

FCO 2023-45

Floyd County Animal Care and Control Ordinance 2023

**Control, Care, and Disposition of Animals in
Floyd County, Indiana**

ANIMALS

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DEFINITIONS GENERALLY

A-O.00 DEFINITIONS FOR USE IN THIS ORDINANCE

As used in this ORDINANCE, the following definitions shall apply:

ABANDONMENT - To deposit, leave, drop off or otherwise dispose of any live domestic animal on any public or private property. "Abandon" means to desert an animal or to leave the animal without making provision for adequate long-term care of the animal.

ALTERED CAT - Any domestic feline four months of age or older that has been spayed or neutered.

ALTERED DOG - Any domestic canine four months of age or older that has been spayed or neutered.

ANIMAL - Any warm-blooded or cold-blooded land-dwelling vertebrate, excluding humans to which this ordinance does not apply.

ANIMAL CONTROL OFFICER - Any person designated by the Floyd County Board of Commissioners, the Authority to enforce the terms and provisions of this ordinance, or any law enforcement officer of the State of Indiana.

ANIMAL SHELTER - For the purposes of this ordinance, the term Animal Shelter shall refer to any shelter utilized by the Floyd County Board of Commissioners or contracted service provider.

ATTACK - Any aggressive contact with a human being that causes any degree of bodily injury, or any aggressive contact with a domestic pet, livestock, or poultry that causes death or injury, severe enough to require veterinary treatment.

CAT - Any domestic feline four months of age or older.

CRUELTY - Any act prohibited by section A-O.07 through A-O07.6 of this ordinance.

COMMUNITY CAT- A domestic cat, that has been spayed or neutered, possessing an ear tip for recognition.

DANGEROUS ANIMAL - Any animal which, unprovoked, commits an attack upon, harms or kills a person or another domestic animal. A dangerous animal shall also include any mammal for which there is no parenteral rabies vaccine recognized and licensed by Indiana State Board of Animal Health or the Indiana State Department of Health, for use to protect humans, or other species of animals, from the communicability of rabies.

DANGEROUS DOG:

Level 1 – Any attack as defined as a bite in an aggressive manner that pierces the skin; or any attack or bite after not being deemed dangerous or potentially dangerous on a prior occasion. Medical attention may not be sought after any bite to be deemed Level 1. This designation will be made in a hearing of the Floyd County Animal Control Authority and may be removed after 36 months.

Level 2 – Any bite that requires medical attention; or any bite that includes deep punctures or bruising in which medical attention is highly recommended or needed; or any attack or bite incident involving predatory aggressive behavior toward a human or other domestic animal while running at-large, including, but not limited to: chasing, stalking, circling, inhibiting movement, predatory or aggressive pack behavior, or a bite subsequent to being deemed a dangerous or potentially dangerous on a prior occasion. A Level 2 designation can never be removed for a dog.

DOG - Any domestic canine four months of age or older.

DOMESTIC ANIMAL - Any animal whose physiology has been determined and/or manipulated through selective breeding, and any mammal, whether or not its physiology has been determined or manipulated through selective breeding, which can be vaccinated against rabies with a rabies vaccine recognized by Indiana State Board of Animal Health or the Indiana State Department of Health, that is licensed for use to protect humans, or other species of animals, from the communicability of rabies. Also, any animal that a person possesses exercising domain or control.

ENCLOSURES:

(1) ENCLOSURES FOR DOGS AND PUPPIES.

(a) Enclosures for dogs and puppies shall be a fence or structure of sufficient height and construction to prevent the animal from leaving the owner's property. The fence or structure must be in good repair and fit to ground level and must be constructed in such a way as to prevent the animal from digging out. The enclosure must contain proper shelter, in good repair, from the weather. Gates and doors must fit properly and must be locked or secured by a latch that prevents the animals from opening the gate or door and prevents the entry of children inside the enclosure.

(b) Property enclosed by a buried wire which produces a signal received by a device attached to a collar worn by the dog or puppy which prevents the animal from leaving the property of the owner will be considered a proper enclosure, provided the device and signal are working, and the animal does not leave the property unrestrained. The enclosure must contain proper shelter from the weather. This type of enclosure is not acceptable for an unaltered dog, an animal declared a public nuisance, or a dangerous animal.

(2) ENCLOSURES FOR DANGEROUS ANIMALS- Enclosures for dangerous animals, shall be a covered fence or structure at least six (6) feet in height, installed beneath ground level or in concrete or pavement, or a fabricated structure, to prevent digging under it, and with a gravel or concrete floor, sufficient size to allow the dog to stand, sit, and turn around in a natural position, and which allows for adequate exercise area for the size/breed being kept. Either enclosure shall be designed to prevent the entry of children or unauthorized person(s) and to prevent those persons(s) from extending appendages inside the enclosure. All entrances of the enclosure shall be securely padlocked at any time the animal is left unattended. The enclosure must contain proper shelter from the weather and a shaded area for protection.

FLOYD COUNTY ANIMAL CARE AND CONTROL AUTHORITY- The Board appointed by the Floyd County Board of Commissioners to oversee all matters associated with this Ordinance including

but not limited to the humane restraining, impounding, and disposal of animals seized under the authority of this ordinance.

HARBORING - The actions of any person that permit any animal to lodge or to be fed within his/her home, store, enclosure, yard, or place of business or any premises which the person owns, or in which the person resides, or over which the person has possession or control. An animal shall be presumed harbored if it is fed or sheltered for ten (10) or more days.

HUNTING - means the pursuit of any wild animal or bird licensed and regulated under Ind. Code 14-22-11-1, or any successor provision to that statute. A **HUNTER** is a person engaged in hunting and is in possession of a valid state hunting license.

IMPOUNDED - Taken into custody of the Floyd County Animal Care and Control Authority, the Floyd County Animal Care Shelter and/or its contracted agent or shelter.

KITTEN - Any domestic feline younger than four months of age.

LEAD or LEASH - A device used for humanely restraining an animal (see **RESTRAINT**).

LIVESTOCK - Any animal raised for or used in agriculture, including, but not limited to, equine, bovine, sheep, rams, ewes, lambs, bull, bullocks, llamas, Alpacas, steers, heifers, cows, calves, mules, jacks, jennets, burros, goats, kids, swine, domesticated hares, and rabbits, and poultry.

MICROCHIP - A passive transponder which can be implanted into an animal, and which is a component of radio frequency identification (RFID) system. [NOTE: The microchip in use in Floyd County and surrounding communities is a 125 MHz microchip, and it is the standard being adopted throughout the nation. Whenever a "microchip" is referred to or required under this ordinance nothing other than a 125 MHz microchip will satisfy this ordinance.]

NEGLECT - Any intentional reckless or negligent act or omission which results in a domestic animal or livestock not receiving adequate shelter, food, water, or in a domestic animal or livestock not receiving necessary veterinary care, or in a domestic animal or livestock maintained in unhealthy living conditions.

NUISANCE - Any act of an animal or its owner that irritates, perturbs, or damages rights and privileges common to the enjoyment of public or private property or indirectly injures or threatens the safety of a member of the general public. By way of examples and not of limitation, the commissions on the following acts or actions by an animal or by its owner or possessor shall hereby be declared a nuisance:

(1) Allowing or permitting an animal to habitually bark, whine, howl, mew, crow, or cackle in an excessive or continual fashion or make other noise in such a manner so as to result in a serious annoyance or interference with the reasonable use and enjoyment of neighboring premises.

