

CONFINEMENT AND CONTROL OF DOGS

WHEREAS, the County Commissioners of Posey County have deemed it necessary to control the roaming of dogs,

WHEREAS, a health and sanitation hazard exists by uncontrolled roaming of dogs,

THEREFORE, BE IT ORDAINED by the Posey County Commissioners, the following ordinance for the control of dogs within Posey County:

AN ORDINANCE RELATING TO THE
CONFINEMENT AND CONTROL OF DOGS

SECTION I. Definitions

As used in this ordinance the following terms mean:

(a) At Large: A dog shall be deemed to be at large when off the property of the owner and not under restraint.

(b) Nuisance: A dog shall be considered a nuisance if it: Damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, dangerous, or offensive conditions; causes a disturbance by excessive barking or other noisemaking; or chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on public property.

(c) Owner: A person having the right of property or custody of a dog or who keeps or harbors a dog or knowingly permits a dog to remain on or about any premises occupied by that person.

(d) Person: Any individual, corporation, partnership, organization, or institution commonly recognized by law as a unit.

(e) Restraint: A dog shall be considered under restraint if it is within the real property limits of its owner or secured by a leash or lead or under the control of a responsible person.

(F) Vicious Dog: A dog that constitutes a physical threat to humans or other domestic animals.

SECTION II. Owner Responsibility

- (a) All dogs shall be kept under restraint.
- (b) Every vicious dog, as determined by the Posey County Sheriff, shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
- (c) No dog shall be allowed to cause a nuisance. The owner of every dog shall be held responsible for every behavior of such dog under the provisions of this ordinance. However, before an owner shall be in violation of this ordinance, such owner shall have received one (1) written notice of his dog's behavior constituting a nuisance.
- (d) Failure to comply with the provisions of this section shall cause the owner to be guilty of an infraction. The first conviction under this ordinance shall constitute a Class B Infraction, and the second conviction under this ordinance shall constitute a Class A Infraction.

SECTION III. Impoundment and Destruction

- (a) Any dog found running at large may be impounded by the Posey County Sheriff, and brought to the Mount Vernon City Dog Pound. Such dog shall then be under the control of the City of Mount Vernon. The agreement executed between the Posey County Commissioners and the City of Mount Vernon, executed on the 13th day of June, 1983, between Jackson L. Higgins, Mayor of Mt. Vernon, and George W. Straw, President of the Posey County Commissioners, concerning the County's use of the City's dog pound shall be controlling in terms of impoundment procedure and reclamation of dogs by owners.
- (b) Any vicious dog found running at large that in the judgement of a law enforcement officer presents a danger to himself or third parties at any time may exercise discretion in deciding whether to destroy a vicious dog immediately.
- (c) Any person wishing to claim a dog shall be required to pay the County the sum of \$7.00 per dog, plus any other expenses incurred by the County, plus property damage to owners, which owners can pursue in civil suits or which can be ordered

as part of restitution as a penalty for violation of this ordinance.

All approved and ordered this 20 day of June, 1983.

POSEY COUNTY COMMISSIONERS

George W. Straw

George Straw, President

George Postlethweight

George Postlethweight, Vice
President

Martin R. Redman

Martin R. Redman

ATTEST:

Manford Mounts
Manford Mounts, Auditor

ORDINANCE NO. 4-17-88

AN ORDINANCE FOR THE CONTROL OF DOGS AND OTHER ANIMALS.

WHEREAS, there exists in the County of Posey a need for an ordinance for the control and maintenance of dogs and other animals for the general health, safety and welfare of the citizens of Posey County; and

WHEREAS, the State laws of the State of Indiana have enabled counties to enact ordinances through their Boards of Commissioners for the health, safety and welfare of their citizens;

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

Section 1: Definitions

ANIMAL: The term "animal" when used in this ordinance shall mean any living creature, domestic or wild, including fowl, mammals and reptiles.

DOMESTIC ANIMAL: The term "domestic animal" when used in this ordinance shall mean any tame animal associated with family life or accustomed to life in or near the habitation of man or such as to contribute to the support of a family.

OWNER: The term "owner" when used in this ordinance shall mean any person, partnership or corporation owning, keeping or harboring animals.

ANIMAL CONTROL OFFICER: The term "animal control officer" shall mean the officer(s) appointed by the Board of Commissioners of Posey County to enforce this ordinance. The term shall also refer to the above-mentioned officer's deputies, assistants and sheriff's deputies. Animal control officers, at all times while on duty, are hereby empowered to issue written notices and file charges in Posey County Court for violations of the provisions of this ordinance. It shall be unlawful for any person or persons to resist or obstruct animal control officers in the exercise or discharge of their respective duties under this chapter. The Posey County Sheriff's Department will assist animal control officers when necessary.

