

ORDINANCE NO. 092120C
AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF FISHERS,
HAMILTON COUNTY, INDIANA AMENDING CHAPTER 91 OF THE CITY OF
FISHERS CODE OF ORDINANCES REGARDING ANIMALS

CHANGES FROM 1ST READING

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Preamble- 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 and are to be fully enforced where not inconsistent with those laws. Any violation of the state statute which, is an infraction by state law, under the state statute

§ 91.00 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:

- (A) **Abandoned**: to desert an animal or to leave the animal without making provision for adequate long-term care of the animal *or to leave in a place without the expressed permission of the property owner, custodian or tenant of the property*. The term does not include leaving an animal in a place that is temporarily vacated for the protection of human life during a disaster.
- (B) **Acclimated**: the point at which an animal has adapted to a new temperature, climate, or environment. Factors such as body size and shape, hair coat, body condition, and

the animal's overall health greatly influence the time required for an animal to acclimate to these high or low temperatures.

- (C) **Adult Dog/Cat:** any dog or cat that is three months of age or older for the purposes of rabies vaccinations/tags.
- (D) **Animal:** every living non-human vertebrate creature.
- (E) **Animal Control Officer:** any person who is authorized to implement and enforce city animal care and control ordinances as defined in state statutes.
- (F) **Animal Cruelty:** means an intentional or malicious act(s) whereby unnecessary or unjustifiable pain, suffering or death is caused.
- (G) **Animal Neglect:** has the same definition as found in Indiana Code 35-46-3-.5 (4)
- (H) **Auction:** a commercial animal establishment where animals are regularly bought, sold, traded, etc., through a bidding process; i.e., a flea market.
- (I) **Authorized Veterinarian:** any person licensed or permitted to practice veterinary medicine under the laws of the State, and having had no previous judgements related to their practice of veterinary medicine.
- (J) **Animal Hoarding:** (1) collecting animals and failing to provide them with adequate shelter and care, (2) collecting dead animals that are not properly disposed of, and/or (3) collecting, housing or harboring animals in filthy, insanitary conditions that constitute a health hazard to the animals being kept, to the individual(s) residing at the property, or to the animals or residents of an adjacent property.
- (K) **Approved Breeders:**
 - 1. **“hobby breeders:”** persons who focus their efforts on the health and betterment of the breed and operate with less than twenty (20) unaltered female dogs that are at least twelve (12) months of age. Approved Breeders shall follow the AKC's Guidelines for Responsible Breeding including but not limited to:
 - (A) Provide adequate care, shelter, space, and veterinary care to all breeding dogs and puppies as defined in this chapter;
 - (B) Screen buyers to ensure they can afford appropriate care and provide puppies a safe home;
 - (C) Require a purchase contract informing City of Fishers residents of the mandatory spay and neuter ordinance and free breeder's permit option;
 - (D) Require the return to breeder policy should the purchaser be unable to keep the puppy for any reason; and
 - (E) Obtain a Breeder's Permit from the Fishers Police Department Animal Control Officer.
- (L) **“Backyard Breeders:”**

- (A) Individuals who allow for the careless home breeding of more than one female dog at a time;
- (B) Individuals with less than twenty (20) unaltered female dogs that are at least twelve (12) months of age, that do not adhere to good breeding and sale practices or do not provide dogs and/or puppies adequate care as defined in this chapter;
- (C) Individuals who sell un-weaned (under 8 weeks old) and/or diseased puppies;
- (D) Individuals who breed more than one female dog, for commercial reasons, that have not obtained a Breeder's Permit from the Fishers Police Department Animal Control Officer.
- (E) This definition does not apply to humane societies, rescue groups, or foster homes.

(M) **Bait**: using an animal as a lure to provoke an attack upon that animal for the purpose of dog fighting or to cause the intentional harm or death of that animal.

(N) **Care (adequate and humane)**: providing an animal with the following:

- (A) adequate food and water;
- (B) adequate shelter;
- (C) adequate space; and
- (D) adequate veterinary care, as defined in this chapter, necessary to maintain the health of the animal with regard to its specific age, size, species and breed.

~~(O) **Choke collar**: a chain collar that tightens like a noose when the leash is pulled.~~

(P) **Circus**: a commercial animal establishment variety show featuring animals as public entertainment.

(Q) **City**: The incorporated and unincorporated areas of the City of Fishers.

(R) **Colony**: a group of one or more feral cats.

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

(T) **Commercial Animal Establishment**: any pet shop, auction, flea market, riding school or stable, pet grooming shop, zoological park, circus, kennel, veterinary hospital, or puppy mill as defined in this chapter.

