

MADISON COUNTY ORDINANCE 2013-26-0-15

ARTICLE I - Basic Provisions

Section 1.1 - Definitions. The following words, terms and phrases, when used in this ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (a) ***Abandoned animal*** means any domesticated animal which shall have been placed upon public property or within a public building unattended or uncared for or upon or within the private property of another without the express permission of the owner, custodian or tenant of the private property, and which is unattended or uncared for.
- (b) ***Adult dog and adult cat*** means any dog or cat that is three (3) months of age or older for the purposes of rabies vaccinations/tags.
- (c) ***Animal*** means every living non-human creature, both domestic and wild.
- (d) ***Animal control facility*** means any facility with which the county has a contract for the impoundment, care and/or disposition of any animals caught by, turned over to, seized by, impounded by or otherwise under the control of the sheriff's department of the county.
- (e) ***Animal control officer*** means any person who is authorized by the sheriff's department of the county to implement and enforce county animal care and control ordinances and as otherwise defined in state statutes.
- (f) ***Auction*** means a commercial animal establishment where animals are regularly bought or sold, traded, etc., i.e., a flea market.
- (g) ***Circus*** means a commercial animal establishment variety show featuring animals as public entertainment.
- (h) ***Commercial animal establishment*** means any pet shop, auction, flea market, riding school or stable, pet grooming shop, zoological park, circus, kennel, or veterinary hospital.
- (i) ***County*** means the unincorporated areas of Madison County, Indiana.
- (j) ***Direct control*** means immediate and continuous physical control of an animal (excluding herding dogs; dogs in the process of hunting; police dogs; dogs

participating in a registered field trial, obedience trial, and confirmation show and/or match) at all times such as by means of a fence, leash, cord or chain of sufficient strength to restrain the animal. When an animal is specifically trained to immediately respond to oral or visual commands, the term "direct control" includes oral or visual control if the controlling person is at all times clearly and fully within unobstructed sight and hearing of the animal, but in no case to exceed one hundred (100) feet. Oral control shall at all times prevent the animal from running at large or otherwise violating this ordinance.

- (k) ***Dog running at large*** means any dog not under immediate direct control, not on a leash, not at heel, not beside a competent person, not in a vehicle driven or parked, or not confined within the property limits of his owner. Hunting dogs are under the direct control of the owner when hunting with the landowner's permission.
- (l) ***Domestic animal*** means a dog, cat, or any other animal such as a rabbit, guinea pig, lizard, iguana, hamster, ferret, mouse, snake, spider, bird, or gerbil, which may normally be held, sold, or maintained as a pet.
- (m) ***Grooming establishment*** means any place of business, stationary or mobile, which accepts private pets for bathing, clipping, dipping, pedicuring or other related services, but not to include breeding, dentistry or overnight boarding.
- (n) ***Guard dog and watchdog*** means any dog trained by a recognized training facility for the purpose of protecting individuals from assault and/or preventing property loss or damage. The term "***recognized training facility***" means any person holding a state kennel license and a business license for either of the purposes described in this definition.
- (o) ***Guide dog*** means a properly trained dog certified by a licensed training facility that has an expertise in training dogs for physically impaired persons and that is actually being used by a person to assist in that physical impairment.
- (p) ***Harboring and caregiver*** means any person who performs acts of providing care, shelter, protection, restraint, refuge, food or nourishment in such a manner as to control an animal's activities.
- (q) ***Hobby Breeder*** means any person who meets the definition of a "hobby breeder" under the Animal Welfare Act.
- (r) ***Humane society*** means an incorporated organization that has a nonprofit status with the Internal Revenue Service for which the central purpose is to provide for the protection of animals. A humane society accepts members from the public at

large, and the controlling board is elected by the general membership. A humane society operates from a business facility on commercially zoned property and has advertised and set hours for public access.