(2) Allowing or permitting an animal to damage the property of any person other than its owner or caretaker, including to, but not limited to getting into or turning over garbage containers or damaging gardens, flowers, plants or other real or personal property or leaving fecal material on the property of another person.

(3) Allowing or permitting an animal to molest, chase, snap at, attack or attempt to attack passers-by, vehicles, other domestic animals, or livestock.

(4) Allowing or permitting an animal to habitually or continually roam or be found on property of other than its owners or caretakers, trespassing school grounds, parks, or the property of any person.

(5) Allowing or permitting an animal to be housed or restrained within reach of a public street, road, sidewalk, or access and, in the discretion of the animal control officer, poses a threat to the general public safety, health and welfare of the general public.

(6) Allowing or permitting an animal to be maintained in an unsanitary condition so as to be offensive to sight or smell.

(7) Allowing or permitting an animal to habitually charge in an aggressive manner a fence separating from another property when the usual residents are taking pleasure in such property without provoking such animal. Supplied video evidence by a complainant shall be considered sufficient for animal control and law enforcement officers to take appropriate action.

OWNER - Any person owning, keeping, harboring, or having control or custody of animal(s) within the jurisdiction of this ordinance, provided, that in the event that a minor person shall be determined the owner of the animal, the parent or guardian of such minor person shall be responsible to ensure compliance with the terms and provisions of this ordinance, and shall be liable for any non-compliance herewith.

POULTRY - All domesticated fowl and all game birds which are legally kept in captivity.

PUPPY - Any domestic canine younger than four months of age.

QUARANTINE - Humane confinement of an animal in a building which prevents the animal from coming into contact with any animal or human being other than the owner or caretaker.

RESTRAINT:

(1) For all animals except dogs and puppies, RESTRAINT shall mean confined to the premises of the owner or, if off the premises of the owner, under restraint by means of a lead or leash and under the control of a responsible person.

(2) For dogs and puppies, RESTRAINT shall mean restricted to the premises of the owner and confined in a secure enclosure as previously defined or accompanied by the owner and under his/her direct control.

(a) Any tethering system employed in place of a fence shall not allow the dog or puppy to leave the owner's property. The tether must not be made of chain, rope, twine, cord, or similar material that can easily be cut or chewed through. The tether must be at least three (3) times the length of the animal or longer. The tether system should not cause the animal to choke. Any tethering system shall not be acceptable for any dog declared dangerous.

(b) No rubber coated cable or tether shall weigh more than 1/8 of the animal's body weight.

(c) Any rubber coated cable or tether must be attached to a properly fitting collar or harness worn by the animal as defined in this ordinance. For tethering purposes, collars are to be non-metallic and made of either leather or nylon. Chain, choke, or pinch collars are prohibited regarding tethering.

(d) No dog shall be tethered or utilize an invisible fence system that has not been spayed or neutered.

(e) Spayed or neutered dogs may not be tethered for more than 10 continuous hours in any 24-hour period. Dogs may not be tethered at all between sunset or sunrise. Tethers must have a minimum of ten (10) feet in arc of 180°.

(f) Shock collars are only permitted during training time, or as used as a part of an invisible fencing system.

(g) Animals are not permitted to be tethered outdoors when temperatures are above 90°F and below 32°F without being accompanied by an owner/ caretaker. An exception to minimal temperatures is thick-haired animals that are bred for colder temperatures.

(3) All livestock shall be confined by a fence in good repair sufficient to prevent the animal(s) from leaving the owner's property. Livestock found on the property, but not restrained by a fence in good repair may be impounded at the owner's expense and the owner charged with a violation of this section.

(4) All crowing and non-crowing poultry shall be kept in a fence or structure of sufficient height and construction to prevent the animal(s) from leaving the owner's property. The fence or structure must be in good repair. REASONABLE CARE - That degree of care which a reasonable and prudent person would,

under the same or similar circumstances render to an animal to prevent injury, to care for an existing injury, or to prevent death. This includes proper shelter, protection from the weather, feeding, water daily, and a clean-living environment.

RUNNING AT-LARGE - Any animal not located on the real property of its owner shall be deemed running at-large if it is not under restraint or in direct control of its owner.

REFUSE- Items including vegetable scraps, metals, plastics, or hazardous materials or products that can lead to environmental consequences that can harm the animal(s).

SERVICE ANIMAL - Any animal that is individually trained to perform tasks for a person with a disability such as, but not limited to, guiding people who are blind, alerting people who are deaf, pulling wheelchairs, alerting, and protecting an individual who is having a seizure, or performing other special tasks. Service animals are working animals. Any animal employed as a therapy and/or companionship animal shall not be considered as a service animal.

SEVERE ATTACK - An unprovoked attack in an aggressive manner upon a human in which the victim(s) suffered a bite(s) or was shaken violently, and which caused serious physical trauma or death.

SHELTER - A structure or other means of protecting an animal from inclement weather which:

- (1) Shall be cleaned and maintained regularly to prevent the accumulation of waste and debris, and
- (2) Shall be constructed and maintained as needed to promote drainage of rainwater, and
- (3) Shall provide reasonable protection for the animal from temperature extremes, and
- (4) Must have four walls, a floor, and a roof in good repair.

STRAY - Any animal found off of the property of its owner or caretaker and not under restraint as defined in this ordinance. Any animal upon finding reasonable suspicion to believe such animal(s) was off the property of its owner or caretaker by an animal control officer investigation. Any animal not confined as defined in this ordinance while on the property of its owner or caretaker. Any abandoned or unwanted animal roaming and not under restraint as defined in this ordinance.

TETHER - A restraint fastened humanely to an animal so as to keep it within certain bounds.

(see RESTRAINT).

UNALTERED CAT - Any domestic feline four (4) months of age or older that has not been spayed or neutered.

UNALTERED DOG - Any domestic canine four (4) months of age or older that has not been spayed or neutered.

ANIMALS GENERALLY:

A-O.01 PERMITTING ANIMALS TO RUN AT-LARGE

(A). It shall be unlawful to permit any domestic animal which includes but is not limited to dogs and cats (excluding community cats), livestock, or poultry of any kind to run at-large within the county. All animals shall always be kept under restraint, as defined in this ordinance, and any deviation or violation thereof is strictly prohibited.

(B) The foregoing provision(s) shall not apply:

(1) if the animal owner is engaged in hunting, and the animal in question has been trained to assist in hunting, and the animal's activities are being supervised by the hunter;

(2) in any section of a public park of the County designated as a leash free zone.

(C) Community Cats

(1) Shall not be trapped or removed, even if they leave the caretakers property unless it needs veterinary care. A community cat must be marked with an ear tip.

(2) The feeding community of cats is permitted.

Penalty, A-O.99

A-O.02 AUTHORITY TO TERMINATE DANGEROUS ANIMALS

The members of the police department, and any animal control officer, are authorized to terminate any dangerous animals of any kind when it is necessary to do so for the protection of any person, or in extreme cases of property destruction.

A-O.02.5 INTERFERENCE WITH ENFORCEMENT PROHIBITED

(A) No person shall in any manner interfere with, hinder, molest, or abuse any officer or individual duly authorized to enforce the provisions of this ordinance.

(B) No person shall in any manner seek to release or remove any animal in the custody of Floyd County Animal Control, or from any humane trap identified as the property of a Floyd County Animal Control Officer.

