

ORDINANCE 2018-7

**AN ORDINANCE AMENDING ORDINANCE 1995-9 CONCERNING  
THE CONTROL AND REGULATION OF ANIMALS WITHIN THE CITY OF  
ROCKPORT, INDIANA**

WHEREAS, the City of Rockport, pursuant to Ordinance No 1995-9, An Ordinance For The Control And Regulation Of Animals Within The City Of Rockport, Indiana, requires that persons in violation of any provisions of the Ordinance pay monetary penalties to the City of Rockport Violations Clerk, and pay a fee for animals taken to the City maintenance area at the Sewage Treatment Plant or other locations and detained; and

WHEREAS, the Ordinance needs to be amended because there is no City of Rockport Violations Clerks for citizens to pay monetary penalties to, and the City no longer detains or holds animals; and

**BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF  
ROCKPORT, INDIANA, AS FOLLOWS:**

1. The existing Section 5 of Ordinance 1995-9 is hereby vacated and amended to provide as follows:

It shall be unlawful for any person to own, keep, or harbor any animal which, by frequent or habitual howling, yelping, barking, or other noise, shall cause unreasonable annoyance or disturbance to any person other than the owner.

2. The existing Section 6 of Ordinance 1995-9 is hereby vacated and amended to provide as follows:

- (a) The owner of any animal which has bitten a person or other animal shall immediately report the same to the Rockport Police Department.
- (b) The Rockport Police Department shall follow state law or City of Rockport ordinances in handling these cases.

- (c) In the event an animal is suspected to be rabid, no person other than an authorized county or state official or a sworn member of the Rockport Police Department, shall kill or cause to be killed such animal except for immediate self-protection or the protection of others. In the event that a person kills a suspected rabid animal, that person shall preserve the body of the animal and immediately notify the Rockport Police Department. The Rockport Police Department shall notify the Spencer County Health Department of all animal bites involving humans.
- (d) The Rockport Police Department shall ascertain the ownership of the animal if possible; shall contact the Spencer County Health Department for assistance; and cause the animal to be placed in quarantine for a period of ten (10) days. The quarantine shall be carried out at a licensed veterinary clinic. All costs involved in the quarantine are to be borne by the animal's owner.
- (e) In the case of stray animals for whom an owner cannot be identified, the animal shall be turned over to a licensed veterinarian where the animal shall be humanely destroyed and the head sent to the Indiana State Department of Health Laboratory for rabies testing. The expense shall be borne by the Spencer County Health Department.
- (f) In the case of bites caused by wild animals, the Spencer County Health Department shall be contacted for guidance as to the proper procedure for the animal species involved.

3. The existing Section 7 of Ordinance No. 1995-9 is hereby vacated and amended to provide as follows:

- (a) Detention. If an animal has strayed into the City of Rockport, or if it is owned by a city resident and it has strayed beyond the premises of its owners, then such animal may be picked up and detained by a Rockport Police Officer of City of Rockport employee, and at the officer's or employee's discretion either returned to the owner or taken to the Animal Control Facility in Chrisney, Indiana, or other location, as designated by the Council from time to time for such purposes.
- (b) Release. When applicable, the animal shall be released to the owner by a Rockport Police Officer upon presentation of a copy of the signed receipt showing payment of the applicable penalties set out in Section 8(b) below.

4. The existing Section 8(a) of Ordinance No. 1995-9 is hereby vacated and amended to provide as follows:

Any person in violation of any provision of this Ordinance other than the Stray Animal Provision, shall be required to pay a fine in the sum of Twenty-Five Dollars (\$25.00), and court costs, to the Spencer County Circuit Court Clerk.

5. The existing Section 8(b) of Ordinance No. 1995-9 is hereby vacated and amended to provide as follows.

Penalties for Stray Animal Provisions. The owner of a stray animal shall be required to pay the sum of Twenty-Five Dollars \$25.00 for a violation of this Chapter. The owner of a stray animal shall be required to pay the sum of Fifty Dollars (\$50.00) for a second or subsequent violation of this Chapter occurring within one (1) year of the previous violation. Additionally, the owner of a stray animal taken to the Animal Control Facility in Chrisney, Indiana, or other location and detained shall pay an additional sum of Five Dollars (\$5.00) for each twenty-four (24) hour period or fraction thereof when the animal is held.

6. The existing Section 9 of Ordinance No. 1995-9 is hereby vacated and amended to provide as follows:

All violations of the Chapter shall be issued in writing upon the owner on an "official Citation" form in essential conformity with the form attached to Ordinance No. 1995-9 as Appendix A. A copy of the citation shall be filed with the Spencer County Circuit Court Clerk.

7. The existing Section 10 of Ordinance No. 1995-9 is hereby vacated and amended to provide as follows:

Said monies shall be paid to the Spencer County Circuit Court Clerk, located at 200 Main Street, Rockport, Indiana.

8. The existing Section 11 of Ordinance No. 1995-9 is hereby vacated and amended to provide as follows:

Nothing contained in this Ordinance or Chapter shall be construed as a release or waiver of any penalties which may be imposed as a result of a violation of state law.

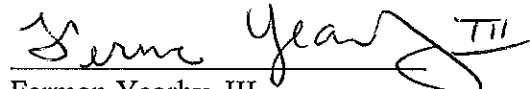
9. This Ordinance shall be in full force and effect from and after its passage and signing by a majority of the Common Council of the City of Rockport, Indiana, and advertised in accordance with the requirements of the Statutes of the State of Indiana.

10. All other sections of Ordinance No. 1995-9, An Ordinance For The Control And Regulation Of Animals Within The City Of Rockport, Indiana, remains in full force and effect.

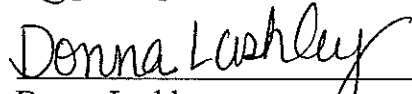
DULY ADOPTED BY THE CITY OF ROCKPORT, INDIANA this 19<sup>th</sup> day of July, 2018.

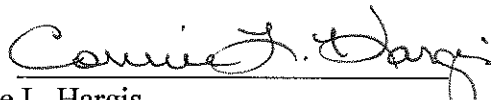
**COMMON COUNCIL OF THE  
CITY OF ROCKPORT, INDIANA:**

  
Roxana Decker


  
Ferman Yearby, III

  
Joseph Carpenter

  
Donna Lashley

  
Connie L. Hargis

Presented by me to the Mayor of the City of Rockport, Indiana on the 19<sup>th</sup> day of July, 2018 at 5:07 o'clock P.M.

  
Susie Roberts  
Clerk-Treasurer

Approved and signed by me this 19 day of July, 2018 at 5:07 o'clock P.M.



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Gay Ann Harney, Mayor  
City of Rockport