

ORDINANCE NO. 2021-8

DOGS AND ANIMALS

WHEREAS, the Town Council of the Town of Bourbon, Indiana, have received complaints from the residents and visitors of the Town of Bourbon regarding dogs and animals; and

WHEREAS, the Town Council of Bourbon, Indiana, has determined that it would be in the best interests of said municipality to put an ordinance in place to clarify dogs and animals; and,

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF BOURBON, INDIANA that the Dogs and Animals Ordinance of said municipality shall be as provided:

CHAPTER \_\_ - DOGS AND ANIMALS

71.01. Definitions: The following terms and phrases shall have the meanings set forth in this chapter:

- a. ABANDON means to deposit, leave, drop off or otherwise dispose of any live domestic animal without providing immediate humane care on any public or private property.
  - b. AGENT means person(s) eighteen (18) years or older authorized by an owner to act in the owner's behalf.
  - c. ALTERED ANIMAL means any animal that has been operated on to prevent it from procreating.
  - d. ANIMAL means any live non-human vertebrate creature, domestic, wild or exotic.
  - e. ANIMAL CONTROL AGENCY means any governmental or private entity charged with or contracted with and given authority for the enforcement of the provisions of this Ordinance for and on behalf of the Town of Bourbon (hereinafter "Town") (including, but not necessarily limited to, the Bourbon Police Department).
  - f. ANIMAL SHELTER means a facility or vehicle operated by a governmental or private entity for the purpose of providing or promoting animal welfare and humane treatment of animals.
  - g. AT LARGE means any animal that is not under restraint.
  - h. ATTACK DOG means any dog 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 dogs bred for fighting, and shall include but not be limited to the breed of dog commonly referred to as the American Pit Bull, or American Pit Bull Terrier, or Pit Bull Terrier, or cross-breeds therewith, which breed is hereby found and considered to be unsafe and potentially hazardous to the citizens of the Town of Bourbon. This definition excludes K-9 Corps dogs in use by the law enforcement agencies.
  - i. AUCTION means any place or facility where animals are regularly bought, sold or traded by means of auction sale, except for those facilities otherwise defined in this Chapter or State Law.
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- j. BREEDER means any person, for-profit business or corporation which harbors or keeps dogs and/or cats, and allows or causes those animals to procreate for the purpose of selling said animals for profit.
- k. CONTROLLED ANIMAL means any animal not defined as a domestic animal in this Chapter, with the exception of small, non-poisonous aquatic or non-poisonous amphibious animals, non-poisonous reptilian, and small cage birds, and psittacine, and possession of which requires a valid Town CONTROLLED ANIMAL PERMIT. Such Controlled Animals shall include, but not be limited to the following:
- (1) All poisonous animals, including rear-fang snakes
  - (2) Apes: chimpanzees (Pan), gibbons (Hylobates), gorillas (Gorilla), orangutans (Pongo) and siamangs (Symphalangus)
  - (3) Baboon (Papoe, Mandrillus)
  - (4) Bears (Ursidae)
  - (5) Bison (Bison)
  - (6) Cheetahs (Acinonyx jubatus)
  - (7) Crocodilians (Crocodilia)
  - (8) Constrictor snakes, including but not limited to boa, python, and anaconda
  - (9) Coyotes (Canis latrans)
  - (10) Deer (Cervidae), includes all member of the deer family, for example, white-tailed deer, elk, antelope and moose
  - (11) Elephants (Elephas and Loxodonta)
  - (12) Game cocks and other fighting birds
  - (13) Hippopotami (Hippopotamidae)
  - (14) Hyenas (Hyaenidae)
  - (15) Jaguars (Panthera onca)
  - (16) Leopards (Panthera pardus)
  - (17) Lions (Panthera leo)
  - (18) Lynxes (Lynx)
  - (19) Monkeys
  - (20) Ostriches (Struthio)
  - (21) Piranha fish (Characidea)
  - (22) Pumas (Felis concolor); also known as cougars, mountain lions and panthers
  - (23) Rhinoceroses (Rhinocero tidae)
  - (24) Sharks (class Chondrichthyes)
  - (25) Snow Leopards (Panthera uncia)
  - (26) Spiders and insects which are poisonous
  - (27) Tigers (Panthera tigris)
  - (28) Wolves (Canis Lupus)

l. DANGEROUS ANIMAL means any animal

- (1) that has, off its owner's property attacked another animal or livestock; or
- (2) which as attacked or which has attempted to attack, unprovoked, any human being, whether on or off the owner's property; or
- (3) which has bitten or attacked a person, causing wounds or injuries creating a potential danger to the health and life of the victim; or
- (4) which is found to be at large three (3) times or more.

However, no animal shall be a Dangerous Animal if injury or damage is inflicted by that animal upon a person or another animal if such person or other animal, at the time such injury or damage was sustained, was committing a willful trespass upon premises occupied by the owner or keeper of the animal, or was teasing, tormenting,

abusing or assaulting the animal or was committing or attempting to commit a crime. This definition excludes K-9 Corps dogs in use by law enforcement agencies.

