

ORDINANCE 2021-51

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF LOGANSPORT, INDIANA REGULATING THE SAFE KEEPING AND CONTROL OF ANIMALS WITHIN THE CITY OF LOGANSPORT, INDIANA IN FURTHERANCE OF THE SAFETY, HEALTH AND WELFARE OF THE PUBLIC AND ITS ANIMALS, AND PROVIDING PENALTIES FOR VIOLATIONS OF THE REGULATIONS ADOPTED HEREWITH; AND REPEALING CONFLICTING PRIOR ORDINANCES.

WHEREAS, the Common Council of the City of Logansport, Indiana deems it necessary to protect the health, safety and welfare of its citizens, their property, and animals within the City, and

WHEREAS, the Common Council of the City of Logansport, Indiana looks upon the responsible ownership and control of animals and further recognizes that such can be a source of security and pleasure to owners and to others, but also recognizes that animals may present an intolerable nuisance and/or hazard to the public where owners or others fail to observe basic principles of responsible and rightful animal ownership and control, and

WHEREAS, it is the desire of the Common Council of the City of Logansport, to not only protect the health, safety, welfare and property of the citizens of Logansport against an increasing uncontrolled animal population, but also protect the responsible enjoyment of animals including companionship and security as well as to encourage the humane treatment of animals, and

WHEREAS, the Common Council of the City of Logansport, Indiana adopts this Ordinance in an effort to incentivize and regulate responsible and rightful animal ownership, and control and penalize instances of irresponsible, neglectful and harmful animal ownership, and to ensure that no animals shall be kept or housed by any person or entity within the City limits of Logansport, Indiana except as those allowed under the terms of this ordinance and the zoning regulations of the City of Logansport;

NOW, THEREFORE, BE IT ORDAINED by the Common Council of the City of Logansport, Indiana:

SECTION 1: DEFINITIONS - For purposes of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1) ANIMAL SHELTER - An animal shelter (hereinafter "Shelter") established by any lawful authority in any city or town within Cass County, Indiana or by the action of the Board of Commissioners or County Council in Cass County, to keep, care for or legally dispose of animals impounded as provided for herein.

2) PEACE OFFICER - Includes, but is not limited to the officers of the Logansport Police Department, Cass County Deputies, and members of the Indiana State Police and Conservation Officers, any Animal Control Officer(s), and the City Code Enforcement Officer(s).

3) OWNER - Any person or persons, firm, association, corporation, or other entity owning, controlling, keeping, maintaining or harboring animals in the City of Logansport.

4) ABANDONED ANIMAL - An animal which has been subject to an intentional, voluntary, or negligent relinquishment of possession, control, or "dumping" by its owner with the intention of terminating their ownership, but without reasonably vesting possession in any other person or entity.

5) NON-IMMUNIZED ANIMAL - Any animal over six (6) months of age and which is required by any local, state, or federal law to be immunized against rabies or other conditions but has not received such immunization(s).

6) DOMESTIC ANIMALS - Animals traditionally considered household pets commonly bred, owned, and used for domesticated purpose and historically allowed in the city limits of Logansport. The term includes dogs, cats, and caged rodents such as white mice, gerbils, ferrets, rabbits, and non-hunting birds such as pigeons, parakeets, parrots, and aquarium fish.

7) FARM ANIMALS - Animals usually and traditionally bred, owned, and used for agricultural or commercial production, including but not limited to cattle, swine, sheep, goats, chickens, turkeys, ducks, geese, and mink.

8) WILD ANIMALS - Animals not traditionally bred, owned, or used as domestic animals or farm animals. Wild animals include, but are not limited to raccoons, squirrels, beavers, badgers, or muskrats.

9) PREDATOR ANIMALS - Animals considered a predator in the wild, even if bred in captivity, including, but not limited to bears, wolves, coyotes, lions, tigers, cougars, panthers, other members of the large hunting cat family, eagles, hawks, falcons, peacocks, other members of the fowl family, other large hunting bird species, alligators, crocodiles, iguanas, and any poisonous or constrictor snakes.

