

TOWN OF HEBRON
PORTER COUNTY, INDIANA

ORDINANCE NO. 2018-10-16-03

ORDINANCE AMENDING ORDINANCE CHAPTER 6, ANIMALS

WHEREAS, the Hebron Town Council has adopted Chapter 6, Animal to its Code of Ordinances; and

WHEREAS, the Hebron Town Council feels that the following paragraphs of said Ordinance should be modified;

NOW, THEREFORE, BE IT ORDAINED by the Hebron Town Council that Article I - In General Section 6-1. - Definitions should be modified to include:

1. Amend as follows:

Dangerous Animals means:

- (1) Any animal which:

- (a) Has bitten or seriously injured any human being, without provocation, whether on or off the property of its owner, its owner's agent, or its keeper;
- (b) Has a history, documented with a public agency or its designee, of unprovoked biting humans or domestic animals;

- (2) No animal shall be considered a dangerous animal if the animal causes injury or damage to a person while that person is:

- (a) Committing or attempting to commit a criminal offense against the owner or agent of the owner;
- (b) Committing a criminal trespass upon the premises occupied by the owner, agent, or keeper of the animal; or
- (c) Teasing, tormenting, abusing, or assaulting an animal.

- (3) No K-9 patrol dogs or police dogs owned or kept by a law enforcement agency shall be considered a dangerous animal when used in the line of duty or for law enforcement purposes.

Domestic Animal - Animals belonging to species normally kept, harbored, and maintained by persons as pets, irrespective of the particular reason for which the animal is kept or maintained. These animals include, but are not limited to the following types: dogs, cats, domestic rodents such as rabbits and guinea pigs, domestic birds such as parrots and finches, ferrets, small domestic reptiles such as turtles, lizards and small snakes, fish, frogs, and other domestic animals as may be defined by state law.

2. Amend *Livestock* Definition as follows:

Livestock means horses, stallions, colts, mares, gelding, poultry, sheep, rams, lambs, bullocks, steers, heifers, cows, calves, bulls, mules, jacks, jennets, burros, goats, swine, and fur-bearing animals being raised in captivity, which are commonly known to be raised for food, commercial or agricultural purposes.

3. Amend *Wild Animal* Definition as follows:

Wild animal means any live non-human primate, raccoon, skunk, fox, opossum, leopard, panther, tiger, lion, bear, lynx, or any other warm-blooded animal which is not typically tame and can normally be found in the wild state. Wild animal also includes large and/or venomous cold-blooded animals of the type typically considered dangerous to humans, including but not limited to, alligators, crocodiles, and venomous snakes.

4. Add Sections 6-32 through Section 6-41 as follows:

Section 6-32 Prohibited Animals.

- (A) No person shall keep, maintain, or have in his or her possession or under

his or her control within the Town, any animals other than domestic animals as defined in this Chapter.

- (B) This section shall not apply to institutions of higher learning, zoological parks, circuses, veterinary offices, or businesses harboring animals specifically for the purpose of rehabilitation and release into their natural habitat pursuant to a valid wildlife permit issued by the state or an agency of the United States.

Section 6-33 Maximum Number of Domestic Animals.

No person shall keep more than a total of four domestic animals over the age of six months per household in any residential area. No more than three of these domestic animals may be dogs. This section does not apply to fish.

Section 6-34 Care of Animals.

Every owner shall see that each of his or her animals:

- (A) Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit, or lie in its own excrement;
- (B) Has sufficient and wholesome food and water, which is proper and nutritional for that species of animal;
- (C) Lives in a structure which will protect that animal from all elements of the weather and will allow that animal to stand, sit, move around comfortably, and lie down without restrictions, and which is kept in a sanitary manner;
- (D) If ill, diseased, or injured, receives proper veterinary care as necessary to promote the good health of the animal and prevent the transmittal of a disease to other animals or humans;
- (E) Is not beaten, ill-treated, tormented or otherwise abused, neglected or abandoned;
- (F) Is not physically altered in any manner by anyone other than a veterinarian, except for grooming;
- (G) Is not involved in any fighting or combat activity between animals or between animals and humans, such as dog fighting or cock fighting;
- (H) Does not become a public nuisance;
- (I) Does not become a dangerous animal;
- (J) In the case of a dog or cat over the age of three months, is properly vaccinated against rabies by a licensed veterinarian annually, or upon such frequency as may be specified by state law;
- (K) Is properly restrained and not at large.

Section 6-35 Animals in Motor Vehicles.

No animal shall be left in a motor vehicle when the conditions in that vehicle would constitute a health hazard to that animal, or when the weather would constitute a health hazard to the animal confined in the motor vehicle; nor shall any person transport any animal in an unenclosed truck bed or open section of any vehicle unless the animal is enclosed in a cage which is securely fastened to the vehicle.

Section 6-36 Animals Hit by Motor Vehicles.

