

ORDINANCE 93-25-CM

ANIMAL CONTROL ORDINANCE FOR UNINCORPORATED TIPPECANOE COUNTY

SECTION I. PURPOSE

This Ordinance is intended to protect the public health, safety, and welfare of the unincorporated Tippecanoe County by establishing reasonable and effective regulations concerning the licensing, inoculation, impounding, and keeping of dogs, cats, and other animals kept as pets.

SECTION II. DEFINITIONS

(A) Animal: Kept as a pet, any domestic or wild animal maintained for the emotional benefit of the owner and not used in commercial enterprise.

(B) Animal-At-Large: Any animal not under the restraint of a person capable of controlling the animal on or off the premises of the owner.

(C) Animal Control Officer: Any person who has been employed as such by the Board of Commissioners or the Animal Control Commission.

(D) Animal Shelter: Any facility operated by a humane society, or its authorized agents, or operated under contract or agreement with the Board of Commissioners or the Animal Control Commission for the purpose of impounding animals under the authority of this Ordinance or state law for care, confinement, return to owner, adoption, or euthanasia.

(E) Dog, Cat, and Animal: Both male and female.

(F) Domestic Animal: (1) Cattle, calves, horses, mules swine, sheep, goats, dogs, cats, poultry, or other bird; (2) any animal of the bovine, equine, ovine, caprine, porcine, canine, feline, or avian species; (3) an aquatic animal that may be the subject of aquaculture.

(G) Identified Complaint: A complaint in which the identity of the complainant is known to the Animal Control Officer or Sheriff's Department or Tippecanoe County Health Department and whose identity is made a matter of public record or released to any person desiring the same.

(H) Official Warning: A written notice or warning based upon an identified complaint and given to the owner of an animal by the Animal Control Officer, Sheriff, or other member of the County Sheriff's Department or by an employee of the Tippecanoe County Health Department. Official warning may be given in person or by phone when followed by a written notice.

(I) Owner: Any person owning, keeping, or harboring one or more animals. An animal shall be deemed to be harbored if it is fed or sheltered for three consecutive days or more.

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

- (1) is found at large;
- (2) damages the property of anyone other than its owner;
- (3) molests or intimidates pedestrians, bicyclists, or passersby;
- (4) chases vehicles;
- (5) excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable annoyance, disturbance, or discomfort to neighbors or others in close proximity to the premises where animal is kept or harbored;
- (6) causes fouling of the air by odor and thereby creates unreasonable annoyance or discomfort to neighbors or others in close proximity to the premises where the animal is kept or harbored;
- (7) causes unsanitary conditions in enclosures or surroundings where the animal is kept or harbored;
- (8) is offensive or dangerous to the public health, safety, or welfare by virtue of the number and/or types of animals maintained;
- (9) attacks other domestic animals; or
- (10) has been found by the Animal Control Commission, after notice to its owner and a hearing, to be a public nuisance animal by virtue of being a menace to the public health, welfare, or safety.

(K) Restraint: Any animal secured by a leash or lead under the control of a responsible person and/or obedient to that person's commands, or within the real property limits of its owner.

(L) Vicious Animal: Any animal that attacks, bites, or injures human beings or domesticated animals without adequate provocation, or which because of temperament, conditioning, or training, has a known propensity to attack, bite, or injure human beings or domesticated animals.

SECTION III. ANIMAL CONTROL COMMISSION

(A) An Animal Control Commission is hereby established which shall consist of five (5) members.

(B) The members of the Animal Control Commission shall be appointed by the Board of Commissioners and shall consist of the following: one (1) representative from the Tippecanoe County Sheriff's Department, one (1) representative from the Tippecanoe County Humane Society other than the executive director of the Tippecanoe County Humane Society, and three (3) citizens of Tippecanoe County that are also members of the Tippecanoe County Animal Control Ordinance Study Committee. The members of the Animal Control Commission shall serve at the discretion of the Board of Commissioners and each member shall serve until a qualified successor has been duly appointed. The members of the Animal Control Commission shall serve without compensation.

(C) The Commission shall elect its own chairperson and enact such rules as may be necessary in order to organize and conduct its business.

