

Print

Fishers Code of Ordinances

CHAPTER 91: ANIMALS

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§ 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. 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.** Any dog or cat that is three months of age or older for the purposes of rabies vaccinations/tags.

ANIMAL. Every living dumb creature, both domestic and wild.

ANIMAL CONTROL OFFICER. Any person who is authorized to implement and enforce the city's animal care and control ordinances and as defined in state statutes.

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

AUTHORIZED VETERINARIAN CLINIC. Any person licensed or permitted to practice veterinary medicine under the laws of the State of Indiana, and such person shall have no previous incidents where money collected from the sale of rabies or license tags has been used or handled inappropriately or illegally.

CITY. The incorporated and unincorporated areas of the City of Fishers.

COLONY. A group of one or more feral cats, whether managed or unmanaged.

COLONY CARETAKER. An authorized person who provides food, water and shelter for feral cats in a registered colony.

COMMERCIAL ANIMAL ESTABLISHMENT. Any pet shop, auction, flea market, riding school or stable, pet grooming shop, zoological park, circus, kennel, or veterinary hospital.

DANGEROUS ANIMAL. An animal, that according to the records of the animal control or other appropriate authority, has inflicted severe injury or multiple minor injuries on a human without provocation, while on public or private property; has killed a domestic animal without provocation, while on public or private property; has been previously found to be potentially dangerous, and the owner has received notice of such potential, and the animal subsequently bites, attacks or endangers the safety of humans or domestic animals; 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 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.

DIRECT CONTROL. 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 time such as by means of a fence, leash, cord or chain of sufficient strength to restrain the animal.

DOG OR CAT RUNNING AT LARGE. Any dog or cat not under direct control, not on a leash, not in a vehicle driven or parked, or not confined within the property limits of its owner. Hunting dogs are under the control of the owner when hunting with the landowner's permission.

DOMESTIC ANIMAL. A dog, cat, or any other animal such as a rabbit, guinea pig, lizard, iguana, hamster, ferret, mouse, snake (non-venomous), spider, bird, or gerbil, which may normally be held, sold, or maintained as a pet. The City Council reserves the right to amend this definition by adding or deleting animals as from time to time determine to be an animal which has been "domesticated".

EXOTIC ANIMAL. A wild animal that is non-native to the State of Indiana.

FERAL CAT. Any cat that has no apparent owner or identification and is wild, untamed, unsocialized, unmanageable and unable to be approached or handled.

GROOMING ESTABLISHMENT. 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.

GUIDE DOG. 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.

HARBORER and CAREGIVER. 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. 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. 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. 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. Any place of business at which dogs or cats are kept for sale, breeding, boarding or training.

LEASH. A chain, rope, or strap attached to the collar or harness of an animal, especially a dog, and used to lead it or hold it in check, with a maximum of 16 feet.

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. A colony of feral cats that are registered with the Humane Society, or designee and is maintained by a colony caretaker using trap, neuter, return methodology.

OWNER. 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 or her care or who permits an animal to remain on or about his or her 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. A commercial animal establishment engaging in the retail sale of animals.

POLICE OFFICER. Any law enforcement officer empowered to make arrests or cause to be issued summonses in the incorporated areas of the city.

POTENTIALLY DANGEROUS ANIMAL. An animal with a known propensity, tendency or disposition to, when unprovoked:

- (1) chase or approach a person upon the streets, sidewalks, or any other public grounds in a menacing fashion or apparent attitude of attack;
- (2) causes injury to or otherwise threaten the safety of a human or domestic animal;
- (3) inflict a bite upon a human or domestic animal either on public or private property; or
- (4) otherwise threaten the safety of humans or domestic animals.

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.

PROPER ENCLOSURE. Securely confined indoors or in a securely enclosed and locked pen, fence or structure suitable to prevent the entry of young children and designed to prevent the animal from escaping. Such pen, fence or structure shall be constructed to prevent the dog from going over, under or through. A **PROPER ENCLOSURE** does not include a porch, patio, or any part of a house, garage, or other structure that would allow the dog to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only obstacles that prevent the dog from exiting.

