

Sec. 10-1. Purpose.

The purpose of this chapter is to promote harmonious relationships in the interaction between man and animal by:

- (1) Protecting animals from improper use, abuse, neglect, exploitation, inhumane treatment and health hazards;
 - (2) Delineating the animal owner's or harborer's responsibility for the acts and behavior of his animal at all times;
 - (3) Providing security to residents from annoyance, intimidation, injury and health hazards by animals; and
 - (4) Encouraging responsible animal ownership.
- (Ord. of 4-29-1991, § 2)

Sec. 10-2. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned animal means any domesticated placed upon public property or within a public building or upon or within the private property of another without the express permission of the owner, custodian or tenant of any private property and is unattended or uncared for. Any domesticated animal shall also be considered abandoned when it has been unattended or without proper food and water for a period in excess of 36 hours, regardless of where said animal may be found or kept.

Animal means animals that are accustomed to live in or about the habitation of men, including, but not limited to, cats, dogs, fowl, horses, swine, domesticated wild animals and/or exotic animals. (This definition only applies to those animals mentioned herein and is only applicable to this chapter and in no way affects the meaning or application of a definition of the described animal, as may be found in any other county ordinance.)

Animal at large means an animal not under restraint and off the property of the owner.

Animal shelter means the facility designated by the commissioner for the detention of animals.

Animal shelter officer means any person so designated by the animal shelter director to perform the duties prescribed by this chapter.

Animal under restraint means any animal secured by a leash or lead; or enclosed by way of a fence or other enclosure; or under the control of a responsible and competent person and obedient to that person's command, and the person being present with the said animal; or confined within a vehicle, parked or in motion.

Director means the animal shelter director.

Guard dog means any dog which has been trained to attack persons or other animals independently or upon oral command and any dog which, while not so trained, is reasonably expected to perform as a guardian of the property upon and within which he is located.

Owner means any person who owns, keeps, harbors or possesses an animal or any person who knowingly permits an animal to be kept, harbored or possessed upon his premises, or who has an animal under his care or responsibility, either temporarily or permanently, at any time in the unincorporated area of the county.

Vicious animal means any animal which constitutes a physical threat to human beings or other domesticated animals by virtue of one or more attacks of such severity as to cause property damage or physical injury. An animal shall also be considered vicious and not under restraint if it makes an unprovoked attack on other domesticated animals that are under restraint or on human beings or on physical property of another or causes serious injury.

(Ord. of 4-29-1991, § 3)

Cross reference—Definitions generally, § 1-2.

Sec. 10-3. Causes for impoundment.

The following animals shall be subject to impoundment by the county and its agents and employees and placed in the impoundment facility:

- (1) All animals which are not properly inoculated against rabies as provided in this chapter or concerning which inoculation the owner thereof is unable or unwilling to present satisfactory evidence.
- (2) All animals which do not bear a collar or tag or which do not bear a tag evidencing inoculation against rabies.
- (3) All animals concerning which satisfactory evidence has been presented to the animal control unit, or any employee or agent thereof, that said the animals have bitten a person.
- (4) All animals suspected of having rabies.
- (5) All animals having rabies.
- (6) All animals required to be impounded under the provisions of any rules and regulations of the county board of health.
- (7) All animals in violation of section 10-4.

(Code 1983, § 4-21)

Sec. 10-4. Running at large.

It shall be unlawful for the owner of any animal to allow it to run at large unattended on or about the streets and highways of the unincorporated limits of the county or on the property of another without said property owner's consent.

(Ord. of 4-29-1991, § 4)

Sec. 10-5. Duty to restrain; exception.

(a) It shall be the duty of any animal owner to restrain his animal in such a way as to prevent the animal from having access to the property of another person without the permission of that person. An animal may leave the property of the animal owner when accompanied by the animal owner, but the animal owner must have control over the animal and must prevent the animal from having access to the property of another person without the permission of that person, or from attacking, threatening or harassing other persons.

(b) It shall be the further duty of any animal owner to restrain his animal in such a manner as to prevent the animal from attacking, threatening or harassing any person on the public rights-of-way of the roads, streets, highways and sidewalks in the county.

(c) Hunting dogs in the custody of persons hunting in accordance with state game and fish department laws, rules and regulations are exempt from the mandates of this section and section 10-4.

(Ord. of 4-29-1991, § 5)

Sec. 10-6. Abandonment.

It shall be unlawful for any person to knowingly abandon any domesticated animal within the county. Each person who does abandon knowingly, or willingly permits such abandonment, or aids in the abandonment of any domesticated animal shall be in violation of the law and shall be punished as provided in section 10-15.

(Ord. of 4-29-1991, § 6)

Sec. 10-7. Guard dogs.

