

## **Ordinance #05-14-07-1**

AN ORDINANCE PROHIBITING OR REGULATING THE OWNING OR KEEPING OF DANGEROUS ANIMALS INCLUDING PIT BULL DOGS, PROVIDING FOR PERMITS FOR CERTAIN DANGEROUS ANIMALS, AND PROVIDING PENALTIES FOR VIOLATIONS.

Be it ordained by the Governing Body of the Town of Milan:

**SECTION 1: DEFINITIONS.** For purposes of this ordinance, the following definitions shall apply:

A. "Dangerous animal" means any of the following:

(1) Any mammal, amphibian, fish, reptile, or fowl of a species which due to size, vicious nature, or other characteristics would constitute a danger to human life or physical well-being or to other animals.

(2) Any animal having a known disposition or propensity to attack, bite, or injure any person or animal without provocation. Where the official records of the Animal Control Officer, Town Clerk, Police Department, or Clerk of the Municipal Court indicate that an animal has bitten or attacked any person or animal, it shall be prima facie evidence that said animal is a dangerous animal.

(3) Any animal owned or kept primarily or in part for the purpose of fighting or any animal trained or bred for fighting.

(4) Any animal which is urged by its owner or keeper to attack, or whose owner or keeper threatens to cause such animal to attack, any law enforcement officer while such officer is engaged in the performance of official duty and when such animal has the apparent ability to cause injury or harm to such officer.

(5) "Pit bull dog". "Pit bull dog" means any and all the following dogs: (a) the Staffordshire Bull Terrier breed of dogs; (b) the American Staffordshire Terrier breed of dogs; (c) the American Pit Bull Terrier breed of dog; (d) any other breed commonly known as Pit Bull, Pit Bull Dog or Pit Bull Terrier; or (e) dogs which have the appearance and characteristics of being predominately of the breeds of dogs known as the Staffordshire Bull Terrier, the American Staffordshire Terrier, or the American Pit Bull Terrier. The registration of a dog at any time as any of the dogs listed above shall constitute prima facie evidence the animal is a pit bull dog.

B. "Person" includes any natural person, association, partnership, organization, or corporation.

C. "Own" or "keep" means to own, keep, harbor, control, manage, possess, maintain, or have charge or custody of or provide care for.

D. "Owner" or "Keeper" means any person who owns or keeps a dangerous animal.

E. "Registered dangerous animal", including pit bull dogs, means an animal for which a permit has been properly obtained within thirty days of the effective date of this ordinance and in accordance with Section 5.

**SECTION 2: PROHIBITION.** Except as provided in Sections 3 and 4, no person shall own or keep any dangerous animal in the Town of Milan.

**SECTION 3: EXCEPTIONS.** Any person who meets any of the following exceptions shall be permitted to own or keep an animal described in Section 1 provided that such person has first properly obtained a permit for the animal as provided in Section 5 and provided that an owner or keeper of a pit bull dog shall also be required to comply with all licensing and vaccination requirements imposed by other ordinances for dogs.

A. The keeping of such animal in zoos, bona fide education or medical institute, museum, or any other place where they are kept as live specimens for the public to view or for the purpose of instruction or study.

B. The keeping of such animal for exhibition to the public by a circus, carnival, or other exhibit or show.

C. The keeping of such animal in a bona fide, licensed veterinary hospital for treatment.

D. Commercial establishments possessing such animal for the purpose of sale or display.

E. The owning or keeping of a registered pit bull dog necessitate the following requirements:

(1) **Leash.** No person shall permit a registered dangerous animal / pit bull dog to go outside its kennel or pen unless such animal is securely leashed with a leash no longer than four feet in length. No person shall permit a dangerous animal to be kept on a chain, rope, or other type of leash outside its kennel or pen unless an adult person is in physical control of the leash. Such dogs may not be leashed to inanimate objects such as trees, posts, or building.

(2) **Muzzle.** No person shall permit a registered dangerous animal / pit bull dog to go outside its kennel or pen unless such animal is securely muzzled by a muzzling device sufficient to prevent such animal from biting persons or other animals.

