

GENERAL ORDINANCE #1-B-1972

AN ORDINANCE REGULATING AND LICENSING THE KEEPING OF DOGS. PROVIDING FOR THE TAKING UP AND IMPOUNDMENT OF DOGS AND OTHER ANIMALS. QUARANTINING AND DESTRUCTION OF DOGS IN CERTAIN CASES AND MAKING VIOLATIONS A MISDEMEANOR PUNISHABLE BY FINE NOT EXCEEDING \$200 AND ESTABLISHING AN ANIMAL CONTROL AUTHORITY TO ENFORCE PROVISIONS OF THIS ORDINANCE

BE IT ORDAINED BY THE COUNTY COMMISSIONERS OF THE COUNTY OF WABASH:

Section 1. Definitions. As used in this ordinance the following terms mean:

Owner: Any person, group of persons, or corporation owning, keeping or harboring a dog or dogs.

Kennel: Any person, groups of persons, or corporations engaged in the commercial business of breeding, buying, selling or boarding dogs.

At Large: Any dog shall be deemed to be at large when he is off the property of his owner and not under control of a competent person.

Restraint: A dog is under restraint within the meaning of this ordinance if he is controlled by a leash, at "heel" beside a competent person and obedient to that person's commands, on or within a vehicle being driven or parked on the streets, or within the property limits of its owner or keeper.

Spayed Female: Any bitch which has been operated upon to prevent conception.

Animal Shelter: Any premises designated by action of the County for the purpose of impounding and caring for all animals found running at large in violation of this ordinance.

Animal Control Authority: The provisions of this ordinance shall be enforced by the Animal Control Authority. The Animal Control Authority shall consist of twelve (12) members, all of which shall be appointed by the County, and shall include a City Councilman, the Chief of Police or a representative, the Health Officer of the County or a representative, a Veterinarian, one (1) member of the Humane Society, if any, a member of the Wabash Jaycees, a County Councilman, one (1) Town Board member from each of the incorporated towns in Wabash County, and a representative of the Sheriff's Department. The first Animal Control Authority shall consist of members one-fourth (1/4) of which are appointed for one (1) year, one-fourth (1/4) of which are appointed for two (2) years, and one-fourth (1/4) of which are appointed for three (3) years. All appointments after the original appointments shall be for three (3) year terms. The Board of Commissioners of Wabash County shall have the authority to determine which members shall be appointed for the initial one (1), two (2), and three (3) year terms.

Animal Warden: The person or persons employed by the Animal Control Authority as its enforcement officer.

Exposed to Rabies: A dog has been exposed to Rabies within the meaning of this ordinance, if it has been bitten by, or been exposed to, any animal known to have been infected with Rabies.

*What term
for the last
1/4 of original
appointments*

Section 2. Enforcement: The provisions of this ordinance shall be enforced by the Animal Control Authority of the County of Wabash.

Section 3. Licensing: No person shall own, keep or harbor any dog within the county unless such dog is licensed as herein provided. Written application for such license shall be made to the County Assessor, or such agents of the Animal Control Authority as shall be designated by the County Assessor, and shall state the name and address of the owner and the name, breed, color, age and sex of the dog. The license fee shall be paid at the time of making application, a numbered receipt given to the applicant, and a numbered metallic tag shall be issued to the owner.

(b) The state yearly license fee shall be one dollar (\$1.00) for each male dog and spayed female, three dollars (\$3.00) each female dog, and five dollars (\$5.00) each additional dog. → *What is an additional dog?*

(c) Every person, group of persons, or corporation, engaged in the commercial business of buying, selling, breeding, or boarding, and who owns, harbors, or keeps, five or more dogs in a kennel, shall pay an annual license fee of twenty-five dollars (\$25.00), provided, however, that any persons operating such kennel may elect to license individual dogs as provided in subsection (b) of Section 3 of this ordinance.

(d) All dog licenses and kennel licenses shall be issued for one year beginning with the First day of March. Applications for licenses may be made prior to and for 30 days after the start of the licensing year without penalty, but when application is made after 46 days of the licensing year have elapsed, the applicant shall be assessed a penalty of 50 percent of the license fee which amount shall be added and collected with the regular license fee. Provided, if the dog, or kennel did not become subject to licensing until after the start of the licensing year, then no penalty shall be assessed.

(e) In the event that a metallic license tag issued for a dog shall be lost, the owner may obtain a duplicate tag upon the payment of one dollar (\$1.00).

(f) If there is a change in ownership of a dog or kennel during the license year, the new owner may have the current license transferred to his name upon the payment of a transfer fee of one dollar (\$1.00).

(g) No person shall use for any dog a license receipt, or license tag issued for another dog.

Section 4. Tag and Collar: (a) Upon complying with the provisions of Section 3 of this ordinance, there shall be issued to the owner a numbered metallic tag, stamped with the number and the year for which issued. The shape or design of such tag shall be changed from year to year.

(b) Every owner is required to see that the tag is securely fastened to the dog's choke chain, collar, or harness which must be worn by the dog at all times.

