

ORDINANCE NO.

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AN ORDINANCE REGULATING  
ANIMAL CONTROL IN FULTON COUNTY

WHEREAS, the Board of Commissioners of Fulton County, Indiana (" the County") is charged with the responsibility and duty to protect the public health, welfare and safety of the residents of the County:

NOW THEREFORE, BE IT ORDANED by the Board of Commissioners of Fulton County, Indiana as follows:

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## GENERAL PROVISIONS

Legislative findings and intent of regulations.

(a) The following regulations are enacted in the interest of setting forth comprehensive public safety regulations which, when effectively implemented, administered and enforced, promote responsible animal and pet ownership. The regulations are aimed at ensuring due process protections for owners by promoting responsible animal and pet ownership, which is essential to the protection of animals in Fulton County.

(b) The following regulations set forth the best practices for the humane and ethical treatment of animals by requiring animal and pet owners to comply with reasonable regulations in order to be responsible owners.

1.001. - Definitions.

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

- (a) Abandon means to knowingly, intentionally, or recklessly leave unattended, without proper food, water, or shelter, for twenty-four (24) hours or more, in or about a building or structure or any portion thereof on or about any property with the exception of community cats.
- (b) Adequate shelter means a structure designed specifically to shelter an animal that allows an animal to maintain its body heat, with a roof, structured floor and three (3) sides free of leaks or openings to the wind and rain, and a fourth side allowing access that is protected from the elements. The structure is insulated with water resistant insulation, such as straw, and deep enough to allow the animal to burrow. The structure is physically located in a dry area allowing the animal to stay dry and access outside the structure to dry ground that is mud free.
- (c) Altered animal means an animal that has been operated on to prevent it from procreating.
- (d) Animal means any living vertebrate, domestic or wild, except a human being.
- (e) Animal concession means any person, group of persons, partnership, or corporation who for compensation has any animal available for hire or on display.
- (f) Animal Control Officer means a person authorized to carry out the provisions of this chapter.
- (g) Animal event means display, activity or show of wild or domestic animals in a shopping center, retail establishment, adjacent lot, or elsewhere.
- (h) Animal welfare organization means any group maintaining a 501 (c) 3 status with the primary purpose of promoting animal health, safety, or adoption or the prevention of animal cruelty. Organizations described in section 501(c) (3) commonly referred to as charitable organizations or nonprofit organizations, as per Internal Revenue Service standards.
- (i) At large animal means any animal not under restraint or control. This section does not apply to free-roaming and/or community cat(s).
- (j) Auction means any place or facility where animals are regularly bought, sold or traded, except for those facilities otherwise defined in this chapter or by Indiana State law.
- (k) Breeder means any person who intentionally or accidentally causes the breeding of an animal or makes an animal cat or dog available for breeding purposes, or any person who offers for sale, sells, trades, receives other compensation or gives away any litter of dogs or cats; or any person who has unaltered animals who habitually (two (2) or more litters) have accidental litters.
- (l) Bite means to seize or cut with the teeth, "breaking the skin".
- (m) Business day means Monday through Friday, except for federal, state, or local holidays.
- (n) Community Cat Caretaker means a person who provides food, water and shelter for community cat(s) as defined by this chapter. A community cat caregiver shall not be considered to be the owner, custodian, harbinger, controller, or keeper of a community cat.
- (o) Community cat means any free-roaming, feral, or barn cat that may be cared for by one or more residents of the immediate area and which has no discernible form of ownership identification.

