

**CHAPTER 13-20-0-00. ANIMAL CONTROL.**

All Subsections herein shall be considered:

1. Mandatory Court Appearance.
2. Class C Misdemeanor for 1<sup>st</sup> Offense (except Vicious Dog).
3. Enhanceable if 2<sup>nd</sup> or subsequent Offense occurs within 6 months after 1<sup>st</sup> offense.

JUDGES shall have all authority to Enforce Animal Control Ordinance as reasonably need be including but not limited to:

1. Fines
2. Order any or all Animals removed.
3. Order "Vicious Dogs" euthanized.

**PART 13-20-1-00. ANIMAL CONTROL OFFICER.**

**13-20-1-01. OFFICE OF ANIMAL CONTROL OFFICER CREATED.** The position of municipal Animal Control Officer hereby is created. Until such time as an Animal Control Officer is appointed, the chief of police shall be Animal Control Officer ex officio.

**13-20-1-02. DUTIES OF THE ANIMAL CONTROL OFFICER.** The Animal Control Officer shall perform the following duties:

1. Carry out and enforce the provisions of this chapter.
2. Take into his/her possession and impound all strays running at large and dispose of the same as hereinafter provided.
3. Enforce the licensing of and control of all dogs within the city as hereinafter provided.
4. File complaints in the courts against any person, firm, or corporation failing to comply with the provisions of this chapter and obtain licenses when required thereunder.
5. Capture and secure all dogs found running at large contrary to the provisions of this chapter and impound such dogs in a humane manner.
6. Provide for a good and sufficient pound in which all animals duly committed to his/her charge or otherwise impounded by him/her shall be maintained.
7. Enter a description thereof in records kept for that purpose stating the kind of animal, the circumstances under which received or impounded, and a description thereof sufficient to provide identification, the cost expended for the maintenance of the animal and amounts received arising out of maintenance or sale of animals.

**13-20-0-13. INTERFERENCE WITH OFFICER PROHIBITED.** It shall be unlawful for any person to interfere, molest, hinder or obstruct the Animal Control Officer or any of his/her authorized representatives in the discharge of their duties as herein prescribed.

**13-20-1-04. FEES – SERVICES OF ANIMAL CONTROL OFFICER.** The Animal Control Officer shall charge, and the owners of animals taken into his/her possession for impound disposal or other services shall pay, such fees and charges for services performed by the Animal Control Officer as the city council shall establish from time to time by resolutions, All fees received by the Animal

Control Officer shall be paid over to the city treasurer.

**PART 13-20-2-00. CARE AND KEEPING.**

**13-20-2-01. ANIMALS AT LARGE.** No cattle, horses, mules, sheep, goats, or swine shall be allowed to run at large or to be herded, picketed, or staked out upon any street, sidewalk, or other public place within the limits of this city, and all such animals so found may be impounded. Nothing herein contained shall be so construed as to prevent any person from driving cows, horses, mules or other animals from outside city limits to any enclosure within the city limits or from any enclosure in the city to a place outside the city or from one enclosure to another within limits of the city.

**13-20-2-02. ABANDONMENT.** It shall be unlawful for any person to abandon or turn out at large any sick, diseased, or disabled animal, but such animal shall, when rendered useless by reason of sickness or other disability, be killed by the owner thereof and its carcass disposed of in such manner as to create no nuisance or hazard to health.

**13-20-2-03. TRESSPASSING ANIMALS AND FOWL.** It shall be unlawful for any owner or caretaker of any domestic fowl or animal to permit such fowl or animal to trespass upon the premises of another person.

**13-20-2-04. KILLING OR POISONING PROHIBITED.** It shall be unlawful for any person willfully to kill any domestic animal, or to administer poison to any such animal or to expose any poisonous substance with the intent that it shall be taken by any such animal.

**13-20-2-05. DEAD ANIMALS.** The owner of any animal or fowl that has died or been killed shall remove or bury the carcass of such animal within ten hours after its death, provided that no horse, cow, ox, or other animal shall be buried within the closely-inhabited portions of this city. A violation of this section is a class C misdemeanor.

