

AN ORDINANCE ESTABLISHING THE GUIDELINES FOR CONTROL, CARE, AND TREATMENT OF ANIMALS.
BE IT ORDAINED BY THE BOARD OF TRUSTEES OF THE TOWN OF CLOVERDALE, PUTNAM COUNTY, INDIANA.

SECTION I. THAT THE FOLLOWING SHALL BE THE GUIDELINES BY THE TOWN OF CLOVERDALE, INDIANA. TO WIT:

ANIMAL CARE AND CONTROL

A. Definitions

As used in this chapter:

"Animal" means any live vertebrate creature, domestic or wild.

"Animal shelter" means any facility operated by a humane society or municipal agency, or its authorized agents, for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

"Kennel" means any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling cats and dogs.

"Owner" means any person, partnership, or corporation owning, keeping, or harboring one (1) or more animals. An animal shall be deemed harbored if it is fed or sheltered for three (3) or more consecutive days.

"Pet" means any animal kept for pleasure and not denied by state law or by this Code or any ordinance of the Town of Cloverdale.

"Public Nuisance" means any animal that:

- (1) runs at large;
- (2) attacks other animals;

- (3) molests passersby or passing vehicles;
- (4) barks, whines, or howls in an excessive, continuous, or untimely fashion;
- (5) damages private or public property;
- (6) runs at large while in heat; or
- (7) trespasses on school grounds.

"Restrained animal" means any animal:

- (1) secured by a leash or led or under the control of a responsible person and obedient to the person's commands; or
- (2) within the real property limits of its owner.

"Vicious animal" means an animal that constitutes a physical threat to human beings or other animals.

"Wild animal" means:

- (1) any live monkey (non-human primate), raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, or lynx; or
- (2) any other warm blooded animal that can normally be found in the wild state.

B. Duty to Control or Restrain Animals

- (1) No person shall allow any cattle, sheep, swine, fowl, dogs, cats, or other domestic animals to run at large in the Town.
- (2) No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.

(3) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal other than for supervised and planned breeding.

C. Impoundment and Disposition of Unrestrained Dogs and Nuisance Animals

- (1) Unrestrained dogs and nuisance animals shall be taken by the animal control officer or a Town police officer and impounded in an animal shelter and there confined in a humane manner.

(2) If by a license tag or other means the owner of an impounded animal can be identified, the humane officer shall immediately upon impoundment notify the owner by telephone or certified mail.

(3) After an animal has been held unredeemed at the animal shelter for a period of three (3) days, it shall be disposed of by a humane officer by:

- (a) adopting it to some person who will provide the animal a suitable home; or
- (b) destroying it in a manner permitted by law.

D. Liability of Owner for Animal Found at Large

(1) In addition to or in lieu of impounding an animal found at large, the animal control officer or a Town police officer may issue to the known owner of such animal a notice of ordinance violation.

(2) The notice of violation shall impose upon the owner a penalty of twenty-five dollars (\$25), which is to be paid to the Clerk-Treasurer of the Town within forty-eight (48) hours in full satisfaction of the assessed penalty.

(3) In the event a civil action against the owner is commenced and judgment is entered in favor of the Town, the owner shall pay a fine in the following amount:

- (a) For the first time an animal is impounded---\$25.00.
- (b) For the second time an animal is impounded---\$50.00.
- (c) for the third or subsequent time an animal is impounded--\$100.00.
- (4) A fee shall be added to any fine imposed for the cost of boarding the animal.

E. Confinement or Muzzling of Dogs Upon Order of County Board of Health

(1) Whenever the Putnam County Board of Health determines that there is danger of the existence or spread of hydrophobia within or near the Town, it may issue an order requiring any person owning, possessing, or having the car and control of any dog either to confine or to muzzle such animal for a term of not less than thirty (30) nor more than sixty (6) days after the date of such order.

(2) The order of the Putnam County Board of Health shall be published in one (1) issue of a daily newspaper published in the Town or a printed copy thereof shall be posted in at least three (3) public places in the Town.

(3) Any person subject to the order of the Putnam County Board of Health shall during the

period of time specified therein:

- (a) confine such animal so as to prevent it from biting any other animal or being bitten thereby; or
- (b) securely and effectually muzzle it in such a manner as to make it impossible for the animal to bite any person or any other animal.
- (4) No muzzle is lawful unless it is of such form, material, and strength and so attached and fastened as to effectually prevent an animal from biting.
- (5) Any dog that is found running at large within the Town without a muzzle during the time specified in the order of the Putnam County Board of Health is hereby declared to be a nuisance.
- (6) Upon the issuance and publication of the order of the Putnam County Board of Health and after the expiration of twenty-four (24) hours from such publication, the law enforcement authorities shall kill any dog running at large within the Town during the time specified in such order unless it is securely and effectually muzzled as required by this section.

