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CHAPTER 92: ANIMALS

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GENERAL PROVISIONS

§ 92.01 KEEPING OF BEES RESTRICTED.

It shall be unlawful and is hereby declared a nuisance to permit, maintain, keep or harbor any bees, honey bees or bees of any character or description in beehives, outbuildings, or structures made for that purpose at any place within the corporate limits of the city, unless there is built and constructed and maintained around the beehives, outbuildings or structures in which bees may be maintained, a closely meshed wire fence around the beehives, outbuildings or

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structures eight feet high and so constructed that honey bees or bees maintained are required to rise and fly out over the top of the enclosure.

('79 Code, § 6-1) (Ord. passed 9-1-31) Penalty, see § 10.99

§ 92.02 NUISANCE ANIMALS REGULATED.

(A) *Certain animals declared public nuisance.* It is hereby declared a public nuisance for any person to harbor, maintain or control any horses, cattle, hogs, sheep, jacks, jennets, mules, geese, ducks, chickens, or other wild or dangerous animals within the city limits.

(B) *Notice to abate.* Whenever a nuisance is found to exist because of a violation of division (A) above, the Chief of Police shall give written notice pursuant to § 90.04.

(C) *Seizure and impoundment.* Whenever, in the judgment of the Chief of Police, a violation of division (A) above creates immediate threat to the public health and safety of the citizens of the city, he shall forthwith cause to be seized and impounded any such wild or dangerous animal. Upon a seizure and impoundment, said animal shall be delivered to a place of confinement, which may be with an organization which is authorized by law to accept, own, keep or harbor such animals. If, during the course of seizing and impounding any such animal, the animal poses a risk of serious physical harm or death to any person, such person or persons authorized by the Chief of Police may render said animal immobile by means of tranquilizers or other safe drugs or, if that is not safely possible, then said animal may be killed.

(D) *Costs for seizure, impoundment and confinement, collection.* Any reasonable costs incurred by the Chief of Police in seizing, impounding and for confining any dangerous or wild animal shall be charged against the owner, keeper or harbinger of such animal and shall be collected by the City Attorney. Such charge shall be in addition to any fine or penalty provided for violating this section.

(E) *Sale of nuisance animals; redemption by owner.* After seizure of the animal either pursuant to division (D) above or after notice pursuant to § 90.04, the Chief of Police may sell such animal in a manner which he deems most appropriate and apply the monies received from said sale to the costs incurred in impounding and seizing the animal. The owner of any animal impounded under this section may, before the same is sold, redeem such animal by payment to the Chief of Police of all his legal fees and proving his ownership thereto to the satisfaction of the Chief of Police and by further proving to the satisfaction of the Chief of Police that arrangements have been made to house said animal outside of

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the city limits.

(F) *Disposition of receipts.* After the sale of any animal under this section, the Chief of Police shall pay over to the Clerk-Treasurer all the net receipts therefor. ('79 Code, § 6-2) (Ord. passed 8-16-88) Penalty, see § 10.99

REGULATION OF DOGS

§ 92.15 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

AT LARGE. Off the premises of the owner, and not under control of the owner or a member of his immediate family either by leash, cord, chain or otherwise. ('79 Code, § 6-17) (Ord. passed 5-21-57)

OWNER. Any person, firm, corporation, organization or department possessing or harboring or having the care or custody of a dog.

UNCONFINED. A vicious dog is Unconfined@ if the dog is not securely confined indoors or confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure has no bottom secured to the sides, the sides must be embedded into the ground no less than one foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

VICIOUS DOG.

(1) Any dog 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 dog 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 subchapter; or

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

(4) Any dog owned or harbored primarily or in part for the purpose of dog

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fighting, or any dog trained for dog fighting.
(Ord. 32090, passed 3-20-90)

§ 92.16 PROHIBITED ACTS.

(A) No owner or keeper of any dog shall permit such dog to run at large at any time of day or night within the city limits.

