

AN ORDINANCE REGULATING THE KEEPING OF DOGS
WITHIN THE LIMITS OF THE CITY OF WHEELER:
PRESCRIBING SANITARY CONDITIONS FOR PENS
AND ENCLOSURES: PROVIDING FOR LICENSING:
PROVIDING A SAVINGS CLAUSE: PROVIDING A
PENALTY: SPECIFICALLY REPEALING CERTAIN ORDINANCES
ORDINANCES AND REPEALING ALL ORDINANCES OR
PARTS OF ORDINANCES IN CONFLICT HEREWITH:
AND DEFINING TERMS:

BE IT ORDAINED BY THE CITY OF WHEELER:

SECTION 1. TERMS. The term "PERSON", as used herein, shall be construed to include both singular and plural and shall mean and embrace any individual, corporation, association, joint-stock association partnership, limited partnership or society, and their agents, servants and employees.

The term "DOG", as used herein, shall include the male and female gender of the members of the family digitigrade carnivora known as Canidae and shall include the singular as well as the plural.

SECTION 2. LICENSE FEE. That there is hereby fixed and assessed as a police regulation for the protection of the public health a license fee for male and spayed female dogs of One Dollar (1.00) and for female dogs of Two Dollars (\$2.00) per annum against the owner or keeper of each and every dog kept in the City of Wheeler, The license shall run from April 1, of each year to April 1 of the succeeding year and any part of each year shall be deemed and considered the entire year.

SECTION 3. VACCINATION AGAINST RABIES. That it shall be the duty of the owner or keeper of each and every dog kept in the City of Wheeler to have such dog vaccinated within one month of the date of the owners or keeper's application for the license herein required.

The City Health Officer is hereby authorized to examine and and approve any person deemed by him to be qualified to vaccinate dogs against rabies, and upon such Officer's filing with the City Secretary his approval of such person as provided and required in this ordinance. The City Health Officer shall not approve any person unless and in the event there be no practicing veterinarian residing in the City of Wheeler.

SECTION 4. LICENSE TAG. That it shall be the duty of the City Secretary to provide suitable metal tags for said dogs with numbers thereon imprinted, which tags shall evidence the payment of the license fees and the registration of the dogs, and each person owning or keeping a dog within the limits of the City of Wheeler shall apply to the City Secretary for a tag, and upon payment of said license fee and presentation of a certificate by a practicing veterinarian, or other qualified person as herein provided, showing that said dog has within one month of the date of application for license been vaccinated against rabies, the City Secretary shall supply to each such applicant thereof a tag suitable to be placed upon a collar around the dog's neck, and shall in a wellfound book kept for such purpose register the number of said tag, name of the owner, and his address, and a description of said dog, and no such license shall be issued unless the application is accompanied by such certificate. It shall be the duty of the owner of each dog to apply to said officer for such license, pay the fee for the same, and obtain a tag therefor, and to have and to keep said tag at all times during the year securely fastened around the neck of said dog, and the failure of the owner in this respect shall have the same effect as if no license had been paid upon said dog, and it shall be unlawful for any person to use any counterfeit license tag upon said dog except the tag adopted and issued by the City of Wheeler.

SECTION 5. LOST TAGS. That it shall be the duty of the owner or keeper of any dog to procure a duplicate tag from the City Secretary in the event that the original tag is lost or destroyed, and the City Secretary shall issue a duplicate

tag upon the application of any person who has complied with the provisions of this ordinance and upon the payment of twenty five cents (25¢) for the cost of issuing the duplicate tag.

SECTION 6. UNLAWFUL TO KEEP. That it shall be unlawful for any person to keep any dog in the limits of the City of Wheeler for which the license herein of provided has not been procured from the City Secretary, and which has not been vaccinated for rabies and upon which the tag hereinabove provided for is not at all times fastened about the neck of such dog.

SECTION 7. RUNNING AT LARGE. That it shall be the duty of the City Marshall to cause all dogs running at large within the limits of the City of Wheeler not wearing the tag hereinabove provided, showing that the license tax of such dog has been paid for the current year, to be picked up and impounded. The City Marshall shall provide a suitable place for the impounding of all dogs picked up under the provisions of this ordinance and such pound shall be under his controll.

SECTION 8. POUND FEES. That the City Marshall shall charge a fee of One Dollar (1.00) for each and every dog impounded and shall charge a fee of \$.50, Fifty Cents, for each day such dog shall remain in said pound. He shall cause all dogs so impounded to be properly fed and cared for while in said pound and shall montly render a bill for the expense of feeding said dogs to the City Secretary for approval and payment by the City Commission.

