

ORDINANCE 2019- 03

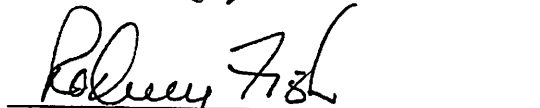
ORDINANCE TO AMEND TITLE 6 OF THE LAWRENCE COUNTY, INDIANA CODE OF  
ORDINANCES

An ordinance to amend Title 6 of the Lawrence County Code of Ordinances concerning Animal Control.

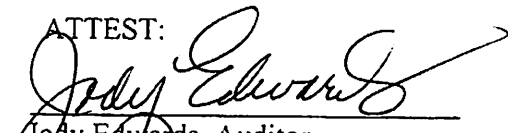
WHEREAS, the Lawrence County Board of Commissioners desire to revise Title 6 of the Lawrence County Code of Ordinances to better serve the citizens of Lawrence County.

NOW, THEREFORE, BE IT ORDAINED by the Lawrence County Board of Commissioners that the current Title 6 of the Lawrence County Code of Ordinances shall be entirely stricken from the Lawrence County Code of Ordinances and shall be replaced and amended to read as follows:

  
Dustin Gabhart, President

  
Rodney Fish, Commissioner

\_\_\_\_\_  
Gene McCracken, Commissioner

ATTEST:  
  
Jody Edwards, Auditor

## Section 6-2-1-1 ADOPTION OF STATE LAW

(A) All laws of the State which pertain to the regulation and control of animals, including, but not limited to, their ownership, licensing, harboring, abandonment, running at large, rabies control and quarantine, pursuit, capture, confinement, the prevention and control of diseases of domestic animals, and the active rules and regulations of the State Board of Health and unlawful acts relating thereto which are not inconsistent with this Chapter are made a part of this Chapter by reference.

(B) The sections of this Chapter are not to replace State laws, but are to be considered supplementary and in addition to the laws of the State and are to be fully enforced where not inconsistent with those laws. Any violation of the State statute which is an infraction by State law shall also be deemed a violation of this Chapter and may be enforced as an infraction of the same class of infraction as the State statute.

(C) Any instance in this ordinance where State Laws can apply, State Law shall prevail.

### Section 6-2-1-1.1 DEFINITIONS

For the purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**Animal:** Any live, vertebrate creature, domestic or wild.

**Animal Control Officer:** A Special Deputy of the Lawrence County Sheriff's Office appointed by the Sheriff and to whom the Sheriff shall delegate and assign duties relating to enforcing animal control state and local violations.

**Animal Shelter:** Any facility operated by a Humane Society, or county or municipal government, or its authorized agents for the purpose of impounding or caring for animals held under the authority of this chapter, state law or order of the court.

**At Large:** Any animal that is not under direct control of the owner or other person by leash, cord, fence, chain or other device of physical restraint, or an electronic "invisible" fence. The term "at large" does not include animals engaged in lawful hunting accompanied by the owner or custodian.

**Feral Cat:** Any cat that has no apparent owner or identification and is wild, unsocialized, and unable to be approached or handled.

---

## Animal Control County Ordinances

### General Provisions

#### Section

6-2-1-1	Adoption of State Law
6-2-1-1.1	Definitions
6-2-1-2	Running at Large Prohibited
6-2-1-3	Poisoning Prohibited
6-2-1-4	Restraint
6-2-1-5	Repealed
6-2-1-6	Animal Care
6-2-1-7	Animal Waste

### DOGS

#### Section

6-2-2-1	Enticing Dogs Away From Owners
6-2-2-2	County Animal Shelter
6-2-2-3	Running at Large Prohibited: Notice
6-2-2-4	Impoundment of Strays and Nuisance Animals
6-2-2-5	Confinement of Dogs

### OTHER ANIMALS

#### Section

6-2-3-1	Repealed
6-2-3-2	Repealed
6-2-3-3	Repealed

### ADMINISTRATION AND ENFORCEMENT

#### Section

6-2-4-1	Animal Control Commission
6-2-4-2	Variances and Regulations
6-2-4-3	Permit Required for Commercial Animal Establishment or Animal Shelter
6-2-4-4	Enforcement
6-2-4-5	Penalty
Attachment A:	Impoundment Bond Schedule
Attachment B:	Impoundment Bond Procedure

---

### Section 6-2-1-2 RUNNING AT LARGE PROHIBITED

It shall be unlawful for any owner or keeper to allow, suffer, or permit any animal or fowl to be at large within the County of Lawrence, in the State of Indiana. Except, it shall be permissible during hunting season prescribed by State Law for hunting dogs to be allowed to hunt with their owners/handlers on private property when permission has been obtained from the land owner or on State land where allowed.

