

TITLE 7

ANIMALS

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7.02 Animals

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7.02.010 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. 2007-5, S7.02.010, Mar. 13, 2007)

7.02.020 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. 2007-5, S7.02.020, Mar. 13, 2007)

7.02.030 Restraint. Any animal on the premises of the owner or elsewhere shall be accompanied by a responsible person and under the person's control, so as to prohibit such animal from becoming a nuisance. (Ord. 2007-5, S7.02.030, Mar. 13, 2007)

7.02.040 Nuisance Animals. Any animal that unreasonably annoys humans, endangers the life or health of other animals, or substantially interferes with the rights of the citizens of the Town of Dale, Indiana or other persons, other than their owners to the enjoyment of life or property, can be found a nuisance with the owner fined accordingly. This term includes and shall mean, but is not limited to, any animal that:

- (1) Damages the property of anyone other than the owner;
- (2) Molests or intimidates pedestrians or passersby;

- (3) Excessively makes disturbing noises, including, but not limited to barking, whining or other utterances causing an unreasonable annoyance, disturbance or is a discomfort to neighbors or others;
- (4) Accumulated an unreasonable amount of excrement on the owner's property;
- (5) Chases vehicles. (Ord. 2007-5, S7.02.040, Mar. 13, 2007)

7.02.050 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. 2007-5, S7.02.050, Mar. 13, 2007)

7.02.060 Animal bite.

- (1) The owner of any animal which has bitten a person or other animal shall immediately report the same to the Dale Police Department, the Spencer County Sheriff's Department or the Spencer County Health Department.
- (2) The Dale Police Department or other officials shall follow State Law or County Ordinance in handling such cases.
- (3) In the event an animal is suspected to be rabid, no person other than an authorized Town, County or State Official, or other duly authorized Official shall kill or caused 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 personnel shall preserve the body of the animal and immediately notify the Dale Police Department, Spencer County Sheriff's Department or the Spencer County Health Department. (Ord. 2007-5, S7.02.060, Mar. 13, 2007)

7.02.070 Stray Animals.

- (1) Detention of Stray Animals. If an animal has strayed into the Town of Dale, 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 Police Department 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.
- (2) Release of Stray Animals. When applicable, said animal shall be released to the owner by the Town Police Department or other Town employee upon presentation of a copy of the signed receipt showing payment of the applicable penalties set out in Section 7.02.090 (2) below.

- (3) Destruction of Stray Animals. Any animal not released from detention as provided for herein with 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 animals shall not release the owner from the penalties provided for in this chapter. (Ord. 2007-5, S7.02.070, Mar. 13, 2007)

7.02.080 Keeping of animals classified as farm animals.

- (1) No person shall own, possess or have custody of on his premises any animal classified as a farm animal, such as, but not limited to, cows, horses, pigs, goats, chickens, etc., unless said person has used the property for "agricultural use" as defined in IC 36-7-4-616.
- (2) No person shall keep or permit to be kept any farm animals as a pet. (Ord. 2007-5, S7.02.080, Mar. 13, 2007)

7.02.090 Penalty.

- (1) Any person in violation of any provisions 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. A separate offense shall be deemed committed each time that a violation occurs or is committed.
- (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. 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 occurring within one year of the previous violation. Additionally, the owner of a stray animal taken to the Town dog detention area, or other location and detained shall pay an additional sum of Five Dollars (\$5.00), or the actual cost of sheltering the animal, for each (24) hour period or a fraction thereof while said animal is held. (Ord. 2007-5, S7.02.090, Mar. 13, 2007)

7.02.100 Citation for Violation. All violations of this Chapter shall be issued in writing upon the owner on an "local ordinance citation". A copy of the citation shall be filed with the Town Clerk-Treasurer. (Ord. 2007-5, S7.02.100, Mar. 13, 2007)

7.02.110 Payment to Clerk-Treasurer. Said monies shall be paid to the Town Clerk-Treasurer at the Town Hall, who shall issue a receipt in duplicate to the owner. (Ord. 2007-5, S7.02.110, Mar. 13, 2007)

7.02.120 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 Indiana State Law. (Ord. 2007-5, S7.02.120, Mar. 13, 2007)

7.02.130 Recovery of Expenses. The Town may collect in addition any monies owed to the Town pursuant to Ordinance, all costs including veterinary and/or 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. 2007-5, S7.02.130, Mar. 13, 2007)

7.02.140 Severability. If a section, part of a section, sentence, clause or phrase of this ordinance shall be held to be unconstitutional or invalid, the remaining provisions hereof shall nevertheless remain in full force and effect. (Ord. 2007-5, S7.02.140, Mar. 13, 2007)

7.02.150 Repeal of conflicting ordinances. All other orders, ordinances, resolutions or parts thereof in conflict with the provisions and the intent of this order are hereby repealed. (Ord. 2007-5, S7.02.150, Mar. 13, 2007)