

RESOLUTION 2023-_____

**PITTSBORO TOWN COUNCIL
HENDRICKS COUNTY, INDIANA**

A Resolution of the Town of Pittsboro Town Council Approving the Amendment
of the Text of the Unified Development Ordinance:

WHEREAS, the Pittsboro Advisory Plan Commission having certified and recommended to the Town Council for approval an Amendment of the Unified Development Ordinance ("UDO") to incorporate text amendments regulating Chickens and Roosters, dated _____, 2023, which is attached hereto and incorporated by reference ("Exhibit A") and the Town Council has considered and reviewed the same in accordance with its statutory duty and finds it consistent with IND. CODE §36-7-4-500 through 599.

BE IT RESOLVED by the Town Council of the Town of Pittsboro, Hendricks County, Indiana that the Town hereby approves an amendment of the Unified Development Ordinance to include the regulation of Chicken and Roosters within the Town of Pittsboro.

Adopted this ____ day of _____, 2023, by a vote of _____ ayes and _____ nays.

TOWN COUNCIL OF THE TOWN OF
PITTSBORO, INDIANA

President: Jarod Baker

Member: Bill Majeske

Member: Randy Price

Member: Terry Northern

Member: Jay Thompson

Attest:

Clerk-Treasurer: Shari Ping

Exhibit "A"

TOWN OF PITTSBORO, INDIANA
HENDRICKS COUNTY, INDIANA
ORDINANCE NO.

A TEXT AMENDMENT TO THE UNIFIED DEVELOPMENT ORDINANCE FOR THE ALLOWANCE OF CHICKENS
WITHIN THE TOWN OF PITTSBORO, INDIANA.

WHEREAS, the Indiana Code 36-7-4-602 authorizes the Town of Pittsboro ("Town") to make text amendments to the enacted regulations as may be deemed necessary for the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Town of Pittsboro and the inhabitants thereof; and

WHEREAS, the Town Council of the Town of Pittsboro, Indiana finds it necessary for the promotion of the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Town and the inhabitants thereof to provide regulations for the keeping of Chickens within the Town of Pittsboro.

NOW THEREFORE, it is hereby Ordained and Enacted by the Town Council of Pittsboro, Indiana, as follows:

Amend Section 7.2 Agricultural Uses of the Unified Development Ordinance:

Text Amendment -7.2, Subsection 1:

Add:

Subsection 1:

(1) REGULATION OF CHICKENS AND ROOSTERS

The following terms, as used in the Unified Development Ordinance, shall have the meaning prescribed below:

- a. The allowance of Chickens shall mean all poultry generally found on farms and/or considered to be agricultural commodities, including but not limited to chickens, turkeys, and other small types of fowl.
- b. Chickens shall mean only female chickens.
- c. Chicken Coop shall mean a structure to house chickens that is properly ventilated and designed to be protected from the weather, vermin, and predators.
- d. Rooster shall mean a male chicken.

(2) The keeping or raising of Chickens is for personal use only, it is not intended or permitted for residents of the Town to conduct commercial sales or breeding of chickens. All new accessory structures or chicken coops require a permit issued by Town of Pittsboro in accordance with the enacted fee schedule. The allowance of new accessory structure or relocation of existing chicken coops shall be kept at least 75' feet from all adjoining property lines.

(3) All Chickens kept within the Town limits shall be confined to the private property of the respective owner by use of fencing and/or barriers sufficient to prevent the running at large or trespass of Chickens on public or private property. Fence materials shall be at least 60 inches in height with less than 2 inches of ground level clearance. The fence shall be comprised of enclosed wooden picket, vinyl, or similar panel material intended to completely enclose and prevent the escape and viewing of chickens from adjacent viewsheds, this provision is intended to confine chickens or prevent their escape from enclosures shall constitute a violation of this ordinance.

(4) All chickens and the premises they are kept on shall be maintained under orderly and sanitary conditions so that the keeping of chickens shall not become either a public or private nuisance due to conditions including, but not limited to, damage to the property of others, posing an attractive nuisance, an accumulation of feces, the threat of disease, or a discernible increase in the presence of vermin, odors, or noise.

(5) The keeping and raising of Roosters are prohibited within Town of Pittsboro limits.

RESERVATION OF RIGHTS.

The Town of Pittsboro hereby reserves the right to make such determinations as may be necessary for the enforcement of this ordinance including, but not limited to, interpretation of acceptable standards, finding of violations, issuance of warnings, and the granting of exceptions where sufficient evidence is presented to ensure that the intent of this ordinance to promote the health, safety, morals, general welfare, cleanliness, beauty, convenience and comfort of the Town and the inhabitants thereof is not diminished.

PENALTY FOR VIOLATION.

The Town has the right to revoke any prior approval upon written notice of violation of this ordinance. Any owner of any chickens kept within the limits of the Town found to be violating any of the provisions of this ordinance shall be sentenced to pay a fine of not less than \$50.00 nor more than \$600.00 plus the costs of prosecution, and in default of payment of such fine and costs, shall be subject to imprisonment. Each day that a violation continues shall constitute a separate and distinct offense.

SEVERABILITY.

If any sentence, clause, section, or part of this ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this ordinance. It is hereby declared as the intent of the Town that this ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

REPEALER.

Any ordinance containing provisions that are inconsistent with the terms and provisions of this ordinance is hereby repealed and superseded to the extent that it conflicts herewith.

EFFECTIVE DATE.

This ordinance shall take effect immediately upon enactment as provided by law. All existing owners of chickens within the Town of Pittsboro shall come into compliance with the terms

of this ordinance within thirty (30) days of enactment, or within five (5) days of receipt of a written notice of noncompliance, as may be issued at the discretion of the Town.