

Title 8

ANIMALS

Chapter:

8-1 Cruelty to Dumb Animals

8-2 Regulate the Keeping of Dogs

8-3 Keeping of Livestock

Chapter 8-1

CRUELTY TO DUMB ANIMALS

Sections:

- 8-1-1 Abuse of Animals
- 8-1-2 Violations; Penalty

8-1-1 Abuse of Animals. It shall be unlawful for any person to unnecessarily or cruelly beat or otherwise torture or abuse any animal within the limits of the Town of Alberton.

8-1-2 Violations; Penalty. Any person violating any provision of this Chapter shall, upon conviction, be punished as set forth in Section 1-7 of this Code.

Chapter 8-2

DOGS

Sections:

- 8-2-1 Definitions
- 8-2-2 Vaccination
- 8-2-3 License and Registration
- 8-2-4 Tag and Collar
- 8-2-5 Dogs Running at Large
- 8-2-6 Impounding *Removed*
- 8-2-7 Notice and Redemption *Removed*
- 8-2-8 Disposition of Unredeemed Dogs *Removed*
- 8-2-9 Animals Exposed to Rabies
- 8-2-10 Emergency Rabies Control
- 8-2-11 Duties and Powers of Dog Control Officer
- 8-2-12 Number of Dogs
- 8-2-13 Cruelty to Animals; Poisoning
- 8-2-14 Nuisance Animals
- 8-2-15 Vicious Animals
- 8-2-16 Penalties

8-2-1 Definitions. As used in this chapter, unless the context otherwise indicates, the following terms shall have the meaning ascribed to each.

- (a) Owner: Any person owning keeping or harboring a dog.
- (b) At large: Off the premises of the owner and not under control of a competent person.
- (c) Restraint: Controlled by a leash not longer than six (6) feet or within a vehicle with permission of the owner; or within the property limits of premises controlled by the owner or other person consenting thereto.
- (d) Animal Shelter: Any premises provided by the Town and maintained by the Dog Control Officer for impounding and caring for dogs.
- (e) Vaccination: The inoculation of a dog with anti-rabies vaccine, having an effective immunity of at least two (2) years, and administered by a licensed veterinarian.

8-2-2 Vaccination. It is unlawful for any person to keep, maintain or harbor any dog over six months of age unless it shall have been vaccinated, as hereinabove defined, within the preceding two (2) years.

8-2-3 License and Registration. It is unlawful for any person to keep, harbor or maintain in the Town of Alberton any dog over six months of age unless such dog is duly registered and licensed as herein provided. Licenses shall be issued by the Town Clerk, upon proof that the dog has been vaccinated against Rabies within two years of the date when such license expires, and upon payment of any annual license fee of \$10.00 for non-neutered male and un-spayed female dogs, or a lifetime license of \$10.00 for all neutered male or spayed female dogs. The annual license shall expire on January 1, following its issuance. The owner shall state at the time application is made for such license, and upon forms provided for such purpose, his name and address, the name breed, color, sex, coat and any identifying marks of the dog for which application is made, and shall provide proof of the date and by whom the vaccination was done. Further, if the owner is applying for a license for the lifetime of the dog, he shall furnish proof that the dog is either neutered or spayed. The provisions of this Section shall not apply to non-residents having dogs under restraint within the Town less than fifteen (15) days. If a dog was kept, harbored or maintained in the Town of Alberton prior to March 1, and the Owner did not obtain a license for said dog as herein provided, the required license fee for that year shall be increased \$10.00. A picture of the dog is required at the time of licensing. If a puppy, this must be updated when full grown.

