

CHAPTER 96: ANIMALS

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§ 96.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDONMENT. The voluntary relinquishment of possession by the owner with the intention of his or her ownership, but without vesting possession in any other person. The failure to make adequate provision of food, water, and/or shelter shall be prima facie evidence of **ABANDONMENT**.

ADULT DOG AND CAT. Any dog or cat that is 3 months of age or older for the purposes of rabies vaccinations/tags.

ALTERED ANIMAL. Any animal which has been spayed or neutered.

ANIMAL CONTROL OFFICER. Any law enforcement officer, conservation officer, or other person authorized by the Town Council to perform any act associated with this chapter.

AT LARGE. Off the premises of the owner while not under the control of the owner or other person by chain, cord, leash, or other device of actual physical restraint or under the control of the accompanying owner or other person who has the ability to control the dog or cat by voice command.

ATTACK. Unprovoked action in an aggressive manner against a human that includes a bite or causes a scratch, abrasion, or bruising, or on a domestic animal, that causes death or injury that requires veterinary treatment.

BIRDS OF PREY. Members of the Accipitridae, Aquila, Haliaeetus, Falconiformes, Accipiter, and Buteo family.

DANGEROUS.

- (1) Constitutes a danger to human life or property;
- (2) Has caused serious injury to a person without having been provoked by that person;
- (3) At a place other than its owner's property has:
 - (a) Chased or approached a person in a menacing fashion or apparent attitude of attack;

or

- (b) Attacked another domestic animal;

(4) Because of its training or behavior, is capable of inflicting physical harm or death to humans; or

(5) Involved in more than 1 reported bite incident reported to the Animal Control Shelter in the last 12 months.

(6) Animals while engaged in law enforcement activities are not considered **DANGEROUS** for the purpose of this code.

DOMESTIC FARM ANIMALS.

- (1) Cattle, including cows, bulls, steers, and calves;
- (2) Horses, including mares, stallions, geldings, and ponies;
- (3) Mules;

- (4) Donkeys or burros;
- (5) Sheep or lambs;
- (6) Goats;
- (7) Rabbits for the purpose of commercial sale for their meat or pelts;
- (8) Swine, including pigs, hogs, boars, sows, or piglets;
- (9) Poultry, including but not limited to chickens, turkeys, ducks, geese, guinea fowl, peafowl, pigeons, and pheasants;
- (10) Exotic animal, being defined as a wild animal that is non-native to the State of Indiana;
- (11) Wild animals, being defined as one that lives in the wild or is not domesticated;
- (12) Bees;
- (13) Birds of prey, including but not limited to, members of the Accipitridae, Aquila, Haliaeetus, Falconiformes, Accipiter and Buteo family;
- (14) Reptiles, including but not limited to, snakes, alligators, and turtles, or any other member of a large group of air-breathing, scaly vertebrates; and
- (15) Any other animal kept, owned, maintained, or raised for the commercial purpose of selling it for the meat, pelts, or other product.

EXOTIC. Any animal not naturally found in the State of Indiana.

GUARD DOG. Any dog trained by a recognized training facility for the purpose of protecting individuals from assault and/or preventing property loss or damage. The term **RECOGNIZED TRAINING FACILITY** means any person holding a state kennel license and a business license for either of the purposes described in this definition.

GUIDE DOG. A properly trained dog certified as a **GUIDE DOG** by a licensed training facility that has an expertise in training dogs for the physically impaired person and that is actually being used by a person to assist that person.

HUMANE TRAP. Any device used for capturing an animal without inflicting injury, pain, or suffering and which provides adequate ventilation for the trapped animal. Snares, leg traps, or similar devices are considered inhumane and shall not be used.

IDENTIFIED COMPLAINT. A complaint in which the identity of the complainant is known to the Animal Control Director/Officer and whose identity will not be made public but held confidential.

IMPOUNDMENT. The act of taking physical possession and control of an animal by an animal control officer or other officer empowered to act by law and transporting it to the Animal Control facility.

INHUMANE. Infliction of injury, pain, or suffering upon an animal or failure to provide adequate food, water, shelter, or ventilation to an animal.