SECTION 9. NOTICE, SALE AND EXECUTION OF DOGS. That within two (2) days after any dog has been placed in the City Pound, in accordance with the foregoing provisions of this ordinance, the City Marshall shall post or cause to be posted near the entrance to the City Hall, a notice describing said dog and stating the date it was impounded and the date an place that it will be sold, which date of sale shall not be less than two (2) days after posting such notice. The City Marshall, or any officer designated by him, shall sell such dog at auction to the highest bidder for cash, provided, however, that the owner or keeper of said dog may at any time before the sale of said dog pay the tax and impounding fees and receive said dog from the City Pound. At the auction sale of all dogs, in accordance with the provisions of this ordinance, the City Marshall or any officer authorized by him shall bid in the name and for the City of Wheeler up to the amount of the tax and impounding fees due upon said dog, unless some other person shall bid such amount or a greater amount therefor. Any person shall have the right to bid, and if such person shall bid the amount of the fees due for impounding and keeping any dog then he shall have such dog delivered to him at the City Pound upon the payment to the City Secretary or the City Marshall of the amount so bid, provided there be no higher bid, and such person shall have said dog registered in his name and receive a tag therefor by presenting to the City Secretary a certificate from a practicing veterinarian, or other qualified person as herein provided, stating that the dog has been vaccinated against rabies and the payment of the license fee herein provided. If the City Marshall shall be the only bidder at the sale of any dogs hereinabove providedfor, the City of Wheeler shall become the owner of said dogs and thereupon the City Marshall shall execute or cause to be executed all such dogs in said pound after the provisions of

(30) days after any sale of such dogs at auction and purchases thereof by bidder other than the City Marshall for the City of Wheeler, the owner thereof may apply to the City Marshall and upon satisfactory proof of ownership he shall be entitled to receive the amount deposited on account of such sale after deducting all fees for impounding costs and keeping such dog, and such costs as may be necessarily incurred to establish his right thereof.

SECTION 10. That it shall be the duty of the City Marshall to pay all moneys collected by him under the terms of this ordinance to the City Secretary.

SECTION 11. FEMALE DOGS. That it shall be unlawful for the owner or person in controll of any unspayed female dog, while

such dog is in heat or season, to allow same to be upon the streets and in public places of the City of Wheeler unless accompanied by the owner or person controlling same.

SECTION 12. VICIOUS DOGS. That it shall be unlawful for any owner or person in controll of any vicious or dangerous dog to keep or permit the same in or about public place, public house, street, alley or way in the City of Wheeler.

SECTION 13. KEEPING UP OF DOGS WHICH HAVE BITTEN PERSONS. That if any person shall make an affidavit before the City Secretary or Judge of the Corporation Court that any dog has bitten any person within the limits of the City of Wheeler, it shall be the duty of the City Marshall to direct the owner or keeper of said dog to keep him confined in a safe place and secure mannor for not less than 10 days and to release said dog only upon written permission of the City Health Officer, and the failure of such owner or keeper to comply with such directions shall be a misdemaner and punishable by the penalty provided in this ordinance.

SECTION 14. REDEMPTION. That at any time within thirty (30) days from the date of the sale of a dog as herein provided to anyone except the City of Wheeler, the owner of any dog impounded and sold under the provisions of this ordinance shall have the right to redeem the same by paying to the purchaser thereof double the amount paid by said purchaser for such dog and his reasonable expenses incurred in keeping the same. In the event any dog has not been executed or caused to be executed by the City of Wheeler after it has purchased same at sale, as herein provided at the time of application to redeem by the owner thereof, then such dog may be redeemed by such owner upon meeting all requirements provided in this ordinance.

SECTION 15. DOGS BITTEN BY RABID ANIMALS. Within seven (7) days after acquiring knowledge that his dog has been bitten by a rabid animal, it shall be the duty of the owner or person in dontrol thereof to cause such dog to be given anti-rabies treatment, or to impound such dog for a period of six months in a place approved by the City Health Officer, or to destroy such dog forewith.

SECTION 16. CLEANING PREMISES. All pens and kennels in which dogs are kept within the City of Wheeler shall be kept thoroughly cleaned so that the same shall not be detrimental to the public health and offensive and obnoxious to adjacent neighbors and the public.

SECTION 17. NOISY DOGS. It shall be unlawful to keep within the City limits of the City of Wheeler any dog which disturbs the peace and wuietude by excessive barking during the hours from sunset to sunrise. Any person owning or keeping a dog within the City Limits of the City of Wheeler which barks excessively or distrubs the peace and quitude of the public during such hours shall be proscuted and fined as hereinafter provided.

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SECTION 18. SAVINGS CLAUSE. That if any section, part or provision of this ordinance is declared unconstitutional or invalid, then, and in that event, it is expressly provided, and it is the intention of the City Commission of Wheeler, that in passing this ordinance, all other parts thereof shall not be affected thereby and remain in full force and effect.

SECTION 19 PENALTY. That any person who shall violate any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and upon conviction thereof shall be

each violation shall be deemed a separate and complete offense.

SECTION 20. REPEALING CLAUSE: That all ordinance and portions of ordinances in conflict herewith are hereby repealed and those not in conflict herewith are and shall remain in full force and effect.