

SUPPLEMENT NO. 5
January 2007

CODE OF ORDINANCES

City of

MUNCIE, INDIANA

Looseleaf Supplement

This Supplement contains all ordinances deemed advisable to be included at this time through:

Ordinance No. 58-06, passed December 4, 2006.

See the Code Comparative Table for further information.

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Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

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Checklist of Up-to-Date Pages

(This checklist will be updated with the printing of each Supplement)

From our experience in publishing Looseleaf Supplements on a page-for-page substitution basis, it has become evident that through usage and supplementation many pages can be inserted and removed in error.

The following listing is included in this Code as a ready guide for the user to determine whether the Code volume properly reflects the latest printing of each page.

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areas or streets, it shall be the duty of the city traffic engineer to erect appropriate signs or paint the curb lines with yellow traffic paint, giving notice thereof, and no such regulation shall be effective unless the notice is given.
(Code 1968, § 75.30)

Sec. 77.28. Stopping, standing, or parking prohibited during certain hours on certain streets.

When signs are erected in each block giving notice thereof, no person shall stop, stand, or park a vehicle on any street between the hours so specified.

(Code 1968, § 75.31)

Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.29. Standing in parcel pickup.

No person shall stop, stand, or park a vehicle for any purpose other than for the expeditious unloading and delivery or pickup and loading of materials or for any length of time other than that specified in any place marked as a parcel pickup zone during the hours when provisions applicable to such zones are in effect.

(Ord. No. 403-78, 9-11-78)

Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.30. Parking for handicapped.

(A) "Physically handicapped persons" shall mean any person certified by a qualified physician to be disabled in a manner rendering it impossible or difficult or burdensome for him or her to walk more than two city blocks.

(B) The board of public works and safety shall keep an accurate and current list of spaces reserved for special parking privileges describing the location. This list shall have the full impact of law as if fully set forth herein. Parking of a vehicle by any person in a space reserved on the list and marked with signs as provided herein without a visible permit showing such parking to be authorized shall be unlawful and shall subject the owner and driver of the vehicle so parked to the penalties provided by this Code.

(C) (1) Any person who parks a motor vehicle which does not have displayed a placard of a person with a physical disability or a

disabled veteran, issued under IC 9-14-5 or under the law's of another state, or a registration plate of a person with a physical disability or a disabled veteran, issued under IC 9-18-18, IC 9-18-22, or under the laws of another state, in a parking space reserved for a vehicle of a person with a physical disability violates this section.

(2) Any person who knowingly parks in a parking space reserved for a person with a physical disability while displaying a placard to which neither the person nor the person's passenger is entitled.

(3) Any person who displays for use in parking in a parking space reserved for a person with a physical disability a placard or a special license plate that was not issued under IC 9-14-5, IC 9-18-18, IC 9-18-22, or under the laws of another state violates this ordinance and commits a Class C Misdemeanor.

(4) A person who, in a parking space reserved for a person with a physical disability, parks a vehicle that displays a placard or special registration plate entitling a person to park in a parking space reserved for a person with a physical disability violates this section, if that person is not, at that time in the process of transporting a person with a physical disability or disabled veteran.

(D) Any vehicle parked in a parking space reserved for a handicapped person's vehicle in violation of this section or IC 3-16-9, may be removed by the owner of the property or the owner or person in possession of the real estate where the vehicle is found.

(E) The board of public works may enter into a written agreement with private property owners, to permit the removal of any such improperly parked vehicles by the city, upon the request of the owner, person in possession, or authorized agent of the real estate where the vehicle is found. However, any such written agreement shall include the following:

(1) The owner of the property agrees to provide labor and materials to clearly mark,

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sign, and maintain such parking places as instructed by the board of public works, and pay for all costs thereof.

- (2) The private property owner agrees to indemnify and hold harmless the city from any liability arising out of or connected with the establishment or existence of such parking spaces or removal of vehicles there from.
- (3) The grant of a license to the city, its officers and agents, to come upon the real estate of the owner, for purposes of establishing and inspection of such spaces and enforcing this section.
- (4) The property owner shall, prior to the establishment of such parking spaces, obtain and pay for a policy of liability insurance satisfactory to the city, insuring the city against any liability arising out of or connected with the establishment or existence of such parking spaces and the removal of vehicles therefrom, and provide a certificate of insurance to the city.
- (5) Any such space from which a vehicle may be removed shall be clearly marked by a sign stating that any vehicle parked unlawfully therein is subject to removal.

(Ord. No. 476-79, 12-3-79; Ord. No. 592-80, 5-12-80; Ord. No. 17-87, 8-3-87; Ord. No. 41-06, § 1, 7-10-06)

Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.31. Parking in fire lanes.

(A) "Fire lane" shall mean any area of public or private property designated by the fire chief as an area needed for free access to structures for fire extinguishment activities.

(B) It is unlawful for any person to obstruct a fire lane on public or private property by parking, stopping, or allowing any motor vehicle to stand therein, or by placing any other personal property of any kind therein.

(C) Any vehicle or other personal property found blocking a fire lane shall be removed by the owner of the property or the owner or person in possession of the real estate where the vehicle or personal property is found. On the request of the

owner, person in possession, or authorized agent of the owner of the real estate where the vehicle or personal property is found, the property may be removed by the city. All towing, storage, and other charges resulting therefrom shall be paid by the owner of the personal property, and shall constitute a lien thereon.

(D) The fire chief shall supervise and direct the establishment of fire lanes as follows.

- (1) On public property, as approved by the board of public works and safety.
- (2) On private property, on the written request of the property owner, however, such request shall include the following.
 - (a) An agreement to provide labor and materials to clearly mark, sign, and maintain such fire lanes as instructed by the fire chief, and pay for all costs thereof.
 - (b) An agreement to indemnify and hold harmless the city for any liability arising out of or connected with the establishment or existence of such lanes and removal of property therefrom.
 - (c) The grant of a license to the city, its officers and agents, to come upon the real estate of the owner for purposes of establishing and inspection of such fire lanes and enforcing this section.
 - (d) The property owner shall, prior to the establishment of such fire lane, obtain and pay for a policy of liability insurance satisfactory to the city insuring the city against any liability arising out of or connected with the establishment or existence of such lanes and the removal of property therefrom, and provide a certificate of insurance to the city.

