

ARTICLE 7. PERMITS AND LICENSING

Sec. 5-60. Application for license or permits.

- (a) Application for licenses or permits may be made at the South Bend Animal Resource Center, a SBARC designated facility, SBARC website, or by mail, and shall include the name, address of applicant, type of license or permit applied for, number and description of animal(s), information regarding sterilization, rabies vaccination certificate, microchip information; and upon request a list of all other vaccinations administered, if known, the date and type of vaccinations and the name of the person, business, or entity who administered them, a record of any known disease, illness or condition with which the animal is or has been afflicted; and record of any veterinary treatment or medication received by the animal and appropriate fee.
- (b) Pet Licenses are to be issued for a term of one (1) year to three (3) years, commencing and concluding with the date of the most recent rabies vaccination. Owner/guardians must contact the South Bend Animal Resource Center with changes of address, telephone or ownership. Failure to keep contact information current may result in the inability of the South Bend Animal Resource Center to contact an owner/guardian.
- (c) All Permits are to be issued for a term of one (1) year, commencing with the date of issuance, and required to be renewed annually.
- (d) Upon approval, the South Bend Animal Resource Center shall issue a license or permit in written or electronic form, which includes the number of the license or permit and the type of license or permit.
- (e) The South Bend Animal Resource Center shall maintain records of the identifying license/permit number.
- (f) All dogs or cats over the age of three (3) months must be licensed with a current pet license. The owner/guardian of any dog or cat, which dog or cat is over the age of three (3) months, must also have in his or her possession a current rabies vaccination certificate showing that such animal has been vaccinated against rabies as provided in Secs. 5-23 and 5-24. Any owner/guardian of such animal who moves into the City for purposes of establishing a residence or residing or who becomes a resident as result of annexation shall have thirty (30) days in which to obtain the license or permit required by this Article.
- (g) All owners/guardians have the responsibility to keep all license or permit information current with the South Bend Animal Resource Center.
- (h) Potentially dangerous animal permit. No person shall harbor, hold for sale, sell, keep or maintain in the City any potentially dangerous animal, unless all provisions of Sec 5-123 in Article 10 are satisfied.
- (i) Dangerous animal permit. No person shall harbor, hold for sale, sell, keep or maintain in the City any dangerous animal, unless all provisions of Sec 5-124 in Article 10 are satisfied.

Sec. 5-61. Pet licensing and microchip required; limited fee exemptions to licensing.

- (a) Any person owning, keeping, harboring or having custody of any dog or cat over the age of three (3) months must obtain a pet license for such animal; provided, however, that no pet licensing shall be required of any animal rescue organization, municipal animal control facility or governmental agency, or service dog agency.

- (b) Starting January 1, 2021, if a dog or cat does not have a microchip, SBARC will register and implant one (1) permanent microchip with corresponding discrete number upon completion of the licensing application and payment of licensing fees. Existing microchip implants/numbers will be used to license the corresponding animal and the South Bend Animal Resource Center will scan and verify any existing microchip and its information. Microchip implants may be registered for the life of the animal with the South Bend Animal Resource Center. Additionally, a durable tag will be issued for an animal that has received a microchip implant from the South Bend Animal Resource Center. The durable tag will have a corresponding number to that of the implanted microchip and will display a national, toll free, twenty-four (24) hour, seven (7) days per week telephone number for the purpose of animal and owner/guardian identification.
- (c) The license will be on file with the South Bend Animal Resource Center and proof of payment/license will be provided to the owner/guardian.
- (d) The South Bend Animal Resource Center will consider the registered microchip owner/guardian to be the legal owner/guardian. If no registered microchip is found or present, then the South Bend Animal Resource Center will consider tags, or other identifiers to determine the legal owner/guardian.
- (e) Any person owning any dog or cat which has been implanted with a microchip shall transfer the microchip documentation with the South Bend Animal Resource Center and national registry upon sale, trade, barter, gift or transfer of an animal.
- (f) Annual pet licenses are non-transferable.
- (g) Limited fee exemptions to licensing requirements:
 - (1) Threat to health of animal. Upon a written statement from a licensed veterinarian setting forth that the neutering of the animal shall constitute a threat to the health of that animal, the payment of the license fee for unaltered animal shall not be required but the animal shall be classified as an altered animal for purposes of pet licenses and fees. Licensing at the altered tag price under this section will constitute agreement not to breed the animal, and breeding of such animal may result in fines and revocation of said license.
 - (2) Service Animal Exemption. A person who is impaired by:
 - (i) Blindness or any other visual impairment;
 - (ii) Deafness or any other aural impairment;
 - (iii) A medical condition or any other condition governed by the Americans with Disabilities Act (ADA)shall be exempt from the fees listed in this Chapter for the licensing of their service animal.
 - (3) Senior Citizen Exemption. Any person sixty-two (62) years of age or older, with valid proof thereof, who owns, keeps, harbors or has custody of an altered and microchipped animal licensing his/her animal will have the licensing fees for such animal waived in their entirety.
 - (4) Military Exemption. Any active duty military personnel or veteran, with valid military identification, who owns, keeps, harbors or has custody of an altered and

