

AN ORDINANCE TO REPLACE THE 2007 ANIMAL ORDINANCE FOR FLOYD COUNTY, INDIANA

WHEREAS, the Commissioners of Floyd County have been advised that the Animal Control Authority has reviewed the entire Animal Ordinances for areas of improvement, and;

WHEREAS, the Animal Control Authority, after such review, has determined that the current county ordinance concerning animals should be replaced with this ordinance in order to improve the current regulations and practices of Floyd County with regard to Animal Control;

Definitions Generally

AO.00 Definitions for use in this ordinance

Animals Generally

- AO.01** Permitting animals to run at-large
- AO.02** Authority to kill animals
- AO.03** Interference with enforcement prohibited
- AO.05** Exhibitions or parades of animals
- AO.06** Animals as prizes or inducements
- AO.07** Animals which are a public nuisance
- AO.08** Cruel treatment or neglect of animals prohibited
- AO.09** Animal fighting and; exhibition fighting prohibited.
- AO.10** Provision of necessities
- AO.11** Restraint; restraint by tether; and collar specifications
- AO.12** Sexual acts with animals
- AO.13** Abandonment
- AO.14** Keeping animals places of habitation clean
- AO.15** Animals afflicted with contagious disease
- AO.16** Rabies quarantine of animals
- AO.17** Allowing animals to remain in parked vehicles
- AO.18** Spay/neuter program established at animal shelter

Animal Registration and Rabies Vaccination

- AO.20** Cats to be registered and licensed
- AO.21** Exotic Animals to be registered
- AO.22** Dogs, cats and ferrets over three (3) months to be inoculated

Impoundment

- AO.23** Impoundment authorized
- AO.24** Removal of animal in immediate danger
- AO.25** Animal Shelter to record data on impounded animal
- AO.26** Impounding fee; bond
- AO.27** Redemption of impounded animal
- AO.28** Euthanasia and disposal of private owned animals

Dangerous Animals

- AO.35** Dangerous Animals
- AO.36** Duties of owners of dangerous animals

Enforcement Procedures

- AO.38** Enforcement
- AO.39** Powers of Animal Control Officers
- AO.40** Custodial liability
- AO.41** Destruction of impounded animals
- AO.42.** Powers of the Animal Control Authority

- AO.43 Meetings with Animal Control Authority
- AO.44 Resolutions and settlements
- AO.45 Judicial enforcement
- AO.46 Savings clause
- AO.47 Repeal or Amend
- AO.98 Fee Schedule
- AO.99 Issuance of citations; violation notices

DEFINITIONS GENERALLY

§ AO.00 DEFINITIONS FOR USE IN THIS ORDINANCE

As used in this ordinance, the following definitions shall apply:

ABANDONMENT. To deposit, leave, drop off or otherwise dispose of an owned animal on any public or private property, or leaving an animal for a period in excess of twenty-four (24) hours, without the animal's owner or caretaker providing all provisions of necessity as defined in this chapter and checking on the animal's condition.

ALTERED ANIMAL. Any domestic animal that has been surgically sterilized to prevent procreation.

ANIMAL. Any living vertebrate, domestic or wild, except a human being.

ANIMAL CONTROL AUTHORITY means the New Albany/Floyd County Animal Control Authority and its governing board established by an Inter-local Cooperation Agreement between the County of Floyd and the City of New Albany on 20th of May 1999 pursuant to the provisions of I. C. 36-1-7 et seq. for the operation of the New Albany/Floyd County Animal Control and Shelter, which inter-local agreement is ratified, affirmed and incorporated herein by reference.

ANIMAL CONTROL OFFICER. Any person designated by the Floyd County Animal Control Authority to enforce the terms and provisions of this ordinance; or any law enforcement officer of the State of Indiana.

ANIMAL FIGHTING PARAPHERNALIA AND ACTIVITIES. Equipment, and/or items used to train or condition animals for participation in animal fighting activity or materials which promote animal fighting; the breeding of animals for the express purpose of fighting; the training of animals for fighting; or the tracking of animal fighting results; or the production of materials promoting or supporting betting or gambling on animal fighting.

ANIMAL SHELTER. For the purposes of this ordinance, the term Animal Shelter shall refer to the New Albany/Floyd County Animal Control and Shelter.

APPROVED RABIES VACCINE. Any vaccine for protecting an animal from contracting rabies approved as effective by the Indiana State Board of Animal Health (BOAH) and by the National Association of State Public Health Veterinarians, Inc. (NASPHV) in the most current version of the Compendium of Animal Rabies Prevention and Control.

ATTACK. Any aggressive contact with a human being or another animal that could result in injury or death.

BITE. Any injury caused by the tearing, puncturing or cutting of the skin caused by teeth or fangs.

CARETAKER. A person designated to take temporary charge of animals and/or property of an owner.

CAT. Any domestic feline.

CRUELTY. Any act prohibited by section AO.08 through AO.14 and AO.17 of this ordinance.

DANGEROUS ANIMAL. Any animal which, unprovoked, commits an attack upon, harms or kills a person or another animal. A dangerous animal shall also include any mammal for which there is no approved rabies vaccine.

DOG. Any domestic canine.

DOMESTIC ANIMAL. Any animal whose physiology has been determined and/or manipulated through selective breeding; any of various animals that have been tamed and made fit for a human environment; any mammal, whether or not its physiology has been determined or manipulated through selective breeding, which can be vaccinated against rabies with an approved rabies vaccine. Domestic Animals shall include, but not limited to, dogs, cats, birds, rabbits, guinea pigs, rats, mice, hamsters, gerbils, ferrets, chinchillas, fish, reptiles, livestock, equine and poultry.

ENCLOSURES.

(1) **ENCLOSURES FOR ALL ANIMALS.** Enclosures for all animals shall be a fence or structure of sufficient height and construction to prevent the animal from leaving the owner's property. The enclosure may be required to contain proper shelter and a shaded area. Gates and doors must fit properly and must be locked or secured that prevents the animal from opening the gate or door. Enclosures for poultry must contain proper shelter and a shaded area.

(2) **ENCLOSURES FOR DOGS.**

(a) Enclosures for dogs shall be a fence or structure of sufficient height and construction to prevent the animal from leaving the owner's property. The enclosure must contain proper shelter and a shaded area. Gates and doors must fit properly and must be locked or secured to prevent the animal from opening the gate or door.

(b) Property enclosed by a buried wire which produces a signal received by a device attached to a collar worn by the animal, and prevents the animal from leaving the property of the owner will be considered a proper enclosure, provided the device and signal are working and the animal does not leave the property unrestrained. The enclosure must contain proper shelter from the weather and a shaded area. This type of enclosure is not acceptable for an unaltered animal, an animal declared a public nuisance or a dangerous animal.

(3) **ENCLOSURES FOR DANGEROUS ANIMALS.** Enclosures for dangerous animals shall be a covered fence or fabricated structure at least six feet in height, installed beneath ground level or in concrete or pavement, to prevent digging under it, and with a gravel or concrete floor, sufficient size to allow the animal to stand, sit, and turn around in a natural position, and which allows for adequate exercise for the size/breed being kept. Enclosures shall be designed to prevent the entry of children or unauthorized persons. Enclosures shall be securely locked with a combination or key lock to prevent accidental or malicious opening of the enclosure. Enclosures must contain proper shelter, a shaded area and be properly ventilated. The owners residence, other existing residence or storage building are not appropriate enclosures for a dangerous animal, unless approved by the Animal Shelter. Any structure may be subject to approval by a county representative and it is the responsibility of the owner to comply with building codes if required.

