

**CHAPTER 440**  
**ANIMAL MANAGEMENT**

**440-1. Definitions**

Herein the following terms mean:

**“Abandoned Animal”** means any animal whose owner has knowingly, intentionally or recklessly left it unattended, without proper food, water or shelter, for twenty-four (24) 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 knowingly, intentionally, or recklessly allows the animal to stray beyond premises owned, lawfully occupied or controlled by the owner unless under restraint.

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

**“Breeding Kennel”** means anyone who:

- (1) owns or harbors ten (10) or more intact cats and/or dogs six (6) months of age or older; or
- (2) produces two or more litters per year issuing from cats and/or dogs owned or harbored;

**“Circus”** means a traveling commercial variety show that includes animal acts for public entertainment.

**“Commercial Animal Establishment”** means any commercial boarding kennel, breeding kennel, non-municipal animal shelter/sanctuary, major and/or minor pet shop, an auction unless it is a 4-H or County Fair auction, riding school or stable, zoological park, circus, animal exhibition-permanent or animal exhibition-transient.

**“Commercial Boarding Kennel”** means any place that boards animals for a fee.

**“Domestic Livestock”** means any animal, other than a domestic pet, that is kept for commercial purposes or is a member of one (1) of the following species:

- alpaca;
- bison;
- elk;
- cattle;
- donkey;
- goat;
- horse;
- llama;
- mule;
- ostrich;
- emu;
- pig;
- poultry;
- rabbit or
- sheep.

**“Domestic Pet”** means any animal that is a member of one (1) of the following species and is kept for pleasure rather than utility:

- cat;
- chinchilla;
- cockatiels;
- dog;
- ferret;
- gerbil;
- guinea pig;
- hamster;
- mouse;
- parakeets;
- rat; or
- reptile as defined herein.

**“Exotic Animal”** means an animal belonging to a species, not including those specifically listed as a domestic livestock, that is not native to the United States, or an animal that is a hybrid or a cross between a domestic pet or livestock and an animal, not specifically listed as a domestic livestock, 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 has reverted to a wild state.

**“Feral Cat Colony”** means a group of more than six altered feral cats owned or harbored by a person who provides adequate food, water and shelter.

**“Harboring”** means the actions of any person that permit any animal habitually to remain, lodge, or to be fed within his home, enclosure, yard or place of business or on any premises where such person resides or that he controls. An animal shall be presumed to be harbored if it is fed or sheltered for three (3) consecutive days.

**“Major Pet Shop”** means any retail establishment engaging in the purchase and sale of cats and/or dogs, either solely or in addition to the purchase and sale of other species of animals.

**“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 it’s authorized agents for the purpose of impounding or caring for animals held under the authority of this title or of state law.

**“Non-Municipal Animal Shelter/Sanctuary”** means any facility operated by a person or organization other than a municipality, state, or federal government for the purpose of rehoming animals, excluding any State or Federal facility.

**“Owner”** means any person owning, keeping or harboring one (1) or more animals.

**“Person”** means any individual, firm, association, partnership, trust, estate or corporation.

**“Potentially Dangerous”** means any of the following:

- (1) Any animal which, when unprovoked, on two (2) separate occasions within the prior thirty-six (36) 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 the property of the owner or keeper of the animal.
- (2) Any animal which, when unprovoked, bites a person causing bodily injury or serious bodily injury as defined in the Indiana Code 35-41-1-4 and Indiana code 35-41-1-25.
- (3) Any animal which, when unprovoked and off the property of the owner or keeper of the animal, on two (2) separate occasions within the prior thirty-six (36) month period, has bitten, or otherwise caused injury to a domestic livestock or pet that is not a “severe” injury as defined below.

**“Poultry”** means domesticated birds kept for eggs or meat.

**“Public Nuisance”** means any animal that molests passers-by or passing vehicles on public property; attacks other animals; damages or defecates on public or private property of someone other than the owner of the animal, unless the waste is immediately removed and disposed of in a sanitary manner by the animal’s owner/harbinger; barks, whines, howls or emits any other loud noise, in an excessive, continual, or continuous fashion; or otherwise interferes with the free use and comfortable enjoyment of life or property.