KENNEL. An establishment wherein any person engages in boarding, breeding, buying, keeping, letting for hire, training for a fee, or selling dogs, cats, or other pets. Anyone keeping a total of 5 or more dogs, cats, or other pets 6 months of age or older shall be deemed a **KENNEL OPERATOR**.

LAW ENFORCEMENT ANIMAL. An animal that is owned or used by a law enforcement agency for the purposes of aiding in the detection of criminal activity, enforcement of laws, the apprehension of offenders, and ensuring the public welfare.

NUISANCE. Any 1 or more of the following conditions:

(1) A condition which arises by a dog, cat, or other animal who molest, or chases persons, bicycles, automobiles, or other moving vehicles on the streets or sidewalks or any other public area of the town;

(2) A condition which arises by a dog, cat, or other animal destroying, defacing, or damaging shrubbery, lawns, or flowers which results in the general nuisance of citizens in the neighborhood where such dog, cat, or other animals are harbored;

(3) A condition which arises by a dog barking, whining, or howling consistently so as to disturb the peace of the neighborhood;

(4) A condition which arises from the accumulation of animal excreta on the property of the owner, public, or any other citizens so as to cause an obnoxious odor, create a situation which could draw or breed insects, attract vermin, or cause a health nuisance; or

(5) Any animal deemed dangerous or vicious that has not been registered with Animal Control annually.

OFFICIAL WARNING. A written notice or warning based upon an identified complaint and given to the owner of a dog, cat or other animal by an animal control officer.

OWNER. Any person who owns, harbors, keeps, feeds, maintains, has lawful possession of, or knowingly causes or knowingly permits an animal to be harbored or kept or has an animal in his or her care or who permits an animal to remain on or about his or her premises; provided, however this shall not include a person hired or acting as custodian of the animal for its **OWNER**.

PET SHOP. Any person, partnership, corporation, or any other business entity other than a licensed kennel, that buys or sells any species of animal.

REPTILE. Any member of a large group of air-breathing scaly vertebrates including but not limited to snakes, alligators, and turtles.

RUNNING IN PACK. Three or more dogs, cats, or other animals at large together, which, by repeated or continual presence, constitute a physical danger to a neighborhood, livestock, personal or real property.

STRAY. Any animal that does not appear, upon reasonable inquiry, to have an owner.

TETHER. Any chain, rope, cable, and the like, used to restrain or confine an animal.

VICIOUS ANIMAL. Any animal that attacks, bites, or injures human beings, pets, companion animals, or livestock or which, because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings, pets, companion animals, or livestock as defined in I.C. 35-41-1-4 and I.C. 35-41-1-25. No dog may be declared **VICIOUS** if a threat, injury, or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog or was teasing, tormenting, abusing, or assaulting the dog or was committing or attempting to commit a crime. This definition shall not be construed to include dogs that are part of a governmental organization or a trained guard dog in performance of its duties, or any animal otherwise defined in the Indiana Code.

WARM-BLOODED ANIMAL. Any animal that maintains a constant body temperature; all mammals, including dogs, cats, and rabbits.

WILD ANIMAL. Any animal not a domestic animal, with the exception of small, non-poisonous aquatic or amphibious animals and small cage birds.
(Ord. 5-2010, passed 8-19-2010)

§ 96.02 LICENSING.

(A) *Licensing required; exceptions.* Any person owning, keeping, harboring, or having custody of a dog or cat over 6 months of age within the town must obtain a license for it under this chapter. No license shall be required for seeing eye dogs.

(B) *Obtaining a license.* Application for a license shall be made to the Town Clerk-Treasurer or such other person authorized to accept applications. The application, 1 per animal, shall include the name and address of the applicant, a description of the animal, a current rabies certificate issued by a veterinarian, a statement as to whether the animal has been spayed or neutered, and information whether the applicant has been convicted of cruelty to animals. If the applicant withholds or falsifies any information on the application, no license shall be issued and any license issued upon false or withheld information shall be null and void. No person who has been convicted of cruelty to animals shall be issued a license without review by the Town Council or a panel appointed by the Town Council for that purpose. Application for a license for an animal under 6 months old must be made before the animal reaches the age of 6 months. When a person obtains an animal older than 6 months, a license must be applied for within 15 days.

