

ORDINANCE NO. 4-2024

ANIMAL CONTROL ORDINANCE

WHEREAS, the Town of Roann has undertaken to establish this Animal Control Ordinance to protect the public health and safety of its citizens and to promote the general welfare of the citizens and animals within the Town limits. Animal ownership is allowed and welcomed within the Town; however, strong emphasis is placed on responsible ownership of animals. Animal owners are encouraged to respect the rights of their fellow citizens. Primary responsibility is placed upon animal owners to properly train and/or secure their animals so as to prevent them from causing injuries, damages, and/or creating nuisances.

WHEREAS, the provisions of this Ordinance supplement all laws, ordinances and regulations of the County of Wabash and the State of Indiana covering the same subject matter.

BE IT HEREBY ORDERED, RESOLVED and ESTABLISHED as follows:

GENERAL PROVISIONS

1. ADOPTION OF STATE LAW

- a. All laws of the state which pertain to the regulation and control of animals including, but not limited to, their ownership, licensing, harboring, abandonment, running at large, rabies control and quarantine, pursuit, capture, confinement, prevention and control of diseases of domestic animals, and active rules and regulations of the State Board of Health and unlawful acts relating thereto which are not inconsistent with this ordinance are made a part of this ordinance by reference.
- b. The sections of this ordinance are not to replace state laws but are to be considered supplementary and in addition to the laws of the state and are to be fully enforced where not inconsistent with those laws. Any violation of the state statute which is an infraction by state law shall also be deemed a violation of this ordinance and may be enforced as an infraction of the same class of infraction as the state statute.

2. DEFINITIONS

- a. **Abandon** - any animal whose owner has knowingly, intentionally, or recklessly left it unattended, without proper food, potable water, or shelter, for twenty-four (24) hours or more.
- b. **Adequate Shelter** - a sturdy structure that is specifically designed to shelter an animal from inclement weather, allows the animal to maintain its body heat, and has dimensions that allow the animal, while in the shelter, to stand erect, sit, turn around, and lie down in a normal position. The structure must have a roof, solid floor, three leak-free sides with no openings to the elements, and a fourth side

that provides access in and out of the structure but otherwise protects the animal from the elements. The structure shall be located in an area allowing the animal to remain dry with access outside the structure to dry, mud-free ground. The foregoing shall not apply to a person providing shelter for a community cat.

- c. **Altered Animal** - an animal that has been surgically sterilized by a state licensed veterinarian to prevent procreation.
- d. **Animal** - a living vertebrate, domestic or wild, except a human being.
- e. **At Large** - means a stray animal or any animal whose owner knowingly, intentionally, recklessly, or negligently allows the animal to stray beyond premises owned, lawfully occupied, or controlled by the owner unless under restraint.
- f. **Attack** - the exhibition by an animal of aggressive behavior, including, but not limited to: snarling, biting, baring teeth, chasing, growling, snapping, pouncing, or lunging.
- g. **Dangerous Wild or Dangerous Exotic Animals** - a wild or exotic animal, not indigenous to the State of Indiana, not commonly found as a domestic animal that would create a potential risk to public safety including but not limited to: bobcats, wolves, alligators, crocodiles, or snakes and reptiles that are venomous.
- h. **Dog** - any member of the species *Canis familiaris*.
- i. **Inclement Weather** - includes rain, hail, sleet, snow, high winds, extreme low temperatures, or extreme high temperatures.
- j. **Owner** - a person, who owns, has ownership or custody rights for an animal, or who has harbored an animal for more than 30 days on or about any premises owned or occupied by such person.
- k. **Person** - an individual, group of individuals, firm, business, partnership, association, corporation, limited liability company or other entity.
- l. **Pet** - an animal owned or harbored by a person, except service animals, police dogs, or canine governmental dogs.
- m. **Potable Water** - water that is acceptable for human consumption at the point of use.
- n. **Public Nuisance** - an animal which engages in any of the following activities or conduct:
 - i. Impedes or interferes with a pedestrian or a passing vehicle; or
 - ii. Charges or attacks another animal(s) or person(s); or
 - iii. Is at large or not restrained; or
 - iv. Damages private or public property; or
 - v. Barks, whines, howls, or makes other sounds common to its species continuously for 15 minutes or for an aggregate 30 minutes in a one hour period; or
 - vi. Is present at a public event at which animals have been prohibited by the Town of Roann; or
 - vii. Repeatedly destroys, desecrates, or soils property.

