

**TOWN OF RUSSIAVILLE
ORDINANCE 2023-03
AMENDING ORDINANCE 2021-03
AND PREVIOUSLY AMENDING ORDINANCE 2018-05
CONTROLLING ANIMALS**

Power of town to regulate, license, and prohibit animals, see IC 36 – 8 – 2 – 6
Prohibition against livestock or poultry at large, see IC 15 – 2.1 – 21 – 8

Section 1.0 Definition

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1.1 Animal

Any live, non – human vertebrate creature, domestic or wild.

1.2 Animal Shelter

Any facility operated by a humane society or a municipal agency, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter or state law.

1.3 At Large

Elsewhere than on the Owner’s premises, and:

1.3.1 Not restrained by a leash; or

1.3.2 Not under the immediate and complete control of a person capable of controlling such animal.

1.4 Authorized Agent

Law enforcement officer, authorized employees of the humane society, or any duly authorized employees of the town.

1.5 Cat

All members of the feline animal group.

1.6 Dog

All members of the canine animal group.

1.7 Harbor

The actions of any person who permits any animal to remain or lodge or to be fed within the persons home, store, enclosure, yard, or places of business, or any premises on which such person resides or controls. An animal shall be presumed harbored if it is fed or sheltered for three consecutive days or more.

1.8 Kennel

A facility operated principally for the purpose of boarding, housing, grooming, breeding or training dogs or cats. The facility must be located a minimum of 500 feet from the closest dwelling.

1.9 Owner

Any person or persons owning or having the care, custody, or control of any animal.

1.10 Pet Shop

Any person or entity engaged in the humane care and possession for sale, display, and sale of pets.

1.11 Public Nuisance

Any animal that:

1.11.1 Attacks passersby or passing vehicles;

1.11.2 Attacks other animals; or

1.11.3 Damages public or private property.

1.11.4 Any female dog or cat not confined while in estrus (heat).

1.11.5 Barks, whines, or howls in an excessive or continuous fashion, unreasonable under the circumstances, as to violate the peace and quiet of the neighborhood.

1.11.6 Causes foul or noxious odors, which offend residents in the neighborhood.

1.12 Restraint

The securing of an animal by leash or confining it within the real property limits by its owner.

1.13 Stray

After reasonable inquiry any animal that does not appear to have an owner.

1.14 Vicious Animal

Any animal that exhibits aggressive or threatening behavior and constitutes a physical threat to harm human beings or other animals.

1.15 Wild Animals

Any non – domesticated animal, with the exception of small nonpoisonous aquatic or amphibious animals and small cages birds.

Section 2.0 Licensing and Registration of Dogs

2.1 All dogs kept, harbored, or maintained by their owner in the town shall be:

2.1.1 Licensed by their owner by February 1st of each year.

2.1.2 Currently vaccinated for rabies if the dog is more than six months of age.

2.2 Dog licenses shall be valid for one calendar year or until February 1st of the following year of the date of issuance. The licenses shall be issued by the Town Clerk or person designated by them. A license fee of \$ 3.00 shall be collected for each dog and presentation of a tag, hereinafter referred to as the rabies vacation tag, showing that dog to have been vaccinated for rabies within the current year or the immediately preceding year. The owner shall state at the time of making application for such license and on the forms provided for such purpose, the owner's name and address and the dog's name, breed, color, and sex.

2.3 The provisions of this section shall not apply to any dog show, nor to seeing – eye dogs trained to assist blind persons, when such dogs are actually used for such purposes, and not to dogs kept in kennels licensed by the state while those dogs are actually in such kennel.

Penalty, See Section 11.0

Statutory reference:

State licensing and taxation of dogs; see IC 15 – 5 – 9 – 1 et seq.

Section 3.0 Tags and Collar

- 3.1 On payment of the license fee and presentation of the rabies vaccination tag, the Town Clerk, or person designated by him, shall issue to the owner a license certificate and a metallic or other tag of durable material for each dog so licensed.
- 3.2 The tag shall have stamped thereon the year for which it was issued and the number corresponding with serial number of the certificate. The owner shall provide each dog with a collar to which the license tag and the rabies vaccination tag shall be affixed, and shall see that the collar and tag are worn by the dog so licensed at all times. In case a dog license tag is destroyed or lost, a duplicate tag shall be issued on presentation of the license certificate or a receipt showing payment for a certificate for the current year, along with the rabies vaccination tag, and on payment of \$1.00 for such duplicate. Dog licenses, certificates, and rabies vaccination tags shall not be transferable from one dog to another and no refunds shall be made on any dog license fee because of the death of the dog or because of any other reason.

