

Staff Responses to Council Questions

January 14, 2014

7. CONSENT AGENDA

D. Motion: Authorize a One-Year Agreement with Data Ticket, Inc., Newport Beach, CA, for Administration of Parking Citations

What staffing changes were made?

The Village eliminated one full-time records specialist position through attrition and replaced it with two part-time positions, thus saving on benefit costs and salary. By making this change, the Village saw a \$29,000 reduction in benefit costs.

Why was there a large gap between the low cost proposer and the other proposals?

Staff believes the gap is due to the scale of economy for Data Ticket. Data Ticket is the largest of the three vendors that submitted proposals, with 250 clients, and has been in business 25 years.

Will residents still be able to work with Village staff to resolve parking ticket issues?

Yes, residents will be able to work with staff to resolve all parking ticket issues just as they currently do. Anyone seeking a review of the circumstances surrounding their parking ticket will deal with Village staff.

Does the contract include specific performance standards regarding Data Ticket's interaction with Village residents?

No, the contract does not include specific performance standards regarding interaction with Village residents. However, there is a complaint process in place if staff receives negative feedback from a citizen. Staff contacted several references as part of this review process and all the references had very positive comments about the vendor's interaction with their citizens. One reference has been with the vendor for 9 years.

E. Resolution: Express Intent to Continue Participation in the Suburban Tree Consortium and to Authorize Certain Purchases for FY 2014

Is 520 trees sufficient to replace recently lost trees and meet the program objectives?

Yes, the number of trees planned to be planted in 2014 meets the Village's program objectives.

9. First Reading

A. Ordinance: Amend the Zoning Ordinance, Chapter 28, of the Downers Grove Municipal Code

Please provide hard copies of the concordance document.

A hard copy is attached to the Council Questions in the Council member mailboxes.

B. Ordinance: Amend Chapter 5 of the Municipal Code regarding Animals and Fowl

Please provide minutes of the Village's consideration of the chicken regulations in 1987.

The minutes are attached.

Online Comments

Online public comments are attached.



rRemarks Date for January 14, 2014 Village Council Meeting

Agenda Section	Agenda Item	Comment	Commenter
<p align="center">First Reading</p>	<p align="center">B. ORD 00-05442 An ordinance amending Chapter 5 of the Municipal Code regarding animals and fowl</p>	<p>Dear Mayor Tully and Downers Grove Commissioners,</p> <p>I am very distressed to learn that the Downers Grove City Council might force my neighbors, the Lolli family residing at 4117 Highland Avenue, to give up their pet chickens. In that that such a decision appears to fly in the face of common sense and logic, I certainly hope that I am mistaken.</p> <p>I live next door to the Lolli family, at 4113 Highland Avenue. Their small chicken coop actually abuts my detached garage. I subsequently walk right next to it every morning on the way to my car. If the handful of chickens that the Lolli family has would pose a problem to anyone, it would be me, and I think they're wonderful. Given that I can't hear the chickens, do not smell them, and rarely ever see them...I don't see why they would be a concern to anyone in our neighborhood.</p> <p>At a time when "urban farming" is on the rise, it seems somewhat preposterous to begrudge the Lolli family (and other Downers Grove residents) a handful of small chickens...that all of the neighbors I've talked to agree bother absolutely no one. I feel that it's long overdue for the Village of Downers Grove to strike down or modify archaic ordinances such as the "fowl law," and replace them with new ordinances that reflect the beliefs and practices of the 21st century. I'm almost 70 years old and can honestly say that the Village's current ordinance banning the possession of a few chickens may have been "in tune" during my grandparents' time (when they kept a LOT of chickens in their backyards)...but it is definitely not apropos for today.</p> <p>I trust you to make a wise and just ORD 00-05442 decision that benefits the majority of Downers Grove residents...both now and into the future. Should you have any questions regarding this matter, please don't hesitate to contact me. Thank you!</p>	<p align="center">Jan Writer 4113 Highland Avenue</p>
<p align="center">First Reading</p>	<p align="center">B. ORD 00-05442 An ordinance amending Chapter 5 of the Municipal Code regarding animals and fowl</p>	<p>I wanted to voice my opinion on the ordinance regarding Chicken ownership. As the adjacent neighbor of someone who raised chickens in the past, I feel it is important that you vote for a more inclusive code for chicken ownership. She chose to raise hens as a fun, educational and cost effective way to feed her family. I believe that the ordinances should allow people to raise their chickens regardless of the size of their property. I feel that the setback rules are especially in need of revision. I can speak from personal experience that as a neighbor they pose no threat or added annoyance. Thank you.</p>	<p align="center">Virginia Nottelmann 4116 Lindley Street</p>

