

**AMENDED
ORDINANCE NO. 4-2005**

**AN ORDINANCE AMENDING CHAPTER 91 OF THE MUNICIPAL CODE
REGARDING ANIMAL CONTROL REGULATIONS**

WHEREAS, the City has adopted Chapter 91: Animal Control Regulations, establishing regulations and enforcement of animal control; and

WHEREAS, the existing code needs to be updated and expanded;

NOW, THEREFORE, BE IT ORDAINED by the Common Council, City of Valparaiso as follows:

- 1) The attached Appendix Ordinance No. 4-2005 shall serve as a complete and full replacement for the existing Chapter 91: Animal Control Regulations
- 2) This ordinance shall be in full force in effect from and after its adoption by the Council and approved by the Mayor.

Passed by the Common Council of the City of Valparaiso, Indiana by a _____ vote of all members present and voting this _____ day of _____, 2005.

Jon Costas, Mayor

ATTEST:

Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this _____ day of _____, 2005, at _____ o'clock __.m.

Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this _____ day of _____, 2005, at _____ o'clock __.m.

Jon Costas, Mayor

CHAPTER 91: ANIMAL CONTROL REGULATIONS

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§ 91.01 TITLE.

This chapter shall be known as, and may be cited and referred to as the “Animal Control Ordinance.”

(‘89 Code, § 111.01)

§ 91.02 DEFINITIONS.

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

ABANDON. To deposit, leave drop-off or otherwise dispose of any live animal on public or private property without providing the requisite care prescribed under § 91.03.

AGENT. Any person 18 years or older who is authorized by the animal’s owner to act on such owner’s behalf with respect to his or her animal(s).

ALTERED ANIMAL. Any animal that has been operated on to prevent it from procreating.

ANIMAL. Any live, non-human, vertebrate, or invertebrate creature that is domestic, wild, or exotic.

ANIMAL CONTROL AGENCY. Any governmental or private entity charged with or contracted with and given authority for the enforcement of the provisions of this chapter for and on behalf of the city.

ANIMAL CONTROL OFFICER. A person authorized to carry out the provisions of this chapter.

ANIMAL PERFORMANCES OR EXHIBITIONS. Any spectacle, performance, display, act, exhibition, or event in which an animal or animals are used.

ANIMAL SHELTER. The facility established by the County Board of Commissioners and operated by the designated animal control authority or its authorized agents or a private entity, for the temporary care, confinement, detention, and humane treatment of animals held under the authority of this chapter or state law.

AT LARGE. An animal that is:

- (1) Not on a leash and is off the property of its owner, its owner's agent, or its keeper; or
- (2) On a leash that does not adequately confine the animal to the property of its owner, its owner's agent, or its keeper; or
- (3) On a leash that is not otherwise under the immediate control of a person physically capable of restraining the animal.

AUCTION. Any place or facility where animals are regularly bought, sold, or traded by means of auction sale, except for those facilities otherwise defined in this chapter or state law.

BITE. To seize, tear, wound, or cut with the teeth, resulting in a break in the skin.

BOARD. The Board of County Commissioners of Porter County.

BREEDER. Any person or for-profit business or corporation which harbors or keeps dogs or cats, and allows or causes those animals to procreate, for the purpose of selling said offspring.

CIRCUS. Any performances, which are given for a fee, by traveling companies on vacant lots, using tents, or some other kind of temporary enclosure for sheltering the public.

COMMERCIAL ANIMAL ESTABLISHMENT. Any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition or kennel.

CONTROLLED ANIMAL. Any animal not defined as a domestic animal in this chapter with the exception of small, nonpoisonous aquatic or amphibious animals, nonpoisonous reptilian animals, small cage birds, and psittacine. Such **CONTROLLED ANIMALS** shall include but not be limited to the following:

- (1) All poisonous animals, including rear-fang snakes.
- (2) Apes: chimpanzees, Gibbons, gorillas, orangutans, and siamangs;
- (3) Baboons;
- (4) Bears;
- (5) Bison;
- (6) Cheetahs;
- (7) Crocodilians;
- (8) Constrictor snakes, such as boa, python, and anaconda;
- (9) Coyotes;
- (10) Deer, including all members of the deer family, such as white-tailed deer, elk, antelope, and moose;
- (11) Elephants;
- (12) Game cocks and other fighting birds;
- (13) Hippopotami;
- (14) Hyenas;
- (15) Jaguars;
- (16) Leopards;
- (17) Lions;
- (18) Lynxes;
- (19) Monkeys;
- (20) Ostriches
- (21) Pumas, also known as cougars, mountain lions and panthers;
- (22) Rhinoceros
- (23) Sharks
- (24) Snow leopards
- (25) Spiders and insects which are poisonous;
- (26) Tigers
- (27) Wolves

CONFINED. Restriction of an animal at all times by the owner or his or her agent to an escape-proof building or other enclosure away from other animals and the public.

COUNTY ANIMAL WELFARE BOARD. The agency designated or appointed, by the

Board of County Commissioner of Porter County, as having the responsibility for the administration of any or all of the provisions of this chapter.

CRIMINAL TRESPASS.

(1) Means:

- (a) Not having a contractual interest in the property, knowingly or intentionally entering the real property of another person after having been denied entry by the other person or his agent;
 - (b) Not having a contractual interest in the property, knowingly or intentionally refusing to leave the real property of another person after having been asked to leave by the other person or his agent;
 - (c) Accompanying another person in a vehicle, with knowledge that the other person knowingly or intentionally is exerting unauthorized control over the other vehicle;
 - (d) Knowingly or intentionally interfering with the possession or use of the property of another person without his consent; or
 - (e) Not having a contractual interest in the property, knowingly or intentionally entering the dwelling of another person without his consent.
- (2) For purposes of this chapter, a person has been denied entry if the denial was by means of personal communication, oral or written, or by putting or exhibiting a notice at the main entrance in a manner that is either prescribed by law or likely to come to the attention of the public.

DANGEROUS ANIMAL.

(1) Any animal which:

- (a) Has attacked or bitten another animal while off the property of its owner, its owner's agent, or its keeper;
 - (b) Has attacked, attempted to attack, bitten, or seriously injured any human being, without provocation, whether on or off the property of its owner, its owner's agent, or its keeper;
 - (c) Has history, documented with a public agency or its designee, of attacking or being any humans or domestic animals;
 - (d) Has a known propensity, tendency, or disposition to attack, to cause injury, or to otherwise threaten or endanger the safety of humans or domestic animals;
 - (e) Has been found to be at large and has been documented to be at large by an animal control officer on three or more separate occasions in a 12 month period; or
- (2) No animal shall be considered a dangerous animal if the animal causes injury or damage to a person while that person is:
- (a) Committing or attempting to commit a criminal offense against the owner or agent of the owner;
 - (b) Committing a criminal trespass upon the premises occupied by the owner, agent, or keeper of the animal; or
 - (c) Teasing, tormenting, abusing, or assaulting the animal.
- (3) No K-9 patrol dogs or police dogs owned or kept by a law enforcement agency shall be considered a dangerous animal when used in the line of duty or for law enforcement purposes.

DESIGNEE. A person, organization, or entity selected, appointed, or nominated for a particular purpose or duty.

DIRECTOR. The person appointed to be responsible for the administration, operation and programs of the Shelter and its personnel, as established by the Animal Control Authority.

DOMESTIC ANIMAL. Livestock or animals belonging to species normally kept, harbored, and maintained by persons as pets, irrespective of the particular reason for which the animal is kept or maintained. Such animals include but are not limited to the following: species:

- (1) Dog
- (2) Cat
- (3) Cattle
- (4) Horse
- (5) Donkey'
- (6) Sheep
- (7) Goat
- (8) Rabbit
- (9) Mouse
- (10) Rat
- (11) Guinea Pig
- (12) Hamster
- (13) Gerbil
- (14) Cow or ox
- (15) Pigeon, homing, or racing
- (16) Chicken, turkey, goose, duck:
- (17) Swine
- (18) Chinchillas;
- (19) Mink;
- (20) Ferrets;
- (21) Bison;
- (22) Llamas; and
- (23) All other animals defined in IC 15-2.1-2-15

EXOTIC ANIMAL. Any animal whose normal native habitat is not indigenous to the continental United States, excluding Alaska and Hawaii. This definition does not include fish, fur-bearing animals commercially bred for the furrier trade, and birds protected under federal laws and regulations.

