
2019-55 (2ND READING): AN ORDINANCE TO AMEND CHAPTER 4, ANIMALS, IN THE CODE OF ORDINANCES, TO AMEND THE DEFINITION OF IMPOUND AND THE MISTREATMENT OF ANIMALS, ADD TETHERING AND VETERINARY CARE TO THE LIST OF DEFINITIONS, AND PROVIDE FOR CASES WHERE SPAY, NEUTER, AND MICROCHIP ARE REQUIRED.

Applicant/Purpose: Staff / to amend Chapter 4 to amend the definitions of "impound" & "the mistreatment of animals", to add tethering & veterinary care, & provide for circumstances where impounded cats & dogs will be spayed, neutered & microchipped.

Brief:

- If approved, the amended definition of impound will read, "take legal custody or possession as to confine humanely while providing adequate food, shelter, and ventilation and veterinary care."
- If passed, the definition of "Mistreatments of animals" will be amended to include:
 - Extreme heat, or cold, snow, or severe weather conditions.
 - Confining an animal in a closed vehicle w/out engaging functioning air conditioning or adequate ventilation when the temperature exceeds 70° F.
 - Tethering an animal;
 - For more than 2 hours in any continuous 12-hour period.
 - W/out a responsible person present.
 - That is sick or injured.
 - On a restraining device that exceeds more than 10% of the body weight of the animal & has a length of less than 10'.
 - By any device in which the metal is in direct contact with the skin.
 - In such a manner as to cause injury, strangulation or entanglement.
- The proposal requires impounded dogs & cats be spayed/neutered w/in 30 days unless:
 - A vet determines the animal cannot be spayed/neutered based on age or health.
 - If the animal is a service animal assisting a disabled person or law enforcement.
- The amendment also requires that all impounded cats & dogs must be microchipped.
- No changes since 1st reading.

Issues:

- North Myrtle Beach & Horry County have recently updated their animal control ordinances, while the City's ordinance has not kept up.
- Currently tethering & extreme weather conditions are not included in the current definition of "mistreatment of animals".
- Requiring impounded cats & dogs to be spayed/neutered helps control the population.

Public Notification: Normal meeting notification

Alternatives:

- Modify the proposed ordinance.
- Deny the proposed ordinance.

Financial Impact: None.

Manager's Recommendation:

- I recommend 1st reading (11/12/19).
- I recommend approval (11/26/19).
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Attachment(s): Proposed ordinance.

CITY OF MYRTLE BEACH
COUNTY OF HORRY
STATE OF SOUTH CAROLINA

TO AMEND CHAPTER 4, ANIMALS, IN THE
CODE OF ORDINANCES, TO AMEND THE
DEFINITION OF IMPOUND AND THE
MISTREATMENT OF ANIMALS, ADD
TETHERING AND VETERINARY CARE TO
THE LIST OF DEFINITIONS, AND PROVIDE
FOR CASES WHERE SPAY, NEUTER, AND
MICROCHIP ARE REQUIRED.

IT IS HEREBY ORDAINED THAT CHAPTER 4, ANIMALS, IS AMENDED AS SHOWN BY
ENACTED LANGUAGE BEING UNDERLINED

Chapter 4 - ANIMALS

Sec. 4-1. - Definitions.

Unless otherwise provided, the following terms and phrases shall have the
following meanings in this chapter:

Abandonment means deserting, forsaking of all rights or intending to give up
absolutely any animal

Animal means any nonhuman living thing, whether wild or domesticated, typically
having characteristics distinguishing it from a plant, as the ability to move voluntarily, the
presence of a nervous system and a greater ability to respond to stimuli, the need for
complex organic materials for nourishment obtained by eating plants or other animals,
and the delimitation of cells usually by a membrane rather than a cellulose wall; any
animal other than humans.

Animal control officer means the person or office, other than sworn law
enforcement officers, designated by the city to enforce this chapter.

Animal shelter means any facility or premises designated by the city for the
purpose of the impoundment, care or euthanasia of animals impounded pursuant to this
chapter.

Cat means all members of the feline family.