- o. **Rabies Vaccination** - an injection, by a licensed veterinarian, of a dog, cat, or ferret with a rabies vaccine licensed by the U.S. Department of Agriculture and approved by the Indiana State Board of Animal Health.
- p. **Restraint** - to secure an animal by a leash, lead, or under the control of a responsible person and obedient to that person's commands or within the real property limits of the owner.
- q. **Service Animal** - only dogs are recognized as service animals under Titles II and III of the Americans with Disabilities Act (ADA). Service Animals are dogs that are individually trained to do work or perform tasks for individuals with disabilities. The dog must be trained to take a specific action when needed to assist the person with a disability in accordance with the ADA. Animals whose sole function is to provide comfort are not considered a service animal.
- r. **Thick Coated Dog** - a coat of fur that is at least 2 inches long and has a double coat fit for inclement weather, including, but not limited to Huskies, Bernese Mountain Dogs, and Saint Bernards.

3. RELATIONSHIP TO ZONING REGULATIONS; PRIORITY

- a. In the event that the Town of Roann shall hereafter adopt any zoning ordinance or regulations, the provisions of which affect the place or manner of keeping animals or similar matters as governed by this ordinance, the zoning regulations shall not be deemed to supersede any provision of this ordinance except to the degree that they may impose stricter standards or requirements. In case of any conflict between the two provisions, the most restrictive one shall always take precedence and be enforced.

CARE AND CONDUCT TOWARD ANIMALS

4. ABANDONMENT OF ANIMALS

- a. No person shall abandon or cause to be abandoned an animal(s) in, on or about any public or private premises, structure, or other location. No person shall keep an animal(s) in or about a building or other structure, or any portion thereof, on any property that creates unsafe conditions for a person or animal, hazardous or dangerous conditions for the public, vacant and/or not maintained in a manner that would allow human habitation and/or occupancy.

5. STANDARDS OF ANIMAL CARE

- a. No owner or harbinger shall fail to provide his or her animal(s) with proper food and potable water, adequate shelter, and reasonable care to prevent suffering.
- b. Every owner or harbinger within the town limits shall see that their animal is:
 - i. Not confined in an area littered with debris or any other obstacle which would impair, prohibit, or reduce the animal's movement or cause injury within such an area of confinement.

- ii. If ill, diseased, or injured, the animal must receive proper medical care, as necessary, to prevent the transmission of disease to other animals or human beings and is segregated from other animals.
- iii. Not beaten, tormented, neglected, tortured, overloaded, overworked, or otherwise abused or cruelly treated, except that reasonable force may be employed by a person to repel vicious or trespassing animal(s).
- iv. Not physically altered in any manner by anyone other than a veterinarian with the exception of grooming.
- v. Not a public nuisance as defined in this ordinance.

6. INJURING OR KILLING ANIMALS

- a. No person shall intentionally and/or maliciously kill, mistreat, injure, trap, poison, pursue, or maintain in a way dangerous to its health, any animal within the town limits.
- b. No person except a duly authorized agent of the Town of Roann, a state-licensed veterinarian, or a person engaged in an act of self-defense against a dangerous animal, which threatens the safety of such person, may destroy a domestic animal unless in accordance with state law.
- c. It is a defense to an alleged violation of this section for the defendant to prove by a preponderance of the evidence, that the wrongful conduct alleged of him or her was reasonably necessary:
 - i. To prevent injury to humans;
 - ii. To prevent one's property from destruction or substantial damage;
 - iii. to prevent a seriously injured vertebrate animal from prolonged suffering; or
 - iv. For any other valid purpose.

7. VEHICULAR INJURY TO ANIMALS

- a. A person operating a motor vehicle which causes injury or death to an animal(s) shall immediately stop, assess the extent of injury, and forthwith notify the Owner(s) or Town Marshal, or an agent thereof, of the location of the animal(s).

8. REMOVAL OF EXCREMENT

- a. Person(s) responsible for an animal(s), excluding a sight impaired person using a service animal, shall immediately remove the animal's excrement from public property and/or the private property of another person.

9. PROHIBITED TRAINING METHODS

- a. No animal(s) shall be induced, prompted or encouraged to perform or behave in a desired manner through the use of chemical substances or mechanical, electrical or manual equipment or devices which will cause or has potential to cause physical injury or suffering to the animal(s). Electronic perimeter fences and electronic collars, which are properly fitted, installed, maintained, and activated, shall be exempt from the foregoing prohibition.

10. ANIMAL ENCLOSURES

- a. All indoor and outdoor animal enclosures and other areas that include but are not limited to:
 - i. pens, fenced areas, and areas in which an animal is tied, fastened, hitched, leashed, enclosed, restrained, or confined, shall be kept in a sanitary condition.
- b. The Person(s) responsible for the animal(s) shall regularly, and more frequently if necessary, clean and maintain all animal enclosures and areas of animal contact to prevent odor, health and/or sanitation issues.
- c. Animal Enclosures shall be kept clean, sanitary, and a healthy environment, and where the animal is not forced to stand, sit, or lie in its own excrement.

