

HARRISON COUNTY ORDINANCE 2025- 01____
AN ORDINANCE REGARDING THE OPERATIONS
OF AN ANIMAL CONTROL AND SHELTER FACILITY
WITH THE CONTROL, CARE AND DISPOSITION OF
ANIMALS IN HARRISON COUNTY, INDIANA

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

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

WHEREAS, the costs and expenses associated with ensuring the foregoing should properly be borne by those who fail to observe the requirements of this Ordinance; and

WHEREAS, there exists in Harrison County, Indiana, a need for an updated ordinance regarding the operation of an animal control facility and control and maintenance of animals for the general health, safety and welfare of the citizens of Harrison County; and

WHEREAS, the Harrison County Board of Commissioners as the executive and legislative authority of Harrison County, Indiana has been empowered to enact ordinances for the health, safety and welfare of Harrison County and its citizens; and

WHEREAS, this Ordinance shall supersede and replace all previous Harrison County Animal Control Ordinances including Ordinance No. 2020-01 and 2021-16 and any other ordinance related to animal control.

NOW THEREFORE, BE ORDAINED by the Harrison County Board of Commissioners as follows:

SECTION 1: DEFINITIONS

For the purposes of this ordinance the following definitions shall apply, unless the context clearly otherwise indicates, or requires a different meaning:

1. "Abandonment" means to deposit, leave, drop off or otherwise dispose of any live domestic animal on any public or private property.

2. "Adequate Enclosure" means any pen, cage, and kennel or suitable enclosure to prevent the escape of a dangerous animal, such enclosure must be kept locked to prevent entry by anyone other than the owner or keeper of the animal.
3. "Animal" means any live, vertebrate creature, domestic or wild, including but not limited to dogs, cats, and those domesticated animals most often kept and regarded as pets by their Owners.
4. "Animal Control Facility" means the facility operated and maintained by Harrison County for humane restraining, impounding and disposing of animals seized under the authority of this ordinance. For the purposes of this definition, "Animal Control Officer or ACO" means the officer to whom authority has been delegated by the Board of Commissioners of Harrison County to enforce the provisions of this and any other related ordinance. Said Officer shall be an employee of Harrison County.
5. "Animal Establishment" means premises used for the breeding, boarding, training or caring for animals for commercial purposes or any 501(c)3 organization involved in the care of animals.
6. "At Large" means elsewhere than premises under the ownership, control or possession of the owner and either
 - a. not restrained by a leash, or
 - b. not under the immediate and complete physical control of a person capable of controlling such animal.
7. "Cat" means any domestic member of the feline family of animals.
8. "Contained" means any leash, line, chain or other restraint that is capable of keeping an animal attached to a moving or fixed point without allowing the escape of the animal by chewing, gnawing or maneuvering out of the restraint.
9. "Dangerous Animal" is at the discretion of the Animal Control Director or designated officer, and means any of the following:
 - a. Any animal, which without provocation, attacks or injures a person peaceably conducting themselves in a place where he or she may lawfully be.

- b. Any animal, which because of its size, vicious propensity, or other characteristic, would constitute a danger to human life, property or domestic animal if not restrained or kept in a safe and adequate enclosure.
- c. Any mammal for which there is no parental rabies vaccine recognized by the Indiana State Board of Animal Health or the Indiana State Department of Health, for use to protect humans, or other species of animals, from the communicability of rabies.
- d. Any animal which constitutes a physical threat to human beings or other domestic animals by virtue of a known propensity to endanger life by unprovoked assault or bite or scratch so as to cause serious bodily harm.
- e. Any animal when unprovoked, in a vicious or terrorizing manner or an attitude of aggression, approaches any person upon the streets, sidewalks, or any public grounds or places.
- f. Any animal with a known propensity to, tendency or disposition to attack unprovoked, to cause injury to or otherwise endanger the safety of a human being or domestic animal.
- g. Any animal which bites (to the extent of puncturing or severally bruising the skin), inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property.
- h. Any animal which scratches (to the extent of tearing or puncturing the skin), inflicts injury, assaults or otherwise attacks a human being or domestic animal without provocation on public or private property.
- i. Any animal which behaves in such a manner that the owner therefore knows or should reasonably know that the animal possesses a tendency to attack, scratch, or bite a human being.
- j. Any animal certified by a licensed or certified aggression dog trainer, evaluator or behaviorist after observation thereof, as posing a danger to human life if not kept in a manner required by this ordinance upon the basis of behavioral probability.
- k. Any animal which has previously attacked a human being.

- l. Any animal that cannot be or has not been vaccinated against rabies with an approved rabies vaccine, and any animal which has no established rabies quarantine observation period.
- m. Any animal that by observation of any Animal Control Officer, in their professional opinion, deems the behavior of such animal to be dangerous.
- n. Exceptions: Any animal may NOT be deemed dangerous solely because the animal bites, scratches or attacks:
 - 1. Anyone assaulting its owner. This shall not include a law enforcement officer attempting to subdue, arrest or detain a suspect.
 - 2. Any person or animal which has tormented or abused it.
 - 3. It is otherwise acting in defense of any attack from a person or other animal upon its owner or any other person.
 - 4. It is defending its young or the young of another animal.
 - 5. Anyone entering the owner's property to commit robbery, burglary, assault or other crime or entering a secure building without permission. Simple trespassing by a person onto private property shall not be considered provocation for any attack.
 - 6. It is severely injured or incapacitated.
 - 7. Any animals which are employed by a police department or any other government agency in the State of Indiana or any animal which has been certified either nationally or by the State of Indiana for use in police work providing the animal is owned and in the possession of the person who initially trained the animal and for whom the certification was meant.

10. "Dog" means any domestic member of the canine family of animals.

11. "Domestic" an animal that was trained or bred to be tame around humans.

