

CHAPTER 90. ANIMALS*

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Sec. 90.01 Definitions.

For purposes of this chapter the following words and phrases shall have the following meanings ascribed to them respectively.

- (A) *At large.* Off the premises of the owner and not under the control of the owner or a member of his immediate family, either by leash, cord, chain, or under reasonable control of some competent person.

- (B) *Cruelty.* The intentional and malicious infliction of physical suffering upon an animal.
- (C) *Dog.* Members of the canine species, both male and female.
- (D) *Harboring.* Any person who shall suffer or permit any dog or other animal to frequent or remain on or within his house, building, premises, or enclosure shall be deemed to be harboring such dog other animal, within the meaning of this chapter.
- (E) *Kennel.* The use of land or buildings for the purpose of selling, breeding, boarding or training animals other than farm animals; or the keeping of four or more dogs over four months old, or the keeping of six or more cats over four months old, or the keeping of more than five dogs and cats.
- (F) *Neglect.* The failure to provide an animal proper medical care, the failure to provide proper housing, or the failure to provide food and water.
- (G) *Non-immunized dog or cat.* Any dog or cat over three months of age which has not been vaccinated or immunized against rabies, or if a booster shot has not been administered for a period of 12 months from the date of the last vaccination.
- (H) *Owner.* Any person keeping or harboring a dog or other animal.
- (I) *Pet Shop.* Animal retail establishment engaging in the purchase and/or sale and/or adoption of all vertebrate and non-vertebrate animals. This definition includes all non-profit animal shelters.

- (J) *Rabies vaccination.* The injection by a licensed veterinarian of a dog or cat with a rabies vaccine licensed by the U.S.D.A. and approved by the Indiana State Board of Health.
- (K) *Severe injury.* Any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery.
- (L) *Undomesticated animals.* Animals that usually live in the wild, such as, but not limited to bears, lions, snakes, cougars, or coyotes.
- (M) *Vicious dog.* A vicious, fierce, or dangerous dog means any dog which has:
 - (1) Attacked a person without having been provoked by that person;
 - (2) Attacked, at some place other than its owner's property, another animal; or
 - (3) Chased or approached a person at some place other than its owner's property, in a menacing fashion or with an apparent attitude of attack.

shall be licensed according to laws of the State of Indiana.

- (1) *Nonresidents.* The provisions of this section shall not apply to dogs whose owners are nonresidents temporarily, within the city for a period of ten days or less, to dogs brought into the city for the purpose of participating in any dog show, nor to dogs properly trained to assist persons, when such dogs are actually used by those persons for the purpose of aiding them in their daily living.

(B) *Tag and collar; exhibition; removal unlawful.* Every person who owns, keeps, harbors or maintains a dog shall provide each such animal with a collar to which the township (city) licensing tag and the rabies vaccination tag shall be affixed and is responsible to see that the collar and tags are constantly worn. Dog tags are not transferable from one dog to another.

- (1) No person shall remove either the collar or the tag from any dog or any similar animal except on consent or order of the owner or person to whom the license has been issued. No person shall refuse upon request to exhibit his license to any officer of the police department of the city, director of the animal shelter, employee of the animal shelter, or to any other person having legal authority to inquire into the matter.

Sec. 90.02. Establishment of the Muncie animal Shelter.

There is hereby established The Muncie Animal Shelter which shall be responsible for the impounding of dogs, cats or other animals found to running at large and impounding fierce and dangerous dogs in the City of Muncie. The Muncie Animal Shelter shall encourage an adoption program for stray dogs and cats and spay or neuter program aimed at reducing the stray dog and cat population of the City.

Sec. 90.03. Administration of the Muncie Animal Shelter

The mayor of the City of Muncie shall appoint a director of the Muncie animal shelter who shall be responsible for the day to day conduct of the business of the Muncie animal shelter. The director shall serve at the pleasure of the mayor of the city.

Section 90.04 should be completely omitted in its entirety. State license was abolished in 2005. City of Muncie and Delaware County have no license.

Sec. 90.04 Control licensing and registration of Dogs.

- (A) *License and registration required; exceptions.* All dogs kept, harbored or maintained by their owner in the city

Sec. 90.05 Poisoning dogs or cats.

It shall be unlawful for any person with the intent to destroy or kill any dog or cat to feed the animal any poisoned food or to place poisoned food where it may be found and eaten or consumed by a dog or cat.

