

X. Dog Control Rules

The HVL POA Safety and Elections Committee and the HVL POA Board of Directors have approved the following Dog Control Rules within Hidden Valley Lake. For the safety and convenience of all, their private property and community property within HVL, we sincerely request the cooperation of all HVL POA members, their immediate family members and their guests in adhering to these rules. These rules shall remain in force until changed or amended upon recommendation by the HVL POA Safety and Elections Committee and approved by the HVL Board of Directors.

All Federal, State of Indiana and Dearborn County dog control laws apply within Hidden Valley Lake unless modified by HVL POA Dog Control Rules.

A. Definitions of Terms

For the following HVL POA Dog Control Rules, unless the context otherwise indicates when used in conjunction with the term, the definitions of the following terms apply:

- ◆ **Dangerous dog** – Any dog that, without provocation, has chased or approached in either a menacing fashion or an apparent attitude of attack (i.e. growling, snarling, etc.) or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper, or harbinger, or other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fence yard, or other locked enclosure which has a top.
- ◆ **Dog at large** – Any dog not under restraint of a person capable of controlling the dog on or off the premises of the owner.
- ◆ **Dog owner** – Any person, partnership, or corporation owning, keeping, or harboring one or more dogs.
- ◆ **Domestic animals/companion dog** – Any pet kept for pleasure rather than utility. A pet of a species that has been bred and raised to live in or about the habitation of humans and is dependent on people for food and shelter.
- ◆ **Harbored dog** - Any dog that is fed or sheltered for three consecutive days or more.
- ◆ **Menacing fashion** – Any dog that would cause a person being chased or approached to reasonably believe that the dog would cause physical injury to that person.
- ◆ **Public nuisance dog** – Any dog that, unprovoked, unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the right of citizens, other than their owners, to enjoyment of life or property. The term “public nuisance dog” shall mean and include, but is not limited to, any dog that, unprovoked:
 1. Is repeatedly found at large.
 2. Damages the property of anyone other than its owner.
 3. Molests or intimidates pedestrians or passersby.
 4. Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others on close proximity to the premises where the dog is kept or harbored.
 5. Attacks other animals.
- ◆ **Restraint** – Any dog secured by a leash or lead under the control of a reasonable person and/or obedient to that person’s commands, or within the real property limits of its owner.
- ◆ **Stray** – Any dog that does not appear, upon reasonable inquiry, to have an owner.
- ◆ **Vicious dog** – Any dog that, without provocation and subject to the exclusion set forth below, meets any of the following:
 1. Has killed or caused injury to a person.
 2. Has killed or seriously injured another dog or other pets.
 3. Belongs to a breed that commonly requires additional home owner’s insurance.

A vicious dog does not include either of the following:

 1. A police dog that has killed or caused serious injury to any person or that has caused injury, other than killing or serious injury, to any person while the police dog is being used to assist one or more law enforcement officers in the performance of their official duties.
 2. A dog that has killed or caused injury to any person while a person was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper, or harbinger of the dog.
- ◆ **Without provocation** – A dog that was not teased, tormented, or abused by a person, or was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

B. Licensing of Dogs Rules

- 1) Any person owning, keeping, harboring, or having custody of a dog over six (6) months of age must obtain a license from the county. License fees are not required for certified seeing-eye dogs, hearing dogs, government police dogs, or other certified dogs that are trained to assist the physically handicapped.
- 2) Application for a license must be made within thirty (30) days after obtaining the dog over six (6) months of age.

C. Restraint of Dogs Rules

- 1) All dogs shall be kept under restraint.
- 2) No dog owner shall fail to exercise proper care and control of his dogs to prevent it from becoming a public nuisance.
- 3) No dog owner shall fail to clean up feces left by their dog on community property within HVL or another person's private property.
- 4) No dog owner, keeper, or harbinger of a dangerous or vicious dog shall fail to do either of the following:
 - a. While the dog is on the premises of the owner, keeper, or harbinger, securely confine it at all times in a locked pen which has a top, and either has a bottom secured to the sides or the sides are imbedded in the ground no less than one foot, or such other locked enclosure meeting the same criteria; except that a dangerous dog, but not a vicious dog, may in the alternative be kept in a locked fenced yard or be tied with a leash or tether so that the dog is adequately restrained.
 - b. While the dog is off the premises of the dog owner, keeper, or harbinger, keep it on a leash or tether that is adequate to control the dog and do at least one of the following:
 1. Keep the dog in a locked pen, which has a top, locked fenced yard, or other locked enclosure, which has a top.
 2. Have the leash or tether controlled by a person who is responsible and at least eighteen (18) years of age, or securely attach, tie, or affix the leash/tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station such a person in a close proximity to that dog so as to prevent it from causing injury to any person.
 3. Muzzle the dog.
 - c. When the dog is a vicious dog, the dog owner, keeper, or harbinger, shall keep the dog confined as set forth in 4.b.1 above, except when said dog is on a leash or tether as described in 4.b.2, then said dog owner, keeper, or harbinger shall additionally keep the said dog muzzled at all times, whether on or off the premises of the owner, keeper, or harbinger.
- 5) No dog owner, keeper, or harbinger of a vicious dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand (\$100,000) dollars because of damage or bodily injury to or death of a person caused by a vicious dog.