

Title 6 ANIMALS

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Chapter 6.04 ANIMAL CONTROL CODE

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6.04.010 General provisions.

- A. This chapter shall be known as, and be cited and referred to as, "the animal control ordinance."
- B. Whenever any reference is made to any portion of this chapter, such reference applies to all amendments and additions hereafter made.
- C. The present tense includes the past and future tenses; and the future, the present. Each gender includes the other two genders.
- D. The singular number includes the plural and the plural the singular.
- E. Whenever a power is granted to or a duty imposed upon the director of animal control or other public officer, the power may be exercised or the duty may be performed by a deputy of the officer or by a person authorized, pursuant to law, by the officer unless this chapter expressly provides otherwise.

(Ord. 96-31 § 1)

6.04.020 Definitions.

The following words as used in this chapter shall have the following meanings:

"Animal care establishment" means any pet shop, grooming shop, auction, riding school or stable, zoological park, circus, performing animal exhibition, kennel, humane society, animal exhibition for sale or display, or animal protective shelter or organization.

"Animal control officer" means any person appointed by the director and approved by the animal control authority to perform duties as assigned by the administrator to effectuate this program.

"Animal shelter" means the facility established by the board of commissioners and operated by the designated animal control authority or its authorized agents for the purpose of impounding, caring for, and making disposition of animals held under the authority of this chapter or state law.

"At large" means a domestic animal shall be deemed to be at large if it is off the premises of its owner and not under the immediate control of a responsible person.

"Biting animal" means an animal inflicting an injury, including but not limited to a skin abrasion, by tooth or nail.

"Confined" means the restriction of an animal by the owner, or his agent, to an escape-proof building or other enclosure away from other animals and the public.

"Domestic animal" means dog, cat, farm animal and fur-bearing animal being raised in captivity, hereinafter referred to as "animal."

"Farm animal" means any warm-blooded animal (other than dog, cat, monkey, non-human primate mammal, guinea pig, hamster or rabbit) normally raised on farms in the United States and used or intended for use as food or fiber.

"Impounded" means if any animal, pursuant to this chapter or any state statute, has been received into custody of any animal shelter, such animal will have been "impounded" as that word is used in this chapter.

"Porter County animal welfare board" means the agency as designated or appointed by the board of commissioners as having the responsibility for the administration of any or all of the provisions of this chapter; also referred to as the "animal control authority."

"Shelter director" means the person appointed to be responsible for the administration, operation and programs of the animal shelter and its personnel as established by the animal control authority.

"Vicious animal" means any animal which, without provocation, attacks or injures any person or animal.

"Wild animal" means any exotic pet(s), which include, but are not limited to, non-human primate, raccoon, skunk, fox, opossum, leopard, panther, tiger, lion, lynx, margay, ocelot, snake, iguana or any other animal which can normally be found in the wild state.

(Ord. 96-31 § 2)

6.04.030 Establishment of the Porter County animal welfare board.

- A. Upon the passage and adoption of the ordinance codified in this chapter, the board of county commissioners shall immediately establish a governing and administration body for the purposes of carrying out the intent and the requirements of this chapter. Such bodies shall initially be known as the Porter County animal welfare board and shall be delegated the responsibilities and duties as animal control authority for the county. Such board shall be comprised of fifteen (15) members as hereinafter described: one member shall be a practicing veterinarian within the county; two members shall be from known humane societies or groups interested in actively participating in the solution to animal problems; twelve (12) members shall be otherwise private citizens. Each member shall be a resident of Porter County. One person shall be appointed by the office of the Porter County sheriff to

act in an advisory capacity to the animal control authority but shall not be a voting member.

- B. All appointments shall be on a calendar year basis. Terms of office for members of this body shall be for two years except for the initial appointment which shall be established in the following manner: three members shall be appointed for one year and four members shall be appointed for two years. All subsequent appointments shall be for two-year periods. All appointments shall be at the direction and discretion of the board of county commissioners. Members so appointed shall only be removed by the appointing board for cause, and in such situations, any new appointee shall be appointed to fill the unexpired term.
- C. Members of the Porter County animal welfare board may receive compensation at the discretion of the board of county commissioners with the approval of the Porter County council.

