

ORDINANCE NO. 98-10-1

Amended
w/ 2005-11-2
+ 2010-11-01
2010-11-02
2010-11-03

AN ORDINANCE AMENDING ORDINANCE # 91-4-1 ESTABLISHING A PLAN FOR ANIMAL CONTROL WITHIN THE CITY OF BATESVILLE, LICENSING OF ANIMALS, PROHIBITING ANIMALS FROM RUNNING AT LARGE AND ADOPTING STANDARDS FOR TREATMENT OF ANIMALS, AND FOR OTHER PURPOSES.

WHEREAS, the City Council has determined that the current plan of animal control is inadequate to deal with the problem of animals running at large, the humane treatment of animals within the city limits of Batesville and the adequate administration of an animal control program, now;

BE IT THEREFORE ORDAINED, by the City Council of the City of Batesville that the following provisions will govern animal control within the City;

DEFINITIONS

For the purpose of this ordinance, the following words and phrases shall have the following meaning:

- (a) **OWNER**- Any person, firm or corporation owning, keeping or harboring an animal, or responsible for it's care, custody or control.
- (b) **AT LARGE**- Any animal shall be deemed at large when it is off the property of it's owner and not on a leash, or under the control of a competent person.
- (c) **KENNEL**- Any person, firm or corporation engaged in the commercial business of breeding, boarding, buying, grooming, letting for hire, training for a fee, or selling dogs or other animals.
- (d) **VACCINATION**- An injection of any vaccine for rabies approved by the state veterinarian and administered by a licensed veterinarian.
- (e) **VICIOUS ANIMAL**- An animal which has a known disposition or tendency to attack, to cause injury or to otherwise endanger the safety of human beings or domestic animals, however, the fact that an animal has bitten or attempted to bite some person that was teasing the animal shall not constitute the animal a vicious animal within the meaning of this ordinance.
- (f) **ABANDONMENT**- To leave an animal without demonstrated or apparent intent to recover or to resume custody of animal.
- (g) **BREEDER**- Any person which maintains an unsterilized dog or cat and breeds such animal.

(h) **NUISANCE ANIMAL**- Any animal which causes trouble, annoyance, inconvenience, or infringes upon the rights of any person or, which is or may become a danger to the general public.

(i) **STERILIZED**- Incapable of reproducing

LICENSE - REQUIRED

(a) It shall be unlawful for any person, firm or corporation to own, keep or harbor a dog or cat within the corporate limits of the City, without having first paid to the City an annual license fee for all dogs and cats three (3) months of age and over.

(b) To secure a license, the owner must provide proof of rabies vaccination from a licensed veterinarian within the previous ninety (90) days.

(c) It shall be the duty of the City to furnish the owner of the dog or cat with a metal tag of distinctive design with the license number of the dog or cat. This license number shall be kept on file by the City of Batesville. The license fee is an annual fee to be paid on or by the date of expiration of the said license. The license tag is updated and a new tag is only issued upon request.

(d) Every dog or cat covered by this ordinance shall wear a collar of such type that the City license tag may be firmly attached to such collar. Whereas for medical purposes, or other valid reason, the animal can not wear a collar for the purpose of affixing required license, the owner of said animal may, by permission, carry said license on his person and shall do so whenever animal is in a public place or street.

(e) License fees for any dog or cat as outlined above is Three Dollars (\$ 3.00) for sterilized animal and Five Dollars (\$ 5.00) for an unsterilized animal per year.

(f) All owners of seeing eye dogs or guide dogs, such dogs being used to aid the blind, shall not be required to pay an annual City license fee; but shall be required to obtain a license tag.

(g) Hunting dogs licensed by the Game and Fish Commission will be licensed at Two Dollars (\$2.00) each.

VACCINATION - REQUIRED

No person shall own any dog or cat in the City of Batesville, or obtain a license for any dog or cat over the age of three (3) months, unless said animal has been vaccinated with an anti-rabies vaccine. All such dogs and cats shall be vaccinated against rabies annually by a licensed veterinarian.

