premises of the owner, and not under the control of the owner or keeper, or a member of his immediate family, either by a leash, cord, or chain; and (c) "suffer" means without regard to the intent of the owner and is intended to create a strict liability offense.

11-0204. **LICENSE AND REGISTRATION REQUIRED.**

1. All dogs and cats kept or maintained in the City shall be licensed and registered if over six (6) months of age on or before the 1st day of January of each calendar year.

Dog and cat licenses may be issued by the City Auditor or such other person as may be designated by the City Council or by licensed veterinarians designated by the City Auditor upon payment of an annual license fee as set forth herein. The owner, at the time of application, shall provide information in the form and manner as required by the City Auditor. No license may be issued unless a dog or cat has been inoculated for rabies within twenty-four (24) months preceding the application. Provided, however, that if the prior inoculation was within twenty (20) weeks of birth, an inoculation will be required within twelve (12) months of the first inoculation. The licensing provision of the section shall not apply to dogs or cats brought into the City for the purpose of participation in any dog or cat show, nor to "seeing-eye" dogs or dogs properly trained to assist blind or otherwise disabled persons when such dogs are actually kept for use by blind or otherwise disabled persons for the purpose of aiding them in going from place to place or otherwise in their daily activities.

2. The fees for obtaining a license for a dog or cat, as referenced above, shall be as follows:

For each and every dog and cat kept or maintained at the same residence, the license fee shall be Six and no/100 Dollars (\$6.00) for each neutered dog or cat (whether male or female); and Six and no/100 Dollars (\$6.00) for each un-neutered dog or cat (whether male or female).

3. The owner or possessor of each dog or cat shall cause a collar to be placed on the neck of the dog or cat, so licensed, with a shield furnished by the City indicating the number of the license and the year of the license. This shield shall be attached at all times while the dog or cat is outdoors within the City limits.
4. Failure to license a dog or cat, as required in section 2B, shall be punishable as an infraction, and shall carry a minimum penalty of at least a fine of One Hundred and no/100 Dollars (\$100.00) or ten (10) hours of community service.
5. The number of cats and dogs that may be maintained at an individual residence shall be set by resolution adopted by the City Council of the City of Mapleton.

Source: Ord. 193-07, Sec. 3 (2007)

11-0205. **TERM OF LICENSE.** The license herein provided for shall be in force from the date thereof until the 1st day of January thereafter.

11-0206. **IMPOUNDING DOG OR CAT RUNNING AT LARGE.** If any dog or cat, male or female, licensed or unlicensed, shall be found running at large, said dog or cat shall be impounded as hereinafter provided.

11-0207. **IMPOUNDED ANIMALS -- NOTICE TO OWNER AND REDEMPTION.** Not later than two days after the impounding of any dog or cat, the owner, if known, shall be notified. The owner of any dog or cat so impounded may reclaim such animal upon payment of the license fee, if unpaid, the costs of impoundment and maintenance, all costs incurred in giving any needed rabies inoculations, together with an administrative penalty in the amount approved by resolution of the City Council.

11-0208. **IMPOUNDED ANIMALS -- DISPOSITION OF UNCLAIMED OR INFECTED DOGS AND CATS.** It shall be the duty of the designated agent of the City to keep all dogs and cats so impounded for a period of three (3) days. If at the expiration of three (3) days from the date of notice to the owner such dog or cat shall not have been redeemed, it may be destroyed; any unlicensed dog or cat required by law to be licensed or any dog or cat which appears to be suffering from rabies or to be affected with another dangerous disease shall not be released but may be forthwith destroyed.

11-0209. **ANIMAL KENNELS AND SHELTERS.**

1. No animal kennel or shelter shall be permitted in a residentially-zoned area within the City nor within 300 feet of a residentially-zoned area or any existing actual residence. Provided further that if the animal kennel or shelter involves the temporary or permanent outside housing or keeping of animals, that written permission must first be obtained from all owners within 300 feet of the animal kennel or shelter.
2. For purposes of this section, the following definitions shall apply:
 - (a) Animal kennel - is a licensed or unlicensed facility, public or private, engaged in the business of breeding, buying, selling, or boarding animals.
 - (b) Animal shelter - is a licensed or unlicensed facility, public or private, used to confine, keep or house at any one time more than one animal seized, lost, abandoned, or given over by owners, which animals are not intended to be "permanently

owned and maintained" at the facility by the owner of the facility.

