

ORDINANCE OF THE LAPORTE COUNTY  
BOARD OF COMMISSIONERS  
NO. 2019- 8

AMENDED ORDINANCE ESTABLISHING REGULATIONS FOR THE  
OWNERSHIP, SECURITY AND TREATMENT OF DOMESTIC ANIMALS IN  
LAPORTE COUNTY, INDIANA

**WHEREAS**, LaPorte County Board of Commissioners previously adopted Ordinance No. 2001-04; and Ordinance No. 2004-09; and Ordinance No. 2015-05; and,

**WHEREAS**, many citizens in La Porte County have expressed concern over what is viewed as an increasing uncontrolled animal population; and,

**WHEREAS**, the Board of Commissioners is charged with the responsibility of protecting the health, safety, welfare, and property of the citizens of La Porte County; and,

**WHEREAS**, there is a need to combine the existing ordinances for ease of reference, while both updating and expanding the existing code; and

**NOW THEREFORE**, be it ordained by the Board of Commissioners of LaPorte County that:

**SECTION 1.** Ordinance No. 2001-04; and Ordinance No. 2004-09; and Ordinance No. 2015-05 are hereby rescinded and the LaPorte County Code is hereby amended and modified as follows:

**SECTION 2, CHAPTER 6, ARTICLE 6.**

**SECTION 1 (a):** All laws of the State of Indiana pertaining to: the regulation or control of animals, concerning their ownership, licensing, harboring, abandonment, running at large, rabies control and quarantine, pursuit, capture, confinement, impoundment, the prevention and control of disease of domestic animals and/or livestock animals as defined, and; the administrative rules and regulations of the Indiana State Board of Health, and unlawful acts relating thereto not inconsistent herewith are made a part hereof by reference.

**(b)** The provisions of this Ordinance are not to replace such laws and regulations, but are to be considered supplementary and in addition thereto, and shall be fully enforceable where not inconsistent with the laws of the State of Indiana.

**SECTION 2: Definitions.**

The following terms and phrases shall have the meaning set forth in this Chapter.

**(a) ABANDON** means to deposit, leave, drop off or otherwise dispose of any live domestic animal for a period in excess of twenty four (24) hours, without providing someone to feed, water and check on the animal's condition. No owner shall leave an animal by a roadside

or other area, or leave such animal on either public or private property, without property owner's consent. In the event that an animal is impounded after having been deemed abandoned, the owner or person who was charged with the animal's care, shall be subject to a citation.

(b) **ADEQUATE SHELTER** means a structure designed specifically to shelter an animal that allows an animal to maintain its body heat, with a roof, structured floor and three (3) sides free of leaks or openings to the wind and rain. 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 (3) sides and a roof designed to protect it from the elements.

(c) **AGENT** means any person(s) eighteen (18) years or older authorized by an owner to act in the owners behalf.

(d) **ALTERED ANIMAL** means any animal that has been surgically altered to prevent it from reproducing.

(e) **ANIMAL** means any live non-human vertebrate creature, domestic, wild or exotic.

(f) **ANIMAL CONTROL AGENCY** means any governmental or private entity charged with or contracted with and given authority for the enforcement on the provisions of this Ordinance for and on behalf of the County of La Porte (hereinafter referred to as "County").

(g) **ANIMAL HOARDER** means any person who:

- (1) having one (1) 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;
- (2) Persistence, despite this failure, in accumulating and controlling animals.

(h) **ANIMAL SHELTER** means a facility or vehicle operated by a governmental or private entity for the purpose of providing or promoting animal welfare and humane treatment of animals.

(i) **AT LARGE** means any animal that is not under restraint or confined without means of escape and off of the owner's property.

(j) **ATTACK DOG** means any dog trained to attack upon command or those which do attack or have attacked another animal or human being upon command. This definition excludes K-9 Corps dogs in use by law enforcement agencies.

(k) **BREEDER** means any person, for-profit business or corporation which harbors or keeps animals (i.e., dogs, cats, minks, chinchillas and ferrets), with the exception of livestock that are 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 (1) or more unaltered animal who habitually (two (2) or more) have accidental litters.

