

Animals

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CHAPTER 2

(RESERVED)

Animals

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Section 4-161 Penalty.

Note: Please review this entire chapter and make any changes.

ARTICLE A

ANIMAL REGULATIONS

SECTION 4-101 DEFINITIONS.

A. As used in this chapter:

1. "Animal" means any horse, mule, donkey, pony, cow, sheep, goat, hog, dog, cat, rabbit, turkey or other animal or fowl;

2. "At large" means:

a. Not securely confined by a fence or other means on premises under the control of, or occupied by, the owner; or

b. Not under the control of the owner, a member of his immediate family over twelve (12) years of age or an agent of the owner, by leash not more than six (6) feet in length if of the premises of the owner;

3. "Fowl" means chickens, guineas, geese, ducks and pigeons;

4. "Owner" or "keeper" means any person, group of persons or corporation owning, keeping, maintaining or harboring, or having care or custody of, an animal or animals or fowl or birds;

5. "Provoke" or "provocation" means, with respect to an attack by an animal, that the animal was hit, kicked or struck by a person with an object or part of a person's body or that any part of the animal's body is pulled, pinched or squeezed by a person;

6. "Vicious animal" means an animal which has bitten, or attempted to bite, any person without undue provocation, or which attacks, or barks or growls at and acts as if it intends to attack or bite, or bites a person or persons when not unduly provoked; and

7. "Without provocation" means that an animal was not teased, tormented or abused; and also means where the animal was not protecting its owner or owner's property from criminal activity by a perpetrator of a crime.

B. All other words or phrases used herein shall be defined and interpreted according to their common usage.

State Law Reference: Town powers to regulate animals, 11 O.S. Sec. 22-115.

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SECTION 4-102 RUNNING AT LARGE, OWNERS CITED, ENCLOSURES.

A. No owner shall permit any animal, including fowl, owned, harbored or kept by him, to be at large within the town. It is unlawful for any animal to be at large within the town.

B. Any animal running at large in the town may be taken up and impounded at the animal shelter. The animal control officer may, at his discretion, cite the owner of such animal to appear in municipal court to answer charges of violation of this chapter.

SECTION 4-103 CONTROL OF ANIMALS REQUIRED, REGULATIONS.

It is unlawful for any owner or person to:

1. Fail to prevent any animal from running at large within the town;
2. Perform, do or carry out any inhumane treatment against any animal;
3. Keep, possess, own, control, maintain, use or otherwise exercise dominion over any animal or animals which by reason of noise, odor or sanitary conditions become offensive to a reasonable and prudent person of ordinary tastes and sensibilities, or which constitute or become a health hazard as determined by the health officer or animal control officer; or
4. Turn any animal at large or release an animal which is restrained or confined in an enclosure as required by this chapter.

SECTION 4-104 BUILDINGS, STRUCTURES FOR ANIMALS, LOCATION, SPECIAL RULES FOR LIVESTOCK.

A. Every building or place where any animal or fowl is kept shall be constructed of such material and in such manner that it can be kept clean and sanitary at all times.

B. No place where an animal is kept shall be kept closer than forty (40) feet to the premises of an apartment, hotel, restaurant, boarding house, food store, building used for educational, religious or hospital purposes, or dwelling other than that occupied by the owner or occupant of the premises upon which the animal is kept.

C. Every building where any animal is kept, if located within two hundred (200) feet of any apartment, hotel, restaurant, boarding house, food store, building used for educational, religious or hospital purposes, or any dwelling other than that occupied by the owner or occupant of the premises upon which the animal is kept, shall be provided with a watertight and flytight receptacle for manure, of such size as to hold all accumulation of manure. The receptacle shall be emptied sufficiently often and in such manner as to prevent it from being or becoming a nuisance, and shall be kept covered at all times except when open during the deposit or removal of manure or refuse. No manure shall be allowed to accumulate on such premises except in the receptacle.

D. The animal control officer or health officer shall inspect any structure or place where an animal is kept on his own initiative or upon complaint. He may issue any such reasonable order as he may deem necessary to the owner of such animal to cause the animal to be kept as required in this chapter or in a manner so as not to constitute a nuisance. He may make a complaint before the town court against any person for violation of any provision of this chapter, or of any such reasonable order.

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E. It is unlawful for any person to keep cows, sheep, goats, cattle, horses or other livestock of any kind within the limits of the town unless such animals are kept within an enclosure or fenced area. Any such enclosure or fenced area shall have at least five thousand (5,000) square feet for each animal kept in the enclosed area.