10) EXOTIC ANIMALS - Animals, sometimes kept in captivity for exhibit, controlled hunting purposes, or agricultural production, such as buffalo, deer elk, llamas, ostriches, and emus.

11) AT LARGE - An animal is considered "at large" when off the premises of the animal's owner as defined above and not under control of the owner or other person by leash, cord, chain or other device of actual physical restraint. However, a dog engaged in lawful hunting or a dog, which has been trained to work, working shall not be considered to be at large when engaged in such

activities under the control or supervision of a responsible adult. This provision includes comfort animals pursuant to a doctor's certification.

12) VICIOUS ANIMAL - Any animal or breed of animal which is known to have a propensity, inclination or reputation for attacking human beings or other animals, except animals so trained and owned or controlled by duly constituted police or law enforcement authority.

13) "Dangerous Animal Agreement" means a written agreement entered into between the owner of an animal and the enforcement authority setting forth the terms and conditions that the enforcement authority, in their sole discretion, require in order to safely and legally return an animal to its owner and protect the health and welfare of the community and its animals. The agreement may include, but is not limited to, the following:

- 1) The animal, while on the owner's property, shall, at all times, be kept indoors, or in a secured enclosure for which the animal cannot escape, and into which children cannot trespass. No secured enclosure may be used without the prior enforcement authority's approval of the enclosure.
- 2) The animal may only be off of the owner's property if it is restrained by a substantial leash, no more than six feet in length, muzzled and under the control of an adult.
- 3) Any other condition including spaying or neutering or other requirements to render the animal safe, and healthy pursuant to legal requirements.

14) "Nuisance Animal Agreement" means a written agreement entered into between the owner of an animal and the enforcement authority setting forth the terms and conditions that the enforcement authority, in their sole discretion, require in order to return an impounded animal or an animal found running at large to its owner.

15) UNSANITARY CONDITIONS - means animal housing or quarters, including exercise areas, that are contaminated by health hazards, irritants, items or conditions that endanger or pose a risk to an animal's health, including, but not limited to:

- 1) Excessive animal waste, garbage and trash;
- 2) Standing water and mud;
- 3) Rancid/contaminated food or water;
- 4) Fumes, foul or noxious odor, hazardous chemicals or poisons;
- 5) Decaying material including dead animals;

- 6) Uncontrolled parasite or rodent infestation; or
- 7) Areas that contain nails, screws, broken glass, broken boards, pits, poisons, sharp implements or other items that could cause injury, illness or death to an animal.
- 8) Unsafe temperatures or shelters hazardous to the animal's health.

SECTION 2: POWERS AND DUTIES OF PEACE OFFICERS

The powers and duties of peace officers are as follows:

- 1) To cause to be enforced or assist in the enforcement of all city ordinances, state laws and any applicable state, federal or local regulations regarding the safe care and control of animals.
- 2) To facilitate and assist the pick up and transport to a Shelter all animals illegally at large, as well as all sick, diseased, injured, lost, strayed, or stolen and abandoned animals. Those animals, at the owner's request and expense, may be promptly euthanized at said shelter. In addition, any animal which appears to be ill and if ill would pose a health hazard to people or other animals, or any animal which is injured so that it cannot reasonably and humanely be maintained for a minimum of four working days may be destroyed immediately as authorized by the Shelter Manager or his or her authorized agent. All other animals shall be kept at said Shelter or place designated by said Shelter for a period of not less than four working days to afford owners the opportunity to claim the animal. After such period of time, unclaimed animals shall be placed in a suitable home, retained at the Shelter, released to an accepted rescue organization, or if necessary euthanized. Animals released to the Shelter by owners, or impounded animals not claimed within the legal time become the responsibility of the Shelter and disposition may be made at the Shelter's discretion.
- 3) To proceed upon public and private property within the city in pursuit of animals believed to be in violation of this Ordinance. However, this authority does not extend to a privately owned structure without the consent of the owner, lessee or other occupant in control of the premises or without other legal process or authority. Any animal pursued under this Ordinance may be confiscated and held by the Shelter according to its rules and regulations. If an animal is confiscated without the knowledge or consent of the owner or occupant of the premises and such person or entity is known, a notice shall promptly be affixed to said premises in an obvious location, directing the occupant to contact the Shelter providing the address and telephone number of same on said notice. Under existing circumstances at the time the owner may be notified in any other reasonable manner.

