

ORDINANCE NO. D-C-25-10

An Ordinance Amending the Animal Welfare, Control, and Education Ordinance

WHEREAS, the Board of Commissioners of Perry County, Indiana on December 28, 2011, passed Ordinance No. O-C-11-7 entitled the Animal Welfare, Control and Education Ordinance; and

WHEREAS, the Board of Commissioners of Perry County, Indiana further amended said ordinance on March 21, 2012, and August 1, 2016, and;

WHEREAS, it desires to amend the Ordinance further.

IT IS NOW THEREFORE ORDAINED by the Commissioners of Perry County, Indiana as follows:

1. Perry County Code of Ordinances Chapter 90, and any other ordinance inconsistent with the following, is amended or replaced with proceeding:

Contents

DEFINITIONS.....	4
PROHIBITED ACTS.....	9
A. No person shall do any of the following prohibited acts:.....	9
B. LOST OR STRAY ANIMALS.....	10
C. CONTROLLED ANIMALS.....	11
D. VACCINATION REQUIRED.....	11
E. REPORTING OF ANIMAL BITES.....	11
F. DISPOSAL, RELEASE OR DESTRUCTION OF ANIMALS THAT HAVE BITTEN.....	11
COUNTY ANIMAL WELFARE, CONTROL AND EDUCATION BOARD.....	12
A. BOARD ESTABLISHED.....	12
B. COMPENSATION OF BOARD MEMBERS.....	12
C. BOARD MEMBER TERMS.....	12
D. APPOINTMENT OF SUCCESSOR BOARD MEMBERS.....	13
E. BOARD MEMBER VACANCIES.....	13
F. ELECTING CHAIRPERSON AND VICE CHAIRPERSON.....	13
G. POWERS AND DUTIES OF BOARD.....	13
H. USE OF RESOURCES.....	13
I. IMPLEMENTING STATE AND FEDERAL LAW.....	14
J. COUNTY APPOINTED ANIMAL SHELTER.....	14
K. IMPLEMENTING RULES AND REGULATIONS FOR ANIMAL CONFINES.....	14
ANIMAL VIOLATIONS CLERK.....	14
A. COMPLAINTS.....	14
B. ENFORCEMENT PROCEDURES.....	14
ANIMAL CARE AND CONTROL; SHELTER.....	15
A. IMPOUNDMENT OF ANIMALS.....	15
B. OWNER'S RIGHTS.....	15
C. COURT HEARING.....	15
D. STRAY ANIMALS.....	16
E. NOTICE TO OWNER.....	16
F. TEN-DAY HOLD.....	16
G. FEES FOR RECLAIMING OR REDEEMING ANIMALS.....	16
H. MICRO-CHIPPING ENCOURAGED.....	17
VIOLATIONS.....	17
A. PROCEDURE FOR THE HANDLING OF COMPLAINTS OF VIOLATIONS.....	17

A. WAIVER OF FINES.....	17
REGULATION OF DANGEROUS ANIMALS.....	17
A. ACTIONS ALLOWED BY AUTHORIZED PERSONS PRIOR TO HEARING:.....	17
B. WHEN ANIMAL MAY NOT BE DECLARED DANGEROUS.....	17
C. COMPLAINT PROCEDURE.....	18
D. DESTRUCTION OF THE DANGEROUS ANIMAL.....	18
E. PRECAUTIONS FOR DANGEROUS ANIMALS REQUIRED.....	18
F. PROCEDURE BEFORE BOARD.....	20
G. HARBORING A DANGEROUS ANIMAL.....	21
PENALTY.....	21
A. GENERAL PROVISIONS.....	21
B. FINE SCHEDULE.....	21
C. STANDARDIZED PENALTIES.....	21
D. DISCRETION OF BOARD.....	21
EFFECTIVE DATE.....	22

DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. **ABANDON.** To desert an animal or to leave the animal permanently in a place without making provision for adequate long-term care of the animal or otherwise dispose of any live animal on public or private property. The term does not include leaving an animal in a place that is temporarily vacated for the protection of human life during a disaster.
2. **AGENT.** Person(s) 18 years or older authorized by an owner to act in the owner's behalf.
3. **ALPHA-ROLLOVER.** A corrective and physically abusive training method that can and often does trigger a dangerous and defensive response from the animal. It is characterized by the rough throwing of the dog onto its back, holding down by the throat, and placing a knee in the dog's chest or stomach, screaming at him or her and staring into his or her eyes.
4. **ALTERED ANIMAL.** Any animal that has been operated on or has been given medication to prevent it from procreating.
5. **ANIMAL.** Any living, non-human vertebrate or non-vertebrate creature domestic, wild or exotic.
6. **ANIMAL ASSEMBLAGE.** The gathering on one lot of seven or more altered dogs and/or altered cats over the age of six months.
7. **ANIMAL CARE AND CONTROL (ACC).** The Perry County Animal Welfare, Control and Education Board.
8. **ANIMAL CONTROL OFFICER (ACO).** A person authorized to enforce the provisions in this Ordinance and issue citations for violations of this Ordinance, including any law enforcement officer.
9. **ANIMAL DEALER.** Any person who buys, sells, keeps or breeds animals for a commercial purpose.
10. **ANIMAL ESTABLISHMENT.** An animal dealer, animal day care facility, stable or pet shop.
11. **ANIMAL NUISANCE.** An animal which:
 - A. Interferes with or molests passers-by or passing vehicles;
 - B. Attacks other animals or persons;
 - C. Damages private or public property;
 - D. Causes frequent, long, continued, loud noises or other sounds common to its species which disturb the comfort or repose of any person in the immediate neighborhood of any residential area, not to include operations of boarding kennels, kennels, training facilities or the practice of animal husbandry;
 - E. Is in heat which is not confined or restrained so as to prevent attraction or contact with other animals;
 - F. Damages, soils, defiles or defecates on any public right-of-way;

