



CITY OF GOSHEN LEGAL DEPARTMENT

204 East Jefferson Street, Suite 2
Goshen, Indiana 46528-3405

Phone (574) 537-3820 • Fax (574) 537-3817 • TDD (574) 534-3185
www.goshenindiana.org

April 5, 2018

Via US mail and fax to 574-848-5453
Humane Society of Elkhart County, Inc.
54687 County Road 19
Bristol, IN 46507

To whom this may concern:

This letter is in response to your April 3, 2018 inquiry of whether the City of Goshen has any ordinance regarding the number of personal pets a person may own. The City of Goshen has no ordinance that limits the number of animals a person can have in their residence with the exception of livestock, fowl or wild animals.

A person is prohibited from keeping or otherwise maintaining any livestock, fowl or wild animal unless the livestock, fowl or wild animal is confined at least 150 feet from another residence, and noxious and/or offensive odors do not enter upon and cross the real estate owned and/or occupied by another. An exception to this ordinance is the keeping of chickens. A person occupying a single-family dwelling or duplex may register to keep up to six female chickens provided they meet certain requirements.

The City also has an ordinance prohibiting a person from allowing their animal to run at large, disturb the peace, or permit noxious and/or offensive odors from the animal to enter upon and cross the real estate owned and/or occupied by another.

The City's planning and zoning regulations have a definition of kennel which is defined as, "any premises where more than three animals over four months of age are housed, groomed, bred, boarded or trained, whether for remuneration or not, and which may offer provisions for medical treatment." Three or more animals provide a presumption that a person is running a kennel which is a conditional use in certain zoning districts. However, a person can present evidence that they are not actively operating a kennel. There is no part of the zoning ordinance that prohibits a Goshen city resident from owning four or more animals.

Respectfully,

A handwritten signature in cursive script that reads "Shannon Marks".

Shannon Marks
Legal Compliance Administrator

cc: Planning and Zoning Department

TITLE 3. HEALTH AND PUBLIC SAFETY

Article 1. Animal Control

Chapter 1. In General

3.1.1.1 Running at large.

Sec. 1 (a) No person shall suffer, permit or allow any animal or any dog, cat, or other domestic animal or pet to run at large within the City limits. For purposes of definition, any such animal or dog, cat or other domestic animal or pet which is untethered shall be determined to be "running at large".

(b) All animals found running at large shall be impounded.

(c) The owner of any animal shall be responsible for any damages to the person or property of others caused by said animal while running at large.

(Ord. 1477, 3-7-1960, Ord. 2373, 10-5-1976)

3.1.1.2 Exposed to disease.

Sec. 2 All animals which are afflicted with a contagious or infectious disease and have been found at large, or have come into contact with, or exposed to any public place shall be placed in an animal shelter provided for that purpose by contract or otherwise by the City.

(Ord. 1477, 3-7-1960)

3.1.1.3 Keeping livestock, fowl or wild animals.

Sec. 3 It shall be unlawful for any person to have, keep, or otherwise maintain within the corporate limits of the City of Goshen, any livestock, fowl or wild animal excepting domestic animals, unless such livestock, fowl or wild animal is confined not less than one hundred fifty (150) feet from the residence of any other person; provided, however, that no such livestock, fowl or wild animal shall be so kept or maintained if noxious and/or offensive odors are caused to enter upon and cross the real estate owned and/or occupied by another; provided further that any animal of any type may be kept in a zoological garden which must be set up in a prescribed area zoned for such purposes; provided further that chickens may be kept, possessed or maintained only in accordance with Chapter 4 of this Code article.

(Ord. 432, 12-19-1921; Ord. 905, 11-4-1940; Ord. 2805, 1-6-1958; Ord. 4773, 4-17-2014)

3.1.1.4 Harboring vicious animal.

Sec. 4 (a) It shall be unlawful for any person to keep or harbor any cross, vicious or unruly animal.

(b) The members of the police department are authorized to kill any dangerous or vicious animal when it is necessary for the protection of any person or property.

(Ord. 149, 9-14-1903; Ord. 1477, 3-7-1960)

3.1.1.5 Animals disturbing the peace.

Sec. 5 No person, firm, or corporation owning or harboring any dog, cat or other domestic animal or pet shall suffer or permit such animal to disturb the peace or quiet of the neighborhood by barking or making other loud or unusual noise.

(Ord. 1477, 3-7-1960; Ord. 2373, 10-5-1976)

3.1.1.6 Noxious odors.

Sec. 6 (a) No person shall have, keep or otherwise harbor any dog, cat or other domestic animal or pet in the City of Goshen if noxious and/or offensive odors are thereby caused to enter upon or across the real estate owned or occupied by another or upon or across any public right-of-way.

(b) It shall be the duty of the owner of the property where any violation exists to eliminate the violation by removing the substances, materials or animal excrements giving rise to any odor and to maintain the premises free from such unwholesome substances. Should the owner, upon proper notice in writing, fail or refuse to remove the violation, the City may enter upon 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 so impounded shall be placed in an animal shelter provided for that purpose.

(Ord. 2373, 10-5-1976)

3.1.1.7 Securing animals.

Sec. 7 (a) It shall be unlawful for any person to leave unattended, any horse or other animal which is hitched to any vehicle in any of the streets or alleys without securely fastening them to some object to prevent them from running away.

(b) It shall be unlawful for any person to tie any horse or other animal within said City without securing the same so that it cannot go upon or over any sidewalk.

(c) It shall be unlawful to hitch any horse or other animal or animals to any shade tree upon or along any street or alley.

