

Ordinance No. 2009-1

An Ordinance Regarding the Control and Disposition of Animals in Gibson County, Indiana

Whereas, there exists in Gibson County, Indiana, a need for an ordinance for the control and maintenance of certain animals for the general, health, safety and welfare of the citizens of Gibson County; and

Whereas, the Gibson County Board of Commissioners is empowered to enact ordinances for the benefit of the health, safety, and welfare of Gibson County and its citizens.

Now therefore, be it ordained by the Board of Commissioners of Gibson County, Indiana as follows:

Section I. Definitions

A. Animal: The term “animal” when used in this ordinance shall mean any living, domestic creature, including fowl, mammals and reptiles, except human beings.

B. 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 persons.

C. Owner: The term “owner” when used in this ordinance means any person, partnership, or corporation owning, keeping or harboring animals.

D. Animal Control Officer: The Animal Control Officer refers to the staff members on the Animal Shelter.

E. Affidavit of Complaint: The term “Affidavit of Complaint” shall mean a written sworn statement of complaint.

F. Dangerous Animal: The term “dangerous animal” shall mean any animal which presents a substantial threat of bodily harm to any person or pet in its

vicinity or if it were to escape its primary enclosure or escape from the control of its owner or custodian. Past acts of aggressive behavior shall justify the determination that it is a dangerous animal. A dog's breed shall not be considered in determining whether or not it is dangerous.

G. Adequate Care: The term "adequate care" shall mean the provision of sufficient, food, water, shelter, sanitary conditions, and veterinary medical attention in order to maintain an animal in a "state of good health".

H. Neglect: The term "neglect" shall mean to fail to sufficiently and properly care for an animal to the extent that the animal's health is jeopardized.

I. Shelter: The term "shelter" shall mean adequate protection from the elements and weather conditions suitable for the age, species, and physical condition of the animal so as to maintain the animal in a state of good health. Shelter for livestock includes structures or natural features such as trees or topography, and for a dog includes 1 or more of the following:

1. The residence of the dog's owner or other individual.
2. A doghouse that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog. The doghouse shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing.
3. A structure, including a garage, barn or shed that is sufficiently insulated and ventilated to protect the dog from exposure to extreme temperatures or, if not sufficiently insulated and ventilated, contains a doghouse as provided under subparagraph (2) that is accessible to the dog.

J. State of Good Health: The term "state of good health" shall mean freedom from disease and illness and in a condition of proper body weight and temperature for the age and species of the animal, unless the animal is undergoing appropriate treatment.

K. At Large: The term “at large” shall mean any animal that is:

1. Not on a leash and is off the property of its owner, its owner’s agent or its keeper;
2. On a leash that does not adequately confine the animal to the property of its owner, its owners agent or its keeper; or
3. On a leash that is not otherwise under the immediate control of a person physically capable of restraining the animal.

Section 2

No person shall own, possess or harbor any animal that is dangerous.

Section 3

No person shall permit any animal to run at large, or keep, possess or harbor any animal 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 Gibson County, Indiana unless the animal is under the reasonable control of its owner or keeper or some individual authorized by him or her or unless engaged 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.

Section 4

Upon determination by an Animal Control Officer with an Affidavit of Complaint, that an animal is being permitted to run at large or causes annoyance or disturbance to any person said Animal Control Officer may issue a violation citation. Said violation citation shall be administered through the Administrative Court of the Gibson County Commissioners.

Any person who is found to have violated any provisions of this ordinance shall on first offense be issued a written warning, shall on second offense, per occurrence, be fined in the amount not to exceed fifty dollars (\$50.00), on third offense, per occurrence, be fined in an amount not to exceed one hundred dollars (\$100.00) and on any fourth or subsequent offense, per occurrence, to be fined in an amount not to exceed two hundred dollars (\$200.00). Occurrences will accrue on a twelve month rolling calendar.

Any person who fails refuses or neglects to pay said fines may be summoned to appear before the Gibson County Commissioners' Court for hearing.

Section 5

If witnessed by the Animal Control Officer that an animal is being permitted to run at large and no animal custodian or owner can be located to confine the animal, the Animal Control Officer shall impound the animal. Unless the animal is an unknown stray, the Animal Control Officer will leave a notice of impoundment for the owner or custodian. This notice will give the owner or custodian of the animal the information needed to claim the animal at Gibson County Animal Services Shelter. Gibson County Animal Services shall maintain impounded animals for a minimum of ten (10) days, so long as space allows and the animal is healthy. If the animal has been so seriously injured it can not recover or is suffering from a serious disease, the Animal Service may have to destroy the animal in a humane manner. If the animal is not claimed within the ten day time period, Gibson County Animal Services shall destroy it in a humane manner or place the animal up for adoption.

Section 6

An animal claim fee and maintenance fee will be charged to the owner for any such animal and the rate for maintenance will be dependant upon the type of animal and type of care needed to provide the animal with adequate housing, food, medicine and/or veterinary care.

