

ORDINANCE NO 2007-158

AN ORDINANCE REGARDING THE MAXIMUM NUMBER OF DOGS AND CATS ALLOWED AT A SINGLE RESIDENCE WITHIN THE MUNICIPALITY

WHEREAS, the Dyer Board of Mayor and Aldermen has determined that the keeping and maintenance of large numbers of dogs and cats on residential premises is detrimental, or liable to be detrimental, to the good order, health and general welfare of the inhabitants of Dyer; and

WHEREAS, the Dyer Board of Mayor and Aldermen has determined that the keeping of large numbers of dogs and cats on residential property has an adverse impact on the value of neighboring properties; and

WHEREAS, Article II, Section 10 of the Dyer Private Act Charter authorizes the Board of Mayor and Aldermen to make all ordinances it may deem necessary for the good order, health, and general welfare of the inhabitants of the city and to enforce all such ordinances by proper fines, imprisonment, and penalties.

NOW, THEREFORE, IN CONSIDERATION OF THESE FACTS, BE IT ORDAINED BY THE DYER BOARD OF MAYOR AND ALDERMEN AS FOLLOWS:

1. Maximum allowable number of dogs and cats at single family residence. Except as otherwise provided in this Ordinance, no person shall keep more than a total of six (6) dogs or cats over the age of six months per household in any single family residence in Dyer. These restrictions mean a total of six (6) animals for example, four dogs and two cats, or five cats and one dog but in no event shall the total number exceed six (6) such animals per household.

2. Maximum allowable number of dogs and cats at multiple family residence. Except as otherwise provided in this Ordinance, no person residing at a multiple family residence shall keep more than a total of two (2) dogs or cats over the age of six (6) months per household in Dyer. These restrictions mean a total of two (2) animals for example, one dog and one cat but in no event shall the total number exceed two (2) such animals per multiple family household. For the purposes of this ordinance, a multiple family residence shall include all duplexes, triplexes, apartment buildings, and other structures in which more than one family resides.

3. Exceptions. The provisions of Section 1 and Section 2 of this Ordinance shall not apply to the following types of property or conditions:

- (a) Single family residences located on lots which are five (5) acres or larger (217,800 square feet).
- (b) Single family residences located on property which is listed on the rolls of the Gibson County Tax Assessor as agricultural land.

- (c) Commercially licensed kennels, or a kennel maintained in conjunction with a small animal clinic.
- (d) Where the maximum allowable number of animals is exceeded due to birth(s), the property owner shall have six (6) weeks following such birth(s) to achieve compliance with Section 1 or Section 2, as applicable, of this ordinance.
- (e) Newly annexed properties and properties on which more than the maximum allowable number of animals were kept and maintained on the effective date of this ordinance, subject to the following conditions:
 - (1) The animals are kept and maintained in a decent, safe, and sanitary condition, and
 - (2) The number of animals kept and maintained on the premises is not increased following the effective date of this ordinance, and
 - (3) Until compliance with Section 1 or Section 2, as applicable, is achieved, no person shall replace any animal which has died, been sold or given away, or which for any reason ceased being kept or maintained on the premises.

4. Violation and penalty. Any violation of any section of this Ordinance shall subject the offender to a penalty of up to fifty dollars (\$50.00) for each offense. Each day the violation shall continue shall constitute a separate offense.

5. Effective Date. This ordinance shall be in full force and effect from and after its date of passage by the Board of Mayor and Aldermen.

6. Severability. Should any section, paragraph, sentence, clause, or phrase of this ordinance or its application to any person or circumstances be declared unconstitutional or otherwise invalid for any reason, or should any portion of this ordinance be pre-empted by State or Federal law or regulation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or circumstances.

7. Repeal. All ordinances and parts of ordinances which are inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

Passed on 1st Reading September 10, 2007

Passed on 2nd Reading September 24, 2007

C. Scott Jewell, Mayor

Kenneth W McEwen, City Recorder