

ORDINANCE 05-33

**TO AMEND TITLE 7 OF THE BLOOMINGTON MUNICIPAL CODE
ENTITLED “ANIMALS”**

**Re: Extensive Amendments which Delete Chapter 7.12 (Licensing) and Make Changes to
All the Other Chapters in the Title**

WHEREAS, Title 7 of the Bloomington Municipal Code sets forth provisions regarding the care and control of animals through the Animal Care and Control Department for the City of Bloomington; and

WHEREAS, Title 7 of the Bloomington Municipal Code does not currently include specific standards for the humane treatment of animals; and

WHEREAS, Title 7 of the Bloomington Municipal Code does not currently include standards that encourage the reduction of animal overpopulation and thus does not reduce the public burden of animal overpopulation; and

WHEREAS, Title 7 of the Bloomington Municipal Code does not currently include specific standards that define what are potentially dangerous and vicious animals and does not address specifically how such animals should be declared to be potentially dangerous or vicious, nor does it address how such animals should be confined or what to do if the animal is rehabilitated; and

WHEREAS, Title 7 of the Bloomington Municipal Code is not currently consistent in its use of terms of description; and

WHEREAS, it is in the best interest of the community as a whole and of the animals who reside here for the City of Bloomington to do everything it can to improve standards for the humane treatment of animals, reduce overpopulation and public burden, and clarify codes as needed;

NOW THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF BLOOMINGTON, MONROE COUNTY, INDIANA, THAT:

SECTION I. The title and table of contents for Title 7 of the Bloomington Municipal Code entitled “Animals” shall be deleted and replaced with the following:

Title 7

ANIMALS

Chapters:

- 7.01 Definitions
- 7.16 Commercial Animal Establishment Permits
- 7.21 Kennel Permits
- 7.22 Breeders
- 7.24 Restraint
- 7.28 Nuisance
- 7.32 Impoundment
- 7.36 Animal Care
- 7.40 Wild Animals
- 7.42 Reptiles
- 7.44 Rabies
- 7.48 Adopted Animals
- 7.52 General Provisions

SECTION 2. Chapter 7.01 of the Bloomington Municipal Code entitled “Definitions” shall be deleted and replaced with the following and the codifier shall preserve the citations to previous ordinances affecting this chapter:

Chapter 7.01

DEFINITIONS

Sections:

7.01.010 Definition of terms.

7.01.010 Definition of terms.

As used in this title, the following terms mean, unless otherwise designated:

“Abandoned Animal” means any animal whose owner/guardian has knowingly, intentionally or recklessly left it unattended, without proper food, water or shelter, for twenty-four (24) hours or more.

"Altered animal" means any animal which has been spayed or neutered.

"Animal" means any live, nonhuman vertebrate creature, domestic or wild.

“Animal Exhibition - Permanent” means any spectacle, display, act or event other than circuses, in which animals perform or are displayed, with the exception of education programs presented by persons or organizations with proper state and federal education permits, as required, and which are perpetual in nature and in a stationary location.

“Animal Exhibition - Transient” means any spectacle, display, act or event other than circuses, in which animals perform or are displayed, with the exception of education programs presented by persons or organizations with proper state and federal education permits, as required, and which are traveling shows of a temporary duration.

"At large animal" means a stray animal or any animal whose owner/guardian knowingly, intentionally, or recklessly allows the animal to stray beyond premises owned, lawfully occupied or controlled by the owner/guardian unless under restraint. This section does not apply to dogs engaged in lawful hunting accompanied by the owner/guardian or custodian.

"Auctions" means any place or facility where domestic livestock are regularly bought, sold, or traded, except for those facilities otherwise defined in this chapter.

"Circus" means a commercial variety show featuring animal acts for public entertainment.

"Commercial animal establishment" means any major and/or minor petshop, non-municipal animal shelter/sanctuary, auction, riding school or stable, zoological park, circus or animal exhibition.

"Commercial kennel" means any person engaged in owning or harboring more than four (4) dogs and cats over the age of six (6) months, any one (1) of which is unaltered; or engaged in the business of boarding, training for a fee and/or grooming animals.

“Domestic Livestock” means any animal, other than a domestic pet, that is a member of one (1) of the following species:

- bison;
- elk;
- poultry;
- cattle;
- donkey;
- horse;
- goat;
- llama;
- mule;
- ostrich;
- pig; or
- sheep.

"Domestic pet" means any animal that is a member of one (1) of the following species:

- dog (*Canis familiaris*)
- cat (*Felis catus* or *Felis domesticus*)
- rabbit (*Oryctolagus cuniculus*)
- mouse (*Mus musculus*)
- rat (*Rattus rattus*)
- reptile (*Reptilis*) as defined herein
- guinea pig (*Cavia porcellus*)
- chinchilla (*Chinchilla laniger*)

hamster (*Mesocricetus auratus*)
gerbil (*Gerbillus gerbillus*)
ferret (*Mustela putorius furo*)

“Exotic Animal” means an animal belonging to a species that is not native to the United States, or an animal that is a hybrid or cross between a domestic animal and an animal that is not native to the United States.

“Feral Cat” means a cat that has lived its life with little or no human contact, is not socialized and has reverted to a wild state.

“Feral Cat Colony” means a group of more than six (6) altered feral cats owned or harbored by a person who provides adequate food, water and shelter.

"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.

"Major breeder" means any person who intentionally or unintentionally causes or allows the breeding of more than one (1) litter of dogs or cats in a twelve (12) month period, or makes more than one (1) cat or dog available for breeding purposes in a twelve (12) month period; or any person who offers for sale, sells, trades, receives any compensation or gives away more than one (1) litter of dogs or cats in a twelve (12) month period, with the exception of a litter of dogs or cats taken to the animal shelter.

"Major pet shop" means any retail establishment engaging in the purchase and/or sale of cats and/or dogs, either solely or in addition to the purchase and/or sale of other species of animal.

"Minor breeder" means any person who intentionally or unintentionally causes or allows the breeding of one (1) litter of dogs or cats per twelve (12) month period, or makes one (1) dog or cat available for breeding purposes per twelve (12) month period; or any person who offers for sale, sells, trades, receives any compensation for or gives away one (1) litter of dogs or cats within a twelve (12) month period, with the exception of a litter of dogs or cats taken to the animal shelter or animals that are altered prior to being re-homed; or any person who owns one (1) or more unaltered dogs and/or cats that are found to be in violation of Section 7.24.

"Minor pet shop" means any retail establishment engaging in the purchase and sale of any species of animal, with the exception of cats and dogs.

"Municipal Animal shelter" means any facility operated by a municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this title or of state law.

"Noncommercial kennel" means any person engaged in owning or harboring, with the exception of dogs and/or cats fostered for the City of Bloomington Animal Care & Control Department, more than four (4) altered dogs; more than six (6) altered cats; or more than a total of ten (10) altered dogs and cats combined.

“Non-Municipal Animal Shelter/Sanctuary” means any facility operated by a person or organization other than a municipality for the purpose of harboring and/or re-homing animals.

“Owner/Guardian” means a person owning or harboring one (1) or more animals for a period of longer than twenty-one (21) days.

"Person" means any individual, firm, association, joint stock company, syndicate, partnership, or corporation.

“Potentially Dangerous” means any of the following:

- (1) Any animal which, when unprovoked, on two (2) separate occasions within the prior thirty-six (36) month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the animal are off of property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal.
- (2) Any animal which, when unprovoked, bites a person causing an injury that is not a severe injury as defined below.
- (3) Any animal which, when unprovoked and off of property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal, on two (2) separate occasions within the prior thirty-six (36) month period, has bitten or otherwise caused injury to a domestic animal that is not a severe injury as defined below.

"Public nuisance" means any animal or animals that:

- (1) Molest passersby or passing vehicles;
- (2) Attack other animals;
- (3) Damage public property or private property;
- (4) Bark, whine or howl in an excessive or continuous fashion;

- (5) Defecate on public or private property, other than the owner/guardian's/harbinger's property, unless the waste is immediately removed and disposed of in a sanitary manner by the animal's owner/guardian/harbinger; or
- (6) Otherwise interferes with the free use and comfortable enjoyment of life or property.

"Reptile" means any air-breathing vertebrate of the class Reptilia, with the exception of:

- (1) Any reptile on the Federal Endangered or Threatened Species list or on the Convention or International Trade in Endangered Species List;
- (2) Any venomous reptile, including front- or rear-fanged reptiles;
- (3) Any python of a species which naturally exceeds twelve feet in length;
- (4) All crocodilians, including alligators, caimans, and crocodiles;
- (5) Monitor lizards;
- (6) Anacondas;
- (7) Any reptile of a species native to Indiana; or
- (8) Any reptile protected by state or federal law.

"Research laboratory" means any animal research facility registered with the United States Department of Agriculture under authority of the Federal Laboratory Animal Welfare Act, 71 United States Code Section 2132 et seq.

"Restraint" means the securing of an animal by a leash or lead or confining it within the real property limits of property owned, lawfully occupied or controlled by its owner/guardian.

"Riding school or stable" means any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule or burro.

"Service dogs" means any dog engaged in working or training to work for the assistance of hearing or sight impaired, or physically handicapped or disabled persons.

"Severe injury" means any physical injury to a human being or domestic pet or domestic livestock that results in multiple bites, broken bones, muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

"Stray" means any animal that does not appear, upon reasonable inquiry, to have an owner/guardian.

