

ORDINANCE NO. 46

AN ORDINANCE AMENDING ORDINANCE NO. 41 REGULATING POSSESSION AND RESTRAINT OF ANIMALS WITHIN THE CITY OF PLATO

The City Council of the City of Plato ordains:

Section 1: That Section 1(e) of Ordinance No. 41 is amended so that said Section read as follows:

"(e) The term "running at large" shall mean the premitting of any animal to go on or about the public streets, alleys or public or private places of the City, when not under restraint, including upon the immediate premises of the owner or harboring thereof."

Section 2: Section 1(f) of Ordinance No. 41 shall be amended so that said Section shall read as follows:

"(f) The term "under restraint" shall mean the animal is: within a sufficient enclosure upon the owner or harbor's property to prevent the animal from leaving the premises; in a closed motor vehicle; restrained by a rope or chain of sufficient construction, strength, attachment and limited length, to prevent the animal from leaving the owner or harborer's premises; or controlled by a leash not exceeding 6 feet in length."

Section 3: Section 1 of Ordinance No. 41 shall be amended so that there shall be added the following Section 1(g):

"(g) The term "in the immediate physical presence of the owner or harborer" shall mean that the animal is upon private property, but in the immediate accompany of the owner or harborer of the animal and under reasonable voice command and does not leave private property upon which the animal is permitted by the owner thereof. This term shall not apply to situations in which the owner or harborer is within a dwelling structure or vehicles upon the premises while the animal is not under restraint, nor shall it apply to circumstances in which the owner or harborer is unable to control the animal by voice command due to insufficient training of the animal or the inability of the individual owner or harborer to control the animal's actions. It shall be prime facia proof that there exists inadequate control of the animal if the animal leaves the permitted private premises and strays upon public premises or other private premises for which there is no permission for the animal to be upon."

Section 4: Section 5 of Ordinance No. 41 shall be amended so that said section shall read as follows:

"(5) Running at Large Prohibited No animal shall be permitted to run at large within the limits of the City of Plato. All pets, except dogs and cats, shall be confined in a fenced area, cage, aquarium or other escape proof enclosure suitable to the species. Licenses dogs and cats shall be premitted upon public property if they are controlled by a leash not exceeding 6 feet in length, or shall be permitted upon private property if they are under restraint or within the immediate physical presence of the owner or harborer thereof."

Section 5: This ordinance shall take effect and be in force from and after its passage and publication.

Adopted this 9th day of July, 1990.

Approved; Tim Pinske, Mayor

Attest: Kathleen Stuedemann, clerk

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