

INTRODUCED: 7/8/2024

REFERRED TO: Metropolitan and Economic Development Committee

SPONSOR: Councilors Roberts, Barth, Osili, A. Brown, Lewis, Jones, Gibson, Allen, Nielsen and J. Brown

DIGEST: amends Chapter 531 of the Code, regarding Animals, to allow for the registry of unaltered dogs

SOURCE:

Initiated by: Department of Business and Neighborhood Services

Drafted by: Department of Business and Neighborhood Services

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: _____

Date: July 3, 2024

CITY-COUNTY GENERAL ORDINANCE NO. , 2024

PROPOSAL FOR A GENERAL ORDINANCE to amend the Revised Code of the Consolidated City of Indianapolis-Marion County Chapter 531, Animals, to allow for the registry of unaltered dogs.

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. Chapter 531 Section 101 of the "Revised Code of the Consolidated City and County," is hereby amended by adding the language that is underlined to read as follows:

ARTICLE I. GENERAL PROVISIONS

Sec. 531-101. Definitions

As used in this chapter, the following terms shall have the meanings ascribed to them in this section.

Animal means any living, nonhuman vertebrate creature.

Animal care services division means the animal care services division of the department of business and neighborhood services.

Animal care services shelter means the shelter described in section 226-512 of this Code.

At large means being loose and free roaming, not being on a leash and under the control of a competent person, or any portion of the animal's body not being confined within a pen, corral, yard, cage, house, vehicle, or other secure enclosure or structure or by other means that prevents escape.

Board means the board of business and neighborhood services of the department of business and neighborhood services.

Community cat means an unowned cat that has been captured, evaluated, ear tipped, sterilized and vaccinated against rabies by a licensed veterinarian and released in accordance with section 531-209 of this Code.

Community cat caretaker means a person that provides food, water or outdoor areas of shelter to a community cat and who is not otherwise prohibited from owning or keeping animals.

Crime prevention dog means and includes a dog that is trained and used by its owner or keeper primarily for the protection of persons or property, or both.

Dangerous animal means any animal that:

- (1) Would constitute a danger to human life or property if it were not kept in the manner required by this chapter;
- (2) Has caused serious injury to a person without having been provoked by that person;
- (3) At a place other than its owner's or keepers property has:
 - a. Chased or approached a person in a menacing fashion or apparent attitude of attack; or
 - b. Attacked another domestic animal; or
- (4) Because of its training or behavior, is capable of inflicting physical harm or death to humans.

Dog means and includes animals of the *Canis familiaris* species, and hybrids of a *Canis familiaris* and any other member of the *Canis* genus, including wolves.

Domestic animals means rabbits, cattle, horses, ponies, mules, donkeys, jackasses, llamas, swine, sheep, goats, dogs, cats and poultry.

Exposed to rabies means an animal has been exposed to rabies if it has been bitten by or been in contact with any animal known or reasonably suspected to have been infected with rabies.

Free-roaming cat means a cat that is at large that does not possess an identification tag or microchip as required by section 501-202 of this Code nor has been ear tipped to indicate it is a community cat.

Kennel means a facility operated commercially and principally for the purpose of boarding, housing, breeding or training dogs or cats, or both. For purposes of this chapter, kennel shall not include a facility in or adjoining a private residence where dogs or cats are kept for the hobby of the owner, lessee or other occupant of the property using the animals for hunting, practice tracking, exhibiting in shows or field or obedience trials or for the guarding or protecting of the property, and an occasional sale of pups or kittens by the owner, lessee or other occupant of the property shall not make such property a kennel for the purposes of this chapter.

Law enforcement animal means an animal that is owned or used by a law enforcement agency for the purpose of aiding in the detection of criminal activity, enforcement of laws, the apprehension of offenders and ensuring the public welfare.

Marion County Unaltered Animal Registry means a free registry maintained by Indianapolis Animal Care Services ("IACS") of eligible individuals in Marion County owning at least one unaltered dog. Eligibility for the Registry shall be determined by IACS. The assessment of eligibility will include, but will not be limited to, ordinance and criminal violations.

Monitored means that the animal:

- (1) Is controlled by means of a leash or other device held by a competent person, subject to the provisions of sections 531-401 and 531-728, which animal is sufficiently near the owner or handler as to be under his or her direct control and is obedient to that person's command;
- (2) Is on or within a vehicle being driven or parked; or
- (3) Is confined as required by this chapter.

Nonbite exposure means and includes scratches, abrasions, open wounds or mucous membranes contaminated with saliva or other potentially infectious material from a rabid animal.

Own means to keep, harbor or have custody, charge or control of an animal, and owner means any person who owns an animal; however:

- (1) Veterinarians and operators of kennels, pet shops and stables, as those terms are defined in Chapter 836 of this Code, who temporarily keep animals owned by, or held for sale to other persons shall not be deemed to own or be owners, but rather to be keepers of such animals.
- (2) A community cat caretaker shall not be deemed to own or keep a community cat but rather to provide limited oversight of such animals.

