

AN ORDINANCE

TO AMEND THE CODE OF THE CITY OF SPARTANBURG 1988, CHAPTER 4, "ANIMALS AND FOWL" TO INCLUDE CURRENT SOUTH CAROLINA LAW AND STATE STATUTES AS THEY REGARD ANIMALS.

BE IT ORDAINED by the Mayor and Members of Council of the City of Spartanburg, South Carolina, in Council assembled:

Section 1. To amend the Code of Spartanburg 1988, Chapter 4, "ANIMALS AND FOWL" by deleting said Chapter in its entirety and inserting in lieu thereof the following:

CHAPTER 4

ANIMALS AND FOWL

Sec. 4.1. Definitions.

Abandonment: Deserting or intending to give up absolutely any animal without providing adequate food, water or sanitary shelter for 24 hours or longer.

Altered Animals: Any animal that has been spayed or neutered.

Animal: Any nonhuman vertebrate, whether wild or domesticated.

Animal Services Officer: The person(s) or office designated to enforce this chapter.

Animal Shelter: Any facility or premises designated by the city for the purpose of impoundment, care, or destruction of animals held pursuant to this chapter.

At large: Any animal not lawfully on the owner/keepers property or not under the immediate control of a competent person by way of leash or other similar restraining device. Voice command or use of audible signals or hand signals is not deemed to be sufficient control.

Breeder: Any person owning unaltered animals with the intent of selling the animals' offspring.

Cat: All members of the domestic feline family.

Circus: Commercial variety show featuring animal acts for public entertainment.

Commercial Animal Establishment: Any pet shop, grooming shop, kennel, auction, riding school or any other establishment licensed to deal in or with a volume of animals.

Dog: All members of the domestic canine family, not to include wild animals.

Domestic Animal: any normal household pet, such as, but not limited to, dogs, cats, non-native birds, ferrets, hamsters, guinea pigs, gerbils, rabbits, fish, or small, non-venomous reptiles or non-venomous snakes.

Exotic Pet: An animal that is not domesticated and is not native to North America, including but not limited to, Pot-bellied pigs, reptiles and arachnids.

Feral: An animal that was domesticated at one time, but now lives in the wild or that have been born in the wild and have not been domesticated.

Habitually: Done regularly or frequently.

Impound: To confine humanely while providing adequate food, water, and shelter.

Injury: Physical damage to the body or part of the body.

Kennel: Any facility wherein a person, business, or organization regularly keeps six or more dogs or other animals and receives compensation for the service or for the sale of the animals.

Neutered Male: Any male that has been surgically sterilized.

Owner or keeper: Any person who (a) has a right of property in an animal;(b) keeps or harbors an animal or has it in the person's care, or acts as its custodian for three or more days.

Performing animal exhibition: Any spectacle, display, act, or event other than circuses, in which performing animals are used, commercially or for profit. Not to include dog shows or obedience training not for profit.

Proper Shelter: Protective covering that provides protection from all forms of weather and consists of at least 4 sides, a roof, floor and an opening for ingress and egress. It should be appropriately sized for the animal.

Rescuer: Any individual, partnership, organization or company that takes in animals and arranges placement or adoption of said spayed/neutered animals.

Restraint: An animal controlled by means of leash, chain or other like device, or secured inside a vehicle while being driven or parked, or within a secure enclosure.
(Voice command, using audible signals or hand signals are not viable means of restraint).

Riding School or Stable: means any premises having available for hire, boarding or riding instruction, any horse, pony, donkey, mule or burro.

Spayed female: Any female which has been surgically sterilized.

Stray Animal: Any animal running at large with no identifiable owner.

Vicious or dangerous animals: Any animal (a) with the propensity or inclination to attack unprovoked, to cause injury to, or otherwise to endanger the safety of humans or domesticated pets; (b) which has attacked a human being or domesticated animal without provocation; or (c) which is trained to fight or attack humans or other animals.

