

CHAPTER 90: ANIMALS

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§ 90.01 DEFINITIONS.

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

ABANDONMENT. The leaving of an animal on any premises without the consent of the owner, occupant or tenant and without the making of any agreement for the care of the animal. **ABANDONMENT** of an animal shall include the act of leaving the animal at the County Humane Society shelter without notification to the Animal Control Officer of the ownership of the animal.

ANIMAL. Any living non-human creature, domestic or wild, including livestock and poultry.

OWNER. Any person owning, harboring or keeping any animal.

POULTRY.

(a) Chickens, roosters, geese, turkeys, peacocks, ducks or other fowl; and

(b) Ostrich, emu and other ritites.

RABBITS. For the purpose of this chapter, rabbits are any of the domesticated varieties of the European rabbit species.

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RESTRAINT. Confinement to the premises of the owner, being outside the premises of the owner while on a leash not more than eight feet in length, being outside the premises of the owner while under voice control in the presence of a competent person, being outside the premises of the owner while within a vehicle being driven or parked or being upon the premises of another person with the consent of that person.

UNGULATE ANIMAL.

- (a) Cows, ox, cattle, calves, or other livestock;
- (b) Donkey, ass, burro, mule;
- (c) Sheep;
- (d) Goats of all sizes;
- (e) Horse;
- (f) Alpacas; and
- (g) Swine of all kind.

(B) The Animal Control Officer shall be referred to as the ACO.
(Ord. 1997-6, passed 5-5-97; Am. Ord. 2016-01, passed 3-15-16)

§ 90.02 DOG LICENSES.

(A) No person may own, harbor or keep a dog or cat within the town unless it is registered and licensed under this section.

(B) All dogs and cats owned, harbored, or kept in the town shall be registered within 30 days of being brought into town. The owner shall supply the town with the information concerning sex, breed, certificate of rabies vaccination, name of the dog or cat, and the name and address of the owner.

(C) (1) Any person owning or harboring a dog or cat shall pay to the town an annual license fee within 30 days of bringing a dog or cat into the town and thereafter, by June 1 of each year, for each dog or cat owned, harbored, or kept on the same premises, as follows:

- (a) For each neutered dog or cat, \$5.
- (b) For each non-neutered dog or cat, \$10.

(2) Dogs kept in kennels for breeding, boarding or training purposes or for sale shall not be assessed an individual license fee, but the owner or keeper shall pay an annual kennel license fee, by June 1 of each year, according to the following schedule:

(a) For a major kennel, consisting of 15 or more dogs, a fee of \$30.

(b) For a minor kennel, consisting of less than 15 dogs, a fee of \$20.

(3) Upon the payment of the license fee required by subsection (2) of this section, the ACO shall deliver to the owner or keeper of the kennel a proper license together with a metallic tag for each dog in the kennel. The license shall be dated and numbered and shall bear the name of the town and the name and address of the owner of the kennel licensed, and a description of the breed, number, sex, and age of the dogs kept in such kennel. Any person becoming the owner of a dog kennel shall, within 30 days after becoming the owner, apply to the ACO and, upon payment of the required fee, procure a license and a metallic tag for all dogs in the kennel.

(Ord. 1997-6, passed 5-5-97; Am. Ord. 2012-13, passed 9-18-12; Am. Ord. 2016-03, passed 5-17-16)
Penalty, see §§ 10.99 and 90.10

§ 90.03 RESTRAINT.

(A) No owner shall fail to keep any of his or her animals under restraint at all times.

(B) Every female dog in heat shall be confined in a building or a secure enclosure in such a manner that such female dog cannot make contact with another dog except for planned breeding.

(Ord. 1997-6, passed 5-5-97) Penalty, see §§ 10.99 and 90.10

§ 90.04 DANGEROUS ANIMALS.

(A) An animal which poses a clear and present danger to persons, property, or other animals shall be considered a dangerous animal. The ACO or any police officer may destroy any dangerous animal.

