

TOWN OF LAGRANGE

ORDINANCE NO. 2003-09-15-C

AN ORDINANCE CONCERNING DANGEROUS AND VICIOUS ANIMALS

BE IT ORDAINED by the Board of Trustees of the Town of LaGrange:

(A) A person shall not own, harbor, possess, or keep a vicious or dangerous dog or other animal unless such animal is licensed under this section or an application for licensing of such animal under this section is pending. A vicious or dangerous animal is any animal that has attacked or made threatening action toward another domesticated animal or person, whether provoked or otherwise, in a manner the LaGrange Town Marshal deems to be dangerous to persons or their animals. Any animal who has bitten or attempted to bite an individual, or attacked or killed another domestic animal away from its owner's premises shall be presumed vicious or dangerous.

Any person whose pet has been determined to be a dangerous animal may file an appeal within 48 hours after such determination. The appeal shall be in writing, accompanied with a non-refundable appeal fee of \$25.00, and be directed to the LaGrange Town Marshal and Town Clerk. In lieu of an appeal, an individual may present to the Town Clerk certification that the subject animal has, within the last ten (10) days, completed the Canine Good Citizen Test by an AKC certified tester and been certified a Canine Good Citizen. The Town Board reserves the right to consider other similar testing on a case by case basis.

(B) Licensing requirements. Any owner of a vicious or dangerous dog or other animal shall apply to the Town Clerk for licensing of said animal. The application shall be on a form provided by the Town Clerk and shall be accompanied by the following:

- (1) A valid driver's license or state issued picture identification showing the owner's name and current address;
- (2) Proof that the applicant owns said animal and is 18 years of age or older;
- (3) One copy of a registration certificate issued for said animal by the A.K.C. and/or A.D.B.A., if available and applicable;
- (4) One copy of the current immunization and health records for said animal showing that the animal received a current rabies vaccination by a licensed veterinarian;

(5) Proof that the applicant has insurance coverage for not less than \$300,000.00 for any injury, damage, or loss caused by said animal;

(6) Four photographs of said animal from four different sides taken not more than one month before the date of the application. Such photographs shall consist of a front, back, left, and right side view of the animal;

(7) Proof that the animal has been micro-chipped by a licensed veterinarian;

(8) The name, address, and phone number of the animal's previous owner, if any;

(C) The vicious or dangerous dog or other animal shall be confined, at all times, within a habitable escape-proof dwelling or an escape-proof cage made of at least 14 gauge wire with at least six feet high sides, a wood or wire roof, and a brick or cement floor. The cage door also shall be locked with a padlock. However, when such animal is not confined within a habitable dwelling or an escape-proof cage, it shall be muzzled and reined or tethered to its master, owner, or keeper who shall maintain control over the animal to prevent injury to any person or animal.

(D) The vicious or dangerous dog or other animal shall wear a permit tag issued by the Town Clerk stating that the animal is registered as a vicious or dangerous dog or other animal.

(E) When licensing an animal not previously licensed under this section, the Town Clerk or its designee shall assign a specific license number to said animal, without duplication, which number shall remain the same for the life of the animal.

(F) If the animal is lost or escapes, the owner or owner's agent shall report said incident immediately to the Town Marshal and Town Clerk.

(G) The owner of a vicious or dangerous dog or other animal shall post signs on his or her property where such animal will be kept, clearly visible for the closest street, advising the general public about such animal's presence on the premises. Such signs shall be supplied by the Town Clerk after applicant pays for the permit. The permit, however, shall not be issued until the owner posts the signs, and the Town Marshal inspects the property to verify proper posting of the signs. The cost of the signs is non-refundable, and they will belong to the applicant even if the permit is reissued or revoked.

(H) No person shall be issued a vicious or dangerous dog or other animal permit if they have been convicted of a felony.

(I) The Town Marshal shall visually inspect the premises where the animal is kept. The inspection will consist of the cage, or if there is no cage, the officer will inspect the escape-proof habitat dwelling, doors, windows, and screen opening to determine if, in fact, they are escape-proof. Also, the inspection will consist of the placement of warning signs, the animal leash, the muzzle, and the padlock for the cage. The Town Marshal must be satisfied that the owner has

met all licensing requirements before issuing or renewing a permit.

