

### ARTICLE 3 - SPECIFIC REQUIREMENTS GOVERNING DOGS, CATS AND FERRETS

#### **Sec. 5-21. Permanent identification of dogs and cats required.**

- (a) A person who owns a dog or cat shall ensure that each dog or cat owned by that person always bears a permanent means of identification, such that the animal's owner/guardian can be ascertained accurately, 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 the South Bend Municipal Code, and shall be by means of a microchip implanted in the dog or cat or animal that bears a registered identification number, and that can be read by a standard microchip scanner.
- (c) It shall be unlawful for a person to own a dog or cat three (3) months of age or older that is kept in the City, and that does not bear a permanent means of identification as provided in this section.
- (d) **Unless a veterinarian provides documentation that it could adversely affect the animal or has an alternate plan to implant the microchip.**

#### **Sec. 5-22. Dog and cat curbing requirements.**

- (a) All animal owners/guardians or harborers are required to immediately and properly dispose of their animal's waste deposited on any property, public or private, not owned or possessed by the person. On any property owned or possessed by that person, all animal owners/guardians or harborers are required to dispose of their animal's waste at a frequency of at least weekly or more frequently if necessary, to prevent a public health nuisance.
- (b) Notwithstanding the provisions of subsection (a) of this section, the owner/guardian **of a dog belonging to a person with a physical impairment may permit the 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 shall knowingly disperse waste material upon any public street, or byway or right-of-way, or any municipally owned or public land or building, or upon private property without the prior permission of the owner/guardian of such property.

#### **Sec. 5-23. Rabies vaccinations required for certain animals.**

- (a) It shall be unlawful to keep a dog, cat, or ferret or to provide food, water or shelter to a cat over the age of three (3) months in the City unless each dog, cat, or ferret is immunized against rabies by a vaccination performed by a veterinarian in accordance with 345 IAC 1-5-2.
- (b) Community cat caretakers are not required to renew the immunization of community cats.
- (c) One-year and three-year rabies vaccine may be used as per Indiana Administrative Code.
- (d) Any owner/guardian or harborer of any animal(s) is required to submit proof of rabies vaccinations to the South Bend Animal Resource Center.

#### **Sec. 5-24. Record of rabies vaccinations.**

- (a) A veterinarian who administers a rabies vaccination in the City shall, at the time a dog, cat **(including free roaming)**, or ferret is vaccinated, issue to the animal's owner/guardian or

harborer a rabies vaccination certificate upon which includes the name, address and telephone number of the veterinarian's facility, the date in which the vaccination was administered and its expiration date and the unique identification number of the vaccination.

~~(b) A veterinarian who administers a rabies vaccination in the City to a free-roaming cat shall provide to the community cat caretaker written documentation of the administration of the vaccine, which shall include the name, address and telephone number of the veterinarian's facility, the date in which the vaccination was administered and its expiration date and the unique identification number of the vaccination.~~

#### **Sec. 5-25. Sale of puppies and kittens.**

A puppy or kitten must be at least eight (8) weeks old and weaned before it may be purchased or offered for sale, traded, or given away for other compensation or for a giveaway (except a puppy or kitten or litter or litters may be surrendered to South Bend Animal Resource Center).

#### **Sec. 5-26. Confinement of female dogs or cats in heat.**

The owner/guardian or harborer of any female animal in heat kept in the City shall confine the animal within a secure enclosure or building and in such a manner as to prevent conception except during instances of planned breeding.

#### **Sec. 5-27. Free roaming cat trap-neuter return regulations.**

(a) It shall be unlawful for a person to fail to inspect and provide care for the **trapped** free-roaming cat a minimum of every two (2) hours to ensure the safety of the cat(s), having placed a lawful humane live release trap of an appropriate size, ~~delete snare (or similar device)~~, to capture free-roaming cats for the purpose of Trap, Neuter, Return or other medical care. Humane traps shall be removed to an area where the cat is provided with shelter from the elements once trapped **(in accordance with minimum standard care requirements as laid out in this ordinance)**. No cat shall remain in a live release trap without food or water, except for veterinary requirements for pre-surgical fasting periods. All captured animals must receive appropriate care.

