

ORDINANCE NO. G-21-15

**AN ORDINANCE CONCERNING AN AMENDMENT TO CHAPTER 90
OF THE CODE OF ORDINANCES FOR THE CITY OF NEW HAVEN,
INDIANA CONCERNING ANIMALS**

WHEREAS, the Common Council of the City (the “Council”) previously adopted Ordinance No. G-84-27 on December 11, 1984 (the “1984 Ordinance”) which established regulations governing animals in the City; and

WHEREAS, the 1984 Ordinance has been amended from time to time, and is codified as Chapter 90 of the Code of Ordinances for the City (the “Code”); and

WHEREAS, the City of New Haven, Indiana (the “City”) has authorized the Board of Public Works and Safety to enter into contracts with the Fort Wayne Animal Control Commission for the provision of services by the Fort Wayne Department of Animal Care and Control (the “Department”) for the collection, transportation, sheltering, and disposal by the Department of sick, deceased, injured, illegally at large, lost, strayed, or abandoned animals, and to investigate and prosecute any matter related to such animals; and

WHEREAS, pursuant to Indiana Code 36-4-6-18 the Council may pass ordinances for the government of the City; and

WHEREAS, the Council desires to make certain amendments and additions to Chapter 90 of the Code for purposes of supporting the efficient enforcement of the Code and the operation of the contract between the Board of Public Works and Safety and the Fort Wayne Animal Control Commission, and to benefit the public safety, health, and general welfare.

**NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE
CITY OF NEW HAVEN, INDIANA AS FOLLOWS:**

Section 1. Amendment to §90.01 of the Code of Ordinances. The Council hereby amends § 90.01 of the Code to add the following:

“APPROPRIATE SHELTER. For Animals, excluding domestic farm animals, a structure designed specifically to shelter an Animal that allows an Animal to maintain its body heat. The structure must have a roof, solid floor, three leak proof sides with no openings to the elements, and a fourth side that provides access in and out of the structure but otherwise protects the Animal from the elements. The structure shall be located in an area allowing the Animal to remain dry with access outside the structure to dry, mud free ground.

ALTERED ANIMAL. An Animal that has been surgically sterilized to prevent procreation.

ANIMAL. A living vertebrate, domestic or wild, except a human being.

ANIMAL CONTROL OFFICER. An officer of the Fort Wayne Department of Animal Care and Control or any officer of the City of New Haven Police Department who is in communication with the Fort Wayne Department of Animal Care and Control.

ANIMAL HOARDER. A Person who: (1) Possesses any combination of eight (8) or more cats and/or dogs. Possesses any combination of fifteen (15) or more cats, dogs, or other Animals including but not limited to: hamsters, chinchillas, hedgehogs, gerbils, guinea pigs, sugar gliders, rabbits, ferrets, mice, rats, lizards, snakes, turtles, birds, excluding fish; and (2) Fails or is unable to provide adequate food, potable water, and/or a sanitary environment as provided in § 90.03 (A), (C), and (G); and/or (3) Keeps Animals in an overcrowded environment; and/or (4) Exhibits material disregard for the conditions under which the Animals are living and the harmful impact they have on the health and well-being of the Animals.

ANIMAL WELFARE ORGANIZATION. A non-profit entity duly organized and existing under applicable state law whose mission is to prevent cruelty to animals, rehome animals, or otherwise promote the cause of animal welfare through legitimate activities approved by the Department.

CATTERY. A Person who (1) possesses more than one (1) unaltered cat or more than seven cats, whether or not altered; or (2) engages in the business of boarding cats for compensation.

DANGEROUS WILD or DANGEROUS EXOTIC ANIMAL. A Wild or Exotic Animal not indigenous to the State of Indiana, not commonly found as a domestic animal that would create potential risk to public safety including but not limited to: bears, wolves, lions, tigers, jaguars, leopards, cougars, alligators, crocodiles, caimans, snakes and reptiles that are venomous, apes, baboons, macaques, or any hybrid of like animal.

DEPARTMENT. The Fort Wayne Department of Animal Care and Control for such time as the Board of Public Works and Safety is engaged in a contract with the Fort Wayne Animal Control Commission, and the City of New Haven Police Department if no such contract is currently in effect.

