

ORDINANCE 2014- 1

AN ORDINANCE RESTATING AND AMENDING CHAPTER 90, ANIMALS, OF TITLE IX OF THE CODE OF ORDINANCES OF THE CITY OF COLUMBIA CITY, INDIANA

WHEREAS, the Common Council of the City of Columbia City, Indiana, after full investigation, deems it in the best interests of the citizens of Columbia City and to preserve their public safety and welfare to modify and update Chapter 90 of Title IX of the Code of Ordinances of the City of Columbia City, Indiana.

NOW, THEREFORE, BE IT ORDAINED that Chapter 90 of Title IX of the Code of Ordinances of the City of Columbia City, Indiana is hereby restated and amended by the Common Council of the City of Columbia City, Indiana, as follows:

Section 1:

§ 90.01 DEFINITIONS.

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

ABANDON. To deposit, leave, drop-off or otherwise dispose of any live animal on public or private property without providing the requisite care prescribed under § 90.03.

A.D.B.A. The American Dog Breeders Association.

ADEQUATE SHELTER. A structure designed specifically to shelter an animal, with a roof and three sides free of leaks or openings to the wind and rain, and a fourth side allowing access that is protected from the elements. The structure is physically located in a dry area allowing the animal dry keeping and access outside the structure to dry ground that is mud free.

AGENT. Any person 18 years or older who is authorized by the animal's owner to act on such owner's behalf with respect to his or her animal(s).

A.K.C. The American Kennel Club.

ALTERED ANIMAL. Any animal that has been operated on to prevent it from procreating.

AMERICAN PIT BULL TERRIER.

- (1) Any dog or crossbreed of dog registered and described by the U.K.C., A.K.C., and A.D.B.A., which exhibits those distinguishing characteristics which:
 - (a) Substantially conform to the standards established by the A.K.C. for American Staffordshire terriers or Staffordshire bull terriers; or
 - (b) Substantially conform to the standards established by the U.K.C. for American pit bull terriers.

- (2) Technical deficiencies in the dog's conformance to the standards established by the A.K.C. for American Staffordshire terriers or Staffordshire bull terriers and the standards established by the U.K.C. for American pit bull terriers shall not be construed so that the subject dog is not considered a pit bull terrier.

ANIMAL. Any live, nonhuman, vertebrate, or invertebrate creature that is domestic, wild, or exotic.

ANIMAL CONTROL AGENCY. Any governmental or private entity charged with or contracted with and given authority for the enforcement of the provisions of this chapter for and on behalf of the city. The term shall include the city's Police Department when there has not been a specific establishment of a separate agency for such purposes as set forth herein.

ANIMAL CONTROL OFFICER. A person or persons authorized to carry out the provisions of this chapter.

ANIMAL HOARDER. Any person who:

- (1) Possesses five or more animals;
- (2) Fails to or is unable to provide adequate food, potable water and/or sanitary environment;
- (3) Keeps the animals in an overcrowded environment; and
- (4) Has a reckless disregard for the condition under which the animals are living and the deleterious impact they have on the animal's; health and well-being.

ANIMAL PERFORMANCES OR EXHIBITIONS. Any spectacle, performance, display, act, exhibition, or event in which an animal or animals are used.

ANIMAL SHELTER. A facility or vehicle operated by a governmental or private entity for the temporary care, confinement, detention, and humane treatment of animals.

AT LARGE. An animal that is:

- (1) Not on a leash and is off the property of its owner, its owner's agent, or its keeper; or
- (2) On a leash that does not adequately confine the animal to the property of its owner, its owner's agent, or its keeper; or
- (3) On a leash that is not otherwise under the immediate control of a person physically capable of restraining the animal.

AUCTION. Any place or facility where animals are regularly bought, sold, or traded by means of auction sale, except for those facilities otherwise defined in this chapter or state law.

BITE. To seize, tear, wound, or cut with the teeth, resulting in a break in the skin.

BREEDER. Any person or for-profit business or corporation which harbors or keeps dogs or cats, and allows or causes those animals to procreate, for the purpose of selling said offspring.

CIRCUS. Any performances, which are given for a fee, by traveling companies on vacant lots, using tents, or some other kind of temporary enclosure, for sheltering the public.

CONTROLLED ANIMAL. Any animal not defined as a domestic animal in this chapter, with the exception of small, nonpoisonous aquatic or amphibious animals, nonpoisonous reptilian animals, small cage birds, and psittacine, and whose possession requires a valid city controlled animal permit. Such **CONTROLLED ANIMALS** shall include but not be limited to the following:

- (1) All poisonous animals, including rear-fang snakes;
- (2) Apes: chimpanzees (*Pan*), gibbons (*Hylobates*), gorillas (*Gorilla*), orangutans (*Pongo*), and siamangs (*Symphalangus*);
- (3) Baboons (*Papio*, *Mandrillus*);
- (4) Bears (*Ursidae*);
- (5) Bison (*Bison*);
- (6) Cheetahs (*Acinonyx jubatus*);
- (7) Crocodilians (*Crocodylia*);
- (8) Constrictor snakes, such as boa, python, and anaconda;
- (9) Coyotes (*Canis lairans*);
- (10) Deer (*Cervidae*), including all members of the deer family, such as white-tailed deer, elk, antelope, and moose;
- (11) Elephants (*Elephas* and *Loxodonta*);
- (12) Game cocks and other fighting birds;
- (13) Hippopotami (*Hippopotamidae*);
- (14) Hyenas (*Hyaenidae*);
- (15) Jaguars (*Panthera onca*);
- (16) Leopards (*Panthera pardus*);
- (17) Lions (*Panthera leo*);
- (18) Lynxes (*Lynx*);
- (19) Monkeys;
- (20) Ostriches (*Struthio*);
- (21) Piranha fish (*Characidae*);
- (22) Pumas (*Felis concolor*), also known as cougars, mountain lions, and panthers;
- (23) Rhinoceroses (*Rhinocero tidae*);
- (24) Sharks (class *Chondrichthyes*);
- (25) Snow leopards (*Panthera uncia*);
- (26) Spiders and insects which are poisonous;
- (27) Tigers (*Panthera tigris*); or
- (28) Wolves (*Canis lupus*).

CRIMINAL TRESPASS.

- (1) Means:
 - (a) Not having a contractual interest in the property, knowingly or intentionally entering the real property of another person after having been denied entry by the other person or his or her agent;
 - (b) Not having a contractual interest in the property, knowingly or intentionally refusing to leave the real property of another person after having been asked to leave by the other person or his or her agent;
 - (c) Accompanying another person in a vehicle, with knowledge that the other person

- (d) knowingly or intentionally is exerting unauthorized control over the other vehicle;
 - (d) Knowingly or intentionally interfering with the possession or use of the property of another person without his or her consent; or
 - (e) Not having a contractual interest in the property, knowingly or intentionally entering the dwelling of another person without his or her consent.
- (2) For purposes of this chapter, a person has been denied entry if the denial was by means of personal communication, oral or written, or by putting or exhibiting a notice at the main entrance in a manner that is either prescribed by law or likely to come to the attention of the public.

DANGEROUS ANIMAL.

