

CHAPTER 4

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CHAPTER 4

ANIMAL CONTROL

Article 1. Generally

4. ANIMAL CONTROL

4-1 Office of Animal Control Officer Created. There is hereby created the office of Animal Control Officer of the City of Imperial and, except as hereinafter provided, the Chief of Police of the City shall be the ex-officio Animal Control Officer and shall perform all duties of the office of Animal Control Officer.

4-2 Contracts with Other Public Agencies for Animal Control Services Authorized. The City may contract with other public agencies for the furnishing of equipment, services and supplies related to the enforcement of animal control regulations, both as specified herein, and pursuant to state law. Such a contract may provide that the contracting agency shall assume the duties and responsibilities of Animal Control Officer as herein specified and pursuant to state law, in which event the person designated by such contracting agency to perform the services of Animal Control Officer shall be the ex-officio Animal Control Officer of the City, in place of the Chief of Police.

4-3 Keeping of Certain Animals or Poultry – Prohibited Generally.
Repealed by Ordinance No. 665

4-4 Same – Permission from Council.
Repealed by Ordinance No. 665

4-5 Allowing Horses, Cows, etc., to Run at Large. It shall be unlawful for any person to permit any horse, cow, animal of burden of any cattle, hog or pig of which he is the owner or over which he has control to run at large in the City.

4-6 Allowing Horse, Cows, etc., to Go on Premises of Another Person. It shall be unlawful for any person to permit any horse, cow, animal of burden or any cattle, hog or pig of which he is the owner or over which he has control to run over or go upon the premises of any other person without the permission of the owner of the premises in question.

4-7 Allowing Diseased Animals Generally to Run at Large. It shall be unlawful for any person to allow any domestic animal owned by him to run at large within the City when such animal is infected with any contagious or infectious disease.

4-8 Destruction of Domestic Animal Generally for Preservation of Public Health. The Animal Control Officer may order the destruction of any cat, dog or other domestic animal when it shall be deemed necessary for the preservation of the public health.

4-9 Violation. Violations of this Chapter shall be infractions.

(4-10 through 4-20 reserved)

Article II. Control, Enforcement & Administration

4-21 Presumption of Responsibility for Violation.

a) In any prosecution involving an animal, charging a violation of any provision referred to in Section 4-22 of this Code, proof by the people of the state that the particular animal described in the complaint was found in violation of any provision of such section, together with proof that the defendant named in the complaint was at the time of the alleged violation the owner of the animal, shall constitute prima facie evidence that the owner of the animal was the person responsible for the violation of such provisions involving such animal. However for the purposes of this Section, proof that a person is the owner of such animal is not prima facie evidence that he has violated any other provision of law.

b) The presumption created by this Section shall be nullified when the person charged has made a bona fide sale or transfer and has delivered possession of the animal, and has complied with the requirements of Section 4-92 of the Code prior to the date of the alleged violations and has advised the court of the name and address of the purchaser, and of the date of sale.

c) In the event an owner of keeper of an animal is a minor, the parent or guardian of such minor shall be responsible for compliance with applicable laws. No animal may be sold or given to a minor without the written consent of the minor's parent or legal guardian. (Ord. 697)

4-22 Enforcement.

The Animal Control Officer, each agent or deputy thereof who is assigned to duties which include the enforcement of animal regulation laws and any peace officer is responsible for enforcing the provisions of this chapter and provisions of state law, including, but not limited to, the following:

a) Sections 2606 through 2606.8 of Division 1, Title 17 of the California Code of Regulations;

b) Sections 17001, et seq. of Chapter 7, Part 1, Division 9 of the California Food and Agriculture Code;

c) Sections 121575, et seq. of Chapter 1, Part 6, Division 5 of the California Health and Safety Code;

d) Section 121875, et seq., Chapter 4, Part 6, Division 105 of the California Health and Safety Code;

4-23 Procedure Upon Violation.

