

VILLAGE OF CARPENTERSVILLE

ORDINANCE 18 - 12

AN ORDINANCE AMENDING TITLE 6 OF THE CARPENTERSVILLE MUNICIPAL CODE AND REGULATING CHICKENS WITHIN THE RESIDENTIAL DISTRICTS OF THE VILLAGE

WHEREAS, the Village of Carpentersville, Kane County, Illinois, is a home rule municipality as contemplated under Article VII, Section 6, of the Constitution of the State of Illinois, and the passage of this Ordinance constitutes an exercise of the Village's home rule powers and functions as granted in the Constitution of the State of Illinois; and

WHEREAS, subject to said Section, a home rule unit may exercise any power and perform any function pertaining to its government and affairs for the protection of the public health, safety, morals and welfare; and

WHEREAS, in furtherance of its home rule powers, it is necessary and desirable for the Village of Carpentersville to amend its ordinances regarding the powers and duties of the Village Manager.

WHEREAS, TITLE 6 of the Village of Carpentersville Municipal Code establishes the rules for maintaining Animals within the village;

WHEREAS, the Village Board finds that restrictions need to be placed on the raising and maintaining of chickens within residential areas of the village to avoid excessive noise and odor, and be consistent with residential living within the laws of the Village; and

WHEREAS, the Village of Carpentersville finds that is in the best interest of the Village to amend Title 6 of the Carpentersville Municipal Code to allow for the maintenance of chickens within the Village of Carpentersville, within certain perimeters and with certain restrictions.

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Carpentersville, Illinois as follows:

SECTION 1: TITLE 6, Section 6.04.010, Definitions, of the Carpentersville Municipal Code shall be amended to include the following definitions:

* * *

CHICKEN: For purpose of this code, the term Chicken shall be limited to the female of the species Gallus Domesticus a/k/a hens and shall not include the male gender a/k/a roosters regardless of the species.

COOP: A structure housing hens consisting of a covered inside enclosure.

HEN: The female of the species Gallus domesticus, commonly known as chickens.



PEN: An enclosure connected to a coop for the purposes of allowing chickens to leave the coop while remaining in an enclosed, predator safe environment.

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SECTION 2: The Carpentersville Municipal Code is hereby amended by amending Section 6.04.040 as follows:

* * *

6.04.040 - Prohibited animals.

C. It is unlawful to harbor, keep or permit to be kept or harbored any poultry, cattle, swine, sheep, goats, horses or similar animals within the village limits, except as may otherwise be provided in Title 6, Section 6.11 of the Carpentersville Municipal Code.

* * * *

SECTION 3: The Carpentersville Municipal Code is hereby amended by amending Section 6.04.050 as follows:

6.04.050 - No domestic animals or poultry permitted.

No person shall keep or allow to be kept upon or about the premises or upon any vacant property or public property within the village an cattle, horses, swine, rabbits, sheep, goats, ducks, geese, chickens or other poultry, except as may otherwise be provided in Title 6, Section 6.11 of the Carpentersville Municipal Code.

SECTION 4: The Carpentersville Municipal Code is hereby amended by adding a CHAPTER 6.11 to TITLE 6 as follows:

6.11.010: License Required

No person shall keep chickens within the Village without first obtaining a license therefor issued by the Village. Any pen, coop, building or other enclosure used for the housing of hens may be erected only after obtaining a building permit as provided for herein.

A. An applicant for a license for the keeping of chickens or for a building permit for any pen, coop, building or other enclosure used for the housing of chickens must submit the following to the Community Development Director:

1. Completed applications on forms provided by the Village.
2. A current plat of survey accurately depicting the potential location of the proposed structure housing hens on the applicant's property.



3. The license fee shall be as established by the Village's fee schedule. The building permit fee for a pen, coop, building or other enclosure used for the housing of chickens shall be the same fee as for a shed. If for any reason, the license is not issued, the fee will be refunded.

B. A license for the keeping of chickens and a building permit for a structure for the keeping of chickens shall not be granted unless the applicant can show proof that a proposed structure that complies with all provisions of this chapter will be erected.

C. A license for the keeping of chickens and a building permit for a structure for the keeping of chickens shall not be transferable nor run with the land and shall terminate and become invalid upon the licensee no longer occupying the property for which the license and permit were issued.

D. Requirements to obtain a permit shall include:

1. That all requirements of this section are met;
2. That all fees for the license and building permit are paid in full;
3. That all judgments in the Villages favor and against the applicant have been paid in full;
4. That the tract of land to be permitted shall contain only one single family dwelling occupied and used as such by the applicant;
5. That the applicant has provided notice to the residents of all immediately adjacent dwellings of the applicant's intent to obtain a permit;
6. A permit shall only be issued after the chicken coop has been inspected and determined to meet all requirements of this section;
7. That the issuance of a permit will not be detrimental to or endanger the public health, safety, comfort or general welfare of the community or neighboring residents;

The number of licenses authorizing the keeping of chickens shall not exceed twenty-five (25) in number. The number of building permits issued in conjunction with structures housing hens including pens, coops, buildings or enclosures shall not exceed twenty-five (25) in number.

