

ARTICLE 4. SPECIFIC REQUIREMENTS GOVERNING FOWL AND LIVESTOCK

Sec. 5-36. Acreage requirements for certain domestic animals and fowl.

(a) Any person desiring to raise any of the following-named domestic animals or fowl must have a minimum of five (5) acres of land:

- (1) Cattle, ox or other livestock
- (2) Donkey, ass, burro, mule
- (3) Pig, swine, hog, pot-bellied pig
- (4) Sheep
- (5) Goats
- (6) Roosters, geese, turkeys, ducks or other fowl, not including Urban Chickens or racing, homing, rolling and fancy pigeons
- (7) Bison
- (8) Llamas
- (9) Horses
- (10) Rabbits are excluded

(b) The maximum number of such animals which may be maintained on such property shall be determined based on current animal husbandry and veterinarian standards.

(c) Any person desiring to raise rabbits as pets or racing, homing, rolling and fancy pigeons within the City limits must keep such animals and birds in safe and sanitary conditions so that a public nuisance as defined in this chapter is not created.

(d) In no event shall the shelter and feeding area for any of the animals or fowl listed in this section be closer than fifty (50) feet from an adjoining property line, excluding roosters, geese, turkeys, ducks, or other fowl, not including Urban Chickens or racing, homing, rolling and fancy pigeons.

Sec. 5-37. Urban chicken regulations.

(a) Any person owning or harboring one (1) or more chickens (roosters are not permitted and no more than six (6) chickens permitted) in a residentially zoned district must comply with the following:

- (1) Shall have a current Chicken Coop Permit on file with the Division of Animal Welfare.
- (2) Shall register with the Board of Animal Health (BOAH), forms are available at the website www.in.gov/boah
- (3) Residence shall be a single-family dwelling (multi-family dwellings do not qualify)
- (4) Coop shall be constructed with solid sides, doors and roof.
- (5) Doors shall shut securely and be secured with a lock.
- (6) Coop shall have vents that are covered with wire.
- (7) Coop shall be impermeable to predators and rodents
- (8) Coop shall provide at least eighteen inches (18") of height and one (1) square foot of space per chicken
- (9) Pen shall be impermeable to predators and rodents

- (10) Pen shall provide a minimum of two (2) square feet per chicken and the fence height must not exceed six feet (6')
- (11) Pen shall be covered with wire, aviary net or a solid roof
- (12) Both the coop and pen location shall be situated behind the residential structure and be a minimum of fifteen feet (15') from any property line and twenty feet (20') from any residential dwelling.

(b) Anyone desiring to raise one (1) or more urban chickens within the City limits must comply with the animal care regulations set forth in this Chapter, and the requirements applicable to chickens incorporated into Chapter 21 of the South Bend Municipal Code.

Sec. 5-38. Pigeon regulations.

- (a) Any person owning or harboring racing, homing, rolling or fancy pigeons in a residentially zoned district must:
 - (1) Have a shelter in which the pigeons are kept, known as a Pigeon Loft, and have a current Pigeon Loft Permit on file with the Division of Animal Welfare.
 - (2) Use a Pigeon Loft meeting the following qualifications:
 - i. constructed with solid sides, doors and roof,
 - ii. doors that shut securely and be secured with a lock,
 - iii. vents that are covered with wire,
 - iv. impermeable to predators and rodents,
 - v. provide at least eighteen inches (18") of height and one (1) square foot of space per pigeon,
 - vi. provide a minimum of two (2) square feet per pigeon,
 - vii. covered with wire, aviary net or a solid roof,
 - viii. dry and free of moisture, and
 - ix. situated behind the residential structure and be a minimum of ten feet (10') from any property line and fifteen feet (15') from any residential dwelling.
- (b) Anyone desiring to raise racing, homing, rolling or fancy pigeons within the City limits must comply with the animal care regulations set forth in this Chapter, and the requirements applicable to racing, homing, rolling or fancy pigeons incorporated into Chapter 21 of the South Bend Municipal Code.