SECTION 4-105 NOISY ANIMALS, NUISANCE, VICIOUS ANIMALS.

A. No person shall keep any animal which causes frequent or long-continued noise or otherwise so as to disturb the comfort or repose of any person in the vicinity. Any violation of this section is declared to be a nuisance and as such may be abated.

B. No person shall keep any animal which is a nuisance or is vicious as defined in this code.

SECTION 4-106 PASTURING IN PUBLIC AREAS ILLEGAL.

It is unlawful for any person to pasture any animal on any public property or private property without the consent of the person owning or controlling the property.

ARTICLE B

LICENSING AND VACCINATION

SECTION 4-121 RABIES VACCINATION REQUIRED; CERTIFICATE OF VACCINATION; TAGS.

A. No person shall own, keep or harbor any dog or cat within the town limits unless such dog or cat six (6) months of age or older is vaccinated for rabies annually.

B. Unless the owner of any dog or cat furnishes written proof that the dog or cat has been vaccinated for rabies by a licensed veterinarian in the past twelve (12) months, the owner shall be guilty of an offense.

C. When a veterinarian vaccinates a dog or cat against rabies, he shall issue to the owner of such dog or cat a metal tag or check evidencing such vaccination and the year of vaccination.

D. It shall be the duty of the owner of the dog or cat to attach the tag or check issued to him pursuant to Subsection C to the dog or cat and it shall be unlawful for any person to remove such tag or check without the owner's consent.

State Law Reference: Town's power to regulate dogs, 11 O.S. Sec.22-115.

SECTION 4-122 LICENSES REQUIRED.

A. A license fee is levied applicable to dogs and cats over six (6) months of age kept in the town in such amount set by the town board by motion or resolution.

B. The license shall expire annually.

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C. This section shall not apply to the keeping of small caged birds of aquatic and amphibian animals solely as pets; nor is a license required for animals temporarily brought or kept within the town, nor to "seeing eye" dogs when such dog is actually used to aid a blind person.

Ed. Note: Town licenses were established by prior ordinance at \$1.00 per year.

ARTICLE C

IMPOUNDMENT REGULATIONS

SECTION 4-131 IMPOUNDMENT, DISPOSITION OF ANIMALS.

A. The town may operate on its own or contract with an outside agency to serve as the town's animal shelter or pound to provide for the impoundment of animals pursuant to this chapter.

B. Any animal found running at large shall be picked up and immediately impounded in the animal shelter and there confined in an humane manner. Fees for impoundment shall be as provided by the shelter or the town board.

SECTION 4-132 BREAKING POUND OR INTERFERING WITH OFFICERS.

A. If any person breaks open, or in any manner directly or indirectly aids in, or counsels or advises the breaking open of any town pound or contract pound, or hinders, delays or obstructs any person duly authorized in taking up or taking to the town pound any animal liable to be impounded, he shall be guilty of an offense.

B. No person shall interfere with, or hinder, or molest any agent of the town in the performance of any duty of such agent, or seek to release any animal in the custody of the town or its agents, except as provided by law.

SECTION 4-133 REDEMPTION, ADOPTION, OF ANIMAL.

A. An owner of an impounded animal or his agent may redeem the animal prior to its sale or destruction as provided for herein by paying the required fees against the animal and meeting any other requirements which may be prescribed in this chapter. If the owner or his agent has not redeemed the animal within the first five (5) days after the impoundment of the animal, the animal may be otherwise disposed of as provided for herein.

B. A person desiring to adopt an animal from impoundment shall pay an adoption fee, costs of any necessary vaccinations, and a deposit of Ten Dollars (\$ 10.00) to guarantee the neutering or spaying of the dog or cat, and shall sign an agreement with the town ensuring that the dog or cat will be spayed or neutered.

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ARTICLE D

CRUELTY TO ANIMALS

SECTION 4-141 CRUELTY TO ANIMALS.

It is unlawful for any person, wilfully and maliciously, to pour on, or apply to, any animal any drug or other thing which inflict pain on the animal; or to knowingly treat an animal in a cruel or inhumane manner; or to knowingly neglect an animal belonging to him or in his custody in a cruel or inhumane manner.

SECTION 4-142 POISONING ANIMALS.

It is unlawful for a person wilfully to poison any dog or other animal except a noxious, nondomesticated animal, or to knowingly expose poison so that the same may be taken by an animal.

SECTION 4-143 ENCOURAGING ANIMALS TO FIGHT.

