

## **ORDINANCE 2021-27**

### **AN ORDINANCE AMENDING CERTAIN SECTIONS IN TITLE 10 – ANIMALS**

WHEREAS, Animal Control and the Legal Department have identified language changes within Title 10 that will provide greater clarification, guidance and tools for the enforcement of Title 10 by Animal Control;

WHEREAS, some of the changes include adding definitions, simplifying the process to deal with dangerous or nuisance animals, and providing greater detail for the standard of care;

WHEREAS, the revised and strengthened language regarding standard of care allows the defined limits for the number of animals that can be owned to be removed;

WHEREAS, the increased use of microchipping and the requirement that animals bear some form of permanent identification (such a tags) will serve the goals of the City while eliminating the need for pet license registrations;

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA, as follows:

1. Section 10.01.100 – Definitions- is hereby amended to amend or add the following definitions:

“Abandon” means to desert any animal or leave any animals without making provisions for long term care of that animal or to leave in a place without the expressed permission of the property owner, custodian or tenant of the property.

“Animal hoarding” means (1) collecting animals or failing to provide them with adequate shelter and care, (2) collecting dead animals that are not properly disposed of, and/or (3) collecting housing or harboring animals in filthy, unsanitary conditions that constitute a health hazard to the animals being kept, to the individual(s) residing at the property, or to the animals or residents of an adjacent property.

“Commercial Establishment” means a pet shop, animal shelter or sanctuary, auction or animal exhibition.

"Dangerous animal" means any animal that attacks, bites or injures human beings, pets, companion animals or livestock or which, because of temperament, conditioning, or training, has a known propensity to attack, bite or injure human beings, pets, companion animals or livestock. No dog may be declared dangerous if a threat, injury or damage was sustained by a person who, at the time was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog or was teasing, tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported to have teased, tormented, abused or assaulted a dog or was committing or attempting to commit a crime.

This definition shall not be construed to include dogs that are part of a governmental organization or a trained guard dog in performance of its duties.

“Dangerous Animal Agreement” means an agreement entered into between the owner of an animal and the enforcement authority setting forth the terms and conditions that the enforcement authority, in their sole discretion, require in order to return a Dangerous Animal to its owner. The agreement may include, but is not limited to, the following:

1. The animal, while on the owner’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. No secured enclosure may be used without the prior to the enforcement authority’s approval of the enclosure.

2. The animal may only be off of the owner’s property if it is restrained by a substantial leash, no more than six feet in length, muzzled and under the control of an adult.

3. The animal must be altered by a licensed veterinarian within thirty (30) days, unless a licensed veterinarian certifies in writing that the animal is incapable of reproduction or altering the animal would be injurious to the animal’s health.

4. The animal must be implanted with a microchip unless a licensed veterinarian certifies in writing the animal should not have a microchip due to health reasons.

“Direct Control” means immediate and continuous physical control of an animal (excluding police dogs, service dogs, dogs participating in a registered field trial, obedience trial, and confirmation show and/or match) at all times such as by means of a fence, leash, cord or chain of sufficient strength to restrain the animal. When an animal is specifically trained to immediately respond to oral or visual commands, the term “direct control” includes oral or visual control while on private property with the permission of the property owner. Oral control shall at all times prevent the animal from running at large or otherwise violating this Title.

“Food (adequate)” means providing the appropriate quantity of non-contaminated and nutritionally adequate food, fed according to age, size, species and breed requirements, which is sufficient to prevent starvation, malnutrition or risk to the animal’s health. Garbage or spoiled/rancid food is not considered adequate food.

“Garbage” includes, but is not limited to, animal or vegetable refuse, by-product of a restaurant, kitchen or meat/poultry processing establishment, spoiled/rancid food and refuse accumulation of animal, fruit or vegetable mater, liquid or otherwise that is normally discarded.

“Nuisance Animal Agreement” means an agreement entered into between the owner of an animal and the enforcement authority setting forth the terms and conditions that the enforcement authority, in their sole discretion, require in order

to return an impounded animal or an animal found running at large to its owner. The agreement may include, but is not limited to, the following:

1. The animal, while on the owner's property, shall, at all times, be kept indoors, or in a secured enclosure from which the animal cannot escape.

2. The animal may only be off of the owner's property if it is restrained by a substantial leash, no more than six feet in length.

3. The animal must be altered by a licensed veterinarian within thirty (30) days, unless a licensed veterinarian certifies in writing that the animal is incapable of reproduction or altering the animal would be injurious to the animal's health.

4. The animal must be implanted with a microchip unless a licensed veterinarian certifies in writing the animal should not have a microchip due to health reasons.

"Restraint" means any animal secured by a leash or lead, or under the direct control, as defined herein, of the animal's owner or attending party, or within the real property limits of its owner.

"Running at large" means any animal that leaves or strays from the land owned, rented or leased by the owner or possessor of the animal that is not under direct control as defined herein.

"Shelter (adequate)" means providing protective cover for a domestic animal appropriate for its species and offering adequate space to ensure the animal's safety and good health.

"Shelter" means a humane society or other animal rescue organization that has a contract with the City of Lafayette for animal sheltering or disposal.

"Shelter Manager" means the Director of the Shelter or his or her designee.

"Space (adequate)" means any area in which an animal is confined should be suitable for the animal's species, size, age and breed, allowing the animal to turn about freely, stand, sit, lie and move comfortably and in a normal position. Sick or injured animals should be confined as directed by a veterinarian.

"Ventilation (adequate)" means fresh air sufficient to provide for the health of an animal.

"Water (adequate)" means water that is clean, fresh and potable sufficient to prevent dehydration, properly sustain health, and prevent significant risk to the animal's health. Snow, ice, rancid or contaminated water is excluded from the definition of adequate water.

"Unsanitary conditions" means animal housing or quarters, including exercise areas, that are contaminated by health hazards, irritants, items or conditions that endanger or pose a risk to an animal's health, including, but not limited to:

- (1) Excessive animal waste, garbage and trash;
- (2) Standing water or mud;

- (3) Rancid/contaminated food or water;
- (4) Fumes, foul or noxious odor, hazardous chemicals or poisons;
- (5) Decaying material;
- (6) Uncontrolled parasite or rodent infestation; or
- (7) Areas that contain nails, screws, broken glass, broken boards, pits, poisons, sharp implements or other items that could cause injury, illness or death to an animal.

2. Section 10.02.020 – Wild or dangerous animals prohibited -- is hereby amended to clarify the restrictions regarding wild or dangerous animals and as amended shall read as follows:

10.02.020 - Wild or dangerous animals prohibited.

- A. It is unlawful for a person to own a wild animal in the city; however, the provisions of this section shall not apply to zoological parks.
- B. It is unlawful for any person to cause, permit, accompany or be responsible for the presence of any dangerous animal on the streets or public places of the City or to allow the animal to run on the premises of another at any time, unless, in addition to any other requirements in Title 10, said dog, cat or other animal shall be securely muzzled to effectively to prevent it from biting any person or other animal.
- C. Any wild and/or dangerous animal may be impounded as set forth in Chapter 10.08 and the owner or possessor may be fined for a violation of this Section.
- D. Regardless of the provisions of this section, whenever an Animal Control Officer or Police Department official find any dangerous dog, cat, or other animals in packs, or running at large in such condition as to be too dangerous to attempt to capture the animal, then the Animal Control Officer or Police Department is authorized to dispose of the animal, where it may be found, by shooting it.

3. Section 10.02.03 – Limitation of ownership of dogs and cats -- is hereby repealed and deleted.

4. Section 10.03.010 – Nuisance animals—is hereby amended to clarify the procedure for dealing with nuisance animals and as amended shall read as follows:

10.03.010 - Nuisance animals.

- A. No person shall permit an animal under their ownership or control to create a public nuisance.

- B. Any such public nuisance animal may be impounded as set forth in Chapter 10.08 and fined for a violation of this section.

5. Section 10.03.040 – Disposition of dead animals—is hereby amended and as amended shall read as follows:

10.03.040 - Disposition of dead animals.

A. A person finding a dead domestic animal or large undomesticated animal or the surviving young of either on or within public right-of-way shall call Animal Control or Police Department for removal and lawful disposition.

B. It shall be unlawful for a person to allow the body, or parts thereof, of any dead animal to be kept, held or disposed of in violation of this section, as follows:

1. No person shall possess, keep, use or dispose of anywhere in the City, a dead animal or parts thereof in any manner that creates offensive odors or sights, or constitute a public nuisance which affects health and comfort in any respect.

2. No person shall skin, dismember, dissect, cut up or dispose of the body of a dead animal, or any parts thereof in the City, unless the person is regularly engaged in such business of killing and disposing of such animals for use as food or otherwise, or is so authorized by law, or does so for the person's own use.

C. Nothing in this section shall prohibit the legal handling and processing of game harvested under legal hunting or fishing practices, as permitted by state law and rules and regulations of the state department of natural resources.

