

## CHAPTER 94: ANIMAL CONTROL

### Section

- 94.01 DEFINITIONS
- 94.02 GENERAL ANIMAL CARE REQUIREMENTS
- 94.03 ANIMAL BITES AND QUARANTINE
- 94.04 ANIMAL IMPOUND PROCEDURES
- 94.05 DANGEROUS ANIMALS' REQUIREMENTS
- 94.06 NOXIOUS ANIMAL ODORS
- 94.07 SECURING ANIMALS
- 94.08 CONTROL MEASURES REGARDING BARKING AND DAMAGE
- 94.09 KEEPING FARM LIVESTOCK AND EXOTIC ANIMALS
- 94.10 KEEPING EGG-LAYING CHICKENS
- 94.11 DOMESTICATED ANIMALS IN TOWN PARKS
- 94.12 SERVICE DOGS AND EMOTIONAL SUPPORT ANIMALS
- 94.13 ANIMAL LAWS
- 94.14 ENFORCEMENT AND REVIEW PROCESS

### 94.01 DEFINITIONS

For this Code chapter, the following definitions from IC: 35-46-3-0.5 will apply unless the context indicates or requires a different meaning.

- A. **Abandonment.** To desert a vertebrate animal in the person's custody and recklessly, knowingly, or intentionally abandons or neglects the animal's health by failing to provide or arrange to provide the animal with food or drink, if the animal is dependent upon the person for the provision of food or drink. The term does not include leaving an animal in a place that is temporarily vacated for the protection of human life during a disaster as defined in IC: 35-46-3-7. Restraining an animal for more than a brief period in a manner that endangers the animal's life or health using a rope, chain, or tether that:
  - (1) Is less than three (3) times the length of the animal.
  - (2) Is too heavy to permit the animal to move freely. or
  - (3) Causes the animal to choke by restraining an animal in a manner that seriously endangers the animal's life or health.
  - (4) Failing to provide reasonable care for; or seek veterinary care for; an injury or illness to an animal that seriously endangers the life or health of the animal. or
  - (5) Leaving an animal outside and exposed to excessive heat without providing the animal with a means of shade from the heat, or excessive cold if the animal is not provided with straw or another means of protection from the cold; regardless of whether the animal is restrained or kept in a kennel.
- B. **Abuse.** Animal cruelty involves gratuitously inflicting harm, injuring, or killing an animal. The cruelty can be intentional, such as kicking, burning, stabbing, beating, or shooting; or it can involve neglect, such as depriving an animal of water, shelter, food, and necessary medical treatment. Animal fighting, in which animals are trained or forced to attack each other in violent confrontations at the risk of grave injury or death, is another form of animal cruelty.
- C. **Adequate Food.** Providing the appropriate quantity of non-contaminated and nutritionally adequate food, fed according to age, size, species, and breed requirements, which is sufficient to prevent starvation, malnutrition, or risk to the animals' health. Garbage or spoiled or rancid food is not considered adequate food.
- D. **Adequate Shelter.** A structurally sound shelter, maintained in good repair, and constructed with material that protects the animal from injury:

- (1) Allows the animal easy access in and out.
  - (2) Has a weather-resistant top, bottom, sides, and floor to protect the animal from all elements of the weather.
  - (3) Provides access to adequate, dry bedding material, or other means of protection from the weather that will allow the animal to retain body heat when the temperature is 40 degrees or lower or is colder than what an animal of that breed and conditions can comfortably tolerate, or the animal must have continued and uninterrupted access to a climate-controlled facility.
  - (4) Provides access to adequate shade during daylight hours provided by trees, a tarp, or other means that prevent overheating or discomfort to the animal when the temperature is 80 degrees or higher or is warmer than what an animal of that breed and condition can comfortably tolerate, or the animal must have continued and uninterrupted access to a climate-controlled facility. and
  - (5) Is adequately monitored during extreme weather conditions and temperatures (including a heat advisory, wind chill warning, or tornado warning that has been issued by a local, state, or national authority) by a competent person or, continued and uninterrupted access to a climate-controlled facility.
- E. **Adequate Space.** Any area in which an animal is confined and is suitable for the animal's species, size, age, and breed allowing the animal to turn about freely, stand erect with the animal head up, sit, lie, and move comfortably and in a normal position. Sick and injured animals should be confined as directed by an authorized veterinarian.
- F. **Adequate Veterinary Care.** Care is provided under the direction of an authorized veterinarian and includes medical care necessary to maintain an animal's health and prevent unnecessary suffering. Adequate care is based on age, species, breed, and the potential for disease or condition to spread to other animals or humans, including but not limited to:
- (1) Ongoing infections.
  - (2) Infestation of parasites.
  - (3) Any disease. or
  - (4) Any medical condition or injury where withholding or neglecting to provide such care would endanger the health or welfare of the animal.
- G. **Adequate Water.** Water that is clean, fresh, and potable water sufficient to prevent dehydration, properly sustain health, and prevent a significant risk to the animal's health. Snow, ice, rancid, or contaminated water is excluded from the definition of Adequate Water.
- H. **Animal.** Every living non-human vertebrate animal.
- I. **Animal Control Agency.** Any governmental or private entity charged with or subcontracted with for the implementation of animal control services for and on behalf of the Town of Bristol.
- J. **Animal Control Facility.** A facility or vehicle operated by an animal control agency for promoting animal welfare and humane treatment of animals. This may include not-for-profit entities incorporated to promote animal welfare.
- K. **Animal Mutilate.** To wound, injure, maim, or disfigure an animal by damaging the animal's body parts or to render any part of the animal's body useless. The term includes bodily injury involving:
- (1) Serious permanent disfigurement.