(l) **COUNTY** means all unincorporated areas of LaPorte County, Indiana.

(m) **DANGEROUS ANIMAL** means:

(1) Any animal:

(a) Which has 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;

(e) That could be deemed dangerous which has violated three (3) or more times the public nuisance provision, at the discretion of the Director of the LaPorte County Animal Shelter.

(2) Exceptions:

(a) With the exception of those animals which cause injury or damage to a person while that person is:

(i.) Committing or attempting to commit a criminal offense against the owner or agent of the owner;

(ii.) Committing a criminal trespass upon the premises occupied by the owner, agent or keeper of the animal; or

(iii.) 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.

(n) **DOMESTIC ANIMAL** means any animal that is a member of one of the following Classes of animals:

Dog

Cat

Cattle

Horse

Donkey/Mule

Sheep

Llama

Goat

Swine

Rabbit

Mouse

Rat

Guinea Pig

Hamster/Gerbil

Chinchilla

Ferret

Pigeon, Homing or Racing

Chicken, Turkey, Goose or Duck

(o) **EXOTIC ANIMAL** means 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.

(p) **EXPOSED TO RABIES** means 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.

(q) **FOWL** means any kind of wild or domestic bird, excluding homing or racing pigeons, canaries, parrots, or similar type of birds normally kept in cages.

(r) **GUIDE DOGS** means dogs formally trained to assist a handicapped person.

(s) **HARBORING** means the actions of any person that permit any animal habitually to remain at large or to be fed within his home or property on which such person resides or controls. An animal shall be presumed harbored if it is fed or sheltered for three (3) consecutive days or more.

(t) **HUMANE OFFICER(S)** means any person(s) and/or agency designated by the State of Indiana or the County of La Porte, as a person(s) who is qualified to perform the duties required by the law of this County and State regarding animals.

(u) **IMPOUNDMENT** means 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.

(v) **LEASH** means a cord, chain, rope, strap or other such physical restraint.

(w) **LIVESTOCK** means:

- (1) all cattle or animals of the bovine species;
- (2) all horses, mules, burros, and asses or animals of the equine species;
- (3) all swine or animals of the porcine species; and
- (4) all goats or animals of the caprine species.

(x) **NON-IMMUNIZED DOG/CAT** shall mean any dog/cat over three (3) months of age which has not been vaccinated or immunized against rabies, or if a booster shot thereafter has not been administered for a period of twelve (12) months from the date of the last vaccination.

(y) **"NOT-FOR-PROFIT"** means a business, association or entity established or organized as a "not-for-profit" corporation under State law or recognized as "not-for-profit" by the Internal Revenue Service or the Indiana Department of Revenue. **"FOR-PROFIT"** means all other types of businesses, associations or entities.

(z) **OWNER** means any person age eighteen (18) years or older, partnership or corporation owning, keeping or harboring one or more animals.

(aa) **ANIMAL PERFORMANCES OR EXHIBITIONS** means any spectacle, performance, display, act, exhibition or event in which an animal or animals are used.

(bb) **PET SHOP** means any person, group of persons, partnership or corporation, whether operated separately or in connection with another business enterprise, engaged in the humane care and possession for sale, display and sale of pets.

(cc) **PUBLIC NUISANCE** means any animal or animals which:

- 1) Interferes with passers-by or passing vehicles;
- 2) Is at large or has been found to be at large and documented to be at large three (3) or more times in a twelve (12) month period;
- 3) Attacks other animals or persons;
- 4) Damages private or public property;
- 5) Causes frequent or long continued loud noises or other sounds common to its species which disturbs the comfort or repose of any person in the immediate neighborhood;
- 6) Is at large or on a public playground, swimming pool or school yard unless the animal is authorized by school officials.

(dd) **RABIES VACCINATION** means the injection by a licensed veterinarian of a dog or cat or other animal with a rabies vaccine licensed by the U.S.D.A. and approved by the Indiana State Board of Health.

