

WHEATFIELD TOWN ORDINANCE NO. 2012-02

AN ORDINANCE AMENDING WHEATFIELD ORDINANCE 89-1

WHEREAS, the Town Council of Wheatfield, Indiana has determined that in order to effectively enforce animal control regulations and protect the health, safety, and welfare of the citizens of the Town of Wheatfield, Indiana the current ordinances needed to be codified and amended in conformity herein,

NOW THEREFORE, BE IT ORDAINED AND RESOLVED BY THE TOWN COUNCIL OF WHEATFIELD INDIANA THAT WHEATFIELD ORDINANCE NO. IS SET FORTH TO READ AS FOLLOWS:

ARTICLE 1. IN GENERAL

SEC. 1 DEFINITIONS

In this chapter;

- (1) Animal Control Officer means an employee of the city designated by the Town Marshall or the Town Marshall himself, or authorized deputy to enforce this animal control ordinance.
- (2) Dangerous animal means any animal which:
 - A. Has, off of its owner's property, attacked another animal or livestock; or
 - B. Has attacked or which has attempted to attack, unprovoked, any human being, whether on or off the owner's property; or
 - C. Has bitten or attacked a person, unprovoked, with said injury requiring stitches or the loss of blood; or
 - D. Has a history documented with a public agency of biting or attacking humans or domestic animals; or
 - E. Has a known propensity, tendency or disposition to attack, to cause injury or otherwise threaten or endanger the safety of humans or domestic animals; or
 - F. Has been found to be running at large and has been documented to be at large the Wheatfield Town Marshall, or his designees, on three (3) or more separate occasions in a twelve (12) month period; or
- (2) Dog means Canis Familiaris.
- (3) Guard or Attack Dog means any dog professionally trained for security purposes.
- (4) Harboring means the act of keeping and caring for an animal or providing a premise to which the animal returns for food, shelter, or care for a period of seventy-two (72) hours.
- (5) Impounding means taken into custody and placed into an animal control facility.

- (6) Kennel means any shelter where dogs are bred, boarded, or held in return for payment.
- (7) Owner means any person, firm, corporation, association, partnership, or trust who has a property right or interest in an animal or who harbors an animal or who allows an animal to remain on premises for a period of seventy-two (72) hours or more.
- (8) Pet means a domesticated animal, including, but not limited to a cat or dog.
- (9) Quarantine by Owner:
- A. Animal must be inside an enclosed structure, i.e. house or garage and must remain there for ten (10) days.
 - B. If maintained outside, animal must be behind a fence from which it cannot escape and on a chain from which it cannot break loose or inside a covered pen or kennel from which it cannot escape.
- (10) Running at Large means an animal not completely confined by a building, cage, container, wall, leash, rope, chain, vehicle, or fence of sufficient construction to restrain the animal, whether on or off the owner's premises. An animal being physically held by the owner within the limits of the owner's private property is not an animal running at large.
- (11) Vaccinated means properly injected with a rabies vaccine licensed for use in that species by the United States Department of Agriculture and or the Indiana Department of Health and administered by a veterinarian licensed to practice in the State of Indiana.
- (12) Vicious Animal means any unprovoked animal who approaches a person or domestic animal and exhibits vicious or terrorizing behavior in an apparent attitude of attack, whether it inflicts injury or not. Vicious animal includes, but is not limited to any dog with a propensity to attack without provocation or otherwise cause injury or endanger the safety of human or other domestic animals and a dog trained, owned or harbored for the purpose of dog fighting.
- (13) Wild Animals means all animals and reptiles which commonly exist in a natural, unconfined state and are usually not domesticated, regardless of the circumstances or duration of captivity.

SEC. 1-2 AUTHORITY

SEC. 1-3 KENNELS

Kennels or other places where animals are bred, raised, or boarded must be located in commercially zoned districts.

SEC. 1-4 DANGEROUS ANIMALS

- (1) Prohibited. It is unlawful for a person to knowingly or intentionally possess, keep, or harbor a vicious animal or wild animal in the city of Wheatfield, Indiana.

(2) Transport. It shall be unlawful to transport a wild animal, dangerous reptile or insect through the city without the same being secured in a wreck repelling, padlocked cage or container.

(3) Destruction. A vicious or wild animal found running at large may be destroyed by any peace officer or animal control officer in the interest of public safety.

SEC. 1-5 ABANDONMENT

A person commits an offense if the person knowingly or intentionally discards an animal in the city, whether alive or dead.