12. "Exotic" a species which is not native or indigenous to the owner's locale or what is considered a non- traditional animal.
13. "Exposure to Rabies" means the situation that exists when an animal has been bitten or otherwise has been in contact with any other animal known to be, or reasonably suspected of being infected with rabies.
14. "Harboring" means the actions of any person that permit any animal habitually to remain or lodge or to be fed within his/her home, store, enclosure, yard, or place of business or any premises on which such person resides or controls. An animal shall be presumed harbored if it is fed or sheltered for three (3) consecutive days.
15. "Impoundment" means to take custody or possession of an animal.
16. "Neglect" any intentional reckless or negligent act or omission which results in a domestic animal or livestock not receiving adequate shelter, food, water, or in a domestic animal or livestock not receiving necessary veterinary care, or in a domestic animal or livestock housed in unhealthy living conditions.
17. "Owner" means any person, firm or corporation owning or having the care, possession or control of any animal within the jurisdiction of this ordinance, provided, that in the event that a minor person shall be determined the owner of the animal, the parent, guardian of such minor person shall be responsible to ensure compliance with the terms and provisions of this ordinance, and shall be liable for any non- compliance herewith.
18. "Proper Shelter" means a shelter that has four sides; one side shall have an opening large enough for the animal to enter the shelter. The shelter shall have a solid floor (not the ground or a bed of straw) and a roof, which does not leak. The shelter must be large enough for the animal to enter the structure, turn round comfortably and lay out fully. A secondary shade should be provided with the Shelter.
19. "Public Nuisance" Any act of an animal or its owner that irritates perturbs or damages rights and privileges common to the enjoyment of public or private property or indirectly injures or threatens the safety of a member of the general public. By way of examples and not of limitation, the commissions of the following acts or actions by an animal or by its owner or possessor shall hereby being declared a public nuisance:

1. Allowing or permitting an animal to habitually bark, whine, howl, mew, crow or cackle in an excessive or continual fashion or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises as determined by the Animal Control Director or its designated official.
2. Allowing or permitting an animal to damage the property of any person other than its owner or caretaker, including to, but not limited to getting into or turning garbage containers or damaging gardens, flowers, plants or other real or personal property or leaving fecal material on the property of another person.
3. Allowing or permitting an animal to molest, chase, and snap at, attack or attempt to attack passers-by, vehicles, other domestic animals or livestock.
4. Allowing or permitting an animal to habitually or continually roam or be found on property of other than its owners or caretakers, trespassing school grounds, parks or the property of any person.
5. Allowing or permitting an animal to be housed or restrained within reach of a public street, road, sidewalk or access and, in the discretion of the animal control officer, poses a threat to the general public safety, health and welfare of the general public.
6. Allowing or permitting an animal to be maintained in an unsanitary condition so as to be offensive to sight or smell.
7. Allowing or permitting an animal to habitually charge in an aggressive manner a fence separating from another property when the usual residents are taking pleasure in such property without provoking such animal.

20. "Poultry" means all domesticated fowl and all game birds which are legally kept in captivity.

21. "Restraint" Any animal secured by a leash or lead, or under the physical control of the animal's owner or attending party, or within the real property limits of its owner.

22. "Violation" means any person or a person who knowingly or intentionally breaches any provision of this ordinance.

SECTION 2: ANIMAL CONTROL FACILITY

The Animal Control Facility shall be managed, operated and maintained by the Director, Animal Control Officers, Office Manager and Kennel Technicians under the authority and control of the Harrison County Board of Commissioners. The powers of Animal Control are limited to domesticated animals (dogs, cats, horses, cattle, etc.). All issues with wild animals (coyote, bobcat, etc..) shall be under the jurisdiction of the Indiana Department of Natural Resources (DNR) and should be referred to a Conservation Officer.

SECTION 3: POWERS OF ANIMAL CONTROL OFFICER

The Animal Control Officer and authorized personnel of the animal control facility shall have the following powers:

- A. The Animal Control Officer shall cause the apprehension and impoundment of an animal which is not on the property of the owner so long as the animal is on public property, public right-of-way or on private property without the consent of the owner of the private property. In such situations, the apprehension of the animal is reasonably necessary for the protection of the public health, safety, and welfare and is a valid exercise of Harrison County law enforcement powers. The Animal Control Officer or their designee may use any means reasonably calculated to capture the animal which presents the least danger to other persons or property. The Animal Control Officer may enter on private property without the consent of the owner or person in control of the property only under the following circumstances:
1. With a court order or warrant authorizing entry onto the property for the purposes stated in the order or warrant; or
 2. Where exigent circumstances dictate immediate apprehension in order to prevent harm or danger to a person or animal, including, but not limited to, where an animal has bitten a person or animal and the animal is not under restraint or when the welfare of the animal is deemed to be at risk of abuse.
- B.
1. Destroy any dangerous, vicious, or ferocious animal found at large which cannot be safely

captured and impounded by ordinary means, except that every reasonable effort shall be made to avoid destroying an animal which has bitten or is suspected of having bitten a person or which appears to have rabies. If the destruction of the animal cannot be reasonably avoided, the said authorized agent shall attempt to destroy the animal in such a manner so as to preserve the head thereof intact.

2. To confine and destroy any animal showing clinical symptoms or is suspected of having rabies.
3. To confine and/or destroy any animal that has bitten or otherwise exposed a person to rabies.
4. To carry out all orders for confinement or destruction of any animal issued by the County Health Officer, State Veterinarian, or by any court having jurisdiction in Harrison County, Indiana.
5. To issue citations to people accused of violating this Ordinance in accordance with its provisions regarding enforcement procedures.
6. Animal Control Officers also have the power to enforce any state laws or regulations regarding the use of animals in agriculture, cruelty to animals, or animal disease prevention and care. Any violation of state criminal law must be referred to the office of the Harrison County Prosecutor for possible prosecution.

