

ORDINANCE NO. 2016- 25
DOG AND CAT CONTROL ORDINANCE

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 dogs and cats within the County; and

WHEREAS, it is necessary to impose certain fines reasonably related to the 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 or cat not on the owner's premises, or any dog or cat not under the reasonable control of some person, or any dog not engaged in lawful hunting accompanied by the owner or custodian.
- (b) "Harboring" means the actions of any person that permits any dog or cat habitually to remain at large or to be fed within the home, enclosure, yard, or place of business or any premises on which such persons resides or controls. An animal shall be presumed to be harbored if it is fed or sheltered for seven (7) consecutive days.
- (c) "Owner" means any person owning, keeping, or harboring one or more dogs or cats.
- (d) "Person" means any individual, firm, association, partnership, or corporation.
- (e) "Public Nuisance" means any dog or cat that threatens property 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.
- (g) "Neglect" means to fail to sufficiently and properly care for a dog or cat to the extent that the animal's health is jeopardized.
- (h) "Shelter" means adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the dog or cat so as to maintain the animal in a state of good health.
- (i) "Abandon" means to cause a dog or cat to be abandoned, in any place, without making provisions for the animal's adequate care.
- (j) "Domestic Animal" means any tame dog or cat associated with family life or accustomed to life in or near the habitation of persons.

II. ANIMAL CONTROL OFFICER

A. Definitions.

- 1. "Animal Control Officer" means the Animal Control Officer employed by the Martin County Sheriff's Department for the sole purpose of dealing with animal control issues.

2. "Animal shelter" means the facility operated by the Martin County Humane Society for the purpose of impounding or caring for animals held under their jurisdiction or state laws.

B. Powers of Animal Control Officer.

1. The Martin County Animal Control Officer has the power to issue citations to dog and cat owners, within the boundaries of Martin County, accused of violating this Ordinance in accordance with its provisions regarding enforcement procedures.
2. The Animal Control Officer also has the power to investigate instances of violations of any state laws or regulations regarding cruelty to animals or animal diseases prevention and care. Any violation of state criminal law must be referred to the office of the Martin County Prosecutor for prosecution.
3. In addition to, or in lieu of impounding an unrestrained or stray animal or for any other violation of this Ordinance, the Animal Control Officer or other law enforcement officer may issue a citation to the owner of such animal specifying the section or sections of this Ordinance so violated and identifying the specific nature of the violation.
4. A complaint by any citizen that any section or sections of this Ordinance has been violated, shall constitute reasonable suspicion for the Animal Control Officer to begin an investigation.
5. To educate the public concerning humane ethics, consequences of pet overpopulation and their responsibilities as pet owners;
6. The power to apprehend and impound any animal that appears to be stray or at large;
7. The power to apprehend and impound any animal that is on the owner's property without being under the owner's person physical restraint or posing an immediate physical danger to the community. Such impoundment must be preceded or written certification by a citizen witness or by an officer of a law enforcement organization. However, no animal shall be apprehended and impounded if the owner is available and is restraining the animal.
8. The power to apprehend and impound any animal when deemed that the animal has been treated cruelly, inhumanely, neglected or used by the owner/agent in a fighting contest;
9. The power to enter private real property in pursuit of an animal to enforce this Ordinance; In performing his duties, the Animal Control Officer shall be specifically prohibited from the following: entering an inhabited or locked dwelling unit with the dwelling unit owner's permission or without a warrant authorizing the entry.

C. Compensation.

The salary of the Animal Control Officer shall be fixed by the Martin County Commissioners and approved by the Martin County Council.

D. Penalties.

1. Fines shall be imposed in the following manner for any offense listed in this Ordinance as determined by law enforcement officials:

1st Offense - written warning

2d Offense - \$25 fine

3d Offense - \$50 fine

4th Offense - \$50 fine

5th Further Offenses - To be determined by the Board of Commissioners.

2. Penalty for Interference With Animal Control Officer

Whoever forcibly assaults, resists, opposes, obstructs, prevents, impedes, or interferes with any Animal Control Officer while that person is engaged in the execution of any duties required of the Animal Control Officer as stated in this Ordinance, shall be subject to a fine of one hundred dollars (\$100.00) for the first offense, with the fines increasing by increments of one hundred dollars (\$100.00) for each subsequent offense within one year of the first offense, but not more than one thousand dollars (\$1,000.00).

3. All fines, fees, and penalties shall be paid to the Martin County Auditor's Office within seventy-two hours from the date of issuance.

E. Enforcement

At Large Dog or Cat. The Owner of any dog or cat found at large shall be reported to local law enforcement.

Female Dog or Cat in Heat. Any female dog or cat in heat shall be confined in a building or some enclosure in such a manner that a female dog or cat in heat cannot come into contact with a male dog or cat, except for planned breeding.

Vicious Dog or Cat. Every vicious dog, as determined by law enforcement, 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 or cat not so confined, muzzled, or caged shall be fined in an amount of One Hundred Dollars (\$100.00). The dog or cat owner shall be required to pay all medical expenses incurred. After second reported offense, the dog or cat may be humanely euthanized. Evidence must be obtained that the action of the dog or cat and the damage sustained by the person or other animal could have reasonably been expected to occur given the circumstances of the event. Such circumstances may include, but are not limited to: willful trespass upon the owner/guardian's property; teasing, tormenting, abusing, or assaulting the dog; and/or attempted abuse or assault upon the owner/guardian.

Abandonment. A person who has had a dog or cat in the person's custody and recklessly, knowingly, or intentionally abandons or neglects the animal commits cruelty to an animal, a Class A misdemeanor.

