

Synopsis: This Ordinance, if adopted, would amend Section 91.09 of the Code of Ordinances of the City of Huntington, Indiana to remove bee regulation and regulate chickens and ducks kept within the city's limits. It would also amend Sections 91.30, 91.31, 91.32, 91.33, and 91.60 to include references to "chickens and ducks."

AMENDED ORDINANCE 37-C-22

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HUNTINGTON, INDIANA BY AMENDING SECTIONS 91.09, 91.30, 91.31, 91.32, 91.33, AND 91.60

WHEREAS, the City of Huntington, in Chapter 91 of its Code of Ordinances, has an established system of animal control; and

WHEREAS, the City has received requests from citizens for amendments to the existing system of animal control; and

NOW, THEREFORE, BE IT ORDAINED by Council that Section 91.09 is hereby repealed and replaced in its entirety as follows:

“§ 91.09 ACREAGE REQUIREMENTS FOR CERTAIN DOMESTIC ANIMALS.

(A)(1) Any person desiring to raise any of the following named domestic animals or fowl must have a minimum of five acres in land:

- (a) Cow, ox, cattle, calves, or other livestock.
- (b) Donkey, ass, burro, or mule.
- (c) Pig, swine, or hogs.
- (d) Sheep.
- (e) Goats.
- (f) Horses.

(g) Fowl (including e.g., peafowl, guinea, game birds (pheasants and quail), roosters, geese, turkeys), excepting only chickens and ducks subject to the requirements in this section

(2) The maximum number of those animals which may be maintained on the property shall be determined in light of current animal husbandry and veterinarian standards.

(B) Any person desiring to raise rabbits as pets or racing or homing pigeons within the city limits must keep those rabbits and pigeons in safe and sanitary conditions so that a public nuisance as defined in § 91.01 is not created.

(C) In no event shall the shelter and feeding area for any of the animals or fowl herein be closer than required by zoning setback regulations.

(D) Any person desiring to raise chickens or ducks within the City's limits shall adhere to the following requirements:

(1) An annual permit to raise chickens or ducks within the city's limits shall be obtained prior to chickens and ducks being introduced to the property. The cost of the annual permit shall not exceed \$25 per year, but will otherwise be appropriately set by the Board of Public Works & Safety (“Board”).

(2) No roosters shall be kept within the city's limits.

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(3) The number of chickens and ducks which may be kept shall be limited to no more than 8, and no less than 2.

(4) A secure enclosure with at least 4 square feet of space per chicken or duck shall be provided.

(5) 10 square feet of permeable space per chicken or duck shall be available for at least 6 hours per day, but such chickens and ducks shall not be at large.

(6) The enclosure shall be placed at the back of the property at least 5 feet from any property line, 10 feet from any neighboring residence, and 20 feet from any creek, river, stream, or drainage.

(7) The selling or bartering of meat or eggs from the chickens or ducks is prohibited.

(8) No slaughter or processing of chickens or ducks is allowed at the property. However, when culling birds from a flock, such as unwanted males or roosters or no longer producing hens, those chickens and ducks may be processed professionally off-site.

(9) The caretaker of chickens and ducks must reside at the same location as the chickens and ducks.

(10) The care and treatment of chickens and ducks must meet the requirements of Section 91.02.

(11) Enforcement:

(a) The Board shall draft appropriate applications for annual permits and, among other appropriate requirements, include a requirement that all initial applicants for permits must present a certificate of completion for the Proper Poultry Practices training course offered by Purdue Extension.

(b) Penalties for violations of this section are listed in § 91.99.

(c) A permit shall be revoked if a permittee is issued citations for any three violations of Chapter 91 - Animal Control, during a rolling 12 month period.

(d) A permittee may appeal the revocation of the permit to the Board within ten (10) days of the issuance of a third citation and the Board shall consider the appeal and its determination shall be final.

(e) A permittee whose permit has been revoked is prohibited from applying for a new permit for one year from the date of the third citation for violation.

(E) This section relating to the keeping of ducks and chickens within the City's limits shall be administered by the Board which is authorized to use such funds as are appropriated and/or raised through permitting to enter contracts with appropriate entities to administer and enforce this section."

BE IT FURTHER ORDAINED THAT, Sections 91.30, 91.31, 91.32, 91.33, and 91.60 of the City Code should be and are hereby repealed in their entirety and replaced with the following replacement sections:

"§ 91.30 IMPOUNDING AT LARGE DOGS, CATS, DUCKS, AND CHICKENS

The city police or designated Humane Officers shall impound any at-large dog, cat, duck, or chicken until redeemed or otherwise disposed of.

§ 91.31 NOTIFICATION.

The police or designated Humane Officers shall promptly give notice of impounding of any dog, cat, duck, or chicken to the owner if known and if he can be found with reasonable effort. A registry of impounded animals shall be kept with a general description of each. A copy of that registry shall be available at the impounding facility, which shall be open to inspection at reasonable times.

§ 91.32 REDEMPTION AND RELEASE.

Any impounded dog, cat, duck, or chicken may be redeemed by the owner thereof upon reasonable proof of ownership and by payment to the Clerk-Treasurer or the Clerk-Treasurer's duly authorized representative of the fees hereinafter established. However, no dog shall be released unless the owner thereof shall present proof that dog has been immunized for rabies within one year. When proof is not available, the dog may be released only if the owner enters into an immunization contract with the pound whereby the owner agrees to have the dog immunized for rabies and pay a deposit of \$7 to be applied to the fee of a licensed veterinarian of owner's choice for the immunization. The dog shall bear current state dog license tags prior to being redeemed. After a dog, cat, duck, or chicken has been impounded and unredeemed for a period of three days, it may thereafter be disposed of by the city or contract shelter facility by adopting out to some person who there is a reasonable basis to believe will provide it a humane home and who will agree by contract to neuter the animal if the dog or cat has not been neutered, or by humanely euthanizing it.

§ 91.33 REDEMPTION FEES.

A redemption fee of \$15 shall be collected for the first time a particular dog, cat, duck, or chicken is impounded and \$30 for the second and all subsequent impounding of the same animal. To those fees may be added a reasonable cost of feeding and caring for the animal while impounded.

§ 91.60 ANIMAL CONTROL OFFICER.

The Mayor or his designee shall appoint an Animal Control Officer(s) who shall catch and impound any dogs, cats, ducks, or chickens found running at large in the city.”

BE IT FINALLY ORDAINED THAT, this ordinance shall be effective immediately upon its adoption and all ordinances or parts of ordinances in conflict herewith are repealed.

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Duly adopted on first reading this 13th day of December 2022, by a vote of five (5) in favor and two (2) in opposition.

Duly adopted on final reading this 28 day of March, 2023, by a vote of 3 in favor and 4 in opposition.

CITY OF HUNTINGTON, INDIANA by its COMMON COUNCIL

Voting in Favor:

Voting in Opposition:

[Signature]

Charles Chapman
(President)

[Signature]

Joe Blomeke

[Signature]

P J Felton

Dave Funk

[Signature]

Todd Johnson

[Signature]

Seth Marshall

remote

Paul Pike

[Signature]

Attest:

[Signature]
Christi A. McElhaney, Clerk-Treasurer

Presented by me to the Mayor for approval or veto, this 28 day of March, 2023.

[Signature]
Christi A. McElhaney, Clerk-Treasurer

This ordinance having been adopted by the Common Council and presented to me is [APPROVED or VETOED], this 28 day of March, 2023.

Richard Strick, Mayor