

COMMISSIONERS ORDINANCE NO.

0-C-11-7

**ANIMAL WELFARE, CONTROL AND
EDUCATION ORDINANCE**

PERRY COUNTY, INDIANA

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ANIMAL WELFARE AND CONTROL ORDINANCE

PERRY COUNTY, INDIANA

Whereas, the Perry County Animal Welfare and Control Committee, and the Perry County Commissioners have reviewed the current ordinances of the County, together with ordinances of other cities/counties and recommends the following changes to the County Ordinance; and

Whereas, the Perry County Commissioners are empowered to enact or amend such an ordinance for the benefit of the health, safety and welfare of Perry County and its citizens;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Perry County, Indiana, as follows:

Perry County Ordinances No. 0-C-05-4 and any other Perry County animal control ordinances now in existence are hereby amended to read as follows:

SECTION 1: DEFINITIONS

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

1. **"ABANDON"** means to desert an animal or to leave the animal permanently in a place without making provision for adequate long term care of the animal or otherwise dispose of any live animal on public or private property. The term does not include leaving an animal in a place that is temporarily vacated for the protection of human life during a disaster.
2. **"AGENT"** means person(s) eighteen (18) years or older authorized by an owner to act in the owner's behalf.
3. **"ALPHA-ROLLOVER"** means a corrective and physically abusive training method that can and often does trigger a dangerous and defensive response from the animal. It is characterized by the rough throwing of the dog onto its back, holding down by the throat, and placing a knee in the dog's chest or stomach, screaming at him and staring into his eyes.
4. **"ALTERED ANIMAL"** means any animal that has been operated on or has been given medication to prevent it from procreating.
5. **"ANIMAL"** means any living, non-human vertebrate or non-vertebrate creature domestic, wild or exotic.
6. **"ANIMAL ASSEMBLAGE"** means the gathering on one lot of seven (7) or more altered dogs and/or altered cats over the age of six months.

7. **"ANIMAL CARE AND CONTROL"** (ACC) means the Perry County Animal Welfare, Control and Education Board.

8. **"ANIMAL CONTROL OFFICER"** (ACO) means a person authorized to enforce the provisions in this Ordinance and issue citations for violations of this ordinance.

9. **"ANIMAL DEALER"** means any person who buys, sells, keeps, or breeds animals for a commercial purpose.

10. **"ANIMAL ESTABLISHMENT"** means an animal dealer, animal day care facility, stable, or pet shop.

11. **"ANIMAL NUISANCE"** means an animal which

(A) interferes with or molests passers-by or passing vehicles;

(B) Attacks other animals or persons;

(C) Damages private or public property;

(D) causes frequent, long, continued, loud noises or other sounds common to its species which disturb the comfort or repose of any person in the immediate neighborhood of any residential area, not to include operations of boarding kennels, kennels, training facilities or the practice of animal husbandry;

(E) Is in heat which is not confined or restrained so as to prevent attraction or contact with other animals;

(F) Damages, soils, defiles, or defecates on any public right of way;

(G) Trespasses on, soils, defiles, defecates on or damages private or public property, including, but not limited to, the leaving of waste material; or

(H) is allowed to create any condition which poses a substantial risk of harm to the public health, safety, welfare, or environment. If an animal is defending itself, its master, or its master's home, it is not an animal nuisance.

12. **"ANIMAL SHELTER"** means a facility or vehicle operated by a government or private entity for the purpose of providing or promoting animal welfare and the humane treatment of animals.

13. **"ANIMAL WELFARE ORGANIZATION"** means any non-for-profit organization for the prevention of cruelty or neglect to animals incorporated under state laws.

14. **"ANIMAL WELFARE AND CONTROL COMMITTEE"** means the Committee formed by the Perry County Board of Commissioners to review the animal welfare ordinance of Perry County and to make recommendations to the Commissioners regarding ways to improve said ordinance and ways to improve the procedures used by the County to regulate animal welfare and control.

15. **"ATTACK"** means aggressive physical contact initiated by the animal.
16. **"BITE"** means to seize, tear, wound or cut with teeth, resulting in a break in the skin. (Refer to most current version of State form 14072).
17. **"BOARD"** means the Perry County Animal Welfare, Control and Education Board.
18. **"BREEDER"** means any person who harbors an animal or animals, except livestock, requiring a license or permit to be possessed within the County and (intentionally or accidentally) allows and/or causes the animal(s) to procreate and/or offers for sale or sells, trades or receives other compensation or gives away any litter of dogs or cats; except for dogs or cats taken to an Animal Control Shelter or any 501 (c) (3) animal welfare organization and has the female spayed within ten (10) weeks of the birth of a litter.
19. **"BUSINESS DAY"** means any day other than weekends and holidays recognized by the County.
20. **"CATTERY"** means a facility operated principally for the purpose of boarding, housing, or grooming of cats.
21. **"COLLAR"** means a stiff band of leather, plastic, strong fabric, or metal placed around the neck of an animal to identify it or to attach it to a lead or leash.
22. **"COMMISSIONERS"** means the Perry County Board of Commissioners.
23. **"CONTROLLED ANIMAL"** means any animal not defined as a domestic animal in this Ordinance with the exception of small, non-poisonous reptiles, non-poisonous amphibians, harmless invertebrates and small birds. Such controlled animals shall also include any animal for which the possession or ownership is controlled or regulated by Federal or State law, or Municipal Ordinance or regulations concerning licensing or the issuance of permits. Such controlled animals shall include, but not be limited to, the following:
- (A) All poisonous animals by genetic disposition including insects, spiders, reptiles, amphibians, invertebrates, and rear-fang snakes
 - (B) All primates (Order Primates)
 - (C) All non-domestic carnivores (Order Carnivore)
 - (D) Crocodilians
 - (E) Large constrictor snakes specifically: reticulated pythons (*Python reticulatus*), amethystine pythons (*Morelia amethystina*), green anacondas (*Eunectes murinus*), Indian pythons (*python molurus*) and African rock pythons (*Python sebae*).
 - (F) Endangered species or any species considered to be protected by Federal or State law or international trade agreements

(G) Fur bearing animals raised to provide products for the fur trade

(H) Game cocks and other fighting birds

(I) Piranha fish

(J) Sharks over one pound

24. **"CRIME PREVENTION ANIMAL"** means an animal trained and used primarily for the protection of persons or property, or both.

25. **"CUSTODIAN"** means any person who owns or keeps, harbors, feeds, or has the charge or control of an animal.

26. **"DANGEROUS ANIMAL"** means any animal which presents a substantial threat of bodily harm to any person or pet in its vicinity or if it was to escape its primary enclosure or escape from the control of its owner or custodian. Such determination is to be made from past acts of aggressive behavior justifying the determination that it is a dangerous animal. A dog's breed shall not be considered in determining whether or not it is "dangerous." This definition excludes K-9 corps dogs in use by the military or government law enforcement agencies.