"Tether" means attaching a domestic pet to a stationary object or pulley run by means of a chain, rope, tether, cable, or similar restraint. "Tether" does not include the use of a leash to walk a domestic pet.

"Trap-Neuter-Return" means a full management plan in which feral cats already living outdoors are humanely trapped, then evaluated, vaccinated, sterilized and eartipped by veterinarians. Kittens under 10 weeks old are adopted into good homes if they become socialized. Healthy adult cats too wild to be adopted are returned to their familiar habitat under the lifelong care of volunteers.

"Veterinary hospital" means any establishment maintained and operated by a veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

"Vicious animal" means any of the following:

- (1) Any animal which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being or domestic pet.
- (2) Any animal previously determined to be and currently listed as a potentially dangerous animal which, after its owner/guardian or keeper has been notified of this determination, continues the potentially dangerous behavior as defined herein or is maintained in violation of Chapter 7.24.

"Wild animals" means any animal not a domestic animal, with the exception of small, nonpoisonous aquatic or amphibious animals and birds of the order Psittaciformes, canaries, and finches.

"Wildlife rehabilitator" means any person or persons that acquire the necessary state and federal permits to allow the rehabilitation of wildlife in their homes, on their property or in a professional facility, with the intent of releasing such animals according to state and federal guidelines.

"Zoological park" means any facility, other than a pet shop or kennel, displaying or exhibiting, without the predominant purpose of selling, one (1) or more species of non-domesticated animals. The facility must be accredited by the American Zoological Association (AZA) or The Association of Sanctuaries (TAOS).

(Ord. 99-39 §§ 1--14, 1999; Ord. 98-27 §§ 1, 2, 3, 1998; Ord. 85-23 § 1, 1985; Ord. 78-20 § 1, 1978; Ord. 76-14 § 1 (part), 1976).

SECTION 3. Chapter 7.12 of the Bloomington Municipal Code entitled "Licensing" shall be deleted in its entirety.

SECTION 4. Chapter 7.16 of the Bloomington Municipal Code entitled “Commercial Animal Establishment Permits” shall be deleted and replaced with the following and the codifier shall preserve the citations to previous ordinances affecting this chapter:

Chapter 7.16

COMMERCIAL ANIMAL ESTABLISHMENT PERMITS

Sections:

- 7.16.010 Permits--General.
- 7.16.020 Inspection of animals and premises authorized.
- 7.16.030 Obtaining a permit.
- 7.16.040 Standards for commercial animal establishments.
- 7.16.050 Commercial animal establishment permit period.
- 7.16.060 Fees.
- 7.16.070 Reclassification.
- 7.16.080 Violations.

7.16.010 Permits--General.

No person shall operate a commercial animal establishment, or non-municipal animal shelter/sanctuary, except for the City of Bloomington Animal Shelter, without first obtaining a permit in compliance with this chapter. Every facility regulated by this chapter shall be considered a separate enterprise and shall require an individual permit. (Ord. 99-39 § 19, 1999; Ord. 77-74 § 2 (part), 1977).

7.16.020 Inspection of animals and premises authorized.

It shall be a condition to the issuance of any permit required by this chapter that:

- (a) The senior and staff animal control officers of the City and/or their designees shall be permitted to inspect the premises and all animals located thereon where such animals are harbored.
- (b) All reports of such inspection shall be in writing and maintained by the senior animal control officer.
- (c) The senior animal control officer, staff animal control officers, and/or their designees are authorized to enter the structure or premises wherein a commercial animal establishment is maintained (or believed to be maintained) at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures.
- (d) If the owner or those in possession of a structure or premises wherein a commercial animal establishment is maintained (or believed to be maintained) refuse inspection of said establishment, the senior animal control officer, staff animal control officers, and/or their designees may obtain an inspection warrant from any court of record in the county in which the establishment is located in order to determine if the establishment is maintained in accordance with the Animal Title of the Bloomington Municipal Code.

(Ord. 81-101 § 1 (part), 1981; Ord. 77-74 § 2 (part), 1977).

7.16.030 Obtaining a permit.

Applicants must apply for permits required by this chapter with the City of Bloomington Animal Care and Control Department.

- (a) The application must contain:
 - (1) information as to whether the applicant has been convicted of cruelty to animals;
 - (2) a statement that the applicant complies and will comply with the regulations promulgated under authority of Section 17.08.020 of this code; and,
 - (3) that the applicant authorizes the senior and staff animal control officers or their designees to inspect the applicant’s facilities and animals.
- (b) The permit shall be issued when the applicant complies with the laws and regulations pertaining to the issuance of permits, and pays the fee required.
- (c) If the applicant withholds or falsifies any information on the application, the permit shall not be issued, and any permit issued upon false or withheld information shall be revoked.
- (d) No permit to operate a commercial animal establishment shall be issued to an applicant who has been convicted of cruelty to animals without review by the Animal Control Commission. (Ord. 81-101 §§ 1 (part), 2 (part), 1981; Ord. 77-74 § 2 (part), 1977).

7.16.040 Standards for commercial animal establishments.

In order to be eligible to obtain a permit, a commercial animal establishment must:

- (a) Be operated in such a manner as not to constitute a public nuisance;
- (b) Provide an isolation area for animals which are sick or diseased to be sufficiently removed so as not to endanger the health of other animals;
- (c) Keep all animals caged, within a secure enclosure or under the control of the owner/guardian or operator at all times;
- (d) With respect to all animals kept on the premises, comply with all of the provisions of this title providing for the general care of animals;
- (e) Not sell animals which are unweaned or obviously diseased.
- (f) Be in compliance with all zoning laws. (Ord. 77-74 § 2 (part), 1977).

7.16.050 Commercial animal establishment permit period.

The commercial animal establishment permit period shall begin on January 1st and shall run for one (1) year. Applicants requiring a permit during the year shall pay a prorated fee for the remaining portion of the year. Applications must be made prior to the establishment of a commercial animal establishment. (Ord. 99-39 § 20, 1999; Ord. 77-74 § 2 (part), 1977).

7.16.060 Fees.

- (a) Fees for permits shall be as follows:
 - (1) For each riding school or stable \$100.00;
 - (2) For each auction \$500.00;
 - (3) For each zoological park \$500.00;
 - (4) For each circus or animal exhibition – transient \$1,000.00 per day;
 - (5) For each animal exhibition – permanent \$500.00 per year
 - (6) For each minor pet shop \$250.00;
 - (7) For each major pet shop \$500.00.
 - (8) For each non-municipal animal shelter/sanctuary: \$0.00 private/\$0.00 non-profit
- (b) No fee shall be required of any municipal animal shelter, research laboratory, or government-operated zoological park. (Ord. 99-39 §§ 21, 22, 1999; Ord. 77-74 § 2 (part), 1977).

7.16.070 Reclassification.

Any person who has a change in the category under which the commercial animal establishment permit was issued shall report the change to the City of Bloomington Animal Care and Control Department and apply for the new permit required within thirty (30) days. Appropriate changes, including pro rata credit for the previous permit, shall be made by the City. (Ord. 99-39 § 23, 1999; Ord. 77-74 § 2 (part), 1977).

7.16.080 Violations.

- (a) Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in sub-section (b) may, at the discretion of the animal owner/guardian, be paid to the City of Bloomington Animal Care and Control Department within seventy-two (72) hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings shall be filed in the county court of competent jurisdiction.
- (b) Persons who violate any provision of this chapter shall be subject to a fine of double the permit fee for the first offense, with the fine for each subsequent offense of this chapter increasing by an increment of double the permit fee. In the event that the animal establishment permit does not require a fee, the fine for a first offense shall be twenty-five dollars (\$25.00), with the fine for each subsequent offense of this chapter increasing by an increment of fifty dollars (\$50.00).
- (c) In the event the person has no additional violations of this chapter for a period of twelve (12) consecutive months, the fine for any violation of this chapter after that period shall be double the permit fee for the first offense, with the fine for each subsequent offense increasing by an increment of double the permit fee. In the event that the animal establishment permit does not require a fee, the fine for a first offense shall be twenty-five dollars (\$25.00), with the fine for each subsequent offense of this chapter increasing by an increment of fifty dollars (\$50.00). (Ord. 99-39 § 24, 1999; Ord. 81-101 § 3 (part), 1981; Ord. 77-74 § 2 (part), 1977).

SECTION 5. Chapter 7.21 of the Bloomington Municipal Code entitled “Kennel Permits” shall be deleted and replaced with the following and the codifier shall preserve the citations to previous ordinances affecting this chapter:

Chapter 7.21

KENNEL PERMITS

Sections:

- 7.21.010 Kennel permits required.
- 7.21.020 Obtaining non-commercial kennel permits.
- 7.21.025 Obtaining commercial kennel permits.
- 7.21.026 Obtaining feral cat colony permits
- 7.21.030 Inspection.
- 7.21.040 Standards for non-commercial kennels.
- 7.21.050 Standards for commercial kennels.
- 7.21.055 Standards for feral cat colonies
- 7.21.060 Kennel permit periods.
- 7.21.070 Fees.
- 7.21.080 Reclassification.
- 7.21.090 Violations.

7.21.010 Kennel permits required.

- (a) No person shall operate a commercial or non-commercial kennel or feral cat colony without first obtaining a permit from the City of Bloomington Animal Care and Control Department in accordance with this chapter.
- (b) No permit shall be issued unless the proposed operation is in compliance with all zoning laws. (Ord. 99-39 §§ 26 (part), 27, 1999).