EXOTIC ANIMAL. An Animal whose normal native habitat is not indigenous to the continental United States, excluding Alaska and Hawaii; except fish, and fur-bearing Animals commercially bred for the furrier trade, and birds protected under federal laws and regulations.

HABITUAL ANIMAL OFFENDER. A Person who within any three (3) year period has: been convicted and/or admitted to three (3) or more violations of this chapter in a court of competent jurisdiction. The controlling date for each violation shall be the date of each violation and not the date of the subsequent plea or conviction.

HARBORER. A person who knowingly confines or provides food, water, care, or shelter of any domestic animal.

KENNEL. A Person who: (1) possesses more than one (1) unaltered dog or more than five (5) dogs, whether or not altered; or (2) Engages in the business of boarding or training dogs for compensation.

OWNER. A Person, who owns, has ownership or custody rights for an Animal, or who has harbored such Animal or knowingly permits an Animal to remain on or about any premises occupied by that Person.”

Section 2. Amendment to §90.03 of the Code of Ordinances. The Common Council hereby amends § 90.03 of the Code to add the following § 90.03(CC), (DD), and (EE):

“(CC) *Grooming care.* The Owner or Harborer of an Animal(s) deemed by the Department to require grooming shall complete such grooming in the time period prescribed by the Department and shall furnish proof of such grooming to the Department within such required time period.

(DD) *Animal Hoarding.* No Person shall engage in Animal Hoarding as defined in this chapter.

(EE) *Prohibited tethering.* No person shall:

- (1) Tether an animal(s) between the hours of 11:00 p.m. and 6:00 a.m.; or
- (2) Tether an unsterilized animal(s) for any period of time; or
- (3) Tether or confine an animal(s) in or about an unoccupied structure or property for any purpose unless the animal(s) is continuously monitored by an adult who is physically on site throughout the period of tethering or confinement; or
- (4) Tether an animal(s) under six months of age; or
- (5) Tether more than three animals simultaneously at the same location; or

(6) Tether more than one animal in a manner that permits physical contact between the tethered animals; or

(7) Tether animals within three feet of another person's property, public thoroughfare, or right-of-way.

Section 3. Amendment to §90.04 of the Code of Ordinances. The Common Council hereby deletes in its entirety and replaces § 90.04 of the Code with the following:

“§ 90.04 STRAY ANIMALS.

(A) A Person finding a stray Animal(s) shall:

(1) Notify the Department immediately and no later than twenty-four (24) hours after finding an Animal(s) to have the Animal(s) picked up or shall drop the Animal(s) off to the Department.

(a) If an Animal Control Officer is not on duty the finder will need to hold onto the Animal(s) until the next Animal Control Officer comes on duty.

(2) At the discretion of the Department, the Animal(s) may be held by the finder who shall complete a found report with the Department which provides the finder an opportunity to return the Animal(s) to its Owner.

(a) The finder must hold onto the Animal(s) until the Owner is found or until thirty (30) days has passed from when the found report was filed with the Department.

(b) If the finder is unable to continue to hold on to the Animal(s), the Animal(s) must be surrendered to the Department. The Animal(s) may not be rehomed to anyone else to hold.

(c) The finder must present the Animal(s) for microchip scanning at the Department within seven (7) days from finding the Animal(s).

(d) The finder shall make the Animal(s) available to any potential Owners and may use the Department as a meeting location.

(e) With the exception of partnering Animal Welfare Organizations, the finder will be considered the found Animal's Owner for the purposes of this chapter only after a found report has been filed with the department and the Animal(s) is in the finder's custody for a continuous thirty (30) days.

(3) Upon request of the Department, a found Animal(s) will be surrendered to the Department and held for three (3) business days prior to its disposition.

(4) A Person finding an Animal(s) shall comply with all rules and regulations of this chapter pertaining to humane care and treatment of Animal(s) while such Animal(s) is in the Person's custody pending return to its Owner.”

