

ORDINANCE NO. 78-12-04
AN ORDINANCE AMENDING ORDINANCE NO. 13-03-91
AN ORDINANCE TO PROVIDE FOR THE CARE, CONTROL AND WELFARE OF
ANIMALS

ARTICLE I.
DEFINITIONS

"ABANDONMENT." To deposit, leave, drop off or otherwise dispose of any live domestic animal without providing immediate humane care on any public or private property.

"ALTERED ANIMAL." Any animal that has been operated on to prevent it from procreating.

"AGENT." Any person 18 years of age or older authorized by an owner to act on the owner's behalf.

"ANIMAL." Any living vertebrate, domestic or wild, except human beings.

"ANIMAL CONCESSION." Any spectacle, display, act or event, other than circuses, in which animals are used.

"ANIMAL SACRIFICE." The injuring or killing of any animal in any religious or cult ritual or as an offering to a deity, devil, demon, spirit, or any other type of offering wherein the animal is not killed for food purposes, regardless of whether all or any part of such animal is subsequently consumed.

"ANIMAL SHELTER." Any facility operated by a humane society incorporated under the laws of the state, or municipal agency or its authorized agents, for the purpose of impounding animals under the authority of this ordinance or state law for care, confinement, return to owner, adoption or euthanasia.

"ANIMAL WELFARE ORGANIZATION." Any not-for-profit organization for the prevention of cruelty to animals incorporated under the laws of the State of Indiana.

"AT LARGE." Any animal off the premises of the person owning, keeping or harboring such animal and while off such premises, not under control of such person or person's family member either by leash, cord, chain or other physical restraint.

"AUCTION." Any place or facility where animals are regularly bought or sold or traded, except for those facilities otherwise defined in this Section or state law.

"BREEDER." Any person who intentionally or accidentally allows the breeding of an animal or makes an animal available for breeding purposes, or any person who offers for sale, sells, trades, receives other compensation or gives away any litter of animals; excepting litter of animals taken to the Department of Animal Control.

"CATTERY." Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee of selling cats.

"CIRCUS." A commercial variety show including animal acts for public entertainment.

"CRIME PREVENTION ANIMAL." An animal trained and used primarily by its owner for the protection of property.

"DEPARTMENT OF ANIMAL CONTROL." The municipally owned facility established for the purpose of animal control, care, and disposition as set forth in this Section, operated by and under the direct supervision of the Board of Public Safety and the Director of the Department of Animal Control.

"DIRECTOR." Shelter manager and Director of the City Department of Animal Control's Animal Shelter for the City of Noblesville.

"DOMESTIC ANIMAL." Animals which are habituated to live in or about the habitations of men and women, or such as contribute to the support of a family. For the purposes of this ordinance, "domestic animal" means any animal that is a member of one of the following species:

- . dog (canis familiaris)
- . cat (felis cattus or felis domesticus)
- . cattle (bos domesticus or bos taurus or bos indicus)
- . horse (equus caballus)
- . donkey (equus asinus)
- . pig (sus scrofa)
- . sheep (ovis aries) goat (capra hircus)
- . rabbit (oryctolagus cuniculua)
- . mouse (mus musculus)
- . rat (rattus rattus)
- . reptile (reptilis)
- . guinea pig (cavis porcellus)
- . chinchilla (chinchilla laniger)
- . hamster (mesocircetua auratua)
- . gerbil (gerbillus gerbillus)

"EXOTIC ANIMAL." Any animal, not a domestic animal, whose native habitat is not indigenous to the continental United States.

"GROOMING SHOP." A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

"GUIDE DOGS." Dogs trained to assist the handicapped.

"HARBORING." The actions of any person that permits any animal to habitually remain or lodge or to be fed within his home, store, enclosure, yard, 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 (3) or more consecutive days.

"HUMANE OFFICER." Any person designated by the State of Indiana, a municipal government or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of the State of Indiana.

"KENNEL." Any premises wherein any person engages in the business of boarding, keeping, breeding, buying, letting for hire, training for a fee or selling dogs.

"LAW ENFORCEMENT ANIMAL." Any dog or horse owned by any law enforcement agent and used in law enforcement under the guidance and authority of a municipal, county, town, or state law enforcement agency.

"OWNER." A person having the right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied by that person with the exception of wild animals. Subject to the restrictions set forth in Section 6-5.

