

**ORDINANCE 2014--**

**ORDINANCE TO AMEND CHAPTER 90 OF THE  
DEARBORN COUNTY, INDIANA CODE OF ORDINANCES**

An ordinance to amend Chapter 90 of the Dearborn County Code of Ordinances concerning Animals.

WHEREAS, the Dearborn County Board of Commissioners desire to revise Chapter 90 of the Dearborn County Code of Ordinances to better serve the citizens of Dearborn County.

**NOW, THEREFORE, BE IT ORDAINED** by the Dearborn County Board of Commissioners that the current Chapter 90 of the Dearborn County Code of Ordinances shall be entirely stricken from the Dearborn County Code of Ordinances and shall be replaced and amended to read as follows:

**CHAPTER 90: ANIMALS**

***General Provisions***

- § 90.01 Adoption of State Law
- § 90.02 Definitions
- § 90.03 Duty and Responsibility of Animal Owners
- § 90.04 Penalties
- § 90.05 Jurisdiction

***Animal Control***

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- § 90.17 Restraint of Animals
- § 90.18 Regulation of Vicious and Dangerous Dogs
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***Licensing and Permits***

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- § 90.67 Enforcement of Civil and Criminal Provisions
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- § 90.70 Animal Bites and Quarantine
- § 90.71 Animal Quarantine Fees

***GENERAL PROVISIONS***

**§ 90.01 ADOPTION OF STATE LAW**

(A) All laws of the State which pertain to the regulation and control of animals, including, but not limited to, their ownership, licensing, harboring, abandonment, running at large, rabies control and quarantine, pursuit, capture, confinement, the prevention and control of diseases of domestic animals, and the active rules and regulations of the State Board of Health and unlawful acts relating thereto which are not inconsistent with this Chapter are made a part of this Chapter by reference.

(B) The sections of this Chapter are not to replace State laws, but are to be considered supplementary and in addition to the laws of the State and are to be fully enforced where not inconsistent with those laws. Any violation of the State statute which is an infraction by State law shall also be deemed a violation of this Chapter and may be enforced as an infraction of the same class of infraction as the State statute.

## § 90.02 DEFINITIONS

For the purposes of this Chapter, the following words, terms and phrases shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

**ABANDONMENT** means the voluntary relinquishment of possession of an animal by the owner without vesting possession of the animal in any other person. The failure to make adequate provision for food, water, and shelter shall be prima facie evidence of abandonment.

**ADULT DOG** and **ADULT CAT** means any dog or cat that is four (4) months of age or older for the purposes of rabies vaccinations and licensing.

**AGENT** means any person eighteen (18) years of age or older authorized by an owner to act on the owner's behalf.

**ANIMAL CONTROL OFFICER** means any individual employed, contracted or appointed by the Dearborn County Board of Commissioners and/or Dearborn County Animal Control for the purpose of aiding in the enforcement of this Chapter relating to the licensing of animals, control of animals or seizure and impoundment of animals.

**ANIMAL SHELTER** means any facility operated by Dearborn County or contracted to third parties to operate on behalf of Dearborn County for the purpose of impounding animals under the authority of this Chapter or State law for care, confinement, return to owner, adoption or euthanasia. In Dearborn County, the animal shelter is P.A.W.S of Dearborn County Humane Center located at 200 Charles A. Liddle Drive, Lawrenceburg, Indiana 47025.

**AT LARGE** means any animal that is not under direct control of the owner or other person by leash, cord, fence, chain or other device of physical restraint, or an electronic "invisible" fence or any person who has the ability to control the animal by voice command. The term "at large" does not include animals engaged in lawful hunting accompanied by the owner or custodian.

**AUTHORIZED VETERINARIAN/CLINIC** means any person licensed or permitted to practice veterinary medicine under the laws of the State, and such person shall have had no previous incidents where money collected from the sale of rabies or license tags has been used or handled inappropriately or illegally.

**COLONY** means a group of two (2) or more feral cats, whether managed or unmanaged.

**COLONY CARETAKER** means an authorized person who provides food, water and shelter for feral cats in a managed colony.

**COMMERCIAL ANIMAL ESTABLISHMENT** means any pet shop, auction, flea market, riding school or stable, pet grooming shop, zoological park, circus, kennel, or veterinary hospital.

**COMMISSION** means the Dearborn County Board of Commissioners or such other board as may be established by the Dearborn County Board of Commissioners to perform delegated functions of the Commission under this Chapter.

**CONFINEMENT** means limited or restricted within the bounds of the real property of the animal's owner or agent.

**COUNTY** means the incorporated and unincorporated areas of Dearborn County.

**DIRECT CONTROL** means immediate and continuous physical control of an animal (excluding herding dogs; dogs in the process of hunting; police dogs; dogs participating in a registered field trial, obedience trial, and confirmation show and/or match) at all times such as by means of a fence, leash, cord or chain of sufficient strength to restrain the animal. When an animal is specifically trained to immediately respond to oral or visual commands, the term "direct control" includes oral or visual control if the controlling person is at all times clearly and fully within unobstructed sight and hearing of the animal, but in no case to exceed one hundred feet (100 ft.). Oral control shall at all times prevent the animal from running at large or otherwise violating this chapter.

**DOG RUNNING AT LARGE** means any dog not under direct control, not on a leash, not at heel, not beside a competent person, not in a vehicle driven or parked, or not confined within the property limits of its owner. Hunting dogs are under the control of the owner when hunting with the landowner's permission.

**DOMESTIC ANIMAL** means a dog, cat, or any other animal such as a rabbit, guinea pig, lizard, iguana, fish, hamster, ferret, mouse, snake, spider, bird, or gerbil, which may normally be held, sold, or maintained as a pet.