Section 2: Dog Licensing

Persons owning, harboring or keeping one or more dogs in Posey County shall comply with the provisions of the chapter of Indiana Code entitled "Licensing and Taxation of Dogs" (I. C. 15-5-9, as amended).

Section 3: Control of Animals

1. Animals running at large

A. It is a violation of this ordinance for an owner or custodian of a dog to allow the dog to stray beyond his property or premises unless the dog is under reasonable control of some person or when engaged in lawful hunting accompanied by the owner or custodian.

B. It is a violation of this ordinance for an owner or custodian of any animal to allow the animal to stray beyond his property or premises unless the animal is under the reasonable control of some person.

2. Maintenance of vicious and annoying dogs

A. No person shall own, keep, possess or harbor any vicious dog whether licensed or not.

B. No person shall own, keep, possess or harbor any dog which by loud and frequent barking, howling or yelping causes annoyance or disturbance to any person whether or not such dog is licensed.

3. Protection for domestic animals running at large

It is unlawful for a person to kill any domestic animal running at large on his property unless such animal is a dog which is killing or injuring livestock and that dog is killed pursuant to the provisions of I.C. 15-5-7.

Section 4: Impoundment

1. The animal control officer is authorized to impound any dog or other animal found in violation of the terms of this ordinance.

2. Immediately after impounding any dog or cat in violation of the provisions of this ordinance, it shall be the duty of the animal control officer to enter upon the records of the pound, in a book to be kept by him for such purposes, the date of impounding, a description of the dog or cat impounded, and a record as to whether or not such dog has been licensed and tagged as required by the licensing procedure in Section 2.

3. Upon determination by the animal control officer that a dog is vicious or annoying, such dog shall be impounded by the animal control officer. Upon impounding the dog, the animal control officer shall petition the Court for an order to destroy the dog and notice of the application and hearing shall be given to the owner, if known. Upon finding that the dog is vicious or habitually annoying, the Court shall order the dog to be subjected to a form of humane euthanasia.

4. Public notice of the impounding of all dogs and cats shall be given by posting one (1) copy of such notice at the City of Mt. Vernon Dog Pound. Any such unlicensed dog or cat not redeemed by the owner thereof within seven (7) days after the posting of such notice by the poundkeeper is subject to adoption.

5. It shall be the duty of the animal control officer to cause notice to be served by first class mail upon the registered owner of any licensed dog impounded under the provisions of this ordinance. Such notice is to be mailed not more than two (2) working days after the impounding of such animal. No dog wearing a license tag shall be subject to adoption of disposition until ten (10) days after the mailing of such notice.

Dogs and cats shall be impounded at the City of Mt. Vernon Dog Pound. Owners of impounded dogs or cats may redeem their animals by complying with any requirements established by the City for release of impounded animals, which requirements may include but not be limited to:

A. Paying fees, established by the City, for care of the animal while impounded.

B. Paying the dog tax and license fee if established by I.C. 15-5-9 and Section 2 of this ordinance, if one is required.

C. Paying for rabies vaccination or any other vaccination required by statute.

6. Any licensed or unlicensed dog not reclaimed by its owner within ten (10) days from the posting of impoundment shall become eligible for adoption. Adoption of an unclaimed animal requires:

A. The adopting party to license the dog as provided in Section 2.

B. The adopting party to pay for a rabies vaccination.

7. All dogs and cats impounded as a result of violation of this Ordinance shall be held at the Mt. Vernon Dog Pound for a period of ten (10) days beginning with the posting of notice as provided for in this Section at paragraph 2. If the animal remains unclaimed at the expiration of the ten (10) day period, it shall be subject to a form of humane euthanasia or adoption.

Section 5: Care of Animals

1. No person being the owner or custodian of an animal shall fail to supply such animal with adequate food, water, exercise, ventilation and/or sanitary shelter. An emaciated condition of any such animal, or an unnatural and excessive craving for food and drink shall be prima facie evidence of the failure to properly feed or water such animal as is required by this section.

2. PETS: The animal control officer upon reasonable belief that an animal, commonly classified as a pet, is not being provided either adequate food, water, exercise, ventilation and/or sanitary shelter, shall impound the deprived animal pursuant to the procedures listed in Section 3 of this ordinance.

