

CHAPTER 71 - ANIMALS:

Section 71.01. Definitions:

The following terms and phrases shall have the meanings set forth in this Chapter:

- (a) ABANDON means to deposit, leave, drop off or otherwise dispose of any live domestic animal without providing immediate humane care on any public or private property.
- (b) AGENT means person(s) eighteen (18) years or older authorized by an owner to act in the owner's behalf.
- (c) ALTERED ANIMAL means any animal that has been operated on to prevent it from procreating.
- (d) ANIMAL means any live non-human vertebrate creature, domestic, wild or exotic.
- (e) ANIMAL CONTROL AGENCY means any governmental or private entity charged with or contracted with and given authority for the enforcement of the provisions of this Ordinance for and on behalf of the Town of Walkerton (hereinafter "Town").
- (f) ANIMAL SHELTER means a facility or vehicle operated by a governmental or private entity for the purpose of providing or promoting animal welfare and humane treatment of animals.
- (g) AT LARGE means any animal that is not under restraint.
- (h) ATTACK DOG means any dog trained to attack upon command or those which do attack or have attacked another animal or human being upon command. This definition is intended to cover dogs bred for fighting, and shall include but not be limited to the breed of dog commonly referred to as the American Pit Bull, or American Pit Bull Terrier, or Pit Bull Terrier, or cross-breeds therewith, which breed is hereby found and considered to be unsafe and potentially hazardous to the citizens of the Town of Walkerton. This definition excludes K-9 Corps dogs in use by the law enforcement agencies.
- (i) AUCTION means any place or facility where animals are regularly bought, sold or traded by means of auction sale, except for those facilities otherwise defined in this Chapter or State Law.
- (j) BREEDER means any person, for-profit business or

corporation which harbors or keeps dogs and/or cats, land allows or causes those animals to procreate for the purpose of selling said animals for profit.

(k) CONTROLLED ANIMAL means any animal not defined as a domestic animal in this Chapter, with the exception of small, non-poisonous aquatic or non-poisonous amphibious animals, non-poisonous reptilian, and small cage birds, and psittacine, and possession of which requires a valid Town CONTROLLED ANIMAL PERMIT. Such Controlled Animals shall include, but not be limited to the following:

- (1) All poisonous animals, including rear-fang snakes
- (2) Apes: chimpanzees (Pan), gibbons (Hylobates), gorillas (Gorilla), orangutans (Pongo) and siamangs (Symphalangus).
- (3) Baboons (Papoe, Mandrilluis)
- (4) Bears (Ursidae)
- (5) Bison (Bison)
- (6) Cheetahs (Acinonyx jubatus)
- (7) Crocodilians (Crocodilia)
- (8) Constrictor snakes, including but not limited to boa, python, and anaconda
- (9) Coyotes (Canis latrans)
- (10) Deer (Cervidae), includes all member of the deer family, for example, white-tailed deer, elk, antelope and moose
- (11) Elephants (Elephas and Loxodonta)
- (12) Game cocks and other fighting birds
- (13) Hippopotami (Hippopotamidae)
- (14) Hyenas (Hyaenidae)
- (15) Jaguars (Panthera onca)
- (16) Leopards (Panthera pardus)
- (17) Lions (Panthera leo)
- (18) Lynxes (Lynx)
- (19) Monkeys
- (20) Ostriches (Struthio)
- (21) Piranha fish (Characidae)
- (22) Pumas (Felis concolor); also known as cougars, mountain lions and panthers
- (23) Rhinoceroses (Rhinocero tidae)
- (24) Sharks (class Chondrichthyes)
- (25) Snow Leopards (Panthera uncia)
- (26) Spiders and insects which are poisonous
- (27) Tigers (Panthera tigris)
- (28) Wolves (Canis lupus).

(1) DANGEROUS ANIMAL means any animal -

(1) that has, off its owner's property attacked another animal or livestock; or

(2) which has attacked or which has attempted to attack, unprovoked, any human being, whether on or off the owner's property; or

(3) which has bitten or attacked a person, causing wounds or injuries creating a potential danger to the health and life of the victim; or

(4) which is found to be at large three (3) times or more.

However, no animal shall be a Dangerous Animal if injury or damage is inflicted by that animal upon a person or another animal if such person or other animal, at the time such injury or damage was sustained, was committing a wilful trespass upon premises occupied by the owner or keeper of the animal, or was teasing, tormenting, abusing or assaulting the animal or was committing or attempting to commit a crime. This definition excludes K-9 Corps dogs in use by law enforcement agencies.

