

**BOARD OF COMMISSIONERS
JENNINGS COUNTY, INDIANA**

ORDINANCE 2019--13

**ANIMAL CONTROL ORDINANCE
OF JENNINGS COUNTY, INDIANA**

WHEREAS, it is necessary for the public peace, health and safety to provide for the Control of animals in Jennings County, Indiana, and to provide sanctions to insure that those responsible for the control of animals do not permit those animals to jeopardize such peace, health and safety;

WHEREAS, the Indiana General Assembly has declared that it is the policy of the state to conserve, protect and encourage the development and improvement of its agricultural land for the production of food and other agricultural products;

WHEREAS, it is necessary for the well-being of animals to provide for their humane treatment and care in Jennings County, Indiana and to provide sanctions to insure that those responsible for the care of animals do not jeopardize such well-being;

WHEREAS, sanctions for violations of this ordinance are intended to increase with the danger created or the harm done;

WHEREAS, the provisions of this ordinance should be construed as supplemental and in addition to any other law, ordinance, rule or court decision;

WHEREAS, the costs and expenses associated with insuring the foregoing should properly be born by those who fail to observe the requirements of this ordinance;

WHEREAS, an ordinance to accomplish the foregoing purposes is permitted under Indiana law, including but not limited to Ind. Code ss 36-1-3 and 36-1-4-11;

WHEREAS, this amended ordinance amends and adds certain provisions concerning hours of operation, chain length, composition and duties and obligations of the Animal Control Board, duties and obligations of the Animal Control Officer and Animal Control employees, procedure for euthanizing animals at the Animal Control Shelter, and allowance of volunteers at the Animal Control Shelter, and includes all known previous amendments;

BE IT THEREFORE ORDAINED by the Board of Commissioners of Jennings County, Indiana:

CHAPTER I. Definitions

Section 1.

Unless otherwise stated or apparent from the context within which they appear, the following definitions apply to all forms of the words set out below and apply throughout this ordinance:

1. Abandon-means to desert an animal or to leave the animal permanently in a place without provisions or adequate long-term care of the animal, to voluntarily relinquish possession of an animal with the intention to terminate ownership of the animal without transferring its ownership to any other person.
2. Adequate food-means food that is not spoiled or contaminated and is of sufficient quantity and quality to meet the normal daily requirements for the condition and size of the animal. The animal shall be fed or have food available at least once a day, unless a licensed veterinarian instructs otherwise.
3. Adequate shelter-means a leak proof structure with 3 sides and a roof and a floor.
4. Adequate water-means the continual access to a supply of clean, unfrozen water provided in a sanitary manner suitable for the species, condition and age of the animal in sufficient amounts to maintain good health in the animal.
5. Adequate ventilation- means fresh air sufficient to provide for the health of an animal.
6. Animal-is any live, non-human, vertebrate creature (i.e. mammal, reptile, aquatic, amphibian, avian.)
7. Animal control officer-is any person employed by Jennings County, Indiana, authorized to perform the duties required by this ordinance and any other state or federal law.
8. Animal cruelty-means an intentional or malicious act(s) whereby unnecessary or unjustifiable pain, suffering or death is caused.
9. Animal shelter-is any facility operated by or under contract with the county or a municipal corporation for the purpose of impounding or caring for animals held pursuant to this ordinance, a court order or any other applicable law. The term shall also include any agent or employee of such a facility.

10. At large animal-is any animal not on the premises of its owner or not under the reasonable control of a competent human being. This term shall not include any dog engaged in lawful hunting activities in the company of its owner or custodian.
11. Colony-means a group of one or more feral cats, whether unmanaged or managed.
12. Colony caretaker-means an authorized person who provides food and water for feral cats in a registered colony.
13. Competent person-as referenced herein means a person possessing the ability and proficiency to identify when an animal is in danger and/or exhibiting signs of suffering or distress, as well as the ability to adequately intervene. A person physically and verbally capable to control an animal.
14. Dog-means and includes of the canis familiaris species, and hybrids of a canis familiaris and any other member of the canis genus, including wolves.
15. Domestic animal-means dog, cat, ferret or any other small animal such as guinea pig, lizard, hamster, mouse or snake, which may normally be held or maintained as a pet.
16. Dumping-means to deposit or dispose of unwanted animals in a careless, neglectful or hurried way. Alive or deceased.
17. Exotic animals-is animals not otherwise defined in this ordinance. The term includes animals not commonly used as domestic pets or livestock and not native to the North American continent.
18. Exposed to rabies-means an animal has been exposed to rabies if it has been bitten by or been in contact with any animal known or reasonably suspected to have been infected with rabies.
19. Feral cat-means any cat that has no apparent owner or identification and is wild, untamed, not socialized, unmanageable and unable to be approached or handled.
20. Fowl-game fowl or land fowl (chickens, turkey and guinea) and water fowl (duck, goose, and swan) but not limited to.
21. Harbor-is to permit to remain at large, to keep, to feed, to shelter or care for an animal within or upon a person's property or property under a person's control. An animal that is fed or sheltered for three consecutive days by a person within or upon their home, enclosure, yard or place of business, or upon any premises under a person's control, is presumed to be harbored by that person.