Penalty, See Section 11.0

Section 4.0 Prohibitions

- 4.1 It shall be unlawful for any owner to allow, suffer, or permit a dog to be at large within the town limits.
- 4.2 It shall be unlawful for any owner to allow, suffer, or permit a dog to be within the town limits when such dog is not wearing a town license tag and a rabies vaccination tag as required in Section 2.0.
- 4.3 It shall be unlawful for any person to hinder, molest, or interfere with any authorized official in the performance of any duty described in this chapter.
- 4.4 It shall be unlawful for the owner of any animal to permit any animal to be a public nuisance. Furthermore, it shall be unlawful for any owner of any animal to recklessly, and or carelessly fail to exercise care and control over the animal in such a way that the animal is a public nuisance.
- 4.5 Acreage requirements for Certain Domestic Animals: Prohibition of Swine, potbelly pig, Cows, Sheep, and Goat.
 - 4.5.1 Any person desiring to keep any of the following domestic animals or fowl in the town limits must have a minimum of four (4) contiguous acres of land in the town, upon which the animal would be kept and which acreage must be fenced to confine such animals:
 - A. Horse, Donkey, ass, burro, mule;
 - B. Chickens, geese, turkeys, ducks, or other fowl, except racing or homing pigeons. None of the above are permitted to run free. They must be contained in the coop or enclosed run. No Roosters are allowed. The following guidelines must be followed in order to keep chickens within a property. A minimum of four (4) contiguous acres of land is not required for chickens.
 1. Chicken flock means more than one chicken which: contains no more than (12) hens, and not roosters.
 2. Any one desiring to raise chickens within the town limits of Russiaville must file an application for an urban chicken permit with the Clerk Treasures office and be approve by the town board. A one-time fee of \$25.00 is required. The Clerk Treasurer's office will maintain records and electronic reports summarizing:

- Location
 - Size of the chicken coop
 - Fees collected
3. Requirements for pen materials – the chicken pen shall be constructed of traditional building materials. The pen shall provide at least 2 square feet or area per chicken. The fence shall rise no more than 6 feet above the ground. The pen shall be covered with wire, aviary netting, or solid roofing.
 4. Requirements for coop – the coop shall be enclosed with solid material on all sides and have a solid roof and door(s). The coop shall be at least 18 inches high and provide at least one square foot of floor area per chicken. Traditional building materials shall be used. Doors shall be constructed so they can shut and lock. Vents covered with wire, will be placed as necessary for adequate ventilation. The coop shall be impermeable rodents, wild birds, cats, predators, including dogs and cats.
 5. Maximum coop size – 120 sq. feet.
 6. The town board may revoke a permit to any person who has failed or refused to comply with permit requirements, or subsequent ordinance violations, who has made any fraudulent or false statement of material representation in the permit application or keeping or chickens, or who has kept chickens or other animals in such a manner as to constitute a breach of the peace or a menace to health, safety, or welfare of the public. Upon denial or revocation of a permit, the town will provide notice to the permit applicant or holder and shall provide for a written appeal and hearing pursuant to procedure within this code.

The maximum number of such (other) animals which may be maintained on such property shall be determined in light of current animal husbandry and veterinary standards.

Section 4.0 Prohibitions continued

4.5.2 In no event shall the shelter and feedings station for any of the animals or fowl designated in the division 4.5.1. above be closer than fifty (50) adjoining property line.

4.5.2.1 Nothing in this section shall be deemed or construed to prohibit the keeping of bees in a hive, stand, or box located or kept within a zoological park, school, or university building for the purposes of study or observation, or in a residential area, as long as the public safety is ensured.

4.5.3 Any person desiring to raise rabbits or pets or racing or homing pigeons within the town limits must keep such animals and birds in safe and sanitary conditions so that a public nuisance as defined herein is not created.

4.5.4 No person may keep within the town limits, as presently or hereinafter established, any swine, Vietnamese potbelly, or pig pens, or hog sites, which are hereby declared to be a nuisance to the town.

Penalty, see Section 11.0

Section 5.0 Dangerous or Vicious Animals: Pursuit of Animals.

5.1 Any authorized agent of the town is given authority to:

- 5.1.1 Kill any dangerous, vicious, or ferocious animal found at large, which cannot be safely captured and impounded by ordinary means. Except that every reasonable effort shall be made to avoid killing an animal which has bitten or is suspected of having bitten a person or which appears to have rabies. If the killings of the animal cannot reasonably be avoided, the authorized agent shall attempt to kill the animal in such a manner so as to preserve the head thereof intact.
- 5.1.2 Enter on the land in the town when in pursuit of any animal which the agent has reasonable cause to believe is in violation of this chapter, except that such agent is not authorized to enter any building without consent of the occupant.