No person operating a motor vehicle shall knowingly hit, run over, kill, otherwise cause injury to any domestic animal. If a motorist does so injure an animal, the motorist shall immediately notify the Police Department. The notice shall include the motorist's name, address, phone number, type of animal hit and the location of the animal.

Section 6-37 Animal Waste and Carcasses.

- (A) Any person taking a dog or cat outside of the owner's real property limits must immediately remove any excrement deposited by the animal on any public or private property.
- (B) The owner of any dead animal shall remove and properly dispose of the animal within 24 hours after its death. The real property owner is

responsible for the removal of any wild or domestic animal carcasses on his or her real property.

(C) Any owner of an animal depositing excrement on owner's private property must clean up said waste within a reasonable amount of time. Owner shall not allow said waste to accumulate to an extent that it causes orders to travel onto adjacent property or becomes unsightly. Waste accumulating in such a manner may be considered a nuisance and be subject to the penalties of this Chapter.

Section 6-38 Mandatory Vaccinations.

- (A) Every dog or cat over the age of three months must receive, from a licensed veterinarian, an anti-rabies vaccine. Every such animal must be vaccinated annually.
- (B) The owner shall maintain proof of all dog and cat vaccinations so that they can be presented to the Town or its agents upon request.
- (C) Failure to comply with the provisions of this section shall subject the owner of the unvaccinated dog and/or cat to being issued an ordinance violation citation.

Section 6-39 Inspection.

- (A) Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this Chapter, or when there is reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this Chapter or state law, a health officer, police officer, code enforcement agent, or animal control officer is authorized at all reasonable times to inspect the same for compliance with the provision of this Chapter or any state law, provided that:
 - (1) If the property is occupied, the officer first present proper credentials to the occupant and request entry, explaining the reasons therefor; and
 - (2) If the property is unoccupied, the officer shall make a reasonable effort to locate the owner or other persons having control of the property and request entry, explaining the reasons therefor.

Section 6-40 Penalties.

(A) Warning Notices

- (1) Persons who fail to have their dogs or cats vaccinated pursuant to this Chapter may be served with a warning notice requesting immediate compliance. A police officer or code enforcement official may serve this notice. Only one warning notice under this section may be given per year to an individual who has failed to have a dog or cat vaccinated.
- (2) The warning notice shall contain the name and address of the violator, the section violated, nature of the violation, date, time and location of the violation, the name of the officer issuing the warning notice, and the telephone number of the officer to contact for information.

(B) Citations.

Any person served with a warning notice for failure to have a dog or cat vaccinated and who fails to comply within ten days and any person who violates any other provision of this Chapter may be issued a citation. Citations shall contain the name and address of the violator, the ordinance section violated, the date, time and nature of the violation, location of the violation, and the name of the person issuing the citation.

(C) Fines.

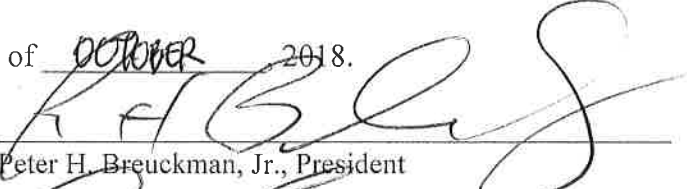
- (1) Any person who violates any of the sections of this Chapter shall be subject to a fine of \$50.00 per violation. Each day said violation is not remedied constitutes a separate violation subject to a citation and fine.
- (2) Any section under this Chapter subject to an escalating fee: the fee shall escalate in an amount double to the prior violation fee.

Section 6-41 Animals Permitted.

- (A) Any dog or other domestic animal as defined herein formally trained to perform tasks for the benefit of individuals with disabilities, including psychiatric, cognitive, and mental disabilities shall be considered a service animal under this Chapter. The term service animal does not include wild animals (including those born in captivity), reptiles, rodents of any variety, farm animals (including any breed of horse, miniature horse, pony, pig, or goat), ferrets, and amphibians. Animals whose sole function is to provide emotional support, comfort, companionship, or to promote emotional well-being are not service animals as defined in this Chapter.
- (B) No person owning or operating any public place of business shall exclude from entry any service animal that has been formally trained to assist individuals with disabilities. However, such animal must be in the company of the disabled individual for whom it was trained to assist or in the company of a licensed obedience service trainer.

BE IT FINALLY ORDAINED by the Hebron Town Council that this Ordinance No. 2018-~~10-16~~¹⁰⁹³ shall be in full force and effect from and after its passage and adoption and all ordinances or parts of ordinances in conflict herewith are hereby repealed.

Adopted this 16th day of October, 2018.


Peter H. Breuckman, Jr., President


Donald A. Ensign, Member


David Peeler, Member

Keith Cunningham, Member


Kimberly Mouratides, Member

ATTEST:


Alan Kirkpatrick, Clerk-Treasurer

TOWN COUNCIL, TOWN OF HEBRON,
PORTER COUNTY, INDIANA