

ORDINANCE OF THE LAPORTE COUNTY
BOARD OF COMMISSIONERS
NO. 2001-04

AN ORDINANCE ESTABLISHING REGULATIONS FOR THE OWNERSHIP,
SECURITY AND TREATMENT OF DOMESTIC ANIMALS IN
LAPORTE COUNTY, INDIANA

WHEREAS, many citizens in La Porte County have expressed concern over what is viewed as an increasing uncontrolled animal population, and

WHEREAS, the Board of Commissioners is charged with the responsibility of protecting the health, safety, welfare, and property of the citizens of La Porte County,

WHEREAS, it is deemed necessary to protect the rightful enjoyment of animal ownership, companionship, and security, and to encourage humane treatment of animals and

WHEREAS, present regulations have been deemed inadequate.
NOW THEREFORE, BE IT ORDAINED:

SECTION 1, CHAPTER 6, ARTICLE 6 and 7 of the La Porte County Code is hereby rescinded and is amended and modified as follows:

SECTION 2. CHAPTER 6, ARTICLE 6

SECTION 1 (a) All laws of the State of Indiana pertaining 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 disease of domestic animals as defined and the administrative rules and regulations of the Indiana State Board of Health, and unlawful acts relating thereto not in consistency herewith or made a part of hereof by reference.

(b) The provisions of this Ordinance are not to replace such laws but are to be considered supplementary and in addition thereto fully enforce were not in consistency with the laws of this state.

SECTION 2: Definitions:

The following terms and phrases shall have the meaning set forth in this Chapter:

Start (a) ABANDON means to deposit, leave, drop off or otherwise dispose of any live domestic animal for a period in excess of twenty four (24) hours, without providing someone to

feed, water and check on the animal's condition. No owner shall leave an animal by a roadside or other area, or leave such animal on either public or private property, without property owner's consent. In the event that an animal is impounded after having been deemed abandoned, the owner or person who was charged with the animals care, shall be subject to a citation.

(b) AGENT means any person(s) eighteen (18) years or older authorized by an owner to act in the owners behalf.

© ALTERED ANIMAL means any animal that has been surgically altered to prevent it from reproducing.

(d) ANIMAL means any live non-human vertebrate creature, domestic, wild or exotic.

(e) ANIMAL CONTROL AGENCY means any governmental or private entity charged with or contracted with and given authority for the enforcement on the provisions of this Ordinance for and on behalf of the County of La Porte (hereinafter referred to as "County").

(f) ANIMAL SHELTER means a facility or vehicle operated by a governmental or private entity for the purpose of providing or promoting animal welfare and humane treatment of animals.

(g) AT LARGE means any animal that is not under restraint.

(h) ATTACK DOG means any dog trained to attack upon command or those which do attack or have attacked another animal or human being upon command. This definition excludes K-9 Corps dogs in use by law enforcement agencies.

(I) BREEDER means any person, for-profit business or corporation which harbors or keeps dogs and/or cats, and allows or causes those animals to reproduce for the purpose of selling said animals for profit.

(j) DOMESTIC ANIMAL means any animal that is a member of one of the following species:

Dog
Cat
Cattle
Horse
Donkey/Mule
Sheep
Llama
Goat
Swine
Rabbit

Mouse
Rat
Guinea Pig
Hamster/ Gerbil
Chinchilla
Ferret
Pigeon, Homing or Racing
Chicken, Turkey, Goose or Duck

(k) EXOTIC ANIMAL means any animal whose normal native habitat is not indigenous to the continental United States, excluding Alaska and Hawaii, except fish, and fur-bearing animals commercially bred for the furrier trade and birds protected under federal laws and regulations.

(l) 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.

(m) FOWL means any kind of wild or domestic bird, excluding homing or racing pigeons, canaries, parrots, or similar type of birds normally kept in cages.

(n) GUIDE DOGS means dogs formally trained to assist handicapped person.

(o) HARBORING means the actions of any person that permits any animal habitually to remain at large or to be fed within his home or property on which such person resides or controls. An animal shall be presumed harbored if it is fed or sheltered for three (3) consecutive days or more.

(p) HUMANE OFFICER(S) means any person(s) and /or agency designated by the State of Indiana or the County of La Porte, as a person(s) who is qualified to perform the duties required by the law of this County and State regarding animals.

