

**TITLE 5**

**ANIMALS**

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### **ANIMALS**

#### **Chapters:**

- 5.01 Keeping of Animals**
- 5.02 Feeding of Animals**
- 5.03 Stray Animals**
- 5.04 Control and Regulation of Animals**
- 5.05 Penalties for Violations**

## Chapter 5.01

### KEEPING OF ANIMALS

#### Sections:

#### 5.01.010 Keeping of Animals Within Town

**5.01.010 Keeping of Animals within Town.** It is hereby declared a public nuisance and unlawful for any person or persons to keep in any lot or enclosure within the corporate limits of said Town of Ferdinand, Indiana, for the purpose of shipment or slaughtering or sale or feeding for market any cattle, hogs, sheep, or other livestock in any number; or any erection or modification of future boiler houses or other means of confinement for the purpose of raising geese, chickens, ducks, turkeys, other fowl, or rabbits, exceeding ten (10) in number. (Ord. 02-9, S5.01.010, June 26, 2002) (Ord. 1955-2)

## Chapter 5.02

### FEEDING OF ANIMALS

#### Sections:

#### 5.02.010 Feeding of Animals

#### 5.02.020 Animals in Transit

**5.02.010 Feeding of Animals.** The feeding of cattle, sheep, hogs, or other livestock is hereby declared a nuisance. Geese, chickens, ducks, turkeys, other fowl, or rabbits in excess of ten (10) in number as provided in Section 5.01.010, be and the same is hereby also declared a nuisance. (Ord. 02-9, S5.02.010, June 26, 2002) (Ord. 1955-2)

**5.02.020 Animals in Transit.** This ordinance (Chapter) shall not apply to the feeding of stock or fowl while in transit. (Ord. 02-9, S5.02.020, June 26, 2002) (Ord. 1955-2)

## Chapter 5.03

### STRAY ANIMALS

#### Sections:

#### 5.03.010 Stray Animals

#### 5.03.020 Stray Hold

**5.03.010 Stray Animals.** Any animal which has strayed beyond the premises of its owner and is wandering at large within the corporate limits of the Town of Ferdinand shall be picked up by a Town police officer or employee, and at that officer's or employee's discretion, either returned to the owner or taken to the Municipal Complex on West Fifth Street or other location designated by the Town Council from time to time for such purpose. Monday through Friday, 7 a.m. to 3:30 p.m., Town staff will pick up stray animals. After hours and on the weekends, the Police Department shall be responsible for animal pick up. (Ord. 2007-15, S1, Nov. 13, 2007) (Ord. 02-9, S5.03.010, June 26, 2002) (Ord. 92-3, S5.06.010, 1992) (Ord. 89-9 S1, 1989)

**5.03.020 Stray Hold.** Any animal not released as provided for herein within a One Hundred Twenty (120) hour stray hold shall be surrendered over to the nearest local animal control agency or shelter (currently Dogwood Animal Clinic) for impoundment to await the opportunity to be taken to the Dubois County Humane Society to be placed for adoption by the public or humanely euthanized, if conditions warrant. The stray hold will be automatically extended until five o'clock p.m. (5:00), local time, of the next business day whenever the stray hold expires on a Saturday, Sunday, or Holiday. Any animal impounded by an animal control agency or shelter, if not reclaimed by its owner, shall become the property of the animal shelter if not adopted by the public. (Ord. 2022-32, S1, Sept. 20, 2022) (Ord. 2007-15, S2, Nov. 13, 2007) (Ord. 02-9, S5.03.020, June 26, 2002) (Ord. 92-3, S5.06.050, 1992) (Ord. 89-9 S5, 1989)

## Chapter 5.04

### CONTROL AND REGULATION OF ANIMALS

#### Sections:

- 5.04.010 Definitions**
- 5.04.020 Restraint**
- 5.04.030 Animals on Leashes and Excrement Removal in Public Places**
- 5.04.040 Nuisance**
- 5.04.050 Noises**
- 5.04.060 Animal Bites**
- 5.04.070 Special regulations imposed upon owners of Nuisance Animals and Dangerous Animals**
- 5.04.080 Enforcement**

