TOWN OF WHITESTOWN, INDIANA
ORDINANCE NO. 2018-19

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AN ORDINANCE RATIFYING THE BOONE COUNTY ANIMAL CONTROL ORDINANCE

WHEREAS, on June 4, 2018, the Boone County Board of Commissioners adopted Ordinance 2018-2 entitled "An Ordinance Repealing and Replacing Boone County Code Sections Relating to Animal Control" (the "County Ordinance"); and

WHEREAS, the provisions of the County Ordinance apply within the municipal limits of the Town of Whitestown, Indiana ("Whitestown") unless or until the Whitestown adopts an ordinance prohibiting the enforcement of the County Ordinance; and

WHEREAS, the Town Council for the Town of Whitestown ("Town Council") desires to state its agreement with the County Ordinance concerning Animal Control; and

WHEREAS, although not required to do so, the Town of Whitestown desires to ratify the County Ordinance and state that it will be in full force and effect within the municipal boundaries of Whitestown.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA, that:

Boone County Ordinance 2018-02 entitled "An Ordinance Repealing and Replacing Boone County Code Sections Relating to Animal Control", a true and accurate copy of which is attached hereto as Exhibit 1, and all terms contained therein, is hereby ratified as being in full force and effect within the municipal boundaries of the Town of Whitestown, Indiana.

PASSED AND ADOPTED BY THE WHITESTOWN TOWN COUNCIL THIS 13th DAY OF JUNE, 2018.

THE TOWN COUNCIL OF THE TOWN OF WHITESTOWN, INDIANA	YAY/NAY
Eric Miller, President	Yes
Clinton Bohm, Vice-President	Yes
Susan Austin	YES
Kevin Russell	YAY
Jeffrey Wishek	

ATTEST:

Matthew Sumner, Clerk-Treasurer,
Town of Whitestown, Indiana

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EXHIBIT 1:

BOONE COUNTY ORDINANCE 2018-02

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ORDINANCE 2018 – 02
BOONE COUNTY BOARD OF COMMISSIONERS

AN ORDINANCE REPEALING AND REPLACING BOONE COUNTY CODE SECTIONS RELATING TO ANIMAL CONTROL

WHEREAS, The Board of Commissioners of Boone County, Indiana ("Boone County"), may, pursuant to Indiana law [I.C. 36-1-3 (Home Rule)], enact ordinances for effective governance of the County and its Offices and Departments; and

WHEREAS, The Boone County Commissioners believe it is in the best interests of the County to revise exiting code sections, and establish new provisions relating to the care and treatment of animals; and

WHEREAS, current Boone County Code Section 93.01 relates to the restraint of dogs; and

WHEREAS, Boone County desires to repeal the existing Code Section 93.01 and replace it with Code Sections 93.01-93.03 as attached in Exhibit "A"; and

WHEREAS, Boone County finds that is in the best interests of the County, and will promote the general health and welfare of the citizens of Boone County and the animals within its jurisdiction, to repeal the existing Code section cited above and replace it with the Code Sections as attached in Exhibit "A".

NOW, THEREFORE, BE IT ADOPTED AND ORDAINED by the Board of Commissioners of Boone County, State of Indiana, do hereby repeal the existing Boone County Code Section 93.01 and replace it with Code Sections 93.01-93.03 as delineated in the Attached Exhibit "A".

This Ordinance shall become effective as provided under Indiana law. If any portion or provision of this Ordinance is subsequently deemed unconstitutional or otherwise declared void by a Court of competent jurisdiction, the remaining portions of the Ordinance will continue in full force and effect.

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PASSED AND ADOPTED BY THE BOARD OF BOONE COUNTY COMMISSIONERS THIS 4th DAY OF JUNE, 2018.

BOARD OF COUNTY COMMISSIONERS OF BOONE COUNTY:

Marc Applegate, President

Jeff Wolfe

VOTED NO
Donald Lawson

ATTEST:
Heather R. Myers,
Boone County Auditor

Prepared by Robert Clutter, Boone County Attorney
117 West Main Street, Lebanon, IN 46052

I, Robert Clutter, have taken care to redact all Social Security Numbers from this document as required by state law.

Robert Clutter

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EXHIBIT "A"

Chapter 93. Animal Control General Provisions

Section 93.01. Definitions

This Ordinance does not apply to livestock as defined in I.C. 15-15-2-47

The following words, terms, and phrases, when used in this Chapter in any tense, plurality, or other, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

Abandoned-"Abandoned" means placed or left upon public property or upon the private property of another without the express permission of the owner, custodian, or tenant of the property or is unattended or uncared for.