11. ANIMAL HOARDING

- a. It shall be unlawful and a public nuisance for any person in charge of a residence to keep or allow to be kept more than four dogs or four cats, or any combination of such animals exceeding four in number, over the age of 180 days at such residence.

12. PROHIBITED ANIMAL EVENTS

- a. No event or concession involving contests between animals or persons using animals in any form or manner, whether for compensation or without charge, shall be permitted, except those events or concessions for which the safety, well-being, and comfort of the participating animals and the public have been reviewed, approved and issued a permit, in advance, by the Town Marshal.
- b. At the discretion of the Town Marshal, animal(s) may be barred from any public event in the interest of public safety.

13. WILD OR INHERENTLY DANGEROUS ANIMALS

- a. It shall be unlawful and a public nuisance for any person in charge of a residence to keep or allow to be kept any wild or inherently dangerous animal.
- b. Ownership, possession, or maintenance of a wild animal indigenous to the State of Indiana is prohibited. No other wild or exotic animal shall be owned, possessed, or maintained without all required federal and state permits.

14. PUBLIC NUISANCE ANIMALS

- a. No person shall own or harbor an animal(s) which is a public nuisance as defined in this ordinance.

15. ANIMALS IN VEHICLES

- a. No person shall confine an animal within a motor vehicle for a period of time of more than five (5) minutes when the interior temperature is likely to exceed 85°F or to drop below 20°F.

- b. No person shall confine an animal within the open area of a vehicle or trailer when conditions may constitute a health hazard to the animal(s) and/or jeopardizes the safety of the animal(s).
 - i. Conditions may include but are not limited to; extreme temperatures (hot/cold), presence of dangerous materials, chemicals or objects, improper confinement or lack of necessary provisions.
- c. No animal(s) shall be transported in the trunk of a vehicle, a trailer, or in any other type of enclosed structure that does not allow sufficient ventilation and air flow for the animal(s).

16. FIGHTING

- a. No person shall keep or use any animal for the purpose of fighting or cause or permit any fighting or other combat between animals within the town limits. No person shall be party to or present as a spectator to any such fighting or combat between animals. No person shall knowingly suffer or permit the use of any building, yard, ground or any other premises belonging to any person for any fighting or combat between animals, and no person shall carry, haul or deliver any animal for the aforementioned purposes.

17. DISPOSAL OF DEAD ANIMALS

- a. No person being the owner, keeper or harborer of any animal which shall die or be killed other than for slaughter for meat shall permit the carcass of the animal to lie or remain unburied within the limits of the town for more than five hours after he, she, any member of his/her household, or any employee shall have knowledge thereof. The owner, harborer, or keeper shall be responsible for the humane disposal of said animal carcass in a manner that does not endanger the health and safety of the residents of the Town of Roann.

DOGS

18. RESTRAINT OF DOGS

- a. No owner or harborer of a dog(s) shall restrain or tether:
 - i. An unaltered dog(s) for any period of time; or
 - ii. A dog(s) under six months of age; or
 - iii. More than three dogs simultaneously at the same location; or
 - iv. More than one dog in a manner that permits physical contact between the tethered dogs; or
 - v. Within three feet of another person's property, public thoroughfare, or right-of-way; or
 - vi. A dog(s) in or about an unoccupied structure or property for any purpose unless the dog(s) is continuously monitored by an adult who is physically on site throughout the period of tethering or confinement; or
 - vii. A dog(s) by any rope, chain, cord or other device directly attached to the dog's neck or body; or

- viii. A dog(s) in a manner where the dog(s) tether is able to become tangled or twisted; or
 - ix. A dog(s) to a motorized vehicle such as an automobile, truck or motorcycle; or
 - x. A dog(s) using a collar or harness which has been altered, modified or fashioned to hold weights or other mechanisms to create additional weight.
 - xi. Any dog(s) with a chain; or
 - xii. In a manner that allows the dog(s) to leave the owner or harborer's property; or
 - xiii. Any tethering device that weighs more than one-eighth of the animal's body weight; or
 - xiv. Any tethering device shorter than 6 feet; or
 - xv. Is attached to a collar or harness not properly fitted.
- b. Under the ADA, service animals must be harnessed, leashed, or tethered, unless these devices interfere with the service animal's work or the individual's disability prevents using these devices. In that case, the individual must maintain control of the animal through voice, signal, or other effective controls. A person can be asked to remove their service animal from a premises if the dog is out of control and the handler does not take effective action to control it or the dog is not housebroken.
 - c. Animals restrained by tethering must wear a properly fitted leather or nylon collar or harness which does not employ a choker mechanism.
 - i. The proper use of choker collars only in the training of an animal is permitted.
 - d. The tethering device shall have a swivel device on the anchor and collar end to prevent tangling of the dog.
 - e. No person shall tether a dog weighing less than 60 pounds using a collar exceeding one and one-half inches in width, or a dog 60 pounds or over using a collar exceeding two inches in width.
 - f. An animal that is tethered must have unrestricted access to adequate shelter, food, and potable water as defined in this ordinance at all times.
 - g. This subchapter does not prohibit a person from walking a dog with a handheld leash.

