

POSTED JULY 1, 2021

ORDINANCE 203A: AN ORDINANCE REGULATING ANIMALS IN THE CITY OF WABASSO

The City Council of the City of Wabasso hereby ordains:

SECTION 1. Findings. The City of Wabasso finds that proper regulation of animals within the City shall improve the health, well-being, and enjoyment of the citizens of Wabasso.

SECTION 2. Purpose. This ordinance is adopted to regulate and control dogs, cats, chickens, and other animals in the City of Wabasso.

SECTION 3. Definitions. As used in this ordinance, the following words shall be defined to mean:

- Cat. “Cat” shall be intended to mean both the male and female of the Felidae species commonly accepted as domesticated household pets.
- Domestic animals. “Domestic animals” shall mean those animals commonly accepted as domesticated household pets.
- Dog. “Dog” shall be intended to mean both the male and the female of the canine species, commonly accepted as domesticated household pets, and other animals of a dog kind.
- Non-domesticated animals. “Non-domesticated animals” shall mean those animals commonly considered to be naturally wild and not naturally trained or domesticated.
- Owner. “Owner” shall be intended to mean any person or persons, firm, association or corporation owning, keeping or harboring an animal.
- At Large. “At Large” shall be intended to mean off the premises of the owner and not under the custody or control of the owner or other person, either by leash, cord, chain or otherwise restrained or confined.
- Kennel. “Kennel” shall be intended to mean any place, building, tract of land, abode or vehicle wherein or whereon five (5) or more dogs or cats or any combination of dogs and cats numbering more than five (5) over 3 months of age are kept.

SECTION 4. Prohibition On Non-Domesticated Animals. It shall be illegal for any person to own, possess, harbor, or offer for sale any non-domestic animal within the City limits. An exception shall be made to this prohibition for animals specifically trained for and actually providing assistance to a disabled individual, for those animals brought into the City as part of an operating zoo, veterinarian clinic, scientific research laboratory, or licensed show or exhibition, and for those animals being transported for agricultural purposes.

SECTION 5. License Required. All dogs and cats over 3 months of age shall be licensed and registered by the City. Pet licenses shall be issued by the City Clerk/Treasurer after payment of the fee. No pet license will be issued without proof of current rabies vaccinations.

- **Term of License.** Each license shall be issued for a one (1) year period to expire on June 1 of each year.
- **License Fees.** The annual cost of a license shall be set periodically by the City Council. If the owner is 30 days late in purchasing a license, the City will impose an additional late fee, as set by the City Council.
- **Tag and Collar.** The City Clerk/Treasurer shall provide each owner who applies for a license a tag to be affixed to a collar and worn at all time.

SECTION 6. Running At Large Prohibited. It is unlawful for the owner of any licensed or unlicensed animal to allow such animal to run at large.

SECTION 7. Dogs and Cats on Leash. The restriction imposed in Section 6 shall not prohibit the appearance of any dog or cat upon streets or public property when such dog or cat is on a leash and is kept under control of the accompanying person.

SECTION 8. Dogs or Cats Disturbing the Peace. It is unlawful for any person to keep or harbor a dog or cat which habitually barks, cries, squeals, howls or meows to the “disturbance of the public at large”. The phrase “disturbance at large” shall include, but is not limited to, the creation of noise by any dog or cat which can be heard by any persons, including a law enforcement officer, from a location at least 100 feet from the building or premises where the dog or cat is being kept and such noise occurs repeatedly over at least a five (5) minute period of time with one (1) minute or less between each dog or cat noise during the five (5) minute period. No person shall be convicted under the provisions of this subdivision except upon the evidence of two or more persons each of a different household, or upon the evidence of one person and witness of said violation by a law enforcement officer.

SECTION 9. Limitation on Number of Dogs and/or Cats on Premises. Not more than five (5) dogs or cats or any combination of dogs and cats numbering five (5), are to be maintained on any lot or in any residence except that one litter of pups or kittens in excess of the number above may be kept up to the age of three (3) months.

SECTION 10. Kennels. It is unlawful to operate a kennel within the City of Wabasso.

SECTION 11. Cleaning Up Litter. It shall be unlawful for any owner of a dog or cat to permit that dog or cat to be on any property, public or private, not owned or possessed by such owner unless such owner has in his or her possession a device for the removal of excrement and depository for the transmission of excrement to a proper receptacle located on property owned or possessed by the owner of said dog or cat or to fail to immediately remove excrement left by such dog or cat to a proper receptacle located on property possessed or owned by the owner of said dog or cat. A first violation of this section shall be a petty misdemeanor. A subsequent violation of this section shall be a misdemeanor.

SECTION 12. Dangerous Animals.

12.01. A dangerous animal is one that has, when unprovoked, bitten, attacked, or threatened the safety of a person or domestic animal.

12.02. The owner shall confine within a building or secure enclosure any dangerous, fierce, or vicious dog or cat and not permit such animal out of confinement unless and until it is securely muzzled and in control of a competent person.

SECTION 13. Impounding. The police or any other duly appointed person may take and impound any animal which is not being kept, confined or restrained in a manner consistent with the requirements of this regulation. The owner of an impound animal shall be responsible for impounding fees and boarding costs.

13.01. Notice to Owner: Immediately upon the impounding of an animal wearing a current license tag, the police shall make every reasonable effort to notify the owner of such impoundment, and of the conditions whereby the owner may regain custody of the animal. Verbal notice shall be immediately confirmed in writing by the police. If the owner is unknown a notice shall be posted at the City Office containing a description of the animal in an effort to identify the owner.

