

ORDINANCE NO. 101007

**AN ORDINANCE OF THE CITY OF CHINA GROVE, TEXAS AMENDING IT'S
ANIMAL CONTROL ORDINANCE NO. 970403**

BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF CHINA GROVE:

That Ordinance Number 970403 was enacted April 3, 1997 by CITY COUNCIL OF CHINA GROVE and the Council feels it is in the best interest of the community to now amend that ordinance by adding:

ARTICLE V - ANIMALS RUNNING AT LARGE

SECTION 5-1 ANIMALS RUNNING AT LARGE

It shall be unlawful for any person owning or in possession of a dog or other domesticated animal to allow said animal to run at large upon the public streets, alleyways, or other public places of the city unless said dog or other animal shall be, at all times, under the control of such person or his or her agent by means of physically and continuously restrained by electronic means or by use of a leash, chain, rope or cord of sufficient strength to control the action of said animal and to prevent said animal from making unsolicited contact with any person on the property or premises of any person.

SECTION 5-2 - PENALTIES

- A. Any person, firm, corporation or agent or employee thereof who violates any of the provisions of this chapter shall be fined an amount not less than one hundred dollars (\$100.00) and not more than two hundred dollars (\$200.00) per violation per day.

PASSED AND APPROVED by the China Grove City Council on this 7th day of October, 2010.



Dennis A. Dunk, Mayor

ATTEST: 
Susan Conaway, City Secretary

Ordinance No. 970403

AN ORDINANCE REGULATING OWNERSHIP OF ANIMALS

ARTICLE I. IN GENERAL

Sec 1.1. Definitions.

The following definitions shall apply in the interpretation and enforcement of this chapter:

Abandoned animal shall mean any animal that has not been provided with one or more of the necessities of life including air, food, water, veterinary care, exercise, or protection from the sun and other elements of nature for forty-eight (48) hours.

Animal shall mean any living vertebrate or invertebrate, domestic or wild, not including man.

Animal control officer shall mean a person designated by the city council, who is qualified to perform such duties under the laws of this state and the ordinances of the city including the Chief of Police of the City of China Grove.

Animal nuisance shall mean a public nuisance created within the corporate limits of the city by the following acts or omissions of animal owners:

- (1) The refusal or failure of an animal owner or keeper to prevent his animal from biting or injuring without provocation, any animal or person.
- (2) The keeping of an animal which has a propensity to damage or destroy public or private property or a person other than its owner's private property.

Animal nuisance per se shall mean a public nuisance created by the keeping, frequent feeding or harboring of any inherently dangerous or prohibited animal.

Confined shall mean a situation by which an animal is effectively prevented from being free to roam or run at large or at will.

Dangerous animal means:

- A. Any animal that, when unprovoked, inflicts severe, injury or death to a person or bites a person on public or private property; or
- B. Any animal that has killed a domestic animal without provocation while off the owner's property; or

- C. Any animal which, when unprovoked, chases or approaches a person upon the streets, sidewalks, or any public property or private property in lawful possession of a person other than the animal owner, in a menacing fashion or apparent attitude of attack such that the person reasonably believes that the animal will cause physical injury to that person; or
- D. Any animal with known propensity, tendency or disposition to attack unprovoked, to cause injury, or threaten the safety of persons or domestic animals.

Dog shall mean any member of *Canis familiaris* or any combination of *Canis familiaris* and other canine species including both genders.

Domestic cat shall mean any member of the *Felis domesticus*.

Domestic dog shall mean a member of the *Canis familiaris* which is not a hybrid of *Canis familiaris* and another canine species.

Enclosure means a house or a building, or in the case of a fence or a structure/pen, the fence or structure/pen must also have minimum dimensions of five (5) feet by ten (10) feet. The fence or structure/pen must for an enclosure suitable to prevent entry of young children and must be locked and secured such that an animal cannot climb, dig, jump or otherwise escape of its own volition. The enclosure shall be securely locked at all times. The structure/pen must have secure sides to prevent the dangerous animal from escaping from the enclosure. The structure/pen shall provide protection from the elements for the dangerous animal.

