

**ORDINANCE AMENDING
WABASH COUNTY ANIMAL CONTROL ORDINANCE 96-7**

WHEREAS, heretofore the Commissioners of Wabash County, Indiana adopted the Wabash County Control Ordinance 96-7, effective January 1, 1997; and

WHEREAS, it is necessary to make certain amendments thereto, which amendments shall be deemed supplemental to said Ordinance 96-7 and to all laws of the State of Indiana.

NOW, THEREFORE, BE IT HEREBY ORDAINED that the Wabash County Animal Control Ordinance 96-7 shall be amended and supplemented as follows:

SECTION 1. PROVISIONS ARE SUPPLEMENTAL TO STATE AND COUNTY LAWS.

The provisions of this Ordinance supplement all laws of the state and county ordinances covering the same subject matter.

SECTION 2. DEFINITIONS.

The definitions as contained in the Wabash County Ordinance 96-7 are hereby incorporated herein by reference and made a part hereof, excepting that certain definitions contained therein are now amended as follows and new definitions are added as follows:

ANIMAL CONCESSION. Any person, group of persons, partnership, or corporation who for compensation has any animal available for hire or on display.

ANIMAL WELFARE ORGANIZATION. Any not-for-profit organization for the prevention of cruelty to animals incorporated under state laws.

AUCTION. Any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this chapter or by state law.

BREEDER. Any person who intentionally or accidentally causes the breeding of a cat or dog or makes a cat or dog available for breeding purposes, or any person who offers for sale, sells, trades, receives other compensation or gives away any litter of dogs or cats; excepting a litter of dogs or cats taken to the Animal Shelter.

CIRCUS. A commercial variety show including animal acts for public entertainment.

COMMERCIAL ANIMAL EXHIBIT. Display or show of wild or domestic animals in a shopping center, retail establishment, adjacent lot, or elsewhere, for the purpose of promoting retail sales.

DEPARTMENT OF ANIMAL CONTROL or DEPARTMENT. Shall include the Wabash County Animal Control Authority and the Animal Shelter.

GUIDE DOGS. Dogs trained to assist the handicapped.

KENNEL. Any person, group of persons, partnership or corporation engaged in keeping more than three dogs, or the business of boarding, or training for a fee, or grooming.

OWNER. A person having the right of property or custody of an animal or who keeps or harbors an animal or knowingly permits an animal to remain on or about any premises occupied by that person.

PERSON. An individual, firm, corporation or commercial establishment.

PET. Any animal owned or harbored by any person, group of persons, partnership or corporation, except guide dogs, or police or canine governmental dogs.

PET SHOP. Any person, group of persons, partnership or corporation, whether operated separately or in connection with another business enterprise, except a licensed cattery, kennel or breeders, that buys, sells or offers for sale any species of animal.

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.

RODEO. A performance featuring bronco riding, steer wrestling, calf roping, greased pig contest or bull riding.

VETERINARY HOSPITAL. Any establishment maintained and operated by a licensed veterinarian for the purpose of hospitalization of animals or the diagnosis and treatment of diseases and injuries of animals.

WILD ANIMAL. Any living vertebrate animal normally found in the wild state.

ZOOLOGICAL PARK. Any permanent facility or operation other than a pet shop, displaying or exhibiting one or more species of non-domestic animals, operated by a person, partnership, corporation or government agency.

SECTION 3. ANIMAL CARE RULES AND REGULATIONS

3.1 ADEQUATE SHELTER, FOOD AND WATER TO BE PROVIDED.

(A) No person shall confine or allow his or her animal to remain outside without access to appropriate shelter from the elements.

(B) All animals shall have fresh, potable drinking water and be provided with food that is nutritional for the species in adequate amounts to maintain good health.

3.2 NECESSARY MEDICAL CARE

All animals shall be provided with necessary medical care in addition to the required rabies vaccination.

3.3 ENCLOSURES TO BE KEPT IN SANITARY CONDITION.

All animals, where kept inside, or in a pen, tied, fastened, hitched, leashed, or enclosed by a fence shall be kept in a sanitary manner. The persons responsible for the animals shall regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact.

3.4 REMOVAL OF EXCREMENT.

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

3.5 RESTRAINT OF ANIMALS.

All animals shall be properly restrained as provided in this Ordinance.

3.6 FASTENING ANIMALS WITH ROPE OR CHAIN; CHOKER COLLAR.

No animal shall be hitched, tied or fastened by any rope, chain or cord that is directly attached to the animal's neck. Animals that must be tied, hitched or fastened to restrain them must wear a properly fitted collar or harness made of leather or nylon, not of the choker type. This is not to prohibit the proper use of choker collars in the training of animals. The tying device shall be attached to the animal's collar or harness and shall be at least six feet in length.

3.7 CRUELTY TO ANIMALS.

No person shall beat, cruelly treat, neglect, torment, overload, overwork, or otherwise abuse any animal except that reasonable force may be employed to drive off vicious or trespassing animals.