The individuals with authority to arrest under this Code, as an alternative to the procedure provided in that Section, may in cases of violations of a provision set out in Section 4-22 involving an owned animal, employ the following procedure:

a) The individual then and there enforcing such provision shall determine the identity of the registered owner of the animal involved in such violation, shall take such animal into his custody, and in his discretion shall return it to the premises of the registered owner or retain custody of it.

b) As soon after the violation occurs as is practicable such enforcing individual shall give notice of the violation to a person on the premises of the registered owner of such animal, or, if no such person be found thereupon, shall give notice by securely fastening it to the entry of the premises in a conspicuous place so as to be easily observed by any person residing at such premises upon his return thereto; and notice shall set forth the violation including reference to the provision so violated, the approximate time thereof and the location where such violation occurred and fixing a time and place for appearance by the owner in answer to such notice.

c) Before any warrant of arrest shall be issued following the filing of a complaint charging such violation, a notice of the violation must be given in the following manner to the person so charged. Such notice shall contain the information required in Subparagraph (b) above and shall also inform such registered owner that unless he appears in the court to be designated in such notice within ten (10) days after the service of such notice and answers such charge, a warrant or citation to appear will be issued against him. Such notice shall contain or be accompanied by an affidavit of non-ownership.

In addition to any other required information, such notice shall also provide information as to what constitutes non-ownership, information as to the effect of executing such affidavit, and instructions for mailing or returning the affidavit to the court. Upon receipt of evidence satisfactory to the court that the person charged with violation of any provision set out in Section 4-22 of this Code has made a bona fide sale or transfer of the animal and has delivered possession thereof to the purchaser prior to the date of the alleged violation, the court shall obtain verification from the Animal Control Officer that the person charged has complied with the requirements of Section 4-92 of this Code, and if the person has so complied, the charges against the person for violation of such provision of Section 4-22 of this Code shall be dismissed.

Such notice shall be given, either by personal delivery thereof to such registered owner or by deposit thereof in the United States mail in an envelope with postage prepaid addressed to such registered owner at his address as shown by the records of the animal control file. The giving of notice is complete upon personal delivery thereof or upon the expiration of ten (10) days after deposit of such notice in the United States mail.

Proof of giving such notice may be made by affidavit of any person over eighteen (18) years of age naming the person to whom such notice was given and specifying the time, place and manner of the giving thereof.

4-24 Promulgation of Rules and Regulations by Animal Control Officer. For the purpose of performing his duties under this Article, the Animal Control Officer may, with the approval of the City Council, promulgate such rules and regulations as he may deem proper and necessary.

4-25 Authority of Certain Officers to Make Investigations. The Animal Control Officer and peace officers with probable cause may enter upon privately owned land to investigate reports of vicious animals, rabies or other contagious animal diseases, and to investigate violations of and enforce the provisions of this Article.

4-26 Fees. (Ordinance 527)

a) Fees shall be charged and collected by the City for dog licensing and for animal regulation services. Such fees shall be collected by City personnel and deposited in the City Treasury.

b) Dog licensing fees shall include the fees for dog licenses, late license fees, and fees for replacement of lost license tags. Such fees shall be established by resolution of the City Council.

c) Fees for animal regulation service shall include fees for board in City animal shelters, for rabies vaccination, for redemption of impounded animals, for relinquishment and adoption of animals, for disposal of animals and for veterinary treatment of impounded animals. Such fees shall be established by resolution of the City Council unless, by resolution, the City established an alternate method.

d) A list of currently approved fees shall be filed with the City Clerk and shall be available for public inspection.

e) No impounded animal shall be released unless fees due are paid.

f) All offenses must also pay the board cost per day.

4-27 Conditions of Ownership Generally.

Animal owners of keepers must comply with the following conditions of animal ownership; and the Animal Control Officer may require, as a condition of licensing, such owners or keepers to sign permit or license applications agreeing to comply with such conditions:

- a) Animals shall be restrained or confined as required by law.
- b) Animals shall be humanely treated at all times.
- c) Vaccinations, licenses and permits shall be obtained as required by law.
- d) Animal premises shall be kept sanitary and shall not constitute a fly breeding reservoir, a source of offensive odors or of human or animal disease.
- e) Animal and animal premises shall not be permitted to disturb the peace of constitute a public nuisance of hazard.