**EXOTIC ANIMAL** means any animal that is native to a foreign country or of foreign origin or character, is not native to the United States, or was introduced from abroad. This term specifically includes animals such as, but not limited to, lions, tigers, leopards, elephants, camels, antelope, anteaters, kangaroos, and water buffalo, and species of foreign domestic cattle, such as Ankole, Gayal, and Yak.

***EXPOSED TO RABIES*** means any human or non-human warm blooded mammal that has been bitten or in contact with any other animal known or reasonably suspected to have been infected with rabies.

***FERAL CAT*** means any cat that has no apparent owner or identification and is wild, untamed, unsocialized, unmanageable and unable to be approached or handled.

***FRESH PURSUIT*** means the immediate following by an Animal Control Officer and/or Law Enforcement Officer of an animal that is found to be at large and not on the owner's property.

***GUARD DOG*** and ***WATCH DOG*** means any dog trained by a recognized training facility for the purpose of protecting individuals from assault and/or preventing property loss or damage. The term "recognized training facility" means any person holding a State kennel license and a business license for either of the purposes described in this definition.

***GUIDE DOG*** means a properly trained dog certified by a licensed training facility that has an expertise in training dogs for physically impaired persons and that is actually being used by a person to assist in that physical impairment.

***HARBORING*** means the action of any person (the "harborer") that permits any animal to habitually remain or lodge or to be fed within their home, store, enclosure, yard, or place of business or any premises on which such person resides or controls. An animal shall be presumed harbored if it is fed or sheltered for three (3) consecutive days. For the purpose of this Chapter, this definition is referring only to those animals falling under the responsibilities and duties of Dearborn County Animal Control and is not intended to include bird feeders or other wildlife or livestock accommodations regulated by other State and/or Dearborn County agencies.

***IMPOUNDMENT*** means the act of taking physical possession and control of an animal by an Animal Control Officer or other Law Enforcement Officer empowered to act by law and transporting it to an animal control facility or humane society.

***KENNEL*** and ***CATTERY*** means any premise or portion thereof on which five (5) or more dogs or cats over four (4) months of age are kept, or on which two (2) or more such animals are maintained, boarded, bred, or cared for in return for remuneration or kept for the purpose of sale.

***KENNEL OPERATOR*** and ***CATTERY OPERATOR*** means a person who owns and/or operates a kennel and/or cattery.

**LAW ENFORCEMENT OFFICER** means any law enforcement officer empowered to make arrests or cause to be issued summonses in Dearborn County.

**LICENSING AUTHORITY** means Dearborn County Animal Control, P.A.W.S. and any additional authority deemed appropriate to issue animal licenses by the Commission.

**LIVESTOCK** includes horses, cows, goats, pigs or any other four-legged animal, excluding dogs and cats, used for pleasure or profit. Fowl are expressly included within this definition.

**MANAGED COLONY** means a colony of feral cats that are registered with Dearborn County Animal Control, or designee, and is maintained by a colony caretaker using trap, neuter, return methodology.

**MENACING FASHION** means a dog that would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

**OWNER** means any person who owns, harbors, keeps, feeds, maintains, has lawful possession of, or knowingly causes or knowingly permits an animal to be harbored or kept or has an animal in their care who permits an animal to remain on or about his/her premises; provided, however, this shall not include a person hired or acting as custodian of the animal for its owner, and shall not include colony caretakers of registered colonies of feral cats.

**PERSON** means any individual, firm, association, joint stock company, syndicate, partnership, and/or corporation.

**PET SHOP** means a commercial animal establishment engaging in the retail sale of animals.

**POLICE DOG** means any dog trained by a recognized training facility for the purpose of assisting one (1) or more Law Enforcement Officers in the performance of their official duties. The term “recognized training facility” means any person holding a State kennel license and a business license for either of the purposes described in this definition.

**RIDING SCHOOL OR STABLE** means a commercial pet establishment that has available for hire, boarding and/or riding instruction any horse, burro, donkey, pony or mule.

**RUNNING IN PACK** means three (3) or more animals at large together which, by repeated or continual presence, constitutes a physical danger to a neighborhood, livestock, or personal or real property. “Running in pack” shall not include animals under the reasonable

control of some person or when engaged in lawful hunting accompanied by the owner or custodian.

**STRAY** means any animal that does not appear, upon reasonable inquiry, to have an owner.

**VETERINARY HOSPITAL** means a commercial animal establishment maintained and operated by a licensed veterinarian for surgery, disease diagnosis, and/or treatment of disease and injuries of animals.

**VICIOUS AND DANGEROUS DOG** means any animal that attacks, bites or injures human beings, pets, companion animals or livestock or which, because of temperament, conditioning, or training, has a known propensity to attack, bite or injure human beings, pets, companion animals or livestock. No dog may be declared vicious and dangerous if a 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 provoking, tormenting, abusing, or assaulting the dog or has, in the past, been observed to have provoked, tormented, abused or assaulted the dog or was committing or attempting to commit a crime. The definition shall not be construed to include dogs that are part of a governmental organization or a trained guard dog in performance of its duties.

**WITHOUT PROVOCATION** means a dog not provoked, tormented, or abused by a person. A dog that was coming to the aid or defense of a person who was engaged in illegal or criminal activity and who was using the dog as a means of carrying out such activity is acting without provocation.