**13-20-2-06. DISEASED ANIMALS.** It is a class C misdemeanor for any person to bring into the city for sale or have in his possession with intent to sell or offer for sale, any animal which has a communicable disease or which has been exposed to or which is liable to carry infection from a communicable disease.

**13-20-2-07. SALE OF DISEASED ANIMALS.** It is a class C misdemeanor for any person to bring into the city for sale or to sell, or offer for sale any cattle, sheep, swine, fish, game, fowl, or poultry which is diseased, unsound, and unwholesome or which for any other reason is unfit for human food.

**13-20-2-08. REPORTING OF RABID ANIMALS.** Anyone having knowledge of the whereabouts of an animal known to have or suspected of having rabies shall report the fact immediately to the Animal Control Officer. The Officer shall likewise be notified of any person or animal bitten by a rabid or suspected rabid animal.

**13-20-2-09. BITING ANIMAL QUARANTINED FOR OBSERVATION.** Any dog or other animal of a species subject to rabies which is known to have bitten or injured any person so as to cause an

abrasion of the skin shall be place in confinement under observation of a veterinary hospital or the city pound and shall not be killed or released until at least 14 days after the biting or injury has occurred in order to determine whether or not the animal has rabies. If the animal dies or has been killed, its head shall be removed and immediately taken to the state health laboratory to be examined for rabies.

**13-20-2-10. UNLAWFUL ACTS.** It shall be unlawful for any person to:

1. Overdrive, overload, drive when overloaded, overwork, torture, cruelly beat, mutilate, or needlessly kill, or carry of transport in any vehicle or other conveyance in cruel and inhuman manner, any animal or cause any of these acts to be done.
2. Fail to provide any animal in his charge or custody with necessary substances, drink, and protection from the elements, or cause any of these acts to be done.
3. Maintain any place where fowls or any animals are suffered to fight upon exhibition or for sport upon any wager.
4. Intentionally exhibit any stud, horse or bull or other animal indecently, or let any male animal to any female animal for the purpose of providing entertainment or viewing to any person.

**PART 13-20-3-01. DEFINITIONS.** As used in this ordinance, unless the context otherwise indicates, the following words shall mean:

1. **"Dog"** shall mean any male, neutered male, female, spayed female dog of any age.
2. **"Unlicensed Dog"** is hereby defined and declared to mean a dog for which a license for the current year has not been paid, or for which the tag provided for in this part is not attached.
3. **"Owner"** when applied to the proprietorship of a dog, shall mean any person or persons, firm, association, or corporation owning, keeping or harboring a dog.
4. The term **"AT LARGE"** shall be intended to mean off the premises of the owner and not under the control of the owner or a member of his immediate family either by leash, cord, chain or otherwise.
5. **"Pound"** shall mean an animal shelter, lot, premises, or buildings maintained by or authorized or employed by the city for confinement or care of dogs seized whether under the provision of this chapter or otherwise.
6. **"Impounded"** shall mean having been received into the custody of the city pound or into the custody of any authorized agent or representative of the city.
7. **"Vicious dog"** means a dog that has bitten a person without provocation or a dog that has a known propensity to attack or bite human beings.
8. **"Animal Control Officer"** shall mean the custodian selected by the city council to be responsible for the operation of the dog pound.

