

REVISED CODE
of the Consolidated City and County
INDIANAPOLIS/MARION, INDIANA

Chapter 531 ANIMALS*

***Editor's note:** G.O. 30, 1998, § 4, passed Feb. 23, 1998, repealed Ch. 6 of the 1975 Code, codified herein as Ch. 531, §§ 531-101--531-113, 531-201--531-212, 531-301--531-304, 531-401--531-407, 531-501--531-507, 531-601--531-605, 531-701--531-707 and 531-801--531-835 relative to animals and fowl, as amended by G.O. 183, 1997, §§ 4 and 5. G.O. 30, 1998, § 1 enacted new provisions in lieu thereof as herein set out.

Cross references: Animal control board, § 251-301 et seq.; applicability of traffic laws to persons propelling pushcarts or riding or driving animals, § 441-103; effective traffic regulations on horses and other animals, § 441-105; hauling livestock in central traffic district, § 441-361; environmental public nuisances, ch. 575; animals and fowl in parks, § 631-110; molesting animals in parks, § 631-111; attaching animals to trees or flora or permitting damage by animals, § 701-10; kennel, pet shop and stable registrations, ch. 836; horse-drawn carriages, ch. 895; pari-mutuel wagering on horse races, ch. 991.

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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 and control division means the animal care and control division of the city department of public safety.

At large means not confined without means of escape in a pen, corral, yard, cage, house, vehicle or other secure enclosure, unless otherwise under the control of a competent human being.

Colony means a group of one (1) or more free-roaming cats, whether unmanaged or managed.

Colony caretaker means a person who provides food, water and shelter for free-roaming cats in a managed colony.

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 any homeless, stray, wild or untamed cat.

Kennel means a facility operated commercially and principally for the purpose of boarding, housing, grooming, 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.

Managed colony means a colony of free-roaming cats that is registered with the animal care and control division or its designee and is maintained by a colony caretaker using trap, neuter, return methodology.

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 and includes any person who owns an animal; however, 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 of such animals, but rather to be keepers of animals, and colony caretakers of managed colonies of free-roaming cats shall not be deemed to be owners or keepers of such animals.

Person means and includes any individual, corporation, partnership or other association or organization, but shall exclude the following:

- (1) Police officers, federal or state armed forces, park rangers, game wardens, conservation officers and other such governmental agencies, with respect to actions which constitute a discharge of their official duties; and

(2) An individual, partnership, corporation or other association, organization, or institution of higher education, which 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.

Public safety board means the board of public safety of the city department of public safety.

Quarantining authority means the city department of public safety, 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.

Shelter means the animal care and control facility located at 2600 South Harding Street in the City of Indianapolis.

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

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3; G.O. 15, 2000, § 2; G.O. 100, 2005, § 1)

Cross references: Definitions generally, ch. 102.

Sec. 531-102. Animals at large prohibited; penalties.

(a) It shall be unlawful for the owner or keeper of an animal to cause, suffer, or allow that animal which is owned or kept by such person to be at large in the city.

(b) Except as provided in subsection (c) of this section, the first violation in any twelve-month period shall be subject to admission of violation and payment of the designated civil penalty through the ordinance violations bureau as provided in Article III of Chapter 103 of this Code, and all second and subsequent violations in a twelve-month period are subject to the enforcement procedures provided in section 103-3 of the Code and a fine of not less than one hundred dollars (\$100.00).

(c) If, while the animal is at large in violation of this section at a location other than its owner's or keeper's property, it:

(1) Attacks another animal; or

(2) Chases or approaches a person in a menacing fashion or apparent attitude of attack;

then the violation 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 two hundred and fifty dollars (\$250.00), or five hundred dollars (\$500.00) if another animal or person is injured as a result of the animal's actions.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3; G.O. 97, 2004, § 1)

Sec. 531-103. Confinement of female animals in heat.

The owner or keeper of any female animal in heat kept in the city shall confine the animal within a secure enclosure and in such a manner as to prevent it from becoming a nuisance.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-104. Keeping swine.

It shall be unlawful for a person to keep swine on premises in the police special service district of the city, unless such premises are stockyards, slaughterhouses, or other premises where the keeping or raising of livestock is permitted by county zoning ordinances.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-105. Keeping horses, ponies, mules, donkeys, jackasses, and llamas.

It shall be unlawful for a person to own, keep, or breed a horse, pony, mule, donkey, jackass, or llama in the city on premises which measure less than eight thousand (8,000) square feet in a lot area per animal, unless such premises are registered as a stable under Chapter 836 of this Code.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-106. Report of vehicular collision with domestic animal.

A person whose vehicle causes injury or death to a domestic animal in the city shall stop at once, assess the extent of the injury to the extent that it is safe to do so, and immediately notify the animal's owner, if known, or the animal care and control shelter, either directly or through a local law enforcement agency, together with a description of the animal struck, the location of the striking and an estimate as to the condition of the animal after being struck, along with the rabies tag number of the animal, if it can safely be ascertained. Such person shall not be required to report his or her name, as the only purpose of this requirement is to aid the stricken animal and notify its owner, if any.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Cross references: Traffic, ch. 441; motor vehicles, ch. 611.

Sec. 531-107. Custody and disposition of dead animals.

It shall be unlawful for a person to allow the body, or parts thereof, of any dead animal to be kept, held, or disposed of in violation of this section, as follows:

- (1) No public or private carrier shall either transport any dead animal through or into the city, or allow it to remain in or on any of its cars, vehicles, tracks or places controlled by it, in either instance longer than five (5) hours;
- (2) No person who operates a slaughterhouse, butcher shop or other place in the city shall permit any parts of offal of dead animals that are not fit and

intended for use as food to accumulate or be kept on such premises for over twenty-four (24) hours after being received, or after the death of such animal;

(3) No person shall skin, dismember, dissect, cut up or dispose of the body of a dead animal, or any parts thereof in the city, unless the person is regularly engaged in such business of killing and disposing of such animals for use as food or otherwise, and is so authorized by law, or does so for the person's own use; and

(4) No person shall possess, keep, use or dispose of anywhere in the city, a dead animal or parts thereof, or offal of a live animal in any manner that creates offensive odors or sights, or constitutes a public nuisance which affects health and comfort in any respect.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Cross references: Garbage, trash and refuse, ch. 601.

