

ORDINANCE NO. 2011-04
DOG CONTROL ORDINANCE

WHEREAS, Martin County wishes to secure licensing of dogs within the County to insure the health and well-being of persons and animals; and

WHEREAS, Martin County is authorized pursuant to I.C. §36-8-2-5, I.C. §36-8-2-6, and I.C. §36-1-3-5 to regulate control of animals within the County; and

WHEREAS, it is necessary to impose certain fees reasonably related to the licensing and regulation to be provided by the County and its officers pursuant to I.C. §36-1-3-8(5);

THEREFORE BE IT ORDAINED AND ENACTED AS FOLLOWS:

I. Definitions: Herein the following terms mean:

(a) "At Large" means any dog not on his owner's premises, or any dog not under the reasonable control of some person, or any dog not engaged in lawful hunting accompanied by his owner or custodian.

(b) "Harboring" means the actions of any person that permits any dog habitually to remain at large or to be fed within his home, enclosure, yard, or place of business or any premises on which such person resides or controls. An animal shall be presumed to be harbored if it is fed or sheltered for three (3) consecutive days.

(c) "Owner" means any person owning, keeping, or harboring one or more dogs.

(d) "Person" means any individual, firm, association, partnership, or corporation.

(e) "Public Nuisance" means any dog that molests passerby or passing vehicles, attacks other animals, damages public property or private property, or barks, whines, or howls in an excessive fashion.

(f) "Vicious Dog" means any dog that by its behavior constitutes an immediate and serious physical threat to persons or animals.

II. Animal Control Commission

(a) There is created and established an Animal Control Commission of Martin County, which Commission shall have the authority and responsibility to:

(1) formulate, adopt, and implement policies, principles, and standards for control of dogs within the County;

(2) enforce statutes, and ordinances concerning the control of dogs within the County;

(3) review the decisions and actions of the Animal Control Officer in any manner related to the enforcement of this ordinance, if a written request for hearing is received from the complaining dog owner within ten (10) days after the action is taken;

(4) make recommendations to the County Council and the County Commissioners as to the necessary ordinances concerning control of dogs and other animals.

(b) Membership. The Animal Control Commission shall be composed of nine (9) members as follows:

(1) Two (2) shall be citizens selected by the Martin County Commissioners.

(2) One (1) shall be a citizen selected by the Martin County Council.

(3) One (1) shall be a citizen selected by the Town Board of Shoals;

(4) One (1) shall be a citizen selected by the City Council of Loogootee;

(5) One (1) shall be a citizen selected by the Town Board of Crane;

(6) Three (3) shall be selected by the Martin County Humane Society.

(c) Terms. The initial terms of members shall be as follows:

Commissioner appointment #1 – one year;
Commissioner appointment #2 – two years;
Council appointment – three years;

Shoals appointment – one year;
Loogootee appointment – two years;
Crane appointment – three years;

Humane Soc appointment #1 – one year;
Humane Soc appointment #2 – two years;
Humane Soc appointment #3 – three years.

Thereafter, each position shall be for a term of three (3) years. All appointments shall be made on or before January 1st of each year, except for the first year herein. Each term shall end on December 31st of each year.

(d) Meetings. Beginning with the enactment of this Ordinance, the Commission shall meet every other month on the second Tuesday and at such location as determined by the Commission. The Commission may also schedule such other meetings as necessary to accomplish its responsibilities.

(e) Officers. The members of the Commission shall elect a President, Vice-President, and Secretary on the first meeting of each year.

(f) Budget. The Animal Control Commission, with the assistance of the Animal Control Officer shall prepare and submit to the Martin County Commissioners and the County Council an annual proposed budget of funds adequate for the purposes of this Ordinance.

III. Animal Control Officer. The Martin County Commissioners shall appoint an Animal Control Officer after consulting with the Animal Control Commission. The Animal Control Officer shall attend all meetings of the Animal Control Commission and shall carry out and supervise enforcement of this Ordinance. The power of the Animal Control Officer shall include the power to enter real property in immediate pursuit of a dog to enforce this Ordinance. However, the Animal Control Officer shall not enter a dwelling unit without the permission of the owner of the dwelling unit, unless accompanied by a uniformed law enforcement officer with a search or arrest warrant.

IV. Funding. The funding of the Animal Control Commission and/or the Animal Control Officer shall be the responsibility of the Martin County Council. Nothing in this ordinance, nor any act by the Martin County Commissioners hereunder, shall constitute an obligation of Martin County Commissioners hereunder or Martin County to fund or pay any salary hereunder.

