

TITLE 15: ANIMAL CONTROL

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Article 1: Animal Control
Chapter 7: Advisory Board

§ 15-1-7-5 ANIMAL SHELTER ADVISORY BOARD.

(A) The purpose of this interlocal agreement shall provide for the establishment of a Madison-Jefferson County Animal Shelter Advisory Board to advise both the county and the City of Madison on matters containing thereto and this agreement shall last indefinitely, unless sooner terminated as hereinafter set forth.

(B) A separate legal entity shall be established called the Madison-Jefferson County Animal Shelter Advisory Board with six members appointed as follows:

(1) Two members shall be appointed by the County Board of Commissioners; one of which must be a member of the Board of Directors of the Madison-Jefferson County Humane Society. That member shall abstain from voting with respect to any decision the Animal Shelter Advisory Board might make concerning or involving the Madison-Jefferson County Humane Society;

(2) One member shall be appointed by the Mayor of Madison;

(3) One member shall be appointed by the County Council;

(4) One member shall be appointed by the Madison City Council; and

(5) One member shall be appointed by the County Health Officer, preferably a veterinarian.

(C) (1) At the first meeting, the Board members shall determine by lot the terms of the respective members, with one member serving until 12-31-2007, one member until 12-31-2008, two members serving until 12-31-2009 and two members serving until 12-31-2010. Thereafter, each member will be appointed for four years or until the agreement expires or is terminated, whichever comes first.

(2) Any terminations, vacancies or replacements that need to be appointed or reappointed prior or at the expiration of a term as set forth in subsections (B)(2) and (3) above shall be made by the entity or persons appointing the Advisory Board member pursuant hereto.

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(D) The Board so established shall have the power to select the operator of the ordinances established by the county and City of Madison. The Madison-Jefferson County Animal Shelter Advisory Board shall be advisory to the City of Madison and the county. The operator shall submit to the Advisory Board an annual report and present this report to the City Council and the Commissioners of the county.

(E) This agreement may be terminated by either the city or the county by either giving notice to the other party three months prior to the proposed termination date thereof.

(F) The County Auditor shall act as the Fiscal Officer for the Board.

(G) The City of Madison shall contribute \$15,000 for 2007 for the operation and maintenance of the animal shelter facility, the amount to be reviewed/adjusted annually pursuant to the agreement of the parties.

(H) The county shall contribute \$46,000 for 2007 for the operation and maintenance of the animal shelter facility, the amount to be reviewed/adjusted annually pursuant to the agreement of the parties.

(I) The Town of Hanover shall contribute \$4,000 for 2007 for the operation and maintenance of the animal shelter facility, the amount to be reviewed/adjusted annually pursuant to the agreement of the parties.

(J) The amounts set forth herein shall be prorated for a period of five months for the calendar year 2006.

(K) The county, with the recommendation of the Animal Shelter Advisory Board shall have the right to enter into a contract for services with a third party for the day-to-day operation of the animal shelter.

(L) Any animal control officers appointed by either the county or the City of Madison shall be supervised by the appointing jurisdiction.
(Ord. 2006-5, passed 12-5-2006)

Article 5: Animal Control
Chapter 9: Animal Shelters

§ 15-5-9-8 ANDRESS MEMORIAL SHELTER TRUST FUND.

(A) A trust fund is established with the Madison Bank & Trust Company, as trustee, to be known as "The Jerry E. Andress Memorial Animal Shelter Trust Fund", with the County Animal Shelter Advisory Board, a governmental board created by the county, or its successor or equivalent, as beneficiary.

(B) The trustee is hereby directed to invest sums as may be received by voluntary contributions to the trust, in accordance with generally accepted trust principles, and to distribute all income therefrom to the County Animal Shelter Advisory Board, or its successor or equivalent, whenever request by the beneficiary. In any event, all income shall be distributed at least as often as annually for use by it for the operation and maintenance of the county animal shelter.

(1987-1, passed 2-13-1987; Ord. 1996-, passed - -1996)

Statutory reference:

Township dog fund, see I.C. 15-5-9-8

§ 15-5-9-9 JEFFERSON COUNTY ANIMAL SHELTER DONATION FUND.