Civil Penalty in addition to any damage to property, see A-O.99

A-O.04 PERMITTING LIVESTOCK OR POULTRY, AND THE LIKE TO RUN AT LARGE

It shall be unlawful to permit any livestock or poultry to run at-large within the county. Any such animal running at-large within the county may be impounded. Penalty, see A-O.99

A-0.05 ANIMALS AS PRIZES OR INDUCEMENTS

It shall be unlawful to give away any live animal, fish, reptile, or bird as a prize for, or as an inducement to enter any contract, game, or other competition, or as an inducement to enter a place of amusement; or offer such vertebrate as an incentive to enter in any business agreement in which the offer was for the purpose of attracting trade. Penalty, see A-O.99

A-O.06 ANIMAL WHICH IS A PUBLIC NUISANCE

No owner shall permit his/her animal to participate in any of the following activities: excessive, continuous, or habitual barking or howling; molesting of passerby; chasing of vehicles; attacking of other animals; trespassing on public or private property; or damaging property of another. Penalty, see A-O.99

A-O.07 CRUEL TREATMENT OF ANIMALS PROHIBITED

(A) For purposes of this ordinance, "cruelty" means any act prohibited by this section. No person shall cause infliction of pain, any form of bodily injury or death to an animal by

- (1) Striking, beating, dropping, kicking, dragging, choking, or using an object or weapon;
- (2) Causing pain, any form of bodily injury or death by means of caustic, flammable, chemical, boiling, or heated substances; causing suffering, any form of bodily injury or death by suffocation or drowning;
- (3) Failing to provide adequate food and water.
- (4) Failing to detect the need for or withholding veterinary care, including care and maintenance of skin and coat, creating, or allowing unhealthy living conditions whether by intentionally or by severe omission.
- (5) Intentionally exposing an animal to toxic chemicals or poisons.

(B) No person shall engage, participate, or be present in any acts or actions defined as cruelty in this ordinance. No person shall cruelly treat or torment any animal.

(C) In the event there is a reasonable cause to suspect that an animal is being a victim of cruelty, custody of such animal may be taken by an Animal Control Officer or Police Officer. If claimed by its owner within the time limit as defined in this ordinance, the animal shall be held as evidence and confined in such facility in a humane manner. Upon a court finding that the animal has been a victim of cruelty, the animal shall become the property of the Floyd County Animal Care and Control Authority. Any owner or caretaker shall be responsible for all fees as defined in this ordinance.

(D) Animals that are obtained legally and are processed for human consumption are exempt from this ordinance. Penalty, see A-O.99

A-O.07.1 ANIMAL FIGHTING AND EXHIBITION FIGHTING PROHIBITED

(A) No person shall cause or permit any dogfight, cockfight, or other combat between animals. In the event there is a reasonable cause to suspect that an animal is involved in a dogfight, cockfight or other combat, custody of such animal and all animals of the same species on the same property may be taken by an Animal Control Officer, Police Officer, or authorized person and impounded at an approved Animal Shelter. The animal(s) shall be held as evidence and confined in such facility in a humane manner. Upon finding by a court that the animal(s) involved in a dogfight, cockfight, or other combat between animals, the animal(s) shall become the property of the Floyd County Animal Control Authority.

(B) No person shall own, possess, keep, train, exercise, breed or raise any dog or other carnivore, bird, or animal with the intent that such dog or other carnivore, bird, or animal be utilized, sold, given, or leased for fighting and/or engaged in an exhibition of fighting. If a person owns, possesses, keeps, trains, exercises, breeds, or raises any dog or other carnivore, bird, or animal and/or engages in an exhibition of fighting or selling, leasing, or giving such animals for fighting, such person shall be liable for citation for violation of this ordinance.

(C) No person shall be present at any dogfight, cockfight, animal fighting, or combat between animals. If a person is present at a dogfight, cockfight, animal fighting or combat between animals, such person shall be liable for citation for violation of this ordinance.

(D) Any person who is found present at a dogfight, cockfight, or combat between animals, and who is charged with being a spectator in violation of this ordinance, and who is in possession of and/or is the owner of an animal of the same species as that involved in the animal fight, shall be charged with intent to engage in an exhibition of fighting in violation of this ordinance. Any animal shall be seized and impounded as defined in this ordinance if found on the premises or in the immediate area of the dogfight, cockfight, or combat between animals.

(E) No person shall own, possess, keep, or utilize any animal fighting paraphernalia utilized to train and/or fight such animals.

Penalty, see A-O.99

A-O.07.2 PROVISION OF NECESSITIES

(A) Any owner or caretaker shall provide her/his animal with a good and adequate amount of wholesome food to maintain a healthy level of nutrition. Any owner shall provide and always maintain a constant and reachable supply of fresh and clean water for her/his animal.

(B) Any animal shall always be provided with adequate shelter and protection from the weather. It shall be the discretion of Animal Control and Law Enforcement Officers to determine what constitutes adequate shelter and protection from the weather. Shelters shall be constructed to protect the animal from precipitation and of a material that provides insulation from extreme temperatures. In addition to the shelter, a shaded area shall also be provided by means of other structures, trees, tarps, or awnings. Insulating bedding materials, such as straw, chipped wood, or wood shavings or other materials that dry quickly shall be provided during inclement weather extremes. Shelters must be cleaned and maintained regularly to promote proper health for the animals being kept.

(C) Any owner or caretaker shall provide to her/his animal proper, humane, medical, and veterinary care and treatments when sick, diseased, injured or for the purpose of preventing suffering.

(D) Any owner of animals shall maintain an appropriate environment with clean and healthful living area for any animal being kept, which area shall be free of accumulated waste and debris so that the animal shall be free to walk or lie down without coming into contact with any such waste or debris. All living areas shall be constructed and maintained to promote drainage of rainwater to prevent the accumulation of mud and/or water.

Penalty, see A-O.99

A-O.07.3 RESTRAINT BY TETHER; AND COLLAR SPECIFICATIONS

(A) If any animal is restrained by a cable or similar restraint, it shall be designed and placed as defined under RESTRAINT in this ordinance.

(B) All collars used for the purpose of tethering an animal must be made of nylon, leather, or other durable and non-metallic material. Using a chain, choke, or pinch collar as a primary collar is prohibited.

(C) All collars or harnesses must be fitted regularly to avoid causing injury or becoming embedded into the animal's body.

(D) No tether shall weigh more than one eighth (1/8) of the animals' body weight.

(E) No dog shall be tethered that has not been spayed or neutered.

(F) Spayed or neutered dogs may not be tethered for more than 10 continuous hours in any 24-hour period. Dogs may not be tethered at all between sunset and sunrise. Ten (10 feet in 180° arch as not to get tangled. Penalty, see A-O.99

A-O.07.4 SEXUAL ACTS WITH ANIMALS

No person shall engage or cause to allow any other person to engage in a sexual act with any animal.

Penalty, see A-O.99

A-O.07.5 ABANDONMENT

(A) No person shall abandon any animal. Abandonment means to desert an animal or to leave the animal without making provision for adequate long-term care of the animal and consists of leaving an animal for a period more than 24 hours, without providing and checking 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 the property owner's consent. In the event that an animal is found abandoned, such an animal may be taken by an Animal Control Officer or Law Enforcement Officer and impounded at an approved shelter or fostering facility, where the animal shall be confined in a humane manner. Such an animal, if taken from private property, shall be kept for not less than the prescribed period in accordance with the procedures set forth in section A-O.24. When a caretaker is mandated by the owner of such animal and the animal is so abandoned, the caretaker shall be subject to a citation for violation of this section and all fees as defined in this ordinance.

