

Title 7, ANIMALS

Comment [pmm1]: Sections proposed for deletion are noted with a strike-through feature in the text. Sections which include new proposed language are noted with a gray highlight.

Chapters:

Chapter 7.01 - Definitions

**Chapter 7.16 - Commercial Animal Establishment
Permits**

Chapter 7.21 - Kennel Permits

Chapter 7.22 - Breeders

Chapter 7.24 - Restraint

Chapter 7.26 - Potentially Dangerous and Vicious

Chapter 7.28 - Nuisance

Chapter 7.32 - Impoundment

Chapter 7.36 - Animal Care

**Chapter 7.40 - Wild Animals, Exotic Animals &
Prohibited Reptiles**

~~**Chapter 7.42 - Reptiles**~~

Chapter 7.44 - Rabies

Chapter 7.48 - Adopted Animals

Chapter 7.52 - General Provisions

Chapter 7.54 - Miscellaneous Fees

**Chapter 7.56 - Enforcement, Penalties, and
Appeals.**

Chapter 7.01 DEFINITIONS

Sections:

7.01.010 Definition of terms.

7.01.010 Definition of terms.

As used in this title, the following terms mean, unless otherwise designated;

"Abandoned ~~animal~~" means any animal whose owner/guardian has knowingly, intentionally or recklessly left it unattended, without proper food, water or shelter, for twenty-four hours or more.

Comment [pmm2]: Delete the word "animal" because the Title only uses the word "abandoned".

"Altered ~~animal~~" means any animal which has been spayed or neutered.

Comment [pmm3]: Delete the word "animal" because the Title only uses the word "altered".

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

"Animal exhibition, permanent" means any spectacle, display, act or event other than circuses, in which animals perform or are displayed, with the exception of 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 other than circuses, in which animals perform or are displayed, with the exception of 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 ~~animal~~" means a stray animal or any animal whose owner/guardian knowingly, intentionally, or recklessly allows the animal to stray beyond premises owned, lawfully occupied or controlled by the owner/guardian unless under restraint. This section does not apply to dogs engaged in lawful hunting accompanied by the owner/guardian or custodian or to feral cats which belong to a managed colony.

Comment [pmm4]: Delete the word "animal" because the Title only uses the words "at large".

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

Comment [pmm5]: Make the word singular instead of plural b/c the title only uses the singular version of the word.

"Chicken" means Gallus gallus domesticus, a domestic bird typically kept on a farm. This definition does not include other fowl, such as, but not limited to, peacocks, turkeys or waterfowl.

"Chicken coop" means an enclosed structure for housing chickens that provides shelter from the elements.

"Chicken flock" means one chicken or a group of two or more chickens which:

- (a) Contains no more than five hens and no roosters; and
- (b) Is issued a permit by the City of Bloomington Animal Care and Control Department; and
- (c) Is not otherwise permitted by Section 20.05.093 - SC-07 (Special conditions—Crops and pasturage, and accessory chicken flocks) of the Bloomington Municipal Code as the same may be hereafter amended or replaced; and
- (d) Reside in an area zoned estate residential (RE) or, single-dwelling residential (RS), Residential Core (RC), or those estate residential or single-dwelling residential portions of a planned unit development (PUD) as defined in Chapter 20.02 of the Bloomington Municipal Code, as the same may be hereafter amended or replaced.

Comment [pmm6]: There is a discrepancy between Title 7 and Title 20 (Zoning) of the BMC. Title 20 makes it clear that chicken flocks are also permitted in RC zones, for some reason Title 7 was not properly updated.

"Chicken run" means an enclosed outside yard for keeping chickens.

"Circus" means a commercial variety show featuring animal acts for public entertainment.

"Colony" means one or more feral cats, whether unmanaged or managed.

"Colony caretaker" means a person who provides food, water and/or shelter for feral cats in a managed colony. Colony caretakers shall not be deemed to own or harbor said cats.

"Commercial animal establishment" means any major and/or minor petshop, nonmunicipal animal shelter/sanctuary, auction, riding school or stable, zoological park, circus or animal exhibition.

"Commercial kennel" means any person engaged in the business of boarding, training for a fee and/or grooming animals.

"Designee" means an organization or individual recognized by the city of Bloomington animal care and control department that uses the trap-neuter-return method for stabilizing and reducing the feral cat population.

"Domestic livestock" means any animal, other than a domestic pet, that is a member of one of the following species:

- (1) Bison;
- (2) Elk;
- (3) Poultry;
- (4) Cattle;
- (5) Donkey;
- (6) Horse;
- (7) Goat;
- (8) Llama;
- (9) Mule;
- (10) Ostrich;
- (11) Pig; or
- (12) Sheep.

"Domestic pet" means any animal that is a member of one of the following species:

- (1) Dog (*Canis familiaris*);
- (2) Cat (*Felis catus* or *Felis domesticus*);
- (3) Rabbit (*Oryctolagus cuniculus*);
- (4) Mouse (*Mus musculus*);
- (5) Rat (*Rattus rattus*);
- (6) Reptile (*Reptilis*), as defined herein;
- (7) Guinea pig (*Cavia porcellus*);
- (8) Chinchilla (*Chinchilla laniger*);
- (9) Hamster (*Mesocricetus auratus*);
- (10) Gerbil (*Gerbillus gerbillus*);
- (11) Ferret (*Mustela putorius furo*);
- (12) Sugar glider (*Petaurus breviceps*);
- (13) African Pygmy Hedgehogs (*Erinaceus europaeus*); or

(14) Degu (Octodon Degus).

"Exotic animal" means an animal belonging to a species that is not native to the United States, or an animal that is a hybrid or cross between a domestic animal and an animal that is not native to the United States.

Comment [pmm7]: We do not currently mention exotic animals anywhere else in the Title. Since we want to prohibit exotic animals we will amend Chapter 7.40 (Wild Animals) to include exotics and prohibit them as well.

"Feral cat" means a cat that has lived its life with little or no human contact, is not socialized or is ear-tipped or tattooed.

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

Comment [pmm8]: The Council has asked for amendments to current versions of ordinance fix places where there exists gender inequality in terms.

"Intact animal permit" means the permit required by any person engaged in owning or harboring more than four dogs over the age of twelve months, any one of which is unaltered, and/or more than six cats over the age of twelve months, any one of which is unaltered.

"Litter permit" means the permit required by any person who intentionally or unintentionally causes or allows the breeding of a litter of dogs or cats in a twelve-month period. Exception: if the parent animal(s) are altered within fourteen weeks after giving birth or the parent animal(s) and the litter are relinquished to the City of Bloomington Animal Care and Control Department within fourteen weeks after birth of the litter, all permit requirements shall be waived.

"Major pet shop" means any retail establishment engaging in the purchase and/or sale of cats and/or dogs, either solely or in addition to the purchase and/or sale of other species of animal.

"Managed colony" means a colony of feral cats that is registered with the city of Bloomington animal care and control department or its designee and is maintained by a colony caretaker using the trap-neuter-return method to stabilize and reduce the feral cat population.

"Minor pet shop" means any retail establishment engaging in the purchase and sale of any species of animal, with the exception of 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 this title or of state law.

"Noncommercial kennel" means any person engaged in owning or harboring, with the exception of dogs and/or cats fostered for the city of Bloomington animal care and control department or feral cats belonging to a managed colony, more than four altered dogs; more than six altered cats; or more than a total of ten altered dogs and cats combined.

"Nonmunicipal animal shelter/sanctuary" means any facility operated by a person or organization other than a municipality for the purpose of harboring and/or rehoming animals.

"Owner/guardian" means a person owning or harboring one or more animals for a period of longer than twenty-one days.

"Person" means any individual, firm, association, joint stock company, syndicate, partnership, or corporation.

"Potentially dangerous, Level 1" means any of the following:

- (1) ~~Any animal which, when unprovoked, on two separate occasions within the prior thirty-six month period, engages in or displays any behavior that requires a defensive action by any person to prevent bodily injury to the person or the person's own animal, when the person and or the animal are off of property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal; or~~
- (2) ~~Any animal which, when unprovoked, bites a person causing an injury that is not a severe injury, as defined below.~~ any animal which, when unprovoked, and when off of property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal, causes injury to a domestic pet, domestic livestock or to a person that results in any of the following injuries: injury which results in bruising or abrasions; or injury that results in less than four (4) punctures wounds.
- (3) ~~Any animal which, when unprovoked and off of property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal, on two separate occasions within the prior thirty-six month period, has bitten or otherwise caused injury to a domestic animal that is not a severe injury, as defined below.~~

Comment [pmm9]: New definitions of potentially dangerous. Includes three different levels.

"Potentially dangerous, Level 2" means any an animal which has been declared a Level 1 potentially dangerous animal and within thirty-six (36) months of said declaration, when off of property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal, causes injury to a domestic pet, domestic livestock or to a person that results in any of the following injuries: injury which results in bruising or abrasions; or injury that results in less than

four (4) punctures wounds. A Level 2 potentially dangerous animal is also an animal which causes severe injury or death to a domestic pet or to domestic livestock.

"Potentially dangerous, Level 3" means any animal which has been declared a Level 1, or Level 2 potentially dangerous animal and continues, when off of property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal, and when unprovoked, to cause injuries to persons, domestic pets or domestic livestock within thirty-six (36) months of the original declaration. A Level 3 potentially dangerous animal is also an animal which, when off of property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal, and when unprovoked, causes a severe injury to a person or injures a person in that the injury results in four or more puncture wounds.

"Public nuisance" means any animal ~~or animals~~ that:

- (1) Molest passersby or passing vehicles;
- (2) Attack persons or other animals;
- (3) Damage public property or private property;
- (4) Bark, whine ~~or~~ howl, in an excessive or continuous fashion;
- (5) Defecate on public or private property, other than the owner/guardian's/harbinger's/colony caretaker's property, unless the waste is immediately removed and disposed of in a sanitary manner by the animal's owner/guardian/harbinger/colony caretaker; or
- (6) Otherwise interferes with the free use and comfortable enjoyment of life or property.

"Reptile" means any air-breathing vertebrate of the class Reptilia, ~~with the exception of:~~

- ~~(1) Any reptile on the federal endangered or threatened species list or on the convention or international trade in endangered species list;~~
- ~~(2) Any venomous reptile, including front or rear fanged reptiles;~~
- ~~(3) Any python of a species which naturally exceeds twelve feet in length;~~
- ~~(4) All crocodylians, including alligators, caimans, and crocodiles;~~
- ~~(5) Monitor lizards;~~
- ~~(6) Anacondas;~~
- ~~(7) Any reptile of a species native to Indiana; or~~
- ~~(8) Any reptile protected by state or federal law. |~~

Comment [pmm10]: These are reptiles we specifically want prohibited in the City limits. To that end, we will amend Chapter 7.40 (Wild Animals) to include these reptiles.

"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 United States Code Section 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/guardian or keeper.

"Riding school or stable" means any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule or burro.

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

Comment [pmm11]: We do not use this term anywhere in Title 7. Staff suggests amending Section 7.21.005 (General Requirements for Kennel Permits) so that service dogs do not count towards the animal maximums.

"Severe injury" means any physical injury to a human being or 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.

"Stray" means any animal that does not appear, upon reasonable inquiry, to have an owner/guardian.

"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 in which feral cats already living outdoors are humanely trapped, then evaluated, sterilized and ear-tipped or tattooed by veterinarians. Kittens under ten weeks old are adopted into good homes if they become socialized. Healthy adult cats too wild to be adopted are returned to their familiar habitat under the lifelong care of volunteers.

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

"Vicious animal" means any of the following:

- (1) ~~Any animal which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being or domestic pet.~~

Comment [pmm12]: New definition included.

~~(2) Any animal previously determined to be and currently listed as a potentially dangerous animal which, after its owner/guardian or keeper has been notified of this determination, continues the potentially dangerous behavior, as defined herein or is maintained in violation of Chapter 7.24 of this title has bitten or attacked a person, domestic pet or domestic livestock at least three (3) times in the prior thirty-six (36) month period. A vicious animal is also an 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 animals" means any animal not a domestic animal, with the exception of small, nonpoisonous 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 nondomesticated animals. The facility must be accredited by the American Zoological Association (AZA) or The Association of Sanctuaries (TAOS).

Chapter 7.16 COMMERCIAL ANIMAL ESTABLISHMENT PERMITS

Sections:

- Chapter 7.16.010 Permits - General.
- Chapter 7.16.020 Inspection of animals and premises authorized.
- Chapter 7.16.030 Obtaining a permit.
- Chapter 7.16.040 Standards for commercial animal establishments.
- Chapter 7.16.045 Consumer protection requirements.
- Chapter 7.16.050 Commercial animal establishment permit period.
- ~~Chapter 7.16.060 Fees.~~
- Chapter 7.16.0760 Reclassification.
- ~~Chapter 7.16.080 Violations.~~

Chapter 7.16.010 Permits -- General.

No person shall operate a commercial animal establishment, or nonmunicipal animal shelter/sanctuary, except for the city of Bloomington animal shelter care and control department, without first obtaining a permit in compliance with this chapter. Every facility regulated by this chapter shall be considered a separate enterprise and shall require an individual permit.