3. LIVESTOCK: The animal control officer upon reasonable belief that an animal, commonly classified as live stock, is not being provided either adequate food, water, exercise, ventilation and/or sanitary shelter shall take possession and control of the deprived animal. Title to such animal shall escheat to the county and be sold.

The sale shall be subject to the following procedure:

A. Notice of the sale shall appear in a newspaper published within the County thirty (30) days prior to the sale.

B. Notice of the sale shall be posted at the North door of the Court House thirty (30) days prior to the sale.

C. The sale shall be by public auction and shall be held at the place where the animals are being kept or at such other place as selected by the animal control officer, with said animals being delivered to the place of the sale prior thereto.

D. The proceeds from the sale will first be applied to the costs of the sale; next, to the costs incurred in storing the animal prior to its sale; and lastly, the balance of the proceeds will be deposited into the County General Fund.

4. CRUEL TREATMENT: No person shall abandon, beat, torment, overload, overwork or otherwise abuse any animal or cause, instigate or permit combat between animals.

Section 6: Rabies/Duty to Inoculate/Animal Bites

1. No owner or custodian of any dog or cat six (6) months or older shall keep the dog or cat within Posey County, unless such dog or cat shall have been immunized by a licensed veterinarian with a rabies vaccine of a type approved by the State Board of Health and the Posey County Board of Health.

2. In no case shall more than one (1) year lapse between each rabies vaccination.

3. Any person who has knowledge or a reasonable belief that an animal is afflicted with rabies shall immediately convey this information to either the animal control officer, the Sheriff's Department or the County Health Officer.

4. Whenever any animal bites a person, the owner of the animal shall immediately notify the animal control officer:

A. Following receipt of a bite report, the animal control officer shall determine if the animal involved has been properly innoculated with a rabies vaccine. No person shall interfere with the exercise of this duty.

B. Upon reporting the bite report to the animal control officer and in the absence of evidence of rabies immunization, the owner or custodian of the animal shall surrender the animal to the animal control officer for quarantine.

C. An owner or custodian of an animal who refuses to surrender to the animal control officer the animal suspected of having bitten a person, following a request to do so, violates this ordinance.

D. Upon receipt of a bite report, the animal control officer may enter upon private property, excluding closed buildings, when he has reasonable grounds to believe that a biting animal is located on the property.

5. Upon taking possession of the biting animal, the animal control officer shall order the animal held in quarantine for a period of two (2) weeks.

A. The County Health Officer or the animal control officer shall appoint a licensed veterinarian who shall examine the animal immediately after it has bitten anyone and again at the end of the two (2) week quarantine period. The owner of the biting animal shall be responsible for the costs incurred in examining the animal, which costs shall be paid prior to the release of the animal at the end of the quarantine.

B. The County Health Officer or the animal control officer may allow any animal to remain in quarantine at the residence of the owner or custodian.

C. If at the end of the two (2) week period, the veterinarian is convinced that the animal is free from rabies, it shall then be released from quarantine contingent upon the following:

(1) Compliance with the requirements set forth in Section 2: Dog Licensing.

(2) Compliance with the requirements of payment set forth in Section 4: Impoundment.

(3) Compliance with the requirements of innoculation set forth in this section.

(4) Payment of veterinary expenses for examination during quarantine.

D. If the animal dies during the period of quarantine, its head shall be sent to the State Department of Health for examination. Any costs incurred by the County connected with this examination shall be the responsibility of the owner of the animal and paid upon notice thereof.

E. No animal, during its period of quarantine, shall be destroyed or otherwise disposed of without the express permission of the County Health Officer.

Section 7: Penalties for violation of this ordinance

1. The penalty for a first offense of this ordinance shall be a fine not to exceed \$100.00.
2. The penalty for a second and subsequent offense of this ordinance shall be a fine not to exceed \$500.00.

This ordinance shall not be construed to prevent the prosecution of any person under the provision of I.C. 15-5-9-13 or any other statute or ordinance of the state or county nor to affect civil liability of owners of animals causing damage.

Section 8: Repealer Clause

All previous ordinances dealing with animal control, including Ordinance No. 83-6-20-2, are hereby repealed.

Section 9: Severability Clause

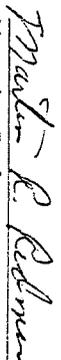
If any part of this ordinance is held void for any reason, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

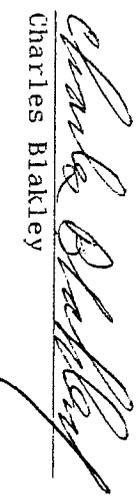
Section 10: Effective Date

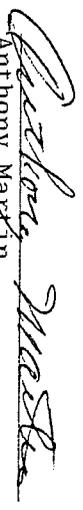
This ordinance shall be effective upon passage and publication as is by law required.