22. Henneke horse body condition scoring system-is a numerical scale used to evaluate the amount of fat on a horse's body. It is a standardized system that can be used across all breeds without specialized equipment, condition is assessed visually and by palpation, scores range from 1 (poor) to 9 (extremely fat) ideal range being 4 to 6 as a whole.
23. Humane trap-means any device used for capturing an animal without inflicting injury, pain or suffering and which provides adequate ventilation for the trapped animal.
24. Impoundment-means the act of taking physical possession and control of an animal by an animal control officer or other officer empowered to act by law and transporting it to an animal control facility.
25. Kennel-means property or a facility in which a person (1) owns, keeps boards, or harbors six (6) or more dogs, cats, twelve weeks or age or older, (2) produces two or more litters per year issuing from dog or cat owned, kept or harbored therein; or (3) offers for sale dogs or cats from two litters or more issuing from dogs or cats owned, kept or harbored therein. The term does not apply to animal shelters, veterinary hospitals not engaged in commercial boarding or breeding and groomers not engaged in commercial boarding or breeding.
26. Livestock animals-includes rabbits, bovine, equine, swine, llamas, alpacas, sheep, goats, poultry/fowl/bird and any other four-legged animal excluding dogs and cats.
27. Neglect-is the failure of a person to provide an animal owned or harbored by that person with sufficient and wholesome food, water, shelter and reasonable care including veterinary treatment, necessary to prevent suffering of the animal.
28. Owner-is any person who owns, has ownership or custody rights of an animal, firm association, cooperative, partnership, company or corporation. Persons shall not be deemed to own or be owners of such animals until 30 days has passed with proper advertising (i.e. newspaper, flyers and social media) the animal shelter and animal rescues under the authority of an animal control officer are exempt of the 30 days and require a 3-5 day hold.
29. Person-is any human being, firm, association, cooperative, partnership, company or corporation.
30. Protection from the weather-means shade from the sun and a heat/warming source for the cold.
31. Poultry-is any domesticated bird kept for eggs or meat.

32. Public nuisance-is any animal, other than domestic livestock, that molests, harasses or threatens persons or vehicles, attacks persons or animals, damages public or private property, causes significant discomfort to or an unacceptable and excessive annoyance to persons to the extent it interferes with their peaceful enjoyment of private or public property, unless engaged in lawful hunting, so as to disrupt the peace and quiet of the public.
33. Running at large-means any animal that leave or strays from that land owned, rented or leased by the owner or possessor of the animal.
34. Space (adequate)-means any area in which an animal is confined should be suitable for the animal's species, size, age and breed, allowing to turn about freely, stand, sit, lie and move comfortably and in a normal position. Sick and injured animals should be confined as directed by the veterinarian.
35. Tufts animal care and condition scales (TACC)-are scales developed for the use of veterinarians, animal control officers, police and cruelty investigators by Tufts Center for Animals and public policy for the purpose of assessing body condition, weather and environment safety and physical care in animals.
36. Unsanitary conditions-means animal housing or quarters, including exercise areas, that are contaminated by health hazards, irritants, items or conditions that endanger or pose a risk to an animals health, including but not limited to: (1) Excessive animal waste, garbage, trash (2) standing water or mud (3) Rancid/contaminated food or water (4) Fumes, foul or noxious odor, air, hazardous chemical or poisons (5) Decaying material (6) Uncontrolled parasites or rodent infestation, or (7) Area that contain nails, screws, broken glass, broken boards, pits, poisons, sharp implements or other items that could cause injury, illness or death to an animal.
37. Veterinary care (adequate)-means care provided under the direction of a licensed veterinarian and includes medical care to maintain an animal's health and prevent unnecessary suffering. Adequate care is based on age, species and breed and the potential for a disease or condition to spread to other animals or humans, including but not limited to (1) ongoing infections (2) infestation of parasites (3) any disease or (4) medical condition or injury where withholding or neglecting to provide such care would endanger the health or welfare of the animal.
38. Veterinarian-means a person licensed to practice veterinary medicine in the State of U.S.
39. Vicious animal-means any animal that attacks, bites or injures human beings, pets companion animals or livestock or which, because of temperament, conditioning or training, has a known propensity to attack, bite or injure a human being, pets,

companion animals or livestock. No dog may be declared vicious if a threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog or was teasing, tormenting, abusing or assaulting the dog or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the dog or was committing or attempting to commit a crime. The definition shall not be construed to include dogs that are part or a governmental organization or a trained guard dog in performance of its duties.

40. Wild animal-is any animal whose species usually lives in the wild or is not domesticated.

CHAPTER II. Animal Control Supervision

Section 1.

The Animal Control Board shall consist of five (5) members to be appointed as follows: one (1) member to be appointed by the Jennings County Council, one (1) member to be appointed by the North Vernon City Council one (1) member to be appointed by the North Vernon Mayor, and two (2) members to be appointed by the Jennings County Commissioners. It shall not be required that a licensed veterinarian serve on the Animal Control Board. The Animal Control Board shall have direct supervision of the Animal Control Officer, staff, building, facilities and treatment of the animals. The Animal Control Board shall have broad authority and shall:

- A. Report to the County Commissioners as necessary and as requested by the Jennings County Commissioners.
- B. Formulate policies, principles, standards and regulations for the control and humane treatment of all animals within the country of Jennings.
- C. Meet on a monthly basis.
- D. Supervise the enforcement of the terms of this Chapter and to make recommendations to the Commissioners and City/County Councils as to the ordinances necessary for the care and treatment of all animals within the County of Jennings.
- E. Review the decisions and actions of the Animal Control staff in any matter related to the enforcement of this Chapter. Upon the written request for a hearing concerning the enforcement of this Chapter, the Board shall meet in a timely fashion to hear the complaint. All complaints must be filed in writing.

- F. Discipline employees consistent with the Jennings County Personnel Policies. All disciplinary actions taken by the Animal Control Board shall be reviewed and finalized by the Jennings County Commissioners.
- G. Oversee the budget approved by the Jennings County Commissioners for Animal Control, with said duties including, but not limited to:
 - 1. Approve any and all monies spent or funding dispensed by the Animal Control Board or Animal Control officers or employees in excess of Five Hundred Dollars (\$500), excluding animal food purchases.
 - 2. If it is necessary for the Animal Control Officer or an Animal Control employee to make a purchase in excess of Five Hundred Dollars (\$500), prior to the next monthly meeting of the Animal Control Board, then the Officer or employee shall obtain approval from the sitting Jennings County Commissioner president prior to said purchase.
 - 3. Approve any and all claims for monies or funding PRIOR to any disbursements being made.
- H. Have the authority to enter and inspect the Animal Control Shelter at any time without prior permission or consent from any Animal Control Officer or employee.

