

Bill No. 133-06
As Amended

ORDINANCE NO. 10-07

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4.10
ENTITLED "ANIMAL CONTROL AND LICENSING"

WHEREAS, I.C.36-8-2-5 authorizes St. Joseph County to impose restrictions on animals; and

WHEREAS, the reasonable control and licensing of animals in St. Joseph County is necessary to protect the health, safety and welfare of the citizens of St. Joseph County and animals living therein; and

WHEREAS, the County Council previously adopted an Ordinance entitled "Animal Control and Licensing", which is found in Title 4, Chapter 4.10 of the St Joseph County Code to be recodified as Chapter 6, Article 2, Section 6-15 to Section 6-38.

NOW THEREFORE, BE IT ORDAINED BY THE ST JOSEPH COUNTY COUNCIL THAT:

410.090 – REPEAL

Title 4, Chapter 4.19 of the St, Joseph County Code to be codified as Chapter 6 Article 2, Section 6-15 to Section 6-38 is hereby deleted in its entirety and replaced by this Ordinance:

410.901 – Title

This ordinance may be cited and referred to as the "Animal Control and Licensing Ordinance" and shall apply to the unincorporated areas of St. Joseph County, Indiana.

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4.10.010 Definitions

The following terms and phrases shall have the meanings set forth in this Ordinance:

ABANDON means to deposit, leave, drop off or otherwise dispose of any live animal on public or private property without providing the requisite care prescribed under 4.10.011

A.D.B.A. means the American Dog Breeders Association

AGENT(S) means person(s) eighteen (18) years or older authorized by an owner to act on the owner's behalf

A.K.C. means the American Kennel Club

ALTERED ANIMAL means any animal that has been operated on or has been given medication to prevent it from procreating

ANIMAL means any live non-human vertebrate or invertebrate creature domestic, wild or exotic

ANIMAL CONTROL AGENCY means any governmental or private entity charged with, or contracted with and given authority for the enforcement of the provisions of this Ordinance for and on behalf of St. Joseph County (hereinafter referred to as "County")

ANIMAL CONTROL COMMISSION means the governing board established by Article 4.10.060 of this Ordinance

ANIMAL CONTROL OFFICER means a person authorized and empowered to carry out the provisions of this Ordinance as appointed by the County contracted agency

ANIMAL PERFORMANCE OR EXHIBITION means any spectacle, performance display, act, exhibition, or event in which an animal or animals are used

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

AT LARGE means any animal that is:

1. not on a leash and is off the property of its owner, its owner's agent, or its keeper; or
2. on a leash that does not adequately confine the animal to the property of its owner, its owner's agent, or its keeper; or
3. on a leash that is not otherwise under the immediate control of a person physically capable of restraining the animal

ATTACK DOG means any dog that is trained to attack upon command or those that do attack or have attacked another animal or human being without provocation. This definition excludes K-9 Dog Corps in use by law enforcement agencies

AUCTION means any place, facility or group where animals are bought, sold, or traded by any means except for those facilities otherwise defined in this Ordinance or by Federal, State, laws, regulations or rules or by County Ordinance. This definition shall also include groups that sponsor sales. Adoption facilities holding a not-for-profit status are exempt from this definition.

BEE means any of several winged, hairy-bodied, usually stinging insects of the superfamily Apoidea in the order Hymenoptera, including both solitary and social species and characterized by sucking and-chewing mouthparts for gathering nectar and pollen:

1. A bumblebee
2. A honeybee

BITE means to seize, tear, wound or cut with teeth, resulting in a break in the skin

BREEDER means any person, for-profit business, or corporation that harbors or keeps animals, (i.e., cats, dogs, minks, chinchillas, and ferrets) with the exception of livestock, that is permitted by zoning laws, and allows or causes these animals to procreate for the purpose and intent of selling said animals

CATTERY means any person or group of persons, partnerships or corporations engaged in keeping more than three unaltered cats

CIRCUS/RODEO means any performance, which is given for a fee, by traveling companies using animals, and which possesses valid licenses and permits as required by Federal and State Law and County Ordinance

CONTROLLED ANIMAL means any animal not defined as a domestic animal in this Ordinance with the exception of small, non-poisonous reptiles, small cage birds, or psittacine. Such controlled animals shall include any animal for which the possession or ownership is controlled or regulated by Federal or State Law, or County Ordinance or regulations concerning licensing or the issuance of permits. Such controlled animals shall include, but not be limited to, the following:

1. All poisonous animals by genetic disposition including insects, reptiles, amphibians, invertebrates, and rear-fang snakes
2. Apes: chimpanzees (Pan), gibbons (Hylobates), gorillas (Gorilla), orangutans (Pongo), and siamangs (Symphalangus)
3. Baboons (Papoe, Mandrillus)
4. Bears and bear-like mammals
5. Non-domestic canines: including wolves, coyotes, wild dogs and hybrids
6. Carnivores: all that might be considered dangerous
7. Crocodilians (Crocodilia)
8. Constrictor snakes, including, but not limited to: boa, python, and anaconda
9. Elephants (Elephas and Loxodonta)
10. Endangered Species: any animal considered to be protected by any endangered species act
11. Non-domestic felines
12. Fur bearing animals raised to provide products for the fur trade
13. Game cocks and other fighting birds
14. Hippopotami (Hippopotamidae)
15. Hyenas (Hyaenidae)
16. Komodo Dragons
17. Monitor Lizards over 6 feet in length
18. Monkeys: old and new world
19. Piranha fish (Characidae)
20. Rhinoceroses (Rinocero tidae)
21. Sharks (class Chondrichthyes)
22. Snow Leopards (Panthera uncia)
23. Spiders and insects which are poisonous
24. Walking Catfish

COUNTY geographically means all unincorporated areas of St. Joseph County, Indiana

CRIMINAL TRESPASS shall have the meaning set forth in Indiana Code

DANGEROUS ANIMAL means any animal

- A. which has, off its owner's property, attacked another animal or livestock; or
- B. which has attacked or which has attempted to attack, unprovoked, any human being, whether on or off the owner's property; or
- C. which has bitten or attacked a person, causing wounds or injuries creating a potential danger to the health and life of the victim; or

- D. which has been found to be at large and been documented to be at large by an Animal Control Officer, Police Officer, or any County official or designee and at any time has been documented to show potentially aggressive behavior, or
- E. that could be deemed dangerous which has violated 3 or more times the Public Nuisance provision, at the Animal Control Commission's discretion
- F. with the exception of those animals which cause injury or damage to a person when while that person is:
 - 1. committing or attempting to commit a criminal offense against the owner or agent of the owner; or
 - 2. committing a criminal trespass upon the premises occupied by the owner, agent, or keeper of the animal; or
 - 3. teasing, tormenting, abusing or assaulting the animal
- G. this definition also excludes K-9 Corps Dogs in use by law enforcement agencies; trail sponsored field exercises and hunting dogs

DESIGNEE means a person, organization or entity selected, appointed or nominated for a particular purpose or duty

DOMESTIC ANIMAL means any animal that is a member of the following species:

- 1. Dog (Canis Familiaris)
- 2. Cat (Felis Catus or Felis Domesticus)
- 3. Cattle (Bos Domesticus or Bos Taurus or Indicus)
- 4. Horse (Equus Caballus)
- 5. Donkey (Equus Asinus)
- 6. Sheep (Ovis Aries)
- 7. Goat (Capra Hircus)
- 8. Rabbit (Oryctolagus Cuniculus)
- 9. Mouse (Mus Musculus)
- 10. Rat (Rattus Rattus)
- 11. Guinea Pig (Cavis Procellus)
- 12. Hamster (Mesocricetus Gerbillus)
- 13. Gerbil (Gerbillus Gerbillus)
- 14. Cow or Ox (Bovine)
- 15. Pigeon: Homing or Racing
- 16. Chicken, Turkey, Goose, Duck
- 17. Llama
- 18. Pig
- 19. Bison (Bison)
- 20. Chinchilla
- 21. Mink
- 22. Ferret

ESCAPE PROOF ENCLOSURE means a secured facility by latch, bolt or lock and is a contained enclosure by wire (minimum of 11 gauge) kennel, 6 sided, of which one can be concrete or brick floor, and either wood or wire of the same gauge roof, and constructed so that an animal can not escape without opening a lock, bolt, etc.

