

**TOWN OF POSEYVILLE
ORDINANCE NO. 2017-08-09-01**

**ORDINANCE AMENDING SECTION I(b) OF
ORDINANCE NO. 1998-07-14-04
AN ORDINANCE RELATING TO THE CONFINEMENT
AND CONTROL OF ANIMALS**

WHEREAS, the Town of Poseyville, by and through its Council, on July 14, 1998, approved an Ordinance Relating to the Confinement and Control of Animals [1998-07-14-04]; and

WHEREAS, the Town of Poseyville, by and through its Council, approved two (2) Amendments to the above described Ordinance No. 1998-07-14-01, dated 2000-12-27-02 and 2013-10-09-02, regarding penalties for the violation of the said Ordinance; and

WHEREAS, the Town Council of the Town of Poseyville, Indiana, desires to further amend Ordinance No. 1998-07-14-01;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Poseyville, Indiana, that SECTION I (b) of Ordinance No. 1998-07-14-01 is hereby deleted in its entirety and the following shall be substituted therefor:

"(b) DOMESTIC ANIMAL: The term "domestic animal", when used in this Ordinance, shall mean any tame animal associated with family life or accustomed to life in or near the habitation of man; however, such animal shall not be used as or supply a food source, such as poultry."

BE IT FURTHER ORDAINED by the Town Council of Poseyville, Indiana, that SECTION I of Ordinance No. 1998-07-14-01 is hereby amended to include the following:

"(f) FARM ANIMALS AND LIVESTOCK: The following are specifically forbidden to be kept within the Town of Poseyville: cattle, cows, horses, ponies, mules or donkeys, sheep, llamas, swine, goats, rabbits, chickens, ducks, geese or other fowl, or other farm animals or livestock.

PASSED AND ADOPTED BY THE POSEYVILLE TOWN COUNCIL THIS 9th DAY OF AUGUST, 2017

TOWN COUNCIL OF POSEYVILLE, INDIANA

By: Bruce C. Baker
Bruce C. Baker, President

By: Steven J. Ahrens
Steven J. Ahrens, Member

By: Ronald G. Fallowfield
Ronald G. Fallowfield, Member

ATTEST:

Julie Mayo
Julie Mayo, Clerk/Treasurer
Town of Poseyville, Indiana

ORDINANCE 2013-10-09-02
AMENDING ORDINANCE 1998-07-14-04

**AN ORDINANCE RELATING TO THE CONFINEMENT
AND CONTROL OF ANIMALS**

WHEREAS, the Town Council of Poseyville, has deemed that clarification of Section IV Penalties is needed to address the penalties associated with "nuisance" animals:

THEREFORE, be it ordained that Section IV be amended as follows:

Section IV:

- (a) Owners of animals picked up as strays or whose animal have been deemed "nuisance" under section 1 D shall be fined at the rate of Fifty (50) dollars for the first offense and Two Hundred (200) dollars for each subsequent offense.

All other aspects of this ordinance shall remain in full force and effect.

APPROVED AND ADOPTED this 9th day of October 2013.

Poseyville Town Council



Bruce C. Baker, Council President




Steven J. Ahrens, Council Member



Ron Fallowfield, Council Member

ATTEST:



Stanley G. Forzley, Clerk Treas.

ORDINANCE 2000-12-27-01
AMENDING ORDINANCE NO. 1998-07-14-04

WHEREAS, the Town Council of the Town of Poseyville, of Poseyville, Indiana have deemed it necessary to control the roaming of animals and nuisance caused by uncontrolled animals to provide for the protection of the person and property of the citizens of the Town of Poseyville, Indiana,

WHEREAS, the Town Council of the Town of Poseyville have a duty to protect the person and property of the citizens of Poseyville, Indiana,

WHEREAS, the Town Council of the Town of Poseyville has deemed it necessary to amend Section IV: Penalties of the Ordinance Relating To The Confinement and Control of Animals as follows:

SECTION IV: Penalties

(c) Any person violating any section of ORDINANCE NO. 1998-07-14-04 shall be fined at the rate of Fifty (50) dollars for the first offense and Two Hundred (200) dollars for each subsequent offense.

PASSED AND ADOPTED this 27th day of December 2000.