Wild animal: Untamed animal, living in its natural state, including but not limited to alligators, crocodiles, bears, feline family (including mountain lions, pumas, lions, tigers), canine family (including wolves, wolf hybrids, coyotes), non-human primates, and snakes.

Zoological Park: means any facility, other than a pet shop or kennel, displaying or exhibiting one (1) or more species of non-domesticated animals operated by a person, partnership, corporation or government agency.

Sec. 4.2. Animal Services Officer; Authority; Powers and Duties.

The animal services officer under the direction of the Director of Public Safety or their designee shall be responsible for:

- (1) Ensuring that all dogs and cats in the city are duly licensed and are inoculated against rabies as required by this chapter.
- (2) Cooperating with the county health officer in the enforcement of the laws of the state with regard to animals, the vaccinations of dogs and cats against rabies and the disposition of animals found to be kept in violation of this article and the laws of the state.
- (3) Investigating all complaints with regard to dogs, cats and other animals.
- (4) Obtaining a search warrant to enter any premises upon which there is probable cause to believe that a violation of this chapter exists- with the search warrant, the animal services officer may enter the premises to examine and take custody of animals whenever the animal services officer determines that the action is appropriate to achieve the purpose of this chapter.
- (5) Pursuit of animals. In exigent circumstances the animal services officer shall be authorized to follow and enter upon any enclosure or lot, public or private, within the city limits when the animal services officer has probable cause to believe that an animal is rabid, abused, neglected, dangerous, vicious, or an imminent threat to the health, welfare or safety of the general public, and to take custody of the animal, when appropriate, to achieve the purpose of this chapter.

Sec. 4.3. Interference with Animal Services Officer.

- (a) It shall be unlawful for any person to interfere with, hinder, or molest the animal services officer in the performance of his/her duties or to seek to release any animal in his custody without his/her consent or to attempt to assist the animal services officer without his/her consent, or to not provide the animal services officer with proper identification, false identification or false information or to fail to comply with the animal services officers directions or orders.
- (b) It shall be unlawful for any person to interfere, damage, molest, move or remove any traps or restraining devices used by animal services or any contracted agency that may be used from time to time or to release any animals from any such traps or restraining devices.

Sec. 4.4. Nuisance Animals: Animal Control Procedures.

(a) The actions of an animal constitute a public nuisance when the animal threatens the safety of, or injures a member of the general public, damages property (public or private, including other animals), interferes with the ordinary use and enjoyment of the property of others in the vicinity of where the animal is kept, or properties affected by its running at large. An animal is considered a nuisance by way of example, but not limited to, the following acts or actions;

- (1) The animal habitually or repeatedly chases, snaps at or attacks pedestrians, bicycles or vehicles;
- (2) The animal is allowed or permitted to damage the property of anyone other than the owner or keeper or to impede the properties ordinary use even if the property is not damaged.
- (3) The animal's unsanitary condition cause offensive odors, filth, vermin, or disease or is dangerous to the health and safety of the animal or the community.
- (4) The animal makes sounds, such as but not limited to, barks, whines, crows, howls, or cackles in a continuous, or unreasonable fashion to result in the serious interference with the use and enjoyment of neighboring premises or in an untimely fashion;

(b) Animal Services Officer Involvement and Procedure

- (1) Upon receipt of the complaint, the animal services officer shall investigate the validity of the complaint, if the officer determines that the complaint is valid, the officer will notify the owner or keeper of the animal in writing to correct the violation.
- (2) If the owner or keeper is found to be in violation of this section fail to correct the violation after five (5) business days of the notice, the animal shall be impounded and the owner or keeper shall be subject to the penalties for this chapter.

Sec. 4.5. Animal Noise

No person shall keep or maintain a dog or any other animal that barks, howls or otherwise makes or causes noise in excessive, continuous or untimely fashion. Excessive shall mean noise that is discernable and can be heard inside a neighboring residential

dwelling by persons of ordinary sensibilities. The court shall consider untimely fashion in individual cases and in general consider hours that persons are at rest.