Chapter 7.16.020 Inspections of animals and premises authorized.

It shall be a condition to the issuance of any permit required by this chapter that:

- (a) The ~~senior~~ Director of Animal Care and Control, and staff animal control officers of the city and/or their designees shall be permitted to inspect the premises and all animals located thereon where such animals are harbored.
- (b) All reports of such inspection shall be in writing and maintained by the ~~senior animal control officer~~ Director of Animal Care and Control.
- (c) The ~~senior animal control officer~~ Director of Animal Care and Control, staff animal control officers, and/or their designees are authorized to enter the structure or premises wherein a commercial animal establishment is maintained (or believed to be maintained) at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures.
- (d) If the owner or those in possession of a structure or premises wherein a commercial animal establishment is maintained (or believed to be maintained) refuse inspection of said establishment, the ~~senior animal control officer~~ Director of Animal Care and Control, staff animal control officers, and/or their designees may obtain an inspection warrant from any court of record in the county in which the establishment is located in order to determine if the establishment is maintained in accordance with this title.

Comment [pmm13]: The reorganization ordinance that was passed by the Council this summer changed all references in Title 2 to the "Senior Animal Control Officer" to the "Director of Animal Care & Control". Title 7 should change for consistency as well.

Chapter 7.16.030 Obtaining a permit.

Applicants must apply for permits required by this chapter with the city of Bloomington animal care and control department.

- (a) The application must contain:
 - (1) Information as to whether the applicant has been convicted of cruelty to animals or ever cited for or convicted of a local unit of government's animal control or care ordinances;
 - (2) A statement that the applicant complies and will comply with the regulations promulgated under authority of Section 17.08.020 of this code all building and zoning code requirements promulgated by the State of Indiana, Monroe County and/or the City of Bloomington; and
 - (3) That the applicant authorizes the senior Director of Animal Care and Control and staff animal control officers or their designees to inspect the applicant's facilities and animals.
- (b) The permit shall be issued when the applicant complies with the laws and regulations pertaining to the issuance of permits, and pays the fee required.
- (c) If the applicant withholds or falsifies any information on the application, the permit shall not be issued, and any permit issued upon false or withheld information shall be revoked.
- (d) No permit to operate a commercial animal establishment shall be issued to an applicant who has been convicted of cruelty to animals without review by the animal control commission.

Comment [pmm14]: Include language about violating a local animal control ordinance.

Comment [pmm15]: The reorganization ordinance passed this summer deleted 17.08.020 in its entirety as the County is the entity which issues building permits.

Comment [pmm16]: I've added a revocation section to a newly created chapter at the end of the Title entitled "Enforcement, Penalties and Appeals". This will be Chapter 7.56.

Chapter 7.16.040 Standards for commercial animal establishments.

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

- (a) Be operated in such a manner as not to constitute a public nuisance;
- (b) 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;
- (c) Keep all animals caged, within a secure enclosure or under the control of the owner/guardian or operator at all times;
- (d) With respect to all animals kept on the premises, comply with all of the provisions of Chapter 7.36, Animal Care, of this title providing for the general care of animals;
- (e) Not sell dogs and/or cats which are unweaned, less than eight weeks of age, or obviously diseased;
- (f) If it is a major pet shop, post the name of the breeder of all dogs and cats for sale on the animal's kennel;
- (g) If it is a major or minor pet shop, keep records of the name, address and telephone number of the breeder and seller of each animal for a period of two years after the

date the animal is sold and make those records available for inspection by the City of Bloomington Animal Care and Control Department.

- (h) Recommend that any animal sold, transferred or given away be examined by a licensed veterinarian within one week of the date of transfer and notify the new owner/guardian of state requirements for rabies vaccinations.
- (i) Be in compliance with all zoning laws.

Chapter 7.16.045 Consumer protection requirements.

- (a) This section applies to the sale of dogs and cats by major pet shop permit holders.
- (b) Major pet shop permit holders shall provide a purchaser of a dog or cat with a health record for the animal at the time of sale. The health record shall include the following:
 - (1) The animal's breed. If the breed is unknown or mixed, the health record shall so indicate. If the animal is advertised or represented as registerable, the following information shall be provided: the breeder's name and address; the name and registration number of the dam and sire of the purchased dog's litter; and the name and address of the pedigree registry organization where the dam and sire are registered. Providing registration papers, if available, shall meet this requirement;
 - (2) The date of the animal's birth;
 - (3) The animal's sex, color and markings;
 - (4) A list of all vaccinations administered, if known; the date and type of vaccinations and the name of the person, business, or entity who administered them, if known, up to the date of sale; a record of any known disease, illness or condition with which the dog is or has been afflicted at the time of the sale; and record of any veterinary treatment or medication received by the animal;
 - (5) The date, dosage and type of any anti-parasitic medicine, if known, that was administered; and
 - (6) The name, address, and signature of the major pet shop permit holder's representative.

Chapter 7.16.050 Commercial animal establishment permit period.

The commercial animal establishment permit period shall begin on January 1st and shall run for one year. ~~Applicants requiring a permit during the year shall pay a prorated fee for the remaining portion of the year.~~ Applications must be made prior to the establishment of a commercial animal establishment.

Comment [pmm17]: For consistency with other Titles in the BMC, and for easier reference, I recommend creating a chapter for fees. So instead of fees all over the place, they are located in one place. Chapter 7.54 is proposed as the new fee chapter.

Chapter 7.16.060 Fees

Comment [pmm18]: Recommend moving all fees to Chapter 7.54 (rename Chapter at same time).

(a) Fees for permits shall be as follows:

(1) For each riding school or stable	\$100.00
(2) For each auction	\$500.00
(3) For each zoological park	\$500.00
(4) For each circus or animal exhibition—transient	\$1,000.00 per day
(5) For each animal exhibition—permanent	\$500.00 per year
(6) For each minor pet shop	\$250.00
(7) For each major pet shop	\$500.00
(8) For each nonmunicipal animal shelter/sanctuary	\$0.00 private/\$0.00 nonprofit

(b) No fee shall be required of any municipal animal shelter, research laboratory, or government-operated zoological park.

7.16.0760 Reclassification.

Any person who has a change in the category under which the commercial animal establishment permit was issued shall report the change to the city of Bloomington animal care and control department and apply for the new permit required within thirty days. Appropriate changes, including pro rata credit for the previous permit, shall be made by the city.

7.16.080 Violations.

Comment [pmm19]: All penalties will be moved to one Chapter, Chapter 7.56 (Enforcement, Penalties and Appeals).

(a) Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) and (c) of this section may, at the discretion of the animal owner/guardian, be paid to the city of Bloomington animal care and control department within seventy-two 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.

(b) Permit holders who have been found to have falsified records or who have been found to be in violation of the animal care standards referenced in Section 7.16.040(d) shall be subject to a fine of triple the permit fee for the first offense, with the fine for each subsequent offense within a twelve-month period increasing by an increment of triple the permit fee. In the event that the animal establishment permit does not require a fee, the fine for a first offense shall be equal to three times the fee of a major pet shop permit holder, with the fine for each subsequent offense of this chapter increasing by an increment of triple the permit fee of a major pet shop permit holder.

- (e) ~~Permit holders who violate any other provision of this chapter shall be subject to a fine of double the permit fee for the first offense, with the fine for each subsequent offense of this chapter within a twelve-month period increasing by an increment of double the permit fee. In the event that the animal establishment permit does not require a fee, the fine for a first offense shall be equal to two times the fee of a major pet shop permit holder, with the fine for each subsequent offense of this chapter increasing by an increment of double the permit fee of a major pet shop permit holder.~~
- (d) ~~Permit holders cited for violations of this chapter more than three times in a twelve-month period may have their permit revoked for a period of three months. The permit may be reinstated by the animal care and control department following an inspection that reveals no further violations. Further violations following reinstatement of the permit may result in the permit being revoked permanently.~~

Chapter 7.21 KENNEL PERMITS

Sections:

- 7.21.005 General requirements.
- 7.21.010 Kennel permits required.
- 7.21.020 Obtaining noncommercial kennel permits.
- 7.21.025 Obtaining commercial kennel permits.
- 7.21.028 Obtaining a permit for chicken flocks.
- 7.21.030 Inspection.
- 7.21.040 Standards for noncommercial kennels.
- 7.21.050 Standards for commercial kennels.
- 7.21.057 Standards for maintaining chicken flocks.
- 7.21.060 Kennel permit periods.
- ~~7.21.070 Fees.~~
- 7.21.0870 Reclassification.
- ~~7.21.090 Violations.~~

7.21.005 General requirements.

- (a) No person shall own or harbor more than a total of nineteen cats and/or dogs over the age of twelve months. This provision does not apply to commercial kennels. A person owning or harboring more than a total of nineteen cats and/or dogs over the age of twelve months at the time that this ordinance becomes effective shall:
 - (1) Be permitted to retain those animals, but shall not replace any animal upon its death or loss until such time as the total number of animals is nineteen or less; and
 - (2) Complete the appropriate kennel permit application within sixty days of the ordinance's effective date.
- (b) Service dogs shall not be counted towards the nineteen (19) maximum noted in the above subsection (a).

7.21.010 Kennel permits required.

- (a) No person shall operate a commercial or noncommercial kennel or chicken flock without first obtaining a permit from the city of Bloomington animal care and control department in accordance with this chapter.

- (b) No permit shall be issued unless the proposed operation is in compliance with all zoning laws.

7.21.020 Obtaining noncommercial kennel permits.

Applications for noncommercial kennel permits shall be made to the city of Bloomington animal care and control department.

- (a) The application for a noncommercial kennel permit shall include:
 - (1) The name, address, and telephone number of the applicant;
 - (2) The description (species, breed, sex, age and coloration) of and proof of rabies vaccination for each animal to be housed in the kennel; and
 - (3) A statement as to whether the applicant has ever been convicted of the offense of cruelty to animals, or ever cited for or convicted of a local unit of government's animal control or care ordinances.
- (b) If the applicant withholds or falsifies any information on the application, no permit shall be issued and any permit previously issued on false or withheld information shall be revoked.
- (c) No person previously convicted of cruelty to animals shall be issued a kennel permit without prior review by the animal control commission.

7.21.025 Obtaining commercial kennel permits.

Applications for commercial kennel permits shall be made to the city of Bloomington animal care and control department.

- (a) The application for a commercial kennel permit shall include:
 - (1) The name, address, and telephone number of the applicant;
 - (2) A statement as to whether the applicant has ever been convicted of the offense of cruelty to animals, or ever cited for or convicted of a local unit of government's animal control or care ordinances; and
 - (3) A statement of the total capacity of the kennels used for the purposes of Class B, Class C and Class D commercial kennel permits.
- (b) If the applicant withholds or falsifies any information on the application, no permit shall be issued and any permit previously issued on false or withheld information shall be revoked.
- (c) No person previously convicted of cruelty to animals shall be issued a kennel permit without prior review by the animal control commission.

7.21.028 Obtaining a permit for chicken flocks.

Persons wishing to harbor a chicken flock shall obtain a permit.

(a) Permit.

- (1) Applications for a permit to harbor a chicken flock shall be made by the owner of the property to the City of Bloomington Animal Care and Control Department and shall include:
 - (A) The name, address, and telephone number of the applicant;
 - (B) The description (breed, sex, age and coloration) of each chicken in the chicken flock;
 - (C) The address where the chicken flock is to be harbored, and the zoning district in which such address is located (which must be a district listed in part (e) of the definition of "chicken flock" in this title);
 - (D) A statement indicating whether the applicant has ever been convicted of the offense of cruelty to animals, or ever cited for or convicted of a local unit of government's animal control or care ordinances.
 - (2) The permit to harbor a chicken flock shall not be transferable to another person or to another location; and
 - (3) No applicant shall harbor more than one chicken flock within the city; and
 - (4) If the applicant withholds or falsifies any information on the permit application, no permit shall be issued and any permit previously issued on false or withheld information shall be revoked; and
 - (5) An application for a permit shall be made prior to the harboring of any chickens or the creation of any chicken flock; and
 - (6) All permits shall be conditioned upon a passing inspection by ~~senior~~ the Director of Animal Care and Control and staff animal control officers of the city and/or their designees and compliance with this chapter; and
 - (7) ~~Senior~~ The Director of Animal Care and Control and staff animal control officers may refuse to grant or renew a permit and may revoke a permit if applicant/harbinger is unable to maintain his/her flock so as to not create a nuisance, as evidenced by three admitted or judicially-determined violations of this chapter within twelve consecutive months.
- (b) No person previously convicted of cruelty to animals shall be registered or issued a permit without prior review by the animal control commission.