ANIMALS - AT LARGE PROHIBITED

- (A) No owner of any dog, licensed or unlicensed, vaccinated or unvaccinated, may permit said animal to be at large.
- (b) Cats that are licensed and sterilized may be unrestrained so long as they are on their owners premises.
- (c) Nuisance animals will be held in violation of this section.
- (d) Any person convicted of violating this section will be fined as follows:

<u>1st Cited Offense</u> <u>within one year</u>	<u>2nd Cited Offense</u> <u>within one year</u>	<u>3rd Cited Offense</u> <u>within one year</u>
Up to \$ 100.00	Up to \$ 200.00	Up to \$ 300.00

PREMISES AND PENS - CONDITION OF

- (a) No owner of any animals shall fail to keep the premises where such animals are kept free from offensive odors that are unreasonably disturbing to any person.
- (b) No person shall allow animals or premises where animals are kept to become infested with ticks, fleas or other vermin to the point of endangering the animals health by failing to diligently and systematically apply accepted methods of insect and parasite control.

IMPOUNDING - RELEASE OR EUTHANIZATION

(a) It is the duty of the Department of Animal Control to take into custody any animal found at large in the City. Tagged, identified animals, shall be returned to their owners after the impounding process, and the owner cited at the discretion of the Animal Control Officer. Animals that can not be returned or claimed by their owner, shall be held for a period of three (3) working days after the owner has received certified notification that said animal has been impounded at the Department of Animal Control. If reasonable effort to locate the owner of any impounded animal has failed, the animal may be released to a suitable person, pursuant to this ordinance, or euthanized after the tenth (10) day of

impoundment. The fee for impounded animals is \$ 7.50 per day. Additionally the owner will be assessed a first time impounding fee of \$ 10.00, a second time fee of \$ 25.00 , a third time fee of \$ 50.00.

(b) For the purpose of humane treatment of animals and the safety of animal control staff; any animal which is not identified by a tag, tattoo, or other means and is declared by the manager of Animal Control to be wild or dangerous to the extent that confinement of such animal would be hazardous and/or cruel to the animal and/or staff, may be euthanized upon the order of the Manager of Animal Control.

SELLING OF IMPOUNDED ANIMALS

It shall be unlawful for the city, or any person, employee or representative of the city to sell, or profit from the sale of any impounded animal for any purpose.

ANIMALS - ADOPTION OF

Animals not claimed by the owner within the prescribed period of time (pursuant to section 8) become property of the Department of Animal Control, and may be placed with a home which is found suitable, after a completed adoption application has been approved. The Department of Animal Control may charge an adoption fee.

RELINQUISHMENT - UNWANTED ANIMALS

(a) If the owner of an animal wishes to surrender such animal to the Department of Animal Control, said person shall complete a Statement of Relinquishment at the time of surrender.

(b) No person shall abandon any animal at the Animal Control Shelter.

RESTRAINT - PROHIBITED TYPES

The Animal Control Officer will have discretion as to whether an animal's pen or restraint is hazardous to the health or safety of the animal or to the public.

VICIOUS ANIMAL

(a) Vicious animals, as defined herein are prohibited.

(b) Any person convicted of violating this section shall be summoned to court and assessed a fine no less than Two Hundred Fifty Dollars (\$250.00) and not in excess of Five Hundred Dollars (\$500.00) and the court may order the destruction of said animal.

ANIMAL - QUARANTINE REQUIRED

(a) Any animal which has bitten a person is a rabies suspect, and such animal shall be immediately released by the owner or custodian for quarantine in a veterinary hospital approved by the City, or at the discretion of the Manager of Animal Control, at the Department of Animal Control for a period of ten (10) days.

(b) When any animal has bitten, scratched, or otherwise attacked a person, the person or anyone having knowledge of such incident shall immediately notify the Department of Animal Control.

(c) The animal must be quarantined for a period of at least ten days at the expense of the owner, or ownership may be relinquished, and the animal euthanized, and its head taken to the State Health Department for pathological examination.

(d) The quarantine may be on the premises of the owner only if the animal has had a rabies vaccination, at the discretion of and under supervision of the Department of Animal Control, if an appropriate and suitable place is available.