Sec. 4.6. Dogs to be kept under restraint

All dogs shall be kept under restraint at all times by the owner. Each owner shall exercise proper care and control of any animals owned by him.

Sec. 4.7. Running at large

No person is permitted to allow any animal to run at large within the city. Any animal shall be deemed to be running at large when off or away from the premises of the owner, possessor or keeper or his agent or a member of his family, and not on a leash, cord or chain not more than sixteen feet (16') in length in the hands of the person immediately in charge of such animal.

Exempt from this chapter are a) those animals involved in an organized performance or training event and b) any animal used for law enforcement purposes by law enforcement officer.

SC 47-3-50 & SC 47-7

Sec. 4.8. Impoundment of animals

- (i) The animal services officer or other law enforcement agency shall take unrestrained and nuisance animals to the animal shelter for humane confinement.
- (ii) Impounded animals shall be kept for a minimum of three (3) days before becoming the property of the animal shelter.
- (iii) If any animal is identifiable by means of a tag, tattoo, microchip, or other means, the owner or keeper shall be notified by an impound notice conspicuously left upon the premises of the owner or keeper or by telephone by animal services or contracted third party e.g. Shelter personnel, at the earliest practical time.
- (iv) Any dog or cat being reclaimed from the animal shelter will be micro chipped. This is an invasive procedure by way of injection and shall be performed prior to the release of the animal.
- (v) Any dog or cat being reclaimed from the animal shelter which has not been spayed or neutered will be subject to an additional reclaim fee of \$200 for 1st offence and \$500 for subsequent offences within a calendar year unless the animal is spayed or neutered prior to reclaim, provided that any registered breeding animal that is impounded will be returned to the owner without being spayed or neutered.

- (vi) The owner or keeper of an impounded animal shall pay all fees associated with the impoundment of the animal.
- (vii) It shall be the animal services officer's discretion to return any animal in violation of this section to its owner or keeper, provided that the owner or keeper is present and is able to safely and humanely confine or restrain the animal.

Sec. 4.9. Penalties regarding impounded animals

The owner or keeper in violation of this chapter may be subject to criminal prosecution, in addition to such fees paid for the release of the impounded animal.

SC 47-3-40 & SC 47-3-55

Sec. 4.10. The City declared a bird sanctuary except birds constituting a nuisance.

- (a) The territory within the corporate limits of the city is hereby designated a bird sanctuary and shall be unlawful for any person to kill, trap, hunt, shoot or attempt to shoot, willfully injure, or maim any bird or wild fowl or to rob any bird or wild fowl nests of their eggs.
- (b) Birds constituting a nuisance:
 - (1) Birds congregating in such numbers in a particular locality that they constitute a public nuisance or endanger the health of the public or damage property in the opinion of the proper health authorities of the city, such authorities shall meet with representatives of the Audubon Society, Bird Club, Humane Society or any other such clubs that are found to exist in the city-after giving at least three (3) days notice of the time and place for the meeting to representatives of such clubs.
 - (2) Feral or wild pigeons are deemed a public nuisance.
 - (i) It shall be unlawful for any person to feed wild or feral pigeons on any public property located within the city limits unless as part of an animal control effort to control bird population.
 - (ii) If no satisfactory alternative is found to abate such nuisance within thirty (30) calendar days-such birds may be destroyed in such numbers and manner deemed advisable by the health authorities under the supervision of the director of public safety.

Sec. 4.11. Limiting the ownership of dogs and cats within the City limits

- (a) It shall be unlawful to own, keep, harbor, or maintain any more than five (5) dogs and/or cats over the age of four (4) months, in any combination there of, on any

property or lot within the City limits without first purchasing a Multiple Animal Permit.

- (b) Having been granted a permit does not preclude that individual or entity from having to license all dogs and cats for which the permit was granted.

