

ORDINANCE NO.: 2001-070

Amending the 1998 Code of Ordinances of the City of Columbia, South Carolina, Chapter 4, Animals, Article III, Animal Control, Division 1, Generally, Sec. 4-61 Definitions; Sec. 4-63 Kennels; Sec. 4-64 Restraint or confinement of dogs; Division 2, Dangerous Animals, Sec. 4-91 Prohibited; exceptions; Sec. 4-92 Impoundment;

BE IT ORDAINED by the Mayor and Council this 26th day of June, 2002, that the 1998 Code of Ordinances of The City of Columbia, South Carolina, Chapter 4, Animals, Article III, Animal Control, Division 1, Generally, Sec. 4-61 Definitions; Sec. 4-63 Kennels; Sec. 4-64 Restraint or confinement of dogs; Division 2, Dangerous Animals, Sec. 4-91 Prohibited; exceptions; and Sec. 4-92 Impoundment, are amended to read as follows:

Sec. 4-61. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning: Animal control shelter means any premises designed by the city for the purpose of impounding and caring for all pets found at large or otherwise in violation of this article, or which are surrendered to the city by the owner.

Animal control superintendent means that person employed by the city to administer the animal control program.

Animal control worker means any person employed by the city to enforce the animal control program.

Dangerous animal.

- (1) Dangerous animal means:
- a. Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or pets;
 - b. An animal which attacks a human being or a pet without provocation;
 - c. An animal owned, kept or harbored primarily, or in part, for the purpose of dogfighting.
 - (d) An animal used to threaten or intimidate citizens or other animals.
- (2) An animal shall not be deemed dangerous if:
- a. It bites, attacks or menaces:
 1. Anyone assaulting the owner;
 2. A trespasser on the property of the owner; or
 3. Any person or other animal who has tormented or abused it;
 - b. It is otherwise acting in defense of an attack from a person or other animal upon the

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- owner or other person; or
- c. It is protecting or defending its young or another animal.

Dog means all members of the canine family.

Guard dog and attack dog mean any dog which has been trained to attack persons independently or upon oral command and any dog which, while not so trained, is reasonably expected to perform as a guardian of its owner and/or the property upon and within which the dog is located and is owned by a licensed security service or is owned or used by law enforcement agencies.

Kennel means the premises of any person engaged in the business of breeding, buying, selling or boarding dogs or who keeps three or more dogs on the premises.

Owner means any person owning, keeping, harboring or acting as custodian of a pet.

Pet means any animal or fowl kept for pleasure rather than utility or commercial purposes.

Sec. 4-62. License for dogs and cats; rabies vaccination.

(a) License required; proof of rabies vaccination. It shall be unlawful for the owner of any dog or cat to fail to provide any dog or cat over four months of age with a current city license tag. The owner of any dog or cat over four months of age must also have a current rabies vaccination tag showing that such animal has been vaccinated. No license shall be issued unless proof of inoculation is shown. Any dog or cat owner who moves in the city for the purpose of establishing residency or who becomes a resident as a result of annexation shall have 30 days in which to obtain the license.

(b) Fees generally; expiration and renewal; duties of veterinarians. The city license fee for fertile dogs and cats shall be \$25.00 per year. The city license fee for sterilized dogs and cats shall be \$5.00 per year. Each license required by this article shall be good for one year from the date of its issuance and no longer. Licenses shall be renewed annually and may be renewed 60 days in advance of expiration. At the end of each month, all licensed veterinarians shall transmit complete and legible copies of all rabies vaccination certificates issued during the month to the city's superintendent of animal control.

(c) Exemptions from differential license fees.

(1) Any owner of a dog or cat who can furnish a statement by a licensed veterinarian that for medical reasons, the spay or neuter procedure is not appropriate at this time.

(2) Any owner of one or more purebred dogs or cats who can furnish proof of participation in at least three nationally recognized conformation or obedience shows within the past 12 months.

(3) Any owner of a dog which is trained and certified to be an assistance dog for its owner.

