

CHAPTER II: ANIMAL CONTROL AND REGULATION

Article

- 1. GENERAL PROVISIONS**
- 2. DOGS**
- 3. OTHER ANIMALS**

ARTICLE 1: GENERAL PROVISIONS

Section

- 2-101 Definitions
- 2-102 Animal Control Officer; duty to impound; citation alternative
- 2-103 Same; capture/destruction
- 2-104 Same; right of entry; unlawful interference
- 2-105 Municipal pound established
- 2-106 Breaking pound
- 2-107 Reserved
- 2-108 Cruelty to animals
- 2-109 Keeping animals
- 2-110 Animal traps
- 2-111 Nuisance; animal activities prohibited
- 2-112 Noisy animals
- 2-113 Animal confines; shelters
- 2-114 Death of animals
- 2-115 Vicious animals
- 2-116 Running at large
- 2-117 Impoundment; fee; notice; record
- 2-118 Redemption of impounded animals
- 2-119 Impoundment of rabies suspects
- 2-120 Animals bitten by rabid animals
- 2-121 Vehicular accidents involving animals
- 2-122 Emergency; proclamation

§ 2-101 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDON. Includes the leaving of an animal by its owner or other person responsible for its care or custody without making effective provisions for its proper care.

ANIMAL. All domestic animals except dogs and cats.

Silver Lake - Animal Control and Regulation

ANIMAL SHELTER. The facility or facilities operated by the city or its authorized agents for the purpose of impounding or caring for animals under the authority of this chapter or state law.

ANIMALS. All vertebrate and invertebrate animals, such as, but not limited to, bovine cattle, horses and other equines, hogs, goats, dogs, cats, rabbits, sheep, chickens, ducks, geese, turkeys, pigeons and other fowl or wild animals, reptiles, fish, bees or birds that have been tamed, domesticated or captivated.

AT LARGE. To be outside of a fence or other enclosure that restrains the animals to a particular premises or not under the control, by leash or lead, of the owner or other authorized person capable of restraining the animal. Animals tethered to a stationary object within range of public thoroughfares are deemed to be **AT LARGE**.

BITE. Any actual or suspected abrasion, scratch, puncture, tear, bruise or piercing of the skin, caused by any animal, which is actually or suspected of being contaminated or inoculated with the saliva from the animal, directly or indirectly, regardless of the health of the animal causing such bite.

CAT. Any member of the species felis catus, regardless of sex.

DANGEROUS OR VICIOUS ANIMAL. Any animal deemed to be dangerous or vicious per § 2-115.

DOG. Any member of the species canis familiaris, regardless of sex.

EXPOSED TO RABIES. An animal which has been bitten or subjected to danger, attack or harm by any creature known to have been infected with rabies.

FOWL. All animals that are included in the zoological class aves, which shall include, but not limited to, chickens, ducks, geese, turkeys, guineas and pigeons.

HARBOR. Any person who shall allow any animal to habitually remain or lodge or to be fed within his or her home, store, yard, enclosure or place of business or any other premises where he or she resides or controls.

HUMANE LIVE ANIMAL TRAP. Any cage trap that upon activation encloses an animal without placing any physical restraint upon any part of the body of such animal.

HUMANELY EUTHANIZE. The proper injection of a substance that quickly and painlessly terminates the life of an animal, or any other method approved by the American Veterinary Medical Association or the American Humane Society.

IMMEDIATE CONTROL. The regulation and supervision by a competent person so that an animal is unable to run or get loose at will.

KENNEL. Any establishment, commercial or otherwise, maintained for breeding, rearing, grooming, boarding or otherwise harboring in an enclosure in one location only, more than four dogs.

LIVESTOCK. Includes, but is not limited to cattle, horses, goats, sheep or other animals commonly regarded or used as farm or ranch animals.

NEUTERED. Any male or female cat or dog that has been permanently rendered sterile.

