

ORDINANCE 2016 - 10

AN ORDINANCE AMENDING THE ANIMAL CONTROL ORDINANCES WITH REGARDS TO THE KILLING OF DOMESTIC ANIMALS ON ONE'S PROPERTY, THE IMPOUNDMENT OF LIVESTOCK, CATS AND DOGS, AND PENALTIES

WHEREAS, Section 131.16 of the Code of Ordinances of Warrick County, Indiana grants a person with the authority to kill any domestic animal running at large on his property; and

WHEREAS, the Board of Commissioners of Warrick County, Indiana desire to repeal or amend Subsection (D) of Section 131.16 of the Code of Ordinances of Warrick County for the purpose of complying with the Indiana Criminal Code, specifically Ind. Code § 35-46-3 et seq.; and

WHEREAS, Section 131.36 of the Code of Ordinances of Warrick County, Indiana grants the Animal Control Officer with the authority to impound livestock upon the reasonable belief that said livestock is not being provided for adequately and/or is being treated cruelly; and

WHEREAS, the Board of Commissioners of Warrick County, Indiana desire to repeal or amend Subsections (A), (B), and (C) of Section 131.36 of the Code of Ordinances of Warrick County for the purpose of improving the impoundment process; and

WHEREAS, Section 131.37 of the Code of Ordinances of Warrick County, Indiana grants the Animal Control Officer with the authority to impound dogs or cats for violation of any Ordinance contained within Chapter 131 of the Code of Ordinances of Warrick County; and

WHEREAS, the Board of Commissioners of Warrick County, Indiana desire to repeal or amend Subsections (A), (B), and (C) of Section 131.37 of the Code of Ordinances of Warrick County for the purpose of applying the requirements of Section 131.37 to all animals; and

WHEREAS, Section 131.99 of the Code of Ordinances of Warrick County, Indiana provides a penalty upon animal owners for violations of any Ordinance contained within Chapter 131 of the Code of Ordinances of Warrick County; and

WHEREAS, the Board of Commissioners of Warrick County, Indiana desire to wholly amend Section 131.99 of the Code of Ordinances of Warrick County for the purpose of clarification of the fines and penalties assessed by Animal Control Officer.

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of Warrick County, Indiana, as follows:

1. Section 131.16 of the Code of Ordinances of Warrick County is hereby amended as follows:

- a. Subsection (D) of Section 131.16 of the Code of Ordinances of Warrick County is repealed in its entirety and amended to read as follows:

“(D) It is unlawful for a person to knowingly or intentionally kill any domestic animal running at large on his property without the consent of the owner of the domestic animal, unless the person reasonably believes the conduct is necessary to:

- (1) Prevent injury to the person or another person;
- (2) Protect the property of the person from destruction or substantial damage; or
- (3) Prevent a seriously injured vertebrate animal from prolonged suffering.”

2. Section 131.36 of the Code of Ordinances of Warrick County is hereby amended as follows:

- a. Subsection (A) of Section 131.36 of the Code of Ordinances of Warrick County is repealed in its entirety and amended to read as follows:

“(A) The Animal Control Officer upon reasonable belief that an animal commonly classified as livestock is not being provided adequate food, water, exercise, ventilation, and/or shelter, or is being cruelly treated, shall take possession and control of the animal.”

- b. Subsection (B) of Section 131.36 of the Code of Ordinances of Warrick County is repealed in its entirety and amended to read as follows:

“(B) The owner of the livestock impounded hereunder shall have the right to petition a court of general jurisdiction in the county, for a determination as to whether or not probable cause exists as to whether said livestock has not been provided adequate food, water, exercise, ventilation and/or shelter, or is being cruelly treated. If the court determines that probable cause does not exist, the court shall order the livestock returned to its owner without charge to the owner for maintenance of said livestock after impoundment and during court proceedings. If the court determines that probable cause does exist, said livestock shall be adopted, rescued, or otherwise disposed by the Department of Health and/or Animal Control Officer.”

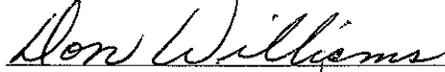
- c. Subsection (C) of Section 131.36 of the Code of Ordinances of Warrick County is repealed in its entirety. All subsequent subsections shall be retitled accordingly.
3. Section 131.37 of the Code of Ordinances of Warrick County is hereby amended as follows:
 - a. Subsection (A) of Section 131.37 of the Code of Ordinances of Warrick County is repealed in its entirety and amended to read as follows:

“(A) Immediately after impounding any animal violation of the provisions of this chapter, it shall be the duty of the Animal Control Officer to enter upon the records of the animal control facility, in a book to be kept by the Animal Control Officer for such purposes, the date of impounding, a description of the animal impounded, and a record as to whether or not such animal has been licensed and tagged as required by the licensing procedure in Section 131.02.”
 - b. Subsection (B) of Section 131.37 of the Code of Ordinances of Warrick County is repealed in its entirety and amended to read as follows:

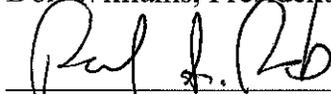
“(B) Public notice of the impounding of all animals shall be given by posting one copy of such notice at the animal control facility. Any such animal not redeemed by the owner thereof within six (6) days after posting of such notice shall be subject to adoption or rescue.”
 - c. Subsection (C) of Section 131.37 of the Code of Ordinances of Warrick County is repealed in its entirety. All subsequent subsections shall be retitled accordingly.
4. Section 131.99 of the Code of Ordinances of Warrick County is hereby wholly amended as follows:
 - “(A) The Board of Health, or its designees, shall have the authority to set a reasonable fine for any violation of this chapter. A copy of the current fee schedule shall be posted at the animal control facility at all times.
 - (B) Notwithstanding the above, the penalty for a first offense of violation of this chapter shall be a fine not to exceed \$100.
 - (C) Notwithstanding the above, the penalty for any subsequent violation of this chapter shall be a fine not to exceed \$500.”

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF
WARRICK COUNTY, STATE OF INDIANA, THIS 13th DAY OF JUNE, 2016.**

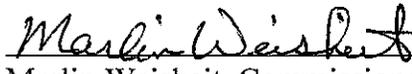
BOARD OF COMMISSIONERS OF
WARRICK COUNTY, INDIANA



Don Williams, President



Richard A. Reid, Vice President



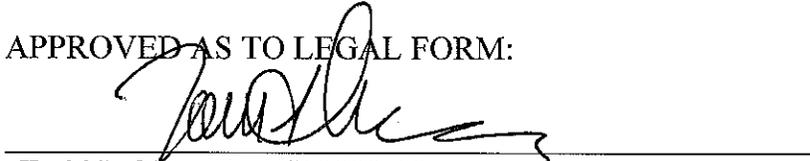
Marlin Weisheit, Commissioner

ATTEST:



Debra K. Stevens, Auditor
Warrick County, Indiana

APPROVED AS TO LEGAL FORM:



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