

HARRISON COUNTY ORDINANCE 2020-01  
AN ORDINANCE REGARDING THE OPERATIONS OF  
AN ANIMAL CONTROL FACILITY AND THE  
CONTROL, CARE AND DISPOSITION OF ANIMALS IN  
HARRISON COUNTY, INDIANA

WHEREAS, there exists in Harrison County, Indiana, a need for an ordinance regarding the operation of an animal control facility and control and maintenance of animals for the general health, safety and welfare of the citizens of Harrison County; and

WHEREAS, there exists a need in Harrison County, Indiana for an ordinance for the control and maintenance of domesticated animals to ensure the humane care and treatment of said animals; and

WHEREAS, the Harrison County Board of Commissioners as the executive and legislative authority of Harrison County, Indiana has been empowered to enact ordinances for the health, safety and welfare of Harrison County and its citizens.

NOW THEREFORE, BE ORDAINED by the Harrison County

Board of Commissioners as follows:

**SECTION 1: DEFINITIONS**

For the purposes of this ordinance the following definitions shall apply, unless the context clearly otherwise indicates, or requires a different meaning:

1. "Abandonment" means to deposit, leave, drop off or otherwise dispose of any live domestic animal on any public or private property.
2. "Adequate Enclosure" means any pen, cage, and kennel or suitable enclosure to prevent the escape of a dangerous animal, such enclosure must be kept locked to prevent entry by anyone other than the owner or keeper of the animal.
3. "Animal" means any live, vertebrate creature, domestic or wild, including but not limited to dogs, cats, and those domesticated animals most often kept and regarded as pets by their Owners.
4. "Animal Control Facility" means the facility operated and maintained by Harrison County for humane restraining, impounding and disposing of animals seized under the authority of this ordinance.
5. "Animal Control Officer" means the officer to whom authority has been delegated by the Board of Commissioners of Harrison County to enforce the provisions of this and any other related ordinance. Said Officer shall be an employee of Harrison County.
6. "At Large" means elsewhere than premises under the ownership, control or possession of the owner and either

- a. not restrained by a leash, or
  - b. not under the immediate and complete physical control of a person capable of controlling such animal.
7. "Cat" means any domestic member of the feline family of animals.
8. "Contained" means any leash, line, chain or other restraint that is capable of keeping an animal attached to a moving or fixed point without allowing the escape of the animal by chewing, gnawing or maneuvering out of the restraint.
9. "Dangerous Animal" means any animal which, without provocation, attacks or injures a person peaceably conducting themselves in a place where he or she may lawfully be. Dangerous animals shall also include any animal which, because of its size, vicious propensity or other characteristic, would constitute a danger to human life, property or domestic animal if not restrained or kept in a safe and adequate enclosure.
10. "Dog" means any domestic member of the canine family of animals.
11. "Domestic" an animal that was trained or bred to be tame around humans.
12. "Exotic" a species which is not native or indigenous to the owner's locale or what is considered a non-traditional animal.
13. "Exposure to Rabies" means the situation that exists when an animal has been bitten or otherwise has been in contact with any other animal known to be, or reasonably suspected of being infected with rabies.
14. "Harboring" means the actions of any person that permit any animal habitually to remain or lodge or to be fed within his/her 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.
15. "Impoundment" means to take custody or possession of an animal.
16. "Neglect" any intentional reckless or negligent act or omission which results in a domestic animal or livestock not receiving adequate shelter, food, water, or in a domestic animal or livestock not receiving necessary veterinary care, or in a domestic animal or livestock housed in unhealthy living conditions.
17. "Owner" means any person, firm or corporation owning or having the care, Possession or control of any animal within the jurisdiction of this ordinance, provided, that in the event that a minor person shall be determined the owner of the animal, the parent, guardian of such minor person shall be responsible to ensure compliance with the terms and provisions of this ordinance, and shall be liable for any non-compliance herewith.
18. "Proper Shelter" means a shelter that has four sides; one side shall have an opening large enough for the animal to enter the shelter. The shelter shall have a floor and a roof, which does not leak. The shelter must be large enough for the animal to enter the structure, turn round comfortably and lay out fully. A secondary shade should be provided with the Shelter.
19. "Public Nuisance" Any act of an animal or its owner that irritates perturbs or damages rights and privileges common to the enjoyment of public or private property or indirectly injures or threatens the safety of a member of the general public. By way of examples and not of limitation, the commissions on the following acts or actions by an animal or by its owner or possessor shall hereby being declared a nuisance:

1. Allowing or permitting an animal to habitually bark, whine, howl, mew, crow or cackle in an excessive or continual fashion or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.
  2. Allowing or permitting an animal to damage the property of any person other than its owner or caretaker, including to, but not limited to getting into or turning garbage containers or damaging gardens, flowers, plants or other real or personal property or leaving fecal material on the property of another person.
  3. Allowing or permitting an animal to molest, chase, and snap at, attack or attempt to attack passers-by, vehicles, other domestic animals or livestock.
  4. Allowing or permitting an animal to habitually or continually roam or be found on property of other than its owners of caretakers, trespassing school grounds, parks or the property of any person.
  5. Allowing or permitting an animal to be housed or restrained within reach of a public street, road, sidewalk or access and, in the discretion of the animal control officer, poses a threat to the general public safety, health and welfare of the general public.
  6. Allowing or permitting an animal to be maintained in an unsanitary condition so as to be offensive to sight or smell.
  7. Allowing or permitting an animal to habitually charge in an aggressive manner a fence separating from another property when the usual residents are taking pleasure in such property without provoking such animal.
20. "Poultry" all domesticated fowl and all game birds which are legally kept in captivity.
21. "Restraint" Any animal secured by a leash or lead, or under the physical control of the animal's owner or attending party, or within the real property limits of its owner.
22. "Violation" means any person or a person who knowingly or intentionally breaches any provision of this ordinance.

## **SECTION 2: ANIMAL CONTROL FACILITY**

The Animal Control Facility shall be managed, operated and maintained by the Director, Animal Control Officers and Kennel Technicians under the authority and control of the Harrison County Board of Commissioners.

## **SECTION 3: POWERS OF ANIMAL CONTROL OFFICER**

The Animal Control Officer and authorized personnel of the animal control facility shall have the following powers:

1. Destroy any dangerous, vicious, or ferocious animal found at large which cannot be safely captured and impounded by ordinary means, except that every reasonable effort shall be made to avoid destroying an animal which has bitten or is suspected of having bitten a person or

which appears to have rabies. If the destruction of the animal cannot be reasonably avoided, the said authorized agent shall attempt to destroy the animal in such a manner so as to preserve the head there of intact.

2. To confine and destroy any animal showing clinical symptoms of rabies for laboratory diagnosis.
3. To confine any animal suspected of having rabies.
4. To confine and/or destroy any animal that has bitten or otherwise exposed a person to rabies.
5. To carry out all orders for confinement or destruction of any animal issued by the County Health Officer, State Veterinarian, or by any court having jurisdiction in Harrison County, Indiana.

#### **SECTION 4: ADDITIONAL POWERS**

The Animal Control Officer and authorized personnel of Harrison County shall have the power to seize and impound:

1. Any animal at large as described in Section 1 (6).
2. Any animal which has bitten or is suspected of having bitten a person or which appears to have rabies, wherever such animal may be found, and any such animal shall be impounded for not less than ten (10) days. .
3. Any animal not confined, as provided in Section 8(7 and 8).
4. Any animal not inoculated, licensed and tagged as provided in Indiana Law. Animals under Section 6 herein and upon showing that such animal has a current license and rabies vaccination tag, and upon the payment to Harrison County of the applicable charges, as set forth in the Animal Control Facility Fee Schedule, which is attached to this ordinance.
5. Upon order of the court following a conviction of any person for violating any provision of this Ordinance.

Said fee schedule shall be amended from, time to time by the Commissioners of Harrison County at their discretion and upon the request and petition of an Officer of the Animal Control Facility.

