



MEMO FROM COUNCIL OFFICE ON:

Ordinance 23-16 - To Amend Title 7 of the Bloomington Municipal Code Entitled "Animals"- Re: Updating and Harmonizing Chapters 01, 26, 40, 54 and 56 of Title 7 of the Bloomington Municipal Code

Synopsis

This ordinance makes several changes to Title 7 of the BMC to reflect current and best practices, update the dangerous animal definitions, add a deer feeding ban, increase the amount of certain fees, and add additional time to the appeals process.

Relevant Materials

- Ordinance 23-16
- Staff Memo from Virgil Sauder, Director of Animal Care and Control
- Strikethrough version of Title 7 showing proposed changes in context
- Pages from 2012 Report of the Joint City-County Deer Task Force recommending a deer feeding ban

Summary

Ordinance 23-16 is the result of a review of Bloomington Municipal Code (BMC) Title 7, entitled "Animals", which is accessible online [here](#). The ordinance is a product of both staff in the Animal Care and Control Division of Public Works and the Animal Care and Control Commission (ACC), who have determined that changes and updates to the title are necessary. The ACC approved the proposed changes contained in the ordinance and recommended them to the Common Council by a vote of 6-0 on June 12, 2023.

First, the ordinance would make changes to defined terms within the chapter to reflect different classifications for animals posing some threat. The terms "Potentially dangerous, Level 1", "Potentially dangerous, Level 2", and "Potentially dangerous, Level 3" would be deleted. The new terms "Potentially Dangerous" and "Dangerous" would be added, and the term "Vicious" would be revised. These newly-defined designations could be applied to an animal depending on injuries caused by the animal, the severity of the injuries, and whether the situation or injuries were particularly egregious.

Next, the ordinance adds a microchipping requirement for potentially dangerous animals, which would mirror the same requirement for dangerous and vicious animals.

Next, the ordinance would add requirements related to animals classified as "Dangerous" by both (1) requiring that such animals be muzzled when off of the owner/guardian's property and (2) requiring warning signs to be displayed at the property where the animal is located.



Next, the ordinance would provide the ACC with the ability to require an evaluation by an approved Veterinary Behaviorist for animals classified as “Vicious”.

Next, the ordinance adds a new section to the municipal code to prohibit deer feeding within the city. The ordinance provides that a person commits an offense by intentionally feeding deer or making food available for consumption by deer within the city. For purposes of this regulation, food would include corn, fruit, oats, hay, nuts, wheat, alfalfa, salt blocks, grain, vegetables, and commercially sold wildlife feed and livestock feed. The ordinance excludes certain individuals and officials acting within the scope of their authority. It also excludes certain edible materials from the prohibition, including standing crops, plant materials growing in gardens, naturally growing matter, fruits or nuts fallen from trees, stored crops, livestock feed, lawns or gardens, and bird feed.

For some historical context, councilmembers and members of the public may wish to review a [2012 report and recommendations](#) issued by a [Joint City of Bloomington-Monroe County Deer Task Force](#), a group that was formed to study deer in urban and suburban areas and charged with developing recommendations to mitigate issues of human-deer interaction and the ecological impact of deer.

One resulting recommendation from this report was to prohibit the feeding of deer within city limits. Relevant pages from the report are included in this packet. [Ordinance 23-16](#) proposes adding a new section (07.40.030) to city code that largely mirrors suggested language from the 2012 recommendations. The Deer Task Force acknowledged that anti-feeding regulations would be difficult to enforce but believed that regulations would have deterrent and educational value. The Task Force recommended that such a ban be accompanied by public awareness efforts.

The ordinance would also add accompanying fines for deer feeding violations, starting at \$50 and doubling for each subsequent offense within twelve months of the first offense.

Next, the ordinance increases surrender fees (for non-Monroe County residents) and adoption fees. It also adds a monitoring fee of \$50 for vicious animals. The staff memo provided by Virgil Sauder indicates that these increases are meant to better reflect the costs to the city for providing services and care to the animals.

Next, the ordinance would provide the ACC with the added ability to require individuals declared “habitual offenders” to attend a responsible pet owner course approved by the commission. Local code currently allows the ACC to declare a pet owner/guardian a habitual offender if:



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(1) the owner/guardian is found to have violated any provision(s) of Bloomington Municipal Code Title 7 on at least three (3) separate occasions within the same twenty-four (24) month period of time; or

(2) the owner/guardian of an animal which has been declared potentially dangerous or vicious fails to comply with the terms and conditions required by Title 7 and the animal control commission for maintaining such an animal.

Finally, the ordinance would clarify that an individual appealing a decision of the ACC has 60 days (rather than 10 days) to file the appeal with the Monroe County Circuit Court after the ACC's written decision, order, or findings.

Contact

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