

(G) If the owner fails to comply, a quarantine shall be enforced with attending restrictions and penalties. (84 Code, • 15-2.1-7-1) (Ord. 538, passed 8-3-70; Am. Ord. 662, passed 5-9-94) Penalty, see • 10.99

DOG REGULATIONS

• 90.15 DEFINITIONS.

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

OWNER. Any person, firm, corporation, organization or department possessing or harboring or having the care or custody of a dog.

UNCONFINED. A vicious dog is **UNCONFINED** if it is not securely confined indoors or not confined in a securely enclosed and locked pen or structure upon the premises of the owner of the dog. The pen or structure must have secure sides and a secure top attached to the sides. If the pen or structure does not have a bottom secured to the sides, the sides must be embedded into the ground no less than one foot. All such pens or structures must be adequately lighted and kept in a clean and sanitary condition.

VICIOUS DOG.

(1) Any dog with a known vicious propensity, tendency or disposition to attack unprovoked, to cause injury to, or otherwise threaten the safety of human beings or domestic animals; or any dog that, after examination by a panel of one veterinarian, one member of the County Health Board and one member of the staff at the County Animal Shelter, is found to be vicious in a written report, showing that the panel did physically observe the dog and find the dog to exhibit a vicious propensity. No portion of this subchapter is applicable to dogs owned or utilized by law enforcement agencies; or

(2) Any dog that, because of its vicious propensity, is capable of inflicting serious physical harm or death to humans, and that would constitute a danger of life or property if it were not kept in the manner required by this subchapter; or

(3) Any dog that, without provocation, attacks or bites, or has attacked or bitten, a human or domestic animal; or

(4) Any dog owned or harbored primarily or in part for the purpose of dog fighting, or any dog trained for dog fighting.
(Ord. 821, passed 12-27-11)

● **90.16 DOGS BARKING AND AT LARGE.**

It is unlawful for any person owning, keeping, harboring or having the care, custody or control of a dog to allow, suffer or permit it to bark, howl, growl, yelp or whine to the annoyance of other persons or the disturbance of the peace and quiet of the neighborhood, or to allow, suffer or permit a dog owned by him or in his care, custody, or control to be at large upon the streets or other public places or upon the premises of other persons without permission. Any violation of this section is per se a public nuisance.

(Ord. 821, passed 12-27-11)

● **90.17 LEASH AND MUZZLE.**

The owner of a vicious dog shall not suffer or permit the dog to go beyond the premises of the owner unless the dog is securely muzzled and restrained by a chain or leash and under the physical restraint of a person. The muzzle shall be made in a manner that will not cause injury to the dog or interfere with its vision or respiration, but shall prevent it from biting any human or animal.

(Ord. 821, passed 12-27-11)

● **90.18 SIGNS.**

The owner of a vicious dog shall display, in a prominent place on his or her premises, a clearly visible warning sign indicating that there is a vicious dog on the premises. A similar sign is required to be posted on the pen or kennel of the animal. Failure to post the notice as provided shall be deemed to be a violation of this subchapter and subject to a civil penalty as provided herein.

(Ord. 821, passed 12-27-11)

● **90.19 DOG FIGHTING.**

No person, firm, corporation, organization or department shall possess, harbor or maintain care or custody of any dog for the purpose of dog fighting, or train, torment, badger, bait or use any dog for the purpose of causing or encouraging it to attack human beings or domestic animals.

(Ord. 821, passed 12-27-11)

● **90.20 INSURANCE.**

The owner of a vicious dog must provide proof of public liability insurance in the amount of at least \$100,000, insuring the owner for any personal injuries inflicted by his or her vicious dog. Any person found to be in possession of such a dog without such insurance shall be in violation of this subchapter and be

subject to a civil penalty as provided herein.
(Ord. 821, passed 12-27-11)

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● **90.21 PENALTIES AND ENFORCEMENT PROCEDURES.**

(A) Enforcement of this subchapter shall be in any court of general jurisdiction in Steuben County, Indiana.

(B) Any person found in violation of ● 90.17, 90.18, 90.19 or 90.20 shall be subject to a civil penalty of \$100 per day. Upon delivery of notice to the owner of such violation by any law enforcement officer, the continued violation of this subchapter by the owner shall be a separate violation for each calendar day that the owner allows such violation to continue.

(C) In the event that a law enforcement officer of this state, including any city, county or state policeman, shall show probable cause to any court of general jurisdiction of Steuben County, that there is a continuing, day-to-day violation of this subchapter by any owner, the court may issue an order directing that the officer be authorized to proceed onto the premises where the dog is located and that such dog be seized and taken to the County Animal Shelter, to be retained there for ten days. The order shall also allow the owner to show proof of compliance with the law to the County Sheriff, and pay the shelter \$50 per day for the care and boarding of such dog to obtain its release. In the event that it is not redeemed as provided, the dog shall be euthanized and disposed of at the owner's expense. This expense shall be collectable in the Steuben Circuit or Superior Court, by an action brought in the name of Steuben County by the County Attorney for the account due, court costs, and a reasonable legal fee. Any such judgment that would result shall be enforceable as all judgments are provided to be enforced by the laws of Indiana.

(D) In the event that such dog shall attempt to attack a humane officer or law enforcement officer attempting to enforce any portion of this subchapter, the officer shall be authorized to destroy the dog at the site of attack. The owner shall have no redress for the destruction of the dog against Steuben County or the officer attacked, or any officials or agencies of Steuben County or the State of Indiana, or any political subdivision thereof.