(C) *Tags.* Upon acceptance of the license application and fee, there shall be issued to the applicant a durable tag stamped with an identification number and month of expiration. Animals must wear these tags at all times when off the premises of the owner, or on the real property of the owner but not under restraint. The licensing agent shall maintain a record of the identifying number of all tags issued.

(D) *Fees.*

(1) A license shall be issued after payment of the applicable fees and the receipt of all application materials. The fees shall be established each year in January by the Town Council, by resolution, and a schedule of these fees will be available at the Office of the Clerk-Treasurer and the Town Marshal.

(2) A duplicate license may be obtained for a fee of \$1 upon the owner's certifying that the original tag is lost.

(E) *License period.* Licenses for dogs and cats shall be for 1 year from the date of issuance.

(F) *Use of license for another animal.* No person shall use a license for any animal other than the animal for which it was issued.

(G) *Violation.*

(1) Any law enforcement officer or other person authorized by the Town Council may issue to any person in violation of this chapter a notice of ordinance violation. The penalty established in division (G)(2) may, at the discretion of the animal owner, be paid at the Clerk-Treasurer's Office within 72 hours in full satisfaction.

(2) Persons who violate any provision of this chapter shall be subject to a fine as set forth in § 96.99.

(Ord. 5-2010, passed 8-19-2010) Penalty, see § 96.99

§ 96.03 RESTRAINT.

(A) Dog/cat at large. It shall be unlawful for an owner or person having custody or control of any animal to allow the animal to run at large.

(B) To allow such animal to repeatedly run at large, whether wearing a collar and tag or not, throughout the town constitutes a public nuisance. Any and all animals found running at large, whether wearing a collar and tag or not, shall be immediately impounded by officers of Animal Control or any police officer. The officers may pursue the animal onto private property to effect capture of such animal.

(C) Enclosure of animal in heat. All owners or persons having custody or control shall confine within a completely enclosed building or secure enclosure with no means of escape any dog, cat, or other animal when in heat or rutting.

(D) It shall be the duty of every owner or custodian of any animal to exercise reasonable care and take all necessary steps and precautions to restrain their animal so as to protect other people, property, and animals from injuries or damage which might result from the animal's behavior. If the owner or custodian of any animal is a minor, the parent or guardian of such minor shall be jointly responsible for the minor's violation of this chapter.

(E) It shall be the duty of every owner or custodian of any animal to ensure that the animal is kept under restraint and that reasonable care and precautions are taken to prevent the animal from leaving the real property limits of its owner, possessor, or custodian, and ensure that the animal is:

(1) Securely and humanely enclosed within a house, building, fence, pen, or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition; and that such enclosure is securely locked at all times or anytime the animal is left unattended; and

(2) Securely and humanely restrained by chain or tether not weighing more than 1/8 of the pet's body. The chain or tether shall be at least 10 feet in length and have swivels on both ends, so as to reduce the likelihood of entanglement. Any chain or tether must be attached to a properly fitting buckle-type collar or harness worn by the animal, and may not be wrapped around an animal's neck.

(3) No pet shall be tethered more than 12 hours in a 24 consecutive hour period. Dogs under the age of 6 months shall not be tethered for more than 1 hour and shall be under the direct supervision of the owner or person having custody at all times while being on a tether.

(F) Possession of a vicious animal. It is a violation of this chapter for anyone to own, possess, harbor, maintain, or have custody or control over a vicious animal as defined in this chapter at any location within the town, other than the Animal Control facility for observation of an animal suspected of suffering from rabies. If any violation of this chapter occurs, an animal control officer has the authority to confiscate the animal wherever it may be found.

