

## CHAPTER 57

# DANGEROUS AND VICIOUS ANIMALS

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**57.01 DEFINITIONS.** For use in this chapter, the following terms are defined:

1. “Animal” means every wild, tame, or domestic member of the animal kingdom other than the genus and species *Homo sapiens*.
2. “Dangerous animal” means:
  - A. Dogs of the variety commonly referred to as “pit bull”;
  - B. Badgers, wolverines, weasels, mink and other Mustelids (except ferrets);
  - C. Black widow spiders and scorpions;
  - D. Raccoons, opossums, and skunks.
3. “Dog” means and includes members of the canine species, male or female, whether neutered or not.
4. “Owner” has the same meaning given in Chapter 55.
5. “Vicious animal” means any animal, except for the dangerous animals listed above, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious propensities in present or past conduct, including such that said animal: (i) did bite once causing injuries to person or clothing; or (ii) could not be controlled or restrained by the owner at the time of the bite to prevent the occurrence; or (iii) has attacked or bitten any domestic animal or fowl, or (iv) which has been found to possess such propensities by the Council, after hearing.

**57.02 KEEPING OF DANGEROUS ANIMALS PROHIBITED.** No person shall keep, shelter, or harbor any dangerous animal as a pet, or act as a custodian for such animal, temporarily or otherwise, or keep such animal for any purpose or in any capacity within the City, except by written consent of the Council. *(Ord. 2017-02 – Feb. 18 Supp.)*

### **57.03 SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS ANIMALS.**

1. In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way, or the property of someone other than its owner, thereby creating a hazard to persons or property, such animal may, in the discretion of the animal control officer or peace officer, be destroyed if it cannot be confined or captured. The City shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

2. Upon the written complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal on premises in the City, the animal control officer shall cause the matter to be investigated and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous animal in the City, the animal control officer shall order the person named in the complaint to safely remove such animal from the City or destroy the animal within three (3) days of the receipt of such order. Such order shall be contained in a notice to remove the dangerous animal, which notice shall be given in writing to the person keeping, sheltering, or harboring the dangerous animal, and shall be served personally or by certified mail. Such order and notice to remove the dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person, in which case the animal control officer shall cause the animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of physical harm to any person. Failure to comply with an order of the City issued pursuant hereto constitutes a misdemeanor offense.

**57.04 KEEPING OF VICIOUS ANIMALS PROHIBITED.** No person shall keep, shelter, or harbor for any reason within the City a vicious animal as defined in this chapter.

**57.05 SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS ANIMALS.**

1. The animal control officer or police officer, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal as defined herein, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the Council. The person owning, keeping, sheltering, or harboring the animal in question shall be given not less than seventy-two (72) hours' written notice of the time and place of said hearing. Said notice shall set forth the description of the animal in question and the basis for the allegation of viciousness. The notice shall also state that if it is determined that the animal is vicious, the owner will be required to remove it from the City or allow it to be destroyed. The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.

2. If, after hearing, the Council determines that an animal is vicious, the Council shall order the person owning, sheltering, or harboring or keeping the animal to remove it from the City, or to cause it to be destroyed in a humane manner. The order shall immediately be served upon the person against whom issued in the same manner as the notice of hearing. If the order is not complied with within three (3) days of its issuance, the animal control officer or police officer is authorized to seize and impound the animal. An animal so seized shall be impounded for a period of seven (7) days. If at the end of the impoundment period, the person against whom the order of the Council was issued has not petitioned the District Court for a review of such order, the animal control officer or police officer shall cause the animal to be destroyed.

3. Failure to comply with an order of the Council issued pursuant hereto shall constitute a misdemeanor offense.

4. Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended, in which case the animal control officer

may immediately destroy it or unless its ownership is not ascertainable, in which case the animal control officer may destroy it after three (3) days of impoundment.

5. Any animal which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing. All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious.

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