- G. Trespasses on, soils, defiles, defecates on or damages private or public property, including, but not limited to, the leaving of waste material; or
 - H. Is allowed to create any condition which poses a substantial risk of harm to the public health, safety, welfare or environment. If an animal is defending itself, its master, or its master's home, it is not an animal nuisance.
12. ANIMAL SHELTER. A facility or vehicle operated by a government or private entity for the purpose of providing or promoting animal welfare and the humane treatment of animals.
 13. ANIMAL WELFARE ORGANIZATION. Any non-for-profit organization for the prevention of cruelty or neglect to animals incorporated under state laws.
 14. ANIMAL WELFARE AND CONTROL COMMITTEE. The Committee formed by the County Board of Commissioners to review the animal welfare ordinance of the county and to make recommendations to the Commissioners regarding ways to improve the ordinance and ways to improve the procedures used by the county to regulate animal welfare and control.
 15. ATTACK. Aggressive physical contact initiated by the animal.
 16. BITE. To seize, tear, wound or cut with teeth, resulting in a break in the skin. (Refer to most current version of state form 14072).
 17. BOARD. The Perry County Animal Welfare, Control and Education Board.
 18. BREEDER. Any person who harbors an animal or animals, except livestock, requiring a license or permit to be possessed within the county and (intentionally or accidentally) allows and/or causes the animal(s) to procreate and/or offers for sale or sells, trades or receives other compensation or gives away any litter of dogs or cats; except for dogs or cats taken to an animal control shelter or any 501(c)(3) animal welfare organization and has the female spayed within ten weeks of the birth of a litter.
 19. BUSINESS DAY. Any day other than weekends and holidays recognized by the county.
 20. CATTERY. A facility operated principally for the purpose of boarding, housing or grooming of cats.
 21. COLLAR. A stiff band of leather, plastic, strong fabric or metal placed around the neck of an animal to identify it or to attach it to a lead or leash.
 22. COMMISSIONERS. The Perry County Board of Commissioners.
 23. CONTROLLED ANIMAL. Any animal not defined as a domestic animal in this Ordinance with the exception of small, non-poisonous reptiles, non-poisonous amphibians, harmless invertebrates and small birds. Such controlled animals shall also include any animal for which the possession or ownership is controlled or regulated by federal or state law, or municipal ordinance or regulations concerning licensing or the issuance of permits. Such controlled animals shall include, but not be limited to, the following:
 - A. All poisonous animals by genetic disposition including insects, spiders, reptiles, amphibians, invertebrates and rear-fang snakes;
 - B. All primates (order primates);
 - C. All non-domestic carnivores (order carnivore);

- D. Crocodilians;
 - E. Large constrictor snakes specifically: reticulated pythons (*python reticulatus*), amethystine pythons (*morelia amethystina*), green anacondas (*eunectes murinus*), Indian pythons (*python molurus*) and African rock pythons (*python sebae*);
 - F. Endangered species or any species considered to be protected by federal or state law or international trade agreements;
 - G. Fur bearing animals raised to provide products for the fur trade;
 - H. Game cocks and other fighting birds;
 - I. Piranha fish;
 - J. Sharks over one pound;
24. **CRIME PREVENTION ANIMAL.** An animal trained and used primarily for the protection of persons or property or both.
25. **CUSTODIAN.** Any person who owns or keeps, harbors, feeds or has the charge or control of an animal.
26. **DANGEROUS ANIMAL.** Any animal which presents a substantial threat of bodily harm to any person or pet in its vicinity or if it was to escape its primary enclosure or escape from the control of its owner or custodian. Such determination is to be made from past acts of aggressive behavior justifying the determination that it is a dangerous animal. A dog's breed shall not be considered in determining whether or not it is dangerous. This definition excludes K-9 corps dogs in use by the military or government law enforcement agencies.
27. **DESIGNEE.** A person selected, appointed or nominated for a particular purpose of duty.
28. **DOMESTIC ANIMAL.** Include, but are not limited to:
- A. Dog;
 - B. Cat;
 - C. Cattle (Bovine);
 - D. Horse;
 - E. Sheep;
 - F. Goat;
 - G. Rabbit;
 - H. Mouse;
 - I. Rat;
 - J. Donkey;
 - K. Guinea pig;
 - L. Hamster;
 - M. Gerbil;
 - N. Pigeon, (homing or racing);

- O. Chicken, turkey, goose, duck;
 - P. Llama;
 - Q. Pig;
 - R. Bison;
 - S. Chinchilla;
 - T. Mink; or
 - U. Ferret.
29. EXCESSIVE. More than is normal or necessary.
 30. EXOTIC ANIMAL. 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.
 31. EXPOSED TO RABIES. Any human or non-human warm blooded mammal that has been bitten or comes in contact with any other animal known or reasonably suspected to have been infected with rabies.
 32. FACILITY. An establishment set up to fulfill a particular function or provide a particular service for animals.
 33. FIGHT. A conflict between two or more animals that is intentionally organized for such purpose.
 34. HARBORING. The actions of any person that permit any animal habitually to remain or to lodge or to be fed within his/her home, store, enclosure, yard, 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 or more consecutive days.
 35. HELICOPTERING. A corrective and physically abusive training method. It is characterized by the dog being hoisted by leash and neck collar off his or her feet and swinging the dog above ground in a 360 degree circle often resulting in a loss of oxygen to the animals brain.
 36. INADEQUATELY VENTILATED. Insufficient circulation of air to provide a healthy environment.
 37. KEEPER. Any person, other than the owner, who has actual or constructive possession of an animal for the purpose of managing, controlling or caring for such animal. A person shall be construed as a keeper of an animal even if she or he does not have the owner's permission.
 38. KENNEL. A facility operated principally for the purpose of boarding, housing, grooming, breeding or training of dogs.
 39. LARGE ANIMAL. A cow, horse, pony, donkey, mule, goat, sheep, swine or llama.
 40. LEASH. A cord, chain, rope, strap or other such physical restraint.
 41. LICENSE or PERMIT. A written instrument evidencing approval by a governmental entity to possess an animal or permission to undertake a regulated task. LICENSE is generally used

