

§ 97.04 INJURY, DISTURBANCE, OR REMOVAL OF ANIMALS PROHIBITED.

No person shall, within any park, molest, kill, wound, trap, hunt, take, chase, shoot, throw missiles at, remove, or have in his or her possession any animal, bird, bird's nest, or squirrel's nest, or remove the young of any animal or the eggs or young of any bird.

('83 Code, § 5-8) Penalty, see § 10.99

§ 97.22 ANIMALS AT LARGE PROHIBITED.

No person owning or being custodian or having control of any animal shall cause or permit the animal to go at large in any park or park street. A dog may be brought into a park or park street provided that the dog is continuously restrained by a leash not exceeding six feet in length. Any animal

§ 98.02 GENERAL ANIMAL CARE REQUIREMENTS.

(A) Every owner, or his agent, residing within the city shall be responsible that at all times each animal of which he or she is the owner or agent:

(1) Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit, lie, or eat in its own excrement;

(2) Has sufficient and wholesome food and water, which is proper and nutritional for that species of animal;

(3) If ill, diseased, or injured, receives proper veterinary care as necessary to promote the good health of the animal and prevent the transmittal of a disease to other animals or human beings;

(4) Is not beaten, ill-treated, overloaded, over-worked, tormented, or otherwise abused or neglected, or involved in any dog fight, cock fight, bull fight, or other combat between animals or between animals and humans;

(5) Is not physically altered in any manner by anyone other than a veterinarian, except for grooming;

(6) Is not abandoned, neglected, or tortured;

(7) Does not become a dangerous animal;

(8) In the case of a dog, cat or ferret over the age of 12 weeks, is properly vaccinated against rabies by a licensed veterinarian upon which frequency as is specified by state law;

(9) Is properly restrained and not at large;

(10) Is not induced or encouraged to perform through the use of chemical, mechanical,

electrical, or manual devices in a situation which will cause, or is likely to cause, excessive physical injury or suffering;

(11) Domestic companion animals must live in, or have access to structure, which will protect that animal from all elements of the weather and will allow that animal to stand, sit and lie down without restriction, and which is kept in a sanitary manner;

(12) Livestock must have demonstrable protection from the elements to include: windbreaks and shade; and

(13) Any animal in heat must be restrained or confined so as to prevent unintentional breeding.

(B) Wild or exotic animals may not be kept, except as permitted by applicable federal or state law.

(C) Any police officer shall have the right to enter upon a premises and any building or structure thereon if he or she shall have a good faith belief that animals are located on such premises and are endangered, in order to provide care for such animals and to provide for the safety of the public with regard to any such endangered animal. Unless an emergency exists, such police officer shall first attempt to contact any known owner of the premises and to gain access through such owner before entering upon such premises.

(Ord. 1438, passed 5-17-10) Penalty, see § 98.99

§ 98.03 ACTIONS BY ANIMALS AFFECTING CIRCUMSTANCES OFF THE OWNER'S PROPERTY.

The following actions by animals affecting circumstances off the owner's property shall constitute violations of this chapter:

(A) Running at-large;

(B) The molestation, attack or other interference by any animal with the freedom of movement of persons in a public right-of-way by any which occurs without provocation, whether or not on the property of its owner;

(C) Chasing or interfering with motor vehicles in a public right-of-way;

(D) The attack by any animal of any other owned domestic animals while off its' owner's property; and

(E) Damaging, soiling, defiling, destroying or defecating on any property other than that of its owner except that it shall not be a violation of this chapter if an act of defecation occurs on a paved public right-of-way other than a sidewalk or; on private property, on a sidewalk within a public right-of-way or, on a non-paved portion of a public right-of-way and the requirements of § 98.08 are satisfied.

(Ord. 1438, passed 5-17-10) Penalty, see § 98.99

§ 98.04 MOTOR VEHICLE ACCIDENTS INVOLVING ANIMALS.

