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CHAPTER 90: ANIMALS

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ANIMAL CARE RULES AND REGULATIONS

§ 90.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ABANDON. To knowingly, intentionally, or recklessly leave unattended, without proper food, water, or shelter, for 24 hours or more, in or about a building or structure or any portion thereof on or about any property.

A.D.B.A. The American Dog Breeders Association.

ADEQUATE SHELTER. A structure designed specifically to shelter an animal that allows an animal to maintain its body heat, with a roof, structured floor and three sides free of leaks or openings to the wind and rain, and a fourth side allowing access that is protected from the elements. The structure is physically located in a dry area allowing the animal to stay dry and access outside the structure to dry ground that is mud free. Livestock require a structure with three sides and a roof designed to protect it from the elements.

AGENT(S). Person(s) 18 years or older authorized by an owner to act on the owner's behalf.

A.K.C. The American Kennel Club.

ALTERED ANIMAL. Any animal that has been operated on or has been given medication to prevent it from procreating.

ANIMAL. Any live non-human vertebrate or invertebrate creature domestic, wild or exotic.

ANIMAL CONCESSION. Any person, group of persons, partnership, or corporation who for compensation has any animal available for hire or on display.

ANIMAL CONTROL AGENCY. Any governmental or private entity charged with, or contracted with and given authority for the enforcement of the provisions of this chapter for and on behalf of St. Joseph County (hereinafter referred to as "county").

ANIMAL CONTROL COMMISSION. The governing board established by § [90.07](#).

ANIMAL CONTROL OFFICER. A person authorized and empowered to carry out the provisions of this chapter as appointed by the county contracted agency.

ANIMAL HOARDER. Any person who:

(1) Having one or more animals and failing to provide adequate standards of nutrition, sanitation, shelter, and veterinary care, with this neglect often resulting in illness and death from starvation, spread of infectious disease, and untreated injury or medical condition; and

(2) Persistence, despite this failure, in accumulating and controlling animals.

ANIMAL PERFORMANCE OR EXHIBITION. Any spectacle, performance display, act, exhibition or event in which an animal or animals (wild or domestic) are used.

ANIMAL SHELTER. A facility or vehicle operated by a government or private entity for the purpose of providing or promoting animal welfare and the humane treatment of animals.

ANIMAL WELFARE ORGANIZATION. Any group maintaining a 501(c)(3) status with the primary purpose of promoting animal health, safety, or adoption or the prevention of animal cruelty. Organizations described in section 501(c)(3) commonly referred to as charitable organizations or non-profit organizations, as per Internal Revenue Service standards.

APIARY. The assembly of one or more hives or colonies of honey bees at a single location.

AT LARGE. 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 owner's agent or its keeper;

(3) On a leash that is not otherwise under the immediate control of a person physically capable of restraining the animal;

(4) This section does not apply to any dog in the possession of its owner's control that is currently being used in the act of hunting; and

(5) This section does not apply to free-roaming and/or community cats.

ATTACK. Where the animal exhibits one or more of the following behaviors, including, but not limited to: snarling, biting, baring teeth, chasing, growling, snapping, lunging.

AUCTION. Any place, facility or group where animals are bought, sold or traded by any means except for those facilities otherwise defined in this chapter or by federal, state, laws, regulations or rules or by county ordinance. This definition shall also include groups that sponsor sales. Animal Welfare Organizations are exempt from this definition.

BEE. Any of several winged, hairy-bodied, usually stinging insects of the superfamily Apoidea in the order Hymenoptera, including both solitary and social species and characterized by sucking and chewing mouthparts for gathering nectar and pollen:

(1) A bumblebee; and

(2) A honeybee.

BEE COLONY. The entire honey bee family or social unit living together including the queen, workers and drones.

BEEKEEPER. A person who keeps honey bees in hive(s) which meet state approved requirements.

BEEKEEPING EQUIPMENT. Anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.

BITE. To seize, tear, wound or cut with teeth, resulting in a break in the skin.

BREEDER. Any person, for-profit business or corporation that harbors or keeps animals (i.e., cats, dogs, minks, chinchillas and ferrets), with the exception of livestock, that is permitted by zoning laws, and allows or causes these animals to procreate, intentionally or accidentally, for the purpose and intent of selling, trading, receiving other compensation or to give away the animals; or any person who has one or more unaltered animals who habitually (two or more) has accidental

litters.

BUSINESS DAY. Monday through Friday, except for federal, state, or local holidays.

CARETAKER. A person who provides food, water and shelter for free-roaming/community cat(s) as defined by this chapter.

CATTERY. Any person or group of persons, partnerships or corporations engaged in keeping more than one unaltered cat.

CHICKEN COOP. Also referred to as **CHICKEN PEN**, means an enclosure or enclosed structure used for housing chickens which provides shelter from the elements and which must meet the standards set forth in § [90.13](#).

CHICKEN FLOCK. One or more chickens which:

- (1) Contains no more than six hens and no roosters; and
- (2) Is issued a permit pursuant to § 90.13.

CIRCUS. Performances given by traveling companies on vacant lots with tents, or some other kind of temporary enclosure, where performances are given for a fee, and which possesses valid licenses and permits as required by federal and state law. Performances may include, but are not limited to trained animal acts, races, feats of horsemanship, acrobatics, strength, trapeze acting, or clowns.

COMMERCIAL. Of, pertaining to, or characteristic of commerce.

COMMUNITY CAT. An unowned, outdoor cat that has been evaluated and sterilized by a licensed veterinarian, vaccinated against rabies, ear tipped and released back into the area from which it was captured and is cared for by a caretaker.

CONTROLLED/EXOTIC ANIMAL. Any animal not defined as a domestic animal in this chapter with the exception of small, nonpoisonous reptiles, small cage birds or psittacine. Such **CONTROLLED/EXOTIC ANIMALS** shall include any animal for which the possession or ownership is controlled or regulated by federal or state law, or county ordinance or regulations concerning licensing or the issuance of permits. **CONTROLLED/EXOTIC ANIMALS** shall include but not be limited to the following:

- (1) All poisonous animals by genetic disposition including insects, reptiles, amphibians, invertebrates and rear-fang snakes;
- (2) Apes: chimpanzees (Pan), gibbons (Hylobates), gorillas (Gorilla), orangutans (Pongo) and siamangs (Symphalangia);
- (3) Baboons (Papio, Mandrillus);
- (4) Bears and bear-like mammals;
- (5) Nondomestic canines: including wolves, coyotes, wild dogs and hybrids;
- (6) Carnivores: all that might be considered dangerous;
- (7) Crocodylians (Crocodylia);
- (8) Constrictor snakes, including but not limited to: boa, python and anaconda;
- (9) Elephants (Elephas and Loxodonta);
- (10) Endangered species: any animal considered to be protected by any endangered species act;
- (11) Nondomestic felines;
- (12) Fur-bearing animals raised to provide products for the fur trade;
- (13) Gamecocks and other fighting birds;
- (14) Hippopotami (Hippopotamidae);

- (15) Hyenas (Hyaenidae);
- (16) Komodo dragons;
- (17) Monitor lizards over six feet in length;
- (18) Monkeys: old and new world;
- (19) Piranha fish (Characidae);
- (20) Rhinoceroses (Rhinocerotidae);
- (21) Sharks (class Chondrichthyes);
- (22) Snow leopards (Panthera uncia);
- (23) Spiders and insects which are poisonous; and
- (24) Walking catfish.

COUNTY. All unincorporated areas of St. Joseph County, Indiana.

COUNTY CHICKEN. A chicken living in the county on a property with less than five continuous acres, officially known as gallus domesticus, which is a domestic bird. It does not include other fowl, such as, but not limited to roosters, peacocks, turkeys or waterfowl. County chickens are governed by the zoning regulations set forth in § [90.13](#) addressing Residential District zoning regulations.

CRIMINAL TRESPASS. The meaning set forth in Indiana Code.

DANGEROUS ANIMAL.

(1) Any animal:

- (a) Which has, off its owner's property, attacked another animal or livestock;
- (b) Which has attacked or which has attempted to attack, unprovoked, any human being, whether on or off the owner's property;
- (c) Which has bitten or attacked a person, causing wounds or injuries creating a potential danger to the health and life of the victim;
- (d) Which has been found to be at large and been documented to be at large by an Animal Control Officer, police officer, or any county official or designee and at any time has been documented to show potentially aggressive behavior; or
- (e) That could be deemed dangerous which has violated three or more times the public nuisance provision, at the Animal Control Commission's discretion.

(2) Exceptions:

- (a) With the exception of those animals which cause injury or damage to a person when while that person is:
 - 1. Committing or attempting to commit a criminal offense against the owner or agent of the owner;
 - 2. Committing a criminal trespass upon the premises occupied by the owner, agent or keeper of the animal; or
 - 3. Teasing, tormenting, abusing or assaulting the animal.

(b) This definition also excludes K-9 Corps dogs in use by law enforcement agencies, trail sponsored field exercises and any dog under its owner's control that is currently being used in the act of hunting.

DESIGNEE. A person, organization or entity selected, appointed or nominated for a particular purpose or duty.

DOMESTIC ANIMAL. Any animal that is a member of the following species:

- (1) Dog (*Canis familiaris*);
- (2) Cat (*Felis catus* or *Felis domesticus*);
- (3) Cattle (*Bos domesticus* or *Bos taurus* or *indicus*);
- (4) Horse (*Equus caballus*);
- (5) Donkey (*Equus asinus*);
- (6) Sheep (*Ovis aries*);
- (7) Goat (*Capra hircus*);
- (8) Rabbit (*Oryctolagus cuniculus*);
- (9) Mouse (*Mus musculus*);
- (10) Rat (*Rattus rattus*);
- (11) Guinea pig (*Cavia procavia*);
- (12) Hamster (*Mesocricetus auratus*);
- (13) Gerbil (*Gerbillus gerbillus*);
- (14) Cow or ox (bovine);
- (15) Pigeon: homing or racing;
- (16) Chicken, turkey, goose, duck;
- (17) Llama;
- (18) Pig;
- (19) Bison (bison);
- (20) Chinchilla;
- (21) Mink; and
- (22) Ferret.

