

ORDINANCE NO. 2022 - 14

AN ORDINANCE REGULATING THE MAINTENANCE AND CONTROL OF ANIMALS WITHIN THE CITY OF JASPER, INDIANA AND PROVIDING PENALTIES FOR VIOLATION OF SUCH REGULATIONS

WHEREAS, on the 17th day of January, 2018, the Common Council of the City of Jasper, Indiana (“Council”) adopted Ordinance No. 2018-4, as amended, regulating animals in the City of Jasper and providing penalties for violations of such regulations;

WHEREAS, pursuant to Indiana Code 36-8-2-5 and 36-8-2-6, the City of Jasper, Indiana (“City”) as a governmental unit, is authorized to impose restrictions on persons and animals that might cause other persons or animals to be injured or contract diseases; to capture and destroy animals if necessary; and to establish, maintain, and operate animal shelters;

WHEREAS, the City desires to protect the public health and safety of its citizens and to promote the general welfare of the citizens and animals residing within the City; and

WHEREAS, the Common Council of the City of Jasper, Indiana, now finds it in the best interests of the City of Jasper to repeal the City’s animal regulations and to enact new language in order to provide greater protections for the property care of animals and safety of the general public.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF JASPER, INDIANA:

SECTION 1. There shall be enacted Animal Control provisions in Title 6 “ANIMALS” of the Jasper Municipal Code that shall be identified as follows:

TITLE 6
ANIMALS

Chapters:

- 6.01.010 Definitions
- 6.01.020 Duties Of The Board Of Public Works And Safety
- 6.01.030 General Animal Care Requirements
- 6.01.040 Inspections
- 6.01.050 Inspection Obstruction
- 6.01.060 Animals in Motor Vehicles
- 6.01.070 Poisoning of Animals
- 6.01.080 Owners or Agents Responsible for Removing Animal Waste
- 6.01.090 Animal Bites and Reports
- 6.01.100 Vaccination of Dogs and Cats Required
- 6.01.110 Impoundment Procedures
- 6.01.120 Determination of Nuisance, Dangerous, and Vicious Animal
- 6.01.130 Appeal Procedure
- 6.01.140 Registration of Nuisance, Dangerous, or Vicious Animals
- 6.01.150 Insurance for Nuisance, Dangerous, and Vicious Animals
- 6.01.160 Restraint of Nuisance, Dangerous, or Vicious Animals
- 6.01.170 Serious Physical Harm by Nuisance, Dangerous, or Vicious Animals
- 6.01.180 Physical Harm by Nuisance, Dangerous, or Vicious Animals
- 6.01.190 Strict Liability
- 6.01.200 Enforcement
- 6.01.210 Penalties

SECTION 2. PURPOSE. Responsible animal ownership is encouraged and welcomed within this City; however, strong emphasis is placed on responsible ownership of animals. Animal owners are encouraged to respect the rights of their fellow citizens and also the wellbeing of their animals. **Primary responsibility is placed upon animal owners to properly train and/or secure their animals so as to prevent them from causing injuries and/or creating nuisances.** This ordinance is intended to advance the goals of health, safety and welfare of the Citizens and their animals.