SEC. 1-6 ANNUAL REGISTRATION

(1) Required. The owner of a dog that is four (4) months of age or older must register each dog with the Town of Wheatfield. A registration may be obtained in person at the Wheatfield Town Hall upon providing:

A. Certificate of vaccination with the previous six (6) months to include the following information:

- (1) Name, address, and telephone number of the owner of the vaccinated dog.
- (2) The date of vaccination.
- (3) The year and number of the rabies tag.
- (4) The breed, age, color, and sex of the vaccinated dog.
- (5) Neutered, spayed, unneutered, unsprayed.
- (6) Plat plan-- if registering more than three (3) total dogs.

B. The payment of the registration fee.

C. Proof of insurance in the amount of \$50,000.

(2) Metal Tag. The Town of Wheatfield will issue a metal tag. The owner of the dog shall attach the metal tag to a collar or harness that is worn at all times by the animal. All registration tags shall be valid for a period of one (1) year from the date of issuance.

(3) Annual Renewal. The owner of the dog shall annually renew the registration with the Town of Wheatfield. The same proof of current vaccination and payment of the fee that is required for the initial registration is required for a renewal.

(4) New residents. A person moving into the Town of Wheatfield from an area outside the city has thirty (30) days to comply with this section.

(5) Guard or attack dogs. The owner of a guard or attack dog shall:

A. Indicate on the registration application that the dog is a guard or attack dog. In addition, the breed, number, location, and hours of presence must be indicated for use by the Town's Marshall and Fire Departments.

B. All dogs kept solely for the protection of persons or property, residential, commercial, or personal shall be registered with the Town Marshall's department. The area or premises in which such dog is confined shall be conspicuously posted with warning signs bearing the letters not less than 2" high, stating "guard dog on premises".

SEC. 1-7 VACCINATIONS

Required annually. The owner of a dog shall have the animal vaccinated against rabies by the time the animal is four (4) months of age and annually thereafter.

SEC. 1-8 NUMBER OF DOGS

The single family dwelling units are allowed the following pet occupancy levels:

<u>LOT SIZE</u>	<u>MAX # DOGS</u>
15,000 sq. feet or less	2
15,001 to 30,000 sq. feet	3
30,001 to 60,000 sq. feet	4
More than 60,000 sq. feet	5

Multi-family dwelling units cannot exceed a two (2) pet occupancy level.

ARTICLE II. HEALTH REGISTRATIONS

SEC. 2-1 INJURIES TO PERSONS OR ANIMALS CAUSED BY OTHER ANIMALS

(1) Reporting animal bites. Any person having knowledge of an animal bite to a human or to an animal, shall report the incident to the local rabies control officer and Wheatfield Town Marshall as soon as possible, but not later than twenty-four (24) hours from the time of the incident. The owner of the biting animal is then required to quarantine the animal in accordance with this chapter.

(2) Removal of animals from the Town of Wheatfield. If an unprovoked vicious animal bites or attacks a human or another animal, removal of that animal from the Town of Wheatfield will be required or euthanasia shall be administered following the quarantine period. If any other pet bites or attacks a human or other animal, a warning will be issued to the owner. The second incident in which the pet bites a human will necessitate the removal of that animal from the city or euthanasia shall be administered.

SEC. 2-2 ANIMAL BITE - QUARANTINE

- (1) Observation. The owner of any animal that has bitten a human is required to quarantine the animal with Jasper County Animal Control for a period of ten (10) days at the owner's expense. If the biting animal exhibits signs of illness during that ten (10) day observation period, the illness must be reported to the Wheatfield Town Marshall or the designated rabies control officer
- (2) Wild animals. A wild animal will not be placed in quarantine. A wild animal involved in a biting incident will be humanely destroyed and the brain submitted to proper authorities as required by law.
- (3) Release. The owner of an animal must obtain a release from the Town Marshall of Wheatfield, or his designated local rabies control officer upon expiration of the quarantine period.
- (4) Refusal or Interruption. It is unlawful for a person to:
 - A. Fail or refuse to quarantine an animal that has bitten a human; or
 - B. Interrupt the quarantine observation period before obtaining a release from the Town Marshall of Wheatfield or his designated rabies control officer.

SEC. 2-3 MAINTENANCE OF ALL DANGEROUS ANIMALS

(1) Definitions.