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

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

EXTERMINATOR means any person or company who receives payment for the removal of animals from commercial or private property

FARMER means a person who garners income from raising crops or livestock

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

FOR-PROFIT means all other types of businesses, associations or entities, which do not meet the definition of Not-For-Profit under this ordinance, excluding 4-H clubs, Future Farmers of America, and religious or charitable organizations

FOSTER ANIMAL means any animal, other than wildlife, that is being harbored for the purpose of permanent adoption placement. All individuals with foster animals in the County must work with an established agency and adhere to this Ordinance and all of its chapters and zoning laws.

FOSTER HOME means a place where foster animals are being kept until permanent adoption placement. All individuals with foster animals in the County must work with an established agency and adhere to this Ordinance and all of its chapters and zoning laws.

FOWL means any kind of wild or domestic bird, excluding homing or racing pigeons, canaries, parrots or similar types of birds normally kept in cages

GUARD DOG means a dog used in a commercial business, protection trained, or by a municipal or police department for the purpose of patrol or protection

HARBORING means the actions of any person that permit any animal habitually to remain or lodge or to be fed within his/her home, store, enclosure, yard, place of business, or any premises on which such person resides or controls. An animal shall be presumed harbored if it is fed or sheltered for three (3) consecutive days or more.

HEALTH CARE PROVIDER means any clinician, physician, veterinarian, nurse, E.M.T., paramedic, first responder, hospital, emergency room, urgent care clinic, veterinary clinic or hospital

HUMANE OFFICER(S) means any person(s) and/or agency designated by the State of Indiana, or the County, as a person(s) who is qualified to perform the duties required by County and State Law regarding animals

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.

KENNEL means any premises wherein any person engages in the primary business of boarding, breeding, buying, letting or keeping dogs for the purpose of hire, training for fee or sale

LEASH means a cord, chain, rope, strap or other such physical restraint

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

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. The microchip that will be used is a 125 kHz chip.

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

NIP means to pinch or squeeze with the teeth, not necessarily breaking the skin or damaging any tissue or to scratch, claw or rub the skin not necessarily breaking the skin

OFF PROPERTY means beyond the legal boundaries of the real property on which the owner, agent, or keeper resides

OWNER means any person age eighteen (18) years or older or a partnership, or corporation or any entity owning, keeping, or harboring one or more animals

PET means any animal owned or harbored for pleasure and companionship

PET SHOP/GROOMING SHOP means any person, group of persons, entity, partnership, or corporation, whether operated separately or in connection with another business enterprise, engaged in the care, bathing, clipping, or plucking and/or possession of animals for display and sale of pets

POLICE DOGS OR K-9 PATROL DOGS means a professionally trained dog used by public safety officers for law enforcement or investigative purposes and activities

PROVOKED means to deliberately arouse, incite or excite

PUBLIC NUISANCE means any animal or animals which:

1. interferes with passers-by or passing vehicles; or
2. has been found to be at large and documented to be at large three (3) or more times in a twelve month period,
3. damages private or public property; or
4. causes frequent or 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, but not to include operations of boarding kennels, kennels, training facilities or the practice of animal husbandry; or
5. is at large or on a public park, playground, swimming pool, or school yard, unless the animal is authorized by school officials; or
6. is in estrus that is not confined or restrained so as to prevent attraction or contact with other animals; or
7. damages, soils, defiles or defecates on any public right of way

RABIES VACCINATION means the injection by a licensed veterinarian of a dog 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

REHABILITATION means any person(s) preparing an animal for the release into its natural habitat

RESTRAINT means the securing of an animal by adequate leash or lead, or confining it within the real property limits of its owner or owner's agent

SERVICE ANIMAL means any animal that is trained to assist a disabled person

SHELTER means a facility used to provide humane care and shelter for stray, or owner relinquished animals

STATE means the State of Indiana

STRAY means any animal that is not within the real property limits of its owner and is not under restraint or is unattended.

U.K.C. means United Kennel Club

VETERINARIAN means any person licensed and accredited to practice veterinary medicine in the State of Indiana

WILD ANIMAL means any animal, non-domestic or exotic animals, with the exception of small, non-poisonous aquatic or amphibious animals and small cage birds, which are normally found in the wild state.

ZOOLOGICAL PARK means any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals operated by a person, partnership, corporation or governmental agency, or other entity that is established for educational purposes and is properly zoned for such use and which possesses valid licenses and permits as required under Federal and State Law, and County Ordinance

4.10.011 General Animal Care Requirements

Every owner and/or agent within the County shall see that each of his or her animal or animals:

1. Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit, or lie in its own excrement, except for the normal husbandry practice of confined feeding;
2. Has sufficient and wholesome food and water, which is proper and nutritional for that species of animal, at all times;
3. Has a proper and adequate shelter provided that will protect the animal from all elements of the weather and will allow that animal to stand, sit, and lie down without restriction, and is kept in a sanitary manner;
4. If ill, diseased, or injured, receives proper veterinary care as necessary to promote the good health of the animal and prevent the transmittal of disease to other animals or human beings;
5. Is not beaten, cruelly ill-treated, overloaded, overworked, tormented or otherwise abused;
6. Is not subjected to any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans;
7. Is not physically altered in any manner by anyone other than a veterinarian or by accepted veterinary procedures and/or accepted animal husbandry procedures with the exception of tattooing for identification purposes and grooming;
8. Is not abandoned, neglected, or tortured;
9. Does not become a public nuisance;
10. Does not become a dangerous animal;
11. In the case of a dog, cat or ferret over the age of twelve (12) weeks, is properly vaccinated against rabies by a licensed veterinarian annually, or upon such frequency as may be specified by the Indiana Board of Animal Health;
12. Is properly restrained, which means no animal shall be hitched, tied, or fastened by any rope, chain or cord that is directly attached to the animals neck. Animals that are tied, hitched or fastened to restrain them must wear a properly fitted collar or harness made of leather or nylon, not a choke chain. 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 harness and shall be at least six (6) feet long;
13. In mating season, shall be kept in a secure enclosure in such a manner that it cannot come into contact with another animal of the same species for unplanned breeding;
14. Is not used in an unnatural way including but not limited to: bestiality, pushing a chicken out of a mail box, or a greased pig contest;

15. Is not left unattended for long periods of time where water and food are not; replenished and animal conditions are not monitored;
16. Is not subject to any poisonous substance or bait that is deemed harmful to any domestic animal or person, except for the standard control of common rodents. Controlled programs under the County Board of Health are excluded, as are licensed extermination services;
17. Any puppy or kitten that is under the age of eight weeks, shall not be offered for sale, traded, or given for free except a puppy or kitten that may be relinquished to the designated animal control facility;
18. In the case of chickens, ducks, turkeys or other domestic fowl and poultry, shall not be confined less than fifty feet from any neighboring dwelling;
19. No person or group of persons or any for-profit or not-for-profit organization, whether for pay or other compensation or promotional purposes, shall conduct or allow any event involving contests between animals or persons using animals in any form except those events reviewed and approved for the safety, well-being and comfort of the animals involved by the Humane Society, acting as a designee of St Joseph County;
20. No person shall cause, instigate, permit or conduct any dogfight, cockfight or other combat between animals or animals and humans;
21. Is not tethered on a chain rope or like device longer than three (3) hours at a time and no more than three times within any 24 hour period

4.10.020 Microchip Reading

All animals shall be read with a microchip reader upon entering a shelter, rescue facility or any facility that accepts animals to be resold or used for any reason before that animal is sold or euthanized. It shall be unlawful to tamper with a microchip including its removal from an animal.