(q) NON-IMMUNIZED DOG/CAT shall mean any dog/cat over three (3) months of age which has not been vaccinated or immunized against rabies, or if a booster shot thereafter has not been administered for a period of twelve (12) months form the date of the last vaccination.

(r) "NOT - FOR - PROFIT" means a business, association or entity established or organized as a "not-for-profit" corporation under State law or recognized as "not-for-profit" by the Internal Revenue Service or the Indiana Department of Revenue. "FOR -PROFIT" means all other types of businesses, associations or entities.

(s) OWNER means any person age eighteen (18) years or older, partnership or corporation owning, keeping or harboring one or more animals.

(t) ANIMAL PERFORMANCES OR EXHIBITIONS means any spectacle, performance, display, act, exhibition or event in which an animal or animals are used.

(u) PET SHOP means any person, group of persons, partnership or corporation , whether operated separately or in connection with another business enterprise, engaged in the humane care and possession for sale, display and sale of pets.

(v) PUBLIC NUISANCE means any animal or animals which:

- 1) Interferes with passers-by or passing vehicles;
- 2) Attacks other animals or persons;
- 3) Is at large;
- 4) Damages private or public property;
- 5) Causes frequent or long continued loud noises or other sounds common to its species which disturbs the comfort or repose of any person in the immediate neighborhood;
- 6) Is at large or on a public playground, swimming pool or school yard unless the animal is authorized by school officials.

(w) RABIES VACCINATION means the injection by a licensed veterinarian of a dog or cat or other animal with a rabies vaccine licensed by the U.S.D.A. and approved by the Indiana State Board of Health.

(x) RESTRAINT means the securing of an animal by leash or lead or confining it within the real property limits of its owner or agent.

(y) STRAY means any animal that is not within the real property limits of its owner and is not under restraint or is unattended.

(z) VETERINARIAN means any person licensed and accredited to practice veterinary medicine in the State of Indiana.

(aa) WILD ANIMAL means any animal that is not a domestic or exotic animal, with the exception of small, nonpoisonous aquatic or amphibious animals and small cage birds, which are normally found in the wild state.

(bb) ZOOLOGICAL PARK means any facility, other than a pet shop or kennel, displaying

or exhibiting one or more species of non-domesticated animals operated by a person, partnership, corporation or governmental agency that is established for educational purposes and is properly zoned for such use and which possesses valid licenses and permits as required under federal law.

SECTION 3. PERMITTING DOMESTIC ANIMALS TO RUN AT LARGE

A. No person who owns, harbors or keeps domestic animals shall permit such animals to run at large or roam the countryside away from the premises where usually kept. The term "at large" means of the person owning or keeping such domestic animal and while not under the control of such person or his agent, by leash or other effective means, excepting however, hunting or working dogs, while accompanied by their owners or keepers engaged in lawful hunting or in training of such dogs, or in or about a farm on which such animal is usually kept.

SECTION 4. IMPOUNDING OF ANIMALS

A. Any animal whether licensed or unlicensed, may be captured and impounded by any law enforcement officer or animal control officer if such animal:

1. Is found running at large within the County;
2. Is a menace to persons or other animals;
3. Is suffering or reasonably suspected to be suffering from an infectious or contagious disease.
4. Causes serious annoyance or disturbance to persons in the neighborhood of continuous habitual actions that don't appear to be corrected by the owner of such animal once advised of such annoyance;
5. It appears to be vicious or is permitted to go unconfined and unrestrained;
6. Is found to be abandoned, neglected or tortured;
7. Is a dog not wearing a collar or license tag as required by law;
8. Is a dog or cat over the age of three (3) months and is not properly vaccinated against rabies by a licensed veterinarian on an annual basis;
9. There is a breach of spay/neuter agreement after being adopted from the La Porte County Small Animal Shelter;
10. Failure of animal owner to obtain rabies vaccination after reclaim of animal from

shelter.

11. As otherwise provided for and required by this Ordinance.

SECTION 5. CARE OF IMPOUNDED ANIMALS; NOTICE TO OWNERS.

All animals impounded shall be given proper care, food and medicine until disposed of or released as hereinafter provided. The Animal Control Officer or his/her assistants shall make a record in a book kept for such purposes of the breed, color, sex of the animal and whether such animal is licensed or not. If such animal is licensed and wearing a tag, the number of such tag and, if shown or known, the name and address of the owner/keeper of such animal and any other facts serving to identify such animal. Such record shall be open to public inspection.