(ee) **RESTRAINT** means the securing of any animal by an adequate leash or lead or confining it within the real property limits of its owner or agent.

(ff) **SMALL ANIMAL** means any small domestic animal including, but not limited to, ferrets, gerbils, guinea pigs, hamsters, mice and rats.

(gg) **STRAY** means any animal that is not within the real property limits of its owner and is not under restraint or is unattended.

(hh) **TETHER** means attaching a domestic animal 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.

(ii) **UNALTERED** means an animal that has not been sterilized by a licensed and accredited veterinarian to prevent it from procreating.

(jj) **VETERINARIAN** means any person licensed and accredited to practice veterinary medicine in the State of Indiana.

(kk) **WILD ANIMAL** means any animal that is not a domestic or exotic animal, with the exception of small, nonpoisonous aquatic or amphibious animals and small cage birds, which are normally found in the wild state.

(ll) **ZOOLOGICAL PARK** means any facility, other than a pet shop or kennel, displaying or exhibiting one or more species of non-domesticated animals operated by a person, partnership, corporation or governmental agency that is established for educational purposes and is properly zoned for such use and which possesses valid licenses and permits as required under federal law.

### **SECTION 3: PERMITTING DOMESTIC ANIMALS TO RUN AT LARGE**

A. No person who owns, harbors or keeps domestic animals shall permit such animals to run at large or roam the countryside away from the premises where usually kept. The term "at large" means of the person owning or keeping such domestic animal and while not under the control of such person or his agent, by leash or other effective means, excepting however, hunting or working dogs, which accompanied by their owners or keepers engaged in lawful hunting or in training of such dogs, or in or about a farm on which such animal is usually kept. Permitting an animal to run at large may result in the owner/keeper receiving a citation(s) and/or the impoundment of the animal running at large.

### **SECTION 4: IMPOUNDING OF ANIMALS**

A. Any animal whether licensed or unlicensed, may be captured and impounded by any law enforcement officer or animal control officer if such animal:

1. Is found running at large within the County;
2. Is a menace to persons or other animals;
3. Is a Public Nuisance as defined by this Ordinance;
4. Is suffering or reasonably suspected to be suffering from an infectious or contagious disease;
5. Causes serious annoyance or disturbance to persons in the neighborhood of continuous habitual actions that don't appear to be corrected by the owner of such an animal once advised of such annoyance;
6. It appears to be vicious or is permitted to go unconfined and unrestrained;
7. Is found to be abandoned, neglected or tortured;
8. Is a dog not wearing a collar or license tag as required by law;
9. Is a dog or cat over the age of three (3) months and is not properly vaccinated against rabies by a licensed veterinarian on an annual basis;

10. There is a breach of spay/neuter agreement after being adopted from the La Porte County Small Animal Shelter;

11. Failure of animal owner to obtain rabies vaccination after reclaim of animal from Shelter; and

12. As otherwise provided for and required by this Ordinance.

B. Any person owning or having in his or her possession or under his or her control any animal constituting a Public Nuisance may be summoned before a court of competent jurisdiction to show cause as to why such animal should not be confined, disposed of or removed, or the nuisance otherwise abated and, upon a finding that the animal constitutes a Public Nuisance, the court shall order the animal in question, either to be confined, to be disposed of or to be removed, or such other relief shall be granted as the court shall order.

C. If the LaPorte County Animal Shelter or its duly authorized agent has reason to believe that any animal has, without provocation, attacked or bitten any person or animal, the animal may be taken into custody and impounded by the LaPorte County Animal Shelter pending determination by the court pursuant to this section.

D. Any person who owns any dog, cat or other animal that has been adjudged a Public Nuisance pursuant to this Ordinance by the court shall be responsible for the fees connected with the impounding of the animal by the LaPorte County Animal Shelter.

