

BOONE COUNTY BOARD OF COMMISSIONERS

Thursday, April 26, 2018 Public Meeting Minutes

RE: Animal Ordinance 2018-02

Location: Community Building at the 4-H Fairgrounds

Commissioners Present: Jeff Wolfe & Donnie Lawson

Commissioners Absent: Marc Applegate

Staff Attending: Bob Clutter (County Attorney) & Kaylee Mullen (Administrative Assistant)

Board Vice President Jeff Wolfe opened the meeting at 6:36pm.

Hanna Fisher, Boone County Sheriff's Department, stated this year she has been involved with eleven animal bites, fifty-two animal complaints, seventy-one loose animals, twenty-six ordinance checks, forty-four welfare checks and fifty-six follow-up investigations. This does not include the dozens of phone calls fielded, emails responded to, social media messages sent and received and questions asked by fellow officers. Additionally, she has submitted 7 counts of animal neglect and cruelty to the Prosecutor's Office for review. There were approximately 290 calls in the first quarter of 2017 for all Boone County agencies. Her logging time alone is at 216 so far this year. She is in hopes to better equip her position with an ordinance that can better address some of the animal problems seen throughout the county. The proposed ordinance can cover some of the gray areas when protecting animals.

Jacob Cory, Thorntown Resident / Boone County Beef House Producer, stated he believes the proposed animal control ordinance is overreaching, intrusive and represents poor utilization of public resources that are already spread thin. That critical safety laws and enforcement will become diluted by non-critical distractions. There are also some private property concerns allowing enforcement onto property due to accusations of mistreatment or inadequate care of animals. With the judgment of the animal care or treatment is left to enforcement. Many times education and assistance provided to an animal owner can be more effective and less costly than enforcement. An outreach program or voluntary guidance are effective ways for communities to address these issues. There are also state laws already in place that provides protection and enforcement action for animal abuse. He asks the elected officials to decline the request for approval of this ordinance.

Susan Austin, a Whitestown Resident and President of the Humane Society of Boone County, stated the animal control problems are more prevalent than many people see. Before an Animal Control Officer was hired, members of the Humane Society have been the ones who would respond to calls day and night. There are too animals in our county that are being dumped by people who can't afford take care of them. Susan believes we need to educate people that aren't aware of the resources that are available in Boone County. The Humane Society currently helps with three animal pantries throughout the county. They also have a partnership with Spay and Neutered Services of Indiana. The Humane Society would rather help educate someone opposed to taking their animals away. She believes that having an animal control officer who has an ordinance to back her cause for addressing the situation will help educate people and be beneficial to the county.

Mike Nielsen, Boone County Sheriff, stated the intent of this ordinance isn't for the Sheriff's Department to be a part of an overreaching government. This has become a public safety issue. If the Sheriff's Department did not have an Animal Control Officer, BCSD road officers would be taken away from their duty of fighting crime. This is also a public safety health issue when vicious animals or animal bites are involved. The BCSD has also been working on an MOU to have a partnership in place with the Humane Society for the housing of the animals. In addition to that, the County Council, the Municipalities Councils, and the BCSD have approved a \$10,000 contribution each, totaling \$50,000 to be applied towards the Animal Control Officer and fees for housing at the Humane Society.

Bruce Guernsey, Jamestown Resident, stated he is concerned that law enforcement might interpret the ordinance differently 10 years from now. What might that mean to farm and agriculture then? For example, his cows are outside when it's -20 below. He sets up windbreaks and lays hay heavily on the ground during these temperatures. He believes his cows are healthier out there opposed to in a barn that isn't very well ventilated. Would he be in violation? Another concern of his is if a passer-by on a road does not understand the operations of livestock and calls in with concerns. Will there be more field calls now if someone feels his livestock is not being treated properly?

Wanda Garst, Thorntown Resident, spoke on the matter stating she has a couple concerns with the animal ordinance. The state of Indiana already has state laws addressing animal cruelty and believes the ordinance is a little redundant. As a property owner, she does not want to give up her property rights to allow the Sheriff's Department to go on her property without probable cause or a warrant. Also, the interpretation of the ordinance can be conflicting. Based on the way the ordinance is written there wouldn't be any swine industry in this county or any show cattle.

L.J. Jernstadt, Whitestown Resident, stated that this ordinance is much less restricting than the one that is in place in Hamilton County. He believes Hamilton County does not have any problems with livestock or showing animals at their county fair. He also says people need to realize that someone needs to take care of those animals that are being turned loose. Someone has to work on them getting rehomed and adopted. He strongly believes that we have to do something.

Amanda Merrill, Colfax Resident, referenced a clip that she had seen on Facebook of a person recording cattle on someone's private property. Her question is what if an individual of the public went past a location and released the animals because they believed those animals were being mistreated?

Attorney Bob Clutter replied and stated that person would be trespassing and be committing a crime, with or without an animal control ordinances being passed. That person would be subject to arrest. The Animal Control Officer is working in conjunction with Humane Society for Boone County to reach out to the public and help educate.

Lori Halstead, Lebanon Resident, stated she believes the domestic and agriculture animals should be considered separate. She would at least like to see an ordinance enforced for dogs and cats soon. She's constantly catching dogs and cats on the loose. In addition to that, she fears being attacked by another dog on the loose while walking her own animal.

Carolyn West, Lebanon Resident, stated that she volunteers for the Humane Society. She believes that there is a need for this ordinance. There are too many animals being abandoned.

Joe Overman, Lebanon Resident, does not agree with the ordinance grouping domestic and farm animals together. There are animals on a farm that are not considered livestock that has never spent a day in the house. They have plenty of access to a shelter, food, and water without having to be inside a home. He believes that something needs to be done in town, but agriculture should be left out.

MaryAnn Garber, Lebanon Resident, stated her and her husband are supporting members of the Humane Society for Boone County. They are very concerned about the needs of helpless, injured, neglected animals in our county. She believes the ordinance will give the balance, respect, and fairness for animals in need.

Donnie Lawson welcomed any additional public comments to be emailed to commissioners@co.boone.in.us.

The meeting was adjourned at 7:34 pm.