SECTION 4: ADDITIONAL POWERS

The Animal Control Officer and authorized personnel of Harrison County shall have the power to seize and impound:

1. Any animal at large as described in this ordinance.
2. Any animal which has bitten or is suspected of having bitten a person or which appears to have rabies, wherever such animal may be found, and any such animal shall be impounded for not less than ten (10) days.
3. Any animal not confined in accordance with this ordinance.
4. Any animal not inoculated, licensed and tagged as provided by law.

5. Upon order of the court following a conviction of any person for violating any provision of this Ordinance.
6. If any dangerous animal is not under restraint and cannot be safely captured and impounded, it may be slain by a law enforcement officer or their designee.
Impounded dangerous animals will not be sold or allowed to be redeemed except upon the approval of the Animal Control Director at the direction of the Board of Commissioners.

SECTION 5: REDEMPTION AND DISPOSITION

1. Any healthy, non-dangerous animal seized or impounded for being at large may be redeemed by the owner or other person, as authorized herein, at any time prior to the disposition of such animal under this ordinance and upon showing that such animal has a current license and rabies vaccination tag, and upon the payment to Harrison County of the applicable charges, as set forth in the Animal Control Facility Fee Schedule, which is attached to this ordinance and as may later be amended. In the event the animal is not properly vaccinated for rabies, the owner shall pre-pay the cost of a rabies vaccination from a list of providers made available at the Animal Control Facility. An appointment shall be made by an Animal Control Facility employee or volunteer for the rabies vaccination of the animal being reclaimed. Such appointment must occur within thirty (30) days of reclamation. The animal owner shall keep such appointment. If there are any fees or charges due the provider above the pre-payment to Animal Control at the time of reclamation, then the animal owner shall be responsible for such fees or charges. If the animal owner fails to keep the appointment to have the animal vaccinated for rabies, then the Animal Control Facility may reclaim the animal.
2. Any animal seized or impounded for any reason that appears to any duly licensed veterinarian to have any infectious or contagious disease, other than rabies, may be destroyed.
3. Any animal impounded pursuant to this ordinance shall be confined at the Animal Control Facility or, at the discretion of the Animal Control Officer, confined at the owner's premises in a secure place not accessible to the public.
4. The Animal Control Officer shall have continuing authority and discretion to remove any privately confined animal to the Animal Control Facility at any time. At the expiration of an up to 10-day period, the animal may be redeemed at the discretion of

the Animal Control Officer by the owner or other person as provided herein, upon the showing that the animal has a current Rabies Vaccination Tag, and by payment to Harrison County of the applicable fee for the confinement period.

5. A request or application for redemption must be filed by the owner prior to the expiration of the impoundment term, after which time any such request or application shall be considered as a petition to adopt an animal in accordance with the rules of the Animal Control Facility. If the owner cannot be identified, Animal Control may request reasonable proof of ownership as a condition for the release of the animal. This may include bills of sale; photos depicting the animal and the owner, vet records with owner's name and/or similar evidence at the discretion of the Animal Control Director. In the event of the existence of any controversy pertaining to the ownership or right of possession of an impounded animal, the Animal Control Facility may refuse redemption except upon the order of any court with competent jurisdiction.
6. Upon second offense of this Ordinance, the Animal Control Director has the sole discretion on whether or not to return a seized animal. If the animal is returned, it shall be microchipped before leaving the Animal Control Facility and the animal must have an appointment to be spayed/neutered within thirty (30) days or the animal will be impounded and become property of animal control.
7. Any animal deemed to be suffering with extreme pain due to possible injury or apparent disease may, at the discretion of the Animal Control Director, be humanely euthanized before the holding period has expired.
8. Impounded or relinquished animals who have not been adopted within the confinement period may, with the approval of the Animal Control Director, be adopted by an approved rescue group without charge. Such approved groups shall be at the recommendation of the Animal Control Director and approved by the President of the Harrison County Board of Commissioners.

SECTION 6: DISPOSITION OF ANIMALS

1. At the direction of the Animal Control Director, no animal shall be destroyed within three (3) days of being impounded unless necessary to prevent or stop an attack upon a person or another animal, for humane reasons related to sickness or injury of the animal, or as otherwise provided by law.

2. An impounded animal that does not have any identification and which is not redeemed within three (3) days after the first day of impounding may be destroyed or disposed of by suitable and humane means or put up for adoption. If the animal has a collar with owner information on it, it will be kept for five (5) days for the owner to attempt to reclaim it. On occasions that the owner has contacted the Animal Control Facility, the animal will be kept for five (5) days before it may be destroyed or disposed of by suitable and humane means or put up for adoption
3. Other provisions of this ordinance notwithstanding any animal which has bitten or scratched someone shall be quarantined for not less than ten (10) days from the time of the bite or scratch. Any owner who fails to properly quarantine such animal is subject to citation for violation of this section and the animal shall be removed to the animal control facility or another facility as designated by the Animal Control Director, for the remainder of its quarantine period. The owner shall be responsible for all quarantine fees.
4. An animal whose owner is unavailable or incapable of quarantining such animal, then the animal may be taken by Animal Control to its facility or any facility as designated by the Animal Control Director. The owner of the animal shall be responsible for all quarantine fees.

SECTION 7: MOTOR VEHICLE

Any person operating a motor vehicle from which the vehicle strikes a domestic animal within the limits of Harrison County shall promptly report such occurrence to the Animal Control Officer or to the local law enforcement agency with a description of such animal, the location where such occurrence took place, and WITH CAUTION make and give an estimate of the condition of the animal. Any penalty associated with an offense related to this section shall be paid by the owner of the animal.