3.8 ANIMAL FIGHTS PROHIBITED.

No person shall permit or conduct any dog fight, cockfight, or other combat between animals or between animals and humans.

3.9 PROHIBITED ANIMAL EVENTS.

No person or group of persons or any for-profit or not-for-profit organization, whether for pay or other compensation or for free promotional purpose, shall conduct or allow any event involving contests between animals or persons using animals in any form or manner except those events reviewed and approved for the safety, well-being, and comfort of the animals involved by the Animal Warden.

3.10 POISONOUS BAIT.

No person shall set any type of poisonous substance or bait within the county limits that is deemed harmful to any domestic animal; provided, however, that controlled programs

under the direction of the Wabash County Board of Health or Health Department or a licensed extermination service may be excluded.

3.11 ABANDONMENT.

No person shall abandon or cause to be abandoned any animal anywhere within the county limits in any public or private place, way or building.

3.12 TRAPPING.

(A) It shall be unlawful and is hereby declared to be a public nuisance for any person to use, place, set or cause to be set within the county or upon lands owned by the county any traps except cage-type live traps approved by the Wabash County Animal Authority or Animal Warden and used for the control of nuisance animals. This prohibition shall not apply to any trap specifically designed to kill rates, mice, gophers or moles so long as the owner of the property is aware of the location where the trap(s) are set and monitors said trap(s) at least once every 24 hours.

(B) Traps discovered by the Animal Warden or an employee of the Animal Shelter to have been unlawfully set in the county may be seized and used as prima facie evidence that a violation has been committed. Upon conviction, said trap(s) shall be forfeited to and disposed of by the Animal Shelter.

(C) In order to protect the public health and safety in times of flooding, the Animal Warden or an employee of the Animal Shelter may issue letters of permission to trap based on the following guidelines;

- (1) Verified depredation of flood prevention property;
- (2) The area and time frames for trapping are specified by the Animal Warden or an employee of the Animal Shelter; and
- (3) Traps are identified as to ownership.

3.13 INJURY CAUSED BY MOTOR VEHICLE TO ANIMALS.

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

3.14 ANIMALS IN VEHICLES.

No animal shall be left unattended in vehicle when the conditions in that vehicle would constitute a health hazard to the animal.

3.15 LOST OR STRAY ANIMALS.

(A) Persons finding a stray animal are to notify the Animal Shelter within 48 hours. At the discretion of the Animal Warden or an employee of the Animal Shelter, the animal may be kept by the finder and a found report left with the shelter, to enable the finder an opportunity to return the animal to its rightful owner.

(B) Upon demand by the Animal Warden or an employee of the Animal Shelter, any found animal will be surrendered to the Animal Shelter and held for three working days, before a disposition is made.

(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 Animal Shelter, the finder will be considered the found animal's owner for the purposes of this chapter only after the animal is in the finder's custody for 30 continuous days. If this shall occur, the finder shall provide the Animal Warden with proof of Rabies vaccination of said animal within two (2) weeks following the 30 day period.

3.16 WILD OR EXOTIC ANIMALS.

No wild or exotic animal shall be kept within the county without the necessary state and/or federal permits. If this shall occur, the Animal Warden shall report such incident to the proper State and/or federal Authority.

3.17 TRAINING METHODS.

No animal may be induced or encouraged to perform through the use of chemical, mechanical, electrical, or manual devices in a manner which will cause or is likely to cause physical injury or suffering.

3.18 DESTRUCTION OF ANIMALS.

No person other than a duly authorized agent of the Animal Shelter may destroy any domestic animal within the county; provided, however, this provision shall not apply to the following:

- (A) A licensed veterinarian,
- (B) Those persons acting in immediate self-protection,
- (C) Law Enforcement Officers or Firefighters acting to prevent undue suffering.

SECTION 4. PENALTIES

(A) Any person who violates any provision(s) of this ordinance shall be punished by a fine not to exceed five hundred dollars (\$500.00).

(B) Each offense shall be considered a separate offense and subject to fine and/or other disposition as herein provided.

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

(D) Violators, upon conviction, may be given the opportunity to work at the Animal Shelter and/or participate in a humane education program if so recommended by the court.

(E) Each 24 hours that a violation occurs will be considered a separate offense and can be cited as such.

(F) Violations of this chapter may result in immediate impoundment of animal(s).

(G) Violation of any provision of this chapter may result in revocation of any permit(s).

SECTION 5. EFFECTIVE

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

PASSED BY THE COMMISSIONERS OF WABASH COUNTY, INDIANA, this 20th day of December, 2004.



Wabash County Commissioner

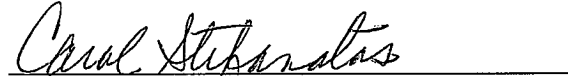


Wabash County Commissioner



Wabash County Commissioner

ATTEST:



Wabash County Auditor

S/McCallen Law Office 2/Wabash County Animal Shelter/Animal Control Ordinance Amendment 2004 (revised 102904)