(m) DOMESTIC ANIMAL means any animal that is a member of one of the following species:

- Dog (Canis Familiaris)
- Cat (Felis Cattus or Felis Domesticus)
- Cattle (Bos Domesticus or Bos Taurus or Bos Indicus)
- Horse (Equus Caballus)
- Donkey (Equus Asinus)
- Sheep (Ovis Aries)
- Goat (Capra Hilrcus)
- Rabbit (Oryctolagus Cuniculus)
- Mouse (Mus Musculus)
- Rat (Rattus Rattus)
- Guinea Pig (Cavis Procellus)
- Hamster (Mesocricetus Auratus)
- Gerbil (Gerbillus Gerbillus)
- Cow or Ox (Bovine)
- Pigeon, Homing or Racing
- Chicken, Turkey, Goose, Duck.

(n) ESCAPE-PROOF ENCLOSURE means the owner's home or an enclosure at least 6' x 12' constructed of 10-gauge commercial chain link steel wire at least 7' high above grade unless covered with a roof of similar wire, and two feet of similar wire buried below grade unless there is a cement floor. (If the dog escapes the enclosure, a five-sided enclosure on concrete will be required).

(o) EXOTIC ANIMAL means any animal whose normal native habitat is not indigenous to the continental United States, excluding Alaska and Hawaii, except fish, and fur-bearing animals commercially bred for the furrier trade and birds protected under

federal laws and regulations.

(p) EXPOSED TO RABIES means any human or non-human warm blooded mammal that has been bitten or in contact with any other animal known or reasonably suspected to have been infected with rabies.

(q) FOWL means any kind of wild or domestic bird, excluding homing or racing pigeons, canaries, parrots, or similar typed of birds normally kept in cages.

(r) GUIDE DOGS means dogs formally trained to assist handicapped persons.

(s) HARBORING means the actions of any person that permit any animal habitually to remain or lodge or to be fed within his home, store, enclosure, yard, or place of business or any premises on which such person resides or controls. An animal shall be presumed harbored if it is fed or sheltered for three (3) consecutive days or more.

(t) HUMANE OFFICER(S) means any person(s) and/or agency designated by the State of Indiana, or the Town, as a person(s) who is qualified to perform the duties required by the law of this Town and State regarding animals.

(u) "NOT-FOR-PROFIT" means a business, association, or entity established or organized as a "not-for-profit" corporation under State law or recognized as "not-for-profit" by the Internal Revenue Service or the Indiana Department of Revenue. "FOR-PROFIT" means all other types of businesses, associations or entities.

(v) OWNER means any person age eighteen (18) years or older, partnership or corporation owning, keeping or harboring one or more animals.

(w) ANIMAL PERFORMANCES OR EXHIBITIONS means any spectacle, performance, display, act, exhibition or event in which an animal or animals are used.

(x) PET means any animal kept for pleasure rather than utility.

(y) PET SHOP means any person, group of person, partnership or corporation, whether operated separately or in connection with another business enterprise, engaged in the humane care and possession for sale, display and sale of pets.

(z) PUBLIC NUISANCE means any animal or animals which:

(1) Interferes with passersby or passing vehicles;

- (2) Attacks other animals or persons;
- (3) Is at large;
- (4) Damages private or public property;
- (5) Causes frequent or long continued loud noises or other sounds common to its species which disturbs the comfort or repose of any person in the immediate neighborhood;
- (6) Causes foul or noxious odors which offend residents in the neighborhood;
- (7) Is at large or on a public playground, swimming pool or school yard unless the animal is authorized by school officials.

(aa) RABIES VACCINATION means the injection by a licensed veterinarian of a dog or cat or other animal with a rabies vaccine licensed by the U.S.D.A. and approved by the Indiana State Board of Health

(bb) RESTRAINT means the securing of an animal by leash or lead or confining it within the real property limits of its owner or agent.

(cc) STRAY means any animal that is not within the real property limits of its owner and is not under restraint or is unattended.

(dd) VETERINARIAN means any person licensed and accredited to practice veterinary medicine in the State of Indiana.

(ee) WILD ANIMAL means any animal not a domestic or exotic animal, with the exception of small, nonpoisonous aquatic or amphibious animals and small cage birds, which are normally found in the wild state.

(ff) ZOOLOGICAL PARK means any facility, other than a pet shop or kennel, displaying or exhibiting one or more species or non-domesticated animals operated by a person, partnership, corporation or governmental agency that is established for educational purposes and is properly zoned for such use and which possesses valid licenses and permits as required under federal or state law.

Section 71.02. General Animal Care Requirements:

Every owner and/or his agent within the Town shall see that each of his animals:

(a) Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement.

(b) Has sufficient and wholesome food and water, which is proper and nutritional for that species of animal.

