

CHAPTER 440
ANIMAL MANAGEMENT

440-1. Definitions

The following definitions shall apply throughout this Chapter:

“Abandoned” means any animal whose owner has knowingly, intentionally, or recklessly left it unattended, without proper food, water, or shelter, for twenty-four (24) hours or more.

“Altered” means any animal which has been spayed or neutered.

“Animal” means any live, nonhuman vertebrate creature domestic or wild.

“Animal Exhibition - Permanent” means any spectacle, display, act, or event, not otherwise defined, where animals perform or are displayed except for education programs presented by persons or organizations with proper state and federal education permits, as required, and which are perpetual in nature and in a stationary location.

“Animal Exhibition - Transient” means any spectacle, display, act, or event, not otherwise defined, where animals perform or are displayed except for education programs presented by persons or organizations with proper state and federal education permits, as required, and which are traveling shows of a temporary duration.

“At Large” means a stray animal or any animal whose owner knowingly, intentionally, recklessly, or negligently allows the animal to stray beyond premises owned, lawfully occupied, or controlled by the owner unless under restraint.

“Auctions” means any place or facility where domestic livestock are regularly bought, sold, or traded, except for those facilities otherwise defined in this Chapter.

“Breeding Kennel” means anyone who:

- (1) owns or harbors ten (10) or more intact cats and/or dogs six (6) months of age or older; or
- (2) produces two (2) or more litters per year issuing from cats and/or dogs owned or harbored.

“Circus” means a traveling commercial variety show that includes animal acts for public entertainment.

“Commercial Animal Establishment” means any commercial boarding kennel, breeding kennel, non-municipal animal shelter/sanctuary, major and/or minor pet shop, an auction unless it is a 4-H or County Fair auction, riding school or stable, zoological park, circus, animal exhibition-permanent or animal exhibition-transient.

“Commercial Boarding Kennel” means any place that boards animals for a fee.

“Commercial Dog Breeder” means a person who maintains more than twenty (20) unaltered female dogs that are at least twelve (12) months of age.

“Dangerous Dog” means any animal while off of the property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal:

- (1) causes an unjustified single bite with at least one deep puncture to a person; or
- (2) when unjustified causes severe injury or injuries leading to the death of a domestic pet or domestic livestock;
- (3) where the situation or injuries are particularly egregious.

“Dog Show” is a judged dog exhibition or competition typically consisting of conformation and/or dog sports events (e.g., agility, disc dog, obedience, herding).

“Domestic Livestock” means any animal, including but not limited to those listed below, which is not a domestic pet, but is kept for commercial purposes and is a member of one (1) of the following species:

alpaca;
bison;
elk;
cattle;
donkey;
goat;
horse;
llama;
mule;
ostrich;
emu;
pig;
poultry;
rabbit; or
sheep.

“Domestic Pet” means any animal that is a member of one (1) of the following species and is kept for pleasure rather than utility:

African pygmy hedgehog;
cat;
chicken/poultry;
chinchilla;
cockatiels;
degu;
dog;
donkey;
ferret;
gerbil;
goat;
guinea pig;
hamster;
mouse;
parakeets;

pig;
rat;
rabbit;
reptile, as defined herein; or
sugar glider.

“Exotic Animal” means an animal belonging to a species, not including those specifically listed as a domestic pet or domestic livestock, that is not native to the United States, or an animal that is a hybrid or a cross between a domestic pet or domestic livestock and an animal, not specifically listed as a domestic livestock, that is not native to the United States.

“Feral Cat” means a cat that has lived its life with little or no human contact, is not socialized, or has reverted to a wild state.

“Feral Cat Colony” means a group of more than six (6) altered feral cats owned or harbored by a person who provides adequate food, water, and shelter.

“Harboring” means the actions of any person that permit any animal habitually to remain, lodge, or to be fed within his or her home, enclosure, yard, or place of business or on any premises where such person resides or that he controls. An animal shall be presumed to be harbored if it is fed or sheltered for three (3) consecutive days.

“Horse Show” is a judged exhibition of horses and/or ponies typically consisting of a series of different performances, called *classes*, wherein a group of horses with similar training or characteristics compete against one another.

“Major Pet Shop” means any retail establishment engaging in the purchase and sale of cats and/or dogs, either solely or in addition to the purchase and sale of other species of animals.

“Minor Pet Shop” means any retail establishment engaging in the purchase and sale of any species of animal, except for cats and dogs.

“Municipal Animal Shelter” means any facility operated by a municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of state law.

“Non-Municipal Animal Shelter/Sanctuary” means any facility operated by a person or organization other than a municipality, state, or federal government for the purpose of re-homing animals, excluding any State or Federal facility.

“Owner” means any person owning, keeping, or harboring one (1) or more animals.

“Person” means any individual, firm, association, partnership, trust, estate, or corporation.

