

TOWN OF ST. JOHN, LAKE COUNTY, INDIANA

ORDINANCE NO. 1245

BEING AN ORDINANCE AMENDING ORDINANCE NO. 591 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, Lake County, Indiana, has previously adopted Ordinance No. 591 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 Bi-Town Animal Control Board 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 Bi-Town Animal Control Board of the Towns of St. John and Dyer, in conjunction with the Bi-Town Animal Control Officer have drafted a proposed animal control ordinance containing appropriate provisions for the humane control and regulation of animals within the Towns of St. John and Dyer; and

WHEREAS, the Town Councils of the Town of St. John and the Town of Dyer, Lake County, Indiana, now deems it is necessary, advisable and in the best interest of the citizens of the town to adopt a uniform ordinance for the humane control and regulations 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 1. Definitions

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

Abandon: The act of leaving a companion animal, domestic animal, or exotic animal:

- (1) Without food, water, or care for twenty-four (24) hours or more, or
- (2) In a situation where conditions present an immediate, direct, and serious threat to the life, safety, or health of the animal.

Altered: An animal rendered surgically incapable of reproduction.

Animal: Every non-human species of animal, both domestic and wild.

Animal Control Officer: Any person designated by the Bi-Town Animal Control Board who is qualified to perform such duties under the ordinance of the town.

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 care, 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 sales of animals by owners.

Breeder: Any individual and/or entity who allows or causes to mate an animal strain that reproduces the characteristics by which it is recognized.

Circus: A commercial variety show featuring animal acts for public entertainment.

Commercial Animal Establishment: Any pet shop, grooming shop, guard dog agency, riding school or stable, zoological park, circus, performing animal exhibition or boarding or breeding kennel.

Companion Animal: Dogs and cats.

Domestic Animal: Any animal kept for pleasure rather than utility; an animal of a species native to this region that has been bred and raised to live in or about the habitation of humans and is dependant on people for food and shelter, including but not limited to: dogs, cats, horses, dairy and beef cattle, swine, goats, sheep and fowl.

Exotic Animal: Any animal not considered "domesticated", that is not native to this region and/or 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: Any person designated by the State of Indiana, County of jurisdiction, or a federally licensed 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 dogs or cats. Six or more dogs and/or cats owned, harbored, possessed, cared for or kept in custody of any person shall be construed and constitute a kennel.

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.

Performing Animal Exhibition: Any spectacle, display, act or event other than circuses, in which a performing animal is used.

Pet Shop: Any person, partnership or corporation, whether operated separately or in connection with another business enterprises (except for a licensed kennel), that buys, sells or boards any species of animal.

Public Nuisance: Any animal or animals that unreasonably annoy humans, endanger the life or health of other animals or persons or substantially interfere with the rights of citizens, other than their owners, to enjoyment of life or property. The terms "public nuisance animal" shall mean and include, but is not limited to, an animal that:

1. is repeatedly found at large;
2. damages the property of anyone other than its owner;
3. molests or intimidates pedestrians or passersby;
4. chases vehicles;
5. 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;
6. causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or other in close proximity to the premises where the animal is kept or harbored;
7. causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
8. is offensive or dangerous to the public health, safety or welfare by virtue of the number and/or types of animals maintained;
9. attacks or threateningly pursues other domestic animals; or
10. has been found by the Bi-Town Animal Control Board, after notice to its owner and a hearing, to be a public nuisance animal by virtue of being a menace to the public health, welfare or safety.

Restraint: Any animal secured by a leash, fence, (including electronic control fences), 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 of any horse, pony, donkey, mule or burro; and any place that regularly buys, sells or trains the above animals, including a racetrack, trotting track or rodeo.

Running At Large: Any animal that is not secured and under the control of its owner.

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 propensity 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, 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 2: Bi-Town Animal Control Board

The Bi-Town Animal Control Board shall be comprised of the Town Manager of the Town of St. John and the Chief of Police of the Town of Dyer. Said Board shall meet in accordance with the Bi-Town Animal Control Agreement, and do the following:

- (a) Recommend to the Town Council(s) rules and 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 for guard and sentry dogs.
- (b) Review the proposed budget of the Bi-Town Animal Control Department and make recommendations for funding to the members of the Town Council(s) of St. John and Dyer.
- (c) Upon written complaint, conduct an investigation to determine if an animal or holding facility is a public nuisance animal or holding facility.
- (d) Upon written recommendation by the Animal Control Officer, the Bi-Town Animal Control Board may revoke any license for violation of this ordinance.
- (e) Upon written request, the Bi-Town Animal Control Board, will hear and decide appeals of licenses that have been revoked by the Bi-Town Animal Control Officer for violations of this ordinance.
- (f) Recommend to the respective Town Council(s) necessary changes in the ordinance regarding the control of animals.