SECTION 3. DEFINITIONS

- a) **ABANDONED ANIMAL.** To desert an animal or to leave the animal without making provision for adequate long term care of the animal. The term does not include leaving an animal in a place that is temporarily vacated for the protection of human life during a disaster.
- b) **ANIMAL.** Any mammal (except humans), bird, reptile, or amphibian. Fish and insects do not constitute an "animal" under this definition.
- c) **ANIMAL CONTROL AGENCY.** Any governmental or private entity charged with or contracted with and given authority for the enforcement of the provisions of this Chapter for and on behalf of the City. The term shall include the City's Police Department, Code Enforcement/Fire Department or their delegee.
- d) **ANIMAL CONTROL OFFICER.** A person or persons authorized to carry out the provisions of this chapter. This term includes members of the City of Jasper Police Department, Code Enforcement/Fire Department and any other City employee enlisted in the task of enforcing this Chapter of the Jasper Municipal Code. Animal Control Officers are specifically authorized to enlist the assistance of the City of Jasper Street Department, the Dubois County Humane Society as well as any veterinary clinic that has been contracted to provide care for animals.
- e) **ANIMAL HOARDER.** Any person who maintains animals in any of the following ways:
 - (1) Fails to or is unable to provide adequate food, potable water and/or sanitary environment for his/her animals.
 - (2) Keeps the animals in an overcrowded environment.
 - (3) Has a reckless disregard for the condition under which the animals are living and the detrimental impact they have on the animal's health and well-being.
- f) **ANIMAL SHELTER.** A facility operated by a governmental or private entity for the temporary care, confinement, detention, and humane treatment of animals.
- g) **AT LARGE.** An animal that is:
 - (1) Found off the owner's premises;
 - (2) Which is not accompanied by the owner or a representative of the owner; and
 - (3) Which is not restrained by a secure collar and a leash of not more than six feet in length.
 - (4) An animal is not "running at large" when the animal is on a property, other than the animal owner's property, with the express consent of the owner of said property.
- h) **ATTACK ANIMAL.** Any animal trained to attack upon command or those which do attack or have attacked another animal or human being upon command. This definition is intended to cover animals bred for fighting.
- i) **BITE.** To seize, tear, wound, or cut with the teeth, resulting in a break in the skin.
- j) **CITY SHELTER.** The City of Jasper, at its Street Department facility, maintains a limited and temporary animal shelter for animals that have been impounded by City Officers.
- k) **DANGEROUS ANIMAL.**
 - (1) Any animal which has been reported to have done one or more of the following:
 - (a) Has, without provocation, attacked or bitten another animal while off the property of its owner, its owner's agent, or its keeper;
 - (b) Has attacked or bitten any human being, without provocation, whether on or off the property of its owner, its owner's agent, or its keeper;
 - (c) Has a history, documented with a public agency or its designee, of attacking or biting any humans or domestic animals;
 - (2) No animal shall be considered a dangerous animal if the animal causes injury or damage to a person while that person is:
 - (a) Committing or attempting to commit a criminal offense against the owner or agent of the owner;
 - (b) Committing a criminal trespass upon the premises occupied by the owner, agent, or keeper of the animal; or
 - (c) Teasing, tormenting, abusing, assaulting, or otherwise provoking the animal.
 - (3) No K9-patrol dogs or police dogs owned or kept by a law enforcement agency shall be considered a DANGEROUS ANIMAL when used in the line of duty or for law enforcement purposes.

- (4) Whether there has been provocation or not, shall be determined by the facts which shall include, but not be limited to, a determination as to whether a person was on the property owned by the animal's owner or keeper by invitation. Absent evidence of teasing, tormenting, abusing, or assaulting the animal, if a person is on an owner's property by invitation, provocation may be deemed to not have occurred. Persons having a legal basis to be on the property on behalf of a business or volunteer organization shall be deemed to be invited guests for purposes of this definition.
- l) **DISEASED ANIMAL.** An animal with a contagious or infectious disease.
- m) **ESCAPE-PROOF ENCLOSURE.** The owner's home or an enclosure, constructed of ten-gauge commercial chain link steel wire at least seven feet high above grade unless covered with a roof of similar wire, and two feet of similar wire buried below grade unless there is a cement floor. (If the animal escapes the enclosure, a five-sided enclosure on concrete will be required.)
- n) **HARBORING.** The actions of any person that permit an animal habitually to remain, to be lodged or to be fed within one's home, store, enclosure, yard, or place of business or any premises on which such person resides or controls. An animal shall be presumed HARBORED if it is fed or sheltered for three consecutive days or more.
- o) **K9 PATROL DOGS OR POLICE DOGS.** A professionally trained dog used by law enforcement officers for law enforcement purposes and activities.
- p) **KEEPER.** Any person, other than the owner, who has actual or constructive possession of an animal for the purpose of managing, controlling, or caring for such animal. A person shall be construed as a KEEPER of an animal even if he or she does not have the owner's permission.
- q) **KENNEL.** A place primarily for keeping more than four (4) adult dogs, or other small animals that are ordinarily bred for sale as domesticated animals. The term also includes a temporary care facility for compensation. The term does not include a private kennel, which is an accessory use for keeping up to four (4) adult dogs or other small animals for personal use and enjoyment and which is subordinate to the principal residential use.
- r) **LEASH.** A cord, chain, rope, strap, or other such physical restraint.
- s) **MICROCHIP.** A tiny computer chip, implanted underneath the skin of an animal, which contains identification information relating to that animal.
- t) **MUZZLE.** A device constructed of strong, soft material or metal, designed to fasten over the mouth of an animal, without interfering with its vision or respiration or causing injury to the animal, to prevent the animal from biting any person or other animal.
- u) **NEGLECT.** "Neglect" means:
- (1) endangering an animal's health by failing to provide or arrange to provide the animal with food or drink, if the animal is dependent upon the person for the provision of food or drink;
 - (2) restraining an animal for more than a brief period in a manner that endangers the animal's life or health by the use of a rope, chain, or tether that:
 - (a) is less than three (3) times the length of the animal;
 - (b) is too heavy to permit the animal to move freely; or
 - (c) causes the animal to choke;
 - (3) restraining an animal in a manner that seriously endangers the animal's life or health;
 - (4) failing to:
 - (a) provide reasonable care for; or
 - (b) seek veterinary care for;
 an injury or illness to an animal that seriously endangers the life or health of the animal; or
 - (5) leaving an animal outside and exposed to:
 - (a) excessive heat without providing the animal with a means of shade from the heat;
 - (b) excessive cold if the animal is not provided with straw or another means of protection from the cold; or
 - (c) severe weather conditions for a prolonged period;
 regardless of whether the animal is restrained or kept in a kennel.
- v) **NIP.** To pinch or squeeze with the teeth without breaking the skin or damaging any tissue.
- w) **NUISANCE ANIMAL.**
- (1) Excluding domestic cats, which exception shall apply only to this paragraph, any animal found repeatedly running at large or unrestrained at least three (3) times in a 12-month period;