It is unlawful for any person to instigate or encourage a fight between animals or to encourage one animal to attack, pursue or annoy another animal except a noxious, nondomesticated animal, or to keep a house, pit or other place used for fights between animals.

ARTICLE E

RABIES AND ANIMAL BITES

SECTION 4-151 ANIMAL BITES; RABIES EXAMINATION; QUARANTINE.

A. Every animal that bites or scratches a person shall be reported within four (4) hours to the animal control officer and shall thereupon be securely quarantined at a veterinarian hospital for a period of ten (10) days from the date the person was bitten, and shall not be released from such quarantine except by permission of the animal control officer of the town and the veterinarian in charge of the quarantined animal. Such quarantine may be at any veterinarian hospital chosen by the owner. Failure of the owner or keeper to quarantine his animal within the four-hour period herein will make him guilty of an offense.

B. The owner, upon demand by any town officer or animal control officer, shall surrender any animal that has bitten or scratched a human, or which is suspected as having been exposed to rabies, for supervised quarantine testing or euthanasia, the expense for which shall be borne by the owner; and the animal may be reclaimed by the owner if adjudged free of rabies.

SECTION 4-152 RABIES DIAGNOSES; QUARANTINE OF TOWN; TIME LIMIT.

A. When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observation, the animal control officer or veterinarian shall immediately send the head of such animal to the state health department for pathological examination, and shall notify the property public health officer of reports of human contacts and diagnosis made of the suspected animal.

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B. When one or both reports give a positive diagnosis of rabies, the health or animal control officer of the town may recommend a town-wide quarantine for a period of six (6) months; and upon the invoking of such quarantine, no animal shall be taken into the streets or permitted to be in the streets during such period of quarantine. During such quarantine, no animal shall be taken or shipped from the town without written permission of the animal control officer of the town.

C. During such period of rabies quarantine as herein designated, every animal bitten by an animal adjudged to be rabid shall be treated for such rabies infection by a licensed veterinarian, or held under six (6) months quarantine by the owner in the same manner as other animals are quarantined.

D. In the event there are additional positive cases of rabies occurring during the period of quarantine, such period of quarantine may be extended for an additional six (6) months.

State Law Reference: State quarantine of animals, 63 O.S. Sec. 1-508.

SECTION 4-153 KILLING OR REMOVING RABID ANIMAL PROHIBITED.

A. No person shall kill or cause to be killed any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting or scratching a human, except as herein provided, nor to remove the animal from the town limits without written permission from the health officer of the town, or the animal control officer.

B. The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the animal control officer.

C. The animal control officer shall direct the disposition of any animal found to be infected with rabies.

D. No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefor by an employee empowered to enforce this chapter. Such refusal shall be deemed an offense.

SECTION 4-154 REPORTS OF BITE CASES; REPORT BY VETERINARIAN.

A. It is the duty of every physician, veterinarian or other practitioner to report to the animal control officer the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

B. It is the duty of every licensed veterinarian to report to the animal control officer his diagnosis of any animal observed by him to be a rabid suspect.

SECTION 4-155 INVESTIGATIONS FOR VIOLATION OF CHAPTER.

A. For the purpose of discharging the duties imposed by this chapter and to enforce its provisions, the animal control or health officers are empowered to call upon the residents of any premises upon which a dog or cat or small animal is kept or harbored, and to demand the exhibition by the owner of such dog or cat or small animal.

B. The animal control or health officer, in the manner authorized by law, may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to

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examine such animal, and to take possession of such animal when, in his opinion, it requires humane treatment. The officer may demand, at the front door of any residence, exhibition by the owner of current animal licenses at any time.

SECTION 4-156 RECORDS.

The animal control officer shall keep or cause to be kept:

1. An accurate and detailed record of the licensing, impounding and disposition of all animals coming into his custody; and
2. An accurate and detailed record of all bite cases reported to the town, with a complete report of the investigation of each case.

ARTICLE F

PENALTY

SECTION 4-161 PENALTY.

Any person violating any of the provisions of this chapter shall, upon conviction thereof, be punished as provided in Section 1-108 of this code.

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CHAPTER 2

(RESERVED)

Animals

Health & Nuisances

§ 42.1. Personal injury by dog--Liability of owner

The owner or owners of any dog shall be liable for damages to the full amount of any damages sustained when his dog, without provocation, bites or injures any person while such person is in or on a place where he has a lawful right to be.

CREDIT(S)

Laws 1947, p. 32, § 1, emerg. eff. March 11, 1947; Laws 1980, c. 75, § 1, eff. Oct. 1, 1980.