Person means and includes any individual, corporation, partnership or other association or organization, but shall exclude the following for purposes of section 531-401:

- (1) Police officers, federal or state armed forces, park rangers, game wardens, conservation officers and other such governmental agencies, with respect to actions that constitute a discharge of their official duties; and
- (2) An individual, partnership, corporation or other association, organization, or institution of higher education, that is registered as a research facility with the United States Secretary of Agriculture under 7 USC § 2131 et seq., commonly known as the "Animal Welfare Act," while engaged in the course of their performance as such.

Provoke means the infliction of bodily harm on the animal or another person, or conduct that constitutes a substantial step toward the infliction of bodily harm on the animal or another person.

Quarantining authority means the department of business and neighborhood services, its contractors, agents, employees and designees, acting under directives and regulations of the Health and Hospital Corporation of Marion County or the state board of animal health.

Registered Breeder means an individual residing in Marion County who is:

- (1) Not a "commercial breeder" as defined by Indiana Code 15-21-1-4
- (2) Registered on the Marion County Unaltered Animal Registry, and
- (3) Adheres to Guidelines for Responsible Unaltered Animal Ownership as further defined in this Chapter.

Serious injury means any injury that results in permanent disfigurement, unconsciousness, extreme pain, or permanent or protracted loss or impairment of the function of a bodily member or organ and includes, in regard to an animal, an injury requiring euthanasia.

Unregistered Breeder means:

- (1) An individual residing in Marion County, who is:
 - a. Not a "commercial breeder" as defined by Indiana Code 15-21-1-4,
 - b. Home breeding one or more dogs at a time, and
 - c. Not on the Marion County Unaltered Animal Registry.
- (2) An individual that does not adhere to Guidelines for Responsible Unaltered Animal Ownership or does not provide dogs and/or puppies adequate care as further defined in this Section 531-401).

Veterinarian means a person licensed to practice veterinary medicine in the state.

Wild animal means and includes:

- (1) A Class III wild animal for which a state permit is required under 310 IAC 3.1-11-8 and/or IC 14-22-26; and
- (2) A venomous snake, poisonous amphibian, or other large reptile.”

SECTION 2. Chapter 531 Section 202 of the "Revised Code of the Consolidated City and County," is hereby amended by deleting the portions stricken through to read as follows:

Sec 531-202. Permanent identification of dogs and cats required.

(a) A person who owns a dog or cat in the consolidated city and county shall ensure that each dog or cat owned by that person bears a permanent means of identification at all times, such that the animal's owner can be ascertained accurately, quickly, and easily.

(b) The ~~means~~ of identification required by this section shall be in addition to any tags required to be worn by dogs or cats by state law or other provision of this Code, and shall be ~~either~~ by means of:

- ~~(1) A microchip implanted in the dog or cat or animal that bears a registered identification number, and that can be read by a standard microchip scanner; or~~
- ~~(2) A permanent tag attached to a durable collar worn at all times by the dog or cat, and bearing the owner's current name, address and telephone number.~~

(c) Each veterinarian or other person in the consolidated city and county who implants microchips as contemplated in this section shall make available upon request to the animal care services division the names, addresses, and phone numbers of the owners of the dogs and cats, and the corresponding microchip identification numbers. Such records shall be available to animal care services division without court order.

(d) It shall be unlawful for a person to own a dog or cat three (3) months of age or older that is kept in the city, and that does not bear a permanent means of identification as provided in this section. A violation of this section shall be subject to an admission of violation and payment of the designated civil penalty through the ordinance violations bureau in accordance with chapter 103 of this Code.”

SECTION 3. A new Section 413 of Chapter 531 of the "Revised Code of the Consolidated City and County," is hereby created by adding the language underlined to read as follows:

Sec. 531-413 Marion County Unaltered Animal Registry

(a) This Section does not apply to:

- (1) “Commercial breeder” or “Commercial dog broker” as defined by Indiana Code 15-21-1-4,
- (2) Municipal shelters, humane societies, rescue groups, or foster homes,
- (3) Dogs for whom a licensed veterinarian has signed a document attesting to the contraindication of sterilization due to age or medical condition. Such dogs shall be treated, for the purpose of this Section to be altered, provided, however, that if such a dog is female and becomes pregnant, the litter must be reported to IACS in accordance with the provisions therein.

(b) The owner or keeper of any unaltered dog older than six (6) months of age in Marion County shall register on the Marion County Unaltered Animal Registry. Registration shall be valid for one (1) year and must be updated annually.