"PERSON." A person, for purposes of this Section, shall be defined as an individual, firm, corporation or commercial establishment.

"PET." Any animal owned or harbored, kept for pleasure, and/or sport.

"PET SHOP." Any person, group of persons, partnership or corporation, whether operated separately or in connection with another business enterprise, except a cattery, kennel, or breeders, that buys, sells or offers for sale any species of animal.

"PUBLIC NUISANCE." Any animal which:

- (1) Interferes with passersby or passing vehicles;
- (2) Attacks other animals or persons;
- (3) Trespasses on school grounds or other public property;
- (4) Is at large or unrestrained;
- (5) Damages private or public property;
- (6) Barks, whines, howls or makes other sounds common to its species in excess or
- (7) Is offensive or dangerous to public health, safety or welfare by virtue of the number and/or types of animals maintained.

"RABIES VACCINATION." The injection, by a licensed veterinarian, of a dog or cat with a rabies vaccine licensed by the U.S.D.A. and approved by the Indiana State Board of Animal Health.

"RESTRAINT." Any animal secured by a leash or lead, or under the physical control of the animal's owner or attending party, or within the real property limits of its owner.

"RIDING SCHOOL OR STABLE." Any place which has available for hire, boarding or riding instruction, any horse, pony, donkey, mule or burro.

"RITUAL SLAUGHTER." The preparation and humane killing of any animal for food purposes in accordance with Indiana State guidelines.

"RODEO." A performance featuring bronco riding, steer wrestling, calf roping, greased pig contest or bull riding.

"SLAUGHTER." The human killing of any animal for food purposed.

"VETERINARY HOSPITAL." Any establishment maintained and operated by a licensed veterinarian for the purpose of hospitalization of animals or the diagnosis and treatment of diseases and injuries of animals.

"WILD ANIMAL." Any living vertebrate animal normally found in the wild state.

"ZOOLOGICAL PARK." Any permanent facility or operation other than a pet shop displaying or exhibiting one or more species of exotic or wild animals, operated by a person, partnership, corporation or government agency.

ARTICLE II. **DUTIES OF DIRECTION**

SECTION 6.2. RESERVED FOR FUTURE ADDITION.

SECTION 6.3. DUTIES OF DIRECTOR. The duties of the Director shall be those duties established by the Mayor of the City of Noblesville, by way of a written job description, which may be, from time to time, amended, by said Mayor as he or she deems appropriate to carry out the functions of the office of Director.

ARTICLE III. **ANIMAL CARE REGULATIONS**

SECTION 6-4. ENUMERATED.

- (1) Appropriate Shelter. No person shall confine or allow his or her animal to remain outside without access to appropriate shelter which shall be defined as the following:

- (a) Doghouse must be weatherproof and have a protected entrance (wind break) or a flexible flap;
- (b) Doghouse must contain bedding that resists dampness such as straw or cedar chips during the winter season (between November 1st and March 31st or when real temperature is 45 degrees or lower).

Violations of this Section shall be considered a Class A Infraction.

- (2) HITCHING OR TYING. No animal shall be hitched, tied, or fastened by any rope, chain or cord that is directly attached to the animal's neck. Animals that must be tied, hitched or fastened to restrain them must wear a properly fitted collar or harness made of leather or nylon not of the choker type. This is not to prohibit the proper use of choke collars in the training of animals. A person may not restrain an animal by a fixed point chain or tether less than ten (10) feet for more than eight (8) hours in a twenty-four (24) hour period unless the chain or tether is at least ten (10) feet long, has swivels at each end and is attached to a pulley or trolley mounted cable at least ten (10) feet in length and mounted no more than seven feet above ground level. Any outside caged or penned animal or dog shall be kept in a cage or pen no less than 10x10x4 feet in size, equaling a 100 square foot roaming area. Violations of this Section shall be considered a Class A Infraction.
- (3) FOOD AND WATER. All animals shall have fresh, potable drinking water and be provided with food that is nutritional for the species in adequate amounts to maintain good health.
- (4) VACCINATION; TAGS. Cats and dogs over the age of six (6) months must be vaccinated by a licensed veterinarian for rabies. Dogs must be vaccinated yearly as must cats. Both cats and dogs must wear a current rabies tag at all times attached to a properly fitted collar or harness. Cats which are routinely kept inside a residential structure are exempt from wearing a tag and collar while inside. This exemption does not apply when said cat is outside the residential structure.
- (5) MEDICAL CARE, GENERALLY. All animals shall be provided with necessary medical care in addition to the required rabies vaccination.
- (6) REMOVAL OF EXCREMENT. Persons responsible for an animal shall immediately remove the animal's excrement from public lands or from the property of another, excepting a blind person working with a guide dog.
- (7) SANITATION. All animals which are kept inside or are kept in a pen, or are tied, fastened, hitched, leashed, or are enclosed in a fence shall be kept in a sanitary manner. No dog or animal shall be confined so as to be forced to stan, sit or lie in its own excrement. The persons responsible for the animal shall regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact. Violations of this Section shall be considered a Class A Infraction and/or Class B Infraction.
- (8) WILD OR EXOTIC ANIMALS. No wild or exotic animal shall be kept within the City limits without necessary state and/or federal permits.
- (9) PROPERTY REQUIRED FOR STABLING. No more than one horse or two ponies shall be stabled, maintained, pastured, grazed or kept in any manner whatsoever on any property within the City unless such property consists of an area of one acre or more; and if such property is an area of more than one acre, only one horse or two ponies will be kept per acre of such property.
- (10) RESTRAINT. All animals shall be properly restrained as defined in this Section.

