

2019 Hamilton County Animal Ordinance Proposed Revisions – FAQ

Q: What is new in the proposed revision to Hamilton County’s Title 15 Animal Ordinances?

- The Hamilton County Sheriff’s Department and Humane Society for Hamilton County have worked in collaboration to clarify what **actually defines** “adequate” food, water, shelter, space, ventilation, and veterinary care as it pertains to domesticated pets owned in the jurisdiction of the Hamilton County Sheriff’s Department.
- New definitions have been added defining the difference between an **“approved breeder,”** **“backyard breeder,”** and a **“puppy mill,”** in reference to Hamilton County’s new ordinance banning both “backyard breeders” and “puppy mill” operations in Hamilton County.
- A new section has been added to address the requirements and guidelines for pets kept outdoors in extreme weather.
- The definitions of animal cruelty, animal neglect, and animal abandonment have been updated in greater detail with significantly stronger penalties.

Below is a summary of these ordinances:

- Animal neglect and animal cruelty are more clearly defined and have stronger penalties/fines. In summary, a person violating section Sec. 15-2.1-1-6. – Animal Cruelty, Neglect and Abandonment of Animals commits a Class A Infraction and **may be fined up to \$2,500.00 per occurrence. If the Court finds that a person has violated this section the Court may, in its discretion, order other owned pets be seized by law enforcement with ownership relinquished to the Humane Society for Hamilton County, order the forfeiture of future pet ownership within Hamilton County, order counseling or order the animal owner to pay restitution. Notwithstanding any judgment under this section, animal cruelty, animal neglect or animal abandonment cases may also be prosecuted according to the Indiana State Statute.**
- New language now defines what is considered an “approved breeder,” “backyard breeder” and “puppy mill” operation within Hamilton County. **Backyard Breeders and Puppy Mills as defined by this ordinance are not permitted in Hamilton County and will be cited according to the penalties noted.** See Definitions and Sec. 15-2.1-1-29. – Backyard Breeders and Puppy Mills.
- New language addresses the guidelines and requirements pertaining to pets kept outdoors during extreme weather conditions. **See FAQ below for more detail.** Sec. 15-2.1-1-2. – Duties and Responsibilities of Animal Owners.

Updates have also been made to existing language in the following sections. In summary:

- In 2008, Hamilton County placed restrictions on housekeeping of any household that harbors more than 3 dogs or more than 3 cats. **This has been repealed.**
- There are new restrictions on tethering. **See FAQ below.**
- Clarifications have been made regarding Animals in Vehicles, Vicious Animals, Restraint of Animals, Permanent ID Requirements for Dogs and Cats, the process that must be followed when finding a Lost or Stray Animal, and the Duties and Responsibilities of Animal Owners in Hamilton County.

SEE SECTIONS:

- Sec. 15-2.1-1-2. – Duties and Responsibilities of Animal Owners.
- Sec. 15-2.1-1-6. – Animal Cruelty, Neglect and Abandonment of Animals
- Sec. 15-2.1-1-8. - Commercial Animal Establishments.
- Sec. 15-2.1-1-10. - Vicious animals.
- Sec. 15-2.1-1-12. - Restraint of Animals; Animals at Large
- Sec. 15-2.1-1-19. - Lost or stray animals.
- Sec. 15-2.1-1-21. - Animals in Vehicles.
- Sec. 15-2.1-1-23. – Mandatory Sterilization of Dogs and Cats; Exceptions; Breeder’s Permit.
- Sec. 15-2.1-1-26. - Permanent identification of dogs and cats required.

Q: Where is Title 15 of the Hamilton County local ordinances enforced?

A: Hamilton County Title 15 is in full force and affect in the unincorporated areas of the county. The Town of Sheridan also utilizes Title 15 for their animal ordinance enforcement. Currently – all other municipalities utilize their own local animal ordinances and personnel for enforcement that take precedent over Hamilton County’s ordinances. It is our hope that the municipalities in Hamilton County will consider adopting the additions and revisions made herein.

Q: Are there new temperature guidelines that protect animals from extreme weather conditions in Hamilton County?

