

CHAPTER 91: ANIMALS

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§ 91.01 DEFINITIONS.

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

AT LARGE. Off the premises of the owner or keeper and not under the control of the owner or keeper either by leash, cord, chain or other physical restraining device.

CAT. Both the male and female animals of the feline species.

DOG. Both the male and female animals of the canine species.

HARBORING. Any person who shall permit any dog or cat to frequent or remain on or within his house, building, premises or enclosure and who shall keep, lodge or otherwise maintain such dog or cat.

HUMANE OFFICER. That person appointed by the Mayor to act as superintendent of the animal shelter and charged with enforcing this chapter.

OWNER or KEEPER. Any person keeping or harboring a dog or cat whether or not such person claims title to, property in, or maintains such dog or cat.
(Ord. 1998-2, passed 1-26-98)

§ 91.02 FAILURE TO PURCHASE DOG OR CAT TAG AND REGISTER ANIMAL.

It shall be unlawful for any person to own, maintain, or harbor a dog or cat within the city limits without registering the animal as follows:

(A) A dog shall be registered with the Township Assessor and a permanent tag identifying the owner shall be purchased and permanently attached to a collar on the dog.

(B) A cat shall be registered with either the Police Department or a licensed veterinarian and a permanent tag identifying the owner shall be either purchased from the Police Department for the sum of \$2 or obtained from a licensed veterinarian and permanently attached to a collar on the cat.
(Ord. 1998-2, passed 1-26-98) Penalty, see § 91.99

§ 91.03 RUNNING AT LARGE.

It shall be unlawful for any person, being the owner or keeper of any dog or cat, to cause, allow, suffer or permit such dog or cat to run at large in the corporate limits of the city whether upon public or private property at any time.
(Ord. 1998-2, passed 1-26-98) Penalty, see § 91.99

§ 91.04 FIERCE, DANGEROUS OR VICIOUS ANIMALS.

No animal of fierce, dangerous or vicious propensities shall be allowed to run at large. If any fierce, dangerous or vicious animal found at large cannot be safely taken and impounded, such animal may be slain by any humane officer or police officer.
(Ord. 1998-2, passed 1-26-98) Penalty, see § 91.99

§ 91.05 BARKING, HOWLING AND YELPING ANIMALS.

No person shall harbor or keep any animal which by loud, frequent or habitual barking, howling, yelping or any animal noises shall cause serious annoyance or disturbance to the neighborhood. Harboring or keeping an animal of this nature shall be deemed a public nuisance.
(Ord. 1998-2, passed 1-26-98) Penalty, see § 91.99

§ 91.06 PROPER SHELTER.

An owner or keeper of any dog or cat shall provide access to proper shelter for such dog or cat according to its needs including veterinary care when needed to prevent suffering. Any dog or cat kept outside shall have access to a shelter of sufficient size and protection.

(Ord. 1998-2, passed 1-26-98) Penalty, see § 91.99

§ 91.07 ANIMALS IN HEAT.

Every female dog or cat in heat shall be confined in a building or secure humane enclosure in such a manner as not to come in contact with another animal except for planned breeding and then shall be kept in such a manner as not to become a public nuisance.

(Ord. 1998-2, passed 1-26-98) Penalty, see § 91.99

§ 91.08 HINDERING ENFORCEMENT.

No person shall resist or obstruct the Humane Officer or his agent in the exercise of his duties.

(Ord. 1998-2, passed 1-26-98) Penalty, see § 91.99

§ 91.09 RABIES, METHOD OF HANDLING SUSPECTED RABID DOG OR CAT.

If a dog or cat is believed to have rabies or has been bitten by a dog or cat suspected of having rabies, such dog or cat shall be confined to prevent it from biting another animal or person, or shall be securely and effectually muzzled in a manner as to make it impossible for it to bite any person or other animal. No muzzle is lawful unless it is of such form, material and strength, and so attached and fastened as to effectually prevent such animal from biting while fastened by a leash or chain on the owner's or keeper's premises and shall be placed under observation of a veterinarian at the expense of the owner for a period of 10 to 14 days. The owner shall notify the Humane Officer that his dog or cat has been exposed to suspected rabies, the suspected source, and at his discretion the Humane Officer is empowered to have such dog or cat removed from the owner's or keeper's premises to the animal shelter and there placed under observation for two weeks at the expense of the owner or keeper.

(Ord. 1998-2, passed 1-26-98) Penalty, see § 91.99

§ 91.10 UNLAWFUL TO REMOVE SUSPECTED RABID ANIMAL.

No person knowing or suspecting a dog or cat as having rabies shall allow such dog or cat to be taken off his premises or beyond the limits of the city without written permission of the Humane Officer.

(Ord. 1998-2, passed 1-26-98) Penalty, see § 91.99

§ 91.11 RABIES VACCINATION.

