

ADAMS COUNTY ORDINANCE NO.: 2018 - 6

SHORT TITLE: AN ORDINANCE OF THE BOARD OF COMMISSIONERS, COUNTY OF ADAMS, STATE OF INDIANA, AMENDING CHAPTER 17 OF THE ADAMS COUNTY ORDINANCES REGULATING THE PROCEDURES AND REQUIREMENTS FOR OPERATING A COMMERCIAL DOG BREEDING FACILITY

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

WHEREAS, the Board of Commissioners, County of Adams, State of Indiana desire to adopt amended regulations, procedures and requirements for operating a commercial dog breeding facility; and,

WHEREAS, the Adams County Plan Commission hereby has made recommendation to the Board of Commissioners, County of Adams, State of Indiana, to make amendments to the existing regulations governing procedures and requirements for operating a commercial dog breeding facility;

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE COUNTY OF ADAMS, STATE OF INDIANA AS FOLLOWS:

The Board of Commissioners, County of Adams, State of Indiana, hereby adopts this Ordinance No. 2018-6, thereby amending the procedures and requirements for operating commercial dog breeding facility as follows:

***CHAPTER 17 PROCEDURES AND REQUIREMENTS FOR OPERATING
A COMMERCIAL DOG BREEDING FACILITY***

2-17-1 DEFINITIONS

A. Commercial Dog Breeders. A "commercial dog breeder" for purposes of this ordinance is defined as a person who maintains three (3) or more unaltered female dogs that are at least twelve months of age. A person may not operate as a commercial dog breeder in Adams County, Indiana without being registered with the Adams County Office of Building and Planning.

B. Hobby breeder is a person who maintains two or fewer unaltered female dogs that are at least twelve months of age for resale.

C. Housing facility is defined as any land, premises, shed, barn, building, trailer, or other structure or area that houses or is intended to house dogs.

D. Impervious surface means a surface that does not permit the absorption of fluids. Such surfaces are those that can be thoroughly and repeatedly cleaned and disinfected, will not retain odors, and from which fluids bead up and run off or can be removed without their being absorbed into the surface material.

E. Indoor housing facility means a housing facility with environmental controls that meets the following standards:

1. The enclosure has a roof, floor, and walls.
2. The enclosure has at least one door and the windows are covered with glass or hard plastic.
3. The environmental controls for the enclosure are capable of controlling the temperature within the enclosure, maintaining humidity levels of 30 to 70 percent within the enclosure, and of rapidly eliminating odors from the structure.

F. Mobile or traveling housing facilities means a transporting vehicle (truck or trailer) used to house dogs while traveling for exhibition.

G. Outdoor housing facility means any structure, land or premises housing or intending to house animals in which temperatures cannot be controlled within set limits and that does not meet the definition of "indoor housing facility", "sheltered housing facility" or "mobile or traveling housing facility".

H. Primary enclosure means any structure or device used to restrict an animal or animals to a limited amount of space, such as a room, pen, run, cage, or compartment

L Sheltered housing facility means a housing facility that provides the animals with shelter, protection from the elements, and protection from temperature extremes at all time. The facility may consist of pens or runs that are totally inside or that are indoor/outdoor.

2-17-2 REGISTRATION

- A. **Initial Application.** All persons and entities that seek to operate as a commercial dog breeder operation must submit an application to the Adams County Office of Building and Planning prior to commencement of his/hers/its operation as a commercial dog breeder business. The initial application to operate a commercial dog breeder business shall contain, at a minimum, the following:
- a. **Veterinarian Information.** Each application to operate a commercial dog breeding business located in Adams County must include the name, address and telephone number of the Indiana licensed veterinarian who will be responsible for administering veterinary medicine to all breeding females and puppies located at a commercial dog breeder's breeding, housing and shelter facilities located in Adams County.
 - b. **Manure Management Plan.** Each application to operate a commercial dog breeding business located in Adams County must include a manure management plan for the disposal, storage and removal of dog manure generated at the commercial dog breeder's breeding, housing and shelter facilities located in Adams County.
 - c. **Disposal of Dead Animals.** Each application to operate a commercial dog breeder business located in Adams County must include the means as to how deceased dogs will be disposed by the commercial dog breeder's breeding, housing and shelter facilities located in Adams County.
 - d. **Other Required Information.** Each application to operate a commercial dog breeder business in Adams County must contain site and building specific information as required on the initial application.
 - e. **Hearing.** Each application to operate a commercial dog breeding business in Adams County must be presented for hearing before the Adams County Office of Building and Planning and approved by the Adams County Plan Commission prior to an applicant being registered for their initial term of registration to operate a commercial dog breeder business in Adams County.

