

Title 6 ANIMALS

6.01 Definitions

- 6.01.010 Definitions
- 6.01.020 Animal
- 6.01.030 Animal shelter
- 6.01.040 Bodily injury
- 6.01.050 Certificate
- 6.01.060 Code enforcement officer
- 6.01.070 Feral cat
- 6.01.080 Owner or animal owner
- 6.01.090 Premises
- 6.01.100 Rabies vaccination
- 6.01.110 Running at large
- 6.01.120 Vicious animal
- 6.01.130 Guard dogs
- 6.01.140 Abandoned animals

6.02 Rabies Control

- 6.02.010 Rabies vaccination
- 6.02.020 Vaccine
- 6.02.030 Dog license
- 6.02.040 Vaccination certificate
- 6.02.050 Rabies tag
- 6.02.060 Duplicate tag
- 6.02.070 Production of certification

6.03 Registration—License

- 6.03.010 License and fee.
- 6.03.020 License tag.
- 6.03.030 Dog tag and collar.
- 6.03.040 Transferability.
- 6.03.050 Evidence of license.
- 6.03.060 Misuse of tags.

6.04 Animals Running at Large

- 6.04.010 Running at large prohibited
- 6.04.020 Enforcement
- 6.04.030 In pursuit

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.05 Impounding

- 6.05.010 Notification
- 6.05.020 Unredeemed
- 6.05.030 Adoption
- 6.05.040 Disposal of unredeemed and unadopted animals
- 6.05.050 Redemption
- 6.05.060 Redemption--Unlicensed dog
- 6.05.070 Redemption--Cat--Unvaccinated/rabies
- 6.05.080 Impoundment fees
- 6.05.090 Per diem boarding
- 6.05.100 Damaging impoundment facility prohibited

6.06 Disposition of Owned Animals and Feral Cats

- 6.06.010 Disposition of owned animals
- 6.06.020 Disposition of feral cats

6.07 Vicious Animals Prohibited

- 6.07.010 Possession of vicious animals
- 6.07.020 Not deemed vicious
- 6.07.030 Lawful entry
- 6.07.040 Investigations
- 6.07.050 Seizure and impounding of vicious animals
- 6.07.060 Warning--Citation
- 6.07.070 Removal, destruction of vicious animals
- 6.07.080 Quarantine period
- 6.07.090 Costs of impoundment

6.08 Reporting Animal Bites and/or Injured Animals

- 6.08.010 Reporting
- 6.08.020 Reporting by physicians
- 6.08.030 Reporting suspected rabid animal
- 6.08.040 Reporting suspected rabid bites
- 6.08.050 Reporting accidents involving injured/killed animals

6.09 Confinement of Biting Dogs and Cats

- 6.09.010 Period of confinement
- 6.09.020 Confinement of stray animals
- 6.09.030 Production of biting animals
- 6.09.040 Refusal to produce animals
- 6.09.050 Destruction of rabid animals

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

- 6.09.060 Reporting of diagnosed rabid animal
- 6.09.070 Death of confined animal

- 6.10 Permits and Housing of Guard Dogs
 - 6.10.010 General purpose--Definitions
 - 6.10.020 Permits
 - 6.10.030 Permit applications
 - 6.10.040 Protection of the public
 - 6.10.050 Fencing
 - 6.10.060 Control of noise
 - 6.10.070 Protective measures--Buildings
 - 6.10.080 Signs
 - 6.10.090 Transportation of guard dogs
 - 6.10.100 Handler required--Temporary location
 - 6.10.110 Inspection
 - 6.10.120 Violation
 - 6.10.130 Issuance of permit

- 6.11 Diseased or Infected Animals
 - 6.11.010 Impounding
 - 6.11.020 Unclaimed impounded animal
 - 6.11.030 Stray diseased or infected animal

- 6.12 Inhumane Treatment
 - 6.12.010 Acts of cruelty
 - 6.12.020 Poison
 - 6.12.030 Abandonment
 - 6.12.040 Trapping
 - 6.12.050 Fighting
 - 6.12.060 Protective custody for animals receiving inhumane treatment

- 6.13 Public Nuisance
 - 6.13.010 Public nuisance
 - 6.13.020 Possession of barking dogs
 - 6.13.030 Impounding

