

## CHAPTER 91: ANIMALS

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### 91.01 DEFINITIONS

The following definitions shall apply in the interpretation and enforcement of this Chapter.

- (a) "ANIMAL" - A vertebrate animal not including any human being.
- (b) "ANIMAL SERVICES OFFICER" or "ANIMAL CONTROL OFFICER" – the person or persons employed by the City Police Department as its enforcement officer or the humane society when its agents or employees are duly authorized to carry out the Animal Services Officer's or Animal Control Officer's duties set forth within this chapter.
- (c) "ANIMAL SHELTER" - any premises designated by action of the City or any facility operated by a humane society, or its authorized agents, for the purpose of impounding and caring for all animals held under this chapter or held under state law.
- (d) "AT LARGE" - an animal shall be deemed to be "at large" when it is off the property of its owner and not under restraint as defined in subsection (r) of this section.
- (e) "CITY" - the City of Richmond, State of Indiana

- (f) "COLONY"- means a group of one or more free-roaming cats.
- (g) "COLONY CARETAKER"- means a person who provides food, water, shelter and necessary medical care for free-roaming cats in a managed colony. Colony caretakers shall not be deemed to be owners, as defined by Chapter 91.01, of the cats within a managed colony.
- (h) "DOMESTIC ANIMAL" - means cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry or other bird, and any other animal deemed by the Health Officer, after consultation with the State Board of Health, as not being a wild animal.
- (i) "FREE ROAMING CAT"- means any homeless, stray, feral, or untamed cat.
- (j) "HEALTH OFFICER" - the Health Officer of Wayne County, State of Indiana, or his duly authorized representative.
- (k) "HOARDING" – any action or condition in which a person keeps , harbors, or homes animals at their home or place of residence in a manner that creates health or safety concerns for any person or animal residing in that same residence or which may create a nuisance in the form of excessive barking or excessive odors emanating from the residence.
- (l) "HUMANE SOCIETY" – an organization that holds the status of an Internal Revenue Service 501(c)(3) non-profit organization, is affiliated with the National Humane Society, and has as its principal purpose the humane treatment of animals.
- (m) "KENNEL" – Any premises or portions thereof on which more than five (5) dogs, cats, or other domestic animals over four (4) months of age are kept, or on which more than three (3) such animals are maintained, boarded, bred, or cared for, in return for remuneration, or are kept for the purpose of sale. The term "kennel" does not include any outdoor location that is deemed by Animal Control to be a location inhabited by a registered managed colony.
- (n) "MANAGED COLONY" - means a colony of free-roaming cats that is registered with the Animal Control Officer of the Richmond Police Department or its designee and is maintained by a colony caretaker using Trap-Neuter-Return methodology.
- (o) "OWNER" - a person, partnership, or corporation owning, keeping or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three (3) consecutive days or more.
- (p) "PET SHOP" - Any establishment or location used for the purpose of selling small animals, including aviaries used to raise birds.
- (q) "PERSON" - Any individual, partnership, co-partnership, firm, company, corporation or any other legal entity or its legal representative or agent.

(r) "RESTRAINT" - under the control of the owner or other competent person by means of a leash, or with the owner or other competent person and obedient to the person's commands or confined in a pen, yard, cage, house, or other secure enclosure.

(s) "SMALL ANIMALS" - Any dogs, cats, fowl, rats, mice, fish, turtles, chickens, ducks, rabbits, pigeons, reptiles, hamsters, gerbils, or any other small animals or birds.

(t) "TETHERING"- means to attach an animal to a stationary object such as a fence, pole, dog house, building, tree or other fixed object as a means of confinement.

(u) "WILD ANIMALS" - any animal that is not a domestic animal.

#### 91.02 REGISTRATION

(a) No person shall own, keep or harbor a dog or cat within the City limits unless such dog or cat is registered as herein provided. Application for such registration shall be made to any of the following: City Controller, veterinarians registered for this purpose with the City Controller, any premises designated by action of the City for the purpose of impounding and caring for animals, held under this chapter or state law, the humane society, any humane society registered for this purpose with the City Controller, and pet shops registered for this purpose with the City Controller. Such application shall state the name, address, and telephone number of the owner and the name, breed, color, age, sex and reproductive status of the dog or cat. The registration fee shall be paid at the time of making application, a numbered receipt given to the applicant, and a numbered tag shall be issued to the owner.

(b) Any humane society as defined under this Chapter which is registered with the City Controller to accept applications for registrations are required to submit to the Controllers office on a monthly basis a report setting forth the information required under 91.02(a) along with the tag and registration numbers assigned to each applicant. The humane society shall keep a percentage of any proceeds collected as reflected in Section 91.13 to assist the humane society with any administrative costs and costs associated with its sterilization program.

(c) The yearly registration fee shall be fifteen dollars (\$15.00), unless a certificate by a veterinarian stating the dog or cat is sterilized is furnished to the person issuing the license tag, in which case the fee shall be eight dollars (\$8.00).

(d) All dog and cat registrations shall be issued for one (1) calendar year beginning with the first (1st) day of January. All residents who acquire new dogs or cats during the calendar year shall register said dogs or cats within thirty (30) days of their acquisition. All new residents moving into the City with dogs or cats shall register said dogs or cats within thirty (30) days of residency.

Registrations obtained on or after July 1<sup>st</sup> of each calendar year shall pay one-half (½) of the yearly registration fee; such registrations must then be renewed each January at the regular yearly fee.

(e) In the event that the owner identification registration tag issued for a dog or cat shall be lost, the owner may obtain a duplicate tag upon the payment of two dollars (\$2.00).