(G) Possession of dangerous animals. The following precautions shall be taken by owners, possessors, or custodians of dangerous animals:

(1) In addition to the requirements in division (D) of this section, the owner of a dangerous animal who maintains the animal out of doors shall fence a portion of the property with a second perimeter or area fence. Within this perimeter or area fence, the dangerous animal must be humanely confined inside a pen or kennel of adequate size which at a minimum shall be 10 feet long, 10 feet wide and 6 feet high. The pen or kennel may not share common fencing with the area perimeter fence. The kennel or pen must have secure sides and a secure top attached to all sides. The sides must either be buried 2 feet into the ground, sunken into a concrete pad, or securely attached to a wire bottom. The gate to the kennel or pen shall be of the inward-opening type and shall be kept locked at all times except when tending to the animal's needs such as cleaning the kennel or providing food and water.

(2) Whenever the animal is outside of its enclosure as provided for in this section, but on the owner's property, it must be attended by the owner and restrained by a secure collar and leash of sufficient strength to prevent escape. The leash shall be no longer than 10 feet, and the animal must be kept at least 15 feet within the perimeter boundaries of the property unless the perimeter boundary is securely fenced.

(3) No dangerous animal shall be chained, tethered, or otherwise tied to any inanimate object such as a tree, post, or building, outside of its own enclosure as provided for in this division.

(4) One "beware of dog" sign shall be conspicuously displayed on each exterior side of the enclosure for each 50 linear feet of enclosure, with a minimum of 2 such signs on each side, as well as a sign on each ingress or egress point of enclosure. The signs shall be a minimum of 10 inches high and 14 inches long.

(H) The owner or custodian of any guard dog must confine such dog within a perimeter fence and meet the following conditions: the fence shall be sufficient to prevent the dog's escape, with all points of ingress and egress securely locked at all times.

(I) Annoyance or disturbance created by animal. It shall be unlawful for any person to keep or harbor within the town an animal that creates a nuisance, or which by loud, frequent, or habitual barking, howling, or yelping causes annoyance or disturbance to the area within which the barking, howling, or yelping may be heard.

(J) Choke collars and pinch collars are prohibited for the purpose of tethering an animal to a stationary object.

(Ord. 5-2010, passed 8-19-2010) Penalty, see § 96.99

§ 96.04 ANIMAL CARE AND TREATMENT.

(A) *Provision of care.* No owner or person having custody of an animal shall fail to provide his or her animal with sufficient and wholesome food and water, protection from the weather and reasonable care, including veterinary treatment, as may be necessary to prevent suffering. This division (A) shall also apply to animals kept at an animal shelter operated by Animal Control or by anyone in the town.

(B) *Classification of a non-commercial kennel.* The existence of more than 5 dogs and/or cats at a residence shall constitute a noncommercial kennel requiring the owner or person possessing the animals to obtain a non-commercial kennel license from the Town Clerk-Treasurer. It shall be unlawful for any person to keep or maintain a commercial kennel at a residence or a residential area. The user fee for a non-commercial kennel is hereby established in the amount of \$100. Non-commercial kennels must comply with Federal Register 9 (CFR Part 2) February 15, 1991. Animal Welfare.

(C) *Ill treatment.* No person shall beat, cruelly ill treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit a dogfight, cockfight, bullfight, or other combat between animals and humans.

(D) *Abandonment.* It shall be unlawful for any owner or person having custody of any dog, cat, or other animal to abandon the same within the town.

(E) *Public disposal of poison liable to be possibly consumed by animals.*

(1) It shall be unlawful for any person to throw or deposit any poisonous substance in any area of the roads, parks, common yards, or other places, whether public or private, within the town so that the same may possibly be consumed by any animal.

(2) No person shall expose any known poisonous substance, whether mixed with food or not, so that it shall be liable to be eaten by any animals, provided, that it shall not be unlawful for a person to expose on his or her own property common rat or mouse poison, unmixed or mixed only with vegetable substances.

(F) *Removal of dead animal.*

(1) Any person who shall become apprised of the death of any dog, cat, or other animal owned by him or her under their control shall, immediately thereafter cause the dog, cat, or animal to either be properly interred or shall call Animal Control to remove the animal from the town. There will be no charge to residents of the county who bring their dog or cat to the Animal Control facility for disposal. Any resident from outside of the county who brings a deceased dog or cat to Animal Control shall be charged the fee then charged by Animal Control for disposal.