Animal-"Animal" means a member of the animal kingdom, except humans, dead or alive, domestic or not. *(IC 15-17-2-3)*

Animal Control Officer (ACO)-"Animal Control Officer" means a person who is authorized to implement and enforce county animal ordinances and state statutes and as defined in state statutes and is a sworn law enforcement officer, as defined under Indiana law.

Animal fighting contest-"Animal fighting contest" means any event or activity facilitated by a person or persons in which animals engage in violent, aggressive, or otherwise harmful conduct with another animal in a form that is not generally associated with the species under normal circumstances.

Animal care facility-"Animal care facility" means an animal control center, an animal shelter, a humane society, or another animal impounding facility that has as its purpose the humane care and treatment of animals. *(IC 6-9-39-1)*

At large-"At large" means leaving or straying away from the land owned, rented, or leased by the owner or custodian of the animal or not being kept in direct control of an owner or possessor of the animal. . "At large" does not include the use of a dog under the supervision of a person to hunt, chase or tree predatory animals or game birds, or the use of a dog to control or protect livestock or in other related agricultural activities.

Beat-"Beat" means an intentional or knowing act of applying unnecessary physical force or contact in a manner which has as its main objective inducing pain, inflicting harm, or causing discomfort in a manner that could not reasonably be described as an appropriate means of discipline.

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Bite-"Bite" means a wound inflicted by an animal tooth causing a tear, puncture, abrasion, or other marking on the skin in which blood is visible or the skin is damaged.

Cat-"Cat" means all domestic members of the feline family.

Cattery-"Cattery" means any place in which three cats or more are kept for the purpose of breeding or boarding for financial compensation.

Colony-"Colony" means a group of one or more feral cats, whether unmanaged or managed.

Custodian-"Custodian" means a person who is in temporary direct control of an animal as authorized by the owner of the animal, or is a law enforcement officer acting within his/her scope of duties to impound or possess an animal. This may include, but is not limited to, a veterinarian, an animal grooming facility, a Law Enforcement Officer or Animal Control Officer.

Cruelty-"Cruelty" means and includes any intentional or knowing act or omission whereby unnecessary or unjustifiable pain, suffering , or death is caused, permitted, or allowed to continue where there is reasonable remedy or relief.

Direct control-"Direct control" means under the immediate physical restraint of the owner or custodian of the animal or within the confines of land owned, rented, or leased by the owner or custodian of the animal.

Dog-"Dog" means all domestic members of the canine family.

Domestic-"Domestic" means generally and commonly known to live in or about the habitation of humans.

Domestic Animal- "Domestic Animal means an animal kept as a pet or used for service, protection, comfort, companionship, hobby or similar purpose.

Feral cat-"Feral cat" means any cat that has no apparent owner or identification and is wild, untamed, unsocialized, unmanageable, or unable to be approached or handled.

Harbor-"Harbor" means performing acts of providing care, shelter, protection, restraint, refuge, food or nourishment.

Health department-"Health department" means the Boone County Health Department.

Humane trap-"Humane trap" means a device or procedure to contain or dispose of an unwanted animal, as permitted by law, in a way that provides minimal discomfort or unnecessary pain to the animal.

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Impoundment-"Impoundment" means the act of taking physical possession and control of an animal by an Animal Control Officer or other person whom is empowered to act by law and transporting it to an animal care facility or Humane Society.

Kennel-"Kennel" means any place in which three dogs or more are kept for the purpose of breeding or boarding for financial compensation.

Law Enforcement Officer-"Law Enforcement Officer" means an appointed officer or employee hired by and on the patrol of the state, or any of the state's political subdivisions, as defined under Indiana law, who is granted lawful authority to enforce all or some of the penal laws of the State of Indiana, and who possesses, with respect to those laws, the power to effect arrests for offenses committed in the officer's or employee's presence.

Livestock-"Livestock" means cattle, sheep, swine, goats, bison, horses, mules, poultry, or other animals, that are commonly associated with activities associated with farming or food production. *(IC 15-17-2-47)*

Managed colony-"Managed colony" means a colony of feral cats that are registered with a Humane Society or designee and is maintained by a colony caretaker using trap, neuter, and return methodology.

