FILED
APR 1 2 2019
CITY CLERK

GENERAL ORDINANCE NO. 4, 2019

AN ORDINANCE AMENDING CERTAIN PROVISIONS OF *TERRE HAUTE CITY CODE* CHAPTER 6, ARTICLE 4, DIVISION II. ANIMAL CONTROL REGULATIONS.

IT IS HEREBY ORDAINED by the Common Council of the City of Terre Haute as follows:

SECTION 1. *Terre Haute City Code* Chapter 6, Article 4, Division II. Animal Control Regulations is hereby amended with the deletion of the stricken text and addition of the underlined text as follows:

. . .

Division II. Animal Control Regulations.

...

Sec. 6-69 Definitions.

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

a. **Agricultural Animal.** Any domestic species of animal which are normally and have historically been, kept and raised on farms and used or intended for use as food or fiber, or for improving animal nutrition, breeding, management or production efficiency, or for improving the quality of food or fiber including but not limited to, any animal that is a member of one of the following species:

Alpaca (vicurgra pacos)
Cattle (Bos domesticus or Bos Taurus or Bos indicus)
Horse (Equus caballus)
Donkey (Equus asinus)
Pig/Swine (Sus Scrofa)
Sheep (Ovis aries)
Goat (Capra hircus)
Llama (llama glama)

~~a~~b. **Altered Animal.** Any animal, which has been spayed or neutered.

~~b~~c. **Animal.** Any live nonhuman vertebrate animal (domestic or wild).

~~c~~d. **Animal Control Commission.** The advisory commission with regard to policy and fiscal decisions affecting the terms and enforcement of this Division.

~~d~~e. **Animal Control Officer.** The animal control division of the Terre Haute Police Department and any other division or employee designated as Animal Control Officer by the Board of Public Works and Safety.

~~e~~f. **At Large.** An animal that is not under restraint.

~~f~~g. **Animal Welfare Organization.** Any not-for-profit organization for the prevention of cruelty to animals incorporated under state laws.

~~g~~h. **Animal Shelter.** Any facility operated by a humane society or municipal agency, or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this Division or State statute.

~~h~~i. **Attack.** An unprovoked attack in an aggressive manner on a human that includes a bite or causes a scratch, abrasion or bruising, or on a domestic animal, that causes death or injury that requires veterinary treatment.

~~i~~j. **Auction.** Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this Division.

~~j~~k. **Breeder.** Any person who intentionally or unintentionally causes the breeding of any ~~cat or dog~~animal, makes any ~~cat or dog~~ animal available for breeding, or offers for sale, sells, trades, receives any compensation, or gives away any ~~cats or dogs~~animals. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

~~k~~l. **Colony.** A group of one (1) or more free-roaming cats, whether unmanaged or managed. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

~~l~~m. **Colony Caretaker.** A person who provides food, water and shelter for free-roaming cats in a managed colony. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

~~m~~n. **Commercial Animal Establishment.** Any grooming shop, pet shop, auction, riding school or stable, zoological park, circus, animal exhibition or other business that engages in the breeding, care, sale or display of animals for profit. It does not include fish displayed or sold for profit.

~~n~~o. **Companion Animal.** Any domestic animal that is not listed as an agricultural animal. ~~or feral dog, domestic or feral cat, nonhuman primate, guinea pig, hamster, gerbil, chinchilla, rabbit not raised for human food or fiber, exotic or native animal, reptile, exotic or native bird, or any animal under the care, custody, or ownership of a person or any animal that is bought, sold, traded, or bartered by any person. Agricultural animals, game species, or any~~

~~animals regulated under federal law as research animals shall not be considered companion animals for the purposes of this Division. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)~~

(1) **Inside Companion Animal.** Any companion animal with one layer of coat or thin coat.

(2) **Outside Companion Animal.** Any companion animal that is outside the majority of the time and is a double-coated breed.

~~o~~p. **Dangerous Dog.** Any dog which, when unprovoked, commits in an aggressive manner an attack on any person, or domesticated animal. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

~~p. **Dog-Fighting, Baiting.**~~

q. **Domestic Animal**[1]**.** Any animal that is not wild or feral and is a member of one of the following species:

Dog (Canis familiaris)
Cat (Felis cattus or Felis domesticus)
Cattle (Bos domesticus or Bos taurus or Bos indicus)
Horse (Equus caballus)
Donkey (Equus asinus)
Pig/Swine (Sus Scrofa)
Sheep (Ovis aries)
Goat (Capra hircus)
Rabbit (Oryctolagus cuniculus)
Mouse (Mus musculus)
Rat (Rattus rattus)
Reptile (Reptilis) as defined herein
Guinea pig (Cavis porcellus)
Chinchilla (Chinchilla laniger)
Hamster (Mesocricetus auratus)
Gerbil (Gerbillus gerbillus)
Ferret (Mustela putorius furu)

r. **Feral.** ~~A companion animal, dog or cat, who~~ An animal that is unsocialized to humans, whose temperament is one of extreme fear, and who avoids contact with humans. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

[1] The presence of any animal on this list shall not serve as a representation that said animal is permitted within the City limits and the lawful possession of any listed animal must comply with this Article and any other applicable section of *Terre Haute City Code*, including but not limited to, zoning applicability.

s. **Fighting Dog.** A dog that is intentionally bred or trained to be used in, or that is actually used in, a dogfight. A dog does not constitute a fighting dog solely on account of its breed. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

t. **Free-roaming Cat.** Any homeless, stray, wild or untamed cat. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

u. **Grooming Shop.** A commercial establishment where animals are bathed, clipped or otherwise groomed.

v. **Harboring.** The actions of any person that permits any animal habitually to remain or lodge or be fed within his home, store, enclosure, yard, or place of business or any premises on which such person resides or controls. Any animal shall be presumed harbored if it is fed or sheltered for five (5) ~~business~~ or more days. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

w. **Honey Bees.** Bees of the type customarily raised for honey; such bees are known as apis mellifera.

x. **Humane Shelter/Humane Society.** Any organization existing for the purpose of the prevention of cruelty to animals and incorporated under the laws of Indiana.

~~x~~y. **Kennel.** Anyone owning or harboring more than six (6) animals ~~six (6)~~three (3) months of age or older.

~~y~~z. **Kennel.**

(1) **Non-Commercial.** Anyone owning or harboring a total of more than six (6) dogs and/or cats ~~six (6)~~three (3) months of age or older, all of which are altered, in which case the owner or harborer shall be deemed non-commercial and must purchase a non-commercial kennel license.

