

CITY OF NEW CASTLE ANIMAL CONTROL ORDINANCES
2017

CHAPTER 90: ANIMALS

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GENERAL PROVISIONS

90.01 DEFINITIONS.

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

“Abandonment.” *To leave an animal at a location without providing minimum care.*

“AMATEUR BREEDER.” Any person, not a commercial animal establishment, who allows his dog or cat to breed with another and does not keep the offspring.

“ANIMAL.” Any live, nonhuman vertebrate creature, domestic or wild.

“ANIMAL SHELTER.” Any facility operated by a humane society or municipal agency, or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this chapter or of state law.

“AT LARGE.” Any animal shall be deemed “AT LARGE” when it is not under restraint.

“AUCTION.” Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this chapter.

“CIRCUS.” A commercial variety show featuring animal acts for public entertainment.

“COMMERCIAL ANIMAL ESTABLISHMENT.” Any pet shop, auction, riding school or stable, zoological park, circus, or performing animal exhibition.

“DOMESTIC ANIMAL.” Any animal that is a member of one of the following species:

- (1) Dog
- (2) Cat
- (3) Cattle
- (4) Horse
- (5) Donkey
- (6) Pig
- (7) Sheep

- (8) Goat
- (9) Rabbit
- (10) Mouse
- (11) Rat
- (12) Guinea pig
- (13) Chinchilla
- (14) Hamster
- (15) Gerbil
- (16) Ferret

“HARBORING.” The actions of any person that permit any animal habitually to remain, lodge, or to be fed within his home, store, enclosure, yard, or place of business or any premises on which such person resides or controls. An animal shall be presumed harbored if it is fed or sheltered for three consecutive days.

“KENNEL.” An establishment wherein any person engages in boarding, breeding, buying, keeping, letting for hire, training for a fee, or selling dogs or cats. Anyone keeping a total of five or more dogs or cats **FOUR** months of age or older shall be deemed a kennel operator.

“OWNER.” Any person owning, keeping, or harboring one or more animals.

“PERFORMING ANIMAL EXHIBITION.” Any spectacle, display, act, or event other than circuses, in which performing animals are used.

“PERSON.” Any individual, firm, association, joint stock company, syndicate, partnership, or corporation.

“PETS.” Any animal kept for pleasure rather than utility.

“PET SHOP.” Any person, whether separately or in connection with another business enterprise except for a kennel, that buys, sells, or boards any species of animal.

“PUBLIC NUISANCE.” Any animal or animals that:

- (1) Molest passersby or passing vehicles;
- (2) Attack other animals;
- (3) Damage public property or private property; or
- (4) Bark, whine, or howl in an excessive or continuous fashion.
- (5) Defecate on property other than the owner.

“RESEARCH LABORATORY.” Any animal research facility registered with the United States Department of Agriculture under authority of the Federal Laboratory Animal Welfare Act, 71 United States, Code Section 2132 et seq.

“RESTRAINT.” The securing of an animal by a leash or lead or confining it within the real property limits of its owner.

“RIDING SCHOOL” OR “STABLE.” Any place that has available for hire, boarding, or riding instruction, any horse, pony, donkey, mule, or burro.

“STRAY.” Any animal that does not appear upon reasonable inquiry, to have an owner.

“VETERINARY HOSPITAL.” Any establishment maintained and operated by a veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

“VICIOUS ANIMAL.” Any animal that by its behavior constitutes an immediate and serious physical threat to human beings or animals.

“WILD ANIMALS.” Any animal not a domestic animal, with the exception of small, nonpoisonous aquatic or amphibious animals and small cage birds.

“ZOOLOGICAL PARK.” Any facility, other than a pet shop or kennel, displaying, or exhibiting, without the predominant purpose of selling, one or more species of non domesticated animals, operated by a person or government agency.

90.02 RESTRAINT.

All animals shall be kept under restraint.

90.03 CONTROL OVER ANIMALS; NUISANCE.

No owner shall fail to exercise due care and control of his animals to prevent them from becoming a public nuisance.