Mutilate-"Mutilate" means an intentional or knowing act of applying unnecessary physical force or contact in a manner which has as its main objective creating changes to the physical appearance of the animal in a manner that could not reasonably be described as an appropriate and common modification for the animal species involved. Spaying or neutering or any other procedure that changes an animal does not constitute mutilation if the procedure is done in a certified facility by a person certified to perform the procedure or is a common or accepted practice in the industry specific to the animal.

Neglect-"Neglect" means an intentional or knowing act or omission whereby an animal is deprived of adequate and reasonable food, water, shelter, exercise, air, or any other resource commonly associated with the health and wellbeing of the particular animal species involved.

Office- "Office" means the Boone County Sheriff's Office

Owner-"Owner" means any person who owns, harbors, keeps, feeds, maintains, or has lawful possession of an animal; however, this shall not include a person hired or acting as custodian of the animal.

Person-"Person" means any individual, group of individuals, firm, association, partnership, or corporation.

Quarantine-"Quarantine" means a place or period of isolation as to prevent cross contamination, infection, or other hazardous events as determined by a Law Enforcement Officer, Animal Control Officer, Health Department, the Humane Society, or any other agent permitted by law.

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Secure restraint-"Secure restraint" means a structure or device that maintains physical control of the animal; this can include, but is not limited to, a fence of adequate design and strength, a tethering device which is securely attached to the animal at one end and a fixed object at the other end, or a cage. An "invisible fence," a fence of inadequate design and strength, or other structures or devices that cannot maintain physical control of the animal under normal circumstances are not considered a "secure restraint."

Spay/neuter-"Spay/neuter" means an operation done to a female or male animal to prevent the conception of offspring.

Stray-"Stray" means any animal that does not appear, upon reasonable inquiry, to have an owner, or has escaped restraint and is running at large.

Vicious-"Vicious" means known to bite, attack, or injure human beings, domestic animals, companion animals, or livestock without provocation. No animal may be declared vicious if a threat, injury, or damage was sustained by a human being who, at the time, was committing a willful trespass or other tort upon the premises occupied by the owner or keeper of the animal or was teasing, tormenting, abusing, assaulting, or otherwise provoking the animal, or has, in the past, been observed or reported to have teased, tormented, abused, assaulted, or otherwise provoked the animal involved, or was committing or attempting to commit a crime.

Section 93.02: Responsibilities and Prohibitions

A. Jurisdiction

1. The Boone County Board of Commissioners finds that the terms and conditions of this Chapter are in the best interests of all citizens and animals of Boone County. Therefore, this Chapter shall be in full force and effect in both the incorporated and unincorporated part of the County unless or until a municipality within in the County adopts an ordinance prohibiting enforcement of this Chapter within the boundaries of the municipality. For purposes of this Ordinance, if a municipality (city or town) has reorganized with a township, pursuant to I.C. 36-1.5.1.1 *et seq.*, the term "incorporated" means areas within the former city or town limits and any platted subdivision.

B. Basic responsibilities and duties of animal owners

1. Every owner of every domestic animal kept in the county, whether in the care of the owner or a custodian, shall see that such animal:
    a. Is kept in a clean, sanitary, and healthy manner and is not confined so as to be forced to stand, sit, or lie in its own excrement. The owner or custodian of the animal shall regularly and as often as needed maintain all animal areas to prevent odor or health and sanitation problems;
    b. Shall be provided with proper amounts of food that is nutritionally appropriate for the species to maintain good health;
    c. Shall have fresh drinking water;
    d. Shall have ventilation and appropriate shelter from the elements;
    e. Is able to exercise and move about freely, as needed by the species;

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f. Shall not be tethered by use of a choke or pronged collar nor by any rope, chain, or cord directly attached to the animal's neck in lieu of an appropriate collar, nor by a leash less than 12 feet in length or of such unreasonable weight as to prevent the animal from moving about freely;
g. Is protected against abuse, cruelty, neglect, torment, overload, overwork, or any other mistreatment;
h. Is provided with reasonable necessary medical care or attention and maintains current on inoculations outlined by this Chapter or by state law.
i. Is maintained in compliance with all applicable federal, state, and local laws and regulations regarding animal care and control.

2. Any person who witnesses a violation of this section shall notify the Animal Control Officer or local law enforcement within twenty-four (24) hours.