- (2) Any animal, whether or not on the property of its owner, that without provocation chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person, or otherwise interferes with the freedom of movement of persons in a public right-of-way;
- (3) Any animal that chases or interferes with motor vehicles in a public right-of-way;
- (4) Any animal that without provocation, and while off the premises of its owner, keeper, or harbinger, aggressively bites any domestic animal.
- (5) Any animal that damages, soils, defiles, or defecates on any property other than that of its owner, **unless such owner or custodian immediately removes and disposes of all feces deposited by such animal by the following methods:**
 - (i) **Collection of the feces by appropriate implement and placement in a bag or other container; and**
 - (ii) **Removal of such bag or container to the property of the animal owner or custodian and disposition thereafter in a manner as may be allowed by law;**
- (6) Any animal determined to be a dangerous animal is also a Nuisance Animal.

The term **PUBLIC NUISANCE ANIMAL** shall not apply to an animal being cared for at an Animal Control Agency that might otherwise be deemed a Public Nuisance under this definition; provided, however, an Animal Control Agency shall not be completely exempt from a violation of this definition if the nuisance creating a violation is not addressed by the agency to the satisfaction of the Board of Public Works and Safety.

- x) **OFF PROPERTY.** Beyond the legal boundaries of the real property on which the owner, agent, or keeper resides.
- y) **OWNER.** Any person 18 years of age or older having a right of property in an animal, or who keeps or harbors an animal, has it in their care, acts as its custodian, knowingly permits an animal to remain on or about any premises occupied by them. This definition specifically includes the feeding of or otherwise caring for or maintaining stray animals.
- z) **PROVOKED.** To deliberately arouse, incite, or excite.
- aa) **RESTRAINT.** The securing of an animal by leash or lead, or confining it within the real property limits of its owner or agent.
- bb) **SERIOUS INJURY OR DEATH.**
 - (1) Any bodily injury, which is caused by an animal and is medically documented, that:
 - (a) Creates a substantial risk of death;
 - (b) Causes serious permanent disfigurement, unconsciousness, or extreme pain;
 - (c) Results in a permanent or protracted loss or impairment of a bodily member or organ.
 - (d) Causes loss of a fetus
 - (e) This definition shall not include any nip from an animal.
- cc) **SERVICE ANIMAL.** Any animal that is trained to assist a handicapped person.
- dd) **STRAY.** Any animal that is not under restraint and/or upon reasonable inquiry by an animal control officer does not appear to have an owner.
- ee) **"TORTURE"** means:
 - (1) to inflict extreme physical pain or injury on an animal with the intent of increasing or prolonging the animal's pain;
 - (2) to administer poison to a domestic animal (as defined in I.C. §35-46-3-12(d) or expose a domestic animal to a poisonous substance with the intent that the domestic animal ingest the substance;
 - (3) to destroy an animal by electrocution in a manner inconsistent with I.C. §35-46-3-5; or
 - (4) to intentionally freeze or heat an animal to death.
- ff) **UNCONFINED DANGEROUS ANIMAL.** A dangerous animal which is not securely confined indoors, not under restraint, or not confined in a securely enclosed and locked pen or structure upon the premises of the owner, agent, or keeper of such animal.
- gg) **UNPROVOKED.** Without deliberate arousal, incitement or excitement.
- hh) **VICIOUS ANIMAL.**
 - (1) Any animal which has been reported to have done one or more of the following:
 - (a) Has, without provocation, attacked, bitten and killed another animal while off the property of its owner, its owner's agent, or its keeper;
 - (b) Has attacked, attempted to attack, bitten, and seriously injured any human being, without provocation, whether on or off the property of its owner, its owner's agent, or its keeper;

- (c) Has a history, documented with a public agency or its designee, of attacking, biting and killing a domestic animal or attacking, biting and seriously injuring any humans.
- (2) No animal shall be considered a vicious animal if the animal causes injury or damage to a person while that person is:
 - (a) Committing or attempting to commit a criminal offense against the owner or agent of the owner;
 - (b) Committing a criminal trespass upon the premises occupied by the owner, agent, or keeper of the animal; or
 - (c) Teasing, tormenting, abusing, assaulting, or otherwise provoking the animal.
 - (d) No K9-patrol dogs or police dogs owned or kept by a law enforcement agency shall be considered a vicious animal when used in the line of duty or for law enforcement purposes.