There is hereby established in the office of the County Auditor the Jefferson County Animal Shelter Donation Fund. Money deposited to this fund may come from any source including donations from the general public. All non-tax funds received from any source for the Animal Shelter Donation Fund shall be deposited into this fund. Funds in the Animal Shelter Donation Fund shall be used for maintaining and improving the existing animal shelter, planning and constructing a new animal shelter, purchase of equipment and supplies used to equip or maintain the shelter, and any other purpose as determined and approved by the County Commissioners. This shall be a non-reverting fund. The expenditures from this fund may be recommended by the County Animal Shelter Advisory Board and are to be approved by the County Commissioners.

(Ord. 2012-1, passed 1-19-2012)

Article 8: Public Safety
Chapter 2: General Powers

§ 15-8-2-6 ANIMAL CONTROL.

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ANIMAL CONTROL OFFICER. Any person designated by the county or a municipal government as an officer who is qualified to perform the duties required by this code section or state law regarding animals.

ANIMAL SHELTER. Any premises designated and operated by the City of Madison, and the Board for the purposes of impounding and caring for dogs and cats held under authority of this code section.

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KENNEL. Any person maintaining an establishment where dogs and cats of any species are kept for the purposes of breeding, buying, selling, showing or boarding of those animals or engaged in the training of those animals for guard or sentry purposes and which establishment is so constructed that animals cannot stray from it.

OWNER. When applied to the proprietorship of a dog or cat means any person owning, keeping or harboring one or more dogs or cats. A dog or cat shall be deemed to be harbored if it is fed or sheltered for three or more consecutive days.

POLICE OFFICER or LAW ENFORCEMENT OFFICER. Any person employed or elected by the state or by any city, county, town or township whose duty it is to preserve peace or to make arrests or to enforce the law. This includes game, fish and forest fire wardens, animal control officers and members of the state police and conservation officers.

RESTRAINT. A dog shall be deemed to be under restraint if its owner or person in charge of it does not cause or allow it to run at large upon any public place or upon any private property, other than its owner's. However, working dogs, such as lead dogs, guard dogs, farm dogs, hunting dogs and other similar dogs that are trained, need not be leashed when under the reasonable control of its owner.

(B) *Restraint.* All dogs in the county shall be kept under restraint at all times.

(C) *Impoundment and fees.*

(1) Unrestrained dogs shall be taken by an animal control officer, police officer or law enforcement officer and impounded in the animal shelter and confined there in a humane manner.

(2) Dogs and cats shall be impounded in the animal shelter shall be confined there for five days unless reclaimed by their owners within three days. If the animals are not reclaimed by their owner, the dog or cat shall be eligible for adoption. If by license tag, or other means, the owner of an impounded dog or cat can be identified, an attempt shall be made to contact the owner by telephone. Dogs and cats not claimed by their owner within the above time limits, or placed in a suitable new home within five days, shall be humanely euthanized. Dogs and cats that are sick or injured may be humanely euthanized prior to the above time limits by an animal control officer or his or her agent.

(3) An animal owner reclaiming an impounded dog shall pay a fee of \$5 for any neutered male dog or a spayed female dog or a dog used specifically for breeding and show purposes. An animal owner reclaiming an impounded cat shall pay a fee of \$3 for any neutered male cat or spayed female cat or a cat used specifically for breeding and show purposes.

(4) A fee of \$15 shall be charged for the redemption or adoption of an unspayed female dog or non-neutered male dog for the first redemption of that dog. Twelve dollars of this fee shall be applied to the vaccination for rabies fee and neutering or spaying fee within 30 days from redemption or adoption, if the dog is at least six months old or when the dog reaches the age of six months, by any licensed veterinarian.

(5) A fee of \$10 shall be charged for the redemption or adoption of an unspayed female cat or a non-neutered male cat for the first redemption of that cat. Eight dollars of this fee shall be applied to the vaccination for rabies fee and neutering or spaying fee within 30 days from redemption or adoption, if the cat is at least six months old or when the cat reaches the age of six months, by any licensed veterinarian.

