

ORDINANCE NO. 2020 - 6

AN ORDINANCE REGULATING ANIMALS IN THE CITY OF JASPER AND PROVIDING PENALTIES FOR VIOLATION OF SUCH REGULATIONS

(Amending Ordinance No. 2018-4)

WHEREAS, the Common Council of the City of Jasper, Indiana (hereinafter referred to as the "Council") adopted Ordinance No. 2018-4, regulating animals in the City of Jasper, and providing penalties for violations of such regulations, on the 17<sup>th</sup> day of January, 2018; and

WHEREAS, the Common Council now finds it in the best interests of the City of Jasper to amend Ordinance No. 2018-4 to include language consistent with the land uses included in the UDO regarding "kennels" as set out herein and to update the language as otherwise needed.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF JASPER, INDIANA, as follows:

SECTION 1. Section 2 of Ordinance Number 2018-4, the same being Section 6.04.020 "Regulations," of the Municipal Code of the City of Jasper, Indiana, shall be amended by **replacing** the existing language contained in subparagraph (2) with the following language:

**Chapter 6.04.020 Regulations.**

(2) NUMBER OF ANIMALS. It shall be unlawful to keep or harbor more than four (4) animals, of any kind, over the age of four (4) months, on any premises or portions thereof. In the case of multi-family housing units, no more than two (2) animals may be maintained per unit. Provided, however, nothing in this Ordinance, shall provide authority to the occupier of any rental property, lessee, or someone other than a property owner, to violate the provisions of any rental agreement, lease, or other similar agreement. Furthermore, nothing in this section shall make it unlawful to legally establish and operate a kennel as permitted in Chapter 16.04 "Districts" or by variance or special exception obtained from the Board of Zoning Appeals of the City of Jasper.

SECTION 2. Section 2 of Ordinance Number 2018-4, the same being Section 6.04.020 "Regulations," of the Municipal Code of the City of Jasper, Indiana, shall be amended by **replacing** ~~deleting~~ the existing language contained in subparagraph (3) ~~with the following language:~~.

**Chapter 6.04.020 Regulations.**

~~(3) NOISES. It shall be unlawful for any person to own, keep, or harbor any animal which by its barking, howling, baying, squealing, crowing, crying, bleating, screeching, or making any other noise which by its volume or frequency unreasonably disturbs or interferes with the peace and quiet of any person or of the neighborhood. Exceptions not subject to enforcement of this subsection are commercial animal facilities including, but not limited to, commercial pet facilities, animal welfare facilities, veterinary hospitals, or grooming parlors that are located in any of the following districts: Neighborhood Business (B1), General Business (B3) Light Industrial (I1) and Heavy Industrial (I2) and those who can substantiate that such animal noise was caused by an injury or illness of the animal(s) or by willful trespass, torment, or abuse of the animal(s) on its property by others.~~

SECTION 3. Section 5 of Ordinance Number 2018-4, the same being Section 6.04.050 "Enforcement," of the Municipal Code of the City of Jasper, Indiana, shall be amended by **replacing** the existing language with the following language:

**6.04.050 Enforcement.** The Jasper Police Department and Code Enforcement Officer shall be empowered to enforce this Ordinance. Such officers shall be empowered to issue written warnings and citations to the owners or to the other person in control of

animals in violation of this Chapter. The City of Jasper Street Department shall have authority to assist in the enforcement of this Ordinance.

**SECTION 4. Prior Ordinances.** All ordinances and/or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5. Separability.** If any section, sub-section, sentence, clause, phrase or portion of this Ordinance shall for any reason be held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereunder.

**SECTION 6. Effective Date.** This Ordinance shall be in full force and effect from and after its passage by the Common Council, its approval by the Mayor, and completion of any other legal requirements, all in the manner as provided by law.

**PASSED AND ADOPTED** by the Common Council of the City of Jasper, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Dean M. Vonderheide, Presiding Officer

ATTEST:

\_\_\_\_\_  
Allen Seifert, Clerk Treasurer

**PRESENTED** by me to the Mayor of the City of Jasper on this \_\_\_\_\_ day of \_\_\_\_\_, 2020, at the hour of \_\_\_\_\_:\_\_\_\_\_ o'clock a.m./p.m.

\_\_\_\_\_  
Allen Seifert, Clerk Treasurer

This Ordinance approved and signed by me as the Mayor of the City of Jasper, Indiana, this \_\_\_\_\_ day of \_\_\_\_\_ 2020, at the hour of \_\_\_\_\_:\_\_\_\_\_ o'clock a.m./p.m.

\_\_\_\_\_  
Dean M. Vonderheide, Mayor

ATTEST:

\_\_\_\_\_  
Allen Seifert, Clerk Treasurer