*A: **YES.** The new ordinance has been revised in accordance with the Tufts Scale established by subject matter experts to determine the intersection of temperatures at which a dog of any breed/size may be at risk outdoors. Our ordinance does not, however, apply a broad-brush requirement at which all dogs-- **irrespective of breed, age, size, acclimation, and overall health**--must be kept indoors. Recognizing that not all breeds of dogs may be at risk at 40°F and/or 80°F, our ordinance is designed to allow law enforcement to make the final determination on what is best for an individual dog on a case by case basis taking the aforementioned variables into consideration.*

We’ve studied local ordinances across the U.S. and surveyed law enforcement in other counties to gauge the effectiveness and enforceability of weather related ordinances. We believe this is a best practice approach that gives law enforcement both the clarity and tools needed to keep pets safe without citing responsible pet owners with dog breeds who may thrive outside the temperatures established with a broad brush weather ordinance.

*For example, an Alaskan Malamute thrives in cold temperatures without issue at 0°F, and when acclimated, can sustain temperatures as low as -40°F. A senior Chihuahua, however, may be at risk for hypothermia if left outside at 40°F for an extended period of time, especially in the rain. This ordinance gives law enforcement the ability to do what is in **the best interest of both dogs** without citing the Malamute owner because his dog is playing in the snow at 0°F, while also ensuring the safety of the Chihuahua if it is showing signs of hypothermia at 40°F.*

The ordinance requires that when the temperature is:

- **At or below 40°F** animals must have access to adequate shelter, food, water, and space, including adequate, dry bedding material or other means of protection from the weather that will allow the animal to retain body heat when the weather is colder than what an animal of that breed and condition can comfortably tolerate, or, they must have continued and uninterrupted access to a climate controlled facility.

- **At or above 80°F** animals must have access to adequate shelter, food, water, and space, including adequate shade during daylight hours—provided by trees, a tarp or other means—that prevents overheating or discomfort to the animal, or, they must have continued and uninterrupted access to a climate-controlled facility.
- **In extreme weather conditions and temperatures**-- including a heat advisory, wind chill warning, or tornado warning that has been issued by local, state, or national authority-- animals must be monitored by a competent person and have access to adequate shelter, food, water, and space, including adequate bedding and/or shade as described in this section, or, continued and uninterrupted access to a climate controlled facility.

Q: What is the Tufts Scale?

A: The Tufts Animal Care and Condition scales are scales developed for use by veterinarians, animal control officers, police, and cruelty investigators by Tufts Center for Animals and Public Policy for the purpose of assessing body condition, weather and environmental safety, and physical care in dogs. For more information visit: <http://neacha.org/resources/TACC.clear.pdf>.

Q: Will the new temperature guidelines affect working dogs used for livestock protection?

A: **NO.** Working dogs being used for livestock protection would be exempt from the new temperature requirements. Working dogs used for livestock protection are governed by the Indiana State Board of Animal Health (IBOHA). **All violations are enforced utilizing Indiana state statute--not local ordinances.** To review the state and IBOHA requirements and guidelines for the care, treatment, and handling of livestock animals visit: <http://www.in.gov/legislative/iac/pdf-iac/iac2013/T03450/A00140.PDF?IACT=345> and Indiana Code Title 15 <http://iga.in.gov/legislative/laws/2019/ic/titles/015 - 15>

Q: Do any of the changes made to the Hamilton County Title 15 Animal Ordinances impact livestock animals?

A: **NO.** The care, treatment and handling of livestock animals is governed by the Indiana State Board of Animal Health. **All violations are enforced utilizing Indiana state statute--not local ordinances.** To review the state and IBOHA requirements and guidelines for the care, treatment, and handling of livestock animals visit: <http://www.in.gov/legislative/iac/pdf-iac/iac2013/T03450/A00140.PDF?IACT=345> and Indiana Code Title 15 <http://iga.in.gov/legislative/laws/2019/ic/titles/015 - 15>

Q: Does Hamilton County have a Mandatory Spay / Neuter Ordinance?

A: **YES.** In 2008, Hamilton County enacted a No-Fee Breeders Permit to enforce the mandatory spay and neuter of domestic pets. Under the ordinance provisions, dogs or cats must be spayed by six months of age unless the owner has a written letter from a licensed veterinarian stating it's not in the animal's best medical interest to be sterilized. If a dog or cat is older than nine months and has not been spayed or neutered for any reason, a no-fee breeder's permit is required.

