

ORDINANCE 77-74

To Amend Bloomington Municipal
Code Title 7, Entitled, Animals

WHEREAS, the City is specifically empowered to legislate on animals by Indiana Code 18-1-1.5-7 in areas not already dealt with by state law; and

WHEREAS, the Animal Control Commission has prepared the following ordinance and recommends it to the Common Council of the City of Bloomington for passage,

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

SECTION I. Title 7, Chapter 7.04, of the Bloomington Municipal Code is repealed and re-enacted as follows:

CHAPTER 7.04
ANIMAL CONTROL COMMISSION

- 7.04.010 Created - Duties
- 7.04.020 Membership
- 7.04.030 Terms
- 7.04.040 Meetings
- 7.04.050 Budget

7.04.010 Created - Duties. There is hereby created and established an Animal Control Commission of the City of Bloomington, Indiana, which Commission shall have authority and responsibility to:

- (a) Formulate, adopt, and implement policies, principles, and standards for humane treatment and control of all animals in the City of Bloomington.
- (b) Enforce statutes, regulations, and ordinances concerning the care, treatment and control of all animals in the City of Bloomington.
- (c) Employ personnel to carry out the purposes herein set forth, except that the Senior Humane Officer shall be appointed by the Mayor with the advice and consent of the Commission.
- (d) Negotiate contracts and other agreements to carry out the purposes set forth herein, as a representative of the City of Bloomington.
- (e) Review the decisions and actions of the Senior Humane Officer in any matter related to the enforcement of this Title, if a written request for a hearing is received from the complaining animal owner within ten (10) days after that action is taken.
- (f) Make recommendations to the Common Council of the City of Bloomington as to necessary ordinances concerning the care, treatment and control of animals.

7.04.020 Membership. The Animal Control Commission shall be composed of seven members as follows:

- (a) Three shall be citizens selected by the members of the Common Council of the City of Bloomington, one of which shall be selected from the membership of the People's Animal Lovers Society.
- (b) One shall be selected by and represent the Monroe County Board of Commissioners.
- (c) Three shall be selected by the Mayor of the City of Bloomington, one of whom shall be a qualified veterinarian, and another of whom shall be a member of the Monroe County Humane Association.

7.04.030 Terms. Appointments shall be made as provided in Section 7.04.020 on or before the fifteenth day of July of each appropriate year except in the event of a vacancy on the Commission for any reason, the members appointed shall fill such vacancy by majority vote and such appointee shall then hold the office for the duration of the term of the member whose vacancy is so filled. Initial appointments shall be made as follows: one of the Common Council appointees shall hold a one year term and two shall hold a two year term. Two of the appointees of the Mayor shall hold a two year term and one shall hold a one year term. The members selected from the Monroe County Humane Association and from the People's Animal Lovers Society shall hold a one-year term. Thereafter, all appointments shall be made for two years.

7.04.040 Meetings. The Commission shall hold a meeting during the month of July of each year and at such meeting shall elect a Chairperson of the Commission who shall hold said office until the next annual meeting in July of the subsequent year. Meetings of the Animal Control Commission shall be held every other month as called by the Chairperson and any special meeting may be called by the Mayor, the Common Council, the Chairperson, or by any four (4) members of the Commission requesting such a meeting in writing to the Chairperson. Upon receipt of such a request, the Chairperson shall thereafter call such a special meeting to be held within twenty (20) days.

7.04.050 Budget. The Animal Control Commission shall prepare and submit to the Common Council for approval an annual budget of funds to be expended adequate for the purposes of this title to be expended in carrying out the purposes set forth in Section 7.04.010.

SECTION II. Title 7, Chapter 7.16 of the Bloomington Municipal Code, is repealed and re-enacted as follows:

CHAPTER 7.16
COMMERCIAL ANIMAL ESTABLISHMENT PERMITS

- 7.16.010 Permits - General
- 7.16.020 Inspection of Animals and Premises Authorized
- 7.16.030 Obtaining a Permit
- 7.16.040 Standards for Commercial Animal Establishments
- 7.16.050 Commercial Animal Establishment Permit Period
- 7.16.060 Fees
- 7.16.070 Reclassification
- 7.16.080 Violation

7.16.010 Permits - General. No person shall operate a commercial animal establishment, kennel or animal shelter, except for the City Animal Shelter, without first obtaining a permit in compliance with this chapter. Every facility regulated by this ordinance shall be considered a separate enterprise and shall require an individual permit.