EXPOSED TO RABIES. Any human or non-human, warm-blooded mammal that has been bitten or exposed to any other animal known or reasonably suspected to have been infected with rabies.

FIGHT. A conflict between two or more animals that is intentionally organized for such purpose.

FOWL. Any kind of wild or domestic bird, excluding homing or racing pigeons, canaries, parrots, or similar types of birds normally kept in cages.

HARBORING. The actions of any person that permit an animal habitually to remain, to be lodged or to be fed within one's home, store, enclosure, yard or place of business or any premises on which such persona resides or controls. An animal shall be presumed harbored if it is fed or sheltered for three consecutive days or more.

HUMANE OFFICER. Any person or agency designated by the state or the city as a person who is qualified to perform the duties required by the law of this city and state regarding animals.

HOBBY KENNEL. Any establishment housing 15 or fewer dogs and having four or less litters per year.

HOME CONFINEMENT. Confinement within an escape proof enclosure or exercised on a leash by the owner.

IMPOUNDED. If any animal pursuant to this chapter or any state statute has been received into the custody of any animal shelter, the animal will have been **IMPOUNDED** as that word is used in this chapter.

K-9 PATROL DOGS or POLICE DOGS. A professionally trained dog used by law enforcement officers for law enforcement purposes and activities.

KEEPER. Any person, other than the owner, who has actual or constructive possession of an animal for the purpose of managing, controlling, or caring for such animal. A person shall be construed as a **KEEPER** of an animal even if he or she does not have the owner's permission.

KENNEL. Any premises wherein any person engages in the business of boarding, breeding, buying, letting, or keeping cats and dogs for the purpose of hire, training for a fee, or selling.

LEASH. A cord, chain, rope, strap, **electric collar** or other such physical restraint.

LIVESTOCK. Horses, stallions, colts, mares, geldings, sheep, rams, lambs, bullocks, steers, heifers, cows, calves, bulls, mules, jacks, jennets, burros, goats, kids, swine and fur bearing animals being raised in captivity

MUZZLE. A device constructed of strong, soft material or metal, designed to fasten over the mouth of an animal, without interfering with its vision or respiration or causing injury to the animal, to prevent the animal from biting any person or other animal

NIP. To pinch or squeeze with the teeth without breaking the skin or damaging any tissue.

NOT-FOR-PROFIT. A business, association, or entity established or organized as a **NOT-FOR-PROFIT** by the Internal Revenue Service or the state Department of Revenue. **FOR-PROFIT** means all other types of businesses, associations or entities.

OFF PROPERTY. Beyond the legal boundaries of the real property on which the owner, agent or keeper resides.

OWNER. Any person having a right of property in a dog or other animal, or who keeps or harbors a dog or other animal, or who has it in his or her care, or acts as its custodian, or who knowingly permits a dog or other domestic animal to remain on or about any premise occupied by him or her.

PERFORMING ANIMAL EXHIBITION. Any spectacle, display, act, or exhibit or event other than a circus, in which performing animals are used.

PERSON. Any person, firm, corporation, partnership, association or other legal entity.

PET. Any animal kept for pleasure rather than utility.

PET SHOP. Any person group of persons, partnership, or corporation, whether operated separately or in connection with another business enterprise which sells or barter animals.

PRIVATE KENNEL. Any premises housing four or more adult dogs not for sale.

PROVOKED. To deliberately arouse, incite, or excite.

PUBLIC NUISANCE. Any animal that endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term **PUBLIC NUISANCE** shall include, but not be limited to:

- (1) Any animal found running at large;
- (2) Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, or otherwise interferes with the freedom of movement of persons in a public right-of-way.
- (3) Any animal that chases or interferes with motor vehicles in a public right of way;
- (4) Any animal that attacks other animals;

- (5) Any animal that damages, soils, defiles, or defecates on any property other than that of its owner
- (6) Any animal that makes disturbing noises, including but not limited to continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (7) Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (8) Any animal in heat that is not confined or restrained so as to prevent attraction or contact with other animals;
- (9) Any animal in any section of a public park, playground, schoolyard or other recreational area that is found running at large.
- (10) Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- (11) Any animal that trespasses on private property of persons other than the owner of the animal; or
- (12) Any animal determined to be a dangerous animal.

