

GENERAL ORDINANCE NO. 1 - 2010

AN ORDINANCE REGULATING ANIMALS WITHIN THE TOWN
OF FOWLERTON, INDIANA, AND ESTABLISHING PENALTIES FOR NON-
COMPLIANCE

(A) *Definitions.* For purposes of this ordinance, the following terms shall be defined as set forth below:

- (1) Animal means any living non-human, warm or cold blooded, vertebrate creature, or reptile, domestic or wild.
- (2) Animal Shelter means and premises designated by the Town of Fowlerton as a site for impounding and caring for animals, confined under this Ordinance section.
- (3) Animal Control Officer means those persons designated by the Animal Control Service to enforce this Ordinance section.
- (4) Animal Control Service means the persons, partnership, corporation, association, or society designated by the Common Council of the Town of Fowlerton to enforce this ordinance.
- (5) Owner means any person owning, harboring, or keeping any animal.
- (6) Restraint means confinement to the premises of the owner, while on or being outside those premises while accompanied by a responsible person keeping control of the animal, being on a leash, chain, or confinement in a fenced area.
- (7) Abandonment means the voluntary relinquishment of possession by the Owner with the intention of terminating his or her ownership for 72 hours, but without vesting possession in any other person.
- (8) Identification means bearing either a microchip, rabies tag, tattoo, or tag bearing the owner's name, address and/or phone number.
- (9) Unaltered Animal mean an animal that is in tact or has not been sprayed or neutered.

(B) *Restraint; Identification.* No owner shall fail to keep any of his or her animals under restraint at all times. All dogs and cats must have some type of identification at all times. Any person who violates this provision of this code and upon deemed guilty shall pay a fine not less than fifty dollars (\$50.00) for the first offense, one hundred dollars (\$100.00) for the second offense, and two hundred and twenty five dollars (\$225.00) for the third offense. *Provided, however,* if the unrestrained animal causes bodily injury to another person or animal the fine will be not less than one hundred twenty five dollars (\$125.00).

rabies vaccination certificate for his cat or dog that is being quarantined. If proof of vaccination cannot be supplied, the animal will be vaccinated by a veterinarian at the owner's expense before release. Upon receiving information about any animal which has bitten a person or which has possibly been exposed to rabies, the Police Department shall notify the animal shelter. If a veterinarian determines that an animal in quarantine is a possible rabies carrier, the County Health Office shall be notified. Any necessary action shall be to confirm the diagnosis and disposal of the animal.

(H) *Vaccination.* Each owner of a dog/cat which dog/cat is above the age of six (6) months must procure a rabies vaccination for the animal, The animal must wear the rabies vaccination tag at all times. Any person who is found to have violated this provision of this code shall pay a fine of not less than thirty-five dollars (\$35.00) for the first offense, seventy-five dollars (\$75.00) for the second offense and one hundred twenty-five dollars (\$125.00) for the third offense. However, if the unvaccinated animal causes bodily injury to another person or animal the fine will be not less than one hundred twenty-five dollars (\$125.00) and the Court shall conduct a vicious canine hearing relating to the animal.

(I) *Abandonment.* No owner shall abandon any animal. If a person is found guilty of this provision the fine shall be not less than fifty dollars (\$50.00) for the first offense, one hundred dollars (\$100.00) for the second offense, and two hundred twenty-five dollars (\$225.00) for the third offense.

(J) *Proper Restraints.* No animal shall be tied or fastened by any rope, chain, or cord that is directly attached to the animal's neck. Restrained animals must wear a properly fitted collar or harness made of leather or nylon, not of the choker type. This is not to prohibit the proper use of choker collars in the training of animals. The tying device shall be attached to the animal's collar or harness and shall be at least twelve (12) feet of free length. If a chain is used, such chain shall not have a total weight of more than one-eighth of the restrained animal's body weight. All animals tethered on the owner's property shall not be able to get closer than three (3) feet from any fence or from another tethered animal. No animal will be tethered for more than three (3) hours during any 24 hour period. Reasonable exercise will be provided for the animal by the owner. An animal in estrus shall not be restrained by rope, chain, or cord but shall be contained in a six-sided enclosure which prohibits the access of an animal of the opposite sex.