SECTION 3: Licensing.

- (a) Any person owning, keeping, harboring or having custody of any animal over three months of age within this town 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 current rabies certificate documenting date of administration and expiration with either a one year or three year Rabies Vaccine, issued by a licensed veterinarian or anti-rabies clinic shall be made to the licensing authority.
- (c) If not revoked, licenses for the keeping of dogs and cats shall be for a period of one year.
- (d) Application for a license must be made within thirty days after obtaining a dog or cat over three months of age; this requirement will not apply to a nonresident keeping a dog or cat within the town for not longer than thirty days.
- (e) License fees shall not be required for certified Seeing Eye dogs, Leader 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 or identification collar 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 collars at all times when off the premises of the owners.
- (h) The licensing authority shall maintain a record of the identifying numbers of all tags issued and shall make this record available to the public at all times.
- (i) The licensing period shall begin with the fiscal (calendar) year and shall run for one year. A license application may be made thirty (30) days prior to and up to March 31st of the fiscal year.
- (j) Persons who fail to obtain a license as required within the time period specified in this section will be subjected to a fine of ten dollars (\$10.00), for each year a license is not obtained.
- (k) A license shall be issued after payment of the following application fee:

Non-neutered male dog	\$20.00	Neutered male dog	\$8.00
Non-neutered male cat	\$10.00	Neutered male cat	\$8.00
Non-spayed female dog	\$20.00	Spayed female dog	\$8.00
Non-spayed female cat	\$10.00	Spayed female cat	\$8.00

- (l) A duplicate license may be obtained upon payment of a one-dollar (\$1.00) replacement fee.
- (m) No person may use a license for any animal other than the animal for which it was issued.
- (n) Animals rented solely for the purpose of guarding a business or residence are exempt from licensing with Town, however, a contractor providing guard animals must be able to produce vaccination records immediately upon request. Also, any such establishment must provide written notice to the Town upon commencement of operation of said business.

SECTION 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 Town Council of the Town of St. John and the Town of Dyer, 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. The Town Council may amend such regulations from time to time as deemed desirable for public health and welfare and for the protection of animals. In any case, the Bi-Town Animal Control Board shall be required to make such recommendations.

- (c) When a permit applicant demonstrates that he/she meets with the requirements of the regulations and the ordinance, a permit shall be issued upon payment of the applicable fee.
- (d) The permit period shall begin with the fiscal year and shall run for one year. Renewal applications for permits shall be made thirty (30) days prior to and up to sixty (60) days after the start of the fiscal calendar year. Application for a permit to establish a new commercial animal establishment under the provisions of this ordinance may be made at any time.
- (e) No business shall train any dog to be used as a guard 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 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.
- (f) Annual permits shall be issued upon payment of the applicable fees:

Kennel authorized to house fewer than six (6) dogs or cats	\$150.00
Kennel authorized to house six (6) or more, but fewer than ten (10) dogs or cats	\$200.00
Kennel authorized to house ten (10) or more dogs or cats	\$250.00
Breeder permits	\$50.00
Pet shops	\$100.00
Riding stable	\$100.00
Auction	\$100.00
Zoological park	\$200.00
Circus	\$200.00
Grooming shops	\$50.00
Petting zoo	\$150.00
Guard dog training center	\$200.00

- (g) Every facility regulated by this ordinance shall be considered a separate enterprise requiring an individual permit.
- (h) No fee may be required of any veterinary hospital, animal shelter or government operated zoological park.
- (i) Failure to obtain a permit before opening any facility covered in this section shall result in a fine as set forth in Section 15 herein.
- (j) Failure to obtain a breeders permit prior to breeding shall result in the fine as set forth in Section 15 herein.
- (k) Any person who has a change in the category under which a permit was issued shall be subject to reclassification and readjustment of the permit fee.
- (l) No more than five (5) dogs and/or cats combined over the age of three months may be kept on any residential, commercial or other premises within the town unless the owner or owners of the animals provide prior notification to the Town.

SECTION 5: License and Permit Issuance and Revocation

- (a) After an application is filed, the Town Council of the Town of St. John and the Town of Dyer, by its duly authorized agent (the Bi-Town Animal Control Board or Animal Control Officer),

shall inspect the facility prior to issuing the permit. The Town Council may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this ordinance, the regulations promulgated by the Town Council or any law governing the protection and keeping of animals.

