

MEMORANDUM

**To: President and Board of Trustees
Bob Irvin, Village Administrator**

From: Klein Thorpe and Jenkins, Ltd.

Date: May 14, 2019

Re: Ordinance Regulating the Keeping of Chickens within the Village

On April 9, 2019, the Zoning Planning and Appeals Commission provided its memorandum to the Board providing recommendations for regulating the keeping of chickens within the Village. At the Village Board meeting on April 18, 2019, the President and Board of Trustees discussed this issue and directed the creation of an ordinance regulating the keeping of chickens within the Village. Attached you will find an ordinance entitled AN ORDINANCE AMENDING THE METTAWA CODE OF ORDINANCES WITH RESPECT TO THE KEEPING OF CHICKENS. This ordinance amends Chapter 12, Animal Regulations, of the Mettawa Code of Ordinance and contains the following regulations:

- A. The keeping of chickens are allowed only on residential lots or parcels of at least 160,000 square feet in size. The owner of the chickens must be a resident of the dwelling on the lot in which the chickens are kept.
- B. The maximum number of hens to be allowed upon any lot or parcel shall be six.
- C. It is unlawful for any person to keep roosters within the village.
- D. All hens shall be provided with a covered, predator-proof coop that is well ventilated and be constructed in a manner that allows them to be easily cleaned. The chicken coop must be located upon an impermeable surface that prevents waste run-off. Coops shall be constructed of sturdy, weather resistant materials. All access doors must be able to be shut and locked and all window openings and vents must be covered with predator proof wire with less than one-inch openings. All coops must provide a minimum of four-square feet per chicken.
- E. All hens must be provided with access to a penned area that is adequately fenced to contain the hens upon the property and prevent predators from access to the chickens. The pen must provide a minimum of 8 sq. ft. per chicken.
- F. Chicken and pens coops may not be located within any front yard and must be located only in the rear yard behind the principal dwelling on the property. All coops and pens must be

located a minimum of fifty (50) feet from any side property line and seventy-five (75) feet from any rear property line. Coops, pens and all other accessory structures shall occupy no more than a total of five (5) percent of the total area of any lot or parcel. Coops and pens shall not be located in any area on the lot or parcel that would constitute a nuisance to adjoining neighbors.

G. The coop and pen must be kept in good repair, maintained in a clean and sanitary condition, and free of vermin, obnoxious odors and substances. The coop and pen must be cleaned on a regular basis to prevent the accumulation of waste material.

H. All feed and other items associated with the keeping of chickens shall be protected from rodents and other animals.

I. All hens shall be prohibited from running at large.

J. Slaughtering of chickens shall be prohibited.

K. The sale of eggs shall not be permitted upon the property.

L. No person shall permit the keeping of chickens to become a nuisance due to:

1. Noxious or offensive odors chicken keeping, including the odors from the chickens, manure to be perceptible at or beyond the boundary line of the permittee's property.
2. Offensive noise from the chickens that disturbs the peace and quiet at any time.
3. Any other public or private nuisance resulting from the chicken keeping whether by litter, droppings, feathers, waste or the attraction of pests or rodents.

M. A one-time permit shall be required from each person in order to keep chickens within the Village. All individuals currently keeping chickens illegally within the Village shall be required to comply with the regulations of this section. An application shall be completed and submitted setting forth the name address and phone number of the applicant; the size and location of the property upon which chickens will be kept; the number of hens the applicant seeks to keep on the property; a plan or survey providing precise location dimensions of the coop and pen in relation to property lines and information regarding the construction of the coop. The permit shall allow the Village the right to inspect the premises to ensure compliance with all regulations. The Village may revoke a permit at any time if the village finds that the permit holder has not complied with the Village ordinance regulating the keeping of chickens or if the keeping of chickens becomes a nuisance.

NOTE: Alternative language

M. Each person keeping chickens within the Village shall be required to register with the Village and provide the name address and phone number of the registrant; the size and location of the property upon which chickens will be kept; the number of hens the applicant seeks to

keep on the property; a plan or survey providing precise location dimensions of the coop and pen in relation to property lines and information regarding the construction of the coop.

N. Any person found to have violated any provision of this section shall be fined in an amount not less than \$100 nor more than \$750 per offense. Each day a violation exists shall constitute a separate offense.

The Zoning, Planning and Appeals Commission recommended that a one-time permit be required from all persons desiring to keep chickens within the Village. Their recommendation was based upon their belief that a permit system was in the best interests of the Village. At the Village Board meeting, the President and Board of Trustees considered and requested that the ordinance be drafted with a registration requirement rather than a permit requirement. We recommend that the Village require a one-time permit. A permit process allows the Village to review any proposal for keeping of chickens and assists in ensuring that the proposed keeping of chickens complies with the Village's regulations. A permit requirement also provides the Village with an additional enforcement mechanism for violations, the revocation of the permit. Without any permit process, there will be no review of the proposed plans for the keeping of chickens and enforcement of violations of the Village's chicken regulations will require the Village to issue ordinance citations.

The ordinance attached hereto contains alternative language for both a permit and for registration. The language that the Board feels is in the best interests of the Village should be selected prior to the ordinance's passage.