90.04 SANITARY CONDITIONS; PROPER CARE: **AND CARE** OF DISEASE OR INJURY.

Every owner of an animal within the city shall see that his animal:

(A) 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; and every person maintaining an animal pen or animal run shall keep the run or pen clean and sanitary and free from all refuse. Such pen or run shall be thoroughly swept at least once every 48 hours, and it shall be unlawful to permit any decaying food, any animal waste or any refuse of any kind, to remain in such run or pen. Refuse or waste from such pen or run shall, when swept up or collected, be kept in air tight containers until disposed of in accordance with this chapter and any other applicable sections of this code and it shall be unlawful to permit any such refuse to remain uncovered.

(B) Has food that is appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water, shelter consisting of four sides and a top, shade from the sun 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. Shall not be tethered by use of any collar too small for the size and age of the animal, nor by any rope, chain or cord directly attached to the animals neck, nor by a leash without swivels on both ends or by a chain of such unreasonable weight as to prevent the animal from moving about freely.

(C) Shall provide reasonable 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.

(D) Shall not beat, torment, starve, inflict physical pain, suffering of death or otherwise abuse an animal.

90.05 ABANDONMENT.

No owner of an animal or any other person shall abandon that animal.

(A) An animal shall be considered abandon if it is kept outside or inside an un-occupied property.

90.06 VICIOUS ANIMALS.

Every vicious animal, as determined by the Director of Animal Control, shall be spay or neutered by a veterinarian at the owners expense before being released to the owner. The animal is to be confined by the owner within a building or secure enclosure, which shall include, four sides, a top, no less than four inches of fencing under ground and six feet in height above ground. A sign no less than 3' x 3' shall be displayed on all sides of the enclosure reading (VICIOUS DOG - BEWARE). The enclosure shall be kept padlocked at all times. The enclosure shall be approved by the Director of Animal Control. If the animal is kept inside of a home, the animal must be securely muzzled whenever outside of the home for any reason and on a leash

with the owner present. The animal shall remain on the property at all times unless being transported to or from a veterinarian. The home shall have signs displayed on all entry doors reading (VICIOUS DOG - BEWARE) the signs shall be of reasonable size so as to be seen and read. An owner of an animal deemed to be vicious shall never transfer ownership of such animal.

90.07 KEEPING WILD ANIMALS; EXCEPTIONS.

(A) No person shall keep or permit to be kept on his premises any wild or vicious animal for any purpose, except as provided in division (B) below.

(B) This section shall not be construed to apply to zoological parks, circuses, performing animal exhibitions, or research laboratories.

90.08 ANIMALS IN HEAT.

Every female animal in heat shall be confined in a building or secure enclosure in such a manner that the animal cannot come into contact with a male animal of the same species except for planned breeding.

90.09 SPAYING AND NEUTERING ADOPTED ANIMALS.

Any dog or cat adopted from the New Castle/Henry County Animal Shelter must be spayed or neutered by a veterinarian. Fees collected at the shelter for neutering and spaying shall be determined by the Humane Society. If the dog or cat is an adult, such operation must be performed within 15 days of adoption. If the dog or cat is young, it shall be spayed or neutered by the age of six months. Any dog or cat not so spayed or neutered within those time periods shall be reclaimed by the New Castle/Henry County Animal Shelter, without refund to the adopter, except if a veterinarian should determine that the dog or cat is physically unable to undergo such an operation within the time limitation, in which case the dog or cat is to be neutered or spayed as soon as the veterinarian determines it is able.

90.10 GIVING ANIMALS AS PRIZES.

No person or group of persons shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter any contract, game, or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter into any business agreement in which the offer was for the purpose of attracting trade.

90.11 POISONING ANIMALS.

No person shall expose any known poisonous substance, whether mixed with food or not, so that it shall be liable to be eaten by any animal; provided, that it shall not be unlawful for a person to expose on his own property common rat or mouse poison, unmixed or mixed only with vegetable substances.

