



## BACKYARD CHICKENS PERMIT

A person desiring to keep chickens pursuant to this section must first apply for and be issued a Backyard Chickens Permit from the Planning and Zoning Department. Permits may be obtained at Whiteland Town Hall, 549 E. Main St., Monday – Friday between 8 am - 12 pm and 1 pm – 5pm. Permit applications may also be downloaded from the website at [www.townofwhiteland.com](http://www.townofwhiteland.com).

### INITIAL STEPS AND ATTACHMENTS REQUIRED

When submitting a Backyard Chickens Permit please be sure to include all of the following items:

- Backyard Chickens Permit Application – Make sure that all items are completed and the application is signed.
- Property Owner Name (if different than applicant name) In the event that the applicant is a renter, the applicant must provide the above information for the owner of the property from whom the applicant is renting along with a notarized statement from the owner stating that the owner is aware of the application and approves of it.
- Provide floorplans and side elevations for the proposed coop, or if a commercially available coop is to be used, a picture of the coop together with the manufacturer, model, and size of the coop.
- Site drawing showing the proposed location for the coop and chicken run, along with all property lines, building lines, setbacks, fences, and other structures located or proposed to be located on the property.
- Proof of registration of the Indiana Premises Identification Registration through the Indiana Board of Animal Health and submit proof of registration to the Department. This can be obtained from [www.in.gov/boah](http://www.in.gov/boah).
- Proof of notice, at the applicant's expense and in the form required by the Department, to all adjoining legal landowners of property within two (2) property depths, or 660 feet of the subject property, in accordance with the Rules of Procedure of the Whiteland Board of Zoning Appeals. Such notice shall be made by certified mail, by certificate of mailing, or by personal service. Applicant shall provide the Department the certified mail receipts or the certificate of mailing and any unopened returned notices, or the dated signatures of property owners indicating personal receipt of the notice, accompanied by an affidavit signed by the applicant verifying that all persons entitled to receive notice pursuant to this section have been properly notified and that notice of the application has been placed on-site. No Backyard Chicken Permit shall be issued until at least fifteen (15) days after the applicant has provided the Department with the required proof of the notice being delivered and posted at the property.
- Please include the \$35 non-refundable application fee.
- Submit the application and accompanying documents to Whiteland Town Hall, Attention: Planning Department, 549 E. Main St., Whiteland, IN 46184 or email to [bpatrik@whiteland.in.gov](mailto:bpatrik@whiteland.in.gov).

### UPON SUBMITTAL OF THIS PERMIT APPLICATION, I/WE AGREE TO THE FOLLOWING:

The keeping and raising of chickens shall be allowed on properties zoned for and used for a single-family or two-family dwelling (this is not intended for multi-family dwellings, i.e., apartments), provided that written consent from the property owner is required for any such properties that are a rental dwelling, subject to all of the following conditions and limitations:

- (1) The resident of the property has applied for and been issued a Backyard Chickens Permit in accordance with this section.
- (2) The maximum number of adult hens allowed shall be six (6).
- (3) Roosters are prohibited.
- (4) Hens are allowed only within a coop, pen, or chicken run within in a fully fenced enclosure within the rear yard, except when being removed to be transported to, or returned from, a location off of the property, or when being temporarily confined in a garage or indoor space during periods of extreme cold or brooding. The fence must be at least four (4) feet in height.