#### **SECTION 5: CARE OF IMPOUNDED ANIMALS; NOTICE TO OWNERS**

All animals impounded shall be given proper care, food and medicine until disposed of or released as hereinafter provided. The Animal Control Officer or his/her assistants shall make a record in a book kept for such purposes of the breed, color, sex of the animal and whether such animal is licensed or not. If such animal is licensed and wearing a tag, the number of such tag and, if shown or known, the name and address of the owner/keeper of such animal and any other facts serving to identify such animal. Such record shall be open to public inspection.

Immediately after the impounding of any animal at the LaPorte County Animal Shelter, a reasonable effort shall be made to notify the owner of the animal as soon as possible if the same can be determined by license or tag. Additionally, the owner of the impounded animal shall be provided with a summary of the facts and circumstances surrounding the impoundment, the disposition procedure(s), and redemption requirements as set forth in this Ordinance.

#### **SECTION 6: REDEMPTION AND ADOPTION OF IMPOUNDED ANIMALS; EUTHANASIA OF DISEASED ANIMALS**

##### **1. REDEMPTION**

A. If the person owning, keeping or harboring an animal which has been impounded notifies the Animal Control Agency within four (4) days of his claim to such animal, the Animal Control Officer may permit such person to redeem the animal. In the event such animal is a dog

or cat, such owner/keeper must pay the LaPorte County Animal Shelter any license fee due for the current year, if any, as well as show proof of current rabies vaccination or presentation by the animal owner of a receipt showing prepayment of a veterinarian's charges for such vaccination. A dog or cat not previously vaccinated must be vaccinated for rabies by a licensed veterinarian within 72 hours after such release. Failure of the animal owner to obtain such vaccination after such release shall constitute a breach of the release agreement and entitle the Animal Control Agency to regain possession of the animal or issue appropriate citations.

B. A licensed dog may not be redeemed by anyone other than the owner until the expiration of fourteen (14) days.

C. An owner/keeper redeeming an impounded dog or cat shall pay to the County or its agent a redemption fee of Twenty-Five (\$25.00) dollars plus Ten (\$10.00) dollars for each additional day before such animal is released to such owner/keeper by the County Animal Control Agency. Such redemption fees shall be doubled per impoundment for each subsequent time within a three (3) month period that the same or any other animal belonging to the same owner/keeper may be impounded. The County Animal Control Agency shall collect such redemption fees for the County and shall account to the County and pay over all such fees to the County Auditor at the end of each month. **If the owner/keeper has unpaid fines and/or costs from a previous redemption of an impounded animal, or an unpaid civil judgment which has been rendered against the owner/keeper from a previous violation of this Ordinance, all unpaid fines, fees and/or judgments shall be paid in full prior to redemption of the impounded animal.** This requirement may be waived at the discretion of the LaPorte County Animal Shelter Director or the LaPorte County Animal Control Advisory Board.

D. An owner/keeper redeeming an impounded larger animal, aside from dogs and cats, including but not limited to, horses, miniature ponies, goats and sheep shall pay to the County or its agent a redemption fee of Twenty-Five (\$25.00) dollars plus Fifteen (\$15.00) dollars for each additional day before such animal is released to such owner/keeper by the County Animal Control Agency. Such redemption fees shall be doubled per impoundment for each subsequent time within a three (3) month period that the same or any other animal belonging to the same owner/keeper may be impounded. The County Animal Control Agency shall collect such redemption fees for the County and shall account to the County and pay over all such fees to the County Auditor at the end of each month. **If the owner/keeper has unpaid fines and/or costs from a previous redemption of an impounded animal, or an unpaid civil judgment which has been rendered against the owner/keeper from a previous violation of this Ordinance, all unpaid fines, fees and/or judgments shall be paid in full prior to redemption of the impounded animal.** This requirement may be waived at the discretion of the LaPorte County Animal Shelter Director or the LaPorte County Animal Control Advisory Board.

E. Release of the impounded animal to its owner **may be denied** by the LaPorte County Animal Shelter Director or the LaPorte County Animal Control Advisory Board, if it is determined the animal is vicious or dangerous, diseased, a danger to public health and safety of the citizens of LaPorte County or for any other good and sufficient reason at the complete discretion of the LaPorte County Animal Shelter Director or the LaPorte County Animal Control Advisory Board.