- (1) Any animal which:
- (a) Has attacked or bitten another animal while off the property of its owner, its owner's agent, or its keeper;
 - (b) Has attacked, attempted to attack, bitten, or seriously injured any human being, without provocation, whether on or off the property of its owner, its owner's agent, or its keeper;
 - (c) Has a history, documented with a public agency or its designee, of attacking or biting any humans or domestic animals;
 - (d) Has a known propensity, tendency, or disposition to attack, to cause injury, or to otherwise threaten or endanger the safety of humans or domestic animals;
 - (e) Has been found to be at large and has been documented to be at large by an animal control officer on three or more separate occasions in a 12-month period; or
 - (f) Has been determined to be an American Pit Bull Terrier.
- (2) No animal shall be considered a dangerous animal if the animal causes injury or damage to a person while that person is:
- (a) Committing or attempting to commit a criminal offense against the owner or agent of the owner;
 - (b) Committing a criminal trespass upon the premises occupied by the owner, agent, or keeper of the animal; or
 - (c) Teasing, tormenting, abusing, or assaulting the animal.
- (3) No K-patrol dogs or police dogs owned or kept by a law enforcement agency shall be considered a ***DANGEROUS ANIMAL*** when used in the line of duty or for law enforcement purposes.
- (4) Whether there has been provocation or not (see (1)(b) above), shall be determined by the facts which shall also include, but not be limited to, a determination as to whether or not a person was on the property owned by the animal's owner or keeper by invitation. Absent evidence of teasing, tormenting, abusing or assaulting the animal, if a person is on an owner's property by invitation, provocation may be deemed to not have occurred. Mailmen, postal deliverymen, door-to-door salesmen, children selling school or club items and utility

personnel shall be deemed to be invited guests for purposes of this definition.

DESIGNEE. A person, organization, or entity selected, appointed, or nominated for a particular purpose or duty. Unless otherwise indicated, references to the Animal Control Agency or the Animal Control Officer shall always include its designee.

DOG PARK. A municipally designated appropriate area for off-leash exercise of dogs. Unless otherwise in violation of rules adopted for the dog park, an owner is not liable (and it shall not be deemed a public nuisance) for a dog to be off-leash or “running at large” in a municipally designated dog park.

DOMESTIC ANIMAL. Any domestic animal shall include but not be limited to:

- (1) Dog (*Canis familiaris*);
- (2) Cat (*Felis cattus* or *Felis domesticus*);
- (3) Cattle (*Bos domesticus*, *Bos taurus*, or *Bos indicus*);
- (4) Horse (*Equus caballus*);
- (5) Donkey (*Equus asinus*);
- (6) Sheep (*Ovis aries*);
- (7) Goat (*Capra hircus*);
- (8) Rabbit (*Oryctolagus cuniculus*);
- (9) Mouse (*Mus musculus*);
- (10) Rat (*Rattus*);
- (11) Guinea pig (*Cavis procellus*);
- (12) Hamster (*Mesocricetus auratus*);
- (13) Gerbil (*Gerbillus*);
- (14) Cow or ox (*Bovine*);
- (15) Pigeon, homing, or racing;
- (16) Chicken, turkey, goose, duck;
- (17) Swine;
- (18) Chinchillas;
- (19) Mink;
- (20) Ferrets;
- (21) Bison; and
- (22) Llamas.

EXOTIC ANIMAL. Any animal whose normal native habitat is not indigenous to the continental United States, excluding Alaska and Hawaii. This definition does not include fish, fur-bearing animals commercially bred for the furrier trade, and birds protected under federal laws and regulations.

EXPOSED TO RABIES. Any human or non-human, warm-blooded mammal that has been bitten or exposed to any other animal known or reasonably suspected to have been infected with rabies.

FIGHT. A conflict between two or more animals that is intentionally organized for such purpose.

FIGHT PARAPHERNALIA. Equipment or items used to train or condition animals for participation in an animal fight contest or materials to promote animal fighting, the breeding of animals specifically for the purpose of fighting, train animals for fighting, or to track the results of animal fights.

FOWL. Any kind of wild or domestic bird, excluding homing or racing pigeons, canaries, parrots, or similar types of birds normally kept in cages.

HARBORING. The actions of any person that permit an animal habitually to remain, to be lodged or to be fed within one's home, store, enclosure, yard, or place of business or any premises on which such person resides or controls. An animal shall be presumed **HARBORED** if it is fed or sheltered for three consecutive days or more.

HUMANE OFFICER. Any person or agency designated by the state or the city as a person who is qualified to perform the duties required by the law of this city and state regarding animals.

K-PATROL DOGS or **POLICE DOGS.** A professionally trained dog used by law enforcement officers for law enforcement purposes and activities.

KEEPER. Any person, other than the owner, who has actual or constructive possession of an animal for the purpose of managing, controlling, or caring for such animal. A person shall be construed as a **KEEPER** of an animal even if he or she does not have the owner's permission.

KENNEL. Any premises wherein any person engages in the business of boarding, breeding, buying, letting, or keeping more than three dogs for the purpose of hire, training for a fee, or selling.

LEASH. A cord, chain, rope, strap, or other such physical restraint.

MICROCHIP. A tiny computer chip, implanted underneath the skin of an animal, that contains identification information relating to that animal.

MUZZLE. A device constructed of strong, soft material or metal, designed to fasten over the mouth of an animal, without interfering with its vision or respiration or causing injury to the animal, to prevent the animal from biting any person or other animal.

NIP. To pinch or squeeze with the teeth without breaking the skin or damaging any tissue.

NOT-FOR PROFIT. A business, association, or entity established or organized as a **NOT-FOR-PROFIT** corporation under state law or recognized as **NOT-FOR-PROFIT** by the Internal Revenue Service or the state Department of Revenue. **FOR-PROFIT** means all other types of businesses, associations, or entities.

OFF PROPERTY. Beyond the legal boundaries of the real property on which the owner, agent, or keeper resides.

OWNER. Any person 18 years of age or older having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to any animal covered by this chapter.

PERFORMING ANIMAL EXHIBITION. Any spectacle, display, act, or exhibit or event other than a circus, in which performing animals are used.

PET. Any animal kept for pleasure rather than utility.

PET SHOP. Any person, group of persons, partnership, or corporation, whether operated separately or in connection with another business enterprise, which sells or barbers animals.

PROVOKED. To deliberately arouse, incite, or excite.

PUBLIC NUISANCE. Any animal that endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than its owners, to enjoyment of life or property. The term **PUBLIC NUISANCE ANIMAL** shall include but not be limited to:

- (a) Excepting domestic cats, which exception shall apply only to this paragraph (a), any animal found repeatedly running at large or unrestrained;
- (b) Any animal, whether or not on the property of its owner, that without provocation molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way;
- (c) Any animal that chases or interferes with motor vehicles in a public right-of-way;
- (d) Any animal that attacks other animals;
- (e) Any animal that damages, soils, defiles, or defecates on any property other than that of its owner;
- (f) Any animal that makes disturbing noises continuously for 15 minutes or for an aggregate 20 minutes in a one-hour period, including but not limited to howling, barking, whining, or other utterances;
- (g) Any animal in any section of a public park, playground, school yard, or other recreational area that is found running at large;
- (h) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- (i) Any animal that trespasses on the private property of persons other than the owner of the animal; or
- (j) Any animal determined to be a dangerous animal.

The term **PUBLIC NUISANCE ANIMAL** shall not automatically apply to an animal being cared for at an Animal Control Agency that might otherwise be deemed a Public Nuisance under this definition. However, an Animal Control Agency shall not be completely exempt from a violation of (f) herein this definition if the nuisance creating a violation of (f) is not addressed by the agency to the satisfaction of the Animal Control Officer, or, upon request, the Board or Animal Control Commission.

RABIES VACCINATION. An injection, licensed by the U.S.D.A. and approved by the Indiana State Board of Health, given to a dog, cat, or other animal by a licensed veterinarian to prevent the spread of rabies.

