



1 amended to read:

2 **5-2 DEFINITIONS.**

3 As used in this chapter:

4 Administrator means the person responsible for the operations of the animal services division.

5 *Animal* means any vertebrate member of the animal kingdom excluding human beings.

6 *Animal services center* means the facility maintained and operated pursuant to the provisions  
7 of this chapter.

8 *Animal services officer* means an employee of the city, designated as such by the [~~director~~]  
9 administrator, who has the authority of a peace officer to issue citations for violations of this chapter  
10 and performs such other duties relating to animal services as prescribed by the city manager.

11 *Anti-escape provision* means any housing, fencing or device which a guard dog cannot go  
12 over, under, through or around.

13 *Bite* means an actual puncture or tear of the skin inflicted by the teeth of an animal.

14 *Breeder* means any person involved in controlled breeding of animals except those  
15 complying with Section 5-9.5 SFCC 1987 for litter fees. Breeders are subject to the professional  
16 animal care permit requirements set forth in Section 5-6.2 SFCC 1987.

17 *Commercial property* means:

18 A. A portion of land, buildings, or land and buildings in the city, zoned for, or  
19 utilized for commercial or business uses, including temporary sites; and

20 B. Any vehicle utilized for commercial or business purposes in the city.

21 Cruelty means an overt act committed with the intent to harm or needlessly kill an animal or  
22 committed out of depraved indifference for the animal's wellbeing, including but not limited to  
23 torture, maiming, beating or otherwise committing violence that causes injury or death.

24 *Dangerous animal* means:

25 A. An animal which, when unprovoked, engages in behavior that requires a

1 defensive action by a person to prevent great bodily harm to a person or domesticated animal  
2 provided that the person or the second animal are not on the premises of the owner or person  
3 having custody of the first animal; or

4 B. An animal which, when unprovoked, injures a person but the injury does not  
5 result in great bodily harm; or

6 C. An animal which, because of its poisonous bite or sting, constitutes a  
7 significant hazard to the public.

8 [~~Director means the executive director of animal services.~~]

9 *Dog park* means an official city designated park or portion thereof where dogs can exercise  
10 and run off leash in a safe, secure environment within the established limits and boundaries of an  
11 official city designated dog park.

12 *Establishment* means a place of business together with its grounds and equipment.

13 *Feces* means excrement and other waste matter discharged from the bowels of an animal.

14 *Great bodily harm* means an injury to a person or domesticated animal which creates a high  
15 probability of death or which causes serious disfigurement or which results in permanent or  
16 protracted loss or impairment of the function of any member or organ of the body.

17 *Grooming parlor* means any establishment, or part thereof, or premises maintained for the  
18 purpose of offering animals [~~cosmetological~~] cosmetic services for profit.

19 *Guard dog* means any dog that is utilized to protect commercial property, as defined above.

20 *Guard dog site* means [a] any premises utilizing a guard dog, and which has a current guard  
21 dog permit.

22 *Handler* means a person who trains dogs for socialization or dog shows or trials or a security  
23 person capable of controlling guard dogs.

24 *Handler breeder* or *hobby breeder* means any person involved in controlled breeding of  
25 animals which are approved by a nationally recognized animal breeding organization, and are eligible

1 to be so registered. Animals under the age of three (3) months are not required to be registered.

2 Handler breeders or hobby breeders are subject to the professional animal permit requirements.

3 *Heat or season* means a regularly recurring state of estrus during which the female animal is  
4 capable of attracting or accepting the male for breeding or is capable of conceiving.

5 *Hybrid* means an animal created by breeding animals of different species. For purposes of  
6 this article, it includes, but is not limited to, the hybrid offspring of domesticated dogs and wolves, or  
7 domesticated dogs and coyotes.

8 *Impound* means to take-up and confine an animal in a humane manner.

9 *Inspection officer* means an animal services officer and is authorized by ordinance to conduct  
10 inspectorial searches.

11 *Inspection order* means an order issued by a municipal or district court judge.

12 *Inspectorial search* means an entry into and examination of premises for the purpose of  
13 ascertaining the existence or nonexistence of conditions dangerous to health or safety or  
14 otherwise relevant to the public interest, in accordance with inspection prescribed by this chapter  
15 enacted for the promotion of public well-being.