SECTION 8: CARE OF ANIMALS

Every owner of an animal within Harrison County shall provide at all times that such animal or animals:

1. Are kept in a clean, sanitary and healthy manner;
2. Have proper and adequate food, water, shelter and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to

exercise and move about freely.

3. Animals confined through the use of rope, chain, or cable must have unobstructed freedom of movement of a minimum of ten (10) feet in an arc of 180 degrees.
4. Every un-fixed female dog or cat in heat shall be confined in a secure enclosure in such a manner that such female cannot come into contact with another animal except for planned breeding purpose.
5. It shall be unlawful for any owner to 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.
6. Are maintained in compliance with all applicable Federal, State and County laws and regulations.
7. If the ownership of the biting animal cannot be determined; if the owner does not furnish proof of current rabies inoculation; or if the owner fails to securely confine the animal as required, the animal shall be impounded for the period of observation.
8. Continuing and/or habitual, defined as more than two (2) violations of this Section within a twelve (12) month period, shall result in the Owner(s) of the animal subject to such violations to lose all rights to own and keep animals on their premises or any other property within Harrison County.

SECTION 9: REMOVAL OF EXCREMENT

Persons responsible for an animal shall immediately remove animal's excrement from public lands or from the property of another, excepting a blind person working with a guide dog.

SECTION 10: ANIMALS IN VEHICLE

An animal may not be left unattended in a vehicle if the animal would suffer because of heat, cold, lack of adequate ventilation, food or water, or other circumstances that could reasonably be expected to cause suffering, disability or death.

SECTION 11: WILD OR EXOTIC ANIMALS

No wild or exotic animal shall be kept within the County limits without necessary state and/or federal permits.

Any Exotic animals taking residence within the County that does not need a permit must be reported to the Animal Control Facility for record keeping.

1. Any pet shop, animal dealer, or other person who transfers or permits to be transferred the ownership of an exotic species, as herein defined, shall keep records of the ownership transfer for a period of at least ten (10) years. These records shall include:
 - a. Point of origin of the animal.
 - b. The medical history of said animal, including but not limited to vaccinations, diseases, and treatment.
 - c. The date the pet shop, animal dealer, or other person came into possession of the animal.
 - d. The date of transfer and the transferee's name and address.
2. These records shall be kept by the transferor and shall be made available to Harrison County Animal Control or another authorized agent upon request.
3. Failure to keep such records and/or to release such records to authorized personnel shall be grounds for the issuance of a citation subjecting the owner or person transferring such animals to the penalties contained.

SECTION 12: PROPERTY REQUIRED FOR HOUSING LIVESTOCK

It is unlawful to keep cows, goats, sheep, horses, or other large animals of the hoofed variety unless such animals are situated within a lot or pen of an area of not less than One-half (1/2) acre, regularly used.

1. Livestock pens must follow the Indiana State Law of sizing for different species of livestock;
 - a. Minimum of 1 acre per horse, exceptions can be made for horses kept in a box stall (12x8 or 10x10).
 - b. Minimum of 1 to 2 acres per cow. Exceptions can be

made for commercial cattle operations.

- c. Minimum of ½ acre per goat and sheep.
- d. 12 to 14 pigs per acre with rotational pastures. Exceptions can be made for commercial pigs.

All places wherein any animals covered by this Section are kept shall have adequate drainage sufficient to prevent standing water in yards or pens. Any livestock enclosure must be kept in sanitary conditions. The livestock must be able to stand comfortably with no strain on their legs. The enclosure must be scraped and cleaned regularly. Duck ponds shall be drained and cleaned regularly. Good animal husbandry must be followed.

SECTION 13: PUBLIC NUISANCE

It shall be unlawful to harbor or keep any animal that is a public nuisance. No owner shall fail to exercise proper care and control of his/her animals to prevent the following action by any animal:

1. Molesting of passersby;
2. Chasing of passing vehicles;
3. Attacking other domestic animals;
4. Trespassing upon private or public property, or school grounds;
5. Damaging private property
6. Unnecessarily foul or noxious odors which offend people in the neighborhood.

SECTION 14: ANIMALS RUNNING AT LARGE

It shall be unlawful to permit any animal of any kind to run at-large within the County. All animals shall be kept under restraint at all times, as defined in this Ordinance, and any deviation or violation thereof is strictly prohibited.

However, it is provided that working dogs, such as lead dogs, guard dogs, farm dogs, hunting dogs, and other such dogs which are actively engaged in activities for which such dogs are trained, need not be under restraint when under the reasonable control of its owner.

SECTION 15: SEIZING ANIMALS AT LARGE

In the event that an animal is discovered running at large either on public property, or on property not owned by the owner of the animal, then:

1. Such animal may be seized if requested by an Animal Control Officer, Law Enforcement Officer or an employee of the Harrison County Health Department.
2. It shall be lawful for any person to seize, restrain and control such animal and immediately call an Animal Control Officer to retrieve the animal from the person who captured the animal.
3. However, no person shall invade the private premises of another to capture or take any licensed animal off the premises of the owner, except as herein provided; or seize any animal while the same is accompanied by its owner.
4. Dogs seized at large shall be microchipped when claimed by lawful owner.

SECTION 16: HUMANE TREATMENT REQUIRED

1. No owner shall fail to provide his/her animals with good and wholesome food and water daily; a clean, sanitary and healthy environment; proper shelter and protection from the weather; veterinarian care when needed;
2. No animal excepting for an animal deemed as dangerous shall be kept on any restraint less than ten (10) feet in length. This restraint is to be kept untangled as to allow full access to the entire length of the restraint.
3. All collars used for the purpose of chaining or tethering an animal must be made of nylon, leather, or other durable and non-metallic material. Using a chain, choke chain, or prong collar as a primary collar is prohibited. All collars shall fit the animal so as to avoid causing injury or becoming imbedded in the animal's neck.
 - a. Training collars such as prong or pinch collars may not be left on the canine outside of training times. Shock collars that are used with an underground fence system are permitted for full day usage.