EARTIP. The removal of the distal one-quarter of a cat's left ear to indicate the cat has been spayed or neutered and vaccinated against rabies as part of a trap-neuter-return program for free-roaming community cats.

ENTICEMENT. To attract or lure.

ESCAPE-PROOF ENCLOSURE. A secured facility by latch, bolt or lock and is a contained enclosure by wire (minimum of 11 gauge) kennel, six-sided, of which one can be concrete or brick floor anchored to the ground, and either wood or wire of the same gauge roof, and constructed so that an animal cannot escape without opening a lock, bolt and the like.

EXOTIC ANIMAL. Any animal whose normal native habitat is not indigenous to the continental United States, excluding Alaska and Hawaii; except fish, and fur-bearing animals commercially bred for the furrier trade and birds protected under federal laws and regulations.

EXPOSED TO RABIES. Any human or non-human, warm-blooded mammal that has been bitten or in contact with any other animal known or reasonably suspected to have been infected with rabies.

EXTERMINATOR. Any person or company who receives payment for the removal of animals from commercial or private property.

FARMER. A person who garners income from raising crops or livestock.

FIGHT. A conflict between two or more animals that is intentionally organized for such a purpose.

FLYAWAY BARRIER. Fencing, dense hedging or a combination of the two, which provides a shield or protective barrier from the direction in which the honey bees fly when approaching or leaving a hive.

FOR-PROFIT. All other types of businesses, associations or entities, which do not meet the definition of not-for-profit under this chapter, excluding 4-H Clubs, Future Farmers of America, and religious or charitable organizations.

FOSTER ANIMAL. Any animal placed by an animal welfare organization in temporary care at a foster home until it is adopted. For the purposes of this chapter, it is not owned by the animal welfare organization or the foster home and is exempt from license requirements while it is a foster animal.

FOSTER HOME. The physical location away from an animal shelter providing temporary care to a foster animal.

FOWL. Any kind of wild or domestic bird, excluding homing or racing pigeons, canaries, parrots or similar types of birds normally kept in cages.

FREE-ROAMING CAT. Any unowned, unaltered outdoor cat or feral cat.

GROOMING SHOP. A commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.

GUARD DOG. A dog used in a commercial business, protection trained, or by a municipal or Police Department for the purpose of patrol or protection.

HARBORING. The actions of any person that permit any animal habitually to remain or to be fed within his or her home, store, enclosure, yard or place of business or any premises on which such person resides or controls. An animal shall be presumed **HARBORED** if it is fed or sheltered for three consecutive days. This does not apply to community cats or free-roaming cats.

HEALTH CARE PROVIDER. Any clinician, physician, veterinarian, nurse, EMT, paramedic, first responder, hospital, emergency room, urgent care clinic, veterinary clinic or hospital.

HIVE. A frame or structure used or employed as a domicile for honey bees which meet state approved requirements.

HONEY BEE. The common domestic honey bee, limited to the *Apis mellifera* species, specifically excluding the African honey bee, *Apis mellifera scutellata* or Africanized honey bee, or any hybrid thereof.

HUMANE OFFICER(S). Any person(s) and/or agency designated by the state or the county as a person(s) who is qualified to perform the duties required by county and state law regarding animals.

IMPOUNDMENT. To seize and place in to the Animal Control Agency, any animals found in violation of this chapter and/or Indiana law, or to temporarily house animals in protective custody due to disaster or other tragic event.

KEEPER. Any person, other than the owner, who has actual or constructive possession of an animal for the purpose of managing, controlling or caring for the animal. A person shall be construed as a **KEEPER** of an animal even if she or he does not have the owner's permission.

KENNEL. Any premises wherein any person engages in the primary business of boarding, breeding, buying, letting or keeping dogs for the purpose of hire, training for fee or sale.

LAW ENFORCEMENT ANIMAL/K-9 DOGS/POLICE DOGS. A professional trained dog used by law enforcement officers for law enforcement purposes and activities.

LAWFUL TRAP/SNARE. Or similar device means a humane, box-style trap of suitable size and construction appropriate for the target species.

LEASH. A cord, chain, rope, strap or other such physical restraint.

LOT. A piece, parcel, plot or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control and may consist of:

- (1) A single lot of record; or
- (2) A combination of complete lots of record.

MICROCHIP. A computer chip, implanted underneath the skin of an animal (in the universal position between the scapulas), which contains information relating to that animal.

MICROCHIP IMPLANT. A passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification and/or the recovery of animals by their owner(s).

MICROCHIP READER. An electronic device that detects any implanted microchip.

MUZZLE. A device constructed of a strong, soft material or metal, designed to fasten over the mouth of an animal, without interfering with its vision or respiration or causing injury to the animal, to prevent the animal from biting any person or other animal.

NIP. To pinch or squeeze with the teeth, not necessarily breaking the skin or damaging any tissue or to scratch, claw or rub the skin not necessarily breaking the skin.

NONCOMMERCIAL. Not of, pertaining to, or characteristic of commerce.

NOT-FOR-PROFIT. A business, association or entity established as a not-for-profit corporation under state law, or recognized as a not-for-profit corporation by the Internal Revenue Service or the Indiana Department of Revenue.

OFF PROPERTY. Beyond the legal boundaries of the real property on which the owner, agent or keeper resides.

OWNER/GUARDIAN. Any person age 18 years or older or a partnership, or corporation or any entity owning, keeping or harboring one or more animals. Caretakers of community cats shall be exempt from this definition.

PATRON CONTACT. Any person acting within the realm of a guest, customer, visitor, client, or the like to an establishment may not touch, handle, or physically interact in any way with an exotic and/or dangerous animal, unless they are acting under the scope of their legally sanctioned "enforcement authority" in each particular instance.

PERSON. An individual, firm, corporation or commercial establishment.

PET. Any animal owned or harbored by any person, group of persons, partnership or corporation, except service dogs, or police and canine governmental dogs.

PET SHOP. Any person, group of persons, partnership or corporation, whether operated separately or in connection with another business enterprise, except a licensed cattery, kennel or breeders, that buys, sells or offers for sale any species of animal, wholesale or retail. A permanent physical structure specifically designed and ventilated for the overnight and long-term housing and sale of animals both wholesale and retail.

PROHIBITED EVENT. Any event where the enforcement authority determines it necessary to prevent animals from being present during the event to ensure public safety.

PROTECTIVE CUSTODY IMPOUND. To seize and place in to the Animal Control Agency shelter any animals due to disaster or other tragic event.

PROVOKE. To deliberately arouse, incite or excite.

PUBLIC NUISANCE. Any animal or animals which:

- (1) Interferes with passers-by or passing vehicles;
- (2) Has been found to be at large and documented to be at large three or more times in a 12-month period;
- (3) Damages private or public property;

(4) Barks, whines, howls or makes other sounds common to its species in excess, continuously for 15 minutes or for an aggregate 20 minutes in a one-hour period, or which disturb the comfort or repose of any person in the immediate neighborhood of any residential area, but not to include operations of boarding kennels, kennels, training facilities or the practice of animal husbandry;

(5) Is at large or on a public park, playground, swimming pool or school yard, unless the animal is authorized by school officials;

(6) Is in estrus that is not confined or restrained so as to prevent attraction or contact with other animals; or

(7) Damages, soils, defiles or defecates on any public right-of-way.

(8) This does not apply to community cats.

QUARANTINING AUTHORITY. The Animal Control Agency, its agents, employees and designees, acting under directives and regulations of the Health Department of St. Joseph County, Indiana State Department of Health or the Indiana State Board of Animal Health.

RABIES VACCINATION. The injection by a licensed and accredited veterinarian of a dog, cat, ferret or other animal with a rabies vaccine licensed by the USDA and approved by the Indiana State Board of Health according to the Compendium for Rabies published yearly.

REHABILITATION. Any person(s) preparing an animal for the release into its natural habitat.

RESIDENTIAL. Of, or pertaining to residence.

RESTRAINT. The securing of any animal by an adequate leash or lead, or under the physical control of the animal's owner or owner's designated agent, or within the real property limits of its owner.

RIDING SCHOOL/STABLE. Any place which has available for hire, boarding or riding instruction, any horse, pony, donkey, mule or burro.

RODEO. A performance featuring bronco riding, steer wrestling, calf roping, greased pig contests or bull riding.

SERVICE ANIMAL. An animal trained and certified by an accredited service animal organization to assist a person who is impaired by:

(1) Blindness or any other visual impairment;

(2) Deafness or any other aural impairment;

(3) A physical disability; or

(4) A medical condition or any other condition governed by the Americans With Disabilities Act (ADA).

SEVERE INJURY. Any physical injury to a human being or domestic pet or domestic livestock that results in multiple bites, broken bone(s), muscle tear(s) or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

SHELTER. A facility used to provide humane care and shelter for stray or owner-relinquished animals.

SMALL ANIMAL. Any small domestic animal including but not limited to ferrets, gerbils, guinea pigs, hamsters, mice and rats.

SMALL BIRDS. Any small pet bird including but not limited to canaries, finches, cockatiels, lovebirds, small parakeets and parrotlets.

SMALL REPTILE. A cold-blooded vertebrate including but not limited to bearded dragons, frogs, geckos, skinks, salamanders, and turtles.

STATE. The State of Indiana.

STRAY. Any animal that is not under restraint and/or upon reasonable inquiry by an animal control officer does not appear to have an owner. This section does not apply to community cats as defined in this chapter.

TETHER. Attaching a domestic pet to a stationary object or pulley run by means of a chain, rope, tether, cable, or similar restraint. **TETHER** does not include the use of a leash to walk a domestic pet.

TRAP-NEUTER-RETURN (TNR). A management technique in which homeless, free-roaming cats are humanely trapped, evaluated and sterilized by a licensed veterinarian, vaccinated against rabies, and then returned to their original habitat.

UNALTERED. An animal that has not been sterilized by a licensed and accredited veterinarian to prevent it from procreating.

UNPROVOKED. An action can be labeled **UNPROVOKED** when the action or reaction of an animal was without stimulation, arousal, excitement, incitement, triggering, or otherwise motivating factors to provide for a reasonably foreseeable animal reaction.

