

**TOWN OF MORGANTOWN, INDIANA**

**ORDINANCE NO. 2024-02**

**ANIMAL CONTROL ORDINANCE**

**AN ORDINANCE AMENDING THE MORGANTOWN TOWN CODE  
AS IT RELATES TO THE KEEPING OF ANIMALS IN THE TOWN**

**WHEREAS**, pursuant to Indiana Code Chapter IC 36-8-2, the Morgantown Town Council may, generally, among other things, regulate conduct, or use, or possession of property that might endanger the public health, safety, or welfare.

**WHEREAS**, pursuant to Indiana Code Section IC 36-8-2-5, the Morgantown Town Council may impose restrictions upon persons or animals that might cause other persons or animals to be injured or contract diseases.

**WHEREAS**, pursuant to Indiana Code Section IC 36-8-2-6, agents of the Town of Morgantown may capture and destroy animals if necessary and may establish, maintain, and operate animal shelters.

**WHEREAS**, the Morgantown Town Council, by way of this Ordinance, has decided to adopt, and incorporate as part of the Morgantown Town Code, definitions, rules, and regulations by which the Town, in the interest of public safety, will control and monitor the keeping of and caring for permitted animals within the Town's jurisdiction.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MORGANTOWN, INDIANA, AS FOLLOWS:**

**SECTION 1. DEFINITIONS.** The following definitions, words, terms, and phrases, when used in this Code, shall have the meanings ascribed to them in this section.

**ANIMAL.** Every living non-human creature, both domestic and wild.

**ANIMAL CONTROL OFFICER.** Any person who is authorized to implement and enforce the **TOWN'S** animal care and control ordinances, which shall include all paid and reserve police officers of the **TOWN**.

**TOWN.** The incorporated area of the Town of Morgantown, Indiana.

**DIRECT CONTROL.** Immediate and continuous physical control of an animal, such as by means of a fence, leash, cord, or chain of sufficient strength to restrain the animal.

**RUNNING AT LARGE.** Describes any **ANIMAL** that is not under **DIRECT CONTROL** or confined within the property limits of its **OWNER**.

**DOMESTIC ANIMAL.** A dog, cat, or any other animal such as a rabbit, guinea pig, lizard, hamster, ferret, mouse, snake (non-venomous), spider, bird, or other animal that is customarily kept as a pet. **LIVESTOCK**, as that term is defined herein, are not considered **DOMESTIC ANIMALS**.

**EXOTIC ANIMAL.** Any **ANIMAL** that is not a **DOMESTIC ANIMAL**, as that term is defined herein, including, specifically, **LIVESTOCK**.

**IMPOUNDMENT.** The act of taking physical possession and control of an **ANIMAL** by an **ANIMAL CONTROL OFFICER** or other officer empowered to act by law and transporting it to an animal control facility or humane society.

**LIVESTOCK.** Horses, cows, goats, chickens, ducks, other poultry, pigs (of all types and breeds), sheep, and other typical farm animals, excluding dogs and cats, kept for pleasure or profit.

**OWNER.** Any person who owns, harbors, keeps, feeds, maintains, has lawful possession of, or knowingly causes or knowingly permits an **ANIMAL** to be harbored or kept or has an **ANIMAL** in his or her care or who permits an **ANIMAL** to remain on or about his or her premises; provided, however, this shall not include an **ANIMAL CONTROL OFFICER** or person providing care or grooming services or for an **ANIMAL** at its **OWNER'S** request.

**DANGEROUS ANIMAL.** Any **ANIMAL** that has a history of attacking, biting, or injuring persons or other **ANIMALS** or which, because of temperament, conditioning, or training, has a known propensity to attack, bite or injure persons or other **ANIMALS**. No **ANIMAL** may be declared dangerous if a threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the **OWNER** of the **ANIMAL** or was teasing, tormenting, abusing, or assaulting the **ANIMAL** or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the **ANIMAL** or was committing or attempting to commit a crime. The definition shall not be construed to include dogs that are part of a governmental organization or a trained guard **ANIMAL** in performance of its duties.

