

TOWN OF GEORGETOWN, IN
Ordinance No. G-04-28

**AN ORDINANCE ESTABLISHING POLICIES
FOR THE CONTROL OF ANIMALS AND
CREATING PENALTIES FOR VIOLATIONS
IN THE TOWN OF GEORGETOWN, IN**

WHEREAS, the Town Council for the Town of Georgetown, Indiana, in the interest of public health and safety, has deemed it necessary that the Town develop, update and maintain laws which regulate the control and treatment of animals.

NOW, THEREFORE, BE IT ORDAINED BY THE **GEORGETOWN TOWN COUNCIL**

Section 1. Definitions

For the purposes of this ordinance, the following definitions shall apply:

Abandonment: To deposit, leave, drop off or otherwise dispose of any live domestic animal on any public or private property.

Animal: Any live, non-man vertebrate creature, domestic or wild.

Animal Control Officer, AKA Animal Warden: The person(s) designated by the Floyd County Commission to be the primary enforcement officer for Floyd County and the Town of Georgetown for this ordinance and the laws of the State of Indiana. As used in this ordinance, this term shall also mean the agents and employees of the New Albany-Floyd County Animal Shelter.

Dangerous Animal: Any animal which constitutes a physical threat to human beings or other domestic animals by virtue of a known propensity to endanger life by unprovoked assault or bite or scratch so as to cause serious bodily harm.

Exceptions to a "Dangerous Animal" as defined: An animal shall NOT be considered dangerous if it bites, menaces or otherwise attacks a person or animal which is assaulting its owner, and/or if the animal is defending itself against attack from a person or other animal, and/or if it is defending its owner's property/home from invasion by an unknown person.

Exemptions to a "Dangerous Animal" as defined: Any animal which is employed by a police department in the State of Indiana or any animal which has been certified either nationally or by the State of Indiana for use in police work, providing the animal is owned by and in the possession of the person who initially trained the animal and for whom the certification was initially issued, shall NOT be considered "dangerous"

Day: The 24 hour period beginning a midnight on one day and concluding at midnight the next day.

Enclosure: A covered fence or structure of sufficient height to allow the animal to stand erect without touching the top of the cover, forming or causing an enclosure suitable to prevent the entry of a young child, and suitable to confine a dangerous, aggressive animal. This structure shall be constructed in such a way as to prevent escape of a dangerous animal by: digging, climbing, or going through and shall be kept in a condition which shall prevent same. Such

enclosure shall be securely locked with a combination or key lock which has been designed to prevent accidental or malicious opening of the enclosure's entrance exit. *NOTE: Just because an animal inhabits such an enclosure does not presume the animal is "dangerous".*

Georgetown Marshal: The Marshal him/herself and/or anyone of the Marshal's deputies/officers.

Harboring: The actions of any person that permits any animal habitually to remain or lodge or to be fed within his/her home, store, enclosure, yard, or place of business or any premises on which such person resides or controls. An animal shall be presumed harbored if it is fed or sheltered for three consecutive days.

Immediately: When used in this ordinance, immediately identifies that time is of the essence and in no event shall a directive take longer than five minutes.

Kennel -Residential: No more than four (4) dogs, age three (3) months and older, shall be housed/maintained in an area zoned residential.

Kennel -Commercial: Five (5) dogs, age three (3) months and older, constitutes a commercial animal kennel, and must be located in an area zoned commercial, industrial or agricultural.

Lead or leash: A device used for restraining an animal.

Owner: A possessor, keeper, or harborer of any animal. An animal may have more than one owner.

Public Nuisance: Any animals that molest passers-by or passing vehicles, attack other animals, damage public or private property, bark, whine or howl in an excessive, untimely or continuous fashion so as to disturb the public.

Restraint: An animal shall be deemed "under restraint" if on the premises of the owner and confined in a secure enclosure as defined herein, or accompanied by the owner and securely restrained with a leather, manila or nylon lead/leash having a minimum tensile strength of 300 pounds or greater, and said lead/leash does not exceed five feet in length.

An animal may be restrained on a chain, cable, or trolley provided the chain, cable or trolley has sufficient tensile strength to prevent escape by the animal and provided the length of the chain, cable or trolley is short enough that the animal cannot access property outside of its owner's land. Furthermore, if the chain or cable is attached to a stake, the stake must be solidly attached into the ground to prevent the dog from removing the stake out of the ground.

