

TOWN OF MONROE,
STATE OF INDIANA

ORDINANCE No.: 2024-2024-8

SHORT TITLE: AN ORDINANCE TO RESCIND ORDINANCE NO. 1975-4
AND ESTABLISHING STANDARDS, REQUIREMENTS AND
REGULATIONS FOR ANIMALS AS PETS; DANGEROUS ANIMALS

WHEREAS, Indiana Code §36-1-3, et seq. confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government;

WHEREAS, the Town of Monroe is a municipality within the State of Indiana and Indiana Code §36-5-2-2 provides that the Town Board for the Town of Monroe (hereinafter referred to as the "Town Board") is the legislative body for the Town of Monroe;

WHEREAS, Indiana Code §36-5-2-9 provides that a legislative body may adopt ordinances and resolutions for the performance of the functions of the town; and

WHEREAS, the Town Board desires to adopt an ordinance establishing the standards, requirements, and regulations related to animals as pets and dangerous animals within the confines of the corporate limits of the Town of Monroe.

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

1. Dogs

A. Harboring and Keeping of Dogs.

For the purposes of this Ordinance, any person who shall allow any dog habitually to remain and be lodged and be fed within his or her residence, store, or enclosure, or on his or her premises shall be deemed to harbor and keep a dog.

B. Licensing of Dogs.

It shall be a violation of this Ordinance for any person, firm, corporation, or other entity to own, harbor, or have in his, her, or their possession, within the limits of the Town of Monroe, any dog unless such dog is vaccinated and regulated in accordance with the provisions hereinafter set forth.

C. Enforcement.

- i. The regulation and control of this Ordinance shall be under the direction and supervision of the Town Board.
- ii. The Board will direct any department or departments of the Town of Monroe as it may see fit to carry out the enforcement of this Ordinance.

D. Impounding of Dogs.

It shall be the duty of any department of the Town of Monroe, so directed by the Town Board, to examine each and every dog found running at large at any place within the Town of Monroe limits to ascertain whether or not such dog is duly vaccinated in accordance with the provisions of this Ordinance. Any dog found that is not vaccinated may be returned to the rightful owner or may be placed in a facility which provides such services to the Town of Monroe. Within and including the period of five days any owner of the impounded dog may claim the dog by paying all costs of impoundment and costs of vaccinating the dog. At the expiration of five days, if the impounded dog is not claimed and redeemed, the person designated to be in charge of the impoundment facility shall dispose of the dog, the method and manner of such disposition to be determined by the person in charge of such impoundment facility.

E. Licensed Dogs, When Impounded.

Any duly vaccinated dog or dogs found running at large within the limits of the Town of Monroe, destroying property, flower beds or shrubbery, upsetting garbage cans or creating a general nuisance may, upon proper complaint, be impounded. The owner or owners of such dog or dogs may redeem or recover such dog or dogs by paying, or providing a written promise to pay, restitution for damages, if any, and by paying all costs of impoundment.

F. Running at Large Prohibited.

i. It shall be a violation of this Ordinance of or having the care, custody, or control of any dog, or harboring or keeping any dog, to allow, suffer or permit the dog to be at large upon the streets or other public places within the Town, or in or upon any other place beyond the premises of such person unless the dog is:

1. On a leash, controlled by some person physically able to control the dog; and

2. Displaying a tag showing that anti-rabic vaccine had been administered to that particular animals within the last twelve (12) months.

ii. It shall be the duty of the humane officer of the Town of Monroe or the person designated to be in charge by the Town Board, upon proper complaint, to apprehend and impound all dogs running at large contrary to the provisions of this Ordinance. Any dog so impounded may be redeemed by the owner within five days after the impounding of the dog by reclaiming the dog at the facility where it is impounded.

iii. All impounded dogs not reclaimed and redeemed by the owner thereof within five days after being impounded may be placed in suitable homes or otherwise

disposed of or destroyed in a humane manner by the facility at which such dog is impounded.

G. Disturbances Prohibited.

It shall be a violation of this Ordinance for any person to harbor or keep any dog within the Town of Monroe which, by loud and frequent or habitual barking, howling or yelping, shall cause serious annoyance or disturbance to the neighborhood. It shall further be unlawful and a violation of this Ordinance for any person to fail to pick up and properly dispose of such person's dog excrement deposited upon the streets or other public places within the Town of Monroe or in or upon any other place beyond the premises of such person.

