

Village of Reserve
Ordinance No. 2008-01

DOG LICENSING ORDINANCE

AN ORDINANCE RELATING TO THE MANDATORY LICENSING OF DOGS AND TO PROVIDE FOR VACCINATION REQUIREMENTS AND FEES IN ORDER TO PROTECT THE HEALTH AND SAFETY OF THE RESIDENTS OF THE VILLAGE OF RESERVE.

1. License Requirement.
 - a. It shall be unlawful for any person to own, keep or harbor any dog over six (6) months old unless such dog is licensed as provided herein.
2. Nonresidents.
 - a. This chapter shall not apply to any nonresident owner or keeper of a dog while such nonresident is passing through the city, provided such dog shall remain on a leash or otherwise effectively physically restrained as in a closed vehicle.
3. Application.
 - a. Written application for a license shall be made annually by the owner on a form provided by the village. The owner shall be identified by name, mailing address, physical address and telephone number and the dog by sex, age, breed, color and call name and the proof of rabies inoculation. The owner must arrange to have the dog photographed at a location and time designated by the village clerk.
4. Rabies Inoculation Required.
 - a. It shall be unlawful for any owner to own, keep or harbor any dog over six (6) months old unless such dog has been inoculated for rabies.
5. Certificate of Vaccination.
 - a. A rabies inoculation receipt issued by a veterinarian at the time of vaccination shall be carefully preserved by the owner or custodian of the dog and exhibited promptly upon request by and designated city official.
6. License Fee.

- a. A license shall be issued after payment of a license fee. The license fee shall be \$10.

7. License Fee; Exemption.

- a. Any person owning, keeping or harboring a work dog shall be exempt from the license fee payment upon submittal of adequate proof that the dog is fully trained as a work dog and is used regularly as a work dog. Work dog shall mean any dog that is used to assist one who is visually impaired, hearing impaired, or is otherwise handicapped and the dog has been trained to assist that person with his personal handicap.

8. License Period; Authority to Issue.

- a. Licenses shall be valid for a one calendar year period;
- b. the Village Clerk is authorized to issue licenses.

9. Licenses Issuance.

- a. A license shall be issued only upon completion of the application form, the proof of rabies inoculation and the payment of the license fee, unless exempted under Section 7.

10. License Tags.

- a. Licenses shall be issued in the form of a durable tag which shall be fastened to the dog's collar or harness and worn at all times when the dog is not within the structure or dwelling of the owner or custodian, except as provided by Section 11. License tags shall not be transferable. If a tag is lost, a duplicate tag will be issued without charge upon the first request, any subsequent request for a replacement tag will cost \$5.

11. Wearing of License Tags Required.

- a. It shall be unlawful for the owner, keeper or harbinger of any licensed dog to allow or permit such dog to be outside of the residence of the owner, keeper or harbinger at any time other than when enclosed on all sides in a cage or covered dog run without having attached to a collar about the neck of such animal or to a secure body harness a license tag; except when such dog is being handled in the course of an organized training or exhibition program.
- b. It shall be unlawful for any person to remove or cause to be removed, the collar, harness or the license tag from any registered dog without the consent of the owner, keeper or harbor thereof.

- c. Any dog running at large and found not wearing a collar and tag for the current year shall be deemed a stray animal and may be seized by the Village or its designee.

12. Penalty

- a. Any person who owns a dog in violation of this ordinance shall be fined \$50.00.

13. Severability

- a. Should any section, paragraph, clause or provision of this ordinance, for any reason, be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this ordinance.

- 14. This ordinance shall be in full force and effect five days after its adoption, approval and publication as provided by law.

Village of Reserve

Robert Garrison, Mayor

ATTEST:

Lori Martinez, Village Clerk/Administrator

CHAPTER SEVEN

ANIMAL CONTROL

- 7-1-1 Definitions
- 7-1-2 Administration of Ordinance
- 7-1-3 Prohibited Activities
- 7-1-4 Domestic Livestock
- 7-1-5 Kennels

7-1-1 DEFINITIONS. As used in this article, the following words and terms shall, unless the context indicates a different meaning, have the meaning given herein.

- (A) ANIMAL: Any vertebrate excluding man.
- (B) MUNICIPALITY: That area lying within the incorporated boundaries.
- (C) VILLAGE MARSHAL: The Village Marshal of the municipality or his or her designated representative.
- (D) NUISANCE: Means, but is not limited to, disturbing the peace, emitting noxious or offensive odors, or otherwise endangering or offensive to the environment of the municipality.
- (E) KEEPER: Any person who owns, harbors, keeps, or has control or custody of an animal for more than six days, provided that this term shall not apply to veterinarians or kennel owners temporarily maintaining on their premises animals owned by others.
- (F) KENNEL: Any establishment or premises where dogs or cats are boarded or kept.
- (G) PERSON: Any individual, household, firm, partnership, corporation, society, association, and every agent and employee thereof.
- (H) RUNNING AT LARGE: An animal off the premises of the keeper and not under the direct control of a competent person.
- (I) STRAY OR ESTRAY: Any animal that has no identifiable keeper.
- (J) VICIOUS ANIMAL: Any animal which commits an unprovoked attack upon a person on private property, or which terrorizes or attacks a person on public property, or in a public place.

7-1-2 ADMINISTRATION OF ORDINANCE.

