

ORDINANCE NO. 2007-08

AN ORDINANCE REGULATING ANIMALS IN THE TOWN OF WOLCOTT

ARTICLE 1. DEFINITIONS.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- a) *Abandoned animal.* An animal whose owner has voluntarily relinquished possession of it with the intention of terminating his/her ownership, but without vesting possession in any other person.
- b) *Animal.* Any live vertebrate creature, domestic or wild.
- c) *Animal control officer.* Any person designated by the state or municipal government or a humane society as a law enforcement officer who is qualified to perform humane and animal control duties under the law.
- d) *Animal shelter.* 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.
- e) *At Large.* Off the premises of the owner, and not under the control of the owner or his agent either by leash, cord, chain or other device of actual physical restraint or under the control of and accompanying the owner or other person who has the ability to control the dog or cat by voice command.
- f) *Dog or Cat or Animal.* Includes both the male and female thereof.
- g) *Humane Officer.* Any person designated by the state, a municipal government, or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of this state.
- h) *Kennel.* An establishment wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee or selling dogs and cats. An owner who harbors four or more animals on or within a residence lot and dwelling house shall be deemed to be operating a kennel for purposes of this chapter.
- i) *Official warning.* A written notice or warning device given to the owner of a dog, cat, or other animal by the Wolcott Town Marshal or other member of the Police Department, or any person designated by the state, a municipal government, or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of this state.
- j) *Owner.* Any person 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.
- k) *Public nuisance.* Any one or more of the following conditions:
 - (1) Molests passersby or passing vehicles.
 - (2) Attacks other animals.
 - (3) Trespasses on private property or school grounds.
 - (4) Is repeatedly at large.
 - (5) Damages private or public property.
 - (6) Barks, whines or howls in an excessive, continuous or untimely fashion so as to disturb the peace and quiet of the neighborhood.

- (7) Accumulation of animal excreta on the property of the owner, public or any other citizen so as to cause an obnoxious odor, create a situation which could draw or breed insects, attract vermin or cause a public health nuisance.
- l) *Running in pack.* Three or more dogs, cats or other animals at large together.
 - m) *Restraint.* Any animal secured by a leash or lead, or under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.
 - n) *Valid rabies vaccination.* A certified inoculation for rabies administered by a licensed veterinarian or representative of an approved governmental agency within one year last past.
 - o) *Veterinary hospital.* Any establishment maintained and operated by a licensed veterinarian for surgery, diagnosis and treatment of diseases and injuries of animals.
 - p) *Vicious animal.* Any animal that has been known to have bitten or otherwise physically molested without provocation a human being by displaying belligerent behavior, inflicting a personal injury, or an animal which promiscuously constitutes a physical threat to human beings or other animals.
 - q) *Wild animal.* Any live monkey, raccoon, skunk, fox, poisonous snake, leopard, panther, tiger, lion, lynx, or any other warm-blooded animal which can normally be found in a wild state.

ARTICLE 2 . PERMITTING OF DOGS AND CATS.

- 2.1 Any person owning, keeping, harboring or having custody of any dog or cat over six months of age within this town shall obtain a permit for such animal as provided in this section. A nonresident of the town keeping a dog or cat in the town temporarily for a period not to exceed 60 days is not required to obtain such a permit.
- 2.2 Written applications for permits shall be made to the clerk-treasurer within 30 days of obtaining a dog or cat for which a permit is required. The application shall include the name and address of the applicant, a description of the animal, the appropriate fee, and the current and valid rabies certificate issued by a licensed veterinarian or antirabies clinic.
- 2.3 If not revoked, permits shall be for a period of up to one year, ending each calendar year. Permit renewal applications shall be filed with the clerk-treasurer's office 30 days prior to and up to 60 days after the start of the calendar year.
- 2.4 A permit shall be issued after payment of the fee established by the town. A duplicate permit may be obtained upon payment of a replacement fee established by the town. A permit application, but no permit fee, shall be required for Seeing Eye dogs and governmental police dogs.
- 2.5 Upon acceptance of the permit application and fee, the clerk-treasurer's office shall issue a durable tag or identification collar stamped with an identifying number. Tags should be designed so that they may be conveniently fastened or riveted to the animal's harness or collar. Dogs and cats shall wear identification tags or collars at all times when off the premises of the owners.
- 2.6 The clerk-treasurer's office shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the town or designee and the public.
- 2.7 No person may use any permit for any animal other than the animal for which it was issued.

