

**AN ORDINANCE REGULATING THE
HOUSING AND MAINTENANCE OF CERTAIN ANIMALS
IN THE TOWN OF FRANCESVILLE, INDIANA**

Ordinance No. 9 of 2020

WHEREAS, the Town of Francesville, Indiana (the “**Town**”) is desirous of allowing residents to maintain certain animals, as further defined in this Ordinance, within the corporate limits of the Town; and

WHEREAS, the Town Council of the Town of Francesville (the “**Town Council**”) also sees the need to regulate the proper housing and maintenance of any and all animals within the corporate town limits, in order to ensure the health, safety, and welfare of Town residents, and also the responsible, humane, and ethical animal maintenance and ownership.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Francesville, Indiana, that the following Ordinance Regulating the Housing and Maintenance of Animals in the Town of Francesville, Indiana, is adopted as follows:

Section I.
Definitions

1. **Definitions.** For the purposes of this Ordinance, the following words and phrases shall have the meanings as set forth, below, unless the context otherwise indicates:

- (i) “*Animal*” shall mean any living, nonhuman vertebrae creature.
- (ii) “*At-large*” shall mean 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.
- (iii) “*Cat*” shall mean either a male or female feline animal.
- (iv) “*Cat Colony*” shall mean a group of two (2) or more feral cats habituating a regular geographic area.
- (v) “*Chicken*” shall mean a *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, or waterfowl.
- (vi) “*Dangerous Animal*” shall mean any animal that:
 - A. Would constitute a danger to human life or property if it were not secured;

- B. Has caused serious injury to a person, without having been provoked by that person;
 - C. At a place other than its owner's or keeper's property that has:
 - a- Chased or approached a person in a menacing fashion, or apparent attitude of attack; or
 - b- Attacked another domestic animal; or
 - D. Because of its training or behavior, is capable of inflicting physical harm or death to humans.
- (vii) "*Dog*" shall mean either a male or female canine mammal.
 - (viii) "*Domestic animal*" shall mean rabbits, cattle, horses, ponies, mules, donkeys, jackasses, llamas, swine, sheep, goats, dogs, cats, and poultry.
 - (ix) "*Feral*" shall mean any domesticated mammal/fowl, which has escaped from domestication and has become wild.
 - (x) "*Free-roaming*" shall mean any homeless, stray, wild or untamed mammal that is commonly kept as a pet.
 - (xi) "*Harboring*" shall mean any person who permits, either implicitly or indirectly, any animal to frequent or remain on or within his/her house, building, premises, or enclosure. For purposes of this Ordinance, harboring shall imply ownership of such animal
 - (xii) "*Housing*" shall mean protective structures for animals that provide security and adequate space for movement.
 - (xiii) "*Impound*" shall mean to seize and hold in legal custody.
 - (xiv) "*Pot-bellied pigs*" shall refer to any type of small swine pet.
 - (xv) "*Poultry*" shall mean birds commonly kept as pets or for use in non-fighting sporting activities, or for food. Permitted examples include caged songbirds, parrots, pigeons, and chickens.
 - (xvi) "*Prohibited*" shall mean mammals and fowl not permitted residence in the Town.
 - (xvii) "*Rabbit*" shall mean any family (Leporidae) of long-eared, short-tailed lagomorph mammal with long hind legs.
 - (xviii) "*Residential Dwelling*" shall mean a self-contained unit of accommodation used by one or more households as a home, such as a house, apartment, or

mobile home. This shall not include workshops, barns, or unattached garages.

- (xix) “*Swine*” shall mean any of various stout-bodied, short-legged omnivorous Suidae which a thick bristly skin and a long flexible snout, especially the domesticated pig.

Section II.

Regulation of Animals

1. **General Care.** Every owner or his agent residing within the corporate limits of the Town shall see that each of his/her permitted animals:

- (i) 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.
- (ii) Has sufficient and wholesome food and water, which is proper and nutritional to that species of animal.
- (iii) Lives in a structure, which meets 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.
- (iv) If ill, diseased, or injured, receives proper veterinary care, as necessary to promote the good health of the animal, and prevents the transmittal of a disease to other animals or human-beings.
- (v) 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.
- (vi) Is not physically altered in any manner by anyone other than a veterinarian, except for identification purposes.
- (vii) Is not abandoned, neglected, or tortured.
- (viii) Does not become a public nuisance, or a dangerous animal.
- (ix) In the case of a dog or cat over the age of three (3) months, is properly vaccinated against rabies by a licensed veterinarian, upon such frequency as may be specified by state law.
- (x) Is properly restrained, and not running at-large.

