

ORDINANCE 2022-11

AN ORDINANCE AMENDING CHAPTER 93 OF THE MUNICIPAL CODE
REGARDING ANIMAL CONTROL REGULATIONS

WHEREAS, the Town of Kouts, Porter County, Indiana had previously adopted Chapter 93 Animals, establishing regulations and enforcement of animal control; and

WHEREAS, the existing code needs to be updated and expanded;

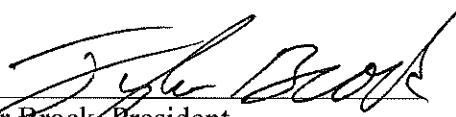
NOW, THEREFORE, BE IT ORDAINED by the Town Council, of the Town of Kouts, Porter County, Indiana, that Chapter 93: Animals in its entirety shall hereinafter be repealed.

NOW, THEREFORE, BE IT FURTHER ORDAINED, the Chapter 93 Animal Control Regulations is attached hereto and made a part hereof and shall serve as a complete and full replacement for the existing Chapter 93: Animals and shall be hereinafter entitled Animal Control Regulations.

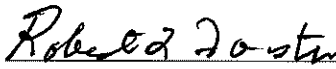
NOW, THEREFORE, BE IT ORDAINED, this Ordinance shall be in full force and effect immediately after passage and posting in accordance with IC § 36-5-2-10.


PASSED AND ADOPTED, by the Town Council, for the Town of Kouts, Porter County, this 13 day of February, 2023.

TOWN COUNCIL
TOWN OF KOUTS, INDIANA



Tyler Brock, President

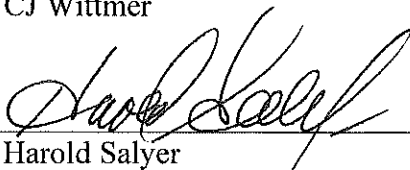
absent
Blake Jefferson, Vice-President


Robert Forster


CJ Wittmer

Attest:


Laurie Tribble


Harold Salyer

CHAPTER 93: ANIMALS REGULATIONS

93.01 TITLE

93.02 DEFINITIONS

93.03 GENERAL ANIMAL CARE REQUIREMENTS

93.04 ANIMALS AT LARGE

93.05 VACCINATION

93.06 PROHIBITION AGAINST ANIMALS IN PUBLIC GROUNDS AND FACILITIES

93.07 REMOVAL OF DOG AND OTHER ANIMAL DEFICATION FROM PUBLIC AND PRIVATE

PROPERTIES

93.08 LOCATION OF DOGHOUSES, PENS AND KENNELS

93.09 ANIMALS CREATING A NUISANCE

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93.13 KEEPING OF CERTAIN ANIMALS PROHIBITED

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93.16 VIOLATION

93.17 PENALTY

93.18 ANIMAL BITES

93.19 IMPOUNDMENT PROCEDURES

93.20 CHICKENS

93.21 PENALTY

§ 93.01 TITLE.

This chapter shall be known as, and may be cited and referred to as "Animal Regulations"

§ 93.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

ABANDON. To deposit, leave, drop-off or otherwise dispose of any live animal on public or private property.

AGENT. Means person(s) eighteen (18) years or older authorized by an owner to act in the owner's behalf.

ALTERED. Means any animal which has been spayed or neutered.

ANIMAL. Any live, non-human, vertebrate, or invertebrate creature that is domestic, wild, or exotic.

ANIMAL CONTROL OFFICER. A person authorized to carry out provisions of this chapter.

ANIMAL NUISANCE. Shall mean:

1. an animal which interferes with passers-by or passing vehicles; or
2. attacks other animals or persons; or
3. is at large or on a public park, playground, swimming pool or school yard unless the animal is authorized; or
4. damages public or private property; or
5. is in heat and is not confined or restrained to prevent unintended breeding; or
6. causes serious annoyance or disturbance to persons in the vicinity by frequent, long, continued, loud noises or other sounds common to its species.

ANIMAL SHELTER. Any facility designated or recognized by the Council for the purpose of impounding or caring for animals held under the authority of this Ordinance or State law.

AT LARGE. An animal that is:

1. Not on a leash and is off the property of its owner, its owner's agent, or its keeper; or
2. On a leash that doesn't adequately confine the animal to the property of its owner, its owner's agent, or its keeper; or
3. On a leash that is not otherwise under the immediate control of a person physically capable of restraining the animal.

