

Synopsis: This ordinance, if adopted, would amend Chapter 90 of the Code of Ordinances of the Town of Markle, Indiana to allow chickens to be kept within the corporate limits of the town in accordance with the rules and regulations set forth herein.

ORDINANCE 2018-2

AN ORDINANCE TO AMEND THE TOWN CODE OF THE TOWN OF MARKLE, INDIANA

WHEREAS, the Town Council of the Town of Markle, Indiana (Council) has received requests from citizens wishing to keep chickens within the Town of Markle, Indiana (Town); and

WHEREAS, Council held a public hearing and has received information relating to that issue; and

WHEREAS, the Town's Zoning Code has been amended to allow for the keeping of some limited domesticated livestock; and

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Markle, Indiana, in meeting duly assembled, after receiving information deemed by it to be sufficient, that Section 90.04 of its Code of Ordinances be and is hereby amended by deleting that section in its entirety and replacing it with the following:

“SECTION 90.04 EXCEPTIONS TO KEEPING DOMESTIC FARM ANIMALS.

(A) Property owners with property of four (4) or more contiguous acres are permitted to keep domestic farm animals within the corporate limits of the town; and

(B) Property owners, in strict compliance with Sections 90.20 and 1020(G), are permitted to keep chickens within the corporate limits of the town.”

BE IT FURTHER ORDAINED by the Town Council of the Town of Markle, Indiana, in meeting duly assembled, after receiving information deemed by it to be sufficient, that the Code of Ordinances be and is hereby amended by adding a new Section 90.20 as follows:

“SECTION 90.20 RULES, REGULATIONS, PENALTIES AND FINES FOR KEEPING CHICKENS WITHIN CORPORATE LIMITS OF THE TOWN.

In addition to strictly adhering to the requirements contained in Section 1020(G), Requirements for Domesticated Livestock, any person keeping chickens within the corporate limits of the town must also adhere to the following:

(A) Permit and Fee: A person keeping chickens must apply for and pay the permit fee immediately upon attaining the chickens. Excepting the initial permit, the renewal permit, and a new permit fee, must be applied for and paid not later than January 31 annually. The annual permit fee of \$20 will not be prorated.

(B) Maximum Number Chickens and Rooster: A maximum number of eight (8) chickens will be allowed per property. One (1) rooster may be included in that maximum number of chickens. If any complaint is received by the town about the rooster, the rooster must be removed within twenty-four hours.

(C) Chicken Pen/Coop Location and Construction:

- 1) The pen/coop must be located at least 30 feet from any drains, rivers, creeks or streams.
- 2) The pen/coop must be located at least five (5) feet away from any property line and at least 20 feet from any neighboring residence.
- 3) The pen/coop must be well maintained with a minimum size of three (3) square feet per chicken.
- 4) The pen/coop must be located in a fenced in yard in the rear of the property, not in a front or side yard. It must be covered with proper wire, aviary net or solid roof and be impermeable to predators.

(D) Chickens in Pen/Coop Area: Chickens must remain within the fenced pen/coop area at all times.

(E) Chicken Feed: Chicken feed must be stored in a secure, rodent proof, container.

(F) Further Prohibitions: Waste must be collected and removed or composted regularly. All animal remains must be disposed of and removed from the site within 24 hours. The selling of eggs and breeding and raising of chickens for slaughter is strictly prohibited.

(G) Penalties and Permit Revocation:

- 1) The first violation of any of the above provisions will result in a \$25 fine; the second violation will result in a \$75 fine; and all subsequent violations will result in a \$150 fine.
- 2) Each violation continues as a violation until abated and fines will be assessed each day that the violation is not abated.
- 3) A permit for keeping chickens within the corporate limits of the town may be revoked at the sole discretion of the Town Council at any time.

BE IT FINALLY ORDAINED, that this Ordinance shall be effective immediately upon its adoption and appropriate publication.

{Signature Page Follows}

Ordinance 2018-2

Upon Council's unanimous consent to consider Ordinance 2018-2 for final adoption on the same day of its introduction, Ordinance 2018-2 was duly adopted this 17th day of January, 2018, by a vote of 3 in favor and 0 in opposition.

MARKLE, INDIANA by its TOWN COUNCIL

Voting in Favor:

[Signature]

Jeff Humbarger

Mark Hamilton

Rick Bower

Rick Bower

Voting in Opposition:

ATTEST:

By Carolyn Hamilton as Clerk-
(Carolyn Hamilton) Treasurer