EQUINE. Domestic animals of, relating to, or resembling a horse or the horse family, including, but not limited to horses, stallions, colts, geldings, mares, fillies, ponies, miniature horses, donkeys, mules, jacks and jennies.

EXHIBITION. A presentation, or other planned activity involving the gathering of wild, exotic, and/or domestic animals in a public or private venue.

EXOTIC ANIMAL. Any animal that is not normally considered to be a domesticated animal as defined in this ordinance. Any animal required to have a state and/or federal permit to harbor. This includes, but is not limited to, nonhuman primates; venomous cold-blooded reptiles; poisonous animals; constrictor snakes three (3) feet or longer; crocodilians five (5) feet or longer; wild or exotic cats including cheetahs, lions, panthers, leopards, servals, ocelots and tigers (excluding feral cats); wolves; bears; sharks;

elephants; camels; native wild animals such as, but not limited to, bobcats, skunks, raccoons, deer, coyote, weasels, opossum, foxes, mink, muskrat, squirrels and badgers.

HARBORING. The actions of any person that permit any animal to lodge or to be fed within his/her home, store, enclosure, yard, or place of business or any premises which the person owns, or in which the person resides, or over which the person has possession or control. An animal shall be presumed harbored if it is fed or sheltered for three (3) consecutive days.

HUNTING. means the pursuit of any wild animal or bird licensed and regulated under Indiana Code 14-22-11-1, or any successor provision to that statute. A **HUNTER** is a person engaged in hunting and is in possession of a valid state hunting license.

IMPOUNDED. Taken into custody of an Animal Control Officer and/or taken to the Animal Shelter.

LEAD or LEASH. A device used for humanely restraining an animal.

LIVESTOCK. Any animal raised for, or used in agriculture, including, but not limited to sheep, rams, ewes, lambs, bulls, cows, steers, heifers, calves, swine, boars, sows, piglets, goats, bucks, does, kids, llamas, alpaca, buffalo, bison, deer, elk, ostrich, emu, or any other animals that are privately owned and raised in a confined area for breeding stock, food, fiber, and other products.

MICROCHIP. A passive transponder which can be implanted into an animal and which is a component of a radio frequency identification (RFID) system.

NEGLECT. Any reckless or negligent act or omission which results in a domestic animal not receiving adequate shelter, food, water, or in a domestic animal not receiving necessary veterinary care, or in a domestic animal housed in unhealthy living conditions.

NUISANCE. Any act of an animal or its owner that irritates, perturbs or damages rights and privileges common to the enjoyment of public or private property or indirectly injures or threatens the safety of a member of the general public. By way of examples and not of limitation, the commissions on the following acts or actions by an animal or by its owner or possessor may hereby being declared a nuisance:

- (1) Allowing or permitting an animal to habitually bark, whine, howl, mew, crow or cackle in an excessive or continual fashion or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises
- (2) Allowing or permitting an animal to damage the property of any person other than its owner or caretaker, including to, but not limited to getting into or turning garbage containers or damaging gardens, flowers, plants or other real or personal property or leaving fecal material on the property of another person.
- (3) Allowing or permitting an animal to molest, chase, snap at, attack or attempt to attack passers-by, vehicles or other domestic animals.
- (4) Allowing or permitting an animal to habitually or continually run at-large or be found on property not belonging to that of its owners or caretakers, trespassing on school grounds, parks or the property of any person.
- (5) Allowing or permitting an animal to be housed or restrained within reach of a public street, road, sidewalk, alley or access and, in the discretion of the animal control officer, poses a threat to the general public safety, health and welfare of the general public.
- (6) Allowing or permitting an area to be maintained in an unsanitary condition by the accumulation of animals and/or animal waste so as to be offensive to sight or smell.

OWNER. Any person owning, keeping, harboring, or having control or custody of animals within the jurisdiction of this ordinance, provided, that in the event that a minor person shall be determined the

owner of the animal, the parent, guardian of such minor person shall be responsible to ensure compliance with the terms and provisions of this ordinance, and shall be liable for any non-compliance herewith.

PARADE. A procession of people, usually organized along a street, often in costume, and often accompanied by marching bands, floats and often of a festive nature.

POULTRY. All domesticated fowl and all game birds which are legally kept in captivity, including, but not limited to chickens, ducks, guinea fowl, turkeys, geese and peafowl.

QUARANTINE. Humane confinement of an animal in a building which prevents the animal coming into contact with any animal or human being other than the owner or caretaker.

RESTRAINT. Shall mean, but not limited to, confined to the premises of the owner or, if off of the premises of the owner, confined by means of a lead, leash or pet carrier and under the control of a responsible person.

REASONABLE CARE. That degree of care which a reasonable and prudent person would, under the same or similar circumstances, render to an animal to prevent injury, to care for an existing injury, or to prevent death.

RUNNING AT-LARGE. Any domestic animal or exotic animal, not located on the real property of its owner, shall be deemed running at-large if it is not under restraint as defined in this ordinance.

SCRATCH. Any injury caused by the tearing, puncturing or cutting of the skin caused by nails or claws.

SERVICE ANIMAL. Any animal that is individually trained to perform tasks for a person with a disability such as, but not limited to, guiding people who are visually impaired, alerting people who are hearing impaired, assisting people in wheelchairs, alerting and protecting an individual who is having a seizure. Service animals are working animals. Any animal kept as a therapy and/or companionship animal shall not be considered as a service animal.

SEVERE ATTACK. An unprovoked attack in an aggressive manner upon a human in which the victim suffered a bite, was shaken violently, and which caused serious physical trauma or death.

SHELTER. A structure designed specifically to shelter an animal that allows an animal to maintain its body heat, with a roof, solid floor and three sides free of leaks or openings to the wind and precipitation, and a fourth side allowing access that is protected from the elements. The shelter shall provide reasonable protection from inclement weather and extreme temperatures. The structure shall be physically located in a dry area allowing the animal access outside the structure to dry ground that is mud free. It shall be cleaned and maintained regularly so as to prevent the accumulation of waste, debris and offensive odors.

TETHER. A long restraint fastened humanely to an animal's collar or harness, so as to keep the animal within certain bounds and limited freedom. Tethers shall be made of a chain or similar material specifically designed for the restraint of animals. Tethers may not be made of rope, twine, cord or similar material that can easily be cut or chewed through.

UNALTERED ANIMAL. Any animal that has not been surgically sterilized to prevent procreation.

ANIMALS GENERALLY

§ AO.01 PERMITTING ANIMALS TO RUN AT-LARGE

- (1) It shall be unlawful to permit any owned animal of any kind to run at-large. All animals shall be kept under restraint at all times, as defined in this ordinance, and any deviation or violation thereof is strictly prohibited.
- (2) The foregoing provision shall not apply:
 - (a) if the owner is engaged in legal hunting activities with an active hunting license if required, and the animal in question has been trained to assist in hunting, and the animal's activities are being supervised by the hunter;
 - (b) in any section of a public park designated as a leash free zone.
- (3) Dangerous animals are not allowed to be in any area designated as a leash free zone. Any person who violates this section shall be subject to the penalty provided in § AO.99 of this ordinance.