~~z.~~(2) ~~**Kennel –**~~ **Commercial.** An establishment wherein any person, group of persons, partnerships or corporations engages in boarding, breeding, buying, keeping, letting for hire, training for a fee, grooming, or selling dogs and/or cats. A commercial license is required.

aa. **Managed Colony.** A colony of free-roaming cats that is registered with the animal care and control division or its designee and is maintained by a colony caretaker using trap, neuter, return methodology. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

bb. **Microchip Implant.** A passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification and/or recovery of animals by their owners.

cc. **Microchip Reader.** An electronic device (passive transponder) that detects any implanted microchip.

dd. **Pet Shop.** Any retail establishment engaging in the purchase and/or sale of companion animals ~~cats and dogs, either solely or in addition to the purchase and/or sale of any other species of animal excluding fish~~. Any person, group of persons, partnership or corporation, whether operated separately or in connection with another business enterprise, except a licensed cattery, kennel or breeder, that buys, sells or offers for sale any species of animal.

ee. **Ordinance Enforcement Authority.** Any person designated as officers by the City of Terre Haute for the primary enforcement of ordinances regulating animals and owners of animals.

ff. **Owner.** One who keeps, harbors or has custody, charge or control of an animal for a period of longer than five (5) ~~business~~ days. Owner must comply with all applicable provisions contained in this Article. Those who temporarily keep animals, such as pet shops, veterinarians, kennels, shelters or stables shall not be deemed to be owners. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

gg. **Pet.** Any animal kept for pleasure rather than utility owned or harbored by any person, group of persons, partnership or corporation. Exceptions: fish, guide or service dogs engaged in working or training to work for the assistance for hearing or sight impaired, or physically handicapped or disabled persons; or police or canine governmental dogs.

hh. **Public Nuisance.** Any animal or animals that:

(1) Molest passersby or passing vehicles;

(2) Attack or threaten other animals;

(3) Damage public or private property;

(4) Bark, whine, howl, or make other sounds common to its species in an annoying, excessive or continuous manner;

(5) Are repeatedly "at large" or unrestrained; or

(6) Constitute a nuisance due to odor deemed offensive.

ii. **Reptile.** Any air-breathing vertebrate of the class Reptilia, with the exception of:

(1) Any reptile on the Federal Endangered or Threatened Species List or is on the Convention or International Trade in Endangered Species List, Appendix 1, As Amended;

(2) Any venomous reptile, including front or rear-fanged reptiles;

(3) Any python or a species which naturally exceeds twelve feet (12') in length;

(4) All crocodilians, including alligators, caimans, and crocodiles;

(5) Monitor lizards; and

(6) Anacondas.

jj. **Research Laboratory.** Any animal research facility operated in compliance with the United States Department of Agriculture under the authority of the Federal Laboratory Animal Welfare Act, 7 *USCA* 2131, *et seq.*

kk. **Restraint.** The securing of an animal by a leash or lead or confining it within the real property limits of its owner.

ll. **Riding School/Stable.** Any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule or burro.

mm. **Stray.** Any animal that does not appear, after reasonable inquiry, to have an ascertainable owner.

nn. **Veterinary Hospital.** Any establishment maintained and operated by a veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

oo. **Vicious, Fierce or Dangerous Animal.** Any animal that by its behavior constitutes a serious physical threat to human beings or animals.

pp. **Wild Animal.** As defined by *I.C.* § 14-8-2-318, is an animal whose species generally lives in the wild or is not domesticated, with the exception of snakes.

qq. **Wildlife Rehabilitator.** Any individual or individuals that acquire the necessary state and federal permit to allow the rehabilitation of wildlife in their homes, on their property or in a professional facility, with the intent of releasing such animals according to state and federal guidelines.

rr. **Zoological Park.** Any facility, other than a pet shop or kennel, displaying or exhibiting, without the predominant purpose of selling, one or more species of undomesticated animals, operated by a person or a government agency. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02; Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-70 Enforcement.

The provisions of this Division shall be enforced by the Board of Public Works and Safety of the City of Terre Haute and/or any ordinance enforcement authority. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-71 Pet Licensing Requirements, Wearing of Tags and Microchip Implants.

All owners residing within the corporate limits of the City of Terre Haute are required to license their dogs and cats as provided in this Division of the *Terre Haute City Code*.

a. Any person owning, keeping, harboring or having custody of any cat or dog over ~~six (6)~~ three (3) -months of age must provide proof rabies vaccine and of spay/neuter when applying for city license. A person owning, keeping, harboring or having custody of any cat or dog may purchase an unaltered animal license in lieu of this requirement. No license shall be required of any animal welfare organization, municipal animal control facility or government agency, or certified guide/service dog. Consideration will be given with a health waiver from a veterinarian.

b. A durable tag stamped with number and year of issuance will be provided to pet license holders for each license granted. Dogs and cats must be microchipped or wear their permanent tag or tags (rabies, license, personal ID, microchip *if applicable*) at all times, except when involved in any organized show, obedience demonstration, training situation or under the care of a licensed veterinarian.

c. Any person owning any dog or cat may obtain, in addition to the animal's tags, a microchip implant for the dog or cat. In no case shall the microchip implant replace the requirement for the annual licensure of a dog or cat with the Board of Public Works and Safety.

d. Any person owning any dog or cat, which has been implanted with a microchip, shall keep the microchip registration up to date with the microchip company before a move, sale, trade, barter, gift or transfer of the animal. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02; Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-72 Application for Pet License.

a. Application for pet licenses may be made at the Board of Public Works and Safety or its designated facility, or by mail, and shall include the name, address of applicant, type of license applied for, number and description of animal(s), proof of rabies vaccination, information regarding sterilization and appropriate fee. Persons applying for breeder licenses shall apply in advance of planned breeding.

b. Pet licenses are to be issued for either a term of one (1) year, commencing with the date of issuance, or a lifetime license. ~~Microchip implants do not preclude yearly licensure.~~

c. The Board of Public Works and Safety shall maintain records of the identifying license number. The ordinance and its officers shall have access to these records.

d. It shall be unlawful for any pet owner to fail to provide any dog or cat ~~six (6)~~ three (3) months of age or older with a current pet license as provided in this Section. The owner of any dog or cat must also have in his possession a current rabies vaccination tag showing that such animal has been vaccinated against rabies as otherwise provided in Sec. 6-89.3. No license shall be issued unless proof of vaccination against rabies is shown at the time of application for the license. Any owner of such animal who moves into the City for purposes of establishing a residence or residing, or who becomes a resident as a result of annexation shall have thirty (30) days in which to obtain the license required by this Division. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02; Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-73 Identification.

a. A person who owns a dog or cat in the City shall ensure that each dog or cat owned by the person bears a permanent means of identification at all times, such that the owner of a lost or stolen dog or cat can be ascertained quickly and easily.

b. The means of identification required by this Section shall be in addition to any tags required to be worn by dogs or cats by State law or provision of this *Code*, and shall include either:

(1) A microchip implanted in the dog or cat which bears a registered identification number with tag on collar bearing company phone number, and which can be read by a standard microchip scanner; or

(2) A permanent tag attached to a durable collar worn at all times by the dog or cat, and bearing the owner's current name, address and telephone number.

(3) It shall be unlawful for a person to own a dog or cat ~~six (6)~~ three (3) months of age or older which is kept in the City, and which does not bear a permanent

means of identification as provided in this Section. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02; Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-74 Kennel Licenses.

a. Any person owning or harboring more than six (6) dogs or cats or any combination thereof totaling more than six (6), ~~six (6)~~ three (3) months of age or older must obtain a kennel license.

b. Any person engaging in boarding dogs or cats for compensation or maintaining a Commercial Animal Establishment as defined herein, must obtain a kennel license.

c. Any property to be used as a kennel site must be in compliance with the City zoning laws. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-75 Fees.

The following licenses are required and shall be issued upon payment of the stated fees and compliance with any other requirements herein. No fee under this section shall be required of any veterinary hospital, excepting those that do grooming/and or boarding for a fee not connected to medical care or hospitalization; animal shelter; research laboratory or government operated zoological park. Any individual or business that has a change in class under which the commercial and/or non-commercial kennel license was issued shall report the change to the City and apply for a new license within thirty (30) days of any such change.:

a. Animal License.

