**ORDINANCE NO. 2023/**

**AN ORDINANCE TO AMEND TITLE IX, CHAPTER 90**

 **WHEREAS,** the Common Council of the City of Greenfield, Indiana is heretofore adopted Ordinance No. 2009-15 regarding the keeping of domestic farm animals with Greenfield, Indiana; and

 **WHEREAS,** in order to not unduly restrict agri-tourism within Greenfield, Indiana, the Common Council believes than an amendment to Title IX, Chapter 90, § 90.10 regarding the keeping of domestic farm animals within Greenfield, Indiana should be amended and that such an amendment is in the best interest of the health, safety, and welfare of the citizens of Greenfield, Indiana and the conduction of agri-tourism endeavors where appropriate within Greenfield, Indiana; and

 **WHEREAS,** upon further review of the current sections of Title IX, Chapter 90, by the staff of Animal Management, it has been determined that a revision to said chapter regarding an owner’s responsibility for animal attacks and updating of the fines associated with violations of Chapter 90 is advisable and is in the best interest of the health, welfare, and safety of the citizens of Greenfield, Indiana.

 **THEREFORE, BE IT ORDAINED** by the Common Council of the City of Greenfield, Indiana that:

**SECTION I**

 Title IX, Chapter 90, § 90.10 shall be deleted in its entirety and inserted in lieu thereof should be the following:

**§ 90.10 KEEPING DOMESTIC FARM ANIMALS.**

(A) Subject to the exceptions set forth below, it shall be unlawful for any person to own, keep, or have custody of on his or her property within the city limits any bovine, porcine, equine, gallus gallus, or other domestic farm animal as defined herein.

(B) Notwithstanding the above, the intent of this section is to permit the use and enjoyment of certain domestic farm animals at rates that are appropriate for the health, welfare, and safety of the animals, neighboring property owners, and the public. This type of agricultural or agri-tourism use should be conducted in a manner that protects the values and aesthetics of the community.

(C) The keeping of domestic farm animals as defined herein shall be considered a permitted use in the CN, NR, CS, CP, and I-B Zoning districts with the following requirements:

 (1) The minimum property size shall be two (2) acres for the first such large domestic farm animal, as defined herein, and an additional acre for each additional large domestic farm animal, as defined herein, thereafter existing on the subject property.

 (2) All open areas where domestic farm animals are allowed to exist shall be properly fenced so as to ensure any such domestic farm animal(s) may not, at any time, wander, roam, or otherwise move at large as prohibited by § 90.02 of this Chapter. Any such fence or enclosure existing within the designated front yard area of the subject property shall not exceed five (5) feet in height and shall be transparent.

 (3) The keeping of domestic farm animals shall be subject to obtaining a permit from the Greenfield Animal Management Department, which permit shall allow the keeping of domestic farm animals only through the months of June through December of each year. As part of the application process for said permit, the applicant shall allow personnel from Greenfield Animal Management Department to inspect the subject premises to determine that all of the criteria set forth herein have been met at the time of application and shall allow inspections as requested by personnel from the Greenfield Animal Management Department throughout the term of the permit to ensure the appropriate conditions continue for the entire term of the permit. The cost for said permit shall be in the annual amount of $250.00.

(D) For purposes of this provision, domestic farm animals as defined herein, shall be classified as either large domestic farm animals or small domestic farm animals. Farm animals who have not reached mature adulthood should not count against any animal quantity restrictions. For the purposes of this provision, large domestic farm animals shall be those listed in § 90.01, DOMESTIC FARM ANIMALS 1-6, 8, and 10-13. For the purposes of this provision, small domestic farm animals shall be those listed in § 90.01 DOMESTIC FARM ANIMALS 7 and 9.

(E) The keeping of small domestic farm animals shall be limited to three (3) such animals per acre.

(F) The keeping of large domestic farm animals shall be limited to one (1) such animal per acre.

(G) Structures, kennels, stalls, coops, pens or other elements to house large or small domestic farm animals on the immediately surrounding property controlling the movement of such domestic farm animals shall be considered confinement areas and shall not occupy an area greater than 10% of the total lot area of the property. Confinement areas shall not be allowed in any area deemed to constitute the subject property’s front yard.