Running at-large: Any animal, not located on the real property of its owner, shall be deemed running at-large if it is not under restraint or in direct control of its owner.

Stray Animal: An animal running at-large, which may or may not be displaying rabies tags.

Traditionally farm animals: include but are not limited to: cattle, horses, ponies, sheep, swine, goats, llamas, alpacas, emus, chickens, turkeys, guineas, domestic geese and/or ducks.

Section 2. Animals Generally.

Running at-large: It shall be unlawful to permit any animal of any kind to run at-large with the Town.

Authority to kill dangerous animals: The Town Marshal and his deputies are authorized to kill any dangerous animals of any kind when it is necessary to do so for the protection of any person or property.

Keeping live farm animals in the Town: No person shall keep any live, traditionally farm animals on any land not zoned Agriculture (A). Because Indiana State Law allows for the sale of exotic animals, this section shall not be construed to apply to 'pot-bellied pigs'.

Permitting farm animals to run at-large: It shall be unlawful to permit any cattle, horses, swine, sheep, goats or poultry of any kind to run at-large with the Town. Animals running at large may be impounded by the Marshal or Floyd County Animal Control Officials.

Exhibitions or Parades of Animals: Any exhibitions or parades of animals may only be conducted upon securing a permit from the Georgetown Town Council.

Animals as prizes or inducements: No person, or business, shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter any contract, game, or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter in any business agreement in which the offer was for the purpose of attracting trade.

Animal which is a public nuisance: It shall be unlawful to harbor or keep any animal that is a public nuisance.

Cruel treatment of animals prohibited: No person shall cruelly treat any animal within the Town in any way, to include but not limited to: inhumanely beating, underfeeding, failing to provide shelter from the elements, failing to provide water, overloading or abandoning.

Maintaining animals' habitats: No person shall cause or allow any place where any animal is, or may be, kept to become unclean or unwholesome, but shall keep the same clean and sanitary and free from all refuse and rodents. Such places shall be cleaned at least once every 48 hours. It shall be unlawful to permit any decaying food, excrement or any refuse of any kind to remain in such habitat. Refuse from such places shall, when swept or collected, be kept in air-tight containers until disposed of in accordance with the ordinances of the Town and State Statutes. It shall be unlawful to permit any such refuse to remain uncovered.

Animals affected with contagious disease: No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at-large, or be exposed in any public place within the Town whereby the health of human or animal may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the Town Marshal, or his designee, a County or State Animal Warden, or, for the purposes of transporting directly to obtain veterinary assistance.

Animal which bites a person: Whenever any animal bites a person, the owner of the animal shall immediately notify the Floyd County Health Department. If the animal is a dog or

cat, the County Health Department shall order the animal impounded or held on the premises of the owner for a period of ten days. The animal shall be examined immediately after it has bitten any person, and again at the end of the ten day period. If at the end of the ten day period, the agent of the Floyd County Health Dept. is convinced the animal is free from rabies, the animal shall be released from quarantine. If the animal dies during the ten day, quarantine period, its head shall be severed and sent by the most expeditious means available to the Indiana Department of Health for examination for rabies. Said examination and shipping expenses shall be borne by the owner or harbinger of the animal. Any person owning a dog or cat which bites a person may board the animal at the New Albany-Floyd County Animal Shelter for the 'going rate' fee as posted at the shelter. Any stray dog or cat which bites a person shall be quarantined at the New Albany-Floyd County Animal Shelter.

Allowing animal to remain in a parked vehicle: It shall be unlawful to leave unattended any vehicle containing any animal within the Town for a period of time longer than ten minutes.

Spay/Neuter program established at the New Albany-Floyd County Animal Shelter: The Town hereby adopts the spay/neuter program in place at the New Albany-Floyd County Animal Shelter.

Section 3. Dogs and Cats to be Vaccinated

Any person owning, harboring or having custody of a dog or cat within the Town must have the animal(s) vaccinated by an Indiana licensed veterinarian, and have proof of said vaccination from the veterinarian. Dogs shall have their rabies tags displayed/attached to the animal's collar. Cat owners may display the rabies tags similarly, but regardless must be able to produce the rabies tags and the accompanying documentation within fifteen minutes of a request from the Town Marshal or his representative.

Rabies vaccinations are required to be made annually; i.e. every twelve months.

Puppies and kittens less than three months old do not need to be vaccinated.

Section 4. Impoundment

The Floyd County Commissioners shall provide for Animal Control officers and an Animal Shelter. The Town Marshal and/or the Floyd County Animal Control officers shall have the authority to impound animals.