Any person operating a motor vehicle, who knowingly hits, runs over, or causes injury to an animal reasonably thought to be an owned, domestic animal shall immediately notify the Police Department. Such notice shall include the motorists name, address, phone number, type of animal hit, and the location of the animal.

(Ord. 1438, passed 5-17-10)

§ 98.05 ANIMALS IN MOTOR VEHICLE.

No animal shall be left in a motor vehicle when the conditions in that vehicle would constitute a health hazard to that animal, or when the weather would constitute a health hazard to such animal confined in said motor vehicle; nor shall any person transport any animal in an unenclosed truck bed or open section of any vehicle unless the animal is enclosed in a cage which is securely fastened to the vehicle. A law enforcement officer may act to remedy the hazard by any means, including gaining entry to impound the endangered animal.

(Ord. 1438, passed 5-17-10) Penalty, see § 98.99

§ 98.06 POISONING OF ANIMALS.

(A) No person shall deposit, dispose or place any poisonous substance on any public or private property within the unincorporated limits of the city, if a human or owned domestic animal is reasonably likely to consume or come into contact with such substance.

(B) A person shall not be liable under division (A) in this section for leaving common rat or mouse poisons or insecticides, in any form, on his or her property, if the person exercised reasonable care in restricting a domestic animal's access to such poisons so that only the targeted rodents or insects are exposed to said poisons.

(Ord. 1438, passed 5-17-10) Penalty, see § 98.99

§ 98.07 MAXIMUM NUMBER OF DOGS OR CATS, WHICH MAY BE LOCATED ON A PREMISES.

The maximum number of dogs or cats which may be located upon a premises within the city is governed by the operation of the city's Unified Subdivision Control Ordinance.

(Ord. 1438, passed 5-17-10) Penalty, see § 98.99

§ 98.08 OWNERS OR AGENTS RESPONSIBLE FOR REMOVING ANIMAL WASTES.

Any owner or his agent taking the owner's dog or cat outside of the owner's real property limits must immediately remove any excrement deposited by the animal on any public or private property, except in the case of a guide dog for a blind person or service dog for a deaf or physically disabled person.

(Ord. 1438, passed 5-17-10) Penalty, see § 98.99

§ 98.09 ANIMAL BITES.

(A) If any person is a victim of an animal bite, he or she shall immediately notify the Police Department of the incident, and provide a description of the animal and identify, if possible, the owner. When an animal is determined to have bitten a person, the animal shall be confined in quarantine for a period of not less than ten days from the date of the bite.

(B) A biting animal may be left in the charge of the owner, under quarantine, unless, in the judgment of the animal control officer or police officer and based upon considerations of public safety, the officer determines it should be removed to an animal shelter or veterinary hospital for the period of observation.

(C) In addition to any other legal obligation prescribed by law, the owner shall pay for all costs incurred in the quarantine and/or impoundment of the animal before such animal will be released. If the owner is unable or unwilling to pay for said costs, the animal may be humanely euthanized, and the

owner shall still remain liable to the animal shelter for any costs incurred in said quarantine and/or impoundment.

(D) If the owner of the quarantined animal cannot be determined, the animal shall be impounded under the authority and discretion of the Police Department and confined in an animal control facility or an approved animal care facility designated by the Police Department for a period of observation of not fewer than ten days.

(E) Unless otherwise provided the city and any of its agents shall comply with the standards set forth in I.C. 15-2.1-6-1 through I.C. 15-2.1-6-13, entitled "Rabies".
(Ord. 1438, passed 5-17-10)

§ 98.10 VACCINATION OF DOGS, CATS AND FERRETS REQUIRED.

(A) No animal owner or his agent shall keep or harbor a dog, cat or ferret over the age of 12 weeks unless it has been vaccinated by a licensed veterinarian with anti-rabies vaccine.

(B) The owner shall maintain proof of an animal's vaccination so that it can be presented to the Police Department or its agent upon request.