F. In the event an animal is denied return to its owner by the LaPorte County Animal Shelter Director, or any other official having authority to impound animals under this Chapter, the owner and animal shall be subject to the following bond procedure:

(1) The owner shall be given written notice of the decision to retain the animal and provided with a bond amount and initial hearing date. The hearing date shall be within thirty (30) days of receipt of notice.

(2) Not later than ten (10) days after written notice of the animal's retention, the owner must post bond with the LaPorte County Clerk's Office.

(3) The bond amount shall be sufficient to provide for the animal's care and keeping for at least thirty (30) days, beginning on the date of first impoundment. The bond amount shall be calculated utilizing the daily redemption fees defined in Paragraphs C and D above in this Section 6.

(4) If a bond expires, or if the owner fails to post an initial bond, ownership of the animal shall be assigned to the LaPorte County Animal Shelter, and the animal may be disposed of in accord with Animal Shelter policies after determination and order of the Court at the scheduled hearing date.

(5) Any animal subject to such bond may be euthanized if it has been determined by a licensed veterinarian to be suffering extreme pain, or if it is jointly determined by the impounding official, attending veterinarian, and/or the director of the facility at which the animal is impounded, that said animal cannot be reliably handled or cared for without significant risk to the safety and welfare of the custodians during the impoundment.

(6) Once disposition of the animal is determined and an Order of the Court has been issued, any bond posted shall be released to the LaPorte County Animal Shelter to cover the costs for impoundment and care of said animal for the number of days the animal was in custody of the LaPorte County Animal Shelter. Any unused portions of the bond shall be returned to the individual who posted the bond after payment of all expenses, redemption fees and/or fines owed to the LaPorte County Animal Shelter have been satisfied.

## **2. ADOPTION**

F. Unlicensed animals/Unclaimed animals may be redeemed by anyone upon paying to the Animal Control Agency the adoption fees set forth:

DOGS	\$70.00 Adoption fee
	\$30.00 Spay/Neuter Deposit
<b>Total</b>	<b>\$100.00</b>

CATS	\$45.00 Adoption fee
	\$30.00 Spay/Neuter Deposit
<b>Total</b>	<b>\$75.00</b>

Any animal adopted from the local Animal Control Agency or local humane society must be

spayed or neutered by a licensed veterinarian within thirty (30) days from the date of adoption if the animal is over six (6) months of age or older. If the animal is under six (6) months of age upon adoption, it shall be spayed or neutered by a licensed veterinarian upon reaching the age of six (6) months. An exception is made only if the licensed veterinarian certifies that said animal is physically unable to undergo such operation within the time limitations. The individual adopting the animal must sign a written agreement with the adopting facility guaranteeing that such animal will be spayed or neutered within the time period specified in this section. No dog or cat may be redeemed for sale or used by an individual laboratory engaging in testing, research or experimentation involving animals.

G. An adoption fee for smaller animals, aside from dogs and cats, including but not limited to, rabbits, guinea pigs and birds shall be Twenty Dollars (\$20.00).

H. An adoption fee for larger animals, aside from dogs and cats, including but not limited to, horses, miniature ponies, goats and sheep shall be One Hundred Dollars (\$100.00).

I. Any animal which appears to be suffering from rabies or infected with any other contagious or infectious disease shall not be released but shall be humanely euthanized.

#### **SECTION 7: ANIMAL BITES/REPORTING; QUARANTINE PROCEDURES**

A. It is and shall be the duty of a physician in attendance on every case of a human being bitten by an animal to make a report thereof to the La Porte County Health Department; if no physician is in attendance, if an adult, it shall be that person's duty to make such a report; if the person bitten is a minor, it shall be the duty of the parent or guardian to make such a report.