OWN. Includes own, keep, harbor, shelter, manage, possess or have a part interest in any animal. If a minor **OWNS** any such animal subject to the provisions of this chapter, the head of the household of which such minor is a member shall be deemed to **OWN** such animal for the purposes of this chapter.

OWNER. The one who owns, or his or her employee, agent or other competent person into whose charge an animal has been placed by the actual owner as described in the definition for “own” above.

PERSON. An individual, group of individuals, partnership, association, company or corporation.

RESTRAINT. An animal shall be deemed to be under restraint if confined by building, fence, leash or other appropriate means, or if accompanied by a competent person and under that person’s immediate control. A fence shall consist of a structure or properly functioning electronic device that confines the animal to a defined space.

SPAYED FEMALE. Any female animal which has been operated upon to prevent conception.

STRAY. Any domestic animal which is found at large or which may be found in any enclosure other than that of its ownership, and whose owner is not known or whose owner cannot be found.

VACCINATION. An injection of a vaccine, approved by the State Board of Public Health, and administered by a licensed veterinarian for the purpose of immunizing an animal against rabies.

VETERINARIAN. A doctor of veterinary medicine licensed by the State of Kansas.

VETERINARY HOSPITAL. Any establishment maintained and operated by a licensed veterinarian for the diagnosis and treatment of diseases and injuries of animals.
(Ord. 961, passed 4-5-1976; Ord. 962, passed 4-5-1976; Ord. 1462, passed 6-18-1990)

§ 2-102 ANIMAL CONTROL OFFICER; DUTY TO IMPOUND; CITATION ALTERNATIVE.

(a) There is hereby created the position of Animal Control Officer for the city and such officer shall be charged with the enforcement of this chapter. Any person employed by the city as an Animal Control Officer and commissioned by the City Council shall have such powers and authority as allowed by law in the enforcement of this chapter. All Animal Control Officers shall be subject to the supervision and direction of the Mayor of the city.

Silver Lake - Animal Control and Regulation

(b) Except as provided in division (c) below, it shall be the duty of the Animal Control Officer to take up and impound all animals found in the city in violation of the provisions of this chapter.

(c) As an alternative to the provisions of division (b) above, any law enforcement officer or the Animal Control Officer may issue a citation to the owner, harborer or keeper of an animal in violation of this chapter, and the person receiving the citation shall, within ten days, appear in the Municipal Court of the city to answer the charged violation of this chapter.

§ 2-103 SAME; CAPTURE/DESTRUCTION.

When deemed necessary by law enforcement officers or the Animal Control Officer for the health, safety and welfare of the residents of the city, such officers and/or their agents may:

(a) Place a humane trap on public or a requesting resident's property for the purpose of capturing any animal defined in this chapter as creating a nuisance in the city;

(b) Use any tranquilizer guns, humane traps or other suitable devices to subdue and capture any animal that is deemed by the Animal Control Officer, in his or her discretion, to be of a danger to itself or to the public health and safety; or

(c) Use firearms or other suitable weapons to destroy any rabid animal, any vicious animal as defined in § 2-115 or any animal creating a nuisance as defined in § 2-111, where such animal is impossible or impractical to catch, capture or tranquilize.

§ 2-104 SAME; RIGHT OF ENTRY; UNLAWFUL INTERFERENCE.

The Animal Control Officer or any law enforcement officer shall have the right of entry upon any private unenclosed lots or lands for the purpose of collecting any animal whose presence thereupon is a violation of this chapter, to the extent allowed by law. It shall be unlawful for any person to interfere with the Animal Control Officer in the exercise of his or her duties.

§ 2-105 MUNICIPAL POUND ESTABLISHED.

(a) A municipal pound shall be established to carry out the provisions of this chapter. Such a pound may be operated by a contractor and all services required herein may be provided by a contractor.