- (b) When a permit applicant demonstrates that he/she meets with the requirements of the regulations and the ordinance, a permit shall be issued upon payment of the applicable fee.
- (c) 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.
- (d) It shall be a condition of the issuance of any permit or license that the Bi-Town Animal Control Board, or its agent, 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, revoke the permit or license of the refusing owner.
- (e) If the applicant has withheld or falsified any information on the application, the licensing authority shall refuse to issue a permit or license.
- (f) No person who has been convicted of cruelty to animals shall be issued a pet license, permit or permit to operate a commercial animal establishment.
- (g) Any person having been denied a license or permit may not reapply for a period of thirty (30) days. A ten dollar (\$10.00) fee shall accompany each re-application.

SECTION 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, also no person shall allow an animal to ride in an unenclosed area of a motor vehicle unless the animal is confined by a securely affixed, well ventilated container, cage, or other device designated to safely prevent the animal from falling or jumping from the vehicle.
- (e) Every vicious animal, as determined by the Bi-Town Animal Control Officer, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner. The decision of the Bi-Town Animal Control Officer may be appealed to the Bi-Town Animal Control Board.
- (f) No companion animal or domestic animal shall be permitted in any municipal parks.
- (g) It shall be unlawful for any person having charge, care, ownership, or control of any animal to let the animal run at large and beyond the limits of his/her lot or property. All animals which are found unlawfully running at large within the Town may be taken into custody and impounded at the animal shelter.

SECTION 7: Impoundment and Violation Notice.

- (a) Unrestrained dogs, cats and nuisance animals shall be taken by the police or Animal Control Officer and impounded in an animal shelter and there confined in a humane manner.
- (b) Impounded dogs and cats shall be kept for not fewer than five (5) working days, unless specifically determined otherwise by the Bi-Town Animal Control Board.
- (c) If a license tag or other means can identify the owner of an impounded animal, the Bi-Town Animal Control Officer shall immediately upon impoundment, notify the owner by telephone or certified mail.
- (d) An owner reclaiming an impounded cat shall pay a fee of ten dollars (\$10.00) and five dollars (\$5.00) for each day the animal has been impounded. Subsequent impounds occurring within twelve (12) months will cause the owner to pay \$20.00 and \$10.00 respectively. Any and all medical fees and costs will be added to the total charges deemed payable by said owner(s).
- (e) An owner reclaiming an impounded dog shall pay a fee of fifteen dollars (\$15.00) and eight dollars (\$8.00) for each day the animal has been impounded. Subsequent impounds occurring within twelve (12) months will cause the owner to pay \$30.00 and \$16.00 respectively. Any and all medical fees and costs will be added to the total charges deemed payable by said owner(s).
- (f) Any animal not reclaimed by its owner within five (5) working days shall become the property of the Bi-Town Animal Control Board, and shall be placed for adoption in a suitable home or humanely euthanized, or unless said animal is determined to be a threat to the facility; that animal may be humanely euthanized at the discretion of the Animal Control Officer.
- (g) In addition to, or in lieu of, impounding an animal found at large, the Bi-Town Animal Control Officer or Police Officer may issue to the known owner of such animal, a notice of ordinance violation. Such notice shall impose upon the owner a penalty of Twenty-Five Dollars (\$25.00) for first offense, Fifty Dollars (\$50.00) for second offense and One Hundred Dollars (\$100.00) for every offense thereafter, to be paid to the Clerk-Treasurer within the time period specified in said notice of ordinance violation. In the event that such penalty is not paid within the time period prescribed, said violation shall be prosecuted in the same manner as all local ordinance violations.
- (h) The Bi-Town Animal Control 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.
- (i) The Bi-Town Animal Control Board shall keep complete and accurate records of the care, feeding, veterinary treatment, and disposition of all animals impounded at the shelter.
- (j) After a dog or cat has bitten a person or other animal, the following action will be taken:
 - 1. If the dog or cat has up-to-date vaccinations (shots), the dog or cat can be confined inside the owner's residence for the required time period of ten (10) days by state law, provided same is approved by the Animal Control Officer.
 - 2. If the dog or cat does not have up-to-date vaccinations (shots), the dog or cat shall be quarantined for the required time period of ten (10) days at an animal hospital or

veterinary clinic with the owner paying all costs of confinement. It shall be the responsibility of the owner to provide verification of said vaccination (shots) to the Animal Control Officer.