- 6.14 Female Dog in Estrus
 - 6.14.010 Confinement
 - 6.14.020 No liability

 Date
 Town Manager Quality Check Approval

 Date
 Town Clerk Quality Check Approval

- 6.15 Dead Animals
- 6.16 Sanitation
 - 6.16.010 Public health
 - 6.16.020 Storage of waste
- 6.17 Code Enforcement Officer
- 6.18 Right of Entry by Enforcement Agents
 - 6.18.010 Inspection
- 6.19 Safety to Police Officers and/or the Public
 - 6.19.010 Safety
 - 6.19.020 Recourse
- 6.20 Kennels
 - 6.20.010 Requirements
 - 6.20.020 Licenses
 - 6.20.030 Expiration
 - 6.20.040 License fee
 - 6.20.050 Revocation
 - 6.20.060 Exemptions
- 6.21 Pet Shops
 - 6.21.010 Requirements
 - 6.21.020 Licenses
 - 6.21.030 Expiration
 - 6.21.040 License fee
 - 6.21.050 Revocation or suspension of license
- 6.22 Prohibited Animals
 - 6.22.010 Wild animals prohibited
 - 6.22.020 Domestic animals prohibited
 - 6.22.030 Endangered species
 - 6.22.040 Exceptions

 Date
 Town Manager Quality Check Approval

 Date
 Town Clerk Quality Check Approval

6.01.010 Definitions

The words used in Title 6 Animals shall be construed as set out in this Chapter, unless otherwise required by the context.

6.01.020 Animal

“Animal” includes all animals, other than homo sapiens, both domesticated and undomesticated. Animal shall include both the male and female, whether or not neutered or sterilized.

1. “Dog” includes any animal of canine species regardless of sex.
2. “Cat” includes any animal of feline species regardless of sex.

6.01.030 Animal Shelter

“Animal shelter” means a building designated by the Town for the purpose of boarding and caring for impounded animals.

6.01.040 Bodily injury

“Bodily injury” means an injury caused by animal bite, scratch or attack whereby, at a minimum, the skin is broken, exterior bleeding occurs or bruised conditions arise as a direct result of the bite, scratch or attack.

6.01.050 Certificate

“Certificate” means a statement by a licensed veterinarian specifically describing the animal.

6.01.060 Code enforcement officer

“Code enforcement officer” means any person or persons employed by the Town and assigned by the chief of police as the person responsible for enforcement of the provisions of this title.

6.10.070 Feral cat

“Feral cat” means any animal of feline species regardless of sex that is not domesticated and is vicious and cannot be handled by the code enforcement officer or shelter personnel without substantial risk of bodily injury.

6.10.080 Owner or animal owner

“Owner” or “animal owner” includes any persons, firm, association, or corporation owning, keeping, possessing or harboring an animal or who allows any animal to remain or be kept on or about his premises for a period of twenty-four (24) hours or more.

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.01.090 Premises

“Premises” means real property owned, rented, leased, used, kept or occupied by the animal owner.

6.01.100 Rabies vaccination

“Rabies vaccination” means the inoculation of a dog, cat, or other animal with a rabies vaccine approved by the State Department of Health.

6.01.110 Running at large

“Running at large,” means being off the premises of the owner, and not under the immediate control of such owner, his agent or a member of his immediate family by a leash, cord or chain not exceeding a length of eight feet.

6.01.120 Vicious animal

“Vicious animal” means any animal that inflicts unprovoked bites, scratches or other injuries upon or attacks human beings or other animals or, in a vicious or terrorizing manner, approaches any person in apparent attitude of attack upon any public or private grounds or places.

6.01.130 Guard dog

“Guard dog” means any dog placed in an enclosure for the protection of person/s or property by attacking or threatening to attack any person/s found within the enclosure patrolled by such dog.

6.01.140 Abandoned animals

“Abandoned animals” means to abandon is to desert, relinquish or give up any animal with the intent of never reclaiming, redeeming, or resuming ones rights or interest in the animal.

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.02 Rabies Control

6.02.010 Rabies Vaccination

Any owner who acquires or commences the harboring of a dog or cat, five months of age or older, shall within twenty-one (21) days following such acquisition or harboring cause such dog or cat to be vaccinated against rabies with a vaccine approved by the State Department of Health and administered by a veterinarian licensed to practice veterinary medicine. A certificate of vaccination from any licensed veterinarian of any jurisdiction, which is less than one (1) year old, shall be deemed prima facie evidence that the animal owner has complied with this section; however, a longer period of time for expiration of the vaccination shall be prima facie evidence of compliance with this section if the effectiveness of the vaccination is certified for such longer period of time by a licensed veterinarian.

6.02.020 Vaccine

If other species of animals are vaccinated, such vaccination shall be with a vaccine approved by the State Department of Health.