(b) When so contracted, the pound shall have the following services and facilities as a minimum:

(1) Adequate pickup and impounding of all stray and ownerless dogs and cats and animals otherwise in violation of the provisions of this chapter;

(2) Group holding facilities for stray, ownerless and unvaccinated animals impounded for violation of the provisions of this chapter;

(3) Individual isolation facilities for sick, biting, rabid and suspected rabid animals; and

- (4) Facilities for the humane destruction of animals.

§ 2-106 BREAKING POUND.

(a) It shall be unlawful for any unauthorized person to open, unlock, break open or attempt to break open the pound, or to take or let out any animal placed therein, or take or attempt to take from an authorized officer of this city any animal taken up by him or her under the provisions of this chapter, or in any manner interfere with or hinder any authorized officer or employee of this city in catching, taking up or impounding any animal.

(b) It shall be unlawful for any person or persons, other than those duly authorized, to care for, feed, attempt to feed or interfere in any way with the care of impounded animals.

§ 2-107 RESERVED.

§ 2-108 CRUELTY TO ANIMALS.

(a) It shall be unlawful for any person to:

(1) Intentionally abandon or leave any animal in any place without making provisions for its proper care;

(2) Have physical custody of any animal and intentionally fail to provide such food, potable water, protection from the elements, opportunity for exercise and other care as is needed for the health or well-being of such kind of animal;

(3) Intentionally use a wire, pole, stick, rope or any other object to cause an equine to lose its balance or fall, for the purpose of sport or entertainment; or

(4) Intentionally cause any physical injury other than acts constituting a felony as defined in K.S.A. Chapter 21, Article 54, and amendments thereto.

(b) These provisions shall not apply to the exceptions sanctioned under division (c) below.

(c) In addition to the penalties provided in § 1-111 of this code, the Municipal Court Judge may order a person convicted of violation under this section to turn the animal involved over to a designated humane society. All such animals taken by the designated agency may be placed with another or more suitable person or destroyed humanely as soon thereafter as is conveniently possible.

(d) The provisions of division (a) above shall not apply to:

(1) Normal or accepted veterinary or veterinary hospital practices or treatment of animals under active veterinary care;

(2) Bona fide experiments carried on by commonly recognized research facilities;

Silver Lake - Animal Control and Regulation

(3) Killing, attempting to kill, trapping, catching or taking of any animal in accordance with the provisions of K.S.A. Chapter 32 or K.S.A. Chapter 47;

(4) Rodeo practices accepted by the rodeo cowboys' association;

(5) The humane killing of an animal which is diseased or disabled beyond recovery for any useful purpose, or the humane killing of animals for population control, by the owner thereof or by an authorized agent such as a licensed veterinarian, at the request of the owner, or by any officer or agent of an incorporated humane society operator of an animal shelter or pound, a local or state health officer or a veterinarian three business days following the receipt of any such animal at such society, shelter or pound;

(6) With respect to farm animals, normal or accepted practices of animal husbandry, including the normal and accepted practices for the slaughter of such animals for food or by-products and the careful or thrifty management of one's herd or animals, including animal care practices common in the industry or region;

(7) The killing of any animal by any person at any time which may be found outside of the owned or rented property of the owner or custodian of such animal and which is found injuring or posing a threat to any person, farm animal or property;

(8) An Animal Control Officer trained by a licensed veterinarian in the use of a tranquilizer gun, using such gun with the appropriate dosage for the size of the animal, when such animal is vicious or could not be captured after reasonable attempts using other methods;

(9) Laying an equine down for medical or identification purposes;

(10) Normal or accepted practices of pest control, as defined in K.S.A. 2-2438a, and amendments thereto.

§ 2-109 KEEPING ANIMALS.

(a) It shall be unlawful for the owner, lessee, occupant or person in charge of any premises in the city to possess and maintain any animal or fowl within the city or permit to be maintained thereon any stable, shed, pen or other place where horses, mules, cattle, sheep, goats or swine, or undomesticated animals are kept.