B. If any person is a victim of an animal bite, he shall immediately notify the County Health Department of the incident, and provide a description of the animals and the identification, if possible, of the owner. 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 (10) days. The owner or person having had such custody shall immediately make a report to the County Health Department when and if such animal dies and shall in addition have a licensed veterinarian preserve the head in ice for examination. If the animal lives beyond such period, this fact will also be reported to the County Health Department.

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

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

E. If the ownership of the biting animal cannot be determined, or if the owner does not furnish proof of current rabies vaccination, the animal shall be confined for a quarantine

period of observation of not less than ten (10) days at a licensed veterinary clinic or hospital. The owner shall be liable for all fees and costs associated with this mandatory quarantine period.

If there is no veterinary clinic or hospital available at which to confine the animal for the required quarantine period, the animal shall be impounded under the authority of the County Animal Control Agency and confined in the County's animal control facility for the period of observation of not less than ten (10) days. Again, the owner is responsible for all fees and costs associated with this mandatory quarantine period.

F. Animal control officers shall be empowered to enter onto private property for the purpose of impounding animals which are known to have bitten a person and shall obtain legal process to do so if necessary. A daily quarantine fee for smaller animals of Twenty-Five Dollars (\$25.00) for the first day and Fifteen Dollars (\$15.00) per each additional day will be charged to such owner until such time the animal is released to the owner or disposed of. A daily quarantine fee for larger animals, such as horses, of Twenty-Five Dollars (\$25.00) per day will be charged to such owner until such time the animal is released to the owner or disposed of.

G. Unless otherwise provided, the County and any of its agents shall comply with the standards set forth in I.C. 15-17-6-1 through I.C. 15-17-6-14 entitled "Rabies".

#### **SECTION 8: RABID ANIMALS**

A. No person shall harbor any animal affected with rabies or hydrophobia or allow them to run at large within the County. It shall be the duty of every Animal Control Officer, Police Officer and his deputies, to humanely euthanize any animal found to be so infected.

#### **SECTION 9: DANGEROUS ANIMALS**

A. It shall be unlawful for any person to own or harbor a dangerous animal without keeping such animal securely confined on the owner's or keeper's premises and under such restraint that person's lawfully on the premises, or elsewhere, may not be attacked or bitten by such animal. The premises where such an animal is kept shall be adequately posted with warning signs.

B. It shall be unlawful for any person, excepting a duly constituted peace officer or animal control officer engaged in the discharge of a duty imposed upon him by the laws of this state or by the laws or postal regulations of the United States of America, or this ordinance to enter such premises or fenced area so posted, without the permission of or in the presence of the owner/keeper of such known dangerous animal.

C. Any person harboring such an animal who shall violate this section with the result that bodily injury is inflicted upon a human being at a time and place where such injured person had a right to be, shall be guilty of a misdemeanor and upon conviction shall be fined any sum not exceeding five hundred dollars (\$500.00).

#### **SECTION 10: TEASING AND TORMENTING ANIMALS**

A. It shall be unlawful for any person to annoy or tease persistently any animal

thereby causing such an animal to become irritated and dangerous. No person who is attacked or bitten by an animal, shown or proved to have been so teased or annoyed by such person, nor anyone having a derivative claim by reason of any injury to a person, will have any right of action to recover damages from the owner or keeper of such animal.

## **SECTION 11: GENERAL ANIMAL CARE REQUIREMENTS**

Every owner and/or his agent within the County shall see that each of his 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, but shall not include the normal husbandry practice of confined feeding.

B: Has sufficient and wholesome food and water, which is proper and nutritional for that species and age of animal.

C: Has adequate protection from the elements and weather conditions suitable for the age, species and physical condition of the animal so as to maintain the animal in a state of good health. Shelter for livestock includes an actual structure that provides adequate protection from the elements or natural features such as trees and topography that provide adequate protection from the elements.