BEAT. Means to unnecessarily or cruelly strike an animal, or to throw the animal against an object causing the animal to suffer pain or injury.

BITE. Bites, biting, bit or bitten. To grip, cut off, or tear with the teeth or jaws. To injure by scratching, puncturing or tearing (the skin or flesh) with the teeth or claws. An animal inflicting an injury on another person or animal, including but not limited to a skin abrasion, by tooth or nail.

CODE ENFORCEMENT OFFICER. A code enforcement officer is a sworn in inspector and investigator employed by the town and specializes in the prevention, detection and enforcement of violations of laws.

CONFINED. Restriction of an animal at all times by the owner or his or her agent to an escape proof building or other enclosure away from other animals and the public.

DANGEROUS ANIMAL.

- 1) Any animal which:
 - a) Has attacked or bitten another animal while off the property of its owner, its owner's agent, or its keeper;
 - b) Has attacked, attempted to attack, bitten, or injured any human being, without
 - c) provocation, whether on or off the property of its owner, its owner's agent, or its keeper;
 - d) Has history, documented with a public agency or its designee, of attacking or biting any human beings or domestic animals;
 - e) Has a known propensity, tendency, or endangered the safety of humans or domestic animals;
 - f) Has been found to be at large and has been documented to be at large by a police officer or an animal control officer on three or more separate occasions in a 12-month period; or
- 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, or assaulting the animal.
- 3) No K-9 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.

DESIGNEE. A person, organization, or entity selected appointed, or nominated for a particular purpose or duty.

DOMESTIC ANIMAL. Animals belonging to species normally kept, harbored, and maintained by persons as pets, irrespective of the particular reason for which the animal is kept or maintained. Any animal which has been domesticated by man customarily regarded for human companionship. These animals include but are not necessarily limited to the following species:

1. Dog;
2. Cat;
3. Rabbit;
4. Mouse;
5. Rat;
6. Guinea pig;
7. Hamster;
8. Gerbil;
9. Ferret;
10. Reptiles not regulated by the Indiana Department of Natural Resources

IMPOUNDED. If any animal pursuant to this chapter or any state statute has been received into the custody of any animal shelter, the animal will have been **IMPOUNDED** as the word is used in this chapter.

KENNEL. Shall mean any premises herein any person engages in business of boarding, breeding, buying, selling or training of animals: or any household or noncommercial establishment harboring four (4) or more animals.

LEASH. Shall mean a cord, rope, strap or chain which shall be securely fastened to the collar or harness of a dog or other animal and which shall be of sufficient strength to keep such dog or other animal under control.

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.

OFF PROPERTY. Beyond the legal boundaries of the real property on which the owner, agent or keeper resides.

OWNER. Shall mean any person having a right of property in a dog or other animal, or who keeps or harbors a dog or other animal, or who has in his or her care, or acts as custodian, or who knowingly permits a dog or other animal to remain on or about any premises occupied by him or her.

PUBLIC NUISANCE. Any animal that endangers the life or health of persons or other animals, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term **public nuisance** shall include, but not be limited to:

1. Any animal found running at large;
2. Any animal, whether or not on the property of its owner, that without provocation, molests, attacks, 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 attacks other animals;
5. Any animal that damages, soils, defiles, or defecates on any property other than that of its owner;
6. Any animal that makes disturbing noises, including but not limited to continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
7. Any animal that causes fouling of the air by noxious or offensive odors and thereby creates unreasonable annoyance or discomfort to neighbors', or others in close proximity to the premises where the animal is kept or harbored;

8. Any animal in heat that is not confined or restrained so as to prevent attraction or contact with other animals;
9. Any animal in any section of a public park, playground, schoolyard or other recreational area that is found running at large;
10. Any animal that causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
11. Any animal that trespasses on private property of persons other than the owner of the animal; or
12. Any animal determined to be a dangerous animal.

RABIES VACCINATION. An injection licensed by the U.S.D.A. and approved by the Indiana State Board of Health, given to a dog, cat, or other animal by a licensed veterinarian to prevent the spread of rabies.

RESTRAINT. Shall mean that an animal shall be considered under restraint when it is secured by a leash or lead to its collar or harness and under the control of its owner or a responsible person, or if it is within the real property limits of its owner.

SHALL. The action referred to is mandatory.

STRAY. Any animal not secured by a lead, or not under the control of a responsible person.

VETERINARIAN. Shall mean a person licensed to practice veterinary medicine in the State of Indiana.