(B) Any unrestrained animal that is injured or diseased to the extent that any reasonable veterinary care would not restore the animal to a normal state of health may be destroyed by the ACO.

(C) No ungulate animals are allowed within town limits.

(D) No peacocks, geese, ostrich, or any fowl not specified to be permitted are allowed in town limits.

(Ord. 1997-6, passed 5-5-97; Am. Ord. 2016-01, passed 2-2-16)

§ 90.05 IMPOUNDMENT.

(A) Unrestrained animals may be taken by the Police Department or ACO, and impounded in the County Humane Society animal shelter, and there be confined in a humane manner. The ACO shall record all impoundments under this section. That record shall be kept in a book maintained for that purpose and shall be entered immediately following impoundment. The record shall state the date of the impoundment, a description of the animal, whether any license required under this chapter has been obtained.

(B) It shall be unlawful to permit any animal of any kind to run at large within the town. Any animal found running loose on the streets, sidewalks or other public property within the town shall be taken to the Orange County Humane Society to be held according to the rules of the Humane Society. Whenever any animal running at large is not catchable and the owner of the animal cannot be identified or located, the animal shall be darted or tased by the ACO, town employee, or police officer and impounded. If the owner of the animal is identified and located, the owner shall immediately take control of the animal, or assist in the seizure of the animal. In either instance, the owner shall be considered in violation of this section and subject to penalties for such violation as set forth in § 90.05(F) or § 90.10.

(C) The ACO shall give public notice of the impoundment by posting one copy of a document stating the date of impoundment and containing a description of the animal. This document shall be posted on the bulletin board in the town hall lobby.

(D) The ACO shall also notify the owner of any animal licensed under this section if that animal is impounded. Sufficient notice shall be constituted by ordinary mail to the last known address, by verbal notice of the owner or by written notice at the door of the owner's residence.

(E) The owner of any impounded animal may reclaim it by paying all costs and charges incurred by the town and the animal shelter prior to reclamation. The owner must also produce adequate proof that the animal has obtained all required licenses and rabies vaccination certificate.

(F) The town shall charge a fee of \$10, plus \$2 for each day of impoundment, with a maximum fee of \$50. Any animal impounded by the ACO that must be isolated for any reason, such as rabies or other disease, shall be subject to the normal impoundment fee of \$10, plus a daily fee of \$4. There shall be no maximum impoundment fee for an animal requiring isolation. The owner shall be liable for the cost of any inoculation or other veterinary service deemed necessary by the ACO during the impoundment.

(G) If any impounded animal with ownership identification is not reclaimed within 20 days following the posting of the public notice required by this section, the ACO shall instruct the animal shelter to humanely destroy that animal. Animals without any ownership identification will be classified as unwanted strays and may be destroyed within 20 days after the posting of public notice. Animals may be adopted immediately after public notification with the understanding that if a previous owner is found within five days of public notice the animal will be returned upon payment of any reasonable expenses to the adopter, and payment of any fines, impoundment fees, and the like, to the town.

(H) Any animal eligible for release may be released by the ACO to any responsible person following the expiration of the five days set forth above. That person shall, for the purposes of this section, assume ownership upon claiming the animal. No animal shall be released under this section until the responsible person pays all charges due under division (F) of this section.

(I) No unspayed or unneutered dog or any dangerous animal shall be released to any responsible person other than its owner. No animal that was considered dangerous at the time of impoundment by the ACO shall be released to its owner if it is still considered a dangerous animal by the ACO. If such animal is no longer considered to be a dangerous animal by the ACO, the animal shall be released to its owner if all impoundment fees are paid, if the animal has had a rabies vaccination within the previous year and if the owner signs a statement indemnifying the town and its officers, employees and agents from all liability which may arise from the actions of the animal.