27. **"DESIGNEE"** means a person selected, appointed or nominated for a particular purpose of duty.

28. **"DOMESTIC ANIMAL"** shall include, but are not limited to:

A. Dog

B. Cat

C. Cattle (*Bovine*)

D. Horse

E. Sheep

F. Goat

G. Rabbit

H. Mouse

I. Rat

J. Donkey

K. Guinea Pig

L. Hamster

M. Gerbil

N. Pigeon, (Homing or
Racing)

O. Chicken, Turkey,
Goose, Duck

P. Llama

Q. Pig

R. Bison

S. Chinchilla

T. Mink

U. Ferret

29. **"EXCESSIVE"** means more than is normal or necessary.

30. **"EXOTIC ANIMAL"** means any animal whose normal native habitat is not indigenous to the continental United States, excluding Alaska and Hawaii, except fish and fur bearing animals commercially bred for the furrier trade and birds protected under federal laws and regulations.

31. **"EXPOSED TO RABIES"** means any human or non-human warm blooded mammal that has been bitten or comes in contact with any other animal known or reasonably suspected to have been infected with rabies.

32. **"FACILITY"** means an establishment set up to fulfill a particular function or provide a particular service for animals.

33. **"FIGHT"** means a conflict between two (2) or more animals that is intentionally organized for such purpose.

34. **"HARBORING"** means the actions of any person that permit any animal habitually to remain or to lodge or to be fed within his/her home, store, enclosure, yard, 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) or more consecutive days.

35. **"HELICOPTERING"** means a corrective and physically abusive training method. It is characterized by the dog being hoisted by leash and neck collar off his/her feet and swinging the dog above ground in a 360 degree circle often resulting in a loss of oxygen to the animals brain.

36. **"INADEQUATELY VENTILATED"** means insufficient circulation of air to provide a healthy environment.

37. **"KEEPER"** means any person, other than the owner, who has actual or constructive possession of an animal for the purpose of managing, controlling, or caring for such animal. A person shall be construed as a keeper of an animal even if she or he does not have the owner's permission.

38. **"KENNEL"** A facility operated principally for the purpose of boarding, housing, grooming, breeding or training of dogs.

39. **"LARGE ANIMAL"** means a cow, horse, pony, donkey, mule, goat, sheep, swine, or llama.

40. **"LEASH"** means a cord, chain, rope, strap or other such physical restraint.

41. **"LICENSE" or "PERMIT"** shall mean a written instrument evidencing approval by a governmental entity to possess an animal or permission to undertake a regulated task. "License" is generally used when referring to the right to possess an animal, and "permit" is generally used when referring to the right to undertake a task or activity or operate a business.

42. **"MICROCHIP"** means a computer chip, implanted underneath the skin of an animal (in the universal position between the scapulas which contains information relating to that animal.)

43. **"MICROCHIP READER"** means an electronic device that detects any implanted microchip.

44. **"MUZZLE"** means a device constructed of a strong, soft material or metal, designed to fasten over the mouth of an animal, without interfering with its vision or respiration or causing injury to the animal, to prevent the animal from biting any person or other animal.

45. **"NEIGHBORHOOD"** shall mean the subject property and any property within two blocks thereof in any direction.

46. **"NOT-FOR-PROFIT"** means a corporation, business, association, or entity established as a not-for-profit entity under State law or recognized as not-for-profit by the Internal Revenue Service or the Indiana Department of Revenue.

47. **"OVERCROWDED"** means beyond what is usual or comfortable.

48. **"OWNER"** means any person age eighteen (18) years or older, partnership, or corporation, or other legal entity recognized by the state of Indiana, owning, or harboring one or more animals.

49. **"PERSON"** means an individual, firm, Limited Liability Company, association, partnership, corporation or other legal entity recognized under the laws of the state of Indiana.

50. **"PET"** means any animal owned or harbored for pleasure and companionship.

51. **"PET SHOP" or "GROOMING SHOP"** means a business operated separately or in connection with another business enterprise, engage in the care, bathing, clipping, or plucking or possession of animals for display and sale of pets.

52. **"K-9 DOG"** means a professionally trained dog used by public safety officers for law enforcement or investigative purposes and activities.

53. **"PRIMARY ENCLOSURE"** means:

(A) a structure which is suitable to prevent the entry of young children (under 12 years of age) and to prevent the animal from escaping;

(B) a structure with secure sides and a secure top or just secure sides which are of sufficient height to prevent an animal from escaping over the sides;

(C) a structure whose sides are so constructed at the bottom as to prevent the animal's escape by digging under the sides; or

(D) a structure, which provides appropriate protection from the elements for the animal.

54. **"PURCHASER"** means a person who purchases any domestic animal without intent to resell.

55. **"RABIES VACCINATION"** means the injection by a licensed veterinarian of a dog, cat or other animal with a rabies vaccine licensed by the USDA and approved by the Indiana State Board of Health according to the compendium for rabies published yearly.
56. **"RESTRAINT"** means under control by being adequately secured, without means of escape, in a pen, fenced enclosure, corral, cage, house, vehicle, or other secure enclosure.
57. **"SAFETY"** means freedom from danger or injury.
58. **"SERIOUS BODILY INJURY"** means bodily injury which creates a substantial risk of death or causes serious permanent disfigurement, unconsciousness, extreme pain, or permanent or protracted loss or impairment of the function of a bodily member or organ.
59. **"SERVICE ANIMAL"** means any animal that is trained to assist a disabled person.
60. **"SHELTER"** means a facility used to provide humane care and shelter for stray or owner relinquished animals.
61. **"STABLE"** means a commercial enterprise to house horses for other owners or custodians.
62. **"STATE"** means the State of Indiana.
63. **"STRAY"** means any animal that is not within the real property limits of its owner and is not under restraint or is unattended.
64. **"UNCLEAN"** means dirty, soiled, filthy, unwashed, or muddied.
65. **"VETERINARIAN"** means any person licensed and accredited to practice veterinary medicine in the State of Indiana.
66. **"VETERINARIAN HOSPITAL"** means any established 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.
67. **"WELFARE"** means well-being, happiness, and health.
68. **"WILD ANIMAL"** means any animal non domesticated or exotic animal, with the exception of small, non-poisonous aquatic or amphibious animals and small cage birds, which are normally found in the wild state.
69. **"WITHOUT REASONABLE PROVOCATION"** The exhibition of aggressive behavior without immediate direction to do so by its master, contrary to the direction of its master, while not defending its master, while not defending its master's home on the master's premises, or while not acting as a properly permitted crime prevention animal under SECTION "2"(c)(2.) of this Ordinance.

SECTION 2: LICENSES AND PERMITS

(a) GENERAL REQUIREMENT.

All dogs, cats and ferrets are required to have a License issued by the County.

(b) LICENSES.