- (s) **Humane trap** means any device used for capturing an animal without inflicting injury, pain or suffering and which provides adequate ventilation for the trapped animal. Snares (other than the type of snares used by the sheriff's department), leg traps or similar devices are considered inhumane and shall not be used.
- (t) **Impoundment** means the act of taking physical possession and control of an animal by an animal control officer or other officer of the sheriff's department of the county empowered to act by law and transporting it to an animal control facility or humane society.
- (u) **Kennel and cattery** means any place in which more than ten (10) dogs or more than ten (10) cats are kept.
- (v) **Livestock** includes horses, cows, goats, pigs or any other four-legged animal, but specifically excluding dogs and cats, used for pleasure or profit. Fowl are expressly included within this definition.
- (w) **Owner** means any person who owns, harbors, keeps, feeds, maintains, has lawful possession of, or knowingly causes or knowingly permits an animal to be harbored or kept or has an animal in his care or who permits an animal to remain on or about his premises, including a harborer or caregiver hired or acting as custodian of the animal for its owner.
- (x) **Pet shop** means a business licensed by the State of Indiana operating a commercial animal establishment on commercially zoned property which engages in the retail sale of animals.
- (y) **Riding school or stable** means a commercial pet establishment that has available for hire, boarding and/or riding instruction any horse, burro, donkey, pony or mule.
- (z) **Running at large** means any dog or cat that leaves or strays from the land owned, rented or leased by the owner, harborer or caregiver of the dog or cat.
- (aa) **Veterinarian** means any person licensed or permitted to practice veterinary medicine under the laws of the State of Indiana, and such person shall have had no previous incidents where money collected from the sale of rabies or license tags has been used or handled inappropriately or illegally.

- (bb) ***Veterinary hospital*** or clinic means a commercial animal establishment maintained and operated by a licensed veterinarian for surgery, disease diagnosis and/or treatment of disease and injuries of animals.
- (cc) ***Vicious animal and dangerous animal*** means any animal that attacks, bites or injures human beings, pets, companion animals or livestock or which, because of temperament, conditioning, or training, has a known propensity to attack, bite or injure human beings, pets, companion animals or livestock. No animal may be declared vicious or dangerous if a threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or harborer or caregiver of the animal or was teasing, tormenting, abusing, or assaulting the animal or has, in the past, been observed or reported to have teased, tormented, abused or assaulted the animal or was committing or attempting to commit a crime. This definition shall not be construed to include any dog that is part of a governmental organization or a trained guard dog in performance of its duties.
- (dd) ***Zoological park*** means a commercial animal establishment displaying or exhibiting, without the primary purpose of selling, one or more species of non-domesticated animals operated by a person or governmental agency.

Sec. 1.2 - Duty and responsibility of animal owners. Every owner, harborer and caregiver of every animal kept in the county shall see that such animal:

- (a) Is kept in a clean and sanitary and healthy manner and, except with respect to any animal that is owned, harbored or cared for as a part of a confined animal feeding operation operating in compliance with all local, state and federal laws and regulations, is not confined so as to be forced to stand, sit or lie in its own excrement. Every owner, harborer and caregiver of an animal shall regularly and as often as necessary maintain all such animal's areas or areas of animal contact to prevent odor or health and sanitation problems;
- (b) Shall have proper and adequate:
 - (1) food that is nutritionally appropriate for the species in adequate amounts to maintain good health;
 - (2) fresh potable drinking water in adequate supply and accessible to prevent dehydration; and
 - (3) shelter containing at least three sides and a roof that is of a sufficient design to provide adequate protection from excessive heat and cold and adequate ventilation to prevent the build-up of noxious odors and of a sufficient size to permit the animal to stand, exercise and move about freely;

- (3) Shall not be tethered by use of a choke collar nor by any rope, chain or cord directly attached to the animal's neck, nor by a leash less than twelve (12) feet in length or of such unreasonable weight as to prevent the animal from moving about freely;
- (4) Is protected against abuse, cruelty, neglect, torment, torture, overload, overwork, or any other mistreatment;
- (5) Is provided reasonably necessary medical care, including any vaccination(s) required by this ordinance or by state law, and if diseased or exhibiting symptoms of disease, receives proper medical care and is segregated from other animals so as to prevent transmittal of the disease; and
- (6) Is maintained in compliance with all applicable federal, state and local laws and all regulations respecting animal care and control as are adopted by the county and in effect from time to time.

