

Vigo County Code  
Chapter 49  
Animal Control Ordinance

3-49-1 **Purpose.** It is the purpose of this Ordinance to encourage pet owners to have their pets spayed or neutered in order to minimize the unwanted pet population, to provide for the humane care of such animals, and to provide for the public welfare and safety. The Ordinance also establishes an Animal Control Commission to oversee the enactment of this Ordinance.

3-49-2 **Definitions**

A. **Altered Animal.** Any animal that has been sterilized and can no longer procreate.

B. **Animal Control Commission.** The advisory commission with regard to policy affecting the terms and enforcement of this Ordinance.

C. **At Large.** An animal that is not under restraint.

D. **Animal Welfare Organization.** Any not-for-profit organization working for the prevention of cruelty to animals. (incorporated under state laws.)

E. **Animal Shelter.** Any facility operated by a humane society or municipal agency, or its authorized agents, for the purpose of impounding or caring for animals held under the authority of their Ordinance or State statute.

F. **Attack.** An unprovoked attack in an aggressive manner on a human that includes a bite or causes a scratch, abrasion, or bruising, or on a domestic animal that causes death or injury that requiring veterinary treatment.

G. **Breeder.** Any person who intentionally or unintentionally causes the breeding of any cat or dog, makes any cat or dog available for breeding or offers for sale, sells, trades, receives any compensation for or gives away any cats or dogs.

H. **Companion Animal.** Any dog or cat that is considered to be a pet and not a food animal.

I. **Dangerous Animal.** Any animal which, when unprovoked, commits in an aggressive manner an attack on any person or domesticated animal or has a documented history with a public agency of biting or attacking humans or domestic animals or any animal which is not properly vaccinated for rabies.

J. **Dog-Fighting Paraphernalia.** A breaking stick, cat mill, spring pole, weighted or unweighted chain collar weighing 10 pounds or more, leather collar with a strap more than two inches in width, fighting pit/ring, controlled substance or prescription drug that has not been prescribed by a licensed veterinarian.

K. **Fighting Dog.** A dog that is intentionally bred or trained to be used in, or that is actually used in, a dogfight. A dog does not constitute a fighting dog solely on account of its breed.

L. **Harboring/ Owner.** The actions of any person that permits any animal habitually to remain, or lodge, or be fed within his home, store, enclosure, yard, or place of business or premises on which such person resides or controls. Any animal shall be considered harbored /owned if it is fed or sheltered for ten (10) business days. Those who temporarily keep animals , such as pet shops, veterinarians, kennels, shelters or stables shall not be deemed to be owners.

M. **Pet Shop.** Any retail establishment engaging in the purchase and/or sale of cats and dogs, either solely or in addition to the purchase and/or sale of any other species of an animal excluding fish.

N. **Restraint.** The securing of an animal by a leash or lead or confining it within the real property of its owner.

O. **Sanctuary.** A facility that rescues and provides shelter and care for animals that have been abused, injured, abandoned or are otherwise in need, where the welfare of each individual animal shall be the primary consideration in all sanctuary actions.

P. **Stray .** Any animal that does not appear, after reasonable inquiry, to have an ascertainable owner.

### 3-49-3 **Breeders.**

- A. A Breeder is a person who intentionally or unintentionally causes the breeding of any cat or dog, allows any cat or dog to be available for breeding purposes; and who offers for sale, sells, trades, receives other compensation for, or gives away any cat (kitten) or dog (puppy).
- B. Such person must purchase a Breeder's Permit for a fee of fifty (\$50) dollars. The annual Permit shall be issued by the Vigo County Animal Control Office and the fee of fifty dollars (\$50) paid to the county treasurer.
- C. And such person shall:
  - 1. have a maximum of ten (10) unaltered females over the age of six (6) months; and
  - 2. allow only one litter per year for each unaltered female; and
  - 3. show evidence of an exercise area on the grounds; and
  - 4. provide all of the animals with comfortable accommodations allowing for free movement as determined by animal control; and
  - 5. not sell, trade, or give away an animal before eight ( 8 ) weeks of age and
  - 6. be in compliance with the County zoning laws; and
  - 7. be in compliance with all sections of Chapter 3-49-8, General Animal Care.
- D. Each offense of this section shall be considered a separate offense and subject to a one hundred (\$100) dollar fine plus court costs.