- (5) A coop shall not exceed 120 square feet in area or 10 feet in height and shall comply with the requirements for accessory buildings.
- (6) There shall be a minimum of six square feet of run space per hen.
- (7) A chicken coop shall be set back at least three feet from any building on the subject property and 25 feet from any residence on a neighboring property.
- (8) Chicken feed must be kept secure from pests.
- (9) All animal byproducts and waste must be collected and removed or composted on a regular basis, allowing the storage of one sealed container up to 20-gallon in size. All byproducts, waste, and carcasses must be properly disposed of in accordance with applicable law, including without limitation, the rules and regulations of the Indiana Board of Animal Health. Neither the waste, anything contaminated by the waste or carcasses may be disposed of through the Town of Whiteland municipal trash services. If a permit holder fails to properly dispose of any chicken byproducts or chicken waste and or causes any potential contamination of the ground, the permit holder shall be responsible for the costs incurred to clean up and mitigate, as necessary, any and all such byproducts, waste, or contamination. Violations of this subsection are subject to the fines and penalties provided under Section 156.181(F)(5).
- (10) The keeping of chickens shall be for personal use only. No sales of eggs, chickens, chicks, slaughtered chickens or chicks, or fertilizer are allowed.
- (11) The caretaker or owner of the chickens must reside on the same lot as the chickens.
- (12) Odors from any chickens or chicken waste must not be discernible at any property line.
- (13) No slaughtering of chickens shall occur on the property.
- (14) Reasonable care of the chickens, in accordance with veterinary standards, must be afforded in all aspects including adequate and proper food, water, and clean-living conditions, and proper handling, restraining, sheltering, exercise, grooming, nutrition, parasite control, and waste management. Poor condition or health of a chicken in the absence of veterinary supervision is prima facie evidence of a violation.
- (15) No property owner or resident of property located within 200' of the property has objected to the proposed keeping and raising of chickens on the property showing that the requirements and conditions of this section have not been satisfied or showing that the issuance of a Backyard Chickens Permit would likely result in a nuisance to them or their property.
- (16) Compliance with all other generally applicable provisions of the Whiteland Zoning Code and the Town Code.
- (17) A person is in violation of this section if the person is a holder of a Backyard Chickens Permit and refuses, upon request by a Town official during reasonable hours, to make his animals, premises, facilities, equipment, and any necessary registrations or permits, available for inspection. Regular inspections may occur to ensure that the property is in compliance with this section. The Town may hire a third-party contractor to assist with inspections and/or other non-compliance matters. Addressing non-compliance matters shall be at the permit holder's expense.
- (18) This section shall not supersede, replace, or have control over any recorded deed restrictions, covenants, homeowners' association rules, or other applicable restrictions that prohibit the keeping of chickens on such property.
- (19) Permittees must operate their property in a manner so as not to pose a threat to public health. Permittees shall isolate chickens that are sick or diseased so as to not endanger the health and well-being of other animals and humans. When necessary for the protection of public health and safety, the Town Manager and/or any public health official may require that a specified animal be kept confined in a secured enclosure. This provision is subordinate to any local, state, or federal code governing the treatment of chickens in the event of a threat to human health. For more information, please refer to the Indiana State Board of Animal Health.
- (20) Applicants must complete the Indiana Premises Identification Registration through the Indiana Board of Animal Health and submit proof of registration.
- (21) If a permit holder moves and leaves any chicken byproducts or chicken waste and or any potential contamination of the ground, the permit holder shall be responsible for the costs incurred to clean up and mitigate, as necessary, any and all such byproducts, waste, or contamination.

## **NEXT STEPS**

### **Approved**

- If all requirements and conditions of this section have been satisfied, a site inspection has been completed, and no owners or residents of nearby properties entitled to notice have submitted to the Department a written objection to the proposed keeping of chickens on the applicant's property, the Backyard Chickens Permit shall be issued by the Department.

- All Backyard Chickens Permits issued under this section shall be nontransferable and valid only for the applicant and location for which it was originally issued. In the event the permit holder no longer resides at the property for which the permit was issued, or no backyard chickens are on the property for a continuous period of thirty (30) days, the permit terminates without refund; otherwise, a Backyard Chickens Permit has an indefinite duration, subject to revocation as provided in this section.
- The Department may revoke a Backyard Chickens Permit issued under this section or refuse to issue a permit if the permittee or applicant fails to meet the conditions and limitations of this section, refuses to permit inspections of the property, or violates any provision of this section.

