

# ANIMAL CONTROL (P-1-2006)

## LIVESTOCK

(1) No person shall operate or maintain any barn, pen, yard or enclosure for the keeping, feeding or sale of any livestock within the Town of Swayzee.

## SECTION 1: DEFINITIONS

“ANIMAL” – any living creature, domestic or wild.

“ANIMAL SHELTER” – Any premises designated by the Council for impounding and caring for animals held under this ordinance.

“HUMANE OFFICER” – The Grant County Humane Society Inc, Marion Animal Care & Control (MACC) and/or a designee assigned by the Swayzee Town Council.

“OWNER” – Any person owning, keeping, feeding or harboring animals.

“RESTRAINT” – An animal is under restraint if;

- (a) On the premises of its owner, or
- (b) Accompanied by the owner or a responsible person and under that person’s control when off of the premises of the owner on public property.

## SECTION 2: ANIMAL RESTRAINT

An animal must be kept under restraint at all times.

(1)(a) an animal is under restraint if – while on the premises of its owner *or* another location in the Town of Swayzee, the animal may not be tied/tethered in reach of or freely able to access within 5 feet of a sidewalk, roadway, property line or front door access from roadway in its nearest point unless separated by an operable electric fence or a physically erected fence.

(1)(b) An animal is under restraint if – accompanied by the owner or a responsible person and under that person’s control when off of the premises of the owner. The animal shall be kept on a lead/leash for the entire time while not on the property of the owner or its native property. An electric type collar system is not considered a lead/leash. This sub-section is intended to prohibit loose running animals while on walks, or at parks. This definition of restraint also includes the animal being contained within or held within a vehicle.

## SECTION 3: ANIMAL THAT HAS BEEN IMPOUNDED

An unrestrained animal may be taken by the Town Marshal, Deputy Marshal, or an employee of the Humane Society and impounded in an animal shelter or in an area designated by the Swayzee Town Council and confined in a humane manner. An impounded animal shall be kept for not less than (72) hours. An animal not reclaimed by its owner within that time may be humanely disposed of by the Humane Society (MACC).

#### SECTION 4: RECLAIMING AN IMPOUNDED ANIMAL

An owner reclaiming an impounded animal shall pay any fee required to be paid to the person in charge of the animal shelter.

#### SECTION 5: PUBLIC NUISANCE

An owner shall exercise proper care and control over the animal and prevent the animal from becoming a public nuisance. An animal which engages in excessive, continuous, or untimely barking, molesting passerby, chasing vehicles, attacking other domestic animals, trespassing upon school grounds, or trespassing upon private property and damaging property constitutes a violation of this ordinance subject to section 6 of this ordinance and the animal may also be impounded in an animal shelter under this ordinance. No property shall possess more than (4) animals at any given time.

#### SECTION 6: FINES

A person who violates any provision of this ordinance commits an ordinance violation and upon conviction shall be fined not less than \$50 plus court costs and not more than \$250 plus court costs. Each day that a violation occurs or continues constitutes a separate ordinance violation.

#### SECTION 7: SEVERABILITY CLAUSE

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

#### SECTION 8: POOPER SCOOPER LAW

– Defecation by dogs or cats, pet owners must remove all fecal material deposited by their pets on property in which they do not own, including neighbor's yards, city parks, school property, public right-of-ways etc. A person in control of a dog or cat must promptly remove and dispose of, in a sanitary manner, feces left by their dog or cat when walking outside of their yard with their pet. Each person in control of the dog or cat must have materials necessary to remove feces left by their dog or cat when they are off of their own property. If the person in control of the dog or cat is the owner of the property, this law does not apply.

#### SECTION 9: DEFINITIONS:

“SUPERVISION” – Being present on or within the property in which possesses the animal; and is within a reasonable distance / available to the immediate needs or care of the animal(s) restrained.

“DIRECT SUPERVISION” – Being physically present within sight and sound of the animal(s).

“TEMPERATURE” – As determined by the National Weather Service for the area of Swayzee, IN 46986

#### SECTION 10: “SUPERVISION & CLIMATE SAFETY OF PETS”

A person who by definition fits the criteria as being the animal owner shall abide by the following at all times;

- (a) When an animal is brought outside under restraint as defined, the animal shall be under supervision of the animal owner or another responsible caretaker at all times while the animal remains outside of the residence under restraint. This includes animals tied/tethered or enclosed within boundary of a fence. (Owner or caretaker shall be present upon the property).
- (b) The animal owner(s), or caretaker shall be physically present under direct supervision within sight and sound of the animal if no boundary exists such as an erected or electric fence. (Owner or caretaker shall be physically outside with the animal).
- (c) An animal which is restrained outside or contained within a vehicle shall only remain for no longer than 30 consecutive minutes when temperatures are at or below 32 degrees Fahrenheit, and at or above 90 degrees Fahrenheit as determined by National Weather Service.

An animal described under section (c) in this section must have access by its own ability to retreat to an appropriate climate area when temperatures are at, below or above the designated marks such as; a residence, garage, shed or shelter which is insulated and heated/cooled to bring the temperatures above 32 degrees Fahrenheit or below 90 degrees Fahrenheit.

It is not a defense under subsection (c) of this section for an animal to remain outside under restraint longer than 30 consecutive minutes when a shelter is present.

- (d) An animal which is brought outside shall not remain outside between the hours of 9pm and 6am for longer than 30 consecutive minutes without direct supervision by the animal's owner(s).
- (e) Animals shall not be restrained by primary contact around their neck such as with the use of a neck collar while on the owner's property or another property. The animal shall wear a properly fitted load bearing harness in which the tethering device is attached. The tethering device should be made of a strong, sturdy material that will not break under any normal circumstances, attached to a proper anchor point of the same toughness and of a length no less than 15 feet. The animal shall be able to roam around attached to the tethering device without the hindrance of an obstruction subject to tangle the animal and the tethering device. This includes but is not limited to any obstacles within the property that could potentially tangle with the tethering device and may include the anchor point itself.

## SECTION 11: IDENTIFICATION & VACCINATION

Each person who owns, keeps, harbors, or maintains a dog shall provide each animal with a collar and identification tag or microchip to which the rabies vaccination tag shall be affixed and is responsible to see that the collar and tags are correctly worn. Dog tags are not transferable from one dog to another. The collar shall demonstrate proper identification or phone number / address of its owner. Each animal shall be kept up to date on vaccinations including rabies.

## SECTION 12: DANGEROUS AND POISONOUS ANIMALS PROHIBITED

No person shall harbor or possess within the Town any poisonous animal, reptile, amphibian, fish or insect, or any animal that poses a threat to the public health and safety. Such animal may be impounded by the MACC and disposed of in a manner determined to be in the best interest of the animal and public.

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