

CHAPTER 90: ANIMALS AND FOWL

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GENERAL PROVISIONS

§ 90.01 KEEPING CERTAIN ANIMALS.

It is unlawful for any person to keep or maintain any pig pen, pig sty, chicken coop or chicken park or any other fowl in the same within 200 feet of any dwelling house of any person, other than the owner of the pig pen, pig sty, chicken coop or chicken park.
(Prior Code, § 3-1) (Ord. 415, § 1; Ord. 498, § 1) Penalty, see [§ 90.99](#)

§ 90.02 KEEPING OTHER CERTAIN ANIMALS.

It is unlawful for any person to keep, harbor or maintain any cow, horse, sheep, goat or any of their offspring within 200 feet of any dwelling house of any person.
(Prior Code, § 3-2) (Ord. 415, § 1; Ord. 498, § 1) Penalty, see [§ 90.99](#)

§ 90.03 KEEPING CERTAIN ANIMALS; EXCEPTION.

It is unlawful for any person to permit any animal or fowl mentioned in [§§ 90.01](#) or [90.02](#) to go within 200 feet of any occupied dwelling except when riding a horse to, from or along any roadway within the city.
(Prior Code, § 3-3) (Ord. 415, § 2; Ord. 498, § 1) Penalty, see [§ 90.99](#)

§ 90.04 TRAPPING WILD ANIMALS PROHIBITED; EXCEPTION.

It is unlawful for any person to trap or catch any wild animal with traps within the city or upon or around any stream within the city; provided that, this section shall not prevent any person from trapping any rats or any other vermin which are not classed as “wild animals”.
(Prior Code, § 3-4) (Ord. 299, § I) Penalty, see [§ 90.99](#)

§ 90.05 KEEPING WILD ANIMALS PROHIBITED; EXCEPTION.

It is unlawful for any person to keep, restrict, cage, chain, fence in, hold or otherwise detain any wild animal within the city or upon or around any stream within the city; provided that, nothing in this section shall prevent any person from committing such acts pursuant to the direction of a duly authorized law enforcement, wildlife or conservation officer.
(Ord. 2009-12, § 2) Penalty, see [§ 90.99](#)

LICENSING AND REGULATION OF DOGS AND DOMESTIC ANIMALS

§ 90.20 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL. Any non-human, vertebrate creature either domestic or wild.

ANIMAL CONTROL AUTHORITY. Any office or agency, public or private, designated by the Mayor as having the responsibility for administration of any or all provisions of this chapter.

ANIMAL SHELTER. Any facility operated by a humane society or municipal agency or its authorized agents for the purpose of impounding and/or caring for animals under the authority of this chapter and/or county and/or state laws.

AT LARGE. A domestic animal shall be deemed to be **AT LARGE** if off the premises of its owner and not under the immediate control of a responsible person. A domestic animal may also be deemed **AT LARGE** while on the owner's property if there is no visible means of restraint and the animal is able to leave the premises at will.

COMMERCIAL ANIMAL ESTABLISHMENT. Any pet shop, store, auction, riding school, stable, boarding and/or breeding facility, training facility or performing animal exhibitions, and/or any situation whereby money or fair trade is exchanged for the buying, selling, training, leasing, breeding, servicing and/or exhibiting of any animal.

DOG. Any animal whose taxonomic classification is *Canis Lupus Familiaris*, irrespective of the particular breed thereof.
(Ord. 2013-08, § 1)

DOMESTIC ANIMAL. Any poultry, cattle, horses, mules, swine, sheep, goats, dogs, cats, rabbits, mice, rats, guinea pigs, gerbils, chinchillas, hamsters or any animals or birds of the bovine, equine, ovine, caprine, porcine, canine, feline or avine species and/or their offspring.

ESTRAY or STRAY. Any domestic animal that does not, upon reasonable inquiry, appear to have an owner. A **STRAY** shall also be any domestic animal turned over to the Animal Control Authority by a person other than the owner, without the owner's consent. A domestic animal seized by the Animal Control Authority, under the provisions of this chapter, may also be called a **STRAY** even though the owner may be known.