7.21.030 Inspection.

It shall be a condition to the issuance of any permit required by this chapter that:

- (a) The ~~senior~~ Director of Animal Care and Control and staff animal control officers of the city and/or their designees shall be permitted to inspect the structure and/or premises wherein a kennel is maintained (or believed to be maintained) and all animals located thereon where such animals are harbored.
- (b) All reports of such inspections shall be in writing and maintained by the ~~senior animal control officer~~ Director of Animal Care and Control.
- (c) The ~~senior animal control officer~~ Director of Animal Care and Control, staff animal control officers, and/or their designees are authorized to enter the structure or premises wherein a kennel is maintained (or believed to be maintained) at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures.
- (d) If the owner or those in possession of a structure or premises wherein a kennel is maintained (or believed to be maintained) refuse inspection of said kennel, the ~~senior animal control officer~~ Director of Animal Care and Control, staff animal control officers, and/or their designees may obtain an inspection warrant from any court of record in the county in which the kennel is located in order to determine if the kennel is maintained in accordance with this title.

7.21.040 Standards for noncommercial kennels.

All noncommercial kennels shall:

- (a) Operate in such a manner as to not constitute a public nuisance; and
- (b) Comply with all of the provisions of Chapter 7.36, Animal Care, of this title which provides standards for the general care of animals.

7.21.050 Standards for commercial kennels.

All commercial kennels shall:

- (a) Operate in such a manner as to not constitute a public nuisance;
- (b) Comply with all of the provisions of Chapter 7.36, Animal Care, of this title which provides for the general care of animals;
- (c) Provide an isolation area for animals which are sick or diseased to be sufficiently removed so as to not endanger the health and well-being of other animals;
- (d) Keep all animals caged within a secure enclosure or under the control of the owner/guardian or representative of the kennel at all times;
- (e) Provide each animal sufficient space to stand up, lie down and turn around in a natural position without touching the sides or top of the enclosure;

- (f) Provide individual kennels for each animal being harbored for any portion of a twenty-four hour period, with the exception of yard or other play areas used for the purpose of dog day care. Kennels intended for single occupancy shall not house more than one animal, with the exception of animals that are normally housed together in a home environment.

7.21.057 Standards for maintaining chicken flocks.

- (a) All harborers of chicken flocks shall:
 - (1) Operate in such a manner so as to not constitute a public nuisance or disturb neighboring residents due to noise, odor or damage; and
 - (2) Operate in a manner so as to not pose a threat to public health. Harborers shall isolate chickens which are sick or diseased so as to not endanger the health and well-being of other animals and humans. When necessary for the protection of the public health and safety, the director of animal care and control may require the specified animal be kept or confined in a secured enclosure. This provision is subordinate to any local, state or federal code governing the treatment of chickens in the event of a threat to human health; and
 - (3) Comply with all of the provisions of Chapter 7.36 of this title regarding general animal care; and
 - (4) Keep all chickens completely and securely enclosed and under the control of the harborer on the harborer's property at all times; and
 - (5) Provide both a chicken coop and attached chicken run that afford a combined twelve square feet per chicken; and
 - (6) Provide a chicken coop and attached chicken run that are clean, dry and odor-free; and
 - (7) Provide a chicken coop that affords shelter from the elements; and
 - (8) Provide a chicken coop and attached chicken run that, combined, provide adequate ventilation and adequate sun and shade and that are both impermeable to rodents, wild birds and predators, including dogs; and
 - (9) Provide chickens with access to feed and clean water at all times, such feed and water shall be unavailable to rodents, wild birds and predators; and
 - (10) Provide adequate safeguards to prevent unauthorized access to the chickens by members of the public; and
 - (11) Keep the chicken coop, chicken run and surrounding area free from trash and accumulated droppings. The harborer shall dispose of chicken waste and uneaten feed in a timely manner and in accordance with the Bloomington Municipal Code.

- (b) The chicken coop and chicken run shall:
 - (1) Provide a sight fence or shrub screening of at least four feet in height around both coop and run if visible to occupants of neighboring lots; and
 - (2) Be located at least twenty feet from any building not owned or occupied by the harborer, that is used or capable of being used for human habitation; and
 - (3) Be located at least twelve feet from the property line of any neighboring lot.
- (c) All chicken coops and chicken runs shall comply with the requirements for accessory structures outlined in Title 20 of the Bloomington Municipal Code as the same may be hereafter amended or replaced.

7.21.060 Kennel permit periods.

- (a) Noncommercial kennel permits shall be valid for a period of one year from the date of issuance. An application must be made within ten days of the creation of a kennel.
- (b) Commercial kennel permits shall be valid for one year beginning January 1st of each year. Applicants requiring a commercial kennel permit during the year shall pay a prorated fee for the remaining portion of the current year. An application must be made prior to the creation of a kennel.
- ~~(c) Repealed by Ord. 07-01.~~
- (d) Chicken flock permits shall be valid for a period of no more than one year from the date of issuance.

~~7.21.070 Fees.~~

- ~~(a) The fee for noncommercial kennel permits shall be:~~
 - ~~(1) 5-8 altered dogs: \$25.00~~
 - ~~(2) 9-12 altered dogs: \$50.00~~
 - ~~(3) 13-16 altered dogs: \$75.00~~
 - ~~(4) 17-19 altered dogs: \$100.00~~
 - ~~(5) 7-11 altered cats: \$25.00~~
 - ~~(6) 12-16 altered cats: \$50.00~~
 - ~~(7) 17-19 altered cats: \$75.00~~
- ~~(b) The fee for commercial kennel permits shall be:~~
 - ~~(1) Class B, boarding:~~

- (A) ~~1-25 kennels: \$100.00~~
- (B) ~~26-50 kennels: \$250.00~~
- (C) ~~Additional kennels in increments of 25: \$200.00 per increment of twenty-five.~~
- (2) ~~Class C, training: \$75.00~~
- (3) ~~Class D, grooming: \$50.00~~
- (e) ~~No fee shall be required of any veterinary hospital or municipal animal shelter, research laboratory or government-operated zoological park.~~
- (d) ~~Persons whose establishments operate under more than one class, as defined by this chapter, shall be required to apply for a permit for each applicable.~~

7.21.0870 Reclassification.

Any person or business who has a change in class under which the commercial and/or noncommercial kennel permit was issued shall report the change to the city of Bloomington animal care and control department and apply for a new permit within thirty days of any such change.

7.21.090 Violations.

- (a) ~~Any animal control officer may issue any person or business in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) of this section shall be paid to the city of Bloomington animal care and control department within seventy-two hours of the notice of ordinance violation. In the event that such payment is not made within seventy-two hours, the city may file a proceeding in the county court of competent jurisdiction to collect the applicable penalty.~~
- (b) ~~Persons or businesses who violate any provision of this chapter shall be subject to a fine of double the applicable permit fee for the first offense, with the fine for each subsequent offense of this chapter increasing by an increment of double the permit fee. In the event that the kennel permit does not require a fee, the fine for a first offense shall be twenty-five dollars, with the fine for each subsequent offense of this chapter increasing by an increment of fifty dollars.~~
- (c) ~~In the event that the person or business has no additional violations of this chapter for a period of twelve consecutive months, the fine for any violation of this chapter after that period shall be double the applicable permit fee for the first offense, with the fine for each subsequent offense increasing by an increment of double the applicable permit fee. In the event that the kennel permit does not require a fee, the fine for a first offense shall be twenty-five dollars, with the fine for each subsequent offense of this chapter increasing by an increment of fifty dollars.~~

Chapter 7.22 BREEDERS

Sections:

- 7.22.005 General requirements.
- 7.22.010 Intact animal permit required.
- 7.22.020 Litter permit required.
- 7.22.030 Obtaining permits.
- 7.22.035 Consumer protection requirements.
- 7.22.040 Inspection.
- 7.22.050 Permit periods.
- ~~7.22.060 Fees.~~
- 7.22.0760 Reclassification.
- ~~7.22.080 Violations.~~

7.22.005 General requirements.

- (a) No person shall own or harbor more than a total of nineteen cats and/or dogs over the age of twelve months. This provision does not apply to commercial kennels. A person owning or harboring more than a total of nineteen cats and/or dogs over the age of twelve months at the time that this ordinance becomes effective shall:
 - (1) Be permitted to retain those animals, but shall not replace any animal upon its death or loss until such time as the total number of animals is nineteen or less; and
 - (2) Complete the appropriate kennel permit application within sixty days of the ordinance's effective date.
- (b) A breeder who houses dogs or cats in a cage shall provide every dog or cat with a reasonable opportunity for exercise outside of a cage at least one time per day in accordance with Section 3.8 of the federal Animal Welfare Act. However, a breeder who permits a dog or cat access to a run that meets the requirements of Section 3.8 of the Animal Welfare Act at least one time per day has satisfied the exercise requirement. Further, a breeder is not required to provide the opportunity for exercise if exercise would endanger the dog or cat's life or health.

7.22.010 Intact animal permit required.

(a) No person or business shall own or harbor more than four dogs and/or more than six cats twelve months or older any one of which is unaltered without obtaining a permit in compliance with this chapter.

(b) Permit holders that produce one or more litters in a twelve-month period shall comply with Section 7.22.020 of this title.

7.22.020 Litter permit required.

No person shall intentionally or unintentionally cause or allow the breeding of a litter of dogs or cats in a twelve-month period without obtaining a permit in compliance with this chapter.

- (a) Permit holders shall:
 - (1) Not allow the birthing of more than one litter per female dog or cat in a twelve-month period;
 - (2) Not breed a female dog or cat that is less than eighteen months of age or older than eight years of age.
 - (3) Keep records for a period of two years from the date of birth as to the birth of each litter of dogs or cats, as may be required by the city of Bloomington animal care and control department;
 - (4) Keep records for a period of two years from the date of sale of the name, address and telephone number of each buyer or new owner/guardian of any dog or cat sold or transferred;
 - (5) Furnish to each buyer or new owner/guardian of an animal the litter permit number in order that the new owner/guardian has proof and assurance that the animal was legally bred;
 - (6) Furnish to each buyer or new owner/guardian of an animal the animal's vaccination, medication and treatment records;
 - (7) Not sell, trade or give away puppies or kittens which are unweaned, less than eight weeks of age, with the exception of animals taken to the animal shelter;
 - (8) Not offer for sale an animal with obvious signs of infection, disease or illness;
 - (9) Recommend that any animal sold, transferred or given away be examined by a licensed veterinarian within one week of the date of transfer and notify the new owner/guardian of state requirements for rabies vaccinations;
 - (10) List the litter permit number on all public notices advertising the sale or free giveaway of litters of or individual puppies or kittens; and
 - (11) Comply with all provisions of Chapter 7.36, Animal Care, of this title.
- (b) Any owner/guardian or person having custody of a dog or cat which has been altered within fourteen weeks after giving birth to a litter or who relinquishes the adult dog or cat and the litter to the city of Bloomington animal care and control department within fourteen weeks of the birth date of the litter shall have all permit requirements waived.

7.22.030 Obtaining permits.

Applications for permits shall be made to the city of Bloomington animal care and control department.

- (a) The application shall include:
 - (1) The name, address and telephone number of the applicant;
 - (2) A statement as to whether the applicant has ever been convicted of the offense of cruelty to animals, or ever cited for or convicted of a local unit of government's animal control or care ordinances; and
 - (3) Descriptions (species, breed, sex, age, coloration) of each animal under the permit.
- (b) If the applicant withholds or falsifies any information on the application, no permit shall be issued and any permit previously issued on false or withheld information shall be revoked.
- (c) No person previously convicted of cruelty to animals shall be issued a kennel permit without prior review by the animal control commission.
- (d) An owner/guardian must apply for a litter permit within twenty-one days of the birthing of a litter.

7.22.035 Consumer protection requirements.

- (a) This section applies to the sale of dogs and cats by litter permit holders.
- (b) Sellers shall provide a purchaser of a dog or cat with a health record for the animal at the time of sale. The health record shall include the following:
 - (1) The animal's breed. If the breed is unknown or mixed, the health record shall so indicate. If the animal is advertised or represented as registerable, the following information shall be provided: the breeder's name and address; the name and registration number of the dam and sire of the purchased dog's litter; and the name and address of the pedigree registry organization where the dam and sire are registered. Providing registration papers, if available, shall meet this requirement;
 - (2) The date of the animal's birth;
 - (3) The animal's sex, color and markings;
 - (4) A list of all vaccinations administered, if known; the date and type of vaccinations and the name of the person who administered them, if known, up to the date of sale; a record of any known disease, illness or condition with which the animal is or has been afflicted at the time of the sale; and a record of any veterinary treatment or medication received by the animal;
 - (5) The date, dosage and type of any anti-parasitic medicine, if known, that was administered; and

- (6) The name, address and signature of the seller.

7.22.040 Inspection.

It shall be a condition to the issuance of any permit required by this chapter that:

- (a) The ~~senior~~ Director of Animal Care and Control and staff animal control officers of the city and/or their designees shall be permitted to inspect the structure or premises wherein an establishment regulated under this chapter is maintained (or believed to be maintained) and all animals located thereon where such animals are harbored.
- (b) All reports of such inspections shall be in writing and maintained by the ~~senior animal control officer~~ Director of Animal Care and Control.
- (c) The ~~senior animal control officer~~ Director of Animal Care and Control, staff animal control officers, and/or their designees are authorized to enter the structure or premises wherein an establishment regulated under this chapter is maintained (or believed to be maintained) at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures.
- (d) If the owner or those in possession of a structure or premises wherein an establishment regulated under this chapter is maintained (or believed to be maintained) refuse inspection of said establishment, the ~~senior animal control officer~~ Director of Animal Care and Control, staff animal control officers, and/or their designees may obtain an inspection warrant from any court of record in the county in which the establishment is located in order to determine if the establishment is maintained in accordance with this title.