**“Reptile”** means any air-breathing vertebrate of the class Reptilian, with the exception of:

- (1) Any reptile on the Federal Endangered or Threatened Species list or on the Convention on 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 crocodilians, 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.

**“Riding School”** means any person or place that provides, for monetary compensation, riding instruction, for any horse, pony, donkey, mule, or burro.

**“Service Dog”** 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 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.

**“Stable”** means any place that has available for lodging, feeding, training, and/or breeding any horse, pony, donkey, mule, or burro in which the place either receives monetary compensation and/or holds the animal for fourteen (14) consecutive days.

**“Stray”** means any animal that does not appear, upon reasonable inquiry, to have an owner.

**“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 recognized by the Animal Management Commission that relates to the capture, neuter, and return of feral cats.

**“Unprovoked”** means under normal circumstances actions not intended or likely to cause an animal to react or respond with violent or aggressive behavior.

**“Veterinary Hospital”** means any establishment maintained and operated by a veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

**“Vicious Dog”** means any of the following:

- (1) Any animal which, when unprovoked, in an aggressive manner, inflicts bodily injury or serious bodily injury as defined in the Indiana Code 35-41-1-4 and Indiana code 35-41-1-25 or kills a human being or inflicts severe injury on a domestic pet or livestock.
- (2) Any animal previously determined to be and currently listed as a potentially dangerous animal which, after its owner or keeper has been notified of this determination, continues the potentially dangerous behavior as described herein or is maintained in violation of section 440-6.

**“Wild Animal”** means any animal not a domestic pet or livestock that is native to the United States, or any hybrid involving an animal that is not a domestic pet or domestic livestock, but is native to the United States, with the exception of small, non-poisonous 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 non-domesticated animals.

#### **440-2. Animal Management Commission – Establishment, Duties**

- (A) There is created and established an Animal Management Commission of Monroe County, which shall have the authority and responsibility to:

- (1) recommend to the Sheriff Principles and standards for the management of animals within the County;
  - (2) in cooperation with the Monroe County Sheriff, enforce ordinances concerning the management of animals within the County;
  - (3) hear and decide appeals of ordinance violation notices issued by the Animal Management Officers, but only in those cases where the Animal Management Commission receives a written request for hearing from the recipient of the notice, or from the owner of the animals cited in the notice, within ten (10) days of the issuance of the notice. In deciding the appeal, the Animal Management Commission may affirm, modify or annul the notice; and
  - (4) make recommendations to the Board of Commissioners as to the necessary ordinances concerning management of dogs and other animals.
- (B) Upon request of the Monroe County Sheriff, the Animal Management Commission shall assist the Sheriff in preparing and submitting to the Board of Commissioners and the County Council an annual proposed budget of funds adequate for the purposes of this chapter.

**440-3. Animal Management Commission – Membership, Terms, Meetings**

- (A) The Animal Management Commission shall be composed of nine (9) members as follows:
- (1) five (5) shall be citizens selected by the Board of Commissioners;
  - (2) one (1) shall be a citizen selected by the Town of Ellettsville;
  - (3) one (1) shall be a citizen selected from the Animal Control Commission of the City of Bloomington;
  - (4) one (1) shall be the Director of the Animal Shelter of the City of Bloomington;
  - (5) one (1) shall be the Monroe County Sheriff or an appointee of the Monroe County Sheriff; and,
  - (6) one (1) non-voting member may be appointed by the Monroe County Board of Commissioners.
- (B) Each member shall serve a one (1) year term, and appointments shall be made on or before January 1<sup>st</sup> of each year. A member continues to serve until a successor is appointed.
- (C) The commission shall meet at least once every other month and at other times as determined by the Commission. The Board of Commissioners may remove any member who misses two (2) consecutive meetings without a reasonable excuse.