(f) If there is a change in ownership of a dog or cat during the registration year, the new owner may have the current registration transferred to his name upon payment of a transfer fee of two dollars (\$2.00).

(g) No person shall use for any dog or cat a registration receipt, or registration tag, issued for another dog or cat.

(h) Any premises designated by action of the City for the purpose of impounding and caring for animals found at large in violation of this chapter and properly licensed pet shops are exempt from the registration requirements of this section.

#### 91.03 OWNER IDENTIFICATION REGISTRATION TAG AND COLLAR

(a) Upon complying with the provision of Section 91.02, there shall be issued to the owner a numbered registration tag, stamped with the number and the year for which issued.

(b) In addition, an owner shall also affix to the dog's or cat's collar an owner identification containing the name, address, and telephone number of the owner of the dog or cat.

(c) Every owner is required to see that the tag is securely fastened to the dog's or cat's collar, which must be worn by the dog or cat at all times.

#### 91.04 RESTRAINT AND QUIETUDE

(a) Dogs shall be kept under restraint, as defined in this Chapter at all times. At the discretion of the Animal Services Officer or an Officer of the Richmond Police Department, an unrestrained cat which is creating a nuisance on private property may be included under this section, following prior notice to the owner.

(b) The owner shall not allow his or her dog to disturb the peace and quiet of any person within the city by barking, howling or making noise of any kind for prolonged periods of time, especially during night time hours, either continuously for 15 minutes or intermittently over a period of at least two (2) hours so as to disturb the quiet of the neighborhood or any citizen or citizens. An Animal Control Officer may take steps immediately to correct the situation and cause the noise to be abated, either through the issuance of a citation or impounding of the animal if no owner or agent can be found at the time of the disturbance. It is understood this subsection shall apply to a sheltering facility maintained on a not-for-profit basis for homeless and unrestrained dogs;

provided, a more liberal standard shall be used regarding any violation of this subsection recognizing the special needs of such a shelter.

(c) Upon complaint and execution by any citizen of a sworn affidavit that said affiant has actual knowledge or proof that 91.04(b) has been violated, the City may issue a citation.

(d) An owner of an animal found running at large or found to be responsible for a human or animal bite shall be required to:

- (1) Obtain a city registration tag that includes an intact animal notation for each animal in violation at a cost of one hundred dollars (\$100.00) in addition to the cost of any required City tag; or
- (2) Have the animal spayed or neutered within thirty (30) days of the violation and obtain a City registration tag showing proof of the sterilization of the animal in violation.

(e) After the third violation of subsection (a) above where an animal is found to have been running at large the owner of the animal shall be required to release custody of the animal to an Animal Control Officer (unless that animal has already been captured by the Animal Control Officer) so that the Officer may conduct a temperament evaluation upon the animal. If the Animal Control Officer determines the animal is dangerous or vicious, the Officer shall then comply with 91.15 (Dangerous/Vicious Dogs) to allow a public hearing to be held on the matter.

#### 91.05 REMOVAL OF EXCREMENT

(a) An owner of an animal shall be responsible to immediately remove such animal's excrement from any public lands or from the real estate of any other person.

(b) In the event any person, guest, or agent of an owner is in possession of the animal in lieu of the owner, the owner shall still be responsible for the actions of such person and the requirements of this section.

(c) To the extent a "family" is deemed to be an owner of an animal, the duties and requirements of this section shall be the joint and several responsibility of each adult member of the family, and each such adult may be held jointly and severally responsible for any penalty herein. )

(d) The provisions of this section shall not apply to a blind person working with a guide dog or to a handicapped person utilizing a wheelchair.

#### 91.06 IMPOUNDMENT

(a) Animals found at large and appearing to be abandoned shall be apprehended by the Animal Services Officer and impounded in an animal shelter or humane society for a period of not less than five (5) days (provided such five days must include at least one full weekend), and thereafter such animals may be adopted out or disposed of in a humane manner, unless that animal has been placed on hold status

by an Animal Control Officer. The Animal Services Officer shall attempt to contact the owner of any tagged animal by telephone within 48 hours of picking up such animal if the telephone number appears on the tag. The animal shelter or humane society holding any impounded animal that has not been placed on hold status by an Animal Control Officer shall attempt to contact the owner of any tagged animal by telephone a minimum of three times prior to adopting out or humanely disposing of the animal if the animal displays current city registration tags or other identification.

- (b) When an animal is found at large and its ownership is known to the Animal Services Officer, such an animal does not have to be impounded. The Animal Services Officer may cite the owner for violation of the Richmond Code and return the animal to the owner.

#### 91.07 REDEMPTION OF IMPOUNDED ANIMALS

(a) An impounded animal shall be returned to its owner upon written certification of intent to comply with Sections 91.02 and 91.08 of this Chapter and upon payment of all fines and fees assessed or incurred under this chapter and charges for care and medical treatment incurred by the animal shelter or humane society in holding such animal provided that any animal that has bitten a person may not be returned to its owner unless authorized by the Health Officer and/or Animal Services Officer. Prior to any non-immunized animal being returned to its owner, the owner shall pay the cost of immunization and an administrative fee to the animal shelter or humane society. The owner will then receive a certificate, which certificate shall entitle the owner to have the animal immunized at the veterinarian's office, low-cost sterilization clinic, or humane society indicated on the certificate.

(b) Notwithstanding any other section of this Chapter, any animal shall be promptly destroyed for public health considerations or humane reasons upon the written order of the Health Officer or a licensed veterinarian by the animal shelter or humane society holding such animal.