(U) **Competent Person**: as referenced herein means a person possessing the ability and proficiency to identify when an animal is in danger and/or exhibiting signs of suffering or distress, as well as the ability to adequately intervene.

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

animals or livestock. No dog may be declared vicious 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.

~~(V) 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 animal 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 animal or was teasing, tormenting, abusing, or assaulting the animal or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal 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.~~

(W) **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.

(X) **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”.

(Y) **Exotic Animal**: a wild animal that is non-native to the State of Indiana.

(Z) **Feral Cat**: any cat that has no apparent owner or identification and is wild, untamed, unsocialized, unmanageable and unable to be approached or handled.

(AA) **Food (adequate)**: providing the appropriate quantity of non-contaminated and nutritionally adequate food, fed according to age, size, species and breed

requirements, which is sufficient to prevent starvation, malnutrition or risk to the animal's health. Garbage or spoiled /rancid food is not considered adequate food.

- (BB) **Garbage**: includes, but is not limited to, animal or vegetable refuse, by-product of a restaurant, kitchen or meat-/poultry-processing establishment, spoiled/rancid food and refuse accumulation of animal, fruit or vegetable matter, liquid or otherwise that is normally discarded.
- (CC) **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.
- (DD) **Guard Dog/Watch Dog**: any dog trained by a recognized training facility, as defined in this chapter, for the purpose of protecting individuals from assault and/or preventing property loss or damage.
- (EE) **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 being used by a person to assist in that physical impairment.
- (FF) **Harborer/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.
- (GG) ~~**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.~~
is 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.
- (HH) **Humane Trap**: any device used for capturing an animal without inflicting injury, pain or suffering and which provides adequate ventilation for the trapped animal.
- (II) **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.
- (JJ) **Imminent Danger**: an immediate threat of harm.
- (KK) **Inhumane Trap**: any device used for capturing an animal that may inflict injury or pain; including but not limited to snares, leg traps or similar devices.

~~(LL) **Kennel and Cattery:** any place of business at which dogs or cats are kept for sale, breeding, boarding or training.~~

~~(MM) **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.~~

(NN) **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.

(OO) **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.

(PP) **Monitored:** the animal is controlled by means of a leash or other device held by a competent person, or is sufficiently near the owner or handler as to be under his or her direct control as defined in the chapter, and is obedient to that person's command; is on or within a vehicle being driven or parked; or is confined to the owner or handler's property and within visual range of a competent person.

~~(QQ) **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.~~

~~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 for thirty (30) consecutive days or more; 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.~~

(RR) **Pet shop:** a commercial animal establishment engaging in the retail sale of animals.

(SS) **Police Officer:** any law enforcement officer empowered to make arrests or cause to be issued summonses in the incorporated areas of the City.

~~(TT) **Potentially Dangerous Animal:** an animal with a known propensity, tendency or disposition to, when unprovoked:~~

~~(A) chase or approach a person upon the streets, sidewalks, or any other public grounds in a menacing fashion or apparent attitude of attack;~~

~~(B) causes injury to or otherwise threaten the safety of a human or domestic animal;~~

~~(C) inflict a bite upon a human or domestic animal either on public or private property; or~~

~~(D) 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.~~

(UU) **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 ~~animal 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. **THIS DEFINITION IS ADDRESSED UNDER 91.03**

(VV) **Provoke**: to cause an occurrence or make something happen resulting in an animal becoming angry or violent.

(WW) **Puppy**: any dog that is under the age of three (3) months for the purposes of rabies vaccinations/tags.

(XX) **Puppy Mill**: any sized commercial animal establishment that breeds more than one female dog at a time and does not adhere to good breeding, care and sale practices. Different than a “back yard breeder,” puppy mills are commercial operations that:

(A) Sell puppies without screening of the purchaser;

(B) Sell un-weaned (under 8 weeks of age) or diseased puppies;

(C) Isolate breeding dogs from human interaction in unhealthy, often deplorable, conditions;

(D) House breeding dogs in crates, kennels, trailers, garages, barns, etc., without access to light or exercise

(E) Do not provide adequate shelter, food, water, space, or veterinary care as defined in this chapter

(YY) **Recognized Training Facility**: any person holding a state kennel license and a business license for either of the purposes described in this definition.

(ZZ) **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.

(AAA) **Running at Large**: any animal that leaves or strays from the land owned, rented or leased by the owner or possessor of the animal or that the animal is not under direct control as defined in this section

(BBB) **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. A “Comfort” dog is not protected under the ADA.

