

Animal Control Advisory Board Minutes

2014 2nd Qtr. Meeting

Date: July 17th 2014

Location: City Hall / City Council Chambers

Time: 6:00 PM

The 2014 2nd Qtr Meeting was called to order at 6:00pm.

ROLLCALL

Attending:

Royce Williams	MCPD – Chair
Alijah Hunter	Animal Control
Chris Schwanke	City Council
Rex Bailey	Veterinarian (MC Animal Hospital)

Absent:

Kathy Edwards	Michiana Humane Society
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The determination of a quorum was made.

Minutes of the last Animal Board meeting approved.

New Business:

Announce that Mr. Jason Speakman has filled the position of MC Animal Control Officer #2

Unfinished business:

Mr. Hunter brought up discussion regarding ICS's dislike of the Humane Society being appointed to the board and they aren't afforded the luxury of being on as well. Chief Williams mentioned that this matter was discussed several months ago and instructions were provided to ICS reference their inquiry to this matter, but nothing had been done on their end as of yet.

Chief Williams announced that the Humane Society rejected the MOU provided that would afford them 25% of the fund quarterly, but advised they would continue to support Michigan City as they have in the past regardless...just didn't want to be bound by contract. Councilman Schwanke added that the fact that the MHS doesn't receive any monies from the city further solidifies the ethics of their appointment to the board.

Review of the Michigan City Animal Control Activities, 2nd Qtr 2014:

Animal Bites:	6
Neglect Case:	1
Dog Impounds:	39
Cat Impounds:	19
Dogs Transported to LSAS:	13
Cats Transported to ICS:	14
Euthanized:	7 dogs / 1 cat (injury)
Citations Issued:	52

Comments from the Public:

None

Comments from the Board:

Councilman Schwanke inquired on several ordinances...it was determined that copies of current ordinances would be provided for discussion at 3rd Qtr Meeting.

The next Board meeting will be announced via e-mail

The Animal Advisory Board formally adjourned

**Royce Williams
Chief of Services**

Sec. 14-1. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Agent means any person(s) 18 years or older authorized by an owner to act in the owner(s) behalf.

Animal means domestic animals—Cats and dogs. The term "animal" means any live nonhuman vertebrate creature, domestic, exotic or wild.

Animal control center or *animal control department* means a facility operated by and under the direct supervision of the director for the purpose of impounding animals as henceforth set forth in this chapter.

Animal control officer means an employee, including any sworn member of the police department, who has the legal authority and power to issue citations for any violation of this chapter.

Animal under restraint means any animal either secured by a leash, harness or lead, or within the premises of the owner, or confined within a crate or cage; or confined within a vehicle or on the premises of another person with the consent of that person; or within an area specifically designated by the director as an animal exercise run when said animal is under the control of a competent person. An animal is not considered to be under restraint if it is secured by means of an invisible fence.

Bite means seizure within the teeth or jaws of an animal so that the skin of the human being or animal seized has been pierced or broken.

Dangerous animal means an animal meeting any of the following criteria:

(1)

Any animal which bites, inflicts severe injury on, kills or otherwise attacks a human being or domestic animal without provocation on any public property; or

(2)

Any animal which on more than one occasion, without provocation, bites without inflicting severe injury, or chases or approaches any person in an apparent attitude of attack, on any public property or in any place outside or over the boundaries of its owner's property; or

(3)

Any animal owned or harbored primarily or in part for the purpose of dog or other animal fighting; or

(4)

Any animal which has been found to be a vicious dog under state law; or

(5)

Any animal not in quarantine which is infected with, and/or a carrier of, a disease that is infectious to humans, livestock, or domesticated or wild animals, which may cause debilitating illness, or serious injury.

Exception: No animal may be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the animal, or was teasing, tormenting, abusing, or assaulting the animal or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal, or was committing or attempting to commit a crime.

Dangerous dog/cat means any dog/cat which constitutes a substantial threat to people, pets, or property while off the owner's premises; and/or:

(1)

Any dog owned or harbored primarily or in part thereof for the purpose of dog fighting or any dog trained for dog fighting, or any dog which displays signs, i.e. wounds, cuts, scratches, of having been involved in dog fighting.

(2)

Any dog/cat which on more than one occasion, when unprovoked, bites without inflicting severe injury, or chases or approaches a person upon the street, sidewalk, or any public or private property in a menacing fashion or apparent attitude of attack.

Exception: No dog may be declared dangerous if the threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog, or was committing or attempting to commit a crime.

Director shall mean the lead employee in the animal control department or the employee designated to act as such in the director's absence.

Dog at large means any dog found to be roaming away from the premises of its owner or keeper, excepting however a hunting or working dog which may have been lost or strayed away from its owner or keeper temporarily while engaged in lawful hunting or training.

Dog/cat shelter means any dog/cat shelter established by any lawful authority in any city or town within the city/county, or by action of the city council or any other authorized body to keep, care for, or legally dispose of dogs/cats impounded as provided for herein.

Domestic animal means any animal kept as a pet, or otherwise under the care and control of an individual that is a member of one of the following species: dog, cat, cattle, horse, donkey/mule, sheep, llama, goat, swine, rabbit, mouse, rat, guinea pig, hamster/gerbil, reptile, chinchilla, ferret, pigeon, chicken, turkey, goose, or duck. The term shall not include dogs or cats owned by the police department or animals in the zoo.

Exotic animal means any animal whose normal native habitat is not indigenous to the Continental United States, excluding Alaska and Hawaii, except fish, and fur-bearing animals commercially bred for the furrier trade and birds protected under federal laws and regulations.

Keeper means any person having lawful custody of a dog/cat with the permission, express or implied, of such owner.

Licensed dog shall mean any dog on which a tax has been assessed and paid and for which a license tag has been issued as required by the laws of the state and/or the city.

Nonimmunized dog/cat means any dog/cat over three months of age which has not been vaccinated or immunized against rabies, or for which a booster shot thereafter has not been administered for a period of 12 months from the date of the last vaccination.

Owner means an individual or business entity which has the legal right of possession and control of a domestic animal. A person who routinely keeps and cares for a domestic animal shall be deemed to be its owner.

