

ORDINANCE NO. 2018-571

AN ORDINANCE LICENSING AND REGULATING THE KEEPING OF DOMESTIC ANIMALS WITHIN THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA AND PROVIDING THE PENALTIES FOR VIOLATION THEREOF

WHEREAS, the Town of Battle Ground, Tippecanoe County, Indiana has an interest in governing which types of animals may be kept on private property within the Town of Battle Ground, Tippecanoe County, Indiana; and

WHEREAS, the Town of Battle Ground, Tippecanoe County, Indiana desires to adopt a more expansive policy governing what types of animals may be kept on private property within the Town of Battle Ground, Tippecanoe County, Indiana.

NOW THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE TOWN OF BATTLE GROUND that Ordinance #272 of the Battle Ground Town Code shall be DELETED in its entirety and replaced as indicated below:

ORDINANCE #272 of the Battle Ground Town Code shall be DELETED in its entirety and replaced with the following:

ORDINANCE NO. 2018-571

AN ORDINANCE LICENSING AND REGULATING THE KEEPING OF DOMESTIC ANIMALS WITHIN THE TOWN OF BATTLE GROUND, TIPPECANOE COUNTY, INDIANA AND PROVIDING THE PENALTIES FOR VIOLATION THEREOF

SECTION 1.

- (a) All dogs and cats six (6) months of age or more must be licensed annually at the Office of the Clerk-Treasurer of the Town of Battle Ground, Tippecanoe County, Indiana. Registration fees are One Dollar (\$1.00) for altered animals and Three Dollars (\$3.00) for unaltered animals. In order to license an animal six (6) months of age or older, proof of rabies vaccination must be submitted to the Clerk-Treasurer.
- (b) Failure to properly register any dogs or cats by any person harboring said dogs or cats constitutes a violation of this ordinance. Each day such violation occurs shall be deemed a separate violation.

SECTION 2. It shall constitute a violation of this ordinance for any person to harbor any vicious animal or animal that creates a nuisance as defined by Section 3(a) and 3(b) of this ordinance within the Town of Battle Ground, Tippecanoe County, Indiana. Each day such violation occurs shall be deemed a separate violation.

SECTION 3. For the purpose of this ordinance, the following words shall have the meaning prescribed to them herein:

- (a) “Vicious Animal,” as used in this ordinance, shall mean any animal that has been known to have bitten a human being or an animal who promiscuously attacks other animals.
- (b) “Nuisance,” as used in this Ordinance, shall occur when an animal creates a condition in which it disturbs the peace and quiet of the surrounding neighborhood or creates a condition offensive to the senses of persons in the neighborhood. “Nuisance,” includes, but is not limited to, an animal consistently barking, howling, chasing bicycles, and chasing people walking on the streets or sidewalks, chasing runners, or which creates the odor of animal waste.

SECTION 4. It shall constitute a violation of this ordinance for any person harboring an animal to permit said animal to run at large in the Town of Battle Ground, Tippecanoe County, Indiana. All animals are to be confined to their owner’s property or on a leash when being walked. Each day such violation occurs shall be deemed a separate violation.

SECTION 5. Any person who allows an animal to remain and be lodged or fed within his or her house, yard, or property, shall be considered as harboring the same within the meaning of this ordinance.

SECTION 6.

- (a) It shall be the duty of the Town Marshall of the Town of Battle Ground, Tippecanoe County, Indiana and his assistants to enforce the provisions of this ordinance.
- (b) It shall be the duty of the Town Marshall of the Town of Battle Ground, Tippecanoe County, Indiana, and his assistants to pick up and impound any animal running at large upon the streets or other public places in the Town of Battle Ground, Tippecanoe County, Indiana in violation of Section 4 of this ordinance. All first time violators of Section 4 of this ordinance will receive a written warning by the Town Marshall or his assistants and will be assessed a \$10.00 impound fee. Any subsequent violation of Section 4 of this ordinance will constitute a violation of this ordinance and the owner will be assessed a fine of \$50.00 per occurrence, in addition to a \$10.00 impoundment fee.
- (c) For all other conduct in violation of this ordinance, first time violators shall receive a written warning from the Town Marshall of the Town of Battle Ground, Tippecanoe County, Indiana. Any subsequent conduct in

violation of this ordinance will constitute a civil infraction and the owner will be assessed a fine of \$50.00 per occurrence.



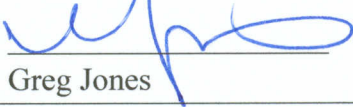

SECTION 7.

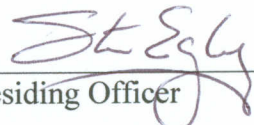
- (a) Livestock, including, but not limited to, pigs, roosters, cattle, horses, goats and sheep may not be kept within the corporate limits of the Town of Battle Ground, Tippecanoe County, Indiana. The Town Council may, at its discretion, grant a conditional variance from this provision if it finds that surrounding properties would not be adversely affected by the keeping of livestock on property having a lot size of greater than one (1) acre.
- (b) Failure to conform to this section constitutes a violation of this ordinance. Each day such violation occurs shall be deemed a separate violation.

SECTION 8. Any and all ordinances in conflict with this Ordinance upon its passage are hereby null and void. This ordinance replaces Ordinance No. 205, Ordinance No. 218, Ordinance #252, Ordinance #272, and Ordinance #288.

INTRODUCED ON FIRST READING ON THE 27 DAY OF AUGUST
_____, 2018.

DULY PASSED BY THE COMMON COUNCIL OF THE TOWN OF BATTLE GROUND,
INDIANA, ON THE 27 DAY OF AUGUST, 2018, HAVING BEEN
PASSED BY A VOTE AS FOLLOWS:

	AYE	NAY	ABSENT	ABSTAIN
 Steve Egly, President	✓			
 Mike Bird		✓		
 Greg Jones	✓			
_____ James Miller				
 Zach Raderstorf	✓			



Presiding Officer

Attest:

Georgia Jones, Clerk-Treasurer

INTRODUCED ON SECOND READING ON THE _____ DAY OF _____, 2018.

DULY PASSED BY THE COMMON COUNCIL OF THE TOWN OF BATTLE GROUND, INDIANA, ON THE _____ DAY OF _____, 2018, HAVING BEEN PASSED BY A VOTE AS FOLLOWS:

	AYE	NAY	ABSENT	ABSTAIN
_____ Steve Egly, President				
_____ Mike Bird				
_____ Greg Jones				
_____ James Miller				
_____ Zach Raderstorf				

Presiding Officer

Attest:

Georgia Jones, Clerk-Treasurer