7.21.020 Obtaining non-commercial kennel permits.

Applications for non-commercial kennel permits shall be made to the City of Bloomington Animal Care and Control Department.

- (a) The application for a non-commercial kennel permit shall include:
 - (1) the name, address, and telephone number of the applicant;
 - (2) the description (species, breed, sex, age and coloration) of and proof of rabies vaccination for each animal to be housed in the kennel; and,
 - (3) a statement as to whether the applicant has ever been convicted of the offense of cruelty to animals.
- (b) If the applicant withholds or falsifies any information on the application, no permit shall be issued and any permit previously issued on false or withheld information shall be revoked.
- (c) No person previously convicted of cruelty to animals shall be issued a kennel permit without prior review by the Animal Control Commission. (Ord. 99-39 §§ 26 (part), 28, 1999).

7.21.025 Obtaining commercial kennel permits.

Applications for commercial kennel permits shall be made to the City of Bloomington Animal Care and Control Department.

- (a) The application for a commercial kennel permit shall include:
 - (1) the name, address, and telephone number of the applicant;
 - (2) a statement as to whether the applicant has ever been convicted of the offense of cruelty to animals; and,
 - (3) a statement of the total capacity of the kennels used for the purposes of Class B, Class C and Class D commercial kennel permits.
- (b) Applications for Class A commercial kennel permits must include the description (species, breed, sex, age and coloration) of each animal to be housed in the kennel.
- (c) If the applicant withholds or falsifies any information on the application, no permit shall be issued and any permit previously issued on false or withheld information shall be revoked.
- (d) No person previously convicted of cruelty to animals shall be issued a kennel permit without prior review by the Animal Control Commission. (Ord. 99-39 §§ 26 (part), 29, 1999).

7.21.026 Obtaining feral cat colony permits

Applications for feral cat colony permits shall be made to the City of Bloomington Animal Care and Control Department.

- (a) The application for a feral cat colony permit shall include:
 - (1) the name, address, and telephone number of the applicant;
 - (2) the description (breed, sex, age and coloration) of and proof of rabies vaccination for each cat to be housed in the colony; and,
 - (3) a statement as to whether the applicant has ever been convicted of the offense of cruelty to animals.
- (b) If the applicant withholds or falsifies any information on the application, no permit shall be issued and any permit previously issued on false or withheld information shall be revoked.
- (c) No person previously convicted of cruelty to animals shall be issued a feral cat colony permit without prior review by the Animal Control Commission. (Ord. 99-39 §§ 26 (part), 28, 1999).

7.21.030 Inspection.

It shall be a condition to the issuance of any permit required by this chapter that:

- (a) The senior and staff animal control officers of the City and/or their designees shall be permitted to inspect the structure and/or premises wherein a kennel or colony is maintained (or believed to be maintained) and all animals located thereon where such animals are harbored.
- (b) All reports of such inspections shall be in writing and maintained by the senior animal control officer.
- (c) The senior animal control officer, staff animal control officers, and/or their designees are authorized to enter the structure or premises wherein a kennel or colony is maintained (or believed to be maintained) at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures.
- (d) If the owner or those in possession of a structure or premises wherein a kennel or colony is maintained (or believed to be maintained) refuse inspection of said kennel or colony, the senior animal control officer, staff animal control officers, and/or their designees may obtain an inspection warrant from any court of record in the county in which the kennel or colony is located in order to determine if the kennel or colony is maintained in accordance with the Animal Title of the Bloomington Municipal Code.

(Ord. 99-39 §§ 26 (part), 30, 1999).

7.21.040 Standards for non-commercial kennels.

All non-commercial kennels shall:

- (a) Operate in such a manner as to not constitute a public nuisance; and
- (b) Comply with all of the provisions of Chapter 7.36 Animal Care, which provides standards for the general care of animals. (Ord. 99-39 §§ 26 (part), 31, 1999).

7.21.050 Standards for commercial kennels.

All commercial kennels shall:

- (a) Operate in such a manner as to not constitute a public nuisance;
- (b) Comply with all of the provisions of Chapter 7.36 Animal Care, which provides for the general care of animals;
- (c) Provide an isolation area for animals which are sick or diseased to be sufficiently removed so as to not endanger the health and well being of other animals;
- (d) Keep all animals caged within a secure enclosure or under the control of the owner/guardian or representative of the kennel at all times;
- (e) Provide each animal sufficient space to stand up, lie down and turn around in a natural position without touching the sides or top of the enclosure;
- (f) Provide individual kennels for each animal being harbored for any portion of a twenty-four (24) hour period, with the exception of yard or other play areas used for the purpose of dog daycare. Kennels intended for single occupancy shall not house more than one (1) animal, with the exception of animals that are normally housed together in a home environment. (Ord. 99-39 §§ 26 (part), 32, 1999).

7.21.055 Standards for feral cat colonies

All feral cat colonies shall:

- (a) Operate in such a manner as to not constitute a public nuisance; and
- (b) Comply with all of the provisions of Chapter 7.36 Animal Care, which provides standards for the general care of animals. (Ord. 99-39 §§ 26 (part), 31, 1999).

7.21.060 Kennel permit periods.

- (a) Non-commercial kennel permits shall be valid for a period of one (1) year from the date of issuance. An application must be made within ten (10) days of the creation of a kennel.
- (b) Commercial kennel permits shall be valid for one (1) year beginning January 1st of each year. Applicants requiring a commercial kennel permit during the year shall pay a prorated fee for the remaining portion of the current year. An application must be made prior to the creation of a kennel.
- (c) Feral cat colony permits shall be valid for a period of one (1) year from the date of issuance. An application must be made prior to the creation of a colony. (Ord. 99-39 §§ 26 (part), 33, 1999).

7.21.070 Fees.

- (a) The fee for non-commercial kennel permits shall be:
 - (1) More than 4 altered dogs \$25.00; or
 - (2) More than 6 altered cats \$25.00; or
 - (3) More than a total of 10 altered dogs & cats combined \$25.00; or
 - (4) More than a total of 14 altered dogs & cats combined \$50.00; and
 - (5) Additional altered dogs & cats combined in increments of 4 \$50.00, plus \$25.00 per additional increment
- (b) The fee for commercial kennel permits shall be:
 - (1) Class A, owning:
 - (A) 5-8 animals \$100.00
 - (B) 9-12 animals \$150.00
 - (C) additional animals in increments of 4 \$150.00, plus \$50.00 per additional increment
 - (2) Class B, boarding:
 - (A) 1-25 kennels \$100.00
 - (B) 26-50 kennels \$250.00
 - (C) additional kennels in increments of 25 \$250.00, plus \$200.00 per additional increment
 - (3) Class C, training \$75.00
 - (4) Class D, grooming \$50.00
- (c) The fee for feral cat colonies shall be \$0.00
- (d) No fee shall be required of any veterinary hospital or municipal animal shelter, research laboratory or government operated zoological park.
- (e) Persons whose establishments operate under more than one (1) class as defined by this chapter shall be required to apply for a permit for each applicable class. (Ord. 99-39 §§ 26 (part), 34, 1999).

7.21.080 Reclassification.

Any person or business who has a change in class under which the commercial and/or non-commercial kennel permit was issued shall report the change to the City of Bloomington Animal Care and Control Department and apply for a new permit within thirty (30) days of any such change. (Ord. 99-39 §§ 26 (part), 35, 1999).

7.21.090 Violations.

- (a) Any animal control officer may issue any person or business in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) shall be paid to the City of Bloomington Animal Care and Control Department within seventy-two (72) hours of the notice of ordinance violation. In the event that such payment is not made within seventy-two (72) hours, the City may file a proceeding in the county court of competent jurisdiction to collect the applicable penalty.
- (b) Persons or businesses who violate any provision of this chapter shall be subject to a fine of double the applicable permit fee for the first offense, with the fine for each subsequent offense of this chapter increasing by an increment of double the permit fee. In the event

that the kennel permit does not require a fee, the fine for a first offense shall be twenty-five dollars (\$25.00), with the fine for each subsequent offense of this chapter increasing by an increment of fifty dollars (\$50.00).

- (c) In the event that the person or business has no additional violations of this chapter for a period of twelve (12) consecutive months, the fine for any violation of this chapter after that period shall be double the applicable permit fee for the first offense, with the fine for each subsequent offense increasing by an increment of double the applicable permit fee. In the event that the kennel permit does not require a fee, the fine for a first offense shall be twenty-five dollars (\$25.00), with the fine for each subsequent offense of this chapter increasing by an increment of fifty dollars (\$50.00). (Ord. 99-39 §§ 26 (part), 36, 1999).

SECTION 6. Chapter 7.22 of the Bloomington Municipal Code entitled “Breeders” shall be deleted and replaced with the following and the codifier shall preserve the citations to previous ordinances affecting this chapter:

Chapter 7.22

BREEDERS

Sections:

- 7.22.010 Minor breeder permit required.
- 7.22.020 Major breeder permit required.
- 7.22.030 Obtaining breeder permits.
- 7.22.040 Inspection.
- 7.22.050 Breeder permit periods.
- 7.22.060 Fees.
- 7.22.070 Reclassification.
- 7.22.080 Violations.

7.22.010 Minor breeder permit required.

No person or business shall be a minor breeder without obtaining a permit in compliance with this chapter.

