

ORDINANCE 2013-03

**AN ORDINANCE PROHIBITING FARM ANIMALS IN THE TOWN LIMITS AND
AMENDING THE NUISANCE PROVISIONS TO INCLUDE FARM ANIMALS WITHIN
THE TOWN LIMITS AS A PUBLIC NUISANCE**

WHEREAS, the Town of LaPaz has adopted various general regulations so as to maintain the public health and safety of Town citizens; and

WHEREAS, the Town has previously enacted ordinances establishing the prohibition of Town citizens concerning maintaining public nuisances which ordinances are supported by established common law or statute; and

WHEREAS, it is in the best interest of the Town that no person, firm or corporation be allowed or permitted to keep, feed, lodge or otherwise retain farm animals within the Town limits.

NOW THEREFORE, BE IT ORDAINED by the Town Council for the Town of LaPaz, Indiana that:

1. It shall be unlawful for any person, firm or corporation to keep, feed, house, lodge, harbor or otherwise retain any farm animal within the limits of the Town.
2. Keeping, feeding, housing, lodging, harboring or otherwise retaining any farm animal within the Town limits constitutes an unlawful act and a public nuisance.
3. Farm animals are defined as those animals that are traditionally kept and/or raised on lands devoted to the raising of domestic animals and include but are not limited to horses, cows, pigs, chickens, and other beasts produced for food and/or human consumption or the production of food and/or human consumption. For this ordinance, farm animals do not include dogs, cats, or other common household pets. Horses drawing carts and buggies used for transportation purposes on public ways within the Town are farm animals but when used for such purposes, are not in violation of this ordinance and are excepted therefrom.
4. Whenever a person, firm or corporation is found in violation of this Ordinance and is responsible for the public nuisance described herein, a notice to abate the nuisance shall be sent to the person, firm, or corporation as well as the property owner of the premises upon which the nuisance may exist in accordance with the notice provisions to abate nuisances presently in affect under general regulations for the Town of LaPaz. Any person failing to abate the nuisance shall be subject to having the nuisance removed at his or her cost and shall be subject further to penalties including fines of up to One Hundred Dollars (\$100) per day.
5. In the event that is necessary to abate the nuisance through court proceedings, the owner or other party violating this ordinance shall be subject to reasonable attorney fees and costs expended by the Town to abate the nuisance.**Effective Date: This Ordinance shall be in full force and effect from and after its adoption by the Town Council, its legal publication as required by law, and its filing in the office of the Clerk/Treasurer**

PASSED and ADOPTED by the Town Council of the Town of LaPaz,, on the 11th day of

July 2013.LAPAZ TOWN COUNCIL Lorraine Dove, President, Roger Ecker

Member Donella Emmons Member Susan Albert Clerk-Treasurer