U.K.C. United Kennel Club.

VETERINARIAN. Any person licensed and accredited to practice veterinary medicine in the state.

VETERINARY HOSPITAL. Any establishment maintained and operated by a licensed veterinarian for the purpose of hospitalization of animals or the diagnosis and treatment of disease and injuries of animals.

WILD ANIMAL. Any animal, nondomestic or exotic, with the exception of small, nonpoisonous aquatic or amphibious animals and small cage birds, which are normally found in the wild state.

ZOOLOGICAL PARK. Any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of nondomesticated animals operated by a person, partnership, corporation or governmental agency, or other entity that is established for educational purposes and is properly zoned for that use and which possesses valid licenses and permits as required under federal and state law, and county ordinance.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017)

📖 § 90.02 GENERAL ANIMAL CARE REQUIREMENTS.

Every owner and/or agent within the county shall see that each of his or her animal or animals:

(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; shall regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact;

(B) Has food that is appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water where appropriate, adequate shelter and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to exercise and move about freely;

(C) Dogs must be brought into a temperature controlled facility when the temperature constitutes a health hazard for that particular animal, or when a heat advisory, wind chill warning, or tornado warning has been issued by local, state, or national authority, except when the dog is in visual range of a competent adult who is outside with the dog;

(D) If the animal(s) is kept in an outdoor enclosure, see that the enclosure's width and length is at least five times the length of the animal's body so that the animal(s) may exercise and move freely and includes adequate shelter as defined in this chapter;

(E) Every owner or keeper of an animal shall see that any animal in their control and custody receives proper veterinary care as necessary to treat illness, disease or injury to prevent the transmittal of disease, to be vaccinated as required by law in order to promote humane animal

health;

(F) Is not beaten, cruelly ill-treated, overloaded, overworked, tormented or otherwise abused;

(G) Is not subjected to any dogfight, cockfight, bullfight or other combat between animals or between animals and humans;

(H) Is not physically altered in any manner including but not limited to cutting, cropping, removing, mutilating or disfiguring the pinnae or auricles (visible flap of the ear) by anyone other than a veterinarian or by accepted veterinary procedures and/or accepted animal husbandry procedures with the exception of tattooing for identification purposes and grooming;

(I) Is not abandoned, neglected or tortured;

(J) Does not become a public nuisance;

(K) Does not become a dangerous animal;

(L) In the case of a dog, cat or ferret over the age of 12 weeks, is properly vaccinated against rabies by a licensed veterinarian annually, or upon such frequency as may be specified by the Indiana Board of Animal Health;

(M) Is properly restrained by which;

(1) No animal shall be hitched, tied or fastened by any rope, chain or cord that is directly attached to the animal's neck. If animals must be tied, hitched or fastened:

(2) The length of the rope, chain, or cord must be no less than three times the length of the animal and of an appropriate length for the animal to move freely without risk of injury;

(3) The weight of the rope, chain or cord is light enough to permit the animal to move freely without risk of injury;

(4) The collar and rope, chain, or cord cannot cause the animal to choke;

(5) A properly fitted collar or harness made of leather or nylon, not of the choker type is worn by the animal. This is not to prohibit the proper use of choker collars in the training of animals;

(6) The tying device shall be attached to the animal's leather or nylon collar or harness and must have a swivel device on both the anchor and collar end to prevent tangling;

(7) The location of the anchor and the length of the rope, chain, or cord, cannot cause the animal to become tangled, choke, or become injured; and

(8) The animal must have access to water and shelter at all times.

(9) No person shall chain their dog using an agitation collar; a collar exceeding 1½ inches wide for any dog under 60 pounds. Dogs over 60 pounds shall not be tethered using a collar exceeding two inches in width.

(10) A person shall not tether an animal in a manner that permits the animal to leave the person's property.

(N) Female animals in estrus shall be kept in a secure enclosure in such a manner that it cannot come into contact with another animal of the same species for unplanned breeding;

(O) Is not used in an unnatural way, including but not limited to: bestiality, pushing a chicken out of a mail box, or a greased pig contest;

(P) Is not left unattended for long periods of time where water and food are not replenished and animal conditions are not monitored;

(Q) Is not subject to any poisonous substance or bait that is deemed harmful to any domestic animal or person, except for the standard control of common rodents. Controlled programs under the County Board of Health are excluded, as are licensed extermination services;

(R) Any puppy or kitten that is under the age of eight weeks, shall not be offered for sale, traded, or given for free except a puppy or kitten that may be relinquished to the designated

Animal Control facility;

(S) In the case of chickens, ducks, turkeys or other domestic fowl and poultry, shall not be confined less than 50 feet from any neighboring dwelling;

(T) No person or group of persons or any for-profit or not-for-profit organization, whether for pay or other compensation or promotional purposes, shall conduct or allow any event involving contests between animals or persons using animals in any form except those events reviewed and approved for the safety, well-being and comfort of the animals involved by the Humane Society, acting as a designee of St. Joseph County;

(U) No person shall cause, instigate, permit or conduct any dogfight, cockfight or other combat between animals or animals and humans; and

(V) Any owner/guardian who takes his or her dog(s) to an off-leash dog run park must comply with the regulations governing that location.

(W) *Tethering*. It shall be unlawful:

(1) For any dog to be tethered between the hours of 11:00 p.m. and 6:00 a.m.;

(2) To tether any unsterilized dog for any period of time;

(3) To tether or confine a dog at an unattended structure or premises for any purpose when it is not monitored by an owner or guardian who is present at the property for the duration of such tethering or confinement;

(4) To tether a dog under six months of age;

(5) For more than three dogs to be tethered simultaneously at the same residence;

(6) To have contact between tethered dogs;

(7) For tethered dogs to be within three feet of another person's property, public thoroughfare, and/or right-of-way;

(8) To tether a dog without access to adequate shelter at all times;

(9) Is not tethered on a chain rope or like device longer than three hours at a time and no more than three times within any 24 hour period; and

(10) *Multiple tangling during tethering*. If one or more dogs at a residence have required a response from the Animal Control Agency to untangle tethers more than two times in one year, it shall be a violation of this section.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017)

§ 90.03 MICROCHIP READING.

All animals shall be read with a microchip reader upon entering a shelter, rescue facility or any facility that accepts animals to be resold or used for any reason before that animal is sold or euthanized. It shall be unlawful to tamper with a microchip including its removal from an animal.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017) Penalty, see § [90.99](#)

§ 90.04 LOST OR STRAY ANIMALS.

(A) Persons who take possession or who harbor a stray animal are to notify the Animal Control Agency within 24 hours or within the next business day. At the discretion of the Animal Control Agency, the finder/keeper may keep the animal until the owner can be found or the animal can be placed in a permanent home.

(B) A found report shall be left with the Agency, to enable the finder/keeper an opportunity to return the animal to its rightful owner. With the exception of the Animal Control Agency, the

finder/keeper will be considered the found animal's owner for the purposes of this chapter only after the animal is in the finder's/keeper's custody for 15 continuous days, has been presented for microchip scanning, and a found report with a satisfactory picture of the animal has been made with the Animal Control Agency.

(C) If the stray animal is transferred from finder to keeper and/or from keeper to a subsequent keeper, the keeper in possession of the stray animal shall notify the Animal Control Agency within 24 hours or the next business day to update the found report for said animal.

(D) Upon demand by the Animal Control Agency, any found animal shall be surrendered to that agency.

(E) Persons finding an animal are obligated to comply with all the rules in this chapter pertaining to humane care and treatment of animals while the animal is in their custody awaiting return to the actual owner and adhering to § [90.34](#).

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017)

§ 90.05 MOTOR VEHICLE ACCIDENTS INVOLVING ANIMALS.

Any person operating a motor vehicle, who knowingly hits, runs over or causes injury to a domestic animal or wildlife whose remains would pose a danger to other motorists, shall immediately notify the County Police Department.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017)

§ 90.06 ANIMALS IN MOTOR VEHICLES.

(A) No animal shall be left in a motor vehicle when the conditions in that vehicle would constitute a health hazard to that animal, or when the weather would constitute a health hazard to the animal confined in the motor vehicle.

(B) Any animal transported on a public right-of-way, in the open bed of a truck (weather permitting) shall be placed in a safe, contained travel carrier as to prevent injury or danger to the animal.

(C) At the request of the Humane Officer, a law enforcement officer may act to remedy a hazard by any lawful means, including gaining immediate vehicle entry to impound the animal.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017)

§ 90.07 ANIMAL CONTROL COMMISSION.

The Animal Control Commission is established and shall have the following duties:

(A) To report and be responsible to the County Commissioners;

(B) To recommend proposed policies, principles, standards and regulations for the control and humane treatment of all animals and for the provision of a safe, nuisance-free environment for people residing in the county;

(C) To review and make recommendations to the County Commissioners on improving the enforcement of the terms of this chapter and other ordinances necessary for the care and treatment of all animals under this chapter;

(D) To review the performance of any county agencies or agencies hired by the county in matters relating to this chapter;

(E) To receive reports involving animal control from the County Police Department, or other agencies authorized to carry out the provisions of this chapter;

(F) To submit to the County Commissioners written reports of its activities and recommendations;

(G) To receive complaints regarding alleged animal control violations;

(H) To hear appeals, in a timely manner after an appeal has been filed, to determine the following:

(1) Whether an animal is a dangerous animal, as defined in § [90.01](#);

(2) Whether a person has provoked an animal, which has resulted in a violation of this chapter;

(3) Whether an animal is to be placed on probation for a period of time;

(4) Whether the animal is a nuisance animal: such determinations shall be in writing with the original copy being maintained by the Animal Control Agency, and copies being sent to the animal's owner and the County Commissioners;

(5) Whether to call meetings or hearings to discuss any animal issues; and

(6) Whether to make determination following any meeting or hearings that it feels are in the best interest of the animals and citizens of the county.

(I) Membership and quorum of Commission.