16 *Kennel* means any commercial establishment or premises where ten (10) or more dogs or  
17 cats, over three (3) months of age, are boarded, kept or maintained for any purpose whatsoever, with  
18 the exception of state-inspected veterinary hospitals and shelters.

19 *Licensed veterinarian* means a person with a doctor of veterinary medicine degree, licensed  
20 to practice in the state.

21 *Livestock* means cattle, horses, mules, donkeys, swine, sheep or goats.

22 *Nuisance* means, but is not limited to defecation, urination, disturbing the peace, emitting noxious or  
23 offensive odors or otherwise endangering or offending the well-being of the inhabitants of the city.

24 *Neglect* means an overt act involving failure to provide for animal health or safety, including  
25 but not limited to failure to provide adequate food, water, shelter, exercise, or necessary veterinary

1 care to an animal or to adequately confine an animal in a manner appropriate to its species, breed, age  
2 and condition.

3 *Nuisance* means, but is not limited to defecation, urination, disturbing the peace, emitting  
4 noxious or offensive odors or otherwise endangering or offending the well-being of the inhabitants of  
5 the city.

6 *Owner of animal* means a person who owns, harbors or keeps, or knowingly permits an  
7 animal to be harbored or kept, or has an animal in his care, or who permits an animal to remain on or  
8 about his premises.

9 *Person* means any individual, household, firm, partnership, corporation, company, society,  
10 association, and every officer, agent or employee thereof.

11 *Person in charge* means for the purpose of inspection, the individual present in an  
12 establishment who is the apparent supervisor of the establishment at the time of inspection. If no  
13 individual is the apparent supervisor, then any employee present shall be considered the person in  
14 charge.

15 *Pet shop* means any commercial establishment or premises or part thereof maintained for the  
16 purchase, sale, exchange [~~or hire~~] of animals of any type, except that the term shall not include  
17 livestock auctions.

18 *Playground* means an area where outdoor equipment is placed for children to play on, athletic  
19 fields such as baseball, football, soccer fields, handball courts, tennis courts, skateboard parks, etc.

20 *Police dog* means any dog owned by a public agency and used in law enforcement activities  
21 under the direction of a handler.

22 *Premises* means a parcel of land and the structures thereon.

23 *Quarantine* means to detain or isolate an animal suspected of having a contagious disease.

24 *Restraint* means:

25 A. Confinement within the real property limits of an animal owner where the

1 animal is secured by a leash or lead or is otherwise under the control of a responsible person;

2 or

3 B. Confinement within a vehicle in a manner that prevents an animal from  
4 escaping.

5 *Running at large* means not to be confined within a building, shelter, walled or fenced area or  
6 secured by a leash, rope, chain or other restraining device, unless under the direct control of the  
7 owner/handler or keeper.

8 *Service animal* means [~~any animal trained to assist mobility impaired, blind, or deaf people or~~  
9 ~~trained for and actively employed by a police department]~~ a dog or miniature horse that is  
10 individually trained to do work or perform tasks for a person with a disability.

11 *Shelter* means any establishment owned and operated by a non-profit humane organization  
12 licensed to do business in the state.

13 *Stray animal* means any animal found running at large beyond the boundaries of the premises  
14 of the owner except within the established limits and boundaries of an official city designated dog  
15 park.

16 *Trolley system* means a method to confine a dog by tethering the dog to a cable that is ten feet  
17 or longer with a free moving pulley device attached that will allow the lead to roll across it,  
18 permitting maximum space for a single dog to move around. See illustration of a trolley system,  
19 attached to this Chapter as Exhibit A.

20 *Unaltered* means not neutered or spayed.

21 *Vaccination* means protection provided against rabies by inoculation with anti-rabies vaccine  
22 recognized and approved by the state.

23 *Vicious animal* means an animal which kills or causes great bodily harm. It does not include  
24 an animal that bites, attacks or injures a person or second animal, which is unlawfully upon the  
25 premises of the owner or person having custody of the first animal. Any animal that has previously

1 | been found to be a dangerous animal may thereafter be deemed vicious upon a second or subsequent  
2 | offense.

