

STATE OF INDIANA
CITY OF CHARLESTOWN
CHARLESTOWN CITY COUNCIL

ORDINANCE NO. 2005 - OR - 20

ORDINANCE OF THE CHARLESTOWN CITY COUNCIL

AN ORDINANCE REGARDING THE REGULATION OF DOMESTIC OR VICIOUS
ANIMALS WITHIN THE CITY LIMITS OF CHARLESTOWN

WHEREAS, the City has determined that for the health, safety and well being of all of the citizens of Charlestown the ownership or possession of domestic or vicious animals within the corporate boundaries of the City should be regulated; and

WHEREAS, the unregulated ownership or possession of domestic animals and/or vicious animals within the City creates unhealthy, unsafe and nuisance conditions to exist within the City;

NOW THEREFORE, BE IT ORDAINED by the City Council of Charlestown that:

Section 1. Definitions. For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

A.) Owner: Any person, firm, corporation, organization or department owning, possessing, harboring or having the care or custody of a domestic animal in the City.

B.) Unconfined Vicious Animal: A vicious animal is "unconfined" if the animal is not securely confined indoors or confined in a securely enclosed and locked pen, cage or structure upon the premises of the owner, keeper or harbinger of the animal. The pen or structure must have secure sides and a secure top and bottom attached to the sides and the sides must be imbedded into the ground no less than one foot if outside and setting on the ground. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

C.) Vicious Animal:

- 1) Any animal with a known vicious propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or
- 2) Any animal which because of its vicious propensity is capable of inflicting serious physical harm or death to humans and which would constitute a danger to human life or property if it were not kept in the manner required by this Ordinance; or
- 3) Any animal which, without provocation, attacks or bites, or has attacked or bitten, a human being or domestic animal; or
- 4) Any animal owned or harbored primarily or in part for the purpose of animal fighting, or any animal trained for animal fighting.

D.) Domestic Animal: Any animal not kept for a commercial or business purpose.

Section 2. Regulations.

A.) Confinement

- 1) No domestic or vicious animal may be kept on a porch, patio or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such domestic or vicious animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the animal from exiting the structure.
- 2) The owner of a domestic or vicious animal shall not suffer or permit the animal to go unconfined.

B.) Leash and Muzzle: The owner of a domestic or vicious animal shall not suffer or permit the animal to go beyond the premises of the owner unless the animal is securely muzzled, restrained by a secure cage, chained, or leashed, and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any human or other animal.

C.) Signs: The owner of a vicious animal shall display in a prominent place on his or her premises a clearly visible warning sign ("DANGEROUS ANIMAL,") indicating that there is a vicious animal on the premises. A similar sign is required to be posted on the pen or kennel of the animal. The lettering on the sign shall be in all capital letters, a minimum of six (6) inches tall and red on a white background.

D.) Animal Fighting: No person, firm, corporation, organization or department shall possess, harbor or maintain the care or custody of any animal for the purpose of animal fighting, nor train, torment, bait or use any animal for the purpose of causing or encouraging the animal to attack human beings or domestic animals in the City.

E.) Insurance: Owners of vicious animals must within thirty (30) days of the effective date of this Ordinance provide proof to the Clerk-Treasurer of liability insurance in the amount of at least \$100,000, insuring the owner, keeper or harbinger for any personal injuries inflicted by his/her vicious animal.

Section 3. Animal Control. It shall be unlawful for any person, partnership, corporation or other association who owns, keeps or harbors a domestic or vicious animal to permit such domestic or vicious animal to run at large within the City at any time. For the purpose of this Ordinance, "run at large" shall mean straying beyond the premises of the owner, keeper or harbinger without the exercise of reasonable control over such domestic or vicious animal.

Section 4. Disturbance of the Peace. It shall be unlawful for any person, partnership, corporation or other association who owns, keeps or harbors a domestic or vicious animal to permit such domestic or vicious animal to disturb the peace and quiet of a neighborhood by barking or making any other loud or unusual noises; by overturning garbage cans; by running through or across cultivated gardens or fields; by chasing pedestrians, bicycles, motorcycles, mopeds, or motor vehicles; or any defecating or urinating on the property of another including public property.