**13-20-03-02. LICENSE AND REGISTRATION REQUIRED.**

1. It is unlawful for any person to keep, harbor or maintain any dog 3 or more months old unless such dog has been registered and licensed in the manner herein provided.
2. Application for registration and licensing shall be made to the Animal Control Officer or such other person as the city council may authorize to receive such applications.
3. A dog license shall be issued by the Animal Control Officer or such other person as the city council may authorize.
4. No dog license shall be issued by the city until the fee required herein is paid. Until otherwise changed by resolution of the city council, the following fee shall be charged:
  - A. Each spayed female \$10.00
  - B. Each neutered male \$10.00
  - C. Each unspayed female \$15.00
  - D. Each unneutered male \$15.00
5. The fee due and payable pursuant to this section shall be due May 31 and shall be delinquent after June 1 of each year. A penalty of \$10.00 shall be added to delinquent payments.
6. The owner of any newly acquired dog of licensing age or of any dog which attains licensing age after May 31 of any year shall make an application for registration and license within 30 days after such acquisition or dogs attain the above stated age; provided the license fee shall be 100% of the above required for new applications received after May 31 of any year.
7. Anyone owning, keeping, harboring, or maintaining 4 or more dogs over the age of 3 months shall be considered operating a kennel and shall be required to pay an annual kennel fee of \$100.00 per year.
8. The owner shall state at the time an application is made for such license, its name and address and the sex, breed, and color of each dog owned or kept by the owner. The license fee shall cover the calendar year in which the license was issued, regardless of the date when issued.
9. The provisions of this section shall not be intended to apply to dogs whose owners are nonresidents temporarily within the city, nor to dogs brought to the city for the purpose of participating in a dog show, nor to commercial kennels.
10. Dogs used as guides for blind persons and commonly known as "seeing eye dogs" shall be licensed and registered as other dogs herein above provided; except that the owner or keeper of such dog shall not be required to pay any fee therefore.

**13-20-3-03. TAG AND COLLAR.** Upon payment of the license fee, the recorder shall issue to the owner a license certificate and a metallic tag for each dog so licensed. The tag shall be changed every year and shall have stamped thereon the year for which it was issued and the number corresponding with the number on the certificate. Every dog owner, except those operating a kennel, shall provide each dog with a collar to which the license tag shall be affixed, and shall see that the collar and tag are constantly worn. In case a dog tag is lost or destroyed, a duplicate will be issued by the recorder upon presentation of a receipt showing the payment of the license fee for the current year and the payment of \$2.50 for such duplicate. Dog tags shall not be transferable from one dog to another, and no refunds

shall be made on any dog license fee because of death of the dog or the owner's leaving the city before expiration of the license period. It shall be unlawful to deprive a registered dog of its collar and/or tag.

**13-20-3-04. RUNNING AT LARGE PROHIBITED.**

1. It shall be unlawful for the owner or keeper of any dog to permit such dog to run **AT LARGE**.
2. It shall be unlawful for the owner of a dog to permit such dog to go upon or be upon the private property of any person without the permission of the owner or person entitled to the possession of such private property.
3. The owner of any dog running **AT LARGE** shall be deemed in violation of this section regardless of the precautions taken to prevent the escape of the dog and to prohibit it from running **AT LARGE**.
4. Any dog running **AT LARGE** is in violation of the provision of this section and is hereby declared to be a nuisance and a menace to the public health and safety, and the dog shall be taken up and impounded as provided herein.

**13-20-3-05. FEMALE IN HEAT.** The owner of a female dog in heat shall cause such dog to be penned or enclosed in such a manner as to preclude other dogs from attacking such female dog or being attracted to such female dog to create a public nuisance.

**13-20-3-06. STRAYS.** It shall be unlawful for any person to harbor or keep within the city any lost or stray dog. Whenever any dog shall be found which appears to be lost or stray, it shall be the duty of the finder to notify the recorder or the Animal Control Officer who shall impound for running at large contrary to the terms of this part. If there shall be attached to such dog a license tag for the then current fiscal year, the Animal Control Officer shall notify the person to whom such license was issued, at the address given in the license.

**13-20-3-07. RABIES.** Every owner of any dog over the age of 6 months within the city shall have the dog vaccinated against rabies by a duly licensed veterinarian, shall secure from the veterinarian a certificate thereof, and shall attach to the collar or harness, which such person is hereby required to place upon the dog, a tag showing that such vaccination has been done, provided that the city council may, by resolution provide that owners of any dog may themselves purchase serum and vaccinate their own dogs. The resolution shall also prescribe the condition with which the owner must comply to obtain the tag hereinafter required.