4.10.021 Lost or Stray Animals

Persons who take possession of a stray animal are to notify the Animal Control Agency within 48 hours. At the discretion of the Animal Control Agency, the finder may keep the animal until the owner can be found or the animal can be placed in a permanent home. A found report shall be left with the Agency, to enable the finder an opportunity to return the animal to its rightful owner.

1. Upon demand by the Animal Control Agency, any found animal shall be surrendered to said agency
2. Persons finding an animal are obligated to comply with all the rules in this Ordinance pertaining to humane care and treatment of animals while said animal is in their custody awaiting return to the actual owner.

4.10.030 Sale of Animals as Novelties or Use as Prize Prohibited; Exception

- A. No person shall display, sell, and offer for sale, barter, or give away any live animal, reptile, fish or bird as a novelty prize or as an advertising device.
- B. No live rabbit, chick, gosling, duckling, turkey or other fowl may be dyed or otherwise colored artificially nor be sold, offered for sale, displayed, used as barter, or given away.

- C. This Section shall not be construed to prohibit the sale or display of natural chicks, ducklings, goslings, turkeys or other domestic fowl in proper breeder facilities by hatcheries, licensed sale barns or stores engaged in the business of sale to be raised for commercial purposes. Nor shall this Section prohibit a pet shop holding a valid permit under this Ordinance, or a legitimate humane society or animal shelter, from humanely caring for, adopting out, or selling animals as pets.
- D. All auction facilities, trading meets, and/or individual vendors that publicly sell, trade, and/or barter animals must be properly licensed at least ten (10) business days prior to each event.

4.10.040 Motor Vehicle Accidents Involving Animals

Any person operating a motor vehicle, who knowingly hits, runs over or causes injury to a domestic animal or wildlife whose remains would pose a danger to other motorists, shall immediately notify the County Police Department.

4.10.050 Animals in Motor Vehicles

No animal shall be left in a motor vehicle when the conditions in that vehicle would constitute a health hazard to that animal, or when the weather would constitute a health hazard to such animal confined in said motor vehicle. Any animal transported on a public right of way, in the open bed of a truck (weather permitting) shall be tethered to two sides of the vehicle while in motion or placed in a safe contained travel carrier as to prevent injury or danger to the animal. At the request of the Humane Officer, a law enforcement officer may act to remedy a hazard by any lawful means, including gaining immediate vehicle entry to impound the animal.

4.10.060 Animal Control Commission

The Animal Control Commission is established and shall have the following duties:

1. To report and be responsible to the County Commissioners;
2. To recommend proposed policies, principles, standards, and regulations for the control and humane treatment of all animals and for the provision of a safe, nuisance free environment for people residing in the County;
3. To review and make recommendations to the County Commissioners on improving the enforcement of the terms of this Ordinance and other ordinances necessary for the care and treatment of all animals under this Ordinance;
4. To review the performance of any County agencies or agencies hired by the County in matters relating to this Ordinance;
5. To receive reports involving animal control from the County Police Department, or other agencies authorized to carry out the provisions of this Ordinance;
6. To submit to the County Commissioners written reports of its activities and recommendations;
7. To receive complaints regarding alleged animal control violations;
8. To hear appeals, in a timely manner after an appeal has been filed, to determine the following:
 - a) whether an animal is a "dangerous animal", as defined herein;
 - b) whether a person has "provoked" an animal, which has resulted in a violation of this Ordinance;
 - c) whether an animal is to be placed on probation for a period of time;

- d) whether the animal is a nuisance animal: such determinations shall be in writing with the original copy being maintained by the Animal Control Agency, and copies being sent to the animal's owner and the County Commissioners.
 - e) whether to call meetings or hearings to discuss any animal issues;
 - f) whether to make determination following any meeting or hearings that it feels are in the best interest of the animals and citizens of the County
9. Membership and Quorum of Commission:
- a) The Animal Control Commission shall be composed of three (3) members and one (1) alternate member. The appointments shall be as follows, two (2) by the County Council, one (1) by the County Commissioners and one (1) alternate by the County Commissioners. The presence of three (3) members or two (2) members and one (1) alternate shall be necessary to constitute a quorum.
 - b) One (1) member shall be a licensed veterinarian appointed by the County Council;
 - c) One (1) member shall be an owner, operator, or employee of a kennel, cattery, zoological park, farmer or commercial animal establishment, appointed by the County Council
 - d) One (1) member shall be an employee from the Police Department K-9 Corps, appointed by the County Commissioners;
 - e) One (1) alternate member shall be appointed by the County Commissioners, and shall be an active member of an animal welfare organization including, but not limited to, any humane group or shall have qualifications set forth in items b), c), or d) (above) of this section.
10. Terms of Members:
- The members of the Commission shall serve at the pleasure of the appointing authority and each member shall serve until a qualified successor is duly appointed. All appointments shall be made for three (3) year terms, however the initial appointments shall serve as follows: the member appointed pursuant to section I (2) shall serve for one (1) year; the member pursuant to section I (3) shall serve for two (2) years; and the member and alternate member appointed pursuant to section I (4) and I (5) shall serve for three (3) years.
11. Meetings, Agenda, and Minutes of the Commission:
- a) The Commission shall meet at least once each calendar year. At such annual meeting it shall elect a Chairperson and other officers deemed necessary. The Chairperson or Vice-Chairperson may also call emergency meetings at any time, with proper notice being provided as required by applicable State Law.
 - b) Copies of all Commission agendas shall be sent to the President of the Board of Commissioners and the St. Joseph County Council upon the call of a Commission meeting
 - c) Minutes of all Commission meetings shall be maintained and copies of minutes shall be sent, within ten (10) days following each meeting, to the President of the Board of Commissioners and the St. Joseph County Council.
 - d) The County attorney or their designee shall attend all Commission meetings.

12. The Commission may uphold or reverse a decision made by the Animal Control Agency declaring that an animal is a public nuisance or dangerous animals as defined by this ordinance:
 - a) If such a decision is upheld, the Commission may place the owner of the animal(s) on probation for a period of time determined by the Commission, which is deemed in the best interest of the animal and the community.
 - b) The Commission may place restrictions on the owner during the period of probation that are deemed in the best interest of the animal and the community.
13. Any and all appeals for permits or revocation of permits within this Ordinance shall come before the commission for hearing.
14. The commission shall have the authority to appoint citizens to a voluntary advisory board when it deems such action necessary.

4.10.061 Acreage and Zoning

Any person desiring to keep any domestic animals or fowl in the County must have the appropriate zoning of land upon which the animals would be kept. The maximum number of such animals that may be maintained on such property shall be determined in light of current animal husbandry and veterinary standards. No shelter or feeding station for domestic animals or fowl closer than 50 feet to the adjoining property line shall be constructed after the date this Ordinance is in effect. Nothing in this section shall be deemed or construed to prohibit the keeping of bees in a hive, stand or box located or kept within a zoological park, school or in a university building for the purpose of study or observation as long as public safety is ensured.

4.10.070 Wild Animals and Exotic Animals

No wild or exotic animal shall be kept in the county without the required county, state, and federal permits. A County permit shall be issued for each such animal.

4.10.071 Training Method

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

4.10.090 Destruction of Animals

No person other than a duly authorized agent of the animal control shelter may destroy any domestic animal. However this provision shall not apply to the following:

1. A licensed veterinarian.
2. Those persons acting in immediate self-protection or protection of their livestock from immediate danger.
3. Law enforcement officers, firefighters and other safety personnel acting to prevent undue suffering of the animal.

4.10.100 Owners or Agents Responsible for Removing Animal Wastes and Dead Animals

- A. Within any residential area, any owner or his agent taking the owner's animal(s) outside of owner's real property limits must immediately remove any excrement deposited by the animal(s) on any such public or private property, except in the case of a guide dog

for a blind person or service dog for deaf or physically disabled person or any animal utilized for law enforcement purposes.

