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DEC 12 2024

CITY CLERK

GENERAL ORDINANCE NO. 14, 2024

AMENDED

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 4, DIVISION II, ANIMAL CONTROL REGULATIONS AND CHAPTER 2, ARTICLE 10, ORDINANCE VIOLATION BUREAU, TO REVISE THE ANIMAL CONTROL REGULATIONS FOR THE CITY OF TERRE HAUTE.

Whereas, Animal Control Regulations have been established for the City of Terre Haute to protect the life and health of the residents and animals; and

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

Section 1. *Terre Haute City Code* Chapter 6 and Chapter 2, are hereby amended by adding the underlined text and removing the stricken text as follows:

CHAPTER 6

PUBLIC HEALTH & SAFETY

ARTICLE 4. ANIMAL REGULATIONS.

Sec. 6-68 Purpose.

It is the purpose of this Division to regulate licensing and animal control standards, encourage the spaying/neutering of pets to minimize potential for pet overpopulation, and to establish an Animal Control Commission ~~to oversee the enactment and enforcement of this Division.~~

The terms and provisions of this Division shall not apply to any publicly or privately owned zoological park or other facility that is licensed or registered prior to the enactment of this Division, and which remains so licensed or registered by the United States Department of Agriculture under the Federal Animal Welfare Act of 1970, 7 U.S.C. 2131, *et seq.*, As Amended. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-69 Definitions.

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.~~

gg. **Ordinance Enforcement Authority.** ~~Any person designated as officers by the City of Terre Haute~~ Members of the Terre Haute Police Department and the Animal Control Division for the primary enforcement of ordinances regulating animals and owners of animals.

Sec. 6-70 Enforcement.

The provisions of this Division shall be enforced by the ~~Board of Public Works and Safety~~ Terre Haute Police Department and the Animal Control Division 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. ~~A durable tag stamped~~ City Pet License ("License") issued by the City Clerk with number and year of issuance will be provided to pet license holders for each license granted. Dogs and cats owner(s) must carry the "License" at all times. Dogs and cats that are ~~must be~~ microchipped do not need an additional identification tag but must wear their rabies tag at all times. Dogs and cats that are not microchipped must or wear their permanent identification tag or tags (and rabies, license, personal ID, microchip if applicable) tag at all times. Dogs and cats that are ~~except when~~ involved in any organized show, obedience demonstration, training situation or under the care of a licensed veterinarian are not required to wear the identification (if applicable) or rabies tag during their involvement.

b. ~~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.~~

~~cd.~~ 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)

d. Persons who violate this Section shall be subject to a minimum fine of Twenty-Five Dollars (\$25.00) for each offense.

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~~ City Clerk's office, or by mail, or online 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 if the dog or cat is spayed or neutered.

c. The ~~Board of Public Works and Safety~~ City Clerk shall maintain records of the identifying license number. The ~~ordinance~~ Terre Haute Police Department and ~~it's the Animal Control Division officers~~ shall have access to these records.

Sec. 6-72.1 Application for Chicken Flock License.

a. Application for a license to harbor a chicken flock shall be made by the owner at the ~~Board of Public Works and Safety or its designated facility~~ City Clerk's Office, and shall include the following:

h. The ~~Board of Public Works and Safety, or its designee,~~ City Clerk's Office may refuse to grant or renew a license and may revoke a license if the applicant/harbinger is unable to maintain his/her chicken flock as to not create a nuisance as evidenced by violation of this Article.

Sec. 6-73 Identification.

c. Persons who violate this Section shall be subject to a minimum fine of Twenty-Five Dollars (\$25.00) for each offense.

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 Clerk 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 <u>\$15.00</u> |
| (2) | Unaltered License, per animal, per year | \$125.00 <u>\$75.00</u> |
| (3) | Lifetime License, spayed or neutered, per animal | \$45.00 <u>\$50.00</u> |

b. Kennel License.

