

ORDINANCE NO. 2015-03

**AN ORDINANCE OF THE TOWN OF PENDLETON
AMENDING THE ORDINANCE GOVERNING ANIMAL CONTROL WITHIN THE TOWN**

A. The Town Council of the Town of Pendleton ("Council" and "Town," respectively) adopted Title IX, Chapter 91 of the Pendleton Code of Ordinances ("Code") thereby establishing the Town's ordinances governing animal control within the Town's limits.

B. The Council now finds it necessary to amend and restate Title IX, Chapter 91 of the Code to update the animal control regulations and related penalties to address present-day realities related to animal control within the Town.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Council as follows:

SECTION 1. Title IX, Chapter 91 of the Code is amended and restated in its entirety as follows:

CHAPTER 91: ANIMAL CONTROL

Section

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§ 91.00 Adoption of state law.

- (a) All laws of the state which pertain to the regulation and control of animals, including but not limited to their ownership, licensing, harboring, abandonment, running at large, rabies control and quarantine, pursuit, capture, confinement, the prevention and control of diseases of domestic animals, and the active rules and regulations of the state board of health and unlawful acts relating thereto which are not inconsistent with this title are made a part of this title by reference.
- (b) The sections of this title are not to replace state laws, but are to be considered supplementary and in addition to the laws of the state, are to be fully enforced where not inconsistent with those laws. Any violation of the state statute which is an infraction by state law shall also be deemed a violation of this title and may be enforced as an infraction of the same class of infraction as the state statute.

§ 91.01 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Abandoned animal means any domesticated animal which shall have been placed upon public property or within a public building unattended or uncared for or upon or within the private property of another without the express permission of the owner, custodian or tenant of the private property, and which is unattended or uncared for.

Adult dog and adult cat means any dog or cat that is three months of age or older for the purposes of rabies vaccinations/tags.

Animal means every living non-human creature, both domestic and wild.

Animal control officer means any person who is authorized to implement and enforce Town animal care and control ordinances and as defined in state statutes.

Auction means a commercial animal establishment where animals are regularly bought or sold, traded, etc., i.e., a flea market.

Authorized veterinarian / clinic means any person licensed or permitted to practice veterinary medicine under the laws of the state, and such person shall have had no previous incidents where money collected from the sale of rabies or license tags has been used or handled inappropriately or illegally.

Circus means a commercial animal establishment variety show featuring animals as public entertainment.

Colony means a group of one or more feral cats, whether unmanaged or managed.

Colony caretaker means an authorized person who provides food, water and shelter for feral cats in a registered colony.

Commercial animal establishment means any pet shop, auction, flea market, riding school or stable, pet grooming shop, zoological park, circus, kennel, or veterinary hospital.

Town means the incorporated areas of the Town of Pendleton, Indiana.

Direct control means immediate and continuous physical control of an animal (excluding herding dogs; dogs in the process of hunting; police 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 if the controlling person is at all times clearly and fully within unobstructed sight and hearing of the animal, but in no case to exceed 100 feet. Oral control shall at all times prevent the animal from running at large or otherwise violating this chapter.

Dog running at large means any dog not under immediate control, not on a leash, not at heel, not beside a competent person, not in a vehicle driven or parked, or not confined within the property limits of his owner. Hunting dogs are under the control of the owner when hunting with the landowner's permission.

Domestic animal means a dog, cat, or any other animal such as a rabbit, guinea pig, lizard, iguana, hamster, ferret, mouse, snake, spider, bird, or gerbil, which may normally be held, sold, or maintained as a pet.

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

Grooming establishment means any place of business, stationary or mobile, which accepts private pets for bathing, clipping, dipping, pedicuring or other related services, but not to include breeding, dentistry or overnight boarding.

Guard dog and watchdog means any dog trained by a recognized training facility for the purpose of protecting individuals from assault and/or preventing property loss or damage. The term "**recognized training facility**" means any person holding a state kennel license and a business license for either of the purposes described in this definition.

Guide dog means a properly trained dog certified by a licensed training facility that has an expertise in training dogs for physically impaired persons and that is actually being used by a person to assist in that physical impairment.

