

ORDINANCE 81-101

To Amend Various Sections of Title 7 of the
Bloomington Municipal Code, Entitled "Animals"

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

SECTION I. Wherever the phrase "senior humane officer" or "humane officer" appears in this title, it shall be amended to read "senior animal control officer" or "animal control officer". Such amendment shall be made in the following sections: 7.04.010(c) and (e); the title to Chapter 7.08 and its section titles; 7.08.010; 7.08.020; 7.08.030; 7.08.040; 7.08.050; 7.12.020; 7.16.020; 7.16.030; 7.20.020; 7.24.030; 7.32.010; 7.32.020; 7.32.030; 7.44.040; 7.48.010; 7.52.010; and 7.52.050.

SECTION II. Wherever the phrase "under Indiana Code 35-1-107-1 et seq." appears in this title, it shall be deleted. Such amendment shall be made in the following sections: 7.12.020; 7.16.030; 7.20.020; and 7.20.040.

SECTION III. The following "Violations" section shall be substituted for the current "Violations" section in the following sections of this title: 7.12.070 (Licensing); 7.16.080 (Commercial Animal Establishment Permits); 7.20.090 (Noncommercial Animal Establishment Permits); 7.4.040 (Restraint); 7.40.030 (Wild Animals); and 7.48.020 (Adopted Animals):

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) may, at the discretion of the animal owner, be paid to the authorized agency 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 ten dollars for the first offense, with the fine for each subsequent offense of this chapter increasing by an increment of ten dollars. 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 ten dollars for the first offense, with the fine for each subsequent offense increasing by an increment of ten dollars.

SECTION IV. Section 7.08.030, entitled "Animal control officers--Duties, jurisdiction and powers", shall be amended in the third sentence to read as follows:

These powers shall specifically include, but not be limited to the power to issue a notice of ordinance violation for certain violations of this title as specified in each chapter, and the power to enter private real property in fresh pursuit of an animal to enforce this title.

SECTION V. Section 7.12.020, entitled "Obtaining a license", shall be amended in the last sentence to substitute "fifteen" for "twenty" days.

SECTION VI. Section 7.12.040, entitled "Fees", shall be amended in subsections (a)(1) and (a)(2) to read as follows:

- (1) For each unneutered male or unspayed female dog or cat, seven dollars.
- (2) For each neutered male or spayed female dog or cat, one dollar.

SECTION VII. Chapter 7.28, entitled "Nuisance", shall be amended to read as follows:

7.28.010 Public nuisance prohibited. No owner shall fail to exercise due care and control of his 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) may, at the discretion of the animal owner, be paid to the authorized agency 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 ten dollars for the first offense, with the fine for each subsequent offense of this chapter increasing by an increment of ten dollars. 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 ten dollars for the first offense, with the fine for each subsequent offense increasing by an increment of ten dollars.

SECTION VIII. Section 7.32.010, entitled "Animals to be impounded--Period of impoundment," shall be amended to read as follows:

7.32.010 Animals to be impounded. (a) At-large animals, except licensed cats which have been neutered or spayed, unlicensed animals, nuisance animals, and animals which have bitten persons may be taken by law enforcement or animal control officers and impounded in the city animal shelter and there confined in a humane manner.

(b) In lieu of impounding an animal which is at large, unlicensed, or a public nuisance according to this title, the law enforcement officer or animal control officer may issue to the known owner of such animal a notice of ordinance violation.

SECTION IX. Section 7.32.030, entitled "Notice of impoundment--Reclaiming fees", shall be amended to read as follows:

7.32.030 Notice of impoundment. If by a license tag or other means the owner of an impounded animal can be identified, the senior animal control officer shall immediately upon impoundment notify the owner by telephone or mail. Animals whose owners are not identifiable or cannot be notified after reasonable effort shall be held for five days from impoundment before becoming the property of the city. Animals that are the property of the city may be placed for adoption or humanely euthanized.

