

**TOWN COUNCIL
TOWN OF MULBERRY, INDIANA**

ORDINANCE NO. 2025-291

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN
OF MULBERRY, INDIANA AMENDING § 90.09 TO REVISE
ENFORCEMENT PROVISIONS FOR ANIMAL CARE AND CONTROL**

WHEREAS, Indiana Code § 36-1-3-4 provides a municipality all powers necessary to conduct its affairs, even if not expressly granted by statute;

WHEREAS, the Town of Mulberry, Indiana (hereinafter the "Town") believes it is in the best interest of its residents to enact ordinances for the care and control of animals in the Town;

WHEREAS, the Town adopted § 90.09 of the Town of Mulberry, Indiana, Code of Ordinances in Ordinance No. 1999-123 on February 2, 1999, and amended § 90.09 in Ordinance No. 2010-179 on October 26, 2010, and amended § 90.09 in Ordinance No. 2022-0563 on October 17, 2022, which section provides definitions for its animal control ordinance; and

WHEREAS, the Town determined § 90.09 of the Town of Mulberry, Indiana, Code of Ordinances should be amended to revise the enforcement provisions for at large animals.

**NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE
TOWN OF MULBERRY, INDIANA, AS FOLLOWS:**

1. The Town of Mulberry, Indiana, Code of Ordinances is hereby amended by revising the enforcement provisions for at large animals in § 90.09 as follows:

(A) It shall be unlawful for any owner to allow, suffer, or permit an animal to be at large within the limits of the Town. Such at large animal may be impounded in the County Animal Shelter or shall face the penalties described within this chapter. The Humane Officer or any law enforcement officer may enforce the provisions of this chapter.

(B) The Humane Officer shall keep a record of all animals impounded in the County Animal Shelter, which record shall show the date of impoundment, the reason therefor, the name and address of the person bringing the animal to the shelter and the species, sex, color, breed and any identifying collars, tags or marks of the animal impounded.

(C) It shall be unlawful for any person to hinder, molest or interfere with any authorized official in the performance of any duty described in this chapter.

(D) Upon information sufficient to establish a violation of the provisions of this chapter, the Humane Officer or any law enforcement officer may issue to the person committing the

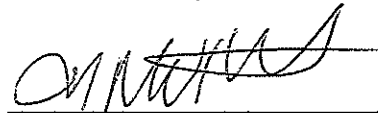
violation or to the owner or persons having custody or control of any animal involved in the violation either:

- (a) An official warning; or
- (b) A notice of ordinance violation and/or citation.
- (c) An official warning shall state the name of the person to whom the warning is being issued, the nature of the violation, the date of the violation and any other pertinent information concerning the violation. The official warning shall also state that it is only a warning and is not a notice to appeal to answer to any violation.
- (d) A notice of ordinance violation shall state the name of the person to whom the notice is being issued, the nature of the violation, the specific section of this chapter which has been violated, the date of the violation and any other information which is pertinent to the violation and its disposition, and, at the discretion Humane Office or any law enforcement officer, shall include a citation and fine.
- (e) The notice of violation shall additionally instruct the person to whom the notice is being issued the date, time and place before whom he or she shall appear to respond to the notice and the procedures for admitting or denying a violation.

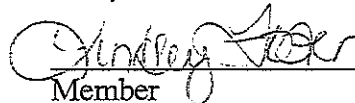
2. This amendatory ordinance shall be effective upon passage and posting in accordance with Indiana law.

Adopted March 5, 2025.

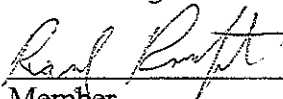
**TOWN COUNCIL OF THE TOWN OF
MULBERRY, INDIANA**



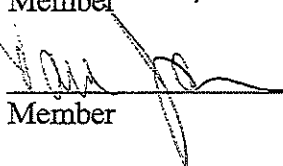
President



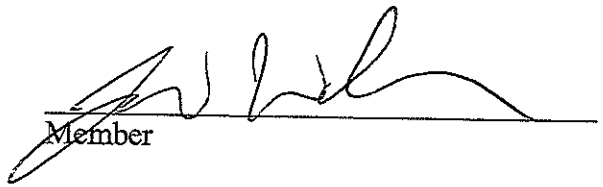
Member



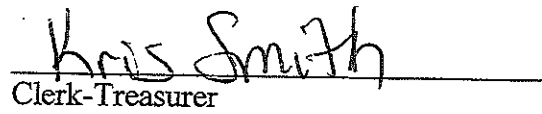
Member



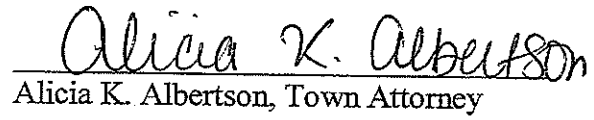
Member


Member

ATTEST:


Clerk-Treasurer

APPROVED AS TO FORM AND LEGALITY:


Alicia K. Albertson, Town Attorney