Section 2.

Supervision of the Animal Control Officer, Powers, Duties, and Responsibilities of Animal Control Officer. The Animal Control Officer shall be under the direct supervision of the Jennings County Animal Control Board, the Animal Control Officer shall:

- A. Report to County Commissioners as necessary and upon request of the Jennings County Commissioners.
- B. Report to the Animal Control Board as necessary and upon request of the Animal Control Board.
- C. Attend all Animal Control Board meetings.
- D. Be dispatched and clocked in and out by the Jennings County Sheriff's Department.

- E. Be paid by salary to be determined by the Jennings County Commissioners and shall have overtime and compensatory time paid in accordance with the Jennings County Policies and Procedures Manual.
 - 1. Overtime must be recorded by the Animal Control Officer on a county employee timesheet and said log detailing when, where, and how much overtime was worked.
 - 2. Compensatory time must be recorded by the Animal Control Officer on a county employee timesheet with said log detailing when and where the compensatory time was earned and how much compensatory time was used.
 - 3. Overtime and compensatory time must coordinate. Failure of Animal Control Officer to be able to coordinate overtime and compensatory time may result in disciplinary action by the Animal Control Board and/or the Jennings County Commissioners.

- F. Keep a gas log in the Animal Control vehicle, which shall document the mileage of the vehicle and how much gas (gallons and cost) was deposited in the vehicle every time the vehicle is filled. Failure of Animal Control Officer to accurately record gas fill ups on the gas log may result in disciplinary action by the Animal Control Board and/or the Jennings County Commissioners.

The Animal Control Officer shall have the following Powers, Duties, and Responsibilities:

- G. Formulate policies, principles, standards and regulations for the control and humane treatment of all animals within the county of Jennings in accordance with the Animal Control board and the Jennings County Commissioners.

- H. Supervise the enforcement of the terms of this Chapter and to make recommendations to the Commissioners and City/County Councils in accordance with the Animal Control board as to the ordinances necessary for the care and treatment of all animals within the County of Jennings.

- I. Review the decisions and actions of the Animal Control staff in any matter related to the enforcement of this Chapter in accordance with the Animal Control Board. Upon the written request for a hearing concerning the enforcement of this Chapter, the Board shall meet in a timely fashion to hear the complaint. All complaints must be filed in writing.

- J. In the execution of his or her duties, the Animal Control Officer and staff shall have the power to enter real property in immediate pursuit of an animal reasonable believed to be in violation of this ordinance, a state or federal statute or rule, or a court order; however, an Animal Control Officer shall not enter dwelling or the curtilage thereto without consent of a person who resides therein unless accompanied by a uniformed

law enforcement officer with a search or arrest warrant. This paragraph shall not be construed to prohibit the Animal Control Officer from approaching a dwelling and knocking on the door to make contact or speak with a resident.

The Jennings County Sheriff shall:

- A. Report to County Commissioners as necessary and upon request of the Jennings County Commissioners.
- B. Monitor hours of the Animal Control Officer and other full-time employees, including hours worked, vacation, overtime, and compensatory time earned.
- C. Provide dispatch services for Animal Control.
- D. Shall have authority over Animal Control only to the extent of dispatching animal control as needed and tracking and reporting the Animal Control Officer's time worked.

SECTION 3.

All other Animal Control employees shall be under the direct supervision of the Animal Control Board and Animal Control Officer. Said employees shall:

- A. Report to County Commissioners as necessary and at the request of the Jennings County Commissioners.
- B. Formulate policies, principles, standards and regulations for the control and humane treatment of all animals within the county of Jennings in accordance with the Animal Control Officer, the Animal Control Board, and the Jennings County Commissioners.
- C. Supervise the enforcement of the terms of this Chapter and to make recommendations to the Commissioners and City/County Councils in accordance with the Animal Control Office and the Animal Control Board as to the ordinances necessary for the care and treatment of all animals within the County of Jennings.
- D. In the execution of his or her duties, an Animal Control employee shall have the power to enter real property in immediate pursuit of an animal reasonably believed to be in violation of this ordinance, a state or federal statute or rule, or a court order; however, an Animal Control Officer shall not enter a dwelling or the curtilage thereto without the consent of a person who resides therein unless accompanied by a uniformed law enforcement officer with a search or arrest warrant. This paragraph shall not be construed to prohibit the Animal Control Officer from approaching a dwelling and knocking on the door to make contact or speak with a resident.

- E. Shall keep track of overtime and compensatory time in the manner described in Section 2, Chapter II, Paragraph E. Failure of an employee to comply with said procedure may result in disciplinary action by the Animal Control Board and/or the Jennings County Commissioners.
- F. Shall keep a gas log in the Animal Control vehicle in the manner described in Section 2, Chapter II, Paragraph F. Failure of an employee to comply with said procedure may result in disciplinary action by the Animal Control Board and/or the Jennings County Commissioners.
- G. Any part-time employees of Animal Control shall keep track of time worked, including vacation, overtime, and compensatory time earned manually. The Animal Control Board shall be responsible for submitting part-time employees' time worked to the Jennings County Auditor.

CHAPTER III. Animal Control Facility

SECTION 1. Hours of Operation

- A. The Animal Control facility shall have hours of operation on Monday-Friday from 8:00 a.m. to 4:00 p.m.
- B. Evening and weekend hours may be adopted at the discretion of the Animal Control Board in order to allow for animal adoptions.
- C. During hours of operation, the Animal Control Shelter shall be open to the public, including members of the Animal Control Board.

SECTION 2. Volunteers at Animal Control Facility

- A. Non-Animal Control employees and members of the public shall be able to volunteer time and/or resources to the Animal Control Shelter.
- B. Said volunteers shall be required to complete and sign a liability waiver acknowledging neither Animal Control or Jennings County may be held liable for any injury or loss a volunteer may incur during the course of volunteering. This waiver must be on file at the Animal Control shelter prior to any volunteer duties being performed.
- C. Said volunteers may be subject to a criminal background check at the discretion of the Animal Control Officer and/or the Animal Control Board.