(B) No dogs shall be allowed on the following streets and sidewalks:

(1) Randolph Street and the sidewalks east and west of Randolph Street from the south right-of-way line Quincy Street to the south side of the sidewalk on the north side of Houston Street.

(2) King Street and the sidewalks north and south of King Street, east of Randolph Street to the alley between Randolph and Franklin Street.

(3) King Street and the sidewalks North and South of King Street from Randolph Street to the east right-of-way line of Cowen Street.

(4) Keyser Street and the sidewalks North and South of Keyser Street east from Randolph Street to the alley between Randolph Street and Franklin Street.

(5) Keyser Street and the sidewalks north and south of Keyser Street west of Randolph Street to the east right-of-way line of Cowen Street.

(6) The sidewalk north of Houston Street west of Randolph Street to the east right-of-way line to Cowen Street.

(7) The above prohibition shall not apply to dogs participating in the annual pet parade in connection with the Heritage Days celebration.

(C) Division (B) above shall not prohibited the owner of the keeper of a dog from taking the dog from a parked vehicle into a structure adjoining any of the streets and sidewalks listed in division (B).

(D) No dogs shall be allowed at any time in the West Side Park, the Heritage Park and Union Street Park. Dogs shall be allowed in Feick Park and in the East Side Park between the first day of October and the following March 31st and then dogs are not allowed in Feick Park and the East Side Park between the first day of April and the following September 30th.

(E) Ocker Park is hereby declared a dog park and dogs shall be permitted

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therein. The Board of Works and the Park Department are hereby authorized to develop rules and regulations for the use of Ocker Park as a dog park.

(F) No animals, including without limitation, domestic animals, wild animals, birds and fowl shall be kept or allowed in any building owned or occupied by the city or any of its agencies, commissions or departments. This section shall not apply to the city animal shelter.

(G) The provisions of divisions (B), (D) and (F) shall not apply to:

(1) A guide dog, signal dog, or service dog accompanied by a totally or partially blind person, deaf person or person whose hearing is impaired, handicapped person.

(2) A dog accompanied by persons licensed to train dogs.

(3) A dog under the control of a uniformed law enforcement officer.

(H) Every person violating any provision of this section shall be fined \$50 plus court costs and attorney fees. Fines and penalties shall be collected pursuant to the provisions of the Ordinance Violations Bureau.

('79 Code, § 6-18) (Ord. passed 5-21-57; Am. Ord. passed 4-17-62; Am. Ord. 2002-29, passed 12-3-02; Am. Ord. 2004-05, passed 4-6-04; Am. Ord. 2004-34, passed 1-4-05)

Cross-reference:

See also Schedule of Civil Penalties in § 35.03

§ 92.17 DANGEROUS DOGS AND FEMALE DOGS IN HEAT PROHIBITED AT LARGE.

No dog of fierce, dangerous or vicious propensities and no female dog in heat, whether licensed or not, shall be allowed to run at large or upon the premises of one other than the owner. If any such dog is found running at large in violation of this section it shall be taken up and impounded and shall not be released except upon the approval of a licensed veterinarian after payment of the fees provided for in § 92.24; provided however, that if any dangerous, fierce or vicious dog so found at large cannot be safely taken up and impounded, such dog may be slain by any policeman.

('79 Code, § 6-19) (Ord. passed 5-21-57) Penalty, see § 10.99

Cross-reference:

See also Schedule of Civil Penalties in § 35.03

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§ 92.18 REMOVAL OF EXCREMENT.

Any person, firm, corporation or organization or department possessing or harboring or having the care or custody of a dog shall promptly remove and dispose of in a sanitary manner all excrement left by the dog on any public property or public right-of-way in the city and from property belonging to any person other than the owner of the dog. Every person violating the provision of this section shall be fined \$50 per violation plus any court costs and attorney fees incurred by the city.

(Ord. 2004-34, passed 1-4-05)

§ 92.19 CONFINEMENT OF VICIOUS DOGS.

The owner of a vicious dog shall not suffer or permit the dog to go unconfined.