A. *American Pit Bull Terrier* means the breed of dog registered and described by the United Kennel Club (U.K.C.) and the American Dog Breeders Association (A.D.B.A.) as the American Pit Bull Terrier, also known as the Pit Bull Terrier; but does not include the breeds known as the American Staffordshire Terrier, the Staffordshire Bull Terrier, the English Bulldog, the Bull Terrier, or the Bulldog, all of which are recognized by the American Kennel Club (A.K.C.).

B. A person shall not own, keep or harbor within the Town of Wheatfield any dangerous animal for more than forty-eight (48) hours unless such animal is licensed under this section or unless an application for a license for such animal is pending. Notification that an animal is dangerous will be served by the Wheatfield Town Marshall. Persons who may disagree with their pet being determined to be a dangerous animal must license their animal in accordance herein but have the opportunity to appeal within forty-eight (48) hours of receiving notification of that designation. The appeal will be decided by the Town Board of Wheatfield, Indiana during a public hearing wherein such an appeal is placed on the Agenda for that regularly scheduled meeting.

C. The owner of a dangerous animal, shall apply to the Town of Wheatfield Clerk's Office for license in accordance with the provisions of this ordinance and in addition provide the following information:

- (1) Verification of the owner's name and current address by way of providing a photo static copy of his or her driver's license.
- (2) Proof that the applicant owns the animal and is eighteen (18) years of age or older.
- (3) One (1) copy of the registration certificate issued for said animal by the A.K.C. U.K.C and/or A.D.B.A, if available and applicable.
- (4) One (1) copy of the current immunization and health records for the animal.
- (5) Proof that the applicant has insurance coverage of not less than three hundred thousand dollars (\$300,000.00) for any injury, damage or loss caused by said animal.
- (6) Two (2) photographs of said animal taken no more than one (1) month prior to the date of the application. One (1) photograph shall be a front view of the animal and one (1) photograph shall be a side view of said animal.
- (7) If the animal was previously licensed under this section, the name and address of any previous owner and the number of the most recent license assigned to said animal.
- (8) A licensing fee of fifty dollars (\$50.00) shall be collected.
- (9) No more than one (1) animal which is a dangerous animal may be licensed at the same residence or address.

D. If the applicant provides all of the information required by this ordinance and pays the licensing fee, the animal shall be licensed if:

- (1) The applicant informs the Clerk's Office of the Town of Wheatfield of any notice of the required liability insurance within forty-eight (48) hours of such notice of cancellation and immediately attempts to acquire insurance.
- (2) The applicant agrees to inform the Clerk's Office of the Town Wheatfield of any change of address, or change of ownership of said animal.
- (3) The applicant meets the other requirements under this article for licensing.

E. The owner of an animal covered under this ordinance must keep, harbor, and maintain such animal in confines of the owner's dwelling, or such person's real property within the confines of a six (6) foot lockable security fence erected on said property which restricts entrance and exit.

F. At all times the animal registered herein must have in place a muzzle and be on a leash and under the control of the owner any time the animal is not on the real property of the owner.

SEC. 2-4 ANIMAL NUISANCES

Certain Conditions. The following circumstances and conditions are declared to constitute a public nuisance:

- (1) The harboring of an animal which causes frequent or continued barking, crying, bellowing, braying, crowing, or bleating noise, for a period longer than ten (10) minutes that reasonably disturbs any person;

- (2) The harboring of an animal in a manner that endangers the public health by the accumulation of animal wastes which create fouled and offensive odors or create a breeding place for flies and mosquitoes including but not limited to, animal pens or enclosures in which an animal may be kept or confined.

ARTICLE III. IMPOUNDMENT

SEC. 3-1 REASONS FOR IMPOUNDMENT

- (1) An animal can be impounded for any of the following reasons
- A. Dogs not wearing a current metal registration tag;
 - B. Any animal kept under conditions which could endanger the lives or health of a person or animal, such as a rabid animal.
 - C. Any animal that creates a nuisance as defined by this chapter;
 - D. Any dog running at large;
 - E. Any dog treated in a manner determined by the Town Marshall of Wheatfield and verified by a licensed veterinarian to be cruel or inhumane;
 - F. Any animal that has bitten a human or requires observation for a suspected case of rabies;
 - G. Any animal that has been abandoned within an enclosure upon posted forty-eight (48) hour notice;
 - H. Any animal found in violation of this ordinance.