- m. DOMESTIC ANIMAL mean any animal that is a member of one of the following species:

Dog (Canis Familiaris)  
Cat (Felis Cattus or Felis Domesticus)  
Rabbit (Oryctolagus Cuniculus)  
Chicken

- n. ESCAPE-PROOF ENCLOSURE means the owner's home or an enclosure at least 6 'x 12' constructed of 10-gauge commercial chain link steel wire at least 6' 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 dog escapes the enclosure, a five-sided enclosure on concrete will be required).

- o. EXOTIC ANIMAL means any animal whose normal native habitat is not indigenous to the continental United States, excluding Alaska and Hawaii, except fish, and fur-bearing animals commercially bred for the furrier trade and birds protected under federal laws and regulations.

- p. EXPOSED TO RABIES means any human or non-human warm blooded mammal that has been bitten or in contact with any other animal known or reasonably suspected to have been infected with rabies.

- q. FOWL mean any kind of wild or domestic bird, excluding homing or racing pigeons, canaries, parrots, or similar typed of birds normally kept in cages.

- r. GUIDE DOGS means dogs formally trained to assist handicapped persons.

- s. HARBORING means the actions of any person that permit any animal habitually to remain or lodge or to be fed within his 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 (3) consecutive days or



more.

- t. HUMANE OFFICER(S) means any person(s) and/or agency designated by the State of Indiana, or the Town, as a person(s) who is qualified to perform the duties required by the law of this Town and State regarding animals.
  - u. "NOT-FOR-PROFIT" means a business, association, or entity established or organized as a "not-for-profit" corporation under State law or recognized as "not-for profit" by the Internal Revenue Service or the Indiana Department of Revenue. "FOR-PROFIT" means all other types of businesses, associations or entities.
  - v. OWNER means any person age, eighteen (18) years or older, partnership or corporation owning, keeping or harboring one or more animals.
  - w. ANIMAL PERFORMANCES OR EXHIBITIONS means any spectacle, performance, display, act, exhibition or event in which an animal or animals are used.
  - x. PET means any animal kept for pleasure rather than utility.
  - y. PET SHOP means any person, group of persons, partnership or corporation, whether operated separately or in connection with another business enterprise, engaged in the humane care and possession for sale, display and sale of pets.
  - z. PUBLIC NUISANCE means any animal or animals which:
    - (1) Interferes with passersby or passing vehicles;
    - (2) Attacks other animals or persons;
    - (3) Is at large;
    - (4) Damages private or public property;
    - (5) Causes frequent or long continued loud noises or other sounds common to its species which disturbs the comfort or repose of any person in the immediate neighborhood;
    - (6) Causes foul or noxious odors which offend residents in the neighborhood;
    - (7) Is at large or on a public playground, swimming pool or school yard unless the animal is authorized by school officials.
  - aa. RABIES VACCINATION means the injection by a licensed veterinarian of a dog or cat or other animal with a rabies vaccine licensed by the U.S.D.A. and approved by the Indiana State Board of Health.
  - bb. RESTRAINT means the securing of an animal by leash or lead or
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confining it within the real property limits of its owner or agent.

- cc. STRAY means any animal that is not within the real property limits of its owner and is not under restraint or is unattended.
- dd. VETERINARIAN means any person licensed and accredited to practice veterinary medicine in the State of Indiana.
- ee. WILD ANIMAL means any animal not a domestic or exotic animal, with the exception of small, nonpoisonous aquatic or amphibious animals and small cage birds, which are normally found in the wild state.
- ff. ZOOLOGICAL PARK means any facility, other than a pet shop or kennel, displaying or exhibiting one or more species or non-domesticated animals operated by a person, partnership, corporation or governmental agency that is established for educational purposes and is properly zoned for such use and which possesses valid licenses and permits as required under federal or state law.

71.02 General Animal Care Requirements: Every owner and/or his agent within the Town shall see that each of his 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 animals.
  - c. Has a proper and adequate structure provided that it will protect that animal from all elements of the weather and will allow that animal to stand, sit, and lie down without restriction, and 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, cruelly ill-treated, overloaded, overworked, tormented or otherwise abused or neglected, nor shall any person cause, instigate or permit 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 with the exception of 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 six (6) months, is properly
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vaccinated against rabies by a licensed veterinarian annually, or upon such frequency as may be specified by Indiana Code, and such animals shall be licensed as required by this Ordinance and State Law.

- k. Is properly restrained.
- l. In mating season, shall be 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.

71.03 Sale of Animals as Novelties or Use as Prize Prohibited: Exception:

- a. No person shall display, sell offer for sale, barter or give away any animal, reptile, fish, or bird as a novelty or as an advertising device.
- b. No rabbit, chick, gosling, duckling, turkey or other fowl may be dyed or otherwise colored artificially, nor may dyed or artificially colored rabbits, chicks, goslings, ducklings, turkeys or other fowl be sold, offered for sale, displayed, used as barter, or given away.
- c. This Section shall not be construed to prohibit the sale or display of natural chicks, ducklings, goslings, turkeys or other domestic fowl in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised for commercial purposes. Nor shall this Section prohibit a pet shop holding a valid permit under this Chapter, or a legitimate humane society or animal shelter, from humanely caring for, adopting out, or selling animals as pets.

