

Passed 9-0

**ORDINANCE 15-04**

**TO AMEND TITLE 7 OF THE BLOOMINGTON MUNICIPAL CODE  
ENTITLED "ANIMALS"**

**Re: Making Various Housekeeping Changes, Creating Three Classifications of "Potentially Dangerous" Animals, Adding New Disclosure Requirements, Putting Additional Restrictions on the Practice of Tethering, Adding New Anti-Cruelty Provisions, Creating a New Violation of "Habitual Offender," and Other Changes**

WHEREAS, Title 7 of the Bloomington Municipal Code sets forth provisions regarding the care and control of animals through the Animal Care and Control Department for the City of Bloomington; and

WHEREAS, staff for the Animal Care and Control Department, in conjunction with the Animal Care and Control Commission has reviewed the current Title 7 regulations and determined that certain changes and updates are necessary in order for the City to continue to provide effective and humane treatment for animals, pet owners and the overall public; and

WHEREAS, it is in the best interest of the community as a whole and of the animals who reside here for the City of Bloomington to update its standards for the humane treatment of animals, reduce pet overpopulation and the public burden, and clarify codes as needed;

WHEREAS, the Animal Care and Control Commission sought public comment on this Ordinance proposal at a meeting which occurred on December 16, 2014; and

WHEREAS, the Animal Care and Control Commission unanimously supported this Ordinance at its meeting on December 16, 2014;

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA THAT:

Provisions regarding existing Chapter 7.01 Definitions

SECTION 1. Section 7.01.010, entitled "Definition of terms", shall be amended by deleting the word "animal" after the words "Abandoned", "Altered" and "At large".

SECTION 2. Section 7.01.010, entitled "Definition of terms", shall be amended by deleting the word "Auctions" and replacing it with the word "Auction".

SECTION 3. Section 7.01.010, entitled "Definition of terms", shall be amended by adding the word "Department" after the word "Control" in the definition of "Chicken flock".

SECTION 4. Section 7.01.010, entitled "Definition of terms", shall be amended by deleting subsection (d) found in the definition of "Chicken flock" in its entirety and replacing it with the following:

- (d) Reside in an area zoned estate residential (RE), 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.

SECTION 5. Section 7.01.010, entitled "Definition of terms", shall be amended by adding a new subsection (12), subsection (13) and subsection (14) to the definition of the word "Domestic pet".

- (12) Sugar glider (*Petaurus breviceps*);
- (13) African Pygmy Hedgehogs (*Erinaceus europaeus*); or
- (14) Degu (*Octodon Degus*).

SECTION 6. Section 7.01.010, entitled "Definition of terms", shall be amended by adding the words "or her" after the word "his", located in the definition of the term "Harboring".

SECTION 7. Section 7.01.010, entitled "Definition of terms", shall be amended by deleting the defined term "Potentially dangerous" in its entirety and replacing it with the following:

"Potentially dangerous, Level 1" means any:

- (1) 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 or the animal are off of property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal; or
- (2) 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.

SECTION 8. Section 7.01.010, entitled "Definition of terms", shall be amended by adding a new defined term, "Potentially dangerous, Level 2", which shall read as follows:

"Potentially dangerous, Level 2" means any 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.

SECTION 9. Section 7.01.010, entitled "Definition of terms", shall be amended by adding a new defined term, "Potentially dangerous, Level 3", which shall read as follows:

"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.

SECTION 10. Section 7.01.010, entitled "Definition of terms", shall be amended by deleting the words "or animals" in the defined term "Public nuisance".

SECTION 11. Section 7.01.010, entitled "Definition of terms", shall be amended by adding the words "persons or" after the word "Attack", in the defined term "Public nuisance."

SECTION 12. Section 7.01.010, entitled "Definition of terms", shall be amended by deleting the defined term "Reptile" in its entirety and replacing it with the following:

"Reptile" means any air-breathing vertebrate of the class Reptilia.

SECTION 13. Section 7.01.010, entitled "Definition of terms", shall be amended by adding the words "or keeper" after the word "owner/guardian" in the defined term "Restraint".

SECTION 14. Section 7.01.010, entitled "Definition of terms", shall be amended by deleting the defined term "Vicious animal" in its entirety and replacing it with the following:

"Vicious animal" means any animal which, when unprovoked, in an aggressive manner 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.

Provisions regarding existing Chapter 7.16 Commercial Animal Establishment Permits

SECTION 15. Section 7.16.010, entitled "Permits - General", shall be amended by deleting the word "shelter" and replacing it with the words "care and control department".

SECTION 16. Section 7.16.020, entitled "Inspections of animals and premises authorized", shall be amended by deleting the word "senior" or the words "senior animal control officer" and replacing said word(s) with the following words "Director of Animal Care and Control".