90.12 MOTOR VEHICLE ACCIDENTS INVOLVING ANIMALS.

Any person who, as the operator of a motor vehicle, strikes a dog or cat, shall at once report the accident to the appropriate law enforcement agency or the New Castle/Henry County Animal Shelter.

90.13 USE OF DEVICES TO INDUCE PERFORMANCE.

No performing animal exhibition or circus shall be permitted in which animals are induce or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that is likely to cause physical injury or suffering.

90.14 DISPOSITON OF FUNDS.

All fees, fines or monies collected shall be paid to the New Castle/Henry County Animal Shelter. Money so paid shall be used by the New Castle/Henry County Animal Shelter to carrying out the provisions of this chapter.

90.17 POULTRY PROHIBITED WITHIN CITY LIMITS.

(A) Definition. For the purpose of this section, the following definition shall apply unless the context clearly indicates or requires a different meaning.

“POULTRY.” Domesticated birds that serve as a source of eggs or meat, including, but not limited to, chickens, turkeys, ducks, geese, guinea fowl, peafowl, pigeons and pheasants.

(B) Poultry shall be prohibited within the city limits.

90.18 CERTAIN DOMESTIC ANIMALS PROHIBITED WITHIN CITY LIMITS.

(A) Prohibited. It shall be illegal to own, board, keep or maintain one or more of the following animals within the legal boundaries of the city:

- (1) Cattle including cows, bulls, steers, and calves;
- (2) Horses, including mares, stallions, geldings, and ponies;
- (3) Mules;
- (4) Donkeys or burros;
- (5) Sheep or lambs;
- (6) Goats;

- (7) Rabbits for the purpose of commercial sale for their meat or pelts;
- (8) Swine including pigs, hogs, boars, sows, or piglets; or
- (9) Any other animal kept, owned, maintained, or raised for the commercial purpose of selling it for meat, pelts, or other product.

(B) Exemptions. Exemptions to these provisions may be issued by the Board of Public Works and Safety. Persons wishing such exemptions must submit to the Board a written application setting forth the reason such exemption should be issued. Upon receipt of such an application, the Board shall advise the applicant of the date the application will be heard. The applicant must then notify all adjacent owners of the requested exemption and the date of hearing by certified mail, return receipt requested no less than ten days prior to the date of the hearing. Adjacent property owners would include those living across from the applicant's property where there are alleys, streets or public right-of-ways. At said hearing, the applicant must provide the Board with proof of mailing of the notice of hearing and receipt of same by those affected and present evidence to establish that the exemption is mandated for medical, health or religious reasons. The Board of Public Works and Safety is authorized in its issuance of the exemption to stipulate the conditions under which the animals may be kept and the length of time such exemption would be applicable. Factors to be considered by the Board in determining whether or not an exemption should be issued include but are not limited to the following:

- (1) The size of the applicant's lot;
- (2) The nature of the neighborhood and surrounding zoning;
- (3) The physical conditions and standard of care given the animals by the applicant;
- (4) Report from the Henry County/New Castle Humane Society and the city Building Inspector's Office;
- (5) The wishes and concerns of those living in the general vicinity of the applicant;
and
- (6) The boarding of such animals by the applicant on a regular basis prior to the passage of this section.

Persons providing the Board of Public Works with proof by way of affidavit, oral testimony, or other credible evidence that they owned and boarded exempt animals on their real estate prior to the passage of this section shall be granted an exemption for the life of the offending animals. However, the hearing and notification process set forth above must be followed in such situations so that surrounding property owners may have the opportunity to submit opposing positions.

LICENSING

90.25 LICENSE REQUIRED; EXCEPTIONS.

Any person owning, keeping, harboring, or having custody of a dog or cat over FOUR months of age within the city must obtain a license for it under this subchapter unless that person owns the animal under authority of either a kennel or commercial animal establishment permit. No license shall be required for seeing eye dogs or special aid dogs for disabled persons.