The written notice shall include the following information:

(a) The owner shall have the right to object to the impoundment by contacting the city clerk to request a hearing. If the owner fails to request a hearing and does not reclaim the animal, the city may elect to destroy the animal if sale or adoption is not practical.

13.02. Reclaiming Impounded Animals. An animal may be reclaimed by the owner within 10 business days of receiving notice of impoundment upon payment of any impounding fee together with boarding costs. If the animal is unlicensed, a license must be obtained and the fee paid before release from impoundment.

SECTION 14. Dogs Which Cannot Be Impounded. If an animal is rabid, or otherwise diseased, vicious or dangerous and cannot be impounded after a reasonable effort or without serious risk to the impounder or others, such animal may be immediately killed.

SECTION 15. Rabies Shots Required. It shall be unlawful for any individual to own a dog within the city if the dog has not been currently vaccinated for rabies. In order to obtain a license the owner must provide evidence of vaccination to the City.

SECTION 16. Biting Dogs. Whenever a dog or animal has bitten a person, the owner, having been notified either orally or in writing, shall immediately quarantine said dog or animal at the owner's home or other suitable place of confinement as directed by the responsible officer of the city for a period of 14 days after the occurrence. During the quarantine period, the animal shall be securely confined in a building or in a yard enclosed by a fence so constructed that the animal cannot escape or otherwise leave the said enclosure, and which will not permit other animals or persons to enter, for the purpose of preventing the animal from biting or coming in contact with persons or other animals. Upon a reasonable suspicion that the animal may be rabid, the animal shall be subjected to the necessary tests by a doctor of veterinary medicine for the purpose of

determining if it is infected with rabies. The confinement, testing, treatment in addition to all other expenses incurred as the result of an animal biting a person shall be at the expense of the owner of the said animal.

SECTION 17. Regulation of Chickens. Notwithstanding other provisions in this ordinance, chickens are allowed on any lot with a single family residence that is issued a permit to do so by the city. The provisions of this section are intended to regulate the keeping of chickens only. The keeping of any other types of poultry is prohibited.

17.01. No Roosters. No roosters are permitted. All chickens must be hens. If a permit holder inadvertently keeps a rooster, then that rooster must be removed within 48 hours of the discovery.

17.02. Limit. No more than six (6) chickens may be kept by any permit holder at any time, and no more than six (6) chickens total may be kept on a single lot regardless of how many permit holders there may be.

17.03. No nuisances. Chickens must not be kept in such a manner as to constitute a nuisance to the occupants of any adjacent property.

17.04. Storage. Chicken food is to be kept in containers designed to prohibit access by rodents and other pests. Chicken manure is to be contained in weather and pest-proof containers and removed or composted regularly. Chicken manure must not be allowed to accumulate in such a way as to cause any unsanitary condition or odors detectable on another property.

17.05. Deceased chickens. Dead chickens must be disposed of according to applicable law, and must be removed as soon as possible after death, but not later than 24 hours. Chickens kept under this section may not be slaughtered in the city.

17.06. Permits. A permit issued by the City is required to keep chickens. The permit application fee shall be set by the City Council. Permits shall have the same annual schedule as licenses issued under Section 5, above. The permit must state the number of chickens anticipated. No more than one permit may be issued per lot. A permit may only be issued if all adjoining property owners approve of the application in writing. "Adjoining property" means all properties within 50 feet of the proposed location of the coop.

Permits are non-transferable, and do not run with the property. Permits do not in any way create a vested zoning right, and are only a limited license issued by the city. No individual shall have a right to a permit.

As a condition of a permit, the applicant is authorizing the City to inspect the chickens and facility during normal City business hours, except that Law Enforcement is exempt from the normal business hours limitation.

17.07. Coops and Runs. Coops and Runs must be constructed and maintain in a way that satisfies the minimum standards established in this section.

A separate coop is required to house the chickens. A coop may not be attached to or located inside of any other structure, such as a home or garage. No more than one coop is permitted per lot. The coop and any run must be located in the rear yard of the property and comply with all setback requirements established by the City for any structure. Coops and Runs must not be placed in a utility easement.

A coop must be fully enclosed. A coop's maximum height shall not exceed six feet. The maximum total square area of the coop shall not exceed 24 square feet, and must have at least 4 square feet per chicken. A coop must be at least 24 inches off the ground or, alternatively, placed on a concrete pad. The coop must have sufficiently sized windows to permit natural light inside and windows must be able to be open for ventilation. Sufficient ventilation and insulation is required. Coop building materials and exterior colors shall be similar to or compatible with any primary structure on the premises. The coop must be kept well drained. The coop must be rodent and predator proof. Coop designs must meet basic humane needs of chickens, including heat, cooling, food, water, and protection from the elements.

Any Run must be attached to a coop. A run and coop together shall have a maximum area of 120 square feet. A run must be fenced in on all sides and include a roof. The height of the run fence shall not exceed six feet.

The coop must be removed within 30 days if the permit is revoked or allowed to expire.

SECTION 18. Penalties. Unless otherwise provided, violation of this ordinance is a misdemeanor punishable by a fine of up to \$1000.00 or imprisonment for up to 90 days. Violations of Sections 6, and 7 are petty misdemeanors punishable by a fine up to \$300.00.

This ordinance repeals Ordinance 203, An Ordinance Regulating Dogs, Cats, And Other Animals In the City Of Wabasso.

Passed and adopted by the City Council this 12th day of July 2021.

Carol Atkins, Mayor

Attest:

Larry Thompson, City Clerk