Sec. 531-108. Disposition of dead animals by the city.

The city department of public works upon request may provide to persons or entities the service of picking up dead animal bodies and body parts and the lawful disposition of them. When the city department of public works picks up dead animal bodies or parts from places other than the city streets and rights-of-way, it shall charge a fee of six dollars (\$6.00) per separate body part for this service.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Cross references: Garbage, trash and refuse, ch. 601.

Sec. 531-109. Owner responsibility for animal attacks.

(a) It shall be unlawful for an owner or keeper of an animal to allow that animal to attack and injure a person who did not provoke the animal prior to the attack. For purposes of this section, 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.

(b) It shall be a defense to prosecution under this section if:

(1) The attack occurred in an enclosure in which the animal was confined without means of escape, there was posted at the main entrance of the enclosure a notice to beware of the animal, and the person attacked entered the enclosure without invitation; or

(2) The person was attacked during the commission or attempted commission of a criminal act on the property of the owner or keeper of the animal.

(c) A person who violates any provision of this section shall be punishable as provided in section 103-3 of this Code; provided, however, a fine imposed for any such violation shall not be less than five hundred dollars (\$500.00). If the violation results in the animal causing serious bodily injury to any person, the court upon request shall order the animal forfeited and/or destroyed.

(G.O. 97, 2004, § 2)

ARTICLE II. DOGS AND CATS

Sec. 531-201. Application of article.

The provisions of this article shall be supplemental to the other provisions of this chapter which pertain to dogs or cats.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

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

(a) A person who owns a dog or cat in the city shall ensure that each dog or cat owned by that person bears a permanent means of identification at all times, such that the owner of a lost or stolen dog or cat can be ascertained 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 include either:

(1) A microchip implanted in the dog or cat which bears a registered identification number, and which 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 city who implants microchips as contemplated in this section shall, at an interval of not less than once each month, send to the animal care and control division the names, addresses, and phone numbers of the owners of the dogs and cats, and the corresponding microchip identification numbers.

(d) It shall be unlawful for a person to own a dog or cat three (3) months of age or older which is kept in the city, and which does not bear a permanent means of identification as provided in this section. A violation of this section shall be punishable as provided in section 103-3 of this Code; provided, however, a fine imposed for any such violation shall not be less than one hundred dollars (\$100.00).

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-203. Dog and cat curbing requirements.

(a) No person knowingly shall allow a dog or cat which is kept by that person to defecate or urinate on a public street, byway, municipally owned or public land or building, or upon private property, in the city without the prior permission of the owner of such property; however, if an animal defecates on property described in this subsection, the animal's owner or keeper promptly shall remove any feces to a waste container, or

otherwise dispose of such material in a manner inoffensive to reasonable public sensibilities.

(b) Notwithstanding the provisions of subsection (a) of this section, the owner of a dog serving a vision-impaired person in an auxiliary ocular capacity or in any capacity to assist such person with a physical impairment may permit such dog to relieve itself on ground situated outside of pedestrian or vehicular traffic ways, and is relieved of the requirement to remove any feces to the extent such requirement is impractical for a person of such impairment.

(c) No person knowingly shall allow his or her dog or cat to disperse waste material placed for public or private collection upon any public street, or byway or right-of-way, or any municipally owned or public land or building, or upon private property.

(d) A person who violates any provision of this section shall be punishable as provided in section 103-3 of this Code; provided, however, a fine imposed for any such violation shall not be less than twenty-five dollars (\$25.00).

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-204. Animals causing nuisance prohibited.

(a) It shall be unlawful for a person to own or keep any animal which by frequent or habitual howling, yelping, barking, screeching, other vocalization or otherwise shall cause serious annoyance or disturbance to persons in the vicinity.

(b) A person who violates any provision of this section shall be punishable as provided in section 103-3 of this Code; provided, however, a fine imposed for the first such violation shall not be less than twenty-five dollars (\$25.00); subsequent or continued violations may also subject the owner to impoundment of the animal by a person having authority to impound such an animal.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-205. Care for unmanaged colonies prohibited.

It shall be unlawful for a person to provide food, water or shelter to a colony of free-roaming cats, unless:

(1) The colony is a managed colony, registered with the animal care and control division or its designee; or

(2) The food, water or shelter is provided in conjunction with the implementation of trap, neuter, and return methodology as set forth in section 531-209 of this chapter.

(G.O. 100, 2005, § 2)

Sec. 531-206. Unlawful use of a dog.

(a) It shall be unlawful for a person to make use of a dog in the commission or furtherance of any criminal act in the city.

(b) A person who violates this section shall be punishable as provided in section 103-3 of this Code; provided, however, a fine imposed for any such violation shall not be less than one hundred dollars (\$100.00). Further, upon a finding of violation, the court upon request shall order the dog forfeited and/or destroyed.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-207. Domestic animals in vehicles.

(a) It shall be unlawful to leave a domestic animal unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal.

(b) It shall be unlawful for any dog or cat to ride in the bed of a pickup truck on public streets, highways and/or rights-of-way unless the animal is securely caged and protected from the environment or unless the bed of the pickup truck is enclosed with a camper shell or other device and there is appropriate and sufficient ventilation.

(G.O. 169, 1999, § 3)

Sec. 531-208. Lost or stray domestic animals.

(a) Persons finding a stray animal are to notify the animal care and control division within forty-eight (48) hours. At the discretion of the division, the animal may be kept by the finder and a found report left with the division, to enable the finder an opportunity to return the animal to its rightful owner.

(b) Upon demand, by the animal care and control division, any found animal will be taken to an appropriate facility and scanned for an identifying microchip.

(c) Persons finding an animal are obligated to comply with all the rules and regulations of this chapter pertaining to humane care and treatment of animals, while said animal is in their custody awaiting return to its actual owner.