“Potentially Dangerous” means any animal while off the property owned, lawfully occupied, or controlled by the owner/guardian or keeper of the animal:

- (1) which causes injury to a person from a single unjustified bite with no punctures deeper than ½ the canine and little to no bruising or abrasions; or
- (2) which, when unjustified, causes severe injury, or causes injuries leading to the death of a domestic

pet or domestic livestock. If the circumstances or injuries are egregious the commission may determine that this animal may be dangerous.

“Poultry” means domesticated birds kept for eggs or meat.

“Public Nuisance” means any animal that molests passers-by or passing vehicles on public property; attacks persons or other animals; damages or defecates on public or private property of someone other than the owner or caretaker of the animal, unless the waste is immediately removed and disposed of in a sanitary manner by the animal’s owner or caretaker; barks, whines, howls or emits any other loud noise continuously for fifteen (15) minutes or for an aggregate of twenty (20) minutes in a one-hour period on more than one (1) occasion in the same six (6) month period; or otherwise interferes with the free use and comfortable enjoyment of life or property.

“Reptile” means any air-breathing vertebrate of the class Reptilian, except for:

- (A) Any reptile on the Federal Endangered or Threatened Species list or on the Convention on International Trade in Endangered Species List;
- (B) Any venomous reptile, including front- or rear-fanged reptiles;
- (C) Any python of a species which naturally exceeds twelve feet in length;
- (D) All crocodilians, including alligators, caimans, and crocodiles;
- (E) Monitor lizards;
- (F) Anacondas;
- (G) Any reptile of a species native to Indiana; or
- (H) Any reptile protected by state or federal law.

“Research Laboratory” means any animal research facility registered with the United States Department of Agriculture under authority of the Federal Laboratory Animal Welfare Act, 71 U.S.C. § 2132, *et seq.*

“Restraint” means the securing of an animal by a leash or lead or confining it within the real property limits of property owned, lawfully occupied, or controlled by its owner, caretaker or person who harbors the animal.

“Riding School” means any person or place that provides, for monetary compensation, riding instruction, for any horse, pony, donkey, mule, or burro.

“Service Dog” means any dog engaged in working or training to work for the assistance of hearing or sight impaired, or physically handicapped or disabled persons.

“Severe injury” means any physical injury to a domestic pet or domestic livestock that results in multiple bites, broken bones, muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

“Stable” means any place that has available for lodging, feeding, training, and/or breeding any horse, pony, donkey, mule, or burro in which the place either receives monetary compensation and/or holds the animal

for fourteen (14) consecutive days.

“Stray” means any animal that does not appear, upon reasonable inquiry, to have an owner.

“Tether” means attaching a domestic pet to a stationary object or pulley run by means of a chain, rope, tether, cable, or similar restraint. Tether does not include the use of a leash to walk a domestic pet.

“Trap-Neuter-Return” means a full management plan recognized by the Animal Management Commission that relates to the capture, neuter, and return of feral cats.

“Veterinary Hospital” means any establishment maintained and operated by a veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

“Vicious” means any animal which has bitten a person causing severe injury; or causing wounds that are potentially dangerous to the person’s health or life or result in permanent scarring or disfiguring to a person.

“Wild Animal” means any animal not a domestic pet or domestic livestock that is native to the United States, or any hybrid involving an animal that is not a domestic pet or domestic livestock, but is native to the United States, except for small, non-poisonous aquatic or amphibious animals and birds of the order Psittaciformes, canaries, and finches.

“Wildlife Rehabilitator” means any person or persons that acquire the necessary state and federal permits 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.

“Zoological Park” means any facility, other than a pet shop or kennel, displaying or exhibiting without the predominant purpose of selling, one or more species of non-domesticated animals.

440-2. Animal Management Commission – Establishment, Duties

(A) There is created and established an Animal Management Commission of Monroe County, which shall have the authority and responsibility to:

- (1)** recommend to the Sheriff principles and standards for the management of animals within the County;
- (2)** in cooperation with the Monroe County Sheriff, enforce ordinances concerning the management of animals within the County;
- (3)** hear and decide appeals of ordinance violation notices issued by the Animal Management Officers, but only in those cases where the Animal Management Commission receives a written request for hearing from the recipient of the notice, or from the owner of the animals cited in the notice, within ten (10) days of the issuance of the notice. In deciding the appeal, the Animal Management Commission may affirm, modify, or annul the notice; and
- (4)** make recommendations to the Board of Commissioners as to the necessary ordinances concerning management of dogs and other animals.

(B) Upon request of the Monroe County Sheriff, the Animal Management Commission shall assist the Sheriff in preparing and submitting to the Board of Commissioners and the County Council an annual

proposed budget of funds adequate for the purposes of this Chapter.

