

**AN ORDINANCE REGULATING THE
HOUSING AND MAINTENANCE OF ANIMALS
IN THE TOWN OF NORTH JUDSON, INDIANA**

Ordinance No. 8 of 2017

WHEREAS, the Incorporated Town of North Judson, Indiana (the “Town”) is desirous of allowing residents to maintain certain animals, as further defined in this Ordinance, within the corporate limits of the Town; and

WHEREAS, the Town Council of the Incorporated Town of North Judson (the “Town Council”) also sees the need to regulate the proper housing and maintenance of any and all animals within the corporate town limits, in order to ensure the health, safety, and welfare of Town residents, and also the responsible, humane, and ethical animal maintenance and ownership.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of North Judson, Indiana, that the following Ordinance Regulating the Housing and Maintenance of Animals in the Town of North Judson, Indiana, is adopted as follows:

Section I.
Definitions

1. **Definitions.** For the purposes of this Ordinance, the following words and phrases shall have the meanings as set forth, below, unless the context otherwise indicates:

- (i) “*Animal*” shall mean any living, nonhuman vertebrae creature.
- (ii) “*At large*” shall mean not confined without means of escape of any portion of the animal’s body in a pen, corral, yard, cage, house, vehicle or other secure enclosure, unless on a leash and under the control of a competent human being.
- (iii) “*Cat*” shall mean either a male or female feline animal.
- (iv) “*Cat Colony*” shall mean a group of two (2) or more feral cats habituating a regular geographic area.
 - A. “*Managed Colony*” shall mean a colony of free-roaming cats that is registered with the Town and maintained by a caretaker.
- (v) “*Chicken*” shall mean a *Gallus gallus domesticus*, a domestic bird typically kept on a farm. This definition does not include other fowl, such as, but not limited to: peacocks, turkeys, or waterfowl.

- (vi) “*Chicken coop*” shall mean an enclosed structure for harboring chickens, that provides shelter from the elements.
- (vii) “Dangerous Animal” shall mean any animal that:
 - A. Would constitute a danger to human life or property if it were not secured;
 - B. Has caused serious injury to a person, without having been provoked by that person;
 - C. At a place other than its owner’s or keeper’s property that has:
 - a- Chased or approached a person in a menacing fashion, or apparent attitude of attack; or
 - b- Attacked another domestic animal; or
 - D. Because of its training or behavior, is capable of inflicting physical harm or death to humans.
- (viii) “*Dog*” shall mean either a male or female canine mammal.
- (ix) “*Domestic animal*” shall mean rabbits, cattle, horses, ponies, mules, donkeys, jackasses, llamas, swine, sheep, goats, dogs, cats, and poultry.
- (x) “*Feral*” shall mean any domesticated mammal/fowl, which has escaped from domestication and has become wild.
- (xi) “*Free-roaming*” shall mean any homeless, stray, wild or untamed mammal that is commonly kept as a pet.
- (xii) “*Harboring*” shall mean any person who permits, either implicitly or indirectly, any animal to frequent or remain on or within his/her house, building, premises, or enclosure. For purposes of this Ordinance, harboring shall imply ownership of such animal
- (xiii) “*Housing*” shall mean protective structures for animals that provide security and adequate space for movement.
- (xiv) “*Impound*” shall mean to seize and hold in legal custody.
- (xv) “*Pot-bellied pigs*” shall refer to any type of small swine pet.
- (xvi) “*Poultry*” shall mean birds commonly kept as pets or for use in non-fighting sporting activities, or for food. Permitted examples include caged songbirds, parrots, pigeons, and chickens.

- (xvii) “*Prohibited*” shall mean mammals and fowl not permitted residence in the Town.
- (xviii) “*Rabbit*” shall mean any family (Leporidae) of long-eared, short-tailed lagomorph mammal with long hind legs.
- (xix) “*Residential Dwelling*” shall mean a self-contained unit of accommodation used by one or more households as a home, such as a house, apartment, or mobile home. This shall not include workshops, barns, or unattached garages.
- (xx) “*Swine*” shall mean any of various stout-bodied, short-legged omnivorous Suidae which a thick bristly skin and a long flexible snout, especially the domesticated pig.