Section 6.0 Apprehension and Impounding Animals

6.1 It is the duty of persons and agencies so authorized by the town to apprehend and impound:

- 6.1.1 Any animal at large or any animal deemed a public nuisance.
- 6.1.2 Any dog not wearing a current town license tag.
- 6.1.3 Any dog not wearing a proper rabies vaccination tag.
- 6.1.4 Any animal, which has bitten or that is suspected of having bitten a person or which appears to have rabies.

Section 7.0 Notice to Owner

7.1 Notice shall be sent to the owner of a dog, which was wearing a current year town license tag at the time of its impoundment. Said notice shall be sent no later than three (3) days after the impounding of a dog. The caretaker shall deposit in the ordinary U.S. Mail a notice addressed to the owner advising of the impounding of the dog. If the owner fails to redeem the dog, or within 15 days after notice is mailed, the dog may be destroyed or possession given to any other person. This notice provision shall apply to any animal impounded under this chapter.

Section 8.0 Redemption and disposition of Impounded Animals

8.1 Any healthy dog or cat apprehended or impounded may be redeemed by the owner or other persons as authorized in section 8.4 within five days of such apprehension.

Redemption shall be with evidence showing that the dog had a current license tag and rabies vaccination tag, and by payment of the following fees:

- 8.1.1 If the dog or cat has been apprehended by an agent of the town, the sum of \$5.00.
- 8.1.2 A reasonable fee for room and board for each day or fraction thereof, during which the dog or cat was impounded.
- 8.1.3 After five days, the dog or cat may be destroyed or possession given to any other person.
- 8.1.4 Section 8.1.1, 8.1.2, and 8.1.3 above shall apply to any animal impounded under this chapter.

8.2 Any animal impounded, for any reason, which appears to any duly licensed veterinarian to have any infectious or contagious disease, other than rabies, may be destroyed forthwith.

8.3 Any dog or cat apprehended and impounded for having bitten a person, being suspected of having bitten a person, or appearing to have rabies, shall not be redeemed by the owner within ten days, but instead, shall be kept under observation in the pound for ten days unless such dog or cat shall sooner die. At the expiration of the ten – day period, the dog or cat may be redeemed by the owner or other person as provided in section 8.4 below, on showing that the dog or cat has a current town license tag, a rabies vaccination tag, and by payment of the fees set forth in section 8.1, 8.2, and 8.3 hereinabove, however, home quarantine may be allowed by the County Board of Health.

8.4 In the event any animal having been impounded, as required by this chapter, whose owner fails to redeem the animal within the time limit herein prescribed, the owner loses his right to possession, and any other person within five after the expiration of the owner's time limit may obtain possession of the animal on payment of room and board fees and on compliance with the requirements of this chapter concerning license tags and rabies vaccination tags.

Section 9.0 Disposition of Moneys Collected.

All moneys or fines collected pursuant to this chapter shall be paid to the Town Clerk and shall be deposited to the general fund.

Section 10.0 Enforcement

Enforcement of this chapter shall be by lawsuit initiated in the name of the town by the Town Attorney for the town or by prosecution under the laws of the state where applicable.

Section 11.0 Violation; Citation

In lieu of impounding an animal which is at large, unlicensed, a public nuisance, or in any other way found to be in violation of this chapter, a law enforcement officer or a humane officer may issue to the owner a penalty of \$10.00 which may, at the discretion of the animal owner, be paid to the Town of Russiaville at the Town Hall within 72 hours in full satisfaction of the assessed penalty this penalty shall increase by \$5.00 for each subsequent offense. The definition of animals shall include but not be limited to chickens.

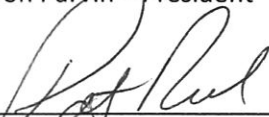
Section 12.0 Penalty

Whoever violates any provision of this chapter shall be fined not more than \$500.00. A separate offense shall be deemed committed on each day that a violation occurs or continues.

PASSED AND ADOPTED by the Town Council of the Town of RUSSIAVILLE, Howard County, Indiana,
this 28th day of August 2023.



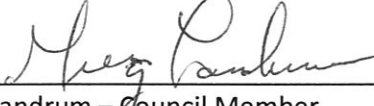
Don Parvin – President



Pat Reel – Vice President



Myrna Claar – Council Member



Greg Landrum – Council Member



Jake Gibson – Council Member

ATTEST:


Megan M. Reel – Clerk Treasurer