

**CITY OF HIGHLAND PARK**

**ORDINANCE NO. O40-2019**

**AN ORDINANCE AMENDING CHAPTERS 90 AND 95 OF "THE HIGHLAND PARK CODE OF 1968," AS AMENDED, REGARDING THE KEEPING OF CHICKENS**

**WHEREAS**, Chapter 90 of "The Highland Park Code of 1968," as amended ("**City Code**"), regulates the care and keeping of animals in the City; and

**WHEREAS**, the City Council desires to amend Chapter 90 of the City Code to establish regulations for the keeping of chickens on residential properties in the City; and

**WHEREAS**, the City Council has determined that it will serve and be in the best interest of the City and its residents to amend the City Code pursuant to this Ordinance;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF HIGHLAND PARK, LAKE COUNTY, STATE OF ILLINOIS**, as follows:

**SECTION ONE: RECITALS.** The foregoing recitals are incorporated into, and made a part of, this Ordinance as the findings of the City Council.

**SECTION TWO: KEEPING OF CHICKENS.** Chapter 90, titled "Animals," of Title IX, titled "General Regulations," of the City Code is hereby amended to add a new Section 90.260, which Section 90.260 hereafter reads as follows:

**"Sec. 90.260. - Keeping of Chickens.**

**No person may keep any chicken on any real property used for residential purposes in the City, except in compliance with this Section 90.260.**

**(A) Permit Required. No person may keep any chicken on any real property used for residential purposes prior to receipt of an annual residential chicken-keeping permit, which permit may be obtained from the City Clerk upon submission of an application, on a form to be provided by the City, and upon payment of a fee in the amount set forth in the Annual Fee Resolution. All residential chicken-keeping permits shall expire on December 31 of the year in which they were issued.**

**(B) Maximum Permitted; Roosters Prohibited. Not more than six hens may be kept on any property at any time. The keeping of roosters is prohibited.**

(C) Location. Chickens must be confined at all times to a chicken coop or chicken run in compliance with the following:

(1) Chicken coops and chicken runs may be located only in rear yards, and must be set back at least eight feet from all property lines; provided, however, that the City Manager may approve an exception to permit the location of a chicken coop in a side yard, or less than eight feet from a property line, in accordance with the following:

(a) The applicant must submit: (i) a written explanation for the need for the requested exception; (ii) a photograph or aerial image of the applicant's property, identifying the existing conditions that prohibit compliance with the requirements of this Section 90.260(C)(1); and (iii) a depiction, on an aerial photograph or plat or survey, of the proposed location of the chicken coop; and

(b) The City Manager may approve the requested exception in his or her sole discretion, if:

(i) The City Manager determines either that the subject property does not have a rear yard, or that the size of the rear yard does not practically allow for the location of a chicken coop that is set back at least eight feet from all property lines;

(ii) The proposed chicken coop will be set back at least three feet from all property lines, and will not be constructed within a utility easement; and

(iii) The applicant provides screening along each side of the chicken coop that is located less than eight feet from a property line;

(2) Chicken coops must be set back at least 10 feet from all principal residential structures;

(3) No chicken coop may exceed eight feet in height;

(4) Chicken coops and runs must provide not less than four square feet for each chicken kept on the property; and

(5) No chicken coop may be erected or constructed except upon receipt of, and in compliance with, all building permits required pursuant to Chapters 170 and 174 of this Code.

**(D) Registration with State.** The owner of property on which chickens are kept must obtain a Livestock Premises Registration from the Illinois Department of Agriculture, and must retain proof of registration on the property.

**(E) Inspections.** All properties for which a permit has been issued pursuant to this Section 90.260 are subject to inspection by City representatives upon initial installation of any chicken coop or chicken run, and in the discretion of the City to investigate any complaint concerning chickens kept on such property.

**(F) Sanitation.**

**(1) All chickens, chicken coops, and chicken runs must be kept, housed and maintained in a clean and sanitary condition, and in a manner that does not cause a public or private nuisance from odor, litter, droppings, feathers or other waste, excessive noise, or predators, pests, rodents, or other animals.**

**(2) All chicken feed must be kept in rodent-proof containers.**

**(G) Slaughtering Prohibited.** No chicken may be slaughtered in the City.

**(H) Penalty.**

**(1) Any person who violates any provision of this Section 90.260 shall be fined in the amount set forth in the Annual Fee Resolution. Each day on which a violation occurs or exists shall be deemed a separate and distinct offense.**

**(2) The City may revoke any residential chicken-keeping permit upon the occurrence by the permittee of three violations of this Section 90.260 within the preceding 12-month period.**

**SECTION THREE: PUBLIC NUISANCES ENUMERATED.** Section 95.001, titled "Public nuisances enumerated," of Chapter 95, titled "Nuisances," of Title IX, titled "General Regulations," of the City Code is hereby amended further to read as follows:

**"Sec. 95.001. - Public nuisances enumerated.**

It is hereby declared to be a public nuisance for any person, firm, corporation or association to do, suffer or permit, any of the following:

\* \* \*

(N) To keep or suffer to be kept any: **(1) chickens on any property used for residential purposes, except in accordance with Section 90.260 of this Code; or (2)** geese, ducks, pigeons (except homing pigeons kept in accordance with the requirements of Section 90.255 of this Code), chickens, turkeys, or other fowl in any pen, enclosure or roost within a distance of 100 feet from any boundary line of a lot or parcel of land or within a distance of less than 300 feet of a dwelling of any person other than the owner of such fowl or to permit any such fowl to go beyond the premises of the owner of such fowl or in any event, to keep or suffer to be kept for any use more than 25 of such fowl at any one time.”

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**SECTION FOUR: TWELVE-MONTH REVIEW.** The City Council hereby directs the City Manager to place the regulations amended pursuant to this Ordinance on the agenda of a meeting of the Committee of the Whole to be held approximately 12 months after the effective date of this Ordinance for the purpose of reviewing those regulations.

**SECTION FIVE: PUBLICATION.** The City Clerk is hereby directed to publish this Ordinance in pamphlet form pursuant to the Statutes of the State of Illinois.

**SECTION SIX: EFFECTIVE DATE.** This Ordinance will be in full force and effect from and after its passage, approval, and publication in the manner provided by law.

**AYES:** Mayor Rotering, Councilmen Stolberg, Stone, Kaufman, Blumberg, Knobel, Holleman

**NAYS:** None

**PASSED:** May 13, 2019

**ADOPTED AS AMENDED:** May 13, 2019

**PUBLISHED IN PAMPHLET FORM:** May 23, 2019

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Nancy R. Rotering, Mayor

ATTEST:

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Ghida S. Neukirch, City Clerk