RIDING SCHOOL OR STABLE. A commercial pet establishment that has available for hire, boarding and/or riding instruction any horse, burro, donkey, pony or mule.

SERVICE ANIMAL. Any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability or as otherwise defined by the Americans with Disabilities Act.

VETERINARY HOSPITAL. A commercial animal establishment maintained and operated by a licensed veterinarian for surgery, disease diagnosis, treatment of disease and injuries of animals.

WILD ANIMAL. One that lives in the wild or is not domesticated. This chapter is not intended to regulate wild and or exotic animal. Regulation of wild and or exotic animals is governed through the State of Indiana, 312 IAC, Article 9, Fish and Wildlife.

ZOOLOGICAL PARK. A commercial animal establishment displaying or exhibiting, without the primary purpose of selling, one or more species of non-domesticated animals operated by a person or governmental agency.

(Ord. 121806, passed 1-2-07; Am. Ord. 091514A, passed 11-17-14; Am. Ord. 082117, passed 8-21-17)

Statutory reference:

Definitions generally, IC 1-1-4-5

Animal health, IC 15-2.1

Local ordinances on rabies control, IC 15-2.1-613

§ 91.02 RESTRAINT OF ANIMALS.

(A) It shall be unlawful for any owner 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 within the city. Any and all such dogs found running at large, whether wearing a collar and tag or not, may be immediately impounded by officers of the animal control unit or any police officer. The officers may pursue the animal onto private property to effect capture of such animal.

(B) It shall be the duty of every owner 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 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.

(C) It shall be the duty of every owner 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 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. Activated radio, electronic or invisible fencing are suitable restraints.

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

(3) If outside a proper enclosure, on a leash not exceeding 16 feet in length, and under the control of a competent person.

(D) Exceptions to this section include:

(1) Animal is involved in a scheduled dog show or obedience demonstration or trial, or is legally involved in hunting or retrieving game animals; or

(2) Animal is a certified service animal providing assistance to its handler; or

(3) Animal is a public safety K9 unit working in an official capacity.

(E) The following additional precautions shall be taken by the owners of potentially dangerous or dangerous animals, as defined in § 91.04:

(1) *Restraint of potentially dangerous animals.* The owner of a potentially dangerous animal shall restrain his/her animal, as required herein, immediately upon being notified that said animal has been declared potentially dangerous by an Animal Control Officer, regardless of the owner's intent to request a hearing or file any appeal. An animal declared potentially dangerous shall be restrained as follows:

(a) While on the owner's property, a potentially dangerous animal shall be restrained by a fence, kennel or sufficiently strong chain, leash or other confinement suitable to prevent said animal from leaving the owner's property (radio, electronic, or invisible fencing are not considered suitable restraint).

(b) The animal must be restrained in such a manner as to keep it clear of any area of implied or expressed consent.

(c) While off the owner's property, a potentially dangerous animal shall be on a leash under direct control of the owner or other responsible person.

(d) While restrained on the owner's property, a potentially dangerous animal shall be provided with the same care as provided by in § 91.08.

(2) *Restraint and enclosure of dangerous animals.* The owner of a dangerous animal shall restrain his/her animal, as required herein, immediately upon being notified that said animal has been declared dangerous by an Animal Control Officer, regardless of the owner's intent to request a hearing or file any appeal. An animal declared to be a dangerous animal shall be restrained as follows:

(a) While on the owner's property, a dangerous animal shall be securely confined indoors or outside in a proper enclosure, as defined in § 91.01. with all points of ingress and egress securely locked at all times.

(b) When the dangerous animal is outside of its proper enclosure 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 dangerous animal must be kept at least 15 feet within the perimeter boundaries of the property unless the perimeter boundary is securely fenced. A dangerous animal shall be muzzled while outside of its enclosure. Upon impounding a

dangerous animal for any reason, the animal control officer may, for reasons of public safety, retain the animal at the impoundment facility until disposition by the appropriate court.

(c) No dangerous animal shall be chained, tethered, or otherwise tied to any inanimate object such as a tree, post or building, outside of its own proper enclosure as provided for in this chapter.