Section 4. Amendment to §90.05 of the Code of Ordinances. The Common Council hereby deletes in its entirety and replaces § 90.05 of the Code with the following:

“§ 90.05 BITING ANIMALS

(A) The Owner or Harboring of an Animal(s) which has bitten a person or another Animal shall immediately report the incident to the Animal Control Officer and make the animal immediately available for quarantine. Upon receipt of the bite report the Animal Control Officer will quarantine the animal(s). The location of confinement for all quarantines shall be determined by the Department. During the quarantine period, the Animal(s) shall be securely confined and segregated from contact with all other animals and/or persons other than the primary caretaker. If the animal is a dog, cat, or ferret and has bitten a person or a domestic animal, it shall be quarantined for ten days. All other animal exposures and quarantines will follow the most current edition of the Compendium of Animal Rabies

Prevention and Control distributed by the National Association of State Public Health Veterinarians.

(1) The location of quarantine cannot be changed without prior authorization from the Department.

(B) A physician who has knowledge of, examined, or treated a victim of an animal bite shall immediately report the incident to the Animal Control Officer. Sufficient information must be provided so that the Animal Control Officer is able to make contact with the victim and/or owner so that required quarantines can be enacted.

(C) A veterinarian who has knowledge of, examined, or treated a victim of a bite or the biting Animal shall immediately report the incident to the Animal Control Officer. This also includes reporting all bites that occur within the veterinarian office to include but not limited to: the public, staff members, volunteers, and contracted workers. Sufficient information must be provided so that the Animal Control Officer is able to make contact with the victim, victim animal owner, and/or biting animal owner so that required quarantines can be enacted.

(D) During the quarantine period, the Owner or Harboring shall provide a current rabies vaccination certificate for the dog, cat, or ferret being quarantined. If proof of vaccination is not provided, the animal(s) will be vaccinated by a veterinarian upon release from quarantine, at the expense of the Owner or Harboring or shall be subject to enforcement action to mandate rabies vaccination.

(1) An Animal(s) quarantined at the Department shall be implanted with a microchip prior to release from quarantine. Such microchip shall be documented with the Department for the life of the Animal(s). The cost of the quarantine, preventative vaccinations, minor medical treatments, and the implant and national registry of the microchip shall be at the expense of the Owner or Harboring.

(2) If the animal(s) is quarantined at a location other than the Department, as determined by the Department, a microchip shall be implanted in the animal(s) within 30 days following the animal's release from quarantine. Such microchip shall be documented with the Department. The cost of the quarantine and the implant and national registry of the microchip shall be at the expense of the Owner or Harboring.

(3) The microchip, implanted in connection with each quarantine, shall bear a number which will provide entry into a database containing the animal's bite history. The microchip shall be contained in a sterilized implanting device and shall be individually packaged.

(4) The microchip and its corresponding registration history shall be considered prima facie evidence in any future dangerous animal determination under § 90.08.

(5) Enforcement action will be taken to mandate microchip implant for Owners or Harborers who refuse to microchip the animal at redemption.

(E) No person other than the Animal Control Officer or a veterinarian shall kill or cause to be killed any animal suspected of being rabid except in cases of immediate self-protection, in which event, the person killing the suspected rabid animal will retain the body and immediately notify the Department.

(F) A violation of the quarantine requirements of this section may subject the violating party to penalties under § 90.99 hereof.”

Section 5. Amendment to §90.06 of the Code of Ordinances. The Common Council hereby amends § 90.06 of the Code to add the following § 90.06(C), (D), and (E):

“(C) A previously impounded stray Animal or Animal that is not restrained and is now being redeemed by the Owner or Harboring for a second (2nd) or subsequent redemption shall be surgically sterilized by a state-licensed veterinarian at the Owner or Harboring’s expense. An appointment to perform the procedure shall be made at the time of the

redemption. Enforcement action requiring surgical sterilization will be issued by the Department at the time of redemption if the appointment is not made.

(1) In cases mandating spay or neuter of an Animal(s), the Animal(s) may, at the Department's discretion, be transported by the Department directly to the veterinarian selected by the Owner or Harboree for completion of the surgery and pickup of the Animal(s) by the Owner or Harboree. All fees due the veterinarian are the responsibility of the Owner or Harboree.

