



# City of Bloomington Common Council

## Legislative Packet

Regular Session

7 October 2009

Office of the Common Council  
P.O. Box 100  
401 North Morton Street  
Bloomington, Indiana 47402

812.349.3409

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<http://www.bloomington.in.gov/council>



### Packet Related Material

- Memo
- Agenda
- Calendar

### Notices and Agendas:

*None*

### Legislation for Final Action:

- **App Ord 09-08** To Specially Appropriate from the Electronic Map Generation Fund Expenditures Not Otherwise Appropriated (Appropriating Funds to Retain Consultant for the City's Geographic Information System)  
*Contact: Rick Dietz at [dietzr@bloomington.in.gov](mailto:dietzr@bloomington.in.gov)*
- **App Ord 09-09** To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Appropriating a PetSmart Charities Grant for Use by the Animal Care and Control Department)  
*Contact: Mike Trexler at 349-3412 or [trexlerm@bloomington.in.gov](mailto:trexlerm@bloomington.in.gov)*
- **Res 09-08** Approving the City of Bloomington Utility Identity Theft Protection Program  
*Contact: Vickie Renfrow at 349-3426 or [renfrowv@bloomington.in.gov](mailto:renfrowv@bloomington.in.gov)*

*Please see the [September 23<sup>rd</sup> Legislative Packet](#) for the legislation, background materials and summaries regarding Res 09-08.*

- **Ord 09-17** To Vacate Four Public Parcels - Re: A Portion of North Madison Street, West 12<sup>th</sup> Street and Two Alleys Located Between North Rogers Street, the Indiana Railroad, 350 West 11<sup>th</sup> Street and West 11<sup>th</sup> Street (Doug Dayhoff, Upland Brewing Company, Inc., and Middle Court Real Estate, LLC (together "Upland"), Petitioners)  
*Contact: Lynne Darland at 349-3529 or [darlandl@bloomington.in.gov](mailto:darlandl@bloomington.in.gov)*

Please see the [September 16<sup>th</sup> Legislative Packet](#) for the legislation, background materials and summaries regarding [App Ord 09-08](#), [App Ord 09-09](#), and [Ord 09-17](#).

### **Legislation and Background Material for First Reading:**

- **Ord 09-18** To Amend Title 2 of the Bloomington Municipal Code Entitled “Administration and Personnel” - Re: Responsible Bidding Practices and Requirements to Perform Construction Work on City of Bloomington Projects
  - Memo from Mike Rouker, Risk Manager and Assistant City Attorney  
*Contact: Mike Rouker at 349-3426 or roukerm@bloomington.in.gov*
- **Ord 09-19** To Amend Title 7 of the Bloomington Municipal Code Entitled “Animals” - Re: Numerous Changes Resulting from a Periodic Review of Title 7 and Also Responding to HEA 1468 which Regulates “Puppy Mills”
  - Memo from Laurie Ringquist, Director of the Animal Care and Control Department; BMC Title 7 Annotated with Changes Proposed by [Ord 09-19](#)  
*Contact: Laurie Ringquist at 349-3870 or ringquil@bloomington.in.gov*

### **Minutes from Regular Session:**

*None*

### **Memo**

### **Four Items Ready for Final Action and Two Items Ready for Introduction at the Regular Session on Wednesday, October 7<sup>th</sup>**

There are four items ready for final action and two items ready for introduction at the Regular Session next Wednesday. The information regarding the four items ready for final action can be found in the packets for September 16<sup>th</sup> and 23<sup>rd</sup> (*see above for a link to those packets*) and the information regarding the two items ready for introduction are contained in this packet.

## First Readings

### **Item One – Ord 09-18 – Amending Title 2 (Administration and Personnel) to Codify a “Responsible Bidder Ordinance”**

**Ord 09-18** amends Title 2 of the Bloomington Municipal Code entitled “Administration and Personnel” to enact a “Responsible Bidder Ordinance.” This ordinance establishes requirements, criteria, and some procedures for those who bid on large public works contracts. According to the memo from Mike Rouker, Risk Manager and Assistant City Attorney, it:

- ensures that contractors will perform work at an acceptable standard;
- promotes transparent and good government by setting forth standards in advance of the bidding that will both be even-handed to all bidders and help City staff make the selections; and
- protects public funds by “weakening after-the-fact legal claims made by rejected bidders.”

In addition to the foregoing, the ordinance also helps protect the treatment of the people who work on these public works projects.

### Indiana Statute on Public Works Projects

I.C. 36-1-12 sets forth procedures under which political subdivisions may award contracts for public work or improvements. “Public work” in this case means “the construction, alteration or renovation of a public building ... or other structure that is paid out of a public fund or out of a special assessment” (which includes road and sewer work.) I.C. 36-1-12-2. While these procedures become more complex as the overall cost of the project increases, they share a common requirement that the contract be awarded to “the lowest responsible and responsive bidder” (or quoter depending on the process used). Along with setting forth certain procedures and requirements for bidders, the ordinance mostly elaborates upon what constitutes a “responsible bidder.”

### Application of Ordinance

The ordinance applies when the City is seeking a contract or service to perform “public work” and the cost of the contract or service is at least \$150,000. Please note that this threshold matches the amount which, under State law, requires the payment of a prevailing wage. See I.C. 5-16-7-1(k).

## Criteria

The responsible bidder must meet all the job specifications and must:

- Comply with all laws pre-requisite to doing business in this State;
- Prove that they have lawfully obtained a federal employer taxpayer identification or, if a sole proprietorship, a social security number and that they comply with the federal Equal Opportunity Employer provisions;
- Affirm in writing that they do not discriminate based upon sexual orientation and gender identity and include those protections in their affirmative action plans (pursuant to BMC 2.21.070(8));
- Provide the certificates of insurance (indicating both the category and amount of coverage) as required in the contract or bid specifications. The categories include, but are not limited to: general liability, workers' compensation, completed operations; automobile, hazardous occupation; product liability, professional liability, pollution liability, asbestos abatement liability, and property insurance;
- Provide a statement that all the employees are covered by, and properly classified in, a workers' compensation insurance policy and also provide a copy of the current "declaration page" from that policy, when workers' compensation insurance is required by the bid specifications;
- Comply with the Indiana Common Construction Wage Act (requiring payment of a "prevailing wage");
- Provide proof of any professional or trade license required by law for work to be done under a contract award and disclose any suspensions or revocations within the last five years of such licenses held by the company or any director, officer, or manager employed by the bidder;
- Disclose the name and address and amount of bid of each subcontractor known to the bidder (Note: each subcontractor performing work in excess of \$150,000 is obligated to comply with these criteria as though it were bidding directly to the City and must file the required documents at least five days before commencing work under the contract);
- Provide a statement that individuals performing work on the project on behalf of the contractor are properly classified as either an employee or independent contractor under federal, State and local laws;
- Provide information on the substance abuse policy pertaining to the bidder's employees working on the project; and
- Confirm that all apprentices to be used on the project are registered with an apprenticeship or training program approved and registered with U.S.

Department of Labor, Bureau of Apprenticeship and Training (or any state or federal successor agency).

### Certified Payroll

All contractors and subcontractors must submit a detailed and approved certified payroll on a weekly basis to the City or general contractor, if applicable, unless the bid specifications or contract call for a different reporting requirement.

### Additional Requirements

When identifying responsible bidders for the purpose of awarding contracts under this section, the City may, along with any other additional factors it deems relevant to the contract, request evidence of, and/or consider the bidder's:

- ability, capacity, and skill to perform the job;
- capacity to perform the job promptly and efficiently or in a timely manner without delay or interference;
- character, integrity, reputation, and experience;
- past performance (including the quality of performance on previous contracts whether or not with the City);
- default on any previous contract (whether or not with the City);
- failure to pay or satisfactorily settle bills due on any previous contracts (whether or not with the City);
- existing or previous compliance with laws and ordinances relating to the contract;
- statement or disclosure of any violations of federal, State or local laws including but not limited to: contracting and anti-trust laws, tax or licensing laws, environmental laws, OSHA, NLRA, Common Construction Wage Law, or the federal Davis-Bacon Act; and
- statement or disclosure of any findings of “non-responsibility” by federal, state or local departments.

### When Lowest Responsible Bidder Not Chosen

When the City awards a contract to a bidder other than the lowest bidder, it must prepare a statement of reasons for that award.

## Multiple Low Bids

When more than one bidder submit the same low bid, then the City must award the contract to the bidder with headquarters that is the closest distance to the City's corporate boundary. In the event these low bidders are all located within the City's corporate boundaries, then the award will be determined by the drawing of lots at a public meeting of the City Council.

## Access to Public Records Act

All submissions tendered under this section by contractor or subcontractor shall be public records subject to review under I.C. 5-14-3-1 (Access to Public Records).

### **Item Two - Ord 09-19 - Amending Title 7 (Animals)**

**Ord 09-19** amends Title 7 of the BMC entitled "Animals" and, according to the memo from Laurie Ringquist, Director of Animal Control, offers changes that are the result of: (1) a routine, periodic review of the title by a working group composed of members of the City and County animal control commissions, and (2) the "puppy mill" legislation enacted by the State Legislature last April (HEA 1468). The former changes are intended to reduce pet overpopulation, improve the treatment of animals, and clarify existing code. The latter changes impose more restrictive regulations than found in HEA 1468, which allows localities to do so, if they adopt ordinances with those regulations before the end-of-the-year. Please note local pet shops were notified of a meeting where these changes were discussed and were also informed of the changes.

## HEA 1468

HEA 1468 regulates commercial dog breeders<sup>1</sup> which are defined as "person(s) who maintain more than twenty (20) unaltered female dogs that are at least twelve (12) months of age." The proposed ordinance prohibits anyone from owning or harboring more than 19 unaltered dogs (or cats) and, therefore, would prohibit commercial breeders from operating within the City. It's my understanding that none currently operate within the City. By way of background, the Act requires these breeders to:

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<sup>1</sup> The Act also regulates Commercial Dog Brokers which are persons who sell at least 500 dogs a year.

- Register with the Indiana State Animal Health Board;
- Provide dogs, who are housed in a wire cage, enough room to allow for reasonable movement and provide dogs, who are housed in a cage with a wire floor, an area off of the wire surface to rest;
- Provide dogs with a reasonable opportunity for exercise outside of the cage at least one time per day (unless it would endanger their life or health);
- Provide the consumer with the dog’s vaccination, medication, and treatment records at the time of transfer; and
- Maintain records for at least five years.

## Overview

Before proceeding to the remaining paragraphs of this memo, which describe the changes in some detail, it will be useful to provide highlights of those changes.

With that in mind, the ordinance:

- Imposes a limit of 19 on the number of cats and dogs a person may own or harbor (currently there is no numerical maximum on the number of such animals one may have);
- Eliminates “minor (i.e. one litter per year)” and “major” (i.e. more than one litter per year) breeder permits in favor of “intact animal” and “litter” permits;
- Adds animal care standards regarding:
  - the age of the mother and frequency of litters; and
  - the treatment of animals who are in cages by prohibiting wire flooring with holes large enough for their feet and legs to fall through and by requiring that animals be given the opportunity to exercise;
- Introduces new consumer protection provisions that require the seller to provide purchasers with health records of cats and dogs that are sold and require the seller to keep those records for at least two years and make them available for inspection by the Animal Care and Control staff; and
- Increases fines for certain violations.

## **DEFINITIONS**

Definitions (7.01.010) – Ord 09-19 – Sections 1- 3

These early sections of the ordinance:

- Delete the terms “major” and “minor” breeder;



- Insert a definition for “intact animal” permit, which is required for any person who owns or harbors more than four dogs and/or more than six cats when any of the animals is unaltered;
- Redefine the “commercial kennel” permit so that it applies only to persons who engage in the business of boarding, training for a fee, or grooming animals and *not* to persons who now must obtain an “intact animal” permit; and
- Insert a definition of “litter permit,” which is required for any person who causes or allows the breeding of a litter of cats or dogs during a 12-month period, except when the person either arranges for the litter’s parent(s) to be altered or relinquishes the litter and its parent(s) to the shelter within 14 weeks of birth of the litter;

## **COMMERCIAL ANIMAL ESTABLISHMENTS**

### Standards (7.16.040) – Ord 09-19 – Sections 4 - 7

The code currently regulates “Commercial animal establishments,” which include “any major and/or minor pet shop, non-municipal animal shelter/sanctuary, auction, riding school or stable, zoological park, circus or animal exhibition.”

These sections now requires them to:

- comply with Chapter 7.36 (Animal Care) rather than with all of the Title 7 requirements;
- recommend that any animal they sell, transfer or give away be examined by a licensed veterinarian within one week of the transfer and notify the new owner of the State rabies vaccination requirements; and
- wait until the cats and dogs are at least eight weeks of age before selling the animals (along with the current requirement that they be weaned and without disease).

The ordinance distinguishes between major pet shop owners (i.e. those who sell cats and dogs) and minor pet shop owners (i.e. those who don’t sell cats and dogs).

These sections require:

- major pet shop owners to post the name of the breeder on the kennel of the cat or dog that is for sale; and
- both major and minor pet shop owners to keep records of the name, address and phone number of the breeder or seller of each animal they sell for two years after the animal is sold and make those records available for inspection by the Animal Care and Control department;

## Consumer protection requirements (7.16.045) – Ord 09-19 - Section 6

The ordinance requires major pet shops to provide the purchaser with a health record of the cat or dog at the time of sale, which must include:

- Whether the animal is of full, mixed or unknown breed, and if presented as registerable, then include contact information for the breeder, owner of the dam and sire, and registry organization (which all can be met by providing registration papers);
- The animal's date of birth, sex, color and markings;
- The animal's vaccinations up to the date of sale, if known, including who administered what vaccinations and when;
- Any known disease, illness, or condition with which the animal has been afflicted up to the date of sale, as well as any treatments;
- The date, dosage, and type of any anti-parasite medicine that was administered (if known); and
- The name, address and signature of the major pet shop permit holder.