6.02.030 Dog license

Upon application for a dog license, the applicant shall exhibit to the Town manager a current rabies certificate from a licensed veterinarian certifying compliance with Section 6.02.010 Rabies vaccination of this Chapter.

6.02.040 Vaccination certificate

Such certificate shall contain the following information:

1. The name, address and telephone number of the owner of said animal;
2. The date of vaccination;
3. The type of vaccine used;
4. The year and series number of the rabies tag;
5. The breed, age, color and sex of the vaccinated animal, i.e. male, neutered male, female, or spayed female.
6. Expiration date of the current vaccination, which shall be presumed to be one (1) year from the date of such vaccination unless a longer period is specifically stated in the certificate.

6.02.050 Rabies tag

The owner upon obtaining the required rabies vaccination shall cause to be attached to the collar or harness of the vaccinated animal a metal rabies tag, serially numbered to correspond with the vaccination certificate number and bearing the year of issuance and the name of the jurisdiction and state. Such tag shall be upon the animal at all times.

6.02.060 Duplicate tag

In the event of loss or destruction of the original tag provided by the veterinarian administering the vaccination, the owner shall obtain a duplicate tag from the same veterinarian upon providing proof of

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

said vaccination by presenting the original certificate or other satisfactory proof of vaccination to the same veterinarian and requesting a duplicate tag.

6.02.070 Production of certification

It shall be unlawful for any person who owns or harbors a vaccinated dog to fail or refuse to exhibit his copy of the certificate of vaccination upon demand by the code enforcement officer.

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.03 Registration license

6.03.010 License and fee

Any owner residing within the Town whose dog is over the age of six (6) months may obtain at any time a license for his dog for which license no fee shall be charged. Should a dog six (6) months or older become impounded as provided in Title 6 Animals, its owner will be required to obtain a license at a fee established by resolution of the Town council prior to its release from the animal shelter regardless of whether the owner resides within the Town.

6.03.020 License tag

At the time a license is obtained and any required license fee paid, the Town manager shall issue to the owner a license receipt and a numbered metal tag with the year of issuance stamped thereon for each dog licensed. Any such license shall have no expiration date.

6.03.030 Dog tag and collar

The metal license tag together with the tag evidencing the vaccination of said dog shall be attached to a collar or harness to be worn by the dog at all times.

6.03.040 Transferability

Neither the license tag nor the rabies tag shall be transferable from one dog to another.

6.03.050 Evidence of license

It shall be unlawful for any person to fail or refuse to exhibit his copy of the dog license receipt and his certificate of rabies vaccination upon demand by the code enforcement officer.

6.03.060 Misuse of tags

It shall be unlawful for any person to make use of stolen, counterfeit, forged, or falsified license receipts, license tags, rabies vaccination certificates, or rabies vaccination tags.

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.04 Animals Running at large

6.04.010 Running at large prohibited

It shall be the duty of the owner of any animal to restrain the animal(s) from running at large or trespassing on any private property or public property, and it shall be unlawful for any owner to fail to comply with the duty of restraining an animal. Any animal found “running at large” is declared to be a public nuisance. This Section shall not apply to seeing eye dogs accompanied by their masters, nor dogs participating in dog shows, dog exhibits, or dog-training activities to the extent that such shows, exhibits and activities are conducted in compliance with the requirements of the provisions of this Code.

6.04.020 Enforcement

The code enforcement officer may take into possession and/or impound any animal found running at large and may issue a citation for violation of this Chapter to the owner.

6.04.030 In pursuit of animal

When in pursuit of any animal running at large, the code enforcement officer may pursue the animal onto private property, exclusive of buildings, and take such animal into possession.

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.05 Impounding

6.05.010 Notification

The code enforcement officer, as soon as practicable after impoundment, shall notify or attempt to notify the owner that the animal has been impounded. If the owner cannot be determined, or if the address of such owner cannot be determined, the code enforcement officer shall cause to be posted in a conspicuous place within the Town for a period of three (3) business days a notice of impoundment with a description of the animal.

6.05.020 Unredeemed

Any animal, unredeemed within three business days after the notification provided for in Section 6.05.010 Notification of this Chapter shall be deemed abandoned and un-owned.

6.05.030 Adoption

If any animal impounded as hereinabove provided has been deemed abandoned and un-owned the code enforcement officer may offer the animal for adoption.

6.05.040 Disposal of unredeemed and unadopted animals

Any impounded animal, which has not been redeemed and has not been adopted, may be disposed of as set forth in Chapter 6.06 Disposition of Owned Animals and Feral Cats of Title 6 Animals.