Harboring and caregiver means any person who performs acts of providing care, shelter, protection, restraint, refuge, food or nourishment in such a manner as to control an animal's activities.

Humane society means an incorporated organization that has a nonprofit status with the Internal Revenue Service for which the central purpose is to provide for the protection of animals. A humane society accepts members from the public at large, and the controlling board is elected by the general membership. A humane society operates from a business facility on commercially zoned property and has advertised and set hours for public access.

Humane trap means any device used for capturing an animal without inflicting injury, pain or suffering and which provides adequate ventilation for the trapped animal. Snares, leg traps or similar devices are considered inhumane and shall not be used.

Impoundment means the act of taking physical possession and control of an animal by an animal control officer or other officer empowered to act by law and transporting it to an animal control facility or humane society.

Kennel and cattery means any place in which more than three dogs or more than three cats are kept.

Livestock includes horses, cows, goats, pigs or any other four-legged animal, excluding dogs and cats, used for pleasure or profit. Fowl are expressly included within this definition.

Managed colony means a colony of feral cats that are registered with the humane society and Town, or their respective designee, and is maintained by a colony caretaker in a location approved by the Town using trap, neuter, return methodology.

Owner means any person who owns, harbors, keeps, feeds, maintains, has lawful possession of, or knowingly causes or knowingly permits an animal to be harbored or kept or has an animal in his care or who permits an animal to remain on or about his premises; provided, however, this shall not include a person hired or acting as custodian of the animal for its owner, and shall not include colony caretakers of registered colonies of feral cats.

Pet shop means a commercial animal establishment engaging in the retail sale of animals.

Police officer means any law enforcement officer empowered to make arrests or cause to be issued summonses in unincorporated areas of the Town.

Riding school or stable means a commercial pet establishment that has available for hire, boarding and/or riding instruction any horse, burro, donkey, pony or mule.

Running at large means any dog or cat that leaves or strays from the land owned, rented or leased by the owner or possessor of the dog or cat.

Veterinary hospital means a commercial animal establishment maintained and operated by a licensed veterinarian for surgery, disease diagnosis, treatment of disease and injuries of animal.

Vicious animal and dangerous animal means any animal that attacks, bites or injures human beings, pets, companion animal or livestock or which, because of temperament, conditioning, or training, has a known propensity to attack, bite or injure human beings, pets, companion animal 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 the dog or was committing or attempting to commit a crime. The 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.

Zoological park means a commercial animal establishment displaying or exhibiting, without the primary purpose of selling, one or more species of non-domesticated animal operated by a person or governmental agency.

§ 91.02 Duty and responsibility of animal owners.

Every owner of every animal kept in the Town shall see that such animal:

- (1) Is kept in a clean and sanitary and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement. The person responsible for the animal shall regularly and as often as necessary maintain all animal areas or areas of animal contact to prevent odor or health and sanitation problems;
- (2) Shall have proper and adequate food that is nutritionally appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water, shelter and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely;
- (3) Shall not be tethered by use of a choke collar nor by any rope, chain or cord directly attached to the animal's neck, nor by a leash less than 12-feet in length or of such unreasonable weight as to prevent the animal from moving about freely;

- (4) Is protected against abuse, cruelty, neglect, torment, overload, overwork, or any other mistreatment;
- (5) Shall provide reasonably necessary medical care, in addition to the required rabies vaccination, which shall include distemper, parvo virus inoculations; if diseased or exhibiting symptoms of disease, receives proper medical care and is segregated from other animals so as to prevent transmittal of the disease;
- (6) Shall ensure that the animal has a microchip or other similar form of identification for the animal as allowed under this Chapter; and
- (7) 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 Town and in effect from time to time.

§ 91.03 Impoundment.

In the event that an animal is impounded pursuant to this chapter, and in addition to any other penalty provided in the Code or court costs, the owner shall reimburse the Town for the cost associated with providing shelter for each impounded animal at an animal control facility or the humane society. The cost for providing shelter shall be the amount approved annually by the Pendleton Town Council. The money shall be deposited in the Pendleton Animal Control Fund.

§ 91.04 Vaccinations and microchip requirements.

