

ORDINANCE NO. 04-2018

AN ORDINANCE TO REGULATE THE OWNERSHIP, RAISING
AND KEEPING OF CHICKENS
WITHIN THE VILLAGE OF GODFREY, ILLINOIS

WHEREAS, the Village of Godfrey Board of Trustees has determined that it is appropriate to create an ordinance to regulate the ownership, raising and keeping of chickens within R-1 zoned residential districts in the Village of Godfrey; and,

WHEREAS, Article 1, Section 14.1, et seq. of the Village of Godfrey Code of Ordinances regulates the ownership and possession of animals within the Village of Godfrey; and,

WHEREAS, the Village of Godfrey Board of Trustees desires to Amend Article 1, Section 14.1, et. seq., as more specifically stated herein.

NOW THEREFORE, BE IT ORDAINED BY THE VILLAGE OF GODFREY BOARD OF TRUSTEES, THAT THE FOLLOWING AMENDMENTS TO ARTICLE 1, SECTION 14.1, ET. SEQ., ARE PROPOSED:

SECTION ONE

Section 14-4. Animals in Village is amended as follows:

Current Language: Except as otherwise provided in this chapter, no person shall keep within the village any cattle, cows, horses, sheep, swine, goats, chickens, ducks, turkeys, geese or other livestock unless:

Amended Language: Except as otherwise provided in this chapter, no person shall keep within the village any cattle, cows, horses, sheep, swine, goats, more than five chickens with the limitation that chickens may be kept only pursuant to Section 14.16 of this Code, ducks, turkeys, geese or other livestock, unless:

SECTION TWO

Chapter 1 Section 14 of the Village Code of the Village of Godfrey shall be amended by adding a new Section 14.16 to provide as follows:

NEW SECTION:

"Sec 14.16" CHICKENS: The purpose of this Section 14.16 of the Godfrey Village Code is to create appropriate regulations for the ownership, maintenance and keeping of chickens within R-1 zoned residential areas in the Village of Godfrey. The purpose of this Section 14.16 is not to create regulations for the commercial sale or distribution of chickens or eggs, but to regulate the raising and keeping of chickens within residential

districts. For the purposes of this Section 14.16, the term "chicken" is defined as a female/hen chicken. Chickens known as roosters shall not be kept within the Village of Godfrey. The following restrictions shall apply to any property where chickens are kept, raised or maintained within R-1 residential districts within the Village of Godfrey:

(a) Conditions for the keeping of chickens: The keeping, raising or maintaining of chickens within the Village of Godfrey is prohibited without a valid permit issued pursuant to Section 14.16 (d). Compliance with all of the conditions required by this Section 14.16 must be continually maintained for a permit to remain valid within the Village of Godfrey. The following requirements and restrictions shall apply to all property occupants that maintain, keep or raise chickens within the Village of Godfrey:

1. A chicken coop and chicken run shall be required on all properties where chickens are kept. No more than five (5) chickens may be kept, raised or maintained upon one property. For purposes of this Section 14.16, "property" is defined as real estate which has been assigned a Parcel Identification Number, and which contains no less than 9,000 square, ft. of area.
2. The chicken coop shall accommodate all chickens permitted on the property. The chicken coop must be located in the rear yard, and must be a minimum distance of fifteen feet (15) in all directions from the nearest property line. Fencing may not serve the dual purpose of property separation and also serve as a chicken coop.
3. All chicken runs shall be located in the rear yard, be appropriately fenced to prevent the chickens from leaving the run, and be located at least fifteen (15) feet in all directions from the nearest property line.
4. The property must possess R-1, R-2 and R-3 residential zoning classification. No chickens may be raised, maintained or kept within zoning classifications other than R-1, R-2 and R-3 with the exception of those properties zoned Agricultural (AG) shall not be subject to the restrictions of this Section 14.16.
5. Free-range chickens are not permitted. Free-range chickens, for the purpose of this Ordinance, are defined as chickens that are not restrained within a chicken coop or chicken run.
6. Chicken feed shall be kept in a predator proof/rodent proof sealable container and the Chicken feeding bin shall be made of steel and be predator proof/rodent proof.
7. Waste material must be disposed of in a manner that will not cause odor, attract flies or other insects, vermin, or otherwise create a public health hazard under the State of Illinois or Madison County Public Health Codes.