(Ord. 06-02 § 1; Ord. 96-31 § 3)

6.04.040 Duties and responsibilities of Porter County animal welfare board.

- A. It shall be the responsibility of the Porter County board of commissioners to make the final decisions on policy making and to oversee the operation and management of the Porter County animal shelter. It shall be the responsibility of the Porter County animal welfare board to act as an administrative policy making and educational board in an advisory capacity for the purposes of administering and reviewing animal problems within the county and advise and make recommendations to the director of the animal shelter as to the operation and management of the Porter County animal shelter.
- B. The Porter County board of commissioners shall appoint a shelter director who shall be responsible to them for the day to day operation and maintenance of the shelter as well as the well being of the animals confined in the shelter. The duty to hire, fire or discipline the shelter director shall be exclusively the responsibility of the Porter County board of commissioners. The shelter director, however, shall report to both the Porter County board of commissioners and the Porter County animal welfare board on the daily operations and maintenance of the shelter and well being of the animals confined in the shelter.
- C. The Porter County board of commissioners shall appoint a staff of the necessary number of people to carry out the function of animal control within the county.
- D. The shelter director shall prepare, each year at the correct time, a proposed budget for the following year. The budget shall be subject to approval and shall be submitted to the Porter County board of commissioners for approval by the Porter County board of commissioners and the Porter County council.
- E. The Porter County board of commissioners shall be ultimately responsible for the policies in force for persons employed at the animal shelter. The Porter County animal welfare board shall conduct itself in an advisory capacity in recommending policies to be put in place by the Porter County board of commissioners as it relates to persons employed by the animal shelter and shall work with the shelter director in that regard. All personnel policies shall be consistent with those established by the Porter County board of commissioners for all county employees and shall be approved by the commissioners before being initiated.
- F. The Porter County animal welfare board in conjunction with the animal shelter director shall decide upon educational programs concerned with the control and handling of animals. Such programs shall be carried out by the shelter director.
- G. The Porter County board of commissioners shall provide the shelter director with policies concerning the manner, hours of operation and procedures under which the Porter County animal shelter shall be operated. The Porter County animal welfare board shall assist the shelter director in an advisory capacity regarding these issues.
- H. The Porter County animal welfare board shall recommend clinics for animals or workshops for owners of animals which may be held from time to time.

- I. The Porter County animal welfare board shall recommend fees connected with pick-ups, handling and care of all animals for which authorization is granted by this ordinance. The Porter County board of commissioners must approve all fees recommended.
- J. The Porter County animal welfare board may select and compensate an attorney to offer advice and to represent the animal welfare board and shelter in legal matters.
- K. All monies received and fees collected and all necessary records pertaining to the operation of the animal shelter shall be maintained in the same manner as all other public departments. All money shall be accounted for daily and shall be remitted to the Porter County auditor's office.

(Ord. 08-08 § 1; Ord. 06-02 § 2; Ord. 96-31 § 4)

6.04.050 Duties of the shelter director.

The shelter director shall have the following duties:

- A. The shelter director shall act as the supervisor for the animal shelter and the personnel, and enforce the state and county animal laws.
- B. The shelter director shall respond to all valid calls, or assign the call to qualified employee(s) for appropriate response and/or disposition of animals.
- C. The shelter director shall be in charge of the euthanasia program for all animals; however all animals shall be handled humanely at all times in accordance with the American Veterinary Association Guidelines.
- D. The shelter director shall have the responsibility and authority to investigate animal abuse cases and, when necessary, initiate action pursuant to established legal procedures.
- E. The shelter director shall be responsible for the maintenance and operation of all equipment concerned with the animal shelter activities.
- F. The shelter director shall be responsible for all money received, fees collected, and all necessary records pertaining to the operation of the animal shelter. All money shall be accounted for daily and monthly and the same shall be remitted to the Porter County auditor's office.
- G. The shelter director shall facilitate, supervise and be responsible for the vaccination program as determined by animal control authority policy.