(CCC) **Shelter (adequate)**: providing protective cover for a domestic animal appropriate for its species and offering adequate space to ensure the animal’s safety and good health. Adequate shelter should:

- (A) be structurally sound, maintained in good repair, and constructed with material that protects the animal from injury;
- (B) allow the animal easy access in and out;
- (C) have a weather resistant top, bottom, and sides;
- (D) have an opening on no more than one side that allows the animal to remain dry and have a floor that is level, dry, and raised, if necessary, to prevent water/snow from entering the structure;
- (E) have a solid roof sloped away from the entrance, be free from cracks, depressions, and rough areas that might be conducive to insects, parasites, and other pests;
- (F) be of adequate size to allow the animal to stand erect with the animal’s head up, turn around easily, and to sit and lie down in a comfortable and normal position;
- (G) when the temperature is 80 degrees or higher, or whenever appropriate for a particular dog’s breed, age, body and health condition, offer adequate shade during daylight hours—provided by trees, a tarp or other means - that prevents overheating or discomfort to the animal; and
- (H) when the temperature is 40 degrees or lower, or whenever appropriate for a particular dog’s breed, age, body and health condition, include sufficient, dry bedding material or other means of protection from the weather that will allow the animal to retain body heat when the weather is colder than what an animal of that breed and condition can comfortably tolerate.

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

(EEE) **Tufts Animal Care and Condition Scales (TACC)**: Tufts Animal Care and Condition scales developed for use by veterinarians, animal control officers, police, and cruelty investigators by Tufts Center for Animals and Public Policy for the purpose of assessing body condition, weather and environmental safety, and physical care in dogs.

(FFF) **Unsanitary Conditions**: animal housing or quarters, including exercise areas, that are contaminated by health hazards, irritants, items or conditions that endanger or pose a risk to an animal’s health, including but not limited to:

- (A) excessive animal waste, garbage and trash
- (B) standing water or mud,
- (C) rancid/contaminated food or water,

- (D) fumes, foul or noxious odor, air, hazardous chemicals or poisons
- (E) decaying material,
- (F) uncontrolled parasite or rodent infestation, or
- (G) areas that contain nails, screws, broken glass, broken boards, pits, poisons, sharp implements or other items that could cause injury, illness or death to an animal.

(GGG) **Ventilation (adequate)**: fresh air sufficient to provide for the health of an animal.

(HHH) **Veterinary Care (adequate)**: care provided under the direction of a licensed veterinarian and includes medical care necessary to maintain an animal's health and prevent unnecessary suffering. Adequate care is based on age, species and breed, and the potential for a disease or condition to spread to other animals or humans, including but not limited to:

- (A) ongoing infections;
- (B) infestation of parasites;
- (C) any disease; or
- (D) any medical condition or injury where withholding or neglecting to provide such care would endanger the health or welfare of the animal.

(III) **Veterinary Hospital**: a commercial animal establishment maintained and operated by a licensed veterinarian for surgery, disease diagnosis, treatment of disease and injuries of animals.

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

(KKK) **Wild Animal**: animal that lives in the wild or is not domesticated (**excluding feral cats**). 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.

(LLL) **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.

§ 91.01. – DUTIES AND RESPONSIBILITIES ~~AND PERMANENT IDENTIFICATION.~~

(A) Any owner of an animal, including livestock, kept in the City shall see that such animal has access to adequate food, water, and space as defined in this chapter, and that the following conditions; if applicable; are met:

- (1) Animals are kept in a safe, clean, sanitary and healthy manner and are 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) Dog and cat owners must ensure their pets have access to adequate shelter as defined in this chapter.

(3) Dog and cat owners must ensure their pets are current on all required vaccinations including Rabies as well as distemper and parvovirus inoculations.

(4) Animals are protected against abuse, cruelty, neglect, or any other mistreatment.

(5) Animals receive adequate veterinary care as defined in this chapter, and 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

(6) Animals are 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.

(7) Every owner of every animal kept in the City shall see that such animal 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;

(8) Shall not be tethered by use of a choke collar.

(B) In addition to the general requirements of the Duties and Responsibilities of Animal Owners in this section, every owner or keeper of an animal kept in the city (excluding livestock) shall see that:

(1) Animals kept outdoors have access to adequate shelter, food, water, and space, as defined in this chapter, in all weather conditions.

(2) In accordance to the Tufts Animal Care and Condition Scales, when the temperature is:

~~(a) At or below 40°F, animals must have access to adequate shelter, food, water, and space, including adequate, dry bedding material or other means of protection from the weather that will allow the animal to retain body heat when the weather is colder than what an animal of that breed and condition can comfortably tolerate, or, they must have continued and uninterrupted access to a climate-controlled facility,~~

40 degrees or lower, or whenever appropriate for a particular dog's breed, age, body and health condition, include sufficient, dry bedding material or other means of protection from the weather that will allow the animal to retain body heat when the weather is colder than what an animal of that breed and condition can comfortably tolerate.

