

STATE OF INDIANA

BEFORE THE TOWN COUNCIL OF SELLERSBURG, INDIANA

ORDINANCE NO. 2017 – OR – 008

AN ORDINANCE AMENDING SECTIONS 93.01-93.20 OF THE TOWN'S CODE OF ORDINANCES REGARDING THE KEEPING AND TREATMENT OF DOMESTIC, DANGEROUS, AND VICIOUS ANIMALS WITHIN THE TOWN OF SELLERSBURG

WHEREAS, pursuant to Ind. Code § 36-5-2 *et seq.*, this Town Council of Sellersburg, Indiana (this “Council”) is the town legislative body and the President of the town council is the town executive; and,

WHEREAS, pursuant to Ind. Code § 36-5-2-9, the legislative body may adopt ordinances and resolutions for the performance of functions of the town; and,

WHEREAS, from time to time this Council desires to amend its code of ordinances; and,

WHEREAS, this Council now finds a need to amend its code of ordinances regarding the keeping and treatment of domestic, dangerous and vicious animals within the town of Sellersburg, Indiana.

NOW THEREFORE BE IT ORDAINED by this Town Council of Sellersburg, Indiana that Sections 93.01 through 93.20 are amended or unchanged as follows:

SECTION 93.01. DEFINITIONS. For the purposes of this Section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

- A. ABANDON.** To leave unattended on public or private property, wherein the person cited has no ownership or other legal or equitable interest or right.
- B. ANIMAL.** Any live, vertebrate creature, domestic or wild, including, but not limited to, dogs, cats, and those domesticated animals most often kept and regarded as pets by their owners.
- C. ANIMAL CONTROL OFFICER.** Any person designated by the Town of Sellersburg as an officer who is qualified to perform the duties required by this ordinance or state statutes regarding animals.

- D. ANIMAL SHELTER.** Any facility operated by the humane society, City of Jeffersonville, or county government, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this ordinance or state law.
- E. AT-LARGE.** Off the premises of the owner or custodian of the animal or not under the immediate control of the owner or custodian.
- F. DOMESTIC ANIMAL.** Any animal not kept for commercial or business purpose that may be dependent upon humans for food and/or shelter.
- G. ENCLOSURE.** An enclosure is to have four (4) sides, a floor and a roof, none of which leak. There is to be an opening in one (1) side large enough for the animal to enter the shelter. The shelter must be large enough for the animal to stand completely erect without touching the top of the shelter and must allow the animal to turn completely around and stretch out completely when lying down.
- H. HARBORING.** An animal shall be deemed to be harbored if it is fed, watered, or sheltered by a person, business, partnership, or corporation.
- I. KENNEL.** Any establishment or residence where dogs, or other animals, are kept for breeding, boarding, sale, leasing, trading, sporting purposes or any other purposes, for remuneration.
- J. LIVESTOCK.** Horses, stallions, colts, gelding, mares, sheep, rams, lambs, bulls, bullocks, steers, heifers, cows, calves, mules, jacks, jennets, burrows, goats, swine, and fur bearing animals raised or held in captivity.
- K. OWNER.** Any person, firm, corporation, organization or department owning, possessing, harboring, or having the care or custody of a domestic, dangerous, or vicious animal in the Town of Sellersburg.
- L. OWNER AND "PERSONS OWNING PREMISES"** shall mean both the owner of title or record and those occupying or in possession of any property or premises.
- M. PERSON.** An individual, partnership, company or corporation.
- N. POLICE OFFICER or LAW ENFORCEMENT OFFICER.** Any person employed by the state, the county, a city or the town whose duty it is to preserve the peace or to make arrested or to enforce the law.
- O. PROPER SHELTER.** See ENCLOSURE.
- P. RESTRAINT.** Any animal secured by leash or lead, under the control of a responsible person and obedient to that person's commands or within the real property limits of the owner.

Q. UNCONFINED VICIOUS OR DANGEROUS ANIMAL. A vicious or dangerous animal is “unconfined” if the animal is not securely confined indoors, or confined in a secure enclosure and locked pen, cage, or structure upon the premises of the owner, keeper or harbinger of the animal. The pen, structure, or enclosure must have secure sides and a secure top and bottom attached to the sides and the sides must be imbedded into the ground no less than one foot if outside and setting on the ground. All such pens, structures, or enclosures must be adequately lighted and kept clean and sanitary condition.

R. VICIOUS AND/OR DANGEROUS ANIMAL. The designated animal control officer and/or law enforcement officer upon personal observation and investigation shall find an animal to be dangerous and/or vicious if:

- (1) the animal has a known vicious propensity, capability, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or,
- (2) the animal, without provocation, attacks or bites, attempts to attach or bite, or has attacked or bitten, a human being or domestic animal; or,
- (3) the animal is harbored primarily or in part for the purpose of animal fighting, or is trained for animal fighting.