3 |       *Wild or exotic animal* means any animal not normally considered domesticated and shall  
4 | include, but not limited to:

5 |           A.     Class reptilia; order phidia, such as racers, boas, water snakes and pythons,  
6 | and order loricata, such as alligators, caymans and crocodiles;

7 |           B.     The following members of the class aves; order falconiforms, such as hawks,  
8 | eagles and vultures, and subdivision ratitae, such as ostriches, rheas, cassowaries and emus;  
9 | and

10 |           C.     Class mammalia; order carnivora; family felidae, such as ocelots, margays,  
11 | tigers, jaguars, leopards and cougars, except commonly accepted domesticated cats; the  
12 | family canidae, such as wolves, dingos, coyotes and jackals, except commonly accepted  
13 | domesticated dogs, family mustelidae, such as weasels, martins, mink, badgers, except  
14 | ferrets, family procynnidae, such as raccoons; family ursidae, such as bears; and order  
15 | marsupialia, such as kangaroos and common opossums; order edentata, such as sloths,  
16 | anteaters and armadillos; order proboscidea, such as elephants; order primata, such as  
17 | monkeys, chimpanzees and gorillas; order rodenta, such as porcupines; and order ungulata,  
18 | such as antelope, deer, bison and camels.

19 |           D.     Hybrids.

20 |       **Section 3.     Subsection 5-3.1 SFCC 1987 (being ordained as Code 1973, § 4-3, as**  
21 | **amended) is amended to read:**

22 |       **5-3.1   Administration of Chapter.**

23 |       The [~~director~~] administrator is responsible for the administration of this chapter. Reasonable  
24 | rules and regulations shall be prescribed by the [~~director~~] administrator to carry out the intent and  
25 | purpose of the Animal Services Chapter. The [~~director~~] administrator may delegate authority to his

1 duly appointed animal services officers as he/she deems expedient to carry out the provisions of this  
2 chapter.

3 **Section 4. Subsection 5-3.2 SFCC 1987 (being ordained as Code 1973, § 4-4, as**  
4 **amended) is amended to read:**

5 **5-3.2 Animal Services Officers to Issue Citations.**

6 The city police, the [~~director~~] administrator and animal services officers have the authority to  
7 issue citations for violations of this chapter and to perform such other duties as are prescribed by the  
8 city manager. An animal services officer shall wear a uniform, and a badge, and a name tag  
9 identifying him/her as an animal services officer. The badge shall be returned to the [~~director~~]  
10 administrator upon the termination of his employment.

11 **Section 5. Subsection 5-4.2 SFCC 1987 (being ordained as Code 1973, §4-8, as**  
12 **amended) is amended to read:**

13 **5-4.2 Hours of Business.**

14 The animal services center shall be kept open to the public for the transaction of business  
15 during the hours set by the [~~director~~] administrator.

16 **Section 6. Subsection 5-5.1 SFCC 1987 (being ordained as Code 1973, §4-11, as**  
17 **amended) is amended to read:**

18 **5-5.1 Rabies Vaccinations.**

19 A. It is the duty of all persons owning or keeping a dog, cat, ferret or dog hybrid over  
20 the age of three (3) months to have such animals vaccinated against rabies unless the pet owner  
21 obtains written verification from a licensed veterinarian that the animal should not be vaccinated for  
22 health reasons. The rabies vaccination shall be given in an amount sufficient to provide immunity  
23 from rabies for three (3) years and shall be administered by a licensed veterinarian. A certificate from  
24 a licensed veterinarian shall be evidence of vaccination.

25 B. The veterinarian administering anti-rabies vaccine to any animal shall issue to the



1 owner or keeper of the animal a numbered vaccination certificate. The certificate shall contain the  
2 name and address of the owner or keeper of the animal, a description of the animal vaccinated, the  
3 date of vaccination and the expiration date of the period of immunity.

4 C. It is unlawful for the owner or keeper of any dog, cat or ferret to fail to exhibit its  
5 certificate of vaccination upon demand by the [~~director~~] administrator or by any animal services  
6 officer.

