

# **TOWN OF BURNS HARBOR, INDIANA**

## **TOWN CODE**

Sec. 3-1. **PURPOSE.**

The purpose of this Ordinance is to provide harmonious relationships in the interaction between man and animal by:

- A. Protecting the citizens of the Town of Burns Harbor, Indiana, from rabies by specifying such preventive and control measures as may be necessary;
- B. Providing peace and security to residents from annoyance, intimidation and injury from dogs and other animals;
- C. Protecting animals from improper use, abuse, neglect, inhumane treatment and health hazards, and particularly rabies;
- D. Encouraging responsible pet ownership; and
- E. Providing for the assessment of penalties for violators and for the enforcement and administration of this Ordinance.

Sec. 3-2. **GENERAL.**

- A. This Ordinance shall be known as, and may be cited and referred to as, "The Animal Control Ordinance".
- B. Whenever any reference is made to any portion of this Ordinance, such reference shall apply to all amendments hereinafter made.

Sec. 3-3. **DEFINITION.**

As used in this Ordinance, the following words shall have the following meanings:

- A. "**Animal**" shall mean any living vertebrate, domestic or wild, not including man.
- B. "**Animal Shelter**" shall mean any facility designated or recognized by the Council for the purpose of impounding or caring for animals held under the authority of this Ordinance or State law.

- C. **"At Large"** shall mean an animal which is off the property of the owner and not under restraint.
- D. **"Bite"** shall mean the seizure with the teeth or jaws of an animal so that the skin of the human being or animal seized, has been pierced, lacerated, or has received any break or abrasion of the skin.
- E. **"Council"** shall mean the Town Council of the Town of Burns Harbor, Indiana.
- F. **"Confined"** shall mean the restriction of an animal at all times by the owner in a pen, completely fenced-in yard, cage, house or other secure enclosure, without means of escape.
- G. **"Dangerous or Vicious Animal"** shall mean any animal that constitutes a physical threat to human beings or other animals, or any animal which is known to have attacked or injured a person or other animal on a previous occasion, or any animal which has known vicious propensities.
- H. **"Dog"** shall mean all members of the family *Canis familiaris*.
- I. **"Domestic Animal"** shall mean any animal which has been domesticated by man so as to live and breed in a tame condition, and which is customarily regarded for human companionship, such as a dog or cat.
- J. **"Euthanasia"** shall mean death brought about by any method which produces instant loss of consciousness and results in painless death.
- K. **"Farm Animals"** shall mean cattle, cows, horses, sheep, swine, lambs, goats, poultry, rabbits, and any other animals generally considered as indigenous to agriculture.
- L. **"Kennel"** shall mean any premises wherein any person engages in the business of boarding, breeding, buying, selling or training of animals; or any household or noncommercial establishment harboring four (4) or more animals, excluding farm animals, birds or fish.
- M. **"Leash or Lead"** shall mean a cord, rope, strap or chain which shall be securely fastened to the collar or harness of a dog or other animal and which shall be of sufficient strength to keep such dog or other animal under control.
- N. **"Owner"** shall mean any person having a right of property in a dog or other animal, or who keeps or harbors a dog or other animal, or who has it in his or

her care, or acts as its custodian, or who knowingly permits a dog or other animal to remain on or about any premises occupied by him or her.

- O. **"Restraint"** shall mean that an animal shall be considered under restraint when it is secured by a leash or lead to its collar or harness and under the control of its owner or a responsible person, or if it is within the real property limits of its owner.
- P. **"Spayed Female Dog"** shall mean any female dog that is or has been rendered physically incapable of conceiving offspring.
- Q. **"Stray Animal"** shall mean any animal not secured by a leash or lead and under the immediate control of its owner or a responsible person, and for which after a reasonable search, no owner can be ascertained.
- R. **"Veterinarian"** shall mean a person licensed to practice veterinary medicine in the State of Indiana.

Sec. 3-4. **ENFORCEMENT.**

- A. The provisions of this Ordinance shall be enforced by the Animal Warden, and in the absence or unavailability of the Animal Warden, by the Burns Harbor Marshal's Department, or by both.