(1) The Animal Control Commission shall be composed of three members and one alternate member. The appointments shall be as follows: two by the County Council, one by the County Commissioners and one alternate by the County Commissioners. The presence of three members or two members and one alternate shall be necessary to constitute a quorum;

(2) One member shall be a licensed veterinarian appointed by the County Council;

(3) One member shall be an owner, operator or employee of a kennel, cattery, zoological park, farmer or commercial animal establishment, appointed by the County Council;

(4) One member shall be an employee from the Police Department K-9 Corps, appointed by the County Commissioners;

(5) One alternate member shall be appointed by the County Commissioners, and shall be an active member of an animal welfare organization, including but not limited to any humane group or shall have qualifications set forth in divisions (I)(2), (I)(3) or (I)(4) of this section.

(J) The members of the Commission shall serve at the pleasure of the appointing authority and each member shall serve until a qualified successor is duly appointed. All appointments shall be made for three-year terms, however the initial appointments shall serve as follows: the member appointed pursuant to division (I)(2) shall serve for one year; the member pursuant to division (I)(3) shall serve for two years; and the member and alternate member appointed pursuant to divisions (I)(4) and (I)(5) shall serve for three years.

(K) Meetings, agenda and minutes of the Commission.

(1) The Commission shall meet at least once each calendar year. At the annual meeting it shall elect a Chairperson and other officers deemed necessary. The Chairperson or Vice-Chairperson may also call emergency meetings at any time, with proper notice being provided as required by applicable state law.

(2) Copies of all Commission agendas shall be sent to the President of the Board of Commissioners and the St. Joseph County Council upon the call of a Commission meeting.

(3) Minutes of all Commission meetings shall be maintained and copies of minutes shall be sent, within ten days following each meeting, to the President of the Board of Commissioners and the St. Joseph County Council.

(4) The County Attorney or his or her designee shall attend all Commission meetings.

(L) The Commission may uphold or reverse a decision made by the Animal Control Agency

declaring that an animal is a public nuisance or dangerous animals as defined by this chapter.

(1) If such a decision is upheld, the Commission may place the owner of the animal(s) on probation for a period of time determined by the Commission, which is deemed in the best interest of the animal and the community.

(2) The Commission may place restrictions on the owner during the period of probation that are deemed in the best interest of the animal and the community.

(M) Any and all appeals for permits or revocation of permits within this chapter shall come before the Commission for hearing.

(N) The Commission shall have the authority to appoint citizens to a voluntary advisory board when it deems such action necessary.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017)

§ 90.08 ACREAGE AND ZONING.

(A) Unless otherwise prohibited by municipal ordinance, any person desiring to keep any domestic animals, livestock, or fowl on residentially zoned property of less than five acres in the county shall meet the following:

(1) For livestock, excluding chickens, a minimum of one acre for the first livestock plus one-half acre for each additional livestock animal shall be required.

(2) For chickens, a maximum of six chickens shall be permitted for each half acre of land provided they are maintained in compliance with §§ [90.02](#) and [90.13](#). Properties with less than one-half acre may be permitted with approval by the Animal Control Commission.

(3) All structures and pens used for the keeping of livestock and fowl shall meet the current zoning regulations for the jurisdiction in which it is located.

(B) Nothing in this section shall be deemed or construed to prohibit the keeping of bees in a hive, stand or box located or kept within a zoological park, school or in a university building for the purposes of study or observation, as long as public safety is insured.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017)

§ 90.09 WILD ANIMALS AND EXOTIC ANIMALS.

No wild or exotic animal shall be kept in the county without the required county, state and federal permits. A county permit shall be issued for each animal.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017) Penalty, see § [90.99](#)

§ 90.10 TRAINING METHODS.

No animal may be induced or encouraged to perform through the use of chemical, mechanical, electrical or manual devices in a situation which will cause or is likely to cause excessive physical injury or suffering.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017)

§ 90.11 DESTRUCTION OF ANIMALS.

(A) No person other than a duly authorized agent of the Animal Control shelter may destroy any domestic animal.

(B) However, this provision shall not apply to the following:

- (1) A licensed veterinarian;
- (2) Those persons acting in immediate self-protection or protection of their livestock from immediate danger; or
- (3) Law enforcement officers, firefighters and other safety personnel acting to prevent undue suffering of the animal.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017)

§ 90.12 OWNERS OR AGENTS RESPONSIBLE FOR REMOVING ANIMAL WASTES AND DEAD ANIMALS.

(A) Within any residential area, any owner or his or her agent taking the owner's animal(s) outside of owner's real property limits must immediately remove any excrement deposited by the animal(s) on any such public or private property, except in the case of a guide dog for a blind person or service dog for deaf or physically disabled person or any animal utilized for law enforcement purposes.

(B) The owner of any dead animal shall remove and properly dispose of the animal within 24 hours after its death. The real property owner or lessee is responsible for removal of any wild or stray animal carcass on the real property.

(C) No animal shall be abandoned on public or private property anywhere in the county.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017) Penalty, see § [90.99](#)

§ 90.13 COUNTY CHICKENS.

(A) Persons desiring to raise one or more urban chickens on residentially zoned property of less than five acres within the county must file an application for a county chicken permit with the Animal Control Agency and pay an annual filing fee.

(B) If the provisions for the chickens are deemed acceptable after inspection by the Animal Control Agency and the application is approved, the owner/harbinger of the chicken(s) will receive a durable metal tag that must be affixed to the chicken coop in plain view.

(C) The Animal Control Agency may deny or revoke a permit to any person who has failed or refused to comply with the permit requirements, who has made any fraudulent or false statement or material representation in the permit application or in the connection with the keeping of chickens, who has violated a state or any provision of this code in connection with the application or keeping of chickens or who has kept chickens or other animals in such a manner as to constitute a breach of the peace or menace to the health, safety or welfare of the public. Upon denial or revocation of a permit, the Animal Control Agency shall provide notice to the applicant or holder and shall provide information for the applicant/permit holder to appeal the decision with the Animal Control Commission pursuant to the procedures in § [90.07](#)(H). In the case of voiding and revocation of an issued county chicken permit, all chickens must be removed within 14 days.

(D) Persons desiring to raise one or more chickens on residentially zoned property of less than five acres within the county shall meet the following:

- (1) Only female chickens are allowed. Roosters are specifically prohibited.
- (2) No chickens shall be permitted in multi-family dwellings.
- (3) The keeping of chickens authorized under this section shall be limited to non-commercial uses only. Commercial activities are prohibited. Chickens authorized under this section shall be kept as pets or for personal use only. Eggs and chicken manure shall not be sold on the premises. There shall be no butchering of chickens on the premises.

(E) Enclosures for county chickens are required as follows:

(1) A chicken coop and chicken pen shall be provided. During daylight hours, chickens may be located in the pen. During evening hours, chickens should have access to the chicken coop.

(2) The chicken coop shall be enclosed with solid material on all sides and have a solid roof and door(s). The coop shall be at least 18 inches high and provide at least one square foot of floor area per chicken. Traditional building materials shall be used. Doors shall be constructed so that they can shut and lock. Vents, covered with wire, should be placed as necessary for adequate ventilation. The coop shall be impermeable to rodents, wild birds, and predators, including dogs and cats.

(3) The chicken pen shall be constructed of traditional building materials and be predator-proof. The pen shall provide at least two square feet of area per chicken. The fence shall rise no more than six feet above the ground. The pen shall be covered with wire, aviary netting, or solid roofing.

(4) All enclosures shall be considered accessory structures and shall comply with all zoning regulations for the appropriate jurisdiction in which it is located. A building permit is required for any accessory structure of 120 square feet or more.

(F) *Permit required/permit revocation:*

(1) A permit shall be required through the Animal Control Agency. Compliance with the requirements of this section shall create a presumption that the permitted use does not create a nuisance or threat to public health or safety. The permit shall, however, be revoked if the Animal Control Agency determines that the permitted use does create a nuisance or detriment to public health or safety.

(2) Violation of the standards of this section shall result in permit revocation, and possible enforcement including civil penalties. Misrepresentation by a permittee shall result in voiding and revocation of an issued permit. In the case of the voiding and revocation of an issued permit, all chickens, chicken coops, chicken pens and associated equipment shall be removed from the property within 14 days.

(Ord. 33-17, passed 5-9-2017)

§ 90.14 HONEY BEE KEEPING.

(A) Any person desiring to raise the common domestic honey bee, limited to the *Apis mellifera* species, must comply with the following public safety regulations.

(B) No hive shall exceed 17 cubic feet in volume.

(C) *Location requirements.*

(1) Where a lot does have a fence, hives must maintain a four foot radial distance from the property line as measured from the center of the hive.

(2) Where a lot does not have a fence, hives must maintain a four foot radial distance from the lot line as measured from the center of the hive. The beekeeper must also install a flyaway barrier no further than four feet in front of the hive entrance.

(3) In no event shall a hive be located closer than ten feet from a public sidewalk.

(4) Colonies may be kept on flat roofs without setback or flyaway barrier restrictions.

(5) For a lot without a perimeter fence, a fence which surrounds the entire hive(s) shall be compliant with the zoning regulations apiary practices.

(6) A fresh supply of water shall be provided for all hives.

(D) The honey bees and equipment shall be maintained in accordance with the applicable provisions of the Indiana Code and apiary practices addressing honey bees recommended by the State of Indiana's Apiary Inspector(s) with the Indiana Department of Natural Resources

Department of Entomology Division of Entomology and Plant Pathology Purdue University being recognized on the official State of Indiana website.

(E) *Compliance required; penalties.*

(1) It shall be unlawful for any person to keep or maintain an apiary, hive, or colony in the county which is not in compliance with this section.

(2) Any person violating any of the provisions of this section shall be issued a citation by the Animal Control Agency which provides for a fine of \$75 per violation payable through the Animal Control Agency.

(3) Each violation shall constitute a separate and distinct offense. Every day any violation of this section shall continue shall constitute a separate offense.

(4) Any apiary, hive or colony which threatens public health or safety; or creates a public nuisance; or which has been abandoned is unlawful. The Animal Control Agency is authorized to take all reasonable action including removal and/or destruction of any apiary, hive or colony which is deemed necessary.

(Ord. 33-17, passed 5-9-2017)

§ 90.15 TRAP-NEUTER-RETURN AND COMMUNITY CATS.

