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ROSEMARY BROWN  
WHITLEY COUNTY RECORDER  
COLUMBIA CITY, IN

TX: 11559  
02:03:15PM

**ORDINANCE # 2009-08**

**An Ordinance Requiring the Restraint of Dogs and  
Banning the Disturbance of the Peace by Domestic Animals**

Whereas, the Board of Commissioners of Whitley County, Indiana numerous complaints of domestic dogs disturbing the peace and quiet enjoyment of the rural areas of Whitley County, Indiana; and

Whereas, the Board of Commissioners has conferred with the Sheriff of Whitley County and found that an ordinance requiring close control of domestic animals and restrict the noise generated by such animals; and

NOW THEREFORE BE IT ORDAINED by the Board of Commissioners of the County of Whitley, State of Indiana that:

**Section 1: Restraint**

The owner of any domestic dog shall keep such dog under restraint at all times. The term "under restraint" shall mean that an owner shall not permit a dog to be at large off the owner's premises or property unless the dog is under the control of a competent person by use of a leash or similar device.

**Section 2: Disturbance of the Peace**

No owner of any dog, cat or other domestic pet shall suffer or permit such animal to disturb the peace or quiet of the neighborhood by barking or making other loud or disturbing noise.

**Section 3: Separate Offense**

Each day's violation of this ordinance shall be considered a separate offense and shall be prosecuted pursuant to Indiana Law.

**Section 4: Construction**

Any term defined in this ordinance by reference to a state statute shall have the same meaning whenever used in this ordinance unless clearly inapplicable by the context in which it is used. Any reference to a state statute shall mean the statute as amended from time to time, or any similar statutory provision that may supersede it relating to the same or similar subject matter.

**Section 5: Severability**

Should any section, paragraph, sentence, cause or any other portion of this ordinance be declared by a Court of competent jurisdiction to be invalid for any reason, the remaining provisions shall not be effected, if and only if, such remaining provisions can without the invalid provision or provisions, be given the effect intended by the Board on adopting this ordinance. To this end the provision of this ordinance are severable.

Section 6: **Effective Date**

This ordinance shall be in full force and effect upon adoption and compliance with I.C. 36-3-4-14.

This ordinance shall take effect after public hearing is held by the Board of Whitley County Commissioners at the Whitley County Commissioners Meeting Room on the 7 day of DECEMBER, 2009 @ 1:00 P m.

Tom Rottale

Michael D. Schrad

Don Amba

ATTESTED: Kinda J. King

This document is being recorded to correct a scrivener's error. Document originally recorded on January 20, 2010 and recorded as document 2010010270.