Rabid means exhibiting the clinical symptoms of rabies as defined by the state board of health.

Rabies vaccination means the injection by a licensed veterinarian of a dog or cat with a rabies vaccine licensed by the U.S.D.A. and approved by the state board of health.

Severe injury means any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

Veterinarian means any person licensed and accredited to practice veterinary medicine in the state.

Vicious means that propensity of an animal, whether domestic, wild or exotic, to constitute a physical threat to human beings based upon the animal's training, instinct or illness. An attack by a domestic animal shall be deemed prima facie evidence of an animal being vicious.

Wild animal means any animal that is not a domestic or exotic animal, with the exception of small, nonpoisonous aquatic or amphibious animals and small cage birds, which are normally found in the wild state.

(Ord. No. 4025, 6-17-2008)

Cross reference— Definitions generally, § 1-2.

Sec. 14-2. Animals prohibited on park property other than a dog park, and cemetery property. 

(a)

Except for guide dogs as permitted in IC 16-32-3-2, no person shall bring any domestic animal onto or permit any domestic animal owned by him or under his control to come onto or be present upon any property supervised by the department of parks and recreation, other than a dog park, or board of cemetery trustees, whether the animal is upon a leash or otherwise restrained, unless the animal is being carried as a passenger in a motor vehicle. Any animal found at large upon the property shall be subject to the provisions of this chapter.

(Ord. No. 4025, 6-17-2008)

Cross reference— Cemeteries, ch. 30; parks and recreation, ch. 82.

Sec. 14-3. Concealing animal from enforcement officer; falsely denying ownership of animal. 

It shall be unlawful for any person to conceal any animal or falsely to deny ownership of any animal owned or harbored by him, to an official properly authorized to enforce the provisions of this chapter.

(Ord. No. 4025, 6-17-2008)

Sec. 14-4. Disposition of dead animals. 

The street department of the city shall collect all dead animals found on public grounds or highways of the city and notify the owner if the owner can be identified. The owner of any animal which is killed or dies shall immediately provide for its burial or cremation if he knows of the death of the animal and the location of its carcass.

(Ord. No. 4025, 6-17-2008)

Cross reference— Solid waste, § 98-111 et seq.

Sec. 14-5. Torturing or killing animal. 

(a)

A person shall not knowingly or intentionally:

(1)

Torture any animal resulting in serious injury or death to the animal; or

(2)

Kill a domesticated animal without the authority of the owner of the animal.

(b)

It is a defense that the accused person reasonably believes the conduct was necessary to:

(1)

Prevent injury to the accused person or another person;

(2)

Protect the property of the accused person from destruction or substantial damage; or

(3)

Prevent a seriously injured vertebrate animal from experiencing prolonged suffering.

(Ord. No. 4025, 6-17-2008)

State law reference— Similar provisions, IC 35-46-3-12.

Sec. 14-6. Duties of person striking dog or cat with vehicle. 

Any person who kills or injures a dog or cat while driving a vehicle shall stop at the scene of the accident, and render such assistance as is practicable, and shall immediately contact the police department and/or the animal control department and cooperate with them in any investigation. Reasonable efforts shall be made by animal control, and/or the police department to identify and notify the owner of the animal as soon as reasonably possible.

(Ord. No. 4025, 6-17-2008)

Cross reference— Traffic and vehicles, ch. 94.

Sec. 14-7. Keeping wild animals. 

No wild animals may be kept within the city limits, except under conditions as established by the animal control authority. Wild animals may be kept for exhibition purposes by circuses, zoos and

educational institutions, in accordance with such regulations as shall be determined by the animal control authority.

(Ord. No. 4025, 6-17-2008)

Sec. 14-8. Setting traps. 

(a)

It shall be unlawful for any person to set, trigger, activate or otherwise use, or cause to be set, triggered, activated or used, any traps except cage-type live traps within the city. Such traps must be placed in a shaded area and must be checked no less than every 24 hours. These traps shall be registered with the animal control department prior to being placed. Registration information shall include:

(1)

Owner's name and contact information,

(2)

Location and duration that the trap is to be set, and

(3)

Purpose of the trap being set.

(b)

This prohibition shall not apply to any trap designed specifically for rats, moles or gophers as long as the owner of the property is aware of the location of the traps.

(c)

Any trap considered illegal by this section found by the vector control department or by any citizen of the city may be seized by a police officer, animal control officer, or vector control officer as prima facie evidence that a violation has been committed. Upon conviction, the traps shall be destroyed by the police department.

(Ord. No. 4025, 6-17-2008)

Sec. 14-9. Keeping fowl, livestock or bees; riding or leading livestock on street or other public place. 

(a)

No person shall:

(1)

Permit any poultry being kept, possessed or owned by him to run at large upon any street, alley or public place within the city.

(2)

Keep any poultry or pigeons, or maintain any place where such poultry or pigeons are kept, within 200 feet of the dwelling house of any person other than the keeper or owner of such poultry or pigeons. This shall not apply to duly licensed poultry dealers under and pursuant to the laws of the state.

(3)

Keep any animal of the horse, cattle, goat, sheep, swine, or rabbit kind within 200 feet of the dwelling house of any person other than the keeper or owner of the animal.

(4)

Keep bees within 200 feet of the dwelling house of any person other than the keeper or owner of such bees.

(5)

Ride, lead, walk, or run any horse, pony, goat, sheep, swine, or cow upon any street, alley or other public place within the city unless a written permit is obtained from the board of public works and safety. The board of public works and safety shall only deny a permit request if it finds upon objective evidence that the sum of the benefits of the use and potential hardship to the petitioner are outweighed by the city's interest in protecting its citizens, health, safety and property. In determining whether a permit should be approved or denied, the board of public works and safety shall only consider the following factors:

a.

Whether the proposed use, in some way, will contribute culturally or recreationally to the city.

b.

Whether the proposed use will create a nuisance.

c.

Whether denial of the permit would create an undue burden to the petitioner.

d.

Whether the proposed use would create an undue safety hazard.

e.

The period of time for which the permit is requested.

f.

Any other factor that may have a direct bearing on whether the proposed use would be injurious to the public's health and welfare.