(D) The Animal Control Commission shall have the following powers, duties, and responsibilities:

(1) Recommend to the Board of Commissioners rules and regulations concerning the operation of the animal control program.

(2) Upon written complaint, conduct a public hearing to determine if an animal is a public nuisance.

(3) Upon written Request for Appeal of a Notice of Ordinance Violation to make findings pursuant to Section VIII(D) of this Ordinance.

(4) Recommend to the Board of Commissioners necessary changes in the law regarding the control of animals.

SECTION IV. LICENSING AND INOCULATION

(A) Any person owning, keeping, harboring, or having custody of a dog must obtain a license as required by Indiana Law, IC 15-5-9-1.

(B) It shall be required that such dog for which the license tag is sought shall first be inoculated against the disease of rabies by a qualified veterinarian, within the current year or within a period of one year, and that a certificate providing evidence of such inoculation issued by such veterinarian shall be produced.

(C) All cats over the age of six months shall be inoculated against rabies by a qualified veterinarian each year.

SECTION V. RESTRAINT

(A) All dogs shall be kept under restraint.

(B) No owner shall fail to exercise proper care and control of his/her animals to prevent them from becoming a public nuisance.

(C) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that such female dog or cat cannot come into contact with another animal except for planned breeding purposes.

(D) Every vicious animal shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.

(E) Dogs confined through use of rope, chain, or cable must have unobstructed freedom of movement of a minimum of six (6) feet in an arc of 180 degrees.

SECTION VI. ANIMAL CARE

(A) No owner shall fail to provide his/her animals with sufficient wholesome and nutritious food, water in sufficient quantities, proper air, shelter space and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

(B) No person shall 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 or between animals and humans.

(C) No owner of an animal shall abandon such animal.

(D) Any person who, as the operator of a motor vehicle, strikes a domestic animal shall stop at once and render such assistance as may be possible and shall immediately report such injury or death to the animal's owner; in the event the owner cannot be ascertained and located, such operator shall at once report the accident to the County Sheriff's Department or to the Tippecanoe County Humane Society.

(E) No person shall expose any known poisonous substance, whether mixed with food or not, so that the same shall be liable to be eaten by any animal, provided that it shall not be unlawful for a person to expose on his/her own property common rat poison mixed only with vegetable substance.

SECTION VII. IMPOUNDMENT

(A) The Board of Commissioners and the Animal Control Commission shall arrange for an animal shelter, as provided in Indiana Law, which shall be located at some convenient place within the County.

(B) It shall be the duty, pursuant to the procedures set forth in Section VIII(C) of this ordinance, of the Animal Control Officer or any member of the Sheriff's Department, or the designate of the Board of Commissioners of the County of Tippecanoe, to apprehend and impound in such animal shelter any animal found doing any of the following acts or being kept or maintained in any of the following conditions, unless provided herein, to-wit:

- (1) Unrestrained animals not conforming to Section V(A)
- (2) Nuisance animal, as provided in Section V(B).
- (3) Not confined, as provided in Sections V(C) or V(D).
- (4) Abandoned, as provided in Section VI(C).
- (5) Not inoculated, licensed and tagged as provided in this Ordinance or Indiana Law.
- (6) Upon the verified written complaint made to the Animal Control Officer, the Tippecanoe County Health Department or Sheriff's Department of a violation of this ordinance.
- (7) Upon order of the court following a conviction of any person for violating any provision of this Ordinance.

(C) The provisions of Subsection B above notwithstanding, in lieu of impounding any animal under Subsection B above, the Animal Control Officer, an employee of the Tippecanoe County Health Department or any member of the Sheriff's Department may issue an official warning to the owner of such animal in accord with the provisions of Section VIII below.

(D) Not later than twenty-four (24) hours after the impounding of any animal, except if such impoundment is by reason of Subsection (B) (7) of this Section, the caretaker of the animal shelter shall notify the owner, if known, by ordinary United States mail or by telephone of such impoundment and the reason therefore. In the event that the owner is unknown, it shall not be necessary for notice to be given; however, in such event, notice may be given by publishing the same one time in a newspaper of general circulation within Tippecanoe County.

