

§ 90.48 POISONING OF ANIMALS.

(A) No person shall deposit, dispose or place any poisonous substance on public or private property in the county, if a domestic animal or human is reasonably likely to consume or come in contact with the substance.

(B) A person shall not be liable under division (A) above for leaving common rat or mouse poisons or insecticides on his or her property if the person exercises reasonable care in restricting a domestic animal's access to such poisons, and only the targeted rodents or insects are exposed to those poisons.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017) Penalty, see § [90.99](#)

§ 90.49 EXCLUSION OF SERVICE ANIMALS PROHIBITED.

It shall be unlawful for any person owning, operating or maintaining any public place of business or conveyance into which the general public is invited for any business purpose to bar or exclude any animal which has been trained to assist the blind, the hearing impaired or physically challenged, or other acknowledged by the A.D.A. However, the animal must be in the company of disabled person for whom it was trained to assist, or a service animal trainer in compliance with state and federal law.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017) Penalty, see § [90.99](#)

§ 90.50 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.

(C) No person shall transport any animal in an unenclosed truck bed or option portion of any vehicle unless the animal is enclosed in a cage which is securely fastened to the vehicle.

(Ord. 33-17, passed 5-9-2017)

REGISTRATION AND COMMERCIAL PERMITS AND LICENSES

§ 90.60 PERMITS.

(A) *Controlled animal permit.* No person shall harbor, hold for sale, sell, keep or maintain in the county any controlled animal(s); however, a controlled animal permit may be issued by the Animal Control Commission when in the judgment of the Commission a compelling reason for the harboring of the animals can be given. A nonrefundable application fee as set forth in the [Appendix: Schedule of Fines and Fees](#) must be submitted to the Animal Control Commission to apply for this permit.

(1) It shall be unlawful for any person to possess within the county any controlled animal or controlled animals as defined herein unless the owner of the animal or animals possesses proper county, state and/or federal permits as required for the animal or animals.

(2) It shall be unlawful for any person to possess within the county any protected or endangered species as may be listed or published from time to time by any department or agency of the federal or state government, unless the owner of the animal possesses proper state and/or federal permits and county licenses.

(3) It shall be unlawful for any person to possess within the county any wild animal indigenous to the state unless the owner possesses proper state and/or federal permits and county licenses.

(4) It shall be unlawful for any person to possess within the county any nondomestic animal unless the owner possesses proper state and/or federal permits and a valid county license as required for the animal.

(5) The owner of any controlled animal must present an annual Indiana veterinary health certificate defining state of health/shelter/diet/environment/vaccinations when applicable from a veterinarian licensed to practice in the State of Indiana.

(6) This section shall not be deemed to prevent the importation, possession, purchase or sale of any species by any institute of higher learning, zoological park holding valid state or federal permits or to any person or organization licensed to present a circus or carnival pursuant to this chapter.

(7) The care and feeding of the impounded animal shall be paid by the owner and any transportation fees to allow the animal to be placed in a satisfactory environment will also be paid by the owner.

(B) *Pet shop permit.*

(1) No person, partnership or corporation shall operate a pet shop in the county without first obtaining from the County Animal Control Agency a pet shop permit. The cost of the annual permit shall be as set forth in the [Appendix: Schedule of Fines and Fees](#). Any person holding a pet shop permit shall furnish to each customer purchasing an animal a written statement at the time of sale containing the following information:

(a) Date of sale;

(b) Name, address and telephone number of purchaser and permit holder;

(c) Permit number of permit holder;

(d) Species, breed, description, age and sex of the dog or cat sold;

(e) Vaccination and parasite medication(s) administered to the animal and date(s) administered and name of veterinarian or person who administered the same; and

(f) Guarantee of good health for a period of not less than one week with a recommendation that the new owner have the animal examined by a licensed veterinarian within 48 hours.

(2) The permit holder shall retain a copy of the written statement for a period of 12 months from the date of sale and provide a duplicate copy to the licensing authority if the purchaser resides within the county. The permit holder shall also deliver to the purchaser at the time of sale, a written statement of registration and licensing requirements under this chapter applicable to the purchase of the animal. The statement shall be prepared and provided by the Animal Control Agency.

