

FILED

JUL 20 2020

Belinda Munson
MUNCIE CITY CLERK

ORDINANCE NO. 2020

**AN ORDINANCE OF THE CITY OF MUNCIE AMENDING CHAPTER 90
OF THE CITY OF MUNCIE CODE OF ORDINANCES**

WHEREAS, Chapter 90 of the City of Muncie Code of Ordinances sets forth certain regulations governing animals within the geographical boundaries of the City of Muncie; and

WHEREAS, Section 90.19 of the City of Muncie Code of Ordinances prohibits occupants of property in certain residential areas of the City of Muncie from keeping or harboring poultry such as chickens; and

WHEREAS, the undersigned Councilperson is desirous of adopting this Ordinance so as to amend Chapter 90 of the City of Muncie Code of Ordinances in order to establish new regulations and permit the occupants of property in all areas of the City of Muncie to keep or harbor chickens for personal use; and

WHEREAS, undersigned Councilperson believes that permitting citizens of the City of Muncie to keep or harbor chickens in accordance with the provisions below will promote food sustainability, sources, nutrition, and education.

NOW, THEREFORE, BE IT HEREBY ORDAINED BY THE COMMON COUNCIL OF THE CITY OF MUNCIE, DELAWARE COUNTY, INDIANA, THAT:

Section 1. Section 90.19 of the City of Muncie Code of Ordinances is hereby amended to read as follows:

Sec. 90.19. Keeping or harboring of livestock prohibited in certain residential areas.

No person occupying property within the city of Muncie, which is zoned under the City of Muncie Comprehensive Zoning Ordinance as R-1, R-2, R-3, R-4, R-5, or R-6 residence zones shall keep or harbor livestock or poultry on such property.

(A) For the purposes of this Section 90.19, livestock shall mean:

- (1) All cattle, or animals of the bovine species;
- (2) All horses, mules, burros, and asses or animals of the equine species;
- (3) All swine or animals of the porcine species;
- (4) All goats or animals of the caprine species.

(B) For the purposes of this Section 90.19, poultry shall mean: domesticated fowl collectively, including but not limited to, roosters (male chickens), turkeys, ducks, geese, peacocks, waterfowls and guineafowl. The term poultry for purposes of this Section shall

not include female chickens (as defined in Section 90.31) so long as the chickens are kept or harbored in accordance with Section 90.31.

Section 2. Section 90.31 is hereby added to Chapter 90 of the City of Muncie Code of Ordinances and shall read as follows:

Sec. 90.31. Keeping or Harboring of Chickens.

Chickens shall be allowed to be kept or harbored on residential owner-occupied property in the City of Muncie, and schools, nursing homes and community centers located in residential districts in the City of Muncie, only in strict accordance with all of the following standards and requirements:

(A) A chicken is a *gallus gallus domesticus*, a domestic fowl/bird typically kept on a farm. For purposes of this section, the term chicken shall be limited to female chickens, and shall not include roosters (male chickens) or other domesticated fowl such as turkeys, ducks, geese, peacocks, waterfowls and guineafowl.

(B) For purposes of this section, residential property shall mean property in the City of Muncie which is zoned under the City of Muncie Comprehensive Zoning Ordinance as R-1, R-2, R-3, R-4, R-5, or R-6 and upon which there is a single-family dwelling. The owners or occupants of multi-family dwellings or residences shall not be permitted to keep or harbor chickens in accordance with this section.

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

(D) There shall be no more than six (6) chickens kept or harbored on any parcel of residential property.

(E) Chickens must be kept completely and securely enclosed and under the control of the owner or occupant and on the property at all times in the rear of the property.

(F) Chicken Coop and Chicken Run:

(1) A chicken coop, an enclosed structure for harboring chickens that provides shelter from the elements, shall be provided by the owner or occupant of the residential property.

(2) A chicken run, a fenced area that surrounds a chicken coop for harboring chickens that provides chickens access to air and soil, shall be provided by the owner or occupant of the residential property.

(3) The chicken coop and chicken run must provide adequate sun, shade and ventilation and must be impermeable to rodents, wild birds, and predators, including cats and dogs.

(4) The chicken coop and chicken run shall be situated in the rear yard of the property 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.

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

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

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

(I) Any chickens kept in accordance with the provisions of this Section shall be for non-commercial, personal use only. There shall be no resale of eggs or fertilizer.

(J) Slaughtering a chicken kept or harbored in accordance with Section 90.31 in a proper manner solely for the purpose of processing the chicken for a personal food source shall not be considered animal cruelty as set forth in Section 90.27 herein.

(K) The Board of Animal Care and Services is authorized to establish a permit/participation fee for those that keep or harbor chickens in an amount not to exceed \$100.00.

(L) Any violation of this Section 90.31 shall be considered an ordinance violation and subject to enforcement proceedings including fines and court costs as set forth in Section 90.25.

(M) Nothing herein shall supersede private neighborhood/subdivision covenants and/or regulations that prohibit chickens.

Section 3. Section 90.21 of the City of Muncie Code of Ordinances is hereby amended to read as follows:

Section 90.21. Fowl Running at Large

The running at large within the city of chickens and other fowl is unlawful and is prohibited. It shall be the duty of each and every owner or custodian of any chicken or other fowl within the city to confine the same upon his premises. Any chicken or fowl, including those kept in accordance with Section 90.31, found running at large in the City of Muncie may be taken into custody by the animal care and services department and/or placed in the custody of some suitable person who will agree to comply with the provisions of this chapter.

Section 4. Upon approval by the Mayor of the City of Muncie and any publication required by Indiana law, this Ordinance shall take effect on March 1, 2021.

Passed by the Common Council of the City of Muncie, Indiana, this ____ day of _____, 2020

	Yeas	Nays	Abstained	Absent
Ralph Smith	_____	_____	_____	_____
Jeff Robinson	_____	_____	_____	_____
Ray Dudley	_____	_____	_____	_____
Bradley Polk	_____	_____	_____	_____
Jerry D. Dishman	_____	_____	_____	_____
Anitra Davis	_____	_____	_____	_____
Aaron Clark	_____	_____	_____	_____
Troy A. Ingram	_____	_____	_____	_____
Richard M. Ivy	_____	_____	_____	_____

President
City Council, City of Muncie

Presented by me to the Mayor for his approval, this ____ day of _____, 2020.

Belinda Munson, City Clerk

The above Resolution is approved/vetoed by me this ____ day of _____, 2020.

Dan Ridenour, Mayor

ATTEST:

Belinda Munson, City Clerk

^{Ordinance}
This ~~resolution~~ is proposed by Council Member



^{Ordinance}
This ~~resolution~~ is approved in form by Legal Counsel