7 **Section 7. Subsection 5-5.3 SFCC 1987 (being ordained as Code 1973, §4-13, as**  
8 **amended) is amended to read:**

9 **5-5.3 Biting Dogs or Other Biting Animals.**

10 A. The owner of an animal that bites a person, and a person bitten by an animal, shall  
11 report that occurrence to the animal services center and to the state health and environment  
12 department within twenty-four (24) hours. The owner of an animal that bites a person shall surrender  
13 the animal to the animal services center if the [~~director~~] administrator deems it necessary to impound  
14 the animal for a period of observation.

15 B. A physician who renders professional treatment to a person bitten by an animal shall  
16 report that fact to the animal services center and to the state health and environment department  
17 within twenty-four (24) hours of his first professional attendance. The physician shall report the  
18 name, sex and address of the person bitten, as well as the type and location of the bite. The physician  
19 shall give the name and address of the owner of the animal that inflicted the bite, if known, and any  
20 other facts or details that may assist the [~~director~~] administrator in ascertaining the immunization  
21 status of the animal.

22 C. An animal that bites a person shall be confined securely at a place for a period of  
23 time deemed necessary by the [~~director~~] administrator. The owner of the animal shall bear the cost of  
24 confinement. The [~~director~~] administrator may consent to confinement on the owner's premises but  
25 only if the animal had a current rabies vaccination at the time the bite was inflicted. The premises

1 where the home confinement is to occur shall be inspected and approved for such purposes by an  
2 animal services officer. The owner of the animal shall be required to enter into an indemnity  
3 agreement on a form approved and prescribed by the [~~director~~] administrator before consent may be  
4 given for such home confinement.

5 D. A person who has custody of an animal that has bitten a person shall immediately  
6 notify the [~~director~~] administrator if the animal shows any signs of sickness, abnormal behavior, or if  
7 the animal escapes confinement. If the animal dies while it is in confinement, the person having  
8 custody of the animal shall notify the [~~director~~] administrator or an animal services officer and  
9 relinquish any claims to the animal.

10 **Section 8. Subsection 5-5.4 SFCC 1987 (being ordained as Code 1973, §4-14, as**  
11 **amended) is amended to read:**

12 **5-5.4 Restraint of Animals.**

13 A. Voice command is not an acceptable form of restraint.

14 B. Except for city permitted events that allow for animals to be present, [~~Animals~~]  
15 animals which are not service animals shall not be allowed upon playgrounds or upon the grounds of  
16 swimming pools, or within a building, any of which are owned, operated or maintained by the city,  
17 nor shall they be allowed upon the premises of public schools, preschool through high school unless  
18 permission is obtained from the school official. All animals which are not service animals shall be  
19 prohibited in Cathedral Park.

20 C. Animals shall not be allowed upon a public street, alley, [~~or way or other~~] easement  
21 city property or other place open to the public or upon any property other than that of the owner of the  
22 animal unless properly restrained. Dogs shall be on a secure leash no longer than eight feet (8') in  
23 length and under the immediate effective physical control of the person having custody thereof. The  
24 person having custody shall be a person of such age and maturity to be reasonably responsible  
25 therefor. A person inside an enclosed structure shall not be considered to be in the physical control of

1 a dog not in the enclosed structure. The provisions of this paragraph do not apply when an animal is  
2 participating in a bona fide animal show or training program which has been authorized by the animal  
3 services division or is in a city park designated by the governing body as an exercise ground for dogs.  
4 The provisions also do not apply to police canine units unleashed while on public property while  
5 acting in a law enforcement activity.

6 D. Animals located upon the property of the owner of the animal shall be restrained in  
7 such a manner as to secure the animal, using devices such as a [~~rope, chain, cable~~] trolley system,  
8 kennel, invisible fencing, or inescapable walled or fenced area. Voice command is not an acceptable  
9 form of restraint. The animal shall be restrained in such a way as to prevent the animal from reaching  
10 outside the perimeter of the property.

11 E. Animals shall not be carried in or upon any vehicle in a cruel, inhumane or unsafe  
12 manner. An animal carried in the bed of a truck shall be crated or restrained upon a non-metal mat so  
13 it cannot fall or jump from the truck or be strangled.