7.22.050 Permit periods.

- ~~(a)~~ Permits shall be valid for a period of one year from the date of issuance.

7.22.060 Fees.

- ~~(a) Fees for intact animal permits shall be:~~
 - ~~(1) 1-2 unaltered animals: \$50.00~~
 - ~~(2) 3-6 unaltered animals: \$100.00~~
 - ~~(3) 7-10 unaltered animals: \$150.00~~
 - ~~(4) 11-14 unaltered animals: \$200.00~~
 - ~~(5) 15-19 unaltered animals: \$250.00~~
- ~~(b) Fees for litter permits shall be:~~
 - ~~(1) First litter in a twelve-month period: \$100.00~~
 - ~~(2) Additional litters: \$150.00/litter.~~

7.22.0760 Reclassification.

Any person or business who has a change in the category under which the permit was issued shall report the change to the city of Bloomington animal care and control department and apply for a new permit within thirty days of any such change.

7.22.080 Violations.

- (a) ~~Any animal control officer may issue any person or business in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) of this section shall be paid to the city of Bloomington animal care and control department within seventy-two hours of the notice of ordinance violation. In the event that such payment is not made within seventy-two hours, the city may file a proceeding in the county court of competent jurisdiction to collect the applicable penalty.~~
- (b) ~~Persons or businesses who violate any provision of this chapter shall be subject to a fine of double the applicable permit fee for the first offense, with the fine for each subsequent offense of this chapter increasing by an increment of double the permit fee.~~
- (c) ~~In the event that the person or business has no additional violations of this chapter for a period of twelve consecutive months, the fine for any violation of this chapter after that period shall be double the applicable permit fee for the first offense, with the fine for each subsequent offense increasing by an increment of double the applicable permit fee.~~

Chapter 7.23 FERAL CATS

Sections:

7.23.010 General requirements.

7.23.020 Managed feral cats.

7.23.030 Colony caretaker responsibilities.

7.23.010 General requirements.

- (a) All feral cat colonies shall:
 - (1) Operate in such a manner as to not constitute a public nuisance; and
 - (2) Comply with all of the provisions of Chapter 7.36, Animal Care, of this title which provides standards for the general care of animals.
- (b) Any person who provides food, water or shelter to a colony of feral cats shall be registered with the city of Bloomington animal care and control department or its designee.
- ~~(c) A person who violates any provision of this chapter shall be subject to a fine of twenty-five dollars for the first offense, with the fine for each subsequent offense increasing by an increment of fifty dollars.~~

7.23.020 Managed feral cats.

- (a) The city of Bloomington animal care and control department or its designee, in order to encourage the stabilization and reduction of the feral cat population in the city of Bloomington, may:
 - (1) Trap any feral cat in a humane manner;
 - (2) Have the feral cat surgically sterilized and ear-tipped or tattooed by a licensed veterinarian;
 - (3) Release the feral cat for adoption or other disposition in accordance with the law or to a colony caretaker who will maintain the feral cat as part of a managed colony of feral cats.
- (b) The city of Bloomington animal care and control department may impound feral cats in violation of this chapter and dispose of the feral cats in accordance with applicable law. Any feral cat impounded at the city of Bloomington animal shelter that bears an appropriate ear-tipping or tattoo indicating it belongs to a managed colony shall be returned to its managed colony, if said colony can be determined, unless illness or injury present an imminent danger to public health or safety. Seriously ill or injured feral cats with no reasonable prognosis for humane rehabilitation for survival outdoors may be humanely euthanized.

7.23.030 Colony caretaker responsibilities.

- (a) Colony caretakers shall abide by standard trap-neuter-return guidelines devised by the city of Bloomington animal care and control or its designee regarding the provision of food, water, shelter and veterinary care within the managed colony.
- (b) A colony caretaker shall not have ever been convicted of animal cruelty, or ever cited for or convicted of a local unit of government's animal control or care ordinances.
- (c) A colony caretaker shall not allow a cat(s) which is part of his/her colony to become a public nuisance.

Chapter 7.24 RESTRAINT

Sections:

7.24.010 General requirements.

7.24.020 Animals in heat.

~~7.24.030 Vicious animals.~~

~~7.24.040 Violations.~~

7.24.010 General requirements.

All animals, except cats which have been neutered or spayed and are wearing identification or are ear-tipped or tattooed in the case of feral cats, shall be kept under restraint. However, altered cats not kept under restraint at all times are still subject to public nuisance laws cited in Chapter 7.28 of this title.

7.24.020 Animals 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 into contact with a male animal of the same species, except for planned breeding.

~~7.24.030 Vicious animals.~~

- ~~(a) If an animal control 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 control officer shall request a hearing by the animal control commission for the purpose of determining whether or not the animal in question should be declared potentially dangerous or vicious.~~
- ~~(1) Whenever possible, any complaint received from a member of the public which serves as the evidentiary basis for finding probable cause shall be sworn to and verified by the complainant and shall be provided to the animal control commission.~~
 - ~~(2) The hearing will be held at the next regularly scheduled meeting of the animal control commission and shall be open to the public.~~
 - ~~(3) The owner/guardian of the animal shall be served with notice of the hearing and a copy of any complaints received by certified mail or in person.~~
 - ~~(4) The animal control officer shall notify the owner/guardian of the animal of the date and time of such hearing, at which time he or she may present~~

Comment [pmm20]: Move this section and all new suggested changes to its own chapter. New chapter will be Chapter 7.26, entitled "Potentially Dangerous and Vicious Animals".

evidence as to why the animal should not be declared potentially dangerous or vicious:

- (A) Such evidence may include eyewitness testimony of the incident;
or
 - (B) Evidence that the action of the animal and the damage sustained by the person or other animal could have reasonably been expected to occur given the circumstances of the event. Such circumstances may include, but are not limited to: willful trespass upon the owner/guardian's property; teasing, tormenting, abusing or assaulting the animal; and/or attempted abuse or assault upon the owner/guardian.
- (5) The animal control commission may consider all relevant evidence, including incident reports, affidavits of witnesses, and whether the incident reasonably indicates whether or not 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.
- (6) The animal control commission may decide all issues for or against the owner/guardian of the animal even if the owner/guardian of the animal fails to appear at the hearing.
- (7) After the hearing, the owner/guardian of the animal shall be notified in writing of the determination by certified mail or in person.
- (A) If a determination is made that the animal is potentially dangerous or vicious, the owner/guardian shall comply with this section's requirements for restraint in accordance with a time schedule established by the animal control commission but in no case more than thirty days after the date of the determination.
 - (B) An animal determined to be vicious may be destroyed by the city of Bloomington animal care and control department when it is found by the animal control commission that the release of the animal would create a significant threat to the public health, safety, and welfare.
 - (C) If it is determined that an animal found to be vicious shall not be destroyed, the animal control commission may impose reasonable conditions upon the ownership of the animal that protect the public health, safety and welfare.
 - (D) Decisions of the animal control commission are final.
- (b) If, upon investigation, it is determined by the animal control officer or law enforcement officer that probable cause exists to believe the animal in question poses an immediate threat to public safety, then the animal control officer or law enforcement officer may seize and impound the animal pending the hearing to be held pursuant to this section. The owner/guardian of the animal shall be liable to

the city of Bloomington animal shelter where the dog is impounded for the costs and expenses of keeping the animal, if the animal is later declared potentially dangerous or vicious.

- (c) ~~A potentially dangerous animal, while on the owner/guardian's property, shall, at all times, be kept indoors, or in a secured enclosure from which the animal cannot escape, and into which children cannot trespass. A potentially dangerous animal may be off the owner/guardian's premises only if it is restrained by a substantial leash, of appropriate length, and if it is under the control of an adult.~~
- (d) ~~An animal that has been declared vicious may not be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition, except to a secured enclosure. When outside, all vicious animals must be confined in a secure enclosure, except when necessary to obtain veterinary care:
 - (1) ~~All such enclosures must be adequately lighted and ventilated and kept in a clean and sanitary condition.~~
 - (2) ~~The enclosure shall have secure sides and a secure top and bottom to prevent the animal from escaping over, under, or through the structure.~~
 - (3) ~~The enclosure shall be kept locked at all times to prevent unintentional opening.~~
 - (4) ~~The enclosure shall include suitable shelter and protection from the elements, and shall provide adequate exercise room, light, ventilation, and sanitation.~~
 - (5) ~~The enclosure shall be approved by the city of Bloomington animal care and control department prior to its usage for confinement.~~
 - (6) ~~Whenever necessity requires a vicious animal to be outside of the enclosure, the animal shall be securely muzzled and restrained by a leash not exceeding three feet in length, with handgrip, and shall be under the direct control and supervision of the owner/guardian of the animal.~~~~
- (e) ~~The owner/guardian of a potentially dangerous or vicious animal shall display clearly visible warning signs on all entry points to the premises on which the animal is maintained warning that a potentially dangerous or vicious animal is being harbored on such property. In addition, at least one sign shall be posted on the enclosure in which the animal is maintained. Signs must inform both children and adults of the presence of a potentially dangerous or vicious animal on the property.~~
- (f) ~~Any animal classified as potentially dangerous or vicious shall not be used for breeding and shall be altered by a licensed veterinarian within thirty days of such classification unless:
 - (1) ~~A licensed veterinarian certifies in writing that the animal is incapable of reproduction; or~~~~

- (2) — 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.
- (g) — If the animal in question dies, or is sold or transferred, the owner/guardian shall notify the city of Bloomington animal care and control department of the changed condition and new location of the animal in writing within two working days.
- (h) — An owner/guardian may submit one request for reconsideration per year to the animal control commission to have the designation of potentially dangerous or vicious removed from his or her animal.
 - (1) — The application must be in writing.
 - (2) — The application must be given to the city of Bloomington animal care and control department.
 - (3) — The application shall include detailed information about how the change in circumstances or measures taken by the owner/guardian, such as training of the animal, have mitigated the risk to public safety.
 - (4) — The animal control commission may hear evidence, both pro and con, as to whether and why the designation should or should not be removed.
 - (5) — The animal control commission may make a decision to remove or not to remove such designation.

7.24.040 Violations.

- (a) — Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) of this section may, at the discretion of the animal owner/guardian, be paid to the city of Bloomington animal care and control department within seventy-two 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.
- (b) — Persons who violate any provision of this chapter shall be subject to the following fine:
 - (1) — Failure to restrain, first offense, altered animal: twenty dollars.
 Fines for each subsequent offense within twelve consecutive months of first offense increase in increments of twenty dollars per offense.
 - (2) — Failure to restrain, first offense, unaltered animal: one hundred dollars.
 However, an owner/guardian who agrees to have their dog or cat spayed or neutered at their expense prior to reclaiming the animal from the City of Bloomington Animal Care and Control Department, will be assessed the fine for failure to restrain, first offense, altered of twenty dollars.

~~Fines for each subsequent offense within twelve consecutive months of first offense increase in increments of forty dollars per offense.~~

- ~~(3) — An animal that has been previously impounded as a stray or at large animal and is now being redeemed for the second or subsequent redemption within the last twelve months will be required to be:
 - ~~(A) — Implanted with a microchip by the City of Bloomington Animal Care and Control Department at the owner/guardian's expense for the purpose of future identification and recovery; and~~
 - ~~(B) — Spayed or neutered by a licensed veterinarian at the owner/guardian's expense prior to the City of Bloomington Animal Care and Control Department relinquishing the animal to the owner/guardian. Should cost be an issue, the City of Bloomington Animal Care and Control Department may enter into a payment agreement with the owner/guardian or the owner/guardian may sign over ownership rights of the animal to the City of Bloomington Animal Care and Control Department.~~~~
- ~~(4) — Failure to restrain female animal in heat, first offense: one hundred dollars.
Fines for each subsequent offense within twelve consecutive months of first offense are one hundred fifty dollars per offense.~~
- ~~(5) — Failure to restrain vicious animal or potentially dangerous animal, first offense: one hundred dollars.
Fines for each subsequent offense within twelve consecutive months of first offense are one hundred fifty dollars per offense.~~
- ~~(6) — Failure to post warning signs for potentially dangerous and/or vicious animals: fifty dollars.~~
- ~~(7) — Failure to notify city of Bloomington animal care and control department of change of status for potentially dangerous and/or vicious animals: fifty dollars.~~
- ~~(8) — Failure to prevent potentially dangerous and/or vicious animal from breeding: one hundred dollars.~~
- ~~(9) — Failure to alter potentially dangerous and/or vicious animal within thirty days of such classification: one hundred dollars.~~
- ~~(10) — Failure to comply with any portion of this chapter, not previously addressed in subsections (b)(1) through (9) of this section, shall result in a one hundred dollar fine.~~

7.26 POTENTIALLY DANGEROUS AND VICIOUS ANIMALS

Comment [pmm21]: New Chapter.