(Ord. 149, 9-14-1903)

Chapter 2. Impoundment

3.1.2.1 Redemption.

Sec. 1 The owner of any animals impounded pursuant to this Code article may, within five (5) days after the impoundment redeem the animal by paying all the expenses incident to impounding such animal, caring for the animal and paying any lawfully imposed and unpaid license fees for such animals that have accrued up to the time of redemption. It shall be the duty of such impounding authority to release such animal to the owner.

(Ord. 1477, 3-7-1960)

3.1.2.2 Disposition when not redeemed.

Sec. 2 Any animal impounded pursuant to the provisions of this Code article which is not redeemed by its owner within five (5) days after it has been impounded may, at the election of the impounding supervisor, be sold or destroyed in a humane manner.

(Ord. 1477, 3-7-1960)

3.1.2.3 Vaccination of dogs required.

Sec. 3 No dog impounded for running at large shall be released to any person unless said dog shall, prior to such release, have received vaccination for rabies, and the person receiving said animal upon release has paid the cost of such vaccination.

(Ord. 1477, 3-7-1960)

3.1.2.4 Definitions.

Sec. 4 The following terms and phrases shall apply in the interpretation and enforcement of this Code article:

- (A) **LIVESTOCK and FOWL.** Livestock and fowl shall be construed to mean all animals and fowl that provide food and/or are beasts of burden such as cattle of all species, cows, bulls, horses, mules, ponies, burros, goats, sheep, hogs, chickens, ducks, and any other animals of a similar kind, nature, type or use.

(B) DOMESTIC ANIMALS. Domestic animals shall be construed to be dogs, cats, parakeets, canaries and other small animals or birds which are normally kept within the living quarters of an abode.

(C) WILD ANIMALS. Wild animals shall be construed to mean all poisonous reptiles or any other dangerous or carnivorous wild animal or reptile, any vicious or dangerous domesticated animals or any other animal or reptile of wild, vicious or dangerous propensities. This term shall include but not be restricted to apes, bears, constrictor snakes over six (6) feet in length, coyotes, deer, foxes, gamecocks and other fighting birds, monkeys and wolves.

(Ord. 432, 12-19-1921; Ord. 905, 11-4-1940; Ord. 1419, 1-6-1958; Ord. 2805, 8-6-1981)

Chapter 3. Penalties

3.1.3.1 Penalties and disposition of funds.

Sec. 1 (a) Any person who violates the provisions set forth in this Code article shall be fined in a sum of not less than Five Dollars (\$5.00) nor more than Two Hundred Dollars (\$200.00), and each day's continuance shall constitute a separate offense.

(b) All monies received pursuant to this Code article shall be paid to the clerk-treasurer who shall place such monies in the general fund of the City.

(Ord. 1477, 3-7-1960; Ord. 2373, 10-5-1976)

Chapter 4. Keeping Chickens

3.1.4.1 Application of chapter.

Sec. 1 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.

(Ord. 4773, 4-17-2014; Ord. 4849, 11-20-2015)

3.1.4.2 Keeping chickens.

Sec. 2 It shall be unlawful for a person to keep, possess, or maintain chickens in violation of this Code chapter.

(Ord. 4773, 4-17-2014; Ord. 4849, 11-20-2015)

3.1.4.3 Chickens permitted.

Sec. 3 (a) Chickens shall be permitted only upon the real estate containing an occupied single family dwelling or upon the 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.

(b) Each residence wishing to keep chickens must pay a registration fee of Twenty-Five Dollars (\$25.00) every two (2) years.

(c) The total number of permits to be issued is limited to fifty (50). The permits will be available on a first-come, first-serve basis.

(d) In order to be eligible to receive a permit, the permit applicant must have 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.

(Ord. 4773, 4-17-2014; Ord. 4849, 11-20-2015)

3.1.4.4 Limitations.

Sec. 4 (a) No more than six (6) female chickens may be located on any real estate. Roosters and other types of fowl are prohibited.

(b) Chickens shall be kept for pets or personal, non-commercial use only. Selling of eggs and fertilizer is prohibited.

(c) Breeding of chickens is prohibited on the premises.

(d) Slaughtering of chickens is prohibited on the premises.

(e) A chicken may not be turned loose or taken to the humane shelter.

(Ord. 4773, 4-17-2014; Ord. 4849, 11-20-2015)

3.1.4.5 Chicken enclosure.

Sec. 5 (a) 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.

(1) The chicken enclosure shall be secure to prevent the entry of rodents and predators, and shall effectively contain and protect the chickens.

(2) 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 may not be located in the front yard of the residential dwelling as defined by 3.1.4.8 of this Code chapter. 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 Goshen City Zoning Ordinance.

- (3) 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.
- (4) 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 exceed six (6) feet in height, and shall be covered with wire, aviary netting or solid roofing.
- (5) The chicken coop, pen and run shall be constructed and maintained in a workmanlike manner and comply with all applicable Goshen Building Code requirements for accessory structures as may be amended from time to time.

(b) 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 does not constitute a nuisance, safety hazard or health problem to surrounding property.

(Ord. 4773, 4-17-2014; Ord. 4849, 11-20-2015)

3.1.4.6 Disposal.

Sec. 6 Those who wish to dispose of their hen(s) must 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 must include the new owner's permission and the new placement must meet all criteria of this Code chapter.

(Ord. 4773, 4-17-2014; Ord. 4849, 11-20-2015)

3.1.4.7 Enforcement.

Sec. 7 This Code chapter shall be enforced in accordance with the applicable provisions of Title 1, Article 1, Chapter 3 of this Code, as may be amended from time to time.

(Ord. 4773, 4-17-2014; Ord. 4849, 11-20-2015)