

REGULAR MEETING – June 17, 2008

The Common Council of the City of Michigan City, Indiana, met in regular session on Tuesday evening, June 17, 2008, at the hour of 6:30 p.m., local time, in the Common Council Chambers, located in the lower level of the City Hall Building, 100 East Michigan Boulevard, Michigan City, Indiana.

The meeting was called to order at 6:30 p.m. by Council President Ron Meer.

Roll call was authorized and the following were noted present and/or absent:

PRESENT: COUNCIL MEMBERS Patricia Boy, Phillip Jankowski, Marc Espar Robert McKee, Ron Meer, Richard Murphy, Joe Doyle, Willie Milsap and Angie Nelson (9).

ABSENT: None (0).

A QUORUM WAS NOTED PRESENT.

President Meer advised that the Executive Session on the Agenda under Approval of Minutes was called by the Plan Commission not the Council.

APPROVAL of MINUTES

President Meer inquired whether there were any corrections, deletions, or additions to the minutes of the Regular Meeting of June 3, 2008 and hearing none, the minutes were approved as printed.

REPORTS of STANDING COMMITTEES

There were no reports of standing committees.

REPORTS OF SPECIAL OR SELECT COMMITTEES

Councilman Doyle reported on Summer Festival Events and stated that you can visit www.michigancityfestivalsinc.com for events that will be taking place.

REPORTS of OTHER CITY OFFICERS and DEPARTMENTS

Jim Elwell, Superintendent, Central Services did a presentation for the City Council regarding Central Services responsibilities and duties.

Further discussion ensued among Superintendent Jim Elwell, Council Members Espar and Milsap, regarding non-profit advertisement on City buses.

President Meer complimented all the departments in Central Service for a job well done.

There was a discussion among Mr. Elwell and President Meer in regards to enforcing fines/fees to the property owners of abandon, over grown properties thru-out the city for not keeping them maintained. Mr. Elwell stated the DOP (Department of Corrections) helpers have been working planting trees and cleaning up areas thru out the City.

PETITIONS

The Clerk read the petition by title only, there being no objections, **A PETITION OF THE WALL GANG, INC., TO THE MICHIGAN CITY COMMON COUNCIL TO VACATE STATE COURT AND INTERSECTING ALLEY LOCATED WITHIN MICHIGAN CITY, INDIANA.**

Entering into discussion were Council President Meer, Council Members Doyle, Milsap, Attorney Winski (representing the Wall Gang, Inc.) and Steve Moore, President of the Wall Gang, Inc.

Council President Meer advised that a Formal Public Hearing will be scheduled for July 15, 2008 at the Common Council Meeting regarding the petition.

Steve Moore informed the Council of the goals and achievements the Wall Gang has accomplished and stated that at this time there are 120 members. Mr. Moore welcomes new members, stating that you don't have to have a motorcycle to join.

Council Members Meer and Doyle stated reasons to support the Wall Gang's venture.

Carrie Smith, 1030 Green Street, stated her concerns regarding the proposed vacation.

President Meer advised Ms. Smith there will be a public hearing on July 15, 2008 for the public to speak and asked her to contact him with her questions and concerns.

COMMUNICATIONS

There were no communications.

RESOLUTIONS

There were no resolutions.

ORDINANCES

The Clerk read on first reading by title only, **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA AMENDING THE MICHIGAN CITY COMPREHENSIVE ZONING ORDINANCE RELATING TO THE DEFINITION OF HOTEL AND HOTEL-MINIUM.**

Introduced by: Patricia Boy

Councilwoman Boy stated that changes were made to this Ordinance by the Plan Commission in respect to the Council's concerns regarding the language.

Council President Meer asked if there were any comments or questions by the Council or general public and there being none, the Ordinance was laid over for second reading.

