

TITLE 7

ANIMALS

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Chapters:

7.02 Animal Regulations

Chapter 7.02

ANIMAL REGULATIONS

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7.02.010 Definitions. For the purposes of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- (1) **ABANDONMENT.** The leaving of an animal on any premises without the consent of the owner, occupant, or tenant and without the making of any agreement for the care of the animal. ABANDONMENT of an animal shall include the act of leaving the animal at the Orange County Humane Society shelter without notification to the Animal Control Officer of the ownership of the animal.
- (2) **ANIMAL.** Any living non-human creature, domestic or wild, including livestock and poultry.
- (3) **ANIMAL CONTROL OFFICER.** The Animal Control Officer shall be referred to as the ACO.
- (4) **OWNER.** Any person owning, harboring, or keeping any animal.
- (5) **RESTRAINT.** Confinement to the premises of the owner, being outside the premises of the owner while on a leash not more than eight feet in length, being outside the premises (if the owner while under voice control in the presence of a competent person, being outside the premises of the owner while within a vehicle being driven or parked or being upon the premises of another person with the consent of that person. (Ord. 99-11, S1, Sept. 20, 1999) (Ord. 99-9, S1, July 19, 1999) (Ord. 89-2, S1, June 19, 1989)

7.02.020 Care and treatment.

- (1) The owner of any cat or dog within the Town shall see that his/her animal;
 - A. Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit, or lie in its own excrement,
 - B. Is protected against abuse or mistreatment.
 - C. If diseased or injured, receives proper care, and if diseased is segregated from other animals so as to prevent transmittal of the disease: and
 - D. It shall be unlawful for any person to beat, starve, or otherwise mistreat any dog or cat. (Ord. 99-11, S2A, Sept. 20, 1999) (Ord. 99-9, S3A, July 19, 1999) (Ord. 89-2, S6a, June 19, 1989)
- (2) Failure to comply with any requirement of Subsection (1) of this Section, shall be deemed mistreatment of the cat or dog. (Ord. 99-11, S2B, Sept. 20, 1999) (Ord. 99-9, S3B, July 19, 1999) (Ord. 89-2, S6b, June 19, 1989)

7.02.030 Restraint.

- (1) No owner shall fail to keep any of his or her animals under restraint at all time. (Ord. 99-11, S3A, Sept. 20, 1999) (Ord. 99-9, S4A, July 19, 1999) (Ord. unnumbered, July 3, 1911)
- (2) Every female dog or cat in heat shall be confined in a building or a secure enclosure in such a manner that such female dog or cat cannot make contact with another dog or cat except for planned breeding. (Ord. 99-11, S3B, Sept. 20, 1999) (Ord. 99-9, S4B, July 19, 1999) (Ord. 89-2, June 19, 1989)
- (3) Penalty, see Section 7.02.120. (Ord. 99-11, S3C, Sept. 20, 1999) (Ord. 99-9, S4C, July 19, 1999)

7.02.040 Dangerous animals.

- (1) An animal, which poses a clear and present danger to persons, property, or other animals shall be considered a dangerous animal. For purposes of this Section, a dangerous animal means any animal which has:
 - A. Attacked a person without having been provoked by that person:
 - B. Attacked, at some place other than its owner's property, another animal; or,
 - C. Chased or approached a person at some place other than its owner's property, in a menacing fashion or apparent attitude of attack. The ACO or any police officer may destroy any dangerous animal. (Ord.

99-11, S4A, Sept. 20, 1999) (Ord. 99-9, S5A, July 19, 1999) (Ord. 89-2, S4a, June 19, 1989)

- (2) Any unrestrained animal that is injured or diseased to the extent that any reasonable veterinary care would not restore the animal to a normal state of health may be destroyed by the ACO. (Ord. 99-11, S4B, Sept. 20, 1999) (Ord. 99-9, S5B, July 19, 1999)