1. GENERAL PROVISIONS.

(A) Licenses shall only be issued to persons eighteen (18) or more years of age under the conditions of issuance hereunder. Persons requesting a license shall provide the following information:

- i. name of the applicant who must be one of the owners of the animal;
- ii. names of all owners of the animal with their address and telephone number of their residence.
- iii. name, age, type, breed, general description and sex of the animal and the permanent location (where it will be kept) of the animal;
- iv. in the case of a dog or cat, whether the animal has been spayed or neutered and the identification number of a microchip implanted in the animal, if any; and
- v. in the case of a dog, cat or ferret, proof of current vaccination by written instrument showing the date of vaccination, a description of the animal and the type of vaccine administered and the veterinarian administering the vaccine.

(B) The license shall be issued upon providing the information outlined above and payment of any fee as provided hereinafter. The application for issuance of a license shall be submitted to the Board or other authorized entity.

2. REQUIREMENTS.

The custodian/owner shall of any animal which is required to have a license or permit and which is over six months of age shall obtain a license or permit to possess the animal. The purpose for such licensing of a dog, cat or ferret over six months of age is for identification and enforcement of required rabies vaccination.

3. ISSUANCE.

The Board may issue licenses for dogs, cats or ferrets without the approval of the Perry County Board of Commissioners. The Board is hereby authorized to enter into agreements with persons or entities to assist in the issuance of licenses for dogs, cats and ferrets. The license applications and fees shall be submitted to the Board for review and approval. Such

persons or entities shall include, but not be limited to, veterinarians, humane societies, animal shelters, animal dealers and kennels. The terms and conditions of the agreements shall be determined by the Board and the persons or entities authorized to issue licenses may retain a fee in the amount of \$0.75 per animal. It will be the responsibility of those persons or entities issuing the licenses and collecting the money to turn both in to the County Treasurer by the 10th day of each month.

4. APPLICATION.

Applications for a license must be made within thirty (30) days from the date a custodian/Owner becomes a resident of the County or lives in the County for any period greater than thirty (30) days.

5. INFORMATION.

Withholding information or knowingly making a false statement on the application forms shall be a violation of this Ordinance and be cause to revoke or not issue a license or permit.

6. EXPIRATION.

All licenses shall be valid for one (1) year from date of issue and shall expire at midnight one (1) year after the date of issuance, with the exception of approval of a lifetime license.

7. DISPLAY.

All dogs and cats must wear identification tags including city and rabies tags when not in their primary enclosure unless the dog is engaged in lawful hunting activities or the dog would be endangered by the wearing of identification tags. It is strongly encouraged to place the owner's name and micro-chipping tag number on the animal's collar as well.

8. ANIMALS REQUIRED TO BE LICENSED AND FEES.

(A) The following Animals are required to be licensed and the following fees shall be charged for the issuance of a license:

	ANIMAL	FEE
(i)	Service animals and guide dogs (registration required but no fee)	FREE
(ii)	Owner 65 or older with one animal	FREE
(iii)	Owner 65 or older with more than one animal, each additional animal > one follow schedule below	
(iv)	Neutered/spayed dogs and cats over the	\$2.00

- | | | |
|------|--|-----------------|
| | age of 6 months | |
| (v) | Unaltered dogs and cats over the age of 6 months | \$4.00 |
| (vi) | Ferrets | \$3.00 annually |

(B) Upon a written statement from a licensed veterinarian setting forth that the neutering of the animal shall constitute a threat to the health of that animal, it shall not be required that the animal be spayed or neutered, but the animal shall be classified as an altered animal for purposes of license registration and fees. Registration at the altered tag price under this section will constitute agreement not to breed the animal. Breeding the animal in violation of this provision will result in a fine of one hundred dollars per birth of the litter.

(C) A person, who obtains a permit under Subsection (c) below, shall not be required to obtain individual licenses for animals above.

9. DUPLICATE.

A duplicate license may be obtained for a fee of \$2.00.

10. TRANSFER.

Licenses are not transferable between animals or owners/custodians.

11. EXEMPTIONS.

This subsection "(b)" shall not apply to any governmental entity, any not-for-profit Corporation organized for the prevention of cruelty to animals, or state licensed veterinarians.

(c) PERMITS.

Permits shall be issued only upon approval of the Board following compliance with the permit requirements.

1. KENNEL/CATTERY/BREEDER PERMITS.

(A) Any person keeping dogs or cats over the age of six months in a kennel for boarding, breeding, harboring, training or selling shall obtain a kennel/cattery/breeder permit prior to undertaking such activity.

(B) A kennel/cattery/breeder Permit shall also be required of:

- i. Any person who intentionally or accidentally causes the breeding of more than one female cat or more than one female dog or makes more than one cat or dog available for breeding purposes in a 12 month period; or

ii. Any person, who offers for sale, sells, trades, receives other compensation or gives away any more than one litter of dogs or cats in a 12 month period; excepting a litter of dogs or cats taken to the Perry County Animal Shelter or any approved 501 (c) (3) Animal Shelter agency, and who has the female altered within ten (10) weeks of the birth of the litter.

iii. Any out of county resident who offers for sale, sells, trades, receives other compensation or gives away any dog or cat within Perry County.

(C) Requirements.

The Permittee or applicant shall:

i. Furnish the Board with information on the birth of each litter of dogs or cats as may be required by the Board to register that litter of dogs or cats with the Board or any 501 (c) (3) humane adoption agency approved by the Board and be assigned a litter number for each litter; and

ii. Transmit to the new owner the breeder's permit number in order that the new owner has assurance and proof that the animal was legally bred; and

iii. Immunize all cats and dogs offered for sale, trade or other compensation or for free giveaway (except animals taken to the Perry County Animal Shelter or any approved 501(c) (3) adoption humane agency approved by the Board) against common diseases; in the case of dogs, against canine distemper, adeno-virus Para influenza, parvovirus, and in case of cats, against feline rhinotracheitis, and panleucopenia. All such animals shall be vaccinated for rabies as required by state law.

iv. Furnish a recommendation to have the animal examined by a licensed veterinarian.

(D) If the applicant for a permit, or renewal thereof, shall have 2 or more violations of this Ordinance within the previous 12 month period, said permit ~~shall~~ may not be granted.

2. FEES FOR KENNEL/CATTERY/BREEDER PERMITS.

The following fees shall be charged per premises annually (unless otherwise indicated) for the permits listed above:

(A) 1-10 dogs or cats\$30.00

(B) 11 or more dogs or cats\$50.00

The maximum license fee or permit fee that may be imposed for dogs or cats kept in a kennel for breeding, boarding, training or sale is the lesser of the license fee for each dog or cat or the kennel/cattery/breeder permit fee.

3. APPROVAL OF PERMITS.

All permits will be issued only after inspection by the Animal Control Officer, if the Animal Control Officer requires an inspection, and approval by the Board, provided all requirements of this Ordinance are met.

