

§ 97.04 ANIMAL NUISANCES.

An animal Owner or Agent shall exercise due care and control of all animals within his care, custody or control, so as to prevent them from becoming Animal Nuisances.

§ 97.05 WOLF HYBRIDS AND COYDOGS PROHIBITED.

It shall be unlawful for any Person to possess or harbor a Wolf Hybrid or Coydog.

§ 97.06 IMPOUNDMENT.

(A) *Grounds for Impoundment.* Any Law Enforcement Officer or Animal Control Agent may immediately capture and impound any of the following animals:

- (1) Any At Large animal;
- (2) Any Stray animal;
- (3) Any Wolf Hybrid or Coydog;
- (4) Any unattended animal that is ill, injured, or otherwise in need of emergency care;
- (5) Any animal that is reasonably suspected of having rabies;
- (6) Any unattended animal that is exhibiting aggressive or dangerous behavior and is not sufficiently confined to the property of its Owner;
- (7) Any animal that a Law Enforcement Officer or Animal Control Agent has probable cause to believe is a Dangerous Animal; or

(7) Any animal that a Law Enforcement Officer or Animal Control Agent has probable cause to believe has been the subject of or involved in a violation under I.C. 15-20-1-4 or I.C. 35-46-3.

(B) *Actions to Prevent Harm to Individuals or Other Animals.* If any animal is found At Large and cannot be safely captured, a Law Enforcement Officer may seek assistance from an Animal Control Agent, or take other action deemed appropriate, including tranquilizing or killing such animal to prevent Serious Bodily Injury to Individuals, or Severe Injury to Domestic Pets or Domestic Livestock.

(C) *Identification of Impounded Animals; Notice to Owners.*

(2) The Owner fails to satisfy the registration and confinement requirements of subsection (D) of this § 97.07 within fourteen (14) days after the Board of Commissioners' determination that the animal is a Dangerous Animal;

(3) The Owner waives in writing all ownership interests in the Dangerous Animal;

(4) The Dangerous Animal's Owner cannot be identified or located, and the animal remains unclaimed for three (3) days after having been impounded; or

(5) The Dangerous Animal is re-impounded after having previously been registered under subsection (D) of this § 97.07, and the Owner fails to request a court hearing pursuant to subsection (E)(3) of this § 97.07 within five (5) days after the Owner is notified of the re-impoundment.

(C) *Hearings and Appeals.* If an Owner makes a timely request for a hearing pursuant to subsection (B)(1) above, the Board of Commissioners shall conduct a public hearing.

(1) At such hearing, a Law Enforcement Officer, Animal Control Officer or Animal Control Agency shall present evidence supporting a determination that the animal is a Dangerous Animal, and the Owner shall have the opportunity to confront and cross-examine the witnesses supporting such determination, and to present evidence opposing the determination.

(2) Following the hearing, the Board of Commissioners shall make a finding whether the animal is a Dangerous Animal.

(3) If the Board of Commissioners determine that the animal is not a Dangerous Animal, they shall order the animal released to the Owner, subject to the requirements of § 97.08 of this Chapter.

(4) If the Board of Commissioners determine that the animal is a Dangerous Animal, the animal may not be released to the Owner until the Owner complies with the registration and confinement requirements of subsection (D) of this § 97.07, in addition to the requirements of § 97.08 of this Chapter.

(D) *Dangerous Animal Registration and Confinement Requirements.* A Dangerous Animal may not be released from impoundment until the Owner has registered the Dangerous Animal with the Montgomery County Health Department, and has paid a registration fee of \$500.00. As part of the registration process, the registrant shall provide:

(1) Proof of payment of all costs of caring for the Dangerous Animal during the period of impoundment, including the costs of boarding, and veterinary treatment if necessary;

(2) A valid driver's license or government issued picture identification showing the Owner's name and current address;

ensure the Dangerous Animal cannot exit the dwelling of its own volition, such as when a door or window screen are the only obstacles that prevent the animal from exiting.

(h) The enclosure for a non-dog Dangerous Animal must be adequate to contain the species of animal kept. It may be inspected on a case-by-case basis to ensure that it is indeed escape-proof, as well as a humane method for the type of animal to be kept. This inspection will be made by or with a person competent to evaluate the type of animal involved.

(i) Except for medical treatment or examination, the Owner will maintain the Dangerous Animal exclusively on the Owner's property. When taken off of the Owner's property for medical treatment or examination, a Dangerous Animal shall at all times be fitted with a securely attached muzzle.

(j) The Owner shall post signs on the Owner's property where the Dangerous Animal will be kept, clearly visible from the public roadway or from fifty feet (50'), whichever is less. These signs shall advise the general public that a Dangerous Animal is on the premises.

(E) Other Provisions Applicable to Dangerous Animals.

(1) The Owner and Owner's agent of a Dangerous Animal under this Section shall notify the Montgomery County Sheriff and the Animal Control Agency immediately if the Dangerous Animal escapes, is running at large, has been stolen, or has attacked an Individual, Domestic Pet or Domestic Livestock.

(2) A Law Enforcement Officer or Animal Control Agent may visually inspect the premises and enclosure where the Dangerous Animal is kept. The inspection may also include the placement of warning signs, the animal leash, the muzzle, and the locks. An Animal Control Agent must be satisfied that the Owner has met all Dangerous Animal requirements. If the Owner refuses to allow access to the premises for an inspection, a Law Enforcement Officer or Animal Control Agent may apply to a court for warrant for the right to conduct an investigatory inspection of the premises.

(3) If the Owner or Owner's Agent of a Dangerous Animal violates any provisions of this Section, the Dangerous Animal may be re-impounded and held pending court a court hearing. The Owner must request a court hearing within five (5) days after having been notified of the re-impoundment. At such hearing, the court shall determine whether, in fact, a violation of this Section has occurred. If the court determines that a violation of this Section has occurred, it shall have the authority to impose a fine and/or order the animal humanely euthanized.

(4) In the event that a Dangerous Animal changes Owner, the new Owner must re-register the animal and satisfy the requirements of subsection (D) above. The original Owner shall notify the Montgomery County Health Department that ownership of the animal has been transferred and provide the name and address of the new Owner.

(C) The Animal Control Fund may be used for the support of animal control in Montgomery County by providing funding to the Sheriff of Montgomery County, the Animal Welfare League of Montgomery County, Inc., or other Animal Control Agency.

§ 97.99 PENALTY

Any Person who violates the provisions of §§ 97.03, 97.04 or 97.05 of this Chapter shall be subject to a fine of up to \$100.00 per day for each day that the violation continues. Each day of violation shall constitute a separate violation.