**57.01   DEFINITIONS.**

For use in this chapter, the following terms are defined:

   1.   “Dangerous animal” means:

      A.   Badgers, wolverines, weasels, skunk and mink;

      B.   Raccoons;

      C.   Bats;

      D.   Scorpions;

      E.   Opossums;

      F.   Piranhas;

      G.   Pit bull terriers and/or crosses thereof.

   2.   “Vicious animal” means any animal, except for a dangerous animal per se, as listed above, that has bitten or clawed a person or persons while running at large and the attack was unprovoked, or any animal that has exhibited vicious tendencies in present or past conduct, including such that said animal:  (i) has bitten or clawed a person or persons on two separate occasions within a 12-month period; or (ii) did bite or claw once causing injuries above the shoulders of a person; (iii) could not be controlled or restrained by the owner at the time of the attack to prevent the occurrence; or (iv) has attacked any domestic animal or fowl on three separate occasions within a 12-month period.

******57.02   KEEPING OF DANGEROUS ANIMALS PROHIBITED.**

No person shall keep, shelter or harbor any dangerous animal as a pet, or act as a temporary custodian for such animal, or keep, shelter or harbor such animal for any other purpose or in any other capacity within the City.

******57.03   SEIZURE, IMPOUNDMENT AND DISPOSITION OF DANGEROUS ANIMALS.**

   1.   In the event that a dangerous animal is found at large and unattended upon public property, park property, public right-of-way or the property of someone other than its owner, thereby creating a hazard to persons or property, such animal may, in the discretion of the Mayor or Police Chief, be destroyed if it cannot be confined or captured.  The City shall be under no duty to attempt the confinement or capture of a dangerous animal found at large, nor shall it have a duty to notify the owner of such animal prior to its destruction.

   2.   Upon the complaint of any individual that a person is keeping, sheltering or harboring a dangerous animal on premises in the City, the Mayor shall cause the matter to be investigated and if after investigation, the facts indicate that the person named in the complaint is keeping, sheltering or harboring a dangerous animal in the City, the Mayor shall order the person named in the complaint to safely remove such animal from the City or destroy the animal, within three days of the receipt of such order.  Such order shall be contained in a notice to remove the dangerous animal, which notice shall be given in writing to the person keeping, sheltering or harboring the dangerous animal, and shall be served personally or by certified mail.  Such order and notice to remove the dangerous animal shall not be required where such dangerous animal has previously caused serious physical harm or death to any person, in which case the Mayor shall cause the animal to be immediately seized and impounded or destroyed if seizure and impoundment are not possible without risk of serious physical harm or death to any person.  The order to remove such dangerous animal issued by the Mayor may be appealed to the Council.  In order to appeal such order, written notice of appeal must be filed with the Clerk within three days after receipt of the order contained in the notice to remove the dangerous animal.  Failure to file such written notice of appeal shall constitute a waiver of the right to appeal the order of the Mayor.  The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the Clerk.  The hearing of such appeal shall be scheduled within seven days of the receipt of the notice of appeal.  The hearing may be continued for good cause.  After such hearing, the Council may affirm or reverse the order of the Mayor.  Such determination shall be contained in a written decision and shall be filed with the Clerk within three days after the hearing or any continued session thereof. If the Council affirms the action of the Mayor, the Council shall order in its written decision that the person owning, sheltering, harboring or keeping such dangerous animal remove such animal from the City or destroy it.  The decision and order shall immediately be served upon the person against whom rendered in the same manner as the notice of removal.  If the original order of the Mayor is not appealed and is not complied with within three days or the order of the Council after appeal is not complied with within three days of its issuance, the Mayor is authorized to seize and impound such dangerous animal.  An animal so seized shall be impounded for a period of seven days.  If at the end of the impoundment period, the person against whom the decision and order of the Mayor or Council was issued has not petitioned the District Court for a review of said order, the Mayor shall cause the animal to be disposed of by sale, removal from the City, or destroy such animal in a humane manner.  Failure to comply with an order of the Mayor issued pursuant hereto and not appealed, or of the Council after appeal, constitutes a violation of this Code of Ordinances.

******57.04   KEEPING OF VICIOUS ANIMALS PROHIBITED.**

No person shall keep, shelter or harbor for any reason within the City a vicious animal as defined in this chapter, except animals kept under the control of a law enforcement or military agency.

******57.05   SEIZURE, IMPOUNDMENT AND DISPOSITION OF VICIOUS ANIMALS.**

   1.   The Mayor, in his or her discretion or upon receipt of a complaint alleging that a particular animal is a vicious animal, as defined herein, may initiate proceedings to declare such animal a vicious animal. A hearing on the matter shall be conducted by the Council.  The person owning, keeping, sheltering or harboring the animal in question shall be given not less than 72 hours’ written notice of the time and place of said hearing.  Said notice shall set forth the description of the animal in question and the basis for the allegation of viciousness.  The notice shall also state that if the animal is determined to be vicious, the owner will be required to remove it from the City or allow it to be destroyed.  The notice shall be served upon any adult residing at the premises where the animal is located, or may be posted on those premises if no adult is present to accept service.

   2.   If, after hearing, the Council determines that an animal is vicious, the Mayor shall order the person owning, sheltering or harboring or keeping the animal to remove it from the City or to cause it to be destroyed in a humane manner.  The order shall immediately be served upon the person against whom issued in the same manner as the notice of hearing.  If the order is not complied with within three days of its issuance, the Police Chief is authorized to seize and impound the animal.  An animal so seized shall be impounded for a period of seven days.  If at the end of the impoundment period, the person against whom the order of the Mayor was issued has not petitioned the District Court for a review of the order, the Mayor shall cause the animal to be destroyed.

   3.   Failure to comply with an order of the Mayor issued pursuant hereto and not appealed, or of the Council after appeal, shall constitute a violation of this Code of Ordinances.

   4.   Any animal found at large which displays vicious tendencies may be processed as a vicious animal pursuant to the foregoing, unless the animal is so vicious that it cannot safely be apprehended, in which case the Mayor may immediately destroy it.

   5.   Any animal which is alleged to be vicious and which is under impoundment or quarantine at the animal shelter shall not be released to the owner, but shall continue to be held at the expense of the owner pending the outcome of the hearing.  All costs of such impoundment or quarantine shall be paid by the owner if the animal is determined to be vicious.  If the animal is not determined to be vicious, such impoundment or quarantine shall be paid by the City.

******57.06   DESTROYING VICIOUS ANIMALS FOUND AT LARGE.**

The City shall be under no duty to attempt the confinement or capture of an animal found at large which displays vicious tendencies, nor shall the City have a duty to notify the owner of such animal prior to its destruction.  In the event that an animal is found at large and unattended upon public property, or upon the property of someone other than its owner, thereby creating a hazard to any person or property, such animal may, in the discretion of the Police Chief or Mayor, be destroyed if it cannot be confined or captured without undue risk.