

**ORDINANCE NO. 1067**

**AN ORDINANCE FOR HUMANE CONTROL AND REGULATION  
OF ANIMALS WITHIN THE TOWN OF ST. JOHN,  
LAKE COUNTY, INDIANA; REPEALING ALL ORDINANCES OR  
PARTS IN CONFLICT THEREWITH AND DECLARING AN EMERGENCY.**

**WHEREAS**, the Town Council of the Town of St. John has previously adopted an ordinance to provide for the humane control and regulation of animals within the geographical boundaries of the Town; and

**WHEREAS**, the aforementioned ordinance has, from time to time, been amended to provide for changing circumstances in the humane control and regulation of animals within the corporate boundaries of the Town of St. John; and

**WHEREAS**, the Animal Control Officer has conducted an investigation into the most recent national regulations concerning the humane control of animals by governmental entities; and

**WHEREAS**, the members of the St. John Town Council have directed their legal counsel, in conjunction with the Animal Control Officer to draft a proposed animal control ordinance containing appropriate provisions for the humane control and regulations of animals within the Town of St. John, Lake County, Indiana; and

**WHEREAS**, the Town Council of the Town of St. John, Lake County, Indiana, now deems it as necessary, advisable and in the best interests of the citizens of the Town to adopt a uniform ordinance for the humane control and regulation of animals within the corporate boundaries.

**NOW, THEREFORE, BE IT ORDAINED** by the Town Council of the Town of St. John, Lake County, Indiana:

**SECTION 3-1: DEFINITIONS**

As used in this ordinance, the following terms are defined below:

- Animal:** Every non-human species of animal, both domestic and wild.
- Animal Facility:** Any facility operated by a humane society, or municipal agency or its authorized agents, for the purpose of impounding animals under the authority of this ordinance or state law for car, confinement, return to owner, adoption, or euthanasia.
- Auction:** Any place or facility where animals are regularly bought, sold, or traded, except for those facilities otherwise defined in this ordinance. This section does not apply to individual sale of animals by owners.
- Circus:** A commercial variety show featuring animal acts for public entertainment.
- Commercial Animal Establishment:** Any pet shop, grooming shop, guard dog auction, riding school or stable, zoological park, circus, performing animal exhibition, or boarding or breeding kennel.

- Exotic Animal:** Any animal not considered "domesticated", that normally would be found in a wild state.
- Grooming Shop:** A commercial establishment where animals are bathed, clipped, plucked, or otherwise groomed.
- Guard Dog:** Any dog that will detect and warn its handler that an intruder is present in or near an area that is being secured.
- Humane Officer or Animal Control Officer:** Any person designated by the State of Indiana, Town of St. John, or a humane society as a law enforcement officer who is qualified to perform such duties under the laws of this state.
- Kennel or Cattery:** Any premises wherein any person engages in the business of boarding, breeding, buying, letting for hire, training for a fee, or selling of dogs or cats.
- Owner:** Any person, partnership, or corporation, owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.
- Domestic Animal:** Any animal kept for pleasure rather than utility; an animal of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.
- Performing Animal Exhibition:** Any spectacle, display, act, or event other than circuses, in which performing animals are used.
- Pet Shop:** Any person, partnership, or corporation, whether operated separately or in connection with another business enterprise (except for a licensed kennel), that buys, sells, or boards any species of animals.
- Public Nuisance Animal:** Any animal or animals that unreasonably annoys humans, endanger the life or health of other animals or persons, or substantially interfere with the rights of citizens, other than their owners, to their enjoyment of life or property. The terms "public nuisance animal" shall mean and include, but is not limited to, any animal that;
- ◇ is repeatedly found at large;
  - ◇ damages the property of anyone other than its owner;
  - ◇ molests or intimidates pedestrians or passersby;
  - ◇ chases pedestrians, cyclists, or any motorized vehicle;
  - ◇ excessively makes disturbing noises, including but not limited to continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
  - ◇ causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;

- ◇ is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained;
- ◇ attacks or chases other domestic animals; or
- ◇ has been found by the Animal Control Officer, after notice to its owner and a hearing, to be a public nuisance animal by virtue of being a menace to the public health, safety and welfare.

**Restraint:** Any animal secured by a leash or lead under the control of a responsible person and obedient to that person's commands, or within the real property limits of its owner.

**Riding School or Stable:** Any place that has available for hire, boarding, and/or riding instruction, any horse, pony, donkey, mule, or burro; or any place that regularly buys, sells, or trains the aforementioned animals, including a race track, trotting track, or rodeo.