Adopted this 5 day of June, 1989.

THE BOARD OF COMMISSIONERS OF
THE COUNTY OF POSEY


Martin Redman


Charles Blakley


Anthony Martin

ATTEST:


Auditor, Posey County, Indiana

I 20011474 MI 73/365
KSF Date 03/21/2001 Time 10:57:36
POSEY COUNTY RECORDER
SANDRA J. ELPERS
FEE: 1P
0.00

ORDINANCE NO. 3-15-011

AN ORDINANCE TO AMEND ORDINANCE NO. 4-17-89

SECTION 1. Section 4: Impoundment of Ordinance No. 4-17-89 is hereby amended by deleting Paragraph 4 of Section 4: Impoundment.

SECTION 2. This ordinance shall be effective upon passage.

Passed and unanimously adopted by the Board of Commissioners of Posey County, State of Indiana, on this 19th day of MARCH, 2001.

Martin Redman
Martin Redman

John K. Sherretz
John Sherretz

Robert J. Deig
Robert J. Deig

Attest:

Ron Bennett
Ron Bennett

A RESOLUTION AMENDING ORDINANCE 4-17-89

BE IT RESOLVED AND ENACTED by the Commissioners of Posey County, State of Indiana; that:

A. Section 4 of Ordinance 4-17-89 is hereby amended by amended as follows:

Section 4: impoundment

1. The animal control officer is authorized to impound any dog or other animal found in violation of the terms of this ordinance.
 2. Immediately after impounding any dog or cat in violation of the provisions of this ordinance, it shall be the duty of the animal control officer to enter upon the records of the pound, in a book to be kept by him for such purposes, the date of impounding, a description of the dog or cat impounded, and a record as to whether or not such dog has been licenses and tagged as required by the licensing procedure in Section 2.
 3. Upon determination by the animal control officer that a dog is vicious or annoying, such dog shall be impounded by the animal control officer. Upon impounding the dog, the animal control officer shall petition the Court for an order to destroy the dog and notice of the application and hearing shall be given to the owner, if known. Upon finding that the dog is vicious or habitually annoying, the Court shall order the dog to be subjected to a form of humane euthanasia.
 4. Public notice of the impounding of all dogs and cats shall be given by posting one (1) copy of such notice at the Posey County Dog Pound. Any such unlicensed dog or cat not redeemed by the owner thereof within seven (7) days after the posting of such notice by the animal control officer is subject to adoption.
 5. It shall be the duty of the animal control officer to cause notice to be served by first class mail upon the registered owner of any licensed dog impounded under the provisions of this ordinance. Such notice is to be mailed not more than two (2) working days after the impounding of such animal. No dog wearing a license tag shall be subject to adoption or disposition until Seven (7) days after mailing of such notice.
- Dogs and cats shall be impounded by the County and housed in a place designated by the County Commissioners as the Posey County Dog Pound. Owners of the impounded dogs or cats may redeem their animals by complying with any requirements established by the County for release of impounded animals, which requirements include by not be limited to:

a. Paying the amount of \$6.00 per day for each day that the dog was impounded; plus any additional amounts for medication administered to the animals. Medication shall include, but not be limited to, rabies vaccination, kennel cough vaccinations, flea dips, or any other vaccination required by the state.

b. Paying the dog tax and license fee if established by I.C. 15-5-9 and Section 2 of this ordinance, if one is required.

6. Any licensed or unlicensed dog not reclaimed by its owner within seven (7) days from the posting of impoundment shall become eligible for adoption. Adoption of an unclaimed animal requires:

- a. The adopting party to license the dog as provided in Section 2.
- b. The adopting party to pay for rabies vaccination.

7. All dogs and cats impounded as a result of violation of this ordinance shall be held at the Posey County Dog Pound for a period of seven (7) days beginning with the posting of notice as provided for in this Section at paragraph 4. If the animal remains unclaimed at the expiration of the seven (7) day period, it shall be subject to a form of humane euthanasia or adoption.

B. Any Portion of Ordinance 4-17-89 that is not specifically amended by this resolution shall remain as previously ordered.

PASSED AND ADOPTED by the Board of Commissioners of Posey County, State of Indiana, on the 15th day of Apr. 2, 2002.


Robert J. Deig


Martin R. Redman


John Sherretz

ATTEST:


Auditor