

ORDINANCE NO. 2020-12-29-1

**CHICKEN CONTROL ORDINANCE FOR
THE TOWN OF POSEYVILLE, INDIANA**

WHEREAS, the Town of Poseyville has the authority to regulate the presence of chickens within town limits.

NOW THEREFORE, BE IT ORDAINED AS FOLLOWS:

1. **CHICKEN CONTROL DEFINITIONS:**

- a. "Occupant" – Is defined as the person who resides in, on, or occupies real estate.
- b. "Owner" – Is defined as the person listed as owner of real estate as shown on the records of the Posey County Auditor.
- c. "Person" – Is defined as an individual, an incorporated or unincorporated organization or association, a trustee or legal representative, an agent, the state, an agency of the state, or a political subdivision.
- d. "Chicken" – A domestic fowl.

2. **PROHIBITION OF CHICKENS WITHIN TOWN LIMITS:** Any person, occupant, and/or owner of real estate within the corporate limits of the town shall not be allowed to have any chickens on real estate within town limits. The only exception is defined in paragraph 3.

3. **4-H PROJECTS:** A poultry or chicken 4-H project is allowed within town limits but only if complying with the following restrictions:

- a. The 4-H member is living at the residence where the chickens are present.
- b. All chickens must be caged or fenced and not be allowed to roam beyond property lines of the residence.
- c. The residence must not have more chickens than the 4-H project requires, and in any case shall not be more than 5 chickens.

4. **NOTICE OF VIOLATION:** When it shall come to the attention of the Town Marshall that chickens are on real estate within the corporate limits of the Town, in violation of this Ordinance, the Town Marshall shall issue a five (5) day written notice to remove chickens from the real estate and the notice shall be served upon the landowner

and occupant by personal service or by Certified Mail, return receipt requested, at the last known addresses of the landowner and occupant.

In the event the Town Marshall does not have the occupant's name, the Town Marshall shall request the occupant's name from the landowner and the landowner shall provide the occupant's name to the Town Marshall within two (2) days of the request.

The notice shall list the location of the real estate concerned, removal of chickens from the real estate within five (5) days of the date of the notice and briefly describe the enforcement and collection procedures. The notice shall also notify the owner and occupant that a fine shall be assessed as follows for each parcel of real estate in violation of this Ordinance:

- a. First failure by owner or the occupant to remove the chickens from the real estate within the five (5) day period during a calendar year - \$25.00 fine;
- b. Second failure by owner or the occupant to remove the chickens from the real estate within the five (5) day period during a calendar year - \$100.00 fine;
- c. Third failure by owner or the occupant to remove the chickens from the real estate within the five (5) day period during a calendar year - \$250.00 fine, thereafter each five (5) day period violation shall constitute a new violation with a \$250.00 fine;
- d. Fines are due and payable to the Town of Poseyville within fifteen (15) days of assessment.

5. **FOR COLLECTION OF FINES:**

- a. If the owner or occupant fails to pay the fines within the time prescribed, a certified copy of the statement of costs shall be filed with the Auditor's Office of Posey County, and the Auditor shall place the amount so claimed in the tax duplicate of the lands affected by the violation of this ordinance, and the same shall be collected as taxes are collected, and when so collected, shall be disbursed to the General Fund of the Town. The fine and costs due and owing to the Town shall bear interest at the rate of eight percent (8%) per annum from the date of the certification, if not paid within ten (10) days, until paid in full, for the fines and costs.
- b. At the Town's option, the Town may collect the costs, including the Town's reasonable attorney fees and costs of collection, from the occupant.

- c. The amounts collected under paragraph 4. a. and b. above, for the costs certifying violation of this Ordinance and fines, shall be disbursed to the General Fund.

6. **LIEN ON PROPERTY:** The fines and cost of collection shall be a lien upon the real estate affected and shall also be enforceable and collected by foreclosure proceedings in the civil courts of the state the same as other liens are enforced and collected.

7. **APPEAL RIGHTS:** An Appeal of the certification of costs issued pursuant to this Ordinance must be made in writing with five (5) days of the date of certification of costs and must be submitted to the Clerk-Treasurer which shall set the matter for hearing before the Town Council of Poseyville. Following the hearing, the Town Council of Poseyville shall issue its written findings. All appeals from the written findings of the Town Council of Poseyville shall be made to Courts of competent jurisdiction with ten (10) days of the date of the findings.

8. **CONSTRUCTION** – Should any section or part of this Ordinance be declared invalid for any reason, the remainder of this ordinance shall not be affected. This Ordinance applies to chickens only. This Ordinance shall take precedent over any other Ordinance that may involve chickens. This Ordinance shall be the exclusive Ordinance to deal with chickens within the Town of Poseyville.

9. This Ordinance shall be in full force and effect December 29, 2020.

PASSED, ORDAINED AND ESTABLISHED this 29th day of December,
2020.

Town Council of Poseyville, Indiana

IN FAVOR

OPPOSED



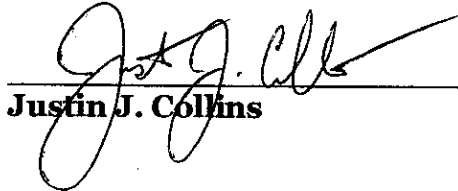
Bruce C. Baker

Bruce C. Baker



Michael A. Baehl

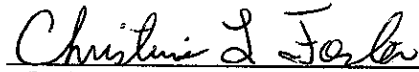
Michael A. Baehl



Justin J. Collins

Justin J. Collins

ATTEST:



Christina L. Foster
Clerk-Treasurer