§ 42.4. Owners of dangerous dogs, bite or attacks on public property-- penalty

A. It is unlawful for the owner of any dog that previously has:

1. When unprovoked inflicted bites on any person or severely injured any person either on public or private property; or

2. When unprovoked created an imminent threat of injury or death to any person, to permit such dog to run at large or aggressively bite or attack any person while such person is lawfully upon public or private property. Upon conviction, the violator shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by imposition of a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment. In addition, the owner shall be liable for damages as provided in Section 42.1 of Title 4 of the Oklahoma Statutes.

B. The owner of any dangerous dog as defined by Section 44 of Title 4 of the Oklahoma Statutes, or any dog that is described in subsection A of this section, that attacks any person causing the death of such person shall, upon conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years, or by the imposition of a fine not to exceed Twenty-five Thousand Dollars (\$25,000.00), or by both such fine and imprisonment.

C. It is unlawful for any person to release any dog upon a law enforcement officer while the officer is in the performance of official duties. Upon conviction, the violator shall be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections for not more than five (5) years, or imprisonment in the county jail for not more than one (1) year, or by

imposition of a fine not exceeding Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

D. It shall be an affirmative defense to a prosecution pursuant to subsection A or B of this section that the injury or death was sustained by a person who, at the time, was committing a willful criminal act upon the premises of the owner of the dog or was assaulting the owner of the dog.

CREDIT(S)

Laws 2006, c. 262, § 1, emerg. eff. June 7, 2006.

§ 47. Confiscation of dangerous dog--Purpose of act--Other remedies

A. Any dangerous dog shall be immediately confiscated by an animal control authority if:

1. The dog is not validly registered under Section 45 of this title;
2. The owner does not secure the liability insurance coverage or surety bond required under Section 45 of this title;
3. The dog is not maintained in the proper enclosure as defined by Section 44 of this title; and
4. The dog is outside of the dwelling of the owner, or outside the proper enclosure and not under physical restraint of the responsible person as required by Section 46 of this title.

B. The owner of a dangerous dog shall, upon conviction, be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year or by the imposition of a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment for any violation of the laws relating to dangerous dogs resulting in the confiscation of such dog pursuant to any provision of subsection A of this section.

C. The owner of a dangerous dog shall be guilty of a misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by the imposition of a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment for any personal injury caused by such dangerous dog. The fine, at the discretion of the court, may be offset by payments made by the dog owner to any victim of an injury or attack by the dog. However, insurance payments may not be considered as an offset. In addition, the court may require the

owner to perform forty (40) hours of community service. The court may suspend any portion of the community service requirement set forth in this section. It shall be an affirmative defense to a prosecution pursuant to this subsection that the injury was sustained by a person who, at the time, was committing a willful criminal act upon the premises occupied by the owner of the dog or was assaulting the owner of the dog.

D. It is the purpose of Sections 44 through 47 of this title to provide additional and cumulative remedies to control dangerous and potentially dangerous dogs in this state. Nothing in this act shall be construed to abridge or alter rights of action or remedies of victims under the common law or statutory law, criminal or civil.

CREDIT(S)

Laws 1991, c. 199, § 4, eff. Feb. 1, 1992; Laws 2006, c. 262, § 5, emerg. eff. June 7, 2006.

Title 4. Animals. Chapter 3. Dogs and Cats.

§ 41. Animals chasing or injuring livestock--Right to kill--Liability of owner--Warrantless seizure--Court proceedings--Definitions

A. It shall be lawful for a person to kill any animal of the family canidae or the family felidae found chasing livestock off the premises of the owner of the animal if the person is the owner or occupant of the property on which the animal is chasing the livestock or if the person is authorized to kill such an animal by the owner or occupant of such property.

B. The owner of any animal of the family canidae or the family felidae that kills or injures any livestock shall be jointly and severally liable to any person so damaged, to the full amount of the injury done and damages caused, including reasonable attorney fees and litigation expenses.

C. 1. Any animal control officer or any municipal, county or state law enforcement officer may seize a potentially dangerous dog without a warrant:

a. if the dog is continuing to run at large at the time of the seizure,

b. if the officer has probable cause to believe the dog is a dangerous dog and the threat to the health, safety and welfare of livestock or persons is of a continuing nature under the circumstances, or

c. pursuant to Section 47 of this title.

2. Any animal seized pursuant to this subsection shall be held by the appropriate animal control authority until the appropriate terms and conditions of release necessary to protect the health, safety and welfare of livestock and persons with whom the dangerous dog may come in contact are established by the supervisor of the animal control authority or a court of competent jurisdiction and agreed to by the owner.

