

TOWN OF GEORGETOWN, INDIANA

Ordinance No. G-05-26

Aug 18

ANIMAL CONTROL ORDINANCE

Effective ~~July 1~~, 2005

AND SUPERSEDES G-04-28 & G-04-34

WHEREAS, the Town Board of Georgetown, County of Floyd, State of Indiana, recognizes the necessity of animal control within the town limits of Georgetown, the said Board does now establish and ordain the following Ordinance for such purposes:

GENERAL PROVISIONS

SECTION

- I. Definitions
- II. Abandonment, Capturing of Animals Prohibited
- III. Humans Treatment Required
- IV. Injuring or Killing Animals Prohibited
- V. Animals in Heat
- VI. Limit as to Number of Animals Allowed
- VII. Motor Vehicle Accident Involving Animals
- VIII. Mistreatment of Police Dogs Prohibited
- IX. Cats; Application of Regulations
- X. Animal Waste
- XI. Keeping Fowl or Poultry
- XII. Keeping livestock
- XIII. Sale of Baby Chicks, Rabbits, or Fowl Prohibited, Exceptions
- XIV. Restricting Right to Keep, Own or Trade Certain Animals
- XV. Spay/Neuter Program
- XVI. Vaccination
- XVII. Vicious Animals
- XVIII. Animal Bites
- XIX. Interference with Enforcement Prohibited
- XX. Preservation of Certain Rights
- XXI. Release Requirements
- XXII. Stricter Regulations Shall Prevail

SECTION I: DEFINITIONS

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

ANIMAL. Any live, vertebrate creature, domestic or wild, including but not limited to dogs, cats, and those domesticated animals often kept and regarded as pets by

their owners. An "animal" for purposes of this Ordinance is any organism classified scientifically in the phylum "*chordata*".

ANIMAL CONTROL OFFICER. Any person designated by the county or municipal government as an officer who is qualified to perform the duties required by this chapter or state statutes regarding animals.

ANIMAL SHELTER. Any facility operated by the humane society, or county 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.

AT LARGE. Off the premises of the owner or custodian of the animal or not under the immediate control of the owner or custodian.

DANGEROUS ANIMAL. Any animal which, without provocation, attacks or injures a person who is peaceably conducting themselves in a place where he/she may lawfully be. Dangerous animals shall also include any which, because of its size, vicious propensity or other characteristic, would constitute a danger to human life, property or domestic animal if not restrained or kept in a safe and adequate enclosure. Any animal which is employed by a police department in the State of Indiana or any animal which has been certified nationally or by the State of Indiana for use in police work, providing the animal is owned by and in possession of the person who initially trained the animal and for whom the certification was initially issued, shall not be considered "dangerous".

KENNEL. Any establishment where dogs are kept for breeding, boarding, sale, leasing, trading, or sporting purposes; for remuneration, and must be located in an area zoned commercial, industrial or agricultural.

LIVESTOCK. Horses, stallions, colts, geldings, mares, ridglings, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burrows, goats, kids, swine, and fur bearing animals being raised in captivity.

OWNER. When applied to the proprietorship of an animal, means any person, partnership, or corporation owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

OWNER AND PERSONS OWNING PREMISES. Both the owner of title of record and those occupying or in possession of any property or premise.

PET SHOP. Any person, partnership, or corporation, whether operated separately or in connection with another business enterprise, except for a licensed kennel, that buys, sells, or boards any species of animal.

POLICE OFFICE or LAW ENFORCEMENT OFFICER. Any person employed or elected by the people of the state, or by a city, village, county, or township whose duty it is to preserve peace or to make arrest or to enforce the law.

POULTRY. All domesticated fowl, ornamental birds, and game birds possessed or being reared under the authority of a breeder's license according to the applicable state laws.

PUBLIC NUISANCE. Any animal that molests passersby or passing vehicles, attack other animals, damage public property or private property, bark, whine or howl in an excessive, untimely or continuous fashion so as to disturb the public.

RESTRAINT. Any animal secured by a leash or lead, and under control of a responsible person and obedient to that person's command; or within the real property limits of the owner.

