

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
JANUARY 14, 2014**

SUBJECT:	TYPE:	SUBMITTED BY:
Consideration of Amendments to Chapter 5 of the Municipal Code	Resolution Ordinance Motion ✓ Discussion Only	David Fieldman Village Manager

SYNOPSIS

Staff prepared this report that:

- Considers amendments to fowl management regulations
- Summarizes staff proposed amendments to Chapter 5 of the Municipal Code regarding animal regulations

STRATEGIC PLAN ALIGNMENT

The goals for 2011-2018 identified *Exceptional Municipal Services. Consider Amendments to Fowl Regulations* is a Medium-Priority action item. *Zoning Ordinance Update* is a High-Priority action item.

FISCAL IMPACT

N/A

RECOMMENDATION

- Action at the discretion of the Village Council regarding amendments to fowl management regulations
- Approval of the amendments to Chapter 5 of the Municipal Code regarding animal regulations at a future Village Council meeting

BACKGROUND & ANALYSISAmendments to Fowl Regulations

Under existing Village Code, the Village allows residents to keep chickens on their property if the parcel is sufficiently large such that the coop or pen can be located in a rear yard and a minimum of 50 feet from the property line. This regulation limits the number of lots upon which chickens may be kept to approximately 500 single family parcels. In January 2013, the Village Council reviewed and discussed potential changes to the code that would allow most single family residences to keep chickens. No changes to the fowl regulations were made as a result of the discussion. The staff report for the January 2013 fowl management discussion including questions and answers on common concerns is attached and posted on the Village's website at:

<http://www.downers.us/top-stories/2013/01/10/backyard-chicken-ordinance>

The initial discussion regarding fowl regulations in early 2013 was prompted by code enforcement activities related to residents keeping chickens on lots that did not meet minimum size requirements. At the time of the Council workshop in January 2013, there were two open cases. As a result of the code enforcement activities, the residents came into compliance with the existing code. There has been one additional complaint related to fowl management (resident keeping ducks) in 2013.

Current Fowl Regulations

- Fowl is defined as any domesticated bird, poultry, or water fowl, except for homing pigeons and caged birds kept as house pets.
- A maximum of four fowl aged 18 weeks or older and four fowl under the age of 18 weeks are permitted to be kept on residentially zoned properties.
- All fowl shall be entirely confined in a pen, coop, building or other enclosure at all times.
- Pens, coops, buildings, and other enclosures used for the purpose of housing fowl shall be set back a minimum of 50 feet from any property line.
- All pens, coops, buildings, yards, or enclosures for fowl shall be kept clean, sanitary and free from all refuse. Such areas shall be thoroughly cleaned at least once every twenty-four hours, and all refuse shall be disposed of in a clean and sanitary fashion.
- All feed for fowl shall be kept in rodent-proof containers.

The Long Range Plan identifies *Consider Amendments to Fowl Regulations* as a Medium-Priority Action Item for 2014-15. As a first step for this action item, the Village Manager met individually with Council members to identify and discuss the desired outcomes of potential amendments to the regulations. Based on these discussions, staff has identified the following three options for Council consideration.

Option 1: No Major Changes. Under this option no major changes to the fowl management regulations would be made. Residents would continue to be permitted to keep chickens on single family parcels that meet the minimum setback requirement of 50 feet from the lot lines. The Village would take action to prohibit keeping of roosters.

Option 2: More Permissive, Limited Number of Households with Neighbor Input Considered. Under this option the fowl regulations would be amended such that most single family residential parcels would be eligible to keep chickens. A license or permit for the housing of chickens would be required, but limited to a number of licenses or permits specified by the Village Council. Neighboring residents and/or property owners would be notified of license or permit applications and allowed to review and comment. Neighbor objections would prevent the issuance of a permit. Permits would be issued on a first come, first served basis.

Option 3: More Permissive, Neighbor Notification Required. Under this option the fowl regulations would be amended such that most single family residential parcels would be eligible to keep chickens. A building permit would be required for the construction of the chicken coop or pen and related improvements. Neighboring residents and/or property owners would be notified of the application for a chicken coop building permit as a way to encourage interaction among the prospective chicken owner and surrounding neighbors. Neighbor objections would not prevent the issuance of a permit. Building permits would be issued in all cases where the permit application meets the established standards.

The table below summarizes the key attributes of each of the options.

Option	Most Homes Eligible	Neighbor Notification Required	Neighbor Consent Required	License to Keep Chickens Required	Building Permit Required	Limited Number of Licenses/Permits Available
Option 1	No	No	No	No	No	No
Option 2	Yes	Yes	Yes	Yes	Yes	Yes
Option 3	Yes	Yes	No	No	Yes	No

The key attributes and potential impacts of each option are summarized below.

Option 1: No Major Changes to Chicken Regulations

Key Attributes	Anticipated Outcomes
Housing of chickens would be permitted on parcels that meet the 50 foot setback and other operation regulations	<p>No change in the number and types of parcels that could house chickens</p> <p>Small number of the qualifying parcels would house chickens (staff is unaware of the number of these parcels currently housing chickens)</p> <p>Several residents that have expressed desire to house chickens would continue to not be permitted to do so.</p> <p>Continued very low administrative burden</p>

Option 2: More Permissive Regulations, Limited Number of Households with Neighbor Input Considered

Key Attributes	Anticipated Outcomes
<p>Setback requirements for chickens and coops would be reduced</p> <p>A license or permit for the housing of chickens would be required</p> <p>The number of licenses or permits would be limited</p> <p>Neighboring residents would be notified of license or permit applications and allowed to review and comment.</p>	<p>Most single family residential parcels would be eligible to house chickens</p> <p>Decision to issue or deny a permit application delegated to residents within a to-be-determined radius of the prospective chicken owner</p> <p>The decision of whether or not to issue the permit could be based on any standards or no standards</p> <p>Few permits would be issued due to likelihood of a neighbor objection</p> <p>Maximum number of permits issued would be set by the Village</p> <p>Obtaining consent from neighbors may be burdensome for the prospective chicken owner</p> <p>More administratively burdensome, as staff would spend significant time reviewing chicken permit applications</p>

<p>An objection by a neighbor would prevent the issuance of a permit or license.</p>	<ul style="list-style-type: none"> • Verifying the signatures of the neighbors • Verifying that the plans that were approved by the neighbors were the same plans that were submitted for the permit <p>There would be a high degree of uncertainty in the permitting process</p> <p>Staff would act as a mediator in neighbor discussions and disputes regarding the issuance of permits</p> <p>Neighbors with objections to the issuance of a permit that would like to remain anonymous or would like to maintain a positive relationship with the prospective chicken owner would contact the Village with objections. In many cases, they may indicate to the prospective owner that they have no objection and then contact the Village to object.</p>
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Option 3: More Permissive, Neighbor Notification Required

Key Attributes	Anticipated Outcomes
<p>Setback requirements for chickens and coops would be reduced</p> <p>A building permit would be required for the construction of the chicken coop or pen and related improvements.</p> <p>Neighboring residents would be notified of the application for a chicken coop building permit. A neighbor objection would not prevent the issuance of a building permit.</p>	<p>Most single family residential parcels would be eligible for housing chickens</p> <p>Based on history and data from other communities, staff estimates that approximately 30 or fewer permits would be issued</p> <p>Neighbor notification would encourage interaction among the prospective chicken owner and surrounding neighbors. Plans may be modified by applicant to address neighbor comments</p> <p>Neighbors objecting to the issuance of the permit may be frustrated that the notification process does not provide for the denial of a permit based on objections</p> <p>Staff would act as a provider of information to neighbors that were notified of the permit application</p> <p>The permit review and issuance process would be more certain as building permits would be issued in all cases where the application meets the regulations</p> <p>Low administrative burden</p>

If amendments to the regulations are made, the Village Council would receive periodic reports and updates. A public review of the results of the amended regulations would be scheduled within 6 months of adoption providing the Village Council with an opportunity to further modify the regulations as necessary.

AMENDMENTS TO CHAPTER 5 OF THE MUNICIPAL CODE

To be consistent with the zoning ordinance update currently being considered by the Village Council, staff recommends housekeeping changes to Chapter 5 of the Municipal Code, which include, among other topics, the fowl management regulations. Staff recommends clarifying the language regarding farm animals and domesticated animals. The following topics will be addressed in the revision:

- Roosters: Based on best practices in ordinances that staff reviewed for previous discussions on backyard chickens, staff recommends prohibiting roosters for all properties eligible to raise chickens.
- Farm Animals: Staff recommends clarifying the language in the code to prohibit farm animals including goats and mules.
- Domesticated animals: Currently, the limit on dogs and cats (fewer than five) is based on the definition of a kennel. Staff recommends this be updated in the code to explicitly prohibit more than four domestic dogs and cats per household.

The proposed amendments to Chapter 5 will be presented for Village Council consideration in conjunction with consideration of the updated Zoning Ordinance.

ATTACHMENTS

Draft Minutes of Finance and Administrative Committee Meeting - January 22, 2013

Draft Ordinance – Chapter 5 Update

January 2013 Report for the Finance and Administrative Committee

**VILLAGE OF DOWNERS GROVE
FINANCE & ADMINISTRATIVE COMMITTEE
MINUTES OF JANUARY 22, 2013 MEETING
VILLAGE HALL COUNCIL CHAMBERS**

Village Manager Dave Fieldman welcomed everyone to the meeting. He said this is a Standing Committee meeting. No final action will take place at this meeting. Possible outcomes may include further discussion at another Finance & Administrative Committee meeting; further discussion at a Village Council meeting, or conclusion of the discussion with no further action by the Committee or the Village Council.

Chairman Durkin called the meeting to order at 6:12 p.m.

1. Roll Call

Present: Chairman Sean Durkin, Commissioner Marilyn Schnell

Also Present: Commissioners Becky Rheintgen, Bill Waldack, Bob Barnett, Geoff Neustadt, Mayor Martin Tully (arr. 6:17 p.m.)

Staff Present: Village Manager Dave Fieldman; Village Attorney Enza Petrarca; Management Analyst Allison Deitch; Director of Community Development Tom Dabareiner; Director of Communications Doug Kozlowski; Deputy Village Manager Mike Baker; Village Clerk April Holden

2. Approval of Minutes – May 7, 2012

A Motion to approve the minutes of May 7, 2012 was made by Commissioner Schnell, seconded by Chairman Durkin, and approved unanimously.

**3. Proposed Amendments to Chapter 5 of the Municipal Code
Re: Fowl Regulations**

Chairman Durkin said that on December 4, 2012 the Village Council directed the staff to prepare changes to the Village's existing fowl regulations that would allow the vast majority of single-family residents to keep chickens. The proposed changes are outlined in the staff report posted on the Village's website. All Village Council members have read the report and discussed it with the Village Manager. Alternative regulations would reduce the setback for chicken coops from 50' to 20' increasing the number of homes that could keep chickens from 500 to over 13,500. Permits will be necessary for the construction of coops. He referred to the white board in the Chambers for alternative regulations.

Chairman Durkin then opened discussion to the public requesting that comments be limited to five minutes in an effort to give everyone an opportunity to be heard.

4. Public Comments

1. Kevin Beilfuss, 5704 Hillcrest Road, commented that before his neighbors, the Konters, had chickens he thought they would be noisy, smelly, etc. However, the Konters have taken good care of their poultry and they have not negatively affected him or his family.

2. Steven Konters, 5709 Hillcrest Road, said they put together a brief presentation. He is grateful for the open discussion opportunity. The ordinance change is positive by not allowing roosters. Hens are relatively quiet and don't react to all the surrounding noises or compete with them. As for waste and odor issues, ten chickens produce less than one 40-pound dog. Chicken waste is also compostable. What presents the odor issue could be the coop, which is an enclosed structure that might build up an ammonia odor. Chicken owners will want to make sure coops are kept clean for the health of their own poultry. Animal predators already exist and will not be in Downers Grove because of the chickens. They exist because of other prey or various pet foods, bird feeders, shrinking habitats, garbage, etc. As for public health, chickens are no more likely to carry salmonella than other pets that can be kept, including birds and reptiles. It's important to understand that all wildlife and domestic animals can carry diseases transferable to humans. Mr. Konters added that there is no conclusive evidence that having poultry will decrease property values. Forbes had an article that said that 97% of cities allow chickens. As for enforcement, in 2012 the number of complaints in the Village was far more for dogs than for chickens. He noted the benefits that include educating the community to nature, food sources, responsibility, outreach to local groups, sharing resources with others in the community, and healthier hens and eggs due to clean environment and reduced stress. Mr. Konters said producing their own food and raising it naturally fits within the values of sustainable living. Many communities are receptive to allowing chickens and the number is increasing.

