

TITLE 2
ANIMALS AND FOWL

Chapter 2.01 – General Provisions
Chapter 2.02 – Licensing
Chapter 2.03 – Rabies Control
Chapter 2.04 – Impounding

CHAPTER 2.01 - GENERAL PROVISIONS

2.0101 Definitions. The following words, terms and phrases, when used in this Title, shall have the meanings assigned to them in this Chapter, except where the context clearly indicates a different meaning:

“Animal” means every living creature other than a human.

“Animal Control Officer” means the persons or law enforcement officials designated by the City Council from time to time to enforce the provisions of this Title.

“Animal Shelter” means the person, entity or agency designated by the City Council from time to time to enforce the provisions of this Title and shall include Animal Control Officer whenever the context so requires to carry out and enforce the provisions of this Title.

“At large” means

- A. An animal when off or away from the premises and not under control of the owner, possessor, keeper, agent or a member of the owner’s immediate family by a leash.
- B. An animal when on the premises of the owner, possessor, keeper, agent or a member of the owner’s immediate family if not attended by a competent person unless the animal is chained, restrained, enclosed or confined in a manner preventing it from leaving the premises.

“Fowl” means chickens, ducks, geese, turkeys, pheasants, quail, partridge, pigeons, guinea, or other like birds.

“Leash” means a cord, thong, or chain, not to exceed six feet in length, by which an animal is controlled by the person accompanying it.

“Owner” means any person harboring or keeping an animal and who is the head of the household of the residence or the owner or manager in charge of the establishment or premises at which an animal remains or returns to.

“Pet” means any domestic animal kept in or near a household for the primary purpose of companionship for member(s) of the household and/or companionship for other such animals. This includes dogs, cats, guinea pigs, hamsters, rats, mice, ferrets, rabbits, birds (other than fowl, water-fowl, and birds of prey), reptiles

(other than venomous reptiles or constrictor snakes), amphibians, invertebrates, and species of domestic animals commonly kept for the primary purpose of such companionship. Fowl, raptors, and livestock, are not pets.

"Raptor" means all birds that are members of the order Falconiformes or Strigiformes; specifically, but not limited to, birds of prey such as falcons, hawks, eagles, owls, and vultures.

2.0102

Running at large prohibited. It shall be unlawful for any person to have any animal which is owned, kept, harbored, or allowed to be habitually in or upon the premises occupied by the owner or under the owner's control to be at large and to go in or upon the private premises of others or upon any public property. Any animal found in or upon the private premises of others or upon any public property in violation hereof shall be impounded by the Animal Control Officer or designated Animal Control Agency. Whenever an animal is found running at large, the same shall constitute prima facie evidence that the owner permitted it to run at large.

Fines for each violation of this Section shall be assessed and payable as follows:

- A. First violation, each animal \$95.00
- B. Second violation within a 12-month period, each animal \$145.00
- C. Each additional offense \$175.00

State law reference--Power to regulate or prohibit the running at large of animals, SDCL 9-29-12.

2.0103

Responsibility.

- A. No person shall create or maintain any condition or operate any equipment or keep any animal, fowl, pet, or insect under his jurisdiction in such a way that such condition or operation causes or is likely to cause the transmission of diseases from animals or insects to humans or from animals or insects to other animals.
- B. No owner, keeper, caretaker, or attendant of an animal shall allow an animal to defecate or urinate on public or private property other than his own. If such animal does defecate or urinate upon public or private property, the owner, keeper, caretaker, or attendant must immediately and thoroughly clean the fecal matter from such property.
- C. Anyone walking an animal on public or private property other than his own must carry with him visible means of cleaning up any fecal matter left by the animal. Animals used in parades or involved in law enforcement are exempt from this subsection.

Vicious Animals.

