

GREENWOOD COMMON COUNCIL

ORDINANCE NO. 16-17

**AN ORDINANCE AMENDING GREENWOOD MUNICIPAL CODE (1993), AS
AMENDED, CHAPTER 6, ARTICLE 2 RELATING TO ANIMAL REGULATIONS**

WHEREAS, the majority of the provisions in Chapter 6, Article 2 of the Greenwood Municipal Code have not been updated in thirty (30) years;

WHEREAS, Chapter 6, Article 2 of the Greenwood Municipal Code contains many outdated provisions including references to a City Pound and a City Humane Officer which do not exist; and

WHEREAS, animal regulations have evolved over the past thirty (30) years and the City Municipal Code is in need of updating.

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

Section 1. The text of Greenwood Municipal Code (1993), as amended, Chapter 6, Article 2 is hereby repealed in its entirety and replaced with language to read as follows:

Article 2: Animal Regulations

Sec. 6-13 Definitions

As used in this Article, the following terms shall have the meanings ascribed to them in this Section. These definitions apply only to this Article and should not be utilized for purposes of interpreting the City's Zoning Ordinance and regulations contained in Chapter 10.

Animal means any living, nonhuman vertebrate creature.

At large means not confined without means of escape of any portion of the animal's body in a pen, corral, yard, cage, house, vehicle or other secure enclosure, unless on a leash and under the control of a competent human being.

Crime prevention dog means and includes a dog that is trained and used by its owner or keeper primarily for the protection of persons or property, or both.

Dangerous animal means any animal that:

- (1) Would constitute a danger to human life or property if it were not kept in the manner required by this chapter;
- (2) Has caused serious injury to a person without having been provoked by that person;
- (3) Has attacked another domestic animal at a place other than its owner's or keeper's property; or
- (4) Because of its training or behavior, is capable of inflicting physical harm or death to humans.

Dog means and includes animals of the *Canis familiaris* species, and hybrids of a *Canis familiaris* and any other member of the *Canis* genus, including wolves.

Domestic animals means rabbits, cattle, horses, ponies, mules, donkeys, llamas, swine, sheep, goats, dogs, cats and poultry.

Exposed to rabies means an animal has been bitten by or been in contact with any animal known or reasonably suspected to have been infected with rabies.

Law enforcement animal means an animal that is owned or used by a law enforcement agency for the purpose of aiding in the detection of criminal activity, enforcement of laws, the apprehension of offenders and ensuring the public welfare.

Monitored means that the animal:

- (1) Is controlled by means of a leash or other device held by a competent person, which animal is sufficiently near the owner or handler as to be under his or her direct control and is obedient to that person's command;
- (2) Is on or within a vehicle being driven or parked; or
- (3) Is confined as required by this chapter.

Nonbite exposure means and includes scratches, abrasions, open wounds or mucous membranes contaminated with saliva or other potentially infectious material from a rabid animal.

Own means to keep, harbor or have custody, charge or control of an animal, and *Owner* means and includes any person who owns an animal; however, veterinarians and operators of kennels, pet shops and stables, who temporarily keep animals owned by, or held for sale to, other persons shall not be deemed to own or be owners of such animals, but rather to be keepers of animals.

Person means and includes any individual, corporation, partnership or other association or organization, but shall exclude the following for purposes of this Article:

- (1) Police officers, federal or state armed forces, park rangers, game wardens, conservation officers and other such governmental officers or officials, with respect to actions that constitute a discharge of their official duties; and
- (2) An individual, partnership, corporation or other association, organization, or institution of higher education, which is registered as a research facility with the United States Secretary of Agriculture under 7 USC § 2131 et seq., commonly known as the "Animal Welfare Act," while engaged in the course of their performance as such.

Provoke means the infliction of bodily harm on the animal or another person, or conduct that constitutes a substantial step toward the infliction of bodily harm on the animal or another person.

Serious injury means any injury that results in permanent disfigurement, unconsciousness, extreme pain, or permanent or protracted loss or impairment of the function of a bodily member or organ.

Veterinarian means a person licensed to practice veterinary medicine in the state.

Wild animal means and includes:

- (1) A Class III wild animal for which a state permit is required under 310 IAC 3.1-11-8 and/or Ind. Code § 14-22-26; and
- (2) A venomous snake, poisonous amphibian, or other large reptile.

Sec. 6-14 Animals at Large Prohibited

- (a) An owner or keeper of an animal commits a violation if that animal is at large in the city.
- (b) Except as provided in subsection (c) of this Section, the first violation in any twelve-month period shall be subject to an admission of violation and payment of the designated civil penalty in the amount of One Hundred Dollars (\$100.00). All subsequent violations in a

twelve-month period are subject to a fine of not less than Two Hundred Fifty Dollars (\$250.00) per violation.