- b. Shock collars used for training purpose may be used on the animal continuously as long as the collar has proper fitment and checked regular for any discomfort outside of training.
- 4. Primary enclosures must meet certain minimum requirements. They must be designed and constructed of suitable materials. They must be structurally sound and kept in good repair. In addition, primary enclosures must protect the animals from injury, securely contain them and keep them clean and dry as follows:
 - a. Keep animal in enclosure
 - b. Keep other animals out
 - c. Enough space so animal can:
 - i. Turn around freely
 - ii. Stand, sit and lie in a normal comfortable position and,
 - iii. walk in a normal manner
 - d. Suspended floors must not sag or bend.
- 5. No person shall knowingly expose any poisonous substance or toxic chemical so that the same shall be likely to be eaten by any animal, provided that it shall not be unlawful for a person to expose, on his/her property, common rat poison mixed only with vegetable substance.
- 6. It shall be unlawful for any person, partnership, corporation or other entity, to display, sell, offer for sale, trade, or barter, or knowingly give away any diseased animal, or allow any diseased animal that is afflicted with contagious disease to be exposed in any place of public access. This is not meant to interfere with the daily operation of the Animal Control Facility or Veterinary clinics.
- 7. Any animal observed by an Animal Control Officer or Law Enforcement Officer to be in immediate danger may be removed from such situation by the quickest and most reasonable means available.

SECTION 17: ABANDONMENT

It shall be unlawful for any person to abandon any domestic animal upon any public place, including the right-of-way of any public highway, or upon the property of another.

SECTION 18: ANIMALS IN HEAT

Every female dog/cat in heat, not spayed, shall be confined in a building or secure enclosure in such manner that such female dog or cat cannot come in contact with another animal except for planned breeding.

SECTION 19: POSSESSION OF DANGEROUS ANIMAL

1. Whenever an Animal Control Officer or Law Enforcement Officer determines upon personal observation and investigation that an animal is a dangerous animal as defined in this ordinance, the officer, shall notify the owner or any person having custody or control of said dangerous animal in writing or by verbal communication.
2. No person shall allow any dangerous animal to be on any private or public property other than the property owned by the owner or keeper of the animal, unless such animal is securely muzzled and leashed or caged. Adequate safeguards shall be taken to prevent unauthorized access to a dangerous animal on the owner or keeper's property by persons lawfully on the property.
3. Any person owning or keeping a dangerous animal which has a propensity to attack without provocation or has been determined to be dangerous shall provide an adequate enclosure as defined in this ordinance.
4. Any owner or keeper of an animal which has been determined dangerous shall be given seven (7) days' notice to comply with provisions of this ordinance. For each day past the seven (7) day compliance allowance that the owner or keeper does not comply; the owner or keeper of the dangerous animal will be fined up to one hundred dollars (\$100.00) per day with each day of non-compliance a new offense up to a maximum of One Thousand Dollars (\$1,000.00), at which time the animal may be seized by Animal Control.

SECTION 20: RABIES CONTROL AND PREVENTION

1. Anyone who knowingly or intentionally harbors a dog over the age of twelve (12) weeks and not immunized against rabies commits harboring a non-immunized dog. See Ind. Code§ 35-46-3-1.
2. Anyone found to be in violation of this provision shall be fined in accordance with the schedule of fines that is part of this Ordinance. Provided said dog has been impounded, said fine shall be paid to the Animal Control Facility prior to its release. Vet will immunize on premises prior to releasing; Owner shall reimburse cost of immunization.
3. No owner of any dog over the age of twelve (12) weeks or a cat over the age of six (6) months shall keep or maintain any dog/cat unless it has been vaccinated by a licensed veterinarian with anti-rabies vaccine.

4. Proof of vaccination shall be maintained by the owner for display.
5. If a non-immunized animal is believed to have rabies or been bitten by an animal that is suspected of having rabies, such animal shall be impounded by any County Animal Control Officer or their agent and placed under observation by the Animal Control Director for the County Health Department. If the suspected animal is impounded, it will be at the expense of the owner for a period of not less than ten (10) days.
6. No person knowing or suspecting an animal of having rabies shall allow such animal to be taken off his premises or beyond the limits of the county without the written permission of the County Health Officer or their designee.
7. Every owner, or other person, upon ascertaining an animal is rabid, shall immediately notify the County Health Officer or a County Animal Control Officer, who shall either impound the animal or destroy it. If said animal must be destroyed it shall be done in such a manner that the head can be preserved for testing, in accordance with all applicable laws.
8. The owner is required to provide paper documentation for rabies vaccination, if unable to provide said paperwork, then the Veterinarian that gave the vaccine may give verbal confirmation followed by a paper document, within seven (7) business days.

SECTION 21: ANIMAL BITES

1. If any person or animal is a victim of an animal bite, the victim or witness shall immediately notify an Animal Control Officer, County Health Officer, or Law Enforcement Officer of the incident, and provide a description of the animal and identification, if possible, of the owner. When an animal is determined to have bitten a person or another animal, the animal shall be confined in quarantine for a period of not less than ten (10) days, with the exact duration subject to the judgment of the County Health Officer or their designee.
2. If the owner of the biting animal has proof of current rabies inoculation, the animal may be left in the charge of the owners under quarantine unless, in the judgment of the County Health Officer, it should be removed to the Animal Control Facility for the period of observation. The length of observation shall not be less than ten (10) days from

the date that bite occurred.

3. The owner shall be liable for cost incurred in the quarantine of the animal and for any personal and property damage related to the incident.