### **§ 90.03 DUTY AND RESPONSIBILITY OF ANIMAL OWNERS**

- (A) Every owner of every animal kept in Dearborn County shall see that such animal:
- (1) Is kept in a clean and sanitary and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement. The person responsible for the animal shall regularly, and as often as necessary, maintain all animal areas or areas of animal contact to prevent odor or health and sanitation problems;
  - (2) Shall have proper and adequate food that is nutritionally appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water, shelter and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely;

(3) Shall not be tethered by use of a choke collar nor by any rope, chain or cord directly attached to the animal's neck, nor by any collar too small for the size and age of the animal, nor by a leash of such unreasonable weight as to prevent the animal from moving about freely;

(4) Is protected against abuse, cruelty, neglect, torment, overload, overwork, or any other mistreatment;

(5) Shall provide reasonably necessary medical care including the required rabies vaccination. If diseased or exhibiting symptoms of disease, the owner shall ensure that the animal receives proper medical care and is segregated from other animals so as to prevent transmittal of the disease; and

(6) Is maintained in compliance with all applicable Federal, State and local laws and all regulations respecting animal care and control as are adopted by Dearborn County and in effect from time to time.

(B) Owners of animals in Dearborn County have the duty to ensure that they are in compliance with all applicable Federal and State laws as well as this Chapter and any additional ordinances of Dearborn County such as the Zoning Ordinance and the Subdivision Control Ordinance. Failure to comply with all applicable laws could result in penalties in addition to those outlined in § 90.04 of this Chapter.

#### **§ 90.04 PENALTIES**

(A) In the event of an Ordinance violation, Dearborn County Animal Control shall notify the owner or harbinger of the animal of the Ordinance violation in writing citing the pertinent Chapter section and any fines due and/or actions needed to be taken. If the owner or harbinger fails to comply, the Animal Control Officer shall file the Ordinance violation with any Court in Dearborn County, pursuant to local rules, as necessary to enforce the penalties of this Chapter.

(B) Any person violating Section 90.03, 90.18, 90.22, 90.23, 90.38, 90.50, 90.54, and/or 90.68 of this Chapter shall commit a Class B infraction and may be fined up to One Thousand Dollars (\$1,000.00) per occurrence.

(C) Any person violating Section 90.16, 90.17, 90.20, 90.34, 90.37, 90.49, 90.51, 90.52, 90.53, and/or 90.70 of this Chapter shall commit a Class C infraction and may be fined up to Five Hundred Dollars (\$500.00) per occurrence.



(D) In the event that an animal is impounded by an Animal Control Officer pursuant to this Chapter, and in addition to any other penalty set out in subsections (B) and (C) above or Court costs, the owner shall reimburse the cost associated with providing shelter for each impounded animal at an animal control facility or the humane society.

(E) If the owner of the animal(s) has not paid the Ordinance violation fine within fourteen (14) days of receiving the Notice of Ordinance Violation, Dearborn County Animal Control shall contact the Dearborn County Attorney in order to file the Ordinance Violation case with the appropriate court in Dearborn County.

(F) In the event a violation of § 90.16 through § 90.18 of this Chapter involves a vicious and dangerous dog, any Court in Dearborn County may order the owner or harborer to obtain liability insurance pursuant to § 90.18(E); and the Court, in addition to any other penalty, may also order that the vicious and dangerous dog be humanely destroyed by a licensed veterinarian or the Animal Control Officer, and that the owner or harborer shall pay all expenses including, but not limited to, shelter, food, veterinary, and destruction expenses necessitated by the seizure of the dog for the protection of the public or violation of § 90.16 through § 90.18.

#### **§ 90.05 JURISDICTION**

The Dearborn County Board of Commissioners finds that the terms and conditions of this Chapter are in the best interests of all citizens of Dearborn County. Therefore, this Chapter shall be in full force and effect in both the incorporated and unincorporated parts of Dearborn County unless or until a municipality within Dearborn County passes an ordinance:

- (1) Prohibiting enforcement of this Chapter within the boundaries of the municipality;  
or
- (2) Regulating and prohibiting acts or omissions substantially similar to those acts or omissions set out in this Chapter.

#### ***ANIMAL CONTROL***

#### **§ 90.16 PUBLIC NUISANCE**

(A) Any animal that, unprovoked, unreasonably annoys humans, endangers the life or health of other animals or persons, or substantially interferes with the rights of citizens, other than their owners, to enjoyment of life or property. The term public nuisance shall mean and include, but is not limited to, any animal that, unprovoked:

- (1) Is found at large on more than two (2) occasions;
- (2) Damages the property of anyone other than its owner;
- (3) Harasses or intimidates neighbors, pedestrians, or passersby;
- (4) 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 in close proximity to the premises where the animal is kept or harbored; or
- (5) Attacks other animals.

**§ 90.17 RESTRAINT OF ANIMALS**

(A) It shall be unlawful for any owner or harborer of any animal to allow such animal to run at large, whether wearing a collar and tag or not, within the incorporated or unincorporated areas of Dearborn County. If the animal has a collar and tag, the Animal Control Officer or the Law Enforcement Officer shall take reasonable measures to return the animal to its owner. Any animal found running at large that is not wearing a collar and tag shall be immediately impounded by an Animal Control Officer or a Law Enforcement Officer. Animal Control Officers and Law Enforcement Officers may pursue animals onto private property to effect capture of such animal.

(B) It shall be the duty of every owner or harborer of any animal to exercise reasonable care and take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from the animal's behavior. If the owner or harborer of any animal is a minor, the parent or guardian of such minor shall be jointly responsible for the minor's violation of this Chapter.

(C) It shall be the duty of every owner or harborer of any dog to ensure that the dog is kept under restraint and that reasonable care and precautions are taken to prevent the dog from leaving the real property limits of its owner or harborer and ensure that it is:

- (1) Securely and humanely enclosed within a house, building, fence, pen or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition;
- (2) Securely and humanely restrained by chain, cable or trolley, or other tether of sufficient strength to prevent escape; and/or

(3) On a leash and under the control of a competent person; or off a leash and obedient to that person's command and that person is present with the dog any time it is not restrained as provided for in subsection (C)(1) or (C)(2) of this section while on the owner's property.