#### **SECTION 5: REDEMPTION AND DISPOSITION**

1. Any healthy animal seized or impounded for being at large may be redeemed by the owner or other person, as authorized herein, at any time prior to the disposition of such animal under Section 6 herein and upon showing that such animal has a current license and rabies vaccination tag, and upon the payment to Harrison County of the applicable charges, as set forth in the Animal Control Facility Fee Schedule, which is attached to this ordinance.

Said fee schedule shall be amended from, time to time by the Commissioners of Harrison County at their discretion and upon the request and petition of an Officer of the Animal Control Facility.

2. Any animal seized or impounded for any reason that appears to any duly licensed veterinarian to have any infectious or contagious disease, other than rabies, may be destroyed forth with.

3. Any animal impounded pursuant to Section 3 shall be confined at the Animal Control Facility or, at the discretion of the Animal Control Officer, confined at the owner's premises in a secure place not accessible to the public.
4. The Animal Control Officer shall have continuing authority and discretion to remove any privately confined animal to the Animal Control Facility at any time. At the expiration of an up to 10-day period, the animal may be redeemed at the discretion of the Animal Control Officer by the owner or other person as provided herein, upon the showing that the animal has a current License Tag and Rabies Vaccination Tag, and by payment to Harrison County of the applicable fee for the confinement period.

#### **SECTION 6: DISPOSITION OF ANIMALS**

Any impounded animal that does not have any identification and which is not redeemed within five (5) days after the first day of impounding may be destroyed or disposed of by suitable and humane means or put up for adoption. If the animal has a collar with owner information on it; will be kept for seven (7) days for the owner to attempt to reclaim. On occasions that the owner has contacted the Facility the animal will be kept ten (10) days before it may be destroyed or disposed of by suitable and humane means or put up for adoption.

#### **SECTION 7: MOTOR VEHICLE**

Any person operating a motor vehicle from which the vehicle strikes a domestic animal within the limits of Harrison County shall promptly report such occurrence to the Animal Control Officer or to the local law enforcement agency with a description of such animal, the location where such occurrence took place, and WITH CAUTION make and give an estimate of the condition of the animal. Any penalty associated with an offense related to this section shall be paid by the owner of the animal.

#### **SECTION 8: CARE OF ANIMALS**

Every owner of an animal within Harrison County shall provide at all times that such animal or animals:

1. Are kept in a clean, sanitary and healthy manner;
2. Have proper and adequate food, 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. Animals confined through the use of rope, chain, or cable must have unobstructed freedom of movement of a minimum of ten (10) feet in an arc of 180 degrees.
4. Every un-fixed female dog or cat in heat shall be confined in a secure enclosure in such a manner that such female cannot come into contact with another animal except for planned breeding purpose.
5. It shall be unlawful for any owner to beat, cruelly ill-treat, mutilate, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight or other combat between animals as defined in Section 1(3) or between animals and humans.
6. Are maintained in compliance with all applicable Federal, State and County

7. If the ownership of the biting animal cannot be determined; if the owner does not furnish proof of current rabies inoculation; or if the owner fails to securely confine the animal as required, the animal shall be impounded for the period of observation.

#### **SECTION 9: REMOVAL OF EXCREMENT**

Persons responsible for an animal shall immediately remove animal's excrement from public lands or from the property of another, excepting a blind person working with a guide dog.

#### **SECTION 10: ANIMALS IN VEHICLE**

An animal may not be left unattended in a vehicle if the animal would suffer because of heat, cold, lack of adequate ventilation, food or water, or other circumstances that could reasonably be expected to cause suffering, disability or death.

#### **SECTION 11: WILD OR EXOTIC ANIMALS**

No wild or exotic animal shall be kept within the County limits without necessary state and/or federal permits.

Any Exotic animals taking residence within the County that does not need a permit must be reported to the Animal Control Facility for record keeping.

