

ELKH. CO.

ORDINANCE NO. PC 87-308

1987

ORDINANCE REGULATING AND REQUIRING HUMANE TREATMENT
OF ANIMALS AND CONTROL OF ANIMALS

WHEREAS, the Board of Commissioners of the County of Elkhart has received numerous requests to adopt an ordinance to permit the regulation or control of loose or abandoned cats or dogs, dangerous or vicious cats or dogs, or cats, dogs, or other animals howling or unduly disrupting neighborhoods;

WHEREAS, the Board of Commissioners of the County of Elkhart have also received requests to require rabies inoculations for cats and dogs, to require the confinement of dogs or cats in heat, and to provide penalties for violations of standards established by the Board;

NOW, THEREFORE, BE IT ORDERED, ESTABLISHED, RESOLVED AND ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF ELKHART, INDIANA, AS FOLLOWS:

1. Definition of Terms. The following words and phrases, when used in this Ordinance, shall have the meanings respectively ascribed to them by this Section, unless the context otherwise indicates.

(a) "Dog", "cat", and "animal" shall include both the male and female of all forms of dogs, cats, or other animals of any type or character.

(b) "Owner" shall mean any person, firm, association, entity, group, or corporation owning, keeping, boarding, or harboring a dog, cat, or other animal within the unincorporated areas of Elkhart County, Indiana.

(c) "At large" shall mean off the premises of the owner's property or residence while not under the control of the owner or other person by leash, cord, chain, or other device of actual physical restraint. An exception to "at large" shall be for instances where a dog, cat, or other animal would be under voice control while engaged in hunting, tracking, or other verifiable training procedures.

(d) "Abandonment" shall mean the voluntary relinquishment of possession by the owner with the intention of terminating his ownership but without vesting it in any other person.

(e) "Vicious" shall mean with a propensity, inclination, tendering or attitude toward or causing an unprovoked attack or assault on a human or another animal.

2. Jurisdiction. This Ordinance, and the rules, regulations, restrictions, and punishments herein provided, shall pertain only to activities arising from or occurring within the unincorporated areas of Elkhart County, Indiana.

3. Control Measures. An owner shall keep his dog, cat, or other animal under control at all times. It shall be deemed that an owner does not have control of his animal if he permits said animal to:

(a) Run at large at any time within the unincorporated areas of Elkhart County, Indiana.

(b) Damage or defile the premises or property of another within the unincorporated areas of Elkhart County, Indiana.

(c) Bark or howl unduly, for periods exceeding thirty (30) minutes, so as to disturb the quiet of the neighborhood, or any person or persons; provided, however, that this subsection (c) shall not apply to duly licensed and operated kennels permitted by the Elkhart County Zoning Ordinance to be operated at the location at issue, by specific zoning ruling, special use permit, or other provisions of the Zoning Ordinance.

(d) Bite, or attempt to bite, attack, or beligerently pursue any person or persons.

4. Female Dogs or Cats. Any female dog or cat in heat shall be confined in a secure enclosure by its owner in such manner that the female cannot come in contact with a male animal of its own species.

5. Abandonment of Animals. It shall be unlawful for any owner of any animal to abandon the same within the unincorporated areas of the County of Elkhart, Indiana.

6. Innoculation. All dogs or cats kept, harbored, or maintained by their owners in the County of Elkhart, and over the age of six (6) months, shall have a current and valid rabies inoculations, and must wear a tag at all times attached to a properly fitted collar or harness verifying the inoculation.

7. Vicious Animals. It shall be unlawful for any person to keep, maintain, or have in his possession or under his control within the unincorporated areas of the County of Elkhart, Indiana, any dangerous, dog, or other animal with vicious or dangerous propensities toward humans or other animals. This Section of the Ordinance does not prohibit trained law enforcement dogs nor certified, trained production dogs.

8. Penalties. Any person violating any of the provisions of this "Ordinance" shall be deemed guilty of a Infraction, and shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00), together with the Court costs or other assessments imposed by a Court of competent jurisdiction. Any person convicted of a subsequent violation or violations of this Ordinance, within one (1) year after a prior conviction, shall be punished by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00), together with the Court costs or other assessments imposed by a Court of competent jurisdiction. For purposes of this Ordinance, each day's violation of any of the terms or provisions hereof shall be deemed a separate offense.

9. Effective Date. This Ordinance shall be effective from and after date of all legal publications, as required by law, but in no event prior to June 1, 1987.

Adopted this 20th day of April, 1987.

BOARD OF COMMISSIONERS OF THE
COUNTY OF ELKHART, INDIANA

By Marvin D. Riegsecker
Marvin D. Riegsecker, President

By David L. Hess
David L. Hess

By John D. Bentley
John D. Bentley

Attest:

Myra J. Moore
Myra J. Moore
Elkhart County Auditor