

ARTICLE 9. – CONDUCT PROHIBITED

Sec. 5-90. - Public nuisance animal prohibited.

- (a) No person shall own or harbor a public nuisance animal.
- (b) A public nuisance animal is one that
 - (1) Interferes with a pedestrian(s) or a passing vehicle(s), or
 - (2) Attacks another animal or a person(s), or
 - (3) Is at large, or
 - (4) Damages private or public property, or
 - (5) Barks, whines, howls or makes other sounds common to its species in excess, continuously for fifteen (15) minutes or for an aggregate twenty (20) minutes in a one-hour period, or
 - (6) Is a wild or exotic animal.
- (c) An ear-tipped altered free roaming community cat may not be considered a public nuisance solely by virtue of its status as a community cat.

Sec. 5-91. - Abandonment of animal(s) prohibited.

Abandonment of animals is prohibited under applicable state law, such as those under IC 35-46-3 Offenses Relating to Animals and may be referred to the appropriate law enforcement agency or county prosecutor.

Sec. 5-92. - Offensive use of animal prohibited.

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

Sec. 5-93. - Improper disposal of dead animals prohibited.

- (a) The owner/guardian or harbinger of an animal shall be responsible for the disposal of such animal's remains upon its death, from whatever cause, and regardless of the location of the remains of such animal.
- (b) The owner/guardian or harbinger of an animal shall be responsible for the disposal of such animal's remains upon its death in compliance with Indiana law, currently IC 15-17-11-20.

Sec. 5-94. – Antagonization of any animal prohibited.

It shall be unlawful for a person to tease, molest, or provoke any animal in the city.

Sec. 5-95. - Animals as prizes or inducements prohibited.

- (a) No person shall sell, offer for sale, trade, barter, or give away any live animal as a prize.
- (b) No animal shall be used as an inducement to enter a place of amusement or any business establishment other than establishments whose primary business is selling animals.
- (c) Governmental agencies, or registered rescue groups maintaining a IRC 501(c)(3) status providing health, safety, or adoption promotions will be exempt from the provisions of

subsection (a) as described above. Any events as listed in (a) will require necessary permits and inspection.

(d) Patron contact with exotic and/or potentially dangerous animals prohibited.

Sec. 5-96. - Poisonous bait prohibited.

It shall be unlawful for any person to throw or deposit any known poisonous substance, whether mixed with food or not, in any of the streets, alleys, parks, commons, yards, or other places, whether public or private, so that it shall be likely 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, or substances for the eradication of termites or similar insects.

Sec. 5-97. - Dyeing, staining or tattooing animals prohibited and selling animals as novelties prohibited.

(a) It shall be unlawful for a person to artificially or chemically color, spray, paint or tattoo any animal.

(b) No person or establishment shall sell, offer for sale, barter, or give away animals as novelties.

Sec. 5-98. - Prohibited animal events.

No person or group of persons or any organization, whether for pay or other compensation or for free promotional purpose, shall conduct or allow any event involving contests between animals or persons using animals in any form or manner that threatens public safety or the safety, well-being, and comfort of the animals involved.

Sec. 5-99. - Animal fights and fighting contests prohibited.

Animal fights and fighting contests are prohibited under applicable state law, as in IC 35-46-3 (“Offenses Relating to Animals”) and may be referred to the appropriate law enforcement agency or county prosecutor.

Sec. 5-100. - Animal hoarding prohibited.

(a) It shall be unlawful for any person to collect animals and fail to provide them with minimum care as defined in Sec. 5-2, collect dead animals that are not properly disposed of as required by this Chapter, or collect, house, or harbor animals in filthy, unsanitary conditions that constitute a health hazard to the animals being kept, and/or to the animals or residents of adjacent property.

(b) It shall be a violation of this section to be an animal hoarder as defined in Sec. 5-2 of this Chapter.

Sec. 5-101. - Enticement of another person's animal prohibited.

(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, lure, entice, or take any animal out of the enclosure or premises of the owner/guardian, harbinger, or community cat caretaker.

(b) 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.

Sec. 5-102. - Animal neglect, cruelty to animals prohibited.

- (a) Neglect or cruelty to animals is prohibited under applicable state law, as in IC 35-46-3 (“Offenses Relating to Animals”) and may be referred to the appropriate law enforcement agency or county prosecutor.
- (b) Devocalization of any animal is strictly prohibited.

Sec. 5-103. - Running at large prohibited; duty of owner/guardian to keep dog under control.

- (a) It shall always be the duty of the owner/guardian of any animal(s) or anyone having an animal in his possession to keep the animal under control while the animal is off the real property limits of the owner/guardian, possessor or custodian. For the purposes of this section, an animal is deemed under control when it is confined within a vehicle; is secured by a leash or other device held by a competent person; is under voice control or is properly confined within an enclosure with permission of the owner/guardian of the property where the enclosure is located.
- (b) It shall be unlawful for the owner/guardian of any animal or anyone having an animal in their possession and control to permit the animal to be out of control and unattended off the premises of the owner/guardian, or upon the property of another person without permission of the owner/guardian or person in possession thereof.
- (c) An animal within the property limits of its owner/guardian or custodian shall be under the immediate supervision of a responsible party when invitees are allowed on the property by owner/guardian.
- (d) Every animal shall be restrained or controlled so as to prevent it from chasing vehicles or attacking persons or other domestic animals.
- (e) The owner/guardian or custodian of any animal that is proven to be at large shall be in violation of this section, regardless of the precautions taken to prevent the escape of the animal and regardless of lack of knowledge of the offense at the time it occurs.

Sec. 5-104. - Confinement in a motor vehicle prohibited.

- (a) Confinement of any animal in any unattended motor vehicle is prohibited under conditions that endanger the health or well-being of an animal due to outside temperatures seventy (70) degrees or above and twenty (20) degrees or below, lack of adequate ventilation, or lack of food or water, or other circumstances that could reasonably be expected to cause suffering, disability, or death to the animal.
- (b) It shall be unlawful for any animal 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.

Sec. 5-105. - Exotic animals and native wildlife prohibitions.

- (a) No wild or exotic animal shall be kept within the city without the necessary state and/or federal permits.
- (b) No person shall keep, shelter, harbor, buy, sell, or trade within the city a dangerous wild animal or a dangerous exotic animal as defined in this Chapter except as provided in paragraph (c) below.

- (c) This section shall not apply to zoological parks or zoos with permits, educational, or medical institutions.

Sec. 5-106. - Trapping and wildlife 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.
- (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.
- (c) It shall be unlawful for a person, having placed a lawful trap, snare or similar device, to capture wildlife, to fail to inspect and empty it at least once during every twenty-four-hour period.

Sec. 5-107. - Unlawful care of a free-roaming cat.

It shall be unlawful for a person to provide food, water or shelter to a free-roaming cat for a period of more than three (3) days unless in compliance with Secs. 5-27, 5-28 and 5-29 of this Chapter. The Division of Animal Welfare may impound community cats in violation of this Chapter and dispose of the cats in accordance with the criteria set forth in this Chapter.

Sec. 5-108. – Reckless animal owner prohibited.

It shall be unlawful for a person to be a reckless animal owner as defined in Sec. 5-2.

Sec. 5-109. - Potentially dangerous animal and dangerous animal prohibited.

It shall be unlawful for a person to own or harbor a potentially dangerous animal or a dangerous animal as defined in Sec. 5-2 unless in compliance with this Chapter and other applicable law.

Sec. 5-110. - Vicious animal prohibited.

It shall be unlawful for a person to own or harbor a vicious animal as defined in Sec. 5-2.

Secs. 5-111 – 5-115. - Reserved.