14 F. A [~~rope, chain, or other device~~] trolley system may be used to restrain an animal  
15 upon the owner's property, provided the following criteria are met:

16 (1) The device shall be affixed to the animal by use of a non-abrasive,  
17 comfortably fitted collar or harness.

18 (2) The device shall be at least twelve feet (12') long unless such length would  
19 allow the animal to reach outside the owner's property, in which case it shall be no less than  
20 eight feet (8') long and elevated four (4) to seven (7) feet off the ground. The device shall be  
21 fastened so the animal can sit, walk and lie down comfortably and shall be unobstructed by  
22 objects that may cause the device or animal to become entangled or strangled.

23 (3) The animal shall have easy access to adequate shade, shelter, food and  
24 potable water.

25 (4) The area where the animal is confined shall be kept free of garbage and other

1 debris that might endanger the animal's health or safety. Feces shall be cleaned up regularly,  
2 but no less frequently than twice weekly.

3 (5) The area where the animal is confined shall be kept free of insect infestations  
4 such as ant hills, wasp nests, or flea, tick and maggot infestations.

5 **Section 9. Subsection 5-5.5 SFCC 1987 (being ordained as Code 1973, §4-15, as**  
6 **amended) is amended to read:**

7 **5-5.5 Confinement During Estrus (Heat).**

8 Any female animal in the stage of estrus (heat) shall be confined to a well-ventilated building,  
9 escape-proof kennel or a boarding facility so that contact with a male animal will be prevented except  
10 for intentional breeding purpose, with required permits. Owners who do not comply with this section  
11 may be required upon direction of an animal services officer to place such animal in a boarding  
12 kennel or veterinary hospital at the owner's expense.

13 **Section 10. Section 5-6 SFCC 1987 (being ordained as Code 1973, Art. V, Ch. 4) is**  
14 **amended to read:**

15 **5-6 ~~[KENNELS, GROOMING PARLORS, PET SHOPS AND SHELTERS.]~~**

16 **PROFESSIONAL ANIMAL CARE**

17 **5-6.1 Purpose.**

18 The city declares it to be conducive to the promotion of the health and general welfare of the  
19 inhabitants of the city to require a professional animal care permit to operate a kennel, grooming  
20 parlor, pet shop, animal training, dog walking or animal sitting business or shelter, and to impose  
21 certain regulations and inspection fees on those engaged in operating, maintaining or owning [a  
22 ~~kennel, grooming parlor, pet shop or shelter~~] such professional animal care entities.

23 **Section 11. Subsection 5-6.2 SFCC 1987 (being Code 1973, §4-17, as amended) is**  
24 **amended to read:**

25 **5-6.2 Professional Animal Care Permits Required; General Provisions.**

1           A.       Breeders and persons operating kennels, grooming parlors, pet shops animal training,  
2 dog walking or animal sitting businesses or shelters shall obtain a professional animal care permit  
3 from the [~~director~~] administrator. It shall be unlawful to operate a breeder or a kennel, grooming  
4 parlor, pet shop, animal training, dog walking or animal sitting business or shelter without a current  
5 valid professional animal care permit. A current city business license shall be presented at the time of  
6 application for a professional animal care permit.

7           B.       When a permit is applied for, an inspection of the breeders location or the kennel,  
8 grooming parlor, pet shop animal training, dog walking or animal sitting business or shelter shall be  
9 conducted by the [~~director~~] administrator to determine compliance with this chapter. If inspection  
10 reveals that the [~~premises comply~~] operation complies with the law and regulations, a professional  
11 animal care permit will be issued. The permit is only valid for the approved [~~premises~~] operation.  
12 Permittees who keep animals confined, shall, at the option of the permittee, be exempt from the  
13 animal license requirements of this chapter and will not be issued any license tags unless the required  
14 animal license fee is paid.

15           C.       A permit is issued to a person for use at a single location. A valid permit shall be  
16 posted in a conspicuous place in every kennel, grooming parlor, pet shop, animal training, dog  
17 walking or animal sitting business, shelter, or breeder's business location.