(2) Veterinarians who have offices in the county may deliver dogs or cats to an animal control officer for disposal and shall be charged \$5 for each dog and \$3 for each cat; provided however, that if

the veterinarian requests that an animal control officer pick up the animals at the office of the veterinarian, the disposal charge shall be \$25 per dog and \$15 per cat.

(G) *Domestic animals in vehicles.*

(1) It shall be unlawful to leave a domestic animal unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal.

(2) It shall be unlawful for any dog, cat, or other animal to ride in the bed of a pickup truck on public streets, highways, and/or right-of-ways unless the animal is securely caged and protected from the environment or unless the bed of the pickup truck is enclosed with a camper shell or other device and there is appropriate and sufficient ventilation for the animal.

(H) *Disposal of and shooting an animal.*

(1) It shall be unlawful to terminate the life of any dog, cat, or other animal in an inhumane way within the town limits.

(2) It shall be unlawful to intentionally shoot any dog, cat, or other animal unless the person feels in fear of their own life or someone else's life.

(I) *Inhumane traps.* It shall be unlawful to use any inhumane trap within the town limits.

(J) *Forced performance.* It shall be unlawful for any person to induce or encourage the performance of an animal through the use of chemical, electrical, mechanical, or manual devices in a manner that is likely to cause physical injury or suffering.

(Ord. 5-2010, passed 8-19-2010) Penalty, see § 96.99

§ 96.05 RABIES CONTROL.

All actions taken in connection with any animals suspected of suffering from rabies shall be in accordance with I.C. 15-2.1-6-11 and all acts amendatory or supplemental thereto as well as I.A.C. §§ 410 *et seq.* and all acts amendatory or supplemental thereto.

(Ord. 5-2010, passed 8-19-2010) Penalty, see § 96.99

§ 96.06 IMPOUNDMENT.

(A) *Cause for impoundment.* It shall be the duty of the animal control officer or designee to apprehend and impound in such animal shelter any dog, cat, or any other animal found doing any of the following acts or being kept or maintained in any of the following conditions, unless provided herein.

- (1) Running at large, not conforming to § 96.03(B).
- (2) Not confined, as provided in § 96.03(C), (D), (E).
- (3) Kept in violation of § 96.03(F).
- (4) Abandoned, as provided in § 96.04(D).
- (5) Entering private property causing injury to person or property in violation of § 96.03(E).
- (6) Not registered, licensed, or tagged as provided in this chapter and state law.
- (7) Upon an identified complaint made to an animal control officer of a violation of this chapter.
- (8) Upon order of the court following a conviction of any person for violation any provision of this chapter.

(B) *Official warning in lieu of impoundment.* The provisions of the above notwithstanding, in lieu of impounding any animal under division (A) above, the animal control officer or designee may issue an official warning to the owner or person having custody of such dog, cat, or other animal.

(C) *Notification of impoundment.* Not later than 24 hours after the impoundment of any dog, cat, or other animal, except if such impoundment is by reason of § 96.05, the animal control officer or designee, shall notify the owner or person having custody of such animal, if known, by first class United States mail or by telephone, of such impoundment and the reason thereof. In the event that the owner is unknown, no notification will be deemed necessary.

(D) *Notification and redemption of impounded animal.* Whether an impounded dog, cat, or other animal may be redeemed, shall be within the sole discretion of the animal control officer; however, any dog, cat, or other animal that has been impounded on 3 or more occasions may not be redeemed or reclaimed.

(E) *Fees for redemption of impounded animal.* An owner or person having custody of an impounded dog, cat, or other animal who has been notified that such dog, cat, or other animal may be reclaimed or redeemed, may reclaim or redeem the same upon payment of the following fees and upon fulfillment of the following obligations:

- (1) An owner reclaiming an impounded animal shall pay to the Town Clerk-Treasurer, or its agent or any other authorized person, the amount of the fine due for any violation of this chapter, and in addition, shall pay the impounding facility a fee as determined by that facility for the boarding of said animal.

(2) Before the dog or cat shall be released, the owner or person having custody of the animal shall have the dog or cat inoculated against rabies, and certify the same to the Town Clerk-Treasurer or his or her designee.