3. Anthony Cheng, 5507 Aubrey Terrace, said he isn't on one side or the other. He noticed that there was no slaughter mentioned in the new ordinance, which he thinks would be part of the life cycle. If they do not allow for slaughter or consumption of them, he asked about disposal methods.

Commissioner Schnell said it would be in the compost pile.

Chairman Durkin said they could also be put in the trash.

Mr. Cheng asked if individual hens would be registered. He also asked about raccoons targeting the area even for those that do not have chickens. He then asked about the ratio of chicken owners to dog owners. Mr. Cheng then inquired whether it is possible to have a sunset clause on this.

Commissioner Schnell asked staff how responses to questions raised would be handled. Mr. Fieldman replied that staff will post questions and answers on the Village's website.

4. Wayne Enerson, 4805 Cross Street, stated that he is concerned about the flock size, and said he doubted anyone sitting at the table could tell the difference between a 17-week-old chicken and a 19-week-old chicken. A chicken lays eggs when it reaches a certain age, and afterwards is used as food. He suggested eliminating the under 18-week old and over 18-week old chicken clause. Most ordinances he checked specify a number of chickens. As for sustainability, Mr. Enerson suggested raising them for eggs and for meat. He asked what people do with a dead chicken. He said it could be put in the compost pile or buried. However, in the Village of Downers Grove it is illegal to bury a dead animal in the Village. He reviewed various

municipal ordinances regarding chickens. In Lombard you can only have chickens if you are doing research testing. Westmont allows chickens 150' from any neighbor's house. Mr. Enerson reviewed regulations of other municipalities. He feels that chickens negatively affect property values. He suggested further sustainability restrictions of distributing eggs to people. His general feeling is that the only people who should be watching over a flock in Downers Grove are the clergy.

5. John Phillips, 5708 Hillcrest Road, urged the Committee to modify the ordinance and allow more chickens. In this technological age, children don't have the opportunity to see animals in their own environment. He stated that his grandchildren come and ask to see the neighbors' chickens. He thinks that they are learning and growing by observing the behavior of animals in their own environment.

6. Dawn Konters, 5709 Hillcrest Road, commented on the issue of roosters, saying that the University of Illinois Extension Office has contacts of farmers who will take roosters. She said that the staff report notes the number of parcels that can have chickens, which means it is not a yes or no issue, but rather "how" to come up with a fair and equitable ordinance. Ms. Konters said that most residents own dogs. The ordinance provides guidance. She thinks chickens should be treated the same way, as they are less of an issue than dogs. It is a low impact to neighbors, and she believes modifying the ordinance is fair. Ms. Konters presented a petition with over 250 signatures and indicated that there was a 70% positive response. She believes people want this option and hopes the community can embrace this sustainability.

7. Fay Williams, 1509 Maple Avenue, read a letter from her father. She said that she is really involved with animals and asked that the Village modify the ordinance. Her father's letter stated that his daughter and her friends have been involved with 4-H and have experience with animals. He expressed support of the ordinance. He also mentioned in the letter his experiences of being chased by numerous dogs when he was running. He's never been chased by a chicken.

8. Ron Nowicki, 907 Summit, stated he is a 32-year resident of the Village and a landscape architect. He explained that he does tours at his property to help people reconnect with the natural world. His landscape has no lawn. In terms of chickens, it is a quality of life issue for the chickens, for him, his grandchildren and the environment. Mr. Nowicki spoke of our estrangement from nature and how it is affecting our societies. Having chickens creates community. He also spoke of fossil fuels and the need to live differently and within the natural limits. He said that he expected dead chickens could be placed in the garbage.

Mr. Fieldman said he would check that with the Village's garbage hauler.

9. Patrick McGuire, 6115 Brookbank, commented that he had chickens in his garage. He appreciated all the previous presentations and the preparedness of the speakers. Mr. McGuire said he said yes to chickens about three years ago. He said that the setbacks in the ordinance do not make sense. The chickens are no problem to him in terms of their care. He suggested cleaning up the language regarding the number of chickens, and no roosters permitted. He suggested a setback be established the same as that required for a shed

Commissioner Schnell asked if his chickens are kept in the garage, but carried out during the days, and Mr. McGuire said that was correct.

10. Michael Malinowski, 5720 Middaugh, expressed his appreciation to the Village for considering this, saying that he supports the ordinance change. He suggested that the permitting and inspection not be done, as chickens have less impact than dogs. He said that he thinks people will be concerned about the impact on neighbors, and suggested that this be reviewed again after a year or two with regard to resident complaints.

11. Will McCool, 4503 Sterling, commented that even though 13,000 plus lots would allow chickens, it will probably only be two or three dozen properties in reality. With regard to setbacks, he suggested adding language to consider it on a case-by-case basis.

12. Glen Ludwig, 5607 Durand and 1307 Turvey, said he has been a resident of Downers Grove for 63 years and they had chickens when he originally moved here. He has nothing against chickens but is concerned about housing of the chickens. He also spoke of the need to maintain the property, and spoke about the need to include something about the structure or size of the structure. He added that they should not underestimate the problem of predators.

13. Genevieve Murphy, 5643 Hillcrest Road, said she has had many conversations about chickens. Her neighbors have chickens and she did not know it for six years. Her neighbor lives two doors down. Ms. Murphy stopped at her neighbor's with ten-minute notice. It was a beautiful yard. The chickens are well cared for and the site is very clean. She is speaking at the meeting as a neighbor and advocate for her neighbor. She advocated for changes to the ordinance.

14. Brian Crosby, 5713 Hillcrest Road, stated that he agrees that his neighbors have chickens and they are in the spirit of the law. He encouraged the Council to change the setback to 20 feet, and he encouraged allowing more people to have chickens.

15. Gregory Reiser, 4504 Stonewall, said that he opposes the chicken ordinance, although he respects what has been said. His reaction to this ordinance is the potential for noise, vermin and filth. Those are his perceptions and he believes it will negatively affect people moving to Downers Grove. He is also concerned about property values. The popular opinion regarding this is negative.

16. John Mlade, 5210 Grand, said he has been a resident of Downers Grove for four days. He comes from LaGrange Park and raised chickens when he lived in Atlanta. They are fantastic birds. He thinks the setback is too much. Regarding a permit, he doesn't know why that would be needed. He has slaughtered chickens, and it is not a horrible process. He would want to slaughter his own birds. LaGrange Park is nowhere near allowing chickens. He noted that the Village's fowl ordinance was one of the draws to Downers Grove. Regarding predators, they are not coming here for the chickens.

17. Leann Hemmerling, 4117 Highland, spoke of the age of chickens stating that people who have chickens can discern the difference. The age when chickens start to lay eggs varies. She noted that Downers Grove has had a fowl ordinance for 26 years, and in the last five years they have averaged one complaint per year. She thinks the Village would benefit from the amended ordinance. She would like to see the number of fowl be 6 or 8 chickens or based on need. As for the enclosure, it is treated more as a doghouse or a dog run. They are contained and cannot get out. She is concerned about the aesthetic of a 20' setback. It would bring the coop closer to

neighbors. She asked that they not over-regulate something that is working fine. People like learning about them.

18. Dave Thompson, 5354 Washington, commented that he has lived in the Village 15 years and is a neighbor of Ron Nowicki. Mr. Thompson spoke of his neighbors building chicken coops and how it brought the neighbors together. He said he would like the law to consider allowing neighbors to pool their resources.

19. Paul Koutnik, 5400 Park, a long-time resident of Downers Grove, said his major concern has to do with the setback. He asked about the inspection requirements since there is a potential for a 28-fold increase in chicken coops. He is also concerned about the humane treatment of the birds. Mr. Koutnik asked about Village personnel to handle the inspections, nuisance issues, etc. He also discussed the potential impact on property values after talk-show media and newspaper columnists are finished with Downers Grove. He also noted that enthusiasm could possible wane.

20. Krista Calvino, 604 Gierz, commented that she saw back yard chickens in Oak Park a few years ago, and the owners wanted their coops to look nice. The owners were clean and proud of their pets. She said it is best to put the coops wherever they want that fits best. She doesn't understand why chicken owners would be treated differently than dog owners.

21. Patricia Turner, 7517 Rohrer Drive, said she has been in Downers Grove for 39 years. When she first heard about this she thought it was a joke. This is not a rural area. She believes the Village has sufficient animal problems including raccoons, skunks, and possums. Adding chickens to the mix will not help. She asked how they intend to monitor this, since they will need to hire Code Enforcement officers with tax dollars.

22. Mike Harrison, 110 7th Street, said he's in favor of easing up on the restrictions. It is the way of the future. Mr. Harrison recommended a smaller or no-setback on a property-by-property basis. He doesn't know why a building permit would be required and suggested giving it a try and adding regulations as they are needed.

23. Laura Severt, 418 Grant, commented that she is in favor of chickens and would like to see the ordinance be more inclusive. They could not have chickens under the existing ordinance or the new ordinance, and she would like to see the setback changed. Ms. Severt said she doesn't want chickens contained all the time, but allowed to be out in fenced yards if owners were at home. She would also like the opportunity to have eggs.

24. Elena Falco, 5114 Main Street, commented that she is a realtor and has been through hundreds of homes. She never showed one with a chicken coop. She thinks people move to Downers Grove because people in the Village think outside of the box. She has a friend with a coop in her home, actually in her basement. If it is done correctly, a coop could be a selling feature. The entire community could benefit from it.

25. Tom Severt, 418 Grant, said he would like to get chickens, saying people who want to keep chickens are responsible people and will take care of the chickens and their environment. He noted that some of the concerns expressed could be applied to any animal. The ordinance is an improvement but still prohibitive. He thinks it would be worth it to consider changing the ordinance to allow chickens.

26. Virginia Nottleman, 4116 Lindley, noted that her property backs up to a chicken coop. The proposed ordinance would force the owners to move the coop to the middle of their yard. Her neighbor's chickens are immaculate. She puts a lot of care into them. Ms. Nottleman said she would like to see the ability to have more chickens. The noise from dogs is greater than that from chickens. She believes not being able to have them is detrimental to the community.

27. Molly Cawthorne, 4917 Parkway Drive, stated that she favors allowing chickens. She encouraged everyone to meet a chicken because chickens are wonderful. They have personalities, they are humorous, loving and caring. They are also good for the soul

28. Phil Schnell, 1240 39th Street, said that he has a PhD in poultry science. His experience with chickens includes a number of places that were concerned about odor pollution caused by the huge project they were working on. The project included 100,000 chickens and the problem was how to get rid of the ammonia being displaced by the chickens. There will have to be some sort of odor abatement. In addition, with regard to the disposal of waste, basically there is phosphorous and nitrogen. The phosphorous is taken up very quickly into the soil. Nitrogen will run off into surrounding areas, which can cause problems. He also said that male chickens have to be destroyed. All of their poultry science areas were in a separate area from the rest of the campus. He did add that once problems he mentioned are addressed, he thinks chickens are great.

29. Ron Waechtler, 919 Stratford Lane, thanked the Village for taking time to listen to the residents. He asked about whether there are changes in the lot width of the properties. He was told there is no change to the width, but there is a recommended setback moving from 50' to 20'. Mr. Waetchler referenced the number of qualifying lots, saying it greatly increases the opportunity to have chickens. As for predators, Mr. Waetchler referenced an article in the Tribune that states there is an increase of coyotes all over. He tends to believe that the chickens might also increase that number, as well as raccoons, possums, skunks, foxes. He also sees enforcement as a big issue, particularly the need to increase staff. With regard to property values, he asked whether people would be more inclined to purchase a home next to one with a chicken coop. He recommended not changing the current ordinance.

