

**GENERAL ORDINANCE REPEALING AND REPLACING
CHAPTER 91 ANIMAL CONTROL, OF THE CITY OF FORT
WAYNE CODE OF ORDINANCES.**

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF FORT WAYNE,
INDIANA, CODE OF ORDINANCES:**

SECTION 1. That Chapter 91: ANIMAL CONTROL, of the City of Fort
Wayne, Indiana Code of Ordinances is hereby repealed and replaced in its entirety
as follows:

**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. The structure must have a roof, solid floor, three (3) 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 an area allowing the Animal to remain dry with access outside the structure to dry, mud free ground. For Domestic Farm Animals the structure shall consist of three (3) 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. A living vertebrate, domestic or wild, except a human being.

ANIMAL CONCESSION. An 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; the tracking of animal fighting results; or the production of materials promoting or supporting betting or gambling on animal fighting.

ANIMAL HOARDER. A Person who:

- (1) Possesses any combination of eight (8) or more cats and/or dogs.
Possesses any combination of fifteen (15) or more cats, dogs or other Animals including but not limited to: hamsters, chinchillas, hedgehogs, gerbils, guinea pigs, sugar gliders, rabbits, ferrets, mice, rats, lizards, snakes, turtles, birds, excluding fish; and
- (2) Fails to or is unable to provide adequate food, potable water, and/or a sanitary environment as provided in §91.015 and §91.017; and/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.

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

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

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

10 **BREEDER.** A Person who:

- 11 (1) Intentionally or accidentally allows the breeding of a cat or dog; or
12 (2) Makes a cat or dog available for breeding purposes; or
13 (3) A person who advertises or offers for sale, sells, trades, receives
14 compensation for, or gives away any litter of puppies or kittens; with the
15 exception a litter of puppies or kittens relinquished to the Department.
16

17 **CATTERY.** A Person who:

- 18 (1) Possesses more than one (1) unaltered cat or more than seven (7) cats,
19 whether or not altered; or
20 (2) Engages in the business of boarding cats for compensation.
21

22 **CIRCUS.** A commercial performance of acts for public entertainment which
23 includes performances by Animals.

24 **CITY.** The City of Fort Wayne, Indiana.
25

COMMISSION. The Animal Care and Control Commission which is comprised of five (5) appointed individuals who provide advice to the Chief of Police and the Department Director on policy and financial matters affecting the Department.

COMMUNITY CAT. An 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/or partnering Animal Welfare Organization, 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 Harboring 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 the Department Director under the direct supervision of the Chief of Police.

DOMESTIC FARM ANIMAL. Including but not limited to: calves, cattle, emus, goats, horses, ponies, llamas, alpacas, ostriches, poultry (chicken, duck, goose, turkey, peafowl, guinea fowl or any variety of game fowl galliformes and/or waterfowl (anseriformes)), sheep, pigs or porcine of any variety including Vietnamese potbellied pigs, and similar Animals. Pigeons shall not be considered a Domestic Farm Animal.

DIRECTOR. The Director of the Department.

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

EXOTIC ANIMAL. An Animal whose normal native habitat is not indigenous to the continental United States, excluding Alaska and Hawaii; except fish, and fur-bearing Animals commercially bred for the furrier trade and birds protected under federal laws and regulations.

FREE ROAMING CAT. A cat not restrained and without acceptable identification or without an identifiable Owner or Harborer.

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

HABITUAL ANIMAL OFFENDER. A Person who within any three (3) year period has:

- (1) Admitted to three (3) or more violations of this chapter before the ordinance violations clerk in accordance with Chapter 39; or
- (2) Has been convicted and/or admitted to a violation of this chapter in a court of competent jurisdiction.

The controlling date is the date of each violation and not the date of the subsequent plea or conviction.

HARBORER. A Person who knowingly confines or provides food, water, care, or shelter for any domestic Animal.

KENNEL. A Person who:

- (1) Possesses more than one (1) unaltered dog or more than five (5) dogs, whether or not altered; or

(2) Engages in 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, has ownership or custody rights for an Animal or who has Harbored such Animal for more than thirty (30) days (after filing a found report with the Department) 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. An Animal Owned or Harbored by a Person, except Service Animals, police dogs, or canine governmental dogs.

PET SHOP.

(1) A commercial operation, excluding a licensed Cattery, Kennel, or Breeder, whether operates 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. An Animal which engages in any of the following activities or conduct:

- (1) Impedes or interferes with a pedestrian or a passing vehicle; or
- (2) Charges or Attacks another Animal(s) or Person(s); or

- (3) Trespasses on school property; or
- (4) Is at large or not restrained; or
- (5) Damages private or public property; or
- (6) Barks, whines, howls, or makes other sounds common to its species continuously for fifteen (15) minutes or for an aggregate twenty (20) minutes in a one (1) hour period; or
- (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. An Animal is properly restrained when:

- (1) Secured by a leash or lead and under the physical control of the animal's owner or attending party; or
- (2) Confined within the exterior boundaries of the Owner's or Harboring'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. Only dogs are recognized as Service Animals under titles II and III of the Americans with Disabilities Act (ADA). Service Animals are dogs that are individually trained to do work or perform tasks for individuals with disabilities. The dog must be trained to take a specific action when needed to assist the Person with a disability in accordance with the ADA. Animals whose sole function is to provide comfort are not considered a Service Animal.

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

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

ZOOLOGICAL PARK. An American Zoological Association accredited permanent facility or operation, excluding Pet Shops, engaged in the displaying or exhibiting to the public one (1) or more species of non-domesticated animals.

§ 91.002 CHAPTER IS SUPPLEMENTAL TO CITY AND STATE LEGISLATION.

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

§ 91.003 SCHEDULE OF DEPARTMENT FEES.

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

	Fees
<u>Redemption by Owner & Surrender</u>	
First redemption	\$15
Second redemption	\$50
Third redemption	\$75
Fourth or subsequent redemption in a two (2) year period	\$100
Surrender / drop off fee for non-city resident*	\$25 - 1 st Animal \$10 each additional Animal \$5 per pocket Pet
<u>Protective Custody Impound</u>	
Reasons of fire, death, accident, acts of God	No cost for first 3 days; then \$10/day (cat), \$15/day (dog) \$5/day (small Animals/reptiles)

Reasons of arrest, seized for abuse, cruelty, abandonment, court case hold etc.	\$10/day (cat), \$15/day (dog), \$5/day (small Animals/reptiles)
<u>Daily Boarding**</u>	
Daily boarding fee for cat after legal hold	\$10
Daily boarding fee for dog after legal hold	\$15
Daily boarding fee for small Animal after legal hold	\$5
<u>Quarantine Boarding</u>	
10 day quarantine cat (per day)	\$10
10 day quarantine dog (per day)	\$15
<u>Medical Fees</u>	
Medications & preventative care (per dose)	\$5 - \$100
Minor medical treatment	\$10 - \$300
Major medical treatment	\$300 - \$1000
Diagnostics	\$10 - \$200
Examinations	\$30 - \$250
<u>Pet Registrations & Microchips</u>	
Annual registration for Altered Animal	\$5
Lifetime registration for Altered Animal with microchip	\$30
Annual registration for unaltered Animal	\$100
Senior (62+) annual reg. for Altered Animal	free
Senior (62+) lifetime for Altered Animal w/MC	\$5
Replacement	\$5
Microchip	\$15
<u>Euthanasia & Disposal</u>	
Euthanasia per Animal does not include disposal fee	\$30
Euthanasia of small pocket Pets; includes disposal	\$5
Disposal fee	\$10-\$50
<u>Adoption Packages***</u>	
Puppy (under 6 months old)	\$125
Small dog (under 25 lbs, 6 months-8 years old)	\$100
Large dog (+25 lbs, 6 months - 5 years old)	\$100
Senior small dog (under 25 lbs, 9 years and older)	\$50
Senior large dog (+25 lbs, 6 years and older)	\$25
Cats & kittens	\$65
Ferret	\$50
Guinea pig, rabbit, rats, cockatiel	\$25
Chinchilla, exotic large bird, reptile	\$75
Small Animals (hamster, gerbil, mice, small bird)	\$15
Pet supplies or accessories	\$5 - \$50

<u>Field Services</u>	
Trap deposit (wildlife and owned Animal)	\$50
Trap rental per day	\$1
Pick up of owned Animal	\$25 – 1 st Animal \$10 each additional Animal
Pick up for disposal of small Wild Animal (rabbit, squirrel, bird, chipmunk)	\$10
<u>Permits</u>	
Residential Kennel / Cattery permit	\$400 - \$500
Exhibitors permit	\$300
Commercial Kennel / Cattery permit	\$500 - \$1000
Grooming Permit	\$100
Minor Breeder permit	\$10 - \$100
Major Breeder permit	\$200
Pet Shop permit	\$300
Circus, Animal Concession, Animal Event, Commercial Animal, Exhibitor permits	\$300
Omnibus permit	\$300
Late fee and/or reinstatement fee	\$50
<u>Educational and Rental Fees</u>	
Animal care teens	\$35
Summer camp	\$100 - \$200
CPR class	\$60
Education center rental	\$35 (\$20 for employees / volunteers)
<u>Other Miscellaneous Fees</u>	
Declassification dog bite injury fee	\$50
UPS shipping of biting animals for state testing	\$20
Returned check fee	\$25
Deferral program	\$75
Additional deferral registrant	\$25
Training program / class	\$25 - \$50

*Partnering Animal Welfare Organizations are exempt from the non-city surrender / drop off fees. Non-city surrender / drop off fees may be waived for citizens when approved contracts have been signed with outside jurisdictions to accept the residents Animals.