7.16.020 Inspection of Animals and Premises Authorized. It shall be a condition of the issuance of any permit required by this chapter that the Senior Humane Officer shall be permitted to inspect at any time all animals and the premises where such animals are kept.

7.16.030 Obtaining a Permit. Applicants must apply for permits required by this chapter with the City Controller or the Senior Humane Officer. The application must contain, in addition to information whether the applicant has been convicted of cruelty to animals under Indiana Code 35-1-107-1 et seq., a statement that the applicant complies and will comply with the regulations promulgated under authority of 7.08.020 of this code, and that he authorizes the Senior and Staff Humane Officers to inspect his facilities and animals. 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. 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 null and void. No permit to operate a commercial animal establishment shall be issued to an applicant who has been convicted of cruelty to animals under Indiana Code 35-1-107-1 et seq. without review by the Commission.

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 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 or operator at all times.
- (d) With respect to all animals kept on the premises, comply with all of the provisions of this ordinance providing for the general care of animals.
- (e) Not sell animals which are unweaned or obviously diseased.

7.16.050 Commercial Animal Establishment Permit Period. The Commercial Animal Establishment Permit period shall begin on January 1 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 within ten (10) days of the establishment of a commercial animal establishment. For the year 1976, all commercial animal establishments must have a permit by 1 April, 1976; fees for 1976 to be three-quarters of the normal rate.

7.16.060 Fees. Fees for permits shall be as follows:

- (a) for each pet shop \$ 75.00
- (b) for each riding stable. \$ 75.00
- (c) for each auction. \$ 25.00
- (d) for each zoological park. . . . \$100.00
- (e) for each circus \$ 25.00

No fee shall be required of any veterinary hospital, animal shelter, research laboratory, or government-operated zoological park.

7.16.070 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 and apply for the new permit required. Appropriate changes, including pro rata credit for the previous permit, shall be made by the city.

7.16.080 Violation. Any person who violates any provision of this chapter shall be subject to a fine of up to two-hundred dollars (\$200.00).

SECTION III; Title 7, Chapter 7.20 of the Bloomington Municipal Code is repealed and re-enacted as follows:

CHAPTER 7.20
NON-COMMERCIAL ANIMAL PERMITS

- 7.20.010 Non-Commercial Animal Permits Required
- 7.20.020 Obtaining an Animal Breeder Permit
- 7.20.030 Amateur Breeder Permit Period
- 7.20.040 Obtaining a Kennel Permit
- 7.20.050 Standards for Kennels
- 7.20.060 Kennel Permit Period
- 7.20.070 Fees
- 7.20.080 Reclassification
- 7.20.090 Violation

7.20.010 Noncommercial Animal Permits Required. No person shall be an amateur breeder or operate a kennel without obtaining a permit in compliance with this chapter. Dogs and cats housed in a kennel need not have licenses issued under Chapter 7.12 of this Title; dogs and cats or an owner holding an Amateur Breeder Permit must be licensed under Chapter 7.12 of this Title.

7.20.020 Obtaining an Amateur Breeder Permit. Applications for an Amateur Breeder Permit shall be made to the Senior Humane Officer or the City Controller or any authority deemed appropriate by the Commission. The application shall include, at a minimum, the name and address of the applicant, and information whether the applicant has been convicted of cruelty to animals under Indiana Code 35-1-107-1 et seq. If the applicant withholds or falsifies any information, no permit shall be issued, and any permit issued upon false or withheld information shall be null and void. No person who has been convicted of cruelty to animals under Indiana Code 35-1-107-1 et seq. shall be issued a permit without review by the Commission. An owner must apply for an Amateur Breeder Permit within twenty (20) days of his becoming an amateur breeder.

7.20.030 Amateur Breeder Permit Period. Amateur Breeder Permits shall last one year from date of issuance.

7.20.040 Obtaining a Kennel Permit. Applicants must apply for Kennel Permits with the City Controller. The application must contain, in addition to whether the applicant has been convicted of cruelty to animals under Indiana Code 35-1-107-1 et seq., a statement that the applicant complies and will comply with the regulations promulgated under authority of 7.08.020 of this code, the number, breed, color and sex of each dog or cat held and the location in the city at which the animals will be housed. If the applicant withholds or falsifies any information, no permit shall be issued, and any permit issued upon false or withheld information shall be null and void. No person who has been convicted of cruelty to animals under Indiana Code 35-1-107-1 et seq. shall be issued a permit without review by the Commission. If the proposed or existing site of the kennel is not located in an area zoned for kennels, the Controller shall not accept the application. If not accepted because of zoning, the applicant must then within a period of two (2) months apply to the Board of Zoning Appeals for variance and if such variance is granted, and all other requirements are met, the Controller shall accept the application.

