

TITLE 7

ANIMALS

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Chapters:

7.03 Animal control

Chapter 7.03

ANIMAL CONTROL

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7.03.010 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. 1997-4, S1, Sept. 8, 1997)

7.03.020 Cruelty. No person shall beat, cruelly treat, neglect, torment, overload, overwork, or otherwise abuse any animal except that reasonable force may be employed to drive off vicious or trespassing animals or to protect human life, or to secure obedience. (Ord. 1997-4, S2, Sept. 8, 1997)

7.03.030 Restraint. Any animal on the premises of the owner or elsewhere shall be accompanied by a responsible person and under that person's control, so as to prohibit such animal from becoming a nuisance. (Ord. 1997-4, S3, Sept. 8, 1997)

7.03.040 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. 1997-4, S4, Sept. 8, 1997)

7.03.050 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. 1997-4, S5, Sept. 8, 1997)

7.03.060 Animal Bite.

- (1) The owner of any animal which has bitten a person or other animal shall immediately report the same to the Town of Chrisney. (Ord. 1997-4, S6(a), Sept. 8, 1997)
- (2) The Town Marshal or other officials shall follow State Law or County Ordinance in handling such cases. (Ord. 1997-4, S6(b), Sept. 8, 1997)
- (3) In the event an animal is suspected to be rabid, no person other than an authorized County or State Official, the Town Marshal, or other duly authorized Town official shall kill or cause to be killed such animal except for immediate self-protection or the protection of others. In the event a suspected rabid animal is killed by any person, such person shall preserve the body of the animal and immediately notify the Town Marshal. (Ord. 1997-4, S6(c), Sept. 8, 1997)

7.03.070 Stray Animals.

- (1) Detention of Stray Animals. If an animal has strayed into the Town of Chrisney, or if it is owned by a Town resident and it has strayed beyond the premises of its owners, then such animal may be picked up and detained by the Town Marshal or other authorized Town employee, and at the officer's or employee's discretion, either returned to the owner or taken to the Town dog detention area, or other location, as designated by the Council from time to time for such purposes. (Ord. 1997-4, S7(a), Sept. 8, 1997) (Ord. 1970-5, no date) (Ord. 71, Feb. 25, 1936) (Ord. 20, S1, June 20, 1899) (Ord. 7, May 13, 1891)
- (2) Release of Stray Animals. When applicable, said animal shall be released to the owner by the Town Marshal or other Town employee upon presentation of a copy of the signed receipt showing payment of the applicable penalties set out in Section 7.03.080(2), below. (Ord. 1997-4, S7(b), Sept. 8, 1997)
- (3) Destruction of Stray Animals. Any animal not released from detention as provided for herein within five (5) days after said animal is taken to the Town dog detention area or other location shall be destroyed, provided, however, that destruction of the animal shall not release the owner from the penalties provided for in this Chapter. (Ord. 1997-4, S7(c), Sept. 8, 1997)

7.03.080 Penalty.

- (1) Any person in violation of any provision of this Ordinance other than the Stray Animal Provisions, shall be required to pay the sum of Twenty-Five Dollars (\$25.00) to the Town Clerk-Treasurer. (Ord. 1997-4, S8(a), Sept. 8, 1997)
- (2) Penalties for Stray Animal Provisions. The owner of a stray animal shall be required to pay the sum of Twenty-Five Dollars (\$25.00) for a violation of this Section 7.03.080(2). The owner of a stray animal shall be required to pay the sum of Fifty Dollars (\$50.00) for a second or subsequent violation of this Section 7.03.080(2) occurring within one (1) year of the previous violation. Additionally, the owner of a stray animal taken to Town dog detention area, or other location, and detained shall pay an additional sum of Five Dollars (\$5.00) for each twenty-four (24) hour period or fraction thereof when said animal is held. (Ord. 1997-4, S8(b), Sept. 8, 1997)

7.03.090 Citation for Violation. All violations of the Chapter shall be issued in writing upon the owner 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 Clerk-Treasurer. (Ord. 1997-4, S9, Sept. 8, 1997)

7.03.100 Payment to Clerk-Treasurer. Said monies shall be paid to the Town Clerk-Treasurer at the City Hall, who shall issue a receipt in duplicate to the owner. (Ord. 1997-4, S10, Sept. 8, 1997)

7.03.110 No Release or Waiver of Penalties. Nothing contained in this ordinance or Chapter shall be construed as a release or waiver of any penalties which may be imposed as a result of a violation of I.C. §15-5-9-13. (Ord. 1997-4, S11, Sept. 8, 1997)

7.03.120 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. 1997-4, S12, Sept. 8, 1997)

7.03.130 Invalidity of Provisions. If any provision of this ordinance or the application thereof is held invalid, the invalidity may not affect other provisions or applications of the Ordinance which can be given effect without the invalid, provisions or application, and to this end the provisions of this Ordinance are declared severable. (Ord. 1997-4, S13, Sept. 8, 1997)

APPENDIX A

TOWN OF CHRISNEY ANIMAL CONTROL
OFFICIAL CITATION

	Indicate	Amount of Fine
1. <u>Cruelty</u>		
2. <u>Restraint</u>		
3. <u>Nuisance</u>		
4. <u>Noise</u>		
5. <u>Animal Bites</u>		
6. <u>Stray Animals</u>		

7. Enforcement Officer _____

8. Violator _____