8-2-4 Tag and Collar. Upon receipt of a proper application, proof of vaccination, and the license fee, the Town Clerk shall issue to the applicant a license certificate and a metallic tag. The tag shall have stamped thereon the year for which it was issued, and the number corresponding with the number on the certificate. Every owner is required to provide each dog with a substantial collar, to which the license tag shall be affixed at all times. Any dog found off the owner's premises without a license tag shall be deemed to be not licensed, even though a license has been issued for such dog. In the event that a dog tag is lost or destroyed, a duplicate shall be issued by the Town Clerk, upon presentation of an affidavit to that effect, or a receipt or duplicate receipt showing that payment of the license fee has been made for the current year, and the payment of a fee of one (\$1.00) Dollar for such duplicate. License tags are not transferable from one dog to another and it shall be unlawful for any person to cause or permit a license tag to be placed upon a dog for which it is not issued. Any dog found with a license tag issued for another dog shall be deemed to be not licensed. No refunds shall be made on any dog license fee because of the death of the dog or the owner leaving Town before the expiration of the license period.

8-2-5 Dogs Running at Large. It is unlawful for the owner of any dog to permit the same to be at large, not under restraint at any time with a leash no longer than 6 (six feet *unless the dog is voice command responsive.*

~~8-2-6 Impounding.~~ Unlicensed dogs, or dogs found at large and not under restraint, shall be taken up by the Dog Control Officer or any law enforcement officer and impounded in the Animal Shelter. ~~The Dog Control Officer shall make a complete register of every dog impounded, showing the time and place of taking, the breed, color, sex and distinguishing marks of such dog, and if licensed, the number of the license and the name and address of the owner. Licensed dogs shall be separated from unlicensed dogs at the animal shelter and males separate from females.~~

~~8-2-7 Notice and Redemption.~~ It is hereby declared the duty of every owner of any dog to know its whereabouts at all times. ~~In the event that any dog is impounded, the owner shall redeem the same within ninety six (96) hours, without any formal notice, or it shall be subject to disposal by the Dog Control Officer as hereinafter provided. The owner of any impounded dog may redeem the same within such period of time by paying the sum of Ten (\$10.00) Dollars for the first day and \$5.00 for each additional 24 hours the dog is maintained at the animal shelter. The owner of any unlicensed dog that is impounded shall obtain a license for such dog prior to the time of its release from the animal shelter.~~

~~8-2-8 Disposition of Unredeemed Dogs.~~ If an impounded dog is not redeemed within ninety six (96) hours from the time it is taken and impounded, it may be put to death in a humane manner.

~~8-2-9 Animals Exposed to Rabies.~~ Every dog or other animal which has been bitten by, or exposed to, any animal suspected to have been infected with rabies shall be forthwith seized and taken up by the Dog Control Officer appropriate law enforcement officer and securely and separately impounded in the animal shelter. All such animals shall be quarantined in the pound or at a licensed veterinarian hospital for a period of fourteen (14) days. ~~It shall be the duty of the Dog Control Officer to notify the Public Health Officer of every such animal impounded. If, after observation under the supervision of the Public Health Officer for such period, any such animal, upon payment of the regular fee of three (\$3.00) dollars per day for its maintenance and care and upon compliance with licensing requirements. In the event that any animal under quarantine is diagnosed as being rabid, it shall be disposed of only under the orders and directions of the Public Health Officer in his absolute discretion.~~

~~8-2-10 Emergency Rabies Control.~~ Upon the positive diagnosis of rabies infection of any animal in the Town, the Mayor may issue a Town-quarantine Order, providing for the summary destruction of all animals known to have been exposed to rabies, or all unconfined animals, or may make such other orders as he deems necessary or expedient for the protection of the public.

~~8-2-11 Duties and Power of Dog Control Officer.~~ In addition to the duties and powers of the Dog Control Officer otherwise prescribed, he shall keep and maintain adequate records of all animals impounded and all actions taken in the course of his duty; he shall carry out and enforce all of the provisions of this chapter and amendments

thereto; he shall enforce the licensing and control of all animals in the Town as provided in this chapter; he shall seize and take up all animals violating the terms of this chapter and maintain the same in a suitable and humane manner at the Animal Shelter where this chapter requires that an animal be put to death, he shall accomplish this in a humane manner; he shall be empowered to pursue upon private property any animal violating any provision of this chapter or when attempting to seize any animal suspected of having been exposed to rabies; he shall make complaints in Police Court for violation of this chapter and shall attend and testify in Court when required; and he shall have authority to make out and issue tickets for violations of this chapter. ~~Town Clerk shall act as Dog Control Officer.~~

