

Chapter 90: Animals (only sections changed)

§ 90.001 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ADEQUATE SHELTER. A shelter that is suitable for the species, age, condition, size, and type of each animal. The shelter shall provide adequate space for each animal and protect each animal from injury, rain, sleet, snow, hail, direct sunlight, the adverse effects of heat or cold, physical suffering, and impairment of health. The shelter shall be properly cleaned, enable each animal to be clean and dry (except when detrimental to the species). Depending upon the species of the animal, the shelter shall be properly lighted. Shelters for dogs and cats shall provide a solid surface, resting platform, pad, floor mat, or similar device that is large enough for the animal to lie on in a normal manner and can be maintained in a sanitary manner. **ADEQUATE SHELTER** does not include a shelter whose wire, grid, or slat floors allow an animal's feet to pass through the openings, sag under an animal's weight, or otherwise do not protect an animal's feet or toes from injury.

ADEQUATE SPACE. Sufficient space to allow each animal to easily stand, sit, lie, turn about, and make all other normal body movements in a comfortable and normal position for the animal and interact safely with other animals in the enclosure.

ALTER. The act of having an animal spayed or neutered.

ALTERED. A term used to describe an animal that has previously been spayed or neutered.

ANIMAL. Any living organism other than a human being or, those commonly considered plants whether domestic or wild.

ANIMAL BITE. The act of being seized with the teeth or jaws of an animal so that the person or animal seized has been nipped, gripped, wounded, or pierced, and further includes contact of saliva with any break or abrasion of the skin.

ANIMAL CONTROL OFFICER. The person appointed by the Mayor, with the advice and consent of the City Council, as **ANIMAL CONTROL OFFICER** of the city animal shelter for the purposes of administering these regulations. The person shall be a salaried employee of the city and shall not be eligible for additional compensation for off-duty calls or other work at the city animal shelter. The person shall report to the Chief of Police or his or her designee. The Superintendent in addition to his or her duty to administer these regulations shall endeavor to enact and maintain practices to encourage the

adoption of animals and to keep the city animal shelter as clean as possible and in as good condition and repair as is economically feasible.

DANGEROUS DOG. Any individual dog which is either un-muzzled, unleashed, or unattended by its owner (or a member of its owner's family), or custodian while upon any street, sidewalk, public grounds or places, or private property other than that of the dog owner, that when unprovoked approaches any person or domestic animal in a vicious or terrorizing manner, or in an apparent attitude of attack. A Dangerous Dog declaration does not necessarily involve any injury to a human or domestic animal. If an injury occurs, the more appropriate declaration would be Vicious Dog.

ENCLOSURE. A fence or structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a dog declared as a Vicious Dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a dog within the enclosure. The **ENCLOSURE** shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure; a house or building may constitute an **ENCLOSURE** within the meaning of this section if it is inhabited and the windows and doors are solid and secured. Screen doors and windows with no window/door glass are not acceptable in a structure used as an **ENCLOSURE**. The **ENCLOSURE** shall have attached thereto or displayed on the premises where the **ENCLOSURE** is located a sign designating or warning that a dog declared as a Vicious Dog is located on the premises. The sign shall be located so as to be clearly visible from any street, sidewalk or other public right-of-way adjacent to the premises.

IMPOUNDED. Taken into the custody of the Animal Control Officer or the city animal shelter.

OWNER. Any person, firm or corporation owning, keeping, maintaining, housing or harboring any animal or animals. For purposes hereof, **KEEPING** or **MAINTAINING** shall include, but not be limited to, regularly feeding or watering any animal or animals.

PERSON. A person, firm or corporation.

RUN LINE. A system of tying a dog in place with either rope or chain having a tensile strength of at least 300 pounds.

VICIOUS DOG. Any individual dog that, when unprovoked, bites or attacks a human being or other domestic animal causing injury or death, whether on public or private property; or,

- Has a known propensity, tendency or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals;
- Has been declared as a Dangerous Dog upon two separate occasions.

§ 90.003 DANGEROUS OR VICIOUS ANIMALS.

(A) *Animals other than dogs.*

(1) It shall be unlawful to cause or permit any dangerous or vicious animal to run at large within the city.

(2) It shall be unlawful to house or bring into the city any dangerous or vicious animal without first securing a permit to do so from the Chief of Police or the Animal Control Officer, which permit may impose precautions or conditions necessary for the protection of persons and property.

(3) Exhibitions or parades of animals which are *ferae naturae* (of a wild nature or disposition) in the eyes of the law may be conducted only after securing a permit from the Chief of Police or the Animal Control Officer.

