

ORDINANCE NO. 2018- 12

**Amendment
Hendricks County Animal Control Ordinance**

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana, established an Animal Control Department and adopted the Hendricks County Animal Control/Shelter Ordinance Manual 2000-30 (the "Ordinance") which included rules, regulations, and fees for the operation of the Animal Control Department; and

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana, has received recommendations regarding the need to update the circumstances when, following notice to an animal's owner, neglected animals as well as dangerous or potentially dangerous animals may be humanely destroyed under the Ordinance; and

WHEREAS, the Board of County Commissioners of Hendricks County, Indiana, has considered the following amendment and finds the adoption of the amendment would promote the health, safety, welfare, and convenience of the citizens of Hendricks County.

NOW THEREFORE, be it **ORDAINED** by the Board of County Commissioners of Hendricks County, Indiana that Rules 7 and 13 of the Ordinance are amended as follows:

RULE 7

(Confinement of certain animals
Public nuisance animals)

Chapter 2.7 Confinement of certain animals:

Sec. 2.7.1 The Animal Control Officers shall make a determination as to whether an animal fits the dangerous or potentially dangerous category, based on complaints or other information. The Animal Control Officers shall investigate these complaints or the information to determine if, in fact, the animal is dangerous and/or potentially dangerous. This shall be done on a case-by-case basis.

(A) If the Animal Control Officers determine that an animal is dangerous and/or potentially dangerous, the Animal Control Officers shall issue a written determination setting forth the findings that support this determination. The written determination shall be dated and include an itemized estimate of the reasonable expenses the Hendricks County Animal Control/Shelter expects to incur for the care of the animal from the time of the written determination to a minimum of thirty (30) days thereafter. Such expenses shall include

but are not limited to kennel fees and the estimated cost of emergency and routine veterinary care.

(B) On the date the Animal Control Officers make a written determination that an animal is either dangerous or potentially dangerous, the Hendricks County Animal Control/Shelter shall provide notification to the owner(s) of the animal that the animal has either been deemed dangerous or potentially dangerous and the animal shall be confined at the Hendricks County Animal Control/Shelter.

(C) Following the date the Hendricks County Animal Control/Shelter provided notification to the owner(s) of the animal under subsection (B), the following action shall be taken:

(1) If, following notification to the owner(s), the owner(s) signs a release form requesting that the dangerous or potentially dangerous animal be humanely destroyed, then the Hendricks County Animal Control/Shelter may in its discretion have the animal humanely destroyed;

(2) If, following notification to the owner(s), the owner(s) agrees that the animal is either a dangerous or potentially dangerous animal and agrees in writing to comply with all the requirements set forth in Chapter 2.7 regarding confinement of certain animals, then the Hendricks County Animal Control/Shelter shall release the animal to the owner(s);

(3) Owner(s) may appeal the determination of the Animal Control Officers that an animal is either a dangerous or potentially dangerous animal as follows:

(a) No later than 15 days following written notification of owner(s), the owner(s) shall:

(i) submit a written request to the Board of Commissioners of Hendricks County; and

(ii) post with the Hendricks County Clerk's Office a bond in the amount specified by the Animal Control Officers' written determination. The owner(s) 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 30 days, not later than 10 days after the expiration of the period for

which a previous bond was posted. If a bond expires the Hendricks County Animal Control/Shelter may in its discretion humanely destroy the animal.

(b) The Commissioners of Hendricks County shall hear any appeal of the determination of the Animal Control Officers. The Commissioners shall take action on any appeal within 30 days of the date the Commissioners receive a written request. The Commissioners may either affirm or reverse the written determination of the Animal Control Officers. If the Commissioners fail to take action within 30 days, then the determination of the Animal Control Officers is automatically affirmed.

(c) Once disposition of the animal is determined, any bond posted shall be released to the Hendricks County Animal Control/Shelter to cover the costs for confinement of the animal and care of said animal for the number of days the animal was in custody of the Hendricks County Animal Control/Shelter. Any unused portions of the bond shall be returned to the individual who posted the bond.

(4) If (1) the Animal Control Officers have not been able to provide notification of owners within a reasonable length of time; (2) the owner(s) decline to sign a release as set out in 2.7.1(C)(1); fails or refuses to agree in writing to comply with all of the requirements set forth in Chapter 2.7 as required by subsection 2.7.1(C)(2); or fails to file a timely appeal under 2.7.1(C)(3), then the Hendricks County Animal Control/Shelter may in its discretion humanely destroy the animal.