(A) It shall be unlawful for a person to fail to inspect and care for the captured free-roaming cat a minimum of every two hours to ensure the safety of the cat(s), having placed a lawful trap, snare or similar device, to capture free-roaming cats for the purpose of trap-neuter-return or other medical care.

(B) It shall be unlawful for a person to remove an animal from any trap not on the person's property, unless such person has the express permission of the property's owner to do so.

(C) The Animal Control Agency, or a community cat caretaker or a trap-neuter-return organization, in order to encourage the stabilization of the free-roaming cat population may:

(1) Trap any free-roaming cat in a humane manner;

(2) Have the cat surgically sterilized, ear-tipped, and vaccinated against rabies by a licensed veterinarian; and

(3) Release the cat to the Animal Control Agency for adoption or other disposition in accordance with law, or to a colony caretaker who will maintain the cat as part of a managed colony of community cats. The cat must be returned as close as possible to its location of capture unless illness or injury presents imminent danger to the animal.

(D) Traps discovered by the Animal Control Agency to have been unlawfully set may be seized.

(Ord. 33-17, passed 5-9-2017)

BITES AND VACCINATIONS; IMPOUNDING

§ 90.30 ANIMAL BITES, REPORTS AND QUARANTINE.

(A) If any animal sustains an animal bite, any witness, owner of the animal or owner's representative shall immediately notify the County Animal Control Agency and County Health Department of the incident and provide a description of the animal and the identification of the owner.

(B) When an animal is determined to have bitten a person, the animal shall be confined in quarantine for a period of not less than ten days pursuant to rules adopted by the Indiana Board of Animal Health.

(C) If the owner of an animal which has bitten a person has proof of current rabies inoculations, the animal may be left in the charge of the owner, under quarantine, unless, in the judgment of the Animal Control Agency, and based upon considerations of public safety, the Animal Control Agency determines it should be removed to an animal shelter or veterinary hospital for the period of observation.

(D) In addition to any legal obligations prescribed by law, the owner shall be liable for all costs incurred in the quarantine of the animal including the veterinary services.

(E) If the ownership of the biting animal cannot be determined, or if the owner does not furnish proof of current rabies inoculation, the animal shall be impounded under the authority and discretion of the County Animal Control Agency and confined in the county's Animal Control facility or approved animal care facility for the period of observation of not less than ten days.

(F) Humane officers shall be empowered to enter onto private property for the purpose of impounding animal(s) which are known to have bitten a person and shall obtain legal process to do so if necessary.

(G) Unless otherwise provided, the county and any of its agents shall comply with the standards set forth in according to Indiana laws, rules and regulations (reference the "Rabies Compendium" used by the BOAH, IVMA and ISDH).

(H) All health care providers are required to report all animal bites to the County Health Department and the County Animal Control Agency on the official Indiana Bite Report Form.

(I) The Animal Control Agency shall quarantine the animal for ten days with the place of confinement at the discretion of the Animal Control Agency. During the quarantine period, the animal is to be securely confined and kept out of contact with any other animal or person except Animal Control personnel. Prior to the quarantine period, the owner must provide a current proof of rabies vaccination or the animal will be vaccinated by a licensed veterinarian in the following manner:

(1) The owner will prepay a rabies vaccination at the veterinarian of his or her choice prior to the release of the animal;

(2) When the animal is released it shall be taken immediately to the veterinarian and the injection of rabies given, the owner shall then return to the shelter to obtain a license when proof of vaccination is provided. The animal quarantined shall be microchipped at the owner's expense during the quarantine period before release;

(3) The microchip, used for these quarantine provisions, shall be numbered. This number will provide entry into a database that contains the animal's bite history. "Avid" microchip is the chip of choice; and

(4) All impounded and quarantined dogs and cats claimed by their owners shall be permanently microchipped for identification purposes at the owner's expense.

(J) Violations of these quarantine provisions shall constitute a Class A civil infraction.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017) Penalty, see § [90.99](#)

§ 90.31 RABIES VACCINATION OF DOGS, CATS AND FERRETS REQUIRED.

(A) No animal owner or his or her agent shall keep or harbor a dog, cat or ferret over the age of 12 weeks unless it has been vaccinated by a licensed veterinarian with anti-rabies vaccine as required by Indiana state law.

(B) Proof of vaccination shall be maintained by the owner for inspection if requested by the county or its designee.

(C) Failure to comply with the provisions of this section shall subject the owner of the unvaccinated dog, cat or ferret to citation for violations of this chapter and subject to penalties as set forth in division (G) herein below.

(D) Evidence of the rabies inoculation shall be entered on a certificate approved by the Animal Control Commission. Veterinarians who inoculate an animal for rabies shall procure from the Animal Control Agency serially numbered tags, one to be issued with each rabies inoculation. Only one animal shall be included on each certificate and receive a tag to match the certificate.

(E) Upon change of ownership, the new owner shall apply for an inoculation certificate.

(F) With the exception of an animal that has been microchipped, the tags shall be attached to the collar or harness worn by the animal for which the tag has been issued when the animal is off of the owner's property.

(G) Veterinarians shall keep records of the renewal dates for rabies vaccinations of each animal inoculated.

(H) Vaccination certificates must be retained in the files of the veterinarian hospital for four years after the date of inoculation.

(I) Failure to inoculate as required herein shall subject the owner to a penalty as set forth in the Appendix: Schedule of Fines and Fees, enforceable by the Animal Control Agency.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017)

§ 90.32 INTERFERENCE WITH HUMANE OFFICER PROHIBITED.

No person shall interfere with or impede a humane officer or any other authorized agent in the performance of his or her duties as set forth in this chapter.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017) Penalty, see § [90.99](#)

§ 90.33 SPAYING, NEUTERING AND MICROCHIPPING OF ADOPTED ANIMALS.

(A) Any dog or cat adopted from a local humane society or animal care facility or animal welfare organization or animal adoption agency shall be spayed or neutered by a licensed veterinarian within 60 days of adoption if the dog or cat is over three months of age.

(B) Upon reaching the age of six months an exception can be made only if a licensed veterinarian certifies that the animal is physically unable to undergo such an operation within the time limitations. The individual adopting the dog or cat must sign a written agreement with the adopting facility guaranteeing that the animal shall be neutered or spayed within the time limitations specified in this section.

(C) Any dog or cat adopted from a local humane society or animal care facility or animal welfare organization or animal adoption agency shall be microchipped by a licensed veterinarian before leaving the animal shelter, including impounded adoptive animals. The cost of the microchipping procedure shall be borne by the animal's owner.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017)

§ 90.34 CONFINEMENT BY OTHER THAN COUNTY OFFICIALS OR AGENTS; NOTICE REQUIRED.

(A) No person shall, without the knowledge or consent of the owner, hold or retain possession of any animal of which he or she is not the owner for more than 24 hours without first reporting the possession of the animal to the Animal Control Agency, giving his or her name, address, a description of the animal, a true and complete statement of the circumstances under which he or she took possession of the animal, and the precise location where the animal is confined.

(B) The finder/keeper shall follow all provisions under § [90.04](#) related to lost or stray animals.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017)

§ 90.35 IMPOUNDING PROCEDURES.

(A) An Animal Control officer, humane officer or police officer may immediately seize, impound or confine any of the following animals:

- (1) Any animal without a valid license or permit as required by this chapter;
- (2) Any animal running at large;
- (3) Any animal constituting a public nuisance;
- (4) Any unattended animal that is ill, injured or otherwise in need of care;
- (5) Any unattended animal that is reasonably believed to have been abused or neglected;
- (6) Any animal that is reasonably suspected of having rabies;
- (7) Any animal charged with being dangerous or determined to be dangerous by the Animal Control Agency;
- (8) Any animal that is considered unattended or abandoned, including but not limited to situations where the owner is deceased, has been arrested or evicted from his or her regular place of residence; or
- (9) Any animal unattended showing vicious and dangerous behavior while not sufficiently confined on its owner's property.

(B) If any dangerous, ferocious or vicious animal is found at large cannot be safely taken up and impounded, the animal may be tranquilized, slain or humanely euthanized to prevent undue suffering, by a police officer or his or her designee, or a humane officer.

(C) Impounded dogs and cats not wearing county tags (licenses) or a microchip ID must be kept for no fewer than three business days before being adopted out, transferred to another animal shelter or animal welfare organization, TNR, or humanely euthanized.

(D) If dogs and/or cats wearing county tags (licenses) or a microchip ID are impounded by the Animal Control Agency, an attempt shall be made by the Animal Control Agency to return the animal to the owner, as indicated on the records of the Animal Control Agency, as soon as is practical after the time of impoundment. If the attempt to return the animal is impossible or without success, the Animal Control Agency shall send a written notice to the owner at the address indicated in the records of the Animal Control Agency, that the agency has in its possession the animal and that unless the animal is claimed by the owner within ten days from the date of the impoundment, the animal may be placed for adoption, transferred to another animal shelter or animal welfare organization, TNR, or humanely euthanized. This process shall be followed for the first offense only. On second and subsequent offenses, the impounded dog and/or cat wearing county tags (licenses) or a microchip ID shall be kept for no fewer than five days to permit its owner(s) to claim it. After the fifth day of the second or subsequent violation, the dog and/or cat may be placed for adoption, transferred to another animal shelter or animal welfare organization, TNR, or humanely euthanized if its owner(s) have not claimed it and paid the required fees.

(E) All other impounded animals (except dogs and cats specifically covered herein) shall be kept under the authority of the Animal Control Agency. The animals shall be held at least five days, after which time the animal shelter shall have the authority to take whatever action is necessary with regard to adoption, transferring to another animal shelter or animal welfare organization, TNR, or euthanasia of the animals.

(F) An owner reclaiming an impounded animal shall pay to the County Animal Control Agency the current redemption fee plus total daily boarding, any veterinary bills and the fee for microchipping, and the fee for licensing/permitting as set by the Animal Control Agency.

