

TITLE 7

ANIMALS

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Chapters:

7.07 Control and disposition of Animals

Chapter 7.07

CONTROL AND DISPOSITION OF ANIMALS

Sections:

7.07.010	Definitions
7.07.020	Control of Animals
7.07.030	Impoundment
7.07.040	Penalties
7.07.050	Animal Abuse and Abandonment

7.07.010 Definitions. The following terms used in this Ordinance shall have the definitions as provided herein:

- (1) “Abandon” means to desert an animal or to permanently leave it in a place without making provision for adequate long term care.
- (2) “Animal” as it pertains to in this Ordinance, a dog or cat or other domestic animal.
- (3) “Animal Control Officer” is a person employed or appointed by the Town of Grandview or Spencer County who is authorized to investigate and enforce violation relating to animal control or cruelty under the provision of this Ordinance.
- (4) “Animal Shelter” means any facility operated by the Town of Grandview or Spencer County for the temporary care, confinement and detention of animals and for the humane killing and other disposition of animals.
- (5) “At Large” means that an animal is not under the direct control of the owner.
- (6) “Cruelty” means the act of beating, torturing or mutilating or mistreating an animal.
- (7) “Dangerous animal” means any animal that, because of its aggressive nature, training or characteristic behavior, presents a risk of serious physical harm or death to human beings or would constitute a danger to life, physical well-being, or property if not kept under the direct control of the owner.
- (8) “Enforcement Officers” including local officials from the Town of Grandview, Sheriff’s Department and State Police Post who may assist with animal control duties when necessary. This may include but is not limited to vicious animals. The officers will have the authority to impound animals at the Spencer County Animal Shelter.

- (9) “Harboring” means to permit an animal to live and be fed on one’s property be it his/her home, store, barn, yard or any premise on which such person resided or controls.
- (10) “Impoundment” means the taking or picking up and confining of an animal by any appointed town official, police officer, animal control officer or any public officer under the provisions of this Ordinance.
- (11) “Neglect” to endanger an animal’s health by failing to provide or arranging to provide the animal with sufficient food, water, shelter and veterinarian care.
- (12) “Owner” means any person having temporary or permanent custody of, sheltering or having charge of, harboring, exercising control over, or having property rights to, any animal covered by this Ordinance. An animal shall be deemed to be harbored if it is fed or sheltered by any person.
- (13) “Public nuisance animal” means any animal that unreasonably annoys humans, endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens.
- (14) “Surrender” relinquishing ownership of one’s animal to the Town of Grandview or Spencer County. (Ord. 2014-3-6-1, S1, March 26, 2014) (Ord. 2013-2-7-2, S1, Feb. 7, 2013) (Ord. 2001-4-4-4A, S1, April 4, 2001)

7.07.020 Control of Animals.

- (1) Direct control; means immediate, continuous physical control of an animal such as means of a leash, cord, secure fence, or chain of such strength to restrain an animal and controlled by a person capable of restraining the animal, or a safe and secure restraint with a vehicle. Direct control shall not be required of animals actually participating in a legal sport in an authorized area or to government police dogs.
- (2) Animals Running At Large:
 - A. No owner or custodian of any animal shall allow said animal to stray beyond his property or premises unless the animal is under the direct control of a responsible person.
 - B. Any animal outside the premises of its owner not restrained or controlled by any other reasonable method shall be retrained by a leash not to exceed six (6) feet in length.

- C. Animals under the reasonable control of their owner or another person within a park area maintained by the Town of Grandview are excluded from the leash requirement as long as the animal is at all times fully and clearly within unobstructed sight, hearing and control of the owner.
 - D. Owners of animals in violation of this ordinance shall be subject to a monetary penalty, payable to the Town of Grandview.
- (3) Vicious Animals:
- A. No person shall own, keep, possess or harbor any animal that is vicious. An animal shall be deemed vicious if such animal attack or bites a person or domesticated animal or livestock without provocation.
 - B. Upon determination by a Town of Grandview Official, Spencer County Animal Control Officer or Law Enforcement Officer that an animal is vicious, the animal shall be impounded. Upon impoundment the Spencer County Animal Control Board will determine the status of said animal.
 - C. All bite cases involving humans should be immediately reported to the Spencer County Health Department. The animal responsible for the bite shall be quarantined at the county animal shelter for a 10 day period to determine if the animal was capable of transmitting Rabies at the time of the biting incident. Or, the head of the biting animal can be submitted to a state department laboratory to determine if it is infected with Rabies.
- (4) Public Nuisance Animals: Any animal that unreasonably annoys humans, endangers the life or health of other animals or livestock, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property, can be found to be a public nuisance. Such animals may be impounded with fees charged to reclaim in accordance to Section 7.07.040. The term public includes and shall mean, but is not limited to, any animal that:
- A. Damages the property of anyone other than its owner.
 - B. Molests or intimidates pedestrians or passerby.
 - C. Excessively makes disturbing noises including, but not limited to barking, whining or other utterances causing unreasonable annoyance, disturbance or discomfort to neighbors or others.