RESTRAINT. The securing of an animal by leash or lead, or confining it within the real property limits of its owner or agent.

RIDING SCHOOL OR STABLE. Any place that provides, for a fee, boarding and/or riding instructions for a horse, pony, donkey, mule, or burro.

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

SERIOUS INJURY OR DEATH.

- (1) Any bodily injury, which is caused by an animal and is medically documented, that:
 - (a) Creates a substantial risk of death;
 - (b) Causes serious permanent disfigurement, unconsciousness, or extreme pain; or
 - (c) Results in a permanent or protracted loss or impairment of a bodily member or organ.

- (2) This definition shall not include any nip from an animal.

SERVICE DOGS. Any dog that is trained to assist a handicapped person.

STRAY. Any animal that is not under restraint and/or upon reasonable inquiry by an animal control officer does not appear to have an owner.

U.K.C. The United Kennel Club.

UNCONFINED DANGEROUS ANIMAL. A dangerous animal which is not securely confined indoors, not under restraint, or not confined in a securely enclosed and locked pen or structure upon the premises of the owner, agent, or keeper of such animal.

UNPROVOKED. Without incitement or stimulation.

U.S.D.A. The United States Department of Agriculture.

VETERINARIAN. Any person licensed and accredited to practice veterinary medicine in the state.

WILD ANIMAL. Any animal not a domestic or exotic animal, with the exception of small, nonpoisonous aquatic or amphibious animals and small cage birds, which are normally found in the wild state.

ZOOLOGICAL PARK. Any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals, which is operated by a person, partnership, corporation, or governmental agency that is established for educational purposes and is properly zoned for such use, and which possesses valid licenses and permits as required under federal or state law.

§ 90.02 DUTIES OF THE BOARD OF PUBLIC WORKS AND SAFETY

- (A) *Authority.* The Board of Public Works and Safety ("Board") shall have the following duties with respect to animal control within the city:
 - (1) To report to or be responsible to the Common Council.
 - (2) To recommend proposed policies, principles, standards, and regulations for the control and humane treatment of all animals in the city.
 - (3) To review and to make recommendations to the Common Council on improving the enforcement of the terms of this chapter and as to other ordinances necessary for the care and treatment of all animals under this chapter.

- (4) To review the performance of any city agencies or agency hired by the city in matters related to the enforcement of this chapter.
- (5) To receive reports involving animal control from the Police Department or other agency authorized to carry out the provisions of this chapter.
- (6) To receive complaints regarding alleged animal control violations.
- (7) To hear appeals within ten working days after an appeal has been filed on:
 - (a) Whether an animal is a dangerous animal, as defined in § 90.01; or
 - (b) Whether a person has provoked an animal which has resulted in a violation of this chapter.

Such determination shall be in writing with the original copy being maintained by the Police Department or its designee, and copies being sent to the animal's owner and the City Clerk for record-keeping purposes. The determination as to whether the animal is a dangerous animal, as defined in § 90.01, shall be made by the Board. The determination shall be made upon taking into consideration the specified definition, witness testimony, observation or other factors which the Board deems relevant to the determination.

- (B) *Membership and quorum of Animal Control Commission.* The Common Council shall have the authority to appoint an Animal Control Commission to which it would designate the Board's duties with respect to animal control and review of violations as set forth in division (A) of this section. In such an event:
 - (1) The Animal Control Commission shall be composed of three members and one alternate member who shall be appointed, two by the Common Council, one by the Mayor, and one alternate by the Mayor. The presence of three members or two members and one alternate shall be necessary to constitute a quorum.
 - (2)
 - (a) One member shall be a licensed veterinarian appointed by the Council;
 - (b) One member shall be an owner, operator, or employee of a kennel, cattery, zoological park, or commercial animal establishment, appointed by the Council;
 - (c) One member shall be an employee from the Police Department appointed by the Mayor; and
 - (d) One alternate member shall be appointed by the Mayor and shall be an active member of an animal welfare organization, including but not limited to the Humane Society, or shall have the qualifications set forth in divisions (B)(2)(a) or (b) of this section.
- (C) *Terms of members of Animal Control Commission.* The members of the Commission shall serve at the pleasure of the appointing authority, and each member shall serve until a qualified successor is duly appointed. All appointments shall be made for three year terms; however, the initial appointments shall serve as follows: the member appointed pursuant to division (B)(2)(a) shall serve for one year; the member appointed pursuant to division (B)(2)(b) shall serve for two years; and the member and alternate member appointed pursuant to divisions (B)(2)(c) and (d) shall serve for three years.

(D) *Meetings, agenda, and minutes of the Animal Control Commission.*

- (1) The Commission shall meet on a yearly basis each calendar year. At the first meeting of each year, it shall elect a Chairperson and other officers deemed necessary. Emergency meetings may also be called by the Chairperson or Vice-Chairperson at any time, with notice being provided as required by applicable state law.
- (2) Copies of all Commission agendas shall be sent to the President of the Board of Public Works and Safety, the Common Council, the City Clerk, and the Mayor's office upon the call of a Commission meeting.
- (3) Minutes of all Commission meetings shall be maintained and copies of minutes shall be sent, within ten days following such meeting(s), to the President of the Board of Public Works and Safety, the Common Council, the City Clerk, and the Mayor's office upon the call of a Commission meeting.

§ 90.03 GENERAL ANIMAL CARE REQUIREMENTS.

Every owner or his or her agent residing within the corporate limits of the city shall see that each of his or her animals:

- (A) Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit, or lie in its own excrement;
- (B) Has sufficient and wholesome food and water, which is proper and nutritional for that species of animal;
- (C) Subject to the discretion of the investigating officer, lives in a structure, which will protect that animal from all elements of the weather and will allow that animal to stand, sit, and lie down without restriction, and which is kept in a sanitary manner; which meets minimum standards of floor space where at least half of the cage is solid if housed in a cage with wire floor;
- (D) If ill, diseased, or injured, receives proper veterinary care as necessary to promote the good health of the animal and prevent the transmittal of a disease to other animals or human beings;
- (E) Is not beaten, ill-treated, overloaded, over-worked, tormented, or otherwise abused or neglected, or involved in any dog fight, cockfight, bullfight, or other combat between animals or between animals and humans.
- (F) Is not physically altered in any manner by anyone other than a veterinarian, except for tattooing for identification purposes and grooming;
- (G) Is not abandoned, neglected, or tortured;
- (H) Does not become a public nuisance;

