

GENERAL ORDINANCE NO. 7, 2017

General Ordinance No. 7, 2017, is an ordinance that amends Chapter 90 of the Code of Ordinances for the City of Beech Grove pursuant to animals.

WHEREAS, citizens of Beech Grove have an interest in keeping chickens.

WHEREAS, keeping chickens in a responsible manner can be educational to children and provide nourishment through the collection of eggs, and;

WHEREAS, the keeping of chickens must be well regulated to ensure the health and well being of the City's citizens.

NOW THEREFORE BE IT ORDAINED that the Common Council desires to amend Chapter 90 of the Code of Ordinances for the City of Beech Grove.

NOW THEREFORE BE IT FURTHER ORDAINED that the Common Council desires the following changes be made in Chapter 90 of the Code of Ordinances for the City of Beech Grove.

DELETE THE FOLLOWING IN ITS ENTIRETY:

§ 90.01 DEFINITIONS.

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

"ANIMAL"	Any living creature, domestic or wild.
"ANIMAL SHELTER"	Any premises designated by city administrative authority for the purpose of impounding and caring for animals held under authority of this chapter.
"CIRCUS"	A nonresident variety show which features animals.
"DOMESTIC FARM ANIMAL"	
"GUIDE DOG"	Any animal serving a blind person in an auxiliary ocular (eye) capacity.

“HUMANE OFFICER”	Any person designated by the Board of Public Works and Safety to perform such duties as designated by this chapter and the Chief of Police.
“HUMANE SOCIETY”	Any organization for the prevention of cruelty to animals or children incorporated under the laws of the state.
“KENNEL”	Any person, partnership, or corporation engaged in the business of breeding, buying, selling, or boarding dogs and cats or engaged in the training of dogs for guard or sentry purposes.
“OWNER”	Any person, partnership, or corporation owning, keeping, or harboring animals.
“PET SHOP”	Any person, partnership, or corporation engaged in the business of breeding, buying, selling, or boarding animals of any species.
“RESTRAINT”	An animal shall be deemed to be under restraint if on the premises of its owner or if accompanied by a responsible person and under that person’s control.
“THEATRICAL EXHIBIT”	Any exhibition or act featuring performing animals.
“VETERINARY HOSPITAL”	Any establishment maintained and operated by a licensed veterinarian for the boarding of animals or the diagnosis and treatment of diseases and injuries of animals.
“ZOOLOGICAL GARDEN”	Any park or zoo operated by a person or private corporation.

(Ord. 3, 2014, passed 8-4-14)

§ 90.08 LIMITS AS TO NUMBER OF DOMESTIC, FARM ANIMALS ALLOWED.

(C) It shall be unlawful for any person to own or harbor upon his or her premises or within the corporate limits for the City of Beech Grove any cattle, swine, horses, ponies, poultry or other domestic farm animal with the exception of a pot belly pig. The keeping of the animals is hereby found and determined to be a public nuisance and a menace to the health, safety and welfare of the City of Beech Grove.

(Ord. 3, 2014, passed 8-4-2014) Penalty , see § 90.99

§ 90.10 DECEASED ANIMALS.

(A) It shall be unlawful for any person to dispose of or throw away any carcass, dead animal, animal blood or parts of any carcass upon the street, alley or public place or upon any private lot within the city.

(B) Any person finding a dead animal located in or on any public street or alley, public park or other public property within the city may notify the Department of Public Works or the Animal

Control Officer of the death and location of the animal. The Department of Public Works or the Animal Control Officer shall thereafter provide for the removal and disposal of the dead animal.

(Ord. 3, 2014, passed 8-4-14) Penalty, see § 90.99

ADD THE FOLLOWING:

§ 90.01 DEFINITIONS.

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

“ANIMAL”	Any living creature, domestic or wild.
“ANIMAL SHELTER”	Any premises designated by city administrative authority for the purpose of impounding and caring for animals held under authority of this chapter.
“CIRCUS”	A nonresident variety show which features animals.
“DOMESTIC FARM ANIMAL”	Domesticated animals raised in an agricultural setting to produce commodities such as food, fiber, and labor.
“GUIDE DOG”	Any animal serving a blind person in an auxiliary ocular (eye) capacity.
“HUMANE OFFICER”	Any person designated by the Board of Public Works and Safety to perform such duties as designated by this chapter and the Chief of Police.
“HUMANE SOCIETY”	Any organization for the prevention of cruelty to animals or children incorporated under the laws of the state.
“KENNEL” of	Any person, partnership, or corporation engaged in the business of breeding, buying, selling, or boarding dogs and cats or engaged in the training of dogs for guard or sentry purposes.
“OWNER”	Any person, partnership, or corporation owning, keeping, or harboring animals.
“PET SHOP” of	Any person, partnership, or corporation engaged in the business of breeding, buying, selling, or boarding animals of any species.
“RESTRAINT”	An animal shall be deemed to be under restraint if on the premises of its owner or if accompanied by a responsible person and under that person’s control.
“THEATRICAL EXHIBIT”	Any exhibition or act featuring performing animals.
“VETERINARY HOSPITAL”	Any establishment maintained and operated by a licensed veterinarian for the boarding of animals or the diagnosis and

treatment of diseases and injuries of animals.
"ZOOLOGICAL GARDEN" Any park or zoo operated by a person or private corporation.

