

CITY OF WAKEFIELD
CODE OF ORDINANCES
ORDINANCE NO. 240

AMENDMENT TO TITLE IX, CHAPTER 91 "ANIMALS", OF THE CITY OF WAKEFIELD CODE OF ORDINANCES TO MODIFY THE "DOGS" SECTIONS.

Section 1. The City of Wakefield Ordains

Chapter 91, "Animals" of the Code of Ordinances of the City of Wakefield is hereby amended by adding and deleting the following described text. Additions are underlined, deletions are struck-through).

DOGS AND OTHER ANIMALS

§ 91.20 DEFINITIONS.

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

ANIMAL. A vertebrate other than a human being, included but not limited to, dogs, cats, birds, reptiles, fish, or fowl.

CAT. Any feline, regardless of age or sex.

DOG. Any member of the species Canis familiaris, regardless of sex.

HEALTH OFFICER. An appropriate state or county health official, as determined by the laws of the state.

LEASH. A strap, cord, or similar material adequate to control the dog to which it is attached,

and which shall not exceed six (6) feet.

OWNER. Any person having the right of property in an animal, and every person who keeps, harbors or has in their care a dog or cat, and every person who permits a dog or cat to remain in or about any premises occupied by him or her.

REASONABLE CONTROL. Keeping a dog on a leash under the control of the owner or custodian or some other person with the permission of the owner or custodian, in all cases other than while upon private property, or unless the dog is confined in a closed automobile or shipping receptacle.

('75 Code, § 9.71)

§ 91.21 DOGS RUNNING AT LARGE,

No person owning any dog, four months of age or over, shall permit that dog to be at large at any time in the city in violation of any of the following restrictions:

- (A) No person shall permit any vicious dog of which he or she is the owner to be unconfined unless securely muzzled and led by a leash. Any dog shall be deemed vicious which has bitten a person or domestic animal without provocation or which, by its actions, gives indication that it is liable to bite any person or domestic animal without provocation.
- (B) No person who is the owner of any female dog shall permit or allow it to go beyond the premises of the owner when it is in heat.
- (C) No person who is the owner of any dog or cat shall permit it to be unconfined unless under the reasonable control of some person.
- (D) No person who is the owner of any dog shall permit it to be unconfined at any time unless licensed as required by law and unless wearing its license tag and evidence of rabies immunization.

- (E) Every dog or cat shall at all times between sunset and sunrise of the following day be confined upon the premises of its owner except when said dog is otherwise under the reasonable control of the owner.
- (F) No person shall own any dog which by loud or frequent or habitual barking, yelping or howling, shall cause annoyance to the people in the neighborhood. ('75 Code, § 9.72)
Penalty, see § 91.99

§91.22 VICIOUS DOGS PROHIBITED.

No person shall own or harbor a fierce or vicious dog, or a dog that has been bitten by any animal known to have been afflicted with rabies. All dogs found to be vicious and all rabid dogs shall be destroyed, unless otherwise disposed of by the owner thereof.

§91.23 DESTRUCTION OF VICIOUS DOGS.

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Whenever a dog is impounded for having bitten a person, a Law Enforcement Official, Health Official, or other designated official may, if deemed necessary and advisable, and after holding such dog a sufficient length of time to meet the requirements of the health department for investigation, cause such dog to be destroyed as a vicious dog. Unless waived in writing, notice of intent to so destroy such dog shall be given to the owner if known. The owner shall have ten (10) days from mailing of such notice in which to seek a review by the district court for the 98th Judicial District of the order for the destruction of such dog.