(H) Small domestic farm animal confinement areas shall be a minimum of fifty (50) feet from any side or rear property line and shall not be allowed in any area deemed to constitute the subject property’s front yard.

(I) Large domestic farm animal confinement areas shall be a minimum of one hundred (100) feet from any side or rear property line with any fencing or other structure associated with the confinement area being a located a minimum of thirty (30) feet from any front, side, or rear property line.

(J) Notwithstanding the above and foregoing, all large and/or small domestic farm animals are subject to all terms and provisions of this Chapter.

**SECTION II**

 There shall be added to the Code of Ordinances of Greenfield, Indiana, a new provision as set forth below:

**§ 90.26 OWNER’S RESPONSIBILITY FOR ANIMAL ATTACKS.**

(A) It shall be unlawful for any owner or keeper of an animal to allow that animal to attack and/or injure a person who did not provoke the animal prior to the attack.

(B) It shall be a defense to prosecution under this provision if:

 (1) The attack occurred in an enclosure in which the animal was confined without means of escape, there was posted at the main entrance of the enclosure a notice to beware of the animal, and the person attacked entered the enclosure without invitation; or

 (2) The person was attacked during the commission or attempted commission of a criminal act on the property of the owner or keeper of the animal.

(C) A person who violates any provision of this section shall be punishable as provided in § 90.99 with the additional provision that if the violation results in the animal causing serious bodily injury to any person, the Courts of Hancock County, Indiana, upon request, shall order the animal forfeited and/or destroyed.

**SECTION III**

 Title IX, Chapter 90, § 90.99(A)(1) is hereby amended to read as follows:

(A) *Fines.*

 (1) Any person who violates the provisions of this chapter, within five days of the date of the notice of the chapter violation, shall pay a fine as follows with a further provision that any second violation within twelve calendar months of the first violation shall incur a fine of double to the amount listed below and any third and/or subsequent violation within twelve calendar months of the first violation shall incur a fine of triple the amount listed below:

 *Violation Fine Violation Fine*

 90.02(A) $50 90.04 $50

 90.02(B) $100 90.05(G) $50

 90.02(C) $200 90.07 $50

 90.02(D) $50 90.08 $200

 90.02(E) $50 90.09 $100

 90.03(A) $100 90.10 $100

 90.03(B) $50 90.11 $50

 90.03(C) $200 90.12 $50

 90.03(D) $100 90.13(D) $25

 90.03(E) $50 90.14 $25

 90.03(F) $50 90.15 $25

 90.03(G) $50 90.20 $100

 90.03(H) $200 90.26 $500

**SECTION IV**

 This Ordinance shall be in full force and effect from and after its passage, approval by the Mayor, and publication as prescribed by law.

**SECTION V**

 Introduced and filed on the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 2023. A motion to consider on first reading on the day of introduction was offered and sustained by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed pursuant to I.C. 36-5-2-9.8. On the \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2023, a motion to approve the above on second reading was offered and sustained by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_ opposed pursuant to I.C. 36-5-2-9.8. Upon a motion to approve the above on third reading was offered and sustained by a vote of \_\_\_\_ in favor and \_\_\_\_\_ opposed pursuant to I.C. 36-5-2-9.8.

 Duly ordained and passed this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_, 2023 by the Common Council of the City of Greenfield, Indiana, having been passed by a vote of \_\_\_\_\_ in favor and \_\_\_\_\_\_\_\_\_ opposed.

**COMMON COUNCIL OF THE CITY OF GREENFIELD, INDIANA**

Voting Affirmative: Voting Opposed:

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Kerry Grass Kerry Grass

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John Jester John Jester

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Jeff Lowder Jeff Lowder

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Mitch Pendlum Mitch Pendlum

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George Plisinski George Plisinski

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Dan Riley Dan Riley

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Anthony Scott Anthony Scott

ATTEST:

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Lori Elmore, Clerk-Treasurer

Presented by me to the Mayor this \_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2023.

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Lori Elmore, Clerk-Treasurer

Approved by me this \_\_\_\_\_\_\_ day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2023.

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 Chuck Fewell, Mayor

 City of Greenfield, Indiana

Gregg\MUNICIPAL\Greenfield\Ordinances\Domestic Farm Animals & Animal Attacks - rev. 07-31-23