

CHAPTER 91: ANIMALS

Section

General Provisions

- 91.01 Definitions
- 91.02 General information
- 91.03 Prohibited domestic/wild animals
- 91.04 Acreage requirements for certain livestock
- 91.05 Rabies
- 91.06 Running at large
- 91.07 Non-immunized animals
- 91.08 Dangerous animals
- 91.09 Impoundment
- 91.10 Legal fees

Urban Chickens

- 91.25 Definitions
- 91.26 Permit; application
- 91.27 Permit; revocation
- 91.28 Chicken regulations
- 91.29 Enforcement; inspections
- 91.30 Chicken coops

- 91.99 Penalty

GENERAL PROVISIONS

§ 91.01 DEFINITIONS.

For the purpose of this chapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

Hamlet - General Regulations

ANIMAL. Both male and female domestic animals, with no exceptions, and exotic animals.

AT LARGE. Off of the premises of the owner or a member of his or her immediate family either by leash, cord, chain, or otherwise.

HARBORING. Any person who shall permit any animal to frequent or remain on or within his or her house, premises, or enclosure shall be deemed to be **HARBORING** such animal within the meaning of this chapter and therefore implies ownership of such animal.

OWNER. Any person keeping or harboring any domestic or exotic animals.
(Ord. 04022008, passed 2-26-2014)

§ 91.02 GENERAL INFORMATION.

(A) *Number of animals permitted.* It shall be unlawful for any person to own or harbor more than four dogs or cats (in any combination) without acquiring a kennel license. Any person with a kennel license will be charged \$25 for a kennel permit to register between four and ten animals. Proof of such kennel license will be required in order to qualify for the kennel permit price.

(B) *Animal registration required.*

(1) Any person owning or harboring a dog or cat within the town limits shall be required to register such animal, purchase an animal tag, and pay the associated animal taxes on an annual basis. The fees for such taxes are as follows:

(a) Neutered male or female: \$5 each; and

(b) Non-neutered male or female: \$9 each.

(2) Registration will be made at the office of the Clerk-Treasurer, 10 South Starke Street, Hamlet, IN. All animals are required to wear the tag provided at the time of registration.
(Ord. 04022008, passed 2-26-2014) Penalty, see § 91.99

§ 91.03 PROHIBITED DOMESTIC/WILD ANIMALS.

It shall be unlawful for any person to own or harbor upon his or her premises or within the corporate limits of the town any domestic or wild animal which is hereby determined to be a public nuisance and menace to the public health, safety, and welfare of the town.
(Ord. 04022008, passed 2-26-2014) Penalty, see § 91.99

§ 91.04 ACREAGE REQUIREMENTS FOR CERTAIN LIVESTOCK.

(A) Customary agricultural operations, including family gardens except feed lots, provided that no continuing and unreasonable odor- or dust-producing substance or use shall be permitted within 300 feet of any property line.

(B) The keeping of livestock, horses, or fowl will be prohibited on any lot, tract, or parcel of land less than three acres in size located within the jurisdictional area of the town. Those that are in existence or have been approved may continue unless they create a burdensome nuisance or health hazard to the neighbors or adjoining land owners, provided that those who are aggrieved may present a petition to the Board to prohibit such nuisance or hazard so as to further the goals of this subchapter.
(Ord. 04022008, passed 2-16-2014) Penalty, see § 91.99

§ 91.05 RABIES.

(A) *Inoculation required.* Every owner or keeper of any dog or cat within the limits of the town shall cause such animal to be inoculated by a licensed veterinarian with a prophylactic serum to prevent rabies by the age of three months and shall be kept current thereafter according to state guidelines.

(B) *Proclamation.* Should there be an outbreak of hydrophobia (rabies), the County Health Department will have jurisdiction over the town, and all state guidelines will be followed under the Health Department's direction.

(C) *Method of handling suspected animals.* If an animal is believed to have rabies or has been bitten by an animal suspected of having rabies, such animal shall be handled according to the County Health Department's Animal Bite Policy of 2004.

(D) *Observation and confinement.* The owner shall notify the town of the fact that his or her animal has been exposed to rabies, and said animal will be handled according to the County Health Department's Animal Bite Policy of 2004.

(Ord. 04022008, passed 2-16-2014) Penalty, see § 91.99

§ 91.06 RUNNING AT LARGE.

(A) No owner or keeper of any animal shall permit such animal to run at large at any time. Maintaining or feeding animals on your property 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 into any public street, sidewalk, or alley way, unless said animal is on a leash or under the direct and immediate control of the animal's owner or his or her designee.

