

CHAPTER 12 ANIMAL CARE & CONTROL 3-12-1. Definitions.

The following words, terms and phrases shall have the following meanings ascribed to them:

Animal Control Officer shall mean the dog/cat warden, law enforcement officer, or any

County employee with proper training designated by the County Commissioners as having the responsibility for the administration of any or all of the provisions of this Ordinance.

Animal Care and Adoption Center Supervisor shall mean the person placed in charge of the designated Care and Adoption Center facility. This person shall be approved by the County

Commissioners as having the proper training and experience to administer a humane facility according to Center policies and regulations yearly reviewed and approved by the County

Commissioners or their designee(s). Dog/cat running at large shall mean any dog or cat not under immediate control, not on a leash, not at heel, not beside a competent person, not in a

vehicle driven or parked, or not within the property limits of its owner. Hunting dogs are

under the control of their owner when hunting with the landowner=s permission and working

dogs (including Police, leader and stock herding) are under the control of their owner when

discharging their assigned tasks. Dangerous dog/cat shall mean any dog/cat which constitutes a potential threat to the safety of any person due to its behavior or disease carrier status

and/or any dog/cat which according to records of the appropriate authority, has inflicted

severe injury on a person without provocation on public or private property not owned by its owner or has killed or caused severe injury to another domestic animal while off its owner=s

premises. EXCEPTION: No dog may be declared dangerous if 1.) the threat, injury or

damage was sustained by a person who, at the time, was committing a willful trespass or

other tort upon the premises occupied by the owner or keeper of the dog or was in any way

threatening physical harm to its owner or handler that was engaged in any lawful activity, or

2.) the threat, injury or damage was sustained by a person or animal who, at the time was

defending itself from injury caused by any attacking person or animal. County Animal Care

and Adoption Center shall mean the dog/cat shelter established by the County

Commissioners to keep, care for, place for adoption, or legally dispose of animals impounded

as provided herein. Domestic animal shall mean any animal kept as a pet, or otherwise under

the care and control of its owner. 2

Owner shall mean an individual or business entity which has the legal right of possession and control of a domestic animal. Any person who routinely keeps and cares for a domestic animal shall be deemed to be its owner. Controlled feral population are not considered owned animals. Agent shall mean any person 18 years of age or older having lawful custody of a dog/cat with the permission, expressed or implied, of its owner. Licensed dog shall mean any dog on which a tax has been assessed and paid and for which a license has been issued pursuant to the laws of the State of Indiana and Delaware County. Non-immunized dog/cat shall mean any dog/cat which does not have a valid rabies immunization certificate. Rabies vaccination shall mean the injection by a licensed veterinarian of a dog/cat with a rabies vaccine licensed by the U.S.D.A. and approved by the Indiana State Department of Health, or the appropriate authority from the legal residence of the dog/cat owner. Severe injury shall mean any physical injury that results in broken bones or disfiguring lacerations requiring multiple sutures or cosmetic surgery to a person or another animal. Veterinarian shall mean any person licensed and accredited to practice veterinary medicine in the State of Indiana. Humane treatment of animals encompasses the following: 1. It is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit, or lie in its own excrement. 2. It has sufficient and wholesome food and water which is proper and nutritional for its species. 3. It has a proper and adequate structure provided throughout the year that will provide the animal with clean, dry bedding; and that will protect it from all elements of weather and will allow it to stand, sit, and lie down without restriction, and which is kept in a sanitary manner. 4. If ill, diseased or injured, receives proper veterinary care as necessary to promote its good health and prevent the spread of disease to other animals. 5. It is not beaten, cruelly ill-treated, overloaded, overworked, tormented or otherwise abused or neglected or caused to engage in combat with other animals or humans. 6. It is not physically altered in any manner by anyone other than a veterinarian by accepted veterinary procedures and/or accepted animal husbandry procedures. Animals may be tattooed for identification purposes.