(3) **Confinement.** All registered dangerous animals shall be securely confined indoors or, if outdoors, in a securely enclosed and locked pen or kennel, except when leashed and muzzled as above provided. Such pen or kennel shall have secure sides and a secure top attached to the sides. All structures used to confine registered pit bull dogs must be locked with a key lock or combination lock when such animals are within the structure. Such structure must have a secure bottom or floor attached to the sides of the pen or the sides of the pen must be embedded in the ground no less than two feet. All such structures must be adequately lighted and ventilated and kept clean in sanitary condition.

(4) **Confinement Indoors.** No dangerous animal including pit bull dogs may be kept on a porch, patio, or any part of a house or structure or in any manner that would allow the dog to exit such building on its own volition. In addition, no such animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the dog from exiting the structure.

(5) **Signs.** All owners or keepers of registered dangerous animals / pit bull dogs within the town shall within thirty days of the effective date of this ordinance display in a prominent place on their premises a sign easily readable by the public using the words "Beware of Dog." In addition, a similar sign shall be posted on the kennel or pen of such animal.

(6) **Special Collar.** All registered dangerous animals and pit bull dogs shall be required to wear a bright orange collar at all times when not confined indoors. The collar shall be visibly on the dog when it is in a kennel or pen or on a leash.

(7) **Microchipping.** All registered dangerous animals and pit bull dogs shall have an identification microchip implanted. Such microchipping shall be accomplished by a licensed veterinarian.

(8) **Reporting Requirements.** All owners or keepers of registered dangerous animals including pit bull dogs must within ten days of any of the following incidents notify in writing to the Town Clerk as required hereinafter.

(a) The removal from the Town of Milan or death of a registered dangerous animal / pit bull dog;

(b) The birth of offspring to a registered pit bull dog or dangerous animal

(c) The move of the owner or keeper or the move of a registered dangerous animal / pit bull dog to a new location within the Town limits. In such case, the new address of the registered dangerous animal including pit bull dogs and that of the owner or keeper shall also be reported to the Town Clerk.

(9) **Offspring.** All offspring born of registered dangerous animals and pit bull dogs must be removed from the town within **eight weeks** of the birth of such offspring.

**SECTION 4: EXEMPTIONS.** The prohibition of Section 2 shall not apply to:

A. The transportation of dangerous animals through the Town of Milan when the person transporting such animal has taken adequate safeguards to protect the public and has notified Chief of Police of the proposed route of transportation and the time thereof; or

B. The keeping of any dangerous animal by the Town of Milan or its designees in the enforcement of this Ordinance.

C. The keeping and utilization of police-certified canine dogs that are certified in drug interdiction, search and rescue, and law enforcement.

**SECTION 5: SPECIAL PERMIT REQUIRED.** A special annual permit shall be required for owning or keeping any pit bull dog / dangerous animal eligible for exceptions under Section 3, E. Permits shall be issued only to adults (21 years of age+) and only to the person who is the owner or keeper of the animal. Permits shall be granted according to the following procedures

A. An initial application for a dangerous animal / pit bull dog permit pursuant to this ordinance shall be made to the Town Clerk no later than thirty days following the effective date of this ordinance. A permit shall be valid for twelve months from the date of issuance. An application for a permit shall be made for each twelve-month period thereafter and shall be made prior to the expiration of the previous twelve-month period. Applications shall be made on a form provided by the town. No permit shall be granted to any owner or keeper of a dangerous animal including pit bull dogs who has not properly obtained a permit with thirty days following the effective date of this ordinance.

B. The application shall contain the following information:

(1) The name, address, and telephone number of the applicant.

(2) A statement that the applicant is the owner or the keeper of the animal.

(3) The name, address, and telephone number of any other owner or keeper of the animal.

(4) The address of the location where the animal will be kept.

(5) A description of the animal for which the permit is sought.

(6) An acknowledgement of receipt of a copy of this ordinance.

(7) A signature by each owner or keeper of the animal.