(1)	Spayed or neutered cat or dog, per animal, per year	$ 5.00
(2)	Unaltered License, per animal, per year	~~100.00~~ $125.00
(3)	Lifetime License, spayed or neutered, per animal	$45.00

b. Kennel License.

(1)	With proper zoning	$100.00

c. Breeder's License.[2]

(1)	With proper zoning	$100.00

[2] This fee is in addition to an applicable kennel license.

~~(3) No fee shall be required of any veterinary hospital, excepting those that do grooming/and or boarding for a fee not connected to medical care or hospitalization; animal shelter; research laboratory or government operated zoological park.~~

~~(4) **Reclassification.** Any individual or business that has a change in class under which the commercial and/or non-commercial kennel license was issued shall report the change to the City and apply for a new license within thirty (30) days of any such change.~~

c. **Grooming Shop License.**

(1) Fee $ 25.00

d. **Pet Shop License.**

(1) Fee $100.00

e. **Commercial Animal Establishment Licenses.**

(1) Fee $100.00

(2) Licenses are to be issued for a term of one (1) year, commencing with the date of issuance.

(3) Prior to engagements, license holders will furnish the Board of Public Works and Safety with a schedule of dates and times of exhibits or performances so the ordinance enforcement authorities can perform periodic inspections.

f. **Omnibus License.**

(1) Fee ~~$200.00~~ $175.00

(2) This license shall allow the holder to operate a kennel, grooming shop, and/or pet shop~~, and to be a breeder~~.

(3) The license holder does not need to obtain individual licenses in the aforementioned areas, but all requirements for each of the aforementioned licenses shall be met before the Omnibus License may be granted.

(4) All licenses will be issued after inspection and approval by ordinance enforcement authorities, provided all requirements of this Division are met.

(5) License holder must be in compliance with the City zoning laws.

g. **Miscellaneous Licenses.**[3]

(1)	Beekeeping/Apiary	$25.00
(~~1~~2)	Riding School	$150.00
(~~2~~3)	Stable	$150.00
(~~3~~4)	Animal Auction	$250.00
(~~4~~5)	Zoological Park	$250.00

(~~5~~6) All license holders must be in compliance with City zoning laws.

~~(6) Exception: No fee shall be required of any animal shelter, research laboratory or government operated zoological park.~~ (Gen. Ord. No. 25, 2001, As Amended, 3-14-02; Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-76 Appeal, Denial or Revocation of License.

a. Any person who is denied a license or whose license is revoked may seek reconsideration of the denial or revocation by the full Board of Public Works and Safety within ten (10) days of the date of the denial or revocation of the license.

b. 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. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-77 Obtaining Kennel Licenses.

Applications for kennel licenses shall be made to the Board of Public Works and Safety. The application for a ~~non-commercial~~ kennel shall include the address of kennel, the name, address, and telephone number of the applicant as well as the description (species, breed, sex, age and coloration) of each animal housed in the kennel and a statement as to whether the applicant has ever been convicted of the offense of cruelty to animals.

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 and Animal Control Commission.

[3] Licenses in this Section are required to be purchased annually.

Applications for commercial kennel licenses must also contain a statement of the total capacity of the kennels.

If the proposed or existing site of a kennel is not located in an area zoned for kennels, the application shall be denied. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02; Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-78 Inspection of Animals and Premises Authorized.

It shall be a condition to the issuance of any license, excluding pet license as required by Sec. 6-71, required by this Division that the ordinance enforcement authorities of the City shall be permitted to inspect at any time the premises and all animals and/or animal facilities located thereon where such animals are harbored. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-79 Standards for Commercial Animal Establishments.

In order to be eligible to obtain a license, a commercial animal establishment must:

a. Be operated in such a manner as not to constitute a public nuisance;

b. Be in compliance with the City zoning laws;

c. Provide an isolation area for animals which are sick or diseased to be sufficiently removed so as not to endanger the health of other animals;

d. Keep all animals within a secure enclosure or under the control of the owner or operator at all times;

e. With respect to all animals kept on the premises, comply with all of the provisions of this Division providing for the general care of animals;

f. Not sell animals under eight (8) weeks of age or diseased;

g. Provide the USDA Animal Dealer license number (if applicable) or the Commercial Animal Establishment, Pet Shop or Kennel or Breeder license number, or the individual ~~dog/cat~~ animal license number of the female ~~dog/cat~~ animal that produced the litter or individual animal; and

h. All advertisements for the sale, adoption or free placement of these animals within the City must contain the license number whether Commercial Animal Establishment, Pet Shop, Kennel, breeder or individual ~~dog/cat~~ animal license number. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

i. Be in compliance with *I.C.* 15-21, provisions regulating commercial dog breeders. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-80 Commercial Animal Establishment License Period.

The Commercial Animal Establishment license period shall begin on January 1st and shall run for one (1) year. Applicants requiring a license during the year shall pay a prorated fee for the remaining portion of the year. Applications must be made at least ten (10) days before the opening of a Commercial Animal Establishment. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-81 Breeder Licenses.

a. Any person who intentionally or unintentionally causes the breeding of any ~~cat or dog~~animal, or allows any ~~cat or dog~~ animal available for breeding purposes,

b. Any person who offers for sale, sells, trades, receives other compensation for or gives away any ~~cat or dog~~animal,

c. And such person shall:

(1) Be in compliance with the City zoning laws.

(2) Not allow the birthing of more than one (1) litter per animal per year; and

(3) Furnish the Board of Public Works and Safety with information on the birth of each litter of ~~dogs or cats~~ animals as may be required to register that litter of ~~dogs or cats~~animals with the Board of Public Works and Safety, and to be assigned a litter number for each litter; and to use this litter number for all advertisements regarding sale, giveaway or relinquishment of animal(s); and

(4) Be required to register with the Board of Public Works and Safety the name, address, and telephone number of each buyer or new owner of any ~~dog or cat~~ animal sold or transferred within five (5) days after the date of such sale or transfer; and

(5) Transmit to the new owner or buyer the litter number of the animal acquired, and the breeder's license number in order that the new owner has assurance and proof that the animal was legally bred (bred by a licensed breeder); and

(6) Immunize all ~~cats and dogs~~ animals 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

(7) Not offer ~~a puppy or kitten~~ an animal under the age of eight (8) weeks for sale, trade, other compensation or for free giveaway, except ~~a puppy or kitten~~ an animal or litters of ~~them~~ animals taken by ordinance enforcement authorities. Any fees incurred by ordinance enforcement authorities for animals taken to the Humane Shelter will be charged to the pet owner for all animal(s) taken; and

(8) Breeder must furnish warrant of health for each animal sold, traded or given away free for a period of not less than fifteen (15) days with recommendation to have animal examined by a licensed veterinarian. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02; Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-83 Violations.

a. Any employee of an authority charged with ordinance enforcement may issue any individual or business in violation of any of the provisions regarding payment of fees and licensing in this Division a notice of ordinance violation called a Citation. Upon issuance of a Citation, the individual or business has twenty-four (24) hours to bring itself into compliance with this Division. Each day thereafter is a separate violation subject to the penalty established in Subsection b. The penalty established in Subsection b. shall be paid to the City within twenty-four (24) hours of the notice of ordinance violation. In the event the individual or business does not bring itself into compliance and/or such payment is not made within twenty-four (24) hours, the City may file a proceeding in any court of competent jurisdiction to collect the applicable penalty and/or enforce compliance.