30. Wayne Enerson said he thought it was improper to accept petitions. As a point of order, the Council did not want to have a referendum for the people's vote. Mayor Tully explained that the petition is shown as having been received.

Mr. Enerson then said he hears that the Village is considering changing the setback, and he doesn't think that is appropriate. In addition, chickens can fly over a six-foot fence. As for inspection, Mr. Enerson thinks there should be inspections. There are all different types of chicken coops and he thinks some kind of regulation is necessary. He believes that they could impact property values.

31. Mike Harrison asked whether ordinances will allow chicken coops up against a house or garage. Chairman Durkin said that they do not.

32. Anthony Cheng commented that you should never make pets out of food sources. Chickens can peck. He also asked whether dogs would become a nuisance if they bark at chickens. There are also issues when several neighbors group together to have a coop. He said

he doesn't think this is a viable issue and there are concerns with diseases. He further noted that kids do eventually lose interest in their animals.

33. Maria Ivarra Lorence, 5712 Hillcrest, commented that she would like to be able to have chickens. She thinks this should be regulated, but likes the idea, noting that people have to be responsible owners. If this is regulated, she thinks it would be wonderful to have chickens.

34. Mr. Nowicki made a comment regarding pollution said if you keep carrying capacity with 4, 6 or 10 chickens will not be a problem.

35. Mr. Schnell said the last statement was ridiculous, saying if you gather enough nitrogen, it will runoff.

36. Ms. Calfino commented that there are a lot more problems with pesticide runoff. They are only talking about four chickens, not 100,000.

After a brief recess, Chairman Durkin called upon members of the Council for their comments.

Mayor Tully thanked the people who spoke for their views and comments. There is a passionate interest in the topic, and he feels it was appropriate to address this issue. He had no opinion one way or another on this matter, and it is not a yes or no issue. The Village already has an ordinance that allows chickens in certain circumstances, and it has been working for more than 25 years. There are 509 residential parcels in the Village that could raise chickens right now. He estimates that about 20 people in the Village have chickens. If the ordinance is expanded that number might double, he doesn't know. However, they don't want to manage a whole community for the relatively small number of people that might want to raise chickens. He asked for the map showing the current ordinance and where people can have chickens, and a map with the proposed ordinance and the number of parcels where chickens would be allowed. The proposed ordinance would cover most of the Village. The proposed ordinance is more permissive in terms of the number of parcels, and more restrictive in other ways. The Mayor said that the information received tonight suggests that the current ordinance may be too permissive. This situation calls for compromise and the existing ordinance may be that compromise between not allowing them at all versus no restrictions. Mayor Tully informed the public that no decision would be made tonight.

Commissioner Barnett said he agreed with much of what the Mayor said. As changes are made, the Village has to find ways to bring the community with it. The Council has to listen to those who have an interest in changing and be cognizant of those who do not express an interest, but still have expectations. As to the changes proposed, he thinks they are going too far. This would only accommodate a small number of people. He thinks they have to guard the expectations of others; however, he thinks this goes too far and affects too many people.

Chairman Durkin stated that he, Commissioners Schnell, and Waldack have expressed their interest in the current ordinance.

Commissioner Rheintgen said that she thinks there are ways to compromise between the current ordinance and staff's proposal. She thanked people for being cordial and polite. The ways to compromise are through permitting, licensing etc. She suggested changes and revisiting it in one

year. She also heard a suggestion to limit the number of licenses or permits issued. The recommended change for a setback of 50' should be given consideration.

Mayor Tully said he doesn't think that setbacks are the issue. They are trying to reach a happy medium for those who are totally against this versus those who want the changes made. He is not rejecting the possibility for compromise.

Commissioner Neustadt stated that Downers Grove is not a rural community. A small issue for some is a big issue for others. He said that they have to look at the whole Village. He noted that the speakers who came were greater in number than show up for other discussions. He would support the changes presented by staff. He said that he looked at accessory structure rules and other options. He does not think that this issue will go away. He agreed that they have to come up with solutions. The Village addresses small items all the time. He appreciates all the comments and commentary and hopes to continue this conversation.

Commissioner Schnell commented that this has been a very respectful group and she expressed her thanks and appreciation to those who spoke. It says a tremendous amount about our community. She said that going from 500 properties to 13,000 plus parcels is too much too soon. Other communities have modeled their ordinance on the Downers Grove ordinance, and she thinks the current ordinance works. Commissioner Schnell said she has received information from people who are not pro-chickens and voice their concerns to her. It is an issue of what the community should embrace. As a community, Commissioner Schnell said they cannot embrace the idea of raising chickens on every lot. Right now she believes they should stay with the current ordinance.

Commissioner Waldack also thanked people for expressing their opinions. Because of the homework he did, he asked for a referendum to see how much people wanted this change. You cannot legislate for the best. You have to take everything into consideration. He is not worried about the noise. He discussed the smell, disease, property values, and heard from realtors both pro and con. The Commissioner stated that he is concerned about Code Enforcement. Those who have violated the ordinance have been doing it for years. He said that the Village is not doing things that should be done and it should be expanding that. Commissioner Waldack said he supports the existing ordinance. They cannot solve the coyote problem by putting out more food. This is a neighbor issue, and he would not support changes to the ordinance.

Commissioner Durkin said initially he was not interested in reviewing the ordinance, but that has changed. He does not think that this proposal is the answer. The potential number of eligible parcels is too much, too soon. He has not heard of complaints about chickens. He thinks to go toward what is proposed is too much, and he doesn't think this is the right solution. He suggested that they approve a certain number of licenses and communicate with the neighbors.

Commissioner Barnett commented that there are people on both ends of the spectrum who are educated and opinionated. The middle group has to be safeguarded. The Village's goal is to bring the community along. To increase parcels to 13,000 plus leaves a large group behind, and he thinks they can do better than what is before the Committee tonight.

Mayor Tully said that there were arguments that this should not be allowed, but the existing ordinance already allows it. This isn't really a property issue. It is more of a personal, neighborhood issue than rezoning 14,000 parcels.

Commissioner Rheintgen noted that the Village has GIS data. She asked if staff could look at the properties that are 50' from an occupied residence. Mr. Fieldman replied that it would be much more labor intensive than what has already been reviewed. They do not have measurements between and among structures.

Commissioner Waldack commented that there are issues of drainage, health, etc., and he doesn't want to be someone who lives next door to chickens. There are still many issues to be addressed.

Chairman Durkin asked staff if there is an interest in moving this forward, where it would fall in priorities. Mr. Fieldman responded that they learned a lot tonight. He suggested that there are other venues to have additional discussions and to set work priorities. Staff can look at the Long Range Financial Plan to set priorities for 2014.

Commissioner Neustadt commented that they have to be careful about which animals are healthy and safe for backyards. This is not restricted to just chickens. He said that they have talked about community development and code enforcement, and the Village is driven by complaints about Code Enforcement issues. The Village has the talent to look at this, and he hopes they can continue this conversation.

Mr. Konters said there are two issues: Is Council open to finding a solution and if so, what is that solution. He asked that the Village tell them what they can do to help keep this on the table.

Commissioner Rheintgen said she is concerned that if this is tabled that they will have to go through the whole process again. It is a passionate issue. She thought staff's proposal was a starting point to be discussed further.

Commissioner Neustadt noted that anyone can bring up new business at any time.

Mr. McGuire asked if there are 509 parcels eligible, how many people actually have chickens. Commissioner Rheintgen said there is no permitting so they don't know how many chickens there really are in the Village.

Mayor Tully noted that this is a numerically small problem, but the solution is numerically huge.

Chairman Durkin added that the proposal could be fine-tuned. The numbers are too big right now. He encouraged people to make suggestions.

Commissioner Barnett commented that they don't want to change expectations for such a small group of people who are unaware of the issue.

5. Adjournment

There being no further comments, Chairman Durkin adjourned the meeting at 9:40 p.m.

Animals

ORDINANCE NO. _____

**AN ORDINANCE AMENDING
CHAPTER 5 ANIMAL AND FOWL REGULATIONS**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by shading/underline; deletions by ~~strikeout~~):

Section 1. That Section 1.16 is hereby amended to read as follows:

1.16 Citation and settlement in lieu of prosecution for certain offenses.

(a) Whenever a person is observed violating certain provisions of this code as specified in this section, or there is reasonable suspicion to believe that such a violation has occurred and that a particular person is responsible, the Village may, in lieu of filing a complaint in court, issue to the alleged violator a citation which shall:

- (1) Advise said person that the same has violated a specified ordinance;
- (2) Direct said person to make payment in an amount applicable to said alleged violation as set forth in this section as settlement of said claim;
- (3) Advise said person, where applicable, to cease and/or abate said violation forthwith and to refrain from like violations in the future;
- (4) Inform said person that, upon failure to so settle the claim and to cease and/or abate said violations, a complaint will be filed in the Circuit Court of DuPage County.

(b) Except as provided below, citations as provided herein shall be personally served upon the person responsible for the violation, his agent, representative, independent contractor or employee. In the event the owner, occupant, contractor or other person responsible for the violation cannot be located the citation may be served by posting a copy at the property, structure or vehicle where the violation has occurred and sending a copy by United States mail to the last known address of such person.

(c) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code and the Comprehensive Zoning Ordinance of the Village of Downers Grove may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of ten dollars (\$10.00) if paid within ten (10) days of service of the citation, or twenty-five (\$25.00) dollars if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

(i) Section ~~5-12;~~ Dog, Horse or Pony Running at Large; ~~5-501; Animals;~~ Running at Large.

(ii) Section ~~5-12.1; Disposal of Dog Excrement.~~ 5-202.; Removal of Dog Excrement.

(iii) Section 5-203; Removal of Cat Excrement.

~~(iii)~~ (iv) Section 13-43; Storage of Refuse.

~~(iv)~~ Section 13-49.1; Placing Garbage on the Parkway for Scavenger Removal.

2. COMPREHENSIVE ZONING ORDINANCE

(i) Section 28-1404; Regulating Off-Street Parking.

(d) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, and such other Codes adopted therein, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of twenty-five dollars (\$25.00) if paid within ten (10) days of service of the citation, or fifty dollars (\$50.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage

Animals

County.

1. DOWNERS GROVE MUNICIPAL CODE
 - (i) Section 25-11; Use of Public Hydrants.
 - (ii) Section 15-8; Drinking in Public.
 - (iii) Section 8-99(a)(7); Requirements for Display of Massage Establishment

License.

- (iv) Section 14-74; Pedestrian's Duties at Railroad Grade Crossings.
- (v) Section 15-5.1; Noise Regulations.
- (vi) Section 19-21.1; Depositing Snow on Paved Streets.
- (vii) Section 13-49.2; Discarding Refuse and Compostable Materials in Streets,

etc., prohibited.

2. 2003 NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE (As adopted in Section 7-1301)

(i) Section 4.6.13.1 through 4.6.13.4 Maintenance and Testing [Equipment, Systems and Life Safety Features Maintained in Proper Operating Condition].

3. INTERNATIONAL CODE COUNCIL 2006 INTERNATIONAL FIRE CODE (As adopted in Section 17-43)

- (i) Section 605.4; Multi-Plug Adaptors.
- (ii) Section 605.5; Extension Cords.
- (iii) Section 906; Portable Fire Extinguishers.

4. COMPREHENSIVE ZONING ORDINANCE

(i) Section 28-1408; Parking of Recreational Vehicles and Recreation Equipment in Residence District.

(e) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of fifty dollars (\$50.00) if paid within ten (10) days of service of the citation, or one hundred dollars (\$100.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

- (i) Section 13-35; Open Burning Prohibited.
- (ii) Section 15.23; Truancy
- (iii) Section 15-28.3; Possession of Telecommunications Devices on Public

School Property Prohibited.

- (iv) Section 17-45; Parking in Fire Lane.
- (v) Section 25-5; Regulations for Water Conservation.

2. DOWNERS GROVE PARK DISTRICT GENERAL USE ORDINANCE (pursuant to an intergovernmental agreement with the Downers Grove Park District)

(f) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of seventy-five dollars (\$75.00) if paid within ten (10) days of service of the citation, or one hundred and fifty dollars (\$150.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

- (i) Section 15-23.1; Possession of Tobacco Products by Minors.
- (ii) Any provision of Chapter 6, Bicycles.
- (iii) Section 19-15.1; Skateboarding, Roller Skating or In-Line Skating in a

Business District.