- (A) The implant of an identification microchip provided under this section shall conform with the requirements of 345 Indiana Administrative Code § 1-2.6-9.
- (B) In accordance with 345 Indiana Administrative Code § 1-5-2, all dogs and cats three months of age and older must be vaccinated against rabies. The rabies vaccination of a dog, cat, or ferret shall be maintained by ongoing revaccination of the animal as follows:
 - (1) Ferrets shall be revaccinated within 12 months of the prior vaccination.
 - (2) Dogs and cats that are vaccinated with a rabies vaccine the label of which recommends annual boosters shall be revaccinated within 12 months of the prior vaccination.
 - (3) Dogs and cats that are vaccinated with a rabies vaccine the label of which recommends a booster one year later and triennially thereafter shall be revaccinated within 36 months of each vaccination thereafter.
- (C) The owner of the animal is responsible for procuring the vaccinations required by this section.
- (D) All dogs and cats over the age of four months must be implanted with an identifying microchip.
- (E) Exemptions. The microchip requirements shall not apply to any of the following:

- (1) A dog or cat with a high likelihood of suffering serious bodily injury, if implanted with the microchip identification, due to the health conditions of the animal. The owner must obtain written confirmation of that fact from an Indiana licensed veterinarian. If the dog or cat is able to be safely implanted with an identifying microchip at a later date, the date must be stated in the written confirmation.
 - (2) A dog or cat that is kenneled or trained in the Town, but is owned by an individual that does not reside in the Town.
 - (3) A dog or cat for which the owner ensures that another form of identification that provides the owner's name, address, and telephone number are present on the dog or cat; however, should such a dog or cat be found by an Animal Control Officer without such identification, then the dog or cat shall be subject to the microchipping requirements of this section and the owner shall be subject to a fine for failure to comply with this section.
- (F) Transfer, sale of dogs and cats:
- (1) An owner who offers any dog, over the age of four months, for sale, trade, or adoption must provide the microchip identification number and the valid dog license number with the offer of sale, trade or adoption. The license and microchip numbers must appear on a document transferring the dog to the new owner.
 - (2) An owner who offers any cat, over the age of four months for sale, trade, or adoption must provide the microchip identification number with the offer of sale, trade or adoption. The microchip numbers must appear on a document transferring the cat to the new owner.
- (G) When an impounded dog or cat is without microchip identification or is exempt from the requirements of this section, in addition to satisfying applicable requirements for the release of the animal, including but not limited to payment, of impound fees pursuant to this chapter, the owner shall have the dog or cat implanted with a microchip by an Indiana licensed veterinarian technician or veterinarian or designated personnel at the expense of the owner before the dog or cat may be released to the owner.

§ 91.05 Cruelty, abuse, neglect, and abandonment of animals.

- (A) Cruelty shall mean and include every act whereby unnecessary or unjustifiable pain, suffering or death is caused, permitted or allowed to continue where there is reasonable remedy or relief. Acts of cruelty shall include, but not be limited to, the following:
- (1) Whoever willfully or maliciously kills, abuses, maims, or disfigures any animal or willfully or maliciously administers poison to any animal or exposes any

poisonous substance with the intent that the poisonous substance shall be taken and swallowed by such animal shall be deemed in violation of this section.

(2) Whoever overloads, overdrives, tortures, torments, or deprives an animal of its necessary sustenance or shelter; beats, mutilates, or kills any animal or causes such to be done; or carries in or upon a vehicle or otherwise any animal in a cruel or inhumane manner shall be deemed in violation of this section.

(3) Whoever confines any animal and fails to supply it with sufficient quantities of wholesome food and water, whoever keeps any animal in any enclosure without wholesome exercise and change of air or whoever abandons any animal to die shall be deemed in violation of this section.

(4) No person shall:

- a) Own, possess, keep or train any animal with the intent that such animal shall be engaged in an exhibition of fighting.
- b) Build, make, maintain, or keep a pit on premises owned by him or occupied by him or allow a pit to be built, made, maintained or kept on such premises for the purposes of an exhibition of animal fighting.
- c) In any manner encourage, instigate, promote or assist in an exhibition of animal fighting or intentional combat.
- d) Charge admission; be an assistant, umpire or participant; or be present as a spectator to any exhibition of animal fighting or combat.