**440-4. Animal Management Officers – Appointment, Duties, Powers**

The Monroe County Sheriff shall have full supervisory authority over the Animal Management Officers, including without limitation the authority to hire, supervise, instruct, assign duties to and discharge the Officers. The powers of the Animal Management Officers shall include the power to enter real property in immediate pursuit of an animal to enforce this chapter; however, the Animal Management Officers shall not commit a civil or criminal trespass or enter a dwelling unit without the permission of the owner of the dwelling unit unless accompanied by a uniformed law enforcement officer with a search or arrest warrant.

**440-5. Female Dog in Heat**

- (A) Any female dog in heat shall be confined in a building or some enclosure in such a manner that the female dog in heat cannot come into contact with a male dog, except for planned breeding.
- (B) The owner of any female dog not so confined commits a Class D ordinance violation.

**440-6. Vicious Dog**

- (A) If an Animal Management Officer or a Law Enforcement Officer has investigated and determined that there exists probable cause to believe that a dog is potentially dangerous or vicious, the Animal Management Officer shall request a hearing by the Animal Management Commission for the purpose of determining whether or not the dog 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 Management Commission.
  - (2) The hearing will be held at the next meeting of the Animal Management Commission and shall be open to the public.
  - (3) The owner of the dog shall be served, by certified mail or in person, with notice of the hearing and a copy of any complaints received.
  - (4) The Animal Management Officer shall notify the owner of the dog of the date and time of such hearing, at which time he or she may present evidence as to why the dog 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 dog 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's property; teasing, tormenting, abusing or assaulting the dog; and/or attempted abuse or assault upon the owner.
  - (5) The Animal Management Commission may consider all relevant evidence, including incident reports, affidavits of witnesses, and whether the incident reasonably indicates whether or not the dog 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 Management Commission may decide all issues for or against the owner of the dog even if the owner of the dog fails to appear at the hearing.
  - (7) After the hearing, the owner of the dog shall be notified in writing of the determination by certified mail or in person.
    - (a) If a determination is made that the dog is potentially dangerous or vicious, the owner shall comply with this section's requirements for restraint in accordance with a time schedule established by the Animal Management Commission but in no case more than thirty (30) days after the date of the determination.
    - (b) A dog determined to be vicious may be destroyed by the City of Bloomington Animal Care and Control Department when it is found

- by the Animal Management Commission at the hearing provided for under this section, that the release of the dog would create a significant threat to the public health, safety, and welfare.
- (c) If it is determined that a dog found to be vicious shall not be destroyed, the Animal Management Commission may impose reasonable conditions upon the ownership of the dog necessary to protect the public health, safety and welfare.
  - (d) Decisions of the Animal Management Commission are final.
- (B) If upon investigation it is determined by the Animal Management Officer or Law Enforcement Officer that probable cause exists to believe the dog in question poses an immediate threat to public safety, then the Animal Management Officer or Law Enforcement Officer may seize and impound the dog at the City of Bloomington Animal Shelter pending the hearing to be held pursuant to this section.
- (C) A potentially dangerous dog or vicious dog, while on the owner's property, shall, at all times, be kept indoors, or in a secure enclosure from which the dog cannot escape, and into which children cannot trespass.
- (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 dog 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 Animal Management Officer prior to its usage for confinement.
- (D) A potentially dangerous dog may be off the owner's premises only if it is restrained by a substantial leash, of appropriate length, and if it is under the control of an adult.
- (E) A vicious dog may be outside of the enclosure only when necessary for its health and wellbeing and then the dog shall be securely muzzled and restrained by a leash not exceeding three (3) feet in length, with handgrip, and shall be under the direct control and supervision of an adult owner of the dog.
- (F) The owner of a potentially dangerous or vicious dog shall display clearly visible warning signs on all entry points to the premises on which the dog is maintained, warning that a potentially dangerous or vicious dog is being harbored on such property. In addition, at least one sign shall be posted on the enclosure in which the dog is maintained. Signs must inform both children and adults of the presence of a potentially dangerous or vicious dog on the property.
- (G) Any dog classified as potentially dangerous or vicious shall not be used for breeding and shall be altered by a licensed veterinarian within thirty 30 days of such classification unless:
- (1) A licensed veterinarian certifies in writing that the dog is incapable of reproduction; or
  - (2) A licensed veterinarian certifies in writing that altering the dog would be injurious to the dog's health, provided, however, that if the health condition of the dog is of a temporary nature, then the dog shall be altered immediately after the health condition has been corrected.