SECTION 4. DUTIES OF THE BOARD OF PUBLIC WORKS AND SAFETY.

- a) The Board of Public Works and Safety ("Board") shall have the following duties with respect to enforcement of this Chapter:
 - (1) To recommend proposed policies, principles, standards, and regulations for the control of all animals in the city.
 - (2) To consider complaints regarding alleged animal control violations.
 - (3) To hear appeals after an appeal has been filed regarding:
 - (a) Whether an animal is a nuisance, dangerous or vicious animal, as defined in Section 1; or
 - (b) Whether a person has provoked an animal which has resulted in a violation.
- b) Such determination shall be made at the next regular meeting of the Board following the filing of the appeal, in no event shall the appeal be heard more than fifteen (15) days following filing of the appeal.
- c) Such determination shall be in writing with the original copy being maintained by the Clerk-Treasurer for record-keeping purposes and copies being sent to the animal's owner and the City's Police Department and Code Enforcement Department.
- d) The determination as to whether the animal is a nuisance, dangerous or vicious animal, as defined in Section 1, shall be made by the Board. The determination shall be made upon taking into consideration the specified definition, witness testimony, observation, or other factors which the Board deems relevant to the determination.

SECTION 5. GENERAL ANIMAL CARE REQUIREMENTS.

- a) Every owner or their agent residing within the corporate limits of the city shall see that each of their animals:
 - (1) Is not abandoned, neglected or tortured;
 - (2) Does not become a public nuisance;
 - (3) Does not become a dangerous animal; and
 - (4) Is properly restrained and not at large.
- b) Number of animals. It shall be unlawful to keep or harbor more than four animals, of any kind, over the age of six months, on any premises or portions thereof. In the case of multi-family housing units, no more than two animals may be maintained per unit. Provided, however, nothing in this Ordinance, shall provide authority to the occupier of any rental property, lessee, or someone other than a property owner, to violate the provisions of any rental agreement, lease, or other similar agreement. Furthermore, nothing in this section shall make it unlawful to legally establish and operate a kennel as permitted in Chapter 16.04 "Districts" or by variance or special exception obtained from the Board of Zoning Appeals of the City of Jasper.
- c) Diseased animals. It shall be unlawful to allow any animal afflicted with a contagious or infectious disease to run at large, or to be exposed in any public place whereby the health of man or beast may be affected.

SECTION 6. INSPECTIONS.

- a) Whenever it is necessary to make an inspection to enforce any of the provisions of or when there is reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or state law, an animal control officer is authorized at all reasonable times to inspect the same for compliance with the provisions of this chapter or any state law; provided that:

- (1) If the property is occupied, the officer shall first present proper credentials to the occupant and request entry, explaining the reasons therefor; and
 - (2) If the property is unoccupied, the officer shall make a reasonable effort to locate the owner or other persons having control of the property and request entry, explaining the reasons therefor.
- b) In the event the officer has reasonable cause to believe that the keeping or maintaining of an animal(s) is so hazardous, unsafe, dangerous or constitutes a public nuisance as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall first present proper credentials and request entry, explaining the reasons therefor. If entry is refused or cannot be obtained, the officer shall have recourse to secure lawful entry and inspection of the property.

SECTION 7. INSPECTION OBSTRUCTION.

- a) Any person owning, keeping, possessing, harboring, maintaining, or having the care, custody or control of a nuisance, dangerous, or vicious animal shall be deemed to have given consent to an inspection of the property, other than within any private structure unless otherwise authorized by law, by any law enforcement officer or the Animal Control Officer for the purpose of determining compliance with the requirements of this chapter.
- b) No person, with purpose to prevent, obstruct or delay the performance by a law enforcement officer or the Animal Control Officer of any authorized act within his official capacity, shall do any act which hampers or impedes said official in the performance of his lawful duties under the provisions of this chapter.

SECTION 8. ANIMALS IN MOTOR VEHICLES. No animal shall be left in a motor vehicle when the conditions in that vehicle would constitute a health hazard to that animal, or when the weather would constitute a health hazard to such animal confined in said motor vehicle;

SECTION 9. POISONING OF ANIMALS.