microchipped animal licensing his/her animal will have the licensing fees for such animal waived in their entirety.

Sec. 5-62. Kennel/cattery permit regulations.

(a) Permit Required.

- (1) It shall be unlawful for any person to own or operate a kennel/cattery as they are defined in Sec. 5-2, within the City, unless the kennel/cattery, first is registered with the South Bend Animal Resource Center and has the proper zoning authority to operate such kennel/cattery.
- (2) Each kennel/cattery shall require only one (1) permit, although it may operate as more than one (1) type of facility
- (3) When a kennel/cattery is registered pursuant to this Chapter, the South Bend Animal Resource Center shall issue a permit therefor.
- (4) Each animal owned by the permit holder will be individually registered with the City; animals owned by clients of a boarding business will be registered by the permit holder's clients.

(b) Annual inspection; permit term; renewal.

- (1) Prior to the issuance of a permit or renewal of permit, the South Bend Animal Resource Center may cause an inspection of the kennel/cattery, to be made by the Division of Animal Welfare to determine whether the applicant is qualified under this Chapter.
- (2) The permit term shall commence for one (1) year from the date of issuance.

(c) Display. The kennel/cattery permit shall always be displayed prominently in the business office of the kennel/cattery.

(d) In addition to the requirements of this Article, all kennels/catteries in the City shall:

- (1) be operated in such a manner as not to constitute a nuisance;
- (2) provide an isolation ward for boarded animals that are sick or diseased, that is sufficiently removed so as not to endanger the health of other animals;
- (3) keep all boarded animals caged or under the control of the owner/guardian or operator of the kennel/cattery;
- (4) with respect to all animals in the kennel/cattery, comply with all the requirements of this Chapter for the general care of animals;
- (5) comply with all applicable federal, state and local laws, and all applicable regulations adopted by the Department of Code Enforcement; and
- (6) be subject to regular unannounced inspection at the discretion of the Division of Animal Welfare.

(e) Revocation. Cause for revocation may include but is not limited to: animals running at large, substantiated neighborhood nuisance complaints, failure to maintain current permits, breeding without a breeder permit, failing to provide minimum standard care requirements, failing to maintain current rabies vaccine status and failing to provide adequate food, water and shelter.

Sec. 5-63. Veterinary hospitals and clinics permit regulations.

- (a) No permit is required for veterinary hospitals and clinics.
- (b) All animals shall be housed humanely and in a sanitary manner.
- (c) Veterinarians shall keep records of each animal accepted for treatment, diagnosis or routine health care.
- (d) Veterinarians who engage in boarding, grooming or other business in addition to the treatment and/or medical care of animals shall obtain a permit as herein provided.

Sec. 5-64. Grooming shop permit regulations.

