

**ORDINANCE NO. 2022-38**

**AN ORDINANCE AMENDING FERDINAND MUNICIPAL CODE CHAPTER 5.04  
GOVERNING CONTROL AND REGULATION OF ANIMALS**

**WHEREAS**, it has come to the attention of the Town of Ferdinand that Ferdinand Municipal Code Chapter 5.04 lacks specific information on and regulation of certain animals, especially nuisance animals and dangerous animals;

**NOW THEREFORE, BE IT ORDAINED BY THE FERDINAND TOWN COUNCIL:**

1. Chapter 5.04 of the Ferdinand Municipal Code is amended as follows:

**5.04.010 Definitions.** This section is amended as follows:

1. Owner. The term “owner” as used in this ordinance shall mean any person owning, keeping or harboring or otherwise having the right of property in or custody of an animal.
2. At Large. The term “at large” refers to an animal that is found off the owner’s premises; which is not accompanied by the owner or representative of the owner; and which is not restrained by a secure collar and a leash of not more than six feet in length, a radio control device, or otherwise controlled by a form of disciplinary restraint. Exception: where the animal is on a property, other than the animal owner’s property, with the express consent of the owner of said property.
3. Restraint. Restraint required of all animals includes the securing of the animal by a leash or lead or confining it within the real property limits of its owner.
4. Nuisance Animal. Any animal found repeatedly running at large or unrestrained up to three (3) times in a twelve month period; an animal that without provocation chased or approached a person in either a menacing fashion or an apparent attitude of attack or has attempted to bite or otherwise endanger any person or otherwise interferes with the freedom of movement of persons in a public right-of-way or in their own homes/yards; any animal that chases or interferes with motor vehicles in a public right of way; any animal that without provocation bites any domestic animal or attacks other animals; any animal that damages or defecates on any property other than that of its owner; or any animal that trespasses on the private property of persons other than the owner of the animal.
5. Dangerous Animal. Any animal which has been reported to Town authorities to have done one or more of the following: has without provocation attacked or bitten another animal while off the property of its owner or keeper; has attacked, attempted to attack, bitten or seriously injured any human being without provocation, whether on or off the property of its owner or keeper; has a history, documented with a public agency, of attacking or biting any humans or domestic animals.

**5.04.020 Restraint.** Any animal on property other than that of its owner shall be accompanied by a responsible person and under that person’s control, so as to

prohibit such animal from becoming a nuisance. No owner or person having care, custody or control of any animal shall permit it to run at large within the Town limits.

5.04.030 – no changes

**5.04.040 Nuisance** It shall be a violation of this Ordinance for any animal owner to fail to restrain an animal to prevent it from becoming a public nuisance. A nuisance may include, but is not limited to molesting passersby or passing vehicles or those upon the owner's premises by invitation, express or implied, chasing vehicles, habitually attacking other domestic animals, trespassing upon or damaging public or private property, barking, whining or howling in an excessive or continuous fashion, defecating on property other than the owner; being permitted to run at large or the accumulation of animal excrement on the owner's or neighbor's property to the extent the amount of excrement is unreasonable. No owner shall fail to exercise due care and control of his or her animal to prevent them from becoming a nuisance.

5.04.050 – no changes

5.04.060 – no changes

**5.04.070 Special regulations imposed upon owners of Nuisance Animals and Dangerous Animals.** Any person owning, keeping, possessing, maintaining, or having the care, custody, or control of a dangerous dog shall post on the premises, in a conspicuous place and visible from all areas of public access a sign that includes the words DANGEROUS DOG.

Any person owning, keeping, possessing, maintaining, or having care, custody, or control of a nuisance dog shall keep the dog securely inside of the owner's home or securely confine the dog in a locked fenced portion of the rear yard and keep the dog under direct supervision or keep the dog in a locked enclosure having secure sides bottom and top.

Any person owning, keeping, possessing, maintaining, or having care, custody, or control of a dangerous dog shall keep the dog securely inside of the owner's home or keep the dog in a locked enclosure at least five feet by ten feet which has secure bottom, top and sides or is anchored to a concrete perimeter to a depth of six inches. Whenever off premises, the dog shall be securely muzzled and fitted with a proper collar that will prevent the dog from slipping out of it or breaking through it and have attached a substantial non-retractable leash that conforms to the dog's weight, size, and strength, not more than four feet in length which is held in the hand of a person who is of sufficient age, size and strength to control the dog.

**5.04.080 Enforcement.** The Ferdinand Police Department is responsible for the enforcement of this chapter and the powers and authority granted under this Chapter are supplemental to the powers and authority already provided for by the Indiana Code.

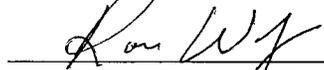
The remainder of Chapter 5.04 is unchanged

2. This Ordinance shall be effective upon passage and publication as required by law.

ADOPTED this 18 day of October, 2022.

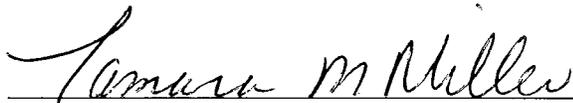
TOWN COUNCIL OF THE  
TOWN OF FERDINAND, INDIANA

  
KENNETH J. SICARD, President

  
RON WEYER, Member

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DEBRA JOHNSON, Member

ATTEST:

  
TAMARA M. MILLER, Clerk-Treasurer