440-3. Animal Management Commission – Membership

The Animal Management Commission shall be composed of seven (7) members as follows:

- (A) Three (3) shall be citizens selected by the Board of Commissioners;
- (B) one (1) shall be a citizen selected by the Town of Ellettsville;
- (C) one (1) shall be a citizen selected from the Animal Control Commission of the City of Bloomington;
- (D) one (1) shall be the Director of the Animal Shelter of the City of Bloomington; and
- (E) one (1) shall be the Monroe County Sheriff or an appointee of the Monroe County Sheriff.

440-4. Animal Management Officers – Appointment, Duties, Powers

The Monroe County Sheriff shall have full supervisory authority over the Animal Management Officers, including without limitation the authority to hire, supervise, instruct, assign duties to, and discharge the Officers. The powers of the Animal Management Officers shall include the power to enter real property in immediate pursuit of an animal to enforce this Chapter; however, the Animal Management Officers shall not commit a civil or criminal trespass or enter a dwelling unit without the permission of the owner of the dwelling unit unless accompanied by a uniformed law enforcement officer with a search or arrest warrant.

440-5. Female Dog in Heat

- (A) Any female dog in heat shall be confined in a building or some enclosure in such a manner that the female dog in heat cannot come into contact with a male dog, except for planned breeding.
- (B) The owner of any female dog not so confined commits a Class D ordinance violation.

440-6. Potentially Dangerous and Vicious Animals

(A) Request for declaration. If an Animal Management Officer or a law enforcement officer has investigated and determined that there exists probable cause to believe that an animal is potentially dangerous or vicious, the Animal Management Officer shall request a hearing by the Animal Management Commission for the purpose of determining whether the animal in question should be declared potentially dangerous or vicious.

(B) Hearing on declaration.

(1) The hearing will be held at the next regularly scheduled meeting of the Animal Management Commission and shall be open to the public, provided the owner of the animal can be provided at least fourteen (14) days advance notice of the hearing.

(2) The owner of the animal shall be served with written notice of the hearing and a copy of any complaints received by certified mail or in person. The notice shall include the following:

- (a)** The date, time and location of the hearing;

(b) A statement that the owner, or his or her legal counsel, may present evidence and testimony as to why the animal should not be declared potentially dangerous or vicious.

(3) The Animal Management Commission may consider all relevant evidence, including incident reports, affidavits of witnesses, and whether the incident reasonably indicates whether the animal in question is potentially dangerous and/or vicious in ordinary circumstances where the average person could not reasonably be expected to foresee and take measures to prevent injury.

(4) The Animal Management Commission may decide all issues for or against the owner of the animal even if the owner of the animal fails to appear at the hearing.

(5) A letter setting forth the determination of the Commission shall be given to the owner, or his or her legal counsel, by certified mail, return receipt requested, addressed to the owner's address, or his or her legal counsel's address. Immediately upon the mailing of a letter setting forth the Commission's determination to declare an animal as either potentially dangerous or vicious, the animal shall be accordingly classified as potentially dangerous or vicious. Concurrently, an Animal Management Officer shall notify the owner of the declaration in person or by phone.

(6) The Commission, in rendering its decision has the authority to attach all reasonable conditions to its decision. To that end, the Commission may impose conditions on owners regarding the types of enclosures to be used, the types of restraint systems to be used, and other such things to ensure that the both the animal and the public are safe.

(C) Potentially Dangerous.

(1) The animal, while on the owner's property, shall always be kept indoors, or in a secured enclosure from which the animal cannot escape.

(2) The animal may only be off the owner's premises if it is restrained by a substantial leash, no more than six (6) feet in length, and if it is under the control of an adult.

(3) The animal's owner shall have the animal implanted with a microchip and provide the Animal Management Commission with:

(a) documentation which confirms the implant of the microchip; and

(b) the microchip identification number.

(D) Dangerous.

(1) The animal, while on the owner's property, shall always be kept indoors, or in a secured enclosure from which the animal cannot escape and into which children cannot trespass. No secured enclosure may be used unless and until an Animal Management Officer approves the enclosure.

(2) The animal may only be off the owner's premises if it is restrained by a substantial leash, no more than six (6) feet in length, and if it is under the control of an adult and wearing a muzzle.

(3) The animal's owner shall have the animal implanted with a microchip and provide the Animal Management Commission with:

(a) documentation which confirms the implant of the microchip; and

(b) the microchip identification number.

(4) The animal must be altered by a licensed veterinarian within thirty (30) days of such designation unless:

(a) A licensed veterinarian certifies in writing that the animal is incapable of reproduction;
or

(b) A licensed veterinarian certifies in writing that altering the animal would be injurious to the animal's health, provided, however, that if the health condition of the animal is of a temporary nature, then the animal shall be altered immediately after the health condition has been corrected.

(5) Clearly visible warning signs, approved by an Animal Management Officer, shall be displayed on all entry points to the premises on which the animal is maintained warning that a potentially dangerous animal is being harbored on such property.

(a) At least one (1) of the signs shall be posted on the enclosure in which the animal is maintained.