(Ord. 32090, passed 3-20-90) Penalty, see § 10.99

Cross-reference:

See also Schedule of Civil Penalties in § 35.03

§ 92.20 LEASH AND MUZZLE REQUIRED FOR VICIOUS DOG.

The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a 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 dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(Ord. 32090, passed 3-20-90) Penalty, see § 10.99

Cross-reference:

See also Schedule of Civil Penalties in § 35.03

§ 92.21 SIGNS REQUIRED FOR VICIOUS DOG ON PREMISES.

The owner of a vicious dog shall display in a prominent place on his or her premises a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal.

(Ord. 32090, passed 3-20-90) Penalty, see § 10.99

Cross-reference:

See also Schedule of Civil Penalties in § 35.03

§ 92.22 DOG FIGHTING.

No person, firm, corporation, organization or department shall possess or

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harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging the dog to attack human beings or domestic animals.

(Ord. 32090, passed 3-20-90) Penalty, see § 10.99

Cross-reference:

See also Schedule of Civil Penalties in § 35.03

§ 92.23 INSURANCE REQUIRED FOR VICIOUS DOG.

Owners of a vicious dog must within 30 days of the effective date of this subchapter [i.e., by April 19, 1990] provide proof to the City Clerk of public liability insurance in the amount of at least \$100,000 insuring the owner for any personal injuries inflicted by his or her vicious dog.

(Ord. 32090, passed 3-20-90) Penalty, see § 10.99

Cross-reference:

See also Schedule of Civil Penalties in § 35.03

§ 92.24 IMPOUNDMENT OF DOGS AT LARGE; NOTICE; REDEMPTION; DISPOSITION.

(A) Every person violating the provisions of § 92.19 through 92.23 shall be fined in the amount of \$100 per violation.

(B) It shall be the duty of every police officer to apprehend any dog found running at large contrary to the provisions of § 92.24 and to impound such dog in the city pound or other suitable place. The Chief of Police or other police officer upon receiving any dog shall make a complete registry, entering the breed, color and sex of such dog and whether licensed. If licensed he shall enter the name and address of the owner and the number of the license tag.

('79 Code, § 6-29)

(C) *Notice of impoundment.* Not later than three days after the impounding of any dog the owner shall be notified, or if the owner of the dog is unknown written notice shall be posted for three days at three conspicuous places in the city describing the dog, the time and place of taking and the license number, if licensed.

('79 Code, § 6-30)

(D) *Redemption by owner; charges.*

(1) The owner of any dog impounded may reclaim such dog upon the payment of a fine of \$30 for the first violation; a fine of \$50 for all subsequent violations in the same calendar year plus pound expenses for the first and all

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subsequent violations in the amount of \$15 per day.

(2) In the event that the owner fails to redeem the dog as provided in (D) (1) and also fails to pay all fines and expenses as provided in (D)(1), the city may collect all such unpaid fines and expenses from the owner of the dog, as determined by the Garrett Police Department.

(3) The owner shall be responsible for all fines, pound expenses, and attorney fees incurred by the city in collecting such fines and expenses.

('79 Code, § 6-31)

Cross-reference:

See also Schedule of Civil Penalties in § 35.03

(E) *Disposition when unclaimed.* It shall be the duty of the Poundmaster to keep all dogs so impounded for a period of three days. If at the expiration of three days from the date of notice to the owner or the posting of notice such dog shall not have been redeemed, it may be disposed of. Any unlicensed dog required by law to be licensed, or any dog which appears to be suffering from rabies or affected with hydrophobia, mange or other infections or dangerous disease shall not be released but may be forthwith destroyed.

('79 Code, § 6-32) (Ord. passed 5-21-57; Am. Ord. passed 9-7-76; Am. Ord. 52191-1, passed 5-21-91; Am. Ord. 2002-29, passed 12-3-02; Am. Ord. 2004-35, passed 1-4-05)

§ 92.25 VACCINATION REQUIRED.

