



Code of Ordinances
CITY OF AUBURN





Code of Ordinances
CITY OF AUBURN

Animals

CHAPTER
90

AUBURN



Table of Contents

- 90.01 DEFINITIONS
- 90.02 DOGS
- 90.03 ANIMALS AT LARGE
- 90.04 CERTAIN ANIMALS PROHIBITED
- 90.05 APPROPRIATE SHELTER
- 90.06 HITCHING OR TYING ANIMALS
- 90.07 FOOD AND WATER
- 90.08 VACCINATIONS; TAGS
- 90.09 MEDICAL CARE
- 90.10 REMOVAL OF EXCREMENT
- 90.11 SANITATION
- 90.12 WILD OR EXOTIC ANIMALS PROHIBITED
- 90.13 RESTRAINT OF ANIMALS
- 90.14 CRUELTY TO ANIMALS
- 90.15 FIGHTING ANIMALS
- 90.16 POISONOUS BAIT
- 90.17 MOTOR VEHICLE-CAUSED INJURIES
- 90.18 UNATTENDED ANIMALS
- 90.19 TRAINING METHODS
- 90.20 ANIMALS IN HEAT
- 90.21 ABANDONMENT
- 90.22 ANIMALS AS PRIZES OR INDUCEMENTS
- 90.23 PUPPY AND KITTEN SALE OR GIVEAWAY
- 90.24 DYED ANIMALS
- 90.25 ANIMALS AS NOVELTIES
- 90.26 ANIMAL EVENTS PROHIBITED
- 90.27 DESTRUCTION OF ANIMALS
- 90.28 NOISY DOGS
- 90.29 INTERFERING WITH ENFORCEMENT
- 90.30 FARM ANIMALS
- 90.31 NUISANCE ANIMALS PROHIBITED
- 90.32 VICIOUS ANIMALS PROHIBITED
- 90.33 HEARINGS
- 90.34 STRAYS
- 90.35 RIGHT OF ENTRY
- 90.36 RIGHT OF EUTHANASIA
- 90.37 ANIMAL TRAPS; REQUIREMENT AND PROHIBITIONS.
- 90.38 OPEN FEEDING OF ANIMALS
- 90.39 MAINTENANCE OF RESIDENCE



- 90.40 COSTS**
- 90.41 OFF-PREMISES CONTROL**
- 90.42 ENFORCEMENT**
- 90.99 PENALTY**



90.01 DEFINITIONS

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

- ANIMAL
Domestic animal unless otherwise noted.
- DOMESTIC ANIMAL
Any animal commonly referred to as a pet including, but not limited to, dogs, cats, fish, guinea pigs, hamsters, some lizards and caged birds.
- FARM ANIMALS
Those animals which are kept for work and/or food production including, but not limited to, horses, cows, pigs, sheep, chickens, llamas, ducks, and geese.
- LEASH
A restraint device which, when used properly, will not allow an animal to move greater than twelve (12) feet from a person.
- NUISANCE
That activity which impairs or impedes the enjoyment of others which includes barking dogs, excrement left uncleaned, or anything that offends the sensitivities of a reasonable person.
- RUNNING AT LARGE
Not confined on the property of an animal's owners so as to prevent people, other than the owner, family, or invitees, from accidental contact with the animal.
- TRESSPASSER
Any person, other than a minor under the age of 14 years, who comes onto the physical property of another without the permission or request of the owner or duly constituted occupant of the property.
- WILD OR EXOTIC ANIMALS
Those animals which are defined by the state or federal government and require state or federal licenses or permits.

90.02 DOGS

- A. No owner or master of any dog shall allow it to roam beyond the owner's property unattended by the master or owner or the owner's agent.
- B. It shall be unlawful for any person to harbor or keep any dog which barks in a loud and frequent or habitual manner. Any person who allows any dog to habitually remain and be lodged within its house, store, enclosure, or yard shall be considered to harbor the dog within the meaning of this chapter.
- C. It shall be unlawful for any person to harbor or keep any dog which causes pollution from its excrement by being caged on the premises of any person.
- D. It shall be unlawful for any person to destroy any cages or compartments used to capture stray unattended dogs.