- (2) Serious temporary disfigurement.
  - (3) Permanent or protracted loss or impairment of the function of a bodily part or organ. or
  - (4) A fracture.
- L. **Animal Torture.** The definition in IC: 35-46-3-0.5(6) involves:
- (1) To inflict extreme physical pain or injury on an animal with the intent of increasing or prolonging the animal's pain.
  - (2) To administer poison to a domestic animal (as defined in section 12(d) of the Indiana Code) or expose a domestic animal to a poisonous substance with the intent that the domestic animal ingests the substance.
  - (3) To destroy an animal by electrocution. or
  - (4) To intentionally freeze or heat an animal to death.
- M. **Animal Veterinarian.** Any person licensed or permitted to practice veterinary medicine under the laws of the state and having had no previous judgments related to their practice of veterinary medicine.
- N. **At Large.** Whenever an animal is not contained inside a structure, fence, on a tether, or under the control of the owner or another person by a leash, cord, chain, or another device of actual physical restraint.
- O. **Bite.** To seize, tear, wound, or cut with the teeth, resulting in a break in the skin. A bite does not include a nip or scratch.
- P. **Colony.** One or more free-roaming animals (feral cats), whether managed or unmanaged, in a particular locale.
- Q. **Colony Caretaker.** A person who provides, food, water, and shelter for one or more free-roaming animals (feral cats) in a managed colony.
- R. **Managed Colony.** A colony is registered with a sponsoring animal control agency and is maintained by a colony caretaker using a trap, neuter, and return methodology.
- S. **Dangerous Animal.**
- (1) Any animal which:
    - (a) Has seriously injured a human or domestic animal.
    - (b) If an animal, without provocation, bites a person who is acting peaceably and who is in a location where the person may be required to be to discharge a duty imposed upon the person by local, state, and federal laws. The owner of the animal is liable for all damages suffered by the person or animal bitten according to IC: 15-20-1-3.
    - (c) Has attacked or bitten a domestic animal while off the property of its owner or the owner's agent. or
    - (d) Is at large and has been documented to be at large by an animal control agent or law enforcement officer on three (3) or more separate occasions in 12 months and has been documented to show aggressive behaviors, including those listed above.
  - (2) No animal shall be considered a dangerous animal if the animal causes injury or damage to a person while that person was:

- (a) Committing or attempting to commit, at the time, trespass, or other torts upon the premises lawfully occupied by the owner of the animal.
  - (b) Provoking, tormenting, abusing, or assaulting the animal or who can be shown to have repeatedly in the past provoked, tormented, abused, or assaulted the animal, or
  - (c) Was committing or attempting to commit a crime.
- (3) No animal will be considered a dangerous animal if the animal causes injury or damage while:
  - (a) Responding to pain or injury.
  - (b) Protecting itself or its offspring, or
  - (c) Protecting or defending a human within the immediate vicinity of the animal from an attack or assault.
- T. **Domestic Animals.** Any of the various animals that have been tamed and made fit for the human living environment, not including farm livestock.
- U. **Exotic Animal:**
  - (1) Any poisonous snake, reptile, vicious or dangerous or carnivorous wild animal, domesticated animal or any other animal or reptile of the wild, or dangerous propensities other than sold by a pet store or pet sale business duly licensed for the sale and distribution of the animals to the public by the state. This term also includes but is not to be restricted to apes, bears, constrictor snakes over six (6) feet in length, coyotes, deer, foxes, gamecocks, and other fighting birds, monkeys, and wolves, and
  - (2) Any wild animal requiring now or hereafter a permit to possess by the Indiana Department of Natural Resources as described in IC: 14-22-26-1.
- V. **Feral cat.** Any cat that has no apparent owner or identification and is wild, untamed, unsocialized, unmanageable, and unable to be approached or handled.
- W. **Livestock.** Any animal typically kept and raised for resale on an agricultural farm, including but not limited to, swine, fowl, sheep, goats, horses, cows, donkeys, camels, buffalo, llama, alpaca, yak, reindeer, chickens, ducks, goose, and other animals of a similar kind, nature, type of use, and domestically raised wild animals. The regulation of livestock is generally governed under IC: Title 15 and Indiana Administrative Code Title 345. Livestock within the Town of Bristol is not permitted. **Laying chickens (hens) are permitted within the corporate limits of the Town of Bristol with a registered town permit in accordance with Section 94.10 of this Chapter. All other chickens, including broilers, are prohibited.**
- X. **Owner.** Is any person who owns, harbors, keeps, feeds, maintains, or has lawful possession of an animal, or knowingly causes or knowingly permits an animal to be harbored or kept in their care or to remain on or about their premises for thirty (30) consecutive days or more. However, this will not include a person hired or acting as a custodian of the animal for its owner and will not include colony caretakers of registered colonies of feral cats.
- Y. **Service animal.** A service animal is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained, or untrained, are not considered service animals. The work or tasks performed by a service animal must be directly related to the individual's disability. Examples of work or tasks include, but are not limited to:
  - (1) Assisting individuals who are blind or have low vision with navigation and other tasks.
  - (2) Alerting individuals who are deaf or hard of hearing to the presence of people or sounds.
  - (3) Providing non-violent protection or rescue work.