- (iv) Section 28-1501.04(8) Real Estate Signs.
- (v) Section 28-1501.04(10) Garage/Rummage Sale Signs.

Animals

2. 2003 NATIONAL FIRE PROTECTION ASSOCIATION LIFE SAFETY CODE
(As adopted in Section 7-1301)

(i) Section 4.5.3.2 Unobstructed Egress.

(g) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of one hundred dollars (\$100.00) if paid within ten (10) days of service of the citation, or two hundred fifty dollars (\$250.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

(i) Section 13.38; A person who smokes in an area where smoking is prohibited under the Smoke Free Illinois Act.

(ii) Section 15-20(b); Sale of Tobacco to a Minor.

(h) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of two hundred fifty dollars (\$250.00) if paid within ten (10) days of service of the citation, or five hundred dollars (\$500.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

(i) Section 7-1801 (a), (d), (e), (f) (g), (i), (k), (o), (p); Demolition/Construction Site Management.

(i) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying the sum of five hundred dollars (\$500.00) if paid within ten (10) days of service of the citation, or one thousand dollars (\$1,000.00) if paid after such ten (10) day period but before filing of a complaint in the Circuit Court of DuPage County.

1. DOWNERS GROVE MUNICIPAL CODE

(i) Section 3-25; Sale of Liquor to Certain Persons Prohibited.

(j) Any person served with a citation for violations of the following provisions of the Downers Grove Municipal Code, may settle and compromise the matter in respect of such ordinance violation by ceasing and/or abating said violation and paying one hundred percent (100%) of a permit fee if work is started without a permit.

1. DOWNERS GROVE MUNICIPAL CODE

(i) Section 7.301; Permit Required. (Buildings)

(ii) Section 10.401; Work to be stopped. (Electrical)

(iii) Section 16.303(b) Permit issuance. (Plumbing)

(k) Payment of the citation shall be made at the window at Village Hall, or by depositing payment in the Village drop box or United States mail.

(l) In the event that payment is not made within the time prescribed and a complaint has been filed in the Circuit Court of DuPage County, any person convicted of violating any of the provisions of this code shall be punished by a fine as determined under Section 1-15(a).

(m) The issuance of a citation under this section shall not be deemed a waiver of the power of the Village of Downers Grove to suspend, revoke or refuse to renew any license or permit for cause.

(n) The following Village personnel shall have the authority to issue citations under this section: police officers, fire department inspectors, community development officers, and such other persons as designated by the Village Manager; provided that fire department inspectors shall only write citations for violations of the Life Safety or BOCA Fire Prevention Code, and that the Village Manager, by administrative regulation, may limit the jurisdictional powers of other persons he designates as authorized to issue citations. (Ord. No. 2261, § 4)

Section 2. Section 5.1ART. is hereby renumbered to be Section 5.100ART.

Animals

5.1ART. Article I. In General

Section 3. Section 5.1SEC. is hereby renumbered to be Section 5.101.

5.1SEC. Definitions.

Running at large = Prohibited

~~No animal shall be allowed to run at large within the Village. Any violation of this section shall constitute a nuisance. (R.O. 1925, § 62.)~~

NOTE: For state law as to animals running at large, see Ill. Comp. Stat., ch. 510, § 55/1.

The following words, terms and phrases when used in this shall Chapter have the following meanings:

Animal. Every living creature, domestic or wild, not including human beings.

Animal Control Officer. An agent or employee appointed by the Village Manager with authority to investigate violations of and shall be responsible for the administration of this Chapter.

Animal Shelter. Any facility operated, owned or maintained by a duly incorporated humane society, animal welfare society or other nonprofit organization, whose purpose is to provide for and promote the welfare, protection and humane treatment of animals.

Cat. All members of the feline species.

Dangerous Animal. Any animal which, without provocation, attacks or injures a person who is peaceably conducting himself in any place where he lawfully may be. Dangerous animals shall include any animal which, because of its size, vicious propensity or other characteristics, would constitute a danger to human life, property or domestic animals if not restrained or kept in a safe manner. Examples of Dangerous Animals include: lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, bear, hyena, wolf or coyote, or any poisonous or life-threatening reptile.

Dangerous Dog. Any individual dog which, when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, approaches any person in a ferocious or terrorizing manner, and in an apparent attitude of attack.

Dog. All members of the canine species.

Domestic Animal. Any animal which is not wild, and is tame and owned as a pet.

Enclosure. A fence or structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.

Farm Animal. Breeds of animals which can or may be used in and for the preparation of meat or meat products for consumption by human beings or animals, including but not limited to, cattle, sheep, swine, horses, mules, goats, other animals, or fowl.

Animals

Fowl. Any domesticated bird, poultry or water fowl except for homing pigeons and caged birds kept as house pets.

Impounded. Taken into the custody of the Village of Downers Grove.

Kennel. Any establishment or premises where more than four (4) dogs or cats, or any combination thereof, more than four (4) months of age, are boarded or kept for any purpose whatsoever, with the exception of regularly established veterinarian hospitals, pet shops, pounds or shelters.

Owner. Any person owning, harboring, or keeping an animal. For the purpose of this Chapter, a person owning, occupying or lawfully in control of any premises on which an animal remains or to which it customarily returns daily for a period of ten days or longer, or who knowingly permits an animal to remain on such premises, or who acts as custodian of an animal, shall be presumed to be owning, harboring or keeping such animal.

Person. Any individual, firm, association, partnership, corporation, or other legal entity.

Pet Shop. Any establishment, other than a pound or animal shelter, where animals are sold or offered for sale or exchange. Any person who sells, offers to sell or offers for adoption only such animals that he/she has bred and raised shall not be considered as operating a Pet Shop.

Pound. Any facility owned by, or operated under contract with, the Village, for the purpose of impounding, housing, or harboring seized, stray, homeless, abandoned, or unwanted animals.

Run Line. A system of tying a dog in place with either rope or chain having a tensile strength of at least three hundred pounds.

Vicious Dog means:

(1) Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property; or

(2) Any individual dog with a known propensity, tendency, or disposition to attack without provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or

(3) Any individual dog which has been found to be a "Dangerous Dog" upon three separate occasions; or

(4) No dog shall be deemed "vicious" if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties.

Wild Animal. Any naturally wild animals native to the State, including but not limited to feral cats, feral dogs, raccoons, skunk, opossum or coyote.

Section 4. That Section 5.102. is hereby added to read as follows:

5.102. Dispatch of Dangerous Animals.

The Animal Control Officer or any Village police officer is authorized to dispatch:

1. Any dangerous animal of any kind when it is necessary for the protection of any person or property; or
2. Any mortally wounded animal if the owner cannot be located.

Section 5. Section 5.10ART. is hereby renumbered to be Section 5.200ART.

5.10ART. Article II. Dogs and Cats

Section 6. That Section 5.201. is hereby added to read as follows:

5.201. Trespass.

A. *Dogs.* No owner shall permit any dog to enter upon the premises of another within the Village without the consent of the person owning, occupying or lawfully in control of such premises.

B. *Cats.* No owner shall permit any cat to remain on the premises of another within the Village upon a request by the person owning, occupying, or lawfully in control of such premises to the owner of the cat that the cat be removed.

Section 7. Section 5.12.1. is hereby renumbered to be Section 5.202.

5.12.1. Removal of dog excrement from property not of owner.

~~Disposal of dog excrement.~~

~~It shall be unlawful for the owner of any dog to permit such dog to discharge excrement on public or private property, not the owner's, without immediately removing and disposing of the excrement in a sanitary manner.~~

~~For purposes of this section, "owner" shall mean any person who owns or has custody or control of the dog. (Ord. No. 3464; Ord. No. 3264)~~

It shall be unlawful for any person to cause or permit a dog under his ownership or control to be on any property, public or private, not owned by such person, unless such person shall have in his possession a device for the removal of any excrement which might be deposited by such dog. Any person who owns or controls a dog which deposits excrement upon any property, public or private, shall promptly remove such excrement to a public receptacle or a proper receptacle located on property owned or possessed by such person. This provision shall not apply to blind or physically handicapped persons while walking with their guide dog.

Section 8. That Section 5.203. is hereby added to read as follows:

5.203. Removal of cat excrement from property not of owner.

It shall be unlawful for a cat owner to permit any cat excrement to remain on any property, public or private, not owned by the cat owner, upon notification to the cat owner by the person owning, occupying, or lawfully in control of such property that the owner's cat has defecated on such property. Upon such notification, the cat owner shall immediately remove the excrement from such property to a public receptacle or a proper receptacle on property owned or possessed by such cat owner.

Section 9. Section 5.14. is hereby renumbered to be Section 5.204.

5.14. Vaccination required.

~~No person shall own, keep or harbor a dog or cat over the age of six months within the Village without first having such dog or cat vaccinated for rabies by a licensed veterinarian. The owner of a dog or cat age four (4) months or older within the Village shall have such dog or cat vaccinated against rabies by a licensed veterinarian with an approved rabies vaccine, on an annual basis or as otherwise required by State law. The standard vaccination tag issued by such licensed veterinarian shall be affixed to a collar firmly attached around the neck of such dog or cat at all times.~~

Animals

(Ord. No. 579, § 1; Ord. No. 1793, § 3; Ord. No. 1854, § 5; Ord. No. 2261, § 24.)

Section 10. That Section 5.205. is hereby added to read as follows:

5.205. Number of cats and dogs.

The number of dogs and cats that a person may keep on his/her property in the Village is limited to a maximum of no more than four (4) total, with the following exceptions:

- (1) a litter may be kept for a period of time not exceeding four (4) months from birth;
- (2) animals kept at a lawfully operating Kennel, Pet Shop, Pound or Animal Shelter.

To otherwise exceed this maximum shall be unlawful.

Section 11. Section 5.18ART. is hereby renumbered to be Section 5.300ART.

5.18ART. Article III. Fowl

Section 12. Section 5.19. is hereby renumbered to be Section 5.301.

5.19. Limit to number of fowl permitted.

Except for fowl associated with veterinary hospitals, animal shelters, and educational institutions, no person shall keep, in areas of the Village classified for residential use under the Comprehensive Zoning Ordinance of the Village, more than four (4) fowl aged eighteen weeks or older and more than four (4) fowl under the age of eighteen weeks. The presence of eggs with a female fowl shall create a presumption that that fowl is eighteen weeks of age or older. Roosters shall be prohibited.

(Ord. No. 3060, § 3.)

Section 13. Section 5.20. is hereby renumbered to be Section 5.302.

5.20. Fowl--Confinement.

All fowl kept in residential areas within the Village shall be entirely confined in a pen, coop, building, or other enclosure at all times. (Ord. No. 3060, § 3.)

Section 14. Section 5.21. is hereby renumbered to be Section 5.303.

5.21. Structures--Location restricted.

No pen, coop, building, or other enclosure used for the purpose of housing fowl shall be erected or maintained within fifty (50) feet of any property line of the property of the owner of such enclosure. (Ord. No. 3060, § 3.)

Section 15. Section 5.22. is hereby renumbered to be Section 5.304.

5.22. Same--Maintenance of sanitary conditions.

All pens, coops, buildings, yards, or enclosures for fowl shall be kept clean, sanitary and free from all refuse. Such areas shall be thoroughly cleaned at least once every twenty-four hours and all refuse shall be disposed of in a clean and sanitary fashion. (Ord. No. 3060, § 3.)

Animals

Section 16. Section 5.23 is hereby renumbered to be Section 5.305.

5.23 Storage of food.

All feed for fowl shall be kept in rodent-proof containers. (Ord. No. 3060, § 3.)

Section 17. That Section 5.400ART. is hereby added to read as follows:

5.400ART. Article IV. Care and Treatment

Section 18. That Section 5.401. is hereby added to read as follows:

5.401. Humane care.

No person shall cruelly treat, beat, torment, overload, overwork, or otherwise abuse any animal. No owner of an animal shall fail to provide such animal with sufficient and wholesome food and water, proper shelter, veterinary care when necessary, and humane care and treatment.