90.26 OBTAINING LICENSE.

Application for license shall be made at the animal shelter. The application, one per animal, shall include the name and address of the applicant, a description of the animal, a current rabies certificate issued by a veterinarian, and information whether the applicant or anyone living at the same address has been convicted of cruelty to animals. If the applicant withholds or falsifies any information of the application, the license shall be null and void. No person who has been convicted of cruelty to animals or *found guilty of 90.04 section (D) under this Chapter or* has someone living at same address will be issued a license. *No person will be issued a license with outstanding adjudicated fines in accordance with this chapter.* Application for a license must be made when the animal reaches the age of four months. When a person obtains an animal older than four months, a license must be applied for within 15 days.

90.27 TAGS.

Upon acceptance of the license application and fee, there shall be issued to the applicant a durable tag stamped with an identification number and month of expiration. Animals must wear such tags at all times when off the premises of the owner, or on the real property of the owner but not under restraint. The licensing agent shall maintain a record of the identifying number of all tags issued.

90.28 FEES.

(A) A license shall be issued after payment of the applicable fees and the receipt of all application materials. Per year fees shall be as follows:

(1) For each un neutered male or un spayed female dog or cat, *\$35.00*

(2) For each neutered male or spayed female dog or cat, *\$10.00*

(B) A duplicate license may be obtained for a fee of \$2.00 upon the owner's certifying that the original tag is lost.

90.29 LICENSE PERIOD.

Licenses for dogs and cats shall be for one year from the date of issuance.

90.30 USE OF LICENSE FOR ANOTHER ANIMAL.

No person shall use a license for any other animal than the animal for which it was issued.

COMMERCIAL ANIMAL ESTABLISHMENT PERMITS

90.40 PERMIT REQUIRED.

No person shall operate a commercial animal establishment, kennel, or animal shelter, except for the New Castle/Henry County Animal Shelter under the authority of the Henry County Humane Society or a Licensed Veterinarian Hospital without first obtaining a permit in compliance with this subchapter. Every facility regulated by this subchapter shall be considered a separate enterprise and shall require an individual permit.

90.41 INSPECTION OF ANIMALS AND PREMISES AUTHORIZED.

It shall be a condition of the issuance of any permit required by this subchapter that the Humane Society, its agents or employees, shall be permitted to inspect at any time all animals and the premises where such animals are kept.

90.42 OBTAINING PERMIT.

Applicants must apply for permits required by this chapter with the animal shelter. The application must contain, in addition to information whether the applicant or anyone residing with the applicant has been convicted of cruelty to animals, a statement that the applicant complies and will comply with the regulations promulgated under authority of 90.04 (B), and that he authorizes the Humane Society 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 or to an applicant who has anyone living with him that has been convicted of cruelty to animals.

90.43 STANDARDS FOR COMMERCIAL ANIMAL ESTABLISHMENTS.

In order to be eligible to obtain a permit, a commercial animal establishment must:

- (A) Be operated in such a manner as not to constitute a public nuisance;
- (B) Provide an isolation area for animals which are sick or diseased to sufficiently removed so as not to endanger the health of other animals; and
- (C) Keep all animals caged, within a secure enclosure or under the control of the owner or operator at all times.
- (D) With respect to all animals kept on the premises, comply with all of the provisions

of this chapter providing for the general care of animals; and

- (E) Not sell animals which are un weaned, strays, or obviously diseased.
- (F) Not employ or allow volunteers that have been convicted of cruelty to animals.

90.44 PERMIT PERIOD.

The commercial animal establishment permit period shall begin on January 1st and shall run for one year. Applicants requiring a permit during the year shall pay a prorated fee for the remaining portion of the year. Applications must be made and approved before a commercial animal establishment can be opened.

90.45 FEES.

(A) Fees for permits shall be as follows:

- (1) For each pet shop, \$75
- (2) For each riding stable, \$75
- (3) For each auction, \$25
- (4) For each zoological park, \$100
- (5) For each circus, \$25

(B) No fee shall be required of any veterinary hospital, animal shelter, research laboratory, or government-operated zoological park.