(b)

The prohibitions in this section shall in no way be construed to affect or be applicable to the keeping and maintaining of any animal by the parks and recreation department or the municipal zoo.

(Ord. No. 4025, 6-17-2008)

Cross reference— Streets, sidewalks and other public places, ch. 86; traffic and vehicles, ch. 94.

Sec. 14-10. Removal of neglected or abandoned animal. 

Whenever the director shall determine that any animal is kept within a building or upon any premises without food, water, shelter and proper care for a period of time sufficient within his judgment to cause undue discomfort and suffering and the owner can not be located after a reasonable search, or the owner shall be known to be absent, it shall be the duty of the director to obtain the necessary legal process to allow him or her to enter or to cause to have entered such building or premises to take possession and remove such animal to an animal control center or other appropriate agency equipped, able and willing to accept the animal.

The animal control department, or other authorized receiving agency, shall use due caution for the welfare and temporary safekeeping of any animal so removed, in conformance with the policies to be prescribed by the director. After due notification to the owner, or, if the owner cannot be located or contacted after reasonable efforts by the animal control department or other receiving agency, the animal shall then become the property of the animal control department and disposed of under its policies.

(Ord. No. 4025, 6-17-2008)

State law reference— Similar provisions, IC 35-46-3-7.

Sec. 14-11. Sale of baby fowl or rabbits; artificially colored animals. 

(a)

No person shall sell, offer for sale, barter, or give away baby rabbits, chicks, goslings, ducklings or other fowl as pets or novelties. This provision shall not be construed to prohibit the sale or display of natural chicks, ducklings, goslings, rabbits or other fowl in proper brooder facilities by hatcheries, commercial business animal or feed stores, or stores engaged in the business of selling them to be raised for commercial purposes in conformity with the licensing laws of the state and the standards established by the health department.

(b)

No person shall artificially color or paint by any means any baby rabbits, chicks, goslings, ducklings or other fowl, dogs or cats, or other animals.

(Ord. No. 4025, 6-17-2008)

State law reference— Sale of underage or colored birds or rabbits, IC 15-21-21-13 and 15-17-18-11.

Sec. 14-12. Adoption of state statutory law reference. 

(a)

All laws of the state pertaining to the regulation and control of dogs, cats and other animals, concerning their ownership, licensing, harboring, abandonment, running at large, rabies control and quarantine, pursuit, capture, or confinement, the prevention and control of disease of domestic animals as defined, and the administrative rules and regulations of the state board of health, are made a part hereof by reference.

(b)

The provisions of this chapter are not to replace such laws and regulations, but are to be considered supplementary and in addition thereto and shall be fully enforced where not inconsistent with the laws of this state.

(Ord. No. 4025, 6-17-2008)

Sec. 14-13. Feeding of wildlife prohibited. 

(a)

Purpose. It has been established that the feeding of wildlife in any public park or on any other property or waterway under the jurisdiction of the Michigan City Port Authority and the Michigan City Department of Parks and Recreation causes a public nuisance, safety hazard and is detrimental to property and the health and general welfare of the public.

(b)

Definitions.

(1)

Food shall mean any solid or liquid material edible to wildlife.

(2)

Waterfowl shall mean any bird that frequents the water, or lives about rivers, lakes, or other bodies of water, which shall include but not be limited to ducks, geese, and swans.

(3)

Wildlife shall include any animal, which is not normally domesticated in this state, including but not limited to coyotes, deer, turkeys, foxes, raccoons, skunks, crows, pigeons, sparrows, starlings and any other land birds, squirrels, gophers, ground hogs, muskrats and waterfowl. An animal owned by or under the care and control of any person, which shall include but not be limited to the animals under the care and supervision of the Washington Park Zoo, shall not be included in the definition of wildlife.

(c)

Prohibited conduct. It shall be unlawful for any person to feed or to leave food for wildlife in Washington Park, on any property or waterway under the jurisdiction of the Michigan City Port Authority, or on any park, playground or property under the jurisdiction of the Michigan City Department of Parks and Recreation. All areas designated as non-feeding areas by the Michigan City Port Authority and the Michigan City Department of Parks and Recreation shall be posted advising of the prohibited conduct and potential fine.

(d)

Fine. Any person who violates this section shall be punished by a fine as set forth in [section 50-95](#). Each day a violation continues shall constitute a separate violation.

(Ord. No. 4058, 5-20-2009)

Sec. 14-31. Authority of planning department to establish administrative regulations. 

The planning department is authorized to establish whatever administrative regulations are necessary to implement the provisions of sections [14-9](#) and [14-11](#).

(Ord. No. 4025, 6-17-2008)

Sec. 14-32. Right of entry. 

Animal control officers or police officers may make non investigatory an incursion onto any person's yard or open area for the limited purpose of capturing a dangerous or vicious animal as provided for in this chapter and which animal that is in plain view; or for which the officer is in hot pursuit; or to investigate a report concerning the welfare of an animal. Such incursion shall be limited as to scope and shall be calculated to minimally interfere with any property owner's privacy interests.

(Ord. No. 4025, 6-17-2008)

Sec. 14-33. Interfering with enforcement officer. 

No person shall prevent or attempt to prevent, by the use of force or interference of any other nature, any city officer or employee from carrying out his responsibilities under the provisions of this chapter. This section shall not be construed to limit legitimate free speech interests of any person.

(Ord. No. 4025, 6-17-2008)

Sec. 14-34. Destruction of vicious animals or animals in packs. 

The animal control department, or members of the police department, may only destroy dangerous and vicious animals, or animals in packs if such animals pose an imminent and unreasonable threat of harm to person or property. If the owner of such dangerous and vicious animals or animals in a pack can reasonably be determined, the animal control officer shall provide notice to the owner as outlined in [section 14-136](#) before the animal is destroyed; however, if the owner cannot be reasonably determined, no prior notice shall be required in such circumstances.

(Ord. No. 4025, 6-17-2008)

Sec. 14-35. Records and reports of animal control authority. 