when referring to the right to possess an animal, and PERMIT is generally used when referring to the right to undertake a task or activity or operate a business.

42. MICROCHIP. A computer chip, implanted underneath the skin of an animal (in the universal position between the scapulas which contains information relating to that animal.)
43. MICROCHIP READER. An electronic device that detects any implanted microchip.
44. MUZZLE. A device constructed of a strong, soft material or metal, designed to fasten over the mouth of an animal, without interfering with its vision or respiration or causing injury to the animal, to prevent the animal from biting any person or other animal.
45. NEIGHBORHOOD. The subject property and any property within two blocks thereof in any direction.
46. NOT-FOR-PROFIT. A corporation, business, association or entity established as a not-for-profit entity under state law or recognized as not-for-profit by the Internal Revenue Service or the Indiana Department of Revenue.
47. OVERCROWDED. Beyond what is usual or comfortable.
48. OWNER. Any person age 18 years or older, partnership, or corporation, or other legal entity recognized by the state, owning, or harboring one or more animals.
49. PET. Any animal owned or harbored for pleasure and companionship.
50. PET SHOP or GROOMING SHOP. A business operated separately or in connection with another business enterprise, engage in the care, bathing, clipping or plucking or possession of animals for display and sale of pets.
51. K-9 DOG. A professionally trained dog used by public safety officers for law enforcement or investigative purposes and activities.
52. PRIMARY ENCLOSURE.
 - A. A structure which is suitable to prevent the entry of young children (under 12 years of age) and to prevent the animal from escaping;
 - B. A structure with secure sides and a secure top or just secure sides which are of sufficient height to prevent an animal from escaping over the sides;
 - C. A structure whose sides are so constructed at the bottom as to prevent the animal's escape by digging under the sides; or
 - D. A structure, which provides appropriate protection from the elements for the animal.
53. PURCHASER. A person who purchases any domestic animal without intent to resell.
54. RABIES VACCINATION. The injection by a licensed veterinarian of a dog, cat or other animal with a rabies vaccine licensed by the USDA and approved by the State Board of Health according to the compendium for rabies published yearly.
55. RESTRAINT. Under control by being adequately secured, without means of escape, in a pen, fenced enclosure, corral, cage, house, vehicle or other secure enclosure.
56. SAFETY. Freedom from danger or injury.

57. **SERIOUS BODILY INJURY.** Bodily injury which creates a substantial risk of death or causes serious permanent disfigurement, unconsciousness, extreme pain or permanent or protracted loss or impairment of the function of a bodily member or organ.
58. **SERVICE ANIMAL.** Any animal that is trained to assist a disabled person.
59. **SHELTER.** A facility used to provide humane care and shelter for stray or owner relinquished animals.
60. **STABLE.** A commercial enterprise to house horses for other owners or custodians.
61. **STRAY.** Any animal that is not within the real property limits of its owner and is not under restraint or is unattended.
62. **UNCLEAN.** Dirty, soiled, filthy, unwashed or muddied.
63. **VETERINARIAN.** Any person licensed and accredited to practice veterinary medicine in the state.
64. **VETERINARIAN HOSPITAL.** Any established maintained and operated by a licensed veterinarian for the purpose of hospitalization of animals or the diagnosis and treatment of diseases and injuries of animals.
65. **WELFARE.** Well-being, happiness and health.
66. **WILD ANIMAL.** Any animal non domesticated or exotic animal, with the exception of small, non-poisonous aquatic or amphibious animals and small cage birds, which are normally found in the wild state.
67. **WITHOUT REASONABLE PROVOCATION.** The exhibition of aggressive behavior without immediate direction to do so by its master, contrary to the direction of its master, while not defending its master, while not defending its master's home on the master's premises, or while not acting as a properly permitted crime prevention animal under Section 2 of this Ordinance.

PROHIBITED ACTS

A. No person shall do any of the following prohibited acts:

1. Be a custodian/owner of a prohibited animal as identified in division (C) below.
2. Be a custodian/owner of, or permit, an animal nuisance.
3. Be a custodian/owner of a dangerous animal; however, the exemptions provided in this Ordinance shall also be applicable to this provision.
4. Be a custodian of a domestic animal that is running at large or not under restraint unless under the reasonable control of some person or when engaged in lawful hunting accompanied by the owner or custodian.
5. Confine an animal in an area which is unclean, overcrowded, or inadequately ventilated, which poses a substantial threat to any person or animal.
6. Deprive an animal from the opportunity for adequate exercise or access to fresh or ventilated air.
7. Be a custodian/owner of an animal that has not been properly licensed pursuant to this Ordinance.

