

(D) (1) AN ANIMAL SPECIFIED IN SUBSECTION (B) OF THIS SECTION MAY BE IMMEDIATELY SEIZED IF:

(I) THERE IS PROBABLE CAUSE TO BELIEVE THAT THE POSSESSION OF THE ANIMAL IS IN VIOLATION OF THIS SECTION; OR

(II) THE ANIMAL POSES A RISK TO PUBLIC HEALTH OR PUBLIC SAFETY.

(2) AN ANIMAL SPECIFIED IN SUBSECTION (B) OF THIS SECTION THAT IS SEIZED MAY BE RETURNED TO THE PERSON WHO HAD POSSESSION OF THE ANIMAL AT THE TIME THE ANIMAL WAS SEIZED ONLY IF IT IS ESTABLISHED THAT:

(I) POSSESSION OF THE ANIMAL BY THE PERSON IS NOT A VIOLATION OF THIS SECTION; AND

(II) THE RETURN OF THE ANIMAL DOES NOT POSE A RISK TO PUBLIC HEALTH OR PUBLIC SAFETY.

(3) (I) NOTICE THAT THE ANIMAL WAS SEIZED SHALL BE SERVED ON THE PERSON WHO HAD POSSESSION OF THE ANIMAL AT THE TIME THE ANIMAL WAS SEIZED BY:

1. POSTING A COPY OF THE NOTICE AT THE PLACE WHERE THE ANIMAL WAS SEIZED;

2. REGULAR AND CERTIFIED MAIL, RETURN RECEIPT REQUESTED; OR

3. DELIVERING THE NOTICE TO A PERSON RESIDING ON THE PROPERTY FROM WHICH THE ANIMAL WAS SEIZED.

(II) THE NOTICE SHALL INCLUDE:

1. A DESCRIPTION OF THE ANIMAL SEIZED;

2. THE AUTHORITY FOR AND THE PURPOSE OF THE SEIZURE;

3. THE TIME, PLACE, AND CIRCUMSTANCES OF THE SEIZURE;

4. A CONTACT PERSON AND TELEPHONE NUMBER;

5. A STATEMENT THAT THE PERSON FROM WHOM THE ANIMAL WAS SEIZED MAY:

A. POST SECURITY TO PREVENT DISPOSITION OF THE ANIMAL; AND

B. REQUEST A HEARING CONCERNING THE SEIZURE;

6. A STATEMENT THAT FAILURE TO POST SECURITY OR REQUEST A HEARING WITHIN 10 DAYS OF THE DATE OF THE NOTICE WILL RESULT IN THE DISPOSITION OF THE ANIMAL; AND