(a)

The animal control department shall maintain a complete record of all dogs and cats picked up, number of dogs or cats returned to owners, number of dogs and cats adopted, number of dogs and cats euthanized, and number of dogs and cats taken to LaPorte County Small Animal Shelter. A comprehensive updated list shall be made available at the city clerk's office and police department.

(b)

The animal control department shall submit a quarterly report to the common council, showing the work performed pursuant to the provisions of this chapter during the previous quarter.

(Ord. No. 4025, 6-17-2008)

Sec. 14-36. Supervision of animal control officer by Michigan City Police Department. 

The Michigan City Police Department shall oversee the animal control officer, as a civilian employee, and shall include in its budget, commencing in 2012, the salaries and expenditures for animal control.

[\(Ord. No. 4141, 6-21-2011 \)](#)

Sec. 14-51. Generally. 

(a)

The animal control department and/or police department are empowered to seize any animal that is at-large, vicious, dangerous, or diseased.

(b)

Every animal impounded pursuant to this section shall be cared for and fed by the animal control department until disposition as set forth in this division.

(c)

The animal control authority shall make all reasonable efforts to notify, in writing, the owner of any animal that is impounded, prior to such animal's euthanasia, adoption, or other disposition. Animals with dog tags shall not be disposed of within seven days and shall be held for three calendar days of impoundment then transferred to the county shelter. Animals with no dog tags or no readily apparent means of identification shall be transferred to the county animal control facility on a daily basis from impoundment. Any unidentified animals impounded on weekends, or holidays shall be transferred on the next working day. The animal control department shall undertake reasonable steps in an attempt to identify the owner of animals with no readily apparent identification. All notices of the animal control department to animal owners or persons believed to be animal owners shall state the description of the animal impounded, the location where the animal was seized, the date after which the animal may be disposed of, the present location of the animal, and the address and telephone number of the animal control department.

(d)

The animal control department will make available for local media a daily list of all animals seized, giving location where the animal was seized and a brief description of such animal.

(e)

The animal control department shall maintain a list of all animals under his control. In addition, an employee of the animal control department shall be available at reasonable times during business hours to receive telephone calls from the general public concerning lost animals that may be under its jurisdiction or control.

(f)

All notices of the animal control department to animal owners or persons believed to be animal owners shall state the description of the animal impounded, the location where the animal was seized, the date after which the animal may be disposed of, the present location of the animal, and the address and telephone number of the animal control department.

(g)

Animals may only be disposed of by the animal control department pursuant to the instructions and direction of the director within the time limits established in this division, by court order, or as may otherwise be provided for in this chapter.

(Ord. No. 4025, 6-17-2008)

Sec. 14-52. Holding period; disposition of injured or diseased animals. 

(a)

Except as otherwise provided, all dogs and cats seized or received by the animal control department shall be transferred to the county shelter daily. Dogs or cats surrendered to the animal control department by the owners thereof may be transferred to the county shelter, or, if not eligible for adoption, shall be disposed of in a humane manner pursuant to the provisions of this chapter at any time after the expiration of 24 hours from the time of receipt.

(b)

Badly injured or diseased animals may be disposed of without notice and within normal waiting periods if:

(1)

It is obvious to any reasonably prudent person that the animal is so badly diseased or injured that it poses a significant threat to human beings or other animals; or

(2)

There is not a reasonable probability that the animal would recover from such disease or injury and that it would be inhumane not to euthanize such animal.

(c)

Notwithstanding subsection (b) of this section, the animal control department shall attempt to give some form of notice to any owner of an animal which comes within the provisions of this section, providing such animal has a readily apparent means of identifying the owner.

(Ord. No. 4025, 6-17-2008)

Sec. 14-53. Redemption by owner. 

The owner of any impounded dog, cat or other animal with tags may redeem it from the animal control department within three days from the time of its receipt, by establishing his ownership to the satisfaction of the animal control department, and by securing a current city license tag for a dog or cat if the owner is a resident of the city, and paying a redemption fee in the amount established in [section 50-91](#) to the animal control department at the time of reclaiming the animal.

(Ord. No. 4025, 6-17-2008)

Sec. 14-54. Adoption of unredeemed animals. 

If any impounded dog, cat, or other animal is not redeemed by its owner, within the required time it may be transferred to the county shelter and it may make the animal available for adoption.

(Ord. No. 4025, 6-17-2008)

Sec. 14-55. Release of vicious or diseased animals. 

No impounded vicious or diseased animal shall be released to its owner, or adopted out to third parties, unless adequate measures or safeguards are established in advance for the protection of the general public. In applying this section, the animal control department or the board of public works and safety shall apply a "reasonable man" standard of safety.

(Ord. No. 4025, 6-17-2008)

Sec. 14-81. Duty of owner to protect dogs and cats against rabies. 

It shall be the responsibility of every dog and cat owner to have all dogs and cats over six months of age that are owned by him continually protected against contracting rabies.

(Ord. No. 4025, 6-17-2008)

State law reference— Harboring unvaccinated dog, IC 35-46-3-1.

Sec. 14-82. Vaccination clinics. 

The animal control authority may maintain vaccination clinics at convenient locations in the city for such periods as it shall deem necessary, and all dogs and cats may be vaccinated at the clinics during these periods. The animal control authority may establish a fee for vaccinations not to exceed the costs of administering vaccinations.

(Ord. No. 4025, 6-17-2008)

Sec. 14-83. Replacement of lost or destroyed vaccination certificate. 

A veterinarian shall issue a new vaccination certificate to replace a lost or destroyed certificate upon satisfactory evidence showing that the dog or cat was vaccinated pursuant to the provisions of this chapter.

(Ord. No. 4025, 6-17-2008)

Sec. 14-84. Impoundment or destruction of rabid animals. 

(a)

The animal control department shall cause all rabid dogs, cats or other rabid animals to be impounded or destroyed.

(b)

Any animal that has come in contact with, or has been bitten by, a rabid animal, upon proof of vaccination, shall be impounded at the owner's expense for a period of not less than 14 days.

(c)

Any animal imported from an area in which rabies quarantine has been imposed shall be quarantined for six months, returned to the place of origin, or destroyed.

(Ord. No. 4025, 6-17-2008)

Sec. 14-85. Confinement of animal biting person or suspected of having rabies. 