8. Be a custodian/owner of any animal that has not been vaccinated with a rabies vaccine approved by the State Board of Health if the animal is capable of carrying or transmitting rabies. (See I.C. 15-17-6-1 for local regulation authority).
9. Abandon an animal.
10. Be the custodian/owner of an animal and fail to provide the animal with food that is nutritional for the species in adequate amounts as to maintain good health.
11. Expose any known poisonous substance, whether or not mixed with food, so that such poisonous substance shall be liable to be eaten by a pet.
12. Leave an animal unattended in a vehicle when conditions in that vehicle would constitute a health hazard to the animal.
13. Fail to confine in a secure building or enclosure a female domestic animal in heat so as to prevent conception except during instances of planned breeding.
14. Unsupervised tethering of an animal except as permitted by Indiana code.
15. No person shall fail to maintain in a sanitary manner the premises occupied by an animal, whether the animal is kept in a structure, fence, pen, or fastened, hitched or leashed.

- A. Custodians/owner of an animal shall regularly, and as often as necessary, maintain all animal areas or areas of animal contact to prevent unsanitary conditions on the property.

16. Methods

- A. No animal may be induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause or is likely to cause physical injury or suffering to the animal. This provision shall not prevent the use of a collar with an electrical charge when used temporarily for training purposes or the use of professionally manufactured invisible fencing.
- B. No person employed to train an animal shall use Alpha Rollovers, Helicoptering, hanging by the collar, kicking or any other abusive methods.
17. No puppy or kitten that is under the age of six weeks may be offered for sale, trade or for other compensation or for free giveaway. Except, however, a puppy or kitten or litters may be taken to an animal control shelter. This division shall not apply to the county animal shelter, any 501(c)(3) animal shelter agency, or any 501(c)(3) organization promoting education, agriculture or scouting activities or governmental organizations.
18. No person shall fail to obey the provisions of this Ordinance or any restrictions, regulations or orders issued by the Board pursuant to the terms of this Ordinance.
19. No person shall release piranha into any stream, river or lake.

B. LOST OR STRAY ANIMALS.

1. Persons finding a stray animal shall notify dispatch within 48 hours of finding the animal. The County Animal Control Officer shall inspect or scan the animal to determine

ownership. The Animal Control Officer shall return the animal to its rightful owner subject to a fee structure set by the Board.

2. Any lost or stray animal that has been found shall be held for a minimum of three days, before a disposition is made, unless the animal needs to be euthanized for humanitarian purposes upon the decision of a veterinarian (if available) or the Board's designee due to the animal's mental or physical condition to prevent suffering.
3. Persons finding an animal are obligated to comply with all rules and regulations of this ordinance pertaining to humane care and treatment of animals while said animal is in their custody awaiting return of the animal to its actual owner.

C. CONTROLLED ANIMALS.

Maintenance of all controlled animals, as defined in Section 1 is prohibited except by special application to the Board and its approval thereof. No wild or exotic animal shall be kept within the county without the necessary state and/or federal permits.

D. VACCINATION REQUIRED.

No owner or custodian of any dog, cat or ferret shall keep, maintain or harbor the animal within the county, unless the dog, cat or ferret has been vaccinated by a licensed veterinarian with anti-rabic vaccine of a type approved by the State Board of Health. The anti-rabic vaccination of a dog, cat or ferret shall be repeated every one to three years as applicable to the vaccine. In no case shall more than three years elapse between each vaccination. All dogs, cats and ferrets shall be vaccinated for rabies as required by state statute. A licensed veterinarian shall provide such vaccinations.

E. REPORTING OF ANIMAL BITES.

1. The person responsible for any animal that has bitten a person or another animal must report the incident to the Health Department. Upon receiving the report of a bite, the Animal Control Officer shall quarantine the animal for ten days with the place of confinement to be in the discretion of the Board based upon whether the animal is vaccinated and whether the owner has the proper facilities to prevent the animal from escaping or coming into contact with other persons or animals. During the quarantine period, the animal is to be securely confined and kept from contact with any other animal or non-custodian. During the quarantine period, the owner must provide a current rabies vaccination certificate for the animal that is being quarantined. If proof of vaccination cannot be supplied, a veterinarian shall vaccinate the animal before release at the owner's expense. State law and the Department of Health rules and regulations shall be followed for reporting animal bites.
2. No person other than an Animal Control Officer, health officer, law enforcement official or veterinarian shall kill or cause to be killed any animal suspected of being rabid except in cases of immediate self-protection. If the animal is killed, the person causing the death will retain the body and immediately notify Animal Care and Control.

F. DISPOSAL, RELEASE OR DESTRUCTION OF ANIMALS THAT HAVE BITTEN.

1. No person owning, possessing, keeping or harboring any animal within the county shall move, conceal, sell, give away or otherwise dispose of any animal, when the person has knowledge of the animal's having bitten or injured a person or animal.
2. No animal quarantined under suspicion of rabies shall be removed from animal care and control or elsewhere or destroyed until written certification of the Health Officer, or his or her duly authorized deputy. The time period for quarantine and conditions of the quarantine shall be conducted under the rules and regulation and orders of the State Board of Health.
3. No person other than a duly authorized agent of the Board may destroy any domestic animal that has bitten a person; provided, however, this provision shall not apply to the following:
 - A. A licensed veterinarian;
 - B. Those persons acting in immediate self-protection; or
 - C. Law enforcement officers or Firefighters acting to prevent undue suffering.

COUNTY ANIMAL WELFARE, CONTROL AND EDUCATION BOARD

A. BOARD ESTABLISHED.

The County Animal Welfare, Control and Education Board is hereby established. The Board shall act under the supervision and control of the County Board of Commissioners, the Board shall consist of seven (7) members chosen as follows:

1. Two of the members shall be appointed by the County Board of Commissioners
2. Two of the members shall be appointed by the County Council.
3. One member shall be appointed by the Tell City City Council as an at large member who is a county resident chosen by a majority of the City Council.
4. One member shall be appointed by the Cannelton City Council as an at large member who is a county resident chosen by a majority of the City Council.
5. One member shall be appointed by the Troy Town Council as an at large member who is a county resident chosen by a majority of the City Council.