- (p) Companion animal means domesticated or domestic-bred animals whose physical, emotional, behavioral and social needs can be readily met as companions in the home or in close daily relationship with humans. Kept for pleasure rather than utility.
- (q) Companion animal hoarder means a person who:
- (i) possesses a large number of companion animals;
  - (ii) fails to or is unable to provide what he or she is required to provide under sections 1.015-1.017
  - (iii) keeps the companion animals in a severely overcrowded environment; and
  - (iv) displays an inability to recognize or understand the nature of or has a reckless disregard for the conditions under which the companion animals are living and the deleterious impact they have on the companion animals' and owner's health and well-being.
- (r) Dangerous wild or dangerous exotic animal means a wild or exotic animal, not indigenous to the State of Indiana, not commonly found as a domestic animal, that would create a potential risk to public safety including but not limited to bears, wolves, lions, tigers, jaguars, leopards, cougars, alligators, crocodiles, caimans, snakes and reptiles that are venomous, apes, baboons, macaques, or any hybrid of like animal.
- (s) Enforcement Authority means law Enforcement Control Agencies and officers acting on their behalf and Animal Control Officers sanctioned by Fulton County, or the State of Indiana.
- (t) Enticement means to attract or lure.
- (u) Foster care provider means a person who provides care or rehabilitation for companion animals through an affiliation with a public or private animal shelter, home-based rescue, releasing agency, or other animal welfare organization.
- (v) Foster home means a private residential dwelling and its surrounding grounds, or any facility other than a public or private animal shelter, at which site through an affiliation with a public or private animal shelter, releasing agency, or other animal welfare organization, care or rehabilitation is provided for companion animals.
- (w) Grooming shop means a commercial establishment where animals are bathed, clipped, plucked or otherwise groomed.
- (x) Harboring means the actions of any person that permit any animal habitually to remain at large or to be fed within his/her home, store, enclosure, yard or place of business or any premises on which such person resides or controls. An animal shall be presumed harbored if it is fed or sheltered for three(3) consecutive days. This does not apply to community cats or community cat caretakers.
- (y) Impoundment means to seize and place in to the Fulton County Animal Center any dogs or owned cats found in violation of this chapter and/or Indiana law, or to temporarily house animals in protective custody due to disaster or other tragic event.

(z) Law Enforcement Animal, K-9 dogs and police dogs means a professionally trained dog used by law enforcement officers for law enforcement purposes and activities.

(aa) Lawful trap, snare, or similar device means a humane, box style trap of suitable size and construction appropriate for the target species.

(bb) Leash means a cord, rope, strap or other such physical restraint.

(cc) Microchip implant means a passive electronic device that is injected into an animal by means of a pre-packaged sterilized implanting device for purposes of identification and/or the recovery of animals by their owner(s).

(dd) Microchip reader means an electronic device that detects any implanted microchip.

(ee) Noncommercial means not of, pertaining to, or characteristic of commerce.

(ff) Owner/guardian means a person owning or harboring one (1) or more animals for a period of longer than twenty-one (21) days; however, community cat caretakers and those caring for foster animals in foster homes shall not be deemed to be owners or guardians of such animals.

(gg) Person means an individual, firm, corporation or commercial establishment

(hh) Pet means any animal owned or harbored by any person, group of persons, partnership or corporation, except service dogs, or police or canine governmental dogs.

(ii) Potentially dangerous dog means any of the following:

(1) Any dog which, when unprovoked, on two (2) separate occasions engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the animal are off of property owned, lawfully occupied or controlled by the owner/guardian or keeper of the animal as documented by an enforcement authority.

(2) Any dog which, when unprovoked, bites a person causing an injury that is not a severe injury, as defined below.

(3) Any dog which, when unprovoked and off of property owned, lawfully occupied or controlled by the owner/guardian or keeper of the dog, on two (2) separate occasions has bitten or otherwise caused injury to a domestic animal that is not a severe injury, as defined below as documented by an enforcement authority.

(jj) Protective custody impound means to seize and place in to the Fulton County Animal Center any animals due to disaster or other tragic event.

(kk) Provoked means to stimulate, arouse, incite or excite.

(ll) Public nuisance means any animal which:

- (1) Interferes with a pedestrian(s) or a passing vehicle(s), or
- (2) Is at large, or
- (3) Damages private or public property, or
- (4) Barks, whines, howls or makes other sounds common to its species in excess,
- (5) Is a dangerous wild or exotic animal.

A community cat may not be considered a public nuisance solely by virtue of its status as a community cat.

