

BOARD OF COMMISSIONERS OF WABASH COUNTY, INDIANA

GENERAL ORDINANCE NO. 85-09, 2012

**AN ORDINANCE REPEALING AND REPLACING
THE WABASH COUNTY ANIMAL CONTROL ORDINANCE**

The Board of Commissioners of Wabash County, Indiana, may adopt ordinances regulating the control of animals.

There is presently in effect General Ordinance No. 96-7 regulating the control of animals.

The Board of Commissioners now wishes to repeal General Ordinance No. 96-7, and any amendments thereto, and adopt this ordinance in its stead.

NOW, THEREFORE, IT IS ORDAINED AS FOLLOWS:

SECTION 1. DEFINITIONS

As used in this ordinance, the following terms mean:

1.1. Animal: a multicellular organism of the kingdom of Animalia, characterized by a capacity for locomotion, non-photosynthetic metabolism, pronounced response to stimuli, restricted growth, and fixed bodily structure, including, but not limited to dogs and cats.

1.2. Animal Shelter: Any premises, designated by action of the County, for the purpose of the impounding of and caring for animals.

1.3. Animal Warden: That person employed by the Wabash County Animal Control Authority as its enforcement officer.

1.4. At Heel: Within the confined reach of a competent person, and/or obedient to that person's commands; "confined reach" is within a two (2) foot radius on either side of the person.

1.5. At-large: Any animal not securely confined by a fence or other means on premises under the control of, or occupied by, the owner of the animal, and not under the control of the owner, a member of his immediate family at least twelve (12) years of age or older, or an agent of the owner by leash or otherwise.

1.6. Circus: A commercial variety show including animal acts for public entertainment.

1.7. Feral Cat: Any homeless, stray, wild, or untamed cat.

1.8. Kennel: A facility operated commercially and principally for the purpose of boarding, housing, grooming, breeding or training dogs or cats, or both. The definition of kennel shall not include a facility in or adjoining a private residence where dogs or cats are kept for the hobby of the owner, lessee or other occupant of the property using the animals for hunting, practice tracking, exhibiting in shows or filed or obedience trials or for the guarding or protecting of the property, and an occasional sale of pups or kittens by the owner, lessee, or other occupant of the property shall not make such property a kennel.

1.9. Law Enforcement Animal: An animal that is owned or used by a law enforcement agency for the purpose of aiding in the detection of criminal activity, enforcement of laws, the apprehension of offenders, and ensuring public welfare.

1.10. Owner: A person (a) having the right of property or custody of an animal, or (b) who keeps or harbors an animal, or (c) knowingly permits an animal to remain on or about any premises occupied by that person.

1.11. Person: An individual, firm, corporation or commercial establishment.

1.12. Public Nuisance: Any animal which interferes with a passerby or passing vehicles, attacks other animals or humans, trespasses on school grounds, or is repeatedly at-large or unrestrained, damages private or public property, or barks, whines, howls, or makes other sounds common to its species, in excess of 15 minutes.

1.13. Service Animal: An animal trained to assist individuals with disabilities.

1.14. Veterinary Hospital: Any establishment 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.

1.15. Wild Animal: Any animal found in a natural state; not domesticated, cultivated, or tamed.

SECTION 2. WABASH COUNTY ANIMAL CONTROL AUTHORITY

2.1. The provisions of this ordinance shall be enforced by the Animal Control Authority in conjunction with Wabash County law enforcement agencies and courts. The Animal Control Authority shall consist of eleven (11) members, all of which shall be appointed by the Wabash County Commissioners, and which shall include:

2.1.1. Wabash City Council member or representative,

2.1.2. Wabash City Chief of Police or representative,

2.1.3. North Manchester Chief of Police or representative,

2.1.4. Health officer for the County or representative,

2.1.5. A veterinarian,

2.1.6. Wabash County Council member or representative,

2.1.7. One (1) town board member from each of the four (4) incorporated towns in Wabash County or representative, and

2.1.8. Wabash County Sheriff or representative.

2.2. All appointments shall be for four (4) year terms with staggered terms and no more than three (3) members shall begin their terms in a calendar year.