- (c) Permanently owned and maintained - shall mean the person housing or keeping an animal shall have the intent of permanently keeping and owning the animal, and in cases of dogs and cats, having the animals properly licensed and maintained pursuant to the provisions of Chapter 11 of the revised ordinances of the City of Mapleton.

11-0210. **DOGS AND CATS HAVING FIERCE, DANGEROUS OR VICIOUS PROPENSITIES.** The owner of any dangerous, fierce, or vicious dog or cat which shall have bitten any person shall be guilty of an offense. If any dangerous, fierce, or vicious dog or cat shall be found running at large and cannot be safely taken up and impounded, such dog or cat may be slain by any policeman.

11-0211. **HABITUALLY BARKING, CRYING OR HOWLING DOG OR CAT DECLARED PUBLIC NUISANCE.** No person shall keep or harbor any dog or cat which habitually barks, cries or howls. Any such animals which habitually bark, cry or howl are hereby declared to be a public nuisance.

11-0212. **HABITUALLY BARKING, CRYING OR HOWLING DOG OR CAT - PROCEDURE FOR COMPLAINT.** Any person desiring to sign a complaint against the owner of a habitually barking, crying or howling dog or cat must contact the City Auditor or other person designated by the City Council and state his or her name, address, and facts supporting the alleged nuisance. The City, upon receipt of a sufficient complaint, shall then notify the person owning, harboring, or keeping the animal that a complaint has been received and that such nuisance must be abated within forty-eight (48) hours, and remain abated for a period of two (2) months. Notice shall be sufficient for purposes of this section if the alleged violator is informed orally of the complaint or if notice of the complaint is posted upon a door of the residence where the alleged violation occurred. If the animal is not quieted within the above time period, and for the prescribed time period, a formal complaint may be signed before the Municipal Judge and served upon the owner.

11-0213. **COLLECTION OF ANIMAL SOLID WASTE.** Every person having custody or control of a dog or cat shall be equipped to, and collect said animal's solid waste when eliminated on property owned by the City of Mapleton, the Mapleton Park Board, the Mapleton School District, or any private property. Any person who wishes to make a complaint regarding violations of this section must appear before the Judge of the Municipal Court and sign a complaint.

Source: Ord. 183-05, Sec. 1 (2005).

11-0214. **RABIES CONTROL.**

1. If a dog or cat is believed to have rabies, or has been bitten by an animal suspected of having rabies, or bites a human being, such dog or cat shall be confined on the owner's premises and only be allowed outside of an enclosure under the direct supervision of an adult, provided the owner can provide proof that the animal is currently vaccinated for rabies. If no proof of a current rabies vaccination is provided, the animal will be quarantined with a licensed veterinarian or the city pound at the expense of the owner, for a period of ten (10) days from the date of the bite or from the date the animal is suspected of having rabies. The owner shall notify the City of the fact that the dog or cat has been exposed to rabies or has bitten a human being and, if in the discretion of the City Council the dog or cat is not properly confined by the owner, the City Auditor is empowered to have such dog or cat removed from the owner's premises to the local pound or local veterinarian, and there placed under observation for a period of ten (10) days at the expense of the owner.
2. Every owner, or other person, upon ascertaining a dog or cat is rabid, shall immediately notify the City, which shall either remove the dog or cat to the pound or summarily destroy it.
3. If the animal shows clinical signs of rabies during the period of isolation, it must be humanely destroyed immediately in a manner that preserves the brain intact, and the brain tissue shall be transferred to the proper authorities to be examined for rabies.
4. Any animal confined in the city pound under the provisions of this section shall not be released until all expenses of impoundment and related veterinary care are fully paid. Owners of any dog or cat that is to be placed in the pound or destroyed pursuant to the provisions of the above sections may request the City Auditor to review the impoundment or decision to destroy the animal.
5. The owner or other person in charge of any dog or cat, upon demand by any peace officer, must surrender the dog or cat which has bitten a human or domestic animal, or which is suspected as having been exposed to rabies, to city or state officials or to a licensed veterinarian as directed by the city or state officials. It is unlawful for an owner or other person in charge of an animal to fail or refuse to surrender the animal as required by this section. Notwithstanding any other provision of this title, any dog or cat that has bitten a human or domestic animal, or that is suspected of having rabies, may be seized by any peace officer.