Sections:

Section 7.26.010 Request for declaration.

Section 7.26.020 Hearing on declaration.

Section 7.26.030 Potentially dangerous, Level 1.

Section 7.26.040 Potentially dangerous, Level 2.

Section 7.26.050 Potentially dangerous, Level 3.

Section 7.26.060 Vicious.

Section 7.26.070 Immediate threat.

Section 7.26.080 Euthanization Order.

Section 7.26.090 Status change.

Section 7.26.100 Reconsideration.

Section 7.26.010 Request for declaration.

- (a) If an animal control 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 control officer shall request a hearing by the animal control commission for the purpose of determining whether or not the animal in question should be declared potentially dangerous or vicious.
- (b) The Director of the Animal Care and Control Department can base probable cause to believe that an animal is potentially dangerous or vicious off of a complaint received from a member of the public, provided the complaint is sworn to and verified by the complainant; off of a bite report; or off of a police report.

Section 7.26.020 Hearing on declaration.

- (a) The hearing will be held at the next regularly scheduled meeting of the animal control commission and shall be open to the public, provided the owner/guardian of the animal can be provided at least fourteen (14) days advance notice of the hearing.
- (b) The owner/guardian 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:
 - (1) The date, time and location of the hearing;
 - (2) A statement that the owner/guardian, or his or her legal counsel, may present evidence and testimony as to why the animal should not be declared potentially dangerous or vicious.

- (c) The animal control commission may consider all relevant evidence, including incident reports, affidavits of witnesses, and whether the incident reasonably indicates whether or not 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.
- (d) The animal control commission may decide all issues for or against the owner/guardian of the animal even if the owner/guardian of the animal fails to appear at the hearing.
- (e) The Commission shall issue findings of fact to support its ruling.
- (f) The findings of fact shall be given to the owner/guardian, or his or her legal counsel, by certified mail, return receipt requested, addressed to the owner/guardian's address, or his or her legal counsel's address. Immediately upon the mailing of the Commission's findings of fact, the animal shall be classified as potentially dangerous or vicious. Concurrently, the Director shall notify the owner/guardian of the declaration in person or by phone.
- (g) The Commission, in rendering its decision and in issuing its findings of fact, has the authority to attach any and all reasonable conditions to its decision. To that end, the Commission may impose conditions on owners/guardians regarding the types of enclosures to be used, the types of restraint systems to be used, and other such things in order to ensure that the both the animal and the public are safe.

Comment [pmm22]: This allows the Commission to both declare and NOT declare any animal potentially dangerous or vicious.

7.26.030 Potentially dangerous, Level 1.

- (a) The animal, while on the owner/guardian's property, shall, at all times, be kept indoors, or in a secured enclosure from which the animal cannot escape, and into which children cannot trespass.
- (b) Invisible fences are not permitted enclosures.
- (c) The animal may only be off the owner/guardian's premises if it is restrained by a substantial leash, no more than six (6) feet in length, and if it under the control of an adult.

7.26.040 Potentially dangerous, Level 2.

- (a) The animal, while on the owner/guardian's property, shall, at all times, be kept indoors, or in a secured enclosure from which the animal cannot escape, and into which children cannot trespass.
- (b) Invisible fences are not permitted enclosures.
- (c) The animal may only be off the owner/guardian's premises if it is restrained by a substantial leash, no more than six (6) feet in length, and if it under the control of an adult.
- (d) The animal must be altered by a licensed veterinarian within thirty days of such designation unless:

- (1) A licensed veterinarian certifies in writing that the animal is incapable of reproduction; or
 - (2) 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;
 - (3) The Commission renders a specific finding of fact that alteration of the animal is not required.
- (e) The animal must be implanted with a microchip.

Comment [pmm23]: This allows the Commission to issue a ruling that foregoes the necessity of alteration.

7.26.050 Potentially dangerous, Level 3.

- (a) The animal, while on the owner/guardian's property, shall, at all times, 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 the City of Bloomington Animal Care and Control Department approves the enclosure.
- (b) Invisible fences are not permitted enclosures.
- (c) The animal may only be off the owner/guardian's premises if it is restrained by a substantial leash, no more than six (6) feet in length, and if it under the control of an adult.
- (d) The animal must be altered by a licensed veterinarian within thirty days of such designation unless:
 - (1) A licensed veterinarian certifies in writing that the animal is incapable of reproduction; or
 - (2) 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.
- (e) The animal must be implanted with a microchip.
- (f) Clearly visible warning signs 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.
 - (1) At least one of the signs shall be posted on the enclosure in which the animal is maintained.
 - (2) Signs must inform both children and adults of the presence of a potentially dangerous animal on the property.

7.26.060 Vicious.

- (a) The animal, while on the owner/guardian's property, shall, at all times, 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 the City of Bloomington Animal Care and Control Department approves the enclosure.
- (b) Invisible fences are not permitted enclosures.
- (c) The animal may only be off the owner/guardian's premises if it is restrained by a substantial leash, of appropriate length, is muzzled, and if it is under the control of an adult.
- (d) The animal must be altered by a licensed veterinarian within thirty days of such designation unless:
 - (1) A licensed veterinarian certifies in writing that the animal is incapable of reproduction; or
 - (2) 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.
- (e) The animal must be implanted with a microchip.
- (f) Clearly visible warning signs 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.
 - (1) At least one of the signs shall be posted on the enclosure in which the animal is maintained.
 - (2) Signs must inform both children and adults of the presence of a potentially dangerous animal on the property.

7.26.070 Immediate threat.

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

- (a) Any animal so seized shall be held until the Animal Control Commission renders a decision in accordance with this Chapter.
- (b) The owner/guardian of the animal shall be liable to the City of Bloomington for the costs and expenses of keeping the animal, if the animal is later declared by the Commission to be potentially dangerous or vicious.

7.26.080 Euthanization.

If an animal is declared vicious in accordance with this Chapter, the Animal Control Commission may order the animal humanely euthanized if the Commission finds that releasing the animal may create a significant threat to the public health, safety or welfare.

7.26.090 Status change.

If an animal designated under this Chapter dies, sold, transferred or moved to a different location, the owner/guardian shall notify the City of Bloomington Animal Care and Control Department 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 business days of the change.

7.26.100 Reconsideration.

An owner/guardian may submit a request for reconsideration to the Animal Control Commission to have the designation of potentially dangerous removed from his or her animal.

- (a) Owners/guardians of level 1 or 2 potentially dangerous dogs may submit one request for reconsideration upon the expiration of one year from the date of designation, provided no further violations of this Title have occurred.
- (b) Owners/guardians of a level 3 potentially dangerous dogs or a vicious dog may submit one request for reconsideration upon the expiration of three years from the date of designation, provided no further violations of this Title have occurred.

7.28 NUISANCE

Sections:

7.28.010 Public nuisance prohibited.

7.28.020 ~~Violations.~~

7.28.010 Public nuisance prohibited.

No owner/guardian/colony caretaker shall fail to exercise due care and control of his or her animals to prevent them from becoming a public nuisance.

7.28.020 ~~Violations.~~

- (a) ~~Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) of this section may, at the discretion of the animal owner/guardian, be paid to the city of Bloomington animal care and control department within seventy-two 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.~~
- (b) ~~Persons who violate any provision of this chapter shall be subject to a fine of fifty dollars for the first offense, with the fine of each subsequent offense of this chapter increasing by an increment of fifty dollars.~~
- (c) ~~In the event the person has no additional violations of this chapter for a period of twelve consecutive months, the fine for any violation of this chapter after that period shall be fifty dollars for the first offense, with the fine for each subsequent offense increasing by an increment of fifty dollars.~~

7.32 IMPOUNDMENT

Sections:

7.32.010 Animals to be impounded.

7.32.020 Jurisdiction of animal control officer for impoundment.

7.32.030 Notice of impoundment.

7.32.040 Impounded animals - Reclamation.

7.32.010 Animals to be impounded.

- (a) At-large animals (with the exception of altered cats that are wearing identification or are ear-tipped or tattooed in the case of feral cats and are not a public nuisance), nuisance animals, animals suspected of being neglected, subjected to cruelty or abandoned, and animals which have bitten persons or other animals may be taken by law enforcement or animal control officers and impounded in the city of Bloomington animal shelter.
- (b) In lieu of impounding an animal which is at large or a public nuisance according to this title, the law enforcement officer or animal control officer may issue to the known owner/guardian/colony caretaker of such animal a notice of ordinance violation and may return the animal to the owner/guardian/colony caretaker's property if the animal can be secured safely.

7.32.020 Jurisdiction of animal control officer for impoundment.

The jurisdiction of animal control officers for purposes of enforcing this chapter shall include, ~~in addition to the municipality of Bloomington itself, all land within four miles of its corporate limits.~~

7.32.030 Notice of impoundment.

- (a) If the owner/guardian/colony caretaker of an impounded animal can be identified, ~~the senior animal control officer~~ Director of Animal Care & Control or his or her designees shall immediately upon impoundment notify the owner/guardian/colony caretaker ~~in-person~~ or by telephone or mail.
- (b) Animals whose owners/guardians/colony caretakers are not identifiable or cannot be notified after reasonable effort shall be held for five calendar days from the date of impoundment, not counting officially recognized holidays, before becoming the property of the city.
- (c) Animals whose owners/guardians/colony caretakers have been notified and who do not reclaim their animals within the five-day stray period shall also become the property of the city unless the owner/guardian of the animal posts a five

hundred fifty-dollar bond with the city controller prior to the expiration of the five-day stray period to provide for the animal's care and keeping.

- (1) The bond must be valid for thirty days.
 - (2) The owner/guardian may renew a bond by posting a new bond in the amount of six hundred dollars 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 becomes the property of the city.
- (d) Any stray animals found as part of a litter of two or more shall become the property of the city and may be placed for adoption or humanely euthanized if not claimed by the owner/guardian within three days of impoundment.
 - (e) Any stray animal found with severe medical conditions and/or injuries shall be assessed by a veterinarian, whenever possible. Whenever possible, humane care will be provided in order to allow the animal to remain comfortable for the duration of the stray 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 stray period.
 - (f) Any medical expenses incurred while any animal except an ear-tipped or tattooed cat is in the care of the city shall be the responsibility of the owner/guardian should the owner/guardian be identified.
 - (g) Animals that are the property of the city may be placed for adoption or humanely euthanized.

7.32.040 Impounded animals - Reclamation.

- (a) ~~An owner/guardian reclaiming an impounded animal shall pay a board fee as follows, in addition to a fee of seven dollars for vaccinations of reclaimed cats and dogs:~~

(1) Dog, impounded for 1-5 days	\$10.00 per day
(2) Dog, impounded for 6 or more days	\$20.00 per day
(3) Cat or ferret, impounded for 1-5 days	\$5.00 per day
(4) Cat or ferret, impounded for 6 or more days	\$10.00 per day
(5) Horses, goats, pigs, poultry	\$10.00 per day
(6) Other animals	\$5.00 per day

- (b) ~~The city of Bloomington animal care and control department may agree to waive some or all of its fines and fees at the discretion of the director if the owner/guardian of an unaltered animal agrees to have the animal spayed or neutered as a condition of its release.~~

(c) A person may reclaim an animal in the custody of the city of Bloomington animal care and control 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;
- (3) Payment of redemption fee and any other service/medical fees, as approved by the director of Bloomington animal care and control.

Comment [pmm24]: This will allow a family member, for example, to collect an owner's animal if the owner is out of state.

~~(d) An animal that has been a previously impounded, stray or at large animal and is now being redeemed for the second or subsequent redemption within the last twelve months will be required to be:~~

- ~~(1) Implanted with a microchip by the city of Bloomington animal care and control department at the owner/guardian's expense for the purpose of future identification and recovery; and~~
- ~~(2) Spayed or neutered by a licensed veterinarian at the owner/guardian's expense prior to the shelter relinquishing the animal to the owner/guardian. Should cost be an issue, the city of Bloomington animal care and control department may enter into a payment agreement with the owner/guardian or the owner/guardian may sign over ownership rights of the animal to the city of Bloomington animal care and control department.~~

Comment [pmm25]: Moved to Section 7.56.040(e).

Chapter 7.36 ANIMAL CARE

Sections:

7.36.010 Giving animals as prizes.

7.36.020 Poisoning animals.

7.36.025 Cruelty, abuse and neglect of animals.

7.36.030 Motor vehicle accidents involving animals.

7.36.040 Use of devices to induce performance.

7.36.050 General animal care.

7.36.060 Specific animal care provisions for animals used for drawing vehicles.

7.36.070 Abandonment.

7.36.010 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 any 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 domestic livestock.
- (c) ~~Violations. Any animal control officer may issue to any person in violation of this section a notice of ordinance violation. The penalty established in subsection (d) of this section may, at the discretion of the animal owner/guardian, be paid to the city of Bloomington animal care and control department within seventy-two 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.~~
- (d) ~~Persons who violate any provision of this section shall be subject to a fine of one hundred dollars for each offense.~~

7.36.020 Poisoning animals.

No person shall expose any known poisonous substance, whether mixed with food or not, so that it shall be likely to be eaten by any animal; provided, that it shall not be unlawful for a person to expose on his or her 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 up to two thousand five hundred dollars for each offense.~~

7.36.025 Cruelty, abuse and neglect of animals.

- (a) No person shall torture, beat, mutilate or neglect an animal resulting in serious injury or death to the animal. ~~Persons who violate this section shall be subject to a fine of two thousand five hundred dollars for each offense.~~
- (b) No person shall torture, beat, mutilate or neglect an animal resulting in injury or pain to the animal.