## Violations – 7.16.080 – Ord 09-19 – Section 7

The ordinance increases the penalties for violation of the Commercial Animal Establishment Permits. In particular, it:

- Makes the falsification of records a violation and imposes a fine of triple the permit fee for that and the violation of any animal care provision (7.36). These fines will increase by that increment for subsequent offenses occurring within a 12-month period. For those establishments without a permit fee, the fine for the first offense will be triple the permit fee for a major pet shop permit holder (\$500 x 3), and the fine for subsequent offenses will escalate at that same increment for each subsequent offense within a 12-month period;
- Ties the fine for those establishments who violate other provisions of the chapter, but do not have a permit fee, to double the permit fee for a major pet shop holder (\$500 x 2) with that fine escalating at double that rate for subsequent violations within a 12-month period (Note: ordinarily the fine would be based upon their permit fee.); and
- Subjects permit holders, who are cited for violations of this chapter more than three times in any 12-month period, to revocation of their permit for three months. The permit may be reinstated following an inspection that

reveals no violations, but further violations may result in permanent revocation.

## **KENNEL PERMITS**

### **Kennel Permits – 7.21 – Ord 09-19 – Sections 8-10**

The ordinance revises regulations regarding the owning and harboring of cats and dogs. In particular, it:

- Prohibits persons (other than commercial kennels) from owning or harboring more than 19 dogs and cats over 12 months of age. (Note: Those who currently have that many animals must complete the appropriate permit within 60 days of the effective date of the ordinance and may keep these animals, but must not replace any of them, until the total does not exceed the maximum.);
- Establishes a \$25 fee for those who own or harbor 5-8 altered dogs, with the fee increasing another \$25 for owning or harboring 9-12, 13-16, and 17-19 altered dogs;
- Establishes a \$25 fee for owning or harboring 7-11 altered cats, with the fee increasing another \$25 for owning or harboring 12-16, and 17-19 such cats;
  - *Note: The ordinance currently allows persons to own up to four altered dogs and six altered cats without a permit and then sets a fee of \$25 for each additional four animals);* and
- Clarifies the fee for persons who board animals and have more than 50 kennels, setting the fee at \$250, plus \$200 for each additional 25 kennels.

## **BREEDERS**

### **7.22 Breeders – Ord 09-19 – Sections 11-21**

The code currently distinguishes between major breeders (i.e. those persons whose animals have, as a whole, more than one litter per year) and minor breeders (i.e. those persons whose animals have, as whole, no more than one litter per year). The proposed ordinance eliminates the major and minor breeder permits in favor of “intact animal” and “litter” permits. In particular, this ordinance:

- Reinserts the prohibition against owning or harboring more than 19 cats and dogs (See Kennel Permits – above);
- Requires breeders who house cats or dogs in cages, to give the animals a reasonable opportunity for exercise outside of the cage at least an hour a day

(as required by federal law), which can be accomplished by providing access to an acceptable run at least once a day. (Note: These requirements are not required if exercise would endanger the animals life or health);

- Requires anyone owning or harboring more than 4 dogs and/or 6 cats at least 12 months of age, where any of the animals are unaltered, to obtain an “intact animal” permit;
- Requires any permit holder whose animals produce one or more litters in a 12-month period obtain a “litter” permit;
- Adds some further regulations that:
  - Prohibit the breeding of cats or dogs which are less than 18 months or older than 8 years of age;
  - Prohibit the transfer of kittens and puppies that are unweaned (and under 8 weeks old – current provision) (except to the animal shelter)
  - Prohibit the sale of any animal with obvious signs of infection, disease or illness;
  - Require that each buyer or owner be furnished the animal’s vaccination, medication, and treatment records;
  - Require that the permit holder comply with the Animal Care provisions in 7.36  
*(But waives these “litter” permit requirements for persons who arrange for the dog or cat who gave birth to a litter to be altered or who relinquishes the parent animal(s) and the litter to the animal shelter within 14 weeks of the birth of the litter;*
- Requires litter permit holders to provide the purchaser with a health record (as mentioned under Commercial Animal Establishments - Consumer Protection - above); and
- Establishes fees for “intact” animal permits which run from \$50 for owning or harboring 1-2 unaltered animals to \$250 for owning or harboring 15-19 unaltered animals and establishes the fees for litter permits at \$100 for the first litter and \$150 for each subsequent litter in a 12 month period.

## **RESTRAINT**

### 7.24 Restraint - Ord 09-19 - Section 19 - 20

The code currently imposes a fine of \$40 for failing to restrain an unaltered animal, with that fine increasing in increments of \$40 for subsequent offenses occurring within a 12-month period. It also imposes a fine of \$100 for failing to restrain an animal in heat. The proposed ordinance raises the fine for failing to restrain an

unaltered animal from \$40 to \$100, but converts to a \$20 violation, if the owner/guardian has the animal spayed or neutered at their expense prior to reclaiming the animal. (Note: the ordinance would no longer distinguish between failing to restrain an unaltered animal versus an animal in heat.)

The ordinance also increases the consequences for stray or at-large animals that are being redeemed for the second or more times in a 12-month period. The fine for the first offense is either \$20 (if the animal is altered) or \$100 (if the animal is unaltered). If the animal is being redeemed for a second time in a 12 month period, in addition to the foregoing fines, the animal would have to be implanted with a microchip ID by the department and be spayed or neutered, both at the owner/guardian's expense, prior to release from the shelter. If the owner/guardian cannot afford to pay for the procedure, then they may enter into a payment agreement or sign over ownership of the animal to the department.

## **ANIMAL CARE**

### **7.36 – Animal Care Requirements – Ord 09-19 – Section 21**

The ordinance adds requirements for animals kept in an enclosure. In particular, the enclosure must be:

- Appropriate for the animals species and breed;
- Constructed so that the animal will remain clean, dry, be prevented from injury and escape, and be able to be disinfected; and
- Equipped with a floor that won't let the animal's feet or legs to fall through, and include an area of solid surface for the animal to rest.

**NOTICE AND AGENDA  
BLOOMINGTON COMMON COUNCIL REGULAR SESSION  
7:30 P.M., WEDNESDAY, OCTOBER 7, 2009  
COUNCIL CHAMBERS  
SHOWERS BUILDING, 401 N. MORTON ST.**

**I. ROLL CALL**

**II. AGENDA SUMMATION**

**III. APPROVAL OF MINUTES FOR:** None

**IV. REPORTS FROM:**

- 1. Councilmembers**
- 2. The Mayor and City Offices**
- 3. Council Committees**
- 4. Public**

**V. APPOINTMENTS TO BOARDS AND COMMISSIONS**

**VI. LEGISLATION FOR SECOND READING AND RESOLUTIONS**

1. Appropriation Ordinance 09-08 To Specially Appropriate from the Electronic Map Generation Fund Expenditures Not Otherwise Appropriated (Appropriating Funds to Retain Consultant for the City's Geographic Information System)

Committee Recommendation: 8 – 0

2. Appropriation Ordinance 09-09 To Specially Appropriate from the General Fund Expenditures Not Otherwise Appropriated (Appropriating a PetSmart Charities Grant for Use by the Animal Care and Control Department)

Committee Recommendation: 8 – 0

3. Resolution 09-08 Approving the City of Bloomington Utility Identity Theft Protection Program

Committee Recommendation: 9 – 0

4. Ordinance 09-17 To Vacate Four Public Parcels - Re: A Portion of North Madison Street, West 12th Street and Two Alleys Located Between North Rogers Street, the Indiana Railroad, 350 West 11th Street and West 11th Street. (Doug Dayhoff, Upland Brewing Company, Inc., and Middle Court Real Estate, LLC [together "Upland"], Petitioners)

Committee Recommendation: 7 – 0 – 2

**VII. LEGISLATION FOR FIRST READING**

1. Ordinance 09-18 To Amend Title 2 of the Bloomington Municipal Code Entitled "Administration and Personnel" – Re: Responsible Bidding Practices and Requirements to Perform Construction Work on City of Bloomington Projects

2. Ordinance 09-19 To Amend Title 7 of the Bloomington Municipal Code Entitled "Animals" – Re: Numerous Changes Resulting from a Periodic Review of Title 7 and Also Responding to HEA 1468 which Regulates "Puppy Mills"

**VIII. PRIVILEGE OF THE FLOOR** (This section of the agenda will be limited to 25 minutes maximum, with each speaker limited to 5 minutes)

**IX. ADJOURNMENT**



**City of Bloomington  
Office of the Common Council**

To: Council Members  
From: Council Office  
Re: Calendar for the Week of October 5-10, 2009

**Monday, October 5, 2009**

5:00 pm Redevelopment Commission, McCloskey  
5:30 pm Bicycle and Pedestrian Safety Commission Work Session, Hooker Room  
5:30 pm Plan Commission, Council Chambers

**Tuesday, October 6, 2009**

1:30 pm Development Review Committee, McCloskey  
3:00 pm Affordable Housing Group Meeting, McCloskey  
4:00 pm Middle Way House USDA Grant Presentation, Council Chambers  
6:00 pm Neighborhood Improvement Grant Technical Assistance Meeting, McCloskey  
7:30 pm Telecommunications Council, Council Chambers

**Wednesday, October 7, 2009**

10:00 am Sustain Bloomington: A celebration of the community's natural resources and sustainability efforts, Peoples Park, 501 E. Kirkwood Ave.  
12:00 pm Bloomington Urban Enterprise Association, McCloskey  
2:00 pm Hearing Officer, Kelly  
4:00 pm Inclusive Recreation Advisory Council, Allison-Jukebox Community Center, 351 S. Washington St.  
5:30 pm Commission on Hispanic and Latino Affairs, McCloskey  
7:30 pm Common Council Regular Session, Council Chambers

**Thursday, October 8, 2009**

12:00 pm Housing Network, McCloskey  
2:00 pm Bid Opening (Kinser Sidewalk – De-icing Salt), McCloskey  
3:30 pm Bloomington Historic Preservation Commission, McCloskey

**Friday, October 9, 2009**

1:30 pm Metropolitan Planning Organization Policy Committee, McCloskey  
5:30 pm Bloomington Public Transportation Corporation, Public Transportation Center, 130 W Grimes Lane

**Saturday, October 10, 2009**

9:00 am Bloomington Community Farmers' Market, Showers Common, 401 N. Morton

*Posted and Distributed: Friday, October 2, 2009*

**ORDINANCE 09-18**

**TO AMEND TITLE 2 OF THE BLOOMINGTON MUNICIPAL CODE ENTITLED  
“ADMINISTRATION AND PERSONNEL” -  
Re: Responsible Bidding Practices and Requirements to Perform Construction Work on  
City of Bloomington Projects**

WHEREAS, the City of Bloomington expends substantial funds for public works construction and maintenance, a portion of that money being derived from taxes paid by residents;

WHEREAS, the City of Bloomington seeks to preserve administrative resources by ensuring that only qualified contractors and subcontractors are awarded City contracts;

WHEREAS, the City of Bloomington endeavors to identify the lowest responsible bidder on all City contracts;

WHEREAS, the City of Bloomington is entitled to state the specific requirements of City contracts and to establish criteria bidders must satisfy to be considered for City contracts;

WHEREAS, the “City of Bloomington Responsible Bidder Ordinance” will assure efficient use of taxpayer dollars and will promote public safety;

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

Section 1. Chapter 2.29 of the Bloomington Municipal Code is hereby adopted and shall read as follows:

Chapter 2.29	Responsible Bidder Ordinance
2.29.010	Purpose
2.29.020	Applicability
2.29.030	Criteria
2.29.040	Certified Payroll
2.29.050	Additional Criteria
2.29.060	Lowest Bidder Not Chosen
2.29.070	Multiple Low Bids
2.29.080	Access to Public Records Act

2.29.010 Purpose.

The Responsible Bidder Ordinance shall serve to define the term “responsible” as used in Indiana Code § 36-1-12-4, regarding competitive bidding.

2.29.020 Applicability.

This Chapter of the Bloomington Municipal Code shall apply when:

(a) The City is seeking a contract or service to perform public work. Public work, in this context, means the construction, reconstruction, alteration, or renovation of a public building, or other structure that is paid for out of a public fund or out of a special assessment. The term includes the construction, alteration, or repair of a highway, street, alley, bridge, sewer, drain, or other improvement that is paid for out of a public fund or out of a special assessment. The term also includes any public work leased by the City under a lease containing an option to purchase; and

(b) The cost of the contract or service will be at least one-hundred-fifty thousand dollars (\$150,000).



2.29.030 Criteria.

A “responsible bidder” shall meet all the bid and contract specifications, and shall:

- (a) Affirm compliance with all applicable laws pre-requisite to doing business in Indiana;
- (b) Produce evidence of a federal employer taxpayer identification number or social security number (for sole proprietors);
- (c) Confirm compliance with Section 2000(e) of Chapter 21, Title 42 of the United States Code and Federal Executive Order No. 11375 (known as the Equal Opportunity Employer Provisions);
- (d) State compliance with Bloomington Municipal Code § 2.21.070(8); additionally, the bidder must include sexual orientation and gender identity in the affirmative action plan required under § 2.21.070(8);
- (e) Provide the City with certificates of insurance indicating the following coverage, when such is required in the bid or contract specifications, and in amounts stated in the bid specifications or contract:
  - (1) General liability;
  - (2) Worker’s compensation;
  - (3) Completed operations;
  - (4) Automobile;
  - (5) Hazardous occupation;
  - (6) Product liability;
  - (7) Professional liability;
  - (8) Pollution liability;
  - (9) Asbestos abatement liability;
  - (10) Property insurance; and
  - (11) Any additional insurance required by the bid specifications or contract;
- (f) Affirm, where workers’ compensation insurance is required under the bid specifications, that all employees are (1) covered under a current worker’s compensation insurance policy and (2) properly classified under such policy; and also, where worker’s compensation insurance is required under the bid specifications, submit a copy of the “Declarations Page(s)” of the contractor’s workers’ compensation insurance policy if the contractor is insured with a carrier, and any continuation of the worker’s compensation insurance Declarations Page(s) which includes the name and address of the insured, as well as the class codes the compensation premium is based on and the total estimated remuneration per class code; and, upon the City’s request, submit a copy of any worker’s compensation insurance annual premium audit documents.
- (g) Indicate compliance with Indiana Code § 5-16-7 et. seq., the Indiana Common Construction Wage Act;
- (h) Submit proof of any professional or trade license required by law for any trade or specialty area in which a bidder is seeking a contract award; and disclose any suspension or revocation within the previous five (5) years of any professional trade license held by the company, or of any director, officer or manager employed by the bidder;
- (i) Disclose the name and address of each subcontractor from whom the bidder has accepted a bid and/or intends to hire on any part of the project, and disclose the amount of each subcontractor’s bid to the general contractor; each subcontractor who will perform work valued in excess of the threshold set forth in Section 2.29.020(b) of the Bloomington Municipal Code shall be required to adhere to the submission requirements set forth herein as though it were bidding directly to the City of Bloomington, and must file the appropriate required documents at least five (5) days prior to commencement of work by the subcontractor;

(j) State that individuals who will perform work on the public works project on behalf of the contractor are properly classified as either (1) an employee or (2) an independent contractor under all applicable state and federal laws and local ordinances;

(k) Provide information as to the substance abuse policy that pertains to all of the bidder's employees working on the project; and

(l) Confirm that all apprentices to be used on the project are registered with an apprenticeship and training program approved and registered with the United States Department of Labor, Bureau of Apprenticeship and Training (or any state or federal successor agency).