- (a) Any person who has a grooming shop as defined in this Chapter shall obtain a grooming shop permit.
 - (1) A permit holder may request that any dog or cat accepted for grooming be vaccinated against common diseases and require proof of such vaccinations be furnished to the shop operator.
- (b) In addition to the requirements of this Article, all grooming shops in the City shall:
 - (1) be operated in such a manner as not to constitute a nuisance;
 - (2) provide an isolation ward for boarded animals that are sick or diseased that is sufficiently removed so as not to endanger the health of other animals;
 - (3) keep all boarded animals caged or under the control of the owner/guardian or operator of the grooming shop;
 - (4) with respect to all animals in the grooming shop, comply with all the requirements of this Chapter for the general care of animals;
 - (5) comply with all applicable federal, state and local laws, and all applicable regulations adopted by the Department of Code Enforcement; and
 - (6) be subject to regular unannounced inspection at the discretion of the Division of Animal Welfare.
- (c) Annual inspection; permit term; renewal.
 - (1) Prior to the issuance of a permit or renewal of permit, the South Bend Animal Resource Center may cause an inspection of the grooming shop, to be made by the Division of Animal Welfare to determine whether the applicant is qualified under this Chapter.
 - (2) The permit term shall commence for (1) year from the date of issuance.
- (d) Display. The grooming shop permit shall always be displayed prominently in the business office of the grooming shop.
- (e) Revocation. Cause for revocation may include but is not limited to: animals running at large, substantiated neighborhood nuisance complaints, failure to maintain current permits, breeding without a breeder permit, failing to provide minimum standard care requirements, failing to maintain current rabies vaccine status and failing to provide adequate food, water and shelter.

Sec. 5-65. Pet shop permit regulations.

- (a) Any person operating a pet shop as defined in Sec. 5-2 shall obtain a pet shop permit.

- (b) In the event of a sale of an animal from a pet shop, the pet shop as primary owner shall furnish to the purchaser a written statement at the time of sale containing the following:
- (1) Date of sale,
 - (2) Name, address and telephone number of purchaser and permit holder,
 - (3) Permit number of permit holder,
 - (4) Breed, description, approximate age and sex of dog, cat or other animal sold. (Small mammals, parrot-type birds, and fish not included.)
 - (5) Medication and prophylactic immunization and dates administered,
 - (6) Internal parasite medication(s) and date(s) administered,
 - (7) Microchip information,
 - (8) A guarantee of good health for a period of not less than one (1) week with recommendation to have the animal examined by a licensed veterinarian, and
 - (9) The permit holder shall retain a copy of the written statement for twelve (12) months from date of sale.
- (c) The pet shop shall be further required to register with the South Bend Animal Resource Center the name, address, and telephone number of each buyer or new owner/guardian of any dog or cat transferred within five (5) days after the sale or transfer.
- (d) The Animal Welfare Officer or County Health Department of St. Joseph County may restrict the sale of any animal suspected of being diseased or otherwise unfit for sale. An examination by a licensed veterinarian may be requested at the expense of the enforcement agency. The Animal Welfare Officer may seize the animal to ensure and protect the health and safety of any other animals present and/or the public.
- (1) The permit holder shall reimburse the enforcing agency's veterinary fees if the inspection by the veterinarian concludes the animal to be unfit for sale at the time of inspection.
 - (2) The inspection is to be made by a veterinarian within twenty-four (24) hours of the enforcing agency's determination that the said animal is not fit for sale.
- (e) All pet shops herein defined and stores selling animals, birds, reptiles and fish as pets shall house animals in a sanitary manner. Appropriate medical services, care, and housing shall be given according to individual species needs.
- (f) No puppy or kitten under the age of eight (8) weeks may be offered for sale, trade or other compensation or for free giveaway (except a puppy or kitten, or litter or litters taken to the Division of Animal Welfare).
- (g) All pet shops as defined in this Chapter that buy, sell or offer for sale dogs and/or cats shall acquire such dogs and/or cats only through adoption agencies. Dog and/or cat inventory displayed at pet shops for compensation must only originate from South Bend Animal Resource Center or a 501 (c)(3) animal rescue organization. The intent of this section is to prohibit the purchase from high volume or hobby breeders.
- (h) In addition to the requirements of this Article, all pet shops in the City shall:

- (1) be operated in such a manner as not to constitute a nuisance;
 - (2) provide an isolation ward for boarded animals that are sick or diseased that is sufficiently removed so as not to endanger the health of other animals;
 - (3) keep all boarded animals caged or under the control of the owner/guardian or operator of the pet shop;
 - (4) with respect to all animals in the pet shop, comply with all the requirements of this Chapter for the general care of animals;
 - (5) comply with all applicable federal, state and local laws, and all applicable regulations adopted by the Department of Code Enforcement; and
 - (6) be subject to regular unannounced inspection at the discretion of the Division of Animal Welfare.
- (i) Annual inspection; permit term; renewal.
- (1) Prior to the issuance of a permit or renewal of permit, the South Bend Animal Resource Center may cause an inspection of the pet shop, to be made by the Division of Animal Welfare to determine whether the applicant is qualified under this Chapter.
 - (2) The permit term shall commence for (1) year from the date of issuance.
- (j) Display. The pet shop permit shall always be displayed prominently in the business office.
- (k) Revocation. Cause for revocation may include but is not limited to: animals running at large, substantiated neighborhood nuisance complaints, failure to maintain current permits, breeding without a breeder permit, failing to provide minimum standard care requirements, failing to maintain current rabies vaccine status and failing to provide adequate food, water and shelter.

