

AN ORDINANCE FOR THE CONTROL OF ANIMALS
IN SHELBY COUNTY

BE IT ORDAINED, pursuant to legislative authority granted the Board of Commissioners of the County of Shelby, State of Indiana, enact the following ordinance for the control of animals in Shelby County;

BE IT FURTHER ORDAINED, that this ordinance shall become effective upon adoption;

BE IT FURTHER ORDAINED, that any ordinances in conflict with the provisions of this ordinance shall be and the same are hereby specifically revoked.

Section I

General Provisions

- A. Keeping animals, fowl, or bees
- B. Care of animal habitat
- C. Sale of animals as novelty
- D. Trapping wild animals
- E. Disposal of dead animals

Section II

Control of Dogs or Other Animals

- A. Definitions
- B. Running at large prohibited
- C. Vicious or ferocious animals
- D. Noisy animals or fowl
- E. Use of sidewalks
- F. Injury to dogs prohibited
- G. Impoundment
- H. Maintenance of pound; Poundmaster
- I. Impoundment records
- J. Notice to owner; redemption
- K. Disposition of unclaimed or infected dogs
- L. Rabies control; vaccination

Section III

Enforcement

- A. Authority to issue citations
- B. Immunity of Officers
- C. Citation
- D. Fines
- E. Violations are infractions

Section IV

Miscellaneous Provisions

- A. Amended statutes or Ordinances
- B. Effective Date

GENERAL PROVISIONS

Section I

A. KEEPING ANIMALS, FOWL, OR BEES

(1) It is a nuisance and shall be unlawful for any person to keep poultry or pigeons, or maintain any place where poultry or pigeons are kept, within 200 feet of the dwelling house of any person other than the keeper or owner of the poultry or pigeons. This section does not apply to duly licensed poultry dealers under and pursuant to the laws of the state.

(2) It is a nuisance and shall be unlawful for any person to keep any animal of the horse, cattle, goat, sheep, swine, or rabbit species within 200 feet of the dwelling house of any person other than the keeper or owner of these animals.

(3) It is a nuisance and shall be unlawful for any person to keep bees within 200 feet of the dwelling house of any person other than the keeper or owner of the bees.

(4) It shall be a valid defense to the violation of the provision under the subsection A. if the keeping of any animals stated shall be legal under the terms of any valid existing Zoning Ordinance, common law or statute.

B. CARE OF ANIMAL HABITAT

Every person keeping an animal or any poultry or pigeons within the county, shall thoroughly clean each day those places where the animals, poultry, or pigeons are kept and shall dispose of the manure and offal taken from those places at the times and in the manner that the Board of Health of the county, by its secretary or officers, may direct in writing.

C. SALE OF ANIMALS AS NOVELTY

It shall be unlawful for any person to sell, offer for sale, barter, or give away baby rabbits, chicks, goslings, ducklings, or other fowl as pets or novelties. This section shall not be construed to prohibit the sale or display of natural chicks or ducklings in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised for commercial purposes.

D. TRAPPING WILD ANIMALS

It shall be unlawful for any person to trap, catch, or kill any wild animal with the county or upon or around any stream within the county. This section shall not prevent any person from trapping or killing rats or any other vermin which are not classed as wild animals, or from trapping or killing any wild animals which are found to be injuring or destroying property, or trapping in accordance with existing statutes or ordinances.

E. DISPOSAL OF DEAD ANIMALS

(1) It shall be unlawful for any person to dispose of or throw away any carcass, animal, animal blood, or parts of any carcass upon any street, alley, public place, or lot within the county.

(2) It shall be the duty of the person owning or having charge of any dead animal not intended for human food within the county to notify either the office of the County Commissioners or the County Health Department of the death of the animal within six hours thereafter unless properly disposed of.

Section II

CONTROL OF DOGS OR OTHER ANIMALS

A. DEFINITIONS

For the purpose of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. "AT LARGE" Off the premises of the owner and not under the control of the owner or a member of his immediate family, either by leash, cord, chain, or otherwise.
2. "DOG" Both male and female dogs.
3. "HARBOR" To suffer or permit any dog to frequent or remain on or within a house, building, premises, or enclosure.
4. "OWNER" Any person keeping or harboring a dog.

B. RUNNING AT LARGE PROHIBITED

It is unlawful for any person to permit animals or fowl kept, possessed, or owned, kept or controlled by the person to run at large upon any street, alley, or public place or private property of another without their permission within the county.

C. VICIOUS OR FEROCIOUS ANIMALS

It is unlawful to harbor or keep any inherently vicious or ferocious animal or fowl within the county.

D. NOISY ANIMALS OR FOWL

(1) It shall be unlawful for any person to keep any animal, bird or fowl which, by odor or frequent or continued noises, shall disturb the comfort or repose of persons in any dwelling or apartment house or residence within the county.

(2) It shall be unlawful for any person to own, keep or harbor any dog which by loud and frequent barking, howling or yelping shall cause annoyance or disturbance to any of the citizens of the county.

E. USE OF SIDEWALKS

Pedestrians shall have the right-of-way in the use of sidewalks, and this preference shall be granted them by owners or keepers of dogs on leashes.

F. INJURY TO DOGS PROHIBITED

It shall be unlawful for any person to maliciously or mischievously injure or kill any dog by administering poison, by means of a deadly weapon, or in any other manner pursuant to I.C. 15-5-7-2.

G. IMPOUNDMENT

(1) Any animal or fowl found running at large within the county in violation of the provisions of Section II B may be impounded by any police officer or other authorized person.