- (4) Pulling a wheelchair.
- (5) Assisting an individual during a seizure.
- (6) Alerting individuals to the presence of allergens.
- (7) Retrieving items such as medicine or the telephone.
- (8) Providing physical support and assistance with balance and stability to individuals with mobility disabilities.
- (9) Helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors.
- (10) The crime-deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship are not considered work or tasks under the definition of a service animal.

#### **94.02 GENERAL ANIMAL CARE REQUIREMENTS**

- A. Every person responsible for any animal located within the Town of Bristol will ensure that such animal:
  - (1) Has immediate access to adequate space and is kept in a clean, sanitary, and healthy manner, and is not confined to being forced to stand, sit, or lie in excrement.
  - (2) Has adequate food and adequate water.
  - (3) Has immediate access to adequate shelter (excluding livestock).
  - (4) Receives adequate veterinary care from a licensed veterinarian.
  - (5) Is not beaten, cruelly treated, overloaded, overworked, involved in animal fighting, or otherwise abused.
  - (6) Is not abandoned, neglected, or tortured.
  - (7) Does not become a public nuisance under the Bristol Town Code 95, or otherwise.
  - (8) Does not unprovoked, bite, kick, butt, claw, assault, attack, or otherwise create a danger to the health and/or safety of other animals or human beings.
  - (9) Is properly vaccinated and/or licensed as required by law.
  - (10) Is prevented from running at large on property other than private property owned or lawfully occupied by its owner utilizing a leash, chain, **cooped, kenneled, caged outside of a dwelling**, or other appropriate physical restraint.
  - (11) Is not left unattended in a vehicle when the conditions in that vehicle would constitute a health hazard to the animal.
  - (12) Is not transported in the open bed of a vehicle unless confined appropriately to reasonably prevent the animal from jumping or being thrown from the same.
  - (13) Does not defecate on the property of another unless the person responsible for the animal immediately thereafter removes or has removed from such property as much of the feces as is reasonably possible.
  - (14) Is not kept in unsanitary conditions.

- B. Any person tethering an animal in the Town's corporate limits will comply with the following requirements:
- (1) An animal will not be tethered for an excessive time, and may not be tethered between the hours of 11:00 p.m. and 6:00 a.m. In determining whether the tethering period is excessive, the investigating officer will consider the animal's breed, age, and condition.
  - (2) An animal will not be tethered or confined at a vacant structure or premises for any purpose or time when it is not monitored by a competent person who is present at the property for the duration of such tethering or confinement.
  - (3) During the duration of the tethering, the animal must have adequate shelter from the weather, and be free from becoming entangled with the tether.
  - (4) The tether must be at least twelve (12) feet in length with operational swivels on both ends. If the animal is attached to a trolley system, the running line must be at least twelve (12) feet in length and the tether length must be greater than the height of the running line.
  - (5) An animal shall not be tethered by the use of a choke collar nor by any rope, chain, or cord directly attached to the animal's neck, or in any manner that could harm or cause pain or discomfort to the animal.
  - (6) The tether must not be of a weight heavy enough to cause physical damage to the animal's neck or body.
  - (7) The tether must be able to move freely in all directions and attached in a manner so that it cannot wrap around vertical items such as a barrel, pole, or tree.
  - (8) An animal shall not be tethered unless it is monitored by a competent person who is present at the property for the duration of such tethering.
- C. It is unlawful for any person or entity to breed an animal intentionally or knowingly for the purpose of using the animal or its offspring in illegal activity, including, but not limited to, animal fighting as defined in IC: 35-46-3, Offenses Relating to Animals.
- D. It is encouraged that an animal has one of the following permanent means of identification:
- (1) A durable collar with a permanent tag bearing the owner's current name or animal's name and telephone number.
  - (2) An implanted microchip with a registered identification number that can be read by a standard microchip scanner, or
  - (3) If an animal that is three (3) months of age or older is found running at large in violation of subsection A (10) of this Code chapter and the animal is without one of the above permanent means of identification, its owner may receive a fine per occurrence.
- E. Where appropriate, the Bristol Police Department may use the Tufts Animal Care and Condition Scales (866-670-0570) as an investigating tool to assist in determining the appropriate standard of care for animals and well-being based on their breed, age, body, and health condition, and acclimation to the environment and weather conditions.
- F. A person finding and taking possession of a lost or stray animal within the Town's corporate limits must notify the Bristol Police Department within forty-eight (48) hours of finding and taking possession of the animal. At the discretion of the Police Department, the lost animal may be allowed to remain in the custody of the finder, surrendered to the Elkhart County Humane Society, or be cared for by other means. The cost of care, including veterinary and boarding care, for an animal, will be the responsibility of the animal's owner. A person finding and taking possession of an animal is obligated to comply with all rules and regulations of this Code chapter while the animal is in the finder's custody awaiting return to the owner.