§ AO.02 AUTHORITY TO KILL ANIMALS

Animal Control Officers are authorized to kill any animal of any kind when it is necessary to do so for the protection of any person, other animal or property.

§ AO.03 INTERFERENCE WITH ENFORCEMENT PROHIBITED

- (1) No person shall in any manner interfere with, hinder, molest, or abuse any officer or individual duly authorized to enforce the provisions of this ordinance.
 - (2) No person shall in any manner seek to release or remove any animal in the custody of the Animal Shelter, or from any humane trap identified as the property of the Animal Shelter.
- Any person who violates this section shall be subject to the penalty provided in § AO.99 of this ordinance.

§ AO.05 EXHIBITIONS OR PARADES OF ANIMALS

Any exhibitions or parades of animals may be conducted only upon securing a permit from the Floyd County Sheriff or Commissioners Office. The Animal Shelter and its offsite locations will be exempt from this section. Any person who violates this section shall be subject to the penalty provided in § AO.99 of this ordinance.

§ AO.06 ANIMALS AS PRIZES OR INDUCEMENTS

It shall be unlawful to give away any live animal as a prize for, or as an inducement to enter any contract, game, or other competition, or as an inducement to enter a place of amusement; or offer such animal as an incentive to enter in any business agreement in which the offer is for the purpose of attracting trade. The Animal Shelter and its offsite locations will be exempt from this section. Any person who violates this section shall be subject to the penalty provided in § AO.99 of this ordinance.

§ AO.07 ANIMALS WHICH ARE A PUBLIC NUISANCE

No owner shall allow an animal to be a nuisance as defined in this ordinance. Any person who violates this section shall be subject to the penalty provided in § AO.99 of this ordinance.

§ AO.08 CRUEL TREATMENT OR NEGLECT OF ANIMALS PROHIBITED

- (1) For purposes of this ordinance, "cruelty" means any act prohibited by this section. No person shall cause infliction of pain, any form of bodily injury or death to an animal by:
 - (a) Striking, beating, dropping, throwing, kicking, dragging, choking, or by the use of an object or weapon;
 - (b) Means of caustic, flammable, chemical, boiling, or heated substances; causing suffering, any form of bodily injury or death by suffocation or drowning;
 - (c) Failing to provide adequate food, water and shelter.
 - (d) Failing to detect the need for, or withholding veterinary care, including care and maintenance of skin and coat, creating or allowing unhealthy living conditions whether by intentionally or by severe omission.
- (2) No person shall engage, participate or be present in any acts or actions as defined as cruelty or neglect in this ordinance. No person shall cruelly treat or torment and/or neglect any animal.
- (3) In the event there is a reasonable cause to suspect that an animal is being a victim of cruelty or neglect, custody of such animal may be taken by an Animal Control Officer and impounded at the

Animal Shelter. If claimed by its owner within the time limit as defined in this ordinance, the animal may be held as evidence and confined in a humane manner. Any owner or caretaker shall be responsible for all fees as defined in this ordinance.

- (4) For the purpose of this section, cruelty and/or neglect of an animal shall also be defined as a failure by a person to adhere to the remedies and requisites ordered by an Animal Control Officer to comply with the requirements and provisions of any sections of this ordinance.

Any person who violates this section shall be subject to the penalty provided in § AO.99 of this ordinance.

§ AO.09 ANIMAL FIGHTING AND; EXHIBITION FIGHTING PROHIBITED

- (1) No person shall cause or permit any dogfight, cockfight or other combat between animals. In the event there is a reasonable cause to suspect that an animal is involved in a dogfight, cockfight or other combat, custody of such animal and all animals on the same property may be taken by an Animal Control Officer and impounded at the Animal Shelter. The animal may be held as evidence and confined in a humane manner.
- (2) No person shall own, possess, keep, train, exercise, breed or raise any dog or other carnivore, bird or animal with the intent that such dog or other carnivore, bird or animal be utilized, sold, given or leased for fighting and/or engaged in an exhibition of fighting. In the event that a person owns, possesses, keeps, trains, exercises, breeds or raises any dog or other carnivore, bird or animal and/or engages in an exhibition of fighting or selling, leasing or giving such animals for fighting, such person shall be liable for citation for violation of this ordinance.
- (3) No person shall be present at any dogfight, cockfight, animal fighting, or combat between animals. In the event that a person is present at a dogfight, cockfight, animal fighting or combat between animals, such person shall be liable for citation for violation of this ordinance.
- (4) Any person who is found present at a dogfight, cockfight, or combat between animals, and/or any person who is in possession of an animal that may be used in an animal fight, may be charged with intent to engage in an exhibition of fighting in violation of this ordinance. Any animal shall be seized and impounded as defined in this ordinance if found on the premises or in the immediate area of the dogfight, cockfight, or combat between animals
- (5) No person may own, possess, keep or utilize any animal fighting paraphernalia with the intent to train, condition and/or fight any animal.

Any person who violates this section shall be subject to the penalty provided in § AO.99 of this ordinance.

§ AO.10 PROVISION OF NECESSITIES

- (1) Any owner or caretaker shall provide his/her animal with a good and adequate amount of wholesome food to maintain a healthful level of nutrition. Any owner or caretaker shall provide and maintain a constant and reachable supply of fresh and clean water at all times for his/her animal.
- (2) All animals shall be provided with adequate shelter and protection from the weather at all times. It shall be the discretion of Animal Control Officers to determine what constitutes adequate shelter and protection from the weather. In addition to the shelter, a shaded area shall also be provided by means of other structures, trees, tarps or awnings. Insulating or appropriate bedding materials, such as straw or other materials that dry quickly shall be provided during inclement weather. Shelters must be cleaned and maintained regularly so as to promote proper health for the animals being kept. Equine and livestock animals may be exempt from requiring shelter.
- (3) Any owner or caretaker shall provide to his/her animal proper, humane, medical and veterinary care and treatments when sick, diseased, injured or for the purpose of preventing suffering.
- (4) Any owner or caretaker of an animal shall maintain an appropriate environment with clean and healthful living area for any animal being kept, which area shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming in contact with any such waste or debris. All living areas shall be constructed and maintained to promote drainage of rainwater to prevent the accumulation of mud and/or water.

Any person who violates this section shall be subject to the penalty provided in § AO.99 of this ordinance.