HEALTH OFFICER. The Lake County Health Commissioner or his or her duly authorized representative.

KENNEL. Any facility where any person engages in boarding, breeding, buying, letting for hire or selling of dogs and/or cats. Any facility or premises housing or keeping 4 or more cats and/or dogs over the age of 4 months shall be deemed a **KENNEL**.

OWNER. Any person having a right of property in a domestic animal or any person who keeps and/or harbors the animal. Any person who feeds, shelters or cares for a domestic animal

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for 3 days, or who permits it to be on or about property owned, occupied or controlled by him or her for a like period shall be known as the owner of the animal.

POULTRY. Any fowl known as turkeys, ducks, chickens, geese and/or any other feathered creature commonly known as a bird, fowl or poultry that is considered to be owned.

VICIOUS ANIMAL. Any animal that constitutes a physical threat to human beings or animals by virtue of specific training or demonstrated behavior. More than 1 attack of such a severity that, in the opinion of the Animal Control Authority, would be caused only by a vicious animal, shall be prima facie evidence of viciousness.

WILD ANIMAL. Any animal that is not a **DOMESTIC ANIMAL** as provided in this section, and which is not usually available for legal purchase at pet stores in the State of Indiana. (Prior Code, § 3-5) (Ord. 1758, § 1(part)) (Ord. 2009-12, § 1)

§ 90.21 ENFORCEMENT AUTHORITY.

The Mayor is empowered and authorized to administer the provisions of this chapter, and to cause to be made such survey and enumeration of dogs and cats in the city which he or she deems necessary to ensure its enforcement. This chapter shall be enforced by the officers of the City Police Department as part of their regular and customary duties, by the Animal Control Authority, Code Enforcement Officer or Officers and the Building Commissioner of the City, all of whom are empowered to issue citations upon probable cause to believe that a violation or violations of same have taken place. Such officers may also issue a warning of violation in writing, if, upon investigation of a complaint, they deem a citizen to be in violation of the provisions of this chapter; provided that, no attack of another animal or human has taken place. (Prior Code, § 3-6) (Ord. 1758, § 1(part)) (Ord. 2013-08, § 2)

§ 90.22 COMPLAINTS.

Complaints by individuals directed against any resident, business or organization concerning an alleged violation of this chapter occurring within the city may be directed to the Police Department, Animal Control Authority or Building Commissioner. The official or officer receiving the complaint shall document the details thereof in writing, or in digital form, including the names and addresses of the complaining and accused parties, if available, and shall perform such investigation of the complaint as the official or officer deems warranted in the circumstances. The investigating official or officer shall prepare a report of investigation in written or digital form at the conclusion thereof, and file same with the Police Department which shall maintain a file, in paper or digital form, of all such complaints and investigations undertaken pursuant to this chapter. The investigating official shall provide written notice to the person or organization against which the complaint was lodged stating the substance of the complaint, the findings of the investigative official, and the disposition of the complaint. The Police Department, Animal Control Authority and Building Commissioner shall cooperate in assisting each other in the investigation and disposition of complaints. Such officials may proceed to issue warnings or citations for violation of this chapter when warranted by their investigative findings under the provisions of [§90.21](#) above. (Prior Code, § 3-7) (Ord. 1758, § 1(part)) (Ord. 2013-08, § 3)

§ 90.23 STATEMENT OF POLICY WITH RESPECT TO ATTACKS BY DOGS UPON HUMANS OR ANIMALS; STRICT LIABILITY.

(A) It is the policy of the City of Hobart to enforce, strictly, the provisions of this chapter in any instance of an unprovoked attack by a dog within the city upon any human or domestic animal. An attack for the purposes of this chapter consists of the aggressive physical contact by a dog with a human or a domestic animal, whether or not visible injury results. An attack is deemed to be provoked by a human under this chapter when a human, who is neither a law enforcement officer acting in the course and scope of his duties, nor a person within the confines of his or her home, or elsewhere, who is in reasonable apprehension of the infliction of physical harm upon him or her by another person or animal, commands, shouts at, beats, kicks or otherwise compels the dog to attack. An attack is deemed to be provoked by another domestic animal when such animal bites, scratches or otherwise inflicts physical injury, no matter how slight, upon the dog.

