

**CHAPTER 91: ANIMAL CARE AND CONTROL**

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## GENERAL PROVISIONS

### § 91.001 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ACCEPTABLE IDENTIFICATION.** Tags or microchip registered locally or nationally and containing sufficient information to contact the animal's current owner.

**ADEQUATE SHELTER.** For animals excluding domestic farm animals, a structure designed specifically to shelter an animal that allows an animal to maintain its body heat, with a roof, solid floor, three leak-free sides with no openings to the elements, and a fourth side that provides access in and out of the structure but otherwise protects the animal from the elements. The structure shall be located in a dry area allowing the animal to remain dry with access outside the structure to mud free, dry ground. For domestic farm animals the structure shall consist of three sides and a roof that is specifically designed to protect domestic farm animals from the elements. The foregoing shall not apply to a person providing shelter for a community cat.

**ALTERED ANIMAL.** An animal that has been surgically sterilized to prevent procreation.

**ANIMAL.** Any living vertebrate, domestic or wild, except a human being.

**ANIMAL CONCESSION.** Any activity which makes an animal available for hire or display for compensation.

**ANIMAL EVENT.** Exhibition, presentation, or other planned activity involving the gathering of wild, exotic, and/or domestic animals in a public or private venue.

**ANIMAL FIGHTING PARAPHERNALIA AND ACTIVITIES.** Equipment, and/or items used to train or condition animals for participation in animal fighting activity or materials which promote animal fighting; the breeding of animals for the express purpose of fighting; the training of animals for fighting; or the tracking of animal fighting results; or the production of materials promoting or supporting betting or gambling on animal fighting.

**ANIMAL HOARDER.** Any person who:

- (1) Possesses eight or more animals; and
- (2) Fails to or is unable to provide adequate food, potable water, and/or sanitary environment as provided in § 91.015; or
- (3) Keeps the animals in an overcrowded environment; and/or
- (4) Exhibits material disregard for the conditions under which the animals are living and the harmful impact they have on the health and well-being of the animals.

**ANIMAL WELFARE ORGANIZATION.** A non-profit entity duly organized and existing under applicable state law whose mission is to prevent cruelty to animals, rehome animals, or otherwise promote the cause of animal welfare through legitimate activities approved by the Department.

**ATTACK.** The exhibition by an animal of aggressive behavior, including, but not limited to: snarling, biting, baring teeth, chasing, growling, snapping, pouncing or lunging.

**AUCTION.** Any facility or location where animals are regularly purchased, sold or traded, excluding those facilities otherwise defined in this chapter or by state law.

**BREEDER.** Any person who intentionally or accidentally allows the breeding of a cat or dog or makes a cat or dog available for breeding purposes, or any person who advertises or offers for sale, sells, trades, receives compensation for, or gives away any litter of puppies or kittens, excepting a litter of puppies or kittens relinquished to the Department.

**CATTERY.** A person engaged in:

- (1) Keeping more than one unaltered cat or more than seven cats, whether or not altered; or
- (2) The business of boarding cats for compensation.

**CIRCUS.** A commercial performance of acts for public entertainment which includes performances by animals.

**CITY.** The City of Fort Wayne, Indiana

**COMMISSION.** The Animal Care and Control Commission which is comprised of five appointed individuals who provide advice to the Directors of Public Safety and the Department on policy and financial matters affecting the Department.

**COMMUNITY CAT.** Any outdoor free roaming cat that has been evaluated and sterilized by a licensed veterinarian, ear tipped, vaccinated for rabies, microchipped, documented with the Department and released back into the area from which it was captured.

**COMMUNITY CAT PROVIDER.** A person who provides food, water, shelter or otherwise cares for community cats and satisfies the Department's community cat provider administrative rules and the requirements of § 91.041. A person so identified by the Department shall not be considered the owner or harborer of a community cat.

**DANGEROUS WILD or DANGEROUS EXOTIC ANIMAL.** A wild or exotic animal, not indigenous to the State of Indiana, not commonly found as a domestic animal, that would create a potential risk to public safety including but not limited to bears, wolves, lions, tigers, jaguars, leopards, cougars, alligators, crocodiles, caimans, snakes and reptiles that are venomous, apes, baboons, macaques, or any hybrid of like animal.

**DEPARTMENT.** The Department of Animal Care and Control is a department of the city established to manage, control, care for, process and make disposition of animals in the city, pursuant to this chapter. The Department is managed by Department Director under the direct supervision of the Director of Public Safety.

**DOMESTIC FARM ANIMAL.** Calves, cattle, emus, goats, horses, ponies, llamas, ostriches, poultry, sheep, pigs or porcine of any variety including Vietnamese pot bellied pigs, and similar animals (pigeons shall not be considered to be domestic farm animals).

**DIRECTOR.** The Director of the Department.

**EAR TIPPED.** The straight-line culling of the tip of the left ear of a cat while it is anesthetized.

**FREE ROAMING CAT.** Any cat not restrained and without acceptable identification.

**GROOMING ESTABLISHMENT.** A commercial operation engaged in the business of bathing, clipping, plucking, or grooming animals.

**HABITUAL ANIMAL OFFENDER.** Any owner or harborer who, within any three-year period, is convicted of three or more violations of this chapter. The controlling date is the date of each violation and not the date of the subsequent plea or conviction.

**HARBORER.** Any person who knowingly confines or provides food, water, care, or shelter for a domestic animal.

**KENNEL.** A person engaged in:

- (1) Keeping more than one unaltered dog or more than five dogs, whether or not altered; or
- (2) The business of boarding or training dogs for compensation.

**MICROCHIP IMPLANT.** A passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device to identify and/or assist in the recovery of such animal by its owner.

**MICROCHIP READER.** An electronic device that detects an implanted microchip.

**OWNER.** A person who owns or has ownership or custody rights for an animal or who harbored such animal for more than 30 days on or about any premises owned or occupied by such person.

**PERSON.** An individual, group of individuals, firm, business, partnership, association, corporation, limited liability company or other entity.

**PET.** Any animal owned or harbored by a person, except service animals, police dogs, or canine governmental dogs.

**PET SHOP.**

(1) Any commercial operation, excluding a licensed cattery, kennel, or breeder, whether operated separately or in connection with another business enterprise, that advertises the wholesale or retail sale of any species of animal.

(2) A permanent physical structure designed and ventilated for the overnight or long-term housing and wholesale or retail sale of animals.

**PUBLIC NUISANCE.** Any animal which engages in any of the following activities or conduct:

(1) Impedes or interferes with a pedestrian or a passing vehicle;

(2) Charges or attacks another animal(s) or person(s);

(3) Trespasses on school property;

(4) Is at large or not restrained;

(5) Damages private or public property;

(6) Barks, whines, howls or makes other sound common to its species continuously for 15 minutes or for an aggregate 20 minutes in a one- hour period:

(7) Is present at a public event at which animals have been prohibited by the Department: or

(8) Repeatedly destroys, desecrates, or soils property.

**RABIES VACCINATION.** The injection, by a licensed veterinarian, of a dog, cat, or ferret with a rabies vaccine licensed by the U.S. Department of Agriculture and approved by the Indiana State Board of Animal Health.

**RESTRAINT.** Any animal is properly restrained when secured by a leash or lead and under the physical control of the animal's owner or attending party, or confined within the exterior boundaries of the owner's or harborer's real property in accordance with § 91.021.

**RODEO.** A performance featuring bronco riding, steer wrestling, calf roping, greased pig contest or bull riding.

**SERVICE ANIMAL.** Dogs that are individually trained to do work or perform tasks for individuals with disabilities. Service animals are working animals and not pets. The work or task a dog has been trained to provide must be directly related to the individual's disability. Dogs whose sole function is to provide comfort or emotional support do not qualify as service animals.

**VETERINARY HOSPITAL.** Any establishment maintained and operated by a licensed veterinarian or legal entity for the purpose of hospitalizing of animals or diagnosing and treating diseases and injuries in animals.

**WILD ANIMAL.** Any living vertebrate non-domestic animal normally found in a wild state.

**ZOOLOGICAL PARK.** Any American Zoological Association accredited permanent facility or operation, excluding pet shops, engaged in the displaying or exhibiting to the public one or more species of non-domesticated animals.

(Ord. G-15-14, passed 6-24-14)

## **§ 91.002 PROVISIONS ARE SUPPLEMENTAL TO STATE AND COUNTY LAWS.**

The provisions of this chapter supplement all laws, ordinances and regulations of the State of Indiana and Allen County covering the same subject matter.

(Ord. G-15-14, passed 6-24-14)

**§ 91.003 SCHEDULE OF DEPARTMENT FEES.**

(A) The fee schedule for the Department is as follows (subject to future amendment).

	<i>Fee</i>
Redemption by owner	
First redemption	\$15
Second redemption	\$50
Third redemption	\$75
Fourth or subsequent redemption in two-year period	\$100
Daily boarding fee for cat after legal hold*	\$10
Daily boarding fee for dog after legal hold*	\$15
Medical (any prophylactic vaccination administered at the Shelter)	\$5
Medical (pain medication/antibiotics)	\$2/dose
Medical (dewormer)	\$5
Medical (flea treatment)	\$10
Medical (rabies vaccination)	\$25
Trap deposit (wildlife and dog)	\$50
Trap rental (per day)	\$1
Owner animal pick-up	\$25
Pick-up for disposal of small wild animal (rabbit, squirrel, bird, chipmunk)	\$10
Euthanasia by request of owner	\$20
10-day cat quarantine (per day)	\$10
10-day dog quarantine (per day)	\$15
Microchip	\$15
Adoption (dog)**	\$85

Adoption (puppy <6 months)**	\$100
Adoption (cat)**	\$65
Small animals**	\$5
Small bird**	\$10
Rabbit**	\$10
Rabbit (spayed/neutered)**	\$20
Large bird or exotic bird**	\$75
Small reptile**	\$10
Medium/large reptile**	\$40
Protective custody impound	
Reasons of fire, death, accident, acts of God	n/c for first 3 days; then \$10/day (cat) and \$15/day (dog)
Reasons of arrest, seized for abuse, cruelty, abandonment, court case holds, etc.	\$10/day (cat) and \$15/day (dog)
Replacement pet registration (all classifications)	\$5
Late pet registration fee (over 30 days)	\$5
UPS shipping of biting animals for state testing	\$20
Deferral program	\$75
Additional restraint for deferral program	\$25
Returned check	\$25
*An owner's request that department hold a stray animal longer than the 3-day stray period must be approved by management.	
**Adoption related fees may be reduced based on available grants or special programming.	