Section 5. Restraint: The owner shall keep his dog under restraint at all times and shall not permit such dog to be at large, off the premises or property of the owner, unless under the control of a competent person.

Section 6. Impoundment: (a) Unlicensed dog, or dogs found running at large shall be taken up by the agents of the Animal Control Authority, and impounded in the shelter designated as the County Animal Shelter, and there confined in a humane manner for a period of not less than three (3) days, and may thereafter be disposed of in a humane manner if not claimed by their owner. Dogs and cats not claimed by their owners before the expiration of three (3) days, shall become the property of the Animal Control Authority and be disposed of at the discretion of the said authority, except as hereinafter provided in the cases of certain dogs and cats.

(b) The Animal Control Authority may transfer title of all animals held by it at its animal shelter to the Humane Society after the legal detention period has expired and the animal has not been claimed by its owner. In the event of such transfer of title it is expressly understood that the Humane Society shall pay for each animal's food until it shall be removed from the animal shelter.

Enforcement
(c) When dogs are found running at large, and their ownership is known to the agents of the Animal Control Authority, such dogs need not be impounded, but the agent may, at his discretion, cite the owners of such dogs to appear in court to answer to charges of violation of this ordinance.

(d) Immediately upon impounding dogs, or other animals, the agents of the Animal Control Authority shall make every possible effort to notify the owners of such dogs, or other animals so impounded, and inform such owners of the conditions whereby they may regain custody of such animals.

(e) Animals other than dogs and cats shall be impounded when found running at large within the county and disposed of in accordance with law.

Section 7. Redemption of Impounded Animals: (a) The owner shall be entitled to resume possession of any impounded dogs, except as herein-after provided in the cases of certain dogs, upon compliance with the license provisions in Section 3 of this ordinance and the payment of impoundment fees set forth herein.

(b) Any other animal impounded under the provisions of this ordinance may be reclaimed by the owner upon the payment of impoundment fees set forth herein.

(c) Any animal impounded under the provisions of this ordinance and not reclaimed by its owner within three (3) days, may be humanely destroyed by the Animal Control Authority, or placed in the custody of some person deemed to be a responsible and suitable owner, who will agree to comply with the provisions of this ordinance and such other regulations as shall be fixed by the Animal Control Authority. Provided, if the animal is one as to which the respective rights of the owner and the person in possession or custody are determined by State Law, such law shall be complied with.

Section 8. Impoundment Fees: Any animal impounded hereunder may be reclaimed as herein provided upon payment by the owner to the Animal Control Authority of the sum of five dollars (\$5.00) for each dog, and the additional sum of one dollar (\$1.00) for each day such dog is kept after the expiration of the legal detention period; three dollars (\$3.00) for each cat, and the additional sum of 50 cents for each day such cat is kept after the expiration of the legal detention period; and five dollars (\$5.00) for any other animal; excepting rabbits, poultry, and birds, and the additional sum of two dollars (\$2.00) for each day such animal is kept after the legal detention period. Impoundment fees set forth herein shall be collected for the County of Wabash, and such additional sums as herein provided for keeping animals, shall be collected by the Animal Control Authority and retained by it to help defray the costs of keeping such animal beyond the period set forth herein.

Section 9. Confinement of Certain Dogs and Other Animals: (a) The owner shall confine within a building or secure enclosure, every fierce, dangerous, or vicious dog, and not take such dog out of such building, or secure enclosure unless such dog is securely muzzled.

(b) Every female dog or cat in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that such female dog or cat cannot come in contact with another animal, except for breeding purposes.

(c) No wild animal may be kept within the county, except under such conditions as shall be fixed by the Animal Control Authority, provided, however, that wild animals may be kept for exhibition purposes by circuses, zoos, and educational institutions, in accordance with such regulations as shall be established by the Animal Control Authority.

(d) Any animal described in the foregoing sub-section of Section 10 of this ordinance, found at large, shall be impounded by the Animal Control Authority and may not be redeemed by owners, unless such redemption be authorized by any court having jurisdiction.

(e) When in the judgment of the Animal Control Authority or its agents, an animal should be destroyed for humane reasons, such animal may not be redeemed.

Section 10. Rabies Control: (a) Every animal which bites a person shall be promptly reported to the Animal Control Authority, and shall thereupon be securely quarantined at the direction of the Animal Control Authority for a period of fourteen (14) days, and shall not be released from such quarantine except by written permission of the Animal Control Authority. At the discretion of the Animal Control Authority, such quarantine may be on the premises of the owner, at the shelter designated as the County Animal Shelter, or at the owner's option and expense, in a veterinary hospital of his choice. In the case of stray animals, or in the cases of animals whose ownership is not known, such quarantine shall be at the shelter designated as the County Animal Shelter.

(b) The owner upon demand made by the Animal Control Authority, shall forthwith surrender any animal which has bitten a human, or which is suspected as having been exposed to rabies, for supervised quarantine which expense shall be borne by the owner, and may be reclaimed by the owner if adjudged free of rabies, upon payment of fees set forth in Section 8 of this ordinance, and upon compliance of licensing provisions set forth in Section 3 of this ordinance.