(d) Tags. The public services department shall annually provide a sufficient number of

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durable tags suitable for dogs and cats numbered from "1" upwards, on which shall be stamped the year and the words "dog/cat license." Such tags must be worn by all dogs and cats in the city at all times, except that an animal shall not be required to wear a tag if the animal has been permanently marked in a painless manner with an identification number issued by the public services department for that purpose. The permanent mark must be located in a position approved by the public services department.

(e) Records. The public services department shall obtain the name and address of each party to whom a license and tag or permanent number has been issued under the provisions of this article and shall keep the name and address on file in the offices of the department for the purpose of identification.

Sec. 4-63. Kennels.

(a) Certification of inspection. No person shall own or operate a dog kennel or keep three or more dogs on his premises within the city without first obtaining a certificate of inspection from the animal control division, issued pursuant to this section, for which an annual inspection fee of \$100.00 shall be paid.

(b) Standards for commercial kennels. Commercial kennels shall be constructed, maintained and operated in conformance with the current standards and procedures promulgated by the Humane Society of the United States.

(c) Standards for noncommercial kennels.

(1) Floors must be constructed of impervious material and treated with sealer and must slope at least one-half inch per foot for drainage to the sanitary sewer.

(2) All kennels must be connected to the city's sanitary sewer system in a manner approved by the city engineer.

(3) Dogs must be confined to enclosures of at least fifty (50) square feet per animal. Enclosures must have an impervious floor and have a completely enclosed area in which all confined animals will be kept at night. Kennels must be constructed in accordance with the building code of the city and inspected by the building official.

(4) Enclosures must have water available at all times.

(5) Enclosures must be cleaned at least once per day by rinsing into the sanitary sewer.

(6) Enclosures must be screened from the side or rear lot line by shrubbery or a privacy fence.

Sec. 4-64. Restraint or confinement of dogs.

(a) All dogs must be kept under restraint or confinement within the city limits. Restraint or confinement means (1) on a leash held by a person of sufficient judgment and physical strength to control the dog and to prevent the dog from attacking, threatening or annoying other people or other animals; (2) confinement in an enclosure; or (3) confinement to the property or specific areas of the property of the owner by way of "invisible fencing" or electronic control by way of a transmitter which directs a radio signal to a pet collar which corrects the dog's approaching a perimeter or confinement area wire. Electronic fencing equipment must be approved by the

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American Society of Prevention of Cruelty to Animals, Humane Society of the United States or the Superintendent of Animal Control for the City of Columbia. Any perimeter or confinement area must be flagged or signed in a conspicuous way so as to provide notice of confinement to pedestrians. Any dogs not so restrained or confined will be deemed unlawfully running at large with the city limits.

(b) It shall be unlawful for any animal to be confined by tethering for more than nine(9) hours in any twenty-four (24) hour period. Tethers shall be not less than ten (10') feet in length and shall not allow the animal to approach within four (4') feet of the owner's property line. The use of tethers must be humane in all other respects.

(c) Owners of dogs allowed to run at large within the city are guilty of a misdemeanor and are subject to the penalties provided by law for violation of this article. The citation will prescribe the amount of bond to be posted by the violator at the municipal court. A warrant will be issued and served on violators who fail to post bond within three days after issuance of the citation.

Sec. 4-65. Ownership of dogs running at large; removal of animal waste.

(a) Any owner whose dog is found unlawfully running at large or being at large within the city limits shall have no property right or right of ownership in the dog.

(b) The owner of every animal shall be responsible for the removal of any excreta deposited by his animal on public walks and ways, recreation areas or private property.

Sec. 4-66. Impoundment of pet animals; voluntary surrender of animal by owner.

(a) Any animal found within the city limits in violation of the provisions of this article may be caught and impounded by city authorities. If an animal cannot be caught in a safe, efficient manner, animal control personnel may tranquilize the animal by use of a tranquilizer gun. Impounded animals not redeemed within five days may thereafter be humanely destroyed by the animal control division. Animals which are deemed by the superintendent of animal services to constitute a danger to other animals or persons at the shelter, or which are infectious to other animals, in pain or near death, may be humanely destroyed immediately.

(b) Any animal may be surrendered to the animal control division provided there is a properly completed animal surrender form provided to the animal control division for the animal concerned.