H. Dogs to Be Impounded After Biting Another Animal or Human Being.

i. It shall be the duty of the humane officer or the person designated to be in charge by the Town Board to impound any dog which has bitten another animal or has bitten a human being.

ii. All such dogs shall be impounded for a period of not less than 14 days for observation for rabies. In the event the dog is determined not to be rabid, such dog shall be released to its owner, provided that the owner shall first pay impoundment fees. All impounded dogs not reclaimed by the owner thereof within five days after a receipt of written notice to reclaim the same from the humane officer, may be placed in suitable homes or otherwise disposed of or destroyed in a humane manner by the facility at which the dog is impounded.

iii. No dog being held for observation shall be released or destroyed until the expiration of the period of observation for rabies.

I. Unlawful to Hinder Authorized Personnel.

It shall be unlawful and a violation of this Ordinance for any person to hinder, molest, or interfere with any person authorized to perform any duty described herein.

2. Dangerous Animals and Reptiles.

A. Definitions.

For the purposes of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

i. *Dangerous Animal or Reptile* Any animal or reptile that:

1. Causes an injury to a person or domestic animal; or

2. Has been determined to be a potentially dangerous animal and engages in behavior that poses a threat to public safety as described herein.

ii. *Owner*. Any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in or having control or custody of an animal.

iii. *Potentially Dangerous Animal or Reptile*. An animal or reptile that may reasonably be assumed to pose a threat to public safety as demonstrated by any of the following behaviors:

1. Causing an injury to a person or domestic animal that is less severe than a serious injury;

2. Without provocation, chasing or menacing a person or domestic animal in an aggressive manner;

3. Running at large and impounded or owners cited by authorized personnel of the Town of Monroe for a violation of this Ordinance two or more times within any 12-month period; and

4. Acts in a highly aggressive manner within a fenced yard/enclosure and appears to a reasonable person able to break through, jump over, or escape from such enclosure.

iv. *Proper Enclosure*. Secure confinement indoors or secure confinement in a locked pen, fenced yard or structure measuring at least six feet in width, 12 feet in length, and six feet in height, capped if there is a dog house inside or if an animal or reptile can climb over or under a fence, with secure sides, which provided proper protection from the elements for the animal or reptile, is suitable to prevent the entry of young children and is designed to prevent the animal or reptile from escaping while on the owner's property.

v. *Responsible Person*. A person at least 18 years old who is familiar with the animal or reptile and has the size and experience to be able to keep the animal or reptile under complete control at all times.

vi. *Serious Injury*. Any physical injury that results in broken bones or lacerations that require multiple sutures or cosmetic surgery.

vii. *Animal Control Authority*. The department(s) or individual(s) authorized by the Town Board to enforce the provisions of this Ordinance.

B. Determination of Potentially Dangerous Animal or Reptile.

i. Upon receiving a complaint that an animal or reptile has engaged in conduct described herein, the animal control authority shall within five days make a determination whether the animal or reptile is a potentially dangerous animal or reptile as described herein. If the animal control authority determines that the animal or reptile is a potentially dangerous animal or reptile, the animal control authority shall issue to the owner of the animal or reptile an order in accordance with this Ordinance, which shall be complied with by the owner within 30 days of the date of the order, subject to review by the Town Board.

ii. Upon receiving an order from the animal control authority, the owner of the animal or reptile may, within five business days after the date of the order, petition the Town Board seeking review of the determination and order. The Town Board shall convene a hearing on the petition within ten days of the receipt thereof and shall, at said hearing, either confirm, modify or rescind the order. A decision to rescind the order of the animal control authority shall not affect the authority of the animal control authority to issue subsequent orders to the owner of the animal or reptile based upon the animal's or reptile's subsequent behavior.

iii. If the animal control authority has probable cause to believe that an animal or reptile is a potentially dangerous animal or reptile and probable cause to believe that the animal or reptile poses a threat to public safety unless immediately impounded, the animal control authority shall impound the animal or reptile until such time as the owner complies with the terms of the order.

iv. If the owner refuses to allow the animal or reptile to be impounded, the animal control authority may request a warrant for the purpose of taking custody of the animal or reptile and impounding the animal or reptile pending disposition of the case or until the owner has complied with the terms of the order. Failure to comply with the order within the time allowed shall authorize the animal control authority to humanely euthanize the impounded animal or reptile. The owner of the animal or reptile shall be liable for the costs and expenses of keeping the animal or reptile.

v. If any animal or reptile previously determined to be a potentially dangerous animal or reptile has not exhibited any of the behaviors specified in this Ordinance, within 36 months of the date of the order determining the animal or reptile to be a potentially dangerous animal or reptile, the owner may request the animal control authority to review the determination; provided, however, even if the animal control authority rescinds the determination, the same animal or reptile may again be declared a dangerous or potentially dangerous animal or reptile if it again exhibits any of the specified behaviors.