- (H) If the dog in question dies, or is sold or transferred, the owner shall notify a Monroe County Animal Management Officer of the changed condition and new location of the dog in writing within two (2) working days.
- (I) An owner may submit one Request for Reconsideration per year to the Animal Management Commission to have the designation of potentially dangerous or vicious removed from his/her dog.
  - (1) The application must be in writing.
  - (2) The application must be given to the Monroe County Sheriff's Department.
  - (3) The application shall include detailed information about how the change in circumstances or measures taken by the owner, such as training of the dog, have mitigated the risk to public safety.
  - (4) The Animal Management Commission may hear evidence, both pro and con, as to whether and why the designation should or should not be removed.
  - (5) The Animal Management Commission may make a decision to remove or not to remove such designation.
- (J) Any dog declared potentially dangerous or vicious will be required to be implanted with a microchip by the City of Bloomington Animal Care and Control Department at the owner's expense for the purpose of future identification and recovery.
- (K) The owner of any vicious or potentially dangerous dog who violates this section commits a Class D ordinance violation for the first offense and a Class C ordinance violation for the second and any subsequent offenses and/or such dog shall be impounded and held at the owner's expense pending legal action.

**440-7. Public Nuisance**

- (A) An animal owner shall exercise due care and control of his animal so as to prevent his animal from becoming a public nuisance.
- (B) An animal owner who fails to exercise due care and control of his animal commits a Class E ordinance violation for the first offense and a Class D ordinance violation for the second and subsequent offenses.

**440-8. Impoundment**

- (A) Any at-large animal (with the exception of altered cats that are wearing identification or are altered and ear tipped in the case of feral cats and are not a public nuisance), potentially dangerous animal, vicious animal or female dog in heat that is not confined, or any animal that is a public nuisance or is suspected of being neglected, subjected to cruelty, or abandoned, and animals which have bitten persons or other animals, may be taken by law enforcement officers or by an Animal Management Officer and impounded in the City of Bloomington Animal Shelter or, if the Animal Shelter facilities are inadequate, impounded at suitable alternative facilities approved by the Commission.
- (B) If the owner of an impounded animal can be identified by a license tag or other means, the Animal Management Officer shall immediately upon impoundment notify the owner by telephone or mail.
- (C) Animals whose owner(s) are not identifiable or cannot be notified after reasonable effort shall be held for five (5) calendar days from the date of impoundment, not

counting officially recognized holidays, before the animal is deemed abandoned and the shelter may dispose of the animal in accordance with its guidelines.

- (D)** Animals whose owners have been notified and who do not reclaim their animal within the five (5) day period, shall be disposed of in accordance with the animal shelter's guidelines unless the owner of the animal posts a five hundred and fifty dollar (\$550.00) bond or a bond in an amount representative of the anticipated costs, if higher than \$550, as determined by the City of Bloomington Animal Care and Control Department, with the City Controller prior to the expiration of the five (5) day period to provide for the animal's care and keeping.

  - (1)** The bond must be valid for thirty (30) days.
  - (2)** The owner may renew a bond by posting a new bond in the amount of six hundred (\$600.00) or a bond in an amount representative of the anticipated costs, if higher than \$600, as determined by the City of Bloomington Animal Care and Control Department, prior to the expiration of the original bond, but may only do so once.
  - (3)** If a bond expires and is not renewed, the animal is deemed abandoned and the shelter may dispose of the animals in accordance with its guidelines.
- (E)** Any animals found as part of a litter of two or more shall become the property of the City of Bloomington Animal Care and Control Department and may be placed for adoption or humanely euthanized if not claimed by the owner within three (3) days of impoundment.
- (F)** Any animal found with severe medical conditions and/or injuries shall be assessed by a veterinarian, whenever possible. Whenever possible, humane care will be provided in order to allow the animal to remain comfortable for the duration of the five (5) day period. However, when an animal's injuries or illnesses are so severe such that the animal can not be maintained in a comfortable fashion, the animal may be euthanized prior to the end of the five (5) day period. Any medical expenses incurred shall be the responsibility of the owner of the animal should the owner be identified.
- (G)** An owner claiming an impounded animal shall pay all necessary treatment costs, transportation fees, board fees and daily fees as established by the City of Bloomington Animal Care and Control Department or as established by the owner/operator of any alternative facility that is used to impound an animal and approved by the Commission. The City of Bloomington Animal Care and Control Department may agree to waive some or all of its fines and fees at the discretion of the Director if the owner of an unaltered animal agrees to have the animal spayed or neutered as a condition of its release.
- (H)** In addition to or in lieu of impounding an animal, a Law Enforcement Officer or an Animal Management Officer may issue to any person violating any provision of this ordinance a notice of ordinance violation and may return the animal to the owner's property if the animal can be secured safely. The County Attorney is authorized to prosecute the violation in court if the person has not paid the fine within two (2) weeks.
- (I)** A person may reclaim an animal in the custody of the Animal Management Department upon providing the following:

  - (1)** proof of ownership,
  - (2)** identification such as a driver's license, and
  - (3)** payment of redemption costs and any other service/medical costs, as approved by the Director of the Bloomington Animal Care and Control Department.

- (J) A cat or dog that has been a previously impounded as an at-large animal and is now being redeemed for the second or subsequent redemption within the last twelve months will be required to be:
- (1) implanted with a microchip by the City of Bloomington Animal Care and Control Department at the owner's expense for the purpose of future identification and recovery;
  - (2) spayed or neutered by a licensed veterinarian at the owner's expense prior to the shelter relinquishing the cat or dog to the owner. Should cost be an issue, the City of Bloomington Animal Care and Control Department may enter into a payment agreement with the owner or the owner may sign over ownership rights of the animal to the Department;
  - (3) the owner of the cat or dog shall be notified of the microchip implant and spay or neuter of the animal when they request the relinquishment of the cat or dog.
  - (4) The owner may request, in writing, a hearing before the Animal Management Commission prior to the microchip and spay/neuter, such request must be made at the time the cat or dog is released to the owner. Such request must include the current mailing address of the owner. If such request is made, the cat or dog shall be released to the owner at that time. The appeal shall be heard by the Animal Management Commissions, with notice being sent in accordance with 440-6 (A)(3) to the address the owner provided. If, after hearing, the Animal Management Commission rejects the appeal, then the owner must provide proof to the Animal Management Officer that the cat or dog must be spayed or neutered within 30 days; and,
  - (5) Failure to provide proof under 440-8 (J)(4) is a Class E ordinance violation. Each day, after the 30 day period, the required proof is not provided is a separate offense.

#### 440-9.

#### Impoundment for Animal Bite

- (A) If an owned dog, cat or ferret has bitten a person, other than a person in the owner's immediate family, and owner does not provide proof that such animal is vaccinated for rabies, the animal shall be impounded in the City of Bloomington Animal Shelter, a veterinary hospital or at a kennel acceptable to the Animal Management Officers, at the owner's choice and expense, for a period of ten (10) days in order to determine whether or not the animal has rabies. If the animal dies during the ten (10) day period, it shall, at the owner's expense, be sent to the proper authorities to determine whether or not it was rabid. Other animals which have bitten a person shall be handled in accordance with the current compendium, published by the state, for animal rabies control, with all expenses being the responsibility of the animal's owner.
- (B) If an owned dog, cat or ferret has bitten a person, other than a person in the owner's immediate family, and owner does provide proof that such animal is vaccinated for rabies, the animal may at the sole discretion of the Animal Management Officer be impounded in the City of Bloomington Animal Shelter, a veterinary hospital or at a kennel acceptable to the Animal Management Officers, at the owner's choice and expense, for a period of ten (10) days in order to determine whether or not the animal has rabies. If the animal is not impounded then the owner must quarantine the animal for a ten (10) day period in accordance with instructions from the Animal Management Officer. If the animal dies during the ten (10) day period, it shall, at the owner's expense, be sent to the proper authorities to determine whether or not it was rabid. Other animals which have bitten a person shall be handled in accordance with

the current compendium, published by the state, for animal rabies control, with all expenses being the responsibility of the animal's owner.