(mm) Quarantining authority means the Department of Code Enforcement, Division of Animal Care and Control, its agents, employees and designees, acting under directives and regulations of the Health Department of Fulton County or the Indiana state board of animal health.

(nn) Rabies vaccination means the injection administered by, or under the direction of, a licensed and accredited veterinarian, of a dog, cat or other animal with a rabies vaccine licensed by the U.S.D.A. and approved by the Indiana State Board of Animal Health.

(oo) Restraint means any animal secured by a leash or lead, or under the physical control of the animal's owner or owner's designated agent, or within the real property limits of its owner.

(pp) Severe injury means any physical injury to a human being or domestic pet or domestic livestock that results in multiple bites, broken bone(s), muscle tear(s) or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

(qq) Service animal means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including physical, sensory, psychiatric, intellectual, or other medical disability. The work or tasks performed by a service animal must be directly related to the individual's disability.

(rr) Shelter Director means the Executive Director for the Fulton County Animal Center.

(ss) Small animal means any small domestic animal including but not limited to ferrets, gerbils, guinea pigs, hamsters, mice and rats.

(tt) Stray means any animal that is not under restraint and/or upon reasonable inquiry by an animal control officer does not appear to have an owner. This section does not apply to community cat(s) as defined in this chapter.

(uu) Tether means attaching a domestic pet to a stationary object or pulley run by means of a chain, rope, tether, cable, or similar restraint. Tether does not include the use of a leash to walk a domestic pet.

(vv) TNVR (Trap-neuter-vaccinate-return) is a management technique in which homeless, free-roaming cats are humanely trapped, evaluated, rabies vaccinated and sterilized by a licensed veterinarian and then returned to their original habitat.

(ww) Unaltered means an animal that has not been operated on to prevent it from procreating.

(xx) Unprovoked means an action can be labeled "unprovoked" when the action or reaction of an animal was without stimulation, arousal, excitement, incitement, triggering, or otherwise motivating factors to provide for a reasonably foreseeable animal reaction.

(yy) Veterinarian means any person licensed and accredited to practice veterinary medicine in the State of Indiana.

(zz) Vicious animal means includes any of the following:

(1) Any animal which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being or domestic pet.

(2) Any animal previously determined to be and currently listed as a potentially dangerous animal which, after its owner/guardian has been notified of this determination, continues the potentially dangerous behavior, as defined herein or is maintained in violation of this ordinance.

(zz) Wild animal means any living vertebrate animal normally found in the wild state.

1.002. - Regulations are supplemental to State and City laws.

The regulations of this chapter supplement all laws of the state and city/town ordinances covering the same subject matter.

#### ANIMAL CARE RULES AND REGULATIONS

1.003 - Adequate shelter, food and water to be provided.

Every owner or keeper of a companion animal kept in the county shall:

(1) See that such animal is kept in a clean, sanitary and healthy manner and is not confined so as to be forced to stand, sit or lie in its own excrement; shall regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact.

(2) must have access to adequate shelter as defined in this ordinance.

(3) If the national weather service has issued a wind chill advisory/warning all companion animals must be brought inside a temperature controlled building except in the instance that the cat or dog is within visual range of a competent adult who is outside with the animal.

(4) If the national weather service has issued a heat advisory/warning all companion animals must be provided adequate shelter and shade by either tarp, covering or trees.

(5) If the companion animal is kept in an outdoor enclosure for more than 12 hours in a 24 hour span, see that the enclosure is at least (4) times the length of the animal's body so that the animal(s) may exercise and move freely and has adequate shelter as defined in this chapter.

1.004 Medical and grooming care requirements.

(a) Every owner or keeper of a companion animal shall see that any animal in their control and custody receives proper veterinary care as necessary to treat illness, disease or injury to prevent the transmittal of disease, to be vaccinated as required by law in order to promote humane animal health.

(b) Any animal deemed by the Fulton County Animal Center or Animal Control Officer to require medical evaluation must be evaluated by a licensed veterinarian to maintain humane care. Any treatment necessary shall be at the discretion of the veterinarian. Proof of compliance must be provided.