- G. Nothing in this Code chapter will restrict an owner or owner's agent from allowing an animal to be outside for reasonable amounts of time during extreme temperatures to relieve itself and exercise if the animal is being monitored by a competent person.
- H. Nothing in this Code chapter will prohibit the use of commercially sold poisons or devices for the control of rats, mice, groundhogs, moles, or other similar rodents if the person using the poisons or devices uses reasonable care to ensure that no other animal is exposed to the risks imposed by the poisons or devices.
- I. This Code chapter does not replace state laws but is considered supplementary and in addition to the laws of the state and is to be fully enforced were not inconsistent with those laws. Any violation that is violating state laws shall be enforced under the state statute.

#### **94.03 ANIMAL BITES AND QUARANTINE**

- A. Any person that is a victim of an animal bite shall immediately notify the Bristol Police Department or the Elkhart County Health Department or the Elkhart County Humane Society of the incident and provide a description of the animal and identify the animal owner if possible. When an animal is determined to have bitten a person, the owner of the animal will surrender the animal that is suspected of having been exposed to rabies for a supervised quarantine at an approved veterinary hospital, boarding kennel, or left at the owner's residence. The animal may be reclaimed by the owner upon the expiration of at least ten (10) days (IC:15-17-6-11(c)(1)) if adjudged free of rabies and infectious diseases upon payment fees and in compliance with all licensing provisions.
- B. The owner of an animal who recklessly, knowingly, or intentionally fails to take reasonable steps to restrain the animal or allows the animal to enter property other than the property of the animal's owner and as the result of the owner's failure to restrain the animal, the animal bites or attacks another person without provocation, resulting in bodily injury to the other person, commits a criminal offense under IC: 15-20-1-4.
- C. Any law enforcement officer or any other person having authority to impound animals who has probable cause to believe there has been a violation may take custody of the animal involved in the following acts according to IC: 15-20-1-4:
  - (1) The owner recklessly, knowingly, or intentionally fails to take reasonable steps to restrain the animal.
  - (2) The animal enters property other than the property of the animal owner.
  - (3) As the result of the owner's failure to restrain the animal, the animal bites or attacks another person without provocation, resulting in bodily injury to the other person, and
  - (4) Violations in this Chapter result in the death of a person.
- D. In addition to any other legal obligations prescribed by law, the owner shall pay for all costs incurred in the quarantine and/or impoundment of the animal before the animal will be released. If the owner is unable or unwilling to pay for the costs, the animal may be humanely euthanized, and the owner is still responsible for paying all costs incurred in quarantine and/or impoundment.
- E. If the owner of the quarantined animal cannot be determined, the animal will be impounded under the authority and at the discretion of law enforcement or an animal control agent and confined in an approved animal control facility for the period of observation.

#### **94.04 ANIMAL IMPOUND PROCEDURES**

- A. Any Bristol Police Officer, Code Enforcement Officer, or Animal Control Agent may immediately pick up and impound any of the following animals:
  - (1) Any animal at large.
  - (2) Any unattended animal that is ill, injured, or otherwise in need of emergency care.

- (3) Any animal that is reasonably suspected of having rabies. or
  - (4) Any unattended animal that is exhibiting aggressive or dangerous behavior and is not sufficiently confined to its property.
- B. Any Bristol Police Officer, Code Enforcement Officer, or Animal Control Agent with probable cause may impound the animal involved under IC: 35-46-3-6 (Impounding Animals):
- (1) For which there has been a violation under IC: 35-46-3 (Offenses Relating to Animals), or
  - (2) For which there has been a violation under IC: 15-20-1-4 (Dog Bite Liability; Criminal Offense).
- C. If a dangerous animal is found at large and cannot be safely captured, a Bristol Police Officer or Code Enforcement Officer may seek assistance such as tranquilizing, or the police officer may shoot the animal to prevent harm to individuals and other animals.
- D. If stray animals are picked up by or turned into an animal control facility, the animal will be scanned by the animal control facility for an identifying microchip unless doing so presents an unnecessary hazard to the animal control agent. The owner of the animal will be notified by the animal control facility. If an animal has an identification tag containing the owner's address and/or phone number, the animal control facility is responsible for notifying the owner. If the animal is bearing no identification or microchip, the animal control facility will attempt to locate the owner.
- E. No later than five (5) days after impounding a tagged animal, the shelter is responsible for notifying the owner, by either telephone and/or mail. If the animal is sheltered by other means, the Bristol Police Department is responsible for notifying the owner. If the owner's identity is unknown, no notice of any kind needs to be issued.
- F. The owner of any animals impounded according to this Code chapter may, within five (5) days after the impoundment redeem their animal by paying all expenses incident to impound. Additional animal fees may include the paying of all lawfully imposed and unpaid license fees for such animals that have accrued up to the time of redemption. The such impounding authority must release such an animal to the owner.
- G. All animals which are afflicted with a contagious or infectious disease and have been found at large, or have encountered, or exposed to any public place will be placed in an animal shelter provided for that purpose by contract or otherwise by the Town of Bristol. (IC: 15-17-6-5 Impounding area)
- H. Nothing contained herein will limit the animal control facility's ability from following its protocol.