ARTICLE 3. IMPOUND AND VIOLATION NOTICE

- 3.1 It shall be the duty of the animal warden, any member of the Police Department, or town employees to apprehend and impound any dog, cat or any other animal or fowl found doing any of the following acts, except as herein provided:

- a) Running at large;
- b) Abandoned;
- c) Not confined;
- d) Frequent, habitual barking;
- e) Not registered, permitted and tagged;
- f) On a verified written complaint made to the animal warden or Wolcott Police Department of a violation of this chapter, in the discretion of any person authorized to give official warnings, an official warning may be given the owner of the dog, cat or other animal, in lieu of any other provision of this chapter; except, that not more than one official warning shall be given to any one owner concerning the same animal in a twelve-month period;
- g) On a second or subsequent verified complaint after official warning has been given of a violation of this chapter;
- h) On order of court following a conviction of any person for violating any provision of this chapter.

3.2 All dogs, cat, or other animals are impounded within the corporate limits of the town shall be held up to three days (72 hours). If the owner of impounded animal is identified, the owner or caretaker of said animal will be notified of impoundment, if possible. In the event that no owner or caretaker is known, no notice of any kind need be given.

3.3 Except if the impoundment is by reason of Section 5.g, in which event the days set forth therein shall control, the owner of any impounded dog, cat or other animal or fowl may reclaim immediately the dog, cat or other animal or fowl on the payment of the following fees and on fulfillment of the following obligations:

- a) If the dog, cat or other animal has been picked up or captured by a town employee, the Police Department, or other authorized agent of the town, the owner shall pay a redemption fee of thirty dollars (\$30.00), except for the case in which the impounded animal is a female in heat that has not been restrained in accordance with Section 7, in which case the owner shall pay a redemption fee of forty-five dollars (\$45.00).
- b) In addition to the payment required in this chapter, the town may charge a boarding fee not greater than the prevailing fees charged by the local veterinarians for each day or part thereof that the animal shall be impounded and an impoundment fee to help defray costs of handling and recordkeeping.

3.4 If the animal is not claimed by the third day, the White County Animal Warden shall be called and the animal shall be transferred to a facility designated by that agency.

3.5 Any dog, cat, or other animal impounded by the town, the owner will need to provide proof that immunization are up-to-date. If the owner cannot provide proof of current immunizations, the owner may take the animal, but he must return within 24 hours with certification from a veterinarian that the animal has been immunized. Failure to comply by these rules will cause the owner of the animal to be fined and/or cited into court.

3.6 A vicious animal shall, upon a judicial finding that the animal is a vicious animal within the definition of this chapter, be either removed from the urban setting or destroyed.

3.7 Whenever the animal warden or Police Department find any dog, cat, or other animals running in packs, vicious or in such condition as to be too dangerous to attempt to capture the animal, the animal warden or Police Department is authorized to dispose of the animal, where it may be found, by shooting it.

ARTICLE 4. LIMITATION ON KEEPING CERTAIN ANIMALS.

- 4.1 It shall be unlawful for any person to keep or harbor for more than twenty-four (24) hours within the town any goats, sheep, swine or pigs, horses, mules, ponies, cattle, and other livestock or any wild animal within the town limits, except that this provision shall not apply to any animal brought into the town for the purpose of participating in any animal show or to animals in zoological parks, or to animals turned over to an animal humane association or to animals on bona fide farms.
- 4.2 No person shall keep or permit to be kept on his or her premises any wild or vicious animal for display or for exhibition purposes, whether gratuitously or for a fee. This section shall not be construed to apply to zoological parks, performing animal exhibitors or circuses.
- 4.3 No person shall keep or permit to be kept any wild animal as a pet.

ARTICLE 5. RESTRAINT.

- 5.1 It is unlawful for any owner or keeper of any dog, cat or other animal or fowl to allow the dog, cat or other animal or fowl to leave the owner's property to run at large within the town at any time.
- 5.2 No owner shall fail to exercise proper care and control of his animals to prevent them from becoming a public nuisance.
- 5.3 Every female dog or cat in season 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 except for planned breeding.
- 5.4 Every vicious animal, as determined by the town or designee, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
- 5.5 It is unlawful to keep or harbor more than three dogs and/or three cats, but not to exceed four animals in total by any combination, beyond the age of weaning in any dwelling unit, structure or real property.

ARTICLE 6. ANIMAL CARE; CRUELTY TO ANIMALS.

- 6.1 No owner 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.
- 6.2 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 or between animals and humans.
- 6.3 It is unlawful for any owner of any dog, cat or other animal or fowl to abandon the same within the town.
- 6.4 No person shall expose any known poisonous substance, whether mixed with food or not, so that the substance shall be liable to be eaten by any animal in any place, whether public or private, within the town; provided, however, that it shall not be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substances.
- 6.5 Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner if known or ascertained and located. If the owner cannot be ascertained and located, such operator shall at once report the accident to the appropriate law enforcement agency.