8-2-12 Number of Dogs. It shall be unlawful for any person or family, to keep, harbor or maintain any number more than two (2) dogs over six months of age, whether licensed or not, in or upon premises without first obtaining the permission of the ~~Animal Control Authority, Town of Alberton~~ and any person having any dogs over the number of two (2) and up to five (5), shall obtain a permit from the ~~Animal Control Authority Town of Alberton~~ at the cost of one dollar (\$1.00) for said permit. This Section shall not apply to licensed veterinarian hospitals, but it is intended to apply to keeping or maintaining a dog kennel and breeding dogs for profit which are hereby declared to be nuisances, unless licensed after permission granted by the ~~Animal Control Authority, Town of Alberton~~ after application and hearing. A kennel license shall be required where the applicant owns, harbors or keeps five (5) or more dogs and shall be authorized or refused in the sole discretion of the ~~Animal Control Authority, Town of Alberton~~ having regard to the facilities offered and the effect upon neighbors. The kennel license fee shall be fifteen dollars (\$15.00) per calendar year, or any part thereof, for the first five (5) dogs and one dollar (\$1.00) for every dog over the number of five (5); all licenses mentioned herein shall expire on December 31 unless sooner revoked. Upon complaint being made to the ~~Animal Control Authority Town of Alberton~~ that a licensed kennel is being operated in what is considered to be an improper manner, the ~~Animal Control Authority Town of Alberton~~ shall schedule a hearing upon the revocation. After the hearing, the ~~Animal Control Authority Town of Alberton~~ may either revoke or continue the kennel license, in its discretion. In this and all other decisions of the ~~Animal Control Authority, Town of Alberton~~ a minimum of five (5) members shall constitute a quorum and a majority vote of the members present shall constitute the decision of the Authority.

8-2-13 Cruelty to Animals; Poisoning. It is unlawful for any person to willfully and/or cruelly inflict pain upon or injure any animal. It is unlawful for any person to lay out or expose any poison for the purpose of killing any dog or other animal, or to aid or abet any person in doing so.

8-2-14 Nuisance Animals. It is hereby declared a public nuisance for any dog or other animal to destroy property or other pets, to bite, or chase after persons not trespassing on the property or the owner, to chase vehicles in public streets or ways, or by prolonged howling, yelping, barking, or any other means, cause annoyance or disturbance to any person. ~~Any such nuisance animal may be taken up and impounded by the Dog~~

~~Control Officer.~~ It is unlawful for any person to own, harbor, keep, or maintain any such nuisance animal and it shall be the duty of ~~the Dog Control Officer~~ and all law enforcement officers to issue tickets and file complaints for all such violations occurring in their presence. Any person aggrieved by a nuisance animal may file a complaint at Town Hall, charging the owner with the violation of this section where the offense is not committed in the presence of ~~the Dog Control Officer~~ law enforcement officers. *First Complaint a letter will be written to the offender, second complaint a town official will talk to the offender, third complaint the Sheriff will contact the offender.* ~~Upon a third conviction under this section the nuisance animal shall be seized and taken up by the Dog Control Officer and put to death forthwith.~~

