

CITY OF WATERBURY CODE OF ORDINANCES §§92.20-92.99: DOGS

§ 92.20 PURPOSE AND INTENT.

The purposes of this subchapter are to promote the public health, safety and general welfare of the citizens of the city by addressing the public nuisance caused by vicious and dangerous dogs and to ensure that all animals receive adequate care. This subchapter is intended to supplement and not supplant the provisions contained in Conn. Gen. Stat. §§ 22-339 *et seq.*, regarding domestic animals. The Animal Control Officer shall have the discretion as to whether to proceed pursuant to state or local law.

§ 92.21 DEFINITIONS.

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

ANIMAL CONTROL OFFICER. An employee or agent of the city to administer and enforce the licensing, inspection and enforcement requirements contained within this subchapter and state statutes.

ANIMAL SHELTER. Any facility operated by the city and shall also include any private facility authorized by the Animal Control Officer or his designee to impound, confine, detain, care for or destroy any animal.

AT LARGE. An animal which is off the premises of the owner and not on a leash or otherwise under the immediate control of a person capable of restraining the animal.

BREEDING. The mating and production of offspring by dogs, whether such offspring result from sexual activity or artificial insemination.

DISPOSITION. Adoption, sale, quarantine, voluntary or involuntary placement or euthanasia humanely administered to an animal.

GUARD OR ATTACK DOG. A dog, of any breed or either sex, trained or utilized to, attack, repel or apprehend unauthorized intruders, whether on command or by instinct.

HEARING OFFICER. A person designated by the Animal Shelter Commission to administer hearings provided for when citations are issued by the Animal Control Officer.

IMPOUNDMENT. The taking into custody of an animal by an Animal Control Officer or any authorized representative thereof.

MUZZLE. A device constructed of strong, soft material designed to fasten over the mouth of a dog to prevent it from biting any person or other animal.

OWNER. Any person having temporary or permanent custody of, sheltering or having charge of harboring, exercising control over, or keeping or having property rights to, any animal covered by this subchapter.

UNDER RESTRAINT. A dog is secured by a leash and under the control of an individual who is mentally and physically capable of restraining the animal and obedient to that person's commands, or securely enclosed (e.g. appropriate fence) within the real property limits of the owner's premises.

VICIOUS OR DANGEROUS DOG. A dog that has attacked, bitten or physically injured human beings or other domestic animals without adequate provocation. Any dog

that without provocation has bitten or attacked a human being or another domestic animal or has behaved so as to impose a threat of imminent bodily harm to a person conducting himself peacefully and lawfully shall be *prima facie* presumed vicious or dangerous. No dog may be declared vicious if any injury or damage is sustained by a person who, at the time the injury was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime. No dog may be declared vicious if the dog was protecting or defending a human being within the immediate vicinity of the dog from an unjustified attack or assault.

§ 92.22 LICENSE AND REGISTRATION REQUIRED; EXCEPTIONS; KENNEL LICENSES LIMITED

(A) Each owner of a dog of the age of six months or older, except dogs kept under a kennel license as provided in section 22-342 of the Connecticut General Statutes, shall cause such dog to be licensed and registered in the town clerk's office on or before June thirtieth, annually, or at such time as such dog becomes six months old, and annually thereafter, on or before June thirtieth.

(B) Any owner applying for a license for a dog under subsection (a) of this section, except for those owners or keepers possessing a rabies vaccination exemption certificate, or a copy thereof, issued pursuant to section 22-339b, shall submit to the town clerk a rabies certificate signed by a licensed veterinarian, or a copy thereof, stating that such dog has been vaccinated against rabies, the date of the vaccination and the duration of the immunity provided by the vaccine. No license shall be issued unless the certificate indicates that the immunity provided by the vaccine is effective at the time of licensing.

(C) Any owner applying for a license for a dog pursuant to subsection (a) of this section that has been exempted from vaccination against rabies pursuant to section 22-339b shall submit to the town clerk a rabies vaccination exemption certificate issued pursuant to 22-339b of the Connecticut General Statutes, or a copy thereof, in lieu of a rabies certificate.

(D) Any owner applying for a license shall pay to the town clerk a license fee in an amount as specified in Chapter 435 of the Connecticut General Statutes.

(E) This section shall not apply to any dog which is imported into this state for exhibition purposes and which does not remain in this state for more than thirty days. Any person may import, from another state, any licensed dog with collar, tag and rabies vaccination certificate, and keep the same in this state for not more than thirty days, without complying with the provisions of this section.