(B) Fees may be waived only in the discretion of management/supervisory personnel.

(C) Two copies of the above fee schedule are available for inspection in the office of the City Clerk.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.015 ADEQUATE SHELTER, WATER AND FOOD TO BE PROVIDED.**

(A) No owner or harborer shall allow an animal to remain outside continuously for more than 15 minutes without access to adequate shelter and potable water. At the discretion of the Department, an exception may be granted when an adult is present on the premises.

(B) All animals shall be provided with food that is nutritional for the species in adequate amounts and appropriate intervals to maintain good health.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.016 REQUIRED MEDICAL AND GROOMING CARE.**

(A) Any animal deemed by the Department to require medical evaluation shall be evaluated by a state licensed veterinarian, within the time period required by the Department. The veterinarian shall determine the required or appropriate treatment for the animal. Proof of the veterinary evaluation and/or treatment must be provided by the owner or harborer to the Department within such time period.

(B) The owner or harborer of any animal deemed by the Department to require grooming must complete such grooming within the time period required by the Department and provide proof of such grooming to the Department within such required time period.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.017 ANIMAL ENCLOSURES TO BE KEPT IN SANITARY CONDITION.**

All indoor and outdoor animal enclosures, including pens, fenced areas, and areas in which an animal is tied, fastened, hitched, leashed, enclosed, or confined, shall be kept in a sanitary condition. The persons responsible for the animals shall regularly, and more frequently if necessary, clean and maintain all animal enclosures and areas of animal contact to prevent odor, health and sanitation issues.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.018 REMOVAL OF EXCREMENT.**

Persons responsible for an animal, excluding a sight impaired person using a service animal, shall immediately remove the animal's excrement from public property and the private property of another person.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.019 DOMESTIC FARM ANIMAL.**

No person shall keep a domestic farm animal in the city limits unless approved by the Department of Planning Services.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.020 RESTRAINT OF ANIMALS.**

All animals shall be properly restrained as defined in this chapter.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.021 TETHERING OF ANIMALS.**

(A) No animal shall be tethered by any rope, chain, cord, or other tying device directly attached to the animal's neck. Animals that



must be restrained by tethering must wear a properly fitted leather or nylon collar or harness which does not employ a choker mechanism; however, the proper use of choker collars in the training of animals is permitted. The tethering device shall be attached to the animal's collar or harness, shall be at least six feet in length and shall have a swivel device on the anchor and collar end to prevent tangling of the animal.

(B) No person shall tether a dog weighing less than 60 pounds using a collar exceeding one and one-half inches in width, or a dog 60 pounds or over using a collar exceeding two inches in width.

(C) An animal that is tethered must have unrestricted access to adequate shelter at all times.

(D) A person shall not tether an animal with a chain or any other tying device that weighs more than one-eighth of the animal's body weight.

(E) A person shall not tether an animal in a manner that allows the animal to leave the person's property.

(F) *Prohibited tethering.* No person shall:

(1) Tether a dog between the hours of 11:00 p.m. and 6:00 a.m.;

(2) Tether an unsterilized dog for any period of time;

(3) Tether or confine a dog in or about an unoccupied structure or property for any purpose unless the dog is continuously monitored by an adult who is physically on site throughout the period of tethering or confinement;

(4) Tether a dog under six months of age;

(5) Tether more than three dogs simultaneously at the same location;

(6) Tether more than one dog in a manner that permits physical contact between the tethered dogs;

(7) Tether dogs within three feet of another person's property, public thoroughfare, or right-of-way.

(G) *Multiple tangling during tethering.* The owner or harbinger of one or more dogs whose tethers have been required to be untangled by the Department more than twice in a 12-month period shall have violated this section.

(Ord. G-15-14, passed 6-24-14)

## **§ 91.022 ANIMAL CRUELTY AND ANIMAL HOARDING.**

(A) No person shall beat, neglect, torment, overload, overwork, or otherwise abuse or cruelly treat any animal except that reasonable force may be employed by a person to repel vicious or trespassing animals.

(B) No person shall engage in animal hoarding as defined in this chapter.

(Ord. G-15-14, passed 6-24-14)

## **§ 91.023 ANIMAL FIGHTING PROHIBITED.**

(A) No person shall advertise, organize, sponsor, promote, permit or conduct any dog fight, cock fight or other forms of fighting contest between animals or between animals and humans.

(B) No person shall own or possess:

(1) Equipment, paraphernalia or accessories used in connection with animal fighting; or

(2) A dog, cock, fowl, or bird, or other animal bearing a scar, wound or injury consistent with animal fighting.

(C) No person shall attend or participate in an animal fighting contest or program.

(D) No person shall sell, purchase, own, harbor, transfer, barter, breed, or possess any animal for the purpose of animal fighting.

(E) No person shall permit the use of any structure, shed, room, yard, ground, premises, pen, vehicle or property, whether or not enclosed, by any other person for the purpose of animal fighting.

(F) No person shall aid, abet, assist, act as judge or referee, or wager money or other consideration on the outcome of, attend or in any way engage or participate in any animal fighting exhibition or event.

(G) A person alleged to have violated this section may be subject to separate counts of prosecution for each animal associated with such person's prohibited conduct.

(Ord. G-15-14, passed 6-24-14)

#### **§ 91.024 PROHIBITED ANIMAL EVENTS.**

(A) No event or concession involving contests between animals or persons using animals in any form or manner, whether for compensation or without charge, shall be permitted, except those events or concessions for which the safety, well-being, and comfort of the participating animals and the public have been reviewed, approved and issued a permit in advance by the Department.

(B) At the discretion of the Department, animals may be barred from any public event in the interest of public safety.

(Ord. G-15-14, passed 6-24-14)

#### **§ 91.025 POISONOUS BAIT.**

No person shall set, use or employ any type of poisonous substance or bait within the city limits that the Department deems harmful to any domestic animal; provided, however, that controlled programs under the direction of the Fort Wayne-Allen County Department of Health or state licensed extermination service may be excluded in the discretion of the Department.

(Ord. G-15-14, passed 6-24-14)

#### **§ 91.026 ANIMAL ABANDONMENT.**

(A) No person shall abandon or cause to be abandoned any animal in, on or about any public or private premises, structure, or other location within the city limits.

(B) No person shall keep any animal in or about a building or other structure, or any portion thereof, on any property that creates unsafe conditions for a person or animal, hazardous or dangerous conditions for the public, vacant and/or not maintained in a manner that would allow human habitation and/or occupancy.

(Ord. G-15-14, passed 6-24-14)

#### **§ 91.027 TRAPPING.**

Traps discovered by the Department to have been unlawfully set in the city may be seized by the Department.

(Ord. G-15-14, passed 6-24-14)

#### **§ 91.028 PUBLIC NUISANCE ANIMALS.**

No person shall own or harbor an animal which is a public nuisance as defined in this chapter.

(Ord. G-15-14, passed 6-24-14)

#### **§ 91.029 ANIMALS AS PRIZES OR INDUCEMENTS.**

(A) No person shall sell, offer or contract to sell, trade, barter, exchange, or transfer any live animal as a prize or an inducement to enter any business establishment, enterprise or activity except establishments whose principle business is the commercial sale of animals to the public.

(B) Governmental agencies and animal welfare organizations engaged in promoting health, safety, or adoption of animals will be exempt from the prohibition of division (A) above, subject to compliance by such agencies with all applicable permit and inspection requirements.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.030 DYEING OR STAINING ANIMALS; ANIMALS AS NOVELTIES.**

(A) No person shall sell, offer or contract to sell, trade, barter, exchange or transfer any animal whose appearance has been altered by dyes or staining.

(B) No person shall sell, offer or contract to sell, barter, exchange or transfer any chicks, goslings, ducklings, or other fowl as pets or novelties.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.031 VEHICULAR INJURY TO ANIMALS.**

Any person operating a motor vehicle which causes injury or death to an animal shall immediately stop, assess the extent of injury, and forthwith notify the owner or Department of the location of the animal.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.032 ANIMALS IN VEHICLES.**

No animal shall be left unattended in a vehicle when conditions in the interior of such vehicle may constitute a health hazard to the animal or jeopardizes the safety of the animal. Conditions may include but are not limited to extreme interior temperatures (hot/cold), presence of dangerous materials or objects, improper confinement or lack of necessary provisions.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.033 LOST OR STRAY ANIMALS.**

(A) A person finding a stray animal shall notify the Department within 48 hours. At the discretion of the Department, the animal may be kept by the finder who shall complete and deliver to the Department a found report which provides the finder an opportunity to return the animal to its owner.

(B) Upon request of the Department, any found animal will be surrendered to the Department and held for three business days prior to its disposition.

(C) A person finding an animal shall comply with all rules and regulations of this chapter pertaining to humane care and treatment of animals while such animal is in the person's custody pending return to its owner.

