

A GENERAL ORDINANCE FOR LAWS AND STANDARDS FOR ANIMALS WITHIN THE CORPORATE LIMITS OF THE TOWN OF PARKER CITY, RANDOLPH COUNTY, INDIANA

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BE IT ORDAINED BY THE TOWN BOARD OF TRUSTEES of the Town of Parker City, that the following ordinance for the protection of its citizens is as follows in pertaining to the animals of the town:

ARTICLE I. GENERAL PROVISIONS

Section 1. Definitions

Animal shall mean any living, nonhuman vertebrate creature.

At Large shall mean an animal which is not confined without means of escape in a pen, corral, yard, cage, house, vehicle or other secure enclosure, unless the animal is otherwise under control of a competent human being.

Crime prevention animal shall mean an animal trained and used primarily by it's owner or keeper for the protection of persons or property, or both.

Exposed to Rabies shall mean an animal has been exposed to rabies if it has been bitten by or been in contact with any animal known or reasonably suspected to have been infected with rabies.

Kennel shall mean a facility, operated commercially and principally for the purpose of boarding, housing, grooming, breeding, or training dogs or cats, or both. A Kennel, for purposes of this chapter, shall not include a facility in or adjoining a private residence where dogs are kept for the hobby of the householder, using them for hunting, practice, tracking, exhibiting in shows or field or obedience trails or for the guarding or protecting of the householder's property, and an occasional sale of puppies by the owner, lessee or other occupant of such property shall not make that property a kennel.

Veterinarians shall mean a person licensed to practice veterinary medicine in the State.

Own shall mean to keep, harbor or have custody, charge or control of an animal. Owner shall include any person who owns the animal. Veterinarians, operators of kennels, pet shops, and stables temporarily keeping animals owned by or held for sale to other persons shall not be deemed, for the purposes, to own or be owners, but rather "keepers" of animals.

Pet shall mean an animal obtained or kept by it's owner solely for purposes of enjoyment, companionship, safety or other noncommercial purposes.

Section 2. Applicability to Nonresident Dog and Cat Owners.

(a) It shall be unlawful for the owner or keeper of an animal to cause, suffer, or allow that animal which is owned or kept by him to be at large within the City.

(b) "Animal Nuisance" is created when an animal:

- (1) molests or distrubs persons or vehicles by chasing, barking, or biting.
- (2) barks, whines, howls, meows, cries or makes other noises excessively
- (3) creates noxious or offensive odors.
- (4) defecates upon any public place or upon premises not owned by, controlled by the owner or keeper unless promptly removed by the animal owner or keeper; or
- (5) creates an insect breeding and/or attraction site due to an accumulation of excreta.

(c) The owner or keeper of an animal determined to be at large in violation of this section shall be punishable with respect to each such animal by fines, as follows:

- (1) First Offense: \$ 12.50
- (2) Second Offense: \$ 25.00
- (3) Third Offense: \$ 50.00: and,
- (4) Subsequent offenses: \$ 20.00 times the number of offenses committed by the person, including the first three (3) times.

Section 4. Confinement of female animals in heat.

All female animals in heat shall be confined in a secure enclosure and in such a manner as not to become a nuisance.

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Section 5. Vicious dogs to be confined.

(a) It shall be unlawful for an owner or keeper of vicious, fierce, or dangerous dog to cause, suffer, or allow it to go unconfined and unrestrained on his premises, or to run at large.

(b) For purposes of this section, a vicious, fierce, or dangerous dog means any dog which has:

- (1) attacked a person without having been provoked by that person;
- (2) attacked, at some place other than its owner's property, another animal; or,
- (3) chased or approached a person at some place other than its owner's property, in a menacing fashion or apparent attitude of attack.

(c) It shall be the duty of any person having authority to impound a dog forthwith to impound any such dog found unconfined or running at large in violation of this section.

(d) Any persons who violated this section shall be punishable by a fine of not less than twenty-five (\$ 25.00) dollars. Upon subsequent violation by that person, the court shall, upon request, order the animal forfeited and/or destroyed.

Section 6. Annoying Dogs.

It shall be unlawful for any person to own or keep any dog which by frequent or habitual howling, yelping, barking or otherwise shall cause serious annoyance or disturbance to persons in the neighborhood. It shall be the duty of any person having authority to impound such dogs.

ARTICLE II. CARE AND TREATMENT

Section 1. General Provisions.