(Ord. No. 632-80, 11-10-80)

Cross reference—Penalty § 77.99 (C) and (D).

Sec. 77.32. Residential neighborhood permit parking.

77.32.010 Definitions.

For the purpose of this section, the following definitions shall apply.

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§ 77.32

Household dwelling any building designed for occupancy on one lot as defined by the City of Muncie Comprehensive Zoning Ordinance.

Residential neighborhood permit parking zone is a list of streets designated in this chapter for the exemption of present parking codes.

77.32.020 Applicability.

The following zones are designated as residential neighborhood permit parking zones:

Riverside Normal City Residential Neighborhood Permit Parking Zone shall apply to the following streets:

<i>Street</i>	<i>From</i>	<i>To</i>	<i>Side of Street</i>
Cardinal Street	Dead End	New York	North/South
Abbott Street	Dead End	Linden	North/South
Rex Street	Dead End	Wheeling	North/South

markings painted or placed upon the curb or upon the street adjacent to the parking spaces for the purpose of designating the parking spaces, and each vehicle shall park within the lines or markings so established. It shall be unlawful to park any vehicle in such position that the same shall not be entirely within the area so designated by the line or markings.

(1968 Code, § 75.55)

Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.56. Restricted hours.

It shall not be unlawful to park any vehicle or permit any vehicle to remain parked in any loop zone for a longer period than designated on Sunday and holidays. The term "holiday" shall include the following days only: January 1, May 31, July 4, the first Monday in September, December 25 (Christmas) and the day designated and set aside by the President of the United States as the day of Thanksgiving, and between the hours of 5:00 p.m. and 2:00 a.m. and again between the hours of 6:00 a.m. and 9:00 a.m.

(1968 Code, § 75.56)

Sec. 77.57. Notice of violation.

It shall be the duty of the police officers of the city to attach to a vehicle a notice to the owner or operator thereof that the vehicle has been parked in violation of the parking ordinances of the city and instructing the owner or operator to report at the office of the police department of the city in regard to the violation.

(1968 Code, § 75.99)

Cross reference—Penalty, §§ 70.99., 77.99(A).

Sec. 77.98. Prepayment of fines.

For provisions concerning the prepayment of certain parking fines, see Chapter 36.

Sec. 77.99. Penalty.

(A) Each such owner or operator in violation except as noted below may within 72 hours of the time when such notice was attached to such vehicle, pay to the police department as a penalty for and in full satisfaction of such violation, the sum of \$15.00. The failure of such operator to make such payment within 72 hours of such

notice shall render such owner or operator subject to the penalties provided in section 70.99. Any such owner or operator who shall have a second violation of the parking ordinances of the city shall, within 72 hours of the time when such notice was attached to such vehicle, pay to the police department as a penalty for and in full satisfaction of such violation, the sum of \$15.00. Each such owner or operator who shall have received three or more violations shall be cited into court and fined all as provided in section 70.99. Each owner or operator in violation of the parking ordinance and posting provisions of the city in restricted zones shall be subject to the above provisions except that for the first offense, the fine shall be the sum of \$20.00, for the second offense the sum of \$25.00, as provided above.

(B) Whoever violates any provisions of §§ 77.45, 77.46, or 77.48 shall be fined not less than \$1.00 nor more than \$100.00 for each offense.

(C) Any person, firm, or corporation who, being the owner or occupant of private property upon which has been established a fire lane in conformity with § 77.31(D)(2), violates that section by placing personal property in such fire lane shall be fined in an amount not to exceed \$1,000.00.

(D) Whoever violates any provision of § 77.26 shall be fined the sum of \$15.00 for each offense.

(E) Whoever violates any provision of §§ 71.37(1), 71.38(A), 77.07, 77.08, 77.11, 77.18, 77.19, or 77.25 shall be fined the sum of \$20.00 for each offense.

(F) Whoever violates any provision of 77.31, except as provided in subsection 77.99(C) above, shall be fined the sum of \$20.00 for each offense.

(G) Whoever violates the provisions of subsection 77.30(C)(1), (2) and (4) shall be fined the sum of \$150.00 for the first offense and the sum of \$500.00 for each subsequent offense. A violation of Subsection 77.30(C)(3) shall result in a penalty for a Class C misdemeanor as determined by a court.

(1968 Code, § 75.47; Ord. No. 632-80, 11-10-80; Ord. No. 33-86, 7-7-86; Ord. No. 17-87, 8-3-87; Ord. No. 51-01, §§ 1, 2, 12-3-01; Ord. No. 41-06, § 1, 7-10-06)

TRAFFIC SCHEDULES

Sched. XIII

SCHEDULE XIII: WEIGHT LIMITS ON CERTAIN STREETS (§ 78.03)

When signs are erected giving notice thereof, no person shall operate any vehicle having a gross weight which exceeds that specified on any of the following streets:

<i>Street</i>	<i>Between</i>	<i>Weight Limit</i>	<i>Ord. No.</i>
Adams St.	Kilgore Ave. and Liberty St.	3 tons	
Ault Ave.	Centennial and Waid St.	3 tons	542-79
Ball Ave.	Bethel Ave. and dead end north of Cowing Ave	3 tons	403-78
Ball Rd.	Broadway and Walnut St.	3 tons	
Beacon St.	Memorial Dr. and 29th St.	3 tons	
Beckett	Tillotson and Colson	3 tons	609-80
Bennett St.	Centennial Ave. to Jackson St. (St. Rd. 32 East)	3 tons	57-97
Berkley	Reserve and Milton	3 tons	104-83
Burlington Dr.	Memorial Dr. and Macedonia Ave.	3 tons	223-76
Clark St.	Memorial Dr. and 7th St.	3 tons	
Charles St.	Kilgore Ave. and Liberty St.	3 tons	
Cherokee Rd.	26th St. and Chippewa Ln.	3 tons	
Chippewa Ln.	Meeker Ave. and Maumee Ave.	3 tons	
Colson	Beckett and Paligraf	3 tons	609-80
Cowing Dr.	Wheeling Ave. and Rosewood Ave.	3 tons	
Daly St.	Memorial Dr. and 8th St.	3 tons	
Dudley Ave.	Koontz Ave. and Windsor St.	3 tons	223-76
Ebright St.	Memorial Dr. and 29th St.	3 tons	
Elm St.	Wysor St. and Highland Ave.	3 tons	
Elm St.	21 St. and dead end, north thereof	3 tons	53-06
Gilman St.	Memorial Dr. and 26th St.	3 tons	
Glenwood Ave.	Bethel Ave. and dead end north of Cowing Ave.	3 tons	403-78
Grant Ave.	Memorial Dr. and 26th St.	3 tons	
Hackley St.	Washington St. Kenmore Add. Layne Crest Add., and Wysor St.	3 tons	
Highland Ave.	Elm St. and Walnut St.	3 tons	403-78
Highland Ave.	Broadway and Gavin St.	3 tons	149-76
Hollywood Ave.	Bethel Ave. and dead end north of Cowing Ave.	3 tons	403-78
Janney Ave.	Bethel Ave. and dead end north of Cowing Ave.	3 tons	403-78

Sched. XIII

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<i>Street</i>	<i>Between</i>	<i>Weight Limit</i>	<i>Ord. No.</i>
Jefferson	20th and 23rd	3 tons	665-80
Liberty	Roosevelt and dead end of Streeter Ave.	3 tons	601-80
Manhattan Ave.	Memorial and 16th St.	3 tons	10-89
Maplewood Ave.	Bethel Ave. and dead end north of Cowing Ave.	3 tons	403-78
Maumee Ave.	Cherokee Rd. and Chippewa Ln.	3 tons	
May Ave.	Burlington Dr. and Memorial Dr.	3 tons	
McCullough Blvd.	Walnut St. and Broadway	3 tons	
Meeker Ave.	Memorial Dr. and 23rd St.	3 tons	
Meeker Ave.	8th and Burlington	3 tons	25-89
Memorial Dr.	Batavia Ave. and Clark St.	3 tons	
Milton	McGalliard and Berkley	3 tons	104-83
Minnetrista Blvd.	Wheeling Ave. and Walnut St.	3 tons	
Mock Ave.	Memorial Dr. and 26th St.	3 tons	
Mulberry	20th and 23rd	3 tons	665-80
New York Ave.	Bethel Ave. and dead end of New York Ave. North of Cowing Dr.	3 tons	
Oakwood	McGalliard and Purdue	3 tons	104-83
Oakwood	Purdue and Wheeling	3 tons	104-83
Opechee Dr.	Maumee Ave. and Chippewa Ln.	3 tons	
Paligraf	Tillotson and Colson	3 tons	609-80
Pauline Ave.	McGalliard Rd. to Waid Ave.	3 tons	41-98
Penn St.	26th St. and 29th St.	3 tons	
Princeton	Broadway and dead end	3 tons	665-80
Reserve	McGalliard and Berkley	3 tons	104-83
Ribble Ave.	Willard St. and Memorial Dr.	3 tons	403-78
Riverside Ave.	Wheeling Ave. and Jackson St.	3 tons	
Rochester St.	Memorial Dr. and 19th St.	3 tons	
Rosewood Ave.	Bethel Ave. and south line of Northwest shop- ping center	3 tons	
Streeter Ave.	Buckles St. and dead end of Liberty St.	3 tons	601-80
Streeter Ave.	Granville Ave. and Walnut Street	3 tons	41-01

TRAFFIC SCHEDULES

Sched. XIII

<i>Street</i>	<i>Between</i>	<i>Weight Limit</i>	<i>Ord. No.</i>
Tillotson Ave.	Kilgore Ave. and Bethel Ave.	3 tons	
Vine	Memorial and 18th	3 tons	644-80
Weber Dr.	Wheeling Ave. and New York Ave.	3 tons	
Wheeling Ave.	Wysor St. and McGalliard Rd.	3 tons	
White River Blvd.	Tillotson Ave. and Wheeling Ave.	3 tons	
Windsor St.	Dudley Ave. and Burlington Dr.	3 tons	223-76
6th St.	Rochester St. and Perkins St.	3 tons	601-80
7th St.	Clark St. and Batavia Ave.	3 tons	
8th St.	Madison St. and Macedonia Ave.	3 tons	223-76
8th St.	Ribble Ave. and May Ave.	3 tons	
9th St.	Madison St. and Hackley St.	3 tons	403-78
9th St.	Port Ave. and Batavia Ave.	3 tons	223-78
13th St.	Meeker Ave. and Rosemont Ave.	3 tons	201-76
13th St. (West)	Gharkey St. and 405 feet east therof	3 tons	19-05, 46-05
14th St.	Meeker Ave. and Rosemont Ave.	3 tons	201-76
16th St.	Macedonia Ave. and Mock Ave.	3 tons	
17th St.	Gharkey and Hoyt	3 tons	601-80
18th St.	Mock Ave. and Macedonia Ave.	3 tons	
21st St.	Macedonia Ave. and Blaine St.	3 tons	
25th St.	Macedonia Ave. and Mock Ave.	3 tons	
26th St.	Mock Ave. and Hackley St.	3 tons	
26th St.	Meeker Ave. and Chippewa Ln.	3 tons	
27th St.	Meeker Ave. and Chippewa Ln.	3 tons	