(C) Failure to comply with the provision of this section shall subject the owner of said unvaccinated dog, cat or ferret to be issued an ordinance or state law (whichever is applicable) citation for the violation, subjecting the owner to a fine as set forth in § 98.16.
(Ord. 1438, passed 5-17-10) Penalty, see § 98.99

§ 98.11 INTERFERENCE WITH THE POLICE DEPARTMENT OR ANIMAL CONTROL OFFICER PROHIBITED.

No person shall interfere with or impede a city police officer or an animal control officer in the performance of his or her duties as set forth in this chapter.
(Ord. 1438, passed 5-17-10) Penalty, see § 98.99

§ 98.12 CONFINEMENT BY OTHER THAN CITY OFFICIALS; NOTICE REQUIRED.

Unless authorized by the owner of an animal, no person shall hold or retain possession of any animal of which he is not the owner for more than 24 hours without first reporting the possession of the animal to a police officer, or an animal control agency, or its designee. When reporting possession of an animal, such person shall give his or her name and address, a description of the animal, a true and complete statement of the circumstances under which he took possession of the animal, and the precise location where the animal is confined.

(Ord. 1438, passed 5-17-10)

§ 98.13 ANIMAL HANDLING PROCEDURES.

(A) Any police officer, or animal control officer, may immediately pick up and confine any of the following animals:

- (1) Any animal running at large;
- (2) Any unattended animal that is ill, injured, or otherwise in need of emergency care;
- (3) Any animal that is reasonably suspected of having rabies; and

(4) Any unattended animal that is exhibiting aggressive or dangerous behavior and is not sufficiently confined to its own property.

(B) Any police officer may impound the following animals under I.C. 35-46-3-6:

(1) Any animal which has bitten a person pursuant to I.C. 15-20 (Animal Control: dog bites & livestock-killing dogs);

(2) Any animal that is considered unattended, abused or abandoned under I.C. 35-46-3; and

(3) Any unattended animal for which there is probable cause to believe has been abused or neglected.

(C) If any dangerous, ferocious, or vicious animal is found at large and cannot be safely captured, said animal may be tranquilized, slain, or humanely euthanized to prevent harm or undue suffering, by a police officer or animal control officer to prevent harm.

(D) If stray animals are picked up by, or turned in to, an animal control agency, they shall be scanned for an identifying microchip unless doing so presents an unnecessary hazard to animal-handling personnel. The animal's owner shall be notified immediately.

(E) If an animal is bearing identification containing the owner's address and/or phone number, the agency shall notify the animal's owner immediately.

(F) If an animal bearing no identification tag or microchip is picked up or turned in to the animal control facility, and the owner's information is contained in the animal control agency's records, an attempt shall be made by that agency or the humane officer to return the animal to its owner as soon as is practical after it is picked up or turned in. If the attempt to return the animal is impossible or without

success, the animal control agency shall send a written notice to the control agency and/or the microchip company (if known). Such notice shall include the information that this agency has the animal and that unless the animal is claimed by the owner within seven days from the date of notification, the animal may be placed for adoption or humanely euthanized. This process shall only apply for first time violation.

On any subsequent violation, the impounded animals shall be kept for not fewer than five days to permit their owner's to claim them. After the fifth day, if their owners have not claimed the animal and paid the required fees, the animal may be placed for adoption or humanely euthanized.

(G) Stray animals will be held at the animal control facility a minimum of five days in order to permit their owner's adequate time to reclaim them.

(H) The animal control agency shall have authority to take whatever action is reasonably necessary, including humane euthanization, to deal with a sick or injured animal, to prevent unnecessary suffering of the animal.

(I) Nothing contained herein shall limit the animal shelters ability to take whatever action is reasonably necessary to provide veterinary care by a licensed veterinarian for a sick or injured animal.

(J) Any animal taken into an animal control facility, if not reclaimed by its owner as provided for herein, shall thereby become the property of the animal control agency and, if not adopted by the public, may be humanely euthanized.