~~(b) At or above 80°F, animals must have access to adequate shelter, food, water, and space, including adequate shade during daylight hours—provided by trees, a tarp or other means—that prevents overheating or discomfort to the animal, or, they must have continued and uninterrupted access to a climate-controlled facility,~~

80 degrees or higher, or whenever appropriate for a particular dog's breed, age, body and health condition, offer adequate shade during daylight hours—provided by trees, a tarp or other means - that prevents overheating or discomfort to the animal; and

(3) In extreme weather conditions and temperatures-- including a heat advisory, wind chill warning, or tornado warning that has been issued by local, state, or national authority—animals must be monitored by a competent person and have access to adequate shelter, food, water, and space, including adequate bedding and/or shade as described in this section, or, continued and uninterrupted access to a climate-controlled facility.

(4) Cases will be investigated by law enforcement on an individual basis using the Tufts Animal Care and Condition Scales to determine the proper resources and care necessary to ensure each animal's safety and well-being based on its breed, age, body and health condition, and acclimation to the environment and weather conditions.

(C) Nothing in this section shall prohibit or restrict the use of livestock guard dogs, livestock working dogs, or dogs that are engaged in lawful hunting activities, if the dogs are accompanied and monitored by the owner or custodian of the dogs.

(D) Nothing in this section shall restrict an owner / keeper from allowing an animal to be outside for reasonable amounts of time during extreme temperatures to relieve itself and exercise if the animal is being monitored by a competent person.

§ 91.02 Permanent Identification of Dogs and Cats Required

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

(B) The means of identification required by this section shall be in addition to any tags required to be worn by ~~animals dogs or cats~~ by state law or other provision of this code, and shall be either by means of:

(1) A microchip implanted in the dog or cat or animal which bears a registered identification number, and which can be read by a standard microchip scanner; or

(2) A permanent tag attached to a durable collar worn at all times by the dog or cat and bearing the owner's current name and telephone number.

(3) Each veterinarian or other person in the county who implants microchips as contemplated in this section shall give to any requesting law enforcement officer or animal care and control division the names, addresses, and phone numbers of the owners of any animal, and the corresponding microchip identification numbers without court order.

(C) It shall be unlawful for a person to own a dog or cat three (3) months of age or older which is kept in the city, and which does not bear a permanent means of identification as provided in this section.

(D) Prior to the return to its owner of an impounded dog or cat which at the time of impoundment did not bear a permanent means of identification as required in this Code, the Humane Society shall cause a microchip with a registered identification number to be implanted in the animal with the cost to be paid by the animal owner.

(E) A person violating this section may be fined per §91.99.

§ 91.03 RESTRAINT OF ANIMALS and ANIMALS AT LARGE.

(A) It shall be unlawful for any owner or possessor of any animal to allow such animal to run at large, whether wearing a collar and tag or not, within the incorporated or unincorporated areas of the city. Any and all such animals found running at large, whether wearing a collar and tag or not, shall 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 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.

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

(1) Securely and humanely enclosed within a house, building, fence, pen or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own 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 direct control of a competent person while on public property or property open to the public; or off a leash and obedient to that person's command and that person is present with the animal any time it is not restrained as provided for in subsection (c)(1) or (c)(2) of this section while on the owner's property or areas designated as dog parks.

(D) The owners or keeper 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; or tether any un-sterilized dog for any period of time unless the dog is in visual range of a competent person who is outside with the dog and done so in accordance **91.03** Restraint of Animals.

(E) The chaining of dogs is discouraged, but if it is done, the following is required:

(1) The animal must have shelter from the weather, yet free from becoming entangled with the tether. The animal must have access to the shelter for the duration it is tethered. Adequate shelter must be kept and maintained in accordance with the definition provided in this chapter.

(2) The tether must be at least twelve (12) feet in length with operational swivels on both ends. If the dog is attached to a trolley system, the running line must be at least twelve (12) feet in length and the tether length must be greater than the height of the running line

(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. The tether must be not of a weight heavy enough to cause physical damage to the animal's neck or body.

(4) The tether 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) It shall be unlawful for any animal to be permanently tethered between the hours of 11:00 p.m. and 6:00 a.m.; or to tether or confine an animal at a vacant structure or premises for any purpose or time when it is not monitored by a competent person who is present at the property for the duration of such tethering or confinement.