(c) It shall be unlawful for any person to furnish false information on the animal surrender form.

(d) Surrendered animals not redeemed within three days, excluding Saturdays, Sundays and city holidays, may thereafter be humanely destroyed by the animal control division. Animals which are deemed by the superintendent of animal services to constitute a danger to other animals or persons at the shelter, or which are infectious to other animals, in pain or near death, may be humanely destroyed immediately.

(e) A positively identifiable animal is one which bears or wears a legible and traceable current permanent number, city license or tag or rabies vaccination tag pursuant to section 4-62; or a traceable registration number, tattoo or microchip pursuant to S.C. Code Ann.

47-3-510 (Supp. 1999).

The owner of a positively identifiable impounded animal shall be notified at the owner's last known address by regular mail and registered mail that the animal has been impounded. The owner has 14 days from the date of mailing to contact the shelter for pick-up. Redemption costs will include the cost of mailing, any established costs, fines, fees or other charges. If the owner does not make contact within 14 days of the date of the mailing, the animal will be deemed abandoned and becomes the property of the Animal Control Division, in which is vested in the Animal Superintendent the authority to either place the animal for adoption or have the animal humanely destroyed. S.C. Code Ann. 47-3-540 (Supp. 1999). Animals which are deemed by the superintendent to constitute a danger to other animals or persons at the shelter, or which are infectious to other animals, in pain or near death, may be humanely destroyed immediately.

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Sec. 4-67. Redemption of impounded pet animals.

(a) The owner or keeper of any pet which has been impounded under the provisions of this article shall have the right to redeem such pet at any time within five days upon payment of a fee as follows:

(1) For a pet which has been properly inoculated, licensed, and neutered or spayed, the fee shall be \$10.00.

(2) For other pets the fee shall be \$10.00 plus the appropriate license fee, the charge for rabies inoculation and the cost of spaying or neutering the animal. No fertile animal shall be redeemed or adopted from the shelter. No animal will be released from the shelter without proof of inoculation. The requirement of spaying or neutering may be waived if the owner meets the criteria under the exceptions provisions in subsection 4-62(c). The requirement of spaying or neutering shall not be waived under the exceptions in subsections 4-62(c)(1)--(3) when the animal is impounded a second time for any violation of sections 4-64; 4-65; 4-66; 4-70(1), (2), (5), (7) or (8).

(b) In addition to the redemption fee, and an impound fee of \$20.00, a board fee of \$6.00 per day per pet shall be paid by the owner or keeper when a pet is redeemed.

(c) The fees set out in this section shall be doubled for any animal impounded twice or more within the same 12-month period.

Sec. 4-68. Adoption of impounded pet animals.

(a) Any pet impounded under the provision of this article may at the end of the legal detention period be adopted, provided the new owner will agree to comply with the provisions contained in the animal adoption contract, as promulgated by the animal superintendent, and the provisions contained in this chapter, including a \$10.00 microchipping fee.

(b) Any pet surrendered to the shelter may be adopted at any time provided there is a completed and signed surrender form on file for the animal concerned.

(c) Fees for the adopted pets will be the same as those established for the redemption of

impounded pets, together with a reasonable fee for microchipping.

(d) Those individuals adopting puppies or kittens too young to be neutered or spayed or receive rabies inoculations will pay the cost of these procedures at the time of adoption and be given an appointment for a later time to have these procedures accomplished. If the animal is deceased prior to the appointment date, the applicable portion of the adoption fee will be returned.

Sec. 4-69. Duties of person striking animal with vehicle; disposition of injured or diseased animals received by animal shelter.

Anyone striking an animal with a motor vehicle or bicycle shall notify the animal control shelter or the police department, who will then take action necessary to make proper disposition of the pet. Any pet received by the animal control shelter in critical condition from wounds, injuries or disease may be destroyed if the owner cannot be located within two hours. If the animal is in severe pain it may be destroyed immediately.

Sec. 4-70. Nuisance animals.

(a) Generally. The actions of an animal constitute a nuisance when an animal disturbs the rights of, threatens the safety of or damages a member of the general public, or interferes with the ordinary use and enjoyment of their property.