C. Determination of Dangerous Animal or Reptile.

i. Upon receiving a complaint that an animal or reptile has engaged in conduct described in this Ordinance, the animal control authority shall within five days make a determination whether the animal or reptile is a dangerous animal or reptile. If the animal control authority determines that the animal or reptile is a dangerous animal or reptile, the animal control authority shall issue to the owner

of the animal or reptile an order in accordance with this Ordinance which shall be complied with by the owner within 30 days of the date of the order, subject to review by the Town Board.

ii. Upon receiving an order from the animal control authority, the owner of the animal or reptile may, within five business days after the date of the order, petition the Town Board seeking review of the determination and order. The Town Board shall convene a hearing on the petition within ten days of the receipt thereof and shall, at said hearing, either confirm, modify or rescind the order. A decision to rescind the order of the animal control authority shall not affect the authority of the animal control authority to issue subsequent orders to the owner of the animal or reptile based upon the animal's or reptile's subsequent behavior.

iii. If the animal control authority has probable cause to believe that an animal or reptile is a dangerous animal or reptile and probable cause to believe that the animal or reptile poses a threat to public safety unless immediately impounded, the animal control authority shall impound the animal or reptile until such time as the owner complies with the terms of the order.

iv. If the owner refuses to allow the animal or reptile to be impounded, the animal control authority may request a warrant for the purpose of taking custody of the animal or reptile and impounding the animal or reptile pending until disposition of the case or until the owner has complied with the terms of the order. Failure to comply with the order within the time allowed shall authorize the animal control authority to humanely euthanize the impounded animal or reptile. The owner of the animal or reptile is liable for the costs and expenses of keeping the animal or reptile.

D. Exceptions.

No animal or reptile shall be declared a dangerous or potentially dangerous animal or reptile if:

i. The animal or reptile was used by a law enforcement official for legitimate law enforcement purposes;

ii. The threat, injury, or damage was sustained by a person:

1. Who was committing, at the time, a willful trespass or other tort upon the premises lawfully occupied by the owner of the animal or reptile;

2. Who was provoking, tormenting, abusing or assaulting the animal or reptile or who can be shown to have repeatedly, in the past, provoked, tormented, abused or assaulted the animal or reptile; or

3. Who was committing or attempting to commit a crime.

iii. The animal or reptile was:

1. Responding to pain or injury, or was protecting itself, its offspring; or

2. Protecting or defending a human being within the immediate vicinity of the animal or reptile from an attack or assault.

E. Contents of Orders with Respect to Potentially Dangerous Animals or Reptiles.

If the animal control authority determines that an animal or reptile is a potentially dangerous animal or reptile under this Ordinance, the animal control authority shall issue an order to the owner of the animal or reptile requiring the owner to do any of the following:

- i. Show evidence that the owner of the potentially dangerous animal or reptile is 18 years of age or older;
- ii. Obtain a valid license for the potentially dangerous animal or reptile pursuant to state law;
- iii. Show evidence that the animal or reptile has a current rabies vaccination;
- iv. Provide a proper enclosure (as defined in this subchapter) for the animal or reptile;
- v. Require the owner to register the animal or reptile as a potentially dangerous animal or reptile and pay an annual fee for such registration as determined by the Town Board;
- vi. Spay or neuter the animal or reptile;
- v. Implant a microchip into the animal or reptile which is registered with the animal control authority;
- vi. Require the owner to enter the animal or reptile in a socialization and/or behavior program approved by the animal control authority; or
- vii. Require the owner to provide the animal control authority with the name and address of the new owner if the ownership or physical custody of the animal or reptile is transferred.