(Ord. 96-31 § 5)

6.04.060 Adoptions.

Adoptions of animals from the Porter County animal shelter may be effectuated utilizing the following procedures:

- A. Examination. It shall be the responsibility of the adopting party to have the animal examined by a licensed veterinarian within two business days from adoption and to obtain all necessary vaccinations.
- B. Refunds or Exchanges. Full refund or exchange privileges shall be granted to the owner if the animal is found to be ill or in poor health at the time of the examination; provided, however, that the examination required in subsection A of this section is performed within the required two-day period.
- C. Sterilization. It shall further be established that all intact dogs or cats shall be surgically sterilized within sixty (60) days or six months of age.

(Ord. 96-31 § 6)

6.04.070 Impoundment of animals.

Any animal may be impounded at the Porter County animal shelter upon the occurrence of any of the following:

- A. A stray animal brought to the Porter County animal shelter by shelter personnel or any resident of Porter County;
- B. Injured animals brought to the Porter County animal shelter for which no owner can immediately be found;
- C. Biting animals or those suspected of being rabid as established by other sections of this chapter;
- D. An animal whose owner wishes to relinquish their ownership;
- E. Any animal seized by the animal control officer or law enforcement official to prevent present or future inhumane treatment;
- F. Dogs without current license tags.

If there is no means by which an animal can be safely seized and impounded due to the dangerous or vicious nature of the animal, the director shall have the power to destroy such animal; provided, however, that any destruction of such an animal shall be done in a reasonable manner taking into account the location and the possible harm or damage to life, personal or real property, or to the public at large.

On the third impound of an animal within a twelve (12) month period, the animal shall be spayed or neutered at the owner's expense as a condition of release.

- G. Any animal over which an owner has failed to exercise proper care and reasonable control so as to prevent the animal from becoming a public nuisance. Failure to restrain shall result in impoundment of the animal after the third violation.
- H. Any domestic animal which has been deemed to be at large so that it is off the premises of its owner and not under the immediate control of a responsible person shall result in the impoundment of the animal after the third violation.

(Ord. 96-31 § 7)

(Ord. No. 10-05, § 1, 3-16-2010)

6.04.080 Reclaims.

- A. Immediately after impounding any animal the director shall notify, by telephone, the owner of the animal if the same can be determined and located. Such notification shall include a summary of disposition procedures and reclaim requirements in force at the Porter County animal shelter.
- B. Thereafter, an owner of an animal impounded pursuant to this chapter may reclaim the animal upon compliance with the following conditions:
 - 1. Proof of current rabies vaccination must be shown. If proof is not available, a receipt showing prepayment of rabies vaccination must be presented before the animal is released. Proof of the above vaccination must be received by the Porter County animal shelter within two business days subsequent to impoundment.
 - 2. Proof of a current Indiana license tag for a dog must be shown.
- C. All fines and fees currently in force by order of the Porter County animal welfare board must be paid in full in cash or other manner acceptable to the animal control authority.
- D. Release of an animal to its owner may be denied by the director if the director determines that the animal is vicious or dangerous, diseased, a danger to the public health and safety of the citizens of Porter County, or for any other good and sufficient reason in the discretion of the director.

(Ord. 96-31 § 8)

6.04.090 Animal bites.

- A. Any person knowing that an animal or person has been bitten by another animal shall immediately notify the director.
- B. The owner or person in custodial control of any animal which has bitten another animal or person shall on demand of the director surrender such animal to the director for rabies observation for a minimum of ten days.
- C. In the event home confinement is allowed, the owner shall be required to furnish evidence to the director of a veterinary examination for the biting animal on the tenth day of observation and bear any costs incurred thereby.
- D. If such biting animal is determined to be infected with rabies after examination by a licensed veterinarian, it shall be euthanized at the cost of the owner.
- E. If the biting animal shows signs of rabies or acts in a manner which would lead a person to believe the animal may have rabies, the owner, treating veterinarian, or director shall immediately notify, by telephone or in person, the person bitten or the physician attending the person bitten and the responsible health agencies as soon as reasonably possible.
- F. If such biting animal is not found to be infected with rabies at the expiration of the period for observation of rabies, the animal may be returned to the owner, if there is no additional reason in the judgment of the director to continue impoundment, upon payment of the costs of the keep of such animal, including any veterinary service fees.
- G. No person owning or possessing, keeping, harboring or having custody of any animal that has bitten any other animal or person shall sell, give away, or permit such biting animal to be taken beyond the corporate limits of Porter County, Indiana, or otherwise dispose of such biting animal until it is examined for rabies and released by the director.
- H. In all cases where an animal has bitten a person or another animal, it shall be the duty of the director or the Porter County Sheriff to investigate and fill out an animal report bite form setting forth the facts and circumstances surrounding the bite, and such form shall be kept on record in the Porter County animal shelter.
- I. In the event that an animal that has bitten a person or another animal dies, is accidentally killed or is humanely euthanized before the tenth day following the bite, the animal shall be forwarded to the Indiana State Board of Health Laboratory for examination in a manner as is required by the Indiana State Board of Health.