(D) Animal(s) awaiting disposition by the courts shall remain in the custody of the Department, until such disposition is made, or the Animal(s) is placed in a foster home until arrangements for disposition have been completed.

(E) Pursuant to impoundment of an Animal(s) under division (A) hereof, the Department may file a petition with the court requesting the Owner or Harboree of the Animal(s) post a bond to cover the costs of care of the animal(s) while in the custody of the Department. Such petition shall be accompanied by an affidavit of the Animal Control Officer that sets forth an estimate of the reasonable expenses the Department expects to incur providing for such care. Reasonable expenses include but are not limited to the estimated cost of veterinary care, food and board for the animal(s). The Owner or Harboree of the animal(s) shall be provided written notice of the petition by personal service or prepaid United States certified mail, return receipt requested. Any such mail shall be sent to the last known residence, of the Owner or Harboree, if known, otherwise to the address from which the animal(s) was seized. Refusal to accept certified mail or failure to receive mail due to other delays experienced by the Owner or Harboree will not negate the effectiveness of such notice.

(1) The court in which the petition is filed shall conduct a hearing on the petition, at which the Department shall have the burden of proving that there is probable cause for the court to find that the Animal(s) were confiscated by the Animal Control Officer for a reason listed under division (A) hereof. If the court finds that probable cause exists, the court shall order the Owner or Harboree of the Animal(s) to post a bond to cover the cost of the care for the Animal(s) for a minimum of 30 days.

(2) Bond must be posted within a maximum of three business days following the bond hearing order. If bond has not been posted within such period, the animal(s) shall forthwith become the property of the Department.

(3) Bond must be posted at the Department in cash or certified funds only. The bond shall be deposited into the City of Fort Wayne's general trust fund and, in a subaccount specific for each case. The Department may draw on such subaccount to pay for the actual expenses incurred in the care and boarding of the animal(s).

(4) If, at the end of 30 days, the matter for holding the animal(s) has not been adjudicated, another bond shall be posted. The renewal bond shall be paid no later than the close of business on the thirtieth day. If the thirtieth day falls on a weekend or holiday, the bond shall be posted by the close of business on the last regular business day prior to the weekend or holiday. The bond shall be renewed every 30 days thereafter until the matter is adjudicated and an order issued by the court. Failure to repost bond at the end of any 30 day period will be considered voluntary relinquishment of the Animal(s) by the Owner or Harboree.

(5) In the event of a conviction of the defendant, the court, in its discretion, may order any remaining bond money forfeited and/or the Animal(s) relinquished to the Department.

(6) In the event of a dismissal of the case or a finding in favor of the defendant, the court shall direct the delivery of the Animal(s) and any bond money, less reasonable medical, housing and administrative costs, to the defendant.

(a) The bond is intended to cover daily boarding, emergency medical care, immunizations, and routine medical care. Animal(s) displaying evidence of illness or injury at the time of impound will be treated immediately at the

expense of the Owner or Harboring. Animal(s) that are not current on inoculations for ailments common to their species will be inoculated at the expense of the Owner or Harboring. An animal(s) displaying evidence of illness or injury which, in the opinion of a state-licensed veterinarian, would cause undue suffering to that animal(s) or pose a substantial health risk to other animals in the Department facilities shall be immediately and humanely euthanized.

(b) This section applies to all animals housed at the Department, or at a designated facility selected by the Department, irrespective of the agency that seized the animals.”

Section 6. Addition of §90.08 of the Code of Ordinances. The Common Council hereby amends the Code to add the following § 90.08:

“§ 90.08 DANGEROUS ANIMAL; DECLARATIONS.

(A) Dangerous animals prohibited.

(1) Ownership/possession prohibited. No person shall own, keep, or harbor a dangerous Animal(s); provided this section shall not apply to animal(s) under the control of law enforcement or military agencies. An Animal(s) may be declared dangerous if it is determined to have exhibited dangerous behavior or if other information has been obtained by the Department which identifies such Animal(s) as dangerous, including but not limited to:

(a) The Animal has bitten or attacked one or more persons or animals a minimum of three times; or

(b) The Animal has bitten or attacked a person or an animal once causing wounds or injuries creating a potential danger to the health or life of the victim; or

(c) The Animal could not be controlled or restrained at the time of a bite or attack upon an animal or a person; or

(d) The Animal has been purchased, bred, sold, trained, or harbored for the purpose of animal fighting; or

(e) The Animal has been microchipped by a licensed veterinarian or the Department for the purpose of documenting the occurrence of a prior bite or attack.