Section II.

Regulation of Animals

1. **General Care.** Every owner or his agent residing within the corporate limits of the Town shall see that each of his animals:

- (i) Are annually registered at the Clerk-Treasurer’s Office on or before February 15th of the current year. Registration requires the following documents:
 - A. Veterinary proof in the form of a bill or letter of what shots were administered. All animals must be vaccinated with the appropriate vaccines to protect the health of the animal, as well as prevent the spread of disease to humans or other animals.
 - B. Before new permits are issued, the code enforcement officer or building inspector shall certify all appropriate housing and space requirements are met. Renewal permits do not require this inspection before a renewal license is granted.
 - C. Identifying records such as registration papers, tattoo numbers, microchips, or ear tags must be presented.
 - D. Permits will be in the form of numbered tags. Numbered tags must either be, if practical, worn by the animal, or posted on the housing of the permitted animal enclosure.
- (ii) Is kept in a clean, sanitary, and healthy manner, and is not confined so as to be forced to stand, sit, or lie in its own excrement.

- (iii) Has sufficient and wholesome food and water, which is proper and nutritional to that species of animal.
- (iv) Lives in a structure, which meets minimum veterinary standards, which will protect that animal from all elements of the weather, and will allow that animal to stand, sit, and lie down without restriction, and which is kept in a sanitary manner.
- (v) If ill, diseased, or injured, receives proper veterinary care, as necessary to promote the good health of the animal, and prevents the transmittal of a disease to other animals or human-beings.
- (vi) Is not beaten, ill-treated, overloaded, over-worked, tormented, or otherwise abused or neglected, or involved in any dog fight, cockfight, bullfight, or other combat between animals or between animals and humans.
- (vii) Is not physically altered in any manner by anyone other than a veterinarian, except for identification purposes.
- (viii) Is not abandoned, neglected, or tortured.
- (ix) Does not become a public nuisance, or a dangerous animal.
- (x) In the case of a dog or cat over the age of three (3) months, is properly vaccinated against rabies by a licensed veterinarian, upon such frequency as may be specified by state law.
- (xi) Is properly restrained, and not running at-large.
- (xii) During mating season, is kept in a secure location, and in such a manner that it cannot come into contact with another animal of the same species, except for planned breeding.
- (xiii) Is not kept for the purpose of harvest or slaughter.

2. **Chickens.** Chickens shall be allowed to be kept in the Town, on parcels of land consisting of at least one-third (1/3) acre of property, in strict accordance with the following requirements:

- (i) No roosters shall be kept under the provisions of this Section.
- (ii) There shall be no more than four (4) chickens on any parcels of land less than one (1) acre in size.

- (iii) There shall be no more than six (6) chickens on any parcels of land more than one (1) acre in size, but less than three (3) acres in size. No more than eight (8) chickens may be kept on any parcel of land more than three (3) acres in size.
- (iv) A chicken coop shall be provided. The chicken coop must provide adequate sun, shade, and ventilation, and must be impermeable to rodents, wild birds, and predators, including cats and dogs. The chicken coop must provide at least ten (10) square feet of space per chicken kept therein. No chicken coop shall exceed eighty (80) total square feet in size, and must otherwise meet all other setback and boundary requirements as any other structure erected within the Town, and as provided for in the Town zoning ordinance(s). No chicken coop shall be more than ten (10) feet in height. The Town's code enforcement officer must approve the location of chicken coops on residential lots.
 - A. Chicken coops may not be constructed within fifty (50) feet of any neighboring residential dwelling.
- (v) Permits shall be Ten Dollars (\$10.00) per chicken, paid on or before February 15th of the current calendar year, and posted on the housing structure.

3. **Horses/Ponies.** Minimum of seven (7) acre lot size required. Any resident wishing to harbor or otherwise maintain horses/ponies on their property must submit an annual permit, and pay the associate Twenty Dollar (\$20.00) per horse fee, before February 15th of the current calendar year. No more than two (2) horses may be harbored by any one (1) household. The annual permit shall be posted on the housing structure for the animals in question.