§ AO.11 RESTRAINT; RESTRAINT BY TETHER; AND COLLAR SPECIFICIATIONS

- (1) Restraint shall mean, but not limited to, confined to the premises of the owner or, if off of the premises of the owner, confined by means of a lead, leash or pet carrier and under the control of a responsible person.
- (2) Any tethering system employed in place of an enclosure shall not allow the animal to leave the owner's property. The tether may not be made of a rope, twine, cord or similar material that can easily be cut or chewed through. Any tethering system shall not be acceptable for any animal declared dangerous.
- (3) Dogs may only be tethered using an overhead trolley, zip line or running line system, and must have access to shelter, shade and water. Cats are not allowed to be tethered.
- (4) Tethers must be attached to a properly fitting collar or harness worn by the animal. Tethers may not be wrapped around an animal's neck or body to replace a collar or harness. All tethering devices must have a swivel device on the anchor and collar or harness end to prevent tangling.
- (5) All collars and harnesses used for the purpose of tethering an animal must be made of nylon, leather or other durable and non-metallic material and be specifically designed for the restraint of animals. A chain, choke, pinch, prong collar or head halter shall not be utilized for tethering purposes. The use of properly fitted head halters shall not apply to equine and livestock.
- (6) All collars or harnesses must be checked regularly for proper fit to avoid causing injury or becoming embedded into the animal's body.
- (7) Tethers must be at least six (6) feet in length or at least three (3) times the length of the animal.
- (8) No tether shall weigh more than 1/8 of the animals' body weight.
- (9) No dog shall be tethered that has not been spayed or neutered.
- (10) No dog under six (6) months of age shall be tethered.
- (11) No person shall tether a dog to a fixed point, such as a building, shelter, tree, enclosure or other stationary object unless tethering is for a duration of no longer than fifteen minutes. A person may temporarily tether a dog to a fixed point to complete a temporary task, such as, but not limited to, vacuuming, mopping floors, moving furniture, so long as the person is located on the same physical property as the tethered dog.
- (12) If one (1) or more animals at a residence have required a response from an Animal Control Officer to untangle tethers more than two (2) times in a twelve (12) month period, it shall be a violation of this section and the animals may be impounded.
- (13) In addition to the requirements above, under this definition, **RESTRAINT FOR EQUINES, LIVESTOCK and POULTRY** shall mean as follows:
 - (a) All equine and livestock shall be confined by an enclosure in good repair or construction sufficient to prevent the animal from leaving the owner's property. Equine and livestock found on property, but not restrained by a tether or an enclosure in good repair or sufficient construction may be impounded at the owner's expense and the owner charged with a violation of this ordinance.
 - (b) All poultry should be kept in an enclosure of sufficient height and construction to prevent the animal from leaving the enclosure; and provide a safe environment from predators. Poultry may not be tethered. Poultry found on property, but not restrained by an enclosure may be impounded at the owner's expense and the owner charged with a violation of this ordinance, unless under the direct supervision of the owner to prevent poultry from leaving the owner's property. All poultry must be provided with access to shelter and a shaded area.

Any person who violates this section shall be subject to the penalty provided in § AO.99 of this ordinance.

§ AO.12 SEXUAL ACTS WITH ANIMALS

No person shall engage or cause to allow any other person to engage in a sexual act with any animal. Any person who violates this section shall be subject to the penalty provided in § AO.99 of this ordinance.

§ AO.13 ABANDONMENT

- (1) No person shall abandon an owned animal. Abandonment consists of leaving an animal for a period in excess of twenty-four (24) hours, without providing and checking on the animal's condition, or failure to contact the Animal Shelter if a request to contact is left on the property where the animal is. No person shall leave an animal by a roadside or other area, or leave such animal on either public or private property, without the property owner's consent. In the event that an animal is found so

abandoned, such animal may be taken by an Animal Control Officer and impounded at the Animal Shelter, and there confined in a humane manner. Such animal, if taken from private property, shall be kept for not less than the prescribed period in accordance with the procedures set forth in section AO.23. When a caretaker is mandated by the owner of such and the animal is so abandoned, the caretaker may be subject to a citation for violation of this section and all fees as defined in this ordinance.

- (2) An Animal Control Officer is authorized to impound any animal if the Animal Control Officer deems that the condition of the animal requires immediate care or veterinary treatment and/or upon finding reasonable suspicion of abandonment and/or believe the animal needs to be removed for humane reasons. The Animal Control Officer is authorized to go on and about private property to investigate any abandonment to establish or not reasonable suspicion of abandonment.

Any person who violates this section shall be subject to the penalty provided in § AO.99 of this ordinance.

§ AO.14 KEEPING ANIMALS PLACES OF HABITATION CLEAN

- (1) No person shall cause or allow any place where any domestic or exotic animal is, or may be, kept to become unclean or unwholesome, but shall keep the area clean, sanitary, and free from all refuse and rodents. Such area shall be cleaned at least once every forty-eight (48) hours. It shall be unlawful to permit any decaying food, excreta or any refuse of any kind to remain in such areas. Refuse from such areas shall, when swept or collected, be kept in containers until disposed of in accordance with the ordinances of the county.

- (2) It shall be unlawful for the owner or caretaker of an animal to permit or allow such animal to excrete feces on school grounds, parks or other public property, or on any private property other than that of the owner or person in charge or control of such animal without the permission of the owner of said property, or on any streets, sidewalk, or highways, unless the owner or person in control of such animal immediately removes all feces deposited by such animal and disposes of same in a sanitary manner. This section may not apply to persons accompanied by a service animal used for their assistance.

Any person who violates this section shall be subject to the penalty provided in § AO.99 of this ordinance.

§ AO.15 ANIMALS AFFLICTED WITH CONTAGIOUS DISEASE

No domestic or exotic animal afflicted with a contagious or infectious disease shall be allowed to run at-large, or be exposed in any public place within the county whereby the health of human or animal may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner, except for the purposes of transporting directly to obtain veterinary assistance, or by the order of the Chief of the Police Department in the Civil City of New Albany, Indiana or the Sheriff within the unincorporated areas of Floyd County, Indiana, or an Animal Control Officer. Any person or entity who violates this section shall be subject to the penalty provided in § AO.99 of this chapter.

§ AO.16 RABIES QUARANTINE OF ANIMALS

- (1) Any animal which has caused injury and/or death to a human by means of a bite and/or scratch shall be quarantined. The quarantine shall be consistent with the practices, rules and regulations of the Floyd County Health Department and the Indiana State Board of Animal Health.
- (2) Any owner or caretaker who fails to properly quarantine his/her animal is subject to citation for violation of this ordinance, and the animal may be impounded at the Animal Shelter or a licensed Animal Clinic or Animal Hospital for the remainder of its quarantine period. The owner or caretaker shall be responsible for all applicable fees as set forth in § AO.98 during the quarantine period if held at the Animal Shelter.
- (3) Any animal whose owner is unavailable or incapable of quarantining the animal is subject to the animal being taken by an Animal Control Officer and quarantined at the Animal Shelter or a licensed Animal Clinic or Animal Hospital for the quarantine period.
- (4) Any owner of an animal which must be quarantined may elect to board such animal at the Animal Shelter for the quarantine period, if space is available. Any owner of an animal which must be quarantined may elect to surrender such animal to the Animal Shelter. The owner shall be

responsible for all applicable fees as set forth in § AO.98 during the quarantine period if held at, or surrendered to, the Animal Shelter.

- (5) Any quarantined animal not reclaimed by an owner within twenty-four (24) hours of the expiration of the prescribed period of quarantine shall be humanely euthanized
- (6) Any human, bitten and/or scratched by an animal, or any physician or other medical professional or medical institution treating such an injury, shall report the bite and/or scratch to the Animal Shelter and/or the Floyd County Health Department within twenty-four (24) hours.
- (7) Any animal that cannot be vaccinated against rabies with an approved rabies vaccine, or any animal which has no established rabies quarantine observation period, which bites and/or scratches a human, is to be euthanized and its head shall be sent to the State Department of Health for examination at the expense of its owner or harbinger for examination for rabies.

Any person who violates this section shall be subject to the penalty provided in § AO.99 of this ordinance.