Sec. 1.3 - Penalties.

- (a) Any person violating section 1.6 of this ordinance shall commit a class B infraction and may be fined up to \$500.00 per occurrence.
- (b) Any person violating any other section of this ordinance, other than section 1.6, shall commit a class C infraction and may be fined up to \$300.00 per occurrence.
- (c) In the event that an animal is impounded by an animal control officer of the county or the sheriff's department of the county pursuant to this ordinance, and in addition to any other penalty set out in subsections (a) and (b) above or court costs, the owner shall reimburse the county for the cost associated with providing shelter for each impounded animal at an animal control facility or the humane society. The cost for providing shelter shall be the amount approved annually by the county board of commissioners. Any money received by the county in connection with this subsection (c) shall be deposited into the Madison County Ordinance Violation Fund 200-048-370-100.
- (d) A violation of a section of this ordinance shall be cited by adding the appropriate section or subsection to the citation.

Sec. 1.4 - Reserved.

Sec. 1.5 - Vaccination of dogs and cats.

- (a) See IAC Title 345: Indiana State Board of Animal Health.
- (b) All dogs and cats three (3) months of age and older must be vaccinated against rabies. The rabies vaccination of a dog or cat shall be maintained by ongoing revaccination of the animal as follows:
 - (1) Dogs and cats that are vaccinated with a rabies vaccine the label of which recommends annual boosters shall be revaccinated within twelve (12) months of the prior vaccination.
 - (2) Dogs and cats that are vaccinated with a rabies vaccine the label of which recommends a booster one year later and triennially thereafter shall be revaccinated within 36 months of each vaccination thereafter.
- (c) The owner of the animal is responsible for procuring the vaccinations required by this section.

Sec. 1.6 - Cruelty, abuse, neglect and abandonment of animals.

- (a) It shall be unlawful for any person to cause cruelty to or abuse, neglect or abandonment of an animal. Cruelty, abuse, neglect and abandonment of an animal shall mean and include every act whereby unnecessary or unjustifiable pain, suffering or death is caused, permitted or allowed to continue where there is reasonable remedy or relief and shall include, but not be limited to, the following:
 - (1) Willfully or maliciously killing, abusing, maiming, or disfiguring any animal or willfully or maliciously administering poison to any animal or exposing any poisonous substance with the intent that the poisonous substance shall be taken and swallowed by such animal.
 - (2) Overloading or overdriving an animal or depriving an animal of its necessary sustenance, water and/or shelter;
 - (3) Torturing, tormenting, beating, mutilating, or killing any animal or causing such to be done;

- (4) Transporting, carrying in or upon or confining within a non-commercial vehicle any animal in a cruel or inhumane manner;
 - (5) Owning, harboring or caring for any animal in violation of any of the requirements of Section 1.2 herein; and/or
 - (6) Abandoning any animal to die.
- (b) No person shall:
 - (1) Own, possess, keep or train any animal with the intent that such animal shall be engaged in an exhibition of fighting;
 - (2) Build, make, maintain, or keep a pit on premises owned by him or occupied by him or allow a pit to be built, made, maintained or kept on such premises for the purposes of an exhibition of animal fighting;
 - (3) In any manner encourage, instigate, promote or assist in an exhibition of animal fighting or intentional combat; and/or
 - (4) Charge admission; be an assistant, umpire or participant; or be present as a spectator to any exhibition of animal fighting or combat.
- (c) Any animal control officer or other officer of the sheriff's department of the county may impound any animal found to be cruelly treated.
- (d) It shall be the duty of the owner, harbinger or caregiver of any animal to maintain in a clean and sanitary condition and free from extreme and unreasonable objectionable odor all structures, pens, yards (and areas adjacent thereto) where any animal is kept.
- (e) Nothing in the section shall be deemed to prohibit the humane slaughter of Livestock in conformance with all applicable rules and regulations of the state board of health and the United States Food and Drug Administration.
- (f) Nothing in this section shall prohibit hunting or fishing, as permitted by the law of the state and the rules and regulations of the state department of natural resources.