- | | | |
|-----|--------------------|-------------------------------------|
| (1) | With proper zoning | \$100.00 <u>\$250.00</u> |
|-----|--------------------|-------------------------------------|

c. Breeder's License.¹

- | | | |
|-----|--------------------|-------------------------------------|
| (1) | With proper zoning | \$100.00 <u>\$250.00</u> |
|-----|--------------------|-------------------------------------|

¹ This fee is in addition to an applicable kennel license.

d. **Grooming Shop License.**

(1) Fee With proper zoning \$ 25.00 \$100.00

e. **Pet Shop License.**

(1) Fee With proper zoning \$100.00 \$150.00

e. **Commercial Animal Establishment Licenses.**

(1) Fee \$100.00 \$250.00

(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~~ Animal Control Division of Terre Haute Police Department with a schedule of dates and times of exhibits or performances so ~~the ordinance enforcement authorities~~ they can perform periodic inspections.

f. **Omnibus License.**

(1) Fee \$175.00 \$500.00

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

(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 initial inspection and approval by ~~ordinance enforcement authorities~~ Animal Control Division of the Terre Haute Police Department, provided all requirements of this Division are met.

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

g. **Miscellaneous Licenses.²**

(1) Beekeeping/Apiary \$ 0.00

(2) Riding School \$150.00 \$250.00

(3) Stable \$150.00 \$250.00

(4) Animal Auction \$250.00 \$500.00

(5) Zoological Park \$250.00 \$500.00

² Licenses in this Section are required to be purchased annually.

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

h. Chicken Flock License (biennial) ~~\$ 25.00~~ \$50.00

Sec. 6-77 Obtaining Kennel Licenses.

Applications for kennel licenses shall be made to the ~~Board of Public Works and Safety~~ City Clerk's Office. The application for a 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~~ City Clerk's Office and Animal Control Commission Animal Control Division of the Terre Haute Police Department.

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. 6-80 Commercial Animal Establishment License Period.

The Commercial Animal Establishment license period shall begin on ~~January 1st on the date of issuance~~ 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)~~ thirty (30) days before the opening of a Commercial Animal Establishment. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-81 Breeder Licenses.

c. And such person shall:

- (3) Furnish the ~~Board of Public Works and Safety~~ Animal Control Division of the Terre Haute Police Department with information on the birth of each litter of animals as may be required to register that litter of animals with the ~~Board of Public Works and Safety~~ Animal Control Division of the Terre Haute Police Department, 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~~ Animal Control Division of the Terre Haute Police Department the name, address, and telephone number of each buyer or new owner of any animal sold or transferred within five (5) days after the date of such sale or transfer; and

Sec. 6-82 Standards for Maintaining Chicken Flocks.

e. ~~The Board of Public Works and Safety~~ Animal Control Division of the Terre Haute Police Department is ordered to maintain a voluntary list of individuals and/or groups that are willing to take into possession any chicken or chicken flock that is not in compliance with this Section and/or to take into possession any sick or injured chicken located within the City limits.

Sec. 6-83 Violations.

a. ~~Any employee of an authority charged with ordinance enforcement~~ Animal Control Division employee of the Terre Haute Police Department 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 minimum fine of \$250.00 ~~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.

f. Persons who violate this Section shall be subject to a minimum fine of Twenty-Five Dollars (\$25.00) for each offense.

Sec. 6-86 Animal Care.

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 non-migratory pigeons, starlings or any birds declared or defined by 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)~~ Fifty Dollars (\$50.00) for each offense.

(11) Lost or Stray Animals.

- (a) Persons finding a stray animal are to notify the ~~appropriate law enforcement authority~~ Animal Control Division of the Terre Haute Police Department and the Terre Haute Humane Society within forty-eight (48) hours. At the discretion of the ~~ordinance enforcement authorities~~ Animal Control Division, the animal may be kept by the finder and a found report must be left with the ordinance enforcement authorities and the 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. Animal Control Division or the Terre Haute Police Department is not responsible for seizing a stray animal unless said animal is injured or ill after their examination or considered a dangerous animal by their determination
- (b) Upon demand by ~~ordinance enforcement authorities~~ Animal Control Division or officers of the Terre Haute Police Department, any found animal will be surrendered to the ~~ordinance enforcement authorities~~ Animal Control Division of the Terre Haute Police Department and held for five (5) days, before a disposition is made.
- (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) With the exception of the 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 ~~five (5)~~ ten (10) continuous days.