(B) Any Pendleton Police Officer or other officer or agent of the Town empowered to act by law may impound any animal found to be cruelly treated.

(C) It shall be the duty of the owner to maintain in a clean and sanitary condition and free from extreme and unreasonable objectionable odor all structures, pens, yards, and areas adjacent thereto wherein any animal is kept.

(D) Nothing in the section shall be deemed to prohibit the humane slaughter of livestock or poultry in conformance with all applicable rules and regulations of the state board of health and the United States Food and Drug Administration.

(E) Nothing in this section shall prohibit hunting or fishing, as permitted by the law of the state and the rules and regulations of the Indiana Department of Natural Resources.

(F) Nothing in this section shall prohibit the use of commercially sold poisons for the control of rats, mice, groundhogs, moles or other similar rodents as long as the person using the poisons uses reasonable care to ensure that neither domestic animals nor livestock are exposed to the poisons.

§ 91.06 Animal bites and quarantine.

Every case of a human bitten by a domestic or wild mammal shall be reported promptly to the local health officer or his designee having jurisdiction. It is the duty of the person bitten or the person's parent or guardian to make the report in conformance with 410 Indiana Administrative Code § 1-2.3-52, as amended. Law enforcement K-9 dogs are exempted from this section.

§91.07 Commercial animal establishments.

Standards for commercial animal establishments are as follows:

- (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 as not to spread disease to healthy animals.
- (3) All animals must be kept caged, within a secure enclosure or under the control of the owner at all times.
- (4) The establishment must provide the level of care provided for in the Town's animal control ordinances to all animals kept on the premises.
- (5) The establishment will not sell animals which are unweaned or diseased.
- (6) The establishment shall permit the Pendleton Police Department to inspect at any and all times the premises where the animals are kept.
- (7) The establishment must provide each animal with sufficient space to stand up, lie down and turn around in a natural position without touching the sides or top of the enclosure.
- (8) A commercial animal establishment is defined by, but not limited to, the following:
 - a) Auction.
 - b) Flea market.
 - c) Circus.
 - d) Riding school or stable.
 - e) Veterinary hospital.
 - f) Zoological park.
 - g) Pet shop.
 - h) Pet grooming shop.
 - i) Kennels.
- (9) All commercial animal establishments, other than a circus temporarily located within the Town for less than 10 days per year, shall be located at a permanent building or facility and shall be permitted at that location by the applicable zoning laws.

- (10) The Town adopts the Code of Federal Regulations, 9 CFR 3.1 through 3.19 as the standards for operation and inspection of kennels. The Town Council appoints the Pendleton Police Department, or the Chief of Police's designee, as the agency authorized to inspect kennels.

§ 91.08 Feral cats.

- (A) The Town may establish a fund, provide services, or an approved assistance program to offset the costs of trapping, neutering, and vaccinating captured feral cats that can be returned to an appropriate, controlled, protected and registered colony site. Caregivers for such colonies, whether one or several animals, may be aided by the Town or the approved assistance program in providing traps for the capture of the cat, transportation to a spay/neuter facility and offsetting costs, to the extent that funding is available.
- (B) Prior to the establishment of any feral cat colony, the proposed colony and its location shall be approved and registered by the caregivers with the humane society and the Town, which will serve as a clearinghouse for information on current caregivers, education for new caregivers, and assistance for persons found in violation of this chapter.
- (C) Approved assistance programs for feral cat colonies within the Town will exist only with the approval of the home owner or neighborhood association in which the colonies are to exist.
- (D) It shall be unlawful for a person to provide food, water or shelter to a colony of feral cats, unless;
- (1) The colony is an approved managed colony, registered with the humane society and the Town.
 - (2) The food, water or shelter is provided in conjunction with the implementation of trap, neuter, and return methodology as set forth below.
 - (3) Ear tipping will be used on feral cats in order to be identified as a spayed or neutered and vaccinated member of a managed colony.
 - (4) Any person or caregiver determined to be in violation of subsections (5)(a) through (h) below shall be issued a written warning and be allowed a period of time to come into compliance or provide satisfactory evidence of working to achieve compliance. Failure to comply shall result in a violation of this chapter, which may result in the issuance of a citation.
 - (5) An approved feral cat colony caretaker, in order to obtain control of the feral cat population in the Town may:
 - a) Humanely trap and sterilize (spay/neuter) and left ear-tip all cats that can be captured by a licensed veterinarian.
 - b) Vaccinate, as required by law, all cats that can be captured:
 - i. Against rabies, preferably with a three-year vaccine; and
 - ii. Any other infectious disease as mandated by law.