VICIOUS. A deliberate violent attack of an animal against another animal or person.

§ 93.03 GENERAL ANIMAL CARE REQUIREMENTS.

Every owner or his or her agent residing within the corporate limits of the town shall see that each of his or her animals:

- A. Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit, or lie in its own excrement;
- B. Has sufficient and wholesome food and water, which is proper and nutritional for that species of animal;
- C. Lives in a structure, meeting minimum veterinary standards, which will protect that animal from all elements of the weather and will allow that animal to stand, sit, and lie down without restriction, and which is kept in a sanitary manner;
- D. If ill, diseased, or injured, receives proper veterinary care as necessary to promote the good health of the animal and prevent the transmittal of a disease to other animals or human beings;

- E. Is not beaten, ill-treated, overloaded, over-worked, tormented or otherwise abused or neglected or involved in any dog fight, cockfight, bullfight or other combat between animals or between animals and humans;
- F. Is not physically altered in any manner by anyone other than a veterinarian, except for tattooing for identification purposes and grooming;
- G. Is not abandoned, neglected, or tortured;
- H. Does not become a public nuisance;
- I. Does not become a dangerous animal;
- J. In the case of a dog or cat over the age of three months, is properly vaccinated against rabies by a licensed veterinarian annually, or upon such frequency as may be specified by state law;
- K. Is properly restrained and not at large;
- L. During mating season, is kept in a secure enclosure in such a manner that it cannot come into contact with another animal of the same species, except for planned breeding.

Penalty see § 93.21

§ 93.04 ANIMALS AT LARGE.

(A) No person shall permit any animal, including dogs or cats, to be at large in the Town of Kouts at any time. Animals are at large when the animal is in any public street, alley, park or other public grounds or when off the premises of the owner or person who has custody of said animal and not constrained by a leash or under the immediate control of the owner or the person who has custody of said animal. Within one hour after a domestic animal escape from either the owner or the person having custody of the animal, the owner or custodian of the animal shall report the escape of the animal to the Town Marshal.

(B) Whenever any police officer or other person designated by the Town Marshal shall find any dog or cat running at large he or she shall, if possible, pick up and transport or arrange for the transportation of the animal to the animal shelter operated by the Porter County Animal Control Authority, Porter County, Indiana. Which is under contract with the Town of Kouts to provide these services. Any such animal shall be held, impounded, adopted, reclaimed, treated, tested or euthanized according to law, rules or regulations of the animal shelter.

§ 93.05 VACCINATION.

(A) It shall be the duty of each dog or cat owner to have such dog inoculated with an avianized anti-rabid vaccine or any similar vaccine by a veterinarian every two calendar years.

(B) Dogs or cats under six months of age are not required to be vaccinated.

(C) Any dog or cat, for which a veterinarian licensed by the state issues a certificate to the effect that the proposed inoculation will be harmful, shall be exempt from the inoculation prescribed by this chapter.

(D) Nothing in this section shall be construed to limit an animal owner's responsibility under any other local, state or federal law with regard to vaccinations and health care of the animal.

§ 93.06 PROHIBITION AGAINST ANIMALS IN PUBLIC GROUNDS AND FACILITIES.

An owner or person having control of any dog or any other animal shall maintain the dog or other animal on a leash and within the immediate control of the owner or custodian of the animal when entering into or be upon any public park, school grounds, public building or other public grounds.

§ 93.07 REMOVAL OF DOG AND OTHER ANIMAL DEFECACTION FROM PUBLIC AND PRIVATE PROPERTIES.

An owner or person having custody of any dog or any other animal shall not permit the dog or any other animal to defecate on any school ground, public street, alley, sidewalk, tree bank, park or any other public grounds or any private property within the town, other than the premises of the owner or person having custody of the dog or other animal, unless the defecation is removed immediately.

§ 93.08 LOCATION OF DOGHOUSES, PENS AND KENNELS.

No doghouse, pen or kennel shall be maintained closer than 40 feet to any apartment house, residential condominium, hotel, restaurant, boarding house, retail food store, building used for school, religious or hospital purposes or residence other than that occupied by the owner or occupant of the premises upon which the dogs are kept.

§ 93.09 ANIMALS CREATING A NUISANCE.

No person shall own, keep, have in his or her possession or harbor any animals which, by frequent or habitual howling, yelping or barking or crying, shall cause a nuisance by creating a serious annoyance or disturbance to any individual or to the neighborhood.

