

Ordinance No. 2010-3

**An Ordinance Regarding the Control and Disposition of Animals
In the Town of Fort Branch, Indiana**

Whereas, there exists in Town of 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 citizen of Town of Fort Branch; and

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

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

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF FORT BRANCH, INDIANA AS FOLLOWS:

Section 1. 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 Gibson County Animal Services to enforce this ordinance. The term shall also refer to deputies, staff of the Gibson County Animal Services and of the Gibson County Sheriffs Department. The term shall also refer to the Fort Town Marshall and all deputy marshals of the Town of Fort Branch.

E. Affidavit of Complaint: The term "Affidavit of Complaint" shall mean a written sworn statement of complaint.

F. Dangerous Animal: The term "dangerous animal" shall mean any animal which presents a substantial threat of bodily harm to any person or pet in its vicinity or if it was to escape its primary closure or escape from the control of its owner or custodian. Such determination is to be made from past acts of aggressive behavior justifying the determination that it is a dangerous animal. A dog's breed shall not be considered in determining whether or not it is dangerous.

G. Adequate Care: The term "adequate care" shall mean the provision of sufficient, food, water, shelter, sanitary conditions, and veterinary medical attention in order to maintain an animal in a "state of good health".

H. Neglect: The term "neglect" shall mean to fail to sufficiently properly care and for an animal to the extent that the animal's health is jeopardized.

I. Shelter: The term "shelter" shall mean adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health. Shelter for a dog includes 1 or more of the following:

1. The residence of the dog's owner or other individual.
2. A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.
3. A structure, including a garage, barn or shed that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse as provided under subparagraph (2) that is accessible to the dog.

J. State of Good Health: The term "state of good health" shall mean freedom from disease and illness and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.

K. At Large: The term "at large" shall mean any animal that is:

1. Not on a leash and is off the property of its owner, its owner's agent or its keeper
2. On a leash that does not adequately confine the animal to the property of its owner, its owners agent, or its keeper; or
3. On a leash that is not otherwise under the immediate control of a person physically capable of restraining the animal.

Section 2

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

Section 3

No person shall permit any animal to run at large, or 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 person in the Town of Fort Branch, Indiana unless the animal is under the reasonable control of its owner or keeper or some individual authorized by him or her.

Section 4

Upon determination by an Animal Control Officer, with an Affidavit of Complaint, that an animal is being permitted to run at large or causes annoyance or disturbance to any person said Animal Control Officer may issue a violation citation. Said violation citation shall be administered through the Town of Fort Branch.

Any person who is found to have violated any provisions of this ordinance shall on first offense be issued a written warning, shall on second offense, per occurrence, be fined in the amount of fifty dollars (\$50.00), on third offense, per occurrence, be fined in the amount of one hundred dollars (\$100.00) and on any fourth or subsequent offense, per occurrence, to be fined in the amount of two hundred dollars (\$200.00). Occurrences will accrue on a twelve month rolling calendar. Fines for citations issued by the Fort Branch Town Marshal or his deputies shall be remitted to the Fort Branch to the Town of Fort Branch. Fines for citations issued by any other Animal Control Officer shall be issued remitted to Gibson County Animal Services.

Section 5

Upon determination, as witnessed, by the Animal Control Officer that an animal is being permitted to run at large, and no animal custodian or owner can be located to confine the animal, the Animal Control Officer shall impound the animal. The Animal Control Officer will leave a notice of impoundment for the owner or custodian, unless animal is unknown stray, to claim the animal at Gibson County Animal Services shelter. Gibson County Animal Services shall maintain all impounded animals for a minimum of ten (10) days, unless as otherwise for injured or diseased animals, so long as space allows. If the animal is not claimed within the appropriate time period, Gibson County Animal Services shall destroy it in a humane manner or place the animal up for adoption.

Section 6

An animal claim fee and maintenance fee will be charged to the owner for any such animal and the rate for maintenance will be dependant upon the type of animal and type of care needed to provide the animal with adequate housing, food, medicine and/or veterinary care.

Section 7

A. The Animal Control Officer shall not release any impounded animal to an owner without the owner showing proof of a current rabies vaccination. If no proof of vaccination can be provided an owner will be required to purchase an owner claim rabies voucher for twenty-five dollars (\$25.00) which can be taken to any veterinary clinic. This voucher will be active for a one day period.

B. Gibson County Animal Services shall impose the following fee for owners of impounded animals claimed.

1. Twenty-five dollars (\$25.00) for the first offense.
2. Thirty-five dollars (\$35.00) for the second offense.
3. Forty-five dollars (\$45 00) for the third offense.
4. After the third offense, the animal shall not be released to the owner.