Sec. 90.06 Running at large.

No person owning or having charge, care, custody, or control of any dog or cat shall cause, permit, or allow the dog or cat to run at large upon any street, alley, or other public place, or upon any private property or premises other than those of the person owning or having charge, care, custody, or control of the dog or cat, within the city.

For purpose of contracting with the county or other incorporated areas. The phrase "within the city" should be eliminated.

(A) *Impoundment of dogs or cats running at large.* Dogs and cats found to running at large and not under restraint, as provided herein, shall be taken by an agent of the animal shelter, impounded at the animal shelter, and confined there in a humane manner for a period of not less than five working days, unless sooner claimed by the owner, and may, in the event such animal is not claimed, thereafter be sold, adopted, or disposed of in a humane manner.

- The five working days should be changed to three working days. This would be consistent with other communities and with current shelter hours being four days per week, this would make more sense to lower over population.

- The word "sold" should not be in animal sheltering. This leaves an opening for the shelter to sale animals for profit to experimental labs, etc.

(1) The person in charge of the animal shelter shall, upon receiving any dog or cat, make a complete registry entering the breed, color, and sex of such dog or cat, and whether the dog is licensed, If the dog is licensed, the name and address of the owner and the number of the license tag shall be entered in the registry.

This section (1) should read as follows;

(1) The person in charge of the animal shelter or his designee, upon receiving any animal, make an identification card entering the

breed, color, and sex of such animal, and whether the animal is micro chipped. If the animal is micro chipped, the name and address of the owner and the number of the micro chip shall be entered in the identification card.

(2) Any animal so impounded under the provisions of this chapter and no reclaimed by the owner or agent thereof with such five day period may be placed in the custody of some suitable person who will pay the adoption fee and who will agree to comply with the provisions of this chapter and provide a good home for the animal. If no such suitable person is found for the animal, the animal may be humanely destroyed and disposed of.

The five should be changed to three.

(3) When, in the judgment of the director of the animal shelter, it is deemed that an animal should be destroyed for humane, health, or safety reasons, it shall be his duty to see that the animal is destroyed, and not permitted to be redeemed by any person. An appeal from the judgment of the director of the animal shelter may be taken to the board of public works and safety within five days, during which time the animal shall not be destroyed. It shall be the duty of the board to affirm or disaffirm the decision of the director of the animal shelter as to whether or not the dog shall be destroyed.

The five should be changed to three.

(4) Immediately upon the impounding of a dog or other animal, the agent of the animal shelter shall make every effort possible to notify the owner of such dog or other animal of the impoundment and of the conditions under which he may regain custody of his animal.

Should read "every reasonable effort possible."

- (5) The owner of any animal impounded under the provisions of this chapter shall be entitled to resume possession of such animal upon the payment of the impounding fee and any extraordinary expenses incurred by the animal shelter in providing proper care for such animal. In the event a dispute arises concerning an additional fee charged by the director for unusual expenses, the owner may appeal to the board of public works and safety.

Should include: Exceptions. Unless animal falls under another Section of this chapter for impoundment reason.

- (6) **Fees.** Any animal impounded under the terms of this chapter shall be reclaimed as herein provided upon the payment, by the owner or person reclaiming such animal, to the director of the animal shelter, of the sum of **\$15.00** for each animal so impounded. An additional sum of **\$7.50** may be added for each day or part thereof that such animal is impounded. The owner of any animal impounded for a second time shall pay to the director of the animal shelter the sum of **\$25.00** and an additional **\$10.00** for every other time that it is necessary to impound the animal. **The animal shelter shall not be used as a place for the care and custody of dogs not falling within the provisions of this chapter.** All fees collected shall be deposited by the director of the animal shelter weekly with the head of the department of finance, and the sum shall revert to the general fund. **The director of the animal shelter shall keep an accurate and itemized verified account of his receipts to the common council on the first day of January, April, July and October of each year. Such reports shall include all receipts and records of impounding and dispositions, either by sale, adoptions, or otherwise, of all animals coming into his custody.**

Part (6) should read as follows;

Fees. Any animal impound under the terms of this chapter shall be reclaimed as herein provided upon the payment, by the owner or person reclaiming such animal to the director of the animal shelter, of the sum of \$35.00 for each animal so impounded. An additional sum of \$12.00 may be added for each day or part thereof that such animal is impounded. The owner of any animal impounded for a second time shall pay to the director of the animal shelter the sum of \$50.00 and an additional \$25.00 for every other time that it is necessary to impound the animal. The animal shelter may accept animals not falling within the provisions of this chapter as space allows for a fee of \$75.00. All fees collected shall be deposited by the director of the animal shelter weekly with the head of the department of finance, and the sum shall revert to the general fund.