**An Owner or Harboring who requests the Department hold a stray Animal longer than the three (3) day stray period must be approved by management/supervisory

personnel. Additional fees per day will be incurred and is the responsibility of the Owner or Harboring.

***Adoption package fees may include but are not limited to: spay/neuter, heartworm test, rabies, microchip, medical and/or preventative care. Medical treatment and preventative care the Animal(s) received from intake, prior to Animal(s) being adopted, shall be at the expense of the Department and not part of the Adoption Package. Adoption related fees may be adjusted based on available grants or special programming.

(B) Owners or Harboringers shall be responsible for paying all services rendered to the Animal(s) if they fail to claim the Animal(s) by its legal hold period. This includes but it not limited to: spay/neuter, Rabies Vaccination, medical and preventative care and any other medical treatment provided for the Animal(s).

(C) Fees may be waived and/or adjusted only in the discretion of management/supervisory personnel.

(D) Partnering Animal Welfare Organizations may receive discounted pricing from the Department for services provided when assisting with the placement of shelter Animal(s).

(E) Current Department employees may receive discounted pricing for medications, pet supplies, microchips, euthanasia and disposal, and/or minor medical treatments at the discretion of management/supervisory personnel.

ANIMAL CARE RULES AND REGULATIONS

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

(A) No Owner or Harboringer shall allow an Animal(s) to remain outside continuously for more than fifteen (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.

(1) Animal(s) must be brought into a temperature controlled structure when the temperature is at or below 10°F or at or above 85°F, or when a heat advisory, wind chill warning, or tornado warning has been issued by local, state, or national authority, except when the Animal(s) is in visual range of a competent adult who is outside with the Animal(s).

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

§ 91.016 REQUIRED MEDICAL AND/OR GROOMING CARE.

(A) An Animal(s) 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 plan for the Animal(s). Proof of the veterinary evaluation and/or treatment plan must be provided by the Owner or Harboring to the Department within such time period.

(1) The Owner or Harboring shall follow the treatment plan in full for the Animal(s) as outlined by the veterinarian within the time frame designated. The Owner or Harboring must provide proof the treatment was concluded successfully or provide follow up treatment plans when the first attempt was not effective or successful until the condition has been treated properly.

(B) The Owner or Harboring of an Animal(s) 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.

(C) The Owner or Harboring of an Animal(s) must provide reasonable care for or seek veterinary care for an injury or illness to an Animal(s) that seriously endangers the life or health of the Animal(s).

§ 91.017 ANIMAL ENCLOSURES AND OTHER AREAS TO BE KEPT IN SANITARY CONDITION.

All indoor and outdoor animal enclosures and other areas that include but are not limited to: 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 Person(s) responsible for the Animal(s) shall regularly and more frequently if necessary, clean and maintain all Animal enclosures and areas of Animal contact to prevent odor, health and/or sanitation issues.

§ 91.018 REMOVAL OF EXCREMENT.

Person(s) responsible for an Animal(s), 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.

§ 91.019 DOMESTIC FARM ANIMAL.

No Person shall possess or harbor a Domestic Farm Animal unless approved by the Department of Planning Services.

§ 91.020 RESTRAINT OF ANIMALS.

Animals shall be properly restrained as defined in this chapter.

§ 91.021 TETHERING OF ANIMALS.

(A) Animals shall not be tethered by any rope, chain, cord, or other tying device directly attached to the Animal's neck.

(B) Animals restrained by tethering must wear a properly fitted leather or nylon collar or harness which does not employ a choker mechanism.

(1) The proper use of choker collars in the training of an Animal is permitted.

(C) The tethering device shall be attached to the Animal's collar or harness and shall be at least six (6) feet in length without being tangled.

(D) The tether shall have a swivel device on the anchor and collar end to prevent tangling of the Animal.

(E) No Person shall tether a dog weighing less than sixty (60) pounds using a collar exceeding one and one-half (1 ½) inches in width, or a dog sixty (60) pounds or over using a collar exceeding two (2) inches in width.

(F) An Animal that is tethered must have unrestricted access to Adequate Shelter at all times.

(G) A Person shall not tether an Animal with a chain or any other tying device that weighs more than one-eighth (1/8) of the Animals body weight.

(H) A Person shall not tether an Animal in a manner that allows the Animal to leave the Person's property.

(I) A Person shall not tether an Animal in a manner where the Animal is able to become tangled.

(J) A Person shall not attach a tether to a motorized vehicle such as an automobile, truck, or motorcycle.

(K) No Person shall use a collar or harness which has been altered, modified or fashioned to hold weights or other mechanisms to create additional weight.

(L) *Prohibited tethering.* No Person shall:

(1) Tether an Animal(s) between the hours of 11:00 p.m. and 6:00 a.m.; or

(2) Tether an unsterilized Animal(s) for any period of time; or

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

(4) Tether an Animal(s) under six (6) months of age;

(5) Tether more than three (3) Animals simultaneously at the same location;

(6) Tether more than one (1) Animal in a manner that permits physical contact between the tethered Animals; or

(7) Tether Animals within three (3) feet of another Person's property, public thoroughfare, or right-of-way.

(M) Under the ADA, Service Animals must be harnessed, leashed, or tethered, unless these devices interfere with the Service Animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the Animal through voice, signal, or other effective controls. A person can be asked to remove their Service Animal from a premises if the dog is out of control and the handler does not take effective action to control it or the dog is not housebroken.

§ 91.022 ANIMAL CRUELTY AND ANIMAL HOARDING.

(A) No Person shall beat, neglect, torment, overload, overwork, or otherwise abuse or cruelly treat an Animal(s) except that reasonable force may be employed by a Person to repel vicious or trespassing Animal(s).

(B) No Person shall engage in Animal Hoarding as defined in this chapter.

§ 91.023 ANIMAL FIGHTING PROHIBITED.

1 (A) No Person shall advertise, organize, sponsor, promote, permit or
2 conduct any dog fight, cock fight or other form of fighting contests between
Animals or between Animals and humans.

3 (B) No Person shall own or possess:

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

6 (2) A dog, cock, fowl, or bird, or other Animal bearing a scar,
7 wound or injury consistent with animal fighting.
8

9 (C) No Person shall attend or participate in an animal fighting contest or
10 program.

11 (D) No Person shall sell, purchase, own, harbor, transfer, barter, breed, or
12 possess an Animal for the purpose of animal fighting.

13 (E) No Person shall permit the use of a structure, shed, room, yard, ground,
14 premises, pen, vehicle or property, whether or not enclosed, by any other
15 Person for the purpose of animal fighting.
16

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

20 (G) No Person shall train or condition an Animal(s) with equipment or
21 methods typically used to prepare an Animal(s) for a fight.

22 (H) A Person alleged to have violated this section may be subject to
23 separate counts of prosecution for each Animal associated with such Person's
24 prohibited conduct.