Contract enforcement agency means any organization or business designated by
the manager to assist, administer or enforce this chapter.

Dog means all members of the canine family.

Euthanasia means the act of putting an animal to death in a humane manner,
pursuant to any applicable state law or regulation.

Guard dog or *attack dog* means any dog which has been trained to attack
persons independently or upon command; or, while not so trained, which is reasonably

1 expected to perform as a guardian of its owner and/or the property upon which and
2 within which the dog is situate; or which is owned or used by a licensed security service.

3 *Impound means to take legal custody or possession as to confine humanely*
4 *while providing adequate food, shelter, and ventilation and veterinary care.*

5 *Kennel means any facility wherein a person, business entity or organization*
6 *regularly keeps six or more dogs or other animals for any purpose and receives*
7 *compensation or barter for the service or for the sale of the animal, or a owner or keeper*
8 *of four or more dogs over four months of age.*

9 *Mistreatment of animals means a failure, whether intentional or not, to provide*
10 *veterinary care or wholesome and adequate food, water and appropriate shelter, kept*
11 *free of waste and debris and which provides protection from harsh weather including, but*
12 *not limited to, extreme heat, freezing temperatures, snow, hail, tornadoes,*
13 *thunderstorms, floods, tropical storms or hurricanes. Mistreatment shall also include*
14 *confining an animal in a closed vehicle without engaging functioning air conditioning or*
15 *adequate ventilation whenever the ambient temperature exceeds 70° Fahrenheit.*
16 *Mistreatment shall also include any restraint of an animal which causes injury, or any*
17 *action to override, overload or cruelly torment, injure or beat any animal. Mistreatment*
18 *shall also include tethering of an animal for more than two hours in any continuous*
19 *twelve-hour period, tethering of an animal on a premise without a responsible person*
20 *present, tethering of an animal that is sick or injured, tethering of an animal on a*
21 *restraining device that exceeds more than ten percent of the body weight of the animal*
22 *and has a length of less than ten feet, tethering of an animal by any chain or metal*
23 *restraining devise in which the metal is in direct contact with the skin, and tethering of an*
24 *animal in such a manner as to cause injury, strangulation or entanglement.*
25 *Mistreatment shall also include poisoning, whether intentionally or negligently.*
26 *Mistreatment shall include maintaining animals in an environment of unsanitary*
27 *conditions which results in offensive odors or is dangerous to the animal or to the public*
28 *health, welfare or safety. Mistreatment shall include maintaining property in a manner*
29 *that is offensive, annoying or dangerous to the public health, safety or welfare of the*
30 *community because of the number, type, variety, density or location of the animals on*
31 *the property or maintaining an animal that is diseased and dangerous to the public*
32 *health*

33 *Neutered male means any male animal which has been operated on to prevent*
34 *reproductive function.*

35 *Nuisance animal means any animal whose conduct as permitted by the owner or*
36 *keeper which disturbs the rights of, threatens the safety of or damages a member of the*
37 *general public, or interferes with the ordinary use and enjoyment of their property, with*
38 *such intensity or duration so as to constitute a continuing injury, annoyance,*
39 *inconvenience or discomfort to the public health, safety and welfare. Frequency of*
40 *conduct may be a factor in determining nuisance; however, one incident may be*
41 *sufficient to declare an animal to be a nuisance animal.*

1 Owner or keeper means any person who has a legally cognizable right of
2 personal property in an animal; or keeps, harbors, maintains an animal; or has an animal
3 within care, custody and control; or acts as custodian of any length of time; or permits an
4 animal to remain on or about the premises occupied, owned, leased, rented or lawfully
5 accessed by the person

6 Run at large means an animal being off the premises of the owner or keeper; or
7 not under the direct physical control of the owner or keeper by means of a leash or
8 similar restraining device.

9 Spayed female means any female animal which has been operated on to prevent
10 conception.

11 Stray animal means any animal running at large with no identifiable owner. An
12 animal without a required affixed city license and rabies tag is deemed to be stray and
13 the owner unidentifiable.

