

**ALLEN COUNTY CODE TITLE 8
PUBLIC SAFETY**

**ARTICLE 33
ANIMAL CONTROL ORDINANCE**

8-33-1 Chapter 1: Adoption of State Laws

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 title are made a part of this title by reference.

The sections of this title 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 a state statute which is an infraction or misdemeanor under state law shall be prosecuted under the state statute.

8-33-2 Chapter 2: Definitions

The words and phrases used in this ordinance are herein defined and for the purpose of this ordinance shall be construed as follows, except when otherwise expressly provided:

8-33-2-1 Animal

Animal shall mean a Domestic Animal.

8-33-2-2 Animal Control Shelter

The municipally owned facility established for the purpose of animal control, care and disposition operated by and under the direct supervision of the Fort Wayne Animal Control Commission and the Executive Director of the Shelter.

8-33-2-3 Domestic Animals

Domestic Animals means animals that are accustomed to live in or about the habitation of and are owned or cared for by humans including, but not limited to, cats, cattle, dogs, fowl/birds, goats, horses, swine, and various strains of laboratory/pet animals such as mice, rats, hamsters, gerbils, guinea pigs, and rabbits.

8-33-2-4 Harborer/Caregiver

Harborer/caregiver means any person who for three or more consecutive days performs acts of providing care, shelter, protection, restraint, refuge, food, or nourishment for an animal at or within his or her home, place of business, enclosure, yard, or any premises which such person controls or at which such person resides.

8-33-2-5 Impoundment

Impoundment means the act of taking physical possession and control of an animal by an animal control officer or other officer empowered to act by law and transporting it to an animal control facility or humane society.

8-33-2-6 Livestock

Livestock means domesticated animals raised or kept in an agricultural setting to produce labor and/or commodities such as meat, eggs, milk, fur, leather, and wool.

8-33-2-7 Owner

Owner means any person owning, possessing, harboring, keeping, or having custody or control of an animal. In the case of an animal owned by a minor, the term Owner includes the parents or person(s) responsible for and/or with custody of the minor.

8-33-2-8 Person

A Person, for the purpose of this ordinance, shall be defined as an individual, firm, corporation, or other legal entity or commercial establishment.

8-33-2-9 Public Nuisance Animal

An Animal which 1) interferes with passersby or passing vehicles; 2) attacks other animals or persons without provocation; 3) is repeatedly at large or unrestrained; 4) damages private or public property not belonging to the Owner, or 5) barks, whines, howls or makes other sounds common to its species in excess of 15 minutes at a time or 30 minutes of any 1-hour period of time.

8-33-2-10 Vicious Animal

Vicious Animal means any animal which, when unprovoked, in an aggressive manner has bitten or attacked a person, domestic animal, or livestock, or any combination thereof, at least three (3) times in the past thirty-six (36) month period. A vicious animal is also an animal which, regardless of the number of times, has bitten a person causing severe injury; or causing wounds that are potentially dangerous to the person's health or life; or resulting in permanent scarring or disfiguration to a person.

8-33-3 Chapter 3: Regulations

8-33-3-1 Stray Animal

No Owner or Harboring/caregiver shall allow any animal to stray beyond their premises, unless the animal is under the reasonable control of a person, or when a dog is engaged in lawful hunting accompanied by the owner or custodian. Exceptions will be made only for cats that have been sterilized, vaccinated, ear-tipped, and microchipped through a community-based program approved by the Allen County Sheriff's Department. A person violating this section may be fined up to \$500.00 per occurrence.

8-33-3-2 Abandoned Animal

No Owner shall abandon or cause to be abandoned an animal anywhere within Allen County, Indiana, in any public or private place, way or building. A person violating this section may be fined up to \$500.00 per occurrence.

8-33-3-3 Public Nuisance Animal

No person shall harbor or own a public nuisance animal as defined in this ordinance. A person whose animal is deemed a public nuisance animal violates this section and may be fined up to \$1,500.00 per occurrence of any act or condition within the definition of Public Nuisance Animal. Any such public nuisance animal may be impounded, and the owner or harboring/caregiver charged for a violation of this chapter.