25 **§ 91.024 PROHIBITED ANIMAL EVENTS.**
26

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

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

9 **§ 91.025 POISONOUS BAIT.**

10 No Person shall set, use or employ any type of poisonous substance or bait that the
11 Department deems harmful to any domestic Animal; provided, however, that
12 controlled programs under the direction of the Fort Wayne-Allen County Department
13 of Health or state licensed extermination service may be excluded in the discretion of
14 the Department

15 **§ 91.026 ANIMAL ABANDONMENT.**

16 No Person shall abandon or cause to be abandoned an Animal(s) in, on or about any
17 public or private premises, structure, or other location. No Person shall keep an
18 Animal(s) in or about a building or other structure, or any portion thereof, on any
19 property that creates unsafe conditions for a Person or Animal, hazardous or
20 dangerous conditions for the public, vacant and/or not maintained in a manner that
21 would allow human habitation and/or occupancy.

22 **§ 91.027 TRAPPING.**

23 Traps discovered by the Department to have been unlawfully set may be seized by
24 the Department.

25 **§ 91.028 PUBLIC NUISANCE ANIMALS.**

26 No Person shall own or harbor an Animal(s) which is a Public Nuisance as defined in
27 this chapter.

§ 91.029 ANIMALS AS PRIZES OR INDUCEMENTS.

(A) No Person shall sell, offer or contract to sell, trade, barter, exchange, or transfer a 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, Animal Welfare Organizations, and partnering Animal Welfare Organizations engaged in promoting health, safety, or adoption of Animal(s) will be exempt from the prohibition of division (A) above, subject to compliance by such agencies with all applicable permit and inspection requirements.

§ 91.030 DYEING OR STAINING ANIMALS; ANIMALS AS NOVELTIES.

(A) No Person shall sell, offer or contract to sell, trade, barter, exchange or transfer an Animal(s) whose appearance has been altered by dyes or staining.

(B) No Person shall sell, offer or contract to sell, barter, exchange or transfer an Animal(s) or Domestic Farm Animal(s) as Pets or novelties.

§ 91.031 VEHICULAR INJURY TO ANIMALS.

A Person operating a motor vehicle which causes injury or death to an Animal(s) shall immediately stop, assess the extent of injury, and forthwith notify the Owner(s) or Department of the location of the Animal(s).

§ 91.032 ANIMALS IN VEHICLES.

(A) No Animal(s) shall be left unattended in a vehicle and/or in the open area of a vehicle or a trailer when conditions may constitute a health hazard to the Animal(s) and/or jeopardizes the safety of the Animal(s). Conditions may include but are not limited to: extreme temperatures (hot/cold), presence of dangerous materials, chemicals or objects, improper confinement or lack of necessary provisions.

1 (B) No Animal(s) shall ride in any open area of a vehicle or trailer on
2 public streets, highways and/or right-of-ways unless the Animal(s) are
securely caged and protected from the environment.

3 (C) No Animal(s) shall be transported in the trunk of a vehicle, a trailer,
4 or in any other type of enclosed structure that does not allow sufficient
5 ventilation and air flow for the Animal(s).

6 **§ 91.033 REPORTING STRAY ANIMALS.**

7
8 (A) A Person finding a stray Animal(s) shall:

9 (1) Notify the Department immediately and no later than twenty-
10 four (24) hours after finding an Animal(s) to have the Animal(s)
11 picked up or shall drop the Animal(s) off to the Department. The
12 Animal(s) shall be

13 (a) If an animal control officer is not on duty the finder
14 will need to hold onto the Animal(s) until the next animal
15 control officer comes on duty.

16 (2) At the discretion of the Department, the Animal(s) may be
17 held by the finder who shall complete a found report with the
18 Department which provides the finder an opportunity to return the
19 Animal(s) to its Owner.

20 (a) The finder must hold onto the Animal(s) until the
21 Owner is found or until thirty (30) days has passed from when
22 the found report was filed with the Department.

23 (b) If the finder is unable to continue to hold on to the
24 Animal(s), the Animal(s) must be surrendered to the
25 Department. The Animal(s) may not be rehomed to anyone
26 else to hold.

(c) The finder must present the Animal(s) for microchip scanning at the Department within seven (7) days from finding the Animal(s).

(d) The finder shall make the Animal(s) available to any potential Owners and may use the Department as a meeting location.

(e) With the exception of partnering Animal Welfare Organizations, the finder will be considered the found Animal's Owner for the purposes of this chapter only after a found report has been filed with the department and the Animal(s) is in the finder's custody for a continuous thirty (30) days.

(3) Upon request of the Department, a found Animal(s) will be surrendered to the Department and held for three (3) business days prior to its disposition.

(4) A Person finding an Animal(s) shall comply with all rules and regulations of this chapter pertaining to humane care and treatment of Animal(s) while such Animal(s) is in the Person's custody pending return to its Owner.

(B) A 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 partnering Animal Welfare Organization for microchip scanning to ensure such Free Roaming Cat does not have an identifiable Owner.

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

1 (A) *Dog bite injury classifications.* Classification of dog bite injuries shall
2 be based upon the specific injuries caused by the dog while not restrained.
3 Such classifications Levels One (1), Two (2), Three (3), and Four (4) dog bite
4 injuries are not progressive and may be initially classified at any level. Upon
5 a finding by the court that one of the following levels of dog bite injuries has
6 occurred, the court shall issue an order which shall impose the following
7 requirements on the Owner or Harboring of the biting dog.

8 (1) A Level One (1) dog bite injury occurs if a dog is not restrained
9 and inflicts a bite on another domestic Animal or Person which causes
10 an oral scratch or a maximum of four (4) punctures. Upon a finding
11 by the court a Level One (1) dog bite injury has occurred, the court
12 may impose a penalty under §91.999 and shall order that:

13 (a) The dog shall be spayed or neutered.

14 (2) A Level Two (2) dog bite injury occurs if the dog is not
15 restrained and inflicts a bite to another domestic Animal or Person
16 which causes more than four (4) punctures. Upon a finding by the
17 court a Level Two (2) dog bite injury has occurred the court may
18 impose a penalty under §91.999 and shall order that:

19 (a) The dog shall be spayed or neutered;

20 (b) Court ordered mandatory deferral, if available;

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

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

25 (3) A Level Three (3) dog bite injury occurs if a dog is not
26 restrained and causes more than four (4) punctures to another
27

domestic Animal or Person or any act including broken bones, crushing, tearing from shaking, or internal injuries, resulting in injury or death of such domestic Animal or Person. A Level Three (3) dog bite injury may initiate a dangerous animal investigation under §91.034(F). Upon finding by the court that a Level Three (3) 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 as prohibited in §91.021;
- (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 (4) dog bite injury occurs when there is a repeat occurrence of any dog bite injury Level One (1), Level Two (2), or Level Three (3) by a biting dog. A Level Four (4) dog bite injury may also initiate a dangerous animal investigation under §91.034(F).

(B) The Owner or Harboring of a dog which has caused any level of dog bite injury under this section shall report to the Department in writing any request to change the quarantine location of such dog prior to its relocation.

(C) *Compliance.* The Owner or Harboring of a dog(s) that has caused any level of dog bite injury under this section shall comply with each prospective classification provision of this section and may result in the imposition of a fine on the Owner or Harboring. Additionally, the Department shall have the

authority to impound such dog pending a final disposition of the applicable court proceeding.

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

(E) *Declassification of dog bite injury.* The Owner or Harboring may contact the Department to initiate the declassification of a 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:

(1) Dog(s) which have inflicted a Level One (1) dog bite injury shall not subsequently inflict a dog bite injury for a period of one (1) year. Dogs which have inflicted a Level Two (2) dog bite injury shall not subsequently inflict a dog bite injury for a period of three (3) years.

(2) The Owner or Harboring 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.

(3) Satisfaction of the conditions in divisions (E) (1) and (2) may in the discretion of the Department result in the declassification of the dog bite injury. Dogs which have inflicted Level Three (3) or Four (4) dog bite injuries shall not be eligible for dog bite injury declassification.

(F) *Dangerous animals prohibited.*

(1) *Ownership/possession prohibited.* No Person shall own, keep, or harbor a dangerous Animal(s); provided this section shall not apply to Animal(s) under the control of law enforcement or military

1 agencies. An Animal(s) may be declared dangerous if it is
2 determined to have exhibited dangerous behavior or if other
3 information has been obtained by the Department which identifies
4 such Animal(s) as dangerous, including but not limited to:

5 (a) The Animal has bitten or Attacked one (1) or more
6 Persons or Animals a minimum of three (3) times; or

7 (b) The Animal has bitten or Attacked a Person or an
8 Animal once causing wounds or injuries creating a potential
9 danger to the health or life of the victim; or

10 (c) The Animal could not be controlled or restrained at the
11 time of a bite or Attack upon an Animal or a Person; or

12 (d) The Animal has been purchased, bred, sold, trained, or
13 Harbored for the purpose of animal fighting; or

14 (e) The Animal has been microchipped by a licensed
15 veterinarian or the Department for the purpose of documenting
16 the occurrence of a prior bite or Attack.