STRAY ANIMAL. An animal running at large, which may or may not be displaying rabies tags.

SECTION II: ABANDONMENT, CAPTURING OF ANIMALS PROHIBITED

No person shall invade the private premises of another to capture or take any licensed animal off the premises of the owner, except as herein provided; or seize any animal while the same is accompanied by its owner.

SECTION III: HUMANE TREATMENT REQUIRED

- A. No owner shall fail to provide his/her animals with good and wholesome food and water daily; proper shelter and protection from the elements; veterinary care when needed to prevent suffering; and with humane care and treatment.
- B. No animal shall be kept on a chain less than twelve (12) feet in length. The chain is to be kept untangled as to allow the animal full access of the length of the chain.
- C. No person shall knowingly expose any known poisonous substance or toxic chemical so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose, on his property, common rat poison mixed only with vegetable substance.
- D. It shall be unlawful for any person, partnership, corporation or other entity, to display, sell, offer for sale, trade, or barter, or knowingly give away any diseased animal, or allow any diseased animal that is afflicted with a contagious disease to be exposed in any place of public access. That is not meant to interfere with the daily operation of an animal shelter or veterinary clinic.

SECTION IV: INJURING OR KILLING ANIMALS PROHIBITED

No person shall maliciously injure or kill any dog or animal by administering poison, by means of a deadly weapon, or in any other manner.

SECTION V: ANIMALS IN HEAT

Every female dog or cat in heat shall be confined in a building or secure enclosure in such manner that such female dog or cat cannot come into contact with another animal except for planned breeding.

SECTION VI: MOTOR VEHICLE ACCIDENTS INVOLVING ANIMALS

*Excluded
by
Motion*

- A. Any person operating a motor vehicle who knowingly hits, runs over, or causes injury to any animal shall stop at once, ascertain the extent of injury, and report to the nearest police station or police officer.
- B. The motorist shall report his/her name, address, operator's license and registration number, and the location of the animal.

SECTION VII: MISTREATMENT OF POLICE DOGS PROHIBITED

It shall be unlawful for any person to willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable, or kill any dog used by the Police Department of the state, county, or town in the performance of the functions or duties of the Department, or to interfere with or meddle with any dog while being used by the Department or any member thereof in the performance of any of the functions or duties of the Department or of an officer or member. Any person who shall violate any of the provisions of this section shall be deemed guilty of punishable violation.

SECTION VIII: CATS; APPLICATION OF REGULATIONS

Cats are not subject to the license provisions of this ordinance, as provided for dogs, but shall be subject to all of the remainder sections of this ordinance including impounding and disposition thereof.

SECTION IX: ANIMAL WASTES

The owner of every animal shall be responsible for the immediate removal of any excreta deposited by his/her animals on public property or on private property of others.

SECTION X: KEEPING FOWL OR Poultry.

It shall be unlawful for any person to keep or maintain any coop or pen in which chickens, ducks, geese, turkeys, guineas, peacocks, or pigeons are kept within a distance of less than one hundred (100) feet from any dwelling.

SECTION XI: KEEPING LIVESTOCK

It shall be unlawful for any person to keep or harbor livestock within the town limits. This section does not apply to existing livestock.

- A. All privately owned animals within the Town limits shall be under the control of their owners at all times.
- B. Any privately owned animal(s) running at large, or not under the direct control of its owner, whether or not the owner is present, shall be deemed in violation of this Section.
- C. Any privately owned animal that is not provided with adequate shelter, food or due care by its owner, such owner shall be in violation of this Section.
- D. Penalty: any owner found to be in violation of this Section may be fined from \$25-\$100 and the privately owned animal may be seized by the Town. Such privately owned animal shall be held by the Town until the violation is corrected by the owner, or for 10 days whichever is the lesser. If the violation continues beyond the 10 day period the Town may, through its agents, have the privately owned animal euthanized.