(a) Every owner of an animal within the city shall see that his animal:

- (1) is kept in a clean, sanitary and healthy manner, is not confined so as to be forced to stand, sit or lie in its own excrement;
- (2) has proper and adequate food, water, shelter and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about. No animal shall be tethered by use of a choke collar or on a leash less than twelve (12) feet in length, or of such unreasonable weight as to prevent the animal from moving about freely;
- (3) is protected against abuse or mistreatment;
- (4) is diseased or injured, received proper care and, if diseased, is segregated from other animals so as to prevent transmittal of the diseases; and,
- (5) is maintained in compliance with all applicable federal, state, and local laws and all regulations respecting animal care and control as are adopted by the Department of Public Safety and in effect from time to time.

(b) It shall be unlawful for any person to beat, starve, or otherwise mistreat any animal. Failure to comply with any requirement of subsection (a) of this section shall be deemed mistreatment of the animal.

(c) Any person who violates any of the provisions of this section may be given written notice of the practices or conditions which constitute the violation and the enforcing authority may, where appropriate, suggest remedies. Any violation of this section shall be punishable by a fine of not less than twenty-five (\$ 25.00) dollars.

(d) Any person convicted of a second or subsequent offense of violating the provisions of this section shall be fined in an amount not less than fifty (\$ 50.00) dollars and the court, upon request, shall order a forfeiture or other disposition of the animal involved. Any judgement which calls for a fine or forfeiture or other disposition of the animal by the city or any third party shall include the collection costs, etc. as part of the judgement.

Section 2. Abandonment of Animal.

It shall be unlawful for any person to abandon any animal on any public or private property. A violation of this section shall be punishable by a fine of not less than fifty (\$ 50.00) dollars.

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Section 3. Poisoning of Animals.

It shall be unlawful to throw or deposit poisoned meat or any poison or harmful substance in any street, alley, marketplace or public place, or on any private premises in the City, for the purpose of destroying any animal.

Section 4. Animal fights prohibited.

It shall be unlawful for any person to incite or set any animal to fighting within the City, and fights commonly known as "cockfights", "bull fights", and "coon-on-a-log" shall be prohibited within the City.

ARTICLE III. ANIMAL LICENSES

Section 1. When required.

(a) It shall be unlawful for any person to own within the city any dog six (6) months of age or older unless a current animal license issued by the County has been obtained for the dog by that person.

Section 2. Display.

A kennel or pet shop license pursuant to this division shall at all times be displayed prominently in the business office of the licensed kennel or pet shop.

Section 3. Requirements for Kennels.

In addition to obtaining the license required by this division, all kennels within the city limits shall:

- (1) be operated in such a manner as not to constitute a nuisance;
- (2) provide an isolation ward for boarded animals which are sick or diseased sufficiently removed so as not to endanger the health of the other animals;
- (3) retain the name, address and telephone number of the owner and the license number of each dog or cat boarded;
- (4) retain the name and address of each person selling, trading or giving any animal to the kennel;
- (5) keep all boarded animals caged or under the control of the owner operator of the kennel;
- (6) with respect to all animals in the kennel, whether or not owned by the kennel, comply with all requirements of the chapter for the general care of animals;

ARTICLE IV. RABIES CONTROL

Section 1. Rabies Vaccination Required.

(a) Each dog and cat shall have a rabies vaccination more recent than one (1) year.

(b) The owner of a dog or cat which does not have a rabies vaccination more recent than one (1) year shall be punishable by a fine in the following amounts, plus the expense to the quarantining authority of procuring for the animal a current rabies vaccination:

- | | | |
|--------------------------|----|---|
| (1) First Offense: | \$ | 10.00 |
| (2) Second Offense: | \$ | 25.00 |
| (3) Third Offense: | \$ | 50.00; and, |
| (4) Subsequent Offenses: | \$ | 50.00 times the number of offenses, including the first three (3) offenses. |

Section 2. Quarantining Authority.

For the purposes of this article, the quarantining authority shall be the Department of Public Safety and any agents or employees so designated, acting pursuant to the directives and regulations of the Health and Hospital Corporation of Randolph County.

Section 3. Surrender of Animal by Owner.

The owner of an animal which animal is suspected by the quarantining authority of having bitten a person or been exposed to rabies, shall promptly surrender the animal upon demand by said authority for purposes of quarantine and observation, at the expense of the owner of the animal.

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Section 4. Finding of Rabies and General Quarantine.