4-28 Allowing Dogs to Run at Large – Generally. It shall be unlawful for the owner of any dog to suffer, permit or allow such dog to run at large on any public street, road, alley, park, square or place on any vacant or unenclosed lots or land within the City. A dog shall be deemed running at large within the meaning of the Section unless such dog is led or restrained by a chain, strap or cord attached to such dog's collar and actually held by a person or made fast to some stationary object.

4-29 Same – At Filed Trials, etc. Dogs may be at large while participating in field trials and obedience classes with dog clubs and organizations who are recognized and sanctioned by the City. Such dogs must be under direct and effective voice control of such individuals to assure that they do not violate any other provision of law.

4-30 Duty to Curb Dog. No person shall allow a dog in his custody to defecate or to urinate on public property or any private property other than that of the owner or person having control of the animal. It shall be the duty of all persons having control of a dog to curb such dog in order to carry out the intent of this Section. Unsighted persons while relying on a guide dog shall be exempt from this Section. If a violation of the above occurs, such person shall immediately remove any feces to a proper receptacle.

4-31 Female Dogs in Season. Dog owners shall securely confine their female dogs while in season within a enclosure in a manner that will prevent the attraction of male doges to the immediate vicinity.

4-32 Disturbing the Peace; Prima Facie Evidence of Violation of Section. No person shall own or harbor an animal in such a manner that the peace and quiet of the public is disturbed. The written affirmation by two (2) persons, having separate residences, indicating that the howling, barking or other noise issued by an animal or that

violation of Sections 4-27 (1) (d) and (e), 4-22 and 4-30 and 4-34 of this Code, disturbs the peace and quiet of such persons shall be prima facie evidence of a violation of this Section.

4-33 Destruction of Property. The destruction by an animal of property other than that which belong to the owner of such animal shall be prima facie evidence of a violation of this Section.

4-34 Inhumane Treatment; Abandonment. No person shall treat an animal in a cruel or inhumane manner or willingly or negligently cause or permit any animal to suffer torture or unnecessary pain. No person shall abandon any domestic animal on public or private property.

4-35 Determination of Animal as Dangerous or Vicious.

a) Terms not otherwise defined herein shall have the meaning set forth in California Food and Agriculture Code Sections 31601, et seq.

b) Whenever an animal suspected of being dangerous or vicious is reported to an animal control officer, or is otherwise observed by an animal control officer, an animal control officer shall investigate the circumstances and, if it is found that such animal by reason of its acts or disposition constitutes a dangerous or vicious animal, such animal shall be determined dangerous or vicious by such animal control officer.

c) Whenever an animal is determined to be dangerous or vicious, the owner or keeper of such animal shall be notified in writing, stating the facts and circumstances surrounding the determination. The owner or keeper of the animal shall be notified that a hearing will be held at which time the owner or keeper may present evidence as to why the animal should not be declared potentially dangerous or vicious. The hearing shall be held and conducted as set forth in Section 4-35.1

d) Whenever an animal is determined to be dangerous or vicious, an animal control officer shall order the owner or keeper of such animal to keep such animal within a substantial enclosure, securely restrained, or such other type of control as an animal control officer may deem suitable under the circumstances. Such restraints or enclosures shall be sufficient both to keep the animal from escaping and to prevent access by the public. If suitable restraints or enclosures are not immediately available, or if the owner or keeper of such animal fails or refuses to demonstrate that such restraints or enclosures are available, such animal may be impounded until such time that suitable restraints or enclosures are available. If impounded, such animal shall not be released until the owner or keeper demonstrates, to the satisfaction of an animal control officer, that such restraints or enclosures are in place as ordered.

e) If an animal determined to be dangerous is impounded due to the lack of suitable restraints or enclosures, and the owner or keeper of such animal is unable

or refuses to comply with the order of the animal control officer to acquire or install suitable restraints or enclosures within fourteen (14) calendar days after notice of such order, the animal shall be deemed abandoned or unclaimed, and subject to destruction, in a humane manner, by an animal control officer. The owner or keeper of the animal shall be liable for the costs and expenses of keeping the animal impounded.

f) The administrative appeals board may determine that the animal is dangerous or vicious and the board may make other orders authorized by this chapter, including affirming any orders previously made by an animal control officer.