(6) A fee of \$25 for dog and \$20 for a cat shall be charged for each subsequent redemption of the same impounded animal.

(7) If a dog or cat has been quarantined, there shall be a daily charge of \$3 in addition to the above charges.

(8) Proof of vaccination for rabies and a current dog license shall be required from the owner before any dog is released from the animal shelter to his or her owner. If no proof of vaccination is shown, a rabies voucher shall be purchased by the owner and shown to the animal shelter operator within ten days of release of the dog. If a current dog license is not produced by the owner at that time of redemption, the redemption shall be delayed until the owner produces a current dog license for the dog sought to be released.

(9) The animal control officer shall maintain all necessary records, including the following:

- (a) The date and time any animal is picked up by the animal control officer;
- (b) The place where that animal was picked up by the animal control officer;
- (c) The owner or owners of that animal if known;
- (d) Whether that animal subsequently becomes adopted and by whom and on what date;

(e) The schedule of all fees and charges collected by the animal control officer on behalf of each animal in his or her possession and under his or her jurisdiction.

(D) *Dogs in estrus; confinement required.* Every female dog in estrus (heat) shall be confined in a building or secure enclosure so that the dog cannot come into contact with another dog, except for planned breeding.

(E) *Nuisance.* Each owner shall exercise proper care and control of his, her or its dog so as to prevent the following actions by it or them:

- (1) Molesting of passerby;
- (2) Chasing vehicles;
- (3) Attacking other domestic animals;
- (4) Trespassing upon private property or school grounds;
- (5) Damaging private or public property;
- (6) Habitual barking or loud and continued noise which causes serious annoyance or disturbance to the neighborhood; and
- (7) Unnecessary foul or noxious odors which offend reasonable persons in the neighborhood. This item also applies to cats.

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(F) *Standard for guard and sentry dogs.* Any kennel shall, in addition to other requirements of this code section, comply with the standards of this section whenever any dog is trained as a guard or sentry dog.

(1) Runs shall have at least eight feet high fences completely surrounding them to which are to be added anti-climbers or the top must be completely covered.

(2) All gates and entrances to the runs, kennel and training area, shall be kept locked when not in use.

(3) A perimeter fence of at least eight feet high shall be installed to encircle the training and kennel area to which are to be added anti-climbers. Fences shall be maintained escape proof.

(4) A dog in training as a guard or sentry shall be confined at all times to its kennel or run or training area unless he or she is under the control of his or her handler.

(5) Any person involved in training of guard or sentry dogs shall have completed a recognized course to qualify for giving that training or be able to demonstrate equivalent experience in giving that training.

(G) *Interference with enforcement.* No person shall in any manner interfere with, hinder, molest, threaten or abuse any officer or individual authorized to enforce the provisions of this code section.

(H) *Issuance of citation; penalties.*

(1) In addition to, or instead of impounding a dog found at large (not in restraint), any animal control officer, police officer, or law enforcement officer, so authorized, may issue to the owner of a dog a citation specifying the provision of this code section violated and indicating the specific nature of the violation. That citation shall impose upon the owner of the dog an obligation of appearance in the county court to answer the charges in the citation at the time and place indicated in the citation.

(2) Any animal control officer, police officer or law enforcement officer in the county or any city or town in the county is expressly authorized to write and issue this citation.

(3) Any person found guilty of violating any provision of this code section shall be deemed to have committed an ordinance violation and, upon conviction, shall be fined not more than \$1,000. Each day a violation occurs or continues constitutes a separate offense.

(4) If at a proceeding to enforce the sections of this section, the court finds that the person:

(a) Has violated a provision of this code section;

(b) Has taken steps to correct this violation and is no longer in violation of this code section; and

(c) Has no previous judgments of violation of this code section against them, that person shall not be liable for any cost of monetary judgment, not withstanding I.C. 34-432-4.