F. Control and Disposition of Vicious Animals

- (1) No person shall keep or permit any vicious animal with the town unless the animal is secured by a chain on his premises or is muzzled to prevent the animal from biting.
- (2) Any dog that has bitten or attacked any person shall be considered vicious and shall be impounded for a period of ten (10) days or so long as the Putnam County Board of Health may otherwise determine. In lieu of impounding the dog at the animal shelter, the owner at his expense may provide for such dog to be delivered by the humane officer to a commercial kennel operated by a licensed veterinarian for such period. After such period, the animal shall be released or disposed of as the animal control officer shall direct.
- (3) Any unmuzzled animal that is found running at large and is believed to be vicious may be destroyed by law enforcement authorities.

G. Loud Animals That Disturb the Peace Prohibited

No person shall keep within the Town any animal that by loud and frequent barking, howling, yelping, or other animal noises disturbs the peace and quiet or annoys any citizens.

H. Name Tags for Dogs Required

No owner or person having custody of any dog shall allow such dog to be on the streets or other public places or upon the lands of others in the Town unless such dog is wearing a name tag that gives the name and address of the owner or person having custody of such

dog. All owners are required to have dogs licensed.

I. Keeping of Wild or Vicious Animals for Display or Exhibition Prohibited

No person shall keep or permit to be kept on his premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee; however, this prohibition shall not be construed to apply to zoological parks, performing animal exhibitions, or circuses.

J. Treatment and Care of Animals

(1) No owner or person responsible shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

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

(3) No owner of an animal shall abandon an animal.

(4) No person shall knowingly expose any known poisonous substance, whether mixed with food or not, so that the substance is liable to be eaten by any animal; however, it is not unlawful for a person to expose on his own property common rat poison mixed only with vegetable substance.

K. Removal of Animal Waste by Owner of Animal

The owner of every animal shall be responsible for the removal of any excreta deposited by the animal on public walks, recreation areas, or private property.

L. Removal and Disposition of Dead Animals

(1) Any person who becomes apprised of the death of any animal owned by him within the Town shall within six (6) hours thereafter cause the animal to be removed and buried or disposed of so as not to become a nuisance.

(2) When such animal is killed by any person other than its owner and the person who killed it is known, the own shall not be compelled to remove the animal, and the animal shall be removed by the person who killed it.

M. Restrictions on the Operation of Kennels, Stables, and Other Animal Pens and Shelters

No person shall keep within the Town any pig sty, kennel, stable, or other animal pen or

shelter in such a manner as to create or cause any offensive or noxious smell or condition or maintain or use any such animal pen or shelter constructed in such manner as to permit the contents of filth therein to run or wash upon the premises owned or occupied by another or upon any street or public place.

N. Restriction on the Sale of Young Animals

- (1) No person shall sell or offer for sale, raffle, offer or give as a prize, premium, or advertising device, or display in any store, shop, carnival, or other place any chick, duckling, gosling, or rabbit that has been dyed or otherwise colored artificially.
- (2) No person shall sell or offer for sale, raffle, or offer or give as a prize, premium, or advertising device any chicks, ducklings, or goslings younger than four (4) weeks of age in quantities of less than twelve (12) birds to each individual person.
- (3) All stores, shops, vendors, and others offering shall provide and operate brooders or other heating devices that may be necessary to maintain the chicks, ducklings, or goslings in good health and shall keep adequate food and water available to the birds at all times.
- (4) No person shall raffle or offer or give as a prize, premium, or advertising device any live vertebrate animal.
- (5) This section does not prohibit the lawful sale of animals where proper precautions are made for the health and safety of the animals and the sale is conducted in such a manner so as not to create a public nuisance.

O. Violations and Penalties

Any Person who violates any provision of this chapter commits a class C ordinance violation and shall be fined not less than twenty-five dollars (\$25). Each day that a violation continues shall be deemed a separate violation.

SECTION 2.

- (1) This ordinance, which specifies penalties or forfeitures for its violation, shall be published in the manner prescribed by I.C. 5-3-1.
- (2) This ordinance is effective at 12:01 a.m. on the day following its final publication in the manner prescribed in I.C. 5-3-1.

(3) The Clerk-Treasurer of the Town is ordered to:

- (a) have this ordinance published in the manner prescribed by I.C. 5-3-1;
- (b) certify that the publication requirements have been fulfilled; and
- (c) certify the effective date of this ordinance.

THIS ORDINANCE supercedes any and all previous animal control ordinances.

THIS ORDINANCE was passed and adopted by the Town Council of the Town of Cloverdale, Indiana, at 9:30 AM on the 13 day of March 1993.

Jeffrey A. Van De Vanter, PRESIDENT

Phyliss J. Gaddis
Phyliss J. Gaddis, Member

Sandra J. Todd
Sandra J. Todd, Member

Martha A. Davis, Member

Daniel G. Johnson
Daniel G. Johnson, Member

ATTEST:

Ruby Barrett
Ruby Barrett, Clerk Treasurer