SECTION 3. ENFORCEMENT

3.1. The provisions of this ordinance shall be enforced by the Wabash County Animal Control Authority in conjunction with Wabash County law enforcement agencies and courts.

SECTION 4. ANIMAL CARE RULES AND REGULATIONS

4.1. Protection from Elements. An owner shall not shall confine or allow their animal to remain outside without access to appropriate shelter from the elements.

4.2. Food and Water. An owner shall provide their animal with fresh potable drinking water and food that is nutritional for the species in adequate amounts to maintain good health.

4.3. Medical Care. No owner shall fail to provide their animal, with necessary medical care in addition to the required rabies vaccination.

4.4. Enclosures. An owner shall keep any enclosures in which they keep their animal in a clean sanitary condition.

4.5. Removal of Excrement. An owner shall remove animal excrement from public areas or from the property of another person immediately, except for service animals assisting the visually impaired.

4.6. Tethering or Fastening of Animals. No owner shall fasten or tether any animal by use of a choke collar, or any collar too small for the size and age of the animal, or by any rope, chain, or cord directly attached to the animal's neck, or by a leash less than six (6) feet in length, or by any tether or leash without swivels on both ends, or of such unreasonable weight as to prevent the animal from moving about freely. This section shall not prohibit the proper use of a choker collar in the training of animals.

4.7. Cruelty to Animals. An owner shall protect their animal from abuse, cruelty, neglect, torment, overload, overwork, or any other mistreatment.

4.8. Animal Fighting. No owner shall incite, train to fight (other than a law enforcement animal) or set any animal to fighting another animal or to incite combat between animals and humans.

4.9. Animal Contests or Events. No owner shall conduct or allow any event involving contests between animals except those events reviewed and approved by the Animal Warden.

4.10. Poisonous Bait. No person shall set any type of poisonous substance or bait within the county limits that is deemed harmful to any domestic animal; provided, however, that controlled programs under the direction of the Wabash County Board of Health, Health Department, or a licensed extermination, service may be excluded.

4.11. Abandonment. No person shall abandon any animal, including, but not limited to dogs and cats, on any public place, including the right-of-way of any public highway or upon the property of another.

4.12. Trapping. No person shall use, place, set, or cause to be set any traps, except cage-type live traps approved by the Wabash County Animal Authority or Animal Warden. This prohibition shall not apply to any trap specifically designed to kill rats, mice, raccoons, skunks, gophers, or moles so long as the owner of the property is aware of the location where the trap(s) are set and monitors said trap(s) at least once every 24 hours. Traps discovered by the Animal Warden or an employee of the Animal Shelter to have been unlawfully set in the county may be seized and used as prima facie evidence that a violation has been committed. Upon conviction, said trap(s) shall be forfeited to and disposed of by the Animal Shelter. In order to protect the public health and safety in times of flooding, the Animal Warden or an employee of the Animal Shelter may issue letters of permission to trap based on the following guidelines:

- 4.12.1. Verified deprecation of flood prevention property;
- 4.12.2. The area and time frames for trapping are specified by the Animal Warden or an employee of the Animal Shelter; and
- 4.12.3. The traps are identified as to ownership.

4.13. Injury caused by Motor Vehicle. Any person operating a motor vehicle who causes injury or death to an animal shall stop at once, assess the extent of injury to the animal, and immediately notify the owner, animal shelter, or law enforcement of the location of the animal.

4.14. Animals in Vehicles. No owner shall leave an animal unattended in a vehicle under conditions that constitute a health hazard to the animal.

4.15. Lost or Stray Animals.

- 4.15.1. Each person finding a stray animal shall notify the Animal Shelter within 48 hours of such finding; at the discretion of the Animal Warden or an employee of the Animal Shelter, the animal may be kept by the finder to enable the finder an opportunity to return the animal to its rightful owner.
- 4.15.2. Upon demand by the Animal Warden, any stray animal shall be surrendered to the Animal Shelter and held for three working days, before a disposition is made.
- 4.15.3. With the exception of the Animal Shelter, the finder of a stray animal will be considered that animal's owner for the purposes of this ordinance only after the animal is in the finder's custody for 30 continuous days. If this shall occur, the finder shall provide the Animal Warden with proof of Rabies vaccination of said animal within two (2) weeks following the 30 day period.