(c) In the event any owner fails or refuses to comply with 91.07(a) above after fourteen (14) days the impounded animal shall be sent to the humane society for immunization, sterilization, and adoption.

#### 91.08 RABIES CONTROL

(a) No person shall own, keep, harbor or maintain a dog over six (6) months of age that has not been immunized, by a licensed veterinarian, against rabies. Such immunizations and term of quarantine shall be in accordance with State laws, rules and regulations.

(b) Every dog, or other animal, which bites a person or domesticated animal shall be promptly reported to the Richmond Police Department, and shall thereupon be placed under quarantine by the Animal Services Officer at a location to be determined at the discretion of the Animal Services Officer. In cases of stray animals, in the cases of animals whose ownership is not

known, and in the cases of animals for which proof of immunization is not available, such quarantine shall be at the Animal Shelter or humane society. If a domesticated animal is bitten by another animal, an Animal Control Officer may request that the domesticated animal be placed under quarantine by its owner for ten (10) calendar days at a quarantine location to be determined by the Officer. Animals placed under quarantine shall not be released from such quarantine until the Health Officer receives a signed statement from the owner or custodian of the animal certifying that the animal is alive and well. If the person bitten is a child, it shall be the duty of the parent or the guardian to make such report immediately. If the person bitten is an adult, such person shall himself make the report, or, if incapacitated, it shall be reported by whoever is caring for the person bitten. The Animal Services Officer shall promptly report all animal bite cases to the Health Officer.

(c) The owner or custodian of an animal placed under quarantine shall not permit the animal to leave the premises without the permission of the Health Officer, shall keep the animal under restraint at all times, shall observe the animal at least twice daily to see that it is alive and well; and shall immediately notify the Health Officer or Police Department if the animal should escape, be killed, become ill or die.

(d) No person shall kill, or cause to be killed, any domestic animal suspected of having been exposed to rabies, or any domestic animal biting a person, or remove same from the City limits without written permission from the Health Officer or Animal Services Officer.

(e) No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made therefore by the Health Officer or the Richmond Police Department.

(f) If death should occur to an animal which has bitten a person within the past ten (10) days, the owner or person responsible for the animal shall retain the body of the animal and immediately report the death to the Health Officer or the Richmond Police Department. In the case of a biting animal which is not owned or a biting animal whose owner cannot be located or is unknown, the person who has knowledge of the death, of such an animal shall immediately report it to the Health Officer or the Richmond Police Department. Any wild animal that bites a human and is able to be captured shall be humanely euthanized at once.

(g) The Animal Shelter is exempt from this section.

(h) The State statutes and State regulations governing rabies, immunization, impoundment and disposal of suspected rabid animals is hereby incorporated by reference, including any subsequent changes as enacted by the State Legislature and/or the State Board of Health and any other appropriate State or Federal Agencies. The Wayne County Health officer and his/her designated agents and the Richmond Police Department and any other person or persons as authorized by the Richmond Board of Public Works and Safety are hereby authorized to carry out the provisions of any city regulations,

state laws and federal laws or regulations governing rabies control, the impoundment of animals and the disposal of suspected rabid animals.

#### 91.09 REPORTS OF BITE CASES

(a) It shall be the duty of every physician, or other practitioner, to promptly report to the Health Officer or Police Department the names and addresses of persons treated for bites inflicted by animals, together with such information as will be helpful in rabies control.

(b) Every veterinarian, law enforcement officer, and any person involved, shall promptly report to the Health Officer, or Police Department, all humans and animals bitten by a dog or other animal. The report shall include all information necessary to locate the person or animal bitten and the animal responsible for the bite or bites.

#### 91.10 STATE LAWS AND REGULATIONS

The owner of any dog or other animal shall comply with all State laws, rules and regulations pertaining to dogs and other animals.

#### 91.11 INVESTIGATION

No person shall interfere with, or hinder the Health Officer or any member of the Richmond Police Department or humane society in the performance of their duty to enforce the provisions of this chapter.

#### 91.12 RECORDS

(a) It shall be the duty of any Animal Shelter or humane society to keep, or cause to be kept, accurate and detailed records of the impoundment and disposition of all animals coming into its custody. Such records shall be made available to the City and/or Health Officer on request.

(b) It shall be the duty of the Health Officer and the Richmond Police Department to keep, or cause to be kept accurate and detailed records of all animal bite cases reported to it, and its investigation of same.

#### 91.13 ANIMAL CONTROL FUND

(a) Establishment of Fund

There is established an animal control fund, which is established as a non-reverting fund for the animal control program of the City. Common Council shall review on an annual basis or as necessary any percentages of amounts to be retained by agents registered with the Controller's office under 91.02 for yearly tags and registration.

(b) Sources

Sources of revenue for the animal control fund shall be:

- (1) Funds received by the Clerk's office from the yearly registration fees of dogs and cats;
- (2) Forty (40%) percent of registration funds received from each premises registered with the City Controller under 91.02 to accept applications for yearly registration fees of dogs and cats;
- (3) Donations received from outside sources; and
- (4) Specific appropriations by the City.

(c) Purpose

The purposes for which funds may be expended are limited to:

- (1) Funding of the salary of the Animal Services Officer;
- (2) Purchase of materials, supplies, and services for the use and benefit of the City animal control program or humane society;
- (3) Funding of the animal shelter contract or the humane society contract;
- (4) Donations to animal shelters or humane societies located within the City of Richmond; and
- (5) The Richmond Police Department Emergency Animal Fund.

