

STARKE COUNTY ORDINANCE
REGULATING DOG KENNELS IN THE COUNTY

ORDINANCE NO. 2011-07

THIS IS AN ORDINANCE for the creation and operation of dog kennels in Starke County, Indiana.

WHEREAS, complaints have been lodged with both the Starke County Board of Zoning Appeals and the Starke County Plan Commission concerning the improper maintenance and operation of dog kennels; and,

WHEREAS, members of the Starke County Plan Commission and the Board of Zoning Appeals have investigated these complaints and found poor standards of care in the operation of some dog kennels in the County; and

WHEREAS, the Starke County Plan Commission recognizes the rights of private property owners to properly own, construct, operate and maintain dog kennels;

NOW THEREFORE, UPON THE RECOMMENDATION OF THE OF THE STARKE COUNTY PLAN COMMISSION, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF STARKE COUNTY, INDIANA, as follows:

SECTION ONE

Title

Dog Kennel Ordinance

SECTION TWO

Definitions

Commercial kennel –According to IC 15-21-1-4. Means a person who maintains more than twenty (20) unaltered female dogs that are at least twelve (12) months of age.

Non-commercial kennel – According to IC 15-21-1-. Includes all other kennels. Examples include: animal shelters, humane societies, animal rescue operations (as long as they do not breed dogs), hobby breeders (those with more than 20 dog but less than twenty (20) unaltered female dogs that are at least twelve (12) months of age), and anyone who breeds at least 75 percent of their dogs for sporting, service, or law enforcement/military purposes.

Existing Non-Commercial kennel –is a kennel that has four or more dogs prior to the adoption of this ordinance and meets the criteria established in section 3 of this ordinance.

Service Dogs- Is a type of assistance dog specifically trained to help people who have disabilities. They shall be exempt from adding to the total number of dogs allowed.

SECTION THREE

Purpose

The purpose of this Ordinance is to regulate the process for giving permits for dog kennels, to regulate the building of dog kennels, and to regulate the operation of dog kennels.

It is not the purpose of this ordinance to penalize those individuals that are currently running Non-commercial kennels. Therefore, those existing non-commercial kennels who obtain a kennel permit within one year of the adoption of this ordinance shall be exempt from all its requirements provided they meet the requirements set forth below in attached Appendix B.

SECTION FOUR

Zoning Requirements

A) Commercial kennels

1. Shall be permitted in agricultural and commercially zoned areas provided all the requirements of this ordinance are met, as it pertains to them.
2. Shall not be permitted in residential zoned areas or subdivisions.

B) Non-commercial kennels

1. Shall be permitted in agricultural and commercially zoned areas provided all the requirements of this ordinance are met, as it pertains to them.
2. Shall not be permitted in residential zoned areas or subdivisions.

C) Kennel permits are required for any residence that has more than 4 total dogs.

SECTION FIVE

Minimum Lot Specifications

A) Commercial Kennels

1. The minimum lot size shall be two (2) acres.
2. The kennel structure shall be set back at least four hundred (400') feet from the nearest adjacent residence.
3. The kennel structure and/or the confining fencing shall be set back from all property lines by a least twenty (20') feet.

B) Non-commercial kennels

1. The minimum lot size shall be two (2) acres.
2. The kennel structure shall be set back at least four hundred (400') feet from the nearest adjacent residence.
3. The kennel structure and/or the confining fencing shall be set back from all property lines by a least twenty (20') feet.

SECTION SIX

Kennel and Site Requirements

A) Commercial Kennels

1. All exercise areas proposed to be used by loose dogs shall be fully enclosed by a fence.
2. The fence should be of a height to keep the dog confined, based on the size of the dog. (see Appendix A).
3. The kennel shall be constructed of new or otherwise serviceable materials.

B) Non-commercial kennels

1. All exercise areas proposed to be used by loose dogs shall be fully enclosed by a fence.
2. The fence should be of a height to keep the dog confined, based on the size of the dog. (see Appendix A).
3. The kennel shall be constructed of new or otherwise serviceable materials.