Grounds for Impoundment: Any animal that is found to be running at-large, stray, a public nuisance, inhumanely or cruelly treated, neglected, or has bitten another animal or human being or is being kept in conditions which violate this ordinance may be impounded at the New Albany-Floyd County Animal Shelter, or a like facility appropriate for holding of animals in a humane manner until released to the owner or agent. Animal Control Officers may refuse to release any animal to its owner until the owner comes into compliance with this ordinance. In addition to impoundment under this Section, an owner may be subject to penalties under the provisions of **Section 8** of this ordinance.

Record of Impoundment: Immediately after impounding any animal, the Animal Control Officer, or in their stead the Town Marshal, shall record the date and time of impoundment, the animal's description, the location where the animal was picked-up for impounding, and a notation of whether the animal was wearing a current rabies tag at the time of impoundment on documentation maintained by and at the New Albany-Floyd County Animal Shelter.

Notice to Owner: Within eight hours after impounding any animal, the Animal Control Officer, or in their stead the Town Marshal shall give notice to the registered owner of any animal which has been impounded and was wearing a rabies tag at the time of impoundment. If the animal is not wearing a rabies tag, the Town shall exercise due diligence in determining who the owner is and notifying them, but is not required to notify the owner of a stray animal.

Impounding Fees: Impounding and any related fees, to include boarding costs, are set by the New Albany-Floyd County Animal Shelter, and hereby endorsed by the Town.

Redemption of Impounded Animal: The owner of an animal may redeem the animal by paying all the costs and fines assessed that have accrued up to the time of making the redemption, plus the vaccinating fee, if proof of vaccination has not been produced. Any animal not claimed within three working days of its impoundment becomes the property of the Town and may be disposed of in any manner as is in accordance with law. If the owner of the animal is known, i.e. a registered vaccination tag is displayed; the owner shall have five working days to redeem their animal.

Euthanasia of privately owned animals: The Animal Control Officer shall have the ability to charge the owner of any animal up to \$25 to euthanize said animal.

Section 5. Control of Animals

- A. It shall be the duty of every owner of any animal or anyone having any animal in possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which may result from the owner's animals' behavior, regardless of whether such behavior is motivated by mischievousness, playfulness or ferocity. Playfulness of a large dog jumping on a small or frail person is very dangerous.
- B. In the event that the owner/keeper of any animal is a minor, the custodian, parent or guardian of the minor child is legally responsible to ensure compliance with all provisions of this ordinance.
- C. Every animal shall be securely and humanely enclosed within a house building, fence, pen or other enclosure out of which the animal cannot climb, dig, jump or otherwise escape on its own; and such enclosure must be securely locked at any time the animal is left unattended.
- D. An animal may be restrained and secured by a chain, cable or trolley of sufficient strength to prevent escape.
- E. An animal may be on a lead/leash and under the control of a competent person, or off lead/leash and obedient to that person's command and that person is present with the animal any time it is not restrained.
- F. If a dangerous animal is to be outside of its dwelling, the dangerous animal shall be securely muzzled and restrained with a lead/leash and shall be under the direct control and supervision of the owner/keeper of the dangerous animal.
- G. The owner of a dangerous animal shall display a sign on his/her property or premises warning that there is a dangerous animal on the premises. The sign shall be visible and capable of being read from a public highway. Additionally, should these premises be adjacent to a park, school, etc., a sign shall be posted on this side of the property such that it can be readily seen by people using this gathering area.

- H. The owner of a dangerous animal shall immediately notify the New Albany-Floyd County Animal Control office, through the Floyd County Sheriff's office and/or the Georgetown Marshal if said dangerous animal is on the loose, or if it is confined but has attacked another animal or human being, or has died.
- I. In the event the owner of an animal refuses to surrender the animal to the Floyd County Animal Control Officer and/or the Georgetown Marshal, either office is hereby empowered to obtain a search warrant and to seize the animal upon execution of the warrant.