**Veterinary Hospital:** Any establishment maintained and operated by a licensed Veterinarian for surgery, diagnosis, and treatment of diseases and injuries of animals.

**Vicious Animal:** Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which, because of temperament, conditioning or training, has a known perpetuate to attack, bite, or injure human beings or domesticated animals.

**Wild Animal:** Any living member of the animal kingdom, including those born or raised in captivity, except the following:

- ◇ human beings;
- ◇ domestic dogs (excluding hybrids with wolves, coyotes or jackals);
- ◇ domestic cats (excluding hybrids with ocelots or margays);
- ◇ farm animals;
- ◇ rodents, such as a mouse or squirrel;
- ◇ any hybrid animal that is part wild, and captive-bred species of common cage birds.

**Zoological Park:** Any facility operated by a person, partnership, corporation, or government agency, other than a pet shop or kennel, displaying or exhibiting one or more species of nondomesticated animals.

**SECTION 3-2: ANIMAL CONTROL BOARD**

The Joint Animal Control Board shall be a four member board, comprised of the Town Council Presidents and the Clerk-Treasurers of the Towns of Dyer and St. John, any member of which may serve as Chairman. Said Board shall meet consistent with the Interlocal Cooperative Agreement for Animal Control services at the call of the Chairman and do the following:

- (A) Submit to their respective Town Councils regulations concerning the operation of the animal shelter, standards for the collection, care, custody and disposal of animals at large and public nuisance animals, and standards for the maintenance of holding facilities and guard and sentry dogs.

- (B) Review the proposed budget of the Animal Control shelter and make the recommendations for funding to the members of the Town Councils.
- (C) Upon written complaint, conduct a public hearing to determine if an animal, or holding facility, is a public nuisance.
- (D) Upon written request, to hear and decide appeals of licensees, whose licenses have been revoked for violation of this ordinance, and revoke any license upon its own motion for violation of this Ordinance.
- (E) Recommend to the Town Councils necessary changes in the law regarding the control of animals.

**SECTION 3-3: LICENSING**

- (A) Any person owning, keeping, harboring, or having custody of any animal over four months of age within the Town of St. John, must obtain a license as herein provided. This provision may not apply to small cage birds or to aquatic and amphibian animals kept solely as pets.
- (B) Written application for licenses, which shall include name and address of applicant, description of the animal, the appropriate fee, and rabies certificate issued by a licensed veterinarian or anti-rabies clinic, shall be made to the Clerk-Treasurer.
- (C) If not revoked, licenses for the keeping of dogs and cats shall be for the fiscal year.
- (D) Application for a license must be made within thirty (30) days after obtaining a dog or cat over four months of age; this requirement will not apply to a non-resident keeping a dog or cat within the Town of St. John for not longer than sixty (60) days.
- (E) License fees shall not be required for certified Seeing Eye Dogs, Hearing Dogs, Governmental Police Dogs, or other certified dogs that are trained to assist the physically handicapped.
- (F) Upon acceptance of the license application and fee, the Clerk-Treasurer shall issue a durable tag stamped with an identifying number and the year of issuance. Tags should be designed so that they may be conveniently fastened or riveted to the animal's collar or harness.
- (G) Dogs and cats must wear identification tags or identification collars at all times when off the premises of their owner(s).
- (H) The Animal Control Officer shall maintain a public record of the identifying numbers of all tags issued.
- (I) The licensing period shall begin with the fiscal year and shall run for one year.
- (J) Persons who fail to obtain a license as required within the time period specified in this section will be subject to a fine of Fifteen Dollars (\$15.00), in addition to the cost of the license.

- (K) A license shall be issued after payment of the following application fee:
- |              |                                      |
|--------------|--------------------------------------|
| License Fee: | \$8.00 for all neutered animals      |
|              | \$10.00 for all non-neutered animals |
- (L) A duplicate tag may be obtained upon payment of 50% of the original license fees.
- (M) No person may use any license for any animal other than the animal for which it was issued.
- (N) Failure to obtain a breeders' license prior to breeding shall result in the fine as set forth in Section Fifteen herein.
- (O) Exotic animals in captivity will not require licensing, however, these animals must be registered within the aforementioned time period with the Animal Control Officer. Registration to include type of breed and any pertinent information relative to the animal. (Example: snake type, de-fanged, size, cage facility description).