#### 5.04.010 Definitions.

- (1) Owner. The term "owner" as used in this ordinance shall mean any person owning, keeping or harboring or otherwise having the right of property in or custody of an animal. (Ord. 2022-38, S5.04.010, Oct. 18, 2022) (Ord. 02-9, S5.04.010, June 26, 2002) (Ord. 92-4, S1, 1992)
- (2) At Large. The term "at large" refers to an animal that is found off the owner's premises; which is not accompanied by the owner or representative of the owner; and which is not restrained by a secure collar and a leash of not more than six feet in length, a radio control device, or otherwise controlled by a form of disciplinary restraint. Exception: where the animal is on a property, other than the animal owner's property, with the express consent of the owner of said property. (Ord. 2022-38, S5.04.010, Oct. 18, 2022)
- (3) Restraint. Restraint required of all animals includes the securing of the animal by a leash or lead or confining it within the real property limits of its owner. (Ord. 2022-38, S5.04.010, Oct. 18, 2022)
- (4) Nuisance Animal. Any animal found repeatedly running at large or unrestrained up to three (3) times in a twelve month period; an animal that without provocation chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person or otherwise interferes with the freedom of movement of persons in a public right-of-way or in their own homes/yards; any animal that chases or interferes with motor vehicles in a public right of way; any animal that without provocation bites any domestic animal or attacks other animals; any animal that damages or defecates on any property other than that of its owner; or any animal that trespasses on the private property of persons other than the owner of the animal. (Ord. 2022-38, S5.04.010, Oct. 18, 2022)

- (5) **Dangerous Animal.** Any animal which has been reported to Town authorities to have done one or more of the following:
- A. has without provocation attacked or bitten another animal while off the property of its owner or keeper;
  - B. has attacked, attempted to attack, bitten or seriously injured any human being without provocation, whether on or off the property of its owner or keeper;
  - C. has a history, documented with a public agency, of attacking or biting any humans or domestic animals. (Ord. 2022-38, S5.04.010, Oct. 18, 2022)

**5.04.020 Restraint.** Any animal on property other than that of its owner shall be accompanied by a responsible person and under that person's control, so as to prohibit such animal from becoming a nuisance. No owner or person having care, custody or control of any animal shall permit it to run at large within the Town limits. (Ord. 2022-38, S5.04.020, Oct. 18, 2022) (Ord. 02-9, S5.04.020, June 26, 2002) (Ord. 92-4, S3, 1992)

**5.04.030 Animals on Leashes and Excrement Removal in Public Places.** It shall be unlawful for any person to allow an animal to pass through or upon any street, sidewalk, public park property, other municipally owned property, or any other public place unless it is on a leash. Such lease may be a properly functioning electronic leash which effectively controls the animal. It shall be unlawful for any person to fail to retrieve and remove from any public park property or any other municipally owned property the excrement from any animal in his or her possession or custody. (Ord. 14-08, S1, May 13, 2014) (Ord. 02-9, S5.04.030, June 26, 2002)

**5.04.040 Nuisance.** It shall be a violation of this Ordinance for any animal owner to fail to restrain an animal to prevent it from becoming a public nuisance. A nuisance may include, but is not limited to molesting passersby or passing vehicles or those upon the owner's premises by invitation, express or implied, chasing vehicles, habitually attacking other domestic animals, trespassing upon or damaging public or private property, barking, whining, or howling in an excessive or continuous fashion, defecating on property other than the owner; being permitted to run at large or the accumulation of animal excrement on the owner's or neighbor's property to the extent the amount of excrement is unreasonable. No owner shall fail to exercise due care and control of his or her animal to prevent them from becoming a nuisance. (Ord. 2022-38, S5.04.040, Oct. 18, 2022) (Ord. 02-9, S5.04.040, June 26, 2002) (Ord. 92-4, S4, 1992)

**5.04.050 Noises.** It shall be unlawful for any person to own, keep, or harbor any animal which, by frequent or habitual howling, yelping, barking, or other noise, shall cause unreasonable annoyance or disturbance to any family, other than that of the owner. Ord. 02-9, S5.04.050, June 26, 2002) (Ord. 92-4, S5, 1992)

#### **5.04.060 Animal Bites.**

- (1) The owner of any animal which has bitten a person or other animal shall immediately report the same to the Ferdinand Police Department officer on duty.
- (2) The Ferdinand Police shall follow State Law or County Ordinances in handling such cases.
- (3) In the event an animal is suspected to be rabid, no person other than an authorized County or State Official, or the Ferdinand Police shall kill or cause to be killed such animal except for immediate self-protection or the protection of others. In the enumerated, such person shall preserve the body of the animal and immediately notify the Ferdinand Police. (Ord. 02-9, S5.04.060, June 26, 2002) (Ord. 92-4, S6, 1992)