(c) Has a proper and adequate structure provided that will protect that animal from all elements of the weather and will allow that animal to stand, sit, and lie down without restriction, and is kept in a sanitary manner.

(d) If ill, diseased or injured, receives proper veterinary care as necessary to promote the good health of the animal and prevent the transmittal of a disease to other animals or human beings.

(e) Is not beaten, cruelly ill-treated, overloaded, overworked, tormented or otherwise abused or neglected, nor shall any person cause, instigate or permit any dog fight, cockfight, bullfight, or other combat between animals or between animals and humans.

(f) Is not physically altered in any manner by anyone other than a veterinarian with the exception of tattooing for identification purposes and grooming.

(g) Is not abandoned, neglected or tortured.

(h) Does not become a public nuisance.

(i) Does not become a dangerous animal.

(j) In the case of a dog or cat over the age of six (6) months, is properly vaccinated against rabies by a licensed veterinarian annually, or upon such frequency as may be specified by Indiana Code, and such animals shall be licensed as required by this Ordinance and State Law.

(k) Is properly restrained.

(l) In mating season, shall be kept in a secure enclosure in such a manner that it cannot come into contact with another animal of the same species except for planned breeding.

Section 71.03. Sale of Animals as Novelties or Use as Prize Prohibited; Exception:

(a) No person shall display, sell offer for sale, barter or give away any animal, reptile, fish or bird as a novelty or as an advertising device.

(b) No rabbit, chick, gosling, duckling, turkey or other fowl may be dyed or otherwise colored artificially, nor may dyed or artificially colored rabbits, chicks, goslings, ducklings, turkeys or other fowl be sold, offered for sale, displayed, used as barter, or given away.

(c) This Section shall not be construed to prohibit the sale or display of natural chicks, ducklings, goslings, turkeys or other domestic fowl in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised for commercial purposes. Nor shall this Section prohibit a pet shop holding a valid permit under this Chapter, or a legitimate humane society or animal shelter, from humanely caring for, adopting out, or selling animals as pets.

Section 71.04. Motor Vehicle Accidents Involving Animals:

(a) Any person operating a motor vehicle who knowingly hits, runs over or causes injury to an animal shall immediately notify the police department.

(b) Such notice shall include the motorist's name, address, type of animal hit, and the location of the animal.

Section 71.05. Animals in Motor Vehicles.

No animal shall be left in a motor vehicle when the conditions in that vehicle would constitute a health hazard to that animal, or when the weather would constitute a health hazard to such animal confined in said motor vehicle; nor shall any person transport any animal in an unenclosed truck bed or open portion of any vehicle unless the animal is enclosed in a cage which is securely fastened to the vehicle.

Section 71.06. Poisoning of Animals.

It shall be unlawful for any person to throw or deposit any known poisonous substance in any of the street, alleys, parks, commons, yard or other places, whether public or private, within the City, so that the same shall be liable to be consumed by any animal, provided that it shall not be unlawful for a person to expose on his or her own property common rat or mouse poison or

insecticide, unmixed or mixed only with vegetable substances, if used so as to restrict access to the poison only to the targeted rodents or insects.

Section 71.07. Trapping of Animals Restricted.

No person shall trap for animals or fowl within the City unless such trap(s) are cage-type live trap(s) approved by a humane officer or the Town animal control agency and issued for the control of nuisance animals. This prohibition shall not apply to any trap specifically designed to kill rats, mice, gophers, or moles so long as the owner of the property is aware of where the trap(s) are set.

Section 71.08. Maximum Number of Dogs or Cats.

No more than an aggregate of three (3) dogs or cats over the age of six (6) months may be kept on any residential, commercial, or other premises within the Town unless the owner of the animals holds a valid Pet Shop/Breeder Permit, whichever may be appropriate.

Section 71.09. Acreage Requirements for Certain Domestic Animals and Prohibition of Swine.

(a) Any person desiring to keep any of the following named domestic animals or fowl in the Town must have a minimum of five (5) contiguous acres of land in the Town, upon which the animals would be kept and which acreage must be fenced to confine such animals:

- (1) Cow, ox, cattle, calves, or other livestock
- (2) Donkey, ass, burro, mule
- (3) Sheep
- (4) Goat
- (5) Chickens, rooster, geese, turkeys, ducks, or other fowl, except racing or homing pigeons
- (6) Bees
- (7) Horses.

The maximum number of such animals which may be maintained on such property shall be determined in light of current animal husbandry and veterinary standards.

(b) In no event shall the shelter and feeding station for any of the animals or fowl designated in Section 71.09 (a) hereinabove be closer than fifty (50) feet from the adjoining property line.