(d) With the exception of the Humane Society of Indianapolis or other humane and/or breed rescue organizations recognized by the animal care and control division, the finder will be considered the found animal's owner for purposes of this chapter only after the animal is in the finder's custody for thirty (30) continuous days.

(G.O. 169, 1999, § 3)

Sec. 531-209. Managed free-roaming cats.

(a) The animal care and control division or its designee, in order to encourage the stabilization of the free-roaming cat population in the city, may:

(1) Trap any free-roaming cat in a humane manner;

(2) Have the cat surgically sterilized, ear-tipped, and vaccinated against rabies by a licensed veterinarian; and

(3) Release the cat to animal care and control for adoption or other disposition in accordance with law, or to a colony caretaker who will maintain the cat as part of a managed colony of free-roaming cats.

(b) The enforcement authority may impound free-roaming cats in violation of this chapter and dispose of the cats in accordance with section 531-731. Any free-roaming cat impounded by the enforcement authority that bears an appropriate ear-tipping indicating it belongs to a managed colony may, at the discretion of the animal care and control division, be returned to its managed colony unless illness or injury present an imminent danger to public health or safety.

(G.O. 100, 2005, § 3)

Sec. 531-210. Colony caretaker responsibilities.

(a) Colony caretakers shall abide by standard guidelines devised by the animal care and control division or its designee regarding the provision of food, water, shelter and veterinary care for cats within the managed colony.

(b) Colony caretakers shall have a licensed veterinarian evaluate the health of all trapped free-roaming cats. Seriously ill or injured cats with no reasonable prognosis for humane rehabilitation for survival outdoors will be humanely euthanized.

(c) A person who violates any provision of this section shall be punishable as provided in section 103-3 of this Code; provided, however, a fine imposed for the first such violation shall not be less than twenty-five dollars (\$25.00); subsequent or continued violations caretaker's removal from management of the managed colony, or the designee's removal from the program.

(G.O. 100, 2005, § 3)

ARTICLE III. RABIES CONTROL

Sec. 531-301. Antirabies vaccinations required for dogs and cats.

(a) It shall be unlawful to keep a dog or cat or to provide food, water or shelter to a colony of free-roaming cats over the age of three (3) months in the city unless each cat or dog is immunized against rabies by a vaccination performed by a veterinarian and the period of immunization specified by the veterinarian performing the vaccination has not expired.

(b) A violation of this section shall be punishable as provided in section 103-3 of this Code; provided, however, the fine for any such violation shall not be less than one hundred dollars (\$100.00).

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3; G.O. 21, 2002, § 1; G.O. 100, 2005, § 4)

Sec. 531-302. Record of antirabies vaccinations; tag required.

(a) A veterinarian who administers an antirabies vaccination in the city shall, at the time a dog or cat is vaccinated, issue to the animal's owner a durable antirabies vaccination tag upon which is imprinted the name of the veterinarian's facility, telephone number and the year and serial number of the vaccination.

(b) Each owner of a dog or cat that is kept in the city shall cause the antirabies vaccination tag to be affixed to the animal's collar, and to be worn by the animal at all times. A person who violates this subsection shall be punishable as provided in section 103-3 of this Code.

(c) A veterinarian who administers an antirabies vaccination in the city to a free-roaming cat shall provide to the colony caretaker written documentation of the administration of the vaccine, which shall include the name of the veterinarian's facility, telephone number and the year and serial number of the vaccination.

(d) A colony caretaker of a colony of free-roaming cats must maintain at all times, for inspection by the enforcement authority as defined in section 531, article VII of this Code, a record of antirabies vaccination for all free-roaming cats within a colony. A person who violates this subsection shall be punishable as provided in section 103-3 of this Code.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3; G.O. 97, 2004, § 4; G.O. 100, 2005, § 4)

Sec. 531-303. Precautionary measures, and individual animal quarantine.

A captured animal known to have bitten or otherwise exposed a person to the possibility of contracting rabies through nonbite exposure in the city shall be humanely quarantined for a period of not less than ten (10) days. In the sole discretion of the quarantining authority, the quarantine may be on the premises of the owner, at the city animal care and control shelter or those of its contractors, if any, or at the owner's expense in a kennel or veterinary hospital.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-304. Surrender of suspected animal by owner.

Whenever the quarantining authority has reasonable cause to suspect that an animal in the city has been exposed to rabies, or bitten or exposed through nonbite exposure a person to rabies, such animal shall be surrendered by its owner for quarantine and observation, at the owner's expense, promptly upon demand by the quarantining authority. Such quarantine and observation shall be at the owner of the animal's expense.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-305. Finding of rabies; general quarantine.

(a) When an animal quarantined in the city has been found rabid or is suspected of being rabid by a veterinarian and dies while under observation, the quarantining authority shall take such action as is specified in such cases by the state board of animal health and shall notify the proper public health officials of reports of human contacts made by, and the diagnosis made of, the animal.

(b) When a rabies report is made under subsection (a) of this section, the quarantining authority shall recommend to the director of the city department of public safety a general quarantine in the city for a period of thirty (30) days. Upon invocation of the general quarantine by the director, any animal found at large in the city may be destroyed without being impounded. During the quarantine period, every animal bitten or exposed through nonbite exposure by an animal adjudged to be rabid shall be confined, at its owner's expense, or destroyed as specified by the state board of animal health.

(c) During a general quarantine declared by the director under this section, an animal's owner or keeper who resists the quarantining authority acting under this chapter, or who permits an animal owned or kept by that person to be at large in the city, shall be punishable by a fine not to exceed five hundred dollars (\$500.00), and any animal which is suspected of being rabid or is in violation of the general quarantine shall be impounded.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-306. Disposition of rabid animals.

The quarantining authority shall dispose of any animal reasonably suspected by it of being infected with rabies in the city in accordance with the rules and regulations of the state board of animal health.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-307. Reports by veterinarians.

Each veterinarian in the city shall report to the quarantining authority animals suspected by the veterinarian of being rabid.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

ARTICLE IV. CARE AND TREATMENT

Sec. 531-401. General requirements for animal care and treatment.