Impound shall mean the taking into custody of an animal for the purpose of transportation to an animal boarding facility or any other purpose provided herein.

Kennel shall mean any place other than a veterinary hospital, where the property owner, tenant, or occupant keeps or allows others to keep or board any dog for longer than twelve (12) hours for a fee or donation or non-monetary reward.

Menacing fashion means the show by an animal of a disposition, determination, or intent to attack or inflict injury or harm to a person.

Owner of an animal shall mean the person or the legal guardian of the person who feed or harbors the subject animal. Persons caring for an animal at the specific request of an owner are not included in the definition of owner, but are required to keep the animal in compliance with this Code.

Owner/keeper means any person, firm, corporation, organization or department holding, caring for, having an interest in, or having control or custody of an animal. If the owner/keeper of an animal

is a minor, the parent or guardian of that minor shall be responsible for compliance with animal control related ordinances.

Pet shall mean any animal kept for pleasure or enjoyment, rather than utility or commercial purposes.

Prohibited animals shall mean:

- A. Any ape or other non-human primate;
- B. Any member of the genus *Canis* including wolf, hybrid wolf, coyote, jackal or fox, and similar species except *Canis familiaris*;
- C. Any member of the genus *Felis* including leopard, lion, panther, tiger, lynx, bobcat, cheetah, ocelot, margay, jaguarundi, and any similar species except *Felis domesticus*;
- D. Skunk;
- E. Any poisonous reptile or venomous species except bees;
- F. Crocodile, alligator, caiman or related species;
- G. Miniature Vietnamese pot-bellied pig; and
- H. Bear.

Quarantine shall mean the detention or isolation of an animal suspected of carrying an infectious or contagious disease.

Rabies vaccination shall mean a protective inoculation by a licensed veterinarian with an anti-rabies vaccine recognized and approved by the United States Department of Agriculture, Bureau of Animal Industry, given in an amount sufficient to provide an immunity for a period of one (1) year.

Responsible person shall mean a person to whose commands an animal in question is obedient, and who is capable of controlling the animal if the animal should fail to obey such commands.

Restraint shall mean that situation whereby an animal is secured by a lease or a lead, or is under the effective control of a responsible person and obedient to that person's commands, or is confined within the real property of its owner.

Run at large shall mean to be free of restraint while outside the boundaries of the real property of the owner.

Severe injury means any physical injury that results in death, broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

Stray animals shall mean any animal not under restraint.

Unprovoked animal attack means an attack by an animal that was not hit, kicked or struck by a person with any object or body part nor was any part of the animal's body pulled, pinched or squeezed by the person or animal that was attacked.

Vaccination certificate shall mean a document showing on its face that the animal described thereon has received a current inoculation of anti-rabies vaccine in an amount sufficient to produce an immunity for a period of one (1) calendar year; inscribed with the date of the inoculation and the name of the animal's owner; and signed by a licensed veterinarian.

Veterinarian shall mean a person licensed to practice veterinary medicine in the State of Texas.

Vicious animal shall mean an animal which is habitually or repeatedly without provocation chases, snaps at, attacks or bites any person or domestic animal.

Wild animal shall mean any nonhuman primate, raccoon, skunk, fox, wolf, leopard, panther, tiger, lion, lynx, bobcat, or other warm-blooded animals, or any poisonous or dangerous snake which can be found in the wild state.

Sec. 1.2. Abandoning animals.

It is unlawful for any person to abandon an animal within the city limits. Any animal control officer may order the seizure and impoundment of any abandoned animal as defined in this chapter.

Sec 1.3. Destruction of dangerous animals.

The Animal Control Officer will order the seizure and humane euthanasia of any dangerous animal found within the corporate limits of the City of China Grove. In lieu of euthanasia, the Animal Control Officer may order that a dangerous animal be either:

- (1) Permanently removed from the corporate limits of the City of China Grove; or
- (2) Transferred permanently to a an appropriate animal care facility;

In the event that any animal is discovered in violation of any order described in (1) and (2) above, the animal shall be immediately seized and humanely euthanized.