- B. The owner of any dead animal shall remove and properly dispose of the animal within twenty-four (24) hours after its death. The real property owner or lessee is responsible for removal of any wild or stray animal carcass on such real property.
- C. No animal shall be abandoned on public or private property anywhere in the County.

4.10.110 Animal Bites, Reports and Quarantine

- A. If any animal sustains an animal bite, any witness, owner of the animal, or owner's representative, shall immediately notify the County Animal Control Agency and County Health Department of the incident and provide a description of the animal and the identification of the owner.
- B. When an animal is determined to have bitten a person, the animal shall be confined in quarantine for a period of not less than ten (10) days pursuant to rules adopted by the Indiana Board of Animal Health.
- C. If the owner of an animal which has bitten a person has proof of current rabies inoculations, the animal may be left in the charge of the owner, under quarantine, unless, in the judgment of the humane officer, and based upon considerations of public safety, the humane officer determines it should be removed to an animal shelter or veterinary hospital for the period of observation.
- D. In addition to any legal obligations prescribed by law, the owner shall be liable for all costs incurred in the quarantine of the animal including the veterinary services.
- E. If the ownership of the biting animal cannot be determined, or if the owner does not furnish proof of current rabies inoculation, the animal shall be impounded under the authority and discretion of the County Animal Control Agency and confined in the County's animal control facility or approved animal care facility for the period of observation of not less than ten (10) days.
- F. Humane officers shall be empowered to enter onto private property for the purpose of impounding animal(s) which are known to have bitten a person and shall obtain legal process to do so if necessary.
- G. Unless otherwise provided, the County and any of its agents shall comply with the standards set forth in according to Indiana laws, rules and regulations (Reference the "Rabies Compendium" used by the BOAH, IVMA and ISDH).
- H. All Health Care Providers are required to report all animal bites to the County Health Department and the County Animal Control Agency on the official Indiana Bite Report Form.
- I. The Animal Control Agency shall quarantine the animal for 10 days with the place of confinement at the discretion of the Animal Control Agency. During the quarantine period, the animal is to be securely confined and kept out of contact with any other animal or person except animal control personnel. Prior to the quarantine period, the owner must provide a current proof of rabies vaccination or the animal will be vaccinated by a licensed veterinarian in the following manner:
 - 1. The owner will pre pay a rabies vaccination at the veterinarian of their choice prior to the release of the animal; and
 - 2. When the animal is released it shall be taken immediately to the veterinarian and the injection of rabies given, the owner shall then return to the shelter to obtain a license

- when proof of vaccination is provided. The animal quarantined shall be micro chipped at the owners expense during the quarantine period before release; and
3. If the animal is quarantined at an off site location the owner shall pay the expense to have the shelter officer come to the location and inject the official microchip into the animal; and
 4. The microchip, used for these quarantine provisions, shall be numbered. This number will provide entry into a database that contains the animal's bite history. "Avid" microchip is the chip of choice; and
 5. All impounded and quarantined dogs and cats claimed by their owners shall be permanently microchipped for identification purposes at the owner's expense
- J. Violations of these quarantine provisions shall constitute a class A Civil Infraction

4.10.120 Rabies Vaccination of Dogs, Cats, and Ferrets Required

- A. No animal owner or his/her agent shall keep or harbor a dog, cat or ferret over the age of twelve (12) weeks unless it has been vaccinated by a licensed veterinarian with anti-rabies vaccine as required by Indiana State Law.
- B. Proof of vaccination shall be maintained by the owner for inspection if requested by the County or its designee.
- C. Failure to comply with the provisions of this section shall subject the owner of said unvaccinated dog, cat or ferret to citation for violations of this ordinance and subject to penalties as set forth in paragraph G herein below.
- D. Evidence of such rabies inoculation shall be entered on a certificate approved by the Animal Control Commission. Veterinarians who inoculate an animal for rabies shall procure from the Animal Control Agency serially numbered tags, one to be issued with each Rabies inoculation. Only one animal shall be included on each certificate and receive a tag to match the certificate
- E. Upon change of ownership, the new owner shall apply for an inoculation certificate.
- F. With the exception of an animal that has been micro chipped, such tags shall be attached to the collar or harness worn by the animal for which the tag has been issued when the animal is off of the owner's property.
- G. The cost of tags shall be five dollars (\$5.00) per year or ten dollars (\$10.00) for three (3) years. The tag fees shall be paid to the St. Joseph County Auditor and used only to support and fund Animal Control in St. Joseph County. The veterinarian may retain one dollar (\$1.00) for each certificate issued as administrative cost. The County's cost of purchasing said tags shall be paid from the funds generated by this section.
- H. Veterinarians shall keep records of the renewal dates for rabies vaccinations of each animal inoculated and shall send to the Animal Control Agency copies of the rabies certificates of each animal inoculated with rabies vaccine by the thirtieth (30th) day of each month following the month of inoculation.
- I. Vaccination certificates must be retained in the files of the veterinarian hospital for four years after the date of inoculation.
- J. Failure to inoculate as required herein shall subject the owner to a penalty of seventy five dollars (\$75.00) enforceable by the Animal Control Agency

4.10.130 Interference with Humane Officer Prohibited

No person shall interfere with or impede a humane officer or any other authorized agent in the performance of their duties as set forth in this ordinance.

4.10.140 Spaying, Neutering and Microchipping of Adopted Animals

- A. Any dog or cat adopted from a local humane society or animal care facility or animal adoption agency shall be spayed or neutered by a licensed veterinarian within sixty (60) days of adoption if the dog or cat is over three (3) months of age.
- B. Upon reaching the age of six (6) months an exception can be made only if a licensed veterinarian certifies that said animal is physically unable to undergo such an operation within the time limitations. The individual adopting the dog or cat must sign a written agreement with the adopting facility guaranteeing that such animal shall be neutered or spayed within the time limitations specified in this Section.
- C. Any dog or cat adopted from a local humane society or animal care facility shall be microchipped by a licensed veterinarian, or person supervised by a licensed veterinarian, before leaving the animal shelter, including impounded adoptive animals. The cost of such microchipping procedure shall be borne by the animal's owner.

4.10.150 Exclusion of Service Animals Prohibited

It shall be unlawful for any person owning, operating, or maintaining any public place of business or conveyance into which the general public is invited for any business purpose to bar or exclude any animal which has been trained to assist the blind, the hearing impaired or physically challenged. However, the animal must be in the company of disabled person for whom it was trained to assist, or a service animal trainer in compliance with state and federal law.

4.10.160 Confinement by Other than County Officials or Agents; Notice Required

No person shall, without the knowledge or consent of the owner, hold or retain possession of any animal of which (s)he is not the owner for more than twenty-four (24) hours without first reporting the possession of the animal the Animal Control Agency giving his/her name, address, a description of the animal, a true and complete statement of the circumstances under which (s)he took possession of the animal, and the precise location where said animal is confined.

4.10.170 Traps and 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 lands owned or leased by St. Joseph County any traps except cage-type live traps approved by the Animal Control Commission for the control of nuisance animals. This prohibition shall not apply to any trap specifically designed to kill rats, mice, gophers as long as the owner is aware of the location where the trap(s) are set and monitored at least once every twenty-four (24) hours.
- B. Traps discovered by the Animal Control Agency to have been unlawfully set on St. Joseph County property shall be forfeited to and disposed of by the Animal Control Agency.
- C. Persons shall not use on public or private property traps designated as inhumane such as but not limited to the following: conabear, leg hold, snare or any trap that is not monitored.
- D. There shall be from time to time specific need to protect public health and safety as to when trapping shall be specified by the Animal Control Agency.