- (I) Does not become a dangerous animal;
- (J) In the case of a dog or cat over the age of four months, is properly vaccinated against rabies by a licensed veterinarian annually, or upon such frequency as may be specified by state law, and such animals shall be licensed as required by this chapter and state law;
- (K) Is properly restrained and not at large; an animal must be properly restrained when off of its owner's private property unless it is determined by the animal control officer that such animal is not a nuisance as defined under § 90.01; and
- (L) When in estrus, shall be confined in a secure enclosure in such a manner that it cannot come into contact with another animal of the same species, except for planned breeding.
- (M) For purposes of division (K), the following shall apply:
 - (1) No animal shall be hitched, tied or fastened by any rope, chain or cord that is directly attached to the animal's neck. Animals that must be tied, hitched or fastened to restrain them must wear a properly fitted collar or harness made of leather or nylon, not of the choker type. This is not to prohibit the proper use of choker collars in the training of animals. The tying device shall be attached to the animal's collar or harness and shall be at least six feet in length and must have a swivel device on the anchor and collar end to prevent tangling.
 - (2) No person shall chain their dog using an agitation collar; a collar exceeding one and one-half inches wide for any dog less than 60 pounds. Dogs over 60 pounds shall not be tethered using a collar exceeding two inches in width.
 - (3) An animal that is tethered must have access to adequate shelter at all times.
 - (4) A person shall not chain or tether a dog with a chain or tether that weighs more than one-eighth of the dog's body weight.
 - (5) A person shall not tether an animal in a manner that permits the animal to leave the person's property or to reach within six feet of public property.
 - (6) A person shall not tether or confine a dog at a vacant structure or premises for any purpose when it is not monitored by an adult who is present at the property for the duration of such tethering or confinement.
 - (7) A person shall not have more than three dogs tethered simultaneously at the same residence.
 - (8) A person shall not allow contact between tethered dogs.
- (N) For purposes of provision (E), the following shall apply:
 - (1) No person shall possess animal fighting paraphernalia AND a dog, cock, fowl, or bird bearing a scar, wound or injury consistent with animal fighting.
 - (2) No person shall attend an animal fighting contest.
 - (3) No person shall knowingly sell, purchase, own, harbor, give away, barter, breed, or possess any animal for animal fighting.
 - (4) No person shall permit anyone to use any building, shed, room, yard, ground, premises, vehicle or property, whether enclosed or not for the purpose of animal fighting.

- (5) No person shall aid, abet, assist, act as judge or referee, bet or wager money or other valuable consideration on the outcome of, be at, attend, or in any way engage in the furtherance of an exhibition of animal fighting.
- (6) Each animal affected by the defendant's conduct may constitute a separate count for the purposes of prosecution, convictions, sentencing and penalties under this section.

(O) It shall be a violation of this section to be an Animal Hoarder as defined in this chapter.

§ 90.04 SALE OF ANIMALS AS NOVELTIES OR USE AS PRIZE PROHIBITED; EXCEPTIONS.

(A) Sale of animals as novelties or use as prize prohibited.

- (1) No person shall display, sell, offer for sale, barter, or give away any animal, reptile, fish, or bird as a novelty or as an advertising device.
- (2) No rabbit, chick, gosling, duckling, turkey, or other fowl may be dyed or otherwise colored artificially; nor shall any dyed or artificially colored rabbits, chicks, goslings, ducklings, turkeys, or other fowl be sold, offered for sale, displayed, used as barter, or given away.

(B) This section shall not be construed to prohibit the sale or display of natural chicks, ducklings, goslings, turkeys, or other domestic fowl in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised for commercial purposes. Nor shall this section prohibit a pet shop holding a valid permit under this chapter, or a legitimate humane society or animal shelter, from humanely caring for, adopting out, or selling animals as pets.

§ 90.05 MOTOR VEHICLE ACCIDENTS INVOLVING ANIMALS.

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

§ 90.06 ANIMALS IN MOTOR VEHICLES.

No animal shall be left in a motor vehicle when the conditions in that vehicle would constitute a health hazard to that animal, or when the weather would constitute a health hazard to such animal confined in said motor vehicle; nor shall any person transport any animal in an unenclosed truck bed or open section of any vehicle unless the animal is securely fastened to the vehicle.

§ 90.07 POISONING OF ANIMALS.

- (A) No person shall deposit, dispose, or place any poisonous substance on any public or private property within the corporate limits of the city, if a domestic animal is reasonably likely to consume such substance.
- (B) A person shall not be liable under division (A) of this section for leaving common rat or

mouse poisons or insecticides, in any form, on his or her property if the person exercises reasonable care in restricting a domestic animal's access to such poisons so that only the targeted rodents or insects are exposed to said poisons.

§ 90.08 TRAPPING OF ANIMALS RESTRICTED.

No person shall trap animals or fowl within the city limits, unless such trap(s) are approved by an animal care facility and used for the control of nuisance animals. If available, approved traps shall be obtained from the animal control officer and shall only be placed on the property of the trapper, whether the trapper is a renter or owner of the property. Upon trapping the animal, the trapper shall contact the animal control officer to schedule a pick-up of the animal. The prohibition set forth herein shall not apply to any trap specifically designed to kill rats, mice, gophers, or moles. Persons who believe that this section is being violated shall file their grievance with the Board of Works for review. This section shall not apply to any pre-approved "Trap, Neuter and Release" program.

§ 90.09 MAXIMUM NUMBER OF DOGS OR CATS.

- (A) Unless otherwise stated, no person shall keep more than a total of five dogs or cats over the age of six months per household in any residential area zone. These restrictions mean a total of five animals; for example, three dogs and two cats, or four cats and one dog, but in no event shall the total number exceed five of such animals per household.
- (B) This restriction shall not apply to property which is at least one-third of an acre of real property (14,520 square feet); however, any person owning more than five of such animals must comply with provision (C) of this section.
- (C) Persons desiring to have more than five animals who meet the regulation set forth in division (B) of this section must have a minimum of 1,000 additional square feet of real property for each additional animal.
- (D) Exception: There shall be no violation of this section if a pet owner shows that the pet owner's animals have been properly vaccinated, were owned by the owner prior to the effective date of this section and if the pet owner's animals are not in violation of any other section of this chapter. Every owner maintaining a number of animals in violation of the provisions set forth in divisions (A) - (C) herein but owned prior to the effective date of this section must register their animals exceeding the limit. To qualify as a valid registration, the following information must be filed with the office of the City Clerk-Treasurer with respect to each such animal:
 - (1) The name and address of the current owner or other person having control of the animal;
 - (2) The street address (or if none, the legal description of the property) where the animal is currently located; and
 - (3) A description of the animal, including the species, photograph and approximate age of the animal.
- (E) It shall also be a violation of this section to be an Animal Hoarder as defined in this chapter.

- (F) This section applies to households and not to an animal shelter, veterinary office of hospital, pet store or other legally operated and/or licensed animal related businesses.

§ 90.10 RESTRICTED ANIMALS.

- (A) No restricted animal shall be kept within the city limits unless otherwise excepted by this section.
- (B) Subject to division (C) of this section, the term "restricted animal" as used in this section means: poultry, horses, cows, goats, swine, sheep, bees, llamas, donkeys, asses, burros, mules, other livestock, and the offspring of any such animals.
- (C) Notwithstanding division (B), the term "restricted animal" as used in this section does not include:
- (1) Dogs or cats.
 - (2) An animal kept in a well-secured cage in an enclosed building:
 - (a) For educational purposes under the supervision of the staff or administration of a school or bona fide educational institution;
 - (b) Temporarily in the ordinary course of business of a licensed veterinary clinic or practice; or
 - (c) Temporarily in the ordinary course of business of a generally recognized animal shelter or animal control facility.
 - (3) An animal kept temporarily, being for no longer than 14 days, for a public or quasi-public purpose on grounds designated for such purpose.
 - (4) An animal that was previously brought into the city and is being kept within the city as of the effective date of this section; provided, however, that this exclusion shall apply only if the animal is registered on or before 30 days from the effective date of this section, in accordance with division (D).
 - (5) Nothing in this section shall be deemed or construed to prohibit the keeping of bees in a hive, stand, or box located or kept within a school building for the purpose of study or observation, as long as the public safety is ensured.
 - (6) Pot bellied pigs and pygmy goats shall be allowed only on a lot with a minimum of two acres of land for each individual animal.
- (D) Every restricted animal being kept within the city pursuant to this section as of the effective date of this section shall be registered on or before 30 days from the effective date of this section. To qualify as a valid registration, the following information must be filed with the office of the City Clerk-Treasurer with respect to each restricted animal:
- (1) The name and address of the current owner or other person having control of the animal.
 - (2) The street address (or if none, the legal description of the property) where the animal is currently located.
 - (3) A description of the animal, including the species and approximate age of the

animal and photographic or other evidence sufficient to distinguish the animal from other similar animals.

