

## CHAPTER 90: ANIMALS

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### § 90.01 DEFINITIONS.

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

**ABANDONMENT.** To deposit, leave, drop off, or otherwise dispose of any live animal without providing immediate human care on any public or private property.

**AGENT.** Persons 18 years or older authorized by an owner to act on the owner's behalf.

**ALTERED ANIMAL.** Any animal that has been operated on to prevent it from procreating.

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**ANIMAL.** Any live nonhuman vertebrate creature, domestic, wild or exotic.

**ANIMAL WARDEN.** Persons authorized to carry out the provisions of this chapter, and includes the Town Marshal.

**ANIMAL SHELTER.** A facility designated or recognized by the Town Council for the purpose of impounding and/or caring for animals.

**AT-LARGE.** An animal located off the owner property and not under restraint of its owner or agent.

**DOMESTIC FARM ANIMAL.** Any animal that is a member of one of the following species:

- (1) Cattle;
- (2) Horse;
- (3) Donkey or mule;
- (4) Swine;
- (5) Sheep;
- (6) Goats;
- (7) Ox;
- (8) Llama;
- (9) Poultry;
- (10) Bison;
- (11) Ostrich;
- (12) Elk;
- (13) Deer;
- (14) Alpaca; and/or
- (15) Any animal not defined as a domestic pet, exotic animal or wild animal.

**DOMESTIC PET.** Any animal that is a member of one of the following species:

- (1) Dog (*Canis familiaris*);
- (2) Cat (*Felis catus* or *Felis domesticus*);
- (3) Rabbit (*Oryctolagus cuniculus*);
- (4) Mouse (*Mus musculus*);
- (5) Rat (*Rattus rattus*);
- (6) Reptile (*Reptilis*), as defined herein;
- (7) Guinea pig (*Cavia porcellus*);
- (8) Chinchilla (*Chinchilla laniger*);
- (9) Hamster (*Mesocricetus auratus*);
- (10) Gerbil (*Gerbillus gerbillus*); and/or
- (11) Ferret (*Mustela putorius furo*).

**EXOTIC ANIMAL.** Any animal whose normal native habitat is not indigenous to the continental United States, excluding Alaska and Hawaii, except fish and fur-bearing animals commercially bred for the furrier trade and birds defined under federal regulations, and nonpoisonous snakes and reptiles.

**GUIDE DOG.** Service **ANIMAL.**

**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, or place of business or any premises on which that person resides or controls. An animal shall be presumed harbored if it is fed or sheltered for 3 consecutive days.

**OWNER.** A person having the right of property or custody of an animal, or a person keeping or harboring an animal, or knowingly permitting and encouraging an animal to remain on or about any premises occupied by that person.

**PET.** Any animal kept for pleasure rather than utility.

**PROPERTY.** Lots or parcels of real estate including, in addition to those within their respective boundaries, all of the grounds lying between the property line and the improved portion of adjacent streets or alleys.

**PUBLIC NUISANCE.** Any animal which:

- (1) Interferes with passersby or passing vehicles.
- (2) Attacks other animals or persons.
- (3) Is at large.
- (4) Damages private or public property.
- (5) Causes frequent or long continued noises or other sounds common to its species, which disturbs the comfort or repose of any person in the immediate neighborhood.
- (6) Causes foul or noxious odors, which offend residents in the neighborhood.

**RESTRAINT.** The securing of an animal by leash or lead or confining it within the real property limits of its owner or agent.

**STRAY.** Any animal brought to the animal shelter by an Animal Warden, someone other than the owner, or any animal for which no owner is known.

**VICIOUS ANIMAL.** Any animal that has, without provocation, attacked a human being or other animal, or an animal that by its behavior or physical condition constitutes an immediate and serious physical or health threat to human beings or animals, or any animal which has previously attacked or bitten any human being or other animal on 2 or more reported occasions.

**WILD ANIMAL.** An animal of any species or variety which predominately exists and propagates in a state of nature, without usual or substantial human care or culture, and is not ordinarily kept as a pet or livestock, irrespective of the fact that a particular such animal may have been born in captivity or tamed.

(Ord. 2006-10, passed 10-18-2006)

## **§ 90.02 ANIMAL WARDEN.**

(A) The Town Council shall have the authority to appoint an Animal Warden with the power to enforce the Animal Control Ordinance within the corporate limits of the town.

(B) The Town Council and the Animal Warden shall establish a clearinghouse site for the receipt of complaints and procedures regarding animals and the handling, storage, cataloguing and claiming of animals.

(C) The town shall authorize for a suitable animal shelter for the safekeeping of impounded animals. The Town Council may contract with any entity for the impounding, keeping, feeding, caring for, and disposition of impounded dogs and cats on those terms as the Town Council shall deem proper.

(D) The Animal Warden and the Town Marshal shall act in cooperation to handle animal problems with the consensus of the Town Council.  
(Ord. 2006-10, passed 10-18-2006)

**§ 90.03 KEEPING OF DOMESTIC FARM ANIMALS, EXOTIC ANIMALS AND VICIOUS ANIMALS, AND THE LIKE.**

(A) It shall be unlawful for any person to keep or permit to be kept any domestic farm animals or exotic animals within the corporate limits of the town.

