

ORDINANCE 1620

AN ORDINANCE TO CONTROLL THE UNATTENDED DOG AND CAT POPULATION OF THE VILLAGE OF COLDWATER

Section A—Safety Clause

The Village of Coldwater hereby finds, determines, and declares that this ordinance is necessary for the immediate preservation of the public health, safety, and welfare of Village of Coldwater.

Section B—Definitions

For the purposes of this ordinance, the following definitions shall prevail:

Animal—Dog or cat.

Animal Control Authority—The person or persons designated to enforce this ordinance.

Animal establishment—Any pet shop, grooming shop, animal auction, performing animal exhibition, kennel, or animal shelter. This term shall not include veterinary medical facilities, licensed research facilities, facilities operated by government agencies, or licensed animal dealers regulated by the USDA under the provisions of US Public Laws 89-544, 91-579, 94-279, 99-198, and 101-624.

Animal shelter—Facility designated or recognized by the Village of Coldwater for the purpose of impounding and caring for animals.

At large—A dog or cat off the property of the owner and not under restraint.

Humane manner—Care of an animal including, but not limited to, adequate heat, ventilation, sanitary shelter, wholesome food, and water consistent with the normal requirements and feeding habits of the animal's size, species, and breed.

Kennel—An establishment kept for the purpose of breeding, selling, or boarding dogs or cats or engaged in training dogs or cats.

Livestock guarding dogs—Dogs kept for the primary purpose of protecting livestock from predatory attacks.

Neutered—Rendered permanently incapable of reproduction.

Nuisance—A dog or cat that damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; or chases vehicles or molests, attacks, or interferes with persons or other domestic animals on public property.

Owner—A person having the right of property or custody of a dog or cat who keeps or harbors a dog or cat or knowingly permits a dog or cat to remain on or about any premises occupied by that person.

Person—Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

Pet shop—An establishment engaged in the business of buying or selling at retail dogs or cats or other animals for profit-making purposes.

Under restraint—A dog or cat within the real property limits of its owner, secured by a leash or lead, or under the control of a responsible person.

Dangerous—A dog or cat that without justification attacks a person or domestic animal causing physical injury or death or that behaves in a manner that a reasonable person would believe poses an unjustified imminent threat of serious injury or death to one or more persons or domestic animals.

Section C—Owner Responsibility

1. All dogs and cats shall be kept under restraint.
2. Every dangerous dog or cat, as determined by the Police Department, shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
3. No dog or cat shall be allowed to cause a nuisance. The owner of every dog or cat shall be held responsible for every behavior of such dog or cat under the provisions of this ordinance.
4. Persons who fail to comply with the provisions of this section can be charged with a minor misdemeanor and/or subject to a fine of \$25.00 per animal per day.
5. Dog and cat owners shall ensure that their dog or cat carries identification at all times in the form of microchip, tag, or other means to allow easy determination of the owners.
6. Livestock guarding dogs shall be exempt from nuisance regulations when performing duties protecting livestock on premises owned or controlled by the owner.

Section D—Impoundment

1. Any dog or cat found at large shall be impounded by the Police Department in an animal shelter and confined in a humane manner. Immediately upon impounding a dog or cat, the Police Department shall make every reasonable effort to notify the owner and inform such owner of the conditions whereby custody of the animal may be regained. Dogs and cats not claimed by their owners three (3) full days in which the shelter is open to the public shall become the property of the Village of Coldwater.
2. When a dog or cat is found running at large and its ownership is verified by the Police Department, the authority may exercise the option of serving the owner with a notice of violation in lieu of impounding the animal.
3. In the event that the Police Department finds dogs or cats to be suffering, it shall have the right forthwith to remove or cause to have removed any such animals to a safe place for care at the owner's expense or to euthanize them when necessary to prevent further suffering. Return to the owner may be withheld until the owner has made full payment for all expenses so incurred.
4. Disposal of an animal by any method specified herein does not relieve the owner of liability for violations and any accrued charges.

Section E—Redemption

1. Any animal impounded may be redeemed by the owner thereof within three days upon payment of an impoundment fee of \$50.00 if any such animal has been previously impounded, the impoundment fee shall be \$100.00. Payment of impoundment fees is not considered to be in lieu of any fine, penalty, or license fees.
2. Any animal confined for rabies quarantine, evidence, or other purpose may be redeemed by the owner thereof upon payment of a fee of \$50.00 plus any medical cost.
3. No animal required to be licensed or vaccinated under this ordinance may be redeemed until provisions for such licensing have been fulfilled.

Section F—Interference

No person shall interfere with, hinder, or molest any agent of the Police Department in the performance of any duty as provided herein.

Any person violating this section shall be deemed guilty of a misdemeanor and shall be subject to a fine of not less than \$50.00 or more than \$500.00

Section G—Repeals Conflicting Ordinances

All other ordinances of the Village of Coldwater that are in conflict with this ordinance are hereby repealed to the extent of such conflict.

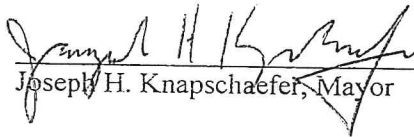
Section H—Severability

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

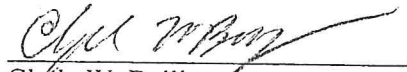
Section I—Applicability

This ordinance shall take effect and be in force from and after the earliest period allowed by law.

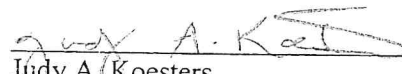
Adopted this 9th day of JUNE, 2014.


Joseph H. Knapschaefer, Mayor

Attest:


Clyde W. Bellinger
Clerk of Council

Approved:


Judy A. Koesters
Law Director