(E) At the time of giving notice to the owner of an impounded animal as required by Subsection (D) above, such owner shall also be notified whether such animal may be reclaimed and redeemed. The decision as to whether an impounded animal may be redeemed shall be made by the Animal Control Officer, in such officer's sole discretion giving due consideration to the reason for the impounding.

(F) An owner of an impounded animal who has been notified that such animal may be reclaimed and redeemed, may claim and redeem the same upon the payment of the following fees and upon the fulfillment of the following obligations:

(1) If the animal has been picked up or captured by the Animal Control Officer, an employee of the Tippecanoe County Health Department or any member of the Sheriff's Department, the owner shall pay a redemption fee of \$10.00.

(2) In addition to the payment required in Subsection (F) (1) above, any person, firm, agency or corporation operating such animal shelter under contract or agreement with the Board of Commissioners or Animal Control Commission may charge a boarding fee not greater than the prevailing fees charged by local boarding kennels for each day or part thereof that the animal shall be impounded and an impoundment fee to help defray costs of handling and record keeping.

(3) Notwithstanding any other provisions of this Ordinance, no dog impounded shall be released if such dog has not been licensed as provided by Indiana Law, until such requirement has been satisfied. In addition, if an impounded dog or cat is not required to be licensed before the dog or cat shall be released, the owner shall have the dog or cat inoculated against rabies, or certify the same to the Animal Control Officer.

(G) It shall be unlawful for an owner of an impounded animal, who has been notified that such animal may be reclaimed and redeemed, to fail to reclaim, redeem or relinquish ownership of the animal on or before the last day of impoundment, before the disposition of such animal under Subsection (H) below.

(H) All animals impounded under this Ordinance and not licensed and/or redeemed shall be disposed of in a humane manner after the expiration of the following periods:

(1) Three (3) days after notice is given to the owner as required under Subsection (D) above;

(2) Five (5) days after impoundment when the owner is unknown; or,

(3) At the time fixed by the Court under Subsection (B) (7) above.

Provided, however, that any animal which appears to the Animal Control Officer to be suffering from rabies, mange, or other infectious or contagious disease, or severely debilitated may be disposed of immediately upon impoundment. Any animal destroyed which is believed to be suffering from rabies, mange, or other infectious disease shall be forthwith reported by the Animal Control Officer to the Tippecanoe County Board of Health, unless otherwise provided by Indiana Law.

SECTION VIII. ENFORCEMENT

(A) The Animal Control Officer shall keep a record of all animals impounded in the County animal shelter, which record shall show the date of impoundment, the reason therefore, person bringing the animal to the shelter and the kind, sex, color, breed, and any identifying collars, tags, or marks of the animal impounded.

(B) It shall be a violation of this Ordinance to interfere with the Animal Control Officer, an employee of the Tippecanoe County Health Department or any member of the Sheriff's Department in the performance of his duties hereunder.

(C) Upon information sufficient to establish a violation of the provisions of this Ordinance, the Animal Control Officer, an employee of the Tippecanoe County Health Department, or any member of the Sheriff's Department 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 neither 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, the fine imposed for such violation in accord with Section IX of this Ordinance, any other information which is pertinent to the violation and necessary for a thorough understanding of the circumstances surrounding such violation. Such notice of Ordinance violation is being issued that he or she shall appear at the Tippecanoe County Clerk's office to answer to such violation.

(D) Said Notice of an Ordinance Violation shall notify the alleged offender that he or she has the right to appeal said violation as it appears on said Notice. The Appeal must be made to the Animal Control Commission in writing within ten (10) days of the date of the Notice of Ordinance Violation. Request for Appeal must be sent to the Animal Control Commission c/o Animal Control Officer, Tippecanoe County Humane Society, 1705 South 2nd Street, Lafayette, Indiana 47901. Upon receipt of the appeal, the Animal Control Commission shall act upon said appeal or schedule a hearing for said appeal within thirty (30) days from the date the Animal Control Commission has received said Notice of Appeal.

Upon completion of its review, the Animal Control Commission shall forward its findings, if in favor of the appealing party, to the Petitioner, and if said appeal is denied, said findings shall be sent to the office of the Clerk of Tippecanoe County, Tippecanoe County Prosecutor's Office and the violator of said ordinance.

