

## ANIMAL CONTROL CODE

### ARTICLE 4—ANIMALS TAKEN INTO CUSTODY

#### Part A – Grounds for Custody

##### **§4-101 Grounds for Taking an Animal Into Custody.**

An ACO shall have the power, but not the duty, to take an animal into custody under the following circumstances:

1. An animal is at large;
2. An animal is delivered to the animal shelter and the person so delivering the animal signs a sworn statement that includes the following:
  - a. That s/he is not and has not been a keeper of the animal as that term is defined in this Code;
  - b. That s/he took custody of the animal while the animal was at large;
  - c. A description of all information of which s/he is aware as to the animal's keeper; and
  - d. An indemnity and hold harmless agreement in favor of the County as to any third party claims if it is established that the information the person provided as to §4-101.2.a., b. or c. was false or was knowingly deficient.
3. An animal is in a situation that would not result but for its most-recent keeper's failure to act in accordance with a duty set forth in Article 3 Part B; or
4. An animal has been subjected to cruelty or inhumane treatment.

#### Part B – Evaluation and Post-Evaluation Dispositions

##### **§4-201 Evaluation of Animal Taken Into Custody.**

1. *In General.* An ACO who takes an animal into custody shall transfer custody of the animal to the animal shelter. Animal shelter personnel shall evaluate the animal to determine (a) whether it bears any identification, which evaluation shall include a microchip scan, if applicable, under §47-3-55(A) and (D) of the State Code, and (b) whether it is qualified for impoundment.
2. *Notice.* If the evaluation reveals that it is positively identifiable, then animal shelter personnel shall make a good faith effort to contact the keeper as required by §47-3-540 of the State Code. If the animal is qualified for impoundment, regardless of whether it is or is not positively identifiable, the animal shelter shall post public notice of the animal's impoundment.
3. *Impoundment.* If the animal is qualified for impoundment, animal shelter personnel shall establish the applicable impoundment period in accordance with §4-202.1. If the animal is disqualified from impoundment pursuant to §4-202.2, then the animal shall be euthanized.

##### **§4-202 Impoundment Qualifications; Disqualifications.**

1. If the evaluation demonstrates that the animal fits into one of the following categories, the animal qualifies for impoundment and animal shelter personnel shall impound the animal:

- a. Positively identifiable animals;
  - b. Animals that appear to belong to keepers, including animals wearing collars, appearing groomed, following one or more common commands; or bearing other indicia of ownership.
2. If the evaluation demonstrates that the animal fits into one of the following categories, the animal shall be disqualified from impoundment and animal shelter personnel shall have the animal euthanized:
- a. A deemed dangerous animal that has previously been redeemed by a keeper;
  - b. A dog that exhibits feral characteristics in response to human approach, such as snarling, bearing teeth, or snapping;
  - c. An animal that is injured or diseased to the point that a reasonable person would conclude that the animal is either (a) in critical condition or (b) past recovering.

**§4-203 Impoundment Time Periods; Effect.**

If an animal qualifies for impoundment, the animal shall be impounded for one of the following time periods:

1. If the animal is positively identifiable, for a period of at least 21 calendar days after posting public notice and no less than provided by Section 47-3-540 of the State Code after certified mailing, unless its keeper redeems it before the period ends;
2. If the animal is not positively identifiable, but has evidence that it is current as to the State’s rabies inoculation requirements, for a period of 21 calendar days after posting public notice, unless its keeper redeems it before the period ends;
3. If the animal is neither positively identifiable nor bears evidence it is current as to the State’s rabies inoculation requirements, but appears to belong to a keeper, for a period of 5 calendar days after posting public notice, unless its keeper redeems it before the period ends;
4. If the animal does not fit into any of the foregoing categories, but appears to be adoptable, for a period of 5 calendar days after posting public notice.

If an animal that qualifies for impoundment is impounded for the applicable time period without being redeemed by its keeper, the animal shall become the property of the County.

**§4-204 Disposition of Impounded Animals.**

An impounded animal shall have one of the following dispositions:

1. *Judicial Disposition.* If an animal is impounded, the Director may move for a judicial hearing regarding the disposition of the animal. In that event, the animal shall be handled in accordance with the court’s order.
2. *Redemption.* If the animal’s most-recent keeper successfully applies for redemption of the animal, including paying the redemption and boarding fees due, then the animal may be redeemed.
3. If the animal is not redeemed within the applicable impoundment period, ownership of the animal shall be deemed transferred to the County, and the County shall, subsequent to that event, take one of the following three actions:
  - a. Transfer of ownership from the County to the SPCA;
  - b. Continue impoundment until such time as another animal qualified for impoundment is taken into custody of an ACO and placed in the animal shelter; or
  - c. Euthanize and dispose of the animal.