(G) No unlicensed dog, cat or ferret shall be released from an animal shelter without a license being issued in accordance with this chapter. A dog, cat or ferret less than 12 weeks old is exempt. All other animals must have proof of current effective rabies vaccination. If the shelter does not have a licensed veterinarian on site to administer the required rabies vaccination, the animals may be released upon presentation by the animal owner of a receipt showing prepayment of a licensed

veterinarian's charges for the vaccination. The animal must be vaccinated for rabies by a licensed veterinarian within 48 hours after the release and the owner shall supply proof of same to the County Animal Control Agency and to obtain the license required by this chapter.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017)

PROHIBITED ACTIONS

§ 90.45 SALE OF ANIMALS AS NOVELTIES OR USE AS PRIZE PROHIBITED; EXCEPTION.

(A) No person shall display, sell, and offer for sale, barter or give away any live animal, reptile, fish or bird as a novelty prize or as an advertising device.

(B) No live rabbit, chick, gosling, duckling, turkey or other fowl may be dyed or otherwise colored artificially nor be sold, offered for sale, displayed, used as barter or given away.

(C) This section shall not be construed to prohibit the sale or display of natural chicks, ducklings, goslings, turkeys or other domestic fowl in proper breeder facilities by hatcheries, licensed sale barns or stores engaged in the business of sale to be raised for commercial purposes. Nor shall this section prohibit a pet shop holding a valid permit under this chapter, or a legitimate humane society or animal shelter or animal welfare organization from humanely caring for, adopting out or selling animals as pets.

(D) All auction facilities, trading meets and/or individual vendors that publicly sell, trade and/or barter animals must be properly licensed at least ten business days prior to each event.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017)

§ 90.46 TRAPS AND TRAPPING.

(A) It shall be unlawful and is hereby declared to be a public nuisance for any person to use, place, set or cause to be set within the lands owned or leased by St. Joseph County any traps, except cage-type live traps approved by the Animal Control Commission for the control of nuisance animals. This prohibition shall not apply to any trap specifically designed to kill rats, mice or gophers, as long as the owner is aware of the location where the trap(s) are set and monitored at least once every 24 hours.

(B) Traps discovered by the Animal Control Agency to have been unlawfully set on St. Joseph County property shall be forfeited to and disposed of by the Animal Control Agency.

(C) Persons shall not use on public or private property traps designated as inhumane, such as but not limited to the following: conibear, leg hold, snare or any trap that is not monitored.

(D) There shall be from time to time specific need to protect public health and safety as to when trapping shall be specified by the Animal Control Agency.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017) Penalty, see § [90.99](#)

§ 90.47 DANGEROUS, POISONOUS ANIMALS PROHIBITED.

It shall be unlawful for any person to harbor or possess within the county any poisonous animal, reptile, amphibian, fish or insect, any dangerous animal not in compliance with § [90.60](#), or any animal that poses a threat to public health and safety. The same animal may be impounded by the Animal Control Agency immediately and disposed of in the best interest of the animal and to protect the safety of the public and humane officers.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017) Penalty, see § [90.99](#)

§ 90.48 POISONING OF ANIMALS.

(A) No person shall deposit, dispose or place any poisonous substance on public or private property in the county, if a domestic animal or human is reasonably likely to consume or come in contact with the substance.

(B) A person shall not be liable under division (A) above for leaving common rat or mouse poisons or insecticides on his or her property if the person exercises reasonable care in restricting a domestic animal's access to such poisons, and only the targeted rodents or insects are exposed to those poisons.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017) Penalty, see § [90.99](#)

§ 90.49 EXCLUSION OF SERVICE ANIMALS PROHIBITED.

It shall be unlawful for any person owning, operating or maintaining any public place of business or conveyance into which the general public is invited for any business purpose to bar or exclude any animal which has been trained to assist the blind, the hearing impaired or physically challenged, or other acknowledged by the A.D.A. However, the animal must be in the company of disabled person for whom it was trained to assist, or a service animal trainer in compliance with state and federal law.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017) Penalty, see § [90.99](#)

§ 90.50 CRUELTY TO ANIMALS PROHIBITED.

(A) No person shall beat, cruelly treat, neglect, torment, overload, overwork, or otherwise abuse any animal except that reasonable force may be employed to drive off vicious or trespassing animals.

(B) No animal shall be left unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal.

(C) No person shall transport any animal in an unenclosed truck bed or option portion of any vehicle unless the animal is enclosed in a cage which is securely fastened to the vehicle.

(Ord. 33-17, passed 5-9-2017)

REGISTRATION AND COMMERCIAL PERMITS AND LICENSES

§ 90.60 PERMITS.

(A) *Controlled animal permit.* No person shall harbor, hold for sale, sell, keep or maintain in the county any controlled animal(s); however, a controlled animal permit may be issued by the Animal Control Commission when in the judgment of the Commission a compelling reason for the harboring of the animals can be given. A nonrefundable application fee as set forth in the [Appendix: Schedule of Fines and Fees](#) must be submitted to the Animal Control Commission to apply for this permit.

(1) It shall be unlawful for any person to possess within the county any controlled animal or controlled animals as defined herein unless the owner of the animal or animals possesses proper county, state and/or federal permits as required for the animal or animals.

(2) It shall be unlawful for any person to possess within the county any protected or endangered species as may be listed or published from time to time by any department or agency of the federal or state government, unless the owner of the animal possesses proper state and/or federal permits and county licenses.

(3) It shall be unlawful for any person to possess within the county any wild animal indigenous to the state unless the owner possesses proper state and/or federal permits and county licenses.

(4) It shall be unlawful for any person to possess within the county any nondomestic animal unless the owner possesses proper state and/or federal permits and a valid county license as required for the animal.

(5) The owner of any controlled animal must present an annual Indiana veterinary health certificate defining state of health/shelter/diet/environment/vaccinations when applicable from a veterinarian licensed to practice in the State of Indiana.

(6) This section shall not be deemed to prevent the importation, possession, purchase or sale of any species by any institute of higher learning, zoological park holding valid state or federal permits or to any person or organization licensed to present a circus or carnival pursuant to this chapter.

(7) The care and feeding of the impounded animal shall be paid by the owner and any transportation fees to allow the animal to be placed in a satisfactory environment will also be paid by the owner.

(B) *Pet shop permit.*

(1) No person, partnership or corporation shall operate a pet shop in the county without first obtaining from the County Animal Control Agency a pet shop permit. The cost of the annual permit shall be as set forth in the [Appendix: Schedule of Fines and Fees](#). Any person holding a pet shop permit shall furnish to each customer purchasing an animal a written statement at the time of sale containing the following information:

(a) Date of sale;

(b) Name, address and telephone number of purchaser and permit holder;

(c) Permit number of permit holder;

(d) Species, breed, description, age and sex of the dog or cat sold;

(e) Vaccination and parasite medication(s) administered to the animal and date(s) administered and name of veterinarian or person who administered the same; and

(f) Guarantee of good health for a period of not less than one week with a recommendation that the new owner have the animal examined by a licensed veterinarian within 48 hours.

(2) The permit holder shall retain a copy of the written statement for a period of 12 months from the date of sale and provide a duplicate copy to the licensing authority if the purchaser resides within the county. The permit holder shall also deliver to the purchaser at the time of sale, a written statement of registration and licensing requirements under this chapter applicable to the purchase of the animal. The statement shall be prepared and provided by the Animal Control Agency.

(3) The purchaser shall have the right to return the animal to the permit holder within 48 hours of the purchase if the animal has a pre-existing condition as diagnosed by a veterinarian, including but not limited to parvo virus, distemper and bronchitis. Upon return of the animal the permit holder shall refund the full amount of the purchase price of the animal to the purchaser plus any veterinarian fees incurred by the purchaser for the diagnosis of the animal.

(4) All pet shops shall take care to house animals in a sanitary manner, provide appropriate veterinary services, humane care, exercise and housing shall be provided according to the needs of individual species. All permit holders shall house and care for the animals as required in § [90.02](#).

(5) No person, partnership or corporation operating a pet shop as defined in this chapter shall sell, trade, barter and/or receive remuneration for dogs or cats unless said dogs or cats are being placed for the purpose of adoption through the Animal Control Agency or an animal welfare organization.

(6) In addition to the permit requirements of this chapter, the permit holder shall obtain any

and all other permits as required by state and federal governmental entities.

(C) *Dangerous animal permit.* No person shall harbor, hold for sale, sell, keep or maintain in the county any dangerous animal, unless:

(1) The person or entity shall first submit a written application for and obtain from the County Animal Control Agency a dangerous animal permit application, and written proof of liability insurance in the minimum sum of \$300,000;

(2) The dangerous animal owner at all times maintains liability insurance covering possible injury or damages caused by the dangerous animal in the minimum amount of \$300,000. The Animal Control Agency will be notified within 24 hours, excluding Sundays and holidays, in the event that this insurance coverage is cancelled or discontinued;

(3) The dangerous animal is at all times confined in a six-sided escape-proof kennel with a minimum required fencing of 11 gauge wire and can have either a cement floor or brick floor, with a wood roof or wire roof, with a lock, bolt (which must be opened to remove the animal) for the protection of the public. When outside and not in its kennel, the dangerous animal must be muzzled and tethered to its owner or a person 18 years or over who is authorized by the owner to so control the dangerous animal. When the dangerous animal is housed in any dwelling or structure the owner shall take all necessary precautions to prevent and avoid the escape of the dangerous animal from the building, dwelling or structure;

(4) The dangerous animal, at all times, wears the registration tag issued by the county designating the animal as a registered dangerous animal/attack dog. This dangerous animal shall be microchipped by a licensed veterinarian or his or her designee and registered with the Animal Control Agency;

(5) If, in the event that the dangerous animal is lost or escapes, the same will be immediately reported by the animal owner to the County Police and to the county's Animal Control Agency;

(6) The real property on which the dangerous animal is kept shall be posted with signs clearly visible from the closest roadway or public access way warning the general public that a dangerous animal is on the premises. The form and content of the warning signs shall be determined by the Animal Control Commission;

(7) The building which houses the dangerous animal shall also be posted with a sign or signs, clearly warning all persons that a dangerous animal is housed in that building. The form and content of the warning signs shall be determined by the Animal Control Commission;

(8) Application shall be accompanied by the following:

(a) A valid driver's license or state-issued pictured identification, showing owner's name and current address. Each applicant shall consent, in writing, to a personal criminal history search by a law enforcement agency and furnish all information required to commence the search;

(b) Proof that the applicant is 18 years old or older with no prior felony convictions;

(c) Four photographs of the animal from four different sides, not taken more than one month prior to the date of application;

(d) A current immunization and health record of the animal showing the animal received a current rabies vaccine by a licensed veterinarian; and

(e) A current criminal background check clearing the owner from being convicted of a felony involving violence, drugs, animal cruelty or animal fighting.