C. **Cruelty, abuse, and neglect**

1. It shall be unlawful for a person to commit, or otherwise participate in, acts of animal cruelty. Acts of cruelty shall include, but is not limited to, the following:
   a. An act of maliciously killing, abusing, maiming, or disfiguring any animal or willfully or maliciously administering poison to any animal or exposing any poisonous substance with the intent that the poisonous substance shall be taken and consumed by such animal (does not include the killing of animals for the protection of persons or property);
   b. An act of overloading, torturing, tormenting, depriving an animal of its necessary sustenance or shelter, beating, mutilating, killing, or carrying an animal in or upon a vehicle in a cruel or inhumane manner;
   c. An act of failing to supply an animal with wholesome food and water, keeping an animal in an enclosure without wholesome exercise and ventilation, or abandoning any animal to die;
   d. An act of owning, possessing, keeping, or training an animal with the intent that such animal shall be engaged in an animal fighting contest;
   e. Building, maintaining, making, or keeping a pit on premises owned or occupied by the person for the purpose of an exhibition of an animal fighting contest;
   f. Encouraging, instigating, promoting, or assisting in an exhibition of an animal fighting contest; or
   g. Charging admission, being an assistant, or promoting in an exhibition of an animal fighting contest.
2. Any Animal Control Officer or other officer empowered to act by law may impound any animal pursuant to or during an investigation under this Chapter.
3. Nothing in this Section shall prohibit hunting or fishing as permitted by the law of the state and the rules and regulations of the Indiana Department of Natural Resources.
4. Nothing in this Section shall prohibit the use of commercially sold poisons or humane traps for the control of rats, mice, groundhogs, moles, or other similar rodents, raccoons, possums or other pests, as long as the person using the poisons uses reasonable care to ensure that neither domestic animals nor livestock are exposed to the poisons.
5. If the number of domestic animals being kept or harbored by an owner or custodian jeopardizes the health or welfare of the animals, some or all of the animals may be

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impounded, and the Animal Control Officer may pursue any remedies provided under this Chapter.

D. Restraint of animals

1. It shall be unlawful for any owner or possessor of any domestic animal to allow such animal to run at large, whether wearing a collar and tags or not, within any incorporated area of the County. Any and all such domestic animals found at large may be immediately impounded by the Animal Control Officer or any Law Enforcement Officer and the officers may pursue the animal onto private property to effect capture of the animal.
2. It shall be the duty of every owner or custodian of any domestic animal that typically resides within any incorporated area of the County to ensure that the animal is kept under secure restraint and that reasonable care and precautions are taken to prevent the animal from leaving the real property limits of its owner or custodian and ensure that the animal cannot easily dig, climb, jump, or otherwise escape the secure restraint.
3. Chaining of a domestic dog is discouraged, but if it is done, the following is required:
    a. All basic responsibilities and duties described in this Chapter are met at all times.
    b. The chain must be at least 12 feet in length, regardless of the size of the dog;
    c. The chain must be not of a weight heavy enough to cause physical damage to the dog's neck or body; and
    d. The chain must be able to move freely in all directions.
    e. These restrictions do not apply to owners and their animals that are participating in sanctioned dog shows or similar events.
4. The owner or custodian of any guard dog or watchdog must confine such animal within a perimeter fence and meet the following conditions:
    a. The fence shall be sufficient to prevent the dog's escape with all points of ingress and egress securely locked at all times.
    b. A beware of dog, or similar wordage, sign shall be conspicuously displayed on each exterior side of the enclosure for each 50 feet of enclosure, with a minimum of two (2), as well as a sign on each ingress or egress point to the enclosure. Signs shall be a minimum of ten (10) inches high and fourteen (14) inches wide.

E. Restraint of female domestic animals in estrus

1. The owner or custodian of any female domestic animal in estrus (commonly referred to as heat) shall confine the animal within a secure enclosure and in such a manner as to prevent the animal from becoming a nuisance and to prevent conception except during planned breeding.

F. Permanent identification of a domestic animal required (Effective 06/01/2019)

1. A person who owns a domestic animal which is six (6) months or older which permanently resides in the county with an owner whose legal address falls within the county limits shall ensure that at all times the animal bears a permanent means of identification such that the owner can be ascertained accurately, quickly, and easily.
2. The means of identifications required by this Section shall be in addition to any tags required to be worn by state law of other provisions of this Chapter, and shall be either by means of:

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a. A microchip implanted in the animal that bears a registered identification number and can be read by a standard microchip scanner; or
b. A permanent tag attached to a durable collar worn at all times by the animal and the tag bears the owner's current name, address, and telephone number.