**SECTION 3-4: PERMITS**

- (A) No person, partnership, or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with this Section.
- (B) The Joint Animal Control Board shall promulgate regulations for the issuance of permits and shall include requirements for humane care of all animals and for compliance with the provisions of this ordinance and other applicable laws. Regulations may be amended from time to time as deemed desirable for public health and welfare and the protection of animals.
- (C) When a permit applicant has shown that he/she is willing and able to comply with the regulations promulgated by the Joint Animal Control Board, a permit shall be issued upon payment of the applicable fees.
- (D) The permit period shall begin with the fiscal year and shall run for one year. Renewal applications for permits shall be made within forty-five (45) days after the start of the fiscal year. Application for a permit to establish a new commercial establishment under the provisions of this ordinance may be made at any time.
- (E) If there is a change in ownership of a commercial animal establishment, the new owner may have the current permit transferred to his name upon payment of a Ten Dollar (\$10.00) transfer fee.
- (F) No person shall train any dog to be used as a guard dog or sentry dog without possessing a valid license. This Section shall not apply to the Town government or any of its agencies. The application for a guard dog or sentry dog training license shall state the name and address of the owner and trainer, location of the facility, and the maximum number of dogs to be housed at the training facility.

- (G) Annual permits shall be issued upon payment of the applicable fee;
- |   |  |       |
|---|--|-------|
| ◇ | kennel authorized to house fewer than ten dogs or cats       | \$50  |
| ◇ | kennel authorized to house ten or more, but fewer than fifty | \$100 |
| ◇ | kennel authorized to house fifty or more dogs or cats        | \$150 |
| ◇ | pet shop   | \$100 |
| ◇ | riding stable  | \$100 |
| ◇ | auction  | \$100 |
| ◇ | zoological park  | \$200 |
| ◇ | circus   | \$200 |
| ◇ | grooming shop  | \$50  |
| ◇ | petting zoo  | \$150 |
| ◇ | guard dog training center                                    | \$200 |
- (H) Every facility regulated by this ordinance shall be considered a separate enterprise requiring a separate permit.
- (I) Persons operating kennels for the breeding of dogs or cats may elect to license such animals individually.
- (J) No fee shall be required of any veterinary hospital, animal shelter, or government operated zoological park.
- (K) Failure to obtain a permit before opening any facility covered in this section shall result in a fine as set forth in Section Fifteen herein.
- (L) Any person, partnership or corporation also keeping animals deemed as "exotic" must apply to the aforementioned regulations and fees.

**SECTION 3-5: LICENSE AND PERMIT ISSUANCE AND REVOCATION**

- (A) After an application is filed, the Board or the Humane Officer shall inspect the facility prior to issuing the permit. The Board may revoke any permit or license if the person(s) holding the permit or license refuses or fails to comply with this ordinance, the regulations promulgated by the Board, or any law governing the protection and keeping of animals.
- (B) Any person whose permit or license is revoked shall, within ten (10) days thereafter, humanely dispose of all animals owned, kept, or harbored. No part of the permit or license fee shall be refunded.
- (C) It shall be a condition of the issuance of any permit or license that the Board or Animal Control Officer or duly authorized agents shall be permitted to inspect all animals and the premises where animals are kept at any time, and shall if permission for such inspection is refused, the Board may revoke the permit or license of the refusing owner(s).
- (D) Documentation of the aforementioned violations and set fines will be maintained by the Animal Control Officer, with information forwarded to the Board.

- (E) If the applicant has withheld or falsified any information on the application, the Clerk-Treasurer shall refuse to issue a permit or license.
- (F) No person who has been convicted of cruelty to animals shall be issued a permit or license to operate a commercial animal establishment.
- (G) Any person having been denied a license or permit shall pay a re-application fee of Ten Dollars (\$10.00).

**SECTION 3-6:                      RESTRAINT**

- (A) All dogs shall be kept under restraint.
- (B) All cats shall be kept under restraint.
- (C) No owner shall fail to exercise proper care and control of his/her animals to prevent them from becoming a public nuisance.
- (D) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding.
- (E) Every vicious animal, as determined by the Animal Control Officer or duly appointed Officer, shall be confined by the owner(s) within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner(s).

