

# Fowler, Indiana

## ORDINANCE 1999-4

### Chapter 91: Animal Control

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#### General Provisions

##### 91.01 Definitions.

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

**Animal.** Any vertebrate.

**DANGEROUS, VICIOUS or FEROCIOUS ANIMALS.** Any vertebrate animal with propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or other domestic animals; any vertebrate animal which attacks a human being or another domestic animal without provocation.

**DOMESTIC ANIMAL.** Livestock or animals belonging to species normally kept, harbored and maintained by persons as pets, regardless of the particular reason for which an animal is kept or maintained.

**LIVESTOCK.** Cattle, horse, swine, sheep, goats, poultry and other animals which ordinarily are kept, bred or maintained for purpose of animal husbandry or commercial breeding but applies to any such animal regardless of the particular reason for which the individual animal is kept or maintained.

**LOT SIZE.** The total area of a tract of land, or of two or more continuous and adjoining lots of tracts of land, including any area occupied by building, all of which a single owner or occupant holds at his or her exclusive disposal.

**RECKLESS.** With clear and deliberate or grossly negligent disregard for the safety and welfare of persons and property.

TO RUN AT LARGE. The term means for an animal to be loose upon public property or in a public area, or upon private property other than that of the animal's owner or keeper and without the consent of the owner or tenant of the private property, without direct and responsible human control and supervision.

#### 91.02 GENERAL REGULATIONS.

No person having ownership or custody of an animal shall, within the corporate limits of the town:

(A) Knowingly or negligently permit a domestic animal to run at large or to destroy or deface shrubbery, lawns, flowers, gardens or other property.

(B) Keep any animal which, by barking, howling, yelping or making any other noise disturbs the peace and quiet of any neighborhood, or which, by foul and noxious odors detracts from the use, enjoyment and value of surrounding properties.

(C) Keep any animal known to be dangerous, other than securely confined in an enclosed area on the premises of the owner with clearly signs posted to warn persons of the presence of that animal.

(D) Knowingly or negligently permit an animal to kill or injure livestock or other domestic animals, or to attack or injure any person who is engaged in lawful pursuits.

(E) Knowingly or negligently permit any animal to chase or harass vehicles or pedestrians on public streets and sidewalks or obstruct the normal use of streets and sidewalks.

(F) Fail to confine any female dog or cat in heat in a closed building so the animal cannot come into contact with other animals except for planned and supervised breeding.

(G) Keep any livestock on any property having a lot size of less than one acre, provided, the Town Council use variances are normally heard by the Plan Commission and sent, with a recommendation, to the Town Council, at its discretion, grant a conditional variance from this provision if it finds that surrounding properties would not be adversely affected or that an unreasonable hardship would result by virtue of disruption of an existing use of property at the time of this provision first becomes applicable thereto.

(H) Keep any wild animals, other than small species as may be lawfully obtained through regular retail pet stores, or animal kept by zoos, circuses, educational institutions or scientific establishments which are authorized under the game and wildlife laws of the state or United States to keep and harbor those animals in captivity.

(I) Walk any dog on the streets or other public places, except on a leash controlled by the dog's owner or other responsible person, and when not on a leash the dog shall be confined to the property of its owner.

### 91.03 RECOGNIZE AND ENFORCEMENT OF RELATED STATE ANIMAL CONTROL LAWS.

(A) In addition to any requirements of 91.02 the following state laws governing animal control are noted and shall be enforce in the town:

(1) IC 15-2. 1-21-8, which prohibits knowingly or intentionally permitting livestock to run at large (Class B Misdemeanor).

(2) IC 15-5-9-13, which prohibits (Class C infraction)

(a) Owning or harboring a dog more than six months of age which does not, at all times, wear a collar with a current township dog tax tag attached or

(b) Permitting a dog to stray beyond the owner's premises unless under reasonable control of some person.

(3) IC 35-46-3-1, prohibiting the harboring of a dog more than six months of age which has not been currently vaccinated against rabies (Class C Infraction or Class B misdemeanor if the dog bites a person).

(4) IC 35-46-4-7, prohibiting cruelty to or neglect or vertebrate animals (Class B misdemeanor).

(B) The statutes cited in division (A)above are not intended to be exhaustive of all state laws relating to animals and the face that any other stature is not enumerated in the section does not imply that it will not be enforced by the town authorities within their proper jurisdiction.