(b) Prohibited acts. It shall be unlawful for any person to own, keep, possess or maintain an animal in such a manner as to constitute a public nuisance. By way of example and not of limitation, the following acts or actions by an owner or possessor of any animal are declared to be a public nuisance and are therefore unlawful:

(1) Failure to exercise sufficient restraint necessary to control an animal as required by section 4-64.

(2) Allowing or permitting an animal to damage the property of anyone other than its owner, including but not limited to turning over garbage containers or damaging gardens, flowers or vegetables.

(3) Maintaining a dangerous animal as defined in this chapter.

(4) Maintaining animals in an environment of unsanitary conditions which results in offensive odors or is dangerous to the animal or to the public health, welfare or safety.

(5) Maintaining his property in a manner that is offensive, annoying or dangerous to the public health, safety or welfare of the community because of the number, type, variety, density or location of the animals on the property.

(6) Allowing or permitting an animal to bark, whine, howl, crow or cackle in an excessive, continuous or untimely fashion, or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.

(7) Maintaining an animal that is diseased and dangerous to the public health.

(8) Maintaining an animal that habitually or repeatedly chases, snaps at, attacks or barks at pedestrians, bicycles or vehicles.

(c) Impoundment. Any pet found in continued violation of the provisions of this section or

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identified as a public nuisance may be impounded and not released unless authorized by the animal control supervisor.

(d) Confinement of female animals in heat. Every female pet in heat shall be kept confined in a building or secure enclosure in such manner as will not create a nuisance by attracting other animals.

Sec. 4-71. Interference with animal control workers.

It shall be unlawful for any person to interfere with, hinder or molest the animal control worker in the performance of his duty or seek to release any pet in his custody without his consent.

Sec. 4-72. Prohibition; impoundment of unattended animals.

It shall be unlawful for a person to leave any animal in a vehicle unattended by a person of such maturity so as to be responsible for the animal's health and safety. An animal control officer, or other law enforcement officer will remove the animal by reasonable methods under the circumstances if the animal is reasonably believed to be in distress. Unattended animals left in vehicles shall be impounded. Redemption shall include the assessment of the fine resulting from the violation of this section.

Secs. 4-73--4-90. Reserved.

DIVISION 2. DANGEROUS ANIMALS

Sec. 4-91. Prohibited; exceptions.

(a) Except as provided in subsection 4-91(d), it shall be unlawful for any person to own, keep, harbor or act as custodian of a:

- (1) Dangerous animal as declared by the animal superintendent or city manager or designee; this section does not apply to guard dogs or attack dogs;
- (2)
 - a. Nondomestic member of the family felidae;
 - b. Wolf-dog hybrid containing any percentage of wolf;
 - c. Badger, wolverine, weasel, skunk and mink;
 - d. Raccoon;
 - e. Bear;
 - f. Nonhuman primate to include ape, monkey, baboon, macaque, lemur;
 - g. Marmoset, tamarin and other species of the order primates;
 - h. Bat;
 - i. Alligator, crocodile and caiman;
 - j. Scorpion;
 - k. Constricting snake of the following species: reticulated python, python reticulatus; Burmese/Indian rock python, python molurus; rock python, python sebae, and anaconda, eunectes murinus;