(B) Every vicious animal shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

(C) An animal reasonably determined to be a vicious animal may be impounded and humanely euthanized by or under the direction of the animal shelter upon not less than 10 days written notice by personal delivery or mailed by certified mail to the animal's owner or recent custodian, if such person's whereabouts is known or reasonably available. That notice shall include the particulars of the notice under § 90.99, except division (E).

(Ord. 2006-10, passed 10-18-2006) Penalty, see § 90.99

**§ 90.04 EXCEPTION TO KEEPING OF DOMESTIC FARM ANIMALS.**

Property owners with property of 4 or more contiguous acres within the corporate limits of the town are permitted to keep domestic farm animals.

(Ord. 2006-10, passed 10-18-2006)

**§ 90.05 MAXIMUM NUMBER OF DOMESTIC PETS PER HOUSEHOLD.**

No person shall keep more than 4 domestic pets over the age of 6 months per household in any residential area. This restriction means 4 animals, whatever the combination of dogs or cats.

(Ord. 2006-10, passed 10-18-2006) Penalty, see § 90.99

**§ 90.06 MALTREATMENT OF DOMESTIC PETS.**

It is unlawful for any person to wantonly or maliciously kill, maltreat, injure, trap, poison, pursue, or maintain in a way dangerous to its health any animal defined as a domestic pet within the town limits.

(Ord. 2006-10, passed 10-18-2006) Penalty, see § 90.99

**§ 90.07 LOST, STRAYED, OR UNATTENDED ANIMALS; DISPOSITION.**

(A) Owners of lost animals, or persons locating an animal which they believe to be lost or stray, shall immediately inform the Animal Warden or the Town Marshal and shall provide him or her with a description of the animal and the time and place of its loss or location, if known, as well as the name, address, and telephone number of the animal's owner, if available.

(B) The Animal Warden, or other duly authorized representative, upon impounding an at-large animal, shall first consult the catalogue of lost or stray animals and make reasonable efforts to locate any person reasonably believed to be the owner of the lost animal.

(C) If no owner can reasonably be located in the catalogue of lost or stray animals, then the impoundment provisions contained hereinafter in this chapter shall be followed.

(Ord. 2006-10, passed 10-18-2006) Penalty, see § 90.99

**§ 90.08 VACCINATION OF DOGS.**

(A) It shall be unlawful for the owner of any dog to keep or maintain a dog over 6 months of age unless it shall have been vaccinated by a licensed veterinarian with anti-rabies vaccine.

(B) Each dog shall be vaccinated once per year, and the owner shall maintain proof of the vaccination.

(C) Failure to have a dog properly vaccinated may result in the impoundment or euthanization of the animal in addition to the penalties contained in § 90.99.

(Ord. 2006-10, passed 10-18-2006) Penalty, see § 90.99

**§ 90.09 ANIMAL WELFARE AND TREATMENT.**

Every owner or his or her agent within the town limits shall see that their animal is:

(A) Kept in a clean, sanitary, and healthy manner.

(B) Has sufficient and wholesome food and water which is proper and nutritional for that species of animal.

(C) Has a proper and adequate structure provided that will protect that animal from all elements of the weather and will allow that animal to stand, sit, and lie down without restriction, and is kept in a sanitary manner.

(D) If ill, diseased, or injured, receives proper medical care as necessary to prevent the transmittal of a disease to other animals or human beings and is segregated from other animals.

(E) Not beaten, cruelly ill-treated, overloaded, overworked, or otherwise abused by any animal, or cause, instigate, or permit any dog fight, cockfight, bullfight, or other combat between animals; or between animals and humans.

(F) Not physically altered in any manner by anyone other than a veterinarian with the exception of tattooing and grooming.

(G) Not abandoned, neglected, or tortured.

(H) Properly vaccinated and licensed if required by local, state or federal law.

(I) Not a public nuisance as defined in § 90.01.

(J) Not left in a vehicle when the condition of the vehicle or weather would constitute a health hazard to the animal inside the vehicle.

(K) Properly restrained.

(Ord. 2006-10, passed 10-18-2006) Penalty, see § 90.99

**§ 90.10 OWNER HELD RESPONSIBLE.**

The owner of the animal shall be held responsible for every behavior of the animal under the provisions of this chapter.

(Ord. 2006-10, passed 10-18-2006)

**§ 90.11 OWNERS OR AGENTS RESPONSIBLE FOR REMOVING ANIMAL WASTES.**

The owner or agent of an animal shall immediately remove the animal's excrement from public or private property, excepting a handicapped person working with a guide dog.

(Ord. 2006-10, passed 10-18-2006)

**§ 90.12 WARNING NOTICES.**

Persons who violate any other provision of this chapter shall be served with a warning notice requesting immediate compliance.

(Ord. 2006-10, passed 10-18-2006)

**§ 90.13 CITATIONS; HEARINGS BEFORE THE TOWN COUNCIL.**

Any person served with a warning notice and who fails to comply shall be subject to the citation procedures or a hearing before the Town Council. Citations shall contain the date, time, name and address of the violator, the code section violated, the nature of the violation, location of the violation, and the name of the person issuing the citation.