b. Individuals or businesses who violate any provisions of this Division shall be subject to a fine of double the applicable license fee for the first offense, with the fine for each subsequent offense of this Division increasing by an increment of double the license fee. In the event that the individual or business has no additional violations of this Division for a period of twelve (12) consecutive months, the fine for any violation of the Division after that period shall be double the applicable license fee for the first offense, with the fine for each subsequent offense increasing by an increment of double the applicable license fee.

c. The Board of Public Works and Safety may bring any action permitted by State law to enforce this Division including, but not limited to, an action seeking an injunction. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-84 Restraint and Nuisance.

a. All animals shall be under restraint as defined in this Division.

b. **Animal in Heat.** Every female animal in heat shall be confined in a building or secure enclosure in such a manner that the animal cannot come in contact with a male animal of the same species except for planned breeding.

c. **Vicious, Fierce or Dangerous Animal.** Every vicious, fierce or dangerous animal, as defined in Sec. 6-69(hh), shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged when off the premises of the owner. If no secure area can be located, ordinance enforcement authorities shall impound said animal at the owner's expense until a suitable facility is located. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

d. No owner shall fail to exercise due care and control of his animal's excrement to prevent them from becoming a public nuisance. (Gen. Ord. No. 28, 2003, 10-9-03)

e. No owner or responsible person shall fail to remove an animal's excrement from public land or from his own property, or from the property of another, except a person working with a service dog. (Gen. Ord. No. 28, 2003, 10-9-03)

Sec. 6-85 Impoundment; Reclamation.

a. **Animals To Be Impounded.**

(1) At-large animals; unlicensed animals; nuisance animals; vicious, fierce or dangerous animals; and animals which have attacked or bitten persons or other animals shall be impounded. Bruising or scratching of the person or animal is evidence of an attack. Such animals may be taken by ordinance enforcement authorities and impounded in the animal shelter or other appropriate facility and there confined in a humane manner.

(2) In lieu of impounding an animal which may be impounded, according to this Division, the ordinance enforcement authorities may issue to the known owner or harborer of such animal a notice of ordinance violation.

(3) Animals found in cruel, abusive or neglectful situations; animals trained, bred or kept for the purpose of animal fighting; or animals that have been abandoned as defined in this Division or under State law may be promptly seized if no immediate contact with a responsible person can be made; provided, however, that the ordinance enforcement authorities shall leave written notice saying the location of the animal and the reason for impoundment.

(4) An animal found confined or abandoned on private property in violation of this Division shall be impounded.

b. **Jurisdiction of Ordinance Enforcement Authorities for Impoundment**. The jurisdiction of the ordinance enforcement authorities for enforcing this Division shall include the municipality of Terre Haute.

c. **Notice of Impoundment.** If by a license tag or other means the owner of an impounded animal can be identified, ordinance enforcement authorities shall immediately upon impoundment notify the owner by telephone or other means. Animals whose owners are not identifiable or cannot be notified after reasonable effort shall be held for five (5) days from impoundment before becoming the property of the City and/or its designee. Animals that are property of the City and/or its designee may be placed for adoption or humanely euthanized.

d. **Impounded Animals – Reclamation.**

(1) An owner reclaiming an impounded ~~dog or cat~~ animal shall reimburse the Board of Public Works and Safety and/or the Humane Shelter for all the costs associated with the impoundment. An owner reclaiming an impounded animal other than a dog or cat shall pay a boarding fee in keeping with the size and needed care of the animal as determined by the facility holding the animal. This boarding fee shall be paid in addition to any fines or costs levied for violations of this Division.

(2) An owner reclaiming an impounded animal that is not under the jurisdiction of the City shall pay all costs associated with the impoundment.

(3) The Humane Shelter and/or ordinance enforcement authorities shall have the right to determine the length of time to board animals being impounded due to a case of neglect or animal cruelty. Animals being housed beyond the set time limit must be surrendered to the Humane Shelter for adoption or euthanasia as determined by the Humane Shelter and/or ordinance enforcement authorities. Severe ~~Neglect~~ neglect or abuse cases should be housed at a medical or boarding facility at the expense of the owner. Persons convicted of animal cruelty or neglect shall reimburse the Humane Shelter for any costs, including medical care and/or cost of euthanasia, incurred by the Humane Shelter or ordinance enforcement authorities for care or destruction of the animal in the case.

(4) No impounded animal may be released if the animal's return presents a danger to the public, or the animal, or otherwise results in a violation of this Division.

e. Notwithstanding any provision of this Division to the contrary, an injured or diseased animal need not be retained five (5) days, but may be disposed of at any time when in the reasonable discretion of the ordinance enforcement authority and after the assessment of a veterinarian, it is determined to be more humane and reasonable to do so, rather than provide additional veterinary care, and after reasonable efforts to find the animal's owner have been unsuccessful. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

f. Prior to the return to its owner of an impounded dog or cat which at the time of impoundment did not bear a permanent means of identification as required by Sec. 6-73, the ordinance enforcement authority shall cause a microchip with a registered identification number to be implanted in the animal. The fee for such a service shall be ($35.00) or as determined by the animal shelter or facility. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-86 Animal Care.

a. **Poisoning.** No persons shall expose any known poisonous substance, whether mixed with food or not, so that it shall be reasonably likely to be eaten by any animals; provided, that it shall not be unlawful for a person to expose on his own property common rat or mouse poison, unmixed or mixed only with vegetable substances. Persons who violate this Section shall be subject to a fine of a minimum of One Hundred Fifty Dollars ($150.00) for each offense.

b. **Motor Vehicle Accidents Involving Animals.** Any person, who, as the operator of a motor vehicle, strikes an animal, shall report the accident to the appropriate law enforcement agency.

c. It shall be unlawful for any dog or cat to ride in the bed of a pickup truck on public streets, or highways and/or rights-of way unless the animal is securely caged or under restraint in a proper harness. Animals must be protected from adverse environmental conditions. Persons who violate this Section shall be subject to a fine of a minimum of Fifty Dollars ($50.00) for each offense.

d. **Use of Devices To Induce Performance.** No performing animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that is likely to cause physical injury or suffering. Persons who violate this Section shall be subject to a fine of a minimum of Five Hundred Dollars ($500.00) for each offense.

e. It shall be unlawful for a person willfully to injure, molest, attack or disturb in any way a bird, or the nests, eggs, young or brood of birds, in the City; provided, however, this Section shall not apply to ~~nonmigratory~~ non-migratory pigeons, starlings or any birds declared or

defined by ~~115~~ any state law or City ordinance as a public nuisance. Persons who violate this Section shall be subject to a minimum fine of Twenty-Five Dollars ($25.00) for each offense.

~~f. subject to a fine of a minimum of Twenty-Five Dollars ($25.00) for each offense.~~

f. **General Animal Care.** Every owner of an animal within the City shall see that the animal:

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

(2) Has access to a shelter with the following:

(i) Shelter constructed of weather resistant materials creating a solid enclosure;

(ii) A dry floor raised above ground level;

(iii) A roof sloped away from the entrance to provide protection from weather and extreme cold;

(iv) Be large enough for the animal(s) to completely turn its entire body;

(v) Contain wind-proof material over the entrance;

(vi) Contain clean, dry bedding that does not retain moisture (e.g. straw) and of sufficient depth;

(3) If the animal is kept in a pen or fenced enclosure it must have adequate space for exercise containing at least one hundred (100) square feet. (e.g. 10 feet X 10 feet) for animals up to and including eighty (80) pounds and at least one hundred fifty (150) square feet for animals over eighty (80) pounds and an additional fifty (50) square feet of space for each additional animal.