#### 2.29.040 Certified Payroll.

All contractors and subcontractors are required to submit to the awarding agency, and General Contractor if applicable, an approved and detailed certified payroll on a weekly basis, unless different payroll reporting requirements are stated under the bid specifications or contract.

#### 2.29.050 Additional Criteria.

The City may also request evidence of and/or consider the following factors when identifying responsible bidders for the purpose of awarding contracts under this Chapter:

- (a) The ability, capacity, and skill of the bidder to perform the contract;
- (b) The capacity of the bidder to perform the contract promptly and efficiently, or within the time specified, without delay or interference;
- (c) The character, integrity, reputation, and experience of the bidder;
- (d) The quality of the bidder's past performance, including performance of previous contracts, whether or not such performance was with the City;
- (e) The bidder's default under previous contracts, whether or not such contract was with the City;
- (f) The bidder's failure to pay or satisfactorily settle bills due on former contracts, whether or not such contract was with the City;
- (g) The previous and existing compliance by the bidder with laws and ordinances relating to the contract;
- (h) The financial ability of the bidder to perform the contract;
- (i) A statement regarding and/or disclosures of:
  - (1) Any determination by a court or government agency for violations of federal, state, or local laws including but not limited to violations of contracting or antitrust laws, tax or licensing laws, environmental laws, the Occupational Safety and Health Act (OSHA), the National Labor Relations Act (NLRA), Common Construction Wage Law, or the federal Davis-Bacon Act;
  - (2) Any findings of "non-responsibility" by federal, state, or local departments;
- (j) Any additional factors the City determines relevant for the contract.

#### 2.29.060 Lowest Bidder Not Chosen.

When the contract is awarded to a bidder other than the lowest bidder, a statement of the reasons for such award shall be prepared by the City of Bloomington.

2.29.070 Multiple Low Bids.

When two or more responsible bidders submit the same low bid, the contract shall be granted to the bidder whose headquarters are geographically closest to the City of Bloomington’s corporation boundary; but if both low bidders are headquartered within the City of Bloomington’s corporation boundary, then the winning bid shall be determined by drawing lots in public at a meeting of the Common Council;

2.29.080 Access to Public Records Act.

All submissions tendered under this Chapter by a contractor or sub-contractor shall be public records subject to review pursuant to Indiana Code § 5-14-3-1 et seq., the Indiana Access to Public Records Law.

Section 2. Severability. If any portion of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other portions or applications of this ordinance which can be given effect without the invalid portions or applications, and to this end, the portions of this Ordinance are severable.

Section 3. Effective Date. 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 \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
ANDY RUFF, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

SYNOPSIS

This ordinance is co-sponsored by Councilmembers Piedmont-Smith and Ruff and amends Title 2 of the Bloomington Municipal Code entitled “Administration and Personnel” to insert a new chapter entitled “the Responsible Bidder Ordinance.”



## MEMORANDUM

### CITY OF BLOOMINGTON LEGAL DEPARTMENT

**TO:** Common Council  
**FROM:** Michael Rouker, Risk Manager and Assistant City Attorney  
**RE:** Responsible Bidder Ordinance  
**DATE:** October 7, 2009

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#### INTRODUCTION

State law mandates that municipalities award public work contracts to the lowest “responsible and responsive bidder.” Municipalities may independently determine whether a bidder qualifies as responsible. A Responsible Bidder Ordinance provides an explicit, codified description of the qualities a “responsible” bidder possesses.

#### PURPOSE

There are a number of reasons the Bloomington Community benefits from a Responsible Bidder Ordinance. First, the ordinance ensures that contractors selected to carry out public work projects will perform the work at an acceptable standard. This ordinance protects the community from shoddy, unsafe workmanship. Second, the ordinance promotes transparent, good government. At present, the City may reject low-bid contracts simply by labeling the low bidder as “irresponsible.” Because the ordinance lays out explicit, transparent criteria by which the responsibility of a bidder is determined, the bid process is more evenhanded. Every contractor who submits a bid will know, up front, precisely which criteria the City will use to determine whether or not he or she qualifies as a responsible bidder. Third, the ordinance facilitates decisions made by City employees charged with selecting contractors. By setting out specific requirements, the ordinance helps City decision makers identify the standards by which contractors should be judged. Finally, the ordinance will help protect public funds. Disgruntled irresponsible contractors who are not awarded City contracts could potentially file lawsuits against the City. The Responsible Bidder Ordinance enhances the transparency of the bidding process, and therefore weakens after-the-fact legal claims made by rejected bidders, who claim that the City prejudicially awarded a contract to a different bidder.

#### SUBSTANTIVE CHANGES

The Responsible Bidder Ordinance will only apply to public works projects costing \$150,000 or more. As such, the ordinance will not dramatically alter the City’s present bidding practices. It will, however, ensure that the City’s present positive bidding process continues to be followed in the future.

The ordinance will require a number of additional affirmations by contractors working on public works projects. Contractors must assert that they are in compliance with Indiana laws pre-requisite to doing business, with the Equal Opportunity Employer Act, with affirmative action requirements under the Bloomington Municipal code, with employee classification rules, with the Indiana Common Construction Wage Act, and that all apprentices used on the project will be registered with an approved apprenticeship and training program. Additionally, contractors must furnish evidence of a federal employer taxpayer identification number (or, alternatively, a social security number), certificates of insurance required by the bid specifications, any required professional trade licenses, the names of subcontractors hired by the contractor, and information regarding the contractor's substance abuse policy.

### **CONCLUSION**

The \$150,000 threshold will permit small, local contractors to continue to perform work on many City projects, and the strict requirements imposed on contracts exceeding \$150,000 will protect projects expending significant public funds. On balance, the Responsible Bidder Ordinance will make the bidding process more transparent, more evenhanded, and will discourage substandard performance on public works projects.

**ORDINANCE 09-19**

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

**Re: Numerous Changes Resulting from a Periodic Review of Title 7 and  
Also Responding to HEA 1468 which Regulates "Puppy Mills"**

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, the State of Indiana recently passed a bill regulating commercial breeding organizations that imposes a December 31, 2009 deadline for local governments to amend their ordinances related to breeders; and

WHEREAS, Title 7 of the Bloomington Municipal Code does not currently include consumer protection standards for consumers who purchase dogs and cats from breeders or pet stores; 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 set standards for the humane treatment of animals, reduce pet overpopulation and public burden, and clarify codes as needed;

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

SECTION 1. Section 7.01.010 of the Bloomington Municipal Code "Definition of Terms" shall be amended by adding the following definitions in alphabetical order:

"Intact animal permit" means the permit required by any person engaged in owning or harboring more than four (4) dogs over the age of twelve months, any one of which is unaltered, and/or more than six (6) cats over the age of twelve months, any one of which is unaltered.

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

SECTION 2. Section 7.01.010 "Definition of Terms" shall be amended by deleting the definitions for "Major Breeder" and "Minor Breeder".

SECTION 3. Section 7.01.010 "Definition of Terms" shall be amended by deleting the definition of "Commercial kennel" and replacing it with the following:

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

SECTION 4. Section 7.16.040 "Standards for commercial animal establishments" shall be amended by deleting existing subsections (d) and (e) and replacing them with the following:

(d) With respect to all animals kept on the premises, comply with all of the provisions of Chapter 7.36, Animal Care of this title providing for the general care of animals;

(e) Not sell dogs and/or cats which are unweaned, less than eight (8) weeks of age, or obviously diseased;

SECTION 5. Section 7.16.040 “Standards for commercial animal establishments” shall be amended by adding the following subsections (f), (g) and (h) and renumbering all subsequent subsections accordingly.

(f) If it is a major pet shop, post the name of the breeder of all dogs and cats for sale on the animal’s kennel;

(g) If it is a major or minor pet shop, keep records of the name, address and telephone number of the breeder and seller of each animal for a period of two (2) years after the date the animal is sold and make those records available for inspection by the City of Bloomington Animal Care and Control Department.

(h) Recommend that any animal sold, transferred or given away be examined by a licensed veterinarian within one (1) week of the date of transfer and notify the new owner/guardian of state requirements for rabies vaccinations.

SECTION 6. New Section. Section 7.16.045 entitled “Consumer protection requirements” shall be inserted into the table of contents and body of Chapter 7.16 “Commercial Animal Establishment Permits” and shall read as follows:

7.16.045 Consumer protection requirements

(a) This section applies to the sale of dogs and cats by major pet shop permit holders.

(b) Major pet shop permit holders shall provide a purchaser of a dog or cat with a health record for the animal at the time of sale. The health record shall include the following:

(1) The animal’s breed. If the breed is unknown or mixed, the health record shall so indicate. If the animal is advertised or represented as registerable, the following information shall be provided: the breeder’s name and address; the name and registration number of the dam and sire of the purchased dog’s litter; and the name and address of the pedigree registry organization where the dame and sire are registered. Providing registration papers, if available, shall meet this requirement;

(2) The date of the animal’s birth;

(3) The animal’s sex, color and markings;

(4) A list of all vaccinations administered, if known; the date and type of vaccinations and the name of the person who administered them, if known, up to the date of sale; a record of any known disease, illness or condition with which the dog is or has been afflicted at the time of the sale; and record of any veterinary treatment or medication received by the animal;

(5) The date, dosage and type of any anti-parasitic medicine, if known, that was administered; and

(6) The name, address, and signature of the major pet shop permit holder.

SECTION 7. Section 7.16.080 “Violations” shall be amended by deleting the entire section and replacing it with the following:

(a) Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) and (c) of this section may, at the discretion of the animal owner/guardian, be paid to the city of Bloomington animal care and control department within seventy-two hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings shall be filed in the county court of competent jurisdiction.

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

(c) Permit holders who violate any other provision of this chapter shall be subject to a fine of double the permit fee for the first offense, with the fine for each subsequent offense of this chapter within a twelve month period increasing by an increment of double the permit fee. In the event that the animal establishment permit does not require a fee, the fine for a first offense shall be equal to two times the fee of a major pet shop permit holder, with the

fine for each subsequent offense of this chapter increasing by an increment of double the permit fee of a major pet shop permit holder.

(d) Permit holders cited for violations of this chapter more than three (3) times in a twelve month period may have their permit revoked for a period of three (3) months. The permit may be reinstated by the animal care and control department following an inspection that reveals no further violations. Further violations following reinstatement of the permit may result in the permit being revoked permanently.

SECTION 8. New Section. Section 7.21.005 entitled “General requirements” shall be inserted into the table of contents and body of Chapter 7.21 “Kennel Permits” and shall read as follows:

7.21.005 General requirements

(a) No person shall own or harbor more than a total of nineteen (19) cats and/or dogs over the age of twelve months. This provision does not apply to commercial kennels. A person owning or harboring more than a total of nineteen (19) cats and/or dogs over the age of twelve months at the time that this ordinance becomes effective shall:

- (1) Be permitted to retain those animals, but shall not replace any animal upon its death or loss until such time as the total number of animals is nineteen (19) or less; and
- (2) Complete the appropriate kennel permit application within sixty (60) days of the ordinance’s effective date.

SECTION 9. Section 7.21.025 “Obtaining commercial kennel permits” shall be amended by deleting subsection (b) and re-lettering all subsequent subsections accordingly.

SECTION 10. Section 7.21.070 “Fees” shall be amended by deleting the entire section and replacing it with the following:

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

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

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

(1) Class B, boarding:	
(A) 1-25 kennels	\$100.00
(B) 26-50 kennels	\$250.00
(C) Additional kennels in increments of 25	\$200.00 per increment of 25
(2) Class C, training	\$75.00
(3) Class D, grooming	\$50.00

(c) The fee for a permit for a chicken flock shall be: twenty-five dollars.

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

(e) 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 class.

SECTION 11. New Section. Section 7.22.005 entitled “General requirements” shall be inserted into the table of contents and body of Chapter 7.22 “Breeders” and shall read as follows:

7.22.005 General requirements

(a) No person shall own or harbor more than a total of nineteen (19) cats and/or dogs over the age of twelve months. This provision does not apply to commercial kennels. A person owning or harboring more than a total of nineteen (19) cats and/or dogs over the age of twelve months at the time that this ordinance becomes effective shall:



(1) Be permitted to retain those animals, but shall not replace any animal upon its death or loss until such time as the total number of animals is nineteen or less; and

(2) Complete the appropriate kennel permit application within sixty days of the ordinance's effective date.

(b) A breeder who houses dogs or cats in a cage shall provide every dog or cat with a reasonable opportunity for exercise outside of a cage at least one (1) time per day in accordance with section 3.8 of the federal Animal Welfare Act. However, a breeder who permits a dog or cat access to a run that meets the requirements of section 3.8 of the Animal Welfare Act at least one (1) time per day has satisfied the exercise requirement. Further, a breeder is not required to provide the opportunity for exercise if exercise would endanger the dog or cat's life or health.

SECTION 12. Section 7.22.010 entitled "Minor Breeder permit required" shall be amended to read "Intact animal permit required" and the new title shall be reflected in the table of contents for this chapter. In addition, the body for the provision shall be deleted and replaced with the following:

7.22.010 Intact animal permit required

(a) No person or business shall own or harbor more than four (4) dogs and/or more than six (6) cats twelve months or older any one of which is unaltered without obtaining a permit in compliance with this chapter.

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

SECTION 13. Section 7.22.020 entitled "Major Breeder permit required" shall be amended to read "Litter permit required" and the new title shall be reflected in the table of contents for this chapter. In addition, the body for the provision shall be deleted and replaced with the following:

7.22.020 Litter permit required

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

(a) Permit holders shall:

(1) Not allow the birthing of more than one (1) litter per female dog or cat in a twelve-month period;

(2) Not breed a female dog or cat that is less than eighteen months of age or older than eight years of age.

