

I emailed Fred Fentz about banning the retail sale of dogs, cats, and rabbits as well as possibly setting some ordinances directed at hindering puppy mills. He emailed me back with interest and asked me to contact you to have this added to the agenda. I have copied the email I sent him for your reference.

Thank you!

Stop retail sale of dogs, cats, and rabbits in Fortville. Carmel and Bloomington have recently acted to ban the sale of animals in retail stores and I'm asking for next steps to follow through for Fortville to do the same. Currently there are no small businesses to my knowledge selling these animals in Fortville so no current business would be impacted by a city ordinance banning sales of dogs, cats, and rabbits. It would simply prevent one from opening. Pet stores are documented to frequently source animals from puppy mills. The nonprofit organization Bailing Out Benji currently has the largest puppy mill database for substantiation of this claim if you would like to find supporting documentation. Please consider being a part of actions taken to cripple the puppy mill industry and ban the retail sale of dogs, cats, and rabbits in Fortville.

Additional action could be a city ordinance directed at puppy mills to

-ban the sale of dogs and cats at auction houses or flea markets

-limit the number of unaltered dogs and cats on a property

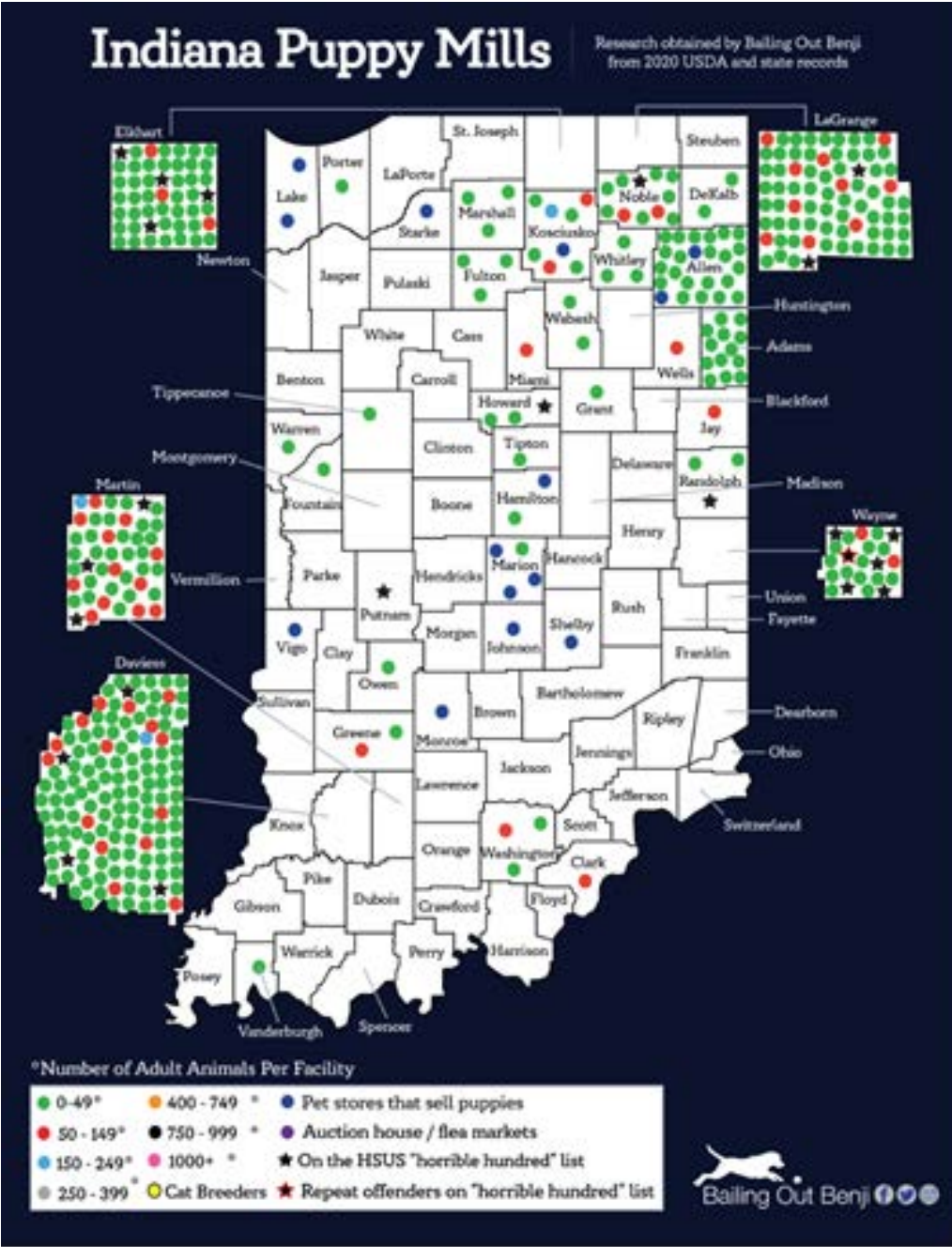
-consider enacting a "lemon law" to protect all buyers who purchase a dog or cat from any breeder in the event that their animal becomes sick or dies shortly after purchase.

Another resource for support is [bestfriends.org](http://bestfriends.org)

Thank you for your care and consideration.