(1) No cat will remain in a live release trap for longer than 24 hours prior to surgical sterilization, or longer than 48 hours after surgical sterilization.

(b) It shall be unlawful for a person to remove an animal from any trap not on the person's property, unless such person has the express permission of the property's owner/guardian to do so, or unless there is imminent danger to the animal's health, or the trap appears to be abandoned.

(c) The Division of Animal Welfare Enforcement, or a community cat caretaker or a trap/neuter return organization, in order to encourage the stabilization of the free-roaming cat population may:

(1) Trap any free-roaming cat in a humane manner following guidelines established by regional or national community cat/TNR organizations for nonlethal trapping, to minimize the stress and danger to the animal; and

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

- (3) Release the cat to the South Bend Animal Resource Center 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 community cats. Cat must be returned as close as possible to its location of capture unless illness or injury presents imminent danger to the animal.
- (d) Traps discovered by the Division of Animal Welfare to have been unlawfully set may be seized.

**Sec. 5-28. Community cat program.**

- (a) A community cat program is established in order to encourage the stabilization of the free-roaming cat population in the City by utilizing a trap, neuter, and return methodology.
- (b) Trapping of free roaming or community cats is permitted only for the purpose of trap neuter return unless the community cat is injured and **veterinary** care is required. A person may trap any free-roaming cat in a humane manner, utilizing a humane live release trap of an appropriate size that does not injure the animal, and in accordance with the requirements of Sec. 5-27 in order to have the free-roaming cat evaluated, surgically sterilized, ear-tipped (as defined in Sec. 5-2), and vaccinated against rabies by a licensed veterinarian and released to the location from where it was trapped or released to a community cat caretaker.
- (c) A community cat, impounded by the Division of Animal Welfare, shall be returned to the location from where it was trapped unless the circumstances present a detriment to the cat or to the public health or welfare in which case other live placement outcomes will be sought. **An** ear tipped cat received by the Division of Animal Welfare, shall be returned to the location where trapped with no hold period, unless veterinary care is required.

**Sec. 5-29. Community cat caretaker responsibilities.**

- (a) A community cat caretaker or any person providing care for a community cat shall abide by standard guidelines devised by the South Bend Animal Resource Center regarding the provision of food, water, shelter and veterinary care for a community cat as well as comply with the meaning of caretaker as defined in Sec. 5-2.
- (b) Community cat caretakers shall take a seriously ill or injured community cat to the South Bend Animal Resource Center or seek licensed veterinarian care for the community cat.

**Sec. 5-30. Dog park regulations.**

- (a) Owners/guardians and handlers shall comply with all rules and regulations of this chapter when patronizing any off-leash dog park within the City.
- (b) Each owner/guardian or handler is allowed to bring up to three (3) dogs into the dog park. The dog(s) must remain in same run area with the owner/guardian or handler. Owners/guardians cannot leave dogs in run areas without owner/guardian or handler supervision.
- (c) Dogs must be leashed until inside run area. No choker, prong or pinch collars shall be allowed. Only buckle or stretch collars are permitted within the dog park.

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- (d) Children under the age of 10 shall not be permitted in dog parks. All children between the ages of 10 and 16 must be accompanied by a competent adult and are not to be left unattended in run areas.
- (e) Dogs shall display current rabies tags.
- (f) Sick, injured or unhealthy dogs or female dogs in heat are not allowed in the dog park.
- (g) Dogs under four (4) months of age are not permitted in the park.
- (h) Perpetual barking is not permitted.
- (i) Dogs that exhibit aggressive behavior must be removed from the dog park immediately. Owners/guardians or handlers shall lose their dog park privileges if found in violation of this section.
- (j) Dogs with the potentially dangerous status or dangerous status or determined as such, as defined in Sec. 5-2 and pursuant to Article 10 of this Chapter, are not permitted inside any dog park.
- (k) Dog curbing requirements shall apply as cited in Sec. 5-22.

**Secs. 5-31 – 5-35. Reserved.**