(c) When an animal under quarantine has been diagnosed as being rabid, or suspected by a licensed veterinarian as being rabid, and dies while under such observation, the Animal Control Authority shall immediately send the head of such animal to the State Health Department for pathological examination, and shall notify the proper public health officer of reports of human contacts, and the diagnosis made of the suspected animal.

(d) When one or both reports give a positive diagnosis of rabies, the Animal Control Authority shall recommend a county-wide quarantine for a period of thirty (30) days, and upon the invoking of such quarantine, no animal shall be taken into the roads, or permitted to be in the roads, during such period of quarantine. During such quarantine no animal may be taken or shipped from the county without written permission of the Animal Control Authority.

(e) During such period of rabies quarantine as herein mentioned, every animal bitten by an animal adjudged to be rabid, shall be forthwith destroyed, or at the owner's expense and option, shall be treated for rabies infection by a licensed veterinarian, or held under thirty (30) days quarantine by the owner in the same manner as other animals are quarantined.

(f) In the event there are additional positive cases of rabies occurring during the period of the quarantine, such period of quarantine may be extended for an additional six (6) months.

(g) No person shall kill, or cause to be killed, any rabid animal, any animal suspected of having been exposed to rabies, or any animal biting a human, except as herein provided, nor remove same from the county without written permission from the Animal Control Authority.

(h) The carcass of any dead animal exposed to rabies shall upon demand be surrendered to the Animal Control Authority.

(i) The Animal Control Authority shall direct the disposition of any animal found to be infected with rabies.

(j) No person shall fail or refuse to surrender any animal for quarantine or destruction as required herein when demand is made thereof by the Animal Control Authority.

Section 11. Reports of Bite Cases: It shall be the duty of every physician, or other practitioner, to report to the Animal Control Authority the names and addresses of persons treated for bites inflicted by animals, together with such other information as will be helpful in rabies control.

Section 12. Responsibilities of Veterinarians: It shall be the duty of every licensed veterinarian to report to the Animal Control Authority his diagnosis of any animal observed by him as a rabies suspect.

Section 13. Exemptions: (a) Hospitals, clinics, and other premises operated by licensed veterinarians for the care and treatment of animals are exempt from the provisions of this ordinance, except where such duties are expressly stated.

(b) The licensing and vaccination requirements of this ordinance shall not apply to any dog belonging to a non-resident of the county and kept within the county for not longer than thirty (30) days, provided all such dogs shall at all times while in the county be kept within a building, enclosure or vehicle, or be under restraint by the owner.

Section 14. Investigation: For the purpose of discharging the duties imposed by this ordinance and to enforce its provisions, any agent of the Animal Control Authority or any police officer, is empowered to enter upon any premises upon which a dog is kept or harbored and to demand the exhibition by the owner of such dog or the license for such dog. It is further provided that any agent of the Animal Control Authority may enter the premises where any animal is kept in a reportedly cruel or inhumane manner and demand to examine such animal and to take possession of such animal, when in his opinion, it requires humane treatment.

Section 15. Dog Abandonment Law - Dumping: Any person who shall abandon any domestic animal on any public place, including the right of way of any public highway, or upon the property of another, without provision for the care and sustenance of such animal shall be guilty of a misdemeanor and, upon conviction, shall be liable to a fine of not to exceed two hundred dollars (\$200.00), to which may be added imprisonment for any determinate period of not to exceed sixty (60) days, or to both such fine and imprisonment.

Section 16. Interference: No person shall interfere with, hinder or molest any agent of the Animal Control Authority in the performance of any duty of such agent, or seek to release any animal in the custody of the Animal Control Authority, or its agents, except as herein provided.

Section 17. Records: It shall be the duty of the Animal Control Authority to keep, or cause to be kept, accurate and detailed records of the licensing, impoundment and disposition of all animals coming into its custody.

(b) It shall be the duty of the Animal Control Authority to keep, or cause to be kept accurate and detailed records of all bite cases reported to it, and its investigation of same.

(c) It shall be the duty of the Animal Control Authority to keep, or cause to be kept, accurate and detailed records of all moneys belonging to the County of Wabash, which records shall be open to inspection at reasonable times by such persons responsible for similar records of the County of Wabash, and shall be audited by the County of Wabash annually in the same manner as other county records are audited.

Section 18. The Animal Shelter shall be operated at all times in compliance with the laws and regulations of Wabash County and of the State of Indiana, and of any of the various health authorities which may have jurisdiction.

Section 19. Penalty: Any person violating any provision of this ordinance shall be deemed guilty of a misdemeanor and punished by a fine not exceeding Two Hundred Dollars (\$200.00); and if such violation be continued, each day's violation shall be a separate offense.

Section 20. Repeals: All other ordinances in conflict herewith are repealed to the extent of such conflict.

Section 21. Severability: If any part of this ordinance shall be held void, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining parts of this ordinance.

PASSED AND APPROVED THIS 30th DAY OF May, 1972.

(Signed):

ATTEST:

Eldon L. Landis...

...Naruce Schuler...

...Clarence Bourman...

...Eugene Schenk...