6. New Section 10.03.040 – Restraint of animals; animals at large -- is hereby added and as added shall read as follows:

10.03.040 – Restraint of animals; animals at large

A. It shall be unlawful for any owner or possessor of any animal to allow such animal to run at large, whether wearing a collar and tag or not, within the City. Any and all such animals found running at large, whether wearing a collar and tag, or not, shall be immediately impounded by ordinance enforcement authority.

B. It shall be the duty of every owner or custodian of any animal to exercise reasonable care and take all necessary steps and precautions to protect other people, property and animals from injuries or damage which might result from the animal's behavior.

C. It shall be the duty of every owner or custodian of any animal to ensure that the animal is kept under restraint and that reasonable care and precautions are taken to prevent the animal from leaving the real property limits of its owner, possessor, or custodian, and ensure that it is:

1. Securely and humanely enclosed within a house, building, fence pen or other enclosure out of which it cannot climb, dig, jump or otherwise escape on its own violation; and that such enclosure is securely locked at any time the animal is left unattended.

2. Securely and humanely restrained by chain, cable or trolley, or other tether of sufficient strength to prevent escape.

3. On a leash and under direct control of a competent person while on public property or property open to the public; or off a leash and obedient to that person's command and that person is present with the animal any time it is not restrained as provided for in subsection (c)(1) or (c)(2) of this section while on the owner's property or areas designated as dog parks.

7. New Section 10.03.050 – Commercial Establishments -- is hereby added and as added shall read as follows:

10.03.050 – Commercial Animal Establishments.

A. Standards for commercial animal establishments include all of the following:

1. The establishment must be operated in such a manner as not to constitute a public nuisance.

2. The establishment shall provide an isolation area for animals that are sick or diseased to be placed in so not the spread disease to healthy animals.

3. All animals must be kept within a secure enclosure that provides for adequate space as defined in this title or they must be under the direct control of the owner at all times.

4. The establishment must provide adequate care, food, water, space and veterinary care, as defined in this title, to all animals kept on the premises.

5. The establishment shall not engage in any acts of cruelty, mistreatment or neglect as defined in this title.

6. The establishment may not sell or adopt animals that are un-weaned or diseased.

7. The establishment shall permit the animal control officer to inspect at any and all times the premises where the animals are kept.

8. Chapter 10.04 is hereby amended to change the title of the Chapter and to remove the requirement of pet licensing in favor of permanent identification, Sections 10.04.020 and Section

10.04.030 are hereby deleted and Section 10.04.010 is amended and as amended shall read as follows:

**Chapter 10.04- IDENTIFICATION OF DOGS AND CATS REQUIRED**

10.04.010 Identification Required.

A person that owns a dog or cat within the City shall ensure that each dog or cat bears a means of identification at all times, such that the owner of a lost or stolen dog or cat can be ascertained quickly and easily.

9. Section 10.06.010 – General requirements for animal care and treatment – is hereby amended to update the language regarding adequate food, water and shelter, prohibit animal hoarding and set forth requirements during any weather advisory and as amended shall read as follows:

10.06.010 - General requirements for animal care and treatment.

- A. Every owner or keeper of an animal kept in the city shall see that such 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; the person(s) responsible for animal(s) shall regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact;
  - 2. Has adequate food, water, space and shelter;
  - 3. Shall not be tethered:
    - a. Between the hours of eleven p.m. and six a.m.;
    - b. If the animal is less than six months in age or the animal is sick or injured;
    - c. By use of a choke collar or any collar that is too small for the size and age of the animal;
    - d. By any rope, chain, chord directly attached to the animal's neck;
    - e. By a leash that is less than twelve (12) feet in length or of such unreasonable weight as to prevent the animal from moving about freely;
  - 4. Shall not be tethered or otherwise confined at an uninhabited or vacant structure or premises for any purpose or time if not monitored by a competent adult who is present at the property for the duration of the tethering or confinement;
  - 5. Is protected against abuse, cruelty, neglect, torment, overload, overwork, or any other mistreatment; and

6. Is maintained in compliance with all applicable federal, state and local laws and all regulations respecting animal care and control as are adopted by the Animal Control Department and in effect from time to time.
- B. Every owner of an animal shall provide the reasonably necessary medical care, in addition to the required rabies vaccination which shall include recommended vaccinations as required by accepted veterinary standards, and if diseased or injured, or exhibiting symptoms of disease, receives proper care and is segregated from other animals so as to prevent transmittal of the disease.
- C. It is unlawful for a person to beat, starve, engage in animal hoarding, or otherwise mistreat any animal in the city, or to fail to comply with any requirement of this section.
- D. In addition to the general requirements for animal care and treatment, every owner of a dog shall see that when confined outside:
1. Has access to a ventilated shelter constructed of solid wood or other weather resistant material, consisting of a structure with solid walls on all sides, a dry floor raised above the ground, and a solid roof sloped away from the entrance to protect the dog from weather and extreme cold.
  2. During the winter months or when the temperature is below forty (40) degrees Fahrenheit the shelter must be small enough to allow the dog to warm the interior of the structure with body heat but large enough to allow the dog to stand to its full height, turn around freely and stretch out while lying down. The entrance must be protected by a self-closing door or a flexible dog flap. The shelter must maintain a sufficient amount of non-absorbent bedding, such as straw, to insulate against cold and damp and be sufficient depth to allow your dog to burrow.
  3. During the summer or when the temperature is above eighty (80) degrees Fahrenheit, the shelter must be shaded by trees, a tarp or a tarp like device.
  4. Is brought into a temperature controlled facility when the temperature is at or below twenty (20) degrees Fahrenheit or at or above ninety (90) degrees Fahrenheit, or when any weather advisory warning has been issued by local, state or national authority, except when the dog is in visual range of a competent adult who is outside with the dog.
  5. Has adequate space for exercise when confined in an enclosure or pen, which shall consist of no less than one hundred (100) square feet. A dog over eighty (80) pounds must be provided with an additional fifty (50) square feet. For each additional dog inside the enclosure, fifty (50) square feet of space for exercise must be added per dog.
- E. In the discretion of the animal control officer, a person who violates any provision of this section for the first time may be given a written notice of the practices or conditions which constitute the violation, and the enforcement authority shall in such instance direct remedies to such person where appropriate and provide a time period of no longer than thirty (30) days within which to correct the violation(s). Failure to correct the violations within the specified time

period can result in the impoundment of the animal as provided in Section 10.08.010.

- F. A violation of this section that, in the discretion of the animal control officer, is causing or will cause immediate and/or irreparable harm to the animal will result in the immediate impoundment of the animal as provided in Section 10.08.010.

10. Section 10.06.150 – Lost or stray animals – is hereby amended for minor language changes and as amended shall read as follows:

10.06.050 - Lost or stray animals.

- A. Persons finding a stray animal are to notify the Shelter within forty-eight (48) hours. At the discretion of the Shelter, the animal may be kept by the finder and a found report left with the Shelter to enable the finder an opportunity to return the animal to its rightful owner.
- B. Upon demand by the Shelter, any found animal will be taken to an appropriate facility and scanned for an identifying microchip.
- C. Persons finding an animal are obligated to comply with all the rules and regulations of this chapter pertaining to humane care and treatment of animals, while said animal is in their custody awaiting return to its actual owner.
- D. With the exception of the Shelter, the finder will be considered the found animal's owner for purposes of this chapter only after the animal is in the finder's custody for thirty (30) continuous days.

11. Section 10.07.010 – Department of animal control – is hereby amended to make certain language and formatting corrections and as amended shall read as follows:

10.07.010 - Department of animal control.

- A. The Chief Animal Control Officer shall head the Department of Animal Control, shall be appointed by the Mayor, and shall serve at the pleasure of the Mayor. The Chief Animal Control Officer shall appoint subordinate Animal Control Officers. The Department of Animal Control, jointly with the Lafayette Police Department shall enforce the animal control ordinance, and shall investigate any complaints regarding ordinance violations. The duties and powers of the Department of Animal Control are as follows:
  - 1. To cause to be enforced all city ordinances and/or state laws regarding animal care and control.
  - 2. To cause to be picked up and transported to the Shelter all animals illegally at large, and all sick, diseased, injured, lost, strayed, stolen or abandoned animals. Those animals, at the owner's request, may be promptly euthanized at said shelter. In addition, any animal which appears to be ill and would pose a health hazard to

other animals, or any animal which is injured so that it cannot rest comfortably for a minimum of four working days may be destroyed immediately as so authorized by the Shelter Manager or his or her authorized agent. All other animals shall be kept at said shelter or place designated by said shelter for a period of not less than four working days to afford owners the opportunity to claim the animal. After such period of time, unclaimed animals shall be placed in a suitable home, retained at the shelter, released to an accepted rescue organization or euthanized. Animals released to the shelter by their owners, or impounded animals not claimed within the legal time become the property of the shelter and disposition may be made at the shelter's discretion.