(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) 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 K-9 unit working in an official capacity.

(H) The following additional precautions shall be taken by the owners of ~~potentially dangerous or~~ dangerous animals, as defined in § 91.00:

~~(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 § 91.05.~~

(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 § 91.05. 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 § 91.05.

§ 91.04 PUBLIC NUISANCE ANIMALS AND FERAL CATS.

(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.

Feral Cats

(A) The city 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 city or county 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) Each feral cat colony will be registered by the caregivers with Low Cost Spay Neuter Clinic, Inc. which will maintain current and historical information on 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 county will exist only with the approval of the home owner or neighborhood association, if applicable, 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 Low Cost Spay Neuter Clinic, Inc.;

(2) The food, water or shelter is provided in conjunction with the implementation of trap, neuter, and return methodology as set forth below; and

(3) The caregiver is using ear tipping on feral cats in order to be identified as a spayed or neutered and a vaccinated member of a managed colony.

(E) An approved feral cat colony caretaker, in order to obtain control of the feral cat population in the county shall:

1. Humanely trap and sterilize (spay/neuter) and left ear-tip all cats that can be captured by an authorized veterinarian.

2. Vaccinate, as required by law, all cats that can be captured:

a. Against rabies, preferably with a three-year vaccine; and

b. Any other infectious disease as mandated by law.

3. 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.
4. Release all non-feral cats to animal control or humane society for adoption or placement in accordance with the law.
5. Make every attempt to remove kittens from the colony by eight weeks of age for domestication, spay/neuter, and placement.
6. Make every attempt to remove sick or injured cats from the colony for immediate veterinary care or humane euthanasia.

(F) Colony caretakers shall:

1. Abide by the standard guidelines devised by this chapter, animal control or its designee, regarding the provisions of food, water, and shelter and veterinary care for the cats within the managed colony.
2. Ensure responsibility and arrangements for feeding the cat colony regularly throughout the year, including weekends, holidays and vacations of the feral cat caregiver.
3. 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, Low Cost Spay Neuter Clinic Inc., or law enforcement upon request.

(G) Any law enforcement authority may impound feral cats in violation of this section. 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.

(H) Any person or caregiver determined to be in violation of subsections (D), (E) or (F) 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.

~~(A) Feral cat colonies will be managed and coordinated according to State Law and Hamilton County Ordinance.~~

~~(1) A Feral Cat Colony Caretaker must be approved and registered with the Low Cost Spay Neuter Clinic Inc.~~

~~(2) The City of Fishers Humane Officer will maintain contact with the Low Cost Spay Neuter Clinic for information on the location of Feral Cat Colonies within the City of Fishers.~~

§ 91.05 ~~POTENTIALLY DANGEROUS AND DANGEROUS ANIMALS~~
DECLARATION.

(A) It shall be unlawful for any person to cause, permit, 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) The following additional precautions shall be taken by the owners, possessors, or custodians of animals deemed ~~potentially dangerous and/or~~ dangerous:

(1) In addition to the requirements in § 91.03 Restraint of Animals, the owner of a dog deemed dangerous who maintains said dog out-of-doors shall fence a portion of the property with a second perimeter or area fence. Within this perimeter or area fence, said 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.

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

- ~~(1) Inflicts a bite on a human;~~
- ~~(2) Inflicts a bite on a privately owned animal when the animal is off of its owner's property;~~
- ~~(3) 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~~
- ~~(4) 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.~~
- ~~(5) 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.~~

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

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

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

(3) 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

(4) 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.

(5) 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.

(E) 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 § 91.03;

(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 § 91.05(D), 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 (10) days, as provided in § 91.05(E)(1).

(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, 3 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 (10) days from the notification date to comply with the registration requirements.

(6) Any animal who has been the subject of a prior judgement in which a court made a finding that the animal was dangerous, violent, or vicious will be considered an animal deemed dangerous for purposes of this section.

(7) 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.

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

§ 91.06 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 ~~quarantined penned up~~ not less than ten days. Any animal showing signs of illness must be taken to a veterinarian or the ~~Humane Society of Hamilton County Humane Society~~ for ~~quarantine safe-keeping,~~ and notification to the City Health Officer must be made by the custodian of the signs of illness.

~~(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 City Health Officer, and shall thereafter take such further action as the Health Officer may direct.~~ (Covered above in A)

(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.

(D) An owner or keeper of an animal commits a violation of this chapter if that animal chases or approaches in an aggressive manner and/or attacks a person or another domestic animal resulting in injury who did not provoke the animal prior to the attack.