CHAPTER IV. Immunization

SECTION 1. Animals Not Immunized Against Rabies

- A. It is unlawful to harbor a dog, cat or ferret over the age of 6 months which is not immunized against rabies.
- B. The Animal Control Officer shall have the authority to cite, if necessary, any person who owns or harbors a non-immunized animal for prosecution.
- C. The Animal Control Officer may order the destruction, quarantine or impoundment of a domestic animal that has bitten a person or animal, or the destruction, quarantine or impoundment of any domestic animal bitten by a rabid animal, pursuant to Indiana law.
- D. Any person who violates this section commits a Class C ordinance violation, if the animal causes any bodily injury to a person no matter how minor, the offense is a Class B ordinance violation.

CHAPER V. Restraint, Control & Confinement

SECTION 1. At-large Animals

- A. It shall be unlawful for an owner or person having custody or control of an Animal to run at large so as to create a public nuisance.
- B. An owner or person having custody or control of an animal shall not allow such animal to stray beyond his premises unless under the reasonable control of some person.
- C. Working farm dogs used for tending purposes or dogs engaged in lawful hunting, trials or dog show activities, while accompanied by the owner or custodian, are exempt from this chapter.
- D. An owner or person having custody or control of an animal in violation of this section commits a Class C Ordinance violation. However, if said at-large animal also creates a public nuisance, the violation is a Class B Ordinance violation.
- E. In addition to any fines specified in this chapter, any person who allows or causes any animals to stray onto, or to be found upon, a public highway or other public property, shall be liable for the costs of removal and storage of said animals and notification to the owner.

SECTION 2. Female Dog in Heat

- A. Any female dog in heat shall be confined in a building or some enclosure in such a manner that the female dog in heat cannot come into contact with a male dog, except for planned breeding.
- B. Notwithstanding Section 1 of the Chapter, an owner or person having custody or control of any female dog not so confined commits a Class B Ordinance violation. Provided that if the animal is an at-large dog which has not been spayed and is over the age of six (6) months, the violation is a Class A Ordinance violation. Provided further that if, within thirty (30) days of the commission of a Class A Ordinance violation pursuant to this section, the owner or person having custody or control of the dog submits to a Jennings County Animal Control Officer a receipt or a verified statement from a licensed veterinarian that the dog has been spayed, the violation will be reduced to a Class B Ordinance violation.

SECTION 3. At-Large Dogs

- A. An owner or person having custody or control of a dog shall not allow such dog to stray beyond his or her premises.
- B. Notwithstanding Section 1 of this Chapter, a person who violates this section commits a Class B Ordinance violation. Provided that if the animal is an at-large dog which has not been spayed or neutered and is over the age of six (6) months, the violation is a Class A Ordinance violation. Provided further that if, within thirty (30) days of the commission of a Class A Ordinance violation pursuant to this section, the owner or person having custody or control of the dog submits to a Jennings County Animal Control Officer a receipt or a verified statement from a licensed veterinarian that the dog has been spayed or neutered, the violation will be reduced to a Class B Ordinance violation.

SECTION 4. At-Large Livestock

- A. An owner shall not allow his or her livestock to stray beyond their premises.
- B. Notwithstanding Section 1 of this Chapter, a person who violates this section commits a Class B Ordinance violation.

SECTION 5. At-Large Wild or Exotic Animals

- A. An owner of a wild or exotic animal shall not allow the animal to stray beyond his or her premises.
- B. Notwithstanding Section 1 of this Chapter, a person who violates this section commits a Class A Ordinance violation.

CHAPTER VI. Vicious Animals, Public Nuisance and Impoundment

SECTION 1. Vicious Dog

- A. A vicious dog shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of the owner or person having custody or control of such dog. Such confinement and restraint shall be sufficient to insure that persons and property will not suffer harm from such dog.
- B. The owner or person having custody or control of a vicious dog not so confined, muzzled or caged commits a Class B Ordinance violation for the first offense and a Class A Ordinance violation for any subsequent offense. If the vicious dog not so confined, muzzled or caged causes any bodily injury to a person, the offense is a Class A Ordinance violation, regardless of whether there have been any prior offenses.
- C. An Animal Control Officer may seize, impound or order the destruction of any vicious dog, and if such dog is seized, impounded or destroyed, the owner of person having custody or control of such dog shall be responsible for payment of all expenses arising from or related to the seizure, impoundment or destruction.

SECTION 2. Public Nuisance

- A. An owner or person having custody or control of an animal shall exercise due care and control of such animal so as to prevent the animal from becoming a public nuisance.
- B. An owner or person having custody or control of an animal who permits such animal to become a public nuisance commits a Class C Ordinance violation for the first offense and a Class B Ordinance violation for any subsequent offense.

SECTION 3. Impoundment, Alternative Penalty

- A. Any at-large animal, unlicensed dog, vicious dog, female dog in heat that is not confined, or neglected animal, may be taken by law enforcement officers or by an Animal Control Officer and impounded in the animal shelter or impounded at suitable alternative facilities approved by the Commission.

