



## DOGS AND CATS

CITY OF MILBANK  
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### Chapter 8.04

#### DOGS AND CATS

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##### 8.04.010 Definitions. Terms used in this chapter mean:

- (1) "At large" means to be off the premises of the owner and not under the control of the owner or a member of his immediate family over twelve years of age, either by leash or otherwise; but a dog upon the running board or within an automobile of its owner shall be deemed upon its owner's property.
- (2) "Dog" includes all domesticated members of *Canis familiaris*, male or female.
- (3) "Leash" means a cord, thong, or chain, not more than ten feet in length, by which a dog is controlled by the person accompanying it.
- (4) "Licensed dog" refers to any dog whose owner has met all the requirements of this chapter.
- (5) "Unlicensed dog" refers to a dog whose owner has not met the requirements of this chapter.
- (6) "Officer" includes any official with the power and authority of an officer of the peace.
- (7) "Owner" includes any person, firm or corporation, owning, harboring, or keeping a dog or cat.
- (8) "Cat" includes all domesticated members of *Feline Familiaris*, male or female.
- (9) "Licensed cat" refers to any cat whose owner has met all of the requirements of this title.
- (10) "Vicious dog" refers to (1) Any dog, when unprovoked, in a vicious or terrorizing manner approaches in apparent attitude of attack, or bites, inflicts injury, assaults or otherwise attacks a human being upon the streets, sidewalks or any public grounds or places; or (2) Any dog which, on private property, when unprovoked, in a vicious or terrifying manner approaches in apparent

attitude of attack, or bites, or inflicts injury, or otherwise attacks a mailman, meter reader, serviceman, journeyman, delivery man, or other employed person who is on private property by reason of permission of the owner or occupant of such property or who is on private property by reason of a course of dealing with the owner of such private property. (Ord. 253, Sec. 1, 1954; Ord 538, Sec. 1, 1987; Ord. 580, Sec. 1, 1993).

8.04.020 License required. It shall be unlawful for any person within the city to keep, maintain or have in his custody or under his control any dog or animal of the dog kind or any cat or animal of the cat family without first having obtained a license to do so from the city finance officer as provided in this chapter and without having paid the license fee therefore. (Ord. 538, Sec. 2, 1987; Ord 580, Sec. 2, 1993).

8.04.021 License Application. Any person desiring to keep, maintain or have in his custody or control by himself or agent within the city, any animal identified in Section 8.04.020 shall on or before the thirty-first day of December in each year make application to the city finance officer for a license to keep such animal; such application shall be writing stating the type of animal, name, sex, color and other distinguishing characteristics of said animal and the name of the owner thereof, and that said animal has no vicious propensities so far as known to said applicant, which application shall be made on a printed blank furnished by the city treasurer and shall be filed with said city finance officer. (Ord. 580, Sec. 3, 1993).

8.04.022 License Fee and Tag. An applicant for an animal license shall at the time of making an application pay to the city finance officer as a license fee the sum of three dollars (\$3.00) for each castrated animal or spayed female animal and the sum of five dollars (\$5.00) for each uncastrated male animal or unspayed female animal, and it shall be the duty of the city finance officer, at the time of the issuance of the license provided for in this article, to furnish and deliver to said applicant a metallic tag for each animal for which such license is issued, upon which tag shall be stamped or engraved the registered *number* of the animal and the year when registered, and it shall then be the duty of the owner of the animal to place a collar around the neck of such animal so owned or kept by him, on which collar shall be securely fastened a metallic tag so furnished by the city finance officer; provided that in case of the loss of any tag so issued, the said city finance officer is authorized to issue a duplicate thereof upon payment of the actual cost of same upon application being made therefore and upon satisfactory proof that such tag has been lost. (Ord. 538, Sec. 2 1987; Ord. 580, Sec. 4, 1993).

8.04.023 Certificate of inoculation. In addition to the payment of a license fee as set forth in this article, the applicant shall exhibit to the city finance officer a certificate by a registered veterinarian showing that his animal has been inoculated against rabies and that said inoculation will be effective during the period for which the dog or cat is licensed. (Ord. 580, Sec. 5, 1993).

8.04.024 Animals under six months of age. Any animal licensed under six (6) months of age shall be inoculated against rabies upon reaching the age of six (6) months. (Ord. 580, Sec. 6, 1993).

8.04.025 Expiration. All animal licenses shall expire on the thirty-first day of December following the granting thereof, and shall be renewed by payment of the license fee as provided by Section 8.04.022 prior to the expiration date; and if said license shall expire, then said applicant, in addition to payment of the regular animal license fee, shall pay an additional license fee of three (\$3.00), and if said person shall fail to purchase said animal license upon notification as herein provided, a complaint shall be made and filed. (Ord. 580, Sec 7, 1993).

8.04.030 Dog or Cat--At Large. It shall be unlawful for any owner to allow any dog or cat to run at large. (Ord. 253, Sec. 3(a), 1954; Ord 580, Sec. 8, 1993; Ord. 629, Sec. 1, 1995)).