1. "Exotic species" Any pet shop, animal dealer, or other person who transfers or permits to be transferred the ownership of an exotic species, as herein defined, shall keep records of the ownership transfer for a period of at least three years. These records shall include:
  - a. Point of origin of the animal.
  - b. The medical history of said animal, including but not limited to vaccinations, diseases, and treatment.
  - c. The date the pet shop, animal dealer, or other person came into possession of the animal.
  - d. The date of transfer and the transferee's name and address.
2. "Records available" These records shall be kept by the transferor and shall be made available to Harrison County Animal Control or other authorized agent upon request.
3. "Grounds for citation" Failure to keep such records and/or to release such records to authorized personnel shall be grounds for the issuance of a citation subjecting the owner or person transferring such animals to the penalties contained.

**SECTION 12: PROPERTY REQUIRED FOR HOUSING LIVESTOCK**

It is unlawful to keep cows, goats, sheep, horses, or other large animals of the hoofed variety unless such animals are situated within a lot or pen of an area of not less than One-half (1/2) acre, regularly used.

1. Livestock pens must follow the Indiana State Law on are sizing for different species of livestock;
  - a. Minimum of 1 acre per horse, exceptions can be made for horses kept in a box stall (12x8 or 10x10).
  - b. Minimum of 1 to 2 acres per cow. Exceptions can be made for commercial cattle operations.
  - c. Minimum of ½ acre per goat and sheep.
  - d. 12 to 14 pigs per acre with rotational pastures. Exceptions can be made for commercial pigs.

All places wherein any animals covered by this Section are kept shall have adequate drainage sufficient to prevent standing water in yards or pens. Any livestock enclosure must be kept in sanitary conditions; the livestock must be able to stand comfortably with no strain on their legs. The enclosure must be scraped and cleaned if that does not occur. Duck ponds shall be drained and cleaned regularly. Good animal husbandry must be followed.

**SECTION 13: PUBLIC NUISANCE**

It shall be unlawful to harbor or keep any animal that is a public nuisance. No owner shall fail to exercise proper care and control of his/her animals so as to prevent the following action by them:·

1. Molesting of passersby;
2. Chasing of passing vehicles;
3. Attacking other domestic animals;
4. Trespassing upon private or public property, or school grounds;
5. Damaging private property
6. Habitual barking or loud and continued noise which causes serious annoyance or disturbance to the neighborhood; or
7. Unnecessarily foul or noxious odors which offend people in the neighborhood.

**SECTION 14: ANIMALS RUNNING AT LARGE**

No person shall allow any animal which he/she owns or harbors to run at large within the county. Nor shall any person harbor an animal within the County; anyone harboring an animal as defined in this ordinance shall become the owner of that animal and shall therefore be liable for that animal, as its owner under the provisions of this ordinance. In addition to, or in lieu of impounding an animal at large, if the owner of the animal is known the Animal Control Officer or Police Officer may issue a notice of ordinance violation to the owner.

However, it is provided that working dogs, such as lead dogs, guard dogs, farm dogs, hunting dogs, and other such dogs which are actively engaged in activities for which such dogs are trained, need not be under restraint when under the reasonable control of its owner.

#### **SECTION 15: SEIZING ANIMALS AT LARGE**

In the event that an animal is discovered running at large either on public property, or on property not owned by the owner of the animal, then:

1. if requested by an Animal Control Officer, Police Officer or an employee of the County Health Department.
2. It shall be lawful for any person to seize, restrain and control such animal and immediately call the Animal Control Officer to retrieve the animal from the person who discovered the animal
3. However, no person shall invade the private premises of another to capture or take any licensed animal off the premises of the owner, except as herein provided; or seize any animal while the same is accompanied by its owner.