14 Tethering is defined as the restraint or control of an animal with the use of a
15 restraining device.

16 Veterinary care is the maintenance of health in and the prevention, alleviation,
17 and cure of disease, sickness, illness and injury in animals; specifically performed by a
18 person qualified and authorized to practice veterinary medicine.

19 Vicious or dangerous animal means the determination of vicious or dangerous
20 animals is guided by consideration of the following factors, which are listed by way of
21 illustration and not limitation: An animal with a history, propensity or inclination to attack
22 unprovoked, to cause injury to, or otherwise endanger the health, safety or welfare of
23 persons or domestic pets; an animal which has attacked unprovoked any person or
24 other animal, whether or not the attack occurs on the owner's or keeper's premises; any
25 animal kept, harbored or trained as a fighting animal; the frequency, intensity and
26 duration of aggression; the animal's behavior, size, temperament, breed, and capacity
27 for inflicting serious injury; the adequacy of the enclosure or confinement of the animal, if
28 any; the likelihood that the conditions pertaining to the animal and the animal's
29 confinement are detrimental to the safety or welfare of citizens, or peace and tranquility
30 of citizens in the immediate surrounding area; the proximity of children; an animal that
31 has bitten a human being or domestic animal without provocation or a trespass or has
32 approached a person in an apparent attitude of attack; that the animal has a known
33 propensity, reputation, tendency or disposition to attack unprovoked; to cause injury or to
34 otherwise endanger the safety of human beings or domestic animals; or other similar
35 factors which would be relevant to a determination of whether or not the animal is vicious
36 or dangerous.

37 Wild or feral animal means any animal which is untamed, feral, or not naturally
38 tame or gentle, and which is of a wild nature or disposition, or which is capable of killing,
39 inflicting serious injury on, or causing disease among humans or domesticated animals;
40 or having known tendencies as a species to do so; which shall include, but not be limited
41 to any nondomesticated member of the order Carnivora; all nondomesticated members

1 of the family felidae; wolves, wolf-dog hybrids containing any percentage of wolf, coyotes
2 and foxes; badgers, wolverines, weasels, skunks and mink; raccoons; bears; nonhuman
3 primates to include apes, monkeys, baboons, macaques, lemurs, marmosets, tamarins
4 and other species of the order primates; bats; alligators, crocodiles, caimans, and turtles;
5 scorpions; any snakes or venomous reptile; or lizards over two feet which are members
6 of the family varanidae.

7 (Ord. No. 2001-17, 7-10-01; Ord. No. 2001-50, 8-14-01)

8
9 Sec. 4-2. - Animal control officers; records; warrants; pursuit.

- 10 (a) *Powers, authority and duties.* The city manager shall designate by appointment the
11 animal control officer who shall be vested with the authority to enforce and otherwise
12 administer the provisions of this chapter. The city manager shall have the authority and
13 discretion to enter into agreements with contract enforcement agencies to enforce and
14 otherwise administer all or part of the provisions of this chapter. Nothing herein shall
15 abridge, modify or supplant the authority of sworn law enforcement officers to enforce
16 these provisions or any other laws regarding animal control in the furtherance of public
17 health, safety and welfare or act or be interpreted to abridge the authority of sworn law
18 enforcement officers to seize animals under exigent circumstances when public health,
19 safety or welfare require the exercise of police powers.
- 20 (b) *Records.* Records shall be maintained in a manner consistent with all applicable laws
21 and regulations, and shall be subject to periodic inspections and audit. Accurate and
22 complete records shall be kept relating to inoculations, licensing, fines, and fees,
23 impoundment and disposition of animals.
- 24 (c) *Search warrants.* The animal control officer may obtain a search warrant to enter any
25 premises upon which there is probable cause to believe that a violation of this chapter
26 exists. The animal control officer, with the search warrant, may seize or impound the
27 animal whenever the action is appropriate to achieve the purposes of this chapter.
- 28 (d) *Pursuit of rabid, abused or dangerous animals.* The animal control officer is authorized
29 and empowered to follow and enter upon any enclosure or lot, public or private, within
30 the city in the quest to seize or impound any animal which the officer has reasonable
31 cause to believe is rabid, abused, neglected or dangerous and to take custody of the
32 animal to achieve the purposes of this chapter.