(1) It shall be a defense to prosecution under this section if:

(a) The violation of subsection (D) occurred in an enclosure in which the animal was confined without means of escape, there was posted at the main entrance of the enclosure a notice to beware of the animal, ~~and or~~ the person or animal attacked entered the enclosure without invitation; or

(b) The violation of subsection (D) occurred during the commission or attempted commission of, or escape from, a criminal act on the property of the owner or keeper of the animal.

(E) A person violating this section of Chapter 1 may be fined 91.99. If a judgement is

entered under this section the Court, in its discretion, may enter a finding that the animal is deemed a dangerous animal for purposes of 91.05. If the violation results in the animal causing serious injury or death to any person or animal, the Court upon request, may order the animal forfeited or destroyed.

(F) The liability imposed by this section shall not reduce, substitute for or in any manner be deemed to be in derogation of the rights accorded victims of dog bite injury or property damages as provided for at IC 15-20-1-3, et seq. or by common law.

§ 91.07 ANIMAL CARE FACILITIES AND COMMERCIAL ANIMAL ESTABLISHMENTS.

Standards for commercial establishments and 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 will not engage in any forms of cruelty, mistreatment or neglect.

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

(H) 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.

(I) An Animal Care facility &/or Commercial Animal establishments are 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.

(J) 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 **and breeder permit requirements/laws**.

(K) The City of Fishers adopts the Code of Federal Regulations, 9 CFR [3.1](#) through 3.19 as the standards for operation and inspection of kennels.

(L) Puppy Mills, as defined in this chapter, will not be permitted in City of Fishers. No person shall engage in, participate in, or assist with those activities defined as a Backyard Breeder or Puppy Mill in accordance with this chapter.

§ 91.08 DISPOSITION OF DEAD ANIMALS.

(A) 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.

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

(1) No person who operates a slaughterhouse, butcher shop or other place in the city shall permit any parts of dead animals that are not fit and intended for use as food to accumulate or be kept on such premises for over twenty-four (24) hours after being received, or after the death of such animal;

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

(3) No person shall possess, keep, use or dispose of anywhere in the city, a dead animal or parts thereof, or offal of a live animal in any manner that creates offensive odors or sights, or constitutes a public nuisance which affects health and comfort in any respect.

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

§ 91.09 DUTY AND RESPONSIBILITY OF ANIMAL OWNERS (CRUELTY, NEGLECT, ABANDONMENT).

- (A) Animal Cruelty, Neglect, and Abandonment. A person who:
- (1) Willfully or maliciously kills, abuses, maims, tortures, 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;
 - (2) Overloads, overworks, torments, or intentionally deprives an animal of its necessary food, water or shelter resulting in preventable suffering or death;
 - (3) Beats, mutilates, uses for the purposes of bait as defined in this chapter, or causes said actions to occur; or
 - (4) Engages in any of the following:
 - (a) Owns, possesses, keeps or trains any animal with the intent that such animal shall be engaged in an exhibition of fighting;
 - (b) Builds, makes, maintains, or keeps a pit on premises owned or occupied by the animal owner or allows a pit to be built, made, maintained or kept on said premises for the purposes of an exhibition of animal fighting;
 - (c) Encourages, instigates, promotes or assists in an exhibition of animal fighting or intentional combat; or
 - (d) Charges admission; is an assistant, umpire or participant; or is present as a spectator to any exhibition of animal fighting or combat; commits Animal Cruelty under this section.
- (B) A person who owns or confines any animal and fails to supply it with adequate shelter, food, water, space or veterinary care, as defined in this chapter, with such acts committed without malicious or punitive intent commits Animal Neglect under this section.
- (C) A person who abandons an animal in a residence or other owned property or ~~tethers-confines~~ an animal outside for the purposes of abandonment at a residence, place of business, or the Humane Society for Hamilton County commits Animal Abandonment under this section.
- (D) Any animal control officer or other officer empowered to act by law may impound any animal found to be the victim of animal cruelty, animal neglect or animal abandonment.
- (E) 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.
- (F) Nothing in this section shall prohibit hunting or fishing, as permitted by the law of the state and the rules and regulations of the state department of natural resources.

(G) 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.

(H) A person violating this section of may be fined per 91.99. If the Court finds that a person has violated this section the Court may, in its discretion, order other owned pets be seized by law enforcement with ownership relinquished to the Humane Society for Hamilton County, order the forfeiture of future pet ownership within City of Fishers, order counseling or order the animal owner to pay restitution.

§ 91.10 VACCINATION OF DOGS, CATS AND FERRETS.

(A) See IAC 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 twelve (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 twelve (12) months of the prior vaccination.