- A. An animal may be declared to be vicious by the Animal Control Officer, the City Council, or the attending physician of the victim of an animal bite or scratch may request such declaration, under the following guidelines:
1. An animal which, in a vicious or terrorizing manner approaches in an apparent attitude of attack, or bites, inflicts injury, assaults or otherwise attacks, a person or other animal upon the streets, sidewalks, or any public grounds or places; or
 2. An animal which, on private property, in a vicious or terrifying manner, approaches in an apparent attitude of attack, or bites, or inflicts injury, or otherwise attacks, a postal worker, meter reader, service person, delivery person, or other employed person, or other animal who is on private property by reason of permission of the owner or occupant of such property or who is on private property by reason of a course of dealing with the owner or occupant of such private property.
 3. No animal may be declared vicious if the injury or damage is sustained to any person or animal who is committing a willful trespass or other tort upon premises occupied by the owner or keeper of the animal, or who was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime.
- B. When an animal is declared to be vicious, the Animal Control Officer shall notify the owner of such declaration in writing that such animal must be registered as a vicious animal within five (5) business days after the date of such written notice. Said notice may be served in person or by mailing such notice by certified mail, return receipt requested.
- C. The owner of an animal that has been declared vicious shall make application to the Animal Control Officer to register such vicious animal and shall comply with the following:
1. The owner of the animal shall notify the Animal Control Officer of any changes in the following:
 - a. Ownership of the animal.
 - b. Name, street address and telephone number of new owner.
 - c. Address change of the owner or any change in where the animal is housed.
 - d. Any change in the health status of the animal.
 - e. Death of the animal.
 2. Whenever the animal is indoors, the animal shall be under the

control of a person over the age of 18 years old.

3. Whenever the animal is outdoors and attended, the animal shall be muzzled, on a leash no longer than six feet in length and under the control of a person over the age of 18 years old.
4. If the animal is outdoors and unattended, the animal must be locked in a fully-enclosed escape-proof kennel approved in advance by the Animal Control Officer. Minimum standards to qualify; as a fully-enclosed escape-proof kennel shall include the following:
 - a. Fencing materials shall not have openings with a diameter of more than two inches; in the case of a wooden fence the gaps shall not be more than two inches.
 - b. Any gates within such pen or structure shall be lockable and of such design to prevent the entry or children or the escape of the animal.
 - c. The required pen or structure shall have secure sides and a secure top. If the pen or structure has no bottom secured to the sides, the sides shall be imbedded into the ground or concrete.
 - d. The pen or structure may be required to have double exterior walls to prevent the insertion of fingers, hands or other objects.
 - e. The pen shall protect the animal from the elements.
5. The animal shall be permanently identified by injecting an identification microchip into the animal using standard veterinarian procedures and practices. The number and the veterinarian who injected the animal shall be provided to the Animal Control Officer.
6. A universal sign denoting a vicious animal shall be displayed prominently on the kennel or enclosure and on a place visible from the sidewalk or road adjacent to the property where the animal is kept.
7. The owner shall carry liability insurance with liability limits of not less than \$100,000 per occurrence and covering the medical and/or veterinary costs resulting from the vicious actions or any other damage the animal may do or cause to be done. Written proof of such insurance coverage shall be provided to the Animal Control Officer upon request.
8. The owner shall present proof of current rabies vaccination and current city license of the animal to the Animal Control Officer upon request.

9. The owner shall cause the animal to be spayed or neutered to prevent reproduction. The owner shall provide proof that the animal has been spayed or neutered to prevent reproduction to the Animal Control Officer upon request.

D. The vicious animal shall be impounded by the Animal Control Officer at the owner's expense until such time as all the requirements of paragraph (c) (1) through (9), inclusive, are met.

E. If the requirements in paragraph (c) (1) through (9), inclusive, are not complied with, the animal shall be euthanized in a humane manner and proof of euthanasia shall be filed with the Animal Control Officer.