**13-20-3-08. DOGS REQUIRED TO HAVE RABIES SHOT.** It shall be unlawful for the owner of any dog to suffer, allow, or permit such dog to be or go upon any sidewalks, street, alley, public place, or square within the city without first having had such dog vaccinated yearly (or as otherwise directed by the vaccination instructions) against rabies, and without there being on such dog a collar or harness with a license tag there-on showing that such dog has been so vaccinated.

**13-20-3-09. DOG WHICH DISTURBS NEIGHBORHOOD.** No person, persons, firm, or corporation shall own, keep, or harbor any dog which by loud, continued, or frequent barking, howling,

yelping, or by noxious or offensive odors shall annoy, disturb, or endanger the health and welfare of any person or neighborhood. A violation of this section shall be a class C misdemeanor, and such is hereby declared to be a nuisance, and each day the violation is permitted to exist or continue shall constitute a separate offense. This section shall not apply to the city dog pound, veterinary hospitals, or medical laboratories.

**13-20-3-10. VISCIOUS ANIMALS – SPECIAL PROVISIONS.**

1. It shall be unlawful for any person to own and possess a vicious dog within the city. Whenever a prosecution for this offense is commenced under this section, the dog so involved may not be redeemed, pursuant to the provisions of this part, while awaiting a final decision of the court as to the disposition to be made of such dog.
2. Upon the trial of any offense under this part, the court may, upon conviction and in addition to the usual judgement of conviction, order the Animal Control Officer or other authorized personnel of the city to put the dog to death or may order such other disposition of the dog as will protect the inhabitants of the city.

**13-20-3-11. DOG POUND.** The City Council may contract with some humane person as Animal Control Officer, with the adjoining municipality or with the county for the purpose of providing suitable premises and facilities to be used by the city as the dog pound. It shall be maintained in some convenient location and shall be sanitary and so operated as to properly feed, water and protect the dogs from injury.

**13-20-3-12. IMPOUNDING.** It shall be the duty of every police officer or other designated official to apprehend any dog found running at large, not wearing his/her tag, or which is in violation of this part and to impound such dog in the pound or other suitable place. The Animal Control Officer or some designated official, upon receiving any dog, shall make a complete registry, entering the breed, color, and sex of such dog and whether licensed. If licensed, he/she shall enter the name and address of the owner and number of the license.

**13-20-3-13. RECORD OF IMPOUNDING ANIMALS.** The Animal Control Officer shall keep a record of each animal impounded by him/her, the date of receipt of such animal, the date and manner of its disposal and if redeemed, reclaimed, or sold the name of the person by whom redeemed, reclaimed, or purchased, the address of such person, the amounts of all fee received or collected for or because of the impounding, reclaiming or purchasing thereof, together with the number of any tag and the date of any tag exhibited or issued upon the redemption or sale of such animal.

**13-20-3-14. REDEMPTION OF IMPOUNDED DOGS.** Any dog impounded as a licensed or unlicensed dog may be redeemed and taken from such pound by the owner or any authorized person upon exhibiting to the supervisor of person having charge of said pound, a certificate of registry as provided in section 13-10-3-12, showing that the license imposed by this part has been paid for such dog and upon paying the person in charge of the pound an impounding fee: Amended (10/21/2021)

- A. 1<sup>st</sup> Offense - \$25.00 per dog plus \$10.00 per day.
- B. 2<sup>nd</sup> Offense - \$35.00 per dog plus \$10.00 per day.
- C. 3<sup>rd</sup> Offense - \$50.00 per dog plus \$10.00 per day.

All impounded dogs not redeemed within five days shall be sold for the best price obtainable at either private or public sale, and all money received from such sales shall be paid daily to the treasurer. All dogs that are not sold or redeemed in the required time shall be disposed of in a humane manner.