- (11) CRUELTY. No person shall beat, cruelly treat, neglect, torment, overload, overwork or otherwise abuse any animal except that reasonable force may be employed to drive off dangerous or trespassing animals.
- (12) FIGHTING. No person shall permit or conduct any dogfight, cockfight, or other combat between animals and humans.
- (13) POISONOUS BAIT. No person shall set any type of poisonous substance or bait within the City limits that is deemed harmful to any domestic animal; provided, however, that controlled programs under the direction of the County Board of Health, City Board of Public Works or a license extermination service may be excluded from the restrictions of this Section.
- (14) MOTOR-VEHICLE CAUSED INJURIES. Any person operating a motor vehicle who causes injury or death to a domestic animal shall stop at once, assess the extent of injury, and immediately notify the owner, animal control shelter, or Noblesville Police Department of the location of the animal.
- (15) ANIMALS IN VEHICLES. No animal shall be left unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal. No animal shall be transported in any open vehicle unless confined in an appropriate manner intended to prevent the animal from jumping from the vehicle or being thrown from the vehicle in the event of an accident or rapid stop or other use of the vehicle which could cause injury to the pet.
- (16) TRAINING METHODS. Owners of animals shall utilize methods which are humane for the training of such animals. To the extent training devices are utilized, they shall be utilized in a humane and reasonable manner which will not cause nor be likely to cause physical injury, suffering or trauma.
- (17) ANIMALS IN HEAT/STERILIZATION OF DOGS AND CATS. Every female dog or cat in heat shall be confined in an appropriate, secure building or enclosure so as to prevent conception except during instances of planned breeding. Each dog and cat over the age of six (6) months which is kept in the City shall have been sterilized and rendered incapable of reproducing by a licensed veterinarian unless a veterinarian has certification in writing that it would not be in the animal's best medical interest. It shall be unlawful for a person to own a dog or cat not in compliance with this Section and for which, the owner does not have a current and valid intact breeders permit. A violation of this Section shall be punishable by a fine not less than one hundred dollars (\$100.00). A veterinarian who sterilizes a dog or cat shall complete a certificate in triplicate containing the owner name, address and phone number, date of sterilization, description of the animal, the name of the veterinarian's facility and the veterinarian's signature. One copy shall be provided to the owner, one copy to the veterinarian and one copy to the township assessor or trustee or its designee. For the purpose of compliance with this Section, each owner of a dog or cat which is kept in the City of Noblesville shall cause the sterilization certificate to be readily available for inspection by an officer authorized to inbound animals and to produce the same upon request by that officer.
- (18) ABANDONMENT. No person shall abandon any animal anywhere within the City limits in any public or private place, way or building.
- (19) PUBLIC NUISANCE ANIMALS. No person shall own or harbor a public nuisance as defined in this Section.