6.05.050 Redemption

Any impounded animal, which is properly licensed, may be redeemed by the owner upon payment to the Town manager of the impoundment fee, room and board charges, veterinarian charges, if any, and such other costs as are provided for in this Title 6 Animals.

6.05.060 Redemption--Unlicensed dog

Any dog impounded which is not properly licensed may be redeemed by the owner upon payment to the Town manager of the impoundment fee, room and board fees, veterinarian charges, if any, and purchasing of an appropriate license prior to release of the dog. The code enforcement officer shall have the discretion to release an unlicensed dog to its owner if necessary to enable the owner to obtain rabies vaccination for his dog. The owner shall present the rabies certificate to the Town manager and obtain an appropriate license within fourteen (14) days from the date of release or the dog shall be subject to immediate reimposition by the code enforcement officer.

6.05.070 Redemption--Cat--Unvaccinated/rabies

Any cat found not to have a current rabies vaccination may be redeemed by the owner upon payment to the town clerk all applicable fees as stated in Section 6.05.050 Redemption of this Chapter and presentation of a current rabies vaccination certificate issued by a licensed veterinarian. The code enforcement officer shall have the discretion to release an unvaccinated cat to its owner if necessary to enable the owner to obtain a rabies vaccination for his cat. The owner shall present the rabies certificate to

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

the Town manager within fourteen (14) days from the date of release or the cat shall be subject to immediate re-impoundment by the code enforcement officer.

6.05.080 Impoundment fees

Impoundment fees as established by resolution of the Town council for the first impoundment offense within any calendar year and for the second impoundment offense and any subsequent offense within any calendar year shall be paid by the owner prior to the release of his animal.

6.05.090 Per diem boarding

There shall be a charge established by resolution of the Town council for each day or portion of such day that any animal remains in the animal shelter. Livestock shall not be impounded but shall be controlled and managed by the code enforcement officer as he may determine.

6.05.100 Damaging impoundment facility prohibited

It shall be unlawful for any person to break open, destroy, or damage any door, window, screen, gate, fence, or enclosure used by the Town as an animal shelter or impoundment facility or attempt to take there from any animal impounded therein without its being released by the code enforcement officer.

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.06 Disposition of Owned Animals and Feral Cats

6.06.010 Disposition of owned animals

When any animal is to be euthanized per the request of its owner, fees established by resolution of the Town council shall be paid by the owner.

6.06.020 Disposition of feral cats

Any cat deemed as feral by the code enforcement officer may be euthanized twenty-four (24) hours after its impoundment.

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.07 Vicious Animals Prohibited

6.07.010 Possession of vicious animals

It shall be unlawful for any person to own, keep, harbor or possess any vicious animal anywhere in the town except as provided in Chapter 6.10 Guard Dogs of Title 6 Animals.

6.070.020 Animals not deemed vicious

An animal shall not be deemed a vicious animal by reason of having bitten or attacked the following:

1. Any person engaged in the unlawful entry into or upon the animal owner's property where such animal is kept;
2. Any person engaged in the unlawful entry into or upon the animal owner's automobile or other vehicle wherein such animal is confined, or which is parked in or upon the owner's property;
3. Any person engaged in attempting to stop an altercation between such animal and another animal.
4. Any person engaged in attempting to touch or move such animal when it is sick or injured.

6.07.030 Lawful entry

For the purpose of this Chapter, a person is lawfully upon the private property of such owner when he is on the property in the performance of any duty imposed upon him by the laws of this State or Town, or the laws or postal regulations of the United States, or when he is on such property upon the invitation, expressed or implied, of the owner thereof.

6.07.040 Investigations

It shall be the duty of the code enforcement officer to investigate all complaints concerning vicious animals.

6.07.050 Citation

If the code enforcement officer deems an animal to be vicious, he shall issue a citation to the owner of the animal summoning the owner into the municipal court

6.07.060 Seizure and impounding of vicious animals

The code enforcement officer shall seize and impound any vicious animal whether or not said vicious animal is on or off the premises of the owner. After making every reasonable attempt to seize such animal, including the solicitation of assistance from the animal's owner, if such owner be immediately ascertainable and available, and if the code enforcement officer determines that the vicious animal cannot be seized without exposing himself and/or other persons to danger of personal injury from such vicious animal, it shall be lawful for the officer to destroy such animal.

