

**AN ORDINANCE TO REGULATE FARM ANIMALS  
WITHIN THE TOWN OF MONROE, STATE OF INDIANA**

WHEREAS, Indiana Code §36-1-3, et seq. confers upon units of government within the State of Indiana such powers as necessary or desirable to conduct the affairs of local government;

WHEREAS, the Town of Monroe is a municipality within the State of Indiana and Indiana Code §36-5-2-2 provides that the Town Board for the Town of Monroe (hereinafter referred to as the “Town Board”) is the legislative body for the Town of Monroe;

WHEREAS, Indiana Code §36-5-2-9 provides that a legislative body may adopt ordinances and resolutions for the performance of the functions of the town;

WHEREAS, the Town Board desires to adopt an ordinance regulating farm animals within the Town of Monroe;

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF MONROE, INDIANA, AS FOLLOWS:

**Section 1. Definitions.**

- A. “*Farm Animals*” shall mean, any livestock or animals that are typically found on or within agricultural properties and shall include, but are not limited, to live cattle, cows, chickens, ducks, geese, goats, hogs, horses, sheep or turkeys.
- B. “*Farm Animals Prohibited Conduct*” shall include, but not by way of limitation, the following:
  - i. Allowing Farm Animals to run at large within the Town of Monroe, including sidewalks, streets or private property;
  - ii. Allowing Farm Animals to destroy personal or real property within the Town of Monroe;
  - iii. Allowing Farm Animals to disturb residents of the Town of Monroe by noises that include, but are not limited to braying, clucking, mooing, quacking or other noises that emanate from Farm Animals located within the Town of Monroe;
  - iv. Allowing Farm Animals to defecate or urinate within the Town of Monroe on property that is not owned by the Farm Animals’ owner;
    - (a) Horses pulling equine-drawn vehicles shall be excluded from this aforementioned provision;
  - v. No Farm Animals may be kept within the Town of Monroe limits unless the Farm Animals are maintained on real property in excess of one (1) acre.
  - vi. No roosters shall be kept within the Town of Monroe limits.
  - vii. Residents of the Town of Monroe may not keep more than six (6) chickens within the Town of Monroe Limits.

- viii. Any real property owner who allows Farm Animals to be maintained on their property shall ensure that such Farm Animals are provided with adequate food, water, shelter and medical care.

## Section 2. Enforcement.

- A. *Inspections.* The Town Board shall have authority to issue written citations to the property owners upon whose land Farm Animals are found in violation of this ordinance.
- B. *Right of Entry.* The Town Board shall have the right to enter upon all real property located within the Town of Monroe for purposes of inspection of said property and enforcement of this ordinance.
- C. *Emergency Right to Enter and Cure.* If any Farm Animal or Farm Animals present an immediate and imminent threat to life, health or safety of the public or other properties, then the Town Board shall have the right to enter the real property for purposes of relieving and/or abating the emergency created by the Farm Animal or Farm Animals.
- D. *Notice to Property Owner.* The Town Board shall provide the property owner with written notice of the violation via United States first class mail following an inspection of the owners' real property and observed violations or upon relieving or abating an emergency as described herein.
- E. *Owners' Right to Cure and/or Appeal.* After receiving the notice from the Town Board, the owner shall have five (5) days to cure the violation identified therein. The real property owner receiving the notice shall have the right to appeal for a period of five (5) days following the receipt of the notice. The appeal must be filed with the Town Board, in writing, within five (5) days of receipt of said citation.

## Section 3. Violations.

- A. *Per Se Violations.* It shall be a per se violation for a property owner to permit any Farm Animals to engage in Farms Animals Prohibited Conduct or exist under conditions of Farm Animals Prohibited Conduct as described above-herein within the Town of Monroe. In addition, it shall be a violation for a person to permit Farm Animals to create conditions that are immediate and imminent threats to life, health or safety of the public or other properties within the Town of Monroe.
- B. *Willful and Intentional Violations.* Any landowner who willfully or intentionally violates this ordinance shall, to the extent permitted by law, be liable to the Town Board to collect from the offender reasonable attorney fees, court costs, litigation expenses, and other reasonable costs and expenses incurred by the Town Board in the enforcement of this ordinance and in obtaining a restraining order and other enforcement remedies against the offender.

## Section 4. Penalties.

- A. *Fines.* The Town Board may fine property owners who violate this ordinance in the amount of One Hundred and 00/100 Dollars (\$100.00) for each separate offense, with a maximum penalty of One Thousand and 00/100 Dollars (\$1,000.00) per day. A land owner who commits a violation of this ordinance is subject to enforcement pursuant to the procedures provided in Indiana Code §34-28-5-1.

- B. *Restraining Orders.* The Town Board may seek a temporary and/or permanent restraining order against any real property owner who violates this ordinance in any court of competent jurisdiction.
- C. *Cumulative Remedies.* The Town Board's remedies hereunder shall be cumulative and pursuit of one remedy shall not preclude the pursuit of others under this ordinance.

Section 5. Tax Lien. If the owner fails to pay the invoice and/or the fines imposed by the Town Board, or file a written appeal as required herein, the Town Board shall certify to the Adams County Auditor the amount the Town Board incurred to cure and abate the violation(s), including any administrative costs associated with said abatement. The Adams County Auditor shall place the certified amount on the tax duplicate against the real estate and the amount shall be collected as taxes are generally collected and when collected dispersed to the Town of Monroe for Deposit in the Town of Monroe's general fund.

Section 6. Effectiveness. This ordinance shall be in full force and effect from and after its passage and approval as required by law.

[Signatures to this ordinance follow on page 4.]

ADOPTED, by the Town Board for the Town of Monroe, State of Indiana, this \_\_\_\_ day of June, 2024 by a vote of \_\_\_\_\_ ayes and \_\_\_\_ nays.

TOWN BOARD FOR THE TOWN OF MONROE, STATE OF INDIANA

David Bard  
David Bard, Town Board Member

Josh Geerken  
Josh Geerken, Town Board Member

Mike Geels  
Mike Geels, Town Board President

ATTESTED: Rachel Tague  
Rachel Tague, Monroe Clerk-Treasurer