(B) Any Animal Control Officer or Law Enforcement Officer is authorized to impound such animal if he/she deems that the condition of the animal requires immediate care or veterinary treatment and/or upon finding reasonable suspicion of abandonment and/or believe such animal(s) needs to be removed for humane reasons. The Animal Control Officer or Law Enforcement Officer is authorized to go on private property of the owner of the animal to investigate abandonment and to establish reasonable suspicion of abandonment only with the consent of the owner or by obtaining a civil search warrant.

(C) If an Animal Control Officer or Law Enforcement Officer is unable to properly determine if a pet has been abandoned, the responding officer shall leave a tag on the door with the date, time, responding agency and enforcement officers contact information. If that tag has not been removed, or the property owner has not returned, then Animal Control or Law Enforcement can act after twenty-four (24) hours of tagging.

Penalty, see A-O.99

A-O.07.6 CRUELTY

(A) For the purpose of this section, cruelty of an animal shall also be defined as a failure by a person to adhere to the remedies and requisites ordered by an Animal Control Officer to comply with the requirements and provisions of any sections of this ordinance.

(B) No person shall engage, participate or be present in any acts or actions defined as cruelty in this ordinance. No person shall cruelly treat or torment any animal.

(C) In the event there is reasonable cause to suspect that an animal is being a victim of cruelty, custody of such animal may be taken by an Animal Control Officer or Law Enforcement Officer. If claimed by an owner within the time limit as defined in this ordinance, the animal shall be held as evidence and confined in such facility in a humane manner. Upon a court finding that the animal has been a victim of cruelty, the animal shall become the property of the Floyd County Animal Control. Any owner or caretaker shall be responsible for all fees as defined in this ordinance.

Penalty, see A-O.99

A-O.08 KEEPING ANIMALS PLACES OF HABITATION CLEAN

(A) No person shall cause or allow any place where any animal is, or may be, kept becoming unclean or unwholesome, but shall keep the same clean and sanitary, and free from all refuse and rodents. Such places shall be cleaned at least once every 48 hours. It shall be unlawful to permit any decaying food or any refuse of any kind to remain in such a place. Refuse from such places shall, when swept or collected, be kept in air-tight containers until disposed of in accordance with the ordinances of the county.

(B) It shall be unlawful for the owner or caretaker of an animal to permit or allow such animal to excrete manure or feces on school grounds, parks, or other public property, or on any private property other than that of the owner or person in charge or control of such animal without the permission of the owner of said property, or on any streets, sidewalk, or highways, unless the owner or person in control of such animal immediately removes all manure or feces deposited by such animal and disposes of same in a sanitary manner.

(C) This section shall not apply to blind or visually impaired persons accompanied by a service animal used for their assistance.

Penalty, see A-O.99

A-O.09 ANIMALS AFFLICTED WITH CONTAGIOUS DISEASE

No domestic animal afflicted with a contagious or infectious disease shall be allowed to run at-large, or be exposed in any public place within the county whereby the health of man or animal may be affected; nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of the County Sheriff within the unincorporated areas of Floyd County, Indiana, or an Animal Control Officer or for the purposes of transporting directly to obtain veterinary assistance.

Penalty, see A-O.99

A-O.10 HUMAN BEING BITTEN AND QUARANTINE OF ANIMALS

(A) Any animal (excluding wildlife) which has bitten a human being shall be quarantined for ten days from the time of the bite occurs. The animal shall be examined immediately after it has bitten any human being, and again, at the end of the ten-day period by an agent of the Floyd County Health Department. If at the end of the ten-day period, the agent of the Floyd County Health Department is convinced that the animal is free from rabies, the animal shall be released from quarantine. If the animal dies during the ten-day period, its head shall be sent to the Indiana State Department of Health for examination at the expense of its owner for examination for rabies. Any owner who fails to properly quarantine his/her animal is subject to citation for violation of this section, and the animal shall be impounded at an Animal Shelter or a licensed Animal Clinic or Animal Hospital for the remainder of its quarantine period. The owner shall be responsible for all fees (see attached fee schedule) during the quarantine period and stay at the Animal Shelter as defined in this ordinance.

(B) Any animal whose owner is unavailable or incapable of quarantining the animal is subject to the animal being taken by an Animal Control Officer or Law Enforcement Officer and quarantined at a licensed Animal Clinic or Animal Hospital for the prescribed period.

(C) Any owner of an animal which bites a human being may elect to board such animal at an approved shelter for the quarantine period and must pay certain fees in accordance with a schedule approved by the Floyd County Board of Commissioners. Any owner of an animal which bites a human being may elect to surrender such animal to an approved animal shelter for the quarantine period and must pay certain fees in accordance with a schedule approved by the Floyd County Board of Commissioners.

(D) Any quarantined animal not reclaimed by an owner within 24 hours of the expiration of the prescribed period of quarantine shall be owned by Floyd County Animal Care and Control Authority with the outcome to be humanely determined at the discretion of the Floyd County Animal Care and Control Authority.

(E) Any human being bitten and/or scratched by an animal (excluding wildlife), or any physician or other medical professional or medical institution treating such bite on a human being shall report the bite to Floyd County Animal Care and Control Authority and/or the Floyd County Health Department within twenty-four (24) hours.

(F) Any stray animal (excluding wildlife) which bites and/or scratches a human being shall be quarantined at an approved Animal Shelter, Animal Clinic, or Animal Hospital.

(G) Any dangerous animal that cannot be vaccinated against rabies with an approved rabies vaccine, and any animal which has no established rabies quarantine observation period, is to be euthanized and its head shall be sent to the State Department of Health for examination all at the expense of the individual(s) harboring the animal.

Penalty, see A-O.99

A-O.11 ALLOWING ANIMAL TO REMAIN IN PARKED VEHICLE

It shall be unlawful for a motor vehicle owner/operator, to place or confine an animal or allow it to be placed, confined or to remain in an unattended motor vehicle without sufficient ventilation or at such temperature for such period of time as may reasonably be expected to endanger the health or well-being of such animal due to heat, coldness, insufficient ventilation and/or air exchanges, lack of water, or such other circumstances as an Animal Control Officer deems to be harmful or potentially harmful to the animal. Animal Control Officers are authorized to seize and rescue such animal(s) under life threatening conditions. Such an animal shall be transported to an approved animal shelter or other appropriate entity for immediate medical attention. Damages incurred to such vehicles during the seizure of such animal shall be at the expense of the vehicle owner. Penalty, see A-O.99

A-O.17 DOGS AND CATS OVER FOUR MONTHS TO BE INOCULATED

It shall be unlawful to own, possess, keep, or harbor any dog or cat over the age of four (4) months within the county, unless that animal has been inoculated against rabies by a licensed veterinarian within the preceding year. Penalty, see A-O.99.

A-O.20 IMPOUNDMENT:

The Floyd County Commissioners shall provide for an Animal Control Provider. The animal control officer, the animal control officer's agent, or a law enforcement officer shall have the authority to impound animals.

