

ORDINANCE 69

AN ORDINANCE LICENSING AND REGULATING THE KEEPING OF DOGS

The Village Council of the Village of Bird Island hereby Ordains:

Section 1. No person shall keep any dog over six months old within the Village of Bird Island without first securing a license therefore from the Village Clerk, who shall keep a record of all licenses issued, and shall issue a metal tag or a tag of other suitable composition for each license. Said tags shall have printed or inscribed thereon the word "License" and the number of the license also inscribed thereon. The annual license fee shall be One Dollar for each male dog or spayed female dog and Three Dollars for each unsprayed female dogs; licenses shall expire on the 31st day of December of each year next following their issuance.

Section 2. AFFIXING TAGS. The owner shall cause said tag to be affixed by a permanent metal fastening to the collar of the dog so licensed in such a manner that the tag may be easily seen by the officers of the Village. The owner shall see that the tag is constantly worn by such dog.

Section 3. IMPOUNDING. Thirty days after the taking effect of this ordinance and twice a year thereafter, the police officer or any employee of the Village shall take up and impound any dogs found in the Village without the license tag as provided herein; and to enforce this ordinance, said officer is empowered and instructed to enter upon any private premises where he has reasonable cause to believe there is an unlicensed dog.

Section 4. NOTICE OF IMPOUNDING. Upon taking up and impounding any dog as provided herein, the poundmaster shall immediately post in three or more conspicuous places in the Village a Notice of Impounding in substantially the following form:

NOTICE OF IMPOUNDING DOG

Date _____, 19_____

To Whom It May Concern:

I have this day taken up and impounded in the pound of the village at _____ St., a dog answering to the following description: Sex _____
Color _____ Breed _____ Approximate age _____
Name of Owner _____

Notice is hereby given that unless said dog is claimed and redeemed on or before _____ o'clock _____ M., on the _____ day of _____, 19_____, the same will be sold or killed as provided by ordinances.

Signed _____

The date of sale or killing of the dog shall be the fourth day after the posting of the Notice unless that date falls on a Sunday or holiday, in which case it shall be the following day.

Section 5. REDEMPTION. Any dog may be redeemed from the pound by the owner within the time stated in the Notice by the payment to the Clerk of the license fee fro the current year with an impounding fee of One Dollar, and Twenty-five cents for each day for any dog under 50 pounds and Forty cents for each day for any dog 50 pounds or over as costs of feeding during the period that such dog is confined in the pound;

provided, however, that the Village Council shall have the right and authority to waive in appropriate cases the impounding fee and/or the costs of feeding of any dog so impounded.

Section 6. RELEASE. Upon the presentation of a correct license tag and a receipt for a dog license for the current year and for the fees provided in Section 5, the poundmaster shall release to any owner the dog claimed by him.

Section 7. DUPLICATE TAGS. In case any dog tag is lost, a duplicate may be issued by the Clerk upon the presentation of a receipt showing the payment of the license fee for the current year. A charge of Twenty-five cents shall be made for each such duplicate tag.

Section 8. DISPOSITION OF UNCLAIMED DOGS. Any dog, which is not claimed as provided in Section 5 within four days after Notice of Impounding, may be sold for not less than the amount provided in Section 5 to any person desiring to purchase the dog, unless the Village Council authorizes otherwise. All sums received above the cost and tax shall be held by the Clerk for the benefit of the owner and, if not claimed in one year, such fund shall be placed in the general fund of the Village. Any dog which is not claimed by the owner or sold shall be painlessly killed and buried by the poundmaster.

Section 9. ESTABLISHMENT OF POUND. A Village pound is hereby established for the purpose of placing this ordinance in effect. The Chief of Police shall be poundmaster and shall attend to the construction and maintenance of such pound under direction and supervision of the Village Council, presenting a proper claim to the Council monthly for the necessary expenses which he may incur in so doing, which claim shall be audited by the Clerk and, if allowed by the Council, paid by the Treasurer.