4. INSPECTIONS AND GENERAL PROVISIONS FOR PERMITS.

(A) Inspections of the premises occupied by the animals at a particular location shall be conducted as follows:

- i. The Animal Control Officer or other inspector designated by the Board shall inspect that portion of the premises to be occupied by the animals as shown on the application for the permit.
- ii. The purpose of the inspection shall be to determine compliance with this Ordinance and applicable state law governing the care and control of animals.
- iii. If a time cannot be agreed upon, a notice of the inspection shall be given by depositing the notice in the United States mail with postage prepaid, or by delivering notice to the address listed in the application at least 48 hours prior to the time set for the inspection. No inspection shall be conducted without the permission of the owner of the premises or other person in control of the premises. If permission is unreasonably denied, the permit shall not be issued and the person responsible for any activity requiring a permit may be issued a citation for non-compliance with this Ordinance.

(B) The Board may issue an order for the re-inspection of the premises upon a finding of probable cause that a violation exists. The re-inspection shall be limited to matters and areas relevant to the alleged violations. The order and re-inspection shall not be construed to be a procedural precedent to writing a citation, pursuing court action for suspected violations, or for conducting an investigation from public property or from private property with the consent of the owner of the private property. If the Board has probable cause to believe that a violation exists on the premises and the owner or person in control of the property refuses to allow an inspection, the Animal Control Officer shall obtain a search warrant or other court order prior to entering the property.

i. Court action shall be within the authority of the Board and County at any time.

ii. Refusal to allow an inspector to enter the premises for purpose of re-inspection shall be grounds to revoke a permit.

(C) On the application for a permit, the applicant shall designate that the animals shall occupy all of the premises or the permittee shall designate that portion of the premises to which the animals shall be restricted. It shall be a violation of this Ordinance to allow the animals to occupy portions of the premises other than those designated on the application.

5. EXEMPTIONS.

This subsection "(c)" shall not apply to any governmental entity, not-for-profit Corporation organized under the laws of the state for the prevention of cruelty to animals, an approved county animal shelter or state licensed veterinarians.

(d) APPEAL; DENIAL OR REVOCATION OF LICENSE OR PERMIT.

1. Any person who is denied a license or permit or whose license or permit is revoked may appeal the denial or revocation to the Board within 30 days of the date of the denial or revocation of the license or permit.

2. All requests for appeals must be in writing and addressed to the Board; whereupon, the Board shall set the appeal for hearing before the Board within 30 days of the receipt of the written request.

3. The Board is empowered to revoke any license or permit upon a hearing held subsequent to ten days notice by certified mail to the address of the licensee or permit holder. The hearing shall be subject to rules and regulations promulgated by the Board. Any person whose permit or license is revoked shall comply with the order of the Board to remove the subject animal or animals from the county, dispose of the subject animal or animals, or deliver the subject animal or animals to the Animal Care and Control for disposal, though only dangerous animals, or animals which have been determined by the Health Department to present an immediate threat of transmitting a disease to a human by testing positive for a transmittal disease, may be ordered destroyed. No portion of the permit or license fee shall be refunded.

SECTION 3: PROHIBITED ACTS

(a) NO PERSON SHALL DO THE FOLLOWING PROHIBITED ACTS.

1. Be a custodian/owner of a prohibited animal as identified in subsection (c) below.

2. Be a custodian/owner of, or permit, an animal nuisance.

3. Be a custodian/owner of a dangerous animal; however, the exemptions provided in this Ordinance shall also be applicable to this provision.
4. Be a custodian of a domestic animal that is running at large or not under restraint unless under the reasonable control of some person or when engaged in lawful hunting accompanied by the owner or custodian.
5. Confine an animal in an area which is unclean, overcrowded, or inadequately ventilated, which poses a substantial threat to any person or animal.
6. Deprive an animal from the opportunity for adequate exercise or access to fresh or ventilated air.
7. Be a custodian/owner of an animal that has not been properly licensed pursuant to this Ordinance.
8. Be a custodian/owner of any animal that has not been vaccinated with a rabies vaccine approved by the State Board of Health if the animal is capable of carrying or transmitting rabies. (See I.C. 15-2.1-6-13 for local regulation authority).
9. Abandon an animal.
10. Be the custodian/owner of an animal and fail to provide the animal with food that is nutritional for the species in adequate amounts as to maintain good health.
11. Expose any known poisonous substance, whether or not mixed with food, so that such poisonous substance shall be liable to be eaten by a pet.
12. Leave an animal unattended in a vehicle when conditions in that vehicle would constitute a health hazard to the animal.
13. Fail to confine in a secure building or enclosure a female domestic animal in heat so as to prevent conception except during instances of planned breeding.
14. Unsupervised tethering of an animal except as permitted by Indiana code.
15. No person shall fail to maintain in a sanitary manner the premises occupied by an animal, whether the animal is kept in a structure, fence, pen, or fastened, hitched, or leashed.

(A) custodians/owner of an animal shall regularly, and as often as necessary, maintain all animal areas or areas of animal contact to prevent unsanitary conditions on the property.

16. METHODS.

(A) 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 to the animal. This provision shall not prevent the use of a collar with an electrical charge when

used temporarily for training purposes or the use of professionally manufactured invisible fencing.

(B) No person employed to train an animal shall use Alpha Rollovers, Helicoptering, hanging by the collar, kicking or any other abusive methods.

17. No puppy or kitten that is under the age of six (6) weeks may be offered for sale, trade or for other compensation or for free giveaway. Except, however, a puppy or kitten or litters may be taken to an Animal Control Shelter. This subpart (26) shall not apply to the Perry County Animal Shelter, any 501(c) (3) Animal Shelter agency, or any 501(c) (3) organization promoting education, agriculture or scouting activities or governmental organizations.

18. No person shall fail to obey the provisions of this Ordinance or any restrictions, regulations, or orders issued by the Board pursuant to the terms of this ordinance.

19. No person shall release piranha into any stream, river or lake.

(b) LOST OR STRAY ANIMALS.

1. Persons finding a stray animal shall notify the Animal Control Officer or Shelter within 48 hours of finding the animal. The Perry County Animal Control Officer shall inspect or scan the animal to determine ownership. The Perry County Animal Control Officer shall return the animal to its rightful owner subject to a fee structure set by the Board.

2. Any lost or stray animal that has been found shall be held for a minimum 10 days, before a disposition is made, unless the animal needs to be euthanized for humanitarian purposes upon the decision of a veterinarian (if available) or the Board or the Board's designee due to the animal's mental or physical condition to prevent suffering.

3. Persons finding an animal are obligated to comply with all rules and regulations of this ordinance pertaining to humane care and treatment of animals while said animal is in their custody awaiting return of the animal to its actual owner.

(c) CONTROLLED ANIMALS.

Maintenance of all Controlled Animals, as defined in Section 1, is prohibited except by special application to the Board and its approval thereof. No wild or exotic animal shall be kept within the County without the necessary state and/or federal permits.

