

TOWN OF PITTSBORO

AN ORDINANCE AMENDING SECTION 91.01 AND REINSTATING 91.08 OF CODE OF ORDINANCES OF THE TOWN OF PITTSBORO, INDIANA, REGULATING CHICKENS AND OTHER LIVESTOCK WITHIN THE TOWN

WHEREAS, the Town Council of the Town of Pittsboro has jurisdiction on and over the keeping of livestock and other animals within its municipal boundaries;

WHEREAS, consideration has been given to the keeping of chickens and other livestock under certain conditions or restrictions;

WHEREAS, the Town seeks to amend Ordinance 91.01 (Definitions) and reintroduce Ordinance 91.08, which was repealed upon passage of the Town’s Unified Development Ordinance; and

WHEREAS, the Town repealed Chapter 7.2 (Agriculture) of the Unified Development Ordinance in Ordinance No. 2023-_____.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Pittsboro, Indiana, as follows:

Section 1. **§ 91.01 DEFINITIONS** of the Code of Ordinances of the Town of Pittsboro is hereby amended by the addition of the following:

CHICKEN. the common domestic fowl (*Gallus gallus domesticus*) or its young.

CHICKEN RUN. An outdoor enclosed or fenced area where chickens feed or exercise.

COOP. A caged or roofed enclosure where chickens are kept.

HEN. A female adult chicken.

ROOSTER. A male adult chicken.

LIVESTOCK. Any animal kept or housed for commercial purposes including without limitation horses, cattle, sheep, ponies, mules, donkeys, jackasses, llamas, swine, rabbits, goats, and birds, other than chickens, exceeding five pounds in weight. The term does not include dogs, cats, aquarium fish, and chickens.

Section 2. **§ 91.08** of the Code of Ordinances of the Town of Pittsboro is hereby reintroduced as follows:

§ 91.08 MAINTAINING LIVESTOCK

(A) It shall be unlawful for any person or business to maintain, keep, raise or house within the town limits any livestock.

(B) Section (A) above shall not apply to property owners or tenants on any lot or parcel of ground larger than one acre (43,560 square feet), in which case, no chickens shall be allowed outside of their owner's premises unless under the reasonable control of A person. A chicken is not allowed to roam free on any public property or the property neighboring the animal's owner without express written permission of the neighbor(s). For purposes of this subsection, **REASONABLE CONTROL OF A CHICKEN** is defined to mean that the animal is confined in a chicken coop or by a fence securing the animal to the owner's premises. The maximum number of chickens allowed shall be 10 Hens and one Rooster for each full acre of land; provided, the maximum number of Roosters shall be 2.

(C) Section (A) shall not apply to a resident of a single-family dwelling or duplex in the single-family residential zone who may, upon receipt of a permit from the Town, keep chickens on the lot or parcel of ground less than or equal to one acre (43,560 square feet) on which the resident resides subject to the following conditions and limitations:

1. The maximum number of hens allowed shall be six.
2. Hens are allowed only in a fully-fenced rear yard.
3. Hens shall be confined at all times within a coop, pen or chicken run, except when under the personal supervision of an owner or custodian.
4. A coop shall not exceed 120 square feet in area or 10 feet in height.
5. There shall be a minimum six square feet of run space per hen.
6. A chicken coop shall be set back at least ten feet from any building on the subject property and 25 feet from any residence on a neighboring property.
7. Chicken feed must be kept secure from pests.
8. All animal byproducts and waste must be collected and removed on a regular basis, allowing the storage of one sealed 20-gallon container.
9. Roosters are prohibited.

(D) The keeping of livestock or domestic animals cannot be for profit nor construed as a kennel (unless as a permitted use under the Town’s Unified Development Ordinance).

(E) Each property owner seeking to keep chickens on their property shall apply for a permit with the Town by executing a written application for a permit on a form prepared by the Town Clerk-Treasurer and paying a fee of \$____. The form must include the following declaration:

I agree that I understand the limitations imposed by the Town on the number of hens and restrictions on keeping roosters.

Applicant Name

Applicant Signature

(F) The provisions of this Ordinance are not intended to abrogate any easement, covenant, or any other private agreement or restriction, provided that where the provisions of this Ordinance are more restrictive or impose higher standards or regulations than any easement, covenant, or any other private agreement or restriction, the requirements of this Ordinance shall govern.

(G) All wild animals that are inherently dangerous to humans shall be prohibited.

Section 3. This Ordinance shall become effective upon adoption.

SAID ORDINANCE IS HEREBY PASSED AND ADOPTED THIS ____ day of _____, 2023, by the Town Council of the Town of Pittsboro, Indiana by a vote of ____ ayes and ____ nays.

[SIGNATURE PAGE TO FOLLOW]

**TOWN OF PITTSBORO TOWN
COUNCIL**

Jarod Baker, President

William Majeske, Member

Terry Northern, Member

Randy Price, Member

Jay Thompson, Member

ATTESTED BY:

Shari L. Ping, Clerk/Treasurer