(a) Minor breeders shall:

- (1) Breed only one (1) dog or one (1) cat which results in the birthing of a maximum of one (1) litter in a twelve (12) month period;
- (2) Not offer for sale, sell, trade, receive any compensation for or give away more than one (1) litter of dogs or one (1) litter of cats in a twelve (12) month period;
- (3) Keep records for the duration of the permit as to the birth of each litter of dogs or cats as may be required by the City of Bloomington Animal Care and Control Department;
- (4) Keep records of the name, address and telephone number of each buyer or new owner/guardian of any dog or cat sold or transferred;
- (5) Furnish to each buyer or new owner/guardian of an animal the minor breeder permit number of the minor breeder in order that the new owner/guardian has proof and assurance that the animal was legally bred;
- (6) Not offer a puppy or kitten under the age of eight (8) weeks of age for sale, trade, or other compensation or free giveaway, with the exception of animals taken to the animal shelter;
- (7) Recommend that any animal sold, transferred or given away be examined by a licensed veterinarian within one (1) week of the date of transfer and notify the new owner/guardian of state requirements for rabies vaccinations; and
- (8) List the person’s or business’s minor breeder permit number on all public notices advertising the sale or free giveaway of litters of or individual puppies or kittens.

- (b) Any owner/guardian or person having custody of a dog or cat which has been altered within fourteen (14) weeks after giving birth to a litter or who relinquishes the adult dog or cat and the litter to the animal shelter within fourteen (14) weeks of the birth date of the litter shall have all permit requirements waived. (Ord. 99-39 §§ 37 (part), 38, 1999).

7.22.020 Major breeder permit required.

No person or business shall be a major breeder without obtaining a permit in compliance with this chapter.

Major breeders shall:

- (a) Not allow the birthing of more than one (1) litter per female dog or cat in a twelve (12) month period;
- (b) Keep records for twelve (12) months as to the birth of each litter of dogs or cats as may be required by the City of Bloomington Animal Care and Control Department;
- (c) Keep records for twenty-four (24) months of the name, address and telephone number of each buyer or new owner/guardian of any dog or cat sold or transferred;
- (d) Furnish to each buyer or new owner/guardian of an animal the major breeder permit number of the major breeder in order that the new owner/guardian has proof and assurance that the animal was legally bred;
- (e) Not offer a puppy or kitten under the age of eight (8) weeks of age for sale, trade, or other compensation or free giveaway, with the exception of animals taken to the animal shelter;
- (f) Recommend that any animal sold, transferred or given away be examined by a licensed veterinarian within one (1) week of the date of transfer and notify the new owner/guardian of state requirements for rabies vaccinations; and
- (g) List the person's or business's major breeder permit number on all public notices advertising the sale or free giveaway of litters of or individual puppies or kittens. (Ord. 99-39 §§ 37 (part), 39, 1999).

7.22.030 Obtaining breeder permits.

Applications for minor and major breeder permits shall be made to the City of Bloomington Animal Care and Control Department.

- (a) The application shall include:
 - (1) the name, address and telephone number of the applicant;
 - (2) a statement as to whether the applicant has ever been convicted of the offense of cruelty to animals; and,
 - (3) descriptions (species, breed, sex, age, coloration) of each animal under the permit.
- (b) If the applicant withholds or falsifies any information on the application, no permit shall be issued and any permit previously issued on false or withheld information shall be revoked.
- (c) No person previously convicted of cruelty to animals shall be issued a kennel permit without prior review by the Animal Control Commission.
- (d) An owner/guardian must apply for a minor or major breeder permit within twenty-one (21) days of the birthing of a litter or upon receiving a citation for failure to restrain their unaltered animal. (Ord. 99-39 §§ 37 (part), 40, 1999).

7.22.040 Inspection.

It shall be a condition to the issuance of any permit required by this chapter that:

- (a) The senior and staff animal control officers of the City and/or their designees shall be permitted to inspect the structure or premises wherein an establishment regulated under this chapter is maintained (or believed to be maintained) and all animals located thereon where such animals are harbored.
- (b) All reports of such inspections shall be in writing and maintained by the senior animal control officer.
- (c) The senior animal control officer, staff animal control officers, and/or their designees are authorized to enter the structure or premises wherein an establishment regulated under this chapter is maintained (or believed to be maintained) at reasonable times to inspect subject to constitutional restrictions on unreasonable searches and seizures.
- (d) If the owner or those in possession of a structure or premises wherein an establishment regulated under this chapter is maintained (or believed to be maintained) refuse inspection of said establishment, the senior animal control officer, staff animal control officers, and/or their designees may obtain an inspection warrant from any court of record in the county in which the establishment is located in order to determine if the establishment is maintained in accordance with the Animal Title of the Bloomington Municipal Code. (Ord. 99-39 §§ 37 (part), 41, 1999).

7.22.050 Breeder permit periods.

- (a) Minor breeder permits shall be valid for a period of one (1) year from the date of issuance.
- (b) Major breeder permits shall be issued on a litter by litter basis and shall be valid for one (1) year from the date of application. (Ord. 99-39 §§ 37 (part), 42, 1999).

7.22.060 Fees.

Fees for breeder permits shall be:

- (a) Minor breeder permit \$100.00
 - (b) Minor breeder permit for each unrestrained unaltered animal \$100.00
 - (c) Major breeder permit \$150.00 per litter
- (Ord. 99-39 §§ 37 (part), 43, 1999).

7.22.070 Reclassification.

Any person or business who has a change in the category under which the minor or major breeder permit was issued shall report the change to the City of Bloomington Animal Care and Control Department and apply for a new permit within thirty (30) days of any such change. (Ord. 99-39 §§ 37 (part), 44, 1999).

7.22.080 Violations.

- (a) Any animal control officer may issue any person or business in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) shall be paid to the City of Bloomington Animal Care and Control Department within seventy-two (72) hours of the notice of ordinance violation. In the event that such payment is not made within seventy-two (72) hours, the City may file a proceeding in the county court of competent jurisdiction to collect the applicable penalty.
- (b) Persons or businesses who violate any provision of this chapter shall be subject to a fine of double the applicable permit fee for the first offense, with the fine for each subsequent offense of this chapter increasing by an increment of double the permit fee.
- (c) In the event that the person or business has no additional violations of this chapter for a period of twelve (12) consecutive months, the fine for any violation of this chapter after that period shall be double the applicable permit fee for the first offense, with the fine for each subsequent offense increasing by an increment of double the applicable permit fee. (Ord. 99-39 §§ 37 (part), 45, 1999).

SECTION 7. Chapter 7.24 of the Bloomington Municipal Code entitled “Restraint” shall be deleted and replaced with the following and the codifier shall preserve the citations to previous ordinances affecting this chapter:

Chapter 7.24

RESTRAINT

Sections:

- 7.24.010 General requirements.
- 7.24.020 Animals in heat.
- 7.24.030 Vicious animals.
- 7.24.040 Violations.

7.24.010 General requirements.

All animals except cats which have been neutered or spayed and are wearing identification or are ear tipped in the case of feral cats shall be kept under restraint. However, altered cats not kept under restraint at all times are still subject to Public Nuisance laws cited in Chapter 7.28. (Ord. 77-74 § 4 (part), 1977).

7.24.020 Animals in heat.

Every female animal in heat shall be confined in a building or secure enclosure in such a manner that the animal cannot come into contact with a male animal of the same species except for planned breeding. (Ord. 77-74 § 4 (part), 1977).

7.24.030 Vicious animals.

- (a) If an animal control officer or a law enforcement officer has investigated and determined that there exists probable cause to believe that an animal is potentially dangerous or vicious, the animal control officer shall request a hearing by the Animal Control Commission for the purpose of determining whether or not the animal in question should be declared potentially dangerous or vicious.
 - (1) Whenever possible, any complaint received from a member of the public which serves as the evidentiary basis for finding probable cause shall be sworn to and verified by the complainant and shall be provided to the Animal Control Commission.
 - (2) The hearing will be held at the next regularly scheduled meeting of the Animal Control Commission and shall be open to the public.
 - (3) The owner/guardian of the animal shall be served with notice of the hearing and a copy of any complaints received by certified mail or in person.
 - (4) The animal control officer shall notify the owner/guardian of the animal of the date and time of such hearing, at which time he or she may present evidence as to why the animal should not be declared potentially dangerous or vicious.
 - (A) Such evidence may include eyewitness testimony of the incident; or
 - (B) Evidence that the action of the animal and the damage sustained by the person or other animal could have reasonably been expected to occur given the circumstances of the event. Such circumstances may include, but are not limited to: willful trespass upon the owner/guardian's property; teasing, tormenting, abusing or assaulting the animal; and/or attempted abuse or assault upon the owner/guardian.
 - (5) The Animal Control Commission may consider all relevant evidence, including incident reports, affidavits of witnesses, and whether the incident reasonably indicates whether or not the animal in question is potentially dangerous and/or vicious in ordinary circumstances where the average person could not reasonably be expected to foresee and take measures to prevent injury.
 - (6) The Animal Control Commission may decide all issues for or against the owner/guardian of the animal even if the owner/guardian of the animal fails to appear at the hearing.
 - (7) After the hearing, the owner/guardian of the animal shall be notified in writing of the determination by certified mail or in person.
 - (A) If a determination is made that the animal is potentially dangerous or vicious, the owner/guardian shall comply with this section's requirements for restraint in accordance with a time schedule established by the Animal Control Commission but in no case more than thirty (30) days after the date of the determination.
 - (B) An animal determined to be vicious may be destroyed by the City of Bloomington Animal Care and Control Department when it is found by the Animal Control Commission that the release of the animal would create a significant threat to the public health, safety, and welfare.
 - (C) If it is determined that an animal found to be vicious shall not be destroyed, the Animal Control Commission may impose reasonable conditions upon the ownership of the animal that protect the public health, safety and welfare.
 - (D) Decisions of the Animal Control Commission are final.
- (b) If upon investigation it is determined by the animal control officer or law enforcement officer that probable cause exists to believe the animal in question poses an immediate threat to public safety, then the animal control officer or law enforcement officer may seize and impound the animal pending the hearing to be held pursuant to this section. The owner/guardian of the animal shall be liable to the City of Bloomington Animal Shelter where the dog is impounded for the costs and expenses of keeping the animal, if the animal is later declared potentially dangerous or vicious.
- (c) A potentially dangerous animal, while on the owner/guardian's property, shall, at all times, be kept indoors, or in a secured enclosure from which the animal cannot escape, and into which children cannot trespass. A potentially dangerous animal may be off the owner/guardian's premises only if it is restrained by a substantial leash, of appropriate length, and if it is under the control of an adult.
- (d) An animal that has been declared vicious may not be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own

volition except to a secured enclosure. When outside, all vicious animals must be confined in a secure enclosure, except when necessary to obtain veterinary care.