(e) Unclaimed stray animals that have bitten someone and are under quarantine may be euthanized after seventy two (72) hours or three (3) working days and the head removed and taken to a lab for pathological examination.

ANIMAL - SELLING OR GIVING AWAY - PROHIBITED

No person shall, offer for sale, barter or give away, upon any street, sidewalk, or any other public place in the City of Batesville, any rabbits, baby chicks, ducklings, dogs, cats, or other fowl or animal.

PROHIBITED ANIMALS, AND REPTILES

(a) No person shall own, possess, or have custody on their premises any dangerous, wild or exotic animal or any animal with a poisonous bite that shall be hazardous to the public.

(b) Wildlife is any animal not categorized with domestic dogs, domestic cats, swine or livestock.

(c) Swine are prohibited within the City limits of Batesville

NUISANCE ANIMAL - IN HEAT - ENCLOSURE REQUIRED

The owner of any female dog or cat, during the period that such animal is "in heat", shall keep it securely confined within their residence, a building, fenced yard, or other enclosed structure in a humane manner, except when out on a leash, or otherwise physically restrained by a competent person.

TRAPS - TAMPERING WITH PROHIBITED

- (a) No person shall tamper with, set off, release an animal from, relocate, or remove any trap placed by or on order of the Department of Animal Control.
- (b) No person shall torment, abuse, torture or mistreat any animal in a trap set by or on the order of the Department of Animal Control
- (c) Any person convicted of this section will be subject to, up to a Five Hundred Dollar (\$500.00) fine.

NUISANCE ANIMAL

- (a) No person shall unreasonably allow any dog, to bark, bay, cry, howl or make any other noise so as to create a nuisance.
- (b) No person shall allow their dog or cat to defecate on the property of another. It shall not be a violation of this section if the waste is promptly removed by the owner.

CRUELTY TO ANIMAL - PROHIBITED

A person commits the offense of cruelty to animals if, except as authorized by law, he knowingly:

- (1) Abandons any animal;
 - (2) Subjects any animal to cruel mistreatment;
 - (3) Subjects any animal in his custody to cruel neglect; or
 - (4) Kills or injures any animal belonging to another without legal privilege or consent of the owner.
- (B) Cruelty to animals is a Class "A" Misdemeanor.

POISONING - OF ANIMALS PROHIBITED

No person shall place, leave or expose, in any place accessible to any wildlife, domestic or other animals any poisonous substance or ingredient, or any edible substance or ingredient, which has any manner been treated, or prepared with any poisonous substance or ingredient.

Violation of this section shall be treated as a Class "A" Misdemeanor.

ENFORCEMENT

For the purpose of discharging the duties imposed by this ordinance and enforcing its provisions, any Animal Control Officer is empowered to:

Enter upon any open premises upon which a dog, cat or other animal is kept or harbored, and to request and secure the owner's exhibition of such animal.

Any Animal Control Officer who upon examination has probable cause to believe an animal is being kept in a cruel or inhumane manner, is herein further empowered to take possession thereof.

PENALTIES AND FINES

Any person knowingly or willfully violating any portion of this ordinance shall be deemed guilty of a misdemeanor and shall be punished upon conviction by assessment of fines up to One Hundred Dollars (\$100.00) unless otherwise stated herein.

Fourth (4th) and subsequent violation of any portion of this ordinance except cruelty to animals shall be punished upon conviction by assessment of a fine up to Five Hundred Dollars (\$500.00).

CITATIONS

Any Animal Control Officer or Police Officer, is hereby authorized to issue citations for violations of this ordinance. Citations may be issued to either the owner of the animal or the guardian of the same and said guardian of such animal is eighteen (18) years of age or older.

SEVERABILITY CLAUSE


If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

REPEALER

Any ordinance or parts of ordinance conflicting herewith are hereby repealed except sections 6.08.01 - 6.12.04 of the Batesville Municipal Code.

IN WITNESS WHEREOF we hereunto set our hands and seals this 13th day of October, 1998

IT IS SO ORDAINED.



HONORABLE JOE M. BIARD, MAYOR

ATTEST:



DENISE M. JOHNSTON
CITY CLERK