7.36.030 Motor vehicle accidents involving animals.

Any person, who, as the operator of a motor vehicle, strikes a dog or cat, shall at once report the accident to the appropriate law enforcement agency or the city of Bloomington animal care and control department. ~~Persons who violate this section shall be subject to a fine of fifty dollars for each offense.~~

7.36.040 Use of devices to induce performance.

No ~~permanent or temporary~~ 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 two thousand five hundred dollars for each offense.~~

7.36.050 General animal care.

- (a) Every owner/guardian/colony caretaker of an animal within the city shall see that his or her 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 its own excrement;
 - (2) Has proper and adequate food, water, shelter, and protection from the weather;
 - (3) If kept in an enclosure, ensure that the enclosure is appropriate to their species and/or breed. Such enclosure is to be constructed in a manner to enable the animal to remain clean and dry, to prevent the animal's injury or escape, and to be able to be disinfected. However, no flooring may be used to house dogs or cats which would allow their feet or legs to fall through and all enclosures shall contain an area that allows the animal to be on a solid surface; and
 - (4) If diseased or injured, receives care as necessary to prevent suffering and, if diseased, is segregated from other animals so as to prevent the transmittal of the disease to other animals.
- (b) Any domestic pet or feral cat that is owned or harbored and habitually kept outside or repeatedly left outside unattended by an adult person for such periods of time as may cause suffering or endanger the health or well-being of the animal

shall be provided with a structurally sound, moistureproof and windproof shelter large enough to keep the animal reasonably clean and dry and provide adequate protection from the cold and heat. Shelter must be placed in a dry area free of debris, feces and standing water.

- (c) If multiple animals are present in one location, each animal must have access to shelter and the owner/guardian/colony caretaker must meet all standards for each animal, as detailed in this section.
- (d) The shelter must have bedding to provide insulation and protection against cold and dampness and promote the retention of body heat.
- (e) Appropriate medical care and grooming of animals must be provided.
- (f) No chain or tether shall weigh more than one-eighth of the animal's body weight.
- (g) Any chain or tether shall be at least ten feet in length and have swivels on both ends.
- (h) Any chain or tether must be attached to a properly fitting buckle-type collar or harness worn by the animal. Choke collars and pinch collars are prohibited for purposes of tethering an animal 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 an animal must, by design and placement, be unlikely to become entangled.
- (i) It shall be unlawful for the owner/guardian/colony caretaker of any animal to keep or maintain the animal on a tether for a period of more than ten continuous hours and no more than twelve hours in any twenty-four hour period, or for any duration under conditions, which threaten the health, or well-being of the animal.
- (j) 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.
- (k) 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.
- (l) It shall be unlawful for the owner/guardian/colony caretaker of any unaltered animal which is six months of age or older to allow the animal to be tethered.
- (jm) A muzzle may not be worn continuously as a means for controlling barking.
- (kn) A person may not restrain an animal in a manner that does not allow the animal to have access to necessary shelter, water and food.

- (to) A person may not restrain an animal in a manner that allows the animal to move outside property owned, lawfully occupied or controlled by the person.
- (mp) Any person who owns or harbors any intact female dog or cat shall, during the period that such animal is in heat or in estrus, shall 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/guardian/colony caretaker 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.
- (nq) It shall be unlawful for any person to place or confine or allow any animal to be confined in such a manner that it must remain in a motor vehicle, trailer or pet carrier under such conditions for such periods of time as may cause suffering or endanger the health or well-being of the animal due to extreme temperatures or lack of food or water.
- (or) No person shall intentionally or unintentionally cause or allow the breeding of more than one litter per female cat or dog in a twelve-month period.
- ~~(p) Any animal control officer may issue to any person in violation of this section a notice of ordinance violation. The penalty established in subsection (q) of this section may, at the discretion of the animal owner/guardian/colony caretaker, be paid to the city of Bloomington animal care and control department within seventy-two 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.~~
- ~~(q) Persons who violate any provision of this section shall be subject to a fine of fifty dollars for each offense.~~

7.36.060 Specific animal care provisions for animals used for drawing vehicles.

- (a) In addition to the provisions set out in Section 7.36.050, "General animal care," of this chapter, every owner/guardian of an animal used to draw a vehicle for hire within the city shall see that:
 - (1) The animal has adequate flesh and muscle tones;
 - (2) The hooves of the animal are properly trimmed and shod within every eight weeks of work. Acceptable horseshoes for this work are limited to Borium-studded type or polyurethane (plastic), studs optional. Records must be kept for twelve months by the owner/guardian of the dates and the name of the blacksmith who shod the animal;
 - (3) The animal is groomed daily;
 - (4) The animal is not over-ridden, driven, or kept, to result in overheating 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 thirty-

minute rest period. Maximum working period for any one animal shall be ten hours out of every twenty-four hours, and any five out of seven consecutive days;

- (5) No animal may be whipped by a driver with more than a light touch by a light whip or in a manner that causes injury or suffering;
 - (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, saddle, and any other equipment required or in use is properly fitted, in good working order, free of makeshift design, and used so as in no way causes pain or injury to the animal. Twisted wire snaffles, and spurs are not permitted.
- (b) ~~Any animal control officer may issue to any person in violation of this section a notice of ordinance violation. The penalty established in subsection (d) of this section may, at the discretion of the animal owner/guardian, be paid to the city of Bloomington animal care and control department within seventy-two 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.~~
- (c) 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 hours to the animal control commission which shall, upon hearing all evidences, confirm or deny the order of the animal control officer.~~
- (d) ~~Persons who violate any provision of this section shall be subject to a fine of fifty dollars for each offense.~~

7.40 WILD ANIMALS, EXOTIC ANIMALS & PROHIBITED REPTILES

Sections:

7.40.010 Keeping wild or exotic animals.

7.40.020 Exceptions Keeping prohibited reptiles.

7.40.030 Violations.

7.40.010 Keeping wild or exotic animals.

No person shall keep or permit to be kept on his or her premises any wild or exotic animal for any purpose, ~~except as provided in Section 7.40.020 of this chapter.~~ This section shall not be construed to apply to zoological parks, circuses, animal exhibitions, research laboratories, licensed wildlife rehabilitators, or a wildlife educators who is in possession of all necessary federal or state licenses, permits, and/or approvals.

7.40.020 Exceptions Keeping prohibited reptiles.

~~Any person owning a wild animal prior to the enactment of this chapter shall be permitted to continue ownership of the animal; provided, that he registers the animal with the animal control commission within six weeks after enactment of this chapter. A copy of this registration must be kept by the owner/guardian for as long as the person owns the animal as evidence of possession of the animal prior to the enactment of this chapter.~~

No person shall keep or permit to be kept on his or her premises any reptile herein listed for any purpose. This section shall not be construed to apply to zoological parks, circuses, animal exhibitions, research laboratories, licensed wildlife rehabilitators, or licensed educations.

- (a) Any reptile on the federal endangered or threatened species list or on the convention or 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 (12) feet in length;
- (d) All crocodylians, 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.

7.40.030 Violations.

Comment [pmm26]: There are no individuals registered as grandfathered so this section is meaningless.

Comment [pmm27]: The definition of reptiles does not make it clear that these reptiles are prohibited. This is a much more explicit statement of the prohibition.

- (a) ~~Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) of this section may, at the discretion of the animal owner/guardian, be paid to the city of Bloomington animal care and control department within seventy-two 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.~~
- (b) ~~Persons who violate any provision of this section shall be subject to a fine of five hundred dollars for each offense.~~

~~7.42 REPTILES~~

Comment [pmm28]: Staff recommends deleting this entire Chapter. We do not utilize this section. Additionally any pet store is already required to be licensed and inspected under Chapter 7.16.

~~Sections:~~

~~7.42.010 Registration—Pet shops.~~

~~7.42.020 Registration—Others.~~

~~7.42.030 Registration—Changes in harboring address.~~

~~7.42.040 Lost or impounded reptiles.~~

~~7.42.050 Violations.~~

~~7.42.010 Registration—Pet shops.~~

- ~~(a) — Any pet shop intending to harbor, sell, trade, or in any way distribute reptiles within the city must register with the city of Bloomington animal care and control department, in writing, of such intention before any reptiles may be harbored, sold, traded, or distributed.~~
- ~~(b) — Any pet shop harboring, selling, trading or in any way distributing reptiles within the city shall make available for inspection by the city of Bloomington animal care and control department, 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.~~
- ~~(c) — Whenever any pet shop sells, trades or in any way distributes an exotic snake (not native to the United States) within the city, it shall complete a form provided by the city of Bloomington animal care and control department indicating the type of exotic snake, the person taking possession of the snake and the address where the snake will be harbored. There will be no fee for said registration.~~

~~7.42.020 Registration—Others.~~

~~Any person harboring an exotic snake within the city who acquired the snake from any source other than a registered pet shop, must register the snake with the city of Bloomington animal care and control department. Such registration shall consist of the name of the owner/guardian and the address where the snake will be harbored. There will be no fee for said registration.~~

~~7.42.030 Registration—Changes in harboring address.~~

~~It shall be the responsibility of each owner/guardian of an exotic snake to inform the city of Bloomington animal care and control department whenever the address at which a snake is being harbored changes for any reason. These reasons include, but are not limited to: death, loss, sale, transfer, or if the owner/guardian of the snake moves.~~

7.42.040 ~~Lost or impounded reptiles.~~

~~Lost reptiles shall be impounded and released to the registered owner/guardian or disposed of in accordance with Sections 7.32.030 and 7.32.040 of this title; provided, however, that any nonpoisonous species native to Indiana shall be presumed wild and released to a natural habitat.~~

7.42.050 ~~Violations.~~

- ~~(a) Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) of this section may, at the discretion of the animal owner/guardian, be paid to the city of Bloomington animal care and control department within seventy-two 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.~~
- ~~(b) Persons who violate any provision of this section shall be subject to a fine of fifty dollars for each offense.~~

Chapter 7.44 RABIES

Sections:

- 7.44.010 Rabies vaccination required.
- 7.44.020 Animals biting persons.
- 7.44.030 Animals biting animals.
- ~~7.44.050 Euthanization of stray animals.~~
- ~~7.44.060 Violations.~~

7.44.010 Rabies vaccination required.

It is unlawful to own or harbor a dog, cat or ferret over the age of three months without a valid rabies vaccination. Feral cats are excluded from the rabies vaccination requirement.

7.44.020 Animals biting persons.

- (a) If an owned dog, cat or ferret has bitten a person, the animal shall be impounded in the city of Bloomington animal shelter, veterinary hospital, or kennel approved by a city animal control officer, at the animal owner/guardian/colony caretaker's expense. This impoundment shall be for a period of ten days in order to determine whether or not the animal has rabies. If the animal dies during this ten-day period, it shall, at the animal owner/guardian/colony caretaker's expense, be sent to the proper authorities to determine whether or not it was rabid. Other animals which have bitten a person shall be handled in accordance with the current compendium for animal rabies control, with all expenses being the responsibility of the animal's owner/guardian/colony caretaker.
- (b) ~~An owner/guardian reclaiming an impounded bite case animal, having been boarded at the city of Bloomington animal shelter, shall pay a board fee as follows:~~
 - (1) Dog \$10.00 per day
 - (2) Cat or ferret \$5.00 per day
- (c) ~~Persons failing to quarantine an owned animal that has bitten a person shall be subject to a fine, as specified in Section 7.44.060 of this chapter.~~

7.44.030 Animals biting animals.

- (a) If an animal has bitten another domestic pet, and the animal is current on its rabies vaccination, the animal need only be impounded at the discretion of a city animal control officer.
- (b) If an animal has bitten another domestic pet and the animal is not current on its rabies vaccination, the animal shall be quarantined.
- (c) The animal may be impounded in the city of Bloomington animal shelter, veterinary hospital, or kennel approved by a city animal control officer, at the animal owner/guardian's expense. The conditions of the impound shall be the same as in Section 7.44.020 of this chapter.

~~**7.44.050 Euthanization of stray animals.**~~

~~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 five days only. At the end of the five day period, if unclaimed, the animal shall be euthanized, and its brain sent to the Indiana Department of Health Rabies Laboratory for diagnostic tests.~~

~~**7.44.060 Violations.**~~

~~Unless otherwise provided for by state statute, persons who violate any provision of this chapter shall be subject to a fine of up to two hundred dollars for each offense.~~

Chapter 7.48 ADOPTED ANIMALS

Sections:

~~7.48.010 Adoption fees.~~

7.48.0210 Spaying and neutering of adopted animals.

~~7.48.030 Violations.~~

~~7.48.010 Adoption fees.~~

(a) — The fee to adopt any animal shall be as listed in the table found in this section. The adoption fee must be paid prior to the animal being taken to his or her new home.

