

ORDINANCE NO. 1998 - 3

AN ORDINANCE PROVIDING  
FOR THE CONTROL  
OF ANIMALS

BE IT ORDAINED by the Board of Commissioners of Clinton County, Indiana,  
That the Clinton County Code is hereby amended by the addition of a new Chapter,  
Chapter 51, as follows:

**SECTION 1. DEFINITION OF TERMS.** As used in this ordinance, unless the  
context otherwise indicates,

- (a) "Animal" means any dog, cat or other domesticated animal;
- (b) "Dog" means any domestic member of the canine family of animals;
- (c) "Cat" means any domestic member of the feline family of animals;
- (d) "Owner" means any person, firm or corporation owning or having the care,  
possession or control of any animal;
- (e) "At large" means elsewhere than premises under the ownership, control or  
possession of the owner and either
  - (1) not restrained by a leash, or
  - (2) not under the immediate and complete physical control of a person  
capable of controlling such animal.
- (f) "Humane Officer" shall mean and refer to the officer to whom authority is  
delegated by the Board of Commissioners of Clinton County to enforce the provisions of  
this ordinance. Said officer shall be an employee of the Humane Society.
- (g) "Animal Shelter" means the facility operated and maintained by the Humane  
Society of Clinton County, Inc. for humane restraining and impounding of animals seized  
under the authority of this ordinance.
- (h) "Exposed to rabies" means the situation that exists when an animal has been  
bitten by or otherwise has been in contact with any other animal known to be, or  
reasonably suspected of being, infected with rabies.

(i) "Humane Society" means and refers to the Humane Society of Clinton County, Inc., a not-for-profit corporation organized under the laws of the State of Indiana, with its principal office at Frankfort, Indiana.

**SECTION 2. ANIMAL SHELTER.** The Animal Shelter shall be operated and maintained by the Humane Society under the management and control of the Board of Directors. Said Board shall have the power to adopt rules and regulations for the operation of the Animal Shelter and for the purpose of implementing the provisions of this ordinance; which such rules and regulations shall be effective upon approval by the Board of Commissioners.

**SECTION 3. POWERS OF HUMANE OFFICER.** The Humane Officer and authorized personnel of the Humane Society shall have the following powers:

(a) Destroy any dangerous, vicious, or ferocious animal found at large which cannot be safely captured and impounded by ordinary means, except that every reasonable effort shall be made to avoid destroying an animal which has bitten or is suspected of having bitten a person or which appears to have rabies. If the destruction of the animal cannot be reasonably be avoided, the said authorized agent shall attempt to destroy the animal in such a manner so as to preserve the head thereof intact.

(b) To confine and destroy any animal showing clinical symptoms of rabies for laboratory diagnosis.

(c) To confine any animal suspected of having rabies.

(d) To confine any animal that has bitten or otherwise exposed a person to rabies.

(e) To destroy any animal that has bitten or otherwise exposed a person to rabies.

(f) To carry out all orders for confinement or destruction of any animal issued by the County Health Officer, State Veterinarian, or by any court having jurisdiction in Clinton County, Indiana.

**SECTION 4. ADDITIONAL POWERS.** The Humane Officer and authorized personnel of the Humane Society shall have the power to seize and impound:

(a) Any animal at large not conforming to Section 1(e)

(b) Any animal which has bitten or is suspected of having bitten a person or which appears to have rabies, wherever such animal may be found, and any such animal shall be impounded for not less than ten (10) days.

(c) Any animal not confined, as provided in Section 8 (c)

(d) Any animal not inoculated, licensed and tagged as provided in Indiana Law.

(e) Upon order of the court following a conviction of any person for violating any provision of this Ordinance.

#### SECTION 5. REDEMPTION AND DISPOSITION OF IMPOUNDED ANIMALS.

(a) Any healthy animal seized or impounded for being at large may be redeemed by the owner or other person, as authorized herein, at any time prior to the disposition of such animal under Section 6 herein and upon showing that such animal has a current license and rabies vaccination tag, and upon the payment to the Humane Society of the following charges:

(1) a processing fee,

(2) a vaccination charge, and

(3) a boarding charge per day of animal stay, which said fee and charges shall be as shown in Appendix A.

(b) Any animal seized or impounded for any reason who appears to any duly licensed veterinarian to have any infectious or contagious disease, other than rabies, may be destroyed forthwith.

(c) Any animal impounded pursuant to Section 3 shall be confined at the Animal Shelter or, in the discretion of the impounding officer, confined at the owner's premises in a secure place not accessible to the public. The Humane Officer shall have continuing authority and discretion to remove any privately confined animal to the Animal Shelter at any time during said 10-day period. At the expiration of said 10-day period, the animal may be redeemed by the owner or other person as provided herein, upon showing that the animal has a current License Tag and Rabies Vaccination Tag, and by payment to the Clinton County Humane Society of the applicable fee for the confinement period.

**SECTION 6. DISPOSITION OF ANIMALS.** Any impounded animal which is not redeemed within five (5) days after the first day of impounding may be destroyed or disposed of by suitable and humane means; provided, that in the case of an animal impounded pursuant to Sub-section (b) of Section 4, such animal shall not be destroyed or disposed of until after the expiration of a period of ten (10) days from the first day of impounding.

**SECTION 7. MOTOR VEHICLE.** Any person operating a motor vehicle which vehicle strikes a domestic animal within the limits of the County of Clinton shall promptly report such occurrence to the Humane Society or to the local law enforcement agency with a description of such animal, the location where such occurrence took place, and an estimate of the condition of the animal.