(a)

When any dog or cat or other animal subject to rabies has bitten or attacked any person, or when there is substantial reason to believe that any dog, cat, or other animal has rabies, it shall be the duty of any person having knowledge of these facts to report them immediately to the animal control department. The report may be made at the animal control department or the city police

department. The animal shall not be killed, but shall be confined in such a way and for such a period of time as the animal control department shall direct. No person shall release the animal from confinement, or remove the animal from its place of confinement to another place, without the consent of the animal control department. The confinement of the animal shall be at the expense of the owner or custodian of the animal. The animal control officer shall be empowered to use his discretion to order impoundment for a period of ten days, or other period dictated by the state for the purpose of determining if it may have rabies. No person shall refuse to surrender any animal for quarantine when demand is made by the order of an animal control or police officer. If the animal dies or is killed, an appropriate laboratory examination of the head shall be made to determine if the animal was rabid.

(b)

If the owner of an animal which has bitten a person has proof of current rabies inoculations, the animal may be left in the charge of the owner, under quarantine, for a period of ten days, unless, in the judgment of the animal control or police officer, and based upon considerations of public safety, the animal control or police officer determines the animal should be removed to an animal shelter or veterinary hospital for the period of observation.

(Ord. No. 4025, 6-17-2008)

Sec. 14-101. Report of danger of rabies; proclamation of quarantine. 

(a)

Whenever the director finds that there is danger that rabies exists or may be introduced in the city, it shall be his duty to report such danger to the common council.

(b)

Whenever the danger of rabies is reported and the director, in his discretion, believes it necessary to prevent the spread thereof, he shall, in order to protect human life and safety, proclaim quarantine on dogs, cats, and other animals for all or any portion of the city. The quarantine may be proclaimed for such length of time as the director in his discretion may deem reasonably necessary. When a dog and cat quarantine is proclaimed, notice thereof shall be given to the public by posting or otherwise.

(Ord. No. 4025, 6-17-2008)

Sec. 14-102. Duties of dog and cat owners during quarantine. 

Whenever a quarantine on dogs, cats, or other animals is proclaimed, it shall be the duty of all persons owning, harboring or possessing a dog, cat, or other animal for which a quarantine order has been issued, within the areas so quarantined, to keep the dog, cat, or other animal tied, securely confined, restrained, or on leash with a responsible person at all times during the

quarantine period. For purposes of this section, the word "harboring" shall be construed to include persons who feed or befriend a stray or abandoned dog, cat, or other animal. During the existence of the quarantine, no animal shall be taken or shipped from its residence without the consent of the animal control department.

(Ord. No. 4025, 6-17-2008)

Sec. 14-103. Impoundment or destruction of dogs and cats at large during quarantine. 

Whenever quarantine on dogs, cats, or other animals is proclaimed, any animal subject to the quarantine found running loose within the quarantined area and during the quarantine period shall be subject to impounding, destruction or other disposition.

(Ord. No. 4025, 6-17-2008)

Sec. 14-104. Administration and enforcement. 

Whenever a dog, cat, or other animal quarantine is proclaimed, it shall be the duty of the animal control department to supervise and administer the quarantine and to cause the public to be notified thereof as provided in this division. It shall be the duty of all law enforcement officers within the city to cooperate with the animal control department in the enforcement of the quarantine.

(Ord. No. 4025, 6-17-2008)

Sec. 14-131. Running at large. 

It shall be unlawful for any owner to permit his dog or cat to run at large. The animal control authority, or any member of the police department, is authorized and directed, upon identifying a dog or cat at large, to issue a written warning, and after one written warning has been given to the owner in a calendar year, to issue the owner of the dog or cat a citation for a violation of this chapter. After the first citation, any subsequent violation in that calendar year shall result in the animal being impounded at the owner's expense. The animal will be held until all fines have been paid and all conditions set forth in this chapter are complied with.

(Ord. No. 4025, 6-17-2008)

State law reference— Dogs at large, IC 15-5-9-13.

Sec. 14-132. Dogs and cats prohibited on school grounds. 

It shall be unlawful for any owner to permit his dog or cat to be on any school grounds on any day when school is in session.

(Ord. No. 4025, 6-17-2008)

Sec. 14-133. Dogs or cats creating nuisance. 

Dogs or cats molesting passersby, chasing vehicles, attacking other domestic animals, barking excessively, depositing excretory matter on private property other than that of the owner, or damaging property are declared to be a nuisance and are prohibited. Any violation of this section may result in the issuance of a citation. After the first citation, any subsequent violation in that calendar year shall result in the animal being impounded at the owner's expense.

(Ord. No. 4025, 6-17-2008)

Cross reference— Nuisances generally, § 46-91 et seq.

Sec. 14-134. General animal care requirements. 

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

(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 sufficient and wholesome food, proper and nutritional for that species, at least once every 24 hours. The animals must have constant access to fresh, potable water. If water pans or dishes are used, such pans or dishes shall be secured in such a manner that prevents tipping.

(3)

Has a proper and adequate structure provided throughout the year that will provide the animal with dry, clean bedding; and that will protect the animals from all elements of weather and will allow the animals to stand, sit, and lie down without restriction, and which is kept in a sanitary manner. Any shelter which does not protect the animal from temperature extremes or precipitation, or which does not provide adequate ventilation or drainage, shall not comply with this section. Areas surrounding the shelter must have proper drainage to prevent accumulation of mud and or water. In addition to the shelter, a shaded area shall also be provided by means of other structures, such as trees, awning(s), etc.

(4)

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

(5)

Is not beaten, cruelly ill-treated, overloaded, overworked, tormented or otherwise abused or neglected, nor shall any person cause, instigate or permit any dogfight or combat between animals or between animals and humans.

(6)

Is not physically altered in any manner by anyone other than a veterinarian or by accepted veterinary procedures and/or accepted animal husbandry procedures with the exception of tattooing or micro chipping for identification purposes, and grooming.