Nothing in this Section shall be deemed or construed to prohibit the keeping of bees in a hive, stand or box located or kept within a zoological park, school, or university building for the purpose of study or observation, as long as the public safety is ensured.

(c) Any person desiring to raise rabbits or pets or racing or homing pigeons within the Town must keep such animals and birds in safe and sanitary conditions so that a public nuisance as defined herein is not created.

(d) No person may keep within the Town, as presently or hereinafter established, any swine, or pig pens, or hog sties, which are hereby declared to be a nuisance in the Town.

Section 71.10. Owners or Agents Responsible for Removing Animal Wastes and Dead Animals.

(a) Any owner or his agent taking the owner's dog(s) or cat(s) outside of the owner's real property limits must immediately remove any excrement deposited by the animal(s) on any such public or private property, except in the case of a guide dog for a blind person or service dog for deaf or physically disabled person.

(b) The owner of any dead animal shall remove and properly dispose of the animal within twenty-four (24) hours after its death. The real property owner is responsible for removal of any strange animal carcass on such real property.

Section 71.11. Animal Bites and Reports:

(a) If any person is a victim of an animal bite, he shall immediately notify the County Health Department and/or Town Department of Code Enforcement of the incident, and provide a description of the animal and the identification, if possible, of the owner. When an animal is determined to have bitten a person, the animal shall be confined in quarantine for a period of not less than fourteen (14) days.

(b) If the owner of an animal which has bitten a person has proof of current rabies inoculations, the animal may be left in the charge of the owner, under quarantine, unless, in the judgment of the humane officer, and based upon considerations of public safety, the humane officer determines if it should be removed to

an animal shelter or veterinary hospital for the period of observation.

(c) In addition to any other legal obligations prescribed by law, the owner shall be liable for all costs incurred in the quarantine of the animal.

(d) If the ownership of the biting animal cannot be determined, or if the owner does not furnish proof of current rabies inoculation, the animal shall be impounded under the authority of the Town animal control agency and confined in the Town's animal control facility for the period of observation of not less than fourteen (14) days.

(e) Humane Officers shall be empowered to enter onto private property for the purpose of impounding animal(s) which are known to have bitten a person and shall obtain legal process to do so if necessary.

(f) Unless otherwise provided, the Town and any of its agents shall comply with the standards set forth in I.C.15-2.1-6-1 through I.C.15-2.1-6-13 entitled "Rabies."

Section 71.12. Vaccination of Dogs and Cats Required.

(a) No animal owner or his agent shall keep or harbor a dog or cat over the age of six (6) months unless it has been vaccinated annually by a licensed veterinarian with anti-rabies vaccine.

(b) Proof of vaccination shall be maintained by the owner for display if requested by the Town or its agents.

Section 71.13. Interference with Humane Officer Prohibited.

It shall be a violation of this Chapter to interfere with or impede a humane officer or officers in the performance of their duties set for in this Chapter.

Section 71.14. Spaying and Neutering of Adopted Animals.

Any dog or cat adopted from a local humane society or animal care facility must be spayed or neutered by a licensed veterinarian within thirty (30) days of adoption if the dog or cat is over six (6) months of age. If the dog or cat is less than six (6) months of age upon adoption, it shall be spayed or neutered by a licensed veterinarian upon reaching the age of six (6) months. An exception is made only if a licensed veterinarian certifies that said animal is physically unable to undergo such an operation

within the time limitations. The individual adopting the dog or cat must sign a written agreement with the adopting facility guaranteeing that such animal shall be neutered or spayed within the time limitations specified in this Section.

Section 71.15. Excluding "Seeing Eye" and "Hearing" Dogs Prohibited.

It shall be unlawful for any person owning, operating, or maintaining any public place of business or conveyance into which the general public is invited for any business purpose to debar or exclude therefrom any dog which has been trained to assist the blind, the hearing impaired or physically disabled. However, the dog must be in the company of the handicapped person whom it was trained to assist.

Section 71.16. Confinement by Other Than Town Officials; Notice Required:

No person shall, without the knowledge or consent of the owner, hold or retain possession of any animal of which he is not the owner for more than twenty-four (24) hours without first reporting the possession of the animal to a humane officer, an animal control agency, or its designee, giving his name and address, a description of the animal, a true and complete statement of the circumstance under which he took possession of the animal, and the precise location where said animal is confined.

Section 71.17. Breaking into Animal Shelter Prohibited.

It shall be unlawful for any person to break into any animal shelter wherein animals are impounded by the Town or in any way remove or assist in the removal of any animal from the described property without lawful permission.

Section 71.18. Dangerous, Poisonous Animals Prohibited.