8-33-3-4 Vicious Animal

No person shall harbor or own a vicious animal as defined in this ordinance. A person whose animal is deemed a vicious animal violates this section and may be fined up to \$2,500.00 per occurrence of any act or condition within the definition of Vicious Animal. Any such public nuisance animal may be impounded, and the owner or harboring/caregiver charged for a violation of this chapter. If an animal is declared vicious by a court of competent jurisdiction after notice and opportunity for a hearing, the court may order the animal be humanely euthanized if it finds that releasing the animal to its owner may create a significant threat to the public health, safety, or welfare.

8-33-3-5 Restraint of Animals; Animals at Large

(A) No owner or possessor of any animal may allow such animal to run at large, whether wearing a collar and tag or not. Any and all animals found running at large, whether wearing a collar and tag or not, may be immediately impounded by any Allen County

Sheriff's officer. The officers may pursue the animal onto private property to effect capture of such animal.

(B) It shall be the duty of every owner or possessor of any animal to exercise reasonable care and take all necessary steps and precautions to protect other people, property, and animals from injuries or damage which might result from the animal's behavior.

(C) It shall be the duty of every owner or custodian of any animal to ensure that the animal is kept under restraint and that reasonable care and precautions are taken to prevent the animal from leaving the real property limits of its owner, possessor, or custodian, and ensure that it is: (1) Securely and humanely enclosed within a house, building, fence, pen or other enclosure out of which it cannot climb, dig, jump, or otherwise escape on its own volition; and that such enclosure is securely locked at any time the animal is left unattended; (2) Securely and humanely restrained by chain, cable or trolley, or other tether of sufficient strength to prevent escape; (3) On a leash and under the direct control of a competent person while on public property or property open to the public; or off a leash and obedient to a person's command and that person is present with the animal any time it is not restrained while on the owner's property or areas designated as dog parks.

(D) A person violating this section may be fined up to \$50.00 for a first occurrence; up to \$100 for a second occurrence; and up to \$500.00 for third and subsequent occurrences.

8-33-4 Chapter 4: Enforcement

8-33-4-1 Right to Enforce

This ordinance shall be enforced by officers of the Allen County Sheriff's Department.

8-33-4-2 Procedure

Proceedings to enforce this ordinance shall be governed by Indiana Code 34-28-5 as amended.

8-33-5 Chapter 5: Violations; Penalties

8-33-5-1 Violations

Violations of the provisions of this ordinance may result in the impoundment, forfeiture, or destruction of the animal(s) in accordance with this ordinance. Repeated violations of this ordinance may subject the owner or possessor of an animal to forfeiture of the animal(s) and said owner or possessor may be prohibited by a Court from owning or keeping any animal within Allen County for a period of time not to exceed three (3) years.

8-33-5-2 Civil Penalties

Violations of this ordinance shall result in assessment of the fines associated with the particular violation(s).

8-33-5-3 Expenses

Any person violating any of the provisions of this ordinance shall be liable to the Board of Commissioners of the County of Allen for the expense, loss or damage occasioned by reason of such violation, including reasonable attorneys' fees and costs.

8-33-6 Chapter 6: Impoundment and Redemption

8-33-6-1 Impoundment

Animals impounded pursuant to this ordinance shall be impounded and held at the Animal Control Shelter in accordance with the rules and regulations governing the operation of the Shelter. Upon impounding an animal, if the law enforcement officer has probable cause to believe the animal may be a dangerous or vicious animal, he or she may, for reasons of public safety, cause the animal to be retained at the animal control shelter or other impoundment facility until disposition by the appropriate court. Upon

impounding an animal that has been previously adjudicated by a court to be dangerous, violent or vicious, an officer may, for reasons of public safety, cause the animal to be retained at the animal control shelter or other impoundment facility until disposition by the appropriate court.

8-33-6-2 Redemption

A person may reclaim an animal in the custody of the Animal Control Shelter in accordance with the rules and regulations of the Animal Control Shelter. At a minimum, an owner must provide proof of ownership and payment of all redemption fees and any other service/medical fees charged by the Animal Control Shelter in accordance with the rules and regulations of the Animal Control Shelter.

8-33-7 Chapter 7: Miscellaneous Provisions

8-33-7-1 Severance Provision

If any part of this ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this ordinance.

8-33-7-2 Ordinance Supplemental

The provisions of this ordinance supplement all laws of the State of Indiana governing the same subject matter.

8-33-7-3 Application

This ordinance shall not apply to any of the incorporated cities and towns within Allen County, Indiana, who otherwise have animal control ordinances.

8-33-7-4 Effective Date

This ordinance shall be in full force and effect October 1, 2021.

Adopted August 20, 2021