- B. Initial Registration.** Upon the approval of the Adams County Plan Commission of an application for a person or entity to operate a commercial dog breeder business in Adams County, said person or entity shall be registered to operate a commercial dog breeder business for the initial term , which will terminate on February 1 immediately following Plan Commission Approval . Subject to the terms of renewal, subsequent terms will be for one (1) year or the next succeeding 1st day of February, which ever shall first occur.
- C. Annual renewal.** A commercial dog breeder must renew its registration each year on or before February 1st.
- a. Compliance.* Each commercial dog breeder shall submit documentation in a form acceptable to the Adams County Department of Building and Planning that they are in compliance with their veterinarian registration, manure management plan and their disposal of dead animals and all other criteria required by the Department of Building and Planning, or as required by applicable State law, including annual U.S.D.A annual inspection reports.
- b. Penalty for Failure to Renew Registration.* Each commercial dog breeder that receives approval of their initial application by the Adams County Planning Commission and who fails to file for its renewal registration by February 1 shall be subject to a daily recurring fine in the amount set forth in Section 2-17-5(2) herein.
- D. Breeding Age Information.** A commercial dog breeder shall provide information concerning the earliest age at which a female dog will be bred and at what age a female dog will be retired from breeding .
- E. Owner/Operator.** All applicants for commercial dog breeding shall provide the name and address of the owner of each of the dogs and the operator of the facility. The owner of the dog(s) and operator of the facility shall each be liable for any violations of this Chapter. All owners of land upon which a facility is or will be located shall sign the application. All owners of dogs that are or will be located upon the premises shall sign the application.
- F. Avoidance.** A person may not avoid registering by moving dogs to more than one premises. If there are three (3) or more unaltered female dogs on a premises, there must be a registration for the premises even if there is more than one owner for the dogs.
- G. Registration Fee.** The fee to register or renew a registration as a commercial dog breeder is based on the number of unaltered female dogs at least twelve months of age maintained by the breeder. The fees are:

<i>Number of Unaltered Female Dogs at Least Twelve Months of Age</i>	<i>Annual Fee</i>
3 to 9	\$100
10 to 19	\$200
20+	\$250

Payments may be made by check or money order made payable to "Adams County Treasurer" and mailed to 313 West Jefferson Street, Suite 338, Decatur, IN 46733.

- H. Number of Unaltered Females.** In determining the number of unaltered females , the calculation shall be as follows:

- a.* All unaltered dogs at one (1) location shall be counted when determining the total number, regardless of who owns the dogs.
- b.* All unaltered female dogs owned by the same person(s) or entity shall be counted when determining the total number, regardless of location of the dogs.

I. Exemptions from Registration. The commercial dog breeder registration and operating requirements do not apply to the following:

- (1)* an animal shelter;
- (2)* a humane society;
- (3)* an animal rescue operation;
- (4)* a hobby breeder;
- (5)* a person who breeds at least seventy-five percent of the person's dogs as service dogs or as dogs for use by the police or the armed forces.

An "animal rescue operation" is defined as a person or organization:

- (1)* that accepts within one year:
 - (A)* more than twelve dogs; or
 - (B)* more than nine dogs and more than three unweaned litters of puppies; that are available for adoption for human companionship as pets or as companion animals in permanent adoptive homes and that are maintained in a private residential dwelling; or
- (2)* that uses a system of private residential dwellings as foster homes for the dogs. The term does not include a person or organization that breeds dogs.