Jessica Naab

# Puppy Mill Map - Indiana



# Puppy Pipeline: Part Two

Author: wthr.com

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**Bob Segall/13 Investigates**

On a damp March morning, 13 Investigates got its first glimpse into the world of dog auctions.

Inside a large auction barn, we discovered stacks and rows of wire cages and inside each one, a dog (or several dogs) about to be sold to the highest bidder.

We counted more than three dozen of breeds and hundreds of dogs. Many of them were placed in cages that seemed too small for them to stand upright.

But then again, the people were packed in tightly, too. Every folding seat in the barn was filled. It was standing room only as the auction began.

"Number 43 is in heat," the auctioneer announced as a 3-year-old Chihuahua was placed on a table in front of eager bidders.

Then, with the steady, monotone chant of the auctioneer, bidding was underway.

About 400 dogs were sold that day in Holmes County, Ohio. Industry insiders say many were purchased by commercial breeders for one purpose only: to breed puppies that will eventually end up in pet stores.

Which pet stores? It's hard to say. But events like the Buckeye Dog Auction have been taking place for years, and they are happening across the Midwest to feed the growing demand of commercial dog breeders.

13 Investigates also attended dog auctions in Missouri. In fact, we found three of them in a single weekend. Some of the dogs at those auctions sold for as little as \$5. Their puppies can fetch thousands at a pet store.

"When breeders get into the business, they want a dog ready to breed," said industry researcher Kim Townsend. "They can take home dogs and breed that day, and that's what dog auctions are all about."

Townsend researchers dog breeders through her website No Puppy Mills and Pet Shop Puppies She is very familiar with Missouri dog auctions. In fact, that's how she got her own dog -- a dog which was sold at auction even though it is deaf and blind.

"They don't care if they are deaf or blind because they are still going to produce (puppies)," Townsend said. "I've bought dogs at auctions that had their entire leg missing."

13 Investigates didn't see any dogs like that at the auctions we visited. Some dogs were lethargic. Others had matted fur. A few had open sores. But overall, the dogs we observed appeared to be in good health. Townsend said looks can be deceiving because some auction dogs have hereditary problems that are hidden from the naked eye. And when those dogs are bred, they pass their genetic defects to their puppies.

Lynn Placher wishes she had known that sooner. She bought a dog at an Indiana pet store and just two days later, it died from an untreatable liver condition.

"I was heartbroken," Placher recalls. "I'm a grown woman but I sat and cried."

The pet store gave Placher a new puppy, but she is still nervous because she now knows what she didn't know before: her pet store gets puppies from Missouri, and her new dog, Chopper, is one of those puppies.

"I think he's from a puppy mill," Placher said. "When you go into some pet stores, you don't know what you're getting. You really don't."

It's not supposed to be that way. All commercial breeders must be licensed and routinely inspected by the US Department of Agriculture.

But that has been difficult to accomplish because of a large increase in the number of commercial breeders in the Midwest. Over the past five years, states including Indiana, Missouri, Illinois, Ohio, Oklahoma, and Michigan have seen the number of licensed breeders increase by a combined 303% in the region.

WTHR contacted USDA officials in Indiana and in Washington, DC, for this investigation. No one from the agency would meet with 13 Investigates to discuss on-camera what the agency is doing to maintain safe conditions for commercial breeding dogs.

USDA spokesperson Jessica Milteer's email response: "We (USDA) would prefer not to participate in an on-camera interview. However, we are happy to answer any additional questions you may have."

While puppies from commercial breeding operations are sold to pet stores, their parents are often left behind. Those dogs usually live their adult lives in a cage.

Deborah Howard, founder of the Companion Animal Protection Society (CAPS), says the federal inspectors who are supposed to be checking on the living conditions for those dogs are struggling to keep pace with the quickly growing number of breeders and commercial kennels. "USDA can't keep tabs and we find this is a common problem," she said, pointing out that many commercial breeding operations are not licensed at all.

There are now 2,400 breeders in the Midwest (up from approximately 800 licensed breeders in 2002) and all their puppies are just a truck ride away from Indiana.

The Hunte Corporation is one of the nation's largest puppy distributors. It buys puppies from licensed breeders and transports them from Missouri to Indiana. Documentation reviewed by 13 Investigates shows local pet shops such as Pass Pets and Petland get some of their puppies from Hunte.

Undercover video provided to 13 Investigates by CAPS shows how the Hunte puppy pipeline works. The never-before-seen video shows the inside of an 18-wheel semi-truck lined with cages. Puppies are being loaded onto the truck and placed inside the cages for delivery to pet stores. Hunte tells WTHR the puppies' journey from Missouri to Indiana pet shops takes about 14 hours.

Uncle Bill's Pet Centers, the largest pet store chain in central Indiana, says it does not purchase puppies from Missouri.

"We made a decision not to do that a few years ago," said Uncle Bill's Vice President Joe Street. "We had some concerns about the quality of the dogs, and we wanted to have more control over that, so we decided to go more local."

Uncle Bill's gets most of its puppies from commercial dog breeders in Daviess County, Ind. That area is home to dozens of commercial breeders who supply thousands of puppies to central Indiana pet stores.

Most local pet stores offer customers a guarantee that their puppies will be healthy, but Trent Van Haaften says that may not be enough.

The Indiana State Representative says Hoosiers should have a puppy "lemon law" to offer protection against breeders who raise sick puppies. He is drafting such a law following the death of his own puppy which died two days after he bought it from an Indiana breeder.