(3) Dog 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 thirty-six (36) months of each vaccination thereafter.

(C) The owner of the animal is responsible for procuring the vaccinations required by this section.

§ 91.11 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.

§ 91.12 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.

§ 91.13 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.

§ 91.14 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.

§ 91.15 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 (7) days before a disposition is made. The Humane Society is then required to hold the animal for a period of seven (7) days beginning the day the animal is brought to the facility. If after the seven (7) day period the animal remains unclaimed by its rightful owners, the animal becomes the property of the Humane Society. 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.

§ 91.16 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~~ non passenger compartment of any vehicle on public property 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.

§ 91.17 ANIMAL SACRIFICE.

(A) 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.

(B) Nothing in this section shall be construed to prohibit, abridge, or in any way hinder the religious freedom of any person or group. Notwithstanding any other provision of this act, in order to protect freedom of religion, ritual slaughter and the handling or other preparation of livestock for ritual slaughter are exempted from the terms of this section.

§ 91.18 STERILIZATION OF DOGS AND CATS REQUIRED.

(A) Each dog and cat over the age of six (6) months which is kept in the city shall be sterilized and rendered incapable of reproducing by a licensed veterinarian, with the following exceptions as long as the requirements noted herein are met:

(1) A free breeder's permit has been secured according to the process noted in this section;

(2) Current pets are receiving adequate care, shelter, and veterinary care as defined in this chapter;

(3) The animal's health or a special medical condition puts them at risk for complications due to surgery according to an authorized veterinarian;

(4) Owner is considered an Approved Breeder as defined in this chapter or has obtained the appropriate Special Use Permit from the City of Fishers Zoning Board; or

(5) Owner has not surrendered an animal(s) to the Humane Society for Hamilton County or allowed an animal to run at large.

(B) A free breeder's permit shall be obtained by the following individuals:

(1) Any person who intentionally causes or accidentally allows the breeding of a dog or cat they own.

(2) An Approved Breeder Commercial Animal Establishment as defined in this chapter;

(3) Any person owning or having custody of a dog or cat which is older than six (6) months of age, which has not been sterilized for any reason other than the exceptions noted herein.

(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;

(2) Allow the non-sterilization of animals owned by the permittee for the life of the pet with the issuance of a letter from an authorized veterinarian stating the animal's health or a special medical condition puts them at risk for complications due to surgery;

(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, and parvovirus and for cats against feline rhinotracheitis, calicivirus, and panleukopenia;

(3) Not offer a puppy or kitten under the age of eight (8) 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 (1) week with the recommendation to have the animal examined by a licensed veterinarian for each animal sold, traded, or given away.

(E) Each holder of a valid breeder's permit shall register additional litters with the humane officer. Each additional litter registration shall comply with the same requirements as the original breeder's permit. Failure to register each litter shall be considered a violation of this section. and

(F) Each breeder's permit shall be obtained from ~~the division of animal control or the~~ City of Fishers Animal Control Officer at no cost to the pet owner or approved breeder on an annual basis.

§ 91.19 GENERAL CITY ANIMAL REGULATION and SERVICE ANIMALS IN PUBLIC BUILDINGS. THIS ENTIRE SECTION IS COVERED IN OTHER SECTIONS

~~(A) — No person having ownership of an animal shall, within the incorporated limits of the city:~~

—

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

—

~~(C) — 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.~~

—

~~(D) — 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.~~

—

~~(E) — 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.~~

~~—~~

~~(F) 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.~~

§ 91.19 ADDITIONAL RESTRICTIONS ON OWNERS OF DANGEROUS OR NUISANCE ANIMALS

(A) It shall be unlawful for any person who has been found in violation of sections 91.01, 91.03, 91.04, 91.05, 91.06, or 91.09 to own or keep more than two (2) animals in the city or to own or keep any animal:

(1) That has not been spayed or neutered by a veterinarian; or

(2) That has not been implanted with a microchip with a registered identification number.

(B) A person who violates sections 91.01, 91.03, 91.04, 91.05, 91.06, or 91.09 of this chapter shall keep any animal owned or kept by that person outside in a structural enclosure sufficient to confine the animal without means of escape, unless the animal is on a leash and under the control of a competent person.

(C) A person who is under additional restrictions that commits subsequent violations of sections 91.01, 91.03, 91.04, 91.05, 91.06, or 91.09 shall be subject to forfeiture of their animal to the enforcement authority and may be prohibited by a Court from owning.

§ 91.20 Service Animals in Public Buildings

(A) No person may enter a city building when accompanied by an animal unless authorized by this section.