Sec. 3-5. **ANIMAL WARDEN.**

- A. There is hereby created the position of Animal Warden. It shall be the duty of the Animal Warden, who shall be appointed by the Council and be under the supervision and direction of the Town Marshal to seize, take up and impound in such place as may be provided and designated by the Council for that purpose, any animal found at large in the Town.
- B. The Animal Warden shall have the power and authority to issue notices for any violations of this Ordinance.
- C. For the purposes of discharging the duties imposed by this Ordinance and to enforce all of its provisions, the Animal Warden, any Burns Harbor Town Marshals or other law enforcement officers are hereby empowered after observing due process of law to enter upon any property upon which any dog or animal is found, kept or harbored, and to demand the exhibition by the owner of such dog or animal, examine same and to take possession of such

animal, when in his opinion, it requires humane treatment or to serve a notice to the owner for violating the terms and provisions of this Ordinance as hereinafter set forth in Sec. 3-18.

- D. No person shall hinder, molest or interfere with the Animal Warden or any Burns Harbor Marshal in the performance of any duty herein provided. Any person violating this section, upon conviction shall be fined amount not exceeding one thousand dollars (\$1,000.00).

Sec. 3-6. **ANIMAL CARE.**

- A. No owner shall fail to provide his animal with sufficient wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- B. No person shall beat, torment, overload, overwork or otherwise abuse an animal.
- C. No person shall promote, stage, hold, manage, conduct, or carry on any animal fight or any other type of contest, game or fight of a similar nature, nor any simulated version of same, that involves baiting or inciting an animal toward intent to fight.
- D. No owner shall abandon any animal.
- E. Any person who, as the operator of a motor vehicle, strikes a domestic animal, shall immediately stop and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event that the owner cannot be ascertained or located, such operator shall at once report the accident to the Town Marshal' Department.
- F. No person shall intentionally expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal: provided that it shall not be unlawful for a person to expose on his own property, common rat or mice poison.

Sec. 3-7. **DOG LICENSES.**

- A. It shall be unlawful for any person to own, keep, harbor, or have custody of any dog over the age of six (6) months, within the Town unless such dog is licensed as required by law.

- B. The owner shall keep on the dog at all times, both the current rabies immunization tag and dog license tag, attached to the collar or harness worn by said dog, in such a manner that both said tags can be plainly seen.

Sec. 3-8. **DOGS, DOMESTIC ANIMALS AND FARM ANIMALS RUNNING AT LARGE PROHIBITED.**

- A. No owner of any dog, domestic animal or farm animal shall permit such dog, domestic animal or farm animal to run at large in the Town.
- B. Each owner of any dog, domestic animal or farm animal shall, at all times, keep and maintain his dog, domestic animal or farm animal confined or under restraint.

Sec. 3-9. **IMPOUNDMENT.**

- A. It shall be the duty of the Animal Warden and/or any Town Marshal to seize and impound, in an animal shelter designated by the Council.
  - 1. Dogs not licensed pursuant to the provisions of this Ordinance.
  - 2. Dogs or animals found running at large or not under restraint, not on the private property of its owner or keeper;
  - 3. Abandoned dogs or animals;
  - 4. Any stray animal in the public way or within a public place or upon private premises of any person other than the owner.
  - 5. Any dog or animal that has bitten or attacked a person or other animal, while not on its' owner's property.
- B. If there be no means by which any dangerous or vicious dog or animal can be safely seized and impounded, the Animal Warden or Burns Harbor Marshal shall have the power to destroy such dog or animal; provided, however, that any destruction of such a dangerous and vicious dog or animal shall be done in a reasonable manner taking into account the location, and the possible harm or damage to life, personal or real property, or to the public at large.

Sec. 3-10. **NOTICE OF IMPOUNDMENT - SERVICE OF NOTICE.**

- A. Immediately after impounding any dog or animal, it shall be the duty of the Animal Warden to enter upon the records of his office, in a book to be kept by him for such purpose, the date and time of impounding, the owner's name, address and telephone number, if known, license or tag number, species or breed, color, sex, and physical condition of the animal.
- B. If by a dog license tag or by other reasonable means, the owner of any impounded dog or animal can be identified, it shall be the duty of the Animal Warden, immediately upon impoundment, to call by telephone, if the owner's telephone number can be ascertained, such owner and notify such owner of the impoundment of such dog or animal.