- a) No person shall deposit, dispose, or place any poisonous substance on any public or private property within the corporate limits of the city, if a domestic animal is reasonably likely to consume such substance.
- b) A person shall not be liable under division (a) of this section for leaving common rat or mouse poisons or insecticides, in any form, on his or her property if the person exercises reasonable care in restricting a domestic animal's access to such poisons so that only the targeted rodents or insects are exposed to the poisons.

SECTION 10. OWNERS OR AGENTS RESPONSIBLE FOR REMOVING ANIMAL WASTE. Any owner or his agent taking the owner's animal outside of the owner's real property limits must immediately remove any excrement deposited by the animal on any public or private property, except in the case of a service dog.

SECTION 11. ANIMAL BITES AND REPORTS.

- a) If any person is a victim of an animal bite, he or she shall immediately notify the Dubois County Health Department, Jasper Police Department, or Animal Control Officer of the incident, and provide a description of the animal, an identification, if possible, of the owner and the location of the incident.
- b) When an animal is determined to have bitten a person, the animal shall be confined in quarantine for a period of time that is consistent with the laws of the state of Indiana and/or the guidelines established by the State Board of Animal Health.
- c) With the exception of any judicial action dictating otherwise, an animal that has bitten a person may be left in the charge of the owner, under quarantine, unless, in the judgment of the Animal Control Officer and based upon considerations of public safety, the Animal Control Officer determines it should be removed to an animal shelter or veterinary hospital for the period of observation.
- d) In addition to any other legal obligations prescribed by law, the owner shall pay for all costs incurred in the quarantine and/or impoundment of the animal before such animal will be released. If the owner is unable or unwilling to pay for said costs, the animal may be humanely euthanized, and the owner shall still remain liable to the animal shelter for any costs incurred in said quarantine (i.e. costs of impoundment, euthanasia, disposal).
- e) If the owner of the quarantined animal cannot be determined, or if the owner does not furnish proof of current rabies inoculation, the animal shall be impounded under the authority of the Board of Public Works and Safety and confined in the animal shelter for a

period of time that is consistent with the laws of the state of Indiana and/or the guidelines established by the State Board of Animal Health.

- f) Animal control officers shall be empowered to enter onto private property for the purpose of impounding animals which are known to have bitten a person and shall obtain legal process to do so if necessary.

SECTION 12. VACCINATION OF DOGS AND CATS REQUIRED.

- a) No animal owner or his or her agent shall keep or harbor a dog or cat over the age of six months unless it has been vaccinated annually by a licensed veterinarian with anti-rabies vaccine.
- b) The owner shall maintain proof of an animal's vaccination so that it can be presented to the city or its agents upon request.
- c) Failure to comply with the provisions of this section shall subject the owner of said unvaccinated dog and/or cat to being issued an ordinance violation citation.

SECTION 13. IMPOUNDMENT PROCEDURES.

- a) An Animal Control Officer or its designee may immediately seize, impound, or confine any of the following animals:
 - (1) Unless excepted, any animal running at large;
 - (2) Any animal constituting a public nuisance;
 - (3) Any unattended animal that is ill, injured, or otherwise in need of care;
 - (4) Any unattended animal that is reasonably believed to have been abused or neglected;
 - (5) Any animal that is reasonably suspected of having rabies;
 - (6) Any animal charged with being dangerous or vicious, or determined to be dangerous or vicious by the Board of Public Works and Safety; or
 - (7) Any animal that is considered unattended or abandoned, as in situations where the owner is deceased, has been arrested, or evicted from his or her regular place of residence.
- b) If any dangerous or vicious animal is found at large and cannot be safely impounded, the animal may be tranquilized, tased or humanely euthanized to prevent harm or undue suffering by an Animal Control Officer or its designee.
- c) If dogs and cats are impounded by the Animal Control Agency and the owner is identified, an attempt shall be made by the Animal Control Officer or its designee to arrange for the return of the animal to the owner as soon as is practical after the time of the impoundment. However, unless an animal is claimed by the owner within seven days from the date of its impoundment, the animal may be placed for adoption or humanely euthanized.
- d) All other impounded animals (except dogs and cats specifically covered herein) shall be under the authority of the Animal Control Officer or its designee. The animals shall be held at least three days, after which time the Animal Control Agency shall have the authority to take whatever action is necessary with regard to adoption or euthanasia of such animals.
- e) The Animal Control Agency shall have authority to take whatever action is reasonably necessary, including humane euthanization, to deal with a sick or injured animal, for the welfare of the animal and for the safety of Law Enforcement Officers and the public. The agency may take action without holding an animal within any stated impoundment time period as hereinabove or hereinafter stated.
- f) Nothing contained herein shall limit the Animal Control Agency's authority to take whatever action is reasonably necessary to provide veterinary care by a licensed veterinarian for a sick or injured animal.
- g) Any animal impounded in an animal control facility or shelter, if not reclaimed by its owner as provided for herein, shall thereby become the property of the animal shelter and, if not adopted by the public, may be humanely euthanized.
- h) The local animal shelter shall establish procedures for reclaiming impounded animals. The owner may be required to pay any fines and/or fees prior to the release of the animal.
- i) **ADOPTION.** An animal that remains in the custody of the City Shelter following the three-day impoundment period, and which has not been claimed by the animal's owner ("hereinafter referred to as the "original owner"), may not be adopted directly from the City Shelter. Rather, arrangements must be made through the local animal shelter. Should such an adoption be arranged with a person, other than the animal's original owner, then the ownership rights of the animal's original owner shall be terminated.