- 4) To notify appropriate organizations or entities to cause or enable the pick up and disposal of all dead animals found in or on any street or sidewalk, alley or other public place in the City.
- 5) To cause to be investigated reports and complaints concerning any inhumane treatment or practices pertaining to animals within the city. To cause to be impounded at the Shelter all animals found in conditions adverse to their health and safety or the health of the community including other animals or cause notification to appropriate authorities to correct the circumstances.

SECTION 3: LICENSING OF KENNELS

1) Except in certain emergency/exigent circumstances for short term care of dogs caused by unforeseen accidents, acts of God or emergency situations where the care of more than five (5) dogs is essential for the health of the dogs, any person who harbors or keeps any number of dogs over five (5) of at least six (6) months of age for a period of more than 3 months requires a kennel license fee of \$30.00 annually. Said license shall be obtained at the office of the City Clerk-Treasurer. Dogs kept in kennels for breeding, boarding, or training purposes shall pay a kennel license fee annually. Persons maintaining a kennel without paying an annual license fee by a deadline of May 10th or 30 days after ownership/harboring at a premise will be subject to a fine of \$25.00 per dog per day payable to the Clerk-Treasurer's office and deposited into General Fund. Persons owning or controlling animals including dogs under these circumstances will be subject to the provisions of City of Logansport zoning regulations allowing for such facilities.

SECTION 4: NOISE; UNSANITARY CONDITIONS; RUNNING AT LARGE

1) No person who owns, harbors, keeps, or possesses an animal shall permit such animal to give rise to noise by howling, yelping, scratching, barking, meowing or otherwise that is plainly audible across property boundaries or between partitions common to two or more housing or other units within a building that causes a disturbance of the peace of persons in the neighborhood (see PENALTY).

2) No person who owns an animal shall allow unsanitary conditions that cause serious annoyance or danger to persons and/or other animals across a property's boundaries or between partitions common to two or more persons within a building or neighbors.

3) Lawful animals may be given exercise, walks along the public streets, sidewalks, trails, and alleyways as long as the animal is held by a leash controlled by a person of sufficient size and strength to restrain the animal. No animal may be allowed to

trespass onto private property without the express permission of the property owner. If the animal deposits fecal matter off of the Owner's property, the person controlling such animal must immediately pick up and remove said animal feces and dispose of it in a covered garbage container located where the animal resides (see PENALTY) or other suitable container for the removal of such material promptly, safely and in a sanitary manner.

4) No person who owns, harbors, keeps or controls an animal, domestic or otherwise, as defined above shall permit such animal to run at large or roam away from the property owned by the owner animal except when under the control of, accompanied by, and supervised by the owner or while the animal is participating in gaming, hunting or training with the permission of the owner of the property.

5) It shall be deemed a nuisance in the City of Logansport and a violation of this Ordinance to allow an animal to run at large within the City.

SECTION 5: IMPOUNDMENT - Any animal may be captured and impounded at an Animal Shelter, including without limitation the Cass County Humane Society by any peace officer if such animal:

- 1) Is found running at large within the city.
- 2) Is a menace to persons or other animals.
- 3) Is suffering or reasonably suspected to be suffering from an infection or contagious disease.
- 4) Causes serious annoyance or disturbance to persons in the neighborhood by howling, yelping, barking, meowing or any other type of loud noises or otherwise generated by the animal.
- 5) Is kept in any unsanitary manner thereby causing odors which are annoying and disturbing to the persons in the neighborhood or an unreasonable danger to the animal or other animals.
- 6) Is treated by the owner or other person in a cruel or inhumane manner or be considered as an abandoned animal.
- 7) Is required by court order to be captured and impounded.
- 8) As is otherwise provided for and required by this Ordinance.