(c) Any owner keeping an animal requiring grooming deemed by Fulton County Animal Center or Animal Control Officer to maintain humane standards of care must show proof such grooming has been completed.

1.005 Enclosures to be kept in sanitary condition

All animals, where kept inside, or in a pen, tied, fastened, hitched, leashed or enclosed by a fence shall be kept in a sanitary manner. The persons responsible for the animals shall regularly and as often as necessary to prevent odor or health and sanitation problems, maintain all animal areas or areas of animal contact.

1.006 - Restraint of animals required; limited exception for off-leash dog run park.

All animals that are the property of an owner/guardian shall be properly restrained as defined in this chapter.

1.007 - Fastening animals with rope or chain; choker collar.

(a) No companion animal shall be hitched, tied or fastened by any rope, chain or cord that is directly attached to the animal's neck. If animals must be tied, hitched or fastened:

- (1) The length of the rope, chain, or cord must be no less than three (3) times the length of the animal and of an appropriate length for the animal to move freely without risk of injury; and
- (2) The weight of the rope, chain or cord is light enough to permit the animal to move freely without risk of injury; and
- (3) The collar and rope, chain, or cord cannot cause the animal to strangle and
- (4) A properly fitted collar or harness made of leather or nylon, not of the choker type is worn by the animal. This is not to prohibit the proper use of choker collars in the training of animals; and
- (5) The tying device shall be attached to the animal's leather or nylon collar or harness and must have a swivel device on both the anchor and collar end to prevent tangling; and
- (6) The location of the anchor and the length of the rope, chain, or cord, cannot cause the animal to become tangled, choke, or become injured; and
- (7) The animal must have access to water and shelter at all times.

(b) No person shall chain their dog using an agitation collar; a collar exceeding 1.5 inches wide for any dog under sixty (60) pounds. Dogs over sixty (60) pounds shall not be tethered using a collar exceeding two (2) inches in width.

(c) A person shall not tether an animal in a manner that permits the animal to leave the person's property.

(d) Tethering. It shall be unlawful:

(1) To tether a dog under four (4) months of age.

(2) To have contact between tethered dogs.

(3) For tethered dogs to be within three (3) feet of another person's property, public thoroughfare, and/or right-of-way.

(4) To tether a dog without access to adequate shelter at all times.

(e) Multiple tangling during tethering. If one (1) or more dogs at a residence have required a response from the Department of Animal Control to untangle tethers more than two (2) times in one (1) year, it shall be a violation of this section.

1.008 - Cruelty to animals prohibited.

(a) No person shall beat, cruelly treat, neglect, torment, overload, overwork, or otherwise abuse any animal except that reasonable force may be employed to drive off vicious or trespassing animals.

(b) No animal shall be left unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal.

1.009 - Animal fights and fighting contests prohibited.

(a) No person shall permit or conduct any dogfight, cockfight, or other combat between animals or between animals and humans.

(b) No person shall attend an animal fighting contest.

(c) No person shall sell, purchase, own, harbor, give away, barter, breed, or possess any animal for animal fighting.

(d) No person shall permit anyone to use any building, shed, room, yard, ground, premises, vehicle or property, whether enclosed or not for the purpose of animal fighting.

(e) No person shall aid, abet, assist, act as judge or referee, bet or wager money or other valuable consideration on the outcome of, be at, attend, or in any way engage in the furtherance of, an exhibition of animal fighting.

1.010 Prohibited animal events.

No person or group of persons or any organization, whether for pay or other compensation or for free promotional purpose, shall conduct or allow any event involving contests between animals or persons using animals in any form or manner that threatens public safety or the safety, well-being, and comfort of the animals involved.

1.011 - Abandonment of animal(s) prohibited.

It shall be unlawful for a person to abandon or cause to be abandoned any animal on public or private property. Actions taken by colony caretakers in accordance with this chapter shall not be considered abandonment of an animal.

1.012 - Public nuisance animal prohibited.

No person shall own or harbor a public nuisance animal as defined in this chapter.