(d) VACCINATION REQUIRED.

No owner or custodian of any dog, cat or ferret shall keep, maintain, or harbor the animal within the County, unless the dog, cat or ferret has been vaccinated by a licensed veterinarian with anti-rabic vaccine of a type approved by the State Board of Health. The anti-rabic vaccination of a dog, cat or

ferret shall be repeated every one to three years as applicable to the vaccine. In no case shall more than three years elapse between each vaccination. All dogs, cats and ferrets shall be vaccinated for rabies as required by state statute. A licensed veterinarian shall provide such vaccinations.

(e) REPORTING OF ANIMAL BITES.

1. The person responsible for any animal that has bitten a person or another animal must report the incident to the Health Department. Upon receiving the report of a bite, the Perry County Animal Control Officer shall quarantine the animal for 10 days with the place of confinement to be in the discretion of the Board based upon whether the animal is vaccinated and whether the owner has the proper facilities to prevent the animal from escaping or coming into contact with other persons or animals. During the quarantine period, the animal is to be securely confined and kept from contact with any other animal or non-custodian. During the quarantine period, the owner must provide a current rabies vaccination certificate for the animal that is being quarantined. If proof of vaccination cannot be supplied, a veterinarian shall vaccinate the animal before release at the owner's expense. Indiana Law and Department of Health rules and regulations shall be followed for reporting animal bites.
2. No person other than an Animal Control Officer, health officer, law enforcement official or veterinarian shall kill or cause to be killed any animal suspected of being rabid except in cases of immediate self-protection. If the animal is killed, the person causing the death will retain the body and immediately notify Animal Care and Control.

(f) DISPOSAL, RELEASE, OR DESTRUCTION OF ANIMALS THAT HAVE BITTEN.

1. No person owning, possessing, keeping, or harboring any animal within the County shall move, conceal, sell, give away, or otherwise dispose of any animal, when the person has knowledge of the animal's having bitten or injured a person or animal.
2. No animal quarantined under suspicion of rabies shall be removed from Animal Care and Control or elsewhere or destroyed until written certification of the Health Officer, or his duly authorized deputy. The time period for quarantine and conditions of the quarantine shall be conducted under the rules and regulation and orders of the State Board of Health.
3. No person other than a duly authorized agent of the Board may destroy any domestic animal that has bitten a person; 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: PERRY COUNTY ANIMAL WELFARE, CONTROL AND EDUCATION BOARD

(a) BOARD ESTABLISHED.

The Perry County Animal Welfare, Control and Education Board is hereby established. Said Board shall act under the supervision and control of the Perry County Board of Commissioners. the Board shall consist of five (5) members chosen as follows:

1. Two (2) of the members shall be appointed by the Perry County Board of Commissioners as follows:

One (1) member from a Perry County animal welfare organization and One (1) member from a Perry County Ag-Animal organization . Each such organization may recommend a board member or member of the public for the Commissioners' consideration.

2. One (1) of the members shall be appointed by the Perry County County Council as follows:

One (1) member from a Perry County animal sporting organization. Each such organization may recommend a board member or member of the public for the Councils' consideration.

3. One (1) member shall be appointed by the Tell City City Council as an "at large" member who is a Perry County resident chosen by a majority of the City Council.

4. One (1) member shall be appointed by the Cannelton City Council as an "at large" member who is a Perry County resident chosen by a majority of the City Council.

(b) COMPENSATION OF BOARD MEMBERS.

Members of the Board shall serve without compensation unless otherwise provided by the Commissioners.

(c) BOARD MEMBER TERMS.

1. The initial term of a member of the Board appointed by the County Commissioners shall be two (2) years beginning on the date of appointment.
2. The initial term of a member of the Board appointed by the County Council shall be three (3) years beginning on the date of appointment.
3. The initial term of a member of the Board appointed by the Tell City City Council shall be four (4) years beginning on the date of appointment.
4. The initial term of a member of the Board appointed by the Cannelton City Council shall be four (4) years beginning on the date of appointment.

5. After the initial term all members of the Board shall serve a four (4) year term.

6. No Board member shall serve more than three (3) consecutive terms.

(d) APPOINTMENT OF SUCCESSOR BOARD MEMBERS.

At least thirty (30) days before the expiration of the term of office of a member of the Board, the organization that made the appointment shall appoint a successor. A member shall serve until a replacement is appointed.

(e) BOARD MEMBER VACANCIES.

In the event of a vacancy of a member of the Board, the organization that made the appointment shall immediately appoint a successor to complete the unexpired term.

(f) ELECTING CHAIRPERSON AND VICE CHAIRPERSON.

The Board shall elect a chairperson, vice chairperson and secretary from the Board's membership each year at the Board's April meeting. The chairperson, vice chairperson and secretary shall each serve a term of one (1) year.

The Board:

1. shall hold monthly meetings at the location chosen by the Board; and
2. may hold special meetings upon the call of the chairperson or a majority of the members of the Board.
3. Three (3) members of the Board constitute a quorum to transact business.

(g) POWERS AND DUTIES OF THE BOARD.

In addition to the powers and duties given the Board in this Ordinance and by law, the Board has the powers and duties reasonable and necessary to do the following:

1. The Board has general supervision of the enforcement of this ordinance and shall have all powers necessary to fulfill the Board's duties under this Ordinance.
2. Recommend to the Commissioners:
 - (A) the appointment or replacement of the Animal Control Officer.
 - (B) the terms and conditions of any contract(s) for the shelter of animals.
 - (C) the budget for animal control and education.
 - (D) the amendment of this ordinance.

3. Conduct ordinance violation hearings and collect the fees and fines authorized by this Ordinance. The Board may appoint one or more of its members to act as the hearing officer(s) to hear said violations.

4. Employ an attorney or attorneys to prosecute ordinance violations. Said employment of such attorney(s) is subject to approval of the Commissioners and county attorney. Said attorney may be compensated on a fee basis, contingent fee basis or other compensation approved by the Commissioners.

(h) USE OF RESOURCES.

The Board may accept, use, and expend funds or other resources from sources other than the State if:

1. the resources are awarded for the pursuit of a specific objective that the Board is authorized to accomplish under this Ordinance; and
2. the resources are expended for the pursuit of the objective for which the resources are awarded; and
3. activities connected with or occasioned by the expenditure of the resources do not interfere with or impair the performance of the Board's duties and responsibilities and do not conflict with the exercise of the Board's powers and duties under this article; and
4. the monetary resources are kept in a separate account in the County's treasury; and
5. reports of the Board's receipt and use of the resources are prepared periodically.

(i) IMPLEMENTING STATE & FEDERAL LAW.

The Board shall adopt rules pursuant to state and federal law that are reasonable and necessary to discharge the duties imposed on the Board by law and to implement this Ordinance.

(j) APPROVAL OF PERMITS AND LICENSES.

