

TITLE 5

ANIMALS

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Chapters:

- 5.01 Keeping of Animals**
- 5.02 Feeding of Animals**
- 5.03 Stray Animals**
- 5.04 Control and Regulation of Animals**
- 5.05 Penalties for Violations**

Chapter 5.01

KEEPING OF ANIMALS

Sections:

5.01.010 Keeping of Animals Within Town.

5.01.010 Keeping of Animals within Town. It is hereby declared a public nuisance and unlawful for any person or persons to keep in any lot or enclosure within the corporate limits of said Town of Ferdinand, Indiana, for the purpose of shipment or slaughtering or sale or feeding for market any cattle, hogs, sheep, or other livestock in any number; or any erection or modification of future boiler houses or other means of confinement for the purpose of raising geese, chickens, ducks, turkeys, other fowl, or rabbits, exceeding ten (10) in number. (Ord. 02-9, S5.01.010, June 26, 2002) (Ord. 1955-2)

Chapter 5.02

FEEDING OF ANIMALS

Sections:

5.02.010 Feeding of Animals

5.02.020 Animals in Transit

5.02.010 Feeding of Animals. The feeding of cattle, sheep, hogs, or other livestock is hereby declared a nuisance. Geese, chickens, ducks, turkeys, other fowl, or rabbits in excess of ten (10) in number as provided in Section 5.01.010, be and the same is hereby also declared a nuisance. (Ord. 02-9, S5.02.010, June 26, 2002) (Ord. 1955-2)

5.02.020 Animals in Transit. This ordinance (Chapter) shall not apply to the feeding of stock or fowl while in transit. (Ord. 02-9, S5.02.020, June 26, 2002) (Ord. 1955-2)

Chapter 5.03

STRAY ANIMALS

Sections:

5.03.010 Stray Animals

5.03.020 Destroyed Animals

5.03.010 Stray Animals. Any animal which has strayed beyond the premises of its owner and is wandering at large within the corporate limits of the Town of Ferdinand shall be picked up by a Town police officer or employee, and at that officer's or employee's discretion, either returned to the owner or taken to the Municipal Complex on West Fifth Street or other location designated by the Town Council from time to time for such purpose. Monday through Friday, 7 a.m. to 3:30 p.m., Town staff will pick up stray animals. After hours and on the weekends, the Police Department shall be responsible for animal pick up. (Ord. 2007-15, S1, Nov. 13, 2007) (Ord. 02-9, S5.03.010, June 26, 2002) (Ord. 92-3, S5.06.010, 1992) (Ord. 89-9 S1, 1989)

5.03.020 Destroyed Animals. Any animal not released as provided for herein within two hundred forty (240) hours after said animal is taken to the Municipal Complex or other location shall be destroyed, provided, however, that this time will be automatically extended until five o'clock p.m. (5:00), local time, of the next business day whenever the original time expires on a Saturday, Sunday, or Holiday. Provided however, that destruction of the animal shall not release the owner from the penalties provided for in this Chapter. (Ord. 2007-15, S2, Nov. 13, 2007) (Ord. 02-9, S5.03.020, June 26, 2002) (Ord. 92-3, S5.06.050, 1992) (Ord. 89-9 S5, 1989)

Chapter 5.04

CONTROL AND REGULATION OF ANIMALS

Sections:

5.04.010 Definitions

5.04.020 Restraint

5.04.030 Animals on Leashes and Excrement Removal in Public Places

5.04.040 Nuisance

5.04.050 Noises

5.04.060 Animal Bites

5.04.010 Definitions.

- (1) Owner. The term "owner" as used in this ordinance shall mean: Any person having the right of property in or custody of an animal. (Ord. 02-9, S5.04.010, June 26, 2002) (Ord. 92-4, S1, 1992)

5.04.020 Restraint. Any animal on property other than that of its owner shall be accompanied by a responsible person and under that person's control, so as to prohibit such animal from becoming a nuisance. (Ord. 02-9, S5.04.020, June 26, 2002) (Ord. 92-4, S3, 1992)