#### **SECTION 16: HUMANE TREATMENT REQUIRED**

1. No owner shall fail to provide his/her animals with good and wholesome food and water daily; a clean, sanitary and healthy environment; proper shelter and protection from the weather; veterinarian care when needed;
2. No dog shall be kept on any restraint less than ten (10) feet in length. This restraint is to be kept untangled as to allow full access to the entire length of the restraint.
3. All collars used for the purpose of chaining or tethering an animal must be made of nylon, leather, or other durable and non-metallic material. Using a chain, choke chain, or prong collar as a primary collar is prohibited. All collars shall fit the animal so as to avoid causing injury or becoming imbedded in the animal's neck.
  - a. Training collars such as prong or pinch collars may not be left on the canine outside of training times. Shock collars that are used with an underground fence system are permitted for full day usage.
    - i. Shock collars used for training purpose may be used on the Canine continuously as long as the collar has proper fitment and checked regular for any discomfort to the canine outside of training.
4. Primary enclosures must meet certain minimum requirements. They must be designed and constructed of suitable materials. They must be structurally sound and kept in good repair. In addition, primary enclosures must protect the animals from injury, securely contain them and keep them clean and dry.
  - a. Keep dog in enclosure
  - b. Keep other animals out
  - c. Enough space so dog can:
    - i. Turn around freely
    - ii. Stand, sit and lie in a normal comfortable position and,



- iii. walk in a normal manner
- d. Suspended floors must not sag or bend
- 5. No person shall knowingly expose any poisonous substance or toxic chemical so that the same shall be likely to be eaten by any animal, provided that it shall not be unlawful for a person to expose, on his/her property, common rat poison mixed only with vegetable substance.
- 6. It shall be unlawful for any person, partnership, corporation or other entity, to display, sell, offer for sale, trade, or barter, or knowingly give away any diseased animal, or allow any diseased animal that is afflicted with contagious disease to be exposed in any place of public access. This is not meant to interfere with the daily operation of the Animal Control Facility or Veterinary clinics.

#### **SECTION 17: ABANDONMENT**

It shall be unlawful for any person to abandon any domestic animal upon any public place, including the right-of-way of any public highway, or upon the property of another.

#### **SECTION 18: ANIMALS IN HEAT**

Every female dog/cat in heat, not spayed, shall be confined in a building or secure enclosure in such manner that such female dog or cat cannot come in contact with another animal except for planned breeding.

#### **SECTION 19: POSSESSION OF DANGEROUS ANIMAL**

1. Whenever an Animal Control Officer or Police Officer determines upon personal observation and investigation that an animal is a dangerous animal as defined in this ordinance, the officer, shall notify the owner or any person having custody or control of said dangerous animal in writing or by verbal communication.
2. No person shall allow any dangerous animal to be on any private or public property other than the property owned by the owner or keeper of the animal, unless such animal is securely muzzled and leashed or caged. Adequate safeguards shall be taken to prevent unauthorized access to a dangerous animal on the owner or keeper's property by persons lawfully on the property.
3. Any person owning or keeping a dangerous animal which has a propensity to attack without provocation or has been determined to be dangerous shall provide an adequate enclosure as defined in this ordinance.
4. Any owner or keeper of an animal which has been determined dangerous shall be given seven (7) days' notice to comply with provision (Section 14, 3) above. For each day past the seven (7) day compliance allowances that the owner or keeper does not comply; the owner or keeper of the dangerous animal will be fined up to one hundred dollars (\$100.00) per day.