Sec. 3-11. **REDEMPTION OF DOGS, DOMESTIC ANIMALS, OR FARM ANIMALS.**

- A. The owner of any dog, domestic animal or farm animal impounded pursuant to the provisions of this Ordinance may redeem it from the Animal Shelter designated by the Council, upon the following conditions:
  - 1. By paying to the Burns Harbor Clerk-Treasurer a redemption fee of Ten (\$10.00) dollars, for the first time any such dog, domestic animal, or farm animal is seized or impounded by the Animal Warden; a redemption fee of Twenty-five (\$25.00) dollars, for the second time any such dog, domestic animal or farm animal is seized or impounded by the Animal Warden; or a redemption fee of Fifty (\$50.00) dollars, for the third or any subsequent time, any such dog, or animal is seized or impounded by the Animal Warden.
  - 2. Present proof of a current Indiana license tag for a dog, if the owner is a resident of Indiana;
  - 3. If a dog, present proof of current rabies immunization;
  - 4. In the event the dog has not been immunized against rabies, or the owner cannot show proof of a current rabies immunization, the owner must present a receipt showing pre-payment of the cost of a rabies immunization from a duly licensed veterinarian; and within five (5) days, present to the Clerk-Treasurer, the current rabies immunization certificate.

5. Pay the Clerk-Treasurer for the costs of the board and keep of any impounded dog, domestic animal or farm animal, for the period it was impounded. Costs to be listed in a separate resolution and reviewed annually.

Sec. 3-12. **DISPOSAL OF DOGS OR DOMESTIC ANIMALS NOT REDEEMED.**

- A. In the event that a dog, domestic animal or farm animal is not redeemed by the owner within three (3) business days after impoundment, such owner's rights shall be terminated and such impounded dog, domestic animal or farm animal shall become the sole and exclusive property of the Animal Shelter designated by the Council, and may be disposed of in one of the following ways, at the sole discretion of the Animal Shelter:
  1. Release for adoption by a new owner who shows evidence of ability and intention to provide the animal with an appropriate home and humane care; provided, however, that no unspayed female dog shall be released for adoption unless a licensed veterinarian certifies in writing that he has been paid in full for spaying of the dog and will perform the operation within thirty (30) days before the dog's first oestral period.
  2. Euthanasia, using a method approved by the Humane Society of the United States.

Sec. 3-13. **RABIES VACCINATION.**

- A. It shall be unlawful for any person to own, possess, harbor or keep any dog, over the age of six (6) months, which is not currently immunized against rabies. The inability of the owner to provide a current valid rabies vaccination certificate shall constitute prima facie evidence that the dog is not currently immunized against rabies.
- B. Any person violating Paragraph A of this Section shall be subject to the penalties contained in Section 18 of this Ordinance.
- C. In the event any person who owns, keeps, possesses, harbors or has custody of a dog which is over the age of six (6) months and is not currently immunized against rabies and allows such dog to run at large, with the result that bodily

injury is inflicted upon a human being, such person, upon conviction shall be fined in any amount not exceeding one thousand (\$1,000.00) dollars.

Sec. 3-14. **ANIMAL BITES.**

- A. It shall be unlawful for any person knowing that a person or animal has been bitten by another animal to fail to immediately notify the Animal Warden or Town Marshal's Department of such bite.
- B. It shall be the duty and responsibility of the owner of any animal which has bitten any other animal or person to immediately notify the Animal Warden or Town Marshal's Department of such bite, and to immediately confine such animal.
- C. The owner of any such animal which has bitten any other animal or person, shall on demand of the Animal Warden or a Town Marshal, surrender such animal to the Animal Warden for rabies observation for a period of ten (10) day unless:
  - 1. The owner of such biting animal presents proof of a current rabies immunization, the Animal Warden, may in his discretion, allow the biting animal to be confined on the premises of its owner in such a manner which will prohibit it from biting any person or animal.
  - 2. The owner of a biting animal under home confinement may, at the discretion of the Animal Warden, be required to furnish evidence of examination by a licensed veterinarian of the biting animal on the first, and tenth day of such home confinement, all at the cost of the owner.
- D. In the event any owner of any biting animal fails or refuses to immediately surrender such animal to the Animal Warden for rabies observation, the Animal Warden or Town Marshal is hereby empowered to take all reasonable means to seize and impound such animal, including the power to enter upon private property to do so, but not to enter a private property without legal process.
- E. Any biting animal, surrendered or impounded for rabies observation, shall be kept by the Animal Warden, in an animal shelter designated by the Council for a period of ten (10) days, the costs of which shall be paid for by the owner of such biting animal.
- F. If such biting animal is found not to be infected with rabies, at the expiration of the period for observation for rabies, the animal shall be returned to the

owner upon payment of the costs of the keep of such animal during such period of observation, including any fee for veterinary services attributed to the bite.