90.03 ANIMALS AT LARGE



- A. It shall be unlawful for any person or corporation owning, possessing, harboring, or having the care of any animal to allow the animal to run at large on the streets of this city unless securely fastened or controlled.
- B. “ANY ANIMAL” shall be defined to include, by way of description and not limitation, cattle, horses, mules, swine, sheep, goats, cats, and poultry.
- C. The representative of the Board of Public Works and Safety, hereinafter appointed, is authorized and directed to take up and impound any animal found roaming at large within the corporate limits of the city, and after five (5) days to either deliver the animal to an adoptive home or to dispose of it, unless the impounded animal is reclaimed by a payment of costs and fees as described by the Board of Public Works and Safety.

90.04 CERTAIN ANIMALS PROHIBITED

- A. No person shall keep, stable, maintain, or harbor any poultry, horses, mules, swine, sheep, goats, ponies, or animal of the bovine species within the city. However, this section shall not be construed to prohibit the use of horses and ponies upon the public streets, nor the transport of any of these animals in vehicles over the public streets.
- B. No person shall permit any of the animals mentioned in (A) above to pasture within the city limits.
- C. It shall be the duty of the representative of the Board of Public Works and Safety to take up and impound any animal found in the city in violation of this section.
- D. Specifically excluded from this chapter, as to the harboring of animals, are any doctor of veterinary medicine who regularly practices his profession and skill within the city limits; the grounds occupied by the DeKalb County Free Fall Fair Association that is bounded by Thirteenth Street extended on the north, Cedar Creek on the east, Eighteenth Street on the south and Union Street on the west, excluding only therefrom Evergreen Cemetery; any person who, upon passage of this chapter, is now harboring chickens and poultry for their own personal use within the city limits; and any person who, upon the passage of this chapter, now stables horses for their personal pleasure within the city limits.

90.05 APPROPRIATE SHELTER

No person shall confine or allow his or her animal to remain outside without access to appropriate shelter from the elements.

Every owner and or keeper of a domesticated animal in Auburn, Indiana shall see that such animal is kept clean, sanitary and healthy and is not confined so as to be forced to stand, sit or lie in its own excrement; the person(s) responsible for the animal(s) shall regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or area of animal contact as set forth herein.

90.06 HITCHING OR TYING ANIMALS

Every owner or keeper of a domesticated animal in Auburn, Indiana shall see that such animal shall not be tethered by use of a choke collar, or on any collar too small for the size and age of the animal, not by any rope, chaining or cord directly attached to the animal's neck, nor by a leash less than twelve (12) feet in length, or of such unreasonable weight as to prevent the animal from moving about freely.

90.07 FOOD AND WATER

Every owner or keeper of a domesticated animal in Auburn, Indiana shall see that such animal has food that is appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water



where appropriate, shelter and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move freely.

90.08 VACCINATIONS; TAGS

Cats and dogs over the age of six months must be vaccinated by a licensed veterinarian for rabies. Dogs must be vaccinated yearly; cats must have a current rabies vaccination. Both cats and dogs must wear a current rabies tag at all times attached to a properly fitted collar or harness. The Police Department will attempt to educate the public to the availability of three-year vaccines for cats.

90.09 MEDICAL CARE

All animals shall be provided with necessary medical care in addition to the required rabies vaccination.

90.10 REMOVAL OF EXCREMENT

Persons responsible for an animal shall immediately remove the animal's excrement from public lands or from the property of another, excepting a blind person working with a guide dog.

90.11 SANITATION

All animals, where kept inside, or in a pen, tied, fastened, hitched, leashed, or enclosed in a fence, shall be kept in a sanitary manner. The persons responsible for the animal(s) shall regularly, and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact.

90.12 WILD OR EXOTIC ANIMALS PROHIBITED

No wild or exotic animal shall be kept within the city without the necessary state and/or federal permits.

90.13 RESTRAINT OF ANIMALS

All animals shall be properly restrained as defined in this chapter.

90.14 CRUELTY TO ANIMALS

No person shall beat, cruelly treat, neglect, torment, overload, overwork, or otherwise abuse any animal except that reasonable force employed to drive off vicious or trespassing animals.

90.15 FIGHTING ANIMALS

No person shall permit or conduct any dog fight, cock fight, or other combat between animals or between animals and humans.

90.16 POISONOUS BAIT

No person shall set any type of poisonous substance or bait within the city limits that is deemed harmful to any domestic animal, provided that controlled programs under the direction of the county board of health or a licensed extermination service may be excluded.