2-17-3 COMMERCIAL DOG BREEDER FACILITY AND OPERATING STANDARDS

- A. USDA Standards.** A commercial dog breeder shall comply with the standards of care adopted by the United States Department of Agriculture (USDA) in 9 CFR 3.1 through 9 CFR 3.12 and shall receive certification or approval from USDA
 - a.* If USDA delays certification until the dog breeding facility has been built and populated, the Owner/Operator shall have six (6) months from the date the operation begins until USDA certification or approval must be received.
- B. Minimum Standards.** This ordinance represents the minimum standards that Adams County, Indiana commercial dog breeders must meet. The county encourages willing commercial dog breeders to use facility and operating standards that exceed these minimum standards.
- C. Record Keeping and Notice to Consumers.** A commercial dog breeder is required to:
 - a.* Indicate that the person is registered in a place clearly visible to the public.
 - b.* Provide a consumer with a copy of a dog's vaccination, medication, and treatment records at the time the consumer purchases, exchanges, or adopts the dog.
 - c.* Maintain records of all animal deaths at the facility on a form provided by the County.
 - d.* Maintain the records required by this ordinance for at least five years.

D. Housing Facility Standards

1. General Requirements for All Housing Facilities:

- a. Housing facilities for dogs must:
 - i. Be structurally sound.
 - ii. Be kept in good repair.
 - iii. Protect the animals from injury.
 - iv. Contain the animals securely.
 - v. Restrict other animals from entering.

- b. Housing areas and animal food and bedding storage areas must:
 - i. Be free of accumulated trash, waste material, junk, and weeds.
 - ii. Be neat and free of clutter, including unnecessary equipment, furniture, and other material.

- c. The materials and construction of surfaces of dog housing facilities must:
 - i. Be readily cleanable and sanitizeable, or removed or replaced when worn or soiled.
 - ii. Any surfaces that come in contact with dogs must:
 - A. Be free of excessive rust that prevents cleaning and sanitizing or compromises structural strength.
 - B. Be free of jagged edges or sharp points.
 - iii. Be maintained on a regular basis.

- d. Dog housing facilities must be cleaned as follows:
 - i. Hard surfaces that dogs may contact must be spot-cleaned daily.
 - ii. Floors made of dirt, absorbent bedding, gravel, grass, or similar materials must be raked or spot cleaned with sufficient frequency to ensure all animals can avoid contact with excreta. Contaminated material must be replaced if raking and spot- cleaning does not prevent odors, insects, pests, or vermin.
 - iii. All other surfaces must be cleaned and sanitized as needed to meet generally accepted husbandry standards.

- e. Dog housing facilities must:
 - i. Have reliable systems for adequate heating, cooling, ventilation, lighting, and for carrying out husbandry requirements.
 - ii. Provide adequate potable water for drinking, cleaning, and carrying out husbandry requirements.
 - iii. Provide readily accessible washing facilities, for animal caretakers.

- f. Supplies of food and bedding must be:
 - i. Stored in a manner that prevents spoilage, contamination, and vermin infestation.
 - ii. Stored off of the floor and away from walls.
 - iii. Stored in a manner that prevents deterioration of the food's nutritive value (including refrigeration if necessary).
 - iv. Open supplies of food and bedding must be stored in leak proof containers with tight fitting lids.
 - v. Only food currently being used may be stored in animal areas.
 - vi. Substances needed for animal husbandry but that are toxic to the animals may not be stored in food storage and preparation areas. These substances may be stored in cabinets in the animal areas.

g. Housing facility operators must provide for regular and frequent collection, removal, and disposal of animal and food waste, bedding, debris, garbage, dead animals, water and other fluids and wastes in a manner that minimizes contamination and disease risks. Housing facilities must have disposal facilities and drainage systems that:

- i.* Are constructed and operated to rapidly remove animal waste and keep animals dry. Standing puddles of water in animal enclosures are prohibited.
- ii.* Minimize vermin and pest infestation, insects, odors, and disease hazards.
- iii.* Have properly constructed and maintained drains, including traps to prevent gas and sewer backup.
- iv.* Settlement ponds, if used, must be located far enough away from buildings to prevent odors, diseases, pests, and vermin infestation.
- v.* Utilize trash containers in housing areas and food storage and preparation areas that are leak proof and that have tight fitting lids on at all times.
- vi.* Do not store dead animals and animal waste in food storage or food preparation areas.

