

ORDINANCE OF THE LA PORTE COUNTY
BOARD OF COMMISSIONERS
NO. 85-8

AN ORDINANCE ESTABLISHING REGULATIONS
FOR THE OWNERSHIP, SECURITY AND TREATMENT
OF DOGS IN LA PORTE COUNTY, INDIANA

WHEREAS, many citizens in La Porte County have expressed concern over what is viewed as an increasing uncontrolled dog population, and

WHEREAS, the Board of Commissioners is charged with the responsibility of protecting the health, safety, welfare, and property of the citizens of La Porte County,

WHEREAS, it is deemed necessary to protect the rightful enjoyment of dog ownership, companionship, and security, and to encourage humane treatment of dogs, and

WHEREAS, present regulations have been deemed inadequate,

NOW THEREFORE, BE IT ORDAINED BY this Board as follows:

Section 1. Definitions

A. When used in this ordinance, the following words shall have these meanings unless otherwise specified:

OWNER. Shall mean any person having a property right in any dog or one in whose name such dog has been licensed.

KEEPER. Shall mean any person having lawful custody of a dog with the permission, express or implied, of such owner.

ANIMAL CONTROL OFFICER. Designated employees of the animal shelter charged with enforcing this ordinance.

DOG AT LARGE. Shall mean any dog found to be roaming aimlessly away from the premises of its owner or keeper, excepting however a hunting or working dog which may have been lost or strayed away from its owner or keeper temporarily while engaged in lawful hunting or training.

DOG POUND. Shall mean any dog shelter established by any

lawful authority in any city or town within the county, or by the action of the Board of Commissioners or County Council in the county, to keep, care for or legally dispose of dogs impounded as provided for herein.

LICENSED DOGS. Shall mean any dog on which a tax has been assessed and paid and for which a license tag has been issued as required by the laws of the State of Indiana.

VICIOUS DOG. Shall mean any dog which is known to have a propensity to attack human beings, except a dog so trained by duly constituted police or law enforcement authority.

NON-IMMUNIZED DOG. Shall mean any dog over six months of age which has not been vaccinated or immunized against rabies, or if a booster shot therefor has not been administered for a period of twelve (12) months from the date of the last vaccination.

PEACE OFFICER. Shall mean but not be limited to the County Sheriff, his deputies, the marshal of every town, the police officers of every city, the constable of every township, members of the state police force and game wardens.

Section 2. Adoption of Indiana Statutory Law by Reference.

- A. All laws of the State of Indiana pertaining to the regulation and control of dogs, 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 diseased of domestic animals as defined, and the administrative rules and regulations of the Indiana State Board of Health, and unlawful acts relating thereto not inconsistent herewith, are made a part thereof by reference.
- B. The provisions of this ordinance are not to replace such laws, but are to be considered supplementary and in addition

thereto and fully enforced where not inconsistent with the laws of this state.

Section 3. Permitting Dogs to Run at Large (Exceptions).

- A. No person who owns, harbors or keeps a dog shall permit such dog to run at large or roam the countryside away from the premises where usually kept. The term "at large" means off the premises of the person owning or keeping such a dog and while not under the control of such person or his agent, by leash or other effective means, excepting however hunting or working dogs or dog, while accompanied by its or their owners or keepers engaged in lawful hunting or in training of such dogs, or in and about a farm on which such a dog is usually kept.

Section 4. Impounding of Dogs.

- A. Any dog, whether licensed or unlicensed, may be captured and impounded by any peace officer if such dog:
1. Is found running at large within the county;
 2. Is a menace to persons or other animals;
 3. Is suffering or reasonably suspected to be suffering from an infectious or contagious disease;
 4. Is not wearing a collar or license tag as required by law;
 5. Causes serious annoyance or disturbance to persons in the neighborhood by habitual howling, yelping, barking, or otherwise;
 6. Being vicious, is permitted to go unconfined and unrestrained;
 7. As otherwise provided for and required by this ordinance.

Section 5. Care of Impounded Dogs; Notice to Owner.