V. Licensing and Fees. Any person owing, harboring, or keeping a dog over the age of six (6) months must obtain a County license for the dog, except for dogs in kennels for breeding, boarding, or training purposes. This requirement shall apply to dogs owned, harbored, or kept within Martin County.

(a) Application. Applications for a license shall be made to the Martin County Treasurer. The written application shall include the name and address of the applicant and a description of the dog. The application must include a current rabies certification issued by a veterinarian.

(b) Fees. A license shall be issued after payment of the fee and receipt of all application materials. Fees shall be One Dollar (\$1.00) for each dog and shall be payable yearly to the Martin County Treasurer. This fee shall be in addition to the Dog Tax imposed by I.C. §15-5-9-1.

(c) License Period. License shall be for one (1) year from the last day of the month of issuance.

(d) Violation. Persons who violate any provision of this Section V, shall be fined in an amount not to exceed Two Hundred Dollars (\$200.00).

VI. At Large Dog. The Owner of any dog found running at large shall be reported to the Martin County Prosecuting Attorney for prosecution under I.C. §15-5-9-13.

VII. Female Dog in Heat. Any female dog in heat shall be confined in a building or some enclosure in such a manner that a female dog in heat cannot come into contact with a male dog, except for planned breeding. The owner of any female dog not so confined shall be fined in an amount not to exceed One Hundred Dollars (\$100.00).

VIII. Vicious Dog. Every vicious dog, as determined by the Animal Control Officer, shall be confined by the owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of the owner. The owner of any vicious dog not so confined, muzzled, or caged shall be fined in an amount not to exceed One Hundred Dollars (\$100.00).

IX. Public Nuisance. A dog owner shall exercise due care and control of his dog so as to prevent his dog from becoming a public nuisance. The owner of any dog who fails to exercise said due care and control shall be fined in an amount not to exceed Fifty Dollars (\$50.00).

X. Impoundment. Any at-large dog, any unlicensed dog, or any vicious dog or female dog in heat that is not confined may be taken by law enforcement officers or the Animal Control Officer and impounded in the animal shelter maintained by the Martin County Humane Society.

(a) If the owner of an impounded dog can be identified by a license tag or other means, the Animal Control Officer shall immediately upon impoundment notify the owner by telephone or mail.

(b) Any dog which is not claimed by the owner within five (5) days of impoundment shall become the property of the County and may be placed for adoption or humanely euthanized.

(c) An owner claiming an impounded dog shall pay a board fee and daily fee as established by the Animal Control Commissioner.

(d) In lieu of impounding a dog as set forth above, a law enforcement officer or the Animal Control Officer may issue the owner of the dog a notice or ordinance violation imposing a penalty of Ten Dollars (\$10.00). The owner may pay said penalty within seventy-two (72) hours to the Martin County Treasurer. If payment is not so made, the ordinance violation shall be filed in the Martin Circuit Court.

XI. Rabies. It is unlawful to harbor a dog over the age of six (6) months and not immunize against rabies.

(a) The Animal Control Officer shall report any person who owns or harbors the non-immunized dog to the Martin County Prosecutor's Office for prosecution under I.C. §35-46-3-1.

(b) The Martin County Health Administrator may order the destruction or impoundment of a rabid dog or the destruction or impoundment of any dog bitten by a rabid animal, pursuant to I.C. §15-2.1-6-11.

XII. Effective date and Severability. This Ordinance shall take effect after it has been published once each week for two (2) consecutive weeks pursuant to I.C. §36-2-4-8(b) or _____, whichever shall be the later. Further, if any part of this Ordinance

shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining part.

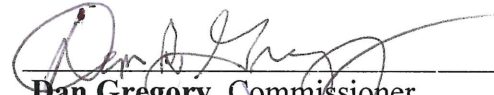
XIII. Repeal of Prior Ordinance. Upon the effective date of the Ordinance, all prior Ordinances in conflict herewith are hereby repealed.

SO ORDAINED AND EANACTED this 15th day of November, 2011.

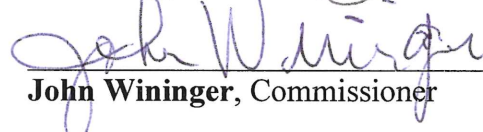
**THE BOARD OF COMMISSIONERS
OF MARTIN COUTNY, INDIANA**



Paul George, President

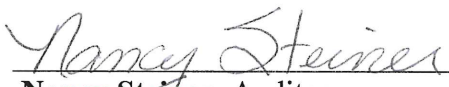


Dan Gregory, Commissioner



John Wininger, Commissioner

ATTEST:



Nancy Steiner, Auditor