(3) All dogs, cats, or other animals reclaimed must be micro-chipped at the owner's expense before they will be released back to the owner or person having custody.

(F) *Failure to reclaim or redeem impounded animal.* It shall be unlawful for an owner or person having custody of an impounded dog or cat or other animal, who has been notified that the dog, cat, or other animal may be reclaimed or redeemed, to fail to reclaim the same on or before the last day of impoundment before the disposition of such dog, cat, or other animal under § 96.06(G)

(G) *Impounded animal not registered, licensed, tagged, or redeemed.*

(1) All dogs, cats, or other animals impounded under this chapter and not registered, licensed, tagged, and redeemed shall be disposed of in a humane manner or placed for adoption after the expiration of the following time periods:

(a) Five days after notice is given to the owner or person having custody of such animal as required under division (D) of this section;

(b) Five days after impoundment when the owner or person having custody of such animal is unknown;

(c) After the animal has been impounded for a third time within a 12-month period; or

(d) At the time fixed by the court under division (A) of this section.

(2) Provided, however, that the dog, cat, or other animal which appears to be suffering from mange or other infectious or contagious disease, except rabies, may be disposed of immediately upon impoundment, as authorized by the Town Clerk-Treasurer.

(H) *Extermination of vicious or dangerous animals.* Whenever an animal control officer shall find any dog, cat, or other animal running in packs, vicious, or in such condition as to be too dangerous to capture, or too dangerous to maintain at the animal control facility, then the animal control officer is authorized to dispose of the animal where it may be found or upon return to the animal control facility.

(I) *Prohibition of experimentation on impounded animals.* No impounded animals shall be sold or given to any person, procurer, or agent for the purpose of experimentation.
(Ord. 5-2010, passed 8-19-2010) Penalty, see § 96.99

§ 96.07 AWARDING LIVE ANIMALS AS PRIZES.

It shall be unlawful for a person to sell, offer for sale, trade, barter, or give away within the town limits any animal as a novelty, prize, or as an incentive to enter a place of amusement, or offer such vertebrate as an incentive to enter any business establishment or enter into any business agreement whereas the offer was made for the purpose of attracting trade for the establishment, other than establishments selling animals as their primary business.

(Ord. 5-2010, passed 8-19-2010) Penalty, see § 96.99

§ 96.08 ENTICING ANIMALS TO FIGHT.

It shall be unlawful for a person to incite, train to fight (other than a crime prevention animal), or set any animal to fighting another animal, or to incite combat between animals and humans within the town limits. It also shall be unlawful to attend or be a spectator at an organized or unorganized animal fight.

(Ord. 5-2010, passed 8-19-2010) Penalty, see § 96.99

§ 96.09 WILD ANIMALS.

(A) It shall be illegal for any person to own, possess, have custody, keep, or make provisions for keeping a wild animal within the town limits, regardless of whether such animal is caged, penned, sheltered, or housed unless such resident of the town has received a permit for possession of wild animals from the State Department of Natural Resources or any other regulatory authority.

(B) It shall be unlawful for any person to own, keep, or have custody of or within any property located within the town limits any poisonous or potentially dangerous snake, reptile, or insect or any other type of animal or marine life which has the propensity of causing serious harm to human beings.

(C) This section shall not be construed so as to apply to a zoological garden, theatrical exhibit, or a circus act, except that no theatrical exhibit or act shall be held in which animals are encouraged to perform through the use of chemical, electrical, or mechanical devices.

(Ord. 5-2010, passed 8-19-2010) Penalty, see § 96.99

§ 96.10 KEEPING DOMESTIC FARM ANIMALS.

(A) *Prohibition.* It shall be unlawful for any person to own, keep, or have custody of on his or her property within the town limits any bovine, porcine, equine, gallus gallus, or other domestic farm animal.

(B) *Exceptions.*

(1) *Procedure for issuance.* Exceptions to these provisions may be issued by the Town Council.

(a) Persons wishing such exceptions must submit to the Town Council a written application setting forth the reason such exception should be issued.