Secs. 5-39 – 5-42. Reserved.

ARTICLE 5. SPECIFIC REQUIREMENTS GOVERNING RENTAL HORSES

Sec. 5-43. Housing/stable requirements.

- (a) Walls and ceilings. Walls and ceilings shall be kept clean, in good repair, and free of physical hazards at all times. Stall walls shall be constructed of a safe and secure material, with boarding set beginning at ground level and close enough to prevent the "casting" of a horse.
- (b) Floors. Floors shall be level and free of holes or openings and shall provide proper drainage. No horse shall be stabled on a concrete floor without adequate cushioning.

- (c) Storage areas. Feed shall be kept in storage areas constructed to permit extermination treatment in order to be made rodent and insect proof. Feed storage area shall allow no harborage and be kept vermin free. Storage of feed concentrates shall be in an area inaccessible to the horses.
- (d) Ventilation. Adequate ventilation shall be maintained but should not cause exposure to drafts in stables during cold weather. All stable areas shall be adequately lighted by natural or artificial means so as to permit effective and safe activities through day and night.
- (e) General sanitation. All interior areas of stable and all exterior areas surrounding a stable shall be kept clean, properly drained and free of nuisances including, but not limited to, odors and accumulation of refuse or excrement. Manure accumulations shall be removed from the premises weekly to prevent rodent and vermin activity.
- (f) Stalls. Each stall shall house only one (1) horse or pony. Stalls shall be attended to daily ensuring clean, dry and sufficient bedding of straw, shavings or other suitable material which shall be changed as often as necessary to maintain them. The ceiling and shortest wall of the stall shall measure three (3) feet greater than the height of the horse at the withers.

Sec. 5-44. Rental horse regulations.

- (a) Rental horses shall not be left untethered or unattended except when confined in a stable or other enclosure.
- (b) While at work, rental horses shall be allowed to drink. However, a rental horse shall not be allowed to drink in large quantities unless it is first rested. Water shall be offered at frequent periods throughout the day or in the case of horses not at work, water shall always be available. Troughs shall be cleaned daily. Sufficient nutritional foods and water shall be provided free of dust, mold, vermin and other contaminants. Rental horses shall be fed at least twice daily with the larger feeding being provided after the horse has completed work.
- (c) Certified weights of all horses and horse drawn vehicles shall be registered with the Division of Animal Welfare annually. At the discretion of the Division of Animal Welfare, when supported by the opinion of a consulting veterinarian, a rental horse within a business may be restricted in regard to pulling/riding capacity, based on individual characteristics and abilities.
- (d) No rental horse shall be at work for more than eight (8) hours a day. There shall be a rest period of fifteen (15) minutes for every two (2) working hours. During such rest periods, the person in charge of such horse shall make fresh water available to the horse.
- (e) Rental horses shall not be worked in temperatures below -0 F., with wind chill factor applied. At no time shall a rental horse be at work when the sum of the relative humidity and ambient temperature exceeds 100°. For the purposes of this subdivision, temperatures shall be those measured "downtown" and broadcast by the local radio stations. An operator of a rental horse already at work at the time the temperatures reach the above described conditions shall return the passengers to the point of loading and rest the horse in shelter conditions. Thereafter, such horses may be worked only when the weather conditions once again reach acceptable limits.
- (f) Rental horses shall not work on a public highway, street or path during adverse weather or other conditions which are a threat to the health or safety of the horse or the public. Adverse weather conditions may include but shall not be restricted to snow, ice, heavy rain, slippery conditions or excessive heat.