2. Indoor Housing Facilities and Sheltered Housing Facilities Requirements:

a. Temperature. Indoor housing facilities and the sheltered part of sheltered housing facilities must be heated and cooled to protect the dogs from temperature or humidity extremes and to provide for their health and well-being. When dogs are present, the ambient temperature in the facility must:

- i.* Not fall below forty-five degrees Fahrenheit and must not rise above eighty-five degrees Fahrenheit for more than four consecutive hours.
- ii.* Not fall below fifty degrees Fahrenheit if the dogs not acclimated to lower temperatures, or are short haired breeds that cannot tolerate lower temperatures, sick, aged, young or infirm dogs.

b. Ventilation. Indoor housing facilities and the sheltered part of sheltered housing facilities must be ventilated to provide for the health and well-being of the dogs and to minimize odors, drafts, ammonia levels, and moisture condensation. When the ambient temperature is eighty-five degrees or higher, additional ventilation must be provided. The relative humidity must be maintained at a level that ensures the health and wellbeing of the dogs according to the directions of the kennel veterinarian and generally accepted professional husbandry practices.

c. Lighting. Indoor housing facilities must be lighted well enough to permit routine inspection, cleaning, and observation of the dogs. Animal areas must have a regular diurnal lighting cycle of either natural or artificial light. Primary enclosures must be protected from excessive light.

d. Surfaces. The following surfaces must be impervious to moisture:

- i.* Floors, walls, and ceilings of indoor housing facilities. The ceiling may be porous if it is replaceable, such as a suspended ceiling with replaceable tiles.
- ii.* Indoor floor areas of sheltered housing facilities.
- iii.* Outdoor floor areas of sheltered housing facilities that are made of a hard material such as wire, wood, metal, or concrete.
- iv.* Outside floor areas of sheltered housing facilities that are made of compacted earth, absorbent bedding, sand, gravel, or grass and that are not exposed to the direct sun.

e. Shelter. Sheltered housing facilities must provide dogs adequate shelter from the elements at all times. The shelter structures must be large enough to allow each animal to sit, stand, and lie in a normal manner and to turn about freely.

3. Outdoor Housing Facilities

- a.* The following dogs may not be kept in an outdoor housing facility unless an attending veterinarian approves the practice in writing:
- i.* Dogs that are not acclimated to the area's prevalent temperatures.
 - ii.* Breeds of dogs that cannot tolerate the area's prevalent temperatures without stress or discomfort.
 - iii.* Sick, infirm, old or young dogs. If the acclimation status of a dog is not known, the dog may not be in an outdoor facility when the temperature is less than fifty degrees Fahrenheit.
- b.* Outdoor facilities must include one or more shelter structures that must:
- i.* Be accessible to each animal.
 - ii.* Be large enough to allow each animal to sit, stand, and lie in a normal manner and turn around freely.
 - iii.* Contain a roof, four sides, and a floor.
 - iv.* Provide adequate protection from the cold and heat.
 - v.* Provide protection from direct sunlight, wind, rain, and snow, including a wind and rain break at the entrance.
 - vi.* Contain clean and dry bedding material if the ambient temperature is below fifty degrees Fahrenheit and contain additional bedding if the temperature is below thirty-five degrees Fahrenheit.
 - vii.* Provide one or more separate outside areas of shade must be provided that are large enough to protect all of the animals from the sun.
- c.* Outdoor facilities must be constructed as follows:
- i.* Building surfaces in contact with the animals must be impervious to moisture.
 - ii.* Metal barrels, cars, appliances and the like may not be used as shelter structures.
 - iii.* Floors may be made of compacted earth, bedding, sand, gravel, or grass and must be replaced if there are any prevalent odors, diseases, insects, pests, or vermin.
 - iv.* All surfaces must be maintained regularly and if they cannot be cleaned and sanitized they must be replaced when worn or soiled.