(b) Upon receipt of such application, the Town Council shall proceed to determine in their sole and unlimited discretion, whether said request for exception should be granted, and if so, under what terms, conditions, or limitations, all of which shall be stated on the permit issued if the exception is granted.

(2) *Factors to be considered for issuance.* Factors to be considered by the Town Council in determining whether or not an exception should be issued include, but are not limited to, the following:

(a) The size of the applicant's lot;

(b) The nature of the neighborhood and surrounding zoning;

(c) The physical conditions and standard of care given the animals by the applicant;

(d) The wishes and concerns of those living in the general vicinity of the applicant;

(e) The length of time such exception would be applicable; and

(f) Any other factor deemed relevant by the Town Council.

(Ord. 5-2010, passed 8-19-2010) Penalty, see § 96.99

§ 96.11 VEHICULAR COLLISIONS WITH ANIMALS.

(A) A person whose vehicle causes injury or death to an animal within the town limits shall stop at once and assess the extent of the injury as soon as it is safe to do so.

(B) The vehicle operator shall immediately notify the owner of the animal if known, or if unknown, notify an animal control officer or a local law enforcement agency. The notification shall include but not be limited to, a description of the animal, location of the incident, and an estimate as to the condition of the animal. If any tag information can be obtained in a safe manner, this information shall also be given at the time of notification.

(Ord. 5-2010, passed 8-19-2010) Penalty, see § 96.99

§ 96.12 ENTICING ANIMALS.

(A) It shall be unlawful for an unauthorized person to enter or invade another person's private property within the town limits to capture, entice, or take any animal out of an enclosure or off the property of the owner, or to seize an animal at any place while the animal is being accompanied by the owner or person having custody.

(B) It shall be unlawful for an unauthorized person to entice any animal away from the property of the person who owns or has custody of the animal within the town limits. It also shall be unlawful to entice an animal from a street, alley, or public place within the town limits with the intent to deprive the owner or person having custody of the animal's possession.
(Ord. 5-2010, passed 8-19-2010) Penalty, see § 96.99

§ 96.13 GENERAL PROVISIONS.

(A) *Disposition of funds.* All fees or monies collected shall be paid to the Town Clerk-Treasurer, or its agents designated by the Town Council. Money so paid shall be transmitted to the Town Clerk-Treasurer and shall be placed in a fund, which may be used in carrying out the provisions of this title.

(B) *Animal census.* Upon enactment of the ordinance codified in this title, the town, at the direction of the Town Council, may instigate and carry out a town-wide census for the purpose of carrying out the provisions of this title. A census may be held every 2 years thereafter at the request of the Town Council. The census shall be administered by persons authorized by the Town Council.

(C) *Conflicting ordinances.* All other ordinances of the town that are in conflict with this chapter are repealed to the extent of such conflict.

(D) *Severability clause.* If any section, sentence, or provision of this chapter, or the application thereof to any person or circumstance, shall be declared invalid, such invalidity shall not affect any of the other sections, sentences, provisions, or applications of this chapter which can be given effect without the invalid provision or application, and to this end, the provisions of this chapter are declared to be severable.

(Ord. 5-2010, passed 8-19-2010) Penalty, see § 96.99

§ 96.14 ENFORCEMENT.

(A) *Enforcement of chapter.* Any animal control officer has the full and unrestricted authority to enforce this chapter.

(B) *Interference with official.* It shall be a violation of this chapter to interfere with any animal control officer in the performance of their duties, which shall be punishable in accordance with § 96.99(C).

(C) *Record of impound animals.* The Town Marshal's office shall keep a record of all dogs, cats, or other animals impounded in the animal management facility which record shall show date of impoundment, the reason thereof, name of the person bringing the animal to the animal management facility, and the kind, sex, color, breed, and any identifying collars, tags, tattoos, or marks of the animal impounded.

(D) *Official warning and notice of code violation.* Upon information sufficient to establish a violation of the provisions of this chapter, any animal control officer may issue to the person committing such violation, or to the owner or person having custody or control of any animal involved in such violation, either:

(1) An official warning stating the name of the person to whom the warning is being issued, the nature of the violation, the date of the violation, and any other pertinent information concerning the violation. Such official warning shall also state that it is only an warning and is neither a notice of code violation nor a notice to appear to answer to any such violation; or

(2) A notice of code violation stating the name of the person to whom the notice is being issued, the nature of the violation, the fine imposed for such violation in accordance with § 96.99(A), the specific section of this chapter which has been violated, and any other information which is pertinent to the violation and necessary for a thorough understanding of the circumstances surrounding such violation.