RABIES VACCINATION. An injection licensed by the U. S. D. A. and approved by the Indiana State Board of Health, given to a dog, cat, or other animal by a licensed veterinarian to prevent the spread of rabies.

RESTRAINT. The securing of an animal by leash or lead, or confining it within the real property limits of its owner or agent.

RIDING SCHOOL OR STABLE. Any place that provides, for a fee, boarding and/or riding instructions for a horse, pony, donkey, mule, or burro.

RODEO. A performance featuring bronco riding, steer wrestling, calf roping, greased pig contests, or bull riding.

SECTION. A section of this chapter unless some other ordinance or statute is mentioned.

SERIOUS INJURY OR DEATH.

- (1) Any bodily injury, which is caused by an animal and is medically documented, that:
 - (a) Creates a substantial risk of death;
 - (b) Causes serious permanent disfigurement, unconsciousness, or extreme pain; or
 - (c) Results in a permanent or protracted loss or impairment of a bodily member or organ.
- (2) This definition shall not include any nip from an animal.

SERVICE DOGS. Any dog that is trained to assist a handicapped person.

SHALL. The action referred to is mandatory.

STRAY. Any animal not secured by a or lead, or not under the control of a responsible person or control officer, or not confined within the real property limits of its owner, and for which after a reasonable search or inquiry no owner can be ascertained.

UNCONFINED DANGEROUS ANIMAL. A dangerous animal which is not securely confined indoors, not under restraint, or not confined in a securely enclosed and locked pen or structure upon the premises of the owner, agent or keeper of such animal.

UNLICENSED DOG OR CAT. Any dog or cat for which the license for the current year has not been obtained, or to which the tag for the current year is not attached.

UNPROVOKED. Without incitement or stimulation.

U.S.D.A. The United States Department of Agriculture

VETERINARIAN. Any person licensed and accredited to practice veterinary medicine in the state.

VICIOUS ANIMAL. Any animal or animals that constitute a physical threat to human beings or other animals.

WILD ANIMAL. Any animal not a domestic or exotic animal, with the exception of small non-poisonous aquatic or amphibious animal and small cage birds, which are normally found in the wide state.

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

§ 91.03. GENERAL ANIMAL CARE REQUIREMENTS

Every owner or his agent residing within the corporate limits of the city shall see that each of his animals:

- (A) Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit, or lie in its own excrement;
- (B) Has sufficient and wholesome food and water, which is proper and nutritional for that species of animal;
- (C) Lives in a structure, meeting minimum veterinary standards, which will protect that animal from all elements of the weather and will allow that animal to stand, sit, and lie down without restriction, and which is kept in a sanitary manner;
- (D) If ill, diseased, or injured, receives proper veterinary care as necessary to promote the good health of the animal and prevent the transmittal of a disease to other animals or human beings;
- (E) Is not beaten, ill-treated, overloaded, over-worked, tormented or otherwise abused or neglected or involved in any dog fight, cockfight, bullfight, or other combat between animals or between animals and humans;
- (F) Is not physically altered in any manner by anyone other than a veterinarian, except for tattooing for identification purposes and grooming;
- (G) Is not abandoned, neglected, or tortured;
- (H) Does not become a public nuisance;
- (I) Does not become a dangerous animal;
- (J) In the case of a dog or cat over the age of three months, is properly vaccinated against rabies by a licensed veterinarian annually, or upon such frequency as may be specified by state law, and such animals shall be licensed as required by this chapter and state law;
- (K) Is properly restrained and not at large;
- (L) During mating season, is kept in a secure enclosure in such a manner that it cannot come into contact with another animal of the same species, except for planned breeding.

§ 91.04 SALE OF ANIMALS AS NOVELTIES OR USE AS PRIZE PROHIBITED; EXCEPTIONS

- (A) Sale of animals as novelties or use as prize prohibited.
 - (1) No person shall display, sell, offer for sale, barter, or give away any animal, reptile, ~~fish~~, or bird as a novelty or as an advertising device.
 - (2) No rabbit, chick, gosling, duckling, turkey, or other fowl may be dyed or otherwise colored artificially; nor shall any dies or artificially colored rabbits, chicks, gosling, ducklings, turkeys, or other fowl be sold, offered for sale, displayed, used as barter, or given away.
- (B) This section shall not be construed to prohibit the sale or display of natural chicks, ducklings, goslings, turkeys, or other domestic fowl in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised for commercial purposes. Nor shall this section prohibit a pet shop holding a valid

permit under this chapter or a legitimate humane society or animal shelter, from humanely caring for, adopting out, or selling animals as pets.