Hamlet - General Regulations

(B) It shall be unlawful for any person having control of any animal to allow the animal to harass, bark, howl, or otherwise create a disturbance in any neighborhood. Types of disturbances shall include, but not be limited to, noises, offensive odors, and/or unsanitary conditions.

(C) 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 worker 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 inspector, health inspector, Humane Society official, OSHA inspector, pollution control inspector, or any other government, telephone, or utility employee in the normal execution of his or her duties.

(D) Animals on leashes which are under the direct control of the owner or designee shall not be considered as running at large.

(Ord. 04022008, passed 2-26-2014) Penalty, see § 91.99

§ 91.07 NON-IMMUNIZED ANIMALS.

It shall be unlawful for any person to harbor a dog or cat which is over the age of three months and is not immunized against rabies.

(Ord. 04022008, passed 2-26-2014) Penalty, see § 91.99

§ 91.08 DANGEROUS ANIMALS.

Every effort will be made by the Police Department and Humane Society officials to capture a dangerous animal for impoundment at the County Humane Society. If any dangerous, fierce, or vicious animal found at large cannot be safely taken up and impounded, such animal may be slain by any law enforcement official on duty.

(Ord. 04022008, passed 2-26-2014)

§ 91.09 IMPOUNDMENT.

(A) *Law enforcement official to impound.* It shall be the duty of the law enforcement official on duty to impound any animal found running at large, or contact the County Humane Society for assistance.

(B) *Animal housing.* The Town Board shall designate the County Humane Society as the animal housing facility.

(C) *Registration of impounded animals.* Upon impounding any animal, the law enforcement official on duty shall make a complete registry, entering the breed, color, and sex of each animal, and whether

the animal has a license tag. If licensed, the name and address of the owner and the number of the license tag shall also be entered in the registry.

(D) *Notice to be posted.* Notices of impounded animals shall be posted on the bulletin board of the Town Hall.

(E) *Impounded animals.* Any impounded animal shall be held at the County Humane Society. If it is not reclaimed by the owner within three days, said animal becomes the property of the County Humane Society and shall be handled according to their policy regarding adoption or euthanasia.

(F) *Fees charged for impounded animals.* A \$35 fee shall be paid to the Clerk-Treasurer for impoundment.

(G) *Release of impounded animal.* Any owner claiming an impounded animal shall pay the impoundment fee and any fees imposed by the County Humane Society, as well as adhere to all rules established by the County Humane Society.

(Ord. 04022008, passed 2-26-2014) Penalty, see § 91.99

§ 91.10 LEGAL FEES.

Should it become necessary for the town to take legal action to collect any fees or enforce any section of this subchapter, the town shall be entitled to recovery of all attorney fees.
(Ord. 04022008, passed 2-26-2014)

URBAN CHICKENS

§ 91.25 DEFINITIONS.

For the purpose of this subchapter, the following definitions apply unless the context clearly indicates or requires a different meaning.

CHICKEN COOP. Also referred to as **CHICKEN PEN**, an enclosure or closed structure used for housing urban chickens, which provides shelter from elements, which also must meet standards set forth in this code.

CHICKEN FLOCK. More than one urban chicken, which contains no more than six hens, and not roosters.

Hamlet - General Regulations

URBAN CHICKEN. A chicken living within the town limits, known officially as *Gallus domesticus*, which is a domesticated bird. It does not include other fowl, roosters, peacocks, turkeys, ducks, or waterfowl. **URBAN CHICKENS** are governed by this subchapter.
(Ord. 20130702, passed 8-6-2013)

§ 91.26 PERMIT; APPLICATION.

(A) Anyone desiring to raise urban chickens within the town limits must file an application for an urban chicken permit with the Clerk-Treasurer's office and be approved by the Town Board. An annual fee of \$20 is required.

(B) The Clerk-Treasurer's office will maintain records and electronic reports summarizing:

(1) Location;

(2) Size of the chicken coop; and

(3) Fees collected.

(Ord. 20130702, passed 8-6-2013) Penalty, see § 91.99

§ 91.27 PERMIT; REVOCATION.

(A) The Town Board may revoke a permit to any person who has failed or refused to comply with permit requirements, or subsequent ordinance violations, who has made any fraudulent or false statement of material representation in the permit application, or in connection with keeping of urban chickens, anyone who has violated a state code or any provision of this code in connection with the application or keeping of urban chickens, or who has kept urban chickens or other animals in such a manner as to constitute a breach of the peace or a menace to health, safety, or welfare of the public.