71.04 Motor Vehicle Accidents Involving Animals:

- a. Any person operating a motor vehicle who knowingly hits, runs over or causes injury to an animal shall immediately notify the police department.
- b. Such notice shall include the motorist's name, address, type of animal hit, and the location of the animal.

71.05 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 such animal confined in said motor vehicle; nor shall any person transport any animal in an unenclosed truck bed or open portion of any vehicle unless the animal is enclosed in a cage or attached to a harness designed for vehicles which is securely fastened to the vehicle.

71.06 Poisoning of Animals. It shall be unlawful for any person to throw or deposit any known poisonous substance in any of the street, alleys, parks, commons, yard or other places, whether public or private, within the City, so that the same shall be liable to be consumed by any animal, provided that it shall not be unlawful for a person to expose on his or her own property common rat or mouse poison or insecticide, unmixed or mixed only with vegetable substances, if used so as to restrict access to the poison only to the targeted rodents or insects.

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71.07 Trapping of Animals Restricted No person shall trap for animals or fowl within the City unless such trap(s) approved by a humane officer or the Town animal control agency and issued for the control of nuisance animals. This prohibition shall not apply to any trap specifically designed to kill rats, mice, gophers, or moles so long as the owner of the property is aware of where the trap(s) are set.

71.08 Maximum Number of Dogs or Cats.  
No more than an aggregate of three (3) dogs or cats over the age of six (6) months may be kept on any residential, commercial, or other premises within the Town unless the owner of the animals holds a valid Pet Shop/Breeder, Permit. whichever may be appropriate.

Certain Domestic Animals Prohibited.

- a. No person shall keep any of the following named domestic animals or fowl in the Town.
- 71.09 (1) Cow, ox, cattle, calves, or other livestock  
(2) Donkey, ass, burro, mule  
(3) Sheep  
(4) Goat  
(5) Geese, turkeys, ducks, or other fowl, except racing or homing pigeons  
(6) Horses
- b. Nothing in the Section shall be deemed or construed to prohibit the keeping of bees in a hive, stand or box located or kept within a zoological park, school, or university building for the purpose of study or observation, as long as the public safety in ensured.
- c. Any person desiring to raise rabbits or pets or racing or homing

pigeons within the Town must keep such animals and birds in safe and sanitary conditions so that a public nuisance as defined herein is not created.

- d. No person may keep with the Town, as presently or hereinafter established, any swine, or pig pens, or hog sties, which are hereby declared to be a nuisance in the Town.

71.10

Owners or Agents Responsible for Removing Animal Wastes and Dead Animals.


- a. Any owner or his agent taking the owner's dog(s) or cat(s) outside of the owner's real property limits must immediately remove any excrement deposited by the animal(s) on any such public or private property, except in the case of a guide dog for a blind person or service dog for deaf or physically disabled person.
- b. The owner of any dead animal shall remove and properly dispose of the animal within twenty-four (24) hours after its death. The real property owner is responsible for removal of any strange animal carcass on such real property.

71.11 Animal Bites and Reports:

- a. If any person is a victim of an animal bite, he shall immediately notify the County Health Department and/or Bourbon Police Department the incident, and provide a description of the animal and the identification, if possible, of the owner. When an animal is determined to have bitten a person, the animal shall be confined in quarantine for a period of not less than fourteen (14) days.
- b. If the owner of an animal which has bitten a person has proof of current rabies inoculations, the animal may be left in the charge of the owner, under quarantine, unless, in the judgment of the humane officer and/or Bourbon Police Officer, and based upon considerations of public safety, the humane officer determines if it should be removed to an animal shelter or veterinary hospital for the period of observation.
- c. In addition to any other legal obligations prescribed by law, the owner shall be liable for all costs incurred in the quarantine of the animal.
- d. If the ownership of the biting 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 Bourbon Police Department and confined in the Town's animal control facility for the period of observation of not less than fourteen (14) days.
- e. Bourbon Police Officers shall be empowered to enter onto private property for the purpose of impounding animal(s) which are known to have bitten a person and shall obtain legal process to do so if necessary.
- f. Unless otherwise provided, the Town and any of its agents shall comply with the standards set forth in I.C.15-1.1-6-1 through IC.15-2.1-6-13 entitled "Rabies."



PASSED AND ADOPTED by the Town Council of the Town of Bourbon, Indiana on the 11<sup>th</sup> Day of January 2022.

  
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Ward Byers, President

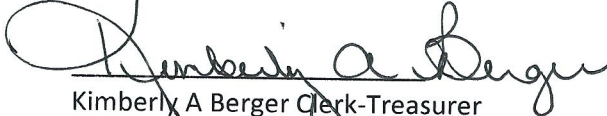
  
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Les McFarland, Council Member

  
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Terry Clemens, Council Member

ATTEST:

  
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Kimberly A Berger Clerk-Treasurer