6.11.020: Suspension or revocation of a license

A. The Community Development Director may seek suspension or revocation of a license, for the following violations:

1. False statements on any application or report required by this section;
2. Failure to pay any fee;
3. Failure to correct deficiencies noted in notices of violation in the time specified in the notice;
4. Failure to maintain the chicken coop in compliance with this section;



5. Failure to comply with the provisions of an approved mitigation or remediation plan ordered by the Village Official as a penalty at a violation hearing;

6. Failure to comply with any provision of this section.

B. A decision to revoke, suspend, deny, or not renew a permit, or impose a mitigation or remediation plan shall be in writing, delivered by mail or in person to the address indicated on the application. The notification shall specify reasons for that action.

Where the Community Development Director presents to the Village Manager sufficient evidence demonstrating probable cause to believe that the licensee has violated the provisions of this chapter or the laws of the United States or the state, and that said violation will immediately threaten the public health, safety or welfare, the Village Manager may, upon the issuance of a written order stating the reason for such conclusion, and without prior notice or hearing, order the licensed structure for the keeping of chickens closed and the license summarily suspended pending a public hearing and a determination on suspension or revocation. Such hearing shall be commenced not more than seven (7) days following the entry of such an order, unless the licensee shall agree to a longer period of time. The procedure for such a hearing or any appeal with respect thereto shall be as otherwise provided in this chapter. Upon entry of an order of summary suspension, the licensee shall be served with a copy of the order and notice of violation and a hearing in the manner provided by this chapter.

A. NOTICE OF HEARING

Except as provided in this chapter, prior to suspension or revocation of a license under this chapter, the licensee shall be notified in writing of the nature of the violation(s) and an opportunity for a hearing which will be provided if a written request for a hearing is filed with the Community Development Director by the holder of the license within ten (10) days. If a written request is filed within ten (10) days, a hearing date shall be set within ten (10) days of receipt of the request. If no written request for a hearing is filed within ten (10) days, the suspension or revocation shall be sustained.

B. HEARINGS

As provided in this chapter, a hearing shall be conducted by the Community Development Director or his designee affording the licensee an opportunity to appear and defend the charges. The Community Development Director shall make a final decision in writing, including the reasons for such decision, and shall serve such decision on the licensee within ten (10) days after the conclusion of the hearing.

C. APPEALS

A. Any person aggrieved by the action or decision of the Village's Community Development Director to deny, suspend or revoke a license applied for or issued under the provisions of this chapter shall have the right to appeal such action or decision to the Village



manager within ten (10) days after the notice of action or decision has been mailed to the licensee's address as shown on the license application form, or to the licensee's last known address.

B. An appeal shall be taken by filing with the Community Development Director a written statement setting forth the grounds for appeal.

C. The Community Development Director shall transmit the written statement to the Village Manager within ten (10) days of its receipt and the Village Manager will set a time and place for a hearing on the appeal. The Village Manager may designate an authorized representative to conduct such hearing.

D. A hearing shall be set not later than twenty (20) days from the date of receipt of the appellant's written statement.

E. Notice of the time and place for the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action decision.

F. The Village Manager or the Manager's designee shall serve a decision on the licensee within ten (10) days after the conclusion of the hearing on such appeal.

6.11.030 Number of Chickens.

No person shall keep more than four (4) hens. Roosters shall be prohibited.

6.11.040 Structures.

All hens kept in the Village shall be entirely confined in a pen, coop, building, or other enclosure at all times. No chicken shall be kept inside a residence, with the exception that baby chicks less than eight (8) weeks old may be kept indoors until such time as it is fully feathered.

Structures housing hens including any pens, coops, buildings or enclosures shall be permitted only in conjunction with a single-family detached dwelling located in a residential zoning district. Structures housing hens including any pens, coops, buildings or enclosures shall be located only in a rear yard, erected or maintained at least twenty five feet (25') from any residential structure, church, school, or place of business and coop must be closer to the permittee's residence than any adjoining residential dwelling, church, school, or place of business, set back at least ten feet (10') from all property lines of an adjacent property and shall not be visible from a street.

Structures housing hens shall consist of a coop and a pen. A Coop housing hens shall provide not less than ten (10) square feet per hen with coop size limited to not more than fifty (50) square feet and pen enclosures limited to not more than one hundred (100) square feet.

Coops shall be constructed to specifications as approved by the Community Development Director and must be placed either above ground or on a hard surface such as concrete, patio block or gravel and able to withstand natural forces such as wind, rain and snow. Wooden or precast concrete posts shall be acceptable foundations if they are placed at least twenty four inches (24")



into the ground and firmly tamped with dirt or gravel. Wooden or precast concrete posts may also be secured into the ground using anchor posts that are otherwise typically used for fencing or decks.

