

ORDINANCE NO. 10111502

AN ORDINANCE REGARDING THE REGULATION OF THE ORDERLY KEEPING OF CARRIER, RACING, HOBBY OR SHOW PIGEONS IN THE VILLAGE OF NORTH AURORA

WHEREAS, the Village of North Aurora has the authority to regulate the orderly keeping of carrier, racing, hobby or show pigeons based on the authority granted by P.A. 96-646 which amended 510 ILCS 45/7; and

WHEREAS, the Village of North Aurora has the authority to place reasonable regulations on a person or other entity keeping pigeons and require a person or other entity to obtain a license to keep pigeons; and

WHEREAS, is in the best interests of the citizens of the Village of North Aurora to regulate the orderly keeping of carrier, racing, hobby or show pigeons.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of North Aurora, Kane County, Illinois, as follows:

1. The recitals set forth above are adopted and incorporated herein as the material and significant findings of the President and the Board of Trustees as if fully stated herein.
2. Chapter 5.60 of the Village of North Aurora Municipal Code shall read in its entirety as follows:

5.60.010 Definitions.

A. "Carrier Pigeon" means homing or racing pigeons which have the name of the owner stamped upon the wing or tail, or are banded upon the leg with the name or initials of the owner or with an identification or registration number stamped on the band.

B. "Racing Pigeon" means a pigeon registered with a nation pigeon racing organization and used as a game competitive bird. The pigeons are not to be identified or classified as fowl when raised and used in the sport and hobby of racing carrier pigeons.

C. "Authorized Official" means the Village Administrator, Acting Village Administrator, the Assistant to the Village Administrator, Community Development Director or his/her designee.

D. "Loft" means any structure in which carrier, racing, hobby or show pigeons are housed.

E. "Hobby or Show pigeons" means pigeons that are raised for the purpose of a hobby or exhibited for show and must have a band on one leg with an identification number along with the year the bird was raised. These pigeons are not to be identified or classified as fowl when raised for hobby or show. These pigeons need not be registered with any organization.

5.60.020 Loft; Construction and Maintenance.

A. All lofts shall be constructed in compliance with all applicable building and zoning codes in the Village of North Aurora.

B. All lofts shall be maintained in a clean, orderly condition, kept in good repair and shall be cleaned at least once a week, or more frequently if the loft creates noticeable odors. Waste from lofts shall be disposed of off site weekly and shall not be used for composting or on-site disposal.

C. Lofts shall comply with accessory structure requirements for height and setbacks. Lofts shall be a maximum of 144 square feet in area.

5.60.030 Licensing and Inspection.

A. Every person or entity wishing to maintain a pigeon loft in the Village shall apply for a license and pay a registration fee of Fifty Dollars (\$50) for each twenty (20) pigeons or fraction thereof and said license shall be renewed and an additional registration fee paid annually.

B. Every license application, or annual renewal application, shall include the name, address and telephone number of the person or entity requesting the license. If the license is applied for or being renewed by a corporate or other non individual entity, then the license application or renewal application shall also state the name, address and telephone number of the person owning the controlling interest in the entity and the operator or manager.

C. Prior to the issuance or the renewal of the license, the applicant must allow the inspection of the loft or other areas where the pigeons will be kept by the Authorized Official. If the loft has not yet been built, the Authorized Official shall review the plans and determine if the proposed loft meets the requirements of this Chapter as well as the other building codes in the Village of North Aurora prior to issuing the license.

D. Each license shall entitle the license holder to keep no more than forty (40) pigeons. Lofts shall provide a minimum of 0.65 square feet of loft space per pigeon.

E. The Authorized Official has the authority to inspect the loft up to three (3) times annually after providing five (5) days written notice to the license holder. Additional inspections may be made if there is probable cause for a violation of this Ordinance.

F. Anyone keeping carrier, racing, hobby or show pigeons must be a member in good standing with an appropriate national pigeon organization such as the American Racing Pigeon Union or the International Federation of Racing Pigeons. Proof of membership shall be submitted with the application for the initial license and any license renewal.

5.60.040 Offenses and Penalties.

A. Violation of this Chapter shall constitute a business offense subject to fines no less than Fifty Dollars (\$50) and no greater than Seven Hundred Fifty Dollars (\$750). Each day that a violation continues shall be considered a separate offense. The enforcement of this ordinance shall be subject to the Village of North Aurora administrative adjudication procedures and all rules relating to those procedures shall apply.

B. Upon conviction of a second violation, the license shall be suspended until such time as all violations are corrected. The Authorized Official shall inspect the loft to determine it is in compliance with this Chapter and all other applicable Village Ordinances prior to reinstatement of the license.

C. Upon conviction of a third violation, the license holder will be provided with a written notice of a hearing on the permanent revocation of the license. The written notice shall be sent to the license holder at the address provided on the license application or renewal by regular mail. The hearing

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shall be held no earlier than 7 days and no later than 14 days after the date that the notice is mailed to the license holder.

5.60.050 Applicability.

This Chapter shall apply to any pigeon loft located in the Village of North Aurora regardless of the zoning district in which it is located.

3. This Ordinance shall take immediate full force and effect from and after its passage, approval, publication and such other acts as required by law.

Presented to the Board of Trustees of the Village of North Aurora, Kane County, Illinois this 15TH day of November, 2010, A.D.

Passed by the Board of Trustees of the Village of North Aurora, Kane County, Illinois this 15TH day of November, 2010, A.D.

Chris Faber	<u>no</u>	Mark Gaffino	<u>no</u>
Mark Guethle	<u>yes</u>	Michael Herlihy III	<u>yes</u>
Vincent Mancini	<u>no</u>	Robert Strusz	<u>yes</u>

DALE
BERMAN

Approved and signed by me as President of the Board of Trustees of the Village of North Aurora, Kane County, Illinois this 15TH day of NOVEMBER, 2010, A.D.

Dale Berman
Dale Berman, Village President

ATTEST:
Lori Murray
Lori Murray, Village Clerk

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