(~~2~~4) Has proper and adequate food~~,~~ and water~~, shelter, and protection from the weather,; and~~

(5) Animals sensitive to heat or cold must be brought inside a temperature controlled building, such as a home or a temperature controlled garage when:

(i) The temperature outside is twenty (20) degrees Fahrenheit or below;

(ii) The temperature outside is ninety (90) degrees Fahrenheit or above;

(iii) A heat advisory is in effect;

(iv) A wind-chill warning is in effect; or

(v) A tornado warning is in effect.

(6) All animals outdoors shall be:

(i) Provided shade when the temperature exceeds eighty (80) degrees Fahrenheit;

(ii) Provided water at all times;

(iii) Not tethered for more than a period of two hours at any given time; and

(iv) Fitted with appropriate collar when tethered (i.e., not a choke chain or any other device that may cause said animal to choke themselves).

(~~3~~7) ~~If diseased or injured, receives~~Receives care as necessary, if diseased or injured, to prevent suffering. If the animal is diseased, it must be segregated from other animals so as to prevent the transmittal of the disease to other animals. Owners may be given twelve (12) hours notice to provide veterinary care for a sick or injured animal before being cited by the ordinance enforcement authorities.

(~~4~~8) Trapped animals must be humanely treated and released within twenty-four (24) hours to appropriate law enforcement authority or to the ~~shelter~~appropriately designated shelter as determined by the Board of Public Works and Safety. Exceptions include free-roaming cats for spay/neuter procedures. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

(~~5~~9) Persons who violate this Section shall be subject to a fine of a minimum of Three Hundred Dollars ($300.00) for each offense.

g. **Abandonment** No owner of an animal shall abandon such animal. Persons who violate this Section shall be subject to a fine of a minimum of Three Hundred Dollars ($300.00) for each offense.

h. **Cruelty to an Animal.**

(1) Cruelty to an animal is considered to exist whether "active" as in torture, torment, deprivation of necessary sustenance, use of physical blows (beating), mutilation (destruction of any body part), killing for any reason other than self-protection or to protect another human or animal from injury, or in some way acting as a causative agent

in the infliction of cruelty. "Passive" cruelty is considered to exist when there is any omission resulting in the occurrence of pain, suffering (from any cause), or death.

(2) It shall be unlawful to be responsible or to permit an act of cruelty toward a vertebrate animal resulting in serious injury or death to the animal; or

(3) Kill a vertebrate animal without the authority of the owner of the animal (*I.C.* § 35-46-3-12), except as permitted by Indiana statute.

(4) It shall be unlawful for anyone not a veterinarian to be responsible for or permit the physical altering of any animal in any procedure that normally requires a veterinarian, such as ear cropping, tail docking, declawing, or spaying/neutering of ~~either a male or female dog or cat~~ an animal.

(5) It shall be unlawful to negligently or willfully fail to provide food, potable drinking water, shelter, or reasonable protection from the weather thereby inflicting unnecessary cruelty on any animal. ~~"Shelter" should afford protection from the sun as well as cold, rain, dampness, etc. and should be suited to the size and breed of the animal being housed. Cardboard, fiberboard, or any other structure that fails to protect an animal from adverse atmospheric conditions shall not be considered proper shelter under this Section~~ The shelter must comply with the requirements of this Section.

(6) Any act, omission or neglect contributing to, or causing unjustifiable pain and/ or suffering shall be considered cruelty to an animal.

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

(8) Animals kept in wire pens/cages, whether above ground or not must have a resting area available so that the animal is not made to sit/lie/stand only on a wire surface area. Protection from the elements ~~applies the same as above (5)~~ must be in compliance with this Section.

(9) It shall be unlawful and is hereby declared to be a public nuisance for any person to use, place, set or cause to be set within the City or upon lands owned by the City any traps except cage-type live traps approved by the Board of Public Works and Safety and used for the control of nuisance animals. This prohibition shall not apply to any trap specifically designed to kill rats, mice, gophers or moles so long as the owner of the property is aware of the location where the trap(s) are set and monitors said trap(s) at least once every twenty-four (24) hours.

Any traps that have been unlawfully set in the City may be seized and used as prima facie evidence that a violation has been committed. Upon conviction, said trap(s) shall be forfeited to and disposed of by order of the court.

(10) Any person live-trapping a cat or dog must surrender the animal to the humane shelter or ordinance enforcement authority within twenty-four (24) hours or sooner, or if part of a TNR -Trap/Neuter/Release Program within seventy-two (72) hours. It shall be unlawful for any trapped animal to be killed, injured, dumped or abandoned.

In the case of a TNR program, there must be a designated caregiver before an animal may be released. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

(11) **Lost or Stray Animals.**

(~~A~~a) Persons finding a stray animal are to notify the appropriate law enforcement authority and the Terre Haute Humane Society within forty-eight (48) hours. At the discretion of the ordinance enforcement authorities, the animal may be kept by the finder and a found report must be left with the ordinance enforcement authorities and the ~~Humane Society~~ appropriately designated shelter as determined by the Board of Public Works and Safety, to enable the finder an opportunity to return the animal to its rightful owner.

(~~B~~b) Upon demand by ordinance enforcement authorities, any found animal will be surrendered to the ordinance enforcement authorities and held for five (5) days, before a disposition is made.

(~~C~~c) Persons finding an animal are obligated to comply with all rules and regulations of this Division pertaining to humane care and treatment of animals, while said animal is in their custody awaiting return to its actual owner.

(~~D~~d) With the exception of the ~~Humane Shelter~~ appropriately designated shelter as determined by the Board of Public Works and Safety the finder will be considered the found animal's owner for the purposes of this Division only after the animal is in the finder's custody for ~~ten (10)~~ five (5) continuous days.

(12) No animal may be euthanized by any method other than those approved by The American Veterinary Medical Association. No animal's body shall be disposed of

until all vital signs are checked (fixed pupil, cessation of heartbeat and respiration) to assure that death has occurred.

(13) No person shall raise or kill a dog or cat for food or the skin or fur; nor shall any person or business possess any items made from or containing dog, puppy, cat or kitten fur; or any food item containing dog, puppy, cat or kitten. All items made from or containing any type of fur must be labeled with the name of the species whose fur is used.

(14) No person shall mutilate any animal whether dead or alive. This provision does not apply to accepted livestock practices concerning humane slaughter.

(15) No person shall engage or cause or allow any other person to engage in a sexual act with any animal.

(16) Any animal observed by a police officer or other ordinance enforcement authorities to be in immediate danger may be removed from such situation by the quickest and most reasonable means available.

i. **Tethering. (Gen. Ord. No. 16, 2007, 10-11-07)**

(1) It shall be unlawful for any person to tether, fasten, chain, tie, or restrain or cause an animal to be fastened, chained, tied, or restrained to (but not limited to) houses, trees, fences, garages, or other stationary or highly immobile objects by means of a rope, chain, strap or other physical restraint for the purpose of confinement, except in circumstances where all of the following requirements are met:

(~~a~~a) The tethering shall not be for more time than is necessary for the animal owner or custodian to complete a temporary task that requires the animal to be physically restrained for a reasonable period <u>but shall never exceed a period of more than two (2) hours</u>.

