

**DEKALB COUNTY COMMISSIONERS
DEKALB COUNTY ANIMAL CONTROL ORDINANCE 2024-O-5
AMENDMENT TO THE DEFINITIONS IN 15-3-3-1
AND CREATION OF 15-3-4 TRAP NEUTER RETURN
AND CREATION OF 15-3-5 ALTERING OF ADOPTED ANIMALS**

**AN ORDINANCE FOR DEKALB COUNTY, INDIANA,
AMENDING THE ANIMAL REGULATIONS**

WHEREAS, DeKalb County, Indiana, by the Board of Commissioners is desirous of amending the Animal Control Ordinance Definitions section and adding a new ordinance regarding animals and in particular establishing a Trap Neuter Release program for free-roaming cats; and

WHEREAS, the DeKalb County, Indiana, by the Board of Commissioners has determined an ordinance is needed and that this it to the best interest of DeKalb County;

**NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE
COMMISSIONERS OF DEKALB COUNTY, INDIANA THAT:**

DeKalb County Code 15-3-3 Section 1. Definitions is amended as follows:

Section 1. Definitions.

For the purpose of this Ordinance, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

- A. ABANDON:** To desert an animal or to leave the animal permanently in a place without making provision for adequate long term care of the animal. The term does not include leaving an animal in a place that is temporarily vacated for the protection of human life during a disaster.
- B. ALTERED:** Any animal that has been physically altered to prevent it from procreating.
- C. ANIMAL:** Domestic animal unless otherwise noted.
- D. ANIMAL CONTROL AGENCY:** Any governmental or private entity charged with or contracted with and given authority by the County Commissioners for the enforcement of the provisions of this Ordinance for and on behalf of the County of DeKalb, Indiana (hereinafter referred to as "County").
- E. ANIMAL CONTROL AGENT:** A civilian person employed or appointed by an animal control agency for the purposes of carrying out the



provisions of this Ordinance or any contract for animal control services, but subject to approval by the County Commissioners. This agency can be referred to as the ACO.

F. ANIMAL CONTROL FACILITY: A facility or vehicle operated by an animal control agency for promoting animal welfare and humane treatment of animals. This may include not-for-profit entities incorporated for the purpose of promoting animal welfare. However, the status of any such facility is subject to prior approval by the County. At this time, the entity operating the DeKalb County Humane Shelter is approved.

G. AT LARGE: An animal that is:

- (1) Not on a leash and is off the property of its owner or the owner's agent;
- (2) On a leash that does not adequately confine the animal to the property of the owner or the owner's agent.

Provided, however, an animal that is engaged in legal hunting or farming activities and is under the control and supervision of the owner or the owner's agent is not considered to be at large under this Ordinance.

H. BITE: To seize, tear, wound, cut with the teeth (or claw), resulting in a break in the skin. A bite does not include a nip or scratch.

I. COMMUNITY CAT: Shall mean a free-roaming cat who may be cared for by one or more residents of the immediate area who is/are known or unknown; a community cat may or may not be feral

J. COMMUNITY CAT PROVIDERS, CCP: Shall mean a person who, in accordance with a good faith effort to conduct Trap-Neuter-Return, provides care. This care includes providing food, shelter, or medical care to a community cat. However, a community cat provider, is not the owner, harbinger, controller or keeper of a community cat.

K. DANGEROUS ANIMAL:

(1) Any animal which:

- (a) Has seriously injured a human, domestic animal, or livestock;

(b) Has without provocation attacked, bitten, attempted to attack, or belligerently pursued any human whether on or off the property of its owner or the owner's agent;

(c) Has attacked or bitten a domestic animal or farm animal while off the property of its owner or the owner's agent; or

(d) Has been found to be at large and has been documented to be at large by an animal control agent or law enforcement officer on three (3) or more separate occasions in a twelve (12) month period and been documented to show aggressive behaviors, including those listed above.