(d) Disbursement Procedures

The City Controller's Office shall adopt accounting and disbursement procedures in accordance with regulations and guidelines of the State Board of Accounts to control and account for the receipt and disbursement of monies from this fund.

(e) Application of Funds

Monies obtained from the Clerk's office for purchase of breeder's notations, intact notations and any fines that result from 91.18 shall be placed into a separate account within the animal control fund and applied specifically to sterilization procedures performed at a low-cost spay/neuter clinic, licensed veterinary clinic, or a humane society.

#### 91.14 KENNELS, SHELTERS AND PET SHOPS

(a) Licensing

- (1) No person shall operate a kennel or pet shop within the city limits of Richmond, Indiana, without first securing a license therefore.

Application for such license shall be made to the Animal Services Officer or humane society. No license shall be issued until approval is granted by the Animal Services Officer and any other government agency having jurisdiction.

(2) A kennel or pet shop license shall be issued on an annual basis. The fee for such license shall be \$100.00 per year, payable into the Animal Control Fund.

(3) If the applicant withholds or falsifies any information on the application, no license shall be issued and any license previously issued on false or withheld information shall be revoked. No person previously convicted of cruelty to animals, animal neglect or animal abandonment shall be issued a kennel license without prior review by the Board of Public Works and Safety.

(4) Any person who is denied a license or whose license is revoked may seek reconsideration of the denial or revocation by the Board of Public Works and Safety. All requests for appeals must be filed within ten (10) days of the date of the denial or revocation of the license. All requests for appeals must be in writing and addressed to the Board of Public Works and Safety. The Board shall set the appeal for hearing within thirty (30) days of the receipt of the written request.

(b) General requirements

(1) Each kennel or pet shop shall be kept in a clean and sanitary condition as so determined by the Animal Services Officer.

(2) Measures shall be provided to control insects, rodents, and odors.

(3) All animal waste shall be disposed of at such times and in such a manner as directed by the Animal Services Officer. Under no circumstances shall animal waste remain on the premises for more than twenty-four (24) hours unless stored by a method approved by the Animal Services Officer.

(4) All garbage and refuse shall be stored in accordance with Chapter 93 of the Richmond City Code.

(5) The entire premises used in connection with the operation of a pet shop or kennel shall be kept free of litter, articles, equipment, etc., that are not necessary for the operation and maintenance of same.

(6) (A) No kennel or pet shop shall harbor a dog, cat, or other susceptible animal over eight (8) weeks of age that has not been properly vaccinated against contagious diseases. The timing and diseases vaccinated against must meet generally accepted standards observed by area veterinarians.

- (B) Dogs, cats and other susceptible animals shall be vaccinated against rabies if on the premises after six (6) months of age.
- (C) Certificates of vaccination from a licensed veterinarian shall be maintained on the premises and shall be made available to the Animal Services Officer upon request.
- (7) All cages and pens housing animals shall be well constructed and cleaned daily with a detergent and chemical sanitizer which are safe for the animals housed in and near the cage.
- (8) Any animal that acts unusual or appears to be ill shall be isolated from other animals and shall not be sold until it has recovered as authorized by a licensed veterinarian. Medical care shall be provided by a licensed veterinarian to animals displaying signs of illness or injury.
- (9) Each kennel or pet shop shall be equipped with a conveniently located hand washing facility for its employees, including a lavatory equipped with hot and cold running water, hand-cleaning soap or detergent, and individual sanitary towels or other hand-drying devices deemed by the Animal Services Officer to be equally effective.
- (10) The floor surfaces in all rooms where animals are housed shall be of smooth, nonabsorbent materials, and so constructed as to be easily cleanable.
- (11) Records of previous ownership of animals shall be maintained on the premises and shall be made available to the Animal Services Officer or law enforcement agencies upon request.
- (12) Drinking water shall be available to each animal at all times.
- (13) All animals shall be provided with a daily well balanced diet. The Animal Services Officer may require that records be kept of the type and amount of food that is provided each animal daily.
- (14) Pens, cages, and areas where animals are housed shall be maintained at a temperature that will not be detrimental to the health of the animals.
- (15) The owner of a pet shop or kennel shall comply with all applicable local, state and federal laws, ordinances, rules and regulations in effect now or as amended, or which may be enacted in the future.
- (16) The Animal Services Officer shall inspect to make certain that all caged animals have sufficient cage space to stand upright, to fully extend, and to move about easily within the boundaries of the cage.

In addition, the Animal Services Officer shall inspect to insure that animals are not overcrowded within a cage.

(17) In order to be eligible to obtain a license, a kennel or pet shop must be in compliance with the City zoning laws.

(18) City shelters and humane societies are required to provide the name and address of any owner reclaiming an animal from their facility that has been caught running loose, as well as the description of the animal to Animal Control. Animal Control is responsible for making certain that the owner is in compliance with the provisions of this chapter.

(19) City shelters and establishments selling pet animals are required to provide the name and address of any owner selling or surrendering puppies or kittens to their facility to Animal Control. Animal Control is responsible for making certain the owner of the female animal that gave birth to the litter reported is in compliance with the provisions of this chapter.

(20) Animals without identification that are not reclaimed within seventy-two (72) hours are subject to sterilization at the holding facility. Owners wishing to reclaim following sterilization shall be required to pay for the cost of sterilization in addition to any impound fees incurred.

(21) Animals that are owned by persons living outside of the city or residing in city for less than thirty (30) days are exempt from this chapter. Such owners are required to provide proof of residency upon the request of animal control. Failure to provide adequate proof of residency shall result in the owner's requirement to submit to the applicable provisions of this chapter.