(D) With the exception of the Allen County S.P.C.A., the finder will be considered the found animal's owner for the purposes of this chapter only after the animal is in the finder's custody for 30 continuous days and has been presented for microchip scanning.

(E) Any free roaming cat that has been found and contained for processing as a community cat must first be presented to the Department, a local veterinarian, or animal welfare organization for microchip scanning to ensure such free roaming cat does not have an identifiable owner.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.034 DOG BITE INJURIES; DANGEROUS ANIMALS PROHIBITED.**

(A) *Dog bite injury classifications.* Classification of dog bite injuries shall be based upon the specific injuries caused by the dog

while not restrained. Such classifications (Levels One, Two, Three and Four dog bite injuries) are not progressive and may be initially classified at any level. Upon a finding by the court that one of the following levels of dog bite injuries has occurred, the court shall issue an order which shall impose the following requirements on the owner or harbinger of the biting dog.

(1) A Level One dog bite injury occurs if a dog is not restrained and inflicts a bite on another domestic animal or human which causes an oral scratch or a maximum of four punctures. Upon a finding by the court that a Level One dog bite injury has occurred the court may impose a penalty under § 91.999 and shall order that:

(a) The dog shall be spayed or neutered.

(2) A Level Two dog bite injury occurs if the dog is not restrained and inflicts a bite to another domestic animal or human which causes more than

four punctures. Upon a finding by the court that a Level Two dog bite injury has occurred the court may impose a penalty under § 91.999 and shall order that:

(a) The dog shall be spayed or neutered;

(b) Court ordered mandatory deferral, if available;

(c) No tethering of the dog if unattended by an adult or if prohibited by § 91.021(D);

(d) Confinement of the dog as directed in writing by the Department.

(3) A Level Three dog bite injury occurs if a dog is not restrained and causes more than four punctures to another domestic animal or human from any act including crushing, or tearing from shaking, resulting in injury or death of such domestic animal or human. Upon finding by the court that a Level Three dog bite injury has occurred the court may impose a penalty under § 91.999 and shall order that:

(a) The dog shall be spayed or neutered;

(b) Court ordered mandatory deferral, if available;

(c) No tethering of the dog if unattended by an adult or if prohibited by § 91.021(D);

(d) Use of humane muzzle and leash on the dog when off property;

(e) Confinement of the dog as directed in writing by the Department.

(4) A Level Four dog bite injury occurs when there is a repeat occurrence of any dog bite injury (Level One, Level Two, or Level Three) by a biting dog. A Level Four dog bite injury may also initiate a dangerous animal investigation under § 91.034(B).

(5) The owner or harbinger of a dog which has caused any level of dog bite injury under this section shall report to the Department in writing any change of location of such dog prior to its relocation.

(6) *Compliance.* The owner or harbinger of

any dog which has caused any level of dog bite injury under this section shall comply with each provision of this section. Failure to comply in all respects with this section may result in the imposition of a fine on the owner or harbinger. Additionally, the Department shall have the authority to impound such dog pending a final disposition of the applicable court proceeding.

(7) *Non-sequential order.* Nothing contained in this division (A) shall prevent the Department from initially proceeding with the charge of dangerous animal under division (B) below.

(8) *Declassification of dog bite injury.* The owner or harbinger may contact the Department to initiate the declassification of his/her dog's dog bite injury concurrently with the payment of a declassification fee. The following conditions shall be met in order to declassify a dog bite injury:

(a) Dogs which have inflicted a Level One dog bite injury shall not subsequently inflict a dog bite injury for a period of one year. Dogs which have inflicted a Level Two dog bite injury shall not subsequently inflict a dog bite injury for a period of three years.

(b) The owner shall provide the Department with written certification of the completion of obedience training acceptable to the Department for the dog whose dog bite injury is sought to be declassified.

(c) Satisfaction of the conditions in divisions (A)(8)(a) and (b) may, in the discretion of the Department, result in the

declassification of the subject dog bite injury. Dogs which have inflicted Level Three or Four dog bite injury shall not be eligible for dog bite injury declassification.

(B) *Dangerous animals prohibited.*

(1) *Ownership/possession prohibited.* No person shall own, keep, or harbor a dangerous animal within the city; provided this section shall not apply to animals under the control of a law enforcement or military agency. An animal may be declared dangerous if it is determined to have exhibited dangerous behavior or if other information has been obtained by the Department which identifies such animal as dangerous, including but not limited to:

- (a) The animal has bitten or attacked one or more persons or animals a minimum of three times; or
- (b) The animal bit or attacked an individual or an animal once causing wounds or injuries creating a potential danger to the health or life of the victim; or
- (c) The animal could not be controlled or restrained at the time of a bite or attack upon an animal or a person; or
- (d) The animal has been purchased, bred, sold, trained, or harbored for the purpose of animal fighting; or
- (e) The animal has been microchipped by a licensed veterinarian or the Department for the purpose of documenting the occurrence of a prior bite or attack.

(2) *Impoundment; costs.* The animal shall be impounded by the Department pending an investigation and adjudication of the animal as dangerous pursuant to this section. The owner or harbinger of an impounded and/or euthanized animal under this section shall be responsible for the payment of any expenses related to the impoundment incurred by the Department.

(3) Penalties. See § 91.999 (A) and (D).

(Ord. G-15-14, passed 6-24-14)

### **§ 91.035 BITING ANIMALS; INCIDENT REPORT; PROCEDURE.**

(A) The owner or harbinger of any animal which has bitten a human or another animal shall report the incident to the Department and make the animal immediately available for quarantine. Upon receipt of the bite report the Department will quarantine the animal. The location of confinement for all quarantines shall be determined by the Department. During the quarantine period, the animal shall be securely confined and segregated from contact with all other animals and/or humans other than the primary caretaker. If the animal is a dog, cat, or ferret and has bitten a person or a domestic animal, it shall be quarantined for ten days. All other animal exposures and quarantines will follow the most current edition of the Compendium of Animal Rabies Prevention and Control distributed by the National Association of State Public Health Veterinarians.

(B) (1) During the quarantine period, the owner or harbinger shall provide a current rabies vaccination certificate for the dog, cat, or ferret being quarantined. If proof of vaccination is not provided, the animal will be vaccinated by a veterinarian upon release, at the expense of the owner or harbinger.

(2) An animal quarantined at the Department shall be implanted with a microchip prior to release from quarantine. Such microchip shall be documented with the Department for the life of the animal. The cost of the implant and national registry shall be at the expense of the owner or harbinger.

(3) If the animal is quarantined at a location other than the shelter facility, as determined by the Department, a microchip shall be implanted in the animal within 30 days following the animal's release from quarantine. Such microchip shall be documented with the Department. The cost of the implant and national registry shall be at the owner or harbinger's expense.

(4) The microchip, implanted in connection with each quarantine shall bear a number which will provide entry into a data base containing the animal's bite history. The microchip shall be contained in a sterilized implanting device and shall be individually packaged.

(5) The microchip and its corresponding registration history shall be considered prima facie evidence in any future dangerous animal determination under § 91.034.

(C) No person other than an animal control officer or veterinarian shall kill or cause to be killed any animal suspected of being rabid except in cases of immediate self-protection, in which event, the person killing the suspected rabid animal will retain the body and immediately notify the Department.

(D) A violation of the quarantine requirements of this section shall and may subject the violating party to penalties under § 91.999 hereof.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.036 WILD OR EXOTIC ANIMALS.**

Ownership, possession, or maintenance of a wild animal indigenous to the State of Indiana is prohibited. No other wild or exotic animal shall be owned, possessed, or maintained within the city without all required federal and state permits.

(Ord. G-15-14, passed 6-24-14; Am. Ord. G- 11-15, passed 7-14-15)

### **§ 91.037 PROHIBITED TRAINING METHODS.**

No animal shall be induced, prompted or encouraged to perform or behave in a desired manner through the use of chemical substances or mechanical, electrical or manual equipment or devices in a manner which will cause or has potential to cause physical injury or suffering to the animal. Electronic perimeter fences and electronic collars, which are properly fitted, installed, maintained, and activated, shall be exempt from the foregoing prohibition.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.038 DESTRUCTION OF ANIMALS.**

No person except a duly authorized agent of the Department, a state-licensed veterinarian, or a person engaged in an act of self-defense against a dangerous animal which threatens the safety of such person, may destroy any domestic animal within the city.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.039 DANGEROUS WILD OR DANGEROUS EXOTIC ANIMALS.**

(A) No person shall keep, shelter, harbor, buy, sell, or trade a dangerous wild animal or a dangerous exotic animal within the city except as provided in division (B) below.

(B) Properly licensed and permitted zoological parks, zoos, circuses, educational, and medical institutions shall be exempt from this section.

(C) Any animal found in violation of this section may be immediately seized by the Department.

(D) The seized animal will be held in protective custody for seven calendar days to allow the owner or harbinger to properly relocate the animal outside the city. Failure to relocate the animal within such time period will result in the animal becoming the property of the Department which may make disposition of the animal at that time. The owner or harbinger shall provide the Department information which will establish the site of the animal's relocation.

(E) *Costs.* The owner or harbinger of any animal impounded and euthanized or relocated under this section shall be responsible for payment of all related expenses incurred by the Department. Payment is required prior to release or relocation of the animal.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.040 HABITUAL ANIMAL OFFENDER.**

It shall be a violation of this chapter to be a habitual animal offender. A court may limit, restrict, or prohibit animal ownership for a person adjudged a habitual animal offender for a minimum of five years up to and including a lifetime prohibition from animal ownership, after considering the recommendation of the Department.

(Ord. G-15-14, passed 6-24-14)

## **§ 91.041 COMMUNITY CATS.**

(A) Free roaming cat(s) without acceptable identification which have been impounded or trapped in the community may be deemed a potential community cat by the Department based on age, health, and behavior. Such cats may be transferred to partnering animal welfare organizations for reintegration back into the community or placement in a barn cat program.

