

ORDINANCE 426: DOGS

AN ORDINANCE PERTAINING TO DOGS WITHIN THE TOWN OF WILSON CREEK.

Offenses Relating to Safety & Sanitation

It is unlawful for an individual to do any of the following:

1. Allow the accumulation of animal feces in any open area, run, cage or yard, wherein animals are kept.
2. Fail to remove from public property that fecal matter deposited by his or her animal on public property before the owner leaves the immediate area where the fecal matter was deposited.
3. All pet owners and custodians are required to immediately and properly dispose of their pet's solid waste deposited on any property, public or private, not owned or possessed by that person; provided, however, that any owner or keeper who requires the use of a disability assistance animal shall be exempt from the provisions of this section while such animal is being used for that purpose.
4. Fail to have in his or her possession the equipment necessary to remove his or her animal fecal matter when accompanied by such animal on public property or on a public easement.
5. Have possession or control of any animal sick or afflicted with any infections or contagious diseases and fail to provide treatment for such infection or disease; or allow or permit such diseased or infected animal to run at large or come in contact with other animals or human beings or drink at any public or common watering trough or stream accessible to other animals.

Offenses Relating to Ownership, Possession & Control

It is unlawful for any individual to do any of the following:

1. Permit any dog to run at large, provided that dogs may be allowed on public right-of-ways and on other public property where dogs are not prohibited if in the physical control of a person.
 - a. No owner or custodian of any dog or cat shall permit the same to go at large. A dog is considered at large when it is free or restraint or confinement, without a person to control the animal. A cat is considered at large when it is on private or public property without the consent of the owner or custodian of the property. A dog or cat shall not be "at large" if it remains on the owner's premises, or is in the presence of the owner; the owner shall maintain control of the animal when on public property. Any dog chasing or molesting wildlife on public property is declared to be a nuisance and dangerous to the public health, safety and welfare.
2. Permit any dog to enter any public fountain at any time or school ground while children are present.
3. Fail to confine any dog that is in heat in a secure enclosure to that the female dog cannot come in contact with a male dog unless the male dog is admitted by the owner of the female dog.
4. Permit any animal to:
 - a. Damage public property or the private property of another; or
 - b. Spread or spill garbage.

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5. Permit any animal to trespass upon the property of another.
6. Have in his or her possession any animal not owned by him or her without the knowledge of the rightful owner thereof or to fail to surrender such animal to the director upon demand.
7. To keep or maintain more than three dogs and three cats more than three months of age, at any one residence or premises in the city, except at an animal (veterinary) hospital clinic. For purposes of this section, no more than three dogs may be kept at any one residence. If more than three dogs are kept at any one residence, all adult residents of such residence are in violation of this section.
8. Interfere or tamper with any animal control authority trap or pound; such activity shall include, but not be limited to, any action of any individual to physically retrieve or release an impounded or confiscated dog.
9. Permit any dog or fowl to remain outside of the owner's or custodian's dwelling or outside of the closed building where the dog or fowl is kept while any such dog or fowl is causing excessive or frequent noises which disturb or are likely to disturb the comfort or repose of other persons in the neighborhood. A violation of this section is declared to be a public nuisance and adverse to the public health and welfare.

Violation – Penalty – Dogs Running at Large

The first offense for permitting a dog to run at large in violation of Offenses Relating to Ownership, Possession & Control (1), shall be a civil infraction which subjects the offender to a maximum monetary penalty of up to two hundred fifty dollars (\$250).

The second and any other subsequent offense that involves an incident occurrence date within one year following the conviction date of the first offense shall be a misdemeanor which, upon conviction, shall subject the offender to misdemeanor criminal penalties.

For purposes of this section, the prior conviction of an individual for a violation of Offenses Relating to Ownership, Possession & Control (1) may or may not involve the same dog running at large. Each day upon which a violation of Offenses Relating to Ownership, Possession & Control (1) occurs shall be a separate offense.

Dogs May Be Destroyed

Any dog impounded under the provisions of this chapter which has bitten any person and after examination by a qualified veterinarian has been determined by him or her to have rabies or other disease rendering such dog dangerous to persons, may be destroyed by an animal control officer.

Passed by the council and approved by the mayor this 14th day of June 2018.

Signed: _____
Kevin Newland, Mayor

Attest: _____
Kaci Anderson, Clerk/Treasurer