(I) *Policy rules and regulations; reclaiming lost pet by owner.*

(1) An animal owner reclaiming an impounded dog or cat shall pay a fee of \$10 for each day the pet was harbored at the shelter with a minimum payment due of \$30, but not to exceed \$50, for the first reclamation of that pet. If there is a subsequent reclamation of the same pet within 12 months, the owner reclaiming this pet shall pay a minimum fee of \$50 to cover the first five days of impoundment, along with an additional boarding fees of \$5 per day for each day of impoundment thereafter.

(2) In addition, the pet owner shall present a certificate of rabies vaccination by a licensed accredited veterinarian as proof that the pet is currently immunized against the rabies virus. If no proof can be shown of the pet's current rabies vaccination status, the owner shall pre-pay the cost of a rabies vaccination at a provider of their choice, from a list of providers made available at the shelter. An appointment shall be made by a shelter employee or volunteer for the rabies vaccination of the animal, the appointment to occur within 30 days of the reclamation. The owner shall keep that appointment. If there are any fees or charges due the provider above the pre-payment to the shelter, then the owner is responsible for those fees or charges. If the owner fails to keep the appointment to have the animal vaccinated for rabies, then the animal shelter may reclaim the animal.

(3) Adoption fee for an unaltered dog or cat at the animal shelter shall be \$25. Upon adoption of an unaltered animal, the adopter shall also pre-pay the costs of altering the animal as well as pre-pay the cost of a rabies vaccination at a provider of the adopter's choice from a list of providers made available at the animal shelter.

(4) Further, the animal shelter employee or volunteer shall make an appointment for the spay or neuter of the animal and the rabies vaccination at the provider chosen by the adopter, the appointment to be within 30 days. The adopter shall be advised of the appointment and shall keep that appointment. If there are any additional fees due the provider in addition to the sum pre-paid to the shelter, then those fees shall be the responsibility of the adopter. If the adopter fails to keep the appointment, then the animal may be reclaimed by the animal shelter.

(5) Animals older than three months shall be vaccinated for rabies within 30 days of the adoption. If an animal is younger than three months when adopted, then the vaccination for rabies shall occur within ten days of the animal reaching three months of age.

(6) A fee of \$45 shall be charged for the adoption of a neutered or spayed cat or dog. In addition, the adopter shall pre-pay the cost of a rabies vaccination at a provider of their choice from a

list of providers made available at the shelter. An appointment shall be made by a shelter employee or volunteer for the rabies vaccination of the animal, the appointment to be within 30 days of the date of adoption for an animal three months of age or older. The adopter shall keep that appointment. If there are any fees or charges due the provider above the pre-payment to the shelter, the adopter is responsible for those fees or charges. If the adopter fails to keep the appointment to have the animal vaccinated for rabies, then the animal shelter may reclaim the animal. If an animal is younger than three months when adopted, then the vaccination for rabies shall occur within ten days of the animal reaching three months of age.

(7) Impounded or relinquished animals who have not been adopted within the seven-day confinement period may, with the approval of the animal shelter manager, be adopted by an approved rescue group without charge.

(8) Upon recommendation of the animal shelter manager, the President of the County Commissioners may make the determination that a rescue group is approved for the animal shelter or revoke the approval. More than one rescue group may be approved to receive animals from the county animal shelter.

(9) No animal shall leave the animal shelter until an adoption claim form is properly filled out and all adoption fees are paid.

(10) Funds collected by the animal shelter as prepayment for services to be provided by others shall be transferred to the Auditor and deposited in the County Animal Shelter Adoption Fee Fund. Approved providers shall monthly file claims with the County Auditor for spay or neuter and rabies vaccinations provided and pre-paid at the shelter. Claim forms shall be available to providers from the animal shelter and the Auditor.

(Ord. passed 12-6-1976; Ord. passed 9-20-1982; Ord. 1984-1, passed 3-9-1984; Ord. 2005-9, passed 12-9-2005; Res. 2007-2, passed 10- -2007; Res. 2008-1, passed 5- -2008)

Statutory reference:

Animal control, see I.C. 36-8-2-6