§ 92.23 PARVOVIRUS VACCINATION REQUIRED

Any owner applying for a license for a dog under subsection (a) of this section, shall submit to the town clerk a parvovirus vaccination record from a licensed veterinarian, or a copy thereof, stating that such dog has been vaccinated against parvovirus, the date of the vaccination and the duration of the immunity provided by the vaccine.

§ 92.24 BREEDING PERMIT REQUIRED

(A) Prior to the commencement of breeding, an owner must obtain a breeding permit from the Animal Control Division of the Police Department for each dog that he or she intends to breed within the City of Waterbury. No person, as principal, agent, employee or otherwise, shall breed any dog within the city without a breeding permit. The breeding permit shall expire six (6) months from the date of issuance.

(B) Each completed application for a breeding permit must be submitted to the Animal Control Division.

(C) Each application for a breeding permit shall be accompanied by a fee as set forth in the schedule of fees, charges, penalties and rewards attached to the annual budget of the city, pursuant to § 41.11 of this Code and no breeding permit shall be issued until the application fee is paid.

(D) Each breeding permit is issued to the dog owner and cannot be sold, purchased, traded, or otherwise conveyed.

(E) No breeding permit shall be issued unless the following conditions are met:

(1) The applicant has submitted the required forms to the Animal Control Division together with fees as set forth in the schedule of fees, charges, penalties and rewards attached to the annual budget of the city, pursuant to § 41.11 of this Code.

(2) The applicant has an indoor space and outdoor space in which to breed the dogs and raise the offspring that will contain the dogs as well as provide them with safe, sanitary, and humane conditions, appropriate for breeding a specific breed, and which satisfies all applicable provisions of this Code and all applicable state animal welfare laws.

(3) The Animal Control Division has evaluated the physical and behavioral characteristics regarding the suitability of the particular dogs to be bred.

(4) The dog identified in the breeding permit must be micro-chipped.

(F) The Animal Control Division may deny any application for a breeding permit if it finds that one (1) or more of the following has occurred:

(1) The applicant has failed to appropriately license the dog to be bred.

(2) The applicant has failed to pay the appropriate application fee.

(3) As determined by the State of Connecticut and/or City of Waterbury, the applicant has a history of allowing dogs to run loose or escape, or has otherwise been found to be neglectful; has had his/her dog identified as a nuisance; or has previously been determined to have violated the provisions of this chapter.

(4) Within the last ten (10) months, the applicant has both obtained a breeding permit and bred the subject dog.

(5) The applicant has failed to provide a parvovirus vaccination record from a licensed veterinarian pursuant to § 92.23 of this Code.

(G) In the event that a dog owner fails to apply for a breeding permit before the commencement of breeding, the animal control division may issue the breeding permit without penalty if it determines that the failure to acquire the breeding permit was not in bad faith.

§ 92.25 INSPECTION OF PREMISES TO BE USED FOR BREEDING PURPOSES

(A) Prior to issuing a breeding permit, the Animal Control Officer or his designee shall inspect the premises to be used for breeding purposes and conduct the evaluation pursuant to Section 92.24(E)(2) of this chapter. The Animal Control Officer or his designee shall conduct such inspection at a reasonable time when the applicant or his/ her representative is present.

(B) If the applicant refuses to allow the Animal Control Officer or his designee to conduct such inspection, the application shall be denied.

(C) Up to one (1) year after issuing the breeding permit, the Animal Control Officer or his designee shall have the option, on one (1) or more occasions, to reinspect the premises being used for breeding purpose to ensure that the conditions required for receiving a permit are continuing to be met. The Animal Control Officer or his designee shall conduct such reinspection at a reasonable time when the permit holder or his/her representative is present.

(D) If the permit holder refuses to allow the Animal Control Officer or his designee to conduct such reinspection, the Animal Control Officer or his designee will determine that the permit holder is conducting breeding activities in violation of this chapter, and the breeding permit shall be revoked.

§ 92.26 LITTER PERMITS REQUIRED

(A) All dog owners must apply to and obtain a litter permit from the Animal Control Division before any litter is born. A litter permit application shall be accompanied by a litter permit fee in the amount as set forth in the schedule of fees, charges, penalties and rewards attached to the annual budget of the city, pursuant to § 41.11 of this Code.

(B) In the event that a dog owner fails to apply for a litter permit before the birth of a litter, the animal control division may issue the litter permit without penalty if it determines that the failure to acquire the litter permit was not in bad faith.