7. If it is restrained by a chain, leash, wire cable, or similar restraint, such restraint shall be designed and placed to prevent choking or strangulation or entanglement with other objects. Such restraint shall not be less than ten feet in length. 8. It shall not be placed or confined or allowed to be confined in such a manner that it remains in a motor vehicle or trailer under such conditions or for such periods of time as may endanger the health or well-being of the animal due to heat, cold, lack of food or water, or any circumstance which may cause suffering, disability or death. 9. It shall not be abandoned or dumped. Abandonment shall mean leaving an animal for a period in excess of 24 hours without appropriate provisions having been made for its feeding, watering, shelter and care. 3-12-2. Duties and Responsibilities. A. When requests have been made for assistance in the disposal of dead animals, the County dispatcher shall route the request to the appropriate governmental body. Removal and disposal of dead animals is not the responsibility of the Animal Control Officer. B. Persons in the unincorporated areas of the County may bury their pets on their property or other private property with the owners permission. C. The assessor or his designated agent of the township wherein the dog owner resides shall be responsible for collecting the State and County dog fees. D. The County Animal Control Officer will be a law enforcement officer, fully trained and authorized to act in a law enforcement capacity. E. The County Animal Control Officer will respond to all calls concerning animals in his/her jurisdiction and take appropriate action at the scene. Said officer(s) shall be the primary law enforcement agent(s) of the County responsible for the vigorous enforcement of the provisions of this ordinance. F. The County Animal Control Officer shall respond to reports for all injured animals for which an owner cannot be identified and, in cooperation with the Animal Care and Adoption Center supervisor, determine whether the animal must be humanely sacrificed or might survive with proper medical attention. Should the latter be the decision, the animal control officer shall provide or secure transportation to a veterinary clinic. G. The County Animal Care and Adoption Center will be maintained by the County for the purposes of receiving animals impounded by the animal control officer, animals surrendered by their owners, and animals rescued by citizens. In addition, the Center will strive to return lost or stray pets to their owners, and to make healthy pets in their care available for adoption by responsible persons. Finally, the Center will be the agency charged with educating the public concerning responsible pet ownership, including spaying and neutering of pets, and the humane treatment of animals. 4

H. The County Animal Care and Adoption supervisor shall be responsible for developing and implementing policies by which the Center operates. The supervisor will be responsible for the welfare of animals delivered to the Center, and for cooperating with the animal control officer to make decisions about the management of severely injured or impounded animals, for implementing the judgment of the Court concerning specific animals placed at the Center, and cooperating with the County Health Department in the impounding, quarantining and/or euthanasia of ill or dangerous animals. I. The County Commissioners will design and support an animal care and control program which:

1. Uniformly and diligently enforces laws relating to public health and safety.
2. Responds to nuisance complaints in a timely manner.
3. Investigates complaints of abuse and neglect.
4. Rescues mistreated and injured animals.
5. Shelters stray and homeless animals.
6. Works to reunite lost pets with their owners.
7. Places healthy, behaviorally sound animals with responsible persons.
8. Euthanizes suffering animals as well as those that are neither reclaimed nor adopted within the time limit to be set by the Center supervisor.
9. Promotes mandatory vaccination, licensing and identification of both dogs and cats.
10. Hires and provides training for animal control officers and shelter personnel who can professionally handle animals humanely and efficiently with minimum risk to the public and other animal care and control personnel.
11. Designates an adequate and well-maintained facility to accept and house animals.
12. Receives income for the Animal Care and Adoption Center and Animal Control program and personnel necessary for their operation from:
 - a) pet licensing
 - b) impoundment fees charged to owners whose animals have been picked up
 - c) boarding and redemption fees charged to owners who recover their pets
 - d) fines for violation of this ordinance

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e) fees from the quarantine animals f) adoption fees g) private donations to local government earmarked for animal welfare J. The County Commissioners shall be responsible for appointing an Animal Welfare Advisory Board to review the policies and the operation of the Animal Care and Adoption Center and Animal Control Office, making recommendations to the appropriate entities for improving county animal control and advising the Commissioners on matters relating to their involvement in animal management in the county. 3-12-3.