F. A vicious animal found off the premises of its owner, other than as provided for in this Title, shall be seized by the Animal Control Officer or any law enforcement officer and impounded, at the owner's expense. If the animal cannot be captured, it may be destroyed. If the animal has been running at large, or bites a person, or bites another animal, the Animal Control Officer or any law enforcement officer may order the owner to deliver the animal to an animal shelter within 24 hours and the owner shall be ordered to appear in court to show cause why this animal shall not be destroyed.

If the owner of the animal fails to deliver the animal as ordered, the Animal Control Officer or any law enforcement officer shall use such means as are necessary to impound the animal.

State law reference--Vicious dogs, SDCL 40-34-13 et seq.

2.0105 Disturbing the peace.

A. The owner or custodian of an animal shall not allow the animal to create a disturbance by making loud noises any time of the night or day.

B. Any animal control officer or police officer may remove and impound any animal that is disturbing the peace when the owner of the animal cannot be located. A notice advising the owner of the impoundment shall be left on the premises.

C. Any person having custody or control of any female dog or cat in heat shall be required to keep such dog or cat confined in a building, secure enclosure, veterinary hospital, or boarding kennel so that it cannot attract or come into contact with another animal on public or private property except for controlled breeding purposes.

2.0106 Cruelty to animals; right of entry. No person shall maltreat or abuse or neglect any animal or fowl. Any Animal Control Officer finding an animal or fowl mistreated as described in this section shall have the power to lawfully enter the premises where the animal is kept and demand to examine such animal and to

take possession of such animal, when in his opinion, the animal requires humane treatment.

State law references--Municipal authority to prohibit and punish cruelty to animals, SDCL 9-29-11; cruelty to animals, SDCL Ch. 40-1.

2.0107 Stray, abandoned or unkept animals. No person shall harbor or keep any stray animals. Animals known to be strays shall be immediately reported to the Animal Control Officer.

2.0108 Poisoning. Unless approved by the City Council, it shall be unlawful for any person to willfully or maliciously administer or cause to be administered poison of any sort whatsoever to any animal, the property of another, with the intent to injure or destroy such animal, or to willfully or maliciously place any poison or poisoned food where such is accessible to any such animal.

2.0109 Keeping of animals.

A. No person shall keep any animal within the City unless such animal is of a type commonly regarded as a domestic animal (see definition of “pet” in Section 2.0101 of this Title), unless otherwise allowed by special exception of the City Council.

The keeping of animals on any personal land in the city shall not be on a scale creating a nuisance. This prohibition includes the domestic fowl of the order Galliformes and Gallinaceous birds (fowl-like birds), and the order Anseriformes (water fowl) and also includes Raptors (birds of prey) and common farm animals such as cows, pigs, horses, and sheep.

B. It is considered a nuisance and shall be unlawful for any person to keep and maintain (other than the care and treatment of injured or abandoned birds and animals by people licensed for that purpose) or to sell native fur bearers, bears, mountain lions, bobcats, lynx, panthers, endangered species, exotic cats, or venomous snakes or other reptiles.

C. It is considered a nuisance and shall be unlawful for any person to keep and maintain any animal, reptile or fowl which is not naturally tame or gentle, but is of a wild nature or disposition and which because of its size, nature, or other characteristics (such as being poisonous or carnivorous) would constitute a danger to human life or property if it escaped from secure quarters, and it is further considered a nuisance and unlawful for any person to keep and maintain any domestic animal, reptile or fowl which because of its size or vicious propensity or other characteristic would constitute a danger to persons or other animals.

- D. It is considered a nuisance and shall be unlawful for any person to create or maintain any condition, or keep any animal, fowl, pet, or insect under his/her jurisdiction in such a way that such condition or operation causes or is likely to cause the transmission of diseases from animals or insects to humans or from animals or insects to other animals.
- E. Nothing herein shall be deemed to prohibit the keeping of Felis catus) the domestic cat, Mustela putorius furo) the European polecat otherwise known as the ferret, or (Canis familiaris) the domestic dog, as long as the requirements of this Title are followed.
- F. Possession of Raptors for any reason or purpose is prohibited within City limits.