(D) The owner or harbinger of any guard dog or watch dog must confine such dog within a perimeter fence and meet the following requirements:

(1) The fence shall be sufficient to prevent the dog's escape, with all points of ingress and egress securely locked at all times; and

(2) A beware of dog sign shall be conspicuously displayed on each exterior side of the enclosure for each fifty (50) feet enclosure, with a minimum of two (2), as well as a sign on each ingress and egress point to the enclosure. Signs shall be a minimum of sixteen (16) inches by sixteen (16) inches.

(E) The chaining of dogs is discouraged, but if it is done, the following is required:

(1) The dog must be able to reach fresh food and water 24 hour a day;

(2) The chain must be at least twelve (12) feet in length;

(3) The chain must not be of a weight heavy enough to cause physical damage to the dog's neck or body;

(4) The chain must be attached in a manner so that it cannot wrap around vertical items such as a barrel, pole or tree. It must be able to move freely in all directions;

(5) The dog must have shelter from the weather, yet free from becoming entangled with the chain. The dog must have access to the shelter 24 hours a day;

(6) The shelter or doghouse must be kept clean and sanitary and in good repair so the dog does not injure itself on nails, wood pieces, metal pieces, etc. A shelter from weather must be provided during all seasons of the year; and

(7) Any area that the dog has access to must be kept clean and sanitary so that the dog does not injure itself on nails, wood pieces, metal pieces, etc. The area must also be free of animal feces.

(F) Every animal in heat shall be confined in a house, building, or secure enclosure with impenetrable walls in such a manner that such female cannot come into contact with a male of the same species except for planned breeding.

## **§ 90.18 REGULATION OF VICIOUS AND DANGEROUS DOGS**

In addition to the requirements for the restraint of animals found in § 90.16 of this Chapter, the following additional regulations apply to dogs that have been determined to be vicious and dangerous dogs:

(A) In addition to the requirements in § 90.16(C) of this Chapter, the owner of a vicious and dangerous dog who maintains the dog outside shall fence a portion of the property with a second perimeter or area fence. Within this perimeter or area fence, the vicious and dangerous dog must be humanely confined inside a pen or kennel of adequate size. The pen or kennel may not share common fencing with the area or perimeter fence. The kennel or pen must have secure sides and a secure top attached to all sides. The sides must either be buried two (2) feet into the ground, sunken into a concrete pad, or securely attached to a wire bottom. The gate to the kennel shall be of the inward-opening type and shall be kept locked except when tending to the dog's needs such as cleaning the kennel or providing food and water.

(B) It shall be unlawful for any person to cause, permit, accompany or be responsible for the presence of any vicious and dangerous dog on the streets or public places of Dearborn County or allow the dog to run on the premises of another at any time, unless, in addition to the other requirements of this Chapter, the dog is securely muzzled to effectively prevent it from biting any person or other animal.

(C) Whenever a vicious and dangerous dog is outside of its enclosure as provided for in this section, but on the owner's property, it must be attended by the owner and restrained by a secure collar and leash of sufficient strength to prevent escape. The leash shall be no longer than ten (10) feet, and the dog must be kept at least fifteen (15) feet within the perimeter boundaries of the property unless the perimeter boundary is securely fenced.

(D) No vicious and dangerous dog shall be chained, tethered, or otherwise tied to any inanimate object such as a tree, post or building, outside of its own enclosure as provided for in this section.

(E) No owner or harbinger of a vicious and dangerous dog shall fail to obtain liability insurance with an insurer authorized to write liability insurance in the State of Indiana providing coverage in each occurrence, subject to a limit, exclusive of interest and costs,

of not less than One Hundred Thousand Dollars (\$100,000.00) because of damage or bodily injury to or death of a person caused by the vicious and dangerous dog. Said insurance must be obtained within fourteen (14) days of receiving notice that the dog has been determined to be a vicious and dangerous dog.

(F) If a dog is determined to be a vicious and dangerous dog pursuant to § 90.19(A), the owner or harbinger shall have ten (10) days in which to file a written Notice of Appeal of such designation with the Commission. The Commission shall set a hearing on the determination within ten (10) days of receiving the written Notice of Appeal. The Commission shall conduct a hearing on the appeal and shall determine whether the designation of vicious and dangerous dog shall remain or be removed. The decision of the Commission shall be made no later than five (5) days after the hearing and written notice of the decision shall be provided by the Commission to the owner or harbinger and Dearborn County Animal Control. From the time the designation is made by the Animal Control Officer, the provisions of this Ordinance regarding vicious and dangerous shall be in full force and effect and each owner or harbinger and the Animal Control Officer shall ensure that the provisions with regard to vicious and dangerous dogs are fully met during such time period. Any violation of this Chapter committed prior to the hearing shall be admissible and such hearing shall be conducted in an informal manner pursuant to procedures established by the Commission.

(G) Any person who is the owner or harbinger of a vicious and dangerous dog and who transfers the ownership, care, or custody of said dog to another person shall notify Dearborn County Animal Control of such transfer within 48 hours of the transfer.

(H) The owner or harbinger of a vicious and dangerous dog shall post a sign at the normal main entrance to their premises where it will be readily visible by anyone, especially children, coming to their property. The sign shall be no less than sixteen (16) inches by sixteen (16) inches in size, the letters shall be no less than two and one half (2 ½) inches in thickness, and the sign shall say "BEWARE VICIOUS DOG" or "BEWARE DANGEROUS DOG".