## **SECTION 8. CARE OF ANIMALS.**

(a) Every owner of an animal within this County shall provide at all times that such animal or animals:

(1) Are kept in a clean, sanitary and healthy manner;

(2) Have proper and adequate food, water, shelter and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely.

(b) Animals confined through use of rope, chain, or cable must have unobstructed freedom of movement of a minimum of six (6) feet in an arc of 180 degrees.

(c) Every un-neutered female dog or cat in heat shall be confined in a secure enclosure in such a manner that such female cannot come into contact with another animal except for planned breeding purpose.

(d) It shall be unlawful for any owner to beat, cruelly ill-treat, mutilate, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight or other combat between animals or between animals and humans.

(g) If diseased or injured, receive proper care, and if diseased, are segregated from other animals so as to prevent transmittal of the disease, and;

(h) Are maintained in compliance with all applicable Federal, State and local laws and with all regulations in regard to animal care and control that are adopted from time to time by the Clinton County Board of Health and State of Indiana.

**SECTION 9. NOTICE TO OWNER.** In the event that an impounded animal is wearing a License Tag, the Humane Society will make a reasonable effort to contact the animal owner.

## **SECTION 10. ENFORCEMENT**

(a) The Humane Officer shall keep a record of all animals impounded in the County animal shelter, which record shall show the date of impoundment, the reason therefore, the name and address of the person bringing the animal to the shelter, and the species, sex, color, breed, and any identifying collars, tags, or marks of the animal impounded.

(b) It shall be a violation of this Ordinance to interfere with the Humane Officer, an employee of the Humane Society, or any law enforcement officer in the performance of his duties hereunder.

(c) Upon information sufficient to establish a violation of the provisions of this Ordinance, the Humane Officer or any law enforcement officer may issue to the person committing such violation or to the owner or persons having custody or control of any animal involved in such violation either:

- (1) An official warning; or,
- (2) A Notice of Ordinance Violation.

An official warning shall state the name of the person to whom the warning is being issued, the nature of the violation, the date of the violation and any other pertinent information concerning the violation. Such official warning shall also state that it is only a warning and is not a notice to appear to answer to any such violation.

A Notice of Ordinance Violation shall state the name of the person to whom the notice is being issued, the nature of the violation, the specific section of this Ordinance which has been violated, the date of the violation, and any other information which is pertinent to the violation and its disposition. The Notice of Violation shall additionally instruct the person to whom the notice is being issued the date, time and place before whom he or she shall appear respond to such notice and the procedures for admitting or denying a violation.

**SECTION 11. PROHIBITIONS AND PENALTIES.**

(a) It shall be unlawful for any person to hinder, molest or interfere with any authorized official in the performance of any duty described in this Ordinance.

(b) Any person who violates the provisions of this Ordinance and who appears at the designated office within ten (10) days of the date of the Notice of Ordinance Violation shall either admit or deny the violation. If admitted, the violator shall pay the applicable civil penalty provided in the following schedule.

CIVIL PENALTIES			
Violation	First Violation	Second Violation within 12 months of same or other provision of Ordinance	Third Offense or Subsequent Violation within 12 mos of same or other provision of Ordinance
Section 4 (at large)	\$20.00	\$50.00	\$100.00

Section 4 (dog/cat in heat not confined)	\$20.00	\$50.00	\$100.00
Section 4 (confinement of vicious dog/cat)	\$20.00	\$50.00	\$100.00
Section 8 (food, water, shelter)	\$35.00	\$70.00	\$200.00
Section 8 (cruelty)	\$50.00	\$100.00	\$250.00
Section 7 (motor vehicle striking dog/cat)	\$20.00	\$50.00	\$100.00

(b) If the person served with a Notice of Violation fails to appear at the designated office within ten (10) days of the date of Notice of Ordinance Violation having been issued, such violation shall be filed with the Superior Court of Clinton County and such violator shall be summoned to appear before said court.

(c) If the person served with a notice of Violation timely enters a denial of the violation, the violation shall be referred to the <sup>PARADE COMMISSIONERS</sup> ~~Town~~ Attorney and a complaint for violation of ordinance shall be filed on the ordinance violations docket of Clinton Superior Court.

(d) Upon finding a person in violation of this Ordinance, the Court shall enter judgment for Clinton County against the violator in an amount not less than the penalty prescribed above nor more than one thousand dollars (\$1,000.00)

(e) If any violation be continuing, each day's violation shall be deemed a separate violation and subject to penalty as such.

**SECTION 12. REPEAL OF PRIOR ORDINANCES.** All other ordinances and parts of ordinances in conflict herewith are hereby repealed.

**SECTION 13. EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage and publication in accordance with law.

ADOPTED this 22<sup>nd</sup> day of June, 1998.

BOARD OF COMMISSIONERS OF  
CLINTON COUNTY, INDIANA

By Russell J. Vinard  
Russell Jr. Vinard, President

By Dr. John A. McClain  
Dr. John A. McClain

By \_\_\_\_\_  
Joseph M. Gossard

ATTEST:

Gina L. Sheets  
Gina L. Sheets  
Auditor of Clinton County

APPENDIX A  
TO  
ANIMAL CONTROL ORDINANCE  
ORDINANCE NO. 1998-#3  
CLINTON COUNTY CODE 3-51

The fees and charges are as follows:

Injections	\$20.00
Impoundment fee	\$20.00
Boarding (per day)	\$10.00

This ordinance shall be in full force and effect from the date of its passage by the Town Council of the Town of Michigantown, In.

Dated this 14 day of July, 1998.

Town Council, Town of  
Michigantown, In.

By Linda S. Ingram, Pres.  
by David L. Collins

Attest:

Judith Kule  
Clerk Trust.