(3) Keep records for a period of two (2) years from the date of birth as to the birth of each litter of dogs or cats, as may be required by the city of Bloomington animal care and control department;

(4) Keep records for a period of two (2) years from the date of sale of the name, address and telephone number of each buyer or new owner/guardian of any dog or cat sold or transferred;

(5) Furnish to each buyer or new owner/guardian of an animal the litter permit number in order that the new owner/guardian has proof and assurance that the animal was legally bred;

(6) Furnish to each buyer or new owner/guardian of an animal the animal's vaccination, medication and treatment records;

(7) Not sell, trade or give away puppies or kittens which are unweaned, less than eight weeks of age, with the exception of animals taken to the animal shelter;

(8) Not offer for sale an animal with obvious signs of infection, disease or illness;

(9) Recommend that any animal sold, transferred or given away be examined by a licensed veterinarian within one week of the date of transfer and notify the new owner/guardian of state requirements for rabies vaccinations;

(10) List the litter permit number on all public notices advertising the sale or free giveaway of litters of or individual puppies or kittens; and

(11) Comply with all provisions of Chapter 7.36, Animal Care, of this title.

(b) Any owner/guardian or person having custody of a dog or cat which has been altered within fourteen weeks after giving birth to a litter or who relinquishes the adult dog or cat and the litter to the city of Bloomington animal care and control department within fourteen weeks of the birth date of the litter shall have all permit requirements waived.

SECTION 14. Section 7.22.030 entitled “Obtaining breeder permits” shall be amended to read “Obtaining permits” and the new title shall be reflected in the table of contents for this chapter. In addition the first sentence shall be amended to strike the phrase “minor and major breeder” so that it shall now read:

Applications for permits shall be made to the City of Bloomington Animal Care and Control Department

SECTION 15. Section 7.22.030 “Obtaining permits” shall be deleted and replaced with the following:

(d) An owner/guardian must apply for a litter permit within twenty-one days of the birthing of a litter.

SECTION 16. New Section. Section 7.22.035 entitled “Consumer protection requirements” shall be inserted into the table of contents and body of Chapter 7.22 “Breeders” and shall read as follows:

7.22.035 Consumer protection requirements

(a) This section applies to the sale of dogs and cats by litter permit holders.

(b) Sellers shall provide a purchaser of a dog or cat with a health record for the animal at the time of sale. The health record shall include the following:

(1) The animal’s breed. If the breed is unknown or mixed, the health record shall so indicate. If the animal is advertised or represented as registerable, the following information shall be provided: the breeder’s name and address; the name and registration number of the dam and sire of the purchased dog’s litter; and the name and address of the pedigree registry organization where the dam and sire are registered.

Providing registration papers, if available, shall meet this requirement;

(2) The date of the animal’s birth;

(3) The animal’s sex, color and markings;

(4) A list of all vaccinations administered, if known; the date and type of vaccinations and the name of the person who administered them, if known, up to the date of sale; a record of any known disease, illness or condition with which the animal is or has been afflicted at the time of the sale; and a record of any veterinary treatment or medication received by the animal;

(5) The date, dosage and type of any anti-parasitic medicine, if known, that was administered; and

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

SECTION 17. Section 7.22.050 entitled “Breeder permit periods” shall be amended to read “Permit periods” and this new title shall be reflected in the table of contents for this chapter. In addition the body of this provision shall be deleted and replaced with the following:

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

SECTION 18. Section 7.22.060 “Fees” shall be amended by deleting the section and replacing it with the following:

(a) Fees for Intact Animal permits shall be:

(1) 1-2 unaltered animals	\$50.00
(2) 3-6 unaltered animals	\$100.00
(3) 7-10 unaltered animals	\$150.00
(4) 11-14 unaltered animals	\$200.00
(5) 15-19 unaltered animals	\$250.00

(b) Fees for Litter Permits shall be:

(1) First litter in a twelve month period	\$100.00
(2) Additional litters	\$150.00/litter

SECTION 19. Section 7.24.040 “Violations” shall be amended by deleting subsection (b)(2) and replacing it with the following:

(2) Failure to restrain, first offense, unaltered animal: \$100

However, an owner/guardian who agrees to have their dog or cat spayed or neutered at their expense prior to reclaiming the animal from the City of Bloomington Animal Care and Control Department, will be assessed the fine for Failure to Restrain, First Offense, Altered of \$20.

SECTION 20. Section 7.24.040 “Violations” shall be amended by adding the following subsection (b)(3) and renumbering all subsequent subsections accordingly.

(b) (3) An animal that has been previously impounded as a stray or at-large animal and is now being redeemed for the second or subsequent redemption within the last twelve months will be required to be:

(A) Implanted with a microchip by the City of Bloomington Animal Care and Control Department at the owner/guardian’s expense for the purpose of future identification and recovery; and

(B) Spayed or neutered by a licensed veterinarian at the owner/guardian’s expense prior to the City of Bloomington Animal Care and Control Department relinquishing the animal to the owner/guardian. Should cost be an issue, the City of Bloomington Animal Care and Control Department may enter into a payment agreement with the owner/guardian or the owner/guardian may sign over ownership rights of the animal to the City of Bloomington Animal Care and Control Department.

SECTION 21. Section 7.36.050 “General animal care” shall be amended by adding the following subsection (a) (3) and renumbering all subsequent subsections accordingly.

(a) (3) If kept in an enclosure, ensure that the enclosure is appropriate to their species and/or breed. Such enclosure is to be constructed in a manner to enable the animal to remain clean and dry, to prevent the animal’s injury or escape, and to be able to be disinfected. However, no flooring may be used to house dogs or cats which would allow their feet or legs to fall through and all enclosures shall contain an area that allows the animal to be on a solid surface; and

SECTION 22. Section 7.22.070 “Reclassification” shall be amended by striking the words “minor or major breeder” from the first sentence so that it shall now read as follows:

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

SECTION 23. 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 ordinance are declared to be severable.

SECTION 24. This ordinance shall be in full force and effect from and after its passage by the Common Council of the City of Bloomington, approval of the Mayor and publication according to law.

PASSED AND ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
ANDY RUFF, 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 \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
REGINA MOORE, Clerk  
City of Bloomington

SIGNED and APPROVED by me upon this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

\_\_\_\_\_  
MARK KRUZAN, Mayor  
City of Bloomington

#### SYNOPSIS

This ordinance amends Title 7 of the Bloomington Municipal Code entitled “Animals” as a result a periodic review of the Title by the Animal Care and Control Commission (and the Commission’s counterpart in the County). It also responds to HEA 1468 (“Puppy Mill” Regulation), which allows localities to adopt more restrictive regulations, if they are adopted by ordinance before the end-of-the-year. In brief, the changes: impose a limit on the number of cats and dogs a person may own or harbor (19); eliminate the “major” and “minor” breeder permit in favor of an “intact animal” and “litter” permit; add provisions to protect the consumer; and add provisions to assure the better treatment of animals. These changes affect chapters 7.01 (Definitions), 7.16 (Commercial Animal Establishment Permits), 7.21 (Kennel Permits), 7.22 (Breeders), 7.24 (Restraint), and 7.36 (Animal Care).

**Memo**  
**City of Bloomington**  
**Animal Care and Control Department**

Date: October 7, 2009

To: Members of the Common Council

From: Laurie Ringquist, Director of Animal Care & Control

Re: Proposed Revisions to Title 7 of the Municipal Code

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In 2008, the City of Bloomington Animal Shelter took in 2,261 cats and 2,356 dogs for a total of 4,617. Of the 2,261 cats, 970 were kittens. 937 of the cats and kittens that came in were given up by their owners. Of the 2,356 dogs, 665 were puppies. 929 of the dogs and puppies that came in were given up by their owners. These statistics demonstrate that there is still a pet overpopulation problem in Bloomington and Monroe County and that there are many more puppies and kittens being born than there are homes for. Working towards reducing these numbers requires a multi-faceted approach, which includes enacting legislation that addresses this problem. To this end, the primary goals of this proposal are:

- To reduce pet overpopulation and the corresponding public burden;
- To improve the humane treatment of animals; and
- To clarify and update existing code.

**BACKGROUND/PROCESS SUMMARY**

Following the last round of major revisions to Title 7 in 2005, members of the city's Animal Control Commission (ACC) and the county's Animal Management Commission (AMC) felt it would be important to review the ordinances every couple years to address developing trends and to continue to improve animal welfare in the community. Therefore, in September, 2008, a working group made up of members from each commission began meeting with staff to discuss necessary changes.

At the same time, the state was considering legislation related to regulating commercial dog breeders, commonly referred to as "puppy mills." After an intense lobbying effort on both sides of the issue, the state legislature passed House Bill 1468 in April, 2009 which will take effect January 1, 2010. Contained in this bill is the following language:

*After December 31, 2009, a unit may not adopt an ordinance concerning regulation of commercial dog breeders that imposes more stringent or detailed requirements than the requirements under this article. A unit may enforce an ordinance concerning regulation of commercial dog breeders that imposes more stringent or detailed requirements under this article if the ordinance was adopted before January 1, 2010.*

A commercial dog breeder is defined as a person who maintains more than twenty (20) unaltered female dogs that are at least twelve (12) months of age.

Based on this newly imposed deadline, the ordinance working group decided to focus their attention solely on those pertinent sections of Title 7. The working group has been meeting on a monthly basis to develop proposed changes. The group's work was reviewed by city administration and city legal and adjusted based on that input. The proposal was then shared with the city's Animal Control Commission and a public meeting was held by the ACC in August. All four of the pet stores that sell live animals (PetSmart, Petco, Delilah's and Anthony's) will be affected by the proposed changes and they were notified and invited to attend this meeting. Based on comments received both in writing and at the meeting, further edits were made.

### **SUMMARY OF CHANGES**

While the passage of HB 1468 is viewed as a successful step forward in animal legislation in the state of Indiana, its passage required omissions and compromises that we feel are important to address at the local level. As stated above, any ordinances that would regulate commercial dog breeders must be enacted by December 31, 2009.

#### **Animal Limits**

Currently, within the City limits of Bloomington, there are limits as to the number of cats and dogs a person can have without a permit. Once a person has more than 4 dogs or more than 6 cats, they are required to purchase a permit that increases based on the number of animals they have. This proposal would maintain this permitting structure, with some clarification to the fees, but would also set an upper limit. This proposal recommends that no person own or harbor more than a total of nineteen (19) dogs and cats over the age of twelve months. This limit would apply to those holding a non-commercial kennel permit (all animals are altered) and those holding a permit for intact animals. Any person who currently owns more than nineteen dogs and cats, would be permitted to retain those animals but not replace them upon their death or loss.

#### **Breeder Permits**

The current ordinance has provisions for major and minor breeder permits that are based on the number of litters produced and applies whether those litters are sold or given away. In our experience, we have issued very few permits under this section because we are not aware that a litter has been born. As an alternative, this proposal recommends requiring a permit for intact animals, in addition to a litter permit, as it is much easier to regulate how many adult animals a person maintains at their residence.

In this proposal, if a person owns more than four (4) dogs and/or more than six (6) cats that are twelve (12) months or older, and any one of those is intact, they would be required to purchase an intact animal permit. Further, if those intact animals produce a litter, they would then be required to purchase a litter permit. Permit requirements would be waived if the parent animals are altered within fourteen (14) weeks after giving birth or if the parent animals and the litter are relinquished to the shelter.

If a person owns intact animals but are below these limits, no fee would be required unless their intact animals produce a litter, in which case the litter permit requirements and exemptions listed in the previous paragraph would apply.

#### Animal Care

Provisions have been added to the litter permit section to prohibit the birthing of more than one litter per female dog or cat in a twelve month period and to prohibit the breeding of a female dog or cat that is under eighteen months of age or over eight years of age.

Provisions have been added to the Animal Care section of the ordinance to prohibit housing animals in an enclosure that has flooring that would allow their feet or legs to fall through and to require that all enclosures contain an area that allows an animal to be on a solid surface.

Provisions have been added to require that animals kept in enclosures be given an opportunity for exercise outside of the cage at least once per day.

#### Consumer Protection Guidelines

This proposal recommends that major pet shop permit holders and litter permit holders be required to provide certain information to those who purchase dogs and cats from them. Permit holders would be required to provide the animal's breed, date of birth, registration information (if applicable), a physical description, health and medical records. Further this proposal recommends that major pet shop permit holders post the breeder's name on the kennel of dogs and cats for sale. It also proposes that permit holders make available for inspection by Animal Care and Control the records of the breeder and seller of dogs and cats. Proposed changes also recommend increased fines for certain types of violations by major pet shop permit holders.

#### CONCLUSION

As mentioned above, these regulatory changes are only one component in an overall strategy to reduce pet overpopulation and improve animal care through public education, spay/neuter incentives, fostering and shelter adoption programs, and programs like trap-neuter-return for feral cats. These proposed ordinance changes are aimed at reducing the number of puppies and kittens being born in our community, whether bred intentionally or unintentionally. These changes are also intended to improve the living conditions of those animals being kept for the purpose of breeding. In order to meet the state deadline described above, these proposed changes are very focused on breeding and selling puppies and kittens. Additional ordinance changes on a broader array of topics will be forthcoming in 2010.

~~strike~~ – proposed deletion

**bold** – proposed addition

▶ -- relevant section

**TITLE 7 OF THE BLOOMINGTON MUNICIPAL CODE  
ENTITLED “ANIMALS”**

**AS AMENDED BY ORDINANCE 09-19**

Title 7 – Track Changes

Chapters:

- 7.01 Definitions**
- 7.16 Commercial Animal Establishment Permits**
- 7.21 Kennel Permits**
- 7.22 Breeders**
- 7.23 Feral Cats**
- 7.24 Restraint**
- 7.28 Nuisance**
- 7.32 Impoundment**
- 7.36 Animal Care**
- 7.40 Wild Animals**
- 7.42 Reptiles**
- 7.44 Rabies**
- 7.48 Adopted Animals**
- 7.52 General Provisions**



## Chapter 7.01

### DEFINITIONS

Sections:

**7.01.010 Definition of terms.**

**7.01.010 Definition of terms.**

*See Ord 09-19 – Sections 1 - 3*

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

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

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

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

"Animal exhibition, permanent" means any spectacle, display, act or event other than circuses, in which animals perform or are displayed, with the exception of education programs presented by persons or organizations with proper state and federal education permits, as required, and which are perpetual in nature and in a stationary location.