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

b. ~~Any ordinance enforcement authority~~ Animal Control Division of the Terre Haute Police Department 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~~ Animal Control Division of the Terre Haute Police Department.

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

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.~~

~~ba.~~ Unless otherwise specific herein, persons who violate any provision of this Division shall be subject to a minimum fine of \$25.00 ~~in the following amounts:~~

~~First Offense \$ 50.00~~

~~Second Offense \$ 75.00~~

~~Third and subsequent \$100.00~~

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

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

ed. Violations of this Division may result in the immediate impoundment of the animal(s) if a court order is issued for the seizure of said animal(s). (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Section 2. *Terre Haute City Code* Chapter 2, is hereby amended by adding the underlined text and removing the stricken text as follows:

CHAPTER 2

CITY ADMINISTRATION

ARTICLE 10. ORDINANCE VIOLATIONS BUREAU.

Sec. 2-143 Schedule of Code Provisions and Penalties.

CHART OF VIOLATIONS AND PENALTIES

| <i>TERRE HAUTE CITY CODE §</i> | SUBJECT MATTER | CIVIL PENALTIES | FIRST OFFENSE |
|------------------------------------|------------------------|-----------------|---|
| 6-83 | Dogs and Other Animals | | \$50.00 (Gen. Ord. No. 25, 2001, 3-14-02) |
| 6-84 | Pet Restraint | | \$50.00 |

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:  Anthony Dinkel, Councilperson

Passed in open Council this 12 day of December, 2024.

 Tammy Boland, President

ATTEST:  Michelle L. Edwards, City Clerk

Presented by me to the Mayor this 12 day of December, 2024 at
8:10pm o'clock.

 Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this 12 day of December, 2024.

 Brandon C. Sakbun, Mayor

ATTEST:  Michelle L. Edwards, City Clerk

GENERAL ORDINANCE NO. 14, 2024

CITY CLERK

AN ORDINANCE AMENDING CHAPTER 6, ARTICLE 4, DIVISION II, ANIMAL CONTROL REGULATIONS AND CHAPTER 2, ARTICLE 10, ORDINANCE VIOLATION BUREAU, TO REVISE THE ANIMAL CONTROL REGULATIONS FOR THE CITY OF TERRE HAUTE.

Whereas, Animal Control Regulations have been established for the City of Terre Haute to protect the life and health of the residents and animals; and

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

Section 1. *Terre Haute City Code* Chapter 6 and Chapter 2, are hereby amended by adding the underlined text and removing the stricken text as follows:

CHAPTER 6

PUBLIC HEALTH & SAFETY

ARTICLE 4. ANIMAL REGULATIONS.

Sec. 6-68 Purpose.

It is the purpose of this Division to regulate licensing and animal control standards, encourage the spaying/neutering of pets to minimize potential for pet overpopulation, and to establish an Animal Control Commission ~~to oversee the enactment and enforcement of this Division.~~

The terms and provisions of this Division shall not apply to any publicly or privately owned zoological park or other facility that is licensed or registered prior to the enactment of this Division, and which remains so licensed or registered by the United States Department of Agriculture under the Federal Animal Welfare Act of 1970, 7 U.S.C. 2131, *et seq.*, As Amended. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-69 Definitions.

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.~~

gg. **Ordinance Enforcement Authority.** ~~Any person designated as officers by the City of Terre Haute~~ Members of the Terre Haute Police Department and the Animal Control Division for the primary enforcement of ordinances regulating animals and owners of animals.

Sec. 6-70 Enforcement.

The provisions of this Division shall be enforced by the ~~Board of Public Works and Safety~~ Terre Haute Police Department and the Animal Control Division 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*.

b. ~~A durable tag stamped-~~ City Pet License ("License") issued by the City Clerk with number and year of issuance will be provided to pet license holders for each license granted. Dogs and cats owner(s) must carry the "License" at all times. Dogs and cats that are must be microchipped do not need an additional identification tag but must wear their rabies tag at all times. Dogs and cats that are not microchipped must ~~or wear their permanent identification tag or tags (and rabies, license, personal ID, microchip if applicable)- tag at all times;.~~ Dogs and cats that are except when involved in any organized show, obedience demonstration, training situation or under the care of a licensed veterinarian are not required to wear the identification (if applicable) or rabies tag during their involvement.

e. ~~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.~~

~~cd.~~ 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~~ City Clerk's office, or by mail, or online 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 if the dog or cat is spayed or neutered.

c. ~~The Board of Public Works and Safety~~ City Clerk shall maintain records of the identifying license number. ~~The ordinance~~ Terre Haute Police Department and it's the Animal Control Division officers shall have access to these records.