- (4) The period(s) of time that the animal has been kept within the city, including the date the animal was first brought or kept within the city and the date(s) of any periods of time during which the animal was thereafter kept outside of the city.
- (E) Registered restricted animals may be removed from the property described on their registration information for no greater than 30 consecutive days per calendar year. For this provision to apply, the owner or person in control of the registered animal must provide written notice to the city of the date the animal is to be removed and the date the animal is to be returned. Said notice must be provided to the City Clerk's office. Failure to comply with this notice provision will result in invalidation of the restricted animal's registration and the animal will be determined to be a restricted animal pursuant to division (A) of this section unless otherwise exempted under division (C)(1) - (6).
- (F) Nothing in this section shall be construed to permit the keeping of any animal in a manner or place that constitutes a nuisance or that is otherwise illegal under any other applicable ordinance, statute or common law.
- (G) This section applies to households and not to an animal shelter, veterinary office or hospital, pet store or other legally operated and/or licensed animal related business.
- (H) Bees must be kept in accordance with the following provisions:
 - (1) If bee colonies are kept within 50 feet of any exterior boundary of the property on which the hive, stand, or box is located, a barrier shall be erected that will prevent bees from flying through it.
 - (2) Fresh, clean watering facilities for bees shall be provided on the said premises.
 - (3) The bees and equipment shall be kept in accordance with the provisions of state statutes.
- (I) Any person desiring to raise rabbits or pets or racing or homing pigeons within the city must keep such animals and birds in safe and sanitary conditions so that a public nuisance as defined herein is not created.
- (J) In the event a restricted animal either unregistered or not exempted by the provisions of this section is found to be located within the city limits in violation of the provisions herein, the Animal Control Officer shall notify the owner of the restricted animal that the owner must take steps necessary to remove the animal from the city limits within a certain time frame, not less than ten days from the date of delivery of the notice. The notice shall further provide that should the owner or person in control of the restricted animal fail to remove the animal as directed, the Board of Public Works and Safety may bring any necessary action in a court of proper jurisdiction for the removal of the animal and for collection of costs and attorney fees.
- (K) In addition to the provisions of division (I), the failure, neglect or refusal by the record owner or person in control of the restricted animal to comply with the terms of the notice

given pursuant to division (I), shall constitute a violation of this section. Each day's failure, neglect or refusal to remove the restricted animal from the city pursuant to this section shall constitute a separate offense under this section and the Board of Public Works and Safety may request that the Code Enforcement Officer issue a city ordinance violation citation to the owner or person in control of the restricted animal. Such citation shall impose a fine in conformance with § 90.99.

§ 90.11 OWNERS OR AGENTS RESPONSIBLE FOR REMOVING WASTE AND DEAD ANIMALS.

- (A) Any owner or his agent taking the owner's dog or cat outside of the owner's real property limits must immediately remove any excrement deposited by the animal on any public or private property, except in the case of a guide dog for a blind person or service dog for a deaf or physically disabled person.
- (B) The owner of any dead animal shall remove and properly dispose of the animal within 24 hours after its death. The real property owner is responsible for removal of any strange animal carcass on his or her real property.

§ 90.12 ANIMAL BITES.

- (A) If any person is a victim of an animal bite, he or she shall immediately notify the county Health Department, city Police Department, or Animal Control Agency of the incident, and provide a description of the animal and an identification, if possible, of the owner. When an animal is determined to have bitten a person, the animal shall be confined in quarantine for a period of not less than 14 days.
- (B) With the exception of any judicial action dictating otherwise, an animal which has bitten a person may be left in the charge of the owner, under quarantine, unless, in the judgment of the Animal Control Officer and based upon considerations of public safety, the Animal Control Officer determines it should be removed to an animal shelter or veterinary hospital for the period of observation.
- (C) In addition to any other legal obligations prescribed by law, the owner shall pay for all costs incurred in the quarantine and/or impoundment of the animal before such animal will be released. If the owner is unable or unwilling to pay for said costs, the animal may be humanely euthanized, and the owner shall still remain liable to the animal shelter for any costs incurred in said quarantine and/or impoundment and/or euthanasia and/or disposal.
- (D) If the owner of the quarantined animal cannot be determined, or if the owner does not furnish proof of current rabies inoculation, the animal shall be impounded under the authority of the Board of Public Works and Safety and confined in the animal shelter for a period of observation of not fewer than 14 days.
- (E) Animal control officers shall be empowered to enter onto private property for the purpose of impounding animals which are known to have bitten a person and shall obtain legal process to do so if necessary.

§ 90.13 VACCINATION OF DOGS, CATS AND FERRETS REQUIRED.

- (A) No animal owner or his or her agent shall keep or harbor a dog, cat, or ferret over the age of four months unless it has been vaccinated annually by a licensed veterinarian with anti-rabies vaccine.
- (B) The owner shall maintain proof of an animal's vaccination so that it can be presented to the city or its agents upon request.
- (C) Failure to comply with the provisions of this section shall subject the owner of said unvaccinated dog and/or cat to being issued an ordinance violation citation, subjecting the owner to a fine as set forth in § 90.99.

§ 90.14 INTERFERENCE WITH ANIMAL CONTROL OFFICER OR ITS DESIGNEE(S).

No person shall interfere with or impede an animal control officer or any other authorized designee or agent in the performance of his or her duties as set forth in this chapter.

§ 90.15 SPAYING AND NEUTERING OF ADOPTED ANIMALS.

Any dog or cat adopted from a local humane society, animal care facility, or animal adoption agency shall be spayed or neutered by a licensed veterinarian within 60 days of adoption if the dog or cat is over six months of age. If the dog or cat is less than three months of age upon adoption, it shall be spayed or neutered by a licensed veterinarian upon reaching the age of six months. A dog or cat shall not be spayed or neutered if a licensed veterinarian certifies that said animal is physically unable to undergo such an operation within the time limitations. The individual adopting the dog or cat must sign a written agreement with the adopting facility guaranteeing that such animal shall be neutered or spayed within the time limitations specified in this section.

§ 90.16 EXCLUSION OF SERVICE DOGS PROHIBITED.

No person owning, operating, or maintaining any public place of business to which the general public is invited for any business purpose shall exclude therefrom any dog that has been trained to assist the blind, the hearing-impaired, or the physically disabled. However, such dog must be in the company of the handicapped person for whom it was trained to assist or in the company of a licensed obedience service trainer.

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

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

§ 90.18 BREAKING INTO ANIMAL SHELTER PROHIBITED.

It shall be unlawful for any person to break into any animal shelter where animals are impounded by the city or in any way remove or assist in the removal of any animal from the described property, without lawful permission.

§ 90.19 DANGEROUS AND POISONOUS ANIMALS PROHIBITED.

No person shall harbor or possess within the city any poisonous animal, reptile, amphibian, fish, or insect, or any animal that poses a threat to the public health and safety. Such animal may be impounded by the Animal Control Officer and disposed of in a manner determined to be in the best interest of the animal and the public.

§ 90.20 IMPOUNDMENT PROCEDURES.