A-O.20.1 IMPOUNDMENT AUTHORIZED

(A) Any animal which is unrestrained, or found by an Animal Control Officer or Law Enforcement Officer to be creating or constituting a public nuisance, or which is so found to have been inhumanely or cruelly treated, neglected, abandoned, or which has bitten another animal or human being, be impounded and confined in a humane manner until reclaimed by its owner or otherwise disposed of in accordance with this ordinance, provided, that if after reasonable effort, the seizure of any such animals cannot be made, and it is reasonably believed by and Animal Control Officer or Law Enforcement Officer that the

animal presents a present hazard to the public safety, or if upon seizure the animal is discovered to have such an injury or physical condition, the Animal Control Officer or Law Enforcement Officer may immediately euthanize the animal by the most reasonable and humane means then possible.

(B) Impounded animals, except those suffering from an injury or physical condition which causes the animal to suffer, shall be kept and maintained by an animal shelter for the following state periods:

(1) Impounded Animals: 3 days, not including Sundays and state recognized holidays.

(2) Quarantined Animals: 10 days from the time the bite.

(C) Animal control officers are authorized to go on or about private property to seize an animal pursuant to A-O.07.5. If an animal is seized, the animal control officer shall issue a written notice of seizure and leave it with the owner or affix it to the premises from which the animal was seized.

(D) Impounded domestic pets, other than cats, shall be kept three (3) business days, unless reclaimed by their owners. If the owner can be identified by means of a license tag, collar ID, tattoo, microchip, rabies tag or other means physically attached to or upon the body of the animal, the impounding agency shall immediately notify the owner by the most expedient means available of the impoundment of the animal, it will be held for five (5) business days. Animals not reclaimed by their owners within the established time periods, may be humanely euthanized if necessary. However, if an impounded animal has an injury or physical or medical condition, which causes the animal to suffer, Animal Control may immediately humanely euthanize the animal. For the purposes of this Ordinance, the impoundment term shall commence on the date of delivery of the animal to the place of impoundment and not the date of notification of the owner. An owner desiring to reclaim an impounded animal shall comply with and pay such fees as provided by the terms and provisions of this Ordinance. If an animal has been impounded because of cruelty and neglect, Animal Control may refuse to release the animal to its owner until the owner gives Animal Control reasonable assurances that the conditions that constitute cruelty or neglect have been or will be corrected. Corrections shall be confirmed by a home visit by an Animal Control Officer.

(E) Animals (excepting quarantined animals) not reclaimed by their owners within the applicable period of time prescribed by this ordinance may thereafter be placed in suitable homes or may be humanely euthanized.

(F) Livestock shall be retained or returned to its owner in accordance with applicable state law.

A-O.20.2 REMOVAL OF ANIMAL IN IMMEDIATE DANGER

Any animal observed by an Animal Control Officer or Law Enforcement Officer to be in immediate danger may be removed from such a situation by the quickest and most reasonable means available.

A-O.20.3 ENFORCEMENT

(A) It shall be lawful for any animal control officer to inspect any dwelling unit, business, organization, and institution with the consent of any owner or occupant, or by administrative or criminal search warrant, for the purpose of an investigation of any violation of this ordinance and/or state law pertaining to animals.

(B) It shall be lawful for any animal control officer to go onto private property and into a yard to seize any animal; with the consent of any owner, caretaker or occupant of the property; or pursuant to the sections of this ordinance; or with an order of a court of competent jurisdiction in this state, or for any violation of this ordinance and/or state law pertaining to animals that causes an animal control officer to believe that the situation endangers the health or well-being or is a life threatening condition for such animal or such animal needs to be removed for humane reasons and/or required immediate care or veterinary treatment or such animal poses a threat to public health or safety.

(C) It shall be lawful for any animal that is found by an animal control officer to be running at-large, stray, public nuisance, inhumanely or cruelly treated, neglected, or has bitten another animal or human being or is being kept in conditions which violate this ordinance may be impounded at an approved animal shelter or any other place appropriate for the holding of animals in a humane manner until released to the owner or agent. The Animal Control officer may refuse to release any animal to its owner until the owner comes into compliance with this ordinance. In addition to impoundment under this section, an owner may face penalties pursuant to A-O.99 of this ordinance.

A-O.21 ANIMAL CONTROL TO RECORD DATA ON IMPOUNDED ANIMALS

Immediately after impounding any animal, the animal control officer shall record the date of impounding, a description of the animal impounded, the location where the animal was impounded, and the reason for being impounded. A list of impounded animals shall be kept by the Animal Control Officer and the Floyd County Animal Care and Control Authority.

A-O.22 ANIMAL CONTROL TO GIVE NOTICE TO OWNER

The appropriate animal control entity shall give notice to the owner of any animal wearing a tag at the time of impoundment, and the owner of the impounded animal may redeem the animal within five days

from the date of notice by paying all the costs and charges assessed that have accrued up to the time of redemption.

A-O.23 IMPOUNDING FEE; BOND

(A) The appropriate entity as approved by the Floyd County Board of Commissioners shall charge impounding fees, boarding charges, and certain other fees pursuant to a schedule approved by the Floyd County Board of Commissioners. The fees shall be collected by the Commissioners, or by their authorized fiscal agent. However, fees may be waived in certain circumstances by the Floyd County Animal Control Authority and by the contracted shelter.

(B) The owner of an animal that has been impounded under this ordinance may prevent disposition of the animal by Floyd County Animal Control and the shelter caring for the animal by posting, not later than three (3) days after the animal has been impounded, cash or bond with the shelter in an amount sufficient to provide for the animal's care and keeping for at least thirty (30) days, beginning from the date the animal was impounded. The owner may renew the cash or bond by posting a new bond or paying cash, in an amount sufficient to provide for the animal's care and keeping for at least an additional thirty (30) days, not later than five (5) days after the expiration of the period for which a previous cash or bond was posted. If a bond expires and is not renewed or if the payment of case for services isn't paid, the animal shelter may determine disposition of the animal. If the owner of an animal impounded under this section is found guilty or signs an agreement with conditions of an offense under this ordinance, the owner shall forfeit the cash or bond to the animal shelter to reimburse the animal shelter for the expense of the animal's care and keeping. If the owner has paid a bond or cash under this ordinance, the Animal Control Officer may still euthanize an animal if a veterinarian determines that an animal is suffering extreme pain.

(C) If the owner requests, the court, or the animal control authority having jurisdiction of liability for dog bites filed under this ordinance or IC 15-20-1 et. sec. shall hold a hearing to determine whether probable cause exists to believe that a violation of this ordinance or IC 15-20-1 et. sec. has occurred. If the court determines that probable cause does not exist, the court shall order the animal returned to its owner, and the return of any bond posted by its owner. IC 35-46-3-6 provides the process for posting a bond with the Court.

A-O.24 REDEMPTION OF IMPOUNDED ANIMAL

(A) The owner of an animal, or any person authorized in writing by said owner of any animal, may redeem the animal by paying all the costs and fines assessed that have accrued up to the time of making the redemption. Any animal not claimed within three working days of its impoundment becomes the

property of the Floyd County Animal Control Authority and if necessary, may be humanely euthanized in accordance with law. If the animal is known to be owned and notice is sent pursuant to A-O.22, said owner shall have five working days to redeem the animal.

(B) A request or application for redemption, under oath or affirmation, must be filed by the owner, if at all prior to the expiration of the impoundment term, after which time any such request or application shall be considered as a petition to adopt the animal in accordance with the rules and regulations promulgated by the Floyd County Animal Care and Control Authority. If the owner cannot be identified, the Animal Control Officer may request reasonable proof of ownership as a condition for the release of the animal. For purposes of this section, proof of ownership may include bills of sale; photos depicting the animal and the owner, vet records with owner's name and/or similar evidence. In the event of the existence of a controversy pertaining to the ownership or right of possession of an impounded animal, the Animal Shelter may refuse redemption except upon the order of a court of competent jurisdiction.