3. It shall be the duty of every physician or other practitioner to report to the Bi-Town Animal Control Board the name and addresses of persons treated for bites inflicted by animals together with such other information as will help with rabies control. It shall also be the duty of every licensed veterinarian to report to the Animal Control Officer his diagnosis of any animal observed by him / her as a rabies suspect.
4. Any animal that has three (3) documented unprovoked bite incidents shall be recommended to the Bi-Town Animal Control Board to be deemed "vicious". Upon written complaint to the Bi-Town Animal Control Board, a determination will be made as to the disposition of said animal. The owner of a suspected vicious animal may voluntarily surrender the animal to the Bi-Town Animal Control Board for humane disposal at any time prior to a determination being made. The owner will be responsible for any fees incurred during the holding of said animal.

SECTION 8: Animal Care.

- (a) A dog, cat or ferret, three (3) months of age or older must have been vaccinated against rabies by a licensed and accredited veterinarian yearly.
- (b) No owner 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.
- (c) No person shall beat, cruelly ill-treat, torment, overload, overwork or otherwise abuse an animal or cause, instigate or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.
- (d) No owner of an animal shall abandon such animal.
- (e) No person shall crop a dog's ears or dock a dog's tail except a licensed veterinarian. In no event shall any person except a licensed veterinarian perform such an operation.
- (f) Chickens, ducklings, or rabbits younger than eight (8) weeks of age may not be sold in quantities of less than twenty-five (25) to a single purchaser.
- (g) No person shall give away any live animal, 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 into any business agreement whereby the offer was for the purpose of attracting trade.
- (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 an animal, provided that it shall be lawful for a person to expose on his property common rat poison mixed only with vegetable substance, or any other substance commonly sold commercially to the general public to eliminate moles, shrews, bees, wasps, etc.

- (i) No person or persons shall confine any animal in a motor vehicle in such a manner that places it 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, an Animal Control Officer, law enforcement officer or other investigator, who has probable cause to believe that this Section is being violated shall have authority to enter such motor vehicle by any reasonable means under the circumstances after making a reasonable effort to locate the owner or person. The animal's owner shall be liable for any cost incurred for removal of the animal.

Facilities (outdoors)

- (a) When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow animals kept outdoors to protect themselves from the direct rays of the sun.
- (b) Whenever animals are outdoors, they shall be provided with access to shelter to allow them to remain dry during rain or snow.
- (c) In kennels where animals are housed exclusively outdoors, adequate shelter from the weather shall be provided when the atmosphere temperature falls below 50 degrees Fahrenheit at all times. Sufficient clean bedding material or other means of protection from the weather elements shall be provided when the ambient atmosphere temperature falls below (that temperature to which an animal is acclimated) 40 degrees Fahrenheit. Each shelter shall be provided with a windbreak at its entrance.
- (d) A suitable method shall be provided to drain surface water rapidly.
- (e) Surfaces of outdoor enclosures of pet shops, shelters, and boarding kennels shall be constructed and maintained so that they are impervious to moisture and may be readily cleaned and disinfected; run off from outdoor enclosures shall be disposed of properly.

Primary enclosures

- (a) Primary enclosures shall be structurally sound and maintained in good repair so as to:
 - (1) Contain the animals.
 - (2) Protect animals from injury.
 - (3) Keep predators out.
 - (4) Ensure that animals remain dry and clean.
 - (5) Permit animal's convenient access to food and water as required by these rules.
 - (6) Provide sufficient space for each animal to turn about freely and to stand, sit, and lie in a comfortable normal position.
 - (7) Have no sharp edges accessible to the animals that could cause injury.
- (b) In addition to the other provisions of this section, each dog in any primary enclosure shall be provided a minimum square footage of floor space equal to the mathematical square of the sum of the length of the dog in inches, as measured from the tip of its nose to the base of its tail, plus six inches (6"), expressed in square feet.

- (c) Animals housed in the same primary enclosure shall be maintained in compatible groups, with the following additional restrictions:
1. Females shall not be housed in the same primary enclosure with sexually intact males, except for breeding purposes.
 2. Any animal exhibiting a vicious disposition shall be housed individually in a primary enclosure.
 3. Immature animals shall not be housed in the same primary enclosures with adults other than their mothers, except when permanently maintained in breeding colonies.
 4. Animals of different species shall not be housed in the same primary enclosures.
- (d) The floors of primary enclosures shall be constructed so as to protect the animal's feet and legs from injury. Enclosures may have grid type flooring, provided that the grid material is of adequate gauge to prevent sagging under the weight of the animals and that the mesh is small enough to prevent their feet from passing through or to cause cutting injuries to the foot pad.
- (e) Adult dogs confined in cages of less than double the minimum standard size as stated in (B.) above, shall be exercised in runs at least twice a day or walked on a leash for at least 20 minutes per day.
- (f) Animals shall not be tied to fences or cages or any other structure in lieu of being housed in primary enclosures.
- (g) Animals shall not be kept in any vehicle in lieu of being kept in a suitable primary enclosure.

