

SUPPLEMENT NO. 8
October 2008

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. 15-08, passed July 7, 2008.

See the Code Comparative Table for further information.

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CCT:21

Insert new pages

IX:3—IX:4.1
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Insert and maintain this instruction sheet in front of this publication. File removed pages for reference.

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CHAPTER 90. ANIMALS*

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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 No. 16-03, §§ 1—27, adopted Aug. 4, 2003, repealed and replaced the former animal regulations of the city in their entirety and enacted new provisions as herein set out.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, with the exception of those establishments which deal exclusively in the purchase and/or sale and/or adoption of aquatics.
- (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) *Rescue facility*. Any facility operated by a person or organization other than a mu-

nicipality for the purpose of harboring and/or re-homing animals. This definition includes all non-profit animal shelters.

- (L) *Severe injury.* Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.
- (M) *Undomesticated animals.* Animals that usually live in the wild, such as, but not limited to bears, lions, snakes, cougars, or coyotes.
- (N) *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; Ord. No. 14-08, § 1, 7-7-08)

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

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-

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 or organization shall operate a pet shop or rescue facility (collectively referred herein as "animal establishments"), except for the City of Muncie Animal Shelter, without first obtaining a permit in compliance with this chapter. Every animal establishment 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 provided information as to whether the owner and/or operator of the animal establishment has been convicted of cruelty to animals, a statement that the owner and/or operator complies and will continue to 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/her 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 required fee. If the applicant withholds and/or falsifies any information on the application, the permit shall not be issued, and any permit issued upon false and/or withheld information shall be null and void. No permit to operate an 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.* In order to be eligible to obtain a permit, an 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) *Permit Period.* The 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 or animal rescue facility.

(F) *Fees.* Pet shops shall pay a permit fee of \$200.00. Non-profit animal rescue facilities shall pay an annual fee of \$100.00. The fee will go to the Muncie Animal Shelter for an establishment of a spay/neuter assistance fund.

(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 that a person has no violations of this chapter for a period of 12 consecutive months after the date of the first offense, the fine a subsequent offense shall be double the permit fee, with the fine for each subsequent offense to increase by an increment of double the permit fee.

(Ord. No. 56-06, §§ 2—8, 12-4-06; Ord. No. 15-08, § 1, 7-7-08)

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.
53-06	12- 4-06	Ch. 80, Sched. XIII
54-06	1- 9-07	34.102(C)(1.5)
56-06	12- 4-06	90.01, 90.28
57-06	12- 4-06	90.07(B)
58-06	12- 4-06	90.29
21-07	7- 9-07	Ch. 80, Sched. XIII
26-07	8- 6-07	70.99
28-07	9-10-07	Rpld 31.100—31.105
		Added 31.100—31.105
1-08	2- 4-08	Ch. 80, Sched. V
14-08	7- 7-08	90.01
15-08	7- 7-08	90.28