3. To proceed upon public and private property within the city in pursuit of animals believed to be in violation of this Title. However, this authority does not extend to a privately owned structure without the consent of the owner, lessee or other occupant in control of the premises or without other legal process or authority. Any animal pursued under this Title may be confiscated and held by the Shelter according to its rules and regulations. If an animal is confiscated without the knowledge or consent of the owner or occupant of the premises, a notice shall promptly be affixed to said premises in an obvious location, directing the occupant to contact the Shelter providing the address and telephone number of same on said notice.

4. To cause to be picked up and disposed of all dead animals found in or on any street or sidewalk, alley or other public place in the city.

5. To cause to be investigated all reports and complaints concerning any inhumane treatment or practices pertaining to animals within the city. To cause to be impounded at the Shelter all animals found in conditions adverse to their health and safety.

- B. Persons who are individually charged with the enforcement of this Title shall be designated animal control officers, and prior to the performance of any act in connection therewith, such animal control officers shall receive appropriate and relevant training.
- C. It is the duty of the city police department to assist in the enforcement of all provisions of this Title and other ordinances in relation to animals.
- D. Such officers are authorized to enforce all provisions of this Title, including the right to proceed upon public and private property in the city in pursuit of animals in violation of this Title.

12. Section 10.08.010 – Grounds for impoundment – is hereby amended to remove reference to impoundment for animals exceeding limit and other minor language changes and as amended shall read as follows:

10.08.010 - Grounds for impoundment.

Any wild or dangerous animal in violation of Chapter 10.02, animals running at large or causing a public nuisance in violation of Chapter 10.03 and animals whose care or treatment is in violation of Chapter 10.06, may be captured and impounded.

13. Section 10.08.020 – Notice to owner—is hereby amended to clean up the wording and as amended shall read as follows:

10.08.020 - Notice to owner.

- A. Upon the impoundment of an animal, a reasonable attempt shall be made to notify and inform the owner of the animal of the requirements of this article for regaining the custody of the animal.
- B. Such attempt shall include, but not necessarily be limited to, the following:
  - 1. In the instance of an impounded dog or cat, contact with the owner identified by the microchip or other permanent means of identification, if any, borne by the dog or cat;
  - 2. In the instance of an impounded dog or cat not bearing a permanent means of identification, contact with the veterinarian facility listed on the animal's vaccination tag; and
  - 3. Cooperation of effort with other governmental and private agencies, such as the Shelter or other humane and/or breed rescue organization.

14. Section 10.08.040 – Return of captured animal without impoundment – is hereby amended to provide for the return subject to a Dangerous Animal or Nuisance Animal agreement and as amended shall read as follows:

10.08.040 - Return of captured animal without impoundment.

When the owner of a captured animal is known, such animal need not be impounded but may be returned to its owner if:

- 1. In the opinion of the Animal Control Officer, the return would not present a danger to the public or otherwise result in a violation of this Title; or
- 2. The owner of the animal enters into a Dangerous Animal or Nuisance Animal Agreement.

15. Section 10.08.050 – Return of impounded animal to owner – is hereby amended for certain language clarifications and to allow for a Dangerous Animal or Nuisance Animal agreement and as amended shall read as follows:

10.08.050 - Return of impounded animal to owner.

- A. An animal impounded under this chapter, if claimed by its owner, shall be returned to its owner subject to, and upon compliance with, the provisions of this chapter.
- B. The owner of an impounded animal may obtain the return of such animal upon compliance with any applicable provisions enforcement authority may impose, including entering into a Dangerous Animal Agreement or Nuisance Animal Agreement, proof of ownership, the payment of the appropriate impoundment and kennel fees as regularly charged by the Shelter, and a ten dollar (\$10.00) Animal Control Officer's fee.
- C. An owner known to the enforcement authority must redeem and reclaim or relinquish ownership of an animal within five days of receiving notice of impoundment. If an owner fails to redeem and reclaim or relinquish ownership within five days, the owner is deemed to have relinquished ownership and may be fined up to Two Hundred Fifty Dollars (\$250.00) for "Failure to Reclaim."
- E. The enforcement authority may decline the return of an impounded dog or cat until the enforcement authority receives sufficient proof of assurance that the animal has received or will receive a microchip implant. The enforcement authority may not decline the return of an impounded dog or cat if a veterinarian provides a written statement that the animal should not have a microchip implant due to health reasons.
- F. Notwithstanding any other provision of this chapter, an animal which has been impounded shall be returned to its owner only if the enforcement authority in its discretion determines that such return will not result in further ongoing violations of this title.
- G. If such a determination cannot be made the enforcement authority then shall send notice to the owner of its intent to not return the animal. The owner may appeal the determination pursuant to the procedures detailed in Section 10.08.090.

16. Section 10.08.060 is hereby amended for certain language clarifications and as amended shall read as follows:

10.08.060 - Disposition of owner-surrendered animals, impounded animals not claimed by owner, impounded animals not returned to owner—Adoption.

- A. An animal surrendered by its owner to the Shelter, not reclaimed by its owner, not claimed during the impoundment period or subject to a determination to not returned to owner, may be kept or otherwise humanely disposed of, in the

reasonable exercise of discretion of the enforcement authority, but consistent with such provisions as the enforcement authority shall make regarding the capture, surrender, impoundment, adoption, sale and destruction of animals. No animal shall be humanely disposed of, while there is sufficient room in the kennel to reasonably house such animal at the shelter, unless for reasons of temperament or health at the reasonable discretion of the Shelter. (Keeping in mind the necessity of having empty places for animals to be moved during cleaning).

- B. An animal impounded under this chapter, except for certain kittens as set forth in 10.08.060(C), and which is not claimed by its owner shall be confined by the enforcement authority in a humane manner for a period after capture of not less than four days.
- C. Kittens that are at least two months and two pounds and less than four months, that are impounded in groups of two or more, and which is not claimed by its owner shall be confined by the enforcement authority in a humane manner for a period after capture of not less than two days.
- D. Following the impoundment period, a person other than the animal's owner or a member of the owner's family who wishes to adopt an impounded animal which has not been claimed, and which is otherwise available for adoption, may adopt the animal. Such person wishing to adopt an animal from the Shelter shall pay an adoption fee to cover the enforcement authority's expenses, including the expense of vaccinations, and must meet the adoption criteria of the Shelter and pay any adoption fees normally required by the Shelter.
- E. A person who wishes to adopt a dog or cat that has been impounded under this article or is otherwise available for adoption, and that has not been spayed or neutered, must meet the adoption and sterilization criteria adopted by the Shelter, and first shall agree in writing to have the animal spayed or neutered at that person's expense.

17. New Section 10.08.090 – Appeal of Determination to Not Return Impounded Animal – is hereby added and as added shall read as follows:

10.08.090 – Appeal of Determination to Not Return Impounded Animal.

- A. The decision of an Animal Control Officer to not return an impounded animal may be appealed to the Board of Works. The appeal to the Board of Works shall be in writing and shall be filed with the City Clerk within five days after receipt of notification that a determination has been made to not return the impounded animal. The disposition of any animal shall be stayed during the pendency of such appeal. The animal shall remain impounded during the appeal process.
- B. Upon receipt of a written appeal, the Board of Works shall provide notice and conduct an adjudicative hearing. Thereafter, the Board of Works shall render a decision that said animal return of the animal shall result in further violations of this Title or that it should be returned to the Owner on any terms and conditions determined appropriate by the Board of Work. The decision of the Board of

Works is final and binding subject to the right of appeal of such determination to the Tippecanoe Circuit or Superior Court.

18. For ease of reference the entirety of Title 10 incorporating the changes set forth above is attached hereto. In the event of any discrepancy between the attachment and the sections set forth above, the sections set forth above shall control.

19. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF LAFAYETTE, INDIANA THIS \_\_\_\_ DAY OF \_\_\_\_\_, 2021.

\_\_\_\_\_  
Melissa Weast-Williamson, Presiding Officer

ATTEST:

\_\_\_\_\_  
Cindy Murray, City Clerk

Presented by me to the Mayor of the City of Lafayette, Indiana, on the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Cindy Murray, City Clerk

This Ordinance approved and signed by me on the \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Tony Roswarski, Mayor

ATTEST:

\_\_\_\_\_  
Cindy Murray, City Clerk

Sponsored By: Jacque Chosnek, Corporation Counsel

## **Title 10 - ANIMALS**

### **Chapter 10.01 - DEFINITIONS**

#### 10.01.100 - Definitions.

For the purposes of Title 10 — Animals, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“Abandon” means to desert any animal or leave any animals without making provisions for long term care of that animal or to leave in a place without the expressed permission of the property owner, custodian or tenant of the property.

"Altered animal" means an animal that has been spayed or neutered.

"Animal" means any living, nonhuman vertebrate creature.

"Animal event" means display, activity or show of animals in a shopping center, retail establishment, adjacent lot or elsewhere.

