

ORDINANCE D-2343-16

AS AMENDED

**AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF CARMEL, INDIANA,
ADDING CHAPTER 6, ARTICLE 5, DIVISION III, SECTION 6-100 TO THE CARMEL CITY
CODE**

Synopsis: Hamilton County will no longer enforce its mandatory spay/neuter ordinance within Carmel city limits. This ordinance requires animal owners to get their dogs and cats spayed or neutered within six months, unless they obtain a breeder's permit from the Carmel Police Department.

WHEREAS, Hamilton County currently enforces its ordinance requiring the sterilization of cats and dogs within the City of Carmel (the "City");

WHEREAS, Hamilton County has determined that it does not have jurisdiction to enforce its cat and dog sterilization ordinance in incorporated areas such as the City, and will no longer enforce its ordinance within Carmel city limits;

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

WHEREAS, it is in the interest of public health, safety and welfare of the citizens and animals residing in the City to require the sterilization of dogs and cats unless their owner obtains a breeder's permit from the City.

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 6-100 is hereby added to the Carmel City Code and shall read as follows:

"§ 6-100 Sterilization of Dogs and Cats Required; Breeder's Permit.

(a) Each dog and cat over the age of six months which is kept in the City shall have been sterilized and rendered incapable of reproducing by a licensed veterinarian, unless a veterinarian has certified in writing that it would not be in the animal's best interest. It shall be unlawful for a person to own a dog or a cat not in compliance with this section and for which the owner does not have a current and valid intact breeder's permit. A breeder shall obtain a separate breeder's permit for each animal they own and intend on breeding. A violation of this section shall be punished by a fine of not less than \$100.00.

(b) A breeder's permit shall be obtained by the following:

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(1) Any person who intentionally causes or accidentally allows the breeding of a dog or cat available for breeding purposes;

(2) Any person who offers for sale, sells, trades, receives other compensation, or gives away any litter of dogs or cats;

(3) Any owner or person having custody of a dog or cat that has delivered a litter or caused the delivery of a litter;

(4) Any person owning or having custody of a dog or cat which is older than six months of age, which has not been sterilized and for which the person owning or having custody of such an animal does not have a written certification from a licensed veterinarian stating that it is not in such animal's best interest to be sterilized.

(c) Such breeder's permit shall:

(1) Allow the non-sterilization of an animal owned by the permittee for one 12-month period after the date of issuance and the birthing of a maximum of two litters in a 12-month period in his or any domestic household or establishment or any combination thereof;

(2) Not allow the owner to offer for sale, sell, trade, or receive other compensation or give away more than two litters of dogs or cats in such 12-month period;

(3) Require the holder of the permit to furnish the Carmel Police Department (the "CPD") with information on the birth of each litter of dogs and cats as may be required by the division to register the litter and be assigned a letter number for each litter.

(d) The holder of a breeder's permit shall:

(1) Transmit to the new owner or buyer the litter number of the animal acquired and the breeder's permit number in order that the new owner has assurance and proof that the animal was legally bred;

(2) Immunize all dogs and cats offered for sale, trade, or other compensation or for free give away against the most common contagious diseases; for dogs against canine distemper, hepatitis, Para influenza, and parvo virus and for cats against feline rhinotracheitis, calicivirus, and panleucopenia;

(3) Not offer a puppy or kitten under the age of eight weeks for sale, trade or other compensation or for free giveaway;

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**SPONSORS: Councilors Carter,
Finkam and Worrell**

(4) Furnish a warrant of health for a period of not less than one week with the recommendation to have the animal examined by a licensed veterinarian for each animal sold, traded, or given away;

(e) Each breeder's permit shall be obtained from the CPD. The fee for a breeder's permit is \$10;

(f) A breeder's permit issued pursuant to this article may be suspended or revoked pursuant to conditions or procedures established by the Carmel City Code;

(g) Each holder of a valid breeder's permit shall register additional litters with the CPD. Each additional litter registration shall comply with the same requirements as the original breeder's permit. Failure to register each litter shall be considered a violation of this section and shall be punished by a fine of not less than \$100.00.

(h) The requirements of this section shall not apply to Commercial Breeders, as defined by Indiana Code § 15-21-1-4.”

Section 3. If any portion of this Ordinance is for any reason declared to be unconstitutional or invalid, 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 4. This Ordinance shall be in full force and effect from and after its passage and signing by the Mayor and such publication as required by law.

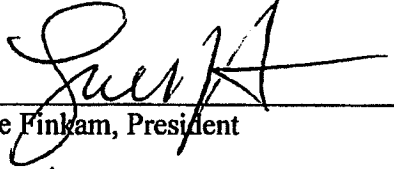
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This Ordinance was prepared by Jon Oberlander, Senior Assistant Carmel City Attorney, on 1/31/17 at 11:08 a.m. No subsequent revision to this Ordinance has been reviewed by Mr. Oberlander for legal sufficiency or otherwise.
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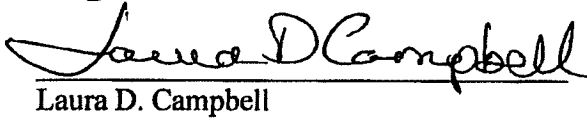
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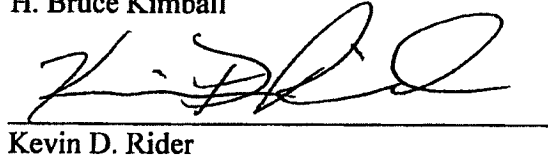
PASSED by the Common Council of the City of Carmel, Indiana, this 6th day of Feb.,
2017, by a vote of 7 ayes and 0 nays.

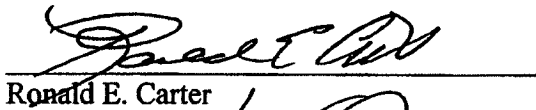
COMMON COUNCIL FOR THE CITY OF CARMEL

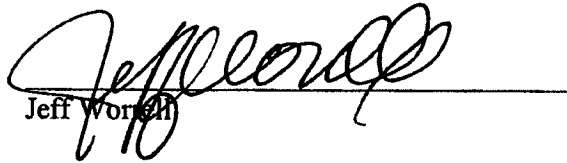

Sue Finkam, President

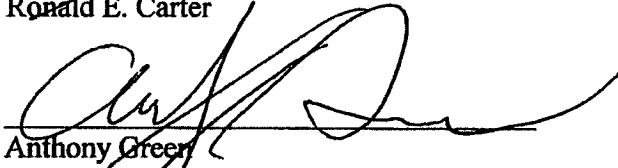

H. Bruce Kimball


Laura D. Campbell


Kevin D. Rider


Ronald E. Carter


Jeff Worrell


Anthony Green

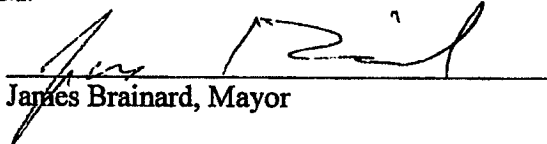
ATTEST:


Christine S. Pauley, Clerk-Treasurer

Presented by me to the Mayor of the City of Carmel, Indiana this 7th day of
February 2017, at 5:00 P.M.


Christine S. Pauley, Clerk-Treasurer

Approved by me, Mayor of the City of Carmel, Indiana, this 7th day of
February 2017, at 5:20 P.M.


James Brainard, Mayor

ATTEST:


Christine S. Pauley, Clerk-Treasurer