Sec 1.4. Unlawful acts; penalties; remedies.

(a) It shall be unlawful to do any act prohibited hereby and it shall be unlawful to fail to do or perform any act required hereby.

(b) Any person, firm, corporation or agent or employee thereof who violates any of the provisions of this chapter shall be fined an amount not less than one hundred dollars (\$100.00) and not more than ~~five~~^{two} hundred dollars (\$200.00) per violation per day.

(c) Nothing in this section shall limit the remedies available to the city in seeking to enforce the provisions of this chapter.

ARTICLE II. DANGEROUS ANIMALS

Sec. 2.1. Definitions.

As used in sections 2.2 through 2.8 inclusive, of this chapter, the following words and terms shall have the meanings in the definitions set out in section 1.1, above, unless the context shall indicate another or different meaning or intent.

Sec. 2.2. Declaration of a dangerous animal.

(1) An animal control officer may declare an animal to be a dangerous animal if the officer has cause to believe that an animal is dangerous as defined under section 1.1 above.

(2) Upon receipt of a complaint made to an animal control officer, stating the nature of the event, the owner of the animal, the address of the owner, and the description of the animal doing such act, an animal control officer shall investigate the complaint including discussing the matter with the owner/keeper if that person can be located and may determine if a animal is vicious as defined in section 1.1. The owner of an animal shall have the right to provide such a statement to the animal control officer concerning his own animal. If the animal control officer concludes that seizure is a reasonable precaution to insure the health and safety of people and animals nearby pending a hearing by the city council, the animal control officer may order the immediate seizure of the animal. If the animal cannot be safely approached, a tranquilizer gun may be used by the animal control veterinarian or his designee. The cost of securing said animal pending the determination hearing shall be borne by the owner.

Sec 2.3. Notification of declaration of a dangerous animal.

(1) Within five (5) working days after declaring an animal dangerous, the animal control officer will notify the owner, by certified mail, return receipt requested, of the reason for the declaration.

(2) If the animal is declared to be dangerous, the notice shall inform the owner of the animal that a determination hearing must be requested to contest the declaration. The request for a determination hearing must be in writing and must be received by the city secretary no later than five (5) working days from receipt by the owner of the dangerous animal declaration. Failure to

appeal the declaration of dangerous animal within five (5) working days shall result in the animal control official's declaration as final.

Sec. 2.4. Determination hearing; notice of hearings.

(1) Upon the timely submitted written request for a determination hearing by the owner of an animal declared dangerous under section 2.3(2), the Mayor shall schedule said hearing before the city council, and the city secretary shall notify the city council. The determination hearing shall be conducted within ten (10) days of receipt of the request for such hearing. The owner shall be notified of said hearing by certified mail, return receipt requested. Failure of the owner of the animal to appear at the determination hearing shall make the determination board's declaration final with no appeal

(2) The city council shall determine whether to declare the animal to be a dangerous animal as defined in this ordinance based upon evidence, affidavits, and testimony presented at the time of the hearing by the owner, witnesses to any incident which may be germane to such a determination, animal control personnel, police or any other person possessing information pertinent to such determination.

(3) The city council shall issue finding within five (5) working days after the determination hearing.

Sec 2.5. Defense to declaration of dangerous animal.

It is a defense to the determination of an animal as dangerous and to the prosecution of the owner of an animal:

- (1) If the threat, injury, or damage was sustained by a person who at the time was committing a willful trespass or other tort upon the premises occupied by the owner of the animal; or
- (2) If the person was teasing, tormenting, abusing or assaulting the animal or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal; or
- (3) If the person was committing or attempting to commit a crime; or
- (4) If the domestic animal killed was at the time teasing, tormenting, abusing, or assaulting the animal; or
- (5) If the animal was protecting or defending a person within the immediate vicinity of the animal from an attack or assault; or
- (6) If the animal was injured and responding to pain; or

- (7) If the animal was protecting her offspring, itself or its kennelmates.