- B. If the owner of an impounded animal can be identified by a license tag or other reasonable means, the Animal Control Officer shall immediately upon impoundment notify such owner by telephone or mail of the impoundment.
- C. For the purpose of notifying owners whose identities cannot reasonably be determined that missing animals may have been impounded pursuant to this ordinance, notice shall be placed weekly in a newspaper of general circulation within Jennings County to that effect. The published notice shall contain the name, address, telephone number and hours of operation of the facility in which the animals are impounded to enable owners to locate and retrieve the animals. Notices individually describing impounded animals are not required.
- D. Any animal that is not claimed by the owner whose identity is determined with 3-5 days of notification shall become the property of the County and may be placed for adoption or humanely euthanized.
- E. An owner claiming an impounded animal shall pay all costs associated with the seizure and the impoundment of such animal, including all necessary treatment costs, expenses of notification, expenses associated with any legal fees established by Jennings County or any alternative facility approved by the Commission and used to impound such animal.
- F. In addition to or in lieu of impounding an animal, a Law Enforcement Officer or an Animal Control Officer may issue to a person violating any provision of this ordinance a notice of ordinance violation. If the person has not paid the fine and all associated expenses within two (2) weeks of receiving such notice, the Animal Control Officer may refer the violation to the Jennings County attorney for further action, which may include prosecution of the violation in court.
- G. All dogs impounded under this Article and not registered, licensed, tagged and redeemed shall be placed for adoption or disposed of in a humane manner after the expiration of the following time periods:
 - Three to five days after notice is given to the owner per Chapter V, Section 3;
 - Three to five days after impoundment when the owner is unknown; or at a time
 - Fixed by the Court or by law.
- H. Notwithstanding any other language in this ordinance, under no circumstances may a vicious dog be placed for adoption.

SECTION 4. Impoundment for Animal Bite

- A. If an animal has bitten a person, it shall be impounded in the Animal Shelter or a veterinary hospital or kennel acceptable to the Animal Control Officer, at the owner's choice and expense, for a period of ten days in order to determine whether or not the animal has rabies. If the animal dies during the period, it shall, at the owner's expense, be sent to the proper authorities to determine whether or not it was rabid.
- B. An owner who fails to impound an animal after receiving notification to do so by an officer of the Animal Control Commission or the Jennings County Health Department commits a Class B Ordinance violation. Each day that the owner fails to impound the animal constitutes a separate violation.

CHAPTER VII. Animal Care

SECTION 1. Animal Care

- A. Every owner of an animal shall see that his animal has proper and adequate food, water, shelter, protection from the weather, and medical & grooming care, and that his animal is kept in a clean, sanitary and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement and have shelter at all times while outside.
- B. No person shall abandon or dump a vertebrate creature living or deceased on private or public property. No person shall neglect a vertebrate creature.
- C. Any person who violates this section commits a class A Ordinance violation.

SECTION 2. Torture of Abuse of an Animal

- A. No person shall torture, beat, mutilate, cruelly treat, torment, overload, overwork, or otherwise abuse an animal or cause, instigate or permit a dogfight, cockfight, bullfight or other combat between animals or between animals and humans.
- B. A dog may be chained or tethered only subject to the following conditions:
 - 1. The chain or tether must be no shorter than five (5) times the length of the dog, as the dog is measured from the tip of its nose to the base of its tail or fifteen (15) feet, whichever is less.
 - 2. In addition to the length prescribed by the preceding paragraph, if the chain or tether is attached to an overhead trolley, pulley or running line, the chain or tether

must include a length at least equal to the height of the highest point on the overhead trolley, pulley or running line.

3. The chain or tether shall not weight in excess of one-eighth (1/8) of the dog's weight.
 4. The chain or tether shall have a swivel at both ends.
 5. For the purpose of this ordinance, chaining or tethering shall mean to restrain a dog by tying or attaching it to any stationary object by any means, including but not limited to a chain, rope, cord, leash, pulley or running line. However, it shall not be construed to mean restraint of a dog by a human being when the human being is the only thing to which the dog is attached by a chain, rope, cord or leash.
 6. The chaining and tethering restrictions contained herein shall not apply to dogs while being shown or competing in dog shows, agility trials, county fairs and like activities. Nor shall they apply to dogs while engaged with human beings in hunting activities.
- C. An Animal Control Officer shall report any person who violates any of the provisions of IC 35-46-3 (Offenses Relating to Animals, as existing January 1, 2001 or its equivalent should the legislature amend, restate or recodify said offenses), to the appropriate law enforcement agency.
- D. Any person who violates any portion of subsection A, above, not preempted by Indiana law commits a Class A Ordinance violation.
- E. Any person who violates any portion of subsection B, above, not preempted by Indiana law, shall first be issued a written warning, be informed of what steps are necessary to correct the violation, and be given sufficient time to correct it. Any violation of subsection B, above, committed after the violator has received the initial written warning, corrective information and time for correction, shall be a Class B Ordinance violation for the first offense and a Class A Ordinance violation for any such violation committed after being sited for a Class B violation.

SECTION 3. Animal Management Fund

- A. All fines, fees, costs and penalties collected pursuant to this chapter shall be deposited into a dedicated, no-reverting fund to be known as the Animal Management Fund.

- B. Monies in the Fund may be spent only after approval by the Board of Commissioners of Jennings County.
- C. This Fund shall continue until such time as it is rescinded by action of the Board of Commissioners, in which event, any monies left in the Fund shall revert to the Jennings County General Fund.

SECTION 4. Procedure for Euthanizing Animals

- A. An animal brought to the Animal Control Shelter shall be euthanized if:
 - 1. The animal has been at the shelter in excess of 3-5 days.
 - 2. The animal is vicious and presents a serious risk or harm to other animals, employees, or volunteers or has already caused bodily injury.
 - 3. The animal is injured or ill and proper treatment is beyond the scope of care of Animal Control. The Animal Control Officer reserves the right to relinquish and ill or injured animal to a 501c (3) rescue for proper care upon immediate impoundment and owner shall be responsible for reimbursement if owner takes the animal back.
- B. A certified Animal Control Officer shall euthanize animals in compliance with this section. Failure of an Animal Control Officer to follow the outline procedures shall result in disciplinary action by the Animal Control Board and/or the Jennings County Commissioners.

SECTION 5. Designated Area for Aggressive Animals

- A. If an animal being kept at the Animal Control shelter is particularly aggressive, posing a risk of harm to other animals, animal control employees or volunteers, and it is not or has yet to be euthanized, then said animal shall be kept in a designated area only for aggressive animals.
- B. Said designated area shall be clearly marked as an area for aggressive animals.
- C. Animal Control volunteers shall not be permitted to work with the aggressive animals in any manner.