(Ord. 3, 2014, passed 8-4-14)

§ 90.08 LIMITS AS TO NUMBER OF DOMESTIC, FARM ANIMALS ALLOWED.

(C) It shall be unlawful for any person to own or harbor upon his or her premises or within the corporate limits for the City of Beech Grove any cattle, swine, horses, ponies, poultry or other domestic farm animal with the exception of a pot belly pig and not more than 6 female chickens (hens). The keeping of the animals is hereby found and determined to be a public nuisance and a menace to the health, safety and welfare of the City of Beech Grove.

(Ord. 3, 2014, passed 8-4-2014) Penalty , see § 90.99

§ 90.10 DECEASED ANIMALS.

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(B) Any person finding a dead animal located in or on any public street or alley, public park or other public property within the city may notify the Department of Public Works or the Animal Control Officer of the death and location of the animal. The Department of Public Works or the Animal Control Officer shall thereafter provide for the removal and disposal of the dead animal.

(Ord. 3, 2014, passed 8-4-14) Penalty, see § 90.99

§ 90.60 KEEPING OF CHICKENS.

(A) Each single family dwelling holding a permit may keep no more than 6 (six) chickens (hens) at any time

(B) No roosters are permitted in the City.

(C) Tenants not owning the residence must receive permission from the owner of the property prior to the construction of a coop and / or keeping of chickens.

(D) Chickens must not be permitted to "run-at-large, and must be in a habitable coop with an attached run.

(E) Multiple family dwellings including double residences shall not keep chickens.

Penalty, see § 90.99

§ 90.61 PERMITS REQUIRED.

- (A) A permit is required to keep chickens in the City.
- (B) Permits are issued annually and are valid for 1 (one) calendar year.
- (C) Permits are issued by the Clerk Treasurer or his designee.
- (D) Application for permit is \$5.00. Application must include a design plan for the coop and run, a map of the yard indicating where the coop and run will be placed and how they will be shielded from view. Tenants must provide a notarized letter of authorization from the property owner.
- (E) Permits must be approved by an Animal Control Officer who may conduct an inspection of the coop before a permit is issued.
- (F) There is no refund for denied permits.

Penalty, see § 90.99

§ 90.62 REVOCATION OF PERMIT.

- (A) Permit to keep chickens may be revoked by an Animal Control Officer, Chief of Police or his designee at any time due to violations of this chapter.
- (B) Appeals of revocation may be heard by petitioning the Board of Works of the City.
- (C) After notification of revocation of permit, all chickens must be removed from the property within 48 hours, unless an appeal is filed. If the appeal is denied the chickens must be removed within 48 hours of denial. Chickens that remain on the property are subject to confiscation by an Animal Control Officer.

Penalty, see § 90.99

§ 90.63 LOCATION OF COOPS AND RUNS.

- (A) Coops and runs must be located no less than 10 feet from the side property lines.
- (B) Coops and runs may only be kept in rear yards, Lots with rear yards that also are considered front yards due to being adjacent to a roadway are considered rear yards for the purpose of this chapter.
- (C) Coops and runs are not permitted within 25 feet of any neighboring dwelling.
- (D) Coops and runs must be screened with year round landscaping, walls, and /or fencing so as not to be visible from any public street, sidewalk, or adjoining lot when viewed from an observation height of five (5) feet above grade.

Penalty, see § 90.99

§ 90.64 CONSTRUCTION OF COOPS AND RUNS.

- (A) Coops and runs shall be well maintained.
- (B) Coops shall be enclosed on all sides and have a roof and doors. All access doors must be able to be shut and locked at night. Coop must have at least one solid door and window that can be opened for ventilation. Windows and vents must be covered with predatory proof and bird-proof wire containing less than one (1) inch openings.
- (C) Coop must not exceed 30 square feet in size and be no more than 5 feet in height. Coop must have at least 3 square feet of space per chicken
- (D) Coop shall be constructed, repaired, and maintained in a manner to prevent rodents from being harbored underneath or within the walls of the enclosures.
- (E) Coop shall be built of solid weatherproof materials such as wood, metal, or plastic. Wood shall be treated wood and not particle board. Coop floors shall be made of wood or cement and set a minimum of one (1) foot above ground level with a slight slope towards the door or other opening to prevent puddling.
- (F) Coop must have an attached run area with at least three (3) square feet of space per chicken, but not more than thirty (30) square feet of total run area. The run must be constructed using predator-proof and bird-proof wire containing less than one (1) inch openings and maintained in a manner that prevents predators from knocking over, tunneling under, or otherwise accessing the run.

Penalty, see § 90.99

§ 90.65 ODOR FREE AND SANITARY ENVIRONMENT REQUIRED.

- (A) There may be not discernable odor emanating from the coop and run at the property line.
- (B) The coop and run must be regularly cleaned as to not permit the accumulation of feces.
- (C) Chicken feed must be stored in rat proof containers.

Penalty, see § 90.99

NOW THEREFORE BE IT AFFIRMED that the Common Council desires to amend Chapter 90 of the Code of Ordinances pursuant to animals.

NOW THEREFORE BE IT FURTHER AFFIRMED that this Ordinance only applies to Chapter 90 of the Code of Ordinances of the City of Beech Grove.

NOW THEREFORE BE IT FURTHER AFFIRMED that this ordinance shall go into effect sixty days after passage by the Common Council, signed by the Council President, Pro-Tem, attested by the Clerk Treasurer and signed by the Mayor.