(B) The owner of any dog which commits an unprovoked attack upon a human or domestic animal within the meaning and intent of subsection (A) of this section shall be strictly liable for violation of this section and shall be subject to the penalty prescribed in [§ 90.99](#) of this chapter, without regard as to whether the dog which committed the unprovoked attack had previously attacked or bitten any human or animal.

(Prior Code, § 3-8) (Ord. 1758, § 1(part)) (Ord. 2013-08, § 4)

§ 90.24 OFFENSES CONCERNING THE OWNERSHIP AND MANAGEMENT OF DOGS.

In addition to the offenses prescribed in other sections of this chapter which may apply, it is unlawful for any person owning, possessing, keeping, harboring or having control of any dog within the city:

(A) To allow the dog to run at large or to walk upon any public or private property

(1) unless such property is owned or lawfully possessed by such person and is equipped with fences of sufficient height and strength to confine the dog and prevent its exit from the confinement by jumping or collision with the fence; or the dog is humanely tethered by a cable, line or chain the length of which shall not allow the dog to reach any public street, driveway, sidewalk or adjacent property at any time; or

(2) the dog is under the control of a person of suitable age and discretion at all times, on a leash, the length of which does not exceed 15 feet whether coiled in a spring-loaded appliance or not.

(B) To provoke an attack by a dog upon a human or a domestic animal as described in [§90.23](#).

(C) To fail to feed, provide water and care for the dog in a humane manner for any period of time exceeding 48 hours;

(D) To allow the dog to become a public nuisance by repeated or continuous barking, whining or howling such that the noise created thereby reasonably disturbs the peace and enjoyment of the inhabitants of neighboring properties;

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(E) To allow the dog to molest and threaten passers-by on public property or rights of way by barking, charging and other aggressive behaviors;

(F) To allow the dog to chase vehicles, bicycles, joggers and pedestrians on public property or rights of way;

(G) To allow the dog to deposit excrement on property other than that of the owner without removing same;

(H) To allow the accumulation of feces on the property of the owner or possessor of the dog such that a noisome condition develops.

(Prior Code, § 3-9) (Ord. 1758, § 1(part)) (Ord. 2013-08, § 5) Penalty, see [§ 90.99](#)

§ 90.25 DOMESTIC ANIMALS CREATING A NUISANCE; PROHIBITED.

It is unlawful for any person to allow his or her domestic animal to become a public nuisance. Excessive barking, whining or howling without apparent reason, molesting passers-by, chasing vehicles, attacking other animals, depositing excretory matter on property other than that of the owner, allowing the accumulation of feces on the owner's property and damaging property shall be deemed a nuisance.

(Prior Code, § 3-10) (Ord. 1758, § 1(part); Ord. 2006-06, § 1) Penalty, see [§ 90.99](#)

§ 90.26 APPREHENSION AND IMPOUNDMENT.

The Animal Control Authority shall seize and impound any stray, unwanted or diseased domestic animal found at large in violation of this chapter. If the Animal Control Authority is unable after a reasonable effort to seize any vicious, wild, diseased, rabid or stray domestic animal, or any domestic animal that poses a threat of any kind to either itself or society, the Animal Control Authority or the city police may kill the animal in as humane a manner as possible. The Animal Control Authority shall not remove an animal confined on the private property of the owner unless the Animal Control Authority deems the animal to be in distress from natural causes or suffering from cruelty perpetrated by the owners or others. An animal on the property of the owner, but not confined, may be removed by the Animal Control Authority if, in the opinion of the Animal Control Authority and a city police officer, that animal poses a threat either to itself or society in general.

(Prior Code, § 3-11) (Ord. 1758, § 1(part))

§ 90.27 IMPOUNDED ANIMALS.

