

ORDINANCE 2021-1

AN ORDINANCE REGULATING THE KEEPING OF ANIMALS WITHIN THE TOWN OF NEW RICHMOND, INDIANA

WHEREAS, the Town Council of the Town of New Richmond, Indiana is advised of the authority granted to it by the Indiana General Assembly, specifically but not limited to IC 36-1-3 et. Seq., IC 36-8-2-4, IC 36-8-2-6, IC 36-1-4-11 and IC 15-20-1 et. Seq. and;

WHEREAS, the Town Council of the Town of New Richmond, Indiana desires to protect the citizens of the Town of New Richmond from conditions which may exist from the keeping of dogs, cats and other animals, and to protect the health, safety and welfare of the residents and property owners of the Town of New Richmond, Indiana.

BE IT ORDAINED by the Town Council of the Town of New Richmond, of Montgomery County, State of Indiana that the following conditions, provisions and penalties as it pertains to the keeping of animals within the limits of the Town of New Richmond, Indiana are hereby established:

SECTION 1 – DEFINITIONS

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

Owner: Means the owner of a dog, cat or other animal. The term includes a person who possesses, keeps, or harbors a dog, cat or other animal.

Animal: Any vertebrate, domesticated or non-domesticated animal kept or raised for use, pleasure or profit to include farm animals.

Humane Officer: Any person designated by the state, a municipal government, or humane society as a law enforcement officer who is qualified to perform such duties under the laws of the state or Town Marshal or any Deputy Town Marshal.

Animal Shelter: Any facility operated by a humane society or municipal agency or its authorized agents for the purpose of impounding or caring for animals held under the authority of this Ordinance or State Law.

Abandon: The voluntary relinquishment of possession by the owner with the intention of terminating ownership, but without vesting possession in any other person.

To Run at Large: Animals which are off the premises of the owner while not under the control of the owner or other person by leash, cord, chain or other device of actual physical restraint or under the control of and accompanying the owner or other person who has the ability to control the animal by voice or other command.

Vicious Animal: Any vertebrate animal that has been known to have bitten a human being, inflicted personal injury on a human being, or otherwise physically molested a human being without provocation, or promiscuously attacks other animals.

SECTION 2 – ANIMAL LICENSING & VACCINATION REQUIREMENTS:

- (A) No person shall harbor any cat or dog which is six (6) months or older and which has not been vaccinated against rabies.
- (B) A rabies vaccination tag issued by a licensed veterinarian, an identification tag stating the name and address of the owner or phone number of the owner needs to be attach to the collar of the animal.

SECTION 3 – CARE REQUIREMENTS:

- (A) No owners shall fail to provide his or her animals with sufficient food, water and protection from the weather and reasonable care as may be necessary to prevent suffering.
- (B) No owner shall permit cruelty to or neglect to any vertebrate animals.

SECTION 4 – CONFINEMENT REQUIREMENTS:

- (A) All owners shall confine within a building or secure enclosure every dog, cat or animal when in heat or rutting.
- (B) It shall also be unlawful for any owner to remove such dog, cat or other animal from a building or enclosure at any time to permit contact with another animal except for planned breeding purposes.

SECTION 5 – OWNER RESPONSIBLE FOR ANIMAL WASTE:

- (A) The owner of every animal shall be responsible for the prompt removal of any feces deposited by his or her animal on public areas and shall not permit, without prompt removal, defecation on private property other than his own.
- (B) No owner shall permit a condition, which arises from the accumulation of animal excreta on the property of the owner so as to cause an obnoxious odor, create a situation that could draw or breed insects, attract vermin or cause a public health nuisance.

SECTION 6 – ABANDONMENT PROHIBITED:

It shall be unlawful for any owner of any dog, cat or other animal to abandon the same within the town limits.

SECTION 7 – ANIMALS AT LARGE:

- (A) It shall be unlawful for any animal owner to allow, suffer or permit such animal to be at large upon the streets or a public place in the town or any private place beyond the control of the owner.

- (B) Knowingly or negligently permit any animal to chase or harass vehicles or pedestrians on public streets and sidewalks or obstruct the normal use of streets and sidewalks.
- (C) Knowingly or negligently permit a domestic animal to run at large, to destroy or deface, or to defecate or urinate on, shrubbery, lawns, flowers, gardens, or other property.

SECTION 8 – BARKING DOGS:

It shall be unlawful for any owner to keep or harbor any dog or animal within the town that creates a nuisance by habitually barking, howling, crying, yelping or any other loud and frequent noise causing annoyance or disturbance to the neighborhood.