- (1) All such enclosures must be adequately lighted and ventilated and kept in a clean and sanitary condition.
 - (2) The enclosure shall have secure sides and a secure top and bottom to prevent the animal from escaping over, under, or through the structure.
 - (3) The enclosure shall be kept locked at all times to prevent unintentional opening.
 - (4) The enclosure shall include suitable shelter and protection from the elements, and shall provide adequate exercise room, light, ventilation, and sanitation.
 - (5) The enclosure shall be approved by the City of Bloomington Animal Care and Control Department prior to its usage for confinement.
 - (6) Whenever necessity requires a vicious animal to be outside of the enclosure, the animal shall be securely muzzled and restrained by a leash not exceeding three (3) feet in length, with handgrip, and shall be under the direct control and supervision of the owner/guardian of the animal.
- (e) The owner/guardian of a potentially dangerous or vicious animal shall display clearly visible warning signs on all entry points to the premises on which the animal is maintained warning that a potentially dangerous or vicious animal is being harbored on such property. In addition, at least one sign shall be posted on the enclosure in which the animal is maintained. Signs must inform both children and adults of the presence of a potentially dangerous or vicious animal on the property.
- (f) Any animal classified as potentially dangerous or vicious shall not be used for breeding and shall be altered by a licensed veterinarian within thirty 30 days of such classification unless:
- (1) A licensed veterinarian certifies in writing that the animal is incapable of reproduction; or
 - (2) A licensed veterinarian certifies in writing that altering the animal would be injurious to the animal's health, provided, however, that if the health condition of the animal is of a temporary nature, then the animal shall be altered immediately after the health condition has been corrected.
- (g) If the animal in question dies, or is sold or transferred, the owner/guardian shall notify the City of Bloomington Animal Care and Control Department of the changed condition and new location of the animal in writing within two (2) working days.
- (h) An owner/guardian may submit one Request for Reconsideration per year to the Animal Control Commission to have the designation of potentially dangerous or vicious removed from his/her animal.
- (1) The application must be in writing.
 - (2) The application must be given to the City of Bloomington Animal Care and Control Department.
 - (3) The application shall include detailed information about how the change in circumstances or measures taken by the owner/guardian, such as training of the animal, have mitigated the risk to public safety.
 - (4) The Animal Control Commission may hear evidence, both pro and con, as to whether and why the designation should or should not be removed.
 - (5) The Animal Control Commission may make a decision to remove or not to remove such designation.

(Ord. 99-39 § 46, 1999; Ord. 81-101 § 1 (part), 1981; Ord. 77-74 § 4 (part), 1977).

7.24.040 Violations.

- (a) Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) may, at the discretion of the animal owner/guardian, be paid to the City of Bloomington Animal Care and Control Department within seventy-two (72) hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings shall be filed in the county court of competent jurisdiction.
- (b) Persons who violate any provision of this chapter shall be subject to the following fine:
- (1) Failure to restrain, first offense, altered animal \$20.00
Fines for each subsequent offense within twelve (12) consecutive months of first offense increase in increments of \$20.00 per offense.
 - (2) Failure to restrain, first offense, unaltered animal \$40.00
Fines for each subsequent offense within twelve (12) consecutive months of first offense increase in increments of \$40.00 per offense.

- (3) Failure to restrain female animal in heat, first offense \$100.00
Fines for each subsequent offense within twelve (12) consecutive months of first offense are \$150.00 per offense.
- (4) Failure to restrain vicious animal or potentially dangerous animal, first offense \$100.00
Fines for each subsequent offense within twelve (12) consecutive months of first offense are \$150.00 per offense
- (5) Failure to post warning signs for potentially dangerous and/or vicious animals \$50.00
- (6) Failure to notify City of Bloomington Animal Care and Control Department of change of status for potentially dangerous and/or vicious animals \$50.00
- (7) Failure to prevent potentially dangerous and/or vicious animal from breeding \$100.00
- (8) Failure to alter potentially dangerous and/or vicious animal within thirty (30) days of such classification \$100.00
- (9) Failure to comply with any portion of Chapter 7.24, not previously addressed in sections one (1) through eight (8), shall result in a \$100.00 fine.

(Ord. 99-39 § 47, 1999; Ord. 94-13 § 2, 1994; Ord. 81-101 § 3 (part), 1981; Ord. 77-74 § 4 (part), 1977).

SECTION 8. Chapter 7.28 of the Bloomington Municipal Code entitled “Nuisance” shall be deleted and replaced with the following and the codifier shall preserve the citations to previous ordinances affecting this chapter:

Chapter 7.28

NUISANCE

Sections:

7.28.010 Public nuisance prohibited.

7.28.020 Violations.

7.28.010 Public nuisance prohibited.

No owner/guardian shall fail to exercise due care and control of his animals to prevent them from becoming a public nuisance. (Ord. 81-101 § 7 (part), 1981; Ord. 76-14 § 1 (part), 1976).

7.28.020 Violations.

- (a) Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in sub-section (b) may, at the discretion of the animal owner/guardian, be paid to the City of Bloomington Animal Care and Control Department within seventy-two (72) hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings shall be filed in the county court of competent jurisdiction.
- (b) Persons who violate any provision of this chapter shall be subject to a fine of fifty dollars (\$50.00) for the first offense, with the fine of each subsequent offense of this chapter increasing by an increment of fifty dollars (\$50.00).
- (c) In the event the person has no additional violations of this chapter for a period of twelve (12) consecutive months, the fine for any violation of this chapter after that period shall be fifty dollars (\$50.00) for the first offense, with the fine for each subsequent offense increasing by an increment of fifty dollars (\$50.00). (Ord. 99-39 § 48, 1999; Ord. 81-101 § 7 (part), 1981).

SECTION 9. Chapter 7.32 of the Bloomington Municipal Code entitled “Impoundment” shall be deleted and replaced with the following and the codifier shall preserve the citations to previous ordinances affecting this chapter:

Chapter 7.32

IMPOUNDMENT

Sections:

- 7.32.010 Animals to be impounded.
- 7.32.020 Jurisdiction of animal control officer for impoundment.
- 7.32.030 Notice of impoundment.
- 7.32.040 Impounded animals-- Reclamation.

7.32.010 Animals to be impounded.

- (a) At-large animals (with the exception of altered cats that are wearing identification or are ear tipped in the case of feral cats and are not a public nuisance), nuisance animals, animals suspected of being neglected, subjected to cruelty or abandoned, and animals which have bitten persons or other animals may be taken by law enforcement or animal control officers and impounded in the City of Bloomington Animal Shelter.
- (b) In lieu of impounding an animal which is at large or a public nuisance according to this title, the law enforcement officer or animal control officer may issue to the known owner/guardian of such animal a notice of ordinance violation and may return the animal to the owner/guardian’s property if the animal can be secured safely. (Ord. 99-39 § 49, 1999; Ord. 81-101 §§ 1 (part), 8, 1981; Ord. 77-74 § 5 (part), 1977).

7.32.020 Jurisdiction of animal control officer for impoundment.

The jurisdiction of animal control officers for purposes of enforcing this chapter shall include, in addition to the municipality of Bloomington itself, all land within four (4) miles of its corporate limits. (Ord. 81-101 § 1 (part), 1981; Ord. 77-74 § 5 (part), 1977).

7.32.030 Notice of impoundment.

- (a) If the owner/guardian of an impounded animal can be identified, the senior animal control officer or his/her designees shall immediately upon impoundment notify the owner/guardian by telephone or mail.
- (b) Animals whose owner/guardians are not identifiable or cannot be notified after reasonable effort shall be held for five (5) calendar days from the date of impoundment, not counting officially recognized holidays, before becoming the property of the City.
- (c) Animals whose owner/guardians have been notified and who do not reclaim their animals within the five (5) day stray period shall also become the property of the City unless the owner/guardian of the animal posts a five hundred and fifty dollar (\$550.00) bond with the City Controller prior to the expiration of the five (5) day stray period to provide for the animal’s care and keeping.
 - (1) The bond must be valid for thirty (30) days.
 - (2) The owner/guardian may renew a bond by posting a new bond in the amount of six hundred dollars (\$600.00) prior to the expiration of the original bond, but may only do so once.
 - (3) If a bond expires and is not renewed, the animal becomes the property of the City.
- (d) Any stray animals found as part of a litter of two (2) or more shall become the property of the City and may be placed for adoption or humanely euthanized if not claimed by the owner/guardian within three (3) days of impoundment.
- (e) Any stray animal found with severe medical conditions and/or injuries shall be assessed by a veterinarian, whenever possible. Whenever possible, humane care will be provided in order to allow the animal to remain comfortable for the duration of the stray period. However, when an animal’s injuries or illnesses are so severe such that the animal can not be maintained in a comfortable fashion, the animal may be euthanized prior to the end of the stray period.
- (f) Any medical expenses incurred while the animal is in the care of the City shall be the responsibility of the owner/guardian of the animal should the owner/guardian be identified.