(a) When a quarantined animal has been found rabid or if suspected of being rabid by a licensed veterinarian and dies while under observation, the quarantining authority shall take such action as is specified in such cases by the State Board of Health and shall notify the proper public officials of reports of human contacts made by and the diagnosis made of the animal.

(b) When a rabies report is made pursuant to subsection (a), the quarantining authority shall recommend to the Department of Public Safety, a quarantine within the city for a period of thirty (30) days. Upon invocation of the quarantine by the Department of Public Safety, any animal found at large within the city may be destroyed without being impounded. During the quarantine period, every animal bitten by an animal adjudged to be rabid shall be confined, at its owner's expense, or destroyed as specified by the State Board of Health.

(c) During a rabies quarantine declared by the Department of Public Safety, an owner or keeper of an animal resisting the quarantining authority acting pursuant to this chapter or who permits an animal owned or kept by him to be at large within shall be punishable by a fine not to exceed one hundred (\$ 100.00) dollars, and impoundment of the animal suspected of rabies or of being in violation of the rabies quarantine.

ARTICLE V. ENFORCEMENT

Section 1. Animal control officers powers.

A person individually charged with the enforcement of this chapter shall be designated "animal control officer."

(1) Such officers shall have full power to enforce all provisions of this chapter, including the right to proceed upon public and private property within the city in pursuit of animals in violation of this chapter.

(2) Such officers shall not have the right to enter a privately owned enclosure in pursuit of any animal without the consent of the owner, lessee, or other occupant of the enclosure, or other legal process; provided, however, if any animal is believed to be enclosed without adequate food or water, or dead animals are believed to be enclosed, and such is not present and cannot be located, an animal control officer may affix a notice to the premises in an obvious location, directing the occupant to contact, the officer at a given location and phone number. If contact is not made within twenty-four (24) hours, however, the officer may enter the premises to determine if this chapter has been violated.

Section 2. Interference with the officer.

It shall be unlawful for any person to interfere with an animal control officer in the performance of his duties. Any violation of this section shall be punishable by a fine of not less than fifty (\$ 50.00) dollars.

ARTICLE VI. IMPOUNDMENT

Section 1. Grounds for Impoundment.

(a) Animals found at large in violation of this chapter shall be captured and impounded.

(b) Any animal found confined or abandoned on private property in violation of this chapter shall be impounded.

Section 2. Notice to owner.

Upon the impoundment of any animal, a reasonable attempt shall be made to notify and inform the owner of the animal of the requirements of this article for regaining the custody of the animal.

Section 3. Release of captured animal without impoundment.

When the owner of a captured animal is known, such animal need not be impounded; but may be released to the owner upon payment of fees and fines, if any, or upon the application for a license, if required.

Section 4. Impoundment fees.

- (a) First Offense: \$ 10.00
- (b) Second Offense: \$ 15.00
- (c) Third and Subsequent Offenses: \$ 20.00

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ARTICLE VII. PENALTIES

Any person found guilty to permitting a nuisance to exist as defined by Article I, Section 3, shall be fined:

- (a) First Offense: Not less than \$ 10.00 nor more than \$ 20.00.
- (b) Second Offense: Not less than \$ 20.00 nor more than \$ 40.00.
- (c) Third Offense: Not less than \$ 40.00 nor more than \$ 80.00.
- (d) Fourth Offense: Not less than \$ 80.00 nor more than \$ 100.00.

The second, third, and fourth offenses will be subject to happening within a consecutive twelve (12) month time period.

THIS ORDINANCE SHALL be in effect upon passage and proper advertising in appropriate newspapers and according to the Statutes governing this municipality.

ADOPTED THIS 9 DAY OF May, 1989.

Board of Trustees
Town of Parker City

ATTEST:

Tamara L. Anderson, Clerk Treasurer

ORDINANCE NO. 2014-2

An Ordinance for the Town Board of Parker City, Indiana,
Amending Ordinance 1989-2

WHEREAS, the Town Board of Parker City, Randolph County, Indiana, finds that the application and appeal process for kennel permits should be defined in Ordinance 1989-2 relating to animal control in the Town of Parker City, Indiana.

BE IT ORDAINED, by the Town Board of Parker City, Indiana, that Ordinance 1989-2 is hereby amended by amending title of Article III and Section 1 and adding Sections 4 and 5 to Article III, Animal Licenses:

ARTICLE III ANIMAL REGISTRATION

Section I.

a. It shall be unlawful for any person to own within the town any dog or cat six (6) months of age or older unless a current animal registration issued by the Parker City Police Department has been obtained for the dog or cat by that person.

b. There shall be no fees associated with the registration.