<p>First Reading</p>	<p>B. ORD 00-05442 An ordinance amending Chapter 5 of the Municipal Code regarding animals and fowl</p>	<p>I would like the village to expand the ability to raise backyard chickens. Its time for DG to join other communities across the nation in a movement towards a sustainable lifestyle. Backyard chickens are totally do-able here in most DG yards. The ability and freedom to make this food choice is very important to me. I want nutritious organic pastured eggs on my family's plates. Once you have such an egg there is no going back to store bought eggs. I urge the council to give the freedom of choice to us.</p>	<p>Cynthia Adams P.O. Box 213</p>
<p>First Reading</p>	<p>B. ORD 00-05442 An ordinance amending Chapter 5 of the Municipal Code regarding animals and fowl</p>	<p>I believe the issue of backyard chickens will be discussed in the upcoming meeting. I have experienced neighbors previously with laying hens and have never found them to be an issue. As long as people keep their hen houses clean and at a distance, they are perfectly acceptable. Totally in favor of backyard fowl being allowed in DG.</p>	<p>Maureen Fear 324 Shady lane</p>

Chairman McJoynt called the Community Maintenance Board meeting to order on April 7, 1987, at 7:12 P.M.

ROLL CALL:

PRESENT: Chairman Timothy McJoynt, Mrs. Virginia Holiday, Mr Donald Sutton.

ABSENT: Mrs. Mary Anda and Mr. Emil Rusnak.

ALSO PRESENT: Messrs. Michael Little, Director of Code Enforcement, Chuck Banks, Code Enforcement Officer, Mrs. Barbara Harton, Mr. Ralph Moeller, Mr. Fredette, Concerned Citizens.

Chairman McJoynt introduced himself as the new Chairman of the Community Maintenance Board and stated that the Community Maintenance Board was established by the Mayor and Village Council that the duties charged to the Board upon request of the Village Manager and Village Council are to conduct public meetings regarding modifications or changes to Village Codes and Ordinances and to then make recommendations, if necessary, to the Village Council. We are also charged with the responsibility of hearing appeals from people who are adversely effected by certain building code decisions that relate to maintenance problems, and also if requested investigate community maintenance problems.

Records are being kept of this meeting and are available upon request at the Village Hall. This meeting is being held tonight pursuant to earlier publication in the Downers Grove Reporter Village Corner, evidence of publication is also available at the Village Hall during business hours. The meeting may be adjourned from time to time without further publication notice.

There are no specific rules of procedure with regard to this Board so I am going to lay out some ground rules as to how I would like to proceed tonight. We are first going to hear from the Staff. We will then accept questions from the floor. After everyone has had an opportunity to be heard the Board Members will then have their discussion, and at that point in time the Chairman would entertain any motions with regards to recommendations or modifications of the Ordinance.

Are there any questions as to regard to this procedures?

Mr. Banks would you please indicate the issue for tonights hearing.

Mr. Banks: The issue of tonight's hearing is to the keeping of poultry or fowl in residential areas. The Village staff surveyed a number of neighboring communities in DuPage County, including DuPage County itself, and upon that survey has prepared a draft amendment to Chapter 13, of the Village's Municipal Code on the keeping of fowl.