- (A) RESPONSIBILITY: The Village Marshal or his or her designated representative is responsible for the administration of this ordinance. Reasonable rules and regulations shall be prescribed by the Governing Body to carry out the intent and purpose of this ordinance.
- (B) ENFORCEMENT: The Village Marshal or his or her designated representative shall have the authority to issue citations for violation of this ordinance and to perform such other duties as are prescribed herein.

7-1-3 PROHIBITED ACTIVITIES.

(A) NUISANCE: It is unlawful for a keeper to allow any animal to persistently bark, howl, or make noise or to be kept or maintained in such a manner as to disturb or otherwise endanger the health and welfare of the inhabitants of the neighborhood.

(B) PHYSICAL ABUSE: It is unlawful for any person to maliciously kill, maim, torture, mutilate, burn, or to cruelly drive or work any animal.

(C) ABANDONMENT OF ANIMALS: It is unlawful to abandon any animal within the municipality.

(D) POISONING: It is unlawful to poison domestic animals or to distribute poison or toxicants in any manner with the intent of so poisoning.

(E) CARE AND MAINTENANCE: It is unlawful for any keeper to fail to provide an animal with proper food, drink and shelter, or to carry an animal in or upon any vehicle in a cruel or inhumane manner.

(F) ANIMAL FIGHTS: It is unlawful to cause, instigate, or promote any fight in which two or more animals are engaged for the purpose of injuring, maiming, or destroying themselves or another animal.

(G) VICIOUS ANIMAL: It is unlawful for any person to keep or harbor any vicious animal.

7-1-4 DOMESTIC LIVESTOCK.

(A) RESTRICTIONS:

(1) All domestic livestock shall be kept in a secure pen or enclosure.

(2) All domestic livestock shall be cared for according to accepted livestock management practice and in such manner as to not create a public nuisance.

(3) The person in possession or control of a pen or enclosure for domestic livestock shall keep it in such a manner as to control offensive odors, insect breeding and any other conditions affecting the public health.

(B) RUNNING AT LARGE UNLAWFUL:

(1) It is unlawful for any domestic livestock, including, but not limited to meat cattle, horses, mules, donkeys, burros, swine, goats, sheep or fowl, or other animal, to be turned loose, abandoned or to run at large within the limits of the municipality; or for any such animal to be tethered that it may roam across or into any street or public place in said municipality; and it is unlawful for any person to herd or detain such animal in any street, avenue, alley or other public place in said municipality.

(A) RESTRICTIONS: No person, group of persons, or business entity in the municipality may own, keep or harbor more than three dogs of three months of age or older, more than three cats of three months of age or older, or more than a total of five dogs and cats in any combination more than three months of age or older without obtaining a kennel license.

(B) LICENSE REQUIRED: Persons operating a kennel must obtain a nontransferable kennel license, which shall be posted in a conspicuous place in the kennel. A kennel license shall expire on December 31 of each year and shall be renewed by February 1 of the following year. No kennel license may be issued without an inspection certificate issued by the Village Marshal. The annual kennel license fee shall be \$ 25.00 .

(C) FACILITIES AND CARE APPLICABLE TO KENNEL LICENSE: Animal housing facilities must be structurally sound and shall be constructed of non-toxic materials. The facility shall be maintained in good repair and kept clean and sanitary at all times, so as to protect animals from disease and injury. Animals maintained in pens, cages, or runs for periods exceeding 24 hours must be provided with adequate space to prevent overcrowding and to permit an adequate exercise according to the requirements of the species. Indoor housing shall be provided with adequate ventilation and temperature control to provide for the animals' comfort and health. Sufficient lighting shall be provided by either natural or artificial means. If outside housing is provided, it must be sufficient to protect the animal from sunlight, rain, snow, or cold weather detrimental to the animal's health. Provisions shall be made for the removal and proper disposal of animal and food waste, bedding, dead animals, and debris. Disposal facilities shall be provided and operated so as to minimize vermin infestation, odors, and disease hazards. Except where indicated for health, animals shall be provided with clean, fresh, sufficient and wholesome food and water. Food and water containers must be kept clean. Every animal kept in a kennel must be observed daily and diseased or injured animals must be provided with veterinary care.

(D) INSPECTION: The Village Marshal or his agent shall be permitted to enter, at any reasonable time, for the purpose of inspecting or reinspecting any kennel or pet shop to determine compliance with this ordinance.

(E) VIOLATIONS, SUSPENSIONS AND REVOCATIONS: A kennel license may be denied, suspended or revoked by the Village Marshal upon a determination that the operator of the kennel or pet store is in violation of this ordinance. An opportunity for a hearing on any denial, suspension, or revocation shall be provided at a time and place determined by the Governing Body. Based upon the record of such hearing the Governing Body shall make a finding and shall sustain, modify, or rescind the action considered at the hearing. Any owner of a kennel or pet store whose license has been suspended or revoked may make application for reinstatement of the license. If, following inspection, the applicant has complied with the requirements of this ordinance, the license shall be reinstated.

(F) EXCEPTIONS: This section shall not apply to and shall not be construed to require a kennel license for:

- (1) A veterinary hospital or clinic operated by a licensed veterinarian.
- (2) A bona fide research institution using animals for scientific research.
- (3) A publically owned animal control center or shelter.
- (4) A bona fide animal shelter operated by an organized humane society.