§ AO.17 ALLOWING ANIMAL TO REMAIN IN PARKED VEHICLE

It shall be unlawful to leave an animal in a vehicle when the conditions in that vehicle would pose a health hazard to the animal. Animal Control Officers are authorized to seize such animal under these conditions. Damages incurred to such vehicles during the seizure of such animal shall be at the expense of the vehicle owner. Any person who violates this section shall be subject to the penalty provided in § AO.99 of this ordinance.

§ AO.18 SPAY/NEUTER PROGRAM ESTABLISHED AT ANIMAL SHELTER

This ordinance adopts a spay/neuter program for the Animal Shelter on the following terms:

- (1) All persons wishing to adopt a dog or cat at the Animal Shelter must pay a spay/neuter fee with their adoption fees. All dogs and cats adopted from the Animal Shelter must be surgically altered unless a licensed veterinarian, in writing, states the animal is unfit for surgery.
- (2) The Animal Shelter shall deposit all monies collected from this spay/ neuter fee into the Non-Reverting Fund for the spay/neuter program with the City Controller, and thereafter shall process all claims to maintain the spay/neuter clinic at the Animal Shelter.

(Ord. G-95-209, passed 2-16-95)

ANIMAL REGISTRATION AND RABIES VACCINATION

§ AO.20 CATS TO BE REGISTERED AND LICENSED

- (1) Any person owning, harboring or having custody of a cat within the county must obtain a license within fifteen (15) days of obtaining the animal. Licenses, except for Lifetime Licenses, shall be valid for one (1) year from date of issue. Any person not eligible to obtain a license may not own a cat.
- (2) Applications for licenses shall be made to the Animal Shelter.
- (3) If the applicant withholds or falsifies any information on the application, no license shall be issued. Any licenses issued upon false or withheld information shall be null and void.
- (4) Application shall include species, breed, gender, name of the animal, whether the animal has been altered, a current rabies certificate, if required, issued by a licensed veterinarian, and the name, telephone number and address of the owner.
- (5) It shall be within the discretion of the Animal Shelter whether to issue a license if there have been three (3) or more violations of this ordinance within twelve (12) month's time.
- (6) Upon issuance of the license and payment of all fees, the Animal Shelter shall issue to the applicant a durable tag stamped with an identification number. The Animal Shelter shall maintain a record of the identifying number of all tags issued.
- (7) The Animal Shelter shall charge fees for animal licenses and certain other charges pursuant to §AO.98. The Animal Shelter shall deposit all monies collected from this section into the Non-Reverting Fund for the Animal Control Runs Fund with the City Controller. The fees shall be collected by the Animal Shelter, or by its fiscal agent.
- (8) The license fee may be waived for certified service animals and governmental police dogs. These shall still be registered with the Animal Shelter and must obtain a license as any other.

(9) The owner of any animal deemed by a veterinarian to be unfit to undergo a spaying or neutering operation shall be, upon presentation of written certification to that effect by a licensed veterinarian, charged the fee for an altered animal.

(10) No person shall use a license for any animal other than the animal for which it was issued. Any person who violates this section shall be subject to the penalty provided in § AO.99 of this ordinance.

§ AO.21 EXOTIC ANIMALS TO BE REGISTERED

All exotic animals as defined in this ordinance shall be registered with the Animal Shelter. Registration shall include the name, address and phone number of the owner, and a description of the animal to aid Animal Control Officers in finding the owners of any animal running at-large or during an emergency. Any fee for registration may be waived by the Animal Shelter. Any person who violates this section shall be subject to the penalty provided in § AO.99 of this ordinance.

§ AO.22 DOGS, CATS AND FERRETS OVER THREE (3) MONTHS TO BE INOCULATED

It shall be unlawful to own, possess, keep or harbor any dog, cat or ferret over the age of three (3) months within the county, unless that animal has been inoculated against rabies by a licensed veterinarian and the inoculation period has not expired. Any person who violates this section shall be subject to the penalty provided in § AO.99 of this ordinance.

IMPOUNDMENT

§ AO.23 IMPOUNDMENT AUTHORIZED

- (1) Any animal which is found by an Animal Control Officer to be in violation of this ordinance may be impounded and confined in a humane manner until reclaimed by its owner or otherwise disposed of in accordance with this ordinance.
- (2) Impounded animals, except those suffering from an injury or physical condition which causes the animal to suffer, shall be kept and maintained by the Animal Shelter for the following state periods:
 - (a) Impounded Animals: 3 days, not including Saturdays, Sundays and holidays recognized by the Floyd County Commissioners.
 - (b) Quarantined Animals: 10 days from the day the bite and/or scratch occurs.
- (3) Animal Control Officers are authorized to go on or about private property to seize an animal. If an animal is seized, the Animal Control Officer shall issue a written notice of seizure and leave it with the owner or affix it to the premises from which the animal was seized.
- (4) Impounded domestic pets, other than feral cats, shall be kept three (3) business days, unless reclaimed by their owner. If the owner can be identified by means of a license tag, collar ID, microchip, rabies tag or other means physically attached to or upon the body of the animal, the impounding agency shall notify the owner of the impoundment of the animal, and the animal will be held for five (5) days, not including Saturdays, Sundays and holidays recognized by the Floyd County Commissioners, unless reclaimed by the owner. Animals not reclaimed by their owners within the established time periods and those not placed in suitable new homes after such time, may be humanely euthanized. However, if an impounded animal has an injury or physical or medical condition, which causes the animal or other domestic animals to suffer, the Animal Shelter may immediately humanely euthanize the animal. For the purposes of this ordinance, the impoundment term shall commence on the date of delivery of the animal to the place of impoundment and not the date of notification of the owner. An owner desiring to reclaim an impounded animal shall comply with and pay such fees as provided by the terms and provisions of this ordinance. If an animal has been impounded because of a violation to this ordinance, the Animal Shelter may refuse to release the animal to its owner until the owner gives reasonable assurances that the conditions have been corrected or a court order is given requiring the Animal Shelter to relinquish the animal back to the owner. These assurances may be verified by an Animal Control Officer before releasing the animal back to the owner. If an animal has been impounded for any violation of this ordinance and such animal was adopted from the Animal Shelter or one of its offsite locations, the Animal Shelter may refuse to release such animal to the owner.

- (5) Animals not reclaimed by their owners within the applicable time period, may thereafter be placed in suitable homes, or may be humanely euthanized. Unclaimed animals that have been placed under rabies quarantine shall be humanely euthanized.

§ AO.24 REMOVAL OF ANIMAL IN IMMEDIATE DANGER

Any animal observed by an Animal Control Officer to be in immediate danger may be removed from such situation by the quickest and most reasonable means available.

§ AO.25 ANIMAL SHELTER TO RECORD DATA ON IMPOUNDED ANIMALS

Immediately after impounding any animal, the Animal Control Officer shall enter upon the records of the Animal Shelter the date of impoundment, a description of the animal impounded, and the location where the animal was impounded. A list of impounded animals shall be kept at the Animal Shelter.