17 (2) *Impoundment; costs.* The Animal(s) shall be impounded by the
18 Department pending an investigation and adjudication of the
19 Animal(s) as dangerous pursuant to this section. The Owner or
20 Harbored of an impounded and/or euthanized Animal(s) under this
21 section shall be responsible for the payment of any expenses related to
22 the impoundment incurred by the Department.

23 **§ 91.035 BITING ANIMALS; INCIDENT REPORT;**
24 **PROCEDURE.**

25 (A) The Owner or Harbored of an Animal(s) which has bitten a Person or
26 another Animal shall immediately report the incident to the Department and
27

1 make the Animal immediately available for quarantine. Upon receipt of the
2 bite report the Department will quarantine the Animal(s). The location of
3 confinement for all quarantines shall be determined by the Department.
4 During the quarantine period, the Animal(s) shall be securely confined and
5 segregated from contact with all other Animals and/or Persons other than the
6 primary caretaker. If the Animal is a dog, cat, or ferret and has bitten a
7 Person or a domestic Animal, it shall be quarantined for ten (10) days. All
8 other animal exposures and quarantines will follow the most current edition
9 of the Compendium of Animal Rabies Prevention and Control distributed by
10 the National Association of State Public Health Veterinarians.

11 (1) The location of quarantine cannot be changed without prior
12 authorization from the Department.

13 (B) A physician who has knowledge of, examined or treated a victim of
14 an animal bite shall immediately report the incident to the Department.
15 Sufficient information must be provided so that the Department is able to
16 make contact with the victim and/or Owner so that required quarantines can
17 be enacted.

18 (C) A veterinarian who has knowledge of, examined, or treated a victim
19 of a bite or the biting animal shall immediately report the incident to the
20 Department. This also includes reporting all bites that occur within the
21 veterinarian office to include but not limited to: the public, staff members,
22 volunteers, and contracted workers. Sufficient information must be provided
23 so that the Department is able to make contact with the victim, victim animal
24 Owner and/or biting animal Owner so that required quarantines can be
25 enacted.

26 (D) During the quarantine period, the Owner or Harboring shall provide a
27 current Rabies Vaccination certificate for the dog, cat, or ferret being
28 quarantined. If proof of vaccination is not provided, the Animal(s) will be
29 vaccinated by a veterinarian upon release from quarantine, at the expense of
30

the Owner or Harbored or shall be subject to enforcement action to mandate Rabies Vaccination.

(1) An Animal(s) 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(s). The cost of the quarantine, preventative vaccinations, minor medical treatments, and the implant and national registry of the microchip shall be at the expense of the Owner or Harbored.

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

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

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

(5) Enforcement action will be taken to mandate Microchip Implant for Owners or Harbored who refuse to microchip the Animal at redemption.

(E) 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.

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

§ 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 without all required federal and state permits.

§ 91.037 PROHIBITED TRAINING METHODS.

No Animal(s) 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 which will cause or has potential to cause physical injury or suffering to the Animal(s). Electronic perimeter fences and electronic collars, which are properly fitted, installed, maintained, and activated, shall be exempt from the foregoing prohibition.

§ 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 a domestic animal unless in Accordance with State Law.

§ 91.039 DANGEROUS WILD OR DANGEROUS EXOTIC ANIMALS.

(A) No Person shall possess, shelter, harbor, buy, sell, or trade a Dangerous Wild Animal or a Dangerous Exotic Animal except as provided in division (B) below.

1 (B) Properly licensed and permitted Zoological Parks, zoos, Circuses,
2 educational, and medical institutions shall be exempt from this section.

3 (C) An Animal(s) found in violation of this section may be immediately
4 seized by the Department.

5 (1) The seized Animal(s) will be held in protective custody for
6 seven (7) calendar days to allow the Owner or Harboring to properly
7 relocate the Animal(s) outside the city. Failure to relocate the
8 Animal(s) within such time period will result in the Animal(s)
9 becoming the property of the Department which may disposition the
10 Animal(s) at that time. The Owner or Harboring shall provide the
11 Department information which will establish the site of the Animal(s)
12 relocation.

13 (D) *Costs.* The Owner or Harboring of any Animals impounded and
14 euthanized or relocated under this section shall be responsible for payment of
15 all related expenses incurred by the Department. Payment is required prior to
16 release or relocation of the Animal(s).

17 **§ 91.040 HABITUAL ANIMAL OFFENDER.**

18 (A) It shall be a violation of this chapter to be a Habitual Animal
19 Offender. A court may limit, restrict, or prohibit animal ownership for a
20 Person deemed to be a Habitual Animal Offender for a minimum of five (5)
21 years up to and including a lifetime prohibition from animal ownership, after
22 considering the recommendation of the Department.

23 (B) Once deemed a Habitual Animal Offender the Department will
24 determine if a transfer of ownership will be permitted based on the case
25 surrounding the Animal(s), the risk to public safety and the suitability of the
26 potential new Owner. If a transfer is approved, the maximum time to transfer
27 ownership shall be no more than three (3) business days. All transfers must

occur at the Department to ensure compliance and a recorded transfer of ownership.

(1) If a transfer is not approved by the Department, the Person fails to bring the Animal(s) in for transfer or failure to transfer within the guidelines provided in (B) above, shall result in the Animal(s) being impounded and the Animal(s) shall become the property of the Department.

(C) A Habitual Animal Offender shall be prohibited from claiming an Animal(s) once the courts have deemed the Person to be a Habitual Animal Offender.

§91.041 COMMUNITY CATS.

(A) Free Roaming Cats without acceptable identification which have been impounded or trapped in the community may be deemed a potential Community Cat by the Department and/or partnering Animal Welfare Organization 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(B), 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 partnering 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 thirty (30) days unless the provider presents acceptable documentation showing implementation of the requirements of a Community Cat Provider.

REGISTRATION AND COMMERCIAL PERMITS

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

1 (A) An Owner or Harboring of a dog or cat over the age of five (5) months
2 shall obtain a current pet registration for the Animal(s) as provided in this
3 section.

4 (1) Animal Welfare Organizations, municipal animal control
5 facilities, governmental agencies, and Community Cat Providers shall
6 be exempt from this requirement.

7 (B) A durable tag stamped with registration number and year of issuance
8 will be issued to a pet registration holder for each pet registration granted.
9 Dogs and cats shall wear their stamped tags affixed to their collars at all
10 times, except when participating in an organized show, obedience
11 demonstration, training event, under the care of a licensed veterinarian,
12 while being housed at the Department, Animal Welfare Organization or at a
13 permitted Kennel, Grooming Establishment and/or day care.

14 (1) The Department shall maintain records of the identifying
15 current pet registration for each Animal(s) properly registered by the
16 Department.

17 (C) A Person who owns a surgically sterilized dog or cat may, as an
18 alternative to an annual pet registration, obtain a lifetime pet registration for
19 the dog or cat with a Microchip Implant. This lifetime pet registration shall
20 continue as long the Person is the registered Owner.

21 (1) Each lifetime pet registration holder will be issued a durable
22 stainless steel tag with a registration number for each pet registration
23 granted. Dogs and cats shall wear their tags, affixed to their collars,
24 at all times except as outlined in (B) above. Lifetime tags which
25 become unreadable shall be replaced by the Owner at the Department.

26 (D) An unaltered Animal(s) shall be classified as an Altered Animal for
27 purposes of pet registration and fees upon presentation to the Department of
28 documentation from a state licensed veterinarian, which establishes that the

sterilization of the Animal(s) 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.

(E) *Service Animal exemption.* A Person who is impaired by:

(1) Blindness or any other visual impairment;

(2) Deafness or any other audial impairment;

(3) A physical disability; or

(4) 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 pet registration fee for the Service Animal.

(F) *Senior citizen exemption.* An Owner over the age of sixty-one (61) years with an altered dog or cat shall be exempt from the payment of an annual pet registration fee and shall be charged the altered pet registration fee for a lifetime pet registration of the Altered Animal.

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

(H) The Owner or Harboring of an Animal(s) 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 thirty (30) days thereafter to obtain the pet registration(s) required by this chapter. Owners or Harboring shall also be required to obtain a pet registration if they reside in the city for an aggregate time frame in excess of thirty (30) days within a one (1) year time period.