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- l. Venomous reptile; or
- m. Lizard over two feet which are members of the family varanidae.
- (b) It shall be unlawful for any person to expose to public view or contact, exhibit either gratuitously or for a fee, any wild or feral animals identified in subsection 4-91(c), or any animal of mixed domestication and feral lineage within the corporate limits of the city on public or private property, except as provided in subsection 4-91(d).
- (c) Wild or feral animal means:
 - (1) Any animal which is not naturally tame or gentle, and which is of a wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among, human beings or domestic animals and having known tendencies as a species to do so;
 - (2) Any animal declared to be illegal by the animal superintendent or the city manager or his or her designee;
 - (3) Any nondomesticated member of the order Carnivora;
 - (4) The following animals which shall be deemed to be wild or feral animals per se:
 - a. All nondomestic members of the family felidae;
 - b. Wolves, wolf-dog hybrids containing any percentage of wolf, coyotes and foxes;
 - c. Badgers, wolverines, weasels, skunks and mink;
 - d. Raccoons;
 - e. Bears;
 - f. Nonhuman primates to include apes, monkeys, baboons, macaques, lemurs, marmosets, tamarins and other species of the order primates;
 - g. Bats;
 - h. Alligators, crocodiles and caimans;
 - i. Scorpions;
 - j. Any snakes or venomous reptile; or
 - k. Lizards over two feet which are members of the family varanidae;
- (d) The prohibition contained in subsections (a), (b) and (c) above, shall not apply to the keeping of wild or feral animals in the following circumstances:
 - (1) The keeping of wild or feral animals in a public zoo, bona fide education or medical institution, humane society, or museum where they are kept as live specimens for the public to view, or for the purpose of instruction, research or study.
 - (2) The keeping of wild or feral animals for exhibition to the public by a bona fide traveling circus, carnival, exhibit or show, properly licensed and permitted by state and local law.
 - (3) The keeping of wild or feral animals in a bona fide, licensed veterinary hospital for treatment.
 - (4) The keeping of wild or feral animals by a wildlife rescue organization with appropriate permits from any state or local regulatory body.

Sec. 4-92. Impoundment.

- (a) Determination of dangerous animals. The animal control superintendent shall have the authority to determine if an animal is a dangerous animal. In making such determination the

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animal control superintendent shall take into consideration the following factors, which are listed by way of illustration and not limitation: the animal's behavior, its size, its temperament, its breed, and its capacity for inflicting serious injury; the adequacy of the enclosure or confinement of the animal, if any; the likelihood that the conditions pertaining to the animal and the animal's confinement are detrimental to the safety or welfare of citizens, or peace and tranquility of citizens, in the immediate surrounding area; that there is a child under the age of 12 who lives in close proximity or walks by or is otherwise in close proximity to the property occupied by the animal; that the animal has bitten a human being or domestic animal without provocation or a trespass or has approached a person in an apparent attitude of attack; that the animal has a known propensity, reputation, tendency or disposition to attack unprovoked, to cause injury or to otherwise endanger the safety of human beings or domestic animals; animals used to threaten or intimidate citizens or other animals; or other similar factors which would be relevant to a determination of whether or not the animal is dangerous.

(b) Impoundment and notice to owner. After making a determination that a animal is a dangerous animal, the animal control superintendent, or his designee, shall have the authority to immediately impound the animal. Upon impounding, the animal control superintendent shall immediately notify the owner in writing that he has determined that the animal is a dangerous animal and that the animal has been impounded and will be humanely destroyed unless the owner appeals his determination to the city manager, in writing, within five days from the date of the notice. If the owner is not known, the animal control superintendent shall impound the dangerous animal for 5 days and shall make a reasonable effort to locate the owner. If the owner cannot be located, the dangerous dog shall be humanely destroyed after the impoundment for the 5-day period.

(c) Appeals; redemption. If any person shall inform the superintendent of animal services of the existence of an allegedly dangerous animal, the superintendent of animal services shall investigate to determine if the animal is a dangerous animal as defined in this chapter. The person alleging that the animal is dangerous shall provide supporting information within five days of making such allegation. Any owner of an animal that has been declared by the superintendent of animal services to be a dangerous animal shall have the right to appeal this decision to the city manager by requesting a hearing by the city manager or his designee. The request for hearing must be in writing and delivered to the city manager's office within five days after notice from the superintendent of animal services as provided for in this section. If, after hearing, the city manager or his designee determines that the animal is a dangerous animal, the aggrieved owner shall have five days to appeal the city manager's adverse decision to a court of competent jurisdiction. If the city manager or his designee determines that the animal is not a dangerous animal, the animal shall be immediately returned to the owner without cost, except that the owner must comply with the other provisions of this chapter relating to his animal. **If it is determined that the animal may not be redeemed by the owner and an appeal is made to a court of competent jurisdiction, the owner shall be responsible for posting a bond in an amount equal to two (2) months boarding costs. If at the end of the two month period, the appeal has not been resolved, the owner shall be responsible for all additional boarding**