(Ordinance No. 665)

4-35.1 Hearing on Determination of Animal as Dangerous or Vicious.

a) This section establishes the administrative hearing procedure provided in California Food and Agriculture Code sections 31621, et seq., which sections are incorporated herein by this reference.

b) There is created within the city an administrative appeals board which shall consist of one member to be appointed by and to serve at the pleasure of the city manager.

c) The board shall meet in the City Hall at such time and day as the board may establish, as frequently as necessary to carry out the purposes of this chapter.

1) The board shall hear all appeals in accordance with the procedures contained herein.

2) The board is authorized to adopt resolutions and take all actions necessary and proper to carry out the functions of the board pursuant to the section and this chapter.

3) The board may request through the city manager information, services, facilities or any other assistance for the purpose of furthering the objectives of this chapter.

d) The board shall hear and dispose of petitions filed as provided in this chapter.

(Ordinance No. 665)

4-36 Procedure for Handling Complaints; Confidentiality of Complainant's Identity. Upon receiving a complaint from an identified person alleging a violation of this Article, and upon receiving the name and address of the owner of the animal, if known, an investigation to determine whether a violation exists shall be made. If the investigation discloses a violation of this Article, the prosecution may be initiated against the owner by the City. The complainant's identity shall be kept confidential to the extent permitted by law.

4-37. Capture of Animals at Large; Limitation of Liability.

a) The Animal Control Officer shall make every effort possible to capture any animal at large in violation of this Code and may destroy an animal at large if, in his judgment, such action is required for public health and safety.

b) Any person who finds an animal at large may take it into his possession and must, as soon as possible thereafter, notify the City Animal Control Officer and surrender the animal to the Animal Control Officer upon demand. No such action shall result in a charge against the City. The finder of an animal at large shall use reasonable care to preserve it from injury; however, he shall not be held liable if the animal dies, escapes or injures itself while he is carrying out the provisions of this Section.

4-38 Name and Address of Persons Relinquishing Animal to City. Any person who relinquishes an animal to the City Animal Control Officer shall give his name, address and, if he is not the owner, the location where he found the animal.

4-39 Notification to Owner of Lost or Stray Animal. Upon receipt of a lost or stray animal bearing a license tag, the Animal Control Officer shall immediately mail and telephone to the owner of record, at the address indicated on the license form, a notice of the location of the animal.

4-40 Redemption of Impounded Animal by Owner Generally. The owner of an impounded animal may claim it prior to its legal disposition by providing proper identification, meeting all the legal requirements, medical care, vaccination and/or other costs.

4-41 Holding Period and Disposition of Impounded Animals.

a) The Animal Control Officer shall hold an impounded, lost or stray animal, other than a cat, for not less than three (3) working days if it was not wearing a license tag when impounded, and for not less than five (5) working days if it was wearing a license tag, so that the owner or custodian may claim it prior to other disposition.

b) The Animal Control Officer may humanely dispose of or may transfer to a new owner, upon payment of the applicable fee, any impounded animal not claimed by its owner or custodian within the prescribed holding time. A dog wearing a license tag when impounded or a dog relinquished by its owner shall not be transferred for the purpose of medical research without the written consent of the owner. Animals relinquished by their owners may be destroyed or transferred to a new owner without regard to any prescribed holding time. Injured or diseased animals may be humanely destroyed without regard to the prescribed holding time in order to alleviate suffering or to protect other impounded animals from exposure of a contagious disease.