Section 10. CONFINEMENT OF CERTAIN DOGS. No female dogs in heat, no dog of vicious habits or likely to cause injury to any person, and no dog which habitually chases automobiles shall be allowed by its owner to run at large. The Police Officer of the Village shall take up and impound any dog found at large in violation of this provision, and release it only upon order of any member of the Council after payment of the fees provided in Section 5.

Section 11. RESTRICTIONS ON CERTAIN DOGS. No person shall keep or harbor a dog which habitually barks or cries between the hour of 10:00 PM and 6:00 AM. No dog owner shall permit his dog to damage any lawn, garden or other property.

Section 12. CONTROL OF LICENSED DOGS. Any licensed dog owned or kept in the Village, which is known to be vicious to man or animals, or of annoying and trespassing habits or which, by reason of disease or condition of nature, is, or is liable to become, offensive to the public in its then condition, shall be kept guarded or confined and under control by the proper owner or keeper thereof, so as not to cause any damage, annoyance, offense or trespass to or upon the person or property of any other person.

Section 13. VICIOUS DOGS. The Chief of Police of the Village is hereby authorized and empowered by kill any vicious or dangerous dog found in violation of this ordinance whenever such dog cannot be safely taken up and impounded and to enforce this provision, said officer is empowered to enter upon private premises where said dog is kept for the purpose of killing and destroying such dog.

Section 14. SEASONAL PROHIBITION OF RUNNING AT LARGE OF ALL DOGS. It shall be unlawful to permit any dog to run at large between the period from April 1st to and including September 30th of each year.

Section 15. INTERFERENCE WITH OFFICERS. It shall be unlawful for any unauthorized person to break open the pound or to attempt to do so, or to take or let out any dogs therefrom, or to take or attempt to

take from any officer any dog taken up by him in compliance with this ordinance, or to in any manner interfere with or hinder such officer in the discharge of his duties under this ordinance.

Section 16. TAGS NOT TRANSFERABLE. Dog tags shall not be transferable and no refund shall be made on any dog license fee because of leaving the Village or death of the dog before the expiration of the license period.

Section 17. COMPLAINT AND HEARING. Upon complaint in writing made to any Justice of the Peace of the Village of Bird Island, containing a description of such dog violating the provisions of this ordinance, and giving his name and that of the owner, if known, and if not so stating; and that such dog is a public nuisance as provided herein, the Justice's Court shall issue a Summons, if such owner is known, commanding him to appear at said Justice's Court at a time therein stated, not less than three nor more than six days from the date thereof to answer such complaint; such Summons shall be served not less than three days before the hearing thereon. If it appears from the Complaint that such owner is not known, then ten days post of Notice, containing a description of such dog as given in the Complaint, and stating that such Complaint has been made, and the time and place of the hearing thereon, shall be given in the Village of Bird Island. On the day of the hearing, the Judge of the Justice's Court shall hear the evidence in the case, and if he shall find therefrom that such dog is a public nuisance, he shall enter judgment accordingly and thereupon shall order the Chief of Police of the Village of Bird Island to kill, destroy and bury such dog, which order such officer shall forthwith execute. The remedy and procedure provided for under this Section, No. 17, is not intended to be and shall not constitute the exclusive remedy for the regulation and control of dogs under this ordinance.

Section 18. AS USED HEREIN:-- The term "running at large" of dogs shall mean permitting any dog to go on or about the public streets, alleys or other places in the Village, except the premises of the owner or harborer thereof, and excepting on a leash, in any automobile or similar confinement, and at all times under the control of an individual; the "harborer" of a dog shall mean any person who has the custody of any dog or permits the same to be kept or to stay on or about his premises.

Section 19. PENALTY. Any person, firm or corporation violating any provision of this ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine of not more than One Hundred Dollars and costs, or imprisonment in the County Jail for not more than ninety days.

Section 20. REPEAL. Ordinance Nos. 48 and 49 and all other ordinances inconsistent herewith are hereby repealed.

Section 21. EFFECTIVE DATE. This ordinance shall be in full force and effect from and after its passage and publication according to law.

Passed by the Village of Bird Island this 3rd day of August, 1944.

Mike Sanger, Mayor

Gustave Steffen, Clerk

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