#### **§ 90.19 DETERMINATION OF VICIOUS AND DANGEROUS DOG STATUS**

An Animal Control Officer may preliminarily designate a dog as a vicious and dangerous dog as they may deem necessary as a result of their own personal knowledge, or as a result of a written, signed complaint made by any member of the public, or based on such other information provided to or obtained by Dearborn County Animal Control which they deem to be sufficient to cause such a determination to be made. Notice of this determination shall be provided to the owner or harbinger of the dog and to the Commission in writing.

**§ 90.20      FERAL CATS**

(A) Dearborn County may establish a fund, provide services, or an approved assistance program to offset the costs of trapping, neutering, and vaccinating captured feral cats that can be returned to an appropriate, controlled, protected and registered colony site. Caregivers for such colonies, whether one or several cats, may be aided by Dearborn County or the approved assistance program in providing traps for the capture of the cat, transportation to a spay/neuter facility and offsetting costs, to the extent that funding is available.

(B) Each feral cat colony will be registered by the caregivers with Dearborn County Animal Control, which will serve as a clearinghouse for information on current caregivers, education for new caregivers, and assistance for persons found in violation of this section.

(C) Approved assistance programs for feral cat colonies within Dearborn County will exist only with the approval of the home owner or neighborhood association in which the colonies are to exist.

(D) It shall be unlawful for a person to provide food, water or shelter to a colony of feral cats, unless:

(1) The colony is an approved managed colony, registered with Dearborn County Animal Control;

(2) The food, water or shelter is provided in conjunction with the implementation of trap, neuter, and return methodology as set forth below;

(3) Ear tipping will be used on feral cats in order to be identified as a spayed or neutered and vaccinated member of a managed colony;

(4) Any person or caregiver determined to be in violation of subsections § 90.20(D)(5)(a) through § 90.20(D)(5)(h), below, shall be issued a written warning and be allowed a period of time to come into compliance or provide satisfactory evidence of working to achieve compliance. Failure to comply shall result in a violation of this section, which may result in the issuance of a citation;

(5) An approved feral cat colony caretaker, in order to obtain control of the feral cat population in Dearborn County, may:

- (a) Humanely trap and sterilize (spay/neuter) and left ear-tip all cats that can be captured by a licensed veterinarian;
- (b) Vaccinate, as required by law, all cats that can be captured:
  - (i) Against rabies, preferably with a three-year vaccine; and
  - (ii) Any other infectious disease as mandated by law.

Colony caretakers shall have a licensed veterinarian evaluate the health of all trapped feral cats. Seriously ill or injured cats with no reasonable prognosis for humane rehabilitation for survival outdoors will be humanely euthanized;

- (c) Release all non-feral cats to Dearborn County Animal Control or P.A.W.S. for adoption or placement in accordance with the law;
- (d) Make every attempt to remove kittens from the colony before eight (8) weeks of age for domestication and placement;
- (e) Make every attempt to remove sick or injured cats from the colony for immediate veterinary care or humane euthanasia;
- (f) Colony caretakers shall abide by the standard guidelines devised by this Ordinance regarding the provisions of food, water, shelter and veterinary care for the cats within the managed colony;
- (g) Ensure responsibility and arrangements for feeding the cat colony regularly throughout the year, including weekends, holidays, and vacations of the feral cat caregiver; and
- (h) A colony caretaker must maintain proof of sterilization, vaccination, tattoo or implant and medical records from a licensed veterinarian at all times. These records must be provided to an Animal Control Officer and/or Law Enforcement Officer upon request.

(E) Any Animal Control Officer and/or Law Enforcement Officer may impound feral cats in violation of this Chapter. Any feral cats impounded by the Animal Control Officer and/or Law Enforcement Officer that bears an appropriate ear-tipping indicating it belongs to a managed colony may, at their discretion, return the cat to its managed colony unless illness or injury present an imminent danger to public health or safety; and

(F) Caregivers in violation of this section will lose caretaker privilege and will become subject to all appropriate penalties as outlined in this Chapter.

**§ 90.21 STERILIZATION OF DOGS AND CATS**

(A) It is highly recommended that each dog and cat over the age of six (6) months which is kept in Dearborn County be sterilized and rendered incapable of reproducing by a licensed veterinarian, unless a veterinarian has certified in writing that it would not be in the animal's best medical interest, but in no case later than when that excepted animal attains the age of nine (9) months.

(B) Any animal adopted from any source, with the exception of breeding stock, must be spayed or neutered by a veterinarian. If the animal is an adult, such operation shall be performed within one (1) month of adoption. All adopted dogs and cats must be spayed or neutered within six (6) months unless otherwise advised by a veterinarian.

**§ 90.22 COMMERCIAL ANIMAL ESTABLISHMENTS**

(A) Standards for commercial animal establishments are as follows:

- (1) The establishment must be operated in such a manner as not to constitute a public nuisance;
- (2) The establishment shall provide an isolation area for animals that are sick or diseased to be placed in so as not to spread disease to healthy animals;
- (3) All animals must be kept caged, within a secure enclosure or under the control of the owner at all times;
- (4) The establishment must provide the level of care provided for in this Chapter to all animals kept on the premises;
- (5) The establishment will not sell animals which are unweaned or diseased;
- (6) The establishment shall permit the Animal Control Officer to inspect, at any and all times, the premises where the animals are kept;
- (7) The establishment must provide each animal with sufficient space to stand up, lie down, and turn around in a natural position without touching the sides or top of the enclosure;



(8) A commercial animal establishment shall be considered one or more of, but is not limited to, the following:

- (a) Auction;
- (b) Flea market;
- (c) Circus;
- (d) Riding school or stable;
- (e) Veterinary hospital;
- (f) Zoological park;
- (g) Pet shop;
- (h) Pet grooming shop;
- (i) Kennels and catteries; and
- (j) Permanent fairgrounds.