Sec. 90.07. Neglected or abandoned animals.

When in the judgment of the director of the Muncie animal shelter, or his designee, an animal has been neglected or abandoned the animal shall be impounded and provided such care as needed. An owner aggrieved by such action by the director of the animal shelter may appeal the action to the city court of the City of Muncie, Provided, the director may charge the owner for all expenses and costs in connection with caring for and maintaining the animal.

- (A) The neglect or abandonment of animal is a criminal misdemeanor and violation of this chapter.

Sec. 90.08. Fierce, dangerous, or vicious dogs; female dogs in heat.

No diseased dog, and no female dog in heat, whether licensed or not, shall be allowed to run at large or upon the premises of a person other than the owner. Any such dog found running at large in violation of this provision shall be taken up and impounded and shall not be released except upon approval of the director of the animal shelter, after payment of the fee provided in subsection (D) of this paragraph.

(A) It shall be unlawful for an owner or keeper of a vicious, fierce, or dangerous dog to cause, suffer, or allow it to go unconfined and unrestrained on his or her premises, or to run at large.

(1) The premises where such a dog is kept shall be adequately posted with warning signs such as "Beware of the Dog" or "Dangerous Dog". The sign shall be visible and capable of being read from the public street, highway, or thoroughfare. In addition, the sign shall be conspicuously displayed with a symbol warning children of the presence of a dangerous dog.

(2) If the owner of a dangerous dog is a minor, the parent or guardian of that minor shall be responsible for compliance with all of the requirements of this paragraph.

(B) It shall be unlawful for an owner or keeper of a vicious, fierce, or dangerous dog to walk any such dog or otherwise cause, suffer or allow its presence upon a public street or byway, right-of-way, or any municipally owned or public land or building, or private property without permission of that owner.

(C) It shall be the duty of any person having authority to impound a dog forthwith to impound any such dog found unconfined or running at large in violation of this section.

(D) Any person who violates this paragraph shall be punishable by a fine of not more than \$500.00 and if the violation results in the dog causing bodily injury to any person, the court shall, upon request, order the animal forfeited and/or destroyed.

(E) However, if any dangerous, fierce, or vicious dog found at large cannot be safely taken up and impounded, such dog may be

slain by any policeman, the director of The Muncie animal shelter or any employee thereof.

Sec. 90.09. Adoption, spaying or neutering of cats and dogs.

It is the announced policy of the common council to encourage the adoption of dogs and cats and in conjunction therewith spaying or neutering these animals.

(A) *List of participating veterinarians.* The director of the Muncie animal shelter shall maintain a list of all veterinarians who are willing to participate in the spay or neuter program as herein set out. The director shall update the list of participating veterinarians in January of each year hereafter.

(B) *Adoption and early age spaying/neutering of puppies and kittens.*

(1) The director of the Muncie animal shelter in conjunction with the participating veterinarians shall establish guidelines for the early spaying or neutering of puppies and kittens.

(2) The Muncie animal shelter shall pay for spay/neuter surgeries of puppies and kittens according to the following schedule:

Female puppies ... \$45.00 Male puppies ... \$30.00 Female kittens \$45.00 Male kittens ... \$30.00 All claims must be made to the office of the controller and include a recommendation for payment signed by the director of the Muncie animal shelter.

This section should be eliminated and all animals should be issued a coupon as stated in section 4.

(3) The mayor and the city controller shall, as may be necessary, establish a sche-

dule of fees for all services provided by the Muncie animal shelter. The schedule shall be conveyed to the director of the animal shelter where he shall post the schedule and charge such fees as are set out therein.

- (4) Upon payment of the full adoption fee the director of the Muncie animal shelter shall deliver a coupon for adopted females and males which have not been spayed/neutered which must be applied toward the cost of spaying/neutering the adopted animal. The coupon so issued must be used within 30 days from the date of issuance. A person adopting under this paragraph must have the animal spayed/neutered with the 30 day period of time. The failure to comply with the terms of this paragraph is a violation of this chapter.