5. After the first offense, Gibson County Animal Services shall be authorized to impose a fee of ten dollars (\$10.00) for each day the animal is boarded, beginning on the second day of impoundment, in addition to claim fees.

6. Gibson County Animal Services shall have authority to require identification tag to be placed upon the impounded animal at a cost of two dollars (\$2.00) to the owner per tag.

7. All fines and fees paid to Gibson County Animal Services are to be used to defray the expenses of operating the Gibson County Animal Services shelter.

Section 8

An owner in possession or person having the charge or custody of an animal shall not do any of the following:

A. Fail to provide an animal adequate care.

B. Abandon an animal or cause an animal to be abandoned, in any place, without making provisions for the animal's adequate care, unless premises are vacated for the protection of human life or the prevention or injury to human.

C. Negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled or non-ambulatory to suffer unnecessary neglect, torture or pain.

D. Tether a dog unless the tether is at least 3 times the length of the dog as measured from the tip of its nose to the tip of its tail and is attached to a harness or non-choke collar designed for tethering.

E. Leave an animal unattended in a vehicle when conditions in that vehicle would constitute a health hazard to the animal.

F. Fail to confine in a secure building or enclosure a female domestic animal in heat so as to prevent conception except during instances of planned breeding.

G. Vaccination required--No owner or custodian of any dog, cat or ferret shall keep, maintain, or harbor the animal unless the animal has been vaccinated by a licensed veterinarian with anti-rabic vaccine of a type approved by the State Board of Health. The anti-rabic vaccination of the animal shall be repeated every one to three years as applicable to the vaccine. In no case shall more than three years elapse between each vaccination. All dogs, cats and ferrets shall be vaccinated for rabies as required by state statute. A licensed veterinarian shall provide such vaccinations.

Section 9- Relation of dangerous animals

1. Pursuant to a preponderance of the evidence an animal may be declared as a dangerous animal if there has occurred two (2) previous unprovoked attacks to a person or another animal while running at large.

2. The following conditions maybe imposed on an owner of an animal deemed a dangerous animal:

A. Indoors, when not alone, the animal be under control of a person eighteen (18) YC&rS or older.

B. Outdoors and unattended, the animal be kept within a locked fenced area from which it can not escape.

C. When outdoors the animal must be attended and kept within a locked area from which it can not escape.

D. When outdoors the animal must be attended and kept on a leash no longer than six (6) feet and under the control of a person eighteen (18) years of age or older.

E. When outdoors the animal must be attended and muzzled. Such muzzle shall not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting a person or animal. The muzzle must be made of non-metallic material so as to prevent the muzzle from freezing to the animal.

F. Placement of "Beware of Dog" signs on the property.

G. An animal may not be declared "dangerous":

1. If the animal was protecting or defending a person within the imminent vicinity of the animal from an attack or assault.

2. If at the time the recipient of the attack was committing a crime or offense upon the property of the owner or custodian of the animal.

3. If the recipient of the attack was teasing, tormenting, abusing or assaulting the animal on its own property or in the past had teased, tormented, abused or assaulted the animal.

4. If the animal was attacked or menaced by another animal, or the animal attacked was on the property of its owner or custodian.

5. If the animal was responding to pain or injury, or protecting itself, its kennels, its offspring or owner or custodians property.

6. Neither growling nor barking, nor both shall alone constitute grounds upon which to find an animal to be dangerous.

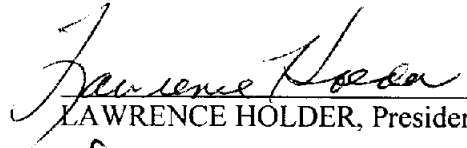
7. An animal deemed "dangerous" that is not under restraint and cannot be safely captured by Animal Control Officers and impounded may be slain by Law Enforcement.

Section 10: Ordinance No. 2010-1 be and hereby is repealed.

Section 11: This ordinance shall be in full force and effect from and after its passage and publication as provided by law.

PASSED AND ADOPTED by the Council of the Town of Fort Branch Indiana, this
12th day of May, 2010.

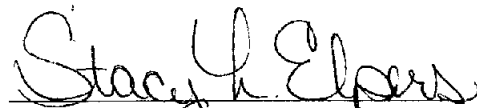
COUNCIL OF THE TOWN OF
FORT BRANCH, INDIANA


LAWRENCE HOLDER, President


TOM WALLACE, Member


ADAM BLEDSOE, Member

ATTEST:


STACY ELPERS, Clerk-Treasurer