- (g) Carriage companies shall always equip all carriages/horses with a manure catching device for use while working.
- (h) No horse-drawn carriage shall be driven at a speed faster than a trot at any time. All such carriages shall adhere to state law on slow moving vehicles. No horse drawn carriage shall be operated between the hours of 7:00 a.m. through 9:30 a.m. and 3:30 p.m. through 6:00 p.m., Monday through Friday.
- (i) It shall be the responsibility of the owner/operator of a rental horse drawn carriage to ensure there is a slow-moving vehicle emblem displayed on each carriage, whenever the carriage is moved, operated, or driven. The triangular slow-moving vehicle emblem will be mounted as near as is practicable to the center of mass and at an approximate height of not less than three (3) and not more than five (5) feet from level ground or surface. The emblem shall be mounted so as to be entirely visible from the rear, day or night.
- (j) It shall be the responsibility of the owner/operator of a rental horse drawn carriage to ensure there are flashing lamps mounted and in use whenever the carriage is moved, operated, or driven one (1) hour before sunrise and one (1) hour after sunset. A red or an amber flashing lamp will be mounted at a height as low as practicable that is visible from a distance of not less than five hundred (500) feet to the rear. Also, a double-faced flashing lamp may be used, displaying amber light to the front and red or amber light to the rear.
- (k) Every horse whose use requires a license hereunder shall be examined by a veterinarian prior to its use in a rental horse business, and thereafter at intervals of not less than once a year. The horse shall be examined and treated for internal parasites. Its general physical condition shall be evaluated, which examination shall include but not be limited to, inspection of teeth, hooves, and shoes, and for its physical ability to perform the work or duties required of it. The examination shall also include a record of any injury, disease, or deficiency observed by the veterinarian at the time, together with any prescription or professional recommendation regarding humane correction or disposition of the same. An Indiana health certificate containing the above information and signed by the examining veterinarian shall be maintained at the stable premises at which such horse is located, and shall contain the identification number, age and condition of the horse. With a copy on file with Division of Animal Welfare.
- (l) The rental horse business shall take immediate action to obtain veterinary treatment, care and attention when any horse is or becomes sick, diseased, lame or injured. If a horse dies while at work or in the stable area or is involved in an accident resulting in an injury to a horse, the Division of Animal Welfare shall be notified immediately.
- (m) A horse covered by this subchapter which is or becomes lame or suffers from a physical condition or illness making it unsuitable for work shall be removed from work by the rental horse business or may be ordered removed from work by the Division of Animal Welfare. In the event of a dispute regarding such physical condition or illness, the Division of Animal Welfare may require that a rental horse be examined by a veterinarian in order to determine its ability to safely work as a rental horse. The cost of any such examination shall be borne solely by the rental horse company. A horse which has been removed from work under this section shall not be returned to work until it has recovered from the condition which caused removal from work, or until such condition has improved sufficiently that its return to work will not aggravate the condition or otherwise endanger the health of the horse. A violation of this section shall be presumed if a horse is found at work in a sick or disabled condition within

forty-eight (48) hours after its removal from work for the same condition which caused such removal. Such presumption may be rebutted by offering a written statement from a veterinarian who examined the horse after the time of removal from work but prior to its return to work, which statement sets out the veterinarian's professional evaluation of the condition and his/her opinion that it was suitable for the horse to return to work prior the expiration of the 48-hour period. This statement shall be carried with the horse during the presumed 48-hour recovery period and provided to the Division of Animal Welfare upon request.

- (n) Saddles, blankets, harnesses, bridles and bits and all other equipment shall be properly fitted to each horse, kept in good repair, and in good operating condition.
- (o) Horses shall be kept clean while at work and in the stable. Horses shall be trimmed and shod a minimum of once every six (6) weeks or sooner if necessary.

Sec. 5-45. Excepted from coverage.

- (a) Rental horse business as defined in Sec. 5-2 is not covered by Sec. 5-70 and is governed solely by the licensing provisions of this article.

Secs. 5-46 – 5-50. Reserved.

ARTICLE 6. SPECIFIC REQUIREMENTS GOVERNING HONEY BEE KEEPING

Sec. 5-51. Legislative findings.

- (a) The Common Council finds that honey bees can be maintained within populated areas without causing a nuisance, if honey bees are properly located, managed, and maintained.
- (b) Honey bees are a benefit to society by pollinating flowers, gardens and trees and thereby contributing to the local ecosystem; as well as furnishing honey, wax, and other useful products.
- (c) The regulations set forth in this article are in the best interests of the health, safety and welfare of the City.