(3) The purchaser shall have the right to return the animal to the permit holder within 48 hours of the purchase if the animal has a pre-existing condition as diagnosed by a veterinarian, including but not limited to parvo virus, distemper and bronchitis. Upon return of the animal the permit holder shall refund the full amount of the purchase price of the animal to the purchaser plus any veterinarian fees incurred by the purchaser for the diagnosis of the animal.

(4) All pet shops shall take care to house animals in a sanitary manner, provide appropriate veterinary services, humane care, exercise and housing shall be provided according to the needs of individual species. All permit holders shall house and care for the animals as required in § [90.02](#).

(5) No person, partnership or corporation operating a pet shop as defined in this chapter shall sell, trade, barter and/or receive remuneration for dogs or cats unless said dogs or cats are being placed for the purpose of adoption through the Animal Control Agency or an animal welfare organization.

(6) In addition to the permit requirements of this chapter, the permit holder shall obtain any

and all other permits as required by state and federal governmental entities.

(C) *Dangerous animal permit.* No person shall harbor, hold for sale, sell, keep or maintain in the county any dangerous animal, unless:

(1) The person or entity shall first submit a written application for and obtain from the County Animal Control Agency a dangerous animal permit application, and written proof of liability insurance in the minimum sum of \$300,000;

(2) The dangerous animal owner at all times maintains liability insurance covering possible injury or damages caused by the dangerous animal in the minimum amount of \$300,000. The Animal Control Agency will be notified within 24 hours, excluding Sundays and holidays, in the event that this insurance coverage is cancelled or discontinued;

(3) The dangerous animal is at all times confined in a six-sided escape-proof kennel with a minimum required fencing of 11 gauge wire and can have either a cement floor or brick floor, with a wood roof or wire roof, with a lock, bolt (which must be opened to remove the animal) for the protection of the public. When outside and not in its kennel, the dangerous animal must be muzzled and tethered to its owner or a person 18 years or over who is authorized by the owner to so control the dangerous animal. When the dangerous animal is housed in any dwelling or structure the owner shall take all necessary precautions to prevent and avoid the escape of the dangerous animal from the building, dwelling or structure;

(4) The dangerous animal, at all times, wears the registration tag issued by the county designating the animal as a registered dangerous animal/attack dog. This dangerous animal shall be microchipped by a licensed veterinarian or his or her designee and registered with the Animal Control Agency;

(5) If, in the event that the dangerous animal is lost or escapes, the same will be immediately reported by the animal owner to the County Police and to the county's Animal Control Agency;

(6) The real property on which the dangerous animal is kept shall be posted with signs clearly visible from the closest roadway or public access way warning the general public that a dangerous animal is on the premises. The form and content of the warning signs shall be determined by the Animal Control Commission;

(7) The building which houses the dangerous animal shall also be posted with a sign or signs, clearly warning all persons that a dangerous animal is housed in that building. The form and content of the warning signs shall be determined by the Animal Control Commission;

(8) Application shall be accompanied by the following:

(a) A valid driver's license or state-issued pictured identification, showing owner's name and current address. Each applicant shall consent, in writing, to a personal criminal history search by a law enforcement agency and furnish all information required to commence the search;

(b) Proof that the applicant is 18 years old or older with no prior felony convictions;

(c) Four photographs of the animal from four different sides, not taken more than one month prior to the date of application;

(d) A current immunization and health record of the animal showing the animal received a current rabies vaccine by a licensed veterinarian; and

(e) A current criminal background check clearing the owner from being convicted of a felony involving violence, drugs, animal cruelty or animal fighting.

(9) No person shall be issued a dangerous animal permit if he or she has been convicted of a felony involving violence, drugs, animal cruelty or animal fighting;

(10) A duly authorized member of the police or other law enforcement departments, including but not limited to game wardens, conservation officers and other law enforcement officers, shall be exempt from the provisions of this section in the performance of their law enforcement duties;

(11) Must be spayed or neutered within 30 days of being deemed a dangerous animal;