

Amended

FILED

APR 17 2017

Melissa Peckinpaugh
MUNCIE CITY CLERK

ORDINANCE 23 -17

**AN ORDINANCE TO ESTABLISH STANDARDS OF CARE AND GUIDELINES
FOR THE CARE OF ANIMALS AT THE MUNCIE ANIMAL CARE AND SERVICES
DEPARTMENT SHELTER**

WHEREAS, the Muncie Animal Care and Services Department shelter provides care and services for stray, abandoned, abused, and owner surrendered animals in the City of Muncie and surrounding area, and,

WHEREAS, it has been determined that there is a need to establish standards and guidelines for the care of such animals at the Animal Care and Services Department shelter,

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Muncie, Indiana, as follows:

Sec. 1. Definitions.

(a) Animal Shelter. The term “animal shelter” means Muncie Animal Care & Services as well as a public or private facility that:

- (1) Has a physical structure, other than a private home, that provides temporary or permanent shelter to stray, abandoned, abused, or owner-surrendered animals; and,
- (2) Is operated, owned, or maintained by a society for the prevention of cruelty to animals, humane society, other non-profit organization, pound, dog control officer, government entity, or contractor for a government entity, that receives governmental funding.

(b) Veterinarian. The term “veterinarian” means a veterinarian licensed to practice veterinary medicine in this State.

(c) Rescue Organization. The term ‘rescue organization’ means an animal rescue organization, animal adoption organization, or organization formed for the prevention of cruelty to animals:

- (1) Described in section 501(c)(3) of the Internal Revenue Code and exempt from taxation under 501(a) of that Code.

(d) Irremediable Suffering. The term “irremediable suffering” means an animal who has a poor or grave prognosis for being able to live without severe, unrelenting physical pain even with

prompt, necessary, and comprehensive veterinary care, as certified in writing by a licensed veterinarian.

Sec. 2. Animal Shelter Holding Periods.

(a) No animal shall be euthanized at an animal shelter prior to the expiration of seven full business days from impoundment of the animal, not including the date of impoundment, except as follows:

(1) Subsection (a) does not apply to an animal who is irremediably suffering.

(b) An animal impounded as a stray with identification or whose owner has been identified shall be made available for owner reclamation for a period of four business days, not including the date of impoundment.

(c) An animal impounded as a stray without identification and whose owner has not been identified shall be made available for owner reclamation for a period of three business days, not including the date of impoundment.

(d) At any time, an animal impounded as a stray may be placed in foster care or transferred to an animal rescue organization or other shelter, subject to the following:

(1) An animal transferred under this subsection remains subject to reclamation by its owner pursuant to Subsection (b) and (c).

(2) Documentation of an animal transferred under this subsection, including a photograph of the animal and relevant information pertaining to the animal's impoundment and transfer, shall be maintained in physical form at Muncie Animal Care & Services and in electronic form on a website so that it is reviewable by the public during the time period relevant under Subsection (b) and (c).

(3) An owner that satisfies an animal shelters reclaim requirements during the time period relevant under Subsection (b) and (c) is entitled to reclaim the animal even if the animal has been transferred pursuant to Subsection (d) and is no longer physically in the animal shelter's custody. At the owner's discretion, the owner has the right to physically redeem the animal at Muncie Animal Care & Services.

(e) The holding periods mandated by this Section do not apply to an animal that is impounded solely for the purpose of sterilization.

(f) Not less than two business days before the euthanasia of any animal, the animal shelter shall:

(1) Notify or make a reasonable attempt to notify by verifiable written or electronic communication any rescue organization that has previously requested to be notified before animals are euthanized;

(2) Unless there is evidence of neglect or animal cruelty as certified in writing by a veterinarian or make a reasonable attempt to notify by telephone or verifiable written or electronic communication the owner who surrendered the animal and inform that person that the animal is scheduled to be killed;

(3) Notify or make a reasonable attempt to notify by telephone or verifiable written or electronic communication the finder who surrendered the stray animal and inform that person that the animal is scheduled to be killed;

(4) Give those notified under Subsections (g)(1), (2), and (3) possession of the animal to avoid the animal's death if they request it.

(g) No animal shelter may euthanize any animal without making the notification required by Subsections (g)(1), (2), and (3).