(a) Every owner or keeper of an animal kept in the city shall see that such animal:

(1) Is kept in a clean, sanitary and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement; the person(s) responsible for animal(s) shall regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact;

(2) Has food that is appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water where appropriate, shelter and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely;

(3) Shall not be tethered by use of a choke collar, or on any collar too small for the size and age of the animal, nor by any rope, chain or cord directly attached to the animal's neck, nor by a leash less than twelve (12) feet in length, or of such unreasonable weight as to prevent the animal from moving about freely;

(4) Is protected against abuse, cruelty, neglect, torment, overload, overwork, or any other mistreatment;

(5) Shall provide the reasonably necessary medical care, in addition to the required rabies vaccination which shall include recommended vaccinations as required by accepted veterinary standards, and if diseased or injured, or exhibiting symptoms of disease, receives proper care and is segregated from other animals so as to prevent transmittal of the disease; and

(6) Is maintained in compliance with all applicable federal, state and local laws and all regulations respecting animal care and control as are adopted by the city department of public safety and in effect from time to time.

(b) It shall be unlawful for a person to beat, starve or otherwise mistreat any animal in the city, or to fail to comply with any requirement of subsection (a) of this section.

(c) In the discretion of the enforcement authority, as that term is defined in section 531-711 of this Code, a person who violates any provision of this section for the first time may be given written notice of the practices or conditions which constitute the violation, and the enforcement authority shall in such instance direct remedies to such person where appropriate and provide a time period of no longer than thirty (30) days within which to correct the violation(s). Failure of the person to correct the violations within the specified time period shall constitute prima facie evidence of this section.

(d) A person who violates any provision of this section shall be punishable as provided in section 103-3 of this Code; provided, however, the fines imposed for any such violations shall be as follows:

(1) For the first violation, not less than twenty-five dollars (\$25.00); and

(2) For the second or subsequent violations, not less than two hundred dollars (\$200.00), and the court upon request shall order forfeiture or other disposition of the animal involved. A judgment by the court which orders forfeiture or other disposition of the animal by the city or any third party shall include as a part of such judgment adequate provisions for the collection of costs of forfeiture or impoundment from the person found in violation.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-402. Abandonment of animal.

It shall be unlawful for a person to abandon any animal on public or private property in the city, and a violation of this section shall be punishable as provided in section 103-3 of this Code; provided, however, a fine imposed for any such violation shall not be less than two hundred dollars (\$200.00). Actions taken by colony caretakers in accordance with this chapter shall not be considered abandonment of an animal.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3; G.O. 100, 2005, § 5)

Sec. 531-403. Attempts to poison animal.

It shall be unlawful for a person to throw or deposit poisoned meat or any poison or harmful substance in any street, alley, marketplace or public place, or on any private premises, in the city for the purpose of destroying or injuring any animal.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-404. Animal fights.

It shall be unlawful for a person to incite, train to fight (other than a crime prevention dog) or set any animal to fighting another animal or to incite combat between animals and humans in the city.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-405. Enticement of another person's animal.

(a) It shall be unlawful for a person, not so authorized, to enter or invade the private premises of another person in the city to capture, entice, or take any animal out of the enclosure or premises of the owner, or to seize an animal at any place while such animal is accompanied by its owner or keeper.

(b) Except as expressly authorized in this chapter, it shall be unlawful for a person to entice any animal away from the premises of the person who owns or keeps such animal in the city, or to entice an animal from a street, alley or public place in the city with the intent to deprive the owner of the animal's possession.

(c) It shall be unlawful for a person to bring into the city an animal for the purpose of its impoundment, or the collection of any fee or reward for its return, except as provided in this chapter.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-406. Interference with another person's animal.

It shall be unlawful for a person to feed, tease, tantalize, molest, or provoke any animal in the city without the express consent of the animal's owner, if any, while the animal is on the owner's property or under the owner's control. A person who violates this section shall be punishable as provided in section 103-3 of this Code; provided, however, a fine imposed for any such violation shall not be less than fifty dollars (\$50.00).

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-407. Animal traps; requirements and prohibitions.

(a) It shall be unlawful for a person to use, place, set or cause to be used, placed, or set any leg-hold trap or similar device upon any land or waters in the city.

(b) It shall be unlawful for a person to use, place, set or cause to be used, placed or set any snare, net or other device which causes the trapping or capturing of any animal in any manner by which the animal is not either captured painlessly or killed instantly upon any land or waters in the city.

(c) Subsections (a) and (b) of this section shall not apply to a trap placed on private property, where the trap is placed and maintained by the owner, the owner's guest or agent.

(d) It shall be unlawful for a person, having placed a lawful trap, snare or similar device in the city, to fail to inspect and empty it at least once during every twenty-four-hour period.

(e) It shall be unlawful for a person to remove an animal in the city from any trap not on the person's property, unless such person has the express permission of the property's owner to do so.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-408. Offensive use of animal.

It shall be unlawful in the city for a person willfully to deposit a live or dead animal upon public or private premises not owned by that person, or willfully to throw a live or dead animal or insect against any other person, or aid or abet another person in doing so.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-409. Animals not to be offered as novelties or prizes.

(a) It shall be unlawful for a person to sell, offer for sale, trade, barter or give away in the city any live animal, bird or reptile as a novelty, prize for, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter any business establishment or enter into any business agreement whereby the offer was made for the purpose of attracting trade for business, other than establishments selling animals as their primary business.

(b) It shall be unlawful for a person to transport into the city any live animal, bird or reptile for any purposes prohibited by subsection (a) of this section.

(c) It shall be unlawful for a person to sell, offer for sale or otherwise dispose of any animal whose appearance has been artificially or chemically colored, sprayed or painted.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-410. Protection of birds; exception.

(a) It shall be unlawful for a person willfully to injure, molest, attack or disturb in any way a bird, or the nests, eggs, young or brood of birds, in the city; provided, however, this section shall not apply to nonmigratory pigeons, starlings or any birds declared or defined by any state law or city ordinance as a public nuisance.