(I) A Person who owns a 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. A 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 (3) business days prior to disposition.

(1) 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, Animal(s) will be held three (3) business days prior to disposition. The Department will consider the registered microchip and/or tag Owner to be the legal Owner of the Animal(s) unless the registered microchip or tag Owner advises they have given away, sold, transferred, adopted, or otherwise rehomed the Animal(s).

(2) A durable tag issued by a national registry will 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 twenty-four (24) hour telephone number for the purpose of Animal and Owner identification and advanced national registry if the Owner so chooses.

(J) Costs.

- | | | |
|-----|--|----------|
| (1) | (a) Annual registration for altered dog or cat: | \$ 5.00 |
| | (b) Annual registration for unaltered dog or cat: | \$100.00 |
| | (c) Lifetime* registration for dog or cat: | \$ 30.00 |
| | (d) Replacement tags: | \$ 5.00 |
| | (e) Senior (62+) annual altered registration | \$ Free |
| | (f) Senior (62+) lifetime* registration dog or cat | \$ 5.00 |

* Animal must be altered and have a microchip to qualify for a lifetime pet registration

§ 91.051 APPLICATION FOR PERMITS.

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

(B) Permits are issued for a period of one (1) year, commencing on the date of issuance and shall be subject to annual renewal. 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.

(C) The Department shall issue a written permit, which includes the permit number and type of permit. In addition, the Department shall issue the Owner a durable tag stamped with the pet registration number and year of issuance for each pet registration included with an approved permit.

(D) The Department shall maintain records of the identifying current permit number and pet registration tag for each Animal properly permitted and registered by the Department.

(E) All dogs and cats covered under an approved permit shall maintain current pet registrations and rabies vaccinations as outlined in §91.050 and §91.075 along with respective permit requirements.

(F) The Owner or Harboring of an Animal(s) 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 thirty (30) days thereafter to obtain the proper permit(s) required by this chapter.

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

4 (H) A late fee will be assessed for a permit renewal that is in excess of
5 thirty (30) days beyond the expiration date. A permit reinstatement fee will
6 be assessed when requesting re-inspection for approval after a revocation of a
7 permit has occurred.

8 **§ 91.052 OMNIBUS PERMIT.**

9 (A) This permit shall allow the holder to operate a Kennel or Cattery and
10 a Grooming Establishment and/or Pet Shop.

11 (B) The permit holder is not required to obtain individual permits but all
12 requirements for each of the separate permits shall be met prior to the
13 issuance of the omnibus permit. Animal(s) owned as personal Pets by the
14 omnibus permit holder will not be considered registered under the omnibus
15 permit.

16 (C) Cost: \$300

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

20 (E) A late fee will be assessed for a permit renewal that is in excess of
21 thirty (30) days beyond the expiration date. A permit reinstatement fee will
22 be assessed when requesting re-inspection for approval after a revocation of a
23 permit has occurred.

24 **§ 91.053 DENIAL OR REVOCATION OF PERMIT;** 25 **APPEAL.**

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

4 (B) All appeals shall be in writing and mailed or personally delivered to
5 the Department to the attention of the Director who shall review such appeal.
6 The Director shall order a re-inspection in connection with such review and
7 shall grant or deny such appeal in writing within ten (10) business days
8 following receipt thereof by the Department.

9 (C) A permit reinstatement fee of \$50 will be required prior to permit
10 inspection and approval.

11 **§ 91.054 NUMBERS LIMIT; KENNEL/CATTERY AND**
12 **EXHIBITOR PERMITS**

13 (A) No Person shall Own or Harbor more than five (5) dogs or seven (7)
14 cats or a combination of seven (7) dogs and cats unless approved by the
15 Department of Planning Services.

16 (B) A Person Owning or Harboring more than one (1) unaltered dog or
17 cat over the over the age of five (5) months shall be required to obtain a
18 Kennel/Cattery permit.

19 (1) A Person who complies with the numbers limits but who
20 Owns or Harbors more than one (1) intact dog or cat shall apply for a
21 residential Kennel/Cattery permit which will be issued only after
22 inspection and approval by the Department. Permits are valid for one
23 (1) year from date of issuance and shall be renewed by the permit
24 holder annually. Residential Kennel/Cattery permits may be denied
25 or revoked by the Department for cause.

26 (2) Residential Kennel/Cattery permit application eligibility
27 requires:

(a) A maximum of three (3) unaltered dogs or cats;

(b) Animal enclosures shall be maintained and located within the interior of the Owner or Harboring's principal residence on the Owner or Harboring's property;

(c) The Animal(s) shall have adequate exercise space for the breed and number of dogs and/or cats maintained;

(d) The Owner or Harboring does not have a history of previous ordinance violations; and

(e) The Owner or Harboring can provide documentation for current vaccinations for all dogs and cats at the inspection or prior to paying for the Kennel / Cattery permit, if all other areas have passed inspection.

i.. The Owner or Harboring will have until the Final Notice date to come into compliance with pet registrations, Rabies Vaccination and Kennel/Cattery Permit requirements and may not be denied for any of the above unless one of the criteria in 2 (a) to (d) is not met.

ii. The initiating call and any issuance of citations at the initial call are not an immediate denial for the Kennel/Cattery permit.

(3) Cause for revocation of an issued Kennel/Cattery permit shall include but is not limited to: animal fighting, human or animal bites, 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 numbers limit for animal ownership and/or harboring as identified in division (A) hereof.

(4) Kennel/Cattery permits shall be renewed annually and pet registrations for Animals registered under any such permit will be issued with the permit.

(5) Costs.

(a) Two (2) unaltered dog or cats: \$400

(b) Three (3) unaltered dog or cats: \$500

(C) A commercial Kennel/Cattery permit requires zoning approval along with a Department inspection and approval.

(1) 6 - 15 dogs/cats: \$500

(2) 16 - 25 dogs/cats: \$750

(3) 26 or more dogs/cats: \$1000

(4) Each Animal(s) 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.

(D) A Person boarding dogs or cats for compensation is required to obtain a Kennel/Cattery permit.

(E) An exhibitor Owning or Harboring up to five (5) unaltered dogs or cats over the age of five (5) months shall register the Animal(s) annually under an exhibitor's permit. The exhibitor permit shall be issued upon submission of eight (8) "Confirmation of Show Entry" forms issued by the American Kennel Club, United Kennel Club, American Cat Fanciers

1 Association or other similar national registry, for the twelve (12) month
2 period preceding the date of registration. Such confirmation forms shall be
3 issued by the show organizers and shall include Owner's name and address,
4 show date and location, Animal's name, and class entry. Each such Animal
5 shall be issued a pet registration tag under the exhibitor's permit registration.
6 An exhibitor's permit covers only those unaltered Animal(s)s registered
7 thereunder. An exhibitor's permit is not intended to preclude any other
8 permit to which an Owner may be entitled under this Section §91.054; nor is
9 it meant to replace any other permit which is required by this chapter. The
10 exhibitor is required to be in compliance with all other state and municipal
11 laws, ordinances and regulations.

12 (1) Cost. Up to five (5) unaltered dogs/cats and must be all one
13 species: \$300

14 (F) Permits will be issued under this section only after inspection and
15 approval by the Department, provided all other requirements of this chapter
16 are met.

17 (G) A late fee will be assessed for a permit renewal that is in excess of
18 thirty (30) days beyond the expiration date. A permit reinstatement fee will
19 be assessed when requesting re-inspection for approval after a revocation of a
20 permit has occurred.

21 **§ 91.055 MAJOR BREEDERS PERMIT; SALE OF UNDERAGE
22 PUPPIES/KITTENS PROHIBITED.**

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

24 (1) A Person who intentionally or inadvertently participates in or
25 permits the breeding of more than one (1) dog or cat in a twelve (12)
26 month period; or

1 (2) A Person who, sells, trades, exchanges, receives other
2 compensation for or gives away more than one (1) litter of puppies or
3 kittens in a twelve (12) month period; with the exception a litter of
4 puppies or kittens relinquished to the Department.