C. The application shall be accompanied by:

(1) Proof of public liability insurance in a single incident amount of **\$100,000.00** for bodily injury to or death of any person or persons or for damages to property owned by any persons who may result from owning or keeping a pit bull dog. At the time of the initial application, the owner or keeper must show proof to the Town Clerk of the required insurance. At the time of any subsequent application, the owner or keeper must show proof of insurance for the present application period and proof that there was insurance for the present application period and proof that there was insurance coverage throughout the period of the previous year. In the event said liability insurance is cancelled, lapsed, or for any other reason becomes non-enforceable, the owner or keeper shall be in violation of the provisions of this ordinance.

(2) Two identical color photographs of the animal taken within the previous thirty days clearly showing the color and approximate size of the animal.

(3) Proof of microchipping.

(4) A photo identification for each owner or keeper of the animal.

D. Annual permit fee shall be \$50.00 for each dangerous animal/ pit bull dog. Permit fees are not refundable.

**SECTION 6: SALE OR TRANSFER PROHIBITED.** No person shall sell, give, or in any other way transfer a dangerous animal / pit bull dog to any person within the Town limits.

**SECTION 7: FAILURE TO COMPLY.** It shall be unlawful for the owner or keeper of any dangerous animal / pit bull dog to fail to comply with the requirements and conditions of this ordinance.

**SECTION 8: NOTICE OF VIOLATION.** When a possible violation of this ordinance comes to the knowledge of the Milan Police Department, the Milan Town Manager, Town Clerk, or members of the Milan Town Board, they shall forthwith cause the matter to be investigated. If after investigation there are reasonable grounds to believe there has been a violation of this ordinance, the Town of Milan shall forthwith deliver written notice to the owner or keeper of the animal that the subject of the violation requiring such person to safely remove said animal from the town within five days of the date of said notice. Such owner or keeper shall remove said animal from the town within the required time. Such a notice shall not be required when a dangerous animal has caused serious physical harm or death to any person or has escaped and is at large in which case town officials shall cause said animal to be immediately seized and impounded or killed if seizure and impoundment are not possible without risk of serious physical harm or death to any person or animal.

**SECTION 9: SEIZURE AND IMPOUNDMENT OF DANGEROUS ANIMALS.** The Chief of Police/Marshal or Deputy Marshals shall forthwith cause to be seized and impounded any dangerous animal when the owner or keeper of such animal has failed to comply with the notice sent pursuant to Section 8. Upon seizure and impoundment, the Chief of Police/Marshal or Deputy Marshals shall cause a complaint to be filed in the municipal court against the owner or keeper of the subject animal and said animal shall be delivered to a place of confinement approved by the Chief of Police and kept until further order of the municipal court.

**SECTION 10: VIOLATIONS AND PENALTIES.** Any person violating any provisions of this ordinance shall upon conviction be subject to a fine of not less than \$100 and not more than \$500.00. In addition, the court may order the revocation of any permit for the subject animal and may order the removal of the animal from the town. Should the defendant refuse to remove the dog from the town, the court may find the defendant in contempt and order the immediate impoundment of the animal, or continued impoundment if the animal has already been impounded, as well as destruction of the animal. Each day that a violation of this ordinance continues shall be deemed a separate offense.

In addition to the foregoing penalties, any person who violates this ordinance shall pay all expenses, including shelter, food, handling, veterinary care, witness fees, and expenses necessitated by the enforcement of this ordinance.

**SECTION 11: SEVERABILITY.** If any section, subsection, subdivision, paragraph, sentence, clause, phrase, or part thereof of this ordinance or any part thereof is for any reason held to be unconstitutional, invalid, or ineffective by any court of competent jurisdiction such decision shall not affect the validity of the remaining portions of this ordinance.

**SECTION 12: EFFECTIVE DATE.** This ordinance shall take effect and be in force on \_\_\_\_\_

Passed by the Milan Town Council on \_\_\_\_\_

Paul Hildebrand, President \_\_\_\_\_

Matt Huffman, Member \_\_\_\_\_

R.L. Branigan, Member \_\_\_\_\_