(20) DANGEROUS ANIMALS PROHIBITED. No person shall own, keep or harbor a dangerous animal as defined hereafter within the City of Noblesville; provided, this Section shall not apply to animals under the control of a law enforcement or military agency. For the purposes of this Section, an animal may be declared dangerous by the Director if the following facts or criteria are met:

- (a) The animal has bitten a person or persons and the bite and attack was unprovoked, or, that the animal exhibits dangerous propensities in present or past conduct, including but not limited to conduct such that the animal (i) has bitten a person(s) in a consecutive 12-month period two (2) times; or (ii) could not be controlled or restrained at the time of bite or attack to prevent the occurrence; or (iii) did bite or attack once causing wounds or injuries creating a potential danger to the health and life of victim; and
- (b) That in order to preserve the public health, safety and welfare of the community the destruction of said animal is necessary;
Whenever an animal is declared dangerous, the Director shall notify the owner of said animal of the declaration. Such notice shall be served either in person or by certified mail. The animal, if not already held in quarantine at the Department of Animal Control, shall be surrendered to the Director.

Within ten (10) days from the date of receipt of such notification, the owner must appeal the declaration to the Director or said animal will be humanely destroyed by the Department of Animal Control at the owner's expense. The owner may also release the animal to the Shelter at any time during the ten (10) day period.

Any decision of the Director under the provisions of these Sections may be appealed to the Board of Safety who shall hear and render a decision in this matter. Such appeal by the owner to the Board of Safety shall be filed with the Director of the Department of Animal Control within ten (10) days after receipt of notification from the Director that said animal shall be destroyed. The disposition of any animal shall be stayed during the appeal process. The decision of the Board of Public Safety shall be final and binding upon the City and upon the appellant, and his decision may be appealed as provided by law. The Board of Safety shall review the information provided by both the Director and the owner of said animal and render a decision to the effect that (1) the animal is not dangerous, or (2) the animal is dangerous and should be destroyed.

The owner of any animal which is impounded and destroyed under this Section shall be held responsible for payment of any expenses incurred by the Director for the impoundment and destruction, and failure to pay such fee to the Director within fifteen (15) days after destruction of such animal shall constitute a violation of the Section.

(21) PUPPIES AND KITTENS SALE, ETC. No puppy or kitten which is under the age of eight (8) weeks may be offered for sale, trade or for other compensation or for free giveaway; except a puppy, kitten or litter(s) may be taken to the Animal Control Shelter or placed in the care of a licensed veterinarian.

(22) ANIMALS AS PRIZES OR INDUCEMENTS. No person shall sell, offer for sale, trade, barter or giveaway any live animal, fish, bird, or reptile as a prize for or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter any business establishment or enter into any attracting trade, for business other than establishments selling animals as their primary business.

- (23) DYED ANIMALS. No person shall sell, offer for sale, trade, barter any animal whose appearance has been altered by dyes or staining.
- (24) ANIMALS AS NOVELTIES. No person or establishment shall offer for sale, sell, barter or give away chicks, goslings, ducklings or other fowl not domestically bred as pets or novelties.
- (25) ANIMALS PROHIBITED. No person shall keep, raise, confine or feed hogs, chickens, ducks, goats, sheep or cows within the corporate limits of the City.
- (26) PROHIBITED ANIMAL EVENTS. No person, group of persons for profit or not-for-profit organizations whether for pay, other compensation or for free promotional purposes, shall conduct or allow any event involving contests between animals or persons using animals in any form or manner except those events reviewed and approved for the safety, well-being and comfort of the animals involved by the Department of Animal Control. Such approval shall be granted within twenty-four (24) hours of the request for approval and shall be in writing. A denial must specifically set out the reasons therefore. The written response shall be delivered to the party making such request in a manner determined to give actual notice of the decisions of the Director. The provisions of this paragraph do not preempt the licensure requirements set out in the Noblesville Code of Ordinances, Section 119.01, 119.02 and 119.03, which must be met independent of the requirements of this ordinance.
- (27) DESTRUCTION OF ANIMALS. No person other than a duly authorized agent of the animal control shelter may destroy any domestic animal within the City limits; provided, however, this provision shall not apply to the following:
- (a) A licensed veterinarian;
 - (b) Those persons acting in immediate self-protection; or
 - (c) City police officers or firemen acting to prevent undue suffering.
- (28) HAULING DEAD ANIMALS. No person shall haul dead animals over or along the streets of the City without first securely and completely covering the dead animal in such a manner as to screen or hide the same from public view.
- (29) NOISY DOGS. No person shall allow the continuous barking, yelping, whining or howling of a dog. The humane officer may take steps immediately to correct the situation and cause the noise to be abated, either through issuance of a citation, or impounding the animal if no owner or agent can be found at the time of disturbance.
- (30) FEEDING BIRDS PROHIBITED. It shall be unlawful for any person, except park employees or persons acting with the permission of park employees, to feed, scatter food, or leave food of any type or kind in the parks, playgrounds, playfields, parkways, boulevards and streets of this City, for birds, pigeons or other fowl.
- (31) INTERFERING WITH ENFORCEMENT. No person shall interfere with a humane officer in the pursuit of his/her duties as an officer.

