

5-1-7: VICIOUS OR DANGEROUS ANIMALS:

A. Defined: The definition of potentially dangerous or vicious animals is as follows:

1. Any animal that, with or without provocation, chases or approaches a person upon the streets, sidewalks or any public grounds in a threatening or menacing fashion, or apparent attitude of attack, with or without provocation, shall be considered potentially vicious or dangerous. In addition, a potentially vicious/dangerous animal is any animal that, because of witnessed action, is believed capable of causing injury, or otherwise posing a threat to the safety of humans or domestic animals.
2. Any animal which has inflicted severe injury on a human being, with or without provocation, on public or private property, has killed a domestic animal, with or without provocation, while off the owner's property, or has been previously found to be dangerous, the owner having received notice of such and the animal again aggressively bites, attacks or endangers the safety of humans or domestic animals, is deemed to be a vicious animal. Any "dangerous animal", as defined in subsection A1 of this section, may be declared to be a vicious animal if the animal is not maintained in the proper enclosure or the animal is found to be in violation of any legal restrictions formerly placed on such animal by the department of animal care and control, as provided in this chapter. (1995 Code § 11-5-1)

B. Restriction Of Animal; Enclosure: Any person who owns or maintains a potentially vicious/dangerous animal, shall use all reasonable means at his or her disposal to restrict a potentially vicious/dangerous animal from injuring any other person or animal. Any dangerous animal, while on the owner's property, must be securely confined indoors or in a securely enclosed and locked pen or structure suitable to prevent the animal from escaping. Such pen or structure for an animal shall have secure sides and top and shall also provide protection from the elements for the animal. The structure shall be such that the animal cannot burrow or dig under the sides of the enclosure. Potentially vicious/dangerous dogs must be kept in a fenced yard, dog run or other structure which is at least six feet (6') in height by six feet (6') wide by ten feet (10') in length. (1995 Code § 11-5-2)

C. Control Of Animal: It is unlawful for an owner of a dangerous animal to permit the animal to be outside the proper enclosure unless the animal is muzzled and restrained by a substantial chain or leash and under physical restraint of a responsible person. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any person or animal. (1995 Code § 11-5-3)

- D. Right To Take Possession: Any animal control officer is authorized to take immediate possession of a dangerous animal if the animal control officer determines that the dangerous animal is not maintained in a proper enclosure, is outside of the dwelling of the owner or outside of the proper enclosure and not under physical restraint of some person, or if there are any further violations of any legal restrictions formerly placed on such animal by the department of animal care and control, as provided in this chapter. (1995 Code § 11-5-4)
- E. Destruction Authority: If the department of animal care and control believes that an animal is dangerous and finds that the animal is in violation of such restrictions as the department deems necessary for the safety of persons and animals in the community, the department may declare such an animal to be a vicious animal. The department of animal care and control is hereby authorized to immediately take possession of a vicious animal and place the vicious animal in a proper quarantine facility and, after a proper and legal quarantine period, destroy the animal in an expeditious and humane manner, if the owner or custodian fails to make a request for a formal hearing as hereinafter set forth. (1995 Code § 11-5-5)
- F. Proper Holding Period: It is determined that a proper holding period for vicious/dangerous animals shall be ten (10) consecutive days. In the event the owner or custodian of the vicious/dangerous animal fails to request in writing a formal hearing within the ten (10) day holding period, the department of animal care and control is authorized to destroy the vicious/dangerous animal in a humane manner. The holding period shall be extended to meet state and local regulations for quarantine of animals for rabies evaluation. (1995 Code § 11-5-6)
- G. Hearing: Any owner or custodian who files a written request shall be afforded a hearing before the city council to determine whether the animal should be returned to the owner or custodian, or be destroyed. Such request shall be in writing and delivered to the city hall at least seventy two (72) hours prior to the close of the quarantine period. The city council shall notify the owner of the animal by certified mail at the last known address twenty four (24) hours prior to the hearing of the date, time and place of hearing. The hearing shall be held within thirty (30) days or at the next regularly scheduled city council meeting, whichever is later. (1995 Code § 11-5-7; amd. 2003 Code)

