

TITLE 7

ANIMALS

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Chapter 7.04

ANIMALS WITHIN TOWN LIMITS

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7.04.010 Pet Registration Required-Exception-Tags; Defecation Cleanup Required.

- (1) Any person within the town owning, keeping, harboring or having custody of any dog over the age of five months must annually obtain a pet registration from Winslow Town Hall for such animal; provided, however, that no pet registration shall be required of any animal welfare organization, municipal animal control facility or governmental agency, or guide dog. Animals belonging to those agencies or persons will be issued complimentary registration tags. Any person outside of the town may voluntarily register their dog.
- (2) A durable tag stamped with registration number and year of issuance will be provided to pet registration holders for each registration granted. Dogs must wear their tags at all times on their collars, except when involved in any organized show, obedience demonstration, training situation or under the care of a licensed veterinarian.
- (3) Any animal received by the town of Winslow will be held five business days prior to disposition. Dogs with an untraceable tag due to an owner's failure to keep contact information current for tracing, or tagged dogs, will be disposed of without notice to the owner.
- (4) Defecation by a dog anywhere in town, except on their owner's or keeper's property, must be immediately cleaned up by the owner, keeper, or harbinger of the dog. A fine of \$25 may be assessed against any person who violates this provision by failing to "scoop up" after their dog. (Ord. 2009-02, S1, Dec. 14, 2009) (Ord. 2, S3, Oct. 15, 1984) (Ord. Unnumbered, S1, April 1, 1935)

7.04.020 Running at Large. It shall be unlawful for the owner of any dog to permit the dog to roam the streets, alleys, or other public places of the Town unless in the personal custody

of the owner or some individual deputized by the owner to be in charge of said dog. (Ord. 2, S4, Oct. 15, 1984) (Ord. Unnumbered, S2, April 1, 1935) (Ord. 57, S1, June 1, 1908)

7.04.030 Stray and Unwanted Dog Pickup.

- (1) Within the town, all dogs must be properly restrained at all times. A dog may be off of their property only while being accompanied by a human companion and leash restrained. While on their property, dogs must be adequately fenced (including electronically or otherwise) or leashed when outdoors. Within the town, all unwanted dogs, all dogs illegally at large, and all sick, diseased, injured, lost, strayed, stolen or abandoned dogs shall be taken into custody by the Town Marshall and/or Animal Control Officer and held at the town dog shelter. Those dogs whose owners request it, may be promptly euthanized by the town, or placed for adoption by the town. In addition, any dog which appears to be ill and would pose a health hazard to other animals, or any dog which is injured so that it cannot rest comfortably for a minimum of three working days, may be destroyed immediately. All other dogs shall be kept at said shelter for a period of not less than five working days to afford owners the opportunity to claim the animal. After such period of time, unclaimed animals shall be placed in a suitable home, retained at the shelter, released to an accepted rescue organization or euthanized.
- (2) The Town Marshall and/or Animal Control Officer may proceed upon public and private property within the town in pursuit of animals believed to be in violation of this chapter. However, this authority does not extend to a privately owned structure without the consent of the owner, lessee or other occupant in control of the premises or without other legal process or authority. Any dog pursued under this section may be confiscated and held, and if a tagged dog is confiscated without the knowledge or consent of the owner, a written notice shall promptly be personally delivered to the known owner at the address on file through the tagging process, directing the owner to contact the town, for the purpose of redemption of the dog. The owner of untagged dog shall bear the entire burden and risk of contacting the town for determining if impoundment has occurred, and for redemption. (Ord. 2009-02, S2, Dec. 14, 2009) (Ord. 2, S5, Oct. 15, 1984) (Ord. Unnumbered, S3, S4, April 1, 1935) (Ord. 57, S2, June 1, 1908)

7.04.040 Redemption from Impoundment.

- (1) A person may reclaim an animal in the custody of the town upon providing the following:
 - A. Proof of ownership, and
 - B. Payment of redemption fee.
 - C. It shall be mandatory that any dog not displaying a current pet registration tag, affixed to its collar, upon its redemption by its owner, and prior to its release, be properly registered, and the cost for this process shall be at the owner's expense.

- (2) Unclaimed dogs become the property of the town after five working days, and may be placed for adoption or humanely euthanized at the town's discretion. Those dogs voluntarily turned over to the town for adoption become the property of the town after 14 calendar days, and may continue to be placed for adoption or humanely euthanized, at the town's discretion.
- (3) An animal that has been previously impounded stray or at-large and is now being redeemed for the second or subsequent redemption, will be required to be spayed or neutered by a licensed veterinarian at the owner's expense. (Ord. 2009-02, S3, Dec. 14, 2009)

7.04.050 Resisting of Obstructing Enforcement. It shall be unlawful for any person or persons to resist or obstruct the Town Marshall or Deputy Marshalls in the exercise of their respective duties pursuant to this Chapter. (Ord. 2, S5, Oct. 15, 1984)

7.04.060 Loose or Vicious Animals.

- (1) Conditions prohibited.
 - A. The existence of dogs, cats, or any other animals, running at large and without restraint, within the corporate limits of the Town.
 - B. The owning, keeping or harboring of any vicious animal, unless the animal is so restrained that it cannot harm any person on the premises where it is located. The definition of "vicious animal" includes, but is not limited to, any animal which has bitten a person. Proper restraint of a 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. 1995-2, Ch.VI(S1), April 24, 1995)
- (2) Enforcement.
 - A. The Town of Winslow, Indiana does not have available a suitable place or structure for the impoundment of animals that are found to be in violation of this Chapter, 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 alley, 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.