CHAPTER 90. ANIMALS*

- Sec. 90.01. Definitions.
- Sec. 90.02. Establishment of the muncie animal shelter.
- Sec. 90.03. Administration of the Muncie animal shelter.
- Sec. 90.04. Control licensing and registration of dogs.
- Sec. 90.05. Poisoning dogs or cats.
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- Sec. 90.07. Neglected or abandoned animals.
- Sec. 90.08. Fierce, dangerous, or vicious dogs; female dogs in heat.
- Sec. 90.09. Adoption, spaying or neutering of cats and dogs.
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- Sec. 90.11. Capturing dogs.
- Sec. 90.12. Purchasing or possessing an animal for fighting contests.
- Sec. 90.13. Animal fighting contests.
- Sec. 90.14. Barking, howling, and yelping dogs.
- Sec. 90.15. Rabies; method of handling suspected dogs.
- Sec. 90.16. Cats.
- Sec. 90.17. Selling baby chicks, rabbits.
- Sec. 90.18. Running at large generally.
- Sec. 90.19. Keeping or harboring of livestock prohibited in certain residential areas.
- Sec. 90.20. Keeping or harboring undomesticated animals in residential areas.
- Sec. 90.21. Fowl running at large.
- Sec. 90.22. Impounding of animals and fowl; sale of same.
- Sec. 90.23. Kennels.
- Sec. 90.24. Striking animal with motor vehicle.
- Sec. 90.25. Violations.
- Sec. 90.26. Prior laws repealed
- Sec. 90.27. Cruelty to animals.
- Sec. 90.28. Pet shops.
- Sec. 90.29. Microchip implants for adopted and impounded dogs.

Sec. 90.01. Definitions.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

- (A) *At large.* Off the premises of the owner and not under the control of the owner or a member of his immediate family, either by leash, cord, chain, or under reasonable control of some competent person.

***Editor's note**—Ord. No. 16-03, §§ 1—27, adopted Aug. 4, 2003, repealed and replaced the former animal regulations of the city in their entirety and enacted new provisions as herein set out. Former Ch. 90, §§ 90.01—90.24, pertained to animals and derived from Ord. No. 7-99, § I, 4-5-99; Ord. No. 18-01, §§ 1—19, adopted 4—5-99.

- (B) *Cruelty.* The intentional and malicious infliction of physical suffering upon an animal.
- (C) *Dog.* Members of the canine species, both male and female.
- (D) *Harboring.* Any person who shall suffer or permit any dog or other animal to frequent or remain on or within his house, building, premises, or enclosure shall be deemed to be harboring such dog or other animal, within the meaning of this chapter.
- (E) *Kennel* The use of land or buildings for the purpose of selling, breeding, boarding or training animals other than farm animals; or the keeping of four or more dogs over four months old, or the keeping of six or more cats over four months old, or the keeping of more than five dogs and cats.
- (F) *Neglect.* The failure to provide an animal proper medical care, the failure to provide proper housing, or the failure to provide food and water.
- (G) *Non-immunized dog or cat.* Any dog or cat over three months of age which has not been vaccinated or immunized against rabies, or if a booster shot has not been administered for a period of 12 months from the date of the last vaccination.
- (H) *Owner.* Any person keeping or harboring a dog or other animal.
- (I) *Pet Shop.* Animal retail establishment engaging in the purchase and/or sale and/or adoption of all vertebrate and non-vertebrate animals. This definition includes all non-profit animal shelters.
- (J) *Rabies vaccination.* 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 Indiana State Board of Health.
- (K) *Severe injury.* Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.

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(L) *Undomesticated animals.* Animals that usually live in the wild, such as, but not limited to bears, lions, snakes, cougars, or coyotes.

(M) *Vicious dog.* A vicious, fierce, or dangerous dog means any dog which has:

- (1) Attacked a person without having been provoked by that person;
- (2) Attacked, at some place other than its owner's property, another animal; or
- (3) Chased or approached a person at some place other than its owner's property, in a menacing fashion or with an apparent attitude of attack.

(Ord. No. 16-03, § 1, 8-4-03; Ord. No. 56-06, § 1, 12-4-06)

Sec. 90.02. Establishment of the muncie animal shelter.

There is hereby established The Muncie Animal Shelter which shall be responsible for the impounding of dogs, cats or other animals found to be running at large and impounding fierce and dangerous dogs in the City of Muncie. The Muncie Animal Shelter shall encourage an adoption program for stray dogs and cats and a spay or neuter program aimed at reducing the stray dog and cat population of the City.

(Ord. No. 16-03, § 2, 8-4-03)

Sec. 90.03. Administration of the Muncie animal shelter.

The mayor of the City of Muncie shall appoint a director of the Muncie animal shelter who shall be responsible for the day to day conduct of the business of the Muncie animal shelter. The director shall serve at the pleasure of the mayor of the city.

(Ord. No. 16-03, § 3, 8-4-03)

Sec. 90.04. Control licensing and registration of dogs.

(A) *License and registration required; exceptions.* All dogs kept, harbored or maintained by their owners in the city shall be licensed according to the laws of the State of Indiana.

- (1) *Nonresidents.* The provisions of this section shall not apply to dogs whose owners

are nonresidents temporarily, within the city for a period of ten days or less, to dogs brought into the city for the purpose of participating in any dog show, nor to dogs properly trained to assist persons, when such dogs are actually used by those persons for the purpose of aiding them in their daily living.

(B) *Tag and collar; exhibition; removal unlawful.* Every person who owns, keeps, harbors or maintains a dog shall provide each such animal with a collar to which the township [city] licensing tag and the rabies vaccination tag shall be affixed and is responsible to see that the collar and tags are constantly worn. Dog tags are not transferable from one dog to another.

- (1) No person shall remove either the collar or the tag from any dog or any similar animal except on consent or order of the owner or person to whom the license has been issued. No person shall refuse upon request to exhibit his license to any officer of the police department of the city, director of the animal shelter, employee of the animal shelter, or to any other person having legal authority to inquire into the matter.

(Ord. No. 16-03, § 4, 8-4-03)

Sec. 90.05. Poisoning dogs or cats.