Sec. 2.7.2 The owner shall confine, within a building or secure enclosure, every fierce, dangerous, or vicious animal and not take such animal out of such building or secure enclosure, unless such animal, is securely muzzled and a leash is secured to a choker chain around the animals neck, and the owner is in complete control of the leash. The animal shall not be removed from the enclosure by anyone but the owner, who must be 18 years of age, or older. A warning sign and a padlock of sufficient size to be capable of securely confining the animal must be on all gates that enter the area of confinement. If the animal is inside the home, the door to the confined area must be secure and must be locked while the animal is in the home. This animal must be micro-chipped by a licensed veterinarian or the Hendricks County Animal Control/Shelter, and the number kept on file at the Hendricks County Animal Control/Shelter. For as long as this animal is in Hendricks County, Animal Control officers will make periodic inspections to verify that compliance with the conditions for which the animal is to be kept are met. This animal is not to be given away or

taken away with out Hendricks County Animal Control/Shelter knowing where the animal is to be housed. The cost of the microchip and registration to be at the owner's expense.

Sec. 2.7.3 The owner shall confine every potentially dangerous animal within a six foot high fenced – in yard or secure enclosure pen that is constructed so that the animal cannot get out. The owner shall not take the animal out unless said animal is under control on a leash, with a choke collar attached, at all times. The animal is not to be allowed to run free, and must be with the owner, who must be 18 years of age, or older. A warning sign and a padlock of sufficient size to be capable of securely confining the animal must be on all gates that enter the area of confinement. If the animal is inside the home, the door to the confined area must be secure and must be locked while the animal is in the home. This animal must be micro-chipped by a licensed veterinarian or the Hendricks County Animal Control/Shelter, and the number kept on file at the Hendricks County Animal Control/Shelter. For as long as this animal is in Hendricks County, Animal Control officers will make periodic inspections to verify that compliance with the conditions for which the animal is to be kept are met. This animal is not to be given away or taken away with out Hendricks County Animal Control/Shelter knowing where the animal is to be housed. The cost of the microchip and registration to be at the owner's expense.

~~The Animal Control Officers shall make a determination as to whether the animal fits the dangerous or potentially dangerous category, based on complaints or other information. The Animal Control Officers shall investigate these complaints or the information to determine if, in fact, the animal is dangerous and/or potentially dangerous. This shall be done on a case-by-case basis.~~

- (A) It is the owner's responsibility to conspicuously place a sign on every dangerous, or potentially dangerous animal's enclosure warning people that a dangerous or potentially dangerous, animal is kept there.
- (B) If the owner or keeper of an animal that has been deemed dangerous or potentially dangerous, is unwilling or unable to comply with the above regulation for keeping such animal, then the owner or keeper must have the animal humanely euthanized **destroyed** by an Veterinarian or the Hendricks County Animal Control/Shelter, after any required holding period. Any animal that has been designated dangerous, or potentially dangerous, may not be offered for adoption.
- (C) Any dangerous animal shall be immediately confiscated by an Animal Control Officer if the:
 - (1) Animal is not maintained in a proper enclosure.

(2) Animal is outside of the proper enclosure and not under proper restraint.
In addition, the owner may be cited for an ordinance violation.

(D) Once an animal has been deemed a dangerous, or potentially dangerous animal and attacks or bites a person or domestic animal, the owner may be cited. In addition, the dangerous animal shall be quarantined at the Hendricks County Animal Control/Shelter.

(E) When an animal running at large appears to be an immediate physical threat to the public or other animals, and it cannot be safely or humanely captured by the Animal Control Officers, an officer of the law may be called and requested to destroy the animal as a last resort.

Sec. 2.7.34 Every female dog, in heat shall be kept confined in a building or secure enclosure, or in a veterinary hospital or boarding kennel, in such manner that said female dog cannot come into contact with another animal, except for breeding purposes, as the owner shall desire.

Sec. 2.7.45 No wild animal may be kept within the county limits, except under such conditions as shall be fixed by the Hendricks County Planning and Zoning **Department**, and State of Indiana.

Sec. 2.7.56 Any at large animal described in the foregoing subsections of Rule 7 of this ordinance shall be impounded by the Hendricks County Animal Control/Shelter and may not be redeemed by its owner unless such redemption is authorized by a court having jurisdiction. This provision shall also apply to animals found to be in violation of Rule 8 of this ordinance. Any animal impounded for being a dangerous, or potentially dangerous animal may not be redeemed unless such redemption is authorized by a court having jurisdiction. The owner will be responsible for all fines and fees and proof of all vaccinations before the release of the animal.