(Ord. 96-31 § 9)

6.04.100 Vicious animals.

The following procedures shall be utilized when dealing with a vicious animal:

- A. No person shall own or keep any vicious animal.
- B. Upon receipt of a valid report of a vicious animal, the director is authorized to enter upon any property where the animal is located, obtain possession of the animal, and impound the animal at the Porter County animal shelter, at the owner's expense, until a decision regarding the final disposition of the animal has been made. The director is further authorized to enter a home to obtain possession of a vicious animal if the officer is present when the vicious animal is taken into the home and the officer observed the vicious animal enter the home.
- C. As soon as is reasonably possible, the director of the Porter County animal shelter shall investigate the facts and circumstances surrounding the allegation that such animal is vicious. A

written report shall be prepared regarding the investigation and the determination of the director.

- D. If the director determines that the allegation of a vicious animal is not substantiated, the animal shall be released to its owner after compliance with all impoundment and release procedures.
- E. If the director finds that the allegation of a vicious animal is substantiated, a copy of the director's report shall be mailed to the owner of the animal.
- F. The director may refer the matter to the Porter County court system for disposition.
- G. Until such time as a final disposition has been made of an animal which the director believes to be vicious, the director shall continue to impound and retain such animal at the Porter County animal shelter.

(Ord. 05-11 § 1; Ord. 96-31 § 10)

(Ord. No. 10-05, § 2, 3-16-2010)

6.04.110 Miscellaneous restrictions.

The following activities with reference to animals are prohibited.

- A. Selling, offering for sale, bartering or giving away as pets, toys, premiums or novelties any baby chickens, ducklings or other fowl under three months of age or rabbits under two months of age;
- B. Coloring, dyeing, staining or otherwise changing the natural color of the above described fowl or rabbits;
- C. Bringing or transporting the above described fowl or rabbits into Porter County;
- D. Inhumane treatment such as the failure to provide:
 - 1. Shelter from Sunlight. When sunlight is likely to cause overheating or discomfort, sufficient shade shall be provided to allow all dogs and cats kept outdoors to protect themselves from direct rays of the sun,
 - 2. Shelter from Rain or Snow. Dogs and cats kept outdoors shall be provided with access to shelter to allow them to remain dry during rain or snow,
 - 3. Shelter from Cold Weather. Shelter shall be provided for all dogs and cats kept outdoors when atmospheric temperature falls below fifty (50) degrees Fahrenheit. Sufficient clean bedding material or other means of protection from the weather and elements shall be provided when the ambient temperature falls below that temperature to which a dog or cat is acclimated,
 - 4. Drainage. A suitable method shall be provided to rapidly eliminate excess water in the area where dogs and cats are kept outdoors;
- E. Neglect. Abandons or cruelly confines an animal in a situation that may endanger their life or health.
- F. Restraint. No owner shall fail to exercise proper care and reasonable control of his animals to prevent them from becoming a public nuisance.
- G. Rabies control.
 - 1. No owner of any dog or cat shall keep or maintain a dog or cat over the age of three months unless it has been vaccinated by a licensed veterinarian with a rabies vaccine.
 - 2. Proof of vaccination shall be maintained by the owner or displayed if requested by the county or its agent.

3. Pursuant to I.C. 35-46-31 and pursuant to this chapter, the knowing or intentional harboring of a dog over six months of age without a rabies immunization is a Class C infraction.
- H. In order to enforce the provisions of this section or any other sections of this chapter dealing with animals, representatives of the Porter County animal shelter or the Porter County sheriff's department may, with the permission of the owner or occupant of a property, enter upon a premises where animals are maintained for the purpose of investigating or inspecting as to whether or not any of the provisions of this chapter are being violated. If permission for entry is denied and probable cause regarding a violation of this chapter exists, a court order for entry may be requested pursuant to law.