- (E) *Adoption paperwork.* The director of the Muncie animal shelter shall deliver all papers as shall be necessary and recommended by the veterinarian participating in the program. To the individuals adopting animals from the shelter.

- (F) *Goal and annual reporting.* It is the goal of this program to spay/neuter all animals adopted from the Muncie animal shelter. The director shall report, in writing, to the common council in January of each year concerning this program. The report shall show all income from adoptions, all direct expenses from spaying/neutering, all coupons issued, all coupons redeemed, the director's recommendation concerning whether the program should continue and such other information as may be pertinent.

This section should be eliminated. The director reports to the mayor. The director is also accountable to the state board of accounts on book keeping is-

sues. The common council should not have to be concerned with spay/neuter coupon accounting.

Sec. 90.10. Resistance or obstruction unlawful.

No person shall resist or obstruct the director or any employee of the animal shelter in the exercise of his duties.

Sec. 90.11 Capturing dogs.

No person shall invade the private premises of another to capture, entice, or take any licensed dog out the enclosure of the person harboring the same; molest or seize any such dog while the same is accompanied by its owner, keeper, or custodian; or bring within the city any dog for the purpose of impounding the same collecting any reward for the return thereof, except provided in this chapter.

This sentence should be removed to allow contracting with other areas for animal control.

Sec. 90.12. Purchasing or possessing an animal for fighting contests.

No person shall knowingly own, harbor, or possess a dog primarily or in part for the purposes of dog fighting or which, or any dog which displays signs, such as wounds, cuts or scratches, of have been involved in dog fighting.

- (A) The violation of this paragraph is a criminal misdemeanor and subject to a fine of not more than \$500.00

Sec. 90.13. Animal fighting contests.

No person shall knowingly or intentionally promote or stage an animal fighting contest.

Sec. 90.14. Barking, howling, and yelping dogs.

No person shall harbor or keep any dog which, by loud and frequent or habitual barking, howling, yelping, shall cause serious annoyance or disturbance to the neighborhood.

Sec. 90.15. Rabies; method of handling suspected dogs.

- (A) It shall be the responsibility of every dog or cat owner to have all dogs and cats over three months of age owned by him or her continually protected against contracting rabies. The failure to have an animal protected against contracting rabies is a violation of this chapter, a misdemeanor and

- (B)
(C)

and the violation hereof may up to \$20.00 for each violation.

(B) If a dog is believed to have rabies or has been bitten by an animal suspected of having rabies, such dog shall be confined by a leash or chain on the owner's premises and shall be placed under observation of a veterinarian at the expense of the owner for a period two weeks. The owner shall notify the director of the animal shelter of the fact that his dog has been exposed to rabies, and at his discretion the director of the animal shelter is empowered to have such dog removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two weeks at the expense of the owner.

(C) No person knowing or suspecting a dog of having rabies shall allow such dog to be taken off his premises or beyond the limits of the city without the written permission of the director of the animal shelter. Every owner or other person, upon ascertaining a dog is rabid shall immediately notify the director of the animal shelter or a policeman, who shall either remove the dog to the animal shelter or summarily destroy it.

(D) In the event that the director of the animal shelter should learn that there is a rabid animal or there is a reasonable expectation that there is a rabid animal in the city he shall take control of the animal and hold it in quarantine not less than ten days. In the event that the director of the animal shelter shall learn that a dog has bitten a human being about the head he shall make an investigation, and if he determines there is a reasonable expectation that the animal is rabid he shall immediately deliver the animal to the Delaware County health department for diagnosis.

This entire section should be in accordance with the State of Indiana Rabies Laws and Regulations. The requirements change according to on going data research. It also includes all animals not just dogs.

Sec. 90.16. Cats.

Cats shall not be subject to the license provisions of this chapter as provided for dogs, but shall be subject to all of the remaining sections of this chapter, including impounding and disposal provisions.

Remove the license provisions wording.

Sec. 90.17. Selling baby chicks, rabbits.

