

ORDINANCE NO. 2025- 4

AN ORDINANCE OF THE COUNCIL OF THE TOWN OF LINDEN, INDIANA,  
TO REGULATE AND  
ALLOW CHICKENS WITHIN THE TOWN LIMITS

WHEREAS, the Town of Linden realizes that an excess of domestic pets and chickens raises concerns regarding both the safety and the health of the public;

WHEREAS, the Town has experienced problems with domestic pets and chickens in public including the noise, waste, and concern for safety associated with those animals;

WHEREAS, the Town finds it is necessary and advisable to regulate the number of domestic chickens and on each individual property within the Town limits.

NOW, THEREFORE, BE IT AND IT IS HEREBY ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF LINDEN, INDIANA, AS FOLLOWS:

That Section 62.02 shall be added to the Town Code of the Town of Linden, Indiana, which will read as follows:

§ Sec. 62.02 CHICKENS

Chickens shall be allowed to be kept in the Town of Linden, Indiana, on parcels of land located within the town limits 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, ducks, 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 parcel of land less than five (five) 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 Town Councilmen or Clerk-Treasurer shall approve the location of the chicken coops on all corner lots.
- (F) Chickens shall be provided with access to feed and clean water always.
- (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 the applicable health regulations of the State of Indiana, Montgomery County, and the Town.

- (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.

**SECTION 2. Conflicting Ordinances.** Any ordinances or provision of any ordinance of the Town of Linden, Indiana, in conflict with the provisions of this Ordinance is hereby replaced.

**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 Town Council of the Town of Linden and publication as required by law.

#### **SECTION 5: ANIMAL CONTROL FUND**

(A) Fines imposed and collected pursuant to this Ordinance shall be deposited into an Animal Control Fund which is hereby established under this Ordinance. This shall be a non-reverting fund.

(B) The Animal Control Fund may be used for the support of animal control in Linden by providing funding to the Town of Linden, or other Animal Control Agency.

#### **SECTION 6: PENALTY**

Any Person who violates the provisions of this Ordinance shall be subject to the following punishments:

- (A) A person in violation of this chapter shall be fined one hundred dollars (\$100.00). Each day a violation occurs or continues constitutes a separate offense. plus any and all attorney fees and cost of collection.
- (B) If an owner is cited to be in violation of this ordinance more than three (3) times in any given 90 day period, the Animal Control Agent for Linden shall be authorized to take all domestic pets, chickens and domestic livestock to the Animal Control Facility. The Animal Control Facility

- (B) If an owner is cited to be in violation of this ordinance more than three (3) times in any given 90 day period, the Animal Control Agent for Linden shall be authorized to take all domestic pets, chickens and domestic livestock to the Animal Control Facility. The Animal Control Facility shall notify the Owner by the end of the next business day that the animals have been impounded. Any costs associated with the work done by the Animal Control Agent, including a boarding fee of \$15 per day per animal, shall be borne by the Owner. The Owner may reclaim up to four (4) of the offending animals from the Animal Control Agency upon payment of all costs incurred by the Animal Control Agent and fines owed under this ordinance. Unless the animal is claimed by the Owner within seven (7) days from the date of impoundment, any animal may be placed for adoption or humanely euthanized.

## SECTION 7: GRANDFATHER PROVISION

Any possession of chickens not in conformity with this chapter and in existence at the time of adoption may continue. However, that use may not be expanded, modified, or transferred.

Possession of chickens that exist on the date on which this title or an amendment to it is passed may, if otherwise lawful, be continued.

A use covered by this chapter ceases to be authorized if:

- (A) It is discontinued for a 10 day period; or
- (B) It is an open use and five years have elapsed since the date the code or amendment, as the case may be, was passed;
- (C) The chickens die. Such chickens may not be replaced by bringing in replacement chickens.

*PASSED AND ADOPTED by the Town Council of the Town of Linden, Montgomery County, Indiana, on the 29 day of October, 2025*

2025-4

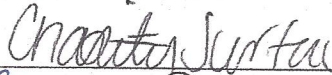
pg 3



Wade




Paul



Charity

ATTEST:

  
Clerk Treasurer

2025-4