(b) Signs must inform both children and adults of the presence of a dangerous animal on the property.

(6) A fee for monitoring any Dangerous dog shall be twenty-five (\$25.00) per calendar year.

(E) Vicious.

(1) The animal, while on the owner's property, shall always be kept indoors, or in a secured enclosure from which the animal cannot escape and into which children cannot trespass. No secured enclosure may be used unless and until an Animal Management Officer approves the enclosure.

(2) The animal may only be off the owner's premises if it is restrained by a substantial leash, of no more than six (6) feet, is muzzled, and if it under the control of an adult.

(3) The animal must be altered by a licensed veterinarian within thirty (30) days of such designation unless:

(a) A licensed veterinarian certifies in writing that the animal is incapable of reproduction;
or

(b) A licensed veterinarian certifies in writing that altering the animal would be injurious to the animal's health, provided, however, that if the health condition of the animal is of

a temporary nature, then the animal shall be altered immediately after the health condition has been corrected.

(4) The animal's owner shall have the animal implanted with a microchip and provide the Animal Management Commission with:

(a) Documentation which confirms the implant of the microchip; and

(b) The microchip identification number.

(5) Clearly visible warning signs, approved by an Animal Management Officer, shall be displayed on all entry points to the premises on which the animal is maintained warning that a vicious animal is being harbored on such property.

(a) At least one of the signs shall be posted on the enclosure in which the vicious animal is maintained.

(b) Signs must inform both children and adults of the presence of a vicious animal on the property.

(6) The commission may require evaluation by an approved Veterinary Behaviorist.

(7) A fee for monitoring any Dangerous dog shall be fifty (\$50.00) per calendar year.

(F) Immediate Threat. If it is determined by an Animal Management Officer or a law enforcement officer that probable cause exists to believe an animal poses an immediate threat to public safety, then an Animal Management Officer may seize and impound the animal pending the hearing described in this Chapter.

(1) Any animal so seized shall be held until the Animal Management Commission renders a decision in accordance with this Chapter.

(2) The owner of the animal shall be liable for the costs and expenses of keeping the animal, if the animal is later declared by the Commission to be potentially dangerous, dangerous, or vicious.

(G) Euthanization. If an animal is declared vicious in accordance with this Chapter, the Animal Management Commission may order the animal humanely euthanized if the Commission finds that the animal may present a significant threat to the public health, safety, or welfare.

(H) Status Change. If an animal designated under this Chapter dies, or is sold, or is transferred, or is moved to a different location, the owner shall notify an Animal Management Officer of the changed status and new location of the animal.

(1) The notice of status change must be done in writing; and

(2) Must be provided to the Department within two (2) business days of the change.

(3) An animal owner who fails to notify the Department of the changed status commits a Class E ordinance violation.

(I) Reconsideration. An owner may submit a request for reconsideration to the Animal Management Commission to have the designation of potentially dangerous, dangerous, or vicious removed from the owner's animal.

(1) Owners of potentially dangerous dogs may submit a request for reconsideration upon the expiration of one (1) year from the date of designation, provided no further violations of this Chapter have occurred.

(2) Owners of dangerous dogs may submit a request for reconsideration upon the expiration of Two (2) years from the date of designation, provided no further violations of this Chapter have occurred.

(3) Owners of vicious dogs may submit one (1) request for reconsideration upon the expiration of three (3) years from the date of designation, provided no further violations of this Chapter have occurred.

(J) Violation of Terms. Failure to abide by any terms set forth in subsections 440-6(C) through 440-6(F), without good cause, constitutes a Class D Ordinance violation. Such a violation is subject to further review by the Animal Management Commission and possible declaration as a habitual offender as described in Section 440-22(A)(2).

(1) Owners of potentially dangerous dogs may submit a request for reconsideration upon the expiration of one (1) year from the date of designation, provided no further violations of this Chapter have occurred.

(2) Owners of potentially dangerous dogs, or vicious dogs may submit one (1) request for reconsideration upon the expiration of three (3) years from the date of designation, provided no further violations of this Chapter have occurred.

440-7. Public Nuisance

(A) An animal owner shall exercise due care and control of his or her animal to prevent his or her animal from becoming a public nuisance.

(B) An animal owner who fails to exercise due care and control of his animal commits a Class E ordinance violation for the first offense and a Class D ordinance violation for the second and subsequent offenses.

440-8. Impoundment

(A) Any at-large animal (with the exception of altered cats that are wearing identification or are altered and ear tipped in the case of feral cats and are not a public nuisance), potentially dangerous or vicious animal or female dog in heat that is not confined, or any animal that is a public nuisance or is suspected of being neglected, subjected to cruelty, or abandoned, and animals which have bitten persons or other animals, may be taken by law enforcement officers or by an Animal Management Officer and impounded in the City of Bloomington Animal Shelter or, if the Animal Shelter facilities are inadequate, impounded at suitable alternative facilities approved by the Commission.