(c) Records

It shall be the duty of every pet shop operator to cause to be kept accurate and detailed records of all animals received and sold.

(1) Records shall include the name, address and telephone number of each person from whom an animal had been received and each person who has purchased an animal; a description (species, breed, sex, size, color, etc.) and medical history of each animal, and any other information that may be required by the Animal Services Officer.

(2) Records shall be maintained on the premises for one (1) year and shall be made available to the Animal Services Officer upon request.

(3) Sales of fish are exempt from the record keeping provision of this section.

(d) Inspection

(1) At least once every twelve (12) months, or as often as deemed necessary to ensure compliance, with this ordinance, the Animal Services Officer shall inspect each kennel and pet shop for which a license is required under the provisions of this section.

(2) The person operating a kennel or pet shop shall, upon the request of the Health Officer, permit such Animal Services Officer access to all parts of the kennel or pet shop and shall permit the Animal Services Officer to collect evidence and to copy any or all records relative to the enforcement of this section.

(e) Exemptions

Hospitals, common clinics, and other premises operated by licensed veterinarians for the care and treatment of animals and charitable not-for profit organizations are exempt from the provisions of this section except those provisions in 91.14 (b), paragraphs (1), (2), (3), (4), (5), (7), (8), (9), (10), (12), (13), (14) and (15).

91.15 DANGEROUS/VICIOUS DOGS

(a) The Definition of a “dangerous/vicious dog” shall include the following:

(1) Any dog that because of its individual temperament or because of its breed has a known propensity, tendency or disposition to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

(2) Any dog that has inflicted severe injury on a human being without provocation; or

(3) Any dog that has killed a domestic animal without provocation; or

(4) Any dog owned or harbored primarily or in part for the purpose of dog fighting or any dog trained for dog fighting; or

(5) Any dog not owned by a governmental or law enforcement unit used primarily to guard public or private property

(b) Determination of a dangerous/vicious dog

(1) Upon a sworn complaint signed by a resident of the City, the Richmond Police Department shall investigate the complaint to determine if the animal is dangerous or vicious. The Richmond Police Department may initiate an investigation on its own if it has information leading it to believe that the dog may be dangerous or

vicious. Any dog inflicting severe injury shall be impounded until a hearing is held pursuant to this section.

(2) After its investigation, if the Richmond Police Department believes that a dog is dangerous or vicious, the Department shall forward a recommendation regarding such determination and if any further action pursuant to subs (d) herein is required, to the Board of Public Works and Safety. The Board shall thereafter hold a hearing to (i) determine whether the dog is indeed dangerous or vicious and (ii) to determine if any additional action pursuant to subsection (d) of this section is required.

If the Richmond Police Department believes that a dog is not dangerous or vicious, the victim of any dog attack occurring in the City may nevertheless request that the Board of Public Works and Safety hold a hearing on the matter, which Board shall determine if a hearing should be held. All hearings held pursuant to this section shall be held within twenty (20) calendar days after receipt of said recommendation or request. The Richmond Police Department may impound the dog until said hearing if the department determines that impoundment of the dog is necessary to protect the public safety. If the dog is determined to be dangerous or vicious, all costs associated with the impoundment of the dog shall be the responsibility of the animal's owner.

(3) The owner of the dog in question shall be notified prior to the meeting at which the Board of Public Works and Safety schedules said hearing, and must be notified in writing at least ten (10) calendar days prior to said hearing date, unless they waive this requirement in writing or on the record at a public meeting of the Board. The owner shall have the opportunity to be represented by counsel, and to present evidence, witnesses, and other information to dispute the recommendation of the Richmond Police Department and/or the complaining victim. The Richmond Police Department and/or complaining victim shall have the burden of proof in any hearing held pursuant to this section.

(4) The owner of any dog declared to be dangerous or vicious shall have seven (7) calendar days to comply with the automatic requirements outlined herein for dangerous or vicious dogs and twenty (20) calendar days to comply with any other requirements imposed by the Board of Works pursuant to subsection (d), during which twenty (20) day period they may appeal such determination and/or required action to the Wayne County Circuit of Superior Court.

(c) Compliance requirements

An owner of a dog who has knowledge of the dog's vicious or dangerous characteristics or knowledge of the dog's propensity for dangerousness or viciousness, or an owner whose dog has been determined to be vicious or

dangerous by a Court of competent jurisdiction or the Board of Public Works and Safety shall comply with the following requirements:

- (1) While on owner's property, the dog must be securely confined indoors or in a securely enclosed and locked pen or structure, suitable to prevent the entry of unauthorized persons and designed to prevent the animal from escaping. The pen or structure must have minimum dimension of five feet by ten feet (5' x 10') and must have secure sides and top. If it has no bottom secured to the sides, the sides must be embedded into the ground no less than two feet. The enclosure must also provide protection from the elements for the dog.
- (2) Confinement indoors, on a porch, patio or any part of a house or structure that would allow the dog to exit the building is not permitted.
- (3) The dog may not go outside its kennel or pen unless the dog is securely leashed with a leash not longer than four feet in length. The dog may not be kept on a chain, rope, or other type of leash outside its kennel or pen unless a person is in physical control of the leash. A dangerous or vicious dog on a leash outside the dog's kennel shall be muzzled by a muzzling device sufficient to prevent the dog from biting persons or other animals
- (4) The owner shall display a sign on the premises warning that there is a dangerous or vicious dog on the premises. The sign must contain a symbol warning children, and must be capable of being read from the public highway.
- (5) The owner must comply with all laws concerning the care of dogs.
- (6) The owner must at all times have a collar upon the dog of a color (yellow) designating the dog as dangerous or vicious.
- (7) The owner must advise the Richmond Police Department of any change of status of the dog within twenty-four (24) hours of the change. Change of status shall include that which could affect the public health or safety, including but not limited to, being loose, unconfined, has attacked another animal or human, has died or been sold, or given away. If the dog has been sold or given away, the owner must give the Richmond Police Department, the name, telephone number and address of the new owner, who in turn must comply with this section.
- (8) The owner shall maintain a policy of insurance in an amount not less than \$100,000.00, insuring the owner against any claim, loss, damage or injury to persons, domestic animals, or property resulting from the acts, whether intentional or unintentional of the dangerous or vicious dog. The owner shall

