

CHAPTER 4I

AN ORDINANCE PROVIDING FOR THE TREATMENT AND KEEPING OF ANIMALS WITHIN THE CORPORATE LIMITS OF THE TOWN OF LUMBERPORT, PROVIDING A PENALTY, AND REPEALING ALL ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF LUMBERPORT;

SECTION I: CRUELTY TO ANIMALS

No person shall over-drive, overload, torture, torment, deprive of necessary sustenance, or unnecessarily or cruelly beat, or needlessly mutilate or kill, or cause or procure to be overdriven overloaded, tortured, tormented or deprived of necessary sustenance or be unnecessarily or cruelly beaten or needlessly mutilated or killed as aforesaid, any animal.

SECTION II: ANIMALS, SWINE AND FOWL PROHIBITED WITHOUT PERMIT.

No person shall keep or harbor any animals, swine, or fowl within the Town except upon written permit from the Mayor and Town Council, who shall prescribe the conditions under which such animals, swine, or fowl may be kept within the Town. This section shall not apply to domesticated dogs, cats, or birds.

SECTION III: ANIMALS, SWINE AND FOWL RUNNING AT LARGE

No person who has obtained a permit from the Mayor and Town Council to keep any animal, swine or fowl, shall permit or suffer such animal, swine, or fowl to run at large within the Town.

SECTION IV: CATS AND DOGS RUNNING AT LARGE

No person who is the owner or keeper of any cat or dog shall permit such cat or dog to run at large within the Town.

SECTION V:

It shall be the duty of each owner or occupant of premises within the Town whereon any dog, cat or other pet animal which may lawfully be harbored or maintained within the Town to maintain the pen or other enclosure or place where such dog, cat or other pet animal is kept in a healthful and sanitary condition at all times, free of offensive substances and liquids, at such place and in such a manner as not to constitute a hazard to the health or safety of any person or an annoyance to persons in the neighborhood thereof.

SECTION VI: DISPOSITION AND REMOVAL OF DEAD ANIMALS.

No person shall throw, bury, burn, or leave in or upon any street, public square, public enclosure, vacant lot or any pond, stream or body or branch thereof, within the Town, any dead animals or any portion thereof. The Chief of Police is authorized and directed to remove, or to contract for removal, all remains and carcasses of all dead animals. All remains and carcasses of dead horses, cows, fowl, or other animals shall be removed or caused to be removed by the Chief of Police at the expense of the owner. All such remains and carcasses shall be removed in a sanitary manner within twelve hours after report of the same is made to the Chief of Police.

SECTION VII: LICENSE AND REGISTRATION REQUIRED.

All dogs kept, harbored or maintained by their owners in the Town of Lumberport shall be licensed and registered if over eight (8) months of age. Dog licenses shall be issued by the County Assessor upon payment of a license tax of \$3.00 for each male or female. The owner shall state at the time application is made for such license his name and address, and the name, breed, color and sex of each dog owned or kept by him. The provisions of this section shall not be intended to apply to dogs whose owners are nonresident

temporarily within the town, nor to dogs brought into the town for the purpose of participating in any dog show, nor to "seeing-eye" dogs properly trained to assist blind persons when such dogs are actually being used by blind persons for the purpose of aiding them in going from place to place.

SECTION VIII: TAG AND COLLAR

Upon payment of the license fee, the assessor shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The shape of the tag shall change every year and shall have stamped thereon the year for which it was issued and number corresponding with the number on the certificate. Every owner shall be required to provide each dog with a collar to which the license tag must be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate will be issued by the assessor upon presentation of a receipt showing the payment of the license fee for the current year, and the payment of fifty (50) cent fee for such duplication. Dog tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of the death of the dog or the owners leaving Town before expiration of the license.

SECTION IX: ASSESSOR TO ASCERTAIN OWNERS

It shall be the duty of the Assessor of Harrison County to make diligent inquiries to ascertain all persons owning, keeping or harboring any dogs within said Town and shall report same, giving names of parties and number of dogs to the Council of said Town on or before May 1st. of each year.