(b) This provision shall not apply to:

(1) The maintaining of a stockyard or sales barn for the loading, unloading, temporary detention and sale of such livestock, if the location of such stockyard or sales barn does not otherwise violate the zoning ordinances of the city;

(2) The maintaining of dogs which are regulated by Art. 2 of this chapter;

(3) The maintaining of non-poisonous and non-vicious animals and fowl which are commonly kept as household pets, such as cats, hamsters, rabbits, parakeets and comparable animals, when kept as household pets and in a safe and sanitary manner in accordance with § 2-113; and

(4) The transporting of animals through the city by ordinary and customary means.

§ 2-110 ANIMAL TRAPS.

It shall be unlawful for any person to use, place, set out or deploy any animal trap aboveground, which makes use of a spring gun, spring jaws, clamping devices, cutting or stabbing mechanism, or any other devices that will damage or severely injure any animal when caught or trapped by the device or trap; except that nothing herein contained shall prohibit the use of animal traps that are so designed to trap and hold animals without injuring the animals.

§ 2-111 NUISANCE; ANIMAL ACTIVITIES PROHIBITED.

(a) It shall be unlawful for the owner of any animal to keep or maintain such animal in the city so as to constitute a nuisance.

(b) For the purpose of this section, *NUISANCE* is defined as any animal which:

(1) Molests or interferes with persons in the public right-of-way;

(2) Attacks or injures persons or other domestic animals;

(3) Damages public or private property other than that of its owner or harbinger by its activities or with its excrement;

(4) Scatters refuse that is bagged or otherwise contained; or

(5) Causes any condition that threatens or endangers the health or well-being of persons or other animals.

(c) If a summons is issued charging violation of this provision, a subpoena shall also be issued to the complainant to testify to the nuisance under oath.

§ 2-112 NOISY ANIMALS.

(a) The keeping or harboring of any animal which by loud, frequent and habitual barking, howling, yelping, mewling, roaring or screeching shall disturb the peace of any neighborhood is hereby prohibited.

(b) It shall be the duty of any person harboring or keeping such loud or noisy animal or animals to abate the condition, and if he or she fails to do so, the city may abate it by taking up, impounding and/or disposing of the animal at the expense of the owner.

§ 2-113 ANIMAL CONFINES; SHELTERS.

(a) It shall be unlawful for any person to keep or maintain any animal in any yard, structure or area that is not clean, dry and sanitary, free from debris and offensive odors that annoy any neighbor, and devoid of rodents and vermin.

(b) Excrement shall be removed at least once each week from any animal shelter, pen or yard area where animals are kept, or more often if necessary to prevent or control odors, fly breeding or rodent infestation. If excrement is stored on the premises by any animal owner, it shall be stored in adequate containers with fly-tight lids, and all such stored or accumulated wastes shall be disposed of at least once each week.

(c) All animal shelters, pens and yards shall be so located that adequate drainage is obtained, normal drying occurs, and standing water is not present.

(d) All animal shelters and board fences confining animals shall be maintained in good repair, and all animal shelters and board fences confining animals subject to residential and commercial classification shall be protected from deterioration by painting or comparable treatment.

(e) Barbed wire fences and electrically charged fences shall not be permitted for animal confines except on properties in which an agricultural classification permit is held or where the barbed wire fence or electrically charged fence is protected by an exterior fence.

(f) All premises in which animals are kept shall be subject to inspection by the Animal Control Officer, duly authorized law enforcement officer or Public Health Official. If the Officer or Official determines from such inspection that the premises are not being maintained in a clean and sanitary manner, he or she shall notify the owner of the animals in writing to correct the sanitation deficiencies within 24 hours after notice is served on the owner. Any animal kept under any condition that could endanger the public or animal health or create a health nuisance may be impounded. Animals shall be released after fees are paid and cause for impoundment has been corrected.

§ 2-114 DEATH OF ANIMALS.

All dead animals shall be disposed of by the owner or keepers within 24 hours of the animal's death, by burial or incineration. No dead animal shall be dumped on any public or private property.

§ 2-115 VICIOUS ANIMALS.