- (xi) During mating season, is kept in a secure location, and in such a manner that it cannot come into contact with another animal of the same species, except for planned breeding.
- (xii) Is not kept for the purpose of harvest or slaughter.
- 2. **Chickens.** Chickens are expressly prohibited within corporate Town limits.
- 3. **Horses/Ponies.** Horses/ponies are expressly prohibited within corporate Town limits.
- 4. **Cats/Dogs.** Cats/dogs are permitted within corporate Town limits, so long as all other provisions of this Ordinance are followed. No person or owner shall permit a cat/dog to roam at-large.
- 5. **Rabbits.** Rabbits are permitted within corporate Town limits, so long as all other provisions of this Ordinance are followed. No more than four (4) rabbits may be harbored by any one (1) household. The annual permit shall be posted on the housing structure for the animals in question.
- 6. **Swine.** Swine is expressly prohibited within corporate Town limits.
- 7. **All Other Animals Prohibited.** Any animal not specified in this Section II shall not be housed within corporate Town limits.
- 8. **Housing and Set-backs.** All required housing for permitted animals must conform to the acceptable standards for the housing of such animal(s), and must meet the applicable minimum setback requirements, promulgated by the Town.

Section III.

Penalties and Prohibitions

- 1. **Confinement.** Any animal or kept exclusively or partly outdoors must be limited to the owner's property. When off the owner's property, the animal must be restrained by a container, leash, or other harness.
 - (i) Any female animal displaying signs of being ready to procreate must be securely confined in such a way as to not attract male animals.
 - (ii) Any animal, which by frequent or habitual howling, yelping, barking, screeching, or other vocalization, for more than one-half (1/2) hour, may be considered as causing serious annoyance or disturbance of persons in the vicinity, and shall be liable to penalty.
 - (iii) No person shall knowingly allow his or her animal to disperse waste material upon any public street, or byway or right-of-way, or any municipally-owned

public land or building. All persons shall exercise due diligence in the safe and legal disposal of all animal excrement or waste on his or her personal property.

- (iv) Animal cruelty in the form of lack of nutrition, improper housing, medical care, participation in violent sports, endangerment of neighbors to disease, shall be punishable by both criminal and civil sanctions. Any person proven to have maliciously harmed or killed an animal may face criminal action under Ind. Code § 35-46-3.

2. **Running-at-Large.** No owner or keeper of any animal shall permit such animal to run at-large at any time. Maintaining or feeding of animals is an implication of ownership and shall be enforced as such. It shall be unlawful for any person to allow an animal to stray beyond the boundary lines of the person's property, or onto any public street, sidewalk or alleyway, unless said animal is on a leash, or under the direct and immediate control of the animal's owner or his designee. It shall be unlawful for the owner of any animal or person having control of any animal to permit the animal to interfere with the delivery of mail, newspapers, meter readers, or any other public workers engaged in the normal execution of his or her duties. It shall also be unlawful for any person to allow an animal to interfere with or attack a police officer, sheriff's process server, building commissioner, health inspector, or any other government, telephone, or utility employee in the normal execution of his duties.

3. **Non-Immunized Animals.** It shall be unlawful for any person to harbor any animal over the age of three (3) months, which normally requires rabies vaccination and is not immunized. Any person who violates the provisions of this Section shall be guilty of a Town Code violation and upon conviction thereof, shall be fined according to the Penalty schedule set forth in Section III of this Ordinance.

4. **Capture and Removal.** Every effort will be made by the County/Town Police Department and the Humane Society officials to capture a dangerous animal for impoundment at the Pulaski County Sheriff's Department or the Pulaski Animal Center, as well as any other animal that was permitted to be in violation of any provision of this Ordinance.

- (i) The Town Council designates the Pulaski County Sheriff's Department or the Pulaski Animal Center as the housing facilities for any and all impounded animals, assuming there is adequate housing space. The owner of any impounded animal shall be responsible for paying all associated costs of any impoundment of such animal due to a violation of this Ordinance.