SECTION 6: RECORDS OF CARE FOR IMPOUNDMENT OF ANIMALS - All animals impounded shall be given proper care, food, and medicine until disposed of or released as hereinafter provided. The Shelter keeper, or his or her assistant, shall make a record in a book kept for such purposes of the breed, color, size, sex of the animal, the name and address of the owner or keeper of the animal, and any other facts serving to identify the animal. The record shall be open to public inspection. The date and reason for the impoundment shall also be recorded as well as the officers or others involved in the impoundment. In addition, any information available off of a chip carried by the animal.

SECTION 7: REDEMPTION AND SALE OF IMPOUNDED ANIMALS

- 1) If the person owning, keeping, controlling, or harboring the animal which has been impounded, notifies the Shelter keeper within five (5) business days of their claim to the animal the Shelter keeper shall permit the person to redeem the animal after paying the City penalties (see PENALTY SECTION) and the cost of sheltering, treating and maintaining the animal (to be computed at the current rate of care and fees in the Shelter) during which the animal was impounded. Valid documentation of up-to-date rabies vaccination and any other shots required by law must be presented as a condition for release of animal along with paid receipt of fines imposed. I.C. 35-46-3-1 (Harboring a non-immunized animal)
- 2) Licensed/Owned/Identified dogs shall not be redeemed by other than the verified owner until the expiration of five (5) business days past the impoundment date. In the event that the owner does not redeem their animal during the five (5) business day period previously set forth, the animal becomes the property of the Shelter and may be adopted to anyone upon paying the Shelter charges attendant to the adoption, including without limitation maintenance fees, cost to surgically render the animal incapable of reproduction (if not previously completed) before the release of the animal, and adoption fees. All such costs will be at the new owner's expense. Penalties and expenses associated with the condition of the animal and its care as provided for herein are the responsibility of the party owning or controlling, or responsible for the animal regardless of whether the animal is disposed of as provided for herein or adopted.
- 3) An impounded animal, unidentified, or not claimed by a proven owner within the five (5) business day period, may be managed by Shelter personnel for determination of adoptability (intact animals without proper kennel licensing must be spayed-neutered at the expense of the new owner or a deposit to cover the cost of the animal to be spayed-neutered must be paid, before the release of the animal from the Shelter) or humanely destroyed by euthanasia if appropriate.
- 4) Any animal that appears to be suffering from infectious or debilitating diseases or deemed a rabies suspect shall NOT be released but shall be humanely destroyed.

If the animal is deemed a rabies suspect the remains will be disposed of in a manner according to Indiana Rabies State Control Guidelines, including instructions if human exposure is suspected.

SECTION 8: DUTY TO REPORT ANIMAL BITES - It is and shall be the duty of a physician or other health care provider in attendance on every case of a human being bitten by a dog, cat or other animal to make a report thereof to the Cass County Health Department; if no physician or other health care provider is in attendance, any adult, witnessing a bite by any animal shall have a duty to make such a report; if the person bitten is a minor, it shall be the duty of the parent or guardian to make such report.

SECTION 9: CONFINEMENT REPORTING - It shall be the duty of the owner or keeper or any person controlling any animal known to have attacked or bitten any human being, and it shall be the duty also of any peace officer or the operator of any animal shelter having custody of any such animal, to keep the animal confined in quarantine for a period of not less than fourteen (14) days after the day on which the attack or bite occurred. The owner or person having had the custody shall immediately make a report to the County's Health Department when and if the animal dies. If the animal lives beyond the period, that fact will also be reported.