(~~b~~b) The animal must be tethered by a non-choke type and properly fitted collar made of leather, nylon or other non-abrasive material or a body harness to a tether, that is at least five (5) times the body length of the animal, measured from the animal's nose to the base of the tail and which the chain and tether is free from entanglement, so as to as to allow the animal to move about freely. No chain or tether shall weigh more than one-eighth (1/8) of the animal's weight.

(~~2~~i) The animal must have access to food, water and shelter at all times.

(~~3~~ii) The animal shall be monitored periodically.

j. **Managed Free-roaming Cats.** The ordinance enforcement authority or its designee, in order to encourage the stabilization of the free-roaming cat population in the City, may:

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

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

(3) Obtain a colony license at no charge from the Board of Public Works and Safety after approval from the Animal Control Commission. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

k. **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:

(1) The colony is a Managed Colony, registered with the ordinance enforcement authority or its designee; or

(2) The food, water or shelter is provided in conjunction with the implementation of trap, neuter, and return methodology as set forth in this Division. (Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

l. Violation of Section h. through k. shall subject the violator to a fine of a minimum of Three Hundred Dollars ($300.00) for each offense. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-87 Specific Animal Care Provisions for Carriage Horses.

a. In addition to the provisions set out in general animal care above, every owner of an animal used to draw a vehicle for hire within the City shall see that:

(1) The animal has adequate flesh and muscle tone;

(2) The hooves of the animal are properly trimmed and shod within every eight (8) weeks of work. Acceptable horseshoes for this work are limited to Borium studded type or polyurethane (plastic) studs optional. Records must be kept by the owner of the dates and the name of the blacksmith who shod the animal;

(3) The animal is groomed daily, and shall be kept clean while at work and in the stable;

(4) The animal is not overdriven, or kept, to result in over-heating or exhaustion. Animals shall not be worked during the middle of the afternoon during hot days when livestock warnings are issued. Whenever possible during warm weather the driver shall park in the shade. Animals shall not be worked more than two hours without being given a fifteen (15) minute rest period. Maximum working period for any one animal shall be eight (8) hours out of every twenty-four (24) hours, and any five (5) out of seven (7) consecutive days. During rest periods, the person in charge of such horse shall make fresh water available to the horse.

(5) No animal may be whipped in front of the shoulder area of the horse, in accordance with Quarter horse association rules;

(6) The speed at which any animal is driven shall not exceed a trot;

(7) The animals shall not be left unattended on a street or public way;

(8) The harness, bridle, and any other equipment required or in use ~~is~~must be properly fitted, in a good working order, free of makeshift design, and used so as not to cause pain or injury to the animal. Twisted wire snaffles are not permitted.

(9) Horses shall not be worked in temperatures below negative ten degrees (–10°) Fahrenheit, with wind chill factor applied. At no time shall a horse be at work when the sum of the relative humidity and ambient temperature exceeds one hundred and sixty degrees (160°) Fahrenheit. Horses should not be worked at temperatures above ninety five degrees (95°) Fahrenheit. For the purposes of this subdivision, temperatures shall be those measured "downtown" and broadcast by the local radio stations. An operator of a horse already at work at the time the temperatures reach the above described conditions shall return the passengers to the point of loading and rest the horse in sheltered conditions. Thereafter, such horses may be worked only when the weather conditions once again reach acceptable limits.

(10) Horses shall not work on a public highway, street or path during adverse weather or other conditions, which are a threat to the health or safety of the horse or the public. Adverse weather conditions may include but shall not be restricted to snow, ice, heavy rain or other slippery conditions.

(11) Carriage companies shall equip all carriages/horses with a manure catching device for use at all times while working.

(12) All such carriages shall adhere to state law on slow moving vehicles. No horse drawn carriage shall be operated between the hours of 7:00 a.m. through 9:30 a.m. and 3:30 p.m. through 6:00 p.m., Monday through Friday.

(13) The rental horse business shall take immediate action to obtain veterinary treatment, care and attention when any horse is or becomes sick, diseased, lame or injured. If a horse dies while at work or in the stable area, or is involved in an accident resulting in an injury to a horse, ordinance enforcement authorities shall be notified immediately.

(14) A horse covered by this Section which is or becomes lame or suffers from a physical condition or illness making it unsuitable for work shall be removed from work by the rental horse business or may be ordered removed from work by ordinance enforcement authorities. In the event of a dispute regarding such physical condition or illness, ordinance enforcement authorities may require that a rental horse be examined by a veterinarian in order to determine its ability to safely work as a rental horse. The cost of any such examination shall be borne solely by the rental horse company. A horse which has been removed from work under this Section shall not be returned to work until it has recovered from the condition which caused removal from work, or until such condition has improved sufficiently that its return to work will not aggravate the condition or otherwise endanger the health of the horse. A violation of this Section shall be presumed if a horse is found at work in a sick or disabled condition within forty-eight (48) hours after its removal from work for the same condition which caused such removal. Such presumption may be rebutted by offering a written statement from a veterinarian who examined the horse after the time of removal from work but prior to its return to work, which statement sets out the veterinarian's professional evaluation of the condition and his/her opinion that it was suitable for the horse to return to work prior the expiration of the forty-eight (48) hour period. This statement shall be carried with the horse during the presumed forty-eight (48) hour recovery period, and provided to ordinance enforcement authorities upon request.

(15) Animals not on the real property of its handler shall be secured by a leash or lead.

b. Any ordinance enforcement authority may issue to any person in violation of this Section a notice of ordinance violation. The penalty established in Subsection c. may, at the discretion of the animal owner, be paid to the authorized agency within seventy-two (72) hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings shall be filed in the county court of competent jurisdiction. In

addition, to protect the health and safety of the animal and the public, upon a finding that an animal is sick, injured, lame, malnourished, or in any other condition that renders it unfit for drawing a vehicle for hire, any animal control officer may issue an order that the animal is deemed unfit for work and order it removed from the vehicle and the city streets; such order may be appealed within forty-eight (48) hours to the Board of Public Works and Safety which shall, upon hearing all evidence, confirm or deny the order of the ordinance enforcement authority.

c. Persons who violate any provision of this Section shall be subject to a fine of Fifty Dollars ($50.00) for each violation and each day shall be considered a separate violation.

d. As used in this Section, the term horse shall also refer to a mule, donkey, or other similar ~~hooved~~ hoofed animal. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-88 Wild Animals; Swine; ~~Hooved~~ Hoofed Animals.

a. No person shall keep or permit to be kept on his premises any wild, carnivorous animals except as provided in this Section.

b. **Exceptions.**

(1) This Section shall not be construed to apply to zoological parks, circuses, performing animal exhibitions or research laboratories.

(2) Any person owning a large, carnivorous animal prior to the enactment of this Section shall be permitted to continue ownership of that animal, provided that the animal is registered after enactment of this Section. A copy of the registrations must be kept by the owner as evidence of possession of the animal prior to the enactment of this Section.

(3) Any person owning or keeping a large, carnivorous animal not indigenous to the locality must have their property properly zoned to accommodate the maintenance of such animals.