"Animal fighting paraphernalia" means equipment or items used to train or condition animals for participation in an animal fighting contest or materials to promote animal fighting, the breeding of animals specifically for the purpose of fighting, train animals for fighting, or to track the results of animal fights.

"At large" means not confined in a pen, corral, yard, cage, house, vehicle or other secure enclosure, unless otherwise under the control of a competent human being.

“Animal hoarding” means (1) collecting animals or failing to provide them with adequate shelter and care, (2) collecting dead animals that are not properly disposed of, and/or (3) collecting housing or harboring animals in filthy, unsanitary conditions that constitute a health hazard to the animals being kept, to the individual(s) residing at the property, or to the animals or residents of an adjacent property.

"Board of Works" shall mean the City of Lafayette Board of Works and Public Safety.

"Colony" means a group of one or more free-roaming or feral cats, whether managed or unmanaged.

"Colony caretaker" means an authorized person, approved by a colony sponsor, who provides food, water, and shelter to free-roaming or feral cats located in a managed or registered colony and participating in the TNR program. Colony caretakers may not have a conviction for animal cruelty.

"Colony sponsor" means any animal welfare organization or local rescue group approved by the Chief Animal Control Officer to keep track of and oversee the City of Lafayette's feral and free-roaming cat colonies and colony caretakers.

“Commercial Establishment” means a pet shop, animal shelter or sanctuary, auction or animal exhibition.

"Dangerous animal" means any animal that attacks, bites or injures human beings, pets, companion animals or livestock or which, because of temperament, conditioning, or training, has a known propensity to attack, bite or injure human beings, pets, companion animals or livestock.

No dog may be declared dangerous if a threat, injury or damage was sustained by a person who, at the time was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog or was teasing, tormenting, abusing, or assaulting the dog, or has, in the past, been observed or reported to have teased, tormented, abused or assaulted a dog or was committing or attempting to commit a crime. This definition shall not be construed to include dogs that are part of a governmental organization or a trained guard dog in performance of its duties.

“Dangerous Animal Agreement” means an agreement entered into between the owner of an animal and the enforcement authority setting forth the terms and conditions that the enforcement authority, in their sole discretion, require in order to return a Dangerous Animal to its owner. The agreement may include, but is not limited to, the following:

1. The animal, while on the owner’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. No secured enclosure may be used without the prior to the enforcement authority’s approval of the enclosure.

2. The animal may only be off of the owner’s property if it is restrained by a substantial leash, no more than six feet in length, muzzled and under the control of an adult.

3. The animal must be altered by a licensed veterinarian within thirty (30) days, unless a licensed veterinarian certifies in writing that the animal is incapable of reproduction or altering the animal would be injurious to the animal’s health.

4. The animal must be implanted with a microchip unless a licensed veterinarian certifies in writing the animal should not have a microchip due to health reasons.

“Direct Control” means immediate and continuous physical control of an animal (excluding police dogs, service dogs, dogs participating in a registered field trial, obedience trial, and confirmation show and/or match) at all times such as by means of a fence, leash, cord or chain of sufficient strength to restrain the animal. When an animal is specifically trained to immediately respond to oral or visual commands, the term “direct control” includes oral or visual control while on private property with the permission of the property owner. Oral control shall at all times prevent the animal from running at large or otherwise violating this Title.

"Ear tip" means a straight-line cut of a feral or free-roaming cat's left ear to mark that the cat has been through the TNR program.

"Exposed to rabies" means an animal has been exposed to rabies if it has been bitten by or been in contact with any animal known or reasonably suspected to have been infected with rabies.

"Feral cat" means any cat that has no apparent owner or identification and is wild, untamed, unsocialized, unmanageable and unable to be approach or handled.

“Food (adequate)” means providing the appropriate quantity of non-contaminated and nutritionally adequate food, fed according to age, size, species and breed requirements, which is sufficient to prevent starvation, malnutrition or risk to the animal’s health. Garbage or spoiled/rancid food is not considered adequate food.

"Free-roaming cat" means any homeless, stray, wild or untamed cat.

“Garbage” includes, but is not limited to, animal or vegetable refuse, by-product of a restaurant, kitchen or meat/poultry processing establishment, spoiled/rancid food and refuse accumulation of animal, fruit or vegetable mater, liquid or otherwise that is normally discarded.

"Guide dogs" means dogs trained to assist the handicapped.

"Livestock" means and includes any cow, pig, horse, pony, chicken, goat, sheep, llama, mule, donkey or any other animal typically raised for agricultural purposes.

"Managed colony" means a colony of feral or free-roaming cats that is registered with the animal control division, or its designee and is managed by a colony caretaker using the trap, sterilize, return methodology.

"Microchip implant" means a passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification and/or the recovery of animals by their owners.

"Microchip reader" means an electronic device that detects any implanted microchip.

"Nonbite exposure" means and includes scratches, abrasions, open wounds or mucous membranes contaminated with saliva or other potentially infectious material from a rabid animal.

“Nuisance Animal Agreement” means an agreement entered into between the owner of an animal and the enforcement authority setting forth the terms and conditions that the enforcement authority, in their sole discretion, require in order to return an impounded animal or an animal found running at large to its owner. The agreement may include, but is not limited to, the following:

1. The animal, while on the owner’s property, shall, at all times, be kept indoors, or in a secured enclosure from which the animal cannot escape.

2. The animal may only be off of the owner’s property if it is restrained by a substantial leash, no more than six feet in length.

3. The animal must be altered by a licensed veterinarian within thirty (30) days, unless a licensed veterinarian certifies in writing that the animal is incapable of reproduction or altering the animal would be injurious to the animal’s health.

4. The animal must be implanted with a microchip unless a licensed veterinarian certifies in writing the animal should not have a microchip due to health reasons.

"Owner" means a person having the right of property or custody of a dog or cat or who keeps or harbors a dog or cat or knowingly permits a dog or cat to remain on or about any premises occupied by that person, excluding a "colony caretaker."

"Person" means an individual, firm, corporation or commercial establishment.

"Pet" means any animal owned or harbored by any person, group of persons, partnership or corporation, except guide dogs, or police or canine governmental dogs "feral cat" or "free roaming cat."

"Public nuisance" means any animal which:

1. Interferes with a person walking, skating, or using other means of nonmotorized conveyance, or with a passing vehicle;

2. Trespasses on a school property;
3. Is repeatedly running at large or unrestrained;
4. Damages private or public property;
5. Barks, whines, howls or makes other sounds common to its species in an annoying, excessive and continuous manner;
6. Causes foul or obnoxious odors which offend the residents of the neighborhood.

"Rabies vaccination" means the injection, by a licensed veterinarian, of a dog, cat or other animal with a rabies vaccine licensed by the U.S.D.A. and approved by the Indiana State Board of Animal Health.

"Restraint" means any animal secured by a leash or lead, or under the direct control, as defined herein, of the animal's owner or attending party, or within the real property limits of its owner.

"Running at large" means any animal that leaves or strays from the land owned, rented or leased by the owner or possessor of the animal that is not under direct control as defined herein.

"Shelter (adequate)" means providing protective cover for a domestic animal appropriate for its species and offering adequate space to ensure the animal's safety and good health.

"Shelter" means a humane society or other animal rescue organization that has a contract with the City of Lafayette for animal sheltering or disposal.

"Shelter Manager" means the Director of the Shelter or his or her designee.

"Space (adequate)" means any area in which an animal is confined should be suitable for the animal's species, size, age and breed, allowing the animal to turn about freely, stand, sit, lie and move comfortably and in a normal position. Sick or injured animals should be confined as directed by a veterinarian.

"TNR program" means a program in which feral or free-roaming cats are trapped, sterilized through spay or neuter, vaccinated against rabies, eartipped, and returned to live in the cats original territory. TNR activities must be done in accordance with Chapter 10.09.

"Ventilation (adequate)" means fresh air sufficient to provide for the health of an animal.

"Verified complaint" means a complaint in which the identity of the complainant is known to an Animal Control Officer, Police Department or Health Department of the city and whose identity is made a matter of public record or released to any person desiring the same.

"Veterinarian" means a person licensed to practice veterinary medicine in the state.

"Veterinary hospital" means 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.

"Water (adequate)" means water that is clean, fresh and potable sufficient to prevent dehydration, properly sustain health, and prevent significant risk to the animal's health. Snow, ice, rancid or contaminated water is excluded from the definition of adequate water.

"Wild animal" means:

1. A Class III Wild animal for which a state permit is required under 310 IAC 3.1-11-8 and/or IC 14-22-26.
2. A venomous snake, poisonous amphibian or other large reptile.