4-42 Sale, Possession, etc., of Wild, etc., Animals Prohibited; Impoundment and Disposition of Wild, etc., Animals. No person shall offer for sale, give away, bring into or maintain within an area coming within the jurisdiction of this Article, any lion, tiger, bear, monkey, wolf, cougar, ocelot, wildcat, skunk, venomous or dangerous snake, or geese, poultry, hogs, horses, etc., or other such wild animals (ferae nature), irrespective of their actual or asserted state of docility, tameness or domesticity. The Animal Control Officer may impound any such animal and dispose of it in a humane manner after three (3) working days to allow for legal restraining action by the owner. This Section shall not apply to legally operated zoos or circuses, unless the Animal Control Officer gives forty-eight (48) hours advance notice that by reason of inadequate caging or other means of protection of the public from such animals, or by the ineffectiveness of sanitation measures or by a particular hazard connected with the animal or animals involved, the public health and welfare will be endangered.

4-43 Control of Communicable Diseases. No person shall knowingly harbor or keep any dog or other animal afflicted with mange, ringworm, distemper or any other contagious disease, unless such dog or other animal is, in the opinion of the Animal Control Officer, being given adequate treatment for such disease. It shall be the duty of the Animal Control Officer to take immediate possession of any such animal not being so treated or which is not responding to such treatment, and he shall immediately humanely dispose of the animal unless the owner shall forthwith place such animal under the control and treatment of a licensed veterinarian.

4-44 Redemption of Impounded Dogs. Any person owning or claiming to own any dog impounded under the provision of this Division may redeem such dog by the payment to the license collector of a redemption fee and a custody fee for each day or part of a day during which the dog in question was so impounded in such amounts as shall be fixed by the City Council by resolutions adopted from time to time.

4-45 Violation of Article Declared to be Nuisance. The introduction, possession, maintenance of any animal, or the allowing of any animal to be in contravention of this Article is, in addition to being an infraction, declared to be a public nuisance which shall be abated by any means reasonably necessary, including, but not limited to, the destruction of the animal or animals involved.

4-46 through 4-56 Reserved

Article III. Dogs, Kennels and Rabies Control

DIVISION 1 – GENERALLY

4-57 Definitions. For the purposes of this Article, the following words and phrases shall have the meanings respectively ascribed to them by this Section:

Animal Includes, but is not limited to, birds, fishes, reptiles and non-human mammals.

Animal Shelter A premises selected by the City Council as a suitable facility for the requirements of this Article.

At Large Being neither confined by a building, structure or enclosures nor physically restrained by a leash; or being in a state in which its control is in doubt.

City Veterinarian Any veterinarian appointed by the City Council to perform veterinarian services on behalf of the City.

Curb To so restrain or control an animal that it urinates or defecates only in the street gutters.

Dog A canis familiaris of either sex, altered or unaltered; or any other member of the canis genus if owned, kept or harbored.

Dog License A properly completed and validated dog license application – rabies certificate form issued by the City or other official dog licensing agency.

Dog License Application – Rabies Certificate Form The dog license application form issued by the City or other official dog training agency. It is properly completed when it contains:

- a) The dog owner's name, address and telephone number;
- b) The dog's name and description;
- c) The type, lot number and manufacturer of the rabies vaccine;
- d) The date of vaccination;
- e) The signature of the veterinarian who vaccinated the dog or other signature authorized by the Council;
- f) Applicable fees paid.

Impounded Animal Any animal taken into custody by the City Animal Control Officer.

Kennel Any lot of parcel of land where four or more dogs or four or more cats are combined, treated, boarded, housed or cared for. "Kennel" includes any lot or parcel of land where a person engages in, conducts, manages or maintains a veterinary business duly licensed by the City.

Kennel Operator The person who is the legal owner or who is actually in control and operation of a kennel. The term "Kennel Operator" shall not include a veterinarian operating a veterinary hospital.

License Tag A piece of metal or other durable material inscribed with a date and number which has been issued by the City or other official dog licensing agency.

Licensed Dog A dog wearing its current dog license tag as required by this Article.