4. Primary Enclosure Standards

- a. General requirements.* Primary enclosures/or dogs must be designed, constructed, and kept in good repair and must:
- i.* Be made of suitable materials.
 - u.* Be structurally sound.
 - iii.* Be kept in good repair.
 - iv.* Have no sharp points or edges that could injure an animal.
 - v.* Protect the animal from injury.
 - vi.* Contain the animals securely.
 - vii.* Keep other animals from entering the enclosure.
 - viii.* Enable the dogs to stay dry and clean.
 - ix.* Provide shelter and protection from extreme temperatures and weather conditions that may be uncomfortable or hazardous to the dogs.
 - x.* Provide sufficient shade to shelter all of the animals in the enclosure at one time.
 - xi.* Provide all of the dogs easy and convenient access to clean food and water.
 - xii.* Enable all surfaces in contact with the dogs to be readily cleaned and

- sanitized, or be replaced when worn or soiled.
- xiii.* Floors must be constructed in a manner that protects the dogs' feet and legs from injury. If the floor is mesh or slatted, the floor may not allow a dog's feet to pass through openings in the floor.
 - xiv.* Suspended floors must be strong enough so that the floor does not sag or bend between the structural supports.

b. Size of a Primary Enclosure. Primary enclosures must provide sufficient space to allow each dog to turn about freely, to stand, to sit, and lie in a comfortable, normal position, and to walk in a normal manner. Tethering as a primary enclosure is prohibited. Wire cages are subject to additional requirements outlined in the next subsection.

For the purposes of this ordinance, the length of a dog is determined by measuring the dog from the tip of its nose to the tip of its tail.

c. The primary enclosure must be the following size or larger:

- i.* Each dog must be provided a minimum amount of floor space calculated as follows: (Length of the dog in inches plus six inches) x (Length of the dog in inches plus six inches) = required floor space in square inches.
Required floor space in inches divided by 144 = required floor space in square feet.
- ii.* The minimum floor space for a bitch with nursing puppies must be approved by the kennel veterinarian. The kennel veterinarian must determine the minimum space after considering generally accepted husbandry practices and the breed and behavioral characteristics of the bitch. The minimum floor space must be at least 105 percent of the minimum floor space required for the bitch.'
- iii.* The interior height of the enclosure must be at least six inches higher than the head of the tallest dog in the enclosure when it is in a normal standing position.
- iv.* The primary enclosure must be large enough to allow for reasonable movement by the dog.

d. Requirements for Enclosures with Wire Floors. If the floor of a primary enclosure is made of metal strands (wire), all of the following apply:

- (1) The wire strands must be either:
 - (i)* Greater than one-eighth of an inch in diameter (9 gauge); or
 - (ii)* Coated with a material such as plastic or fiberglass.
- (2) The primary enclosure must include an area that allows the dog to be off of the wire floor. IC 15-21-4-1(b)(J). The solid floor area must meet the following standards:
 - (i)* The area must be made of solid material. Rubber or plastic mats and pieces of carpet can meet this requirement. Towels and rugs do not meet this requirement.
 - (ii)* The area must be large enough for all dogs in the enclosure to utilize the solid floor at the same time. Therefore, the size of the solid floor area must be at least as big as the following: (the length of the dog in inches) x (the length of the dog in inches) = required solid floor area in square inches for each dog.

5. INSPECTIONS.

The Adams County Plan Director or the Adams County Health Officer or either of their designated representative(s) shall have the right to inspect any commercial dog breeding facility and the right to make onsite visits. The refusal by an owner or operator of a facility to allow for an inspection is a violation of this Chapter subject to the fines and penalties under 2-17-5.

