

ORDINANCE 2021- 09

**AN ORDINANCE REGULATING ANIMALS IN THE TOWN LIMITS  
AND AMENDING THE NUISANCE PROVISIONS TO INCLUDE CERTAIN  
OFFENSES INVOLVING ANIMALS WITHIN THE TOWN LIMITS AS A PUBLIC  
NUISANCE**

**WHEREAS**, the Town of LaPaz has adopted various general regulations so as to maintain the public health and safety of Town citizens; and

**WHEREAS**, the Town has previously enacted ordinances establishing the prohibition of maintaining public nuisances, which ordinances are supported by established common law or statute; and

**WHEREAS**, it is in the best interest of the Town that no person, firm or corporation be allowed or permitted to keep, feed, lodge or otherwise retain farm animals within the Town limits.

**NOW THEREFORE, BE IT ORDAINED** by the Town Council for the Town of LaPaz, Indiana that:

100.01 DEFINITIONS.

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

**ANIMAL.** Any vertebrate.

**DANGEROUS, VICIOUS OR FEROCIOUS ANIMALS.** Any vertebrate animal with propensity, tendency or disposition to attack, to cause injury or to otherwise endanger the safety of human beings or other domestic animals; any vertebrate animal which attacks a human being or another domestic animal without provocation.

**DOMESTIC ANIMAL.** Animals belonging to species normally kept, harbored and maintained by persons as pets, regardless of the particular reason for which an animal is kept or maintained.

**LIVESTOCK.** Cattle, horses, swine, sheep, goats, poultry, and other animals which ordinarily are kept, bred or maintained for purposes of animal husbandry or commercial breeding but applies to any animal regardless of the particular reason for which the individual animal is kept or maintained.

**LOT SIZE.** The total area of a tract of land, or of 2 or more contiguous and adjoining lots or tracts of land, including any area occupied by buildings, all of which a single owner or occupant holds at his or her exclusive disposal.

**RECKLESS.** With clear and deliberate or grossly negligent disregard for the safety and welfare of persons and property.

**TO RUN AT LARGE.** The term means for an animal to be loose upon public property or in a public area, or upon private property other than that of the animal's owner or keeper and without the consent of the owner or tenant of that private property, without direct and responsible human control and supervision.

**WILD ANIMAL.** Any animal which is not a domestic animal.

§ 100.02 GENERAL REGULATIONS.

No person having ownership or custody of an animal shall, within the corporate limits of the Town of La Paz:

- (A) Knowingly or negligently permit a domestic animal to run at large or to destroy or deface shrubbery, lawns, flowers, gardens or other property;
- (B) Keep any animal which, by barking, howling, yelping or making any other noise disturbs the peace and quiet of any neighborhood, or which, by foul and noxious odors detracts from the use, enjoyment and value of surrounding properties;
- (C) Keep any animal known to be dangerous, other than securely confined in an enclosed area on the premises of the owner with clearly visible signs posted to warn persons of the presence of that animal;
- (D) Knowingly or negligently permit an animal to kill or injure livestock or other domestic animals, or to attack or injure any person who is engaged in lawful pursuits;
- (E) Knowingly or negligently permit any animal to chase or harass vehicles or pedestrians on public streets and sidewalks or obstruct the normal use of streets and sidewalks;
- (F) Fail to confine any female dog or cat in heat in a closed building so the animal cannot come into contact with other animals except for planned and supervised breeding;
- (G) Keep any livestock on any property within the municipal limits, provided, the Town Council may, at its discretion, grant a conditional variance from this section if it finds that surrounding properties would not be adversely affected or that an unreasonable hardship would result by virtue of disruption of an existing use of property at the time this section first becomes applicable;
- (H) Keep any wild animal, other than that small species as may be lawfully obtained through regular retail pet stores, or animals kept by zoos, circuses, educational institutions or scientific establishments which are authorized under the game and wildlife laws of the state or United States to keep and harbor those animals in captivity;
- (I) Walk any dog on the streets or other public places, except on a leash controlled by the dog's owner or other responsible person, and when not on a leash the dog shall be confined to the property of its owner;
- (J) Abandon animals or fail to supply animals with adequate food, water, exercise, shelter and medical care. An emaciated condition of any animal or an unnatural and excessive

craving for food and drink shall be prima facie evidence of the failure to properly feed or water the animal as is required by this section;

(K) Leave an animal unattended in a vehicle when conditions in that vehicle would constitute a health hazard to the animal;

(L) Fail to remove waste (excrement) of the animal in their custody, from all property, public and private. When walking an animal, arrangements must be made to pick up the waste left on the route; and

(M) Fail to have their dog or cat, over the age of 6 months, vaccinated against rabies in compliance with I.C. 35-46-3-1. The rabies tag shall be worn on a properly fitting collar at all times.