**13-20-3-15. DISPOSITION OF UNCLAIMED AND INFECTED DOGS.** All impounded dogs not redeemed within five days of the date of impounding may be destroyed or sold to the person first making a written request for purchase at such price as may be deemed agreeable. In the case of dogs severely injured or having contagious disease other than rabies and which in the Animal Control Officer's judgment are suffering and recovery is doubtful, the Animal Control Officer may destroy the dog without awaiting the five-day period.

**13-20-3-16. INTERFERENCE WITH IMPOUNDING PROHIBITED.** It shall be unlawful for any person to hinder, delay, interfere with, or obstruct the Animal Control Officer or any of his/her assistants while engaging in capturing, securing, or taking to the dog pound any dog(s) liable to be impounded, or to break open or in any manner directly or indirectly aid, counsel, or advise the breaking open of any dog pound or ambulance, wagon, or other vehicle used for the collecting or conveying of dogs to the dog pound.

**13-20-3-17. THREATENING PASSERS-BY.** It shall be unlawful for any dog to threaten passers-by, which is defined as, but not limited to: nipping, chasing, jumping upon, attacking, chasing any person on a bicycle or motor vehicle.

**13-20-3-18. PENALTIES.** Class C misdemeanor. (May be more than, but not less than \$300 for a bite; \$500 – if bite breaks the skin.)

**PART 13-20-4-00. ESTRAYS.**

**13-20-4-01. IMPOUNDING AND DISPOSAL OF ESTRAYS, GENERALLY.** It is hereby made the duty of the Animal Control Officer to take into his possession and impound all estrays running at large, and to dispose of the same as hereinafter provided. Whenever the word "stray" appears in this part, it is defined to mean any valuable animal, except dogs or cats, not wild, found wandering from its owner.

**13-20-4-02. NOTICE OF SALE OF ESTRAYS.** Within three days after an stray shall come into the possession of the Animal Control Officer, he/she shall advertise the same in a newspaper published in and having general circulation in the county by publishing a notice in at least one issue of the newspaper and by posting notices for a period of ten days in three public places in the city, one of which places shall be at or near the post office. He/she shall immediately deliver a copy of such notice to the county clerk or mail the same to him by registered letter. The notice so filed with the clerk should be available during reasonable hours for inspection by the public free of charge. The notice herein provided for shall contain a description of the animals,

including all marks, and brands, when taken, and the day, hour, and place of sale, and may be substantially in the form of the figure shown in appendix A of this ordinance.

**13-20-4-03. RETURN TO THE OWNER ON PAYMENT OF COSTS – SALE.** If at any time before the sale of any estrays, such animals shall be claimed and proved to be the property of any person, the Animal Control Officer shall deliver them to the owner upon receiving from him the cost of impounding, keeping, and advertising the same. If the animals are not so claimed and taken away, he/she shall, at the time, and place mentioned in the notice, proceed to sell the same, one at a time, to the highest cash bidder, and shall execute and deliver a bill of sale, transferring said animals to the purchaser(s) thereof, which bill of sale shall be substantially in the form of the figure shown in appendix A of this ordinance. The Animal Control Officer shall immediately file a copy of such bill of sale with the county clerk or forward the same to him/her by registered mail. Such bill of sale shall transfer and vest in such purchaser the full title to the animal(s) thus sold.

**13-20-4-04. RECORD OF ESTRAYS.** The Animal Control Officer shall keep an accurate record of all estrays received by him/her, their age, color, sex, marks, and brands, the time and place of taking and the expense of keeping and selling the same, all animals claimed and taken away, all animals sold and to whom sold and the amount paid, all moneys paid to owners after sale, all moneys paid into the treasury, and all other matters necessary to the compliance with the provisions of this part. The city council shall provide the Animal Control Officer with a suitable book in which shall be entered the records required by law to be kept by the Animal Control Officer. Such records shall be open to inspection of the public at all reasonable hours and shall be deposited by the Animal Control Officer with his successor in office.