Mr. Banks read from the draft amendment as follows:

We define fowl as any domesticated birds, poultry, or water fowl except for homing pigeons and except for house pets which are caged, such as canaries, parakeets, cockatoos, etc. (the State Statutes supersedes any local regulations regarding the keeping and training of homing pigeons.)

We have recommended that no person shall keep more than 4 mature specimen of fowl in any area of the Village. Exceptions, veterinary hospitals, animal shelters, and educational institutions.

No pen, coop building or other enclosure used for the purpose of housing fowl shall be erected or maintained within 50 feet of any occupied residence other than that of the owner.

Every person maintaining a pen, coop, building, yard, or enclosure for fowl shall keep such area clean, sanitary and free from all refuse. Such areas shall be thoroughly cleaned at least once every 24 hours and the refuse shall be disposed of in a clean and sanitary fashion.

All fowl shall be kept within a pen, coop, building or other enclosure sufficient in size and strength to confine all fowl on the owner's property.

All feed for fowl shall be kept in containers that are rodent proof.

The remainder of Chapter 13, section 13.7 sub-paragraph 1-10 stay as is.

Chairman McJoynt then opened up the meeting to questions, he asked for those in the audience to give their name and address for the record.

Mrs. Barbara Harton of 4915 Stonewall, Downers Grove: By this recommendation your allowing the keeping of fowl within the Village. When I first encountered this problem I was upset that as a taxpayer of this Village I had less protection than somebody living in the unincorporated sections of DuPage County. The County ordinance gives a setback requirement that would at least define a minimum property size wherein you could keep other fowl and livestock. I also believe that our ordinance should not be limited to fowl but to any farm animal. The County ordinance says that such a structure that these animals must be kept in, has to

be no less than 250' from the front lot line, and 100' from either side or rear lot line.

Mrs. Harton went on to say that as a taxpayer that she is entitled to at least as much protection from having noisy, smelly animals next to her than somebody that lives in the County, and only pays County taxes, and not Village taxes for services that are less than what the County provides. I have been living with this problem for five years.

Chairman McJoynt asked Mr. Banks if the present status to our Ordinance, with regards to nuisances, does not address farm animals or fowl in any fashion.

Mr. Banks answered no; it says animals that are either offensive or detrimental.

Chairman Mc Joynt: A standard nuisance definition which is loose at best. So the attempt of the Staff is to tighten it up at least as to these issues. Was there any other discussion from the Staff to other farm animals.

Mr. Banks: No just to domesticated birds, we have had no problems with livestock, and the Council asked us to identify the problem only with fowl, at this time.

Mrs. Holiday: Do you have a copy of the County Ordinance?

Mr. Banks: No, but what Mrs. Harton said is correct. With those types of setbacks it just about rules out every piece of property in Downers Grove because the average lot size is 75 feet wide, 150 feet deep.

Mrs. Harton: In regard to the present procedure for handling such nuisances, my husband and I filed a complaint last year. I was required to complain only as to a specific day, time, date and when we went to field court I was only allowed to testify as to events on that specific day and those specific times and one day does not make a nuisance

The fact that this has going on for five years I think is a relevant issue, and I have been complaining of it for all that time and that was not taken into account. In going to court I felt like a fool. It is not an adequate way to handle these problems.

Mrs. Harton went on to say that she had called eight surrounding communities and talked to them and when she asked what their regulations were the reaction she got most commonly was just shock that there would not be regulations pertaining to this in our Village and she concurred with that.

Most of the village's she talked to said they would not allow it, and several said they define certain setback requirements, the

only village she talked to that treated the situation the same as Downers Grove was Darien.

Mrs. Harton went on to say; if other Villages are finding it necessary to make rules on this type of thing they must be doing it for some reason, and I don't think that this particular rule that we are proposing here. "no more than 50 feet," from a resident is acceptable. Fif^{ty} feet from a resident is still very close. In my case I have a chicken coop three feet from my lot line which means when I go into my yard I am right next to those birds, and I do not find that very pleasant. I do not think people who move into a residential area are expecting to be subject to this. I think this is strictly for a farm area. I would like to see this prohibited; but I would be satisfied if we at least adopted the County regulations.