B. COMPENSATION OF BOARD MEMBERS.

Members of the Board shall serve without compensation unless otherwise provided by the Commissioners.

C. BOARD MEMBER TERMS.

1. The initial term of a member of the Board appointed by the County Commissioners shall be two years beginning on the date of appointment.
2. The initial term of a member of the Board appointed by the County Council shall be three years beginning on the date of appointment.
3. The initial term of a member of the Board appointed by the Tell City City Council shall be four years beginning on the date of appointment.

4. The initial term of a member of the Board appointed by the Cannelton City Council shall be four years beginning on the date of appointment.
5. The initial term of a member of the Board appointed by the Troy Town Council shall be four years beginning on the date of appointment.
6. After the initial term all members of the Board shall serve a four-year term.
7. No Board member shall serve more than three consecutive terms.

D. APPOINTMENT OF SUCCESSOR BOARD MEMBERS.

At least 30 days before the expiration of the term of office of a member of the Board, the organization that made the appointment shall appoint a successor. A member shall serve until a replacement is appointed.

E. BOARD MEMBER VACANCIES.

In the event of a vacancy of a member of the Board, the organization that made the appointment shall immediately appoint a successor to complete the unexpired term.

F. ELECTING CHAIRPERSON AND VICE CHAIRPERSON.

The Board shall elect a chairperson, vice chairperson and secretary from the Board's membership each year at the Board's April meeting. The chairperson, vice chairperson and secretary shall each serve a term of one year.

The Board:

1. Shall hold monthly meetings at the location chosen by the Board;
2. May hold special meetings upon the call of the chairperson or a majority of the members of the Board; and
3. Four members of the Board constitute a quorum to transact business.

G. POWERS AND DUTIES OF BOARD.

In addition to the powers and duties given the Board in this Ordinance and by law, the Board has the powers and duties reasonable and necessary to do the following:

1. The Board has general supervision of the enforcement of this Ordinance and shall have all powers necessary to fulfill the Board's duties under this Ordinance.
2. Recommend to the Commissioners:
 - A. The appointment or replacement of the Animal Control Officer.
 - B. The terms and conditions of any contract(s) for the shelter of animals.
 - C. The budget for animal control and education.
 - D. The amendment of this Ordinance.
3. Conduct ordinance violation hearings and collect the fees and fines authorized by this Ordinance. The Board may appoint one or more of its members to act as the hearing officer(s) to hear said violations.

H. USE OF RESOURCES.

The Board may accept, use, and expend funds or other resources from sources other than the state if:

1. The resources are awarded for the pursuit of a specific objective that the Board is authorized to accomplish under this Ordinance;
2. The resources are expended for the pursuit of the objective for which the resources are awarded;
3. Activities connected with or occasioned by the expenditure of the resources do not interfere with or impair the performance of the Board's duties and responsibilities and do not conflict with the exercise of the Board's powers and duties under this subsection;
4. The monetary resources are kept in a separate account in the county's treasury; and
5. Reports of the Board's receipt and use of the resources are prepared periodically.

I. IMPLEMENTING STATE AND FEDERAL LAW.

The Board shall adopt rules pursuant to state and federal law that are reasonable and necessary to discharge the duties imposed on the Board by law and to implement this Ordinance.

J. COUNTY APPOINTED ANIMAL SHELTER.

Rules and regulations pertaining to the operation of the county appointed animal shelter must be approved by the Commissioners.

K. IMPLEMENTING RULES AND REGULATIONS FOR ANIMAL CONFINES.

The Board may from time to time implement rules and regulations pertaining to what constitutes unclean, overcrowded and inadequately ventilated confines of an animal. Any restrictions, rules or regulations that may be adopted by the Board pursuant to this Ordinance must be reviewed and approved by the Commissioners.

ANIMAL VIOLATIONS CLERK

A. COMPLAINTS.

The Board and the Animal Control Officer shall receive animal complaints from citizens, and on the execution of an affidavit by any citizen complaining of an alleged violation of this Ordinance, or upon the issuance of a citation by the Animal Control Officer or law enforcement officer alleging a violation of this Ordinance, the Animal Control Officer or law enforcement officer shall cause a complaint to be filed with the Board or in the Circuit Court alleging violation of this Ordinance. No complaint shall be filed in Court unless the attorney for the county, or his or her designee as provided in this Ordinance, determines there is sufficient evidence to support a finding by a court that a violation occurred. This provision shall not prevent the Animal Control Officer(s) or law enforcement officer(s) from issuing verbal or written warnings of violations where such warnings shall be deemed sufficient to prevent further violations.

B. ENFORCEMENT PROCEDURES.

A person charged with a violation for which a fine may be imposed under this Ordinance may do the following.

1. Prior to the filing of an action in the Circuit Court alleging an ordinance violation, the alleged violator may appear before the Animal Violations Clerk and pay a fine as provided in this Ordinance.
2. Prior to the filing of an action in Court alleging an ordinance violation the alleged violator may appear before the Board, or its hearing officer(s), to present their defense to the alleged violation. The Board hearing officer(s) may conduct an administrative hearing based upon the testimony and evidence presented by the Animal Control Officer and the alleged violator. In the event the Board finds that the violator is guilty of the alleged ordinance violation, the violator may be ordered to pay the fine and costs associated therewith. The violator may stay the payment of the fine and costs by appealing the decision to the Circuit Court on a form provided by the Court and paying the appropriate filing fee required by Court.
3. Payment of the fine and costs under this provision constitutes a plea of guilty to the alleged violation of this Ordinance and constitutes a waiver of appearance before the Board or the Court. The Animal Violations Clerk shall issue receipts to violators for civil penalties paid to the Clerk.