"Animal exhibition, transient" means any spectacle, display, act or event other than circuses, in which animals perform or are displayed, with the exception of education programs presented by persons or organizations with proper state and federal education permits, as required, and which are traveling shows of a temporary duration.

"At large animal" means a stray animal or any animal whose owner/guardian knowingly, intentionally, or recklessly allows the animal to stray beyond premises owned, lawfully occupied or controlled by the owner/guardian unless under restraint. This section does not apply to dogs engaged in lawful hunting accompanied by the owner/guardian or custodian or to feral cats which belong to a managed colony.

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

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

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

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

- (a) Contains no more than five hens and no roosters; and
- (b) Is issued a permit by the city of Bloomington animal care and control; and
- (c) Is not otherwise permitted by Section 20.07.16.01, Table 7-2 of the Bloomington Municipal Code as the same may be hereafter amended or replaced; and
- (d) Reside in an area zoned estate residential (RE) or single-dwelling residential (RS) or those estate residential or single-dwelling residential portions of a planned unit development (PUD) as defined in Chapter 20.07 of the Bloomington Municipal Code, as the same may be hereafter amended or replaced.

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

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

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

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

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

▶ ~~"Commercial kennel" means any person engaged in owning or harboring more than four dogs and cats over the age of six months, any one of which is unaltered; or engaged in the business of boarding, training for a fee and/or grooming animals.~~

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

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

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

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

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

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

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

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

is ear-tipped or tattooed.

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

▶ **"Intact animal permit" means the permit required by any person engaged in owning or harboring more than four (4) dogs over the age of twelve months, any one of which is unaltered, and/or more than six (6) cats over the age of twelve months, any one of which is unaltered**

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

▶ ~~"Major breeder" means any person who intentionally or unintentionally causes or allows the breeding of more than one litter of dogs or cats in a twelve-month period, or makes more than one cat or dog available for breeding purposes in a twelve-month period; or any person who offers for sale, sells, trades, receives any compensation or gives away more than one litter of dogs or cats in a twelve-month period, with the exception of a litter of dogs or cats taken to the animal shelter.~~

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

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

▶ ~~"Minor breeder" means any person who intentionally or unintentionally causes or allows the breeding of one litter of dogs or cats per twelve-month period, or makes one dog or cat available for breeding purposes per twelve-month period; or any person who offers for sale, sells, trades, receives any compensation for or gives away one litter of dogs or cats within a twelve-month period, with the exception of a litter of dogs or cats taken to the animal shelter or animals that are altered prior to being rehomed; or any person who owns one or more unaltered dogs and/or cats that are found to be in violation of Chapter 7.24 of this title.~~

"Minor pet shop" means any retail establishment engaging in the purchase and sale of any species of animal, with the exception of cats and dogs.

"Municipal animal shelter" means any facility operated by a municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this title or of state law.

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

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

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

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

"Potentially dangerous" means any of the following:

(1) Any animal which, when unprovoked, on two separate occasions within the prior thirty-six month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the animal are off of property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal.

(2) Any animal which, when unprovoked, bites a person causing an injury that is not a severe injury, as defined below.

(3) Any animal which, when unprovoked and off of property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal, on two separate occasions within the prior thirty-six month period, has bitten or otherwise caused injury to a domestic animal that is not a severe injury, as defined below.

"Public nuisance" means any animal or animals that:

(1) Molest passersby or passing vehicles;

(2) Attack other animals;

(3) Damage public property or private property;

(4) Bark, whine or howl in an excessive or continuous fashion;

(5) Defecate on public or private property, other than the

owner/guardian's/harbinger's/colony caretaker's property, unless the waste is immediately removed and disposed of in a sanitary manner by the animal's owner/guardian/harbinger/colony caretaker; or

(6) Otherwise interferes with the free use and comfortable enjoyment of life or property.

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

(1) Any reptile on the federal endangered or threatened species list or on the convention or international trade in endangered species list;

(2) Any venomous reptile, including front- or rear-fanged reptiles;

(3) Any python of a species which naturally exceeds twelve feet in length;

(4) All crocodylians, including alligators, caimans, and crocodiles;

(5) Monitor lizards;

(6) Anacondas;

(7) Any reptile of a species native to Indiana; or

(8) Any reptile protected by state or federal law.

"Research laboratory" means any animal research facility registered with the United States Department of Agriculture under authority of the Federal Laboratory Animal Welfare Act, 71 United States Code Section 2132 et seq.

"Restraint" means the securing of an animal by a leash or lead or confining it within the real property limits of property owned, lawfully occupied or controlled by its owner/guardian.

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

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

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

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

"Tether" means attaching a domestic pet to a stationary object or pulley run by means of a chain,

rope, tether, cable, or similar restraint. "Tether" does not include the use of a leash to walk a domestic pet.

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

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

"Vicious animal" means any of the following:

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

(2) Any animal previously determined to be and currently listed as a potentially dangerous animal which, after its owner/guardian or keeper has been notified of this determination, continues the potentially dangerous behavior, as defined herein or is maintained in violation of Chapter 7.24 of this title.

"Wild animals" means any animal not a domestic animal, with the exception of small, nonpoisonous aquatic or amphibious animals and birds of the order Psittaciformes, canaries, and finches.

"Wildlife rehabilitator" means any person or persons that acquire the necessary state and federal permits to allow the rehabilitation of wildlife in their homes, on their property or in a professional facility, with the intent of releasing such animals according to state and federal guidelines.

"Zoological park" means any facility, other than a pet shop or kennel, displaying or exhibiting, without the predominant purpose of selling, one or more species of nondomesticated animals. The facility must be accredited by the American Zoological Association (AZA) or The Association of Sanctuaries (TAOS).

(Ord. 07-01 §§ 1--7, 2007; Ord. 06-21 § 1, 2006; Ord. 05-33 § 2, 2005; Ord. 99-39 §§ 1--14, 1999; Ord. 98-27 §§ 1, 2, 3, 1998; Ord. 85-23 § 1, 1985; Ord. 78-20 § 1, 1978; Ord. 76-14 § 1 (part), 1976).

## Chapter 7.16

### COMMERCIAL ANIMAL ESTABLISHMENT PERMITS

Sections:

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.

► **7.16.045 Consumer protection requirements**

7.16.050 Commercial animal establishment permit period.

7.16.060 Fees.

7.16.070 Reclassification.

7.16.080 Violations.

### **7.16.010 Permits--General.**

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

(Ord. 05-33 § 4 (part), 2005; Ord. 99-39 § 19, 1999; Ord. 77-74 § 2 (part), 1977).

### **7.16.020 Inspection of animals and premises authorized.**

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

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

(Ord. 05-33 § 4 (part), 2005; Ord. 81-101 § 1 (part), 1981; Ord. 77-74 § 2 (part), 1977).

### **7.16.030 Obtaining a permit.**

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

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

(Ord. 05-33 § 4 (part), 2005; Ord. 81-101 §§ 1 (part), 2 (part), 1981; Ord. 77-74 § 2 (part), 1977).

*See Ord 09-19 – Sections 4 - 5*

**7.16.040 Standards for commercial animal establishments.**

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

- (a) Be operated in such a manner as not to constitute a public nuisance;
- (b) Provide an isolation area for animals which are sick or diseased to be sufficiently removed so as not to endanger the health of other animals;
- (c) Keep all animals caged, within a secure enclosure or under the control of the owner/guardian or operator at all times;
- ▶ ~~(d) With respect to all animals kept on the premises, comply with all of the provisions of this title providing for the general care of animals;~~
- ~~(e) Not sell animals which are unweaned or obviously diseased;~~
- ▶ **(d) respect to all animals kept on the premises, comply with all of the provisions of Chapter 7.36, Animal Care of this title providing for the general care of animals;**
- (e) Not sell dogs and/or cats which are unweaned, less than eight (8) weeks of age, or obviously diseased;**
- ▶ **(f) If it is a major pet shop, post the name of the breeder of all dogs and cats for sale on the animal's kennel;**
- (g) If it is a major or minor pet shop, keep records of the name, address and telephone number of the breeder and seller of each animal for a period of two (2) years after the date the animal is sold and make those records available for inspection by the City of Bloomington Animal Care and Control Department.**
- (h) Recommend that any animal sold, transferred or given away be examined by a licensed veterinarian within one (1) week of the date of transfer and notify the new owner/guardian of state requirements for rabies vaccinations.**
- ▶ ~~(i) Be in compliance with all zoning laws.~~  
(Ord. 05-33 § 4 (part), 2005; Ord. 77-74 § 2 (part), 1977).

*See Ord 09-19 – Section 6*

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

- (5) The date, dosage and type of any anti-parasitic medicine, if known, that was administered; and
- (6) The name, address, and signature of the major pet shop permit holder.

**7.16.050 Commercial animal establishment permit period.**

The commercial animal establishment permit period shall begin on January 1st and shall run for one year. Applicants requiring a permit during the year shall pay a prorated fee for the remaining portion of the year. Applications must be made prior to the establishment of a commercial animal establishment. (Ord. 05-33 § 4 (part), 2005; Ord. 99-39 § 20, 1999; Ord. 77-74 § 2 (part), 1977).

**7.16.060 Fees.**

(a) Fees for permits shall be as follows:

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

(b) No fee shall be required of any municipal animal shelter, research laboratory, or government-operated zoological park. (Ord. 05-33 § 4 (part), 2005; Ord. 99-39 §§ 21, 22, 1999; Ord. 77-74 § 2 (part), 1977).

**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 of Bloomington animal care and control department and apply for the new permit required within thirty days. Appropriate changes, including pro rata credit for the previous permit, shall be made by the city. (Ord. 05-33 § 4 (part), 2005; Ord. 99-39 § 23, 1999; Ord. 77-74 § 2 (part), 1977).

*See **Ord 09-19** – Section 7 – which deletes and replaces the entire section. However, in doing so, it preserves much of the existing text. In order to be more precise about the effect of the amendment, the following notations capture the actual changes in text*

**7.16.080 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) **and** (c) of this section may, at the discretion of the animal owner/guardian, be paid to the city of Bloomington animal care and control department within seventy-two hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings shall be filed in the county court of



competent jurisdiction. *(Part (a) is deleted and replaced with the same text.)*

- ▶ **(b) Permit holders who have been found to have falsified records or who have been found to be in violation of the animal care standards referenced in 7.16.040(d) shall be subject to a fine of triple the permit fee for the first offense, with the fine for each subsequent offense within a twelve month period increasing by an increment of triple the permit fee. In the event that the animal establishment permit does not require a fee, the fine for a first offense shall be equal to three times the fee of a major pet shop permit holder, with the fine for each subsequent offense of this chapter increasing by an increment of triple the permit fee of a major pet shop permit holder. *(Part (b) is new.)***
- ▶ **(b) (c) Persons Permit holders** who violate any **other** provision of this chapter shall be subject to a fine of double the permit fee for the first offense, with the fine for each subsequent offense of this chapter **within a twelve month period** increasing by an increment of double the permit fee. In the event that the animal establishment permit does not require a fee, the fine for a first offense shall be ~~twenty-five dollars~~ **equal to two times the fee of a major pet shop permit holder**, with the fine for each subsequent offense of this chapter increasing by an increment of ~~fifty dollars~~ **double the permit fee of a major pet shop permit holder**. *(The new Part (c) is the former Part (b) with a few changes.)*
- ▶ **(d) Permit holders cited for violations of this chapter more than three (3) times in a twelve month period may have their permit revoked for a period of three (3) months. The permit may be reinstated by the animal care and control department following an inspection that reveals no further violations. Further violations following reinstatement of the permit may result in the permit being revoked permanently. *(Part (d) is new.)***
- ▶ **(c) (e)** ~~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 double the permit fee for the first offense, with the fine for each subsequent offense increasing by an increment of double the permit fee. In the event that the animal establishment permit does not require a fee, the fine for a first offense shall be twenty five dollars, with the fine for each subsequent offense of this chapter increasing by an increment of fifty dollars. *(The new Part (e) is the former Part (c).)*~~  
(Ord. 05-33 § 4 (part), 2005; Ord. 99-39 § 24, 1999; Ord. 81-101 § 3 (part), 1981; Ord. 77-74 § 2 (part), 1977).

## Chapter 7.21

### KENNEL PERMITS\*

Sections:

- ▶ **7.21.005 General Requirements**
  - 7.21.010 Kennel permits required.
  - 7.21.020 Obtaining noncommercial kennel permits.
  - 7.21.025 Obtaining commercial kennel permits.
  - 7.21.028 Obtaining a waiver and a permit for chicken flocks.
  - 7.21.030 Inspection.
  - 7.21.040 Standards for noncommercial kennels.
  - 7.21.050 Standards for commercial kennels.
  - 7.21.057 Standards for maintaining chicken flocks.
  - 7.21.060 Kennel permit periods.
  - 7.21.070 Fees.

7.21.080 Reclassification.

7.21.090 Violations.

\* Prior ordinance history: Ord. 99-39.

***See Ord 09-19 – Section 8***

▶ **7.21.005 General requirements**

(a) **No person shall own or harbor more than a total of nineteen (19) cats and/or dogs over the age of twelve months. This provision does not apply to commercial kennels. A person owning or harboring more than a total of nineteen (19) cats and/or dogs over the age of twelve months at the time that this ordinance becomes effective shall:**

- (1) **Be permitted to retain those animals, but shall not replace any animal upon its death or loss until such time as the total number of animals is nineteen (19) or less; and**
- (2) **Complete the appropriate kennel permit application within sixty (60) days of the ordinance's effective date.**

**7.21.010 Kennel permits required.**

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

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

(Ord. 07-01 § 8, 2007; Ord. 06-21 § 2, 2006; Ord. 05-33 § 5 (part), 2005).

**7.21.020 Obtaining noncommercial kennel permits.**

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

(a) The application for a noncommercial kennel permit shall include:

- (1) The name, address, and telephone number of the applicant;
- (2) The description (species, breed, sex, age and coloration) of and proof of rabies vaccination for each animal to be housed in the kennel; and
- (3) A statement as to whether the applicant has ever been convicted of the offense of cruelty to animals.

(b) If the applicant withholds or falsifies any information on the application, no permit shall be issued and any permit previously issued on false or withheld information shall be revoked.

(c) No person previously convicted of cruelty to animals shall be issued a kennel permit without prior review by the animal control commission.

