

ORDINANCE NO. 2010- /

**AN ORDINANCE REGARDING THE CONTROL AND DISPOSITION
OF ANIMALS IN FORT BRANCH, INDIANA**

WHEREAS, there exists in Fort Branch, Indiana a need for an ordinance for the control and maintenance of certain animals for the general health, safety and welfare of the citizens of Fort Branch; and

WHEREAS, there exists a need in Fort Branch for an ordinance for the control and maintenance of certain animals; and

WHEREAS, the Town Council of Fort Branch is empowered to enact ordinances for the benefit of the health, safety and welfare of Fort Branch and its citizens.

NOW THEREFROE, BE IT ORDAINED by the Town Council of Fort Branch, Indiana, as follows:

SECTION I. DEFINITIONS

- A. ANIMAL: The term "animal" when used in this ordinance shall mean any living, domestic creature, including fowl, mammals and reptiles, except human beings.
- B. DOMESTIC ANIMAL: The term "domestic animal" when used in this ordinance shall mean any tame animal associated with family life or accustomed to life in or near the habitation of persons.
- C. OWNER: The term "owner" when used in this ordinance means any person, partnership or corporation owning, keeping or harboring animals.
- D. ANIMAL CONTROL OFFICER: The term "animal control officer" shall mean the officer appointed by the Town Council of Fort Branch to enforce this ordinance. The term shall also refer to the Town Marshall and all Deputies of the Town Marshall.
- E. VICIOUS: The term "vicious" when used in this ordinance means an animal that bites or attacks another person or animal; engages in fighting with other animals; or destroys property belonging to any person other than the owner of the animal.

SECTION 2.

No person shall own, keep, possess or harbor any animal that is vicious.

SECTION 3.

No person shall own, keep, possess or harbor any animal which by loud and frequent howling, or other noise, or by entering property other than that of the owner, causes annoyance or disturbance to any other person.

SECTION 4.

No person shall permit any animal to run-at-large in Fort Branch, Indiana unless the animal is under the reasonable control of its owner or keeper or some individual authorized by his or her or unless engaged in lawful hunting accompanied by the owner or custodian of said animal.

SECTION 5.

Upon determination by an animal control officer that an animal is vicious or is causing annoyance or disturbance to other person or is being permitted to run-at-large, said animal control officer may issue a violation citation. Said violation shall be administered by the Fort Branch Town Council.

Any person who is found to have violated any provision of this Ordinance shall on first offense be fined in an amount not to exceed Fifty Dollars (\$50.00); on a second offense to be fined in amount not to exceed One Hundred Dollars (\$100.00); and on any third or subsequent offense to be fined in an amount not to exceed Two Hundred Dollars (\$200.00).

All fines shall be paid to the ^{Town of Fort Branch.} ~~Gibson County Animal Service to be used to defray the expenses of operating the Gibson County Animal Service.~~



SECTION 6 .

Upon determination by the animal control officer that an animal is vicious; causes annoyance or disturbance to any other person; or is being permitted to run-at-large, the animal control officer may also impound said animal. Upon impounding an animal, the animal control officer may petition a Court of competent jurisdiction in Gibson County, Indiana for any order to destroy the animal.

SECTION 7.

An animal maintenance fee will be charged to the owner for any such animal and the rate for maintenance will be dependent upon the type of animal and type of care needed to provide the animal with adequate housing, food, medicine and/or veterinary care. Notice of the application and hearing shall be given to the owner of the animal if known.

SECTION 8.

Upon finding that an animal is vicious or habitually annoying, the Court may order the animal to be subjected to a form of humane euthanasia.

SECTION 9.

In the event the Court finds the animal is not vicious or annoying, the Court may order the animal returned to the lawful owner. No fees for maintenance will be charged to any lawful owner if the lawful owner is found by the Court not to have harbored a vicious or annoying animal.

SECTION 10.

The animal control officer shall require the lawful owner to meet all state and local requirements for vaccinations and licensing prior to releasing any animal to the owner.

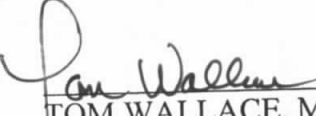
SECTION 11.

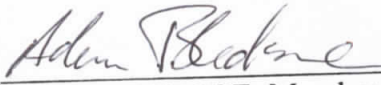
This Ordinance shall be in full force and effect from and after its publication as required by law.

PASSED AND ADOPTED by the Council of the Town of Fort Branch, Indiana, this 10th day of February, 2010.


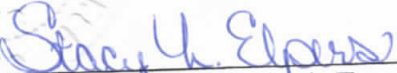
COUNCIL OF THE TOWN OF
FORT BRANCH, INDIANA


LAWRENCE HOLDER, President


TOM WALLACE, Member


ADAM BLEDSOE, Member

ATTEST:



STACY ELPERS, Clerk-Treasurer