Provided, however, any person thereafter identified as the animal's original owner shall remain responsible for all accrued fees and any other fines as applicable.

The person who adopts such animal which has been impounded under this section shall first agree in writing to:

- (1) Pay for immunization of the animal against rabies;
- (2) Attach a permanent identification tag or microchip to such animal; and
- (3) Pay to have the animal spayed or neutered.

SECTION 14. DETERMINATION OF NUISANCE, DANGEROUS AND VICIOUS ANIMAL

- a) Whenever a complaint is made to the Police Department or an Animal Control Officer of the presence of a nuisance, dangerous, or vicious animal within the City, an Animal Control Officer shall promptly inspect or cause an inspection of the premises on which it is alleged that such animal is being kept.
- b) Consistent with the definitions contained in this Chapter, the Animal Control Officer shall determine that an animal is a nuisance pursuant to this Chapter upon proof by a preponderance of the evidence of any of the following:
 - (1) Excluding domestic cats, which exception shall apply only to this paragraph, any animal found repeatedly running at large or unrestrained at least three (3) time in a 12-month period;
 - (2) Any animal, whether or not on the property of its owner, that without provocation chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person, or otherwise interferes with the freedom of movement of persons in a public right-of-way;
 - (3) Any animal that chases or interferes with motor vehicles in a public right-of-way;
 - (4) Any animal that without provocation, and while off the premises of its owner, keeper, or harbinger, aggressively bites any domestic animal.
 - (5) Any animal that damages, soils, defiles, or defecates on any property other than that of its owner;
 - (6) Any animal determined to be a dangerous animal is also a Nuisance Animal.
- c) Consistent with the definitions contained in this Chapter, the Animal Control Officer or designee shall determine that an animal is dangerous pursuant to this Chapter upon proof by a preponderance of the evidence of any of the following:
 - (1) Has, without provocation, attacked or bitten another animal while off the property of its owner, its owner's agent, or its keeper;
 - (2) Has attacked or bitten, any human being, without provocation, whether on or off the property of its owner, its owner's agent, or its keeper; or
 - (3) Has a history, documented with a public agency or its designee, of attacking or biting any humans or domestic animals.
- d) Consistent with the definitions contained in this Chapter, the Animal Control Officer shall determine that an animal is vicious pursuant to this Chapter upon proof by a preponderance of the evidence of any of the following:
 - (1) Has, without provocation, attacked, bitten and killed another animal while off the property of its owner, its owner's agent, or its keeper;
 - (2) Has attacked, attempted to attack, bitten, and seriously injured any human being, without provocation, whether on or off the property of its owner, its owner's agent, or its keeper;
 - (3) Has a history, documented with a public agency or its designee, of attacking, biting and killing a domestic animal or attacking, biting and seriously injuring any humans.
- e) If the Animal Control Officer determines that a nuisance, dangerous, or vicious animal is being kept within the City, the Animal Control Officer shall determine the individual, firm or corporation who appears to be the owner of the animal, or if such information is not available, the titled owner of the property upon which the animal is kept, and shall, within five business days, cause written notice to be served on such "Controller" of the animal. Notice shall be served in person to the Controller of the animal, or by certified mail with a return receipt requested. If service of such written notice is unable to be perfected, then the Animal Control Officer shall cause a copy of the aforesaid notice to be left with the individual, if any, in possession of the premises on which the animal is kept, or if there is no individual in possession of the premises, he shall cause a copy of the notice to be posted on premises.

- f) The notice required by Section (e) immediately above, shall state, in brief, the findings with respect made to the nuisance, dangerous, or vicious nature of the animal. The notice shall further state that the Controller must comply with the requirements of this Chapter within thirty days after service of the notice.
- g) Police dogs are exempt from these provisions for all actions occurring in the course of their duties.

SECTION 15. APPEAL PROCEDURE.