(B) If the owner of an impounded animal can be identified by a license tag or other means, the Animal Management Officer shall immediately upon impoundment notify the owner in-person or by telephone or mail.

(C) Animals whose owner(s) are not identifiable or cannot be notified after reasonable effort shall be held for five (5) calendar days from the date of impoundment, not counting officially recognized holidays, before the animal is deemed abandoned and the shelter may dispose of the animal in accordance with its guidelines.

(D) Animals whose owners have been notified and who do not reclaim their animal within the five (5) day period, shall be disposed of in accordance with the animal shelter's guidelines unless the owner of the animal posts a five hundred and fifty dollar (\$550.00) bond, or a bond in an amount representative of the anticipated costs, if higher than \$550.00, as determined by the City of Bloomington Animal Care and Control Department, with the City Controller, prior to the expiration of the five (5) day period, to provide for the animal's care and keeping.

(1) The bond must be valid for thirty (30) days.

(2) The owner may renew a bond by posting a new bond in the amount of six hundred (\$600.00) dollars, or a bond in an amount representative of the anticipated costs, if higher than \$600.00, as determined by the City of Bloomington Animal Care and Control Department, prior to the expiration of the original bond, but may only do so once.

(3) If a bond expires and is not renewed, the animal is deemed abandoned and the shelter may dispose of the animals in accordance with its guidelines.

(E) Any animals found as part of a litter of two (2) or more shall become the property of the City of Bloomington Animal Care and Control Department and may be placed for adoption or humanely euthanized if not claimed by the owner within three (3) days of impoundment.

(F) Any animal found with severe medical conditions and/or injuries shall be assessed by a veterinarian, whenever possible. Whenever possible, humane care will be provided to allow the animal to remain comfortable for the duration of the five (5) day period. However, when an animal's injuries or illnesses are so severe such that the animal cannot be maintained in a comfortable fashion, the animal may be euthanized prior to the end of the five (5) day period. Any medical expenses incurred shall be the responsibility of the owner of the animal should the owner be identified.

(G) An owner claiming an impounded animal shall pay all necessary treatment costs, transportation fees, board fees and daily fees as established by the City of Bloomington Animal Care and Control Department or as established by the owner/operator of any alternative facility that is used to impound an animal and approved by the Commission. The City of Bloomington Animal Care and Control Department may agree to waive some or all fines and fees at the discretion of the Director if the owner of an unaltered animal agrees to have the animal spayed or neutered as a condition of its release.

(H) In addition to or in lieu of impounding an animal, a Law Enforcement Officer or an Animal Management Officer may issue to any person violating any provision of this ordinance a notice of ordinance violation and may return the animal to the owner's property if the animal can be secured

safely. The County Attorney is authorized to prosecute the violation in court if the person has not paid the fine within two (2) weeks.

(I) A person may reclaim an animal in the custody of the Animal Management Department upon providing the following:

- (1)** proof of ownership or the authority to act as the owner's agent;
- (2)** identification such as a driver's license; and
- (3)** payment of redemption costs and any other service/medical costs, as approved by the Director of the Bloomington Animal Care and Control Department.

(J) A cat or dog that has been previously taken by law enforcement officers or by an Animal Management Officer and/or impounded as an at-large animal and is now being returned to its owner or redeemed for the second or subsequent time within the last twelve (12) months will be required to be:

- (1)** implanted with a microchip by the City of Bloomington Animal Care and Control Department at the owner's expense prior to redemption, or, if returned, the owner shall have the implant done within thirty (30) days of being notified such action is required, for the purpose of future identification and recovery;
- (2)** spayed or neutered by a licensed veterinarian at the owner's expense prior to the shelter relinquishing the cat or dog to the owner, or, if returned, the owner shall have the animal spayed or neutered within thirty (30) days of being notified such action is required. Should cost be an issue, the City of Bloomington Animal Care and Control Department may enter into a payment agreement with the owner, or the owner may sign over ownership rights of the animal to the Department;
- (3)** the owner of the cat or dog shall be notified of the microchip implant and spay or neuter of the animal when they request the relinquishment of the cat or dog.
- (4)** The owner may request, in writing, a hearing before the Animal Management Commission prior to the microchip and spay/neuter. Such request must be made at the time the cat or dog is released to the owner. Such request must include the current mailing address of the owner. If such request is made, the cat or dog shall be released to the owner at that time. The appeal shall be heard by the Animal Management Commissions, with notice being sent in accordance with Section 440-6(A)(3) to the address the owner provided. If, after hearing, the Animal Management Commission rejects the appeal, then the owner must provide proof to the Animal Management Officer that the cat or dog must be spayed or neutered within thirty (30) days.
- (5)** Failure to provide proof under Section 440-8 (J)(4) is a Class E ordinance violation. Each day after the 30-day period the required proof is not provided is a separate offense.

