

Title 6

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CHAPTER 6.04

ANIMALS GENERALLY

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6.04.010 Keeping of certain animals or allowing certain animals to run at large within the city prohibited.

6.04.020 Violations separate for each daily occurrence after notice by authorities.

6.04.030 Violation - Penalty

6.04.010 Keeping of certain animals or allowing certain animals to run at large within the city prohibited: Except as hereafter stated, it is unlawful for the owners, their agents or employees to keep within the city or to permit any horses, mules, swine, or cattle to run at large within the city. This prohibition does not apply to the use of any of these animals for parades, exhibitions or for the use of horses or mules for riding purposes upon public ways. (Ord. 79, SS 1, 1986).

6.04.020 Violations separate for each daily occurrence after notice by authorities: Upon apparent violation of this chapter, ~~city police officers or other city employees~~ **the animal control officer** may notify the person(s) believed to be in violation, that they are in violation of this chapter; that if such person(s) fail to remove such animal by the following day(s), each subsequent date that the animal(s) remain within the city shall constitute a new and separate violation of this chapter. (Ord. 79, SS 2, 1986).

6.04.030 Violation - Penalty: Any person found guilty of violating this chapter shall be punished by a fine not exceeding three hundred dollars or by imprisonment ~~in the city jail~~ for a period not exceeding thirty days or by both such fine and imprisonment for each separate violation. (Ord. 79, SS 3, 1986).

CHAPTER 6.08

DOGS

Sections:

Definitions

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Definitions: As used in this chapter, unless the context otherwise indicates:

- A. “At Large” means off the premises of the owner, and not under control of the owner or a member of his immediate family or a person authorized by the owner.
- B. “Control” means controlled by a leash, cord, chain, or obedience to the owner or a member of his immediate family or a person authorized by the owner. Control can also mean confinement within the proper limits of premises either controlled by the owner or by other persons consenting to the dog’s presence on their property.
- C. “Dog” means both male and female.
- D. “Owner” means any person or persons, firm, association or corporation owning, keeping or harboring a dog.
- E. “Animal Control ~~Officer~~ Person” means any ~~law enforcement officer~~ **designated person** employed by the City of Harlem for animal control. ~~and any other city—employee or person duly authorized by the Harlem City Council with the approval of the Mayor.~~

- F. “Vicious Behavior” means any dog, except a dog assisting a law enforcement officer engaged in law enforcement duties, which demonstrates any or all of the following behavior:
- a. An attack which requires a defensive action by any person or animal to prevent bodily injury or property damage in a place where such person or animal is conducting himself peaceably and lawfully.
 - b. An attack that results in an injury to an animal in a place where such animal is conducting itself peacefully and lawfully.
 - c. Any behavior that constitutes a physical threat or bodily harm to a person or animal in a place where such person or animal is conducting himself peaceably and lawfully.
 - d. Any dog with a known propensity, tendency, or disposition to attack unprovoked as evidenced by its habitual or repeated chasing, snapping, or barking at human beings or domestic animals or as to potentially cause injury or to otherwise endanger their safety.
- G. “Lawful presence” means a person is peaceably and lawfully upon private property of an owner when in the performance of any duty imposed upon him by the laws of this state or any city or county, or by the laws or postal regulations of the United States, or when he is on such property upon invitation, express or implied.
- H. “Vicious Animal” means any dog with one or more convictions under section 6.08.050 or 6.08.051.

6.08.030 Dogs Running At Large: No owner or keeper of any dog shall permit the dog to run at large at any time within the corporate limits of the city, whether such dog is registered or unregistered. Any owner of a dog running at large shall receive a **1st offense** written warning advising him of the violation. **If the dog in violation is unregistered, a license must be purchased before the dog will be released.** Upon any subsequent violation, the owner shall be cited for the offense as provided in Section 6.08.030. If any dangerous, fierce or vicious dog found running at large that cannot be safely taken up and impounded, or any dog that appears to be rabid, may be slain by the animal control ~~officer~~ **person**.