Chairman McJoynt: County regulations, is there a number regulation or just the setback?

Mr. Banks: Just a setback.

Mrs. Holiday: Is that for buildings or just the animals themselves?

Mr. Banks: Just buildings.

Mr. Sutton asked Mrs. Harton how many birds are presently in the chicken coop? None at this time, she answered. It is the first time in five years. Mr. Sutton asked if the people used them as pets or for food. Mrs. Harton replied, when we initially complained of the problem, five years ago, I was told they described them as pets; but as far as I know they used them for the eggs. Mrs. Harton was asked how many chickens there were and she replied that last year there were 8-10.

Mr. McJoynt: Are there any more questions?

Ralph Moeller of 4618 Downers Drive, agreed with everything that Mrs. Harton said, and he presently had a problem that was completely unacceptable to him.

Four months ago he had a neighbor move in at 1620 Chicago Avenue, and put up a poultry pen that is 90' long and 25' wide and 6' from his lot line. Mr. Moeller said that it is odorous, and he considered it a health hazard. The man raises six South African Geese that weigh 20-25 lbs. like the size of a large turkey. I understand that he is raising them to sell.

He has a lot that is 100 to 150 feet deep and backs up to his lot and he has put them at the extreme end of the lot, and if I have to live there and put up with this, in view of how the Village is looking at this, I am absolutely shocked and amazed.

Mr. Moeller went on to say that the pen is not near the house of the people who own the birds, but is 6 feet from his lot line and

less than 50 feet from his house. No matter what, he should not be allowed to do this, and I feel the Village has an obligation to look into this.

Mrs. Harton: One other comment I would like to make is that if we allow this problem to continue we are destroying the property values of these properties surrounding such areas. I feel if I put my property on the market, when the birds were there, I would not have been able to sell it at a reasonable price.

Mr. Moeller: What would you do if you lived next to a situation like this? You would be very unhappy about it. You could go to the neighbor and he can say there is no ordinance against this, and that is not right.

Chuck Banks: In the six years I have been in this position, with the Village, we only received three complaints, two of them Mrs. Harton signed. There was another party that signed also, but we had not heard from Mr. Moeller with any complaint. So we tried to weigh that in our thinking. We receive thousands of complaints about other problems but only three on this subject.

Chairman McJoynt: Any other questions or comments?

Mr. Ken Fredette, 4911 Stonewall, the recipient of the two complaints signed by Mrs. Harton. I disagree with both people as to what was said, I feel that people should be allowed to raise fowl on their property, if it is a large enough size lot. My coop and pen are 75' behind all houses and five' from the lot line. I raise any where from 5-8 chickens a year, I collect the eggs, I am a vegetarian, and I enjoy eating them. I don't eat the chickens. The coop is smelly usually after a rain, however, after the sun comes out it dries out and the odor goes away.

I have a yard party every year which is within 50' of the coop and nobody notices I have chickens, I have a swing set next to it, my children play with them. Over three different sets of neighbors have helped me raise them. I cannot help it if some people do not like chickens.

They do cluck when they lay eggs which is a normal type of behavior for chickens. This usually occurs from about 10:00 a.m. to noon. They do not make noise at night because I close up the pen.

Mrs. Harton: What Mr. Fredette says is true, he does take good care of the chickens he keeps, however, I do not think no matter what good care you take of farm animals, they do not belong in a residential area.

Chickens cluck when they lay eggs up to an hour at a time. I have to sleep with my windows closed on pleasant summer evenings so I won't wake up in the morning and hear them.

Even though a number of neighbors have indeed helped the

Fredette's with their chickens, they still chose to build the coop close to my lot line rather than other neighbors, so it was closer to me than to the people who were involved in the raising of the chickens. All I have to say on that is I have to admire the industry of my neighbors but I cannot admire their judgment.

Chairman Mr. Joynt: Any other comments?

Mr. Moeller: I disagree with you completely (Mr. Fredette) that it dries up and doesn't smell.