Penalty, see Section 6-2-4-5

### Section 6-2-1-3 POISONING PROHIBITED

No person shall deposit, dispose, or place any poisonous substance on public property in Lawrence County, State of Indiana. It is unlawful to intentionally or knowingly poison a domesticated animal. A person shall not be considered in violation for using common rat or mouse poisons or insecticides on his/her property if reasonable care is exercised in restricting a domestic animals access to such poisons.

### Section 6-2-1-4 RESTRAINT

(A) All dogs shall be kept under restraint.

(B) All animal owners shall exercise proper care and control of their animals to prevent them from becoming a public nuisance.

(C) Every female dog or cat in heat shall be confined in a building or secure enclosure in such a manner that the female dog or cat cannot come in contact with another animal except for planned breeding.

(D) Every vicious animal, as determined by the Animal Control Commission, shall be evaluated and given special conditions for the keeping and sheltering of the animal.

Penalty, see Section 6-2-4-5

### Section 6-2-1-5 LICENSING

Indiana State Code 15-5-9 has been repealed.

Request Section 6-2-1-5 be struck from the County Ordinances.

### Section 6-2-1-6 ANIMAL CARE

(A) No owner shall fail to provide his animals with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care when needed to prevent suffering, and humane care and treatment.

(B) No person shall beat, cruelly ill-treat, torment, overload, overwork, or otherwise abuse an animal, or cause, instigate, or permit any dogfight, cockfight, bullfight, or other combat between animals or between animals and humans.

(C) No person shall crop a dog's ears, except when a licensed veterinarian issues a signed certificate that the operation is necessary for the dog's health and comfort, and in no event shall any person, except a licensed veterinarian, perform the operation.

(D) Any person who, as an operator of a motor vehicle, strikes a domestic animal shall stop at once and render assistance as may be possible and shall immediately report the injury or death to the animal's owner. In the event the owner cannot be ascertained and located, the operator shall at once report the accident to the appropriate law enforcement agency.

Penalty, see Section 6-2-4-5

### Section 6-2-1-7 ANIMAL WASTE

The owner of every animal shall be responsible for the removal of any excreta deposited by his animal or animals on public walks, recreation areas, or private property.

Penalty, see Section 6-2-4-5.

## DOGS AND OTHER PETS

### Section 6-2-2-1 ENTICING DOGS AWAY FROM OWNERS

No person shall with the intention of depriving the owner, keeper, or person harboring any licensed dog of the possession thereof, entice any licensed dog away from the premises of the person owning, keeping, or harboring the dog, nor entice any licensed dog from any street or alley, or public place of the city. Penalty, see Section 6-2-4-5.

### Section 6-2-2-2 COUNTY ANIMAL SHELTER

The Board of Commissioners of Lawrence County is authorized and empowered to establish and maintain a county animal shelter for the County to be operated and governed according to the rules and regulations prescribed by the County commissioners. In lieu of operating a county animal shelter, the County Commissioners may also contract with an independent shelter.

### Section 6-2-2-3 RUNNING AT LARGE PROHIBITED: NOTICE

(A) It is hereby declared to be unlawful and a nuisance for any owner of any dog to suffer, allow, or permit the dog to go stray, or run at large.

(B) It is hereby declared to be unlawful and a nuisance for any owner of any dog, under any circumstances and regardless of whether the dog is under the control of the owner or another person to suffer, allow, or permit the dog to commit any nuisance act upon property not the property of the owner.

(C) Any feral cat.

(D) Any owner found violating or alleged to have violated any provision of this section may be served with an animal control violation notice. The animal control violation notice shall cite the owner to be and appear in the appropriate court at the hour and date specified in the notice and to answer the complaint of the violation. The animal control violation notice shall be in a form that may be prescribed by the Commissioners and may be served on the owner by the Animal Control Officer, any police officer, or some other deputized official of the County in any of the following ways.