- (A) An Animal Control Officer or its designee may immediately seize, impound, or confine any of the following animals:
 - (1) Unless excepted, any animal running at large;
 - (2) Any animal constituting a public nuisance;
 - (3) Any unattended animal that is ill, injured, or otherwise in need of care;
 - (4) Any unattended animal that is reasonably believed to have been abused or neglected;
 - (5) Any animal that is reasonably suspected of having rabies;
 - (6) Any animal charged with being dangerous or determined to be dangerous by the Animal Control Agency; or
 - (7) Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested, or evicted from his or her regular place of residence.
- (B) If any dangerous, ferocious, or vicious animal is found at large and cannot be safely impounded, an animal may be tranquilized, tased, slain, or humanely euthanized to prevent harm or undue suffering by an Animal Control Officer or its designee.
- (C) If dogs and cats licensed under this chapter are impounded by the Animal Control Agency, an attempt shall be made by the Animal Control Officer or its designee to return the animal to the owner, as indicated on the records of the Animal Control Agency, as soon as is practical after the time of the impoundment. Unless this animal is claimed by the owner within seven days from the date of its impoundment, the animal may be placed for adoption or humanely euthanized.
- (D) All other impounded animals (except dogs and cats specifically covered herein) shall be under the authority of the Animal Control Officer or its designee. The animals shall be held at least one day, after which time the Animal Control Agency shall have the authority to take whatever action is necessary with regard to adoption or euthanasia of such animals.
- (E) The Animal Control Agency shall have authority to take whatever action is reasonably

necessary, including humane euthanization, to deal with a sick or injured animal, for the welfare of the animal and for the safety of humane officers and the public. The agency may take action without holding an animal within any stated impoundment time period as hereinabove or hereinafter stated.

- (F) Nothing contained herein shall limit the Animal Control Agency's authority to take whatever action is reasonably necessary to provide veterinary care by a licensed veterinarian for a sick or injured animal.
- (G) Any animal impounded in an animal control facility or shelter, if not reclaimed by its owner as provided for herein, shall thereby become the property of the animal shelter and, if not adopted by the public, shall be humanely euthanized.
- (H) Reclaiming procedures of impounded animals. The local animal shelter shall establish procedures for reclaiming impounded animals. In the event there ceases to exist a local animal shelter, the city shall establish reclaiming procedures for impounded animals within its facilities.

§ 90.21 PROTECTED ANIMALS.

- (A) No person shall possess, offer for sale, attempt to buy or own within the city any of the following animals of either thoroughbred or hybrid stock or pedigree:
 - (1) All wild cats of the family *felidae*.
 - (2) Polar bear (*Thalarctos maritimus*).
 - (3) Red wolf (*Canis niger* and hybrids).
 - (4) Vicuna (*Vicugna*).
 - (5) Alligator.
 - (6) Caiman or crocodile of the order of *crocodilia*.
 - (7) Gray or timber wolf (*Canis lupus* and hybrids).
 - (8) Sea otter (*Enhydra lutris*).
 - (9) Pacific ridley turtle (*Lepidochelys olivacea*).
 - (10) Atlantic green turtle (*Chelonia mydas*).
 - (11) Mexican ridley turtle (*Lepidochelys kempfi*).
- (B) No person shall buy, sell, or offer for sale or own a native or foreign species or subspecies of mammal, bird, amphibian, or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 16 (Public Law 135, 1st Congress), as amended.
- (C) No person shall import or cause to be imported into this city any part of the plumage, skin, or dead body of any species of hawk, owl, or eagle. This division shall not be construed to forbid or restrict the importation or use of the plumage, skin, body, or any part thereof legally collected for use by American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.

- (D) This section shall not be construed to prevent the importation, possession, purchase, or sale of any species to any person or organization licensed to present a circus or carnival pursuant to this code.
- (E) An Animal Control Officer or its designee may seize and impound any animal being offered for sale or owned in violation of this section. Any person violating any of the provisions of this section shall be fined no more than \$200 for the first offense, and no more than \$500 for each subsequent offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

§ 90.22 KEEPING CERTAIN ANIMALS PROHIBITED.

- (A) No person shall keep, maintain, or have in his or her possession or under his or her control, within the city, any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal, or any other animal or reptile of wild, vicious, or dangerous propensities.
- (B) No person shall keep, maintain or have in his or her possession or under his or her control, within the city, any of the following animals of either thoroughbred or hybrid stock or pedigree:
 - (1) All poisonous animals, including rear-fang snakes;
 - (2) Apes such as chimpanzee (*Pan*), gibbons (*Hylobates*), gorillas (*Gorilla*), orangutans (*Pongo*), and siamangs (*Symphalangus*);
 - (3) Baboons (*Papio*, *Mandrillus*);
 - (4) Bears (*Ursidae*);
 - (5) Bison (*Bison*);
 - (6) Cheetahs (*Acinonyx jubatus*);
 - (7) Crocodilians (*Crocodylia*);
 - (8) Constrictor snakes, including but not limited to boa, python, and anaconda;
 - (9) Coyotes (*Canis latrans*);
 - (10) Deer (*Cervidae*), such as white-tailed deer, elk, antelope, and moose;
 - (11) Elephants (*Elephas* and *Loxodonta*);
 - (12) Game cocks and other fighting birds;
 - (13) Hippopotami (*Hippopotamidae*);
 - (14) Hyenas (*Hyaenidae*);
 - (15) Jaguars (*Panthera onca*);
 - (16) Leopards (*Panthera pardus*);
 - (17) Lions (*Panthera leo*);
 - (18) Lynxes (*Lynx*);
 - (19) Monkeys, old world (*cercopithecidae*), new world;
 - (20) Ostriches (*Struthio*);
 - (21) Piranha fish (*Characidae*);
 - (22) Pumas (*Felis concolor*), such as cougars, mountain lions, and panthers;
 - (23) Rhinoceroses (*Rhinocero tidae*);
 - (24) Sharks (class *Chondrichthyes*);
 - (25) Snow leopards (*Panthera uncia*);

- (26) Spiders and insects which are poisonous;
 - (27) Tigers (*Panthera tigris*);
 - (28) Wolves (*Canis lupus* and hybrids);
 - (29) Monitor lizard; or
 - (30) Wild animals.
- (C) The provisions of this section shall not apply to institutions of higher learning, circuses, or persons harboring animals specifically for the purpose of rehabilitation and release into their natural habitat pursuant to a valid wildlife permit issued by the state or an agency of the United States if:
- (1) Their location conforms to the provisions of city ordinances.
 - (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate offensive odors.
 - (3) Animals are confined in such a manner so as to prevent their escape and protect the public from coming in direct contact with them.
 - (4) Any person, firm, or corporation violating any provision of this section shall be fined not less than \$200 for the first offense and not more than \$500 for each subsequent offense; a separate offense shall be deemed committed on each day during which or on which a violation occurs or continues.

§ 90.23 SEIZURE OF CERTAIN ANIMALS.

- (A) No person shall keep, harbor, own, or permit to be kept on his or her premises any wild animal (*ferae naturae*). Wild animals shall include but are not limited to raccoons, skunks, foxes, squirrels, chipmunks, porcupines, wolves, and woodchucks.
- (B) Animal care facilities, circuses or carnivals properly licensed pursuant to this chapter, and persons possessing a valid wildlife permit from the state Department of Conservation are exempt from this section.
- (C) Any person who owns, possesses, or harbors any wild animal in violation of this section may have the animal seized and impounded.

§ 90.24 SERIOUS INJURY OR DEATH.