(c) If, while the animal is at large in violation of this section at a location other than its owner's or keeper's property or in the public right-of-way, it:

(1) Attacks another animal; or

(2) Chases or approaches a person in a menacing fashion or apparent attitude of attack;

then the fine imposed shall not be less than Five Hundred dollars (\$500.00) if no injury occurs and One Thousand Dollars (\$1,000.00) if another animal or person is injured as a result of the animal's actions. If the violation results in serious injury to any person, the court upon request may order the animal forfeited and/or destroyed.

Sec. 6-15 Confinement of Female Animals in Heat

(a) The owner or keeper of any female animal in heat kept in the City shall confine the animal within a secure enclosure and in such a manner as to prevent it from becoming a nuisance.

(b) The first violation in any twelve-month period shall be subject to an admission of violation and payment of the designated civil penalty in the amount of Two Hundred Dollars (\$200.00). All subsequent violations in a twelve-month period are subject to a fine of not less than Five Hundred Fifty Dollars (\$500.00) per violation.

Sec. 6-16 Report of Vehicular Collision with Domestic Animal

(a) A person whose vehicle causes injury or death to a domestic animal in the city shall stop at once, assess the extent of the injury to the extent that it is safe to do so, and immediately notify the animal's owner or keeper, if known, or the County Animal Care and Control shelter, either directly or through a local law enforcement agency, together with a description of the animal struck, the location of the striking and an estimate as to the condition of the animal after being struck, along with the rabies tag number of the animal, if it can safely be ascertained. Such person shall not be required to report his or her name, as the only purpose of this requirement is to aid the stricken animal and notify its owner or keeper, if any.

(b) Violation of this section shall be subject to an admission of violation and payment of the designated civil penalty in the amount of One Hundred Dollars (\$100.00).

Sec. 6-17 Animals Causing Nuisance Prohibited

(a) It shall be unlawful for a person to own or keep any animal which by frequent or habitual howling, yelping, barking, screeching, other vocalization or otherwise shall cause serious annoyance or disturbance to persons in the vicinity.

(b) Violation of this Section shall be subject to an admission of violation and payment of the designated civil penalty in the amount of Fifty Dollars (\$50.00). All subsequent violations in a twelve-month period are subject to a fine of not less than One Hundred Dollars (\$100.00) per violation.

Sec. 6-18 Domestic animals in vehicles.

(a) It shall be unlawful to leave a domestic animal unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal.

(b) It shall be unlawful for any dog or cat to ride in the bed of a pickup truck on public streets, highways and/or rights-of-way unless the animal is securely caged and protected from the environment or unless the bed of the pickup truck is enclosed with a camper shell or other device and there is appropriate and sufficient ventilation.

- (c) It shall be a defense to civil liability for property damage if an individual damages a window or vehicle in an attempt to assist a domestic animal left or stored in a manner contrary to this Section.
- (d) Violation of this section shall be subject to a fine of not less than One Thousand and no/100 Dollars (\$1,000.00).

Sec. 6-19 General Requirements for Animal Care and Treatment.

- (a) Every owner or keeper of an animal in the City shall see that such animal:
 - (1) 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 and shall ensure that the animal's area is maintained and cleaned in such a manner as to prevent odor or health and sanitation problems;
 - (2) Has food that is appropriate for the species in adequate amounts to maintain good health, fresh potable water, and shelter (including ventilation) in such a manner as to be protected from excess heat and cold and is of sufficient size to permit the animal to exercise and move about freely;
 - (3) Is protected against abuse, cruelty, neglect, torment, overload, overwork, or any other mistreatment; and
 - (4) Shall provide the reasonably necessary medical care according to commonly accepted veterinary standards, in addition to the required rabies vaccine, and if diseased or injured or exhibiting symptoms of disease, receives proper care and is segregated from other animals so as to prevent transmittal of the disease.
- (b) It shall be unlawful to fail to comply with any requirement of subsection (a) of this Section.
- (c) It shall be unlawful to tether any animal by use of a choke collar or any collar too small for the size and age of the animal, nor by any rope, chain, or cord directly attached to the animal's neck, nor by a leash less than twelve (12) feet in length, or of such unreasonable weight as to prevent the animal from moving about freely;
- (d) It shall be unlawful for any animal to be tethered between the hours of 11:00 p.m. and 6:00 a.m.; or to tether any un-sterilized dog for any period of time unless the dog is in visual range of a competent adult who is outside with the dog; or to tether or confine an animal at a vacant structure or premises for any purpose or time when it is not monitored by a competent adult who is present at the property for the duration of such tethering or confinement.
- (e) In addition to the general requirements for animal care and treatment in this article, every owner or keeper of a dog kept in the City shall see that such dog when confined outside:
 - (1) Has access to a shelter constructed of solid wood or other weather resistant material, consisting of a structure with solid walls on all sides, a dry floor raised above the ground, and a solid roof sloped away from the entrance to protect the dog from weather and extreme cold. During winter and any day when the temperature is at or below 40°F, the shelter must be just large enough for the dog to stand up and turn around, the entrance covered by a flexible wind-proofing material or self-closing door, and must contain clean, dry bedding, which must consist of an insulating material that does not retain moisture, such as straw, of sufficient depth for the dog to burrow. On any day when the temperature is at or above 80°F, the shelter must be shaded by trees, a tarp, or a tarp-like device.
 - (2) Must be brought into a temperature controlled facility 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 is in visual range of a competent adult who is outside with the dog.