- D. Accumulates an unreasonable amount of excrement on the owner's property causing noxious or offensive odors and thereby creating unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored.
 - E. Threatens, injures or kill domestic animals or livestock off the owner's property.
 - F. Any animal in heat that is not confined so as to prevent attraction or contact with other animals.
- (5) Caring for Animals.
- A. It shall be unlawful for the owner or custodian of any animal to refuse or fail to provide any animal with sufficient wholesome and nutritious food, potable water and veterinary care when needed to prevent suffering, humane care and treatment or to unnecessarily expose any animal to hot, stormy, cold, or inclement weather.
 - B. No owner or custodian of any animal shall willfully abandon any animal on any street, road, highway, or public place, or on private property when not in the care of another person.
- (6) Sanitation. No owner or custodian of any animal shall cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area or common grounds owned by the Town of Grandview, or upon private property other than that of the owner, unless such owner or custodian immediately removes and disposed of all feces deposited by such animal. (Ord. 2014-3-6-1, S2, March 26, 2014) (Ord. 2013-2-7-2-, S2, Feb. 7, 2013) (Ord. 2012-1-5-1, Jan. 5, 2012) (Ord. 2001-4-4-A, April 4, 2001)

7.07.030 Impoundment.

- (1) In addition to any other remedies provided in this ordinance, a Town Official, Animal Control Officer or Law Officer may seize, impound and humanely confine, utilizing whatever means available, to the Spencer County Animal Shelter any of the following animals:
- A. Any animal at large.
 - B. Any animal constituting a public nuisance or considered a danger to the public.
 - C. Any animal unattended that is ill, injured or otherwise in need of care.

- D. Any animal that is reasonably believed to have been abused or neglected.
 - E. Any animal that is reasonable suspected of having rabies.
 - F. Any animal that is charged with being potentially dangerous or dangerous where a Town Official, Animal Control Officer or the Chief Executive determines that there is a threat to public health and safety.
- (2) Property Owners May Impound. Any person finding an animal at large upon his property may remove the same to any animal shelter that will take possession of the animal or the property owner may hold the animal in his own possession, and as soon as possible, notify the Town of Grandview. The property owner shall provide a description of the animal and the name of the owner if known. The Town of Grandview shall dispatch a town employee to take possession of the animal.
 - (3) After impounding any animal in violation of the provisions of this ordinance, it shall be the duty of the impounding official to enter upon the records of the Spencer County Animal Control Shelter, in a book to be kept by the Animal Control Officer for such purposes.
 - (4) The owner of any animal impounded may reclaim the same by meeting all of the requirements of the Spencer County Animal Control Ordinance.
 - (5) Destruction in lieu of impoundment. The Chief Executive may authorize the destruction of any animal that violates the provisions of this Ordinance regarding dangerous animals. (Ord. 2014-3-6-1, S3, March 6, 2014) (Ord. 2013-2-7-2, S3, Feb. 7, 2014) (Ord. 2001-4-4-A, S7, April 4, 2001)

7.07.040 Penalties.

- (1) Penalty. Owners of animals in violation of this Ordinance shall be subject to a monetary penalty of Twenty-Five Dollars (\$25.00) for a first offense, payable to the Town of Grandview. All subsequent penalties shall be subject to a penalty in the amount of One-Hundred Dollars (\$100.00)
- (2) Citation for Violation. All violations of this Ordinance shall be issued in writing upon the owner on an “official citation” form. A copy of the citation shall be filed with the Town Clerk-Treasurer. Said monies shall be paid within seventy-two (72) hours in full satisfaction of the assessed penalty to the Town Clerk-Treasurer at the Town Hall, who shall issue a receipt to the owner.

- (3) 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. All penalties for violations of this Ordinance are separate from any required fees imposed by the Spencer County Animal Shelter.

- (4) Recovery of Expenses. The Town may collect in addition 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. 2014-3-6-1, S4, March 26, 2014) (Ord. 2013-2-7-2, S3, Feb. 7, 2014) (Ord. 2012-1-5-1, S4, Jan. 5, 2012) (Ord. 2001-4-4-4A, S8, April 4, 2001)

7.07.050 Animal Abuse and Abandonment. Offenses such as abandonment, neglect, and cruelty to animals will be based on Indiana Criminal Code: Section 35-46-3-0.5 thru 15. (Ord. 2014-3-6-1, S5, March 6, 2014) (Ord. 2013-2-7-2, S4, Feb. 7, 2013) (Ord. 2012-1-5-1, Jan. 5, 2012) (Ord. 2001-4-4-A, April 4, 2001)