(C) Any animal previously impounded on more than two occasions within the period of twelve (12) months next preceding the date of the current impoundment, such animal shall be released only upon the application for redemption and after being fitted with a microchip, to facilitate future identification of the animal and owner. Any dog or cat impounded more than three times within said period, such animal shall be released only upon application for redemption and conditioned upon the spay/neuter of the animal. The cost of such procedures shall be paid by the owner of the animal.

(D) Any animal impounded as a result of a dog bite shall be subject to IC 35-46-3-6 or subsequent statute which is here by incorporated by reference. The impound agency shall make a reasonable attempt to identify the owner of an impounded animal; and notify the owner of the impounded animal that the animal is impounded and of the bond requirement imposed under this section. The owner of an animal that has been impounded under this section may prevent disposition of the animal by the impound agency by posting, not later than ten (10) business days after the animal has been impounded, a bond with the court in an amount sufficient to provide for the reasonable expenses of the animal's care and keeping for at least thirty (30) days, beginning from the date the animal was impounded. The ten (10) business day period during which an owner may post a bond begins:

- (1) on the day upon which the animal is impounded; and
- (2) without a court order.

The owner may renew a bond by posting a new bond, in an amount sufficient to provide for the animal's care and keeping for at least an additional thirty (30) days, not later than ten (10) days after the expiration of the period for which a previous bond was posted. If a bond is not posted or a bond expires

and is not renewed, the animal is forfeited to the impound agency and the impound agency may determine disposition of the animal, subject to court order. If the owner of an animal impounded under this section is convicted of an offense under this chapter or [IC 15-20-1-4](#), the owner shall reimburse the impound agency caring for the animal for the expense of the animal's care and keeping.

(E) Any animal deemed to be suffering with extreme pain due to possible injury or apparent disease may be humanely euthanized before the holding period has expired. Statutory reference: Prohibited methods of destruction, see IC 35-46-3-0.5(3)(A) or (B) or any subsequent legislation.

A-O.25 EUTHANASIA OF PRIVATELY-OWNED/ DOMESTICATED ANIMALS

The Floyd County Animal Care and Control Authority shall have the ability to charge the owner of any animal certain fees to euthanize said animal, in accordance with a schedule approved by the Floyd County Board of Commissioners. Only a licensed veterinarian or a certified Animal Control Officer shall be permitted to euthanize animals outside of a hospital/clinic setting. No shooting of privately-owned/domesticated animals shall be permitted unless there is immediate danger to person.

DANGEROUS ANIMALS:

A-O.35 DANGEROUS ANIMALS.

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

DANGEROUS ANIMAL DEFINITIONS

(A) Any animal which constitutes a physical threat to human beings or other domestic animals by virtue of a known propensity to endanger life by unprovoked assault or bite or scratch so as to cause serious bodily harm; or

(B) Any animal when unprovoked, in a vicious or terrorizing manner or an attitude of aggression, approaches any person upon the streets, sidewalks, or any public grounds or places; or

(C) Any animal with a known propensity, tendency, or disposition to attack unprovoked, to cause injury to or otherwise endanger the safety of a human being or domestic animal; or

(D) Any animal which bites (to the extent of puncturing or severely bruising the skin), inflicts injury to or otherwise attacks a human being or domestic animal without provocation on public or private property; or

(E) Any animal which inflicts injury, assaults, or otherwise attacks a human being or domestic animal without provocation on public or private property; or

(F) Any animal which behaves in such a manner that the owner therefore knows or should reasonably know that the animal possesses a tendency to attack or bite a human being or

(G) Any animal which has previously attacked any human being; or

(H) Any animal that cannot be vaccinated against rabies with an approved rabies vaccine, and any animal which has no established rabies quarantine observation period.

(I) Exceptions. Any animal may not be deemed dangerous solely because;

(1) It bites, attacks or menaces:

(a) Anyone assaulting its owner. This shall not include any peace officer attempting to subdue or affect the arrest or detain of a suspect.

(b) Any person or animal that has tormented or abused it;

(2) It is otherwise acting in defense of any attack from a person or other animal upon its owner or any other person;

(3) It is defending its young or the young of another animal;

(4) Anyone entering the owner's property to commit robbery, burglary, assault, or other crime or entering a secured building without permission. Simple trespassing by a person onto private property may not be considered provocation for any attack.

(5) It is severely injured or incapacitated.

(6) Any animals which are employed by a police department in the State of Indiana or any animal which has been certified either nationally or by the State of Indiana for use in police work providing the animal is owned and in the possession of the person who initially trained the animal and for whom the certification was meant.

DANGEROUS DOG DESIGNATIONS

Level 1 – Any attack as defined as a bite in an aggressive manner that pierces the skin; or any attack or bite after being deemed dangerous or potentially dangerous on a prior occasion. Medical attention may not be sought after due to the bite to be classified as a Level 1. This designation will be made in a hearing of the Floyd County Animal Care and Control Authority and may be removed after 36 months.

Level 2 – Any bite that requires medical attention; or any bite that includes deep punctures or bruising in which medical attention is highly recommended or needed; or any attack or bite incident involving

predatory aggressive behavior toward a human or other domestic animal while running at-large, including, but not limited to: chasing, stalking, circling, inhibiting movement, predatory or aggressive pack behavior, or a bite subsequent to being deemed a dangerous or potentially dangerous on a prior occasion. A Level 2 designation must be made in a hearing of the Floyd County Animal Care and Control Authority. This designation can never be removed for a dog.

ENCLOSURES / RESTRAINT FOR DANGEROUS DOGS/ DANGEROUS ANIMAL

(A) Enclosures for dangerous dogs/dangerous animal shall be a covered fence or structure at least six feet in height, installed beneath ground level or in concrete or pavement, or a fabricated structure, to prevent digging under it, and with a gravel or concrete floor, sufficient size to allow the dog/animal to stand, sit, and turn around in a natural position, and which allows for adequate exercise area for the size/breed being kept. Enclosures shall be designed to prevent the entry of children or unauthorized persons and to prevent those persons from extending appendages inside the enclosure. The enclosure must contain proper shelter from the weather and a shaded area. Such enclosures shall be securely locked with a combination or key lock which has been designed to prevent accidental or malicious opening of the enclosure.

(B) Restraint for a dangerous dog/dangerous animal shall be deemed under restraint if on the premises of the owner and confined in a secure enclosure as previously defined, or accompanied by the owner and securely muzzled and restrained with a leather, or nylon lead or leash having a minimum tensile strength of 300 lbs. or greater if such a strength is necessary to restrain the dangerous dog/dangerous animal and not to exceed three feet in length. Penalty, see A-O.99.

A-O.36 DUTY OF OWNERS OF DANGEROUS ANIMALS.

(A) It shall be the duty of every owner of any animal or anyone having any animal in possession or custody, to exercise reasonable care and to take all necessary steps and precautions to protect other people, property, and animal from injuries or damage which might result from the owner's animals' behavior, regardless of whether such behavior is motivated by mischievousness, playfulness, or ferocity.

(B) It is the duty of every owner of a dangerous animal to obtain liability insurance coverage insuring against personal injury in the minimum amount of \$100,000.00, and to provide proof of this insurance to Animal Control upon request.