(2) No animal shall be considered a dangerous animal if the animal causes injury or damage to a person while that person was:

(a) Committing or attempting to commit, at the time, a trespass or other tort upon the premises lawfully occupied by the owner of the animal;

(b) Provoking, tormenting, abusing or assaulting the animal or who can be shown to have repeatedly in the past provoked, tormented, abused, or assaulted the animal; or

(c) Was committing or attempting to commit a crime.

(3) No animal shall be considered a dangerous animal if the animal causes injury or damage while:

(a) Responding to pain or injury;

(b) Protecting itself or its offspring; or

(c) Protecting or defending a human within the immediate vicinity of the animal from an attack or assault.

(4) K-9 patrol dogs and police dogs shall not be considered dangerous animals when used in the line of duty or for law enforcement purposes.

L. DOMESTIC ANIMAL: Any animal commonly referred to as a pet including, but not limited to dogs, cats, fish, guinea pigs, hamsters, some lizards, caged birds, gerbils, ferrets, rabbits, and pigeons (homing or racing).

- M. EARTIPPING:** means the removal of a ¼ inch tip of a community cat's left ear, performed while the cat is under anesthesia in compliance with any applicable federal or state law and under the supervision of a licensed veterinarian. Eartips are designed to identify a community cat as being sterilized and lawfully vaccinated for rabies.
- N. FARM ANIMALS:** Those animals which are kept for work and/or food production including, but not limited to, horses, cows, pigs, sheep, chickens, llamas, ducks, geese, donkeys, rabbits, goats, turkeys, bison, and oxen. Livestock is another word for farm animals.
- O. FERAL CAT:** A cat which has been born in the wild or has been separated from domestication through abandonment or loss and has adapted to life in the wild; an unsocialized cat.
- P. FREE ROAMING CAT:** A cat that has no fixed place of abode. Various people typically provide food outside the home.
- Q. HARBORER/CAREGIVER:** means any person who for three or more consecutive days performs acts of providing care, shelter, protection, restraint, refuge, food, or nourishment for an animal at or within his or her home, place of business, enclosure, yard, or any premises which such person controls or at which such person resides.
- R. HUMANE OFFICER(S):** Any person(s) and/or agency designated by the State of Indiana, or the county, as a person(s) who is qualified to perform the duties required by the law of the County and State regarding animals, but subject to prior approval by the County Commissioners.
- S. IMPOUNDMENT:** means the act of taking physical possession and control of an animal by an animal control officer or other officer empowered to act by law and transporting it to an animal control facility or humane society.
- T. LEASH:** A restraint device which, when used properly, will not allow an animal to move greater than twelve (12) feet from a person, but which is commonly held by a person when walking the animal.
- U. LIVESTOCK:** means domesticated animals raised or kept in an agricultural setting to produce labor and/or commodities such as meat, eggs, milk, fur, leather, and wool. Farm Animals is another word for livestock.

- V. **MICROCHIP:** A tiny computer chip, implanted underneath the skin of an animal that contains identification information relating to that animal.
- W. **MUZZLE:** A device constructed of strong, soft material or metal, designed to fasten over the mouth of an animal, without interfering with its vision or respiration or causing injury to the animal, to prevent the animal from biting any person or animal.
- X. **OFF THE PROPERTY:** Not confined on the property of animal's owners so as to prevent people, other than the owner, family, or invitees, from accidental contact with the animal.
- Y. **OWNER:** Any person eighteen (18) years of age or older having ownership rights to any animal covered by this Ordinance.
- Z. **PUBLIC NUISANCE ANIMAL:** An Animal which (1) interferes with passersby or passing vehicles; (2) attacks other animals or persons without provocation; (3) is repeatedly at large or unrestrained; (4) damages private or public property not belonging to the Owner, or (5) barks, whines, howls or makes other sounds common to its species in excess of 15 minutes at a time or 30 minutes of any 1-hour period of time.
- AA. **SERVICE ANIMAL:** Any animal that is certified or in training to assist a disabled person.
- BB. **STRAY:** Any animal that is not under restraint or, upon reasonable inquiry by a law enforcement officer or animal control officer, does not appear to have an owner.
- CC. **TRAP-NEUTER-RETURN:** Means the nonlethal process of humanely trapping, sterilizing, vaccinating for rabies, eartipping, and returning community cats to their managed community.
- DD. **WILD OR EXOTIC ANIMAL:** Those animals which are defined by the state of federal government and require state or federal licenses or permits.

