

ORDINANCE NO. 2024- 5

**AN ORDINANCE OF THE TOWN COUNCIL OF
LYNN, INDIANA ESTABLISHING STANDARDS FOR
MAINTAINING CHICKEN FLOCKS**

BE IT ORDAINED, that the Town Council (the “Town Council”) of the Town of Lynn, Indiana (the “Town”) is the legislative body and is by law authorized to adopt ordinances and resolutions for the administration of its governmental affairs.

BE IT FURTHER ORDAINED, that the Town Council wishes to establish standard for maintaining chicken flocks within the boundaries of the Town.

NOW, THEREFORE, BE IT ORDAINED, ESTABLISHED, AND ORDAINED by the Town Council of the Town of Lynn as follows:

1. Ordinance #13 of the Town of Lynn, Indiana, is hereby amended with the following:

HARBORING LIVESTOCK

- (A) Except as otherwise provided in this ordinance or in the Area Planning Zoning ordinance, it shall be unlawful for any person, firm or corporation to stable, maintain or harbor farm livestock, which include horses, cattle, swine, sheep, goats and fowl within the corporate limits of the Town.
- (B) However, nothing of this section shall be construed as regulating or prohibiting the keeping of dogs or cats.
- (C) Chickens shall be allowed to be kept in the corporate limits of the Town in accordance with the following requirements:
 - (1) There shall be no roosters kept within the Town corporate limits and a maximum of five chickens shall be allowed for any residential lot that complies with this ordinance regarding setbacks, coop size and site requirements.
 - (2) All harborers of chickens shall:
 - a. Operate in such a manner so as to not constitute a public nuisance or disturb neighboring residents due to noise, odor, or damage; and
 - b. Operate in a manner so as not to pose a threat to public health. Harborers shall isolate chickens which are sick or diseased so as to not endanger the health and well-being of other animals and humans. When necessary for the protection of the public health and safety, the Town Marshal and/or any public health official may require that a specified animal be kept confined in a secure enclosure. This provision is subordinate to any local, state, or federal code governing the treatment of chickens in the event of a threat to human health; and
 - c. Comply with all provisions of applicable local, state, and federal laws and regulations regarding general animal care; and
 - d. Not slaughter chickens on harborer’s property; and

- e. Keep all chickens completely and securely enclosed and under the control of the harborer and on the harborer's property at all times; and control of the harborer and on the harborer's property at all times; and
 - f. Provide both a chicken coop and attached chicken run that afford a combined 12 square feet per chicken; and
 - g. Provide a chicken coop and attached chicken run that are clean, dry, and odor-free; and
 - h. Provide a chicken coop that offers shelter from the elements; and
 - i. Provide a chicken coop and attached chicken run that, combined, provide adequate ventilation and adequate sun and shade and that are both impermeable to rodents, wild birds and predators, and cats and dogs and;
 - j. Provide chickens with access to feed and clean water at all times; such feed and water shall remain unavailable to rodents, wild birds and animals, and domesticated pets; and
 - k. Provide adequate safeguards to prevent unauthorized access to the chickens by members of the public; and
 - l. Keep the chicken coop, chicken run and surrounding area free from trash and accumulated droppings. The harborer shall dispose of chicken waste and uneaten feed in a timely manner.
- (3) The chicken coop and chicken run shall:
- a. Provide a sight fence or shrub screening of a least four feet in height around both coop and run if visible to occupants on neighboring lots; and
 - b. Be located at least 15 feet from the property line of any neighboring lot.
- (4) All chicken coops and chickens shall comply with the requirements for accessory structures outlined in Randolph Counties Zoning Ordinances.

2. Violation and Penalties

- (A) Upon the determination that a violation of this section has occurred, the appropriate representative of the town shall provide the property owner/chicken harborer with a notice of violation with a \$25 fine for the first violation.
- (B) Any property owner/chicken harborer who is cited a subsequent fine during a 1-year period from the first citation shall be subject to a \$50.00 fine. If property owner/chicken harborer is cited for 8 eight violations in any one year their permit shall be revoked, and all chickens and coop must be removed from property.
- (C) The fines shall be collected by the Town Clerk-Treasurer and transferred to the General Fund.
- (D) If a violator fails to pay fines or appear at the Clerk-Treasurer's office within five days of the citation such violation may be filed with a court with jurisdiction to hear ordinance violation.
- (E) In addition to the fines set forth herein, any person who violates the provisions of this ordinance shall make full restitution for any damages or injury to persons or property as a result of such violation, including, but not limited to, medical expenses, the value of any real or personal property which has been destroyed, or the cost of repairing any damage to real or personal property.

(F) In addition to any fine or penalty set forth above, if a violation must be prosecuted through any Court, the violator, upon conviction, shall pay reasonable attorney fees and court costs as determined by the court.

Passed and adopted by the Town Council of the Town of Lynn, Indiana, this 6 day of November 2024.

TOWN COUNCIL OF THE TOWN OF
LYNN, INDIANA

Arthur Kintley
COUNCIL MEMBER

Brian Johnson
COUNCIL MEMBER

COUNCIL MEMBER

ATTEST:

Michael Straley III
Michael Straley III, Clerk/Treasurer