- B. Any person who creates or maintains a nuisance prohibited by Section 7.04.050(1), and who fails or refuses to abate such nuisance as required by the notice given under Chapter 6.12 of Title 6, 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 7.04.050(1)(A) of this Section 7.04.050(2). (Ord. 1995-2, Ch.VI(S2), April 24, 1995) (Ord. 2, S6, Oct. 15, 1984)

7.04.070 Noise from Animals.

- (1) Acts prohibited.
 - A. 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 Winslow. Any dog that violates this section is declared to be a nuisance and shall be impounded.(Ord. 1995-2, Ch.VII(S1), April 24, 1995) (Ord. 2, S7, Oct. 15, 1984)
- (2) Enforcement.
 - A. The Town of Winslow shall have the power to abate the nuisance described in Section 7.04.060(1), under IC 36-1-6-4, by bringing a civil action to enjoin the violation; or the Town may proceed under IC 34-4-32 by bringing a civil action to obtain a judgement up to \$2,500.00 against the liable party; or Town may do both. (Ord. 1995-2, Ch.VII(S2), April 24, 1995)

7.04.080 Cruelty/Animal Care.

- (1) No person shall beat, torment, overload, overwork or otherwise abuse an animal.
- (2) Every owner/guardian/caretaker of an animal within the Town of Winslow shall see that his/her animal(s):
 - A. Is kept in a clean, sanitary and healthy manner and is not confined so as to be forced to stand, sit, lie in or continuously come into contact with its own excrement.
 - B. Has proper and adequate food, water, shelter, and protection from the weather.
 - C. Is given due medical care and treatment for any obvious or apparent ailments, and if diseased, segregated from other animals so as to prevent the transmittal of disease.

- D. If kept in an enclosure, that the enclosure is appropriate to the individual species and/or breed of the animal, and that said enclosure keeps the animal clean and dry, prevents the animal's injury or escape, permits the animal to rest on a solid surface, and has appropriate flooring which does not permit the animals feet or legs to fall through.
- E. No person shall willfully or maliciously administer poisonous substances to any animal and/or expose any poisonous substance with the intent that the substance shall be taken and/or consumed by the animal; however this provision is not meant to prohibit the use of commercially sold poisons for the control of rats, mice, moles or other similar rodents so long as the person administering the poisons takes reasonable care to ensure that domestic pets and livestock are not exposed to the poisons.
- F. No person shall tether a domestic pet for more than one hour without immediate access to food, water and shelter, or in such a fashion that violates the sections of this chapter and Indiana State Law.
- G. No person shall leave any animal unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal by the exposure of the animal to extreme heat, cold or other dangerous condition.
- H. Any person who is the operator of a motor vehicle which strikes or injures any domestic pet should stop at the scene of the accident and report the incident to law enforcement or animal control for the purposes of rendering aid to the animal and identifying the owner.
- I. No person shall recklessly, knowingly, or intentionally abandon or neglect any animal within that person's custody, protection or control.
- J. A person who violates any provision of this chapter commits an ordinance violation, and shall be fined as follows:

1.	First offense	\$ 50.00
2.	Second offense	\$ 75.00
3.	Third and subsequent offenses	\$ 100.00

(Ord. 2021-08, Sept. 13, 2021) (Ord. Unnumbered, S5, Apr. 1, 1935)

7.04.090 Fees and Procedures.

- (1) Only persons trained in humane procedures by licensed veterinarians or by registered animal technicians shall perform the destruction of dogs, in a humane manner. No dog's body shall be disposed of until vital signs are checked (fixed pupil, cessation of heartbeat and respiration) to assure that death has occurred.
- (2) Sufficient funds shall be appropriated in each annual budget for drugs, equipment, food, care, and facilities necessary to administer humane holding and destruction of dogs.

(3) All money generated, received or collected by virtue of the provisions of this Chapter are to be set aside and placed in the general fund.

A. Dog Registration fees.

Annual – Each spayed or neutered dog Age 5 months and older	\$ 3.00
Annual – Each unaltered dog Age 5 months and older	\$ 5.00
Replacement tags	\$ 10.00
Lifetime tag – spayed or neutered dog or cat (Ord. 2016-02, S4(i), Mar. 28, 2016)	\$ 15.00

Upon a written statement from a licensed veterinarian setting forth that the spaying or neutering of the dog shall constitute a threat to the health of that animal, the payment of the permit fee for unaltered animal shall not be required but the animal shall be classified as an altered animal for purposes of permit registration and fees. Registration at the altered tag price under this section will constitute agreement not to breed the animal.