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and care costs through the date of final determination of the appeal. The owner shall have the right to redeem the animal, unless the animal has attacked or bitten a human being or domestic animal, in which case no redemption shall be had by the owner. In order to redeem a dangerous animal as provided in this section, the owner must prove to the satisfaction of the superintendent of animal services that the dangerous animal will be securely confined, must make payment of all costs incurred by the city in impounding and caring for the animal, must comply with or provide proof of compliance with all other provisions of this chapter, and must have in effect a general liability insurance policy insuring against liability resulting from acts of the animal, naming the owner as insured and also naming the city as an additional insured in an amount not less than \$500,000.00 per occurrence and \$1,000,000.00 aggregate combined single limit for bodily injury, personal injury and property damage. Coverage shall be at least as broad as Insurance Service Office Form CG-00-01-85. Any insurance policy provided to the city in satisfaction of the requirements of this section shall specifically provide that the insurer shall provide written notice to the city at least 30 days prior to cancellation, termination or modification of the coverage provided to the city. Upon expiration of the right of the owner or of the city to appeal the determination of an animal as being dangerous, the animal shall immediately be returned to the owner, without cost, if the animal has been determined not to be a dangerous animal, and if previously redeemed, the redemption requirements of this section shall be terminated. Upon termination of the right of the owner or of the city to appeal the determination of an animal as being dangerous, the animal shall be immediately and humanely destroyed by the superintendent of animal services, if the animal has been determined to be a dangerous animal. The owner shall then be liable to the city for all costs incurred by the city in impounding and caring for the animal, if the animal has been determined to be a dangerous animal.

Sec. 4-93. Signage for guard dogs or attack dogs.

All owners, keepers, harborers, lessees or custodians of any guard dog or attack dog shall display in a prominent place on their premises, and at each entrance or exit to the area in which such dog is confined, a sign, easily readable by the public, using the words "Beware of Dog" or wording of similar import in letters at least two inches in height. This section shall not apply to any guard dog or attack dog owned or used by law enforcement agencies.

Sec. 4-94. Insurance requirements for guard dogs or attack dogs.

The owner of any guard dog which protects property in the city shall maintain a general liability insurance policy insuring against liability resulting from acts of the dog while performing as guardian of the property upon which the dog is located in an amount not less than \$300,000.00 aggregate combined single limit for bodily injury, personal injury and property damage.

Sec. 4-95. Seizure, impoundment and disposition of wild or feral animals.

(a) In the event that a wild or feral animal is found at large or unattended upon public or private property within the city limits, such animal may, in the discretion of the animal

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superintendent or his or her designee, or the chief of police, be destroyed immediately if it cannot be confined or captured without risk of harm or injury to persons or property. The City of Columbia shall be under no duty to attempt the confinement or capture of a wild or feral animal found at large or unattended, nor shall it have a duty to notify the owner of such animal prior to its destruction.

(b) Upon personal observation by the animal superintendent or his or her designee or upon the complaint of an individual that a person is exposing to public view or contact, or in any way exhibiting either gratuitously or for a fee any wild or feral animal on any public or private property in the city of Columbia, the animal superintendent or his or her designee shall cause the matter to be investigated, and if after investigation, the facts indicate that a wild or feral animal per se is being exposed to public view or contact, or in any way exhibited gratuitously or for a fee within the city limits, the animal superintendent or his or her designee shall immediately seize and impound any such animal at the city facility or arrange for seizure or impoundment by an agency or facility equipped to transport and impound any such animal. The owner of any such seized and impounded animal is solely responsible for any cost or fee arising from seizure and impoundment. In order to appeal such seizure, written notice of appeal must be filed with the city clerk within five days after the seizure. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the seizure by the animal superintendent or his or her designee. The appeal shall be heard by the city manager. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be scheduled within seven days of the receipt of such notice of appeal. The hearing may be continued for good cause. The hearing shall be confined to the record made before the city manager or his or her designee and the arguments of the parties or their representatives, but no additional evidence shall be taken. After such hearing, the city manager may affirm or reverse the action of the animal superintendent. Such determination shall be contained in a written decision and shall be filed with the city clerk within three days after the hearing, or any continued session thereof. If the city manager affirms the action of the animal superintendent, the city manager shall order in its written decision that the seized wild or feral animal to be sold, donated or permanently placed with an organization or group allowed under section 4-92 to possess wild or feral animals, or destroyed by the animal superintendent. The decision and order shall immediately be served upon the person or entity against whom rendered by personal service or certified mail. If the original order of the city manager after appeal is not subjected to petition for review by a court of competent jurisdiction within three days of its issuance, the animal superintendent or his or her designee is authorized to cause the animal to be disposed of by sale, donation or permanent placement placed with an organization or group allowed under section 4-92 to possess wild or feral animals, or destroy such animal in a humane manner. If the action of the animal superintendent is reversed, the animal will be returned.