#### **SECTION 20: RABIES CONTROL AND PREVENTION**

1. Anyone who knowingly or intentionally harbors a dog over the age of six (6) months and not immunized against rabies commits harboring a non-immunized dog. See Ind. Code § 35-46-3-1.
2. Anyone found to be in violation of this provision shall be fined \$20. Provided said dog has been impounded, said fine shall be paid to the Animal Control Facility prior to its release. Vet will immunize on premises prior to releasing; Owner shall reimburse cost of immunization.
3. No owner of any dog/cat over the age of six months shall keep or maintain any dog/cat unless it has been vaccinated by a licensed veterinarian with anti-rabies vaccine.
4. Proof of vaccination shall be maintained by the owner for display local laws and with all regulations in regard to animal care and control that are adopted from time to time by Harrison County and the State of Indiana.
5. If a non-immunized animal is believed to have rabies or been bitten by an animal that is suspected of having rabies, such animal shall be impounded by the County Animal Control Officer or his agent, and placed under observation by the Animal Control Officer for the County Health Department. If suspected animal is impounded it will be at the expense of the owner for a period of not less than 10 days.
6. No person knowing or suspecting an animal of having rabies shall allow such animal to be taken off his premises or beyond the limits of the county without the written permission of the County Health Officer or his designee.
7. Every owner, or other person, upon ascertaining an animal is rabid, shall immediately notify the County Health Officer or County Animal Control Officer, who shall either impound the animal or destroy it, if said animal must be destroyed it shall be done in such a manner that the head can be preserved for testing, in accordance with all applicable laws.
8. The owner is required to provide paper documentation for rabies vaccination, if unable to provide said paperwork the Veterinarian that gave the vaccine may give verbal confirmation or a paper document.

#### **SECTION 21: ANIMAL BITES**

1. If any person or animal is a victim of an animal bite, the victim or witness shall immediately notify an Animal Control Officer, County Health Officer, Police Officer of the incident, and provide a description of the animal and identification, if possible, of the owner. When an animal is determined to have bitten a person or another animal, the animal shall be confined in quarantine for a period of 10 days, with the exact duration subject to the judgment of the County Health Officer or his designee.
2. If the owner of the biting animal has proof of current rabies inoculation, the animal may be left in the charge of the owners under quarantine unless, in the judgment of the County Health Officer, it should be removed to the Animal Control Facility for the period of observation. The length of observation shall not be less than 10 days from the date that bite occurred.
3. The owner shall be liable for cost incurred in the quarantine of the animal and for any personal and property damage related to the incident.

#### **SECTION 22: IMPOUNDMENT PERIOD**

1. Impounded dogs, cats, horses and other vertebrate animals with identification tags (owner's information is present on the tag and or collar) shall be kept for not less than seven (7) days to permit their owner to claim them. After the seven day period has elapsed, these animals shall be placed for adoption, euthanized or disposed of if their owners have not claimed them and paid the required fees.
2. Impounded dogs, cats, horses and other vertebrate animals without identification tags (owner's information not present on the tag and or collar) shall be kept for not less than five (5) days. After the five day period has elapsed, these animals shall be placed for adoption, euthanized or disposed of if their owners have not claimed them and paid the required fees.

### **SECTION 23: CRUELTY TO AN ANIMAL**

Mistreatment of animals is prohibited under this ordinance. Accordingly, it shall be unlawful for any person to willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable any animal. However, this does not apply if a person is being attacked by a vicious animal.

Furthermore, it shall be unlawful for any person to incite stage or set any animal to fighting within the County.

### **SECTION 24: HEALTH AND SAFETY**

The Animal Control Facility and its agents shall only be responsible to handle animal carcasses which have been preserved in a state to prevent decomposition of the animal carcass. Carcasses which are in an unhealthy state and may constitute a health hazard due to the state of decomposition, are not required to be disposed of by the Animal Control Facility, but may be disposed of at the discretion of the Animal Control Officer.

### **SECTION 25: ENTICING ANIMALS TO ANOTHER**

1. It shall be unlawful for any person, not so authorized to enter or invade the private premises of another to capture, entice or take any animal out of the enclosure or premises of the owner, or to seize any such animal anywhere while such animal is accompanied by its owner, keeper or custodian.
2. It shall be unlawful to entice any animal away from the premises of the person owning or keeping such animal, or to entice any animal from any street, alley or public place in this City with the intention of depriving the owner of the possession thereof, except as authorized in this Section.
3. It shall be unlawful to bring within the County any animal for the purpose of impounding or other disposition thereof, or collecting any fee or reward for the return thereof, except as provided in this Section.

### **SECTION 26: NOTICE TO OWNER**

In the event that an impounded animal is wearing an identification tag, the Animal Control Facility will make reasonable effort to contact the animal owner.