It shall be unlawful for any person to harbor or possess within the Town any poisonous animal, reptile, amphibian, fish or insect, any Dangerous Animal, or any animal that poses a threat to public health and safety, and the same may be impounded by the Animal Control Agency and disposed of in the best interest of the animal, and to protect the safety of the public and humane officers.

Section 71.19. Impounding Procedures.

(a) All animals found to be at large, stray or being a public nuisance may be taken by the police or humane officer and impounded.

(b) If any dangerous, ferocious or vicious animal is found at large and cannot be safely taken up and impounded, the animal may be tranquilized, slain, or humanely euthanized to prevent undue suffering, by a police officer or his designee, or a humane officer.

(c) Impounded dogs and cats not wearing Town tags (license) must be kept for no fewer than two (2) days before being adopted out or humanely euthanized.

(d) If dogs and cats wearing Town tags (licenses) are impounded by the Animal Control Agency, an attempt shall be made by the Humane Officer to return said animal to the owner, as indicated on the records of the Animal Control Agency, as soon as is practical after the time of the impoundment. If said attempt to return said animal is impossible or without success, the Animal Control Agency shall send a written notice to the owner at the address indicated in the records of the Animal Control Agency, that said agency has in its possession said animal and that unless said animal is claimed by the owner within fourteen (14) days from the date of said impoundment said animal may be placed for adoption, or humanely euthanized. This process shall be followed for the first offense, only. On second and subsequent violation, the impounded dog or cat wearing Town tags (licenses) shall be kept for no fewer than five (5) days to permit their owners to claim them. After the fifth day of said second or subsequent violation, such dogs or cats may be placed for adoption or humanely euthanized if their owners have not claimed them and paid the required fees.

(e) All other impounded animals (except dogs and cats specifically covered herein) shall be under the authority of the humane officer. The animals shall be held at least one (1) day, after which time the animal shelter shall have the authority to take whatever action is necessary with regard to adoption or euthanasia of such animals.

(f) An owner reclaiming an impounded animal shall pay to the Town Animal Control Agency its then-current redemption fee plus total daily boarding fee for redemption of the animal.

(g) No unlicensed dog or cat shall be released from an animal shelter without a license being issued in accordance with this Chapter, except a dog or cat less than six (6) months old. However, because proof of current, effective rabies vaccination is required before the license is issued, if such shelter does not have licensed veterinary services on site to administer such required rabies vaccination, the dog or cat may be released upon

presentation of a veterinarian's charges for such vaccination, and must be vaccinated within forty-eight (48) hours after such release, and the owner shall supply proof of same to said Town animal control agency within seventy-two (72) hours after the release, at which time the license tag shall be issued. Failure of the animal owner to obtain such vaccination after such release shall constitute a breach of the release agreement and entitle the Town animal control agency to regain possession of the animal.

(h) An animal owner redeeming an impounded animal belonging to him shall pay to the Town or its agent a redemption fee of Ten Dollars (\$10.00) on the occasion that an animal belonging to that owner is impounded, before such animal is released to such owner by the Town's Animal Control Agency. An owner redeeming an impounded unlicensed animal shall pay to the Town a redemption fee of Twenty Dollars (\$20.00) before the animal is released by the Animal Control Agency. Such redemption fee shall increase by an additional Twenty-five Dollars (\$25.00) per impoundment for each subsequent time within a three-month period that the same or any other animal belonging to the same owner may be impounded. Any impounded animal which is not required to be licensed under the provisions of this Ordinance may be redeemed by its owner for the \$10.00 fee for the first impoundment. The Town's Animal Control Agency shall collect all such licensing and redemption fees for the Town and shall account to the Town and pay over to the Town Clerk-Treasurer such amounts of such fees as required by the animal control contract between the Town and the Animal Control Agency then in effect.

(i) The Town animal control agency shall have authority to take whatever action is reasonably necessary, including humane euthanization, to deal with a sick or injured animal, for the welfare of the animal and for the safety of humane officers and the public.

(j) In the event that an animal is retained at the impounding facility because its owner has been in violation of this Chapter, the person redeeming the animal by paying the redemption fee shall also be subject to paying for veterinary bills incurred, for routine vaccinations for the animal(s) if necessary, veterinary services, boarding fees, all pertinent expenses, and all applicable permit and/or licensing fees reasonably necessary and incurred for the benefit of the animal.

(k) Any animal impounded in an animal control facility, if not reclaimed by its owner as provided for herein, shall thereby become the property of the animal control agency and, if not adopted out, must be humanely euthanized.

Section 71.20. Pet Registration:

(a) Any person owning, keeping, harboring or having custody of any dog or cat over the age of six (6) months must obtain a pet registration for such animal; provided that no pet registration shall be required of any municipal animal control facility or governmental agency, or guide dog. Animals belonging to those agencies or persons will be issued complimentary registration tags.

