Evening Gazette, June 20, 1974

ORDINANCE NO. 52

TOWN OF STILLWATER

REGULATING THE LICENSING OF DOGS AND DOG KENNELS, THE KEEPING, IMPOUNDMENT AND REDEMPTION OF DOGS, AND PRESCRIBING PENALTIES FOR VIOLATION.

THE TOWN BOARD OF STILLWATER TOWNSHIP ORDAINS:

Section 1. **Definitions.** As used in this ordinance the following terms mean the following:

A. **Person.** Means any individual, firm, partnership or corporation.

B. **Owner.** Means any person owning, keeping, harboring or acting as custodian of any dog.

C. **At Large.** A dog is at large when it is off the property of his owner or keeper and not under restraint.

D. **Restraint.** A dog is under restraint if it is on the premises of the dog owner; obedient to that person's command when off the premises; within a private motor vehicle or controlled by a leash. A dog on the property of another without the consent of such property owner, is "at large" and not under restraint.

E. **Commercial Kennel.** Means a place where 4 or more dogs over six months of age are kept, and where the business of selling, boarding, breeding, training, or grooming dogs is conducted.

F. **Residential Kennel.** Means a place where 4 or more dogs over six months of age are kept on premises which are zoned and occupied for residential purposes, and where the keeping of such dogs is incidental to the occupancy of the premises for residential purposes.

G. **Dog.** Shall be intended to mean both male or female and shall include any animal of the dog kind.

H. **Altered.** Means a dog which has been surgically rendered unable to reproduce.

Section 2. **Licensing.** No person shall own, harbor, keep or have custody of a dog over six months of age within this township unless a current license for such dog has been obtained and unless said dog has been vaccinated against rabies. The license period shall be for two years beginning July 1 of every even numbered years.

Application. Application for a dog license shall be made to the Clerk not later than 30 days after commencement of the license period. It shall include such descriptive information as is necessary to provide reasonable identification of the animal and its owner. All applicants for a dog license shall present to the Clerk a certificate issued by a Doctor of Veterinary Medicine showing that the animal in question has been vaccinated against rabies and that such vaccination will continue to be effective for the balance of the license period. All applicants for a dog license for an altered dog shall present to the Clerk a certificate issued by a Doctor of Veterinary Medicine showing that the dog has been altered.

Tags. Upon the issuance of a dog license by the Clerk, the licensee shall be provided with a metallic tag bearing the license number, the name of this township, and the year when the license period begins or has begun. Except where the dog for which the license is issued is on the premises of his owner, the animal shall have a collar or harness on which the license tag is affixed. No person shall counterfeit any such tag of this township or use a counterfeit tag. With the initial purchase of a dog license, the Clerk shall give each owner a copy of this ordinance.

Lost or Stolen Tags. If any such tag is lost or stolen, the owner may obtain a new tag by surrendering the receipt for the first tag and by paying the sum set by the township therefor from time to time.

Transfers and Refunds. Dog tags shall not be transferable and no refunds shall be made on any dog license fee because of leaving the township or death of the dog before the expiration of the license period.

Fee. The license fee for each dog shall be in the amount set by the Town Board from time to time. If the license for a dog is obtained while the dog is impounded by this township or after the required license period has commenced, there shall be added to the regular license fee a late-license penalty of an additional sum as set by the Town Board from time to time for each such dog; provided that any owner who secures a dog after the start of a license period or any owner who has a dog at the time of becoming a resident of this township shall be allowed thirty days to secure a license without incurring the late-license penalty provided in this section.

Section 3. **Kennel Licenses.** No person shall operate a commercial or residential kennel in this township without first obtaining a kennel license. Application for such license shall be made to the Clerk not later than 30 days after commencment of the license period, and shall be accompanied by the specified license fee. The Clerk shall refer the application to the Town Board which may grant or deny the license. The license period shall be for two years beginning July 1, of every even numbered year.

Kennel Fees. The fee for a commercial kennel license shall be the amount set by the Town Board from time to time. The fee for a residential kennel license shall be the amount set by the Town Board from time to time. The kennel license shall be in lieu of individual license fee's as set forth in Section 2. A certificate of innoculation against rabies shall be available, for inspection by any person charged with enforcment of this ordinance, for each dog over 6 months of age housed in the kennel.

Tags. Upon the issuance of a kennel license by the Town Board the licensee shall be provided with a metallic tag as described in Section 2, subsection Tags, for each dog housed in the kennel. The provisions of Section 2, Subsection Tags and Subsection 2, Lost or Stolen Tags, shall apply to kennel dogs.

Kennel Regulations. Kennels shall be kept in a clean and healthful condition at all times, and shall be open to inspection by any health officer, dog warden, or other person charged with the enforcement of this ordinance, or any health or sanitary regulation of this township, at all reasonable times.

Revocation. Any kennel license may be revoked by the Town Board by reason of any violation of this ordinance or by reason of the violation of any other health or nuisance ordinance, order, law, or regulation. Before revoking a kennel license the licensee shall be given notice of the meeting at which such revocation will be considered, and if the licensee is present at such meeting, he shall first be given an opportunity to be heard. Notice of such meeting shall be given to the licensee in writing. Such written notice shall be mailed to the address of the licensee as set forth in the licensee's application for the kennel license, and it shall be mailed at least five days before the date of the meeting at which such revocation is to be considered by the Town Board.