Section 19. That Section 5.402. is hereby added to read as follows:

5.402. Cruel and inhumane treatment.

No person shall cause any animal to be subject to cruel or inhumane treatment, including, but not limited to:

- (1) The unnecessary separation of a female animal from its offspring before such time as the offspring can survive such separation;
- (2) Painting, dyeing, or otherwise coloring the animal as a novelty or offering such animal for sale, exchange or adoption;
- (3) Promoting, inciting, or conducting animal fights or intentionally killing animals for wagering or entertainment;
- (4) Keeping an animal in a container or other enclosed area without sufficient food, water, light, ventilation and care for an unreasonable length of time so as to cause undue discomfort or suffering; and
- (5) The transporting of any living animal on the running board, fender, hood, pickup truck bed, or other outside part of any vehicle unless suitable harness, cage, or enclosure is provided so as to protect the animal from falling or being thrown therefrom.

Section 20. That Section 5.403. is hereby added to read as follows:

5.403. Maintenance of premises.

No owner or keeper of a dog, cat, or other domestic animal shall cause or allow any condition to exist with respect to the health of the domestic animal or animals which:

- (1) Results in the premises upon which such domestic animal is kept to violate the provisions of the Village-adopted property maintenance code; or
- (2) Results in any condition that is injurious to the health and safety of the public.

Section 21. That Section 5.404. is hereby added to read as follows:

5.404. Diseased animals.

No animal afflicted with a contagious or infectious disease shall be allowed to run at large, or to be

Animals

exposed in any public place whereby the health of humans or other animals may be affected, nor shall such diseased animal be shipped or removed from the premises of the owner thereof, except under the supervision of a licensed veterinarian. No such diseased animal shall be brought into the Village nor shall such animal be kept in any place within the Village without authorization from the county animal control department.

Section 22. That Section 5.405. is hereby added to read as follows:

5.405. Rabid animals - Report of.

It shall be the duty of every veterinarian or other person who discovers any animal suffering from rabies to report such fact immediately to the county animal control department. Such report shall give the name of the owner, if known, the place of residence of the person owning or harboring such animal, the place where the animal can be found and, in the case of dogs or cats, the license number of such animal, if known.

Section 23. That Section 5.406. is hereby added to read as follows:

5.406. Rabid animals - Destruction of.

If upon examination it is determined that any animal is suffering from rabies, such animal shall be destroyed by the county animal control department or by a licensed veterinarian pursuant to State law.

Section 24. Section 5.2. is hereby repealed in its entirety

5.2. Same--Sending animals at large intentionally.

~~Same--Sending animals at large intentionally.~~

~~Any person who shall take or drive any animal from any enclosed lot or tract or from any stable or other building where such animal is properly kept, or from outside of the Village to within the Village, with the intent that such animal be impounded, with malicious intent or in a spirit of frolic, shall be guilty of a violation of this Chapter. (R.O. 1925, § 76.)~~

Section 25. Section 5.3. is hereby repealed in its entirety

5.3. Reserved.

~~Reserved.~~

Section 26. Section 5.4. is hereby repealed in its entirety

5.4. Dead animals--Depositing in Village prohibited.

~~Dead animals--Depositing in Village prohibited.~~

~~No person shall place or deposit or bury any dead animal at any place in the Village. Every person violating the provisions of this section shall be deemed guilty of a nuisance. (R.O. 1925, § 464.)~~

Section 27. Section 5.5. is hereby repealed in its entirety

5.5. Same--Burial.

~~Same--Burial.~~

~~When any dead animal shall be found in the Village, the person owning such animal or the person who deposited the same shall, upon being notified by an officer, remove such animal from the Village, and~~

Animals

~~bury it outside the Village. If such person shall refuse or neglect to bury the same within a reasonable time after such notice, as required in this section, he shall be guilty of a violation of this Chapter. (R.O. 1925, § 465.)~~

Section 28. That Section 5.500ART. is hereby added to read as follows:

5.500ART. Article V. Prohibited Acts and Conditions.

Section 29. Section 5.12. is hereby renumbered to be Section 5.501.

5.12. Running at large.

~~It shall be unlawful for any dog, horse or pony to run at large. For the purposes of this Section, any dog, horse or pony not upon the premises of its owner or such other person having custody, possession or control of any such dog, horse or pony, shall be deemed to be running at large; provided that a dog which is on a leash and under the control of a person physically able to control the dog is not deemed to be running at large. Any person owning or having custody, possession or control over any dog, horse or pony which is found running at large within the Village shall be guilty of violation of this Section.~~

(a) No owner of a dog shall fail to keep any dog under restraint. A dog shall be deemed under restraint if:

(1) It is under the control of the owner or other responsible person by means of a leash, cord, rope, strap, chain, or lead held by such owner or person, and securely fastened to the collar or harness attached to the dog; or

(2) It is securely enclosed, confined, or restrained on premises where it lawfully may be located, so as to be unable to enter upon the public way or adjacent properties or to interfere with persons lawfully using the public way or adjacent properties.

(b) It shall be prohibited to allow any animal to chase, run after, or jump at vehicles using the public right-of-way, or to permit any animal to damage or destroy the property of another. It shall also be unlawful for any person having charge or custody of any animals associated with a fair or circus permitted by the Village to allow such animals to run at large in the Village.

(Ord. R.O. 1925, § 113; Ord. No. 600, § 1; Ord. No. 1564 § 1; Ord. No. 1793 § 3; Ord. No. 2261 § 24.)

Section 30. Section 5.27. is hereby renumbered to be Section 5.502.

5.27. Dangerous animals prohibited.

No person shall have a right of property in, keep, harbor, care for, act as custodian of or maintain in his/her possession any dangerous animal except at a properly maintained zoological park, federally licensed exhibit, circus, scientific or educational institution, research laboratory, veterinary hospital or animal refuge in an escape-proof enclosure. (Ord. No. 3180, § 1.)

Section 31. Section 5.28. is hereby renumbered to be Section 5.503.

5.28. Domestication no defense; seizure and confiscation.

It is no defense to a violation of Section ~~5-275-502~~ that the person violating such section has attempted to domesticate the dangerous animal. If there appears to be imminent danger to the public, any dangerous animal found not in compliance with the provisions of this ordinance may be subject to seizure and may immediately be placed in an approved facility. Upon the conviction of a person for a violation of Section ~~5-275-502~~, the animal with regard to which the conviction was obtained, may be confiscated and placed in an approved facility. The owner shall be responsible for all costs connected with the

Animals

seizure and confiscation of such animal. Approved facilities include, but are not limited to, a zoological park, federally licensed exhibit, humane society, veterinary hospital or animal refuge. (Ord. No. 3180, § 1.)

Section 32. Section 5.29. is hereby renumbered to be Section 5.504.

5.29. Keeping or maintaining vicious dogs.

It shall be unlawful for any person to keep or maintain any vicious dog, unless such dog is at all times kept in an enclosure or on a run line. The only times that a vicious dog may be allowed out of the enclosure or off the run line are (1) if it is necessary for the owner or keeper to obtain veterinary care for the vicious dog or (2) to comply with the order of a court of competent jurisdiction, provided that said vicious dog is securely muzzled and restrained with a chain having a tensile strength of three hundred pounds and not exceeding three feet in length, and shall be under the direct control and supervision of the owner or keeper of the vicious dog. (Ord. No. 3180, § 1.)

Section 33. Section 5.30. is hereby renumbered to be Section 5.505.

5.30. Sale or giving away of vicious dogs.

No owner or keeper of a vicious dog shall sell or give away any vicious dog. (Ord. No. 3180, § 1.)

Section 34. Section 5.31. is hereby renumbered to be Section 5.506.

5.31. Same--Exceptions.

Guide dogs for the blind or hearing impaired, support dogs for the physically handicapped, and sentry, guard, or police-owned dogs are exempt from ~~this article~~ Sections 5-502 and 5-504, provided that any attack or injury to a person occurs while the dog is performing duties as expected. To qualify for exemption under this section each such dog shall be currently inoculated against rabies. (Ord. No. 3180, § 1.)

Section 35. That Section 5.507. is hereby added to read as follows:

5.507. Keeping farm animals within Village.

It shall be unlawful to keep any Farm Animals or similar animals anywhere in the Village except as provided for in this Chapter and for animals kept under control and properly maintained at an authorized fair, circus, zoo or animal park.

Section 36. That Section 5.508. is hereby added to read as follows:

5.508. Hunting or trapping prohibited.

It shall be unlawful for any person to hunt or trap animals within the Village without proper permits and authorization from the Illinois Department of Natural Resources.

Section 37. That Section 5.509. is hereby added to read as follows:

5.509. Extermination of pests.

This article does not affect the extermination of animal pests such as rats, mice, or moles.

Section 38. That Section 5.510. is hereby added to read as follows:

Animals

5.510. Feeding wild animals.

It shall be unlawful to intentionally feed Wild Animals so as to constitute a nuisance as set forth in Chapter 13.7(b).

Section 39. Section 5.6. is hereby renumbered to be Section 5.511.

5.6. Killing or wounding of birds prohibited; exceptions.

No person shall kill or wound, or attempt to kill or wound, by the use of firearms, bow and arrow, pelting with stones or otherwise any bird within the Village, or rob or destroy the nest of any bird within the Village, or enter upon any private enclosure or public grounds belonging to the Village for the purpose of doing any act prohibited in this section; ~~provided, that this section shall not apply to English sparrows and starlings.~~ (R.O. 1925, § 430.)

Section 40. Section 5.24ART. is hereby renumbered to be Section 5.600ART.

5.24ART. Article VI. Animal Control Officer

Section 41. Section 5.24. is hereby renumbered to be Section 5.601.

5.24. Appointment.

The Village Manager shall appoint an employee of the Village as a Animal eControl eOfficer, who shall serve from time to time at the ~~pleasure~~ discretion of the Village Manager. (Ord. No. 1793, § 5; Ord. No. 1854, § 5; Ord. No. 2261, § 25.)

Section 42. Section 5.25. is hereby renumbered to be Section 5.602.

5.25. Powers and duties.

In addition to all other powers and duties provided by law, the a Animal eControl eOfficer shall have the power and duty to investigate violations of the provisions of this chapter, to impound or cause to be impounded animals except wild animals in a natural state found running at large within the Village, to transport or cause to be transported the same to the Village pound for impoundment and, at the direction of the Village Manager, to declare animals which are injurious or potentially injurious to the health, safety or welfare of persons or property within the Village to be a public nuisance and to apply to the appropriate court for an abatement thereof.

The a Animal eControl eOfficer shall also have the power and duty to establish a trapping program whereby animal traps are loaned to residents to catch wild animals that are a nuisance or posing a hazard as defined by the Village trapping program as established by the Animal Control Officer. The a Animal eControl eOfficer shall recommend the amount of any administrative fee to be charged as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" for the loan rental of the traps and Village removal of the animals ~~such recommendation to be approved by the Village Treasurer pursuant to the provisions of this Code and any Village rules or regulations.~~ (Ord. No. 1793, § 5; Ord. No. 1854, § 5; Ord. No. 2261, § 25.)

Section 43. Section 5.7ART. is hereby renumbered to be Section 5.700ART.

5.7ART. Article VI. Impounding

Animals

Note: For state law as to impounding of stray animals, see ~~Ill. Comp. Stat., ch 410, §§ 40/1 to 40/3~~ 510 ILCS 5/1 et seq. Animal Control Act.

Section 44. Section 5.7. is hereby renumbered to be Section 5.701.

5.7. Impounding--Generally.

The police department, the ~~a~~Animal ~~e~~Control ~~e~~Officer or such other Village agent or employee authorized by the Village Manager shall impound any animal, except a wild animal in a natural state, found running at large within the Village. (R.O. 1925, § 64; Ord. No. 1793, § 1.)

Section 45. That Section 5.702. is hereby added to read as follows:

5.702. Notice to owner.

Upon the impounding of any animal described in Section 5-701, the Village shall forthwith notify the owner or keeper of such animal of such impounding, unless such owner or keeper is unknown or cannot be found. The owner or keeper shall be advised that unless such animal is redeemed within three (3) days, the animal will be transferred to the animal control administrator of the County.