Violations. A. It shall be a violation of this ordinance for any owner/agent to cause, permit or allow a dog/cat to run at large within Delaware County other than hunting or working dogs who are on task. B. It shall be a violation of this ordinance for any owner/agent to fail to adequately protect the public from a dog/cat which has been declared dangerous. Such an animal should be securely confined on the owner/agent=s property and managed safely by a leash and other necessary accessories when in a public place or off the owner/agent=s property. C. It shall be a violation of this ordinance to fail to maintain a current rabies certificate for each dog/cat owned. D. It shall be a violation of this ordinance to fail to pay a state and/or county tax for each dog owned or kennel tax where applicable. E. It shall be a violation of this ordinance to neglect an animal by failing to keep it in a clean area, provide sufficient food and water, an adequate shelter and proper and timely veterinary care. F. It shall be a violation of this ordinance to beat, cruelly ill-treat, torture, overload, overwork, torment, administer poison or other harmful substances or otherwise abuse an animal. G. It shall be a violation of this ordinance to confine an animal in a car, trailer or other confined space under conditions that will endanger its health or well-being. H. It shall be a violation of this ordinance to abandon or dump and animal. I. It shall be a violation of this ordinance for an owner/agent to fail to remove the waste deposited by his/her animal while on public property or property not owned by the owner/agent. The waste shall be disposed of in a sanitary manner. J. It shall be a violation of this ordinance to allow an animal to travel in an open vehicle such as the open bed of a pickup truck or other similar vehicle unless safely restrained. 6

K. It shall be a violation of this ordinance for any person to: own, possess, keep or train any animal with the intent that such animal be engaged in any exhibition of fighting; build, make, maintain or keep a pit on premises owned or occupied by him/her or allow a pit to be built, made, or maintained or kept on such premises for the purposes of an exhibition of fighting; in any manner encourage, instigate, promote or assist in an exhibition of animal fighting or intentional combat; charge admission, be an assistant, umpire or participate or be present as a spectator to any exhibition of animal fighting or combat. L It shall be a violation of this ordinance to house five or more dogs under the age of six months without securing a State of Indiana kennel license and paying Delaware County kennel fees. Regulations concerning humane treatment of animals as defined in this ordinance apply to kennel owners as they do to owners of individual dogs. M. It shall be a violation of this ordinance for any person to harbor or keep any dog which, by loud and frequent or habitual barking, howling, yelping or whining causes serious annoyance or disturbance to the neighborhood. 3-12-4. Enforcement of Section 3. A. Dogs and cats found to be running at large and not under restraint as provided herein, shall be impounded by the animal control officer. The Animal Care supervisor shall make reasonable efforts to contact the owner of the dog/cat to inform them of the location and status of the dog/cat. The owner may resume possession of such animal upon submitting evidence that it has a current rabies tag and, in the case of dogs, that the dog is duly licensed in its county of residence. The owner will pay the impounding fee and any expenses incurred by the county while providing care for the animal before the animal is returned. B. The owner of a dog/cat which has been identified as dangerous and fails to take appropriate measures to protect the public from that animal, will be issued a citation by the animal control officer and the animal will be impounded. The owner may resume possession of the animal at the Court=s discretion upon presentation of proof of current rabies vaccination and in the case of dogs, current license and upon payment of impoundment fees, expenses and fines. When an officer receives a complaint that a dog has bitten a human, said officer will investigate that complaint. The officer will notify the Delaware County Health Department and follow that department=s instructions concerning the quarantine of the animal. The officer shall fill out a Bite Report Form and issue a warning or citation based on the officer=s discretion. C. Owners of dogs/cats which are found to not have current rabies tags shall be issued a warning by the animal control officer with a deadline to present to the officer or the Animal Care Center supervisor evidence that the situation has been corrected. Failure to provide such evidence by the deadline will result in a citation and fine and the animal may be impounded. Correction of the situation will allow the owner of the animal to resume possession if it has a current rabies inoculation, and in the case of dogs, is currently licensed, and upon payment of the impounding fees, expenses and fines. 7