- (32) ENTICING ANIMALS OF ANOTHER. (a) It shall be unlawful for any person, not so authorized to enter or invade the private premises of another to capture, entice or take any animal out of the enclosure or premises of the owner, or to seize any such animal anywhere while such animal is accompanied by its owner, keeper or custodian. (b) It shall be unlawful to entice any animal away from the premises of the person owning or keeping such animal, or to entice any animal from any street, alley or public place in this City with the intention of depriving the owner of the possession thereof, except as authorized in this Section. (c) It shall be unlawful to bring within the City any animal for the purpose of impounding or other disposition thereof, or collecting any fee or reward for the return thereof, except as provided in this Section.
- (33) ANIMAL SACRIFICE. No person shall engage in, participate in, assist in, or perform animal sacrifice. No person shall own, keep, possess or harbor any animal with the purpose or intention of using such animal for animal sacrifice. No person shall knowingly sell, offer for sale, give away or transfer any animal to any person when he knows or believes that person intends to use such animal for animal sacrifice. This Section does not prohibit slaughter or ritual slaughter of animals.
- (34) IMPOUNDMENT. Violations of the provisions of this Section may result in impoundment of the animal(s) in accordance with Section 6-22.
- (35) PENALTIES. Any violation of the above paragraphs (1) to (35) will result in a fine in accordance with Section 6-21 or Article VII of this Section of the Code.

SECTION 6-5. LOST OR STRAY ANIMALS. Persons finding a stray animal are to notify the Department of Animal Control within forty-eight (48) hours. At the discretion of the Department, the animal may be kept by the finder and a found pet report left with the Department, to enable the finder an opportunity to return the animal to its rightful owner. Upon demand by the Department of Animal Control, any found animal will be surrendered to the Department and held for a minimum of three (3) days before a disposition is made. Persons finding an animal are obligated to comply with all rules and regulations of this Section pertaining to humane care and treatment of animals, while said animal is in custody awaiting return to its actual owner. With the exception of the Hamilton County Humane Society and the Department of Animal Control, the finder will be considered the found animal's owner for the purpose of this Section only after the animal is in the finder's custody for thirty 30 continuous days.

ARTICLE IV. BITING ANIMALS

SECTION 6-6. BITING ANIMALS TO BE REPORTED; NOT TO BE DESTROYED; EXCEPTION.

- (1) The person responsible for any animal which has bitten a person or another animal must report the incident to the Department of Animal Control. Upon receiving the report of a bite, the Shelter will quarantine the animal for ten (10) days with the place of confinement to be at the discretion of the Department of Animal Control. During the quarantine period, the animal is to be securely confined and kept from contact with any other animal or person.
- (2) During the quarantine period, the owner must provide a current rabies vaccination certificate for his or her animal that is being quarantined. If proof of vaccination cannot be supplied, the animal will be vaccinated by a veterinarian at the owner's expense before release.

- (3) No person other than a humane officer or veterinarian shall kill or cause to be killed any animal suspected of being rabid except in cases of immediate self-protection. If that occurs, the person will retain the body and immediately notify the Department of Animal Control.

ARTICLE V.
REGISTRATION AND PERMITS

SECTION 6-7. PET REGISTRATION REQUIRED; EXCEPTION; TAGS.

- (1) Any person owning, keeping, harboring or having custody of any dog or cat over the age of six (6) months must obtain a pet registration for such animal; provided, however, that no pet registration shall be required of any animal shelter, municipal animal control facility or governmental agency or guide dog. Animals belonging to those agencies or persons will be issued complimentary registration tags.
- (2) A durable tag stamped with registration number and year of issuance will be provided to pet registration holders for each registration granted. Dogs and cats must wear their tags at all times on their collars while outdoors, except when involved in any organized show, obedience demonstration, training situation or under the care of licensed veterinarian.
- (3) Registration forms may be made available to pet owners through all veterinarians in the area who are willing to participate. Registrations may be mailed to the Department of Animal Control and tag(s) shall be promptly returned by mail to the registrant.