Mr. Fredette: I have had the Village people out I have had the County Health Department out.

Mr. Moeller: Than I intend to make a complaint to the Health Dept. because I consider my situation untenable. Either I am going to live in a metropolitan community or I am going to live in a farm community and I am under the impression that this is a metropolitan community.

Now you admit that you only had three complaints, I don't care if you only had one. My complaint, I feel, is serious enough that it should be acted upon and should be dealt with, and if you had an ordinance that would prohibit the raising of farm animals you wouldn't have any complaints.

Chairman McJoynt gave everyone an opportunity to make a last comment and advised he would then close the comments and would restrict it to the Board to indicate any questions or comments that they might have as a Board and then consider any motions with regards to recommendations that the Board may wish or not wish to make to the Manager and Village Council.

Mr. Little asked Mrs. Harton and Mr. Moeller if the distance from the lot line that coops must be, would resolve their problem?

Mrs. Harton asked if the proposed distance if from the residence or from the lot line?

Mr. Banks: Its 50' from any residence, any occupied residence other than that of the owner.

Mrs. Harton: That would not do me a bit of good.

Mrs. Holiday: I think the distance should be from the lot line.

Mrs. Harton: I think so too.

Mrs. Little: Would that be of help?

Mrs. Harton and Mr. Moeller agreed that it would.

Mr. Sutton: The problem there being that 50' from the lot line would mean from any lot line.

Mr. Banks: That would eliminate most of the lots in town.

Mr. Sutton: I am glad we have people from both sides here. I have raised a number of rabbits on my property and never had any complaints on them. Mr. Sutton stated he would hate to see rabbits included in this ammendment, and felt it was a very touchy subject.

Mrs. Harton stated that she felt that this should only apply to farm animals, not rabbits, dogs, cats or domestic animals.

She also felt that farm animals did not fit into an urban development.

Chairman McJoynt: So this ammendment would put the structure housing the fowl almost in the middle of most zoning lots.

Chairman McJoynt: Asked if there were any other questions.

Mrs. Harton: I feel that the only appropriate ordinance would be one which provided a setback from the lot line not from the residence.

Mr. Fredette: I feel if a lot is deep enough it should be allowed as long as the lots adjoining and behind it are as deep.

Mr. Fredette went on to discuss the different types of animals and he felt that no matter what happen not everyone would be happy.

Chairman McJoynt: Closed comments from the public, and opened the matter for discussion by the board what action they should take.

Mrs. Holiday began by saying that she would not like it if she had a chicken coop next to her yard because of the smell. She felt the ordinance should be from the lot line not from the residence.

Mr. Sutton: Felt that this was a difficult situation because of the fact that he is an animal lover, but on the other hand he would not want a chicken or duck coop next to his yard, because of the smell. Possibly if the distance was from the lot line, and far enough away to eliminate the smell and the noise to adjoining lots, this may be acceptable.

Chairman McJoynt indicated that he had a couple of comments about the present ordinance setup and prosecutions by the Village for nuisances, he felt the Village has the ability to do so, at this time. The one prosecution we discussed failed perhaps because of some technical courtroom reason which was not to say that Mr. Moeller's problem could not be successfully prosecuted by the Village under the present ordinance, I think it could from what I heard. I think the ordinance could be more specific, to this problem. My opinion is that Downers Grove is a metropolitan community not a farm community and there are so few parts of this

community that could properly house such farm animals, and the effect on the masses must be considered by the Board. If it was up to me they should be barred period, but I am not suggesting that or making a motion because I am attending the meeting in the spirit of compromise, and do not want to step on anybody's toes, but as was said earlier in the meeting, somebody is going to go away from the meeting unhappy.

Chairman McJoynt felt there were three alternative facing the Board:

1. Vote in favor of the proposed draft ordinance as it is.
2. Do not adopt the ordinance, which would leave the existing ordinance as is.
3. Amend the proposed draft ordinance, which creates a problem of determining a middle ground because of the lot sizes in this community.