(C) It shall be the duty of every owner of any animal, or anyone having any animal in his/her possession or custody, to ensure that the animal is kept under control and that reasonable care and precautions are taken to prevent the animal from leaving, while unattended, the real property limits of its owner, possessor, or custodian and that:

(1) It is securely and humanely enclosed within a house building, fence, pen, or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own; and such enclosure must be securely locked at any time the animal is left unattended; or

(2) In the event the animal is outside of its dwelling unit and enclosure, the animal shall be securely muzzled and restrained with a lead or leash and shall be under the direct control and supervision of its owner.

(3) In the event the dog is impounded by Animal Control and placed under the Dangerous Dog Ordinance, the dog is to be micro-chipped at the expense of the owner or keeper of the dangerous animal.

(4) The owner of a dangerous animal shall display a sign on his or her property or premises warning that there is a dangerous animal on the premises. The sign shall be visible and capable of being read from a public highway.

(5) The owner shall immediately notify the Floyd County Animal Control and Floyd County Sheriff if a dangerous animal is loose, and /or has attacked another animal or a human being or has died.

(6) The animal may be impounded to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this ordinance, and any such Animal Control Officer is hereby empowered to seize and impound any dangerous animal whose owner fails to comply with the provisions hereof, subject to the right of such owner to contest the seizure or impoundment, as provided in this ordinance, in Floyd County Circuit or Superior Court. The animal will be retained by Animal Control during the pendency of any such proceeding if the owner posts cash or a bond pursuant to section ss. A-O.23 or other provisions of this ordinance, and Animal Control shall have the power to dispose of any such animal prior to the termination of any court proceedings if no cash or bond is posted or the bond is allowed to lapse, in accordance with that section.

(7) In the event that any dog previously placed under the Dangerous Dog Ordinance is subsequently found running at-large or in violation of this ordinance, the dog will be impounded by Animal Control and euthanized.

(8) In the event that the owner of the animal refuses to surrender the animal to the Animal Control Officer, the Animal Control Officer may request a Police Officer to obtain a search warrant and to seize the animal upon execution of the warrant.

A-O.38 ENFORCEMENT PROCEDURES

In the event that an Animal Control Officer or Law Enforcement Officer has reasonable suspicion to believe that an animal is being harbored in the county in violation of this ordinance, he/she may:

(A) Order the violation immediately corrected by having a law enforcement officer cite the owner to appear in Court for the violation; or

(B) If the violation cannot be immediately corrected and the animal is posing imminent, serious threat to human beings or other domestic animals, the animal may be seized and impounded, in which case the owner or will be cited to appear in Court for the violation. At the owner's request and expense, such impoundment may be at a veterinarian or licensed kennel of the owner's choosing. If the Court rules that the animal is not dangerous as defined, it will be released to the owner upon payment to the animal shelter of the expense of keeping such animal, pursuant to a schedule of such costs. If the Court rules that it is dangerous as defined, the animal will be released to the owner after payment of any fees and penalties and including a bond, and upon presentation of proof by the owner that the animal will now be kept restrained or confined as specified in this ordinance.

(C) If, within seven days, after impoundment, the owner of the alleged dangerous animal fails to either provide proof that the animal will now be kept restrained or confined in compliance with the provisions of this ordinance or fails to reclaim it from Animal Control after impoundment, it will be humanely euthanized.

(D) Any owner of an animal declared as dangerous shall comply, in addition to the other requirements of this ordinance, with all the following requirements:

(1) Any animal declared as dangerous shall possess a microchip or shall have a microchip implanted by the Animal Shelter at the owner's expense.

(2) Any owner of an animal declared as dangerous shall not sell, transfer, give away or use other form of disposition of the animal other than surrender the animal to the Floyd County Animal Control.

(3) Any owner of an animal declared as dangerous shall request authorization from the Floyd County Animal Care and Control Authority to change the location of the animal. The new location, if authorized, shall comply with the requirements of this section.

(E) An action may be brought for mandatory or injunctive relief pursuant to A-O.43 as against any person violating the terms and provisions of this Ordinance, which action shall be brought in the name of the

Floyd County Animal Care and Control Authority, as appropriate, but only after notice of violation has been given as permitted by this Ordinance.

Penalty, see A-O.99

A-O.38.5 POWERS OF ANIMAL CONTROL OFFICERS

(A) Animal control officers have the power to issue citations to people accused of violating this Ordinance in accordance with its provisions regarding enforcement procedures.

(B) Animal control officers also have the power to enforce any state laws or regulations regarding the use of animals in agriculture, cruelty to animals, or animal disease, prevention, or care. Any violation of state criminal law must be referred to the office of the Floyd County Prosecutor for prosecution.

Penalty, see A-O.99

A-O.39 CUSTODIAL LIABILITY

In the event that the owner of the dangerous animal is a minor, the custodian, parent or guardian, legally responsible for such minor shall be liable for all injuries and property damage sustained by a person or domestic animal caused by an unprovoked attack by said dangerous animal, upon proof of fault. Penalty, see A-O.99.

A-O.40 DESTRUCTION OF IMPOUNDED ANIMALS

(A) No animal shall be destroyed within three days of being impounded unless necessary to prevent or stop an attack upon a person or another animal, for humane reasons related to sickness or injury of the animal, or as otherwise provided by law.

(B) An impounded animal shall not be destroyed pending the owner's appeal of a Court Order of Destruction. The Animal Control Officer shall have the burden of proving that the animal should be destroyed pursuant to this ordinance.

(C) Other provisions of this ordinance notwithstanding, any animal which has bitten someone shall be quarantined for ten days from the time the bite occurs. Any owner who fails to properly quarantine their animal is subject to citation for violation of this section and the animal shall be removed to the animal shelter for the remainder of its quarantine period. The owner will be responsible for all quarantine fees.

(D) An animal whose owner is unavailable or incapable of quarantining the animal may be taken by Floyd County Animal Control and quarantined at the approved animal shelter for the prescribed period. Penalty, see A-O.99.

(E) Authorized "Humane euthanasia" of an impounded animal means the humane destruction of an animal using sodium pentobarbital or a derivative, administered in a manner that causes painless loss of consciousness and death. Humane euthanasia does not include involving the use of carbon monoxide, carbon dioxide, or any non-anesthetic inhalant.

A-O.41 ESTABLISHMENT AND POWERS OF THE FLOYD COUNTY ANIMAL CARE AND CONTROL AUTHORITY

(A) The Floyd County Animal Care and Control Authority is hereby established by the Floyd County Board of Commissioners pursuant to the authority established in Indiana law.

(1) The Floyd County Animal Care and Control Authority Board shall consist of 5 members.

(2) The Floyd County Commissioners shall appoint the members to the Floyd County Animal Care and Control Authority. The appointments shall be a veterinarian, a person with law enforcement credentials, an employee of the Floyd County Health Department, and 2 at large appointments who reside in Floyd County and are governed by this Ordinance at the discretion of the Floyd County Commissioners.

(3) Pursuant to IC 36-2-16-10, the Floyd County Commissioners shall designate a county animal disease control emergency coordinator who is responsible for receiving information as to the policy of the state board of animal health on animal disease control matters. The county animal disease control emergency management coordinator shall distribute information as directed by the state board of animal health. Not later than seven (7) days after making the designation, the Floyd County Commissioners shall forward the name of the county animal disease control emergency coordinator to the Indiana state board of animal health. The appointee may be a member of the Floyd County Animal Care and Control Authority.