6.07.070 Removal, destruction of vicious animals

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

Upon a finding of guilty to the charge of possessing a vicious animal at the municipal court, the judge shall order the owner to restrict the animal as prescribed in Chapter 6.10 Guard Dogs of Title 6 Animals, or shall order the animal's owner to remove the animal from the Town or shall order that the animal be destroyed by the code enforcement officer in an approved, humane manner.

6.07.080 Quarantine period

Any vicious animal impounded pursuant to Section 6.07.060 Seizure and control of vicious animal of this Chapter shall be held for a continuous period of ten (10) days for rabies observation quarantine.

6.07.090 Costs of impoundment

The owner of the animal shall be responsible for and shall pay all costs of impoundment, including any costs for euthanasia of the animal.

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.08 Reporting Animal Bites and/or Injured Animals

6.08.010 Reporting

Any person having knowledge that an animal has bitten a person shall immediately report the incident to the Town police department and/or the code enforcement officer.

6.08.020 Reporting by physicians

Every physician or other medical practitioner who treats a person or persons for animal bites shall immediately from when said treatment is rendered report such treatment to the Town police department or to the code enforcement officer, giving the name, age, sex and location of the bitten person or persons and such other information as the officer or agency may require.

6.08.030 Reporting suspected rabid animal

Any veterinarian who clinically diagnoses rabies or any person who suspects rabies in a dog, cat or other domestic or wild animal shall immediately report the incident to the Town police department or to the code enforcement officer, stating where such animal may be found.

6.08.040 Reporting suspected rabid bites

If a known or suspected rabid animal bites or attacks a domestic animal, such incident shall also be reported as required above.

6.08.050 Reporting accidents involving injured/killed animals

Any person who, while driving an authorized vehicle, strikes and injures or kills any animal within the Town shall:

1. Stop immediately and report the incident to the owner of the animal.
2. Immediately report the incident to the code enforcement officer or the Town police department if, after reasonable searching, the owner cannot be located.

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.09 Confinement of Biting Dogs and Cats

6.09.010 Period of confinement

An animal, which has bitten a person, shall be observed for a period of ten (10) days from the date of the bite.

6.09.020 Confinement of stray animals

Stray animals whose owners cannot be located shall be confined in the animal shelter.

6.09.030 Production of biting animals

The owner of any animal that has been reported to have inflicted a bite on any person shall on demand by the code enforcement officer produce the animal for impoundment as prescribed in this Chapter.

6.09.040 Refusal to produce animals

It shall be unlawful for the owner of any animal reported to have bitten any person to intentionally and knowingly secrete or refuse to produce the animal. Each day of such secretion or refusal to produce the animal shall constitute a separate and individual violation. The judge of the municipal court may order the owner to immediately produce the animal in addition to other penalties provided in Title 6 Animals.

6.09.050 Destruction of rabid animals

It shall be unlawful for the owner of any dog that has bitten a person, or has been exposed to rabies, or in any manner is suspected of having rabies to destroy or to dispose of such animal before the animal can be properly confined by the code enforcement officer.

6.09.060 Reporting of diagnosed rabid animal

When an animal under confinement and quarantine has been diagnosed by a licensed veterinarian as being rabid, the veterinarian making such diagnosis shall immediately notify the code enforcement officer or the Town police department of such fact and shall advise them of any reports of human contact with such rabid animal.

6.09.070 Death of confined animal

If any animal under confinement dies while under observation, the code enforcement officer shall immediately take action to obtain a pathological examination of the animal. As soon as a diagnosis is made available, the code enforcement officer shall notify the applicable official of the State Department of Health of any known contacts the animal had with other animals or persons.

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.10 Permits and Housing of Guard Dogs

6.10.010 General Purpose—Definitions

It is conducive to the promotion of the health and general welfare of the inhabitants of the Town to require permits for guard dogs used to protect property, and to establish regulations for the proper and safe use of guard dogs used for protecting property.

1. “Anti-escape device” is any housing, fencing, or device which the guard dog cannot go over, under, through, or around.
2. “Guard dog” is any dog that is trained as a guard dog to protect property.
3. “Handler” is a person who is responsible for and capable of controlling the operations of a guard dog.
4. “Housing” is any location where the guard dog is kept when not utilized for protection purposes.

6.10.020 Permits

- A. The owner of each property where guard dogs are to be used must obtain from the Town a guard dog permit for each property. Procedures for permit application, for inspection of guard dog facilities, and for issuance of dog identification tags will be established by the code enforcement officer.
- B. Permits for both permanent and temporary locations may be transferred to a new location operated by the same person or business during the license year. However, such transfers shall not be effective until the code enforcement officer has inspected and approved required facilities at the new location and the information required in Section 6.10.030 Permit applications of this Chapter for permit applications has been recorded.