(Ord. 05-33 § 5 (part), 2005).

***See Ord 09-19 – Section 9***

**7.21.025 Obtaining commercial kennel permits.**

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

(a) The application for a commercial kennel permit shall include:

- (1) The name, address, and telephone number of the applicant;

(2) A statement as to whether the applicant has ever been convicted of the offense of cruelty to animals; and

(3) A statement of the total capacity of the kennels used for the purposes of Class B, Class C and Class D commercial kennel permits.

▶ ~~(b) Applications for Class A commercial kennel permits must include the description (species, breed, sex, age and coloration) of each animal to be housed in the kennel.~~

▶ ~~(e)~~ (b) If the applicant withholds or falsifies any information on the application, no permit shall be issued and any permit previously issued on false or withheld information shall be revoked.

▶ ~~(d)~~ (c) No person previously convicted of cruelty to animals shall be issued a kennel permit without prior review by the animal control commission.

(Ord. 05-33 § 5 (part), 2005).

### **7.21.028 Obtaining a waiver and a permit for chicken flocks.**

Except as provided in this title and by Title 20, as the same may be hereafter amended or replaced, it shall be unlawful for any person to harbor chickens. Persons wishing to harbor a chicken flock shall obtain both a waiver and a permit.

(a) Waiver. All persons wishing to harbor a chicken flock shall obtain written waivers by all owners of adjacent lots indicating that said owner does not oppose the harboring of chicken flocks at the applicant's address and therefore waives the prohibition of this chapter. An adjacent lot is one whose boundary line touches the boundary line of applicant's lot, or is separated from the applicant's lot only by an intervening alley or other right-of-way, but does not include lots with an intervening right-of-way classified as a neighborhood street or higher on the city's master thoroughfare plan. All waivers shall be in a form provided by the city.

(1) Where the applicant receives waivers from all owners of all adjacent lots and complies with all other requirements of this title for chicken flocks, the applicant shall be permitted to replenish the chicken flock upon the death or loss of any chicken; but

(2) An applicant who harbored chickens on March 31, 2006 may obtain a permit pursuant to subsection (b)(5) of this section without obtaining waivers hereunder, and the applicant will thereby be permitted to retain a chicken flock but shall not replace any chicken upon its death or loss. Should such applicant subsequently obtain waivers from all owners of all adjacent lots, then this class of harborers shall be allowed to replenish his/her flock pursuant to subsection (a)(1) above;

(3) The written waiver as provided in subsection (a) of this section is effective when it is filed with the city of Bloomington animal care and control department and shall expire five years from its effective date.

(b) Permit.

(1) Applications for a permit to harbor a chicken flock shall be made by the owner of the property to the city of Bloomington animal care and control department and shall include:

(A) The name, address, and telephone number of the applicant,

(B) The description (breed, sex, age and coloration) of each chicken in the chicken flock,

(C) The address where the chicken flock is to be harbored, and the zoning district in which such address is located (which must be a district listed in subsection (d) of the definition of "Chicken flock" of this title),

(D) A statement indicating whether the applicant has ever been convicted of the offense of cruelty to animals;

(2) The permit to harbor a chicken flock shall not be transferable to another person or

to another location; and

(3) No applicant shall harbor more than one chicken flock within the city; and

(4) If the applicant withholds or falsifies any information on the permit application, no permit shall be issued and any permit previously issued on false or withheld information shall be revoked; and

(5) An application for a permit shall be made prior to the harboring of any chickens or the creation of any chicken flock, except where the applicant harbored chickens on March 31, 2006 in which case the harborer shall submit an application for a permit no later than ninety days after the effective date of the ordinance codified in this chapter. Where the applicant harbored chickens on March 31, 2006, the applicant must reduce his/her flock to no more than five hens and no roosters, and comply with all other requirements of this title pertaining to chicken flocks within ninety days from the effective date of the ordinance codified in this chapter. A person who harbored chickens on March 31, 2006 but fails to apply for a permit within this timeline shall have no entitlement to continue to harbor any chicken unless and until such person meets all requirements of this section for chicken flocks and obtains a permit for same; and

(6) All permits shall be conditioned upon a passing inspection by senior and staff animal control officers of the city and/or their designees and compliance with this chapter; and

(7) Senior and staff animal control officers may refuse to grant or renew a permit and may revoke a permit if applicant/harbored is unable to maintain his/her flock so as to not create a nuisance, as evidenced by three admitted or judicially-determined violations of this chapter within twelve consecutive months.

(c) No person previously convicted of cruelty to animals shall be registered or issued a permit without prior review by the animal control commission.

(Ord. 06-21 § 3, 2006).

#### **7.21.030 Inspection.**

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

(a) The senior and staff animal control officers of the city and/or their designees shall be permitted to inspect the structure and/or premises wherein a kennel is maintained (or believed to be maintained) and all animals located thereon where such animals are harbored.

(b) All reports of such inspections shall be in writing and maintained by the senior animal control officer.

(c) The senior animal control officer, staff animal control officers, and/or their designees are authorized to enter the structure or premises wherein a kennel is maintained (or believed to be maintained) at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures.

(d) If the owner or those in possession of a structure or premises wherein a kennel is maintained (or believed to be maintained) refuse inspection of said kennel, the senior animal control officer, staff animal control officers, and/or their designees may obtain an inspection warrant from any court of record in the county in which the kennel is located in order to determine if the kennel is maintained in accordance with this title.

(Ord. 07-01 § 11, 2007).

#### **7.21.040 Standards for noncommercial kennels.**

All noncommercial kennels shall:

(a) Operate in such a manner as to not constitute a public nuisance; and

(b) Comply with all of the provisions of Chapter 7.36, Animal Care, of this title which provides standards for the general care of animals.  
(Ord. 05-33 § 5 (part), 2005).

#### **7.21.050 Standards for commercial kennels.**

All commercial kennels shall:

- (a) Operate in such a manner as to not constitute a public nuisance;
- (b) Comply with all of the provisions of Chapter 7.36, Animal Care, of this title which provides for the general care of animals;
- (c) Provide an isolation area for animals which are sick or diseased to be sufficiently removed so as to not endanger the health and well-being of other animals;
- (d) Keep all animals caged within a secure enclosure or under the control of the owner/guardian or representative of the kennel at all times;
- (e) Provide each animal sufficient space to stand up, lie down and turn around in a natural position without touching the sides or top of the enclosure;
- (f) Provide individual kennels for each animal being harbored for any portion of a twenty-four hour period, with the exception of yard or other play areas used for the purpose of dog day care. Kennels intended for single occupancy shall not house more than one animal, with the exception of animals that are normally housed together in a home environment.  
(Ord. 05-33 § 5 (part), 2005).

#### **7.21.057 Standards for maintaining chicken flocks.**

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

- (11) Provide adequate safeguards to prevent unauthorized access to the chickens by members of the public; and
  - (12) Keep the chicken coop, chicken run and surrounding area free from trash and accumulated droppings. The harborer shall dispose of chicken waste and uneaten feed in a timely manner and in accordance with the Bloomington Municipal Code.
- (b) The chicken coop and chicken run shall:
- (1) Provide a sight fence or shrub screening of at least four feet in height around both coop and run if visible to occupants of neighboring lots; and
  - (2) Be located at least twenty feet from any building not owned or occupied by the harborer, that is used or capable of being used for human habitation; and
  - (3) Be located at least twelve feet from the property line of any neighboring lot.
- (c) All chicken coops and chicken runs shall comply with the requirements for accessory structures outlined in Title 20 of the Bloomington Municipal Code as the same may be hereafter amended or replaced.  
(Ord. 06-21 § 5, 2006).

**7.21.060 Kennel permit periods.**

- (a) Noncommercial kennel permits shall be valid for a period of one year from the date of issuance. An application must be made within ten days of the creation of a kennel.
- (b) Commercial kennel permits shall be valid for one year beginning January 1st of each year. Applicants requiring a commercial kennel permit during the year shall pay a prorated fee for the remaining portion of the current year. An application must be made prior to the creation of a kennel.
- (c) Repealed by Ord. 07-01.
- (d) Chicken flock permits shall be valid for a period of no more than one year from the date of issuance.  
(Ord. 07-01 § 13, 2007; Ord. 06-21 § 6, 2006; Ord. 05-33 § 5 (part), 2005).

*See Ord 09-19 – Section 10 – which deletes and replaces the entire section. However, in doing so, it preserves much of the existing text. In order to be more precise about the effect of the amendment, the following notations capture the actual changes in text.*

**7.21.070 Fees.**

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

<del>(1) More than 4 altered dogs</del>	<del>\$25.00</del>
<b>(1) 5-8 altered dogs</b>	<b>\$25.00</b>
<b>(2) 9-12 altered dogs</b>	<b>\$50.00</b>
<b>(3) 13-16 altered dogs</b>	<b>\$75.00</b>
<b>(4) 17-19 altered dogs</b>	<b>\$100.00</b>
<del>(2) More than 6 altered cats</del>	<del>\$25.00</del>
<b>(5) 7-11 altered cats</b>	<b>\$25.00</b>
<b>(6) 12-16 altered cats</b>	<b>\$50.00</b>
<b>(7) 17-19 altered cats</b>	<b>\$75.00</b>
<del>(3) More than a total of 10 altered dogs and cats combined</del>	<del>\$25.00</del>
<del>(4) More than a total of 14 altered dogs and cats combined</del>	<del>\$50.00</del>

<del>(5) Additional altered dogs and cats combined in increments of 4</del>	<del>\$50.00, plus \$25.00 per additional increment</del>
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(b) The fee for commercial kennel permits shall be:

<del>(1) Class A, owning:</del>	
<del>(A) 5-8 animals</del>	<del>\$100.00</del>
<del>(B) 9-12 animals</del>	<del>\$150.00</del>
<del>(C) Additional animals in increments of 4</del>	<del>\$150.00, plus \$50.00 per additional increment</del>
(2) Class B, boarding:	
(A) 1-25 kennels	\$100.00
(B) 26-50 kennels	\$250.00
(C) Additional kennels in increments of 25	<del>\$250.00, plus \$200.00 per additional increment</del>
(3) Class C, training	\$75.00
(4) Class D, grooming	\$50.00

(c) The fee for a permit for a chicken flock shall be: twenty-five dollars.

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

(e) 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 class.  
(Ord. 07-01 § 14, 2007; Ord. 06-21 § 7, 2006; Ord. 05-33 § 5 (part), 2005).

#### **7.21.080 Reclassification.**

Any person or business who has a change in class under which the commercial and/or noncommercial kennel permit was issued shall report the change to the city of Bloomington animal care and control department and apply for a new permit within thirty days of any such change.  
(Ord. 05-33 § 5 (part), 2005).

#### **7.21.090 Violations.**

(a) Any animal control officer may issue any person or business in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) of this section shall be paid to the city of Bloomington animal care and control department within seventy-two hours of the notice of ordinance violation. In the event that such payment is not made within seventy-two hours, the city may file a proceeding in the county court of competent jurisdiction to collect the applicable penalty.

(b) Persons or businesses who violate any provision of this chapter shall be subject to a fine of double the applicable permit fee for the first offense, with the fine for each subsequent offense of this chapter increasing by an increment of double the permit fee. In the event that the kennel permit does not require a fee, the fine for a first offense shall be twenty-five dollars, with the fine for each subsequent offense of this chapter increasing by an increment of fifty dollars.

(c) In the event that the person or business has no additional violations of this chapter for a period of twelve consecutive months, the fine for any violation of this chapter after that period shall be double the applicable permit fee for the first offense, with the fine for each subsequent offense increasing by an increment of double the applicable permit fee. In the event that the kennel permit does not require a fee, the fine for a first offense shall be twenty-five dollars, with the fine for each subsequent offense of this chapter increasing by an increment of fifty dollars.

(Ord. 05-33 § 5 (part), 2005).

## Chapter 7.22

### BREEDERS

- ▶ Sections:
  - 7.22.005 General Requirements**
- ▶ 7.22.010 ~~Minor breeder~~ **Intact animal** permit required.
- ▶ 7.22.020 ~~Major breeder~~ **Litter** permit required.
- ▶ 7.22.030 Obtaining breeder permits.
- ▶ **7.22.035 Consumer protection requirements**
- ▶ 7.22.040 Inspection.
- ▶ 7.22.050 ~~Breeder~~ Permit periods.
- ▶ 7.22.060 Fees.
- ▶ 7.22.070 Reclassification.
- ▶ 7.22.080 Violations.

#### *See Ord 09-19 – Section 11*

- ▶ **7.22.005 General requirements**
  - (a) No person shall own or harbor more than a total of nineteen (19) cats and/or dogs over the age of twelve months. This provision does not apply to commercial kennels. A person owning or harboring more than a total of nineteen (19) cats and/or dogs over the age of twelve months at the time that this ordinance becomes effective shall:
    - (1) Be permitted to retain those animals, but shall not replace any animal upon its death or loss until such time as the total number of animals is nineteen or less; and
    - (2) Complete the appropriate kennel permit application within sixty days of the ordinance's effective date.
  - (b) A breeder who houses dogs or cats in a cage shall provide every dog or cat with a reasonable opportunity for exercise outside of a cage at least one (1) time per day in accordance with section 3.8 of the federal Animal Welfare Act. However, a breeder who permits a dog or cat access to a run that meets the requirements of section 3.8 of the Animal Welfare Act at least one (1) time per day has satisfied the exercise requirement. Further, a breeder is not required to provide the opportunity for exercise if exercise would endanger the dog or cat's life or health.