(4) The Board appointees shall be appointed originally in staggered terms at the discretion of the Floyd County Commissioners and serve 4-year terms thereafter.

(5) The Floyd County Animal Care and Control Authority shall meet monthly or as otherwise noticed by the President or three members of the Board.

(6) Floyd County Animal Care and Control Authority shall elect a President, a Vice President and a Secretary.

(7) The Floyd County Animal Care and Control Authority shall employ an attorney to advise and represent the Board in legal matters.

(8) The Floyd County Animal Care and Control Authority shall have the authority to handle all matters within the jurisdiction of this Ordinance. The Floyd County Animal Care and Control Authority may defer enforcement of this Ordinance to the Floyd County Health Department if judicial efficiencies can be recognized at the discretion of the Floyd County Animal Care and Control Authority.

(B) The Floyd County Animal Care and Control Authority may uphold or reverse a decision made by an animal control officer declaring that an animal is a public nuisance or "Dangerous" animal as defined by this ordinance.

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

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

(C) Any and all appeals for permits or revocation of permits within this ordinance shall come before the Authority for a hearing.

(D) These hearings shall be recorded. Transcripts of these hearings may be made at the expense of any person seeking review of the hearings.

(E) Appeals from the determinations of the Floyd County Animal Care and Control Authority shall be filed in the Floyd Circuit or Floyd Superior Court in accordance with, and subject to the procedures and deadlines set out in, the provisions of the Indiana Administrative Code regarding administrative appeals.

A-O.41.5 MEETINGS WITH THE FLOYD COUNTY ANIMAL CARE AND CONTROL AUTHORITY

(A) The Floyd County Animal Care and Control Authority may, at its sole discretion, meet with any person suspected of violating this Ordinance for the purpose of informal negotiations to determine any penalties or establish a plan to remedy violations. People accused of violating this Ordinance may also request a conference with the Floyd County Animal Care and Control Authority to resolve any claim of violation. These negotiations shall be conducted informally, for the purpose of peaceful resolution of claimed violations of the Ordinance.

(B) Meetings conducted under this section shall be entitled to the evidentiary privileges afforded to settlement negotiations under Indiana law.

(C) Unless an agreement is arrived at, no representations made by any party shall continue to bind that party should any official or judicial proceeding be undertaken to enforce this Ordinance.

(D) Allegations of violations of state criminal law must be referred to the Floyd County Prosecutor.

A-O.42 RESOLUTION AND SETTLEMENTS

(A) The Floyd County Animal Care and Control Authority and the accused person may enter into a settlement agreement regarding the matters alleged in the report of the Officer. Such a settlement agreement may provide for:

- (1) Remedial actions to be undertaken by the accused; and/or
- (2) A timetable by which such remedial actions must be performed; and/or
- (3) The waiver of fines, penalties, and other sanctions available under this Ordinance.

(B) A settlement agreement entered under this section must be reduced to writing and signed by the person claimed to have violated the ordinance or his or her representative, parent, or legal guardian, and the Authority or its representative.

(C) A settlement entered under this section is binding upon all the parties and their heirs, successors, and assigns.

A-O.43 JUDICIAL ENFORCEMENT

(A) If no settlement agreement is reached, or any settlement agreement is breached by the owner or the person responsible for the animal; or if the Floyd County Animal Care and Control Authority decides in its sole discretion that a settlement conference would be unhelpful, or that a situation exists that requires immediate action, the Floyd County Animal Care and Control Authority may bring judicial proceedings to enforce this ordinance. The Defendant or aggrieved party with standing may bring judicial proceedings seeking relief from the actions of the Floyd County Animal Care and Control Authority.

(B) The defendant shall be responsible for attorney's fees associated with successful judicial proceedings brought by the Floyd County Animal Care and Control Authority Attorney.

(C) Fines, judgments, and injunctive relief against violation of this ordinance may be sought in any such judicial proceedings and any other remedies available to the Floyd County Animal Care and Control Authority in law or equity.

A-O.44 SAVINGS CLAUSE

This ordinance and the various parts, sections, sentences, phrases, and clauses hereof, are hereby declared to be severable. If any part, section, sentence, phrase, or clause is judged unconstitutional or invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

A-O.45 PRIOR ORDINANCES REPEALED

This ordinance shall supersede and replace all previous ordinance related to animal control and all such ordinances are hereby void. This ordinance shall be in full force and effect from and after its passage and publication in accordance with the laws of the State of Indiana.

A-O.99 ISSUANCE OF CITATIONS; VIOLATION NOTICES; FEES

(A) In addition to, or in lieu of impounding an unrestrained or stray animal or for any other violation of this ordinance, any Animal Control Officer, Police Officer, or authorized agent may issue a citation to the owner of such animal specifying the section or sections of this ordinance so violated and identifying the specific nature of the violation. A person who receives a citation has 24 hours to correct the violation or they will be subject to additional penalties, or the animal will be subject to impoundment as provided in this ordinance.

(B) Upon complaint and execution by any citizen of a sworn affidavit that said affiant has actual knowledge that A-O.01, A-O.06, A-O.07, A-O.08, A-O.09, AO.11, or A-O.17, has been violated, the affidavit shall constitute reasonable suspicion for an animal control officer to begin an investigation.

(C) A first offender in violation of any provision of A-O.01, A-O.02.5 through AO.11, A-O.17 shall be fined not less than \$25 nor more than \$100. For any second or subsequent violation of any provision of A-O.01, A-O.02.5 through A-O.11, or A-O.17 a person shall be fined not less than \$50 nor more than \$200.

(D) A first offender in violation of any provision of A-O.35 through A-O.40 shall be fined not less than \$50 nor more than \$100. In the event that any dog previously placed under A-O.35 through A-O.40 is found in violation of this ordinance, the dog will be impounded by Animal Control and euthanized.

(E) Fines and penalties collected pursuant to this ordinance shall be collected by Floyd County Animal Care and Control Authority or by its fiscal agent and shall be retained in the non-reverting fund for Floyd

County Animal Care and Control Authority or its successors, excepting fees collected under A-O.10, A-O.12, A-O.23(A), A-O.24(C).

Fees, Adoption Fees.

(F) All animals that are available for adoption shall be spayed or neutered, up to date on FVRCP vaccination, and rabies vaccination.

(G) Dogs adopted through the animal shelter must be microchipped and registered before taking possession.

(H) All fees for services generated are collected by the private contractor offering animal shelter services approved by the Floyd County Board of Commissioners. All fees shall be set and approved by agreement between the contractor and the Floyd County Board of Commissioners. All fees generated and allocated to the Floyd County Animal Care and Control Authority shall be deposited in a non-reverting line item for use associated with the business of the Floyd County Animal Care Authority.


(I) All fees for services generated by a county owned animal shelter shall be set by Resolution passed by the Floyd County Commissioners. All fees generated shall be deposited in a non-reverting line item for use associated with the business of the Floyd County Animal Care and Control Authority.

SO ORDAINED this 5 day of December 2023.

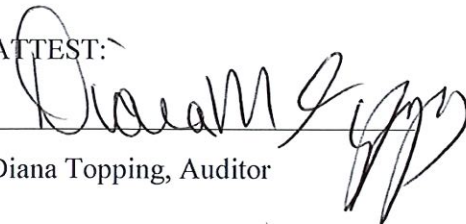
BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD


Al Knable, President


John Schellenberger, Member


Jason Sharp, Member

ATTEST:


Diana Topping, Auditor