**SECTION 3-7:                      IMPOUNDMENT AND VIOLATION NOTICE**

- (A) Unrestrained dogs and nuisance animals shall be taken by the police, Animal Control Officer, or humane officers and impounded in an animal shelter and there confined in a humane manner.
- (B) If, by a license tag or other means, the owner of an impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the owner by telephone, certified mail, or in person, of the animal(s) location and status.
- (C) An owner reclaiming an impounded cat shall pay a fee of Fifteen Dollars (\$15.00) and Ten Dollars (\$10.00) for each day the animal has been impounded. Subsequent impounds occurring within a twelve month time period will result in the above fees doubled. Any and all medical fees and costs will be added to the total charges deemed payable by said owner(s).
- (D) An owner reclaiming an impounded dog shall pay a fee of Twenty Dollars (\$20.00) and Fifteen Dollars (\$15.00) for each day the animal has been impounded. Subsequent impounds occurring within a twelve month time period will result in the above fees doubled. Any and all medical fees and costs will be added to the total charges deemed payable by said owner(s).

- (E) Any animal not reclaimed by its owner(s) within three (3) working days shall become the property of the Joint Animal Control Board and shall be placed for adoption in a suitable home or humanely euthanized by sodium pentobarbital, FP-3, or cooled and bottled carbon monoxide only.
- (F) Exotic animals are subject to all the above stipulated regulations as set forth for other domestic animals in captivity.
- (G) In addition, or in lieu of, impounding an animal found at large, the Animal Control Officer, humane officer, or police officer may issue to the known owner(s) of such animal a notice of ordinance violation. Such warning shall be written and filed.
- (H) The owner(s) of an impounded animal may also be litigated against for violation of any section of this Ordinance.
- (I) The Board shall review automatically all licenses issued to animal owners against whom three (3) or more ordinance violations have been assessed in a twelve (12) month period.
- (J) The Animal Control Officer shall keep complete and accurate records of the care, feeding, veterinary treatment, and disposition of all animals impounded at a designated shelter facility.
- (K) After a dog or cat had "bitten" a person or persons, the following action shall be taken immediately:
  - (I) If the dog or cat has up-to-date shots (vaccinations), and if it is agreeable to parties involved, the dog or cat can be confined inside the owners residence for a required time period, at the discretion of the Animal Control Officer.
  - (II) If the dog or cat does not have up-to-date shots (vaccinations), the dog or cat shall be quarantined for the required time period, at an animal hospital or veterinary clinic, with the owner(s) paying all expenses of confinement.
  - (III) It shall be the duty of every physician or other practitioner to report to the Animal Control Officer, the names and addresses of persons treated for injuries (bites, lacerations) inflicted by any animal, together with such information as necessary to ascertain rabies control. It shall be the duty of every licensed veterinarian to report to the Animal Control Officer, his/her diagnosis of any animal observed by said veterinarian as a "rabies suspect".

**SECTION 3-8:**

**ANIMAL CARE**

- (A) No owner(s) shall fail to provide his animals with sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shelter space and protection from weather, veterinary care when needed to prevent suffering, and humane care and treatment.



- (B) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dog fight, cock fight, bull fight, or other combat between animals or between animals and humans.
- (C) No owner of an animal shall abandon such animal.
- (D) No person shall crop a dog's ear or dock a dog's tail, except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health and comfort. In no event shall any person except a licensed veterinarian perform such an operation.
- (E) Chickens, ducklings, or rabbits younger than eight (8) weeks of age may not be sold in quantities of fewer than twenty-five (25) to a single purchaser.
- (F) No person shall give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter, any contest, game, or other competition, as an inducement to enter a place of amusement, or as an incentive to enter any business agreement whereby the offer was for the purpose of attracting trade.
- (G) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner, or such operator shall at once report the accident to the St. John Police Department.
- (H) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall be unlawful for a person to expose on his own property common rat poison mixed only with vegetable substance.
- (I) No person shall confine any animal in a motor vehicle in such a manner that places said animal in a life or health threatening situation by exposure to a prolonged period of extreme heat or cold, without proper ventilation or other protection from such heat or cold. In order to protect the health and safety of an animal, the Animal Control Officer or any law enforcement officer who has probable cause to believe that this Section is being violated, shall have the authority to enter such motor vehicle by any reasonable means, under the circumstances after making a reasonable effort to locate the owner or person(s) responsible.

**SECTION 3-9:**

**KEEPING OF WILD ANIMALS**

- (A) No person shall own, possess, or have custody on his premises of any deemed wild or vicious, for display, training, or exhibition purposes, whether gratuitously or for a fee. This Section shall not be construed to apply to A.A.Z.P.A. accredited facilities.
- (B) No person shall keep or permit to be kept any wild animal as a pet. This being determined by the Animal Control Officer.