1.013 - Enticement of another person's animal prohibited.

(a) It shall be unlawful for a person, not so authorized, to enter or invade the private premises of another person to capture, entice, or take any animal out of the enclosure or premises of the owner, community cat caretaker.

(b) Except as expressly authorized in this chapter, it shall be unlawful for a person to entice any animal away from the premises of the owner or community cat caretaker.

(c) It shall be unlawful for a person to bring into the county an animal for the purpose of its impoundment, or the collection of any fee or reward for its return, except as provided in this chapter.

1.014. - Notification of lost or stray animals required.

(a) Persons finding a stray animal are required to notify the Animal Control Officer within 24 hours (or within the next business day). At the discretion of the Animal Control Officer, the animal may be kept by the finder and a found report left with the Animal Control Officer and the Fulton County Animal Center, to enable the finder an opportunity to return the animal to its rightful owner.

(b) Upon demand by the Animal Control Officer, any found animal will be surrendered to the Animal Control Officer and held for three (3) business days, before a disposition is made.

(c) Persons finding an animal are obligated to comply with all rules and regulations of this chapter pertaining to humane care and treatment of animals, while said animal is in their custody awaiting return to its actual owner.

(d) With the exception of the Animal Control Officer and the Fulton County Animal Center, the finder will be considered the found animal's owner for the purposes of this chapter only after the animal is in the finder's custody for twenty-one (21) continuous days after filing a found pet report with the Fulton County Animal Center and has been presented for microchip scanning.

1.015 - Biting animals; report; procedure.

(a) The person responsible for any animal that requires vaccination which has bitten a person or another animal must report the incident to the Animal Control Officer within 24 hours. Upon receiving

the report of a bite, the Animal Control Officer will quarantine the animal for ten (10) days with the place of confinement, whether at the owners home or at the Fulton County Animal Center, to be in the discretion of the Animal Control Officer. During the quarantine period, the animal is to be securely confined and kept from contact with any other animal or person.

(b) During the quarantine period, the owner must provide a current rabies vaccination certificate for his or her cat or dog that is being quarantined. If proof of vaccination cannot be supplied, the animal will be vaccinated by a veterinarian at the owner's expense before or after release, and the owner must provide the Animal Control Officer with name, address and phone number of the veterinarian performing the rabies vaccination, which will be verified before the animal can be released to the owner.

(c) No person other than an Animal Control Officer or veterinarian shall euthanize or cause to be euthanized any animal suspected of being rabid except in cases of immediate self-protection. If that occurs, the person will retain the body and immediately notify the Division of Animal Care and Control.

(d) Violations of these quarantine provisions shall constitute an offense and may subject the responsible party to civil penalties under state and local law.

#### 1.016 — Dangerous Dogs Prohibited

(A) Ownership/ possession prohibited. No person shall own, keep, or harbor a dangerous animal within the county; provided, this section shall not apply to law enforcement k9's or military agent. For the purpose of this chapter, an animal may be declared dangerous by the Animal Control Officer if the animal exhibits vicious behavior in present or past conduct, including but not limited to:

(1) (a) Evidence that the animal has, without provocation, bitten or attacked a person and/or animal three times in a consecutive 12-month period; or

(b) Did bite or attack, once causing wound or injuries creating a potential danger to the health or life of the victim; or

(c) Could not be controlled or restrained at the time of a bite or attack upon an animal or person; and

(2) That in order to preserve the public health, safety and welfare of the community the destruction of said animal is necessary.

(B) Determination and appeals procedure. Whenever a dog is declared dangerous, the Animal Control Officer shall notify the dog's owner or custodian of the declaration and the Animal Control Officer's intent to euthanize the dog unless the determination is timely appealed hereunder. Notice of the declaration shall be served either in person or by certified or registered mail. The dog, if not already held in quarantine, shall be surrendered to the Animal Control Officer.