5.04.030 Animals on Leashes and Excrement Removal in Public Places. It shall be unlawful for any person to allow an animal to pass through or upon any street, sidewalk, public park property, other municipally owned property, or any other public place unless it is on a leash. It shall be unlawful for any person to fail to retrieve and remove from any public park property or any other municipally owned property the excrement from any animal in his or her possession or custody. (Ord. 02-9, S5.04.030, June 26, 2002)

5.04.040 Nuisance. It shall be a violation of this Ordinance for any animal owner to fail to restrain an animal to prevent it from becoming a public nuisance. A nuisance may include, but is not limited to: molesting passersby or those upon the owner's premises by invitation, express or implied, chasing vehicles, habitually attacking other domestic animals, trespassing upon public or private property, or the accumulation of animal excrement on the owner's or neighbor's property to the extent the amount of excrement is unreasonable. (Ord. 02-9, S5.04.040, June 26, 2002) (Ord. 92-4, S4, 1992)

5.04.050 Noises. It shall be unlawful for any person to own, keep, or harbor any animal which, by frequent or habitual howling, yelping, barking, or other noise, shall cause unreasonable annoyance or disturbance to any family, other than that of the owner. Ord. 02-9, S5.04.050, June 26, 2002) (Ord. 92-4, S5, 1992)

5.04.060 Animal Bites.

- (1) The owner of any animal which has bitten a person or other animal shall immediately report the same to the Ferdinand Police Department officer on duty.
- (2) The Ferdinand Police shall follow State Law or County Ordinances in handling such cases.
- (3) In the event an animal is suspected to be rabid, no person other than an authorized County or State Official, or the Ferdinand Police shall kill or cause to be killed such animal except for immediate self-protection or the protection of others. In the enumerated, such person shall preserve the body of the animal and immediately notify the Ferdinand Police. (Ord. 02-9, S5.04.060, June 26, 2002) (Ord. 92-4, S6, 1992)

Chapter 5.05

PENALTIES FOR VIOLATIONS

Sections:

- 5.05.010 Penalties**
- 5.05.020 Official Citation**
- 5.05.030 Payment to Ordinance Violation Clerk**
- 5.05.040 Release**
- 5.05.050 No Release or Waiver of Penalties**
- 5.05.060 Recovery of Expenses**
- 5.05.070 Conflicting Ordinances**

5.05.010 Penalties. The owner or harbinger of said animal shall be required to pay the sum of Twenty-five Dollars (\$25.00) for a violation of this Ordinance. The owner or harbinger of an animal shall be required to pay the sum of One Hundred Dollars (\$100. 00) for a second violation of this Ordinance occurring within one (1) year of the previous violation. The owner or harbinger of said animal shall be required to pay the sum of One Hundred Fifty Dollars (\$150.00) for a third or any subsequent violation of this Ordinance occurring within one (1) year of the previous violation. Additionally, the owner or harbinger of an animal taken to the Town Garage or other location and detained shall pay an additional sum of Ten Dollars (\$10.00) for each twenty-four (24) hour period or fraction thereof when the animal is held. (Ord. 02-9, S5.05.010, June 26, 2002) (Ord. 92-4, S8, 1992)

5.05.020 Official Citation. All violations of this Ordinance shall be issued in writing upon the owner, if known, on an "Official Citation" form in essential conformity with the form attached hereto as Appendix A. A copy of the citation shall be filed with the Town's Ordinance Violations Clerk. (Ord. 02-9, S5.05.020, June 26, 2002)

5.05.030 Payment to Ordinance Violation Clerk. Said monies shall be paid, within ten (10) days of the issuance of the notice, to the Town's Ordinance Violations Clerk at the Town Hall, who shall issue a receipt in duplicate to the owner. (Ord. 02-9, S5.05.030, June 26, 2002)

5.05.040 Release. When applicable, an animal shall be released to the owner upon presentation of a copy of the signed receipt showing payment. (Ord. 02-9, S5.05.040, June 26, 2002)