- (c) The Animal Control Officer shall have the power to release or order the release of any infant wild animal under temporary permit that is deemed capable of survival.

**SECTION 3-10:                      KEEPING OF ANIMALS CLASSIFIED AS FARM ANIMALS**

- (A) No person shall own, possess or have custody on his premises, any animal classified as a farm animal, such as, but not limited to, horses, pigs, goats, chickens, etc.
- (B) No person shall keep or permit to be kept any farm animal as a pet.

**SECTION 3-11:                      PERFORMING ANIMAL EXHIBITIONS**

- (A) No person may sponsor, promote, train a wild animal to participate in, contribute to the involvement of a wild animal, in or attend as a spectator any activity or event in which any wild animal engages in unnatural behavior or is wrestled, fought, mentally or physically harassed, or displayed in such a way that the animal is abused or stressed mentally or physically or is induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner that will cause or is likely to cause physical injury or suffering. This prohibition applied to events and activities taking place in either public or private facilities or property, and applies regardless of the purpose of the event or activities and irrespective of whether or not a fee is charged to spectators.
- (B) All equipment used on a performing animal shall fit properly and be in good working condition.

**SECTION 3-12:                      ANIMAL WASTE**

- (A) The owner of every animal shall be responsible for the removal of any excreta deposited by his/her animal(s) on public walks, recreation areas, or private property.

**SECTION 3-13:                      STERILIZATION**

- (A) No unclaimed dog or cat shall be released for adoption without being sterilized or without written agreement from the adopting person(s) guaranteeing that such animal shall be sterilized within thirty (30) days for adults and specified date in the contract for pups and kittens, as deemed appropriate by the Animal Control Officer.

**SECTION 3-14:                      ENFORCEMENT**

- (A) The civil and criminal provisions of this Ordinance shall be enforced by those persons or agencies designated by municipal authority. It shall be a violation of this ordinance to interfere with a humane officer in the performance of his/her duties.
- (B) In the event that any costs are incurred as a result of the information in this Ordinance, such as medical expenses for the treatment of animals, it shall be the responsibility of the owner(s) of said animal to reimburse the Town of St. John for any and all said expenses.

- (C) The Animal Control Officer shall have the power and authority to issue citations for violations of any section of this Ordinance.
- (D) Further, the Animal Control Officer is hereby authorized to impose costs and/or fees to the "ascertained" owner of any animal found deceased on a public roadway, recreation area, private or publicly owned property, for the removal and disposal of said animal. A fee of Twenty Dollars (\$20.00) will be imposed for disposal of any and all animals carcasses in which an owner can be reasonably determined by the Animal Control Officer.

**SECTION 3-15: PENALTIES**

- (A) Any person violating any provision(s) of this Ordinance shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than Twenty-five Dollars (\$25.00), and not more than Two Thousand Five Hundred Dollars (\$2,500.00). If a violation continues, each day in which violation continues shall be deemed a separate violation.
- (B) If any person is found guilty by a court of competent jurisdiction of violating Section Eight, his/her permit to own, keep, harbor, or have custody of animals shall be deemed automatically revoked and no new permit may be issued.

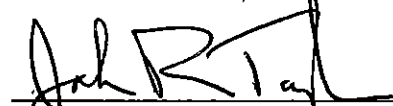
BE IT FURTHER ORDAINED that all existing ordinances, or parts thereof, in conflict with the provisions of this ordinance, are hereby deemed null, void, and of no legal affect and are specifically repealed.

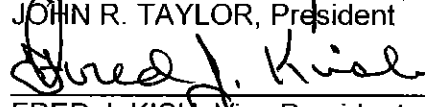
BE IT FURTHER ORDAINED that if any section, clause, provision, or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other section, clause, provision, or portion of this ordinance.

BE IT FURTHER ORDAINED that the Town Council declares an emergency and that this ordinance shall take effect and be in full force and effect, from and after its passage by the Town Council of the Town of St. John, Lake County, Indiana, pursuant to law.

BE IT FURTHER ORDAINED that this ordinance repeals and replaces the prior Animal Control Ordinance #591.

PASSED AND ADOPTED by the Town Council of the Town of St. John, Lake County, Indiana, this 29<sup>th</sup> day of January, 1998.

  
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 JOHN R. TAYLOR, President

  
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 FRED J. KISH, Vice President

\_\_\_\_\_  
 DOUGLAS E. PATTERSON, Member

ATTEST:  
  
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 JUDITH L. COMPALIK  
 Clerk-Treasurer