SECTION XII: SALE OF BABY RABBITS, CHICKS, OR FOWL PROHIBITED, EXCEPTIONS

- A. No person shall display, sell, offer for sale, barter, or give away baby rabbits, chicks, goslings, ducklings, or other fowl as novelties; nor shall any person color, dye, stain, or otherwise change the natural color of these animals.
- B. This section shall not be construed to prohibit the sale or display of natural chicks or ducklings in proper brooder facilities, pet stores, or livestock feed stores; or in proper facilities by breeders or stores engaged in the business of selling them to be raised for commercial purposes.

SECTION XIII: RESTRICTING RIGHT TO KEEP, OWN OR TRADE CERTAIN SPECIES OF ANIMALS

(A) It shall be unlawful for any person, group of persons, business, partnership, or corporation to keep, maintain, trade in, or have in his/her/its possession or under his personal control within the corporate boundaries of the town any poisonous reptile or other animal of a species not ordinarily domesticated by man which in a wild state whether carnivorous or not is, because of its nature or physical makeup, capable of inflicting serious harm or death to human beings, including but not limited to the following: bears, lions, tigers, leopards, cougars, bobcats, lynx, wolves, wolverines, badgers, elephants, rhinoceroses, primates, prairie dogs, foxes, marsupials, opossums,

raccoons, skunks, squirrels, emus, ostrich, alligators, crocodiles, caiman, tortoises, tarpons, or porcupines. This section does not ban domestically bred ferrets.

(B)(1) Upon the written complaint of any person or reasonable belief by any law enforcement officer or town official that any person, group of persons, business, partnership, or corporation is in violation of paragraph (A) of this Section, the Chief of the Police Department shall cause the matter to be investigated, and if after the investigation the facts indicate that the aforementioned species or animal banned in paragraph (A) of this Section is in fact being kept in violation of this section, the Chief of the Police Department shall cause to be delivered written notice to such person to safely remove the animal from the corporate limits of the town within 72 hours after delivery of the notice.

(2) Notice as herein provided shall not be required where the aforementioned animals have previously caused physical injury to any person, or have escaped at large, in which case the animal shall be immediately seized and impounded, or, if in the course of seizing and impounding, the police deem it necessary, the animal may be destroyed.

(C) The Chief of the Police Department shall forthwith cause to be seized and impounded any aforementioned animal(s) where the person, group of persons, business, partnership, or corporation owning, keeping or harboring the animal(s) has failed to comply with the notice hereinabove described. Upon seizure and impoundment, the animal shall be delivered to a suitable place of confinement. If, in the judgment of the officer making the seizure and impoundment of the animal, the officer has reason to believe the animal poses a risk of serious injury or death to any person, the animal may be destroyed.

(D) Any reasonable costs incurred by the chief of the Police Department or the town in the seizure, impounding, or confinement of said animal shall be charged against the owner, keeper, or harbinger of such animal and shall be collected by the Town Clerk/Treasurer. Such charges shall be in addition to any fine or penalty for violating this Section.

(E) Animals of the type herein described may be kept by bona fide licensed veterinary hospitals for treatment or bona fide educational or medical institutions that are licensed by the state. Under no circumstances shall the animals be used at public or private events in order to make a profit from photographic opportunities.

(F) Any person, group, of persons, business, partnership or corporation violating any of these provisions of this Section shall be fined not less than \$200.00 nor more than \$2,500.00 for each offense, and a separate offense shall be deemed committed on each day on which a violation occurs or continues.

SECTION XIV: SPAY/NEUTER PROGRAM

The town hereby adopts the spay/neuter program in place at the New Albany/Floyd County Animal Shelter

SECTION XV: VACCINATION.

(A) No owner of any dog or cat shall keep or maintain any dog or cat unless it has been vaccinated by a licensed veterinary surgeon with anti-rabies vaccine within one year preceding the date on which the dog or cat is kept or maintained. No non-resident shall keep any dog or cat in the town over the age of six months that has not been vaccinated.

(B) Proof or vaccination shall be maintained by the owner for display if requested by an officer of the town or his agent,

(C) Anyone who harbors a non-immunized cat or dog over the age of six months shall be fined \$50.00.