Domestic Animals

—Dogs and cats under 5 years of age	\$75.00
—Dogs and cats over 5 years of age	\$55.00
—Rabbits and ferrets	\$45.00
—Goats, pigs, horses, etc.	\$20.00

Birds

—Parakeets/Finches	\$10.00
—Lovebirds/Cockatiels	\$20.00

Reptiles

Small Animals

—Guinea pigs	\$5.00
—Mice	\$2.00
—Rats	\$2.00
—Hamster/Gerbils	\$2.00

(b) — In order to help more companion animals find suitable homes, the director of the city of Bloomington animal care and control department has the discretion to raise or lower the adoption fees under the following circumstances:

- (1) — Adoptions of animals which have incurred extraordinary expenses while under the shelter's care;
- (2) — Adoptions of hard to adopt animals or of foster animals by foster parents;
- (3) — Adoptions by breed rescue organizations or transfers to humane associations; or

~~(4) — Adoptions through special promotions or when the kennel is full.~~

~~The director shall inform the animal control commission of any such adjustments at their monthly meeting.~~

7.48.0210 Spaying and neutering of adopted animals.

Any dog, cat, rabbit or ferret adopted from the city of Bloomington animal shelter shall be spayed or neutered by a veterinarian prior to being taken to his or her new home. The city of Bloomington animal care and control department shall assume the cost of the spay or neuter operation. If a veterinarian should determine that the dog, cat, rabbit or ferret is physically unable to undergo such an operation at the current time, the dog, cat, rabbit or ferret is to be neutered or spayed as soon as the veterinarian determines it is able.

7.48.030 Violations.

- ~~(a) — Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) of this section may, at the discretion of the animal owner/guardian, be paid to the city of Bloomington animal care and control department within seventy-two 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.~~
- ~~(b) — Persons who violate any provision of this section shall be subject to a fine of two hundred dollars for each offense.~~

Chapter 7.52 GENERAL PROVISIONS

Sections:

~~7.52.010 Disposition of funds.~~

~~7.52.020 Animal census.~~

7.52.0310 Conflicting ordinances.

7.52.03520 Maximum fines.

7.52.0430 Severability clause.

7.52.0540 Animal shelter.

7.52.0650 Interference with animal control officer - Penalty.

~~7.52.010 Disposition of funds.~~

~~All fees or moneys shall be paid to the city of Bloomington controller, the city of Bloomington legal department, the city of Bloomington animal care and control department or agents designated by the animal control commission. Money so paid shall be transmitted to the city of Bloomington controller and shall be used in carrying out the provisions of this title.~~

Comment [pmm29]: Move to fee chapter, Chapter 7.54.

~~7.52.020 Animal census.~~

~~Upon enactment of the ordinance codified in this title, the city of Bloomington, at the direction of the mayor, with the approval of the common council, may instigate and carry out a city wide census for the purpose of carrying out the provisions of this title. A census may be held once every two years thereafter at the request of the mayor and common council. The animal control commission shall administer the census.~~

Comment [pmm30]: We don't do this, never have, and have no mechanism to do so.

7.52.0310 Conflicting ordinances.

All other ordinances of the city of Bloomington that are in conflict with this title are repealed to the extent of such conflict.

7.52.03520 Maximum fines.

No fine for a single violation of the provisions of this title shall exceed two thousand five hundred dollars pursuant to Indiana Code 36-1-3-8(a)(10)(B). Fines for second and subsequent offenses shall not exceed seven thousand five hundred dollars pursuant to Indiana Code 36-1-3-8(a)(10)(B).

Comment [pmm31]: Indiana statute allows for higher maximum fines for second offenses.

7.52.0430 Severability clause.

If any part of this title shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this title.

7.52.0540 Animal shelter.

The physical facility known as the city of Bloomington animal shelter shall be under the administrative control of the department of public works and shall constitute a division of the department. The ~~senior animal control officer~~ Director of Animal Care and Control and animal control commission shall retain all powers and duties conferred by this title for the detailed supervision of matters relating to animal control. It is the intent of this title that the animal control commission be an advisory body to formulate, adopt and implement policies, principles and standards for humane treatment and control of all animals in the city.

7.52.0650 Interference with animal control officer - Penalty.

Whoever forcibly assaults, resists, opposes, obstructs, prevents, impedes or interferes with any animal control officer while that officer is engaged in the execution of any duties required of animal control officers ~~under~~ violates this title shall be fined not more than one thousand dollars per occurrence.

Chapter 7.54 MISCELLANEOUS FEES

Sections:

- 7.54.010 Surrender fees.
- 7.54.020 Incinerator fee.
- 7.54.030 Commercial animal establishment permit fees.
- 7.54.040 Kennel permit fees.
- 7.54.050 Intact animal and litter permit fees.
- 7.54.060 Impounded animal fees.
- 7.54.070 Rabies boarding fees.
- 7.54.080 Adoption fees.
- 7.54.090 Potentially dangerous and vicious animal monitoring fees.
- 7.54.100 Prorating of fees.
- 7.54.110 Fee waiver.
- 7.54.120 Disposition of fees.

7.54.010 Surrender fees.

- (a) The fee charged to a resident of any county other than Monroe County who surrenders an animal(s) to the City of Bloomington Animal Shelter shall be as listed in the table below.

Dogs and cats over six months of age	\$20.00
Litters of puppies or kittens with five or fewer animals, all of which are younger than six months of age	\$25.00
Litters of puppies or kittens with more than five animals, all of which are younger than six months of age	\$35.00
Animals other than dogs and cats	\$10.00

- (b) If an animal over six months of age is surrendered with a litter, both the twenty-dollar adult fee and the litter fee shall be charged.
- (c) Surrender fees may be waived at the discretion of the director of the animal care and control department, or his/her designee(s), provided the director believes waiver of the surrender fee is in the best interests of the animal(s) being surrendered.

7.54.020 Incinerator fee.

The fee to use the City of Bloomington Animal Shelter incinerator shall be fifteen cents per pound. The Monroe County Highway Department is exempt from paying this fee.

7.54.030 Commercial animal establishment permit fees.

Comment [pmm32]: Fees themselves have not be changed. All that changed is the location in the code (formerly located at 7.16.060).

(a) Fees for commercial animal establishment permits shall be as follows:

(1) For each riding school or stable	\$100.00
(2) For each auction	\$500.00
(3) For each zoological park	\$500.00
(4) For each circus or animal exhibition—transient	\$1,000.00 per day
(5) For each animal exhibition—permanent	\$500.00 per year
(6) For each minor pet shop	\$250.00
(7) For each major pet shop	\$500.00
(8) For each nonmunicipal animal shelter/sanctuary	\$0.00 private/ \$0.00 nonprofit

(b) No fee shall be required of any municipal animal shelter, research laboratory, or government-operated zoological park.

7.54.040 Kennel permit fees.

Comment [pmm33]: Fees themselves have not be changed. All that changed is the location in the code (formerly located at 7.21.070).

(a) The fee for noncommercial kennel permits shall be:

- (1) 5—8 altered dogs: \$25.00;
- (2) 9—12 altered dogs: \$50.00;
- (3) 13—16 altered dogs: \$75.00;
- (4) 17—19 altered dogs: \$100.00;
- (5) 7—11 altered cats: \$25.00;
- (6) 12—16 altered cats: \$50.00; and
- (7) 17—19 altered cats: \$75.00.

(b) The fee for commercial kennel permits shall be:

- (1) Class B, boarding:
 - (A) 1—25 kennels: \$100.00;
 - (B) 26—50 kennels: \$250.00; and
 - (C) Additional kennels in increments of 25: \$200.00 per increment of twenty-five.

- (2) Class C, training: \$75.00; and
- (3) Class D, grooming: \$50.00.
- (c) No fee shall be required of any veterinary hospital or municipal animal shelter, research laboratory or government-operated zoological park.
- (d) Persons whose establishments operate under more than one class, as defined by this chapter, shall be required to apply for a permit for each applicable.

7.54.050 Intact animal and litter permit fees.

- (a) Fees for intact animal permits shall be:
 - (1) 1—2 unaltered animals: \$50.00;
 - (2) 3—6 unaltered animals: \$100.00;
 - (3) 7—10 unaltered animals: \$150.00;
 - (4) 11—14 unaltered animals: \$200.00; and
 - (5) 15—19 unaltered animals: \$250.00.
- (b) Fees for litter permits shall be:
 - (1) First litter in a twelve-month period: \$100.00; and
 - (2) Additional litters: \$150.00/litter.

Comment [pmm34]: Fees themselves have not been changed. All that changed is the location in the code (formerly located at 7.22.060).

7.54.060 Impounded animal fees.

An owner/guardian reclaiming an impounded animal shall pay a board fee as follows, in addition to a fee of seven dollars for vaccinations of reclaimed cats and dogs:

(1) Dog, impounded for 1-5 days	\$10.00 per day
(2) Dog, impounded for 6 or more days	\$20.00 per day
(3) Cat or ferret, impounded for 1-5 days	\$5.00 per day
(4) Cat or ferret, impounded for 6 or more days	\$10.00 per day
(5) Horses, goats, pigs, poultry	\$10.00 per day
(6) Other animals	\$5.00 per day

Comment [pmm35]: Fees themselves have not been changed. All that changed is the location in the code (formerly located at 7.32.040).

7.54.070 Rabies boarding fees.

An owner/guardian reclaiming an impounded bite case animal, having been boarded at the city of Bloomington animal shelter, shall pay a board fee as follows:

(1) Dog	\$10.00 per day
(2) Cat or ferret	\$5.00 per day

Comment [pmm36]: Fees themselves have not be changed. All that changed is the location in the code (formerly located at 7.44.020(b)).

7.54.080 Adoption fees.

The fee to adopt any animal shall be as listed in the table found in this section. The adoption fee must be paid prior to the animal being taken to his or her new home.

Domestic Animals

Dogs and cats under 5 years of age	\$75.00
Dogs and cats over 5 years of age	\$55.00
Rabbits and ferrets	\$45.00
Goats, pigs, horses, etc.	\$20.00

Birds

Parakeets/Finches	\$10.00
Lovebirds/Cockatiels	\$20.00

Reptiles

\$20.00

Small Animals

Guinea pigs	\$5.00
Mice	\$2.00
Rats	\$2.00
Hamster/Gerbils	\$2.00

Comment [pmm37]: Fees themselves have not be changed. All that changed is the location in the code (formerly located at 7.44.020(b)).

7.54.090 Potentially dangerous and vicious animal monitoring fee.

The fee for monitoring any Level 3 potentially dangerous dog or vicious dog shall be twenty-five dollars (\$25.00) per calendar year.

Comment [pmm38]: Completely new fee.

7.54.100 Prorating fees.

Applicants requiring any of the permits described in this Chapter during the year shall pay a prorated fee for the remaining portion of the year.

Comment [pmm39]: This is language taken from the permit fee sections of other portions of the current code.

7.54.110 Fee waiver.

- (a) In order to help more companion animals find suitable homes, the director of the city of Bloomington animal care and control department has the discretion to raise, or lower or waive the adoption fees described in Section 7.54.080 under the following circumstances:
 - (1) Adoptions of animals which have incurred extraordinary expenses while under the shelter's care;
 - (2) Adoptions of hard-to-adopt animals or of foster animals by foster parents;
 - (3) Adoptions by breed rescue organizations or transfers to humane associations; or
 - (4) Adoptions through special promotions or when the kennel is full.
- (b) The Director of the City of Bloomington Animal Care and Control Department has the discretion to raise, lower or waive any of the permit fees described in this Chapter shall he or she deem such an action to be in the best interests of the City or its citizens.
- (c) The director shall inform the animal control commission of any such adjustments at their monthly meeting.

Comment [pmm40]: Generally this is taken directly from the current Section 7.48.010.

Comment [pmm41]: Add in language that allows adoptions at no cost if the City so desires.

Comment [pmm42]: Allows the Director to waive permit fees, for example if the City sponsors an event and wants the fee to be waived (like an animal exhibition at the Holiday Market).

Comment [pmm43]: Taken directly from the current Section 7.52.010. Gave departments authority to decide who can collect fees and fines.

7.54.120 Disposition of funds.

All fees or moneys shall be paid to the city of Bloomington controller, the city of Bloomington legal department, the city of Bloomington animal care and control department or agents designated by the ~~animal control commission~~ either of the three Departments. Money so paid shall be transmitted to the city of Bloomington controller and shall be used in carrying out the provisions of this title.

Chapter 7.56 ENFORCEMENT, PENALTIES AND APPEALS

Comment [pmm44]: This is a new chapter. It takes all the enforcement provisions spread out throughout the current version of the ordinance and combines them into one place. I believe the fines are the same. This is more detailed and is more in line with how we are structuring other Titles in the municipal code.

