

## Chapter 4

### ANIMALS AND FOWLS

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#### Article 1 - General Provisions

##### Section 4-1 Impounding of animals

The city shall provide for the impounding, sale, or destruction of animals or fowls kept contrary to the laws of this city or running loose not under the control of the owner. The owner of such impounded animals or fowls shall be notified in three days as to the impoundment of such animals and the reasons the impoundment took place. If the owner is not known a description of the impounded animals or fowls should be published in a local newspaper of general distribution notifying the owners of the impounded animals or fowls of the time in which they have to claim such animals or fowls before they shall be auctioned. Upon claiming his animals or fowls the owner shall pay any fine and for the care of the animals and fowls while they were impounded. If the owner does not claim his animals or fowls they shall be sold at a public auction. The auction shall take place within two weeks after the animals and fowls were impounded. This auction shall be controlled by the chief of police who shall sell said animals or fowls to the highest bidder. The proceeds of the sale shall be as follows: first, as payment for all fees and damages; second, to pay for the keep of the animals while they were impounded; third, all that is left shall be returned to the owner, if the owner is not known then the remaining amount will be returned to this city.

Section 4-2 Domestic Animal Tax

This city shall have the power and authority to levy and collect an annual license tax upon the privilege of keeping a domestic animal within the corporate limits of the city.

Section 4-3 Unlawful Quartering of Animals

It shall be unlawful for anyone to quarter any livestock inside the city limits without the consent of the city council.

Livestock as used in this section shall include and mean one or more cattle, horses, ponies, mules, donkeys, burros, goats, sheep, swine, or fowls. Any person violating any of the provisions of this section shall be fined not less than one dollar nor more than one hundred dollars for each offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 4-4 Forceable retaking of impounded stock; penalty

Anyone who forcefully shall take possession of any animal impounded by the city under section (4-1) without paying all fees shall be guilty of a misdemeanor and shall be fined not more than fifty dollars.

Section 4-5 Cruelty to animals; pitting animals against each other in fight; penalties

No person shall cruelly neglect, beat, or torture any horse or domestic animal, nor shall they feed any animal any unwholesome substance, or pen such animal up in an area hazardous to the well being of the animal, or abandon a hurt animal to die or, fight one animal against another for the pleasure of sport, he shall be guilty of a misdemeanor and shall be fined not less than five or more than one-hundred dollars or sentenced to jail for not over thirty days.

Section 4-6 Search warrants relating to the cruelty to animals

If a complaint is filed with the municipal court and the complaint provides valid proof or cause a search warrant may be issued, and if in such a search any of the provisions in section (4-5) are found to be apparent all animals shall be taken and also all persons dealing in or apart of such cruelty.

Section 4-7 No need for a search warrant

Any authorized officer may enter without warrant, any building in which the pitting of animals against each other is taking place and possess all animals and persons taking part in the fighting of these animals.

Section 4-8 Malicious killing of animals by poison or otherwise; penalty

It shall be unlawful for any person to poison or attempt to poison any animal or fowl of another person, or to maliciously maim, kill, or cause the death of any animal or fowl of another person. If the value of the harmed animal be less than fifty dollars then the person shall be guilty of a misdemeanor and fined not more than fifty dollars or more than thirty days in jail. If the value is over fifty dollars then that person is guilty of a felony and shall be referred to a higher court. Provided that this section does not include dogs.

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### Section 4-9 Disposing of dead animals

No person shall knowingly and willingly throw any dead animals into any body of water used for domestic purposes, nor deposit any dead animals along land adjacent to a body of water in such a fashion that the dead animals may be washed into the street, or cast any dead animals into any alley, market space, town lot or public road or within a hundred yards of any public road, and if he does so he shall be guilty of a misdemeanor and fined not less than twenty or more than two hundred dollars or imprisonment of up to thirty days.

### Article 2 - Dogs

#### Section 4-10 Dogs subject to taxation; declared to be personal property

Any dog shall be declared to be personal property, and any dog above the age of six months shall be subject to taxation.