The Board shall approve or disapprove all applications for permits and licenses for animals based on the Board's determination as to whether the applicant has complied with this Ordinance and demonstrates a reasonable probability of continued compliance. The Board is empowered to revoke licenses and permits as provided in this Ordinance. Restrictions, regulations and orders necessary to carry out the intent of this Ordinance or any restrictions, rules or regulations adopted pursuant to this Ordinance, may be issued by the Board.

(k) COUNTY APPOINTED ANIMAL SHELTER.

Rules and regulations pertaining to the operation of the County appointed Animal Shelter must be approved by the Commissioners.

(l) IMPLEMENTING RULES, REGULATIONS FOR ANIMAL CONFINES.

The Board may from time to time implement rules and regulations pertaining to what constitutes unclean, overcrowded and inadequately ventilated confines of an animal; however, these rules and regulations may only be used to determine whether a permit should be issued or revoked and for no other purpose. Any restrictions, rules or regulations that may be adopted by the Board pursuant to this Ordinance must be reviewed and approved by the Commissioners

(m) ISSUANCE, DENIAL OR REVOCATION OF LICENSE.

Subject to the provisions of this Ordinance and Indiana law, the Board has authority to issue licenses for ferrets, dogs and cats; however, a decision to disapprove any license or revoke any license may be appealed to the Commissioners which shall have final authority over such issuance, denial or revocation of any animal license.

(n) CONDITIONS ON LICENSES/PERMITS.

If the Board finds that the nature of a particular animal or the area in which it is kept may in any way endanger the public health, safety, or welfare, it may impose conditions on a license or permit and breach of those conditions shall be cause for revocation of the license and a violation of this Ordinance.

(o) INSPECTIONS.

The Board may act on behalf of the Commissioners to inspect a shelter at any time during business hours. Any findings are to be brought to the attention of Commissioners.

SECTION 5: ANIMAL VIOLATIONS CLERK

(a) ANIMAL VIOLATIONS CLERK.

An Animal Violations Clerk shall be appointed by the Perry County Clerk's Office from the existing employees of that office and the Clerk may appoint any of the Clerk's assistants to assist in the collection of animal related fees and fines. The Clerk shall provide space for the Animal Violations Clerk. The Animal Violations Clerk shall be open during the same hours as the office of the County Clerk.

(b) COMPLAINTS.

The Board and the Animal Control Officer shall receive animal complaints from citizens, and on the execution of an affidavit by any citizen complaining of an alleged violation of this Ordinance, or upon the issuance of a citation by the Animal Control Officer or law enforcement officer alleging a violation of this Ordinance, the Animal Control Officer or law enforcement officer shall cause a complaint to be filed with the Board or in the Perry Circuit Court alleging violation of this Ordinance. No complaint shall be filed in Court unless the attorney for the county, or his designee as provided in this Ordinance, determines there is sufficient evidence to support a finding by a court that a violation occurred. This provision shall not prevent the Animal Control Officer(s) or law

enforcement officer(s) from issuing verbal or written warnings of violations where such warnings shall be deemed sufficient to prevent further violations.

(c) ENFORCEMENT PROCEDURES.

A person charged with a violation for which a fine may be imposed under this Ordinance may do the following.

1. Prior to the filing of an action in the Perry Circuit Court alleging an ordinance violation, the alleged violator may appear before the Animal Violations Clerk and pay a fine as provided in this Ordinance; or
2. Prior to the filing of an action in Court alleging an ordinance violation the alleged violator may appear before the Board, or its hearing officer(s), to present their defense to the alleged violation. The Board hearing officer(s) may conduct an administrative hearing based upon the testimony and evidence presented by the Animal Control Officer and the alleged violator. In the event the Board finds that the violator is guilty of the alleged ordinance violation, the violator may be ordered to pay the fine and costs associated therewith. The violator may stay the payment of said fine and costs by appealing the decision to the Perry Circuit Court on a form provided by the Court and paying the appropriate filing fee required by Court.
3. Payment of the fine and costs under this provision constitutes a plea of guilty to the alleged violation of this Ordinance and constitutes a waiver of appearance before the Board or the Court. The Animal Violations Clerk shall issue receipts to violators for civil penalties paid to the Clerk.

SECTION 6: ANIMAL CARE AND CONTROL, SHELTER

(a) IMPOUNDMENT OF ANIMALS.

The Animal Control Officer or a law enforcement officer or any other person having authority to impound animals who has probable cause to believe there has been a violation of this Ordinance or state law may take custody of the animal involved.

(b) OWNER'S RIGHTS.

The custodian/owner of an animal that has been impounded under this section may prevent disposition of the animal by an animal shelter that is caring for the animal by posting, not later than ten (10) days after the animal has been impounded, a bond with the Perry Circuit Court in an amount sufficient to provide for the animal's care and keeping for at least thirty (30) days, beginning from the date the animal was impounded. The owner may renew a bond by posting a new bond, in an amount sufficient to provide for the animal's care and keeping for at least an additional thirty (30) days, not later than ten (10) days after the expiration of the period for which a previous bond was posted. If a bond expires and is not renewed, the animal shelter may determine disposition of the animal, subject to court order. If the owner of an animal impounded under this section is found guilty of an offense under this Ordinance or other state law, the owner shall reimburse the animal shelter for the expense of the animal's care and keeping. If the owner has paid a bond under this

subsection, the Court may nevertheless authorize the animal shelter to euthanize an animal if a veterinarian determines that an animal is suffering extreme pain.

(c) COURT HEARING.

If the owner requests, the Perry Circuit Court shall hold a hearing to determine whether probable cause exists to believe that a violation of this Ordinance or other state law has occurred. If the Court determines that probable cause does not exist, the Court shall order the animal returned to its owner, and the return of any bond posted by its owner.

(d) STRAY ANIMALS.

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. Since the apprehension of the animal is reasonably necessary for the protection of the public health, safety, and welfare, the capture of the animals is a valid exercise of the County's law enforcement power. Therefore, the Animal Control Officer or his designee may use any means reasonably calculated to capture the animal in a manner which presents the least danger to other persons and 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.

(e) DANGEROUS ANIMALS.

If any dangerous animal is not under restraint and cannot be captured safely and impounded, it may be slain by the Animal Control Officer or a law enforcement officer. Impounded dangerous animals will not be sold or allowed to be redeemed except upon approval of the Board.

(f) NOTICE TO OWNER.

The Animal Control Officer shall record a description of impounded animals on forms approved by the Board. If an animal is licensed, the licensee shall be notified and the identity of the animal shall be recorded and kept available for public inspection.

(g) TEN DAY HOLD.

Animal Care and Control shall maintain all impounded animals for a minimum of ten days, unless as otherwise provided for injured or diseased animals, or until claimed by the owner. Untagged and unmicro-chipped animals shall be maintained for no less than ten days, unless as otherwise provided for injured or diseased animals, so long as space allows at the shelter. If the animal is not redeemed within the appropriate time period, the Animal Control Officer may cause the animal to be destroyed

in a humane manner as established by NACA (National Animal Control Association) or place ownership of the animal with an animal shelter.

