

ORDINANCE NO. 2022- 12

**AN ORDINANCE TO AMEND CHAPTER 91 OF THE
MONROVIA CODE OF ORDINANCES**

WHEREAS, the Town of Monrovia (hereinafter “Town”) is an incorporated town as defined by I.C. § 36-1-2-21; the Town Council of the Town of Monrovia (hereinafter “Council”) serves as its legislative body in accordance with I.C. § 36-5-2-2; and the President of the Town Council (hereinafter “President”) serves as its executive in accordance with I.C. § 36-5-2-7; and,

WHEREAS, in accordance with these roles, the Council is charged with transacting the regular business of the Town, which includes promulgating various ordinances and regulations that the Council deems prudent in order to, among other things, ensure public safety, maintain peace and tranquility in the community, and continue to enhance the Town’s desirability as a place to live and work; and,

WHEREAS, the Monrovia Code of Ordinances contains a certain Chapter 91 concerning Animals, which establishes various regulations regarding the type of animals permitted in the Town, among other provisions; and,

WHEREAS, since the time said Chapter 91 was adopted or last amended, the Town has experienced considerable growth in population and various issues related to animals have been reported or requested, but that are not addressed in said Chapter 91; and,

WHEREAS, for these reasons, the Council believes it is necessary and prudent to revise Chapter 91 in order to remove unnecessary or antiquated provisions as well as to add language that will make said Ordinance more relevant, useful, and effective for citizens of the Town.

NOW THEREFORE BE IT ORDAINED that:

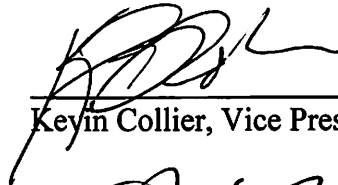
1. The current Chapter 91 of the *Monrovia Code of Ordinances* is hereby repealed and shall be removed and deleted.
2. The revised Chapter 91 of the *Monrovia Code of Ordinances* is attached hereto and incorporated herein by reference and labeled for identification purposes only as Exhibit A.
3. The terms of this Ordinance shall supersede and cause to be vacated, any prior Ordinance, Resolution, or other measure adopted by the Council that contradicts the language herein.
4. Should any Section, Paragraph, clause, or phrase of this Ordinance be declared unconstitutional or invalid the remaining portions of said Ordinance shall continue in full force and effect.
5. This Ordinance shall be effective upon its passage.

ALL OF WHICH IS ORDAINED AND ADOPTED, this 20th day of December, 2022.

MONROVIA TOWN COUNCIL



Philip Fowler, President



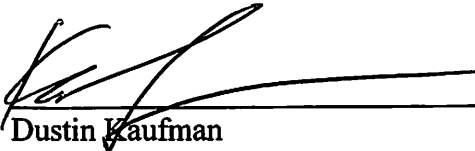
Keyin Collier, Vice President



Carol Youngblood



Loren Moore



Dustin Kaufman

ATTEST:


Danny Chenault, Clerk-Treasurer

EXHIBIT A

MONROVIA CODE OF ORDINANCES

CHAPTER 91: ANIMALS

ARTICLE I: IN GENERAL

- I. IN GENERAL
- II. DOMESTIC ANIMALS

91-01. Permitting chapter violations

91-02. Animal Control Officer

91.03. Running at large

General authority relative to animals, see I.C. 36-8-2-6

Municipal home rule, see I.C. 36-1-3-1 et seq.

§ 91-01 PERMITTING CHAPTER VIOLATIONS.

It shall be unlawful for any person to allow any animal or fowl which is under his or her care, custody, or control, or which he or she owns to violate any of the provisions of this chapter.

§ 91-02 ANIMAL CONTROL OFFICER.

(1) The office of the Town Marshal is responsible for animal control enforcement in the Town. Officers shall patrol the city in search of dogs and other domesticated animals that are in violation of any of the provisions of this chapter and shall coordinate with the County Animal Control Officer or Humane Society to apprehend and impound them in conformance with the provisions of this chapter.

(2) The Animal Control Officers shall keep an accurate record of all dogs impounded by the County showing the date of impoundment and a brief description of each dog. Such records shall be always open to the public for inspection.

§ 91.03 RUNNING AT LARGE.