D. 1. Upon commencement of any civil action to assess damages pursuant to this section, the court upon its own motion, or upon a motion by the plaintiff, and with notice to the defendant, and after a hearing thereon, may issue an order requiring seizure of a dog if the court has found probable cause to believe:

- a. the dog is a potentially dangerous dog and the threat to the health, safety and welfare of livestock or persons is of a continuing nature under the circumstances, or
- b. the dog will be adjudicated a common nuisance pursuant to subsection G of this section.

2. Any dog seized pursuant to this subsection shall be held by the appropriate animal control authority until conclusion of the civil action or until the court enters an order prescribing the appropriate terms and conditions of release necessary to protect the health, safety and welfare of livestock and persons with whom the animal may come in contact.

E. The cost for the seizure and confinement of an animal as authorized by subsection C or D of this section shall be borne by the owner of the animal. However, in any civil action filed pursuant to this section, if the owner of the animal is the prevailing party, such costs shall be taxed in the case against the nonprevailing party.

F. Nothing in this section shall be interpreted so as to require any municipality or county to:

- 1. Operate or maintain an animal welfare facility; or
- 2. Accept or hold any seized animal from a municipal, county or state law enforcement officer, other than its own.

G. The court, before whom a recovery is had for any injury or damages as set forth in this section, shall declare the animal found to have occasioned the injury to be a common nuisance, and order the defendant to kill or cause to be killed, such animal within twenty-four (24) hours after the rendition of the judgment. Appeals shall be allowed in all such cases. Any appeals shall be prosecuted in a manner as prescribed by general statutes governing appeals.

H. The provisions of Sections 45, 46 and 47 of this title shall also apply to a dangerous dog as defined in subsection I of this section.

I. For purposes of this section:

1. "Livestock" means any cattle, bison, hog, sheep, goat, equine, domesticated rabbits, chicken or other poultry and shall include exotic livestock;
2. "Exotic livestock" means commercially raised exotic livestock including animals of the families bovidae, cervidae and antilocapridae or birds of the ratite group;
3. "Potentially dangerous dog" means any dog that, while the dog was allowed to run at large off the property of the owner, when unprovoked, on more than one occasion, was found to be chasing or aggressively creating a substantial threat to the health, safety and welfare of livestock or persons;
4. "Dangerous dog" means any dog that, while the dog was allowed to run at large off the property of the owner:
 - a. when unprovoked, killed or injured livestock, or
 - b. has been previously found to be a potentially dangerous dog, the owner having received notice of such by the animal control authority in writing, and continues to be found chasing or aggressively creating a substantial threat to the health, safety and welfare of livestock or persons;
5. "Animal control authority" means the same as defined in Section 44 of this title;
6. "Animal control officer" means the same as defined in Section 44 of this title; and
7. "Owner" means the same as defined in Section 44 of this title.

Credits

R.L.1910, § 120; Laws 1935, p. 190, § 1; Laws 1949, p. 39, § 1, emerg. eff. Feb. 15, 1949; Laws 1993, c. 36, § 1, eff. July 1, 1993; Laws 2002, c. 187, § 2, eff. Nov. 1, 2002; Laws 2007, c. 40, § 1, eff. July 1, 2007; Laws 2013, c. 278, § 1, emerg. eff. May 14, 2013.

§ 42.1. Personal injury by dog--Liability of owner

The owner or owners of any dog shall be liable for damages to the full amount of any damages sustained when his dog, without provocation, bites or injures any person while such person is in or on a place where he has a lawful right to be.

CREDIT(S)

Laws 1947, p. 32, § 1, emerg. eff. March 11, 1947; Laws 1980, c. 75, § 1, eff. Oct. 1, 1980.

Statute Text

§ 22-115. Animals running at large--Regulation and taxation

The municipal governing body may regulate or prohibit animals from running at large. Animals which are running at large may be impounded and sold to discharge any costs and penalties established by the governing body and the expense of impounding, keeping or sale of such animals. The governing body may also provide for the erection of pens, pounds, and buildings for the use of the municipality, within or without the municipal limits, and appoint and compensate keepers thereof, and establish and enforce rules governing the pens, pounds or buildings. The governing body may also regulate and provide for taxing the owners and harborers of dogs, and authorize the killing of dogs which are found at large in violation of any ordinance regulating the same.

CREDIT(S)

Laws 1977, c. 256, § 22-115, eff. July 1, 1978.