90.46 RECLASSIFICATION.

Any person who has a change in the category under which the commercial animal establishment permit was issued shall report the change to the Humane Society and apply for the new permit required. Appropriate changes, including pro rata credit for the previous permit, shall be made by the Humane Society.

NONCOMMERCIAL ANIMAL PERMITS

90.55 PERMIT REQUIRED.

No person shall be an amateur breeder or operate a kennel without obtaining a permit in compliance with this subchapter. Dogs and cats housed in a kennel need not have licenses issued under 90.25 through 90.30; dogs and cats of an owner holding an amateur breeder permit must be licensed under 90.25 through 90.30.

90.56 OBTAINING AMATEUR BREEDER PERMIT.

Applications for an amateur breeder permit shall be made to the New Castle/Henry County Animal Shelter. The application shall include, at a minimum, the name and address of the applicant, and information whether the applicant or anyone living at same address has been convicted of cruelty to animals. Why the applicant wants to breed, attending veterinarian and vaccination records, health certificate issued by a veterinarian stating that the animal is in proper health, if the animal owner or anyone living at the same address has had an animal deemed to be vicious. If the applicant withholds or falsifies any information, no permit shall be issued, and any permit issued upon false or withheld information shall be null and void. No person who has been convicted of animal cruelty, unable to present proper veterinarian records and health certificate or any person who has ever had an animal deemed to be vicious shall be issued a permit. Any person who has had repeated animal control complaints shall be issued a permit at the discretion of the Animal Shelter Director.

90.57 AMATEUR BREEDER PERMIT PERIOD.

Amateur breeder permits shall last for one breeding only.

90.58 OBTAINING KENNEL PERMIT.

Applicants must apply for kennel permits with the New Castle/Henry County Animal Shelter. The application must contain, in addition to whether the applicant has been convicted of cruelty to animals or has ever had an animal deemed to be vicious, a statement that the applicant complies and will comply with the regulations promulgated under authority of 90.59

(B), the number, breed, color, and sex of each dog or cat held and the location in the city at which the animals will be housed as of the time of application. If the applicant withholds or falsifies any information, no permit shall be issued, and any permit issued upon false or withheld information shall be null and void. No person who has been convicted of cruelty of animals or has ever had an animal deemed vicious shall be issued a permit. If the proposed or existing site of the kennel is not located in an area zoned for kennels, the application will not be accepted. If not accepted because of zoning, the applicant must then, within a period of one month, apply to the Board of Zoning Appeals for a variance, and if such variance is granted, and all other requirements are met, the application shall be accepted.

90.59 STANDARDS FOR KENNELS.

In order to be eligible to obtain a permit, a kennel must:

- (A) Be operated in such a manner as not to constitute a public nuisance:
- (B) Provide an isolation area for animals which are sick or diseased to be sufficiently removed so as not to endanger the health of other animals;
- (C) Keep all animals caged, within a secure enclosure, or under the control of the owner or operator at all times;

(D) With respect to all animals kept on the premises, comply with all of the provisions of this chapter providing for the general care of animals; and

(E) Not sell animals which are unweaned or obviously diseased.

90.60 KENNEL PERMIT PERIOD.

The kennel permit period shall begin on January 1 and shall run for one year. Applicants requiring a permit during the year shall pay a prorated fee for the remaining portion of the year.

90.61 FEES.

Fees for noncommercial animal permits shall be as follows:

(A) For each amateur breeder, \$100

(B) For each kennel authorized to house less than 15 dogs or cats, \$25

(C) For each kennel authorized to house from 15 to 50 dogs or cats \$50

(D) For each kennel authorized to house more than 50 dogs or cats, \$100

90.62 RECLASSIFICATION.

Any person who has a change in the category under which the noncommercial animal permit was issued shall report the change to the Humane Society and apply for the new permit required. Appropriate changes, including pro rata credit for the previous permit, shall be made by the Humane Society.