ANIMAL CARE AND CONTROL; SHELTER

A. IMPOUNDMENT OF ANIMALS.

The Animal Control Officer or a law enforcement officer or any other person having authority to impound animals who has probable cause to believe there has been a violation of this Ordinance or state law may take custody of the animal involved.

B. OWNER'S RIGHTS

The custodian/owner of an animal that has been impounded under this section may prevent disposition of the animal by an animal shelter that is caring for the animal by posting, not later than ten days after the animal has been impounded, a bond with the Circuit Court in an amount sufficient to provide for the animal's care and keeping for at least 30 days, beginning from the date the animal was impounded. The owner may renew a bond by posting a new bond, in an amount sufficient to provide for the animal's care and keeping for at least an additional 30 days, not later than ten days after the expiration of the period for which a previous bond was posted. If a bond expires and is not renewed, the animal shelter may determine disposition of the animal, subject to court order. If the owner of an animal impounded under this section is found guilty of an offense under this Ordinance or other state law, the owner shall reimburse the animal shelter for the expense of the animal's care and keeping. If the owner has paid a bond under this section, the Court may nevertheless authorize the animal shelter to euthanize an animal if a veterinarian determines that an animal is suffering extreme pain.

C. COURT HEARING.

If the owner requests, the Circuit Court shall hold a hearing to determine whether probable cause exists to believe that a violation of this Ordinance or other state law has occurred. If

the Court determines that probable cause does not exist, the Court shall order the animal returned to its owner, and the return of any bond posted by its owner.

D. STRAY ANIMALS.

The Animal Control Officer shall cause the apprehension and impoundment of an animal which is not on the property of the owner so long as the animal is on public property, public right-of-way or on private property without the consent of the owner of the private property. Since the apprehension of the animal is reasonably necessary for the protection of the public health, safety and welfare, the capture of the animals is a valid exercise of the county's law enforcement power. Therefore, the Animal Control Officer or his or her designee may use any means reasonably calculated to capture the animal in a manner which presents the least danger to other persons and property. The Animal Control Officer may enter on private property without the consent of the owner or person in control of the property only under the following circumstances:

- A. With a court order or warrant authorizing entry onto the property for the purposes stated in the order or warrant; or
- B. Where exigent circumstances dictate immediate apprehension in order to prevent harm or danger to a person or animal, including but not limited to, where an animal has bitten a person or animal.

E. NOTICE TO OWNER.

The Animal Control Officer shall record a description of impounded animals on forms approved by the Board. If an animal is licensed, the licensee shall be notified and the identity of the animal shall be recorded and kept available for public inspection.

F. TEN-DAY HOLD.

Animal care and control shall maintain all impounded animals for a minimum of ten days, unless as otherwise provided for injured or diseased animals, or until claimed by the owner. Untagged and unmicro-chipped animals shall be maintained for no less than ten days, unless as otherwise provided for injured or diseased animals, so long as space allows at the shelter. If the animal is not redeemed within the appropriate time period, the Animal Control Officer may cause the animal to be destroyed in a humane manner as established by NACA (National Animal Control Association) or place ownership of the animal with an animal shelter.

G. FEES FOR RECLAIMING OR REDEEMING ANIMALS.

An animal found running at large in violation of a quarantine or in violation of this Ordinance may be impounded in an area or quarters provided by the Board. During the period of impoundment, the owner may obtain possession of the animal by doing all of the following:

1. Paying the expenses of the animal's board and all tax or license fees that are due and unpaid on the animal.
2. Having the animal vaccinated and to pay for the vaccination or furnishing evidence that the animal was vaccinated during the previous 12 months.
3. Paying the impounding fee fixed by the Board.

H. MICRO-CHIPPING ENCOURAGED.

All dogs or cats adopted out by the Board are encouraged to be micro-chipped before release.

VIOLATIONS

A. PROCEDURE FOR THE HANDLING OF COMPLAINTS OF VIOLATIONS.

1. It shall be required of any person complaining to the Board, Animal Control Officer or law enforcement agency, regarding domestic animals, to sign a complaint form to be provided by the Board describing the animal, the violation and the owner of the animal if known by the complainant.
2. One such complaint shall be sufficient cause for the Animal Control Officer or other law enforcement officer to issue a warning to the owner or to impound the animal under procedures outlined in this Ordinance in accordance with the law.

A. WAIVER OF FINES.

The Board shall have the authority to waive all fines and citations if the owner agrees to have their animal spayed/neutered and micro-chipped before the animal is returned to the owner at the owner's expense.

REGULATION OF DANGEROUS ANIMALS

A. ACTIONS ALLOWED BY AUTHORIZED PERSONS PRIOR TO HEARING:

1. If any animal shall attack a person or a pet peaceably conducting himself or herself in any place where he or she may lawfully be, any person, for the purpose preventing imminent injury or further injury, may use such force as is required to stop the attack.
2. A law enforcement officer or Animal Control Officer acting pursuant to his statutory duties may, where the threat of serious injury to a person or pet is imminent and unjustified, use such force as is required to prevent such injury.