(a) *Prohibited.* It shall be unlawful for any person to keep, possess or harbor a vicious animal within the city. Impoundment of animals whose owners have been cited for violation of this section shall be at the discretion of the Animal Control Officer. If the animal presents a clear and present danger to the public health or safety, it shall be the duty of the Animal Control Officer or his or her agent to impound such animal.

(b) *Defined.* For purposes of this chapter a **VICIOUS ANIMAL** shall include:

(1) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals;

(2) Any animal that attacks a human being or domestic animal without provocation;

(3) Any animal owned or harbored primarily or in part for the purpose of fighting or any animal trained for fighting; or

(4) Any animal that is urged by its owner or harborer to attack, or whose owner or harborer threatens to provoke such animal to attack, any law enforcement officer while such officer is engaged in the performance of official duty.

(c) *Complaint.*

(1) Whenever a sworn complaint is filed in the Municipal Court against the owner of an animal alleging that such animal is vicious and in violation of this section, the Municipal Judge shall hold a hearing to determine whether or not the animal is vicious within the meaning of this section and thereby in violation of this section. The owner of the animal shall be notified in writing of the time and place of the hearing at least one week before the hearing.

(2) In making a determination, the Municipal Judge shall consider the following:

(A) The seriousness of the attack or bite;

(B) Past history of attacks or bites;

(C) Likelihood of attacks or bites in the future;

(D) The condition and circumstances in which the animal is kept or confined; and

(E) Other factors that may reasonably relate to the determination of whether or not the animal is vicious.

(3) The Municipal Judge shall order the impoundment, the muzzling in accordance with division (d) below, and/or the confinement of the animal accused of being in violation of this section in a manner and location that will ensure that it is no threat to persons or other animals pending the outcome of the hearing. If such impoundment, muzzling or otherwise safe confinement is not possible or if prior court orders to restrain such animal have gone unheeded, the Municipal Judge may order the animal immediately destroyed.

(d) *Vicious dogs to be muzzled.* It shall be the duty of every owner, keeper or harbinger of any dog in the city, which dog is vicious or has been known to bite, chase or run after any person or animal in the streets, alleys or any public place in the city, to keep the same muzzled with a good and sufficient wire or leather muzzle, securely fastened so as to wholly prevent such dog from biting any animal or

person until such time as a determination has been made by the court as to whether the dog is vicious or not. Any person owning, keeping or harboring any dog within the city limits contrary to this section shall be guilty of a violation of this code.

(e) *Immediate destruction.* Nothing in this chapter shall be construed to prevent the Animal Control Officer or any law enforcement officer from taking whatever action is reasonably necessary to protect himself or herself or members of the public from injury or danger, including immediate destruction of any vicious animal without notice to the owner.

(f) *Release of.* If a complaint has been filed in the Municipal Court against the owner of an impounded animal for a charge under this section, the animal shall not be released except on the order of the Municipal Judge, who may also direct the owner to pay all impounding fees in addition to any penalties for violation of this chapter. The Municipal Judge may, upon making a finding that an animal is vicious or that it represents a clear and present danger to the citizens or to other animals in the community, order the animal to be destroyed in a humane manner by the animal shelter. Surrender of an animal by the owner thereof to the Animal Control Officer does not relieve or render the owner immune from the decision of the Court, nor to the fees and fines which may result from a violation of this section.

§ 2-116 RUNNING AT LARGE.

It shall be unlawful for any person to willfully allow any animal or fowl under his or her control to be or to run at large within the city. Any animal or fowl found at large shall be impounded as provided in §§ 2-117 or 2-207 (dogs).

§ 2-117 IMPOUNDMENT; FEE; NOTICE; RECORD.

(a) (1) The Animal Control Officer or law enforcement officer shall impound any animal or fowl found at large in the city or constituting a nuisance or otherwise in violation of this chapter in a suitable pound or enclosure provided or contracted for by the city.

(2) The impounding officer shall make diligent inquiry as to the owner of the animal and shall notify the owner thereof of such impoundment as soon as reasonably possible.

