

AN ORDINANCE AMENDING PORTER COUNTY CODE 6.04.110 REGARDING IMPOUNDMENT OF ANIMALS

WHEREAS, The Porter County Board of Commissioners adopted the Porter County Municipal Code on Tuesday, December 2, 1997 pursuant to Ordinance No. 97-38; and

WHEREAS, the Porter County Board of Commissioners have deemed it necessary to pass a new ordinance for inclusion in the Porter County Municipal Code; and

WHEREAS, I.C. 36-1-3-2 grants the Board of County Commissioners all the powers that they need for the effective operation of government as to local affairs; and

WHEREAS, I.C. 36-1-3-6 states that if there is no constitutional or statutory provision requiring a specific manner for exercising a power, the Board of County Commissioners may adopt an ordinance prescribing a specific manner for exercising a power; and

WHEREAS, the Porter County Board of Commissioners have deemed it necessary for the effective operation of government as to local affairs to amend the existing County Code regarding Impoundment of Animals;

NOW THEREFORE BE IT AND IT IS HEREBY ORDAINED THAT:

Section 6.04-110 Impoundment of the Porter County Municipal Code is amended to read as follows:

6.04.110 Impoundment

1. The Porter County Animal Control is authorized to impound an animal at the Porter County Animal Shelter upon the occurrence of any of the following:

- (A) Domestic pets not vaccinated in accord with this Chapter;
- (B) Dogs or animals found running at large or not under restraint;
- (C) Abandoned, abused, or neglected animals, including injured animals captured by the Porter County Animal Control for which no owner can immediately be found;
- (D) Any stray animal in the public way or within a public place or upon private premises of any person other than the owner;
- (E) Any dog or animal that has bitten or attacked a person or other animal;
- (F) Any dangerous animal that is not being kept and/or maintained in accord with the requirements set forth in this Chapter;
- (G) Any animal that is creating a public nuisance as set forth in this Chapter;
- (H) Any animal or owner found to be in violation of this Chapter of the Porter County Animal Ordinance shall be subject to capture and impoundment.
- (I) In determining whether to impound a dog or other animal due to a bite under subsection (E), the responding Animal Control Officer and/or Shelter Director shall consider the following factors:
 - (i.) Whether the biting animal was: confined at the time of the bite, a stray, roaming, off the owner's property and/or not legally restrained at the time of the bite.
 - (ii.) Whether or not the biting animal is a repeat biter, including whether information regarding any previous bite is on file with the Animal Shelter.
 - (iii.) The severity of the bite, including the existence of the following injuries:
 - (a) One (1) to four (4) or more punctures from a single bite.
 - (b) Crushing, tears or lacerations from shaking.
 - (c) Deep bruising around the wound.
 - (iv.) Whether the biting animal bit multiple times and/or multiple people and/or other animals.

(v.) whether the incident resulted in the death of a person and/or other animal.

2. If there is no means by which any dangerous or vicious dog or animal can be safely seized and impounded, the Porter County Animal Control, Porter County Sheriff's Department, or Porter County Animal Shelter Director, shall have the power to destroy such dog or animal; provided however, that any destruction of such dangerous and vicious dog or animal shall be done in a reasonable manner taking into account the location, and possible harm or damage to life, personal, or real property, or to the public at large.

3. Any person owning, keeping or harboring an animal subject to impoundment as set forth in this Chapter must immediately surrender such animal for impoundment upon request from the Porter County Animal Control, and the failure to do so shall result in a violation of the provisions of this Chapter resulting in a fine not to exceed \$150.00 dollars.

4. Immediately after the impounding of any animal at the Porter County Animal Shelter, a reasonable effort shall be made to notify the owner of the animal as soon as possible if the same can be determined by license or tag and located. Additionally, the owner of the impounded animal shall be provided with a summary of the facts and circumstances surrounding the impoundment, the disposition procedures, and redemption requirements as set forth under this Chapter.

5. Impounded animals whose owner(s) have been notified of the impoundment, and animals whose owner(s) are not identifiable or cannot be notified after reasonable effort, shall be held for seven (7) calendar days from the date of the start of impoundment, not including federally recognized holidays, before the animal is deemed abandoned and the Porter County Animal Shelter may dispose of the animal in accordance with the Animal Shelter guidelines.

6. In addition to or in lieu of impounding an animal, Porter County Animal Control, Porter County Sheriff's Department or any other law enforcement agency, may issue the animal's owner a citation for violations of this Chapter and may return the animal to the owner's property if the animal can be secured safely, and such return is determined by the impounding Officer to be in the best interests of the animal.

7. An owner redeeming an impounded animal shall pay all necessary treatment costs, transportation fees, and daily fees incurred as a result of the animal's impoundment.

8. The daily fee for impounding an animal at the Porter County Animal Shelter shall be fifteen (\$15.00) dollars per day, and the fees as set forth in the Animal Shelter Ordinance (See 6.08)

THIS ORDINANCE HAVING BEEN PASSED AND ADOPTED by the Porter County Commissioners this 3rd day of October, 2017.

BOARD OF COMMISSIONERS PORTER COUNTY, INDIANA

Jeffrey J. Good

Laura M. Blaney

Jim Biggs

September 13, 2017

IMPOUNDMENT FOR ANIMALS INVOLVED IN BITING INCIDENTS.

County Ordinance 6.04.110 Impoundment

The Porter County Animal Control is authorized to impound an animal at the Porter County Animal Shelter upon the occurrence of any of the following:

Section (E) "Any dog or animal that has bitten or attacked a person or other animal".

For practical purposes not all biting incidents will require impoundment and an evaluation must be made to determine the severity of the bite.

Considerations for Impoundment:

1. Confined/Stray

a. Confined at time of bite or

b. Stray, roaming, off property or not legally restrained at time of bite

2. Repeat Biter

a. Repeat biter, previous information on file

b. No previous bites

3. Bite Severity

U. Bite Severity

- a. 1-4 (or more) punctures from a single bite
 - i. Including crushing, tears or lacerations from shaking
 - ii. With deep bruising around wound indicating the dog held on for a period of time and bore down
- b. Multiple bite incident or multiple attack incident
- c. Death - human or animal

10/13, 10/20/17 - hspaxlp