Sec 2.6. Requirements of dangerous animal owners.

An owner of an animal declared dangerous under this chapter must comply with the following within thirty (30) days of such final determination. Compliance with these requirements will be enforced by the animal control veterinarian.

- (1) The dangerous animal shall at all times wear a collar approved by the animal control officer visible at fifty (50) feet so that the animal can be identified as a dangerous animal; and
- (2) The dangerous animal must be kept in a proper enclosure; and
- (3) The owner must present to the city secretary a certificate of public liability insurance in the amount of one hundred thousand (\$100,000.00) dollars to cover any injuries caused by the dangerous animal. The insurance shall be kept in effect continuously and shall not be cancelled unless the animal is no longer kept by the insured owner; and
- (4) The dangerous animal, when taken outside the enclosure, must be securely muzzled in a manner that will not cause injury to the animal nor interfere with its vision or respiration, but shall prevent it from biting any person or animal; and the dangerous animal must be restrained by a chain or cable leash having a minimum tensile strength of one thousand (1,000) pounds and not to exceed six (6) feet in length; and
- (5) The owner shall post a sign on his premises warning that there is a dangerous animal on the property. This sign shall be visible and capable of being read from the public street or highway.
- (6) The owner shall have the dangerous animal tattooed on the inside left rear leg with a dangerous animal license number issued by the health department; and
- (7) The dangerous animal must be spayed or neutered.

If the owner of an animal declared to be dangerous is unable or unwilling to comply with the ownership requirements listed above at anytime, the animal must be euthanized by an animal shelter, animal control agency, licensed veterinarian or the city animal control division. An animal declared to be vicious under this chapter shall not be offered for adoption or sale to anyone residing within the City of China Grove.

Sec 2.7. Notification of change of status.

The owner/keeper shall notify the chief of police within twenty-four (24) hours if a dangerous animal is loose, unconfined, has attacked another animal, or has attacked a person, or has died, or has been sold or given away. If the animal has been sold or given away, the owner/keeper shall provide the chief of police with the name, address, and telephone number of the new owner/keeper. The new owner/keeper must sign a sworn statement that he will comply with all the requirements of owners of dangerous animals. The new owner/keeper must comply with the requirements of owners of dangerous animals within thirty (30) days.

Sec 2.8. Penalties for violation.

(1) The owner or keeper of an animal which, when unprovoked, inflicts severe injury or death to a person or bites a person on public or private property; or which kills a domestic animal without provocation while off the owner's property shall be guilty of a misdemeanor and upon conviction shall be subject to a fine of not less than one hundred dollars (\$100.00) but not more than two hundred dollars (\$200.00) per violation per day.

(2) It shall be a violation of this chapter for an owner or keeper to fail to prevent a dangerous animal from killing or wounding, or assisting in the killing or wounding of any domestic animal belonging to or in the possession of another person, or for an owner or keeper to fail to prevent a dangerous animal from attacking, assaulting, biting or otherwise injuring any person or assisting in the attack, assault, biting, or other injury of any person whether out of or within the enclosure of the owner or keeper, and whether or not such dangerous animal was on a leash or securely muzzled or whether or not the dangerous animal escaped without the knowledge or consent of the owner or keeper. The animal control officer shall seize and destroy such dangerous animal in an expeditious and humane manner. In addition, the owner or keeper shall be cited for the offense, which shall be subject to a fine of not less than one hundred dollars (\$100.00) and not more than two hundred dollars (\$200.00).

