

5-4-9: FIERCE, DANGEROUS OR VICIOUS ANIMALS AND GUARD DOGS:

- A. Off Premises; Restraint And Muzzle: It shall be unlawful for the owner of any fierce, dangerous or vicious animal to permit such animal to go or to be off the premises of the owner unless such animal is under restraint and properly muzzled so as to prevent it from injuring any person or property.
- B. Uncontrollable Vicious Animal: Every animal so vicious and dangerous that it cannot be controlled by reasonable restraints, and every dangerous and vicious animal not effectively controlled by its owner or person having charge, care or control of such animal, so that it shall not injure any person or property, is a hazard to public safety, and the animal control officer shall seek a court order for the destruction of the animal.
- C. Guard Dogs: Subsection B of this section shall apply to guard dogs provided for the protection of property. Guard dogs must be kept in a fenced run or other suitable enclosure and under absolute control during hours when the property is opened to the public so they cannot come into contact with the public. Guard dogs shall at all times be properly restrained.
- D. Previous Bites: It shall be prima facie evidence of violation of this section when a person has actual knowledge that a dog kept, harbored or maintained by him has bitten another animal or person, or if the person has reasonable grounds to believe a dog kept, harbored or maintained by him has bitten another animal or person.
- E. Hereditary Characteristics:
1. Certain breeds of dogs which by their unique hereditary characteristics, owner, training and instruction, or mistreatment, have a propensity to be vicious. These breeds include, but are not limited to, the bull terrier, the American Staffordshire bull terrier, American pit bull terrier, Tosa, shar-pei, and any other dog determined to be vicious or potentially harmful to people or other animals (determined to be vicious under subsection B of this section).
 2. The dogs identified under this section:
 - a. Must be licensed under the procedures and fees set.
 - b. Must be kept in a fenced yard, dog run or other structure which is at least six feet (6') in height by six feet (6') wide, by ten feet (10') in length.
 - c. Must be on a leash and properly muzzled if they are out of a fenced area.
 - d. Must, at the time of licensing, provide proof of a fully paid homeowners' or rental insurance policy containing a personal liability clause in the amount of one hundred thousand dollars (\$100,000.00).
 - e. The insurance policy agent and number will be recorded upon licensing, and the agent will be notified if the dog is cited for violating this chapter.
 - f. These requirements must be met before a dog license will be issued.

F. Knowledge Of Vicious Propensities: It is unlawful for the owner of a vicious animal, knowing its propensities, to wilfully allow it to go at large or keep it without ordinary care. It shall be unlawful for any animal, while at large, to cause injury to another animal or to any human being who has taken reasonable precaution. (1989 Code § 13-20-16)

5-4-9-1: LEASING TO OWNERS OF FIERCE, DANGEROUS OR VICIOUS ANIMALS:

It is an infraction, subject to penalty as provided in section [1-4-1](#) of this code, for any individual, business or other entity to lease, rent or otherwise provides premises to another individual, business or entity when the lessee or renter intends to keep pets at the premises and said pets qualify as fierce, dangerous or vicious animals and/or guard dogs under subsection [5-4-9C](#) of this chapter, without first informing any potential lessee or renter regarding the necessity of fulfilling the above statutory requirements, including the following:

- A. The owner must provide proof of and keep in effect a fully paid homeowners' or rental insurance policy containing a personal liability clause in the amount of at least one hundred thousand dollars (\$100,000.00)

- B. The animal must be appropriately licensed.

- C. The animal must be kept in a fenced yard, dog run or other structure which is at least six feet (6') in height by six feet (6') wide, by ten feet (10') in length.

- D. The animal must be on a leash and properly muzzled if out of a fenced area. (Ord. 07-17, 9-18-2007)