

CHAPTER 90: ANIMALS

Section

- 90.01 Public nuisance animals
- 90.02 Dogs
- 90.03 Livestock and poultry

- 90.99 Penalty

§ 90.01 PUBLIC NUISANCE ANIMALS.

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

ANIMAL. Any live, non-human vertebrate creature, domestic or wild.

DOMESTIC ANIMAL. Any animal that is a member of one of the following species: dog, cat, cattle, horse, donkey, pig, sheep, goat, rabbit, mouse, rat, reptile, guinea pig, chinchilla, hamster, or gerbil.

HARBORING. The actions of any person that permit any animal habitually to remain or lodge or to be fed within his or her home, store, enclosure, yard, place of business, or any premises on which a person resides or controls. An animal shall be presumed **HARBORED** if it is fed or sheltered for three consecutive days.

OWNER. Any person owning, keeping, or harboring one or more animals.

PET. Any animal kept for pleasure rather than utility.

PUBLIC NUISANCE. Any animal or animals that: molest passersby or passing vehicles, attack other animals, damage public property or private property, and/or bark, whine, or howl in an excessive or continuous fashion.

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

Loogootee - General Regulations

TO RUN AT LARGE. 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 that private property, without direct and responsible human control and supervision.

WILD ANIMAL. Any animal which is not a domestic animal.

(B) *General regulations.* No person having ownership or custody of an animal shall, within the corporate limits of the city:

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

(2) 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;

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

(4) 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;

(5) 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;

(6) 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; or

(7) Fail to exercise due care and control of his or her animals to prevent them from becoming a public nuisance.

(C) *Enforcement procedure.* To secure the proper enforcement of this section any officer, employee, or agent of the city may pursue any, or a combination, of the following remedies as he or she deems most appropriate to the case:

(1) Taking into custody and impounding any animal found to be kept in violation of any division applicable under this section; and/or

(2) Issuing to any person in violation of this section a notice of violation.

(D) *Impoundment procedure.*

(1) When an animal is impounded under division (C)(1) above, the appropriate officer may retain the animal in his or her custody for the period of time the officer determines that it will be feasible to properly confine, shelter, and care for the animal at any city facilities available for that purpose. If the owner or keeper of an impounded domestic animal is known, the officer shall notify the owner of the animal's impoundment. If the owner or keeper is not known, the officer shall post a notice describing the animal, the time and place of its impoundment, and the reason therefor at the City Hall.

(2) An impounded domestic animal shall be kept by the appropriate officer for at least five days. However, if the animal is a dog and the only reason for its impoundment was a failure to have a dog tax tag, the dog shall be kept for at least 20 days or for the minimum period then required by I.C. 15-20. After the applicable time period has expired, the officer or pound may humanely destroy or otherwise lawfully dispose of the animal unless that disposal is enjoined by a court, the County Health Officer, or the State Veterinarian.

(Prior Code, § IV-2-4.2) (Ord. 98-14, passed 11-9-1998; Ord. 2012-8, passed 11-13-2012) Penalty, see § 90.99

§ 90.02 DOGS.

(A) It shall be unlawful for any person, firm, or corporation to own, control, or permit any dog to run at large, and to possess any dog more than six months of age if it has not been properly licensed and inoculated as evidenced by metal tags, as provided by the laws of the state, to be affixed to the collar of any and all dogs.

(B) It shall be the duty of any city official and all law enforcement officers to take up, restrain, and impound any dog or dogs permitted to run at large and to keep them impounded pursuant to I.C. 35-46-3-6. If any person thereafter claims to own or desires the return of such dog, it shall be the duty of such person to pay for the expense of such taking up and keeping of such dog, as aforesaid mentioned the sum of \$10 per day, and further submit satisfactory proof to the officials of said city that said dog has been properly taxed, licensed, and inoculated against rabies sometime in the past, not exceeding one year.

(C) It shall be unlawful for any person, firm, or corporation, being the owner of a female dog, to permit such female dog, when in season, to run at large; such owner shall keep said dog off the ground. (Prior Code, § IV-2-4) (Ord. 3-72, passed 4-24-1972) Penalty, see § 90.99

§ 90.03 LIVESTOCK AND POULTRY.

(A) It shall be unlawful for any person, firm, or corporation to feed, keep, maintain, harbor, or hold any hogs, cattle, horses, mules, ponies, sheep, goats, swine, poultry, and all such animals and fowl as are customarily raised for food, drayage, or beast of burden within the corporate limits of the city.

(B) It shall be unlawful for any owner of any property to suffer, allow, or permit any violation, as set forth in division (A) above, to occur or permit to exist upon such property. The existence of any such violation shall be deemed to have been permitted, suffered, and allowed by said owner.

(C) It shall be unlawful for any person, firm, or corporation to own, manage, control, or permit any livestock, stock yards, hog pens, shipping pens, or animal weigh station within the city limits or within four miles from the corporate limits of the city. Unless the same is maintained in full and complete compliance of the safety and health laws of the state and so located not closer than 500 feet to any residence or other business establishment not directly connected with or a part of such establishment as regulated by this section.

(Prior Code, § IV-2-3) (Ord. 9-64, passed 8-18-1964) Penalty, see § 90.99

§ 90.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) (1) Persons who violate any provision of § 90.01 shall be subject to a fine of \$25 for the first offense, with a fine of each subsequent offense of § 90.01 increasing by an increment of \$25. The maximum fine that can be imposed or assessed under § 90.01 shall be \$100.

(2) In the event the person has no additional violations of § 90.01 for a period of 12 consecutive months, the fine for any violations of § 90.01 after that period shall be \$25 for the first offense, with the fine for each subsequent offense increasing by an increment of \$25.

(3) Each offense shall constitute a separate violation for the purpose of collection under § 90.01. Nothing in § 90.01 shall prevent the city from issuing multiple notices of violation during any 24-hour period.

(4) At the discretion of the animal owner, any penalty established by § 90.01 may be paid to the Ordinance Violations Bureau 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 any court of competent jurisdiction.

(Prior Code, § IV-2-4.2)

(C) Any violation of § 90.02 is hereby declared and shall constitute a public nuisance, and any person, firm, or corporation who violates any provisions thereof shall be guilty of an infraction and, upon the first conviction, shall be fined the amount of \$50 and, upon subsequent conviction, shall be fined in an amount not to exceed \$100.

(Prior Code, § IV-2-4)

(D) Any violation of § 90.03 is hereby declared and shall constitute a public nuisance, and any person, firm, or corporation or owner of real estate who violates any provision shall be fined in any sum not exceeding \$50 for the first offense thereof and not exceeding \$200 for a second or subsequent violation thereof.

(Prior Code, § IV-2-3)

(Ord. 9-64, passed 8-18-1964; Ord. 3-72, passed 4-24-1972; Ord. 2009-4, passed; 9-14-2009; Ord. 2012-8, passed 11-13-2012)