**13-20-4-05. TRESPASSING ANIMALS – DAMAGING – IMPOUNDING.** If any cattle, horses, asses, mules, sheep, goats, or swine shall trespass or do damage upon the premises of any person, the party aggrieved, whether he/she be the owner or the occupant of such premises, may recover damages by an action of law against the owner of the trespassing animal(s), detain and impound the animal(s) in the manner provided.

**13-20-4-06. APPRAISEMENT OF DAMAGES.** The owner or occupant of any property may detain any or all of said animal(s) trespassing or doing damage thereon. He/She shall, within 24 hours thereafter, deliver said animals to the Animal Control Officer together with a certificate of the appraisement of the damage done by such animals. Such an appraisement must be made by some disinterested person. It must state the amount of the damage, the time when committed, the name of the person damaged, the name of the owner of the animal(s), if known, and if not known, it must state that fact together with a description of the animal(s), including all visible marks and brands. If the animal(s) appear to be owned by different parties, a separate appraisement and a separate certificate thereof shall be made of the damage done by the lot or group of animals which appear to belong to each of the different owners. In such cases, the owners shall be notified separately, and each lot or group of animal(s) shall be advertised and sold separately in the same manner as though the damage had been done by different animals at different times.



**13-20-4-7. OWNER TO BE NOTIFIED.** The person detaining the animal(s) must, if the owner of the same be known to him/her and if he/she resides within ten miles of the place of the trespass, immediately deliver to such owner(s) or leave at his/her place of residence if he/she cannot be found, a copy of such certificate of appraisal; but if the owner(s) does not live within ten miles of the place of trespass, the party detaining the animal(s) may at his/her option deliver a copy of such certificate to the owner(s) in person, or deposit the same in the nearest post office in a registered letter addressed to said owner(s). He/She shall be entitled to charge 35 cents a mile one way for the first ten miles necessarily traveled in delivering such certificate, and 35 cents for each additional mile, to be taxed as costs against the animal(s).

**13-20-04-08. FAILURE TO NOTIFY, WAIVES DAMAGES.** If the party detaining any animal(s) shall fail to deliver them/it or the certificate of appraisal to the Animal Control Officer within 48 hours, or shall fail to deliver to the owner(s) of the animal(s), if known, a copy of the certificate of appraisal within 24 hours after he/she receives the same or to deposit the same in a post office as herein provided, he/she shall not be entitled to recover damages under the provision of this part.

**13-20-4-09. WHERE OWNER UNKNOWN – DUTY OF ANIMAL CONTROL OFFICER.** Whenever any animal(s) are delivered to the Animal Control Officer and the certificate of appraisal is filed with him/her as herein provided and such certificate states that the owner(s) is unknown, the Animal Control Officer shall immediately examine all brand books or brand sheets in his/her possession. If the owner(s) be ascertained thereby or if the owner(s) is already known to the Animal Control Officer, he/she shall, if the owner(s) lives within ten miles, immediately deliver a copy of such certificate of appraisal to such owner(s), or leave the same at his/her residence if he/she cannot be found. If the owner(s) lives more than ten miles away, the Animal Control Officer may at his/her option deliver such a copy personally to the owner(s), or deposit the same in the nearest post office in a registered letter addressed to such owner(s). He shall, however, serve a copy in one of the ways provided herein; provided that whenever personal service of a copy of any paper is required by this chapter, service by agent shall be deemed sufficient.

**13-20-4-10. NOTICE OF SALE OF DETAINED ANIMALS.** As soon as any such animal(s) are delivered to the Animal Control Officer, he/she shall immediately proceed to advertise the same as hereinafter provided except when the owner(s) is known and has been notified, in which case he/she shall hold said animal(s) 48 hours before advertising the same. He/She shall advertise in a newspaper published in and having general circulation in the county, by publishing a notice in at least one issue of said paper, by posting notices in three public places in the city, one of which shall be at or near the post office, and he/she shall deliver a copy of the same to the county clerk or send the same by deputy or by registered mail. The clerk should preserve such notice and post a copy thereof. The notice herein provided for shall state the time, when the damage was done and the amount thereof, the name of the party damaged, a place at which such animal(s) will be sold, which shall be not less than ten or more than 20 days from the time of posting such notice the notices shall be substantially in the form shown in appendix A.