- (1) Delivering the notice to the owner personally.
- (2) Delivering and leaving the notice to and at the owner's dwelling house or usual place of abode.
- (3) Sending the notice by U.S. Certified Mail addressed to the owner at his dwelling house, usual place of abode, or place of business or employment with return receipt requested and returned showing receipt of notice.

(D) Any owner failing to so appear in the appropriate court at the time specified in the notice shall be apprehended and arrested on warrant and brought before the court to answer the complaint. Penalty, see Section 6-2-4-5.

#### Section 6-2-2-4 IMPOUNDMENT OF STRAYS AND NUISANCE ANIMALS

(A) Unrestrained dogs and nuisance animals shall be taken by the police, or animal control officers and impounded in an animal shelter and there confined in a humane manner.

(B) If by a license tag or other means, the owner of an impounded animal can be identified, the animal control officer shall immediately upon impoundment notify the owner by telephone or mail.

(C) Any owner reclaiming an impounded animal shall pay to the sheltering agency a reasonable fee for the care and keeping of the animal.

(D) Any animal not reclaimed by its owner within seven working days shall become the property of the animal shelter for disposition at their discretion.

(E) In addition to or in lieu of impoundment an animal found at large, the animal control officer or police officer may issue to the known owner of the animal a notice of ordinance violation.

(F) The owner of an impounded animal may also be proceeded against for violation of this chapter.

(G) Temporary impoundment of livestock by order of the court having jurisdiction shall be subject to the Lawrence County Impoundment Bond Schedule and procedure (attachments A&B).

(H) Temporary impoundment of vicious animals by Animal Control or Sheriff's Deputies with probable cause shall be subject to the Lawrence County Impoundment Bond Schedule and procedure (attachment A&B) and reviewed by the Lawrence County Animal Control Commission. Penalty see Section 6-2-4-5

#### Section 6-2-2-5 CONFINEMENT OF DOGS

No owner, keeper, custodian or person harboring any dog shall allow the dog to run at large during the prevalence of hydrophobia, when the county health officer has issued a proclamation requiring the confining or muzzling of dogs. Penalty, see Section 6-2-4-5.

#### OTHER ANIMALS

Repealed.

**Impoundment:** The act of taking physical possession and control of an animal by an Animal Control Officer or other Law Enforcement Officer empowered to act by law and transporting it to an animal control facility or humane society.

**Kennel:** Any premises wherein any person engages in the business of Boarding, breeding, buying, letting for hire, training for a fee, or selling dogs or cats.

**Nuisance Act:** Any act of an animal discharging feces or other excrement on personal property which is not the property of the animal owner, or any act resulting in damage to personal property which is not the property of the animal owner.

**Owner:** Any person, partnership or corporation owning, keeping or harboring one or more animals. An animal shall be deemed harbored if it is fed or sheltered for fifteen consecutive days or more.

**Public Nuisance Animal:** Any animal which:

- (1) Molests passers by or passing vehicles
- (2) Attacks other animals
- (3) Trespasses on school grounds
- (4) Is repeatedly At Large
- (5) Damages private or public property
- (6) Barks, whines or howls in an excessive, continuous, or untimely fashion.

**Restraint:** A leash or lead meant to secure an animal under control of a responsible party, or secured within the real property of the owner, or with approval, upon the property of another party.

**Stray:** Any animal that does not appear, upon reasonable inquiry, to have an owner.



Vicious/Dangerous Dog: Any animal that attacks, bites or injures human beings, pets, companion animals or livestock or which, because of temperament, conditioning, or training, has a known propensity to attack, bite or injure human beings, pets, companion animals or livestock. No dog may be declared vicious and dangerous if a threat, injury or damage was sustained by a person who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the dog or was provoking, tormenting, abusing, or assaulting the dog or has, in the past, been observed to have provoked, tormented, abused or assaulted the dog or was committing or attempting to commit a crime. The definition shall not be construed to include dogs that are part of a governmental organization or a trained guard dog in performance of its duties.

## ADMINISTRATION AND ENFORCEMENT

### Section 6-2-4-1 ANIMAL CONTROL COMMISSION

The Animal Control Commission shall consist of the Lawrence County Animal Control Officer, Lawrence County Sheriff, Lawrence County Prosecutor or responsible Deputy Prosecutor, a Lawrence County Commissioner or their appointee, and the Lawrence County Attorney.

The Animal Control Commission shall meet on an "as needed" basis.