- (g) Animals that are the property of the City may be placed for adoption or humanely euthanized. (Ord. 81-101 §§ 1 (part), 9, 1981: Ord. 77-74 § 5 (part), 1977).

7.32.040 Impounded animals-- Reclamation.

- (a) An owner/guardian reclaiming an impounded animal shall pay a board fee as follows, in addition to a fee of \$7 for vaccinations of reclaimed cats and dogs:
 - (1) Dog, impounded for 1-5 days \$10.00 per day
 - (2) Dog, impounded for 6 or more days \$20.00 per day
 - (3) Cat or ferret, impounded for 1-5 days \$5.00 per day
 - (4) Cat or ferret, impounded for 6 or more days \$10.00 per day
 - (5) Horses, goats, pigs, poultry \$10.00 per day
 - (6) Other animals \$5.00 per day
- (b) The City of Bloomington Animal Care and Control Department may agree to waive some or all of its fines and fees at the discretion of the Director if the owner/guardian of an unaltered animal agrees to have the animal spayed or neutered as a condition of its release.
- (c) A person may reclaim an animal in the custody of the City of Bloomington Animal Care and Control Department upon providing the following:
 - (1) proof of ownership,
 - (2) identification such as a driver's license,
 - (3) payment of redemption fee and any other service/medical fees, as approved by the Director of Bloomington Animal Care and Control.
- (d) An animal that has been a previously impounded stray or at-large animal and is now being redeemed for the second or subsequent redemption within the last twelve (12) months, will be required to be
 - (1) implanted with a microchip by the City of Bloomington Animal Care and Control Department at the owner/guardian's expense for the purpose of future identification and recovery; and,
 - (2) spayed or neutered by a licensed veterinarian at the owner/guardian's expense prior to the shelter relinquishing the animal to the owner/guardian. Should cost be an issue, the City of Bloomington Animal Care and Control Department may enter into a payment agreement with the owner/guardian or the owner/guardian may sign over ownership rights of the animal to the City of Bloomington Animal Care and Control Department.

SECTION 10. Chapter 7.36 of the Bloomington Municipal Code entitled "Animal Care" shall be deleted and replaced with the following and the codifier shall preserve the citations to previous ordinances affecting this chapter:

Chapter 7.36

ANIMAL CARE

Sections:

- 7.36.010 Giving animals as prizes.
- 7.36.020 Poisoning animals.
- 7.36.025 Cruelty, abuse and neglect of animals.
- 7.36.030 Motor vehicle accidents involving animals.
- 7.36.040 Use of devices to induce performance.
- 7.36.050 General animal care.
- 7.36.060 Specific animal care provisions for animals used for drawing vehicles.
- 7.36.070 Abandonment.

7.36.010 Giving animals as prizes.

- (a) No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter any contract, game, or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement in which the offer was for the purpose of attracting trade.
- (b) No person shall auction any live animal except domestic livestock.
- (c) Violations. Any animal control officer may issue to any person in violation of this section a notice of ordinance violation. The penalty established in subsection (d) may, at the

discretion of the animal owner/guardian, be paid to the City of Bloomington Animal Care and Control Department within seventy-two (72) hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings shall be filed in the county court of competent jurisdiction.

- (d) Persons who violate any provision of this section shall be subject to a fine of one hundred dollars (\$100.00) for each offense. (Ord. 99-39 § 52, 1999; Ord. 81-101 § 11, 1981; Ord. 77-74 § 6 (part), 1977).

7.36.020 Poisoning animals.

No person shall expose any known poisonous substance, whether mixed with food or not, so that it shall be likely to be eaten by any animal; provided, that it shall not be unlawful for a person to expose on his own property common rat or mouse poison, unmixed or mixed only with vegetable substances. Persons who violate this section shall be subject to a fine of up to two thousand five hundred dollars (\$2,500.00) for each offense. (Ord. 99-39 § 53, 1999; Ord. 77-74 § 6 (part), 1977).

7.36.025 Cruelty, abuse and neglect of animals.

No person shall torture, beat, mutilate or neglect an animal resulting in serious injury or death to the animal. Persons who violate this section shall be subject to a fine of two thousand five hundred dollars (\$2,500.00) for each offense. (Ord. 99-39 § 54, 1999).

7.36.030 Motor vehicle accidents involving animals.

Any person who, as the operator of a motor vehicle, strikes a dog or cat, shall at once report the accident to the appropriate law enforcement agency or the City of Bloomington Animal Care and Control Department. Persons who violate this section shall be subject to a fine of fifty dollars (\$50.00) for each offense. (Ord. 99-39 § 55, 1999; Ord. 77-74 § 6 (part), 1977).

7.36.040 Use of devices to induce performance.

No animal exhibition or circus shall be permitted in which animals are induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that is likely to cause physical injury or suffering. Persons who violate this section shall be subject to a fine of two thousand five hundred dollars (\$2,500.00) for each offense. (Ord. 99-39 § 56, 1999; Ord. 77-74 § 6 (part), 1977).

7.36.050 General animal care.

- (a) Every owner/guardian of an animal within the City shall see that his animal:
 - (1) 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;
 - (2) Has proper and adequate food, water, shelter, and protection from the weather;
 - (3) If diseased or injured, receives care as necessary to prevent suffering and, if diseased, is segregated from other animals so as to prevent the transmittal of the disease to other animals.
- (b) Any domestic pet or feral cat that is owned or harbored and habitually kept outside or repeatedly left outside unattended by an adult person for such periods of time as may cause suffering or endanger the health or well-being of the animal shall be provided with a structurally sound, moisture proof and windproof shelter large enough to keep the animal reasonably clean and dry and provide adequate protection from the cold and heat. Shelter must be placed in a dry area free of debris, feces and standing water.
- (c) If multiple animals are present in one location, each animal must have access to shelter and the owner/guardian must meet all standards for each animal as detailed in this section.
- (d) The shelter must have bedding to provide insulation and protection against cold and dampness and promote the retention of body heat.
- (e) Appropriate medical care and grooming of animals must be provided.
- (f) No chain or tether shall weigh more than 1/8 of the animal's body weight.
- (g) Any chain or tether shall be at least ten (10) feet in length and have swivels on both ends.
- (h) Any chain or tether must be attached to a properly fitting buckle-type collar or harness worn by the animal. Choke collars and pinch collars are prohibited for purposes of tethering an animal to a stationary object or cable run. A person may not wrap a chain or tether around an animal's neck. A chain or tether used to restrain an animal must, by design and placement, be unlikely to become entangled.

- (i) It shall be unlawful for the owner/guardian of any animal to keep or maintain the animal on a tether for a period of more than ten (10) continuous hours and no more than twelve (12) hours in any twenty-four (24) hour period, or for any duration under conditions, which threaten the health, or well being of the animal.
- (j) A muzzle may not be worn continuously as a means for controlling barking.
- (k) A person may not restrain an animal in a manner that does not allow the animal to have access to necessary shelter, water and food.
- (l) A person may not restrain an animal in a manner that allows the animal to move outside property owned, lawfully occupied or controlled by the person.
- (m) Any person who owns or harbors any intact female dog or cat shall, during the period that such animal is in heat or in estrus, shall keep such dog or cat in a secured area that prevents a male dog or cat from having access to such female except for controlled breeding permitted by the owner/guardian of the female. Additionally, the female dog or cat shall not be chained or tethered in a manner that prevents her from defending herself or from avoiding a mate.
- (n) It shall be unlawful for any person to place or confine or allow any animal to be confined in such a manner that it must remain in a motor vehicle, trailer or pet carrier under such conditions for such periods of time as may cause suffering or endanger the health or well-being of the animal due to extreme temperatures or lack of food or water.
- (o) No person shall intentionally or unintentionally cause or allow the breeding of more than one (1) litter per female cat or dog in a twelve (12) month period.
- (p) Any animal control officer may issue to any person in violation of this section a notice of ordinance violation. The penalty established in subsection (q) may, at the discretion of the animal owner/guardian, be paid to the City of Bloomington Animal Care and Control Department within seventy-two (72) hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings shall be filed in the county court of competent jurisdiction.
- (q) Persons who violate any provision of this section shall be subject to a fine of fifty dollars (\$50.00) for each offense. (Ord. 99-39 § 57, 1999; Ord. 81-101 § 12, 1981; Ord. 77-74 § 6 (part), 1977).