- 2.0110 Types and Number of Animals. It is unlawful for any person to have or to keep more than four domestic pets over the age of six months, except birds and fish, on any lot or premises in the City, unless the City Council grants an exception. The City Council shall have the authority to limit the number of animals, whether household pets or otherwise, kept by any person. In granting any exceptions, the Council may consider proximity to City limits, land area involved or available, location to heavily residential areas, and other individual criteria. Veterinarian clinics and retail pet stores are exempt from the provisions of this section.
- 2.0111 Abandoning of animals. No person shall abandon an animal in the City.
- 2.0112 Trapping of animals. No person without permission of the City shall set, allow to be set, or use any trap for the purpose of catching any animal, which trap could injure or kill any animal, except rodent traps in the interior of a building, and except by persons employed by or agents of the City for purposes of the City's health, safety and welfare.
- 2.0113 Hunting prohibited. No person shall hunt game in the City by any means whatsoever. Game means any bird or animal hunted for sport or for use as food. Hunt means to pursue game while in possession of a firearm or weapon for sport, food, or to kill. This section does not apply to law enforcement officers or Animal Control Officers in the discharge of their official duties or to individuals allowed by special exception of the City Council to trap or hunt birds or animals as a matter of City business.
- 2.0114 Record of bites. The Animal Control Officer shall keep an accurate record of all animal bites.
- 2.0115 Enforcement. The Animal Control Officer or designated Animal Control Agency is authorized to enforce all the provisions of this Title and may issue citations for violations of any section or may issue warning tickets requiring correction of a violation.

2.0116 Failure to comply with warning ticket. It is unlawful for any person to fail or refuse to comply with the provisions or requirements of a warning ticket lawfully issued under this Title.

2.0117 Each violation a separate offense; Fine Schedule. Except in sections where a different or additional penalty is imposed within this Title or by applicable statute, each violation of each provision of this Title is a separate offense and if any violation continues for more than an incident or day, as the case may be, each separate incident or day shall constitute a separate violation. A warning ticket may be issued upon the first offense in violation of this section. Fines for each violation of each provision of this Title shall be assessed and payable as follows:

- A. First violation \$50.00
- B. Second violation within a 12-month period \$95.00
- C. Third and subsequent violations within a 12-month period... See Penalty in General; Continuous Violations 11.0101.

In addition to fines and penalties, the Animal Control Officer or designated Animal Control Agency may impound the animal at the owner's expense.

CHAPTER 2.02 - LICENSING

2.0201 Licensing of dogs and cats required. Each owner or keeper of a dog or cat of the age of six months or over shall, within 30 days of the acquisition of such animal or within 30 days of the time such animal becomes six months old, cause such animal to be licensed at the animal shelter. A rabies immunization certificate and the appropriate fee must accompany all applications for license certificates.

2.0202 Application for license certificate and tag.

- A. Every owner or keeper of a dog or cat within the city must submit an application for animal license for each animal owned that is six months old or older and a renewal application on or before June 30th of each succeeding year. All licenses issued under this Title shall expire at midnight, June 30th, whether issued for a full year or any part thereof. The application form shall be furnished by the City of Baltic, or its designated Animal Control Agency. A rabies immunization certificate and the appropriate fee as shown above must accompany all applications for license certificates and renewals.
- B. A certificate and tag shall be issued upon receipt of proper application or license. The certificate shall at all times be in the possession of the owner.

The tag shall be affixed to the licensed animal in a secure manner at all times. The owner shall contact animal control to report change of ownership, loss, or death of a licensed animal.

- C. If a tag or certificate is lost, either may be replaced for a fee of \$1.00 by applying to the City or its designated Animal Control agency.

2.0203 License fee schedule.

- A. The fee for an original and a renewal dog or cat license shall be as follows:

Neutered male dog or cat\$ 5.00

Spayed female dog or cat\$5.00

Unneutered male dog or cat\$10.00

Unspayed female dog or cat.....\$10.00

- B. The City Council may in special circumstances, after a hearing by the board, exempt the license fee in individual cases.