The Clerk read on first reading by title only, **AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA RESCINDING AND DELETING ORDINANCE NO. 2009, AND ALL SUBSEQUENTLY ENACTED AMENDING ORDINANCE THERETO, OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY AND ADDING PROVISIONS REGARDING THE RULES AND PROCEDURES OF THE MICHIGAN CITY COMMON COUNCIL**

Introduced by: Marc Espar, Richard Murphy,
Ron Meer, Patricia Boy,

Phillip Jankowski,
Joe Doyle, Angela Nelson,
Robert McKee

Councilman Milsap stated that he wanted to be added as a Co-Sponsor to this Ordinance.

Councilman Espar questioned the language in Section 2-63 regarding referrals to committees.

Council President Meer addressed Mr. Espar and stated that he would have Attorney Meyer make the changes before the next Council meeting (July 1, 2008).

Council Members Boy and Meer stated reasons why the Council was making changes.

President Meer asked if there were any comments or questions by the Council or general public and there being none, the Ordinance was laid over for second reading.

The Clerk read on second reading by title only, **AN ORDINANCE DIRECTING THE MICHIGAN CITY PLAN COMMISSION AND THE MICHIGAN CITY PLANNING AND INSPECTION DEPARTMENT TO WAIVE CERTAIN BUILDING PERMIT AND INSPECTION FEES FOR LAPORTE COUNTY HABITAT FOR HUMANITY, Inc.**
Introduced by: Willie Milsap.

Councilman Milsap stated that the location of the project was 121 Schofield Court which is in the Fifth Ward; and that the News Dispatch did an article on the future homeowner of this property.

President Meer asked if there were any comments or questions by the Council or general public and there being none, the Ordinance was laid over for third reading.

The clerk read on third reading by title only,

MICHIGAN CITY COMMON COUNCIL

ORDINANCE NO. 4025

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF MICHIGAN CITY, INDIANA RESCINDING AND DELETING ORDINANCE NO. 2124, AND ALL SUBSEQUENTLY ENACTED AMENDING ORDINANCES THERETO OF THE MUNICIPAL CODE OF THE CITY OF MICHIGAN CITY AND ADDING PROVISIONS REGARDING THE CARE, MAINTENANCE, AND CONTROL OF ANIMALS IN MICHIGAN CITY

WHEREAS, MICHIGAN CITY CODE SECTIONS 14-1 through 14-184 are the current Code provisions which provides for the care, maintenance, health and control of animals in Michigan City; and

WHEREAS, the Michigan City Municipal Code, with the passage of time, needs clarification, modification and additions; and

WHEREAS, the Common Council finds that there is the need to review and amend the current Code Sections dealing with the care, maintenance and control of animals in order to better protect the health, safety, and welfare of the citizens of Michigan City and their pets.

NOW, THEREFORE, BE IT ORDAINED, by the Common Council of the City of Michigan City, Indiana, that Sections 14-1 through 14-184 are hereby rescinded and deleted and replaced with the following provisions:

Article I. In General

[Sec. 14-1. Definitions.](#)

[Sec. 14-2. Animals prohibited on park and cemetery property.](#)

[Sec. 14-3. Concealing animal from enforcement officer; falsely denying ownership of animal.](#)

[Sec. 14-4. Disposition of dead animals.](#)

[Sec. 14-5. Torturing or killing animals.](#)

[Sec. 14-6. Duties of person striking dog or cat with vehicle.](#)

[Sec. 14-7. Keeping wild animals.](#)

[Sec. 14-8. Setting traps.](#)

[Sec. 14-9. Keeping fowl, livestock or bees; riding or leading livestock on street or other public place.](#)

[Sec. 14-10. Abandonment or neglect.](#)

[Sec. 14-11. Sale of baby fowl or rabbits; artificially colored animals.](#)

[Sec. 14-12. Adoption of state statutory law reference.](#)

Secs. 14-13--14-30. Reserved.

