

**CITY OF ELKHORN
ORDINANCE NO. 09-10**

AN ORDINANCE TO AMEND
THE ELKHORN MUNICIPAL CODE
AT CHAPTER 9 TITLED "PEACE AND GOOD ORDER"

BE IT ORDAINED BY THE COMMON COUNCIL of the City of Elkhorn that the Elkhorn Municipal Code be and is hereby amended at Chapter 9.07, titled "Peace and Good Order" as follows:

Section 9.07 Animals and Fowls Responsibility of Person in Charge is amended to read:

9.07(1) Running at Large. No person having in his possession or under his control any animal or fowl shall allow the same to run at large within the City.

(a) Seizure, Restraint, Impoundment and Disposal. Any animal found to be running at large or any untagged dogs may be seized, restrained, impounded and disposed of as provided in this section, by any police officer, community service officer, or county humane officer. Any such animal may be seized, restrained, and held by any person for such police officers, community service officers, or county humane officer. Any person not a police officer, community service officer, or county humane officer seizing and restraining such animal shall notify a police officer or community service officer within eight hours of such seizure or restraint, and such police officer or community service officer shall arrange for the prompt impounding of such animal.

(b) Notification Procedures. A pound, organization or officer who is notified or to whom the animal is delivered shall attempt to notify the owner personally, by phone, or by mail as soon as possible if the owner is known or can be ascertained with reasonable effort. The officer or pound who is notified and to whom the animal is delivered shall keep a record of each animal, giving a description of the animal, the dates of its impoundment, if any, and the disposition of the animal. If the animal is kept by or released to a person, the record shall include the name, address, and date of delivery of the animal. This is a public record.

(c) Conditions of Release. The officer, pound, or organization to whom an animal is delivered may release the animal to its owner or representative of the owner if:

- i. The owner or representative gives their name and address; and
- ii. The owner or representative presents evidence that the animal is duly licensed in the city or in the municipality of residence of the owner, and presents evidence that the animal is vaccinated against rabies or a receipt from a licensed veterinarian for prepayment of a rabies inoculation; and
- iii. The owner or representative pays a \$25.00 pickup fee to the City and also pays any impoundment fees required by the organization or pound where the animal is kept.

THIS ORDINANCE shall be in force from and after its introduction and publication as provided by statutes.

APPROVED AND ADOPTED this 4th day of May 2009.

John T. Giese, Mayor

ATTEST:

Darlene Igl, City Clerk

1st Reading: April 6, 2009
2nd Reading: May 4, 2009
Adopted: May 4, 2009
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