(J) The ACO shall also act as the town's agent under I.C. 15-5-9-14 in impounding all dogs upon which no license fee has been paid on or after June 15 of each year. Any such animal may be released to its owner upon proof that the impoundment fees set out in this section have been paid, that the dog has been licensed by the town and has been vaccinated against rabies. If any dog impounded under this section is not reclaimed within 20 days following its impoundment, the ACO may humanely dispose of the animal or release it as provided for in division (G) of this section.

(Ord. 1997-6, passed 5-5-97; Am. Ord. 2015-03, passed 4-21-15)

Editor's Note:

I.C. 15-5-9-14 was repealed by P.L. 162-2006, effective 7-1-06.

§ 90.06 ABANDONMENT OF AN ANIMAL.

No owner shall abandon an animal in the town. Such abandonment shall be a violation of this chapter and shall be subject to the fines and penalties set out in this chapter.

(Ord. 1997-6, passed 5-5-97) Penalty, see §§ 10.99 and 90.10

§ 90.07 NUISANCES.

No owner shall allow his or her animals to become a public nuisance. Animals who engage in excessive or continuous barking, molesting persons, chasing vehicles or habitually attacking other animals shall be deemed a public nuisance and shall be impounded and/or the owner cited.

(Ord. 1997-6, passed 5-5-97) Penalty, see §§ 10.99 and 90.10

§ 90.08 MULTIPLE ANIMALS.

All kennels, pet shops or other facilities, whether operated by for-profit or not-for-profit organizations, or individuals keeping more than five animals over six months of age on their premises

are subject to inspection by the ACO upon his or her request and during reasonable hours. The ACO must certify that all local, state and federal laws are being complied with and that the animals are being cared for in a reasonable and humane manner.
(Ord. 1997-6, passed 5-5-97)

§ 90.09 ENFORCEMENT.

(A) The ACO is authorized to enforce this chapter, all federal and state laws by impounding animals, issuing citations and receiving fees and issuing impoundment notices and warning violations as provided by law.

(B) The ACO is further authorized to conduct an investigation and to make complaints to the County Prosecuting Attorney for violation of any state or federal statute regarding the protection or keeping of animals, including I.C. 35-46-3-1 through 35-46-3-12 and any statutes amendatory thereof or supplemental thereto.

(C) The ACO is authorized to enforce all provisions of I.C. 15-2.1-6-1 through 15-2.1-6-13 in regard to the control and prevention of rabies

(D) The ACO and the town shall not be responsible to control, regulate, capture or impound any wild animal under the jurisdiction of the State Department of Natural Resources (DNR) unless specific authority is delegated to the ACO by an officer or agent of DNR.

(E) No person shall, in any manner, resist or obstruct any ACO, police officer or any other individual authorized to enforce provisions of this chapter.

(Ord. 1997-6, passed 5-5-97) Penalty, see §§ 10.99 and 90.10

Editor's note:

I.C. 15-2.1-6-1 through 15-2.1-6-13 were repealed by P.L. 2-2008, effective 7-1-08.

§ 90.10 FINES.

(A) Any person who violates any provision of Chapter 90 shall, in addition to any enforcement processes contained in the chapter, upon conviction, be subject to the following fines:

- (1) First Offense \$50.00
- (2) Second Offense \$100.00
- (3) Third Offense \$150.00
- (4) Fourth Offense or More up to \$2,500.00

(B) A separate offense shall be deemed committed upon each day during which a violation occurs or continues. The assessed fine may be paid to the Clerk-Treasurer of the town within 72 hours in full satisfaction of the assessed penalty. In the event that such payment is not made within the period prescribed, proceedings may be filed in the county court of competent jurisdiction. Funds generated from the assessed fines shall be placed in a fund to defray the expenses incurred by the town of the maintenance of impounded animals and to defray the expense of enforcing this section.
(Ord. 1997-6, passed 5-5-97; Am. Ord. 2015-03, passed 4-21-15)