### 3-49-4 **Public Nuisances**

- A. A public nuisance is as follows:
  - 1. any animal that is unrestrained and allowed to run at will; or
  - 2. interferes with passersby or passing vehicles; or
  - 3. trespasses on school grounds; or
  - 4. damages private or public property; or

When confined

5. barks, whines, howls, or makes other sounds common to its species in an excessive or continuous manner; or

6. causes foul or noxious odors resulting from the accumulation of excrement or other waste materials from an animal which offends residents in the neighborhood.

B. Each twenty-four (24) hours that a violation occurs will be considered a separate offense and can be cited as such.

C. After three citations of this ordinance for an animal running at large, any unaltered animal(s) must be spayed or neutered at the owner's expense.

D. Each offense shall be considered a separate offense and subject to a fifty (\$50) fine plus court costs.

#### 3-49-5 **Dangerous Animal**

A. A dangerous animal is an animal that when unprovoked bite(s) a human or a domestic animal either on public or private property; or

1. has a documented history with a public agency of biting or attacking humans or domestic animals; or

2. is any animal known to have the propensity, tendency, or disposition to attack, to cause injury, or otherwise threaten, or endanger the safety of humans or domestic animals; or

3. is not properly vaccinated for rabies.

B. Any person within the boundaries of Vigo County and outside the boundaries of the City of Terre Haute owning, keeping, or having custody of a dangerous animal as defined in this Chapter must insure that the animal is securely and humanely restrained or confined within a building or secure enclosure.

C. Violators of the specifications of confinement of a dangerous animal as defined by this Chapter of the Code will be fined two hundred dollars (\$200), and court costs. The animal will be impounded by the authorities at the owner's expense.

D. A dangerous animal may be destroyed by Ordinance enforcement authorities at the owner's expense if destruction is necessary to preserve the public health, safety, and welfare of the community.

### **3-49-6 Biting Animals; Report; Procedure**

A. The person responsible for any animal which has bitten a person or another animal must report the incident to the County Board of Health, local health officer, or Ordinance authority. Upon receiving the report of a bite, the animal may be quarantined for ten (10) days with the place of confinement to be at the discretion of the County Board of Health, local health officer, or Ordinance enforcement authority. During the quarantine period, the animal is to be securely and humanely confined and kept from contact with any other animal. If the animal is confined in a manner other than the owner's home, then said owner shall pay all cost incurred during that confinement.

### **3-49-7 Cruelty to An Animal**

A. Cruelty to an animal is considered to exist whether "active" as in torture, torment, deprivation of necessary sustenance, use of physical blows (beating), mutilation (destruction of body parts), killing for any reason other than self-protection or to protect another human or animal from injury, or in some way acting as a causative agent in the infliction of cruelty or passive cruelty as when there is any omission resulting in the occurrence of pain, suffering (from any cause), or death.

B. It shall be unlawful to be responsible for or to permit an act of cruelty toward an animal resulting in serious injury or death to the animal.

C. No person shall expose any known poisonous substance, whether mixed with food or not, so that it shall be liable to be eaten by any companion animal.

D. It shall be unlawful for anyone to neglect or willfully fail to provide food, potable drinking water, shelter, or reasonable protection from the weather thereby inflicting unnecessary cruelty on any animal. "Shelter" should afford protection from the sun as well as cold, rain, dampness, etc. Cardboard, fiberboard, or a doghouse that is not located in a shady area, or any other structure that fails to protect an animal from adverse weather shall not be considered proper shelter under this Section.

E. If an animal is tied out, it shall be considered cruelly treated if it is hitched, tied, or fastened by a rope, chain, or cord around its neck or a choker collar which permits possible strangulation. The device securing the animal should be at least five (5) times the length of the dog, as measured from the tip of the nose to the base of the tail, allowing access to shelter, shade, and freedom of movement. Any animal that is confined in any manner should not be forced to stand, sit, or lie in excrement.

F. Individuals live-trapping animals must monitor their traps every 24 hours.

G. Violation of this chapter will result in a two hundred (\$200) dollar fine plus court costs for each offense. In case of cruelty the owner will pay the fine and court costs, and the animal may be removed and impounded at the local shelter. The owner shall pay all costs incurred during the impoundment.

### **3-49-8 General Animal care**

A. A female companion animal in heat must be confined in a building or secure enclosure in such a manner that the animal cannot come in contact with a male of the same species except for planned breeding.