Article II. Administration and Enforcement

Division 1. Generally

[Sec. 14-31. Authority of planning department to establish administrative regulations.](#)

[Sec. 14-32. Right of entry.](#)

[Sec. 14-33. Interfering with enforcement officer.](#)

[Sec. 14-34. Destruction of vicious animals or animals in packs.](#)

[Sec. 14-35. Records and reports of animal control authority.](#)

Secs. 14-36--14-50. Reserved.

Division 2. Impoundment

[Sec. 14-51. Generally.](#)

[Sec. 14-52. Holding period; disposition of injured or diseased animals.](#)

[Sec. 14-53. Redemption by owner.](#)

[Sec. 14-54. Adoption of unredeemed animals.](#)

[Sec. 14-55. Release of vicious or diseased animals.](#)

Secs. 14-56--14-80. Reserved.

Article III. Rabies Control

Division 1. Generally

[Sec. 14-81. Duty of owner to protect dogs and cats against rabies.](#)

[Sec. 14-82. Vaccination clinics.](#)

[Sec. 14-83. Replacement of lost or destroyed vaccination certificate.](#)

[Sec. 14-84. Impoundment or destruction of rabid animals.](#)

[Sec. 14-85. Confinement of animal biting person or suspected of having rabies.](#)

Secs. 14-86--14-100. Reserved.

Division 2. Quarantine

[Sec. 14-101. Report of danger of rabies; proclamation of quarantine.](#)

[Sec. 14-102. Duties of dog and cat owners during quarantine.](#)

[Sec. 14-103. Impoundment or destruction of dogs and cats at large during quarantine.](#)

[Sec. 14-104. Administration and enforcement.](#)

Secs. 14-105--14-130. Reserved.

Article IV. Dogs and Cats

Division 1. Generally

[Sec. 14-131. Running at large.](#)

[Sec. 14-132. Dogs and cats prohibited on school grounds.](#)

[Sec. 14-133. Dogs or cats creating nuisance.](#)

[Sec. 14-134. General animal care requirements.](#)

[Sec. 14-135. Kennels.](#)

[Sec. 14-136. Dangerous dogs.](#)

[Sec. 14-137. Penalties for violating Section 136.](#)

[Sec. 14-138. Dangerous animals-miscellaneous.](#)

[Sec. 14-139. Poisoning Dogs or Cats.](#)

[Sec. 14-140. Enticing Dogs or Cats.](#)

[Sec. 14-141. Trespassing to entice away.](#)

[Sec. 14-142. General Penalties.](#)

Secs. 14-143--14-150. Reserved.

Division 2. License

[Sec. 14-151. Required.](#)

[Sec. 14-152. Exemptions.](#)

[Sec. 14-153. Issuance; duration; fee.](#)

[Sec. 14-154. Proof of rabies inoculation.](#)

[Sec. 14-155. Wearing of tag.](#)

[Sec. 14-156. Transfer.](#)

[Sec. 14-157. Replacement of lost tag.](#)

[Sec. 14-158. Removal of tag.](#)

Secs. 14-159--14-180. Reserved.

Article V. Animal Control Authority Advisory Committee

[Sec. 14-181. Establishment and duties of the animal control authority advisory committee.](#)

[Sec. 14-182. Membership of the animal control authority advisory committee.](#)

[Sec. 14-183. Terms of committee members.](#)

[Sec. 14-184. Meetings, agendas and minutes of the animal control authority advisory committee.](#)

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.

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 who has the legal authority and power to issue citations for any violation of this ordinance.

Animal Under Restraint means any animal either secured by a leash 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.

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. The term shall not include dogs or cats owned by the police department or animals in the zoo.

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.

Non-immunized 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 result 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 which constitutes a physical threat to human beings of training, instinct or illness. An attack by a domestic animal shall be deemed prima facie evidence of an animal being vicious.

Cross references: 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.

Cross references: 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.

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.

Cross references: 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.

State law references: 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.

Cross references: 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.

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.

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.