440-9. Impoundment for Animal Bite

(A) If an owned dog, cat, or ferret has bitten a person, and the owner does not provide proof that such animal is vaccinated for rabies, the animal may, at the discretion of the Animal Management Officers, be impounded in the City of Bloomington Animal Shelter, a veterinary hospital or at a place acceptable to the Animal Management Officers, at the owner's choice and expense, for a period of ten (10) days in order to determine whether or not the animal has rabies. If the animal dies during the ten (10) day period, it shall, at the owner's expense, be sent to the proper authorities to determine whether it was rabid. Other animals which have bitten a person shall be handled in accordance with the current compendium, published by the state, for animal rabies control, with all expenses being the responsibility of the animal's owner.

(B) If an owned dog, cat or ferret has bitten a person, other than a person in the owner's immediate family, and owner does provide proof that such animal is vaccinated for rabies, the animal may at the sole discretion of the Animal Management Officer be impounded in the City of Bloomington Animal Shelter, a veterinary hospital or at a kennel acceptable to the Animal Management Officers, at the owner's choice and expense, for a period of ten (10) days in order to determine whether or not the animal has rabies. If the animal is not impounded, then the owner must quarantine the animal for a ten (10) day period in accordance with instructions from the Animal Management Officer. If the animal dies during the ten (10) day period, it shall, at the owner's expense, be sent to the proper authorities to determine whether it was rabid. Other animals that have bitten a person shall be handled in accordance with the current compendium, published by the state, for animal rabies control, with all expenses being the responsibility of the animal's owner.

(C) If a stray dog, cat, or ferret has bitten a person or animal, it shall be confined in the City of Bloomington Animal Shelter for ten (10) days only. At the end of the ten (10) day period, if unclaimed, the animal may be euthanized.

(D) If an animal has bitten another animal, other than one owned by the owner, the animal may be impounded in the City of Bloomington Animal Shelter, a veterinary hospital or at a kennel acceptable to the Animal Management Officers, at the discretion of the Animal Management Officer. The conditions of the impoundment shall be the same as sections (A) and (B).

(E) An owner who fails to impound an animal after receiving notification to do so by an officer of the Animal Management Department or the Monroe County Health Department commits a Class D ordinance violation. If the owner fails to comply, the Monroe County Sheriff's Department may impound the animal at the owner's expense. Each day that the owner fails to impound the animal constitutes a separate violation.

440-10. Dogs and Cats Not Immunized Against Rabies

(A) It is unlawful to own or harbor a dog, cat, or ferret over the age of three (3) months which is not immunized against rabies.

(B) The Animal Management Officers shall report any person who owns or harbors a non-immunized dog to the Monroe County Prosecuting Attorney's Office for prosecution under Ind. Code § 35-46-3-1.

(C) The Monroe County Health Administrator may order the destruction or impoundment of a domestic animal, or the destruction or impoundment of any domestic animal bitten by a rabid animal, pursuant to Ind. Code § 15-2.1-6-11.

(D) Dogs and cats must always wear the rabies immunization tag issued by their veterinarian.

(E) Owners of ferrets must keep and maintain proof of vaccination for their animal.

(F) Any person who violates this section commits a Class E ordinance violation.

440-11. Wild or Exotic Animals

(A) No person shall keep or permit to be kept on his or her premises any wild or exotic animal for any purposes, except as provided in section (B). This section shall not be construed to apply to federally licensed zoological parks, animal exhibitions, or federally licensed research laboratories or licensed wildlife rehabilitators or licensed wildlife educators while they are acting within the scope of their license.

(B) Any person possessing a valid state permit to possess a Class 1 or Class 2 wild or exotic animal may possess the animal in Monroe County, Indiana, if he registers the animal with the Animal Management Commission prior to bringing the animal into the County. Except as permitted in section (A), possessing or harboring Class 3 wild or exotic animals is prohibited in Monroe County, Indiana, regardless of whether the owner holds a state or federal permit.

(C) Any person who violates this section commits a Class D ordinance violation, unless the violation involves a Class 3 animal, in which case the violation shall be a Class C ordinance violation.

440-12. At-Large Dog, Costs for Removal and Storage of any At-Large Animal

(A) An owner shall not allow his dog(s) to travel or roam beyond his premises unless under restraint. This section does not apply to dogs when engaged in lawful hunting, accompanied by the owner or custodian or any other activity expressly permitted by state law.

(B) A person who violates this section commits a Class E ordinance violation unless the animal is an at-large dog that is intact (has not been spayed or neutered and is over the age of six (6) months), which is a Class D ordinance violation. If, however, within ten (10) days of the violation, the dog owner submits to the Monroe County Animal Management Officer a receipt or a verified statement from a licensed veterinarian which demonstrates that the dog has been spayed or neutered, then the violation will be reduced to a Class E ordinance violation.

