

**TITLE 7**

**ANIMALS**

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### ANIMALS

#### Chapters:

- 7.16 Loose or vicious animals
- 7.17 Noise from animals
- 7.19 Keeping of fowl
- 7.22 Neglect of animals

## Chapter 7.16

### LOOSE OR VICIOUS ANIMALS

#### Sections:

- 7.16.010      **Conditions prohibited**
- 7.16.020      **Enforcement**

#### **7.16.010 Conditions prohibited.**

- (1) The existence of dogs, cats, or any other animals, running at large and without restraint, within the corporate limits of the Town. (Ord. 1995-2, Chapter VI, S1A, Aug. 7, 1995) (Ord. 345, March 13, 1949) (Ord. 275, Feb. 14, 1944) (Ord. 110, Nov. 7, 1932) (Ord. 20, Apr. 14, 1925)
- (2) The owning, keeping or harboring of any aggressive or vicious animal, unless the animal is so restrained that it cannot harm any person of the premises where it is located. The definition of “aggressive or vicious animal” includes, but is not limited to, any animal which has bitten a person. Proper restraint of aggressive or vicious animal includes, but is not necessarily limited to, containment inside a fenced enclosure of such design and layout that children cannot touch the animal. (Ord. 2020-3, S7.16.010, Feb. 5, 2020) (Ord. 1995-2, Chapter VI, S1B, Aug. 7, 1995)

#### **7.16.020 Enforcement.**

- (1) The Town of Spurgeon, Indiana does not have available a suitable place or structure for the impoundment of animals that are found to be in violation of this Ordinance, but the Town has been informed that a private nonprofit organization is attempting to secure the funds necessary to establish and maintain a county wide animal shelter at some suitable location in Pike County. Therefore, in the event an animal shelter is established in Pike County for the purpose of confining vicious or stray animals, then, any vicious animal not properly restrained; and any stray animal found in any alleys, streets, or other public places in the Town, not in custody or in charge of the owner or someone deputized by the owner to be in charge of said animal; shall be impounded, transported to said Pike County Animal Shelter by the Town Marshall, and confined therein pursuant to any and all rules, regulations, or ordinances applicable to said Pike County Animal Shelter. It shall be the duty of the Town Marshall to seize and hold for impounding any such vicious or stray animal.

Until such animal shelter is in operation, any vicious animal not properly restrained shall, at the discretion of the Town Board, be destroyed in a humane manner or removed from the limits of the Town. Any stray animal shall be removed from the limits of the Town. (Ord. 1995-2, Chapter VI, S2A, Aug. 7, 1995)

- (2) Any person who creates or maintains a nuisance prohibited by Section 7.16.010, and who fails or refuses to abate such nuisance as required by the notice given under Chapter 6.22 of this Title, shall be fined in the sum of \$50.00. Each day the nuisance continues after the date in the notice, shall be deemed a separate offense. This penalty may be assessed instead of, or in addition to, the enforcement provisions of subsection (1) of this Section 7.16.020. (Ord. 2002-4, July 3, 2002) (Ord. 1995-2, Chapter VI, S2B, Aug. 7, 1995)

## Chapter 7.17

### NOISE FROM ANIMALS

#### Sections:

- 7.17.010**      **Acts prohibited**
- 7.17.020**      **Enforcement**

**7.17.010 Acts prohibited.** The owning, keeping or harboring of any dog, cat, or other animal, which, by frequent or habitual howling, yelping, barking, or making of any similar noise, annoys or disturbs one or more of the inhabitants of two or more separate residences within the corporate limits of the Town of Spurgeon. (Ord. 1995-2, Chapter VII, S1, Aug. 7, 1995)

**7.17.020 Enforcement.** The Town of Spurgeon shall have the power to abate the nuisance described in Section 7.17.010, under Ind. Code 36-1-6-4, by bringing a civil action to enjoin the violation; or the Town may proceed under Ind. Code 34-4-32 by bringing a civil action to obtain a judgment up to \$2,500.00 against the liable party; or the Town may do both. (Ord. 1995-2, Chapter VII, S2, Aug. 7, 1995)

## Chapter 7.19

### KEEPING OF FOWL

#### Sections:

#### 7.19.010 Keeping of fowl

**7.19.010 Keeping of fowl.** It shall be unlawful for the owner or occupant of any ground or premises within the town to conduct or to cause or permit to be conducted thereon the business of keeping turkeys, geese, ducks, chickens or fowl of any description for commercial gain; or to cause or permit to be caused and maintained thereon anything whatsoever that is injurious to the health, indecent or offensive to the senses of the inhabitants of the town. No person shall cause or allow any place where any animal is, or may be, kept to become unclean, but shall keep the same clean and sanitary, and free from all refuse and rodents. The quantity of fowl kept shall be limited to no more than twenty-four of any one species of fowl. (Ord. 2002-6, Sept. 4, 2002)

## Chapter 7.22

### NEGLECT OF ANIMALS

#### Sections:

- 7.22.010 Abuse of animal prohibited; exception
- 7.22.020 Shelter required

**7.22.010 Abuse of animal prohibited; exception.** That no person shall beat, cruelly treat, neglect, torment, or otherwise abuse any animal except that reasonable force may be employed to drive off dangerous or trespassing animals. (Ord. 2002-7, S1, Oct. 2, 2002)

**7.22.020 Shelter required.** That no person shall confine or allow his or her animal to remain outside without access to appropriate shelter from the elements. (Ord. 2002-7, S2, Oct. 2, 2002)