

§ 3546. Investigation of vicious domestic pets or wolf-hybrids; order

(a) When a domestic pet or wolf-hybrid has bitten a person while the domestic pet or wolf-hybrid is off the premises of the owner or keeper, and the person bitten requires medical attention for the attack, such person may file a written complaint with the legislative body of the municipality. The complaint shall contain the time, date and place where the attack occurred, the name and address of the victim or victims, and any other facts that may assist the legislative body in conducting its investigation required by subsection (b) of this section.

(b) The legislative body, within seven days from receipt of the complaint, shall investigate the charges and hold a hearing on the matter. If the owner of the domestic pet or wolf-hybrid which is the subject of the complaint can be ascertained with due diligence, said owner shall be provided with a written notice of the time, date and place of hearing and the facts of the complaint.

(c) If the domestic pet or wolf-hybrid is found to have bitten the victim without provocation, the municipal officials shall make such order for the protection of persons as the facts and circumstances of the case may require, including, without limitation, that the domestic pet or wolf-hybrid is **sterilized or disposed of in a humane way, muzzled while off the owner's property, chained, or confined in an enclosure with proper warning signs or symbols.** The order shall be sent by certified mail, return receipt requested. A person who, after receiving notice, fails to comply with the terms of the order shall be subject to the penalties provided in section 3550 of this chapter.

(d) The procedures provided in this section shall not apply if the legislative body determines, at the time the attack occurred, the domestic pet or wolf-hybrid was being used in the performance of official duties while under supervision of a law enforcement officer, or if the domestic pet or wolf-hybrid:

(1) attacked a person trespassing on the private property of the animal's owner

(2) was protecting the domestic pet or wolf-hybrid's owner or another innocent party from attack by the injured person or an animal owned by the injured person

(3) was securely confined in a kennel, a crate, or another enclosure; or

(4) was enticed, disturbed, alarmed, harassed, or otherwise provoked by the injured person.

(e) The procedures provided in this section shall apply if the domestic pet or wolf-hybrid is not a rabies suspect. If a member of the legislative body or a municipal official designated by the legislative body determines that the animal is a rabies suspect, the provisions of subchapter 5 of this chapter and the rules of the department of health shall apply.

(f) The procedures provided in this section shall not apply if the voters of a municipality, at a special or annual meeting duly warned for the purpose, have authorized the legislative body of the municipality to regulate domestic pets or wolf-hybrids by ordinances that are inconsistent with this section, in which case those ordinances shall apply, **provided that no municipal regulation, policy, or ordinance is specific as to the breed of the domestic pet or wolf-hybrid.**