Public Nuisance. A dog or cat owner shall exercise due care and control of his dog or cat so as to prevent his dog or cat from becoming a public nuisance. No person shall permit any dog or cat to run at large, or keep, possess, or harbor any dog or cat which by loud and frequent howling, or other noise, or by entering property other than that of the owner, causes annoyance or disturbance to any person in Martin County, Indiana unless the dog or cat is under the reasonable control of its owner or keeper or some individual authorized by him or her, a dog may engage in lawful hunting accompanied by the owner or custodian of said animal or running on forested or agricultural land or with the permission of the land

owner. Upon determination by law enforcement officials upon a complaint that a dog or cat is being permitted to run at large or causes annoyance or disturbance to any person, said law enforcement official may issue a violation citation as outlined in Section IV of this ordinance.

Neglect. Any owner in violation of any of the below will be fined as stated in Section IV of this Ordinance. Every owner of a dog or cat within Martin County shall see that their dog or cat:

- (a) Is kept in a clean, sanitary and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement;
- (b) If chained or tied outside, shall have available at all times for that dog or cat, a chain, leash or lead, not less than ten feet or two and one-half lengths of the animal, whichever is greater. However, this chain, leash or lead cannot allow the animal to enter onto or into another person's property or onto or into the public right-of-way;
- (c) Has sufficient and wholesome food and water, proper for that species of dog or cat;
- (d) Has a proper and adequate structure provided that will protect that dog or cat from all elements of the weather and will allow that animal to stand, sit and lie down without restriction;
- (e) If ill, diseased or injured, receive care as necessary to prevent the transmittal of the disease to other animals or prolong the suffering of the injured dog or cat;
- (f) Is not beaten, cruelly treated, overloaded, overworked or otherwise abused.

Impoundment. Any at large dog or cat, any six-month and older unimmunized dog or cat, or any vicious dog or cat or female dog or cat in heat that is not confined may be taken by law enforcement officers and impounded in the animal shelter maintained by the Martin County Humane Society.

- (a) If the owner of an impounded dog or cat can be identified by a tag or other means, the law enforcement officer shall immediately upon impoundment notify the owner by telephone or mail.
- (b) Any dog or cat which is not claimed by the owner within five (5) days of impoundment shall become the property of the County Martin County Humane Society and may be placed for adoption or humanely euthanized.
- (c) In lieu of impounding a dog or cat as set forth above, a law enforcement officer may issue to the owner of the dog or cat a notice or ordinance violation imposing a penalty of Fifteen Dollars (\$15.00) for capturing the dog and Ten Dollars (\$10.00) for each day afterward made payable to the impounder. The owner may pay said penalty within seventy-two (72) hours to the Martin County Auditor. If payment is not so made, the ordinance violation shall be filed in the Martin Circuit Court.

Rabies. It is unlawful to harbor a dog over the age of six (6) months and not immunize against rabies. Temporarily housing a stray or rescued dog must be reported

to law enforcement personnel. After 30 days of housing a stray or rescued dog, the person in possession of the animal may assume ownership.

- (a) The law enforcement officers 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.
- (c) All dogs six (6) months or older must be tagged with rabies vaccination tag or other identification.

Animals biting persons.

- (a) Every person who knows, learns or suspects that a dog or cat has bitten any human being, within the boundaries of the county, shall immediately report that fact to the Martin County Health Department and/or the Animal Control Officer. Upon receipt of the animal bite report, the Animal Control Officer shall contact the owner of the animal, if known, and advise them of the quarantine requirements. The suspected animal that has bitten a person shall be confined for a period of not less than ten days from the date of the incident. The animal shall be quarantined in a building, secure enclosure with no means of escape or in any other manner approved by the Animal Control Officer that will keep the animal from coming into contact with any other animal. If the owner is unable or refuses to quarantine the animal as described, then the animal must be quarantined at a boarding kennel or licensed veterinarian's office. The Animal Control Officer shall have the power to apprehend and impound an animal found in violation of the quarantine requirements. If there is no known owner of the animal, then the animal shall be quarantined at the humane society animal shelter unless deemed an immediate danger to animal shelter volunteers;
- (b) At the expiration of the quarantine requirement and prior to the release from quarantine, the dog or cat must be examined by a licensed veterinarian who shall certify the dog or cat as not being rabid. The certification must be presented to the Martin County Health Department within three days of the examination. The owner is responsible for the certification. If the owner is unknown, the Animal Control Officer shall be responsible for the certification.
- (c) If any dog or cat shall die during the quarantine period, the head of the animal shall be removed by a licensed veterinarian and transported to the State Board of Health. The cost of removal and transportation shall be the responsibility of the owner. If the owner is unknown, then the cost shall be the responsibility of the Animal Control Department.

F. 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.

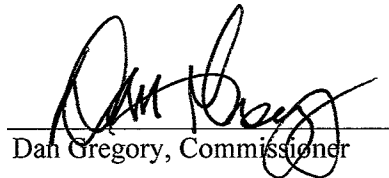
- G. Repeal of Prior Ordinance. Upon the effective date of this Ordinance, all prior Ordinances in conflict herewith are hereby repealed.

SO ORDAINED AND ENACTED this 9th day of November 2016.

BOARD OF COMMISSIONERS MARTIN COUNTY



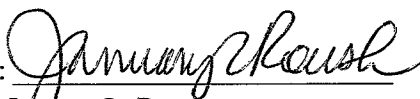
Paul George, President



Dan Gregory, Commissioner



Kevin R. Boyd, Commissioner

ATTEST: 

January L. Roush
Auditor of Martin County