#### **5.04.070 Special regulations imposed upon owners of Nuisance Animals and Dangerous Animals.**

- (1) Any person owning, keeping, possessing, maintaining, or having the care, custody, or control of a dangerous dog shall post on the premises, in a conspicuous place and visible from all areas of public access a sign that includes the words DANGEROUS DOG.
- (2) Any person owning, keeping, possessing, maintaining, or having care, custody, or control of a nuisance dog shall keep the dog securely inside of the owner's home or securely confine the dog in a locked fenced portion of the rear yard and keep the dog under direct supervision or keep the dog in a locked enclosure having secure sides bottom and top.
- (3) Any person owning, keeping, possessing, maintaining, or having care, custody, or control of a dangerous dog shall keep the dog securely inside of the owner's home or keep the dog in a locked enclosure at least five feet by ten feet which has secure bottom, top and sides or is anchored to a concrete perimeter to a depth of six inches. Whenever off premises, the dog shall be securely muzzled and fitted with a proper collar that will prevent the dog from slipping out of it or breaking through it and have attached a substantial non-retractable leash that conforms to the dog's weight, size, and strength, not more than four feet in length which is held in the hand of a person who is of sufficient age, size and strength to control the dog. (Ord. 2022-38, S5.04.070, Oct. 18, 2022)

**5.04.080 Enforcement.** The Ferdinand Police Department is responsible for the enforcement of this chapter and the powers and authority granted under this Chapter are supplemental to the powers and authority already provided for by the Indiana Code. (Ord. 2022-38, S5.04.080, Oct. 18, 2022)

## Chapter 5.05

### PENALTIES FOR VIOLATIONS

#### Sections:

**5.05.010 Penalties**

**5.05.020 Official Citation**

**5.05.030 Payment to Ordinance Violation Clerk**

**5.05.040 Release**

**5.05.050 No Release or Waiver of Penalties**

**5.05.060 Recovery of Expenses**

**5.05.070 Conflicting Ordinances**

**5.05.010 Penalties.** The owner or harbinger of said animal shall be required to pay the sum of Twenty-five Dollars (\$25.00) for a violation of this Title. The owner or harbinger of an animal shall be required to pay the sum of One Hundred Dollars (\$100.00) for a second violation of this Title occurring within one (1) year of the previous violation. The owner or harbinger of said animal shall be required to pay the sum of One Hundred Fifty Dollars (\$150.00) for a third or any subsequent violation of this Title occurring within one (1) year of the previous violation. Additionally, the owner or harbinger of an animal taken to the Town Garage or other location and detained shall pay an additional sum of Ten Dollars (\$10.00) for each twenty-four (24) hour period or fraction thereof when the animal is held. (Ord. 14-08, S2, May 13, 2014) (Ord. 02-9, S5.05.010, June 26, 2002) (Ord. 92-4, S8, 1992)

**5.05.020 Official Citation.** All violations of this Ordinance shall be issued in writing upon the owner, if known, on an "Official Citation" form in essential conformity with the form attached hereto as Appendix A. A copy of the citation shall be filed with the Town's Ordinance Violations Clerk. (Ord. 02-9, S5.05.020, June 26, 2002)

**5.05.030 Payment to Ordinance Violation Clerk.** Said monies shall be paid, within ten (10) days of the issuance of the notice, to the Town's Ordinance Violations Clerk at the Town Hall, who shall issue a receipt in duplicate to the owner. (Ord. 02-9, S5.05.030, June 26, 2002)

**5.05.040 Release.** When applicable, an animal shall be released to the owner upon presentation of a copy of the signed receipt showing payment. (Ord. 02-9, S5.05.040, June 26, 2002)

**5.05.050 No Release or Waiver of Penalties.** Nothing contained in this Ordinance shall be construed as a release or waiver of any penalties which may be imposed as a result of a violation of any applicable state statute. (Ord. 02-9, S5.05.050, June 26, 2002)