(2) Impoundment; costs. The Animal(s) shall be impounded by the Department pending an investigation and adjudication of the Animal(s) as dangerous pursuant to this section. The Owner or Harboring of an impounded and/or euthanized animal(s) under this section shall be responsible for the payment of any expenses related to the impoundment incurred by the Department.”

Section 7. Addition of §90.09 of the Code of Ordinances. The Common Council hereby amends the Code to add the following § 90.09:

“90.09 HABITUAL ANIMAL OFFENDERS.

(A) It shall be a violation of this chapter to be a Habitual Animal Offender. A court may limit, restrict, or prohibit animal ownership for a Person deemed to be a Habitual Animal Offender for a minimum of five (5) years up to and including a lifetime prohibition from animal ownership, after considering the recommendation of the Department.

(B) Once deemed a Habitual Animal Offender the Department will determine if a transfer of ownership will be permitted based on the case surrounding the Animal(s), the risk to

public safety and the suitability of the potential new Owner. If a transfer is approved, the maximum time to transfer ownership shall be no more than three (3) business days. All transfers must occur at the Department to ensure compliance and a recorded transfer of ownership.

(1) If a transfer is not approved by the Department, the Person fails to bring the Animal(s) in for transfer or failure to transfer within the guidelines provided in (B) above, shall result in the Animal(s) being impounded and the Animal(s) shall become the property of the Fort Wayne Animal Care and Control.

(C) A Habitual Animal Offender shall be prohibited from claiming an Animal(s) once the courts have deemed the Person to be a Habitual Animal Offender.”

Section 8. Addition of §90.10 of the Code of Ordinances. The Common Council hereby amends the Code to add the following § 90.10:

“§ 90.10 VETERINARY HOSPITALS/CLINICS.

(A) Animals in the care of a veterinary hospital or clinic shall be housed and boarded in a humane and sanitary manner.

(B) Veterinarians shall create and maintain in accordance with professional standards records of each Animal(s) accepted for diagnosis, treatment, or routine health care.

(C) Veterinarians who provide boarding, grooming or other animal related services in addition to the treatment and/or medical care of Animals shall obtain a permit as required under this chapter for providing such services.

(D) Veterinarians shall report to the Department any knowledge of suspected injuries, illness and/or other medical conditions related to cruelty, neglect and/or abuse. This is in addition to the required reporting for animal bites to Persons and/or Animals in §90.05(C).

(E) Veterinarians shall report to the Department any knowledge of suspected or known owner discrepancies. All questions regarding ownership are to be reviewed with the Department.”

Section 9. Amendment to § 90.22 of the Code of Ordinances. The Common Council hereby deletes in its entirety and replaces § 90.22(A) of the Code with the following:

“(A) No person shall sell, harbor, keep, or permit to be kept on his or her premises any wild Animal, any vicious Animal, or any Dangerous Wild or Exotic Animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to veterinary hospitals, commercial animal establishments, performing animal exhibitions, or circuses.”

Section 10. Addition of §90.41 of the Code of Ordinances. The Common Council hereby amends the Code to add the following § 90.41:

“§ 90.41 DOG BITE INJURIES

(A) Dog bite injury classifications. Classification of dog bite injuries shall be based upon the specific injuries caused by the dog while not restrained. Such classifications of levels one, two, three, and four dog bite injuries are not progressive and may be initially classified at any level. Upon a finding by the court that one of the following levels of dog bite injuries has occurred, the court shall issue an order which shall impose the following requirements on the Owner or Harboring of the biting dog.

(1) A level one dog bite injury occurs if a dog is not restrained and inflicts a bite on another domestic animal or person which causes an oral scratch or a maximum of four punctures. Upon a finding by the court a level one dog bite injury has occurred, the court may impose a penalty under § 90.99 and shall order that:

(a) The dog shall be spayed or neutered.