Any owner of a dog that is used for seeing or hearing purposes shall be exempt from a permit fee. This includes any and all service animal. (Ord. unnumbered, S4, June 27, 2016)

B. Redemption and related fees.

(Note: Redemption Fees below are doubled for untagged dogs.)

First Redemption	\$ 10
Second Redemption	\$ 30
Third Redemption (and subsequent)	\$ 75
Daily boarding fee	\$ 5*
Adoption	\$ 20
Euthanization fee per animal	\$ 25

*Owner's request that town hold stray longer than the five working day period must be approved by the town Marshall and/or Animal Control Officer.

Owner's, keepers, and/or those that harbor a dog may be assessed the appropriate fees incurred for the enforcement and implementation of this chapter. HOWEVER, and in addition, owner's, keeper's and/or those that harbor a male dog that (while not on his property and without permission) impregnates a female dog, may be responsible for the cost of euthanizing the unwanted puppies from that reproductive event.

Copies of said fees are available for inspection in the office of the town hall. (Ord. 2009-02, S4, Dec. 14, 2009)

7.04.100 Penalty. Any person who shall violate any of the provisions of this Chapter shall, upon conviction, be fined in a sum of not to exceed \$100.00. (Ord. 2, S8, Oct. 15, 1984) (Ord. Unnumbered, S6, April 1, 1935) (Ord. 57, S2, June 1, 1908)

7.04.110 Enforcement. This Chapter shall be enforced pursuant to the provisions of IC 36-1-6. (Ord. 2, S9, Oct. 15, 1984)

Chapter 7.05

CAT POPULATION MANAGEMENT

Sections:

7.05.010 Management of Cat Population; Permitted Acts

7.05.010 Management of Cat Population; Permitted Acts.

- (1) Definitions.
 - A. Free-roaming cat means any homeless, stray, wild or untamed cat that is at large that does not possess an identification tag or has not been ear tipped to indicate it is a community cat.
 - B. Community cat means an un-owned cat that has been captured, evaluated, ear tipped, sterilized and vaccinated against rabies by a licensed veterinarian and released to the vicinity from where it was trapped.
 - C. Community cat caretaker means a person that provides food, water or outdoor areas of shelter to a community cat.
 - D. Own means to keep, harbor or have custody, charge or control of an animal and owner means and includes any person who owns an animal, however;
 1. A community cat caretaker shall not be deemed to own or keep a community cat but rather to provide limited oversight of such animals.
- (2) Animal traps; requirements and prohibitions:
 - A. A person may trap any free-roaming cat in a humane manner, utilizing a live release trap that does not injure the animal, in order to have the cat evaluated, surgically sterilized, ear-tipped, and vaccinated against rabies by a licensed veterinarian and released to the vicinity from where it was trapped
 - B. It shall be unlawful for a person to use, place, set or cause to be used, placed, or set, any leg-hold trap or similar device.
 - C. It call be unlawful for a person, having placed a lawful trap, to fail to inspect and empty it at least once during every 24 hour period.
 - D. It shall be unlawful for a person to remove an animal from any trap not on that person's property unless such person has the express permission of the property owner to do so.
 - E. It shall be unlawful for a person to use, place, set or caused to be used any animal traps during inclement weather. Eather temperatures below 20 degrees Fahrenheit and above 90 degree Fahrenheit shall be deemed inclement weather for the purposes of this chapter.

- F. Traps set for the purposes of capturing cats must be covered to protect trapped animals from the elements.
- (3) Impoundment and disposition of animals:
- A. Grounds for impoundment:
 - 1. Any free-roaming cat is eligible to be processed through the community cat program without hold.
 - B. Return of a captured animal:
 - 1. When the owner of a captured animal is known, such animal need not be impounded but may be returned to the owner if, in the opinion of the Animal Control officer, the return would not present a detriment to the public health or welfare or otherwise result in a violation of this chapter. A community cat shall be released where captured, unless reasonable options of return have been exhausted. (Ord. 2021-09, Sept. 13, 2021)

Chapter 7.06

LIVESTOCK WITHIN TOWN LIMITS

Sections:

7.06.010 Livestock Running at Large

7.06.020 Keeping of Livestock

7.06.010 Livestock Running at Large.

- (1) No cattle, horses, mules, swine, goats, sheep, or other livestock shall be permitted to run at large within the corporate limits of the Town.
- (2) No person owning or having the control of any animal or animals shall permit them to run at large within the corporate limits of the Town. (Ord. 2, S1, Oct. 15, 1984)

7.06.020 Keeping of Livestock.

- (1) It shall be unlawful for any person to keep, cause or permit to be kept, or to confine one or more horses, mules, swine, goats, sheep, or other livestock within the corporate limits of the Town.
- (2) However, nothing in this Section shall be construed as regulating or prohibiting the keeping or confining of dogs or cats, nor as prohibiting the keeping of any fowl in a pen or other secure enclosure. (Ord. 2, S2, Oct. 15, 1984)