SECTION 17. Section 7.16.030, entitled "Obtaining a permit", shall be amended by adding the phrase "or ever cited for or convicted of a local unit of government's animal control or care ordinances" after the word "animals" in subsection (a)(1).

SECTION 18. Section 7.16.030, entitled "Obtaining a permit", shall be amended by deleting the phrase "the regulations promulgated under authority of Section 17.08.020 of this code" in its entirety subsection (a)(2) and replacing it with the following:

"all building and zoning code requirements promulgated by the State of Indiana, Monroe County, and/or the City of Bloomington"

SECTION 19. Section 7.16.030, entitled "Obtaining a permit", shall be amended by deleting the word "senior" in subsection (a)(3) and replacing it with the following words "Director of Animal Care and Control".

SECTION 20. Section 7.16.040, entitled "Standards for commercial animal establishments" shall be amended by deleting the word "public" in subsection (a).

SECTION 21. Section 7.16.050, entitled "Commercial animal establishment permit period", shall be amended by deleting the second sentence of the section in its entirety.

SECTION 22. Section 7.16.060, entitled "Fees", shall be deleted in its entirety, with all remaining sections being renumbered accordingly, and with the table of contents for the Chapter being updated accordingly..

SECTION 23. Section 7.16.080, entitled "Violations", shall be deleted in its entirety, with the table of contents for the Chapter being updated accordingly.

Provisions regarding existing Chapter 7.21 Kennel Permits

SECTION 24. Section 7.21.005, entitled "General requirements", shall be amended by adding a new subsection (b), which shall read as follows:

(b) Service dogs shall not be counted towards the nineteen (19) maximum noted in the above subsection (a).

SECTION 25. Section 7.21.020, entitled "Obtaining noncommercial kennel permits", shall be amended by adding the following phrase "or ever cited for or convicted of a local unit of government's animal control or care ordinances" at then end of subsection (a)(3).

SECTION 26. Section 7.21.025, entitled "Obtaining commercial kennel permits", shall be amended by adding the following phrase "or ever cited for or convicted of a local unit of government's animal control or care ordinances" at the end of subsection (a)(2).

SECTION 27. Section 7.21.028, entitled "Obtaining a permit for chicken flocks", shall be amended by adding the following phrase "or ever cited for or convicted of a local unit of government's animal control or care ordinances" at the end of subsection (a)(1)(D).

SECTION 28. Section 7.21.028, entitled "Obtaining a permit for chicken flocks", shall be amended by deleting the word "senior" in subsections (a)(6) and (7) and replacing it with the words "Director of Animal Care and Control".

SECTION 29. Section 7.21.030, entitled "Inspection", shall be amended by deleting the word "senior" and the words "senior animal control officer" and replacing said word(s) with "Director of Animal Care and Control".

SECTION 30. Section 7.21.060, entitled "Kennel permit periods", shall be amended by deleting the second sentence in subsection (b) in its entirety.

SECTION 31. Section 7.21.060, entitled "Kennel permit periods", shall be amended by deleting subsection (c) in its entirety, and re-lettering the remaining subsections accordingly.

SECTION 32. Section 7.21.070, entitled "Fees", shall be deleted in its entirety, and renumbering the remaining sections accordingly, and the table of contents for the Chapter shall be updated accordingly.

SECTION 33. Section 7.21.090, entitled "Violations", shall be deleted in its entirety, and the table of contents for the Chapter shall be updated accordingly.

#### Provisions regarding existing Chapter 7.22 Breeders

SECTION 34. Section 7.22.030, entitled "Obtaining Permits", shall be amended by adding the following phrase "or ever cited for or convicted of a local unit of government's animal control or care ordinances" at the end of subsection (a)(2).

SECTION 35. Section 7.22.040, entitled "Inspection", shall be amended by deleting the word "senior" and the words "senior animal control officer" and replacing said word(s) with "Director of Animal Care and Control".

SECTION 36. Section 7.22.050, entitled "Permit periods", shall be deleted in its entirety and subsequent sections shall be renumbered and the table of contents for the Chapter updated accordingly.

SECTION 37. Section 7.22.060, entitled "Fees", shall be amended by deleting it in its entirety, and renumbering the remaining sections accordingly, with the table of contents for the Chapter being updated accordingly.

SECTION 38. Section 7.22.080, entitled "Violations", shall be amended by deleting it in its entirety, with the table of contents for the Chapter being updated accordingly.

#### Provisions regarding existing Chapter 7.23 Feral Cats

SECTION 39. Section 7.23.010, entitled "General requirements", shall be amended by deleting subsection (c) in its entirety.