5.05.050 No Release or Waiver of Penalties. Nothing contained in this Ordinance shall be construed as a release or waiver of any penalties which may be imposed as a result of a violation of any applicable state statute. (Ord. 02-9, S5.05.050, June 26, 2002)

5.05.060 Recovery of Expenses. The Town may collect in addition to any monies owed to the Town pursuant to Ordinance, all costs and attorney fees incurred to enforce this Ordinance or to defend the Town regarding any suits brought against the Town in

connection with action taken by the Town pursuant thereto. (Ord. 02-9, S5.05.060, June 26, 2002)

5.05.070 Conflicting Ordinances. The provisions of this Ordinance shall be deemed as requirements that are in addition to, not in substitution of, other requirements contained in the Zoning Ordinance and other applicable ordinances. In the case of conflicting ordinances, the most restrictive shall apply. (Ord. 02-9, S5.05.070, June 26, 2002)

CODE AND ORDINANCE VIOLATION NOTICE

No 000002

NO. _____

TO THE OWNER, LESSEE, TENANT, OCCUPANT OR PERSON IN CHARGE OF THE PROPERTY/VEHICLE DESCRIBED BELOW:

NAME _____

PREMISE ADDRESS: _____

VEHICLE MAKE _____ MODEL _____ LICENSE _____ STATE _____

PLEASE TAKE NOTICE THAT ON (Date) _____ (Time) _____ YOU WERE FOUND IN VIOLATION OF:

ORDINANCE(S)# _____	# _____	# _____
SPECIFICALLY THE VIOLATION CONSISTS OF:		
<input type="checkbox"/> ILLEGALLY PARKED OR INOPERABLE VEHICLE(S) ON		
<input type="checkbox"/> PROPERTY	<input type="checkbox"/> STREET	FINE \$ _____
<input type="checkbox"/> ANIMAL <input type="checkbox"/> PROHIBITED <input type="checkbox"/> CRUELTY <input type="checkbox"/> RUN AT LARGE		
<input type="checkbox"/> DEFECATE ON PROPERTY <input type="checkbox"/> UNLICENSED		
<input type="checkbox"/> OTHER _____		FINE \$ _____
<input type="checkbox"/> TRASH <input type="checkbox"/> IMPROPER BURNING <input type="checkbox"/> IMPROPER DISPOSAL		FINE \$ _____
<input type="checkbox"/> HIGH GRASS OR WEEDS		FINE \$ _____
<input type="checkbox"/> LITTERING <input type="checkbox"/> LITTERING BY HANDBILLS		FINE \$ _____
<input type="checkbox"/> NOISE <input type="checkbox"/> GENERAL <input type="checkbox"/> VEHICULAR <input type="checkbox"/> ANIMAL		FINE \$ _____
<input type="checkbox"/> DISORDERLY CONDUCT		FINE \$ _____
<input type="checkbox"/> TRESPASSING <input type="checkbox"/> LOITERING		FINE \$ _____
<input type="checkbox"/> IMPROPER WATERING		FINE \$ _____
<input type="checkbox"/> OTHER _____		FINE \$ _____
ADDITIONAL DESCRIPTION OF VIOLATION _____		

THE ABOVE LISTED CHARGE(S) MUST BE PAID WITHIN _____ DAYS TO AVOID ANY FURTHER ACTION. TO PAY THE INDICATED FINE(S) MAIL OR RETURN IN PERSON YOUR SIGNED COPY OF THE VIOLATION ALONG WITH A CHECK OR MONEY ORDER TO:

TOWN OF FERDINAND
2065 MAIN ST.
FERDINAND, IN 47532

ISSUING OFFICER _____ ID# _____

SIGNATURE OF VIOLATOR _____ DATE _____

LAW ENFORCEMENT SYSTEMS, INC. P.O. BOX 1835 CORSCICANA, TX 75110
800-527-6447

FORM CO-2

0184-AR B-9



(Ord. 02-9, Code and Ordinance Violation Notice, June 26, 2002)