Sec. 5-52. Definitions.

- (a) As used in this Article, the following words, terms and phrases shall have the meanings set forth herein:
 - (1) *Apiary* means the assembly of one (1) or more hives or colonies of honey bees at a single location.
 - (2) *Beekeeper* means a person who keeps honey bees in hive(s) which meet state approved requirements.
 - (3) *Beekeeping equipment* means anything used in the operation of an apiary, such as hive bodies, supers, frames, top and bottom boards and extractors.
 - (4) *City* means the City of South Bend, Indiana.
 - (5) *Colony* means the entire honey bee family or social unit living together including the queen, workers and drones.

- (6) *Flyway barrier* means fencing, dense hedging or a combination of the two (2), which provides a shield or protective barrier from the direction in which the honey bees fly when approaching or leaving a hive.
- (7) *Hive* means a frame or structure used or employed as a domicile for honey bees which meet state approved requirements.
- (8) *Honey bee* means the common domestic honey bee, limited to the *Apis mellifera* species, specifically excluding the African honey bee, *Apis mellifera scutellata* or Africanized honey bee, or any hybrid thereof.
- (9) *Lot* means a piece, parcel, plot or tract of land designated by its owner or developer to be used, developed or built upon as a unit under single ownership or control and may consist of:
 - i. A single lot or record; or
 - ii. A combination of complete lots of record.

Sec. 5-53. Honey bee keeping public safety regulations.

- (a) Any person desiring to raise the common domestic honey bee, limited to the *Apis mellifera* species, must comply with the following public safety regulations.
- (b) No hive shall exceed seventeen (17) cubic feet in volume.
- (c) Location requirements.
 - (1) Where a lot has a fence, hives must maintain a four (4) foot radial distance from the property line as measured from the center of the hive.
 - (2) Where a lot does not have a fence, hives must maintain a four (4) foot radial distance from the lot line as measured from the center of the hive. The beekeeper must also install a flyway barrier no further than four (4) feet in front of the hive entrance.
 - (3) In no event shall a hive be located closer than ten (10) feet from a public sidewalk.
 - (4) Colonies may be kept on flat roofs without setback or flyway barrier restrictions.
 - (5) For a lot without a perimeter fence, a fence which surrounds the entire hive(s) shall be compliant with the zoning regulations set forth in South Bend Municipal Code § 21-02.11 and apiary practices.
 - (6) A fresh supply of water shall be provided for all hives.
- (d) No more than _____ active hives are allowed per _____.
- (e) The honey bees and equipment shall be maintained in accordance with the applicable provisions of the Indiana Code and apiary practices addressing honey bees recommended by the State of Indiana's Apiary Inspector(s) with the Indiana Department of Natural Resources Department of Entomology Division of Entomology and Plant Pathology Purdue University being recognized on the official State of Indiana website.

Sec. 5-54. Compliance required; penalties.

- (a) It shall be unlawful for any person to keep or maintain an apiary, hive, or colony in the City which is not in compliance with this Article.

- (b) No person shall move, tamper with, handle, or otherwise disturb or molest or cause to be moved, tampered with, handled, or otherwise disturbed or molested any colonies, materials, or appliances without a written permit from the Division of Animal Welfare or their duly authorized representatives.
- (c) Any person violating any of the provisions of this Article shall be issued a citation by the Division of Animal Welfare which provides for a fine of seventy-five dollars (\$75.00) per violation payable through the Ordinance Violations Bureau.
- (d) Each violation shall constitute a separate and distinct offense. Every day any violation of this Article shall continue shall constitute a separate offense.
- (e) Any apiary, hive or colony which threatens public health or safety; or creates a public nuisance; or which has been abandoned is unlawful. The City is authorized to take all reasonable action including removal and/or destruction of any apiary, hive or colony which is deemed necessary.

Secs. 5-55 – 5-59. Reserved.