

County

ORDINANCE NO. 2007- 2

AN ORDINANCE REGARDING ANIMALS RUNNING ASTRAY

WHEREAS, owners of animals owe a duty to their animals and to their neighbors to care for and properly restrain their animals, so as to prevent their animals from running loose, being destructive, and being a nuisance; and

WHEREAS, animals are running astray and creating a nuisance for other people, and endangering the safety and well-being of other people and other animals; and

WHEREAS, the Rush County Sheriff's Department must have authority to control animals running astray and creating nuisance problems for other persons and their property; and

WHEREAS; it is the intent of this Ordinance for owners of animals to take responsibility for their animals and show respect for their neighbors.

NOW, THEREFORE, BE IT ORDANINED by the Board of Commissioners of Rush County, Indiana, as follows:

I. Definitions.

1. *Animal* – For the purpose of the Ordinance, *animal* shall mean dog.
2. *Animal Control Authority* – The person or persons designated to enforce this Ordinance.
3. *Animal Shelter* – Facility designated or recognized by Rush County for the purpose of impounding and caring for animals. For the purposes of this Ordinance, it shall be the Rushville Animal Shelter.
4. *At large* – A dog shall be deemed to be *at large* when off of the property of its owner and not under restraint.
5. *Humane Manner* – Care of an animal to include, but not be limited to, adequate heat ventilation and sanitary shelter, wholesome food and water, consistent with the normal requirements and feeding habits of the animal's size, species and breed.
6. *Livestock guarding dogs* – Dogs kept for the primary purpose of protecting livestock from predatory attack.
7. *Neutered* – Rendered permanently incapable of reproduction.

8. *Nuisance* – A dog shall be considered a nuisance if it: Damages, soils, defiles, or defecates on private property other than the owner's or on public walks and recreation areas, unless such waste is immediately removed and properly disposed of by the owner; causes unsanitary, "dangerous" or offensive conditions; causes a disturbance by excessive barking or other noise making; or chases vehicles, or molests, attacks, or interferes with persons or other domestic animals on public property.
9. *Owner* – A person having the right of property or custody of a dog or who keeps or harbors a dog or knowingly permits a dog to remain on or about any premises occupied by that person.
10. *Person* – Any individual, corporation, partnership, organizations, or institution commonly recognized by law as a unit.
11. *Restraint* – A dog shall be considered under restraint if it is within the real property limits of its owner or under the control of a responsible person.
12. *"Dangerous" Dog* – A dog that, without justification, attacks a person or domestic animal causing physical injury or death, or behaves in a manner that a reasonable person would believe poses an unjustified imminent threat or serious injury or death to one or more persons or domestic animals.
13. *"Stray"* – An animal whose ownership cannot be determined with reasonable effort or without endangering a person's safety.

II. Rabies Vaccinations

1. No person shall own, keep or harbor any dog over four (4) months of age within Rush County unless such dog is vaccinated.
2. All dogs should be vaccinated against rabies by a licensed veterinarian, in accordance with the latest "Compendium of Animal Rabies Prevention and Control" authored by the National Association of State Public Health Veterinarians and published annually in the *Journal of the Veterinary Medical Association*.
3. A certificate of vaccination shall be issued to the owner of each animal vaccinated on a form recommended by the Compendium. Each owner shall also receive a durable vaccination tag indicating the year in which it was issued.
4. Tags must be worn at all times and are not transferable.

III. Owner Responsibility

1. All dogs shall be kept under restraint.
2. Every "dangerous" dog, as determined by the Rush County Sheriff or his designee, shall be confined by its owner within a building or secure enclosure and shall be securely muzzled or caged whenever off the premises of its owner.
3. No dog shall be allowed to cause a nuisance. The owner of every dog shall be held responsible for every behavior of such dog under the provisions of this Ordinance.
4. Livestock guarding dogs shall be exempt from nuisance regulations when performing duties protecting livestock on premises owned or controlled by the owner.

IV. Penalties

1. The Rush County Sheriff or his designee shall be the enforcement authority of this Ordinance.
2. The first violation of this Ordinance shall result in a warning being issued to the owner of the dog.
3. For each subsequent offense, the fine of Fifty Dollars and no cents (\$50.00), plus court costs will be assessed, and the animal shall be impounded at the Rushville Animal Shelter. For the owner to have the animal released from the Rushville Animal Shelter, the owner must show proof of current vaccinations, and pay all costs assessed by the Rushville Animal Shelter.
4. All stray dogs shall be impounded at the Rushville Animal Shelter. For the owner to have the animal released from the Rushville Animal Shelter, the owner must show proof of current vaccinations, and pay all costs assessed by the Rushville Animal Shelter.

V. General Provisions

1. All other Ordinances that are in conflict with this Ordinance are hereby repealed to the extent of such conflict.
2. 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.

VI. Effective Date

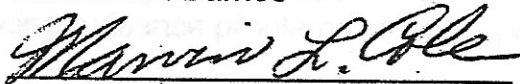
This Ordinance shall be in full force and effect on October 1, 2007, after advertising as required by law.

Adopted this 17th day of September, 2007.

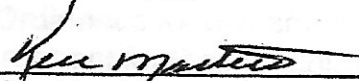
BOARD OF COMMISSIONERS
OF RUSH COUNTY



Thomas H. Barnes

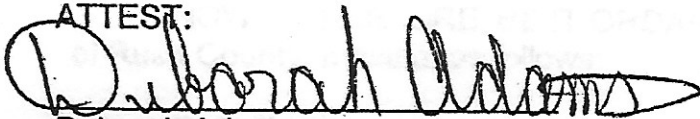


Marvin L. Cole



Ken Masters

ATTEST:



Deborah Adams,
Auditor