"My wife and I basically got scammed by a puppy mill," he explained. "It's no different than buying anything else if you've been scammed. If you're getting a product that is not what you paid for, you ought to have some recourse for that."

Lynn Placher agrees, but she says other perspective pet owners should avoid her mistake.

"I wasn't a smart buyer," she said, admitting that she purchased her puppy because she felt sorry after seeing it in a pet store. "You wanna get them out of there."

Placher now realizes for every puppy that goes home from a pet store, somewhere there is likely an adult dog in a cage at a commercial breeding facility.

"If you're buying a puppy at a pet shop and you think you're rescuing the dog ... all you're doing is keeping those parents in that viscous cycle," said Howard. "You're not ending (the cycle) by buying that puppy in the window. You're just perpetuating it."

Veterinarians at the Humane Society of Indianapolis say shelters offer alternatives to purchasing a puppy at a pet store. They say there are thousands of dogs across central Indiana now available for adoption.

INTRODUCED: 11/8/2021

REFERRED TO: Metropolitan and Economic Development Committee

SPONSOR: Councillors Barth and Adamson

DIGEST: amends Chapter 836 of the Code to add prohibitions on the retail sale of dogs, cats, or rabbits by pet shops

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SOURCE:

Initiated by: Councillor Barth

Drafted by: Toae Kim, General Counsel

LEGAL REQUIREMENTS FOR ADOPTION:

Subject to approval or veto by Mayor

PROPOSED EFFECTIVE DATE:

Adoption and approvals

GENERAL COUNSEL APPROVAL: \_\_\_\_\_ Date: November 4, 2021

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CITY-COUNTY GENERAL ORDINANCE NO. \_\_\_\_\_, 2021

A PROPOSAL FOR A GENERAL ORDINANCE to amend Chapter 836 of the Revised Code to add prohibitions on the retail sale of dogs, cats, or rabbits by pet shops.

WHEREAS, most puppies, kittens, and rabbits sold in pet stores come from large-scale, commercial breeding facilities where the health and welfare of the animals is disregarded in order to maximize profits ("puppy mills," "kitten mills," and "rabbit mills," respectively). According to The Humane Society of the United States, an estimated 10,000 puppy mills produce more than two million puppies per year in the United States; and

WHEREAS, the documented abuses endemic to puppy, kitten, and rabbit mills include over-breeding; inbreeding; minimal veterinary care; lack of adequate food, water and shelter; lack of socialization, exercise and enrichment; lack of sanitation; and

WHEREAS, pet store puppies are often sick and have behavioral problems because of the substandard conditions they were likely born into; they were taken from their mothers at a very young age; they were transported in trucks filled with other young puppies; they were placed in a pet store cage with or near other puppies who are often sick; and

WHEREAS, pet stores often mislead consumers as to where the puppies in the stores came from and make false health and behavior guarantees. Many consumers end up paying hundreds or thousands of dollars in veterinary bills and suffer the heartbreak of having their new pet suffer, and in some cases pass away; and

WHEREAS, according to the U.S. Centers for Disease Control and Prevention, pet store puppies pose a health risk to consumers, as over one hundred Americans have contracted an antibiotic-resistant *Campylobacter* infection from contact with pet store puppies; and

WHEREAS, current federal and state regulations do not adequately address the animal welfare and consumer protection problems that the pet store sale of dogs, cats, and rabbits from animal mills pose. Federal oversight of the commercial breeding industry is severely lacking; and

WHEREAS, prohibiting pet stores from selling dogs, cats, and rabbits is likely to decrease the demand for these animals that are bred in mills, and decrease the burden that pet store dogs, cats, and rabbits that end up in animal shelters place on local agencies and taxpayers; and

WHEREAS, the vast majority of pet stores, both large chains and small, family-owned shops, already do not sell dogs and cats but rather profit from selling products, offering services, and in some cases, collaborating with local animal shelters and rescues to host adoption events; and

WHEREAS, this ordinance will not affect a consumer's ability to obtain a dog or cat of his or her choice from an animal rescue, shelter, or breeder who sells directly to the public; and

WHEREAS, The City-County Council of Indianapolis-Marion County believes it is in the best interest of Indianapolis-Marion County to adopt reasonable regulations to reduce costs to Indianapolis-Marion County and its residents, protect citizens who may purchase dogs, cats, or rabbits from a pet store, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in Indianapolis-Marion County; now, therefore:

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

SECTION 1. Sec. 836-1 of the "Revised Code of the Consolidated City and County," is hereby amended by adding the language that is underlined to read as follows:

**Sec. 836-1. Definitions.**

As used in this chapter, the following terms shall have the meanings ascribed to them in this section:

Animal rescue organization means a not-for-profit organization having tax-exempt status under 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals into permanent homes. The term animal rescue organization does not include any person that: (1) breeds animals for profit; (2) is located on the same premises as a person that breeds animals for profit; (3) has any personnel in common with a person that breeds animals for profit; (4) obtains, in exchange for payment or compensation, dogs or cats from a person that breeds animals for profit; or (5) facilitates the sale of dogs or cats that were obtained, in exchange for payment or compensation, from a person that breeds animals for profit.

Cat means any member of the species *Felis catus*.

Dog means any member of the species *Canis familiaris*.

