

**MILLVILLE CITY CODE
TITLE 6 - ANIMALS
CHAPTER 6.08 - DOGS**

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6.08.010: DEFINITIONS

As used in this chapter, unless the context indicates otherwise:

ANIMAL CONTROL OFFICER: The custodian selected by the Governing Body to be responsible for the operation of the dog pound.

AT LARGE: Any dog off or away from the premises of the owner, possessor, or keeper thereof, and not under the control of such owner, possessor, or keeper, or his or her agent or servant or a member of his or her immediate family. A dog shall be deemed under the control of the owner or family member if it is within immediate call, or if it is within the immediate view and within distance of call, if it is on a leash, cord, or chain, or if it is within direct command of the owner or immediate family member.

COMMERCIAL KENNEL: Housing of adult dogs for profit or as a shelter or foster care center.

DOG: Any male, neutered male, female, or spayed female dog of any age.

DOG OF LICENSING AGE: Any dog which has been weaned or attained the age of three (3) months.

IMPOUNDED: Having been received into the custody of the Municipal pound or into the custody of any authorized agent or representative of the Municipality.

OWNER: When applied to the proprietorship of a dog, means any person or persons, firm, association or corporation owning, keeping or harboring a dog.

POUND: An animal shelter, lot, premises, or buildings maintained by or authorized or employed by the City for the confinement or care of dogs seized either under the provision of this chapter or otherwise.

UNLICENSED DOG: A dog for which the license for the current year has not been paid, or to which the tag provided for in this part is not attached.

VICIOUS OR DANGEROUS DOG OR OTHER ANIMAL: A dog or other animal that has bitten a person without provocation or a dog or other animal species that has a known propensity to attack or to bite humans, dogs, or other domesticated animals. (Ord. 2017-4, 2017)

6.08.020: LICENSE AND REGISTRATION REQUIRED

- A. All dogs which have been weaned or which have attained the age of three (3) months and which are kept, harbored, or maintained by any person in this Municipality shall be licensed and registered. Dog licenses shall be issued by the appointed City official upon payment of a license fee of the amount set by resolution for spayed or neutered dogs and a license fee of the amount set by resolution for nonspayed or nonneutered dogs. All dogs required by this chapter to be registered and licensed shall be so registered and licensed, and the fee paid not later than March 1 of each year. If not so paid, the fee shall be double that provided above.
- B. Anyone owning, keeping, harboring, or maintaining four (4) or more dogs over the age of three (3) months - not for the purpose of selling said dogs - shall be considered to be operating a noncommercial dog kennel and shall be required to pay an annual kennel license fee of an amount to be set by resolution per year in lieu of the individual license fee.

1. No kennel operation may at any time own or house more than six (6) dogs or six (6) cats, with no combination of animals exceeding nine (9).
 2. Dog kennel operators may be required by request of the City Council to provide a monthly report to the city recorder with the following information:
 - a. Total maximum number of animals housed at any time in the month.
 - b. Total maximum number of dogs housed at any time in the month.
 - c. Total maximum number of cats housed at any time in the month.
 3. Commercial kennels are not permitted within city limits.
- C. The owner shall state at the time application is made for such license, his or her name and address and the sex, breed, and color of each dog owned or kept and provide proof of current rabies vaccination. The license fee shall cover the calendar year in which the license was issued, expiring on December 31 of the year of issuance, regardless of the date when issued.
- D. The provisions of this section shall not be intended to apply to dogs whose owners are nonresidents temporarily within the Municipality, nor to dogs brought to the Municipality for the purpose of participating in any dog show.
- E. Dogs used as guides for disabled persons shall be licensed and registered as other dogs hereinabove provided, except that upon providing written documentation of certified training for use as a guide dog for disabled persons, the owner or keeper of such dogs shall not be required to pay any fee therefor.
- F. No residence, within the jurisdiction, shall at any time own or house more than six (6) dogs or six (6) cats, with no combination exceeding nine (9), except as otherwise provided in this title. (Ord. 2018-10, 2018, 2017-4, 2017)

