

INTRODUCED: 09/19/2005

REFERRED TO: Rules and Public Policy Committee

SPONSOR: Councillor Franklin

DIGEST: amends Chapter 531, Animals, of the Revised Code of the Consolidated City and County

SOURCE:

Initiated by: Councillor Franklin

Drafted by: Aaron E. Haith, General Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: _____ Date: September 16, 2005

CITY-COUNTY GENERAL ORDINANCE NO. , 2005

A GENERAL ORDINANCE amending the Revised Code of the Consolidated City and County by amending Chapter 531, Animals.

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

SECTION 1. Sec 531-103 of Chapter 581 of the Revised Code of the Consolidated City and County is hereby amended by deleting the text that is stricken through and adding the language that is underlined as follows:

Sec. 531-103. Confinement of female animals in heat and dangerous dogs.

(a) 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.

(b) Confinement of a dangerous dog means confinement to a fenced yard from which the dog may not escape by slipping under the fence or through an open gate or which would allow the animal to bite or to otherwise wound a person who may brush against or stick a hand or finger in or through the fence. Such an animal may be confined in an owner's home. The animal's confinement must be such as will prevent the animal from harassing neighbors or passersby and may not constitute either a sight, smell or noise nuisance.

(c) Any violation of this section shall subject the owner or person in possession of the animal to the enforcement provisions of section 103-3 of the Code, and the fine imposed shall not be less than fifty (\$50.00) dollars for the first violation; not less than one hundred (\$100.00) for a second violation; and upon a third violation, the animal shall be seized in accordance with section 531-721, et seq.

SECTION 2. Sections 531-501 and 531-502 of Chapter 531 of the Revised Code of the Consolidated City and County are hereby amended by deleting the text that is stricken through and adding the language that is underlined as follows:

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; ~~and~~
- (3) Dangerous dogs or any dog which, because of its aggressive nature, training or characteristic behavior, is capable of inflicting serious physical harm or death to humans, and which would constitute a danger to human life or property if it were not kept in the manner required by this ordinance. Such breeds as the Rottweiler and the American Pit Bull Terrier or Staffordshire Bull, any Pit Bull Terrier, or American Staffordshire Terrier, or any mixed breed of dog which contains, as an element of its breeding any of the aforementioned breeds are considered, for purposes of this Code to be dangerous dogs.

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

(a) It shall be unlawful for a person to own a wild or dangerous animal or dangerous dog 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.

(b) It shall be unlawful for any person, firm, corporation, organization or department to own, possess or maintain more than two (2) dangerous dogs at any time within the bounds of the consolidated city and county, unless the possessing entity is a duly licensed kennel as defined at sec. 531-101 of this Code.

SECTION 3. This resolution shall be in full force and effect upon adoption and compliance with I.C. 36-3-4-14.

The foregoing was passed by the City-County Council this _____ day of _____, 2005, at _____ p.m.

ATTEST:

Steve Talley
President, City-County Council

Jean Ann Milharcic
Clerk, City-County Council

Presented by me to the Mayor this _____ day of _____, 2005, at 10:00 a.m.

Jean Ann Milharcic
Clerk, City-County Council

Approved and signed by me this _____ day of _____, 2005.

Bart Peterson, Mayor