(Ord. 03-07 § 1; Ord. 96-31 § 11)

6.04.120 Enforcement.

The following enforcement provisions shall apply to this chapter:

- A. Each day the terms and/or conditions of this chapter are violated shall constitute a distinct and separate offense.
- B. If any person, firm or corporation shall violate any terms and/or conditions of this chapter, a representative of the Porter County animal shelter is authorized to issue a citation for such violation and such person, firm or corporation shall be fined fifty dollars (\$50.00) per day for each violation, with each day constituting a separate offense under this chapter.
- C. Any person convicted of violating any of the provisions of this chapter shall be liable to Porter County for any expense, loss, costs or damage occasioned to Porter County by reason of such violation.
- D. In addition to the above enforcement remedies, proceedings for injunctive relief may be initiated by Porter County in order to enforce the provisions of this chapter.
- E. The invalidity of any section, clause, sentence or provision of this chapter shall not effect the validity of any other part of this chapter.
- F. Harboring a non-immunized dog in violation of I.C. 35-46-3-1 is a Class C infraction punishable with a fine of up to five hundred dollars (\$500.00). Violation of subsection G(3)-Rabies Control and violations of I.C. 35-46-3-1 shall be enforced by the Porter County prosecutor's office.
- G. Once a ticket has been issued for harboring a non-immunized dog in violation of I.C. 35-46-3-1, the Porter County animal control is authorized to seize a non-immunized dog if immunizations are not obtained within fourteen (14) days of receipt of the first ticket written.

(Ord. 03-07 § 2; Ord. 97-15 § 1; Ord. 96-31 § 12)

(Ord. No. 10-07, § 1, 6-15-2010)

6.04.130 Kennel inspection.

The following procedures shall be utilized with regard to kennel inspection:

- A. For the purposes of this section, "inspector" means a representative of:
 1. A county animal control department; or
 2. An agency authorized by the county executive to inspect major kennels.
- B. An application for a license for a major kennel, as described in Section 1(b) of I.C. 15-5-9-1, must be accompanied by a letter or authorization from:
 1. The county animal control department; or

2. An agency authorized by the county executive, affirming that the property on which the kennel is operating has been inspected by an inspector and that the kennel is operating in a matter that complies with the standards adopted by the county executive.

(Ord. 06-09 § 1)

Chapter 6.08 ANIMAL SHELTER FEE SCHEDULE

Sections:

[6.08.010 Fee schedule.](#)

6.08.010 Fee schedule.

Dog ado ptio n		\$70 .00	
Cat ado ptio n		55. 00	
Rab bit ado ptio n		15. 00	
Rab ies obs erv atio n	1st	100 .00	
(Bit e qua rant ine)	2nd	175 .00	

(Increase by \$75.00)	3rd	250.00	
Impound		75.00	Refuse to quarantine for rabies observation: added to observation fee or under investigation for cruelty/neglect

Disposal		20.00	
Owner request	dog	50.00	
(Euthanasia)	cat	40.00	
Protective custody		150.00	(Owner is arrested)
Live stock reclaim		50.00	
Reclaims			
1st reclaim:		50.00	
Spay/neuter deposit		25.00	
2nd reclaim		75.00	
Spay/neuter deposit		25.00	

3rd reclaim	100 .00	Ma nda tory spa y/n eut er surg ery pre paid fro m vet.	
4th reclaim	125 .00	Recl aim s incr eas e by \$25 .00 for lifet ime of ani mal.	
Recl aim dail y fee		10. 00	(Ow ner reli nqu ishe s cust ody /the n recl

			aim s or ani mal is pick ed up or und er rabi es obs erv atio n and own er doe s not recl aim im me diat ely.. the n \$10 .00 a day is add ed to recl aim	
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			fee or rabi es obs erv atio n fee)	
Out of cou nty inta ke		25. 00		
Ken nel insp ecti on fee		30. 00		

(Ord. 06-10 § 1; Ord. 03-05: Ord. 01-02 § 1; Ord. 99-15 § 1; Ord. 99-7 § 1; Ord. 96-25)