- C. The fee for designated licensing agencies shall be as follows: Places of business designated by the City Council to make available animal licenses to owners as a convenience may charge up to \$1.00 for each new or renewal license in order to defray the costs of providing the licensing service and the recordkeeping expense associated therewith.

- D. Exclusions. Dogs which are used by the visually impaired or otherwise disabled as “seeing-eye” dogs and service dogs are hereby exempt from the provisions of this Title, except those provisions relating to the requirement that all dogs and other animals be vaccinated against rabies and regarding vicious animals. A dog is designated as a service dog when the condition of person using the animal meets the legal definition of disability and when the animal is trained to perform tasks that mitigate the owner’s disability. The City Council shall determine when a particular animal is a “seeing-eye” dog or a service dog and confirm the owner thereof is visually impaired or his or her condition meets the legal definition of disability, for the purposes of this exclusion.

2.0204 Failure to License an Animal.

Fines for each violation of required licensure as required under this Chapter shall be assessed and payable as follows:

- A. First violation, each animal \$50.00

- B. Second violation within a 12-month period, each animal.....\$75.00

- C. Third and subsequent violations within a 12-month period...See Penalty in General; Continuous Violations 11.0101.

CHAPTER 2.03 - RABIES CONTROL

2.0301 Cooperation of Animal Control Officer. The Animal Control Officer shall cooperate with the State Department of Health, the State Livestock Sanitary Board, the U.S. Fish and Wildlife Service, the U.S. Public Health Service, the U.S. Department of Agriculture, state and local veterinary associations and any other county, state or federal agency concerned with the control of rabies, in a combined effort to reduce rabies in wildlife and domestic animals. The City Council shall have authority to institute such additional measures for the control of rabies as may be deemed necessary by the Animal Control Officer.

2.0302 Vaccination required.

- A. Every dog, cat or other animal susceptible to rabies, held as a domestic pet in the City, six months of age or older, is hereby required to be vaccinated against rabies by a licensed veterinarian or other qualified person designated by the Animal Control Officer. Vaccinations against rabies shall be given at the following intervals, either multi-year or one-year, recommended by the Center for Disease Control:

- 1. Multi-year Rabies Vaccinations:

- a. Primary vaccination at age 12 weeks to 6 months;
and
- b. Vaccination one year after the primary vaccination;
and
- c. Vaccinations every three years thereafter.

OR

- 2. One-year Rabies Vaccinations:

- a. Primary vaccination at age 12 weeks to 6 months;
and
- b. Vaccination one year after the primary vaccination;
and

c. Vaccinations every year thereafter.

B. Any owner acquiring a dog, cat or other animal by purchase, gift, birth or otherwise shall have such animal vaccinated against rabies within one month following acquisition or when the animal reaches the age of six months. The animal shall thereafter be required to receive vaccinations at intervals set forth in this Section.

2.0303 Impounded animals. Any impounded animal shall not be released by the Animal Control Officer to any person until such animal has been vaccinated against rabies; provided, however, no animal so impounded shall be vaccinated if the owner can present a certificate of a current vaccination.

2.0304 Impounding for observation.

A. When any person owning or harboring a dog, cat, or other animal has been notified that the animal has bitten or attacked any person, the owner must within 24 hours place the animal under the care and observation of the Animal Control Officer or a licensed veterinarian for a period of not less than ten days except in those cases when an animal has bitten or attacked while on the premises of the owner and the owner has a current rabies vaccination for the animal the Animal Control Officer may, if he feels the facilities are adequate and if the owner is a responsible person, quarantine the animal on the owner's premises. In this case the owner must sign a statement and understand the responsibility and assume the liability that is involved with the quarantine of an animal that has bitten. The quarantined animal must at all times be available for inspection during the quarantine.