Section 7

A. The Animal Control Officer shall not release any impounded animal to an owner without the owner showing proof of a current rabies vaccination. If no proof of vaccination can be provided an owner will be required to purchase an owner claim rabies voucher for twenty-five dollars (\$25.00) which can be taken to any veterinary clinic. This voucher will be active for a ten day period.

B. Gibson County Animal Services shall impose the following fee for owners of impounded animals claimed.

1. Twenty-five dollars (\$25.00) for the first offense.
2. Thirty-five dollars (\$35.00) for the second offense.
3. Forty-five dollars (\$45.00) for the third offense.
4. After the third offense, the animal shall not be released to the owner.
5. After the first offense, Gibson County Animal Services shall be authorized to impose a fee of ten dollars (\$10.00) for each day the animal is boarded, beginning on the second day of impoundment, in addition to claim fees.
6. Gibson County Animal Services shall have authority to require identification tags to be placed upon the impounded animal at a cost of two dollars (\$2.00) to the owner per tag.
7. All fines and fees paid to Gibson County Animal Services are to be used to defray the expenses of operating the Gibson County Animal Services shelter.

Section 8

An owner, possessor, or person having the charge or custody of an animal shall not do any of the following:

- A. Fail to provide an animal adequate care.
- B. Abandon an animal or cause an animal to be abandoned, in any place, without making provisions for the animal's adequate care, unless premises are vacated for the protection of human life or the prevention of injury to a human.
- C. Negligently allow any animal, including one who is aged, diseased, maimed, hopelessly sick, disabled or non-ambulatory to suffer unnecessary neglect, torture or pain.

D. Tether a dog unless the tether is at least 3 times the length of the dog as measured from the tip of its nose to the tip of its tail and is attached to a harness or non-choke collar designed for tethering.

E. Leave an animal unattended in a vehicle when conditions in that vehicle would constitute a health hazard to the animal.

F. Fail to confine in a secure building or enclosure a female domestic animal in heat so as to prevent conception except during instances of planned breeding.

G. Vaccination required –No owner or custodian of any dog, cat or ferret shall keep, maintain, or harbor the animal unless the animal has been vaccinated by a licensed veterinarian with anti-rabic vaccine of a type approved by the State Board of Health. The anti-rabic vaccination of the animal shall be repeated every one to three as applicable to the vaccine. In no case shall more than three years elapse between each vaccination. All dogs, cats and ferrets shall be vaccinated for rabies as required by state statute. A licensed veterinarian shall provide such vaccinations.

Section 9-Regulation of dangerous animals

1. Pursuant to a preponderance of the evidence an animal may be declared as a dangerous animal if there has occurred two (2) serious unprovoked attacks to a person or another animal while running at large.

2. The following conditions maybe imposed on an owner of an animal deemed a dangerous animal.

A. Indoors, when not alone, the animal be under control of a person eighteen (18) years or older.

B. Outdoors and unattended, the animal be kept within a locked fenced area from which it can not escape.

C. When outdoors the animal must be attended and kept within a locked area from which it can not escape.

D. When outdoors the animal must be attended and kept on a leash no longer than six (6) feet and under the control of a person eighteen (18) years of age or older.

E. When outdoors the animal must be attended and muzzled. Such muzzle shall not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting a person or animal. The muzzle must be made of non-metallic material so as to prevent the muzzle from freezing to the animal.

F. Placement of “Beware of Dog” signs on the property.

G. An animal may not be declared “dangerous”:

1. If the animal was protecting or defending a person within the imminent vicinity of the animal from an attack or assault.

2. If at the time the recipient of the attack was committing a crime or offense upon the property of the owner or custodian of the animal.

3. If the recipient of the attack was teasing, tormenting, abusing or assaulting the animal on its own property or in the past had teased, tormented, abused or assaulted the animal.

4. If the animal was attacked or menaced by another animal, or the animal attacked was on the property of its owner or custodian.

5. If the animal was responding to pain or injury, or protecting itself, its kennels, its offspring or owner or custodians property.

6. Neither growling nor barking, nor both shall alone constitute grounds upon which to find an animal to be dangerous.

7. An animal deemed “dangerous” that is not under restraint and cannot be safely captured by Animal control Officers and impounded may be slain by Law Enforcement.

Section 10

This ordinance supersedes Ordinance 2002-2 and repeals 2004-5.

IN WITNESS WHEREOF the Board of Commissioners have adopted this ordinance this 5th day of May, 2009.

GIBSON COUNTY COMMISSIONERS

Bob Townsend
BOB TOWNSEND, President

Gerald Z Bledsoe
GERALD BLEDSOE, Vice President

Don Whitehead
DON WHITEHEAD

ATTEST:

Mary Key
MARY KEY, Gibson County Auditor

ORDINANCE NO. 2000-2 Repealed this 5th day of May 2009
ORDINANCE NO. 2004-5 Repealed this 5th day of May 2009