- (g) Nothing in this section shall prohibit the use of commercially sold poisons for the control of rats, mice, groundhogs, moles or other similar rodents as long as the person using the poisons uses reasonable care to ensure that neither domestic animals nor livestock are exposed to the poisons.

Sec. 1.7 - Animal bites and quarantine. Every case of a human bitten by a domestic or wild animal shall be reported promptly to the sheriff's department of the county or such other county agency having jurisdiction over such matters. It is the duty of the person bitten or the person's parent or guardian to make the report in conformance with title 410 IAC 1-2.3-52, as amended. Law enforcement K-9 dogs are exempted from this section.

Sec. 1.8 - Commercial animal establishments.

- (a) Standards for commercial animal establishments are as follows:
- (1) Each establishment must be operated in such a manner as not to constitute a public nuisance.
 - (2) Each establishment shall provide an isolation area for animals that are sick or diseased to be placed in so as not to spread disease to healthy animals.
 - (3) Each establishment shall keep each animal caged or confined within a secure enclosure or under the control of the animal's owner, harborer or caregiver at all times.
 - (4) Each establishment must comply with the requirements of Section 1.2 herein for each animal kept on its premises.
 - (5) Each establishment shall not sell animals which are unweaned or diseased.
 - (6) Each establishment shall permit the animal control officer to inspect at any and all times the premises where the animals are kept.
 - (7) Each establishment must provide each animal with sufficient space to stand up, lie down and turn around in a natural position without touching the sides or top of the enclosure.
 - (8) A commercial animal establishment is defined by, but not limited to, the following:

- a. Auction.
 - b. Flea market.
 - c. Circus.
 - d. Riding school or stable.
 - e. Veterinary hospital or clinic.
 - f. Zoological park.
 - g. Pet shop.
 - h. Pet grooming shop.
 - i. Kennels.
 - j. Permanent fairgrounds.
- (9) All commercial animal establishments, other than a circus temporarily located within the county for less than ten (10) days per year, shall be located at a permanent building or facility and shall be permitted at that location by the applicable zoning laws.
- (10) Madison County adopts the Code of Federal Regulations, 9 CFR 3.1 through 3.19 as the standards for operation and inspection of kennels. The Madison County Board of Commissioners appoints the Sheriff's Department, or the Sheriff's designee, as the agency authorized to inspect kennels.

Sec. 1.9 - Dangerous and vicious animals.

- (a) It shall be unlawful for any person to cause, permit, accompany or be responsible for the presence of any dangerous or vicious dog, cat or other animal on the streets or public places of the county or allow such dog, cat or animal to run on the premises of another at any time, unless, in addition to the other requirements

of this ordinance, such dog, cat or other animal shall be securely muzzled to effectively prevent it from biting any person or other animal. Upon impounding a dangerous or vicious animal for any reason, the animal control officer may, for reasons of public safety, retain the animal at the impoundment facility until disposition by the appropriate court.

- (b) This section shall not apply to law enforcement dogs.

Sec. 1.10 - Disposition of dead animals. A person finding a dead domestic animal or large undomesticated animal or the surviving young of either within the county shall call the sheriff's department and notify them of the location of such dead animal and/or its surviving young (if known).

Sec. 1.11 - Restraint of animals.