(3) It shall be a violation of this chapter for the owner or keeper of a dangerous animal to:

- (a) Have a dangerous animal outside the enclosure unless muzzled and restrained by a leash or chain; or
- (b) Fail to have a proper enclosure to confine the dangerous animal; or
- (c) Fail to post signs around the premises with clear visible warning signs that there is a dangerous animal on the premises; and
- (d) Fail to post signs with an appropriate warning symbol

which informs small children of a dangerous animal on the premises; or

- (e) Fail to secure and maintain public liability insurance of at least one hundred thousand dollars (\$100,000.00); or
- (f) Fail to collar the dangerous animal with a collar approved by the animal control veterinarian and visible at fifty (50) feet; or
- (g) Fail to have the dangerous animal neutered or spayed; or
- (h) Fail to notify the animal control officer of a change of status; or
- (i) Fail to keep the animal confined at no cost to the city during the hearing process.

If the owner of the dangerous animal is found to be in violation of any of the above, the owner shall be subject to a fine or not less than one hundred (\$100.00) but not more than two hundred dollars (\$200.00).

ARTICLE III. RABIES CONTROL

Sec 3.1. Required vaccination; penalty.

Any owner of a dog, cat or ferret over the age of four (4) months shall have said dog, cat or ferret vaccinated against rabies by a licensed veterinarian annually; failure to do so shall be punishable upon conviction by a fine of not less than one hundred dollars (\$100.00) nor more than two hundred dollars (\$200.00).

Sec 3.2. Reporting, bites, scratches; zoonotic diseases.

(a) *Biting or scratching report required.* Any veterinarian or person having knowledge of an animal having bitten, scratched or injured a person or other animal, within the corporate limits of the city shall report the incident to an animal control officer.

(b) *Owner required to inform injured person.* The owner of such diseased or biting or scratching animal who learns of such incident shall immediately give his name and address and date of last rabies vaccination to the person bitten or injured or to a parent or guardian of such person who is under the age of eighteen (18) years. The owner shall notify an animal control officer within twenty-four (24) hours of his name; the name of the injured person, and other information requested by the animal control officer related to the animal and injured party.

(c) *Seizure of biting animal.* If the owner/keeper does not surrender the animal, any appointed animal control officer shall seize and impound any animal for rabies observation upon the sworn

affidavit of any person with knowledge that the animal has bitten a person or other animal.

Sec 3.3. Confinement of biting, scratching animals.

(a) The owner of any animal within the city which has bitten or scratched a person so as to have caused an abrasion of the skin shall, on demand of the animal control officer, immediately surrender such animal to an animal control officer or a licensed veterinary hospital for observation for a period lasting not more than ten (10) days after the date of the incident, subject to the provision of subsection (b) below, except that ferrets shall be surrendered and placed under observation for a period of thirty (30) days.

(b) The owner of any animal that has bitten or scratched any person shall be allowed to assume personal responsibility for confining the animal for the observation period of ten (10) days, except for domestic ferrets which shall remain under observation for thirty (30) days, only under the following circumstances:

- (1) Secure facilities must be available at the home of the animal's owner, and must be approved by an animal control officer.
- (2) The animal is currently vaccinated against rabies when the exposure incident occurred.
- (3) The animal was not in violation of any laws or ordinances at the time of the bite; and
- (4) A licensed veterinarian must observe the animal at least on the first, and last days of the quarantine period. If the animal becomes ill during the observation period, an animal control officer must be notified by the person having possession of the animal. At the end of the observation period, the release from quarantine must be accomplished in writing by the veterinarian.

(c) If an animal is believed to have rabies or has been bitten by an animal suspected of having rabies, such animal shall be quarantined for observation by a veterinarian for the appropriate period.

(d) The violation of the observation confinement of the biting animal as provided in subsection (b) shall be just cause for seizure and confinement of the animal by the city.

(e) No wild animals will be placed in quarantine. All wild animals involved in biting incidents will be humanely euthanized in such a manner that the brain is not mutilated. The brain shall be submitted to a Texas Department of Health certified laboratory for rabies diagnoses.

Sec 3.4. Concealment, sale, etc., of biting animal prohibited.