§ 91.05. MOTOR VEHICLE ACCIDENTS INVOLVING ANIMALS

Any person operating a motor vehicle, who knowingly hits, runs over, kills or causes injury to a dog or cat, or domestic animal by which creating a public hazard to shall immediately notify the police department. Such notice shall include the motorist's name, address, phone number, type of animal hit and the location of the animal.

§ 91.06. ANIMALS IN MOTOR VEHICLES

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

§ 91.07. POISONING OF ANIMALS

- (A) No person shall deposit, dispose, or place any poisonous substance on any public or private property within the corporate limits of the city, if a domestic animal is reasonably likely to consume such substance.
- (B) A person shall not be liable under division (A) if this section for leaving common rat or mouse poisons or insecticides, in any form, on his or her property if the person exercises reasonable care in restricting a domestic animal's access to such poisons so that only the targeted rodents or insects are exposed to said poisons.
- (C) No person shall intentionally poison or attempt to poison a dog or cat for nuisance issues or control purposes.

§ 91.08. TRAPPING OF ANIMALS RESTRICTED

No person shall trap animals or fowl within the city limits, unless such trap(s) are approved by an animal care facility and used for the control of nuisance animals. This prohibition shall not apply to any trap specifically designed to kill rats, mice, gophers or moles unless the property owner is unaware of their placement.

§ 91.09. MAXIMUM NUMBER OF DOMESTIC ANIMALS

- (A) No person shall keep more than a total of six domestic animals over the age of six months per household in any residential area zone.
- (B) This restriction shall not apply to property that is at least one-third of an acre of land (14,520 square feet); however, any person owning more than three of such animals must comply with division (C) of this section.
- (C) Persons desiring to have more than three animals who meet the regulation set forth in division (B) of this section must have a minimum of 1,000 additional square feet for each additional animal.

§ 91.10. ACREAGE REQUIREMENTS FOR CERTAIN DOMESTIC ANIMALS; PROHIBITION OF SWINE

- (A)
 - (1) Any person desiring to keep any of the following domestic animals or fowl in the city must have a minimum of five contiguous acres of land in the city, upon which the animals would be kept and which acreage must be enclosed by a fence to confine such animals including but not limited to:
 - (a) Cow, ox, cattle, calves, or other livestock;
 - (b) Donkey, ass, burro, or mule;
 - (c) Sheep
 - (d) Goat, except pygmy goat (see division (E));
 - (e) Chickens, roosters, geese, turkeys, ducks, or other fowl except racing or homing pigeons;

- (f) Bees;
- (g) Horses;
- (h) Bison, Llamas; or
- (i) Swine, except potbelly pig (see division (E)).

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

(B)

- (1) In no event shall the shelter and feeding station for any of the animals or fowl designated in division (A) above be closer than 50 feet from the adjoining property line.
- (2) Nothing in this section shall be deemed or construed to prohibit the keeping of bees in a hive, stand, or box located or kept with a zoological part, school, or university building for the purpose of study or observation, as long as the public safety is ensured.
- (3) Bees must be kept in accordance with the following provisions:
 - (a) If bee colonies are kept within 50 feet of any exterior boundary of the property on which the hive, stand, or box is located, a barrier shall be erected that will prevent bees from flying through it.
 - (b) Fresh, clean watering facilities for bees shall be provided on the said premises.
 - (c) The bees and equipment shall be kept in accordance with the provisions of state statutes.

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

(E) No person may keep within the city, as presently or hereinafter established, any swine, pigpens, or hog sties. Possession of said items constitutes a public nuisance.

(F) Pot bellied pigs and pygmy goats shall be allowed only on a lot with a minimum of two acres of land for each individual animal, and all other sections of this chapter shall be added hereto.