- (3) Has adequate space for exercise when confined in an enclosure or pen, which shall consist of no less than one hundred (100) square feet. A dog over eighty (80) pounds must be provided with an additional fifty (50) square feet. For each additional dog inside the enclosure, fifty (50) square feet of space for exercise must be added per dog.
- (4) Is treated so that there are no open lesions on the dog's skin due to insect bites or other parasitic infections.
- (5) Shall not be tethered except when all of the following conditions are met:
 - (i) The tether is not attached to a motorized vehicle, such as an automobile, truck, or motorcycle;
 - (ii) The dog is at least six (6) months of age and is not sick or injured;
 - (iii) The tethered dog has access to water, shelter, and dry ground. If there are multiple tethered dogs, each dog must be tethered separately in a manner that prevents the tethers from becoming entangled with each other or any other object, and each dog must have separate water and shelter;
 - (iv) The tether is attached to the dog by a properly fitting buckle-type collar, or a collar that will not break under pressure, with a rotating toggle or attachment. Pinch, prong, or choke collars shall not be used. The tether shall not wrap directly around the dog's neck;
 - (iv) The tether is not of such unreasonable weight as to prevent the dog from moving about freely, is free of tangles, cannot be entangled with another animal or object, and is at least twelve (12) feet in length.
 - (v) If the dog is attached to a trolley system, the running line must be at least twelve (12) feet in length and the tether length must be greater than the height of the running line.
 - (vi) The tether is located so as not to allow the dog to trespass on public or private property nor in such a manner as to cause harm or danger to persons or other animals.

For purposes of this section, the following terms have the following meanings:

- (1) "*Confined outside*" means confined outside the house, mobile home, or apartment where the owner is living. Confined outside would include in the yard, or in a garage, shed, or barn without heating or air-conditioning. Access to a garage, shed, or barn maintained between 40°F and 80°F would not be considered confined outside.
- (2) "*Temperature controlled facility*" means a building maintained between 40°F and 80°F.
- (f) It shall be unlawful for a person to abandon any animal on public or private property in the City.
- (g) It shall be unlawful for a person to throw or deposit poisoned meat or any poison or harmful substance in any street, alley, marketplace, public place, or private premises in the City for the purpose of destroying or injuring an animal.
- (h) It shall be unlawful for a person to shoot any dog, cat, or other animal unless it is a dangerous animal.
- (i) A person who violates the provisions of this Section shall be subject to the following fines:
 - (1) Violations of subsections (a), (b), (c), (g), (h), and (i) shall be subject to a fine of not less than One Thousand Dollars (\$1,000.00) and not greater than Two Thousand Five Hundred Dollars (\$2,500.00). Upon request, the Court may order termination of the owner's rights and charge the cost of depositing the animal with the County or rescue organization against the violator.

- (2) Initial violations of subsections (d), (e), and (f) shall be subject to an initial fine of not less than Two Hundred Fifty Dollars (\$250.00). Subsequent violations shall be subject to fines of not less than One Thousand Dollars (\$1,000.00) and not greater than Two Thousand Five Hundred Dollars (\$2,500.00). Upon request, the Court may order termination of the owner's rights and charge the cost of depositing the animal with the County or rescue organization against the violator.