Shelter for a dog or cat shall include one (1) or more of the following:

1. Residence of owner or other individual.
2. A dog house that is an enclosed structure with a roof and of appropriate dimensions for the breed and size of the dog, as defined in this Ordinance. A dog or cat shall not be left outside, restrained by chain or leash, for a prolonged and unreasonable amount of time. The dog house shall have dry bedding when the outdoor temperature is or is predicted to drop below freezing. If the temperature is or is predicted to be below Ten (10) Degrees Fahrenheit, a dog or cat shall not be left outdoors. Dogs and cats 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.
  - 2a. The dog house shall be positioned in such a manner so that it is not in direct sunlight when the heat is extreme.
3. A structure, including, but not limited to a garage, barn or shed that is sufficiently insulated and ventilated to protect the animal from exposure to extreme temperatures, or if not sufficiently insulated and ventilated, contains a dog house as provided under subparagraph #2) that is accessible to the animal.
4. If any animal is restrained by a chain, leash or similar restraint, it shall be designed and placed to prevent choking or strangulation. Such chain or restraint shall not be less than ten (10) feet in length, and shall be attached in such a way to prevent the animal from tangling itself.

5. If ill, diseased or injured, the animal must receive proper veterinary care as necessary to promote good health of the animal and prevent the transmittal of disease to other animals or human beings.

6. Is not beaten, cruelly ill-treated, overloaded, overworked, tormented or otherwise abused or neglected, nor shall any person cause, instigate or permit any dog fight or combat between animals, fowls or humans.

7. Is not physically altered in any manner by anyone other than a veterinarian or by accepted veterinary procedures and accepted animal husbandry procedures with the exception of tattooing for identification purposes and grooming.

8. In the case of an animal over the age of three (3) months, is properly vaccinated against rabies by a licensed veterinarian annually, or upon such frequency as may be specified by Indiana Code, and such animals shall be licensed as required by this Ordinance and State Law.

9. In mating season, an animal 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.

10. If an animal is kept in an enclosure, the enclosure must be appropriate to the individual species and/or breed of the animal, and that said enclosure reasonably and reliably prevents the animal's escape. To ensure the safety of both the public and the animal, if an animal has previously escaped from an enclosure, adequate repairs and/or upgrades must be done in order to keep the animal securely enclosed.

11. No person shall leave any animal unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal by exposure of the animal to extreme heat, cold, or other dangerous condition.

## **SECTION 12: VACCINATION OF ANIMALS**

A: No animal owner or his agents shall keep or harbor a dog or cat over the age of three (3) months unless it has been vaccinated annually by a licensed veterinarian with an anti-rabies vaccine.

B: Proof of vaccination shall be maintained by the owner for display if requested by the County or its agents.

## **SECTION 13: POISONING OF ANIMALS**

A: It shall be unlawful for any person with the intent to destroy or kill any animal, to feed the animal of another person's any poisoned food or leave poisoned food where it may be found and eaten or consumed by such animal.

## **SECTION 14: ENTICING ANIMALS**

A: No person shall entice any licensed dog or other animal away from the premises of the person owning, keeping or harboring same, or entice any such animal from any highway, street, alley or public place in this County with the intention of depriving the owner, keeper or person harboring the same, of the possession thereof, except as authorized in this ordinance.

## **SECTION 15: TRESPASSING TO ENTICE AWAY**

A: No person shall enter or invade the private premises of another to capture, entice or take any licensed dog or other animal out of the enclosure or premises of the person harboring the same, or molest or seize any such dog or other animal anywhere while the same is accompanied by his owner, keeper or custodian; or bring within the County any animal for the purposes of impounding or otherwise disposing of the same or collecting any fee or regard for the return thereof, except as provided in this ordinance.

## **SECTION 16: FRESH PURSUIT**

A: Any law enforcement officer or animal control officer upon receiving information or personal observation that a diseased or dangerous animal, or unlicensed, untagged dog/cat, licensed or tagged, is or has been observed to be illegally roaming at large, unattended by his owner or keeper, or is reasonably suspected of being a dangerous animal at large, shall if in fresh pursuit of such animal, follow and enter upon the owner or keeper's premises, if necessary, and impound such an animal in an established city, town, or county animal shelter. Such an animal when so captured and impounded will be kept confined, well fed, watered and cared for pending reclamation by its rightful owner/keeper. If not reclaimed within four (4) days if unlicensed or fourteen (14) days if licensed, the animal may be adopted or humanely euthanized as the impounding office may elect.