7.36.060 Specific animal care provisions for animals used for drawing vehicles.

- (a) In addition to the provisions set out in Section 7.36.050 "General animal care" above, every owner/guardian of an animal used to draw a vehicle for hire within the City shall see that:
 - (1) The animal has adequate flesh and muscle tones;
 - (2) The hooves of the animal are properly trimmed and shod within every eight (8) weeks of work. Acceptable horseshoes for this work are limited to Borium studded type or polyurethane (plastic), studs optional. Records must be kept for twelve (12) months by the owner/guardian of the dates and the name of the blacksmith who shod the animal;
 - (3) The animal is groomed daily;
 - (4) The animal is not over-ridden, driven, or kept, to result in over-heating or exhaustion. Animals shall not be worked during the middle of the afternoon during hot days when livestock warnings are issued. Whenever possible during warm weather the driver shall park in the shade. Animals shall not be worked more than two (2) hours without being given a thirty (30) minute rest period. Maximum working period for any one (1) animal shall be ten (10) hours out of every twenty-four (24) hours, and any five (5) out of seven (7) consecutive days.
 - (5) No animal may be whipped by a driver with more than a light touch by a light whip or in a manner that causes injury or suffering;
 - (6) The speed at which any animal is driven shall not exceed a trot;
 - (7) The animals shall not be left unattended on a street or public way;
 - (8) The harness, bridle, saddle, and any other equipment required or in use is properly fitted, in good working order, free of makeshift design, and used so as in no way causes pain or injury to the animal. Twisted wire snaffles, and spurs are not permitted.
- (b) Any animal control officer may issue to any person in violation of this section a notice of ordinance violation. The penalty established in subsection (d) may, at the discretion of the animal owner/guardian, be paid to the City of Bloomington Animal Care and Control Department within seventy-two (72) hours in full satisfaction of the assessed penalty. In

the event that such payment is not made within the period prescribed, proceedings shall be filed in the county court of competent jurisdiction.

- (c) To protect the health and safety of the animal and the public, upon a finding that an animal is sick, injured, lame, malnourished, or in any other condition that renders it unfit for drawing a vehicle for hire, any animal control officer may issue an order that the animal is deemed unfit for work and order it removed from the vehicle and the City streets; such order may be appealed within forty-eight (48) hours to the Animal Control Commission which shall, upon hearing all evidence, confirm or deny the order of the animal control officer.
- (d) Persons who violate any provision of this section shall be subject to a fine of fifty dollars (\$50.00) for each offense. (Ord. 99-39 § 58, 1999; Ord. 83-53 § 2, 1983).

7.36.070 Abandonment.

No owner/guardian of an animal shall abandon such animal. Persons who violate this section shall be subject to a fine of up to five hundred dollars (\$500.00) for each offense. (Ord. 99-39 § 59, 1999; Ord. 83-53 § 3, 1983; Ord. 77-74 § 6 (part), 1977).

SECTION 11. Chapter 7.40 of the Bloomington Municipal Code entitled “Wild Animals” shall be deleted and replaced with the following and the codifier shall preserve the citations to previous ordinances affecting this chapter:

Chapter 7.40

WILD ANIMALS

Sections:

- 7.40.010 Keeping wild animals.
- 7.40.020 Exceptions.
- 7.40.030 Violations.

7.40.010 Keeping wild animals.

No person shall keep or permit to be kept on his premises any wild animal for any purpose, except as provided in Section 7.40.020. This section shall not be construed to apply to zoological parks, circuses, animal exhibitions, research laboratories, licensed wildlife rehabilitators, or licensed educators. (Ord. 99-39 § 60, 1999; Ord. 76-25 § 4, 1976; Ord. 76-14 § 1 (part), 1976).

7.40.020 Exceptions.

Any person owning a wild animal prior to the enactment of this chapter shall be permitted to continue ownership of the animal; provided, that he registers the animal with the Animal Control Commission within six (6) weeks after enactment of this chapter. A copy of this registration must be kept by the owner/guardian for as long as the person owns the animal as evidence of possession of the animal prior to the enactment of this chapter. (Ord. 76-14 § 1 (part), 1976).

7.40.030 Violations.

- (a) Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in sub-section (b) may, at the discretion of the animal owner/guardian, be paid to the City of Bloomington Animal Care and Control Department within seventy-two (72) hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings shall be filed in the county court of competent jurisdiction.
- (b) Persons who violate any provision of this section shall be subject to a fine of five hundred dollars (\$500.00) for each offense. (Ord. 99-39 § 61, 1999; Ord. 81-101 § 3 (part), 1981; Ord. 76-14 § 1 (part), 1976).

SECTION 12. Chapter 7.42 of the Bloomington Municipal Code entitled “Reptiles” shall be deleted and replaced with the following and the codifier shall preserve the citations to previous ordinances affecting this chapter:

Chapter 7.42

REPTILES

Sections:

- 7.42.010 Registration--Pet shops.
- 7.42.020 Registration--Others.
- 7.42.030 Registration--Changes in harboring address.
- 7.42.040 Lost or impounded reptiles.
- 7.42.050 Violations.

7.42.010 Registration--Pet shops.

- (a) Any pet shop intending to harbor, sell, trade, or in any way distribute reptiles within the City must register with the City of Bloomington Animal Care and Control Department, in writing, of such intention before any reptiles may be harbored, sold, traded, or distributed.
- (b) Any pet shop harboring, selling, trading or in any way distributing reptiles within the City shall make available for inspection by the City of Bloomington Animal Care and Control Department, an inventory of the number and type of reptiles received, the number and type distributed by sale, trade, death or in any other manner, and the number and type on hand.
- (c) Whenever any pet shop sells, trades or in any way distributes an exotic snake (not native to the United States) within the City, it shall complete a form provided by the City of Bloomington Animal Care and Control Department indicating the type of exotic snake, the person taking possession of the snake and the address where the snake will be harbored. There will be no fee for said registration. (Ord. 85-23 § 2 (part), 1985).

7.42.020 Registration--Others.

Any person harboring an exotic snake within the City who acquired the snake from any source other than a registered pet shop, must register the snake with the City of Bloomington Animal Care and Control Department. Such registration shall consist of the name of the owner/guardian and the address where the snake will be harbored. There will be no fee for said registration. (Ord. 85-23 § 2 (part), 1985).

7.42.030 Registration--Changes in harboring address.

It shall be the responsibility of each owner/guardian of an exotic snake, to inform the City of Bloomington Animal Care and Control Department whenever the address at which a snake is being harbored changes for any reason. These reasons include, but are not limited to: death, loss, sale, transfer, or if the owner/guardian of the snake moves. (Ord. 85-23 § 2 (part), 1985).

7.42.040 Lost or impounded reptiles.

Lost reptiles shall be impounded and released to the registered owner/guardian or disposed of in accordance with Sections 7.32.030 and 7.32.040, provided however, that any nonpoisonous species native to Indiana shall be presumed wild and released to a natural habitat. (Ord. 85-23 § 2 (part), 1985).

7.42.050 Violations.

- (a) Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in subsection (b) may, at the discretion of the animal owner/guardian, be paid to the City of Bloomington Animal Care and Control Department within seventy-two (72) hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings shall be filed in the county court of competent jurisdiction.
- (b) Persons who violate any provision of this section shall be subject to a fine of fifty dollars (\$50.00) for each offense. (Ord. 99-39 § 62, 1999; Ord. 85-23 § 2 (part), 1986).

SECTION 13. Chapter 7.44 of the Bloomington Municipal Code entitled “Rabies” shall be deleted and replaced with the following and the codifier shall preserve the citations to previous ordinances affecting this chapter:

Chapter 7.44

RABIES

Sections:

- 7.44.010 Rabies vaccination required.
- 7.44.020 Animals biting persons.
- 7.44.030 Animals biting animals
- 7.44.050 Euthanization of stray animals.
- 7.44.060 Violations.

7.44.010 Rabies vaccination required.

It is unlawful to own or harbor a dog, cat or ferret over the age of three (3) months without a valid rabies vaccination. (Ord. 98-27 § 9, 1998: Ord. 81-101 § 13, 1981: Ord. 77-51 § 1 (part), 1977).

7.44.020 Animals biting persons.

- (a) If an owned dog, cat or ferret has bitten a person, the animal shall be impounded in the City of Bloomington Animal Shelter, veterinary hospital, or kennel approved by a City animal control officer, at the animal owner/guardian's expense. This impoundment shall be for a period of ten (10) days in order to determine whether or not the animal has rabies. If the animal dies during this ten (10) day period it shall, at the animal owner/guardian's expense, be sent to the proper authorities to determine whether or not it was rabid. Other animals which have bitten a person shall be handled in accordance with the current compendium for animal rabies control, with all expenses being the responsibility of the animal's owner/guardian.
- (b) An owner/guardian reclaiming an impounded bite case animal, having been boarded at the City of Bloomington Animal Shelter, shall pay a board fee as follows:
 - (1) Dog \$10.00 per day
 - (2) Cat or ferret \$5.00 per day
- (c) Persons failing to quarantine an owned animal that has bitten a person shall be subject to a fine as specified in 7.44.060. (Ord. 99-39 § 63, 1999).

7.44.030 Animals biting animals

If an animal has bitten another domestic pet, at the discretion of a City animal control officer, the animal may be impounded in the City of Bloomington Animal Shelter, veterinary hospital, or kennel approved by a City animal control officer, at the animal owner/guardian's expense. The conditions of the impound shall be the same as in Section 7.44.020.

