

CHAPTER 61.
Animals and Fowl.¹

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¹ As to health and sanitation regulations generally, see ch. 64 of this code. As to prohibition against hunting and molesting wildlife in parks, see § 24.135. As to presence of domestic animals in parks, see § 24.144.

Sec. 61.01. Definitions.
For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Abandonment. The voluntary relinquishment of possession by the owner with the intention of terminating ownership but without vesting it in any other person.

Animal. All members of the canine, feline and rodent families, also any animal, domestic, domesticated or wild, the keeping or harboring of which might violate any section of this chapter.

At large. Off the premises of the owner while not under the control of the owner or other person by leash, cord, chain or other device of actual physical restraint or under the control of the owner or other person who has the ability to control the animal by voice command.

Nuisance. A condition which arises by an animal emitting noises consistently so as to disturb the peace and quiet of the neighborhood, or who consistently or at intervals, chases bicycles, automobiles or pedestrians on the streets and sidewalks of the city, or any other condition created by an animal which would destroy or deface shrubbery, lawns or flowers, or which might result in the general discomfort of citizens in the community where such animal is harbored.

Owner. Any person, firm, association, fraternal group or corporation owning, keeping or harboring an animal.

Vicious animal. Any animal that without provocation has been known to have scratched or bitten a human being, inflicting a personal injury or who promiscuously attacks other animals. (Ord. No. 1-62, § 1.)

Sec. 61.02. Bird sanctuary designated.
The entire area known as Happy Hollow Park is hereby designated as a bird sanctuary. (Ord. No. 7-61, § 1.)

Sec. 61.03. Shooting, etc., birds; molesting bird nests.
It shall be unlawful to trap, hunt, shoot or attempt to shoot or molest in any manner any bird or wild fowl or to rob bird nests or wild fowl nests; provided, that if starlings or similar birds are found to be congregating in such numbers in a particular locality, that they constitute a nuisance or a menace to health or property in the opinion of the proper health authorities of the city, then in such event the health authorities shall request the abatement of such nuisance.

If no satisfactory alternative is found to abate such nuisance, then the birds may be destroyed in such manner and in such numbers as is deemed advisable by the health authorities under the supervision of the chief of police. (Ord. No. 7-61, §§ 2, 3.)

Sec. 61.04. Dog licenses.²
All animals of the canine family kept within the limits of the city shall be licensed annually January 1 through December 31, and shall be required to wear at all times a license tag for the current calendar year, issued by the city clerk-treasurer at an annual fee of two dollars for each male and spayed female and three dollars for each unspayed female. It shall be required that such dog for which the license tag is sought shall first be inoculated against the disease of rabies by a qualified veterinarian, within the current year or within a period of one year, and that a certificate providing evidence of such inoculation issued by such veterinarian shall be produced.

The provisions of this section shall not apply to dogs whose owners are nonresidents temporarily within the city for a period not to exceed thirty days, nor to dogs brought into the city for the purpose of participating in any dog show, nor to Seeing Eye dogs trained to assist blind persons when such dogs are actually used for such purposes.

The owner shall state at the time of making application for such license and upon the forms provided for such purpose, the owner's name and address and the dog's name, breed, color and sex. In case a dog license tag is destroyed or lost, a duplicate tag shall be issued by the city clerk-treasurer upon the payment of fifty cents for each duplicate. Dog licenses shall not be transferable from one dog to another and no refunds shall be made on any dog licenses because of the death of the dog or for any other reason. (Ord. No. 1-62, § 2.)

² For state law as to dogs generally, see Indiana Code §§ 15-20-1 to 15-21-7. (Ord. No. 14-11, Appendix A, item 20.)

Sec. 61.05. Restraining.

(a) It is unlawful for any person being the owner of or having immediate custody of any animal whether taxed or untaxed, to suffer or permit such animal to run at large in the city.

(b) All owners shall confine within a building or secure enclosure any dog, cat or other animal when in heat or rutting; and it shall be unlawful for any owner to remove such dog, cat or other animal from such building or enclosure at any time so as to permit contact with another animal except for controlled breeding purposes. (Ord. No. 1-62, § 3.)

Sec. 61.05. Restraining (Continued).

It is unlawful for any person to harbor or keep within the city any animal covered by this chapter that is vicious or that creates a nuisance. (Ord. No. 1-62, § 4.)

Sec. 61.06. Enforcement of chapter; impounding of animals found at large.