(C) No more than two (2) litter permits will be issued to a dog owner within one year unless said owner also provides proof of a valid kennel license under § 22-342 of the Connecticut General Statutes.

(D) All puppies from each litter shall be micro-chipped prior to sale or transfer but no earlier than eight weeks of age.

§ 92.27 ADEQUACY OF FACILITIES AND CARE.

(A) It shall be unlawful for any person to keep dogs, cats or other animals within the city if he or she fails to maintain adequate facilities and humane care therefor.

(B) An enclosure regularly used for housing a dog shall contain food and clean water, an area protected from rain, snow and direct sun, and shall be kept free of accumulated feces.

§ 92.28 RESTRAINT AND CONFINEMENT GENERALLY.

(A) It shall be unlawful for the owner or keeper of any dog to fail to keep the dogs under restraint or to permit dogs to run at large upon the streets and public ways of the city or upon property other than that of the owner or keeper.

(B) Notwithstanding division (A) above, any owner, keeper or custodian of any dog who has his dog registered for obedience training shall be allowed to train his dog while not under restraint on private property and with the permission of the property owner.

(C) Except for the circumstances described in this section, no owner, keeper or custodian of any dog shall fail to exercise proper care and control of the dog.

§ 92.29 RESTRAINT OF GUARD OR ATTACK DOGS AND VICIOUS OR DANGEROUS DOGS, NOTIFICATION, INSURANCE.

(A) Restraint of guard or attack dogs.

(1) Any person who owns, possesses, or keeps a guard or attack dog shall house said dog within a building or a secure enclosure. The secure enclosure shall be comprised of a chain link fence at least six feet in height, and topped with an anti-climbing device consisting of chain links or other materials approved by the Animal Control Officer. Access to the secure enclosure shall be closed and locked. The fence shall be properly maintained and escape-proof. The secure enclosure shall be at least ten feet in length at its narrowest point, so that the dog may exercise itself.

(2) When outside the enclosure, or off of the property of the owner or keeper, all guard and attack dogs shall be under restraint at all times. The provisions of this division shall not apply to guard or attack dogs owned or controlled by government law enforcement agencies.

(B) Restraint of vicious or dangerous dogs.

(1) Any person who owns, possesses or keeps a vicious or dangerous dog shall house said dog within a building or a secure enclosure. A secure enclosure shall be completely surrounded by a chain link fence of no less than eleven gauge thickness and at least six feet in height, and topped with an anti-climbing-device consisting of chain links or other materials approved by the Animal Control Officer. Access to the secure enclosure shall be closed and locked, and a secondary gate, in addition to the primary access, will be maintained as a redundancy to prevent escape, unless the secure enclosure is within the area of a second chain link fence. All fences shall be properly maintained, and escape proof. The secure enclosure shall be at least ten feet in length at its narrowest point, so that the dog may exercise itself.

(2) Whenever outside the building or secure enclosure, the vicious or dangerous dog shall be securely muzzled, so that said dog cannot bite, but so that neither the dog's breathing, nor vision, are restricted. Said dog shall be restrained by an adult using two leashes of less than six feet in length, or caged. Every person harboring a dog that was previously found to be vicious or dangerous is charged with an affirmative duty to confine the dog in such a way that children under ten years of age cannot access the vicious and dangerous dog.

(C) Any person who owns, possesses, or keeps a guard or attack dog or a vicious and dangerous dog shall display a sign on the premises at which said dog is kept, warning that there is a guard or attack dog, or a vicious and dangerous dog, on the premises. The sign shall be visible and capable of being read from the highway, whether public or private, that abuts the premises.

(D) Any owner of a guard or attack or vicious or dangerous dog must provide proof to the town clerk of liability insurance with minimum coverage of one hundred thousand dollars (\$100,000.00) for bodily injury to or death of any person or persons or for damage to property owned by any persons which may result from the ownership of such animal. Said insurance shall name the City of Waterbury as an additional insured for notification of cancellation or termination purposes only. Policy cancellation shall constitute a violation of this section and subject the owner to the penalties provided herein.

§ 92.30 HARBORING DOGS FOR BLOOD SPORT PROHIBITED.

No person may own, possess, keep or train a dog with the intent:

- (A) That the dog engage in an exhibition of fighting for amusement or gain, or
- (B) That the dog make unprovoked attacks upon humans or domestic animals.