§ 91.11 OWNERS OR AGENTS RESPONSIBLE FOR REMOVING ANIMAL WASTES AND DEAD ANIMALS

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

(B) The owner of any dead animal shall remove and properly dispose of the animal within 24 hours after its death. The real property owner is responsible for removal of any strange animal carcass on his or her real property.

§ 91.12. LEASH REGULATIONS.

No person being the owner or having custody and control of any dog or cat shall permit or allow the dog or cat to run or to be at large in the streets, or on the walks or public grounds of the city, unless the dog or cat shall wear a collar or a harness and be effectively restrained by a chain or leash not more than 10 feet in length.

§ 91.13. ANIMAL BITES.

(A) If any person is a victim of an animal bite, he shall immediately notify the city police department and provide a description of the animal and identification, if possible of the owner. When an animal is determined to have bitten a person, the animal shall be confined in quarantine for a period of not less than ten days.

(B) If the animal's owner which has bitten a person presents proof of current rabies inoculations, the animal may be left in the charge of the owner, under quarantine, unless in the judgment of the humane officer, police officer or code enforcement agent and based upon considerations of public safety, the humane officer determines it should be removed to an animal shelter or veterinary hospital for the period of observation.

- (C) In addition to any other legal obligations prescribed by law, the owner shall pay for all costs incurred in the quarantine and/or impoundment of the animal before such animal will be released. If the owner is unable or unwilling to pay for said costs, the animal may be humanely euthanized and the owner shall still remain liable for any costs incurred in said quarantine and/or impoundment.
- (D) If the owner of the quarantined animal cannot be determined, or if the owner does not furnish proof of current rabies inoculation, the animal shall be impounded under the authority of the Porter County animal shelter for a period of observation of not fewer than ten days.
- (E) Animal control officers, police officers or code enforcement agents shall be empowered to enter onto private property for the purpose of impounding animals which are known to have bitten a person and shall obtain legal process to do so if necessary.
- (F) Unless otherwise provided, the city and any of its agents shall comply with the standards set forth in IC 15-2.1-6-1 through IC 15-2.1-6-13 entitled "Rabies".

§ 91.14. MANDATORY VACCINATION OF DOGS AND CATS

- (A) No animal owner or his agent shall keep or harbor a dog or cat over the age of three months unless a licensed veterinarian with anti-rabies vaccine has vaccinated it annually.
- (B) The owner shall maintain proof of an animal's vaccination so that it can be presented to the city or its agents upon request.
- (C) Failure to comply with the provisions of this section shall subject the owner of said unvaccinated dog and/or cat to being issued an ordinance violation citation, subjecting the owner to a fine as set forth in § 91.24

§ 91.15. INTERFERENCE WITH HUMANE OFFICER PROHIBITED

No person shall interfere with or impede a humane or animal control officer, police officer, code enforcement agent or any other authorized agent in the performance of his duties as set forth in this chapter.

§ 91.16. EXCLUSION OF SERVICE DOGS PROHIBITED

No person owning, operating, or maintaining any public place of business to which the general public is invited for any business purpose shall exclude therefrom any dog that has been trained to assist the blind, the hearing-impaired, or the physically-disabled. However, such dog must be in the company of the handicapped person for whom it was trained to assist or in the company of a licensed obedience service trainer.

§ 91.17. DANGEROUS AND POISONOUS ANIMALS PROHIBITED

No person shall harbor or possess within the city any poisonous animal, reptile, amphibian, fish, or insect, or any animal that poses a threat to the public health and safety. Such animal may be impounded by the animal control agency and disposed of in a manner determined to be in the best interest of the animal.

§ 91.18. IMPOUNDMENT PROCEDURES

The Porter County Animal Shelter as the contracted animal control agency of the city of Valparaiso may seize, impound or confine any of the following animals:

- (A) A stray animal brought to the shelter by shelter personnel or any resident of Valparaiso
- (B) Injured animals brought to the shelter for which no owner can immediately be found;
- (C) Biting or dangerous animals or those suspected of being rabid, as established by other sections of this chapter;
- (D) An animal whose owner wishes to relinquish that ownership;
- (E) Any animal seized by the warden, a law enforcement official, or
- (F) Dogs without current license tags; code enforcement agent to prevent present or future inhumane treatment;

- (G) Any animal running at large;
- (H) Any animal constituting a public nuisance;
- (I) Any unattended animal that is ill, injured, or otherwise in need of care;
- (J) Any unattended animal that is reasonably believed to have been abused or neglected;
- (K) Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested, or evicted from his regular place of residence.