§ AO.26 IMPOUNDING FEE; BOND

- (1) The Animal Shelter shall charge impounding fees, boarding charges and certain other fees pursuant to § AO.98. The fees shall be collected by the Shelter, or by its fiscal agent.
- (2) The owner of an animal that has been impounded under this ordinance and charged with a violation of this ordinance, may prevent disposition of the animal by the Animal Shelter caring for the animal by posting, not later than three (3) days after the animal has been impounded, a bond with the Animal Shelter 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 five (5) 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. If the owner of an animal impounded under this section is found guilty or signs an agreement with conditions of an offense under this ordinance, the owner shall forfeit the bond to the Animal Shelter to reimburse the Animal Shelter for the expense of the animal's care and keeping. If the owner has paid a bond under this ordinance, the Animal Shelter may still euthanize an animal if a veterinarian determines that an animal is suffering extreme pain.
- (3) If the owner requests, the court or the Animal Control Authority, having jurisdiction of charges filed under this ordinance or IC 15-5-12 shall hold a hearing to determine whether probable cause exists to believe that a violation of this ordinance or IC 15-5-12 has occurred. If the court determines that probable cause does not exist, the court may order the animal returned to its owner, and the return of any bond posted by its owner.

§ AO.27 REDEMPTION OF IMPOUNDED ANIMAL

- (1) The owner of an animal may redeem the animal by paying all the costs and fines assessed that have accrued up to the time of making the redemption, plus the license fee for the animal, if required. Any animal not claimed by an owner, in accordance with the time periods described in this ordinance, shall become the property of the Animal Shelter and may be disposed of in any manner as is in accordance with this ordinance.
- (2) An application for redemption must be filed by the owner, if at all prior to the expiration of the impoundment term. If the owner cannot be identified, the Animal Shelter may request reasonable proof of ownership as a condition for the release of the animal. For purposes of this section, proof of ownership may include bills of sale; photos depicting the animal and the owner, vet records with owners name and/or similar evidence. In the event of the existence of a controversy pertaining to the ownership or right of possession of an impounded animal, the Animal Shelter may refuse redemption except upon the order of a court of competent jurisdiction.
- (3) Any animal impounded may be released only upon the application for redemption and after being fitted with a microchip, to facilitate future identification of the animal and owner. Any animal impounded two (2) times within a twelve (12) month period, such animal may be released only upon application for redemption and conditioned upon the spaying or neutering of the animal. The cost of either such procedures shall be paid by the owner of the animal. The Animal Shelter may release any animal at their discretion without an application for a microchip or spaying or neutering.

- (4) Any animal deemed to be suffering with extreme pain due to possible injury or apparent disease may be humanely euthanized before the holding period has expired.

Statutory reference: Prohibited methods of destruction, see IC 15-5-17-1

§ AO.28 EUTHANASIA AND DISPOSAL OF PRIVATELY OWNED ANIMALS

The Animal Shelter shall have the ability to charge the owner of any animal certain fees to euthanize and dispose of said animal, in accordance with § AO.98 of this chapter.

DANGEROUS ANIMALS

§ AO.35 DANGEROUS ANIMALS

For the purpose of this ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DANGEROUS ANIMAL

- (1) Any animal which constitutes a physical threat to human beings or other domestic animals by virtue of a known propensity to endanger life by unprovoked assault or bite or scratch so as to cause serious bodily harm; or
- (2) Any animal that approaches a human being or other domestic animal upon the streets, sidewalks, or any public grounds in a vicious or terrorizing manner or an attitude of aggression when unprovoked, or;
- (3) Any animal with a known propensity, tendency or disposition to attack unprovoked, to cause injury to or otherwise endanger the safety of a human being or other domestic animal; or
- (4) Any animal which bites, inflicts injury to or otherwise attacks a human being or other domestic animal without provocation on public or private property; or
- (5) Any animal which scratches, inflicts injury, assaults or otherwise attacks a human being or other domestic animal without provocation on public or private property; or
- (6) Any animal which behaves in such a manner that the owner therefore knows or should reasonably know that the animal possesses a tendency to attack, bite or scratch a human being or other domestic animal; or
- (7) Any animal certified by a licensed or certified aggression dog trainer, evaluator or behaviorist after observation thereof, as posing a danger to a human being or other domestic animal if not kept in a manner required by this ordinance upon the basis of behavioral probability; or
- (8) Any animal that cannot be vaccinated against rabies with an approved rabies vaccine, and any animal which has no established rabies quarantine observation period.
- (9) Exceptions. An animal may not be deemed dangerous solely because;
 - (a) It bites, scratches, attacks or menaces,
 - (1) Anyone assaulting its owner. This shall not include any law enforcement officer attempting to subdue or affect the arrest or detain of a suspect;
 - (2) It has attacked or attempted to attack any person or animal that has tormented or abused it.
 - (b) It is otherwise acting in defense of any attack from a person or other animal upon its owner or any other person;
 - (c) It is defending its offspring and on its owners property;
 - (d) Anyone entering the owner's property to commit robbery, burglary, assault or other crime or entering a secured building without permission. Simple trespassing by a person onto private property may not be considered provocation for any attack.
 - (e) It is severely injured or incapacitated.
 - (f) Any animals which are employed by a law enforcement department in the State of Indiana or any animal which has been certified either nationally or by the State of Indiana for use in law enforcement work providing the animal is owned and in the possession of the handler and/or for whom the certification was meant.

Any person who violates this section shall be subject to the penalty provided in § AO.99 of this ordinance.

ENCLOSURES / RESTRAINT FOR DANGEROUS ANIMAL

(1) Enclosures for dangerous animals shall be a covered fence or fabricated structure at least six (6) feet in height, installed beneath ground level or in concrete or pavement to prevent digging under it, and with a gravel or concrete floor, sufficient size to allow the animal to stand, sit, and turn around in a natural position, and which allows for adequate exercise for the size/breed being kept. Enclosures shall be designed to prevent the entry of children or unauthorized persons. Such enclosures shall be securely locked with a combination or key lock which has been designed to prevent accidental or malicious opening of the enclosure. The enclosure must contain proper shelter, a shaded area and be properly ventilated. The owners residence, other existing residence or storage building are not appropriate enclosures for a dangerous animal, unless approved by an Animal Control Officer. Any structure may be subject to approval by the Floyd County Building Department and it is the responsibility of the owner to comply with building codes if required.

(2) Restraint for a dangerous animal shall be:

(a) On the premises of the owner and confined in a secure enclosure as previously defined, or;

(b) If off the premises of the owner, the animal must be accompanied by the owner, securely muzzled and restrained with a leather, or nylon lead or leash having the tensile strength to restrain the animal and not to exceed six (6) feet in length. The lead or leash must be under the control of a person over the age of eighteen (18) years of age and physically able to restrain the animal. The muzzle shall be made in such a manner that will not cause injury to the animal or interfere with the animal's vision or respiration, but shall prevent the animal from biting any human being or other animal.

Any person who violates this section shall be subject to the penalty provided in § AO.99 of this ordinance.

§ AO.36 DUTY OF OWNERS OF DANGEROUS ANIMALS

(1) It shall be the duty of every owner of a dangerous animal to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from the animal's behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.

(2) It shall be the duty of every owner of an animal that resides on rental property to notify the property owner if that animal has been declared dangerous

(3) It shall be the duty of every owner of a dangerous animal to ensure that the animal is kept under control and that reasonable care and precautions are taken to prevent the animal from leaving, while unattended, the real property limits of its owner, possessor or custodian and that:

(a) It is securely and humanely enclosed within an enclosure as described in this ordinance, out of which it cannot climb, dig, jump or otherwise escape on its own; and such enclosure must be securely locked at anytime the animal is left unattended; or

(b) In the event the animal is outside of its dwelling unit and enclosure, the animal shall be securely muzzled and restrained with a lead or leash and shall be under the direct control of its owner.