(1) Any decision of the Animal Control Officer under the provisions of these divisions may be appealed by judicial review. The appeal of the owner shall be in writing and be filed within 10 days after receipt of notification from the Animal Control Officer that said dog has been found to be dangerous. The disposition of any dog shall be stayed during the pendency

of such appeal. The dog shall remain in custody of the Animal Control Officer during the appeal process.

(2) Upon receipt of a written appeal, the judiciary review committee shall provide notice and conduct an adjudicative hearing in accordance with the terms. Thereafter, they shall render a decision that said dog is dangerous and must be euthanized, or is not dangerous and should be returned to the owner. The decision shall be final and binding upon the County and upon the appellant.

(C) Costs. The owner of any animal which is impounded and/or euthanized under this section shall be held responsible for payment of any expenses so incurred by the Animal Control Officer, and failure to pay such fee to the Department within 15 days after destruction of such animal shall constitute a violation of the chapter.

#### 1.017 Wild or Exotic Animals.

No wild or exotic animal shall be kept within the County without the necessary state and/or federal permits.

#### 1.018 Vaccination Required; Tags:

Cats and dogs over the age of three (3) months must be vaccinated by a licensed and accredited veterinarian for rabies. One-year and three-year rabies vaccine may be used as per Indiana Administrative Code. Caretakers must be able to provide proof of vaccination that is not expired. It is recommended that dogs wear a current rabies tag, identification tag, or have a permanent microchip for identification. All other animals required by State Code shall be vaccinated pursuant to State Code.

#### 1.019 - Habitual animal offender

It shall be unlawful to be a habitual animal offender. For the purposes of this section, an habitual animal offender shall mean any animal owner or harbinger, who within any two-year period is cited with three (3) or more violations of animal care regulations of this chapter. The controlling date is the date of each animal ordinance violation.

#### 1.020. - Free roaming cat trap-neuter-return regulations.

(a) TNVR of community cats shall be legal in Fulton County and interested citizens are encouraged to participate in and support TNVR activities on a voluntary basis.

(b) It shall be unlawful for a person to fail to inspect and care for the captured free-roaming cat a minimum of every five (5) hours to ensure the safety of the cat(s), having placed a lawful trap, snare or similar device, to capture free-roaming cats for the purpose of trap, neuter, return or other medical care.

(b) It shall be unlawful for a person to remove an animal from any trap not on the person's property, unless such person has the express permission of the property's owner to do so.

(c) The Animal Control Officer, or a community cat caretaker or a trap/neuter return organization, in order to encourage the stabilization of the free-roaming cat population may:

- (1) Trap any free-roaming cat in a humane manner; and
- (2) Have the cat surgically sterilized, ear-tipped, and vaccinated against rabies by a licensed veterinarian; and
- (3) Release the cat to the Animal Control Officer or the Fulton County Animal Center for adoption or other disposition in accordance with law, or to a colony caretaker who will maintain the cat as part of a managed colony of community cats. Cat must be returned as close as possible to its location of capture unless illness or injury presents imminent danger to the animal.

(d) Traps discovered by the Animal Control Officer to have been unlawfully set may be seized.

(e) An ear tipped cat received by Fulton County Animal Center may, to their discretion, be returned to the location where trapped unless veterinary care is required.

#### 1.021 - Dogs or cats in heat.

Every female companion animal in heat shall be confined in a secure building or enclosure so as to prevent conception except during instances of planned breeding.

#### 1.022 - Sale of puppies and kittens.

A puppy or kitten must be at least eight (8) weeks old and weaned before it may be offered for sale, traded, or given away for other compensation or for giveaway (except a puppy or kitten or litter or litters may be surrendered to the Fulton County Animal Center or the Department of Animal Control.)

#### 1.023 - Euthanizing animals.

(a) No person other than a duly authorized agent of the Fulton County Animal Center or the Animal Control Officer may euthanize any companion animal within the county limits; provided, however, this provision shall not apply to the following:

- (1) A licensed veterinarian,
- (2) A veterinary staff member under the direct supervision of a veterinarian
- (3) Those persons acting in immediate self- protection,
- (4) The owner of the animal, on his/her own property, in self defense orto end suffering due to injury, illness, or age.