(K) *Prohibited Animals.* No person shall place or keep any of the following animals within the town limits of the Town of Fowlerton: any and all hooved animals, including but not limited to poultry, equine (horses, mules), porcine (pigs), bovine (cattle), sheep or goats. This section shall not apply to ducks, geese, or swans which are confined in an owner's yard containing a pond or other water area.

(L) *Animal Control Fund.* There is hereby created for the Town of Fowlerton an Animal Control Fund. Such fund shall be nonreverting and shall be used for purposes of animal control and to administer the provisions of this ordinance.

(M) *Severability and Effect.* If any provisions of this ordinance or any application thereof, is held

(C) *Unrestrained animals.* Unrestrained animals may be taken by the Town Police Department or an animal control officer, and impounded by the Animal Control Service, and there confined in a humane manner. Impounded animals shall be kept for not less than (72) hours unless reclaimed by their owners. Animals not reclaimed by their owners within seventy-two (72) hours may be humanely disposed of by the Animal Control Service or adopted by a new owner. Animals will not be kept for more than 30 days by the Animal Control Service. Adopted animals must be spayed or neutered at the cost of the adopting owner and the Animal Control Service shall adopt policies which allow the Service to reclaim the animal if the adopting owner fails to spay or neuter the animal within a reasonable period of time.

(D) *Reclamation Fee.* An owner reclaiming an impounded animal shall pay a fee to the Animal Control Service. That fee shall be equal to the actual cost of housing the animal, not to exceed fifty dollars (\$50.00) per day. If those fees are not paid, the animal shall be humanely disposed of or adopted by a new owner.

(E) *Licensing.* The owner of every dog or cat shall purchase a license annually for such dog or cat. The cost of the license shall be two dollars (\$2.00) for each altered dog or cat and three dollars (\$3.00) for each unaltered dog or cat. The issuance of such licenses shall be administered by the Clerk-Treasurer of the Town of Fowlerton. License fees shall be deposited into the Animal Control Fund established by this Ordinance. Persons violating this ordinance shall be subject to a fine in the amount of fifty dollars (\$50). Each day of noncompliance shall constitute a separate violation. In addition to the fine, an unlicensed animal is subject to impound by the Animal Control Service until proper licensing is obtained. If proper licensing is not obtained within Seventy-Two (72) hours, said animal shall become the property of the Animal Control Service. In addition to collection by the Controller's Office, the Controller may authorize licensed veterinarians to collect the fees identified in this subparagraph and shall provide proper forms and licenses to the licensed veterinarians in order to complete the licensing procedure. The veterinarians shall account for any license fees collected periodically throughout the year but in any event no less often than quarterly. The veterinarians so authorized shall be entitled to retain fifty cents (\$.50) for each license collected to defray the cost of administration of the licenses. The Clerk-Treasurer's Office shall develop appropriate forms for the licensing procedures described herein.

(F) *Animal nuisances.* No owner shall allow his or her animals to become a public nuisance. Animals who engage in excessive, continuous or untimely barking, harassing persons, chasing vehicles, habitually attacking other animals, trespassing upon school grounds, or trespassing, damaging private property shall be deemed a public nuisance, and shall be impounded.

(G) *Bites.* The person responsible for any animal which has bitten a person or another animal must report the incident to the Animal Control Service or local law enforcement. Any animal which bites a person, or which has possibly been exposed to rabies, shall be quarantined for not less than ten (10) days by the Animal Control Service, in a kennel, or with a veterinarian. During quarantine, if the animal is confined by the Animal Control Service, a charge equal to the actual cost of housing the animal, not to exceed fifty dollars (\$50.00) per day, shall be paid to the Animal Control Service. Also during the quarantine period, the owner must provide a current

invalid, the invalidity shall not effect other applications of the provisions or terms of this ordinance which reasonably can be given effect without the invalid provision or term or the application thereof.

This ordinance shall be in full force and effect from and after its passage.

Passed and adopted by the Town Council of the Town of Fowlerton this 13 day of September, 2010.

TOWN COUNCIL OF FOWLERTON, INDIANA

Joe T. Seward
Joe T. Seward, President

Phillip Burton
Phillip Burton, Member

James E. Thomason
James E. Thomason, Member

ATTEST:

Donna F.M. Davis
DONNA F.M. DAVIS, Clerk-Treasurer