Sec. 6-72.1 Application for Chicken Flock License.

a. Application for a license to harbor a chicken flock shall be made by the owner at the ~~Board of Public Works and Safety or its designated facility~~ City Clerk's Office, and shall include the following:

h. The ~~Board of Public Works and Safety, or its designee,~~ City Clerk's Office may refuse to grant or renew a license and may revoke a license if the applicant/harbinger is unable to maintain his/her chicken flock as to not create a nuisance as evidenced by violation of this Article.

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 Clerk 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 <u>\$15.00</u> |
| (2) | Unaltered License, per animal, per year | \$125.00 <u>\$75.00</u> |
| (3) | Lifetime License, spayed or neutered, per animal | \$45.00 <u>\$50.00</u> |

b. Kennel License.

- | | | |
|-----|--------------------|-------------------------------------|
| (1) | With proper zoning | \$100.00 <u>\$250.00</u> |
|-----|--------------------|-------------------------------------|

c. Breeder's License.¹

- | | | |
|-----|--------------------|-------------------------------------|
| (1) | With proper zoning | \$100.00 <u>\$250.00</u> |
|-----|--------------------|-------------------------------------|

d. Grooming Shop License.

- | | | |
|-----|--|-------------------------------------|
| (1) | Fee <u>With proper zoning</u> | \$ 25.00 <u>\$100.00</u> |
|-----|--|-------------------------------------|

e. Pet Shop License.

- | | | |
|-----|--|-------------------------------------|
| (1) | Fee <u>With proper zoning</u> | \$100.00 <u>\$150.00</u> |
|-----|--|-------------------------------------|

e. Commercial Animal Establishment Licenses.

- | | | |
|-----|---|-------------------------------------|
| (1) | Fee | \$100.00 <u>\$250.00</u> |
| (2) | Licenses are to be issued for a term of one (1) year, commencing with the date of issuance. | |

¹ This fee is in addition to an applicable kennel license.

- (3) Prior to engagements, license holders will furnish the ~~Board of Public Works and Safety~~ Animal Control Division of Terre Haute Police Department with a schedule of dates and times of exhibits or performances so ~~the ordinance enforcement authorities~~ they can perform periodic inspections.

f. **Omnibus License.**

- (1) Fee ~~\$175.00~~ \$500.00
- (2) This license shall allow the holder to operate a kennel, grooming shop, and/or pet shop.
- (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 initial inspection and approval by ~~ordinance enforcement authorities~~ Animal Control Division of the Terre Haute Police Department, provided all requirements of this Division are met.
- (5) License holder must be in compliance with the City zoning laws.

g. **Miscellaneous Licenses.²**

- (1) Beekeeping/Apiary \$ 0.00
- (2) Riding School ~~\$150.00~~ \$250.00
- (3) Stable ~~\$150.00~~ \$250.00
- (4) Animal Auction ~~\$250.00~~ \$500.00
- (5) Zoological Park ~~\$250.00~~ \$500.00
- (6) All license holders must be in compliance with City zoning laws.
- h. Chicken Flock License (biennial) ~~\$ 25.00~~ \$50.00

Sec. 6-77 Obtaining Kennel Licenses.

Applications for kennel licenses shall be made to the ~~Board of Public Works and Safety~~ City Clerk's Office. The application for a 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

² Licenses in this Section are required to be purchased annually.

kennel license without prior review by the ~~Board of Public Works and Safety~~ City Clerk's Office and Animal Control Commission Animal Control Division of the Terre Haute Police Department.

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. 6-80 Commercial Animal Establishment License Period.

The Commercial Animal Establishment license period shall begin on ~~January 1st~~ on the date of issuance 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)~~ thirty (30) days before the opening of a Commercial Animal Establishment. (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Sec. 6-81 Breeder Licenses.