- iii. Colony caretakers shall have a licensed veterinarian evaluate the health of all trapped feral cats. Seriously ill or injured cats with no reasonable prognosis for humane rehabilitation for survival outdoors will be humanely euthanized.
 - c) Release all non-feral cats to Pendleton Police Department or humane society for adoption or placement in accordance with the law.
 - d) Make every attempt to remove kittens from the colony before eight weeks of age for domestication and placement.
 - e) Make every attempt to remove sick or injured cats from the colony for immediate veterinary care or humane euthanasia.
 - f) Colony caretakers shall abide by the standard guidelines devised by this chapter, the Chief of Police or his/her designee, regarding the provisions of food, water, and shelter and veterinary care for the cats within the managed colony.
 - g) Ensure responsibility and arrangements for feeding the cat colony regularly throughout the year, including weekends, holidays and vacations of the feral cat caregiver.
 - h) A colony caretaker must maintain proof of sterilization, vaccination, tattoo or implant, and medical records from a licensed veterinarian at all times. These records must be provided to the humane society or law enforcement upon request.
- (6) Any law enforcement authority may impound feral cats in violation of the ordinance. Any feral cats impounded by law enforcement authority that bears an appropriate ear-tipping indicating it belongs to a managed colony may, at the discretion of law enforcement be returned to its managed colony unless illness or injury present an imminent danger to public health or safety.
- (7) Violations, penalties and fines. Caregivers in violation of this section will lose caretaker privilege and will become subject to all sections of this chapter.

§ 91.09 Vicious animals.

- (A) It shall be unlawful for any person to cause, permit, accompany or be responsible for the presence of any vicious dog, cat or other animal on the streets or public places of the Town or allow the animal to run on the premises of another at any time, unless, in addition to the other requirements of this chapter, such dog, cat or other animal shall be securely muzzled to effectively prevent it from biting any person or other animal. Upon impounding a vicious animal for any reason, the Pendleton Police Department or other animal control officer may, for reasons of public safety, retain the animal at the impoundment facility until disposition by the appropriate court.

(B) This section shall not apply to law enforcement dogs.

§ 91.10 Disposition of dead animals.

(A) A person finding a dead domestic animal or large undomesticated animal or the surviving young of either within the Town shall call the police department in the location where the animal is found. It is the responsibility of the Pendleton Police Department or Town to notify the appropriate authorities, in a timely manner not to exceed three days.

§ 91.11 Restraint of animals.

- (A) It shall be unlawful for any owner or possessor of any dog or cat to allow such dog or cat to run at large, whether wearing a collar and tag or not, within the incorporated or unincorporated areas of the Town. Any and all such dogs found running at large, whether wearing a collar and tag or not, shall be immediately impounded by any police officer. The officers may pursue the animal onto private property to effect capture of such animal.
- (B) The owner or possessor of the animal can be issued a summons into court for that Town ordinance violation. An animal may be exempt from this chapter when the surgical procedures may be detrimental to the animal's health, with a licensed veterinarian confirming this in writing and notice is given to the Town within ten days.
- (C) 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. If the owner or custodian of any animal is a minor, the parent or guardian of such minor shall be jointly responsible for the minor's violation of this chapter.
- (D) It shall be the duty of every owner or custodian of any dog to ensure that the dog is kept under restraint and that reasonable care and precautions are taken to prevent the dog 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 volition; 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 the control of a competent person; 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 (d)(1) or (d)(2) of this section while on the owner's property.