Cross references: 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.

State law references: 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.

State law references: Sale of underage or colored birds or rabbits, IC 15-21-21-13.

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.

Secs. 14-13--14-30. Reserved.

ARTICLE II. ADMINISTRATION AND ENFORCEMENT*

*Cross references: Administration, Ch. 2.

State law references: Humane officers, IC 36-8-3-18.

DIVISION 1. GENERALLY

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.

Sec. 14-32. Right of entry.

Animal control officers or police officers may make non investigatory 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 is in plain view; or for which the officer is in hot pursuit; or to seek permission to conduct an investigation. Such incursion shall be limited as to scope and shall be calculated to minimally interfere with any property owner's privacy interests.

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.

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. No prior notice shall be required in such circumstances.

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 La Porte 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.

Secs. 14-36--14-50. Reserved.

DIVISION 2. IMPOUNDMENT

Sec. 14-51. Generally.

(a) The animal control department is empowered to seize any at-large, vicious, dangerous, or diseased animal.

(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 calendar days of impoundment. Animals with 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.

(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 section, by court order, or as may otherwise be provided for in this Chapter.

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.

Sec. 14-53. Redemption by owner.

The owner of any impounded dog, cat or other animal 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.

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.

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.

Secs. 14-56--14-80. Reserved.

ARTICLE III. RABIES CONTROL*

*Cross references: Health and sanitation, Ch. 58.

State law references: Rabies control generally, IC 15-2.1-6-1 et seq.

DIVISION 1. GENERALLY

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 three months of age owned by him continually protected against contracting rabies.

State law references: 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.

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.

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.

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 10 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 10 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.

Secs. 14-86--14-100. Reserved.

DIVISION 2. QUARANTINE

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.

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.

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.

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.

Secs. 14-105--14-130. Reserved.

ARTICLE IV. DOGS AND CATS

DIVISION 1. GENERALLY

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 Ordinance are complied with.

State law references: 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.

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.

Cross references: 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 10 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 non-metallic 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.

Cross references: 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.

Cross references: 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.

(a) 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.

(b) 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 (f) below. The holding period and impoundment procedures for animals of unknown ownership shall be governed by Section 14-21.

(c) 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 7 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 10 days after such impoundment.

(d) The owner or keeper of dogs which have been found to be dangerous or vicious dogs under Section 14-1 or under State Law, are required to comply with the requirements in Section 14-136(c) 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.

(e) If the owner requests a hearing, the Director shall comply within 10 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 (f) 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.

(f) 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.

(1) 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 Sec. 14-134.

(2) 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.

(3) 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 (f) above.

(4) The owner must confine the dangerous animal in the secure enclosure described above in subsection (f) at all times and only allow the animal out under conditions set forth in subsection (f)(2) above when necessary to obtain veterinary care for the animal or to comply with a court order.

(5) 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.

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

(7) Within 10 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.

Any owner 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 of not less than \$200.00 or more than \$500.00 for the first offense, and not less than \$500.00 or more than \$1,000.00 for the second offense. Any animal which, after having been retrieved from impound by the owner, is again impounded pursuant to this ordinance 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.

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 Section 7-12-050-c in order to protect the public health, safety and welfare.

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.

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.

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.

Sec. 14-142. General penalties.

Unless otherwise prescribed in this Ordinance, notwithstanding any other penalties prescribed by the laws of the state, any person who violates any duty imposed by sections of this Ordinance shall be punished by a fine not to exceed \$50 for the first violation, \$100 for the second violation in the same calendar year, \$150 for the third violation in the same calendar year, with incremental increases of \$50 for every subsequent violation in the same calendar year, not to exceed total fines of \$7,500 in any calendar year. Each day a violation continues shall constitute a separate violation.

Secs. 14-143--14-150. Reserved.

DIVISION 2. LICENSE

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.

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.

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.

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.

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.

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.

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.

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.

Secs. 14-159--14-180. Reserved.