- A. All dogs impounded shall be given proper care, food and medicine until disposed of or released as hereinafter

provided. The pound keeper or his assistant shall make a record in a book kept for such purposes of the breed, color, size, sex of the dog, and whether such dog is licensed or not, and if licensed and wearing a tag, the number of such tag and, if shown or known, the name and address of the owner/keeper of the dog, and any other facts serving to identify such dog. Such record shall be open to public inspection. Licensed and unlicensed dogs, if so ascertained, shall be kept separate. The pound keeper shall maintain a record thereof and shall forthwith mail a written notice to any known owner or keeper of such dog.

Section 6. Redemption and Sale of Impounded Dogs; Destruction of Diseased Dogs

- A. If the person owning, keeping or harboring a dog which has been impounded notifies the pound keeper in writing within seven (7) days of his claim to such dog, the pound keeper shall permit such person to redeem the dog by paying to the Township Assessor any license fee due for the current year, plus a pound fee of One Dollar (\$1.00) plus a maintenance fee of One Dollar (\$1.00) for each day or fraction thereof during which the dog was impounded.
- B. Unlicensed dogs may be redeemed by anyone upon paying to the pound keeper the pound and maintenance fees set forth in Paragraph A. above, upon presentation of proof of payment in addition to license fee. However, no dog may be redeemed for sale to or use by any individual or laboratory engaged in testing, research or experimentation involving animals, without the express approval of the Board of Commissioners.
- C. Licensed dogs shall not be redeemed by other than the owner until the expiration of fourteen (14) days.
- D. A dog which appears to be suffering from rabies or affected with hydrophobia, mange or other infectious disease shall

not be released, but shall be forthwith destroyed.

Section 7. Dog Bites; Reporting.

- A. It is and shall be the duty of a physician in attendance on every case of a human being bitten by a dog to make a report thereof to the La Porte County Health Department; if no physician is in attendance, if an adult, it shall be that person's duty to make such a report; if the person bitten is a minor, it shall be the duty of the parent or guardian to make such report.

Section 8. Confinement; Reporting.

- A. It shall be the duty of the owner or keeper of any dog known to have attacked or bitten any human being, and it shall be the duty also of any peace officer or the operator of any dog pound having custody of any such dog to keep the dog confined for a period of not less than fourteen (14) days after the day on which such attack or bite occurred. The owner or person having had such custody shall immediately make a report to the County Health Department when and if such a dog dies and shall in addition preserve the head in ice for examination. If the dog lives beyond such period, that fact will also be reported.

Section 9. Rabid Dogs.

- A. No person shall harbor any dog affected with rabies or hydrophobia or suffer them to run at large within the county. It shall be the duty of every police officer, pound keeper and his deputies to kill any dog found to be so infected.

Section 10. Vicious Dogs.

- A. It shall be unlawful for any person to own or harbor a vicious dog without keeping such dog securely confined on the owner's or keeper's premises and under such restraint that persons lawfully on the premises, or elsewhere, may not

be attacked or bitten by such dog. The premises where such a dog is kept shall be adequately posted with warning signs "Beware the Dog."

- B. It shall be unlawful for any person, excepting a duly constituted peace officer or animal control officer engaged in the discharge of a duty imposed upon him by the laws of this state or by the laws or postal regulations of the United States of America, or this ordinance to enter such premises or fenced area so posted, without the permission of or in the presence of the owner/keeper of such known vicious dog.
- C. Any person harboring such a dog who shall violate this section with the result that bodily injury is inflicted upon a human being at a time and place where such injured person had a right to be, shall be guilty of a misdemeanor and upon conviction shall be fined any sum not exceeding Five Hundred Dollars (\$500.00).

Section 11. Teasing and Tormenting Dogs.

- A. It shall be unlawful for any person to annoy or tease persistently any dog, thereby causing such a dog to become irritated and vicious. No person who is attacked or bitten by any dog, shown or proven to have been so teased or annoyed by such person, nor anyone having a derivative claim by reason of any injury to such person, will have any right of action to recover damages from the owner or keeper of such a dog.