SECTION SEVEN

Required Supporting Documentation

A) Commercial Kennels

1. The applicant shall submit a manure management plan acceptable to the County Health Department.
 - a). Kennels already established, are well kept, and where no problem exists, are exempt.
2. The applicant shall submit calculations supporting the proposed kennel size. For example: dog breed A typically requires a minimum kennel area of X square feet per animal and the proposed number of animals is Y. Therefore for dog breed A the proposed kennel will have a minimum of (X) (Y) square feet of space. Please refer to I.C. 35-46-3-0.5 for additional information.
 - a) Kennels already established, are well kept, and where no problem exists, are exempt.
3. The applicant shall submit a dog kennel management plan that includes the following information:
 1. Maximum number of animals on premises
 2. Proposed breeding and marketing schedules
 3. Proposed animal dwelling time, i.e. temporary vs. long term

4. Proposed daily animal care requirements
5. Mortality disposal plan
 - a) Kennels already established, are well kept, and where no problem exists, are exempt from submitting a management plan.

4. It is recommended that an emergency contact number and number of animals be listed on any building, or home, that contains animals, in case of an emergency.

5. The applicant shall submit a copy of their Commercial Dog Breeders registration/license, required by the State of Indiana.

6. The applicant shall submit a proposed construction schedule, as applies to new structures, and those structures being remodeled.

7. All dogs kept outside, should be provided with adequate shelter, cleanliness, food, water, and those things necessary for good health.

8. The applicant shall submit proof of liability insurance.

9. Need to adhere to the Standard of Care Statement in Section Eight.

B) Non-commercial kennels

1. Shall submit a manure management plan, as necessary for the County Health Department.

2. Shall submit a proposed kennel area.

3. Shall submit a dog kennel management plan that includes an estimate of the number of dogs on the premises. Example (less than 20, more than 20 etc. this is required to differentiate between a Minor/Major Kennel License.

4. It is recommended that an emergency contact number and number of animals be listed on any building, or home, that contains animals, in case of an emergency.

5. There are no registration/license required by the State of Indiana (they are exempt)

6. Shall be exempted from submitting a proposed construction schedule, except as is required by county building codes for new structures and those structures being remodeled.

7. All dogs kept outside, should be provided with adequate shelter, cleanliness,

food, water, and those things necessary for good health.

8. Shall be allowed to decide, with the help of their insurance company, whether or not they need to be covered by liability insurance.
9. Need to adhere to the Standard of Care Statement in Section Eight.

SECTION EIGHT

Standards of Care Statement

1. All dogs will be provided with adequate shelter
 - a) Considering shade and location when taking extreme temperatures under consideration. Protect from rain, direct sun, and snow.
 - b) Consider size of area, so that animals can comfortably move around in their enclosures, or specified areas.
 - c) Provide adequate ventilation
2. All dogs will be provided with clean, fresh water at all times
3. All dogs will be provided with adequate nutrition (taking their lifestyles into consideration - working, hunting, training, pregnant/nursing, regular activity).
4. All dogs will be provided a clean area to lie down and walk around, free of feces and urine.
5. All dogs will be provided adequate exercise (taking their lifestyles into consideration)
6. All dogs should be kept in good health. Providing medical treatment as needed.

SECTION NINE

Penalties for Commercial Kennels

Penalties/Fines:

1. A person who is found to be in violation of any provisions of this Ordinance may also be liable for all reasonable attorney fees and costs incurred by the County in the enforcement of this Ordinance.
2. A person who has violated the provisions of this Ordinance, or failing or refusing to comply with an order issued under this Ordinance within the time prescribed, may be fined a sum not less than One Dollar (\$1.00) and not greater than Five Hundred Dollars (\$500.00) per violation.
3. All fines, penalties, and clean-up costs paid pursuant to this ordinance shall be deposited into the General Fund of the County of Starke, Indiana.
4. Collection of such amounts shall constitute collection of money owed the unit pursuant to Indiana Code Section 36-1-4-17.

SECTION TEN

Penalties for all Non-Commercial Kennels

Fines:

1. Any complaints/problems brought forth against these kennels may be fined a sum not less than One Dollar (\$1.00) and not greater than One Hundred Dollars (\$100.00) per day per violation.
2. First time complaints/problems will be given a prescribed time to be resolved before any fines would be charged, provided that no damages have occurred.
3. All fines shall be deposited into the General Fund of the County of Starke, Indiana.


Section Eleven

Applicability and Effective Date

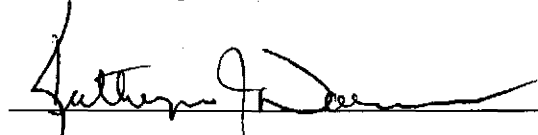
This ordinance shall be enforced by the Starke County Plan Commission. All portions of former ordinances in conflict herewith are hereby repealed and superseded. This Ordinance shall become in full force and effect from and after its adoption and insertion in the Starke County Code Book of Ordinances.