ARTICLE V. ANIMAL CONTROL BOARD

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.

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.

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.

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.

This Ordinance shall be in full force and effect after passage and approval by the Mayor.

Sponsored by: /s/ Robert McKee, Member

Co-sponsored by: /s/ Patricia Boy, Member

Co-sponsored by: /s/ Joe Doyle, Member

Councilwoman Boy made the following author's amendments

Amendment 1:

Page 1: Division 2. Impoundment Sec. 14-54

Delete: “; spaying required” -- Spaying is not addressed in the ordinance - title should reflect what is in the ordinance so as not to be misleading.

Should now read:

Sec. 14-54. Adoption of unredeemed animals.

Amendment 2:

Page 4: Add definition between the definitions of Owner and Rabies Vaccination:

Add: *Rabid* means exhibiting the clinical symptoms of rabies as defined by the state board of health.” -- We refer to rabid in ordinance without a definition for rabid.

Should now read:

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

Amendment 3:

Page 5: Sec. 14-8 Setting traps. Subsection (a)

Change “be placed” to “being placed” -- Grammar error.

Last sentence before the enumerated Registration information in Sec. 14-8 (a) should now read:

These traps shall be registered with the animal control department prior to being placed.

Amendment 4:

Page 8: Sec. 14-54. Adoption of unredeemed animals; spaying required.

Delete: “; spaying required” -- Spaying is not addressed in the ordinance.

Last line on page 8, title of Sec. 14-54. should now read:

Sec. 14-54. Adoption of unredeemed animals.

Amendment 5:

Page 10: Sec 14-85 (b)

In line 2 after “under quarantine” add “for a period of 10 days” -- no time frame was included as it was in the previous subsection.

Should now read:

(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 10 days, unless, in the judgment...

Amendment 6:

Page 14: Sec 14-136

Change subsection (9) to subsection (7) typo

The section (9) beginning with "Within 10 business days of the declaration..." should be number (7).

Amendment 7:

Page 17: Sec. 14-184 (c)

Change "and the Michigan City Animal Control Department" to "the Michigan City Animal Control Department and the Media" omission, to comply with Open Door Law

Last section of the ordinance, Sec. 14-184 (c) should now read:

(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.

Council Members McKee and Doyle being Co-Sponsors agreed with the Author's Amendments that Councilwoman Boy presented.

Greg Tuel, 1527 E. 8th Street, President of the Krueger Neighborhood Association, stated that the new Ordinance is a better guide for our community to move toward a community of responsible pet owners. Mr. Tuel thanked everyone that worked hard to put the amended Ordinance together.

Council President Meer asked if there were any other questions or comments from the Council or general public and hearing none, the Ordinance was adopted by the following vote: **AYES: COUNCIL MEMBERS Nelson, Boy, Doyle, Espar, Jankowski, McKee, Meer, Milsap, and Murphy (9). NAYS: None (0).**

UNFINISHED BUSINESS

There was no unfinished business.

NEW BUSINESS

There was no new business.

COMMENTS FROM THE COUNCIL

Councilman Milsap asked what the status was on the YMCA property regarding the maintenance of the property.

There was a discussion among Council Members Meer, Milsap, Jim Elwell, Superintendent of Central Services and Greg Tuel (YMCA) regarding this matter.

Councilman Milsap asked about the status for the patching of Coolspring Avenue.

Councilman Doyle reminded everyone that the Summer Festival Parade is Sunday, July 6, 2008.

COMMENTS FROM THE PUBLIC

Patricia Williams, 447 Walker Street commented on sidewalks /curbs and traffic signs needed in the 400 and 500 blocks of Walker Street.

ADJOURNMENT

On motion by Councilman McKee, supported by Councilwoman Boy, and there being no further business to transact, President Meer declared the meeting ADJOURNED (approximately 7:36 p.m.).

Thomas F. Fedder, City Clerk