(9) All commercial animal establishments, other than a circus temporarily located within Dearborn County for less than ten (10) days per year, shall be located at a permanent building or facility and shall be permitted at that location by the applicable zoning laws.

### **§ 90.23 EXOTIC ANIMALS**

Exotic animals, as defined in § 90.02, may only be possessed with proper licensing with State and Federal authorities. Dearborn County Animal Control must be notified of the presence of any exotic animals by the owner or harborer of the exotic animals.

### ***LICENSING AND PERMITS***

### **§ 90.34 LICENSE REQUIRED**

(A) Any person owning, keeping, harboring or having custody of a dog(s) over four (4) months of age within Dearborn County must obtain a license for each dog in their

possession. Further, each owner of a dog within Dearborn County shall ensure that such dog, at all times, wears a collar made of a durable material to which is attached, at all times, the dog license tag in addition to the required rabies vaccination tag. There is no licensing requirement for cats; however, licensing is recommended for cats because it increases the number of lost cats returned and facilitates enforcement of animal control and cruelty laws and promotes spaying and neutering.

(B) Licenses under this section will be issued individually for each dog or, in the event a person maintains a kennel, such person may apply for a kennel permit in lieu of an individual license for each dog.

(C) As indicated in § 90.02 of this Chapter, the Licensing Authorities in Dearborn County are Dearborn County Animal Control and P.A.W.S. As such, dog licenses may be purchased from these sources.

#### **§ 90.35 APPLICATION; TERM OF LICENSE**

(A) Written application for individual license or kennel and cattery permits shall include the name and address of the owner, description of the dog(s), the appropriate fees, and rabies certificate issued by a licensed veterinarian or rabies clinic.

(B) Application for a license must be made within thirty (30) days after obtaining a dog over four (4) months of age; this requirement will not apply to a nonresident keeping a dog within Dearborn County for not longer than sixty (60) days.

(C) Licenses shall be for a period of one calendar year. Licenses for the following year may be purchased and used during the last sixty (60) day of the preceding year.

#### **§ 90.36 LICENSE FEES**

(A) A license or permit shall be issued after presenting a current rabies vaccination certificate and payment of the application fee in the amount as set forth below:

- (1) Six Dollars (\$6.00) for each neutered male dog or spayed female dog;
- (2) Eleven Dollars (\$11.00) for each un-neutered male dog or un-spayed female dog; and
- (3) Fifty Dollars (\$50.00) for each kennel or cattery permit.

- (B) Duplicate licenses or permits may be obtained upon payment of a One Dollar (\$1.00) replacement fee.
- (C) No license fee shall be required for certified seeing-eye dogs, hearing dogs, government police dogs, or other dogs that are certified service dogs to assist the physically or emotionally handicapped.

**§ 90.37 ISSUANCE OF LICENSE TAG; RECORD; USE OF LICENSE FOR DIFFERENT DOG PROHIBITED**

- (A) Upon acceptance of the license application and fee, the licensing authority shall issue a durable tag, stamped with an identifying number and the year of issuance, or a certificate in the case of a kennel or cattery permit.
- (B) The licensing authority shall maintain a record of the identifying number of all tags, kennel and cattery permits issued.
- (C) No person may use any license for any dog other than the dog for which it was issued.

**§ 90.38 KENNEL AND CATTERY LICENSES**

- (A) A kennel or cattery permit shall be obtained by the following:
  - (1) Any person who intentionally causes or allows the breeding of a dog or cat available for breeding purposes;
  - (2) Any person who offers for sale, sells, trades, receives other compensation, or gives away any litter of dogs or cats; or
  - (3) Any owner or person having custody of a dog or cat that has delivered a litter or caused the delivery of a litter.
- (B) Such kennel or cattery permit shall:
  - (1) Allow the nonsterilization of animals owned by the permittee for one 12-month period after the date of issuance and the birthing of a maximum of one litter in a 12-month period in his or any domestic household or establishment or any combination thereof;

(2) Not allow the owner to offer for sale, sell, trade, or receive other compensation or give away more than one (1) litter of dogs or cats in such 12-month period; and

(3) Require the holder of the permit to furnish Dearborn County Animal Control with information on the birth of each litter of dogs and cats as may be required by Dearborn County Animal Control to register the litter and be assigned a litter number for each litter.

(C) The holder of a kennel or cattery permit shall:

(1) Transmit to the new owner or buyer the litter number of the animal acquired and the breeder's kennel or cattery permit number in order that the new owner has assurance and proof that the animal was legally bred;

(2) Immunize all dogs and cats offered for sale, trade, or other compensation or for free giveaway against the most common contagious diseases; for dogs against canine distemper, hepatitis, Para influenza, and parvo virus and for cats against feline rhinotracheitis calicivirus, and panleucopenia;

(3) Not offer a puppy or kitten under the age of eight (8) weeks for sale, trade or other compensation or for free giveaway; and

(4) Furnish a warrant of health for a period of not less than one (1) week with the recommendation to have the animal examined by a licensed veterinarian for each animal sold, traded, or given away.

(D) Each kennel or cattery permit shall be obtained from Dearborn County Animal Control or P.A.W.S.

(E) Each holder of a valid kennel or cattery permit shall register additional litters with Dearborn County Animal Control. Each additional litter registration shall comply with the same requirements as the original kennel or cattery permit.

(F) Dearborn County adopts the Code of Federal Regulations, 9 CFR 3.1 through 3.19 as the standards of operation and inspection of kennels and catteries. The Commission appoints the Dearborn County Animal Control as the agency authorized to inspect kennels and catteries.

