

WHEREAS, The Town of Osgood has the power under Indiana Code 36-8-2-4 to regulate conduct, or use, or possession of property that might endanger the public health, safety or welfare; and,

WHEREAS, The Town of Osgood has the power to capture and destroy animals if necessary under Indiana Code 36-8-2-6; and,

WHEREAS, The existence of animals running at large and not under restraint endangers the public health, safety and welfare of the residents of the Town of Osgood; and,

WHEREAS, It is in the public interest of the residents of the Town of Osgood to control animals running at large and not under restraint;

BE IT, THEREFORE, ORDAINED as follows:

Section 1.

(A) Any person, resident, owner, who allows their dog, cat or other animal to run at large and not under restraint, shall be subject to a fine of Twenty-five Dollars (\$25) for the first occurrence, Fifty Dollars (\$50) for the second occurrence and One Hundred Dollars (\$100) for the third occurrence.

(B) Dogs, cats and other animals found to be running at large and not under restraint shall be captured and taken by the Osgood Town Marshall or anyone authorized by him, and impounded at any available animal shelter and there confined in a humane manner for a period of not less than four (4) days or until such time as re-claimed by the owner thereof, and may, in the event such animal is not re-claimed, thereafter be given away or disposed of in a humane manner.

(C) Any animal so impounded under the provisions of this section, and not re-claimed by the owner or his/her agent within the four (4) day period may be placed in the custody of some suitable person who will agree to comply with the provisions of this ordinance and provide a good home for the animal; or such animal be humanely destroyed.

(D) Immediately upon the impounding of dogs, cats or other animals, the Osgood Town Marshall shall make every reasonable effort to notify the owner of such dog or cat or other animal being so impounded and shall further notify the owner thereof of the conditions under which he/she may re-claim his/her animal.

(E) The owner of any animal impounded under the provisions of this section shall be entitled to re-claim possession of such animal upon a proper identification and the payment of the impounding fees and compliance with all other conditions set forth herein.

(F) When, in the judgment of the Osgood Town Marshall, upon advice from a licensed veterinary, it is deemed that an animal should be destroyed for humane, health or safety reasons, it shall be the duty of the Osgood Town Marshall to see that such animal is immediately destroyed and such animal shall not be permitted to be re-claimed.

Section 2.

(A) For purposes of this ordinance, any dog, cat or other animal, shall be deemed to be "running at large" when it is off the property of its owner or keeper and not under the restraint of a competent person.

(B) For purposes of this ordinance, a dog, cat or other animal is considered to be "under restraint" if the animal is controlled by leash, in the control of a competent person nearby (including lawful hunting activities), on or within a vehicle being driven or parked on the public streets of the Town of Osgood or within the property limits of its owner or keeper.

Section 3.

(A) Any animal impounded under the terms of this ordinance may be re-claimed by its owner or owner's agent upon the payment to the Clerk-Treasurer of the Town of Osgood the sum of Ten Dollars (\$10) for each animal so impounded, together with an additional fee of Three Dollars (\$3) for each day or part thereof that such animal is impounded, and payment of any fees for veterinary services and actual charges incurred by the Town of Osgood for such impoundment.

(B) The Clerk-Treasurer shall deposit the aforementioned sums so collected in the general fund of the Town of Osgood.

Section 4.

No dog, cat or other animal shall be delivered to its owner or owner's agent until such time as the person claiming such dog, cat or other animal has paid the fees required by this chapter and further has satisfactorily proved to the county animal control officer that such dog, cat or other animal is duly licensed and has received all lawful rabies shots.

Section 5.

The Osgood Town Marshall shall make an annual report to the Board of the County Commissioners setting forth the number of calls received concerning dogs, cats or other animals running at large; the number impounded; the number re-claimed; the number destroyed; and the number found to be rabid.

Section 6.

The term "county animal control officer" as used in this ordinance shall be the person so designated from time to time by the Board of Commissioners of the County of Ripley, and the duties listed herein may also be performed by any agents so designated from time to time by said county animal control officer.

This ordinance shall be in full force and effect upon its adoption and publication.

Dated this 17 day of March, 2009.

TOWN OF OSGOOD,

By: Linda Krinop
LINDA KRINOP, President

Norman Kappes
NORMAN KAPPES, Member

Deedee Holliday
DEEDEE HOLLIDAY, Member

ATTEST:

Tamara Wilhoit
TAMARA WILHOIT, Clerk-Treasurer