4. **Cats/Dogs.** Any resident wishing to harbor or otherwise maintain dogs/cats on their property must have their dog/cat registered with the Town Clerk-Treasurer, and pay the associated Ten Dollar (\$10.00) per neutered dog/cat fee for each dog/cat, on or before February 15th of the current calendar year. The fee for any non-neutered dog/cat shall be Twenty Dollars (\$20.00), and shall be paid on or before February 15th of the current calendar year. No more than four (4) cats/dogs in any combination may be harbored by any one (1) household.

6. **Rabbits.** Any resident wishing to harbor or otherwise maintain rabbits on their property must have each rabbit registered with the Town Clerk-Treasurer, and pay the associated Ten Dollar (\$10.00) per rabbit fee, on or before February 15th of the current calendar year. No more than four (4) rabbits may be harbored by any one (1) household. The annual permit shall be posted on the housing structure for the animals in question.

7. **Swine.** Minimum of seven (7) acre lot size required. Any resident wishing to harbor or otherwise maintain swine on their property must register each swine with the Town Clerk-Treasurer, and pay the associated Twenty Dollar (\$20.00) per swine fee, on or before February 15th of the current calendar year. No more than four (4) swine may be harbored by any

one (1) household. The annual permit shall be posted on the housing structure for the animals in question.

8. **All Other Animals Prohibited.** Any animal not specified in this Section II shall not be housed within corporate Town limits.

9. **Housing and Set-backs.** All required housing for permitted animals must conform to the acceptable standards for the housing of such animal(s), and must be set a minimum of Fifty (50) feet from any neighboring property line.

Section III.

Penalties and Prohibitions

1. **Confinement.** Any animal or other fowl kept exclusively or partly outdoors must be limited to the owner's property. When off the owner's property, the animal must be restrained by a container, leash, or other harness.

- (i) Any female animal displaying signs of being ready to procreate must be securely confined in such a way as to not attract male animals.
- (ii) Any animal, which by frequent or habitual howling, yelping, barking, screeching, or other vocalization, for more than one-half (1/2) hour, may be considered as causing serious annoyance or disturbance of persons in the vicinity, and shall be liable to penalty.
- (iii) No person shall knowingly allow his or her animal to disperse waste material upon any public street, or byway or right-of-way, or any municipally-owned public land or building. All persons shall exercise due diligence in the safe and legal disposal of all animal excrement or waste on his or her personal property.
- (iv) Animal cruelty in the form of lack of nutrition, proper housing, medical care, participation in violent sports such as cock fighting, endangerment of neighbors to disease, shall be punishable by both criminal and civil sanctions. Any person proven to have maliciously harmed or killed an animal may face criminal action under Ind. Code § 35-46-3.

2. **Running-at-Large.** No owner or keeper of any animal shall permit such animal to run at-large at any time. Maintaining or feeding of animals is an implication of ownership and shall be enforced as such. It shall be unlawful for any person to allow an animal to stray beyond the boundary lines of the person's property, or onto any public street, sidewalk or alleyway, unless said animal is on a leash, or under the direct and immediate control of the animal's owner or his designee. It shall be unlawful for the owner of any animal or person having control of any

animal to permit the animal to interfere with the delivery of mail, newspapers, meter readers, or any other public workers engaged in the normal execution of his or her duties. It shall also be unlawful for any person to allow an animal to interfere with or attack a police officer, sheriff's process server, building commissioner, health inspector, or any other government, telephone, or utility employee in the normal execution of his duties.

3. **Non-Immunized Animals.** It shall be unlawful for any person to harbor any animal over the age of three (3) months, which normally requires rabies vaccination and is not immunized. Any person who violates the provisions of this Section shall be guilty of a Town Code violation and upon conviction thereof, shall be fined according to the Penalty schedule set forth in Section III of this Ordinance.

4. **Capture and Removal.** Every effort will be made by the Town Police Department and the Humane Society officials to capture a dangerous animal for impoundment at the Starke County Humane Society, as well as any other animal that was permitted to be in violation of any provision of this Ordinance.