8. No person shall allow chickens to produce noise which is loud enough to disturb the peace of persons on surrounding properties.
9. The owner of chickens shall ensure that the chickens are cared for in a safe and humane manner at all times and, in the event of death, that they are disposed of in a manner that does not endanger the public health and safety.
10. The slaughtering of chickens is prohibited. Chickens that die may not be cleaned and consumed by anyone.
11. No chickens may be kept, maintained or raised to be used for the purpose of fighting.
12. All coops shall be thoroughly cleaned of all debris, refuse, and waste as often as necessary to affect a sanitary maintenance of the premise and to prevent odors from emanating from the facility. The presence of flies, fly larvae, other insects, pests or vermin or obnoxious odor within or about the chicken coop shall constitute a public nuisance and may cause the revocation of the permit issued under Section 14.16 (d).
13. The Village of Godfrey Animal Control Officers and the Village Planning and Zoning Officials or their designees, may inspect, at any time, the property, the permitted facilities and conditions where the chickens are kept to assure compliance with all Village Ordinances.
14. Chickens may not be kept in any habitable part of a dwelling including but not limited to garages, basements, cellars or any accessory building that is not a coop.
15. A chicken coop must measure at least 3 square feet per chicken inside the coop and have a minimum of 8 feet per chicken in the outside run. The structure, run, and fencing be kept in good repair. The fencing shall not exceed 6 feet in height. There shall be no peeling of paint, or untreated, rusted or rotted materials. The floors of the coop enclosure must be smooth and tight, and maintained as to prevent unsanitary conditions and the harboring of vermin underneath. The wire enclosure or fencing around the run may not exceed 6 feet in height and all gates or doors to the fence and coop structure shall be locked and secured with a latch.
16. A violation the provisions of this Section 14-16 (a) 1-15 shall constitute the maintaining of a Public Nuisance under the Godfrey Village Code, and, as such, may be prosecuted as a Public Nuisance by the Village of Godfrey.
17. This Ordinance does not invalidate any Homeowners Association Provision against the keeping of chickens within the jurisdiction of

the Homeowners Association.

(b) Procedure for acquiring chickens:

The following procedures must be followed prior to any permit being issued by the Village under Section 14.16 (d):

1. The person desiring a permit to raise, maintain or keep chickens shall construct or have delivered a chicken coop of appropriate size and strength for the number of chickens they wish to own not exceeding five (5) chickens.
2. Officers of the Village of Godfrey Animal Control Office, or the Building and Zoning Office or their designees, shall inspect the property, chicken coop and chicken run before any permit may be issued. If the facilities are found to be satisfactory, an authorization document will be provided to the applicant with a copy to the Village of Godfrey Clerk's office stating that the applicant is entitled to apply for a permit under Section 14.16 (d). If the property, chicken coop and run facilities are found to be unsatisfactory, the resident will be informed of defects and given thirty (30) days to rectify defects and have the property re-inspected. The charge for an initial inspection shall be \$ 25.00. One re-inspection shall be conducted without the payment of an additional fee.

(c) Fines and Penalties

If a person raising, maintaining or keeping chickens fails to comply with the requirements of this Ordinance he or she shall be subject to prosecution for a violation of this Ordinance, and may be assessed a fine of up to \$ 25.00 for each day that the required conditions were not maintained with each day of violation being a separate offense. Upon conviction in the Circuit Court of a violation of this Ordinance, in addition to the fine or penalty that may be imposed by the Court, the Village of Godfrey shall permanently revoke the permit held by any person found to be in violation of this Ordinance.