#### *See Ord 09-19 – Section 12*

- ▶ ~~**7.22.010 Minor breeder permit required.**~~
  - No person or business shall be a minor breeder without obtaining a permit in compliance with this chapter.
  - ~~(a) Minor breeders shall:~~
    - ~~(1) Breed only one dog or one cat which results in the birthing of a maximum of one litter in a twelve month period;~~
    - ~~(2) Not offer for sale, sell, trade, receive any compensation for or give away more than one litter of dogs or one litter of cats in a twelve month period;~~
    - ~~(3) Keep records for the duration of the permit as to the birth of each litter of dogs or cats, as may be required by the city of Bloomington animal care and control department;~~



~~———— (4) — Keep records of the name, address and telephone number of each buyer or new owner/guardian of any dog or cat sold or transferred;~~

~~———— (5) — Furnish to each buyer or new owner/guardian of an animal the minor breeder permit number of the minor breeder in order that the new owner/guardian has proof and assurance that the animal was legally bred;~~

~~———— (6) — Not offer a puppy or kitten under the age of eight weeks for sale, trade, or other compensation or free giveaway, with the exception of animals taken to the animal shelter;~~

~~———— (7) — Recommend that any animal sold, transferred or given away be examined by a licensed veterinarian within one week of the date of transfer and notify the new owner/guardian of state requirements for rabies vaccinations; and~~

~~———— (8) — List the person's or business's minor breeder permit number on all public notices advertising the sale or free giveaway of litters of or individual puppies or kittens.~~

~~(b) — Any owner/guardian or person having custody of a dog or cat which has been altered within fourteen weeks after giving birth to a litter or who relinquishes the adult dog or cat and the litter to the animal shelter within fourteen weeks of the birth date of the litter shall have all permit requirements waived.~~

~~(Ord. 05-33 § 6 (part), 2005; Ord. 99-39 §§ 37 (part), 38, 1999).~~

► **7.22.010 Intact animal permit required**

**(a) No person or business shall own or harbor more than four (4) dogs and/or more than six (6) cats twelve months or older any one of which is unaltered without obtaining a permit in compliance with this chapter.**

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

*See Ord 09-19 – Section 13*

► **~~7.22.020 Major breeder permit required.~~**

~~No person or business shall be a major breeder without obtaining a permit in compliance with this chapter.~~

~~Major breeders shall:~~

~~(a) — Not allow the birthing of more than one litter per female dog or cat in a twelve-month period;~~

~~(b) — Keep records for twelve months as to the birth of each litter of dogs or cats as may be required by the city of Bloomington animal care and control department;~~

~~(c) — Keep records for twenty four months of the name, address and telephone number of each buyer or new owner/guardian of any dog or cat sold or transferred;~~

~~(d) — Furnish to each buyer or new owner/guardian of an animal the major breeder permit number in order that the new owner/guardian has proof and assurance that the animal was legally bred;~~

~~(e) — Not offer a puppy or kitten under the age of eight weeks for sale, trade, or other compensation or free giveaway, with the exception of animals taken to the animal shelter;~~

~~(f) — Recommend that any animal sold, transferred or given away be examined by a licensed veterinarian within one week of the date of transfer and notify the new owner/guardian of state requirements for rabies vaccinations; and~~

~~(g) — List the person's or business's major breeder permit number on all public notices~~

advertising the sale or free giveaway of litters of or individual puppies or kittens.  
(Ord. 05-33 § 6 (part), 2005; Ord. 99-39 §§ 37 (part), 39, 1999).

► **7.22.020 Litter permit required**

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

(a) **Permit holders shall:**

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

(b) **Any owner/guardian or person having custody of a dog or cat which has been altered within fourteen weeks after giving birth to a litter or who relinquishes the adult dog or cat and the litter to the city of Bloomington animal care and control department within fourteen weeks of the birth date of the litter shall have all permit requirements waived.**

*See Ord 09-19 – Section 14 and 15*

► **7.22.030 Obtaining breeder permits.**

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

(a) **The application shall include:**

- (1) **The name, address and telephone number of the applicant;**
- (2) **A statement as to whether the applicant has ever been convicted of the offense of cruelty to animals; and**
- (3) **Descriptions (species, breed, sex, age, coloration) of each animal under the**

permit.

(b) If the applicant withholds or falsifies any information on the application, no permit shall be issued and any permit previously issued on false or withheld information shall be revoked.

(c) No person previously convicted of cruelty to animals shall be issued a kennel permit without prior review by the animal control commission.

- (d) An owner/guardian must apply for a ~~minor or major breeder~~ **litter** permit within twenty-one days of the birthing of a litter ~~or upon receiving a citation for failure to restrain their unaltered animal.~~

(Ord. 05-33 § 6 (part), 2005; Ord. 99-39 §§ 37 (part), 40, 1999).

***See Ord 09-19 – Section 16 – which inserts a new section***

► **7.22.035 Consumer protection requirements**

(a) **This section applies to the sale of dogs and cats by litter permit holders.**

(b) **Sellers shall provide a purchaser of a dog or cat with a health record for the animal at the time of sale. The health record shall include the following:**

(1) **The animal's breed. If the breed is unknown or mixed, the health record shall so indicate. If the animal is advertised or represented as registerable, the following information shall be provided: the breeder's name and address; the name and registration number of the dam and sire of the purchased dog's litter; and the name and address of the pedigree registry organization where the dam and sire are registered. Providing registration papers, if available, shall meet this requirement;**

(2) **The date of the animal's birth;**

(3) **The animal's sex, color and markings;**

(4) **A list of all vaccinations administered, if known; the date and type of vaccinations and the name of the person who administered them, if known, up to the date of sale; a record of any known disease, illness or condition with which the animal is or has been afflicted at the time of the sale; and a record of any veterinary treatment or medication received by the animal;**

(5) **The date, dosage and type of any anti-parasitic medicine, if known, that was administered; and**

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

**7.22.040 Inspection.**

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

(a) The senior and staff animal control officers of the city and/or their designees shall be permitted to inspect the structure or premises wherein an establishment regulated under this chapter is maintained (or believed to be maintained) and all animals located thereon where such animals are harbored.

(b) All reports of such inspections shall be in writing and maintained by the senior animal control officer.

(c) The senior animal control officer, staff animal control officers, and/or their designees are authorized to enter the structure or premises wherein an establishment regulated under this chapter is maintained (or believed to be maintained) at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures.

(d) If the owner or those in possession of a structure or premises wherein an establishment regulated under this chapter is maintained (or believed to be maintained) refuse inspection of said establishment, the senior animal control officer, staff animal control officers, and/or their designees may obtain an inspection warrant from any court of record in the county in which the establishment is located in order to determine if the establishment is maintained in accordance with this title. (Ord. 05-33 § 6 (part), 2005: Ord. 99-39 §§ 37 (part), 41, 1999).

*See Ord 09-19 – Section 17 – which also affects the table of contents for this chapter.*

► **7.22.050 Breeder Permit periods.**

- (a) ~~Minor breeder~~ Permits shall be valid for a period of one year from the date of issuance.
  - (b) ~~Major breeder permits shall be issued on a litter by litter basis and shall be valid for one year from the date of application.~~
- (Ord. 05-33 § 6 (part), 2005: Ord. 99-39 §§ 37 (part), 42, 1999).

*See Ord 09-19 – Section 18*

► **7.22.060 Fees.**

Fees for breeder permits shall be:

(a) Minor breeder permit	\$100.00
(b) Minor breeder permit for each unrestrained unaltered animal	\$100.00
(c) Major breeder permit	\$150.00 per litter

► (a) **Fees for Intact Animal permits shall be:**

- (1) 1-2 unaltered animals                      **\$50.00**
- (2) 3-6 unaltered animals                      **\$100.00**
- (3) 7-10 unaltered animals                    **\$150.00**
- (4) 11-14 unaltered animals                 **\$200.00**
- (5) 15-19 unaltered animals                 **\$250.00**

► (b) **Fees for Litter Permits shall be:**

- (1) **First litter in a twelve month period**                      **\$100.00**
- (2) **Additional litters**    **\$150.00/litter**

(Ord. 05-33 § 6 (part), 2005: Ord. 99-39 §§ 37 (part), 43, 1999).

► *See Ord 09-19 – Section 22*

**7.22.070 Reclassification.**

Any person or business who has a change in the category under which the ~~minor or major breeder~~ permit was issued shall report the change to the city of Bloomington animal care and control

department and apply for a new permit within thirty days of any such change.  
(Ord. 05-33 § 6 (part), 2005: Ord. 99-39 §§ 37 (part), 44, 1999).

#### **7.22.080 Violations.**

(a) Any animal control officer may issue any person or business in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) of this section shall be paid to the city of Bloomington animal care and control department within seventy-two hours of the notice of ordinance violation. In the event that such payment is not made within seventy-two hours, the city may file a proceeding in the county court of competent jurisdiction to collect the applicable penalty.

(b) Persons or businesses who violate any provision of this chapter shall be subject to a fine of double the applicable permit fee for the first offense, with the fine for each subsequent offense of this chapter increasing by an increment of double the permit fee.

(c) In the event that the person or business has no additional violations of this chapter for a period of twelve consecutive months, the fine for any violation of this chapter after that period shall be double the applicable permit fee for the first offense, with the fine for each subsequent offense increasing by an increment of double the applicable permit fee.  
(Ord. 05-33 § 6 (part), 2005: Ord. 99-39 §§ 37 (part), 45, 1999).

### **Chapter 7.23**

#### **FERAL CATS**

Sections:

**7.23.010 General requirements.**

**7.23.020 Managed feral cats.**

**7.23.030 Colony caretaker responsibilities.**

*Provisions BMC 7.23 were not affected by Ord 09-19 and, therefore, were not included in this document.*

### **Chapter 7.24**

#### **RESTRAINT**

Sections:

**7.24.010 General requirements.**

**7.24.020 Animals in heat.**

**7.24.030 Vicious animals.**

**7.24.040 Violations.**

**7.24.010 General requirements.**

All animals, except cats which have been neutered or spayed and are wearing identification or are ear-tipped or tattooed in the case of feral cats, shall be kept under restraint. However, altered cats not

kept under restraint at all times are still subject to public nuisance laws cited in Chapter 7.28 of this title. (Ord. 07-01 § 16, 2007).

#### **7.24.020 Animals in heat.**

Every female animal in heat shall be confined in a building or secure enclosure in such a manner that the animal cannot come into contact with a male animal of the same species, except for planned breeding.

(Ord. 05-33 § 7 (part), 2005; Ord. 77-74 § 4 (part), 1977).

#### **7.24.030 Vicious animals.**

(a) If an animal control officer or a law enforcement officer has investigated and determined that there exists probable cause to believe that an animal is potentially dangerous or vicious, the animal control officer shall request a hearing by the animal control commission for the purpose of determining whether or not the animal in question should be declared potentially dangerous or vicious.

(1) Whenever possible, any complaint received from a member of the public which serves as the evidentiary basis for finding probable cause shall be sworn to and verified by the complainant and shall be provided to the animal control commission.

(2) The hearing will be held at the next regularly scheduled meeting of the animal control commission and shall be open to the public.

(3) The owner/guardian of the animal shall be served with notice of the hearing and a copy of any complaints received by certified mail or in person.

(4) The animal control officer shall notify the owner/guardian of the animal of the date and time of such hearing, at which time he or she may present evidence as to why the animal should not be declared potentially dangerous or vicious.

(A) Such evidence may include eyewitness testimony of the incident; or

(B) Evidence that the action of the animal and the damage sustained by the person or other animal could have reasonably been expected to occur given the circumstances of the event. Such circumstances may include, but are not limited to: willful trespass upon the owner/guardian's property; teasing, tormenting, abusing or assaulting the animal; and/or attempted abuse or assault upon the owner/guardian.

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

(6) The animal control commission may decide all issues for or against the owner/guardian of the animal even if the owner/guardian of the animal fails to appear at the hearing.

(7) After the hearing, the owner/guardian of the animal shall be notified in writing of the determination by certified mail or in person.

(A) If a determination is made that the animal is potentially dangerous or vicious, the owner/guardian shall comply with this section's requirements for restraint in accordance with a time schedule established by the animal control commission but in no case more than thirty days after the date of the determination.

(B) An animal determined to be vicious may be destroyed by the city of Bloomington animal care and control department when it is found by the animal control commission that the release of the animal would create a significant threat to the public health, safety, and welfare.

(C) If it is determined that an animal found to be vicious shall not be

destroyed, the animal control commission may impose reasonable conditions upon the ownership of the animal that protect the public health, safety and welfare.

(D) Decisions of the animal control commission are final.

(b) If, upon investigation, it is determined by the animal control officer or law enforcement officer that probable cause exists to believe the animal in question poses an immediate threat to public safety, then the animal control officer or law enforcement officer may seize and impound the animal pending the hearing to be held pursuant to this section. The owner/guardian of the animal shall be liable to the city of Bloomington animal shelter where the dog is impounded for the costs and expenses of keeping the animal, if the animal is later declared potentially dangerous or vicious.

(c) A potentially dangerous animal, while on the owner/guardian's property, shall, at all times, be kept indoors, or in a secured enclosure from which the animal cannot escape, and into which children cannot trespass. A potentially dangerous animal may be off the owner/guardian's premises only if it is restrained by a substantial leash, of appropriate length, and if it is under the control of an adult.

(d) An animal that has been declared vicious may not be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition, except to a secured enclosure. When outside, all vicious animals must be confined in a secure enclosure, except when necessary to obtain veterinary care.

(1) All such enclosures must be adequately lighted and ventilated and kept in a clean and sanitary condition.

(2) The enclosure shall have secure sides and a secure top and bottom to prevent the animal from escaping over, under, or through the structure.

(3) The enclosure shall be kept locked at all times to prevent unintentional opening.

(4) The enclosure shall include suitable shelter and protection from the elements, and shall provide adequate exercise room, light, ventilation, and sanitation.

(5) The enclosure shall be approved by the city of Bloomington animal care and control department prior to its usage for confinement.

(6) Whenever necessity requires a vicious animal to be outside of the enclosure, the animal shall be securely muzzled and restrained by a leash not exceeding three feet in length, with handgrip, and shall be under the direct control and supervision of the owner/guardian of the animal.

(e) The owner/guardian of a potentially dangerous or vicious animal shall display clearly visible warning signs on all entry points to the premises on which the animal is maintained warning that a potentially dangerous or vicious animal is being harbored on such property. In addition, at least one sign shall be posted on the enclosure in which the animal is maintained. Signs must inform both children and adults of the presence of a potentially dangerous or vicious animal on the property.

(f) Any animal classified as potentially dangerous or vicious shall not be used for breeding and shall be altered by a licensed veterinarian within thirty days of such classification unless:

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

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

(g) If the animal in question dies, or is sold or transferred, the owner/guardian shall notify the city of Bloomington animal care and control department of the changed condition and new location of the animal in writing within two working days.

(h) An owner/guardian may submit one request for reconsideration per year to the animal

control commission to have the designation of potentially dangerous or vicious removed from his or her animal.

(1) The application must be in writing.

(2) The application must be given to the city of Bloomington animal care and control department.