- (i) The Town Council designated the Starke County Humane Society as the animal housing facility for any and all impounded animals. The owner of any impounded animal shall be responsible for paying all associated costs of any impoundment of such animal due to a violation of this Ordinance.

5. **Bodily Injury caused by Animal.** In the event that any person owns or harbors an animal which causes bodily injury to any person, other than fellow members of the owner's household, shall be assessed a Violation for each such occurrence, and may be subject to criminal proceedings, as determined by the Starke County Prosecutor's Office and under the laws of the State of Indiana.

6. **Penalties.** Any person deemed to have violated any part of this Ordinance shall be subject to the following penalties:

- (i) **First Violation.** A Fifty Dollar (\$50.00) fine, and the potential impoundment of the animal(s) in question. The Town's code enforcement officer shall be permitted to enter onto the private property owner's land in order to determine whether an alleged violation has occurred.
 - A. The property owner in question shall have ten (10) days to correct the violation, before a Second Violation is issued. The Town's code enforcement officer shall be allowed to enter onto the private property to determine whether the alleged violation has been corrected within the ten (10) day allotted time limit. The code enforcement officer's decision is appealable to the Town Council, if a formal request is made by the property owner to the Town Clerk-Treasurer within five (5) days of the code enforcement's officers decision.

- (ii) **Second Violation.** A One Hundred Dollars (\$100.00) fine, and the potential impoundment of the animal(s) in question. The Town's code enforcement officer shall be permitted to enter onto the private property owner's land in order to determine whether an alleged second violation has occurred.
 - A. Animal owner shall have five (5) days to correct the violation. The Town's code enforcement officer shall be allowed to enter onto the private property to determine whether the second alleged violation has been corrected within the five (5) day allotted time limit. The code enforcement officer's decision is appealable to the Town Council, if a formal request is made by the property owner to the Town Clerk-Treasurer within five (5) days of the code enforcement's officers decision.
 - B. If the deficiency is not cured within the five (5) day allotted time limit, or upon a determination by the Town Council that the enforcement officer's decision is sound, the Town Council may be permitted to revoke the animal owner's permit(s) for a period of up to one (1) year.
- (iii) Any violation which is not cured within five (5) days after the Second Violation is issued shall constitute a new violation for each day the defect remains unremedied, punishable by a One Hundred Dollar (\$100.00) fine for each new violation. The Town Council reserves the right to revoke the animal owner's permit for up to three (3) years, if a third violation, or any continual violation is levied on the animal owner in question.

7. **Civil Action to Recover Costs of Abatement.** Upon the failure of the recipient who was sent the notice of violation and bill to pay the appropriate fees and charges within the ten (10) day period for the First Violation, and the five (5) day period for the Second Violation, the Town Council may bring a civil action in court against such recipient to recover the amount billed, plus reasonable attorney's fees and court costs.

8. **Other Rules and Regulations.** The Town Council may, by ordinance or resolution, promulgate rules and regulations necessary to implement and carry out the provisions of this Ordinance.

9. **Severability.** In the event any section, subsection, clause, phrase, or portion of this Ordinance is for any reason held illegal, invalid, or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision, and such holding shall not affect the validity of the remainder of this Ordinance. It is the legislative intent of the Town Council that this Ordinance would have been adopted if such illegal provision had not been included or any illegal application had not been made.

Section IV.
Effective Date

1. **Effective Date.** This Ordinance shall become effective thirty (30) days after notice of the adoption shall have been published in a paper as described in Indiana Code § 5-3-1-4.

PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE INCORPORATED TOWN OF NORTH JUDSON, INDIANA, THIS _____ DAY OF _____, 2017.

THE NORTH JUDSON, INDIANA, TOWN COUNCIL

Wendy Hoppe, President

John Rowe, Council Member

Jane Ellen Felchuk, Council Member

Josh Brown, Council Member

James Young, Council Member

ATTEST:

Andrew Rowe, Clerk-Treasurer