- a) The Controller of an animal who has been served with a notice pursuant to Section 14(e) may, within seven days after receipt of such notice, make a “written demand” to the Animal Control Officer or the Board of Public Works and Safety for a hearing on the question of whether the animal is nuisance, dangerous, or vicious as defined in this Chapter.
- b) Every effort should be made to hold a hearing no later than fourteen (14) days following receipt of written demand and at least three days' notice of the hearing shall be given to the individual who made the demand for the hearing.

SECTION 16. REGISTRATION OF NUISANCE, DANGEROUS, OR VICIOUS ANIMALS.

- a) Any person owning, keeping, possessing, maintaining, or having the care, custody, or control of a nuisance, dangerous, or vicious animal shall:
 - (1) Register the animal with the police department by January 31st of each year, and whenever such an animal is newly obtained and provide two color photographs of the animal annually.
 - (2) At the time of registration provide proof of liability insurance as required by Section 17.
 - (3) Identify the animal by having a microchip implanted at the owner's expense.
 - (4) Post on the premises, in a conspicuous place and visible from all areas of customary or actual public access, at least one sign including the wording for the designated classification as a "NUISANCE ANIMAL", "DANGEROUS ANIMAL", or "VICIOUS ANIMAL". This sign shall be maintained and remain in place during the possession of the animal.
 - (5) Notify the Police Department within seventy-two hours, if the nuisance, dangerous, or vicious animal has died, been sold, or donated and provide the Police Department with the name, address and telephone number of the new owner. The owner must advise the transferee of the animal’s classification prior to the transfer of ownership.
 - (6) Notify the Police Department immediately if the classified animal is loose, unconfined, attacks another domestic animal or has bitten a person or domestic animal.
- b) Any dangerous or vicious animal, whether yet registered, are not permitted at any time in City parks or in City dog parks.

SECTION 17. INSURANCE FOR NUISANCE, DANGEROUS, AND VICIOUS ANIMAL.

- a) No owner of a vicious animal shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than three hundred thousand dollars (\$300,000) which provides coverage for damage to property or bodily injury to or death of a person caused by the vicious animal.
- b) No owner of a nuisance or dangerous animal shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this State providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars (\$100,000) which provides coverage for damage to property or bodily injury to or death of a person caused by the nuisance or dangerous animal.
- c) Such insurance noted in subsection (a) and (b) must be obtained within 14 calendar days of the final determination of the animal as a nuisance, dangerous, or vicious animal. The owner shall provide a copy of the policy for liability insurance to the Jasper Police Department or Clerk-Treasurer’s Office on a yearly basis and shall maintain the insurance while the owner maintains possession of the classified animal.

SECTION 18. RESTRAINT OF NUISANCE, DANGEROUS, OR VICIOUS ANIMALS.

- a) No owner or person in charge of a nuisance animal shall fail to do any of the following:
 - (1) Keep the animal securely inside of the owner's home; or

- (2) Securely confine the animal in a locked fenced portion of the rear yard, which fence is at least six feet in height with self-closing and self-latching gates on all openings and keep the animal under the direct supervision by a person who is of sufficient age, size, and strength to control the animal. All fencing must conform to the City of Jasper standards; OR
 - (3) Keep the animal in a locked enclosure at least five feet by ten feet, which has a secure top and sides. If the enclosure has no bottom securely attached to the sides, the sides must be embedded into the ground no less than two feet or must have a concrete base with the fencing securely attached or anchored to the concrete perimeter to a depth of six inches. All fencing must conform to the City of Jasper standards.
 - (4) While off the premises or not secured in the home or locked enclosure, the animal must be fitted with a proper collar, halter, or otherwise that will prevent the animal slipping out of it or breaking through it, and attach a substantial non-retractable leash to the collar that conforms to the animal's weight, size and strength, not more than four feet in length which is held in the hand of a person who is of sufficient age, size and strength to control the animal.
 - (5) Notify veterinarians, veterinary staff, groomers, and other members of the public who come into direct contact with the animal that the animal has been designated as a nuisance animal prior to such contact.
- b) No owner or person in charge of a dangerous or vicious animal shall fail to do any of the following:
- (1) Keep the animal securely inside of the owner's home, or
 - (2) Keep the animal in an escape-proof enclosure. All fencing must conform to the City of Jasper standards.
 - (3) If off the premises or not secured in the home or locked enclosure, keep the animal securely muzzled, making sure such muzzle does not interfere with the animals breathing. The animal must be fitted with a proper collar that will prevent the animal slipping out of it or breaking through it and attach a substantial non-retractable leash to the collar that conforms to the animal's weight, size and strength, not more than four feet in length which is held in the hand of a person who is of sufficient age, size and strength to control the animal.
 - (4) While off the premises or not secured in the home or locked enclosure, the animal must be fitted with a leash, collar, harness, vest, or other garment that is colored neon yellow, without patterns or other adornments except designs to increase visibility of the animal at night. The identifying garment shall be visible and identifiable to an ordinary person from at least 15 feet away so as to provide reasonable warning to that person about the animal's classification.
 - (5) Notify veterinarians, veterinary staff, groomers, and other members of the public who come into direct contact with the designated animal that the animal has been designated as a vicious or dangerous animal prior to such contact.
 - (6) No person shall do any of the following:
 - (a) Debark or surgically silence a dog that the person knows or has reason to believe is a dangerous or vicious dog;
 - (b) Possess a dangerous or vicious dog if the person knows or has reason to believe that the dog has been debarked or surgically silenced;
 - (c) Falsely attest on a waiver form provided by a veterinarian that the person's animal is not a dangerous or vicious animal or otherwise provide false information on that written waiver form. It is an affirmative defense to a charge of a violation of this section that the veterinarian who is charged with the violation obtained, prior to debarking or surgically silencing the dog, a written waiver form and that attests that the dog is not a dangerous or vicious dog.