(B) A cat identified as an existing community cat may be immediately returned to the community and exempted from the legal hold period as provided in § 91.107.

(1) The Department may impound community cats which are public nuisances, diseased, or not thriving due to loss of resources, and disposition the cats in accordance with this chapter.

(C) The Department shall coordinate with partnering animal welfare organizations and/or veterinarians to offer resource information for establishing opportunities for community cats, community cat providers, humane deterrents, and advice regarding community cat nuisances.

(D) A community cat provider shall comply with § 91.033(E), the administrative rules issued by the Department and the requirements of this division (D).

(1) Confine free roaming cats and arrange for surgical sterilization, ear tipping, and vaccination for rabies by a licensed veterinarian, microchipping and documentation of the foregoing with the Department prior to release back to the community;

(2) Seek veterinary care for or obtain assistance from an animal welfare organization or the Department for community cats which appear to require medical attention for serious illness or injury;

(3) Make reasonable effort to work with the Department or designated animal welfare organization to resolve nuisance complaints using humane deterrents and/or removal of community cats identified as a public nuisance; and

(4) Community cat providers found to be in violation of this chapter or managing an excess number of community cats as determined by the Department may have their community cat provider designation revoked at the discretion of the Department.

(E) It shall be unlawful to provide food, water, or shelter to free roaming cats in excess of 30 days unless the provider presents acceptable documentation showing implementation of the requirements of a community cat provider.

(Ord. G-15-14, passed 6-24-14)

## **REGISTRATION AND COMMERCIAL PERMITS**

### **§ 91.050 PET REGISTRATION REQUIRED; EXCEPTION; TAGS; MICROCHIP IMPLANT.**

(A) Except as follows, any person owning or harboring any dog or cat over the age of five months shall obtain a pet registration for such animal. No animal welfare organization, municipal animal control facility, governmental agency, or community cat provider shall be required to obtain a pet registration.

(B) A durable tag stamped with registration number and year of issuance will be issued to a pet registration holder for each registration granted. Dogs and cats shall wear their stamped tags affixed to their collars at all times, except when participating in an organized show, obedience demonstration, training event or under the care of a licensed veterinarian.

(C) Any person owning a surgically sterilized dog or cat may, as an alternative to an annual pet registration, obtain a lifetime pet registration for the dog or cat with a microchip implant. This lifetime registration shall continue for so long as such person is the registered owner.

(1) Each lifetime pet registration holder will be issued a durable stainless steel tag with a registration number for each registration granted. Dogs and cats shall wear their tags, affixed to their collars, at all times. Lifetime tags which become unreadable shall be replaced by the owner at the Department.

(D) Any person owning any dog or cat which has been implanted with a microchip shall transfer the microchip documentation with the Department and national registry upon the sale, trade, barter, gift or transfer of the microchipped dog or cat. Any dog or cat received by the Department with an untraceable tag or microchip due to an owner's failure to keep contact information current with the Department, a national registry or a state licensed veterinarian, will be held three business days prior to disposition.

(E) Lifetime and annual pet registrations are non- transferable.

(F) Any person registering a dog or cat more than 30 days after the expiration date of the prior registration will be charged a late fee.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.051 APPLICATION FOR REGISTRATION OR PERMITS.**

(A) Application for registration or permits may be made at the Department, in person or by mail, and shall include the name and address of applicant, registration or type of permit applied for, information regarding animals including number, description, sterilization status, and appropriate fee.

(B) Registration and permits, excluding lifetime registration, are issued for a period of one year, commencing on the date of issuance. Microchip implants may be registered for the life of the animal with the Department. Owners must contact the Department with changes of address, telephone, or ownership. Failure to keep contact information current may prevent the Department from contacting an owner; in such event, animals will be held three business days prior to disposition. The Department will consider the registered microchip and/or tag owner to be the legal owner of the animal.

(C) The Department shall issue a written registration or permit, which includes the number and type of registration or permit. In addition, the Department shall issue the owner a durable tag stamped with the registration number and year of issuance for each registration. A durable tag issued by a national registry will also be provided to the owner of an animal that has received a microchip implant. The tag will bear a corresponding number to the implanted microchip number and will be traceable through the Department database. The tag shall display a national, toll free, daily 24-hour telephone number for the purpose of animal and owner identification and advanced national registry if the owner so chooses.

(D) The Department shall maintain records of the identifying current registration/permit number for each animal properly registered or permitted by the Department.

(E) The owner of any dog or cat over the age of five months shall obtain a current pet registration for the animal as provided in this section. The owner of any dog, cat, or ferret over the age of three months, shall possess a current rabies vaccination tag showing that such animal has been vaccinated against rabies as provided in § 91.075. The owner of any animal who moves into the city for the purposes of establishing a residence or who becomes a resident of the city as a result of annexation, shall have 30 days thereafter to obtain the permits or registration required by this chapter.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.052 FEES.**

The following fees shall be paid for permits and registrations issued by the Department. All permits and registrations are issued annually except lifetime pet registrations.

(A) *Pet registration.*

(1) (a) Annual registration for altered dog or cat: \$ 5;

(b) Annual registration for unaltered dog or cat: \$100;

(c) Lifetime registration for altered dog or cat: \$ 30;

(d) Replacement tags: \$ 5;

(e) Late fee: \$ 5.

(2) An unaltered animal shall be classified as an altered animal for purposes of permit registration and fees upon presentation to the Department of documentation from a state licensed veterinarian, which establishes that the sterilization of the animal would jeopardize the animal's health. Registration of the unaltered animal at the altered fee will constitute the owner's agreement not to breed the animal.

(3) *Service animal exemption.* A person who is impaired by:



- (a) Blindness or any other visual impairment;
- (b) Deafness or any other audial impairment;
- (c) A physical disability; or

(d) A medical condition; and relies on a service animal for navigation, assistance in performing daily activities or alert signals regarding the onset of the person's medical condition, shall be exempt from the payment of an animal registration fee for the service animal.

(4) *Senior citizen exemption.* Any owner over the age of 61 years of an altered dog or cat shall be exempt from the payment of an annual registration fee and shall be charged the altered registration fee for a lifetime registration of the altered animal.

(B) *Residential, exhibitor, and commercial kennel/cattery permits.* The following permits shall be obtained annually; tags for animals registered under any such permit will be issued with the permit.

(1) *Residential kennel/cattery permit.*

- (a) One unaltered dog or cat will require no special permitting other than city pet registration.
- (b) Two or more unaltered dogs or cats: \$300;
- (c) (All tags/individual animal registrations included.)

(2) *Exhibitor's permit.*

- (a) Up to five unaltered dogs/cats: \$150;
- (b) (Must be all one species);
- (c) (All tags/individual animal registrations included.)

(3) *Commercial kennel/cattery permit.* (Requires zoning approval).

- (a) 6 - 15 dogs/cats: \$150;
- (b) 16-25 dogs/cats: \$200;
- (c) 26 or more dogs/cats: \$250;

(d) Each animal owned by the permit holder shall be individually registered with the Department; animals being boarded by the permit holder in connection with the operation of a boarding business will be registered by the owners of their respective boarded animals.

(C) *Grooming establishment permit.* Fee: \$100.

(D) *Major breeder's permit.* Fee: \$200 plus any applicable kennel/cattery permit fee.

(E) *Minor breeder's permit.*

(1) The owner or harbinger of a dog or cat which has been neutered within ten weeks after birthing a litter or who relinquishes such animal to the Department within ten weeks following the delivery date of the litter, shall be required to purchase a minor breeder's permit for \$10.

(2) The owner or harbinger of a dog or cat that has delivered a litter, who neither relinquishes the animal to the Department nor sterilizes the animal, shall be required to purchase a minor breeder's permit for \$100.

(3) Plus any applicable kennel/cattery permit fee.

(F) *Pet shop permit.* Fee: \$100.

(G) *Circus, animal concession, animal event, and commercial animal exhibit permits.*

(1) Fee: \$100;

(2) As a condition to being issued a permit, the event applicant will furnish the Department with a schedule of dates and times of events, exhibits, or performances in order that the Department may review and approve and periodically inspect such event. Failure to

pass an inspection may result in the immediate revocation of the permit.

(H) *Omnibus permit.*

(1) Fee: \$200;

(2) This permit shall allow the holder to operate a kennel or cattery, grooming establishment or pet shop.

(3) The permit holder is not required to obtain individual permits for each of the activities described in division (H)(2) above, but all requirements for each of the separate permits shall be met prior to the issuance of the omnibus permit. Animals owned as personal pets by the omnibus permit holder will not be considered registered under the omnibus permit.

(I) All permits will be issued under this section only after inspection and approval by the Department, provided all other requirements of this chapter are met.

(J) Late fee for permit renewal 30 days or more beyond expiration: \$50.

(K) Permit reinstatement fee: \$50.

(Ord. G-15-14, passed 6-24-14)

**§ 91.053 DENIAL OR REVOCATION OF PERMIT; APPEAL.**

(A) Any person who is denied a permit or whose permit is revoked may appeal the action of the Department in accordance with this section within 30 days following the date of the denial or revocation.

(B) All appeals shall be in writing and mailed or personally delivered to the Department to the attention of the Director who shall review such appeal. The Director shall order a reinspection in connection with such review and shall grant or deny such appeal in writing within ten business days following receipt thereof by the Department.

(C) A permit reinstatement fee of \$50 will be required prior to permit grant or reinstatement.

(Ord. G-15-14, passed 6-24-14)

**§ 91.054 KENNEL/CATTERY PERMITS.**

(A) No person shall own or harbor more than five dogs or seven cats or a combination of seven dogs and cats in the city unless approved by the Department of Planning Services.