(c) By registering, the owner or keeper of an unaltered dog agrees to the Guidelines for Responsible Unaltered Animal Ownership, including:

- (1) An annual veterinary exam: A licensed veterinarian shall, at least once per year, conduct an examination through direct supervision of each dog and upon detection of any affliction, provide expertise in diagnosing and treating such affliction. This shall include an oral exam and the administration of core vaccinations as recommended by the American Veterinary Medical Association, including a current rabies vaccinations for all dogs over 3 months of age and vaccinations necessary to prevent common canine diseases such as Parvovirus.
- (2) Keeping records for a period of two (2) years from the date of birth as to the birth of each litter of dogs and keep records for a period of two (2) years from the date of sale of the name, address and telephone number of each buyer or new owner/guardian of any dog sold or transferred.
- (3) Reporting new litters to Indianapolis Animal Care Services prior to the birth of the puppies, or within two (2) weeks of the litter being born,
- (4) A female dog shall not be bred if the dog has not maintained a normal body condition and been declared healthy enough for breeding by a veterinarian following a physical examination. No female dog shall birth more than one litter per 18-month period, and six litters in her lifetime
- (5) Obtaining a unique "Litter ID Number" from IACS that must be included in:
 - (i) Any offer for the sale or transfer of the puppies, and
 - (ii) Provided to the purchaser or recipient of any puppies.
- (6) Microchipping. All puppies shall be microchipped prior to being sold or transferred. New owners shall be responsible for updating the microchip information pursuant to Section 531-202.

(d) Violations

- (1) An unregistered breeder commits a violation of this Code if they are the owner or keeper of any unaltered dog older than six (6) months of age in Marion County that is not registered on the Marion County Unaltered Animal Registry.
- (2) By registering, the owner or keeper of an unaltered dog agrees to the requirements in this section.
 - (i) A first violation of this section in any twelve-month period shall be subject to Education that will be provided by IACS/Animal Control to ensure
 - A. Registration in the Marion County Unaltered Animal Registry (if determined to be eligible for the Registry pursuant to other provisions of this Section).
 - B. The owner or keeper of unaltered animal is aware of low-cost spay/neuter services in Marion County and the benefits of spay/neuter, and
 - C. The owner is supported in complying with the requirements of the ordinance.
 - D. Discretionary Recheck by an Animal Control Officer or other designee of IACS within thirty (30) days).
 - (ii) A second violation of this section in a twelve-month period shall be subject to all requirements in subsection above, and an admission of the violation and payment of the designated civil penalty, per animal, though the ordinance violations bureau in accordance with Chapter 10-3 of the Code.
 - A. Fine is voidable if the owner or keeper schedules, within thirty (30) days, a spay/neuter procedure, and ensures the procedure occurs within three (3) months. Evidence of scheduled appointment and completed procedure must be provided to IACS.

(iii) A third violation in a twelve-month period shall be subject to the enforcement procedures and penalties provided in section 103-3 of the Code, and the fine imposed shall not be less than one hundred and fifty dollars (\$150) per animal."

SECTION 4. Chapter 531 Section 728 of the Revised Code of the Consolidated City and County, is hereby amended by adding the language that is underlined to read as follows:

Sec. 531-728. Additional restrictions on dangerous or nuisance owners or keepers of animals.

(a) It shall be unlawful for any person who has been found in violation of sections 531-102 (at large), 531-103 (animals in heat), 531-109 (animal attacks), 531-204 (nuisance), 531-206 (unlawful use), 531-401 (care and treatment), 531-402 (abandonment), 531-404 (animal fights),), 531-414 (Marion County Unaltered Animal Registry) or article V of this chapter, to own or keep more than two (2) dogs in the city or to own or keep any dog:

- (1) That has not been spayed or neutered by a veterinarian; or
- (2) That has not been implanted with a microchip with a registered identification number.

(b) A person who has been found in violation of sections 531-102(c) (at large), 531-109 (animal attacks), 531-206 (unlawful use), 531-404 (animal fights) or article V of this chapter commits a violation of the code if any dog owned or kept by that person is outside a structural enclosure sufficient to confine the dog without means of escape, unless the dog is on a leash and under the control of a competent adult."

SECTION 5. Chapter 531 Section 728 of the Revised Code of the Consolidated City and County, is hereby amended by adding the language that is underlined to read as follows:

Sec. 103-52. - Schedule of Code provisions and penalties.

The following Code (or ordinance) provisions and their respective civil penalties are designated for enforcement through the ordinance violations bureau:

Code Section	Subject Matter	Civil Penalty
<u>531-414</u>	<u>Marion County Unaltered Animal Registry - second offense</u>	<u>50.00</u>
<u>531-414</u>	<u>Marion County Unaltered Animal Registry – third or subsequent offense</u>	<u>150.00"</u>

SECTION 6. Should any provision (section, paragraph, sentence, clause, or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 7. This ordinance shall be in effect from and after its passage by the Council and compliance with Ind. Code § 36-3-4-14.

The foregoing was passed by the City-County Council this _____ day of _____, 2024, at _____ p.m.

ATTEST:

Vop Osili
President, City-County Council

Yulonda Winfield
Clerk, City-County Council

Presented by me to the Mayor this ____ day of _____, 2024.

Yulonda Winfield
Clerk, City-County Council

Approved and signed by me this ____ day of _____, 2024.

Joseph H. Hogsett, Mayor