

91.08 SEIZURE OF ANIMALS.

Any police officer or Animal Control Officer may enter upon private property and seize any animal with the permission of the owner of the property, if that person is also the owner of the animal, provided that the following exist:

- (A) There is an identified complainant other than the police officer or Animal Control Officer making a contemporaneous complaint about the animal;
- (B) The officer reasonably believes that the animal meets either the barking dog criteria set out in ' 91.07(A); the criteria for cruelty set out in ' 91.13; or the criteria for an at large animal set out in ' 91.02(A);
- (C) The officer can demonstrate that there has been at least one previous complaint of a barking dog; inhumane treatment of the animal; or that the animal was at large at this address on a prior date;
- (D) The officer has made a reasonable attempt to contact the owner of the animal and the property to be entered and those attempts have either failed or have been ignored;
- (E) The Animal Control Officer or police officer shall not enter the property of the owner of an animal described in this section unless the officer has first obtained the permission of the owner to do so or has obtained a warrant issued by a court of competent jurisdiction, as provided for in ' 10.20, to search for and seize the animal. If the officer has the permission of the owner, a property manager, landlord, innkeeper, or other authorized person to enter the property or has obtained a pass key from a property manager, landlord, innkeeper, or other authorized person to have that key shall not be considered unauthorized entry, and a warrant to search for and seize the animal need not be obtained; and
- (F) Written notice of the seizure is left in a conspicuous place if personal contact with the owner of the animal is not possible.