Owner Any person who is the legal owner, keeper, harbinger, possessor or the actual custodian of an animal. Ownership is established by a person registering as the owner on a license or other legal document or by a person claiming ownership and taking possession of an animal.

Registered Owner A person registered as the owner on a dog license.

Spayed Having had the ovaries and uterus removed or extirpated; and ovariectomy.

Stray An animal which is at large.

Vaccinated Dog A dog inoculated with an approved, currently valid, anti-rabies vaccine and wearing a current dog license tag indicating proof of such vaccination.

Validation Entering on the dog license application-rabies certificate form the number imprinted on the simultaneously issued license tag, and the date of expiration of the dog license, and a notation of payment of the application fee.

Vicious Animal An animal which, twice within a forty-eight (48) month period, has without provocation bitten persons engaged in lawful conduct, or has shown the disposition, tendency or propensity to attack, bite or otherwise cause injury to persons or other animals.

Section 4-58 through 4-68 Reserved

DIVISION 2 – RABIES CONTROL

4-69 Immunization or Muzzling Required. It shall be unlawful for any person to own, harbor or keep any dog or cat in the City unless such dog shall have been immunized annually against rabies in a manner as set forth in this Section.

4-70 Vaccination – Required. Dog owners shall obtain rabies vaccination for each dog they own, keep, harbor or have custody of within one month after it becomes four (4) months of age, or within one month after obtaining any dog over four (4) months of age, it shall be unlawful for any person to own, keep, harbor or possess or to have in his care, charge or custody any dog five (5) months of age or over unless such dog has a current and valid rabies vaccination administered by any duly qualified and licensed veterinarian, with a rabies vaccine approved by the State Department of Health for use in dogs. Such vaccination shall be repeated at intervals specified by the State Department of Health in order to maintain adequate immunity.

4-71 Same – Clinics Provided by City. The City shall provide or arrange for rabies vaccination clinics to be held at various locations where dog owners may obtain the required rabies vaccinations at the applicable fee.

4-72 Same – Certification; Period of Validity. Any veterinarian who vaccinates a dog for rabies shall so certify by properly completing, as described in Section 4-57, the dog license application-rabies certificate form issued by the City for that purpose, and shall forward monthly to City Hall a copy of each form so completed. When administered for the purpose of issuing a dog license, the vaccination must be valid for the entire licensing period as specified for the indicated vaccine by the State Department of Health.

4-73 Same – Exemption from Requirement. Notwithstanding any other provisions of the Article, a dog need not be vaccinated for rabies during an illness if a licensed veterinarian has examined the dog and certified in writing that such vaccination should be postponed or withheld because of a specified condition. Old age, debility and pregnancy are not considered contraindications to rabies vaccination. Exemption certificates are subject to approval by a veterinarian designated by the City and shall be valid only for the duration of the illness and in no case for more than one month from the date issued. Exemption from vaccination does not exempt a dog from the other licensing requirement.

4-74 Reporting Suspected Cases. Any person who observes or has knowledge of an animal which shows symptoms of rabies or which acts in a manner which would lead to a reasonable suspicion that it may have rabies, shall notify the City Animal Control Officer and comply with appropriate laws and regulations regarding suspected cases of rabies as directed by the City.

4-75 Reporting Bites. All persons bitten and the parents or guardians of minor children bitten by any warm blooded animal know to constitute a serious threat of rabies shall notify the City Animal Control Officer or Animal Control Director as soon as possible thereafter. Physicians treating such bites and other persons having knowledge of such bites also are required to make such notification. All bites should be reported by physicians to the Animal Control Officer.

4-76 Isolation and Care of Suspected Rabid Animals; Right of Control Officer to Enter Premises to Inspect. Upon the order of the Animal Control Officer, a suspected rabid animal shall be isolated, at the owner's expense, if owned, in strict confinement under proper care and under the observation of a licensed veterinarian in an animal shelter, or other adequate facility in a manner approved by the Animal Control Officer; and such animal shall not be killed or released for at least ten (10) days after the onset of symptoms suggestive of rabies unless permission is obtained from the Animal Control Officer to sacrifice the animal for the purpose of laboratory examination. The Animal Control Officer may enter private property to inspect the premises for the possibility of rabies.