Sec. 5-66. Carriage/rental horse permit regulations.

- (a) It shall constitute a violation of this Article for any person or corporation to use or offer for use a horse in a rental horse business without a permit issued pursuant to the regulations and conditions set out hereinafter. No owner or operator of a rental horse business shall permit a carriage driver to operate without a valid chauffeur or operator's permit to drive.
- (b) Permits shall be issued for a term of one (1) year and shall be renewed annually.
- (c) An application for a permit or renewal of a permit shall be made to the South Bend Animal Resource Center. Applications for renewal must be submitted no later than ten (10) business days prior to expiration of the current permit. All such applications shall contain the name and address of the owner/guardian of the horse and the rental horse business in which such horse is to be used. The horse shall be identified by breed, age, sex, color, markings, and the location of the stables where the horse is to be kept, recorded on a veterinary certificate provided by the Division of Animal Welfare. No permit shall be transferable. Upon the transfer of ownership or use of any horse to a new owner or operator shall obtain a new permit for such horse within thirty (30) days of the transfer date.
- (d) The annual fee per working animal permit or renewal and shall be paid upon submission of an application to the South Bend Animal Resource Center.

- (e) Each horse registered for use pursuant to these regulations shall be assigned an official identification number unique to that horse during the duration of its use by the rental horse business.
- (f) An owner or operator of a rental horse business shall keep an accurate daily record of the movement of each registered horse when in the City limits including driver's name, horse's identification number, vehicle license plate number, time of leaving stable and time of return to stable. Such records shall be kept on the premises of the stable where rental horses are kept or maintained and shall be made available to the South Bend Animal Resource Center upon request.
- (g) An owner or operator of a rental horse business shall make the stable (if located within the City limits) in which horses used in the rental business kept open for inspection at all reasonable time by authorized personnel of the South Bend Animal Resource Center to enforce the provisions of this Article.
- (h) Revocation. Cause for revocation may include but is not limited to: animals running at large, substantiated neighborhood nuisance complaints, failure to maintain current permits, breeding without a breeder permit, failing to provide minimum standard care requirements, failing to maintain current rabies vaccine status and failing to provide adequate food, water and shelter.

Sec. 5-67. Breeder permit regulations.

- (a) Commercial dog breeders shall comply with Ind. Code §15-21 (“Commercial Dog Breeder Regulation”) and any other applicable state and federal laws. All other breeders are subject to the regulations under this section and those under Chapter 5.
- (b) A breeder's permit per animal shall be obtained by:
 - (1) Any person who intentionally or unintentionally causes the breeding of one (1) or more cat or dog or makes one (1) or more cat or dog available for breeding purposes in a 12-month period; and
 - (2) Any person who offers for sale, sells, trades, receives other compensation or gives away any **offspring of more than one (1) litter** of dogs or cats; **however**, a litter of dogs or cats taken to the South Bend Animal Resource Center will be excluded.
- (c) Any person who obtains a breeder’s permit shall:
 - (1) Not allow the birthing of more than one (1) litter per female dog or cat in a 12-month period, and
 - (2) Be subject to regular unannounced inspection at the discretion of the Division of Animal Welfare.
- (d) Permit holders
 - (1) shall furnish the South Bend Animal Resource Center with information on the birth of each litter of dogs or cats and shall be required by the Division of Animal Welfare to register that litter of dogs or cats with the Division of Animal Welfare, and will be assigned a litter number for each litter;
 - (2) shall turn over, within 24 hours of verification from a licensed veterinarian, to South Bend Animal Resource Center any dogs or cats that expire within eight (8) weeks of their birth;

