

## **ORDINANCE 2019-6**

### **AN ORDINANCE SUPPLEMENTING THE TOWN OF THORNTOWN'S ANIMAL POLICIES**

WHEREAS, on July 15, 2019, the Town Council of the Town of Thorntown, Indiana ("Town Council") adopted Ordinance 2019-5 adopting the Boone County Animal Ordinance; and

WHEREAS, the Town Council deems it to be in the best interest of the citizens of the Town of Thorntown ("Town") that additional policies regarding animals be clarified and adopted by the Town to supplement the Boone County Animal Ordinance as adopted by the Town.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Thorntown, Indiana, as follows:

1. Chapter 90, Sections 90.01 through 90.12 of the Town of Thorntown, Indiana Code of Ordinances shall be deleted and replaced with the following new sections:

#### **GENERAL PROVISIONS**

- 90.01 Purposes of subchapter
- 90.02 Liability of Town
- 90.03 Fines; Fees
- 90.04 Offensive or Noxious Animal Conditions
- 90.05 Defecation of animals on public and private property
- 90.06 Number of certain animals restricted
- 90.07 Livestock

#### **§90.01 PURPOSES OF SUBCHAPTER**

A. The purposes of this subchapter shall be for the protection and safety of all residents and visitors and also the peace and enjoyment of all residents and visitors. (1996 Code, §4-26)(Ord. 1993-5 passed 4/19/1993).

#### **§90.02 LIABILITY OF TOWN**

During the time an animal is detained by the Town, the Town shall not be responsible for any accidents or injuries to such animal and further shall not be

responsible for the animal if it is or becomes pregnant while detained. (1995 Code, §4-27)(Ord. 1993-5 passed 4/19/1993; Ord. 2010-6 passed 7/19/2010).

#### §90.03 FINES; FEES

A. Payment. All payments and fines required in this subchapter shall be made to the Town Clerk/Treasurer unless otherwise stated in the Town of Thorntown Ordinance 2019-5 adopting the Boone County Animal Control Ordinance.

B. Disposition. Fines and fees collected from the enforcement of this subchapter shall go into a fund which shall help purchase tags, food, shelter, and other necessary equipment to assist in the enforcement of these provisions. (1995 Code, §4-28)(Ord. 1993-5 passed 4/19/1993).

Cross-reference: Schedule of Fees & Fines, *see* Sec. 10.25 & Sec. 10.99

#### §90.04 OFFENSIVE OR NOXIOUS ANIMAL CONDITIONS

It shall be declared a public nuisance and a violation of this subchapter for any person to keep within the Town any animal or animals in such a manner as to create or cause any offensive or noxious smell or condition, or maintain or use any animal pen or shelter in such a manner as to permit the contents of filth therein to run or wash upon premises owned or occupied by another or upon any street or other public place. Any person found to be in violation of this section and who fails to abate such nuisance within 3 days of receipt of notice of violation shall be subject to the fine for nuisance abatement as set forth in §10.25, Schedule of Fines and Fees.

#### §90.05 DEFECATION OF ANIMALS ON PUBLIC AND PRIVATE PROPERTY

It shall be declared a public nuisance and a violation of this subchapter for any person owning or having control or custody of any animal to permit the animal to defecate upon the public property of the Town or upon the private property of another unless the person immediately removes the feces and properly disposes of it; provided, however, that nothing herein contained authorizes such person to enter upon the private property or allow their animal(s) to enter upon the private property of another without permission. Disabled persons who use service dogs are exempt from this provision. Any person found to be in violation of this section shall be subject to the fine for nuisance abatement as set forth in §10.25, Schedule of Fines and Fees.

## §90.06 NUMBER OF CERTAIN ANIMALS RESTRICTED

A. It shall be considered a public nuisance and a violation of this subchapter for any person to possess or harbor more than a total of six (6) chickens, ducks, geese, pigeons or any other fowl at one time at the owner's personal property or place of business within the Town of Thorntown. This limitation restricts the number to a total of six (6) chickens, ducks, geese, pigeons or any other fowl per household regardless of how many individuals live in the household. Additionally, this limitation restricts the number to a total of six (6) chickens, ducks, geese, pigeons or any other fowl per place of business. Furthermore, it shall be a violation of this subchapter for any person in the Town of Thorntown to own or harbor a rooster. A violation of this subchapter shall subject the animal's owner to a liability for a citation and a fine of Twenty-five Dollars (\$25.00) for each violation up to and including three (3) violations within a calendar year. Any animal owner being cited for more than three (3) violations of this subchapter in any one (1) calendar year shall be liable for a fine of up to One Hundred Dollars (\$100.00) for any additional violations during that calendar year (unless otherwise stated in this subchapter). Each day there exists a violation of this subchapter is considered a separate violation.

B. The Town Council may, at its discretion, grant an exception from this section if it finds that surrounding properties would not be adversely affected or that an unreasonable hardship would result by virtue of disruption of an existing use of property at the time of the adoption of this subsection.

## §90.07 LIVESTOCK

A. It shall be a violation of this subchapter for any person to possess or harbor any livestock, defined as any hooved animal, within the Town of Thorntown. A violation of this subchapter shall subject the animal's owner to liability for a citation and a fine of Twenty-five Dollars (\$25.00) for each violation up to and including three (3) violations within a calendar year. Any animal owner being cited for more than three (3) violations of this subchapter in any one (1) calendar year shall be liable for a fine of up to One Hundred Dollars (\$100.00) for any additional violations during that calendar year (unless otherwise stated in this subchapter). Each day there exists a violation of this subchapter is considered a separate violation.

B. The Town Council may, at its discretion, grant an exception from this section if it finds that surrounding properties would not be adversely affected or that an unreasonable hardship would result by virtue of disruption of an existing use of property at the time of the adoption of this subsection.

2. This Ordinance shall become effective from and after the date of its passage and publication according to law.

ALL OF WHICH IS CONSIDERED, APPROVED AND ADOPTED by the  
Town Council of the Town of Thorntown, Boone County, Indiana, this \_\_\_\_\_ day of  
\_\_\_\_\_, 2019.

THORNTOWN TOWN COUNCIL  
THORNTOWN, INDIANA

\_\_\_\_\_  
President

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

\_\_\_\_\_  
Member

ATTEST:

\_\_\_\_\_  
Clerk/Treasurer