

ORDINANCE NO.: 13-2016

AN ORDINANCE OF THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, AMENDING SECTION 91 OF THE MUNICIPAL CODE OF THE CITY OF VALPARAISO, INDIANA, TO ALLOW CHICKENS ON PARCELS CONSISTING OF LESS THAN FIVE (5) ACRES

Whereas, Section 91 of the Municipal Code of the City of Valparaiso, Indiana, sets forth certain regulations governing animals within the geographical boundaries of the City of Valparaiso, Indiana (“City”); and

Whereas, Section 91.10 of the Municipal Code currently only allows individuals with a minimum of five (5) contiguous acres of land in the City that is enclosed by a fence to harbor chickens within the City; and

Whereas, the Common Council of the City of Valparaiso, Indiana, is desirous of adopting this Ordinance so as to amend Section 91 of the Municipal Code of the City of Valparaiso, Indiana, in order to establish new regulations in order to permit individuals owning less than five (5) contiguous acres of land to harbor chickens within the City.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF VALPARAISO, INDIANA, AS FOLLOWS:

Section 1. That Section 91.100 shall be added to the Municipal Code of the City of Valparaiso, Indiana, which shall read as follows:

§ 91.100 CHICKENS

Notwithstanding the provisions of § 91.10 which remain in full force and effect, chickens shall be allowed to be kept in the City of Valparaiso, Indiana, on parcels of land consisting of less than five (5) acres in strict accordance with all of the following requirements:

(A) A chicken is a *gallus gallus domesticus*, a domestic bird typically kept on a farm. This definition does not include other fowl, such as, but not limited to, peacocks, turkeys or waterfowl.

(B) No roosters (male chickens) shall be kept under the provisions of this Section.

(C) There shall be no more than four (4) chickens on any parcels of land less than five (5) acres in size.

(D) Chickens must be kept completely and securely enclosed and under the control of the owner and on the owner’s property at all times.

(E) A chicken coop, an enclosed structure for harboring chickens that provides shelter from the elements, shall be provided. The chicken coop must provide adequate sun, shade and ventilation and must be impermeable to rodents, wild birds, and predators, including cats and

dogs and must provide at least ten (10) square feet or space per chicken kept therein. No chicken coop shall exceed seventy-five (75) total square feet in size. No chicken coop shall be more than ten (10) feet in height. The chicken coop shall be situated a minimum of ten (10) feet from all property lines. For corner lots, the chicken coop shall be situated as near as possible to the middle of the lot. The City's Building Commissioner shall approve the location of chicken coops on all corner lots.

(F) Chickens shall be provided with access to feed and clean water at all times.

(G) All feed for said chickens shall be stored in containers so as to protect against intrusion by rodents and vermin.

(H) The chicken coop shall be maintained in a sanitary condition and in compliance with all applicable health regulations of the State of Indiana, Porter County, and the City.

(I) Chickens and chicken coops shall be confined to the rear yard of the property.

(J) Any chickens kept in accordance with the provisions of this Section shall be for non-commercial, personal use only and may not be slaughtered on the property.

Any violations of this Section 91.100 shall be subject to applicable penalties set forth in § 91.99 of the Municipal Code of the City of Valparaiso, Indiana.

Section 2. Conflicting Ordinances. Any ordinance or provision of any ordinance of the City of Valparaiso, Indiana, in conflict with the provisions of this Ordinance is hereby repealed.

Section 3. Severability. The invalidity of any section, clause, sentence or provision of this Ordinance shall not affect the validity of any other part of this Ordinance which can be given effect without such invalid part or parts.

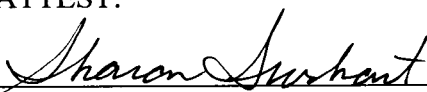
Section 4. Effective Date. This Ordinance shall be in full force and effect after its passage, approval by the Mayor of the City of Valparaiso and publication as required by law.

PASSED AND ADOPTED by the Common Council of the City of Valparaiso, Porter County, Indiana, on the 27th day of June, 2016.



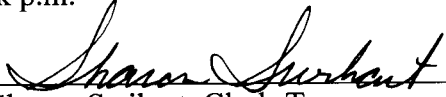
Jon Costas, Mayor

ATTEST:



Sharon Swihart, Clerk-Treasurer

Presented by me to the Mayor of the City of Valparaiso, Indiana, this 6 day of July, 2016, at 10:00 o'clock p.m.


Sharon Swihart, Clerk-Treasurer

This Ordinance approved and signed by me this 6 day of July, 2016, at 10:00 o'clock p.m.


Jon Costas, Mayor