6.08.030: TAG AND COLLAR

Every dog owner, shall provide each dog with a collar to which the license tag shall be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate will be issued by the City for a payment of one dollar (\$1.00) for such duplicate. Dog tags shall not be transferable from one dog to another, and no refunds shall be made on any dog license fee because of death of the dog or the owner's leaving the Municipality before expiration of the license period. (Ord. 2018-1, 2018)

6.08.040: RUNNING AT LARGE PROHIBITED

- A. It is unlawful for the owner or keeper of any dog to permit such dog to run at large.
- B. It is unlawful for an owner of a dog to permit such dog to go upon or be upon the private property of any person without the permission of the owner or person entitled to the possession of such private property.
- C. The owner of any dog running at large after dark shall be deemed in violation of this section regardless of the precautions taken to prevent the escape of the dog and to prohibit it from running at large. This section intends to impose upon the owners of dogs an absolute burden of keeping such dogs on their premises or under their control at all times.
- D. Any dog running at large in violation of the provisions of this section is declared to be a nuisance and a menace to the public health and safety, and the dog shall be taken up and impounded as provided herein. (Ord. 2017-4, 2017)

6.08.050: FEMALE IN HEAT

The owner of a female dog in heat shall cause such dog to be penned or enclosed in such a manner as to preclude other dogs from attacking such female dog or being attracted to such female dog so as to create a public nuisance. (Ord. 2017-4, 2017)

6.08.060: STRAYS

It is unlawful for any person to harbor or keep within the Municipality any lost or strayed dog. Whenever any dog shall be found which appears to be lost or strayed, it shall be the duty of the finder to notify the dog licensing employee or animal control officer who shall impound for running at large contrary to the terms of this chapter. If there shall be attached to such dog a license tag for the then current fiscal year, the animal control officer shall notify the person to whom such license was issued, at the address given in the license. (Ord. 2017-4, 2017)

6.08.070: RABIES

Every owner of any dog over the age of six (6) months within the Municipality shall have the dog vaccinated against rabies by a duly licensed veterinarian, shall secure from the veterinarian a certificate thereof, and shall attach to the collar or harness, which such person is required to place upon the dog, a tag showing that such vaccination has been done, provided that the Governing Body may by resolution provide that the owners of any dog may themselves purchase serum and vaccinate their own dogs. The resolution shall also prescribe the conditions with which the owner must comply to obtain the tag hereinafter required. All dogs shall be required to have a current rabies vaccination by the age of six (6) months. (Ord. 2017-4, 2017)

6.08.080: AT LARGE DURING RABIES EMERGENCY

It is unlawful for the owner of any dog to suffer, allow, or permit such dog to be or go upon any sidewalk, street, alley, public place, or square within the Municipality without first having had such dog vaccinated against rabies as above provided within the past two (2) years, and without there being on such dog a collar or harness with a license tag thereon showing that such dog has been so vaccinated. (Ord. 2017-4, 2017)

6.08.090: DOGS WHICH DISTURB NEIGHBORHOOD

No person, persons, firm, or corporation shall own, keep, or harbor any dog which by loud, continued, or frequent barking, howling, yelping, or by noxious or offensive odors shall annoy, disturb, or endanger the health and welfare of any person or neighborhood. A violation of this section shall be a Class C misdemeanor and such is declared to be a nuisance, and each day a violation is permitted to exist or continue shall constitute a separate offense. This section shall not apply to the Municipal dog pound, veterinary hospitals, or medical laboratories. (Ord. 2017-4, 2017)

6.08.100: VICIOUS ANIMALS; SPECIAL PROVISIONS

- A. It is unlawful for any person to own or possess a vicious animal within the Municipality. Whenever a prosecution for this offense is commenced under this section, the animal so involved may not be redeemed, pursuant to the provisions of this section, while awaiting final decision of the court as to the disposition to be made of such animal.

- B. Upon the trial of any offense under this section, the court may, upon conviction and in addition to the usual judgment of conviction, order the animal control officer or other authorized personnel of the Municipality to put the animal to death or may order such other disposition of the animal as will protect the inhabitants of the Municipality.
- C. It is unlawful for any person to own or possess any animal that is part or full blood of a known wild species. (Ord. 2017-4, 2017)