(4) It shall be unlawful for a person to keep swine~~, with the exception of Asian Pot-Bellied Pigs,~~ unless such premises are stockyards, slaughterhouses, or other premises where the keeping or raising of livestock is permitted by county zoning ordinances.

(5) It shall be unlawful for a person to own, keep, or breed a horse, pony, mule, donkey, jackass, or llama in the City, unless zoned properly. ~~on premises which measure less than eight thousand (8,000) square feet in a lot area per animal,~~

~~unless such premises are registered as a stable under Sec. 6-75i. of the *Code*. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)~~

(6) Wolf Hybrids and coydogs are prohibited within the corporate limits of the City. Any person found to be in possession of a wolf hybrid or coydog within the City shall be fined up to the limits set forth in Section 6-89.6 of this Article.

Sec. 6-89 Reptiles.

a. **Registration – Pet Shops.**

(1) Any pet shop intending to harbor, sell, trade, or in any way distribute reptiles within the City must register with the Board of Public Works and Safety, in writing, of such intention before any reptile may be harbored, sold, traded, or distributed.

(2) Any pet shop harboring, selling, trading, or in any way distributing reptiles within the City shall make available for inspection by the ordinance enforcement authorities an inventory of the number and type of reptiles received, the number and type distributed by sale, trade, death, or in any other manner, and the number and type on hand.

b. **Lost or Impounded Reptiles.** Lost reptiles shall be impounded and released to the owner or disposed of, provided, however, that any nonpoisonous reptiles native to Indiana shall be presumed wild and released to a natural habitat. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-89.1 Dangerous Animals Prohibited.

a. **Ownership/Possession Prohibited**. This Section shall not apply to animals under the control of a law enforcement or military agency. It shall be unlawful for an owner or keeper of a vicious, fierce, or dangerous animal to cause, suffer, or allow it to go unconfined and unrestrained on the owner's or keeper's premises, or to run at large, in the City.

b. It shall be the duty of any person with the authority to impound an animal forthwith to impound any vicious, fierce or dangerous animal found unconfined or running at large. For the purpose of this Section, an animal may be declared dangerous by an ordinance enforcement authority if the animal exhibits vicious behavior in present or past conduct, including but not limited to:

(1) Evidence that the animal has, without provocation, bitten or attacked a person and/or animal; or

(2) Did bite or attack, once causing wounds or injuries creating a potential danger to the health or life of the victim; or

(3) Could not be controlled or restrained at the time of a bite or attack upon an animal or person; or

(4) The animal has been microchipped by a licensed veterinarian for the purpose of determining a positive occurrence of a prior bite or attack; ~~and~~or

(5) Caused a need for veterinarian care of an animal after an attack.

c. Such vicious, fierce or dangerous animal may be destroyed by ordinance enforcement authorities if such destruction is necessary to preserve the public health, safety and welfare of the community.

d. **Costs.** The owner of any animal, which is impounded and/or euthanized under this Section, shall be held responsible for payment of any expenses so incurred by the Humane Shelter and the ordinance enforcement authority. Failure to pay such fee within fifteen (15) days after destruction of such animal shall constitute a violation of this Division and may subject the owner to a court judgment in the amount of the costs incurred for impounding and/or euthanasia in addition to court costs. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02; Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-89.2 Biting Animals; Report; Procedure.

a. The person responsible for any animal, which has bitten a person or another animal must report the incident to the County Board of Health/local health officer or ordinance enforcement authority. Upon receiving the report of a bite, the animal will be quarantined for ten (10) days with the place of confinement to be at the discretion of the County Board of Health/local health officer or ordinance enforcement authority. During the quarantine period, the animal is to be securely confined and kept from contact with any other animal or person.

b. During the quarantine period, the owner must provide a current rabies vaccination certificate for the ~~cat or dog~~ animal that is being quarantined. If proof of vaccination cannot be supplied, the animal will be vaccinated by a veterinarian at the owner's expense before release.

c. No person other than the County Board of Health/local health officer or ordinance enforcement authority or veterinarian shall kill or cause to be killed any animal suspected of being rabid except in cases of immediate self-protection. ~~If that occurs the person will retain the body and immediately notify the County Board of Health/local health officer~~ The animal's body will be retained for a reasonable period of time and the County Board of Health/local health officer will immediately be notified.

d. Violations of these provisions shall be punishable by a fine of a minimum of Three Hundred Dollars ($300.00) per violation plus court costs and responsibility for payment for any injections required to be given because of the violation of these provisions. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02; Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-89.3 Rabies.

a. **Rabies Vaccination Required.** It is unlawful to own or harbor a dog or cat ~~six (6) months~~ three (3) months of age or older without a valid rabies vaccination.

b. **Animals Biting Person.** If an owned animal has bitten a person, the animal shall be impounded at a secure location, veterinary hospital, or kennel of the owner's choice at the owner's expense. This impoundment shall be for a period of ten (10) days in order to determine whether or not the animal has rabies. If the animal dies during the period it shall, at the owner's expense, be sent to the proper authorities to determine whether or not it was rabid.

c. **Disposition of Exposed Animals.** Any animal that has been bitten by an animal known to have rabies shall be confined for a period of six (6) months at the owner's expense or be destroyed.

d. **Duties of the Owner of a Suspect Animal.** It is unlawful for any person who owns or harbors an animal known to be infected with rabies to allow such animal to leave the owner's premises, except for the purpose of transporting the animal to the animal shelter or veterinarian. Every owner, upon ascertaining an animal is rabid, shall immediately notify the Terre Haute Police Department and the County Board of Health/local health officer.

e. **~~Euthanization of~~ Euthanizing Stray Animals.** If a stray animal has bitten a person, it shall be confined in the animal shelter for a minimum of forty-eight (48) hours ~~five (5) days~~. At the end of the forty-eight hour ~~(5) day~~ period, if unclaimed and deemed to be a vicious, fierce or dangerous animal as defined herein, the animal may be euthanized and its brain sent to the Indiana Department of Health Rabies laboratory for a diagnostic test or held in quarantine; the outcome will be determined by the ordinance enforcement authority and the Humane Shelter.

f. Violation of these provisions shall result in the same penalty stated in the quarantine provisions. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02; Gen. Ord. No. 11, 2009, As Amended, 9-11-09)

Sec. 6-89.4 Adopted Animals.

Any ~~dog or cat~~ animal adopted from a humane shelter or any animal welfare organization incorporated under state laws, unless medically cleared, shall be spayed or neutered by a

veterinarian within one (1) month of adoption or by six (6) months of age whichever is later. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-89.5 General Provisions.

a. **Animal Census.** Upon enactment of this Division, the City of Terre Haute, at the direction of the Mayor and with approval of the Common Council, may instigate and carry out a City-wide census for the purpose of carrying out the provisions of this Division. A census may be held once every two (2) years thereafter at the request of the Mayor or the Common Council. The Board of Public Works and Safety shall administer the census.

b. **Interference with Animal Control Officer – Penalty.** Whoever forcibly assaults, resists, opposes, obstructs, prevents, impedes, or interferes with any ordinance enforcement authority while that officer is engaged in the execution of the duties required of ordinance enforcement authorities under this Division shall be subject to penalties under Indiana Code for resisting, obstructing, or interfering with law enforcement (~~*I.C.* § 35-44-3-3~~IC § 35-44.1-3-1, *et seq.*).

c. **Animal Burial.** Animals may not be buried within the City limits at a depth less than three feet (3') and within fifty feet (50') from a water source.

d. **Disposition of Funds.**

(1) All fees or monies collected, any donations, gifts, bequests or devises shall be paid to the City Controller. Money so paid shall be transmitted to the City Controller and shall be placed in a dedicated animal care fund that shall be used to promote the safe and humane treatment of animals in the City, to pay for any reasonable expenses incurred promoting the proper care, treatment and sterilization of animals and educating the public regarding the same. No expenditure may be made from the dedicated animal care fund unless first approved by a majority of the Animal Control Commissioners. The expenditure of funds from the dedicated animal care fund shall be subject to all state and local appropriation and purchasing requirements. Any funds donated for a specific purpose shall be used consistent with the donor's specific request.