- (a) It shall be unlawful for any owner, harborer or caregiver of any dog or cat to allow such dog or cat to run at large, whether wearing a collar and tag or not, within the unincorporated areas of the county.
- (b) It shall be the duty of every owner or custodian of any animal to exercise reasonable care and 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. If the owner or custodian of any animal is a minor, the parent or guardian of such minor shall be jointly responsible for the minor's violation of this ordinance.
- (c) It shall be the duty of every owner or custodian of any dog to ensure that the dog is kept under restraint and that reasonable care and precautions are taken to prevent the dog from leaving the real property limits of its owner, possessor, or custodian, and ensure that it is:
 - (1) Securely and humanely enclosed within a house, building, fence, six-sided pen or kennel or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition; and that such enclosure is securely locked at any time the animal is left unattended.

- (2) Securely and humanely restrained by chain, cable or trolley, or other tether of sufficient strength to prevent escape but not so as to cause injury or pain to said dog.
 - (3) On a leash and under the control of a competent person; or off a leash and obedient to that person's command and that person is present with the animal any time it is not restrained as provided for in subsection (d)(1) or (d)(2) of this section while on the owner's property.
- (e) The following additional precautions shall be taken by the owners, possessors, or custodians of vicious or dangerous animals:
 - (1) In addition to the requirements in subsection (d)(1) of this section, the owner of a dangerous or vicious dog who maintains the dog out-of-doors within a six-sided pen or kennel may not utilize common fencing with any area or perimeter fence surrounding the pen or kennel. The kennel or pen must have secure sides and a secure top attached to all sides. The sides must either be buried two feet into the ground, sunken into a concrete pad, or securely attached to a wire bottom. The gate to the kennel shall be of the inward-opening type and shall be kept locked except when tending to the animal's needs such as cleaning the kennel or providing food and water.
 - (2) Whenever the dog is outside of its enclosure as provided for in this subsection, but on the owner's property, it must be attended by the owner and restrained by a secure collar and leash of sufficient strength to prevent escape. The leash shall be no longer than ten feet, and the animal must be kept at least 15 feet within the perimeter boundaries of the property unless the perimeter boundary is securely fenced.
 - (3) No vicious or dangerous dog shall be chained, tethered, or otherwise tied to any inanimate object such as a tree, post or building, outside of its own enclosure as provided for in this subsection.
- (f) The owner or custodian of any guard dog or watchdog must confine such dog within a perimeter fence and meet the following conditions:
 - (1) The fence shall be sufficient to prevent the dog's escape, with all points of ingress and egress securely locked at all times.

- (2) A beware of dog sign shall be conspicuously displayed on each exterior side of the enclosure for each 50 feet of enclosure, with a minimum of two, as well as a sign on each ingress or egress point to the enclosure. Signs shall be a minimum of ten inches high and 14 inches long.
- (g) The chaining of dogs is discouraged, but if it is done, the following is required:
- (1) The dog must be able to reach fresh food and water 24 hours a day.
 - (2) The chain must be at least 12 feet in length.
 - (3) The chain must be not of a weight heavy enough to cause physical damage to the dog's neck or body.
 - (4) The chain must be attached in a manner so that it cannot wrap around vertical items such as a barrel, pole or tree. It must be able to move freely in all directions.
 - (5) The dog must have shelter from the weather, yet free from becoming entangled with the chain. The dog must have access to the shelter 24 hours a day.
 - (6) The shelter or doghouse must be kept clean and sanitary and in good repair so the dog does not injure itself on nails, wood pieces, metal pieces, etc. A shelter from weather must be provided during all seasons of the year.

Sec. 1.12 - Public nuisance animal.