(B) Any person owning or harboring more than one unaltered dog or cat over the over the age of five months shall be required to obtain a kennel/cattery permit.

(1) A person who complies with the numbers limits but who owns or harbors more than one intact dog or cat shall apply for a residential kennel/cattery permit which will be issued only after inspection and approval by the Department. Permits are valid for one year from date of issuance and shall be renewed by the permit holder annually. Residential kennel/cattery permits may be denied or revoked by the Department for cause.

(a) Residential kennel/cattery permit application eligibility requires a maximum of three unaltered dogs or cats which shall be maintained in facilities which are:

1. Located within the physical perimeter of the owner's principal residence on the owner's property;
2. Have adequate exercise space for the breed and number of dogs and cats maintained;
3. Have no history of previous ordinance violations; and
4. Include documentation showing current vaccinations for all dogs and cats.

(b) Cause for revocation shall include but is not limited to: animals not restrained, substantiated neighborhood nuisance complaints, failure to obtain and renew permits, breeding without a breeder's permit, failing to maintain current rabies vaccination status, and exceeding the numerical limits for animal ownership and/or harboring as identified in division (A) hereof.

(B) Any person boarding dogs or cats for compensation is required to obtain a kennel/cattery permit.

(C) Any exhibitor owning or harboring up to five unaltered dogs or cats over the age of five months shall register the animals annually under an exhibitor's permit which shall be issued upon submission of eight "Confirmation of Show Entry" forms issued by the American Kennel Club, United Kennel Club, American Cat Fanciers Association or other similar national registry, for the 12-month period preceding the date of registration. Such confirmation forms shall be issued by the show organizers and shall include owner's name and address, show date and location, animal's name, and class entry. Each such animal shall be issued a registration tag under the exhibitor's permit registration. An exhibitor's permit covers only those unaltered animals registered thereunder. An exhibitor's permit is not intended to preclude any other permit to which an owner may be entitled under this section; nor is it meant to replace any other permit which is required by this chapter. The exhibitor is required to be in compliance with all other state, county and municipal laws, ordinances and regulations.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.055 MAJOR BREEDERS PERMIT; SALE OF UNDERAGE PUPPIES/KITTENS PROHIBITED.**

(A) A major breeder's permit shall be obtained by:

(1) Any person who intentionally or inadvertently participates in or permits the breeding of more than one dog or cat in a 12-month period; or

(2) Any person who, sells, trades, exchanges, receives other compensation for or gives away more than one litter of puppies or kittens in a 12-month period; excepting a litter of puppies or kittens relinquished to the Department.

(B) A person meeting either of the criteria in division (A) shall:

(1) Not allow more than one litter per female dog or cat in a 12-month period; and

(2) Furnish the Department with all required information on the birth of each litter to enable the Department to register and assign a litter number for each litter; and

(3) Register the name, address, and telephone number of the new owner of any puppy or kitten sold or transferred with the Department within five days after the date of sale or transfer; and

(4) Provide the new owner of such puppy or kitten with the litter number and the major breeder permit number; and

(5) Immunize all animals offered for sale, trade, transfer or given away, (except an animal relinquished to the Department) against common disease: for dogs, against canine distemper, adeno-virus parainfluenza, parvovirus, coronavirus. and leptospirosis; and for cats, against feline rhinotracheitis- calici, and panleucopenia); and

(6) Not offer to sell, trade, transfer, offer other compensation for or give away, a puppy or kitten under the age of eight weeks; excepting a puppy, kitten or litter relinquished to the Department; and

(7) Provide an unqualified health warranty for a period of not less than one week with a recommendation to have each animal examined by a state licensed veterinarian; and

(8) Receive approval from the Department of Planning Services prior to permit issuance.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.056 MINOR BREEDER'S PERMIT; SALE OF UNDERAGE ANIMALS PROHIBITED.**

(A) A minor breeder's permit shall be obtained by:

(1) Any person who intentionally or inadvertently participates in or permits the breeding of a cat or dog or makes a cat or dog available for breeding purposes; or

(2) Any person who offers for sale, sells, exchanges, transfers, receives compensation for or gives away any litter of dogs or cats; excepting a litter of dogs or cats relinquished to the Department; or

(3) Any owner or harbinger of a dog or cat which has delivered a litter or who has caused the delivery of a litter, chooses not to

relinquish the animal to the Department and also elects not to have the animal surgically sterilized, shall cause such animal to be implanted with a microchip and shall register such animal within 30 days of following the date of notice requiring such procedure from the Department; or

(4) Any owner or harbored who fails to relinquish to the Department any dog or cat whose litter has been relinquished to the Department and does not surgically sterilize the animal shall obtain a microchip and register the animal within 30 days following the date of relinquishment; or

(5) Any owner or harbored having custody of a dog or cat which has been surgically sterilized within ten weeks after giving birth to a litter or who relinquishes the dog or cat to the Department within ten weeks following the birth date of the litter; or

(6) Any owner or harbored of a dog or cat which has delivered a litter, who chooses not to relinquish such animal to the Department and also chooses not to have such animal surgically sterilized;

(7) Such person shall be required to purchase a minor breeder's permit in accordance with the requirements of this chapter and shall pay the Minor breeder's permit fee, plus any applicable kennel/cattery permit fee.

(B) The person described in division (A) above shall:

(1) Be permitted to breed only one dog or one cat which produces only one litter of puppies or kittens in a 12-month period in such person's domestic household or any other domestic household in the city; and

(2) Be prohibited from offering for sale, selling, exchanging, transferring, receiving compensation for or giving away more than one litter of puppies or one litter of kittens in a 12-month period; excepting a litter of puppies or kittens relinquished to the Department; and

(3) Furnish the Department with such information on the birth of each litter of puppies or kittens as may be required to register such litter with the Department and to be assigned a litter number for such litter; and

(4) Register with the Department the name, address, and telephone number of each recipient of any puppy or kitten sold or transferred within five days following the date of sale or transfer; and

(5) Provide the recipient of such puppy or kitten the litter number of the animal received and the minor breeder's permit number to confirm the breeding and sale of such puppy or kitten in compliance with the requirements of the this chapter; and

(6) Immunize all cats and dogs offered for sale, exchange, transfer, or giveaway (except an animal relinquished to the Department) against common disease: for dogs, against canine distemper, adeno-virus parainfluenza, parvovirus, coronavirus. and leptospirosis; and for cats, against feline rhinotracheitis- calici, and panleucopenia; and

(7) Not offer a puppy or kitten for sale, exchange, transfer or giveaway in violation of § 91.078; and

(8) Provide an unqualified health warranty for such puppy or kitten for a period of not less than ten days following the date of delivery which warranty shall include a recommendation to have such puppy or kitten examined by a state licensed veterinarian within such health warranty period.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.057 VETERINARY HOSPITALS/CLINICS.**

(A) All animals shall be housed and boarded in a humane and sanitary manner.

(B) Veterinarians shall create and maintain in accordance with professional standards records of each animal accepted for diagnosis, treatment, or routine health care.

(C) Veterinarians who provide boarding, grooming or other animal related services in addition to the treatment and/or medical care of animals shall obtain a such permits as required under this chapter for the providing of such services.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.058 GROOMING ESTABLISHMENT.**

(A) Any person who has a grooming establishment shall obtain a grooming establishment permit. Approval from the Department of Planning Services is required prior to permit issuance.

(B) A permit holder may require proof of vaccinations against common diseases be provided to the establishment operator as a condition to providing grooming services for a dog or cat.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.059 PET SHOP PERMIT.**

(A) Any person operating a pet shop shall obtain a pet shop permit. Approval from the Department of Planning Services is required prior to permit issuance.

(B) (1) The permit holder shall furnish the purchaser of an animal from a pet shop a written certificate concurrently with the sale containing the following:

(a) Date of sale;

(b) Name, address and telephone number of purchaser and permit holder;

(c) Permit number of permit holder;

(d) Breed, description, approximate age and sex of dog, cat or other animal sold. (Small mammals, parrot-type birds, and fish not included.);

(e) Medication and prophylactic immunization and dates administered;

(f) Internal parasite medication(s) and date(s) administered;

(g) An unqualified warranty of good health for a period of not less than ten days from the date of purchase;

(h) A recommendation for the purchaser to have the animal examined by a state-licensed veterinarian during the warranty period.

(2) The permit holder shall retain a copy of the written certificate for a period of 12 months from date of sale.

(C) The permit holder shall provide the Department the name, address, and telephone number of each purchaser or recipient of any dog or cat sold or transferred within five days after the sale or transfer.

(D) The Department or Fort Wayne-Allen County Department of Health may delay the sale of any animal suspected of being diseased or otherwise unfit for sale. An examination by a state-licensed veterinarian may be required at the expense of the enforcing agency.

(1) The permit holder shall reimburse the enforcing agency's veterinary fees if the veterinary examination establishes that the animal is diseased or unfit for sale.

(2) The examination by a veterinarian shall be conducted within 24 hours of the enforcing agency's determination that the animal requires an examination.

(E) Pet shop owners and operators shall house the animals in a safe and sanitary manner. Medical services, daily care, and housing shall be provided to the animals according to specific needs of each species.

(F) No puppy or kitten under the age of eight weeks shall be offered for sale, sold, transferred, exchanged for compensation or given away (except a puppy or kitten, relinquished to the Department).

(Ord. G-15-14, passed 6-24-14)

### **§ 91.060 CIRCUS, ANIMAL CONCESSION AND ANIMAL EVENT.**

Any person who is responsible for a circus, animal concession or animal event shall obtain a circus, animal concession or animal event permit. In the event such person is determined to be a validly organized and existing non-profit entity, the permit will be issued on a complimentary basis. Such permits are issued for a 12-month period during which the permittee shall be required to register each

event with the Department not less than five business days prior to each event.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.061 ZOOLOGICAL PARKS.**

Zoological parks shall be issued complimentary permits.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.062 PERMIT EXEMPTION.**

The Department and any animal welfare organization, shall be exempt from the requirement to obtain any permit required by this chapter; provided that all other provisions of this chapter shall continue to apply.