(b) The duly authorized animal control agent(s) must be trained in humane procedures by a licensed veterinarian or a registered veterinary technician and shall perform the animal euthanization in a humane manner as specified by the AVMA's Guidelines for Euthanasia.

(c) No animal's body shall be disposed of until all vital signs are checked (fixed pupil, cessation of heartbeat and respiration) to assure that death has occurred.

(1) No animal shall be allowed to witness any other animal being euthanized or being tranquilized/sedated for the purpose of being euthanized or see the bodies of animals which have already been euthanized.

(2) Animals shall be sedated/tranquilized as necessary to minimize their stress or discomfort, or in the case of vicious animals, to ensure staff safety, except as follows:

a. Neuromuscular blocking agents shall not be used as sole agent.

(3) Following their injection, animals shall be lowered to the surface on which they are being held and shall not be permitted to drop or otherwise collapse without support.

(4) An animal may not be left unattended between the time procedures to euthanize the animal are commenced and the time death occurs, nor may the body be disposed of until death is verified.

(5) Verification of death shall be confirmed for each animal in all of the following ways:

a. By lack of heartbeat, verified by a stethoscope;

b. By lack of respiration, verified by observation;

c. By pale, bluish gums and tongue, verified by observation; and

d. By lack of eye response, verified if lid does not blink when eye is touched and pupil remains dilated when a light is shined on it.

#### 1.024 - Interfering with enforcement.

No person shall interfere with an Animal Control Officer or any law enforcement officer in the pursuit of his/her duties as an officer.

#### 1.025. — Impoundment

(a) Animals found in cruel, abusive or neglectful situations, animals trained, bred or kept for the purpose of animal fighting, animals considered potentially dangerous, animals abandoned as a result of owner arrest, or animals that have been abandoned may be promptly seized, provided, however, that the Animal Control Officer shall leave written notice.

(b) Animals so removed will be impounded and held at the Fulton County Animal Center or a designated facility, provided, however, that in no event shall this period exceed ten (10) calendar days, at which time the animal shall become the property of the Animal Control Officer. An animal may be held longer if an extension is necessary for the Animal Control Officer to have ample time to prepare a court case if prosecution is warranted, or a request for a bond has been filed as provided in paragraph (e) of this section. In the case of animals impounded for quarantine at the Fulton County Animal Center, the animal will become the property of the Animal Control Officer if not claimed by closing time of the department on the eleventh (11th) day of the quarantine. Owners requesting quarantine

but failing to claim animals at the end of the quarantine period will be responsible for all medical, quarantine, and euthanasia fees.

(c) Animals impounded for reasons of tragedy beyond the control of the owner, such as but not limited to house fire or death of the owner, will be held for ten (10) calendar days during which time a reasonable effort will be made to contact the owner and/or their representative to make reclaim or alternative housing arrangements. After the tenth (10th) day of impoundment, the animals will become the property of the Division of Animal Care and Control.

(d) Animals awaiting disposition by the courts shall remain in the custody of the Animal Control Officer, unless such disposition is made, or placed in a foster home until legal arrangements have been completed.

(e) Animals so removed may be transported to a licensed veterinarian for examination and/or treatment. If, in the opinion of said veterinarian, the animal must be destroyed, euthanasia will be performed immediately. Costs of treatment, euthanasia, and/or care shall be the responsibility of the owner/agent.

(f) When a community cat is captured, such animal need not be impounded but may be returned to its owner or community cat caretaker if, in the opinion of the animal care and control officer, the return would not present a danger to the public, continued or repeat public nuisance, or otherwise result in a violation of this chapter.

#### 1.026 - Notice to owner.

(a) Upon the impoundment of an animal, a reasonable attempt shall be made to notify and inform the owner of the animal of the requirements of this article for regaining the custody of the animal.