SEC. 3-2 NOTIFICATION OF OWNER

The Town Marshall of Wheatfield, Indiana or his designated animal control officer shall make reasonable efforts to contact the owner of any animal impounded. The owner may resume possession of the impounded animal upon payment of impoundment fees, handling fees, and any veterinary expenses incurred, and upon compliance with the vaccination, registration and quarantine provisions of this chapter.

SEC. 3-3 DISPOSITION OF UNCLAIMED ANIMALS

(1) Redemption period. If the owner of an impounded animal does not redeem the dog within three (3) days from the time the animal is confined, the Town Marshall of Wheatfield or his designee is authorized to sell the animal and the proceeds shall be deposited in the general fund of the Town of Wheatfield.

(2) Sale or destruction. If the owner fails to claim the animal within the time provided and the Town Marshall of Wheatfield or his designee is unable to sell the animal, then the humane destruction of the animal will occur.

SEC. 3-4 DESTRUCTION OF ANIMALS

- (1) Any vicious dog, certified guard dog, or dangerous wild animal found running at large may be destroyed by any peace officer if, in the judgment of the officer, the animal constitutes an immediate threat to the health and safety of any person, other animal, or the public in general.
- (2) Any non-quarantined animal not reclaimed by the owner may be humanely destroyed after a period of at least three (3) days.
- (3) Quarantined animals not reclaimed by the owner may be humanely destroyed after the quarantine period.
- (4) If the owner no longer wishes to keep the animal, a fee, as described in Article IV below, will be charged for euthanasia and for other pound fees. However, no animal that has bitten a human being shall be administered euthanasia before the expiration of the quarantine period.

ARTICLE IV. FEES AND CHARGES

SEC. 4-1 REGISTRATION FEES

(1) The annual registration fees for animals in the Town of Wheatfield are as follows:

Dog \$10.00

(2) Fees related to impoundment are as follows:

<u>CATEGORY</u>	<u>FEE</u>
Impoundment Base Fee	\$85.00 –Jasper County Animal Shelter (or current fee)
Euthanasia	Actual Expense
Veterinary Fee	Expenses actually incurred
Estray Enforcement Program	Fee set by county

ARTICLE V. ENFORCEMENT

SEC. 5-1 RESPONSIBILITY

- (1) Town Marshall of Wheatfield, Indiana. The enforcement of this chapter and ordinance shall be the responsibility of the Town Marshall's Office of the Town of Wheatfield or its deputies, Indiana or his designated animal control officer. The Town Marshall is designated as the local rabies control officer and animal control officer unless circumstances dictate that a designee be named by his office.
- (2) Citations. The Town Marshall of Wheatfield, Indiana, or his designated animal control or rabies control officer, shall have authority to issue citations for violation of the provisions of this chapter.
- (3) Quarantine facilities. The Town Marshall of Wheatfield, or his designated animal control or rabies control officer, shall have the authority to approve or disapprove quarantine facilities.

(4) Shelter and Holding Facilities. The Town Council of Wheatfield, Indiana has designated the Jasper County Animal Shelter located at 2430 W Clark Street, Rensselaer, Indiana 47978 as the place for impounding animals under any provision of this ordinance with costs assessed to the owner of the dog impounded.

SEC. 5-2

This Ordinance shall be cumulative of all provisions and ordinances of the Town of Wheatfield, Indiana except where the provisions of this ordinance are in direct conflict with the provisions of the other ordinances are hereby repealed.

SEC. 5-3

It is hereby declared to the intention of the Town Council of Wheatfield, Indiana that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs, and sections of the ordinance, since the same would have been enacted by the Town Council of Wheatfield, Indiana without the incorporation in this ordinance of any such unconstitutional phrase, clause, sentence, paragraph or section.

SEC. 5-4

Any person, firm, or corporation who violates any of the provisions of this ordinance, or who fails to comply with any provision of this ordinance, shall be guilty of violating this ordinance and fined not less than \$50.00 nor more than \$300.00, and each day that a violation continues constitutes a separate offense.

SEC. 5-5

The Town of Wheatfield Clerk is hereby directed to publish this ordinance, or its caption and penalty clause, in one issue of a newspaper of general circulation as required by Indiana Law.

SEC. 5-6

This ordinance shall be in full force and effect from and after its passage and publication as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS 16 DAY OF August, 2012.

Dean P. Stalbaum
Dean Stalbaum, Council Member

Daryl Ackerman
Daryl Ackerman, Council Member

Richard Tillema
Richard Tillema, Council Member

Attest:
Cynthia Davis
Cynthia Davis
Town of Wheatfield Clerk

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