Kennel means a facility operated commercially and principally for the purpose of boarding, housing, grooming, breeding or training dogs or cats, or both; a kennel, for purposes of this chapter, shall not include a facility in or adjoining a private residence where dogs are kept for the hobby of the householder using them for hunting, practice tracking, exhibiting in shows or field or obedience trials or for the guarding or protecting of the householder's property, and an occasional sale of puppies or kittens by the owner, lessee or other occupant of such property shall not make that property a kennel for the purposes of this chapter.

Offer for sale means to proffer for acceptance by another person.

Person shall mean an individual, corporation, partnership, association, or any other entity

Pet shop means: (1) a facility operated commercially and principally for the purpose of selling animals which, in the hands of their immediate purchasers, will be pets; or (2) any retail store where animals are kept, sold, or offered for sale on the premises. An animal care services shelter, as described in section 226-512 of this Code, or an animal rescue organization, as defined in this section, shall not be considered a pet shop.

Rabbit means any member of the species *Oryctolagus cuniculus domesticus*.

Sell means to exchange for consideration, adopt out, barter, auction, trade, lease, or otherwise transfer an animal.

Stable means a facility operated commercially and principally for the purpose of lodging and feeding domestic animals.



SECTION 2. Chapter 836 of the "Revised Code of the Consolidated City and County," is hereby amended to add Sec. 836-6, "Prohibition on the Retail Sale of Dogs, Cats, or Rabbits by Pet Shops," reading as follows:

**Sec. 836-6. - Prohibition on the Retail Sale of Dogs, Cats, or Rabbits by Pet Shops**

- (a) Retail sale of dogs, cats or rabbits by pet shops prohibited.
  - (1) It shall be unlawful for a pet shop to sell or offer for sale a dog, cat, or rabbit.
  - (2) A pet shop may provide space for the display of dogs, cats, or rabbits that are available for adoption only if such animals are displayed and made available for adoption by the animal care services shelter described in section 226-512 of this Code or an animal rescue organization and all of the following conditions are met:
    - (i) No part of any fees associated with the display or adoption of the animals, including but not limited to adoption fees or fees for the provision of space, shall be paid to the host pet shop or to any entity affiliated with or under common ownership with the host pet shop; and
    - (ii) The host pet shop shall not have any ownership interest in any of the animals displayed for adoption.
- (b) Enforcement and penalties.
  - (1) This chapter shall be enforced by the department of business and neighborhood services or its designee.
  - (2) A pet shop that sells or offers for sale a dog, cat, or rabbit in violation of subsection 836-6(a)(1) is subject to admission of violation and payment of a civil penalty in an amount provided in section 103-52 of the Code for the pet shop's first violation in a twelve-month period. Each unlawful sale or offer for sale shall constitute a separate offense within any twelve-month period of time, and shall be an automatic cause for registration revocation of that pet shop's license for the balance of the current license period with no repayment of registration fees.
  - (3) A pet shop that provides space for the display of an animal in violation of subsection 836-6(a)(2) is subject to admission of violation and payment of a civil penalty in an amount provided in section 103-52 of the Code for the pet shop's first violation in a twelve-month period. Each unlawful provision of space shall constitute a separate offense within any twelve-month period of time, and shall be an automatic cause for registration revocation of that pet shop's license for the balance of the current license period with no repayment of registration fees.

SECTION 3. Section 103-52 of the "Revised Code of the Consolidated City and County" is amended by the addition of the language that is underscored, to read as follows:

The following Code (or ordinance) provisions and their respective civil penalties are designated for enforcement through the ordinance violations bureau:

Code Section	Subject Matter	Civil Penalty
<u>836-6(b)(2)</u>	<u>Sale or offer for sale a dog, cat or rabbit – First offense in a 12-month period</u>	<u>500.00</u>
<u>836-6(b)(3)</u>	<u>Unlawful provision of space for the display of a dog, cat, or rabbit – First offense in a 12-month period</u>	<u>500.00</u>

SECTION 4. Should any provision (section, paragraph, sentence, clause or any other portion) of this ordinance be declared by a court of competent jurisdiction to be invalid for any reason, the remaining provision or provisions shall not be affected, if and only if such remaining provisions can, without the

invalid provision or provisions, be given the effect intended by the Council in adopting this ordinance. To this end the provisions of this ordinance are severable.

SECTION 5. This ordinance shall be in effect January 1, 2022 after its adoption by the Council and compliance with IC 36-3-4- 14.

The foregoing was passed by the City-County Council this \_\_\_\_\_ day of \_\_\_\_\_, 2021, at \_\_\_\_\_ p.m.

ATTEST:

\_\_\_\_\_  
Vop Osili  
President, City-County Council

\_\_\_\_\_  
SaRita Hughes  
Clerk, City-County Council

Presented by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
SaRita Hughes  
Clerk, City-County Council

Approved and signed by me this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
Joseph H. Hogsett, Mayor

**ORDINANCE D-2628-22**

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,  
AMENDING CHAPTER 6, ARTICLE 5 DIVISION III, SECTION 6-99 AND SECTION 6-102**

**Synopsis: This ordinance updates and strengthens the welfare protections provided to animals within the City’s corporate limits and regulates the sale of dogs and cats in commercial animal establishments.**

**WHEREAS**, pursuant to Indiana Code § 36-8-2-4, the City of Carmel (the “City”) may regulate conduct, use, or possession of property that might endanger the public health, safety, or welfare;

**WHEREAS**, a significant number of puppies and kittens sold at pet shops come from large-scale, commercial breeding facilities where the health and welfare of the animals are not adequately provided for (“puppy mills” and “kitten mills,” respectively).