§ 91.19 PROTECTED ANIMALS

- (A) No person shall possess, offer for sale, attempt to buy or own within the city any of the following animals of either thoroughbred or hybrid stock or pedigree;
 - (1) All wild cats of the family *felidae*.
 - (2) Polar bear
 - (3) Red wolf
 - (4) Vicuna
 - (5) Alligator
 - (6) Caiman or crocodile of the order of *crocodillia*
 - (7) Gray or timber wolf
 - (8) Sea otter
 - (9) Pacific ridley turtle
 - (10) Atlantic green turtle
 - (11) Mexican ridley turtle
- (B) No person shall buy, sell, or offer for sale or own a native or foreign species of subspecies of mammal, bird, amphibian, or reptile, or the dead body or parts thereof, which appears on the endangered species list designated by the United States Secretary of Interior and published in the Code of Federal Regulations pursuant to the Endangered Species Act of 1969 (Public Law 135, 91st Congress), as amended.
- (C) No person shall import or cause to be imported into this city any part of the plumage, skin, or dead body of any species of hawk, owl, or eagle. This division shall not construed to forbid or restrict the importation or use of the plumage, skin, body or any part thereof legally collected for use by American Indians for ceremonial purposes or in the preservation of their tribal customs and heritage.
- (D) This section shall not be construed to prevent the importation, possession, purchase, or sale of any species to any person or organization licensed to present a circus or carnival pursuant to this code.
- (E) A humane officer, police officer or code enforcement agent may seize and impound any animal being offered for sale or owned in violation of this section.
- (D) Failure to comply with the provisions of this section shall subject the owner of said protected animal to being issued an ordinance violation citation, subjecting the owner to a fine as set forth in § 91.24

§ 91.20. KEEPING CERTAIN ANIMALS PROHIBITED

- (A) No person shall keep, maintain, or have in his possession or under his control within the city, any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal, or any other animal or reptile of wild, vicious or dangerous propensities.
- (B) No person shall keep, maintain or have in his possession or under his control, within the city, any of the following animals of either thoroughbred or hybrid stock or pedigree:
 - (1) All poisonous animals, including rear-fang snakes;
 - (2) Apes such as chimpanzee, gibbons, orangutans and siamangs;
 - (3) Baboons;
 - (4) Bears;
 - (5) Bison;
 - (6) Cheetahs;
 - (7) Crocodilians;
 - ~~(8) Constrictor snakes, including but not limited to boa, python and anaconda;~~
 - (9) Coyotes;
 - (10) Deer such as white-tailed deer, elk, antelope and moose;
 - (11) Elephants;
 - (12) Game cocks and other fighting birds;
 - (13) Hippopotami;

- (14) Hyenas;
- (15) Jaguars;
- (16) Leopards;
- (17) Lions;
- (18) Lynxes;
- (19) Monkeys, old world, new world;
- (20) Ostriches;
- (21) Piranha fish
- (22) Pumas such as cougars, mountain lions; and panthers;
- (23) Rhinoceroses;
- (24) Sharks;
- (25) Snow leopards;
- (26) Spiders and insects which are poisonous;
- (27) Tigers;
- (28) Wolves;
- (29) Monitor lizard; or
- (30) Wild animals.

- (C) The provisions of this section shall not apply to institutions of higher learning, zoological parks, circuses, or persons harboring animals specifically for the purpose of rehabilitation and release into their natural habitat pursuant to a valid wildlife permit issued by the state or an agency of the United States if:
- (1) Their location conforms to the provisions of city ordinances.
 - (2) All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate offensive odors.
 - (3) Animals are confined in such a manner so as to prevent their escape and protect the public from coming in direct contact with them.
 - (4) Failure to comply with the provisions of this section shall subject the owner or keeper of said animal to being issued an ordinance violation citation, subjecting the owner to a fine as set forth in § 91.24