(b) Whenever it appears, on complaint of residents, merchants, persons in business, owners or operators of structures or buildings, or citizens generally, or otherwise, that nonmigratory pigeons, starlings, or other birds constitute a public nuisance in any part of the city, the public safety board shall be authorized to use all necessary means to destroy the birds creating such nuisance, as follows:

(1) The public safety board is authorized to eradicate pests under subsection (a) of this section with firearms and otherwise; where firearms are used for such purpose, it shall not constitute a violation of the Code which pertains to the discharge of firearms in the city or county; and

(2) The public safety board is authorized to issue permits to persons in such instances and under such terms and conditions as it finds necessary for the public safety to dispose of any nonmigratory pigeons, starlings or other birds declared or defined by state law as a public nuisance, upon the payment of one dollar (\$1.00) by each person to the city controller, and any permit so issued shall be revocable at the will of the public safety board.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-411. Feeding birds.

It shall be unlawful for a person, except an employee of the city department of parks and recreation in the course of his or her employment, or with his or her express permission, to feed, scatter food or leave food of any type or kind in the parks, playgrounds, play fields, parkways, boulevards and streets of the city for any birds or fowl.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-412. Reserved.

Editor's note: G.O. 169, 1999, § 3, passed by the city-county council on Dec. 13, 1999, repealed § 531-412, which pertained to coloring of animals; prohibited actions, and derived from G.O. 30, 1998, § 1. See the Code Comparative Table.

ARTICLE V. WILD OR DANGEROUS ANIMALS; CRIME PREVENTION DOGS

Sec. 531-501. Definitions.

For purposes of this article, the following terms shall have the meanings ascribed to them in this section.

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

Wild or dangerous 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

(2) A venomous snake, poisonous amphibian, or other large reptile.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Cross references: Definitions generally, ch. 102.

Sec. 531-502. Wild and dangerous animal; registration required.

It shall be unlawful for a person to own a wild or dangerous animal in the city without first having registered the animal with the animal care and control division under this article; however, this section shall not apply to zoological parks, or bona fide circuses or carnivals.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-503. Crime prevention dog; registration required.

(a) It shall be unlawful for a person to own a crime prevention dog in the city without first having registered the animal with the animal care and control division under this article.

(b) Notwithstanding the provisions of section 531-202 of the Code, each crime prevention dog shall be implanted with a microchip which bears a registered identification number.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-504. Registration information required; notification of change.

(a) A registration required by this article shall be made on forms provided by the animal care and control division, and shall include the following:

- (1) The owner's name, address, and telephone number where the owner can be reached in the event of an emergency;
- (2) The address and type of premises where the animal is kept;
- (3) A detailed description of each animal registered; and
- (4) Any other information deemed necessary and appropriate by the animal care and control division.

(b) During the term of the registration, the owner of an animal registered under this article shall notify the animal care and control division in writing of any change in circumstances which would render the information contained in the registration incomplete or inaccurate.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-505. Registration fee, term and revocation.

(a) There is no fee for the registration of an animal under this article.

(b) The term of the registration shall expire on the last day of December of the year in which the registration is made, and shall be renewable upon application therefor.

(c) The animal care and control division may revoke a registration issued under this article for any violation of this article committed by the owner of the animal.

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-506. Warning signs required.

(a) The owner or occupant of premises where a wild or dangerous animal is kept shall post, at each entrance to such premises, conspicuous signs which state, "WARNING: WILD OR DANGEROUS ANIMAL. FOR FURTHER INFORMATION CALL (the telephone number of the owner or occupant of the premises)."

(b) The owner or occupant of premises where a crime prevention dog is kept shall post, at each door of the premises accessible to the dog, conspicuous signs which state, "WARNING: A CRIME PREVENTION DOG IS GUARDING THIS PROPERTY. FOR FURTHER INFORMATION CALL (the telephone number of a person able to control the dog)."

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

Sec. 531-507. Penalties.

A person who violates any provision of this article shall be punishable as provided in section 103-3 of this Code; provided, however, a fine imposed for any such violation shall not be less than one hundred dollars (\$100.00).

(G.O. 30, 1998, § 1; G.O. 169, 1999, § 3)

ARTICLE VI. EUTHANASIA OF ANIMALS*

***Editor's note:** G.O. 169, 1999, § 4, passed by the city-county council on Dec. 13, 1999 set out provisions for a new Article VI, §§ 531-601--531-604, pertaining to euthanasia of animals. Further, said ordinance, § 5, redesignated former Article VI, §§ 531-601--531-633, as Article VII, §§ 531-711--531-736, enforcement authority, and § 6 of said ordinance deleted §§ 531-701--531-705 and refers the user to Ch. 251, Art. III, §§ 251-311--251-335. See the Code Comparative Table.

Sec. 531-601. Humane euthanasia of animals.

(a) The animal care and control division, other animal shelters, and/or public animal facilities which destroy animals in the city, shall use only such methods, materials and

standards as approved by the American Veterinary Medical Association for said purpose. In no event shall an animal be euthanized inhumanely.

(b) The shelter shall provide sedatives for struggling or vicious animals when necessary for use during the euthanasia process and train its personnel in their proper and humane use and administration.

(G.O. 169, 1999, § 4)

Sec. 531-602. Persons authorized to humanely euthanize animals.

Only persons trained in humane procedures by licensed veterinarians, by registered veterinary technicians, or by persons sanctioned and/or certified by the Humane Society of Indianapolis shall perform the euthanasia of animals in a humane manner.

(G.O. 169, 1999, § 4)

Sec. 531-603. Assurance of death prior to disposition.

No animal's body shall be disposed of until all vital signs are checked (fixed pupil, cessation of heartbeat and respiration) to assure that death has occurred.

(G.O. 169, 1999, § 4)

Sec. 531-604. Funding.

Sufficient funds shall be appropriated in each annual budget of the city for trained personnel, drugs, proper and humane equipment and facilities necessary to administer humane destruction of animals as specified in this subchapter.