(3) The violation notice shall instruct the person to whom the violation is being issued that he or she shall appear forthwith before the Town Marshal or his or her designated deputy to answer to the violation and to pay to the Clerk-Treasurer's Office any fine set forth in § 96.99 for that violation. (Ord. 5-2010, passed 8-19-2010) Penalty, see § 96.99

§ 96.99 PENALTY.

(A) *Fines.* Any person who violates the provisions of this chapter, within 5 days of the date of the notice of the chapter violation, such violator shall pay a fine as follows:

<i>Violation</i>	<i>Fine</i>
§ 96.03(A)	\$50
§ 96.03(B)	\$100

ORDINANCE NO. 8-2012

**AN ORDINANCE TO AMEND TITLE IX, CHAPTER 96, ANIMALS OF THE
CODE OF ORDINANCES OF THE TOWN OF KNIGHTSTOWN, INDIANA**

WHEREAS, the Town Council of the Town of Knightstown, Indiana, has heretofore adopted Ordinance No. 5-2010 revising Title IX, Chapter 96 of the Code of Ordinances of Knightstown, Indiana; and

WHEREAS, the Town Council of the Town of Knightstown, Indiana, believes that revision of § 96.99 is in the best interest of the health, safety and welfare of the citizens of the Town of Knightstown, Indiana.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF KNIGHTSTOWN, INDIANA, AS FOLLOWS:

SECTION I

Title IX, Chapter 96, § 96.99(E)(1) shall be deleted in its entirety and inserted in lieu thereof shall be the following:

<i>Violation</i>	<i>Fine</i>
96.03(A)	\$75
96.03(B)	\$150
96.03(C)	\$250
96.03(D)	\$75
96.03(E)	\$75
96.03(F)	\$250
96.03(G)	\$250
96.03(H)	\$75
96.03(I)	\$75

96.03(J)	\$75
96.04(A)	\$150
96.04(B)	\$75
96.04(C)	\$250
96.04(D)	\$150
96.04(E)	\$75
96.04(F)	\$75
96.04(G)	\$75
96.04(H)	\$250
96.04(I)	\$250
96.05	\$75
96.06(G)	\$75
96.08	\$75
96.09	\$250
96.10	\$150
96.11	\$150
96.12	\$75
96.13	\$75

SECTION II

The ordinance shall be in full force and effect from and after its approval and due publication according to law.

SECTION III

Introduced and filed on the 20th day of December, 2012. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of 4 in favor and 0 opposed pursuant to I.C. 36-5-2-9.8.

Duly ordained and passed this 20th day of December, 2012 by the Town Council of the Town of Knightstown, Henry County, Indiana, having been passed by a

vote of 4 in favor and 0 opposed.

TOWN OF KNIGHTSTOWN, INDIANA, BY ITS TOWN COUNCIL

Voting Affirmative:

Cassandra Steele
Cassandra Steele

Tony True
Tony True

Clyde South
Clyde South

Cort Swincher
Cort Swincher

Mitchell Roland
Mitchell Roland

Voting Opposed:

Cassandra Steele
Cassandra Steele

Tony True
Tony True

Clyde South
Clyde South

Cort Swincher
Cort Swincher

Mitchell Roland
Mitchell Roland

ATTEST:

Judy Haines
Judy Haines, Clerk-Treasurer

This instrument was prepared by Gregg H. Morelock, BRAND & MORELOCK, P.O.
Box 6, 6 West South Street, Greenfield, IN 46140.

I affirm, under the penalties for perjury, that I have taken reasonable care to redact each
Social Security number in this document, unless required by law. Gregg H. Morelock.

F:\Gregg\MUNICIPAL\Knightstown\Ordinances\ord amending title ix, chapter 96 (animals) - 12-13-12.wpd