“Unsanitary conditions” means animal housing or quarters, including exercise areas, that are contaminated by health hazards, irritants, items or conditions that endanger or pose a risk to an animal’s health, including, but not limited to:

- (1) Excessive animal waste, garbage and trash;
- (2) Standing water or mud;
- (3) Rancid/contaminated food or water;
- (4) Fumes, foul or noxious odor, hazardous chemicals or poisons;
- (5) Decaying material;
- (6) Uncontrolled parasite or rodent infestation; or
- (7) Areas that contain nails, screws, broken glass, broken boards, pits, poisons, sharp implements or other items that could cause injury, illness or death to an animal.

"Zoological park" means any permanent facility or operation other than a pet shop, displaying or exhibiting one or more species of wild animals, operated by a person, partnership, corporation or government agency.

## **Chapter 10.02 - CERTAIN ANIMALS PROHIBITED**

### 10.02.010 - Livestock prohibited.

It is unlawful for a person to own, keep, or breed a horse, pig, pony, mule, donkey, jackass, goat, chicken, peacock, turkey, cow, llama or other livestock in the city, however, the provisions of this section shall not apply to zoological parks, or bona fide circuses or carnivals.

### 10.02.020 - Wild or dangerous animals prohibited.

- A. It is unlawful for a person to own a wild animal in the city; however, the provisions of this section shall not apply to zoological parks.
- B. It is unlawful for any person to cause, permit, accompany or be responsible for the presence of any dangerous animal on the streets or public places of the City or to allow the animal to run on the premises of another at any time, unless, in addition to any other requirements in Title 10, said dog, cat or other animal shall be securely muzzled to effectively to prevent it from biting any person or other animal.
- C. Any wild and/or dangerous animal may be impounded as set forth in Chapter 10.08 and the owner or possessor may be fined for a violation of this Section.
- D. Regardless of the provisions of this section, whenever an Animal Control Officer or Police Department official find any dangerous dog, cat, or other animals in packs, or running at large in such condition as to be too dangerous to attempt to capture the animal, then the

Animal Control Officer or Police Department is authorized to dispose of the animal, where it may be found, by shooting it.

10.02.990 - Penalty.

- A. Any person who violates any provision of this chapter shall be issued a citation, which shall contain the name and address of the violator, the code section violated, the date, time and nature of the violation, location of the violation, and the name of the person issuing the citation.
- B. Any person violating any of the provisions of this chapter that does not have a specific penalty for that provision shall be fined for each offense, in any sum not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and each day's violation shall constitute a separate offense.
- C. Any fines provided for herein shall be processed through the Ordinance Violations Bureau.

**Chapter 10.03 - NUISANCE ANIMALS AND OTHER REGULATIONS REGARDING ANIMALS**

10.03.010 - Nuisance animals.

- A. No person shall permit an animal under their ownership or control to create a public nuisance.
- B. Any such public nuisance animal may be impounded as set forth in Chapter 10.08 and fined for a violation of this section.

10.03.020 - Animal waste disposal requirements.

- A. No person shall allow a dog or cat which is kept by that person to defecate on a public street, byway, municipally owned or public land or building, or upon private property in the city without promptly removing any feces to a waste container, or otherwise dispose of such material in a manner inoffensive to reasonable public sensibilities, and shall not allow waste to accumulate to offensive nuisance levels.
- B. No person shall allow their dog or cat to repeatedly urinate on municipally owned or public land or building, or upon private property in the city (including shrubs, trees, plants, specific areas of grass or private items) that would result in the destruction or damage of said item or area.
- C. Notwithstanding the provisions of subsection A of this section, the owner of a dog serving a vision-impaired person in an auxiliary ocular capacity or in any capacity to assist such person with a physical impairment may permit such dog to relieve itself on ground situated outside of pedestrian or vehicular traffic ways, and is relieved of the requirement to remove any feces to the extent such requirement is impractical for a person of such impairment.

10.03.030 - Confinement of female animals in heat.

The owner or keeper of any female animal in heat kept in the city shall confine the animal within a secure enclosure.

10.03.040 - Disposition of dead animals.

A. A person finding a dead domestic animal or large undomesticated animal or the surviving young of either on or within public right-of-way shall call Animal Control or Police Department for removal and lawful disposition.

B. It shall be unlawful for a person to allow the body, or parts thereof, of any dead animal to be kept, held or disposed of in violation of this section, as follows:

1. No person shall possess, keep, use or dispose of anywhere in the City, a dead animal or parts thereof in any manner that creates offensive odors or sights, or constitute a public nuisance which affects health and comfort in any respect.

2. No person shall skin, dismember, dissect, cut up or dispose of the body of a dead animal, or any parts thereof in the City, unless the person is regularly engaged in such business of killing and disposing of such animals for use as food or otherwise, or is so authorized by law, or does so for the person's own use.

C. Nothing in this section shall prohibit the legal handling and processing of game harvested under legal hunting or fishing practices, as permitted by state law and rules and regulations of the state department of natural resources.

10.03.040 – Restraint of animals; animals at large

A. It shall be unlawful for any owner or possessor of any animal to allow such animal to run at large, whether wearing a collar and tag or not, within the City. Any and all such animals found running at large, whether wearing a collar and tag, or not, shall be immediately impounded by ordinance enforcement authority.

B. It shall be the duty of every owner or custodian of any animal to exercise reasonable care and take all necessary steps and precautions to protect other people, property and animals from injuries or damage which might result from the animal's behavior.

C. It shall be the duty of every owner or custodian of any animal to ensure that the animal is kept under restraint and that reasonable care and precautions are taken to prevent the animal from leaving the real property limits of its owner, possessor, or custodian, and ensure that it is:

1. Securely and humanely enclosed within a house, building, fence pen or other enclosure out of which it cannot climb, dig, jump or otherwise escape on its own violation; and that such enclosure is securely locked at any time the animal is left unattended.

2. Securely and humanely restrained by chain, cable or trolley, or other tether of sufficient strength to prevent escape.

3. On a leash and under direct control of a competent person while on public property or property open to the public; or off a leash and obedient to that person's command and that person is present with the animal any time it is not restrained as provided for in subsection (c)(1) or (c)(2) of this section while on the owner's property or areas designated as dog parks.

10.03.050 – Commercial Animal Establishments.

- A. Standards for commercial animal establishments include all of the following:
1. The establishment must be operated in such a manner as not to constitute a public nuisance.
  2. The establishment shall provide an isolation area for animals that are sick or diseased to be placed in so not the spread disease to healthy animals.
  3. All animals must be kept within a secure enclosure that provides for adequate space as defined in this title or they must be under the direct control of the owner at all times.
  4. The establishment must provide adequate care, food, water, space and veterinary care, as defined in this title, to all animals kept on the premises.
  5. The establishment shall not engage in any acts of cruelty, mistreatment or neglect as defined in this title.
  6. The establishment may not sell or adopt animals that are un-weaned or diseased.
  7. The establishment shall permit the animal control officer to inspect at any and all times the premises where the animals are kept.

10.03.990 - Penalty.

- A. Any person who violates any provision of this chapter shall be issued a citation, which shall contain the name and address of the violator, the code section violated, the date, time and nature of the violation, location of the violation, and the name of the person issuing the citation.
- B. Any person violating any of the provisions of this chapter that does not have a specific penalty for that provision shall be fined for each offense, in any sum not less than fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00) and each day's violation shall constitute a separate offense.
- C. Any fines provided for herein shall be processed through the Ordinance Violations Bureau.

**Chapter 10.04- IDENTIFICATION OF DOGS AND CATS REQUIRED**

10.04.010 Identification Required.

A person that owns a dog or cat within the City shall ensure that each dog or cat bears a means of identification at all times, such that the owner of a lost or stolen dog or cat can be ascertained quickly and easily.

10.04.990 - Penalty.

- A. Any person who violates any provision of this chapter shall be issued a citation, which shall contain the name and address of the violator, the code section violated, the date, time and nature of the violation, location of the violation, and the name of the person issuing the citation.

- B. Any person violating any of the provisions of this chapter that does not have a specific penalty for that provision shall be fined for each offense, in any sum not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) and each day's violation shall constitute a separate offense.
- C. Any fines provided for herein in the sum of two hundred fifty dollars (\$250.00) or less shall be processed through the Ordinance Violations Bureau.

## **Chapter 10.05 - RABIES CONTROL**

### 10.05.010 - Antirabies vaccinations required for all dogs and cats.

It is unlawful to keep a dog or cat over the age of three months in the city unless such cat or dog is immunized against rabies by a vaccination performed by a veterinarian and the period of immunization specified by the veterinarian performing the vaccination has not expired.

### 10.05.020 - Record of antirabies vaccination—Tag required.

- A. A veterinarian who administers an antirabies vaccination in the city shall, at the time a dog or cat is vaccinated, issue to the animal's owner a durable antirabies vaccination identification tag upon which is imprinted the name of the veterinarian's facility, telephone number and the year and identification number of the vaccination.
- B. For the purpose of identification, each owner of a dog or cat which is kept in the city shall cause the antirabies vaccination identification tag to be affixed to the animal's collar, and to be worn by the animal at all times.