SECTION 6. Domestic Animals in Vehicles

- A. It shall be unlawful to leave a domestic animal unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal.
- B. Any person who violates this section commits a Class A Ordinance violation.

SECTION 7. Lost, Stolen or Stray Animals

- A. Persons finding a stray animal are to notify the Animal Control facility within forty-eight (48) hours. At the discretion of the facility, the animal may be kept by the finder and a found report left with the facility, to enable the finder an opportunity to return the animal to its rightful owner.
- B. Upon demand, by the Animal Control facility, any found animal will be taken to an appropriate facility and scanned for a microchip.
- C. Persons finding an animal are obligated to comply with all rules and regulations of this chapter pertaining to humane care and treatment of animals, while said animal is in their custody awaiting return to its actual owner.
- D. With the exception of the Jennings County Animal Control facility or other humane or breed rescue organizations recognized by the Animal Control facility, the finder will be considered the found animal's owner for purposes of this chapter only after the animal is in the finder's custody for thirty (30) continuous days. The animal control facility and rescue under the authority of an animal control officer will have a stray hold of 3-5 days. If actual owner is found and medical treatment was necessary, the owner is required to reimburse the facility or rescue.
- E. It shall be unlawful to hold or harbor an owned animal without the owner's consent, any person refusing to return animal to owner or animal control SHALL be prosecuted for property theft.

SECTION 8. Attempts to Poison an Animal

- A. It shall be unlawful for a person to throw or deposit poisoned meat or any poison or harmful substance in any street, alley, marketplace, public place or on any private premises for the purpose of destroying or injuring any animal.
- B. Any person who violates this section commits a Class A Ordinance violation.

SECTION 9. Interfering with Animal Control Officer

- A. It shall be unlawful to interfere with any Animal Control Officer or other officer empowered to act by law, to take or attempt to take any animal from the county vehicle used to transport the animal, to take or attempt to take any animal from the animal control shelter or in any way try to prevent the officer from discharging their unlawful duties as empowered.
- B. A person who violates this section commits a Class B Ordinance violation.

SECTION 10. Offensive Use of an Animal

- A. It shall be unlawful for a person willfully to deposit a live or dead animal upon public or private premises not owned by that person, or willfully to throw a live or dead animal out of a moving vehicle, or aid or abet another person in doing so.
- B. A person (s) who violates this section commits a Class A Ordinance violation.

SECTION 11. Livestock Restrictions

- A. It shall be unlawful for any person to own or keep any livestock animal in the city/North Vernon and Vernon limits unless permitted by city/council/town board of North Vernon or Vernon, livestock shall be permitted in the zoned county areas unless specified in other homeowners associations and or bylaws written by landlords or gates communities, unless permitted in writing.
- B. It shall be unlawful for any person to own or keep any (poultry or fowl) that exceeds the amount of (15) and have no more than 2 roosters and any person that owns or keeps poultry or fowl shall provide a dry/clean environment, shelter from weathers, protection from predators, nesting boxes, adequate food water.
- C. An owner or person having custody or control of small fowl (i.e. chicken, etc.) shall provide a minimum lot area of 12 sq. ft per small fowl and for large fowl (i.e. Emu, etc.) shall provide a minimum lot area of 500 sq. ft per large fowl.
- D. An owner or person having custody or control of small 4-legged livestock (i.e. goats, sheep, pigs, etc.) shall provide a minimum lot area of 20 sq. ft per small 4-legged livestock and for large 4-legged livestock (i.e. horses and cows) shall provide a minimum lot area of 2 acres per large 4-legged livestock.
- E. Any person who violates this section commits a Class B Ordinance violation.

SECTION 12. Additional Restrictions on Dangerous, Neglected or Nuisance Animals

- A. It shall be unlawful for any person who has been found in violation of Chapter IV, Chapter V, Chapter VI, or Chapter VII to own or keep more than two (2) animals in the county or to own or keep any animal:
 - 1. That has not been spayed or neutered by a veterinarian.
- B. A person who violates this section commits a Class B Ordinance violation.
- C. A person who is under additional restrictions that commits subsequent violations, shall be subject to forfeiture of their animal to the enforcement authority and may be prohibited by a court from owning or keeping any animal within Jennings County; both incorporated and unincorporated.

CHAPTER VIII. Kennels and Commercial Dog Breeding

SECTION 1. Licenses

- A. A license is required to operate as a commercial kennel. Each kennel operated shall be considered a separate enterprise and each enterprise shall have a kennel license.
- B. A license shall be issued when the applicant complies with all laws and regulations pertaining to the issuance of licenses and pays the required kennel licensing fee. No license shall be issued to any kennel unless it is in compliance with all applicable zoning requirements.
- C. A license is valid for twelve (12) months from the date of issuance and may be renewed in accordance with Section 2. B
- D. The license shall be prominently displayed on the premises of the licensed kennel.
- E. The application for a kennel license must contain a statement that the applicant agrees to comply with standards set forth herein, agrees to allow inspections by Animal Control Officers of the animals and premises, and whether or not the applicant has ever been found to have committed any offense related to animals.
- F. No license to operate a kennel shall be issued to anyone who has been convicted of cruelty to animals.
- G. Licenses issued on the basis of false information supplied by the applicant shall be revoked and operation of the subject kennel shall be terminated upon revocation of the license.

- H. The Animal Control Officer, or such other agency or person it may designate, shall be the agency to issue, or cause to be issued, licenses, maintain records and conduct and enforce the provisions of this ordinance.
- I. All notices to the public, including but not limited to, classified advertisements, fliers, posters and all other media, of animals for sale shall contain the license number of the kennel license required and issued under this ordinance.
- J. All records of sale shall show the kennel license number of the seller.
- K. Kennel fees shall be paid through the county Animal Control Office, which must approve the establishment and operation of kennels pursuant to county ordinance. Payment shall be tendered to the Animal Control Officer at the time application is made to the Animal Control Office for establishment or operation of a kennel, and upon its approval to establish or operate, the Animal Control Officer shall deposit the kennel fees in the Animal Management Fund. If establishment or operation of a kennel is not approved by the Animal Control Office, the tendered payment shall be returned to the applicant.