4.16. Wild or Exotic Animals. No wild or exotic animal shall be kept within the county without the necessary state and/or federal permits. In case of a violation, the Animal Warden shall report such incident to the proper State and/or federal authority. Wild or exotic animals may be kept for exhibition purposes by circuses, zoos, and educational institutions, in accordance with such regulations as shall be established by the Animal Control Authority.

4.17. Training Methods. No owner shall induce or encourage an animal 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.

4.18. Destruction of Animals.

- 4.18.1. No Owner other than a duly authorized agent of the Animal Shelter may destroy any domestic animal within the county; provided, however, this provision shall not apply to the following:
 - 4.18.1.1. A licensed veterinarian,
 - 4.18.1.2. Those owners acting in immediate self-protection,
 - 4.18.1.3. Law enforcement officers or firefighters acting to prevent undue suffering.

- 4.18.2 When, in the judgment of the Animal Control Authority or its agents, an animal should be destroyed for humane reason, such animal may not be redeemed. The Animal Control Authority or its agents may use their discretion to place or dispose of any animals, other than dogs and cats.
- 4.19. Animals in Heat. Every animal in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such a manner that such female animal cannot come in contact with any other animal, except for breeding purposes.
- 4.20. Animals at-large. Any animal which is found running at-large shall be impounded by the Animal Control Authority, and may not be redeemed by owners, unless such redemption is authorized by a court having jurisdiction.

SECTION 5. FERAL CATS

- 5.1. Each feral cat colony will be registered by the caregivers with the Wabash County Animal Control Authority.
- 5.2. Approved assistance programs for feral cat colonies within Wabash County will exist only with the approval of the homeowner or neighborhood association in which the colonies are to exist.
- 5.3. No person shall provide food, water, or shelter to a colony of feral cats, unless:
 - 5.3.1. The colony is an approved managed colony registered with the Animal Control Authority.
 - 5.3.2. Food, water or shelter is provided in conjunction with the implementation of trap, neuter, and return methodology set forth below.
 - 5.3.3. Ear tipping will be used on feral cats in order to be identified as a spayed or neutered and vaccinated member of a managed colony.
- 5.4. An approved feral cat colony caretaker shall:
 - 5.4.1. Humanely trap and sterilize (spay/neuter) and left ear-tip all cats that can be captured by a licensed veterinarian.
 - 5.4.2. Vaccinate, as required by law, all cats that can be captured against rabies, preferably with a three-year vaccine; and any other infectious disease as mandated by law.
 - 5.4.3. Have a licensed veterinarian evaluate the health of all trapped feral cats. Seriously ill or injured cats with no reasonable prognosis for humane rehabilitation for survival outdoors will be humanely euthanized.
 - 5.4.4. Release all non-feral cats to the Animal Control Authority for adoption or placement.
 - 5.4.5. Make every attempt to remove kittens from the colony before eight weeks of age for domestication and placement.

- 5.4.6. Remove sick or injured cats from the colony for immediate veterinary care or euthanasia.
- 5.4.7. Abide by the provisions of this ordinance regarding the provisions of food, water, and shelter and veterinary care.
- 5.4.8. Ensure responsibility and arrangements for feeding the cat colony regularly throughout the year, including weekend, holidays and vacations of the feral cat caregiver.
- 5.4.9. Maintain proof of sterilization, vaccinations, tattoo or implant and medical records from a licensed veterinarian at all times. These records must be provided to the Animal Control Authority or law enforcement upon request.

5.5. The Animal Control Authority may impound feral cats kept in violation of this ordinance. Any impounded feral cat that bears an appropriate ear-tipping indicating that it belongs to a managed colony may, at the discretion of the Authority be returned to its managed colony unless illness or injury present an imminent danger to public health or safety.

SECTION 6. SPAY AND NEUTER

6.1. All Animals adopted from the Animal Control Authority must be spayed or neutered within thirty (30) days of the adoption, or in the case of puppies or kittens, within thirty (30) days after reaching the age of six (6) months.