B. If an animal is diseased or injured, it must receive care as necessary to prevent suffering. Owners may be given twelve (12) hours notice to provide veterinary care for a sick or injured animal before being cited by the Ordinance enforcement authorities.

C. Any animal observed by an animal enforcement officer or a Sheriff's Deputy to be in immediate danger may be removed from such situation by the quickest and most reasonable means available. Treatment or boarding of the animal will be at the owner's expense.

D. No animal shall be left unattended in a vehicle when the conditions in the vehicle would constitute a health hazard to the animal.

E. Companion animals transported in the open bed of a vehicle must be restrained in a manner that is non-life threatening to the animal and protects the safety of the public.

F. Companion animals must be vaccinated for rabies by six (6) months of age.

G. No owner of an animal shall abandon said animal.

H. Animals housed in wire cages must have a resting area where the animal is not exposed the wire floor.

I. Persons violating chapter 3-49-8 shall be fined one hundred (\$100) dollars plus court costs for each offense.

### **3-49-9 Animal Fighting**

A. Animals bred or kept for the purpose of animal fighting may be seized by Ordinance enforcement authorities. The owner must be notified of the animal's impoundment and pay for any cost incurred during that impoundment.

B. It is illegal and a finable offense to own or have on the premises a breaking stick, cat mill, spring pole, weighted or unweighted chain collar weighing 10

pounds or more, leather or mesh collar with a strap more than two inches in width, fighting pit/ring, controlled substance, or prescription drug that has not been prescribed by a licensed veterinarian.

C. Person(s) violating Chapter 3-49-9 will be fined five hundred (\$500) dollars for each offense and pay all court costs

### 3-49-10 **Inspection**

A. Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by the Ordinance or when there is reasonable cause to believe that there exists in any building or upon any premise any violation of the provisions of this Ordinance or the provisions of the Indiana Code, the animal control officer, health officer or sheriff's deputy is authorized at all reasonable times to inspect the same for compliance with the provisions of this Ordinance, or any state law, provided that:

1. If the property is occupied, the officer shall first present proper credentials to the occupant and request entry explaining the reasons therefore; and
2. If the property is unoccupied, the officer shall make a reasonable effort to locate the owner or other persons having control of the property and request entry explaining the reasons therefore.

B. Whoever forcibly assaults, resists, opposes, obstructs, prevents, impedes, or interferes with any Ordinance enforcement authority while that officer is engaged in the execution of the duties required of Ordinance enforcement authorities under this Division shall pay a hundred (\$100) dollar fine and court costs.

### 3-49- 11 **Repealer**

All ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

### 3-49- 12 **Severability Clause**

Should any section, provision, or part of the Ordinance be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the Ordinance as a whole or any Section, provision, or part thereof not adjudged invalid or unconstitutional.

### 3-49-13 **Disposition of Monies**

All monies generated or collected by virtue of the provisions of this Ordinance are to be set aside and shall be placed in a non-reverting Animal Control Fund to be used exclusively for animal welfare and control.

### 3-49-14 **Animal Control Commission- Establishment; Duties**

A. There is created and established an Animal Control Commission of Vigo County which shall have the authority and responsibility to make recommendations to the County Council and the County Commissioners as to the necessary ordinances concerning animal issues.

B. The Animal Control Commission shall consist of five (5) members as follows:

1. Three (3) members shall be selected by the County Commissioners
2. Two (2) members shall be selected by the County Council

C. Each member will serve a three (3) year term. Appointments shall be made on or before January 1<sup>st</sup> of each year. A member continues to serve until a successor is appointed and qualified. Selection of Commission members should be based on the applicants understanding of Vigo County's animal issues and concerns for the welfare of animals.

D. The Commission shall elect a Chair, Vice-Chair, and a Secretary from among its members.

E. The Commission shall meet at least once every other month and at other times as determined by the Chair, or upon written request to the Chair by three (3) members.

F. Three (3) members of the Animal Control Commission will constitute a quorum to do business.

G. In the case of vacancy in office due to death, resignation, incapacity, removal, or otherwise, the appointment to fill the vacancy so occurring shall be made by the original appointing body for the unexpired term only.



The existing animal control ordinance identified as 3-49-1 through 3-49-10 is repealed and the Vigo County Commissioners now pass this ordinance consisting of 3-49-1 through 3-49-14.

Dated the **22<sup>nd</sup>** day of **December, 2009**.

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County Commissioner

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County Commissioner

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County Commissioner

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Vigo County Auditor