- (C) If a stray dog, cat or ferret has bitten a person or animal it shall be confined in the City of Bloomington Animal Shelter for five (5) days only. At the end of the five (5) day period, if unclaimed, the animal shall be euthanized, and its brain sent to the Indiana Department of Health Rabies Laboratory for diagnostic tests.
- (D) If an animal has bitten another animal, other than one owned by the owner, the animal may be impounded in the City of Bloomington Animal Shelter, a veterinary hospital or at a kennel acceptable to the Animal Management Officers, at the discretion of the Animal Management Officer. The conditions of the impoundment shall be the same as Section A or B.
- (E) An owner who fails to impound an animal after receiving notification to do so by an officer of the Animal Management Department or the Monroe County Health Department commits a Class D ordinance violation. If the owner fails to comply the Monroe County Sheriff's Department may impound the animal at the owner's expense. Each day that the owner fails to impound the animal constitutes a separate violation.

**440-10. Dogs and Cats Not Immunized Against Rabies**

- (A) It is unlawful to own or harbor a dog, cat or ferret over the age of three (3) months which is not immunized against rabies.
- (B) The Animal Management Officers shall report any person who owns or harbors a non-immunized dog to the Monroe County Prosecuting Attorney's Office for prosecution under IC 35-46-3-1.
- (C) The Monroe County Health Administrator may order the destruction or impoundment of a domestic animal, or the destruction or impoundment of any domestic animal bitten by a rabid animal, pursuant to IC 15-2.1-6-11.
- (D) Dogs and cats must wear the rabies immunization tag issued by their veterinarian at all times.
- (E) Owner of ferrets must keep and maintain proof of vaccination for their animal.
- (F) Any person who violates this section commits a Class E ordinance violation.

**440-11. Wild or Exotic Animals**

- (A) No person shall keep or permit to be kept on his premises any wild or exotic animal for any purposes, except as provided in subsections (B) and (C). This section shall not be construed to apply to federally licensed zoological parks, animal exhibitions, or federally licensed research laboratories or licensed wildlife rehabilitators or licensed wildlife educators while they are acting within the scope of their license.
- (B) Any person owning a wild or exotic animal prior to June 8, 1984 shall be permitted to continue to keep the animal, provided that he registered the animal with the Animal Management Commission within sixty (60) days of the June 8, 1984.
- (C) Any person possessing a valid state permit to possess a Class 1 or Class 2 wild or exotic animal may possess the animal in Monroe County, Indiana, provided that he

registers the animal with the Animal Management Commission prior to bringing the animal into the County. Except as permitted in sections (A) and (B) above, possessing or harboring Class 3 wild or exotic animals is prohibited in Monroe County, Indiana, regardless of whether the owner holds a state or federal permit.

- (D)** Any person who legally owned and possessed a wolf hybrid animal or a wild animal hybrid (hereafter "hybrid animal") in Monroe County before March 31, 2006 may possess that hybrid animal provided:
- (1)** the owner registers the hybrid animal with the Monroe County Sheriff's Department on or before June 30, 2006, such registration must be renewed every year and within fifteen (15) days if the location where the hybrid animal is housed changes;
  - (2)** the hybrid animals were permitted under Monroe County ordinances prior to March 31, 2006;
  - (3)** the owners keep the hybrid animal in a manner which would not be a violation of Monroe County Code 440 if the hybrid animal were a dog, with the exception of 440-10 dealing with rabies vaccinations;
  - (4)** the hybrid animal is implanted with a microchip for the purpose of future identification and recovery;
  - (5)** the hybrid animal is spayed or neutered, and never used for breeding purposes; and,
  - (6)** the hybrid animal is contained in a facility with the minimum requirements of:
    - (a)** the facility has walls extending at least three (3) feet below ground, and at least eight (8) feet above ground with an inward overhand of at least three (3) feet; and,
    - (b)** the underfence has adequate layers of dirt, gravel or other substrate. Any holes should be checked and refilled on a regular basis; and,
    - (c)** the facility has a floor area of at least nine hundred (900) square feet, plus an additional four hundred fifty (450) square feet for each wolf hybrid in excess of one (1) kept in the facility; and,
    - (d)** the facility is constructed of cement blocks, bricks, concrete, chain link fence, wires, or bars of a suitable thickness, gage, or diameter to prevent the hybrid animal's escape; and,
    - (e)** the facility is maintained in a manner so that the hybrid animal is kept in a sanitary and safe condition; and,
    - (f)** any gate must be a double gate and have locks to prevent unauthorized entry; and,
  - (7)** Monroe County Animal Management Officer may inspect the facility detailed in 440-11(D)6 at any reasonable time with the consent of the tenant. If a tenant refuses to consent to the inspection of the facility Monroe County Animal Management Officer must get a warrant from a court of competent jurisdiction before inspecting; and,
  - (8)** if the hybrid animal bites any human, livestock, or a domestic animal, the wolf hybrid shall be immediately taken into custody and humanely euthanized. The animal's brain shall be tested for the presence of the rabies virus or antigen in a manner established by Indiana law; and,
  - (9)** if after June 30, 2006, an unregistered hybrid animal is found, that animal shall be taken into the custody of the Monroe County Sheriff's Department and disposed of in accordance with the guidelines and