(A) *Care of impounded animals.* Every domestic animal so impounded shall be cared for and fed by the Animal Control Authority until disposition is made thereof as directed.

(Prior Code, § 3-12)

(B) *To be held for 4 days.* Any stray domestic animal received by the Animal Control Authority shall be held for 3 days from time of receipt, unless redeemed by the owner. Any animal received by the Animal Control Authority in a condition from wounds, injury or suspected

disease of a severity so as to cause suffering may be destroyed immediately at the discretion of the Animal Control Authority.

(Prior Code, § 3-13)

(C) *Record-keeping.* The Animal Control Authority shall maintain a complete record of all domestic animals destroyed. The Animal Control Authority and the city's Police Department shall submit a monthly report to the Mayor showing the work performed pursuant to the provisions of this chapter during the previous month. Copies of any month or months records may be made available to the Common Council upon written request by the head of the Council.

(Prior Code, § 3-14)

(D) *Redemption; fees.* The owner of any domestic animal impounded pursuant to the provisions of this chapter may redeem it from the Animal Control Authority within 3 days from the time of its receipt by establishing ownership to the satisfaction of the Animal Control Authority, by securing a current city license tag and by paying current shelter and redemption fees. Failure to redeem the animal within 3 days of day of receipt may result in owner losing all rights in the animal.

(Prior Code, § 3-15)

(E) *Redemption.* If any domestic animal impounded pursuant to this chapter is not redeemed by its owner within 3 days after the time of receipt, the domestic animal becomes the property of the Animal Control Authority. The animal may be made available for adoption as a pet at the discretion of the Animal Control Authority.

(Prior Code, § 3-16)

(Ord. 1758, § 1(part))

§ 90.28 CONSENT OF OWNER REQUIRED FOR ADOPTION.

No domestic animal brought to the Animal Control Authority by its owner shall be made available for adoption if the owner has requested that the animal be humanely destroyed.

(Prior Code, § 3-17) (Ord. 1758, § 1(part))

§ 90.29 DOMESTIC ANIMALS WITH VICIOUS TENDENCIES, RABIES AND THE LIKE; NOT BE SOLD OR RELEASED.

No domestic animal that the Animal Control Authority suspects of being vicious, rabid or infected with a transmittable or debilitating disease shall be sold, released or permitted to be redeemed unless or until the Animal Control Authority is satisfied that it is safe to release the animal. Any vicious animal that has bitten someone and has been impounded by the Animal Control Authority shall not be released until such time as the owner has submitted satisfactory evidence to the Animal Control Authority that adequate provisions have been made to protect the public from the animal.

(Prior Code, § 3-18) (Ord. 1758, § 1(part))

§ 90.30 COLLECTION AND DISPOSITION OF DEAD DOMESTIC ANIMALS.

The Animal Control Authority shall collect and dispose of dead domestic animals whose owners are unknown found on the public grounds or highways of the city within the realm of

their capabilities. Removal of animals that have laid so long as to be decomposed shall be transported by the Animal Control Authority to a place designated by city sanitation to be buried. Removal of extremely large domestic animals, i.e. cattle and horses, shall be accomplished by an outside service at the city's expense.

(Prior Code, § 3-19) (Ord. 1758, § 1(part))

§ 90.31 INJURED OR DEAD ANIMALS; RESPONSIBILITY FOR REMOVAL.

If owner can be located, that owner shall be responsible for that animal's removal and/or disposition and any costs incurred in such.

(Prior Code, § 3-20) (Ord. 1758, § 1(part))

§ 90.32 POISONING.

(A) It is unlawful for any person to administer poison to any domestic animal or to knowingly place or leave any poisonous substance in any place with intent to injure or kill any domestic animal.

(B) Nothing contained in this subchapter shall prohibit an owner from mercifully putting to death his or her own domestic animal, delivering it to a veterinarian or Animal Control Authority for destruction.