4-77 Care of Animals Exposed to Rabies. Any animals of a species subject to rabies which has been bitten by a know rabid or suspected rabid animal, or which has been in intimate contact with such animal shall be isolated, at the owner's expense, if owned, in strict confinement in a place and manner approved by the Animal Control Officer and observed for a period of thirty (30) days.

Section 4-78 through 4-85 Reserved.

DIVISION 3 – DOG LICENSES

4-86 Required.

a) All dog owners, except tourists or visitors who stay less than three (3) months in an area coming within the jurisdiction of this Article, shall apply for and obtain a separate dog license for each dog they own, possess, keep or harbor after it is four (4) months old. All dog owners must possess such license at the time the dog is five (5) months old, or one month after obtaining or bringing into an area coming within the jurisdiction of the Article any dog over four (4) months of age. Dog owners shall renew the dog license before it becomes delinquent for as long as they own, possess, keep or harbor or otherwise have custody of the dog. If renewal is not required, dog owners shall, within two (2) months after the expiration date, advise the Animal Control Officer of the reason therefore.

b) Any dog which is legally impounded according to the provisions of this Article shall be presumed to be a dog which, prior to impounding, required a license, regardless of such dog's actual age or the owner's place of residence.

4-87 Issuance. Upon presentation by the dog owner of a properly completed license application form including proof that the rabies vaccination will be valid throughout the license period, and the proper license fee and, if applicable, a late or delinquent fee, the Animal Control Officer of the City veterinarian shall issue a validated dog license and license tag for inspection by any person charged with the enforcement of this Article.

4-88 Term. A dog license for a period of one year commencing January first of each year shall be issued during the preceding December, and current year licenses will cease to be available at that time.

4-89 Tags.

a) The owner shall securely affix the current license tag to the collar or harness of the dog for which the license tag was issued, and shall insure that the dog wears such license tag at all times except when the dog is being exhibited at a dog show. A dog not wearing a current license is presumed to be an unlicensed dog.

b) A license tag issued for one dog shall not be transferred or attached to any other dog.

c) No unauthorized person shall remove a license tag from a collar or harness or remove the collar or harness bearing such tag from a dog.

d) Whenever a license tag is lost or damaged, the owner shall apply for and secure a replacement from City Hall or the City veterinarian upon payment of the prescribed fee.

4-90 Transfer

a) Owners of dogs having a current license issued by another dog licensing agency may be issued a City dog license upon payment of the applicable transfer fee. The rabies vaccination for any such dog must be valid for more than five (5) months since license was issued.

b) Whenever the ownership of a licensed dog changes, the new owner shall apply for and obtain a transfer and pay the applicable fee.

4-91 Change of Address The address of the owner is presumed to be the address where the dog is kept. Any change of address must be reported to City Hall within one month following such change.

4-92 Change of Ownership. Dog owners or the parent or guardian of minor children who sell or otherwise transfer the ownership or custody of a dog shall, within one month thereafter, inform City Hall of the name, address and telephone number of the new owner and the name and description of the dog. If the ownership or custody of a vicious animal is transferred, the owner or the parent or guardian of minor children shall, in addition, advise the new owner in writing of the details of the animal's record and provide City Hall with a copy thereof containing an acknowledgement by the new owner of his receipt of the original.

Section 4-93 through 4-100 Reserved

DIVISION 4 – SHELTERS

4-101 Establishment.The City shall, with the approval of the City Council, establish or otherwise provide for as many animal shelters throughout the City as the City shall determine to be necessary.