(2) A level two dog bite injury occurs if the dog is not restrained and inflicts a bite to another domestic animal or person which causes more than four punctures. Upon a finding by the court a level two dog bite injury has occurred the court may impose a penalty under § 90.99 and shall order that:

(a) The dog shall be spayed or neutered;

(b) No tethering of the dog if unattended by an adult or if prohibited in § 90.03 (EE);

(c) Confinement of the dog as directed in writing by the Department.

(3) A level three dog bite injury occurs if a dog is not restrained and causes more than four punctures to another domestic animal or person or any act including broken bones, crushing, tearing from shaking, or internal injuries, resulting in injury or death of such domestic animal or person, a level three dog bite injury may initiate a dangerous animal investigation under § 90.08. Upon finding by the court that a level three dog bite injury has occurred the court may impose a penalty under § 90.99 and shall order that:

(a) The dog shall be spayed or neutered;

(b) No tethering of the dog if unattended by an adult or as prohibited in § 90.03 (EE);

(c) Use of humane muzzle and leash on the dog when off property;

(d) Confinement of the dog as directed in writing by the Department.

(4) A level four dog bite injury occurs when there is a repeat occurrence of any dog bite injury level one, level two, or level three by a biting dog. A level four dog bite injury may also initiate a dangerous animal investigation under §90.08.

(B) The Owner or Harboring of a dog which has caused any level of dog bite injury under this section shall report to the Department in writing any request to change the quarantine location of such dog prior to its relocation.

(C) Compliance. The Owner or Harboring of a dog(s) that has caused any level of dog bite injury under this section shall comply with each prospective classification provision of this section and may result in the imposition of a fine on the Owner or Harboring. Additionally, the Department shall have the authority to impound such dog pending a final disposition of the applicable court proceeding.

(D) Nonsequential order. Nothing contained in this division (A) shall prevent the Department from initially proceeding with the charge of dangerous animal under § 90.08.

(E) Declassification of dog bite injury. The Owner or Harboring may contact the Department to initiate the declassification of a dog bite injury concurrently with the payment of a declassification fee. The following conditions shall be met in order to declassify a dog bite injury:

(1) Dog(s) which have inflicted a level one dog bite injury shall not subsequently inflict a dog bite injury for a period of one year. Dogs which have inflicted a level two dog bite injury shall not subsequently inflict a dog bite injury for a period of three years.

(2) The Owner or Harboring shall provide the Department with written certification of the completion of obedience training acceptable to the Department for the dog whose dog bite injury is sought to be declassified.

(3) Satisfaction of the conditions in divisions (E)(1) and (2) may in the discretion of the Department result in the declassification of the dog bite injury.

Dogs which have inflicted level three or four dog bite injuries shall not be eligible for dog bite injury declassification.”

Section 11. Addition of §90.42 of the Code of Ordinances. The Common Council hereby amends the Code to add the following § 90.42:

“§ 90.42 NUMBERS LIMIT; KENNEL/CATTERY AND MINOR BREEDER PERMITS

(A) No Person shall own or harbor more than five dogs or seven cats or a combination of seven dogs and cats unless approved by the Department.

(B) A person owning or harboring more than one unaltered dog or cat over the age of five months shall be required to obtain a kennel/cattery permit.

(1) A Person who complies with the numbers limits but who owns or harbors more than one intact dog or cat shall apply for a residential kennel/cattery permit which will be issued only after inspection and approval by the Department. Permits are valid for one year from date of issuance and shall be renewed by the permit holder annually. Residential kennel/cattery permits may be denied or revoked by the Department for cause.

(2) Residential kennel/cattery permit application eligibility requires:

(a) A maximum of three unaltered dogs or cats;

(b) Animal enclosures shall be maintained and located within the interior of the Owner or Harboring's principal residence on the Owner or Harboring's property;

(c) The Animal(s) shall have adequate exercise space for the breed and number of dogs and/or cats maintained;

(d) The Owner or Harboring does not have a history of previous ordinance violations; and

(e) The Owner or Harboring can provide documentation for current vaccinations for all dogs and cats at the inspection for the kennel/cattery permit, if all other areas have passed inspection.