B. At the end of the ten-day observation period the animal shall be examined by the Animal Control Officer and, if cleared, may be reclaimed by the owner and the owner must pay the expense incurred incident thereto.

C. Any animal impounded or placed for observation, showing active signs of rabies, suspected of having rabies or known to have been exposed to rabies shall be confined under competent observation for such time as may be deemed necessary to determine a diagnosis.

D. Any animal that has bitten or attacked that cannot be captured may be destroyed in such a manner that the head is not damaged and can be submitted for a rabies examination to a laboratory.

E. Any animal that has bitten any person may be euthanized by order of the Animal Control Officer or a physician or a veterinarian from the board of health unless proof of a current rabies vaccination effected not less than 30 days prior to the bite is provided within 24 hours of the bite. Any animal that has bitten any person may be euthanized by order of the Animal

Control Officer if in such person's opinion, based upon sound medical judgment, a greater risk to human life exists by not so doing. In making such a determination, the Animal Control Officer shall take into consideration the following factors:

1. The history of the animal including the possibility of its exposure to rabies.
2. The vaccination record of the animal.
3. The health of the animal.
4. The nature, location and seriousness of the bite.
5. The circumstances surrounding the bite including whether or not the bite was provoked.
6. The tolerance of the person bitten to the vaccines used for treatment.

F. The City shall, in the case of an animal bite, follow the procedures stated in the current Compendium of Animal Rabies Control published by the National Association of State Public Health Veterinarians, Inc., and endorsed by the Center for Disease Control.

2.0305 Keeping rabid animals. No person shall knowingly harbor or keep any animal infected with rabies or any animal known to have come in contact with an animal known to have been infected with rabies unless such animal has current rabies shots. In such case the procedure stated in the current Compendium of Animal Rabies Control shall be followed.

2.0306 Report of suspected cases--Generally. Any person who shall suspect that any animal in the City is infected with rabies shall report the animal to the Animal Control Officer, describing the animal and giving the name and address of the owner if known.

2.0307 Same--Veterinarians. Veterinarians within the City receiving information or reports of suspected rabies in wild animals or domestic animals shall report such information to the Animal Control Officer.

2.0308 Same--Physicians. Physicians within the City, immediately upon treatment of any person bitten by an animal, shall report such information to the Animal Control Officer.

2.0309 Destruction of rabid animals. The Animal Control Officer or a veterinarian may destroy any rabid animal.

2.0310 Muzzling Proclamation. Whenever the Animal Control Officer shall have determined that there is danger of the existence or spread of rabies in the City, he or she shall make the facts known to the Mayor in writing. The Mayor, upon receipt of such facts, may, by proclamation in the interest of public safety and general welfare of the citizenry, order-all animals muzzled when off the premises of the owner. Forty-eight hours after the publication of the proclamation all animals found off the premises of the owner un-muzzled shall be seized and impounded or may be immediately destroyed if all reasonable efforts to seize the animals fail. All animals seized and impounded shall be held for observation for ten days, and if cleared by a licensed veterinarian, may be claimed by the owner and the owner must pay the expenses incidental thereto. Any animal not claimed may be disposed of.

CHAPTER 2.04 - IMPOUNDING

2.0401 Enforcement. It shall be the duty of the Animal Control Officer or designated Animal Control Agency to carry out and enforce all the provisions of this Chapter.

2.0402 Authority. The Animal Control Officer, any law enforcement officer, or any other person of proper authority may impound any animal found within the City in violation of any provision of this Title.

2.0402 Interference with performance of duties. No person shall hinder, delay, or obstruct the Animal Control Officer or any other person or agency authorized by the City of Baltic when engaged in capturing, securing, destroying or impounding any animal or animals.