(B) *Dangerous or vicious dogs.* Dogs declared as Dangerous or Vicious dogs shall be subject to the regulations, restrictions and provisions of §§ [90.025](#) through [90.032](#).

§ 90.004 KILLING DANGEROUS ANIMALS.

For the protection of persons or property, the Chief of Police, Animal Control Officer, and members of the Police Department may kill any animal within the City that is dangerous or vicious by nature or action and poses an immediate threat. The animals shall, if reasonably possible, be killed by means other than shooting the animal in the brain so as to preserve the brain for laboratory determination of whether the animal had contracted rabies. Any animal shall be preserved as necessary for rabies determination.

§ 90.027 DANGEROUS OR VICIOUS DOGS.

(A) *Dangerous Dogs.*

(1) *Declaration*

The Animal Control Officer, or any Quincy Police Officer, becoming aware of a dog that meets the definition of a Dangerous Dog in [§ 90.001](#) shall forward a report of the incident to the Deputy Chief of Administration through the proper chain of command.

Upon receipt of the reports, the Deputy Chief of Administration, in consultation with the Administrative Services Sergeant and Animal Control Officer shall determine if the facts of the incident are such that the dog in question is dangerous. In the affirmative, the Deputy Chief of Administration shall declare the dog in question as a Dangerous Dog.

The Declaration shall be served in person to the dog's owner(s). Photographs sufficient to identify the dog shall be taken and kept on file.

(2) *Exemption.*

No dog shall be declared as a Dangerous Dog under the following circumstances:

- The dog menaces or terrorizes a trespasser on the property of its owner.
- The dog is acting to protect its owner.
- The dog menaces or terrorizes anyone who has tormented or abused it.
- The dog is a professionally trained dog for law enforcement or guard duties, provided incident occurs while the dog is performing duties as expected.

Dogs declared as Dangerous Dogs shall not include guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, provided they are performing duties of a guide or support dog at the time. To qualify for exemption under this section, each dog shall be currently inoculated against rabies as required by this code or state statute. It shall be the duty of the owner of the exempt dog to register the dog with the Animal Control Officer, provided a photograph of the dog and information regarding the age, breed, gender and location of the dog as determined necessary by the Animal Control Officer. It shall be the duty of the owner of the exempt dog to notify the Animal Control Officer of any change of address. The Animal Control Officer shall provide Police and Fire Departments with a categorized list of the exempt dogs, and shall promptly notify the Departments of any address changes reported to him or her.

(3) *Keeping of Dangerous Dogs*

It shall be unlawful to keep or maintain any dog that has been declared as a Dangerous Dog, unless the same is confined in a fence, a house or structure (but not necessarily an ENCLOSURE as defined herein) or on a run line, so as to prevent the dog from escaping the confinement. A dog declared as a Dangerous Dog may be permitted outside the premises of the owner or keeper provided it is securely restrained by a leash no longer than five feet in length and the leash is in the physical control of a person of sufficient age and physical strength to control and restrain the dog.

Upon the declaration of a Dangerous Dog, the Animal Control Officer shall inspect the Owner's property to determine that the dog can be confined in accordance to the provisions above.

If the owner fails to provide verification of the manner and means by which the dog will be confined, the dog shall be impounded and held until such time that the means of confinement can be verified, or it is surrendered.

Should the owner or keeper of a dog declared as a Dangerous Dog move, he/she shall notify the Animal Control Officer of the new address within 10 days and provide verification of the manner and means by which the dog will be confined at the new address.

(4) *Guard or sentry dogs.*

Any person keeping or maintaining any guard or sentry dog on any commercial or industrial or manufacturing premises shall register the dog with the Animal Control Officer, providing a photograph of the dog and information regarding the age, breed, gender and location of the dog as determined necessary by the Animal Control Officer. It shall be the duty of the owner of the guard or sentry dog to notify the Animal Control Officer of any change of address of the owner and the present location where the dog will be stationed. The Animal Control Officer shall provide Police and Fire Departments with a categorized list of the exempt dogs, and shall promptly notify the Departments of any address changes reported to him or her.

(5) *Violation.*

Any dog declared as a Dangerous Dog which is not confined in a fence, house, structure or on a run line or attended to by a leash as provided herein shall be taken up and impounded as provided in §§ 90.075 through 90.080 hereof.