SECTION 2. Fees

- A. Annual fees for kennels and pets shall be as follows:
 - 1. 6-9 dogs: \$50.00
 - 2. 10-25 dogs: \$125.00
 - 3. 26-50 dogs: \$250.00
 - 4. 51-100 dogs: \$500.00
 - 5. 101 or more dogs: \$1,000.00

SECTION 3. Exemptions

- A. The Jennings County Animal Shelter shall be exempt from all kennel fees.
- B. Veterinary hospitals shall be exempt from all kennel license fees unless engaged in commercial boarding, excluding that incident to hospitalization, or breeding.
- C. Groomers shall be exempt from kennel license fees unless engaged in commercial boarding or breeding.

SECTION 4. Standards for Facilities

- A. For the regulation of kennels, Jennings County hereby adopts the United States Department of Agriculture standards for the humane handling, care and treatment of dogs. Copies of those standards may be obtained from the Jennings County Animal Control Officer.
- B. To be eligible for a permit, a kennel must meet the standards set forth by the United States Department of Agriculture for the humane handling, care and treatment of dogs.
- C. Any violation of this section constitutes a Class B Ordinance violation, and each day the violation continues shall constitute a separate violation. Violations may also result in suspension or revocation of the license to operate a kennel.

SECTION 5. Inspection of Animals and Premises

- A. As a condition of obtaining or keeping a permit to operate a kennel, the licensee shall allow any Animal Control Officer, without prior notice, to inspect all facilities and animals therein at any time during the business hours of the kennel.
- B. The licensee, his agents and employees, shall render such reasonable assistance to the Animal Control Office engaged in such inspection as may be required to enable the officer to perform his or her duties. The licensee shall furnish the facilities and assistance necessary to restrain domestic animals in order that the inspection may be accomplished. The licensee shall furnish the facilities necessary to allow the officer to conduct any necessary tests and fill out all papers and forms required in the discharge of his or her duties.
- C. Refusal to permit such an inspection or interference with such an inspection shall result in the immediate revocation of all licenses to operate a kennel held by the licensee.

SECTION 6. Selling/Transfer of Animals

- A. It is the duty of the seller to ensure that all animals sold or otherwise transferred are healthy, parasite, free, and current with regard to vaccinations at the time of sale or transfer. No animal with disease, injury, or lacking required vaccinations will be sold or transferred without full disclosure to the buyer.
- B. No dog under the age of eight weeks shall be sold or transferred, unless sold with its dam.

- C. Records of all sales or adoptions of animals shall be maintained by the person selling or allowing the adoption for a period of two years. Records shall include the date of the transaction, species and breed, date of birth, sex, color and description of the animal, the name and address and telephone number of the purchaser or adopter. Records shall be available to any Animal Control Officer upon his or her request.
- D. A violation of this section constitutes a Class B Ordinance violation. A violation of this section may also result in the loss of kennel license for an indefinite period of time.

SECTION 7. Commercial Dog Breeding

- A. For purposes of this section, the following definitions shall apply:
 - 1. "Animal rescue operation" means a person or organization:
 - (a) That accepts within one (1) year:
 - (1) More than twelve (12) dogs; or
 - (2) More than nine (9) dogs and more than three (3) Un-weaned litters of puppies;that are available for adoption for human companionship as pets or as companion animals in permanent adoptive homes and that are maintained in a private residential dwelling; or
 - (b) That uses a system of private residential dwellings as foster homes for the dogs.

The term does not include a person or organization that breeds dogs.

- 2. "Commercial dog breeder" means a person who keeps, harbors or maintains within Jennings County, Indiana, 20 or more un-altered female dogs that are at least 12 months of age.
 - 3. "Hobby breeder" means a person who maintains fewer than 20 un-altered female dogs that are at least 12 months of age.
 - 4. "Un-altered" means capable of bearing puppies.
 - 5. "Veterinarian" means an individual licensed as a veterinarian by the State of Indiana.
- B. No person shall keep, harbor or maintain within Jennings County, Indiana, more than 20 un-altered female dogs that are at least 12 months of age.

- C. Any person keeping, harboring or maintaining within Jennings County, Indiana, 20 unaltered female dogs that are least 12 months of age shall comply with all applicable requirements of the Title 15 Article 21 of the Indiana Code and with all applicable requirements contained in the Ordinances of Jennings County, Indiana, including but not limited to this Animal Control Ordinance and all planning and zoning ordinances.
- D. The section shall not apply to the following:
 - 1. The Jennings County Animal Shelter.
 - 2. The Jennings County Humane Society.
 - 3. Animal rescue operations.
 - 4. Hobby breeders.
 - 5. Veterinarians and veterinary hospitals for boarding incident to treatment or hospitalization.
- E. Notwithstanding their exemption from the application of Title 15 Article 21 of the Indiana Code, this ordinance shall apply to the following:
 - 1. A person who breeds at least 75% of the person's dogs as sport dogs for hunting purposes.
 - 2. A person who breeds at least 75% of the person's dogs as service dogs or as dogs for use by the police or the armed forces.
- F. This section may be enforced by a Jennings County Animal Control Officer or any Law Enforcement Officer, who may issue to any person violating any provision of this ordinance a notice of ordinance violation. If the person has not paid the fine and all associated expenses of the violation within two weeks of receiving such notice, the Animal Control Officer or Law Enforcement Officer may refer the violation to the Jennings County Attorney for further action, which may include prosecution of the violation in court.
- G. Violation of any of the provisions of this section shall constitute a Class A Ordinance violation as define in the Animal Control Ordinance, which may be enforced by imposition of a civil penalty or fine of \$500.00 for each violation.
- H. Violation of any provision of this section is hereby declared a public nuisance, and the County may maintain an action in court to abate said nuisance.
- I. In addition, a person who violates this section may be subject to any other penalties, judgements and liabilities authorized by an ordinance of Jennings County, Indiana, a statute of the State of Indiana, or both.

