

**TITLE 5**

**ANIMALS**

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### ANIMALS

#### Chapters:

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## Chapter 5.04

### ANIMAL REGULATIONS

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**5.04.010 Definitions.** As used in this Chapter, the following terms are defined as follows:

- (1) “Animal” means dogs, cats, or other similar household domestic animals.
- (2) “Kennel” means any premises or portion thereof on which more than four dogs, cats, or other domestic household animals over four months of age are kept; or any premises or portions thereof on which more than two animals are maintained, boarded, bred, housed or cared for, in return for remuneration, kept for the purpose of sale or are livestock as defined in I.C. § 4-4-3.2-1.
- (3) “Owner” means any person having a right of property in an animal, or who keeps or harbors an animal, or who has in it in his care or acts as its custodian, or who knowingly permits an animal to remain on or about any premises occupied by him.
- (4) “Running at Large” means any dog or animal found off the owner’s premises which is not accompanied by the owner or representative of the owner, and is not restrained by a leash or chain or otherwise controlled so that it may not enter upon the property of others.
- (5) “Diseased animals” means an animal with a contagious or infectious disease.
- (6) “Boarder” means to harbor and/or keep at their premises or on their land any of the above animals without being the actual true owner of said animals.
- (7) “Livestock” includes the following as defined by I.C. § 4-4-3.2-1:
  - A. Beef cattle, dairy cattle, and other animals of the bovine species.
  - B. Swine and other animals of the porcine species.
  - C. Sheep and other members of the ovine species.
  - D. Horses, mules, burros, asses, and other animals of the equine species.
  - E. Goats and other members of the caprine species.

- F. Poultry and other birds of the avian species.
- G. Ostriches, rhea, emus, and other members of the ratite species.
- H. Camels, llamas and other members of the camelid species.
- I. Farm raised deer, elk, moose, and other members of the cervidae species.
- J. Bison.
- K. Aquatic animals that are the subject of aquaculture. (Ord. 5.04, S5.04.010, 2005) (Ord. 5.04, S5.04.010, Dec. 5, 2001) (Ord. 30-77, SII 1, 1977)

**5.04.020 Regulations.**

- (1) **ANIMALS RUNNING AT LARGE.** It shall be unlawful to permit any animal of any kind to run at large within the Town of Holland. Any animal found running at large on the streets, sidewalks or other public property or private property, shall be taken to the nearest holding pen and held for no less than three (3) days, after which the animal may be sold or destroyed.
- (2) **NOISES.** It shall be unlawful for any person to own, keep, or harbor any animal, which disturbs the peace at any time of the day or night, by howling, yelping, barking or other noise, which shall cause annoyance or disturbance to any person, other than that of the owner.
- (3) **MAINTAINING A KENNEL.** It shall be unlawful to maintain a kennel. This section shall not apply to a pound maintained by a political subdivision or a kennel maintained in a property zoned area.
- (4) **DISEASED ANIMALS.** It shall be unlawful to allow any animal afflicted with a contagious or infectious disease to run at large, or to be exposed in any public place whereby the health of man or beast may be affected.
- (5) **NONIMMUNIZED ANIMALS.** It shall be unlawful to harbor a nonimmunized animal.
- (6) **ANIMAL FECES.** Any person owning, keeping, possessing or harboring any animal shall promptly remove and dispose of, in a sanitary manner, all feces left by the animal on any public property, public right-of-way, or private property not under the control of the animal's owner.
- (7) **LIVESTOCK.** It shall be unlawful to possess livestock within the corporate limits of the Town of Holland. This section shall not apply to livestock maintained in a properly zoned area.

- (8) CRUELTY. It shall be unlawful and in violation of this chapter for any person to cruelly treat or neglect any domesticated animal, including: inhumane beating or malicious killing; underfeeding or abandoning an animal in that person's care or failing to provide water and/or shelter. (Ord. 5.04, S5.04.020, Apr. 8, 2009) (Ord. 5.04, S5.04.020, 2005) (Ord. 5.04, S5.04.020, June 9, 2004) (Ord. 5.04, S5.04.020, Dec. 5, 2001) (Ord. 30-77, SII 4, SII 6, SII 10, 1977) (Ord. 13A, S1, April 7, 1930) (Ord. 13, S1, December 30, 1929)

**5.04.030 Penalty for violation.** The owner of any animal found in violation of this Chapter shall be issued a citation to appear in Court, and upon conviction may be assessed a fine of not less than \$25.00 and not more than \$100.00. A second violation will result in a fine of not less than \$50.00 and not more than \$100.00. A third violation shall result in a fine of not less than \$100.00 and any and all subsequent violations shall result in a fine of not less than \$200.00. After the fourth violation the animal shall be impounded at the discretion of the Town of Holland and kept by the Town of Holland until the violator requests a hearing in the Circuit Court of Dubois County within thirty (30) days. In the event a hearing is not requested within thirty (30) days the animal shall be disposed of at the discretion of the Town of Holland. Fines should be paid to the Clerk-Treasurer of the Town of Holland and be placed in the fund to defray expenses incurred by the Town of Holland for the maintenance of impounded animals and to defray the expenses of enforcing this Chapter. (Ord. 5.04, S5.04.030, Mar. 5, 2014) (Ord. 5.04, S5.04.030, Dec. 5, 2001)

**5.04.040 Administrative liability.** No officer, agent, or employee of the Town of Holland shall render himself personally liable for any damage that may occur to persons, property, or animals as a result of any act required or permitted in the discharge of his duties under this Chapter. Any suit brought against any officer, agent or employee of the Town of Holland as a result of any act required or permitted in the discharge of his duties under this Chapter shall be defended by the Town Attorney until the final determination of the proceedings therein. (Ord. 5.04, S5.04.040, Dec. 5, 2001)

**5.04.050 Enforcement.** The Holland Town Marshall shall enforce this Chapter. (Ord. 5.04, S5.04.050, Dec. 5, 2001)