(9) No person shall be issued a dangerous animal permit if he or she has been convicted of a felony involving violence, drugs, animal cruelty or animal fighting;

(10) A duly authorized member of the police or other law enforcement departments, including but not limited to game wardens, conservation officers and other law enforcement officers, shall be exempt from the provisions of this section in the performance of their law enforcement duties;

(11) Must be spayed or neutered within 30 days of being deemed a dangerous animal;

(12) Upon being approved for a dangerous animal permit, the owner shall pay a fee as set forth in the [Appendix: Schedule of Fines and Fees](#) for this permit. Any violation of any part of this chapter would be cause to have this permit revoked; and

(13) No person shall own, harbor, possess or have on his or her premises more than one animal that has been deemed dangerous according to this chapter.

(D) *Public nuisance animal permit.* No person shall own, harbor, possess or keep an animal deemed a public nuisance unless the owner of the animal possesses a public nuisance permit. Each permit shall be as set forth in the [Appendix: Schedule of Fines and Fees](#), annually or until the animal is no longer deemed a public nuisance. An animal will no longer be deemed a public nuisance when, after two years, it ceases to meet the definition of the public nuisance.

(E) *Animal performance permit, including: exhibition/petting zoo/swap meet/carnival.*

(1) No person or entity shall operate or maintain for profit an animal performance or exhibition without first having obtained a permit from the County Animal Control Agency. The cost of this permit, per day, is as set forth in the Appendix: Schedule of Fines and Fees.

(2) The application for the permit shall describe the proposed location, the purposes for which it is maintained and the dates and hours of the performances or exhibitions. The proposed event must be in compliance with local, state and federal laws regarding the humane care and treatment of the animals, and a copy of the application shall be filed with the County Animal Control Agency no later than ten days prior to the first date of the proposed performance or exhibition.

(3) The applicant shall provide written proof of insurance in the limits of liability not less than \$300,000 for injury to or death of one person in any one occurrence.

(4) Any permit issued under the provisions of this section may be revoked by the County Animal Control Agency by reasonable notice or hearing. The above fee may be waived by the Animal Control Commission.

(5) The permit holder shall be responsible for maintaining § [90.02](#) as the standard of care for all animals involved.

(F) *Minor breeder permit.*

(1) Any owner or person having custody of a dog or cat that has delivered a litter, who chooses not to relinquish the animal to the Animal Control Agency or animal welfare organization and/or does not choose to have the animal spayed within 12 weeks of the animal giving birth, shall be required to purchase a minor breeder permit as set forth in the [Appendix: Schedule of Fines and Fees](#) plus any applicable kennel/cattery permit fees. The minor breeder permit is valid for the cat or dog for 12 months from the time the litter is born, providing no other litters are born within a 12-month period of time.

(2) All applicants must be in compliance with all local zoning ordinances, state and federal rules.

(G) *Major breeder permit.*

(1) Any owner or person having custody of a dog or cat that has delivered more than one litter in 12 months' time, who chooses not to relinquish the animal to the Animal Control Agency or other animal welfare organization and/or does not choose to have the animal spayed within 12 weeks of the animal giving birth, will be required to purchase a major breeder permit.

(2) A fee as set forth in the [Appendix: Schedule of Fines and Fees](#), plus any applicable kennel or cattery permit fees.

(3) Any owner or person who has custody of multiple dogs or cats that have delivered more than one litter and prefers to breed intentionally or accidentally those animals the following shall prevail provided they are zoned appropriately according to county zoning laws. Proof of vaccination for rabies given by a licensed veterinarian must be provided in order to obtain a permit.

(4) They must adhere to the general animal care requirements set forth in § [90.02](#).

(5) All applicants must be in compliance with all local zoning ordinances, state and federal

rules.

(H) *Kennel/cattery permit.*

(1) Anyone maintaining a kennel and/or cattery as defined in § [90.01](#) shall be required to obtain a kennel or cattery permit. The permit fees as set forth in the Appendix: Schedule of Fines and Fees pertain to the total number of cats and/or dogs that will be housed on the property where the kennel and/or cattery is/are located.

(2) Proof of vaccination for rabies given by a licensed veterinarian must be provided for each animal in order to obtain a permit.

(3) They must adhere to the general animal care requirements set forth in § [90.02](#).

(4) All applicants must be in compliance with all local zoning ordinances, and state and federal rules.

(I) *Omnibus permit.*

(1) The omnibus permit shall allow the holder of this permit to operate a kennel or cattery and to be a major or minor breeder.

(2) The yearly fee for the omnibus permit shall be as set forth in the [Appendix: Schedule of Fines and Fees](#).

(3) The omnibus permit holder does not need to obtain individual permits in the aforementioned § [90.60](#)(E), (F), (G) and (H), but all requirements for each of the aforementioned permits shall be met before the omnibus permit may be obtained.

(4) All applicants must be in compliance with all local zoning ordinances, and state and federal rules.

(J) *Rehabilitation permit.* Anyone seeking to obtain a rehabilitation permit shall:

(1) Show proof of the appropriate permits from the state and federal authorities;

(2) Show proof that he or she is preparing the animal to go back to its natural habitat;

(3) Follow the animal care requirements set forth in § [90.02](#);

(4) Be under review of the Animal Control Commission; and

(5) Not be required to pay a fee for this permit.

(K) *Shelter permit.* Anyone maintaining a shelter as defined in § [90.01](#) shall be required to obtain an annual permit. The fee for the permit shall be as set forth in the [Appendix: Schedule of Fines and Fees](#). Shelters maintained by 501(c)(3) organizations or municipality ownership shall be exempt from the fee only.

(L) *Exterminator permit.* No person, partnership, or corporation shall operate an exterminator service in the county without first obtaining from the County Animal Control Agency an exterminator permit. The cost of the annual permit shall be as set forth in the Appendix: Schedule of Fines and Fees.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017) Penalty, see § [90.99](#)

 **§ 90.61 FEES.**

(A) In addition to all other fees required to be paid by state or local laws or ordinances, the following fees shall be paid to and retained by the County Animal Control Agency:

(1) Animal performance permit, see § [90.60](#)(E) and [Appendix: Schedule of Fines and Fees](#);

(2) County controlled animal permit, see § [90.60](#)(A) and [Appendix: Schedule of Fines and Fees](#);

- (3) Dangerous animal permit, see § [90.60\(C\)](#) and [Appendix: Schedule of Fines and Fees](#);
- (4) Exterminator permit, see § [90.60\(L\)](#) and [Appendix: Schedule of Fines and Fees](#);
- (5) Pet shop permit, see § [90.60\(B\)](#) and [Appendix: Schedule of Fines and Fees](#);
- (6) Rehabilitation permit, see § [90.60\(J\)](#); no annual fee;
- (7) Shelter permit, see § [90.60\(K\)](#) and [Appendix: Schedule of Fines and Fees](#); and
- (8) County chicken permit, see § [90.60\(N\)](#) and [Appendix: Schedule of Fines and Fees](#).

(B) Redemption fees are as set forth in the [Appendix: Schedule of Fines and Fees](#).

(C) All fees and permits under the “Animal Control Licensing Chapter” shall be retained by the Animal Control Agency.

(1) The County Animal Control Agency shall have authority to take whatever action is reasonably necessary, including humane euthanasia, to deal with a sick or injured animal, for the welfare of the animal, and for the safety of humane officers and the public.

(2) In the event that an animal is retained at the impoundment facility because its owner has been in violation of this chapter, the owner shall be responsible to pay the redemption fee and any and all veterinary bills incurred, for routine vaccinations for the animal(s) if necessary, veterinary services, boarding fees, all pertinent expenses, and all applicable permit and/owner licensing fees reasonably necessary and incurred for the benefit of the animal.

(3) Any animal impounded in an animal control facility, if not reclaimed by its owner within the required amount of time from the date of its impoundment as described in § [90.35](#) shall thereby become the property of the Animal Control Agency and, if not adopted out, transferred to another animal shelter or animal welfare organization, TNR, or may be humanely euthanized.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 13-12, passed 2-14-2012; Am. Ord. 33-17, passed 5-9-2017)

§ 90.62 EXCEPTIONS.

No permits shall be required of the County Animal Control Agency, veterinary hospitals or clinics and county owned or leased facilities. There shall be no fees for training facilities that train animals specifically to assist their handicapped owner or any not-for-profit organizations, as defined in § [90.01](#). However, all animal care provisions of this chapter shall apply to these exempt persons or entities.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017)

§ 90.63 ISSUANCE OF PERMITS.

(A) Application for permits shall be made to the County Animal Control Agency on the forms providing for the particular permit and shall include the name, address and telephone number of the applicant, type of permit applied for, number and description(s) of animal(s), proof of valid rabies vaccination when required by law, information and proof of sterilization and the appropriate fee. Appropriate state and federal permit numbers must be provided in cases that involve wildlife or federally protected animals, or any animal that requires any state or federal permit.

(B) All applicants must be in compliance with all of their applicable state, local or federal laws germane to this chapter, and the applicant shall not have been convicted of any cruelty to animal offenses as set forth by federal or state statutes.

(C) Applicants for permits must agree in writing to on-site inspections by the County Animal Control Agency prior to the issuance of any permit or at any time during the valid term of the permit, upon reasonable advance notice.

(D) The County Animal Control Agency shall have the authority and discretion to issue or deny

permits provided herein subject to the following criteria.

(1) No person shall be issued a permit if he or she has been convicted of a criminal act involving cruelty to animals.

(2) Applicants must have proper facilities per § [90.02](#) in place appropriate for that species of animal before permits shall be issued.

(3) Applicants shall exhibit sufficient knowledge or proof of previous experience in handling and keeping of that species of animal.