RULE 13
(Neglected Animals)

Chapter 2.13 Investigation:

Sec. 2.13.1 For the purpose of discharging the duties imposed by this Ordinance and to enforce its provisions, any agent of the Hendricks County Animal Control/Shelter is empowered to enter upon any property in which any animal is kept or harbored in a reportedly cruel or inhumane manner, and the officer may demand to examine such animal, and to take possession of such animal, when in the officer's opinion, it requires humane treatment.

Requirements for Humane Treatment.

- (A) Animals must be provided with adequate shelter, so animal is kept warm and dry and protected from the sun and all weather. Livestock does not always require shelter (see D).
- (B) Animals must be provided with adequate exercise space. The size of the animal will be taken into consideration.
- (C) Animals must be provided with clean water at all times, in a container that cannot be overturned by the animal. Animals must also be fed on a daily basis.
- (D) All investigations are judged on an individual basis, with all information taken into consideration.

Sec. 2.13.2 If an agent of the Hendricks County Animal Control/Shelter takes possession of an animal under Rule 13, the Animal Control Officers shall issue a written determination setting forth the findings that support this determination.

(A) The written determination shall be dated and include an itemized estimate of the reasonable expenses the Hendricks County Animal Control/Shelter expects to incur for the care of the animal from the time of the written determination to a minimum of thirty (30) days thereafter. Such expenses shall include but are not limited to kennel fees and the estimated cost of emergency and routine veterinary care.

(B) Following the date the Hendricks County Animal Control/Shelter provided notification to the owner(s) of the animal under subsection (A), the following action shall be taken:

(1) If, following notification to the owner(s), the owner(s) signs a release form requesting that the animal be adopted or humanely destroyed, then the Hendricks County Animal Control/Shelter in its discretion may have the animal adopted or humanely destroyed;

(2) Owner(s) may appeal the determination of the Animal Control Officers that an animal is either a dangerous or potentially dangerous animal as follows:

(a) No later than 15 days following the written notification to the owner(s), the owner(s) shall:

(i) submit a written request to the Board of Commissioners of Hendricks County; and

(ii) post with the Hendricks County Clerk's Office a bond in the amount specified by the Animal Control Officers' written determination. 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 30 days, not later than 10 days after the expiration of the period for which a previous bond was posted. If a bond expires the Hendricks County Animal Control/Shelter may in its discretion humanely destroy the animal.

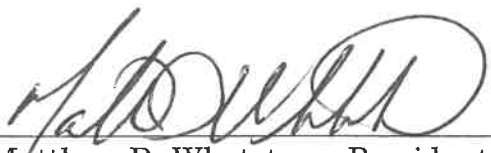
(b) The Commissioners of Hendricks County shall hear any appeal of the determination of the Animal Control Officers. The Commissioners shall take action on any appeal within 30 days of the date the Commissioners receive a written request. The Commissioners may either affirm or reverse the written determination of the Animal Control Officers. If the Commissioners fail to take action within 30 days, then the determination of the Animal Control Officers is automatically affirmed.

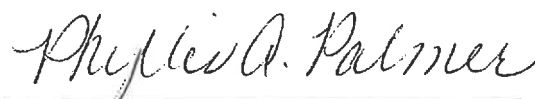
(c) Once disposition of the animal is determined, any bond posted shall be released to the Hendricks County Animal Control/Shelter to cover the costs for confinement of the animal and care of said animal for the number of days the animal was in custody of the Hendricks County Animal Control/Shelter. Any unused portions of the bond shall be returned to the individual who posted the bond.

(3) If (1) the Animal Control Officers have not been able to provide notification of owners within a reasonable length of time; (2) the owner(s) decline to sign a release set out in 2.13.2(B)(1); or the owner(s) fail to file a timely appeal to the Commissioners of Hendricks County of the written determination made by the Animal Control Officers under 2.13.2(B)(2), then the Hendricks County Animal Control/Shelter may in its discretion either place the animal in an adoptive home or humanely destroy the animal.

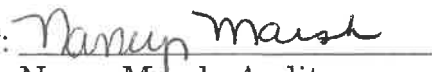
SO ORDAINED this 26th day of June, 2018.

BOARD OF COMMISSIONERS OF HENDRICKS COUNTY, INDIANA


Matthew D. Whetstone, President


Phyllis A. Palmer, Vice President


Bob Gentry, Member

ATTEST: 
Nancy Marsh, Auditor