- (3) shall register with the Division of Animal Welfare the name, address, and telephone number of each buyer or new owner/guardian of any dog or cat sold or transferred within five (5) days after the date of such sale or transfer;
 - (4) shall transmit to the new owner/guardian or buyer the litter number of the animal acquired, and the breeder's permit number in order that the new owner/guardian has assurance and proof that the animal was legally bred;
 - (5) shall immunize all cats and dogs offered for sale, trade or other compensation or rehoming without fees (except an animal taken to the Division of Animal Welfare) against common disease; in the case of dogs, against canine distemper, adeno-virus parainfluenza, parvovirus, and in the case of cats, against feline rhinotracheitis, panleukopenia and feline calicivirus;
 - (6) shall not offer a puppy or kitten under the age of eight (8) weeks for sale, trade, other compensation or rehoming without fees (except a puppy or kitten or litters of them taken to the South Bend Animal Resource Center);
 - (7) shall furnish a guarantee of health for a period of not less than one (1) week with recommendation to have examined by licensed veterinarian for each animal sold;
 - (8) shall furnish at the time of permit application proof of registration of the breeder as a business with the State of Indiana or Indiana Department of Revenue or valid proof of exemption from such registration;
 - (9) shall furnish at the time of permit application a current criminal background check clearing the person from being convicted of a felony involving violence, weapons, drugs, animal cruelty or animal fighting. No person shall be issued a breeder permit if he or she has been convicted of a felony involving violence, drugs, animal cruelty or animal fighting; and
 - (10) shall certify in writing that he or she does not reside with a person who has been denied a breeder's permit.
- (e) Any owner/guardian or harbinger will be not required to purchase a breeder permit if either of the following conditions are satisfied within ten (10) weeks of the birth of the litter:
- (1) the mother of the litter and all animals of the litter are surrendered to SBARC, and all other animals owned or harbored are spayed/neutered and licensed; or
 - (2) the mother of the litter and all animals of the litter are spayed/neutered and licensed, and all other animals owned or harbored are spayed/neutered and licensed.
- (f) Revocation. Cause for revocation may include but is not limited to: animals running at large, substantiated neighborhood nuisance complaints, failure to maintain current permits, breeding without a breeder permit, failing to provide minimum standard care requirements, failing to maintain current rabies vaccine status and failing to provide adequate food, water and shelter.

Sec. 5-68. Chicken coop/pen permit.

- (a) Anyone desiring to raise one (1) or more urban chickens within the City limits must:
- (1) file and have approved an application for an Urban Chicken Permit with the South Bend Animal Resource Center,

- (2) pay the annual filing fee,
- (3) have the conditions for the chickens pass inspection by the Division of Animal Welfare, and
- (4) satisfy the requirements of Sec. 5-37.

(b) A chicken coop/pen permit may be denied or revoked to any person who has:

- (1) failed or refused to comply with the permit requirements,
- (2) made any fraudulent or false statement or material representation in the permit application or in connection with the keeping of urban chickens,
- (3) violated a state law or any provision of the South Bend Municipal Code in connection with the application or keeping of urban chickens, or
- (4) kept urban chickens or other animals in such a manner as to constitute a breach of the peace or a menace to the health, safety or welfare of the public.

(c) Revocation. Cause for revocation may include but is not limited to: animals running at large, substantiated neighborhood nuisance complaints, failure to maintain current permits, breeding without a breeder permit, failing to provide minimum standard care requirements, failing to maintain current rabies vaccine status and failing to provide adequate food, water and shelter.

Sec. 5-69. Pigeon loft permit.

(a) Anyone desiring to raise racing, homing, rolling or fancy pigeons within the City limits must:

- (1) file and have approved an application for a Pigeon Permit with the South Bend Animal Resource Center,
- (2) have the conditions for the pigeons pass inspection by the Division of Animal Welfare, and
- (3) meet the requirements of Sec. 5-38.

(b) A pigeon loft permit may be denied or revoked to any person who has:

- (1) failed or refused to comply with the permit requirements,
- (2) made any fraudulent or false statement or material representation in the permit application or in connection with the keeping of racing, homing, rolling or fancy pigeons,
- (3) violated a state law or any provision of the South Bend Municipal Code in connection with the application or keeping of the pigeons, or
- (4) kept the pigeons or other animals in such a manner as to constitute a breach of the peace or a menace to the health, safety or welfare of the public.

(c) Revocation. Cause for revocation may include but is not limited to: animals running at large, substantiated neighborhood nuisance complaints, failure to maintain current permits, breeding without a breeder permit, failing to provide minimum standard care requirements, failing to maintain current rabies vaccine status and failing to provide adequate food, water and shelter.