- J. A person who violates this section shall be responsible for payment of all costs and expenses associated with its enforcement, including but not limited to court costs, any expenses of investigation, attorney fees, any expenses incurred in the seizure, impoundment and care of any animal, and the cost of any veterinary or medical treatment.
- K. All fines, fees, costs and penalties collected pursuant to this section shall be deposited into the Animal Management Fund.

CHAPTER IX. Penalties

SECTION 1. Penalties for Violations

- A. The following schedule of penalties shall apply for violations of this ordinance:
 - 1. Class A violation: a fine of up to \$500.00
 - 2. Class B violation: a fine of up to \$150.00
 - 3. Class c violation: a fine of up to \$75.00
- B. In addition to the forgoing fines, a person who violates this ordinance shall be subject to any other penalties; judgements and liabilities authorized by an ordinance of Jennings County, Indian a statute of the State of Indiana, or both.

SECTION 2. Penalties for Impoundment of domestic animals

- A. Day one at facility
 - 1. \$20.00
 - 2. After hours \$40.00
- B. Every day after
 - 1. \$5.00 a day for care
- C. In addition to the foregoing penalties for impoundment, a person who violates this ordinance shall be required to pay any ordinance violations before any reclaim process.

SECTION 3. Penalties for Impoundment of livestock animals

- A. Day one at facility
 - 1. \$100.00
 - 2. After hours \$150.00
- B. Every day after
 - 1. 10.00 a day for care
- C. In addition to the foregoing penalties for impoundment, a person who violates this ordinance shall be required to pay any ordinance violations before any reclaim process.

CHAPTER X. Appeals Procedure

SECTION 1. Appeals Procedure

- A. A person who is fined or issued a citation in violation of this ordinance shall have the option of appealing said fine or citation, in the following manner:
 - 1. A person must appear at the next Jennings County Commissioner's meeting in order to appeal the fine or citation to the Jennings County Commissioners. The Jennings County Commissioners meet on the second and fourth Thursday of every month.
 - 2. After a person appeals to the Jennings County Commissioners, it will then be left to the discretion of the Jennings County Commissioners to determine whether the fine or citation issued shall be upheld or overturned.
 - 3. If a person who appeals their fine or citation to the Jennings County Commissioners wishes to appeal to the decision of the Jennings County Commissioners, they must then appeal to the Jennings County Superior Court on the next date that Animal Control Hearings are held. A person should contact the county attorney to determine when the next day Animal Control Hearings will be held.
- B. Regardless of whether a person wishes to appeal to the Jennings County Commissioners, they must still appear at the court date listed on their fine or citation. At said court date, a person may inform the court and county attorney that they wish to appeal the fine or citation to the Jennings County Commissioners.

CHAPTER XI. Costs and Expenses

SECTION 1. Costs and Expenses Recoverable

- A. A person who violates this ordinance shall be responsible for payment of all costs and expenses associated with its enforcement, including but not limited to court costs, any expenses of investigation, attorney fees, any expenses incurred in the seizure, impoundment and care of any animal, and the cost of any veterinary or medical treatment.

CHAPTER XII. Miscellaneous

SECTION 1. Venue and Choice of Law

- A. Proper venue for the enforcement of this ordinance shall be in a court of competent jurisdiction of Jennings County, Indiana.
- B. The provisions of this ordinance shall be construed using the laws of the State of Indiana.

SECTION 2. Conflicts, Repeal of Previous Ordinance and Severability

- A. The provisions of this ordinance are intended to be supplement to the laws of the State of Indiana, and to the extent that they may conflict with said laws, the laws of the State of Indiana shall control.
- B. To the extent that the provisions of this ordinance conflict with any previous ordinance enacted for the care and control of animals in Jennings County, Indiana, the provisions of this ordinance shall control.
- C. Upon the Animal Control Ordinance of Jennings County taking effect, the originally enacted Jennings County Ordinance 1-97 and City of North Vernon Ordinance #764 as amended shall be repealed but pending enforcement actions may be maintained under the Ordinance as it existed at the time of violations.
- D. Should any provision of this ordinance be found by a court to be invalid, the remainder of the ordinance shall remain in full force and effect.

SECTION 3. Application

- A. This ordinance shall apply throughout Jennings County; provided, however, that absent an agreement duly entered between the county and any city, town or village within the county which by law has been given the express authority to regulate and license animals, this ordinance shall not apply within the corporate limits of any such city, town or village.
- B. Should any city, town or village within the county which by law has been given the express authority to regulate and license animals determine that it wishes this ordinance to apply within its corporate limits and enter into an agreement with the county so providing, this ordinance shall then apply and be enforced within those corporate limits.

CHAPTER XIII. Effective Date

This ordinance shall be effective on December 19 2019, upon Publication of this ordinance duly adopted by the commission of Jennings County, Indiana.

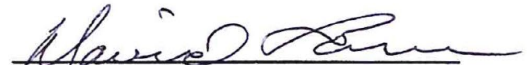
APPROVED AND ORDAINED by the Board of Commissioners of Jennings County, Indiana this 19th day of December, 2019.

BOARD OF COMMISSIONERS
JENNINGS COUNTY, INDIANA

MATT SPORLEDER, President

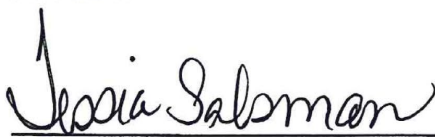


BOB WILLHITE, Commissioner



DAVID LANE, Commissioner

ATTEST:



TESSIA SALSMAN, Auditor