## *ANIMAL CARE*

### **§ 90.49      VACCINATION OF DOGS, CATS AND FERRETS**

- (A) See IAC Title 345: Indiana State Board of Animal Health.
- (B) All dogs, cats and ferrets four (4) months of age and older must be vaccinated against rabies. The rabies vaccination of a dog, cat, or ferret shall be maintained by ongoing revaccination of the animal as follows:
  - (1) Ferrets shall be vaccinated within twelve (12) months of the prior vaccination;
  - (2) Dogs and cats that are vaccinated with a rabies vaccine the label of which recommends annual boosters shall be revaccinated within twelve (12) months of the prior vaccination;
  - (3) Dogs and cats that are vaccinated with a rabies vaccine the label of which recommends a booster one (1) year later and triennially thereafter shall be revaccinated within thirty-six (36) months of each vaccination thereafter.
- (C) The owner of the animal is responsible for procuring the vaccinations required by this section.

### **§ 90.50      CRUELTY, ABUSE, NEGLECT AND ABANDONMENT OF ANIMALS**

- (A) Cruelty shall mean and include every act whereby unnecessary or unjustifiable pain, suffering or death is caused, permitted or allowed to continue where there is a reasonable remedy or relief. Acts of cruelty shall include, but not be limited to, the following:
  - (1) Whoever willfully or maliciously kills, abuses, maims, or disfigures any animal or willfully or maliciously administers poison to any animal or exposes any poisonous substance with the intent that the poisonous substance shall be taken and swallowed by such animal shall be deemed in violation of this section.
  - (2) Whoever overloads, overdrives, tortures, torments, or deprives an animal of its necessary sustenance or shelter; beats, mutilates, or kills any animal or causes such to be done; or carries in or upon a vehicle or otherwise any animal in a cruel or inhumane manner shall be deemed in violation of this section.

(3) Whoever confines any animal and fails to supply it with sufficient quantities of wholesome food and water, whoever keeps any animal in any enclosure without wholesome exercise and change of air or whoever abandons any animal to die shall be deemed in violation of this section.

(4) No person shall:

(a) Own, possess, keep or train any animal with the intent that such animal shall be engaged in an exhibition of fighting.

(b) Build, make, maintain, or keep a pit on premises owned by him/her or occupied by him/her or allow a pit to be built, made, maintained or kept on such premises for the purposes of an exhibition of animal fighting.

(c) In any manner encourage, instigate, promote or assist in an exhibition of animal fighting or intentional combat.

(d) Charge admission; be an assistant, umpire or participant; or be present as a spectator to any exhibition of animal fighting or combat.

(B) Any Animal Control Officer or other officer empowered to act by law may impound any animal found to be cruelly treated.

(C) It shall be the duty of the owner to maintain in a clean and sanitary condition and free from extreme and unreasonable objectionable odor all structures, pens, yards, and areas adjacent thereto wherein any animal is kept.

(D) Nothing in this section shall be deemed to prohibit the humane slaughter of livestock or poultry in conformance with all applicable rules and regulations of the State Board of Health and the United States Food and Drug Administration.

(E) Nothing in this section shall prohibit hunting or fishing, as permitted by the law of the State of Indiana and the rules and regulations of the Indiana Department of Natural Resources.

(F) Nothing in this section shall prohibit the use of commercially sold poisons for the control of rats, mice, groundhogs, moles or other similar rodents as long as the person using the poisons uses reasonable care to ensure that neither domestic animals nor livestock are exposed to the poisons.

**§ 90.51            GIVING AWAY LIVE ANIMALS**

(A)    No person shall give away any live animals as a prize for, or as an inducement to enter, any contest, game, or other competition; as an inducement to enter a place of amusement; or an incentive to enter into any business agreement in which the offer was for the purpose of attracting trade.

(B)    Nothing in this Section shall preclude organizations such as 4-H and FFA from providing its members with “breeding stock” so that said members may participate in those organizations.

**§ 90.52            STRIKING DOMESTIC ANIMAL WITH MOTOR VEHICLE**

Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal’s owner. In the event the owner cannot be ascertained or located, such operator shall at once report the accident to Dearborn County Animal Control, the local police department, or the Dearborn County Sheriff’s Department.

**§ 90.53            ANIMALS IN VEHICLES**

No animal shall be left unattended in a vehicle when the conditions within that vehicle would constitute a health hazard to the animal. No animal shall be transported in any open vehicle unless confined in an appropriate manner intended to prevent the animal from jumping from the vehicle or being thrown from the vehicle in the event of an accident or rapid stop or other use of the vehicle which could cause injury to the animal or any humans. No animal shall be transported in the trunk of any vehicle.

**§ 90.54            EXPOSING POISONOUS SUBSTANCES**

No person shall intentionally expose any known poisonous substance, whether mixed with food or not, so that the same shall be eaten by a domestic animal and/or livestock.

***ADMINISTRATION AND ENFORCEMENT***

**§ 90.65            ANIMAL CONTROL OFFICERS AND STAFF**

(A)    The Director of the Dearborn County Animal Control shall be appointed by the Commission on a yearly basis and may be removed at any time for any reason by the

Commission. The Director may hire additional employees by following the procedures outlined in the Dearborn County Employee Handbook.

(B) The Animal Control Officers and staff shall maintain compliance with, and shall be subject to disciplinary action in accordance with, the Dearborn County Employee Handbook.