Section 46. Section 5.8. is hereby renumbered to be Section 5.703.

5.8. Disposition of impounded animals.

(a) All animals which have been impounded pursuant to Section ~~5-75.701~~ shall be detained by the animal control officer until further disposition to the animal control administrator of the county, or his/her agent. Prior to such disposition the owner of any animal which has been impounded may redeem such animal by ~~claiming the animal,~~ presenting proof of ownership and current vaccination against rabies, as required by Section ~~5-145-204~~ and paying to the Village all fees, costs and expenses of impoundment imposed by ~~subsection (c) herein and Section 5-9~~ this Chapter.

(b) The owner of any impounded animal who is unable to show proof of the animal's current vaccination against rabies may redeem such animal by posting with the Village a cash bond in an amount determined by the Village Manager or his/her designee. The cash bond as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" will be returned upon the owner's presentation, within thirty (30) days, of proof of the animal's vaccination against rabies prior to the impoundment. After thirty days, the cash bond will no longer be subject to redemption and will be transferred to the corporate fund of the Village.

(c) Pending the further disposition to the animal control administrator of the county, any injured animal which has been impounded may be given medical treatment or may be humanely dispatched by and under the direction of a licensed Illinois veterinarian in accordance with applicable law. The fee or charges for such veterinary services shall be deemed to be and shall be included as a cost and expense incurred in the impoundment. (Ord. No. 1793, § 1; Ord. No. 1854, § 1; Ord. No. 2712, § 1.)

Section 47. Section 5.9. is hereby renumbered to be Section 5.703.

5.9. Fees.

The fees which shall be charged for impounding, maintaining and feeding all animals shall be set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule".

(a) All animals :

- (1) For impounding and releasing each animal.
- (2) For feeding and maintaining each animal.
- (3) If any of the animals owned by a person or family are impounded by the Village more than once

Animals

during a six month period an additional fee shall be set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule" .

(R.O. 1925, §§ 67, 220; Ord. No. 1793, § 1; Ord. No. 2345, § 1.)

Section 48. That Section 5.800ART. is hereby added to read as follows:

5.800ART. Article VIII. Fines and Penalties.

Section 49. That Section 5.801. is hereby added to read as follows:

5.801. Penalty for Violation of this Chapter

Unless as otherwise provided in Section 1-16 of the Downers Grove Municipal Code, any person who pleads guilty to or is found guilty of an offense violating any provisions of this chapter shall be punished by a fine of not less than seventy-five (\$75.00) nor more than seven hundred fifty dollars (\$750.00).

Section 50. Section 5.10. is hereby repealed in its entirety

5.10. Same--Impounding provisions not to stop prosecution of owners.

~~Same Impounding provisions not to stop prosecution of owners.—~~

~~Nothing contained in this article shall operate as an estoppel of the prosecution of the owner of an animal found running at large for the violation of any provision of this Chapter. (R.O. 1925, § 222; Ord. No. 1793, § 1.)—~~

Section 51. Section 5.11. is hereby repealed in its entirety

5.11. Persons permitting dogs, cats, horses or ponies to remain about premises held to be owners.

~~Persons permitting dogs, cats, horses or ponies to remain about premises held to be owners.~~

~~Any person who shall permit any dog, cat, horse or pony to be and remain at or about his/her house, stable, store or other premises in the Village, shall be held to be the owner of the same subject to the obligations and penalties of this article. (R.O. 1925, § 117; Ord. No. 1793, § 3; Ord. 2261, § 24.)—~~

Section 52. Section 5.13. is hereby repealed in its entirety

5.13. Muzzling required when rabies found in Village; disposal of unmuzzled dogs.

~~Muzzling required when rabies found in Village; disposal of unmuzzled dogs.~~

~~Whenever it shall be made to appear to the Mayor that there are good reasons for believing that any dog within the Village, or within one half mile thereof, is rabid or has been bitten by any rabid animal, the Mayor shall issue a proclamation requiring that all dogs shall, for a period to be stated in the proclamation, wear a good and substantial wire, gauze or leather muzzle, securely put on, so as to prevent it from biting. Any dog going or being at large during the period defined in such proclamation without such muzzle shall be killed and disposed of. (R.O. 1925, § 122; Ord. No. 300, § 1; Ord. No. 1793, § 3; Ord. No. 2261, § 24.)—~~

Section 53. Section 5.15. is hereby repealed in its entirety

5.15. Same--Within thirty days of acquisition of dog or cat.

~~Same--Within thirty days of acquisition of dog or cat.~~

Animals

~~Any dog or cat acquired by a resident of the Village shall be vaccinated for rabies by a licensed veterinarian within thirty days after such acquisition, except as provided in this division. (Ord. No. 579, § 1; Ord. No. 1793, § 3; Ord. No. 1854, § 5; Ord. No. 2261, § 24.)~~

Section 54. Section 5.16. is hereby repealed in its entirety

5.16. Same--Intervals.

~~Same--Intervals.~~

~~The owner or keeper of any dog or cat within the Village which is subject to vaccination in accordance with the provisions of Section 5-14 herein shall have such dog or cat vaccinated against rabies at such intervals and with such vaccine as may be determined by a licensed Illinois veterinarian to be effective in order to maintain protection against rabies. (Ord. No. 579, § 1; Ord. No. 1793, § 3; Ord. No. 1854, §§ 3, 5; Ord. No. 2261, § 24.)~~

Section 55. Section 5.17. is hereby repealed in its entirety

5.17. Reserved.

~~Reserved.~~

Section 56. Section 5.18. is hereby repealed in its entirety

5.18. Fowl defined.

~~Fowl Defined.~~

~~For the purposes of this chapter, fowl is defined as any domesticated bird, poultry, or water fowl, except for homing pigeons and caged birds kept as house pets. (Ord. No. 3060, § 3.)~~

Section 57. Section 5.26ART. is hereby repealed in its entirety

5.26ART. Article VI. Dangerous Animals and Vicious Dogs

Section 58. That Section 5.26. is hereby amended to read as follows:

5.26. Dangerous Animals--Definitions.

~~Dangerous Animals--Definitions.~~

~~For the purposes of this article, the following words and phrases shall have the following meanings:~~

~~(a) "Dangerous animal" means a lion, tiger, leopard, ocelot, jaguar, cheetah, margay, mountain lion, lynx, bobcat, jaguarundi, bear, hyena, wolf or coyote, or any poisonous or life threatening reptile or any other mammal (with the exception of dogs), amphibian, reptile or fowl which is of a species which, due to size, vicious nature or other characteristics would constitute a danger to human life, physical well-being or property.~~

~~(b) "Owner" means any person who (1) has a right of property in a dangerous animal, (2) keeps or harbors a dangerous animal, (3) has a dangerous animal in his/her care, or (4) acts as custodian of a dangerous animal.~~

~~(c) "Person" means any individual, firm, association, partnership, corporation, or other legal entity.~~

~~(d) "Vicious dog" means:~~

~~(1) Any individual dog that when unprovoked inflicts bites or attacks a human being or other animal either on public or private property; or~~

~~(2) Any individual dog with a known propensity, tendency, or disposition to attack without~~

Animals

~~provocation, to cause injury or to otherwise endanger the safety of human beings or domestic animals; or~~

~~(3) Any individual dog which attacks a human being or domestic animal without provocation; or~~

~~(4) Any individual dog which has been found to be a "dangerous dog" upon three separate occasions.~~

~~(5) No dog shall be deemed "vicious" if it bites, attacks, or menaces a trespasser on the property of its owner or harms or menaces anyone who has tormented or abused it or is a professionally trained dog for law enforcement or guard duties.~~

~~(e) "Dangerous dog" means any individual dog which, when either unmuzzled, unleashed, or unattended by its owner, or a member of its owner's family, approaches any person in a ferocious or terrorizing manner, and in an apparent attitude of attack.~~

~~(f) "Enclosure" means a fence or structure of at least six feet in height, forming or causing an enclosure suitable to prevent the entry of young children, and suitable to confine a vicious dog in conjunction with other measures which may be taken by the owner or keeper, such as tethering of a vicious dog. Such enclosure shall be securely enclosed and locked and designed with secure sides, top and bottom and shall be designed to prevent the animal from escaping from the enclosure.~~

~~(g) "Impounded" means taken into the custody of a public pound.~~

~~(h) "Run line" means a system of tying a dog in place with either rope or chain having a tensile strength of at least three hundred pounds. (Ord. No. 3180, § 1.)~~

Section 59. Section 5.32. is hereby repealed in its entirety

5.32. Same--Prosecution of owners.

~~Same--Prosecution of owners.~~

~~Nothing contained in this article shall operate as an estoppel of the prosecution of the owner of an animal, for the violation of any provision of this Chapter. (Ord. No. 3180, § 1.)~~

Section 60. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 61. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____

Village Clerk

VILLAGE OF DOWNERS GROVE
REPORT FOR THE FINANCE AND ADMINISTRATIVE COMMITTEE
JANUARY 22, 2013 AGENDA

SUBJECT:	TYPE:	SUBMITTED BY:
Discussion on Village Regulations Regarding Fowl	Resolution Ordinance Motion <input checked="" type="checkbox"/> Discussion Only	Dave Fieldman Village Manager

SYNOPSIS

As directed by the Village Council, staff prepared this report regarding possible changes to the fowl management regulations in the Municipal Code.

STRATEGIC PLAN ALIGNMENT

The goals for 2011-2018 identified *Exceptional Municipal Services*.

FISCAL IMPACT

N/A

RECOMMENDATION

Action at the discretion of the Village Council

BACKGROUND

At the December 4, 2012 Village Council Meeting, under New Business, the Village Council directed staff to prepare a report for discussion regarding potential amendments to the Municipal Code regulations on fowl. Through subsequent discussions with individual Council members, staff identified issues and questions, as well as a framework for the potential changes proposed by Village Council members. The proposal for potential changes is to make the Village regulations more permissive.

The purpose of this report is to respond to the issues and questions presented by Council and community members, and to provide alternative regulations that the Council could consider if there is a desire to amend the Village Code in a manner consistent with the proposal.

Current Regulations and History

The current code provisions regulating fowl within the Village were approved in 1987. Prior to the adoption of the regulations, the Municipal Code did not address fowl, and complaints were handled using the code provisions for nuisance violations. The current regulations were reviewed by the Community Maintenance Board and approved by the Village Council in May 1987. The following is a summary of the current fowl regulations:

- o Fowl is defined as any domesticated bird, poultry, or water fowl, except for homing pigeons and caged birds kept as house pets.
- o A maximum of four fowl aged 18 weeks or older and four fowl under the age of 18 weeks are permitted to be kept on residentially zoned properties.
- o All fowl shall be entirely confined in a pen, coop, building or other enclosure at all times.

- o Pens, coops, buildings, and other enclosures used for the purpose of housing fowl shall be set back a minimum of 50 feet from any property line.
- o All pens, coops, buildings, yards, or enclosures for fowl shall be kept clean, sanitary and free from all refuse. Such areas shall be thoroughly cleaned at least once every twenty-four hours, and all refuse shall be disposed of in a clean and sanitary fashion.
- o All feed for fowl shall be kept in rodent-proof containers.

The current regulations limit the number of lots that may raise chickens to 509 single family parcels. (See attached map of current eligible properties.)

Code Enforcement Activities 2007-2012

The Village has records of six violations related to keeping chickens on properties in manner not in compliance with the ordinance during the last five years. All cases began with a complaint received. A brief summary of each is provided below:

Date Complaint Received	Address	Summary of Complaint/Actions/Outcome
November 12, 2012	5709 Hillcrest Road	Complaint received of chickens at residence, lot too small. Notice of violation issued. Case active.
October 31, 2012	4117 Highland Avenue	Complaint received of chickens on lot too small. Notice of violation issued. Case active.
September 4, 2012	6115 Brookbank Road	Complaint of chickens kept in garage on small lot. Chickens were removed by owner.
October 17, 2011	118 6th Street	Complaint of chickens on small lot. Chickens removed by owner.
June 24, 2011	3544 Sterling Road	Complaint received of various property maintenance violations including keeping chickens on lot too small. Chickens removed by owner.
September 19, 2007	6722 Blackburn	Complaint of chickens on small lot. Chickens removed by owner.