SECTION 10: RABID ANIMALS; NON-IMMUNIZED ANIMALS; QUARANTINE

- 1) No person shall harbor any animal suspected of being infected with rabies or allow them to run at large within the City (see PENALTY).
- 2) Any animal found to be a rabies suspect and having been in human contact shall be addressed by proper authorities and said animals handled according to Indiana Rabies State Control Guidelines.
- 3) It shall be unlawful for any person to harbor any non-immunized animals required to be vaccinated for rabies by the State of Indiana. Any person who shall violate the provisions of this section shall be in violation of this ordinance as well as any state, federal or local law or regulation. (see PENALTY).
- 4) During the period under which the city or county or area thereof is under lawful quarantine by the Indiana State Veterinarian, it shall be unlawful for the owner or keeper of any dog, cat or other animal to permit the animal to leave the premises where usually kept, unless on leash or under effective control necessary to prevent it from coming in contact with any other animal or person.

SECTION 11: VICIOUS ANIMALS

- 1) It shall be unlawful for any person to own or harbor a vicious animal without keeping the animal securely confined on the owner's or keeper's premises and under

the restraint that persons lawfully on the premises, or elsewhere, may not be attacked or bitten by the animal. The premises where the animal is kept shall be adequately posted with warning signs indicating the presence of such an animal and its dangerous condition.

2) It shall be unlawful for any person, excepting a duly constituted peace officer as defined herein engaged in the discharge of a duty imposed upon him or her by the laws of the state of Indiana, or by the laws or postal regulations of the USA or the provisions of this Ordinance to enter the premises or fenced area so posted, without the permission of or in the presence of the owner or keeper of the known vicious animal other than required by law.

3) Any person harboring such an animal, who shall violate this section with the result that bodily injury is inflicted upon a human being or another animal at a time and place where the injured person had a right to be, shall be guilty of an offense and subject to the civil penalties and fines provided for herein, in addition to any penalty provided by local, state or federal law.

SECTION 12: CRUELTY TO ANIMALS - It shall be unlawful for any person to recklessly starve, torture, beat, or ill-treat any animal. Any person who shall violate the provisions of this section shall be guilty of an offense and subject to the civil penalties provided for herein.

SECTION 13: TEASING OR TORMENTING ANIMALS - It shall be unlawful for any person to annoy and tease any animal thereby causing the animal to become irritated and dangerous.

SECTION 14: POISONING ANIMALS - It shall be unlawful for any person with the intent to injure, destroy or kill any animal to feed the animal, or animal at large, any poisoned food or to leave poisoned food about where it may reasonably be found and eaten or consumed by any animal (see PENALTY).

SECTION 15: ENTICING ANIMALS; TRESPASSING

1) No person shall entice any licensed/owned animal away from the premises of the person owning, keeping, controlling or harboring the same, or entice any such licensed/owned animal from any highway, street, alley or public place in this city with the intention of depriving the owner, keeper or person harboring the same, of the possession thereof except as authorized in this ordinance (see PENALTY).

2) No person shall enter or invade the private premises of another to capture, entice or take any animal, out of the enclosure or premises of the owner harboring the same, or molest or seize any animal, anywhere while the same is accompanied by his/her owner, keeper or custodian; or bring within the city or county any dog, cat, or other animal, for the purpose of impounding or otherwise disposing of the same, or

collecting any fee or reward for the return thereof, except as provided in this ordinance (see PENALTY).

SECTION 16: NON-DOMESTIC ANIMALS - It shall be unlawful for any person living within the city limits of Logansport to own, harbor, control, keep, or maintain any farm animals, wild animals, predator animals, or exotic animals on their premises whether owned, leased or otherwise.

Any person who is found to own, harbor, control, or keep such an animal(s) will be notified of said violation and given 3 days to remove such animal(s) from their premises. If not removed within 3 days, 1st offenders, and all subsequent offenses will be fined in accordance with penalty section of this ordinance. Upon removal of said animal(s) the violators must complete a notification form verifying how and where such animal(s) was taken. (Exhibit A).

SECTION 17: NON-RESIDENT OWNERS - The provisions of this ordinance, except as to those having rabies, shall not apply to animals owned by a non-resident party passing through the county and having them under restraint.