(G.O. 169, 1999, § 4)

ARTICLE VII. ENFORCEMENT AUTHORITY*

***Editor's note:** G.O. 169, 1999, § 5, passed by the city-county council on Dec. 13, 1999, redesignated former Art. VI, enforcement authority, §§ 531-601--531-604, 531-621--531-633, as Art. VII, enforcement authority. Further, said ordinance renumbered former Art. VI sections as 531-711 et seq. to read as herein set out. See the Code Comparative Table.

DIVISION 1. IN GENERAL

Sec. 531-711. Enforcement authority defined.

For the purposes of this article, the enforcement authority shall consist of the city department of public safety, its animal care and control division and other divisions, contractors, agents, employees and designees.

(G.O. 169, 1999, § 5)

Sec. 531-712. Enforcement authority's rights and responsibilities.

(a) Persons who are individually charged with the enforcement of this chapter shall be designated animal care and control officers, and prior to the performance of any act in connection therewith, shall be appointed and sworn as special police officers pursuant to Chapter 253, Article IV of the Code. Such animal care and control officers shall also receive appropriate and relevant training and be certified by the National Animal Control Association or other appropriate agency.

(b) It shall be the duty of the city police department and the county sheriff to assist in the enforcement of all provisions of this chapter and other ordinances in relation to animals, and it shall be the duty of all police officers and county sheriff's deputies to report at once all violations thereof to police or sheriff's headquarters.

(c) Such officers are authorized to enforce all provisions of this chapter and section 836-5 of this Code, including the right to proceed upon public and private property in the city in pursuit of animals in violation of this chapter.

(d) Such officers are not authorized to enter a privately owned enclosure in pursuit of an animal without the consent of the owner, lessee or other occupant of the enclosure, or other legal process; provided, however, if any animal is believed to be enclosed without adequate food, shelter and water, or dead animals are believed to be enclosed, and such owner or occupant is not present and cannot readily be located, an animal care and control officer may affix a notice to the premises in an obvious location, directing the occupant to contact the officer at a given location and phone number. If neither the occupant nor anyone on the occupant's behalf responds to such notice within twenty-four (24) hours after the notice is affixed, an animal care and control officer may enter the premises to determine if the provisions of this chapter or section 836-5 of this Code have been violated.

(G.O. 169, 1999, § 5; G.O. 5, 2004, § 1)

Sec. 531-713. Interference with enforcement authority.

It shall be unlawful for a person to interfere with an animal care and control officer or other enforcement authority officer in the performance of the officer's duties. A person who violates this section shall be punishable as provided in section 103-3 of this Code; provided, however, a fine imposed for any such violation shall not be less than fifty dollars (\$50.00).

(G.O. 169, 1999, § 5)

DIVISION 2. IMPOUNDMENT AND DISPOSITION OF ANIMALS

Sec. 531-721. Grounds for impoundment.

(a) An animal found at large in violation of this chapter shall be captured and impounded.

(b) An animal found confined or abandoned on private property in violation of this chapter or section 836-5 of this Code shall be impounded.

(G.O. 169, 1999, § 5)

Sec. 531-722. Notice to owner.

(a) Upon the impoundment of an animal, a reasonable attempt shall be made to notify and inform the owner of the animal of the requirements of this article for regaining the custody of the animal.

(b) Such attempt shall include, but not necessarily be limited to, the following:

(1) In the instance of an impounded dog or cat, contact with the owner identified by the microchip or other permanent means of identification, if any, borne by the dog or cat;

(2) In the instance of an impounded dog or cat not bearing a permanent means of identification, contact with the veterinarian facility listed on the animal's vaccination tag; and

(3) Cooperation of effort with other governmental and private agencies, such as the Humane Society of Indianapolis or other humane and/or breed rescue organizations recognized by the animal care and control division.

(G.O. 169, 1999, § 5)

Sec. 531-723. Report of impoundment.

A person who confines an animal found by that person to be at large in the city shall notify the city department of public safety or one of its agents within forty-eight (48) hours thereafter.

(G.O. 169, 1999, § 5)

Sec. 531-724. Return of captured animal without impoundment.

When the owner of a captured animal is known, such animal need not be impounded but may be returned to its owner if, in the opinion of the animal care and control officer, the return would not present a danger to the public or otherwise result in a violation of this chapter.

(G.O. 169, 1999, § 5)

Sec. 531-725. Return of impounded animal to its owner.

(a) An animal impounded under this division, if claimed by its owner, shall be returned to its owner subject to, and upon compliance with, the provisions of division 2 and division 3 of this article.

(b) The owner of an impounded animal may obtain the return of such animal upon compliance with any applicable provisions the board may impose, and the payment of the appropriate impoundment and kennel fees, and any other applicable fees and fines.

(c) Prior to the return to its owner of an impounded dog or cat which at the time of impoundment did not bear a permanent means of identification as required by section 531-202 of this Code, the enforcement authority shall cause a microchip with a registered identification number to be implanted in the animal. The fee for such service shall be ten dollars (\$10.00).

(G.O. 169, 1999, § 5; G.O. 97, 2004, § 5)

Sec. 531-726. Impoundment and kennel fees; disposition.

(a) Impoundment and kennel fees for animals impounded under this article shall be as follows:

(1) For each small animal other than a dog, ten dollars (\$10.00), and three dollars (\$3.00) for each day of impoundment or fraction thereof;

(2) For each dog, twenty dollars (\$20.00), and five dollars (\$5.00) for each day of impoundment or fraction thereof; and

(3) For any large animal other than a dog, thirty dollars (\$30.00), and ten dollars (\$10.00) for each day of impoundment or fraction thereof.

(b) Impoundment and kennel fees shall be collected by and paid to the enforcement authority, which shall remit such funds to the office of finance and management; however, if the enforcement authority in a particular case is a person contracting with the city to render services, the fees may be retained by and as the property of such person as part of all of that person's charges for rendering such services, if the contract so provides.

(G.O. 169, 1999, § 5; G.O. 73, 2005, § 40)

Sec. 531-727. Petition for bond to cover costs of impoundment and care; forfeiture of animal.