Sec. 3. Animal Care.

(a) An animal shelter shall provide all animals during the entirety of their shelter stay with fresh, nutritious, species and age appropriate food, access to fresh, clean water at all times, and environmental enrichment to promote their psychological well-being such as socialization, toys and treats, and exercise as needed, but not less than twice daily; except as follows:

(1) Dogs exhibiting vicious behavior towards people or adjudged to be dangerous by a court of competent jurisdiction may but are not required to be exercised during the holding period.

(b) Notwithstanding Subsection (a), an animal shelter shall work with a licensed veterinarian to develop and follow a care protocol for animals with special needs such as, but not limited to, nursing mothers, unweaned animals, sick or injured animals, extremely frightened animals, geriatric animals, or animals needing therapeutic exercise.

(c) During the entirety of their shelter stay, animals shall be provided prompt and necessary cleaning of their litter boxes, cages, kennels, and other living environments no less than two times per day, to ensure environments that are welcoming to the public, hygienic for both the public and animals, and to prevent disease. This cleaning shall be conducted in accordance with a protocol developed in coordination with a licensed veterinarian, and shall require that animals not be exposed to water from hoses or sprays, cleaning solutions, detergents, solvents, and/or chemicals.

(d) During the entirety of their shelter stay, all animals shall be provided with prompt and necessary veterinary care, sufficient to alleviate any pain caused by disease or injury, to prevent a condition from worsening, and to allow them to leave the shelter in reasonable condition including but not limited to preventative vaccinations, cage rest, fluid therapy, pain management, and/or antibiotics.

Sec. 4. General Provisions.

(a) Every animal shelter shall take appropriate action to ensure that all animals are checked as soon as possible, but no more than 24 hours, after impoundment for all currently available methods of identification, including microchips, identification tags, and licenses.

(b) Every animal shelter shall maintain continuously updated lists of animals reported lost and found, and shall regularly, but no less than once daily, check these lists and animals in the shelter for matches, and shall also post a photograph of and information on each stray animal impounded by the shelter on the internet with sufficient detail to allow the animal to be recognized and claimed by its owner.

(c) If a possible owner is identified, the animal shelter shall undertake due diligence to notify the owner or caretaker of the whereabouts of the animal and any procedures available for the lawful recovery of the animal. These efforts shall include, but are not limited to, notifying the possible owner by telephone, mail, and personal service to the last known address.

(d) No animal shelter shall ban, bar, limit or otherwise obstruct the adoption or transfer of any animal based on the animal's breed, breed mix, species, age, color, appearance, or size.

(e) The "live release rate" at Muncie Animal Shelter shall not fall below 90% in any 12 month period calculated as follows: $B/A = \text{Live Release Rate}$ where: A = The sum of domesticated animals adopted, animals reclaimed, animals transferred to a rescue organization or other shelter, and unowned animals sterilized and released; and B = All live impounds with the exception of owned animals being brought to the animal shelter's clinic solely for the purpose of vaccination, sterilization or other medical procedure.

(f) Every animal shelter shall report to the City Council and make available for free public inspection on request an annual summary which includes the following information separated by species-type:

- (1) The number of animals impounded during the previous calendar year;
- (2) The number of animals who were killed by the animal shelter, at the animal shelter's direction, with the animal shelter's permission, and/or by a representative of the animal shelter during the previous calendar year;
- (3) The number of animals who died, were lost, or were stolen while in the direct or constructive care during the previous calendar year;
- (4) The number of animals who were returned to their owners during the previous calendar year;
- (5) The number of animals who were adopted during the previous calendar year;

- (6) The number of animals who were transferred to other organizations during the previous calendar year;
- (7) The number of animals who were sterilized and then released during the previous calendar year;
- (8) The number of animals who were on hand at the start of the year;
- (9) The number of animals who were on hand at the end of the year.

(g) The annual summary required by Subsection (e) shall be completed and reported by February 1 of the current calendar year.

