

ST. JOSEPH COUNTY, INDIANA

CODE OF ORDINANCES

Contains 2020 S-16 Supplement, current through:

Ordinance 55-20, passed 8-18-2020; and

State law through Indiana Legislative Service, 2020 Acts, Pamphlet No. 3

Published by:

AMERICAN LEGAL PUBLISHING CORPORATION

525 Vine Street * Suite 310 * Cincinnati, Ohio 45202

1-800-445-5588 www.amlegal.com

§ 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;

(12) Upon being approved for a dangerous animal permit, the owner shall pay a fee as set forth in the Appendix: Schedule of Fines and Fees for this permit. Any violation of any part of this chapter would be cause to have this permit revoked; and

(13) No person shall own, harbor, possess or have on his or her premises more than one animal that has been deemed dangerous according to this chapter.

(D) *Public nuisance animal permit.* No person shall own, harbor, possess or keep an animal deemed a public nuisance unless the owner of the animal possesses a public nuisance permit. Each permit shall be as set forth in the Appendix: Schedule of Fines and Fees, annually or until the animal is no longer deemed a public nuisance. An animal will no longer be deemed a public nuisance when, after two years, it ceases to meet the definition of the public nuisance.

(E) *Animal performance permit, including: exhibition/petting zoo/swap meet/carnival.*

(1) No person or entity shall operate or maintain for profit an animal performance or exhibition without first having obtained a permit from the County Animal Control Agency. The cost of this permit, per day, is as set forth in the Appendix: Schedule of Fines and Fees.

(2) The application for the permit shall describe the proposed location, the purposes for which it is maintained and the dates and hours of the performances or exhibitions. The proposed event must be in compliance with local, state and federal laws regarding the humane care and treatment of the animals, and a copy of the application shall be filed with the County Animal Control Agency no later than ten days prior to the first date of the proposed performance or exhibition.

(3) The applicant shall provide written proof of insurance in the limits of liability not less than \$300,000 for injury to or death of one person in any one occurrence.

(4) Any permit issued under the provisions of this section may be revoked by the County Animal Control Agency by reasonable notice or hearing. The above fee may be waived by the Animal Control Commission.

(5) The permit holder shall be responsible for maintaining §90.02 as the standard of care for all animals involved.

(F) *Minor breeder permit.*

(1) Any owner or person having custody of a dog or cat that has delivered a litter, who chooses not to relinquish the animal to the Animal Control Agency or animal welfare organization and/or does not choose to have the animal spayed within 12 weeks of the animal giving birth, shall be required to purchase a minor breeder permit as set forth in the Appendix: Schedule of Fines and Fees plus any applicable kennel/cattery permit fees. The minor breeder permit is valid for the cat or dog for 12 months from the time the litter is born, providing no other litters are born within a 12-month period of time.

(2) All applicants must be in compliance with all local zoning ordinances, state and federal rules.

(G) *Major breeder permit.*

(1) Any owner or person having custody of a dog or cat that has delivered more than one litter in 12 months' time, who chooses not to relinquish the animal to the Animal Control Agency or other animal welfare organization and/or does not choose to have the animal spayed within 12 weeks of the animal giving birth, will be required to purchase a major breeder permit.

(2) A fee as set forth in the Appendix: Schedule of Fines and Fees, plus any applicable kennel or cattery permit fees.

(3) Any owner or person who has custody of multiple dogs or cats that have delivered more than one litter and prefers to breed intentionally or accidentally those animals the following shall prevail provided they are zoned appropriately according to county zoning laws. Proof of vaccination for rabies given by a licensed veterinarian must be provided in order to obtain a permit.

(4) They must adhere to the general animal care requirements set forth in §90.02.

(5) All applicants must be in compliance with all local zoning ordinances, state and federal rules.

(H) *Kennel/cattery permit.*

(1) Anyone maintaining a kennel and/or cattery as defined in §90.01 shall be required to obtain a kennel or cattery permit. The permit fees as set forth in the Appendix: Schedule of Fines and Fees pertain to the total number of cats and/or dogs that will be housed on the property where the kennel and/or cattery is/are located.

(2) Proof of vaccination for rabies given by a licensed veterinarian must be provided for each animal in order to obtain a permit.

(3) They must adhere to the general animal care requirements set forth in §90.02.

(4) All applicants must be in compliance with all local zoning ordinances, and state and federal rules.

(I) *Omnibus permit.*

(1) The omnibus permit shall allow the holder of this permit to operate a kennel or cattery and to be a major or minor breeder.

(2) The yearly fee for the omnibus permit shall be as set forth in the Appendix: Schedule of Fines and Fees.

(3) The omnibus permit holder does not need to obtain individual permits in the aforementioned §90.60(E), (F), (G) and (H), but all requirements for each of the aforementioned permits shall be met before the omnibus permit may be obtained.

(4) All applicants must be in compliance with all local zoning ordinances, and state and federal rules.

(J) *Rehabilitation permit.* Anyone seeking to obtain a rehabilitation permit shall:

- (1) Show proof of the appropriate permits from the state and federal authorities;
- (2) Show proof that he or she is preparing the animal to go back to its natural habitat;
- (3) Follow the animal care requirements set forth in §90.02;
- (4) Be under review of the Animal Control Commission; and
- (5) Not be required to pay a fee for this permit.

(K) *Shelter permit.* Anyone maintaining a shelter as defined in §90.01 shall be required to obtain an annual permit. The fee for the permit shall be as set forth in the Appendix: Schedule of Fines and Fees. Shelters maintained by 501(c)(3) organizations or municipality ownership shall be exempt from the fee only.

(L) *Exterminator permit.* No person, partnership, or corporation shall operate an exterminator service in the county without first obtaining from the County Animal Control Agency an exterminator permit. The cost of the annual permit shall be as set forth in the Appendix: Schedule of Fines and Fees.

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

§ 90.68 EFFECTIVE DATE.

This chapter shall be in full force and effect from and after its passage by the County Council of St. Joseph County, and its approval by the St. Joseph County Commissioners and such publications as required by law, but no sooner than April 1, 2007.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 33-17, passed 5-9-2017)

§ 90.99 PENALTY.

(A) Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter of the county is guilty of an ordinance violation. Except in such cases where different or additional punishment is prescribed in this chapter or by any ordinance of the county or by statute of the state, any person found violating the ordinances of the county shall be punished by a fine as set forth in the Appendix: Schedule of Fines and Fees.

(B) In the event that an ordinance of the county or state laws, rules or regulations shall prescribe a penalty different or in addition to that prescribed by this section, the provisions of such other ordinances, laws, rules or regulations of the county or the state shall control.

(C) Any person violating any of the provisions of, or failing to comply with any of the requirements of this chapter is in violation of a separate offense for each violation. If any violation is continuing, each day's violation shall be deemed as a separate violation.

(D) The county may bring a civil action to enjoin any person from engaging in conduct without a license as required under the terms and conditions of this chapter or for any other violation of the terms of this chapter.

(E) Upon the failure of any person who violates any provision of this chapter to pay the penalty as provided herein, the office of the St. Joseph County Attorney or his or her designated agent shall issue appropriate summons and complaint charging the party with an ordinance violation, which summons and complaint shall be promptly filed with the appropriate court of competent jurisdiction. The court shall have the power to enter a civil judgment according to the provisions of this chapter and applicable Indiana law.

(F) All fines collected by the Animal Control Agency shall be retained by the Animal Control Agency.

(Ord. 10-07, passed 1-9-2007; Am. Ord. 13-12, passed 2-14-2012; Am. Ord. 33-15, passed 7-21-2015; Am. Ord. 33-17, passed 5-9-2017)