- (a) A public nuisance animal shall mean and include any animal that:
- (1) Is repeatedly found at large;
 - (2) Damages the property of anyone other than the owner;
 - (3) Is dangerous or vicious, as determined by an animal control officer or any officer of the sheriff's department for the county;

- (4) Attacks without provocation;
 - (5) Excessively makes disturbing noises, including but not limited to continued and repeated howling, barking, whining, or other utterances causing unreasonable disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept;
 - (6) Creates unsanitary conditions or offensive and objectionable odors in enclosures or surroundings and thereby creates unreasonable disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept; or
 - (7) Is not being kept in conformity with county zoning resolutions or ordinances.
- (b) Any such public nuisance animal may be impounded and the owner, harborer or caregiver charged for a violation of this ordinance.

Sec. 1.13 - Report of vehicular collision with animal.

A person whose vehicle causes injury or death to a domestic or wild animal in the county shall immediately notify the animal's owner, if known, or the sheriff's department, together with a description of the animal struck, the location of the striking and an estimate as to the condition of the animal after being struck. Such person shall not be required to report his name, as the only purpose of this requirement is to aid the stricken animal and notify its owner, if any.

Sec. 1.14 - Interfering with animal control officer.

It shall be unlawful to interfere with any animal control officer or other officer of the sheriff's department enforcing any provisions of this ordinance, to take or attempt to take any animal from the county vehicle used to transport the animal, or to take or attempt to take any animal from any animal control shelter or impounding area so designated by the county.

Sec. 1.15 - Confinement of female dogs and cats in heat.

The owner, harborer or caregiver of any female dog or cat in heat kept in the county shall confine the animal within a secure enclosure and in such a manner as to prevent it from becoming a nuisance and in such a manner so as to prevent conception except during planned breeding.

Sec. 1.16 - Injured animals; action required.

- (a) It shall be unlawful for any person injuring any animal by any means to fail to notify immediately the owner, harbinger or caregiver of the animal or, if such is unknown, the sheriff's department.
- (b) Notification shall include the location and description of the animal and the condition of the animal if known.

Sec. 1.17 - Animal waste.

The owner of every animal shall be responsible for the removal of any feces deposited by his animal on public property, public walks, public parks, beaches, recreation areas or private property of others. Owners of service dogs may be exempted from this section.

Sec. 1.18 - Lost or stray animals.

A person finding a stray animal is to notify the sheriff's department of the county within 48 hours. At the discretion of the sheriff's department, the animal may be kept by the finder and a found pet report left with the department, to enable the finder an opportunity to return the animal to its rightful owner. Upon demand by the sheriff's department, any found animal will be surrendered and held for a minimum of seven days before a disposition is made. A person finding an animal is obligated to comply with all rules and regulations of this ordinance pertaining to humane care and treatment of animals, while the animal is in custody awaiting return to its actual owner. With the exception of the sheriff's department for the county, the finder will be considered the found animal's owner for the purpose of this section only after the animal is in the finder's custody for 30 continuous days.

Sec. 1.19 - Wildlife.

For provisions on wildlife, see IAC title 312: Natural Resources Commission, article 9: Fish and Wildlife.

Sec. 1.20 - Animals in vehicles.

No animal shall be left unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal (extreme heat or cold). No animal shall be transported in any open vehicle unless confined in an appropriate manner intended to prevent the animal from jumping from the vehicle or being thrown from the vehicle in an

accident or rapid stop or other use of the vehicle which could cause injury to the pet. No animal shall be transported in the trunk of any vehicle.

Sec. 1.21 - Jurisdiction. The board of commissioners of the county finds that the terms and conditions of this ordinance are in the best interests of all citizens of the county. Therefore, this ordinance shall be in full force and effect in the unincorporated part of the county as of the date hereof.

PASSED AND ENACTED by the Board of Commissioners of Madison County, Indiana,
this 15 day October, 2013.

MADISON COUNTY BOARD OF COMMISSIONERS:

BY: 

JOHN M. RICHWINE, PRESIDENT


STEPHANIE OWENS, VICE PRESIDENT

JEFFREY L HARDIN, MEMBER

ATTEST:



JANE LYONS, MADISON COUNTY AUDITOR