90.70 RABIES VACCINATION REQUIRED.

It is unlawful to own or harbor a dog or cat without a valid rabies vaccination in accordance with the State of Indiana IC codes. EXCEPTIONS: An animal of age and physical condition unable to withstand a rabies vaccination must have a licensed veterinarian certificate stating such.

90.71 ANIMALS BITING PERSONS.

If an owned animal has bitten a person, the animal shall, at the owners expense, be quarantined at the New Castle/Henry County Animal Shelter or a veterinary hospital located in Henry County for a period of ten days; *provided, however, if the animal has a valid rabies vaccination and the animal did not leave the property of the owner during the bite, the owner may elect to quarantine the animal on owner's property in accordance with the state of Indiana's home quarantine guidelines.* If the animal dies during the period it shall, at the owner's expense, be sent to the proper authorities to determine whether or not it was rabid. The animal must be at a quarantine location within 24 hours of the bite occurrence. Immediately

following a bite during the first 24 hours while the animal is awaiting quarantine, the animal must be contained on the owners property within a secure enclosure consisting of four sides and a top and securely locked so it cannot come into contact with others. If the bite, as determined by the Director of the New Castle/Henry County Animal Shelter is deemed to be vicious, the animal shall be immediately removed from the owner and quarantined at the New Castle/Henry County Animal Shelter. A bite is determined by the opening of skin. If an owned animal has bitten a person and the animal has not been properly vaccinated or licensed under this chapter the fines for such shall double. If the owner of such animal does not reclaim the animal after the quarantine period, the Animal Shelter shall destroy the animal at the owners expense.

90.72 DISPOSITION OF EXPOSED ANIMALS.

Any animal that has been bitten by an animal known to have rabies shall be confined for a period of six months at the owner's expense or be destroyed.

90.73 DUTIES OF OWNER OF SUSPECT ANIMAL.

It is unlawful for any owner knowing an animal to have rabies to allow such an animal to leave his premises, except to be taken to a veterinarian. Every owner, upon ascertaining an animal is rabid, shall immediately notify the appropriate law enforcement agency or the New Castle/Henry County Animal Shelter.

90.74 EUTHANIZATION OF STRAY ANIMALS.

If a stray animal has bitten a person it shall be quarantined in the New Castle/Henry County Animal Shelter for a period of ten days. At the end of the period, if unclaimed, the animal shall be euthanized.

IMPOUNDMENT

90.80 ANIMALS TO BE IMPOUNDED; PERIOD OF IMPOUNDMENT.

(A) At-large animals, nuisance animals, *animals suffering a serious health situation, or are in danger of immanent death as determined by the Director of Animal Control or his/her designee,* and animals which have bitten persons may be taken by law enforcement or animal control officers and impounded in the New Castle/Henry County Animal Shelter.

(B) In lieu of impounding an animal which is at large, unlicensed, or a public nuisance according to this chapter, the law enforcement officer or animal control officer may issue to the known owner of such animal a notice of ordinance violation.

90.81 JURISDICTION OF HUMANE SOCIETY FOR IMPOUNDMENT.

The jurisdiction of the Humane Society for purposes of enforcing this subchapter shall include, in addition to the city itself, all adjacent residential areas.

90.82 NOTICE OF IMPOUNDMENT.

If by a license tag or other means the owner of an impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the owner by telephone or registered mail. Animals whose owners are not identifiable or cannot be notified after reasonable effort shall be held for five nights from impoundment before becoming the property of the Humane Society. Animals that are the property of the Humane Society may be placed for adoption or humanely euthinized.

90.83 RECLAIMATIN OF IMPOUNDED ANIMALS.

(A) An owner reclaiming an impounded dog or cat shall pay a board fee as determined by the Humane Society for each day the dog or cat was impounded, in addition to any fines due for any violations of this chapter. An owner reclaiming an impounded animal other than a dog or cat shall pay a board fee in keeping with the size and needed care of the animal in addition to any fines due for any violation of this chapter.