#### **94.05 DANGEROUS ANIMAL REQUIREMENTS**

- A. The owner of a dangerous animal is responsible for posting visible warning signs on their property. The owner is responsible for notifying the Bristol Police Department of a dangerous animal an escape or running at large.
- B. A dangerous animal may be impounded until the requirements of this Code chapter are fulfilled. If the discretion of a Bristol Police Officer and/or the Code Enforcement Officer, the animal is too dangerous to keep in any home, dwelling, or enclosure, an emergency court order may be requested by law enforcement to have the animal humanely euthanized or finding other suitable housing for the animal outside the Town limits once all hearings have been exhausted.
- C. The owner is responsible for the cost of caring for the dangerous animal during the period of impoundment, including the costs of boarding and veterinary treatment if necessary. If the owner institutes an appeal and the animal is ultimately determined not to be a dangerous animal, the owner will not be charged the costs of boarding the animal.
- D. Upon the impoundment of a dangerous animal according to this Code chapter, the owner will be given 48 hours to show proof of, or to complete, a dangerous animal registration. If the owner fails to show proof of



or to complete a dangerous animal registration within 48 hours of impoundment, or if the owner waives in writing all ownership interest in the animal, the animal may be humanely euthanized.

#### **94.06 NOXIOUS ANIMAL ODORS**

- A. No person will have, keep, or otherwise harbor an animal in the Town of Bristol if noxious and/or offensive odors are thereby caused to enter upon or across the real estate owned or occupied by another, upon, or across any public right-of-way.
- B. The owner of the property where any violation exists is responsible for eliminating the violation by removing the substances, materials, or animal excrements giving rise to any odor and maintaining the premises free from such unwholesome substances. Should the owner, upon proper notice in writing, fail or refuses to remove the violation, the Town may enter the premises where the violation exists and abate the violation by removal of the substances, materials, or animal excrement-giving rise to the offensive odors and by impounding the animal found on the premises. The animal will be impounded and placed in an animal shelter. The animal owner is responsible for all restitution clean-up costs and kenneling fees before the animal is released.

#### **94.07 SECURING ANIMALS**

- A. It is unlawful for a person to leave unattended, any horse, or other animals that are tethered to a vehicle, tree, or objects on any streets, alleys, or public place without securely fastening the animal to an object made for preventing the animal from wandering away.
- B. It is unlawful for a person to tether a horse or other animals within the Town limits without securing the animal so that it cannot go upon or over a sidewalk.

#### **94.08 CONTROL MEASURES REGARDING BARKING, AND DAMAGE**

- A. Animal owners will always keep their animals under control.
- B. When the owner does not have control of their animal and permits the animal to:
  - (1) Damage or defile the premises or property of another.
  - (2) Bark and/or howl unduly, especially between the hours of 11:00 p.m. and 6:00 a.m., to disturb the quiet of the neighborhood or any person.
  - (3) Bite, or attempt to bite, attack, or belligerently pursue any persons or animals, see Code section 94.03 for animal bites.

#### **94.09 KEEPING FARM LIVESTOCK AND EXOTIC ANIMALS**

It is unlawful for a person to keep or maintain in the Town of Bristol any farm livestock or exotic animals as described in Code section 94.01(U and W).

#### **94.10 KEEPING EGG-LAYING CHICKENS**

- A. This Code chapter does not apply to any real estate that is zoned agricultural or to any real estate that has been granted a zoning variance that specifically permits the raising of chickens on the real estate.
- B. **Keeping chickens.**
  - (1) It shall be unlawful for a person to keep, possess, or maintain chickens in violation of this Code chapter.
- C. **Chickens permitted.**

- (1) Chickens shall be permitted only upon real estate containing an occupied single-family dwelling or upon real estate containing a duplex provided the owner of the real estate resides in one (1) of the two (2) units. Chickens are otherwise prohibited on the premises of a multi-family dwelling.
- (2) Each residence wishing to keep chickens shall pay a registration/permit fee of Twenty-Five Dollars (\$25.00) every two (2) years.
- (3) The total number of permits to be issued is limited to ten (10). The permits will be available on a first-come, first-serve basis. Permits are granted to the persons harboring the chickens and do not run with the real estate. Permit holders that move can request the Town transfer the permit to a new address for a fee of Twenty-Five Dollars (\$25.00). If the applicant moves to a rental property, consent documentation from the property owner must be provided with the transfer fee.
- (4) To be eligible to receive a permit, an application must be filed with the Clerk-Treasurer at the Bristol Municipal Complex and shall include:
  - (a) The name, address, and telephone number of the applicant;
  - (b) The address where the chickens will be harbored;
  - (c) The written approval of each adjoining real estate owner. Adjoining real estate owners are limited to the owners of real estate that are immediately adjacent to the real estate that is keeping chickens provided the real estate parcels are not separated by a street or alley; and
  - (d) In the case of a rental property, the Town shall require a "Consent to Harbor Chickens" signed by the property owner.
- (5) After receiving the Town permit, the applicant shall present an Indiana Board of Animal Health premise number to Town Hall within 60 days.
- (6) The Town Council may revoke a permit if the applicant is unable to maintain his/her chickens so as to not create a nuisance, as evidence by two (2) admitted or determined violations of this Code chapter by the Bristol Code Enforcement Officer within twelve (12) consecutive months.