(Ord. G-15-14, passed 6-24-14)

## **DOGS AND CATS: SPECIFIC REQUIREMENTS**

### **§ 91.075 RABIES VACCINATION REQUIRED; TAGS.**

(A) Cats, dogs, and ferrets over the age of three months shall be vaccinated for rabies by a state-licensed veterinarian. Either one-year or three-year rabies vaccine may be used in accordance with Indiana Administrative Code. Cats and dogs shall wear current rabies tags at all times attached to a properly fitted collar or harness.

(B) Community cats shall be vaccinated with a three-year rabies vaccine, ear-tipped, microchipped, and documented with the Department prior to release.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.076 DOGS OR CATS IN HEAT.**

Every female dog or cat in heat shall be confined in a secure structure or enclosure during her reproductive cycle to prevent conception except in cases of planned breeding.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.077 NOISY DOGS.**

No owner or harbinger of a dog shall allow the dog to create a disturbance through continuous barking, yelping, whining or howling. The animal control officer may take immediate action to cause the noise to be abated, either through issuance of a citation or by impounding the dog if no owner, harbinger, or agent can be located at the time of disturbance.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.078 SALE OF PUPPIES AND KITTENS.**

No puppy or kitten under the age of eight weeks of age may be offered for sale, sold, transferred, exchanged, or given away (except a puppy, kitten or litter may be relinquished to the Department).

(Ord. G-15-14, passed 6-24-14)

## **DESTRUCTION OF ANIMALS**

### **§ 91.090 SUBSTANCES PERMITTED FOR USE.**

The Department, other animal shelters, and public animal facilities in the city which are permitted to destroy animals, shall use only sodium pentobarbital or a derivative substance for said purpose.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.091 PERSON AUTHORIZED TO DESTROY ANIMALS.**

Animal euthanasia may be performed only by persons trained in humane procedures by state licensed veterinarians, registered veterinary technicians or national certification and shall use the methods described in § 91.090.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.092 CONFIRMATION OF DEATH PRIOR TO DISPOSAL.**

No disposal of an animal's body shall occur until all vital signs are checked (fixed pupil, cessation of heartbeat and respiration) to confirm the animal's death.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.093 FUNDING.**

Sufficient funds shall be appropriated in each annual city budget for personnel, drugs, equipment, and facilities necessary to meet the responsibilities of the Department as provided in this chapter.

(Ord. G-15-14, passed 6-24-14)

## **ADMINISTRATION AND ENFORCEMENT**

### **§ 91.105 DIRECTORS OF PUBLIC SAFETY AND DEPARTMENT; COMMISSION.**

(A) The Department shall be operated by the Director.

(B) The Director of Public Safety and the Director of the Department will be advised on matters of fiscal and operational decisions by a five member Commission. The Commission members shall each serve a three-year term, terms to be staggered. No limit shall be set on number of terms a Commission member may serve. All members shall serve without compensation.

(C) Three of the Commission members shall be appointed by the Mayor and two Commission members shall be appointed by the Common Council. Initially the Mayor shall appoint one Commission member to serve two years, and one Commission member to serve three years. The Common Council shall appoint one Commission member to serve two years, and one Commission member to serve three years. The appointments shall be based upon interest in and know ledge of animal care and control and not upon political affiliation.

(D) The first meeting of the Commission shall be convened by the Director. The Commission shall elect a Chair, Vice-Chair, and Secretary from among its members.

(E) The Commission shall meet, monthly or as otherwise determined by majority vote of the Commission and upon special call by the Chair or the written request to the Chair by any three members. The Commission shall adopt rules and regulations as may be necessary or appropriate in its judgment to carry out the provisions of this chapter and the laws, rules and regulations to which the Commission is subject.

(F) Three members of the Commission shall constitute a quorum for conducting business.

(G) In the event of vacancy on the Commission for any reason such vacancy shall be filled by the original appointing body for the unexpired term only and shall be subject to the provisions of this section.

(H) The Director shall have the following duties and powers:

(1) To oversee the enforcement of all city ordinances and state laws regarding animal care and control.

(2) To maintain and operate the Department's shelter facilities or shelters which have been designated for the humane sheltering or protection and disposition of animals in the custody of the Department.

(3) To purchase all materials and equipment required for the proper and efficient performance of the field services and the services provided at the Department's shelter facilities consistent with the city's duly established purchasing procedures.

(4) To oversee the retrieval and delivery to the Department of all unwanted animals, all animals not restrained, and all sick, diseased, injured, lost, strayed, stolen or abandoned animals. Those animals whose owners so request may be promptly euthanized at the Department's shelter facilities; provided however the Department reserves the right to refuse to accept an animal with a euthanasia directive if such animal appears to be physically healthy and behaviorally sound. In addition, any animal exhibiting symptoms of ill health which could pose a health hazard to other animals or humans and any animal whose injuries prevent the animal from resting comfortably for a minimum of three working days may be destroyed immediately upon authorization by the Director or his/her authorized agent. All other animals shall be kept at the shelter or location designated by the Director or his/her designated agent for a minimum of three working days to provide the owner the opportunity to claim the animal. Following such period, unclaimed animals may be placed in a suitable home, retained at the shelter, released to an accepted rescue organization, transferred to an animal welfare organization, or euthanized. Animals relinquished to the shelter by their owners or impounded and not claimed within the prescribed time become the property of the Department which shall determine the disposition of such animal.

(5) To enter upon public and private property in the city in pursuit of animals which are believed to be associated with a violation of this chapter. However, such authority does not extend to the interior of a privately owned structure without the consent of the individual who owns or occupies such premises or without appropriate legal process or authority. Any animal pursued and secured under this section may be confiscated and held by the Department pursuant to its rules and regulations. If an animal is confiscated without the knowledge or consent of the owner, harbinger or occupant of the premises, a notice containing the Department's address and telephone number shall promptly be affixed to an obvious location on said premises directing the owner, harbinger or occupant to contact the Department.

(6) To cause to be retrieved and disposed of all deceased animals found on a street, sidewalk or other public place or way in the city.

(7) To cause to be investigated all reports and complaints concerning any inhumane treatment or practices pertaining to animals within the city. To cause to be impounded at the Department or suitable locations designated by the Department all animals found in conditions adverse to their health and safety.

(8) To enter into contract with any municipalities or governmental units or any person, for the collection, transportation, sheltering and disposal of sick, diseased, injured, not restrained, lost, strayed or abandoned animals; provided that no such services be extended by the Department outside the city except under written contract with the unit or person, and at a charge based upon the actual cost of such services, including overhead. No such contract shall be effective except upon the approval of the Mayor, the ratification by the Common Council, and the approval of the City Attorney as to form and legality and delivery of services.

(9) To employ all personnel necessary for the efficient performance of the duties required by the Department.

(10) To prepare and submit an annual operating budget to the Common Council through the City Controller, after review and comments of the Commission.

(11) To submit to the Mayor and to the Common Council, no later than March 31, of each year, a report of the Department's activities and operations for the prior year.

(12) To establish reasonable fees to be charged to and collected from persons reclaiming and adopting animals. Such fees to be adopted only after approval by the Director and submission to the Mayor and Common Council for approval and ratification.

(13) To provide that all dogs and/or cats released for adoption shall be spayed or neutered, implanted with an electronic microchip, and to provide for a program to monitor said spay/neuter and microchip program.

(14) Any violations of the Department's animal adoption contract shall result in impoundment of the animal. Return of the animal



to the adopting party will be at the discretion of the Department.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.106 INTERFERENCE WITH ENFORCEMENT.**

No person shall interfere with an animal control officer in the performance of his/her duties as an officer under this chapter.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.107 IMPOUNDMENT; REDEMPTION.**

(A) Animals found in cruel, abusive, unsanitary or otherwise neglectful situations, owned or harbored by a habitual animal offender, animals bred, trained, or kept for the purpose of animal fighting, animals considered dangerous, or abandoned animals may be immediately seized by an animal control officer who shall leave written notice with Department contact information at the site from which the animal was seized.

(B) Animals so removed will be impounded and held at the Department or a designated facility for a maximum of five calendar days, after which time the animal shall become the property of the Department. An animal may be held longer if an extension is necessary:

(1) For the animal control officer to have adequate time to prepare and file a legal proceeding if prosecution is warranted; or

(2) If a request for a bond has been filed as provided in division (E) hereof. In the case of animals impounded for quarantine at the Department, the animal will become the property of the Department if not claimed by the close of business of the Department on the eleventh day of the quarantine. Owners requesting quarantine but failing to claim animals at the end of the quarantine period will be responsible for all associated medical, quarantine and euthanasia fees.

(C) Animals impounded because of tragic events not under the control of the owner or harborer, including but not limited to house fire or death of the owner or harborer, will be held for seven calendar days during which time a reasonable effort will be made to contact the owner or harborer and/or their representative to reclaim the animal. After the seventh day of impoundment, the animals will become the property of the Department.

(D) Animals awaiting disposition by the courts shall remain in the custody of the Department, until such disposition is made or the animal is placed in a foster home until arrangements for disposition have been completed.