§ 93.10 RESTRICTION ON THE NUMBER OF ANIMALS OTHER THAN CATS AND DOGS.

With the exception of domestic dogs and cats, no more than two each of any other domestic or wild animals more than four months old shall be kept or housed on any premises within the town limits, except a special permit shall be issued for the keeping of any of such creatures only when such animals were being lawfully kept on such lot

prior to the enactment of this chapter, or where, due to the conditions, size of the lot or acreage involved and distances from other premises, no nuisance will be created thereby. Each special permit shall be granted for the term of one year, and no renewal shall be granted without an inspection of the premises by the Town Marshal or his designee and a finding of fact to the effect that no nuisance will be created thereby.

§ 93.11 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 the animal, or when the weather would constitute a health hazard to the animal confined in the motor vehicle; nor shall any person transport any animal in an unenclosed truck bed or open section of any vehicle unless the animal is enclosed in a cage which is securely fastened to the vehicle.

§ 93.12 ANIMALS AT LARGE OTHER THAN DOGS.

No person shall suffer or permit any domestic or wild animal of which he or she is the owner, caretaker or custodian to be at large within the town. Any such creature shall be deemed to be at large when it shall be off the premises owned or rented by its owner and unaccompanied by the owner or an agent or employee of the owner. Any such creature may be impounded by the town.

§ 93.13 KEEPING OF CERTAIN ANIMALS PROHIBITED.

No person shall keep, maintain, or have in his or her possession or under his or her control within the Town, any poisonous reptile or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animal, or any other animal or reptile of wild, vicious or dangerous propensities. Such as but not limited to: poisonous snakes, monkeys, bears, coyotes, elephants, tigers, lions, apes, ostriches, etc., unless said person has a valid permit issued by the Indiana Department of Natural Resources or other government agency authorized to issue such a permit.

§ 93.14 DISPOSAL OF ANIMAL DEFECATION.

No defecation or manure shall be dumped or left on any street, alley, sidewalk, nor on any open area or lot in any portion of the town; provided, however, that this provision shall not be construed to prohibit the use of manure as fertilizer for lawns and gardens in keeping with ordinary and customary practices in a manner that does not create a nuisance.

§ 93.15 ANIMALS OTHER THAN DOGS CREATING A NUISANCE.

No person shall own, keep, harbor or have in his or her possession any animal which habitually causes a serious annoyance or disturbance to persons of ordinary sensibilities in the neighborhood.

§ 93.16 VIOLATION.

Any violation of this chapter is declared to be a nuisance. In addition to any other relief provided by this chapter, the Town Attorney may apply to a court of competent jurisdiction for an injunction to prohibit the continuation of any violation of this chapter. Such application for relief may include seeking a temporary restraining order, temporary injunction and permanent injunction.

§ 93.17 PENALTY.

Any person, firm or corporation violating any provision of this chapter shall be fined not less than \$100 nor more than \$2,500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

§ 93.18 ANIMAL BITES.

- A. If any person is a victim of an animal bite, or an animal should attack a pet peaceably conducting himself in any place where he may lawfully be. The owner and/or victim shall immediately notify the Town Police Department, Porter County Health Department and the Porter County Animal Shelter, and provide a description of the animal and identification, if possible, of the owner. When an animal is determined to have bitten a person, or attacked another animal, the animal shall be confined for a period of not less than ten days.
- B. If the animal's owner which has bitten a person or attacked another animal presents proof of current rabies inoculations, the animal may be left in the charge of the owner, under confinement, unless a Town police officer, code enforcement or an agent from the Town or the County Animal Control Officer based upon considerations and public safety it is determined it should be removed to the Porter County Animal Shelter for observation.
- C. In addition to other legal obligations prescribed by law, the owner shall pay for all costs incurred in the quarantine and/or impoundment of the animal before the animal will be released.
- D. 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 by a Town police officer, code enforcement officer, or a county officer under the authority of the Porter County Animal Shelter for a period of observation of not fewer than ten days.
- E. Animal control officers, police officers or code enforcement agents from either the Town or Porter County shall be empowered to enter onto private property for the purpose of impounding animals which are known to have bitten a person or another animal and shall obtain legal process to do so if necessary.

