

ORDINANCE NO. 2017-09

An ordinance amending Sections 91.01; 91.07 and 91.13 to Chapter 91 Animals of the ordinances for the City of Gregory;

BE IT ORDAINED BY THE CITY OF GREGORY that Sections 91.01; 91.07 and 91.13 of Chapter 91 Animals be amended to read as follows:

91.01 Definitions

Words, when used in this chapter, unless the context otherwise plainly refers, shall have the meaning indicated:

- A. **ANIMAL:** Any mammal, bird, reptile, amphibian or fish, except humans.
- B. **ANIMAL CONTROL OFFICER:** Any person or persons duly appointed to the position by the City Council, or an employee of the City of Gregory responsible for animal control within the City.
- C. **ANIMAL SHELTER:** Facility designated for the care of animals impounded, whether maintained by the City or a contracted agency.
- D. **AT LARGE:** An animal which is not under the control of the owner, possessor, keeper, agent, servant, or a member of his immediate family by a leash or lead or being tied to a sturdy stake or tree, or is not within an area which is fenced.
- E. **EXOTIC ANIMALS:** Any animal which is ordinarily found in an unconfined state and is usually not kept as a household pet, including, but not limited to: Lions, tigers, cheetahs, panthers, leopards, cougar, mountain lions, ocelots, any wild members of the genus felis, lynx, bobcats, foxes, minks, skunks, raccoons, bears, nonhuman primates, wolves and coyotes. "Exotic Animal" shall not include domestic ferrets (*Mustelia Furo*), livestock, or household pets as defined here in. Alleged domestication of any exotic animal shall not affect its status under this definition.
- F. **FENCE:** A fence may be visible or invisible. Fences meant to contain an unleashed or untied animal must be constructed of materials and in a manner designed to achieve the purpose of containment of the animal intended to be kept within the area fenced. An animal which is able to breach the fences may be considered to be at large and may be impounded.
- G. **HOUSEHOLD PET:** An animal customarily permitted to be kept in a yard or dwelling for company or pleasure, including but not limited to dogs, cats, gerbils, hamsters, tropical fish, or common house birds, provided that such animals are not kept to supplement food supplies or for any commercial purpose.
- H. **IMPOUND:** The act by an authorized person of taking up and confining an animal within an animal control facility or shelter.
- I. **LIVESTOCK:** Includes but is not limited to horses, mules, cattle, bison, burros, llamas, alpacas, swine, sheep and goats, poultry which includes but is not limited to chickens, turkeys, game birds, pea fowl and ostriches.
- J. **LEASH:** Means a cord, thong, or chain not more than ten (10) feet in length by which an animal is controlled by the person accompanying it off the caretaker's property.
- K. **OWNER:** Means a person owning, keeping or harboring an animal; the occupant of any premises to which a dog or animal customarily returns is presumed to be the owner.
- L. **PREMISES:** Means the dwelling house and out buildings and the lot or tract of land on which the same are situated and shall include an automobile or other vehicle in which the owner of the animal shall be an occupant or of which he shall have control, or in which the animal shall be situated with the consent of the owner of the vehicle.

- M. **VACCINATION:** Means the injection by a licensed veterinarian of vaccine.
- N. **VETERINARIAN:** Means any licensed practitioner of veterinary medicine licensed to practice such profession in the state.
- O. **VICIOUS ANIMAL:** Is one that bites or attempts to bite any person; bites another animal, or in a vicious and terrorizing manner approaches any person in an apparent attitude of attack, whether or not the attack is consummated.

91.07 DISTURBING THE PEACE

- A. The owner or custodian of an animal shall not allow the animal to create a nuisance by making loud noises any time of the night or day.
- B. A nuisance shall constitute an ongoing problem over several days and/or at several intervals throughout a 24-hour period for any length of time. The Police Department shall have the authority to use all reasonable means to abate such nuisance, including but not limited to, requiring that the owner make bona fide efforts to quiet his animal, and impoundment of the animal when the owner is absent from the premises. A notice advising the owner of the impoundment shall be left on the premises. No summons and complaint shall be issued unless there are two (2) or more complaining witnesses from separate households who shall have signed such complaint. The Police Department or Animal Control Officer that has investigated and documented the complaint of a single complainant and observed the behavior of the animal complained of, with regard to its frequent, habitual and continued loud noises, may satisfy the requirement for the second complaining witness and may also testify to his observations at trial.
- C. An animal or several animals contained upon one property constitute a nuisance when loud noises are made by the animal or animals consistently throughout the day or night, or, at intervals over the course of a day or night.
- D. Complaints by citizens about animals violating 91.07 (B) shall be made in writing, signed by the complaining party, and delivered or mailed to the Police Department. Upon receipt of two or more signed complaints from separate households within any fourteen day period, the Animal Control Officer or Police Department shall provide written notice to the residents of the Property complained of that the animal must be quieted. Or the animal maybe impounded by the City, and the residents cited for violation of this ordinance. One of the two required complaining parties maybe the Animal Control Officer or Police Officer.
- E. If the resident is absent from the premises at the time of impounding for Violation of Section 91.07 (C), a notice advising of the impoundment shall be left on the premises of the resident(s) premise.