(K) A police officer may impound any animal in violation of this section, pursuant to I.C. 35-46-3-6.
(Ord. 1438, passed 5-17-10)

§ 98.14 DANGEROUS ANIMAL REQUIREMENTS.

If an animal kills a person or causes a person serious injury, or meets any of the provisions set forth in the definitions, the animal may be deemed a dangerous animal. The animal may be impounded until the requirements of this section are fulfilled. If, in the opinion of the Police Department or its designee, the animal is too dangerous to keep in any home, dwelling, or enclosure, they may request an emergency court order to have the animal humanely euthanized.

(A) The owner shall be responsible for the costs of caring for the animal during the period of impoundment, including the costs of boarding and veterinary treatment, if necessary. If the owner institutes an appeal and the animal is ultimately determined not to be a dangerous animal, the owner shall not be charged the costs of boarding the animal.

(B) Upon the impoundment of the animal pursuant to this section, the owner shall be given 48 hours to show proof of, or apply for, a dangerous dog permit.

(C) If the owner fails to show proof of, or apply for, a dangerous dog permit within 48 hours of impoundment; or if the owner waives, in writing, all ownership and interest in the animal, the owners right to possession, title, custody, and care of said animal shall be forfeited, and the animal may be humanely euthanized.

(D) The owner of an animal, which kills or causes serious injury to a person who has committed criminal trespass (or a crime in which trespass is a lesser included offense) as heretofore described shall not be subject to the violation provisions set forth herein.

(E) If a conflict arises between the provisions of this section and other sections of this chapter, the provisions of this section shall prevail due to the public health and safety concerns.
(Ord. 1438, passed 5-17-10) Penalty, see § 98.99

§ 98.15 REQUIREMENTS TO POSSESS A DANGEROUS ANIMAL.

(A) A person wishing to own, harbor, possess, or keep a dangerous animal shall be required to provide:

- (1) A valid driver's license or state issued picture identification showing the owners name and current address;
- (2) Proof that the applicant owns said animal and is 18 years of age or older;
- (3) One copy of the current immunization and health records for said animal showing that the animal received a current rabies vaccination by a licensed veterinarian;
- (4) Proof that the applicant has insurance coverage for not less than \$300,000 for any injury, damage or loss caused by said animal;
- (5) Four photographs of said animal from four different sides taken not more than one month before the date of the application. Such photographs shall consist of a front, back, left and right side view of the animal;
- (6) The name, address, and phone number of the animal's previous owner, if applicable; and
- (7) The animal must be spayed or neutered, or otherwise altered to prevent procreation.

(B) Dangerous dog enclosure.

(1) The dangerous dog shall be confined, at all times, within a habitable escape-proof dwelling and/or an escape-proof kennel. Prior to use, they must be inspected by the Police Department or its designee.

(a) If chain-link fencing is used for the kennel, it must be made of at least 11-½ gauge chain-link wire. Other fencing must be of such material that the animal cannot chew, dig, or otherwise free itself from inside the enclosure. Fencing must be at least six feet high, the length and width a minimum of 10' x 10'.

(b) The top must be chain-link or of an engineered roofing from which an animal cannot escape.

(c) The floor must be chain-link, cement, or brick.

(d) Sides of the enclosure must be buried at least two feet into the ground or securely fastened to the floor.

(e) An outdoor enclosure must include adequate structure to protect the animal from all elements, such as a doghouse.

(f) The enclosure must be kept locked at all times to prevent both escape and accidental entry.

(g) The enclosure must be approved by the Police Department or its designee prior to use by a dangerous dog or animal.

(2) Prior to use, habitable dwellings such as a house or garage must be inspected to ensure that it is escape-proof. Such dwellings may be required to be modified on a case-by-case basis to ensure the dangerous animal cannot exit the dwelling of its own volition, such as when a door or window screen are the only obstacles that prevent the dog from exiting.

