

ORDINANCE 2016- 01

AN ORDINANCE AMENDING THE ANIMAL CONTROL ORDINANCE IN CHAPTER 91, TITLE IX OF THE CITY CODE OF THE CITY OF AUSTIN

WHEREAS, the Common Council of the City of Austin, wishes to amend its Ordinance pertaining to animals to prohibit livestock and poultry from being maintained within the City,

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

1. This ordinance shall be codified in Chapter 91 beginning at Section 91.10 of the City Code of the City of Austin.
2. The Section shall be known as Section 91.10 – Prohibition against Livestock.

Prohibition against Livestock

§ 91.10. Definitions.

The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

LIVESTOCK. Horses, sheep, cattle, calves, mules, burrows, goats, swine, and poultry being raised in captivity.

POULTRY. Any and all domestic fowl, ornamental birds, and game birds.

§ 91.11. Livestock Prohibited.

It is unlawful for a person to own, keep, or breed any livestock in the City.

§ 91.12. Penalty.

- (A) Any person violating any provision of this section shall be fined in a sum of not more than Five Hundred Dollars (\$500). If any violation be continuing after a violator has been given appropriate notice, each day's violation shall be deemed a separate violation and fined accordingly.
- (B) If the City is required to prosecute the violation, the court shall impose a civil fine not to exceed Five Hundred Dollars (\$500), plus costs, for each violation. Additionally, the court:

- (1) Shall assess the violator reasonable attorney fees incurred in prosecuting the violation, plus any costs incurred in the course of the prosecution;
- (2) Shall order confiscation of the livestock involved, when appropriate as determined by the court, and its placement in an animal control facility, or its destruction if necessary. Any costs incurred, or likely to be incurred by this confiscation or destruction shall be assessed against the violator and added to the judgment amount.

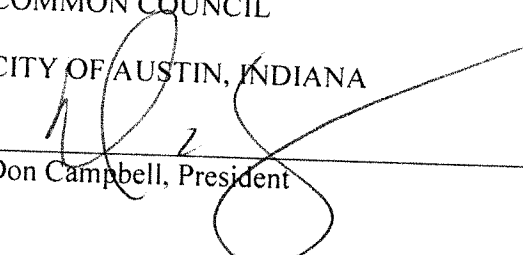
3. Severability Clause

If any part of this Ordinance shall be held invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.

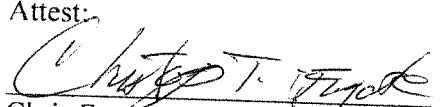
- 4. This Ordinance shall be in force and effect from and after its passage and publication according to law.

PASSED AND ADOPTED by the Common Council of the City of Austin, Indiana on the 11th day of APRIL, 2016.

COMMON COUNCIL
CITY OF AUSTIN, INDIANA

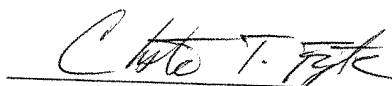


Don Campbell, President

Attest:



Chris Fugate, Clerk-Treasurer

Presented by me to the Mayor of the City of Austin for his approval or veto pursuant to Indiana Code § 36-4-6-15 and 16, this 11th day of APRIL, 2016 at 6:30 p.m.

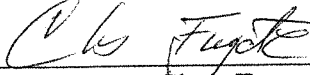


Chris Fugate, Clerk-Treasurer

This Ordinance having been passed by the legislative body and presented to me is approved by me and duly adopted, pursuant to Indiana Code § 36-4-6-16(a)(1), this 11th day of APRIL, 2016 at 6:30 p.m.


Dillo Bush, Mayor

Attest:


Chris Fugate, Clerk-Treasurer

PREPARED BY: Joshua Stigdon
Houston, Thompson and Lewis, P.C.
49 E. Wardell St.
Scottsburg, IN 47170