4.10.180 Dangerous, Poisonous Animals Prohibited

It shall be unlawful for any person to harbor or possess within the County any poisonous animal, reptile, amphibian, fish or insect, any Dangerous Animal not in compliance with sec 4.10.210 of this ordinance, or any animal that poses a threat to public health and safety. The same animal may be impounded by the Animal Control Agency immediately and disposed of in the best interest of the animal and to protect the safety of the public and humane officers.

4.10.181 Poisoning of Animals

- A. No person shall deposit, dispose or place any poisonous substance on public or private property in the county, if a domestic animal or human is reasonably likely to consume or come in contact with such substance.
- B. A person shall not be liable under (1) in this section for leaving common rat or mouse poisons or insecticides on his or her property if the person exercises reasonable care in restricting a domestic animal's access to such poisons and only the targeted rodents or insects are exposed to said poisons

4.10.190 Impounding Procedures

- A. An animal control officer, humane officer or police officer may immediately seize, impound or confine any of the following animals:
 - 1. Any animal without a valid license, or permit as required by this Ordinance,
 - 2. Any animal running at large;
 - 3. Any animal constituting a public nuisance;
 - 4. Any unattended animal that is ill, injured or otherwise in need of care;
 - 5. Any unattended animal that is reasonably believed to have been abused or neglected;
 - 6. Any animal that is reasonably suspected of having rabies;
 - 7. Any animal charged with being dangerous or determined to be dangerous by the Animal Control Agency;
 - 8. Any animal that is considered unattended or abandoned , including but not limited to situations where the owner is deceased, has been arrested or evicted from his or her regular place of residence;
 - 9. Any animal unattended showing vicious and dangerous behavior while not sufficiently confined on its owner's property
- B. If any dangerous, ferocious or vicious animal is found at large and cannot be safely taken up and impounded, the animal may be tranquilized, slain, or humanely euthanized to prevent undue suffering, by a police officer his/her designee, or a humane officer.
- C. Impounded dogs and cats not wearing County tags (licenses) or a microchip ID must be kept for no fewer than three (3) business days before being adopted out or humanely euthanized.
- D. If dogs wearing County tags (licenses) or a microchip ID are impounded by the Animal Control Agency, an attempt shall be made by the Humane Officer to return said animal to the owner, as indicated on the records of the Animal Control Agency, as soon as is practical after the time of impoundment. If said attempt to return said animal is impossible or without success, the Animal Control Agency shall send a written notice to the owner at the address indicated in the records of the Animal Control Agency, that said agency has in its possession said animal and that unless said animal is claimed by the

owner within ten (10) days from the date of said impoundment, said animal may be placed for adoption, or humanely euthanized. This process shall be followed for the first offense only. On second and subsequent offenses, the impounded dog wearing County tags (licenses) or a microchip ID shall be kept for no fewer than five (5) days to permit their owners to claim them. After the fifth day of said second or subsequent violation, such dogs may be placed for adoption or humanely euthanized if their owners have not claimed them and paid the required fees.

- E. All other impounded animals (except dogs and cats specifically covered herein) shall be kept under the authority of the humane officer. The animals shall be held at least five (5) days, after which time the animal shelter shall have the authority to take whatever action is necessary with regard to adoption or euthanasia of such animals.
- F. An owner reclaiming an impounded animal shall pay to the County Animal Control Agency the current redemption fee plus total daily boarding, any veterinary bills and the fee for microchipping as set by the Animal Control Commission.
- G. No unlicensed dog, cat or ferret shall be released from an animal shelter without a license being issued in accordance with this ordinance. A dog, cat or ferret less than twelve weeks old is exempt. All other animals must have proof of current effective rabies vaccination. If the shelter does not have a licensed veterinarian on site to administer such required rabies vaccination, the animals may be released upon presentation by the animal owner of a receipt showing prepayment of a licensed veterinarian's charges for such vaccination. The animal must be vaccinated for rabies by a licensed veterinarian within forty-eight (48) hours after such release and the owner shall supply proof of same to said County Animal Control Agency and to obtain the license required by this ordinance.

4.10.210 Permits

A. Controlled Animal Permit

No person shall harbor, hold for sale, sell, keep, or maintain in the County any Controlled Animal/s, however a Controlled Animal Permit may be issued by the Animal Control Commission when in the judgment of the Commission a compelling reason for the harboring of such animals can be given. A \$500.00 non refundable application must be submitted to the Animal Control Commission to apply for this permit.

1. It shall be unlawful for any person to possess within the County any Controlled Animal or Controlled Animals as defined herein unless the owner of said animal or animals possesses proper County, State and/or Federal permits as required for said animal or animals.
2. It shall be unlawful for any person to possess within the County any protected or endangered species as may be listed or published from time to time by any department or agency of the Federal or State government, unless the owner of said animal possesses proper State and/or Federal permits and County licenses
3. It shall be unlawful for any person to possess within the County any wild animal indigenous to the State of Indiana unless said owner possesses proper State and/or Federal permits and County licenses.
4. It shall be unlawful for any person to possess within the County any non-domestic animal unless said owner possesses proper State and/or Federal permits and a valid County license as required for said animal.

5. The owner of any controlled animal must present an annual Indiana Veterinary health certificate defining state of health/shelter/diet/environment/vaccinations when applicable from a veterinarian licensed to practice in the State of Indiana.
6. This Section shall not be deemed to prevent the importation, possession, purchase or sale of any species by any institute of higher learning, zoological park holding valid State or Federal permits or to any person or organization licensed to present a circus or carnival pursuant to this Ordinance.
7. The care and feeding of the impounded animal shall be paid by the owner and any transportation fees to allow the animal to be placed in a satisfactory environment will also be paid by the owner.

B. Pet Shop Permit

1. No person, partnership, or corporation shall operate a pet shop in the County, without first obtaining from the County Animal Control Agency a Pet Shop Permit. The cost of the annual Permit shall be \$100.00. Any person holding a Pet Shop Permit shall furnish to each customer purchasing a dog or cat a written statement at the time of sale containing the following information:
 - a) Date of sale;
 - b) Name, address and telephone number of purchaser and Permit holder;
 - c) Permit number of Permit holder;
 - d) Species, breed, description, age and sex of the dog or cat sold;
 - e) Vaccination and parasite medication(s) administered to said animal and date(s) administered and name of veterinarian or person who administered the same;
 - f) Guarantee of good health for a period of not less than one (1) week with a recommendation that the new owner have the animal examined by a licensed veterinarian within 48 hours.
2. The Permit holder shall retain a copy of said written statement for a period of twelve (12) months from the date of sale and provide a duplicate copy to the Licensing Authority if the purchaser resides within the county. The Permit holder shall also deliver to the purchaser at the time of sale, a written statement of registration and licensing requirements under this Ordinance applicable to the purchase of the animal. Such statement shall be prepared and provided by the Animal Control Agency
3. The purchaser shall have the right to return the animal to the permit holder within forty eight hours (48) of the purchase if the animal has a pre-existing condition as diagnosed by a veterinarian including but not limited to parvo virus, distemper and bronchitis. Upon return of such animal the permit holder shall refund the full amount of the purchase price of the animal to the purchaser plus any veterinarian fees incurred by the purchaser for the diagnosis of the animal.
4. All-pet shops shall take care to house animals in a sanitary manner, provide appropriate veterinary services, humane care, exercise and housing shall be provided according to the needs of individual species. All permit holders shall house and care for the animals as required in 4.10.011 of this ordinance.
5. In addition to the permit requirements of this ordinance, the permit holder shall obtain any and all other permits as required by state and federal governmental entities.