8.04.040 Unlicensed--Surrender by owner. An officer may enter upon the premises of an owner of an unlicensed dog or cat for the purpose of seizing it. (Ord. 538, Sec. 3, 1993; Ord 580, Sec. 9, 1993)

8.04.050 Animals in heat. Male or female dogs or cats in heat shall be kept confined in a building or secure enclosures in such a manner that such dog or cat cannot come in contact with another dog or cat, except for planned breeding purposes. (Ord. 580, Sec. 11, 1993).

8.04.051 Animals disturbing the Peace. (a) No person owning and no person keeping, harboring or having on property occupied by him any dog, cat or other animal, licensed or unlicensed, confined on the premises or otherwise, shall suffer or permit such animal to disturb the peace and quiet of the neighborhood by making loud and/or unusual noises, or shall suffer or permit such animal to disturb the peace and quiet of the neighborhood by persistent or constant barking, howling, whining, snarling or growling.

(b) Upon complaint being made to the police department that any person owns or is keeping or harboring any animal which disturbs the peace as herein set forth, the police department shall be empowered to immediately take possession of said animal and to impound said animal. The police department shall leave in a conspicuous place notice of said impoundment and the address and phone number of the City pound where the animal is being taken. The police department shall in addition to the notice left at the place where the animal was taken into possession shall send written notice to the resident of said address or to the owner of the animal, if known. The police department shall further attempt to contact the owner or the person keeping, harboring or having on his property said animal by telephone. Any contact made by the police department shall include the place where the animal is being held and the phone number of the place where the animal is being held.

(c) In addition to the impounding of such animal or other penalties prescribed, the owner of the animal and the occupant of the property on which the animal is being kept or harbored during the times that the animal is disturbing the peace shall be subject to a penalty as prescribed in Chapter 1.16. (Ord. 253 Sec. 7, 1954; Ord. 390 Sec. (f), 1974; Ord. 580, Sec. 12, 1993).

8.04.052 Vicious --Regulation. If any dog, cat or other animal is of a vicious disposition or has dangerous habits, the police shall notify in writing the owner of or possessor of such dog, cat or other animal to confine such dog, cat or other animal and if thereafter such owner or possessor fails to comply with such notice, the police are authorized, empowered and directed to kill or cause to be killed such dog or cat, whether found running at large or upon the premises of the owner forthwith, and without impounding such dog, cat or other animal. (Ord. 253, Sec. 5, 1954; Ord. 580, Sec. 15, 1993).

8.04.053 Rabid quarantine. The owner of any animal which has contracted rabies, or which has been subjected to the same, or which is suspected of having rabies, or which has bitten any person, upon the demand of the police department, shall be required upon request to confine such animal for a period of not less than ten days and not more than six months. However, any dog or cat that has been properly treated with an anti-rabid vaccine shall be confined for a period of not less than ten days but not more than tree months. In the case that the animal is other than a dog, cat or other animal the police department may serve written notice upon the owner of such animal that the owner shall have the animal euthanized immediately and

said owner shall comply with said notice immediately. Failure to obey the request and demands of the police department under this section shall be violation of this ordinance. The owner of any animal which has contracted rabies or which has been subjected to the same or which is subjected to having rabies, or which shall have bitten any person, shall, upon the demand of the police department produce and surrender the animal to the department to be held in quarantine for observation for a period of not less than ten (10) days. If examination of any animal shall prove it to be infected with any rabies, such animal shall be disposed of as directed by an officer of said police department. The owner of any animal so quarantined shall pay all costs and expenses incurred by the city during the quarantine period for maintenance and examination of such animal and for disposal of said animal. (Ord. 253, Sec. 6 (a), 1954; Ord. 580, Sec. 16, 1993).

8.04.054 Muzzles requires when. The mayor may, by proclamation, at any time, upon forty-eight (48) hours notice published in the official paper of this city, order that all dogs in the city shall be muzzled in such a manner as to make it impossible for said dogs to bite any person, dog or other animal. (Ord. 253, Sec. 6(c), 1954; Ord. 580, Sec 18, 1993).

8.04.055 Number limited per owner. It is unlawful for any owner to own, have in his possession, keep or harbor under any circumstances in excess of three dogs and cats, or, in the alternative, two dogs, or, two cats, as defined in this chapter. Not more than one cat may be female, unless cat is spayed provided, however, that if any female dog or cat bears a litter may be held in possession of such owner for a period of time not to exceed two months from their birth. (Ord. 538, Sec. 6, 1987).

8.04.056 Removal of Dog Waste. It shall be unlawful for an owner, keeper, caretaker or attendant of a dog or a cat to allow a dog or cat to defecate on public or private property other than his own, unless such owner, keeper, caretaker or attendant of the dog or cat immediately and thoroughly clean the fecal material from such property. Any person accompanied by any animal on public property or private property other than his own must carry with him visible means of cleaning up any fecal matter left by the animal. Service animals and animals used in parades are exempt from the provisions of this section. (Ord. 732, 2007)

## **Chapter 8.08**

### **ANIMALS RUNNING AT LARGE**

#### **Sections:**

##### **8.08.010 Prohibited.**

8.08.010 Prohibited. It is unlawful for the owner or the person in possession or custody of any horse, cattle, swine, sheep, goat or other animal to permit or suffer the same to run at large, or to trespass upon the premises of any other person or persons within the city. (Ord. 387, Sec. 2(part), 1974; Ord. 143, Sec. 423, 1926).