SECTION 40. Section 7.23.030, entitled "Colony caretaker responsibilities", shall be amended by adding the following phrase "or ever cited for or convicted of a local unit of government's animal control or care ordinances" at the end of subsection (b).

#### Provisions regarding existing Chapter 7.24 Restraint

SECTION 41. Section 7.24.030, entitled "Vicious Animals", shall be deleted in its entirety, with the table of contents for the Chapter being updated accordingly.

SECTION 42. Section 7.24.040, entitled "Violations", shall be deleted in its entirety, with the table of contents for the chapter being updated accordingly.

Provisions regarding new Chapter 7.26 Potentially Dangerous and Vicious Animals

SECTION 43. A new chapter shall be added to Title 4 entitled "Chapter 7.26 Potentially Dangerous and Vicious Animals" which shall be listed as such in the Table of Contents for the Title and shall read as follows:

**7.26 POTENTIALLY DANGEROUS AND VICIOUS ANIMALS**

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.

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.

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 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.

### Provisions regarding existing Chapter 7.28 Nuisance

SECTION 44. Section 7.28.010, entitled "Public nuisance prohibited", shall be amended by adding the words "or her" after the word "his".

SECTION 45. Section 7.28.020, entitled "Violations", shall be deleted in its entirety, with the table of contents for the Chapter being updated accordingly.

### Provisions regarding existing Chapter 7.32 Impoundment

SECTION 46. Section 7.32.020, entitled "Jurisdiction of animal control officer for impoundment", shall be amended by deleting the Section and the Section header in their entirety and replacing both with the following and by changing the table of contents for the Chapter accordingly. This section shall now read as follows:

#### 7.32.020 Jurisdiction of animal care and control officer for impoundment.

The jurisdiction of animal care and control officers for purposes of enforcing this chapter shall include the municipality of Bloomington itself.

SECTION 47. Section 7.32.030, entitled "Notice of impoundment", shall be amended by deleting the words "senior animal control officer" as those words appear throughout the section and replacing them with the words "Director of Animal Care and Control".

SECTION 48. Section 7.32.030, entitled "Notice of impoundment", shall be amended by adding the words "in-person or" immediately before the word "by" in subsection (a) of the Section.



SECTION 49. Section 7.32.040, entitled "Impounded animals - Reclamation", shall be deleted in its entirety and replaced with the following:

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.

Provisions regarding existing Chapter 7.36 Animal Care

SECTION 50. Section 7.36.010, entitled "Giving animals as prizes", shall be amended by deleting subsections (c) and (d) in their entirety.

SECTION 51. Section 7.36.020, entitled "Poisoning animals", shall be amended by adding the words "or her" after the word "his"; and shall be further amended by deleting the last sentence of the Section in its entirety.

SECTION 52. Section 7.36.025, entitled "Cruelty, abuse and neglect of animals", shall be amended by deleting the Section in its entirety and replacing it with the following:

- (a) No person shall torture, beat, mutilate or neglect an animal resulting in serious injury or death to the animal.
- (b) No person shall torture, beat, mutilate or neglect an animal resulting in injury or pain to the animal.

SECTION 53. Section 7.36.030, entitled "Motor vehicle accidents involving animals", shall be amended by deleting the last sentence of the Section in its entirety.

SECTION 54. Section 7.36.040, entitled "Use of devices to induce performance", shall be amended by adding the words "permanent or transient" immediately after the word "no"; and shall be further amended by deleting the last sentence of the Section in its entirety.

SECTION 55. Section 7.36.050, entitled "General animal care", shall be amended by adding the words "or her" immediately after the word "his" in subsection (a).

SECTION 56. Section 7.36.050, entitled "General animal care", shall be amended by inserting the following new subsections, to be labeled as (j), (k), and (l) and re-lettering all remaining subsections accordingly. The new subsections (j), (k), and (l) shall read as follows:

- (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.

SECTION 57. Section 7.36.050, entitled "General animal care", shall be amended by deleting subsections (p) and (q) in their entirety.

SECTION 58. Section 7.36.060, entitled "Specific animal care provisions for animals used for drawing vehicles", shall be amended by deleting subsections (b) and (d) in their entirety and re-lettering all relevant subsections accordingly.

Provisions regarding existing Chapter 7.40 Wild Animals

SECTION 59. Chapter 7.40, entitled "Wild Animals," shall be deleted in its entirety and replaced with a new Chapter 7.40, entitled "Wild Animals, Exotic Animals & Prohibited Reptiles," which shall be listed as such in the Table of Contents for the Title and shall read as follows:

7.40 WILD ANIMALS, EXOTIC ANIMALS & PROHIBITED REPTILES

Sections:

7.40.010 Keeping wild or exotic animals.

7.40.020 Keeping prohibited reptiles.

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. 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 Keeping prohibited reptiles.