§ 92.31 IMPOUNDMENT; ISSUANCE OF CITATIONS; HEARING PROCEDURE.

(A) In addition to any other remedies provided in this subchapter and under state law, an Animal Control Officer or police officer may seize, impound and humanely confine to an animal shelter or hospital, at the owner's expense, any of the following:

- (1) Any dog without a valid license tag;
- (2) Any dog at large;
- (3) Any dog constituting a public nuisance or considered a danger to the public;
- (4) Any dog that is in violation of any quarantine or confinement order of the city's Animal Control Officer;
- (5) Any unattended animal that is ill, injured or otherwise in need of care;
- (6) Any animal that is reasonably believed to have been abused or neglected;
- (7) Any animal that is reasonably suspected of having rabies;
- (8) Any dog which an Animal Control Officer, the Animal Shelter Commission or the police has established is a threat to public health and safety;
- (9) Any dog that an agency or court of competent jurisdiction has ordered impounded or destroyed; and/or
- (10) Any dog that is considered unattended or abandoned, such as in situations where the owner is deceased or has been arrested.
- (11) Any dog involved in breeding activities in violation of §92.24 or 92.26 of this code.

(B) An Animal Control Officer or police officer may also in lieu of impoundment, issue to the owner a citation. The citation shall impose upon the owner a penalty as set forth in the schedule of fees, charges, penalties and rewards attached to the annual budget of the city, pursuant to § 41.11 of this code that shall be paid to the city within ten days in full satisfaction of the assessed penalty. The citation shall inform the person cited, in accordance with Conn. Gen. Stat. § 7-152c:

- (1) Of the allegations against him and the amount of the fines, penalties, costs or fees due;
- (2) That he may contest his liability before the Animal Shelter Commission by delivering in person or by mail written notice within ten days of the date thereof;
- (3) That if he does not demand such a hearing, an assessment and judgment shall be entered against him; and
- (4) That the judgment may issue without further notice.

(C) If the person who is sent notice pursuant to division (B) of this section wishes to admit liability for any alleged violation, he may, without requesting a hearing, pay the full amount of the fines, penalties, costs or fees admitted to in person or by mail to the Animal Control Officer, made payable to the City of Waterbury. Persons or entities assessed a penalty pursuant to this section shall remit fines for said violation within thirty (30) days of the mailing of notice thereof. The payment shall be inadmissible in any proceeding, civil or criminal, to establish the conduct of the person or other person making the payment.

(D) Any person who does not deliver or mail written demand for a hearing within ten days of the date of the first notice provided for in division (B) above shall be deemed

to have admitted liability, and the Animal Control Officer shall certify the person's failure to respond to the Animal Shelter Commission. The Animal Shelter Commission shall thereupon enter and assess the fines, penalties, costs or fees provided for by the applicable ordinances and shall follow the procedures set forth in division (E) below.

(E) Any person who requests a hearing shall be given written notice of the date, time and place for the hearing. The hearing shall be held not less than 15 days, nor more than 30 days, from the date of the mailing or notice; provided, the Hearing Officer shall grant upon good cause shown any reasonable request by any interested party for postponement or continuance. An original or certified copy of the initial notice of violation issued by the issuing official shall be filed and retained by the municipality, and shall be deemed to be a business record within the scope of Conn. Gen. Stat. § 52-180 and evidence of the facts contained therein. The presence of the issuing official shall be required at the hearing if the person so requests. A person wishing to contest his liability shall appear at the hearing and may present evidence in his behalf. A designated municipal official, other than the Hearing Officer, may present evidence on behalf of the municipality. If the person fails to appear, the Hearing Officer may enter an assessment by default against him upon a finding of proper notice and liability under the applicable statutes or ordinances. The Hearing Officer may accept from the person copies of police reports, investigatory and citation reports and other official documents by mail and may determine thereby that the appearance of the person is unnecessary. The Hearing Officer shall conduct the hearing in the order and form and with the methods of proof as he deems fair and appropriate. The rules regarding the admissibility of evidence shall not be strictly applied, but all testimony shall be given under oath or affirmation. The Hearing Officer shall announce his decision at the end of the hearing. If he determines that the person is not liable, he shall dismiss the matter and enter his determination in writing accordingly. If he determines that the person is liable for the violation, he shall forthwith enter and assess the fines, penalties, costs or fees against such person as provided by the applicable ordinances.