**5.05.060 Recovery of Expenses.** The Town may collect in addition to any monies owed to the Town pursuant to this Title 5, all costs and attorney fees incurred to enforce this Title 5 or to defend the Town regarding any action brought against the Town in connection with



action taken by the Town pursuant thereto. (Ord. 14-08, S3, May 13, 2014) (Ord. 02-9, S5.05.060, June 26, 2002)

**5.05.070 Conflicting Ordinances.** The provisions of this Ordinance shall be deemed as requirements that are in addition to, not in substitution of, other requirements contained in the Zoning Ordinance and other applicable ordinances. In the case of conflicting ordinances, the most restrictive shall apply. (Ord. 02-9, S5.05.070, June 26, 2002)

CODE AND ORDINANCE VIOLATION NOTICE

No 000002

NO. \_\_\_\_\_

TO THE OWNER, LESSEE, TENANT, OCCUPANT OR PERSON IN CHARGE OF THE PROPERTY/VEHICLE DESCRIBED BELOW:

NAME \_\_\_\_\_

PREMISE ADDRESS: \_\_\_\_\_

VEHICLE MAKE \_\_\_\_\_ MODEL \_\_\_\_\_ LICENSE \_\_\_\_\_ STATE \_\_\_\_\_

PLEASE TAKE NOTICE THAT ON (Date) \_\_\_\_\_ (Time) \_\_\_\_\_ YOU WERE FOUND IN VIOLATION OF:

|  |                                 |               |
|--|---------------------------------|---------------|
| ORDINANCE(S)# _____  | # _____                         | # _____       |
| SPECIFICALLY THE VIOLATION CONSISTS OF:  |                                 |               |
| <input type="checkbox"/> ILLEGALLY PARKED OR INOPERABLE VEHICLE(S) ON  |                                 |               |
| <input type="checkbox"/> PROPERTY  | <input type="checkbox"/> STREET | FINE \$ _____ |
| <input type="checkbox"/> ANIMAL <input type="checkbox"/> PROHIBITED <input type="checkbox"/> CRUELTY <input type="checkbox"/> RUN AT LARGE |                                 |               |
| <input type="checkbox"/> DEFECATE ON PROPERTY <input type="checkbox"/> UNLICENSED  |                                 |               |
| <input type="checkbox"/> OTHER _____   |                                 | FINE \$ _____ |
| <input type="checkbox"/> TRASH <input type="checkbox"/> IMPROPER BURNING <input type="checkbox"/> IMPROPER DISPOSAL                        |                                 | FINE \$ _____ |
| <input type="checkbox"/> HIGH GRASS OR WEEDS   |                                 | FINE \$ _____ |
| <input type="checkbox"/> LITTERING <input type="checkbox"/> LITTERING BY HANDBILLS   |                                 | FINE \$ _____ |
| <input type="checkbox"/> NOISE <input type="checkbox"/> GENERAL <input type="checkbox"/> VEHICULAR <input type="checkbox"/> ANIMAL         |                                 | FINE \$ _____ |
| <input type="checkbox"/> DISORDERLY CONDUCT  |                                 | FINE \$ _____ |
| <input type="checkbox"/> TRESPASSING <input type="checkbox"/> LOITERING  |                                 | FINE \$ _____ |
| <input type="checkbox"/> IMPROPER WATERING   |                                 | FINE \$ _____ |
| <input type="checkbox"/> OTHER _____   |                                 | FINE \$ _____ |
| ADDITIONAL DESCRIPTION OF VIOLATION _____  |                                 |               |

THE ABOVE LISTED CHARGE(S) MUST BE PAID WITHIN \_\_\_\_\_ DAYS TO AVOID ANY FURTHER ACTION. TO PAY THE INDICATED FINE(S) MAIL OR RETURN IN PERSON YOUR SIGNED COPY OF THE VIOLATION ALONG WITH A CHECK OR MONEY ORDER TO:

TOWN OF FERDINAND  
2065 MAIN ST.  
FERDINAND, IN 47532

ISSUING OFFICER \_\_\_\_\_ ID# \_\_\_\_\_

SIGNATURE OF VIOLATOR \_\_\_\_\_ DATE \_\_\_\_\_

LAW ENFORCEMENT SYSTEMS, INC. P.O. BOX 1835 CORSCICANA, TX 75110  
800-527-6447

FORM CO-2



(Ord. 02-9, Code and Ordinance Violation Notice, June 26, 2002)