7.02.050 Impoundment.

- (1) Unrestrained animals may be taken by the Police Department or ACO, and impounded in the Orange County Humane Society animal shelter, and there be confined in a humane manner. The ACO shall record all impoundment under this section. That record shall be kept in a book maintained for that purpose and shall be entered immediately following impoundment. The record shall state the date of the impoundment and a description of the animal. (Ord. 99-11, S5A, Sept. 20, 1999) (Ord. 99-9, S6A, July 19, 1999)
- (2) Whenever any dog running at large is not catchable and the owner of the dog cannot be identified or located, the dog shall be darted by the ACO or Police Officer and impounded. If the owner of the dog is identified and located, the owner shall immediately take control of the dog, or assist in the seizure of the animal. In either instance, the owner shall be considered in violation of this section and subject to penalties for such violation. (Ord. 99-11, S5B, Sept. 20, 1999) (Ord. 99-9, S6B, July 19, 1999)
- (3) The ACO shall give public notice of the impoundment by posting one copy of a document stating the date of impoundment and containing a description of the animal. This document shall be posted on the bulletin board in the town hall lobby. (Ord. 99-11, S5C, Sept. 20, 1999) (Ord. 99-9, S6C, July 19, 1999)
- (4) The ACO shall also notify the owner, if known or reasonably ascertained of any animal under this section if that animal is impounded. Sufficient notice shall be constituted by ordinary mail to the last known address, by verbal notice of the owner or by written notice at the door of the owner's residence. (Ord. 99-11, S5D, Sept. 20, 1999) (Ord. 99-9, S6D, July 19, 1999)
- (5) The owner of any impounded animal may reclaim it by paying the costs and charges incurred by the town and the animal shelter prior to reclamation. The owner must also produce adequate proof that the animal has obtained all required licenses and rabies vaccination certificate. (Ord. 99-11, S5E, Sept. 20, 1999) (Ord. 99-9, S6E, July 19, 1999)
- (6) The town shall charge a fee of \$10.00, plus \$2.00 for each day of impoundment, with a maximum fee of \$50.00. Any animal impounded by the ACO that must be isolated for any reason, such as rabies or other disease, shall be subject to the normal impoundment fee of \$10.00, plus a daily fee of \$4.00.

There shall be no maximum impoundment fee for an animal requiring isolation. The owner shall be liable for the cost of any inoculation or other veterinary service deemed necessary by the ACO during the impoundment. (Ord. 99-11, S5F, Sept. 20, 1999) (Ord. 99-9, S6F, July 19, 1999)

- (7) If any impounded animal with ownership identification is not reclaimed within 20 days following the posting of the public notice required by this section, the ACO shall instruct the animal shelter to humanely destroy that animal. Animals without any ownership identification will be classified as unwanted strays and may be destroyed within 20 days after the posting of public notice. Animals may be adopted immediately after public notification with the understanding that if a previous owner is found within 5 days of public notice the animal will be returned upon payment of any reasonable expenses to the adopter, and payment of any fines, impoundment fees, and the like, to the town. (Ord. 99-11, S5G, Sept. 20, 1999) (Ord. 99-9, S6G, July 19, 1999)
- (8) Any animal eligible for release may be released by the ACO to any responsible person following the expiration of the 5 days set forth above. That person shall for the purposes of this section, assume ownership upon claiming the animal. No animal shall be released under this Section until the responsible person pays all charges due under Subsection (6) of this Section. (Ord. 99-11, S5H, Sept. 20, 1999) (Ord. 99-9, S6H, July 19, 1999)
- (9) No unspayed or unneutered dog or any dangerous animal shall be released to any responsible person other than its owner. No animal that was considered dangerous at the time of impoundment by the ACO shall be released to its owner if it is still considered a dangerous animal by the ACO. If such animal is no longer considered to be a dangerous animal by the ACO, the animal shall be released to its owner if all impoundment fees are paid, if the animal has had a rabies vaccination within the previous year and if the owner signs a statement indemnifying the town and its officers, employees, and agents from all liability which may arise from the actions of the animal. (Ord. 99-11, S5I, Sept. 20, 1999) (Ord. 99-9, S6I, July 19, 1999)

7.02.060 Abandonment of an animal. No owner shall abandon an animal in the town. Such abandonment shall be a violation of this ordinance and shall be subject to the fines and penalties set out herein. Penalty, see Section 7.02.120. (Ord. 99-11, S6, Sept. 20, 1999) (Ord. 99-9, S7, July 19, 1999) (Ord. 89-2, S7, June 19, 1989)

7.02.070 Nuisances. No owner shall allow his or her animals to become a public nuisance. Animals who engage in excessive or continuous barking, molesting persons, chasing vehicles or habitually attacking other animals shall be deemed a public nuisance and shall be impounded and/or the owner cited. Penalty, see Section 7.02.120. (Ord. 99-11, S7, Sept. 20, 1999) (Ord. 99-9, S8, July 19, 1999) (Ord. 89-2, S5, June 19, 1989) (Ord. 82-6, Sept. 20, 1982)