(J) If a vicious or dangerous dog or other animal permit is revoked, the owner shall not be reissued another permit.

(K) Duly authorized members of the Town Marshal's office or other law enforcement agencies, including but not limited to game wardens, conservation officers, and other law enforcement officers shall be exempt from the provisions of this section if the animal is used for law enforcement duties.

(L) If the Town Marshal or Town Clerk is notified of an address where a vicious or dangerous dog or other animal is being kept or harbored, and that animal and owner of the property has not been in violation of any section of this chapter, the owner shall have a maximum of 14 days to obtain the vicious or dangerous dog or other animal permit. If the permit is not obtained within the 14 days, the animal shall be impounded. The animal will then be held a maximum of 10 days so that a permit can be issued. If a permit is still not obtained, the animal shall be euthanized.

(M) If the owner of a vicious or dangerous dog or other animal violates any provisions of this chapter, the animal shall be impounded immediately and held until a hearing before the Town Board of Trustees. At such hearing, the Board of Trustees shall determine whether in fact a violation of this chapter has occurred. If the Board of Trustees determines that a violation of this chapter has occurred, it shall have the authority to impose a fine, and/or order the animal euthanized. A vicious or dangerous dog or other animal shall not be euthanized until after the Board of Trustees has rendered a final decision.

(N) In the event that a vicious or dangerous dog or other animal changes owner, the new owner must apply for a new permit. The original owner's permit shall not be transferable to the new owner. The original owner shall notify the Town Clerk that the animal has been sold or given away.

(O) The owner of a vicious or dangerous dog or other animal shall notify the Town Clerk if the address changes where the animal is being kept. The owner must report the new address so an inspection can be made of the premises.

(P) All licenses issued under this article shall expire December 31st of each year.

(Q) Fighting. No person shall fight, bait, conspire to fight or bait, or keep, train, or transport for the purpose of fighting or baiting, any animal required to be licensed under this chapter. A person who violates this section shall be reported to the county prosecutor's office for prosecution under I.C. 35-46-3-8 et seq.

(R) Notification by owner/agent. The owner, or owner's agent of an animal required to be licensed under this chapter shall notify the Town Marshal within four hours if said animal is running at large, has been stolen, or has attacked a person or a domestic animal.

No permits shall be required for the following organizations or animals:

- (1) The Town or County animal control agency;
- (2) A state-licensed veterinary hospital/clinic;
- (3) Birds held under state or federal falconry permits; or
- (4) Service dogs specifically trained to assist their disabled owner.

Anytime an animal deemed to be dangerous or vicious leaves the premises of its owner, it shall be leashed with a sufficiently strong leash no more than three feet in length by an individual able to control said animal.

Any dog or similar animal that is brought by its owner to the Corn School or Liberty Days Street Fair shall be restrained by a leash of no more than three feet (3') in length and equipped with a muzzle.

It shall be unlawful for any individual to violate any provision of this Ordinance. Each day this Ordinance is violated shall be deemed a separate Class "A" infraction offense.

This Ordinance may be enforced by any law enforcement officer or Prosecuting Attorney. If enforced by the Town Attorney, costs of enforcement, including reasonable attorney fees, shall be reimbursed by any individual found to have violated the Ordinance.

If any provision of this Ordinance shall be declared by a court of competent jurisdiction to be invalid, this invalidity shall not affect any other provisions of this ordinance which can be given effect without the invalid provision and, for this purpose, the provisions of this Ordinance are declared to be severable.

This Ordinance shall become effective upon promulgation according to law.

Enacted this 15th day of September, 2003.

BOARD OF TRUSTEES OF THE
TOWN OF LAGRANGE, INDIANA

Tom Helmer PRESIDENT

Richard Greene

Mary Thacker

Eugene Patton

Rolf Schlumberger

ATTEST:

Michael D. Rowison
Michael D. Rowison, Clerk-Treasurer