Sec. 5-70. Animal concession, animal event and animal exhibit permit.

- (a) No person or entity shall operate or maintain for profit an animal exhibit without first having obtained a permit from the South Bend Animal Resource Center.
- (b) The application for the permit shall describe the proposed location, the purposes for which it is maintained and the dates and hours of the performances or exhibitions. The proposed event must comply with local, state and federal laws regarding the humane care and treatment of animals, and a copy of the application shall be filed with the South Bend Animal Resource Center no later than ten (10) days prior to the first date of the proposed performance or exhibition.
- (c) The applicant shall provide written proof of insurance in the limits of liability not less than \$300,000 for injury to or death of one person in any occurrence.
- (d) Any permit issued under the provisions of this section may be revoked by the South Bend Animal Resource Center by reasonable notice or hearing. The permit fees required under this Chapter may be waived at the discretion of the South Bend Animal Resource Center.
- (e) Permits are to be issued on a per day event basis commencing with the date of the event.
- (f) Prior to event(s), the responsible person for the event must furnish to the Division of Animal Welfare a schedule of dates and times of exhibits and performances so the Division of Animal Welfare may perform periodic inspections.
- (g) Revocation. Cause for revocation may include but is not limited to: animals running at large, substantiated neighborhood nuisance complaints, failure to maintain current permits, breeding without a breeder permit, failing to provide minimum standard care requirements, failing to maintain current rabies vaccine status and failing to provide adequate food, water and shelter.

Sec. 5-71. Carnivals and circus.

- (a) All carnivals and circuses must comply with the provisions of Sec. 4-22 of the South Bend Municipal Code.
- (b) Non-profit organizations conducting carnivals and circuses are required to obtain a permit, but those permits will be issued as complimentary when non-profit status has been verified.
- (c) Revocation. Cause for revocation may include but is not limited to: animals running at large, substantiated neighborhood nuisance complaints, failure to maintain current permits, breeding without a breeder permit, failing to provide minimum standard care requirements, failing to maintain current rabies vaccine status and failing to provide adequate food, water and shelter.

Sec. 5-72. Zoological park permits.

- (a) Zoological parks, as defined in Sec. 5-2, shall be issued complimentary permits at no fee.
- (b) In addition, all zoological parks in the City shall:
 - (1) be operated in such a manner as not to constitute a nuisance;
 - (2) provide an isolation ward for animals that are sick or diseased, be sufficiently removed so as not to endanger the health of other animals;
 - (3) keep all animals caged or under the control of the owner or operator of the zoological park;

- (4) with respect to all animals in the zoological park, comply with all the requirements of this Chapter for the general care of animals;
 - (5) comply with all applicable federal, state and local laws, and all applicable regulations adopted by the Department of Code Enforcement; and
 - (6) be subject to regular unannounced inspection at the discretion of South Bend Animal Resource Center.
- (c) Annual inspection; permit term; renewal.
- (1) Prior to the issuance of a permit or renewal of permit, the South Bend Animal Resource Center may cause an inspection of the zoological park, to be made by the Division of Animal Welfare to determine whether the applicant is qualified under this Chapter.
 - (2) The permit term shall commence for (1) year from the date of issuance.
- (d) Display. The zoological park permit shall always be displayed prominently in the business office of the zoological park.
- (e) Revocation. Cause for revocation may include but is not limited to: animals running at large, substantiated neighborhood nuisance complaints, failure to maintain current permits, breeding without a breeder permit, failing to provide minimum standard care requirements, failing to maintain current rabies vaccine status and failing to provide adequate food, water and shelter.

Sec. 5-73. Animal rescue organizations and animal welfare organizations.

- (a) No permit shall be required of animal rescue organizations or animal welfare organizations as defined in Sec. 5-2; however, all other provisions of this Chapter shall apply, and such organizations are subject further to the following regulations:
- (1) Record keeping. Records of animals, medical treatments and microchip information must be kept and be furnished to SBARC upon request and/or to adoptive owners.
 - (2) Violations. Main facility and foster homes each may be held liable for violations of this Chapter and fined no less than Five Hundred dollars (\$500.00) per offense, with further penalty provisions detailed in Article 10 of this Chapter.
 - (3) Location. Foster homes within the City must comply with all applicable provisions of this Chapter regardless of the location and jurisdiction of its related animal rescue organization's or animal welfare organization's primary business address.