3. The identifying chip or tag may only be removed by the animal's owner, custodian, or veterinarian acting on behalf of the owner, and can only be temporarily removed for reasonably short periods of times for the ability to maintain the animal's health and hygiene.
4. Each veterinarian or other person in the county who implants a microchip shall make available upon request to the Animal Control Officer the names, addresses, and phone numbers of the owner(s) of the animal and the corresponding microchip identification number. Such records shall be available to the Animal Control Officer without court order.

G. <u>Vaccinations and Proof of Vaccination</u>

1. The Owners of all domestic animals within Boone County must comply with vaccination requirements as set forth in state law, local ordinance and the rules and regulations for the State Board of Health and the Boone County Health Department.
2. All dogs, cats, and ferrets three (3) months of age and older must be vaccinated against rabies. The rabies vaccination of a dog, cat, and ferret shall be maintained by ongoing revaccination of the animal as follows:
   a. Ferrets shall be revaccinated within twelve (12) months of the prior vaccination.
   b. Dogs and cats that are vaccinated with a rabies vaccine whose label recommends annual boosters shall be revaccinated within twelve (12) months of the prior vaccination.
   c. Dogs and cats that are vaccinated with a rabies vaccine whose label recommends a booster one (1) year later and triennially thereafter shall be revaccinated within twelve (12) months of the first vaccination and shall be revaccinated within thirty-six (36) months of each vaccination thereafter.
3. The owner of the animal is responsible for procuring the vaccinations required by this Section.
4. All dogs shall have a rabies vaccination tag securely affixed to their collar or harness at all times and owners of dogs, cats, and ferrets must be able to provide documentation of rabies vaccination within 24 hours of being asked by the Animal Control Officer or local law enforcement agency.
5. Vaccinations records must be supplied by the owner to the Animal Control Officer upon request if the animal has bitten, or is suspected of biting, a person or other domestic animal.

H. <u>Abandonment</u>

1. It shall be unlawful for a person to knowingly, intentionally, or recklessly abandon a domestic animal or livestock as described by this Chapter.
2. It shall be unlawful for a person to abandon an animal upon private property which the person owns, leases, rents, or otherwise has a contractual interest in unless the animal is checked on routinely and all basic responsibilities and duties of animal owners are met.

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3. A defense to this Subsection may include an unforeseen medical emergency of the owner or custodian of the animal.
4. Colonies and feral cats are excluded from this Subsection.

I. Vicious animals

1. It shall be unlawful for a person to cause, permit, accompany, or be responsible for the presence of any vicious animal on the streets or public places of the county or allow the animal to run on the premises of another at any time, unless, in addition to the other requirements of this Chapter, the animal is securely muzzled to effectively prevent it from biting any person or other animal.

J. Animal bites and quarantine

1. In the event of human being bit by a domestic animal, the animal shall be quarantined in conformity with state law and the rules and regulations of the State Board of Health and the Health Department.
2. Every incident involving a human being bit by an animal shall be reported within 24 hours to a local healthcare establishment, a law enforcement agency, or the Animal Control Officer. It is the duty of the person bitten or the person's parent or guardian to make the report in conformance with title 410 IAC 1-2.3-52 as amended.
3. If the animal involved is located and able to be detained, the animal shall be quarantined as determined by the health department and state law.
4. Law enforcement animals maintaining current certification are exempt from this Subsection.

K. Public nuisance animals

1. A public nuisance animal shall mean and include, but is not limited to, a domestic animal that:
    a. Is found at large(stray);
    b. Damages the property of anyone other than the owner;
    c. Is vicious;
    d. Attacks without provocation;
    e. Excessively makes disturbing noises, including, but not limited to, continued and repeated howling, barking, whining, or other utterances causing unreasonable disturbance or discomfort to neighbors or others in close proximity to the premises where the animal is kept; or
    f. Is not being kept in conformity with county ordinances and regulations pertaining to land, animals, and ownership.
2. A public nuisance animal may be impounded by the Animal Control Officer, without a court order, and the owner or custodian of the animal cited for a violation of this Chapter. The animal may be returned to the owner upon proof of ownership, proof of payment of damages (if any), and proof of reasonable attempts to mitigate the cause of nuisance determination.

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L. Animal sacrifice

1. It shall be unlawful for a person to engage in, participate in, assist in, or perform animal sacrifice. No person shall own, keep, possess, or harbor any animal with the purpose or intention of using such animal for animal sacrifice.
2. It shall be unlawful for a person to knowingly sell, offer for sale, give away, or transfer any animal to any person when he knows or believes that person intends to use such animal for animal sacrifice.
3. Nothing in this Section shall prohibit hunting or fishing as permitted by the law of the state and the rules and regulations of the Indiana Department of Natural Resources.