(b) The city shall be entitled to receive from such owner an impoundment fee, as set by the governing body, plus the actual cost of feeding and maintaining the animal while impounded.

(c) In case the identity of the owner of the impounded animal or fowl cannot be ascertained, the Animal Control Officer or police officer shall, upon taking any such animal into custody and impounding the same, make a record thereof, with a description of the animal and the date and place taken into custody and the place of impounding, and shall thereupon immediately post a public notice stating that the animal, describing the same with the date and place of taking, has been taken up, and that unless the charges of impounding the same, together with any license fees due and unpaid, are paid within three business days from the date of the notice, that the animal will be disposed of as provided in this code.

(d) The Animal Control Officer shall each month submit a report to the person designated by the city showing the number of animals impounded and disposed of, and the fees collected pursuant to this article and shall pay those fees to the City Clerk for credit to the General Operating Fund.

§ 2-118 REDEMPTION OF IMPOUNDED ANIMALS.

At any time before the sale or destruction of any animal impounded under the provisions of this article, except for animals impounded under §§ 2-115 (vicious) and 2-119 (rabid), the owner thereof may redeem the animal by paying the Animal Control Officer or any person in charge, the impounding fee and all costs incurred as a result of such impoundment.

§ 2-119 IMPOUNDMENT OF RABIES SUSPECTS.

(a) Any law enforcement officer or local Health Officer may take up, upon private or public property, any animal that has bitten or scratched a person or other animal and impound the animal in the city pound, securely penned and separated from other animals, or in a veterinary hospital or animal care facility for a period of not more than 30 days during which time the local Health Officer shall determine whether or not such animal is suffering from a disease and, if not, the local Health Officer shall authorize the release of the animal upon payment by the owner of the boarding fee therefor. The Health Officer may authorize the keeping of any such animal on the owner's premises if the owner produces a rabies vaccination certificate showing that the animal has valid rabies vaccination protection. Impoundment costs shall be borne by the owner. If in the opinion of the local Health Officer symptoms develop justifying a microscopic examination, then the animal shall be killed and examination made by the State Board of Health.

(b) In lieu of the provisions of division (a) above, the owner of any such animal may, at his or her own expense, take such animal to any duly qualified and licensed veterinarian in the city for observation. Such veterinarian shall report his or her findings in writing to the local Health Officer. If in the opinion of such veterinarian a microscopic examination is justified, then the animal shall be turned over to the Animal Control Officer or any law enforcement officer to be killed and examination made by the State Board of Health.

(c) Any animal desired for observation by the local Health Officer under this section shall be delivered to the Animal Control Officer or any law enforcement officer upon demand and shall not be withheld, hidden or harbored. Any person violating this section shall be guilty of a violation of this code. Upon refusal of any person to so deliver such animal, the Municipal Judge shall cause a warrant to be issued for the arrest of such person, which warrant shall also provide for the surrender of the animal and shall be lawful authority for the apprehending and forcible taking of such animal.

§ 2-120 ANIMALS BITTEN BY RABID ANIMALS.

(a) Whenever a dog, cat or other animal is bitten by a rabid animal or an animal later proved to have been rabid, it shall be the duty of the owner of the animal that is bitten, to report that fact to the local Health Officer and/or the Police Department.

Silver Lake - Animal Control and Regulation

(b) It shall also be the duty of the owner of the bitten animal to either destroy or have his or her bitten animal destroyed unless:

(1) The animal that was bitten had been vaccinated against rabies at least three weeks before being bitten and has a current vaccination;

(2) If the bitten animal has a current vaccination, it shall be confined for 90 days;

(3) The bitten animal shall be released from confinement only upon written order from the local Health Officer, who declares the animal to be free of rabies; and

(4) If the animal is found to have contracted rabies during confinement, it shall be properly disposed of.

§ 2-121 VEHICULAR ACCIDENTS INVOLVING ANIMALS.