**WHEREAS**, the documented abuses endemic to puppy and kitten mills can lead to health and behavioral issues in the animals bred in those facilities, which many consumers are unaware of when purchasing animals from pet shops. These health and behavioral issues, which may not present themselves until sometime after the purchase of the animal, can impose exorbitant financial and emotional costs on consumers;

**WHEREAS**, prohibiting the retail sale of puppies and kittens is likely to decrease the demand for puppies and kittens bred in puppy and kitten mills, and is likely to increase demand for animals from animal shelters and rescue organizations;

**WHEREAS**, it is in the interest of public health, safety, and welfare of the citizens and animals residing in the City to update and strengthen the welfare protections provided to animals within the City’s corporate limits and to adopt reasonable regulations to reduce costs to the City and its residents, protect the citizens of the City who may purchase cats or dogs from an animal establishment, including pet shops, help prevent inhumane breeding conditions, promote community awareness of animal welfare, and foster a more humane environment in the City; and

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

Section 1. The foregoing Recitals are fully incorporated herein by this reference.

Section 2. Chapter 6, Article 5, Division III, Section 6-99 of the Carmel City Code is hereby amended and shall read as follows:

“§ 6-99 General Animal Care.

(a) *Definitions.* As used in this Section:

(1) “Adequate Food” means providing the appropriate quantity of non-contaminated and nutritionally adequate food, fed according to age, size, species and breed requirements, which is sufficient to prevent starvation, malnutrition, or risk to the Animal's health. Garbage or spoiled or rancid food is not considered Adequate Food.

- (2) “Adequate Shelter” means shelter that:
- (i) Is structurally sound, maintained in good repair, and constructed with material that protects the Animal from injury;
  - (ii) Allows the Animal easy access in and out;
  - (iii) Has a weather resistant top, bottom, and sides;
  - (iv) Has an opening on no more than one side that allows the Animal to remain dry;
  - (v) Has a floor that is level, dry, and, if necessary, raised to prevent water/snow from entering the structure;
  - (vi) Has a solid roof sloped away from the entrance, is free from cracks, depressions, and rough areas that might be conducive to insects, parasites, and other pests;
  - (vii) Will protect the Animal from all elements of the weather;
  - (viii) Provides access to adequate, dry bedding material, or other means of protection from the weather that will allow the Animal to retain body heat when the temperature is 40 degrees or lower or is colder than what an Animal of that breed and condition can comfortably tolerate, or, the Animal must have continued and uninterrupted access to a climate controlled facility;
  - (ix) Provides access to adequate shade during daylight hours—provided by trees, a tarp, or other means—that prevents overheating or discomfort to the Animal when the temperature is 80 degrees or higher or is warmer than what an Animal of that breed and condition can comfortably tolerate, or, the Animal must have continued and uninterrupted access to a climate-controlled facility; and
  - (x) Is adequately monitored during extreme weather conditions and temperatures (including a heat advisory, wind chill warning, or tornado warning that has been issued by a local, state, or national authority) by a competent person or, continued and uninterrupted access to a climate controlled facility.

(3) “Adequate Space” means any area in which an Animal is confined and is suitable for the Animal’s species, size, age, and breed—allowing the Animal to turn about freely, stand erect with the Animal’s head up, sit, lie, move comfortably, in a normal position, and sufficient so that the Animal is not forced to stand, sit, or lie in excrement. Sick and injured Animals should be confined as directed by an Authorized Veterinarian.

(4) “Adequate Veterinary Care” means care provided under the direction of an Authorized Veterinarian and includes medical care necessary to maintain an Animal’s health and prevent unnecessary suffering. Adequate care is based on age, species and breed, and the potential for a disease or condition to spread to other Animals or humans, including but not limited to:

- (i) ongoing infections;
- (ii) infestation of parasites;
- (iii) any disease; or
- (iv) any medical condition or injury where withholding or neglecting to provide such care would endanger the health or welfare of the Animal.

(5) “Adequate Water” means water that is clean, fresh, and potable water sufficient to prevent dehydration, properly sustain health, and prevent significant risk to the Animal's health. Snow, ice, rancid, or contaminated water is excluded from the definition of Adequate Water.

(6) “Animal” means every living non-human vertebrate creature.

(7) “Authorized Veterinarian” means any person licensed or permitted to practice veterinary medicine under the laws of the state, and having had no previous judgements related to their practice of veterinary medicine.