7.20.050 Standards for Kennels. In order to be eligible to obtain a permit, a kennel 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 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 or operator at all times.
- (d) With respect to all animals kept on the premises, comply with all of the provisions of this ordinance, providing for the general care of animals.
- (e) Not sell animals which are unweaned or obviously diseased.

7.20.060 Kennel Permit Period. The Kennel Permit period shall begin on January 1, 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 within ten (10) days of the creation of a kennel. For the year 1976, all kennels must have a permit by April 1 1976; fees for 1976 to be three-quarters of the normal rate.

7.20.070 Fees. Fees for Noncommercial Animal Permits shall be as follows:

- (a) for each amateur breeder \$ 25.00
- (b) for each kennel authorized to house less than fifteen (15) dogs or cats \$ 25.00
- (c) for each kennel authorized to house from fifteen (15) to fifty (50) dogs or cats . . . \$ 50.00
- (d) for each kennel authorized to house more than fifty (50) dogs or cats \$100.00

7.20.080 Reclassification. Any person who has a change in the category under which the Noncommercial Animal Permit was issued shall report the change to the city and apply for the new permit required. Appropriate changes, including pro rata credit for the previous permit, shall be made by the city.

7.20.090 Violation. Any person who violates a provision of this chapter shall be subject to a fine of up to one hundred dollars (\$100.00).

SECTION IV. Title 7, Chapter 7.24 of the Bloomington Municipal Code, is repealed and re-enacted as follows:

CHAPTER 7.24
RESTRAINT

- 7.24.010 General Requirements
- 7.24.020 Animals in Heat
- 7.24.030 Vicious Animals
- 7.24.040 Violation

7.24.010 General Requirements. All animals except licensed cats which have been neutered or spayed shall be kept under restraint.

7.24.020 Animals in Heat. Every female animal in heat shall be confined by the owner 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. Every vicious animal, as determined by the Senior Humane Officer, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of the owner.

7.24.040 Violation. Persons who violate any of the provisions of this chapter shall be subject to a fine of up to one hundred dollars (\$100.00) for each offense.

SECTION V. Title 7, Chapter 7.32 of the Bloomington Municipal Code, is repealed and re-enacted as follows:

CHAPTER 7.32
IMPOUNDMENT

- 7.32.010 Animals to be Impounded - Period of Impoundment
- 7.32.020 Jurisdiction of Humane Officer for Impoundment
- 7.32.030 Notice of Impoundment - Reclaiming
- 7.32.040 Notice of Ordinance Violation

7.32.010 Animals to be Impounded - Period of Impoundment. At large animals, except licensed cats which have been neutered or spayed, unlicensed animals, and nuisance animals shall be taken by law enforcement or humane officers and impounded in the City Animal Shelter and there confined in a humane manner.

7.32.020 Jurisdiction of Humane Officer for Impoundment. The jurisdiction of Humane 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 - Reclaiming - Period of Impoundment. If by license tag or other means the owner of an impounded animal can be identified, the Senior Humane 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 property of the City may be placed for adoption or humanely euthanized. An owner claiming an impounded dog or cat shall pay a board fee of ten dollars (\$10.00) plus two dollars (\$2.00) per day each day the animal was impounded. Any owner reclaiming an impounded animal other than a dog or cat shall pay a board fee and daily charge in keeping with the size and needed care of the animal.

7.32.040 Notice of Ordinance Violation. In lieu of impounding an animal which is at large, unlicensed, or a public nuisance according to this ordinance, the law enforcement or humane officer may issue to the known owner of such animal a notice of ordinance violation. Such notice shall impose upon the owner a penalty of ten dollars (\$10.00) which may, at the discretion of the animal owner, be paid to the authorized agency within 72 hours in full satisfaction of the assessed penalty. This penalty shall increase by five dollars (\$5.00) for each subsequent offense. In the event that such payment is not made within the time period prescribed, it shall be filed with Bloomington City Court.

SECTION VI. Title 7, Chapter 7.36 of the Bloomington Municipal Code, is repealed and re-enacted as follows:

CHAPTER 7.36
ANIMAL CARE

- 7.36.010 Giving Animals as Prizes
- 7.36.020 Poisoning 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 Abandonment

7.36.010 Giving Animals as Prizes. 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. Persons who violate this section shall be subject to a fine of up to fifty (\$50.00) 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 liable to be eaten by any animal; provided that it shall not be unlawful for a person to expose on his 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 one hundred dollars (\$100.00) for each offense.