SECTION 22: IMPOUNDMENT PERIOD

1. Impounded dogs, cats, horses and other vertebrate animals with identification tags (owner's information is present on the tag and or collar) shall be kept for not less than five (5) days to permit their owner to claim them. After the five-day period has elapsed, these animals shall be placed for adoption, euthanized or disposed of if their owners have not claimed them and paid the required fees.
2. Impounded dogs, cats, horses and other vertebrate animals without identification tags (owner's information is not present on the tag and or collar) shall be kept for not less than three (3) days. After the three-day period has elapsed, these animals shall be placed for adoption, euthanized or disposed of if their owners have not claimed them and paid the required fees.
3. The Owner of an animal, or any person authorized in writing by said Owner of any animal, may redeem the animal by paying all the costs and fines associated with the seizure and impoundment of such animal, including but not limited to, all treatment costs, costs of any spaying or neutering, expenses of notification, expenses associated with any legal proceedings regarding such animal, transportation fees, boarding fees, and any daily fees established by the Board of Commissioners or any alternative facility approved by the Board of Commissioners and used to impound such animal.
4. A request or application for redemption, under oath or affirmation, must be filed by the Owner prior to the end of the impoundment term, after which time any such request or application shall be considered a petition to adopt the animal in accordance with the rules and regulations of Animal Control.
5. Any animal previously impounded on more than two (2) occasions within the period of twelve (12) months preceding the date of the current impoundment, such animal shall only be released upon application for redemption and being fitted with a microchip and upon being spayed or neutered, the cost of which shall be paid by the Owner and proof provided by the Owner to the Animal Control Facility.

6. Any animal deemed by the Animal Control Director to be suffering with extreme pain due to possible injury or apparent disease may be humanely euthanized before the holding period has expired.

SECTION 23: CRUELTY TO AN ANIMAL

Mistreatment of animals is prohibited under this ordinance. Accordingly, it shall be unlawful for any person to willfully or maliciously torture, torment, beat, kick, strike, mutilate, injure, disable any animal. However, this does not apply if a person is being attacked by a vicious animal.

It shall be known that during a cruelty investigation an agent of Harrison County Animal Control shall be allowed to do welfare checks on any animals owned by or associated with the individual under investigation.

Furthermore, it shall be unlawful for any person to incite, stage or set any animal to fighting within the County.

SECTION 24: HEALTH AND SAFETY

The Animal Control Facility and its agents shall only be responsible for handling animal carcasses which have been preserved in a state to prevent decomposition of the animal carcass. Carcasses which are in an unhealthy state and may constitute a health hazard due to the state of decomposition, are not required to be disposed of by the Animal Control Facility, but may be disposed of at the discretion of the Animal Control Director.

SECTION 25: ENTICING ANIMALS TO ANOTHER

1. It shall be unlawful for any person, not so authorized to enter or invade the private premises of another to capture, entice or take any animal out of the enclosure or premises of the owner, or to seize any such animal anywhere while such animal is accompanied by its owner, keeper or custodian.
2. It shall be unlawful to entice any animal away from the premises of the person owning or keeping such animal, or to entice any animal from any street, alley or public place in this County with the intention of depriving the owner of the possession thereof, except as authorized in this Section.
3. It shall be unlawful to bring within the County any animal for the purpose of

impounding or other disposition thereof or collecting any fee or reward for the return thereof, except as provided in this Section.

SECTION 26: NOTICE TO OWNER

In the event that an impounded animal is wearing an identification tag, the Animal Control Facility will make reasonable effort to contact the animal owner.

SECTION 27: ENFORCEMENT

1. The Animal Control Director shall keep a record of all animals impounded in the County Animal Control Facility, which record shall show the date of impoundment, the reason thereof, the name and address of collars, tags, or marks of the animal impounded.
2. It shall be a violation of this Ordinance to interfere with any Animal Control Officer, an employee of Harrison County, or any Law Enforcement Officer in the performance of their duties hereunder.
3. Upon information sufficient to establish a violation of the provisions of this Ordinance, an Animal Control Officer or any Law Enforcement Officer 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 not a notice to appear to answer 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, and any other, information which is pertinent to the violation and its disposition.

The Notice of violation shall additionally instruct the person to whom the notice is being issued the date, time and place before which he or she shall appear to respond to such notice and the

procedures for admitting or denying a violation.

4. It shall be lawful for any Animal Control Officer to canvass any dwelling unit, business, organization and institution for the purposes of ascertaining compliance with this ordinance and any state law pertaining to animals.
5. It shall be lawful for any Animal Control Officer to go upon private property and into the yard to inspect the condition of any animal or investigate any violation of this ordinance or state law pertaining to animals.
6. It shall be lawful for any Animal Control Officer to inspect any dwelling unit, business, organization or institution with the consent of any owner or occupant, or by administrative or criminal search warrant, for the purpose of an investigation of any violation of this ordinance or state law pertaining to animals.
7. It shall be lawful for any Animal Control Officer to go onto private property to seize any animal, with the consent of any owner, caretaker or occupant of the property or with an order of a court of competent jurisdiction for any violation of this ordinance or state law pertaining to animals that causes the Animal Control Officer to believe that the situation endangers the health or well-being or is a life threatening condition for such animal or the animal needs to be removed for humane reason and/or required immediate care or such animal poses a threat to public health and safety.
8. It shall be lawful for any animal that is found by an Animal Control Officer to be running-at-large, stray, public nuisance, inhumanely or cruelly treated, neglected, or has bitten another animal or human or is being kept in conditions which violate this ordinance to be impounded at the Animal Control Facility or any other place appropriate for holding animals in a humane manner until released to the owner or agent. The Animal Control Director may refuse to release any animal to its owner until the owner is in complete compliance with this ordinance. In addition, the owner of the animal may be liable for penalties, fines and impoundment fees pursuant to this ordinance.
9. Animal Control may order any violation to be immediately corrected by having a Law Enforcement Officer cite the Owner to appear in court for the violation.
10. Any violation that cannot be immediately corrected and where the animal is posing an imminent, serious threat to human beings or other domestic animals, the animal may be seized

and impounded, in which case the Owner will be cited to appear in Court for the violation. At the animal Owner's request, such impoundment may be at a veterinarian or licensed kennel of the Owner's choosing. If the Court rules the animal is not dangerous, it will be released to the owner upon payment to the Animal Control Facility of the expense of keeping such animal, pursuant to a schedule of such costs. If the Court rules that it is dangerous as defined, the animal will be released to the Owner after payment of any fees and penalties, including but not limited to a dangerous dog/dangerous animal permit, and upon presentation of proof by the Owner that the animal will now be kept restrained or confined as specified by this Ordinance.