(Prior Code, § 3-21) (Ord. 1758, § 1(part)) Penalty, see [§ 90.99](#)

§ 90.33 ABANDONING.

It is unlawful for any person to leave with an intent to abandon any domestic animal on any street, road, highway, public or private property.

(Prior Code, § 3-22) (Ord. 1758, § 1(part)) Penalty, see [§ 90.99](#)

§ 90.34 INJURING OR KILLING.

It shall be unlawful for any person to willfully injure, beat, abuse or run down with a vehicle any domestic animal. It is unlawful for any person to kill any domestic animal not owned by him or her except as may be expressly permitted by law.

(Prior Code, § 3-23) (Ord. 1758, § 1(part)) Penalty, see [§ 90.99](#)

§ 90.35 PET LICENSES.

(A) *Generally.* It is unlawful for any person to own or harbor any dog or cat over the age of 6 months of age unless the animal is licensed by the city as provided in this chapter.

(Prior Code, § 3-24)

(B) *Duration.* All city pet licenses shall be effective for 12 months from the period beginning on January 1 and ending on December 31 of each calendar year.

(Prior Code, § 3-25)

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(C) *Issuance.* City pet licenses shall be issued under the supervision of the city's Clerk-Treasurer at such places and at such times as may be designated by the Mayor.
(Prior Code, § 3-26)

(D) *Rabies inoculation required.* Current rabies vaccinations shall be required before issuance of a city pet license. Indiana state law shall be the determination for time period considered current.
(Prior Code, § 3-27)

(E) *Fee.* Every person owning or harboring a dog or cat within the city shall, on or before January 1 of each year or within 10 days of acquiring any such animal over the age of 6 months or within 10 days after any such animal becomes 6 months of age, obtain an annual city pet license for each animal so owned or harbored. The fees are as set out in the Fee Schedule of this code.
(Prior Code, § 3-28)

(F) *Fee exemption.* There shall be no fee charged for licenses issued for any dog trained as and actually used for a guide dog for blind or hearing impaired. Owners of these dogs or the owners' agents should obtain a city license yearly with no fee being charged.
(Prior Code, § 3-29)
(Ord. 1758, § 1(part))

§ 90.36 LICENSE TAG.

(A) *Transferability.* Individual city pet tags shall be attached to the animal for which they are issued and shall pass from 1 owner to another with the animal. Upon the change of ownership of a licensed animal, the new owner shall notify the city's Clerk-Treasurer, in writing, of the change in order that license records of the city may be properly adjusted. No tag shall be transferred from 1 animal to another.
(Prior Code, § 3-30)

(B) *Loss; fee for duplicate.* If any city license tag should be lost, the owner may procure a duplicate tag for use during the remainder of that year by making an application for same and paying a fee as set out in the Fee Schedule of this code to the city's Clerk-Treasurer.
(Prior Code, § 3-31)

(C) *Attachment.* It is unlawful for the owner of any dog or cat to permit the animal off the owner's premises without having its individual city license tag attached to a collar or harness worn by the pet. City pet tags shall not be obscured or defaced in any way.
(Prior Code, § 3-32)

(D) *Removal.* It is unlawful for any person other than the owner of a licensed animal, or that owner's agent, to remove a collar with a city tag from the animal, except that the Animal Control Authority has the right to remove the collar from any living animal impounded so as to prevent injury and from any dead animal to aid in identification of owner.
(Prior Code, § 3-33)
(Ord. 1758, § 1(part)) Penalty, see [§ 90.99](#)

§ 90.37 EXEMPTIONS FROM CHAPTER.

The licensing provisions of this chapter shall not apply to animals actually confined to the premises of education and research institutions or incorporated benevolent societies devoted to the care or hospital treatment of lost, strayed or homeless animals, or to dogs owned by non-residents of the city for a period not to exceed 30 days if the animals are wearing a current and valid license issued by another jurisdiction and the owner can submit proof of current protection against rabies.

(Prior Code, § 3-34) (Ord. 1758, § 1(part))

§ 90.38 RABIES VACCINATION RESPONSIBILITY; VIOLATION; IMPOUNDMENT.