## PERMIT REVOCATION, DENIAL, AND APPEAL

- The Department may issue a notice of revocation of any permit or deny an application for a permit under this section without prior warning, notice, or hearing if the permittee or applicant fails to meet the conditions and limitations of this section, refuses to make the property or chickens in its possession available for an inspection, seriously or repeatedly violates this section in a way that threatens the health or well-being of the permittee or applicant, the permittee's or applicant's neighbors, or animals in their care, fails to comply with any condition of the permit, or otherwise violates this section in any other way, if the Department gives the permittee or applicant notice that:
  - States the reason(s) for the revocation or denial
  - States that the permittee or applicant may appeal the decision by submitting a timely written appeal to the Department; and
  - Provides the name and the address of the Department official to whom an appeal may be submitted.
- An appeal of a revocation or denial must be made in writing within fifteen (15) days of the issuance of the notice of revocation or denial of a permit to the permittee or applicant. If no appeal request is received within the fifteen (15) day period, the revocation or denial of the permit becomes final. In the event of an appeal by an permittee or applicant, the permittee or applicant shall simultaneously provide notice of the appeal to all owners residents of adjacent properties entitled to notice of the original application, and to any residents who have submitted to the Department a written objection to the proposed keeping of chickens on the applicant's property, in accordance with the application notice requirements, and the applicant shall provide the Department the certified mail receipts or the certificate of mailing and any unopened returned notices, or the dated signatures of property owners or residents, as applicable, indicating personal receipt of the notice, accompanied by an affidavit signed by the applicant verifying that all persons entitled to receive notice pursuant to this section have been properly notified. No appeal hearing shall be held until at least fifteen (15) days after the applicant has provided the Department with the required proof of the notice being delivered.
- Upon receiving an appeal, and the notice affidavit if applicable, the Department shall hold a hearing at a reasonable time and place designated by the Department between fifteen (15) days and thirty (30) days after the later of the filing of the appeal and the notice affidavit with the Department; and the Department shall give reasonable notice of the time and place of the hearing to all owners and residents of adjacent properties entitled to notice of the filing of the appeal. Upon completion of the hearing, the director of the Department shall make a ruling on the appeal. The director's decision on the appeal may be appealed to the Whiteland Board of Zoning Appeals (BZA) in accordance with the BZA's Rules of Procedure, provided the appeal to the BZA is filed with the Department within fifteen (15) days of the issuance of the director's decision to the permittee or applicant, and any other interested parties.
- The permittee or applicant may reapply for a new permit under this section at any time.
- The issuance of a revocation of a Backyard Chickens Permit shall be a remedy in addition to, and not in lieu of, any penalty authorized by the Town Code, and shall not limit any other rights of the Town to pursue other enforcement actions or remedies to address any violation of the provisions of this section or the Town Code. Whoever violates any provision of this section for which another penalty is not provided shall be fined no less than \$100 for the first offense, \$250 for the second offense, and \$500 for each offense thereafter. In addition, the Town of Whiteland may refuse to grant or renew a permit and may revoke a Backyard Chickens Permit if the applicant is unable to maintain his or her chickens so as to not create a nuisance as evidenced by three substantiated violations of the terms of this section within a period of 12 consecutive months.

**If you have any questions regarding the permit application or the process, please contact the Planning Department at (317) 535-5531 or email [bpatrick@whiteland.in.gov](mailto:bpatrick@whiteland.in.gov).**



## BACKYARD CHICKENS PERMIT

Permit #: \_\_\_\_\_

Location of Improvement	
Street Address	Parcel ID #
Projected Start Date	

Property Owner Information			
Property Owner Name			
Applicant Name, if not the Property Owner			
Property Owner Address	City	State	Zip
Primary Phone	E-mail		

Structural Characteristics	
Coop Area (sq.ft)	Run Area (sq.ft.)
Total Number of chickens in flock	Total Value of Construction

**Accompany this permit with the following:**

- Floorplans and side elevations for the proposed coop, or if a commercially available coop is to be used, a picture of the coop together with the manufacturer, model, and size of the coop.
- Site drawing showing the proposed location for the coop and chicken run, along with property lines, building lines, setbacks, fences and other structures located or proposed to be located on the property.
- Written, notarized authorization from property owner, if applicant is not the property owner.

# AFFIDAVIT OF APPLICANT

1. Work may not be started before a permit has been issued and posted, or available on site.
2. The permit will be considered VOID if work has not begun within 60 days of issuance.
3. The permit must be posted on site in a conspicuous location, visible from the street, and must remain in place during the entire period of construction.
4. If any changes or deviations are made from the original application, the Planning Department must be notified immediately.
5. The undersigned owner or agent understands that the approval of this application does not constitute a privilege to violate any applicable government ordinances, codes or laws. In addition, any omission or misrepresentation of fact, with or without intention of the undersigned, or any alteration or change from revocation of any permit issued which was based on the approval of this application.
6. The Town of Whiteland does not have the authority to enforce subdivision covenants or local homeowners association covenants.

*Applicant's Name (Printed)*

*Applicant's Signature*

*Date*

OFFICE USE ONLY			
Building Review			
Received	Approved By	Approval Date	Comments
Site Inspection			
Signature		Date	
Permit Fee		Date Received	
Date Notice of Application Posted (MUST WAIT 15 DAYS BEFORE ISSUING PERMIT)			
Receipt Number		Date Issued	
Permit Number		Date Denied	
Signed	Title	Date	