Chairman McJoynt asked the Board to determine which of the three alternatives they should pursue and discuss.

Mrs. Holiday avised she liked the third alternative.

Chairman McJoynt suggested that the meeting be adjourned to give the Staff a chance to come up with a workable solution to alternate three.

Mr. Sutton disagreed and felt that the Board should proceed with the meeting and try to come up with a workable solution. It was decided to proceed.

Chairman McJoynt: There are a couple of restrictions, 1. is would a limit of four animals be satisfactory to everyone, and 2. is there some way to make the 50' yard from the occupied residence to x feet from the lot line. Anything more than 25 feet is going to put the chicken coop right in the middle of the property.

Mrs. Holiday: If they want to have chickens, then they have to have a large lot.

Discussion went on as to lot configurations and how to tailor this to fit the ordinance.

Chairman McJoynt: The present draft ordinance as its drafted limits people to the keeping of no more than four animals 50' from any residence.

Mrs. Holiday: The ammendment says 50' from the residence and I would like to see it from the lot line.

Chairman McJoynt: Your motion is to pass the draft ordinance with that ammendment?

Mrs. Holiday: Yes .

Chairman McJoynt seconded Mrs. Holiday's motion to recommend this motion to the Village Council and the Village Manager.

Chairman McJoynt: Called for a vote on the motion:

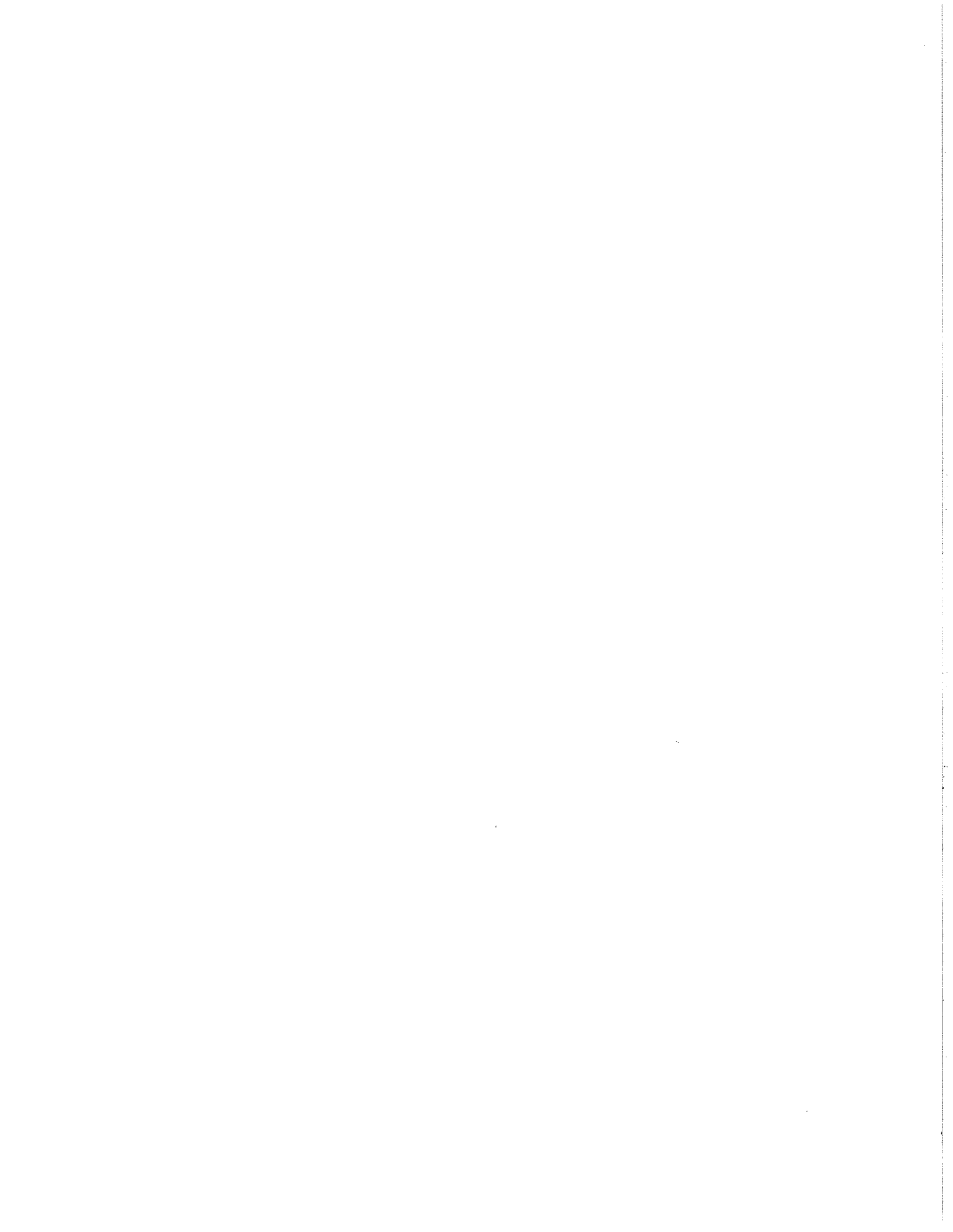
Mrs. Holiday: Yes

Mr. Sutton: Yes

Chairman McJoynt: Yes

The motion was passed unanimously to recommend to the Village Manager and the Village Council the passage of this proposed ordinance subject to the change to that no pen, coop, building, or other enclosure used for the purpose of housing fowl shall be erected or maintained within 50' of any property line of the property of the owner of such fowl.

The meeting was adjourned at 8:12 ^P A.M.



its April 7, 1987 meeting and as modified by the legal department.

The Clerk read the proposed ordinance:

AN ORDINANCE REGULATING THE KEEPING OF FOWL
IN RESIDENTIAL AREAS IN THE VILLAGE, AND AMENDING
THE DOWNERS GROVE MUNICIPAL CODE WITH RESPECT THERETO

Ordinance No. 3060

Commissioner Kmetz moved to pass the ordinance as read. Commissioner Kopis seconded.

Commissioner Glas asked if the gentleman in the Workshop meeting this evening got an answer as to whether he can keep fowl on his property zoned B-3? The Manager said the ordinance just passed deals with keeping fowl in residential areas. Beyond that, it is a matter of interpreting the Zoning Ordinance as well as the nuisance code for a B Zoning District. He said that is the only answer he can give without additional research.

VOTE: YEA - Commissioners Kmetz, Kopis, Lange, Glas, Mayor Cheever
NAY - None

Mayor Cheever declared the motion carried.

Index: **POULTRY - KEEPING OF** x Ducks
DOMESTIC FOWL - KEEPING OF x Chickens

D. Ordinance: Conditional Use - Pumping and Metering Stations, Main and Summit. Mayor Cheever said the next three items are somewhat similar in that they were all the result of a public hearing before the Zoning Board of Appeals at its April 22nd meeting. They are petitions by the Village of Downers Grove for conditional uses for public utility facilities to prepare the Village for the acceptance of Lake Michigan water. This includes metering stations and pump houses on these sites.

The first ordinance has to do with a metering station and pump house at the water tank at the southwest corner of Main and Summit.

The Clerk read the proposed ordinance:

AN ORDINANCE AUTHORIZING A CONDITIONAL USE
OF CERTAIN PROPERTY FOR PUBLIC UTILITY FACILITIES

Ordinance No. 3061

Commissioner Kopis moved to pass the ordinance authorizing a conditional use for

ACTIVE AGENDA

A. Ordinance: . Parking Restrictions on Oxnard and Bolson. Mayor Cheever said this ordinance prohibits parking from 7:00 a.m. to 4:00 p.m., except weekends and holidays, on both sides of Oxnard from Stonewall to Bolson, and on both sides of Bolson from Oxnard to Stonewall, pursuant to a unanimous recommendation from the Parking and Traffic Commission at its April 7, 1987 meeting.

