

**EDINBURGH TOWN COUNCIL**

**ORDINANCE NO. 2015-4**

**AN ORDINANCE FOR THE CONTROL OF ANIMALS**

WHEREAS, citizens are allowed to own certain domesticated animals within the town limits of the Town of Edinburgh ("Town");

WHEREAS, in order to promote public safety and the well being of certain domesticated animals, the Edinburgh Town Council deems it in the best interest of the Town of Edinburgh to promulgate rules and regulations within the town limits of the Town of Edinburgh pertaining to the control of animals;

**NOW, THEREFORE, BE IT ORDAINED BY THE EDINBURGH TOWN COUNCIL, AS FOLLOWS:**

**I. SECTION 1. DEFINITIONS**

- a. For purposes of this chapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.
  - i. **ANIMAL**. Any living, nonhuman vertebrate creature.
  - ii. **DANGEROUS ANIMAL**. Any animal or reptile which is not naturally tame or gentle, and which is of wild nature or disposition, and which is capable of killing, inflicting serious injury upon, or causing disease among human beings or domestic animals, and having known tendencies as a species to do so; any animal declared to be dangerous by the Edinburgh Town Council
  - iii. **AT LARGE**. Off the premises of the owner and not under the control of the owner or a member of his or her immediate family, either by leash, cord, chain, or otherwise.
  - iv. **BEE**. Any stage of development of the common domestic honeybee, *Apis mellifera* species.
  - v. **BEEKEEPER**. A person owning, possessing or controlling one or more colonies of bees.
  - vi. **CAT**. Both male and female cats.
  - vii. **COLONY**. A hive and its equipment and appurtenances, including one queen, bees, comb, honey, pollen and brood.
  - viii. **DOG**. Both male and female dogs.
  - ix. **HARBOR**. To suffer or permit any dog or cat to frequent or remain on or within a house, building, premises, or enclosure.
  - x. **HIVE**. Any Langstroth type structure with movable frames intended for the housing of a bee colony. A hive typically consists of a cover, honey supers, brood chambers and a bottom board.
  - xi. **OWNER**. Any person keeping or harboring a dog or cat.

## II. SECTION 2. KEEPING ANIMALS, FOWL, OR BEES

- a. It is a nuisance and shall be unlawful for any person to keep poultry or pigeons, or maintain any place where poultry or pigeons are kept. This section does not apply to duly licensed poultry dealers under and pursuant to the laws of the State of Indiana.
- b. From the Effective Date, it is a nuisance and shall be unlawful for any person to begin to keep any animal of the horse, cattle, goat, sheep, or swine within 200 feet of the dwelling house of any person other than the keeper or owner of these animals.
- c. Where permitted.
  - i. Beekeeping is allowed as an accessory use on lot occupied by a single-family residence. Beekeeping for educational or research purposes by an institution such as a college, high school or agricultural extension office is allowed in all other zones, subject to the requirements of this division.
  - ii. Standards applicable to beekeeping. Beekeeping is subject to the following standards:
    - 1. Location, density and maintenance of colonies.
    - 2. The number of colonies is limited to one colony per 4,350 square feet of lot area, up to a maximum of eight colonies regardless of lot size; and,
    - 3. Colonies shall be set back a minimum of 25 feet of any property line, except that a colony may be situated within 10 feet of a side lot line or rear lot line provided the following provisions are met:
      - a. The beekeeper establishes and maintains a flyway barrier at least 6 feet in height consisting of a solid wall, solid fencing material, dense vegetation or combination thereof that is parallel to the property line and extends 10 feet beyond the colony in each direction so that all bees are forced to fly at an elevation of at least 6 feet above ground level over the property lines in the vicinity of the colony; or
      - b. The colony is situated 10 feet or more above the grade of the nearest adjoining property line.
    - 4. Colonies shall be maintained in movable-frame hives with adequate space and management techniques to prevent overcrowding and swarming.
    - 5. In any instance in which a colony exhibits aggressive or swarming behavior, the beekeeper must ensure that the colony is re-queened. Aggressive behavior is any instance in which unusual aggressive characteristics such as stinging or attacking without provocation occurs.
    - 6. Every beekeeper shall maintain an adequate supply of water for the bees located close to each hive.
- d. Registrations and training.
  - i. All colonies shall be registered with the Indiana Department of Natural Resources Division of Entomology and Plant Pathology prior to April 1 of each year.
  - ii. The beekeeper shall have successfully completed the Indiana State Beekeepers Association (ISBA) beekeeping school.