SECTION XVI: VICIOUS ANIMALS.

If any dangerous, ferocious, or vicious animal found at-large cannot be safely taken up and impounded, the animal may be slain by any animal control officer or police officer.

SECTION XVII: ANIMAL BITES.

(A) If any person or animal is the victim of an animal bite, the victim or witness shall immediately notify the County Health Department, or County Animal Control, or its designee of the incident, and provide a description of the animal and the identification, if possible, of the owner. When an animal is determined to have bitten a person or animal, the animal shall be confined in quarantine for a period of ten (10) days, with the exact duration subject to the judgment of the county health officer or his designee.

(B) If the owner of the biting animal has proof of current rabies inoculation, the animal may be left in the charge of the owner under quarantine unless, in the judgment of the county health officer, it should be removed to an animal shelter or veterinary hospital for the period of observation.

(C) The owner shall be liable for costs incurred in the quarantine of the animal and for any personal and property damage realized by the incident.

(D) If the ownership of the biting animal cannot be determined; if the owner does not furnish proof of current rabies inoculation; or if the owner fails to securely confine the animal as required, the animal shall be impounded for the period of observation.

SECTION XVIII: ISSUANCE OF CITATION; APPEARANCE IN COURT; AUTHORITY TO ISSUE CITATION.

(A) In addition to, or in lieu of impounding an animal when an animal is found at large (not in restraint), any animal control officer, police officer, or other law enforcement officer so authorized, may issue to the owner of an animal a citation specifying the sections of this chapter violated and indicating the specific nature of the violation. The citation shall impose upon the owner of the animal an obligation to appear to answer the charges in the citation at the time and place indicated in the citation.

(B) Any animal control officer, police officer, or other law enforcement officer having authority in the town, is expressly authorized to write and issue such citations.

SECTION XIX: INTERFERENCE WITH ENFORCEMENT PROHIBITED.

No person shall in any manner resist or obstruct any animal control officer, police officer, or other individual authorized to enforce the provisions of this chapter.

SECTION XX: PRESERVATION OF CERTAIN RIGHTS.

Nothing in this chapter shall be construed to prevent the owner of a licensed dog from recovery in an action at law from any police officer, animal control officer, or other person, except as herein provided.

SECTION XXI: RELEASE REQUIREMENTS

No unlicensed dog shall be released without a license being issued and without showing compliance with vaccination requirements and proof of liability insurance for the animal on their homeowner's policy.

SECTION XXII: STRICTER REGULATIONS SHALL PREVAIL.

The regulations of this chapter are minimum standards supplemental to the rules and regulations duly enacted by the State Board of Health and to the laws of the state relating to public health. Where any of the provisions of these regulations and the provisions of any other county or state ordinances or regulations apply, the more restrictive of any or all ordinances or regulations shall prevail.

SECTION XXIII: FINES & FEES

First Offense	\$250.00
Second offense	up to \$500.00

Third offense up to 2500.00

Fines are payable to the Town Clerk/Treasurer and due fifteen (15) days after the date the citation was issued. Unpaid fines will be referred to the Floyd County Court for further legal proceedings.

Should the offending owner elect not to pay the fine, and would rather go to the Floyd County Court, the fine structure for the Judge's discretion is set as follows:

First offense – shall be punishable by a fine of up to \$250.00.

Second offense – shall be punishable by a fine of not less than \$100.00 but not more than \$250.00.

Third offense - shall be punishable by a fine of not less than \$250.00, but no more than \$500.00, and/or, at the discretion of the court, the euthanizing of the offending animal.

ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF GEORGETOWN, INDIANA, THIS 18 DAY OF August, 2005.

TOWN COUNCIL OF GEORGETOWN

Gary L Smith
GARY SMITH, President

Jeff Mc Caffrey
JEFF MC CAFFREY, Vice-President

Jay Davis
JAY DAVIS, Member

Dean Hammersmith
DEAN HAMMERSMITH, Member

Chris Carter
CHRIS CARTER, Member

ATTEST:

Douglas Cook
DOUGLAS COOK, Clerk/Treasurer