SECTION IX. PENALTIES

(A) Any person who violates the provisions of this Ordinance and if such violator appears at the Tippecanoe County Clerk's office within ten (10) days of the date of the Notice of Ordinance Violation having been filed with the Clerk's Office, such violator shall pay a fine as follows:

MINIMUM FINES			
Violation	First Offense	Second Offense: within 12 mos. of previous offense	Third Offense: within 12 mos. of first offense
Section IV (Licensing and Inoculation)	For dogs, as provided by Indiana Law; for cats,	\$70.00 \$35.00	\$200.00
Section V(A) (Not under restraint)	\$20.00	\$50.00	\$100.00
Section V(B) (Public nuisance)	\$20.00	\$50.00	\$100.00
Section V(C) (Animals in heat, not confined)	\$20.00	\$50.00	\$100.00
Section V(D) (Confinement of vicious animal)	\$20.00	\$50.00	\$100.00
Section VI(A) (Food, water, shelter)	\$35.00	\$70.00	\$200.00
Section VI(B) (Cruelty)	\$50.00	\$100.00	\$250.00
Section VI(C) (Abandonment)	\$35.00	\$70.00	\$200.00
Section VI(D) (Motor vehicle striking animal)	\$20.00	\$50.00	\$100.00
Section VI(E) (Poison)	\$50.00	\$100.00	\$250.00
Section VII(G) (Failure to reclaim)	\$35.00	\$70.00	\$200.00

(B) If the violator fails to appear at the Tippecanoe County Clerk's office within ten (10) days of the date of notice of ordinance violation having been filed with the Clerk's Office, such violation may be filed with a Tippecanoe County Court and such violator may be summoned to appear before such court.

(C) Any person violating any provision of this Ordinance, other than the licensing provision of Section IV(A) above, upon conviction or a plea of guilty in the Tippecanoe County Court shall be deemed guilty of a misdemeanor and shall be punishable by a fine of not less than the amount shown in Subsection IX(A0) above for the respective Ordinance violation nor (sic) more than \$500.00. If any violation be continuing, each day's violation shall be deemed a separate violation, unless otherwise provided by Indiana Law.

(D) In addition to the fines set forth herein, any person who violates the provisions of Section V(B) shall make full restitution for any damage or injury to persons or property as a result of such violation, including but not limited to medical expenses, the value of any property which has been destroyed and the cost of repairing any damage to property.

SECTION X. ANIMAL EXCEPTIONS

(A) This ordinance does not apply to livestock kept in the business of commercial farming.

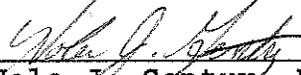
(B) This ordinance does not apply to dogs while engaged in (sic) that are under the direct supervision of the owner or his representative.

(C) This ordinance does not apply to wild animals, as covered by the regulations and statutes of the State Department of Natural Resources.

SECTION XI. EFFECTIVE DATE

This ordinance shall take effect on January 1, 1994.
APPROVED on first reading this 29th day of November, 1993.

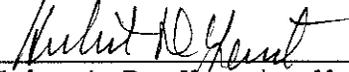
**BOARD OF COMMISSIONERS OF THE
COUNTY OF TIPPECANOE, INDIANA**



Nola J. Gentry, President

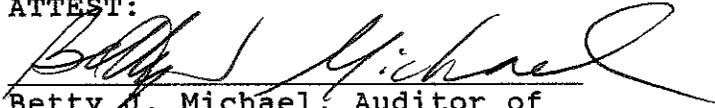


William D. Haan, Vice President



Hubert D. Yount, Member

ATTEST:

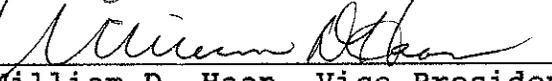


Betty J. Michael, Auditor of
Tippecanoe County, Indiana

APPROVED on second reading this 13th day of December, 1993.



Nola J. Gentry, President

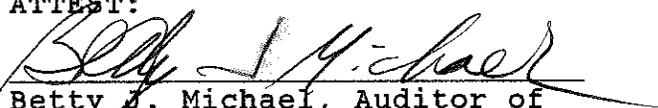


William D. Haan, Vice President



Hubert D. Yount, Member

ATTEST:



Betty J. Michael, Auditor of
Tippecanoe County, Indiana