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 crocodilians, including alligators, caimans, and crocodiles;
- (e) Monitor lizards;
- (f) Anacondas;
- (g) Any reptile of a species native to Indiana; or
- (h) Any reptile protected by state or federal law.

Provisions regarding existing Chapter 7.42 Reptiles

SECTION 60. Chapter 7.42, entitled "Reptiles", shall be deleted in its entirety and the table of contents for the Title shall be updated accordingly.

Provisions regarding existing Chapter 7.44 Rabies

SECTION 61. Section 7.44.020, entitled "Animals biting persons", shall be deleted in its entirety and replaced with the following:

If a 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.

SECTION 62. 7.44.030, entitled "Animals biting animals", shall be deleted in its entirety and replaced with the following:

- (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.

SECTION 63. Section 7.44.050, entitled "Euthanization of stray animals", shall be deleted in its entirety, with the table of contents for the Chapter being updated accordingly.

SECTION 64. Section 7.44.060, entitled "Violations", shall be deleted in its entirety, with the table of contents for the Chapter being updated accordingly.

Provisions regarding existing Chapter 7.48 Adopted Animals

SECTION 65. Chapter 7.48, entitled "Adopted Animals", shall be deleted in its entirety and replaced with the following:

Chapter 7.48 ADOPTED ANIMALS

Sections:

7.48.010 Spaying and neutering of adopted animals.

7.48.010 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.

Provisions regarding existing Chapter 7.52 General Provisions

SECTION 66. Chapter 7.52, entitled "General Provisions", shall be deleted in its entirety and replaced with the following:

Chapter 7.52 GENERAL PROVISIONS

Sections:

7.52.010 Conflicting ordinances.

7.52.020 Maximum fines.

7.52.030 Severability clause.

7.52.040 Animal shelter.

7.52.050 Interference with animal control officer - Penalty.

7.52.010 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.

7.52.020 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).

7.52.030 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.

7.52.040 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 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.

7.52.050 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 violates this title.

Provisions regarding existing Chapter 7.54 Miscellaneous Fees

SECTION 67. Chapter 7.54, entitled "Miscellaneous Fees", shall be deleted in its entirety and replaced with a new Chapter 7.54, entitled "Fees", which shall be listed as such in the table of contents for this Title and shall read as follows:

Chapter 7.54 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.

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

(1) For each riding school or stable	\$100.00
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(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.

- (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.

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

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

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

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.

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.

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.

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.

Provisions regarding new Chapter 7.56 Enforcement, Penalties and Appeals

SECTION 68. A new chapter shall be added to Title 7 entitled "Chapter 7.56 Enforcement, Penalties and Appeals" which shall be listed as such in the table of contents for this Title and shall read as follows:

Chapter 7.56 ENFORCEMENT, PENALTIES AND APPEALS

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.

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.



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 vicious animal from breeding.	\$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 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.

#### 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.

- (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.

SECTION 69. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstances shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given effect without the invalid provision or application, and to the end the provisions of this ordinance are declared to be severable.

SECTION 70. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington and approval of the Mayor.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 8th day of APRIL, 2015.



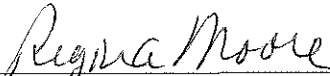
DAVE ROLLO, President  
Bloomington Common Council

ATTEST:



REGINA MOORE, Clerk  
City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 9th day of APRIL, 2015.



REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this 11th day of APRIL, 2015.



MARK KRUZAN, Mayor  
City of Bloomington



## SYNOPSIS

The primary purpose of this ordinance is to streamline Title 7 so that it is more reader friendly, easier for staff to use, and more consistent with other titles in the municipal code. Examples of the streamlining attempt include creating one Chapter to handle all of the Titles fees; creating one Enforcement Chapter; and removing the regulations for potentially dangerous and vicious dogs from the Restraint Chapter and putting them into their own Chapter. Substantive changes include the following: adding three levels to the classification of potentially dangerous; clarifying what reptiles cannot be owned in Bloomington; adding language that requires permittees and breeders to disclose if they have ever been cited for an animal care or control ordinance violation; modifying the definition of a vicious animal; making it unlawful for a person to torture or beat an animal if it causes the animal pain (and not just injury as currently required); adding new tethering requirements; and creating a new violation entitled "Habitual Offender".

Signed copies to:

Legal (5)

Controller (1)

PA

Animal Control Comm.

Clerk

BMC

adv. fees & fines H-T