procedures of the City of Bloomington Animal Care and Control Department; and,

- (10) if the hybrid animal escapes, for any reason, the owners shall immediately notify the Monroe County Sheriff's Department and then assist the Sheriff's Department in the animal's recapture. Owner will be responsible for all expenses associated with the recapture; and,
- (11) if the owner of a registered hybrid animal is found in violation of 440-11(D) 3, 4 and/or 5, notice of violation shall be given to the owner and, after notice is received, the owner shall have thirty (3) days to correct the violation; and,
- (12) if any hybrid animal is found in violation of any other section of 440-11(D) then the hybrid animal will be seized by the Monroe County Sheriff's Department and disposed of in accordance with the guidelines and procedures of the City of Bloomington Animal Care and Control Department.

- (E) Any person who violates this section commits a Class D ordinance violation, unless the violation involves a Class 3 animal, in which case the violation shall be a Class C Violation.

**440-12. At Large Dog, Costs for Removal and Storage of Any At Large Animal**

- (A) An owner shall not allow his dog(s) to travel or roam beyond his premises unless under restraint. This section does not apply to dogs when engaged in lawful hunting, accompanied by the owner or custodian or any other activity expressly permitted by state law.
- (B) A person who violates this section commits a Class E ordinance violation unless the animal is an at-large dog that is intact (has not been spayed or neutered and is over the age of six (6) months), which is a Class D ordinance violation. If, however, within ten (10) days of the violation, the dog owner submits to the Monroe County Animal Management Officer a receipt or a verified statement from a licensed veterinarian which demonstrates that the dog has been spayed or neutered, then the violation will be reduced to a Class E ordinance violation.
- (C) In addition to any fines specified in this chapter, any person who allows or causes any animals to travel or roam onto, or to be found on, a public highway or other public property shall be liable for the cost of removal and storage of said animals.
- (D) It shall be an affirmative defense to an at large violation that the dog is under reasonable control and the owner or custodian has permission of the property owner to have the animal unleashed on the property.

**440-13. At Large Cat**

- (A) An owner shall not allow his/her cat to travel or roam beyond his/her premises unless the cat has been altered and is wearing identification or is altered and ear tipped in the case of feral cats. However, altered cats not kept under restraint at all times are still subject to the public nuisance requirements cited in Section 440-7.
- (B) A person who violates this section commits a Class E ordinance violation unless the animal is an at-large cat that is intact (has not been spayed or neutered and is over the age of six (6) months), which is a Class D ordinance violation. If, however, within ten (10) days of the violation, the cat owner submits to the Monroe County Animal Management Officer a receipt or a verified statement from a licensed veterinarian

which demonstrates that the cat has been spayed or neutered, then the violation will be reduced to a Class E ordinance violation.

**440-14. At Large Poultry**

- (A) An owner shall not allow his/her poultry to travel or roam beyond their premises.
- (B) A person who violates this section commits a Class E ordinance violation for each bird at large.