(d) The owner shall post the premises with a clearly visible warning sign that displays a brightly-colored and clearly visible warning symbol that informs children of the presence of a dangerous dog.

(e) While restrained on the owner's property, a dangerous animal shall be provided with the same care as provided by in § 91.08.

(F) The chaining of dogs is discouraged, but if it is done, the following is required for dogs that are not potentially dangerous or dangerous animals:

(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.

(Ord. 121806, passed 1-2-07; Am. Ord. 091514A, passed 11-17-14; Am. Ord. 082117, passed 8-21-17) Penalty, see § 91.99

§ 91.03 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 declared a Potentially Dangerous or Dangerous Animal;

(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; or

(7) Is not being kept in conformity with city zoning ordinances.

(B) Any such public nuisance animal may be impounded and/or the owner charged for a violation of this chapter. The city's zoning requirements are found in Title XV of the city's Code of Ordinances.

(Ord. 121806, passed 1-2-07; Am. Ord. 091514A, passed 11-17-14; Am. Ord. 082117, passed 8-21-17) Penalty, see § 91.99

§ 91.04 POTENTIALLY DANGEROUS AND DANGEROUS ANIMALS DECLARATION.

(A) It shall be unlawful for any person to cause, permit, accompany or be responsible for the presence of any potentially dangerous or dangerous animal on the streets or public places of the city or allow the animal to run on the premises of another at any time. Upon impounding a potentially dangerous or dangerous animal for any reason, the animal control officer may, for reasons of public safety, retain the animal at the Hamilton County Humane Society until disposition by the appropriate court.

(B) (1) An Animal Control Officer has authority and may declare as **POTENTIALLY DANGEROUS** any animal that:

(a) Inflicts a bite on a human;

(b) Inflicts a bite on a privately owned animal when the animal is off of its owner's property;

(c) Chases or threatens a person or another animal upon the streets, sidewalks, any public grounds or upon private property other than the animal owner's in a menacing fashion or apparent attitude of attack; or

(d) Has been declared potentially dangerous by any other governmental jurisdiction for violations of state statutes or local ordinances that meet the standards set forth in this section.

(2) Except that animals shall not be declared potentially dangerous if the 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 of the animal, or was tormenting, abusing, or assaulting the animal or has, in the past, been observed or reported to have tormented, abused, or assaulted the animal or was committing or attempting to commit a crime and the dog was on the property of its owner or was under the control of a responsible person.

(C) (1) An Animal Control Officer has authority and may declare as **DANGEROUS** any animal that:

(a) Has inflicted severe injury or multiple minor injuries on a human being;

(b) Has killed or inflicted severe injury to a privately owned animal while the animal is off of its owner's property;

(c) Has been previously found to be potentially dangerous, the owner having received notice of such and the animal again bites, attacks, or endangers the safety of humans or privately owned animals; or

(d) Has been declared dangerous by any other governmental jurisdiction for violations of State statutes or local ordinances that meet the standards set forth in this section.

(2) Except that animals shall not be declared dangerous if the threat, injury, or damage was sustained by someone committing a willful trespass or other tort upon the premises occupied by the owner of the animal; was or has been observed tormenting, abusing, or assaulting the animal; or was committing or attempting to commit a crime.

(D) Declaration of dangerous or potentially dangerous animal; notice, hearing and appeal.

(1) If an Animal Control Officer determines an animal should be declared dangerous or potentially dangerous, the Animal Control Officer shall prepare a notice, and serve it upon the owner of the animal by U.S. certified mail, personal service, or by posting notice at residence. The notice shall contain the following:

(a) The name and address of the owner of the animal being declared potentially dangerous or dangerous;

(b) The breed, color, sex, registration number and Microchip number (if known) of said animal;

(c) The facts upon which the determination of potentially dangerous and dangerous animal is based;

(d) That the animal shall immediately be restrained as required in § 91.02;

(e) That the animal shall be registered within ten days of receiving the notice unless a hearing is requested as provided for in division (D)(2) of this section;

(f) A statement explaining if additional violations occur, the potentially dangerous animal may be declared a dangerous animal pursuant to § 91.04(C), and required to be registered; and

(g) A statement that the notice constitutes a final determination that the animal is dangerous or potentially dangerous, unless the owner requests a hearing within ten days, as provided in § 91.04(D)(2).