(a) *Petition.* Whenever an animal is impounded under this article for a violation of section 531-109, 531-204, or 531-305, a violation of article IV of this chapter, or has been impounded on two (2) or more prior occasions, and the city prosecutor has applied for an order under section 531-733, the city prosecutor may file a petition with the court having jurisdiction over the ordinance enforcement action requesting an order to require the owner to post a cash bond to cover the fees and costs of the animal's care. The petition shall include an itemized estimate of the reasonable expenses the animal care

and control division expects to incur for the care of the animal from the time of impoundment to a minimum of thirty (30) days thereafter. Such expenses shall include but are not limited to the impoundment fee and kennel fees provided in section 531-726 of the Code, and the estimated cost of emergency and routine veterinary care.

(b) *Hearing and order.* The court, pursuant to its rules of procedure, shall provide the opportunity for a prompt hearing and prompt decision on the city prosecutor's petition. If the court finds there is a reasonable likelihood that the city will prevail on the merits of the ordinance enforcement action, then the court shall order the owner to post a cash bond as provided in this section to cover the fees and other costs of care of the animal for a specific period of time of not less than thirty (30) days beginning on the date of impoundment.

(c) *Posting of bond; time requirements.* The owner shall post the bond by delivering cash or a certified or cashier's check payable to "City of Indianapolis" to the animal care and control division. The cash or check must be received by the animal care and control division within three (3) days after the date of the court's order, excluding Saturdays, Sundays, and city holidays established in section 291-206 of the Code. The animal care and control division shall hold such check or cash in trust until forfeiture of the animal, return of the animal to its owner, or final adjudication of the ordinance enforcement action, whichever first occurs.

(d) *Renewal bonds.* The animal's owner shall renew the bond at the end of the period of time ordered by the court, and every thirty (30) days thereafter, in the same manner as posting the bond provided in subsection (c) of this section. The owner's duty to renew the bond shall continue until forfeiture of the animal, return of the animal to its owner, or final adjudication of the ordinance enforcement action, whichever first occurs. The owner shall pay the renewal bond before the close of business on the last day of each bond period; however, if such last day is a Saturday, Sunday, or city holiday established in section 291-206 of the Code, then the renewal bond shall be paid on the last business day prior to such Saturday, Sunday, or holiday.

(e) *Forfeiture.* If an owner fails to post a bond within three (3) days as provided by subsection (c) of this section, or fails to pay a renewal bond before the close of business on the last day of each bond period as provided by subsection (d) of this section, then the owner shall be presumed to have surrendered all rights and claim of ownership and control of the animal and the city prosecutor may petition the court for an order to dispose of the animal under the provisions of section 531-731 of the Code.

(f) *Expiration of bond.* Upon forfeiture of the animal, return of the animal to its owner, or final adjudication of the ordinance enforcement action, whichever first occurs, the animal care and control division shall be entitled to draw upon the cash or certified or cashier's check to cover the animal's impoundment fee, kennel fees and the cost of any actual veterinary care. After the fees and costs are paid, the city shall promptly remit any remaining bond money to the owner; however, if the bond money is not sufficient to coversuch fees and costs, the owner shall be liable to the city for the difference.

(G.O. 97, 2004, § 6)

DIVISION 3. OTHER DISPOSITION OF ANIMALS

Sec. 531-731. Disposition of owner-surrendered animals and impounded animals not claimed by owner; adoption.

(a) An animal surrendered by its owner to the animal care and control division and not reclaimed by its owner, adopted, or rescued by a humane or breed rescue organization, may be kept or otherwise humanely disposed of, in the reasonable exercise of discretion of the enforcement authority, but consistent with such provisions as the animal care and control board shall make regarding the capture, surrender, impoundment, adoption, sale and destruction of animals. No owner-surrendered animal shall be humanely disposed of, while there is sufficient room in the kennel to reasonably house such animal at the animal care and control shelter (keeping in mind the necessity of having empty places for animals to be moved during cleaning).

(b) An animal impounded under this article and which is not claimed by its owner shall be confined by the enforcement authority in a humane manner for a period after capture of not less than four (4) days. An animal not claimed within the four-day impoundment period may be kept, adopted, rescued by a humane or breed rescue organization or otherwise humanely disposed of, in the reasonable exercise of discretion of the enforcement authority, but consistent with such provisions as the animal care and control board shall make regarding the capture, surrender, impoundment, adoption, sale and destruction of animals. Even after the expiration of the four-day impoundment period, no animal shall be humanely disposed of, while there is sufficient room in the kennel to reasonably house such animal at the animal care and control shelter (keeping in mind the necessity of having empty places for animals to be moved during cleaning).

(c) Following the four-day impoundment period, a person other than the animal's owner or a member of the owner's family who wishes to adopt an impounded animal which has not been claimed, and which is otherwise available for adoption, may adopt the animal. It is declared that the adoption of as many animals as possible is a priority of the animal care and control shelter. Such person wishing to adopt an animal from the animal care and control shelter shall pay to the city an adoption fee of fifty dollars (\$50.00) to cover the enforcement authority's expenses, including the expense of vaccinations; however, with respect to a dog or cat which does not bear an identification microchip, the enforcement authority shall cause a microchip with a registered identification number to be implanted in the dog or cat prior to the animal's adoption, and the adoption fee for such a dog or cat shall be sixty dollars (\$60.00).

(d) A person who wishes to adopt a dog or cat that has been impounded under this article or is otherwise available for adoption, and that has not been spayed or neutered, must meet the adoption and sterilization criteria adopted by the animal care and control board, and first shall agree in writing to have the animal spayed or neutered at that person's expense. Failure to have the animal spayed or neutered within sixty (60) days after the date of adoption shall be a violation of this Code.

(G.O. 169, 1999, § 5; G.O. 15, 2000, § 2; G.O. 97, 2004, § 7)

Sec. 531-732. Use of owner-surrendered or impounded animal for research prohibited.

No animal surrendered by its owner or impounded under this article shall be used or disposed of for purposes of research or experimentation by use of the animal.