(E) (1) Pursuant to impoundment of an animal under division (A) hereof, the Department may file a petition with the court requesting that the owner or harborer of the animal post a bond to cover the costs of care of the animal while in the custody of the Department. Such petition shall be accompanied by an affidavit of the Department that sets forth an estimate of the reasonable expenses that the Department expects to incur providing for such care. Reasonable expenses include but are not limited to the estimated cost of veterinary care, food and board for the animal. The owner or harborer of the animal shall be provided written notice of the petition by personal service or prepaid United States certified mail, return receipt requested. Any such mail shall be sent to the last known residence of the owner or harborer, if known, otherwise to the address from which the animal was seized. Refusal to accept certified mail or failure to receive mail due to other delays experienced by the owner or harborer will not negate the effectiveness of such notice.

(a) The court in which the petition is filed shall conduct a hearing on the petition, at which the Department shall have the burden of proving that there is probable cause for the court to find that the animal was confiscated by the Department for a reason listed under division (A) hereof. If the court finds that probable cause exists, the court shall order the owner or harborer of the animal to post a bond to cover the cost of the care of the animal for a minimum of 30 days.

(b) Bond must be posted within a maximum of three business days following the bond hearing order. If bond has not been posted within such period, the animal shall forthwith become the property of the Department.

(c) Bond must be posted at the Department in cash or certified funds only. The bond shall be deposited into the city's general trust fund and, in a subaccount specific for each case. The Department may draw on such subaccount to pay for the actual expenses incurred in the care and boarding of the animal.

(d) If, at the end of 30 days, the matter for holding the animal has not been adjudicated, another bond shall be posted. The

renewal bond shall be paid no later than the close of business on the thirtieth day. If the thirtieth day falls on a weekend or holiday, the bond shall be posted by the close of business on the last regular business day prior to the weekend or holiday. The bond shall be renewed every 30 days thereafter until the matter is adjudicated and an order issued by the court. Failure to repost bond at the end of any 30-day period will be considered voluntary relinquishment of the animal by the owner or harborer.

(e) In the event of a conviction of the defendant, the court, in its discretion, may order any remaining bond money forfeited to and/or the animal relinquished to the Department.

(f) In the event of a dismissal of the case or a finding in favor of the defendant, the court shall direct the delivery of the animal(s) and any bond money, less reasonable medical, housing and administrative costs, to the Defendant.

(2) The bond is intended to cover daily boarding, emergency medical care, immunizations and routine medical care. Animals displaying evidence of illness or injury at the time of impound will be treated immediately at the expense of the owner or harborer. Animals that are not current on inoculations for ailments common to their species will be inoculated at the expense of the owner or harborer. Any animal displaying evidence of illness or injury which, in the opinion of a state-licensed veterinarian, would cause undue suffering to that animal or pose a substantial health risk to other animals in the shelter shall be immediately and humanely euthanized.

(3) This section applies to all animals housed at the Department's shelter, or at a designated facility selected by the Department, irrespective of the agency that seized the animals.

(4) Animals so removed may be transported to a state-licensed veterinarian for examination and/or treatment. If, in the opinion of such veterinarian, the animal must be destroyed, euthanasia will be performed immediately. Costs of treatment, euthanasia, and related care shall be the responsibility of the owner or harborer.

(F) A person may reclaim an animal in the custody of the Department upon providing the following:

(1) Proof of ownership, and

(2) Payment of redemption fee and all other boarding, medical and other costs related to the Department's housing of the animal.

(3) Any dog or cat owned or harbored by a person who is not a city resident which does not display a current city pet registration or current identification tag affixed to its collar shall, upon redemption by its owner or harborer and prior to the animal's release by the Department, be implanted with a microchip and registered for purposes of identification and recovery. The microchipping and registration expense for the animal shall be paid by the owner or harborer prior to the animal's release.

(4) All animals shall be registered with the Department prior to release, or shall be subject to enforcement action to mandate registration.

(G) Stray or animals not restrained will be held three business days by the Department.

(H) Unclaimed animals become the property of the Department and may be placed for adoption or humanely euthanized, pursuant to § 91.105(H).

(I) A previously impounded stray animal or animal that is not restrained and is now being redeemed by the owner or harborer for a second or subsequent redemption shall be surgically sterilized by a state-licensed veterinarian at the owner's or harborer's expense. An appointment to perform the procedure shall be made at the time of redemption. An enforcement action requiring surgical sterilization will be issued by the Department at the time of redemption if the appointment is not made.

(J) In cases mandating spaying or neutering of a dog, the dog may, at the Department's discretion, be transported by the Department directly to the veterinarian selected by the owner or harborer for completion of the surgery and pickup of the animal by the owner or harborer. All fees due the veterinarian are the responsibility of the owner or harborer.

(K) Any free roaming cat shall be exempt from the three business day impoundment period and is eligible for immediate transfer to the Department's adoption program, animal welfare organization or may be processed as a community cat.

(Ord. G-15-14, passed 6-24-14)

## **§ 91.108 INSPECTIONS.**

(A) Whenever an inspection is required to enforce any of the provisions of or perform any duty imposed by this chapter or there is reasonable cause to believe that there exists in any building or structure or upon any premises a violation of the provisions of this chapter or state law, the animal control officer, a Health Department officer or law enforcement officer is authorized at all reasonable

times to inspect the same to determine compliance with this chapter or state law; provided that:

(1) If the property to be inspected is occupied, the attending officer shall first present proper credentials to the occupant and request entry, explaining the reasons therefor; and

(2) If the property to be inspected is unoccupied, the attending officer shall make a reasonable effort to locate the person having control of the property and request entry, explaining the reasons therefor.

(B) In the event the attending officer has reasonable cause to believe that the keeping or maintaining of an animal on or about the property is sufficiently hazardous or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall first present proper credentials and request entry, explaining the reasons therefor. If entry is refused or cannot be obtained because the attending person having ownership or control of the property cannot be found after reasonable search, the attending officer shall have recourse to secure lawful entry and inspect the property.

(Ord. G-15-14, passed 6-24-14)

## **§ 91.109 DISPOSITION OF MONEY.**

(A) All money generated, received or collected by virtue of the provisions of this chapter shall be set aside and placed in the city's general fund, except as hereinafter provided.

(B) All money received by the Department through donations, gifts, bequests or devises shall be payable to the City Controller and deposited into a dedicated Department Animal Care Fund to be used to promote the safe and humane treatment of animals in the city and county, to pay for the reasonable expenses incurred promoting the proper care, treatment and sterilization of animals and to educate the public regarding the same. All expenditures from the dedicated Animal Care Fund shall be approved in advance by a majority of the Commissioners. The expenditure of funds from the dedicated Department Animal Care Fund shall be subject to all state and local appropriation and purchasing requirements.

(C) All money generated, received or collected in connection with the Department's special fund-raising projects shall be payable to the City Controller and deposited in a dedicated Department Special Projects Fund to be used in a manner consistent with the expressed purpose of an event or project. No expenditure may be made from the dedicated Department Special Projects Fund unless first approved by the Director. The expenditure of funds from the dedicated Department Special Projects Fund shall be subject to all state and local appropriation and purchasing requirements. Any funds donated to the Department for a specific purpose shall be expended in a manner consistent with the donor's request.

(D) The Director shall provide the Commission, at each regular meeting, a report of revenues and expenditures of for the dedicated Department Animal Care Fund and the dedicated Department Special Projects Fund.

(E) Fees paid to the Department by enrollees in the court ordered deferral program shall be deposited to the Departments Special Projects Fund for staff training.

(Ord. G-15-14, passed 6-24-14)

## **RENTAL HORSES**

### **§ 91.120 DEFINITIONS.**

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**CARRIAGE HORSE.** Any horse or pony which is used by its owner or any other person to pull any vehicle, carriage, sled, sleigh or other device in exchange for compensation. A horse rented or leased by its owner to a third party who uses the animal for any of the foregoing purposes shall be deemed to be a carriage horse for the purposes of this subchapter.

**HORSE.** For the purposes of this section the term **HORSE** shall include pony, donkey, mule, burro, or any combination thereof.

**OWNER or OPERATOR.** A person or entity, which owns, controls, manages or operates a rental horse business.

**RENTAL HORSE BUSINESS.** A business enterprise which operates a horse drawn vehicle for hire such as a horse drawn cab, or offers the use of a horse to the public for a fee for the purpose of riding or pulling a horse drawn vehicle.

**RIDING HORSE.** A horse rented or leased by its owner to a third party for the purpose of riding.

**STABLE.** Any structure, facility or premises where one or more carriage horses or riding horses are housed, boarded, or maintained in exchange for compensation.

**WORK.** A horse is considered to be at work when not in its stable and presented to the public as being available for riding, pulling carriages, sleds, sleigh or other device, or when the horse is saddled or in harness.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.121 PERMIT AND REQUIREMENTS.**

(A) It shall constitute a violation of this section for any person to use or offer for use a horse in a rental horse business or to own or operate a stable without a license issued pursuant to this section. No owner or operator of a rental horse business shall allow a carriage driver to operate without a valid chauffeur's or operator's license to drive.

(B) Permits shall be issued for a term of one year and shall be subject to annual renewal.

(C) Applications for renewal shall be submitted to the Department a minimum of ten business days prior to expiration of the current permit. Such applications shall contain the name and address of the owner and operator of the horse and the rental horse business in which such horse is to be used and the owner and operator of the stable. The horse shall be identified by breed, age, sex, color, markings, and the location of the stable where the horse is to be stabled recorded on a veterinary certificate provided by the Department. No permit shall be transferable. Upon the transfer of ownership of the rental rights to any horse, the operator shall obtain a new license for such horse within 30 days of the transfer date.

(D) The annual fee for a license or renewal shall be \$25 for carriage horses and \$10 for riding horses, and shall be paid concurrently with submission of an application to the Department.

(E) Each horse permitted under this section shall receive an official identification number for use during its duration with the rental horse business.

