

TOWN OF SCHERERVILLE, LAKE COUNTY, INDIANA

ORDINANCE NO. 1979

AN ORDINANCE AMENDING SCHERERVILLE TOWN ZONING ORDINANCE NO. 1797 PERTAINING TO REGULATION OF PET SHOPS IN THE TOWN OF SCHERERVILLE, REPEALING ALL ORDINANCES AND TOWN CODE PROVISIONS, OR PORTIONS THEREOF, IN CONFLICT HEREWITH, AND ALL MATTERS RELATED THERETO.

WHEREAS, the Town Council of the Town of Schererville, Lake County, Indiana (hereinafter, the "Town Council"), has reviewed the Town Zoning Ordinance, being Ordinance No. 1797, regarding commercial activity related to pet animals in the Town of Schererville (hereinafter, the "Town"); and

WHEREAS, the Town Council has been requested to review whether additional definitions of terms and words are required and necessary for efficient and appropriate administration of commercial pet sales activities in the Town; and

WHEREAS, the Town Council has requested the Town Plan Commission to review the Town Zoning Ordinance regarding commercial activity related to pet animals in the Town and to make recommendation(s), if there be any, of proposed amendments to be made to Schererville Town Zoning Ordinance No. 1797, as heretofore amended, pertaining to the efficient and appropriate administration of commercial pet sales activities in the Town; and

WHEREAS, the Town Plan Commission has held a Public Hearing on these matters pertaining to the efficient and appropriate administration of commercial pet sale activities in the Town, which Public Hearing was duly noticed in conformance with applicable Indiana law; and

WHEREAS, the Town Plan Commission has, at the conclusion of the aforesaid Public Hearing, certified its recommendation that the text provisions of Schererville Town Zoning Ordinance No. 1797, as amended, should properly be further amended pertaining to definitions not previously included and the reclassification of the permissible zoning district classification for pet shops in the Town; and

WHEREAS, the Town Council, being duly informed and advised and having reviewed the recommendation of the Town Plan Commission as well as the circumstances of pet store activities in the Town, now deems it appropriate, advisable, and in the best interests of the residents of the Town that Town Zoning Ordinance No. 1797 should be amended pertaining to definitions not previously included and to identify by reclassification the permissible zoning district classification for Pet Shops in the Town; and

WHEREAS, the Town Council, being further duly informed and advised, and having considered the circumstances regarding commercial pet sales activities, now deems that it is in the best interests of the residents of the Town to amend Town Zoning Ordinance No. 1797, Title II and Title X, regarding pet sales activities in conformance with applicable provisions of Indiana Law, as amended from time to time.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SCHERERVILLE, LAKE COUNTY, INDIANA, AS FOLLOWS:

SECTION ONE: That Section 2 of Title II of Schererville Town Zoning Ordinance No. 1797, entitled "Definitions", is hereby amended to read and provide hereafter as follows, namely:

"Title II. Definitions

SECTION 2: Definitions

...

Animal Shelter A facility which is used to board, house or contain dogs or cats, or both; and which is owned, operated, or maintained by a government, an incorporated humane society, animal welfare society, society for the prevention of cruelty to animals, or other nonprofit organization devoted to the welfare, adoption, protection and humane treatment of such animals.

...

Cat Any member of the species *Felis catus*.

...

Dog Any member of the species *Canis familiaris*.

...

Pet Mill A large-scale, commercial breeding facility where the health and welfare of animals are not adequately provided for, commonly also referred to as a "puppy mill" or "kitten mill." Such establishment is not permitted in the Town of Schererville and is prohibited.

...

Pet Shop An establishment where animals are bought and/or sold, and which animal(s) are intended to be pet(s) of the purchaser."

SECTION TWO: That Subsection "A" of Section 2 of Title X, of Schererville Town Zoning Ordinance No. 1797, entitled "Use Regulations", is hereby amended to delete and remove the term and use defined as Pet Shops from the list of permitted uses in this Zoning District.

SECTION THREE: That Subsection "A", of Section 2, of Title XI, of Schererville Town Zoning Ordinance No. 1797, entitled "Use Regulations", is hereby amended to add and include Animal Shelters and Pet Shops to the list of permitted uses in this Zoning District, and which shall now provide hereafter as follows, namely:

"Title XI. Highway Commercial (C-3) District

SECTION 2: Use Regulations

A. ...

Animal Shelter, subject to approval and grant of a variance of use by the Town consistent with this Zoning Ordinance and State Statute as identified in I.C. § 36-7-4-918.4.

...

Pet Shops, provided that cats and dogs shall not be boarded or bred in such shops; nor shall dogs and cats that originate from a Pet Mill be offered for sale in such shops. However, this Section shall not prohibit a Pet Shop from offering space to an Animal Shelter, as defined in Title II, Section 2, to display dogs and cats for adoption;

..."

SECTION FOUR: That Subsection "A" of Section 2, of Title XIII of Schererville Town Zoning Ordinance No. 1797, entitled "Use Regulations", is hereby amended to add and include Animal Shelters to the list of permitted uses in this Zoning District, and which shall now provide hereafter as follows, namely:

"Title XIII. Business Park (B.P.) District

SECTION 2: Use Regulations

A. ...

Animal Shelter, subject to approval and grant of a variance of use by the Town consistent with this Zoning Ordinance and State Statute as identified in I.C. § 36-7-4-918.4;

..."

SECTION FIVE: That for any violations of this Ordinance, as amended hereafter, that are issued, the Town shall be entitled to recover its attorney fees and costs expended in the course of prosecution of said Ordinance violations. Additionally, violations hereof shall be subject to the Penalty provisions established in Title XXIV, Section 7, of this Ordinance, as amended from time to time, which Section is entitled "Penalties".

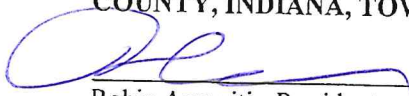
SECTION SIX: That all existing Ordinances, or parts thereof, in conflict with the provisions of this Amendatory Ordinance, are hereby deemed null, void, and of no legal effect, and are specifically repealed.

SECTION SEVEN: If any section, clause, provision or portion of this Ordinance shall be held to be invalid or unconstitutional by any Court of competent jurisdiction, such decision shall not affect any other section, clause, provision or portion of this Ordinance.

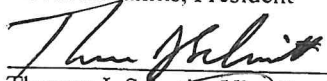
SECTION EIGHT: That this Ordinance shall take effect, and be in full force and effect, from and after approval and adoption by the Town Council of the Town of Schererville, Lake County, Indiana, and publication in conformance with applicable law.

ALL OF WHICH IS PASSED AND ADOPTED BY THE TOWN COUNCIL OF THE TOWN OF SCHERERVILLE, LAKE COUNTY, INDIANA, THIS 9 DAY OF March, 2022.

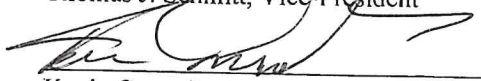
TOWN OF SCHERERVILLE, LAKE COUNTY, INDIANA, TOWN COUNCIL



Robin Aryanitis, President



Thomas J. Schmitt, Vice-President



Kevin Connelly, Member

Rob Guetzloff, Member



Caleb S. Johnson, Member

ATTEST:

Michael A. Troxell, CMO
Clerk-Treasurer