SECTION 6. REDEMPTION AND ADOPTION OF IMPOUNDED ANIMALS;
EUTHANASIA OF DISEASED ANIMALS.

A. If the person owning, keeping or harboring an animal which has been impounded notified the Animal Control Agency within four (4) days of his claim to such animal, the Animal Control Officer shall permit such person to redeem the animal. In the event such animal is a dog or cat, such owner/keeper must pay the necessary Township Assessor any license fee due for the current year, if any, as well as show proof of current rabies vaccination or presentation by the animal owner of a receipt showing prepayment of a veterinarian's charges for such vaccination. A dog or cat not previously vaccinated must be vaccinated for rabies by a licensed veterinarian within 72 hours after such release. Failure of the animal owner to obtain such vaccination after such release shall constitute a breach of the release agreement and entitle the Animal Control Agency to regain possession of the animal or issue appropriate citations.

B. An owner/ keeper redeeming an impounded animal shall pay to the County or its agent a redemption fee of twenty five (\$25.00) dollars plus five (\$5.00) dollars for each additional day before such animal is released to such owner/keeper by the County Animal Control Agency. Such redemption fee shall increase by an additional twenty five (\$25.00) dollars per impoundment for each subsequent time within a three (3) month period that the same or any other animal belonging to the same owner/keeper may be impounded. The County Animal Control Agency shall collect such redemption fees for the County and shall account to the County and pay over all such fees to the County Auditor at the end of each month.

C. Unlicensed animals/Unclaimed animals may be redeemed by anyone upon paying to the Animal Control Agency the adoption fees set forth:

DOGS	\$15.00 Adoption fee
	30.00 Spay/Neuter Deposit
Total	\$45.00

CATS \$10.00 Adoption fee
 15.00 Spay/Neuter Deposit
Total \$25.00

Any animal adopted from the local Animal Control Agency or local humane society must be spayed or neutered by a licensed veterinarian within thirty (30) days from the date of adoption if the animal is over six (6) months of age or older. If the animal is under six (6) months of age upon adoption, it shall be spayed or neutered by a licensed veterinarian upon reaching the age of six (6) months. An exception is made only if the licensed veterinarian certifies that said animal is physically unable to undergo such operation within the time limitations. The individual adopting the animal must sign a written agreement with the adopting facility guaranteeing that such animal will be spayed or neutered within the time period specified in this section. No dog or cat may be redeemed for sale or used by any individual laboratory engaging in testing, research or experimentation involving animals.

D. A licensed dog may not be redeemed by anyone other than the owner until the expiration of fourteen (14) days.

E. Any animal which appears to be suffering from rabies or infected with any other contagious or infectious disease shall not be released but shall be humanely euthanized.

SECTION 7. ANIMAL BITES/ REPORTING; QUARANTINE PROCEDURES

A. It is and shall be the duty of a physician in attendance on every case of a human being bitten by an animal to make a report thereof to the LaPorte County Health Department; if no physician is in attendance, if an adult, it shall be that person's duty to make such a report; if the person bitten is a minor, it shall be the duty of the parent or guardian to make such a report.

B. If any person is a victim of an animal bite, he shall immediately notify the County Health Department of the incident, and provide a description of the animals and the identification, if possible, of the owner. When an animal is determined to have bitten a person, the animal shall be confined in quarantine for a period of not less than ten (10) days. The owner or person having had such custody shall immediately make a report to the County Health Department when and if such animal dies and shall in addition have a licensed veterinarian preserve the head in ice for examination. If the animal lives beyond such period, this fact will also be reported to the County Health Department.

C. If the owner of an animal which has bitten a person has proof of current rabies vaccination, the animal may be left in the charge of the owner, under quarantine, unless, in the judgement of the animal control officer, and based upon considerations of public safety, the animal control officer determines it should be removed to an animal shelter or veterinary hospital for the period of observation.

D. In addition to any other legal obligations prescribed by law, the owner shall be liable for all costs incurred in the quarantine of the animal.

E. If the ownership of the biting animal cannot be determined, or if the owner does not furnish proof of current rabies vaccination, the animal shall be impounded under the authority of the County animal control agency and confined in the County's animal control facility for the period of observation of not less than ten (10) days.

F. Animal Control Officers shall be empowered to enter onto private property for the purpose of impounding animal(s) which are known to have bitten a person and shall obtain legal process to do so if necessary.

