

TITLE 5

ANIMALS

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Chapters:

5.02 Control and Regulation of Animals

Chapter 5.02

CONTROL AND REGULATION OF ANIMALS

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5.02.010 Owner. The term "owner" as used in this ordinance (chapter) shall mean: Any person having the right of property in or custody of an animal. (Ord. 1993-02, S1, 1993)

5.02.020 Cruelty. No person shall beat, cruelly treat, neglect, torment, overload, overwork, or otherwise abuse any animal except that reasonable force may be employed to drive off vicious or trespassing animals or to protect human life, or to secure obedience. (Ord. 1993-02, S2, 1993)

5.02.030 Restraint. Any animal on the premises of said owner or elsewhere shall be accompanied by a responsible person and under that person's control, so as to prohibit such animal from becoming a nuisance. (Ord. 1993-02, S3, 1993)

5.02.040 Nuisance. It shall be a violation of this Ordinance (chapter) 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 passerby or those upon the owner's premises by invitation, express or implied, chasing vehicles, habitually attacking other domestic animals, trespassing upon public or private property, or the accumulation of animal excrement on the owner's or neighbor's property to the extent the amount of excrement is unreasonable. (Ord. 1993-02, S4, 1993)

5.02.050 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. 1993-02, S5, 1993)

5.02.060 Animal Bite

- (1) The owner of any animal which has bitten a person or other animal shall immediately report the same to the Santa Claus Police Department officer on duty.

- (2) The Santa Claus Police shall follow State Law or County Ordinance 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 Santa Claus Police shall kill or cause to be killed such animal except for immediate self-protection or the protection of others. In the event a suspected rabid animal is killed by any person, such person shall preserve the body of the animal and immediately notify the Santa Claus Police. (Ord. 1993-02, S6, 1993)

5.02.080 Penalty

- (1) Any person in violation of any provision of this Ordinance (Chapter) other than the Stray Animal Provisions, shall be required to pay the sum of Twenty-five Dollars (\$25.00) to the Santa Claus Violations Clerk.
- (2) Penalties for Stray Animal Provisions. The owner of a stray animal shall be required to pay a fine for violation of this chapter as follows:
 - A. \$25 Fine if the owner has no previous citations for the violation of this ordinance occurring in the 365 days prior to the date of the current violation.
 - B. \$50 Fine if the owner has one (1) previous citation for the violation of this ordinance occurring in the 365 days prior to the date of the current violation.
 - C. \$100 Fine if the owner has two (2) previous citations for the violation of this ordinance occurring in the 365 days prior to the date of the current violation.
 - D. \$200 Fine if the owner has three (3) previous citations for the violation of this ordinance occurring in the 365 days prior to the date of the current violation.
 - E. \$400 Fine if the owner has four (4) previous citations for the violation of this ordinance occurring in the 365 days prior to the date of the current violation.
 - F. \$500 Fine if the owner has five (5) or more previous citations for the violation of this ordinance occurring in the 365 days prior to the date of the current violation.

For purposes of this subsection, the date of occurrence of a previous violation of this ordinance for which a citation is issued shall be the operative date in determining the date of the prior citation.

The Clerk shall maintain a current record of all citations for violation of this ordinance and a separate sheet for each person cited so that a current record of the citation is maintained going back for at least a 365 day period. (Ord. 1994-04, S8, 1994) (Ord. 1993-02, S8, 1993)

5.02.090 Citation for Violation. All violations of the Chapter shall be issued in writing upon the

owner on an "Official Citation" form is essential conformity with the form shown in Section 5.02.140. A copy of the Citation shall be filed with the Town's Ordinance Violations Clerk. (Ord. 1993-02, S9, 1993)

5.02.100 Payment to Clerk-Treasurer. All amounts required to be paid pursuant to this chapter shall be paid to the Clerk-Treasurer of the Town of Santa Claus at the Town Hall within thirty (30) days of the date of the citation, who shall issue a receipt in duplicate to the owner. (Ord. 2002-11, Nov. 13, 2002) (Ord. 1993-02, S10, 1993)

5.02.110 No Release or Waiver of Penalties. Nothing contained in this Ordinance or Chapter shall be construed as a release or Waiver of any penalties which may be imposed as a result of a violation of I.C. §15-5-9-13. (Ord. 1993-02, S11, 1993)

5.02.120 Recovery of Expenses. The Town may collect in addition to any monies owed to the Town pursuant to Ordinance, all costs and attorney fees incurred to enforce this Ordinance (Chapter) or to defend the Town regarding any suits brought against the Town in connection with action taken by the Town pursuant thereto. (Ord. 1993-02, S12, 1993)

5.02.130 Invalidity of Provisions. If any provision of this Ordinance or the application thereof is held invalid, the invalidity may not affect other provisions or applications of the Ordinance (Chapter) which can be given effect without the invalid provisions or application, and to this end the provisions of this Ordinance are declared severable. (Ord. 1993-02, S13, 1993)

5.02.140 Official Citation

	<u>Indicate</u>	<u>Amount of Fine</u>
1. Cruelty		
2. Restraint		
3. Nuisance		
4. Noise		
5. Animal Bites		
6. Stray Animals		
7. Enforcement Officer		
8. Violator		

(Ord. 1993-02, Appendix A, 1993)