(2) In the event an owner receiving a notice requests a hearing, the owner must submit the request in writing to the City Court within ten days after notice is given. The written request shall be sent to the City of Fishers, Attn: Fishers City Court, 1 Municipal Drive Fishers, Indiana 46038. The City Court shall hold a hearing within ten days of receiving the written request. The City Court shall notify the owner of the date, time and place of the hearing, as well as the right to present evidence as to why the dog should not be declared dangerous or potentially dangerous.

(3) The Fishers City Court Judge shall rule at the time of the hearing or notify, in writing, the owner of the dog animal of the Court's decision within ten days of the hearing.

(4) The Court's decision and or civil penalty may be appealed as provided under the laws of the State of Indiana.

(5) If the potentially dangerous or dangerous animal declaration is upheld, the owner has ten days from the notification date to comply with the registration requirements.

(6) A finding that an animal is not a potentially dangerous or dangerous animal shall not prevent the Animal Control Officer from seeking to have the animal declared dangerous or potentially dangerous as the result of any subsequent action by the animal.

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

(Ord. 121806, passed 1-2-07; Am. Ord. 091514A, passed 11-17-14; Am. Ord. 082117, passed 8-21-17) Penalty, see § 91.99

§ 91.05 ANIMAL BITES AND QUARANTINE.

(A) All animal bites shall be reported to the Police Department by the person bitten and by the owner of the animal which has bitten someone. The person owning any animal reported to have bitten any person shall keep such animal penned up not less than ten days. Any animal showing signs of illness must be taken to a veterinarian or Hamilton County Humane Society for safe-keeping.

(B) Upon receiving information that any person in the city has been bitten by an animal, the Police Department shall immediately make a report of the incident to the County Health Officer, and shall thereafter take such further action as the Health Officer may direct.

(C) It is the duty of the person bitten or the person's parent or guardian to make the report in conformance with Indiana law. Law enforcement K-9 dogs are exempted from this section.

(Ord. 121806, passed 1-2-07; Am. Ord. 091514A, passed 11-17-14; Am. Ord. 082117, passed 8-21-17) Penalty, see § 91.99

§ 91.06 ANIMAL CARE FACILITIES.

Standards for animal care facilities are as follows:

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

(B) 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.

(C) All animals must be kept caged, within a secure enclosure or under the control of the owner/operator at all times.

(D) The establishment must provide the level of care provided for in the city's animal care ordinances to all animals kept on the premises.

(E) The establishment will not sell animals which are unweaned or diseased.

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

(G) 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.

(H) An **ANIMAL CARE FACILITY** is defined by, but not limited to, the following:

- (1) Shelter, kennel or animal daycare;
- (2) Breeding or boarding facility;
- (3) Pet store;
- (4) Pet grooming shop;
- (5) Humane society;
- (6) Animal training facility;
- (7) Auction;
- (8) Flea market;
- (9) Circus;
- (10) Riding school or stable;
- (11) Veterinary clinic or hospital; and
- (12) Zoological park.

(I) All animal care facilities, other than a circus temporarily located within the city for less than ten days per year, shall be located at a permanent building or facility and shall be permitted at that location by the applicable zoning laws.

(Ord. 121806, passed 1-2-07; Am. Ord. 091514A, passed 11-17-14; Am. Ord. 082117, passed 8-21-17) Penalty, see § 91.99

§ 91.07 DISPOSITION OF DEAD ANIMALS.

A person finding a dead domestic animal or the surviving young within the city shall call the Animal Control Officer or Police Department. A person finding a dead undomesticated animal on public property within the city may call the City of Fishers or the Police Department.

(Ord. 121806, passed 1-2-07; Am. Ord. 091514A, passed 11-17-14; Am. Ord. 082117, passed 8-21-17)

§ 91.08 DUTY AND RESPONSIBILITY OF ANIMAL OWNERS.

