

Amendments Requested by City Council

Sec. 6-103. Impoundment.

(f) *Mandatory spay/neuter of dogs following impoundment.*

(1) The owner or keeper shall keep the animal restrained at all times (except cats as described by sec 6-102) and ensure that the animal is not at large. Dogs found to be at large shall be subject to mandatory sterilization at the owner's expense within thirty (30) days of notification of the violation.~~Mandatory spay/neuter following first impoundment.~~ The owner of a dog which has not been registered and vaccinated in accordance with this chapter, whose dog is not spayed or neutered, and whose dog has been impounded for being at large shall have the dog spayed or neutered within thirty (30) days following the dog's release from impoundment.

~~(2) Mandatory spay/neuter following second impoundment.~~ The owner of a dog which has been impounded for being at large at least two (2) times in a twelve-month period, whose dog was registered and vaccinated in accordance with this chapter at the time of the dog's first impoundment, and whose dog has not been spayed or neutered, shall have the dog spayed or neutered within thirty (30) days following the dog's second release from impoundment.

~~(23)~~ Exemption made by animal care services manager. The animal care services manager is authorized to exempt ~~a dog an~~ owner from the requirements ~~of subsection (1)~~ of this section if the owner proves to the satisfaction of the animal care services manager that the animal:

(1) was a member of a national breed club, local breed club, local all-breed club, sporting or hunting club, or was regularly shown during the six-month period immediately preceding impoundment.

(2) was at large due to a natural disaster.

(3) was at large due to the criminal or negligent acts of a third party, or

(4) displays no characteristics indicating aggressiveness and has a potential market value as a breeding animal.

The denial of a requested exemption pursuant to this subsection (2) by the Animal Care Services Manager may be appealed by the owner of the animal by giving signed, written notice of such appeal and the grounds therefor to the Neighborhood Services Director within 10 calendar days after issuance of the denial. The determination by the Neighborhood Services Director of said appeal shall be final.

~~met one (1) of the conditions specified in subsection (6) of this section.~~

~~(34)~~ Certification of spay/neuter procedure. The owner is required by this section to spay or neuter their animal shall submit certification signed by a licensed veterinarian that the procedure was performed no later than the fortieth day following the notification of violation to animal care services. The owner of a dog required by subsections (1) or (2) of this section to be spayed or neutered shall submit to the animal care services manager certification that the spay or neuter procedure was performed.

~~a. The certification must be made on a form provided by the animal care services division and must contain the signature of the veterinarian who performed the procedure.~~

~~b. The certification must be delivered by the owner to the animal care services division no later than the fortieth day following the animal's release from impoundment.~~

~~(45)~~ Offenses. A person commits an offense if the person is required by this section to spay or neuter their animal and fails to provide certification to animal care services of the procedure.

~~a. A person commits an offense if the person is the owner of a dog required by subsections (1) or (2) of this section to be spayed or neutered and the person fails to have the animal spayed or neutered.~~

- ~~b. — A person commits an offense if the person is the owner of a dog required by subsections (1) or (2) of this section to be spayed or neutered and the person fails to provide certification of the spay or neuter procedure as required by subsection (4) of this section.~~
- (56) *Affirmative defense.* In a prosecution for a violation of subsection (45), it is an affirmative defense that ~~at the time of the animal's impoundment:~~
- ~~a. — At the time of the dog's second impoundment:~~
- ~~1. — The dog was registered with a national registry; and~~
 - ~~2. — The owner of the dog was a member of a national breed club, local breed club, local all-breed club, sporting or hunting club, or was regularly shown during the six-month period immediately preceding the second impoundment.~~
- ~~b. At the time of the dog's second impoundment, the animal dog was at large due to a vis major.~~
- ~~c. The dog animal was at large at the time of its second impoundment due to a fire or due to the criminal or negligent acts of a third party who was not residing at the dog owner's residence. At trial, evidence of a fire or the criminal or negligent acts of a third party may be presented in one (1) or more of the following manners:~~
- ~~1. A certified copy of a police or fire report verifying the incident;~~
 - ~~2. The affidavit of police or fire personnel with direct knowledge of the incident; or~~
 - ~~3. The testimony of police or fire personnel with direct knowledge of the incident.~~
- (67) Nothing in this subsection may be construed so as to permit a spayed or neutered dog to run at large.

Sec. 6-163. Vicious-dog-Feeding of Animals

- ~~(a) A person commits an offense if the person intentionally feeds any animal or makes food available for animal consumption in a manner that:~~
- ~~(1) Creates a danger to public health or safety, or~~
 - ~~(2) Destroys public or private property, or~~
 - ~~(3) Causes more than 10 adult animals to congregate.~~
- ~~(b) A person shall be deemed to have fed an animal if the person places food in any form as defined in this section within reach of animals.~~
- ~~(c) A person who violates any provision of this ordinance commits an offense subjected to citations following sec. Sec. 6-2. - Penalties.~~
- ~~(a) An exception to this section is any animal is being fed by an owner or keeper as defined in this chapter's definitions.~~
- ~~(e) If the property is vacant or abandoned, notice shall be provided to the last known owner. Criminal Trespass citations may be given with permission of the property owner.~~
- ~~(a) An owner or handler shall take reasonable measures to protect the public from accidental contact with a dog that, by nature or by training, is dangerous to people or other animals.~~
- ~~(b) An owner or handler may not keep or permit a dog to be in the city if the dog has on at least one (1) occasion:~~
- ~~(1) Killed another dog, cat, or other domestic pet, fowl, or livestock; or~~
 - ~~(2) Seriously injured another animal to an extent that an attending veterinarian has presented an affidavit to the animal care services manager stating that the injured animal's life was seriously~~

~~endangered or taken by the dog, or that the dog caused a significant permanent impairment of the injured animal's basic bodily functions or mobility; provided, however, that when the incident occurred, the injured animal was not in violation of a provision of this chapter relating to the confinement or physical control of animals in the city.~~