33 (Ord. No. 2001-17, 7-10-01)

34
35 Sec. 4-3. - Interference with officers; unauthorized release.

- 36 (a) It shall be unlawful for any person to interfere with, hinder or molest the animal control
37 worker or law enforcement officer in the performance of duty or to seek the release of
38 any pet in custody without consent or hearing. No attempt to assist the animal control
39 officer is authorized without the animal control officer's expressed consent.
- 40 (b) No person may release from impoundment any animal placed in impoundment by the
41 animal control officer or law enforcement officer without meeting the requirement of this
42 chapter.

43 (Ord. No. 2001-17, 7-10-01)

44
45 Sec. 4-4. - Abandoned animals; mistreatment of animals; injured animals.

- 46 (a) It shall be unlawful to abandon or mistreat any animal. An abandoned animal or
47 mistreated animal may be immediately impounded pursuant to warrant or under exigent
48 circumstances to alleviate suffering. When identifiable, the owner or keeper shall be
49 subject to the institution of criminal process for violation of this section in addition to

1 impoundment of the animal. When determined by a court of competent jurisdiction to
2 have been abandoned or mistreated, the animal may not be redeemed by the owner or
3 keeper.

- 4 (b) Citizens shall have a duty to report the injury of an animal to the animal shelter, animal
5 control officer or a law enforcement officer. Injured animals received by the animal
6 shelter may be destroyed if the owner or keeper cannot be located within two hours. If
7 the animal is suffering, the animal control officer or the animal shelter may, for
8 humanitarian purposes, administer immediate euthanasia.
9 (Ord. No. 2001-17, 7-10-01)

10
11 Sec. 4-5. - Nuisance animals.

12 It shall be unlawful for any person to own, keep, possess or maintain an animal in
13 such a manner as to constitute a public nuisance. Animal control officers and law
14 enforcement officers may institute criminal process upon probable cause. Citizens may
15 institute criminal process against the owner or keeper or a nuisance animal by way of
16 warrant lawfully issued by a ministerial recorder, municipal judge or magistrate. A
17 nuisance animal may be immediately impounded by the animal control officer or a sworn
18 law enforcement officer upon a reasonable determination of the exigencies concerning
19 public health, safety and welfare or to alleviate an animal's suffering. By way of example
20 and not of limitation, the following acts or actions by an owner or keeper of any animal
21 are declared to be a public nuisance and are therefore unlawful:

- 22 (1) Failure to exercise sufficient restraint necessary to control an animal as required by law
23 or by allowing the animal to become stray.
24 (2) Allowing or permitting an animal to damage the property of anyone other than its
25 owner, including but not limited to turning over garbage containers or damaging gardens,
26 flowers or vegetables.
27 (3) Keeping, owning or displaying a vicious or dangerous animal or wild or feral animal as
28 defined in this chapter.
29 (4) Maintaining animals in an environment of unsanitary conditions which results in
30 offensive odors or is dangerous to the animal or to the public health, welfare or safety.
31 (5) Maintaining property in a manner that is offensive, annoying or dangerous to the public
32 health, safety or welfare of the community because of the number, type, variety, density
33 or location of the animals on the property.
34 (6) Allowing or permitting an animal to bark, whine, howl, crow or cackle in an excessive,
35 continuous or untimely fashion, or make other noise in such a manner so as to result in a
36 serious annoyance or interference with the reasonable use and enjoyment of
37 neighboring premises.
38 (7) Maintaining an animal that is diseased and dangerous to the public health.
39 (8) Maintaining an animal that habitually or repeatedly charges, chases, snaps at, attacks
40 or barks at pedestrians, bicycles or vehicles.
41 (9) By not confining a female pet in heat. Every female pet in heat shall be kept confined in
42 a building or secure enclosure in such manner as will not create a nuisance by attracting
43 other animals.

44 (Ord. No. 2001-17, 7-10-01)

45
46 Sec. 4-6. - Animals running at large; leash required; rabies inoculation required; removal
47 of excretion from public ways.