**13-20-4-11. OWNER(S) MAY PAY AND TAKE ANIMAL(S) – DISPUTED APPRAISEL.** The owner(s) of any trespassing animal(s) taken up under the provisions of this part may at any time before the sale thereof claim and take such animal(s) away upon paying the amount of damages set forth in the certificate of appraisement and the accrued costs, and if such animal(s) are included in a lot or group of animals belonging to other parties against which the damages and costs are assessed as a whole, he/she shall pay his/her portion of the total amount of damages and costs assessed against such animals, according to the number of animals he/she owns when compared with the number of the entire lot or group. If he/she deems the appraisal too high, he/she may choose another appraiser having qualification herein provided who with the first appraiser shall make a new appraisal, and if they cannot agree, they shall choose a third appraiser, and the three shall proceed to make another appraisal, at the decision of the majority shall be final.

**13-20-4-12. SALE – BILL OF SALE.** If such animals are not claimed and taken away by the owner(s), the Animal Control Officer shall, at the time and place set forth in the notice of sale, proceed to sell such animals, one at a time, to the highest cash bidder. If the owner(s) of any lot of animals to be sold is known, the Animal Control Officer shall sell only enough of said animals to pay the damages and costs, the remainder may be turned over to the owner(s) at any time thereafter; but if the owner(s) be unknown, the Animal Control Officer shall proceed to sell all of said animals so advertised for sale. He/She shall execute and deliver a bill of sale therefore, and file a copy with the county clerk as hereinbefore provided.

**13-20-4-13. REDEMPTION WITHIN NINETY (90) DAYS.** The owner(s) of any trespassing animal(s) sold under the provisions of this part may, at any time within 90 days of the date of such sale, redeem such animals from the purchaser or assignee having the same in his possession, upon paying to such purchaser or assignee the sum for which such animal(s) were originally sold, together with an additional ten (10) percent and reasonable compensation for care and keeping of the same. If such purchaser or assignee refuses to give up such animal(s) on the owner(s) proving his/her title to the same and on his/her tendering the amount due as herein provided, such owner may maintain any action at law to recover the same, provided that the purchaser or any assignee who has disposed of such animals shall not be liable to such owner in any amount. If redemption of such animals is not made within 90 days after the date of such sale, such sale shall be absolute and shall vest the title to such animals in the purchase or assignee. Any person selling or disposing of any such animal within 90 days of its sale under the provision of this part shall notify the purchaser of the same of the date of the original sale and the amount paid for such animal at that time, if he fails to do so, he shall be liable for any loss that may accrue to such purchaser by reason of such animal being redeemed for an amount less than he paid therefore.

**13-20-4-14. OWNER ENTITLED TO RESIDUE OF PROCEEDS.** If any estrays or trespassing animal(s) sold under the provision of this part shall, within a period of six months following the date of sale, be claimed and proved to be the property of any person, it shall be the duty of the treasurer at the expiration of such time to pay the money received for such animals to the owner thereof, less the amount of damages and the expense of taking, keeping, and selling the same.

In the event such animals are not claimed as aforesaid, such money shall become the property of the city, provided that in case there is a contest between two or more persons claiming to be the owners of any such animals, the treasurer shall pay the residue to the party who shall establish by action his right to the same.

**13-20-4-15. RECORD OF TRESPASSING ANIMALS.** The Animal Control Officer shall keep an accurate record of all trespassing animal(s) received by him/her, which record shall contain all the items required by this part together with the names of the injured party and the owner of the animal(s), the amount of damages claimed, and all other matters necessary to a complete account of the transaction.

**13-20-4-16. RETAKING ANIMAL UNLAWFULLY.** It shall be unlawful for anyone to take any animal out of the possession of anyone lawfully holding the same under the provision of this part, either by stealth, force, fraud, or to intercept or hinder any person lawfully taking or attempting to take up such animals.