Structures

- (a) Weatherproof. Shelter must be of solid construction. There shall be no cracks or openings other than the entrance. The shelter shall not have any metal or plastic primary interior surfaces. Commercially made shelters with insulation material between the inner and outer layers of fiberglass / plastic construction are generally acceptable.
- (b) Elevated. Floor must be off the ground by at least two inches (2").
- (c) Door Flap. Entrance must be covered with a flexible flap and / or entrance placed down wind when necessary to protect the animal from the elements of the weather.
- (d) Bedding. Bedding must be dry. Straw, leaves, hay, cedar chips or other material must be provided as needed during cold and inclement weather.
- (e) Size. Large enough to allow the animal to enter, stand, turn around and lie down comfortably. Small enough to allow the animal to warm the interior with its body.
- (f) If a chain, rope or other such item is used to restrain the animal, it shall be of sufficient length to safely and humanely allow the animal freedom of movement without becoming entangled with obstructions. It must be of sufficient length to allow the animal access to shelter at all times.

SECTION 9: Keeping of Wild Animals

- (a) No person shall own, possess or have custody on his premises any wild or vicious animal for display, training or exhibition purposes, whether gratuitously or for a fee. This Section shall not be construed to apply to *The American Association of Zoological Parks and Aquariums (AAZPA)* accredited facilities.
- (b) No person shall keep or permit to be kept any wild animal including hybrids (dogs and cats) as a pet.
- (c) The Bi-Town Animal Control Board 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 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., unless said person operates a farm.
- (b) No person shall keep or permit to be kept any farm animal as a pet.

SECTION 11: Performing Animal Exhibitions

- (a) No person may sponsor, promote or train a wild, domestic, or exotic animal to participate in, contribute to the involvement of an 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 applies to events and activities taking place in either public or private facilities or property and apply regardless of the purpose of the event of 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 12: Animal Waste.

1. The owner of every animal shall be responsible for the removal of any excreta deposited by his animal(s) on public walks, recreation areas, or private property.
2. The owner of any dead animal shall remove and properly dispose of the animal within 24 hours of its death. The real property owner is responsible for the removal of any strange carcass on such real property.

SECTION 13: Sterilization

No unclaimed dog or cat shall be released for adoption without being sterilized or without written agreement from the adopter guaranteeing that such animal will be sterilized within thirty (30) days for adults and a specified date in the contract for puppies and kittens. A deposit comparable to the cost of sterilization must be paid at the time of adoption.

SECTION 14: Enforcement.

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 the Animal Control Officer in the performance of his/her duties. 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 of said animal to reimburse the municipality for said expenses.

SECTION 15: Penalties.

Except as otherwise set forth in this ordinance, any person violating any provision 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 Twenty-Five Hundred Dollars (\$2,500.00). If a violation continues, each day's violation shall be deemed a separate violation. If any person is found guilty by a court of violating Section 8, his permit to own, keep, harbor or have custody of animals shall be deemed automatically revoked and no new permit may be issued.

SECTION 16: Exceptions.

❖ The provisions of this Ordinance shall not apply to:

1. Guide dogs being used to assist the visually or physically impaired.
2. Animals being used by any governmental law enforcement agency.
3. Animals that are a part of a parade or show properly authorized by the Animal Control Officer.

SECTION 17: Conflicting Ordinances.

All other ordinances of the Town of St. John that are in conflict with this ordinance are hereby deemed null and void, and are hereby repealed to the extent of such conflict.

SECTION 18: Severability Clause.

If any part of this ordinance shall be invalid, such part shall be deemed severable and the invalidity therefore shall not affect the remaining portions of this ordinance.

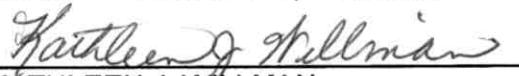
SECTION 19: Effect of Ordinance

This Ordinance shall become effective from and after its passage and publication by law.

BE IT FURTHER ORAINED that an emergency exists for the immediate taking effect of this ordinance therefore, this ordinance is hereby passed and adopted by the Town Council of the Town of St. John, Lake County, Indiana, and shall become effective this 28th day of March, 2002, by a vote of 5 (In Favor) and 0 (Against).

TOWN COUNCIL, TOWN OF ST. JOHN,
LAKE COUNTY, INDIANA


KRISTIE L. ALDRIDGE, President


KATHLEEN J. WILLMAN


JEROME J. RUDY


WILLIAM M. WINTERHALER


MICHAEL S. FORBES

ATTEST:


JUDITH L. COMPANIK, Clerk-Treasurer