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

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

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

11 (3) Register the name, address, and telephone number of the new
12 Owner of any puppy or kitten sold or transferred with the Department
13 within five (5) days after the date of sale or transfer; and

14 (4) Provide the new Owner of such puppy or kitten with the litter
15 number and the major Breeder permit number; and

16 (5) Immunize all Animal(s) offered for sale, trade, transfer or
17 given away, with the exception an Animal(s) relinquished to the
18 Department, against common disease: for dogs, against canine
19 distemper, adeno-virus parainfluenza, parvovirus, coronavirus, and
20 leptospirosis; and for cats, against feline rhinotracheitis- calici, and
21 panleucopenia; and

22 (6) Not offer to sell, trade, transfer, offer other compensation for or
23 give away, a puppy or kitten under the age of eight (8) weeks; with
24 the exception of a puppy, kitten, or litter relinquished to the
25 Department; and

26 (C) Provide an unqualified health warranty for a period of not less than
27 one (1) week with a recommendation to have each Animal(s) examined by a

state licensed veterinarian; and

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

(E) Costs. \$200 plus any applicable Kennel/Cattery permit fee

(F) 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.

(G) A late fee will be assessed for a permit renewal that is in excess of thirty (30) days beyond the expiration date. A permit reinstatement fee will be assessed when requesting re-inspection for approval after a revocation of a permit has occurred.

§ 91.056 MINOR BREEDER'S PERMIT; SALE OF UNDERAGE PUPPIES/KITTENS PROHIBITED.

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

(1) A 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) A Person who offers for sale, sells, exchanges, transfers, receives compensation for or gives away any litter of dogs or cats; with the exception of a litter of puppies or kittens relinquished to the Department; or

(3) An 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

1 implanted with a microchip and shall register such Animal within
2 thirty (30) days of following the date of notice requiring such
3 procedure from the Department; or

4 (4) An Owner or Harboring who fails to relinquish to the Department
5 any dog or cat whose litter has been relinquished to the Department
6 and does not surgically sterilize the Animal shall obtain a microchip
7 and register the Animal within thirty (30) days following the date of
8 relinquishment; or

9 (5) An Owner or Harboring having custody of a dog or cat which has
10 been surgically sterilized within ten (10) weeks after giving birth to a
11 litter or who relinquishes the dog or cat to the Department within ten
12 (10) weeks following the birth date of the litter; or

13 (6) An Owner or Harboring of a dog or cat which has delivered a
14 litter, who chooses not to relinquish such Animal to the Department
15 and also chooses not to have such Animal surgically sterilized;

16 (7) Such Persons shall be required to purchase a minor Breeder's
17 permit in accordance with the requirements of this chapter and shall
18 pay the minor Breeder's permit fee, plus any applicable
19 Kennel/Cattery permit fee.

20 (B) The Person described in division (A) above shall:

21 (1) Be permitted to breed only one (1) dog or one (1) cat which
22 produces only one (1) litter of puppies or kittens in a twelve (12)
23 month period in such Person's domestic household or any other
24 domestic household; and

25 (2) Be prohibited from offering for sale, selling, exchanging,
26 transferring, receiving compensation for or giving away more than
27 one (1) litter of puppies or one litter of kittens in a twelve (12) month

period; with the exception of 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; 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 (5) 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, with the exception of an Animal(s) 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 (10) 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.

(C) Costs.

1 (1) The Owner or Harboring of a dog or cat which has been altered
2 within ten (10) weeks after birthing a litter or who relinquishes such
3 Animal to the Department within ten (10) weeks following the
4 delivery date of the litter, shall be required to purchase a minor
5 Breeder's permit for \$10; or.

6 (2) The Owner or Harboring of a dog or cat that has delivered a
7 litter, who neither relinquishes the Animal to the Department nor
8 alters the Animal, shall be required to purchase a minor Breeder's
9 permit for \$100; and

10 (3) Any applicable Kennel/Cattery permit fee.

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

14 (E) A late fee will be assessed for a permit renewal that is in excess of
15 thirty (30) days beyond the expiration date. A permit reinstatement fee will
16 be assessed when requesting re-inspection for approval after a revocation of a
17 permit has occurred.

18 § 91.057 VETERINARY HOSPITALS/CLINICS.

19 (A) Animals shall be housed and boarded in a humane and sanitary
20 manner.

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

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

1 (D) Report to the Department any knowledge of suspected injuries, illness
2 and/or other medical conditions related to cruelty, neglect and/or abuse. This
3 is in addition to the required reporting for animal bites to Persons and/or
4 Animals in §91.035(C).

5 **§ 91.058 GROOMING ESTABLISHMENT.**

6 (A) A Person who has a Grooming Establishment shall obtain a Grooming
7 Establishment permit. Approval from the Department of Planning Services is
8 required prior to permit issuance. Permit must be obtained annually.

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

12 (C) Cost. \$100

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

16 (E) A late fee will be assessed for a permit renewal that is in excess of
17 thirty (30) days beyond the expiration date. A permit reinstatement fee will
18 be assessed when requesting re-inspection for approval after a revocation of a
19 permit has occurred.

20 **§ 91.059 PET SHOP.**

21 (A) A Person operating a Pet Shop shall obtain a Pet Shop permit.
22 Approval from the Department of Planning Services is required prior to
23 permit issuance. Pet Shop permits must be obtained annually.

24 (B) The permit holder shall furnish the purchaser of an Animal(s) a
25 written certificate concurrently with the sale that shall contain the following
26 information:
27

(1) Date of sale;

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

(3) Permit number of permit holder;

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

(5) Medication and prophylactic immunization and dates administered;

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

(7) An unqualified warranty of good health for a period of not less than ten (10) days from the date of purchase;

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

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

(D) 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 (5) days after the sale or transfer.

(E) The Department or Fort Wayne-Allen County Department of Health may delay the sale of an Animal(s) 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 the Animal(s) is diseased or unfit for sale.

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

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

(G) No puppy or kitten under the age of eight (8) weeks shall be offered for sale, sold, transferred, exchanged for compensation or given away; with the exception of a puppy or kitten, relinquished to the Department.

(H) Cost. \$300

(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) A late fee will be assessed for a permit renewal that is in excess of thirty (30) days beyond the expiration date. A permit reinstatement fee will be assessed when requesting re-inspection for approval after a revocation of a permit has occurred.

§ 91.060 CIRCUS, ANIMAL CONCESSION AND ANIMAL EVENTS.

(A) A 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 an existing non-profit entity, the permit will be issued on a complimentary

1 basis. Such permits are issued for a twelve (12) month period during which
2 the permittee shall be required to register each event with the Department not
3 less than five (5) business days prior to each event.

4 (B) As a condition to being issued a permit, the event applicant will
5 furnish the Department with a schedule of dates and times of events, exhibits,
6 or performances in order that the Department may review and approve and
7 periodically inspect such event. Failure to pass an inspection may result in
8 the immediate revocation of the permit.

9 (C) Cost. \$300

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

13 (E) A late fee will be assessed for a permit renewal that is in excess of
14 thirty (30) days beyond the expiration date. A permit reinstatement fee will
15 be assessed when requesting re-inspection for approval after a revocation of a
16 permit has occurred.

17 **§ 91.061 ZOOLOGICAL PARKS.**

18 Zoological Parks shall be issued complimentary permits.

19 **§ 91.062 PERMIT EXEMPTION.**

20 The Department and Animal Welfare Organizations shall be exempt from the
21 requirement to obtain any permit required by this chapter; provided that all other
22 provisions of this chapter shall continue to apply.

23 **DOGS AND CATS; SPECIFIC REQUIREMENTS**

24 **§ 91.075 RABIES VACCINATION.**

1 (A) Cats, dogs, and ferrets over the age of three (3) months shall be
2 vaccinated for rabies by a state-licensed veterinarian. Either one year (1) or
3 three (3) year rabies vaccine may be used in accordance with Indiana
4 Administrative Code. Cats and dogs shall wear current rabies tags at all
5 times attached to a properly fitted leather or nylon collar or harness except as
6 outlined in §91.050(B).

7 (B) Community Cats shall be vaccinated with a three (3) year rabies
8 vaccine, ear-tipped, microchipped, and documented with the Department
9 and/or partnering Animal Welfare Organization prior to release.

10 **§ 91.076 DOGS OR CATS IN HEAT.**

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

14 **§ 91.077 NOISY DOGS.**

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

20 **§ 91.078 SALE OF PUPPIES AND KITTENS.**

21 No puppy or kitten under the age of eight (8) weeks of age may be offered for sale,
22 sold, transferred, exchanged, or given away; with the exception of a puppy, kitten or
23 litter relinquished to the Department.

24 ***DESTRUCTION OF ANIMALS***

25 **§ 91.090 SUBSTANCES PERMITTED FOR USE.**

1 The Department, other animal shelters, Animal Welfare Organizations, and public
2 animal facilities which are permitted to destroy Animals, shall use only sodium
3 pentobarbital or a derivative substance for said purpose.

