

## ORDINANCE 2022-04-03

### AN ORDINANCE CONCERNING ANIMAL CONTROL FOR THE TOWN OF EATON

WHEREAS, the Town of Eaton, from time to time has issues with domesticated animals running loose throughout the Town causing health and welfare issues for the residents; and

WHEREAS, the Town Board considers animal control an issue that needs to be regulated to protect the lives and property of the residents of Eaton; and

WHEREAS, the Town Board considers the following ordinance to be the least restrictive means in which to regulate domestic animals that are not leashed or under the control of their owner from running in or about the Town.

NOW THEREFORE BE IT ORDAINED BY THE TOWN BOARD OF THE TOWN OF EATON, DELAWARE COUNTY, INDIANA that:

1. No person owning or being custodian or having control of any animal shall cause or permit such animal to go at large in any place, park or street other than on their own property.
2. Any animal found at large may be seized and impounded or disposed of pursuant to the laws and ordinances of the Town of Eaton concerning the disposal of stray animals on the highways or other public places.
3. A person shall not keep, harbor or maintain any dog over six (6) months of age which is not immunized against rabies, distemper or any communicable disease to humans. Any person having such an unimmunized dog shall be subject to the fines and penalties setforth herein.
4. The following terms shall be defined as follows:
  - A. ANIMAL. Both male and female.
  - B. AT LARGE. Off the premises of the owner and not under the control of the owner or a member of his or her immediate family either by leash, cord, chain, or under the reasonable control of some competent person.
  - C. DOMESTICATED ANIMAL. An animal that is not wild and includes cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry, ostriches, rhea, emus or other birds; any animal of the bovine, equine, ovine, caprine, porcine, canine, feline, avian, camelid, cervidae, or bison species; or an aquatic animal that may be the subject of aquaculture as defined in I. C. 15-11-7-1. [Authority: I. C. 15-17-2-26].

- D. EXOTIC ANIMAL. An animal that is rare or an oddity in the area in and around Eaton, Indiana. An animal that is not native to this geographic area or that is kept, used or maintained in a way that is unnatural to common human interaction with that species. This shall include lions; tigers; cougars; reptiles not usually found in Indiana or that are normally found in the wild in this area; different types of fowl or aquatic animals from other areas.
- E. HARBORING. Any person who shall suffer or permit any animal to frequent or remain on or within his or her house, building, premises and enclosures shall be deemed to be HARBORING the animal within the meaning of this chapter.
- F. OWNER. Any person keeping or harboring an animal.
- G. SUPERINTENDENT OF ANIMAL POUND. Any full-time employee of the Town of Eaton, as designated from time to time by the Town Board shall be responsible for the operation of the impound area at the Street Department or wherever else the Town may designate. The Superintendent of Animal Pound shall work with the members of the Eaton Police Department to assist in the collection of animals.
5. No person owning or having charge, care, custody, or control of any animal shall cause, permit, or allow the same to be or to run at large upon any street, alley, or other public place or upon any private property or premises other than those of the persons owning or having charge, care, custody, or control of the animal within the town.
6. No domesticated, exotic or other animal, nor diseased animal, nor female animal in heat, shall be allowed to run at large but shall at all times be confined in a building or fenced in area upon the premises of the owner. Any such animal found running at large in violation of this provision shall be taken up and impounded and shall not be released without the approval of the Superintendent of the Animal Pound, after payment of the fees provided in § 91.18 provided, that if any domesticated, exotic or animal found at large cannot be safely taken up and impounded, the animal may be slain by any law enforcement officer, the Superintendent of the Animal Pound, or any employee of the Town.
7. No person shall resist or obstruct the Superintendent of the Animal Pound or any employee of the Animal Pound in the exercise of their duties as Superintendent or employee of the Animal Pound.
8. No person shall harbor or keep any animal which, by loud and frequent or habitual barking, howling, or yelping, shall cause serious annoyance, nuisance or disturbance for the neighborhood. If a complaint is received, the owner of the animal or animals shall be notified by mail of the complaint, and the owner has ten days (10) to reply. Also, the person or persons reporting the barking, howling, or yelping is to appear before the




Council at the end of ten days or at the next Council meeting if the meeting is more than ten days after the letter is sent and is to report if the annoyance or disturbance has ceased. The fine will be \$100, plus any attorney fees and court costs that might be assessed.