If the animal is positively identifiable, the animal shall not be euthanized until animal shelter personnel have completed the statutory notification process set forth in Section 47-3-540 of the State Code, including the waiting period following mailing of the statutory notice. In the case of a positively identifiable animal being redeemed by its keeper, the animal shelter shall charge the keeper with the reasonable costs associated with this procedure as well as the applicable impoundment and boarding fees.

#### Part C - Impoundment and Redemption Procedures and Fees

##### **§4-301 Impoundment Procedures.**

1. Records. Animal shelter personnel shall keep complete records of all animals impounded.
2. Public Notice. By 5:00 p.m. on the day that the animal shelter takes custody of an animal that qualifies for impoundment, the animal shelter shall post public notice of the animal's impoundment and notice of the redemption procedure. In describing the animal or the circumstances attendant to its being taken into custody, the Director shall endeavor to strike the delicate balance between making the animal identifiable to its keeper and enabling one who is not the keeper to engage in the violation of impersonating a keeper.
3. Microchip. In addition, if an impounded animal is found to have an identifying microchip, then the Director shall comply with the provisions of Section 47-3-55 of the State Code. In the event the animal's records indicate a primary and a secondary keeper, the Director shall use reasonable effort to contact both keepers.

##### **§4-302 Redemption Procedures.**

1. The most recent keeper of an impounded animal shall have the privilege to apply to redeem the animal during the applicable impoundment period if:
  - a. The animal is not a deemed dangerous animal that has previously been redeemed;
  - b. The person claiming to be the most recent keeper:
    - i. Can identify the animal;
    - ii. Presents proof that the animal is currently in compliance with State rabies inoculation laws;
    - iii. Pays the animal shelter (a) the applicable redemption fee and (b) all boarding fees for the period of impoundment; and
    - iv. if applicable, accepts service of an ordinance summons for any applicable Code violation other than the violation of having an animal at large.
  - c. The ACO confirms that the keeper has resolved the condition or situation that led to the animal's impoundment.
2. In the event that the most recent keeper of an impounded animal shall apply to redeem the animal, and is able to meet all of the requirements of §4-302.1, except as to proof of current rabies inoculation, then the keeper shall be allowed to redeem the animal if he accepts service of an ordinance summons for a violation of threat to the public health. In the event that the keeper redeems an animal under the procedure provided in this section, the ACO shall nol pros the violation of threat to the public health if, prior to the hearing on the ordinance summons, the keeper presents proof to the ACO that the animal is currently in compliance with State rabies inoculation laws.

##### **§4-303 Fees.**

1. *Redemption Fees.* The amount of the redemption fee that a keeper must pay shall be as follows:
  - a. If the animal has not previously been impounded, \$15.00;
  - b. If the animal has been impounded and redeemed once before, \$30.00; or
  - c. If the animal has been impounded and redeemed twice or more before, \$50.00.
2. *Boarding Fees.* The amount of the boarding fee that a keeper must pay when redeeming an animal shall be as follows:
  - a. If the animal has not previously been impounded, no fee for the first five (5) days of impoundment and \$5.00 for each day of impoundment exceeding five (5) days.
  - b. If the animal has previously been impounded, a fee of \$5.00 for each day of impoundment.

#### Part D – Euthanasia

#### **§4-401 Euthanasia.**

1. *Methods.* If an animal in the custody of the animal shelter is to be euthanized, the euthanasia method used shall be one allowed under Section 47-3-420 of the State Code.
2. *Training and Certification.* Euthanasia shall be carried out only by a person who has received all State-mandated training required to perform the selected procedure and is a certified euthanasia technician.
3. *Manner.* Regardless of method, euthanasia shall be carried out in accordance with Section 47-3-420(B) of the State Code as well as with all applicable State regulations and County Regulations and Operating Procedures, including (a) not leaving an animal unattended between commencement of the euthanasia procedure and the death of the animal and (b) no disposing of the animal's body until death is confirmed by a certified euthanasia technician.