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

(A) 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;

(B) 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;

(C) Shall not be tethered by use of a choke collar;

(D) Is protected against abuse, cruelty, neglect, torment, overload, overwork, or any other mistreatment;

(E) Shall provide reasonably necessary veterinary 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; and

(F) 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 city and in effect from time to time.

(Ord. 121806, passed 1-2-07; Am. Ord. 091514A, passed 11-17-14; Am. Ord. 082117, passed 8-21-17) Penalty, see § 91.99

§ 91.09 VACCINATION OF DOGS, CATS AND FERRETS.

(A) See Indiana Administrative Code Title 345: Indiana State Board of Animal Health.

(B) 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.

(Ord. 121806, passed 1-2-07) Penalty, see § 91.99

§ 91.10 REPORT OF VEHICULAR COLLISION WITH ANIMAL.

A person whose vehicle causes injury or death to a domestic or wild animal in the city shall immediately notify the animal's owner, if known, or 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. 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.

(Ord. 121806, passed 1-2-07; Am. Ord. 091514A, passed 11-17-14) Penalty, see § 91.99

§ 91.11 INTERFERING WITH ANIMAL CONTROL OFFICER.

It shall be unlawful to interfere with any Animal Control Officer or other officer empowered to act by law, to take or attempt to take any animal from the city official vehicle used to transport the animal, or to take or attempt to take any animal from the animal control shelter or impounding area.

(Ord. 121806, passed 1-2-07; Am. Ord. 091514A, passed 11-17-14) Penalty, see § 91.99

§ 91.12 INJURED ANIMALS; 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 Police Department.

(B) Notification shall include the location and description of the animal and the condition of the animal if known.

(Ord. 121806, passed 1-2-07) Penalty, see § 91.99

§ 91.13 ANIMAL WASTE.

The owner of every animal shall be responsible for the removal of any feces deposited by his or her 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.

(Ord. 121806, passed 1-2-07) Penalty, see § 91.99

Statutory reference:

Solid waste disposal, IC 36-9-30-34.

§ 91.14 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 city, 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.

(Ord. 121806, passed 1-2-07; Am. Ord. 091514A, passed 11-17-14)

§ 91.15 ANIMALS IN VEHICLES.

No animal shall be left unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal (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, any person, or property. No animal shall be transported in the trunk of any vehicle.

(Ord. 121806, passed 1-2-07) Penalty, see § 91.99

§ 91.16 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 or she knows or believes that person intends to use such animal for animal sacrifice. This section does not prohibit slaughter of animals for agriculture purposes.

(Ord. 121806, passed 1-2-07) Penalty, see § 91.99

§ 91.17 STERILIZATION OF DOGS AND CATS REQUIRED.

Each dog and cat over the age of six months which is kept in the city 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. A violation of this section shall be punished by a fine of not less than \$100.

(Ord. 121806, passed 1-2-07; Am. Ord. 091514A, passed 11-17-14) Penalty, see § 91.99

§ 91.18 GENERAL CITY ANIMAL REGULATIONS.

No person having ownership of an animal shall, within the incorporated limits of the city:

(A) Knowingly or negligently permit a domestic animal to destroy or deface shrubbery, lawns, flowers, gardens, or other property;

(B) Knowingly or negligently permit any animal to chase or harass vehicles or pedestrians on public streets and sidewalks, or obstruct the normal use of the streets and sidewalk.

(C) Keep any livestock on any property having a lot size less than one acre, provided, however, that the City Council may, at its discretion, grant a conditional variance from the provision if it finds that surrounding properties would not be adversely affected or that an unreasonable hardship would not result by virtue of disruption of an existing use of the property at the same time this provision first becomes applicable thereto.

(D) Keep any wild animal, other than such small species as may be lawfully obtained through regular retail pet stores, or animals kept by zoos, circuses, educational institutions, or scientific establishments which are authorized under the game and wildlife laws of the state or the United States to keep and harbor such animals in captivity.

(E) The owner of any female dog or cat in heat kept in the city 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.

(Ord. 121806, passed 1-2-07; Am. Ord. 091514A, passed 11-17-14) Penalty, see § 91.99

§ 91.19 JURISDICTION.