§ 91.21. SEIZURE OF CERTAIN ANIMALS

- (A) No person shall keep, harbor, own, or permit to be kept on his premises any wild animal. Wild animals shall include but are not limited to raccoons, skunks, foxes, squirrels, chipmunks, porcupines, possums, wolves, and woodchucks.
- (B) Zoological parks, animal care facilities, circuses or carnivals properly licensed pursuant to this chapter, and persons possessing a valid wildlife permit from the state Department of Conversation are exempt from this section.
- (C) Any person who owns, possesses, or harbors any wild animal in violation of this section may have the animal seized and impounded.
- (D) Failure to comply with the provisions of this section shall subject the owner or keeper of said animal to being issued an ordinance violation citation, subjecting the owner to a fine as set forth in § 91.24

§ 91.22. SERIOUS INJURY OR DEATH

If an animal kills or causes serious injury, the animal shall be deemed a dangerous animal, pursuant to § 91.02, and the animal shall be humanely impounded. The owner shall be responsible for the costs of caring for the animal during the period of impoundment, including but not limited to costs of boarding and veterinary treatment, if necessary.

§ 91.23. INSPECTION

- (A) Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this chapter, or when there is reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or state law, a health officer, police officer, code enforcement agent, or animal control officer is authorized at all reasonable times to inspect the same for compliance with the provisions of this chapter or any state law, provided that:
 - (1) If the property is occupied, the officer shall first present proper credentials to the occupant and request entry, explaining the reasons therefor; and

- (2) If the property is unoccupied, the officer shall make a reasonable effort to locate the owner or other persons having control of the property and request entry, explaining the reasons thereof.
- (B) In the event the officer has reasonable cause to believe that the keeping or maintaining of an animal is so hazardous, unsafe, dangerous, or constitutes a public nuisance as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall first present proper credentials and request entry, explaining the reasons thereof. If entry is refused or cannot be obtained the officer shall have recourse to secure lawful entry and inspection of the property.

~~§ 91.24. MANDATORY REGISTRATION~~

- ~~(A) Any person owning a dog or cat is required to register the animal with the City.~~
- ~~a. Proof of township registration is required~~
- ~~b. Proof of sterilization is required~~
- ~~c. Proof of rabies vaccination is required~~
- ~~(B) Registration fees for neutered animals is \$5.00~~
- ~~(C) Registration fees for non-neutered animals is \$10.00~~
- ~~(D) Three-year renewal.~~

§ 91.25. PENALTY

- (A) Warning notices for pet registration and permits.
- (1) Persons who fail to have their dogs or cats vaccinated **and registered** pursuant to § 91.14 may be served with a warning notice requesting immediate compliance. A police officer, code enforcement agent or animal control agency may serve this notice. Only one warning notice may be given per year to an individual who has failed to have a dog or cat vaccinated **or properly registered**. All other violations of this chapter are subject to the citations and fines stated herein.
- (2) The warning notice shall contain the name and address of the violator, the section violated, nature of the violation, date, time and location of the violation, the name of the officer issuing the warning notice, and the telephone number of the officer to contact for information.
- (B) Citations and/fines payable through the Ordinance Violations Bureau
- (1) Any person served with a warning notice for failure to have a dog or cat vaccinated **or registered** and who fails to comply within ten days and any person who violates any other provision of this chapter, shall be issued a citation. Citations shall contain the name and address of the violator, the ordinance section violated, the date, time and nature of the violation, location of the violation, and the name of the person issuing the citation.
- (C) Fines
- (1) Any person who violates any of the sections of this chapter shall be subject to a fine of \$50 per violation, which shall be payable through the Ordinance Violations Bureau; with the exception of vicious animals, animal attacks and biting animals.
- (2) Repeat offenders shall be subject a successive doubling of fines.
- (3) The owner of a biting animal shall be subject to a fine of \$100 per violation and be required to furnish evidence of a veterinary examination for that animal demonstrating proper vaccination; and confinement to the satisfaction of the police department, code enforce agent or animal control officer.
- (4) The owner of a vicious animal causing serious injury or death shall be subject to a fine of \$1,500 per violation; and the impoundment of the animal until such time an animal control officer is satisfied with the control of animal or its humane euthanization.
- (5) The Ordinance Violation Bureau shall be responsible for all monies received, fees collected, and all necessary records pertaining animal registration.