### 10.05.030 - Precautionary measures and individual animal quarantine.

A captured animal known to have bitten or otherwise exposed a person to the possibility of contracting rabies through nonbite exposure in the city shall be humanely quarantined for a period of not less than ten (10) days. In the sole discretion of the quarantining authority, the quarantine may be on the premises of the owner, at the city animal care and control shelter or those of its contractors, if any, or at the owner's expense in a kennel or veterinary hospital.

### 10.05.040 - Surrender of suspected animal by owner.

Whenever the quarantining authority has reasonable cause to suspect that an animal in the city has been exposed to rabies, or bitten or exposed through nonbite exposure a person to rabies, such animal shall be surrendered by its owner for quarantine and observation, at the owner's expense, promptly upon demand by the quarantining authority. Such quarantine and observation shall be at the owner of the animal's expense.

### 10.05.050 - Finding of rabies—General quarantine.

- A. When an animal quarantined in the city has been found rabid or is suspected of being rabid by a veterinarian and dies while under observation, the quarantining authority shall take such action as is specified in such cases by the state board of animal health and shall notify the proper public health officials of reports of human contacts made by, and the diagnosis made of, the animal.

- B. When a rabies report is made under subsection A of this section, the quarantining authority shall recommend to the Board of Works a general quarantine in the city for a period of thirty (30) days. Upon invocation of the general quarantine by the Board of Works, any animal found at large in the city may be destroyed without being impounded. During the quarantine period, every animal bitten or exposed through nonbite exposure by an animal adjudged to be rabid shall be confined, at its owner's expense, or destroyed as specified by the state board of animal health.
- C. During a general quarantine declared by the Board of Works under this section, an animal's owner or keeper who resists the quarantining authority acting under this chapter, or who permits an animal owned or kept by that person to be at large in the city, shall be punishable by a fine not to exceed five hundred dollars (\$500.00), and any animal which is suspected of being rabid or is in violation of the general quarantine shall be impounded.

10.05.060 - Disposition of rabid animals.

The quarantining authority shall dispose of any animal reasonably suspected by it of being infected with rabies in the city in accordance with the rules and regulations of the state board of animal health.

10.05.070 - Reports by veterinarians.

Each veterinarian in the city shall report to the quarantining authority animals suspected by the veterinarian of being rabid.

10.05.990 - Penalty.

- A. Any person who violates any provision of this chapter shall be issued a citation, which shall contain the name and address of the violator, the code section violated, the date, time and nature of the violation, location of the violation, and the name of the person issuing the citation.
- B. Any person violating any of the provisions of this chapter that does not have a specific penalty for that provision shall be fined for each offense, in any sum not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) and each day's violation shall constitute a separate offense.
- C. Any fines provided for herein in the sum of two hundred fifty dollars (\$250.00) or less shall be processed through the Ordinance Violations Bureau.

**Chapter 10.06 - TREATMENT AND PROHIBITIONS REGARDING ABUSE OF ANIMALS**

10.06.010 - General requirements for animal care and treatment.

- A. Every owner or keeper of an animal kept in the city shall see that such 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; the person(s) responsible for animal(s) shall regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact;

2. Has adequate food, water, space and shelter;
  3. Shall not be tethered:
    - a. Between the hours of eleven p.m. and six a.m.;
    - b. If the animal is less than six months in age or the animal is sick or injured;
    - c. By use of a choke collar or any collar that is too small for the size and age of the animal;
    - d. By any rope, chain, chord directly attached to the animal's neck;
    - e. By a leash that is less than twelve (12) feet in length or of such unreasonable weight as to prevent the animal from moving about freely;
  4. Shall not be tethered or otherwise confined at an uninhabited or vacant structure or premises for any purpose or time if not monitored by a competent adult who is present at the property for the duration of the tethering or confinement;
  5. Is protected against abuse, cruelty, neglect, torment, overload, overwork, or any other mistreatment; and
  6. Is maintained in compliance with all applicable federal, state and local laws and all regulations respecting animal care and control as are adopted by the Animal Control Department and in effect from time to time.
- B. Every owner of an animal shall provide the reasonably necessary medical care, in addition to the required rabies vaccination which shall include recommended vaccinations as required by accepted veterinary standards, and if diseased or injured, or exhibiting symptoms of disease, receives proper care and is segregated from other animals so as to prevent transmittal of the disease.
- C. It is unlawful for a person to beat, starve, engage in animal hoarding, or otherwise mistreat any animal in the city, or to fail to comply with any requirement of this section.
- D. In addition to the general requirements for animal care and treatment, every owner of a dog shall see that when confined outside:
1. Has access to a ventilated shelter constructed of solid wood or other weather resistant material, consisting of a structure with solid walls on all sides, a dry floor raised above the ground, and a solid roof sloped away from the entrance to protect the dog from weather and extreme cold.
  2. During the winter months or when the temperature is below forty (40) degrees Fahrenheit the shelter must be small enough to allow the dog to warm the interior of the structure with body heat but large enough to allow the dog to stand to its full height, turn around freely and stretch out while lying down. The entrance must be protected by a self-closing door or a flexible dog flap. The shelter must maintain a sufficient amount of non-absorbent bedding, such as straw, to insulate against cold and damp and be sufficient depth to allow your dog to burrow.
  3. During the summer or when the temperature is above eighty (80) degrees Fahrenheit, the shelter must be shaded by trees, a tarp or a tarp like device.

4. Is brought into a temperature controlled facility when the temperature is at or below twenty (20) degrees Fahrenheit or at or above ninety (90) degrees Fahrenheit, or when any weather advisory warning has been issued by local, state or national authority, except when the dog is in visual range of a competent adult who is outside with the dog.
  5. Has adequate space for exercise when confined in an enclosure or pen, which shall consist of no less than one hundred (100) square feet. A dog over eighty (80) pounds must be provided with an additional fifty (50) square feet. For each additional dog inside the enclosure, fifty (50) square feet of space for exercise must be added per dog.
- E. In the discretion of the animal control officer, a person who violates any provision of this section for the first time may be given a written notice of the practices or conditions which constitute the violation, and the enforcement authority shall in such instance direct remedies to such person where appropriate and provide a time period of no longer than thirty (30) days within which to correct the violation(s). Failure to correct the violations within the specified time period can result in the impoundment of the animal as provided in Section 10.08.010.
- F. A violation of this section that, in the discretion of the animal control officer, is causing or will cause immediate and/or irreparable harm to the animal will result in the immediate impoundment of the animal as provided in Section 10.08.010.

10.06.020 - Abandonment of animal.

It is unlawful for a person to abandon any animal on public or private property in the city.

10.06.030 - Animals in vehicles.

- A. It is unlawful to leave an animal unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal.
- B. It is unlawful for any dog or cat to ride in the bed of a pickup truck on public streets, highways and/or rights-of-way unless the animal is securely caged and protected from the environment or unless the bed of the pickup truck is enclosed with a camper shell or other device and there is appropriate and sufficient ventilation.

10.06.040 - Report of vehicular collision with animal.

- A. A person whose vehicle causes injury or death to an animal in the city shall stop at once, assess the extent of the injury to the extent that it is safe to do so, and immediately notify the animal's owner, if known, or the Department of Animal Control, either directly or through a local law enforcement agency, together with a description of the animal struck, the location of the striking and an estimate as to the condition of the animal after being struck, along with the rabies tag number of the animal, if it can safely be ascertained. Such person shall not be required to report his or her name, as the only purpose of this requirement is to aid the stricken animal and notify its owner, if any.

10.06.050 - Lost or stray animals.

- A. Persons finding a stray animal are to notify the Shelter within forty-eight (48) hours. At the discretion of the Shelter, the animal may be kept by the finder and a found report left with the Shelter to enable the finder an opportunity to return the animal to its rightful owner.
- B. Upon demand by the Shelter, any found animal will be taken to an appropriate facility and scanned for an identifying microchip.
- C. Persons finding an animal are obligated to comply with all the rules and regulations of this chapter pertaining to humane care and treatment of animals, while said animal is in their custody awaiting return to its actual owner.
- D. With the exception of the Shelter, the finder will be considered the found animal's owner for purposes of this chapter only after the animal is in the finder's custody for thirty (30) continuous days.

10.06.060 - Attempts to poison any animal.

It is unlawful for a person to throw or deposit poisoned meat or any poison or harmful substance in any street, alley, marketplace or public place, or on any private premises, in the city for the purpose of destroying or injuring any animal.

10.06.070 - Unlawful to shoot any animal.

It is unlawful for a person to shoot any dog, cat or other animal unless it is a dangerous animal.

10.06.080 - Animal fights.