B: In the pursuit, capture and apprehension of any such animal as contemplated here, the officer in fresh pursuit will not be taken to have committed a trespass on any premises where he/she is required to go in pursuit of such animal, but he may not use more than reasonable force in the discharge of the duty imposed upon him by this ordinance. Any person or persons interfering with or obstructing such officer in the discharge of his duties, may himself be subject to arrest and, as provided for by law, for resisting arrest or in interference with a peace officer, nor will such officer be liable in damages to anyone except for gross willful and wanton misconduct in the attempted discharge of his duty.

C: In the event the animal being pursued is not immediately apprehended or captured and escapes the officer in fresh pursuit, such officer may continue his search until the animal is captured and taken into custody, without a search warrant, providing the officer has reason to believe such animal is on the premises where last seen. If the search is abandoned however, such officer will be required to secure a search warrant before further search on return to take up the trail of such animal.

## **SECTION 17: PENALTY**

A: Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this Ordinance of LaPorte County is guilty of an Ordinance violation and shall be subject to a written citation. Except in such cases where different or additional punishment is prescribed in this Ordinance or by any ordinance of LaPorte County or by Indiana statute, any person found violating this Ordinance shall be punished by a fine as set forth below:

First Offense, minimum fine	\$50.00 per violation
First Offense, fines not to exceed	\$2,500
Second or Subsequent Offense	\$100.00 per violation
Second or Subsequent Offense, fines not to exceed	\$5,000

B: In the event that an ordinance of LaPorte County or Indiana state laws, rules or regulations shall prescribe a penalty different or in addition to that prescribed by this Ordinance, the provisions of such other ordinances, laws, rules or regulations of LaPorte 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 Ordinance, 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 license as required under the terms and conditions of this Ordinance or for any other violation of the terms of this Ordinance.

E: Upon the failure of any person who violates any provision of this Ordinance to pay the penalty as provided herein, a court hearing will be held on the date indicated on each written citation, and the court shall have the power to enter a civil judgment according to the provisions of this Ordinance and applicable Indiana law, including court costs.

**SECTION 18: ENFORCEMENT**

Enforcement of the provisions of this ordinance is specifically authorized by any Peace Officer within La Porte County and any and all Animal Control Officers of the Animal Shelter.

In the event that either the abovementioned Peace Officers or Animal Control Officers observe a violation of any of the provisions of this Ordinance, or receive reliable information which leads to the determination that violation of the Ordinance occurs; said officer may cite the owner of any animal in violation, or any person whose conduct specifically is prohibited by this ordinance.

Any said Peace Officer or Animal Control Officer observing such a violation or receiving information which leads to the determination of the violations occurred, shall serve the aforementioned violating individual with a citation which specifies which portion of the ordinance has been violated and advising said individual that the violation may be prosecuted pursuant to the terms of the ordinance.

Prosecution of any said violations of this ordinance shall be the responsibility of the County Attorney. Upon referral of the citation for violation of the ordinance, the office of the County Attorney may file the appropriate Court for adjudication of the violation.

**SECTION 19: REPEALER**

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

**SECTION 20: SEVERABILITY CLAUSE**

A: If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, said adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.

**SECTION 21: REPEAL AND DATE OF EFFECT**

All ordinances and parts of ordinances in conflict with this ordinance are hereby repealed, and this Ordinance shall be in full force and effect as of the 20th day of March, 2019, and after its enactment as prescribed by law.

ADOPTED this 20th day of March, 2019.

THE BOARD OF COMMISSIONERS OF  
THE COUNTY OF LA PORTE, STATE OF INDIANA



Dr. Vidya Kora, Commission President



Sheila Brillson, Commission Vice President



Rich Mrozinski, Commissioner

ATTEST:

  
Joie Winski, Auditor