M. Vehicles and animals

1. A person who is in operation of a vehicle which causes injury or death to a domestic animal shall immediately notify the animal's owner, if known, or the local law enforcement agency or Animal Control Officer. The person must provide the location of the incident, a description of the animal, and the condition of the animal. Such person is not required to provide his name or identifying information, i.e. an address, as the only purpose of this requirement is to aid the stricken animal and notify its owner.
2. A person who is in operation of a vehicle which causes injury or death to a non-domestic animal shall immediately notify the local law enforcement agency or Animal Control Officer if any of the following exists:
    a. The collision leaves debris or carnage which constitutes a road hazard.
    b. The collision causes damage to a secondary vehicle or injury to a pedestrian.
    c. The collision causes damage to private property if the driver of the involved vehicle does not have a contractual interest with the property.
3. No animal shall be left unattended in a vehicle, whether on private or public property, in which the conditions of the vehicle would constitute a health hazard to the animal.
4. No animal shall be transported in the trunk of a vehicle, a small storage compartment of a vehicle (i.e. glove box), or in any other fashion which restricts the animal from reasonable mobility and access to air during transport.
5. An animal in a vehicle involved in a motor vehicle collision should be:
    a. Released to the owner or custodian of the animal if possible;
    b. Be held by the law enforcement agency and released to a person named by the owner or the custodian of the animal if that person can be to the scene in a reasonable time period; or
    c. Transported to an Animal care facility for a temporary holding period.

N. Stray animals

1. A person who finds a stray animal should notify the local law enforcement agency or the Animal Control Officer within 24 hours.
2. A person possessing the lost or stray animal must comply with all rules and regulations of this Chapter pertaining to humane care and treatment of animals while the animal is in custody awaiting the return to the owner or intervention of an Animal care facility, the local law enforcement agency, or the Animal Control Officer.

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O. Injured animals

1. A person who discovers an injured domestic animal or accidentally causes injury to a domestic animal shall immediately notify the animal's owner, if known, the local law enforcement agency, or the Animal Control Officer.
2. The person must provide the location of the incident, a description of the animal, and the condition of the animal. Such person is not required to provide his name or identifying information, i.e. an address, as the only purpose of this requirement is to aid the stricken animal and notify its owner.

P. Deceased animals

1. A person finding a dead domestic animal, large undomesticated animal that constitutes a road or biohazard, or the surviving offspring of either, shall call the local law enforcement agency or the Animal Control Officer immediately.
2. If the local law enforcement agency is called, the agency shall:
    a. Notify the Animal Control Officer if foul play is suspected or the death appears to be caused by factors other than an accident, such as a vehicular collision, or natural causes if the animal is a domestic animal; or
    b. Contact the appropriate agency to properly dispose of the animal's remains, i.e. the County Highway Department.
3. Any deceased animal located on private property must be disposed of within 24 hours in accordance with Indiana law, the Policy and/or Rules of the State Board of Animal Health, or industry standards as the case may dictate. The property owner is responsible for the disposal even if a third party was responsible for the death of the animal.

Section 93.03 - Penalties

1. The owner of a domestic animal found to be roaming at large or stray may be fined Fifty Dollars ($50) for the first offense and One Hundred Dollars ($100) for each subsequent offense involving the same animal occurring within one (1) year.
2. The owner of any animal, or person in whose care an animal is entrusted, or other individual found to in violation of any provision of this Ordinance relating to cruelty, abuse, mutilation, sacrifice or willful neglect of an animal may be fined up to One Thousand Dollars ($1,000) for each offense or animal.
3. For any other violation of this Ordinance, the owner may be fined up to One Hundred Dollars ($100)
4. In addition to any fines imposed, the owner may be responsible for any and all Court costs imposed and may be responsible to reimburse the County for any and all legal costs associated with the enforcement proceeding.
5. An Animal Control Officer may enter private property and investigate any violation of the Chapter and impound any animal where there is reasonable suspicion that the animal is a public nuisance, or is subject to, or in danger of, cruelty, abuse, or neglect.
6. All violations of this Ordinance or any action seeking enforcement by fine or injunction shall be filed and prosecuted by the Boone County Attorney or his designee in Boone Superior Court.

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SAVINGS CLAUSE

If any portion, section or provision of this Ordinance is found by a Court of competent jurisdiction to be illegal or unconstitutional, that portion, section or provision shall be excised and the remaining ordinance shall continue in full force and effect.