(h) FEES FOR RECLAIMING OR REDEEMING ANIMALS.

An animal found running at large in violation of a quarantine or in violation of this Ordinance may be impounded in an area or quarters provided by the Board. During the period of impoundment, the owner may obtain possession of the animal by doing all of the following:

1. Paying the expenses of the animal's board and all tax or license fees that are due and unpaid on the animal.
2. Having the animal vaccinated and to pay for the vaccination or furnishing evidence that the animal was vaccinated during the previous twelve (12) months.
3. Paying the impounding fee fixed by the Board.
4. An animal not so reclaimed shall be disposed of in a manner prescribed by the Board or the Perry County Health Officer.

(i) MICRO-CHIPPING ENCOURAGED.

All dogs or cats adopted out by the Board are encouraged to be micro-chipped before release.

SECTION 7: VIOLATIONS

(a) PROCEDURE FOR THE HANDLING OF COMPLAINTS OF VIOALTIONS.

1. It shall be required of any person complaining to the Board, Animal Control Officer or law enforcement agency, regarding domestic animals, to sign a complaint form to be provided by the Board describing the animal, the violation, and the owner of the animal if known by the complainant.
2. One such complaint shall be sufficient cause for the Animal Control Officer or other law enforcement officer to issue a warning to the owner or to impound the animal under procedures outlined in this Ordinance in accordance with the law.

(b) WAIVER OF FINES.

The Board shall have the authority to waive all fines and citations if the owner agrees to have their animal spayed/neutered and micro-chipped before the animal is returned to the owner at the owner's expense.

SECTION 8: REGULATION OF DANGEROUS ANIMALS

(a) ACTIONS ALLOWED BY AUTHORIZED PERSONS PRIOR TO HEARING:

1. If any animal shall attack a person or a pet peaceably conducting himself in any place where he may lawfully be, any person, for the purpose preventing imminent injury or further injury, may use such force as is required to stop the attack.
2. A law enforcement officer or Animal Control Officer acting pursuant to his statutory duties may, where the threat of serious injury to a person or pet is imminent and unjustified, use such force as is required to prevent such injury.

(b) AN ANIMAL MAY NOT BE DECLARED "DANGEROUS" IF:

1. The animal was protecting or defending a person within the imminent vicinity of the animal from an attack or assault;
2. The time the recipient of the attack was committing a crime or offense upon the property of the owner/custodian of the animal;
3. The recipient of the attack was teasing, tormenting, abusing or assaulting the animal, or in the past had teased, tormented, abused or assaulted the animal;
4. The animal was attacked or menaced by another animal, or the animal attacked was on the property of its owner/custodian;
5. The animal was responding to pain or injury, or protecting itself, its kennels or its offspring;
6. The person or domestic animal was disturbing the animal's natural functions such as sleeping or eating;
7. Neither growling nor barking, nor both, shall alone constitute grounds upon which to find an animal to be "dangerous."

(c) COMPLAINT PROCEDURE.

1. Any person may make a complaint of an alleged "dangerous" animal as that term is defined herein to the Animal Control Officer or law enforcement officer. Such officer(s) shall immediately inform the complainant of his right to commence a proceeding provided for in subsection 2, immediately below, and, if there is reason to believe the animal is a "dangerous" animal, the officer shall forthwith commence such proceeding himself.
2. Any person may make a complaint under oath or affirmation of an alleged "dangerous" animal as that term is defined herein to the Board, Animal Control Officer or law enforcement officer. Thereupon, the Board, subject to judicial review, shall immediately determine if there is probable cause to believe the animal is a "dangerous" animal and, if so, shall issue an order to the Animal Control Officer or other qualified law enforcement officer directing such officer to immediately seize such animal and hold same pending a Board determination as herein provided. If the custodian of the animal refuses to surrender the

animal to the officer, the officer shall seek a court order authorizing the seizure of the animal. If the animal is found to be at large, no such court order shall be necessary. The Board shall, within seven (7) business days of a request for a hearing, and upon written notice of not less than three (3) days to the owner of the animal, hold a hearing on the complaint.

(d) DESTRUCTION OF THE DANGEROUS ANIMAL.

The Board may order an animal destroyed if none of the precautions in Section (e) below are deemed sufficient to prevent the risk of injury to any person.

(e) PRECAUTIONS FOR DANGEROUS ANIMALS REQUIRED.

Where an animal is determined, pursuant to a preponderance of the evidence at a duly constituted hearing, to be "dangerous," the Board, subject to judicial review, shall require the owner of said animal to register such animal with the Board, and to provide prompt notification to the Board of any changes in the ownership of the animal; names, addresses and telephone numbers of new owners; any change in the health status of the animal; any further instances of attack; any claims made or lawsuits brought as a result of further instances of attack; or the death of the animal. In addition, the Board, subject to judicial review, may require any or all of the following, but items 5, 6 and 11 of this section, or any one of them, may only be imposed where there has been serious injury to a person.

1. Indoors, when not alone, the animal be under the control of a person eighteen (18) years or older.
2. Outdoors and unattended, the animal be kept within a locked fenced area from which it cannot escape.
3. When outdoors the animal must be attended and kept within a fenced area from which it cannot escape.
4. When outdoors the animal must be attended and kept on a leash no longer than six (6) feet and under the control of a person eighteen (18) years of age or older.
5. When outdoors the animal must be attended and muzzled. Such muzzle shall not cause injury to the dog or interfere with its vision or respiration but shall prevent it from biting any person or animal. The muzzle must be made of non-metallic material so as to prevent the muzzle from freezing to the animal.
6. Outdoors and unattended, the animal must be confined to an escape-proof kennel of the following description:
 - (A) Such kennel shall allow the animal to stand normally and without restriction, and shall protect the animal from the elements.
 - (B) Fencing materials shall not have openings with a diameter of more than two (2) inches, and in the case of wooden fences, the gaps shall not be more than two (2) inches.

(C) Any gates within such kennel or structure shall be lockable and of such design as to prevent the entry of children or the escape of the animal, and when the animal is confined to such kennel and unattended such locks shall be kept locked.

(D) The kennel may be required to have double exterior walls to prevent the insertion of fingers, hands, or other objects.

7. Placement of a sign or signs of a description and in places directed by the Board, advising the public of the presence and tendencies of said animal.

8. Attendance by the animal and its owner/custodian at training sessions conducted by a certified applied animal behaviorist, board certified veterinary behaviorist or other recognized expert in the field and completion of training or any other treatment as deemed appropriate by such expert. The owners of the animal shall be responsible for all costs associated with the evaluation and training ordered under this section.

9. Neutering or spaying of the animal at the owner's expense, unless a duly authorized veterinarian renders an opinion otherwise.