18           D.       A breeder shall not advertise, sell, barter, exchange or give away any dog or cat  
19 within the municipal boundaries unless the professional animal care permit fee is paid. Any  
20 advertisement for the sale, barter, exchange or give away shall include the permit fee receipt number.  
21 A breeder shall furnish the permit fee receipt number to any prospective recipient requesting the  
22 number.

23           E.       A permit holder shall notify the [~~director~~] administrator of any change in his  
24 operations which may affect the status of his permit and shall keep the [~~director~~] administrator  
25 informed of any change in name or location of his business.

1 F. Breeders or persons in charge of a kennel, grooming parlor, pet shop, animal training,  
2 dog walking or animal sitting business or shelter shall be responsible for complying with this chapter.  
3 There shall be kept at each kennel, grooming parlor, pet shop, shelter, or breeder's location a record of  
4 all animals received and of their final disposition.

5 G. The professional animal care permit shall expire December 31 of each calendar year,  
6 and shall be renewed by February 1 of the following year. Professional animal care fees shall be  
7 established by the [~~director~~] administrator and approved by the governing body of the city.

8 H. Every individual entity that provides animals for sale or adoption shall purchase and  
9 display a professional animal care permit issued by the Administrator. Any entity that is discovered  
10 representing another entity's animals as their own, shall be in violation of this Chapter and shall be  
11 cited and may be required to forfeit their current professional care permit.

12 **Section 11. Subsection 5-6.3 SFCC 1987 (being Code 1973, §4-18, as amended) is**  
13 **amended to read:**

14 **5-6.3 Specifications and Maintenance of Facilities.**

15 A. Animal housing facilities shall be constructed of nontoxic materials and in a  
16 structurally sound design. Interior floors shall be smooth, easily cleanable construction and  
17 impervious to water. The facility shall be kept in good repair and kept clean and sanitary at all times,  
18 so as to protect the animals from disease and injury.

19 B. Animals maintained in pens, cages or runs for periods exceeding twenty-four (24)  
20 hours, shall be provided with adequate space to prevent overcrowding and to maintain normal  
21 exercise, according to species.

22 C. Indoor housing shall be provided for in all pet shops, grooming parlors, shelters and  
23 commercial kennels. These facilities shall be sufficiently temperature-controlled and ventilated to  
24 provide for the animal's comfort and health.

25 D. Sufficient lighting shall be provided by either artificial or natural means.

1 E. Outside housing shall be sufficient to protect animals from sunlight, rain, snow or  
2 cold weather that may be detrimental to the animals' health.

3 F. Provisions shall be made for the removal and proper disposal of animal and food  
4 waste, bedding, dead animals and debris.

5 G. Adult animals shall be segregated by sex, except where otherwise indicated for  
6 health, welfare or breeding purposes and any vicious or quarantined animals shall be removed and  
7 caged by themselves.

8 H. Animals shall be provided with clean, fresh, sufficient and wholesome food and  
9 water. Food and water containers shall be kept clean.

10 I. Each animal shall be observed daily by the animal caretaker in charge or his  
11 representative. Sick, diseased, injured, lame or blind animals shall be provided with proper veterinary  
12 care. Any person operating or employed at a kennel, grooming parlor, pet shop or shelter who  
13 observes an animal which he suspects of being rabid shall at once notify the ~~[director]~~ administrator  
14 and the state department of health and environment and segregate such animal for a period of ten (10)  
15 days, unless examined and released by written statement of a veterinarian and then only at the  
16 discretion of the ~~[director]~~ administrator.

17 **Section 12. Subsection 5-6.4 SFCC 1987 (being Code 1973, §4-19, as amended) is**  
18 **amended to read:**

19 **5-6.4 Inspections; Emergency Inspectoral Searches.**

20 A. *Inspections.*

21 (1) Animal services officers shall conduct inspections of any facility or parcel of  
22 land to which this section applies.

23 (2) The animal services officer shall notify the occupants, custodians or owners  
24 of the premises, seven (7) days prior to the inspection, of the nature and purpose of the  
25 inspection.

1           (3)     The notice required by the preceding subsection may be dispensed with [~~if~~;  
2 because of the nature of the inspection to be undertaken, the conduct of the occupants,  
3 custodians<sup>[s]</sup> or property owners, [~~or~~] other circumstances<sup>[s]</sup> or there is a reasonable basis for  
4 belief that such notice would obstruct, or seriously diminish the utility of the inspection in  
5 question.