(B) *Vicious dogs.*

(1) *Declaration*

The Animal Control Officer, or any Quincy Police Officer, becoming aware of a dog that meets the above definition of a Vicious Dog shall forward a report of the incident to the Deputy Chief of Administration through the proper chain of command.

Upon receipt of the reports, the Deputy Chief of Administration, in consultation with the Administrative Services Sergeant and Animal Control Officer, shall determine if the facts of the incident are such that the dog in question is vicious. In the affirmative, the Deputy Chief of Administration shall declare the dog in question as a Vicious Dog.

The Declaration shall be served in person to the dog's owner(s). Photographs sufficient to identify the dog shall be taken and kept on file. The dog shall be micro chipped and altered, if not already, within 14 days of the declaration. All vetting is at the owner's cost.

If not already impounded following the procedure of 90.028 Dog Bite, and if the dog is not micro chipped or altered within the 14 days of the declaration, it shall be impounded. Once impounded, the dog shall be held until such time that it is micro chipped and altered or surrendered.

Upon the declaration of a Vicious Dog, the Animal Control Officer shall inspect the Owner's property to determine that the dog can be confined in accordance to the provisions above. The owner shall also provide the Animal Control officer with the certificate of required insurance as explained in this ordinance.

If the owner fails to provide verification of the manner and means by which the dog will be confined, as well as the certificate of required insurance as explained in this ordinance, the dog shall be impounded, if not already, and held until such time that the means of confinement and required insurance coverage can be verified, or it is surrendered.

(2) *Exemption*

No dog shall be declared as a Vicious Dog under the following circumstances:

- The dog bites, attacks or menaces a trespasser on the property of its owner.
- The dog is acting to protect its owner.
- The dog attacks or menaces anyone who has tormented or abused it.
- The dog is a professionally trained dog for law enforcement or guard duties.

(3) *Keeping of Vicious Dogs.*

It shall be unlawful for any person to keep or maintain any dog which has been declared as a Vicious Dog unless the dog is at all times kept in an ENCLOSURE as described in § 90.001.

The only time that a dog declared as a Vicious Dog may be allowed out of the enclosure is:

- It is necessary for the owner or keeper to obtain veterinary care for the dog; or
- To comply with the order of a court of competent jurisdiction.
- In these instances, the dog must be securely muzzled and restrained with a chain having a tensile strength of 300 pounds and not exceeding three feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog. Such owner or keeper must be at least eighteen years of age.

No owner or keeper of a dog declared as a Vicious Dog shall sell or give away the dog, without written authorization from the Deputy Chief of Administration or designee.

Should the owner or keeper of a dog declared as a Vicious Dog move, he/she shall notify the Animal Control Officer of the new address within 10 days and allow for the inspection of the ENCLOSURE at the new address.

(4) *Violation.*

Any dog which has been declared as a Vicious Dog and which is not confined to an ENCLOSURE shall be impounded by law enforcement authority having jurisdiction and shall be destroyed as provided in §§ 90.075 through 90.080.

§ 90.028 PROCEDURE FOR THE IMPOUNDMENT AND DESTRUCTION OF DOGS

(A) Immediate Impoundment Following a Dog Bite or Domestic Animal Death

Any dog that bites a human (not its owner or immediate family member residing at the same address) or kills a domestic animal within the City shall be impounded and held for a period of 10 days. Animal bites are as defined in § 90.001.

Prior to the end of the 10 day impoundment, the Deputy Chief of Administration, in consultation with the Administrative Services Sergeant and Animal Control Officer, shall determine if the facts of the incident are such that the dog in question is vicious. In the affirmative, the Deputy Chief of Administration shall declare the dog in question as a Vicious Dog.

If the dog is declared as a Vicious Dog, photographs sufficient to identify the dog shall be taken and kept on file. The dog shall be micro chipped and altered, if not already, before it can be released. All vetting is at the owner's cost. The dog shall be held beyond the initial 10 days until such time that it is micro chipped and altered or surrendered.

(B) Rabies Control

Any dog that bites any human and does not have a current rabies vaccination shall remain under the observation of the city animal shelter, for the initial 10-day impoundment and the city animal shelter, shall at the end of the 10-day period make a written report to the County Department of Health. Should the dog show evidence of rabies, then it shall be killed in a humane manner. In the event the dog is pronounced free from rabies by the city animal shelter and not declared as a Vicious Dog, then the dog shall be released to the owner or keeper upon the payment of the animal shelter's fee provided. If the dog is declared as a Vicious Dog the owner shall also have the dog micro-chipped and altered at his/her expense, provide verification to the Animal Control Officer of the manner and means by which the dog shall be confined in an ENCLOSURE as defined in this ordinance, as well as the certificate of required insurance as explained in this ordinance.