(b) Written application for such registration shall be made to the Town animal control agency which shall include name and address of the applicant, description of the animal, payment of the appropriate fee, and valid rabies certificate and written verification if the pet has been spayed or neutered, issued by a licensed veterinarian. Said application must be made within thirty (30) days after either obtaining a dog or cat over six (6) months of age, or after a younger animal attaining six (6) months, except that this requirement will not apply to a non-resident keeping a dog or cat within the Town for not longer than thirty (30) days.

(c) A durable tag stamped with registration number and year of issuance will be provided to pet registration holder for each registration granted. Dogs and cats must wear their tags at all times, except when involved in any organized show, obedience demonstration, training situation or under the care of a licensed veterinarian or when properly kenneled.

(d) No such registration shall be issued for a dog or cat unless the animal owner provides proof of current and effective rabies vaccination.

Section 71.21. Controlled Animal Permit:

It shall be unlawful for any person to possess within the Town any controlled animal or controlled animals as defined herein unless the owner of said animal or animals possesses proper State and/or Federal permits as required for said animal or animals, and a valid Town Controlled Animal Permit.

(a) It shall be unlawful for any person to possess within the Town any protected or endangered species as may be listed or published from time to time by any department or agency of the Federal or State government, unless the owner of said animal possesses proper State and/or Federal permits, and a valid Town Controlled Animal Permit as defined in this Chapter.

(b) It shall be unlawful for any person to possess within the Town any wild animal indigenous to the State of Indiana unless

said owner possesses proper State and/or Federal permits and a valid Town Controlled Animal Permit.

(c) It shall be unlawful for any person to possess within the Town any non-domestic animal unless said owner possesses proper State and/or Federal permits as required by law for said animal and a valid Town Controlled Animal permit.

(d) This Section shall not be deemed to prevent the importation, possession, purchase or sale of any species by any institute of higher learning, zoological park, persons holding valid State or Federal permits together with a valid Town Controlled Animal Permit, or to any person or organization licensed to present a circus or carnival pursuant to this Chapter.

(e) Any animal being possessed in violation of this Section may be seized by a humane officer and impounded. Any person violating any of the provisions of this Section shall be fined not more than Two Hundred Dollars (\$200.00) for the first offense and not more than Five Hundred Dollars (\$500.00) for each subsequent offense; and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

Section 71.22. Pet Shop/Breeder Permit:

(a) No person, partnership or corporation shall operate a pet shop or operate as a Breeder as defined herein, in the Town, without first obtaining from the Town or its agent a Pet Shop/Breeder Permit and pay the necessary fees. Any person holding a Pet Shop/Breeder Permit shall furnish to each customer purchasing a dog or cat a written statement at the time of sale containing the following information:

- (1) Date of sale;
- (2) Name, address, and telephone number of purchaser and Permit holder;
- (3) Permit number of Permit holder;
- (4) Species, breed, description, age and sex of dog or cat sold;
- (5) Vaccination and parasite medication(s) administered to said animal and date(s) administered and name of veterinarian or person who administered the same;
- (6) Guarantee of good health for a period of not less than one (1) week with recommendation to have the animal examined by a licensed veterinarian.

(b) The Permit holder shall retain a copy of said written statement for a period of twelve (12) months from the date of sale, and provide a duplicate copy to the Licensing Authority if the purchaser resides within the Town.

(c) The Permit holder shall also deliver to the purchaser at time of sale, a written statement of registration and licensing requirements under this Chapter applicable to the purchased animal if the purchaser resides within the Town of Walkerton. Such statement shall be prepared by the Town of Walkerton and provided by the Animal Control Agency.

(d) All pet shops and breeding facilities shall take care to house animals in a sanitary manner, provide appropriate veterinary services and humane care, and housing shall be provided according to the needs of individual species.

Section 71.23. Dangerous Animal/Attack Dogs, Permits:

No person shall harbor, hold for sale, sell, keep or maintain in the Town any Dangerous Animal or Attack Dog, unless:

(a) Such person or entity shall first submit a written application for and obtain from the Town animal control agency a Dangerous Animal/Attack Dog Permit, which application shall be accompanied by a current photograph of the animal being registered and written proof of liability insurance in the minimum sum of \$300,000.00.

