

ORDINANCE # 42

AN ORDINANCE REGULATING THE KEEPING OF DOGS, PROVIDING FOR IMPOUNDMENT OF CERTAIN DOGS, AND PROVIDING A PENALTY FOR VIOLATION.

The City Council of the City of Wolverton does hereby ordain:

Section 1; Running at Large Prohibited:

Paragraph 1. No dog shall be permitted to run at large within the limits of the City.

Section 2; Dogs on Leash:

Paragraph 1. The restriction imposed by Section 1 shall not prohibit the appearance of any dog upon the streets or public property when such dog is on a leash.

Paragraph 2: It shall be unlawful for any dog, whether licensed or not to run at large within the City of Wolverton. A dog shall be deemed to be running at large when off the premises of its owner, or of the person keeping or harboring such dog, which is not on a leash, tether, chain, rope, or the like, the over-all length of which including the hand grip, shall not exceed six (6) feet, held by its owner or other person able to control such dog.

Paragraph 3. Any dog which has attacked any human being by biting or has caused any person to be fearful for his or her safety by chasing, worrying, snapping, or otherwise frightening said person, or which has habitually attacked other dogs or animals, may be declared vicious and menacing by Local Council by written notice sent to the owner of said dog by the City Clerk. No person owning, harboring, keeping, or in charge of any dog, which has been declared vicious by the Council shall permit such dog to be upon a public street or highway, or upon any premises, unless such dog wears a muzzle securely fastened about its mouth in such manner that it cannot bite, and is on a leash, tether, chain, rope, or the like, and shall not be allowed to come in contact with any person who is not a member of the immediate household.

Section 3; Obligation to Prevent Nuisances:

Paragraph 1. It shall be the obligation and responsibility of the owner or custodian of any animal in the City, whether permanently or temporarily therein, to prevent such animal from committing any act which constitutes a nuisance. It shall be considered a nuisance for any animal to habitually or frequently bark or cry, to frequent school grounds, parks, or to chase vehicles, to molest to annoy any person if such person is not on the property of the owner or custodian of such animal, or to molest, defile, or destroy any property, public or private. Failure on the part of the owner or custodian to prevent his animal from committing an act of nuisance shall be subject to the penalty hereinafter provided.

Section 4; Permissible Return of Unrestrained Dog:

Paragraph 1. Notwithstanding the provisions of Section 2, if any animal can be identified and located, such animal need not be impounded but may, instead, be taken to the owner. In such case, however, proceedings may be taken against the owner for violation of this ordinance.

Section 5; Owner Obligation for Proper Care:

Paragraph 1. No owner shall fail to provide any animal with sufficient good and wholesome food, water, proper shelter and protection from the weather, veterinary care needed to prevent suffering, and with humane care and treatment. No person shall beat, treat cruelly, torment or otherwise abuse any animal, or cause or permit any dog fight. No owner of a dog shall abandon such animal.

Paragraph 2. No person owning, harboring, keeping, or in charge of any dog shall cause, suffer, or allow such dog to soil, defile, defecate on or commit any nuisance on any common thoroughfare, sidewalk, passageway, bypath, play area, park, or any place where people congregate or walk, or upon any public property whatsoever, or upon any private property without the permission of the owner of said property. The restriction of this section shall not apply to that portion of the street lying between the curb lines, which shall be used to curb such dog under the following conditions:

- (1) The person who so curbs such a dog shall immediately remove all feces deposited by such dog by any sanitary method approved by the Local Health Authority.
- (2) The feces removed from the aforementioned designated area shall be disposed of by the person owning, harboring, keeping, or in charge of any dog curbed in accordance with the provisions of this ordinance, in a sanitary manner approved by the Local Health Authority.

Paragraph 3. That there be a maximum of two (2) adult dogs per household, and two (2) adult cats per household, however persons with more dogs or cats per household shall be excluded if they have had these animals before this ordinance was passed. This provision shall be effective upon adoption.

Section 6: Proceedings for Destruction of Certain Dogs:

Paragraph 1. Upon sworn complaint to a court of proper jurisdiction that any one of the following facts exists;

- (a) that any dog at any time has destroyed property or habitually trespasses in a damaging manner on the property of persons other than the owner,
- (b) that any dog at any time has attacked or bitten a person outside the owners or custodians premises,

- (c) that any dog is vicious or shows vicious habits or molests pedestrians or interferes with vehicles on the public streets or highways,
- (d) that any dog is a public nuisance as heretofore defined, or that
- (e) any dog is running at large in violation of this chapter; the presiding officer of said court shall issue a summons directed to the owner to show cause why said dog should not be seized by any police officer, or otherwise disposed of in the manner authorized in this ordinance. Such summons shall be returnable not less than two (2) nor more than six (6) days from the date thereof and shall be served at least two (2) days before the time of appearance mentioned therein. Upon such hearing and findings the facts true as complained of, the court may either order the owner or custodian to remove it from the City, the dog killed, or may order the owner-custodian to keep it confined to a designated place. If the owner or custodian violates such order, any police officer may impound any dog described in such order. The provisions of this Section are in addition to and supplemental to other provisions of this chapter.

Section 7: Impounding:

Paragraph 1. Any City Official or employee shall impound any dog found running at large and shall hold such dog at City Hall until such dog can be picked up by the sheriff of this county and taken to the dog pound. The City Clerk will give notice of the impounding to the owner of such dog if known. In case the owner is unknown, the clerk is to post a notice at City Hall that if the dog is not claimed within five (5) regular business days of the posting of the notice, it will be killed..

Section 8: Penalty:

Paragraph 1. Any person, firm, or corporation found guilty of violating any provision of this ordinance shall be punished by a fine not to exceed one hundred dollars (100.00).

Section 9: Repeal:

Paragraph 1. Ordinance No. 5, passed May 4, 1914 is hereby repealed.

Section 10: Effective Date:

Paragraph 1. This ordinance shall be in full force and in effect from and after its passage and publication according to law.