G. Unless otherwise provided, the County and any of its agents shall comply with the standards set forth in I.C. 15-2.1-6-1 through I.C. 15-2.1-6-13 entitled "Rabies".

SECTION 8. RABID ANIMALS

A. No person shall harbor any animal affected with rabies or hydrophobia or allow them to run at large with within the County. It shall be the duty of every Animal Control Officer, Police Officer and his deputies, to humanely euthanize any animal found to be so infected.

SECTION 9. DANGEROUS ANIMALS

A. It shall be unlawful for any person to own or harbor a dangerous animal without keeping such animal securely confined on the owner's or keeper's premises and under such restraint that person's lawfully on the premises, or elsewhere, may not be attacked or bitten by such animal. The premises where such an animal is kept shall be adequately posted with warning signs.

B. It shall be unlawful for any person, excepting a duly constituted peace officer or animal control officer engaged in the discharge of a duty imposed upon him by the laws of this state or by the laws or postal regulations of the United States of America, or this ordinance to enter such premises or fenced area so posted, without the permission of or in the presence of the owner/keeper of such known dangerous dog.

C. Any person harboring such a dog who shall violate this section with the result that bodily injury is inflicted upon a human being at a time and place where such injured person had a right to be, shall be guilty of a misdemeanor and upon conviction shall be fined any sum not exceeding five hundred dollars (\$500.00).

SECTION 10. TEASING AND TORMENTING ANIMALS

A. It shall be unlawful for any person to annoy or tease persistently any animal

thereby causing such an animal to become irritated and dangerous. No person who is attacked or bitten by any animal, shown or proven to have been so teased or annoyed by such person, nor anyone having a derivative claim by reason of any injury to such person, will have any right of action to recover damages from the owner or keeper of such animal.

SECTION 11. GENERAL ANIMAL CARE REQUIREMENTS

Every owner and / or his agent within the County shall see that each of his animals:

A. Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement, but shall not include the normal husbandry practice of confined feeding.

B. Has sufficient and wholesome food and water, which is proper and nutritional for that species and age of animal.

C. Has adequate protection from the elements and weather conditions suitable for the age, species and physical condition of the animal so as to maintain the animal in a state of good health. Shelter for livestock includes structures that provide protection from the elements or natural features such as trees or topography that provides adequate protection from the elements.

Shelter for a dog or cat shall include one (1) or more of the following:

1. Residence of owner or other individual
2. A dog house that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.
 - 2a. The doghouse shall be positioned in such a manner so that it is not in direct sunlight when the heat is extreme.
3. A structure, including, but not limited to a garage, barn, or shed that is sufficiently insulated and ventilated to protect the animal from exposure to extreme temperatures, or if not sufficiently insulated and ventilated, contains a doghouse as provided under subparagraph #2) that is accessible to the animal.
4. If any animal is restrained by a chain, leash or similar restraint, it shall be designed and placed to prevent choking or strangulation. Such chain or restraint shall not be less than ten 10 feet in length, and shall be attached in such a way to prevent the animal from tangling itself.
5. If ill, diseased or injured, receives proper veterinary care as necessary to promote the good health of the animal and prevent the transmittal of disease to other animals or human beings.
6. Is not beaten, cruelly ill-treated, overloaded, overworked, tormented or otherwise abused or neglected, nor shall any person cause, instigate or permit any dogfight or

combat between animals, fowls or humans.

7. Is not physically altered in any manner by anyone other than a veterinarian or by accepted veterinary procedures and accepted animal husbandry procedures with the exception of tattooing for identification purposes and grooming.

8. In the case of an animal over the age of three (3) months, is properly vaccinated against rabies by a licensed veterinarian annually, or upon such frequency as may be specified by Indiana Code, and such animals shall be licensed as required by this Ordinance and State Law.

9. In mating season, an animal shall be kept in a secure enclosure in such a manner that it cannot come into contact with another animal of the same species for unplanned breeding.

SECTION 12. VACCINATION OF ANIMALS

A. No animal owner or his agents shall keep or harbor a dog or cat over the age of (3) three months unless it has been vaccinated annually by a licensed veterinarian with an anti-rabies vaccine.

B. Proof of vaccination shall be maintained by the owner for display if requested by the County or its agents.

SECTION 13. POISONING OF ANIMALS

A. It shall be unlawful for any person with the intent to destroy or kill any animal, to feed the animal of another person's any poisoned food or leave poisoned food where it may be found and eaten or consumed by such animal.

