

STATE OF INDIANA  
CITY OF CHARLESTOWN  
CHARLESTOWN CITY COUNCIL  
ORDINANCE

ORDINANCE NO. 2004-OR- 18

ORDINANCE OF THE CHARLESTOWN CITY COUNCIL  
REGARDING VICIOUS ANIMALS

WHEREAS, the City Council of Charlestown finds it to be in the public interest to regulate the ownership of vicious animals within the City limits of Charlestown, and

WHEREAS, the City Council of Charlestown now determines the following definitions and regulations are in the best interest of the City and its citizens.

NOW THEREFORE, BE IT ORDAINED by the City Council of Charlestown that:

**Section 1. Definitions.** For the purpose of this Ordinance the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**A. "Owner"**. Any person, firm, corporation, organization or department owning, possessing, harboring or having the care and custody of an animal in the City.

**B. "Unconfined Vicious Animal"**. A vicious animal is "unconfined" if the animal is not securely confined indoors or confined in a securely enclosed and locked pen, cage, or structure upon the premises of the owner, keeper or harborer of the animal. The pen or structure must have secure sides and a secure top and bottom attached to the sides and the sides must be imbedded into the ground no less than one foot if outside and setting on the ground. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

**C. "Vicious Animal" means:**

(1) Any animal 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; or

(2) Any animal 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 Ordinance; or

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

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

## **Section 2. Regulations.**

### **A. Confinement.**

(1) No vicious animal may be kept on a porch, patio, or in any part of a house or structure that would allow the animal to exit such building on its own volition. In addition, no such vicious animal may be kept in a house or structure when the windows are open or when screen windows or screen doors are the only obstacle preventing the vicious animal from exiting the structure.

(2) The owner of a vicious animal shall not suffer or permit the animal to go unconfined.

**B. Leash and muzzle.** The owner of a vicious animal shall not suffer or permit the animal to go beyond the premises of the owner unless the animal is securely muzzled and restrained by a secure cage, chain or leash, and under the physical restraint of a person. 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 or other animal.

**C. Signs.** The owner of a vicious animal shall display in a prominent place on his or her premises a clearly visible warning sign ("DANGER/VICIOUS ANIMAL") indicating that there is a vicious animal on the premises. A similar sign is required to be posted on the pen or kennel of the animal. The lettering on the sign shall be in all capital letters, a minimum of six (6) inches tall and red on a white background.

**D. Animal fighting.** No person, firm, corporation, organization or department shall possess, harbor or maintain the care or custody of any animal for the purpose of animal fighting, nor train, torment, badger, bait or use any animal for the purpose of causing or encouraging the animal to attack human beings or domestic animals in the city.

**E. Insurance.** Owners of vicious animals must within thirty (30) days of the effective date of this Ordinance provide proof to the Clerk-Treasurer of public liability insurance in the amount of at least \$100,000, insuring the owner, keeper or harbinger for any personal injuries inflicted by his or her vicious animal.

**Section 3. Non-Compliance.** It shall be unlawful for the owner, keeper or harbinger of a vicious animal to fail to comply with the requirements set forth in this Ordinance. Any vicious animal found to be the subject of a violation of this Ordinance shall be subject to immediate seizure and impoundment.

**Section 4. Penalty.** Any person violating any provision of this Ordinance shall be deemed guilty of a punishable offense and shall be punished by a fine of not less than \$10.00 nor more than \$200.00. If any violations be continuing, each day of violation shall be deemed a separate offense.

**Section 5. Savings Clause.** If any section of this Ordinance shall be deemed unenforceable and/or not in compliance with any applicable statute or law by a Court of competent jurisdiction, then to the extent permissible, all other sections of this Ordinance shall remain in full force and effect.

**Section 6. Repealing Clause.** All sections of any previous Ordinances and/or Resolutions that are inconsistent and/or contradictory to the above provisions of this Ordinance are hereby repealed.

**Section 7. Effective Date.** This Ordinance shall be in full force and effect upon and after its passage by the Charlestown City Council or as otherwise mandated by statute and/or rule.

ADOPTED by the City Council of Charlestown, Indiana, this 6th day of December, 2004.

	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
<u>Jeff Aaron</u> Jeff Aaron	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Bruce M. Bottorff</u> Bruce Bottorff	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Terry Pierce</u> Terry Pierce	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Brian Walker</u> Brian Walker	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<u>Matthew Woods</u> Matthew Woods	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

APPROVED: Michael D. Hall  
Michael D. Hall, Mayor

DATE: 12/6/04

ATTEST: Donna Coomer  
Donna Coomer, Clerk-Treasurer

DATE: 12/6/04