**SECTION 2. REGULATIONS** The following rules, and regulations are hereby adopted and made a part of the Morgantown Town Code:

**RESTRAINT OF ANIMALS.**

(A) An **OWNER** shall not allow any **ANIMAL** owned or regularly kept by that **OWNER** to **RUN AT LARGE** within the Town. Any **ANIMALS** found **RUNNING AT LARGE** shall be subject to **IMPOUNDMENT** by an **ANIMAL CONTROL OFFICER**.

(B) **OWNERS** of **ANIMALS RUNNING AT LARGE** may be issued a violation notice and be subject to monetary penalties as provided for herein, in addition to having their **ANIMALS** impounded.

(C) It shall be the duty of every **OWNER** to exercise reasonable care and take all necessary steps to protect other people, property, and **ANIMALS** from injuries or damage which might result from their **ANIMAL'S** behavior.

(D) It shall be the duty of every **OWNER** to ensure that each of his or her **ANIMALS** is restrained to the **OWNER'S** property.

(E) The chaining of **ANIMALS** is discouraged, but permitted in strict compliance with the following:

- (1) The **ANIMAL** must be able to reach fresh food and water 24 hours a day.
- (2) The chain must be at least 12 feet in length.
- (3) The weight of the chain must not cause undue stress or injury to the **ANIMAL'S** neck or body.
- (4) The chain must be attached in a manner so that it cannot wrap around vertical items such as a barrel, pole, or tree, and must move freely in all directions.
- (5) The **ANIMAL** must have easy and convenient access to adequate shelter 24 hours a day.
- (6) The shelter must be kept clean and sanitary and in good repair so the **ANIMAL** does not injure itself on nails, wood pieces, metal pieces, etc. A shelter from weather must be provided during all seasons of the year.

**PUBLIC NUISANCE ANIMALS.**

(A) A public nuisance animal shall mean and include any animal that:

- (1) Is repeatedly found at **RUNNING AT LARGE**.
- (2) Damages the property of anyone other than its **OWNER'S**.
- (3) Is dangerous.
- (4) Attacks without provocation.
- (5) Excessively makes disturbing noises, including but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept.

(6) Creates unsanitary conditions or offensive and objectionable odors in enclosures or surroundings and thereby creates unreasonable disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept.

(7) Is kept in violation of any other Town ordinance.

(B) Any public nuisance animal may be impounded and its **OWNER** cited for a violation of this Ordinance.

### **DANGEROUS ANIMALS.**

(A) It shall be unlawful for any person to cause, permit, accompany, or be responsible for the presence of any **DANGEROUS ANIMAL** on the streets or public places of the **TOWN** or allow the **ANIMAL** to enter onto private property of another at any time, unless, in addition to the other requirements of this chapter, such **DANGEROUS ANIMAL** shall be securely muzzled to effectively prevent it from biting any person or other **ANIMAL**. Upon impounding a **DANGEROUS ANIMAL** for any reason, an **ANIMAL CONTROL OFFICER** may, for reasons of public safety, retain the **ANIMAL** until disposition by the appropriate court.

(B) This section shall not apply to law enforcement dogs.

The following additional precautions shall be taken by the **OWNER** of a **DANGEROUS ANIMAL**:

(1) an **OWNER** who maintains a **DANGEROUS ANIMAL** out-of-doors shall enclose the entire area where the **DANGEROUS ANIMAL** is kept with a perimeter fence. Within this perimeter fence, the **DANGEROUS ANIMAL** must be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the perimeter fence. The kennel or pen must have secure sides and a secure top attached to all sides. The sides must either be buried two feet into the ground, sunken into a concrete pad, or securely attached to a wire bottom. The gate to the kennel shall be of the inward-opening type and shall be kept locked except when tending to the animal's needs such as cleaning the kennel or providing food and water.