(b) Such attempt shall include, but not necessarily be limited to, the following:

(1) In the instance of an impounded dog or cat, contact with the owner identified by the microchip or other permanent means of identification, if any, borne by the dog or cat;

(2) In the instance of an impounded dog or cat not bearing a permanent means of identification, contact with the veterinarian facility listed on the animal's vaccination tag;

(c) Any ear tipped community cat that has been spayed/neutered and vaccinated will be returned to a colony caretaker who will maintain the cat as part of a managed colony of community cats. Cats must be returned as close as possible to its location of capture unless illness or injury presents imminent danger to the animal to be processed through the community cat program.

#### 1.027. - Redemption.

(a) A person may reclaim an animal in the custody of the Fulton County Animal Center or by the Animal Control Officer upon providing the following:

(1) Proof of ownership, and

- (2) Payment of redemption fee and any other service/medical fees, as approved by the Fulton County Animal Center and the Animal Control Officer.
- (3) Proof of a current rabies vaccine if older than 3 months of age. If not current on rabies, either prepay for a rabies vaccine with a veterinarian of their choice or arrange vaccination with the Fulton County Animal Center prior to reclaim.
- (b) Stray or at-large animals will be held three (3) working days by the Animal Control Officer.
- (c) Unclaimed animals become the property of the Animal Control Officer and may be placed for adoption, transferred to rescue or humanely euthanized.

1.028 - Inspections and entry on property.

- (a) Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this chapter or when there is probable cause to believe that there exists in any building or upon any premises any violation of the provisions of this chapter or State law, the Animal Control Officer or Health Officer or police officer is authorized at all reasonable times to inspect the same for compliance with the provisions of this chapter or any state law; provided that:
  - (1) If the property is occupied, the officer shall first present proper credentials to the occupant and request entry, explaining the reasons therefor; and
  - (2) If the property is unoccupied, the officer shall make a reasonable effort to locate the owner or other persons having control of the property and request entry explaining the reasons therefor.
- (b) In the event the Animal Control Officer, Board of Health or Police Officer has probable cause to believe that the keeping or maintaining of an animal is so hazardous, unsafe or dangerous as to require immediate inspection to safeguard the animal or the public health or safety, the officer shall first present proper credentials and request entry, explaining the reasons therefor. If entry is refused or cannot be obtained because the owner or other person having charge or control of the property cannot be found after reasonable search, the officer shall have recourse to secure lawful entry and inspection of the property via a warrant issued by a judge in good standing.

1.029 - Penalties.

- (a) Violators shall be issued a citation and fined by a law enforcement officer or animal control officer as follows:
  - (1) Any person who violates the Ordinance may be fined in an amount not to exceed \$2,500.00
  - (b) Each offense shall be considered a separate offense and subject to fine and/or other disposition as herein provided.
  - (c) In the event that an animal is retained by the Animal Control Officer because its owner or harbinger has been in violation of this chapter, the person redeeming the animal by paying the prescribed fees shall also be required to pay the costs incurred for impoundment and caring for including but not limited to:
    - (1) Surgeries,

- (2) Vaccines,
- (3) X-rays,
- (4) Medications, exams, lab work,
- (5) Boarding,
- (d) Each 24 hours that a violation occurs will be considered a separate offense and can be cited as such.
- (e) Violation of any provision of this chapter may result in immediate impoundment of animal(s).
- (f) Violation of any provision of this chapter may result in revocation of any permit(s).

1.030 REPEALER.

This Ordinance hereby repeals Fulton County Ordinance 032100.

1.031 SEVERABILITY CLAUSE.

The sections, paragraphs, sentences, clauses and phrases of this Ordinance are separable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional, invalid or decree of a court of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance.

1.032 EFFECTIVE DATE.

That this Ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

Enacted by a vote of the Board of Commissioners of Fulton County.

ALL OF WHICH IS HEREBY ORDAINED this day \_\_\_\_\_ of , 2022. \_\_\_\_\_

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BOARD OF COMMISSIONERS  
OF FULTON COUNTY, INDIANA

\_\_\_\_\_  
Bryan W. Lewis, President

\_\_\_\_\_  
Rick Ranstead

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Steve E. Metzger

ATTEST:

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Christina Sriver, Auditor