Section 12. Feeding Dogs.

- A. It shall be unlawful to fail to feed adequately, or to feed any dog unsuitable or unhealthy food, or to provide such animal with stagnant or unclean water to drink and which is

likely to produce disease in the animal.

Section 13. Poisoning Dogs.

- A. It shall be unlawful for any person with the intent to destroy or kill any dog, to feed the dog of another or one at large any poisoned food or to leave poisoned food where it may be found and eaten or consumed by any such dog.

Section 14. Enticing Dogs.

- A. No person shall entice any licensed dog away from the premises of the person owning, keeping or harboring same, or entice any such licensed dog from any highway, street, alley or public place in this county with the intention of depriving the owner, keeper or person harboring the same, of the possession thereof, except as authorized in this ordinance.

Section 15. Trespassing to Entice Away.

- A. No person shall enter or invade the private premises of another to capture, entice or take any licensed dog or other animal out of the enclosure or premises of the person harboring the same, or molest or seize any such dog, or other animal anywhere while the same is accompanied by his owner, keeper or custodian; or bring within the county any dog or other animal for the purpose of impounding or otherwise disposing of the same, or collecting any fee or reward for the return thereof, except as provided in this ordinance.

Section 16. Fresh Pursuit.

- A. Any county sheriff or his other authorized personnel, the marshal of every town, police officer of every city, the constable of every township, any member of the state police, any game warden, or animal control officer upon information or personal observation that a diseased or vicious dog, or an unlicensed, untagged dog, licensed or tagged, is or has

been observed to be illegally roaming at large, unattended by his owner or keeper, or is one reasonably suspected of being a dangerous dog to be at large, shall if in fresh pursuit of such dog, follow and enter upon the owner or keeper's premises, if necessary, and impound such an animal in an established city, town, or county dog pound. Such a dog when so captured and impounded, will be kept confined, well fed, watered and cared for pending reclamation by its rightful owner/keeper. If not reclaimed within fourteen (14) days, the dog may be sold or destroyed as the impounding office may elect.

- B. In the pursuit, capture and apprehension of any such dog as contemplated herein, the officer in fresh pursuit will not be taken to have committed a trespass on any premises where he is required to go in the pursuit of such dog, but he may not use more than reasonable force in the discharge of the duty imposed upon him by this ordinance. Any person or persons interfering with or obstructing such officer in the discharge of his duties, may himself be subject to arrest and, as provided for by law, for resisting arrest or in interference with a peace officer, nor will such officer be liable in damages to anyone except for gross willful and wanton misconduct in the attempted discharge of his duty.
- C. In the event the dog being pursued is not immediately apprehended or captured and escapes the officer in fresh pursuit, such officer may continue his search until dog is captured and taken into custody, without a search warrant, providing the officer has reason to believe such dog is on the premises where last seen. If the search is abandoned however, such officer will be required to secure a search warrant before making further search on return to take up

the trail of such dog.

Section 17. Penalty.

A. Any person who violates any duty imposed by this ordinance or commits any act declared hereby to be unlawful and for which no specific penalty is prescribed or provided by the laws of the State of Indiana, or by this ordinance, shall be guilty of a misdemeanor and, upon conviction, shall be fined for each such offense in any sum not to exceed Five Hundred Dollars.

Section 18. Repealer.

A. All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 19. Severability Clause.

A. If any section, provision or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision or part thereof not adjudged invalid or unconstitutional.


Section 20. Effective Date.

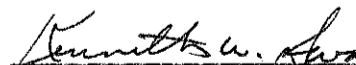
This Ordinance shall be in full force and effect from and after its passage, approval and publication.

Passed this 5th day of August, 1985.

BOARD OF COMMISSIONERS
OF LA PORTE COUNTY


Robert E. Miller


Michael T. Quinn


Kenneth W. Swanson

ATTEST:


Alyce Byrd, Auditor

Please publish two (2) times in the M.C. News-Dispatch & Herald-Argus on August 12, 1985 and August 19, 1985.