It shall be unlawful for any owner within the corporate limits of the city to conceal, sell, give away or otherwise dispose of an animal that has bitten or scratched another animal or a human, or to otherwise permit the animal to be taken beyond the corporate limits of the city after having knowledge of the animal's having bitten or having so injured another animal or a person as to cause an abrasion of the animal's or person's skin, until such animal is released by an animal control officer.

Sec 3.5. Confinement of animals exposed to rabies.

The owner of any animal infected with rabies, or who reasonably suspects his animal of having an infection, shall notify the city secretary or an animal control officer of the fact that his animal has been exposed to rabies. Any animal control officer is empowered to have such animal removed from the owners premises and impounded, or at the request of the owner, such animal may be placed in a veterinary hospital, and shall be placed under observation for a period for ten (10) days. The owner shall bear the expense of the confinement. Such expense is to be paid to the city before the animal can be reclaimed at the end of the authorized quarantine and observation period.

Sec 3.6. Release of animal subject to certification of veterinarian.

No animal shall be released from the observation period provided for in this article unless a licensed veterinarian certifies in writing to the city secretary that such animal is not showing symptoms of rabies. Exemption from placing such animal in the animal control facility or in a veterinary hospital as provided in section 3.3(b) shall not exempt such owner from securing a proper release, as provided above.

Sec 3.7. Euthanization of rabid animals, wild biting animals.

When the animal has exhibited signs of incipient rabies, the animal will be immediately euthanized and the brain submitted to a laboratory for diagnosis. In the case of biting wild animals, euthanasia shall be performed immediately and the brain submitted for diagnosis.

Sec 3.8. Impoundment of animals unclaimed after quarantine.

Any animal not reclaimed by its owner within twenty-four (24) hours of the expiration of the quarantine or observation period provided in this article shall immediately be impounded, as provided for in this article.

Sec 3.9. Notification of authorities upon knowledge of rabid animal.

Any person having knowledge of any animal being infected with rabies or reasonably suspecting such infection shall immediately notify the chief of police of such fact or suspicion giving the name of the owner, possessor, keeper or harbinger of such animal, if the same be known, together with a description of such animal and where such animal may be found.

Sec 3.10. Final disposition of rabid, nonrabid animals.

Where an animal has been bitten by another animal, and the biting animal described in this section is determined not to have rabies, then both animals will be released from observation. If the biting animal is determined to be rabid, and the animal victim is possessed of a current vaccination certificate, then the owner of the animal victim will have the option of immediately having the animal euthanized, or, in the alternative, revaccinated and quarantined for a period of ninety (90) days. However, if the animal victim is not possessed of a current vaccination certificate, then the owner of said animal victim will have the option of immediately having said animal victim humanely euthanized, or, in the alternative, revaccinated and quarantined for a period of one hundred eighty (180) days.

Sec 3.11. Health emergencies.

If a health emergency exists due to the imminent threat of rabies or other disease communicable by animals, an animal control officer, shall have the authority to order that all unrestrained animals be impounded and destroyed immediately; provided, however, no emergency order shall continue for a period of longer than seven (7) days without the consent of the city counsel.

ARTICLE IV. ANIMAL NUISANCES

Sec 4.1. Violations

The following are hereby declared to constitute animal nuisances:

(1) The filing of a complaint by two (2) or more neighbors, within a twelve-month period, regarding the barking of an animal kept by its owner shall give rise to the presumption that an owner keeps an animal which barks or whines in such a manner, with such intensity, or with such continued duration so as to annoy, distress or disturb the quiet, comfort or repose of persons of normal nervous sensibilities. For the purpose of this provision, each neighbor must occupy a different residence;

(2) The fact that an animal in question has bitten or injured another animal or human being during the previous eighteen (18) months shall constitute an animal nuisance if the animal bites or

injures other animals or human beings without provocation;

(3) The fact that an animal in question has damaged or destroyed public or private property during the last twelve (12) months shall give rise to the presumption that the animal has a propensity to destroy property.

Sec 4.2. Impounding animals creating animal nuisance per se.