(B) Before a person accompanied by an animal is permitted into the city buildings, any authorized security person or other Fishers Department Head or his/her designee, shall make inquiry as to:

(1) Whether the animal is required because of a disability; and,

(2) Whether the animal has been trained to perform specific work or tasks to assist the person with his/her disability.

(C) Upon receiving a satisfactory affirmative answer to the above questions, the animal may accompany its handler into the part of the city building available to the general public.

(D) The animal must be under the handler's control by a harness, leash, or other tether.

(E) If the individual is unable to use a harness, leash, or tether because use would interfere with the safe and effective performance or task by the handler, the animal must otherwise be under the control by voice control signals or other effective means of the disabled individual, as approved by the City of Fishers Department Head or his/her designee.

(F) An animal which an individual uses solely for emotional support, therapy, comfort, or companionship shall not [be] permitted to enter city buildings, unless expressly authorized by court order issued by a Fishers City or Hamilton County court or building security.

(G) Under no circumstance shall this section permit any incarcerated person to possess an animal in any city building.

(H) Any person who is refused admission into a city building with an animal pursuant to this section and continues to enter the public building with the animal, may be fined.

§ 91.21 JURISDICTION.

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

§ 91.22 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; any animal that constitutes a safety or health hazard; any animal left without care as a result of death, injury, arrest, detention, or other incapacitation of the owner or keeper.

(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.

§ 91.23 IMPOUNDED ANIMALS. COVERED UNDER 91.15 and State Statute 35-46-3-6

~~(A) — When an animal is impounded under § 91.21(A), the Police Department shall deliver custody of the animal to Humane Society for Hamilton County. 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 Humane Society for Hamilton County. Any impounded animal not redeemed by its owner within 7 calendar days shall forfeit all rights to the animal and it shall become the property of the Humane Society of Hamilton County City of Fishers or its designee and may be placed for adoption or humanely euthanized. The refusal or failure of the owner of any impounded animal to redeem such animal in the time outlined or pay the fees and charges, after due notification, shall constitute an abandonment of the animal. Abandonment does not relieve the owner's obligation to pay all fees related to the impounding and keeping of the animal.~~

~~(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.~~

§ 91.24 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.

§ 91.99 PENALTY. NEW FINES MATCH COUNTY ORDINANCE

(A) Any person violating referenced sections of this ordinance shall be considered to committing a city ordinance violation and may be fined as follows:

Chapter Section	Violation Description	Civil Penalty
91.01	Duties and Responsibilities	Up to \$500 per occurrence
91.03	Restraint of Animals	Up to \$500 per occurrence
91.02	Permanent Identification	Up to \$500 per occurrence
91.04	Public Nuisance Animal	Up to \$1500 per occurrence and the animal may be impounded
91.04	Feral Cats	Up to \$500 per occurrence
91.05	Potentially Dangerous or Dangerous Animals Failure to Restrain	Up to \$500 per occurrence
91.07	Commercial Animal Establishments	Up to \$500 per occurrence
91.08	Disposition of Dead Animals	Up to \$500 per occurrence
91.09	Cruelty, Neglect, Abandonment	Up to \$2500 per occurrence and the animal may be impounded
91.10	Vaccinations	Up to \$500 per occurrence
91.11	Vehicular Collision	Up to \$500 per occurrence
91.12	Interfering with Animal Control/Humane Officer	Up to \$2500 per occurrence
91.14	Animal Waste	Up to \$500 per occurrence
91.16	Animals in Vehicles	Up to \$500 per occurrence
91.17	Animal Sacrifice	Up to \$2500 per occurrence
91.18	Sterilization of Dogs and Cats	Up to \$2500 per occurrence
91.20	Service Animals in Public Buildings	Up to \$500 per occurrence

(B) Any other violation that falls within this chapter is punishable by a minimum fine of up to \$500.

(C) Any violation of this chapter is subject to the Ordinance Violations Bureau. A person in violation may admit their violation and pay their civil penalty to the city's Ordinance Violations Bureau or may appear and deny their violation and request a trial. If the person in violation denies the violation, fails to satisfy the penalty assessed after having entered an admission of violation or fails to deny or admit the violation, the case will be filed in the Fishers City Court.

(D) 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.

(E) 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 animal control fund.

(F) The sections of this chapter are intended to encourage the humane treatment of animals. Therefore, any court having jurisdiction of violations of this chapter is encouraged to use the court's deferral procedures to assist the public to conform the treatment of animals within the city to the terms of this chapter.

(G) A violation of a section of this chapter shall be cited by adding the appropriate section or subsection to the citation.