6.2. All animals impounded by the agents of the Animal Control Authority and held in the Wabash County Animal Shelter for being an animal at-large- must meet the same spay or neuter requirements as outline for adopted pets when released to its owner.

6.3. Any animal that is used for breeding purposes that is current on all Rabies vaccinations are excepted from this section. This exception will also apply to any animal impounded by agents of the Animal Control Authority for a first at-large offense; however, said exception shall not apply to any subsequent at-large offenses by the same animal.

6.4. Any animal not spayed or neutered shall be reclaimed by the Animal Control Authority without refund, except if a licensed veterinarian should determine that the above-mentioned animal is physically unable to undergo such an operation within the time limitations.

SECTION 7. IMPOUNDMENT

7.1. All animals found running at-large shall be collected by the agents of the Animal Control Authority and impounded in the Shelter designated as the Wabash County Animal Shelter, and be confined in a humane manner for a period of not less than three (3) working days, and may thereafter be disposed of in a humane manner if not claimed by their owner. Animals not claimed by their owner before the expiration of the three (3) working days, shall become the property of the Animal Control Authority and after proper evaluation, may be put up for adoption, transferred to a dog rescue, put into temporary foster care, or disposed of at the discretion of said Authority, except as hereinafter provided in the cases of certain animals.

7.2. Immediately upon impounding an animal, the agents of the Animal Control Authority shall make every possible effort to notify the owner of such animal so impounded. Animal Control shall check for tag identification, implant chips, or phone records of lost animals. If an owner is identified and contacted, said owner shall be notified as to the procedure for regaining custody and the payment of impound fees.

7.3. When animals are found running at-large and their ownership is known to the Animal Control Authority, such animals need not be impounded, if they can be returned to the owner and the agent may, at his/her discretion, and with probable cause, cite with a ticket that will demand the owners of such animal to appear in court to answer such charges of violation of this ordinance.

SECTION 8. REDEMPTION OF IMPOUNDED ANIMALS

8.1. The owner shall be entitled to redeem possession of any impounded animal, except as hereinafter provided in the cases of certain animals, upon compliance with Section 9 of this ordinance and the payment of the established impoundment fees.

8.2. Any animal impounded under the provisions of this ordinance and not reclaimed by its owner within three (3) working days may be humanely destroyed by the Animal Control Authority. If, after proper evaluation, an animal is determined to be adoptable and if space is available at the Shelter, said animal shall be held until a responsible and suitable owner will agree to all provisions of this ordinance and such other regulations as shall be fixed by the Animal Control Authority. In some instances, ownership of an animal may transfer to a reputable rescue facility, which will then be responsible for spaying, neutering, and eventual placement with a responsible owner.

8.3. Whenever an impounded animal is transferred to a new owner pursuant to this Section, the Animal Control Authority shall collect from the transferee of said animal a transfer fee as determined by the Animal Control Authority. The Animal Control Authority shall post the fee schedule and give notice of any proposed changes to the fee schedule. A new owner must complete the proper forms and, depending upon the animal transferred, pay additional fees for rabies shots, spaying, and neutering. New owners will be given a voucher for partial reimbursement of certain veterinary services. Voucher certificate amounts are subject to Wabash County residency requirements. When an owner completes its obligation and a veterinarian completes the procedures, the owner submits the voucher certificate to the veterinarian for credit. Veterinary offices submit the voucher certificates to the Shelter for reimbursement.

8.4. When transferred animals are not taken to the vet for previously agreed to procedures within the stated length of time, new owners shall be subject to the fines for violation of this order, plus any additional costs incurred by the Wabash County Animal Shelter.

SECTION 9. OWNER SURRENDERED ANIMALS

9.1. When an animal is surrendered to the Animal Shelter, the animal becomes the property of the Animal Control Authority. The animal is then evaluated to determine the adoptability as well as available space at the Shelter.