(C) In addition to any fines specified in this Chapter, any person who allows or causes any animals to travel or roam onto, or to be found on, a public highway or other public property shall be liable for the cost of removal and storage of said animals.

(D) It shall be an affirmative defense to an at-large violation that the dog is under reasonable control and the owner or custodian has permission of the property owner to have the animal unleashed on the property.

440-13. At-Large Cat

(A) An owner shall not allow his/her cat to travel or roam beyond his/her premises unless the cat has been altered and is wearing identification or is altered and ear tipped in the case of feral cats. However,

altered cats not kept under restraint always subject to the public nuisance requirements set forth in Section 440-7.

(B) A person who violates this section commits a Class E ordinance violation unless the animal is an at-large cat that is intact (has not been spayed or neutered and is over the age of six (6) months), which is a Class D ordinance violation. If, however, within ten (10) days of the violation, the cat owner submits to the Monroe County Animal Management Officer a receipt or a verified statement from a licensed veterinarian which demonstrates that the cat has been spayed or neutered, then the violation will be reduced to a Class E ordinance violation.

440-14. At-Large Other Domestic Pet

(A) An owner shall not allow his/her domestic pet to travel or roam beyond their premises.

(B) A person who violates this section commits a Class E ordinance violation for each animal at-large.

440-15. At-Large Livestock

(A) An owner shall not allow his/her domestic livestock to travel or roam beyond their premises.

(B) A person who violates this section commits a Class D ordinance violation for each animal at-large.

440-16. At-Large Wild or Exotic Animals

(A) An owner of a wild or exotic animal shall not allow the animal to travel or roam beyond their premises.

(B) A person who violates this section commits a Class C ordinance violation.

440-17. Animal Care-Domestic Pets

(A) Every owner of a domestic pet within the County shall see that his/her domestic pet has proper and adequate shelter, medical care, grooming, food, and water.

(B) Any domestic pet shelter must be structurally sound, moisture proof and windproof shelter large enough to keep the domestic pet reasonably clean and dry and provide adequate protection from the cold and heat, including bedding to provide insulation and protection against cold and dampness and promote the retention of body heat. Shelter must be placed in a dry area free of debris, feces, and standing water.

(C) No chain or tether shall weigh more than 1/8 of the domestic pet's body weight.

(D) Any chain or tether shall be at least ten (10) feet in length and have swivels on both ends to reduce the likelihood of entanglement.

(E) Any chain or tether must be attached to a properly fitting buckle-type collar or harness worn by the domestic pet. Choke collars and pinch collars are prohibited for purposes of tethering a domestic pet to a stationary object or cable run. A person may not wrap a chain or tether around an animal's neck.

A chain or tether used to restrain a domestic pet must, by design and placement, be unlikely to become entangled.

(F) It shall be unlawful for the owner of any domestic pet to keep or maintain the animal on a tether for a period of more than ten (10) continuous hours, and no more than twelve (12) hours in any twenty-four (24) hour period or for any duration under conditions which threaten the health, or well-being of the domestic pet.

(G) Any chain or tether shall be of appropriate length configuration to:

- (1)** Confine the animal to the owner/guardian/colony caretaker's property;
- (2)** Prevent the animal from advancing to the edge of any public right-of-way;
- (3)** Prevent the chain or tether from extending over an object or an edge that could result in injury or strangulation of the animal; and/or
- (4)** Prevent the chain or tether from becoming entangled with other objects or animals.

(H) It shall be unlawful for the owner/guardian/colony caretaker of any animal to keep or maintain the animal on a tether under any of the following conditions:

- (1)** At a vacant property; and/or
- (2)** Between the hours of 11:00 p.m. and 6:00 a.m.

(I) It shall be unlawful for any unaltered animal which is six months of age or older to be tethered.

(J) A muzzle may not be worn continuously as a means for controlling barking.

(K) A person may not restrain a domestic pet in any manner unless it allows the animal to have access to necessary shelter, water, and food. Necessary shelter includes the domestic pet having the ability to sit, stand, and turn around without coming into contact with excrement.

(L) A person may not restrain a domestic pet in a manner that allows the domestic pet to move outside property owned, lawfully occupied, or controlled by their person.

(M) Any person who owns, harbors, or keeps any intact female dog or cat shall, during the period that such animal is in heat or in estrus, keep such dog or cat in a secured area that prevents a male dog or cat from having access to such female except for controlled breeding permitted by the owner of the female. Additionally, the female dog or cat shall not be chained or tethered in a manner that prevents her from defending herself or from avoiding a mate.

(N) It shall be unlawful for any person to place or confine or allow any domestic pet to be confined in such a manner that it must remain in a motor vehicle, trailer, or pet carrier under such conditions for such a period as may cause suffering or endanger the health or well-being of the domestic pet due to extreme temperature, or lack of food or water.