Animal control officers or other law enforcement officer shall have the power to impound animals which create an animal nuisance per se for the purpose of abating the nuisance as follows:

- (1) On public property, in all cases;
- (2) On private property, if:
 - a. The consent of the resident or property owner is obtained, or
 - b. The officer reasonably believes there is immediate and imminent danger or peril to the public if the animal in question is not impounded.

Sec 4.3. Impounding unrestrained animals.

Animal control officers or other law enforcement officers shall have the power to impound unrestrained animals for the purpose of abating the nuisance as follows:

- (1) On public property, in all cases;
- (2) On private property, if the consent of the resident or property owner is obtained;
- (3) On private property, in all cases except the rear yards of residences, if the officer reasonably believes that the animal will run at large if not impounded.

Sec 4.4. Impounding procedures.

Animal control officers or other law enforcement officers authorized to abate a nuisance, shall, prior to impounding an animal, leave notice at the residence of the premises where the unrestrained animal was found stating the kind and type of animal seized, the place where the animal is to be impounded, the hours when it may be reclaimed by the owner and the length of time it is to be held; provided the animal control officers or other law enforcement officers shall:

- (1) Release the animal to the owner, if the animal was found restrained on the owner's premises and the owner agrees to restrain the animal in the future; or

- (2) Release the animal to the owner if the animal was found unrestrained outside the owner's premise but the owner readily presents himself and agrees to restrain the animal in the future.

Sec 4.5. Return of captured animal to owner.

(a) *In lieu of impoundment.* The animal control officer may return an animal found at large to the known owner in lieu of impounding the animal.

(b) *Owner may redeem impounded animal.* The owner may redeem an impounded animal during normal business hours by paying the boarding fees, the pre-release rabies vaccination fee, if required, and proof of valid annual vaccination cannot be produced.

Sec 4.6. Notifying owner of impounded animal.

If the known owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment notify the owner.

Sec 4.7. Maximum time animals impounded; euthanasia authorized.

Impounded dogs and cats shall be kept for no less than four (4) working days and then euthanized. In the case of owned animals held for the ten (10) day observation after a biting incident, the city will dispose of any unclaimed animal before this four (4) day period if the owner releases ownership of the animal to the city.

If any animal is determined by a licensed veterinarian to be suffering from disease or injury such that the animal is in pain or in beyond reasonable medical help, the animal may be euthanized immediately.

Sec 4.8. Unclaimed animals.

Any animal not reclaimed by its owner within the above stated four (4) working days shall become the property of the city, for humane disposition, and may be offered for adoption or sale, or humanely euthanized at the discretion of a veterinarian. The selection of an animal for adoption during the reclamation period shall not confer any ownership right or right of possession to the animal.

Sec 4.9. Charges for reclaiming, adopting impounded animals; liability or claimant.

(a) No dog or cat shall be released to the owner without the owner presenting proof that the dog or cat has had a rabies vaccination within the past twelve (12) months.

(b) Any citizen claiming or adopting any animal under the provisions of this section shall be liable for the payment of fees

for vaccination, if necessary.

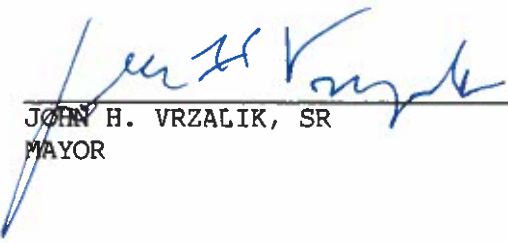
Sec 4.10. Liability of owners of impounded animals.

The owner of an impounded animal remains liable for the fees incident to impoundment, regardless of reclamation of the animal or nonreclamation.

Sec 4.11. Enforcement by injunctive relief.

Where it is deemed necessary by the city council, the city attorney is hereby empowered to secure injunctive relief to enforce the provisions of this article. This shall be in addition to, and not in lieu of, the criminal penalties provided for in this article.

PASSED AND APPROVED THIS 3rd DAY OF April, 1997.



JOHN H. VRZALIK, SR
MAYOR