6. EXISTING COMMERCIAL DOG BREEDING FACILITIES.

Any commercial dog breeding facility that has been in operation under the ordinances of Adams County, Indiana before the adoption of this Chapter 17, shall have one (1) year from the date of the enactment of this Chapter 17 to comply with the provisions contained herein.

2-17-4 COMMERCIAL DOG BREEDER ANIMAL HEALTH AND HUSBANDRY STANDARDS

A. Compatibility. All dogs housed in a primary enclosure must be compatible. The following standards must be met:

- (1) Dogs may not be housed with other species unless they are compatible.
- (2) No more than 12 adult nonconditioned dogs may be housed in the same primary enclosure.
- (3) Bitches in heat may be housed with sexually mature males only when breeding.
- (4) Bitches with litters may not be housed in the same primary enclosure with other adult dogs. Puppies younger than four months of age may not be housed in the same primary enclosure with adult dogs other than their dam.
- (5) Any dog exhibiting a vicious or very aggressive disposition must be housed separately.
- (6) Dogs that are suspected of having a contagious disease must be isolated from healthy animals as directed by the attending veterinarian.

B. Exercise. Commercial dog breeders must develop, document, and follow an appropriate plan to provide dogs with the opportunity for exercise. The plan must be in writing. An attending veterinarian must determine the frequency, method, and duration of the opportunity for exercise, and approve in writing the entire plan. A commercial dog breeder is required to provide every dog with a reasonable opportunity for exercise outside of a cage at least one time per day. The opportunity for exercise must be outside the animal's primary enclosure. But, if a dog has access to a run that is connected to the animal's primary enclosure or if the animal's primary enclosure includes a run, and the run meets the requirements below, it is not necessary to remove the animal from the primary enclosure for exercise. An exercise run must meet the following requirements:

- (1) The floor space of the run must be at least as big as the following:
 - (a) For dogs housed individually, an area that is two times the minimum required floor space for that dog.
 - (b) For dogs housed in groups, an area that is equal to or greater than the sum of the minimum required floor space for each dog if housed individually.

Forced exercise methods or devices, such as swimming or treadmills, may not be used to meet the exercise requirement.

- (2) Exemptions. A commercial dog breeder is not required to provide a dog with the opportunity for exercise if exercise would endanger the dog's life or health. If the attending veterinarian determines that any dog should not be provided an opportunity for exercise, the commercial dog breeder does not have to provide an opportunity for exercise for that

dog. The veterinarian's determination must be in writing and reviewed at least every 30 days.

C. Food and Water

1. Food. Dogs must be fed at least once each day unless directed otherwise by an attending veterinarian. The animal's diet must be appropriate for the animal's age and condition. Food must be uncontaminated, palatable, and of sufficient quantity and nutritive value to maintain the normal body condition and weight of the animal. Each primary enclosure must have at least one food dish that is readily accessible to all of the animals in the enclosure. The dish must be located to minimize contamination and must be protected from rain and snow. Food dishes must be made of material that may be cleaned and sanitized or be disposable. Self-feeders may be used for dry food.

2. Water. Dogs must have access to potable water and meet one of the following time frames:

(a) Continuous access.

(b) As often as necessary to ensure the animal's health and wellbeing but not less than twice a day for at least one hour each time.

(c) As directed by an attending veterinarian.

D. Cleaning, Sanitizing, and Pest Control

1. Primary enclosures. Excreta and food waste must be removed at least once each day. Excreta and food waste must be removed from under primary enclosures as often as necessary to prevent excessive accumulation, prevent soiling of the dogs, and to reduce disease hazards, insects, pests, and odors. When water is used to clean an enclosure, the dogs must be removed unless the enclosure is large enough to ensure the animals will not get wet or be distressed by the process. Neighboring dogs should not get wet or be distressed from the cleaning process. Standing water must be removed from primary enclosures.

2. Sanitization. Primary enclosures and food and water receptacles must be cleaned and sanitized at the earliest of the following:

(a) Before they are used for another dog.

(b) At least once every two weeks.