- G. When an animal confined for biting shows signs of rabies or acts in a manner which would lead a person to believe that the animal may have rabies, the owner, veterinarian or animal shelter personnel shall immediately notify by telephone or in person, the Animal Warden and the person bitten, or the physician attending the bitten person and the responsible health agency as soon as he receives notice of such signs.
- H. If such biting animal is determined to be infected with rabies after examination by a licensed veterinarian, it shall be euthanized, at the cost of the owner.
- I. It shall be unlawful for any person owning, possessing, keeping, harboring or having custody of any animal that has bitten any other animal or person, to sell, give away, or permit such biting animal to be taken beyond the corporate limits of the Town or otherwise dispose of any such biting animal, until it is released by the Animal Warden.
- J. In all cases where an animal has bitten a person or another animal, it shall be the duty and responsibility of the Animal Warden, or in the absence or unavailability of the Animal Warden, the duty and responsibility of the Town Marshal to investigate and fill out an Animal Report Bite Form, using information from the bite victims, their families, animal owners and any other person having knowledge of an animal bite, which Animal Report Bite Forms shall be kept on record by the Animal Warden.
- K. In the event that an animal that has bitten a person dies, is accidentally killed or is humanely euthanized before the tenth day following the bite, said animal shall be forwarded immediately to the Indiana State Board of Health Laboratory for examination in a manner as is required by the Indiana State Board of Health.
- L. Any person violating this section, upon conviction, shall be fined any amount not exceeding one thousand (\$1,000.00) dollars.

Sec. 3-15. **DOGS OR ANIMALS CREATING A NUISANCE - PROHIBITED.**

- A. It shall be unlawful for any owner to allow his dog or animal to become a public nuisance.

- B. A Dog or animal is hereby declared to be a public nuisance if it:
  - 1. Frequently or habitually barks, whines, howls, or otherwise causes annoyance or disturbance of the normal peace and quiet of the neighborhood;
  - 2. Molests or chases passers-by or passing vehicles;
  - 3. Is repeatedly at large;
  - 4. Attacks other persons or animals; while not on its owner's property;
  - 5. Damages private or public property;
  - 6. Deposits animal waste on public or private property other than that of the owner;
- C. Any person violating this section shall be subject to the penalties contained in Section 18 of this Ordinance.

Sec. 3-16. **ANIMAL WASTE.**

- A. It shall be unlawful for any owner or any person exerting control of any animal to permit such animal to defecate or leave its waste on any public or private property other than the private property of its owner.
- B. Any person who permits any animal to defecate or leave its waste upon an unauthorized place shall be required to immediately remove the excrement or be subject to the penalties contained in Section 18 of this Ordinance.

Sec. 3-17. **PROCLAMATION OF QUARANTINE.**

- A. Whenever it becomes necessary to safeguard the public from the dangers of rabies, the Council, if it deems it necessary to prevent the spread thereof, shall issue a proclamation ordering every person owning or keeping a dog, cat or other animal capable of carrying rabies to confine it securely on his premises, unless such dog, or other such animal shall have a muzzle of sufficient strength to prevent it from biting any person or other animal, and on a leash, under the control of the owner or a responsible person.

- B. Any unmuzzled dog, cat or other such animal not on a leash as aforesaid, found during the time of the proclamation shall be seized and impounded.
- C. Any dog, cat or other such animal found at large during the time of the proclamation which has been impounded, and found to be infected with rabies, shall be euthanized.
- D. Any dog, cat or other such animal found at large during the time of such proclamation, and found not to be infected with rabies, shall be returned to its owners in accordance with Sections 10 and 11 of this Ordinance.

Sec. 3-18. **PENALTIES.**

- A. Each day the terms of this Ordinance are violated, shall constitute a distinct and separate offense.
- B. Any person found to be violating any provisions of this Ordinance may be first served by the Animal Warden or Town Marshal with a written notice stating the nature of the violation and providing a time limit for satisfactory correction thereof.
- C. Any person who shall continue any violation of this Ordinance beyond the time limit provided for in said written notice or any person violating any provisions of this Ordinance shall, upon conviction thereof, be fined as follows:
  - 1. For the first offense, the fine shall be not less than \$25.00 nor more than \$100.00;
  - 2. For the second offense, the fine shall not be less than \$50.00 nor more than \$200.00;
  - 3. For the third or any subsequent offense, the fine shall not be less than \$100.00 nor more than \$1,000.00.