(8) “Backyard Breeding” or “Backyard Breeder(s)” means individuals who:

- (i) Breed one (1) or more dogs and/or cats in the City’s corporate limits and do not comply with the breeder’s permit requirements under Carmel City Code Section 6-100; or
- (ii) Breed one (1) or more dogs and/or cats outside the City’s corporate limits and who:
  - (A) Offer for sale, trade, or other compensation or for free giveaway dogs or cats that are un-weaned (under eight (8) weeks old) and/or diseased;
  - (B) Fail to timely obtain local breeder’s permit(s), if applicable;
  - (C) Fail to immunize all dogs and cats offered for sale, trade, or other compensation or for free give away against the most common contagious diseases, including, but not limited to, for dogs, canine distemper, hepatitis, Para influenza, and parvo virus, and, for cats, feline rhinotracheitis, calicivirus, and panleucopenia;
  - (D) Fail to provide Adequate Food, Adequate Shelter, Adequate Space, Adequate Veterinary Care, and Adequate Water, to all breeding dogs and cats and puppies and kittens;
  - (E) Fail to screen buyers to ensure the buyer can provide appropriate care and a safe home to the purchased dog(s) and/or cat(s);
  - (F) Fail to inform buyers of local mandatory spay and neuter laws and breeder’s permit option, if applicable;
  - (G) Fail to require that sold dog(s) and/or cat(s) be returned should the purchaser be unable to keep the purchased dog(s) and/or cat(s) for any reason;
  - (H) Fail to furnish a warrant of health for a period of not less than one (1) week with the recommendation to have the dog and/or cat examined by a licensed veterinarian for each dog or cat sold, traded, or given away; or
  - (H) Permit more than two (2) litters in a 12-month period, per female dog or cat.

This definition does not apply to humane societies, rescue groups, foster homes, or Commercial Breeders, as defined by Indiana Code § 15-21-1-4.

(9) “Livestock” includes horses, cows, goats, pigs, or any other four-legged Animal, excluding dogs and cats, used for pleasure or for profit. Fowl are expressly included within this definition. The regulation of Livestock is generally governed under Indiana Code Title 15 and Indiana Administrative Code Title 345.

(10) “Owner” means any person who owns, harbors, keeps, feeds, maintains, or has lawful possession of an Animal, or knowingly causes or knowingly permits an Animal to be harbored or kept in his or her care or to remain on or about his or her premises for thirty (30) consecutive days or more; provided, however, this shall not include a person hired or acting as custodian of the Animal for its Owner, and shall not include colony caretakers of registered colonies of feral cats.

(11) “Puppy Mill(s)” or “Breeding Mill(s)” means any sized Commercial Animal Establishment that breeds more than one (1) female dog and/or cat at a time and does not adhere to good breeding, care, and sale practices, including but not limited to the following:

- (i) Selling puppies and/or kittens without screening the purchaser;
- (ii) Selling puppies and/or kittens that are un-weaned (under eight (8) weeks of age) and/or diseased;

- (iii) Isolating breeding dogs and/or cats and/or puppies and/or kittens from human interaction(s);
- (iv) Housing breeding dogs and/or cats and/or puppies and/or kittens in crates, kennels, trailers, garages, barns, etc., without access to adequate light or exercise;
- (v) Failing to provide breeding dogs and/or cats and/or puppies and/or kittens with Adequate Shelter, Adequate Food, Adequate Water, Adequate Space, or Adequate Veterinary Care; or
- (vi) Keeping breeding dogs and/or cats and/or puppies and/or kittens in Unsanitary Conditions.

(12) “Unsanitary Conditions” means Animal housing or quarters, including exercise areas, that endanger or pose a risk to an Animal’s health, including but not limited to:

- (i) Excessive Animal waste, garbage, or trash;
- (ii) Excessive standing water or mud;
- (iii) Rancid or contaminated food or water;
- (iv) Fumes, foul, or noxious odor, air, hazardous chemicals, or poisons;
- (v) Decaying material;
- (vi) Uncontrolled parasite(s) or rodent infestation(s); or
- (vii) Areas that expose the Animal to the risk of injury, illness, or death from nails, screws, broken glass, broken boards, pits, poisons, sharp implements, or other potentially harmful items.

(b) Every person responsible for any Animal located within the City shall ensure that such Animal:

- (1) Has immediate access to Adequate Space.
- (2) Has Adequate Food and Adequate Water.
- (3) Has immediate access to Adequate Shelter (excluding Livestock).
- (4) Receives Adequate Veterinary Care by an Authorized Veterinarian.
- (5) Does not become a public nuisance.
- (6) Does not, unprovoked, bite, kick, butt, claw, assault, attack, or otherwise create a danger to the health and/or safety of:
  - i. Other Animals;
  - ii. A human being lawfully on the Owner’s property; or
  - iii. A human being on property other than the Owner’s property.
- (7) Is not left unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the Animal.
- (8) Is not transported in the open bed of a vehicle unless confined in an appropriate manner so as to reasonably prevent the Animal from jumping or being thrown from same.
- (9) Does not defecate on the property of another unless the person responsible for the Animal immediately thereafter removes or has removed from such property as much of the feces as is reasonably possible.
- (10) Is not kept in Unsanitary Conditions.

(c) Any person tethering an Animal (excluding Livestock) in the City’s corporate limits shall comply with the following requirements:

- (1) An Animal shall not be tethered for an excessive period of time, and may not be tethered between the hours of 11:00 p.m. and 6:00 a.m. In determining whether the tethering period is excessive, the officer shall take into account the Animal’s breed, age, and condition.
- (2) An Animal shall not be tethered or confined at a vacant structure or premises for any purpose or time when it is not monitored by a competent person who is present at the property for the duration of such tethering or confinement.