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- (3) Furnish the ~~Board of Public Works and Safety~~ Animal Control Division of the Terre Haute Police Department with information on the birth of each litter of animals as may be required to register that litter of animals with the ~~Board of Public Works and Safety~~ Animal Control Division of the Terre Haute Police Department, 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~~ Animal Control Division of the Terre Haute Police Department the name, address, and telephone number of each buyer or new owner of any animal sold or transferred within five (5) days after the date of such sale or transfer; and

Sec. 6-82 Standards for Maintaining Chicken Flocks.

- e. The ~~Board of Public Works and Safety~~ Animal Control Division of the Terre Haute Police Department is ordered to maintain a voluntary list of individuals and/or groups that are willing to take into possession any chicken or chicken flock that is not in compliance with this Section and/or to take into possession any sick or injured chicken located within the City limits.

Sec. 6-83 Violations.

- a. Any ~~employee of an authority charged with ordinance enforcement~~ Animal Control Division employee of the Terre Haute Police Department 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 minimum fine of \$250.00 ~~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. 6-86 Animal Care.

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 non-migratory pigeons, starlings or any birds declared or defined by 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) Fifty Dollars (\$50.00) for each offense.

(11) Lost or Stray Animals.

- (a) Persons finding a stray animal are to notify the ~~appropriate law enforcement authority~~ Animal Control Division of the Terre Haute Police Department and the Terre Haute Humane Society within forty-eight (48) hours. At the discretion of the ~~ordinance enforcement authorities~~ Animal Control Division, the animal may be kept by the finder and a found report must be left with the ordinance enforcement authorities and the 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. Animal Control Division or the Terre Haute Police Department is not responsible for seizing a stray animal unless said animal is injured or ill after their examination or considered a dangerous animal by their determination
- (b) Upon demand by ~~ordinance enforcement authorities~~ Animal Control Division or officers of the Terre Haute Police Department, any found animal will be surrendered to the ~~ordinance enforcement authorities~~ Animal Control Division of the Terre Haute Police Department and held for five (5) days, before a disposition is made.

- (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) With the exception of the 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 ~~five (5)~~ ten (10) continuous days.

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

b. ~~Any ordinance enforcement authority~~ Animal Control Division of the Terre Haute Police Department 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~~ Animal Control Division of the Terre Haute Police Department.

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

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.~~

ba. Unless otherwise specific herein, persons who violate any provision of this Division shall be subject to a minimum fine of \$25.00 ~~in the following amounts:~~

~~First Offense \$ 50.00~~

~~Second Offense \$ 75.00~~

~~Third and subsequent \$100.00~~

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

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

ed. Violations of this Division may result in the immediate impoundment of the animal(s) if a court order is issued for the seizure of said animal(s). (Gen. Ord. No. 25, 2001, As Amended, 3-14-02)

Section 2. *Terre Haute City Code* Chapter 2, is hereby amended by adding the underlined text and removing the stricken text as follows:

CHAPTER 2

CITY ADMINISTRATION

ARTICLE 10. ORDINANCE VIOLATIONS BUREAU.

Sec. 2-143 Schedule of *Code* Provisions and Penalties.

CHART OF VIOLATIONS AND PENALTIES

| <i>TERRE HAUTE CITY CODE §</i> | SUBJECT MATTER | CIVIL PENALTIES | FIRST OFFENSE |
|------------------------------------|-----------------------------------|-----------------|---|
| 6-83 | Dogs and Other Animals | | \$50.00 (Gen. Ord. No. 25, 2001, 3-14-02) |
| 6-84 | Pet Restraint | | \$50.00 (Gen. Ord. 25, 2001; 3-14-02) |

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: _____ Anthony Dinkel, Councilperson

Passed in open Council this _____ day of _____, 2024.

_____ Tammy Boland, President

ATTEST: _____ Michelle L. Edwards, City Clerk

Presented by me to the Mayor this _____ day of _____, 2024 at
_____ o'clock.

_____ Michelle L. Edwards, City Clerk

Approved by me, the Mayor, this _____ day of _____, 2024.

_____ Brandon C. Sakbun, Mayor

ATTEST: _____ Michelle L. Edwards, City Clerk