4-102 Humane Disposal. The Animal Control Officer shall establish a procedure for euthanasia of animals. The City veterinarian may, at his option, upon payment of applicable fees, accept animals for humane disposal. The owner or possessor such animals shall first complete appropriate forms setting forth the facts constituting

such ownership and/or possession, certifying that he has the right to request disposal of such animal, and agreeing to hold the City, its agents and employees harmless from any liability for its acceptance and disposal of such animals. The owner or person requesting the disposal of any animal shall certify in writing that, to the best of his knowledge, the animal has not bitten a human being within the period established by this Article for isolation of biting animals and suspected rabid animals. Notwithstanding the foregoing, the City veterinarian may authorize, with permission of the owner, if know, the euthanasia of a biting animal for the purpose of laboratory examination.

Section 4-103 through 4-113 Reserved

DIVISION 5 – KENNELS

4-114 Definition (Repealed Ordinance No. 665)

4-115 License – Required It shall be unlawful for any person to keep, conduct or operate any kennel without a license as is required under the provisions of this Code or other ordinances of the City.

4-116 Same – Denial or Revocation.

a) Hearing Generally. Any person whose kennel license is denied or revoked may, within ten (10) days after the receipt of the notice thereof, apply to the City Council for a hearing on the denial or revocation; and the decision of the City Council at the conclusion of such hearing shall be final. If no hearing is requested within ten (10) days, the denial or revocation shall be final.

b) Mailed written notice of the date set for hearing on the denial or revocation shall be given by the City Clerk to the applicant and to the Officer of Animal Control. At the time set forth for the hearing, the Animal Control Officer shall present the facts upon which the denial or revocation was based. The applicant, his agent or attorney may then present the facts by reason of which the applicant believes the denial or revocation was improper. Both the Animal Control Officer and the applicant shall be allowed reasonable cross-examination. Upon conclusion of the presentation of both parties, the City Council may, but shall not be required to, entertain presentations in support and opposition to the revocation or denial by interested persons. The City Council may continue the matter from time to time. At the conclusion of the hearing, the City Council shall render its decision which shall be final.

4-117 Keeping Three or More Dogs or Cats in Place Other than Kennel. It is unlawful for any person to keep, house, confine or maintain three (3) or more dogs or three (3) or more cats in any place in the City other than at a kennel; provided, that for the purposes of this Section, a litter of puppies or a litter of kittens less four (4) months of age shall be included in computing the number of dogs or cats permitted under the provisions of this Section.

4-118 Sanitation and Insect Control Kennels shall be kept in a clean and sanitary condition at all times and shall be sprayed at least once each week with an insecticide of sufficient strength to kill flies, fleas, ticks, and other similar insects.

4-119 Compliance with Zoning Regulation. It is unlawful for any person to maintain, have or operate a kennel in, on or upon any property within the limits of the City unless such property is zoned for such purposes.

4-120 Maintenance and Operation. The kennel operator shall maintain the kennel at all times in a clean and sanitary condition. The kennel operator shall provide all animals in the kennel with adequate shelter, feed and fresh water; all feed shall be stored in covered, rat-proof containers protected against contamination, and meat shall be kept refrigerated. All kennels shall be so constructed and operated as to safely confine the dogs therein.

4-121 Dog Licenses and Vaccinations. A kennel operator shall not be required to obtain the individual licenses imposed by this Article for each dog in his kennel for which the kennel license is obtained; however, each kennel operator shall have each dog in his kennel vaccinated as required by this Chapter and a certificate of vaccination for each dog must be available for inspections.

Sections 4-122 through 4-130 Reserved.

Article IV – Cats

DIVISION 1 – GENERALLY

Section 4-131 through 4-140 Reserved

DIVISION 2 – IMPOUNDMENT

4-141 Length. Impounded cats shall be held at the City Pound for such period of time as the Animal Control Officer determines that they do not constitute a hazard to the public health or to the other impounded animals; provided, that, the period of impounding shall not exceed forty-eight (48) hours.

4-142 Destruction of Impounded Cats. Cats which the Animal Control Officer determines are a hazard to the public health or other impounded animals shall be destroyed immediately. All cats not redeemed within forty-eight (48) hours of impounding shall be destroyed.

4-143 Redemption Fee. A fee is hereby fixed for the redemption of impounded cats in the amount of Two Dollars (\$2.00) per day.

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