(b) The Dangerous Animal/Attack Dog owner at all times maintains liability insurance covering possible injury or damages caused by said dog in a minimum amount of Three Hundred Thousand Dollars (\$300,000.00) coverage, and written agreement that the City Code Enforcement Department will be notified within 24 hours, excluding Sundays and Holidays, in the event that said insurance coverage is canceled or discontinued; and

(c) The Dangerous Animal/Attack Dog is at all times confined in an escape-proof enclosure which protects the public from coming into direct contact with the Dangerous Animal/Attack Dog; and

(d) The Dangerous Animal/Attack Dog, when not confined, is muzzled and reined or tethered to its master, owner or keeper, who must be over the age of eighteen (18) years and who, at all times, must maintain control over the animal to prevent injury to any person or animal; and

(e) The Dangerous Animal/Attack Dog, at all times, wears the registration tag issued by the Town designating said animal as a registered Dangerous Animal/Attack Dog; and

(f) If, in the event that the animal is lost or escapes, the same will be reported immediately to the Town and to the Town's designated animal control agency; and

(g) The property on which the Dangerous Animal/Attack Dog is kept is posted with signs clearly visible from the closest street advising the general public that a Dangerous Animal/Attack Dog is on the premises.

(h) Upon licensing a dog hereunder, the Town Animal Control Agency shall assign a specific Number of Ownership to said dog without duplication. This number shall be tattooed on and through the skin on the inside of the rear leg of said dog. The tattooing shall be done by a licensed veterinarian and shall be made by use of permanent tattoo ink. The tattoo shall be not less than one inch long and not less than one-quarter inch high. A person, corporation, club or organization shall not tattoo any number over or upon the number tattooed on a dog pursuant to this Article so as to deface the number, nor shall any such person or organization remove or otherwise deface the number tattooed on a dog pursuant to this Article so as to deface the number or prevent identification of the dog. A person or entity who violates this subsection shall be guilty of an infraction punishable by a fine of not more than \$50.00.

Duly authorized members of the police or other law enforcement departments, including but not limited to, game wardens, conservation officers, and other law enforcement officers, shall be exempt from the provisions of this Section in the performance of their law enforcement duties.

Section 71.24. Animal Performance/Exhibition, Permit:

(a) No person or entity shall operate or maintain for profit an animal performance or exhibition without first having obtained a Permit from the Town animal control agency.

(b) The application for such Permits shall describe the proposed location, the purposes for which it is maintained, and the dates and hours of such performances or exhibitions. The application must be accompanied by the written approval of the Department of Code Enforcement showing compliance with the local and State regulations governing location of and sanitation at the establishment, the written approval of the Town Building Department official showing compliance with the local regulations concerning building, zoning, and public health and safety regulation, and compliance with local, State and Federal laws regulating the humane care and treatment of such animals.

(c) The applicant shall provide proof of insurance executed by a company legally authorized to do business in the State of

Indiana in limits of liability not less than the amounts set forth in I.C. 34-4-16.5-4, as such Statute may be amended from time to time.

(d) Such permit shall not be transferable.

(e) Any permit issued under the provisions of this Section may be revoked by the Town Department of Code Enforcement or the Town Building Commissioner, after reasonable notice or hearing for violation of any local, county or state law regulating such performance or exhibition.

Section 71.25. Permit Exemptions:

No permits shall be required of the Town's animal control agency or a State-licensed veterinary hospital/clinic, birds held under State or Federal Falconry permits, or guide dogs specifically trained to assist their handicapped owner. However, all other animal care provisions of this Chapter shall apply to such exempt persons or entities.

Section 71.26. Issuance of Permits:

(a) Application for registrations or permits shall be made to the Town animal control agency on such forms providing such information as is required for the particular permit and shall include name, address and phone number of applicant, type of permit applied for, number and description of animal(s), proof of valid rabies vaccination when required by law, information regarding sterilization, and appropriate fee. Appropriate State and Federal permit numbers must be provided in cases which involve wildlife or federally protected animals, or any animal which requires any State or Federal permit.

- (1) All applicants must be in compliance with all other applicable State, local and Federal laws, germane to this Ordinance, and the applicant shall not have been convicted of any cruelty to animal offenses as set forth in the Indiana Code.
- (2) Applicants for permits must agree in writing to on-site inspections by the Town animal control agency prior to the issuance of any permit or at any time during the valid term of such permit, upon reasonable advance notice.

(b) The Town animal control agency shall have authority and discretion for the issuance or denial of all of the registrations and permits provided for herein subject to the following criteria:

- (1) No person shall be issued a registration or permit if they have been convicted of cruelty to animals.
- (2) Applicants must have proper facilities in place for such species before registrations or permits shall be approved.
- (3) Applicant shall exhibit sufficient knowledge and proof of previous experience in handling and keeping of such species of animal.
- (4) Applicant shall have no previous record of providing inadequate or improper care for animals.