It shall be unlawful for any animal or fowl to run at large.

§§ 91-04 – 91-35 RESERVED.

ARTICLE II: DOMESTIC ANIMALS

Division 1. Generally

91-36. Definitions

91.37. Destruction of abandoned and suffering animals

91-38. Harboring or maintaining certain domestic animals prohibited

91-39 Impoundment of domestic animals

91-40 – 91-59. Reserved

Division 2. Dogs and Domestic Animals

91-60 Prohibited Conduct; Owner Responsible

91-61 Impoundment of dogs

91-62 Rabies immunization required

91-63 Quarantining and vaccination of biting dog

91-64 Dog kennels

91-65 Noise disturbance

91-66 Dog waste

DIVISION 1. GENERALLY

91-36 DEFINITIONS

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

AT LARGE. Any dog found off the premises of his or her owner and not under the control of a competent person, restrained within a motor vehicle, housed in a veterinary hospital or kennel, on a leash or at heel beside a competent person and obedient to that person's command.

DOG. Both male and female animals of the canine species whether altered or not.

DOMESTIC ANIMAL. Cattle, calves, horses, mules, swine, sheep, goats, dogs, cats, poultry or other bird, and any animals of the bovine, equine, ovine, caprine, porcine, canine, feline or avian species.

FREE-ROAMING. A domestic feline/cat that has an owner but is allowed to roam to other property or streets not owned by the animal owner.

OWNER. Every person having a right of property to an animal and every person who keeps or harbors an animal, has it in his or her care or permits it to remain on or about the premises owned or occupied by him or her.

STRAY OR ABANDONED FELINES/CATS. Having no owner and living in the wild or abandoned houses.

§ 91-37 DESTRUCTION OF ABANDONED AND SUFFERING ANIMALS.

Any police officer or the County Animal Control Officer may destroy or kill or cause to be destroyed or killed any animal found abandoned and suffering and not properly cared for, or appearing to be injured, diseased or suffering past recovery for any useful purpose.

Statutory reference:

Abandoning domestic animals, see I.C. 35-46-3-7

§ 91-38 HARBORING OR MAINTAINING CERTAIN DOMESTIC ANIMALS PROHIBITED.

No person shall keep, maintain, harbor or stable domestic animals consisting of cattle, calves, horses, mules, swine, sheep, goats, poultry, or other farm animals or fowl within 200 feet of any residence within the Town limits, other than the residence of the person so keeping or having these animals.

§ 91-39 IMPOUNDMENT OF DOMESTIC ANIMALS.

(A) As used in this section, the term **DOMESTIC ANIMALS** includes feline/cats.

(B) (1) Any free-roaming, stray or abandoned cats shall be reported to the County Humane

(2) Said office is the only agency/person authorized to pick-up trap and transport animals.

(C) The captured animal will be taken to the humane society and held for disposal unless the animal owner or an adoptive person claims the animal. If the animal is not claimed in seven days, it will become the property of the county's humane society.

(D) It is ordered that any animal claimed be spayed/neutered and a microchip implanted at the expense of the owner or adoptive person before the animal is released.

(E) If the trapped animal is tagged and already spayed/neutered, then the officer will make one attempt to find the owner and release it to the owner's custody. If the owner is not found, the animal will be transported to the humane society.

(F) The humane society will provide the name and address of the animal owner who claims the impounded animal and that name will be entered in a database for future reference if the animal is trapped a second time or more.

(G) (1) Additional times of capture will require the owner to be cited into City Court on a charge of allowing felines/cats to free-roam.

(2) Fines shall be as follows.

(a) Fines will be the amount specified in Chapter 34 of the Town Code of Ordinances, plus court fees.

(b) If said owner has repeated violations, the judge may order the animal remanded to the humane society for disposal.

§§ 91-40 — 91-59 RESERVED.

DIVISION 2. DOGS AND DOMESTIC ANIMALS

§ 91-60 PROHIBITED CONDUCT; OWNER RESPONSIBLE

It shall be unlawful for any owner to fail to exercise proper care and control of his or her dog or dogs so as to prevent the following actions by it or them:

- (A) Molesting of passersby;
- (B) Chasing of passing vehicles;
- (C) Attacking other domestic animals;
- (D) Trespassing upon private property or school property;
- (E) Damaging private property;
- (F) Habitual barking or loud and continued noise; or
- (G) Unnecessary foul or noxious odors which offend people in the neighborhood.