19. DUTY OF OWNERS TO MAINTAIN WHILE UNATTENDED.

- a. It shall be the duty of every owner of any dog, or anyone having any dog in his or her possession or custody, to ensure that the dog is kept under control and that reasonable care and precautions are taken to prevent the dog from leaving, while unattended, the real property of its owner, possessor, or custodian, and that:
 - i. It is securely and humanely enclosed within a residence, building, fence, pen, or other enclosure out of which it cannot climb, dig, jump, or

otherwise escape, and the enclosure must be securely locked at any time the dog is left unattended;

- ii. It is securely and humanely restrained by cable, trolley, or other tether of sufficient strength to prevent escape; or
- iii. It is on a lead or leash and under the control of a competent person.

20. DOG AT LARGE

- a. It shall be unlawful for any person owning or having in his possession any dog to allow such dog to be at large without the owner or person in charge thereof having direct physical control over such dog.

21. DOGS IN HEAT.

- a. A female dog in heat shall be confined in a secure structure or enclosure during her reproductive cycle to prevent conception except in cases of planned breeding.

22. SALE OF PUPPIES

- a. No puppy under the age of eight weeks of age may be offered for sale, sold, transferred, exchanged, or given away; with the exception of a puppy or litter relinquished to an animal shelter or rescue.

23. VACCINATION

- a. Every owner or harbinger of any dog(s) over six months of age within the town limits of the Town of Roann shall properly vaccinate the dog(s) against rabies, pursuant to the requirements of I.C. 35-46-3-1.

24. INCLEMENT WEATHER

- a. No owner or harbinger shall allow a dog(s) to remain outside continuously for more than 15 minutes without access to adequate shelter and potable water. At the discretion of the Town Marshal of the Town of Roann, an exception may be granted when an adult is present on the premises.
- b. Dog(s) must be brought into a temperature controlled structure when the temperature is at or below 20°F or at or above 90°F, or when a heat advisory, wind chill warning, or tornado warning has been issued by local, state, or national authority, except when the dog(s) is in visual range of a competent adult who is outside with the dog(s).
 - i. Exceptions
 - 1. Dog breeds with a thick coat, can remain outside until the temperature is at or below 10°F, and no warnings or advisories are issued by local, state, or national authority, as long as the dog(s) are provided with adequate shelter.
 - a. When the temperature drops below 10°F and/or a warning or advisory is issued by local, state, or national authority,

the dog(s) must be brought into a temperature controlled structure.

25. ENFORCEMENT

- a. This Ordinance shall be enforced by the Roann Town Marshal and any other law enforcement officer having the authority to enforce ordinances enacted by the Town of Roann.

26. WARNING

- a. Persons who violate any other provision of this ordinance shall be served with a warning notice requiring the owner to comply with this ordinance within ten days, unless the animal and/or public are endangered. In that event, the ten-day period may be waived by the Town Marshal.

27. PENALTIES

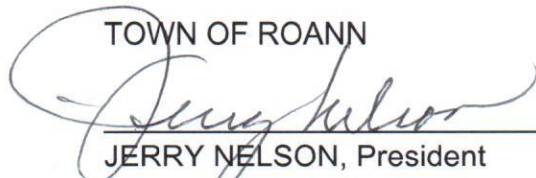
- a. Any individual who shall violate any provision of this Ordinance shall be subject for each offense to a fine or penalty of One Hundred Dollars (\$100.00).

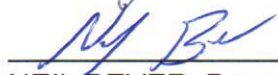
28. PAYMENT


- a. Any such fine shall be paid within thirty (30) days of the date of receipt of the notice of violation. All payments shall be made in cash, certified bank check, or money order payable to the Town of Roann and delivered to the Clerk-Treasurer.

This ordinance shall be in full force and effect from and after its passage by the Town Board.

Dated this 8th day of July, 2024.

TOWN OF ROANN


JERRY NELSON, President


NEIL BEVER, Board Member


JEREMY FISHER, Board Member

ATTEST:

ROBERT M. FERGUSON, JR., IAMC, IAMCA, CMC, CMO
Clerk-Treasurer, Town of Roann