It shall be the duty of every cat and/or dog owner to have animals over the age of 6 months of age vaccinated against rabies. The inability of the owner, within 7 days, to produce evidence of a current rabies vaccination shall constitute prima facie evidence that the animal is not vaccinated. The effective period of the various vaccines shall be established based on the current practices of the veterinarians of this state.

(Prior Code, § 3-35) (Ord. 1758, § 1(part)) Penalty, see [§ 90.99](#)

§ 90.39 MAINTENANCE OF VACCINATION; CLINICS.

The Animal Control Authority may maintain, at least annually, vaccination clinics at convenient locations in the city for such periods as it shall deem necessary and all dogs and cats from the city may be vaccinated at such clinics during such periods. The Animal Control Authority may establish a fee for vaccination not to exceed the costs of administering the vaccinations.

(Prior Code, § 3-36) (Ord. 1758, § 1(part))

§ 90.40 ISSUANCE OF NEW VACCINATION CERTIFICATE TO BE REPLACED; LOST OR DESTROYED CERTIFICATES.

A veterinarian shall issue a new vaccination certificate to replace a lost or destroyed 1 upon receiving satisfactory evidence that he or she has previously vaccinated the animal.

(Prior Code, § 3-37) (Ord. 1758, § 1(part))

§ 90.41 IMPOUNDING OR DESTROYING RABID CATS AND DOGS.

The Animal Control Authority shall cause all rabid cats and dogs to be impounded and destroyed and shall cause any animal, whether vaccinated or not, which has come into contact with a rabid animal, to be destroyed or impounded at the owner's expense for 14 days. Any animal imported from an area where a rabies quarantine has been imposed shall be quarantined for 6 months or returned to place of origin, or destroyed, all at the owner's expense.

(Prior Code, § 3-38) (Ord. 1758, § 1(part))

§ 90.42 DOMESTIC ANIMALS WHICH HAVE BITTEN PERSONS.

(A) When any animal subject to rabies has bitten or attacked any person or domestic animal, or when any animal is suspected of having rabies, it shall be the duty of any person having knowledge of the facts to report same immediately to the Health Officer. All animal bites are also to be reported to the Animal Control Authority. The report may also be made at the city police station. The animal shall be confined in such way and for such period of time as the Health Officer shall direct. No person shall release from its place of confinement any such animal or remove the animal to another place without the consent of the Health Officer. Animals not currently vaccinated for rabies that have bitten any person must be confined, at owner's expense, at either the animal control facility or a commercial boarding facility.

(B) An unvaccinated animal that has bitten a person may not be confined at home. A biting animal with current rabies vaccination may be confined at the owner's home. It is unlawful for any owner to give up ownership of an animal that has bitten any person before the period of confinement is over. The Health Officer shall be empowered, in his or her discretion, to order impoundment or examination, or both, of any such animal to determine if it may have rabies.

(C) No person shall refuse to surrender any animal for quarantine. If the animal dies or is killed, a laboratory examination of the head shall be made. It shall be unlawful for a person to refuse or fail to comply with the provisions of this section or with the order or directives of the Health Officer relating hereto.

(Prior Code, § 3-39) (Ord. 1758, § 1(part)) Penalty, see [§ 90.99](#)

§ 90.43 HEALTH OFFICER; DUTIES.

Whenever the Health Officer finds that there is a danger that rabies exists or may be introduced in the city, it shall be his or her duty to report same to the Common Council.

(Prior Code, § 3-40) (Ord. 1758, § 1(part))

§ 90.44 PROCLAMATION OF QUARANTINE; NOTICE.

Whenever the danger of rabies is so reported as provided in [§ 90.43](#), and the Common Council, in its discretion, believes it necessary to prevent the spread thereof, it shall, in order to protect human life, by simple resolution, proclaim a quarantine on any or all species of domestic animals for all or any portion of the city. The quarantine may be proclaimed for such length of time as the Common Council may deem necessary. When such a quarantine shall be proclaimed, it shall be the city's responsibility to so notify the citizenry of this city by posting and legal publication.