Other fowl management related complaints were received during this period but involved other types of fowl. Those records are not included here.

Questions and Concerns About the Impacts of Chickens in a Suburban Environment

Keeping chickens on single family residential properties within a suburban setting may have negative impacts on surrounding properties. Staff has provided responses to many questions about the impacts of keeping chickens. The questions and responses are provided in the attached *Responses to Questions and Concerns from Council and Community*.

DuPage County Municipal Regulations

Staff conducted a survey of all municipalities and townships with property within DuPage County. Of the 34 municipalities surveyed, 24 do not allow keeping backyard chickens and 14 municipalities allow backyard chickens. Of the nine townships within DuPage County, all nine defer to DuPage County rules concerning backyard chickens which allows backyard chickens only on properties of five acres or larger or on properties of 40,000 square feet or larger with approved 4H-related projects. A chart showing the information is provided as an attachment.

Recent Chicago-Area Chicken Regulations

In the past two years, several other municipalities have revised their regulations regarding backyard chickens. Staff contacted the city of Evanston, which permits keeping of chickens and requires a license and inspection. Evanston staff indicated they have issued approximately 20 licenses since the ordinance went into effect in 2010 and stated that they have had few complaints regarding chickens, rodents or predators.

Additionally, in 2011 the city of Crystal Lake conducted a survey of 47 Illinois counties and municipalities, as well as Ann Arbor and Grand Rapids, MI. Of the jurisdictions surveyed, 17 allow backyard chickens. The survey results are included as an attachment.

Proposal for Amendments to Regulations

The proposal for potential changes to the current Village regulations includes the following key components:

- More permissive regulations that allow chickens to be kept on most single-family residential lots
- Allowance for free range
- Prohibition of roosters
- License or Inspection Component
- Prohibition of slaughter

Staff has prepared alternative regulations that are intended to meet the desired outcomes of the Council proposal with the following components:

Number of Fowl: The total number of fowl (four adult and four under 18 weeks) would remain the same.

Roosters and Guinea Fowl: Roosters and guinea fowl would be prohibited to minimize the audible noise from backyard fowl.

Enclosures: All fowl would be required to be in a fully-enclosed coop during nighttime hours (between dusk and dawn). The coop should be elevated at least one foot off the ground to reduce the risk of rotting or burrowing by rodents. The coop could be a maximum of 32 square feet, with a 20-foot setback from property lines. Consistent with accessory structure requirements, it would be located at least 10 feet from other buildings.

Chickens would be allowed in a fenced, screened run adjacent to the coop during during daytime hours (between dawn and dusk) with maximum of 40 square feet. Additionally, to achieve a free-range component, chickens would be allowed in a mobile screened enclosure (commonly known as a chicken tractor) during daytime hours. This chicken tractor could be moved throughout the backyard, within the

required setbacks, by the property owner. Chickens would need to be returned to the coop at night.

Permit, License and Inspections: A permit would be required for the construction of the coop and fenced area. The permit requirement for the coop and fenced area will also act as the licensing requirement as the Village would be aware of and have documentation of properties improved with chicken coops. Any lighting or heating elements would require an electrical permit. Approval would be administrative, with neighbor notification and notification to the Illinois Department of Agriculture required. If the permit applicant is a tenant, rather than owner of the property, the owner must sign the application.

Subject	Current Regulations	Alternative Regulations
Number of Fowl Permitted	Maximum of 4, 18 weeks or older Maximum of 4, less than 18 weeks	No change (Maximum of 4 adult, 4 under 18 weeks)
Roosters/Guinea Fowl	Allowed	Prohibited
Confinement	Must Be Confined at All Times in Pen, Coop	Rear yard only, Must be in Fully Enclosed Coop at Night, Allowed in Run or Chicken Tractor during Daytime. (Chicken Tractor may be Mobile, Must be within setback)
Setback Requirement/Minimum Distance from Neighbors	50-foot setback	20-foot setback from lot line (All permanent enclosures)
Structure Requirements	None	Accessory Structure Requirements (10 feet from buildings), Elevated coop, maximum height of six feet for fenced area and four feet for mobile tractor
Lot Coverage Requirement	None	Maximum square footage: <ul style="list-style-type: none"> • 32 square feet for coop • 40 square feet outside for run • 32 square feet for tractor
Cleaning Requirement	Every 24 Hours	Every 24 Hours
Feed Requirement	Kept in Rodent-Proof Containers	Kept in Rodent-Proof Containers, Except at Time of Feeding
License/Permit	None	Permit Required (\$77 as per fee schedule), Registration with Village, Electrical Permit Required if Light/Heat Added, Adjacent

		Neighbor Notification, Notification to Illinois Department of Agriculture
Slaughtering	Permitted	Prohibited
Inspection	None	Inspect as Part of Permit Process, Otherwise Only in Response to Complaint

Likely Impacts of Proposal

The proposal would result in an increase in the number of lots eligible to keep backyard chickens from 509 to 13,883, which includes all but a handful of single-family residential properties. Staff prepared maps showing the eligible properties under the existing regulations, as well as the eligible properties under the proposed criteria. Additionally, attached are graphics that show the impacts of setback requirements on the location of the coop and enclosure.

Based on other communities that allow chickens, the number of permits sought is unlikely to add significantly to the workloads of existing Community Development Department staff, reviewers, inspectors and code enforcement officers. Should the proposal receive approval, the impact on Village operations would be monitored.

ATTACHMENTS

- Responses to Issues and Questions
- DuPage County Backyard Chicken Survey
- Crystal Lake Survey
- Maps of Current Eligible Properties and Eligible Properties under Proposed Criteria
- Graphics of Setback Requirements on Current Properties, 50-foot wide lots and 75-foot wide lots

Responses to Questions and Concerns from Council and Community
January 11, 2013

Do chickens carry diseases?

The video linked below is produced by the USDA Animal and Health Inspection Service. The video addresses diseases and hygiene.

http://www.youtube.com/watch?v=HLF_fx13qgQ

Chickens flocks may be affected by disease that can spread from chicken to chicken. However, these diseases are not ordinarily dangerous to humans. The most common diseases are avian flu and Exotic Newcastle Disease (END). The video advises that past outbreaks of these diseases among chickens could have been prevented by proper hygiene. The best way to prevent the spread of disease among chickens is to do the following:

- Keep flocks apart from each other. Do not allow chickens to come in contact with wild birds.
- Keep the coop and run clean. Clean cages and coops every day. Change food and water every day.
- Do not share equipment (shovels and other equipment) among neighbors.
- Keep food and water inside the coop where it will be safe from wild birds and rodents.
- Monitor chickens for disease. Diseases may causes changes in breathing patterns, excrement and physical condition, such as the color of their legs and comb or appetite.
- Report sick birds to appropriate agencies (USDA or State Extension).

Chickens may spread salmonella, which is dangerous to humans, so children and adults should wash their hands after handling chickens. More information on the salmonella threat is available from the Centers for Disease Control (CDC) here:

http://www.cdc.gov/healthypets/pdf/intown_flocks.pdf.

Do chickens make noise?

Chickens have a consistent ‘clucking’ sound and make noise before and after laying eggs. The sound after laying eggs is louder than the clucking sounds. According to the University of Wisconsin, ordinary chicken noises can be controlled by insulating the chicken coop, surrounding the coop or run with shrubs or bushes, or by limiting the size of the flock. Staff contacted other municipalities and found that there had been few complaints regarding noise. However, in order to deal with potential noise complaints, several of the municipalities surveyed do not allow roosters or guinea hens.

The YouTube videos below show the common chicken sounds.

Clucking sounds: http://www.youtube.com/watch?v=V_0HPQgDEwE

Egg laying sound: <http://www.youtube.com/watch?v=S8sYQJBmcFk>

Guinea hens: <http://www.youtube.com/watch?v=RoM9BtVZ724>

Do chicken coops produce odors?

Yes, coops may produce odors if not properly maintained. A publication from the [University of Wisconsin Extension](#) states that ammonia-like odors associated with chickens are caused by poorly ventilated or moist coops. Proper ventilation and sanitation during especially humid parts of the year can prevent this smell.

Will the presence of chickens attract predators?

Yes, chickens will attract predators, such as hawks, foxes, raccoon and coyotes. The [Humane Society](#) suggests the following to protect chickens from predators:

- Secure the chickens each night within four solid walls and under roof.
- Plan the coop to protect them from predators that can dig under walls and fences at night. (For example, dig fences deep, nail mesh wire flat against the ground surrounding the coop and elevate the chicken coop.)
- During the day, keep chickens in a fenced enclosure.

Will chicken coops impact property values?

Staff researched this topic and could not find any information on the subject.

Will chicken coops attract rodents?

According to the document published by [North Carolina State University](#), rodents, such as rats or mice, will eat chicken feed and may kill young chickens or destroy eggs. For this reason, chicken feed should be kept in sealed containers and coops and runs should be fenced with wire or metal fencing. Additionally, the area should be kept clean and free of trash to eliminate the potential for mice or rats to begin breeding.

What is the lifecycle for chickens?

According to the [NC State publication](#), hens have most egg production in the first few years of life. They will begin to lay eggs at 16 to 24 weeks of age and will lay approximately 1 egg per day for the first year, with maximum production at 34 weeks of age. Egg laying will decrease over time; however, the chickens will live for several years (approximately 10 years total) after they are no longer productive.

How should one dispose of dead chickens?

Most publications that staff consulted recommended disposing of chickens on the property, either through burying the carcass or using a commercially available composter.

Do chickens need lighting or heating to lay eggs? What are the impacts on code requirements?

According to a [University of Maine publication](#), egg production slows during winter months when daylight is limited. To keep hens producing year-round, the publication recommends providing light for 14-17 hours per day with one 60-watt bulb per 200 square feet of space. Heating lamps are not necessary, except to keep water from freezing in extreme temperatures. According to a [University of Missouri publication](#), chicken coops need some insulation to keep the coop warm to keep producing eggs. Temperatures of less than 15 degrees in the coop can limit egg production; temperatures of less than 10 degrees can cause frostbite. Insulation should be covered to keep chickens from destroying the insulation and protect it from insects.

Will dogs kill chickens?

University of Wisconsin Extension Specialist Ron Kean advises [here](#) that some dogs will live well with chickens, while others will be as dangerous to chickens as hawks and coyotes. The same precautions that keep chickens safe from wild predators will keep them safe from dogs.

Should chickens be free range?

According to the [NC State publication](#), chickens need some free range space for foraging, pecking and scratching. This prevents them from stress that will lead them to peck at each other or at their eggs. The free-range space should be outside the coop but preferably within a fenced area to protect them from predators. There are two options to achieve this space: inside a chicken run adjacent to the coop or in a mobile ‘chicken tractor’, which is a screened enclosure that can be moved from space to space. This commercial website has several examples of chicken tractors: <http://urbanchickentractors.com/tractors.html>.

Why do people have chickens?

The website Backyardchickens.com has a [summary page](#) of the benefits of chickens.

What are the recommendations for caring for chickens?

This [Mississippi State article](#) recommends proper care based on the following:

- Adequate space for growing
- Clean water
- Balanced diet
- Proper ventilation within the coop and shade outside the coop
- Controls against parasites and diseases (through vaccination and proper hygiene)
- Protection from predators

This University of California publication also provides guidance for care of chickens: <http://animalscience.ucdavis.edu/Avian/pfs36.pdf>.

What is the recommendation for density of chickens in a coop?

The [NC State publication](#) recommends the following: “Allow a minimum of 2.5 to 3.5 square feet per bird inside the weather tight coop and an additional minimum of 4 to 5 square feet per bird in the fenced, outside area.”

What are Best Practices for Coop Construction and Maintenance?