4 **§ 91.091 PERSON AUTHORIZED TO DESTROY ANIMALS**

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

8 **§ 91.092 CONFIRMATION OF DEATH PRIOR TO DISPOSAL.**

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

11 **§ 91.093 FUNDING.**

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

15 **ADMINISTRATION AND ENFORCEMENT**

16 **§ 91.105 CHIEF OF POLICE AND DEPARTMENT; COMMISSION.**

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

18 (B) The Chief of Police and the Director of the Department will be advised
19 on matters of fiscal and operational decisions by a five (5) member
20 Commission. The Commission members shall each serve a three (3) year
21 term, terms to be staggered. No limit shall be set on number of terms a
22 Commission member may serve. All members shall serve without
23 compensation.

1 (C) Three (3) of the Commission members shall be appointed by the
2 Mayor and two (2) Commission members shall be appointed by the Common
3 Council. Initially the Mayor shall appoint one (1) Commission member to
4 serve two (2) years, and one (1) Commission member to serve three (3) years.
5 The Common Council shall appoint one (1) Commission member to serve
6 two (2) years, and one Commission member to serve three (3) years. The
appointments shall be based upon interest in and knowledge of animal care
and control and not upon political affiliation.

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

10 (E) The Commission shall meet monthly or as otherwise determined by
11 majority vote of the Commission and upon special call by the Chair or the
12 written request to the Chair by any three (3) members. The Commission shall
13 adopt rules and regulations as may be necessary or appropriate in its
14 judgment to carry out the provisions of this chapter and the laws, rules and
15 regulations to which the Commission is subject.

16 (F) Three (3) members of the Commission shall constitute a quorum for
17 conducting business.

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

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

22 (1) To oversee the enforcement of all city ordinances and state laws
23 regarding animal care and control.
24
25
26
27

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

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

8 (4) To oversee the retrieval and delivery to the Department of all
9 unwanted Animals, all Animals not restrained, and all sick, diseased,
10 injured, lost, stray, stolen or abandoned Animals. Those Animals
11 whose Owners so request may be promptly euthanized at the
12 Department; provided however, the Department reserves the right to
13 refuse to accept an Animal(s) with a euthanasia directive if such
14 Animal(s) appears to be physically healthy and behaviorally sound. In
15 addition, any Animals exhibiting symptoms of ill health which could
16 pose a health hazard to other Animals or humans and any Animals
17 whose injuries prevent the Animal from resting comfortably for a
18 minimum of three (3) working days may be euthanized immediately
19 upon authorization by the Director or his/her authorized agent. All
20 other Animals shall be kept at the Department or location designated
21 by the Director or his/her designated agent for a minimum of three (3)
22 working days to provide the Owner the opportunity to claim the
23 Animal(s). Animals may receive preventative care and/or treatment to
24 reduce disease prevention and population health. Following such
25 period, unclaimed Animals may be placed in a suitable home, retained
26 at the Department, released to an accepted rescue organization,
27 transferred to an Animal Welfare Organization, or euthanized.
28 Animals relinquished to the Department by their Owners or
29 impounded and not claimed within the prescribed time become the
30 property of the Department, which shall determine the disposition of
such Animal.

1 (5) To enter upon public and private property in the city in pursuit
2 of Animals which are believed to be associated with a violation of this
3 chapter. However, such authority does not extend to the interior of a
4 privately owned structure without the consent of the individual who
5 owns or occupies such premises or without appropriate legal process
6 or authority. An Animal(s) pursued and secured under this section
7 may be confiscated and held by the Department pursuant to its rules
8 and regulations. If an Animal(s) is confiscated without the knowledge
9 or consent of the Owner, Harboring or occupant of the premises, a
10 notice containing the Department's address and telephone number
11 shall promptly be affixed to an obvious location on said premises
12 directing the Owner, Harboring, or occupant to contact the
13 Department.

14 (6) To cause to be retrieved and disposed of all deceased Animals
15 found on a street, sidewalk or other public place or way.

16 (7) To cause to be investigated all reports and complaints
17 concerning any inhumane treatment or practices pertaining to
18 Animals. To cause to be impounded at the Department or suitable
19 locations designated by the Department all Animals found in
20 conditions adverse to their health and safety.

21 (8) To enter into contract with any municipalities or governmental
22 units or Person(s), for the collection, transportation, sheltering and
23 disposal of sick, diseased, injured, not restrained, lost, stray or
24 abandoned Animals; provided that no such services be extended by
25 the Department outside the city except under written contract with the
26 unit or Person, and at a charge based upon the actual cost of such
27 services, including overhead. No such contract shall be effective
28 except upon the approval of the Mayor, the ratification by the
29 Common Council, and the approval of the City Attorney as to form
30 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 or foster to adopt contract shall result in impoundment of the Animal(s). Return of the Animal(s) to the adopting party will be at the discretion of the Department.

§ 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.

§ 91.107 IMPOUNDMENT; REDEMPTION; BONDING

(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.

(1) Animal(s) so removed will be impounded and held at the Department or a designated facility for a maximum of five (5) calendar days, after which time the Animal(s) shall become the property of the Department. An Animal(s) may be held longer if an extension is necessary or an investigation is pending.

(B) In the case of Animals impounded for quarantine at the Department, the Animals will become the property of the Department if not claimed by the close of business on the eleventh (11th) day of the quarantine. Owners or Harborers 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) Animal(s) impounded because of tragic events not under the control of the Owner or Harboree, including but not limited to house fire or death of the Owner or Harboree, Animal(s) will be held for seven (7) calendar days during which time a reasonable effort will be made to contact the Owner or Harboree and/or their representative to reclaim the Animal(s). After the seventh (7th) day of impoundment, the Animal(s) will become the property of the Department.

(D) Stray or Animal(s) not restrained will be held three (3) business days by the Department or partnering Animal Welfare Organization when a found report has been completed and approved by the Department.

(E) A previously impounded stray Animal or Animal that is not restrained and is now being redeemed by the Owner or Harboree for a second (2nd) or subsequent redemption shall be surgically sterilized by a state-licensed veterinarian at the Owner or Harboree's expense. An appointment to

perform the procedure shall be made at the time of redemption. Enforcement action requiring surgical sterilization will be issued by the Department at the time of redemption if the appointment is not made.

(1) In cases mandating spay or neuter of an Animal(s), the Animal(s) may, at the Department's discretion, be transported by the Department directly to the veterinarian selected by the Owner or Harboring for completion of the surgery and pickup of the Animal(s) by the Owner or Harboring. All fees due the veterinarian are the responsibility of the Owner or Harboring.

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

(G) Domestic Farm Animal(s) may be exempt from the three (3) business day hold.

(H) Any Free Roaming Cat shall be exempt from the three (3) 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.

(I) A Person may reclaim an Animal(s) in the custody of the Department upon providing the following:

(1) Proof of ownership,

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

(3) A dog or cat Owned or Harbored by a Person shall, upon redemption by its Owner or Harboring and prior to the Animal(s) release by the Department, be implanted with a microchip and

1 registered for the purposes of identification and recovery. The
2 microchipping and pet registration expense for the Animal(s) shall be
3 paid by the Owner or Harboring prior to the Animal's release.
4 Animal(s) living in the City shall receive a pet registration and all
5 Animals shall be implanted with a microchip, at the Department, prior
6 to release, or the Owner or Harboring shall be subject to enforcement
7 action to mandate pet registration and microchipping.

8 (J) Redemption fees may be applied towards the cost of a spay/neuter
9 certificate. The balance due of the spay/neuter certification or the redemption
10 fees, whichever is the greater amount, shall be paid by the Owner.

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

13 (L) Pursuant to impoundment of an Animal(s) under division (A) hereof,
14 the Department may file a petition with the court requesting the Owner or
15 Harboring of the Animal(s) post a bond to cover the costs of care of the
16 Animal(s) while in the custody of the Department. Such petition shall be
17 accompanied by an affidavit of the Department that sets forth an estimate of
18 the reasonable expenses the Department expects to incur providing for such
19 care. Reasonable expenses include but are not limited to the estimated cost of
20 veterinary care, food and board for the Animal(s). The Owner or Harboring of
21 the Animal(s) shall be provided written notice of the petition by personal
22 service or prepaid United States certified mail, return receipt requested. Any
23 such mail shall be sent to the last known residence, of the Owner or Harboring,
24 if known, otherwise to the address from which the Animal(s) was seized.
25 Refusal to accept certified mail or failure to receive mail due to other delays
26 experienced by the Owner or Harboring will not negate the effectiveness of
27 such notice.