No person shall sell, offer for sale, barter, or give away baby chickens, ducklings, or other fowl under three weeks of age, or rabbits under two months of age, as pets, toys, premiums, or novelties. Nor shall any person color, dye, stain, or otherwise change the natural color of baby chickens, ducklings, other fowl, or rabbits, or bring or transport the same into the city. However, this section shall not be construed to prohibit the sale or display of baby chickens, ducklings, other fowl, or rabbits in proper facilities by breeders or stores engaged in the business of selling for purposes of commercial breeding and raising.

Sec. 90.18. Running at large generally.

No person shall permit his horse, mare, colt, mule, jackass, jenny, bull, ox, cow, calf, goat, sheep, or swine to run at large within the city.

For purposes of contracting animal control in the county and other communities, within the city should be removed from this phrase.

Sec. 90.19. Keeping or harboring of livestock prohibited in certain residential areas.

No person occupying property within the city of Muncie, which is zoned under Title XV, section 150, of the zoning code, as R-1, R-2, R-3, R-4, R-5, or R-6 residence zones shall keep or harbor any livestock or poultry on such property.

(A) For the purposes of this section 90.19 livestock shall mean:

- (1) All cattle, or animals of the bovine species;
- (2) All horses, mules, burros, and asses or animals of the equine species;
- (3) All swine or animals of the porcine species;
- (4) All goats or animal of the caprine species;
- (5) All poultry.

Be certain this is ok with the zoning in the county or other possible contracted towns. They may have other zone codes.

Sec. 90.20. Keeping or harboring undomesticated animals in residential areas.

No person occupying property within the city of Muncie, which is zoned under title XV, Section 150, of the zoning code, as R-1, R-2, R-3, R-4, R-5, or R-6 residence zones shall keep or harbor undomesticated animals on such property.

Sec. 90.21. Fowl running at large.

The running at large within the city of chickens and other fowl is unlawful and is prohibited. It shall be the duty of each and every owner or custodian of any chicken or other fowl within the city to confine the same upon his premises.

Sec. 90.22. Impounding of animals and fowl; sale of same.

The director of the Muncie animal shelter upon finding any of the animals or fowl specified in sections 90.16, 90.17, 90.18, 90.19, 90.20, or 90.21 running at large within the city, shall take up and impound the same in the animal shelter and give immediate notice in writing of such impounding by posting one notice in a public place in each of the wards of the city, describing in the notice the animal or fowl taken up and impounded. If the owner thereof does not appear within 72 hours from the posting of such notice and pay to the caretaker of the animal shelter all expenses incurred by the city in taking up, impounding, keeping and feeding the animal or fowl, and his fees therefor, the director of the Muncie animal shelter shall sell the animal or fowl, to defray the expenses of the impounding, taking up, keeping, and feeding, and pay the proceeds of the sale into the general fund of the city. The common council shall order the surplus to be paid to the owner of the animal or fowl so sold, if the owner is known. The sale shall be at a public auction within the city, and time and place of the sale shall be stated in the notice. A copy of the notice shall be served on the owner of the animal or fowl by leaving a copy thereof at his last and usual place of residence, if the owner is known lives in the city.

No livestock could be held at the animal shelter. This section should be replaced with Indiana State codes.

Sec. 90.23. Kennels

A person or entity keeping and maintaining a kennel shall not be required to purchase a dog tag for each animal under the control of the owner. But the owner of a kennel is required to obtain an annual kennel license for a fee of \$10.00 per year which must be and paid for, in the office of the city controller, on or before the 30th day of January of each year hereafter. The license shall be approved each year by the director of the animal shelter and by City of Muncie building commissioner. It is required that a kennel must comply with the provisions of the city zoning ordinances.

- (A) The owner of a kennel shall keep it in a clean and sanitary condition at all times, and dogs and cats shall be reasonable restrained from annoying the neighborhood or the general public by loud, frequent or habitual barking, yelping or howling.

Sec. 90.24 Striking animal with motor vehicle.

- (A) Any person driving a motor vehicle **in the city** whose vehicle strikes a domestic animal shall report to the animal shelter or to the police division:
 - (1) The description of the animal struck;
 - (2) The location of the striking; and
 - (3) An opinion of the condition of the animal struck.
- (B) This person shall not be required to identify himself.

The phrase "in the city" should be eliminated for purposes of contracting animals control with the county or other areas.

Sec. 90.25. Violations.