provide evidence of insurance to the Richmond Police Department and the Board of Public Works and Safety.

(d) Additional Powers of Board

(1) In addition to any other fines imposed pursuant to this chapter, and in addition to the above-listed compliance requirements, the Board of Public Works and Safety or a Court of competent jurisdiction may impose the following sanctions with respect to a dog determined to be dangerous or vicious when it determines those sanctions are necessary to protect the public's safety:

(A) Order the dog immediately impounded until the owner meets the requirements of this section (including sterilization or destruction). The owner shall be liable for the costs of impoundment. The Court or Board of Public Works and Safety may require that the animal not be released from impoundment until the owner has paid the costs of impoundment and any fines or fees assessed or incurred under this chapter.

(B) Order the dog sterilized, except that no dog shall be sterilized without the owner's consent until the time during which said order may be appealed has expired.

(C) Order the dog destroyed, except that no dog shall be destroyed without the owner's consent until the time during which said order may be appealed has expired.

(2) In deciding whether to impound, sterilize or destroy a dog, the Court or Board of Public Works and Safety shall make findings of fact to support its determination that such sanctions are necessary to protect the public safety. In ordering impoundment, sterilization, or destruction, the Court or Board of Public Works and Safety shall consider the following factors:

(A) The nature of any injury inflicted by the dog, and whether the injury was inflicted on property or on a human being.

(B) Prior acts of viciousness or dangerousness of a dog, and the owner's knowledge of the dangerous or vicious characteristics of the dog and the dog's propensity toward dangerousness or viciousness.

(C) The likelihood that the owner will comply with the requirements of this section.

91.16 HUMANE CARE OF ANIMALS

(a) Humane Treatment of Animals

(1) An owner of an animal:

(A) Shall provide his or her animal with:

(i) Wholesome, nutritious food and adequate water and fresh air compatible with that animal's biological requirements to maintain body weight and hydration.

(ii) Shelter and protection from adverse weather (heat, cold, wind, rain, snow) of such design (e.g. dog house with three (3) walls, a roof and floor) that the animal(s) can be completely dry and out of the wind, can heat the enclosed space with its own body heat with the assistance of bedding (e.g. straw or blanket), and has adequate ventilation to provide fresh air. If the animal is placed into an outdoor enclosure (e.g. kennel or pen) the enclosure must be a minimum of 100 square feet in size (10' x 10') and be constructed of material that is sturdy enough to prevent escape and must contain within it a dog house or shelter as described above. The outdoor enclosure must be tall enough to prevent escape and must have a top of such a design that escape is prevented but ventilation and daylight can penetrate (e.g. chain-link top).

(iii) Veterinary care when needed for an animal that is ill or injured.

(iv) Living space maintained so that the animal is not forced to sit, stand or lie in its own excrement, mud, or puddles.

(b) Shall not tether any animal, as defined under this ordinance, as a permanent means of confinement. An animal may be temporarily tethered, only if the following conditions are met:

(i) The animal must be attached by a tether no shorter than 10 feet that is free from entanglement and it must be attached by a non-choke buckle collar or harness. The animal shall not be attached by use of a choke collar, snap collar, or any collar made out of chain, or any collar too small for the size and age of the animal, or by any rope, chain, cable, or cord directly attached to the animal's neck;

(ii) The animal's owner or custodian is outside and in visual contact with the animal or the animal is tethered only for the reasonable time necessary for the animal's owner or

custodian to complete a temporary task (e.g. work shift) not to exceed a maximum of 12 hours in any 24 hour period;

(iii) Food, water and appropriate shelter must be available to the animal while it is tethered; and

(iv) The animal must be monitored periodically.

(c) Shall not abandon or neglect his or her animal.

(2) Torture, mutilation, or killing an animal

(A) No person shall knowingly or intentionally:

(i) Torture, beat or mutilate an animal resulting in serious injury to the animal, or

(ii) Kill an animal.

(B) Defense

It is a defense to a violation of preceding subsection that an accused person reasonably believed that the conduct or action in question was necessary to:

(i) Prevent injury to the accused person or another person.

(ii) Protect the property of the accused person from destruction or substantial damage; or

(iii) Prevent a seriously injured or seriously ill animal from prolonged suffering.

(3) Destruction of an animal is authorized under this section only if the animal is destroyed by a veterinarian, the Animal Services Officer, an approved animal shelter, or humane society under acceptable veterinary practices after it has been determined by the Animal Control Officer, veterinarian, animal shelter, or humane society that it is in the best interest of the animal that it should be destroyed.

(B) Impoundment

(1) A law enforcement officer or any other person authorized to enforce the provisions of this section or to impound animals may take custody of the animal if he or she has probable cause to believe:

(A) That there has been a violation of this section.