SECTION X: IMPOUNDING

It shall be the duty of every Police officer to apprehend any dog or cat found running at large contrary to the provisions of Section 4 and to impound such dog or cat in the

City or County pound or other suitable place. The poundmaster or some other designated official upon receiving any dog or cat shall make a complete registry, entering the breed, color and sex of such dog or cat and whether licensed. If licensed he shall enter the name and address of the owner and the number of the license tag. Licensed dogs shall be separated from unlicensed dogs.

SECTION XI: NOTICE TO OWNER AND REDEMPTION.

Not later than two days after the impounding of any dog or cat the owner shall be notified, or if the owner of the dog or cat is unknown written notice shall be posted for five (5) days at the front door of the City Building of the Town of Lumberport, describing the dog or cat and the place and time of taking. The owner of any dog or cat so impounded may reclaim such dog or cat upon payment of the license fee, if unpaid, and all costs and charges incurred by the Town of Lumberport for impounding and maintenance of said dog or cat. The following charges shall be paid to said Town, for impounding any dog or cat \$10.00, for keeping any dog or cat \$1.00 per day, for giving notice, \$5.00.

SECTION XII: DISPOSITION OF UNCLAIMED OR INFECTED DOGS OR CATS.

It shall be the duty of the poundmaster to keep all dogs and cats so impounded for a period of seven (7) days. It at the expiration of seven (7) days from the date of notice to the owner or posting of notice such dog or cat shall not have been redeemed, it may be turned over to the Harrison County Animal Shelter. Any unlicensed dog requiring by Law to be licensed, or any dog which appears to be suffering from rabies or affected with hydrophia, mange or other infections or dangerous disease shall not be released but may be forthwith destroyed.

SECTION XIII: CONFINEMENT OF CERTAIN DOGS OR CATS.

No dog or cat of fierce, dangerous or vicious propensities and no female dog in heat, whether licensed or not shall be allowed to run at large upon the premises of one other than the owner. If any such dog or cat is found running at large in violation of this provision it shall be taken up and impounded and; shall not be released except upon approval of the Mayor, after payment of the fees provided in Section II, provided, however, that if any dangerous, fierce, or vicious dog or cat so found at large cannot be safely taken up and impounded, such dog or cat may be slain by any Policeman.

SECTION XIV: KEEPING OF NOISY, ETC. ANIMALS PROHIBITED.

It shall be unlawful for any person to keep or harbor upon or about his premises any animal of any species whatsoever, which shall, by barking, howling, squalling, crying or in any other manner whatsoever, disturb the peace, confort, quiet or tranquility of any neighborhood or adjoining property owner within the city, and upon conviction thereof such person shall be fined not exceeding \$10.00 and shall be compelled to remove such animal from his premises or to see that such animal ceases making such noises.

SECTION XV: VACCINATION.

It shall be unlawful for the owner of any dog or cat to keep and maintain such dog or cat unless it shall have been vaccinated by a licensed veterinarian with antirabies vaccine, within thirty (30) days preceding the date on which an application for license is made.

SECTION XVI: PENALTIES.

Any owner found violating any provision of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of \$10.00 for each offense.

SECTION XVII: REPEAL OF CONFLICTING ORDINANCES.

All existing ordinances of the Town of Lumberport are hereby repealed in so far as they may be inconsistent with the provisions of this ordinance.

SECTION XVIII: SEPARABILITY OF PROVISIONS.

It is the intention of the Town Council that each separate provision of this ordinance shall be deemed independent of all other provisions herein, and it is further the intention of the Town Council that if any provision of this ordinance be declared invalid, all other provisions thereof shall remain valid and enforceable.

SECTION XIX: EFFECTIVE DATE.

This ordinance shall take effect on the 13th day of September 1982.

Attest;

Betty B. Husted, Recorder
Recorder

R. G. Wright
Mayor