It shall be unlawful for any person with the intent to destroy or kill any dog or cat to feed the animal any poisoned food or to place poisoned food where it may be found and eaten or consumed by a dog or cat.

(Ord. No. 16-03, § 5, 8-4-03)

Sec. 90.06. Running at large.

No person owning or having charge, care, custody, or control of any dog or cat shall cause, permit, or allow the dog or cat to run at large upon any street, alley, or other public place, or upon any private property or premises other than those of the person owning or having charge, care, custody, or control of the dog or cat, within the city.

- (A) *Impoundment of dogs or cats running at large.* Dogs and cats found to be running

at large and not under restraint, as provided herein, shall be taken by an agent of the animal shelter, impounded at the animal shelter, and confined there in a humane manner for a period of not less than five working days, unless sooner claimed by the owner, and may, in the event such animal is not claimed, thereafter be sold, adopted, or disposed of in a humane manner.

- (1) The person in charge of the animal shelter shall, upon receiving any dog or cat, make a complete registry entering the breed, color, and sex of such dog or cat, and whether the dog is licensed. If the dog is licensed, the name and address of the owner and the number of the license tag shall be entered in the registry.
- (2) Any animal so impounded under the provisions of this chapter and not reclaimed by the owner or agent thereof within such five day period may be placed in the custody of some suitable person who will pay the adoption fee and who will agree to comply with the provisions of this chapter and provide a good home for the animal. If no such suitable person is found for the animal, the animal may be humanely destroyed and disposed of.
- (3) When, in the judgment of the director of the animal shelter, it is deemed that an animal should be destroyed for humane, health, or safety reasons, it shall be his duty to see that the animal is destroyed, and not permitted to be redeemed by any person. An appeal from the judgment of the director of the animal shelter may be taken to the board of public works and safety within five days, during which time the animal shall not be destroyed. It shall be the duty of the board to affirm or disaffirm the decision of the director of the animal shelter as to whether or not the dog shall be destroyed.

- (4) Immediately upon the impounding of a dog or other animal, the agent of the animal shelter shall make every effort possible to notify the owner of such dog or other animal of the impoundment and of the conditions under which he may regain custody of his animal.
- (5) The owner of any animal impounded under the provisions of this chapter shall be entitled to resume possession of such animal upon the payment of the impounding fee and any extraordinary expenses incurred by the animal shelter in providing proper care for such animal. In the event a dispute arises concerning an additional fee charged by the director for unusual expenses, the owner may appeal to the board of public works and safety.
- (6) *Fees.* Any animal impounded under the terms of this chapter shall be reclaimed as herein provided upon the payment, by the owner or person reclaiming such animal, to the director of the animal shelter, of the sum of \$15.00 for each animal so impounded. An additional sum of \$7.50 may be added for each day or part thereof that such animal is impounded. The owner of any animal impounded for a second time shall pay to the director of the animal shelter the sum of \$25.00 and an additional \$10.00 for every other time that it is necessary to impound the animal. The animal shelter shall not be used as a place for the care and custody of dogs not falling within the provisions of this chapter. All fees collected shall be deposited by the director of the animal shelter weekly with the head of the department of finance, and the sum shall revert to the general fund. The director of the animal shelter shall keep an accurate and itemized verified account of his receipts and shall make quar-

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terly reports to the common council on the first day of January, April, July, and October of each year. Such reports shall include all receipts and records of impounding and dispositions, either by sale, adoption, or otherwise, of all animals coming into his custody.

(Ord. No. 16-03, § 6, 8-4-03)

Sec. 90.07. Neglected or abandoned animals.

When, in the judgement of the director of the Muncie animal shelter, or his designee, an animal has been neglected or abandoned the animal shall be impounded and provided such care as needed. An owner aggrieved by such action by the director of the animal shelter may appeal the action to the city court of the City of Muncie. Provided, the director may charge the owner for all expenses and costs in connection with caring for and maintaining the animal.

(A) The neglect or abandonment of an animal is a criminal misdemeanor and a violation of this chapter.

(B) An animal shall be considered abandoned if it is left in or on a vacant residential property.

(Ord. No. 16-03, § 7, 8-4-03; Ord. No. 57-06, § 1, 12-4-06)

Sec. 90.08. Fierce, dangerous, or vicious dogs; female dogs in heat.

No diseased dog, and no female dog in heat, whether licensed or not, shall be allowed to run at large or upon the premises of a person other than the owner. Any such dog found running at large in violation of this provision shall be taken up and impounded and shall not be released except upon approval of the director of the animal shelter, after payment of the fees provided in subsection (D) of this paragraph.

(A) It shall be unlawful for an owner or keeper of a vicious, fierce, or dangerous dog to cause, suffer, or allow it to go unconfined and unrestrained on his or her premises, or to run at large.

(1) The premises where such a dog is kept shall be adequately posted with

warning signs such as "Beware of the Dog" or "Dangerous Dog". The sign shall be visible and capable of being read from the public street, highway, or thoroughfare. In addition, the sign shall be conspicuously displayed with a symbol warning children of the presence of a dangerous dog.

(2) If the owner of a dangerous dog is a minor, the parent or guardian of that minor shall be responsible for compliance with all of the requirements of this paragraph.

(B) It shall be unlawful for an owner or keeper of a vicious, fierce, or dangerous dog to walk any such dog or otherwise cause, suffer or allow its presence upon a public street or byway, right-of-way, or any municipally owned or public land or building, or private property without permission of that owner.

(C) It shall be the duty of any person having authority to impound a dog forthwith to impound any such dog found unconfined or running at large in violation of this section.

(D) Any person who violates this paragraph shall be punishable by a fine of not more than \$500.00, and if the violation results in the dog causing bodily injury to any person, the court shall, upon request, order the animal forfeited and/or destroyed.

(E) However, if any dangerous, fierce, or vicious dog found at large cannot be safely taken up and impounded, such dog may be slain by any policeman, the director of The Muncie animal shelter or any employee thereof.

