

BAILEYVILLE DOG ORDINANCE
ARTICLE 1- LICENSING AND CONTROL OF DOGS

Sec.1 Definitions. As used in this ordinance, unless context otherwise indicates,
(a) "Dog" shall be intended to mean both male and female.
(b) "Owner" shall be intended to mean any person or persons firm, association or corporation owning, keeping, or harboring a dog.
(c) "At Large" shall be intended to mean off the premises of the owner, and not under the control of the owner or a member of his immediate family either by leash, cord, chain or otherwise.

Sec.2 License Required.
Each owner or keeper of a dog at the age of 6 months or over, except dogs kept under a kennel license, shall, on or before January 1st, annually, or at such time as such dog becomes 6 months old, cause such dog to be licensed in the municipal clerks office. Such license shall state the breed, sex, color and markings of such dogs and the name and address of the owner or keeper. A fee of \$1.50 shall be paid to the City Clerk for each license issued on maledogs, and a fee of \$5.50 shall be paid for all female dogs capable of bearing young. All female dogs shall be considered capable of producing young unless a certificate issued by the Commissioner of Agriculture and signed by a licensed veterinarian, or previous license record is presented from a licensed veterinarian stating that such female was made incapable of bearing young by spaying by him. When such certificate accompanies the application, a fee of \$1.50 shall then be paid on such spayed females. In addition to the amount paid for the license and tag, each applicant shall pay the City Clerk \$.50 for the recording and making a return to the Commissioner of Agriculture, except that a license and tag shall be issued by the City Clerk, upon application, for any trained guide dog owned or kept by a blind person without payment of any fee required under this section. When any such dog has not been previously registered or licensed by the City Clerk to whom such application is being made, such City Clerk shall not register such dog nor issue to the owner or keeper a license and tag therefor unless written evidence shall be exhibited to him that the dog is trained and educated and intended in the fact to perform such guide service for such applicant.

Sec.3 City Clerk to Keep Records.
Such license shall be made in triplicate, the original shall be mailed to the Commissioner of Agriculture, one copy given to the person applying for the license and one copy retained by the City Clerk.

Sec.4-Tag and Collar Required.

A suitable tag showing the year such license is issued and bearing such other data as the Commissioner of Agriculture may prescribe shall be given to each license and must be securely attached to a leather or metal collar which must be worn at all times by the dog for which the license was issued and it shall be unlawful for any person to remove such tag or to place either collar or tag on any dog not described or for which the license was not issued.

Sec.5-Running at Large.

No person shall cause or permit any dog owned or kept by him to run at large within the Town. Dogs while on any premises other than those of the owner or while on any public way or place shall be under the restraint, within the meaning of this ordinance, if he is controlled by a leash, or at "heel", beside a competent person and obedient to that person's commands or on or within a vehicle being driven or parked on the streets or within the property limits of its owner or keeper. Nothing in this ordinance shall be held to require the leashing of any dog while on private premises of the owner. A leash shall not be more than eight feet long.

Sec.6-Bitch in HEAT.

The owner of any bitch inheat shall keep the same confined or on a leash at all times and shall not permit such dog to be at large within the City or on any premises other than those of the owner. Every bitch found running at large in violation hereof is hereby declared to be a public nuisance and shall be impounded and the owner, keeper, or person harboring such bitch shall be deemed guilty of a misdemeanor.

Sec.7-Impoundment.

Unlicensed dogs, or dogs found running at large, shall be taken up and impounded in the shelter designated by the Town as the Town Animal Shelter, and there confined in a humane manner for a period of not less than 10 days; and may thereafter be disposed of in a humane manner if not claimed by their owners. The Town or its duly authorized agent may transfer title of all animals held by it at its Animal Shelter after the legal detention period has expired and the animal has not been claimed by its owner.

When dogs are found running at large, and their ownership is known, such dogs need not be impounded, but the Town through its duly authorized agents may, at its discretion, cite the owners of such dogs to appear in court to answer charges of violation of this ordinance.

The owner shall be entitled to resume possession of any impounded dog upon compliance with the license provisions of Section 4 of this ordinance and the payment of impoundment fees as set forth herein. Any other animal impounded under the provisions of this Ordinance may be reclaimed by the owner upon payment of the impoundment fees as set forth herein.

Any animal impounded under the provisions of this ordinance and not reclaimed by its owner within 10 days, may be humanely destroyed or placed in the custody of some person deemed to be responsible and suitable owner, who will agree to comply with the provisions of this ordinance.

Sec.8-Impoundment Fees.