7.02.080 Dog and cat curbing regulations.

- (1) No person shall knowingly allow, except as provided in Subsection (2) of this Section, his/her dog or cat to defecated on a public street or byway or any municipally owned or public land or building, or private property, without permission of the landowner. (Ord. 99-11, S8A, Sept. 20, 1999) (Ord. 99-9, S9A, July 19, 1999) (Ord. 89-2, S3a, June 19, 1989)
- (2) An owner of a guide dog may permit said dog to relieve itself on ground situated outside of pedestrian or vehicular traffic ways. The definition of a guide dog as used in this Subsection shall be an animal serving a blind person in an auxiliary ocular (eye) capacity. (Ord. 99-11, S8B, Sept. 20, 1999) (Ord. 99-9, S9B, July 19, 1999) (Ord. 89-2, S3b, June 19, 1989)
- (3) If a dog or cat shall relieve itself as contemplated in Subsection (1), the owner of said dog, or cat shall remove any solid evidence of such relief to a waste container, or shall otherwise dispose of such evidence of relief in a manner inoffensive to reasonable public sensibilities. (Ord. 99-11, S8C, Sept. 20, 1999) (Ord. 99-9, S9C, July 19, 1999) (Ord. 89-2, S3c, June 19, 1989)
- (4) No person shall knowingly allow his dog or cat to disperse wasted material placed for public or private collection on any public street or byway or any municipally owned or public land or building or private property. (Ord. 99-11, S8D, Sept. 20, 1999) (Ord. 99-9, S9D, July 19, 1999) (Ord. 89-2, S3d, June 19, 1989)

7.02.090 Multiple animals. All kennels, pet shops, or other facilities, whether operated by for-profit or non-for-profit organizations or individuals keeping more than five animals over six months of age on their premises are subject to inspection by the ACO upon his or her request and during reasonable hours. The ACO must certify that all local, state, and federal laws are being complied with and that the animals are being cared for in a reasonable and humane manner. (Ord. 99-11, S9, Sept. 20, 1999) (Ord. 99-9, S10, July 19, 1999)

7.02.100 Enforcement.

- (1) The ACO is authorized to enforce this ordinance, all federal and state laws by impounding animals, issuing citations and issuing impoundment notices and warning violations as provided by law. All fees to be paid to the town hall. (Ord. 99-11, S10A, Sept. 20, 1999) (Ord. 99-9, S11A, July 19, 1999)
- (2) The ACO is further authorized to conduct an investigation and to make complaints to the Prosecuting Attorney of Orange County, Indiana, for violation of any state or federal statute regarding the protection or keeping of animals including I.C. 35-46-3-1 through 35-46-3-12 and any statutes amendatory thereof or supplemental thereto. (Ord. 99-11, S10B, Sept. 20, 1999) (Ord. 99-9, S11B, July 19, 1999)

- (3) The ACO is authorize to enforce all provisions of I.C. 15-2.1-6-1 through 15-2.1-6-13 in regard to the control and prevention of rabies. (Ord. 99-11, S10C, Sept. 20, 1999) (Ord. 99-9, S11C, July 19, 1999)
- (4) The ACO and the town shall not be responsible to control, regulate, capture, or impound a wild animal under the jurisdiction of the Indiana Department of Natural Resources (DNR) unless specific authority is delegated to the ACO by an officer or agent of DNR. (Ord. 99-11, S10D, Sept. 20, 1999) (Ord. 99-9, S11D, July 19, 1999)
- (5) No person shall, in any manner, resist or obstruct any ACO, Police Officer, or any other individual authorized to enforce provisions of this Ordinance. Penalty, see Section 7.02.120. (Ord. 99-11, S10E, Sept. 20, 1999) (Ord. 99-9, S11E, July 19, 1999)

7.02.110 Fines. The collection of fines under this Ordinance shall be subject to the proceedings of the Violations Bureau as established by Ordinance. (Ord. 99-11, S11, Sept. 20, 1999) (Ord. 99-9, S12, July 19, 1999)

7.02.120 Penalty. Any person who violates any provisions of this Ordinance shall be deemed guilty of violation and, upon conviction, shall be fined not more than \$200.00 and not less than \$10.00, plus court costs. Each day any violation continues or occurs can be deemed a separate offence. (Ord. 99-11, S12, Sept. 20, 1999) (Ord. 99-9, S13, July 19, 1999)