(2) Whenever the **DANGEROUS ANIMAL** is outside of its enclosure as provided for in this section, but on the **OWNER'S** property, it must be attended by the **OWNER** and restrained by a secure collar and leash of sufficient strength to prevent escape. The leash shall be no longer than ten feet, and the animal must be kept at least 15 feet within the perimeter boundaries of the property unless the perimeter boundary is securely fenced.

(3) No **DANGEROUS ANIMAL** dog shall be chained, tethered, or otherwise tied to any inanimate object such as a tree, post, or building, outside of its own enclosure as provided for in this division.

(G) The **OWNER** of any guard dog or watchdog must confine such dog within a perimeter fence and meet the following conditions:

- (1) The fence shall be sufficient to prevent the dog's escape, with all points of ingress and egress securely locked at all times.

### **ANIMAL BITES AND QUARANTINE.**

(A) All animal bites shall be reported to an **ANIMAL CONTROL OFFICER** by the person bitten and by the **OWNER** of the **ANIMAL**. The **OWNER** of any **ANIMAL** reported to have bitten any person shall keep that **ANIMAL** confined for not less than ten (10) days. A report of the **ANIMAL'S** condition shall be made to the assigned **ANIMAL CONTROL OFFICER** on the third, seventh, and tenth days, and any **ANIMAL** showing signs of illness must be taken to a veterinarian who practices veterinary medicine under the laws of the State of Indiana, or animal shelter, as may be directed by the **ANIMAL CONTROL OFFICER**, for safe-keeping and observation.

(B) Upon receiving information that any person in the Town has been bitten by an **ANIMAL**, an **ANIMAL CONTROL OFFICER** shall make a report of the incident to the Morgan County Health Officer and shall thereafter take such further action as the Health Officer may direct.

### **DISPOSITION OF DEAD ANIMALS.**

A person finding a dead **DOMESTIC ANIMAL** or large undomesticated animal or the surviving young of either within the Town shall notify an **ANIMAL CONTROL OFFICER** or a Town Police Officer.

### **DUTY AND RESPONSIBILITY OF ANIMAL OWNERS.**

Every **OWNER** of every **ANIMAL** kept in the Town shall ensure that each of their **ANIMALS**:

(A) Is kept, at all times, under clean and sanitary conditions that promote good health and comfort;

(B) Has proper and adequate food, fresh potable drinking water, at all times, and continuously accessible shelter of sufficient size to permit the animal to move about freely and protect it from the elements;

(C) Is not tethered by use of a choke collar or chain, rope, or cord directly attached to the animal's neck, or by a leash, rope, cord, cable or chain that is less than 12 feet in length or of such unreasonable weight as to prevent the **ANIMAL** from moving about freely;

(D) Is not subjected to abuse, cruelty, neglect, torment, or any other mistreatment;

(E) Receives necessary and customary veterinary care, including specifically, but without limitation, the required rabies, distemper, and parvo virus vaccinations; and

(F) Is kept and maintained in strict compliance with all applicable federal, state, county, and local laws, regulations, and ordinances.

### **INJURED ANIMALS; ACTION REQUIRED.**

Any person who, by any means, either accidentally or intentionally, causes injury to an **ANIMAL** not owned by that person shall immediately report to an **ANIMAL CONTROL OFFICER** the injury with sufficient detail to allow the **ANIMAL** to be identified and located.

#### **ANIMAL WASTE.**

**OWNERS** of **ANIMALS** and persons in control of **ANIMALS** shall collect and remove from all public property and the private property of others, the waste, excrement, and feces of their respective **ANIMALS**. **OWNERS** of service dogs, who are not capable of complying with this provision, are exempt.

#### **ANIMALS IN VEHICLES.**

No **ANIMAL** shall be left unattended in a vehicle when the conditions in that vehicle would constitute a health risk.