8-2-15 Vicious Animals. Whenever affidavit shall be made before the ~~Dog Control Officer or the Police~~ law enforcement officer or the Town Judge that any dog or other animal has bitten a person and that the person bitten was not at the time trespassing upon the property of, or injuring or attempting to injure the person, family or property of the owner, the ~~Dog Control Officer or Police~~ law enforcement officer or Town Judge shall issue an order requiring the owner of such dog or other animal to surrender the same to ~~the Dog Control Officer~~ the law enforcement officer for quarantine within twenty-four (24) hours after service of the order. Such order may be served by ~~the Dog Control Officer~~ or any law enforcement officer and, if the owner cannot be found at his place of residence, the order may be served by leaving it with a person of suitable age and discretion at, or by placing it in a prominent place at the front door of, such residence. It is unlawful for any person to refuse or neglect to surrender any such vicious animal within twenty-four (24) hours after the service of such order as herein provided, and the ~~Dog Control Officer~~ law enforcement officer shall forthwith seize and impound such animal without notice. In the event that the owner is unknown upon the making of such affidavit, ~~the Dog Control Officer,~~ or any law enforcement officer shall seize and impound such animal without notice. All dogs or other animals impounded under this section will be quarantined at a pound or at a licensed veterinarian hospital for the period and under the same conditions as stated in chapter 8-2-9. Any dog or other animal, which has bitten persons on separate occasions, shall be put to death by order of the Town Council. Any person may protect his pets, his property, his person, or the dangerous dog or other animal by force, even to the extent of slaying the same, if reasonably necessary.

8-2-16 Penalties. Any person found violating any provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of Twenty-five (\$25.00) Dollars for a first conviction, Fifty (\$50.00) Dollars for a second conviction, One-hundred (\$100.00) Dollars for a third conviction and a doubling for the fine for each conviction thereafter. An imposition of a fine for any conviction shall not be suspended or deferred. Any sums due for payment of required license fees and boarding costs shall also be payable at the time of payment of the fine.

AMENDMENTS: Penalties (increase) in Minutes 12/11/94 References to "Poundmaster" in all sections changed to "Dog Control Officer". Chapter 8-2 changed to follow Superiors Chapter 8.02. Keep our section 8-2-6 Number of Dogs and 8-2-20

Cruelty to Animals. 8-2-11 Duties and Power of Dog Control Officer ADDED: “Town Clerk shall act as Dog Control Officer.” Resolution # 158 8/26/97. Amended Dog Ordinance by adding new impounding fee schedule 05/06/03. Amended leash law ordinance to include 6’ leash on the restrain 9/2/03. Amended 8-2-5 Dogs running at large ADDED: unless the dog is voice command responsive 09/09/10. Remove 8-2-6 Impounding, 8-2-7 Notice and Redemption, 8-2-8 Disposition of Unredeemed Dogs 09/9/10. Change “Dog Control Officer” to law enforcement officer 09/09/10. Any strikethroughs are deleted items; they are replaced with italics throughout 09/09/10.

Chapter 8-3

KEEPING OF LIVESTOCK

Sections:

- 8-3-1. Locating Livestock
- 8-3-2. Rental or Multi-family Property
- 8-3-3. Nuisance Livestock
- 8-3-4. Cruelty to Animals
- 8-3-5. Violation—Penalties

8-3-1. Locating Livestock: It is hereby provided that any livestock kept within the Town of Alberton shall be situated not closer than twenty feet (20') from any residential structure occupied by someone other than the livestock owner, custodian or keeper.

8-3-2. Rental or Multi-family Property: Livestock may be kept on a single-family parcel or on a parcel with more than one dwelling if all residents and owners consent in writing.

8-3-3. Nuisance Livestock: It unlawful for the livestock owner, custodian or keeper to allow an animal to be a nuisance to any neighbors, including noxious odors or noises of a loud, persistent and habitual nature.

8-3-4. Cruelty to Animals: Livestock shall be provided with adequate, safe and clean housing, protected from predators and feed must be stored in predator-proof containers.

8-3-5. Violation—Penalties: Any person found violating any provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of twenty-five dollars (\$25.00) for a first conviction, and one hundred dollars (\$100) for a second conviction and a doubling of the fine for each conviction thereafter. After the third conviction, the Town may confiscate the animals.

Passed by the Town Council on first reading January 4, 2011.

Passed, adopted and approved on second reading February 1, 2011.

TOWN OF ALBERTON:

BY: _____
Joe Hanson, Mayor

ATTEST:

BY: _____
Diane Jodsaas, Town Clerk