(F) If the assessment is not paid on the date of its entry, the Hearing Officer shall send by first class mail a notice of the assessment to the person found liable and shall file, not less than 30 days, nor more than 12 months, after the mailing, a certified copy of the notice of assessment with the clerk of the superior court designated by the Chief Court Administrator to serve the Waterbury area together with the appropriate entry fee. The certified copy of the notice of assessment shall constitute a record of assessment. Within the 12-month period, assessments against the same person may be accrued and filed as one record of assessment. The clerk shall enter judgment, in the amount of the record of assessment and court costs equal to the entry fee, against the person in favor of the municipality. Notwithstanding any other provision of the general statutes, the Hearing Officer's assessment, when so entered as a judgment, shall have the effect of a civil money judgment and a levy of execution on the judgment may issue without further notice to the person.

§ 92.32 NOTICE TO OWNER AND REDEMPTION.

(A) Upon impoundment of an animal, the Animal Control Division shall within 24 hours attempt to notify the owner by telephone. If the owner is unknown, the Division shall advertise for one day in the lost and found column of a newspaper having a circulation in the city describing the animal, impounding number and the phone number of the shelter.

(B) An owner reclaiming an impounded animal 24 hours after impound shall pay an amount as set forth in the schedule of fees, charges, penalties and rewards attached to the annual budget of the city, pursuant to § 41.11 of this code. Said amount shall be for each day after the initial 24 hours of impoundment. Advertising fees shall be assessed as well. If an animal is reclaimed by the owner within 24 hours of its impound, no fees shall be due.

(C) It shall be the duty of the Animal Control Officer to keep all impounded dogs for a period of seven days from the date of notice to the owner or publication of notice. Any animal not claimed by and released to its owner within seven days after publication or notice shall become the property of the city and shall be placed for adoption in a suitable home or humanely euthanized after all reasonable efforts to place adoptable dogs have been exhausted.

§ 92.33 ADMINISTRATIVE SANCTIONS AND REMEDIES.

In addition to any other remedies provided in this subchapter, the Animal Control Officer shall have the authority to order the following administrative sanction and remedies:

- (A) Obedience training for the dog(s) in question;
- (B) Muzzling of a dog while off the property of the owner;
- (C) Confinement of an animal indoors;
- (D) Confinement of a dog in a secure enclosure;
- (E) Reduction of the number of animals kept at any one location;
- (F) Removal of an animal from the custody of the animal's owner or custodian in cases of neglect or cruelty;
- (G) The sterilization of an animal;
- (H) A ban on maintaining other animals in the city; and

(l) Any other measure or sanction designed to eliminate a violation, prevent future violations or protect the health and safety of the public.

§ 92.34 APPEALS.

Any person aggrieved by any decision or order of an Animal Control Officer or other enforcement officer pursuant to this subchapter may appeal the same to the Animal Shelter Commission by filing an appeal with the Commission within five days of receiving notice of the decision or order of the Animal Control Officer. The Animal Shelter Commission shall hold a hearing within 30 days of receipt by the owner of the notice of appeal of the Animal Control Officer's decision or order. At the hearing, the Commission shall determine *de novo* whether to uphold the decision or order of the enforcement officer based upon the evidence and testimony presented at the time of the hearing by the owner, witnesses to any incidents which may be considered relevant, animal control personnel, police or any other person possessing pertinent information. The Animal Shelter Commission shall issue a written decision within 30 days of the hearing.

§ 92.35 ENFORCEMENT.

Animal Control Officers or their designees shall be the enforcement officials for this subchapter. These officials, along with police officers, shall have the authority to act on behalf of the city in investigating complaints, impounding and destroying animals, issuing citations and taking other lawful actions as required to enforce the provision of this subchapter. It shall be a violation of this subchapter to interfere with any Animal Control Officer or other enforcement official in the performance of his duties.

§ 92.99 PENALTY.

(A) Any person who violates any of the provisions of Chapter 92 or fails to comply with any order issued pursuant to Chapter 92 shall be deemed guilty of a municipal infraction and shall be punished by a fine as set forth in the schedule of fees, charges, penalties and rewards attached to the annual budget of the city, pursuant to § 41.11 of this code. Each day any violation continues shall constitute a separate offense.

(B) Any fines, civil penalties or costs imposed pursuant to this subchapter by the Animal Shelter Commission or Animal Control Officer shall be paid within thirty (30) days of imposition unless lawfully stayed.

(C) The penalties set forth herein are not intended to supplant the penalties set forth within Chapter 435 of the Connecticut General Statutes.