- (c) Pet owners who are granted multiple animal permits may be subject to random inspections by the animal services officer. As a condition of receiving the multiple animal permit, the animal owner is granting permission to inspect all animals and the premises where animals are kept, to ensure that the animals are housed, cared for and maintained within the provisions of this chapter. Inspections are to be performed with prior notice to the owner and within the presence of said owner within 24 hours of notification. If the owner refuses permission for such inspection, then the permit or license may be revoked.
 - (1) *Approved inspection:* The owner/keeper shall provide current rabies vaccinations for all animals, current city license for all required animals, proper shelter for all animals, accessible food and water, living environment free of accumulated debris and waste, any tethering device shall be at least 10 ft and have snap swivel or other similar device to prevent choking and tangling. Any other additional animals that may be added after the inspection must be approved in the same manner.
 - (2) *Failed inspection* A failed inspection may be appealed to the Director of Public Safety within ten (10) working days. The animals may remain on the property until a decision has been reached.

- (d) *Violation of Ordinance* If the animal services officer believes, or finds a violation of this ordinance, the owner or keeper will be notified in writing. The owner or keeper must comply within ten (10) working days of written notice. If the owner or keeper is in non-compliance after ten (10) working days, the animal services officer shall seize and impound the animal(s) in violation, and hold the animals until a court decision has been made.

Sec. 4-12. Prohibitions and Restrictions in Regard to Animals Permitted at Special Events

- (a) No owner or keeper shall permit any animal, restrained or not, to be in an area in which a special event is being held pursuant to a special event permit issued under this code, unless the event specifically authorizes the presence of animals.
- (b) This section does not apply to guide, hearing, or service dogs or other dogs which have been trained to accompany a person with a disability while being accompanied by a disabled person, or to any dog or horse in the custody or control of a law enforcement officer while the officer is in the performance of official duties.

Sec. 4-13. Prohibited animals

- (a) No person shall keep or maintain any wild animal or exotic pet within the city limits.
- (b) No person shall keep or maintain any horse, donkey, mule, ass, swine, sheep, goats, cattle or any other livestock or grazing type animal within the city limits.
- (c) No person shall keep or maintain any domesticated fowl to include but not limited to chickens, ducks, geese, turkeys, guineas, pheasant, emus, ostrich or any other domesticated fowl within the city limits.
- (d) This section does not apply to zoological parks, performing animal acts, stable, or riding school, providing the same has applied for and was granted a license or permit.
- (e) This section does not apply to those persons currently keeping or maintaining any domesticated fowl or other animals that were not previously precluded by the Ordinance. Any person having such animal must register the animal before January 1, 2009.

Sec. 4-14. Mistreatment of animals

- (a) No person shall starve, beat, neglect, ill-treat, torture, overload, overdrive, overwork, cruelly kill, or inflict unnecessary pain upon any animal.
- (b) No person shall leave an animal unattended in, or tethered to a standing or parked motor vehicle in a manner that endangers the health and safety of the animal or safety of the animal or safety of any person.
- (c) If an animal services officer finds a violation of this section, the officer shall seize and impound the animal and leave written notice of impoundment in a conspicuous location about the premise. The animal will remain as evidence at the animal shelter pending the court's decision. If an owner or keeper is not found the animal will irrevocably become the property of the animal shelter after a three (3) day impound period.

SC 47-1-50

Sec. 4-15. Humane treatment required

- (a) No owner or keeper shall fail to provide clean fresh water, good wholesome food, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane treatment. The owner or keeper must maintain a clean living environment free of accumulated waste and debris so that the animal can walk and lay down without coming into contact with any waste or debris.
- (b) Proper shelter includes a structure appropriately sized for the animal consisting of (4) four sides, a roof, floor and an opening for ingress and egress. The structure must adequately protect the animal from harsh weather.
- (c) No person shall crop a dog's ears or tail except a licensed veterinarian.