POSEYVILLE TOWN COUNCIL



Bruce C. Baker, Council President



Flora Mae Hopf, Council Member



Richard G. Kraft, Council Member

ATTEST:



Nancy L. Grimes, Clerk-Treasurer

ORDINANCE NO. 1995-07 14-04
REPEALS ORDINANCE NO. 1986-5-7-1

**AN ORDINANCE RELATING TO THE
CONFINEMENT AND CONTROL OF ANIMALS**

WHEREAS, the Town Council of the Town of Poseyville, of Poseyville, Indiana, have deemed it necessary to control the roaming of animals to provide for the protection of the person and property of the citizens of the Town of Poseyville, Indiana,

WHEREAS, the Town Council of the Town of Poseyville have a duty to protect the person and property of the citizens of Poseyville, Indiana,

WHEREAS, a hazard exists to the person and property of the citizens of Poseyville due to uncontrolled roaming of animals,

THEREFORE, BE IT ORDAINED by the Town Council of the Town of Poseyville as follows, the following being an ordinance to control animals throughout the town limits of Poseyville, Indiana:

SECTION I. Definitions

As used in this ordinance the following terms mean:

- (a) **ANIMAL**: The term "animal" when used in this ordinance shall mean any living creature, domestic or wild, including fowl, mammals and reptiles.
- (b) **DOMESTIC ANIMAL**: The term "domestic animal" when used in this ordinance shall mean any tame animal associated with family life or accustomed to life in or near the habitation of man or such as to contribute to the support of a family.
- (c) **At Large**: An animal shall be deemed to be at large when off the property of the owner and not under restraint.
- (d) **Nuisance**: An animal shall be considered a nuisance if it: Damages or destroys private property, which includes digging or disturbing soil and plants. Also, an animal shall be considered a nuisance if it soils, defiles, or defecates on private property other than its owner's or on public walks and recreation areas, unless such waste is removed immediately and properly disposed of by the owner; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noise making; or chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on public property.
- (e) **Owners**: A person having the right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied by that person.
- (f) **Person**: Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.
- (g) **Restraint**: An animal shall be considered under restraint if it is within the real property limits of its owner or secured by a leash or lead or under the control of a responsible person.
- (h) **Vicious Animal**: An animal that constitutes a physical threat to humans or other domestic animals.

SECTION II. Owner Responsibility

- (a) All dogs kept as pets in the Town of Poseyville must wear a collar at all times containing the name and phone number, if any, of the owner of such dog. ("Tags showing current rabies shots, current taxes paid, and other information required by state law may be attached to this collar.)
- (b) The dog so apprehended may be taken to any dog pound, private kennel, ASPCA shelter or similar place as the Town Council may designate for temporary care of the dog. It is not required that any notice be given to the owner, if known, unless the dog is wearing identification as set forth above in (A). Notice given to owners may be given by phone to any person answering at the phone number given on the collar or by ordinary mail to the owner at his given address.
- (c) All animals shall be kept under restraint.
- (d) Every vicious animal, as determined by the Poseyville Town Marshal or other town agents, shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
- (e) No animal shall be allowed to cause a nuisance. The owner of every animal shall be held responsible for every behavior of such animal under the provisions of this ordinance.

SECTION III. Impoundment and Destruction

- (a) Any animal found running at large may be impounded by the Poseyville Town Marshal or other town agents, and housed at the proper facility used by the Town of Poseyville.
- (b) Any vicious animal found running at large that in the judgment of a law enforcement officers presents a danger to himself or third parties at any time may exercise discretion in deciding whether to destroy a vicious animal immediately.
- (c) Any person wishing to claim an animal shall be required to pay the Town of Poseyville the sum of Fifteen (15) dollars per day housing fees for animals, plus any other expenses incurred by the Town, plus property damage to owners, which owners can pursue in civil suits or which can be ordered as part of restitution as penalty for violation of this ordinance.

SECTION IV: Penalties

- (a) Owners of animals picked up as strays shall be fined at the rate of Fifty (50) dollars for the first offense and Two Hundred (200) dollars for each subsequent offense.
- (b) Any identified owner who does not redeem his animal shall also pay the cost of the disposal of the animal in the actual amount charged for the disposal of said animal.

All approved and ordained this 14 day of July, 1998.

Poseyville Town Council

Bruce C. Baker
Bruce C. Baker, Council Pres.

Richard G. Kraft
Richard G. Kraft, Council Member

Flora Mae Hopf
Flora Mae Hopf, Council Member



ATTEST:

Donna G. Thompson
Donna G. Thompson, Clerk-Treas.