(Ord. 2006-10, passed 10-18-2006)

**§ 90.14 IMPOUNDING ANIMALS.**

The Animal Warden may impound any animal:

(A) At-large;

(B) In violation of this chapter as herein set out; or

(C) Which in the discretion of the Animal Warden, impoundment would be in the animal's best interest, or which animal is believed to constitute a threat to the public or safety.

(Ord. 2006-10, passed 10-18-2006)

**§ 90.15 NOTIFICATION.**

The Animal Warden shall promptly give notice of the impounding of any animal to the owner if known, and if he or she can be found with reasonable effort. A registry of impounded animals shall be kept with a general description of each animal. A copy of that registry shall be available at the designated clearing-house site, which shall be open to inspection at reasonable times.

(Ord. 2006-10, passed 10-18-2006)

**§ 90.16 REDEMPTION AND RELEASE.**

Any impounded animal may be redeemed by the owner thereof upon reasonable proof of ownership and by payment to the animal shelter of the fees hereinafter established. However, no dog shall be released unless the owner thereof shall present proof that dog has been immunized for rabies within 1 year. When proof is not available, the dog may be released only if the owner enters into an immunization contract with the animal shelter whereby the owner agrees to have the dog immunized for rabies and pay a deposit of \$7, or such fees as hereafter established, to be applied to the fee of a licensed veterinarian of owner's choice for the immunization. The dog shall bear current state dog license tags prior to being redeemed. After an animal has been impounded and unredeemed for a period of 3 working days, the animal becomes property of the animal shelter and it may thereafter be disposed of by the town or animal



shelter facility by adopting it out to some person who there is a reasonable basis to believe will provide it a humane home and who will agree by contract to neuter the animal if the animal has not been neutered, or by humanely euthanizing it.

(Ord. 2006-10, passed 10-18-2006)

#### **§ 90.17 REDEMPTION FEES.**

A redemption fee of \$15 shall be collected for the first time a particular animal is impounded and \$30 for the second and subsequent impounding of the same animal. To those fees shall be added a reasonable cost of feeding and caring for the animal during the period of being impounded.

(Ord. 2006-10, passed 10-18-2006)

#### **§ 90.18 OWNER UNABLE TO PAY REDEMPTION FEES; NOTIFICATION.**

An owner shall notify the Animal Warden, or other authorized agent, within 3 working days of the impounding of the owner's animal that the owner is unable to pay any or all of the required fees to redeem the animal. Thereafter, the owner shall be given the opportunity to enter into a written agreement with the animal shelter, which shall provide for the owner to be responsible for all fees if, following a hearing at the next regularly scheduled meeting, the Town Council determines the owner has the ability to pay. If the owner enters into a written agreement, the animal shall not become property of the Animal Shelter and the Animal Warden has the discretion to either release the animal to the owner pending the hearing or continue to hold the animal until the hearing. At that hearing, the Town Council can provide for any other terms of repayment, including community service.

(Ord. 2006-10, passed 10-18-2006)

#### **§ 90.19 VARIANCES TO REGULATIONS (HUNTINGTON/WELLS COUNTY 4-H FAIR).**

(A) The Town Marshal or Town Manager may grant a variance in a particular case to any provision of this chapter for persons requesting permission to have animal(s) for a 4-H project.

(B) Residents requesting a variance shall make a written request for a variance to the Town Manager or Town Marshal. Requests for an animal control variance must file the appropriate forms. Variance requests are available at the Town Hall. Residents can request variances in March of the said year and will no longer be granted after June of same year.

(C) Animals allowed under the variance must be removed after participation in either the Huntington or Wells County 4-H Fair. Consideration and extensions shall be given to projects that qualify to attend the Indiana State Fair. Participants of the Indiana State Fair must remove animals after participation in the state fair.

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(D) Residents denied a variance can appeal the decision to the Town Council within 30 days of the denial. All appeals shall be in writing explaining the reason for the appeal and why they should receive a variance to the Animal Control Ordinance for 4-H projects.

(Ord. 2006-10, passed 10-18-2006)

**§ 90.99 PENALTY.**

(A) Whoever violates any provision of this chapter for which another penalty is not provided shall be fined not less than \$15 for the first offense, \$30 for the second offense and \$50 for each offense thereafter.

(B) Any person violating the provisions of § 90.05 shall be fined in an amount not exceeding \$50. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(C) Any person violating the provisions of § 90.06 shall be subject to a fine of not less than \$10 per offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(D) Any person violating the provisions of § 90.07 shall result in a fine of not less than \$10 and no more than \$100 per offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(E) Any person violating the provisions of § 90.08 shall be subject to a fine of not less than \$25 per offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(F) Any person violating the provisions of § 90.09 shall be fined in an amount not to exceed \$25 per offense. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

(G) Violators, upon conviction, may be given the opportunity to work in a community service program such as a humane society or participate in a human education program, if so recommended by the court.

(Ord. 2006-10, passed 10-18-2006)