Section 4. **Restraint.** No owner shall permit his dog to be at large in this township, but shall keep such dog under restraint at all times. Dogs shall be prohibited in areas of public parks or upon public lands which are posted "Restricted to Pets." In or upon public parks or public lands which are posted "Pet Exercise Area", dogs shall be leashed at all times.

Section 5. **Confinement.** The owner shall confine within a building or secure enclosure any fierce, dangerous, or vicious dog, except when under restraint by a competent person. Every female dog in heat shall be confined in a building, secure enclosure, veterinary hospital, or boarding kennel, or shall be controlled on a leash while being exercised.

Section 6. **Public Nuisance.** Any dog is a public nuisance that has done any of the following:

(a) Has destroyed property or habitually trespasses in a damaging manner on property of persons other than the owner.

(b) Has attacked or bitten a person outside the owner's or custodian's premises.

(c) Has shown vicious habits or molested pedestrians or persons riding or driving on the public streets or highways.

(d) Has habitually run at large.

(e) Has habitually barked, howled, or bayed to the annoyance of others.

Section 7. **Proceedings for abatement of Public Nuisance.** After a finding by a court of proper jurisdiction that a dog is a public nuisance, as defined in Section 6, the court may order that the dog be destroyed or that the owner or custodian remove it from the township or keep it confined to a designated place.

Section 8. **Pound.** The Town Board may provide for an animal pound, either within or outside the limits of the township.

Dog Warden. The Town Board may provide for dog wardens and poundkeepers.

Section 9. **Impounding of Dogs.** The dog warden or police officers of the township shall seize and impound any dog or dogs in the township without the tag provided for in this ordinance. The dog warden or police officer of the township shall, impound any dog or dogs running at large in violation of this ordinance. To enforce these provisions said dog warden or police officer may enter upon private premises where they have reasonable cause to believe there is a violation

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request of said officers or dog warden. When dogs are found running at large, and their ownership is known to the dog warden or police officer, such dogs need not be impounded, but the dog warden or police officer may, at his discretion, cite the owners of such dogs to appear in court to answer to charges of violations of this ordinance.

Section 10. **Treatment During Impounding.** Any dog which is impounded in the pound shall be kept with kind treatment and comfort. If the dog is not known or suspected of being diseased and has not bitten a person, it shall be kept in the pound for at least five (5) regular business days, unless it is sooner reclaimed by its owner. If such dog is known to be or is suspected of being diseased with a disease which might be transmitted to persons, it shall be kept in the pound for at least fourteen (14) days.

Section 11. **Redemption.** Any dog may be redeemed from the pound, by the owner, upon paying the following fees and charges:

(a) The license fee for the dog if the license has not previously been obtained.

(b) The late-license penalty, in the amount set by the Town Board from time to time where a license has not been obtained within the required time.

(c) The boarding fee in the amount set by the Town Board from time to time to be paid to the pound keeper for his services.

(d) An impounding fee in the amount established by the Town Board from time to time.

(e) If it is the second time that the dog has been impounded within the license period for a violation of this ordinance, or the third or fourth time, there shall be an additional fee in such amount as shall be set by the Town Board from time to time.

Section 12. **Disposal of Unredeemed Animals.** The pound keeper shall notify the owner of any dog which has been impounded and which has identification on it. If, at the end of the impounding period the dog is not reclaimed by the owner, such animal shall be deemed to have been abandoned and may be sold to any person or disposed of by the pound keeper in a humane manner. If the animal is to be kept in this township, a license shall be obtained by such person before posession of the animal is given to the purchaser. No abandonment or disposal of any dog shall excempt the owner of such dog from the penalties and redemption fees provided under this ordinance.

Section 13. **Abandonment.** No person shall abandon any dog or dog carcass within the township.

Section 14. **Observation of Dog After Biting.** Any person knowing of a case of a human being being bitten by a dog shall immediately notify the dog warden or police, who shall then order said dog impounded for a period of 14 days, at the expense of the owner of the dog, before surrendering the dog to its owner. If the owner has adequate facilities, the dog warden or police may allow the owner of the dog to impound it in said facilities.

Section 15. **Poundkeeper Reports.** The poundkeeper shall give an accurate written report for each month impounded or [illegible] under the terms of this ordinance and the duration of impoundment.

Section 16. **Violation.** Any person violating the provisions of this ordinance shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine of not more than $300.00 or by imprisonment not to exceed 90 days or both.

Repeals 8, 16, 22

Section 17. **Severability.** If any chapter, section, subsection, sentence, clause, phrase or portion of this code is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.

Section 18. **Repeals.** Ordinances numbers 8, 16, and 22 are hereby repealed.

Section 19. **Effective Date.** This Ordinance shall be effective upon publication.

Adopted this 13 day of June, 1974.

JOHN DONAHUE,

Chairman

Attest:
/S/ Pat Bantli

Pat Bantli, Clerk

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