90.17 MOTOR VEHICLE-CAUSED INJURIES

Any person operating a motor vehicle who causes injury or death to an animal shall stop at once, assess the extent of injury, and immediately notify the owner or Police Department of the location of the animal.



90.18 UNATTENDED ANIMALS

No animal shall be left unattended in a public place within the City limits of Auburn, Indiana.

90.19 TRAINING METHODS

No animal may be induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause or is likely to cause physical injury or suffering. Prohibited devices include, but are not limited to, electrical prods and electrical (shock) collars.

90.20 ANIMALS IN HEAT

Every female dog or cat in heat shall be confined in a secure building or enclosure so as to prevent conception except during instances of planned breeding.

90.21 ABANDONMENT

No person shall abandon or cause to be abandoned any animal anywhere within the city limits in any public or private place, way, or building.

90.22 ANIMALS AS PRIZES OR INDUCEMENTS

No person shall sell, offer for sale, trade, barter or give away any live animal, bird, or reptile as a prize for, or use such as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter any business establishment or enter into any business agreement whereby the offer was made for the purpose of attracting trade, for business other than establishments selling animals as their primary business.

90.23 PUPPY AND KITTEN SALE OR GIVEAWAY

No puppy or kitten which is under the age of eight weeks may be offered for sale, trade, or for other compensation or free giveaway (except a puppy or kitten litter or litters may be taken to the animal control shelter during posted hours or to the City emergency holding pen).

90.24 DYED ANIMALS

No person shall sell, offer for sale, trade, or barter any animal whose appearance has been chemically altered by dyes or staining.

90.25 ANIMALS AS NOVELTIES

No person or establishment shall sell, offer for sale, barter, or give away chicks, goslings, ducklings, or other fowl as pets or novelties. This section shall not apply to the sale of farm animals at the DeKalb County Free Fall Fair.

90.26 ANIMAL EVENTS PROHIBITED

No person or group of persons or any profit or nonprofit organization, whether for pay or other compensation or for free promotional purposes, shall conduct or allow any event involving contests between animals or persons using animals in any form or manner, except those events reviewed and approved for the safety, well-being, and comfort of the animals involved by the Board of Public Works and Safety.

- A. This provision shall not prohibit events authorized by the DeKalb County Fair Association, Inc conducted in accordance with health regulations for exhibition of domestic and farm animals in the state, or shows, rides, and concessions approved by said association.
- B. No event, ride, and/or concession shall be exempt from the provision of 90.22 and 90.25.



90.27 DESTRUCTION OF ANIMALS

No person other than a duly authorized agent of the Police Department may destroy any domestic animal within the city limits, provided this provision shall not apply to the following:

- A. A licensed veterinarian;
- B. Those persons acting in immediate self-protection; or
- C. City police officers or firemen acting to prevent undue suffering.

90.28 NOISY DOGS

No person shall allow the continuous barking, yelping, whining, or howling of a dog. The Animal Control Officer may take steps immediately to correct the situation and cause the noise to be abated, either through issuance of a citation or impounding the animal if no owner or agent can be found at the time of the disturbance.

90.29 INTERFERING WITH ENFORCEMENT

No person shall interfere with the Animal Control Officer in the pursuit of his/her duties as an officer.

90.30 FARM ANIMALS

No resident of the city may board or raise any farm animals within the city corporation limits without the express written authorization of the Board of Public Works and Safety.

90.31 NUISANCE ANIMALS PROHIBITED

No person shall own or harbor an animal which creates a public nuisance.