(F) The owner or operator of a rental horse business shall keep accurate daily records of the activities of each carriage horse including driver's name, horse's identification number, vehicle license plate number, time departed stable and time returned to the stable. Such records shall be kept in a location available upon request by the Department while the horse is working.

(G) An owner or operator of a rental horse business shall make the stable in which rental horses are kept or maintained open for inspection at all reasonable time by authorized personnel of the Department.

(Ord. G-15-14, passed 6-24-14)

### **§ 91.122 STABLE REQUIREMENTS.**

(A) *Walls and ceilings.* Walls and ceilings shall be kept clean, in good repair, and free of physical hazards at all times. Stall walls shall be constructed of a safe and secure material, with boarding set beginning at ground level and sufficiently close to prevent the "casting" of a horse.

(B) *Floors.* Floors shall be level, free of holes or openings and shall permit proper drainage. No horse shall be stabled on a concrete floor without adequate cushioning.

(C) *Storage areas.* Feed storage area shall allow no harborage, shall be kept vermin and insect free and shall be constructed to permit extermination treatments. Feed concentrates shall be stored in an area inaccessible to the horses.

(D) *Ventilation.* Adequate ventilation shall be maintained, but rental horses shall not be unnecessarily exposed to drafts in stables during cold weather. All stable areas shall be substantially draft free and adequately maintained by natural or artificial light which permit effective and safe activities at all times.

(E) *General sanitation.* All interior areas of a stable shall be kept clean, properly drained and free of nuisances including, but not

limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent rodent and vermin activity and to maintain sanitary conditions.

(F) *Stalls*. Each stall shall house only one horse. Stalls shall be attended to daily and shall be provided with clean and dry sufficient bedding of straw, shavings or other suitable material which shall be replaced as necessary. The ceiling and shortest wall of the stall shall measure at least three feet greater than the height of the horse at the withers.

(Ord. G-15-14, passed 6-24-14)

## **§ 91.123 REGULATIONS.**

(A) Horses shall not be left untethered or unattended except when confined in a stable or other secure enclosure.

(B) Rental horses shall be allowed to drink, but shall not be allowed to drink in large quantities unless adequately rested. Water shall be offered at frequent periods throughout the day and, in the case of horses not at work, shall be available at all times. Troughs shall be cleaned daily. Sufficient nutritional foods and water shall be provided free of dust, mold, vermin and other contaminants. Rental horses shall be fed at least twice daily with the larger feeding being provided after the horse has completed work.

(C) Certified weights of all horses and horse drawn vehicles shall be registered annually with the Department. At the discretion of the Department, when supported by the opinion of a consulting veterinarian, a rental horse may be restricted as to pulling/riding capacity, based on individual characteristics and abilities.

(D) No rental horse shall be at work in excess of eight hours a day. Fifteen minute rest shall be required for every two working hours. Fresh water shall be made available to the horse during such rest period.

(E) Rental horses shall not be worked in temperatures below -10° Fahrenheit, with wind chill factor applied. At no time shall a rental horse be at work when the sum of the relative humidity and ambient temperature exceeds 160. For the purposes of this division, temperatures shall be those measured "in the city's downtown" and broadcast by the local radio stations. An operator of a rental horse at the time the temperatures exceed the above described limits shall return the passengers to the point of loading and rest the horse in sheltered conditions. Thereafter, such horses may be worked only when the weather conditions again reach acceptable limits.

(F) Rental horses shall not work on a public highway, street or way when adverse weather or other conditions threaten the health or safety of the horse or the public. Adverse weather conditions include but are not limited to snow, ice, heavy rain or other slippery conditions.

(G) Carriage companies shall equip all carriages with manure catching devices to be used at all times during work.

(H) No horse-drawn carriage shall be driven at a speed faster than a trot at any time. All such carriages shall comply with state law regarding slow moving vehicles. No horse drawn carriage shall be operated between the hours of 7:00 a.m. through 9:30 a.m. and 3:30 p.m. through 6:00 p.m.. Monday through Friday. No horse-drawn carriage shall be allowed on the downtown bus mall during normal Citilink operating hours, or at any time on Jefferson or Washington Boulevards, Clinton or Lafayette Streets in the city except to cross those streets at intersections controlled by an automatic signal.

(I) The owner/operator of a horse drawn carriage shall ensure a slow-moving vehicle emblem is prominently displayed on the rear of each carriage, whenever such carriage is moving. The triangular slow moving vehicle emblem will be mounted as near as is practicable to the center of mass and at an approximate height of not less than three and not more than five feet from level ground or surface. The emblem shall be mounted to ensure unrestricted visibility from the rear of the carriage, day or night.

(J) The owner/operator of a horse drawn carriage shall ensure flashing lamps are mounted and used whenever the carriage is moving, one hour before sunrise and one hour after sunset. A red or an amber flashing lamp will be mounted at a height as low as practicable that is visible from a distance of not less than 500 feet to the rear. A double-faced flashing lamp may be used, displaying amber light to the front and red or amber light to the rear.

(K) Every horse required to be permitted under § 91.121 shall have a general physical examination by a state-licensed veterinarian prior to use in a rental horse business, and thereafter at least annually during such use. The examination shall include but not be limited to, inspection of teeth, hooves, and shoes, and the physical ability of the horse to perform its work or duties. The examination shall also include treatment for parasites as necessary, a record of any injury, disease, or deficiency observed by the veterinarian, together with any prescription or recommendation regarding humane correction or disposition. An Indiana health certificate containing the above information and the identification number, age and condition of the horse, signed by the examining veterinarian, shall be maintained at the stable at which such horse is located.

(L) The rental horse business shall take immediate action to obtain veterinary treatment, care and attention when any horse exhibits evidence of sickness, diseased, lameness or injury. If a horse dies while at work or in the stable area, or is involved in an accident resulting in an injury to any horse, the Department shall be notified immediately.

(M) A horse subject to this section which is or becomes lame or experiences a physical condition or illness making such horse unsuitable for work shall be removed from work by the owner/operator of the rental horse business or may be ordered removed from work by the Department. In the event of a dispute regarding such physical condition or illness, the Department may require such horse be examined by a veterinarian to determine its ability to safely work in a rental horse business. The cost of any such examination shall be borne solely by the rental horse business. A horse which has been removed from work under this division shall not return to work until it has completely recovered from the condition causing removal from work, or until such condition has improved sufficiently that a return to work will not aggravate the condition or otherwise endanger the health of the horse. A violation of this division shall be presumed if a horse is found at work within 48 hours following such removal in the same or similar sick or disabled condition which caused the original removal. Such presumption may be rebutted by a written statement from a the veterinarian who examined the horse after the removal from work but prior to its return to work, which confirms his/her professional opinion that it was suitable for the horse to return to work prior to the expiration of the 48 hour period. Such written statement shall be carried with the horse during the presumed 48 hour recovery period, and provided to the Department upon request.

(N) Saddles, blankets, harnesses, bridles and bits and all other equipment shall be properly fitted to each horse and kept in good repair.

(O) Horses shall be kept clean while at work and in the stable. Horses shall be trimmed and shod a minimum of once every six weeks or sooner if necessary.

(Ord. G-15-14, passed 6-24-14)

#### **§ 91.124 EXEMPTION FROM OTHER PERMITTING REQUIREMENTS.**

A rental horse business as defined in § 91.120 is exempt from coverage under § 91.060 and is governed solely by the permitting and licensing requirements of § 91.121.

(Ord. G-15-14, passed 6-24-14)

#### **§ 91.999 PENALTY.**

(A) Violators of this chapter shall be subject to the following fines: any person violating any provisions of this chapter shall be fined for each offense in an amount not less than \$50 nor more than \$2,500; each daily violation shall constitute a separate offense.

(B) Upon finding a violation that one or more sections of this chapter pertaining to animal fighting, public safety, animal cruelty or neglect, animal hoarding or habitual animal offender have been violated, the court may order no animal ownership for a determinate period. The court may mandate counseling upon a conviction for cruelty to an animal or animal hoarding.

(C) Upon finding of a violation of this chapter, the court may order the relinquishment of an animal to the Department for disposition when:

(1) An animal is deemed to be a public safety risk and/or a repetitive public nuisance that has not been abated; or

(2) An animal is the victim of cruelty, neglect, abandonment; or

(3) Animals exceeding the maximum number ordered by the court are in the possession of a convicted habitual animal offender or an animal hoarder.

(D) The court shall order the destruction of any animal found to be dangerous pursuant to § 91.034(B). Destruction of the animal does not preclude the imposition of fines or fees for each offense as outlined in division (A) above.

(E) In the event that an animal is retained by the Department because the owner or harbinger of such animal violated this chapter, the person redeeming the animal by paying the prescribed fees shall also be required to pay the costs incurred by the Department for impoundment and care of the animal including but not limited to:

(1) Surgeries;

- (2) Vaccines;
- (3) X-rays;
- (4) Medications, exams, lab work;
- (5) Boarding;
- (6) Rescue equipment; and
- (7) Perishable personal protection equipment.

(F) A violation of this chapter may result in immediate impoundment of an animal by the Department.

(G) Violation of this chapter may result in revocation of any or all current permits and may require re-inspection and approval by the Department prior to reinstatement or reissuance.

(H) Upon finding an owner or harborer has violated this chapter, the court may order restitution by the owner or harborer including but not limited to:

- (1) Medical, veterinary, and/or pharmaceutical bills;
- (2) Replacement cost of animal;
- (3) Property damage;
- (4) Lost wages; and
- (5) Counseling or psychological treatment obtained by the victim which relates directly to the violation incident.

(I) Upon finding a violation of this chapter by an owner or harborer the court may offer payment for participation in the Department's deferral program. The Department may recommend deferral for minor violations of the requirements for animal care, registrations, and permits.

(Ord. G-15-14, passed 6-24-14)