C. Dangerous Animal Permit

No person shall harbor, hold for sale, sell, keep, or maintain in the County any Dangerous Animal, unless:

1. Such person or entity shall first submit a written application for and obtain from the County Animal Control Agency a Dangerous Animal Permit application, and written proof of liability insurance in the minimum sum of Three Hundred Thousand Dollars (\$300,000.00); and
2. The Dangerous Animal owner at all times maintains liability insurance covering possible injury or damages caused by such Dangerous Animal in the minimum amount of Three Hundred Thousand Dollars (\$300,000.00). The Animal Control Agency will be notified within twenty-four (24) hours, excluding Sundays and holidays, in the event that such insurance coverage is cancelled or discontinued; and
3. The Dangerous Animal is at all times confined in a six-sided escape-proof kennel (with a minimum required fencing of 11 gauge wire and can have either a cement floor or brick floor, with a wood roof or wire roof, with a lock, bolt, which must be opened to remove the animal) for the protection of the public. When outside and not in its kennel, the dangerous animal must be muzzled and tethered to its owner or a person 18 yrs or over who is authorized by the owner to so control the dangerous animal. When the dangerous animal is housed in any dwelling or structure the owner shall take all necessary precautions to prevent and avoid the escape of the dangerous animal from such building, dwelling or structure; and
4. The Dangerous Animal, at all times, wears the registration tag issued by the County designating said animal as a registered Dangerous Animal/Attack Dog. Such a Dangerous Animal shall be microchipped by a licensed veterinarian or their designee and registered with the Animal Control Agency; and
5. If, in the event that the Dangerous Animal is lost or escapes, the same will be immediately reported by the animal owner to the County Police and to the County's Animal Control Agency; and
6. The real property on which the Dangerous Animal is kept shall be posted with signs clearly visible from the closest roadway or public access way warning the general public that a Dangerous Animal is on the premises. The form and content of such warning signs shall be determined by the Animal Control Commission; and
7. The building which houses the Dangerous Animal shall also be posted with a sign, or signs, clearly warning all persons that a Dangerous Animal is housed in that building. The form and content of such warning signs shall be determined by the Animal Control Commission.
8. Application shall be accompanied by the following;
 - a) A valid driver's license or state issued pictured identification, showing owners name and current address. Each applicant shall consent, in writing, to a personal criminal history search by a law enforcement agency and furnish all information required to commence such search.
 - b) Proof that the applicant is 18 yrs old or older with no prior felony convictions

- c) Four (4) photographs of said animal from four different sides, not taken more than one month prior to the date of application
- d) A current immunization and health record or said animal showing the animal received a current rabies vaccine by a licensed veterinarian
- 9. No person shall be issued a Dangerous Animal Permit if they have been convicted of a felony involving violence, drugs, animal cruelty or animal fighting
- 10. A duly authorized member of the police or other law enforcement departments, including but not limited to, game wardens, conservation officers, and other law enforcement officers, shall be exempt from the provisions of this Section in the performance of their law enforcement duties.
- 11. Must be spayed or neutered within 30 days of being deemed a Dangerous Animal.
- 12. Upon being approved for a Dangerous Animal Permit, the owner shall pay \$100.00 for this permit. Any violation of any part of this ordinance would be cause to have this permit revoked.
- 13. No person shall own, harbor, possess or have on his premises more than one animal that has been deemed Dangerous according to this ordinance.

D. Public Nuisance Animal Permit

No Person shall own, harbor, possess or keep an animal deemed a Public Nuisance unless the owner of said animal possesses a Public Nuisance permit. Each permit shall be \$100.00 annually or until the animal is no longer deemed a Public Nuisance. An animal will be no longer by deemed a Public Nuisance when, after two years, it ceases to meet the definition of the Public Nuisance.

E. Animal Performance Permit, Including: Exhibition/Petting Zoo/Swap Meet/Carnival

- 1. No person or entity shall operate or maintain for profit an animal performance or exhibition without first having obtained a permit from the County Animal Control Agency. The cost of this permit is \$100.00 per day.
- 2. The application for such permit shall describe the proposed location, the purposes for which it is maintained and that dates and hours of such performances or exhibitions. The proposed event must be in compliance with local, State and Federal laws regarding the humane care and treatment of such animals, and a copy of said application shall be filed with the County Animal Control Agency no later than ten (10) days prior to the first date of the proposed performance or exhibition.
- 3. The applicant shall provide written proof of insurance in the limits of liability not less than three hundred thousand dollars (\$300,000.00) for injury to or death of one person in any one occurrence.
- 4. Any permit issued under the provisions of this Section may be revoked by the County Animal Control Agency by reasonable notice or hearing. The above fee may be waived by the Animal Control Commission.
- 5. The permit holder shall be responsible for maintaining section 4.10.011 General Animal Care Requirements as the standard of care for all animals involved.

F. Minor Breeder Permit

- 1. Any owner or person having custody of a dog or cat that has delivered a litter, who chooses not to relinquish the animal to the Animal Control Agency and does not choose to have the animal neutered or spayed, shall be required to

purchase a Minor Breeder Permit for the sum of \$50.00 plus any applicable Kennel/Cattery Permit fees. The minor breeder permit is valid for the cat or dog for 12 months from the time the litter is born providing no other litters are born within a 12 month period of time. The permit is only applicable to owners who own one cat or one dog which are able to procreate.

2. All applicants must be in compliance with all local zoning ordinances, state and federal rules.

G. Major Breeder Permit

1. Any owner or person having custody of a dog or cat that has delivered more than one litter in 12 months time, who chooses not to have the animal neutered or spayed, will be required to purchase a Major Breeder Permit .
2. The fee of \$100.00 plus any applicable Kennel or Cattery Permit Fees.
3. Any owner or person who has custody of multiple dogs or cats that have delivered more than one litter and prefers to breed intentionally or accidentally said animals the following shall prevail provided they are zoned appropriately according to county zoning laws. Proof of vaccination for rabies given by a licensed veterinarian must be provided in order to obtain a permit.
4. They must adhere to the General Animal Care Requirements section of this ordinance 4.10.011.
5. All applicants must be in compliance with all local zoning ordinances state and federal rules.

H. Kennel/Cattery Permit

1. Anyone maintaining a Kennel and/or Cattery as defined in section 4.10.010 of this ordinance shall be required to obtain a Kennel or Cattery Permit. The permit fees as set forth below pertain to the total number of cats and/or dogs that will be housed on the property where the Kennel and/or Cattery is/are located.

4-15 dogs/cats	\$50.00 annually
16-25 dogs/cats	\$75.00 annually
26 or more dogs/cats	\$100.00 annually

2. Proof of vaccination for rabies given by a licensed veterinarian must be provided for each animal in order to obtain a permit.
3. They must adhere to the General Animal Care Requirements section of this ordinance 4.10.011.
4. All applicants must be in compliance with all local zoning ordinances, and state and federal rules.

I. Omnibus Permit

1. The Omnibus Permit shall allow the holder of such permit to operate a kennel or cattery and to be a major or minor breeder.
2. The yearly fee for the Omnibus Permit shall be \$150.00.
3. The Omnibus Permit holder does not need to obtain individual permits in the aforementioned section 4.10.210, (E), (F), (G) and (H), but all requirements for each of the aforementioned permits shall be met before the Omnibus Permit may be obtained.
4. All applicants must be in compliance with all local zoning ordinances, and state and federal rules.

- J. Rehabilitation Permit:** Anyone seeking to obtain a Rehabilitation Permit shall:
1. show proof of the appropriate permits from the State and Federal authorities; and
 2. show proof that they are preparing the animal to go back to its natural habitat; and
 3. follow the Animal Care Requirements section in this ordinance 4.10.011; and
 4. be under preview of The Animal Control Commission; and
 5. not be required to pay a fee for this permit.
- K. Foster Home Permit** Any person maintaining a foster home as defined as in section 4.10.010 is required to obtain a yearly Foster Home Permit.
- L. Shelter Permit** Anyone maintaining a shelter as defined in 4.10 010 shall be required to obtain an annual permit. The fee for such permit shall be \$100.00. Shelters maintained by 501c3 organizations or municipality ownership shall be exempt from the fee only.
- M. Exterminator Permit** No person, partnership, or corporation shall operate a exterminator service in the County, without first obtaining from the County Animal Control Agency a Exterminator Permit. The cost of the annual Permit shall be \$50.00.