10. That the animal be permanently identified by tattooing or by injecting an identification microchip, using standard veterinary procedures and practices, identification number and the identification of the person performing the procedure to be registered with the Board as indicated above.

11. The procurement of liability insurance in an amount to be determined by the Board, but in no case in an amount of less than Five Hundred Thousand Dollars (\$500,000.00), covering the medical and/or veterinary costs resulting from future actions of the animal. This condition may not be imposed if it is shown that no such insurance is available for a reasonable premium.

12. If any of the above conditions ordered by the Board are not complied with, the owner shall be subject to a fine of not more than Two Thousand Five Hundred Dollars (\$2,500.00).

13. If a further incident of attack occurs under such circumstances that the dog, after a hearing as described above, is determined to be a "dangerous" dog, the Board, subject to judicial review, may impose or re-impose any applicable directives listed above; additionally, humane destruction of the dog may be ordered, but only where the further incident involves serious injury to a person.

14. Order the animal to be examined by a veterinarian to rule out an underlying treatable medical cause which may be causing the animal to be aggressive. Such examination shall be at the owner's expense.

15. In the event a dangerous animal escapes, the custodian/owner shall immediately inform either law enforcement or the animal control officer or both of the escape together with any pertinent information regarding the animal and the circumstances involved with the escape.

(f) PROCEDURE BEFORE BOARD:

1. The Animal Control Officer is hereby authorized to declare an animal to be a dangerous animal. Notice of such declaration shall be served personally upon the owner, or his authorized agent, or served by mailing the notice, by certified or registered mail, return receipt requested, upon the owner or his authorized agent. If mailed, the notice shall be deemed effective three business days from depositing the notice in the United States mail. The notice shall indicate that the animal is declared to be a dangerous animal and that if written appeal of the Animal Control Officer's decision is not filed within ten days with the Board through the County Clerk's office, the animal shall be destroyed. If ownership of the animal cannot be determined, the animal may be destroyed after detaining the animal for five (5) business days without notice or further action by the Board.

2. Upon notice of the declaration of the animal to be a dangerous animal, the animal, if not already held in quarantine by the Department of Health, shall be surrendered to the Animal Control Officer pending a decision by the Board on the disposition of the animal or imposition of conditions referred to above. If not voluntarily surrendered to the Animal Control Officer, a warrant or other court order shall be obtained for the Animal Control Officer or other law enforcement officer to obtain immediate possession of the animal. No consent or court approval shall be required to obtain possession of the animal if the animal is not under restraint and is not on the property of the owner or his authorized agent.

3. The timely filing of an appeal of a decision of the Animal Control Officer to the Board shall stay the decision of the Animal Control Officer to destroy the animal until a hearing can be held by the Board and a decision rendered thereon. If a hearing is requested, notice of the date, time, place, and purpose of the hearing shall be given to the owner or his authorized agent. The Board, or its hearing officer(s), shall review the evidence and render a decision that reverses in whole or in part the decision of the Animal Control Officer or affirms a decision of the Animal Control Officer that the animal is dangerous. Upon a finding that the animal is dangerous, the Board may impose one or more of the conditions stated above in subsection (e) above or have the animal destroyed. A decision of the Board, if appealed, shall be appealed pursuant to IC 34-4-17.5.

4. If the decision of the Board or the final decision of the courts upon appeal is that the animal is dangerous, the owner shall be responsible for payment of the following fees:

(A) A custodial fee of: \$20 administrative fee plus \$10 per day until the time of the Board's decision and thereafter \$10 per day, or for any part of a day, for shelter and food for the animal, and plus medical expenses and other costs incurred by the Board for the apprehension and maintenance of the animal, and for treatment of the animal while detained. These charges shall accrue until consent is given for destruction of the animal or until the animal is destroyed.

(B) If the decision of the Board or any final decision of the courts upon appeal is that the animal is not dangerous and should be released to the owner, then those charges, as provided herein, shall not be charged to the owner.

(C) An animal that is not under restraint and cannot be safely captured and impounded may be slain.

(g) HARBORING A DANGEROUS ANIMAL.

No person shall own, keep, or harbor a dangerous animal within the County; except for dangerous animals in compliance with the orders of the Board as provided above. This section shall not apply to animals under the control of a law enforcement or military agency, zoo or a properly permitted circus demonstrating that the animals are in secure enclosures and monitored by trained individuals.

**SECTION 9: FUNDING OF EMERGENCY
VETERINARIAN SERVICES**

Five percent (5%) of all license and permit fees shall be placed in a separate fund to pay for the costs of medical care and stabilization of injured or sick animals under the care of the Board. If owners are located and found to be liable for the cost of such services for their animal(s), they shall be responsible for reimbursement of the cost of these services.

SECTION 10: PENALTIES AND FEES

(a) GENERAL PROVISIONS.

Any person who violates any provision of this Ordinance shall be subject to a fine, court order to comply, and revocation of licenses or permits issued, following notice and hearing. Violations of the provisions of this Ordinance shall be cause for denial of the issuance of a license or permit if in the opinion of the Board such prior acts indicate the applicant's inability to comply in the future.

(b) FINE SCHEDULE.

The following fines are hereby imposed for violation of the provisions indicated in addition to any other remedy provided by law:

1. FIRST VIOLATION: no less than \$25.00 or more than \$100.00 plus cost of collection, including but not limited to, reasonable attorney fees.
2. SECOND VIOLATION within any 12 month period: No less than \$50.00 or more than \$500.00 plus cost of collection, including but not limited to, reasonable attorney fees.
3. THIRD OR MORE VIOLATIONS within any 12 month period: No less than \$75.00 or more than \$750.00 plus cost of collection, including but not limited to, reasonable attorney fees.

(c) STANDARDIZED PENALTIES.

The Board shall establish standardized penalties and fees for violations of this ordinance to the greatest extent possible.

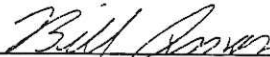
(d) DISCRETION OF BOARD.

The Board or the hearing officer(s) assigned to hear animal control violations under this ordinance shall have the option to offer a "Diversion Agreement" to first offenders. Said Diversion Agreement shall be in writing for a determinate period of time not to exceed one (1) year in duration. The Agreement must also include the conditions that (a) the offender spay or neuter the animal(s) subject to the Board action; and (b) the offender attend an animal care and abuse counseling program approved by the Board.

EFFECTIVE DATE

This ordinance shall be in full force and effect upon its passage by the Perry County Commissioners.

Passed and adopted this 28th day of December, 2011 by the Perry County Board of Commissioners:



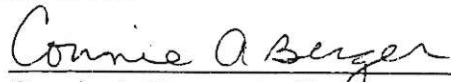
Bill Amos, Commissioner

Louis J. Fortwendel, Commissioner



Thomas J. Hauser, Commissioner

ATTEST:



Connie A. Berger, Auditor

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