No owner or keeper of any dog or cat shall keep, maintain or harbor such dog or cat unless it shall have been vaccinated by a licensed veterinarian with antirabies vaccine within one year preceding the date on which such dog or cat is kept, maintained or harbored, and shall be prepared to display the animal's shot record to the Humane Officer or police officer upon demand.

(Ord. 1998-2, passed 1-26-98) Penalty, see § 91.99

§ 91.12 IMPOUNDMENT.

(A) Any dog or cat found running at large in the corporate limits of the city shall be impounded by the Humane Officer or police officer at the animal shelter and there confined in a humane manner.

(B) The Humane Officer shall upon receiving any dog or cat make a complete registry entering the breed, color and sex of such dog or cat and whether licensed. If licensed, the name and address of the owner and the number of the license tag shall be entered in the registry.

(C) If after a third offense in a 30-day time period the Humane Officer determines that the owner of the dog or cat cannot or will not keep the dog or cat from being a nuisance as herein provided, he need not relinquish the dog or cat to the owner.

(D) When in the judgment of the Humane Officer it becomes necessary to destroy the dog or cat for humane, health or safety reasons, these facts shall be documented in the registry and the dog or cat shall be destroyed without the right of redemption by the owner or keeper.

(Ord. 1998-2, passed 1-26-98) Penalty, see § 91.99

§ 91.13 NOTICE TO OWNER OR KEEPER.

Not later than three days after the impounding of any dog or cat, the Humane Officer shall make every effort possible to notify the owner or keeper of such impoundment.

(Ord. 1998-2, passed 1-26-98)

§ 91.14 REDEMPTION.

(A) The owner or keeper of any dog or cat which has been impounded may redeem such dog or cat before the end of the sixth day of impoundment by paying to the Clerk/Treasurer the initial pick up fee of \$25 together with \$10 for each day or part of a day that such dog or cat has been impounded and an additional \$25 if the dog or cat was tranquilized.

(B) The second offense pick up fee shall be \$50 plus the \$10 daily fee and an additional \$25 if the dog or cat was tranquilized.

(C) The third offense pick up fee shall be \$75 plus the \$10 daily fee and an additional \$25 if the dog or cat was tranquilized.

(D) In addition, the owner or keeper must reimburse the city for all postage expended in giving notice of impoundment and all veterinary expenses incurred by the city for such dog or cat and produce a current tag for such dog or cat issued by the proper authority.

(E) The Humane Officer shall keep an accurate and itemized account of his activities and he shall make quarterly verified reports to the Mayor and Common Council at the first Council meeting of January, April, July and October of each year.

(Ord. 1998-2, passed 1-26-98; Am. Ord. 2011-5, passed 4-11-11)

§ 91.15 SALE OF UNREDEEMED DOGS AND CATS.

After a dog or cat has been impounded for six days without being redeemed by the owner or keeper, it shall be lawful for the Humane Officer to sell such dog or cat to any person who will pay the impounding fees and expenses for the period of impoundment. The Clerk-Treasurer or agent shall execute and issue a receipt for such payments and a bill of sale for such dog or cat, which bill of sale shall transfer to such person the title for the dog or cat.

(Ord. 1998-2, passed 1-26-98)

§ 91.16 DISPOSAL OF UNREDEEMED AND UNSOLD DOGS AND CATS.

If the owner or keeper of a dog or cat which has been impounded has not redeemed such dog or cat before the end of the sixth day of impoundment and if neither the owner nor the keeper of such dog or cat nor any other person has redeemed such dog or cat before the end of the seventh day of impoundment, it shall be lawful for the Humane Officer to place such dog or cat with a responsible agency or party, or destroy the animal in a humane manner.

(Ord. 1998-2, passed 1-26-98)

§ 91.17 ANIMAL SHELTER FUND.

There is hereby created an Animal Shelter Fund. Any fee paid or fine assessed under this chapter shall be deposited into the Animal Shelter Fund. The Animal Shelter Fund shall be used for maintaining the animal shelter.

(Ord. 1998-2, passed 1-26-98)

§ 91.18 DISALLOWING DOGS OR CATS.

(A) No person shall permit any dog or cat to either run at large or be controlled by a leash, cord, chain or other physical restraining devices in the following areas:

- (1) In the Dunkirk City Park within 50 feet of either playground equipment or picnic tables;
or
- (2) Any other city owned property which is posted to disallow dogs or cats.

(B) Any person found to be in violation of this section shall be fined as provided in § 36.03.
(Ord. 2005-4, passed 7-11-05; Am. Ord. 2007-2, passed 4-9-07)

§ 91.99 PENALTY.

(A) In lieu of or in addition to impounding a dog or cat found at large, the Humane Officer, his agent or a police officer may issue to any person found to be in violation of this chapter a notice of chapter violation.

(B) Any person found to be in violation of this chapter shall be fined as provided in § 36.03.
(Ord. 1998-2, passed 1-26-98; Am. Ord. 2001-6, passed 5-29-01)