28 (1) The court in which the petition is filed shall conduct a hearing
29 on the petition, at which the Department shall have the burden of
30

1 proving that there is probable cause for the court to find that the
2 Animal(s) were confiscated by the Department for a reason listed
3 under division (A) hereof. If the court finds that probable cause exists,
4 the court shall order the Owner or Harboring of the Animal(s) to post a
5 bond to cover the cost of the care for the Animal(s) for a minimum of
6 thirty (30) days.

7 (2) Bond must be posted within a maximum of three (3) business
8 days following the bond hearing order. If bond has not been posted
9 within such period, the Animal(s) shall forthwith become the property
10 of the Department.

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

16 (4) If, at the end of thirty (30) days, the matter for holding the
17 Animal(s) has not been adjudicated, another bond shall be posted. The
18 renewal bond shall be paid no later than the close of business on the
19 thirtieth (30th) day. If the thirtieth (30th) day falls on a weekend or
20 holiday, the bond shall be posted by the close of business on the last
21 regular business day prior to the weekend or holiday. The bond shall
22 be renewed every thirty (30) days thereafter until the matter is
23 adjudicated and an order issued by the court. Failure to repost bond at
24 the end of any thirty (30) day period will be considered voluntary
25 relinquishment of the Animal(s) by the Owner or Harboring.

26 (5) In the event of a conviction of the defendant, the court, in its
27 discretion, may order any remaining bond money forfeited and/or the
28 Animal(s) relinquished to the Department.

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

5 (a) The bond is intended to cover daily boarding,
6 emergency medical care, immunizations and routine medical
7 care. Animal(s) displaying evidence of illness or injury at the
8 time of impound will be treated immediately at the expense of
9 the Owner or Harboring. Animal(s) that are not current on
10 inoculations for ailments common to their species will be
11 inoculated at the expense of the Owner or Harboring. An
12 Animal(s) displaying evidence of illness or injury which, in
13 the opinion of a state-licensed veterinarian, would cause undue
14 suffering to that Animal(s) or pose a substantial health risk to
15 other Animals in the Department's facilities shall be
16 immediately and humanely euthanized.

17 (b) This section applies to all Animals housed at the
18 Department, or at a designated facility selected by the
19 Department, irrespective of the agency that seized the
20 Animals.

21 (c) Animals so removed may be transported to a state-
22 licensed veterinarian for examination and/or treatment. If, in
23 the opinion of such veterinarian, the Animal must be
24 destroyed, euthanasia will be performed immediately. Costs of
25 treatment, euthanasia, and related care shall be the
26 responsibility of the Owner or Harboring.

27 **§ 91.108 INSPECTIONS.**

28 (A) Whenever an inspection is required to enforce any of the provisions of
29 or perform any duty imposed by this chapter or there is reasonable cause to

believe 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(s) having control of the property and request entry, explaining the reasons therefor.

(B) In the event the attending officer has reasonable cause to believe the keeping or maintaining of an Animal(s) on or about the property is sufficiently hazardous or dangerous as to require immediate inspection to safeguard the Animal(s) 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(s) 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.

§ 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, 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 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.

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(s) for any of the foregoing purposes shall be deemed to be a Carriage Horse for the purposes of this subchapter.

HORSE. Shall include but is not limited to: 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. A 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.

§ 91.121 PERMITS AND REQUIREMENTS.

(A) It shall constitute a violation of this section for a Person to use or offer for use a Horse in a Rental Horse Business or to own or operate a Stable without a permit 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 (1) year and shall be subject to annual renewal.

(C) Applications for renewal shall be submitted to the Department a minimum of ten (10) 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 permit for such Horse within thirty (30) days of the transfer date.

(D) The annual fee for a permit or renewal shall be \$25 per Horse for Carriage Horses and \$10 per Horse 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, and 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 a reasonable time by authorized personnel of the Department.

§ 91.122 STABLE REQUIREMENTS.

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

5 (B) *Floors.* Floors shall be level, free of holes or openings and shall
6 permit proper drainage. No Horse shall be Stabled on a concrete floor
7 without adequate cushioning.

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

12 (D) *Ventilation.* Adequate ventilation shall be maintained, but Horse(s)
13 shall not be unnecessarily exposed to drafts in Stables during cold weather.
14 All Stable areas shall be substantially draft free and adequately maintained by
15 natural or artificial light which permit effective and safe activities at all times.

16 (E) *General sanitation.* All interior areas of a Stable shall be kept clean,
17 properly drained and free of nuisances including, but not limited to, odors
18 and accumulation of refuse or excrement. Manure accumulations shall be
19 removed from the premises weekly to prevent rodent and vermin activity and
20 to maintain sanitary conditions.

21 (F) *Stalls.* Each stall shall house only one (1) horse. Stalls shall be
22 attended to daily and shall be provided with clean and dry sufficient bedding
23 of straw, shavings or other suitable material which shall be replaced as
24 necessary. The ceiling and shortest wall of the stall shall measure at least
25 three (3) feet greater than the height of the horse at the withers.

26 **§ 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 (8) hours a day. Fifteen (15) minute rest shall be required for every two (2) 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 at any time on Jefferson or Washington Boulevards, or Clinton or Lafayette Streets in the city except to cross those streets at intersections controlled by an automatic signal.

(I) The Owner or 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 (3) and not more than five (5) 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 or Operator of a horse drawn carriage shall ensure flashing lamps are mounted and used whenever the carriage is moving, one (1) hour before sunrise and one (1) 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 a Horse exhibits evidence of sickness, disease, 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 a 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 or 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 forty-eight (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 the

1 veterinarian who examined the Horse after the removal from Work but prior
2 to its return to Work, which confirms his/her professional opinion that it was
3 suitable for the Horse to return to Work prior to the expiration of the forty-
4 eight (48) hour period. Such written statement shall be carried with the
5 Horse during the presumed forty-eight (48) hour recovery period, and
6 provided to the Department upon request.

7
8 (N) Saddles, blankets, harnesses, bridles and bits and all other equipment
9 shall be properly fitted to each Horse and kept in good repair.

10
11 (O) Horses shall be kept clean while at Work and in the Stable. Horses
12 shall be trimmed and shod a minimum of once every six (6) weeks or sooner
13 if necessary.

14 **§ 91.124 EXEMPTION FROM OTHER PERMITTING** 15 **REQUIREMENTS.**

16 A Rental Horse Business as defined in §91.120 is exempt from coverage under
17 §91.060 and is governed solely by the permitting and licensing requirements of
18 §91.121.

19 **PENALTIES**

20 **§ 91.999 PENALTIES.**

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

25 (B) Upon finding a violation that one (1) or more sections of this chapter
26 pertaining to animal fighting, public safety, animal cruelty or neglect, Animal
27 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(s) to the Department for disposition when:

- (1) An Animal(s) is deemed to be a public safety risk and/or a repetitive Public Nuisance that has not been abated; or
- (2) An Animal(s) is the victim of cruelty, neglect, abandonment, hoarding; 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 an Animal(s) found to be dangerous pursuant to §91.034(F). Destruction of the Animal(s) does not preclude the imposition of fines or fees for each offense as outlined in division (A) above.

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

- (1) Surgeries;
- (2) Medications & preventative care;
- (3) X-rays;
- (4) Examinations, diagnostics, medical treatment;
- (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(s) by the Department.

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

4 (H) Upon finding an Owner or Harboree has violated this chapter, the
5 court may order restitution by the Owner or Harboree including but not
6 limited to:

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

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

17 (J) Upon finding an Owner or Harboree has violated §91.107(I) (3) of
18 this chapter, the court shall order a microchip be implanted at redemption at
19 the Owner or Harboree's expense.

20 (K) Upon finding an Owner or Harboree has violated §91.107(E) of this
21 chapter, the court shall order all stray or unrestrained Animal(s) being
22 redeemed for the second (2nd) or subsequent redemption be surgically
23 sterilized by a state-licensed veterinarian at the Owner or Harboree's expense.

24 **SECTION 2.** That this Chapter 91 of the Fort Wayne Municipal Code shall be
25 in full force and effect from and after its passage and any and all necessary approval
26 by the Mayor.

Council Member

APPROVED AS TO FORM AND LEGALITY

Carol Helton, City Attorney