SECTION 93.02. RESTRAINT REQUIRED. No person owning or having charge of any dog shall cause or allow said dog to run at large upon any public place or upon any private property other than that of the owner. All dogs or animals shall be kept under restraint.

A. RESTRAINT BY LEASH, CHAIN, OR COLLAR; SPECIFICATIONS:

- (1) It is prohibited to exclusively restrain a dog or puppy by a fixed-point chain, tether, or trolley for a period of time exceeding two (2) hours in an eight (8) hour period unless accompanied by a competent person. A “competent person” is defined as a person, who, by reason of age and physical ability and training, is capable of maintaining control of an animal to the extent required by this ordinance.
- (2) A dog may be temporarily restrained by a chain or tether provided that it is at least twelve (12) feet in length and is kept untangled as to allow the animal full access of the length of the chain or tether.
- (3) Any tethering system employed shall not allow the dog or puppy to leave the owner’s property or jump/lean over a neighbors’ fence or property line.
- (4) No chain or tether shall weigh more than 1/8 of the dog or puppy’s body weight.

- (5) Any chain or tether must be attached to a property fitting collar or harness worn by the animal.
- (6) All collars used for the purpose of chaining or tethering an animal must be made of nylon, leather, or other durable and non-metallic material. Using a chain, choke, or pinch collar as a primary collar is prohibited.
- (7) All collars shall fit an animal so as to avoid causing injury to the animal or becoming imbedded in the animal's neck.

SECTION 93.021. REGULATION OF POSSESSION OF VICIOUS OR DANGEROUS ANIMALS.

A. DETERMINATION AND DESIGNATION:

A Town of Sellersburg Animal Control Officer ("Animal Control Officer"), Town of Sellersburg Police Officer ("Police Officer"), or Town of Sellersburg Code Enforcement Officer ("Code Enforcement Officer") may determine upon personal observation and investigation that an animal is vicious and/or dangerous animal as defined by this chapter. Should the Animal Control Officer, Police Officer, or Code Enforcement Officer determine an animal to be vicious or dangerous, the officer shall notify the owner or any person having custody or control over said vicious/dangerous animal in writing, a copy of which shall be filed with the Town Clerk-Treasurer's Office. If said custodial person or person harboring the animal is not the owner of the property, said property owner shall also be notified.

The owner or the person having custody or control of said vicious/dangerous animal may appeal the determination to the Town Council of Sellersburg provided said appeal is made in writing to Animal Control within ten (10) days. The Town Council shall conduct a hearing providing the owner or the person having custody or control of said vicious/dangerous animal an opportunity to present evidence at which time the Town Council shall decide whether the officer's determination was warranted. The animal in question shall remain in the custody of Animal Control pending the appeal at the costs of the owner or the person having the custody or control of said vicious/dangerous animal.

B. REGISTRATION OF VICIOUS OR DANGEROUS ANIMAL:

Upon proper written notification by a Police Officer, Animal Control Officer, or Code Enforcement Officer, to the owner of an animal that said animal is deemed vicious or dangerous, the owner of the animal is required to register the animal with the Sellersburg Police Department within seven (7) days. The owner of said vicious or dangerous animal is also required to provide to the Sellersburg Police Department within fourteen (14) days of notification that said owner's insurance company has been notified that a vicious or dangerous animal is being kept on the premises. If the owner of the vicious or dangerous animal is not the owner of the property, the Police Officer, Animal Control Officer, or Code Enforcement Officer will notify the property owner as well as the property owners insurance company.

C. CONFINEMENT:

- (1) No person shall allow any vicious or dangerous animal to be on any private or public property, other than the animal's owner or keeper's property, unless such animal is securely muzzled and leashed or caged. Adequate safeguards shall be taken to prevent unauthorized access to any vicious or dangerous animal on the owner's property by persons lawfully on the property.
- (2) No vicious or dangerous animal may be kept on a porch, patio, or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such vicious or dangerous animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacles preventing the animal from exiting the structure.
- (3) The owner of a domestic or vicious animal shall not suffer or permit the animal to go unconfined.
- (4) Any owner or keeper of an animal that has been determined to be vicious or dangerous shall confine said vicious or dangerous animal in a fenced-in yard with a lock gate. Said fence shall have such sufficient height so as to prevent the animal from escaping. In lieu of a fenced yard, the owner of the animal shall keep said animal in a locked pen or cage. Said pen or cage shall have secure sides and a secure top and bottom attached to the sides and the sides must be imbedded into the ground no less than one foot if outside and sitting on the ground. Any owner or keeper of an animal determined to be vicious or dangerous shall have seven (7) days to comply with these confinement provisions. For each day after the seventh day, the owner, or keeper of said animal shall be fined. If the owner of said animal is not the owner of the property on which the vicious or dangerous animal is located, the owner of the property is also subject to the same fine.