- (E) The following additional precautions shall be taken by the owners, possessors, or custodians of vicious or dangerous animals:
- (1) In addition to the requirements in subsection (D)(1) of this section, the owner of a dangerous or vicious dog who maintains the dog out-of-doors shall fence a portion of the property with a second perimeter or area fence. Within this perimeter or area fence, the vicious or dangerous animal must be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides and a secure top attached to all sides. The sides must either be buried two feet into the ground, sunken into a concrete pad, or securely attached to a wire bottom. The gate to the kennel shall be of the inward-opening type and shall be kept locked except when tending to the animal's needs such as cleaning the kennel or providing food and water.
 - (2) Whenever the dog is outside of its enclosure as provided for in this subsection, but on the owner's property, it must be attended by the owner and restrained by a secure collar and leash of sufficient strength to prevent escape. The leash shall be no longer than ten feet, and the animal must be kept at least 15 feet within the perimeter boundaries of the property unless the perimeter boundary is securely fenced.
 - (3) No vicious or dangerous dog shall be chained, tethered, or otherwise tied to any inanimate object such as a tree, post or building, outside of its own enclosure as provided for in this subsection.
- (F) The owner or custodian of any guard dog or watchdog must confine such dog within a perimeter fence and meet the following conditions:
- (1) The fence shall be sufficient to prevent the dog's escape, with all points of ingress and egress securely locked at all times.
 - (2) A beware of dog sign shall be conspicuously displayed on each exterior side of the enclosure for each 50 feet of enclosure, with a minimum of two, as well as a sign on each ingress or egress point to the enclosure. Signs shall be a minimum of ten inches high and 14 inches long.
- (G) The chaining of dogs is discouraged, but if it is done, the following is required:
- (1) The dog must be able to reach fresh food and water 24 hours a day.
 - (2) The chain must be at least 12 feet in length.
 - (3) The chain must be not of a weight heavy enough to cause physical damage to the dog's neck or body.
 - (4) The chain must be attached in a manner so that it cannot wrap around vertical items such as a barrel, pole or tree. It must be able to move freely in all directions.

- (5) The dog must have shelter from the weather, yet free from becoming entangled with the chain. The dog must have access to the shelter 24 hours a day.
- (6) The shelter or doghouse must be kept clean and sanitary and in good repair so the dog does not injure itself on nails, wood pieces, metal pieces, etc. A shelter from weather must be provided during all seasons of the year.

§ 91.12 Public nuisance animal.

- (A) A public nuisance animal shall mean and include any animal that:
- (1) Is repeatedly found at large.
 - (2) Damages the property of anyone other than the owner.
 - (3) Is vicious.
 - (4) Attacks without provocation.
 - (5) Excessively makes disturbing noises, including but not limited to continued and repeated howling, barking, whining, or other utterances causing unreasonable disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept.
 - (6) Creates unsanitary conditions or offensive and objectionable odors in enclosures or surroundings and thereby creates unreasonable disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept.
 - (7) Is not being kept in conformity with Town zoning resolutions.
- (B) Any such public nuisance animal may be impounded and the owner or possessor charged for a violation of this chapter.

§ 91.13 Report of vehicular collision with animal.

A person whose vehicle causes injury or death to a domestic or wild animal in the Town shall immediately notify the animal's owner, if known, or the Pendleton Police Department, 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. Such person shall not be required to report his name, as the only purpose of this requirement is to aid the stricken animal and notify its owner, if any.

§ 91.14 Interfering with animal control efforts.

It shall be unlawful to interfere with any person empowered to act by law, to take or attempt to take any animal from the Town vehicle used to transport the animal, or to take or attempt to take any animal from an animal control shelter or impounding area.

§ 91.15 Confinement of female dogs and cats in heat.

The owner or keeper of any female dog or cat in heat kept in the Town shall confine the animal within a secure enclosure and in such a manner as to prevent it from becoming a nuisance and in such a manner so as to prevent conception except during planned breeding.

§ 91.16 Injured animal; action required.

- (A) It shall be unlawful for any person injuring any animal by any means to fail to notify immediately the owner of the animal or the Pendleton Police Department.
- (B) Notification shall include the location and description of the animal and the condition of the animal if known.

§ 91.17 Animal waste.