1. The Owner or Harboring will have until the final notice date to come into compliance with rabies vaccination and kennel/cattery permit requirements and may not be denied for any of the above unless one of the criteria in (B)(2)(a) to (d) of this section is not met.

2. The initiating call and any issuance of citations at the initial call are not an immediate denial for the kennel/cattery permit.

(3) Cause for revocation of an issued kennel/cattery permit shall include but is not limited to: animal fighting, human or animal bites, Animals not restrained, substantiated neighborhood nuisance complaints, failure to obtain and renew permits, breeding without a breeder's permit, failing to maintain current rabies vaccination status, and exceeding the numbers limit for animal ownership and/or harboring as identified in division (A) hereof.

(4) Kennel/cattery permits shall be renewed annually.

(5) Costs.

(a) Two unaltered dog or cats: \$400

(b) Three unaltered dog or cats: \$500

(C) A minor breeder's permit shall be obtained by:

- (1) A Person who intentionally or inadvertently participates in or permits the breeding of a cat or dog or makes a cat or dog available for breeding purposes; or
- (2) A Person who offers for sale, sells, exchanges, transfers, receives compensation for or gives away any litter of dogs or cats; with the exception of a litter of puppies or kittens relinquished to the Department; or
- (3) An Owner or Harboring of a dog or cat which has delivered a litter or who has caused the delivery of a litter, chooses not to relinquish the animal to the Department and also elects not to have the animal surgically sterilized, shall cause such animal to be implanted with a microchip and shall register such animal within 30 days of following the date of notice requiring such procedure from the Department; or
- (4) An Owner or Harboring who fails to relinquish to the Department any dog or cat whose litter has been relinquished to the Department and does not surgically sterilize the animal shall obtain a microchip and register the animal within 30 days following the date of relinquishment; or
- (5) An Owner or Harboring having custody of a dog or cat which has been surgically sterilized within ten weeks after giving birth to a litter or who relinquishes the dog or cat to the Department within ten weeks following the birth date of the litter; or
- (6) An Owner or Harboring of a dog or cat which has delivered a litter, who chooses not to relinquish such animal to the Department and also chooses not to have such animal surgically sterilized;
- (7) Such Persons shall be required to purchase a minor breeder's permit in accordance with the requirements of this chapter and shall pay the minor breeder's permit fee of \$10, plus any applicable kennel/cattery permit fee.

(D) The Person described in division (C) above shall:

- (1) Be permitted to breed only one dog or one cat which produces only one litter of puppies or kittens in a 12 month period in such Person's domestic household or any other domestic household; and
- (2) Be prohibited from offering for sale, selling, exchanging, transferring, receiving compensation for or giving away more than one litter of puppies or one litter of kittens in a 12 month period; with the exception of a litter of puppies or kittens relinquished to the Department; and
- (3) Furnish the Department with such information on the birth of each litter of puppies or kittens as may be required to register such litter with the Department and to be assigned a litter number; and
- (4) Register with the Department the name, address, and telephone number of each recipient of any puppy or kitten sold or transferred within five days following the date of sale or transfer; and
- (5) Provide the recipient of such puppy or kitten the litter number of the animal received and the minor breeder's permit number to confirm the breeding and sale of such puppy or kitten in compliance with the requirements of the this chapter; and
- (6) Immunize all cats and dogs offered for sale, exchange, transfer, or giveaway, with the exception of an Animal(s) relinquished to the Department, against common disease: for dogs, against canine distemper, adeno-virus parainfluenza, parvovirus, coronavirus, and leptospirosis; and for cats, against feline rhinotracheitis-calici, and panleucopenia; and
- (7) Not offer a puppy or kitten for sale, exchange, transfer, or giveaway in violation of § 90.03; and
- (8) Provide an unqualified health warranty for such puppy or kitten for a period of not less than ten days following the date of delivery which warranty shall include

a recommendation to have such puppy or kitten examined by a state licensed veterinarian within such health warranty period.

(E) Costs.