(B) Upon denial or revocation of a permit, the town will provide notice to the permit applicant or holder and shall provide for a written appeal and hearing pursuant to procedure within this code.
(Ord. 20130702, passed 8-6-2013)

§ 91.28 CHICKEN REGULATIONS.

(A) Anyone desiring to raise urban chickens within the town limits must comply with the animal care regulations set forth in this code.

(B) The keeping of authorized chickens under this subchapter shall be for non-commercial uses only. Commercial activities are prohibited. Eggs and chicken manure shall not be sold.

(C) There shall be no butchering of chickens on-premises.

(D) (1) The chicken coop/pen shall be kept clean, dry, odor free, and in a neat and sanitary condition at all times. All manure, uneaten feed, and other trash shall be removed daily and properly disposed in a sanitary manner.

(2) The property owner shall take all necessary action to reduce the attraction of predators, rodents, and infestation of insects and parasites.
(Ord. 20130702, passed 8-6-2013) Penalty, see § 91.99

§ 91.29 ENFORCEMENT; INSPECTIONS.

The Town Board designates and empowers the Town Police Department for enforcement of this subchapter. Permit holders, as a condition of permits, are required to comply with inspections.
(Ord. 20130702, passed 8-6-2013) Penalty, see, § 91.99

§ 91.30 CHICKEN COOPS.

(A) Placement.

(1) Chicken coops shall be located 15 feet from any property line and 20 feet from any residential structure.

(2) Chicken coops shall be placed behind the residence.

(3) Town residents who do not have adequate space will not be allowed to have chickens.

(B) Materials.

(1) The chicken pen shall be constructed of traditional building materials.

(2) The pen shall provide at least two square feet of area per chicken.

(3) The fence shall rise no more than six feet above the ground.

(4) The pen shall be covered with wire, aviary netting, or solid roofing.

Hamlet - General Regulations**(C) Requirements.**

- (1) The chicken coop shall be enclosed with solid material on all sides and have a solid roof and door(s).
 - (2) The coop shall be at least 18 inches high and provide at least one square foot of floor area per chicken.
 - (3) Traditional building materials shall be used. Doors shall be constructed so they can shut and lock.
 - (4) Vents covered with wire will be placed as necessary for adequate ventilation.
 - (5) The coop shall be impermeable to rodents, wild birds, cats, and predators, including dogs and cats.
 - (6) Maximum coop size is 120 square feet.
 - (7) Annual permit fees will be paid.
- (Ord. 20130702, passed 8-6-2013) Penalty, see § 91.99

§ 91.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99 of this code of ordinances.

(B) (1) Any person found to be in violation of the allowed maximum amount of animals in § 91.02(A) shall be fined \$25 per animal and required to submit proof of application for a kennel license. If the person does not submit said proof of application within three days of the violation, the animals (in excess of four) will be impounded, and the owner shall pay all costs associated with reclaiming said animals.

(2) Any person who shall violate or fail to comply with the provisions of § 91.05(A) shall be subject to a fine of \$50 plus court costs for each dog not immunized.

(3) (a) Fines and fees for violations of § 91.06 are as follows:

1. First offense: \$50;
2. Second offense: \$100;

3. Third offense: \$150; and
4. Any subsequent offense: \$150.

(b) After the third offense, the animal will be captured and taken to the County Humane Society. The owner will be required to provide proof of paid animal taxes, proof of rabies vaccination, pay all fines and fees for violations, a \$35 impound fee, as well as any reclaim fees imposed by the County Humane Society prior to retrieving his or her animal.

(4) (a) Any person who shall violate the provisions of § 91.07 shall be guilty of a Class C infraction and, upon conviction thereof, shall be fined in any sum not to exceed \$50, plus court costs.

(b) In the event any person owns or harbors an animal which is over the age of three months and is not immunized against rabies, as required by § 91.07, and allows such animal to run loose, with the result that bodily injury is inflicted upon a human being, such person shall be guilty of a misdemeanor, and conviction shall be fined in any sum not exceeding \$500, plus court costs, to which imprisonment may be added, not to exceed 30 days.

(C) Any person who violates §§ 91.25 through 91.30 shall be subject to a fine of \$75, payable to the Clerk-Treasurer of the town.
(Ord. 20130702, passed 8-6-2013; Ord. 04022008, passed 2-26-2014)