- 1 (a) It shall be unlawful for any owner or keeper to intentionally or negligently allow an
2 animal to run at large. Except in parks designated and posted by the city, any animal off
3 the property of the owner or keeper shall be on a leash not exceeding seven feet in
4 length and shall be under the control and command of the person; provided however,
5 domesticated cats are not required to be on a leash when off the property of the owner
6 or keeper.
7 (b) Reserved.
8 (c) No person shall own or keep more than four (4) months of age on any premises within
9 the city unless the animal has been appropriately vaccinated by a license veterinarian,
10 and unless the dog wears a collar or harness securely attached to its body to which shall
11 be securely attached a tag issued by such licensed veterinarian showing the animal has
12 been appropriately and currently vaccinated as provided herein, and a tag identifying the
13 owner of the animal
14 (d) It shall be unlawful to fail to promptly remove and properly dispose of all feces left by the
15 animal on any public property or any private property not owned by the owner. Failure to
16 remove excreta and improper disposal of fecal matter are deemed unlawful conduct by
17 the owner so as to make the animal a nuisance animal.
18 (Ord. No. 2001-17, 7-10-01; Ord. No. 2001-50, 8-14-01; Ord. No. 2009-67, 10-27-09)
19

20 Sec. 4-7. - Vicious, dangerous or wild or feral animals prohibited; exceptions.

- 21 (a) Except as provided herein, it shall be unlawful for any person to own, keep, harbor or
22 act as custodian of a:
23 (1) Vicious or dangerous animal. This section does not apply to guard dogs or attack dogs
24 which are properly and securely confined. Any guard dog or attack dog which escapes
25 confinement for any length of time or which, when not in confinement, is not on a leash
26 under the direct control of a responsible adult which commands the animal, shall be
27 considered a dangerous animal. An animal shall not be deemed dangerous if: it bites,
28 attacks or menaces anyone assaulting the owner; a trespasser on the property of the
29 owner; or any person or other animal who has tormented or abused it; or it is protecting
30 or defending its young or another animal.
31 (2) Wild or feral animal in such a way as prohibited by this chapter. Animal control officers
32 and law enforcement officers upon probable cause or citizens by way of warrant lawfully
33 issued may institute criminal process against the owner or keeper of a vicious or
34 dangerous animal, or a wild or feral animal. A vicious or dangerous animal may be
35 immediately impounded by the animal control officer or a sworn law enforcement officer
36 upon a reasonable determination of the exigencies concerning public health, safety and
37 welfare or to alleviate an animal's suffering, or by warrant lawfully issued upon probable
38 cause.
39 (3) It shall be unlawful for any person to sell, expose to public view or contact, exhibit
40 either gratuitously or for a fee, any wild or feral animals, or any animal of mixed
41 domestication and feral lineage within the corporate limits of the city on public or private
42 property, except as provided herein in [section] 4-7(c). Animal control officers and law
43 enforcement officers upon probable cause or citizens by way of warrant lawfully issued
44 may institute criminal process against the owner, keeper or merchant of a wild or feral
45 animal. A wild or feral animal may be immediately impounded by the animal control
46 officer or a sworn law enforcement officer upon a reasonable determination of the
47 exigencies concerning public health, safety and welfare or to alleviate an animal's
48 suffering, or by warrant lawfully issued upon probable cause.
49 (c) The prohibition shall not apply to the keeping of wild or feral animals in the following
50 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 by a bona fide, licensed veterinary with 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.
- (5) The keeping of wild or feral animals by a private citizen confined on private property so as not to exhibit or expose to public view or contact.
- (6) The noncustodial long-term oversight and care, to include the provision of food, shelter and health monitoring, of a feral domestic cat as a result of a trap-neuter-release management plan implemented by Sav-R-Cats International, Inc. or a similar eleemosynary organization legally incorporated and recognized by the city to provide such services, provided however that the release component of the program shall not include any residential area and the addresses of the actual locations of release shall be provided to the city.
- (7) The offering for sale of animals by a duly licensed pet shop consistent with all applicable state and federal laws pertaining to animal possession and treatment. A service animal, as defined by the Americans with Disabilities Act (ADA), is not a pet and therefore cannot be sold as a pet. The ADA defines a service animal as any guide dog, signal dog, or other animal individually trained to provide assistance to an individual with a disability.