4.10.270 Fees

In addition to all other fees required to be paid by State or local laws or ordinances, the following fees shall be paid to and retained by the County Animal Control Agency:

Animal Performance Permit see 4.10 210(E)	\$100.00 per day
County Controlled Animal Permit see 4.10 210(A)	\$500.00 non-refundable application fee and \$100.00 annual fee per animal
Dangerous Animal Permit see 4.10 210(C)	\$100.00 annual fee per animal
Exterminator Permit see 4.10.21(M)	\$50.00 annual fee
Rehabilitation Permit See 4.10.210(J)	No annual fee
Foster Home Permit see 4.10 210(K)	No annual fee
Pet Shop Permit see 4.10 210(B)	\$100 annual fee
Shelter Permit see 4.10 210(L)	\$100 annual fee

St. Joseph County
Animal Care & Control Ordinance

First Redemption*	Second Redemption*	Third Redemption*	Fourth & Subsequent Redemptions**
\$25.00 – first day	\$50.00 – first day	\$75.00 – first day and Dangerous Dog License or Nuisance License	\$250.00 fine for Dangerous Dog License or Nuisance License
\$10.00 per additional day	\$10.00 per additional day	\$10.00 per additional day	\$20.00 per additional day
Microchip fee as applicable	Microchip fee as applicable	Microchip fee as applicable	Microchip fee as applicable
Licensing fee	Licensing fee	Licensing fee	Licensing fee
Veterinary fees**	Veterinary fees**	Veterinary fees**	Veterinary fees**

* In a twelve (12) month period

** Based on the discretion and findings of the Animal Control Agency and collection of veterinary fees.

1. The Animal Control Agency shall collect all such licensing and fines for the County. Fees collected shall be used for animal control, the health and welfare of the animals and education of the public.
2. The County Animal Control Agency shall have authority to take whatever action is reasonably necessary, including humane euthanasia, to deal with a sick or injured animal, for the welfare of the animal, and for the safety of humane officers and the public.
3. In the event that an animal is retained at the impoundment facility because its owner has been in violation of this Ordinance, the owner shall be responsible to pay the redemption fee and any and all veterinary bills incurred, for routine vaccinations for the animal(s) if necessary, veterinary services, boarding fees, all pertinent expenses, and all applicable Permit and/owner licensing fees reasonably necessary and incurred for the benefit of the animal.
4. Any animal impounded in an animal control facility, if not reclaimed by its owner within three days of its impoundment, shall thereby become the property of the Animal Control Agency and, if not adopted out, may be humanely euthanized.

4.10.271 Exceptions

No permits shall be required of the County Animal Control Agency, veterinary hospitals or clinics and County owned or leased facilities. There shall be no fees for training facilities that train animals specifically to assist their handicapped owner or any not-for-profit organizations, as defined in section 4.10.010. However, all animal care provisions of this Ordinance shall apply to such exempt persons or entities.

4.10.272 Issuance of Permits

- A. Application for permits shall be made to the County Animal Control Agency on the forms providing for the particular permit and shall include the name, address and telephone number of the applicant, type of permit applied for, number and description(s) of animal(s), proof of valid rabies vaccination when required by law, information and proof of sterilization and the appropriate fee. Appropriate State and

- Federal permit numbers must be provided in cases that involve wildlife or federally protected animals, or any animal that requires any State or Federal permit.
- B. All applicants must be in compliance with all of their applicable State, Local or Federal laws germane to this Ordinance, and the applicant shall not have been convicted of any cruelty to animal offenses as set forth by Federal or State statutes.
 - C. Applicants for permits must agree in writing to on-site inspections by the County Animal Control Agency prior to the issuance of any permit or at any time during the valid term of such permit, upon reasonable advance notice.
 - D. The County Animal Control Agency shall have the authority and discretion to issue or deny permits provided herein subject to the following criteria:
 - 1. No person shall be issued a permit if he or she has been convicted of a criminal act involving cruelty to animals.
 - 2. Applicants must have proper facilities per 4.10.011 of this Ordinance in place appropriate for such species of animal before permits shall be issued.
 - 3. Applicants shall exhibit sufficient knowledge or proof of previous experience in handling and keeping of such species of animal.
 - 4. Applicants shall have no previous record of providing inadequate or improper care for animals.
 - E. Permits are to be issued for a term of one (1) year except where State statutes, laws, regulations for issuance of said permits require otherwise.
 - F. Upon approval of the application for the permit, the County Animal Control Agency shall issue a permit in written form which includes the permit number, type of permit, and all pertinent information as required by this ordinance. In addition, for each permit, the County Animal Control Agency shall issue a durable tag stamped with the permit number and year of issuance for each said permit.
 - G. The County Animal Control Agency shall maintain records of the money collected for the issued permits for seven years after issuance.
 - H. All fees shall be paid at the time of application for a permit and are not refundable.
 - I. No person may use any permit, license or tag for any animal other than the animal for which it was issued.
 - J. It shall be unlawful for any person to manufacture, to cause to be manufactured, or to have in his or her possession a stolen, counterfeit or forged animal permit, license or tag, rabies or neutering certificate, or other form of licensing or documentation required by this ordinance.

4.10.273 Licenses

- A. All dogs, cats and ferrets owned by residents of the unincorporated portions of St. Joseph County shall be required to be licensed. The purpose of such licensing is for identification and enforcement of required rabies vaccination. If the animal does not have an applicable County Tag within 30 days from the time that the tag becomes invalid then there will be \$50.00 fine. When the tag is issued for a period of one year, the date will coincide with the rabies vaccination certificate and become invalid in one year and one day. When the tag is issued for a period of three years, the date will coincide with the rabies vaccination certificate and become invalid in three years and one day.
- B. The owner must show proof of a current vaccination for rabies for each animal. The County Animal Control Agency shall order, process and collect fees for the issuance

- of tags which will be affixed to the animals' collar and/or kept for proof that the animal has been vaccinated for rabies by a licensed and accredited veterinarian.
- C. Animals who qualify for the \$5.00 one year County tag must be altered, microchipped and vaccinated with a one year rabies vaccine administered by a licensed veterinarian. Animals who qualify for the three year \$10.00 County tag must be altered, microchipped and vaccinated with a three year rabies vaccine administered by a licensed veterinarian.
- D. The one year County tags shall be sold to veterinarians who will collect the following for one year tags representing animals vaccinated for rabies by a licensed veterinarian and:
1. Altered and micro chipped-----\$5.00 yearly
 2. Altered and non-micro chipped-----\$10.00 yearly
 3. Non altered and micro chipped----- \$15.00 yearly
 4. Unaltered and non-micro chipped-----\$25.00 yearly
- E. Animals that can not be vaccinated due to health issues must have a letter from their veterinarian as to the cause, but must still have a tag and pay for that fee.
- F. The three year County tags shall be sold to veterinarians who will collect \$10.00 per tag for animals that have received a three year rabies vaccination, that are neutered or spayed, and microchipped and keep \$2.00 for the processing thereof.
- G. The County Animal Control Agency shall then keep one dollar (\$1.00) for one-year tags and two dollars (\$2.00) for 3 year tags. The agency shall forward to the county all remaining monies minus above mentioned fees and actual cost, procuring and processing of tags.
- H. Veterinarians will send the animal control facility a copy of the yearly or three year rabies vaccination certificates and tag receipts within 30 days of the month that the vaccination was given.
- I. The County Animal Control Agency shall collect all such license fees for the County and shall account to the County Auditor the same at the end of each month following the transaction.
- J. Applications for licenses or permits may be made at the Animal Control Agency in person, by mail or by electronic mail but must include the name, address of applicant, type of permit applied for, number and description of animal(s), proof of rabies, vaccination information regarding sterilization and the appropriate fee.
- K. Licenses are to be issued for a term of one year or three years commencing on the date of issuance.
- L. Permits are to be issued for a term of one year beginning on Jan 1 and ending on Dec 31. Permits need to be secured by Jan 31 of the year for which they are applicable except in those instances where the individual is not engaged in the activity requiring such permit at the beginning of the year. In these instances, the individual needs to secure the permit prior to commencing the activity for which the permit is required.
- M. Those persons or organizations not securing permits as required in this ordinance are subject to fines and penalties stipulated in section 4.10.310.
- N. Microchip implants are registered for the life of the animal with the Animal Control Agency.