- (A) If an animal kills or causes serious injury, the animal shall be deemed a dangerous animal, pursuant to § 90.01, and the animal shall be humanely impounded. The owner shall be responsible for the costs of caring for the animal during the period of impoundment, including but not limited to costs of boarding and veterinary treatment, if necessary. If the owner institutes an appeal to the Board of Public Works and Safety (or the Animal Control Commission, if applicable), and the animal is ultimately determined not to be a dangerous animal, with costs of boarding the animal borne by the owner.
- (B) Upon the impoundment of the animal pursuant to this section, the owner shall be given 5 calendar days to appeal the determination that the animal is a dangerous animal pursuant to § 90.01.

- (C) If the owner fails to appeal or show proof of a valid dangerous animal permit within 5 calendar days of impoundment, or if the owner waives in writing all ownership interests in the animal, the owner's right to possession, title, custody, and care of said animal shall be forfeited, and the animal may be humanely euthanized immediately after the quarantine period.
- (D) If the owner's appeal is denied, the owner shall have 5 calendar days after the denial to apply for a license pursuant to §§ 90.25 and 90.27 and 14 days after the denial to actually obtain a dangerous dog permit. The failure to apply within 5 calendar days of the denial constitutes waiver of ownership rights in the animal and the animal may be humanely euthanized immediately after the quarantine period.
- (E) The owner of an animal which kills or causes serious injury to a person who is found guilty of criminal trespass as heretofore described shall not be subject to the violation provisions set forth herein.
- (F) Due to the overriding public health and safety concerns related to the American pit bull terrier or any other dangerous animals, the provisions of this section are purposely intended to be reasonable regulations, yet may be more restrictive than regulations found in other sections of this chapter.
- (G) If a conflict arises between the provisions of this section and other sections of this chapter, the provisions of this section shall prevail due to the public health and safety concerns.

§ 90.25 DANGEROUS ANIMAL/ATTACK DOG PERMITS.

- (A) *License for owning a dangerous animal.* A person shall not own, harbor, possess or keep an American Pit Bull Terrier/attack dog, or any other dangerous animal unless such animal is licensed under this section or an application for licensing of such animal under this section is pending. Any person whose pet has been determined to be a dangerous animal may file an appeal within 48 hours after such determination. The appeal shall be in writing, accompanied with a non-refundable appeal fee of \$25, and be directed to the Board of Public Works and Safety.
- (B) *Licensing requirements.* Any owner of an American Pit Bull Terrier, attack dog or other dangerous animal, shall apply to the Animal Control Agency through the City Clerk-Treasurer for licensing of the animal. The application shall be on a form provided by the city and shall be accompanied by the following:
 - (1) A valid driver's license or state issued picture identification showing the owner's name and current address;
 - (2) Proof that the applicant owns the animal and is 18 years of age or older;
 - (3) One copy of a registration certificate issued for the animal by the A.K.C. and/or A.D.B.A., if available and applicable;
 - (4) One copy of the current immunization and health records for the animal showing that the animal received a current rabies vaccination by a licensed veterinarian;
 - (5) Four photographs of the animal from four different sides taken not more than one

month before the date of the application. Such photographs shall consist of a front, back, left and right side view of the animal; and

- (6) The name, address and phone number of the animal's previous owner.
- (C) *Confinement.* The dangerous animal/attack dog shall be confined or under the control of its master, owner or keeper at all times to prevent injury to any person or animal.
- (D) *Wearing a permit tag.* The dangerous animal/attack dog shall wear a permit tag issued by the Animal Control Agency stating that the animal is registered as a dangerous animal/attack dog.
- (E) *Licensing an animal not previously licensed.* When licensing an animal not previously licensed under this section, the Animal Control Agency or its designee shall assign a specific license number to the animal, without duplication, which number shall remain the same for the life of the animal.
- (F) *Lost or escaped animal.* If the animal is lost or escapes, the owner or owner's agent shall report the incident immediately to the Animal Control Agency.
- (G) *Signs of dangerous animal.* The owner of a dangerous animal/attack dog shall post signs on or in his or her property where such animal will be kept, clearly visible to the public.
- (H) *Inspection of premises.* The Animal Control Agency may at any time visually inspect the premises where the animal is kept. The Animal Control Agency must be satisfied that the owner has met all licensing requirements before issuing or renewing a permit.
- (I) *Revoked permit.* If an attack dog/dangerous animal permit is revoked, the owner shall not be reissued another permit.
- (J) *Law enforcement exemptions.* Duly authorized members of the Police Department or other law enforcement agencies, including, but not limited to, game wardens, conservation officers and other law enforcement officers shall be exempt from the provisions of this section if the animal is used for law enforcement duties.
- (K) *Number of days in which to apply for a permit.* If the Animal Control Agency and/or Department of Code Enforcement, if applicable, is notified of an address where an attack dog or Pit Bull is being kept or harbored, and that animal and owner of the property has not been in violation of any section of this chapter, the owner shall have a maximum of 14 days to obtain the attack dog/dangerous animal permit. If the permit is not obtained within the 14 days, the animal shall be impounded. The animal will then be held a maximum of ten days so that a permit can be issued. If a permit is still not obtained, the animal shall be euthanized.
- (L) *Violations.* If the owner of a dangerous animal/attack dog violates any provisions of this chapter, the animal shall be impounded immediately and held until an Animal Control Commission hearing. At such hearing, the Animal Control Commission shall determine whether in fact a violation of this chapter has occurred. If the Commission determines that

a violation of this chapter has occurred, it shall have the authority to impose a fine, pursuant to § 1.32(B)(2), and/or order the animal euthanized. A dangerous animal/attack dog shall not be euthanized until after the Board or the Animal Control Commission has rendered a final decision.

- (M) *Changing owners.* In the event that an attack dog/dangerous animal changes owner, the new owner must apply for a new permit. The original owner's permit shall not be transferable to the new owner. The original owner shall notify the Animal Control Agency that the animal has been sold or given away.
- (N) *Address change.* The owner of an attack dog/dangerous animal shall notify the Animal Control Agency if the address changes where the animal is being kept. The owner must report the new address so an inspection can be made of the premises.
- (O) *Expiration of licenses.* All licenses issued under this section shall expire December 31 of each year.
- (P) *Fighting.* No person shall fight, bait, conspire to fight or bait, or keep, train or transport for the purpose of fighting or baiting, any animal required to be licensed under this chapter. A person who violates this section shall be reported by the Animal Control Agency or its designee to the county prosecutor's office for prosecution under I.C 35-46-3-8 *et seq.*
- (Q) *Notification by owner/agent.* The owner, or owner's agent, of an animal required to be licensed under this chapter shall notify the city Police Department and the Animal Control Agency immediately if the animal is running at large, has been stolen or has attacked a person or a domestic animal.

§ 90.26 PERMIT EXEMPTIONS.

- (A) No permits shall be required for the following organizations or animals:
 - (1) The Animal Control Agency;
 - (2) A state-licensed veterinary hospital/ clinic;
 - (3) Birds held under state or federal falconry permits; or
 - (4) Service dogs specifically trained to assist their disabled owner.
- (B) However, unless otherwise addressed in this chapter, all other animal care provisions of this chapter shall apply to such exempt persons or entities.

§ 90.27 ISSUANCE OF PERMITS; ADDITIONAL REQUIREMENTS.