Section 5. Undomesticated or Wild Animals. It shall be unlawful for any person, partnership, corporation or other association to permit any domestic or vicious animal of any kind to run at large within the City. Exhibitions or parades of animals which are feral (undomesticated or wild) in the eyes of the law may be conducted only upon securing a permit from the Chief of Police.

No such permit shall be granted by the Chief of Police to any person, partnership, corporation or other association without first obtaining a written list of reasonable precautions to be taken by such person, partnership, corporation or other association for the safety and well-being of the residents or other persons within the City. Furthermore, no such permit shall be granted by the Chief of Police to any person, partnership, corporation or other association without first obtaining a written statement releasing the City from liability and holding the City harmless for any injury, damage or other loss caused by such animal or animals.

Section 6. Animal Waste. Every owner of an animal shall not allow their animal to create any animal waste outside of the owner's premise; however, if such waste is deposited on the property of another, then the owner shall be responsible for the immediate removal of any excrete deposited by his/her/its animals on public property or on the private property of others.

Section 7. Care of Animals. Every owner of an animal shall provide such animal with adequate food, water and shelter.

Section 8. Exception for Veterinarians. It shall not be unlawful for a person, partnership, corporation or other association which is licensed in the practice of veterinarian medicine to keep animals for such periods necessary for observation and treatment.

Section 9. Exception for Dogs and Cats. The keeping of dogs and cats shall not be unlawful under this ordinance so long as every such dog or cat is kept as a pet and is controlled pursuant to all laws of the City, County or State as applicable.

Section 10. Exception for Indoor Small Domesticated Pets. The keeping of other small domesticated pets, including but not limited to parakeets, gerbils, snakes, and other small animals, shall not be unlawful under this ordinance so long as such small domesticated pet is kept indoors twenty-four (24) hours per day and does not pose a health risk to human beings.

Section 11. Exception for Owners Who Have Special Licenses. An owner may keep an animal otherwise prohibited under this Ordinance if the person acquires and maintains a special federal or state license which allows the keeping of such animal for purposes of scientific research or other state or federal sanctioned reasons.

Section 12. Exception for Law Enforcement Officers. It shall not be unlawful for a law enforcement officer to own, keep or harbor police dogs in order to aid and maintain the City's Canine Unit.

Section 13. Penalty. Any person, partnership, corporation or other legal entity which violates any of the provisions of this Ordinance shall be subject to a fine of not less than twenty-five dollars (\$25.00) nor more than one-thousand dollars (\$1,000.00) for each separate offense. Each day that such offense continues to occur shall be a separate violation.

Section 14. Grace Period. Any person, partnership, corporation or other legal entity which keeps, maintains, trades in or which has in his/her/its possession or under his/her/its control any of

the prohibited animals at the time this Ordinance is adopted, shall have a period of ninety (90) days to bring themselves within compliance without penalty.

Section 15. Savings Clause. If any section of this Ordinance shall be deemed unenforceable and/or not in compliance with any applicable statute or law by a court of competent jurisdiction, then to the extent permissible all other sections of this Ordinance shall remain in full force and effect.

Section 16. Repealing Clause. All sections of any previous Ordinances and/or Resolutions that are inconsistent and/or contradictory to the above provisions of this Ordinance are hereby repealed.

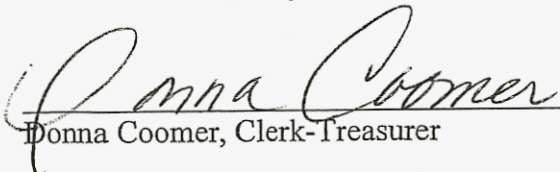
Section 17. Effective Date. This Ordinance shall be in full force and effect upon and after its passage by the Charlestown City Council or as otherwise mandated by statute and/or rule.

ADOPTED by the City Council of Charlestown, Indiana, this 7th day of November, 2005.

	AYE	NAY	ABSTAIN	ABSENT
 Jeff Aaron	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Bruce Bottorff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Terry Pierce	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Brian Walker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
 Matthew Woods	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED: 
Michael D. Hall, Mayor

DATE: 11/7/05

ATTEST: 
Donna Coomer, Clerk-Treasurer

DATE: _____