- A. It is unlawful for a person to incite, train to fight (other than a crime prevention dog) or set any animal to fighting another animal or to incite combat between animals and humans in the city.
- B. No person shall possess animal fighting paraphernalia and a dog, cock, fowl, or bird bearing a scar, wound or injury consistent with animal fighting.
- C. No person shall attend an animal fighting contest.
- D. No person shall sell, purchase, own, harbor, give away, barter, breed, or possess any animal for animal fighting.
- E. No person shall permit anyone to use any building, shed, room, yard, ground, premises, vehicle or property, whether enclosed or not for the purpose of animal fighting.
- F. No person shall aid, abet, assist, act as judge or referee, bet or wager money or other valuable consideration on the outcome of, be at, attend, or in any way engage in the furtherance of an exhibition of animal fighting.

10.06.090 - Prohibited animal events.

No person or group of persons or any for-profit organization, whether for pay or other compensation or for free promotional purpose, 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 public safety and the safety, well-being, and comfort of the animals involved by the Department of Animal Control.

10.06.100 - Enticement of another person's animal.

- A. It is unlawful for a person, not so authorized, to enter or invade the private premises of another person in the city to capture, entice, or take any animal out of the enclosure or premises of the owner, or to seize an animal at any place while such animal is accompanied by its owner or keeper.
- B. Except as expressly authorized in this chapter, it is unlawful for a person to entice any animal away from the premises of the person who owns or keeps such animal in the city, or to entice an animal from a street, alley or public place in the city with the intent to deprive the owner of the animal's possession.
- C. It is unlawful for a person to bring into the city an animal for the purpose of its impoundment, or the collection of any fee or reward for its return, except as provided in this chapter.

10.06.110 - Interference with another person's animal.

It is unlawful for a person to feed, tease, tantalize, molest, or provoke any animal in the city without the express consent of the animal's owner, if any, while the animal is on the owner's property or under the owner's control.

10.06.120 - Unlawful use of a dog.

It is unlawful for a person to make use of a dog in the commission or furtherance of any criminal act in the city.

10.06.130 - Offensive use of any animal.

It is unlawful in the city for a person willfully to deposit a live or dead animal upon public or private premises not owned by that person, or willfully to throw a live or dead animal or insect against any other person, or aid or abet another person in doing so.

10.06.140 - Animals not to be offered as novelties or prizes.

- A. It is unlawful for a person to sell, offer for sale, trade, barter or give away in the city any live animal, bird or reptile as a novelty, 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 business agreement whereby the offer was made for the purpose of attracting trade for business, other than establishments selling animals as their primary business.
- B. It is unlawful for a person to transport into the city any live animal, bird or reptile for any purposes prohibited by subsection A of this section.
- C. It is unlawful for a person to sell, offer for sale or otherwise dispose of any animal whose appearance has been artificially or chemically colored, sprayed or painted.

10.06.990 - Penalty.

- A. Any person who violates any provision of this chapter shall be issued a citation, which shall contain the name and address of the violator, the code section violated, the date, time and

nature of the violation, location of the violation, and the name of the person issuing the citation.

- B. Any person violating any of the provisions of this chapter that does not have a specific penalty for that provision shall be fined for each offense, in any sum not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) and each day's violation shall constitute a separate offense.
- C. Any fines provided for herein in the sum of two hundred fifty dollars (\$250.00) or less shall be processed through the Ordinance Violations Bureau.

## **Chapter 10.07 - ENFORCEMENT AUTHORITY**

### 10.07.010 - Department of animal control.

- A. The Chief Animal Control Officer shall head the Department of Animal Control, shall be appointed by the Mayor, and shall serve at the pleasure of the Mayor. The Chief Animal Control Officer shall appoint subordinate Animal Control Officers. The Department of Animal Control, jointly with the Lafayette Police Department shall enforce the animal control ordinance, and shall investigate any complaints regarding ordinance violations. The duties and powers of the Department of Animal Control are as follows:
  - 1. To cause to be enforced all city ordinances and/or state laws regarding animal care and control.
  - 2. To cause to be picked up and transported to the Shelter all animals illegally at large, and all sick, diseased, injured, lost, strayed, stolen or abandoned animals. Those animals, at the owner's request, may be promptly euthanized at said shelter. In addition, any animal which appears to be ill and would pose a health hazard to other animals, or any animal which is injured so that it cannot rest comfortably for a minimum of four working days may be destroyed immediately as so authorized by the Shelter Manager or his or her authorized agent. All other animals shall be kept at said shelter or place designated by said shelter for a period of not less than four working days to afford owners the opportunity to claim the animal. After such period of time, unclaimed animals shall be placed in a suitable home, retained at the shelter, released to an accepted rescue organization or euthanized. Animals released to the shelter by their owners, or impounded animals not claimed within the legal time become the property of the shelter and disposition may be made at the shelter's discretion.
  - 3. To proceed upon public and private property within the city in pursuit of animals believed to be in violation of this Title. However, this authority does not extend to a privately owned structure without the consent of the owner, lessee or other occupant in control of the premises or without other legal process or authority. Any animal pursued under this Title may be confiscated and held by the Shelter according to its rules and regulations. If an animal is confiscated without the knowledge or consent of the owner or occupant of the premises, a notice shall promptly be affixed to said premises in an obvious location, directing the occupant to contact the Shelter providing the address and telephone number of same on said notice.
  - 4. To cause to be picked up and disposed of all dead animals found in or on any street or sidewalk, alley or other public place in the city.

5. To cause to be investigated all reports and complaints concerning any inhumane treatment or practices pertaining to animals within the city. To cause to be impounded at the Shelter all animals found in conditions adverse to their health and safety.
- B. Persons who are individually charged with the enforcement of this Title shall be designated animal control officers, and prior to the performance of any act in connection therewith, such animal control officers shall receive appropriate and relevant training.
- C. It is the duty of the city police department to assist in the enforcement of all provisions of this Title and other ordinances in relation to animals.
- D. Such officers are authorized to enforce all provisions of this Title, including the right to proceed upon public and private property in the city in pursuit of animals in violation of this Title.

10.07.020 - Interference with enforcement authority.

It is unlawful for a person to interfere with an animal care and control officer or other enforcement authority officer in the performance of the officer's duties.

10.07.990 - Penalty.

- A. Any person who violates any provision of this chapter shall be issued a citation, which shall contain the name and address of the violator, the code section violated, the date, time and nature of the violation, location of the violation, and the name of the person issuing the citation.
- B. Any person violating any of the provisions of this chapter that does not have a specific penalty for that provision shall be fined for each offense, in any sum not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) and each day's violation shall constitute a separate offense.
- C. Any fines provided for herein in the sum of two hundred fifty dollars (\$250.00) or less shall be processed through the Ordinance Violations Bureau.

**Chapter 10.08 - IMPOUNDMENT AND DISPOSITION OF ANIMALS**

10.08.010 - Grounds for impoundment.

Any wild or dangerous animal in violation of Chapter 10.02, animals running at large or causing a public nuisance in violation of Chapter 10.03 and animals whose care or treatment is in violation of Chapter 10.06, may be captured and impounded.

10.08.020 - Notice to owner.

- A. Upon the impoundment of an animal, a reasonable attempt shall be made to notify and inform the owner of the animal of the requirements of this article for regaining the custody of the animal.
- B. Such attempt shall include, but not necessarily be limited to, the following:
  1. In the instance of an impounded dog or cat, contact with the owner identified by the microchip or other permanent means of identification, if any, borne by the dog or cat;

2. In the instance of an impounded dog or cat not bearing a permanent means of identification, contact with the veterinarian facility listed on the animal's vaccination tag; and
3. Cooperation of effort with other governmental and private agencies, such as the Shelter or other humane and/or breed rescue organization.

10.08.030 - Report of impoundment.

A person who confines an animal found by that person to be at large in the city shall notify the Department of Animal Control or one of its agents within forty-eight (48) hours thereafter.

10.08.040 - Return of captured animal without impoundment.

When the owner of a captured animal is known, such animal need not be impounded but may be returned to its owner if:

1. In the opinion of the Animal Control Officer, the return would not present a danger to the public or otherwise result in a violation of this Title; or
2. The owner of the animal enters into a Dangerous Animal or Nuisance Animal Agreement.

10.08.050 - Return of impounded animal to owner.

- A. An animal impounded under this chapter, if claimed by its owner, shall be returned to its owner subject to, and upon compliance with, the provisions of this chapter.
- B. The owner of an impounded animal may obtain the return of such animal upon compliance with any applicable provisions enforcement authority may impose, including entering into a Dangerous Animal Agreement or Nuisance Animal Agreement, proof of ownership, the payment of the appropriate impoundment and kennel fees as regularly charged by the Shelter, and a ten dollar (\$10.00) Animal Control Officer's fee.
- C. An owner known to the enforcement authority must redeem and reclaim or relinquish ownership of an animal within five days of receiving notice of impoundment. If an owner fails to redeem and reclaim or relinquish ownership within five days, the owner is deemed to have relinquished ownership and may be fined up to Two Hundred Fifty Dollars (\$250.00) for "Failure to Reclaim."
- E. The enforcement authority may decline the return of an impounded dog or cat until the enforcement authority receives sufficient proof of assurance that the animal has received or will receive a microchip implant. The enforcement authority may not decline the return of an impounded dog or cat if a veterinarian provides a written statement that the animal should not have a microchip implant due to health reasons.
- F. Notwithstanding any other provision of this chapter, an animal which has been impounded shall be returned to its owner only if the enforcement authority in its discretion determines that such return will not result in further ongoing violations of this title.
- G. If such a determination cannot be made the enforcement authority then shall send notice to the owner of its intent to not return the animal. The owner may appeal the determination pursuant to the procedures detailed in Section 10.08.090

10.08.060 - Disposition of owner-surrendered animals, impounded animals not claimed by owner, impounded animals not returned to owner—Adoption.