The City Council finds that the terms and conditions of this chapter are in the best interests of all citizens of the city.

(Ord. 121806, passed 1-2-07; Am. Ord. 091514A, passed 11-17-14)

§ 91.20 ENFORCEMENT PROCEDURES.

(A) Fishers Police Department and Fishers Animal Control Officers shall be charged with and have authority to enforce all provisions of this chapter.

(B) The city may pursue any or a combination of the following remedies as they deem most appropriate:

(1) Taking into custody and impounding any animal found to be kept in violation of this chapter;

(2) If the violation is only an ordinance violation under this chapter, and is not concurrently a state infraction, citing the owner of the animal for a city ordinance violation, subject to a fine as set forth in § 91.99;

(3) If the violation constitutes an infraction or crime under statute, citing or arresting the owner of the animal for such state offense, subject to penalties as provided by law; and/or

(4) Seeking an injunction in a court of competent jurisdiction to require the compliance of the owner of the animal under the provisions of IC 36-1-6-4 or any other law entitling public authorities to enjoin the violation of ordinances or statutes, and including an action to recover all cost to the city of bringing the action for injunction.

(Ord. 121806, passed 1-2-07; Am. Ord. 091514A, passed 11-17-14; Am. Ord. 082117, passed 8-21-17)

§ 91.21 IMPOUNDED ANIMALS.

(A) When an animal is impounded under § 91.20(A), the Police Department shall deliver custody of the animal to Hamilton County Humane Society. However, if the animal is a wild animal impounded for violation of § 91.18(D), is of a species indigenous to Central Indiana, is not dangerous to humans or livestock, and is sufficiently mature to care for itself in the wild, the Police Department may immediately release same in a suitable area within the incorporated or unincorporated areas of the city. If the owner of an impounded domestic animal is known, the Police Department shall notify him or her of the animal's impoundment. If the owner is not known, the Police Department may post a notice describing the animal, the time and place of its impoundment, and the reason therefore, at the City Hall, and if the animal is livestock which may have wandered from outside the city limits, a copy of the notice shall also be sent to the office of the County Sheriff.

(B) An impounded domestic animal shall be kept by the Hamilton County Humane Society.

(C) Unless a court, the County Health Officer, or the state veterinarian orders the continued detention of an animal, the owner of an impounded domestic animal, other than an animal impounded for violation of IC 35-46-3-7, may reclaim the animal at any time while the same is in the custody of the Police Department by paying any applicable fees to the Hamilton County Humane Society.

(Ord. 121806, passed 1-2-07; Am. Ord. 091514A, passed 11-17-14; Am. Ord. 082117, passed 8-21-17)

§ 91.22 AUTHORITY TO DESTROY DANGEROUS ANIMALS.

Notwithstanding any other provision of this act, Police Department personnel are authorized to immediately destroy any dangerous animal which cannot be safely captured or kept in custody by usual and available means, or which is observed to be attacking a person or livestock.

(Ord. 121806, passed 1-2-07; Am. Ord. 082117, passed 8-21-17)

§ 91.99 PENALTY.

(A) Citations for violation of this chapter may be issued by the Fishers Police Department. Each violator of the restrictions and provisions of this chapter shall pay a fine to the city's Ordinance Violations Bureau in the sum and amount set forth in § 36.08. If the violation is not paid, an enforcement action may be filed by the City Attorney's office in the Fishers City Court.

(B) Violations of any offense listed in this chapter, not covered under penalty as a city ordinance violation, are punishable under Indiana State Code, either as an infraction or misdemeanor.

(C) In the event that an animal is impounded by animal control pursuant to this chapter, and in addition to any other penalty set out in division (A) of this section or court costs, the owner may be responsible to reimburse the city for the cost associated with providing shelter for each impounded animal at an animal control facility or the Hamilton County Humane Society. The money shall be deposited in the General Fund of the city subject to appropriation by the Animal Control Fund.

(Ord. 121806, passed 1-2-07; Am. Ord. 091514A, passed 11-17-14; Am. Ord. 082117, passed 8-21-17; Am. Ord. 111918D, passed 11-19-18)