Any person who, as the operator of a motor vehicle, strikes any animal shall stop at once and shall immediately report such injury or death to the owner of such animal, or in the event that the owner cannot be ascertained, and located, the operator shall at once report the accident to the Animal Control Officer or any law enforcement officer.

§ 2-122 EMERGENCY; PROCLAMATION.

The Mayor is hereby authorized, whenever in his or her opinion, the danger to the public safety from rabid animals is made imminent to issue a proclamation ordering all persons owning any animal in the city to confine the animal in a good and sufficient enclosure from which the animal cannot escape, or fasten such animal by means of a chain on the premises where the owner may reside, for such time as may be specified in such proclamation. Any animal not confined during such time may be disposed of wherever found by any police officer or the Animal Control Officer of the city. The owner of such animal shall be prosecuted for such violation thereof.

ARTICLE 2: DOGS

Section

2-201	Reserved
2-202	Reserved
2-203	Reserved
2-204	Reserved
2-205	Reserved
2-206	Running at large; fine
2-207	Impoundment; record; notice; redemption; minimum fee
2-208	Disposition of unclaimed dogs
2-209	Confinement of dogs in heat
2-210	Muzzling

§ 2-201 RESERVED.

§ 2-202 RESERVED.

§ 2-203 RESERVED.

§ 2-204 RESERVED.

§ 2-205 RESERVED.

§ 2-206 RUNNING AT LARGE; FINE.

(a) It shall be unlawful for the owner or harbinger of any dog to permit such dog to run at large within the city at any time;

(b) Any dog running at large within the city shall be impounded as set out in § 2-207;

(c) The owner of any dog impounded for running at large shall, for the first offense, pay a fine of \$50 plus the board bill; and

(d) For a second offense within a one year period, the owner or harbinger shall pay a fine of \$100 plus the board bill.

§ 2-207 IMPOUNDMENT; RECORD; NOTICE; REDEMPTION; MINIMUM FEE.

(a) Any dog found in violation of the provisions of this article shall be subject to impoundment by the city.

(b) A record of all dogs impounded shall be kept by the city containing the following information: color; sex; weight; height; identifying marks; registration number (if any); and the date of impoundment.

(c) No dog impounded under this section shall be disposed of until after expiration of a minimum of three full business days of custody during which the public has clear access to inspect and recover the dog through time periods ordinarily accepted as usual business hours. During such time of custody, the city shall attempt to notify the owner or custodian of any dog impounded by such facility if the owner or custodian is known or reasonably ascertainable. Such dog may at anytime be released to the legal owner, moved to a veterinary hospital for treatment or observation, released in any manner, if such dog was a gift to the animal shelter, or euthanized by a licensed veterinarian if it appears to the veterinarian that the dog is diseased or disabled beyond recovery. If within three full business days the owner does not appear to claim the dog, then the dog may be sold, euthanized or otherwise disposed of.

(d) If at any time before the sale or destruction of any dog impounded under the provisions of this article, the owner of an impounded dog does appear and redeem the dog, it shall be turned over to the person claiming it upon payment of any impoundment fees or penalties plus the actual costs of impoundment, and shall not apply to any dog alleged as being vicious under § 2-115 or suspected of rabies under § 2-119 of this code.

(e) The minimum impoundment fee shall be \$25.

(f) Any dog impounded may not be released without a current rabies vaccination.

(g) Impoundment hereunder shall not preclude any court from imposing and executing any fine which might otherwise be levied under this article for violation of any of the provisions thereof; nor shall impoundment be a defense in any prosecution commenced hereunder.

(h) The redemption of any dog impounded for a violation of any provision of this chapter shall be prima facie evidence of the violation of such provision by the person redeeming the dog.

§ 2-208 DISPOSITION OF UNCLAIMED DOGS.

(a) If any dog is not redeemed by its owner or harbinger within the time allowed for redemption as specified in § 2-207 thereof, the Animal Control Officer, any authorized law enforcement officer, any authorized veterinarian or any duly authorized pound personnel may destroy such dog or sell the same for the costs of impoundment and keeping, plus any registration fee due for the current year.