(C) *Destruction of Dangerous and Vicious Dogs*

(1) *Surrendered Dogs*

The owner of any dog declared as a Dangerous or Vicious Dog may choose to surrender the dog instead of complying with the requirement of this ordinance.

If the owner of any dog declared as a Dangerous or Vicious Dog fails to provide verification of the manner and means by which the dog will be confined, and/or in the case of a dog declared as a Vicious Dog the required insurance coverage, within 7 days of the declaration or the end of the initial 10-day impoundment, whichever is longer, the dog shall be considered as surrendered. If the declaration is appealed, the impound time will continue until such time the appeal is resolved. The 7-day impound will start over at the time of the final appeal decision.

Any surrendered dog declared as a Dangerous or Vicious Dog shall be destroyed as provided in this Code.

(2) *Vicious Dogs Outside of Confinement*

Any dog declared as a Vicious Dog which is found not confined to an ENCLOSURE shall be impounded and shall be destroyed as provided in §§ 90.075 through 90.080.

(3) *Vicious Dog Bite*

Notwithstanding the foregoing, any dog previously declared a Vicious Dog which bites any person or causes other severe or permanent injury to any person shall be destroyed as provided in this code. Penalty, see § 90.999

(D) *Adherence to Time Frames*

- (1) With the exception of the 10-day impoundment for Rabies Control purposes, all time frames may be shortened or lengthened at the discretion of the Deputy Chief of Administration to assist dog owners in complying with requirements of this ordinance and to reduce unnecessary impoundment costs.
- (2) All dogs not current on their rabies vaccinations following a Dog Bite, must be impounded for the minimum 10 days.

(E) *Owner's Right to Appeal*

(1) *Appealing the Declaration of Dangerous and Vicious Dogs*

The owner of a dog declared as a Dangerous or Vicious Dog has the right to appeal the declaration.

The appeal must be filed in writing to the Office of the Chief of Police with 14 days of the receipt of the declaration. In the case of an appeal, the impound time will continue until such time the appeal is settled. The owner of the dog will continue to be responsible for all impound costs.

The Chief of Police, or designee, shall set a hearing date for the appeal to be held within 7 days of the receipt of the appeal.

The hearing shall take place at the Quincy Police Department. After hearing the appeal, the Chief of Police, or designee, shall render a decision on the status of the declaration within a reasonable time.

Failure to appear at the set hearing date by the dog owner shall be considered a withdrawal of the appeal.

If the Chief of Police, or designee, upholds the declaration, the owner of the dog has the right to appeal that decision in Circuit Court.

Notice of the intent of filing an appeal in court must be presented to the Office of the Chief of Police within 14 days of receipt of the initial appeal decision. Failure to make such notification shall result in the standing of the declaration.

(2) Appealing the Decision to Destroy Vicious Dogs

The owner of a dog declared as a Vicious Dog which has been impounded with intent to destroy it has the right to appeal that decision.

The appeal must be filed in writing to the Office of the Chief of Police with 14 days of the receipt of the decision. In the case of an appeal, the destruction will be stayed until such time the appeal is settled. The owner of the dog will continue to be responsible for all impound costs.

The Chief of Police, or designee, shall set a hearing date for the appeal to be held within 7 days of the receipt of the appeal.

The hearing shall take place at the Quincy Police Department. After hearing the appeal, the Chief of Police, or designee, shall render a decision on the destruction of the dog within a reasonable time.

Failure to appear at the set hearing date by the dog owner shall be considered a withdrawal of the appeal.

If the Chief of Police, or designee, upholds the decision to destroy, the owner of the dog has the right to appeal that decision in Circuit Court.

Notice of the intent of filing an appeal in court must be presented to the Office of the Chief of Police within 14 days of receipt of the initial appeal decision. Failure to make such notification shall result in the standing of the decision to destroy.

(F) Insurance Requirement for Dogs Declared as a Vicious Dog

The owner of a dog declared as a Vicious Dog shall present a certificate of insurance issued by an insurance company licensed to do business in this state, providing personal liability insurance coverage as in a homeowner's policy, with a minimum liability amount of \$100,000.00 for the injury or death of any person, for the damage to property of others and for acts of negligence by the owner or his or her agents, in the keeping or owning of such dog declared as a Vicious Dog. The certificate of registration requires the owner to notify the Quincy Police Department within one business day, if the insurance policy is cancelled for any reason.