

Chapter 6.05

AN ORDINANCE TO ESTABLISH PROVISIONS FOR ANIMAL CONTROL

Sections:

6.05.010	Name.
6.05.020	Definitions.
6.05.030	Reporting of Animal Bites.
6.05.040	Prohibited Acts.
6.05.050	Enforcement.
6.05.060	Penalties.

6.05.010 Name.

This ordinance shall be known as the “**Vanderburgh County Animal Control Ordinance.**”

6.05.020 Definitions

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

“ABANDON” means to deposit, leave, drop off or otherwise dispose of any live animal on public or private property.

“ABUSE” means the mistreating of an animal by neglect, injury, death, or by a fighting contest.

“AGENT” means a person or persons eighteen (18) years of age or older authorized by an owner or custodian to act in behalf of such owner or custodian.

“ANIMAL” means any living, non-human vertebrate or invertebrate creature domestic, wild or exotic, excluding animals that are raised or maintained for agricultural purposes unless specifically stated otherwise.

“ANIMAL NUISANCE” means an Animal which;

1. interferes with or molests passers-by or passing vehicles, or
2. attacks other animals or persons, or
3. is at large, or
4. damages private or public property, or
5. is at large or on a public park, playground, swimming pool, or school yard, unless the Animal is authorized by school officials, or
6. is in heat and is not confined or restrained to prevent unintended breeding,

or

7. damages, soils, defiles, or defecates on any public right of way, or
8. trespasses on, damages or soils any private or public property, or
9. is allowed to create any condition, which poses a substantial risk of harm to public safety (including animals raised or maintained for agricultural purposes), or
10. causes serious annoyance or disturbance to persons in the vicinity by frequent, long, continued, loud noises or other sounds common to its species, between the hours of 10:00 PM and 6:00 AM, unless the noises or sounds emanate from a

location that is a legally and properly licensed and zoned as an establishment for the raising or kenneling of Animals, or

11. causes serious annoyance or disturbance to persons in the vicinity in a Suburban Enforcement Area at any time by frequent, long, continued, loud noises or other sounds common to its species, unless the noises or sounds emanate from a location that is a legally and properly licensed and zoned as an establishment for the raising or kenneling of animals.

If an Animal is defending itself, its Custodian, or its Custodian's home, it is not an Animal Nuisance.

"AT LARGE" means any Animal that is:

1. not on a leash and is off the property of its Owner, its Custodian, the Agent of the Owner or the Custodian, or its keeper, or
2. on a leash that does not adequately confine the Animal to the property of its Owner, its Custodian, or the Agent of its Owner or Custodian, or its keeper, or
3. on a leash that is not otherwise under the immediate control of a person physically capable of restraining the Animal.

"BITE" means to seize, tear, wound or cut with teeth, resulting in a break in the skin. Refer to State form 14072 (most current revision).

"CUSTODIAN" means any person who owns or keeps, harbors, feeds, or has the charge or control of an Animal.

"HARBORING" means the actions of any person that permit any Animal habitually to remain or to lodge or to be fed within his or her home, store, enclosure, yard, 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) or more consecutive days.

"LEASH" means a cord, chain, rope, strap or other such physical restraint.

"OWNER" means any person of the age of eighteen (18) years or older, partnership, or corporation owning, keeping or harboring one or more Animals.

"STRAY" means any Animal that is not within the real property limits of its Owner and is not under restraint or is unattended.

"SUBURBAN ENFORCEMENT AREA" means any platted residential subdivision in Vanderburgh County outside of the corporate city limits of Evansville with 20 or more completed homes.

6.05.030 Reporting of Animal Bites

A. The Owner, Agent or Custodian of any Animal that has bitten a person or another Animal must report the incident to the Vanderburgh County Health Department ("Health Department"). Upon receiving the report of a bite, the Department of Animal Care and Control maintained by the City of Evansville and Vanderburgh County ("Animal Control Department") will quarantine the Animal for ten (10) days with the place of confinement to be in the discretion of the Animal Control Department based upon whether the Animal is vaccinated and whether such Owner, Agent or Custodian has the proper facilities to prevent the Animal from escaping or coming into contact with other persons or Animals. During the quarantine period, the Animal is to be securely confined and kept from contact with any other animal or non-owner, non-agent or non-custodian. During the quarantine period, the Owner, Agent or Custodian must provide a current rabies vaccination certificate for his or her cat or dog that has been quarantined. If proof of vaccination cannot be supplied, a veterinarian shall vaccinate

the Animal before release at the expense of the Animal's Owner, Agent or Custodian. Indiana Law and Health Department rules and regulations shall be followed for reporting animal bites.

B. No person other than an officer of the Animal Control Department or veterinarian shall kill or cause to be killed any Animal suspected of being rabid except in cases of immediate self-protection. If the Animal is killed, the person causing the death will retain the body and immediately notify the Animal Control Department.

6.05.040 Prohibited Acts

It shall be a violation of this ordinance for a person who is an Owner, Agent, or Custodian of an Animal to commit any of the following prohibited acts:

- A. Permit an Animal to be stray, at large, or become an Animal Nuisance.
- B. Confine an Animal to an area that is unclean, overcrowded, or inadequately ventilated, which poses a substantial threat to any person or Animal.
- C. Deprive an Animal of the opportunity for adequate exercise or access to fresh air.
- D. Be an Owner, Agent or Custodian of any Animal that has not been vaccinated with a rabies vaccine approved by the Indiana State Board of Health if the Animal is capable of carrying or transmitting rabies. (See I.C. 15-2.1-6-13 for local regulation authority)
- E. Abandon or Abuse an Animal.
- F. Neglect an Animal by failing to provide the Animal with sufficient, good, and wholesome food and water, proper shelter for protection from the weather, veterinary care when needed to prevent suffering, and with humane care and treatment.
- G. Leave an Animal unattended in a vehicle when conditions in that vehicle would constitute a health hazard to the Animal.
- H. No Owner, Agent or Custodian shall fail to maintain in a sanitary manner the premises occupied by an Animal, whether the Animal is kept in a structure, fence, pen, or fastened, hitched, or leashed. Owners, Agents or Custodians of an Animal shall regularly, and as often as necessary, maintain all Animal areas or areas of Animal contact to prevent unsanitary conditions on the property and to prevent odor from escaping from the property of any such Owner, Agent or Custodian.
- I. No person who knowingly causes or has caused injury or death to a domestic Animal shall fail to immediately notify the Owner, Agent or Custodian of that Animal, as well as make notification to Animal Control Department, and the Vanderburgh County Sheriff's office.
- J. Failure to report an Animal bite as provided in Section [6.05.030](#) of this ordinance.

6.05.050 Enforcement

The provisions of this ordinance may be enforced by;

- A. The Vanderburgh County Sheriffs Office, or
- B. The Evansville-Vanderburgh Department of Animal Care and Control, or
- C. The Vanderburgh County Health Department, or
- D. Any other organization, department or office designated by the Vanderburgh County Board of Commissioners.

6.05.060 Penalties

- A. The first violation of any part of this ordinance will result in a \$50 fine.
 - B. The second violation of any part of this ordinance, by the same person, will result in a \$100 fine.
 - C. The third and any subsequent violation of any part of this ordinance, by the same person, will result in a \$500 fine.
 - D. All such fines shall be paid into the Office of the Vanderburgh County Treasurer and shall be distributed by the Vanderburgh County Treasurer to the Vanderburgh County Auditor to be maintained as part of the County General Fund.
- (Chapter 6.05 Added 7/24/2007)