F. Contents of Orders with Respect to Dangerous Animals or Reptiles.

If the animal control authority determines that an animal or reptile is a dangerous animal or reptile under this Ordinance, the animal control authority shall issue an order to the owner of the animal or reptile requiring the owner to do any of the following:

- i. Show evidence that the owner of the potentially dangerous animal or reptile is 18 years of age or older;
- ii. Obtain a valid license for the potentially dangerous animal or reptile pursuant to state law;
- iii. Show evidence that the animal or reptile has a current rabies vaccination;
- iv. Provide a proper enclosure (as defined in this subchapter) for the animal or reptile;

- v. Require the owner to register the animal or reptile as a potentially dangerous animal or reptile and pay an annual fee for such registration as determined by the Town Board;
- vi. Spay or neuter the animal or reptile;
- vii. Implant a microchip into the animal which is registered with the animal control authority;
- viii. Require the owner to enter the animal or reptile in a socialization and/or behavior program approved by the animal control authority;
- ix. Require the owner to provide the animal control authority with the name and address of the new owner if the ownership or physical custody of the animal or reptile is transferred;
- x. Show that he or she has written permission from the property owner or homeowner's association allowing him or her to keep the dangerous animal or reptile in or upon the property occupied by him or her;
- xi. Maintain the animal or reptile exclusively on the owner's property, except for medical treatment or examination; and
- xii. Post on the premises a clearly visible written warning sign that there is a dangerous animal or reptile on the property with a conspicuous warning symbol that informs children of the presence of a dangerous animal or reptile. The sign shall be visible from the public roadway or 50 feet, whichever is less.

G. Duration of Orders.

Any order issued by the animal control authority, as modified by the Town Board, if applicable, shall remain in effect for the life of the animal or reptile. The order shall apply to the animal or reptile even if the ownership of the animal or reptile is transferred after the issuance of an order.

H. Unlawful Acts.

It shall be unlawful to:

- i. Keep a dangerous animal or reptile or potentially dangerous animal or reptile contrary to the terms of an order issued by the animal control authority;
- ii. Permit a potentially dangerous animal or reptile to be outside a proper enclosure unless it is under the control of a responsible person as defined in this Ordinance, muzzled and restrained by a lead not exceeding four feet in length. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration, but shall prevent it from biting any human being or animal;
- iii. Fail to maintain a dangerous animal or reptile exclusively on the owner's property as required except for medical treatment or examination. When removed from the owner's property for medical treatment or examination, the dangerous

animal or reptile shall be caged or under the control of a responsible person as defined in this Ordinance, muzzled and restrained with a lead not exceeding four feet in length. The muzzle shall be made in a manner that will not cause injury to the animal or interfere with its vision or respiration but shall prevent it from biting any human being or animal;

iv. Fail to notify the animal control authority immediately upon the happening of any of the following:

1. A dangerous animal or reptile is outside of its proper enclosure, except when under control of a responsible person;
2. A dangerous animal or reptile or potentially dangerous animal has attacked another domestic animal or reptile; or
3. A dangerous animal or reptile or potentially dangerous animal or reptile has attacked a human being.

v. Fail to notify the animal control authority immediately upon the happening of any of the following:

1. The death of a dangerous animal or reptile or potentially dangerous animal or reptile;
2. The transfer of ownership or physical custody of a dangerous animal or reptile or potentially dangerous animal or reptile;
3. Fail to advise the potential owner of a dangerous animal or reptile or potentially dangerous animal or reptile if the owner intends to transfer ownership of the animal or reptile; and/or
4. Fail to comply with any special security or care requirements for a dangerous or potentially dangerous animal or reptile the animal control authority may have established pursuant to the finding that the animal or reptile is a dangerous animal or reptile or potentially dangerous animal or reptile.

I. Penalties.

Whoever violates any provision of this Ordinance for which another penalty is not specifically provided, upon determination thereof, be fined in any sum not less than \$25.00 and not more than \$500.00. Such fines shall be determined by the Town Board and are at the sole discretion of the Town Board.

J. Repeal.

This Ordinance shall replace and repeal Ordinance No. 1975-4.

K. Severability.

If any section, provision, or part of this Ordinance is adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

Duly adopted by the Town Board of the Town of Monroe, Adams County, Indiana at its regular meeting on this 6th day of June, 2024, with the following vote of 3 Yes and 0 Nays.

Town Board for the Town of Monroe,
County of Adams, State of Indiana

David Bard
David Bard, Town Board Member

Josh Geerken
Josh Geerken, Town Board Member

Mike Geels
Mike Geels, Town Board President

ATTEST:

Rachel Tague
Rachel Tague, Monroe Clerk-Treasurer