B. WHEN ANIMAL MAY NOT BE DECLARED DANGEROUS.

An animal may not be declared dangerous if:

1. The animal was protecting or defending a person within the imminent vicinity of the animal from an attack or assault;
2. The time the recipient of the attack was committing a crime or offense upon the property of the owner/custodian of the animal;
3. The recipient of the attack was teasing, tormenting, abusing or assaulting the animal, or in the past had teased, tormented, abused or assaulted the animal;
4. The animal was attacked or menaced by another animal, or the animal attacked was on the property of its owner/custodian;

5. The animal was responding to pain or injury, or protecting itself, its kennels or its offspring;
6. The person or domestic animal was disturbing the animal's natural functions such as sleeping or eating; or
7. Neither growling nor barking, nor both, shall alone constitute grounds upon which to find an animal to be dangerous.

C. COMPLAINT PROCEDURE.

1. Any person may make a complaint of an alleged dangerous animal as that term is defined in this Ordinance to the Animal Control Officer or law enforcement officer. The officer(s) shall immediately inform the complainant of his or her right to commence a proceeding provided for in this ordinance, immediately below, and, if there is reason to believe the animal is a dangerous animal, the officer shall forthwith commence such proceeding himself or herself.
2. Any person may make a complaint under oath or affirmation of an alleged dangerous animal as that term is defined herein to the Board, Animal Control Officer or law enforcement officer. Thereupon, the Board, subject to judicial review, shall immediately determine if there is probable cause to believe the animal is a dangerous animal and, if so, shall issue an order to the Animal Control Officer or other qualified law enforcement officer directing such officer to immediately seize such animal and hold same pending a Board determination as herein provided. If the custodian of the animal refuses to surrender the animal to the officer, the officer shall seek a court order authorizing the seizure of the animal. If the animal is found to be at large, no such court order shall be necessary. The Board shall, within seven business days of a request for a hearing, and upon written notice of not less than three days to the owner of the animal, hold a hearing on the complaint.

D. DESTRUCTION OF THE DANGEROUS ANIMAL.

The Board may order an animal destroyed if none of the precautions in Section E below are deemed sufficient to prevent the risk of injury to any person.

E. PRECAUTIONS FOR DANGEROUS ANIMALS REQUIRED.

Where an animal is determined, pursuant to a preponderance of the evidence at a duly constituted hearing, to be dangerous, the Board, subject to judicial review, shall require the owner of the animal to register such animal with the Board, and to provide prompt notification to the Board of any changes in the ownership of the animal; names, addresses and telephone numbers of new owners; any change in the health status of the animal; any further instances of attack; any claims made or lawsuits brought as a result of further instances of attack; or the death of the animal. In addition, the Board, subject to judicial review, may require any or all of the following, but divisions (E) and (F) of this section, or any one of them, may only be imposed where there has been serious injury to a person.

1. Indoors, when not alone, the animal be under the control of a person 18 years or older.
2. Outdoors and unattended, the animal be kept within a locked fenced area from which it cannot escape.

3. When outdoors the animal must be attended and kept within a fenced area from which it cannot escape.
4. When outdoors the animal must be attended and kept on a leash no longer than six feet and under the control of a person 18 years of age or older.
5. When outdoors, the animal must be attended and muzzled. The muzzle shall not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal. The muzzle must be made of non-metallic material so as to prevent the muzzle from freezing to the animal.
6. Outdoors and unattended, the animal must be confined to an escape-proof kennel of the following description:
 - a. Such kennel shall allow the animal to stand normally and without restriction, and shall protect the animal from the elements.
 - b. Fencing materials shall not have openings with a diameter of more than two inches, and in the case of wooden fences, the gaps shall not be more than two inches.
 - c. Any gates within such kennel or structure shall be lockable and of such design as to prevent the entry of children or the escape of the animal, and when the animal is confined to such kennel and unattended such locks shall be kept locked.
 - d. The kennel may be required to have double exterior walls to prevent the insertion of fingers, hands, or other objects.
7. Placement of a sign or signs of a description and in places directed by the Board, advising the public of the presence and tendencies of the animal.
8. Attendance by the animal and its owner/custodian at training sessions conducted by a certified applied animal behaviorist, board certified veterinary behaviorist or other recognized expert in the field and completion of training or any other treatment as deemed appropriate by such expert. The owners of the animal shall be responsible for all costs associated with the evaluation and training ordered under this section.
9. Neutering or spaying of the animal at the owner's expense, unless a duly authorized veterinarian renders an opinion otherwise.
10. That the animal be permanently identified by tattooing or by injecting an identification microchip, using standard veterinary procedures and practices, identification number and the identification of the person performing the procedure to be registered with the Board as indicated above.
11. The procurement of liability insurance in an amount to be determined by the Board, but in no case in an amount of less than \$500,000, covering the medical and/or veterinary costs resulting from future actions of the animal. This condition may not be imposed if it is shown that no such insurance is available for a reasonable premium.
12. If any of the above conditions ordered by the Board are not complied with, the owner shall be subject to a fine of not more than \$2,500.

13. If a further incident of attack occurs under such circumstances that the dog, after a hearing as described above, is determined to be a dangerous dog, the Board, subject to judicial review, may impose or re-impose any applicable directives listed above; additionally, humane destruction of the dog may be ordered, but only where the further incident involves serious injury to a person.
14. Order the animal to be examined by a veterinarian to rule out an underlying treatable medical cause which may be causing the animal to be aggressive. The examination shall be at the owner's expense.
15. In the event a dangerous animal escapes, the custodian/owner shall immediately inform either law enforcement or the animal control officer or both of the escape together with any pertinent information regarding the animal and the circumstances involved with the escape.