6.10.030 Permit applications

Permit applications shall include the following information:

1. The name of the owner of the premises.
2. The name of the person responsible as the handler of the guard dog(s);
3. Address and telephone number of the property where guard dogs are to be used;

6.10.040 Protection of the public

Additional measures judged necessary by the code enforcement officer shall be taken to protect the public from accidental contact with any guard dog.

6.10.050 Fencing

Where guard dogs are used outside buildings, at least a six 6) foot chain link fence or other fence of equal security, wall, or adequate wood fence to which anti-escape devices have been added must enclose the area. The adequacy of the fencing shall be determined by the code enforcement officer prior to keeping any guard dog within the confines of the fence.

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.10.060 Control of noise

In order to control noise a sight barrier which breaks the dog’s line of sight may be required by the code enforcement officer.

6.10.070 Protective Measures—Buildings

In buildings where guard dogs are used, exterior glass must be adequate to prevent the dogs from jumping through it or additional protective measures must to be taken by the owner.

6.10.080 Signs

The building and yard in which a guard dog is used must be posted with signs reading “Danger-Guard Dog”. Such signs shall be printed with letters not less than three (3) inches in height or shall be approved by the code enforcement officer. Guard dogs signs shall not be more than fifty (50) feet apart, and shall be at all property corners and at every entrance into the area.

6.10.090 Transportation of guard dogs

For guard dogs either transported or utilized in vehicles, measures prescribed by the code enforcement officer must be followed to protect the public from accidental contact with a guard dog.

6.10.100 Handler required--Temporary location

A handler is required to be physically present while guard dogs are being utilized at temporary sites, which do not comply with this chapter, or at those locations that do not comply with the provisions of this chapter.

6.10.110 Inspection

The holder of a guard dog permit issued pursuant to Title 6 Animals is deemed to consent and agree to the entry upon the premises described in the license or permit by the code enforcement officer for the purpose of conducting such inspections as are required by said Title or other applicable law.

6.10.120 Violation

Any dog described as a guard dog as defined in this Chapter found in violation of this title, may be immediately seized and impounded by the code enforcement officer. The owner of the permitted premises and/or the handler of the guard dog(s) may, in addition, be cited into the municipal court for violation of this Chapter.

6.10.130 Issuance of permit

The police chief, upon written recommendation of the code enforcement officer, or the Town manager, may issue a permit for a guard dog pursuant to this Chapter.

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.11 Diseased or Infected Animals

6.11.010 Impounding

Any diseased animal caught running at large shall be immediately impounded separate and apart from all other animals. No such animal shall be released until the impounding fees required by Chapter 6.05 Impounding of Title 6 Animals have been paid and until presentation to the code enforcement officer of a certificate issued by a licensed veterinarian showing the animal to be in good health and free from such disease. Any medical care or treatment, which is provided to such animal, shall be at the cost of the owner and any such cost shall be paid prior to the release of the animal.

6.11.020 Unclaimed impounded animal

Any unclaimed animal impounded under the provisions of this Chapter and that the code enforcement officer has reason to believe is more likely than not suffering from an incurable disease or a disease contagious to other animals which would cause inhumane suffering to any animal so infected shall be destroyed.

6.11.030 Stray diseased or Infected animal

When an animal whose owner is unknown is diseased, infected, or injured, the code enforcement officer may seek proper veterinary medical care or treatment for the animal. If in the sole judgment of the code enforcement officer, the animal is diseased, infected or injured to the extent that further aggravation of its condition would result from transportation or from impoundment, the officer may euthanize the animal in a humane manner to prevent further suffering by the animal. If the owner is determined, the owner shall be responsible for the appropriate euthanasia fee as described in section 6.06.010 Disposition of owned animals of Chapter 6.06 Disposition of Owned Animals and Feral Cats of Title 6 Animals together with any impoundment fees, veterinarian, and any other appropriate costs as described in any of the Chapters of said Title.

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.12 Inhumane Treatment

6.12.010 Acts of cruelty

It shall be unlawful for any person:

1. To commit or cause to be committed any act of cruelty, harassment, or torture to any animal or to intentionally cause such animal to be mutilated or inhumanely killed.
2. To overload, overwork, torture, beat, mutilate, needlessly kill, cause harassment, or intentionally cause such animal to be inhumanely injured or killed, or otherwise treat any animal in a cruel or inhumane manner,
3. As owner to fail to provide an owned animal with adequate and proper food, drink, protection from the weather, or adequate space, consistent with the normal requirements and habitats of the animal's sex, species, and breed.
4. Ownership of an animal shall not be a defense to any charges brought for a violation of this Chapter.