(c) Any animal, placed under the Dangerous Animal section of this ordinance, is to be spayed or neutered at the expense of the owner.

(d) Any animal, placed under the Dangerous Animal section of this ordinance, is to be microchipped at the expense of the owner.

(e) Any animal declared a dangerous animal shall purchase and maintain a current license for a dangerous animal, if required.

(f) The owner of a dangerous animal shall display a sign on his/her property or premises warning that there is a dangerous animal on the premises. The sign shall be visible and capable of being read from a public right of way

(g) The owner shall immediately notify the Animal Shelter or the Floyd County Sheriff if a dangerous animal is loose, and/or has attacked another animal or a human being, or has died.

(h) The animal may be impounded to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this ordinance, and any Animal Control Officer is hereby empowered to seize and impound any dangerous animal whose owner fails to comply with the provisions hereof, subject to the right of such owner to contest the seizure or impoundment, as provided in this ordinance, in Floyd County Court. The animal will be retained by the Animal Shelter during the pendency of any such proceeding if the owner posts a bond pursuant to section § AO.26 of this ordinance, and the Animal Shelter shall have the power to dispose of any

such animal prior to the termination of any court proceedings if no bond is posted or the bond is allowed to lapse, in accordance with that section of this ordinance.

(i) In the event that any animal previously placed under the Dangerous Animal section of this ordinance is found running at-large or in violation of this ordinance, the animal will be impounded by an Animal Control Officer and euthanized.

(j) Any owner of an animal declared a dangerous animal shall not sell, transfer, give away or use other form of disposition of the animal other than surrender the animal to the Animal Shelter.

(k) Any owner of an animal declared as dangerous shall request authorization from the Animal Shelter to change the location of the animal. The new location, if authorized, shall comply with the requirements of this ordinance.

(l) In the event that the owner of the animal refuses to surrender the animal to an Animal Control Officer, the Animal Control Officer may request a warrant to seize the animal upon execution of the warrant.

Any person who violates this section shall be subject to the penalty provided in § AO.99 of this ordinance.

ENFORCEMENT

§ AO.38 ENFORCEMENT

- (1) It shall be lawful for any Animal Control Officer to canvass any dwelling unit, business, organization and institution for the purpose of ascertaining compliance with any section of this ordinance and/or any state law pertaining to animals.
- (2) It shall be lawful for any Animal Control Officer to go upon private property to inspect the condition of any animal or investigate any violation of this ordinance and/or any state law pertaining to animals.
- (3) It shall be lawful for any Animal Control Officer to inspect any dwelling unit, business, organization and institution with the consent of any owner or occupant, or by administrative or criminal search warrant, for the purpose of an investigation of any violation of this ordinance and/or state law pertaining to animals.
- (4) It shall be lawful for any Animal Control Officer to go onto private property to seize any animal; pursuant to the sections of this ordinance; or with an order of a court of competent jurisdiction in this state, or for any violation of this ordinance and/or state law pertaining to animals that causes an Animal Control Officer to believe that the situation endangers the health or well-being or is a life threatening condition for such animal or such animal needs to be removed for humane reasons and/or required immediate care or veterinary treatment or such animal poses a threat to public health or safety.
- (5) It shall be lawful for any animal that is found by an Animal Control Officer to be running at-large, public nuisance, inhumanely or cruelly treated, neglected, has bitten/scratched another animal or human being, is being kept in conditions which violate this ordinance or is posing imminent, serious threat to human beings or other domestic animals, may be impounded at the Animal Shelter or any other place appropriate for the holding of animals in a humane manner until released to the owner. The Animal Shelter may refuse to release any animal to its owner until the owner comes into compliance with this ordinance.
- (6) In addition to impoundment under this section, the owner may face penalties pursuant to § AO.99 of this chapter.

§ AO.39 POWERS OF ANIMAL CONTROL OFFICERS

- (1) Animal Control Officers have the power to issue citations to people accused of violating this ordinance in accordance with its provisions regarding enforcement procedures.
- (2) Animal Control Officers have the power to enforce any state laws or regulations regarding the use of animals in agriculture, cruelty to animals, or animal disease prevention and care. Any violation of state law must be referred to the office of the Floyd County Prosecutor.

§ AO.40 CUSTODIAL LIABILITY

In the event that the owner of any domestic or exotic animal is a minor, the custodian, parent or guardian legally responsible for such minor shall be liable for all violations of this ordinance.

§ AO.41 DESTRUCTION OF IMPOUNDED ANIMALS

- (1) No animal shall be destroyed within three (3) days of being impounded unless necessary to prevent or stop an attack upon a person or another animal, or for humane reasons related to sickness or injury of the animal, or as otherwise provided by law.
- (2) An impounded animal shall not be destroyed pending an owner's appeal of a Court Order of Destruction. The Animal Control Officer shall have the burden of proving that the animal should be destroyed pursuant to this ordinance.

§ AO.42 POWERS OF THE ANIMAL CONTROL AUTHORITY

The Animal Control Authority was established by an Inter-local Cooperation Agreement between Floyd County and the City of New Albany on 20th of May 1999 pursuant to the provisions of I. C. 36-1-7 et seq. and all the terms and conditions contained therein are affirmed and incorporated by reference herein:

- (1) The Animal Control Authority may uphold or reverse a decision made by an Animal Control Officer declaring that an animal is a public nuisance or dangerous animal as defined by this ordinance.
 - (a) If such a decision is upheld the Animal Control Authority may place the owner of the animal on probation for a period of time determined by the Animal Control Authority, which is deemed in the best interest of the animal and the community.
 - (b) The Animal Control Authority may place restrictions on the owner during the period of probation that are deemed in the best interest of the animal and the community.
- (2) Any and all appeals for permits or revocation of permits within this ordinance shall come before the Animal Control Authority for hearing.
- (3) These hearings shall be recorded. Transcripts of these hearings may be made at the expense of any person seeking review of the hearings.
- (4) Appeals from the determinations of the Animal Control Authority may be sent to the court of appropriate jurisdiction in accordance with, and subject to the procedures and deadlines set out in, the provisions of the Indiana Administrative Code regarding administrative appeals

§ AO.43 MEETINGS WITH ANIMAL CONTROL AUTHORITY

- (1) The Animal Control Authority may, at its sole discretion, meet with any person suspected of violating this ordinance for the purpose of informal negotiations to determine any penalties or establish a plan to remedy violations. People accused of violating this ordinance may also request a conference with the Animal Control Authority to resolve any claim of violation. These negotiations shall be conducted informally, for the purpose of peaceful resolution of claimed violations of the ordinance.
- (2) Meetings conducted under this section shall be entitled to the evidentiary privileges afforded to settlement negotiations under Indiana law.
- (3) Unless an agreement is arrived at, no representations made by any party shall continue to bind that party should any official or judicial proceeding be undertaken to enforce this ordinance.
- (4) Allegations of violations of state law must be referred to the Floyd County Prosecutor.

§ AO.44 RESOLUTION AND SETTLEMENTS

- (1) The Animal Control Authority and the accused person may enter into a settlement agreement regarding the matters alleged in the report of the Animal Control Officer. Such a settlement agreement may provide for:
 - (a) Remedial actions to be undertaken by the accused; and/or
 - (b) A time table by which such remedial actions must be performed; and/or
 - (c) The waiver of fines, penalties, and other sanctions available under this ordinance.
- (2) A settlement agreement entered into under this section must be reduced to writing and signed by the person claimed to have violated the ordinance or his or her representative, parent, or legal guardian; and the Animal Control Authority or its representative.
- (3) A settlement entered into under this section is binding upon all the parties and their heirs, successors, and assigns.