(Ord. No. 16-03, § 8, 8-4-03)

Sec. 90.09. Adoption, spaying or neutering of cats and dogs.

It is the announced policy of the common council to encourage the adoption of dogs and cats and in conjunction therewith spaying or neutering these animals.

(A) *List of participating veterinarians.* The director of the Muncie animal shelter shall

maintain a list of all veterinarians who are willing to participate in the spay or neuter program as herein set out. The director shall update the list of participating veterinarians in January of each year hereafter.

(B) *Adoption and early age spaying/neutering of puppies and kittens.*

(1) The director of the Muncie animal shelter in conjunction with the participating veterinarians shall establish guidelines for the early spaying or neutering of puppies and kittens.

(2) The Muncie animal shelter shall pay for spay/neuter surgeries of puppies and kittens according to the following schedule:

Female puppies	\$45.00
Male puppies	30.00
Female kittens	45.00
Male kittens:	30.00

All claims must be made to the office of the controller and include a recommendation for payment signed by the director of the Muncie animal shelter.

(3) The mayor and the city controller shall, as may be necessary, establish a schedule of fees for all services provided by the Muncie animal shelter. The schedule shall be conveyed to the director of the animal shelter where he shall post the schedule and charge such fees as are set out therein.

(4) Upon payment of the full adoption fee the director of the Muncie animal shelter shall deliver a coupon for adopted females and males which have not been spayed/neutered which must be applied toward the cost of spaying/neutering the adopted animal. The coupon so issued must be used within 30 days from the date of issuance. A person adopting under this paragraph must have the animal spay/neutered within the 30 day

period of time. The failure to comply with the terms of this paragraph is a violation of this chapter.

(E) *Adoption paperwork.* The director of the Muncie animal shelter shall deliver all papers as shall be necessary and recommended by the veterinarian participating in the program, to the individuals adopting animals from the shelter.

(F) *Goal and annual reporting.* It is the goal of this program to spay/neuter all animals adopted from the Muncie animal shelter. The director shall report, in writing, to the common council in January of each year concerning this program. The report shall show all income from adoptions, all direct expenses from spaying/neutering, all coupons issued, all coupons redeemed, the director's recommendation concerning whether the program should continue and such other information as may be pertinent.

(Ord. No. 16-03, § 9, 8-4-03)

Sec. 90.10. Resistance or obstruction unlawful.

No person shall resist or obstruct the director or any employee of the animal shelter in the exercise of his duties.

(Ord. No. 16-03, § 10, 8-4-03)

Sec. 90.11. Capturing dogs.

No person shall invade the private premises of another to capture, entice, or take any licensed dog out the enclosure of the person harboring the same; molest or seize any such dog while the same is accompanied by its owner, keeper, or custodian; or bring within the city any dog for the purpose of impounding the same collecting any reward for the return thereof, except provided in this chapter.

(Ord. No. 16-03, § 11, 8-4-03)

Sec. 90.12. Purchasing or possessing an animal for fighting contests.

No person shall knowingly own, harbor, or possess a dog primarily or in part for the purposes of dog fighting or which, or any dog trained for

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dog fighting, or any dog which displays signs, such as wounds, cuts or scratches, of have been involved in dog fighting.

(A) The violation of this paragraph is a criminal misdemeanor and subject to a fine of not more than \$500.00.

(Ord. No. 16-03, § 12, 8-4-03)

Sec. 90.13. Animal fighting contests.

No person shall knowingly or intentionally promote or stage an animal fighting contest.

(Ord. No. 16-03, § 13, 8-4-03)

Sec. 90.14. Barking, howling, and yelping dogs.

No person shall harbor or keep any dog which, by loud and frequent or habitual barking, howling, yelping, shall cause serious annoyance or disturbance to the neighborhood.

(Ord. No. 16-03, § 14, 8-4-03)

Sec. 90.15. Rabies; method of handling suspected dogs.

(A) It shall be the responsibility of every dog or cat owner to have all dogs and cats over three months of age owned by him or her continually protected against contracting rabies. The failure to have an animal protected against contracting rabies is a violation of this chapter, a misdemeanor and the violation hereof may up to \$200.00 for each violation.

(B) If a dog is believed to have rabies or has been bitten by an animal suspected of having rabies, such dog shall be confined by a leash or chain on the owner's premises and shall be placed under observation of a veterinarian at the expense of the owner for a period two weeks. The owner shall notify the director of the animal shelter of the fact that his dog has been exposed to rabies, and at his discretion the director of the animal shelter is empowered to have such dog removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two weeks at the expense of the owner.

(C) No person knowing or suspecting a dog of having rabies shall allow such dog to be taken off his premises or beyond the limits of the city without the written permission of the director of the animal shelter. Every owner or other person, upon ascertaining a dog is rabid shall immediately notify the director of the animal shelter or a policeman, who shall either remove the dog to the animal shelter or summarily destroy it.

(D) In the event that the director of the animal shelter should learn that there is a rabid animal or there is a reasonable expectation that there is a rabid animal in the city he shall take control of the animal and hold it in quarantine not less than ten days. In the event that the director of the animal shelter shall learn that a dog has bitten a human being about the head he shall make an investigation, and if he determines there is a reasonable expectation that the animal is rabid he shall immediately deliver the animal to the Delaware County health department for diagnosis.

(Ord. No. 16-03, § 15, 8-4-03)

Sec. 90.16. Cats.

Cats shall not be subject to the license provisions of this chapter as provided for dogs, but shall be subject to all of the remaining sections of this chapter, including impounding and disposal provisions.

(Ord. No. 16-03, § 16, 8-4-03)

Sec. 90.17. Selling baby chicks, rabbits.

No person shall sell, offer for sale, barter, or give away baby chickens, ducklings, or other fowl under three weeks of age, or rabbits under two months of age, as pets, toys, premiums, or novelties. Nor shall any person color, dye, stain, or otherwise change the natural color of baby chickens, ducklings, other fowl, or rabbits, or bring or transport the same into the city. However, this section shall not be construed to prohibit the sale or display of baby chickens, ducklings, other fowl, or rabbits in proper facilities by breeders or stores engaged in the business of selling for purposes of commercial breeding and raising.