§ 91.23 CONFINEMENT

- (A) Authority to impound. Any Law Enforcement Officer, Health Officer, or designated official of the City shall have authority relative to the picking up of dogs or cats anywhere within the limits of the City.
- (B) Any dog or cat found at large in the city which is doing any of the acts enumerated in §91.21 may be seized and impounded by any Law Enforcement Officer of the City,

Health Officer, or designated official. ('75 Code, § 9.73)

- (C) Any dog or cat impounded for observation for rabies shall be held until released by the Health Officer or otherwise disposed of. ('75 Code, § 9.76)
- (D) Any kept animal, wild, or domestic, that shall bite a person, animal or livestock shall be securely confined by any Law Enforcement Officer, Health Officer, or designated official, of the City for a minimum of ten (10) days following the biting of such person, animal, or livestock, and not be released until the expiration of said ten (10) day period and upon satisfactory evidence that said animal is not suffering from rabies. ('75 Code, § 9.77)
- (E) Any dog running loose after biting a person, animal, or livestock, and whose owner cannot be determined, shall be confined for a period of ten (10) days at an animal shelter, at the sole expense of the owner thereof.

§ 91.24 RABIES PREVENTION.

- (A) Any person who shall have in his or her possession a dog or cat which has contracted rabies or which has been subjected to the same or which is suspected of having rabies or which has bitten any person, shall upon demand of a Law Enforcement Officer of the City, Health Officer, or other person designated by the City, produce and surrender up said dog to be held for observation. ('75 Code, § 9.74)
- (B) It shall be the duty of any person owning or harboring a dog which has been attacked or bitten by another dog or another animal showing the symptoms of rabies, immediately to notify a Law Enforcement Officer, Health Officer, or other person designated by the City of his or her possession of that dog. ('75 Code, § 9.75)

§ 91.25 LICENSE REQUIRED: LICENSES TO BE WORN.

- (A) It shall be unlawful for any person to own, possess or harbor a dog in the city without

first having obtained a license therefor, which shall be obtained from the County Treasurer as provided by state law. ('75 Code, § 9.78)

- (B) No license tag shall be used on the collar of any dog other than the one for which it is issued and no person shall remove the collar or license tag from any dog without the consent of the owner to which the license was issued. ('75 Code, § 9.79) Penalty, see § 91.99

§ 91.26 CRUELTY TO; MISTREATMENT OF ANIMALS

No person shall overwork, torture, torment, deprive of necessary sustenance, cruelly beat, mutilate, or cruelly kill, or cause or procure to be so overworked, tortured, tormented, deprived of necessary sustenance, cruelly beaten, mutilated, or cruelly killed, any animal. No person shall, having the charge or custody of any animal, either as owner or otherwise, inflict unnecessary cruelty upon the same, or willfully fail to provide the same with proper food, drink, shelter, or protection from the weather.

§ 91.99 PENALTY.

- (A) Whoever violates any provision of this chapter for which no penalty is otherwise provided shall be subject to the penalty provisions of § 10.99, at the discretion of a Law Enforcement Officer, Health Officer, or designated official of the City.
- (B) Whoever violates § 91.08 which shall be specifically enforceable by a Law Enforcement Officer, Health Officer, or designated official of the City, shall be subject to a \$300 fine.
(Ord. passed 2-25-80)
- (C) A person who violates any provision of this chapter is responsible for a municipal civil infraction, subject to payment of a civil fine, plus costs and other sanction, for each violation as provided by Ordinance Number 221, as amended.

Section 2. Scrivener's Errors

Typographical errors and other matters of a similar nature that do not affect the intent of this Ordinance, as determined by the City Clerk and City Attorney, may be corrected with the endorsement of the City Administrator, or designee, without the need for a public hearing.

Section 3. CONFLICT AND REPEAL. All ordinances or parts of ordinances in conflict with this ordinance are repealed.

Section 4. EFFECTIVE DATE. This ordinance becomes effective 30 days from its passage and publication.

Section 5. PUBLICATION. After its adoption, this ordinance or a summary thereof, as permitted by law, shall be published by the City Clerk in a newspaper of general circulation in the City.

CERTIFICATION:

Ordained and Enacted into an Ordinance at a regular meeting of the City Council of the City of Wakefield
this 28 day of March, 2022

First Reading: February 1, 2022

Second Reading: March 15, 2022

Public Hearing: March 15, 2022

Published: March 31, 2022

ATTEST:



Susan Ahonen, City Clerk