SECTION 6-8. PROHIBITED ANIMAL PERMIT.

- (1) Any person owning or keeping a prohibited animal as outlined in Section 6-4, Paragraph 25, as a pet may be issued a prohibited animal permit.
- (2) Issuance of the permit will be subject to approval of the Department of Animal Control. All permit holders shall take care to keep and house the animals in a sanitary manner. Appropriate medical services and housing shall be according to individual breeds.

SECTION 6-9. Reserved for future addition.

SECTION 6-10. Reserved for future addition.

SECTION 6-11. VETERINARY HOSPITALS; CLINICS; GROOMING SALONS.

- (1) All animals shall be housed humanely, and in accordance with the applicable standards, rules and regulations of the State of Indiana, if any.
- (2) Veterinarians, clinic or kennels operators, and owner/operators of grooming salons, shall keep such records as may be required by the applicable statutes or regulations of the State of Indiana.

SECTION 6-12. Reserved for future addition.

SECTION 6-13. Reserved for future addition.

SECTION 6-14. Reserved for future addition.

SECTION 6-15. Reserved for future addition.

SECTION 6-16. ANIMAL CONTROL SHELTER; ANIMAL WELFARE ORGANIZATION.

- (1) No permit shall be required of the Department of Animal Control or animal shelter; however, all other provisions of this Section shall apply.

ARTICLE VI.
REGISTRATION AND PERMIT APPLICATIONS:
INSPECTIONS: FEES

SECTION 6-17. APPLICATION; TERM.

- (1) Application for registration or permits may be made at the Department of Animal Control or designated facility, and shall include name, address of applicant, type of permit applied for, number and description of animal(s), proof of rabies vaccination, if applicable, documentation regarding sterilization, if applicable, and appropriate fee.
- (2) Registration and permits are to be issued for a term of one year, commencing with the date of issuance.
- (3) Upon issuance, Department of Animal Control shall issue a registration or permit in written form which includes number of registration or permit, type of registration or permit, and all pertinent information. In addition, the Department of Animal Control shall issue a durable tag stamped with registration number and year of issuance for each pertinent registration.
- (4) The Department of Animal Control shall maintain records of the identifying registration/permit number.
- (5) All fees shall be paid at time of application, and prior to the issuance of the permit or registration.
- (6) It shall be unlawful for any owner of any dog or cat to fail to provide any dog or cat over the age of six (6) months with current pet registration as provided in this Section of the Code. The owner of any dog or cat, which is over the age of six (6) months must also have in his possession a current rabies vaccination against rabies and documentation of sterilization as shown at the time of application for permit. Any owner of such animal who moves into the City for purposes of establishing a residence or residing or who becomes a resident as result of annexation shall have thirty (30) days in which to obtain the permit required by this Section.

SECTION 6-18. INSPECTION.

- (1) Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this Section or when there is reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this Section or Indiana State Law, the humane officer, health officer or police officer is authorized at all reasonable times to inspect the same for compliance with the provisions of this Section or any state law; provided that the officer shall comply with all laws and regulations governing the entry on and into private property.

- (2) In the event the humane officer, health or police officer has reasonable cause to believe that the keeping or maintaining of an animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall first present proper credentials and request entry explaining the reasons therefore. If entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after reasonable search, the officer shall have recourse to secure lawful entry and inspection of the property in accordance with the laws of the State of Indiana.

SECTION 6-19. FEES.

In addition to all other fees required by law to be paid, the following fees shall be paid:

- (1) Pet Registration:

For one (1) year commencing on date of issuance.

Each altered dog or cat	\$5.00
Each unaltered dog or cat	\$5.00
Replacement of lost tags	\$2.50

- (a) Upon a statement from a licensed veterinarian setting forth that the altering of the animal shall constitute a threat to the health of that animal, the payment of the permit fee for unaltered animals shall be classified as an altered animal for purposes of permit registration and fees.
- (b) Handicapped Person: Any handicapped owner of a dog which is used for human assistance purposes shall be exempt from a permit fee.
- (c) Senior Citizen/Disabled Person Exemption: Any cat or dog owner sixty-two (62) years of age or older or any disabled person who owns an altered animal may receive one permit free of charge; provided, however, if the animal of any such person has not been altered, said person shall pay the same permit fee and be subject to the above pet registration fees and charges as otherwise required for any animal.