(2) In the event of impoundment, the owner or keeper of the animal or fowl impounded shall, in order to redeem the animal or fowl, pay those fees and charges established by the Shelby County Commissioners, in addition to any penalty imposed for the violation of Section II B.

(3) If any animal or fowl that is licensed is not redeemed within six days, it may be destroyed or otherwise disposed of. If any animal or fowl that is not licensed, is not identified, or not redeemed within 72 hours, it may be destroyed or otherwise disposed of.

H. MAINTENANCE OF POUND; POUNDMASTER

There shall be a public pound in or near the county, located in the place designated by the County Commissioners. The public pound shall be known as a dog pound and shall be under the supervision of the County Commissioners. The Commissioners are authorized to appoint a poundmaster, who may be a veterernarian in private practice.

I. IMPOUNDMENT RECORDS

Any dog found running at large contrary to the provisions of Section II B may be impounded in the county pound or in some other suitable place. The person in charge of the pound upon receiving any dog, shall make a complete registry, entering the breed, color, and sex of the dog and whether licensed. If licensed, the name and address of the owner and the number of the license tag shall be entered in the registry.

J. NOTICE TO OWNER; REDEMPTION

(1) Owners of licensed dogs shall be notified by phone, letter, or in person that the dogs have been impounded as soon as possible. In the event dogs cannot be identified either by a license tag or the owner's name on a collar, no notice shall be necessary.

(2) The owner of any dog impounded may reclaim the dog upon payment of the license fee, if unpaid, and of the costs and charges incurred by the county for the impounding and maintaining of the dog. The following charges shall be made to the person in charge of the pound for and on behalf of the county:

- (a) For impounding any dog: \$7.00.
- (b) For keeping any dog: \$3.00 per day per dog.
- (c) For giving notice: \$1.00 per call.

K. DISPOSITION OF UNCLAIMED OR INFECTED DOGS

It shall be the duty of the Poundmaster to keep all dogs impounded for a period of six days. If at the expiration of six days from the date of notice to the owner or the posting of notice, the dog is not redeemed, it may be destroyed. Any unlicensed dog required by law to be licensed, or any dog which appears to be suffering from rabies or infected with hydrophobia, mange, or other infections or dangerous disease, shall not be released for a period of two weeks but may be thereafter destroyed.

L. RABIES CONTROL; VACCINATION

(1) When it becomes necessary to safeguard the public from the dangers of hydrophobia, the County Health Officer, if he deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog to confine it securely on his premises. These proclamations shall remain effective until revoked by the County Health Officer.

(2) If a dog is believed to have rabies, or has been bitten by a dog suspected of having rabies, the dog shall be confined under observation of a veterinarian at the expense of the owner for a period of two weeks, and if necessary may be thereafter destroyed.

a) The owner shall notify the Poundmaster of the fact that his dog has been exposed to rabies, and at his discretion the Poundmaster is empowered to have the dog removed from the owner's premises to a veterinary hospital and there placed under observation for a period of two weeks at the expense of the owner.

b) It shall be unlawful for any person knowing or suspecting a dog of having rabies to allow the dog to be removed from the county, without the written permission of the Poundmaster.

c) Every owner or other person, upon ascertaining a dog is rabid, shall immediately notify the Poundmaster or a policeman.

(3) It shall be unlawful for the owner of any dog to keep or maintain the dog, unless it has been vaccinated by a licensed veterinary surgeon with anti-rabies vaccine within one year preceding the date on which the dog is kept or maintained.

Statutory reference:

Rabies control, see IC 15-2.1-6-1 et seq.

Section III

ENFORCEMENT

A. AUTHORITY TO ISSUE CITATION

Any law enforcement officer of the County and the Animal Control Officer, designated or appointed by the the County Commissioners, shall have the authority to issue citations to any person found in violation of the provisions of the ordinance.

B. IMMUNITY OF OFFICES

Said officers acting under the provision of this ordinance shall have all the immunity normally granted to law enforcement officers.

C. CITATION

Citaion served hereunder shall order the person to appear before the Shelby County Court for disposition of the charges hereunder and imposition of fine and costs as determined by the Court.

D. FINES

All of said fines shall be deposited in the County General Fund.

E. VIOLATIONS ARE INFRACTIONS

Violations of the terms of the Ordinance shall be a Class C Infraction and shall be governed under the terms of I.C. 34-4-32-1 et. seq.

Section IV

Misc. Provisions

A. AMENDED STATUTES OR ORDINANCES

All Ordinances and Statutes referred to in this Ordinance shall be deemed to apply as said Ordinances and Statute may be amended.

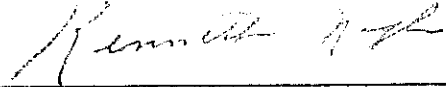
B. EFFECTIVE DATE

This Ordinance shall become effective upon adoption.

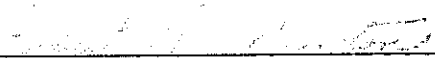
Statutory reference:

Authority to license and regulate, see IC 18-1-1.5-7

The preceding Ordinance for the Control of Animals in Shelby County is hereby PASSED by the Board of Commissioners of the County of Shelby, State of Indiana, this 13th day of November, 1984.



Kenneth Nigh



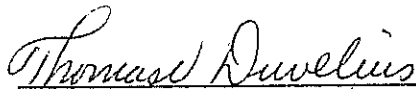
Robert Newton



Marlin Everhart

THE BOARD OF COMMISSIONERS
OF THE COUNTY OF SHELBY,
INDIANA

ATTEST:



Tom Duvelius, Auditor
of Shelby County, IN