(7)

If an animal is restrained by a chain, leash, wire cable or similar restraint, such restraint shall not weigh more than 1/8 of the animal's weight. It must be designed and placed to prevent choking, strangulation or entanglement with other objects. Such restraint shall not be less than ten feet and shall have a swivel on both ends. Any chain or tether must be attached to a properly fitting collar or harness worn by the animal. All collars used for the purpose of chaining or tethering an animal must be made of nylon, leather or other durable and nonmetallic material. Using a chain, choke or pinch collar as a primary collar is prohibited. All collars shall fit the animal so as to avoid causing injury to the animal or becoming imbedded in the animal's neck.

(8)

It shall be unlawful for any person to place or confine or allow such animal to be confined in such a manner that it must remain in a motor vehicle or trailer under such conditions or for such periods of time as may endanger the health or well-being of the animal due to heat, lack of food or water, or any circumstances which might cause suffering, disability, or death.

(9)

It shall be unlawful for any person to abandon or dump any animal within the city limits. Abandonment shall mean leaving an animal for a period in excess of 24 hours without appropriate provisions having been made for the feeding, watering, and care of such animal. If an animal is restrained or confined without food, water or proper care, an animal control or police officer may enter upon any property where the animal is restrained or confined and supply it with the necessary food, water, and care. The officer shall make reasonable attempts to locate an owner or caregiver. The officer shall impound the animal if no owner or caregiver for that animal is located within 48 hours unless emergency medical care is needed, then the animal shall be impounded immediately.

(10)

If an animal control or police officer has reason to believe either: That an animal is in distress caused by mistreatment, exposure to the elements, extremes of temperature, lack of adequate

ventilation or drainage, lack of sanitation, deprivation of proper food or water, restraint of movement, confinement, lack of sufficient exercise space, constrictive gear, injury, illness, physical impairment or parasites; or if the well-being of an animal is threatened by a dangerous condition or circumstance; or if the distress of the animal or the dangerous condition was caused by the willful act or omission or gross negligence of the owner, agent, or keeper, or that it is likely the animal would be in distress if the owner retains the ownership of the animal, the officer is authorized and empowered to immediately remove and impound the animal if the animal is in plain view.

(11)

Any person or persons violating this section shall bear full cost and expenses incurred by the city in the care, medical treatment, impoundment cost, and disposal of said animal(s).

(12)

When a person has been issued a citation under this section, and the animal has been seized by the animal control officer pursuant to a warrant issued by the court, the owner shall not be allowed to redeem such animal until the citation has been resolved. If the owner is found guilty of violating this section, the court may dispose of such animal in accordance with this Code.

(Ord. No. 4025, 6-17-2008)

Cross reference— Health and sanitation, ch. 58.

Sec. 14-135. Kennels. 

(a)

Definition. The owner of four or more dogs/cats at least six months old, whether owning for pleasure, profit, breeding or exhibiting, shall be deemed the operator of a dog/cat kennel. The dog/cat kennel shall be kept in a clean and sanitary condition at all times, and dogs and cats shall be reasonably restrained from annoying the neighborhood or the general public by loud, frequent or habitual barking, yelping or howling.

(b)

License. The owner of a dog/cat kennel shall procure a kennel license, to expire on December 31 of each year, from the city controller upon application and payment of an annual fee in the amount established in [section 50-92](#) and certification of compliance from the planning department. The kennel license shall not obviate the necessity of procuring individual licenses. A person holding a kennel license issued by the controller for the year 1995, such license being issued on or before August 15, 1995, may continue to receive a license for the same address and number of animals without the certificate of zoning.

(Ord. No. 4025, 6-17-2008)

Cross reference— Businesses, ch. 26.

Sec. 14-136. Dangerous animal. 

The director shall have the authority to make a determination that an animal is a dangerous animal, as defined in [section 14-1](#), and to order the owner to comply with any of the measures set forth below for the protection of public health, safety and welfare.

(1)

Upon receipt of a citizen's complaint or other report of an animal bite, attack, threatening behavior or other reason to believe an animal may be dangerous, the director or animal control officer shall evaluate the seriousness of the complaint or report, and if the circumstances warrant, may conduct an investigation of the facts where practical and readily located, including interviewing the witnesses, observing the animal and investigating the scene. The animal control officer shall make a written report as to whether the animal is dangerous as defined in [section 14-1](#). This report shall include the details and basis of such findings.

(2)

Where there is probable cause to believe that an animal is a dangerous animal, the director is authorized to impound and hold such animal, at the owner's expense, pending investigation and final resolution of any appeal. Where the animal has caused severe injury or death to any person, the director is required to impound and hold such animal, at the owner's expense, pending investigation and final resolution of any appeal. Moreover, in no event shall an animal deemed dangerous be released to its owner before the director approves the enclosure required by subsection (6) below. The holding period and impoundment procedures for animals of unknown ownership shall be governed by article II, division 2 of this chapter.

(3)

Where an animal is declared dangerous and the animal has caused severe injury to any person, the director may order the humane destruction of the animal, taking into consideration the severity and the circumstances of the injury. Where the owner's address can be reasonably ascertained, the director shall send a written notice to the owner by certified mail, informing him or her that their animal has been declared a dangerous animal, describing the basis for such declaration by specific behavior and date and place of occurrence, setting forth all applicable orders and restrictions imposed and informing the owner of his or her right to appeal such determination by filing a written request for a hearing within seven days of receipt of such notice. A copy of such notice shall be sent to the complainant, if any. Where an animal has been impounded such notice shall be sent within ten days after such impoundment.

(4)

The owner or keeper of an animal that has been found to be dangerous or vicious dogs under section 14-1 or under state law, are required to comply with the requirements in subsection (3)

without the need for any individualized declaration or the right to a hearing, except that, to the extent an owner contends that his or her animal is used as a guard dog by a commercial venture. In such instance, the protection set forth above shall apply.

(5)

If the owner requests a hearing, the director shall comply within ten days. Interested parties may present testimony and any other relevant evidence within this time period, if requested. The hearing shall be taped or recorded by any appropriate means. If the director uphold the determination that the animal is dangerous, the owner shall have 15 days to satisfy all requirements set out in subsection (6) and the notice. In those cases where the director has ordered humane destruction of the dangerous animal, that order shall not be carried out until seven days after the hearing. If the owner appeals to the board of works during this time period, that order shall be stayed until resolution of such appeal.

a.