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- (3) During the duration of the tethering, the Animal must have Adequate Shelter from the weather.
- (4) During the duration of the tethering, the Animal must be free from becoming entangled with the tether.
- (5) The tether must have operational swivels on both ends.
- (6) The tether must be at least twelve (12) feet in length. If the Animal is attached to a trolley system, the running line must be at least twelve (12) feet in length and the tether length must be greater than the height of the running line.
- (7) An Animal shall not be tethered by use of restraint directly attached to the animal's neck, or in any manner that could harm or cause pain or discomfort to the Animal.
- (8) The tether must not cause physical damage to the Animal's neck or body.
- (9) The tether must be able to move freely in all directions and attached in a manner so that it cannot wrap around vertical items such as a barrel, pole, or tree.
- (10) An Animal shall not be tethered unless it is monitored by a competent person who is present at the property for the duration of such tethering.

A person violating this subsection may be fined up to \$500.00 per occurrence.

- (d) Backyard Breeding and/or Puppy Mills shall not be permitted in the City's corporate boundaries.
- (e) It is unlawful for any person or entity to intentionally or knowingly breed an Animal for the purpose of using the Animal or its offspring in an illegal activity, including, but not limited to, Animal fighting under Indiana Code Chapter 35-46-3.
- (f) It is encouraged that an Animal (excluding livestock), bears one of the following permanent means of identification:
  - (1) A durable collar with a permanent tag bearing the Owner's current name and telephone number; or
  - (2) An implanted microchip with a registered identification number that can be read by a standard microchip scanner.If an Animal (excluding livestock) that is three (3) months of age or older is found running at large and the Animal is without one of the above permanent means of identification, its Owner shall be fined no less than \$250.00 per occurrence.
- (g) Where appropriate, investigating law enforcement may use the Tufts Animal Care and Condition Scales as a tool to assist in determining the appropriate standard of care for a dog's safety and well-being based on its breed, age, body and health condition, and acclimation to the environment and weather conditions.
- (h) Citations for violation of this Section may be issued by any City Code Enforcement Officer, Community Service Officer, or any sworn member of the Carmel Police Department, at the discretion of the officer. Any officer empowered to act by law may, at the officer's discretion, impound any Animal if the Owner is believed to have violated this Section and the officer believes that that impoundment is necessary to protect the Animal's welfare. The procedures set forth for under Indiana Code subsections 35-46-3-6(c) through (d), as the same may be amended from time to time, are incorporated herein by reference and shall apply to impoundments from alleged violations under this Section, and a court of competent jurisdiction, at its discretion, may appoint a licensed veterinarian or another appropriate individual to assist the court in this process.

- (i) A person finding and taking possession of a lost or stray Animal in the City's corporate limits must notify the Carmel Police Department within forty-eight (48) hours of finding and taking possession of the Animal. At the discretion of the Carmel Police Department, the lost Animal may be allowed to remain in the custody of the finder, be surrendered to the Hamilton County Human Society, or be cared for by other means. The cost of care, including veterinary and boarding care, for an Animal shall be the responsibility of the Animal's Owner(s). A person finding and taking possession of an Animal is obligated to comply with all rules and regulations of this Section while the Animal is in the finder's custody awaiting return to its actual Owner.
- (j) Nothing in this Section shall prohibit or restrict the use of livestock guard dogs, livestock working dogs, or dogs that are engaged in lawful hunting activities, if the dogs are accompanied and monitored by the Owner or custodian of the dogs.
- (k) Nothing in this Section shall restrict an Owner or keeper from allowing an Animal to be outside for reasonable amounts of time during extreme temperatures to relieve itself and exercise if the Animal is being monitored by a competent person.
- (l) Nothing in the Section shall be deemed to prohibit the humane slaughter of Livestock or poultry in conformance with all applicable rules and regulations of the state board of health and the United States Food and Drug Administration.
- (m) Nothing in this Section shall prohibit hunting or fishing, as permitted by the law of the state and the rules and regulations of the Indiana Department of Natural Resources.
- (n) Nothing in this Section shall prohibit the use of commercially sold poisons or devices for the control of rats, mice, groundhogs, moles, or other similar rodents as long as the person using the poisons or devices uses reasonable care to ensure that no other Animals are exposed to the risks imposed by the poisons or devices.
- (o) Except as otherwise stated in this Section, a person violating this Section may be fined up to \$2,500.00 per occurrence.
- (p) Except as otherwise set forth under this Section, any violation under this Section shall be deemed a strict liability offense. If a court finds that a person has violated this Section the court may, in its discretion, order other owned Animals be seized by law enforcement with ownership relinquished to the Humane Society for Hamilton County or another appropriate entity, order the forfeiture of future Animal ownership within the City of Carmel's corporate limits, order counseling, and/or order the Animal's Owner to pay restitution.
- (q) This Section does not to replace state laws but is considered supplementary and in addition to the laws of the state and is to be fully enforced where not inconsistent with those laws. Where a person recklessly, knowingly, or intentionally "abandons" or "neglects" an Animal, as those terms are defined under Indiana Code Chapter 35-46-3, it is a violation of Indiana Code § 35-46-3-7. Any violation that is a violation of state law shall be enforced under the state statute."



Section 3. Chapter 6, Article 5, Division III, Section 6-102 of the Carmel City Code is hereby amended and shall read as follows:

“§ 6-102 Commercial Animal Establishments.

(a) Definitions:

“**Animal Care Facility**” means an animal control center or animal shelter, maintained by or under contract with any state, county, or municipality, whose mission and practice is, in whole, or significant part, the rescue and placement of animals in permanent homes or rescue organizations.