Sec. 5-74. Denials, suspensions or revocation of permit; notice; appeals; re-inspections;

- (a) Whenever an inspection indicates fraud, material misrepresentation or false statements related to the permit, or a danger or an imminent hazard to the public health or to the health of any animal at the premises related to the permit, the Animal Resource Center Manager may immediately suspend or revoke the permit.
- (b) Upon suspension or revocation of any permit, all operations related to the permit shall cease at once. The Animal Resource Center Manager may cause a "notice of closure" sign to be conspicuously placed at the location(s) of the operations. It shall be unlawful for any person to

remove a "notice of closure" sign unless authorized to do so by the Animal Resource Center Manager

- (c) Whenever a person is denied a permit or whose permit is suspended or revoked, the Animal Resource Center Manager may immediately impound all animals in such person's care, possession or control.
- (d) The South Bend Animal Resource Center shall provide notice of permit denial, suspension, revocation and appeal, re-inspection and redemption provisions under this Article by first class mail to the address on record of the person who is denied a permit or whose permit is suspended or revoked.
- (e) Any person who is denied a permit or whose permit is suspended or revoked may appeal the denial, suspension or revocation in accordance with this section within ten (10) days of the date of the denial, suspension or revocation of the permit.
 - (1) All requests for appeals must be in writing and state the reasons for the appeal.
 - (2) The request for appeal must be filed with the Department of Code Enforcement. Upon receipt of the request, the Department of Code Enforcement shall distribute copies of the request to the President of the Animal Welfare Commission and the Animal Resource Center Manager.
 - (3) After receiving the request for appeal, the Animal Welfare Commission at its next meeting shall decide whether to accept the request as a valid and proper request and set it for a hearing as necessary. If the request is accepted for hearing, then the Animal Welfare Commission shall set the location, date and time for the hearing to be held within 30 days of acceptance and provide for the service of notification of the hearing to the owner/guardian or harbinger and retain proof of service.
 - (4) Animal Welfare Commission must serve notice of hearing at least 10 days before the hearing to the last known address of the person requesting the appeal and the notice must contain the following:
 - (a) The name and contact information of the Animal Welfare Commission.
 - (b) Hearing date, time and location.
 - (c) A statement referencing and summarizing the hearing process under this section.
 - (5) The Animal Welfare Commission has the authority to hear evidence, both pro and con, as to whether the denial, suspension or revocation should or should not be removed.
 - (6) The Animal Welfare Commission shall promptly decide to remove or not to remove the denial, suspension or revocation and may issue such determination at the end of the hearing or within a reasonable amount of time thereafter.
 - (7) Determinations of the Animal Welfare Commission may be appealed to the Circuit Court of St. Joseph County.
- (f) Any person who is denied a permit or whose permit is suspended or revoked may seek a re-inspection agreement with SBARC for the granting or reinstatement of a permit based on compliance.

- (g) Upon any re-inspection by the South Bend Animal Resource Center, a permit reinstatement fee of fifty dollars (\$50.00) will be required before the permit reinstatement is approved.

Sec. 5-75. Redemption of impounded animals seized for permit denials, suspensions or revocation.

- (a) Animals impounded by the South Bend Animal Resource Center will be held for no less than the ten (10) days to request an appeal, or for the period of time necessary to correct the conditions that caused the denial, suspension or revocation if SBARC and the person who is denied a permit or whose permit is suspended or revoked reach an re-inspection agreement including the housing and care of the seized animals. If no appeal is filed within the ten (10) days, or if no agreement is reached with SBARC or if the conditions are not corrected as stated in the agreement, the seized animals will be considered unredeemed.
- (b) When re-inspection occurs after denial, suspension or revocation and it indicates full compliance with and correction of all the conditions that caused the denial, suspension or revocation, the permit may be granted or restored and impounded animals that are in the care of the South Bend Animal Resource Center at the time of full compliance may be redeemed.
- (c) Upon the redemption of seized animals, the person who is denied a permit or whose permit is suspended or revoked is responsible for fees associated with the housing and care of the seized animals.
- (d) Any animal remaining unredeemed after the prescribed holding period shall at once become the property of the South Bend Animal Resource Center.

Secs. 5-76 – 5-80. Reserved.