Hearing. Any person affected by this section may request and shall be granted a hearing on the matter before the city board of public works and safety. The person shall file in the office of the city clerk a written petition requesting the hearing and setting forth a brief statement of the grounds therefore within ten days from receipt of the written notice from the city that the animal has been deemed dangerous. If the owner appeals to the board of works and safety during this time period, the orders of the director shall be stayed until resolution of such appeal. Upon receipt of the petition, the board shall set a time and place for the hearing and shall give the petitioner written notice thereof. At the hearing, the petitioner shall be given an opportunity to be heard and to show why the notice should be modified or withdrawn. The hearing shall be commenced no later than ten days after the day on which the petition was filed. Upon application of the petitioner, the board may postpone the date of the hearing for a reasonable time beyond the ten-day period if, in its judgment, the petitioner has submitted a good and sufficient reason for the postponement. All the hearings shall be open to the public.

b.

Decision and order. After the hearing, the board of public works and safety shall sustain, modify or withdraw the notice, depending upon its findings as to whether the provisions of this article have been complied with. If the board sustains or modifies the notice, it shall be deemed to be an order. Any notice served pursuant to this section shall automatically become an order if a written petition for a hearing is not filed in the office of the city clerk within ten days after the notice is served. The director or his or her designee serving the notice upon which a petition for review is filed shall not sit as a member of the board at the hearing of the petition, but shall be allowed to be present, cross examine witnesses, and be cross examined by the petitioner.

If the board of works and safety sustains the decision of the director that the animal is dangerous, the owner shall have 15 days to satisfy all requirements set out in subsection (6) of this section.

c.

Records. The board of public works and safety shall make findings of facts relative to a decision under this section, which shall be reduced to writing. The decision and all orders of the board shall also be reduced to writing. The board shall prepare a record consisting of the notice, the petition for a hearing, the statement of finding of facts, and all decisions and orders of the board and deposit it in the office of the city clerk for public inspection.

(6)

In all cases where an animal is declared to be dangerous and the animal is not humanely destroyed, the director shall order the owner to comply with the following requirements.

a.

While on the owner's property, the owner must securely confine the dangerous animal indoors or within a securely enclosed locked pen, structure or fence designed to prevent the entry of young children and designed to prevent the animal from escaping. Such enclosure must be a minimum of six feet in height and must have secure sides. The enclosure must also be humane and provide protection from the elements for the animal as set forth in [section 14-134](#)

b.

While on the owner's property a dangerous animal must be securely muzzled to prevent the possibility of biting. It must be restrained by a chain or leash not exceeding six feet in length and must be under the control of its owner or other responsible person at all times. The muzzle must be made in such a manner as to not cause any injury to the animal or impair vision or respiration.

c.

The owner or keeper of a dangerous animal must display on his property in a conspicuous manner and in large letters a sign warning that a dangerous animal is on the premises. Such a sign must read: "WARNING - DANGEROUS ANIMAL - KEEP AWAY". It must be visible and legible to the public from a distance of 50 feet from the enclosure required by subsection (6) above.

d.

The owner must confine the dangerous animal in the secure enclosure described above in subsection (6) at all times and only allow the animal out under conditions set forth in subsection (6)b. above when necessary to obtain veterinary care for the animal or to comply with a court order.

e.

The owner, at the owner's expense, shall have an identifying microchip installed under the animal's skin by a veterinarian or other authorized person.

f.

The animal shall be spayed or neutered at the owner's expense.

g.

Within ten business days of the declaration that the animal is dangerous, the owner must procure, and maintain in effect, liability insurance in the amount of \$100,000.00 and coverage of claims arising from the conduct of the owner's animal. Such insurance shall include a provision whereby the insurer notifies the director not less than 30 days prior to cancellation or lapse of coverage.

(Ord. No. 4025, 6-17-2008)

Sec. 14-137. Penalties for violations of section 14-136. 

Any owner of a dangerous animal who fails to comply with any of the requirements of [section 14-136](#) and any additional appropriate orders of the director shall be punished by a fine as set forth in [section 50-96](#). Any animal which, after having been retrieved from impound by the owner, is again impounded pursuant to this article and is determined by the director to be a dangerous animal as defined in [section 14-1](#), may be euthanized by order of the director.

(Ord. No. 4025, 6-17-2008)

Sec. 14-138. Dangerous animals—Miscellaneous. 

(a)

An owner of a dangerous animal shall allow inspection of the required enclosure by the director or his designee.

(b)

All dangerous animals as defined in this chapter are hereby declared to be a public nuisance.

(c)

The director and/or the board of works are hereby authorized to enact regulations governing dangerous animals as are necessary to carry out the provisions of this chapter and to promote the health, safety and welfare of the public.

(d)

Where an animal has caused severe injury or death to a person, but is not found to be a dangerous animal on the grounds that the attack was provoked, the director shall advise the

owner to comply with the safety measures set forth in IC section 7-12-050-c in order to protect the public health, safety and welfare.

(Ord. No. 4025, 6-17-2008)

Sec. 14-139. Poisoning dogs/cats. 

It shall be unlawful for any person, with the intent to destroy or kill any dog/cat, to feed the dog/cat of another, or one at large, any poisoned food or to leave poisoned food where it may be found and eaten or consumed by any such dog/cat.

(Ord. No. 4025, 6-17-2008)

Sec. 14-140. Enticing dogs/cats. 

No person shall entice any licensed dog, cat, or other animal away from the premises of the person owning, keeping or harboring same, or entice any such licensed dog, cat, or other animal from any highway, street, alley or public place in this city with the intention of depriving the owner, keeper, agent, or person harboring the same, of the possession thereof, except as authorized in this chapter.

(Ord. No. 4025, 6-17-2008)

Sec. 14-141. Trespassing to entice away. 

No person shall enter or invade the private premises of another to capture, entice or take any licensed dog or other animal out of the enclosure or premises of the person harboring the same, or molest or seize any such dog or other animal anywhere while the same is accompanied by his owner, keeper, agent, or custodian; or bring within the city any dog or other animal for the purposes of impounding or otherwise disposing of the same, or collecting any fee or reward for the return there, except as provided in this chapter or state law.