- (d) No person shall give away any live animal, fish, reptile or bird as a prize for, or as an inducement to enter any contest, game or other competition or as an inducement to enter a place of amusement or as an incentive to enter into any business agreement whereby the offer was for a purpose of attracting trade.

SC 47-1-40

Sec. 4.16. Abandoning animals

- (a) No owner or keeper shall abandon an animal
- (b) If an animal is believed to be abandoned, a written notice must be placed in a conspicuous location about the property giving notice that the animal will be impounded if the owner or keeper does not contact the animal services office by the date and time indicated on the notice. The notice will remain in effect for a full 24-hour period.
- (c) If the animal has not been removed after 24 hours or if animal control has not been notified that the animal is being cared for, the animal services officer shall impound the animal at the animal shelter for a period of not less than three (3) days.

SC 47-1-70

Sec. 4-17. Animal Waste

An owner or keeper walking, exercising or otherwise having their animal outside the confines of their own property, whether public or private, shall carry a means to pick up and dispose of excreta deposited by his/her animal by way of, but not limited to, a scoop and a bag.

Sec. 4-18. Striking animals with a motor vehicle.

Any person operating a motor vehicle, who strikes a domesticated animal shall stop and render any assistance as may be possible and immediately report the injury or death to the animal control officer or other law enforcement agency.

Sec. 4-19. Animal fighting and training

- (a) No person shall instigate, cause to, attends, or permit any dogfight, cockfight, or any other fighting between animals or between animals and humans
- (b) No person shall train, have equipment to, or permit the training of, any animal to attack, fight or cause injury to any domestic animal or human on any property,

public or private within the city limits. Examples of training include but are not limited to;

- (1) Any activity designed to torment, badger or bait any animal, for purpose of encouraging animals to fight
- (2) The use of any weights on the animal, on the animal's tethering device, or on any kind of pulling structure
- (3) The use of any other animals for blood sport training
- (4) Any other activity that the primary purpose is to train animals to be aggressive or vicious. This does not apply to animals of licensed security companies on patrol in a confined area or animals used for law enforcement purposes.

SC 47-3-740

Sec. 4-20. Female dogs and cats in heat

Every female dog and cat in heat shall be confined in a secure enclosure so that the female cannot come into contact with another animal, except for planned breeding purposes.

Sec. 4-21. Rabies control; wearing of rabies vaccination tag

No owner or keeper shall allow any dog, cat or ferret over four (4) months of age on any premises within the city, unless the dog, cat or ferret has been vaccinated against rabies. The vaccination must be administered by a licensed veterinarian and the tag shall be securely attached to a collar or harness and be visible. The tag must match the dog, cat or ferret for which it was issued.

SC 47-5

Sec. 4-22. Animal license requirement

- (a) All dogs and cats over four (4) months of age which have been within the city limits for 30 days or more must have a city license.
- (b) Any dog or cat that has been spayed/neutered is eligible for a "lifetime license". This license is valid for the life of the animal for which it was issued.
 - (1) It shall be unlawful for any person to use an animal license for any other animal other than the animal it was issued to.
 - (2) Written application for a license shall be filed with the city and must contain a copy of the rabies vaccination certificate with the name and address of the veterinarian who issued the certificate.

- (3) If requesting a license for a spayed/neutered animal, proof of alteration from a licensed veterinarian must be submitted with your application.
- (4) Charges for the license may be set from time to time by the city council and a schedule of the fees shall be kept on file.
- (5) A duplicate copy of the license may be obtained for a fee.
- (6) Transfer of ownership requires a new license to be issued.
- (7) Failure to license your animal for longer than six (6) months could result in impoundment of the animal and/or prosecution.
- (8) Lifetime licenses still require annual replacement with proof of current rabies vaccinations.
- (9) Failure to replace lifetime license tag may result in revocation of license.

Sec. 4-23. Poisoning Animals

It shall be unlawful to place any substance or article which has in any manner been treated with any poisonous substance in any place accessible to human beings, birds, dogs, cats or other animals with the intent to harm or kill animals. This section, however, does not preclude the use of commercially sold rodent poisons when applied in accordance with the manufacturer's directions for such use or Licensed Exterminators using poison as a pest control program.