(3) The application shall include detailed information about how the change in circumstances or measures taken by the owner/guardian, such as training of the animal, have mitigated the risk to public safety.

(4) The animal control commission may hear evidence, both pro and con, as to whether and why the designation should or should not be removed.

(5) The animal control commission may make a decision to remove or not to remove such designation.

(Ord. 05-33 § 7 (part), 2005; Ord. 99-39 § 46, 1999; Ord. 81-101 § 1 (part), 1981; Ord. 77-74 § 4 (part), 1977).

*See Ord 09-19 – Sections 19 and 20*

**7.24.040 Violations.**

(a) Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) of this section may, at the discretion of the animal owner/guardian, be paid to the city of Bloomington animal care and control department within seventy-two hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings shall be filed in the county court of competent jurisdiction.

(b) Persons who violate any provision of this chapter shall be subject to the following fine:

(1) Failure to restrain, first offense, altered animal: twenty dollars. Fines for each subsequent offense within twelve consecutive months of first offense increase in increments of twenty dollars per offense.

► ~~————— (2) ——— Failure to restrain, first offense, unaltered animal: forty dollars. Fines for each subsequent offense within twelve consecutive months of first offense increase in increments of forty dollars per offense.~~

► **(2) Failure to restrain, first offense, unaltered animal: \$100 However, an owner/guardian who agrees to have their dog or cat spayed or neutered at their expense prior to reclaiming the animal from the City of Bloomington Animal Care and Control Department, will be assessed the fine for Failure to Restrain, First Offense, Altered of \$20.**

► ~~————— (3) ——— Failure to restrain female animal in heat, first offense: one hundred dollars. Fines for each subsequent offense within twelve consecutive months of first offense are one hundred fifty dollars per offense.~~

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

**(A) Implanted with a microchip by the City of Bloomington Animal Care and Control Department at the owner/guardian's expense for the purpose of future identification and recovery; and**

**(B) Spayed or neutered by a licensed veterinarian at the owner/guardian's expense prior to the City of Bloomington Animal Care and Control Department**



**relinquishing the animal to the owner/guardian. Should cost be an issue, the City of Bloomington Animal Care and Control Department may enter into a payment agreement with the owner/guardian or the owner/guardian may sign over ownership rights of the animal to the City of Bloomington Animal Care and Control Department.**

(4) Failure to restrain vicious animal or potentially dangerous animal, first offense: one hundred dollars. Fines for each subsequent offense within twelve consecutive months of first offense are one hundred fifty dollars per offense.

(5) Failure to post warning signs for potentially dangerous and/or vicious animals: fifty dollars.

(6) Failure to notify city of Bloomington animal care and control department of change of status for potentially dangerous and/or vicious animals: fifty dollars.

(7) Failure to prevent potentially dangerous and/or vicious animal from breeding: one hundred dollars.

(8) Failure to alter potentially dangerous and/or vicious animal within thirty days of such classification: one hundred dollars.

(9) Failure to comply with any portion of this chapter, not previously addressed in subsections (b)(1) through (8) of this section, shall result in a one hundred-dollar fine.

(Ord. 05-33 § 7 (part), 2005; Ord. 99-39 § 47, 1999; Ord. 94-13 § 2, 1994; Ord. 81-101 § 3 (part), 1981; Ord. 77-74 § 4 (part), 1977).

## **Chapter 7.28**

### **NUISANCE**

Sections:

**7.28.010 Public nuisance prohibited.**

**7.28.020 Violations.**

*Provisions BMC 7.28 were not affected by Ord 09-19 and, therefore, were not included in this document.*

## **Chapter 7.32**

### **IMPOUNDMENT**

Sections:

**7.32.010 Animals to be impounded.**

**7.32.020 Jurisdiction of animal control officer for impoundment.**

**7.32.030 Notice of impoundment.**

**7.32.040 Impounded animals--Reclamation.**

*Provisions BMC 7.32 were not affected by Ord 09-19 and, therefore, were not included in this document.*

## Chapter 7.36

### ANIMAL CARE

Sections:

**7.36.010 Giving animals as prizes.**

**7.36.020 Poisoning animals.**

**7.36.025 Cruelty, abuse and neglect of animals.**

**7.36.030 Motor vehicle accidents involving animals.**

**7.36.040 Use of devices to induce performance.**

**7.36.050 General animal care.**

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

**7.36.070 Abandonment.**

#### **7.36.010 Giving animals as prizes.**

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

(b) No person shall auction any live animal, except domestic livestock.

(c) Violations. Any animal control officer may issue to any person in violation of this section a notice of ordinance violation. The penalty established in subsection (d) of this section may, at the discretion of the animal owner/guardian, be paid to the city of Bloomington animal care and control department within seventy-two hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings shall be filed in the county court of competent jurisdiction.

(d) Persons who violate any provision of this section shall be subject to a fine of one hundred dollars for each offense.

(Ord. 05-33 § 10 (part), 2005; Ord. 99-39 § 52, 1999; Ord. 81-101 § 11, 1981; Ord. 77-74 § 6 (part), 1977).

#### **7.36.020 Poisoning animals.**

No person shall expose any known poisonous substance, whether mixed with food or not, so that it shall be likely to be eaten by any animal; provided, that it shall not be unlawful for a person to expose on his own property common rat or mouse poison, unmixed or mixed only with vegetable substances. Persons who violate this section shall be subject to a fine of up to two thousand five hundred dollars for each offense.

(Ord. 05-33 § 10 (part), 2005; Ord. 99-39 § 53, 1999; Ord. 77-74 § 6 (part), 1977).

#### **7.36.025 Cruelty, abuse and neglect of animals.**

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

(Ord. 05-33 § 10 (part), 2005; Ord. 99-39 § 54, 1999).

### **7.36.030 Motor vehicle accidents involving animals.**

Any person, who, as the operator of a motor vehicle, strikes a dog or cat, shall at once report the accident to the appropriate law enforcement agency or the city of Bloomington animal care and control department. Persons who violate this section shall be subject to a fine of fifty dollars for each offense. (Ord. 05-33 § 10 (part), 2005; Ord. 99-39 § 55, 1999; Ord. 77-74 § 6 (part), 1977).

### **7.36.040 Use of devices to induce performance.**

No animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that is likely to cause physical injury or suffering. Persons who violate this section shall be subject to a fine of two thousand five hundred dollars for each offense. (Ord. 05-33 § 10 (part), 2005; Ord. 99-39 § 56, 1999; Ord. 77-74 § 6 (part), 1977).

## ***See Ord 09-19 – Section 21***

### **7.36.050 General animal care.**

(a) Every owner/guardian/colony caretaker 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 kept in an enclosure, ensure that the enclosure is appropriate to their species and/or breed. Such enclosure is to be constructed in a manner to enable the animal to remain clean and dry, to prevent the animal's injury or escape, and to be able to be disinfected. However, no flooring may be used to house dogs or cats which would allow their feet or legs to fall through and all enclosures shall contain an area that allows the animal to be on a solid surface; and**

▶ ~~(3)~~ **(4) If diseased or injured, receives care as necessary to prevent suffering and, if diseased, is segregated from other animals so as to prevent the transmittal of the disease to other animals.**

(b) Any domestic pet or feral cat that is owned or harbored and habitually kept outside or repeatedly left outside unattended by an adult person for such periods of time as may cause suffering or endanger the health or well-being of the animal shall be provided with a structurally sound, moistureproof and windproof shelter large enough to keep the animal reasonably clean and dry and provide adequate protection from the cold and heat. Shelter must be placed in a dry area free of debris, feces and standing water.

(c) If multiple animals are present in one location, each animal must have access to shelter and the owner/guardian/colony caretaker must meet all standards for each animal, as detailed in this section.

(d) The shelter must have bedding to provide insulation and protection against cold and dampness and promote the retention of body heat.

(e) Appropriate medical care and grooming of animals must be provided.

(f) No chain or tether shall weigh more than one-eighth of the animal's body weight.

- (g) Any chain or tether shall be at least ten feet in length and have swivels on both ends.
- (h) Any chain or tether must be attached to a properly fitting buckle-type collar or harness worn by the animal. Choke collars and pinch collars are prohibited for purposes of tethering an animal to a stationary object or cable run. A person may not wrap a chain or tether around an animal's neck. A chain or tether used to restrain an animal must, by design and placement, be unlikely to become entangled.
- (i) It shall be unlawful for the owner/guardian/colony caretaker of any animal to keep or maintain the animal on a tether for a period of more than ten continuous hours and no more than twelve hours in any twenty-four hour period, or for any duration under conditions, which threaten the health, or well-being of the animal.
- (j) A muzzle may not be worn continuously as a means for controlling barking.
- (k) A person may not restrain an animal in a manner that does not allow the animal to have access to necessary shelter, water and food.
- (l) A person may not restrain an animal in a manner that allows the animal to move outside property owned, lawfully occupied or controlled by the person.
- (m) Any person who owns or harbors any intact female dog or cat shall, during the period that such animal is in heat or in estrus, shall keep such dog or cat in a secured area that prevents a male dog or cat from having access to such female, except for controlled breeding permitted by the owner/guardian/colony caretaker of the female. Additionally, the female dog or cat shall not be chained or tethered in a manner that prevents her from defending herself or from avoiding a mate.
- (n) It shall be unlawful for any person to place or confine or allow any animal to be confined in such a manner that it must remain in a motor vehicle, trailer or pet carrier under such conditions for such periods of time as may cause suffering or endanger the health or well-being of the animal due to extreme temperatures or lack of food or water.
- (o) No person shall intentionally or unintentionally cause or allow the breeding of more than one litter per female cat or dog in a twelve-month period.
- (p) Any animal control officer may issue to any person in violation of this section a notice of ordinance violation. The penalty established in subsection (q) of this section may, at the discretion of the animal owner/guardian/colony caretaker, be paid to the city of Bloomington animal care and control department within seventy-two hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings shall be filed in the county court of competent jurisdiction.
- (q) Persons who violate any provision of this section shall be subject to a fine of fifty dollars for each offense.  
(Ord. 07-01 § 20, 2007; Ord. 05-33 § 10 (part), 2005; Ord. 99-39 § 57, 1999; Ord. 81-101 § 12, 1981; Ord. 77-74 § 6 (part), 1977).

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

- (a) In addition to the provisions set out in Section 7.36.050, "General animal care," of this chapter, every owner/guardian of an animal used to draw a vehicle for hire within the city shall see that:
  - (1) The animal has adequate flesh and muscle tones;
  - (2) The hooves of the animal are properly trimmed and shod within every eight weeks of work. Acceptable horseshoes for this work are limited to Borium-studded type or polyurethane (plastic), studs optional. Records must be kept for twelve months by the owner/guardian of the dates and the name of the blacksmith who shod the animal;

(3) The animal is groomed daily;

(4) The animal is not over-ridden, driven, or kept, to result in overheating or exhaustion. Animals shall not be worked during the middle of the afternoon during hot days when livestock warnings are issued. Whenever possible during warm weather, the driver shall park in the shade. Animals shall not be worked more than two hours without being given a thirty-minute rest period. Maximum working period for any one animal shall be ten hours out of every twenty-four hours, and any five out of seven consecutive days;

(5) No animal may be whipped by a driver with more than a light touch by a light whip or in a manner that causes injury or suffering;

(6) The speed at which any animal is driven shall not exceed a trot;

(7) The animals shall not be left unattended on a street or public way;

(8) The harness, bridle, saddle, and any other equipment required or in use is properly fitted, in good working order, free of makeshift design, and used so as in no way causes pain or injury to the animal. Twisted wire snaffles, and spurs are not permitted.

(b) Any animal control officer may issue to any person in violation of this section a notice of ordinance violation. The penalty established in subsection (d) of this section may, at the discretion of the animal owner/guardian, be paid to the city of Bloomington animal care and control department within seventy-two hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings shall be filed in the county court of competent jurisdiction.

(c) To protect the health and safety of the animal and the public, upon a finding that an animal is sick, injured, lame, malnourished, or in any other condition that renders it unfit for drawing a vehicle for hire, any animal control officer may issue an order that the animal is deemed unfit for work and order it removed from the vehicle and the city streets; such order may be appealed within forty-eight hours to the animal control commission which shall, upon hearing all evidences, confirm or deny the order of the animal control officer.

(d) Persons who violate any provision of this section shall be subject to a fine of fifty dollars for each offense.

(Ord. 05-33 § 10 (part), 2005; Ord. 99-39 § 58, 1999; Ord. 83-53 § 2, 1983).

### **7.36.070 Abandonment.**

No owner/guardian/colony caretaker of an animal shall abandon such animal. Persons who violate this section shall be subject to a fine of up to five hundred dollars for each offense.

(Ord. 07-01 § 21, 2007).

## **Chapter 7.40**

### **WILD ANIMALS**

Sections:

**7.40.010 Keeping wild animals.**

**7.40.020 Exceptions.**

**7.40.030 Violations.**

*Provisions BMC 7.40 were not affected by Ord 09-19 and, therefore, were not included in this document.*

**Chapter 7.42  
REPTILES**

Sections:

- 7.42.010 Registration--Pet shops.**
- 7.42.020 Registration--Others.**
- 7.42.030 Registration--Changes in harboring address.**
- 7.42.040 Lost or impounded reptiles.**
- 7.42.050 Violations.**

*Provisions BMC 7.42 were not affected by Ord 09-19 and, therefore, were not included in this document.*

**Chapter 7.44  
RABIES\***

Sections:

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

\* Prior ordinance history: Ords. 77-51, 81-101, 98-27 and 99-39.

*Provisions BMC 7.44 were not affected by Ord 09-19 and, therefore, were not included in this document.*

**Chapter 7.48  
ADOPTED ANIMALS**

Sections:

- 7.48.010 Adoption fees.**
- 7.48.020 Spaying and neutering of adopted animals.**
- 7.48.030 Violations.**

*Provisions BMC 7.48 were not affected by Ord 09-19 and, therefore, were not included in this document.*

**Chapter 7.52  
GENERAL PROVISIONS**

Sections:

- 7.52.010 Disposition of funds.**
- 7.52.020 Animals census.**
- 7.52.030 Conflicting ordinances.**
- 7.52.035 Maximum fines.**
- 7.52.040 Severability clause.**
- 7.52.050 Animal shelter.**
- 7.52.060 Interference with animal control officer--Penalty.**

*Provisions of BMC 7.52 were not affected by Ord 09-19 and, therefore, were not included in this document.*