(Ord. 821, passed 12-27-11)

● **90.22 DOG TAG IDENTIFYING OWNER REQUIRED.**

Every owner of every dog harbored in Steuben County shall affix to the dog a tag to be worn by the dog at all times, showing the owner's name and address.

(Ord. 821, passed 12-27-11)

● **90.23 IMPOUNDMENT; DESTRUCTION; REDEMPTION.**

(A) Any dog found to be off of the premises of the owner without an identifying dog tag shall be taken into custody by any humane officer, dog officer or law enforcement officer of any political

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subdivision of the State of Indiana. The dog shall be deposited at the County Animal Shelter. Thereafter, the dog may be destroyed within ten days as a dog with owner unknown.

(B) Every dog found off of the premises of the owner with a tag identifying the name and address of the owner affixed to the dog shall be seized by any humane officer, dog officer or law enforcement officer of any political subdivision of Indiana. The dog shall be taken to the County Animal Shelter. The dog shall be held there for ten days. Thereafter, the dog shall be destroyed if it not redeemed by the owner by payment of \$50 per day for the keep of the dog at the shelter, to be paid by the owner to the County Animal Shelter. The cost of the dog's keep and destruction shall be collectable as an account due by the county in the County Circuit or Superior Court, in an action brought by the county for the total amount of charges, plus court costs and a reasonable legal fee. Such judgment shall be enforced as provided for in the Statutes of Indiana. The destruction of such dog shall be without recourse by the owner against the county, the County Animal Shelter or any officer or political subdivision of the State of Indiana, if the owner, as shown on the identification tag affixed to the dog, was served with a notice in writing of the seizure and detention, served either by affixing the notice to the door of the addressed premises shown on the tag, or by United States mail sent to that address, postage prepaid. No dogs shall be released by the shelter until claimant furnishes valid proof of rabies immunization.

(C) In the event that a law enforcement officer of this state, including city, county or state policeman, shall show probable cause to any court of general jurisdiction of the county, that a person is harboring any domestic animal without adequate food, water or shelter, the court may issue an order that such officer be authorized to proceed onto the premises where such domestic animal is kept, and there seize such animal to be placed into protective custody, with the aid and assistance of the County Humane Shelter.

(D) The County Humane Shelter shall have authority to care for such animal for ten days to allow the owner to show proof of his or her ability to provide adequate food, water and humane shelter for such animal. The owner shall pay the shelter \$50 dollars per day for the care of such seized animal. After ten days, should the owner of such animal fail to show provision for such animal, the County Humane Shelter staff may dispose of such animal, if the owner thereof was served with written notice of its seizure and detention, served either by affixing the notice to the door of the owner's premises, or by United States mail sent to that address, postage prepaid.

(E) The disposition of such domestic animal shall be without recourse by the owner against the county, the County Humane Shelter, or any officer or political subdivision of the State of Indiana.

(F) All expenses associated with the seizure, care, recovery or disposition of such domestic animal by the County Humane Shelter may be recovered in the County Circuit or Superior Court, from and against the owner as an account due. Such action shall be brought in the name of the county for the account due, court costs and reasonable costs of collection, including attorney fees. Any such judgment that should result therefrom may be enforced pursuant to Indiana law.

(Ord. 821, passed 12-27-11)

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CHAPTER 91: LITTERING

Section

- 91.01 Littering on county property
- 91.02 Residing and the like on rights-of-way; interference
- 91.03 Enforcement
- 91.04 Remedies

• 91.01 LITTERING ON COUNTY PROPERTY.

A person shall not put, throw, dump, dispose or leave any refuse, trash or litter of any type upon or within any roadway, easement, right-of-way, path, bridge or passage owned or controlled by the county. (84 Code, • 13-7-4-1) (Ord. 618, passed 7-2-90; Am. Ord. 662, passed 5-9-94) Penalty, see • 10.99

• 91.02 RESIDING AND THE LIKE ON RIGHTS-OF-WAY; INTERFERENCE.

(A) A person shall not reside, picnic, cook, camp upon, litter or in any other similar way use any roadway, easement, right-of-way, path, bridge or passage owned or controlled by the county, other than for purposes of travel or ingress and egress.

(B) A person, except a person who is authorized by the county to do so, shall not:

(1) Post, affix or place any paper, notice or sign;

(2) Block, impede or interfere with any travel or ingress or egress, including to and from bodies of water, upon any roadway, easement, right-of-way, path, bridge or passage owned or controlled by the county. (84 Code, • 13-7-4-1) (Ord. 618, passed 7-2-90; Am. Ord. 662, passed 5-9-94) Penalty, see • 10.99

•91.03 ENFORCEMENT.

This chapter may be prosecuted and enforced in any court of general jurisdiction in the county, including the Circuit and Superior Courts of the county.

(84 Code, • 13-7-4-1) (Ord. 618, passed 7-2-90; Am. Ord. 662, passed 5-9-94)

•91.04 REMEDIES.

The Board of Commissioners may authorize the County Highway Department to correct any acts prohibited in this chapter at the violator's expense. Any expense incurred by the county is collectible in any court of jurisdiction in the name of the county from and against the violator of the prohibited act. The action may be brought for correction of any violation by an attorney on behalf of the county, for the expenses incurred, court costs and reasonable attorney and legal fees. Any judgment so obtained is enforceable as all judgments are provided to be enforced in the state.

(84 Code, • 13-7-4-1) (Ord. 618, passed 7-2-90; Am. Ord. 662, passed 5-9-94)