### 100.03 RECOGNIZANCE AND ENFORCEMENT OF RELATED STATE ANIMAL CONTROL LAWS.

(A) In addition to any requirements of § 100.02, the following state laws governing animal control are noted and shall be enforced in the Town of La Paz:

- (1) I.C. 35-46-3-1, prohibiting the having of any dog more than 6 months of age which has not been currently vaccinated against rabies (Class C Infraction or Class B Misdemeanor if the dog bites a person); and
- (2) I.C. 35-46-3-7, prohibiting cruelty to or neglect of vertebrate animals (Class B Misdemeanor).

(B) The statutes cited in division (A) above are not intended to be exhaustive of all state laws relating to animals and the fact that any other statute is not enumerated in this section does not imply that it will not be enforced by the town authorities within their proper jurisdiction.

### VICIOUS DOGS

#### 100.30 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

**OWNER.** Any person, firm, corporation, organization or department possessing or harboring or having the care or custody of a dog.

**UNCONFINED.** Any dog which is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than 1 foot. All the pens or structures must be adequately lighted and kept in a clean and sanitary condition.

**VICIOUS DOG.** The following:

(1) Any dog with a known vicious propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals.

(2) Any dog which because of its vicious propensity is capable of inflicting serious physical harm or death to humans, and which would constitute a danger to human life or property if it were not kept in the manner required by this chapter.

(3) Any dog which, without provocation, attacks or bites, or has attacked or bitten a human being or domestic animal.

(4) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.

**100.31 CONFINEMENT.**

The owner of a vicious dog shall not suffer or permit the dog to go unconfined.

**100.32 LEASH AND MUZZLE REQUIRED.**

The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash of sufficient strength to muzzle and restrain the dog, and under the physical restraint of a person of at least 18 years of age. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

**100.33 OWNER TO DISPLAY WARNING SIGNS.**

The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

**100.34 DOG FIGHTING PROHIBITED.**

No person, firm, corporation, organization or department shall possess or harbor or maintain care or custody of any dog for the purpose of dog fighting or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.

**100.35 INSURANCE.**

Owners of vicious dogs must provide proof to the Clerk-Treasurer of public liability insurance in the amount of at least \$100,000, insuring the owner for any personal injuries inflicted by his or her vicious dog.

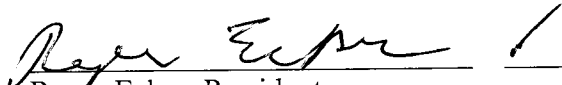
100.99 PENALTY.

(A) Any person violating any of the provisions of this chapter for which no other penalty is provided, shall be subject to the following fines:

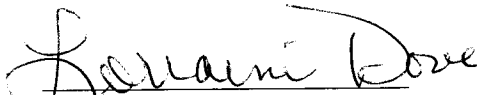
First Violation:	\$50.00
Second Violation:	\$75.00
Third Violation:	\$100.00
All Subsequent Violations:	\$200.00


**PASSED and ADOPTED** by the Town Council for the Town of La Paz, Indiana, on the 10<sup>th</sup> day of February, 2021.

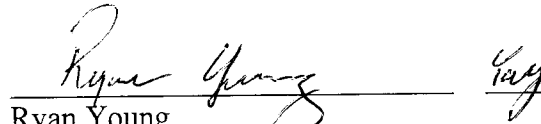
**THE TOWN COUNCIL OF**                      YAY NAY  
**THE TOWN OF LA PAZ,**  
**INDIANA**

  
\_\_\_\_\_  
Roger Ecker, President

ATTEST:

  
\_\_\_\_\_  
Lorraine Dove, Clerk-Treasurer  
Town of La Paz, Indiana

  
\_\_\_\_\_  
~~Kelli Chavez~~ DONELLA EMMONS

  
\_\_\_\_\_  
Ryan Young                      Yay