The owner of every animal shall be responsible for the removal of any feces deposited by his animal on public property, public walks, public parks, beaches, recreation areas or private property of others. Owners of service dogs may be exempted from this section.

§ 91.18 Lost or stray animals.

A person finding a stray animal is to notify the humane society within 48 hours. At the discretion of the humane society, the animal may be kept by the finder and a found pet report left with the department, to enable the finder an opportunity to return the animal to its rightful owner. Upon demand by the humane society, any found animal will be surrendered and held for a minimum of seven days before a disposition is made. A person finding an animal is obligated to comply with all rules and regulations of this chapter pertaining to humane care and treatment of animals, while the animal is in custody awaiting return to its actual owner. With the exception of the humane society for the Town, the finder will be considered the found animal's owner for the purpose of this section only after the animal is in the finder's custody for 30 continuous days.

§ 91.19 Wildlife.

For provisions on wildlife, see 312 Indiana Administrative Code, article 9: Fish and Wildlife.

§ 91.20 Animals in vehicles.

No animal shall be left unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal (extreme heat or cold). No animal shall be transported in any open vehicle unless confined in an appropriate manner intended to prevent the animal from jumping from the vehicle or being thrown from the vehicle in an accident or rapid stop or other use of the vehicle which could cause injury to the pet. No animal shall be transported in the trunk of any vehicle. .

§ 91.21 Animal sacrifice.

No person shall engage in, participate in, assist in or perform animal sacrifice. No person shall own, keep, possess or harbor any animal with the purpose or intention of using such animal for animal sacrifice. No person shall knowingly sell, offer for sale, give away or transfer any animal to any person when he knows or believes that person intends to use such animal for animal sacrifice. This section does not prohibit slaughter of animals for agriculture purposes.

§ 91.22 Sterilization of dogs and cats required; breeder's permit.

- (A) Each dog and cat over the age of six months which is kept in the Town shall have been sterilized and rendered incapable of reproducing by a licensed veterinarian, unless a veterinarian has certified in writing that it would not be in the animal's best medical interest, but in no case later than when that excepted animal attains the age of nine months. It shall be unlawful for a person to own a dog or a cat not in compliance with this section and for which the owner does not have a current and valid intact breeder's permit.
- (B) A breeder's permit shall be obtained by the following:
- (1) Any person who intentionally causes or accidentally allows the breeding of a dog or cat available for breeding purposes;
 - (2) Any person who offers for sale, sells, trades, receives other compensation, or gives away any litter of dogs or cats;
 - (3) Any owner or person having custody of a dog or cat that has delivered a litter or caused the delivery of a litter;
 - (4) Any person owning or having custody of a dog or cat which is older than six months of age, which has not been sterilized and for which the person owning or having custody of such an animal does not have a written certification from a licensed veterinarian stating that it is not in such animal's best medical interest to be sterilized, but in no case after the dog or cat has attained the age of nine months;
 - (5) A dog or cat with a high likelihood of suffering serious bodily injury, if sterilized, due to the health conditions of the animal. The owner must obtain written confirmation of that fact from an Indiana licensed veterinarian. If the dog or cat is able to be safely sterilized at a later date, the date must be stated in the written confirmation.
 - (6) Any person owning a dog or cat that is used for competition and who does not desire to sterilize the animal because of the competitive interests; or
 - (7) Any person owning a dog that is used for hunting or sporting activities and who does not desire to sterilize the animal due to those activities.
- (C) Such breeder's permit shall:
- (1) Allow the non-sterilization of animals owned by the permittee for one 12-month period after the date of issuance and the birthing of a maximum of