4. Application Process

a. All applications for a kennel permit shall be completed on the application form approved by the Town Board, and provided to the public by the Parker City Police Department.

b. All completed applications shall be reviewed by the Town Marshall of Parker City.

c. Once the review of the application is concluded, the Town Marshall shall approve or deny the applicant's request. The Town Marshall shall make the determination of approving or denying the application based on the following factors:

1. Prior complaints or calls made to the Parker City Police Department concerning animal control issues involving the property where the kennel is to be located.

2. Prior complaints or calls made to the Parker City Police Department concerning animal control issues involving the applicant or any member of the applicant's immediate household.

3. Any convictions for animal cruelty, or any other offense relating to animal health or welfare, that the applicant or any member of the applicant's immediate household may have.

4. Any other factor that the Town Marshall believes is relevant in making the determination.

d. If the Town Marshall approves the application for the kennel permit, the permit shall be issued as follows:

Permit A: 5 to 16 dogs

Permit B: More than 16 dogs

e. If the Town Marshall denies the application for the kennel permit, the applicant shall be notified in writing, via certified mail, that his/her application for the kennel permit has been denied, and in that written denial, the applicant shall be notified of the proper procedures for requesting an appeal of that determination.

5. Appeal Process

a. If a person's kennel permit is revoked, or an applicant is denied a kennel permit, he/she may submit an appeal to the Parker City Clerk's office within 30 days from the date of the denial or revocation.

b. All requests for appeals must be in writing and addressed to the President of the Parker City Town Board, whereupon, the President of the Parker City Town Board shall set the appeal for a hearing within 45 days of receipt of the written request.

c. The person requesting the hearing must notify, by certified mail, return receipt requested, all landowners within a 250-foot radius of the property where the kennel may be located. The notification must be on the form supplied or approved by the Parker City Police Department. The notice must have the following information:

1. Date, time, and place of hearing.
2. Nature of the hearing.
3. The street address of the requested kennel permit.

d. The notifications shall be completed and mailed to each neighboring landowner 10 days prior to the scheduled hearing date. The certified mail return receipt cards must be filed with the Clerk's office on or before the date of the hearing.

e. The hearing shall be held by the Town Board of Parker City and the ultimate approval or denial shall be made by the Town Board of Parker City, within 30 days from the date of the hearing.

f. At the hearing, the person requesting the permit or appealing the revocation of a permit may be heard along with anyone in support of or in opposition to the

appeal. The Town Board of Parker City should conduct the hearing in a manner consistent with its normal procedures.

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This Ordinance shall be in full force and effect from and after its passage and due publication.

May Duly passed by the Town Board of Parker City, Indiana, this 5th day of _____, 2014

TOWN BOARD OF THE
TOWN OF PARKER CITY, INDIANA

Mike Houston

Pat D. Anderson

ATTEST:

Kim Walker

Kim Walker, Clerk/Treasurer
Town of Parker City, Indiana

ORDINANCE NO. 2020-2

An Ordinance Amending Ordinance 1989-2

WHEREAS, the Town Council of Parker City, Indiana finds that it should be unlawful to own or harbor a rooster in the Parker City Town Limits.

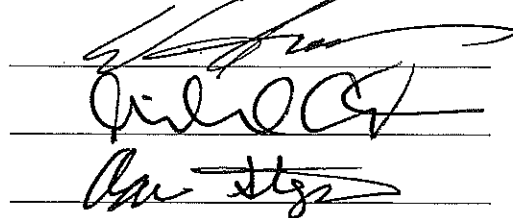
NOW THEREFORE BE IT ORDAINED by the Town Council of the Town of Parker City, Indiana that Ordinance 1989-2 is amended by adding the following:

1. It shall be unlawful to own or harbor a rooster in the Parker City Town limits.
2. A resident of the Town of Parker City may not own or harbor more than 2 chickens per lot, and not to exceed a total of 6 chickens per residence.
3. If a person is in violation of this Ordinance then they may be subject to the penalties under Article VII of Ordinance 1989-2.

This Ordinance shall be in full force and effect from and after its passage and approval.

Duly passed by the Town Bard of the Town of Parker City, Indiana, this 3rd day of September 2020.

TOWN COUNCIL OF THE TOWN OF
PARKER CITY INDIANA



ATTEST:-



Kim Cecil, Clerk/Treasurer