**440-15. At Large Livestock**

- (A) An owner shall not allow his/her livestock to travel or roam beyond their premises.
- (B) A person who violates this section commits a Class D ordinance violation for each animal at large.

**440-16. At Large Wild or Exotic Animals**

- (A) An owner of a wild or exotic animal shall not allow the animal to travel or roam beyond their premises.
- (B) A person who violates this section commits a Class C ordinance violation.

**440-17. Animal Care-Domestic Pets**

- (A) Every owner of a domestic pet within the County shall see that his/her domestic pet has proper and adequate shelter, medical care, grooming, food and water.
- (B) Any domestic pet shelter must be structurally sound, moisture proof and windproof shelter large enough to keep the domestic pet reasonably clean and dry and provide adequate protection from the cold and heat, including bedding to provide insulation and protection against cold and dampness and promote the retention of body heat, Shelter must be placed in a dry area free of debris, feces, and standing water.
- (C) No chain or tether shall weigh more than 1/8 of the domestic pet's body weight.
- (D) Any chain or tether shall be at least ten (10) feet in length and have swivels on both ends, so as to reduce the likelihood of entanglement.
- (E) Any chain or tether must be attached to a properly fitting buckle-type collar or harness worn by the domestic pet. Choke collars and pinch collars are prohibited for purposes of tethering a domestic pet 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 a domestic pet must, by design and placement, be unlikely to become entangled.
- (F) It shall be unlawful for the owner of any domestic pet to keep or maintain the animal on a tether for a period of more than ten (10) continuous hours, and no more than twelve (12) hours in any twenty-four (24) hour period or for any duration under conditions which threaten the health, or well being of the domestic pet.
- (G) A muzzle may not be worn continuously as a means for controlling barking.

- (H) A person may not restrain a domestic pet in any manner unless it allows the animal to have access to necessary shelter, water and food. Necessary shelter includes the domestic pet having the ability to sit, stand, and turn around without coming into contact with excrement.
- (I) A person may not restrain a domestic pet in a manner that allows the domestic pet to move outside property owned, lawfully occupied or controlled by their person.
- (J) Any person who owns, harbors or keeps any intact female dog or cat shall, during the period that such animal is in heat or in estrus, 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 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.
- (K) It shall be unlawful for any person to place or confine or allow any domestic pet 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 domestic pet due to extreme temperature, or lack of food or water.
- (L) A domestic pet's owner who fails to exercise due care and control of his animal, as prescribed in this section, commits a Class E ordinance violation for the first offense and a Class D ordinance violation for the second and subsequent offenses.

**440-18. Animal Care—Domestic Livestock**

- (A) Domestic livestock must be provided adequate care, including adequate food and water, shelter as needed, and vet care as needed.
- (B) A domestic livestock's owner who fails to exercise due care and control of his animal, as prescribed in this section, commits a Class E Ordinance Violation for the first offense and a Class D Ordinance Violation for the second and subsequent offenses.

**440-19. Torture or Abuse of an Animal**

- (A) It is unlawful to torture, beat or mutilate a vertebrate animal.
- (B) The Animal Management Officers shall report any person who abuses an animal to the Monroe County Prosecuting Attorney's Office for prosecution under IC 35-46-3-12.
- (C) A person who violates this section commits a Class A ordinance violation.

**440-20. Animal Management Fund**

All fines, fees and penalties collected pursuant to this chapter shall be deposited into a dedicated, non-reverting fund to be known as the Animal Management Fund. Monies in the Fund may be spent only after an appropriation approved by the Monroe County Council. This Fund shall continue until such time as it is rescinded by action of the Board of Commissioners, in which event, any monies left in the fund will revert to the Monroe County General Fund.

**440-21.**

**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 into 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 as described in subsection C.
- (C)** This provision shall not apply to the giving of or auctioning of domestic livestock or horses as prizes or otherwise.
- (D)** Any person who violates this section commits a Class D ordinance violation. Each act of giving an animal as a prize, as defined in this section, constitutes a separate violation.

**[end of chapter]**