(Ord. No. 4025, 6-17-2008)

Sec. 14-142. General penalties. 

Unless otherwise prescribed in this chapter, notwithstanding any other penalties prescribed by the laws of the state, any person who violates any duty imposed by sections of this chapter shall be punished by a fine as set forth in [section 50-97](#). Each day a violation continues shall constitute a separate violation.

(Ord. No. 4025, 6-17-2008)

Sec. 14-151. Required. 

It shall be unlawful for any person to own or harbor a dog or cat over the age of six months unless the dog or cat is licensed by the city.

(Ord. No. 4025, 6-17-2008)

Sec. 14-152. Exemptions. 

The licensing provisions of this division shall not apply to dogs or cats used by the police department, dogs or cats actually confined to the premises of education and research institutions or incorporated benevolent societies devoted to the care or hospital treatment of lost, stray or homeless animals, or dogs or cats owned by nonresidents of the city temporarily in the city for a period of not in excess of 30 days, if the dogs or cats are wearing a current and valid license issued by another jurisdiction and the owner can submit proof of current protection against rabies.

(Ord. No. 4025, 6-17-2008)

Sec. 14-153. Issuance; duration; fee. 

(a)

Every person owning or harboring a dog or cat within the city shall, on or before January 1 of each year, or within ten days of acquiring any dog or cat over six months of age, obtain an annual city dog/cat license for each dog or cat owned or harbored. The fee for a license shall be as established in [section 50-93](#), except that no fee shall be charged for the licensing of any guide dog or cat trained to aid the blind and actually in use for this purpose. When application is made between July 1 and December 31, and the dog or cat was not subject to licensing prior to that date, the city dog/cat license fee shall be one-half of the amount otherwise required.

(b)

City dog/cat licenses shall be issued under the supervision of the city controller at such places and at such times as may be designated by the city controller division.

(c)

All city dog/cat licenses shall be effective for 12 months, for the period beginning on January 1 and ending on December 31 of each calendar year.

(Ord. No. 4025, 6-17-2008)

Sec. 14-154. Proof of rabies inoculation. 

On application for any annual license issued for any dog or cat, the owner thereof shall exhibit a certificate showing the dog or cat has a current inoculation against rabies within the preceding 12-month period by a duly licensed veterinarian.

(Ord. No. 4025, 6-17-2008)

Sec. 14-155. Wearing of tag. 

All dogs and cats shall be required to have a city dog/cat tag attached to their collars at all reasonable times.

(Ord. No. 4025, 6-17-2008)

Sec. 14-156. Transfer. 

Individual city license tags shall be attached to the dog or cat for which the tag was issued, and shall pass with the dog or cat. Upon the change of ownership of any dog or cat, the person purchasing or otherwise acquiring the dog or cat shall notify the city controller in writing of the change in ownership in order that the license records of the city may be properly adjusted. No tag shall be transferred from one dog or cat to another dog or cat.

(Ord. No. 4025, 6-17-2008)

Sec. 14-157. Replacement of lost tag. 

If any city dog/cat license tag is lost, the owner of the dog or cat for which the dog/cat license was obtained may procure a duplicate city dog/cat license for use during the balance of the 12-month period upon making application therefore and paying a fee in the amount established in [section 50-94](#) to the city controller.

(Ord. No. 4025, 6-17-2008)

Sec. 14-158. Removal of tag. 

It shall be unlawful for any person, other than the owner of the dog or cat or his agent, to remove any city dog/cat license tag from the dog or cat.

(Ord. No. 4025, 6-17-2008)

Sec. 14-181. Establishment and duties of the animal control board. 

The animal control board is hereby established and shall have the following duties:

(1)

To report to or be responsible to the Mayor and Common Council of Michigan City;

(2)

To recommend proposed policies, principles, standards and regulations for the control and humane treatment of domestic animals within the city;

(3)

To review and make recommendations on the improved enforcement of the terms of this chapter and to the common council as to ordinances necessary for the care, control and treatment of all domestic animals within the city; and

(4)

To submit to the mayor and common council a written report annually regarding its activities and recommendations.

(Ord. No. 4025, 6-17-2008)

Sec. 14-182. Membership of the animal control board. 

The animal control board shall be comprised of five members. The presence of three members of the board shall be necessary to constitute a quorum. Membership on the board shall be established as follows:

(1)

The chief of police or his/her designee, to be appointed by the mayor;

(2)

The director of the animal control department;

(3)

A member of the board of directors of the Humane Society of Michigan City, to be appointed by the common council;

(4)

A licensed veterinarian to be appointed by the mayor; and

(5)

A member of the common council appointed by the common council.

(Ord. No. 4025, 6-17-2008)

Sec. 14-183. Terms of board members. 

The members of the animal control board shall serve at the pleasure of the appointing authority and each member shall serve until a qualified successor is duly appointed. The initial term of appointment shall be as follows:

(1)

Mayoral appointments. One for one year. One for two years, and one for three years.

(2)

Common council appointments. The humane society appointment shall be for three years, the common council member shall be an annual appointment.

(3)

Each term expires on the first Monday in January of the appropriate years and following the initial appointments, all terms shall be for a period of three years.

(Ord. No. 4025, 6-17-2008)

Sec. 14-184. Meetings, agendas and minutes of the animal control board. 

(a)

The board shall meet not less often than on a quarterly basis each calendar year. The chief of police or his/her designee shall be designated the chairperson of the board and at the first meeting of each year the members of the board shall elect a vice chairperson and any other officers deemed necessary by the board.

(b)

Special meetings may be called by the chairperson or upon the written request of at least two board members.

(c)

An agenda shall be prepared ten days prior to the meeting and forwarded to all board members, the city clerk's office, the city attorney's office, the mayor's office, the common council, the Michigan City Animal Control Department, and the media.

(d)

Minutes of the board meetings shall be maintained and copies of the minutes shall be forwarded to all board members, the city clerk's office, the city attorney's office, the mayor's office, the common council and the Michigan City Animal Control Department within ten days following a meeting of the committee.

(Ord. No. 4025, 6-17-2008)