D. **Limitations.**

- (1) No more than six (6) female laying egg chickens may be located on any real estate. Roosters, meat-eating chickens, and other types of fowl are prohibited.
- (2) Chickens shall be kept for pets or personal, non-commercial use only. Selling of eggs and fertilizer is prohibited.
- (3) Breeding of chickens is prohibited on the premises.
- (4) Slaughtering of chickens is prohibited on the premises.
- (5) A chicken may not be turned loose or taken to the humane shelter.

E. **Chicken enclosure.**

- (1) All chickens shall be kept outside of the dwelling in a chicken enclosure which shall include a chicken coop and a covered chicken pen/run.
  - (a) The chicken enclosure shall be secure to prevent the entry of rodents and predators and shall effectively contain and protect the chickens.
  - (b) The chicken enclosure shall be located at least fifteen (15) feet from the property lines, and at least twenty (20) feet from any adjacent residential dwelling, church, school, or place of business. The chicken enclosure shall not be located in the front yard of the residential dwelling. The chicken enclosure may be located in a yard adjacent to a street that is not considered a front yard if the location meets the front yard setbacks established by the

## **Elkhart County Zoning Ordinance.**

- (c) The chicken coop shall be constructed of solid materials on all sides, including roof and door(s). Vents, covered with wire, shall be placed as necessary for adequate ventilation. The chicken coop shall provide at least two (2) square feet of area per chicken.
  - (d) The chicken pen/run shall be connected to and/or surround the chicken coop and be constructed of traditional building materials or fencing. The pen/run shall provide at least two (2) square feet of area per chicken, not exceeding six (6) feet in height, and shall be covered with wire, aviary netting, or solid roofing.
  - (e) The chicken coop, pen, and run shall be constructed and maintained in a workmanlike manner and comply with all applicable Elkhart County Building Code requirements for accessory structures as may be amended from time to time.
- (2) The chicken enclosure and surrounding area shall be maintained in a clean, dry, odor-free, and sanitary condition at all times. All manure, uneaten feed, and other trash shall be regularly removed and disposed of in a sanitary manner so that the chicken enclosure and surrounding area do not constitute a nuisance, safety hazard, or health problem to the surrounding property.

### **F. Inspection.**

It shall be a condition to the issuance of any permit required by this Code chapter that:

- (A) The Bristol Code Enforcement Officer, and/or his/her designees shall be permitted to inspect the chickens, structure and/or premises wherein a coop is maintained (or believed to be maintained) and all animals located thereon where such animals are harbored.
- (B) The Bristol Code Enforcement Officer, and/or his/her designees are authorized to enter the structure or premises wherein a coop is maintained (or believed to be maintained) at reasonable times to inspect the chickens, structure and/or premises, subject to constitutional restrictions on unreasonable searches and seizures.
- (C) If the owner or those in possession of chickens, structure or premises wherein a chicken flock is maintained (or believed to be maintained) refuse inspection of said chickens or coop, the Bristol Code Enforcement Officer and/or his/her designees may obtain an inspection warrant from any court of record in Elkhart County in order to determine if the chicken flock or coop is maintained in accordance with this title or request the Bristol Town Council to revoke the owner's permit.
- (D) All reports of such inspections shall be in writing and maintained by the Bristol Code Enforcement Officer.

### **G. Disposal.**

Those who wish to dispose of their hen(s) shall transport them to a licensed processor for butchering, take them to a veterinarian's office for euthanizing, or place the hen(s) in a new home. The new home will include the new owner's permission and the new placement will meet all criteria of this Code chapter.

### **H. Enforcement.**

This Code chapter shall be enforced following the applicable provisions of this Code, as may be amended by the Bristol Town Council when a change is warranted.

## **94.11 DOMESTICATED ANIMALS IN TOWN PARKS**

No domesticated animals are allowed in town parks during the Bristol Homecoming Festival or other specified Bristol Town festivals unless the animal is a service animal.

## **94.12 SERVICE DOGS AND EMOTIONAL SUPPORT ANIMALS** OCTOBER 2022

- A. When and where a service animal is allowed access:
- (1) Under Indiana laws on the rights of people with disabilities and the Federal Americans with Disabilities Act (ADA), people with disabilities may bring their service animal into all areas of public facilities and private businesses where members of the public, program participants, clients, customers, patrons, or invitees are allowed.
  - (2) A service animal can be excluded from a facility if its presence interferes with legitimate safety requirements of the facility (e.g., from surgery or in a hospital in which a sterile environment is required).
  - (3) A public entity or a private business may ask an individual with a disability to remove a service animal if the animal is not housebroken or is out of control and the individual is not able to control the animal. A service animal must have a harness, leash, or other tethers unless the handler is unable to use a tether because of a disability or the use of a tether would interfere with the service animal's ability to safely perform its work tasks. In these cases, the service animal must be under the handler's control through voice commands, hand signals, or other effective means. If a service animal is excluded, the individual with a disability must still be offered the opportunity to obtain goods, services, and accommodations without having the service animal on the premises.
- B. Neither the ADA nor Indiana's service animal laws include pets or what some people refer to as emotional support animals. These animals provide a sense of safety, companionship, and comfort to those with psychiatric or emotional disabilities or conditions. These are not trained animals. Under the ADA and Indiana law, owners of public accommodations are not required to allow emotional support animals, only service animals.
- C. To determine if an animal is a service animal, a public entity or a private business may ask two questions:
- (1) Is this animal required because of a disability?
  - (2) What work or task has this animal been trained to perform?
- D. These questions may not be asked if the need for the service animal is obvious (e.g., the dog is guiding an individual who is blind or is pulling a person's wheelchair). A public entity or private business may not ask about the nature or extent of an individual's disability or require documentation, such as proof that the animal has been certified, trained, or licensed as a service animal, or require the animal to wear an identifying vest.