(O) A domestic pet's owner who fails to exercise due care and control of his animal, as prescribed in this section, commits a Class E ordinance violation for the first offense and a Class D ordinance violation for the second and subsequent offenses.

440-18. Animal Care—Domestic Livestock

(A) Domestic livestock must be provided adequate care, including adequate food and water, shelter as needed, and vet care as needed.

(B) A domestic livestock's owner who fails to exercise due care and control of his animal, as prescribed in this section, commits a Class E ordinance violation for the first offense and a Class D ordinance violation for the second and subsequent offenses.

440-19. Torture or Abuse of an Animal

(A) It is unlawful to torture, beat or mutilate a vertebrate animal.

(B) The Animal Management Officers shall report any person who abuses an animal to the Monroe County Prosecuting Attorney's Office for prosecution under Ind. Code § 35-46-3-12.

(C) A person who violates this section commits a Class A ordinance violation.

440-20. Animal Management Fund

All fines, fees and penalties collected pursuant to this Chapter shall be deposited into a dedicated, non-reverting fund to be known as the Animal Management Fund. Monies in the Fund may be spent only after an appropriation approved by the Monroe County Council. This Fund shall continue until such time as it is rescinded by action of the Board of Commissioners, in which event, any monies left in the fund will revert to the Monroe County General Fund.

440-21. Giving Animals as Prizes

(A) No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter a contract, game, or other competition or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement in which the offer was for the purpose of attracting trade.

(B) No person shall auction any live animal except as described in subsection (C).

(C) This provision shall not apply to the giving of or auctioning of domestic livestock or horses as prizes or otherwise.

(D) Any person who violates this section commits a Class D ordinance violation. Each act of giving an animal as a prize, as defined in this section, constitutes a separate violation.

440-22. Habitual Offender.

(A) An Animal Management Officer may ask the Animal Management Commission to declare an owner a habitual offender in two instances:

(1) If the owner is found to have violated any provision(s) of this Chapter on at least three (3) separate occasions within the same twenty-four (24) month period; or

(2) If the owner of an animal which has been declared potentially dangerous, dangerous, or vicious fails to comply with the terms and conditions required by this Chapter and the Animal Management Commission for maintaining such an animal.

(B) The Animal Management Commission shall schedule a hearing on the Animal Management Officer's request. The hearing shall not occur unless the permit holder has been given at least fourteen (14) days advance notice of the hearing.

(C) The owner shall be entitled to appear at the hearing, with or without legal counsel, and shall be permitted to testify, present evidence, and present a defense.

(D) The Animal Management Commission shall consider all evidence and upon conclusion of hearing said evidence, the Commission shall either declare the owner a habitual offender or not make any such declaration.

(E) A letter setting forth the determination of the Commission shall be given to the owner, or the owner's legal counsel, by certified mail, return receipt requested, addressed to the owner's address, or the owner's legal counsel's address. Immediately upon the mailing of the letter setting forth the Commission's determination, the owner shall be declared to be a habitual offender. Concurrently, the Animal Control Officer shall notify the owner of the declaration in person or by phone.

(F) In declaring an owner to be a habitual offender, the Animal Control Commission has the authority to take any of the following actions and issue the following orders:

(1) Fine the owner twice the amount of the applicable penalty for a Class D ordinance violation.

(2) Require the owner to take steps to rectify whatever problem has caused his or her declaration of habitual offender. Examples may include building a fence if the animal is constantly at-large or buying and using a bark collar if the animal is constantly a public nuisance.

(3) Void the owner's ownership of the relevant animal and allow the Municipal Animal Shelter to take possession and ownership of said animal, knowing the Department may euthanize or adopt the animal as appropriate.

(4) Prohibit the owner from acquiring any new animals for a period not to exceed (3) years.

(5) Require the owner to attend a "responsible pet owner course" approved by the Commission.

(G) Owners who have been declared Habitual Offenders may submit a request for reconsideration upon the expiration of one (1) year from the date of designation, provided no further violations of this Chapter have occurred.

(H) The failure of an owner who has been declared a Habitual Offender to comply with an order of the Animal Control Commission may result in the owner's ownership of the relevant animal being voided. If ownership is voided, the Municipal Animal Shelter shall take possession and ownership of the animal, and take such further action as directed by the Animal Control Commission.

440-23. Appeals.

(A) Any person directly affected by a decision of any Animal Management Officer, or by a notice issued under this Chapter, shall have the right to appeal to the Animal Management Commission.

(1) All appeals shall be filed in writing.

(2) All appeals shall be delivered to the Monroe County Legal Department.

(3) All appeals shall be filed within ten (10) calendar days of the decision or notice being rendered.

(B) Appeals of any decision rendered by the Animal Management Commission may be appealed to the Monroe County Circuit Court, provided said appeal is filed with the Circuit Court within ten (10) days of receipt of the Commission's written decision, order, or findings.

[end of chapter]