6           (4)     Upon sufficient showing the consent to an inspectorial search has been  
7 refused or is otherwise unobtainable within a reasonable period of time, the officer may make  
8 application for an inspection order. Such application shall be made to the municipal or district  
9 court judge having jurisdiction over the premises to be inspected.

10          (5)     The application shall be granted and the inspection order issued upon a  
11 sufficient showing that inspection of the premises or property, is in accordance with the intent  
12 of this chapter, and that the circumstances of the particular inspection for which application is  
13 made are otherwise reasonable. The issuing authority shall make and keep a record of the  
14 proceeding on the application, and enter thereon his findings in accordance with the  
15 requirements of this section.

16          (6)     The officer executing the order shall, if the premises or property in question  
17 are unoccupied at the time of execution, be authorized to use such force as is reasonably  
18 necessary to [~~effect~~] gain entry and make the inspection.

19          (7)     The inspection officer conducting the search shall, if authorized by the  
20 issuing authority on proper showing, be accompanied by one (1) or more law enforcement  
21 officers who are authorized to serve search warrants [~~who~~]. The law enforcement officer(s)  
22 shall assist the inspection officer in executing the order at his direction.

23     B.     *Emergency Inspectorial Searches.*

24          (1)     Whenever it reasonably appears to an inspection officer that there may be a  
25 condition, arising under the ordinance he is authorized to enforce, and imminently dangerous



1 to health and safety, the detection or correction of which requires immediate access, without  
2 prior notice to the premises or property for purposes of inspectorial search and if consent to  
3 such search is refused or cannot be promptly obtained, the inspection officer may make an  
4 emergency inspectorial search of the premises without an inspection order.

5 (2) Upon completion of the emergency inspectorial search, the inspection officer  
6 shall make prompt report of the circumstances to the municipal [~~or district~~] judge to whom  
7 application for an inspection order would otherwise have been made.

8 **Section 13. Subsection 5-6.5 SFCC 1987 (being Code 1973, §4-20, as amended) is**  
9 **amended to read:**

10 **5-6.5 Permit Violations; Suspensions and Revocations; Hearing**

11 A. *Permit Violation.* If the animal services officer makes an inspection of a kennel,  
12 grooming parlor, pet shop animal training, dog walking or animal sitting business or shelter and  
13 discovers a violation of this chapter, he shall notify the permit holder, or operator, of the violation by  
14 means of written notice. The notice [~~is~~] of violation shall:

15 (1) Set forth the specific violation found;

16 (2) Establish a specific and reasonable period of time for the correction of the  
17 violation found;

18 (3) State that failure to comply with any notice may result in a citation and  
19 referral to municipal court for prosecution and/or immediate suspension of the permit; and

20 (4) Be hand delivered to the permit holder or operator or mailed registered mail,  
21 return receipt requested to the last known address of the permit holder.

22 B. *Suspension of Permit in an Emergency.* If the violation described above has not been  
23 corrected within the specific time period and the animal services officer determines that an  
24 emergency exists that for the welfare, safety of the animal or the general public requires suspension of  
25 a permit, the animal services officer shall notify the permit holder, or operator that the permit shall be

1 suspended. The notification of suspension shall:

2 (1) Set forth the specific violation found or describe the emergency situation  
3 which exists requiring suspension of the permit;

4 (2) State that the permit is suspended until a hearing in compliance with  
5 paragraph E. below is held. The hearing shall be held within five (5) days of the receipt of the  
6 notice of suspension;

7 (3) State that the suspension shall be lifted if the violation or emergency  
8 situation is corrected in compliance with this chapter and approved by the animal services  
9 center before the hearing; and

10 (4) State that at the hearing a decision will be made regarding whether the permit  
11 shall be reinstated or revoked permanently;

12 (5) Be hand delivered to the permit holder or operator;

13 C. *Revocation of Permit in an Emergency.* If the animal services officer determines that  
14 there are serious or repeated violations of this chapter and the animal services officer determines that  
15 an emergency exists that for the welfare, safety of the animal or the general public requires  
16 suspension of a permit, the officer shall notify the permit holder or operator that the permit is  
17 revoked. The notification of revocation shall:

18 (1) Set forth the specific repeated violations found or describe the emergency  
19 situation which exists requiring revocation of the permit;

20 (2) State that the permit is revoked;

21 (3) Inform the permit holder that he or she may request a hearing as set forth in  
22 paragraph E. below. The hearing shall determine whether the revocation should remain or  
23 that the permit should be reinstated. A request for a hearing shall be submitted to the animal  
24 services center within ten (10) days of receipt of the notification of revocation; and

25 (4) Be hand delivered to the permit holder or operator.

1           D.     *Suspension or Revocation of Permit not in an Emergency.* In situations not deemed to  
2 be an emergency described in paragraphs B. and C. above, a hearing as set forth in paragraph E.  
3 below shall be conducted prior to suspension or revocation of the permit.

4           E.     *Hearing.* A hearing required as set forth in paragraphs B., C. and D. above shall be  
5 conducted as follows:

6                   (1)    The hearing shall be conducted by a hearing officer designated by the city;

7                   (2)    Notice of the hearing shall:

8                           (a)    State the time, place and nature of the hearing;

9                           (b)    State the legal authority and jurisdiction under which the hearing is  
10 to be held;

11                          (c)    Include a short and plain statement of the matters of fact and law  
12 asserted so that all have sufficient notice of the issues involved to afford them  
13 reasonable opportunity to prepare; and

14                          (d)    Be hand delivered to the permit holder or operator. If the party  
15 cannot be located a certified letter shall be sent to their last known address.

16                   (3)    All parties shall be allowed to respond and present evidence and argument on  
17 all issues involved;

18                   (4)    A record of the hearing shall include the following:

19                           (a)    All pleadings, motions, and intermediate rulings;

20                           (b)    Evidence received or considered;

21                           (c)    A statement of matters officially noticed;

22                           (d)    Questions and offers of proof, objections and rulings herein;

23                           (e)    Findings and conclusions; and

24                           (f)    Any decision, opinion or report by the hearing officer.

25                   (5)    Findings of fact shall be based exclusively on the evidence presented and on

1 matters officially noticed;

2 (6) Notice of the final decision shall be in writing and hand delivered to the  
3 permit holder or operator or mailed certified mail return receipt requested within five (5) days  
4 of the hearing.

5 F. Decisions made by the hearing officer to revoke a permit shall be final [~~and may be~~  
6 ~~appealed to district court~~].

7 **Section 14. Subsection 5-6.7 SFCC 1987 (being Ord. #2004-20, §21) is amended to**  
8 **read:**

9 **5-6.7 Additional Pet Shop Requirements.**

10 A. Prior to offering a dog or cat for sale and thereafter at intervals of fifteen (15) days  
11 until such dog or cat is sold, pet shops shall provide for examination of such dog or cat by a licensed  
12 veterinarian. The pet shop shall maintain a record of the veterinary services rendered for each dog or  
13 cat offered for sale.

14 B. If within fifteen (15) days of sale, any such dog or cat becomes ill or dies of any  
15 illness which existed in such dog or cat at the time of the sale, the pet shop shall, at the option of the  
16 purchaser, replace the dog or cat or refund in full the purchase price of such dog or cat provided that  
17 in the case of illness, upon return of the dog or cat to the pet shop and the receipt of a certificate from  
18 a licensed veterinarian, stating that the dog or cat is ill from a condition which existed at the time of  
19 sale or in the case of death, the receipt of a certificate from a licensed veterinarian stating that the dog  
20 or cat died from an illness which existed at the time of sale. [~~Any costs for services and medications~~  
21 ~~provided by a licensed veterinarian incurred by the purchaser for such illness shall be reimbursed to~~  
22 ~~the purchaser by the pet shop in an amount not to exceed two hundred dollars (\$200.).] The  
23 presentation of such certificate shall be sufficient proof to claim reimbursement or replacement and  
24 the return of such deceased dog or cat to the pet shop shall not be required. No such refund or  
25 replacement shall be made if such illness or death resulted from maltreatment or neglect by a person~~