The violation of any paragraph or provision of this chapter is a misdemeanor. A person found guilty of the violation of any paragraph or provision of this ordinance is subject to a fine not to exceed \$500.00 for each violation.

Sec. 90.26. Prior laws repealed

All laws dealing with animals of any kind or character that are now existing are hereby repealed.

Sec. 90.27. Cruelty to animals.

When, in the judgment of director of the Muncie animal shelter, or his designee, an animal has been treated in a cruel manner the animal shall be impounded and provided such care as needed. An owner aggrieved by such action by the director of the animal shelter may appeal the action to the city court of the City of Muncie. Provided, the director may charge the owner for all expenses and costs in connection with caring for and maintaining the animal.

- (A) Cruelty towards an animal is a criminal misdemeanor and a violation of this chapter.

Sec. 90.28. Pet shops.

- (A) *Permits – General.* No person or organization shall operate a pet shop or rescue facility (collectively referred herein as “animal establishments”), except for the City of Muncie Animal Shelter, without first obtaining a permit in compliance with this chapter. Every animal establishment regulated by this chapter shall be considered a separate enterprise and each shall require an individual permit.
- (B) *Inspection of animal and premises authorized.* It shall be a condition of the issuance of any permit required by this chapter that the Director of the Muncie animal Shelter shall be permitted to inspect, at any time, all animals and the premises where such animals are kept.
- (C) *Obtaining a permit.* Applicants must apply for permits required by this chapter with the Director of the Muncie Animal Shelter. The application must contain, in addition to provided information as to whether the owner and/or operator of the animal establishment has been convicted of cruelty to animals, a statement that the owner and/or operator of the animal establishment complies with and will continue to comply with Chapter 90 of the Muncie Code of Ordinances and that he/she authorizes the Director of the Muncie Animal Shelter to inspect his/her facilities and animals. The permit shall be issued when the applicant complies with the laws and regulations pertaining to the issuance of permits and pays the required fee. If the applicant withholds and/or falsifies any information on the application, the permit shall not be used, and any permit issued upon false and/or with-

held information shall be null and void. No permit to operate an animal establishment shall be issued to an applicant who has been convicted of cruelty to animals without review by the Director of the Muncie Animal Shelter.

- (D) *Standards.* In order to be eligible to obtain a permit, an animal establishment must;
 - (1) Be operated in such a manner as to not constitute a public nuisance;
 - (2) Provide an isolation area for animals which are sick or diseased so as to not endanger the health of other animals;
 - (3) Keep all animals caged, within secure enclosure, or under the control of the owner or operator at all times;
 - (4) With respect to all animals kept on the premises, comply with all of the provisions of this title providing for the general care of animals; and
 - (5) Not sell animals which are unweaned or obviously diseased.
- (E) *Permit Period.* The permit period shall begin on January 1 and shall run for one year. Applicants requiring a permit during the year shall pay a prorated fee for the remaining portion of the year. Applications must be made within ten (10) days of the establishment of a pet shop or animal rescue facility.
- (F) *Fees.* Pet shops shall pay an annual permit fee of \$200.00. Non-profit animal rescue facilities shall pay an annual fee of \$100.00. the fee will go to the Muncie Animal Shelter for an establishment of a Spay/Neuter Assistance Fund.
- (G) *Violations.* Owners and/or operators who violate any provision of this chapter shall be subject to a fine of double the permit fee for a first offence, with the fine for each subsequent offence to increase by an increment of double the per fee. In the event that a person has no subsequent violations of this chapter for a period of twelve consecutive months after the date of the first offence, the fine for a subsequent offence shall be double the permit fee, with fine for each subsequent offence to increase by an increment of double the permit fee.

Sec. 90.29. Microchip implants for adopted dogs and impounded dogs.

- (a) *Microchip implant of adopted dogs.* Any dog adopted through the Muncie Animal Shelter shall be implanted with a microchip implant as a condition of adoption.
- (b) *Microchip implant of impounded dogs.* Any dog impounded by the Muncie Animal Shelter shall be implanted with a microchip implant as a condition of release.
- (c) *Penalty.* It shall be a violation of this code section to remove an implanted microchip. A violation of this code section will be a misdemeanor a person found guilty of the violation is subject to a fine not to exceed \$500.00 for each violation.

This section should include a fee paid to the shelter for this service. The fee should be of such that it covers the expense of the microchip and the labor of such an implant.