## **SECTION 27: ENFORCEMENT**

1. The Animal Control Officer shall keep a record of all animals impounded in the County Animal Control Facility, which record shall show the date of impoundment, the reason thereof, the name and address of collars, tags, or marks of the animal impounded.
2. It shall be a violation of this Ordinance to interfere with the Animal Control Officer, an employee of Harrison County, or any law enforcement officer in the performance of their duties hereunder.
3. Upon information sufficient to establish a violation of the provisions of this Ordinance, the Animal Control Officer or any law enforcement officer may issue to the person committing such violation or to the owner or persons having custody or control of any animal involved in such violation either.
  - (1) An official warning; or
  - (2) A Notice of Ordinance Violation.

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. Such official warning shall also state that it is only a warning and is not a notice to appear to answer to any such violation.

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 Ordinance which has been violated, the date of the violation, and any other, information which is pertinent to the violation and its disposition.

The Notice of violation shall additionally instruct the person to whom the notice is being issued the date, time and place before which he or she shall appear to respond to such notice and the procedures for admitting or denying a violation.

## **SECTION 28: DIRECTOR MAY DECLARE AMNESTY**

1. The Director may suspend the civil and criminal penalties or fines and fees of the County ordinances at their discretion in regards to working with an individual or owner to fix the situation before pursuing legal action.

## **SECTION 29: PROHIBITIONS AND PENALTIES**

1. Any person who violates the provisions of this ordinance and who appears at the designated office (Animal Control Facility) within ten (10) days of the date of the Notice of Ordinance Violation shall either admit or deny the violation. If admitted, the violator shall pay the applicable civil penalty provided in the Schedule of Civil Penalties, attached to this Ordinance. This Schedule may be modified from time to time by the Commissioners of Harrison County.
2. If the person served with a Notice of Violation fails to appear at the Animal Control Facility within ten (10) days of the date of Notice of Ordinance Violation having been issued, such

violation shall be filed with the Harrison County Superior Court and such violator shall be summoned to appear before said court.

3. If the person served with a Notice of Violation timely enters a denial of the violation, the violation shall be referred to the Board of Commissioners Attorney and a complaint for violation or ordinance shall be filed on the ordinance violations docket of Harrison Superior Court.
4. Upon finding a person in violation of this Ordinance, the Court shall enter judgment for Harrison County against the violator in an amount not less than the penalty prescribed above, and not more than One Thousand Dollars (\$1,000.00).
5. If any violation would be continued, each day's violation shall be deemed a separate violation subject to penalty as such.
6. All court and attorney costs associated with the collection of violation penalties through the court shall be borne by the violator of the ordinance.
7. All fines collected under this Ordinance shall be placed in a no reverting fund for the operation of the Animal Control Facility to be administered by the Harrison County Council.

### **SECTION 30: POSSESSION OF A DANGEROUS DOG**

As used in this section, "dangerous dog" means:

1. A canine that has bitten, attacked, or inflicted injury on a companion animal that is a dog or cat or killed a companion animal that is a dog or cat. A canine is not a dangerous dog if, upon investigation, a law-enforcement officer or animal control officer finds that
  - a. No serious physical injury, as determined by a licensed veterinarian, has occurred to the dog or cat as a result of the attack or bite;
  - b. Both animals are owned by the same person; and such attack occurred on the property of the attacking or biting dog's owner or custodian; or
  - c. Upon a person consists solely of a single nip or bite resulting only in a scratch, abrasion, or other minor injury.
2. No dog shall be found to be a dangerous dog as a result of biting, attacking, or inflicting injury on a dog or cat while engaged with an owner or custodian as part of lawful hunting or participating in an organized, lawful dog handling event. No dog shall be found to be a dangerous dog if the court determines, based on the totality of the evidence before it, or for other good cause, that the dog is not dangerous or a threat to the community.
3. No animal shall be found to be a dangerous dog if the threat, injury, or damage was sustained by a person who was,
  - a. committing, at the time, a crime upon the premises occupied by the animal's owner or custodian;
  - b. committing, at the time, a willful trespass upon the premises occupied by the animal's owner or custodian; or
  - c. Provoking, tormenting, or physically abusing the animal, or can be shown to have repeatedly provoked, tormented, abused, or assaulted the animal at other times.