5. **Bodily Injury caused by Animal.** In the event that any person owns or harbors an animal which causes bodily injury to any person, other than fellow members of the owner's household, shall be assessed a Violation for each such occurrence, and may be subject to criminal proceedings, as determined by the Pulaski County Prosecutor's Office and under the laws of the State of Indiana.

6. **Penalties.** Any person deemed to have violated any part of this Ordinance shall be subject to the following penalties:

- (i) **First Violation.** A Fifty Dollar (\$50.00) fine, and the potential impoundment of the animal(s) in question. An authorized Town official shall be permitted to enter onto the private property owner's land in order to determine whether an alleged violation has occurred.
 - A. The property owner in question shall have ten (10) days to correct the violation, before a Second Violation is issued. The authorized Town official shall be allowed to enter onto the private property to determine whether the alleged violation has been corrected within the ten (10) day allotted time limit. The Town official's decision is appealable to the Town Council, if a formal request is made by the property owner to the Town Clerk-Treasurer within five (5) days of the Town official's decision.
- (ii) **Second Violation.** A One Hundred Dollars (\$100.00) fine, and the potential impoundment of the animal(s) in question. The authorized Town official shall be permitted to enter onto the private property owner's land in order to determine whether an alleged second violation has occurred.
 - A. Animal owner shall have five (5) days to correct the violation. The Town official shall be allowed to enter onto the private property to determine whether the second alleged violation has been corrected within the five (5) day allotted time limit. The Town official's decision is appealable to the Town Council, if a formal request is made by the property owner to the Town Clerk-Treasurer within five (5) days of the Town official's decision.
 - B. If the deficiency is not cured within the five (5) day allotted time limit, or upon a determination by the Town Council that the Town official's decision is sound, the Town Council may be permitted to revoke the animal owner's permit(s) for a period of up to one (1) year.
- (iii) Any violation which is not cured within five (5) days after the Second Violation is issued shall constitute a new violation for each day the defect remains unremedied, punishable by a One Hundred Dollar (\$100.00) fine for each new violation. The Town Council reserves the right to revoke the animal owner's permit for up to three (3) years, if a third violation, or any continual violation is levied on the animal owner in question.

7. **Civil Action to Recover Costs of Abatement.** Upon the failure of the recipient who was sent the notice of violation and bill to pay the appropriate fees and charges within the ten (10) day period for the First Violation, and the five (5) day period for the Second Violation, the Town Council may bring a civil action in court against such recipient to recover the amount billed, plus reasonable attorney's fees and court costs.

8. **Other Rules and Regulations.** The Town Council may, by ordinance or resolution, promulgate rules and regulations necessary to implement and carry out the provisions of this Ordinance.

9. **Severability.** In the event any section, subsection, clause, phrase, or portion of this Ordinance is for any reason held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remainder of this Ordinance. It is the legislative intent of the Town Council that this Ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section IV.

Effective Date

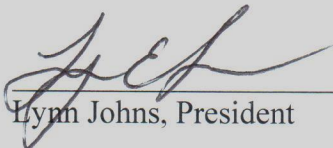
1. **Effective Date..** This Ordinance shall become effective thirty (30) days after notice of the adoption shall have been published in a paper as described in Indiana Code § 5-3-1-4.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF FRANCESVILLE, INDIANA, THIS 21 DAY OF SEPTEMBER, 2020.

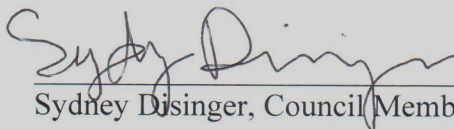
THE FRANCESVILLE, INDIANA, TOWN COUNCIL

APPROVED:

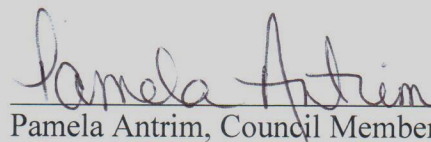
OPPOSED:


Lynn Johns, President

Lynn Johns, President

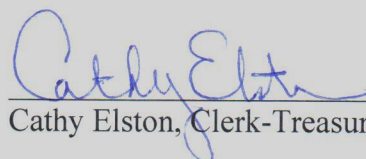

Sydney Disinger, Council Member

Sydney Disinger, Council Member


Pamela Antrim, Council Member

Pamela Antrim, Council Member

ATTEST:


Cathy Elston, Clerk-Treasurer