ADOPTED by the Board of Commissioners of Starke County, Indiana, this 3RD day of OCTOBER, 2011.

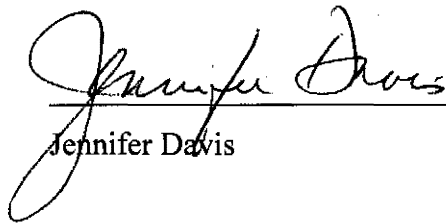
BOARD OF COMMISSIONERS OF STARKE COUNTY



Daniel Bridegroom

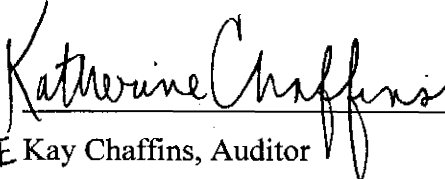


Kathy Norem



Jennifer Davis

ATTEST:



KATHERINE Kay Chaffins, Auditor







Appendix A

Purpose

The purpose of appendix A is to give guide lines as to the size of Kennel Fence that should be considered for the type and breed of dog being raised.

- 1) X-small and small dogs should be fenced with at least a three foot high fence.
- 2) Medium and Large dogs should be fenced with at least a four foot high fence.
- 3) X-large and XX-large dogs should be fenced with at least a six foot high fence.

All fence requirements are for guideline purposes only, and may be modified depending on the planning administrator's judgment.

Recommended Sizes		
Size/Weight	for Dog Crate Covers & Pet Beds (length from front to back)	Breed Examples
 1-10 lbs	X-Small 19" x 13"	Most Cats, Yorkies, Chihuahuas, Pomeranians, Maltese, Papillons
 11-25 lbs	Small 24" x 18"	Fat Cats, Shih Tzu, Pugs, Cairn Terriers, Dachshunds, Poodle, Boston Terrier, Miniture Pinschers, Bichons Frises, West Highland Terriers, French Bulldog, Lhasa Spsos, Havanese, Pekingese, Chinese Crested, Brussels Griggons
 26-40 lbs	Medium 30" x 20"	Beagle, Miniature Schnauzer, Shetland Sheepdogs, Cavalier King Charles, Scottish Terriers, American Staffordshire Terriers
 41-70 lbs	Large 36" x 23"	Boxer, Bull Dog, Cocker Spaniels, Welsh Corgis, Bassett Hounds, English Springer Spaniels, Australian Shepherds, Shar_pei, Wheaten Terriers, Bull Terriers
 71-90 lbs	X-Large 42" x 28"	Labrador Retrievers & Golden Retrievers, German Shepherd, Rottweilers, Doberman Pinschers, Siberian Huskies, Weimaraners, Collies, Vizslas, Siredale, Rhodesian Ridgebacks, Standard Poodle, Border Collie, Chow Chows
 91-110 lbs	XX-Large 48" x 30"	Alaskan Malamute, Bernese Mountain Dog, Great Dane, Old English Sheepdog, St. Bernard, Weimaraner

Appendix B

Application for existing Non-Commercial Kennel

Name: _____

Address: _____

Phone Number: _____

1. Are you a resident of Starke County? Yes or NO
2. How long have you been a resident at your current location?
3. What is reason for obtaining a Kennel License:
 - a. _____ Own more than four dogs.
 - b. _____ Own and /or breed dogs for personal reasons (ex: sporting dogs, hunting dogs, working dogs, show dogs, 4-H).
 - c. _____ Animal rescue operation (no animals used for breeding)
 - d. _____ Hobby breeder (less than 20 unaltered females that are at least twelve months of age).
 - e. _____ Commercial Breeder (Maintains more than 20 unaltered females that are at least twelve months of age).
 - f. _____ Other (Please explain) _____
4. Is this a new Kennel? Yes or No
5. What was the date the kennel was established? _____.

Affidavit of Sworn Testimony:

I do solemnly swear or affirm that the information I have provided above to the Starke County Planning Commission is true and correct.

_____ Affidavit

Date

Subscribed and sworn to before me this _____ Day of _____, 20_____.

Planning Commission Representative _____.