(c) As necessary to prevent an accumulation of dirt, debris, food waste, or excreta.

3. Sanitization Methods. Hard surfaces and food and water receptacles must be sanitized using one of the following methods:

(a) Live steam under pressure.

(b) Washing with hot water (at least 180 degrees Fahrenheit) and soap or detergent.

(c) Removing organic material and washing soiled surfaces with detergent solution and disinfectant followed by a clean water rinse.

Surfaces that cannot be sanitized, such as gravel, sand, grass, earth or absorbent bedding, must be sanitized by removing contaminated material as necessary to prevent buildup, odors, disease, pests, insects, and vermin.

4. The Premises. Buildings and the grounds surrounding housing facilities must meet the following requirements:

- (a) Must be kept clean and in good repair.
- (b) Breeding or living areas for rodents and other pests and vermin must be minimized.
- (c) Must be kept free of trash, junk, waste products and discarded matter.
- (d) Weeds, grasses, and bushes must be controlled.

5. Pest Control. Each commercial dog breeding facility must have an effective pest control program that controls insects, rodents, birds, and other mammals that are pests and external parasites affecting dogs.

E. Employees

A commercial dog breeder must have enough employees to carry out the level of husbandry practices and care required by law. The employees that provide animal husbandry and care or that handle animals must be supervised by someone who has knowledge, background, and experience in proper husbandry and care of dogs.

F. Rabies Control

All dogs three months of age and older must be vaccinated against rabies. The vaccination must be completed by a licensed and accredited veterinarian.

2-17-5 PENALTIES AND ENFORCEMENT

1. Any person, firm or entity that shall violate any provision of this Chapter shall be guilty of an infraction and subject to a fine of not less than two hundred dollars (\$200.00) and not more than two thousand dollars (\$2,000) per offense, and each day the violation continues shall constitute a distinct and separate offense.
2. The Adams County Plan Commission shall also be entitled to seek any other legal equitable remedies available, including injunctive relief, against any person, firm or entity who shall violate any provision of this Chapter.
3. The Adams County Plan Commission shall be entitled to the payment by the violator for all legal fees, court costs and expenses incurred to enforce this Chapter.
4. The remedies provided in this section shall be cumulative, and not exclusive.

2-17-6 ZONING AND SET BACK

- a) A commercial dog breeding facility shall be a permitted use in the following zones: I-1, I-2 and Agricultural Zone.
- b) A commercial dog breeding facility shall be located at least **1,000 feet** from the nearest neighboring residence.

2-17-7 APPEAL

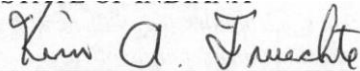
1. Any person aggrieved by a decision or action of the Plan Director, the County Health Officer or any of their agents or representatives may appeal that decision to the Adams County Plan Commission.
2. A decision by the Adams County Plan Commission on the matter will be final.

This ordinance shall be deemed effective immediately upon its adoption by the Board of Commissioners of the County of Adams, State of Indiana, and publication as required by law.


2-17-8 REPEALER. The provisions of any ordinance or zoning regulation in conflict herewith is hereby repealed.

DULY PASSED, ADOPTED AND ORDAINED BY THE BOARD OF COMMISSIONERS
COUNTY OF ADAMS, STATE OF INDIANA ON THIS 20th day OF March,
2018 AM, BY A VOTE OF 3 AYES AND 0 NAYS.

BOARD OF COMMISSIONERS
COUNTY OF ADAMS
STATE OF INDIANA



Kim A. Fruechte

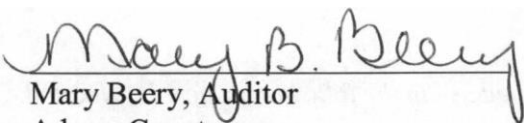


Douglas L. Bauman



Rex M. Moore

ATTEST:



Mary Beery, Auditor
Adams County

BOARD OF COMMISSIONERS
COUNTY OF ADAMS
STATE OF INDIANA
Douglas Bauman, Chairman Attest:
Mary Beery