6.12.020 Poison

It shall be unlawful for any person to poison any animal or to distribute poison or toxicants on public or private property in any manner whatsoever with the intent of poisoning any animal. This Section shall not be construed to prohibit the controlled poisoning of mice or rats.

6.12.030 Abandonment

It shall be unlawful for any person to abandon any animal.

6.12.040 Trapping

It shall be unlawful for any person to set upon any property within the Town any stakes, pits, snare, traps, poison, or other device or substance calculated to cause, injury, or death to any animal. The fact that such device or substance is found or located on such land shall be presumptive evidence that the same was set by the person owning or in charge or control of such land. This Section shall not be construed to prohibit the trapping of mice or rats.

6.12.050 Fighting

It shall be unlawful for any person to cause, instigate, or encourage any dog or other animal to fight with another of its own species or with another of a different species. It shall be unlawful for a person to train or keep any dog or animal for the purpose of fighting. Further, it shall be unlawful for any person to maintain a place where any dog or other animal is permitted to fight for wager or exhibition. It shall be unlawful for any person to be a spectator at any animal fight held for wager or exhibition.

6.12.060 Protective custody for animals receiving inhumane treatment

Any animal found receiving inhumane treatment or whose life appears to be reasonably endangered as described in this Chapter, may be impounded at the expense of the owner by the code enforcement officer.

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.13 Public Nuisance

6.13.010 Public nuisance

Any animal that menaces or attacks persons, vehicles, or other animals, goes upon school premises without the owner gaining permission from the principal, damages, destroys, or injures any shrubbery, plants, flowers, lawn, fence or other property, either public or private, or is found upon a public park running at large, is declared to be a public nuisance, and the owner or keeper shall be deemed responsible for the actions of the animal and financially responsible for all damage caused.

6.13.020 Possession of barking dogs

It shall be unlawful for any person to own, possess or keep any dog which shall disturb the peace and quiet of any person within the Town by persistent or continual barking, yelping, whining, or howling.

6.13.030 Impounding

In addition to the penalties provided herein for the violation of Title 6 Animals, any barking dog may be seized and impounded by the code enforcement officer whether or not the barking dog is on or off the premises of its owner, and the dog may only be released to the owner, possessor or keeper of the dog upon payment of all fees required in Title 6 Animals and the dog being muzzled or otherwise prevented from a repetition of such continual, persistent howling, yelping, whining or barking.

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.14 Female Dog in Estrus

6.14.010 Confinement

Any unspayed female dog in the stage of estrus heat shall be confined in a house, building, or secure enclosure. The area of enclosure shall be so constructed that no other animal may gain access to the confined dog. The code enforcement officer or other designated officer may impound any unspayed female dog that is in the stage of estrus heat and is not properly confined, in the animal shelter until the period of estrus is over or until the owner establishes he has proper facilities for the care and confinement of the dog. All expenses incurred as a result of such impoundment shall be paid by the owner prior to release.

6.14.020 No liability

Neither the Town nor the code enforcement officer shall be held responsible for any impregnation which might occur during an impoundment.

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.15 Dead Animals

6.15.010 Disposal of dead animals

Any animal found dead within the Town may be removed and disposed of by the code enforcement officer. All costs of such disposal and removal shall be borne by the owner of the animal in addition to any other penalty, which may be prescribed under the provisions of Title 6 Animals.

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.16 Sanitation

6.16.010 Public health

For the protection of the public health, it shall be the duty of every person who keeps any animal or fowl within the Town at all times to maintain the premises where any such animal or fowl is kept in a sanitary condition to prevent the hatching of fly or insect larvae and to prevent offensive odors from emanating therefrom.

6.16.020 Storage of waste

All fecal waste shall be removed as necessary from the premises and shall be placed in fly-tight containers and kept closed at all times. The contents of the containers shall be removed from the Town no less frequently than weekly.

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.17 Code Enforcement Officer

6.17.010 Code enforcement officer

There is created the position of code enforcement officer, who shall be an employee of the Town designated by and whose responsibilities shall be determined by the chief of police. If any of the provisions of Title 6 Animals wherein the same refer to the code enforcement officer as the enforcing officer thereof, the provisions may, in like manner, be enforced by any officer of the Town police department.