9. In the event that an animal shall bite or attack another person the animal shall be confined at the facilities of the Town until such time as the owner provides proof of rabies vaccination. In the event that the owner fails to provide proof of rabies immunization or no owner appears, the animal may be tested for rabies and then adopted to another family.
10. No person shall invade the private premises of another to capture, entice, or take any animal out of the enclosure or the person harboring the same; molest or seize any such animal while the same is accompanied by its owner, keeper, or custodian; or bring within the town any animal for the purpose of impounding the same or collecting any reward for the return thereof, except as provided in this chapter.
11. Animals found to be running at large and not under restraint as provided herein shall be taken by an agent of the Animal Pound and impounded at the Animal Pound and there confined in a humane manner for a period of not less than seven days or until such time as redeemed by the owner thereof within seven days or less, and in the event the animal is not redeemed within the period of time it may be sold or disposed of in a humane manner.
12. Any animal so impounded under the provisions of this chapter and not redeemed by the owner or agent thereof within the seven-day period may be placed in the custody of some suitable person who will pay the impounding and maintenance fees then due and who will agree to provide a good home for the animal. In the event that any animal is not redeemed by the owner or his or her agent and is not placed in the custody of some suitable person within ten (10) days from the date of impoundment, the animal shall be humanely destroyed and disposed.
13. When in the judgment of the Superintendent of the Animal Pound it is deemed that an animal should be destroyed for humane, health or safety reasons, it shall be his or her duty to see that the animal is destroyed and the animal shall not be permitted to be redeemed by any person. Any appeal from the judgment of the Superintendent of the Animal Pound may be taken in the next regular meeting of the Town Council, during which time the animal shall not be redeemed or destroyed, and it shall be the duty of the Council to affirm or disaffirm the decision of the Superintendent of the Animal Pound as to whether or not the animal shall be destroyed.
14. Immediately upon the impounding of any animal, the agent of the Animal Pound shall make every effort possible to notify the owner of the animal being so impounded and shall further notify the owner of the conditions under which he or she may redeem the animal and regain custody thereof.
15. Any animal impounded under the terms of this chapter may be redeemed by the owner or person redeeming such animal with payment to the town at the Town Hall in a sum of

- \$60. In addition to the impoundment fee, each owner or person redeeming such animal shall pay a maintenance fee of \$15 per day for each day or portion thereof that the animal is impounded. All fees collected shall be deposited in the town's General Fund.
16. No person, firm or corporation occupying real estate within the town shall keep or harbor any domesticated livestock or poultry on such property, except for dogs and/or cats.
  17. No person shall keep, harbor or maintain any domesticated animals, except for dogs and cats, in any residential or commercial zoning area. Domesticated animals, except dogs and cats, may only be kept, harbored or maintained in a "Farming" zone.
  18. As an exception a person may maintain no more than 16 chickens, ducks or similar poultry in a residential zone.
  19. These provisions do not restrict the location, harboring or maintaining any pollinators.
  20. No person, firm or entity may harbor, keep or maintain any exotic animals in any area in the Town of Eaton.
  21. Penalty. Any person in violation of these provisions shall be subject to a fine as set forth below:
    - A. Fines
      - i. Fine for animal running at large: \$50.00
      - ii. Redemption fee for animal impounded with Town: \$60 plus \$15 per day while the animal is impounded.
      - iii. Fine for harboring a dog without immunization against rabies, distemper or other communicable diseases to humans: \$100 per day
      - iv. Fine for animal which, by loud and frequent or habitual barking, howling, or yelping, shall cause serious annoyance or disturbance for the neighborhood after notice: \$100.00. Said fine shall increase by \$100.00 for each subsequent offense.
      - v. Other fines not set forth herein shall be \$100.00
      - vi. Each day shall constitute a separate offense.
    - B. Costs: In the event that the Town shall be required to enforce this Ordinance against any person or animal owner, the person or animal owner shall be responsible for any and all court costs, including attorney fees, incurred by the Town.
  22. Any previous ordinance adopted by the Town of Eaton shall be considered repealed with the adoption of this Ordinance.

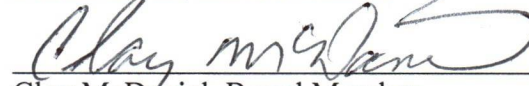
Duly passed and adopted this 10<sup>th</sup> day of May, 2022.

  
Daniel Blankenship, Board President


  
Roger Wells, Board Vice-President

  
Teresa Welsh, Board Member

Dustin Reese, Board Member

  
Clay McDaniel, Board Member

ATTEST:

  
Bridgett S. DeWees, Clerk-Treasurer