F. PROCEDURE BEFORE BOARD.

1. The Animal Control Officer is hereby authorized to declare an animal to be a dangerous animal. Notice of such declaration shall be served personally upon the owner, or his or her authorized agent, or served by mailing the notice, by certified or registered mail, return receipt requested, upon the owner or his or her authorized agent. If mailed, the notice shall be deemed effective three business days from depositing the notice in the United States mail. The notice shall indicate that the animal is declared to be a dangerous animal and that if written appeal of the Animal Control Officer's decision is not filed within ten days with the Board through the County Clerk's office, the animal shall be destroyed. If ownership of the animal cannot be determined, the animal may be destroyed after detaining the animal for five business days without notice or further action by the Board.
2. Upon notice of the declaration of the animal to be a dangerous animal, the animal, if not already held in quarantine by the Department of Health, shall be surrendered to the Animal Control Officer pending a decision by the Board on the disposition of the animal or imposition of conditions referred to above. If not voluntarily surrendered to the Animal Control Officer, a warrant or other court order shall be obtained for the Animal Control Officer or other law enforcement officer to obtain immediate possession of the animal. No consent or court approval shall be required to obtain possession of the animal if the animal is not under restraint and is not on the property of the owner or his or her authorized agent.
3. The timely filing of an appeal of a decision of the Animal Control Officer to the Board shall stay the decision of the Animal Control Officer to destroy the animal until a hearing can be held by the Board and a decision rendered thereon. If a hearing is requested, notice of the date, time, place, and purpose of the hearing shall be given to the owner or his or her authorized agent. The Board, or its hearing officer(s), shall review the evidence and render a decision that reverses in whole or in part the decision of the Animal Control Officer or affirms a decision of the Animal Control Officer that the animal is dangerous. Upon a finding that the animal is dangerous, the Board may impose one or more of the conditions stated above in division (E) above or have the animal destroyed. A decision of the Board, if appealed, shall be appealed pursuant to I.C. 34-4-17.5.

4. If the decision of the Board or the final decision of the courts upon appeal is that the animal is dangerous, the owner shall be responsible for payment of the following fees:
 - a. A custodial fee of: \$20 administrative fee plus \$10 per day until the time of the Board's decision and thereafter \$10 per day, or for any part of a day, for shelter and food for the animal, and plus medical expenses and other costs incurred by the Board for the apprehension and maintenance of the animal, and for treatment of the animal while detained. These charges shall accrue until consent is given for destruction of the animal or until the animal is destroyed.
 - b. If the decision of the Board or any final decision of the courts upon appeal is that the animal is not dangerous and should be released to the owner, then those charges, as provided herein, may not be charged to the owner.
 - c. An animal that is not under restraint and cannot be safely captured and impounded may be slain.

G. HARBORING A DANGEROUS ANIMAL.

No person shall own, keep or harbor a dangerous animal within the county; except for dangerous animals in compliance with the orders of the Board as provided above. This section shall not apply to animals under the control of a law enforcement or military agency, zoo or a properly permitted circus demonstrating that the animals are in secure enclosures and monitored by trained individuals.

PENALTY.

A. GENERAL PROVISIONS.

Any person who violates any provision of this Ordinance shall be subject to a fine or court order to comply, following notice and hearing.

B. FINE SCHEDULE.

The following fines are hereby imposed for violation of the provisions indicated in addition to any other remedy provided by law:

1. First violation: no less than \$25 or more than \$100 plus cost of collection, including but not limited to, reasonable attorney fees.
2. Second violation within any 12-month period: no less than \$50 or more than \$500 plus cost of collection, including but not limited to, reasonable attorney fees.
3. Third or more violations within any 12- month period: No less than \$75 or more than \$750 plus cost of collection, including but not limited to, reasonable attorney fees.

C. STANDARDIZED PENALTIES.

The Board shall establish standardized penalties and fees for violations of this Ordinance to the greatest extent possible.

D. DISCRETION OF BOARD.

The Board or the hearing officer(s) assigned to hear animal control violations under this ordinance shall have the option to offer a Diversion Agreement to first offenders. The Diversion Agreement shall be in writing for a determinate period of time not to exceed one year in duration. The Agreement must also include the conditions that the offender spay or neuter the animal(s) subject to the Board action; and the offender attend an animal care and abuse counseling program approved by the Board.

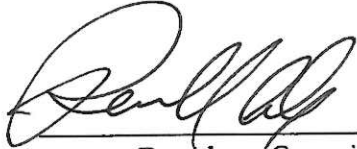
EFFECTIVE DATE

This ordinance shall be in full force and effect upon its passage by the Perry County Commissioners


Dated this 2nd of September, 2025.

BOARD OF COMMISSIONERS OF PERRY COUNTY, INDIANA

BY:



President, Commissioner



Commissioner



Commissioner

This ordinance shall be in full force and effect upon its passage by the Perry County Commissioners.

§ 90.145 PROCEDURE FOR THE HANDLING OF COMPLAINTS OF VIOLATIONS.

(A) It shall be required of any person complaining to the Board, Animal Control Officer or law enforcement agency, regarding domestic animals, to sign a complaint form to be provided by the Board describing the animal, the violation and the owner of the animal if known by the complainant.

(B) One such complaint shall be sufficient cause for the Animal Control Officer or other law enforcement officer to issue a warning to the owner or to impound the animal under procedures outlined in this Ordinance in accordance with the law.

(Ord. O-C11-7, passed 12-28-2011)

§ 90.146 WAIVER OF FINES.

The Board shall have the authority to waive all fines and citations if the owner agrees to have their animal spayed/neutered and micro-chipped before the animal is returned to the owner at the owner's expense.

(Ord. O-C11-7, passed 12-28-2011)