A permit may be revoked by the Village Building and Zoning Administrator, or the Village Animal Control officer if more than three violations of this Ordinance are found to be present at any site where chickens are kept within any 24 month period. Any revocation of a permit, shall be appealable to the Godfrey Village Board of Trustees if the appeal is requested within 10 days of the date of revocation via a letter of appeal filed with the Village Clerk stating the reasons for the appeal. The appeal hearing shall be held within 30 days. A super majority vote of the Board of Trustees shall be required to reverse the revocation action.

(d) Permit term: Late fee

1. To obtain the permit, the applicant must present the permit authorizing document together with the permit fee to the Village of

Godfrey Clerk's Office. The permit fee shall be Twenty-Five Dollars (\$25.00) and shall be paid annually unless the permit has been revoked. There shall be no proration of the fee. The permit shall be issued for no more than five (5) chickens. The Village will only issue 20 permits per year. Permits will be on first come basis.

2. A permit, if not revoked, shall be valid until the next permitted period. Permitted periods run from January 1 through December 31 of each year. A new permit with its applicable fee shall be obtained prior to January 1 of every permit period. Anyone who fails to obtain required permit shall, in addition to the fines and penalties outlined in Section 14.16 (c), be required to pay a late fee of twenty five dollars (\$25.00) per month or any portion thereof for failure to timely obtain said permit. The late fee shall be in addition to the permit fee set forth in this section.

(e) Permit denial or revocation. If a permit is denied, no application for a new permit may be made for two years (2) from the date of denial. If a permit has been revoked the revocation shall be permanent and no new permit may be issued to the or individuals residing within the property to which the permit was issued.

(f) Applications:

All applications shall include but not be limited to the following information:

1. Name, Address, Phone Number of applicant and the name of all residents at the applicants address.
2. If the subject property is rented, the Name, Address, a letter of approval from the owner and Phone Number of owner of the property;
3. The size of the Property Lot and the Parcel Identification Number of the Property
4. A declaration that there is no Homeowner Association prohibition against the maintenance of chickens within the jurisdiction of the Homeowners Association.

SECTION THREE

If any part of this Ordinance is found to be unconstitutional, invalid or unenforceable by a Court of competent jurisdiction, such invalidity shall not affect the validity or effectiveness of the remaining provisions of this Ordinance or any part thereof and said Ordinance shall be read as if said invalid provision was struck therefrom and the context thereof changed accordingly with the remainder of the Ordinance to be and remain in full force and effect.

SECTION FOUR

All ordinances or parts of other ordinances in conflict herewith shall be and hereby are repealed to the extent of any such conflict, provided that nothing herein shall

in any way excuse or prevent prosecution of any previous or existing violation of any ordinance or part of any ordinance repealed or superseded hereby. Nothing in this Ordinance shall be construed to affect any suit or proceeding now pending in any court, any rights acquired, any liability incurred, any cause of action acquired or existing by reason of this Ordinance or any part thereof repealed by this Ordinance. No accrued legal right or remedy of any kind or character shall be lost, impaired or affected by this Ordinance.

SECTION FIVE

This Ordinance shall be in full force and effect from and after its passage, approval and publication in pamphlet form as provided by law. All persons keeping chickens that are subject to the terms and conditions of this Ordinance within the Village of Godfrey on the date this Ordinance becomes effective shall comply with this Ordinance within ninety (90) days after its effective date.

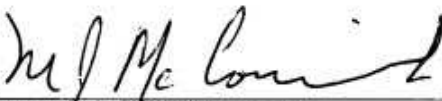
PASSED BY THE VILLAGE BOARD OF TRUSTEES OF THE VILLAGE OF GODFREY, ILLINOIS, THIS 6TH DAY OF MARCH, 2018.

APPROVED BY THE MAYOR OF THE VILLAGE OF GODFREY, ILLINOIS THIS 8TH DAY OF MARCH, 2018.

AYES: SCHRUMPF, SPRINGMAN, STEWART, WEBER


NAYS: MCATEE, WILLIAMS

ABSENT: NONE



Michael J. McCormick
President, Village
of Godfrey, Illinois

ATTEST:



Pamela E. Whisenand
Clerk, Village of Godfrey,
Illinois