(h) Every animal shelter shall report to the City Council and make available for free public inspection on request a monthly summary which includes the following information by species-type:

- (1) The number of animals impounded during the previous calendar month;
- (2) The number of animals who were killed by the animal shelter, at the animal shelter's direction, with the animal shelter's permission, and/or by a representative of the animal shelter during the previous calendar month;
- (3) The number of animals who died, were lost, and/or were stolen while in the direct or constructive care during the previous calendar month;
- (4) The number of animals who were returned to their owners during the previous calendar month;
- (5) The number of animals who were adopted during the previous calendar month;
- (6) The number of animals who were transferred to other organizations during the previous calendar month;
- (7) The number of animals who were sterilized and then released during the previous calendar month;
- (8) The number of animals who were on hand at the start of the month;
- (9) The number of animals who were on hand at the end of the month.

(i) The annual summary required by Subsection (e) shall be completed and reported by the 5th day of the current month.

(j) An animal shall not be sold or transferred, with or without consideration, to any person, hospital, educational, private, or commercial institution, laboratory, or animal dealer, whether or not such dealer is licensed by the United States Department of Agriculture, for purposes of medical or biological teaching, research, study, or experimentation of any kind.

Sec. 5. Euthanasia.

(a) No animal shelter shall euthanize any animal simply because the holding periods required by Section 2 have expired. Before an animal is euthanized, all of the following conditions must be met:

- (1) There are no empty cages, kennels, or other living environments in the shelter;
- (2) The animal cannot share a cage or kennel with another animal;
- (3) The shelter has made a plea to foster homes and a foster home is not available;
- (4) The notifications required in Section 2 have been made and neither a rescue group, the former owner, or the finder is willing to accept the animal;
- (5) The animal cannot be transferred to another shelter with room to house the animal;
- (6) The animal is not a healthy community cat (healthy community cats shall be sterilized and returned to their habitats in lieu of killing);
- (7) The animal has been determined to be medically untreatable, or in the best interest of the animal due to medical prognosis, by a veterinarian or a dog is determined to be vicious to people and the prognosis for rehabilitation is determined to be poor to grave by a behaviorist;
- (8) All mandates, programs and services of this Act have been met; and,
- (9) The director of the animal shelter certifies that he or she has no other alternative and the reasons no alternatives exist.

(b) The determination that all conditions of subsection (a) have been met shall be made in writing, signed by the director of the animal shelter, and be made available for free public inspection for no less than three years.

PASSED AND ADOPTED BY THE COMMON COUNCIL OF THE CITY OF MUNCIE,
INDIANA, THIS THE 5th DAY OF June, 2017.

	Yeas	Nays	Abstained	Absent
Doug Marshall	<u>✓</u>	_____	_____	_____
Dan Ridenour	<u>✓</u>	_____	_____	_____
Lynn Peters	<u>✓</u>	_____	_____	_____
Brad Polk	<u>✓</u>	_____	_____	_____

Jerry Dishman

✓

Julius Anderson

✓

Linda Gregory

✓

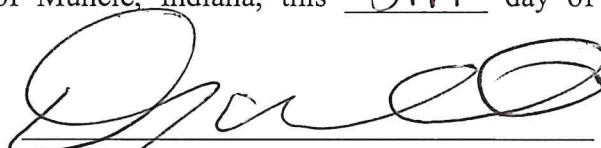
Nora Powell

✓

Alison Quirk

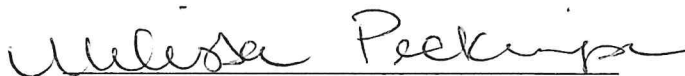
✓

Passed by the Common Council of the City of Muncie, Indiana, this 5th day of June, 2017



Doug Marshall, President
City Council, City of Muncie

Presented by me to the Mayor for his approval, this 6th day of June, 2017.



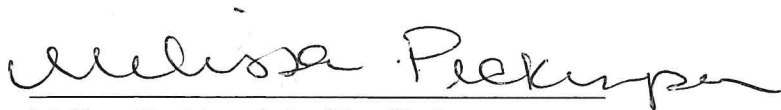
Melissa Peckinpaugh
City Clerk, City of Muncie

The above ORDINANCE is approved (vetoed) by me this 6th day of June, 2017.



Dennis Tyler
Mayor, City of Muncie

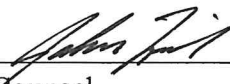
ATTEST:



Melissa Peckinpaugh, City Clerk

This Resolution/Ordinance is proposed by:


Council Member

This Resolution/Ordinance is approved in form by 
Legal Counsel