91.13 VICIOUS ANIMALS

- A. An animal maybe declared to be vicious by the Animal Control Officer or Police Officer for the following reasons:
 1. An animal which, in a vicious or terrorizing manner, approaches in an apparent attitude of attack, or bites, inflicts injury, assaults or otherwise attacks a person or other animal upon any public ground or place; or
 2. An animal which on private property in a vicious or terrifying manner approaches in an apparent attitude of attack, or bites or inflicts injury or otherwise attacks a person or other animal who is on private property by reason of permission of the owner or occupant of such property or wo is on private property in the course of dealing with the owner or occupant of such property, or

3. Any animal of a known propensity, tendency or otherwise threaten the safety of human beings or animals,
4. No animal maybe declared vicious if the injury or damage is sustained to any person or animal who was tormenting, abusing or assaulting the animal or who was trespassing on the property by committing or attempting to commit a crime.

B. When the animal control officer or police officer declares an animal to be vicious; the officer shall notify the owner of such declaration in writing that such animal must be registered as a vicious animal. Said notice shall be served either in person or by mailing such notice by certified mail.

C. The owner of an animal that has been declared vicious shall make application to the animal control officer or police department to register said vicious animal and shall comply with the following:

1. The owner of the animal shall notify the animal control officer or police department of any changes in the following:
 - a. Ownership of the animal
 - b. Name, address and telephone number of a new owner.
 - c. Address change of the owner or any change in where the animal is housed.
 - d. Any change in the health status of the animal or death of the animal.
2. If the animal is outdoors and attended, the animal shall be muzzled, on a leash no longer than six feet and under the control of a person over 18 years of age.
3. If the animal is outdoors and unattended, the animal must be locked in an escape proof kennel approved by the animal control officer or police department. Minimum standards shall include the following:
 - a. Fencing material shall not have openings with a diameter of more than 2".
 - b. Any gates with such pen or structure shall be lock able and of such design to prevent the entry of children or the escape of the animal.
 - c. The pen or structure shall have secure sides and top. If the pen or structure has not bottom secured to the sides, the sides shall be embedded in the ground or concrete.
 - d. The pen or structure shall protect the animal from the elements.
 - e. The pen or structure maybe required to have a double exterior wall to prevent the insertion of fingers or other objects.
4. A universal sign denoting a vicious animal shall be displayed on the pen or structure visible from the sidewalk/street and adjacent to the property where the animal is kept.
5. The owner shall carry \$100,000 liability insurance covering the medical and/or veterinary costs resulting from the vicious animal's actions or any other damage the animal may do. Proof of insurance shall be filed with the Gregory Police Department annually.

D. The vicious animal shall be impounded by the police department, at the owner's expense until such time as the provisions in Section C are complied with.

E. If the conditions in Section C are not met within a period of 30 days, the animal shall be euthanized. All costs associated with impoundment, compliance with Section C herein, and euthanasia shall be paid by the owner.

F. The owner or care taker of a vicious animal shall immediately notify the animal control officer or police department if the animal should become loose or attacks a human or animal.

G. If the vicious animal is owned by a minor, the parent/guardian of the minor shall be responsible for the compliance of all the regulations imposed and liable for all injuries or damages sustained by any person caused by an attack by the animal.

H. Any vicious animal found off the premises of the owner, other than provided by this section, shall be seized by the animal control officer or police department and impounded. If the animal cannot be captured, the animal control officer or police department officer may have the animal destroyed. If the animal was seen off the property or if it bites a person or animal, the animal will be delivered to the City's shelter within 24 hours and the owner to appear in court to show cause why this animal should not be destroyed. The animal control officer or police department officer shall use such means as necessary to impound the animal. The owner shall bear all cost of impoundment and board.

Scott Anschutz
Mayor, Scott Anschutz

ATTEST:

Al Arny

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