- A. An animal surrendered by its owner to the Shelter, not reclaimed by its owner, not claimed during the impoundment period or subject to a determination to not returned to owner, may be kept or otherwise humanely disposed of, in the reasonable exercise of discretion of the enforcement authority, but consistent with such provisions as the enforcement authority shall make regarding the capture, surrender, impoundment, adoption, sale and destruction of animals. No animal shall be humanely disposed of, while there is sufficient room in the kennel to reasonably house such animal at the shelter, unless for reasons of temperament or health at the reasonable discretion of the Shelter. (Keeping in mind the necessity of having empty places for animals to be moved during cleaning).
- B. An animal impounded under this chapter, except for certain kittens as set forth in 10.08.060(C), and which is not claimed by its owner shall be confined by the enforcement authority in a humane manner for a period after capture of not less than four days.
- C. Kittens that are at least two months and two pounds and less than four months, that are impounded in groups of two or more, and which is not claimed by its owner shall be confined by the enforcement authority in a humane manner for a period after capture of not less than two days.
- D. Following the impoundment period, a person other than the animal's owner or a member of the owner's family who wishes to adopt an impounded animal which has not been claimed, and which is otherwise available for adoption, may adopt the animal. Such person wishing to adopt an animal from the Shelter shall pay an adoption fee to cover the enforcement authority's expenses, including the expense of vaccinations, and must meet the adoption criteria of the Shelter and pay any adoption fees normally required by the Shelter.
- E. A person who wishes to adopt a dog or cat that has been impounded under this article or is otherwise available for adoption, and that has not been spayed or neutered, must meet the adoption and sterilization criteria adopted by the Shelter, and first shall agree in writing to have the animal spayed or neutered at that person's expense.

10.08.070 - Use of owner-surrendered or impounded animal for research prohibited.

No animal impounded under this article shall be used or disposed of for purposes of research or experimentation by use of the animal.

10.08.080 - Habitual offender.

- A. A person who has received three or more warnings, citations or a combination thereof for violations of Title 10 within a period of twelve (12) months shall be deemed a habitual offender. A prior citation for which the individual prevailed in a challenge is not a qualifying citation for the purposes of this section.
- B. If a person has been deemed a habitual offender, any vertebrate animal found in the care of the person may be impounded for any violation of this title. In addition to impoundment, any person deemed a habitual offender shall be fined not less than five hundred dollars (\$500.00) and not more than one thousand five hundred dollars (\$1,500.00).

10.08.090 – Appeal of Determination to Not Return Impounded Animal.

- A. The decision of an Animal Control Officer to not return an impounded animal may be appealed to the Board of Works. The appeal to the Board of Works shall be in writing and shall be filed with the City Clerk within five days after receipt of notification that a determination has been made to not return the impounded animal. The disposition of any animal shall be stayed during the pendency of such appeal. The animal shall remain impounded during the appeal process.
- B. Upon receipt of a written appeal, the Board of Works shall provide notice and conduct an adjudicative hearing. Thereafter, the Board of Works shall render a decision that said animal return of the animal shall result in further violations of this Title or that it should be returned to the Owner on any terms and conditions determined appropriate by the Board of Work. The decision of the Board of Works is final and binding subject to the right of appeal of such determination to the Tippecanoe Circuit or Superior Court.

10.08.100 - Costs.

The owner of any animal that is impounded and/or euthanized under this chapter shall be held responsible for payment of any expenses so incurred by the Shelter.

10.08.990 - Penalty.

- A. Any person who violates any provision of this chapter shall be issued a citation, which shall contain the name and address of the violator, the code section violated, the date, time and nature of the violation, location of the violation, and the name of the person issuing the citation.
- B. Any person violating any of the provisions of this chapter that does not have a specific penalty for that provision shall be fined for each offense, in any sum not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) and each day's violation shall constitute a separate offense.
- C. Any fines provided for herein in the sum of two hundred fifty dollars (\$250.00) or less shall be processed through the Ordinance Violations Bureau.

**Chapter 10.09 - FERAL AND FREE-ROAMING CAT POPULATION CONTROL**

10.09.010 - Feral and free-roaming cat population control.

- A. It shall be unlawful for a person to provide food, water or shelter to a feral or free-roaming cat colony except as a colony caretaker as set forth in this chapter.

10.09.020 - Trap, neuter, and return program (TNR).

- A. All colony caretakers must participate in the TNR program. The TNR program requires a colony caretaker make every reasonable effort to:
  - 1. Trap any feral or free-roaming cat in a humane manner;

2. Have a licensed veterinarian evaluate the health of all trapped feral or free-roaming cats. Seriously ill or injured cats with no reasonable prognosis for humane rehabilitation for survival outdoors will be humanely euthanized;
3. Have a licensed veterinarian surgically sterilize (spay or neuter) all trapped feral or free-roaming cats;
4. Have a licensed veterinarian administer a rabies shot to all trapped feral or free-roaming cats;
5. Have a licensed veterinarian or veterinarian technician eartip all trapped feral or free-roaming cats once they have been sterilized and given a rabies vaccination;
6. Return the feral or free-roaming cats who have completed the TNR program to their original locations; and
7. Colony caretakers must maintain proof of sterilization and vaccination.

10.09.030 - Colony caretakers.

- A. All feral or free-roaming cat colony caretakers must apply to and be approved by a feral or free-roaming cat colony sponsor.
- B. All colony caretakers found to be in violation of this chapter will have their caretaker status terminated.
- C. All colony caretakers must:
  1. Participate in the TNR program;
  2. Release non feral cats to animal control for domestication and placement;
  3. Make every attempt to remove kittens from the colony before eight weeks of age for domestication and placement;
  4. Ensure that sufficient provisions of food, water, and shelter are available for the cats within the colony; and
  5. Ensure arrangements for feeding the cat colony regularly throughout the year, including weekends, holidays and vacations which make take the colony caretaker away from the location of the colony.
- D. All colony caretakers must fully cooperate with their colony sponsor and/or animal control in resolving any:
  1. Situation involving any cat within the colony posing a potential threat to public health and safety, including the risk of rabies transmission;
  2. Investigation into animal cruelty;
  3. Investigation into animal nuisance claims; and
  4. Situations involving feral or free-roaming cats in unsafe or inappropriate areas.

10.09.040 - Colony sponsors.

- A. Any animal welfare organization or local rescues group or shelter may become a feral or free-roaming cat colony sponsor once approved by animal control. To be approved as a colony sponsor the organization or rescue group must:
  - 1. Complete a sponsor application form and return said application to animal control; and
  - 2. Demonstrate the ability, capacity, and willingness to comply with the requirements set forth in this chapter.
- B. Any colony sponsor found in violation of this chapter will have their sponsor status terminated and must provide animal control with records of all active and former sponsorship activities.
- C. Colony sponsors must develop a process for approval or denial of any individual or organization that has applied for colony caretaker status.
- D. Colony sponsors must maintain, and provide upon request of animal control, the following information;
  - 1. Records of every feral or free-roaming colony caretaker it has approved including;
    - a. The colony caretakers name and contact information; and
    - b. The size of the feral or free-roaming cat colony under the colony caretakers control.
- E. All colony sponsors must fully cooperate with animal control in resolving any:
  - 1. Situation involving any cat within the colony posing a potential threat to public health and safety, including the risk of rabies transmission;
  - 2. Investigation into animal cruelty;
  - 3. Investigation into animal nuisance claims; and
  - 4. Situations involving feral or free-roaming cats in unsafe or inappropriate areas.

10.09.990 - Penalty.

- A. Any person who violates any provision of this chapter shall be issued a citation, which shall contain the name and address of the violator, the code section violated, the date, time and nature of the violation, location of the violation, and the name of the person issuing the citation.
- B. Any person violating any of the provisions of this chapter that does not have a specific penalty for that provision shall be fined for each offense, in any sum not less than fifty dollars (\$50.00) nor more than two hundred fifty dollars (\$250.00) and each day's violation shall constitute a separate offense.
- C. Any fines provided for herein in the sum of two hundred fifty dollars (\$250.00) or less shall be processed through the Ordinance Violations Bureau.