(Ord. No. 16-03, § 17, 8-4-03)

Sec. 90.18. Running at large generally.

No person shall permit his horse, mare, colt, mule, jackass, jenny, bull, ox, cow, calf, goat, sheep, or swine to run at large within the city. (Ord. No. 16-03, § 18, 8-4-03)

Sec. 90.19. Keeping or harboring of livestock prohibited in certain residential areas.

No person occupying property within the city of Muncie, which is zoned under Title XV, section 150, of the zoning code, as R-1, R-2, R-3, R-4, R-5, or R-6 residence zones shall keep or harbor any livestock or poultry on such property.

(A) For the purposes of this section 90.19 livestock shall mean:

- (1) All cattle, or animals of the bovine species;
- (2) All horses, mules, burros, and asses or animals of the equine species;
- (3) All swine or animals of the porcine species;
- (4) All goats or animal of the caprine species;
- (5) All poultry.

(Ord. No. 16-03, § 19, 8-4-03)

Sec. 90.20. Keeping or harboring undomesticated animals in residential areas.

No person occupying property within the city of Muncie, which is zoned under title XV, Section 150, of the zoning code, as R-1, R-2, R-3, R-4, R-5 or R-6 residence zones shall keep or harbor undomesticated animals on such property.

(Ord. No. 16-03, § 20, 8-4-03)

Sec. 90.21. Fowl running at large.

The running at large within the city of chickens and other fowl is unlawful and is prohibited. It shall be the duty of each and every owner or custodian of any chicken or other fowl within the city to confine the same upon his premises.

(Ord. No. 16-03, § 21, 8-4-03)

Sec. 90.22. Impounding of animals and fowl; sale of same.

The director of the Muncie animal shelter upon finding any of the animals or fowl specified in sections 90.16, 90-17, 90.18, 90.19, 90.20, or 90.21 running at large within the city, shall take up and impound the same in the animal shelter and give immediate notice in writing of such impounding by posting one notice in a public place in each of the wards of the city, describing in the notice the animal or fowl taken up and impounded. If the owner thereof does not appear within 72 hours from the posting of such notice and pay to the caretaker of the animal shelter all expenses incurred by the city in taking up, impounding, keeping and feeding the animal or fowl, and his fees therefor, the director of the Muncie animal shelter shall sell the animal or fowl to defray the expenses of the impounding, taking up, keeping, and feeding, and pay the proceeds of the sale into the general fund of the city. The common council shall order the surplus to be paid to the owner of the animal or fowl so sold, if the owner is known. The sale shall be at a public auction within the city, and the time and place of the sale shall be stated in the notice. A copy of the notice shall be served on the owner of the animal or fowl by leaving a copy thereof at his last and usual place of residence, if the owner is known and lives in the city.

(Ord. No. 16-03, § 22, 8-4-03)

Sec. 90.23. Kennels.

A person or entity keeping and maintaining a kennel shall not be required to purchase a dog tag for each animal under the control of the owner. But the owner of a kennel is required to obtain an annual kennel license for a fee of \$10.00 per year which must be and paid for, in the office of the city controller, on or before the 30th day of January of each year hereafter. The license shall be approved each year by the director of the animal shelter and by City of Muncie building commissioner. It is required that a kennel must comply with the provisions of the city zoning ordinances.

- (A) The owner of a kennel shall keep it in a clean and sanitary condition at all times, and dogs and cats shall be reasonable restrained from annoying the neighbor-

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hood or the general public by loud, frequent or habitual barking, yelping or howling.

(Ord. No. 16-03, § 23, 8-4-03; Ord. No. 43-04, § 2, 10-4-04)

Sec. 90.24. Striking animal with motor vehicle.

(A) Any person driving a motor vehicle in the city whose vehicle strikes a domestic animal shall report to the animal shelter or to the police division:

- (1) The description of the animal struck;
- (2) The location of the striking; and
- (3) An opinion of the condition of the animal struck.

(B) This person shall not be required to identify himself.

(Ord. No. 16-03, § 24, 8-4-03)

Sec. 90.25. Violations.

The violation of any paragraph or provision of this chapter is a misdemeanor. A person found guilty of the violation of any paragraph or provision of this ordinance is subject to a fine not to exceed \$500.00 for each violation.

(Ord. No. 16-03, § 25, 8-4-03)

Sec. 90.26. Prior laws repealed

All laws dealing with animals of any kind or character that are now existing are hereby repealed.

(Ord. No. 16-03, § 26, 8-4-03)

Sec. 90.27. Cruelty to animals.

When, in the judgement of director of the Muncie animal shelter, or his designee, an animal has been treated in a cruel manner the animal shall be impounded and provided such care as needed. An owner aggrieved by such action by the director of the animal shelter may appeal the action to the city court of the City of Muncie.

Provided, the director may charge the owner for all expenses and costs in connection with caring for and maintaining the animal.

(A) Cruelty towards an animal is a criminal misdemeanor and a violation of this chapter.

(Ord. No. 16-03, § 27, 8-4-03)

Sec. 90.28. Pet shops.

(A) *Permits—General.* No person shall operate a pet shop, except for the City of Muncie Animal Shelter, without first obtaining a permit in compliance with this chapter. Every facility regulated by this chapter shall be considered a separate enterprise and shall require an individual permit.

(B) *Inspection of animals and premises authorized.* It shall be a condition of the issuance of any permit required by this chapter that the Director of the Muncie Animal Shelter shall be permitted to inspect, at any time, all animals and the premises where such animals are kept.