D. Owners of dogs which are found not to have current state and county licenses shall be issued a warning by the animal control officer with a deadline to present to the officer or the Animal Care Center supervisor evidence that the situation has been corrected. Failure to provide such evidence by the deadline will result in a citation and fine and the animal may be impounded. Correction of the situation will allow the owner of the dog to resume possession if it has current rabies inoculation, is currently licensed and upon payment of the impoundment fees, expenses and fines. E. If an animal control officer has reasons to believe either a) that an animal is in distress caused by mistreatment, exposure to the elements, extremes of temperature, lack of adequate ventilation or drainage, lack of sanitation, deprivation of food or water, restraint of movement, confinement, lack of sufficient exercise space, constrictive gear, injury, illness, physical impairment or parasites, or b) if the well-being of an animal is threatened by a dangerous condition or circumstance, or c) if the distress of the animal is caused by the willful act or omission or gross negligence of any person, or d) if it is likely that the animal would be in distress if the owner retains ownership of the animal, the animal control officer is authorized and empowered to immediately remove and impound the animal. A citation for violating this ordinance will be issued to the person violating it by the animal control officer. The animal will not be returned to its owner without an order from the Court. F. If an animal control officer has reason to believe that an animal has been dumped or abandoned, said officer may enter upon any property where the animal is restrained or confined and supply it with necessary food, water and care. The officer shall make reasonable attempts to locate an owner or care-giver for that animal. The officer shall impound that animal if no owner or care-giver is found within 48 hours. If emergency medical care is needed, the officer shall impound the animal immediately and in consultation with the Animal Care Center supervisor, secure proper veterinary treatment. The animal shall then become the responsibility of the Animal Care Center supervisor. Should an owner or care-giver later be found, that person may resume possession of the animal should the supervisor determine that the circumstances of the abandonment were inadvertent and the owner or care-giver pays the cost of impounding and caring for the animal. G. An owner who fails to remove his/her pet=s waste as described in this ordinance may be issued a warning by an animal control officer for the first offense and a citation and fines for any subsequent offense. H. An animal observed by the animal control officer riding unrestrained in the back of a pickup truck or similar vehicle may be impounded and the driver issued a citation. Providing the animal has a current rabies inoculation, and in the case of dogs, is currently licensed in its county of residence, said animal may be returned to the owner upon payment of the imposed fines by the driver of the vehicle and payment of the impoundment fees and expenses.

I. When an animal control officer has reason to believe that an exhibition of fighting is occurring, said officer will notify the County Sheriff and in cooperation with County and local police officers, may enter upon and property and impound all animal present. 8

Individuals present with animals in their possession but not arrested by the police for violation of Indiana State Law (35-46-3-9), shall be issued a citation by the animal control officer. Animals impounded pursuant to this section shall not be returned to their owners without the express permission of the Court and payment of impoundment fees and expenses and fines. J. When the animal control officer receives a complaint of a dog which is causing annoyance or disturbance to the neighborhood by loud and frequent barking, howling, yelping or whining, he/she shall investigate that complaint and may issue a warning for the first offense and a citation for each subsequent offense. Any person violating any of the provisions of this ordinance shall become liable to the County for any fines enunciated in the fine schedule for each violation, expenses, loss or damage caused by such violation. 3-12-5. Fees and Fines. A. Animal Care and Adoption Center Fees. Any animal impounded under the terms of this ordinance shall be reclaimed as provided herein upon payment, by the owner or person reclaiming such animal, in the amount determined by the Animal Care and Adoption Center Supervisor. B. Fines for violation of Section 3. 1. Any owner, person or other entity violating Sections 3(A), 3(C), 3(D), 3(I), 3(J), 3(L), or 3(M), shall be issued a warning for the first offense and upon being found to have violated any of these sections will be punished by a fine of \$25.00 for the second offense and \$50.00 for the third offense. 2. Any owner, person or other entity found to have violated Sections 3(B), 3(E), 3(G), or 3(H), will be punished by a fine of \$100.00 for the first offense, \$200.00 for the second offense, and \$300.00 for the third offense. 3. Any owner, person or other entity found to have violated Sections 3(F) or 3(K) will be punished by a fine of \$1,000.00 for the first offense, \$2,000.00 for the second offense, and \$3,000.00 for the third offense. Any owner, person or other entity found to have violated any of the provisions of Section 3, three or more times will be, at the discretion of the Court subject to permanent loss of the animal or animals which are the subject of said violations.

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