SECTION 19. PHYSICAL HARM BY NUISANCE, DANGEROUS OR VICIOUS ANIMALS.

- a) No person, being the owner or keeper of any nuisance, dangerous, or vicious animal within the City, shall allow:
 - (1) such animal to cause physical harm (whether or not serious) to any person, except in defense of such owner's person or property;
 - (2) such animal to cause physical harm to another dog, cat, or other domestic animal;

- b) Lack of intent on the part of such person to allow such animal to injure another, or the lack of knowledge of the violent propensities of such animal, is not defense to a violation of this section.

SECTION 20. STRICT LIABILITY. The provisions of this Chapter are specifically intended to impose strict liability.

SECTION 21. ENFORCEMENT.

- a) The Animal Control Officer and Jasper Police Department are responsible for the enforcement of this chapter. The powers and authority granted under this Chapter shall be supplemental to the powers and authority already provided for by the Indiana Code relating to local animal control regulations.
- b) Any duly authorized officer, in the course of their duties in enforcing this chapter, shall have the privilege of entering onto private land, provided the officer has probable cause that a violation of this chapter has occurred, but said officer shall not enter into any building or dwelling without permission or authorization.
- c) No officer, agent, or employee of the City of Jasper shall render himself personally liable for any damage that may occur to persons, property, or animals as a result of any act required or permitted in the discharge of his duties under this chapter.

SECTION 22. PENALTIES.

- a) Whoever violates any section of this Chapter is guilty of a Class C code violation on the first offense, a Class B code violation on the second offense, and a Class A code violation on the third offense. Provided, however, penalties for certain violations are as follows:
 - (1) a violation of Section 11, "Animal Bites and Reports," is a Class D code violation,
 - (2) a violation of Section 18, "Restraint," is a Class B code violation, and
 - (3) a violation of Section 19, "Allowing Physical Harm," is a Class A code.
- b) This provision may be enforced administratively through the Board of Public Works and Safety. The City shall also have the right to recover any other costs of administering this chapter, including, but not limited to, attorney fees.
- c) The owner of any animal found in violation of this chapter shall also be responsible for all fees and expenses, including, but not limited to, veterinary fees and confinement fees, for the care of such animal. Veterinary fees shall be at the rate imposed by the respective veterinarian. If the animal is confined at the City Shelter, confinement fees shall be equal to the actual cost of confinement. These amounts shall be in addition to any penalties and fines assessed for violations of this chapter.
- d) Each and every day during such period of noncompliance with this section may be deemed a separate offense.

SECTION 23. Prior Ordinances. All ordinances and/or parts of ordinances in conflict herewith are hereby repealed, including but not limited to Ordinance numbers

SECTION 24. Separability. If any section, sub-section, sentence, clause, phrase or portion of this jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereunder.

SECTION 25. Effective Date. This ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and completion of any other legal requirements, all in the manner as provided by law, but not sooner than _____, 2022.

PASSED AND ADOPTED by the Common Council of the City of Jasper, Indiana, this _____ day of _____, 2022.

Dean Vonderheide, Presiding Officer

ATTEST:

Kiersten Knies, Clerk Treasurer

PRESENTED by me to the Mayor of the City of Jasper on this _____ day of _____, 2022, at the hour of _____:_____ o'clock a.m./p.m.

Kiersten Knies, Clerk Treasurer

This Ordinance approved and signed by me as the Mayor of the City of Jasper, Indiana, this _____ day of _____ 2022, at the hour of _____:_____ o'clock a.m./p.m.

Dean Vonderheide, Mayor

ATTEST:

Kiersten Knies, Clerk Treasurer