

ORDINANCE NO. 23-03

AN ORDINANCE OF THE CITY OF PORTAGE, INDIANA AMENDING SECTION 10 OF THE MUNICIPAL CODE TO ADD 10-41 ENTITLED "CHICKENS"

WHEREAS, the Common Council of the City of Portage has determined that it has a substantial and compelling interest in amending its municipal code to allow residents to keep chickens with some restrictions.

BE IT, AND IT HEREBY IS, ORDAINED by the Common Council of the City of Portage, Indiana as follows:

Ordinance Amendment. Chapter 10, ARTICLE II shall be amended by including the Section 10-41 which shall read as follows:

Section 10-43. CHICKENS

1. Chickens shall be allowed to be kept within the City of Portage, Indiana with all of the following requirements and restrictions.
 - A. A chicken is a *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 allowed under the provisions of this Section.
 - C. There shall be no more than five (5) chickens on any parcel of land within the city limits of Portage.
 - 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 housing chickens that provides shelter from the elements, shall be provided and maintained in good order. 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 provide at least ten (10) square feet or space per chicken kept therein. The chicken coop and run shall be situated a minimum of ten (10) feet from the property line. The Chicken coop shall be eight (8) feet in height.
 - 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 of Portage.

- 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.
2. **Conflicting Ordinances.** Any Ordinance or provision of any Ordinance of the City of Portage or of the Municipal code of the City of Portage in conflict with the provisions of this Ordinance is hereby repealed.
 3. **Enforcement.** The enforcement and violations of Section 10-41 shall be subject to Section 10-27 “Enforcement”.
 4. **Violations.** Any violation of Section 10-41 shall be subject to Section 10-59.3 “Violations and Penalties”.
 5. **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.
 6. **Effective Date.** This Ordinance shall be in full force and effect from and after its passage and approval by the Mayor of the City of Portage and publication as required by law.

PASSED AND ADOPTED by the Common Council of the City of Portage, Porter County, Indiana, on the _____ day of _____, 2023.

Presiding Officer

ATTEST:

Nina Rivas, Clerk-Treasurer

Presented by me to the Mayor of the City of Portage, Porter County, Indiana, this _____ day of _____, 2023

Nina Rivas
Clerk-Treasurer