- F. No person shall interfere with or impede animal control officer, police officer, code enforcement agent or any other authorized agent in the performance of his or her duties.
- G. Animals deemed as dangerous by Town officers or Porter County Animal Control must be under the control of a person 18 years of older. The animal must be kept within a locked fenced area from which it cannot escape when outside and attended. Outdoor and unattended the animal must be confined to an escape-proof kennel which allows the animal to stand normally and without restriction and shall protect the animal from the elements.
- H. A dangerous animal may be outside of the enclosure or off the owner's property only when muzzled and restrained on a leash not more than three (3) feet in length and must be done under the supervision of the owner of the dangerous animal.
Penalty, see § 93.21

§ 93.19 IMPOUNDMENT PROCEDURES.

The Porter County Animal Shelter as a contracted animal control agency of the Town of Kouts may seize, impound or confine any of the following animals:

- A. A stray animal brought to the shelter-by-shelter personnel, police or any resident of the Town of Kouts;
- B. Injured animals;
- C. Biting or dangerous animals, especially those suspected of having rabies;
- D. An animal of which the owner wishes to relinquish ownership;
- E. An animal seized by law enforcement;
- F. Any animal running at large;
- G. Any animal causing a public nuisance;
- H. A stray animal that is ill, injured, or in need of care;
- I. A neglected or abused animal;
- J. 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.

§ CHICKENS 93.20.

Notwithstanding the provisions of § 93.13 which remain in full force and effect, chickens shall be allowed to be kept in the town in strict accordance with all of the following requirements:

- A. A chicken is a *gallus gallus domesticus*, a domestic bird typically kept on a farm. This definition does not include other fowl, such as, but not limited to peacocks, turkeys, and waterfowl.
- B. No roosters (male chickens) shall be kept under the provisions of this section.
- C. There shall be no more than four chickens on any parcels of land.

- D. Chickens shall be provided with access to feed and clean water at all times.
- E. Chickens must be kept completely and securely enclosed and under the control of the owner and on the owner's property at all times.
- F. A chicken coop, an enclosed structure for harboring chickens that provides shelter from the elements, shall be provided. The chicken coop must provide adequate sun, shade and ventilation and must be impermeable to rodents, wild birds, and predators, including cats and dogs and must provide at least ten square feet of space per chicken kept therein. No chicken coop shall exceed 75 total square feet in size. No chicken coop shall be more than ten feet in height. The chicken coop shall be situated a minimum of ten feet from all property lines. For corner lots the chicken coop shall be situated as near as possible to the middle of the lot.
- G. All feed for said chickens shall be stored in containers so to protect against intrusion by rodents and vermin.
- H. The chicken coop shall be maintained in sanitary condition and in compliance with all applicable health regulations of the State of Indiana, Porter County, and the town.
- I. Chicken coops and chickens shall be confined to the rear yard of the property.
- J. Any chickens kept in accordance with the provisions of this section shall be for non-commercial, personal use only and may not be slaughtered on the property.
- K. Any violations of this section shall be subject to applicable penalties set forth in § 93.21.

§ 93.21 PENALTY.

- A. Any persons who fail to have their dogs or cats vaccinated pursuant to § 93.05 may be served a warning to request immediate compliance. A police officer, code enforcement agent or animal control agent may serve this notice. Only one warning notice may be given to an individual who has failed to have a dog or cat vaccinated. All other violations of this chapter are subject to the citations and fines stated herein.
- B. The warning notice shall contain the name and address of the violator, the section violated, nature of the violation, date, time and location of the violation.
- C. Citations and fines are payable through the Ordinance Violations Bureau and deposited to the General Fund. Persons served with a warning notice for failure to have a dog or cat vaccinated or registered and who fails to comply within ten days and any person who violates any other provision of this chapter, shall be issued a citation. Citations shall contain the name and address of the violator, the ordinance section violated, the date, time and nature of the violation, location and name of person issuing the citation.
- D. Any person who violates any of the sections of this chapter shall be subject to a fine of not less than \$25 nor more than \$2500 for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues, with the exception of vicious animals, animal attacks and biting animals.
- E. The owner of a biting animal shall be subjected to a minimum fine of \$100 per violation to \$2500 and be required to furnish evidence of a veterinary examination for that animal demonstrating proper vaccination; and confinement to the satisfaction of the Police Department, Code Enforcement or Animal Control Officer. Repeat offenders shall be subject a successive doubling of fines.

- F. The owner of a vicious or attack animal causing serious injury or death, to a human or other animal shall be subject to a fine of \$1,500 per violation, and the impoundment of the animal by the Porter County Animal Control until such time an animal control officer is satisfied with the control of the animal or its humane euthanasia.