9.2. Animals deemed not adoptable shall be disposed of in a humane manner in accordance to this ordinance.

SECTION 10. IMPOUNDMENT FEES

10.1. Any animal impounded under this ordinance may be reclaimed as herein provided upon the owner's payment of fees as set forth by the Animal Control Authority's fee schedule. The Animal Control Authority shall determine and post the fee schedule for impoundment fees. Impoundment fees may increase for repeat violations by an owner. Upon an owner's fifth violation under this ordinance, the Animal Control Authority may dispose of the animal(s) at the discretion of said Authority. If an animal can be reclaimed, the fee will be subject to the Animal Control Authority's fee schedule.

SECTION 11. PUBLIC NUISANCE.

11.1 No person shall own or harbor an animal that constitutes a public nuisance.

SECTION 12. VICIOUS ANIMALS PROHIBITED

12.1. No person shall own, keep or harbor a vicious animal within Wabash County, Indiana, provided this section shall not apply to law enforcement animals or animals under control of a government or military agency. For the purpose of this ordinance, a dog may be declared vicious by an agent of the Animal Control Authority if the following facts or criteria are met:

12.1.1. That the animal, has bitten a person or persons and said bite or attack was unprovoked, or that the animal exhibits vicious propensities in present or past conduct, including but not limited to conduct such that the animal (i) has bitten a person or persons on one or more separate occasions or (ii) has caused injuries creating a potential danger to the health and life of the victim.

12.1.2. That in order to preserve the public health, safety, and welfare of the community, the destruction of said animal is necessary.

12.1.3. Whenever an animal is declared vicious, the Animal Control Authority shall notify the owner of said animal of this declaration. Such notice shall be served either in person or by certified or registered mail. The animal, if not already held in quarantine at the Wabash County Animal Shelter, shall be surrendered to the Animal Control Authority. Within ten (10) days of the receipt of such notification, the owner may appeal the declaration to the Animal Control Authority or said animal will be humanely destroyed by the Animal Control Authority at the owner's expense. The owner may also release the animal to the Authority at any time during this ten-day period.

12.2. Any decision of the Wabash County Animal Warden under the provisions of this section may be appealed to the Animal Control Authority, which shall hear and render a decision in this matter. Such appeal by the owner to the Authority shall be filed with the Authority within ten (10) days after receipt of notification from the Wabash County Animal Warden that said animal shall be destroyed. The disposition of any animal shall be stayed during the pendency of such appeal. The animal shall remain at the Wabash County Animal Shelter during the Appeal process. The owner of the animal shall be responsible for room and board fees for impounded animals. The decision of the Authority may be appealed as provided by law. The Authority shall review the information provided by both the Wabash County Animal Warden, owner of the said animal, and any victims of said animal's behavior. The Authority shall then render a decision determining that (i) the animal is not vicious, (ii) the animal may have vicious propensities and must be controlled in a specific manner as prescribed by the Authority, or (iii) the animal is vicious and should be destroyed, in which case the Authority shall destroy the animal. The owner of any animal which is impounded and destroyed under this section shall be responsible for payment of any expenses incurred by the Authority for the animal's impoundment, care, and destruction, which payment shall be made within thirty (30) days after the Authority presents an itemized written demand for payment.

SECTION 13. RABIES CONTROL AND VACCINATION

13.1. Any dog or cat kept within the County that is over the age of three (3) months must receive an annual rabies vaccination.

13.2. Every dog or cat which bites a person shall be promptly reported to the Wabash County Health Department and shall thereupon be securely quarantined at the direction of the Wabash County Health Department for a period of ten (10) days, and shall not be released from such quarantine without the written approval of the Wabash County Health Department. At the discretion of the Wabash County Health Department, such quarantine may be on the premises of the owner, or at the owner's option and expense, in a veterinary hospital of his choice. If the quarantine is the responsibility of the owner the Wabash County Sheriff shall enforce the quarantine order. Owners are totally responsible for any expenses incurred for the term of the quarantine.

In the case of stray animals, or animals whose ownership is not known, such quarantine shall be at the shelter designated as the County Animal Shelter.

13.3. When a dog or cat bite case is reported, the following procedures are to be followed:

13.3.1. The Animal Control Officer, Sheriff's Deputy, City or Town police, whichever is available to respond, makes out a dog bite report and the report is delivered to the County Health Nurse for proper determination at the state level.