## III. SECTION 3. ANIMAL CARE AND TREATMENT

- a. Every person keeping an animal in the Town shall see that such animal:
  - i. Is kept in a clean, sanitary and healthy manner and is not confined as to be forced to stand, sit or lie in its own excrement. The

person(s) responsible for animal(s) shall regularly and as often as necessary to prevent odor or health and sanitation problems maintain all animal areas or areas of animal contact,

- ii. Has food that is appropriate for the species in adequate amounts to maintain good health, fresh potable drinking water where appropriate, shelter and ventilation, including quarters that are protected from excessive heat and cold and are of sufficient size to permit the animal to move about freely;
  - iii. Shall not be tethered by use of a choke collar, or on any collar too small for the size and age of the animal, nor by any rope, chain or cord directly attached to the animal's neck, nor by a leash less than 12 feet in length or of such unreasonable weight as to prevent the animal from moving about freely;
  - iv. Is protected against abuse, cruelty, neglect, torment, overload, overwork or any other mistreatment;
  - v. Shall provide the reasonably necessary medical care, in addition to the required rabies vaccination as set forth in Section 8 which shall include recommended vaccinations as required by accepted veterinary standards and if diseased or injured or exhibiting symptoms of disease, receives proper care and is segregated from other animals so as to prevent transmittal of the disease; and
  - vi. Is maintained in compliance with all applicable federal, state and local laws and all regulations respecting animal care and control as are adopted by the Town and in effect from time to time.
- b. It shall be unlawful for a person to beat, starve or otherwise mistreat any animal in the Town, or to fail to comply with any requirement of division (a) of this section.
  - c. In the discretion of the Johnson County Animal Control, a person who violates any provision of this section for the first time may be given written notice of the practices or conditions which constitute the violation and the enforcement authority shall in such instance direct remedies to such person where appropriate and provide a time period of no longer than 30 days within which to correct the violation(s). Failure of the person to correct the violations within the specified time period shall constitute evidence of a prima facie violation of this section.

#### IV. SECTION 4. SALE OF ANIMALS AS NOVELTY

- a. It shall be unlawful for any person to sell, offer for sale, barter, or give away chicks, goslings, ducklings, or other fowl as pets or novelties. This section shall not be construed to prohibit the sale or display of natural chicks or ducklings in proper brooder facilities by hatcheries or stores engaged in the business of selling them to be raised for commercial purposes.

#### V. SECTION 5. DISPOSAL OF DEAD ANIMALS

- a. It shall be unlawful for any person to dispose of or throw away any carcass, animal, animal blood, or parts of any carcass upon any street, alley, public place, or lot within the Town.
- b. It shall be the duty of the person owning or having charge of any dead animal not intended for human food within the Town to dispose of the animal pursuant to IC 15-17-11-20 or to notify Johnson County Animal Control of the death of the animal within 6 hours thereafter.

#### VI. SECTION 6. DANGEROUS REPTILES AND ANIMALS

- a. It shall be unlawful for any person to keep, maintain, or have in his or her possession, or under his or her control within the Town, any such Dangerous Animal.

- b. It shall be unlawful for any person to display or walk about with any type snake or Dangerous Animals in a public place.
- c. ~~The provisions of this section shall not apply to the zoological parks and circuses, if:~~
  - i. Their location conforms to the provisions of the zoning and licensing chapters of the Town;
  - ii. All animals and animal quarters are kept in a clean and sanitary condition and so maintained as to eliminate objectionable odors; and
  - iii. Animals are maintained in quarters so constructed as to prevent their escape and protect the public from coming in direct contact with them.

#### VII. SECTION 7. ANIMAL WASTE

- a. It shall be unlawful for any owner or any person exerting control of any animal to permit such animal to defecate or leave its waste on any public or private property other than the private property of its owner.
- b. Any person who permits any animal to defecate or leave its waste upon an unauthorized place shall be required to immediately remove such excrement.

#### VIII. SECTION 8. CONTROL OF DOGS, CATS OR OTHER ANIMALS

- a. Running at Large Prohibited
  - i. It is unlawful for any person to permit animals or fowl kept, possessed, or owned by the person to run at large upon any street, alley, or public place within the Town.
  - ii. No owner or keeper of any dog or cat shall permit the dog or cat to run at large within the Town.
- b. Vicious or Ferocious Animals
  - i. It is unlawful to harbor or keep any vicious or ferocious animal, rabbits, or fowl within the Town.
- c. Noisy Animals
  - i. It shall be unlawful for any person to keep any animal, which, by odor or frequent or continued noises, shall disturb the comfort or repose of persons in any dwelling or apartment house or residence.
  - ii. It shall be unlawful for any person to own, keep or harbor any dog or cat which by loud and frequent barking, howling or yelping shall cause annoyance or disturbance to any of the citizens of the Town.
- d. Use of Sidewalks
  - i. Pedestrians shall have the right-of-way in the use of sidewalks, and the preference shall be granted them by owners or keepers of the dogs or cats on leashes.
- e. Injury to Dogs or Cats Prohibited
  - i. It shall be unlawful for any person to maliciously or mischievously injure or kill any dog or cat by administering poison, by means of a deadly weapon, or in any other manner.
- f. Rabies Control; Vaccination
  - i. When it becomes necessary to safeguard the public from the dangers of hydrophobia, the County Health Officer, if he or she deems it necessary, shall issue a proclamation ordering every person owning or keeping a dog or cat to confine it securely on his or her premises. These proclamations shall remain effective until revoked by the County Health Officer.
  - ii. If a dog or cat is believed to have rabies, or has been bitten by the dog or cat suspected of having rabies, the dog or cat shall be confined under observation of a veterinarian at the expense of the owner for a period of 10 days, and if necessary may be thereafter destroyed.