(c) Registrations and permits are to be issued for a term of one (1) year, effective January 1 through December 31 of each year, and may be purchased during the first three (3) months of each calendar year or within thirty (30) days of acquiring the animal, whichever comes later, except the ANIMAL PERFORMANCE/ EXHIBITION PERMIT, which shall be valid for fourteen (14) days.

(d) Upon approval of application for pet-registrations or permits, the Town animal control agency shall issue a pet registration or permit in written form which includes number of registration or permit, type of registration or permit, and all pertinent information. In addition, for each pet registration, the Town animal control agency shall issue a durable tag stamped with registration number and year of issuance for each said registration.

(e) The Town animal control agency shall maintain records of the identifying Registration, permit, license or tag for any animal other than the animal for which it was issued.

(f) All fees shall be paid at the time of application and prior to the issuance of the permit or registration.

(g) No person may use any registration, permit, license or tag for any animal other than the animal for which it was issued.

(h) It shall be unlawful for any person to manufacture, to cause to be manufactured, or to have in his possession or control a stolen, counterfeit, or forged animal registration, permit, license or tag, rabies or neutering certificate, or other form of licensing or documentation required by this Chapter.

Section 71.27. Fees:

In addition to all other fees required by law to be paid, the following fees shall be paid:

- (a) Pet Registration: |

Each altered dog or cat	\$ 2.00
Each <u>unaltered</u> dog or cat	\$ 10.00
Except upon a statement from a licensed veterinarian that neutering shall constitute a threat to the health of said animal, the fee shall be	\$ 5.00
Senior citizens (age 62 or older) Upon presentation of written verification from a licensed veterinarian that said animal(s) have been spayed or neutered, the fee shall be (no part of which will be paid to the Town)	\$ 1.00
Replacement tag	\$ 2.00
(b) Town controlled Animal Permit: Fee, per animal	\$ 100.00
(c) Pet Shop/Breeder Permit	\$ 50.00
(d) Dangerous Animal/Attach Dog Permit: Fee per animal	\$ 50.00
(e) Animal Performance or Exhibit Permit: Fee	\$ 100.00

(f) The Town Animal Control Agency shall collect all such registration and permit fees for the Town and shall account to and pay over to the Town Clerk-Treasurer such amounts of such fees as required by the animal control contract between the Town and the Animal Control Agency then in effect.

Section 71.28. Permit Revocation:

Any pet registration or permit provided for hereinabove may be revoked after notice and hearing before the Town Code Enforcement Hearing Officer upon his finding that the animal owner/permit holder has failed to comply with any requirement of this Chapter.

Section 71.29. Inspection:

(a) Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this Chapter, or when there is reasonable cause to believe that there exists in any building or upon any premises any violation of

the provisions of this Chapter or Indiana State law, a health officer, police officer, or humane officer is authorized at all reasonable times to inspect the same for compliance with the provisions of this Chapter or any State Law, provided that:

(1) If the property is occupied, the officer shall first present proper credentials to the occupant and request entry, explaining the reasons therefor; and

(2) If the property is unoccupied, the officer shall make a reasonable effort to locate the owner or other persons having control of the property and request entry, explaining the reasons therefor.

(b) In the event the officer has reasonable cause to believe that the keeping or maintaining of an animal(s) is so hazardous, unsafe, dangerous or constitutes a public nuisance as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall first present proper credentials and request entry, explaining the reasons therefor. If entry is refused or cannot be obtained, the officer shall have recourse to secure lawful entry and inspection of the property.

Section 71.30. Barking Dogs

It shall be unlawful for any person, firm or corporation being the owner or keeper of any dog and/or animals to permit such dog and/or animal to bark, howl, whine, or otherwise disturb or annoy any other resident of the said Town for any single period of fifteen (15) minutes, nor for intermittent periods of shorter duration than such shorter disturbances of the peace shall occur more than three (3) times in any period of twenty-four (24) hours.

Section 71.31. Penalties

(a) Warning Notices: Persons who violate any provisions of this Chapter or whose animals violate any provision of this Chapter or who fail to comply with the registration and permit sections of this Chapter may, for the first offense, be served with a warning notice requesting immediate compliance, except in the case that human beings' or other animals' health and safety are endangered, the offending animal may be immediately impounded or may be humanely slain by a police officer or his designee or a humane officer, if such impoundment is not feasible.

(b) Citations:

Any person who violates any provision of this Chapter, except where otherwise specified herein, shall be subject to a civil forfeiture of not more than Two Thousand Five Hundred Dollars (\$2,500.00), nor less than Fifteen Dollars (\$15.00) for the first offense, Thirty

Dollars (\$30.00) for the second offense, and Fifty Dollars (\$50.00) for each offense thereafter. If any violation is continuing, each day's violation shall be deemed a separate offense.