(B) That the animal is being exposed to hazardous or inhumane conditions so as to pose a public nuisance or substantial threat to the animal.

(2) The animal shall be properly cared for pending disposition of charges under this section.

(3) If the owner requests, a hearing shall be held before the Board of Public Works and Safety to determine if the animal should be returned to the owner. If the Board determines that probable cause does not exist to establish the conditions of this section, the Board shall order the animal returned to its owner. Notwithstanding a finding that probable cause does not exist, the Board, in its discretion, may return the animal to its owner with the imposition of reasonable requirements as may be necessary to insure future compliance by the owner with this section.

(4) If a person is determined to be in violation of this section, the Court or the Board of Public Works and Safety may impose the following additional penalties against the person:

(A) A requirement that the person pay the cost of caring for the animal involved in the offenses that are incurred during a period of impoundment authorized under this section.

(B) An order terminating the person's right to possession, title, custody or care of an animal that was involved in the offense, if the Court or the Board of Public Works and Safety find that the animal may continue to be exposed to hazardous or inhumane conditions so as to pose a public nuisance or substantial threat to the animal.

(5) If a person's right to possession, title, custody or care of an animal is terminated under the preceding subsection (4)(B) of this section, the Court or the Board of Public Works and Safety may award the animal to a humane society or other organization that has as its principal purpose the humane treatment of animals.

(c) Animal Hoarding

Animal hoarding is prohibited.

(d) Exceptions from Ordinance

Except as provided for in subsection (a), the provision of this section do not apply to the following:

(1) Fishing, hunting, trapping or any other conduct authorized under I.C. 14-2.

- (2) Conduct regarding livestock authorized under I.C. 15-5-7.
- (3) Veterinary practice authorized by standards adopted under I.C. 15-5-1.8.
- (4) Acceptable farm management practices.
- (5) Conduct authorized by the Indiana Meat and Poultry Inspection and Humane Slaughter Act I.C. 16-6-5, and rules adopted under I.C. 16-6-5, for state or federally inspected livestock slaughtering facilities.
- (6) A research facility registered with the United States Department of Agriculture under the Animal Welfare Act.
- (7) Conduct which is otherwise authorized by a duly adopted ordinance of the City of Richmond or statute of the State of Indiana or the United States.

(e) It shall be a violation of Richmond Code for any person to intentionally provoke or tease an animal.

(f) ANIMALS AND VEHICLES

No animal shall be left unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal.

(g) INJURY CAUSED BY A MOTOR VEHICLE TO ANIMALS

Any person operating a vehicle who causes injury or death to an animal shall stop at once, assess the extent of injury, and immediately notify the owner, police department, or the Animal Services Officer of the location of the animal.

91.17 BREEDING REGULATIONS

(a) Breeder Notation: Breeder's notation on the animal's city tag shall be obtained by any person who:

- (1) Intentionally or accidentally causes the breeding of a cat or dog;
- (2) Makes a cat or dog available for breeding purposes;
- (3) Offers a dog or a cat for sale;
- (4) Sells, trades, or receives other compensation for a litter of puppies or kittens (except in the event the litter is taken to the Humane Shelter).

(b) Such person required to obtain a Breeder's Notation shall:

- (1) be in compliance with the City zoning laws;

- (2) be limited to one (1) notation per female animal per year;
- (3) be required to register with the City Clerk's office the name, address, and telephone number of each buyer or new owner of any dog or cat sold or transferred within five (5) days after the date of such sale or transfer;
- (4) transmit to the new owner or buyer the litter number of the animal acquired, and the breeder's city tag number in order that the new owner has assurance and proof that the animal was legally bred (bred by a permitted breeder);
- (5) immunize all cats and dogs offered for sale, trade or other compensation or for free giveaway (except an animal taken to the Humane Shelter) against common disease; in the case of dogs, against canine distemper, adeno-virus parainfluenza, parvovirus, coronavirus, and leptospirosis, and in the case of cats, against feline rhinotracheitis, and panleucopenia; and
- (6) not offer a puppy or kitten under the age of eight (8) weeks for sale, trade, other compensation or for free giveaway (except in the event the puppy, kitten or litter is taken to an Animal Shelter or humane society). Any fees incurred by City for animals taken to the Animal Shelter or humane society will be charged to the pet owner for all animal(s) taken.

(c) Such person required to obtain a Breeder's Notation shall be required to purchase Breeder's Notation at the rate of \$100.00 per litter, such funds to be deposited into the Animal Control Fund set forth by 91.13 (Animal Control Fund).

(d) Such person required to obtain a Breeder's Permit shall update any change in the information, under which the breeder's permit was issued. Such person shall report the change to the City Clerk's Office.

(e) Any such owner who fails to obtain a breeder's permit and who accidentally causes the animal to be bred shall immediately seek to obtain a breeder's permit or have the pet sterilized (immediately if male and within thirty (30) days of weaning if female) and obtain a city registration tag showing proof of sterilization. All other provisions herein shall apply and the accidental litter must be cared for accordingly.

(f) If such person required to obtain a Breeder's Permit shall be found in violation of the breeding permit requirement, the person shall not be permitted to advertise the litter for sale, nor shall the owner be permitted to obtain a subsequent Breeding Permit for the particular female animal, in addition to the penalty assessed in section 91.99.

(g) The Board of Public Works and Safety may bring any action permitted by State law to enforce the breeding regulations including, but not limited to, an action seeking an injunction.

#### 91.18 FREE ROAMING CATS

(a) Care for unmanaged colonies prohibited.