(C) The enclosure for a non-dog dangerous animal must be adequate to contain the species of animal kept. It will be inspected on a case-by-case basis to ensure that it is indeed escape-proof, as well as a humane method for the type of animal to be kept. This inspection will be made by or with a person competent to evaluate the type of animal involved.

(D) Except for medical treatment or examination, the owner will maintain the dangerous animal exclusively on the owner's property.

(E) If the animal is lost or escapes, the owner or owner's agent shall report said incident immediately to the Police Department or animal control agency.

(F) The owner of a dangerous animal/attack dog shall post signs on his or her property where such animal will be kept, clearly visible from the public roadway or 50 feet, whichever is less. These signs shall advise the general public about such animal's presence on the premises.

(G) The Police Department or its designee shall visually inspect the premises where the animal is kept. The inspection will consist of the kennel, or if there is no kennel, the officer will inspect the escape-proof habitat dwelling, doors, windows, and screen opening to determine if in fact, they are escape-proof. Also, the inspection will consist of the placement of warning signs, the animal leash, the muzzle, and the padlock for the cage. The Police Department or its designee must be satisfied that the owner has met all dangerous dog requirements before permitting a dangerous dog to be kept on the property.

(H) Duly authorized members of the Police Department or other law enforcement agencies, including but not limited to game wardens, conservation officers, and other law enforcement officers shall be exempt from the provisions of this section if the animal is used for law enforcement duties.

(I) The owner shall have 14 days to meet the attack dog/dangerous animal requirements. If the requirements are not met within the 14 days, the animal may be impounded and subsequently euthanized.

(J) If the owner of a dangerous animal/attack dog violates any provisions of this chapter, the animal may be impounded and held until a hearing is held. At such hearing, the court shall determine whether, in fact, a violation of this chapter has occurred. If the court determines that a violation of this chapter has occurred, it shall have the authority to impose a fine and/or order the animal euthanized. A dangerous animal/attack dog shall not be euthanized until after the court has rendered a final decision.

(K) In the event that an attack dog/dangerous animal changes owner, the new owner must meet the dangerous dog requirements. The original owner shall notify the animal control agency that the animal has been sold or given away.

(L) The owner of an attack dog/dangerous animal shall notify the animal control agency if the address changes where the animal is being kept. The owner must report the new address so an inspection can be made of the premises. The animal may not be moved until the new premises have passed inspection.

(M) The owner, or owner's agent, of an animal deemed dangerous under this chapter shall notify the Police Department and animal control agency immediately if said animal is running at large, has been stolen, or has attacked a person or a domestic animal.

(Ord. 1438, passed 5-17-10) Penalty, see § 98.99

§ 98.16 LIVESTOCK PROHIBITED.

No person shall keep, maintain, house or harbor any livestock including but not limited to cattle, horses, swine, sheep, goats or poultry at anytime or at any place, barn, shed or fenced or unfenced enclosure within the limits of the city.

(Ord. 616, passed 5-3-76) Penalty, see § 98.99

§ 98.17 BARKING AND LOUD NOISES PROHIBITED.

No person owning any dog, cat or other domestic pet or animal shall suffer or permit such animal to disturb the peace, dignity and quiet of the neighborhood by barking or making other loud or unusual noise.

(Ord. 616, passed 5-3-76) Penalty, see § 98.99

§ 98.99 PENALTY.

Any person who violates any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than \$100 and no more than \$500, together with the court costs or other assessments imposed by a court of competent jurisdiction. Any person convicted of a subsequent violation or violations of this chapter, within one year after a conviction, shall be punished by a fine of not less than \$200, and no more than \$1,000, together with the court costs or other assessments imposed by a court of competent jurisdiction. For purposes of this chapter, each day's violation of any of the terms or provisions hereof shall be deemed a separate offense.

(Ord. 1438, passed 5-17-10)