SECTION X. Section 7.32.040, entitled "Notice of ordinance violation", shall be amended to read as follows:

7.32.040 Impounded animals--Reclamation. (a) An owner reclaiming an impounded dog or cat shall pay a board fee of three dollars per day for each day the animal was impounded in addition to any fines due for any violations of this title. An owner reclaiming an impounded animal other than a dog or cat shall pay a board fee in keeping with the size and needed care of the animal in addition to any fines due for any violations of this title.

(b) An owner reclaiming an impounded animal that is not under the jurisdiction of the city shall pay, in addition to the board fee of three dollars per day, a fee of ten dollars the first time the animal is reclaimed, with the fee increasing by an increment of ten dollars each subsequent time the animal is reclaimed. In the event the animal is not impounded for a period of twelve consecutive months, the fee for reclamation after that period shall be ten dollars, with the fee increasing by an increment of ten dollars each subsequent time the animal is impounded.

SECTION XI. Section 7.36.010, entitled "Giving animals as prizes", shall be amended to read as follows:

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) 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 (c) may, at the discretion of the animal owner, be paid to the authorized agency 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) Persons who violate any provision of this section shall be subject to a fine of ten dollars for the first offense, with the fine for each subsequent offense of this chapter increasing by an increment of ten dollars. In the event the person has no additional violations of this section for a period of twelve consecutive months, the fine for any violation of this section after that period shall be ten dollars for the first offense, with the fine for each subsequent offense increasing by an increment of ten dollars.

SECTION XII. Section 7.36.050, entitled "General animal care", shall be amended to read as follows:

7.36.050 General animal care. (a) Every owner of an animal within the city shall see that his 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 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 animal control officer may issue to any person in violation of this section a notice of ordinance violation. The penalty established in subsection (c) may, at the discretion of the animal owner, be paid to the authorized agency within seventy-two 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) Persons who violate any provision of this section shall be subject to a fine of ten dollars for the first offense, with the fine for each subsequent offense of this section increasing by an increment of ten dollars. In the event the person has no additional violations of this section for a period of twelve consecutive months, the fine for any violation of this section after that period shall be ten dollars for the first offense, with the fine for each subsequent offense increasing by an increment of ten dollars.

SECTION XIII. Section 7.44.010, entitled "Rabies vaccination required", shall be amended to read as follows:

7.44.010 Rabies vaccination required. It is unlawful to own or harbor a dog or cat over the age of six months without a valid rabies vaccination.

SECTION XIV. Section 7.44.020, entitled "Animals biting persons", shall be amended in the second sentence to substitute "ten" for "fourteen" days.

SECTION XV. Section 7.48.010, entitled "Spaying and neutering of adopted animals", shall be amended in the fourth sentence to substitute "may" for "shall".

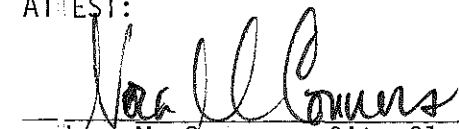
SECTION XVI. Severability. If any section, sentence or provision of this ordinance, or the application thereof to any person or circumstance shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this ordinance which can be given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

SECTION XVII. This ordinance shall be in full force and effect from and after its passage by the Common Council, approval by the Mayor, and publication according to law.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 2nd day of December, 1981.



Alfred I. Towell, President
Bloomington Common Council

ATTEST:



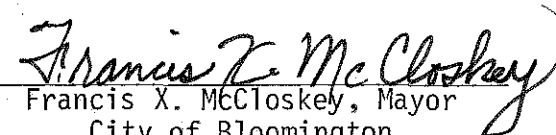
Nora M. Connors, City Clerk

PRESENTED by me to the Mayor upon this 3rd day of December, 1981.



Nora M. Connors, City Clerk

SIGNED and APPROVED by me upon this day of December, 1981.



Francis X. McCloskey, Mayor
City of Bloomington

SYNOPSIS

This ordinance amends various sections of the Municipal Code title on animals to raise license and board fees, remove or update outdated provisions, and make some procedural changes, including a new enforcement procedure with a graduated penalty schedule for certain violations.