"Pet shop" shall mean any person or business entity operating a business enterprise involving human companion animals for sale, trade, or exchange as a pet, regardless of the percentage of its overall business or devotion to floor space for the purpose of keeping animals. A pet shop may be either a business operation with its primary business purpose as defined by the Standard Industrial Code as a pet shop or pet store, or a commercial enterprise offering animals for sale as part of fungible inventory, provided however the purveyor qualifies under this exemption only if the following mandatory provisions are met and attested to as a condition of the business license, and the provisions are maintained during the life of the business as long as it involves animals.

Food and water: Animals kept at pet shops shall be given adequate wholesome food and potable water consistent with the needs of each animal, considering its species, size, sex, and age.

Sanitary conditions: Food and bedding shall be clean, dry, and vermin-free. Enclosures, tanks or pens or any confining structure or device shall be kept disinfected and with adequate ventilation. Animal waste must be disposed of without harm to the environment.

Veterinary care: Necessary veterinary care shall be provided to sick or injured animals be provided with necessary veterinary treatment. Pet stores shall have a program of disease prevention, parasite control, humane euthanasia, and veterinary care.

Enclosures: Animals shall be provided with adequate space to stand up, sit down, and assume natural postural adjustments, and with an environment conducive to vitality and health. In the case of aquatic animals, temperature, ph balance, light intensity, salinity and mechanical air and water filtration systems must be employed that are species appropriate. All shall be capable of having the animal removed and being cleaned, without causing harm or injury to the animal. No mesh, wire or grid confinement may cause injury or harm to the animal feet, be constructed so that the

animal's feet may pass through or sag when the weight of the animal is place upon it. All housing shall be constructed so as to prevent injury to the animals housed within, prevent the escape of animals, and prevent the entry of outside animals into the enclosure.

Female animals in estrus cannot be housed with any male animal other than for supervised mating. No animal that has demonstrated a vicious disposition can be housed with any other animal.

Temperature and ventilation: The temperature in pet shops shall be kept in a range, which promotes the comfort and health of the animals contained within. Exception is made for animals, which are acclimated to higher or lower temperatures. Facilities shall be ventilated to minimize noxious odors, moisture and condensation.

Prohibition against the sale of unweaned, sick or diseased animals: Sales of unweaned, sick or diseased animals are prohibited. An unweaned animal means any animal of the Class Mammalia that is nursing, requires hand-feeding excluding the Class Aves, or is otherwise unaccustomed to eating enough food without human or animal assistance to sustain at least 90 percent of its own weight for at least two weeks, and shall include per se puppies and kittens under the age of eight weeks, or any animal who is not accustomed to feeding himself without his mother.

No pet shop may sell or possess vicious animals as defined in this chapter or "Exotic animal" as identified as a member of the following families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans, and further defined as follows:

- a. Wild animals indigenous to the State of South Carolina;
- b. "Exotic animal" means any member of the following families, including hybrids thereof, which, due to their inherent nature, may be considered dangerous to humans, and further defined as follows:
 1. *Class Mammalia:*
 - i. Order Artiodactyla (hippopotamuses, giraffes, camels, deer, not cattle or swine or sheep or goats).
 - ii. Order Carnivora:
 - (i) Family Felidae (lions, tigers, cougars, leopards, ocelots, servals, not domestic cats);
 - (ii) Family Canidae (wolves, coyotes, foxes, jackals, not domestic dogs);
 - (iii) Family Ursidae (all bears);
 - (iv) Family Mustelidae (weasels, skunks, martins, minks, not ferrets);
 - (v) Family Procyonidae (raccoons, coatis);
 - (vi) Family Hyaenidae (hyenas);
 - (vii) Family Viverridae (civets, genets, mongooses, binturongs).
 - iii. Order Edentatia (anteaters, armadillos, sloths).
 - iv. Order Marsupialia (opossums, kangaroos, wallabies, not sugar gliders).
 - v. Order Perissodactyla (rhinoceroses, tapirs, not horses or donkeys or mules).
 - vi. Order Primates (lemurs, monkeys, chimpanzees, gorillas).
 - vii. Order Proboscidae (elephants).
 - viii. Order Rodentia (squirrels, beavers, porcupines, prairie dogs, not guinea pigs, or rats, or mice, or gerbils, or hamsters).
 2. *Class Reptilia:*
 - i. Order Squamata:
 - (i) Family Varanidae (only water monitors and crocodile monitors);
 - (ii) Family Iguanidae (only green iguanas and rock iguanas);
 - (iii) Family Boidae (all species whose adult length has the potential to exceed eight feet in length);
 - (iv) Family Colubridae (only boomslangs and African twig snakes);