(a) It shall be the duty of the chief of police or any assistants to enforce the provisions of this chapter and at their discretion to order the impoundment of all animals at large not conforming to this chapter. Such impounded animals may be redeemed by the owner within four days by the payment to the city clerk-treasurer of a redemption fee of ten dollars for the first offense and twenty dollars for each successive offense in the same calendar year, plus the humane shelter or hospital boarding fees accumulated over the period during which the animals were impounded. A further requirement for release of canines is that the owner shall produce and have attached to the dog a city license tag as provided under § 61.04.

(b) If a dog has not been inoculated against rabies, as required for licensing, the dog will be released to the owner, who has forty-eight hours to meet this requirement and obtain a license. If this is not done the owner shall be ordered to appear in city court to answer charges of violation of this chapter.

(c) The clerk-treasurer will provide the necessary receipts to the owner. Upon presentation of the required receipts, the dog shall be released from impoundment to the owner.

(d) All impounded dogs not redeemed within four days may be destroyed in a humane manner.

(e) All fees paid to the clerk-treasurer shall revert to the general fund. (Ord. No. 1-62, § 7; Ord. No. 5-81, § 1.)

Sec. 61.07. Procedure for handling complaints of violations of chapter.

(a) It shall be required of any person complaining to the police department, of dogs and other domestic animals violating any section of this chapter, to sign a complaint form, provided by the police department, describing the animal, the violation, the location of the violation, and make known to the police department, the owner of the animal if known by complainant.

(b) One such identified complaint shall be sufficient cause for the police department to issue a warning to the owner, or to impound the animal stated in the complaint. (Ord. No. 1-62, § 6.)

Sec. 61.08. Impoundment and quarantine of animals biting persons or animals.

It shall be the duty of the chief of police or any assistants to order the confinement and quarantine of every animal which bites any person or other animal for a period of ten days for observation for rabies. Such confinement and quarantine shall be the responsibility of the owner of such animal. Upon demand by the police department the owner shall surrender such animal for impoundment and quarantine at the county humane shelter or at a veterinary hospital.

Proof of impoundment and quarantine shall be certified in writing on police department form by the impounding veterinarian or official of the county humane shelter. Such certification shall be provided the police department within twenty-four hours after the impounding order.

Such animal may be reclaimed by the owner upon the expiration of ten days, if adjudged free of rabies, upon payment of fees as required herein. (Ord. No. 1-62, § 8; Ord. No. 29-84, (part).)

Sec. 61.09. Abandoning animals prohibited.

It is unlawful for any owner of any animal to abandon the same within the city. (Ord. No. 1-62, § 5.)

Sec. 61.10. Interference with officers.

It is unlawful for any person to hinder, molest or interfere with any person authorized to perform any duty described in this chapter. Any person violating or failing to comply with this chapter and any persons failing to have their dog inoculated against rabies after release from impoundment as stated in § 61.08, shall be guilty of an infraction and, upon conviction, be fined a sum of not less than ten dollars and no more than three hundred dollars. The court in its discretion, however, upon the conviction of any person violating this chapter, may order any dog turned over to the Humane Society of the county to be disposed of by the Society in a humane manner.

Sec. 61.11. Penalties for violation of chapter.

Nothing in this chapter shall be construed to preclude the application and enforcement of any state criminal statute, specifically Indiana Code § 35-46-3-1 pertaining to the harboring of a non-immunized dog. (Ord. No. 1-62, § 9; Ord. No. 29-84, (part).)

Sec. 61.12. Animal Excrement.

(a) It is unlawful for the owner or person having custody of an animal appearing upon a public street, sidewalk, parkway or park or playground or play field open to the public to fail to immediately remove any excrement deposited by the animal and place it in a closed or sealed container and properly dispose of it in a trash receptacle.

(b) It is unlawful for the owner or person having custody of an animal to fail to immediately remove any excrement deposited by the animal on private property and place it in a closed or sealed container and properly dispose of it in a trash receptacle, unless the owner or other person having custody of an animal has the consent of the owner of private property or person in lawful possession of the private property.

(c) Any person violating or failing to comply with subsections (a) or (b) of this section shall be guilty of an infraction and, upon conviction, shall be fined the sum of \$35.

(d) The provisions of this section shall not apply to a disabled person being accompanied by a guide or service dog. (Ord. No. 2-94 § 1)