SECTION 14. ENTICING ANIMALS

A. No person shall entice any licensed dog or other animal away from the premises of the person owning, keeping or harboring same, or entice any such animal from any highway, street, alley or public place in this County with the intention of depriving the owner, keeper or person harboring the same, of the possession thereof, except as authorized in this ordinance.

SECTION 15. TRESPASSING TO ENTICE AWAY

A. No person shall enter or invade the private premises of another to capture, entice or take any licensed dog or other animal out of the enclosure or premises of the person harboring the same, or molest or seize any such dog or other animal anywhere while the same is accompanied by his owner, keeper or custodian; or bring within the County any animal for the purposes of impounding or otherwise disposing of the same or collecting any fee or regard for the return thereof, except as provided in this ordinance.

SECTION 16. FRESH PURSUIT

A. Any law enforcement officer or animal control officer upon receiving information or personal observation that a diseased or dangerous animal, or unlicensed, untagged dog/cat, licensed or tagged, is or has been observed to be illegally roaming at large, unattended by his owner or keeper, or is one reasonably suspected of being a dangerous animal at large, shall if in fresh pursuit of such animal, follow and enter upon the owner or keeper's premises, if necessary, and impound such an animal in an established city, town, or county animal shelter. Such an animal when so captured and impounded will be kept confined, well fed, watered and cared for pending reclamation by its rightful owner/keeper. If not reclaimed within seven (7) days if unlicensed or fourteen (14) days if licensed, the animal may be adopted or humanely euthanized as the impounding office may elect.

B. In the pursuit, capture and apprehension of any such animal as contemplated herein, the officer in fresh pursuit will not be taken to have committed a trespass on any premises where he/she is required to go in pursuit of such animal, but he may not use more than reasonable force in the discharge of the duty imposed upon him by this ordinance. Any person or persons interfering with or obstructing such officer in the discharge of his duties, may himself be subject to arrest and, as provided for by law, for resisting arrest or in interference with a peace officer, nor will such officer be liable in damages to anyone except for gross willful and wanton misconduct in the attempted discharge of his duty.

C. In the event the animal being pursued is not immediately apprehended or captured and escapes the officer in fresh pursuit, such officer may continue his search until the animal is captured and taken into custody, without a search warrant, providing the officer has reason to believe such animal is on the premises where last seen. If the search is abandoned however, such officer will be required to secure a search warrant before further search on return to take up the trail of such animal.

SECTION 17. PENALTY

A. Any person who violates any duty imposed by this ordinance or commits any act declared to be unlawful and for which a specific fine has been prescribed and such individual fails to pay such fine and legal action is necessary, such person shall be subject to an additional fine of up to two thousand five hundred dollars (\$2,500.00) per day per violation as well as attorney fees necessary to enforce any of the provisions herein.

SECTION 18. ENFORCEMENT

Enforcement of the provisions of this ordinance is specifically authorized by any Peace Officer within LaPorte county and any and all Animal Control Officers of the Animal Shelter.

In the event that either the abovementioned Peace Officers or Animal Control Officers observe a violation of any of the provisions of this ordinance, or receive reliable information which leads to the determination that violation of the ordinance occurs; said officer may cite the owner of any animal in violation, or any person whose conduct specifically is prohibited by this ordinance.

Any said Peace Officer or Animal Control Officer observing such a violation or receiving information which leads to the determination of the violations occurred, shall serve the aforementioned violating individual with a citation which specifies which portion of the ordinance has been violated and advising said individual that the violation may be prosecuted pursuant to the terms of the ordinance.

Prosecution of any said violations of this ordinance shall be the responsibility of the County Attorney. Upon referral of the citation for violation of the ordinance, the office of the County Attorney may file the appropriate Court for adjudication of the violation.

SECTION 19. REPEALER

A. All ordinances or parts of ordinance in conflict with the provisions of this ordinance are hereby repealed.

SECTION 20. SEVERABILITY CLAUSE

A. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

Section 21.

This ordinance shall be in full force and effect beginning the 27th day of February, 2001, and after its enactment as prescribed by law.

Dated this 27th day of February, 2001.

THE BOARD OF COMMISSIONERS OF
THE COUNTY OF LAPORTE, STATE OF INDIANA



Marlow, Harmon

Clay Turner
Clay Turner

William Hager
William Hager

ATTEST:

Kenneth E. Layton
Kenneth E. Layton, Auditor