6.08.031 Impounding: It shall be the duty of the animal control ~~officer~~ **person** to apprehend any dog found running at large contrary to the provisions of this chapter and to impound the dog or to contact the owner of such dog. **Upon capture, after the 1st offense warning, an impoundment fee of \$100.00 shall be implemented as the 1st day’s charge. An impoundment fee of \$50.00 shall be implemented for each subsequent day’s charge.**

6.08.032 Notice to Owner of Impoundment – Redemption: The animal control ~~officer~~ **person** shall undertake reasonable efforts to identify the owner of any dog impounded and notify the owner of the impoundment. The owner of any dog so impounded may reclaim the dog upon payment of all costs and charges incurred by the city for impounding and maintenance of the dog and upon purchasing a license for the impounded dog if that dog had not been licensed prior to

capture. **Vaccination records must be provided to the animal control person within 10 days of impoundment.**

6.08.033 Disposition of Unclaimed or Infected Dogs: It shall be the duty of the animal control ~~officer~~ **person** to keep all dogs impounded for a period of 48 hours, unless earlier claimed by the owner. If, at the expiration of 48 hours, any dog that has not been claimed may be destroyed. Any dog that appears to be suffering from rabies, mange, or other infectious or dangerous disease shall not be released, but may be immediately destroyed.

6.08.034 Confinement of Certain Dogs: No dog of fierce, dangerous, or vicious propensities and no female in heat shall be released from confinement, except upon approval of the animal control ~~officer~~ **person** or city court judge.

6.08.035 Nuisance Animals: It is declared a public nuisance for any dog to:

- A. destroy property, other pets, or animals;
- B. bite or chase after persons except those trespassing upon property of the owner or attempting to injure the owner, his family, or property;
- C. chase vehicles in public streets or ways; or
- D. Howl, yelp, or bark so as to cause the annoyance or disturbance to any person.

Any nuisance dog may be taken up and impounded by the animal control ~~officer~~ **person**. It is also unlawful for any person to own, harbor, keep or maintain any nuisance dog and it shall be the duty of the animal control ~~officer~~ **person** to issue tickets and file complaints for all violations occurring in their presence. Any person aggrieved by a nuisance dog may file ~~a complaint charging the owner with the violation of this section~~ **a written statement with the City of Harlem and the City attorney shall file a complaint in City Court for all violations where the offense is not committed in the presence of the animal control ~~officer~~ person.** Upon the third conviction under this section, the nuisance dog shall be seized and taken up by the animal control ~~officer~~ **person** and destroyed immediately.

6.08.040 Female dogs: All female dogs in heat (estrus) shall be kept in a confined area not accessible to male dogs which may be running at large. (Ord. 99, SS4, 1993).

6.08.050 Vicious Animal: Whenever ~~affidavit~~ **a written statement is made submitted** that any dog has bitten a person and that person bitten was not at the time trespassing upon the property of, or injuring or attempting to injure the person, family, or property of the owner, the city court judge may issue an order requiring the dog be impounded at the expense of the owner until the final disposition of the case. Any dog that has bitten a person under the circumstances set forth in this section shall be put to death, unless suitable arrangements are made for disposal or situation of the dog outside of the City limits at the owner's expense. If any vicious dog is later discovered at large within the City limits, the animal control ~~officer~~ **person** shall immediately destroy the dog.

6.08.051 Vicious Behavior: Any person, who keeps, feeds, harbors, or allows to stay about the premises occupied or controlled by him within the city, any dog exhibiting vicious behavior is guilty of maintaining a public nuisance and is guilty of a misdemeanor. A dog presumed to have exhibited vicious behavior if it demonstrates or has demonstrated any of the behaviors herein defined as vicious. Such presumption is rebuttable. Upon the second conviction of maintaining a public nuisance with a particular vicious dog, said dog shall immediately be destroyed.

6.08.060 Abandoning Dogs: It is unlawful and a violation of this chapter to abandon dogs within the City. (Ord. 99, SS 6, 1993).

6.08.070 Violation – Penalty: A person convicted of any violation of this chapter shall be fined not to exceed five hundred dollars or imprisoned in jail for a term not to exceed six months, or both. (Ord. 99, SS 7, 1993).