Section 6. Enforcement Procedures

In the event that any public law enforcement officer, or animal warden, has probable cause to believe that a dangerous animal is being harbored in the Town in violation of this ordinance, s/he may:

- A. Order the violation immediately corrected by having a law enforcement officer cite the owner or keeper to appear in court for the violation; or,
- B. If the violation cannot be immediately corrected and the animal is posing imminent, serious threat to human beings or other domestic animals, the animal may be seized and impounded, in which case the owner or keeper will be cited to appear in court for the violation. At the owner's request and expense, such impoundment may be at a veterinarian or licensed kennel of the owner's choosing. If the court rules the animal is not dangerous, as defined, the animal will be released to the owner upon payment of boarding fees to the Animal Warden for the expense of keeping such animal, pursuant to the current schedule of such costs posted at the New Albany-Floyd County Animal Shelter. If the court rules the animal is dangerous as defined, the animal will be released to the owner upon (1) payment of boarding fees to the Animal Warden for the expense of keeping such animal, pursuant to the current schedule of such costs posted at the New Albany-Floyd County Animal Shelter; (2) payment of penalties/fines to the court and/or the Georgetown Town Clerk/Treasurer; and (3) upon presentation of proof to the court's satisfaction that the animal will be restrained in an enclosure as defined in this ordinance. Once the court has declared an animal "dangerous", restraining the dog on a chain, cable or trolley is no longer an option.
- C. If, within seven days after impoundment, the owner/keeper of the declared dangerous animal fails to provide proof that the animal will now be kept restrained or confined in compliance with this ordinance, and/or fails to reclaim the animal from the New Albany-Floyd County Animal Shelter, the animal will be humanely euthanized.
- D. A residential kennel may have the "occasional" sale of animals no more than twice annually.
- E. There is no limit on the frequency of the sale of animals from a commercial kennel.

Section 7. Destruction of Impounded Animals

- A. No animal shall be destroyed within seven days of being impounded unless necessary to prevent or stop an attack upon a person or another animal; or for humane reasons related to sickness or injury of the animal; or as otherwise provided by law.
- B. An impounded animal shall not be destroyed pending an owner's appeal of a Court Order for Destruction. The Animal Warden shall have the burden of proving the animal should be destroyed under the provisions of this ordinance.
- C. Other provisions of this ordinance notwithstanding, any animal which has bitten or scratched someone shall be quarantined for ten days from the time the bite or scratch occurs. Any owner who fails to properly quarantine their animal is subject to citation

for violation of this requirement and the animal shall be removed from the owner's custody and placed in the New Albany-Floyd County Animal Shelter for the remainder of the quarantine period. The owner will be responsible for all quarantine fees.

- D. An animal whose owner is unavailable or incapable of quarantining the animal may be taken to and housed by the New Albany-Floyd County Animal Shelter and quarantined at the shelter for the prescribed period. The owner will be responsible for all quarantine fees.

Section 8. Penalty

First offender violations of this ordinance shall be punishable by a fine of up to \$100.00. Second offense violations shall be punishable by a fine of not less than \$100.00, but no more than \$250.00. Third offense violations shall be punishable by a fine of not less than \$250.00, but no more than \$500.00, and/or, at the sole discretion of the court, the euthanizing of the violating animal.

Fines are payable to the Town Clerk/Treasurer.

Section 9. Any portion(s) of previously enacted ordinances that conflict with this ordinance are hereby repealed.

Section 10. Severability

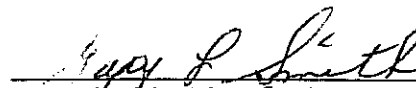
Should any portion of this ordinance be found to be invalid or unconstitutional, the remaining parts of this ordinance shall be severable and shall continue in full force and effect.

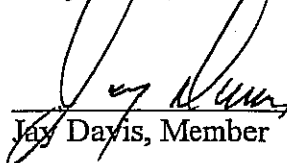
This ordinance shall be in full force and effect as of September 1, 2004.

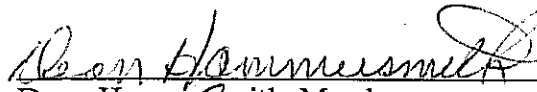
Adopted by the Town Council of the Town of Georgetown, Indiana
this 16 day of Sept, 2004.

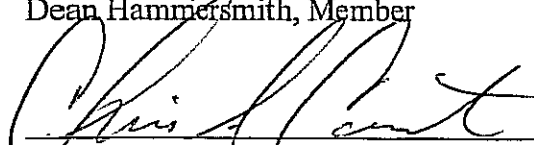
Town Council, Town of Georgetown


Jeff McCaffrey, President


Gary Smith, Vice President


Jay Davis, Member


Dean Hammersmith, Member


Chris Carter, Member

ATTEST:

Douglas Cook
Douglas Cook, Clerk/Treasurer