(1) The Owner or Harboring of a dog or cat which has been altered within ten weeks after birthing a litter or who relinquishes such animal to the Department within ten weeks following the delivery date of the litter, shall be required to purchase a minor breeder's permit for \$10; or

(2) The Owner or Harboring of a dog or cat that has delivered a litter, who neither relinquishes the animal to the Department nor alters the animal, shall be required to purchase a minor breeder's permit for \$100; and

(3) Any applicable kennel/cattery permit fee.

(F) All minor breeder permits will be issued under this section only after inspection and approval by the Department, provided all other requirements of this chapter are met.

(G) A late fee will be assessed for a permit renewal that is in excess of 30 days beyond the expiration date. A permit reinstatement fee will be assessed when requesting re-inspection for approval after a revocation of a permit has occurred.

Section 12. Amendment to §90.99 of the Code of Ordinances. The Common Council hereby amends § 90.99 of the Code to add the following § 90.99 (D):

“(D) Upon finding a violation involving one (1) or more sections of this chapter pertaining to animal fighting, public safety, animal cruelty or neglect, Animal Hoarding, or Habitual Animal Offenders have been violated, the court may order no animal ownership for a determinate period. The court may mandate counseling upon a conviction of cruelty to an Animal or Animal Hoarding.

(E) Upon finding of a violation of this chapter, the court may order the relinquishment of an Animal(s) to the Department for disposition when:

(1) An Animal(s) is deemed to be a public safety risk and/or a repetitive Public Nuisance that has not been abated; or

(2) An Animal(s) is the victim of cruelty, neglect, abandonment, or hoarding; or

(3) Animals exceeding the maximum number ordered by the court are in the possession of a convicted Habitual Animal Offender of an Animal Hoarder.

(F) The court shall order the destruction of an Animal(s) found to be dangerous pursuant to § 90.08. Destruction of the Animal(s) does not preclude imposition of fines or fees for each offense as outlined in division (A) above.

(G) In the event an Animal(s) is retained by the Department because the Owner or Harboring of such Animal(s) violated this chapter, the Person redeeming the Animal(s) by paying the prescribed fees shall also be required to pay costs incurred by the Department for the impoundment and care of the Animal(s) including but not limited to:

(1) Surgeries;

(2) Medications & preventative care;

(3) X-rays;

(4) Examinations, diagnostics, medical treatment;

(5) Boarding;

(6) Rescue Equipment; and

(7) Perishable personal protection equipment

(H) Violation of this chapter may result in revocation of any or all current permits and may require re-inspection and approval by the Department prior to reinstatement or reissuance and subsequent fees.

(I) Upon finding an Owner or Harboree has violated this chapter, the court may order restitution by the Owner or Harboree including but not limited to:

- (1) Medical, veterinary, and/or pharmaceutical bills;
- (2) Replacement cost of Animal(s);
- (3) Property damage;
- (4) Lost wages; and
- (5) Counseling or psychological treatment obtained by the victim which relates directly to the violation incident.

(J) Upon finding an Owner or Harboree has violated §90.36(A) or § 90.05(D) (5) of this chapter, the court shall order a microchip be implanted at redemption at the Owner or Harboree's expense.

(K) Upon finding an Owner or Harboree has violated § 90.36(A), (B), or (C) of this chapter, the court shall order all stray or unrestrained Animal(s) being redeemed for the second (2nd) or subsequent redemption be surgically sterilized by a state-licensed veterinarian at the Owner or Harboree's expense.

Section 13. Severability. If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remainder of this Ordinance.

Section 14. Effective Date. This Ordinance shall be in full force and effect from and after the date hereof.

DULY PASSED AND ADOPTED this 20th day of July 2021, by the Common Council of the City of New Haven, Indiana.



Presiding Officer

ATTEST:



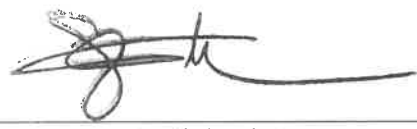
Angela Hamrick, Chief Deputy Clerk

This Ordinance presented by me to the Mayor on the 30th day of July 2021, at the hour of 11:30 a.m.



Natalie Strock, Clerk-Treasurer

This Ordinance approved and executed by me on the 30th day of July 2021, at the hour of 11:31 a.m.



Steven S. McMichael, Mayor