1. The owner shall notify the Johnson County Animal Control of the fact that his or her dog or cat has been exposed to rabies, and at its discretion the Johnson County Animal Control is empowered to have the dog or cat removed from the owner's premises to a veterinary hospital and there placed under observation for a period often days at the expense of the owner.
  2. It shall be unlawful for any person knowing or suspecting a dog or cat of having rabies to allow the dog or cat to be removed from the Town, without the written permission of the Johnson County Animal Control.
  3. Every owner or other person, upon ascertaining a dog or cat is rabid, shall immediately notify the Johnson County Animal Control or an Edinburgh police officer.
- iii. All dogs and cats must be vaccinated against rabies by the age of 6 months. The rabies vaccination of a dog or cat shall be maintained by ongoing revaccination of the animal as follows:
1. Dogs and cats that are vaccinated with a rabies vaccine whose label recommends annual boosters shall be revaccinated within 12 months of the prior vaccination.
  2. Dogs and cats that are vaccinated with a rabies vaccine whose label recommends a booster one year later and triennially thereafter shall be revaccinated within 12 months of the first vaccination and shall be revaccinated within 36 months of each vaccination thereafter.
  3. Dogs and cats that are vaccinated with a rabies vaccine whose label recommends a booster triennially shall be revaccinated within 36 months of the prior vaccination.
- iv. The owner of the animal is responsible for procuring the vaccinations required by this section.

**IX. SECTION 9. PENALTY**

- a. Whoever violates any provision of this chapter for which another penalty is not provided shall be fined not less than \$100 for the first offense, \$250 for second offense, and \$500 for each offense then after.

**X. SECTION 10. PUBLIC NOTICE**

- a. In accordance with Indiana Code 36-5-2-10(b) and Indiana Code 5-3-1-2(h), this ordinance shall be published in newspapers of general circulation in Johnson, Shelby, and Bartholomew Counties one (1) time within thirty (30) days after it is adopted by Edinburgh Town Council.

**XI. SECTION 11. PUBLIC BENEFIT**

- a. That the Edinburgh Town Council finds that this ordinance will be in the best interest of the Town and for the benefit of the public and residents of the Town.

**XII. SECTION 12. REPEALER**

- a. All ordinances or parts of ordinances in conflict with provisions of this ordinance are hereby repealed.

**XIII. SECTION 13. SEVERABILITY**

- a. Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity

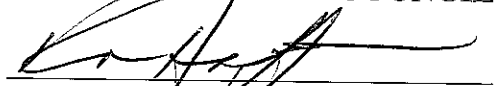
of the ordinance as a whole, or any part thereof, other than the part declared to be unconstitutional or invalid.

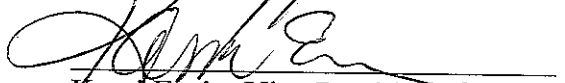
**XIV. SECTION 14. EFFECTIVE DATE**

- a. This ordinance shall be in full force and effect from and after its passage, approval and publication according to law.

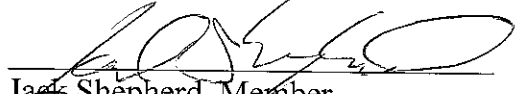
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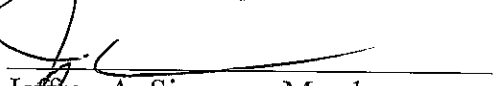
**EDINBURGH TOWN COUNCIL**

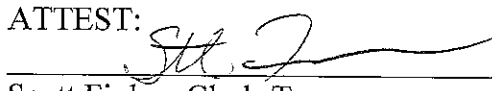
  
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 Ron Hoffman, Council President

  
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 Kam Ervin, Vice President

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 Dawn Graham, Member

  
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 Jack Shepherd, Member

  
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 Jeffrey A. Simpson, Member

ATTEST:  
  
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 Scott Finley, Clerk-Treasurer