- E. A person who knowingly or intentionally interferes with the actions of a service animal or strikes, torments, injures or mistreats a service animal while the animal is engaged in assisting an impaired person is an offense under IC: 34-46-3-11.5 subsection (b)(2).

#### **94.13 ANIMAL LAWS**

Compliance with the terms and provisions of this Code chapter does not obviate nor eliminate the need for any person to comply with and meet the requirements of any other federal, state, or local laws or regulations concerning animals. In the event of any conflict with this Code chapter, the terms and provisions which are stricter shall govern. The Town of Bristol reserves, retains, and preserves for itself all rights and remedies available under any other applicable federal, state, or local laws or regulations concerning animals.

#### **94.14 ENFORCEMENT AND REVIEW PROCESS**

- A. Any person who violates any of the provisions of this Code chapter is subject to a civil fine as set forth in the schedule of fines in §94.14N, together with court costs and costs of enforcement including legal fees. Any person found liable for a subsequent violation or violations of this Code chapter within one (1) year after a violation will be subject to a civil fine of not less than Five Hundred (\$500.00) Dollars nor more than Two Thousand Five Hundred (\$2,500.00) Dollars together with court costs and costs of enforcement including legal fees. For purposes of this Code chapter, each day's violation of any of its terms or provisions of this Chapter shall be deemed a separate violation.
- B. Under this Code chapter, violations will be enforced under proceedings according to IC: 34-28-5 like that of infractions with a complaint and summons described in IC: 9-30-3-6 issued by the Bristol Police Department. Any person who is found to have violated any provisions of this Code chapter that is a misdemeanor or felony shall be investigated and/or arrested under criminal law.
- C. A Bristol Police Officer and/or the Bristol Code Enforcement Officer who observes the violation of any provision of this Code chapter will determine if an Indiana Uniform Traffic Citation will be issued to the owner or owner's agent and advise that such person may, within seven (7) days from the date of such notice, pay to the Clerk-Treasurer at the Bristol Municipal Complex, as a fine for and in satisfaction of such violation. Upon the failure of the owner to make such payment within the seven (7) day period, the original violation fine will increase by Ten (\$10.00) Dollars a day, as applicable. If this enhanced animal fine is not paid in full, through the Clerk-Treasurer, on or before the date and time set forth on the animal notice, the Clerk- Treasurer will notify the issuing police officer and the officer is responsible for filing the animal violation into any traffic court within Elkhart County. The officer will notify the owner or owner's agent either in person or by certified mail of the location of the court, and the date and time of the hearing. The owner or owner's agent will be subject to the general penalties provided for violations of Indiana Animal Codes. Nothing in this Code chapter will limit the Town's right to impound any animal found to violate any provision of this Code chapter. The cost of such violation and impoundment is to be paid by the animal owner in addition to the payment of any fine assessed hereunder.
- D. For any legal proceeding that is pending involving the animal impoundment, the owner may post a surety bond in favor of the Town assuring that all costs, expenses, and fees incurred by the Town or the animal control agency in maintaining the animal or animals during the period of impoundment shall be paid by the owner or the surety. If a surety bond is posted by the owner, the animal or animals involved will not be placed for adoption or humanely euthanized during the pendency of the proceeding without court approval. If a surety bond is not posted or if a surety bond expires and is not renewed, the animal or animals may be placed for adoption or humanely euthanized unless prohibited by court order.
- D. All fines received by the Clerk-Treasurer for violations of this Code chapter will be deposited into the Town's General Fund under applicable law.