#### Section 4-11 Collection of head tax on dogs; duties of assessor and sheriff; registration of dogs

It shall be the duty of the county assessor and sheriff as required under state law to collect the municipal tax on dogs over six months of one dollar for every male or spayed female and two dollars for every unspayed female. If the tax is not paid within fifteen days of its assessment then the sheriff shall have the right to impound the dog, for such services an extra dollar and fifty cents shall be added to the fee. The sheriff shall keep the dog for fifteen days after which if the delinquent taxpayer does not pay this tax the sheriff shall sell the dog and after taking out the money required for the tax and up-keep of the dog, return that sum to the delinquent taxpayer. Should the sheriff fail to sell the dog he shall dispose of it.

When the tax is assessed the assessor and sheriff shall put down the age, sex, color, character of hair (long or short) and breed and the name and address of the keeper of the dog. He shall then give him a certificate of registration and a registration tag of such dog.

The assessor shall be allowed to keep ten percent of all tax collected and shall turn ninety percent back into the treasurer of the city.

#### Section 4-12 Wearing of registration tag by dog

Every registered dog shall at all times wear a valid registration tag issued as provided in this article. The failure to have displayed or worn on any dog of such tag shall be first evidence that such dog is not registered and the dog is subject to be impounded, sold or destroyed.

#### Section 4-13 Failure to register dog; alteration or forging of registration certificate

Any person who keeps or owns any dog subject to registration under the provisions of this article, and who fails, refuses, or neglects to register such dog shall be guilty of a misdemeanor and come under any penalty that may be imposed by the county assessor as an officer of this state.

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Any person who forges or alters any certificate or tag, or says such tag to be valid when he knows it is invalid, or permits any dog owned by him to wear fake or invalid tags shall also be under any penalties imposed by the court assessor.

### Section 4-14 Joint ownership, etc. by counties and municipalities of dog pounds

The county court of this county may combine together with this municipality for the joint ownership, leasing, operation and maintenance within the county of a dog pound and may jointly employ a dog warden or dog wardens. The chief of police may also be given the powers of the dog warden of this dog pound if so authorized.

### Section 4-15 Dogs protected by law; unlawful killing thereof; aggrieved owner's remedy; penalty

Any dog which is registered or any dog regardless of age who shall be owned and kept by any person shall be protected by the law and any person who shall unlawfully steal, kill or injure, administer poison or knowingly expose the same or intentionally cause the death of some dog shall be guilty of a misdemeanor, and, if the dog be of the assessed value of more than twenty dollars he shall be fined not more than two-hundred dollars or more than 30 days in jail and, if such dog be than twenty dollars he shall be fined not more than 50 dollars or fifteen days in jail.

### Section 4-16 Unlawful to harbor dog; penalty

Any person who shall aid or hide a dog which he knows has worried or killed livestock or poultry not belonging to him shall be guilty of a misdemeanor and shall be fined not less than ten or more than fifty dollars or thirty days in jail and, each day that he harbors such dog shall be a separate offense.

### Section 4-17 Vaccination of dog; penalty

Whoever owns or keeps a dog or dogs and fails to have such dog or dogs vaccinated or revaccinated against rabies and whoever vaccinates a dog or dogs against rabies fails or refuses to provide the required tag, or whoever interferes with the enforcement of this section of this article shall be fined not less than ten or more than fifty dollars or confined in the city jail for not less than ten or more than thirty days or both.

### Section 4-18 Dogs running loose

It shall be unlawful for the owner or manager of any dog to negligently permit such animal to run loose upon the public road and it shall be unlawful for the owner of any animal or reptile to permit such animal or reptile to destroy property within the municipality. Violators of this section shall be guilty of a misdemeanor and fined not less than five or more than ten dollars.

Article 3 Birds and Animals Creating Nuisance

Section 4-19

When it shall appear, on complaint of residents or otherwise, that starling, sparrows, pigeons, rodents, or other birds or animals constitute a nuisance in any part of the city, the Code Enforcer shall be authorized to contact the appropriate agencies to assist in the animal nuisance. If no assistance is rendered, the responsibility will revert back to the municipal judge for final decision.

CITY OF BELMONT

BY Sam Bann

1<sup>st</sup> reading July 7, 2020

2<sup>nd</sup> reading July 14, 2020

Adopted July 21, 2020

ATTEST: Constance Binegar

City Recorder