C) The Clerk-Treasurer and/or the Chief of Police shall keep a registry of all dog and cat license and rabies tags, and shall issue duplicated thereof for any lost or stolen license tags.

(D) A person shall obtain from the Clerk-Treasurer/Chief of Police a license tags of metal and of a convenient size, with the number of the license and the year in which the license is issued stated thereon. The words "Fowler License" also be stamped on each tag. The town shall furnish the tags and the Clerk-Treasurer/Chief of Police shall issue the tags to the applicant upon payment to the Town of Fowler of the following fee \$5.00 for cat of dog. The license shall be valid only for the non-expired part of the year for which it is issued. Licensed shall be valid from June 1 until May 31 in the next calendar year. No license will be issued until the owner of the dog and cat provides a rabies vaccination certificate showing that the dog and car has been vaccinated against rabies within on year prior to the date of application for the license.

(E) A person who resides within the corporate limits of the town shall obtain a rabies inoculation tag for the proper authorities, the tag indicating the date and validity of the inoculation.

(F) A person shall not change, alter, counterfeit, or imitate any dog tag, as specified in divisions, (B) and C) above, or sell or offer for sales any changed, alter counterfeit, or imitated dog tag. No owner, keeper or harbor of any dog, shall evade the requirements of this chapter.

#### 91.04 AUTHORITY TO DESTROY VICIOUS OR FEROCIOUS ANIMALS.

Notwithstanding any other provisions of this act, the Chief of Police of the Police Officers is authorized to immediately destroy any vicious or ferocious animal which cannot be safely captured or kept in custody by usual and available means, or which is observed to be attacking a person or livestock.

#### 91.05 REPORTS OF ANIMAL BITES; FURTHER ACTION

Upon receiving information that any person in the town had been bitten by an animal, the Chief of Police shall immediately make a report of the incident to the County Health Officer and thereafter shall take further action as the Health Officer may direct.

#### 91.06 NUMBER OF DOGS PERMITTED; DOG KENNELS.

It shall be unlawful for any person or business with the town to house more than three dogs. A dog kennel shall not be permitted to exist within the town.

#### 91.07 PIT BULL TERRIERS

(A) For the purpose of the section the following definition shall apply unless the context clearly indicates or requires a different meaning.

PIT BULL TERRIER-Any Staffordshire terrier as to be identifiable bull terrier of American Staffordshire terrier breed of dog which contains as an element of its breeding the breed of Staffordshire bull terrier or American Staffordshire terrier as to identifiable as partially of the breed of Staffordshire bull terrier or American Staffordshire.

(B) No person shall own, keep or harbor a pit bull terrier as defined herein, within the municipal limits of the town.

(C) This regulation is a necessary control to eliminate the risk of attack by pit bulls, as defined herein, on human beings in the town, which has become a threat to the health, safety or welfare of the public in all areas of the town. The lack of knowledge or lack of intent is not a defense to any violation hereof.

#### 91.08 ENFORCEMENT PROCEDURE; REMEDIES.

To secure the proper enforcement of the provision of 91.02 and 91.03, the appropriate authorities of the town may pursue any or a combination of the following remedies as the deem most appropriate to the case.

(A) Taking into custody and impounding any animal found to be kept in violation for any provision applicable under 91.02 and 91.03;

(B) If the violation is a violation only of a town regulation applicable under 91.02 and is not concurrently a violation of a statute as noted under

91.03, citing the owner or keeper of the animal for a penal town ordinance violation and upon conviction therefore he shall be liable for a fine of not less than \$100.00 nor more than \$500.00 for each animal found in violation and for each day a violation is permitted to continue;

C) If the violation constitutes an infraction or crime under statute or arresting the owner or keeper of the animal for the state offense, subject to penalties as provided by law; and/or

(D) Seeking an injunction in a court of competent jurisdiction to require the compliance of the owner or keeper of the animal under the provisions of IC 36-1-6-4 or any other law entitling public authorities to enjoin the violation of ordinances or statutes and including an action to recover all costs tot het own of bringing action for injunction.

#### 91.09 REDEMPTION PROCEDURE; FEES

Unless a court, the County Health Officer of the State Veterinarian order the continued detention of an animal the owner of keeper of an impounded domestic animal, other than an animal impounded for violation of IC 35-46-3-3 et seq. May reclaim the animal at any time while the same is in the custody of the Chief of Police by paying the town the following fees:

1. \$25.00 for picking up the animal
2. \$ 5.00 per day for boarding and feeding the animal

PASSED this 1ST day of November, 1999.

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