Sections:

Section 7.56.010 Authority.

Section 7.56.020 Violations.

Section 7.56.030 Penalties.

Section 7.56.040 Enforcement procedure.

Section 7.56.050 Revocation of permits.

Section 7.56.060 Habitual offender.

Section 7.56.070 Appeals.

Section 7.56.010 Authority.

The Director of the Animal Care and Control Department, or his or her designees, are the designated enforcement officials with full authority to investigate, conduct inspections, issue notices of violation, and secure remedies, including but not limited to fines and injunctive relief for any violation of this Title.

Section 7.56.020 Violations.

- (a) For purposes of this Title, a violation shall be defined as a violation or failure to comply with:
 - (1) Any provision or requirement of this Title; or
 - (2) Any condition or requirement established or issued by the Animal Control Commission.
- (b) Any violation, as defined in Section 7.56.020(a) above, shall be subject to the penalties provided in Chapter 7.56, and the City shall have recourse to any remedy available in law or equity.
- (c) Each day that a violation continues shall be considered a separate violation for purposes of the penalties specified in Chapter 7.56. A violation continues to exist until corrected and verified by the Director of the Animal Care and Control Department, or his or her designees. Correction includes, but is not limited to:
 - (1) Cessation of an unlawful practice;
 - (2) Remediation of a violation;
 - (3) Payment of fees or fines; or
 - (4) Other remedy acceptable to the City.

- (d) For purposes of issuing penalties and fines in accordance with this Chapter, the following persons shall be considered responsible parties, with liability for fines and responsibility for the remediation of the violation:
 - (1) Owner of animal;
 - (2) Guardian of animal; or
 - (3) Keeper of animal.
- (e) Colony caretakers shall not be subject to penalties and fines under this Chapter.
- (f) The City Legal Department may institute appropriate action to impose and collect fines, fees and/or other penalties; to enforce or defend any action taken pursuant to this Title; and to prevent, enjoin, abate, remove or correct any violation of or noncompliance of this Title.

7.56.030 Penalties.

- (a) Any first offense violation that is subject to Chapter 7.56 shall be subject to a civil penalty of not more than two thousand five hundred dollars (\$2,500.00) for each such violation for a first violation, and any second or subsequent violation that is subject to Chapter 7.56 shall be subject to a civil penalty of not more than seven thousand five hundred dollars (\$7,500.00) for each such second or subsequent violation. These financial penalties are in addition to any and all other remedies available to the City, except where a lesser fine is specified herein.
- (b) The following violations of this Title shall be subject to the fines listed in the below table.

Falsification of Application for a Commercial Animal Establishment Permit	Triple the applicable permit fee for first offense. Second and subsequent offenses within twelve consecutive months of the first offense shall be double the fine associated with the most prior offense.
Commercial Animal Establishment's Violation of Animal Care Standards in Section 7.16.040	Triple the applicable permit fee for first offense. Second and subsequent offenses within twelve consecutive months of the first offense shall be double the fine associated with the most prior offense.
Commercial Animal Establishment's Violation of Chapter 7.16	Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most prior offense.
Operation of a Commercial Animal Establishment without a Permit	\$2,500.00 for the first offense. \$5,000.00 for a second offense in a two year period.

	\$7,500.00 for a third and all subsequent offenses in a two year period.
Falsification of Application for a Kennel Permit	Triple the applicable permit fee for first offense. Second and subsequent offenses within twelve consecutive months of the first offense shall be double the fine associated with the most prior offense.
Kennel Permittee's Violation of Animal Care Standards in Section 7.21.040; 7.21.050; or 7.21.057.	Triple the applicable permit fee for first offense. Second and subsequent offenses within twelve consecutive months of the first offense shall be double the fine associated with the most prior offense.
Kennel Permittee's Violation of Chapter 7.21	Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most prior offense.
Operation of a Kennel without a Permit	\$2,500.00 for the first offense. \$5,000.00 for a second offense in a two year period. \$7,500.00 for a third and all subsequent offenses in a two year period.
Falsification of Application for a Breeder Permit	Triple the applicable permit fee for first offense. Second and subsequent offenses shall be double the fine associated with the most prior offense.
Breeder Permittee's Violation of Consumer Protection Requirements in Section 7.22.035	Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most prior offense.
Breeder Permittee's Violation of Chapter 7.22	Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most prior offense.
Breeding without a Permit	Double the applicable permit fee for first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most prior offense.
Failure to Restrain an Altered Animal	\$20.00 for the first offense. Second and subsequent offenses within twelve months of

	the first offense shall be double the fine associated with the most prior offense.
Failure to Restrain an Unaltered Animal	\$100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most prior offense, unless the owner has the animal altered, in which case the fine shall be that which is associated with restraint on an altered animal.
Allowing an animal to be a public nuisance	\$50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most prior offense.
Giving animals as prizes	\$100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most prior offense.
Poisoning animals	\$2,500.00 for the first offense. \$5,000.00 for a second offense in a two year period. \$7,500.00 for a third and all subsequent offenses in a two year period.
Cruelty, abuse or neglect of an animal resulting in serious injury or death to the animal	\$2,500.00 for the first offense. \$5,000.00 for a second offense in a two year period. \$7,500.00 for a third and all subsequent offenses in a two year period.
Torturing, beating, mutilating or neglecting an animal which result in injury or pain to the animal	\$1,500.00 for the first offense. \$3,000.00 for a second offense in a two year period. \$6,000.00 for a third offense in a two year period. \$7,500.00 for a fourth and all subsequent offenses in a two year period.
Failure to report hitting a dog or cat with a motor vehicle	\$50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most prior offense.
Using a device to induce an animal to perform	\$2,500.00 for the first offense. \$5,000.00 for a second offense in a two year period. \$7,500.00 for a third and all subsequent offenses in a two year period.
Violations of General Animal Care Standards in Section 7.36.050	\$50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most prior offense.

Violations of Provisions for Animals Used to Draw Vehicles in Section 7.36.060	\$50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most prior offense.
Abandonment of Animal	\$2,500.00 for the first offense. \$5,000.00 for a second offense in a two year period. \$7,500.00 for a third and all subsequent offenses in a two year period.
Wild Animal Violations in Chapter 7.40	\$500.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most prior offense.
Reptile Violations in Chapter 7.42	\$50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most prior offense.
Failure to Vaccinate an Animal Against Rabies	\$200.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most prior offense.
Failure to Quarantine an Animal in Accordance with Section 7.44.020	\$200.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most prior offense.
Failure to restrain a female in heat	\$100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most prior offense.
Failure to restrain a potentially dangerous or vicious animal.	\$100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most prior offense.
Failure to post warning signs for a potentially dangerous or vicious animal.	\$50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most prior offense.
Failure to notify City of Bloomington Animal Care and Control Department of a change in status for a potentially dangerous or vicious animal.	\$50.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most prior offense.
Failure to prevent potentially dangerous or	\$100.00 for the first offense. Second and subsequent offenses within twelve months of

vicious animal from breeding.	the first offense shall be double the fine associated with the most prior offense.
Failure to alter potentially dangerous or vicious animal in accordance with this Title.	\$100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most prior offense.
Failure to comply with a provision of Chapter 7.26 not specifically addressed in this Table.	\$100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most prior offense.
Failure to comply with an Order of the Animal Control Commission.	\$100.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most prior offense.
Habitual offender.	\$200.00 for the first offense. Second and subsequent offenses within twelve months of the first offense shall be double the fine associated with the most prior offense.

- (c) Any of the above-described fines can be waived at the discretion of the Director of the Animal Care and Control Department, or his or her designees, or by the City's Legal Department.

7.56.040 Enforcement procedure.

- (a) If the Director of the City's Animal Care and Control Department, or his or her designees, finds that any violation of this Title is occurring, or has occurred, notice shall be given to the responsible party. For purposes of issuing a notice, the following persons may be considered responsible parties, with liability for fines and responsibility for remediation of the violation:
- (1) The owner of the animal;
 - (2) The guardian of the animal; and/or
 - (3) The keeper of the animal.
- (b) The notice shall be in writing and shall be served on the responsible parties and shall be in accordance with all of the following:
- (1) Include a description of the animal;
 - (2) Include a statement of the violation(s) and why the notice is being issued;
 - (3) Include any fines; and
 - (4) Inform the responsible party of his or her right to an appeal.

- (c) The notice shall be deemed properly served if a copy thereof is:
 - (1) Delivered personally;
 - (2) Mailed via first-class mail, postage prepaid; or
 - (3) Posted on the responsible party's last known residence.
- (d) In addition to issuing a notice and fines, the Director of the City's Animal Care and Control Department, or his or her designee, may ask the Animal Control Commission to revoke any permits issued under this Title.
- (e) In addition to issuing a notice and fines, any animal which is found to be a stray or at-large animal for a second time within the same twelve-month period is required to be:
 - (1) Implanted with a microchip by the City of Bloomington Animal Care and Control Department at the owner/guardian's expense for the purpose of future identification; and
 - (2) Spayed or neutered by a licensed veterinarian at the owner/guardian's expense prior.
 - (3) If the animal has been impounded at the City Animal Shelter it shall be implanted with a microchip and spayed or neutered prior to being released to its owner/guardian.
 - (4) If the animal has not been impounded at the City Animal Shelter it shall be implanted with a microchip and spayed or neutered within thirty days of its owner/guardian receiving notice that such actions are required. Proof of the implantation and spaying or neutering shall be provided to the City Shelter within the same thirty day period.

Comment [pmm45]: This section allows for us to mandate the microchip and alteration for animals that are impounded and animals that are not impounded.

7.56.050 Revocation of permits.

- (a) The Director of the City's Animal Care and Control Department may ask the Animal Control Commission to revoke any permit issued under this Title if the permit holder is found to have violated this Title or any other applicable law or ordinance, or ceases to possess the qualifications required for permitting hereunder, or has made a false material statement in the application, or otherwise becomes disqualified for the issuance of a permit under this Title.
- (b) The Animal Control Commission shall schedule a hearing on the Director's revocation 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 permit holder 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 Control Commission shall consider all evidence and upon conclusion of hearing said evidence, the Commission shall either revoke the permit or allow the permit to remain in place.
- (e) The Commission shall issue findings of fact to support its ruling.

- (f) The findings of fact shall be given to the permit holder, or his or her legal counsel, by certified mail, return receipt requested, addressed to the permit holder's address, or his or her legal counsel's address. Immediately upon the mailing of the Commission's findings of fact, the permit shall be come null and void. Concurrently, the Director shall notify the permit holder of the revocation in person or by phone.

7.56.060 Habitual Offender.

Comment [pmm46]: New habitual offender section.

- (a) The Director of the City's Animal Care and Control Department may ask the Animal Control Commission to declare an owner/guardian a habitual offender in two instances:
 - (1) If the owner/guardian is found to have violated any provision(s) of this Title on at least three separate occasions within the same twenty-four month period of time; or
 - (2) If the owner/guardian of an animal which has been declared potentially dangerous or vicious fails to comply with the terms and conditions required by this Title and the Animal Control Commission for maintaining such an animal.
- (b) The Animal Control Commission shall schedule a hearing on the Director'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/guardian 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 Control Commission shall consider all evidence and upon conclusion of hearing said evidence, the Commission shall either declare the owner/guardian a habitual offender or not make any such declaration.
- (e) The Commission shall issue findings of fact to support its ruling.
- (f) The findings of fact shall be given to the owner/guardian, or his or her legal counsel, by certified mail, return receipt requested, addressed to the owner/guardian's address, or his or her legal counsel's address. Immediately upon the mailing of the Commission's findings of fact, the owner/guardian shall be declared to be a habitual offender. Concurrently, the Director shall notify the owner/guardian of the declaration in person or by phone.
- (g) In declaring an owner/guardian to be a habitual offender, the Animal Control Commission has the authority to take any or all of the following actions and issue the following orders:
 - (1) Fine the owner/guardian in accordance with Section 7.56.030(b);
 - (2) Prohibit the owner/guardian from acquiring any new animals for a period of time, said time period not to exceed three years.

- (3) Void the owner/guardian's ownership of the relevant animal(s) and allow the City's Animal Care and Control Department to take possession and ownership of said animal(s), knowing the Department may euthanize or adopt the animal(s) as appropriate.
- (4) Require the owner/guardian to take steps to rectify whatever problem(s) has causes 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.

7.56.070 Appeals.

- (a) Any person directly affected by a decision of the Director of Animal Care and Control, or his or her designees, or any animal control officer, or by a notice issued under this Title shall have the right to appeal to the Animal Control Commission.
 - (1) All appeals shall be filed in writing.
 - (2) All appeals shall be delivered to the City's Animal Shelter.
 - (3) All appeals shall be filed within ten (10) calendar days of the decision or notice being rendered.
- (b) Fines levied for violations of this Title may not be appealed to the Animal Control Commission, they may only be challenged in the Monroe County Circuit Court, and that challenge must be filed within ten (10) days of the fine being levied.
- (c) Appeals of any decision rendered by the Animal Control 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.