11. If within three (3) days after impoundment, the Owner of the alleged dangerous animal fails to either provide proof that the animal will now be kept restrained or confined in compliance with all provisions of this ordinance or fails to reclaim it from the Animal Control Facility, the animal may be humanely euthanized.
12. Any owner of an animal declared as dangerous shall comply with all provisions of this ordinance (and as amended) with all of the following:
 - (1) Any animal declared as dangerous shall have purchased a current license for a dangerous animal.
 - (2) Any animal declared as dangerous shall possess a microchip or shall have a microchip implanted by the Animal Control Facility at the Owner's expense.
 - (3) Any Owner of an animal declared as dangerous shall not sell, transfer, give away, or use any other form of disposition of the animal (while living) other than surrender the animal to the Animal Control Facility.
 - (4) Any Owner of an animal declared as dangerous shall request authorization from Harrison County Animal Control to change the location of the animal. The new location shall comply with the requirements of this ordinance.

SECTION 28: DIRECTOR MAY DECLARE AMNESTY

1. The Director, with the approval of the Harrison County Board of Commissioners, may suspend the civil and criminal penalties or fines and fees of the County ordinances at their discretion in regard to working with an individual or owner to fix the situation before pursuing legal action.

SECTION 29: PROHIBITIONS AND PENALTIES

1. Any person found violating or alleged to have violated any provision of this Ordinance may be served with an animal control violation notice. The animal control violation notice shall be in a form that is prescribed by the Harrison County Board of Commissioners and may be served on the Owner by an Animal Control Officer, any police officer, or any other deputized official of the County in any of the following manners:
 - Delivering the notice personally
 - Delivering and leaving the notice to the animal owner's dwelling house or usual place of abode.
 - Sending notice by U.S. Certified Mail addressed to the animal Owner at their dwelling house, usual place of abode, or place of business or employment with return receipt requested.
2. Any person who violates any provision of this Ordinance and who appears at the Animal Control Facility within five (5) days of the date of the Notice of Ordinance Violation shall either admit or deny the violation. If admitted, the violator shall pay the applicable civil penalty provided under this Ordinance and as amended.
3. If the person served with a Notice of Violation fails to appear at the Animal Control Facility within five (5) days of the Notice of Ordinance Violation having been issued, such violation shall be filed with the Harrison County Superior Court and such violator shall be summoned to appear before said court.
4. If the person served with a Notice of Violation timely enters a denial of the violation, the violation shall be referred to the Board of Commissioners Attorney and a complaint for violation of ordinance shall be filed on the docket of the Harrison County Superior Court.
5. Upon finding a person in violation of this Ordinance, the Court shall enter judgment for Harrison County against the violator in an amount not less than the penalty prescribed above, and not more than One Thousand Dollars (\$1,000.00).

6. If any violation would be continued, each day's violation shall be deemed a separate violation subject to penalty as such.
7. All court and attorney costs associated with the collection of violation penalties through the court shall be borne by the violator of the ordinance. Failure to pay any ordinance violation may result in liens being placed against real property owned by the violator.
8. All fines collected under this Ordinance shall be placed in a non-reverting fund for the operation of the Animal Control Facility to be administered by the Harrison County Council.

SECTION 30: POSSESSION OF A DANGEROUS ANIMAL

1. While on the property of its owner, an animal found to be dangerous shall be confined. Enclosures for dangerous animals shall be a covered fence or structure at least six feet in height, installed beneath ground level or in concrete or pavement, or a fabricated structure, to prevent digging under it, and with a gravel or concrete floor, sufficient size to allow the animal to stand, sit and turn around in a natural position, and which allows for adequate exercise area for the size/breed being kept. Enclosures shall be designed to prevent the entry of children or unauthorized persons and to prevent persons from extending appendages inside the enclosure. The enclosure must contain proper shelter from the weather and a shaded area. Such enclosures shall be securely locked with a lock that has been designed to prevent accidental or malicious opening of the enclosure.
2. Restraint for a dangerous animal shall be deemed under restraint if on the premises of the Owner and confined in a secure enclosure as previously defined, or accompanied by the Owner and securely muzzled and restrained with a leather, or nylon lead or leash having a minimum tensile strength of 300 pounds or greater if such strength is necessary to restrain the dangerous animal and not to exceed three (3) feet in length.
3. The Owner of a dangerous animal shall promptly notify Harrison County Animal Control of:
 - a. The names, addresses and telephone numbers of all of the owners.
 - b. All of the means to locate the Owner and the animal at any time
 - c. Any complaints or incidents of attack by the animal upon any person or other animal.