SECTION 9 – VICIOUS ANIMALS:

- (A) Any vicious or ferocious animal as defined by this ordinance shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
- (B) The owner of a vicious dog commits a Class C misdemeanor if: (As stated in IC 15-20-1-4)
 - (1) The owner recklessly, knowingly, or intentionally fails to take reasonable steps to restrain the dog;
 - (2) the dog enters property other than the property of the dog's owner; and
 - (3) as the result of the owner's failure to restrain the dog, the dog bites or attacks another person without provocation, resulting in bodily injury to the other person.

SECTION 10 – VICIOUS ANIMAL EMERGENCY CONTACTS:

Prior to the keeping of a vicious animal within the town the owner must provide to the Town Marshal and to the Town Hall emergency contact information to be used in case the animal breaches confinement during the owner's absence. It is also the responsibility of a vicious animal owner to keep the emergency contact information current.

SECTION 11 – DESTRUCTION OF VICIOUS OR THREATENING ANIMALS:

- (A) The Town Marshal, Deputy Marshal or any Humane Officer is hereby authorized to destroy any vicious or ferocious animal which cannot be safely captured or kept in custody by usual and available means, or which is observed to be attacking a person or another animal.
- (B) The method of destruction must be as humane and expeditious as possible and may not pose a greater threat than that of not destroying the animal.

SECTION 12 – USE OF SHELTER:

The Town Council may arrange for access to the service of an animal pound or shelter. The Town Council is authorized to enter contracts for fulfillment of its duties hereunder and to make payments thereunder in amounts not to exceed monies appropriated for such purposes by the Town Council.

SECTION 13 – AUTHORIZATION TO IMPOUND:

- (A) The Town Marshal, Deputy Town Marshal or any Humane Officer is hereby authorized to impound any animal found in violation on the provisions of this ordinance and promptly turn the animal over to any properly licensed humane society or shelter.
- (B) Upon impound of any animal pursuant to the provisions of this ordinance the impounding officer shall make reasonable notice to the animal owner if such owner is known.

SECTION 14 – PENALTIES:

Any person, firm or corporation who violates any of the provisions of this ordinance or who interferes in anyway with due process of enforcement of any provisions of this ordinance or does not comply within thirty (30) days of any order issued under this ordinance shall be subject to a fine of not less than Twenty-Five dollars (\$25.00) or not more than Five Hundred Dollars (\$500.00). Each day in which a violation occurs shall constitute a separated offense.

SECTION 16 FINES (EXCEPT SECTION 9)

First offense a warning.

Second offense Twenty-Five Dollar (\$25.00) fine.

Third offense Fifty Dollar (\$50.00) fine.

Fourth offense Seventy-Five Dollar (\$75.00) fine.

Fifth offense One Hundred Dollar (\$100.00) fine and each offense afterward not to exceed Five Hundred Dollars (\$500.00).

The violator will have 30 days from the date of the ticket to pay the fine to the Town of New Richmond. A five-dollar (\$5.00) penalty will be added after 30 days and each additional 30 days thereafter that the fine is not paid, or the violator will face further legal actions and will be responsible for all legal fee associated with the attorney and court cost.

SECTION 17 FINES FOR SECTION 9

First offense Two Hundred and Fifty (\$250.00)

Second offense Five Hundred (\$500.00)

The violator will have 30 days from the date of the ticket to pay the fine to the Town of New Richmond. A five-dollar (\$5.00) penalty will be added after 30 days and each additional 30 days thereafter that the fine is not paid, or the violator will face further legal actions and will be responsible for all legal fee associated with the attorney and court cost.

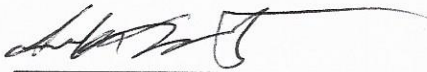
THEREFORE, BE IT ORDAINED, this Ordinance shall be in full force and effect after 30 days from the date of its passage, and all Ordinances or parts of Ordinances in conflict with the provisions hereof are of no further force of effect and are hereby repealed. If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance. The adoption of this Ordinance shall immediately take effect on the 9 day of April, 2021.

Public Hearing and Adoption on 9 day of March, 2021.

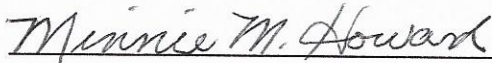
PASSED AND ADOPTED this 9 day of March, 2021, by the Town Council of the Town of New Richmond, Montgomery County, Indiana.

Aye

Nay



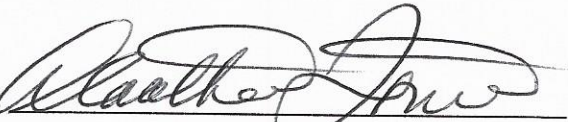
Luke Martin, Council President



Minnie Howard, Council Member

Carmine Azzato, Council Member

Attest:



Alaathea Foust, Clerk/Treasurer