All pens, coops, buildings, yards or enclosures for hens shall be kept clean, sanitary and free from all refuse and waste. Such areas shall be thoroughly cleaned at least once every twenty four (24) hours and all refuse and chicken waste shall be disposed of in a clean and sanitary fashion.

Chicken coops must provide adequate ventilation, sun and shade, protection from precipitation, protection from cold weather, fresh water and must be impermeable to rodents, wild birds and predators including cats and dogs.

Chickens must be kept in an enclosure and fenced area at all times and not allowed to run free. Chickens must be secured in a chicken coop at night.

All feed for hens shall be kept in rodent-proof containers until put out for consumption by the permitted hens being kept.

A chicken coop shall be enclosed on all sides and shall have a roof and doors. Access doors must be able to be shut and locked each night. Open windows and vents must be covered with predator and bird proof wire.

The materials used in making the coop shall be uniform for each element of the structure such that the walls are made of the same material, the roof has the same shingles or other covering and any windows or openings be constructed of the same materials. The use of scrap, washboard, sheet metal or similar materials is prohibited. Chicken coops shall be well maintained.

Any enclosed chicken pen shall consist of sturdy wire fencing, a minimum of six feet in height, and covered with wire, aviary netting or solid roofing.

Structures housing hens including any pens, coops, buildings or enclosures shall be removed upon a licensee no longer keeping chickens, upon a licensee no longer occupying the property for which a license for the keeping of chickens was issued or upon a licensee for the keeping of chickens having been revoked.

6.11.050 Slaughtering

Slaughtering of chickens is prohibited.

6.11.060 Nuisance

Odors from chickens, chicken manure or other chicken related substances shall not be perceptible at the property boundaries of the property where the chickens are kept, and it is hereby declared a nuisance and shall be unlawful for any person to allow such nuisance to exist.

No person shall allow chickens to provide noise loud enough to annoy or disturb the comfort, health, peace or repose of reasonable persons of ordinary sensibilities, and it is hereby declared a nuisance and shall be unlawful for any person to allow such nuisance to exist.



Nothing in this chapter shall be construed to permit the keeping of chickens when such activity is prohibited by private covenants, conditions or restrictions governing the use of property.

SECTION 5: If any section, paragraph, subdivision, clause, sentence or provision of this Ordinance shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair, invalidate or nullify the remainder thereof, which remainder shall remain and continue in full force and effect.

SECTION 6: All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

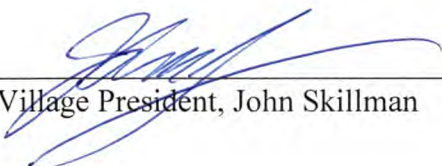
SECTION 7: This Ordinance shall be in full force and effect upon its approval and publication in pamphlet form (which publication is hereby authorized) as provided by law.

Passed this 1st day of May, 2018, by roll call vote as follows:

	Ayes	Nays	Absent	Abstain
Trustee Maria Vela	<u>X</u>	_____	_____	_____
Trustee Jeff Frost	<u>X</u>	_____	_____	_____
Trustee Paul Humpfer (Motion)	<u>X</u>	_____	_____	_____
Trustee Diane Lawrence (Second)	<u>X</u>	_____	_____	_____
Trustee John O'Sullivan	<u>X</u>	_____	_____	_____
Trustee Kevin Rehberg	_____	_____	<u>X</u>	_____



APPROVED THIS 1st DAY OF MAY, 2018.



Village President, John Skillman

ATTEST: 

Village Clerk, Kelly Mastera

Published: 05/07/18

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CERTIFICATION



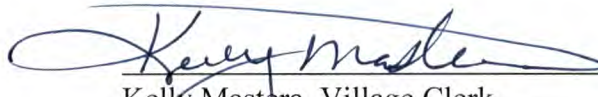
I, Kelly Mastera, do hereby certify that I am the duly appointed, acting and qualified Clerk of the Village of Carpentersville, Kane County, Illinois, and that as such Clerk, I am the keeper of the records and minutes and proceedings of the President and Board of Trustees of said Village of Carpentersville.

I do further certify that at a regular meeting of the President and Board of Trustees of the Village of Carpentersville, held on the 1st day of May, 2018, the foregoing Ordinance entitled, ***An Ordinance Amending Title 6 of the Carpentersville Municipal Code and Regulating Chickens Within the Residential Districts of the Village***, as duly passed by the President and Board of Trustees of the Village of Carpentersville.

The pamphlet form of Ordinance No. 18- 12 including the Ordinance was prepared, and a copy of such Ordinance was available in the Village Hall, commencing on the 7th day of May, 2018, and will continue for at least 10 days thereafter. Copies of such Ordinance are also available for public inspection upon request in the office of the Village Clerk.

I do further certify that the original, of which the attached is a true and correct copy, is entrusted to me as the Clerk of said Village for safekeeping, and that I am the lawful custodian and keeper of the same.

Given under my hand and seal of the Village of Carpentersville this 7th day of may, 2018.


Kelly Mastera, Village Clerk
Village of Carpentersville
Kane County, Illinois