- d. Any claims made or lawsuits brought as a result of any attack/
 - e. Chip identification information.
 - f. Proof of insurance or surety bond, if required; and
 - g. The death of the animal.
4. After an animal has been found to be dangerous, the duties of the Owners of the dangerous animal shall be as follows:
- a. Exercise reasonable care and to take all necessary precautions to protect other people, property, and animals from injuries or damage which might result from the animals behavior, regardless of whether such behavior is motivated by mischievousness, playfulness or ferocity.
 - b. Maintain liability insurance covering against personal injury in the amount of at least One Hundred Thousand Dollars (\$100,000.00) and to provide proof of such insurance to Animal Control upon request and yearly thereafter on the renewal date.
 - c. To ensure that the animal is kept under control and that reasonable care and precautions are taken to prevent the animal from leaving, while unattended, the real property limits of its Owner. This includes, but is not limited to:
 - To securely and humanely enclose the animal within a house, building, fence, pen or other enclosure out of which it cannot climb, dig, jump or otherwise escape on its own; and such enclosure must be securely locked at any time the animal is left unattended.
 - If outside of its dwelling unit or enclosure, the animal shall be securely muzzled and restrained with a lead or leash and shall be under the direct control and supervision of its owner.
 - In the event the animal is impounded by Animal Control, the animal is to be microchipped at the expense of the Owner.

- The Owner of a dangerous animal shall display a sign on their property or premises warning that there is a dangerous animal on the premises. The sign shall be visible and capable of being read from any adjacent public roadway.
- The animal may be impounded to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this Ordinance, and any Animal Control Officer is empowered to seize and impound any dangerous animal whose Owner fails to comply with the provisions of this Ordinance and as amended.
- In the event that the animal deemed dangerous is impounded by Animal Control for running-at -large or in other violation of this Ordinance, the animal will be euthanized.
- The animal's Owner shall immediately, upon learning the same, cause the Animal Control Facility to be notified if the dangerous animal is:
 - Loose or unconfined;
 - Bites a person or attacks another animal; or
 - Is sold, is given away, or dies. Any Owner of a dangerous animal who relocates to a new address shall, within ten (10) days of relocating, provide written notice to the Animal Control Facility of both the old and new address of the dangerous animal.

SECTION 31: PERMITS

1. Permits for Animal Establishments are set at a fee of Twenty-Five Dollars (\$25.00).
2. No person may create or maintain an animal establishment without a permit. Permits shall only be issued upon approval of the Harrison County Board of Commissioners upon recommendation of the Animal Control Director for compliance with this Ordinance. The Animal Control Director shall inspect for compliance with all provisions of this Ordinance.

3. Permits shall be displayed in a prominent location at the establishment and expire at 11:59 PM on December 31 of each year. Application for renewal or new permits must be made at least thirty (30) days prior to the end of the year in case of renewal, or thirty (30) days prior to the commencement of operations in the case of a new permit. Establishments already operating at the time this Ordinance goes into effect shall have thirty (30) days from the date of passage of this Ordinance to obtain a permit and comply with all provisions of this Ordinance.
4. Annual establishment permits are not transferable.
5. The Animal Control Officer shall have the authority to inspect all animals and premises at the animal establishment annually and/or at any reasonable time at the direction of the Board of Commissioners with the consent of the Owner or person in control of the premises. If permission is denied, then any active permit will be revoked and a citation for noncompliance in the amount of One Hundred Dollars (\$100.00) and will be ordered to cease operations. If the establishment does not cease operations, then an additional citation of noncompliance will be issued in the amount of One Hundred Dollars (\$100.00) per day until operations are ceased or the establishment is brought into compliance.
6. The permit holder shall not offer a puppy or kitten under the age of eight (8) weeks for sale, trade, or other compensation or for free giveaway except a puppy or kitten or litters taken to Animal Control or any 501(c)(3) humane adoption agency.
7. If the applicant for a permit or renewal thereof shall have two (2) or more violations of this section within the previous 12-month period, said permit shall not be granted.

SECTION 32: COSTS & EXPENSES

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, the cost of any veterinary or medical treatment, and any other cost related to the animal.

SECTION 33: SEVERABILITY

This Ordinance and the various parts, sections, sentences, phrases, and clauses thereof, are hereby declared to be severable. If any part, section, sentence, phrase, or clause is judged unconstitutional or

invalid, it is hereby provided that the remainder of this Ordinance shall not be affected thereby and remain enforceable.

SECTION 34: EFFECTIVE DATE

This Ordinance shall supersede and replace all previous ordinances related to animal control and all such prior ordinances are hereby considered void. This Ordinance shall be in full force and effect from and after its passage and publication requirements as prescribed by the laws of the State of Indiana.

	1 st Violation	2 nd Violation	3 rd Violation
Owner Surrender Fee: \$10.00 Intake Fee: \$50 per pet Boarding Fee: \$10 per day Boarding Fee for Animals Requiring Medical Attention or Extra Care: \$30 per day	As Listed	N/A	N/A
Section 9 Removal of Excrement	\$5.00	\$10.00	\$20.00
Section 10 Animals in Vehicle	\$100.00	\$150.00	\$200.00
Section 11 Wild or Exotic Animals	\$50.00	\$100.00	\$150.00
Section 12 Livestock Housing Requirements	\$50.00	\$100.00	\$250.00
Section 13 Nuisance	\$25.00	\$50.00	\$100.00
Section 14 Animal At Large- If not spayed or neutered	\$50.00 \$100.00	\$100.00 \$200.00	\$150.00 \$300.00
Section 16 Humane Treatment Required	\$50.00	\$100.00	\$250.00
Section 17 Abandonment	\$20.00	\$50.00	\$100.00
Section 18 Animals in Heat (Not Confined)	\$20.00	\$50.00	\$100.00
Section 19 Confinement of Vicious Animal	\$100.00	\$100.00	\$100.00

Section 20 Rabies Control and Prevention	\$25.00	\$50.00	\$100.00
Section 21 Rabies Control – Animal Bites	\$50.00	\$100.00	\$200.00
Section 23 Cruelty	\$100.00	\$200.00	\$350.00