§ AO.45 JUDICIAL ENFORCEMENT

- (1) If no settlement agreement is reached, or any settlement agreement is breached by the person responsible animal; or if the Animal Control Authority decides in its sole discretion that a settlement conference would be unhelpful, or that a situation exists that requires immediate action, the Animal Control Officer may bring judicial proceedings to enforce this ordinance.
- (2) Judicial proceedings shall be brought by the Floyd County Attorney or his designee.
- (3) Fines, judgments, and injunctive relief against violation of this ordinance may be sought in any such judicial proceedings, and any other remedies available to the Animal Control Authority in law or equity.
- (4) In addition to any and all other remedies available at law or equity, a court may award the Animal Shelter all right, title and interest in any animal in any judicial proceeding brought to enforce this ordinance.

§ AO.46 SAVINGS CLAUSE

This ordinance and the various parts, sections, sentences, phrases, and clauses hereof, are hereby declared to be severable. If any part, section, sentence, phrase, or clause is judged unconstitutional or invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

§ AO.47 REPEAL OR AMEND

Floyd County Ordinance 2007-3, regarding allowing dogs to run at loose, is repealed.

FEE SCHEDULE

§ AO.98 FEE SCHEDULE - Floyd County and Townships

IMPOUND FEES FOR ANIMALS:

First Impound of an animal:	\$20.00, <i>plus \$10.50 per day boarding</i>
Second Impoundment of same animal:	\$45.00, <i>plus \$10.50 per day boarding</i>
Third or subsequent impoundment:	\$85.00, <i>plus \$10.50 per day boarding</i>
After Hours Impound of an animal:	\$30.00, <i>plus \$10.50 per day boarding</i>
Animals Held for Court/Township	\$30.00, <i>plus \$20.00 per day boarding</i>
First Impound of Horse/Livestock:	\$40.00, <i>plus \$40.00 per day boarding</i>
Second Impound of Horse/Livestock:	\$85.00, <i>plus \$40.00 per day boarding</i>
Third or subsequent impoundment of above:	\$110.00, <i>plus \$40.00 per day boarding</i>
Animal for Quarantine Period Held/Processed:	\$200.00, <i>plus \$30.00 each additional day</i>
Transportation of an animal:	\$35.00, <i>plus \$15.00** if tranquilizer needed</i>

HEALTH CARE FEE FOR ANIMALS:

Health Care Package†:	\$ 17.50
Impound Adoption Health Care Package‡:	\$ 72.50
Microchipping of an animal:	\$ 25.00, <i>plus \$15.00 for any tranquilizer needed</i>

(Microchips by appointment, only after all fees are paid)

† **Health Care Package for canines** includes application of flea preventative, wormer, distemper/parvo vaccination and bordetella vaccination.

† **Health Care Package for felines** includes application of flea preventative, wormer, distemper vaccination and ear mite treatment

‡ **Impound Adoption Health Care Fee** includes microchip, spaying or neutering, FIV or Heartworm test and above Canine or Feline Health Care Package.

ANIMAL LICENCE/PERMITS:

Altered Animals	\$5.00
Unaltered Animals	\$35.00
Dangerous Animals	\$100.00
Lifetime License	\$25.00
Duplicate License	\$4.50

ADOPTIONS:

Canines: \$80.00 (\$25.00*, \$55.00**)
Felines: *under 4 pounds* \$60.00 (\$15.00*, \$45.00**)
over 4 pounds \$20.00 (\$10.00*, \$10.00**)

(All canine and feline adoptions include a Health Care Package†)

When requested an adoptable animal can be placed on a hold for twenty-four (24) hours at a cost of \$5.00 per animal. This fee is not to be applied to the adoption cost of the animal and will be considered a donation for this service.

“TAKE A CHANCE ON ME”

Fee of \$80.00, Canines only. Fee refunded within sixty (60) days of return

“TAKE ME OUT OF THE SHELTER”

A fee of \$80.00 plus \$10 per day shall apply for canines only. The \$80.00 is to be refunded within sixty (60) days of return but the per day fee not returned

ADOPTION GUARANTEE PROGRAM:

A \$25.00 nonrefundable Health and Temperament evaluation fee shall apply. For the first twelve (12) days: \$75.00 if proof of spayed/neutered and current on shots. The fee is \$100.00 if pet is unaltered or has no shots. Other types of animal adoption fees are to be determined by Director.

OWNER REQUESTED EUTHANASIA:

Animals less than 20lbs. \$45.00* ; *any tranquilizer \$15.00***
Animals 20lbs. to 50lbs. \$60.00* ; *any tranquilizer \$20.00***
Animals 50lbs. or over \$75.00* ; *any tranquilizer \$25.00***

JUST DISPOSAL OF ANIMAL CARCASSES:

25lbs. or less: \$20.00
25lbs. to 50lbs.: \$30.00
50lbs. or above: \$40.00

(No animal carcass in excess of 25lbs, except that of a canine, shall be accepted for disposal)

§ AO.99 ISSUANCE OF CITATIONS; VIOLATION NOTICES

- (1) In addition to, or in lieu of impounding an unrestrained animal or for any other violation of this ordinance, any Animal Control Officer may issue a citation to the owner or caregiver of such animal specifying the section or sections of this ordinance so violated and identifying the specific nature of the violation. A person who receives a citation has twenty-four (24) hours to correct the violation or he/she may be subject to additional penalties or the animal may be subject to impoundment as provided in this ordinance.
- (2) Upon complaint and execution by any citizen of a sworn affidavit that said affiant has actual knowledge that any section of this ordinance has been violated, an Animal Control Officer may constitute reasonable suspicion for an investigation.
- (3) A first offender in violation of any provision of AO.01, A-O.03 through AO.17, and/or AO.20 through AO.22 shall be fined not less than \$50 nor more than \$200. For any second or subsequent violation of any provision of AO.01, AO.03 through AO.17, and/or AO.20 through AO.22, a person shall be fined not less than \$100 or more than \$250.
- (4) A first offender in violation of any provision of AO.35 through AO.36 shall be fined not less than \$100 or more than \$250. In the event that any animal previously placed under AO.35 through AO.36 is found in violation of this ordinance, the animal will be impounded by an Animal Control Officer and euthanized.
- (5) Fines and penalties collected pursuant to this chapter shall be collected, pursuant to AO.98 approved by the Floyd County Commissioners. The fees shall be collected by the Animal Shelter, or by its fiscal

agent and deposited with the City Controller and shall be retained in the Non-Reverting Fund Animal Control Runs Fund.

- (6) In addition to any and all other remedies available at law or equity, a court may award the Animal Shelter all right, title and interest in any animal in any judicial proceeding brought to enforce this ordinance.

ADOPTED THE _____ DAY OF _____, 2015.

MARK SEABROOK, PRESIDENT
FLOYD COUNTY COMMISSIONERS

STEPHEN BUSH, MEMBER
FLOYD COUNTY COMMISSIONERS

CHARLES FREIBERGER, MEMBER
FLOYD COUNTY COMMISSIONERS

SCOTT CLARK
FLOYD COUNTY AUDITOR