- (2) Prohibited Animal Permit:

Fee: \$15.00

Permit will be issued after inspection approved by the Department of Animal Control.

- (3) Redemption Fee.

City and non-City residents \$15.00

- (4) Boarding Fee.

City Residents/Day \$5.00
Non-City Residents \$10.00

- (5) Relinquish Fee:

City Residents/ Animal or Litter \$5.00
Non-City Residents/Animal or Litter \$10.00

(6) Deceased Animal Fee:

The Department of Animal Control may receive small animal bodies from the owners if facility space permits.

Fee: \$15.00

SECTION 6-20. DENIAL OR REVOCATION OF PERMIT.

- (1) Any person who is denied a permit or whose permit is revoked may appeal the denial or revocation to the Director within sixty (60) days of the date of the denial or revocation of the permit.
- (2) All requests for appeals must be in writing and addressed to the Director; whereupon, the Director shall set the appeal for hearing within forty-five (45) days of the receipt of the written request.

ARTICLE VII.
PENALTIES; VIOLATIONS

SECTION 6-21. ENUMERATED.

- (1) Violators of this Section shall be fined as follows: **CLASS A INFRACTION:** Not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00).

CLASS A INFRACTION: All those infractions having to do with the humane care and/or treatment of animals, unless otherwise specified. For purpose of this Section, Class A Infractions shall be Section 6-4 (1-3), (5), (9-15), (17-19), (21-25), (27), (28), (33).

CLASS B INFRACTION: Not less than ten dollars (\$10.00) nor more than one hundred dollars (\$100.00).

CLASS B INFRACTION: Those infractions, unless otherwise specified, having to do with nuisance violations. For purposes of this Section, Class B Infractions shall be Section 6-4 (6), (7), (16), (20), (26), (29-32).

CLASS C INFRACTION: Not less than fifteen dollars (\$15.00) nor more than one thousand dollars (\$1,000.00).

CLASS C INFRACTION: Those infractions, unless otherwise specified, having to do with permits and licenses. For the purposes of this Section, Class C Infractions shall be Section 6-4 (4), (8), (25), Section 6-7 (1), (2), Section 6-8 (1), (2).

- (2) Each infraction shall be considered a separate offense and subject to fine and/or other disposition as herein provided.
- (3) In the even that an animal is retained at the Department of Animal Control because its owner has been in violation of this Section, the person redeeming the animal by paying the prescribed fees shall also be subject to paying for medical bills incurred for routine shots for animals at the Department.
- (4) Violators, upon conviction, may be given the opportunity to work at the Department of Animal Control and/or participate in a humane education program if so recommended by the Court.
- (5) Each twenty-four (24) hours that an infraction occurs will be considered a separate offense and can be cited as such.

- (6) Violations of this Section may result in immediate impoundment of animal(s).
- (7) Violation of any provision of this Section may result in revocation of any permit(s).

ARTICLE VIII.
IMPOUNDMENT; REDEMPTION

SECTION 6-22. GROUNDS FOR AND CONDITIONS OF IMPOUNDMENTS.

- (1) Animals found in cruel, abusive or neglectful situations as defined in this Section or Animals that have been abandoned may be promptly impounded if no immediate contact with a responsible person can be made; provided, however, that the humane officer shall leave written notice saying the location of the animal and the reason for the impoundment.
- (2) Animals so removed will be impounded and held at the Department of Animal Control or designated facility until such time that the violator is in compliance with this Section; provided, however, that in no event shall this period exceed ten (10) days, at which time the animal shall become the property of the Department of Animal Control, unless an extension is necessary for the humane officer to have ample time to prepare a court case if prosecution is warranted. In the case of an animal impounded for quarantine at the Department of Animal Control, the animal will become the property of the Department if not claimed by closing time of the Department on the eleventh (11th) day of the quarantine.
- (3) Animals impounded for reasons beyond the control of the owner, such as, but not limited to, house fire, death of owner, or arrest of the owner, will be held for ten (10) days during which time a reasonable effort will be made to contact the owner and/or their representative. After the tenth (10th) day of impoundment, the animal will become the property of the Department of Animal Control.
- (4) Animals waiting disposition by the courts shall remain in the custody of the Department of Animal Control unless such disposition is made or placed in a foster home until legal arrangements have been completed.
- (5) Animals so removed may be transported to a licensed veterinarian for examination and/or treatment. If, in the opinion of said veterinarian, the animal must be destroyed, euthanasia will be performed immediately. Cost of treatment, euthanasia, and/or care shall be the responsibility of the owner/agent. Failure of the owner/agent to pay within thirty (30) days of the examination and/or treatment by a licensed veterinarian shall constitute a Class C Infraction and may be punished therefore.