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 Animal Shelter. Persons who violate this section shall be subject to a fine of up to twenty-five dollars (\$25.00) for each offense.

7.36.040 Use of Devices to Induce Performance. No performing 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 up to one hundred dollars (\$100.00) for each offense.

7.36.050 General Animal Care. Every owner of an animal within the city shall see that his animal:

- (a) Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit or lie in in its own excrement.
- (b) Has proper and adequate food, water, shelter, and protection from the weather.
- (c) 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.

Persons who violate this section shall be subject to a fine of up to one hundred dollars (\$100.00) for each offense.

7.36.060 Abandonment. No owner of an animal shall abandon such animal. Persons who violate this section shall be subject to a fine of up to one hundred dollars (\$100.00) for each offense.

SECTION VII . Title 7, Chapter 7.48 of the Bloomington Municipal Code is repealed and re-enacted as follows:

CHAPTER 7.48
ADOPTED ANIMALS

- 7.48.010 Spaying and Neutering of Adopted Animals
- 7.48.020 Violation

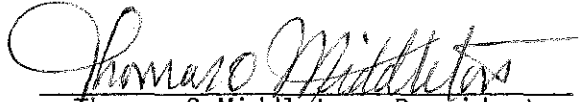
7.48.010 Spaying and Neutering of Adopted Animals. Any dog or cat adopted from the City Animal Shelter must be spayed or neutered by a veterinarian. If the dog or cat is an adult, such operation shall be performed within one month of adoption. If the dog or cat is young, it shall be neutered by a veterinarian by age eight (8) months if male, or by the age of six (6) months if it is female. Any dog or cat not so neutered or spayed within those time periods shall be reclaimed by the Senior Humane Officer without refund to the adopter, except if a veterinarian should determine that the dog or cat is physically unable to undergo such an operation within the time limitations, in which case the dog or cat is to be neutered or spayed as soon as the veterinarian determines it is able.

7.48.020 Violation. Persons who violate any of the provisions of this chapter shall be subject to a fine of up to one hundred dollars (\$100.00) for each offense.

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

SECTION IX. This Ordinance shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

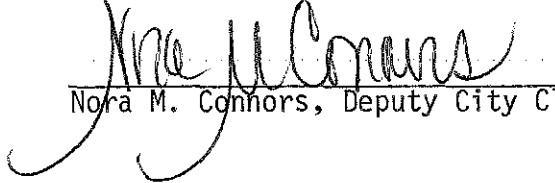
PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 3 day of November, 1977.


Thomas O Middleton, President
Bloomington Common Council

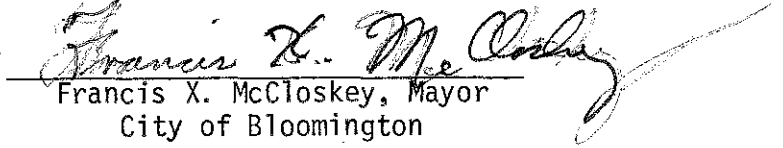
ATTEST:


Karel Dolnick, City Clerk

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 8 day of November, 1977.


Nora M. Connors, Deputy City Clerk

SIGNED and APPROVED by me upon this 8 day of November, 1977, at the hour of 3 o'clock, p.m.


Francis X. McCloskey, Mayor
City of Bloomington

SYNOPSIS
ORDINANCE 77-74

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

This ordinance contains several amendments to Bloomington Municipal Code Title 7, "Animals", that have been proposed by the Animal Control Commission.

Section I amends the provisions concerning the Animal Control Commission, providing for one member chosen by the Mayor to represent the Monroe County Humane Association and one chosen by the Common Council to represent the People's Animal Lovers Society. Section II adds a section prescribing standards for commercial animal establishments. Section III adds a section prescribing standards for kennels. Section IV adds to restraint requirements by making them applicable to cats which have not been neutered or spayed. Section V amends the chapter on impoundment, raises the basic board fee for impounded animals from \$5.00 to \$10.00, and adds a section to allow issuance of citations in lieu of impounding animals. Section VI adds a section prescribing standards for animal care and a section prohibiting abandonment of animals. Section VII increases the time allowed for spaying or neutering an animal adopted from the shelter from 14 days to one month.

I HEREBY MOVE THAT ORDINANCE # 77-74

BE INTRODUCED AND READ FOR FIRST READING BY TITLE

ONLY AT THE COUNCIL MEETING HELD ON Oct 6 '77

Royd W. Orcutt
(Signature)