- (v) Family Elapidae (such as coral snakes, cobras, mambas, etc.)—All species;
(vi) Family Nactricidae (only keelback snakes);
(vii) Family Viperidae (such as copperheads, cottonmouths, rattlesnakes, etc.)—All species.
- ii. Order Crocodilia (such as crocodiles, alligators, caimans, gavials, etc.)—All species.
Confiscation and destruction of animals: If animal control or other appropriate city employee finds an animal to be suffering as a result of failure to provide proper food and water or inhumane treatment by the management of the facility finds an animal, the city may confiscate the animal.
- (d) Vicious or dangerous animals and wild or feral animals may not be redeemed and may be disposed of in the discretion of the animal shelter.
(Ord. No. 2001-17, 7-10-01; Ord. No. 2004-8, 1-27-04; Ord. No. 2005-10, 3-8-05)

Sec. 4-8. - Dogs on beaches prohibited certain times; animals restricted on Ocean Boulevard.

- (a) It shall be unlawful to allow any dog to be on the public beaches from 10:00 a.m. to 5:00 p.m. during the period from May 1 through Labor Day of each year, except for assistance animals and law enforcement dogs. Owners shall be subject to arrest and the dogs may be impounded.
- (b) It shall be unlawful for an owner or keeper of any animal to take or permit animals onto the right-of-way of Ocean Boulevard between 21st Avenue North and 13th Avenue South during the period from May 1 through Labor Day of each year, except for the purpose of direct and expeditious crossing of the right-of-way. Owners shall be subject to arrest and the animal may be impounded.
(Ord. No. 2001-17, 7-10-01; Ord. No. 2010-12, 1-26-10; Ord. No. 2010-38, 4-27-10)

Sec. 4-9. - Animals restricted in special events.

No owner or keeper shall permit an animal, whether 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 permit specifically authorizes animals. This section does not apply to an assistance animal or animal used in law enforcement activities. Owners shall be subject to arrest and the animal may be impounded.
(Ord. No. 2001-17, 7-10-01)

Sec. 4-10. - General impoundment; notice, redemption; spay/neuter and microchip requirements:

- (a) Any animal control officer, any health officer or any other person authorized may impound any animal found in violation of this chapter, or may institute criminal process in lieu of impoundment. The impounding person shall file with the animal shelter a record giving sufficient or satisfactory identifying marks or description of the animal and the circumstances of impoundment. The impounding officer shall immediately notify the owner or keeper, if known or as identified by any tag. In the event there is no tag, notice of impoundment shall be posted at the animal shelter. The date and method of providing notice shall be made as part of the public record, whether in writing, orally or by posting. The notice shall inform the hearer or reader of the description of the animal, and shall inform that unless redeemed, the animal may be sold, adopted or subject to euthanasia, in the discretion of the animal shelter within five days of the notice, counting the day of

1 the notice. Impounded animals may be redeemed, except as prohibited in this chapter.
2 No animal may be redeemed without the full payment of all applicable fees, charges and
3 fines. Applicable fees, charges and fines shall be posted at the place of redemption. The
4 fee schedule shall be approved by city council from time to time. Any fee or charge
5 made by the city or its agent under this chapter for the administration of this chapter, or
6 for reimbursement of expenses incurred shall be in addition to, and not in lieu of any
7 criminal penalty. Once impounded, the animal control officer shall have the discretion to
8 employ euthanasia, if the animal is diseased or a carrier of contagion or observed to be
9 of such disposition or temperament so as to constitute a continuing threat to humans or
10 other animals therefore rendering the animal unadoptable.