4. While on the property of its owner, an animal found to be a dangerous dog shall be confined indoors or in a securely enclosed and locked structure of sufficient height (at least 6ft or in a kennel run with a secure roof) and design to prevent its escape or direct contact with or entry by minors, adults, or other animals. While so confined within the structure, the animal shall be provided with Section 8 requirements. When off its owner's property, an animal found to be a dangerous dog shall be kept on a leash and muzzled in such a manner as not to cause injury to the animal or interfere with the animal's vision or respiration, but so as to prevent it from biting a person or another animal.
5. The owner of any animal found to be a dangerous dog shall, within 30 days of such finding, obtain a dangerous dog registration certificate from Harrison County Animal Control. On January 31st of every year the owner or handler of the canine deemed dangerous must call into the Facility to update the records of any changes to the canine or living situations.
6. The owner shall promptly notify Harrison County Animal Control of,
  - a. the names, addresses, and telephone numbers of all owners;
  - b. all of the means necessary to locate the owner and the dog at any time;
  - c. any complaints or incidents of attack by the dog upon any person or cat or dog;
  - d. any claims made or lawsuits brought as a result of any attack;
  - e. chip identification information;
  - f. proof of insurance or surety bond if required; and
  - g. The death of the dog.
7. After an animal has been found to be a dangerous dog, the animal's owner shall immediately, upon learning of same, cause the local animal control authority to be notified if the animal
  - a. is loose or unconfined;
  - b. bites a person or attacks another animal; or
  - c. is sold, is given away, or dies. Any owner of a dangerous dog who relocates to a new address shall, within 10 days of relocating, provide written notice to the appropriate local animal control authority for the old address from which the animal has moved and the new address to which the animal has been moved.
8. The provisions of this subsection shall not apply to any animal that, at the time of the acts complained of, was responding to pain or injury, or was protecting itself, its kennel, its offspring, a person, or its owner's or custodian's property, or when the animal is a police dog that is engaged in the performance of its duties at the time of the attack.
9. Whenever an owner or custodian of an animal found to be a dangerous dog is charged with a violation of this section, the animal control officer shall confine the dangerous dog until such time as evidence shall be heard and a verdict rendered. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the animal to produce the animal.

### **SECTION 31: EFFECTIVE DATE**

This ordinance shall supersede and replace all previous ordinances related to animal control and all such prior ordinances are hereby void. This ordinance shall be in full force and effect from and after its passage and publication in accordance with the laws of the State of Indiana.

	1 <sup>st</sup> Violation	2 <sup>nd</sup> Violation	3 <sup>rd</sup> Violation
Section 7 Motor Vehicle Striking Domestic Animal	\$20.00	\$50.00	\$100.00
Section 9 Removal of Excrement	\$5.00	\$10.00	\$20.00
Section 10 Animals in Vehicle	\$100.00	\$150.00	\$200.00
Section 11 Wild or Exotic Animals	\$50.00	\$100.00	\$150.00
Section 12 Livestock Housing Requirements	\$50.00	\$100.00	\$250.00
Section 14 Animal At Large- Animals Not Spayed or Neutered-	\$50.00 \$100.00	\$100.00 \$150.00	\$150.00 \$250.00
Section 16 Humane Treatment Required	\$50.00	\$100.00	\$250.00
Section 17 Abandonment	\$20.00	\$50.00	\$100.00
Section 18 Animals in Heat(Not Confined)	\$20.00	\$50.00	\$100.00
Section 19 Confinement of Vicious Animal	\$25.00	\$50.00	\$150.00
Section 20 Rabies Control and Prevention	\$20.00	\$35.00	\$70.00
Section 21 Rabies Control - Animal Bites	\$50.00	\$100.00	\$200.00
Section 23 Cruelty	\$50.00	\$100.00	\$250.00