- E. **Animal impoundment or removal.** Enforcement officers may find cause to impound or destroy a dangerous animal while at large in violation of this Code chapter. The owner of the animal in violation of this Code chapter is responsible for all costs incurred by the Town for the impoundment of the animal or animals. All costs will be paid before releasing the animal or animals. The enforcement officer may in lieu of impoundment release the animal or animals to the owner or owner's agent to be quarantined for a determined number of days.
- F. **Impoundment Cost Appeal.**
- (1) The owner of an impoundment animal or animals may appeal such enforcement action at the Bristol Municipal Complex by requesting a hearing with the Town Marshal. The appeal process will be made in writing and, state, in detail, the basis for their appeal and the remedy they are seeking as an outcome to resolve their appeal. The appeal will be addressed to the Marshal within 30 days of the date of the violation. Upon receipt of such a request, a hearing will be scheduled before the Marshal within 10 days of the written request unless the Marshal and the owner agree upon a later date. The owner may request a hearing, legal counsel, call and cross-examine witnesses, require the production of evidence, and have the Town's cooperation in having subpoenas issued served, and executed.
  - (2) After the hearing, the Marshal may make findings of fact and take action to affirm, modify, or reverse any enforcement action taken by enforcement officers.
  - (3) If a satisfactory resolution of the appeal has not been resolved between the complainant making the appeal and the Marshal, then the written appeal and the Marshal's written review will be presented to the Bristol Town Council for review and resolution. The Council will act upon the appeal and notify the animal owner within 10 working days of receiving the appeal or as soon thereafter as is reasonably possible.
  - (4) Any action taken by the Town Council is subject to review by any court of competent jurisdiction within Elkhart County, Indiana. A complainant requesting judicial review must file the verified complaint, including the findings of fact and any action taken by the Marshal and/or Town Council. The animal owner must file within 60 days after the date the action was taken. Any appeal will be heard by the court. The court may affirm, modify, or reverse the action taken by the Council.
- G. **Non-Impoundment Review and Appeal Process.** For violations occurring on private property, the animal owner may, before the expiration date for payment of the fine to the Bristol's Clerk-Treasurer as provided in the Code chapter, may request a review by the Town Marshal in writing. The review request will be delivered in writing to the Clerk-Treasurer and at a minimum will contain the owner's name, resident address, daytime phone number, and any other relevant contact information. It shall state the reason for the review request and specifically state the reason if any citation is disputed. From and after receipt by the Marshal of the request for reviewing additional citations for the same violation will not be issued until a written determination of review is issued and mailed First Class Mail to the owner by the Town Marshal.
- H. **Right to hearing or the right to appeal.**
- (1) The owner of an impounded animal may appeal such enforcement action at the Bristol Municipal Complex by requesting a hearing with the Town Marshal. The appeal process will be made in writing and, state, in detail, the basis for their appeal and the remedy they are seeking as an outcome to resolve their appeal. The appeal will be addressed to the Marshal within 30 days of the date of the violation. Upon receipt of such a request, a hearing will be scheduled before the Marshal within 10 days of the written request unless the Marshal and the complainant agree upon a later date. The owner may request a hearing, legal counsel, call and cross-examine witnesses, require the production of evidence, and have the Town's cooperation in having subpoenas issued served, and executed.
  - (2) At the conclusion of the hearing before the Marshal, the Marshal may make findings of fact and take action to affirm, modify, or reverse any enforcement action taken by enforcement officers.
  - (3) If a satisfactory resolution of the appeal has not been resolved between the animal owner making the appeal and the Marshal, then the written appeal and the Marshal's written review will be

presented to the Bristol Town Council for review and resolution. The Town Council will act upon the appeal and notify the owner within ten (10) workdays of receiving the appeal or as soon thereafter as is reasonably possible.

- (4) Any action taken by the Bristol Town Council is subject to review by any court of competent jurisdiction within Elkhart County, Indiana. The owner requesting judicial review must file the verified complaint, including the findings of fact and any action taken by the Marshal and/or Town Council. The animal owner will file within 60 days after the date the action was taken. Any appeal will be heard by the court. The court may affirm, modify, or reverse the action taken by the Town Council.

I. **Prosecution.** If a citation is not paid as required, prosecution of the violation may be brought in the name of the Town by an attorney designated by the Town of Bristol in an Elkhart County, Superior, or Circuit Court of the Town's choosing. Fine and cost assessment in that event will be determined by the court.

J. **Animal Infraction Fines.**

(1)	Animal Abuse/Cruelty.	\$117.00
(2)	Animal abandonment.	\$100.00
(3)	Animal bites – Victim failed to report/owner failure to quarantine.	\$367.00
(4)	Animal confinement.	\$150.00
(5)	Animal At Large – First offense.	\$ 57.00
(6)	Animal At Large – Second offense within 12 months.	\$100.00
(7)	Animal At Large – Third offense within 12 months.	\$250.00
(8)	Animal Left in a Motor Vehicle – Conditions of a health hazard.	\$117.00
(9)	Animal Restraints – Improper tethers.	\$ 67.00
(10)	Animal waste on public/private property – Noxious odors	\$117.00
(11)	Barking and howling dog.	\$100.00
(12)	Chickens - Having more than six chickens.	\$ 75.00
(13)	Chickens – Improper coop or pen location.	\$ 75.00
(14)	Chickens – Improper size of coop or pen.	\$ 75.00
(15)	Chickens – No permit.	\$ 175.00
(16)	Dangerous Animal – Enclosure confinement failure to report escape.	\$367.00
(17)	Dangerous Animal – Owner fails to post visible warning signs.	\$367.00
(18)	Dangerous Animal – Owner fails to notify the animal running at large.	\$367.00
(19)	Livestock – Keeping livestock within the town limits.	\$117.00
(20)	Poisoning animals on public or private property.	\$367.00
(21)	Vaccination - Failure to vaccinate domestic animals.	\$117.00
(22)	Vaccination record – Owner is required to maintain proof.	\$117.00