11 (b) Any dog or cat impounded under definition of this chapter must be spayed or neutered
12 within 30 days of the impoundment date unless the dog or cat cannot be spayed or
13 neutered based on age or health reasons determined by a veterinarian or the
14 impounded animal is a service or working dogs helping assisting disabled persons or
15 assisting law enforcement; all impounded dogs and cats must be microchipped.

16 (Ord. No. 2001-17, 7-10-01; Ord. No. 2013-58, 9-24-13)

1 Sec. 4-11. - Procedures for biting animals; impoundment and disposition of
2 vicious or dangerous dogs.

- 3 (a) Any person attacked by an animal or witnessing an animal attacking a human
4 shall notify the authorities immediately. That animal, when identified, shall be
5 impounded and quarantined by the shelter, or may be quarantined by a
6 veterinarian upon owner request and expense for a period of ten days for a
7 determination of rabies.
8 (b) An animal control officer or law enforcement officer may impound a vicious or
9 dangerous dog immediately without a warrant when circumstances require
10 protection of the public. Definitional factors are to be considered along with
11 circumstances and facts which would lead a reasonable person to conclude that
12 danger is imminent or probable.
13 (c) The vicious or dangerous animal may also be impounded pursuant to a lawfully
14 issued search and seizure warrant if a ministerial recorder, municipal judge or
15 magistrate issues a warrant for an owner for a violation of 4-7(a)(1) or if an
16 animal control officer or law enforcement officer determines that an animal has
17 dangerous propensities pursuant to 4-11(b) and initiates a criminal process
18 charging document to the owner for violation of 4-7(a)(1).
19 (d) If a court of competent jurisdiction finds the owner to be harboring a vicious or
20 dangerous animal, the animal may not be redeemed.
21 (Ord. No. 2001-17, 7-10-0

22
23 Sec. 4-12. - Kennels.

24 No person shall own or operate a kennel without an inspection by the
25 animal control officer. Commercial kennels shall be constructed, maintained and
26 operated in conformance with the current standards and procedures promulgated
27 by the Humane Society of the United States. Non-commercial kennels must be
28 connected to the city's sanitary sewer system with floors constructed of
29 impervious material, treated with sealer and a slope of at least one half inch per
30 foot for drainage to the sanitary sewer. Enclosures must have at least 15 square
31 feet per animal and comply with all applicable building and zoning codes for
32 structures.
33 (Ord. No. 2001-17, 7-10-01)

34
35 Sec. 4-13. - Signage and insurance for guard or attack dogs.

36 All owners, keepers, harborers, lessees or custodians of any guard dog or
37 attack dog shall securely contain, enforce, restrain and confine any guard dog or
38 attack dog in such manner so that the animal may not leave its enclosed area
39 and shall further display in a prominent place on their premises, and at each
40 entrance or exit to the area in which such dog is confined, a sign, easily readable
41 by the public, using the words "Beware of Dog", "Attack Dog on Premises", or
42 "Guard Dog on Premises" or wording of similar import in letters at least four
43 inches in height. This section shall not apply to any guard dog owned or used by
44 law enforcement agencies. The owner of any guard dog which protects property
45 in the city shall maintain a general liability insurance policy insuring against
46 liability resulting from acts of the dog while performing as guardian of the

1 property upon which the dog is located in an amount not less than \$300,000.00
2 aggregate combined single limit for bodily injury, personal injury and property
3 damage.

4 (Ord. No. 2001-17, 7-10-01)

5

6 Sec. 4-14. - Penalty.

7 Any person who violates the provisions and requirements of this chapter
8 shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined or
9 imprisoned as provided for in section 1-9.

10 (Ord. No. 2001-17, 7-10-01)

11 This ordinance is effective upon second reading.

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BRENDA BETHUNE, MAYOR

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17

ATTEST:

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21

JENNIFER STANFORD, CITY CLERK

22

23

1ST READING: 11-12-19

24

2ND READING: 11-26-19