90.32 VICIOUS ANIMALS PROHIBITED

- A. No person shall own, keep, or harbor a vicious animal within the city, provided this section shall not apply to animals under the control of a law enforcement or military agency. For the purpose of this section, an animal may be declared vicious by the Shelter Manager by applying the following criteria:
 - 1. The animal, while running at large, has bitten a person or persons and the bite and attack was unprovoked, or that the animal exhibits vicious propensities in present or past conduct including, but not limited to, conduct such that the animal (1) has bitten a person or persons in a consecutive 12 month period three times; (2) injuries creating a potential danger to the health and life of the victim; or (3) could not be controlled or restrained at the time of the bite or attack to prevent the occurrence; and
 - 2. In order to preserve the public health, safety, and welfare of the community the destruction of said animal is necessary following a hearing before the Board of Public Works and Safety.
- B. Whenever an animal is declared vicious, the Shelter Manager or the Police Department shall notify the owner of said animal of the declaration. Such notice shall be served either in person or by certified or registered mail. The owner shall be notified and they must appeal the declaration to the Board of Public Works and Safety or said animal will be humanely destroyed by the Police Department through the animal shelter at the owner's expense. The owner may also release the animal, if not already held in quarantine, to the shelter at any time during this ten day period.
- C. Any decision by the Board of Public Works and Safety may be appealed to a county court of competent jurisdiction. Such appeal must be brought within ten (10) days after receipt of the written decision of the Board of Public Works and Safety.



D. Notice of appeal shall act as a stay of the Board of Public Works and Safety’s decision. However, the animal shall remain in the custody of the animal shelter.

90.33 HEARINGS

All hearings before the Board of Public Works and Safety shall be conducted according to the State Trial Rules and the rules of evidence so as to provide all parties certain due process of law.

- A. The rules of evidence may be relaxed by stipulation of the parties.
- B. All hearings shall be recorded.
- C. All witnesses shall be sworn.
- D. The City Attorney or his designate shall prosecute the cause on behalf of the city.
- E. The decision of the Board of Public Works and Safety shall be final and presented to the animal’s owner in writing.

90.34 STRAYS

Where there is no apparent owner of an animal after a reasonable search, the Animal Control Officer shall hold the animal for three (3) days at the animal shelter. If the Animal Control Officer determines the animal to be a stray, it can be released for destruction or adoption by the animal shelter.

90.35 RIGHT OF ENTRY

The police may use any force necessary to remove any animal locked in a closed vehicle when the ambient temperature is eighty (80) degrees Fahrenheit or above outside the vehicle.

90.36 RIGHT OF EUTHANASIA

An animal may be euthanized at any time, when, in the judgment of the police or DeKalb Humane Society it is determined that:

At the scene of an accident an animal is obviously injured beyond medical help, or vicious, and no traceable form of identification is displayed on the animal;

An animal presented to the DeKalb Humane Society is obviously injured beyond medical help, or exhibits obvious signs of infectious disease or parasite infestation that would impose a health risk to animals or parasite infestation that would impose a health risk to animals housed in the shelter, or that exhibits symptoms of malignancy, without a traceable form of identification;

A cat, brought to the DeKalb Humane Society in a trap, exhibits signs that it is feral, that it cannot be handled safely by the staff after a seventy two-hour holding period (excluding the date impoundment), and is without traceable form of identification.

90.37 ANIMAL TRAPS; REQUIREMENT AND PROHIBITIONS.

It shall be unlawful for a person to use, place, set or cause to be used, placed, or set any leg-hold trap upon any land or waters in the city unless properly licensed or authorized by the State of Indiana.

90.38 OPEN FEEDING OF ANIMALS

It shall be unlawful for a person to openly place food and or refuse out for animals that is spoiled and or creates a pungent or noxious odor that can be distinctly detected beyond the property line of the owner or resident of a property.



90.39 MAINTENANCE OF RESIDENCE

It shall be unlawful for a person to maintain a residence in which animals reside, in such a manner as to cause pungent or noxious odors that can be distinctly detected beyond the property line of the residence.

90.40 COSTS

All costs for sheltering an animal during the pendency of hearings and/or appeals shall be the sole responsibility of the owner. Failure to pay the costs shall result in a suit being filed in the County Circuit/Superior Court. Costs of the suit may be assessed to the animal's owner to include filing costs and reasonable attorney fees.

90.41 OFF-PREMISES CONTROL

All domestic animals shall be controlled by a leash when not on the property of an owner, excluding fish and birds which shall be kept in an appropriate container.

90.42 ENFORCEMENT

It shall be the responsibility of the Police Department and the Animal Control Officer to issue citations for violations of this chapter.

90.99 PENALTY

- A. Any person who violates any provision of this chapter for which a penalty is not specifically provided shall, upon conviction, be fined not less than \$25.00 and not more than \$50.00.
- B. Any person who violates any provision of 90.04 through 90.32, 90.37, 90.38 and 90.39 shall, upon conviction, be fined \$25.00. Each day a violation continues is a separate violation.