Any animal impounded hereunder may be reclaimed during TOWN Business hours, Monday through Friday, as herein provided upon

payment by the owner to the Town of Baileyville of the following fees: IMPOUNDMENT fee of \$10.00 for each animal except that upon the second impoundment the fee shall be \$15.00 and upon the third and all subsequent impoundments of the same animal the fee shall be \$25.00, plus board in the amount of \$2.00 per day for each dog. Any animal impounded hereunder may be reclaimed after business hours, on weekends, or holidays, upon payment by the owner to the Police Department the impoundment fees due on each animal plus board in the amount of \$2.00 per day for each animal.

Sec.9-Number of Dogs Limited.

It shall be unlawful for any person or persons to keep or harbor within the Town more than three dogs over six months old on April 1st in or about any premises, house, barn or other building, or in or about all buildings on any premises occupied by any one family, and the keeping or harboring of dogs as aforesaid is hereby declared to be a nuisance.

The payment of a license or licenses on dogs shall not be construed to allow the keeping of more than three dogs, as aforesaid, on any one premises.

This limitation shall not apply to any person, group of persons or corporation engaged in the commercial business of breeding, buying, selling or boarding of dogs, or operating a veterinary hospital.

Sec.10-Barking or Howling Dogs.

No person shall own, keep or harbor any dog which by loud, frequent, or habitual barking, howling, or yelping shall disturb the peace of any person or persons.

Sec.11-Dangerous Dogs.

A dangerous dog is hereby defined to be a dog which shall cause reasonable fear of bodily injury to any person by attacking or threatening to attack such person. Any such dog is hereby declared to be a nuisance. The owner of any dangerous dog shall keep the same confined in a secure enclosure or on a chain or leash controlled by the owner or his agent at all times and shall not permit such dog to be at large within the Town.

Sec.12-Disposition of Dogs Which Have Bitten Persons.

It shall be unlawful for the harboring of any dog, when notified that such dog has bitten any person or has so injured any person as to cause abrasion of the skin, to sell or give away such dog or to permit or allow such dog to be taken beyond the limits of the Town, except under the care of a licensed veterinarian. It shall be the duty of such owner or keeper upon receiving notice of the character aforesaid, to immediately place such dog under confinement for a period of at least 14 days, or to deliver such dog to the Police Department. The Director of Public Health shall be notified immediately by the person in charge of the death of any dog while under confinement.

Any dog which shall have been bitten by another dog having or suspected of having rabies shall be immediately impounded for observation as provided in this section. It shall be unlawful for the owner or person keeping or

harboring any dog when notified that such dog has bitten any person or has so injured any person as to cause abrasion of the skin to destroy such animal without permission from the Department of Health or the Police Department.

Sec.13 Rabies.

Upon positive diagnosis of rabies in any dog within the Town, the Chairman of the Town Council shall proclaim and invoke a city-wide quarantine for a period of thirty days, and upon the invoking of such quarantine, no animal shall be taken into the streets or be permitted to be in the streets, during such period of quarantine.

During such period of rabies quarantine as herein described, every animal bitten by an animal adjudged to be rabid shall be forthwith destroyed or, at the owners expense and option, shall be treated for rabies infection by a licensed veterinarian, or held thirty days under quarantine by the owner in the same manner as other animals are quarantined.

In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended by the Chairman of the Town Council for an additional six months.

The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the Director of Public Health.

The director of Public Health shall direct the disposition of any animal found to be infected with rabies.

No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefore by the Director of Public Health.

Sec,14 When Dogs May Be Killed.

If any dangerous, fierce, or vicious dog cannot be safely taken up and impounded, such dog may be slain by any policeman or duly authorized animal control officer. In all cases where any dog, which has bitten a person or caused an abrasion of the skin of any person, is slain by any policeman whether by order of the court or otherwise and a period of less than fifteen days has elapsed since the day on which such dog bit any person or caused an abrasion of the skin of any person, it shall be the duty of the policeman slaying such dog to forthwith deliver the carcass and brain to the Chief of Police who shall forward the brain intact to the Director of Public Health.

Sec.15 Penalty.

Whoever keeps a dog contrary to the provisions of this Ordinance shall be punished by a fine of not more than \$25.00 to be recovered by complaint before any District Court in the County where such owner or keeper resides.

Sec.16 Repeal of Conflicting Ordinances.

All ordinances or parts of ordinances inconsistent with or contrary to the provisions of this ordinance are hereby repealed to the extent necessary to give this ordinance full force and effect.

Sec.17 Validity.

Should any section or part of a section or any provisions of this ordinance be declared by the courts to be unconstitutional or invalid, such declaration shall not affect the validity of the ordinance as a whole or any part thereof other than the part so declared to be unconstitutional or invalid.