It shall be unlawful for a person to provide food, water or shelter to a colony of free-roaming cats, unless, the colony is a managed colony defined under this ordinance.

(b) Managed Free-Roaming Cats.

(1) The animal control division or its designee, in order to encourage the stabilization of the free-roaming cat population in the city, may:

(A) Trap any free-roaming cat in a humane manner;

(B) Have the cat surgically sterilized, ear-tipped, and vaccinated against rabies by a licensed veterinarian; and

(C) Release the cat to the animal control division for adoption or other disposition in accordance with law, or to a colony caretaker who will maintain the cat as part of a managed colony of free-roaming cats.

(2) The enforcement authority may impound free-roaming cats in violation of this chapter. Any free-roaming cat impounded by the enforcement authority that bears an appropriate ear-tipping indicating it belongs to a managed colony may, at the discretion of the animal control division, be returned to its managed colony unless illness or injury presents an imminent danger to public health or safety.

(c) Colony Caretaker responsibilities. It shall be a violation of this Chapter if the Colony Caretaker does not abide by the following:

(1) Colony caretakers shall abide by all required standards for each cat, according to this Chapter, as it relates to the provision of food, water, shelter and veterinary care for cats within the managed colony, etc;

(2) During the sterilization and immunization procedure, Colony caretakers shall have a licensed veterinarian evaluate the health of each cat prior to their release back into the colony. Seriously ill or injured cats with no reasonable prognosis for recovery or the ability to survive outdoors shall be humanely euthanized;

(3) Colony Caretakers are required to have proof of a three year anti-rabies immunization from a licensed veterinarian for each cat within their colony and must provide proof of immunization to the animal control division, upon request;

(4) Should a cat within a managed colony become the subject of a complaint to Animal Control, the caretaker will be notified by Animal Control of the nature of the complaint. If the problem cannot be remedied by the caretaker, Animal Control has the authority to remove and/or relocate the cat; and

(5) Compliance with this section must occur within 90 days of arrival of a free-roaming cat to the colony. Cats that have not been ear-tipped shall remain subject to trapping and impoundment by Animal Control. Cats which have been ear-tipped and are part of a managed colony shall be permitted to remain within their designated colony area unless illness or injury presents an imminent danger to public health or safety.

#### 91.97 ENFORCEMENT

The provisions of this chapter shall be enforced by the Richmond Police Department, the Animal Control Officer, duly authorized personnel of the humane society, or any other person authorized by the Board of Public Works and Safety.

#### 91.98 PENALTY

(a) In addition to any other penalties imposed by this chapter, any person violating the provisions of this chapter shall be subject to a fine of fifty dollars (\$50.00) for the first offense within a calendar year and one hundred dollars (\$100.00) for the second and each subsequent offense within a calendar year (except when fined pursuant to subsections (b) or (c) herein).

(b) In addition to any other penalties imposed by this chapter, any person violating the provisions of 91.04(c) (Restraint and Quietude) shall be subject to a fine of one hundred dollars (\$100.00) for the first offense within a calendar year, in addition to the requirement to either obtain a city registration tag with an intact notation or proof of sterilization. The second offense within a calendar year shall result in a fine of two hundred fifty dollars (\$250.00) and impoundment of the animal. After the second offense the owner must produce a city registration tag with an intact notation or a prepaid spay/neuter certificate from a licensed veterinarian or spay/neuter clinic to reclaim the animal. Failure to reclaim within five (5) days shall result in the animal becoming the property of the sheltering facility.

(c) In addition to any other penalties imposed by this chapter, any kennel, shelter or pet shop which violates the provisions of 91.14 (Kennels, Shelters and Pet Shops) shall be subject to a fine of five hundred dollars (\$500.00) for the first offense and a fine of one thousand dollars (\$1,000.00) for any subsequent offense in the same calendar year.

(d) In addition to any other penalties imposed by this chapter, any person violating the provisions of 91.16 (Humane Care of Animals) shall be subject to a fine of fifty dollars (\$50.00) for the first offense within a calendar year and one hundred dollars (\$100.00) for the second and each subsequent offense within a calendar year.

(e) In addition to any other penalties imposed by this chapter, any person violating the provisions of 91.15 (Dangerous/Vicious Dogs) or 91.18 (Breeding Regulations) shall be subject to a fine of one hundred fifty dollars (\$150.00) for the first offense within a calendar year and two hundred fifty dollars (\$250.00) for the second and each subsequent offense within a calendar year.

(f) In addition to any other penalties imposed by this chapter, any person violating the provision of 91.19 (Free Roaming Cats) shall be subject to a fine of twenty-five dollars (\$25.00) per cat in violation and the cat shall be impounded by Animal Control. Impounded cats may, at the discretion of Animal Control, be released to an alternate managed colony or be humanely euthanized.

(g) In addition to any other penalties imposed by this chapter, any owner of an animal which bites a person or another animal without provocation while running loose shall be fined one hundred dollars (\$100.00).

(h) All fines shall be payable to the City Clerk. Failure to remit the fine within fifteen (15) days of the issuance of the ordinance violation citation shall result in doubling the fine and the filing of an enforcement action in Wayne County Court.

#### 91.99 UNCONSTITUTIONALITY CLAUSE

Should any section, paragraph, sentence, clause or phrase of this Chapter be properly declared unconstitutional or invalid for any reason, the remainder of said Chapter shall not be affected thereby.

#### Section 2: Effective Date

This Ordinance shall be in full force and effect from and after its passage and adoption by the Common Council of the City of Richmond, Indiana.