

Town of Sellersburg
Town Council
Special Meeting
(These minutes are not intended to be verbatim)

DATE: JUNE 10, 2017

CALLED TO ORDER: Vice President Brad J. Amos called the meeting to order at 9:45 a.m. at the Sellersburg Town Hall, 316 E Utica Street, Sellersburg, Indiana.

ROLL CALL: Vice President Brad J. Amos, 2nd Vice President Martina P. Webster, Council Member William J. Conlin, Council Member James H. LaMaster, Town Council Attorney Jacob C. Elder and Clerk Treasurer Michelle D. Miller.
President Paul J. Rhodes was absent.

PRAYER: Martina P. Webster

PLEDGE OF ALLEGIANCE: By all present.

MOTION TO ADOPT THE AGENDA AS PRESENTED:

Motion: Martina P. Webster Second: James H. LaMaster Vote: 4-aye, 0-nay, motion approved.

UNFINISHED BUSINESS:

Public Works Director Kenneth J. Alexander presents HR contract for HR Unlimited:

Motion: Martina P. Webster Second: William J. Conlin Vote: 4-aye, 0-nay, motion approved.

NEW BUSINESS:

Dog Related Hearing

EXHIBITS PRESENTED BY TOWN ATTORNEY JACOB C. ELDER:

Exhibit T1: Letter from Chief of Police William Whelan to April Smith reference Dangerous/Vicious Animal.

Exhibit T2: Town of Sellersburg Code of Ordinances Section pertaining to Unconfined Vicious or Dangerous Animal.

RECESS OF HEARING: 10:00 a.m.

HEARING RECONVENED: 10:13 a.m.

MOTION TO DENY APPEAL:

Motion: Martina P. Webster Second: James H. LaMaster Vote: 3-aye, 1-abstain by William H. Conlin, motion approved and appeal is denied.

ADJOURN:

Motion: Martina P. Webster Second: James H. LaMaster Vote: 4-aye, 0-nay, motion approved and meeting adjourned at 11:32 a.m.

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Paul J. Rhodes, President

James H. LaMaster, Council Member

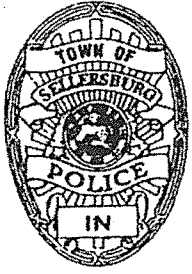
Brad J. Amos, Vice President

William J. Conlin, Council Member

Martina P. Webster, 2nd Vice President

Attest: Michelle D. Miller, Clerk Treasurer

Attachments: Exhibit T1: Letter from Chief of Police to April Smith
Exhibit T2: Town of Sellersburg Code of Ordinance



Town of Sellersburg

Police Department

Wm. Russ Whelan
Chief of Police

Mark G. Levesque
Deputy Chief

101 South New Albany Street Sellersburg, Indiana 47172
(812) 246-4491 Fax (812) 246-3658

June 1, 2017

To: April L Smith
4231 Silver Glade Trail
Sellersburg, IN 47172

Re: Dangerous / Vicious Animal

Mrs. Smith,

As you know on 5/31/2017 our Department responded to your residence after receiving a complaint that your canine named "Princess" attacked and killed the canine "Daisy" located on the property at 4229 Silver Glade Trail Sellersburg belonging to the Evans family. Not only was the canine killed, this was done in the close proximity of the Evans' young child.

Per Sellersburg ordinance 93.021 (attached) adopted on April 24, 2017 the Sellersburg Police Department (animal control) has deemed your canine "Princess" as a dangerous / vicious animal.

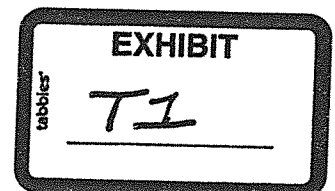
Per the ordinance "Princess" will be taken into custody and held at the J.B. Ogle Animal Shelter located at 201 Willinger Ln, Jeffersonville, IN 47130 until conclusion of its quarantine, any hearings that may be held and the appropriate restraint measures as outlined in the ordinance can be accomplished.

You have the right to appeal this decision but must do so in writing, within 10 business days of this notice, to the Chief of Police.

In lieu of the above proceedings you may request the J.B. Ogle Animal Shelter euthanize "Princess".

A handwritten signature in black ink, appearing to read "W. Russ Whelan".

William R. Whelan
Chief of Police



Q. UNCONFINED VICIOUS OR DANGEROUS ANIMAL. A vicious or dangerous animal is "unconfined" if the animal is not securely confined indoors, or confined in a secure enclosure and locked pen, cage, or structure upon the premises of the owner, keeper or harbinger of the animal. The pen, structure, or enclosure must have secure sides and a secure top and bottom attached to the sides and the sides must be imbedded into the ground no less than one foot if outside and setting on the ground. All such pens, structures, or enclosures must be adequately lighted and kept clean and sanitary condition.

R. VICIOUS AND/OR DANGEROUS ANIMAL. The designated animal control officer and/or law enforcement officer upon personal observation and investigation shall find an animal to be dangerous and/or vicious if:

- (1) the animal has a known vicious propensity, capability, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or,
- (2) the animal, without provocation, attacks or bites, attempts to attack or bite, or has attacked or bitten, a human being or domestic animal; or,
- (3) the animal is harbored primarily or in part for the purpose of animal fighting, or is trained for animal fighting.

SECTION 93.02. RESTRAINT REQUIRED. No person owning or having charge of any dog shall cause or allow said dog to run at large upon any public place or upon any private property other than that of the owner. All dogs or animals shall be kept under restraint.

A. RESTRAINT BY LEASH, CHAIN, OR COLLAR; SPECIFICATIONS:

- (1) It is prohibited to exclusively restrain a dog or puppy by a fixed-point chain, tether, or trolley for a period of time exceeding two (2) hours in an eight (8) hour period unless accompanied by a competent person. A "competent person" is defined as a person, who, by reason of age and physical ability and training, is capable of maintaining control of an animal to the extent required by this ordinance.
- (2) A dog may be temporarily restrained by a chain or tether provided that it is at least twelve (12) feet in length and is kept untangled as to allow the animal full access of the length of the chain or tether.
- (3) Any tethering system employed shall not allow the dog or puppy to leave the owner's property or jump/lean over a neighbors' fence or property line.
- (4) No chain or tether shall weigh more than 1/8 of the dog or puppy's body weight.