Sec. 6-20 Enticement of and/or Interference with another person's animal prohibited

- (a) It shall be unlawful for a person, not so authorized, to enter or invade the private premises of another person in the City to capture, entice, or take any animal out of the enclosure or premises of its owner or keeper, or to seize an animal at any place while such animal is accompanied by its owner or keeper.
- (b) Except as expressly authorized by law, it shall be unlawful for a person to entice any animal away from the premises of the person who owns or keeps such animal in the City or to entice an animal from a street, alley, or public place in the City with the intent to deprive the owner of the animal's possession.
- (c) It shall be unlawful for a person to tease, tantalize, molest, or provoke any animal in the City.
- (d) Violations of this Section shall be subject to civil penalties of up to Two Thousand Five Hundred and no/100 Dollars (\$2,500.00).

Sec. 6-21 Animal traps; requirements and prohibitions.

- (a) It shall be unlawful for a person to use, place, set or cause to be used, placed, or set any leg-hold trap or similar device upon any land or waters in the City.
- (b) It shall be unlawful for a person to use, place, set or cause to be used, placed or set any snare, net or other device which causes the trapping or capturing of any animal in any manner by which the animal is not either captured painlessly or killed instantly upon any land or waters in the City.
- (c) Subsections (a) and (b) of this section shall not apply to a trap placed on private property, where the trap is placed and maintained by the owner, the owner's guest or agent.
- (d) It shall be unlawful for a person, having placed a lawful trap, snare or similar device in the city, to fail to inspect and empty it at least once during every twenty-four-hour period.
- (e) It shall be unlawful for a person to remove an animal in the city from any trap not on the person's property, unless such person has the express permission of the property's owner to do so.
- (f) Violations of this Section shall be subject to civil penalty of not less than Five Hundred and no/100 Dollars (\$500.00)

Sec. 6-22 Animals not to be offered as novelties or prizes.

- (a) It shall be unlawful for a person to sell, offer for sale, barter, or give away in the City any live animal, bird, or reptile as a novelty, prize for, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter any business establishment or enter into any business agreement whereby the offer was made for the purpose of attracting trade for business, other than establishments selling animals as their primary business.
- (b) Initial violations of this Section shall be subject to civil penalty of not less than Five Hundred Dollars (\$500.00). Subsequent violations shall be subject to a civil penalty of not less than One Thousand Dollars (\$1,000.00).

Sec. 6-23 Keeping Livestock or Poultry Prohibited

- (a) No person shall keep any livestock or poultry within the City except on properties properly zoned and operated as agricultural operations or suburban fringe under other applicable laws.
- (b) Violation of this section shall be subject to an admission of violation and payment of the designated civil penalty in the amount of Fifty Dollars (\$50.00). All subsequent violations in a twelve-month period are subject to a fine of not less than One Hundred Dollars (\$100.00) per violation

Sec. 6-24 Animal Bites

- (a) When the owner of an animal which has bitten some other person is so instructed by the Police Department, or any other proper City, county or state authority, to confine the animal for a specific length of time, and said owner disposes of the animal in any manner prior to the time said owner is authorized to dispose of said animal by the Police Department, or such other proper City, county, or state authority, said owner shall be guilty of an offense.
- (b) Violation of this Section shall be subject to civil penalty of up to Two Thousand Five Hundred Dollars (\$2,500.00).

Sec. 6-25 Enforcement

This Article may be enforced by the officers of the Johnson County Animal Control (who shall serve as the Humane Officer), Police Department, the Code Enforcement Department and/or the Fire Department.

Section 2. The sections, paragraphs, sentences, clauses, phrases and words of this Ordinance are separable, and if any word, phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a Court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining words, phrases, clauses, sentences, paragraphs and sections of this Ordinance.

Section 3. This Ordinance shall be in full force and effect upon its passage, approval and publication according to law.

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Passed by the Common Council of the City of Greenwood, Indiana, this 4th day of April, 2016.

Michael Campbell
Michael Campbell, President
Greenwood Common Council

FOR:

Linda S. Gibson
SDH
Ronald Bates
Absent
Michael Campbell
Brent Corey
Charles Landon

AGAINST:

Linda S. Gibson
Ezra J. Hill
Bruce Armstrong
Ronald Bates
J. David Hopper
David Lekse
Michael Campbell
Brent Corey
Charles Landon

ATTEST:

Jeannine Myers
Jeannine Myers, Clerk

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 4th day of April, 2016, is presented by me this 5th day of April, 2016, at 10 O'Clock A.M., to the Mayor of the City of Greenwood, Indiana.

Jeannine Myers
Jeannine Myers, Clerk

The foregoing within and attached Ordinance passed by the Common Council of the City of Greenwood, Indiana, on the 4th day of April, 2016, is signed and approved by me this 5th day of April, 2016, at 11:00 O'Clock A.M.

Mark W. Myers
MARK W. MYERS, Mayor of
the City of Greenwood, Indiana