D. LEASH AND MUZZLE:

The owner of a domestic or vicious animal shall not suffer or permit the animal to be outside of the owner's structure, where the animal may come into contact with a child, unless the animal is securely muzzled and restrained in a cage, chained, by a leash or chain, and is under the physical restraint of a person. The muzzle shall be made in a manner so as not to cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any human or other animal.

E. SIGNS:

The owner of a vicious or dangerous animal shall display in a prominent place on his or her premises a clearly visible warning sign (i.e. "DANGER VICIOUS ANIMAL") indicating that there is a vicious or dangerous animal on the premises. A similar sign is

required to be posted on the pen or kennel of the animal. The lettering on the sign shall be in all capital letters, a minimum of six (6) inches in red on a white background.

F. INSURANCE:

Owners of vicious or dangerous animals, as determined above, must within fourteen (14) days of said determination, provide to the Sellersburg Police Department proof of liability insurance in the amount of at least one hundred fifty thousand dollars (\$150,000.00), insuring the owner, keeper, or harbinger of said vicious or dangerous animal for any personal injuries inflicted by his/her vicious/dangerous animal. If the owner of the animal is not the owner of the property, the owner of the property must also provide the same proof and level of liability insurance.

G. CROPPING OF EARS OR TAILS:

No person shall crop a dog's ears or tail, except for a veterinarian.

H. POISONS:

No person shall place an poisonous substance which may be harmful to any domestic animal, livestock, poultry or community cats, as described herein, in any location where it may be readily found and eaten by such animal.

I. REMOVAL OF ANIMAL IN IMMEDIATE DANGER:

Any animal observed by a Police Officer, Code Enforcement Officer, or Animal Control Officer to be in immediate danger may be removed from such situation by the quickest and most reasonable means available.

J. ABANDONMENT:

Any animal found not under restraint without a license, vaccination tag, a chip, or any animal found in a condition which requires immediate veterinary care, shall be presumed to be abandoned and may be seized. Notice of seizure of an animal from property shall be posted on the premises from which the animal was seized which notice shall clearly state the address and telephone number of the facility to which the animal was taken.

K. INTERFERENCE WITH ENFORCEMENT PROHIBITED:

No person shall release or attempt to release an animal from Jeffersonville Animal Shelter or a humane trap which belongs to the Jeffersonville Animal Shelter facility.

SECTION 93.03. IMPOUNDMENT OF ANIMALS IN DISTRESS – UNCHANGED.

SECTION 93.04. IMPOUNDMENT PROCEDURES – UNCHANGED.

SECTION 93.05. RABIES VACCINATION – UNCHANGED.

SECTION 93.06. NUISANCES – UNCHANGED.

SECTION 93.07. ANIMAL BITES – UNCHANGED.

SECTION 93.08. HUMANE TREATMENT – UNCHANGED.

SECTION 93.09. INJURING OR KILLING ANIMALS PROHIBITED – UNCHANGED.

SECTION 93.10. ANIMALS IN HEAT – UNCHANGED.

SECTION 93.11. ANIMAL WASTES – UNCHANGED.

SECTION 93.13. BEE KEEPING PROHIBITED – UNCHANGED.

SECTION 93.14. ABANDONMENT OR DUMPING PROHIBITED – UNCHANGED.

SECTION 93.15. VICIOUS OR DANGEROUS ANIMALS – UNCHANGED.

SECTION 93.16. RESTRICTION ON THE RIGHT TO KEEP, OWN OR TRADE IN CERTAIN SPECIES OF ANIMALS – UNCHANGED.

SECTION 93.17. KENNELS – UNCHANGED.

SECTION 93.18. GUARD AND SENTRY DOGS – UNCHANGED.

SECTION 93.19. ISSUANCE OF CITATION – UNCHANGED.


SECTION 93.20. INTERFERENCE WITH ENFORCEMENT PROHIBITED – UNCHANGED.


This ordinance shall be in full force and effect upon its passage and promulgation as evidenced by the affirmative signatures of the undersigned as the majority of the duly elected and serving members of this Council.

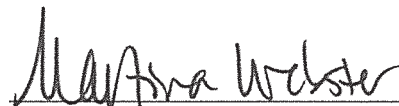
So Ordained this 24 day of April, 2017


[Signature page to follow]

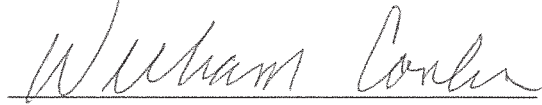
“Aye”

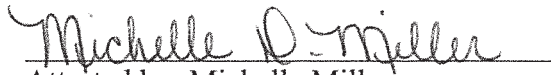

Paul J. Rhodes
Council President


Brad Amos
Council Vice President


Martina Webster
Council Member


Jim LaMaster
Council Member


William Conlin
Council Member


Attested by: Michelle Miller
Sellersburg Clerk-Treasurer

“Nay”

Paul J. Rhodes
Council President

Brad Amos
Council Vice President

Martina Webster
Council Member

Jim LaMaster
Council Member

William Conlin
Council Member