- one litter in a 12-month period in his or any domestic household or establishment or any combination thereof;
 - (2) Not allow the owner to offer for sale, sell, trade, or receive other compensation or give away more than one litter of dogs or cats in such 12-month period;
 - (3) Require the holder of the permit to furnish the Town with information on the birth of each litter of dogs and cats as may be required by the division to register the litter and be assigned a letter number for each litter.
- (D) The holder of a breeder's permit shall:
- (1) Transmit to the new owner or buyer the litter number of the animal acquired and the breeder's permit number in order that the new owner has assurance and proof that the animal was legally bred;
 - (2) Immunize all dogs and cats offered for sale, trade, or other compensation or for free give away against the most common contagious diseases; for dogs against canine distemper, hepatitis, Para influenza, and parvo virus and for cats against feline rhinotracheitis, calicivirus, and panleucopenia;
 - (3) Not offer a puppy or kitten under the age of eight weeks for sale, trade or other compensation or for free giveaway;
 - (4) Furnish a warrant of health for a period of not less than one week with the recommendation to have the animal examined by a licensed veterinarian for each animal sold, traded, or given away.
- (E) Each breeder's permit shall be obtained from the Pendleton Police Department by submitting the form provided by the department.
- (F) Each holder of a valid breeder's permit shall register additional litters with the Pendleton Police Department. Each additional litter registration shall comply with the same requirements as the original breeder's permit.

SECTION 2. A copy of the breeder's permit application required by § 91.22 is attached as Exhibit A.

SECTION 3. Chapter 140.02 of Title XIV – Penalty Schedules of the Code shall be amended with respect to the fines for violations of Title IX, Chapter 91, “Animals,” as follows:

§ 140.02 Schedule of Offenses and Penalties.

The following may be subject to admission before the Ordinance Violations Bureau as administered by the Town Court:

ANIMALS		
§ 91.02	Duty and responsibility of animal owners	\$100

§ 91.04	Vaccinations and microchip requirements	\$50
§ 91.05	Cruelty, abuse, neglect, and abandonment of animals	\$250
§ 91.07	Commercial animal establishments	\$150
§ 91.08(D)	Feral cats	\$100
§ 91.09	Vicious animals	\$250
§ 91.11	Restraint of animals	\$50
§ 91.12	Public nuisance animals	\$85
§ 91.13	Report of vehicular collision with animal	\$200
§ 91.14	Interfering with animal control efforts	\$100
§ 91.15	Confinement of female dogs and cats in heat	\$50
§ 91.16	Injured animal; action required – failure to notify authorities	\$200
§ 91.17	Animal waste	\$50
§ 91.20	Animals in vehicles	\$200
§ 91.21	Animal sacrifice	\$200
§ 91.22	Sterilization of dogs and cats required; breeder's permit	\$100

SECTION 4. Any Section or Subsection of the Code that is not specifically amended or restated herein remains in full force and effect.

SECTION 5. If any provision in this Ordinance is declared invalid, the remaining provisions of the Ordinance shall remain in full force and effect.

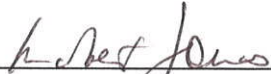
SECTION 6. Any ordinances or provisions thereof that are inconsistent with this Ordinance are hereby superseded.

SECTION 7. This ordinance shall be in full force and effect after adoption and publication in accordance with Indiana law.

[Signature Page Follows]

Passed and adopted by the Town Council of the Town of Pendleton, Indiana, this 9th
day of April, 2015.

THE TOWN COUNCIL OF THE
TOWN OF PENDLETON, INDIANA



Robert C. Jones, President




J. Chad Wolfe, Vice President



Jeanette Isbell, Member



Chet Babb, Member



Jessica Smith, Member

ATTEST:



Paul Wilson, Clerk-Treasurer

Exhibit A

APPLICATION FOR BREEDER'S PERMIT

The below information is required for each animal a breeder's permit is requested for under the provisions of the § 91.22 of the Town's Animal Control Ordinance. Permit is valid for one year from the date of issuance.

Owner Information

E-Mail Address:

Name of Owner:

Date of Birth:

(Last Name, First Name, MI)

Address:

City:

State :

Zip:

Home Phone:

Work Phone: Same

Name of Animal:

Type of animal: Dog / Cat Breed of Animal:

M F

Animal's Veterinarian or Clinic:

The following information must be reported to the Pendleton Police Department Office within five days of delivery of a litter registered under this permit. (See contact information below)

Breeder Permit Number

Delivery Date

Number of pups or kittens

For Official Use Only

Date Issued:

Permit Number:

(Permit valid one year from date of issue)

Contact Information:

Pendleton Police Department

120 E. State Street

Pendleton, IN 46064

Phone: (765) 778-3933