(C) *Obtaining a Permit.* Applicants must apply for permits required by this chapter with the Director of the Muncie Animal Shelter. The application must contain, in addition to information whether the owner and/or operator has been convicted of cruelty to animals, a statement that the owner and/or operator complies and will comply with Chapter 90 of the Muncie Code of Ordinances, and that he/she authorizes the director of the Muncie Animal Shelter to inspect his facilities and animals. The permit shall be issued when the applicant complies with the laws and regulations pertaining to the issuance of permits, and pays the fee required. If the applicant withholds or falsifies any information on the application, the permit shall not be issued, and any permit issued upon false or withheld information shall be null and void. No permit to operate a commercial animal establishment shall be issued to an applicant who has been convicted of cruelty to animals without review by the Director of the Muncie Animal Shelter.

(D) *Standards for Pet Shops.* In order to be eligible to obtain a permit, a commercial animal establishment must:

- (1) Be operated in such a manner as to not constitute a public nuisance;

- (2) Provide an isolation area for animals which are sick or diseased so as to not endanger the health of other animals;
- (3) Keep all animals caged, within secure enclosure or under the control of the owner or operator at all times;
- (4) With respect to all animals kept on the premises, comply with all of the provisions of this title providing for the general care of animals; and
- (5) Not sell animals which are unweaned or obviously diseased.

(E) *Pet shop establishment permit period.* The pet shop establishment permit period shall begin on January 1 and shall run for one year. Applicants requiring a permit during the year shall pay a pro-rated fee for the remaining portion of the year. Applications must be made within ten days of the establishment of a pet shop.

(F) *Fees.* Pet shops shall pay a permit fee of \$300.00. The fee will go to the Muncie Animal Shelter.

(G) *Violations.* Owners and/or operators who violate any provision of this chapter shall be subject to a fine of double the permit fee of the first offense, with the fine for each subsequent offense of this chapter increasing by an increment of double the permit fee. In the event the person has no violations of this chapter for a period of twelve consecutive months, the fine for any violation of this chapter after that period shall be double the permit fee for the first offense, with the fine for each subsequent offense increasing by an increment of double the permit fee.

(Ord. No. 56-06, §§ 2—8, 12-4-06)

Sec. 90.29. Microchip implants for adopted dogs and impounded dogs.

(a) *Microchip implant of adopted dogs.* Any dog adopted through the Muncie Animal Shelter shall be implanted with a microchip implant as a condition of adoption.

(b) *Microchip implant of impounded dogs.* Any dog impounded by the Muncie Animal Shelter shall be implanted with a microchip implant as a condition of release.

(c) *Penalty.* It shall be a violation of this code section to remove an implanted microchip. A violation of this code section will be a misdemeanor. A person found guilty of the violation is subject to a fine not to exceed \$500.00 for each violation.

(Ord. No. 58-06, §§ 1—3, 12-4-06)

REFERENCES TO ORDINANCES

Ord. No.	Date Passed	Code Sec.
59-98	11- 9-98	50.13
60-98	11- 9-98	163.01—163.05
63-98	12- 7-98	152.15(C)
64-98	12- 7-98	161.035
66-98	12- 7-98	162.01—162.13
7-99	4- 5-99	90.26
37-99	10- 4-99	158.05(27)—(30)
57-99	2-23-00	161.02(D), 161.03(A)(3), (B)(4), (C)(4)
58-99	2-23-00	161.21(D)(3), (4)
59-99	2-23-00	161.035(A)(4), (B)(5), (C)(5)
60-99	1-10-00	Ch. 80, Sched. II, Pt. 2 Ch. 80, Sched. III
61-99	1-10-00	Ch. 80, Sched. II, Pt. 2 Ch. 80, Sched. III
62-99	1-10-00	Ch. 80, Sched. VI
9-00	4- 3-00	Rpld 90.01—90.13, 90.20—90.26 Added 90.01—90.16
10-00	4- 3-00	121.01—121.06
14-00	5- 8-00	159.06(B)(1)
15-2000	5- 8-00	117.08
24-00	7-10-00	158.05(31)
25-00	7-10-00	158.05(32)
27-00	8- 7-00	100.100
56-00	11-13-00	100.100
3-01	5- 7-01	Rpld 96.40—96.45 Added 96.40—96.49
12-01	5- 7-01	Rpld 98.10—98.14 Added 98.05—98.14
18-01	7- 9-01	Rpld 90.01—90.16 Added 90.01—90.23
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41-01	9-10-01	Ch. 80, Sched. XIII
44-01	10- 1-01	Ch. 80, Sched. VI, Ch. 80, Sched. IV
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4-02	3- 4-02	Rnbd 72.99 as 72.59 Added 72.61—72.69, 72.71—72.77
8-02	4- 1-02	Ch. 80, Schedules IV, VI
9-02	4- 1-02	Ch. 80, Sched. XVI
10-02	4- 1-02	Ch. 80, Schedules IV, VI
11-02	4- 1-02	Ch. 80, Schedules IV, VI
13-02	5-13-02	Rpld 77.11
14-02	5-13-02	96.44
15-02	6- 3-02	Rpld 155.01—155.07, 155.10—155.16, 155.20—155.23, 155.25—155.27, 155.30—155.34, 155.40—155.50 Added 155.01—155.07, 155.10—155.16,

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			155.20, 155.21, 155.25—155.27, 155.30—155.34, 155.40—155.50
18-02	6- 3-02	Rpld	116.01—116.06 116.20—116.32,
		Added	116.01—116.30, 116.40
21-02	6- 3-02		164.01—164.18
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47-02	11- 4-02		152.35(D)(2)
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54-02	12- 2-02		Ch. 80, Sched. IV
55-02	12- 2-02		Ch. 80, Sched. IV, Sched. VI
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58-02	1- 6-03		Ch. 80, Sched. IV
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		Added	90.01—90.27
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43-04	10- 4-04		90.23
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27-05	5- 2-05		Ch. 80, Sched. IV
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33-05	6- 6-05		Ch. 80, Sched. X
38-05	6- 6-05	Rpld	158.05(25)
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5-06	2- 6-06	Rpld	92.01—92.06
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		as	92.08—92.10
		Added	92.01—92.07
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11-06	4- 3-06		158.05(45)
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