The Clerk read the proposed ordinance:

AN ORDINANCE REGULATING THE PARKING OF MOTOR VEHICLES
IN A CERTAIN PORTION OF THE VILLAGE OF DOWNERS GROVE AND
AMENDING THE DOWNERS GROVE MUNICIPAL CODE WITH RESPECT THERETO

Ordinance No. 3059

Commissioner Glas moved the ordinance just read be passed. Commissioner Kopis seconded. Commissioner Kmetz said he would abstain because he was involved with the residents in requesting the restrictions.

VOTE: YEA - Commissioners Glas, Kopis, Lange, Mayor Cheever
NAY - None
ABSTAIN - Commissioner Kmetz

Mayor Cheever declared the motion carried.

Index: **NO PARKING - OXNARD, BOLSON TO STONEWALL**
NO PARKING - BOLSON, OXNARD TO STONEWALL

B. Motion: Sidewalk Waiver - 6210 Janes. Mayor Cheever said at its April 14, 1987 meeting the Plan Commission unanimously recommended a sidewalk variation for property located at 6210 Janes Avenue.

Commissioner Glas moved to grant a variation from public improvement requirements for a sidewalk at 6210 Janes Avenue. Commissioner Kmetz seconded.

VOTE: YEA - Commissioners Glas, Kmetz, Lange, Kopis, Mayor Cheever
NAY - None

Mayor Cheever declared the motion carried.

Index: **MUNICIPAL CODE - SEC. 19-14 - 6210 JANES**

C. Ordinance: Amend Chapter 5 of Municipal Code re Keeping of Domestic Fowl. Mayor Cheever said this ordinance regulates the keeping of fowl in residential areas in the Village, pursuant to a unanimous recommendation by the Community Maintenance Board at

3. Community Maintenance Board Recommendation re Keeping of Fowl. The Manager explained this recommendation is the outgrowth of review of nuisance ordinances. The Board recommended additional provisions creating more specific regulations, including limitation on the number of mature specimens, enclosures no closer than 50 feet to any property line. He noted this requires a substantially sized lot. There are also standards for daily cleaning, for the structural integrity of pens, and for the keeping of feed. The presumption is that a nuisance exists if these criteria are not met. These are minimum standards for keeping fowl.

Commissioner Glas asked if this permits keeping any number of immature fowl? Mayor Cheever commented the maturity of a chicken is pretty rapid.

Commissioner Kopis pointed out a typographical error at the end of the Board minutes, that it should read the meeting ended at 8:12 p.m. not a.m.

Commissioner Fulgaro asked if rabbits are prohibited? The Manager said no, that a nuisance needs to be shown. There is no problem there. Commissioner Fulgaro said he liked the recommendation. He asked what happens when eggs start hatching?

Commissioner Kmetz asked if there is a provision for grandfathering? The Manager said no. Mayor Cheever said the regulations would be in effect at once.

Commissioner Fulgaro commented on the chickens at the southeast corner of 39th and Main.

Mayor Cheever said Council should place the recommendation on file and set a date for consideration of an ordinance.

4. Liquor Commission Recommendation re Recreational Facilities. The Commission recommended technical restrictions on B-1 licenses for recreational facilities: a) access must be through the main part of the facility, not from the outside to the area where food and alcohol is served; b) the hours of alcohol service should be limited to one hour after the closing of the recreational facility. These restrictions are aimed at making liquor accessory to the main use. There will be no separate hours and entrance for liquor.

The Commission also recommended amending the Liquor Ordinance to require floor plans be submitted with any liquor application. This has been the practice for two years but this would put it in the Code.

Commissioner Kmetz asked if the golf course would come under these requirements? The Manager said yes.

Commissioner Kopis asked if a facility would be grandfathered in? The Manager said no, that the facility would obtain compliance by locking the door.

Commissioner Kmetz asked about the Fire Code. The Manager said it applies to exits. Attorney Gosselar explained that a outside door could be an exit but not an entrance.