In the case of vicious animals, the Commission shall hold a hearing and determine the status of a vicious animal. The Animal Control Commission may consider all relevant evidence, including reports, witnesses and whether the incident indicates if the animal is potentially dangerous in ordinary situations where the average person could not reasonably be expected to foresee and take measures to prevent injuries.

The Commission, in rendering a decision, has the authority to attach any and all reasonable conditions on the owners regarding the types of enclosures to be used, the types of restraints systems to be used, and other such things to ensure the safety of both the public and domestic animals.

### Section 6-2-4-2 VARIANCES TO REGULATIONS

The Animal Control Commission may grant a variance in a particular case to any provision of this chapter. Persons requesting a variance shall make a request for a hearing to the Animal Control Commission: a hearing will be granted within 30 days of the date the request was made. The variance shall be granted upon a recommendation of a majority of the Commission, if in the opinion of a majority of the Commission there is no threat to the health, safety, and welfare of the citizens of the County.

### Section 6-2-4-3 PERMIT REQUIRED FOR COMMERCIAL ANIMAL ESTABLISHMENT OR ANIMAL SHELTER

No person, partnership, or corporation shall operate a commercial animal establishment or animal shelter without first obtaining a permit in compliance with the provisions of applicable laws of the state (IC15-5) and ordinances of the County.

Penalty, see Section 6-2-4-5.

#### Section 6-2-4-4 ENFORCEMENT

The provisions of this chapter shall be enforced by those persons or agencies designated by county authority. It shall be a violation of this chapter to interfere with an Animal Control Officer in the performance of their duties. Penalty, see Section 6-2-4-5.

#### Section 6-2-4-5 PENALTY

Any person found violating any provision of this chapter, except as noted below, shall be deemed guilty of an ordinance violation and shall be punished by a fine of not less than \$25.00 nor more than \$500.00. If any violation be continuing, each day's violation shall be deemed a separate violation.

Any person violating Section 6-2-2-3- shall be deemed guilty of an ordinance violation and shall be punished by a fine based upon the following considerations and schedule:

(A) For an unaltered animal the fine for a first time violation shall be \$45.00: the amount of the fine shall increase \$45.00 for each subsequent violation up to a maximum of \$270.00 for a sixth or subsequent infraction.

(B) For an altered animal the fine for a first time violation shall be \$15.00; the amount of the fine shall increase \$15.00 for each subsequent infraction.

(C) The above stated fine schedule shall be imposed in addition to the assessment of court costs as may be established from time to time by the Indiana General Assembly or by court rules.



Mike Branham  
Lawrence County Sheriff

## OFFICE OF THE LAWRENCE COUNTY SHERIFF

1420 I Street • Bedford, Indiana 47421

Telephone: (812) 275-3316 • Fax: (812) 277-2007

[www.LawrenceCountySheriff.com](http://www.LawrenceCountySheriff.com)

### NOTICE

**Your animal(s) have been seized and impounded by the Lawrence County Sheriff's Office for:**

<b>Abandonment</b>	<b>Indiana Code 35-46-3-7</b>
<b>Neglect</b>	<b>Indiana Code 35-46-3-7</b>
<b>Failure to Restrain Dog</b>	<b>Indiana Code 15-20-1-4</b>
<b>Failure to Provide Care</b>	<b>County Ordinance 6-2-1-6</b>
<b>Repeatedly Running at Large</b>	<b>County Ordinance 6-2-2-3</b>
<b>Public Nuisance</b>	<b>County Ordinance 6-2-1-4</b>

### OTHER

Pursuant to Indiana Code 35-46-3-6, you have certain obligations. The owner of an animal that has been impounded under this section may prevent disposition of the animal by an animal shelter that is caring for the animal by posting, not later than ten (10) days after the animal has been impounded, a bond with the court 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 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 expires and is not renewed, the animal shelter 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 animal shelter for the expense of the animal's care and keeping. If the owner has paid a bond under this subsection, the animal shelter may euthanize an animal if a veterinarian determines that an animal is suffering extreme pain.

**Horses, cattle, livestock: \$300 per animal per thirty (30) day period**

**Dogs: \$300 per animal per thirty (30) day period**

**Cats: \$150 per animal per thirty (30) day period**

**Other animals not listed: \$100 per animal per thirty (30) day period**

**If you have any questions, comments, or concerns relative to the above, you may contact the Lawrence County Animal Control Officer at (812) 275-3316**