SECTION 6-23. REDEMPTION.

- (1) A person may reclaim an animal in the custody of the Department of Animal Control upon providing the following:
 - (a) Proof of ownership;
 - (b) Payment of redemption fee and any other service/medical fees, as approved by the Director.
- (2) Stray or at large animals will be held a minimum of three (3) days at the Department of Animal Control, pursuant to Section 6-3 (4).

- (3) Unclaimed animals become the property of the Department of animal Control and shall be placed for adoption or humanely euthanized, pursuant to Section 6-3 (4).

ARTICLE IX.
MONIES

SECTION 6-24. DISPOSITION OF MONIES.

All monies generated, donated, or collected by virtue of the provisions of this Section are to be set aside and placed in the general fund.

ARTICLE X.
DESTRUCTION OF ANIMALS

SECTION 6-29. SUBSTANCES PERMITTED FOR USE.

The Department of Animal Control, other animal shelters, and/or public animal facilities which destroy animals in the City of Noblesville, shall use only sodium pentobarbitol or derivative substances designed for such purpose and generally acceptable within the veterinarian profession. Other acceptable substances may be available from time to time, subject to specific approval in writing by the Director.

SECTION 6-30. PERSON AUTHORIZED TO DESTROY ANIMALS.

- (1) Only persons trained in humane procedures by licensed veterinarians or by registered veterinary technicians or persons who have attended certified euthanasia training programs shall perform the destruction of animals in a humane manner provided that said person holds all required licenses for storage, use, and the like, for that drug.
- (2) The Board of Public Works and Safety is authorized to issue permits to any person, under such terms and conditions as it finds to be necessary for the public safety and welfare, for the humane killing or humane trapping within the City, any non-migratory pigeons, starlings, and/or birds declared or defined by any law or ordinance as pests. The fee for such permit is fifty dollars (\$50.00) and is payable to the Clerk-Treasurer. Any permit issued shall be revocable at will by the Board.

SECTION 6-31. ASSURANCE OF DEATH PRIOR TO DISPOSAL.

No animal's body shall be disposed of until all vital signs are checked (fixed pupil, cessation of heartbeat, and respiration) to assure that death has occurred.

SECTION 6-32. PENALTY.

Any person who violates the provisions of "ARTICLE X" upon conviction thereof, shall be guilty of a Class A Infraction and may be fined in accordance with the provisions of Article XII of this Ordinance.

ARTICLE XI.
CONSTRUCTION AND OTHER LEGAL PROVISIONS

SECTION 6-33. SUPPLEMENTAL.

The provisions of this Section supplement all laws of the State of Indiana covering the same subject matter.

SECTION 6-34. CONFLICTING ORDINANCES.

All other ordinances of the City of Noblesville that are in conflict with this Section are hereby repealed to the extent of such conflict.

SECTION 6-35. SEVERABILITY.

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

SECTION 6-36. EFFECTIVE DATES.

Exempt for the requirement for applications for permits required to be made by this Section, which shall not be required to be made until July 1, 1991, this Section shall be in full force and effect from and after its passage, approval by the Mayor and legal publication or legal posting thereof.

Adopted this _____ day of _____, 2004, by the Common Council of the City of Noblesville, Hamilton County, Indiana.

COMMON COUNCIL, CITY OF NOBLESVILLE

AYE

NAY

_____	Laurie E. Hurst	_____
_____	Terry L. Busby	_____
_____	Brian Ayer	_____
_____	Alan Hinds	_____
_____	Mary Sue Rowland	_____
_____	Dale Shelling	_____
_____	Kathie Stretch	_____

Approved and signed by the Mayor of the City of Noblesville, Hamilton County, Indiana this _____ day of _____, 2004.

John Ditslear, Mayor of the
City of Noblesville, IN

ATTEST:

Janet S. Jaros, Clerk-Treasurer
City of Noblesville, IN