(C) The Animal Controls Officers and staff shall be sworn to uphold, carry out, and supervise the enforcement of this Chapter within Dearborn County unless otherwise provided. The Animal Control Officers and staff shall be vested with all the powers ordinary and necessary under the law to enforce the provisions of this Chapter. These duties shall specifically include, but are not limited to, the following:

- (1) To educate the public concerning humane ethics, consequences of pet overpopulation and their responsibilities of pet owners;
- (2) An Animal Control Officer shall have the authority to:
  - (a) Impound any animal found running at large not under direct control;
  - (b) Impound any dog that has bitten a person or another animal;
  - (c) Impound any vicious and dangerous dog;
  - (d) Humanely destroy any domestic or wild animal when such action is needed to protect persons or property or to prevent suffering by the animal;
  - (e) Impound any animal showing symptoms of rabies or which has bitten or been bitten by another animal showing symptoms of rabies;
  - (f) Impound any animal that does not display a current rabies vaccination tag;
  - (g) Impound any whose owner(s) have been found to be in violation of any section of this Chapter.
- (3) Have the power to issue official warnings or notices of ordinance violation of this Chapter;



(4) Have the power to enter private real property in fresh pursuit of an animal to enforce this Chapter;

(5) Make recommendations to the Commission as to necessary changes in the Ordinance regarding the care, treatment and/or control of animals.

(D) In performing any of these duties, the Animal Control Officer and staff shall, however, be specifically prohibited from: entering a dwelling unit or enclosed structure without the dwelling unit owner's permission or being accompanied by a Law Enforcement Officer with a warrant authorizing the entry except when apprehending and impounding an animal as described in subsection (A)(2) and (A)(4) above.

**§ 90.66 IMPOUNDMENT AND VIOLATION NOTICE**

(A) Animals shall be taken by the Animal Control Officer and impounded in the P.A.W.S. animal shelter or other appropriate facility and there confined in a humane manner. In lieu of impoundment, the Animal Control Officer may issue to the known owner(s) of such animal a Notice of Ordinance Violation.

(B) Upon impounding a vicious and dangerous dog for any reason, an Animal Control Officer or Law Enforcement Officer may, for reasons of public safety, retain the dog at the P.A.W.S. animal shelter until disposition by the appropriate Court.

(C) If, by means of a license tag or other means, the owner(s) of an impounded animal can be identified, the Animal Control Officer shall immediately upon impoundment notify the owner by telephone or certified mail.

(D) An owner reclaiming an impounded animal shall pay any fines, expenses and/or fees due and owing to Dearborn County Animal Control, P.A.W.S., and/or any facility sheltering and caring for the impounded animal.

(E) Any stray animal or owned animal not reclaimed by its owner within five (5) days after being notified of the impoundment shall become the property of P.A.W.S. or other animal shelter facility and shall be placed for adoption in a suitable home or humanely euthanized.

(F) Any person adopting an animal from P.A.W.S. shall be a fee as established by P.A.W.S.

**§ 90.67 ENFORCEMENT OF CIVIL AND CRIMINAL PROVISIONS**

The Dearborn County Animal Control Officers are charged with the enforcement of the civil and criminal provisions of this Chapter and the State of Indiana working in conjunction with Law Enforcement Officers, the Dearborn County Planning and Zoning Department, the Dearborn County Prosecuting Attorney and the Dearborn County Attorney.

**§ 90.68 INTERFERENCE WITH ANIMAL CONTROL OFFICER PROHIBITED**

It shall be a violation of this Chapter to interfere with an Animal Control Officer in the performance of his/her duties.

**§ 90.69 FEES OR MONEY COLLECTED**

- (A) All fines due to a violation of this Chapter shall be payable to Dearborn County Animal Control and money so paid shall be transmitted to the Dearborn County Treasurer and earmarked for use in operating the Dearborn County Animal Control.
- (B) All license and permit fees shall be payable to the Dearborn County Animal Control. If P.A.W.S. issued the license or permit, One Dollar (\$1.00) from said license or permit shall be retained by P.A.W.S.
- (C) All fees associated with the impoundment of the animal including, but not limited to, shelter provided, food and water, and any necessary medical care shall be payable to P.A.W.S. or the facility providing care for the animal.
- (D) Any fees associated with the reclamation of or adoption of an animal shall be payable to P.A.W.S. or the facility providing care for the animal.

**§ 90.70 ANIMAL BITES AND QUARANTINE**

- (A) Every case of a human bitten by a domestic or wild animal shall be reported promptly to the local health officer or his designee having jurisdiction. It is the duty of the person bitten or the person's parent or guardian to make the report in conformance with title 410 IAC 1-2.3-52, as amended. Law enforcement K-9 dogs are exempted from this section.
- (B) Upon receiving a notice of an animal bite, the local health officer shall notify Dearborn County Animal Control of the animal bite, who owns the animal, and where the animal is located so that the Animal Control Officers may carry out their duties as outlined in this Chapter.

**§ 90.71 ANIMAL QUARANTINE FEES**

(A) If a person voluntarily or, as required by law, delivers an animal to the Dearborn County Animal Control for the purpose of quarantining the animal, they shall be charged a fee of One Hundred Fifty Dollars (\$150.00). There is an additional fee of Twenty Dollars (\$20.00) per day for any animal not picked up after the mandatory ten (10) day quarantined period. This fee does not apply to adopted animals. If the owner(s) does not pay the quarantine fee, a possible tax lien may occur.

(B) Owner(s) who fail to recover their animal following the quarantine shall be deemed to have voluntarily abandoned their animal to the custody of P.A.W.S. and shall be liable for the aforementioned quarantine fees.

**ALL OF WHICH IS ORDAINED** by the Board of Commissioners of Dearborn County, Indiana this the \_\_\_\_ day of \_\_\_\_\_, 2014.

**BOARD OF COMMISSIONERS  
DEARBORN COUNTY, INDIANA**

\_\_\_\_\_  
**SHANE MCHENRY, President**

\_\_\_\_\_  
**KEVIN LYNCH, Member**

\_\_\_\_\_  
**ART LITTLE, Member**

**ATTEST:**

\_\_\_\_\_  
**GAYLE PENNINGTON  
Dearborn County Auditor**