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.18 Right of Entry by Enforcement Agents

6.18.010 Inspection

The code enforcement officer or any police officer shall be authorized to enter upon and make an inspection of any public or private premises when in pursuit of or when actually observing an animal believed to be in violation of Title 6 Animals.

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.19 Safety to Police and/or the Public

6.19.010 Safety

Nothing in Title 6 Animals shall be construed to prevent the code enforcement officer from taking whatever action is reasonably necessary, including, but not restricted to, immediate destruction of an offending animal to protect his person or members of the public from injury by any animal.

6.19.020 Recourse

The owner of such animal shall have no recourse against the officer or the Town or its agents for actions taken pursuant to Title 6 Animals.

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.20 Kennels

6.20.010 Requirements

No person or entity shall own, keep or harbor more than three (3) dogs of more than three (3) months of age or more than one (1) litter of pups, or more than three (3) cats of three (3) months of age, or more than one (1) litter of kittens, or more than a total of three (3) dogs and three (3) cats, more than (3) three months of age in any combination or engage in the commercial business of breeding, buying, selling, trading, training, or boarding dogs or cats or other animals without having obtained a valid kennel license from the Town.

6.20.020 License

Kennel licenses shall be obtained from the Town manager. No kennel license shall be issued until an inspection certificate has been issued by the code enforcement officer. The license shall specify the maximum number of animals permitted to be kept, handled, or exhibited by the licensee. It shall be unlawful for the licensee to keep, handle, or exhibit any number of animals in excess of the maximum specified on the license. All applicants for a kennel license within the Town, if required by state statute, shall also be licensed by the State Department of Health and shall have a valid license issued by the state prior to being applicable to receive a license issued by the Town.

6.20.030 Expiration

Kennel licenses shall expire on December 31st of each year and the licenses shall be renewed before their expiration.

6.20.040 License fee

The yearly license fee for kennels shall be established by resolution of the town council.

6.20.050 Revocation or suspension of license

The Town manager may revoke or suspend the license of any kennel which is in violation of any zoning law, health law, or any applicable provision of this Code, County resolution, or State statute or is operating in such a manner as to be a nuisance.

6.20.060 Exemptions

This Chapter shall not apply to and will not be construed to require a kennel license for:

1. A veterinary hospital operated by a licensed veterinarian;
2. A zoological park;
3. Any research institution;
4. Any publicly owned animal shelter.

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.21 Pet Shops

6.20.010 Requirements

No person or entity shall keep any animals for either wholesale or retail trade in the Town without first having obtained a valid pet shop license from the Town.

6.21.020 Licenses

A pet shop license shall be obtained from the Town manager. No pet shop license shall be issued until an inspection certificate has been issued by the code enforcement officer. The license shall specify the maximum number of animals permitted to be kept, handled, or exhibited by the licensee. It shall be unlawful for the licensee to keep, handle or exhibit any number of animals in excess of the maximum specified on the license. All applicants for a pet shop license within the Town, if required by State statute, shall also be licensed by the State Department of Health and shall have a valid license issued by the State prior to being applicable to receive a license issued by the Town.

6.21.030 Expiration

Pet shop licenses shall expire on December 31st of each year and licenses shall be renewed before their expiration.

6.21.040 License fee

The yearly license fee for pet shops shall be established by resolution of the town council.

6.21.050 Revocation or suspension of license

The Town manager may revoke or suspend the license of any pet shop which is in violation of any zoning law, health law, or any applicable provision of this Code, County resolution, or State statute, or is operating in such a manner as to be a nuisance.

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval

6.22 Prohibited Animals

6.22.010 Wild animals prohibited

It shall be unlawful for any person to import, offer for sale, keep, maintain, harbor or permit in this town any wild animal, including but not limited to, monkey or other nonhuman primate, skunk, jaguar, leopard, lynx, tiger, lion, ocelot, bobcat, cheetah, mountain lion, wildcat, panther, bear, wolf, coyote, fox, deer, elk or any poisonous reptile.

6.22.020 Domestic animals prohibited

It shall be unlawful to keep any swine, goat, sheep, cattle, horse, ass, or mule within the Town except as permitted in the rural residence zone.

6.22.030 Endangered species

It shall be unlawful for any person to import, offer for sale, keep, maintain, harbor or permit in this Town any endangered species of animal as may be defined by the United States Department of Interior or the State Department of Natural Resources.

6.22.040 Exceptions

This shall not apply to any of the following publicly or privately owned zoological parks; research institutions using animals for scientific research; or circuses, which have obtained authority to operate within the Town

Date
Town Manager Quality Check Approval

Date
Town Clerk Quality Check Approval