Q: How does the No Fee/Free Breeder's Permit process work?

A: "No Fee/Free Breeder's Permits" **work in tandem** with the enactment of a Mandatory Spay/Neuter Ordinance in any community. Each dog and cat over the age of six (6) months which is kept in the county shall be sterilized and rendered incapable of reproducing by a licensed veterinarian, with the following exceptions as long as the requirements noted herein are met:

- A free breeder's permit has been secured according to the process noted in **Sec. 15-2.1-1-23. – Mandatory Sterilization of Dogs and Cats; Exceptions; Breeder's Permit**
- Current pets are receiving adequate care, shelter, and veterinary care as defined in this chapter;
- The animal is considered a competition cat or dog as defined in this chapter;
- The animal's health or a special medical condition puts them at risk for complications due to surgery according to an authorized veterinarian;
- Owner is considered an **Approved Breeder** as defined in this chapter; or
- Owner has not surrendered an animal brought to the Humane Society for Hamilton County or allowed an animal to run at large.
- A person violating this section commits a Class C infraction and may be fined up to \$500.00 per animal.
- *Additionally, anyone operating as an "approved breeder" must also obtain a permit on an annual basis.*
- *The Hamilton County Sheriff's Department reserves the right to deny any applicant who does not meet the requirements noted within the Hamilton County Title 15 Animal Ordinances.*
- *Please note Commercial Breeders (those with 20 or more breeding females) are governed by the Indiana State Board of Animal Health (IBOHA). **All violations are enforced utilizing Indiana state statute--not local ordinances.** State and IBOHA requirements and guidelines for Commercial Breeders begins in **IC 15-21** <http://iga.in.gov/legislative/laws/2019/ic/titles/015> - 15-21-1*

See Sec. 15-2.1-1-23. – Mandatory Sterilization of Dogs and Cats; Exceptions; Breeder's Permit for more information. Breeder's permits may be submitted at: <https://www.hamiltoncounty.in.gov/543/Breeders-Permit>.

Q: Are dogs and cats required to be licensed in Hamilton County?

A: **NO.** There are no animal licensing requirements in Hamilton County, Indiana. However – with the revised ordinance, dogs and cats are required to have permanent identification on them at all times. This can be in the form of a tag on the collar or a microchip implanted - both of which must bear current contact information for the owners.

Q: Is tethering allowed in Hamilton County?

A: **YES**, however, the revised ordinance states that no animal shall be permanently tethered from 11pm – 6am. Tethers must be a minimum of 12 feet long with swivels on both ends and not attached in a manner that allows it to wrap around vertical objects. The animal must have access to shelter as provided in Title 15 of the Hamilton County Local Ordinance. Unaltered dogs are not allowed to be tethered for any period of time unless within visual range of a competent adult that is outside with the dog.

Q: Is it illegal to leave an animal in a vehicle?

A: While it is not illegal to leave an animal inside a car, it is a violation of the Hamilton County ordinance to leave your pet in a vehicle when the temperatures / conditions in said vehicle become detrimental to the health of the animal (extreme heat or cold). If you see an animal in a vehicle and have a concern for its safety, please call police dispatch immediately.

Q: Does Hamilton County have a leash law?

*A: **YES.** With this revised ordinance, owners will be required to keep their animals on a leash when not on their own property or on a property for which they have permission to have an animal off leash. This does not include hunting dogs engaged in legal hunting activities with permission from the landowner.*

Q: Does the Humane Society accept owned pets?

A: The Humane Society for Hamilton County has an open-admission, no surrender fee policy for the residents of Hamilton County residing in the jurisdiction of the Hamilton County Sheriff's Department, Noblesville, Fishers, Westfield, and Carmel. If you have questions regarding the surrender of a pet or need support keeping your pet, please contact the shelter at 317-773-4974 or hshc@hamiltonhumane.com.

Q: What's the best way to report animal issues / concerns?

A: The best way to report an animal concern is by calling Hamilton County Dispatch:

- *Non-Emergency: 317-773-1282*
- *Emergency: 911*