ARTICLE 7. RABIES CONTROL.

- 7.1 It shall be unlawful for any person to own or harbor a dog or cat over the age of four months without a valid rabies vaccination.

7.2 Persons bringing dogs or cats into the area shall have readily available, as proof of vaccination, a valid rabies certificate issued and signed by a licensed veterinarian or issued by an approved governmental agency. Animals which do not qualify shall either be immediately removed from the area or be vaccinated by a licensed veterinarian.

7.3 Any animal:

- a) Having a valid rabies vaccination that bites a person shall be quarantined on the premises of its owner under supervision of the animal control officer or humane officer for ten (10) consecutive days thereafter following. The animal shall be securely confined and kept from contact with any other animal during quarantine.
- b) Not having a valid rabies vaccination that bites a person shall be immediately surrendered to and confined in an animal shelter or veterinary hospital for a period of ten (10) consecutive days, at the owner's expense, and for such additional period of time thereafter as the humane officer shall determine to be necessary or appropriate under the circumstances and findings.

7.4 The animal control officer or humane officer, at his discretion exercised reasonably, may require special confinement and order the animal surrendered to an animal shelter or veterinary hospital, and such confinement shall be at the owner's expense.

7.5 No person shall knowingly allow such confined animal to escape, or sell, give away or otherwise dispose of such animal before the expiration of the ten-day quarantine period.

ARTICLE 8. REMOVAL OF ANIMAL WASTE.

The owner of every animal shall be responsible for the removal of any excreta deposited by his animal on public walks, recreation areas and on such owner's property and shall not permit defecation on private property other than such owner's property.

ARTICLE 9. PENALTIES.

Any person violating any provision of this chapter shall be punished as provided in ordinance 2007-03. If any person shall be found guilty of violating article 7, his permit or license to own, keep or to have custody of animals shall be deemed automatically revoked and no new permit or license shall be issued for a period of two years and only after hearing and approval by the town or designee upon a determination that such person is not disposed to a repetition of such acts of cruelty.

ARTICLE 10. ENFORCEMENT.

10.1 The provisions of this chapter shall be enforced by those persons or agencies designated by municipal authority or by state law for such purposes.

10.2 It shall be the duty of the Town Marshal, during the months of April, May or June to examine all available public records to ascertain the names of all persons living in the town who own a dog or cat, to compare the records with those persons having dogs or cats permitted by the town, and to send an official warning to those persons known to have a dog or cat in violation of this chapter

ARTICLE 11. OTHER ORDINANCES OR STATUTES:

- A) All ordinances or parts of ordinances inconsistent with this ordinance are hereby repealed to the extent of such inconsistency with this ordinance are hereby repealed to the extent of such inconsistency. Provided, however, that such repeal shall be only to the extent of such inconsistency, and in all other respects the ordinance or parts of ordinance are hereby ratified, re-established, and confirmed.

ARTICLE 12. CONSTRUCTION OF CLAUSE HEADINGS. The clause headings appearing in this ordinance have been provided for convenience and reference, and do not purport and will

not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.

ARTICLE 13. SEVERABILITY OF PROVISIONS. If any part of this ordinance is held to be invalid, such part will be deemed severable and its invalidity will have no effect upon the remaining provisions of this ordinance.

ARTICLE 14. DURATION AND EFFECTIVE DATE. This ordinance shall be in full force and effect beginning July 1, 2007 from and after its passage by the Council of the Town of Wolcott, and publication according to the laws of the State of Indiana.

Introduced and Filed on the 5th day of June, 2007. A motion to consider same on the First Reading or day of introduction was sustained by a vote of 4 in Favor and none Opposed, pursuant to Indiana Code 36-4-6-13).

DULY PASSED AND ADOPTED this 5th day of June, 2007 by the Council of the Town of Wolcott, White County, Indiana, having been passed by a vote 4 in Favor and none Opposed.

AYE

NAY

Not in Attendance
Robin D. Hensler, Council President

Robin D. Hensler, Council President

Marsha L. Mackey, Member

Marsha L. Mackey, Member

Danny L. Sheets, Member

Danny L. Sheets, Member

Jon H. Evans, Member

Jon H. Evans

Richard A. Lynn, Member

Richard A. Lynn, Member

ATTEST:

Linda S. Bajzatt, IAMC, CMC
Clerk-Treasurer