Sec. 4-24. Disposal of dead animals

The bodies of dead animals shall be disposed of by the owner or keeper. The owner or keeper shall not allow under any circumstances, a dead animal to remain outdoors on his/her property for longer than twenty-four (24) hours unless buried.

Sec. 4-25. Tying or staking animals

- (a) No person shall tether, fasten, chain, tie, or restrain an animal, or cause such restraining of an animal, to a tree, fence, post, dog house, or other stationary object unless tethering device used is at least ten feet in length and attached in such manner as to prevent strangulation or other injury to the animal and entanglement with objects other than the stationary objects to which the device is attached.
- (b) No person shall tether, fasten, chain, tie, or restrain an animal, or cause such restraining of an animal, to a cable trolley system, that allows movement of the animal, unless the length of the cable along which the tethering device can move must be at least ten feet, and the tethering device must be of such length that the animal is able to move ten feet away from the cable perpendicularly.

- (c) No person shall tether, tie, stake or chain any animal where the animal can obstruct, block or hamper the normal use of any public property or private property without the landowner's consent.
- (d) No person shall tether, tie, stake or chain any animal to any metering device or attempt to obstruct the device such that it prevents any service to read, disconnected, shut off, or interrupted.
- (e) It is unlawful to attach a chain or wire or other tethering device to, or cause such attachment to, a choke-type or pronged collar.
- (f) It is unlawful to attach a chain or wire or other tethering device in such manner that does not allow the animal access to food, water or proper shelter.
- (g) It shall be unlawful for any chain or wire or other restraining device to exceed 1/8 of the animal's weight.

Sec. 4-26. Performing animal exhibits

- (a) It shall be unlawful for any animal exhibit or circus to induce or encourage animals to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or likely to cause harm to the animal.
- (b) All equipment used on performing animals shall fit properly and be in good working order.
- (c) Animal Services Officers may inspect any animal exhibit or circus to ensure compliance to this ordinance.
- (d) Failure to comply with this ordinance may result in the impoundment of the animal(s) and/or the issuance of citations.

Sec. 4-27. Dangerous or vicious animals

- (a) No person shall own, keep, harbor or have charge of or in any way maintain within the city any animal which is vicious or dangerous as described in the definitions of this chapter, or that has attacked or injured any person or domesticated pet without provocation. This section shall not apply to any animal that attacks any person or animal that is unlawfully upon its owner or keepers premises or complied with c below.
- (b) Any person witnessing an animal attacking a human being or domesticated pet shall notify the animal services officer or other law enforcement agency authorized to enforce this chapter. Whenever the animal control officer has determined that an animal has bitten or attacked a person, the animal services officer shall promptly notify the county health department of the bite or attack and shall cooperate with the health department in its capture or impound.
- (c) If the animal services officer determines that an animal has dangerous propensities or has attacked someone or a domesticated pet without provocation, the animal services officer shall notify the owner or keeper by serving written

notice upon such person or upon the premises of the owner or keeper that the animal shall be confined to the owner or keeper's premises within three (3) days of notice in a securely enclosed and locked pen, kept indoors or a combination of these. The pen must have all sides six (6) feet high or a secure top. If the pen does not have a secure bottom, the sides must be embedded into the ground at least one (1) foot deep. The premise must be clearly posted giving notice that a dangerous animal is kept on the property. In addition, a proof of liability insurance or surety bond of at least \$50,000 insuring or securing the owner for person injuries inflicted by the dangerous animal. Failure to comply within the three (3) day period shall be cause for the seizure and disposal of the animal as set forth in subsection (f)