91-61 IMPOUNDMENT OF DOGS.

(A) Any dog discovered running at large may be apprehended and confined by a police officer or the County Humane Society and impounded at the dog pound or other suitable place. The apprehending officer or official shall make a good and complete record of each dog apprehended, including the breed, color, and sex of each dog.

(B) The owner of any dog impounded under the provisions of this article may reclaim the dog from the Humane Society upon payment to the proper authority of the following fees:

- (1) A fee for apprehending and impounding the dog as specified in Chapter 34 of the code of ordinances; and
- (2) A storage and maintenance fee per day as specified in Chapter 34 of the code of ordinances during the period the dog is impounded.

(C) All dogs impounded shall be kept and maintained for a period of seven days, excluding the date of impoundment. Any dog not reclaimed within such period of time may be destroyed in a humane manner by a duly licensed humane society.

§ 91-62 RABIES IMMUNIZATION REQUIRED.

A tag showing evidence of vaccination as required by law shall be worn by every dog.

Statutory reference:

Harboring unvaccinated dogs, see I.C. 35-46-3-1

§ 91-63 QUARANTINING AND VACCINATION OF BITING DOG.

Any dog which bites a person shall be held in quarantine by the owner for at least ten days, and the dog shall be given a rabies shot before being released if a rabies shot has not been given within the past year.

§ 91-64 DOG KENNELS.

(A) As used in this section, the term **KENNEL** shall refer to a place where three or more dogs are kept for another person, with the operator charging a fee.

(B) It shall be unlawful to operate a kennel without a license. All applications for a kennel license shall be made to the Clerk-Treasurer and shall contain all information necessary to determine whether the license should be issued. The annual fee for a kennel license shall be as prescribed in Chapter 34 of the code of ordinances, payable to the Clerk-Treasurer when the application for a license is made.

§ 91-65 NOISE DISTURBANCE.

No person shall keep or harbor any dog within the city which, by frequent and habitual barking, howling, or yelping, creates unreasonably loud and disturbing noises of such a character, intensity and duration as to disturb other persons and interrupt the peace, quiet and good order of the city.

§ 91-66 DOG WASTE.

(A) *Purpose.* Due to the fact that the Town Council believes that dog waste is a public safety concern in that it can carry disease and, further, it can be unhealthy, the Town is passing this section to protect the public health and welfare and to restrict the deposit of animal waste on property within the Town.

(B) *Restrictions.*

(1) No person shall knowingly allow a dog, which is kept by that person, to defecate on a public street, byway, municipally-owned or public land or building, or upon private property, in the city without the prior permission of the owner of such property; however, if the dog defecates on property described in this subsection (B), and the animal's owner or keeper promptly removes the feces to a proper waste container, or otherwise dispose of such material in a manner that is inoffensive and reasonable to the public sensitivities, then it is not a violation of this section.

(2) Notwithstanding the provisions of subsection (B)(1) above, the owner of a dog serving a vision-impaired person in an auxiliary ocular capacity or in any capacity to assist such person with a physical impairment may permit such dog to deposit waste on ground situated outside of pedestrian or vehicular traffic way and is relieved of the requirement to remove any feces to the extent such requirement is impractical for a person of such impairment.

(C) *Enforcement.* This section shall be enforced by the Town, including the Town Police Department, as well as the Town Code Enforcement Bureau, and their authorized assignees to enforce this section.

(D) *Violations and penalties.*

(1) A person who violates any provisions of this section shall be punishable by fine imposed for such violation and such fine shall be as listed in Chapter 34 of the Code of Ordinances.

(2) In addition to the fine established by this section, violation of this section is hereby declared to be a public nuisance, which may be abated by the Town Code Enforcement Bureau, by restraining order, preliminary and permanent injunctions or by other means provided for by law, and the Town may take action to recover costs of the nuisance abatement.

(3) Each event or occurrence shall be a separate and distinct violation.

(4) The presiding Town/City Court and/or other court of competent jurisdiction shall have jurisdiction over such violations and penalties.