2.0403 Costs. Any animal held or impounded shall be released to the owner thereof upon payment or reimbursement of all costs incurred by the City, the Animal Control Officer, the Animal Shelter, or its authorized representatives in capturing, restraining and impounding the animal, including, but not limited to: travel expenses in the event a special trip or trips is required at times other than normal patrol within the City, the cost of tranquilizer darts and related apparatus, meals, supplies, boarding fees and costs, plus the impoundment fee as set out below:

- A. First violation\$30.00
- B. Second violation within a 12-month period\$50.00
- C. Third and subsequent violations within a 12-month period... See Penalty in General; Continuous Violations 11.0101.

The daily boarding costs, veterinary services and impoundment fee are in addition to any penalties, which may be imposed for a violation of any of the provisions of this Chapter.

- 2.0404 Requirements for Redemption. In addition to payment as set forth in section 2.0403, before any person may redeem any animal impounded under the provisions of this Title, that person shall be required to provide proof of current rabies vaccination and a valid current license.
- 2.0405 Notice to owner. The owner of any animal impounded under the provisions of this Title, if his identity and location can be obtained by reasonable means, shall be notified within 24 hours that his animal has been impounded.
- 2.0406 Redemption by person other than owner. If the owner of any animal impounded under the provisions of this Title shall fail to redeem such animal, after the impoundment period, any other person may, upon complying with the provisions of this Title, redeem such animal from the designated Animal Control agency and be the lawful owner thereof.
- 2.0407 Disposition of unredeemed animals.
- A. If an impounded animal is wearing a license or other means of identification, the animal shall be confined for a period of three (3) days (72 hours), including Sundays but excluding holidays.
 - B. If an impounded animal is not wearing a license or other means of identification, the animal shall be impounded for a period not to exceed three (3) days (72 hours), including Sundays but excluding holidays. The Animal Control Officer may dispose of animals confined under this section after the period of confinement period by any humane means.
- 2.0408 Records --Generally. The Animal Control Officer shall keep accurate records of all animals impounded and released including the date and from whom received, the description of the animal, and the name and address of the person receiving the animal. He shall also keep an accurate count and description of animals destroyed.
- 2.0410 Injured animals.
- A. If an animal without identification is injured and the owner cannot be found, it will be the duty of the Animal Control Officer or designated Animal Control Agency to determine if that animal for humane reasons, due to the extent of the injury and the suffering, shall be destroyed. The City and Animal Control Officer shall be immune from liability for this humane act.

- B. If an injured animal with a license tag issued by the City is picked up, it shall, if possible, be delivered to a licensed veterinarian. The animal owner must pay all expenses of the City and the veterinarian charges and fees.

2.0411

Abused Animals. In cases where an animal or animals have been seized by the Animal Control Officer or designated Animal Control Agency based upon abuse, neglect, cruelty or abandonment, such animal or animals may be adopted by another person or humanely euthanized thereby extinguishing all property rights of the existing owner, all in accordance with the following:

- A. If the owner of the animal is known, the Animal Control Officer or the Animal Shelter shall provide notice to the owner, which notice shall inform the owner of the Animal Shelter's intent to dispose of the animal.
- B. The owner shall have a period of three (3) business days to:
 - 1. Declare in writing and deliver to the Animal Shelter
 - a. Notice of said owner's intent to maintain ownership of the animal and to object to the adoption or euthanasia thereof; and
 - b. Notice that said owner shall pay when due all impoundment, board and veterinary costs until such time as the animal shall be released to said owner or be adopted or euthanized.
 - 2. Pay all impoundment, board and veterinary costs, up to the date of the owner's declaration of intent to maintain his or her ownership of said animal to the Animal Shelter.
- C. Upon notification of said owner's intent to maintain ownership of the animal and the objection to the adoption or euthanasia thereof, said owner shall continue said payments to the Animal Shelter for impoundment, board and veterinary costs on a weekly basis until such time as the animal shall be released to said owner or be adopted or euthanized.
- D. If the owner fails to declare his or her intent to maintain ownership of the animal or fails to make any payment in a timely manner, or if the identity of the owner is unknown or if notice to the owner cannot otherwise be made, the ownership of the animal will be transferred to the Animal Shelter.