(a) It shall be the duty of each owner, tenant or custodian of property upon or within which a guard dog is located to conspicuously post the following notice on the outside of the property:

WARNING
GUARD DOG

(b) Such notice shall be of either red or black letters on a white background, which can be easily read at a distance of 25 feet. In the case of a building, such notice shall be conspicuously posted upon such enclosure at a distance not greater than 50 feet apart, as well as upon each and every entrance and exit through the enclosure. In the case of apartments, condominiums or businesses located within a larger building where the guard dog is located within the apartment, or building solely, this notice shall be conspicuously posted on or about each and every entrance and exit.

(Ord. of 4-29-1991, § 7)

Sec. 10-8. Responsibility for enforcement.

(a) The primary responsibility for the enforcement of this chapter is vested in the director. The county sheriff's deputies, county ordinance officers and other employees of the animal shelter may assist in issuance of citations to persons in violation of this chapter.

(b) If a violation of this chapter has not been personally witnessed by the director or his authorized representative or other employee of the county, a subpoena shall be issued to the person making the complaint, to be and appear on the day and time set for trial, then and there to testify on behalf of the county. The director shall refuse to respond to anonymous complaints.

(c) In the event the owner of any dog or animal is not known and the dog or animal is upon the public streets, alleys, sidewalks, school grounds, other public places or premises or the property of another without that property owner's permission, as prohibited by this chapter, upon complaint made to or information made known to the animal shelter, it shall be the duty of the director or his authorized representative to immediately take possession of such dog or animal and impound it in the animal shelter. Once impounded, an animal shall be kept for a period of time defined in section 10-9, and thereafter, if the animal is not claimed by any person after an effort has been made to locate the owner of the animal as hereinafter provided, the animal may be disposed of in a humane fashion or in accordance with law. Where the director or his authorized representative is required in this section to take possession of any dog or animal and to impound it, he may use any and all means available.

(Ord. of 4-29-1991, § 8)

Sec. 10-9. Impoundment procedure.

(a) Upon impounding any dog or other animal, the director or his authorized representative shall cause to be made a prompt effort to locate the animal's owner and, upon location of the same, shall notify said owner. If said animal is not claimed by the owner within five days (one of which must be a Saturday) or if the owner cannot be located, then it shall be the duty of the director or his authorized representative to dispose of the dog or animal in a humane fashion.

(b) In addition, if said dog or animal is not claimed as provided herein, the director or his authorized representative, in his sole discretion, and after he has satisfied himself that said dog or animal is in good health, may offer the dog or animal for adoption.

(c) In no event shall any animal be redeemed by its lawful possessor, owner or custodian unless those fees established for catching, transporting and boarding said animal, set forth by the county, are paid.

(d) If for any reason, as hereinabove described, an animal is impounded and not claimed after proper notification, in addition to the penalties imposed by this section as hereinabove described, said owner shall be conclusively presumed to have given his consent to the disposal of the animal in a humane fashion in accordance with law.

(Ord. of 4-29-1991, § 9)

Sec. 10-10. Adoption of impounded animals.

(a) The animal control service is authorized to offer for adoption any animal that has been impounded and unclaimed by the owner or that has been donated to the service for the purpose of adoption as provided for in this section.

(b) An animal that has been impounded, if not claimed by the owner within the required time period, may be offered for adoption after five days from the date of impoundment and the payment of all costs and fees incurred by the county in the catching, transporting and boarding of said animal.

(Ord. of 4-29-1991, § 10)

Sec. 10-11. Rabies inoculation.

Any animal owner within the county shall have his animal inoculated for the prevention of rabies by a licensed veterinarian in a manner consistent with law and the county department of health.

(Ord. of 4-29-1991, § 11)

Sec. 10-12. Cruel treatment.

No person shall, by act, omission or neglect, cause unjustifiable physical pain, suffering or death to any animal. This section shall not apply to the killing of animals raised for the purpose of providing food, nor does it apply to any person who shall hunt wild animals in compliance with the game and fish laws of the state. Furthermore, this section shall not apply to the killing or injuring of animals for humane purposes or in the furtherance of medical or scientific research.

(Ord. of 4-29-1991, § 12)

Sec. 10-13. Obstruction of officer.

It shall be unlawful for any person to hinder, interfere, harass or otherwise obstruct the performance of any officer of the animal control service in the official performance of his duties as provided for in this chapter.

(Ord. of 4-29-1991, § 13)

Sec. 10-14. Fees.

Fees collected pursuant to this chapter shall be adopted from time to time by the commissioner and kept on file with the director.

(Ord. of 4-29-1991, § 14)

Sec. 10-15. Violations; penalties.

(a) Any person violating the terms of this chapter or rules and regulations promulgated pursuant thereto shall be subject to section 1-12. All violations of this chapter shall be deemed county offenses and subject to the jurisdiction of the magistrate court of the county.

(b) Each day any such violation continues shall be deemed a separate offense. At the discretion of the presiding judge, a violator of this chapter may be given a reasonable length of time to rectify or correct the violation.

(Ord. of 4-29-1991, § 15)

Chapters 11—13

RESERVED