(B) An owner reclaiming an impounded animal that is not under the jurisdiction of the city shall pay, in addition to the board as determined by the Humane Society for each day the animal was impounded, a fee of \$25 the first time the animal is reclaimed, with the fee increasing by an increment of \$25 each subsequent time the animal is reclaimed, not to exceed \$100, In the event the animal is not impounded for a period of 12 consecutive months, the fee for reclamation after that period shall be \$25, with the fee increasing by an increment of \$25 each subsequent time the animal is impounded, not to exceed \$100.

(C) All dogs and cats shall be micro-chipped by the New Castle-Henry County Animal Shelter at the owners expense upon reclamation.

90.95 DUTIES, JURISDICTION, AND POWERS OF HUMANE SOCIETY.

The Humane Society, its agents and employees, shall carry out and supervise the enforcement of this chapter within the city as set forth in the service contract. All those powers ordinary and necessary to carry out their duties shall be vested in them. These powers shall specifically include, but not be limited to the power to issue a notice of ordinance violation for certain violations of this chapter, and the power to enter private real property in fresh pursuit of an animal to enforce this chapter.

90.96 INTERFERENCE WITH HUMANE SOCIETY ANIMAL CONTROL OFFICER.

No person shall forcibly assault, resist, oppose, obstruct, prevent, impede, or interfere with any Humane Society animal control officer while that officer is engaged in the execution of any duties required of animal control officers under this chapter.

90.998 VIOLATION PROCEDURE.

Any animal control officer may issue to any person in violation of this chapter a notice of

ordinance violation. The penalty established in 90.999 may, at the discretion of the animal owner, be paid at the animal shelter within 72 hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings shall be filed in the City Court.

90.999 PENALTY.

(A) Persons who violate any provision of this chapter for which another penalty has not been provided shall be subject to a minimum fine of \$20 for the first offense, with the fine for each subsequent offense of this chapter increasing by an increment of a minimum \$20, not to exceed \$200. In the event the person has no additional violations of this chapter for a period of 12 consecutive months, the fine for any violation of this chapter after that period shall be a minimum \$20 for the first offense, with the fine for each subsequent offense increasing by an increment of a minimum \$20, not to exceed \$200.

(B) Persons who violate any provision of 90.06 shall be subject to a minimum fine of \$500 and have such animal removed from them and humanely euthinized.

(C) Persons who violate any provision of 90.04 section A, B, C, 90.05, 90.11, and 90.13 shall be subject to a minimum fine \$100 for each offense

(D) Persons who violate any provision of 90.12 shall be subject to a minimum fine of \$25 for each offense.

(E) Unless otherwise provided for by state statute, persons who violate any provision of 90.70 and 90.73 shall be subject to a minimum fine of \$25 up to \$100 for each offense.

(F) Persons who violate any provision of 90.96 shall be fined not more than \$1,000

(G) Persons who violate any provision of 90.17 or 90.18 shall be subject to a minimum fine of \$25 up to \$100 for each offense. Failure to comply with the terms of 90.17 or 90.18 shall constitute a separate offense for each 24 hour period that the person is in noncompliance.

(F) Persons who violate any provision of 90.40 or 90.55 shall be subject to a minimum fine of \$250. EXCEPTIONS; Persons who release the entire litter of pups or kittens to the New Castle/Henry County Animal Shelter and provides proof of Mother animal being spay by a veterinarian within 30 days of the litter being weaned shall have the entire fine waived.

(H) Persons who violate any provision of 90.71 shall be subject to a minimum fine of \$250.00 and have such animal immediately removed from them and quarantined at the New Castle/Henry County Animal Shelter.

(I) Persons who violate any provision of 90.04 section (D) shall be subject to a minimum fine of \$250 and have such animal immediately removed by the New Castle-Henry

County Animal Shelter.