Virginia Tech has a [publication](#) with recommendations for small flocks of chickens. In summary, it recommends the following:

- Build the coop in a high, well-drained area facing south (for warmth) with doors and windows that can be opened for ventilation as necessary
- Bury the fence at least 12 inches deep and six inches flat outside the coop or run (to prevent predators from digging under the fence)
- Cover the outdoor run with mesh or wire to protect from hawks and owls
- Provide one laying nest for every 4 to 5 birds

- Provide easy access to water
- Include good insulation and ensure proper ventilation
- Maintain the exterior and landscape surrounding the coop or run

Staff Responses to Council Questions

January 18, 2013

As of January 18, 2013, the two outstanding non-compliant properties have removed the chickens and are now in compliance with Village regulations.

If a homeowner purchases a prefab coop, they still need to apply for a building permit, correct?

Yes, in the alternative regulations outlined in the report, a building permit would be required to construct a prefabricated coop. The permit would include the location standards and electrical review, with one inspection.

Would the neighbor notification be done by the homeowner?

Yes, in the alternative regulations, the homeowner would be required to notify the neighbors. A copy of the form currently used for neighbor notification is attached. It is used currently for building projects and temporary uses, but may be modified for the purposes of considering coop related permit applications.

Would the notification to the Illinois Department of Agriculture be done by the homeowner?

Yes. Evidence of the notification would be required with the application.

Under the current regulations when a homeowner installs a shed on their property, is the requirement that it is 20 feet from the property line and 10 feet from another structure?

Sheds must meet the side and rear yard setback requirements which vary from 5 feet to 6 feet depending upon the residential zoning district that the property is located within and must be separated a minimum of 10 feet from the primary structure (house).

What is the average lot depth in Downers Grove?

Staff estimates that the median residential lot depth in the Village is 150 feet, ranging from 100 feet to 300 feet.

What is minimum lot depth in Downers Grove?

The required lot depth for new residential lots in the Subdivision Ordinance is 140 ft. However, there are many examples of legal nonconforming lot depths throughout the Village. Generally, lot depths in Downers Grove vary from 130-200 feet.

Survey of DuPage County Municipalities Regarding Permissiveness of Backyard Chickens

Community	Allow Backyard Chickens?	Is There a Minimum Lot Size?	Do Rules Include Maximum Number of Chickens?	Are There Zoning Restrictions (other than regular accessory building restrictions)?	Is There a Fee?	Other Notes	How Many Applicants has Community Seen?	Have There Been Any Complaints?
Bartlett	YES	10 Acres or More	No Limit	No additional restrictions	No permit, no fee	-	Unaware of any chickens being kept in city limits	No
Batavia	YES	No	8, no roosters	30 feet away from any neighbor's building, and at least six feet off a neighbor's lot line	\$85 coop permit fee	More than half of coops have lighting or heating	10 applicants since ordinance was passed in 2011	No
Burr Ridge	YES	1 Acre Lot	4, no roosters	10 foot rear yard set back (principal building must have 50 foot rear yard set back)	\$50	-	No applicants, but chicken ordinance was passed November 2012	No
Darien	YES	Chickens are not mentioned in the code but are permitted	No Limit	No additional restrictions	No fee	-	No formal application process but estimated less than 5	2-3 total complaints in the last few years
Downers Grove	YES		4	50 feet from any property line	No	-	Estimate of between 5-10	Estimate of 5 complaints in two years
Itasca	YES	No	No Limit	150 feet from neighbor's residence or public street	No fee	-	Unaware of any chickens being kept in city limits	No
Lemont	YES	At Least 1 Acre	One per 20,000 Square Feet of Lot Area	150 feet from the side and rear lot lines; 200 feet from any residence on another lot	No fee	-	Not aware of any residents keeping chickens	No
Naperville	YES	No	8, no roosters	Coop cannot be within thirty (30) feet of any occupied residence other than that of the owner	\$35 for the plan review and \$45 for an inspection	-	5 applicants since update in 2011, estimated 10 total coops	1-2 complaints since ordinance in September 2011
Oak Brook	YES	10 Acres or More	No	No	No fee	-	Not aware of any residents keeping chickens	No
Schaumburg	YES	No	Currently one resident has 20 chickens	Normal accessory structure restrictions: 5 foot setback from sidelot line, back yard restrictions	Special-Use fee-\$603	Roosters are allowed. Approval is subject to neighbor (150 feet or closer) approval	1 approved permit to grandfather in previous owner. 1 application pending approval	No
St. Charles	YES	Rules are not explicit	No	No	No fee		No formal permit process but staff estimates around 6 chicken owners	No
Warrenville	YES	Must have lot of 10,000 square feet or larger	4, no roosters	Front & Corner Side Lot Lines- 20' from interior side, Other Lot Lines- 3' from rear	No permit, no fee		Staff estimates between 5-10	Fewer than 10 complaints, none required citations
Wayne	YES	2 Acres	2 livestock, plus one more for each additional acre	No	No fee		Not aware of any residents keeping chickens	No
Woodale	YES	No explicit rules		Not within four hundred fifty feet (450') of any residence other than the residence of the person keeping the animals	No fee		Aware of 1 chicken owner	Estimate of 1 complaint per year

Communities that Do Not Currently Allow Backyard Chickens:

Addison	Carol Stream	Glendale Heights	Oakbrook Terrace	Wheaton
Aurora	Clarendon Hills	Hanover Park	Roselle	Willowbrook
Bensenville	Elk Grove Village	Hinsdale	Villa Park	Winfield
Bloomington	Elmhurst (under review)	Lisle	West Chicago	Woodridge
Bolingbrook	Glen Ellyn	Lombard	Westmont	



City of Crystal Lake
 Community Development Department
 100 W. Woodstock Street
 Crystal Lake, Illinois 60014
 815.356.3615

MUNICIPAL SURVEY

"Chicken Ordinances"

MUNICIPAL SURVEY RESULTS

Date Updated: 8/11/2011

1). Do you allow backyard chickens in your corporate limits?

	Votes	Percent
Yes	17	35%
No	32	65%

2). What methods do you utilize to regulate backyard chickens?

LOCAL MUNICIPALITIES

Municipality	Min. Property Line Setback	Min. Distance to Neighboring Home	Minimum Lot Size	Max # Hens	Annual Permit?
West Dundee, IL	10 feet	15 feet	-	4	Yes
Algonquin, IL	<i>Chickens Prohibited</i>				
Barrington, IL	<i>Chickens Prohibited</i>				
Cary, IL	<i>Chickens Prohibited</i>				
Carpentersville, IL	<i>Chickens Prohibited</i>				
Elgin, IL	<i>Chickens Prohibited</i>				
Fox River Grove, IL	<i>Chickens Prohibited</i>				
Huntley, IL	<i>Chickens Prohibited</i>				
Lake in the Hills, IL	<i>Chickens Prohibited</i>				
Lakewood, IL	<i>Chickens Prohibited</i>				
McHenry, IL	<i>Chickens Prohibited - Under PZC review 8/18/11</i>				
Prairie Grove, IL	<i>Chickens Prohibited</i>				
McHenry County, IL	<i>Permitted in Estate Residential Zoning Only - Future Amendment Under Consideration</i>				

OTHER MUNICIPALITIES (ALLOW CHICKENS):

Municipality	Min. Property Line Setback	Min. Distance to Neighboring Home	Minimum Lot Size	Max # Hens	Annual Permit?
Ann Arbor, MI	<i>Accessory Structure Criteria</i>	-	-	4	Yes
Batavia, IL	<i>Accessory Structure Criteria</i>	30 feet	-	8	Yes
Chicago, IL	<i>Accessory Structure Criteria</i>	-	-	Unlimited	-
Decatur, IL	<i>Accessory Structure Criteria</i>	75 feet	-	-	-
Downers Grove, IL	50 feet	-	-	8	-
Evanston, IL	3 feet (side), 3 feet (rear)	10 feet (from owner's dwelling)	-	6	Yes
Libertyville, IL	<i>Accessory Structure Criteria</i>	-	5 acres	-	-
Naperville, IL	<i>Accessory Structure Criteria</i>	25 feet	-	-	-
Northbrook, IL	150 feet	-	-	3	-
Northfield, IL	<i>Accessory Structure Criteria</i>	-	-	-	-
Oak Brook, IL	100 feet	-	2 acres	-	-
Oak Park, IL	<i>Accessory Structure Criteria</i>	-	-	2	-
St. Charles, IL	<i>Accessory Structure Criteria</i>	-	-	-	-
Warrenville, IL	20 feet (side), 3 feet (rear)	-	10,000 square feet	4	-
Bartlett, IL	Allowed in Estate Residential Zoning Only				

OTHER MUNICIPALITIES (DO NOT ALLOW CHICKENS):

Municipality	Min. Property Line Setback	Min. Distance to Neighboring Home	Minimum Lot Size	Max # Hens	Annual Permit?
Kane County, IL	<i>Chickens Prohibited - Amendment under consideration for parcels less than 5, 3, or 2 acres in size</i>				
Brookfield, IL	<i>Chickens Prohibited - but board meeting for discussion 7/25/11</i>				
Aurora, IL	<i>Chickens Prohibited</i>				
Buffalo Grove, IL	<i>Chickens Prohibited</i>				
Champaign, IL	<i>Chickens Prohibited</i>				
Cicero, IL	<i>Chickens Prohibited</i>				
Des Plaines, IL	<i>Chickens Prohibited</i>				
Freeport, IL	<i>Chickens Prohibited</i>				
Glendale Heights, IL	<i>Chickens Prohibited</i>				
Grand Rapids, MI	<i>Chickens Prohibited - Request for Code Amendment Denied by Qty Council</i>				
Itasca, IL	<i>Chickens Prohibited</i>				
Lincolnshire, IL	<i>Chickens Prohibited</i>				
Lincolnwood, IL	<i>Chickens Prohibited</i>				
Maywood, IL	<i>Chickens Prohibited</i>				
Mount Prospect, IL	<i>Chickens Prohibited</i>				
Peru, IL	<i>Chickens Prohibited</i>				
Schiller Park, IL	<i>Chickens Prohibited</i>				
Skokie, IL	<i>Chickens Prohibited</i>				
Streamwood, IL	<i>Chickens Prohibited</i>				
Villa Park, IL	<i>Chickens Prohibited</i>				
Wheeling, IL	<i>Chickens Prohibited</i>				

County	Municipality	Minimum Lot Size	Max. of hens	Roosters Allowed?	Coop Run Requirements		Slaughtering Allowed?	Egg Sale Allowed?	Permit/License Required?	Food Storage	Comments
					Min. Distance from Property Line	Min. Distance from any building other than owners'					
DuPage	Downers Grove		8		50 feet	25 feet	Every 24 hours			Rodentproof containers	Max 4 older than 18 weeks and Max 4 under 18 weeks old
	Naperville						Every 24 hours			Rodentproof containers	
	Oak Brook	2 acres			100 feet						
	Warrenville	10,000 sq ft	4	No	20' from side 3' from rear					Rodentproof containers	
	Batavia		8	No	access structure setback	30 feet	yes	No	Yes	Rodentproof containers	City website references www.backyardchickens.com
Kane	West Dundee		4	No	10 feet	15 feet			yes	Rodentproof containers	Coops minimum 40 sq ft max of 100 sq ft
Cook	Evanston		6		Meef Zoning Ord. for Accessory Structure		Yes	No	Yes 50.00 annual coop fee		Coop regulated as accessory structure citywide limit of 20 coops will be approved in first 12 months of code must register with IL Dept of Ag Livestock Premises Registration (Proof onsite)
	Chicago		Unlimited	No				No	No		
	Oak Park		2								
Lake	Northbrook		3		150 feet						
	Libertyville	5 acres									
Other	Decatur, IL										
	Ann Arbor, MI		4			75 feet	Yes		Yes		Requires proof of neighbor consent
	Urbana, IL										
Page 395 - Agenda Item J.1.	Algonquin										
	Aurora										
	Barrington										
	Bartlett										
	Brookfield, IL										
	Buffalo Grove										
	Cary										
	Champaign										
	Ozero										
	Des Plaines										
	Egin										
	Freeport										
	Glendale Heights										
	Grand Rapids, MI										
	Hawthorn Woods										
	Hoffman Estates										
Huntley											
Itasca											
anesville, WI											
Lake Barrington											

Only city on this list to bring a proposed ordinance forward and deny it.