(4) Applicants shall have no previous record of providing inadequate or improper care for animals.

(E) Permits are to be issued for a term of one year except where state statutes, laws, regulations for issuance of the permits require otherwise.

(F) Upon approval of the application for the permit, the County Animal Control Agency shall issue a permit in written form which includes the permit number, type of permit and all pertinent information as required by this chapter. In addition, for controlled animal, county chicken, dangerous animal and public nuisance permits, the County Animal Control Agency shall issue a durable tag stamped with the permit number and year of issuance for each permit.

(G) The County Animal Control Agency shall maintain records of the money collected for the issued permits for seven years after issuance.

(H) All fees shall be paid at the time of application for a permit and are not refundable.

(I) No person may use any permit, license or tag for any animal other than the animal for which it was issued.

(J) It shall be unlawful for any person to manufacture, to cause to be manufactured, or to have in his or her possession a stolen, counterfeit or forged animal permit, license or tag, rabies or neutering certificate, or other form of licensing or documentation required by this chapter.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017)

§ 90.64 LICENSES.

(A) All dogs and cats owned by residents of the unincorporated portions of St. Joseph County shall be required to be licensed. The purpose of this licensing is for identification and enforcement of required rabies vaccination. If the animal does not have an applicable county tag within 30 days from the time that the tag becomes invalid then there will be a fine as set forth in the Appendix: Schedule of Fines and Fees. When the tag is issued for a period of one year, the date will coincide with the rabies vaccination certificate and become invalid in one year and one day. When the tag is issued for a period of three years, the date will coincide with the rabies vaccination certificate and become invalid in three years and one day.

(B) The owner must show proof of a current vaccination for rabies for each animal. The County Animal Control Agency shall order, process and collect fees for the issuance of tags which will be affixed to the animals' collar and/or kept for proof that the animal has been vaccinated for rabies by a licensed and accredited veterinarian.

(C) Animals who qualify for the one-year county tag must be altered, microchipped and vaccinated with a one-year rabies vaccine administered by a licensed veterinarian. Animals who qualify for the three-year county tag must be altered, microchipped and vaccinated with a three-year rabies vaccine administered by a licensed veterinarian.

(D) The tags shall be purchased by the Animal Control Agency who shall distribute them to the veterinarians who in turn shall collect the following licensing fees for dogs and cats that have been vaccinated for rabies by a licensed veterinarian:

1 year license where the animal is altered and micro-chipped \$5.00

3 year license where the animal is altered and micro-chipped \$10.00

1 year license where the animal is altered but not micro-chipped \$10.00

1 year license where the animal is not altered but micro-chipped \$30.00

1 year license where the animal is not altered and not micro-chipped \$50.00

(E) Animals that cannot be vaccinated due to health issues must have a letter from their veterinarian as to the cause, but must still have a tag and pay for that fee.

(F) Upon collection of the licensing fees, the veterinarians shall be allowed to retain \$1 from the sale of the \$5 license, and \$2 from the sale of the \$10, \$30 and \$50 licenses to offset costs incurred by them for the handling and distribution of the tags as well as the reporting of the licensing fees to the Animal Control Agency.

(G) Veterinarians shall forward to the Animal Control Agency the balance of the fees collected as well as a copy of the one-year or three-year rabies vaccination certificates and tag receipts within 30 days following the month that the vaccinations were administered.

(H) The Animal Control Agency shall prepare monthly a report to the County Auditor and the County Commissioners for all fees received from licensing and the distribution of those fees as well as any permit fees and/or fines collected as set forth in the ordinance codified herein.

(I) The balance of the fees collected shall be retained by the Animal Control Agency so that the Animal Control Agency will be allowed to retain \$4 from the sale of the \$5 license, \$8 from the sale of the \$10 license, \$28 from the sale of the \$30 license and \$48 from the sale of the \$50 license to offset the cost of purchasing the tags, administration costs incurred from the collection and processing of monies from the veterinarians and the preparation of reports.

<i>Distribution of Fees</i>	<i>\$5 Tag</i>	<i>\$10 Tag</i>	<i>\$30 Tag</i>	<i>\$50 Tag</i>
To Veterinarian	\$1	\$2	\$2	\$2
To Animal Control Agency	\$4	\$8	\$28	\$48

(J) Applications for licenses or permits may be made at the Animal Control Agency in person, by mail or by electronic mail but must include the name, address of applicant, type of permit applied for, number and description of animal(s), proof of rabies vaccination, information regarding sterilization and the appropriate fee.

(K) Licenses are to be issued for a term of one year or three years commencing on the date of issuance.

(L) Permits are to be issued for a term of one year beginning on January 1 and ending on December 31. Permits need to be secured by January 31 of the year for which they are applicable except in those instances where the individual is not engaged in the activity requiring the permit at the beginning of the year. In these instances, the individual needs to secure the permit prior to commencing the activity for which the permit is required.

(M) Those persons or organizations not securing permits as required in this chapter are subject to fines and penalties stipulated in § [90.99](#).

(N) Microchip implants are registered for the life of the animal with the Animal Control Agency.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 13-12, passed 2-14-2012; Am. Ord. 33-17, passed 5-9-2017)

§ 90.65 PERMIT REVOCATION.

Any permit provided for herein may be revoked after notice, upon a finding that the animal owner/permit holder has failed to comply with any requirement of this chapter. The owner may appeal to the Animal Control Commission within ten business days of the revocation.

§ 90.66 INSPECTION.

(A) Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this chapter, or when there is reasonable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or state law, a humane officer, health officer, police officer or duly authorized agent of the St. Joseph County Sheriff is authorized at all reasonable times to inspect the same for compliance with the provisions of this chapter or any state law, provided that:

(1) If the property is occupied, the officer or agent shall first present proper credentials to the occupant and request entry, explaining the reasons therefor; and

(2) If the property is unoccupied, the officer or agent shall first make a reasonable effort to locate the owner or other persons having control of the premises and request entry, explaining the reasons therefor.

(B) In the event the officer or agent has reasonable cause to believe that the keeping or maintaining of an animal(s) is so hazardous, unsafe, dangerous or constitutes a public nuisance as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall first present proper credentials and request entry, explaining the reasons therefor. If entry is refused or cannot be obtained, the officer or agent shall have recourse to secure lawful entry and inspection of the premises.

(C) If the authorized official is refused entry onto the premises, the authorized official may seek the issuance of a search warrant or court order issued by a judge of the St. Joseph County Circuit Court or Superior Court authorizing entry into the building, structure or premises at all reasonable times to perform any duty imposed upon the authorized official by this chapter.

(D) Any owner or occupant of any building, structure or premises within the boundaries of the county shall have the right to refuse entry thereto to any official of the county requesting entry thereto for purposes of inspection unless the official has first obtained a search warrant or court order issued by a judge of the County Circuit Court or Superior Court authorizing the entry for purposes specified therein.

(E) For purposes of this chapter, any authorized official of the county charged with the duty of enforcing this chapter of the county shall have the authority to seek, in the name of the county, the issuance of a search warrant or court order authorizing the entry into any building, structure or premises within the county for the purpose of inspecting the same. Such authority shall be granted only upon a showing of probable cause to believe that there exists a violation of this chapter within or upon the building, structure or premises, a showing that entry thereto has previously been denied by the owner or occupant of the building, structure or premises or, in the alternative, a showing that an emergency exists within the building, structure or premises for which entry is sought which will, unless immediately corrected, constitute a clear and present danger to the citizens of the county or any one of them or to any animal.

(F) Except when consent of the owner or occupant has been otherwise obtained or in the event of an emergency situation, any authorized official of the county seeking entry into a building structure or premises within the boundaries of the county for the purpose of inspecting the same shall give the owner or occupant of the building, structure or premises, if the owner or occupant can be located with reasonable effort, 24 hours' written notice of the representative's intention to inspect the building, structure or premises. The notice shall state that the property owner has the right to refuse entry, and that upon refusal, inspection may be made only upon the issuance of a search warrant or court order by a judge of the County Circuit Court or Superior Court authorizing the entry for purposes stated therein.

§ 90.67 WARNING NOTICE.

Persons who violate any provisions of this chapter or whose animals violate any provisions of this chapter or who fail to comply with the registration and permit sections of this chapter may, for the first offense, be served with a warning notice requesting immediate compliance, except in the case that the health and safety of human beings or other animals are endangered, the offending animal may be immediately impounded or may be humanely slain by a police officer, or his or her designee, if such impoundment is not feasible.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017)

§ 90.68 EFFECTIVE DATE.

This chapter shall be in full force and affect from and after its passage by the County Council of St. Joseph County, and its approval by the St. Joseph County Commissioners and such publications as required by law, but no sooner than April 1, 2007.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017)

§ 90.99 PENALTY.

(A) Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter of the county is guilty of an ordinance violation. Except in such cases where different or additional punishment is prescribed in this chapter or by any ordinance of the county or by statute of the state, any person found violating the ordinances of the county shall be punished by a fine as set forth in the Appendix: Schedule of Fines and Fees.

(B) In the event that an ordinance of the county or state laws, rules or regulations shall prescribe a penalty different or in addition to that prescribed by this section, the provisions of such other ordinances, laws, rules or regulations of the county or the state shall control.

(C) Any person violating any of the provisions of, or failing to comply with any of the requirements of this chapter is in violation of a separate offense for each violation. If any violation is continuing, each day's violation shall be deemed as a separate violation.

(D) The county may bring a civil action to enjoin any person from engaging in conduct without a license as required under the terms and conditions of this chapter or for any other violation of the terms of this chapter.

(E) Upon the failure of any person who violates any provision of this chapter to pay the penalty as provided herein, the office of the St. Joseph County Attorney or his or her designated agent shall issue appropriate summons and complaint charging the party with an ordinance violation, which summons and complaint shall be promptly filed with the appropriate court of competent jurisdiction. The court shall have the power to enter a civil judgment according to the provisions of this chapter and applicable Indiana law.

(F) All fines collected by the Animal Control Agency shall be retained by the Animal Control Agency.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 13-12, passed 2-14-2012; Am. Ord. 33-15, passed 7-21-2015; Am. Ord. 33-17, passed 5-9-2017)

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