- (d) Animals deemed vicious and/or dangerous may only be out in public provided that they are restrained on a leash of no more than six (6) feet and wear a muzzle.
- (e) All animals deemed vicious and/or dangerous will be registered at the office of animal services.
- (f) If the animal services officer determines that there has been a violation of subsection (c), then the animal services officer shall notify the owner or keeper immediately in writing, if the owner or keeper is known or can be found in reasonable time. The owner or keeper shall turn the animal over to the animal services officer immediately after the notification. If the owner or keeper fails to promptly surrender the animal, such person may be arrested for a violation of this section and the animal may be seized pending trial, upon final determination or conviction, the animal services officer may release the animal for the humane destruction of the animal.
- (g) If the owner or keeper cannot immediately be identified or found, the animal services officer shall seize and impound the animal and leave written notice in a conspicuous place about the premise as to the conditions of the impoundment, where the animal is being held, and the officer who impounded the animal.
- (h) If an owner/keeper is found guilty of violating this section or pleads guilty or no contest, the owner/keeper shall relinquish all rights of ownership of the animal to the animal services officer.
- (i) This section does not apply to licensed security companies on patrol in a confined area or animals used for law enforcement purposes by law enforcement officers.

SC 47-3

Sec. 4-28. Commercial animal establishment

- (a) It shall be required that any and all commercial animal establishments have a license issued by the city to conduct business within the city limits.
- (b) An application shall be submitted to the city, pay all applicable fees for a period of one year beginning with the date of issuance of the license, an inspection of said business will be conducted within thirty (30) days after issuance of the license by the animal services officer.

Sec. 4-29. Inspection of premises

- (a) As a condition of the issuance of the license, the animal services officer is granted permission to inspect the establishment to ensure all animals meet the standards set forth in this chapter.
- (b) If permission is not granted at time of inspection, the license and permit may be revoked.
- (c) No person who has been found guilty of cruelty to animals or who has given false information on an application shall be issued a permit.

Sec. 4-30. Revocation of Commercial Animal Establishment license

- (a) Any commercial animal establishment which fails to comply with the standards of this chapter or any laws governing the protection and humane treatment of animals may have their permit revoked.
- (b) When any commercial animal establishment permit is revoked, all of the animals covered by the permit will become the property of the animal shelter and will be the sole discretion of the director of the animal shelter to place the animals for adoption or humanely euthanize the animals.

Sec. 4-31. Animal Breeders

Any person or business entity that owns unaltered animals for the purposes of breeding must be registered. This shall be recorded when licenses are issued and will be subject to an additional charge.

Any registered breeding animal that is impounded will be returned to the owner without being spayed or neutered.

Sec. 4-32. Disposition of feral or dangerous animals

Any animal that is feral, wild or otherwise dangerous to the animal shelter staff and in the opinion of the animal services officer and the shelter manager, is dangerous to the safety and welfare of the animal shelter staff, to provide basic sustenance and shelter, the three (3) day hold period may be waived and the animal shall be humanely euthanized. Except for the following:

- (a) Any animal being held as evidence.
- (b) Any animal taken pursuant to a search warrant.
- (c) Any animal being held pending court disposition.

(d) Any animal held for quarantine.

Sec. 4-33. Transportation of Animals

No person driving a motor vehicle shall transport any animal in the open back of the vehicle in a space intended for any load on the vehicle on a highway unless the space is enclosed or has side and tail racks to an appropriate height, or the animal is cross tethered to the vehicle, or is protected by a secured container or cage, in a manner which will prevent the animal from being thrown, falling, or jumping from the vehicle.

Sec. 4-34 Designated Penalties for Animal Control Ordinances

Whenever a party is found guilty of any breach of these ordinances the Municipal Judge may, for each offence, sentence them to fines not exceeding (\$500) five hundred dollars or (30) thirty days imprisonment or both.

Cross references: General penalty, § 1-11.

State law references: No. 101.

Section 2. This Ordinance to become effective January 1, 2009.

DONE AND RATIFIED this _____ day of _____, 2008.

MAYOR.

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY

___/___/___ 1st Reading

___/___/___ 2nd Reading