SECTION 18: PENALTY - Any person who violates any duty imposed by these regulations or commits an act declared to be unlawful and for which no specific penalty is prescribed or provided by the laws of the State of Indiana, shall be guilty of an ordinance/regulation violation and upon conviction shall be fined for each such offense.

\$50.00 shall be the minimum fine for the first (1st) offense and shall complete a "Dangerous Animal Agreement" or a "Nuisance Animal Agreement" depending on the offense with the State and/or Board of Works.

\$100.00 minimum fine for the second (2nd) offense within twelve (12) months of the first (1st) offense and be required to appear before the BOW for review.

\$250.00 for the third (3rd) or subsequent offense within twelve (12) months of the second (2nd) offense; and possible loss of ownership at the discretion of the peace officers and Shelter keepers involved or the Board of Works.

No animal will be released from the Shelter without the owner first paying the city penalties (producing a receipt from the City Clerk-Treasurer) and then the costs of micro chipping, sheltering and maintaining the animal (at the current rate of care and fees in the Shelter) during which the animal was impounded (see Section 7.1).

All city penalties, fines or fees shall be paid at the City of Logansport, Clerk-Treasurer's office and all monies collected shall be deposited into the General Fund.

SECTION 19: HABITUAL OFFENDER

1) A person who has received 3 or more warnings, citations, or a combination thereof for violations of this ordinance within a twelve (12) month period shall be deemed an habitual offender. The offender will be ordered to appear before the City of Logansport Board of Works. The Board of Works and Safety may, at their discretion, after a hearing assess an additional penalty as provided for herein for being an habitual offender.

2) If a person has been deemed an habitual offender, any animal found in the care of the person may be impounded for any violation of this ordinance. In addition to impoundment, any person deemed an habitual offender shall be fined not less than five hundred dollars (\$500) and not more than one thousand five hundred dollars (\$1,500).

SECTION 20: CONSTITUTIONALITY - In the event any section of this ordinance or part thereof is decided by any court of lawful jurisdiction to be unconstitutional or invalid for any reason, the adjudication shall not affect the validity of this ordinance as a whole or any other portion thereof which can be given reasonable effect without the provisions held to be unconstitutional or invalid.

SECTION 21: PRIOR ORDINANCES - This Ordinance supersedes and repeals any prior animal control ordinance for the City of Logansport, Indiana, but this does repeal any provisions of zoning ordinances of the City pertaining to animals. This Ordinance is to be interpreted to give meaning to the provisions of both areas of law.

SECTION 22: This Ordinance shall be effective upon its passage and publication as provided by law.

INTRODUCED, FILED, AND APPROVED on first reading by a vote of 6 in favor, 0 opposed, and 0 abstained on the 6th day of December, 2021.

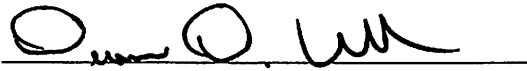
DULY PASSED, ORDAINED AND ADOPTED this 7th day of February 2022, by the Common Council of the City of Logansport, Indiana by a vote of 6 in favor, 0 opposed, and 0 abstained.

By the Common Council of the City of Logansport, Indiana



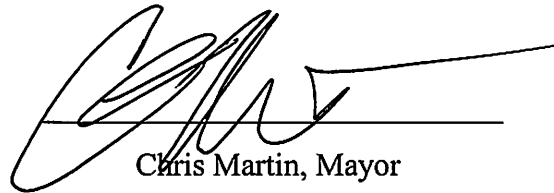
Jake LeDonne, President

ATTEST:

A handwritten signature in black ink, appearing to read 'Duane D. Ullom', written over a horizontal line.

Duane D. Ullom, Clerk-Treasurer

Submitted to, approved by and signed by the Mayor of the City of Logansport, Indiana, this 7th
day of February, 2022.

A handwritten signature in black ink, appearing to read 'Chris Martin', written over a horizontal line.

Chris Martin, Mayor

Ord. 2021-51