#### **GENERAL TOWN ANIMAL REGULATIONS.**

No person shall:

(A) Permit an **ANIMAL** to destroy or deface shrubbery, lawns, flowers, gardens, or other property owned or maintained by someone other than the **ANIMAL'S OWNER**;

(B) Permit any **ANIMAL** to chase or harass vehicles or pedestrians on public streets and sidewalks.

(C) Keep any **LIVESTOCK** or **EXOTIC ANIMAL**, except as may be expressly permitted by the Town's Zoning Ordinance and all applicable federal, state, and county, laws, and regulations.

#### **ENFORCEMENT PROCEDURES.**

To secure the proper enforcement of these regulations, the appropriate authorities of the Town may pursue any or a combination of the following remedies as they deem appropriate:

(A) Taking into custody and impounding any **ANIMAL** found to be kept in violation of any of these regulations.

(B) If the violation is a violation only of the Town Code, and is not concurrently a violation of a state statute, citing the **OWNER** of the **ANIMAL** for a Town ordinance violation;

(C) If the violation constitutes an infraction or crime under state statute, citing or arresting the **OWNER** of the **ANIMAL** accordingly;

(D) Seeking an injunction in a court of competent jurisdiction pursuant to IC 36-1-6-4.

#### **IMPOUNDED ANIMALS.**

(A) The Town may retain or cause to be retained an impounded **ANIMAL**, either in Town facilities or the facilities of a cooperating state or county agency, for a period deemed necessary and appropriate under the circumstances.

(B) Upon the expiration of applicable period, the Town or a cooperating agency may humanely destroy or otherwise lawfully dispose an impounded **ANIMAL**. An impounded **ANIMAL** shall be kept for at least five (5) days. If the **OWNER** of an impounded is known, the Town shall, as soon as is practicable, notify that **OWNER** of the **ANIMAL'S** impoundment.

(C) Unless a court, or a state or county officer having proper authority orders the continued detention of an **ANIMAL**, the **OWNER** of an impounded **ANIMAL**, other than an **ANIMAL** impounded for violation of IC 35-46-3, may reclaim the **ANIMAL**, prior to its destruction or other disposition as set forth herein, by paying to the Town the following fees:

- (1) A charge of \$100.00 for initial capture of the **ANIMAL**; and
- (2) A charge of \$50.00 per day for boarding and feeding the **ANIMAL**.

(D) If the Town delivers the **ANIMAL** to a cooperating agency, the above charges shall nevertheless apply for the time that the **ANIMAL** is in the Town's custody, and an additional fee of \$50.00 for transporting the **ANIMAL** shall apply. These charges and fees are in addition to any penalties or costs assessed under these regulations. Any cooperating agency into whose custody an animal is delivered may charge and collect its own usual and standard fees from the person reclaiming the **ANIMAL** for the period the **ANIMAL** was in its custody. An **ANIMAL** impounded by reason of a suspected violation of IC 35-46-3 shall be deemed in protective custody and may not be released to its **OWNER** except as permitted by and in compliance with the provisions of IC 35-46-3.

#### **AUTHORITY TO DESTROY DANGEROUS ANIMALS.**

Notwithstanding any other provision of this Ordinance, the Town, acting by and through an **ANIMAL CONTROL OFFICER** may immediately destroy any **DANGEROUS ANIMAL** that cannot be safely captured or kept in custody by usual and customary means or which is observed attacking a person or other **ANIMAL**.

#### **SECTION 3. PENALTIES.**

Any person violating this Ordinance may be fined, by the Town, up to \$300 per occurrence, in addition to penalties imposed by Indiana State Statute.

This Ordinance repeals and replaces all provisions of the Town Code and all Town ordinances and parts thereof with which it may be in conflict.


This Ordinance shall be effective upon its final adoption and publication as required.

Introduced by the Town Council of the Town of Morgantown on the day of 13<sup>th</sup> day of May, 2024.

Adopted by the Town Council of the Town of Morgantown on the 10<sup>th</sup> day of June, 2024.

  
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Joe Blevins, President

ATTEST:

  
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Sharon McIntosh, Clerk-Treasurer