7.44.050 Euthanization of stray animals.

If a stray dog, cat or ferret has bitten a person or animal it shall be confined in the City of Bloomington Animal Shelter for five (5) days only. At the end of the five (5) day period, if unclaimed, the animal shall be euthanized, and its brain sent to the Indiana Department of Health Rabies Laboratory for diagnostic tests. (Ord. 98-27 § 13, 1998: Ord. 77-51 § 1 (part), 1977).

7.44.060 Violations.

Unless otherwise provided for by state statute, persons who violate any provision of this chapter shall be subject to a fine of up to two hundred dollars (\$200.00) for each offense. (Ord. 99-39 § 64, 1999; Ord. 77-51 § 1 (part), 1977).

SECTION 14. Chapter 7.48 of the Bloomington Municipal Code entitled “Adopted Animals” shall be deleted and replaced with the following and the codifier shall preserve the citations to previous ordinances affecting this chapter:

Chapter 7.48

ADOPTED ANIMALS

- 7.48.010 Adoption fees
- 7.48.020 Spaying and neutering of adopted animals
- 7.48.030 Violations

7.48.010 Adoption fees.

- (a) The fee to adopt any animal shall be as listed in the table found in this section. The adoption fee must be paid prior to the animal being taken to his or her new home.

DOMESTIC ANIMALS

Dogs and cats under 5 years of age	\$75.00
Dogs and cats over 5 years of age	\$55.00
Rabbits and ferrets	\$45.00
Goats, pigs, horses, etc.	\$20.00

BIRDS

Parakeets/Finches	\$10.00
Lovebirds/Cockatiels	\$20.00

REPTILES	\$20.00
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SMALL ANIMALS

Guinea Pigs	\$5.00
Mice	\$2.00
Rats	\$2.00
Hamster/Gerbils	\$2.00

- (b) In order to help more companion animals find suitable homes, the Director of the City of Bloomington Animal Care and Control Department has the discretion to raise or lower the adoption fees under the following circumstances:

- (1) Adoptions of animals which have incurred extraordinary expenses while under the shelter's care;
- (2) Adoptions of hard-to-adopt animals or of foster animals by foster parents;
- (3) Adoptions by breed rescue organizations or transfers to humane associations; or
- (4) Adoptions through special promotions or when the kennel is full.

The Director shall inform the Animal Control Commission of any such adjustments at their monthly meeting. (Ord.04-34 &3,2004).

7.48.020 Spaying and neutering of adopted animals.

Any dog, cat, rabbit or ferret adopted from the City of Bloomington Animal Shelter shall be spayed or neutered by a veterinarian prior to being taken to his or her new home. The City of Bloomington Animal Care and Control Department shall assume the cost of the spay or neuter operation. If a veterinarian should determine that the dog, cat, rabbit or ferret is physically unable to undergo such an operation at the current time, the dog, cat, rabbit or ferret is to be neutered or spayed as soon as the veterinarian determines it is able. (Ord. 04-34 & 2,2004: Ord. 98-27 § 14, 1998: Ord. 81-101 §§ 1 (part), 15, 1981; Ord. 77-74 § 7 (part), 1977).

7.48.030 Violations.

- (a) Any animal control officer may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in sub-section (b) may, at the discretion of the animal owner/guardian, be paid to the City of Bloomington Animal Care and Control Department within seventy-two (72) hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings shall be filed in the county court of competent jurisdiction.
- (b) Persons who violate any provision of this section shall be subject to a fine of two hundred dollars (\$200.00) for each offense. (Ord. 99 § 64, 1999; Ord. 81-101 § 3 (part), 1981: Ord. 77-74 § 7 (part), 1977).

SECTION 15. Chapter 7.52 of the Bloomington Municipal Code entitled “General Provisions” shall be deleted and replaced with the following and the codifier shall preserve the citations to previous ordinances affecting this chapter:

Chapter 7.52

GENERAL PROVISIONS

Sections:

- 7.52.010 Disposition of funds.
- 7.52.020 Animals census.
- 7.52.030 Conflicting ordinances.
- 7.52.035 Maximum fines
- 7.52.040 Severability clause.
- 7.52.050 Animal shelter.
- 7.52.060 Interference with animal control officer--Penalty.

7.52.010 Disposition of funds.
All fees or moneys shall be paid to the City of Bloomington Controller, the City of Bloomington Legal Department, the City of Bloomington Animal Care and Control Department or agents designated by the Animal Control Commission. Money so paid shall be transmitted to the City of Bloomington Controller and shall be used in carrying out the provisions of this title. (Ord. 81-101 § 1 (part), 1981; Ord. 76-14 § 1 (part), 1976).

7.52.020 Animals census.
Upon enactment of the ordinance codified in this title, the City of Bloomington, at the direction of the Mayor with the approval of the Common Council, may instigate and carry out a City-wide census for the purpose of carrying out the provisions of this title. A census may be held once every two (2) years thereafter at the request of the Mayor and Common Council. The Animal Control Commission shall administer the census. (Ord. 76-14 § 1 (part), 1976).

7.52.030 Conflicting ordinances.
All other ordinances of the City of Bloomington that are in conflict with this title are repealed to the extent of such conflict. (Ord. 76-14 § 1 (part), 1976).

7.52.035 Maximum fines
No fine for a single violation of the provisions of this title shall exceed twenty-five hundred dollars pursuant to IC 36-1-3-8 (10).

7.52.040 Severability clause.
If any part of this title shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this title. (Ord. 76-14 § 1 (part), 1976).

7.52.050 Animal shelter.
The physical facility known as the City of Bloomington Animal Shelter shall be under the administrative control of the Department of Public Works and shall constitute a division of the department. The senior animal control officer and Animal Control Commission shall retain all powers and duties conferred by this title for the detailed supervision of matters relating to animal control. It is the intent of this title that the Animal Control Commission be an advisory body to formulate, adopt and implement policies, principles and standards for humane treatment and control of all animals in the City. (Ord. 81-101 § 1 (part), 1981; Ord. 77-62 § 11, 1977).

7.52.060 Interference with animal control officer--Penalty.
Whoever forcibly assaults, resists, opposes, obstructs, prevents, impedes or interferes with any animal control officer while that officer is engaged in the execution of any duties required of animal control officers under this title shall be fined not more than one thousand dollars (\$1,000.00) per occurrence. (Ord. 83-6 § 7, 1983; Ord. 81-101 § 1 (part), 1981; Ord. 81-5 § 3, 1981; Ord. 76-14 § 1 (part), 1976).

SECTION 16. All provisions of this Ordinance, except those specified in Section 17, shall be in full force and effect on and after its passage by the Common Council of the City of Bloomington and approval by the Mayor and publication as required by law.

SECTION 17. Assuming passage, approval and publication of the Ordinance as set forth in Section 16, the following provisions of Section 5 shall go into effect on July 1, 2006: Section 7.21.10 (Kennel permits required) (b) - specifically in regard to the permitting of feral cat colonies; Section 7.21.026 (Obtaining a feral cat colony); Section 7.21.055 (Standards for feral cat colonies); Section 7.21.060 (Kennel permit periods.)(c); and, Section 7.21.070 (Fees.)(c). This six month period of delay is intended to provide more time and offer more encouragement for City staff and representatives of the feral cat volunteers to meet in good faith to develop alternate procedures for regulating the treatment of feral cats. The President of the Council may appoint as many as four Council members to join these meetings and help formulate a public-private partnership that will reduce the numbers of feral cats, improve their living conditions, and otherwise protect the health, safety, and welfare of the community.

PASSED and ADOPTED by the Common Council of the City of Bloomington, Monroe County, Indiana, upon this 21st day of December 2005.

/s/ ANDY RUFF, President, Bloomington Common Council

ATTEST: /s/ MATT WEBER, Deputy Clerk, City of Bloomington

PRESENTED by me to the Mayor of the City of Bloomington, Monroe County, Indiana, upon this 23rd day of December, 2005.

/s/ MATT WEBER, Deputy Clerk, City of Bloomington

SIGNED and APPROVED by me upon this 23rd day of December, 2005.

/s/ JAMES McNAMARA, Deputy Mayor, City of Bloomington

SYNOPSIS

This ordinance extensively amends Title 7 (Animals). It adds numerous definitions and amends others to reflect current animal-related issues. It deletes the licensing chapter. It adds new, more specific standards for the humane treatment of animals including time and manner that animals are tethered. It increases the number of cats and dogs that can live in a household before a non-commercial kennel permit is required. The ordinance also allows feral cat colonies and sets standards for their operation. It defines potentially dangerous and vicious animals, requires a hearing to make and review that determination, and establishes procedures for treating those animals once that determination is made. It increases the fees for breeder permits to encourage spay/neuter. It amends the impoundment chapter to clarify the handling of strays and to give owners the option to post a bond if they cannot reclaim their animal within the five-day limit. In the case of unaltered animals which are impounded twice within a 12 month period, it requires that the animal be altered and micro-chipped at the owner/guardian's expense before being returned the second time. It gives the Director authority to waive fees, fines and penalties, if an owner/guardian agrees to have an animal altered. It increases the fines for the mistreatment and poisoning of animals from \$500.00 to \$2,500.00. Lastly it corrects numerous inconsistencies throughout Title 7.

Note: On December 21, 2005, the Council adopted Amendment 2 by a vote of 8 – 1, which amended Section 16 and inserted Section 17 of the ordinance in order to delay for six months the implementation of the provisions which require the licensing of persons who harbor more than six feral cats. This period of delay is intended to give the parties, with the assistance of as many of four council members, further opportunity to develop alternative procedures for regulating the treatment of feral cats.