13.3.2. The responding officer, whether the Animal Control Officer or a Sheriff's Deputy, informs the owner to keep their dog confined and to observe it for any health problems for a period of at least ten (10) days. At the end of this period, the owner can release the dog without any further contact with any official if no health problems are noted.

13.3.3. If the dog becomes ill within the ten (10) day period or even afterwards, they are to contact the Animal Control Officer who will advise that the owner must take the dog to his or her veterinarian. The Animal Control Officer should either appear at the veterinarian's office when the dog's owner takes it in or contact the veterinarian by telephone. Any further procedures will then follow Indiana State code regarding rabies control.

SECTION 14. REPORTS OF BITE CASES

14.1. It shall be the duty of every physician, or other medical practitioner, to report to the Wabash County Health Department the names and addresses of persons treated for bites inflicted by animals, together with such information as will be helpful in Rabies control within twenty-four (24) hours after each such biting incident.

SECTION 15. RESPONSIBILITIES OF VETERINARIANS

15.1. It shall be the duty of every licensed veterinarian to report any diagnosis of rabies to the Wabash County Health Department. Any suspected abuse shall be reported to the Animal Control Authority for further investigation.

SECTION 16. INVESTIGATION

16.1. For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, any agent of the Animal Control Authority or any police officer is empowered to enter any premises upon which an animal is kept or harbored and to demand the exhibition by the owner of such animal. It is further provided that any agent of the Animal Control Authority may enter the premises where an animal is kept in a reportedly cruel or in humane manner, and then demand to examine such animal and to take possession of such animal, when, in their opinion, it requires humane treatment.

SECTION 17. INTERFERENCE WITH ANIMAL CONTROL AUTHORITY

17.1. No person shall interfere with, hinder or molest any agent of the Animal Control Authority in the performance of any duty of such agent, or seek to release any animal in the custody of the Animal Control Authority or its agents, except as hiring provided.

SECTION 18. FINES AND PENALTIES

18.1. Any person or owner who violates any provision of this ordinance shall have committed is a Class C Infraction, punishable by a fine not to exceed Five Hundred Dollars (\$500.00) for each day that a violation occurs, plus any costs incurred by the Wabash County Animal Control Authority, including its reasonable attorney's fees, incurred in enforcing and/or prosecuting violators of this ordinance, and shall be subject to having their animal impounded by the Animal Control Authority.

18.2. All fines and penalties collected pursuant to this ordinance shall be used to defray the operations of the Animal Control Authority.

18.3. In the event that an animal is retained at the Animal Shelter because its owner has violated this Ordinance, the person redeeming the animal by paying the prescribed fees shall also be subject to paying for medical bills incurred for routine shots for animals at the department.

SECTION 19. RECORDS

19.1. It shall be the duty of the Animal Control Authority to keep, or cause to be kept, accurate and detailed records of any monies paid to or held by said Animal Control Authority, which records shall be open to inspection at reasonable times by such persons responsible for similar records of the County of Wabash and may be audited at the request and cost of the County Commissioners. A written copy of such audit shall be submitted to the Wabash County Commissioners.

SECTION 20. GOVERNING LAW

20.1. The Animal Shelter shall be operated at all times in compliance with the laws and regulations of Wabash County, and of the State of Indiana, and of any of the various health authorities which may have jurisdiction.

SECTION 21. REPEAL OF PRIOR ORDINANCES AND AMENDMENTS


21.1. This ordinance repeals all pervious ordinances and amendments thereto.

SECTION 22. EFFECTIVE DATE

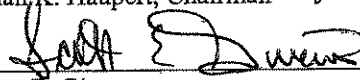
22.1. This Ordinance shall be effective immediately upon it passage, approval, and publication, as required by applicable law

Adopted this 16th day of April, 2012.

BOARD OF COMMISSIONERS OF WABASH COUNTY



Brian K. Haupert, Chairman



Scott E. Givens



Barry J. Eppley

ATTEST:



Jane Ridgeway, Wabash County Auditor

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