DeKalb County Code 15-3-4 is established as follows:

Chapter 4
Trap Neuter Return

4.1 TRAP-NEUTER RETURN GUIDELINES: The DeKalb County Animal Control Agency or its designee, in order to encourage the stabilization of the free-roaming cat population, otherwise known as feral cats, and may: (A) Trap any free-roaming cat in a humane manner; (B) Have the cat surgically sterilized, ear-tipped, and vaccinated against rabies by a licensed veterinarian; and (C) Release the cat to the DeKalb County Animal Control Facility for adoption or other disposition in accordance with law, or to a colony caretaker who will maintain the cat as part of a managed colony of free-roaming cats. Or to its original location. (D) The DeKalb County Animal Control may impound free-roaming cats in violation of this chapter and dispose of the cats in accordance with the DeKalb County Animal Shelter guidelines. (E) Outdoor feeding times for Community Cat Providers, CCP, is limited to the hours of 6:00 a.m.-9:00 p.m daily to avoid nuisance animal feeding. Any free-roaming cat or feral cat, impounded by the DeKalb County Animal Control that bears an appropriate ear-tipping indicating it belongs to a managed colony may, at the discretion of the DeKalb County Animal Control, be returned to its managed colony unless illness or injury present an imminent danger to public health or safety.

4.2 Any community cat provider trapping, neutering and releasing the cat back to its original location, to a colony caretaker, or the the County ACO is not deemed to have abandoned the cat.

DeKalb County Code 15-3-5 is established as follows:

Chapter 5
Trap Neuter Return

ALTERING OF ADOPTED ANIMALS

Per IC 15-20-4, (A) No adoptions may be finalized by any adoption agency or animal shelter without required spay or neuter surgery prior to leaving the adoption facility. (B) This law will be enforced by the DeKalb County Sheriff's Department, DeKalb ACO and DeKalb County Board of Commissioners. Violations may have a fine of \$500 per each instance.

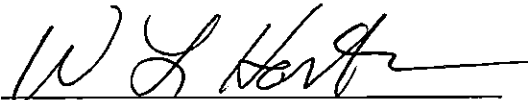
All other provisions, Chapters and Sections of DeKalb County Ordinance 15-3 remain in full force and effect and are incorporated herein by reference and adopted herewith to be inserted in the County Code of Ordinances.

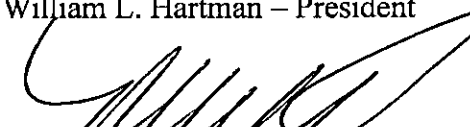
READ AND PASSED ON FIRST READING: Monday, August 26, 2024.
READ AND PASSED ON SECOND READING: Monday, August 26, 2024.
READ AND PASSED ON THIRD READING: Monday, August 26, 2024.

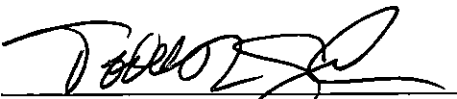
This Ordinance No. 2024-0-5 codified as DeKalb County Code Section 16-3-3-1 is 15-3-5 signed, approved and adopted after all three readings by the Commissioners of DeKalb County, Indiana.

This Ordinance will go into effect after being published.

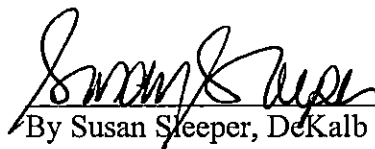
DEKALB COUNTY COMMISSIONERS:


William L. Hartman – President


Michael V. Watson – Vice President


Todd R. Sanderson – Vice President

Attested:


By Susan Sleeper, DeKalb County Auditor