4.10.280 Permit Revocation

Any permit provided for herein may be revoked after notice, upon a finding that the animal owner/permit holder has failed to comply with any requirement of this Ordinance. The owner may appeal to the Animal Control Commission within ten (10) business days of the revocation.

4.10.290 Inspection

- A. Whenever it is necessary to make an inspection to enforce any of the provisions of, or perform any duty imposed by this Ordinance, or when there is reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this Ordinance or Indiana State Law, a Humane Officer, health officer, police officer or duly authorized agent of the St. Joseph County Sheriff is authorized at all reasonable times to inspect the same for compliance with the provisions of this Ordinance or any State law, provided that:
1. If the property is occupied, the officer or agent shall first present proper credentials to the occupant and request entry, explaining the reasons therefore; and
 2. If the property is unoccupied, the officer or agent shall first make a reasonable effort to locate the owner or other persons having control of the premises and request entry, explaining the reasons therefore.
- B. In the event the officer or agent has reasonable cause to believe that the keeping or maintaining of an animal(s) is so hazardous, unsafe, dangerous or constitutes a public nuisance as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall first present proper credentials and request entry, explaining the reasons therefore. If entry is refused or cannot be obtained, the officer or agent shall have recourse to secure lawful entry and inspection of the premises.
- C. If the authorized official is refused entry onto the premises, such authorized official may seek the issuance of a search warrant or court order issued by a judge of the St. Joseph County Circuit Court or Superior Court authorizing entry into such building, structure or premises at all reasonable times to perform any duty imposed upon the authorized official by this Ordinance.
- D. Any owner or occupant of any building, structure or premises within the boundaries of the County shall have the right to refuse entry thereto to any official of the County requesting entry thereto for purposes of inspection unless such official has first obtained a search warranty or court order issued by a judge of the County Circuit Court or Superior Court authorizing such entry for purposes specified therein.
- E. For purposes of this Ordinance, any authorized official of the county charged with the duty of enforcing this Ordinance of the county shall have the authority to seek, in the name of the county, the issuance of a search warrant or court order authorizing the entry into any building, structure or premises within the County for the purpose of inspecting the same. Such authority shall be granted only upon a showing of probable cause to believe that there exists a violation of this Ordinance within or upon such building, structure or premises, a showing that entry thereto has previously been denied by the owner or occupant of such building, structure or premises or in the alternative, a showing that an emergency exists within the building, structure or premises for which entry is sought which will, unless immediately corrected,

constitute a clear and present danger to the citizens of the County or any one of them or to any animal.

- F. Except when consent of the owner or occupant has been otherwise obtained or in the event of an emergency situation, any authorized official of the County seeking entry into a building structure or premises within the boundaries of the county for the purpose of inspecting the same shall give the owner or occupant of such building, structure, or premises, if such owner or occupant can be located with reasonable effort, twenty-four (24) hours written notice of such representative's intention to inspect the building, structure or premises. The notice shall state that the property owner has the right to refuse entry, and that upon such refusal, inspection may be made only upon the issuance of a search warrant or court order by a judge of the County Circuit Court or Superior Court authorizing such entry for purposes sated therein.

4.10.300 Warning Notice

Persons who violate any provisions of this Ordinance or whose animals violate any provisions of this Ordinance or who fail to comply with the registration and permit sections of this Ordinance may, for the first offense, be served with a warning notice requesting immediate compliance, except in the case that the health and safety of human beings or other animals are endangered, the offending animal may be immediately impounded or may be humanely slain by a police officer, or his designee, if such impoundment is not feasible.

4.10.310 Penalties

- A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Ordinance of the County are guilty of an ordinance violation. Except in such cases where different or additional punishment is prescribed in this Ordinance or by any Ordinance of the county or by statute of the state, any person found violating the ordinances of the County shall be punished by a fine of not less than Fifty Dollars (\$50.00), and not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) on the first offense and Seven Thousand Five Hundred Dollars (\$7,500.00) on the second or subsequent offenses.
- B. In the event that an ordinance of the County or State laws, rules or regulations shall prescribe a penalty different or in addition to that prescribed by this section, the provisions of such other ordinances, laws, rules or regulations of the County or the State shall control.
- C. Any person violating any of the provisions of, or failing to comply with any of the requirements of this Ordinance is in violation of a separate offense for each such violation. If any violation is continuing, each day's violation shall be deemed as a separate violation.
- D. The County may bring a civil action to enjoin any person from engaging in conduct without a license as required under the terms and conditions of the Ordinance or for any other violation of the terms of this ordinance.
- E. Upon the failure of any person who violates any provision of this Ordinance to pay the penalty as provided herein, the office of the St. Joseph County Attorney or its designated agent shall issue appropriate summons and complaint charging said party with an Ordinance violation, which summons and complaint shall be promptly filed with the

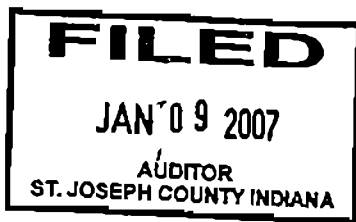
appropriate court of competent jurisdiction. Said court shall have the power to enter a civil judgment according to the provisions of this Ordinance and applicable Indiana Law.

4.10.320 Effective Date

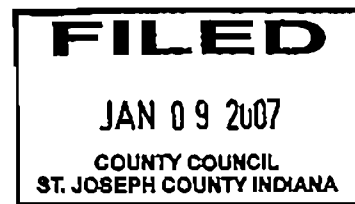
This Ordinance shall be in full force and affect from and after its passage by the County Council of St. Joseph County, and its approval by the St. Joseph County Commissioners and such publications as required by law, but no sooner than April 1, 2007.

Member, St. Joseph County Council

Michael J. Kruk



1st READING OCT 10 2006
PUBLIC HEARING JAN 09 2007
2nd READING JAN 09 2007
NOT APPROVED
REFERRED HS/CS
PASSED JAN 09 2007; 6-3



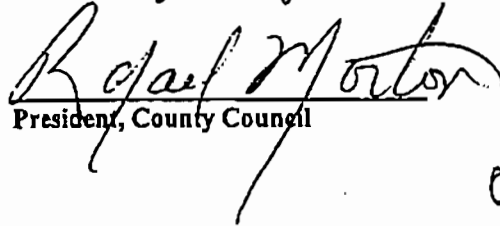
Bill No. 133-06
As Amended

AMENDMENT NO. _____

ORDINANCE NO. 10-07

AN ORDINANCE AMENDING TITLE 4, CHAPTER 4.10 ENTITLED
"ANIMAL CONTROL AND LICENSING"

This bill came before the St. Joseph County Council the 9 th day of January, 2007, and was voted to duly pass/~~not to pass~~, this Ordinance.


President, County Council

*Approved
Shaw*
*Opposed
by Dobson*

VOTES

YES 6

NO 3 (Schaefer, Root, DeVon)

ATTEST:


Auditor, St. Joseph County

Presented by me to the Board of Commissioners of the County of St. Joseph, Indiana, this 11 th day of January, 2007, at the hour of 9:00 o'clock A. M.

This Ordinance approved and signed by the Board of County Commissioners of St. Joseph County, Indiana, on the 16 th day of January, 2007, at the hour of 10 o'clock A. M.


President, County Commissioners

OPPOSED - MD
Vice President, County Commissioners


Member, County Commissioners