(2) All money generated, received or collected in response to any Animal Control Commissioner or City special fund raising projects shall be payable to the City Controller and deposited in a dedicated animal control special projects fund to be used in a manner consistent with the announced purpose of any fund raising project. No expenditure may be made from the dedicated animal control special projects fund unless first approved by the Animal Control Commission or the

Board of Public Works and Safety subject to all state and local appropriation and purchasing requirements. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-89.6 Penalties.

Except as otherwise specifically provided, these penalties shall apply to a violation of any Section of this Division.

a. Any ordinance enforcement authority shall issue to any person in violation of this Division a notice of ordinance violation. The penalty established in Subsection b. shall be paid in the City Clerk's Office.

b. Unless otherwise specific herein, persons who violate any provision of this Division shall be subject to a fine in the following amounts:

First Offense $ 50.00

Second Offense $ 75.00

Third and subsequent $100.00

c. Each offense shall be considered a separate offense and subject to a fine.

d. Each twenty-four (24) hour period that a violation occurs will be considered a separate offense and can be cited as such.

e. Violations of this Division may result in the immediate impoundment of the animal(s). (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-89.7 Animal Control Commission – Establishment; Duties.

a. There is created and established an Animal Control Commission of the City of Terre Haute which shall have the authority and responsibility to make recommendations to the Common Council and the Board of Public Works and Safety as to the necessary ordinances concerning control of dogs, cats and other animals.

b. **Animal Control Commission – Membership, Terms, and Meetings.** The Animal Control Commission shall consist of five (5) members as follows:

(1) Two (2) members shall be residents of the City of Terre Haute selected by the Common Council who are knowledgeable of, or experienced in matters pertaining to animal control, animal welfare and issues relating to same.

(2) The Director of the Terre Haute Humane Society shall serve as a non-voting member of the Commission in an ex-officio capacity. (Gen. Ord. No. 15, 2009, 7-8-10)

(3) Three (3) members shall be residents of the City of Terre Haute selected by the Mayor of, or experienced in matters pertaining to animal control, animal welfare and issues relating to same. (Gen. Ord. No. 15, 2009, 7-8-10)

c. Each member shall serve a three (3) year term. Appointment shall be made on or before January 1st of each year. A member continues to serve until a successor is appointed and qualified. This selection shall not be based on political affiliations, but on interest in animal care and control and knowledge of same.

d. The Commission shall meet at least once every other month and at other times as determined by the Chair, or upon written request to the Chair by any three (3) members. It shall adopt rules and regulations as may be necessary or appropriate in its judgment to carry out the provisions of the ordinances and laws under which it exists and performs its functions. The Chair shall notify the appointing authority and seek removal and replacement of any member who misses two (2) consecutive meetings without a reasonable excuse.

e. The Commission shall elect a Chair, Vice-Chair, and a Secretary from among its members.

f. Three (3) members of the Animal Control Commission shall constitute a quorum to do business.

g. In the case of vacancy in office due to death, resignation, incapacity, removal or otherwise, the appointment to fill the vacancy so occurring shall be made by the original appointing body for the unexpired term only and shall be subject to the provisions stated in Subsection c. above. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-89.8 Animal Control Commission - Pet Licensing Review, Neglect, & Cruelty Cases.

~~a. Any person with a past conviction for animal abandonment, abuse, neglect, or cruelty must have permission from the Animal Control Commission before any license may be issued.~~

~~b.~~ a. No license shall be issued to any household/address wherein a person who has ever been convicted of animal cruelty/neglect resides, regardless of animal ownership claims. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-89.9 Beekeeping/Apiaries

a. No person shall maintain any colony of honey bees anywhere in the City without complying with the requirements of this section and all applicable state and federal laws, in addition to any applicable requirements, fees or permits set forth in this Division.

b. It shall be the duty of any person keeping honey bees on his or her property to first obtain a permit and to maintain each colony so as not to create a public nuisance.

c. Honey bee colonies shall, in addition, be maintained in the following condition:

(1) All honey bee hives shall be registered with the Indiana Department of Natural Resources and/or any other agency as required by state law.

(2) Colonies shall be maintained in movable-frame hives.

(3) Adequate techniques, such as requeening, in handling bees, and adequate space in the hive shall be maintained to prevent unprovoked stinging seventy-five (75) feet or more from the hive.

(4) Lots having less than ten thousand (10,000) square feet shall not have more than eight (8) hives.

(5) Hives shall not be located within ten (10) feet of any property line, public street, sidewalk, or alley.

d. Any other nest or colony of stinging insects, such as yellow jackets, hornets, other varieties of bees, and wasps, including Vespidae, in trees, buildings, underground, or in any other space, diseased colonies of honey bees, or any colony of honey bees not maintained in compliance with this ordinance, constitutes a public nuisance. The existence of a nest of wild bees of any type, not cultivated by any person and whose honey is not harvested by any person, shall not constitute a violation of this ordinance, unless such nest is in such location as to present a threat of stinging to any person on ay public street, sidewalk, mall, park or other public place, or to any person in ay parking lot, sidewalk or other place open to the public in a shopping center or other privately owned property open to the public, or to any person on adjacent private property.

e. This section may be enforced by the Ordinance Enforcement Authority, the Terre Haute Police Department, and/or any other designated enforcement officer as employed by the City of Terre Haute.

f. Any person, firm or corporation maintaining or operating a beehive or apiary within the city limits agrees to the reasonable entry and inspection by any individual with enforcement authority under this section for the purpose of ascertaining the variety of insects occupying the hives, conditions of health, and management of crowding.

g. Any person, firm or corporation found in violation of this section shall be fined no more than five hundred dollars ($500.00), per violation, in addition to any other violations found in this Division.

. . .

SECTION 2. The illegality or invalidity, for any reason, of any of the sections of this ordinance, or parts thereof, shall invalidate only such section or sections as are so determined to be illegal or invalid, any such invalidity shall have no effect on the remaining sections of this ordinance.

SECTION 3. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after the date of its passage by the Common Council of Terre Haute, Indiana and approval of the Mayor and upon publication as required by law.

Introduced by: _____ Amy Auler, Councilperson

Passed in open Council this _____ day of _____, 2019.

_____ Martha Crossen, President

ATTEST: _____ Michelle L. Edwards, City Clerk

Presented by me to the Mayor this _____ day of _____, 2019.

_____ Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this _____ day of _____, 2019.

_____ Duke A. Bennett, Mayor

ATTEST: _____ Michelle L. Edwards, City Clerk