(G.O. 169, 1999, § 5)

Sec. 531-733. Restrictions on return of certain animals.

(a) Notwithstanding any other provision of this chapter, an animal which has been impounded under this article for a violation of section 531-109, 531-204, or 531-305, or a violation of article IV, of this chapter, or which has been impounded on two (2) or more prior occasions, shall be returned to its owner only if the enforcement authority in its discretion determines that such return will not result in further or ongoing violations of these sections.

(b) If such a determination cannot be made, the enforcement authority then shall apply to a court of competent jurisdiction for an order to dispose of the animal under the provisions of section 531-731 of this article.

(G.O. 169, 1999, § 5; G.O. 97, 2004, § 8)

Sec. 531-734. Injured or diseased animals.

Notwithstanding any provision of this article to the contrary, an injured or diseased animal need not be retained four (4) days, but may be disposed of at any time when in the reasonable discretion of the enforcement authority, it would be more humane and reasonable to do so, rather than provide veterinary care.

(G.O. 169, 1999, § 5; G.O. 97, 2004, § 8)

Sec. 531-735. Contracts for the disposition of owner-surrendered and impounded animals.

The city may contract, arrange or agree for the disposition of an animal that was surrendered by its owner, or impounded, and that was unclaimed for longer than four (4) days, and an animal transferred to a person so contracting, arranging or agreeing with the city shall thereafter be the property solely of the contractor. The contract, arrangement or agreement may provide for the retention by the contractor of any funds received in payment for animals sold to other persons, in order to help cover such contractor's expenses of rendering its services.

(G.O. 169, 1999, § 5; G.O. 97, 2004, § 8)

Sec. 531-736. Capture, holding and maintenance, and disposition of animals by the humane society.

(a) The Humane Society of Indianapolis, Inc., by its duly authorized agents, employees or other personnel, shall have the authority to proceed to the scene or location of a diseased, sick or injured animal which is at large in the county after being requested to do so by any member of the general public for the purposes of capturing and

transporting such animal to its duly established humane shelter, and to hold and properly maintain the animal until it is either claimed by its owner, or in the discretion of the humane society, otherwise properly disposed of. The humane society may also receive an animal brought to its shelter by members of the general public or proper governmental personnel and either keep, or in the discretion of the humane society, otherwise humanely dispose of such animal.

(b) Upon the capture of any diseased, sick or injured animal or taking of an animal brought to its shelter by a person or any local governmental personnel, the humane society personnel shall make a reasonable attempt to notify and inform the owner of the animal of the requirements and procedures for claiming ownership and regaining custody thereof.

(c) When the owner of a captured or held animal is discovered or known, the animal shall be returned to the owner upon the payment of any applicable fees or upon the compliance with all other applicable procedures of the humane society. If the owner does not claim an animal or desires not to claim it, the humane society, within its discretion, may return the animal to any person desiring to assume ownership, custody and care thereof in conformance with the established requirements of the humane society after a four (4)-day holding period, as long as the animal has or will receive a current antirabies vaccination under the provisions of Article III of this chapter.

(d) Upon the capture of any diseased, sick or injured animal or the taking of an animal brought to its shelter by any person or any local governmental personnel, the humane society shall, subject to the provisions of subsection (e) of this section, confine the animal in a humane manner for a period of not less than four (4) days. Thereafter, the humane society in its discretion may keep, release or otherwise humanely dispose of the animal consistent with the established procedures of the humane society as they may be amended from time to time.

(e) Notwithstanding any provision of this section to the contrary, diseased or injured animals need not be retained four (4) days, but may be humanely disposed of at any time if in the discretion of the proper humane society personnel or authorized veterinarian such disposition is necessary and proper for such animals.

(f) This section does not authorize the humane society to assume any of the impoundment and disposition functions of the animal care and control division as elsewhere specified in this chapter or state law.

(g) Nothing in this section shall inhibit the animal care and control division in any way from carrying out its functions in accordance with applicable law and whatever provisions or regulations the city board of public safety shall make in carrying out its mandate to make provisions to maintain an animal care and control division, to regulate the capture, impoundment, sale and destruction of animals in accordance with applicable law, and for the operation of the animal care and control division.

(G.O. 169, 1999, § 5; G.O. 97, 2004, § 8)

Editor's note: Formerly § 531-633. See the Code Comparative Table.

ARTICLE VIII. GIFTS AND FINANCING

Sec. 531-811. Gifts to animal care and control division; disposition.

(a) All money generated, received or collected by virtue of the provisions of this chapter are to be set aside and placed in the general fund, except as hereinafter provided.

(b) Gifts or donations to the animal care and control division may be accepted by the city controller or the mayor, for and on behalf of the animal care and control division. All moneys received by donations, gifts, bequests or devises or otherwise (except as provided in section 531-811(c)) shall be paid to the city controller on the first day of the week succeeding the week during which such moneys were received, and deposited into a dedicated animal care fund to be used to promote the safe and humane treatment of animals in the city and to promote responsible pet ownership, to pay for any reasonable expenses incurred promoting the proper care, treatment and sterilization of animals and education of the public regarding the same. No expenditure may be made from the dedicated animal care fund unless first approved by a majority of the animal care and control board. The expenditure of funds from the dedicated animal care fund shall be subject to all state and local appropriation and purchasing requirements. Any funds donated for a specific purpose shall be used only consistently with the donor's specific request.

(c) All money generated, received or collected in response to the division's special fund-raising projects shall be payable to the city controller and deposited in a dedicated animal control special projects funds to be used in a manner consistent with the announced purpose of any special fund-raising event or project. No expenditure may be made from the dedicated animal care special projects fund unless first approved by the administrator. The expenditure of funds from the dedicated animal care special projects fund shall be subject to all state and local appropriation and purchasing requirements and appropriated by the city-county council.

(d) The administrator shall provide the animal care and control board, at each meeting, and to the council every six (6) months a report relating to the revenue and expenditures from the dedicated animal care fund and the dedicated animal care special projects fund.

(G.O. 169, 1999, § 7)