(b) No dog may be transferred to the permanent custody of a prospective owner unless:

(1) Such dog has been surgically spayed or neutered before the physical transfer of the dog occurs; or

(2) The prospective owner signs an agreement to have the dog spayed or neutered and deposits with the city not less than the lowest nor more than the highest cost of spaying or neutering in the community as determined by the city. Any funds deposited pursuant to such an agreement shall be refunded to such person upon presentation of a written statement signed by a licensed veterinarian that the dog has been spayed or neutered. If such person does not reclaim the deposit within six months after receiving custody of the dog, the city shall keep the deposit and may reclaim the unspayed or unneutered dog.

(c) Nothing in this section shall be construed to require sterilization of a dog which is being held by the city and which may be claimed by its rightful owner within the holding period established in § 2-207.

§ 2-209 CONFINEMENT OF DOGS IN HEAT.

Any unspayed female dog in the stage of estrus (heat) shall be confined during such period of time in a house, building or secure enclosure, and the area of enclosure shall be so constructed that no other dog or dogs may gain voluntary access to the confined animal except for purposes of planned breeding. Any animal that is in the state of estrus (heat) and that is not properly confined, or any such animal that is creating a neighborhood nuisances, shall be removed to a boarding kennel, to a veterinary hospital or to the animal shelter. All expenses incurred as a result of the confinement shall be paid by the owner. The owner of animals removed to the animal shelter shall be charged at the rate established from time to time by the animal shelter for routine confinement.

§ 2-210 MUZZLING.

Whenever the Mayor shall deem it necessary for the protection and welfare of the inhabitants of the city, he or she shall issue an order requiring all dogs kept within the city to be effectively muzzled for such length of time as may be specified in the order, to prevent them from biting or injuring persons or animals. Such order shall be published in the official newspaper of the city for such period of time as the Mayor may deem necessary.

ARTICLE 3: OTHER ANIMALS

Section

2-301 Exotic animals

§ 2-301 EXOTIC ANIMALS.

(a) It shall be unlawful for any person, firm or corporation to keep, maintain or have in his or her possession or under his or her control within the city any poisonous reptile or any other dangerous wild animal or reptile, any vicious or dangerous animal, or any other animal or reptile of wild, vicious or dangerous propensities.

(b) It shall be unlawful for any person to keep, maintain or have in his or her possession or under his or her control within the city any of the following animals:

- (1) All poisonous animals including rear-fang snakes;
- (2) Apes: chimpanzees; gibbons; gorillas; orangutans; and siamangs;
- (3) Baboons;
- (4) Badgers;
- (5) Bears;
- (6) Bison;
- (7) Bobcats;
- (8) Cheetahs;
- (9) Crocodilians, 30 inches in length or more;
- (10) Constrictor snakes, six feet in length or more;
- (11) Coyotes;

Silver Lake - Animal Control and Regulation

(12) Deer; includes all members of the deer family, for example, white-tailed deer, elk, antelope and moose;

(13) Elephants;

(14) Game cocks and other fighting birds;

(15) Hippopotami;

(16) Hyenas;

(17) Jaguars;

(18) Leopards;

(19) Lions;

(20) Lynxes;

(21) Monkeys;

(22) Ostriches;

(23) Pumas; also known as cougars, mountain lions and panthers;

(24) Raccoons;

(25) Rhinoceroses;

(26) Skunks;

(27) Tigers; and

(28) Wolves.

(c) The prohibitions of this section shall not apply to bona fide pet shops, zoos, circuses, carnivals, educational institutions or medical institutions, if:

(1) Their location conforms to the provisions of the zoning ordinance of the city;

(2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors; and

(3) Animals are maintained in quarters so constructed as to prevent their escape.

(d) The Municipal Judge shall have the authority to order any animal deemed vicious confined, destroyed or removed from the city.