It shall be unlawful for the owner of any dog to keep or maintain a dog unless it shall have been vaccinated by a licensed veterinary surgeon with anti-rabies vaccine, within one year preceding the date on which the dog is kept or maintained.

('79 Code, § 6-40) (Ord. passed 5-21-57)

§ 92.26 CONFINEMENT WHEN RABIES SUSPECTED.

(A) If a dog is believed to have rabies or has been bitten by a dog suspected of having rabies, such dog shall be confined by a leash or chain on the owner's premises and shall be placed under observation of a veterinarian at the expense of the owner for a period of two weeks. The owner shall notify the Poundmaster of the fact that his dog has been exposed to rabies and at his discretion the Poundmaster is empowered to have such dog removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two weeks at the expense of the owner.

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(B) It shall be unlawful for any person knowing or suspecting a dog has rabies to allow such dog to be taken off his premises or beyond the limits of the city without the written permission of the Poundmaster. Every owner or other person, upon ascertaining a dog is rabid shall immediately notify the Poundmaster or a police officer who shall either remove the dog to the pound or summarily destroy it.

('79 Code, § 6-41) (Ord. passed 5-21-57)

§ 92.27 SPECIAL REQUIREMENTS UPON PROCLAMATION BY MAYOR.

Whenever it becomes necessary to safeguard the public from the dangers of hydrophobia, the Mayor, if he deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises unless such dog shall have a muzzle of sufficient strength to prevent its biting any person. Any unmuzzled dog running at large during the time of the proclamation shall be seized and impounded, unless noticeably infected with rabies. All dogs so noticeably infected with rabies and displaying vicious propensities shall be killed by the Chief of Police without notice to the owner. Dogs impounded during such proclamation shall, if claimed within five days, be released to the owner, unless infected with rabies, upon payment of the impounding charges provided for in § 92.24. If unclaimed after that period, such dog may be summarily destroyed.

('79 Code, § 6-42) (Ord. passed 5-21-57)

CONTROL OF CATS

§ 92.35 UNLAWFUL FOR CATS TO RUN AT LARGE.

Every person residing within the city limits and owning or having in his possession a cat or cats shall not permit the cat or cats to run at large within the limits of the city at any time. A cat shall be deemed ***RUNNING AT LARGE*** when it is off the premises of its owner or possessor without being under adequate control of its owner or possessor.

(Ord. 72589-2, passed 7-25-89) Penalty, see § 10.99

Cross-reference:

See also Schedule of Civil Penalties in § 35.03

§ 92.36 PARENT OR GUARDIAN CONSIDERED OWNER OF CHILD'S CAT.

The parent or guardian of any minor child claiming ownership or possession of any cat shall be deemed to be the owner or possessor of such cat shall be charged with the responsibilities under this subchapter and shall be responsible for all penalties and fees imposed for violation of this subchapter.

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(Ord. 72589-2, passed 7-25-89) Penalty, see § 10.99

Cross-reference:

See also Schedule of Civil Penalties in § 35.03

§ 92.37 (RESERVED)

§ 92.38 IMPOUNDMENT.

Any owner or possessor of a cat impounded may reclaim said cat by paying the minimum penalty imposed together with the cost of maintenance of such cat while so impounded.

(Ord. 72589-2, passed 7-25-89)

Cross-reference:

See also Schedule of Civil Penalties in § 35.03

§ 92.39 ENFORCEMENT.

(A) The issuance of summons or complaints, collection of fines, and other enforcement matters shall be handled, to the extent so permitted, by the Ordinance Violations Bureau of the city and persons violating the provisions of § 92.35 through and including 92.37 shall be fined \$50 per violation.

(B) Each and every day a violation of any provision of Chapter 92 is committed or is permitted to continue shall constitute a separate offense and shall be punishable as such. All fines and penalties shall be governed by and collected pursuant to the provisions of the Ordinance Violations Bureau.

(Ord. 72589-2, passed 7-25-89; Am. Ord. 2002-29, passed 12-3-02)

Cross-reference:

See also Schedule of Civil Penalties in § 35.03