(c) Upon the complaint of any individual that a person is keeping, sheltering, or harboring a wild or feral animal per se within the city limits, the animal superintendent shall cause the matter to be investigated, and if after investigation, the facts indicate that the person named in

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the compliant is keeping, sheltering, or harboring such a wild or feral animal in the city, the animal superintendent shall order the person named in the complaint to safely remove such animal from the city, permanently place the animal with an organization or group allowed under section 4-92 to possess wild or feral animals, or destroy the animal, within three days of the receipt of such order. Such order shall be contained in a notice to remove wild or feral animals, which notice shall be given in writing to the person keeping, sheltering, or harboring the wild or feral animal, and shall be served personally or by certified mail. Such order and notice to remove wild or feral animal shall not be required where such wild or feral animal has previously caused serious physical harm or death to any person in which case the animal superintendent shall cause the animal to be immediately seized or destroyed if seizure and impoundment are not possible without risk of serious physical harm or death to any person or property.

(d) The order to remove a wild or feral animal other than a wild or feral animal per se issued by the chief humane officer may be appealed to the city manager in order to appeal such order, written notice of appeal must be filed with the city clerk within five days after receipt of the order contained in the notice to remove wild or feral animal. Failure to file such written notice of appeal shall constitute a waiver of right to appeal the order of the animal superintendent or his or her designee. The notice of appeal shall state the grounds for such appeal and shall be delivered personally or by certified mail to the city clerk. The hearing of such appeal shall be scheduled within seven days of the receipt of such notice of appeal. The hearing may be continued for good cause. The hearing shall be confined to the record made before the city manager or his or her designee and the arguments of the parties or their representatives, but no additional evidence shall be taken. After such hearing, the city manager may affirm or reverse the order of the animal superintendent. Such determination shall be contained in a written decision and shall be filed with the city clerk within three days after the hearing, or any continued session thereof. If the city manager affirms the action of the animal superintendent, the city manager shall order in its written decision that the individual or entity owning, sheltering, harboring or keeping such wild or feral animal, remove such animal from the city, permanently place such animal with an organization or group allowed under section 4-92 to possess wild or feral animals, or destroy it. The city manager's decision and order shall immediately be served upon the person or entity against whom rendered in the same manner as the notice of removal. If the original order of the city manager after appeal is not complied with within three days of its issuance, the animal superintendent or his or her designee is authorized to seize and impound such wild or feral animal. An animal so seized shall be impounded for a period of seven days. If at the end of the impoundment period, the individual or entity against whom the decision and order of the animal superintendent or the city manager was issued has not petitioned the a court of competent jurisdiction for a review of said order, the animal superintendent shall cause the animal to be disposed of by sale or donation to be permanently placed with an organization or group allowed under section 4-92 to possess wild or feral animals, or destroy such animal in a humane manner. Failure to comply with an order of the animal superintendent issued pursuant hereto and not appealed, or of the city manager

after appeal, shall constitute a misdemeanor.

This ordinance is effective as of final reading.

Requested by:

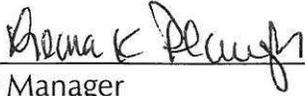
Eloise McMillan



MAYOR

Approved by:

City Manager



Approved as to form:

City Attorney

Introduced: 6/19/2002

Final Reading: 6/26/2002

ATTEST:



City Clerk

ORIGINAL
STAMPED IN REC