“**Animal Rescue Organization**” means any not-for-profit organization which has tax-exempt status under Section 501(c)(3) of the United States Internal Revenue Code, whose mission and practice is, in whole or in significant part, the rescue and placement of animals in permanent homes. This term does not include any entity, which is, or is housed on the premises of, a breeder or broker, obtains dogs from a breeder or broker in exchange for payment or compensation, or resells dogs obtained from a breeder or broker and provides payment or compensation to such breeder or broker.

“**Commercial Animal Establishment**” or “**Establishment**” includes but is not limited to:

- (1) Auction;
- (2) Flea market;
- (3) Circus;
- (4) Riding school or stable;
- (5) Veterinary hospital;
- (6) Zoological Park;
- (7) Pet shop;
- (8) Pet grooming shop;
- (9) Kennels;
- (10) Permanent fairgrounds

The definition does not include an Animal Care Facility or Animal Rescue Organization.

(b) Standards for Commercial Animal Establishments include all of the following:

- (1) The Establishment must be operated in such a manner as not to constitute a public nuisance;
- (2) The Establishment shall provide an isolation area for animals that are sick or diseased to be placed in so as not to spread disease to healthy animals;
- (3) All animals must be kept caged within a secure enclosure that provides for Adequate Space as defined in Carmel City Code Section 6-99, or they must be under the control of the Owner at all times;
- (4) The Establishment must provide Adequate Shelter, Adequate Food, Adequate Water, Adequate Space, and Adequate Veterinary Care, as those terms are defined in Carmel City Code Section 6-99, to all animals kept on the premises, and must follow the requirements outlined in Section 6-99 as it pertains to animals kept outdoors;
- (5) The Establishment shall not engage in any acts of cruelty, mistreatment, or neglect;
- (6) The Establishment will not sell animals that are un-weaned or diseased;

- (7) The Establishment shall not sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of cats or dogs. Nothing in this section shall prohibit a Commercial Animal Establishment from collaborating with Animal Care Facilities or Animal Rescue Organizations to offer space for such entities to showcase adoptable dogs and cats; and
- (8) Animals are not kept in Unsanitary Conditions, as defined in Carmel City Code Section 6-99.

(c) Any City Code Enforcement Officer, Community Service Officer, or any sworn member of the Carmel Police Department may inspect any public area of a Commercial Animal Establishment's premises during business hours and may request of the Establishment the opportunity to inspect any other area of the Establishment's premises where animals are kept. If the Commercial Animal Establishment refuses to allow inspection, Corporation Counsel may petition a court of competent jurisdiction for an order allowing the inspection of the premises.

(d) All Commercial Animal Establishments, other than a circus temporarily located within the City's corporate limits for less than ten (10) days per year, shall be located at a permanent building or facility and shall be permitted at that location by a special use permit or other applicable zoning permit, commercial breeding, and/or local breeder's permit, where applicable.

(e) Citations for violation of this Section may be issued by any City Code Enforcement Officer, Community Service Officer, or any sworn member of the Carmel Police Department, at the officer's discretion.

(f) A person violating this Section may be fined up to \$2,500.00 per occurrence.

(g) This Section does not to replace state laws but is considered supplementary and in addition to the laws of the state and is to be fully enforced where not inconsistent with those laws. Any violation that is a violation of state law shall be enforced under the state statute."

Section 4. The remaining provisions of Carmel City Code Chapter 6, Article 5, Division III are not affected by this Ordinance and shall remain in full force and effect.

Section 5. All prior ordinances or parts thereof inconsistent with any provision of this Ordinance are hereby repealed, to the extent of such inconsistency only, as of the effective date of this Ordinance, such repeal to have prospective effect only. However, the repeal or amendment by this Ordinance of any other ordinance does not affect any rights or liabilities accrued, penalties incurred or proceedings begun prior to the effective date of this Ordinance. Those rights, liabilities and proceedings are continued and penalties shall be imposed and enforced under such repealed or amended ordinance as if this Ordinance had not been adopted.

Section 6. If any portion of this Ordinance is for any reason declared to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance so long as enforcement of same can be given the same effect.

Section 7. This Ordinance shall be in full force and effect from and after the date of its passage and signing by the Mayor and such publication as required by law.

**PASSED** by the Common Council of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by a vote of \_\_\_\_ ayes and \_\_\_\_ nays.

**COMMON COUNCIL FOR THE CITY OF CARMEL**

\_\_\_\_\_  
Kevin D. Rider, President

\_\_\_\_\_  
Jeff Worrell, Vice-President

\_\_\_\_\_  
Adam Aasen

\_\_\_\_\_  
Timothy J. Hannon

\_\_\_\_\_  
Laura D. Campbell

\_\_\_\_\_  
H. Bruce Kimball

\_\_\_\_\_  
Sue Finkam

\_\_\_\_\_  
Miles Nelson

\_\_\_\_\_  
Anthony Green

ATTEST:

\_\_\_\_\_  
Sue Wolfgang, Clerk

Presented by me to the Mayor of the City of Carmel, Indiana this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ .M.

\_\_\_\_\_  
Sue Wolfgang, Clerk

Approved by me, Mayor of the City of Carmel, Indiana, this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_, at \_\_\_\_\_ .M.

\_\_\_\_\_  
James Brainard, Mayor

ATTEST:

\_\_\_\_\_  
Sue Wolfgang, Clerk