- (A) (1) A person required to register or apply for a permit may do so with the Animal Control Agency. The applicant shall include, on the appropriate forms, the following information: his or her name, address, and phone number; the type of permit requested; the number and description of animals; proof of a valid rabies vaccination by a licensed veterinarian, if required by law; information regarding sterilization; and the appropriate registration or permit fee. Appropriate state and

- federal permit numbers must be provided in cases involving wildlife or federally protected animals, or any animal which requires any state or federal permit.
- (2) All applicants shall comply with all other applicable federal, state and local laws, and the applicant shall not have been convicted of any cruelty to animal offense pursuant to Indiana Code.
 - (3) Applicants for permits shall allow, upon reasonable notice, the Animal Control Agency to conduct on-site inspections prior to the issuance of any permit and/or at any time during the valid term of such permit.
- (B) The Animal Control Agency shall have the authority to issue or deny an application for registration and/or a permit. In determining whether to issue or deny an application for registration or a permit, the Animal Control Agency shall consider the following factors:
- (1) Whether the person has been convicted of cruelty to animals;
 - (2) Whether the applicant has the proper facilities in place for a specific species as required by this law;
 - (3) Whether the applicant has sufficient knowledge and proof of previous experience in handling and keeping such animal species; and
 - (4) Whether the applicant has a history, documented by the Animal Control Agency, of providing inadequate or improper care for such animals.
- (C) Registrations and permits shall be issued for a term of one year, effective January 1 through December 31 of each year. They shall be purchased during the first three months of each calendar year or within 30 days of acquiring the animal, whichever comes later. However, a performing animal license shall only be valid for 14 days.
- (D) Upon approval of an application for registration or a permit, the Animal Control Agency shall issue a pet registration or permit in written form which shall include the registration or permit number, the type of registration or permit, and any pertinent information. In addition, for each registered pet, the Animal Control Agency shall issue a durable tag stamped with the registration number and year of issuance for each said registration.
- (E) The Animal Control Agency shall maintain records with the identifying registration number, microchip number, if applicable, and permit number.
- (F) All fees shall be paid at the time of application and prior to the issuance of the permit or registration.
- (G) No person shall use any registration, permit, license, or tag for any animal other than the animal for which it was issued.
- (H) It shall be unlawful for any person to manufacture, to cause to be manufactured, or to have in his or her possession or control a stolen, counterfeit, or forged animal registration, permit, license, tag, rabies or neutering certificate, or other form of licensing or documentation required by this section.

§ 90.28 REGISTRATION OR PERMIT REVOCATION.

Any pet registration or permit, provided for hereinabove, may be revoked after notice and a hearing before the Board or Animal Control Commission. An owner's pet registration or permit, however, shall only be revoked after the Board or Commission finds that the animal owner or permit holder has failed to comply with any requirements of this chapter.

§ 90.29 INSPECTION.

- (A) Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this chapter, or when there is reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or state law, a health officer, police officer, code enforcement officer, or Animal Control Officer is authorized at all reasonable times to inspect the same for compliance with the provisions of this chapter or any state law, provided that:
 - (1) If the property is occupied, the officer shall first present proper credentials to the occupant and request entry, explaining the reasons therefor; and
 - (2) If the property is unoccupied, the officer shall make a reasonable effort to locate the owner or other persons having control of the property and request entry, explaining the reasons therefor.

- (B) In the event the Animal Control Officer has reasonable cause to believe that the keeping or maintaining of an animal is so hazardous, unsafe, dangerous, or constitutes a public nuisance as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall first present proper credentials and request entry, explaining the reasons therefor. If entry is refused or cannot be obtained, the officer shall have recourse to secure lawful entry and inspection of the property.

§ 90.30 COMPUTATION OF TIME.

- (A) In computing any period of time prescribed or allowed by this code or any ordinance, the day of the act, event, or default from which the designated period of time begins to run shall not be included. The last day of the period so computed is to be included unless it is:
 - (1) A Saturday;
 - (2) A Sunday;
 - (3) A legal holiday as defined by state statute; or
 - (4) A day the office in which the act is to be done is closed during regular business hours.

- (B) In any event, the period runs until the end of the next day that is not a Saturday, a Sunday, a legal holiday, or a day on which the office is closed. When the period of time allowed is less than seven days, intermediate Saturdays, Sundays, legal holidays, and days on which the office is closed shall be excluded from the computations.

§ 90.99 PENALTY.

(A) *Citations, and/or hearings before the Board of Public Works and Safety; fines payable through the Ordinance Violations Bureau.*

- (1) Any person served with a warning notice for failure to have a dog, cat, or ferret vaccinated or registered and who fails to comply within 10 days, and any person who violates any other provision of this chapter, shall be issued a citation. Citations shall contain the name and address of the violator, the ordinance section violated, the date, time, and nature of the violation, location of the violation, and the name of the person issuing the citation.
- (2) In addition to having a citation issued, the city may require a person who has violated a provision of this chapter to appear before the Board of Public Works and Safety with proper notice of the same being issued to the violator, unless an appeal hearing is scheduled before the Board as further addressed in § 90.02 of this chapter.

(B) *Fines; Fines are payable through the Ordinance Violations Bureau.*

- (1) Any person who violates any of the following sections shall be subject to a fine of not less than \$100 for the first offense and not less than \$200 for the second or each subsequent offense as set forth in § 10.98 of this Code, which shall be payable through the Ordinance Violations Bureau:
 - (a) § 90.03, General animal care requirements;
 - (b) § 90.04, Sale of animals as novelties or use as prize prohibited; exceptions, see § 90.04(B);
 - (c) § 90.06, Animals in motor vehicles;
 - (d) § 90.07, Poisoning of animals;
 - (e) § 90.08, Trapping of animals restricted;
 - (f) § 90.09, Maximum number of dogs or cats;
 - (g) § 90.13, Vaccination of dogs, cats and ferrets required; or
 - (h) § 90.14, Interference with Animal Control Officer or its designees prohibited.
- (2) Any person who violates any section of § 90.25, Dangerous animal/attack dog permit, shall be subject to a fine of not less than \$250 for the first offense and not less than \$500 for the second or each subsequent offense.
- (3) Only to the extent the violation is not otherwise covered by State law, any person who violates any of the following sections shall be fined not more than \$2,500: § 90.03(E), General animal care requirements; fighting.
- (4) Any person who violates any of the following sections shall be fined not less than \$250 for first offense and not less than \$500 for second offense:
 - (a) § 90.21 Protected animals;
 - (b) § 90.22, Keeping certain animals prohibited; and
 - (c) § 90.23, Seizure of certain animals.
- (5) Any person who violates § 90.10 shall be subject to fines in conformance with

§ 10.98(D). Nuisance violations under § 90.10 shall be deemed a Class C classification violation and other violations under § 90.10 shall be deemed a Class B classification violation.

- (6) Any person who violates any other provision of this chapter, unless otherwise specified, shall be issued fines of \$25 for the first offense, \$100 for the second offense and \$150 for each offense thereafter.
- (7) In addition, violations of this chapter may result in immediate impoundment of animal(s) and/or revocation of any permits.

Section 2: This Ordinance shall be in full force and effect after its adoption by the Common Council and approval by the Mayor of the City of Columbia City, Indiana.

25 PASSED AND ADOPTED by the Common Council of the City of Columbia City, Indiana, this day of February, 2014.

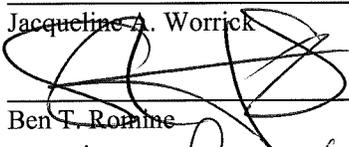
COMMON COUNCIL OF THE CITY OF
COLUMBIA CITY, INDIANA, BY:



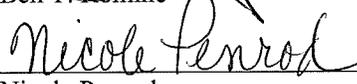
Daniel L. Weigold

William H. Simpson

Jacqueline A. Worrick



Ben T. Romine



Nicole Penrod

Attest:



Rosie Coyle, Clerk-Treasurer

Approved this 25 day of February, 2014.



Ryan L. Daniel, Mayor
City of Columbia City