

ORDINANCE NO 08-03
ORDINANCE OF THE TOWN OF ST JOE

**An Ordinance Concerning HEALTH & PUBLIC SAFETY as it relates to
ANIMAL CONTROL**

WHEREAS, the present Ordinance 91-20 “Animal Control Regulations” in the Town of St Joe does not adequately address the increasing problems caused by **uncontrolled animals**.

WHEREAS, it is the intent of this Ordinance to adopt I.C. 3.1.1.1 thru I. C. 3.1.3.1

NOW, THEREFORE, BE IT ORDAINED by the St. Joe Town Board, that there is hereby established and adopted an ordinance to address the Health & Public Safety-Animal Control as follows:

GENERAL

3.1.1.1 RUNNING AT LARGE-

- A. No person shall suffer, permit or allow any animal or any dog, cat, or other domestic animal or pet to run at large within the TOWN limits. For purposes of definition, any such animal or dog, cat or other domestic animal or pet which is un-tethered shall be determined to be “running at large”.
- B. All animals found running at large shall be impounded.
- C. The owner of any animal shall be responsible for any damages to the person or property of others caused by said animal while running at large.
- D. All domestic animals shall be controlled by leash when not on the property of owner excluding fish and birds which shall be kept in an appropriate container.

(Ord. 19-20, Sec 6-68, Sec 6-79u, 4.0, 11-4-91)

3.1.1.2 EXPOSED TO DISEASE-

All animals which are afflicted with a contagious or infectious disease and have been found at large, or have come into contact with. Or exposed to any public place shall be placed in an animal shelter provided for that purpose by contract or otherwise by the Town.

(Ord. 91-20)

3.1.1.3 KEEPING LIVESTOCK, FOWL OR WILD OR EXOTIC ANIMALS-

It shall be unlawful for any person to have, keep or otherwise maintain within the corporate limits of the Town of St. Joe, any livestock or fowl excepting domestic animals, unless such livestock or fowl is confined not less than one hundred fifty (150) feet from the residence of any other person; provided, however, that no such livestock or fowl shall be so kept or maintained if noxious and/or offensive odors are caused to enter upon and cross the real estate owned and/or occupied by another. **NO WILD OR EXOTIC** animal shall be kept within the Town of St. Joe Corporate limits without the

necessary state and/or federal permits. Provide further that any animal or any type may be kept in a zoological garden which must be set up in a prescribed area zoned for such purposes. (Ord. 91-20 2.26, 11-14-91 Sec. 6-79o; Ord. 91-20 2.8, 11-4-91 Sec 7-76)

3.1.1.4 HARBORING VICIOUS ANIMALS-

Sec. 6-79q It shall be unlawful for any person to keep or harbor any cross, vicious or unruly animal. **It shall be unlawful for a person to feed, tease, tantalize, molest, or provoke any animal in the Town of St. Joe without the express consent of the animal's owner, if any, while the animal is on the owner's property or under the owner's control.** (Ord. 91-20, 3.2, 11-4-91)

3.1.1.5 ANIMALS DISTURBING THE PEACE-

It shall be unlawful for a person to own or keep any animal which by frequent or habitual howling, yelping, barking, screeching, other vocalization or making other loud or unusual noise or otherwise shall cause serious annoyance or disturbance to the peace and/or quiet of the neighborhood. **FOR A PERIOD OF NINE (9) HOURS, FROM 9:00PM TO 6:00AM OR MORE THAN CONTINUED PERIOD OF THEN (10) MINUTES IN ANY TWENTY-FOUR (24) HOUR PERIOD.** (Ord. 91-20, 2.24, Sec. 6-79m 11-4-91)

3.1.1.6 NOXIOUS ODORS-

- A. No person shall have, keep or otherwise harbor any dog, cat or other domestic animal or pet in the Town of St. Joe if noxious and/or offensive odors caused to enter upon or across the real estate owned or occupied by another or upon or across any public right-of-way.
- B. It shall be the duty of the owner of the property where any violation exists to eliminate the violation by removing the substances, materials or animal excrements giving rise to any odor and to maintain the premises free from such unwholesome substances. Should the owner, upon proper notice in writing, fail or refuse to remove the violation, the Town may enter upon the premises where the violation exists and abate the violation by removal of the substances, materials or animal excrement giving rise to the offensive odors and by impounding the animal found on the premises. The animal so impounded shall be placed in an animal shelter provided for that purpose.

3.1.1.7 SECURING ANIMALS- No animal shall be hitched, tied, or fastened by any rope, chain or cord that is directly attached to the animal's neck. Animals that must be tied, hitched, or fastened to restrain them must wear a properly fitted collar or harness made of leather or nylon, not of the choker type. This is not to prohibit the proper use of choker collars in the training of animals. The tying device shall be attached to the animal's collar or harness and shall be at least six (6') foot in length.

IMPOUNDMENT

3.1.2.1 REDEMPTION - SEC 1 The owner of any animals impounded pursuant to this Code Article may, within (5) five days after the impoundment redeem the animal by paying all the expenses incident to impounding such animal, caring for the animal and paying any lawfully imposed and unpaid license fees for such animals that have accrued up to the time of redemption.

3.1.2.2 DISPOSITION WHEN NOT REDEEMED - SEC 2 Any animal impounded pursuant to the provisions of this Code Article which is not redeemed by its owner with (5) five days after it has been impounded may, at the election of the impounding supervisor, be sold or destroyed in a humane manner.

3.1.2.3 VACCINATION OF DOGS REQUIRED - No dog impounded for running at large shall be released to any person unless said dog, prior to such release, has received vaccination for rabies, and the person receiving said animal can provide written proof of rabies vaccination prior to release of impounded dog.

(Ord. 91-20, 2.4, Sec 6-72)

3.1.2.4 DEFINITIONS – Sec 4 The following terms and phrases shall apply in the interpretation and enforcement of this Code article.

- A. **LIVESTOCK AND FOWL** Livestock and fowl shall be construed to mean all animals and fowl that provide food and/or are beasts of burden such as cattle of all species, cows, bulls, horses, mules, ponies, burros, goats, sheep, hogs, chickens, ducks, and any other animals of a similar kind, mature, type or use.
- B. **DOMESTIC ANIMALS.** Domestic animals shall be construed to be dogs, cats, parakeets, canaries, and other small animals or birds which are normally kept within the living quarters of an abode.
- C. **WILD ANIMALS.** Wild animals shall be construed to mean all poisonous reptiles or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animals or any other animal or reptile of wild, vicious or dangerous propensities. This term shall include but not be restricted to apes, bears, constrictor snakes over six (6) feet in length, coyotes, deer, foxes, gamecocks, and other fighting birds, monkeys and wolves.

PENALTIES

1.1.3.1 PENALTIES AND DISPOSITION OF FUNDS

- A. Any person who violates the provisions set forth in this Ordinance shall pay a civil penalty in a sum of not less than Twenty-Five Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00) and each day's continuance constitute a separate offense.

B. All monies received pursuant to this Ordinance shall be paid to the Clerk-Treasurer who shall place such monies in the general fund of the Town of St Joe

(Ord. 91-20 Sec 6-79w)

OTHER ORDINANCES

All ordinances and parts of ordinances inconsistent or in conflict with the terms of this ordinance are repealed to the extent of such inconsistency or conflict. This ordinance specifically repeals sections of Ordinance 91-20, as it relates to Animal Control.

Effective Date

This ordinance shall be in full force and effect from and after passage and adoption, approval and publication according to the laws of the State of Indiana.

This ordinance is duly passed by the St Joe Town Board, of St. Joe, Indiana on March 10th 2008.

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