(Prior Code, § 3-41) (Ord. 1758, § 1(part))

§ 90.45 DUTY OF OWNERS DURING QUARANTINE.

When a quarantine has been proclaimed, it shall be the duty of all persons residing in the city owning, harboring or having in their custody (either permanently or temporarily) any quarantined animal, to keep that animal securely confined at all times and away from all other animals not

belonging to that owner. During the existence of a quarantine, no quarantined animal may be taken or shipped from its residence to another or any other place without the consent of the Health Officer.

(Prior Code, § 3-42) (Ord. 1758, § 1(part))

§ 90.46 ADMINISTRATION AND ENFORCEMENT OF CHAPTER; DUTY OF LAW ENFORCEMENT OFFICER TO COOPERATE.

When a quarantine is proclaimed, it shall be the duty of the Health Officer to supervise and administer the same. It shall be the duty of all law enforcement officers within the city to cooperate with the enforcement of this and all other sections of this chapter.

(Prior Code, § 3-43) (Ord. 1758, § 1(part))

§ 90.47 OPERATION OF COMMERCIAL ANIMAL ESTABLISHMENTS OR KENNELS.

(A) *Generally.* Persons wishing to operate a commercial animal establishment or a kennel shall comply with the following:

(1) Shall make an application with the city's Clerk-Treasurer for the operation. Application shall also include statements by neighbors about the feasibility of such a facility in their neighborhood;

(2) If the application shall be approved, the Humane Officer, Animal Control Agent or Humane Society representative may inspect premises to see that provisions of this chapter and others are adhered to;

(3) If the application shall be approved, any commercial establishment, i.e. pet shop, store, permanent auction facility, riding facility, stable, training facility, boarding facility or permanent residence of animals that perform for money, shall either hold a current Indiana retail merchants certificate for the business so approved or pay to the city's Clerk-Treasurer a registration fee as set out in the Fee Schedule of this code;

(4) If the application shall be approved, dog or cat kennels established for the breeding or sale of the animals shall pay a registration fee to the city's Clerk-Treasurer as set forth in the Fee Schedule of this code;

(5) Persons wishing to house a greater number of animals but only as pets and not for breeding or for profit shall also make application to the city's Clerk-Treasurer as provided in division (A)(1) above. If the application is approved, no registration fee shall be charged; and

(6) One-time animal auctions or performing animals passing through the area shall not make application, nor pay a fee but shall be subject to inspections.

(Prior Code, § 3-44)

(B) *Inspections.* The Humane Officer, Animal Control Authority or Humane Society representative shall be permitted to enter all such licensed premises to observe conditions and ensure that this chapter and state laws are adhered to.

(Prior Code, § 3-45) (Ord. 1758, § 1(part))

§ 90.48 CONSTRUCTION AND INTERPRETATION OF CHAPTER.

These rules and regulations are in addition to, and not intended to conflict with, any existing rules or regulations of the state's or county's Board of Health or any provisions of the Acts of the Indiana General Assembly, or of other ordinances, rules or regulations now in effect within the city.

(Prior Code, § 3-46) (Ord. 1758, § 1(part))

§ 90.99 PENALTY.

(A) Any person, business or other organization who owns, possesses, keeps, harbors or has control of any dog which is found to have committed an unprovoked attack within the meaning and intent of [§90.23](#) of this chapter, shall be liable for the following penalty:

(1) In cases in which the attack was made on a human, the sum of \$2,500.00

(2) In cases in which the attack was made on a domestic animal, a sum not less than \$500.00 nor more than \$2,500.00.

(B) Any person, business or other organization that violates any other provision of this chapter shall be subject to penalty in the form of a fine of at least \$50.00 and not more than \$2,500.00 for each violation. Each day during which a violation continues may be deemed a separate and additional violation.

(Prior Code, § 3-47) (Ord. 1758, § 1(part)) (Ord. 2013-08, § 6)

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