

**VILLAGE OF DOWNERS GROVE
REPORT FOR THE VILLAGE COUNCIL MEETING
MAY 6, 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

An ordinance revising Chapter 5 of the Municipal Code for the following:

- Allowing residents to keep hens, contingent on neighbor consent
- Clarifying regulations related to other animals

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

UPDATE & RECOMMENDATION

This item was discussed at the April 15, 2014 Village Council meeting. Staff recommends approval on the May 6, 2014 Active Agenda.

BACKGROUND

Backyard Chickens

On January 14 and March 18, 2014, the Village Council met in a workshop meeting to discuss potential amendments to Chapter 5 of the Municipal Code that would allow more residents to keep hens on their property. The Council directed staff to prepare an ordinance with the ‘neighbor consent’ model. Under this model, residents on single-family lots who do not qualify to keep chickens under the current regulations could qualify for a permit to keep chickens upon receiving a permit that requires the consent of their neighbors.

Based on Council direction at the January 14 and March 18 meetings, the ordinance has the following key points:

- Only hens will be permitted. All other fowl, including roosters, are prohibited.
- No person shall keep more than four hens.
- Properties currently eligible under the 50-foot setback requirements will not be required to seek a permit, unless seeking to place the structure **less than** 50 feet from all property lines of an adjacent property
- Structures housing hens shall be located in the rear yard only

- Under the neighbor consent model, the setback requirement for a structure housing hens is seven feet from all property lines of an adjacent property. Adjacent is defined as a parcel that comes into contact with the applicant's property at one or more points.
- The permit application shall include a consent form signed by each adjacent property owner and tenant.
- The fee for the permit will \$84 and will be defined in the Village's User-Fee, License and Fine Schedule.
- Permits will be limited to single-family resident zoning districts and will expire five years after the date of issuance
- All feed shall be kept in rodent-proof containers

Other Regulations Regarding Animals

To be consistent with the zoning ordinance update under consideration by the Village Council, staff recommends housekeeping changes to Chapter 5 of the Municipal Code including the following:

- 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.

ATTACHMENT

Ordinance

Minutes of January 14, 2014 and March 18, 2014 Village Council Discussion

VILLAGE OF DOWNERS GROVE
COUNCIL ACTION SUMMARY

INITIATED: Village Attorney **DATE:** May 6, 2014
(Name)

RECOMMENDATION FROM: _____ **FILE REF:** _____
(Board or Department)

NATURE OF ACTION:

- Ordinance
- Resolution
- Motion
- Other

STEPS NEEDED TO IMPLEMENT ACTION:

Motion to Adopt "AN ORDINANCE AMENDING CHAPTER 5 ANIMAL AND HEN REGULATIONS", as presented.



SUMMARY OF ITEM:

Adoption of this ordinance shall amend animal and hen regulations.

RECORD OF ACTION TAKEN:

Animals

ORDINANCE NO. _____

**AN ORDINANCE AMENDING
CHAPTER 5 ANIMAL AND HEN 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.
- ~~(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. DOWNS 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. DOWNS 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. DOWNS 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. DOWNS 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 Chapter shall 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

Hen. The female of the species Gallus gallus domesticus.

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.~~

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

Animals

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. Hens

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

5.19. Limit to number of hens permitted.

Except for ~~fowl~~hens 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~~hens, aged eighteen weeks or older and more than four ~~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. Confinement.

All ~~fowl~~hens 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~~No structure housing hens shall be erected or maintained within fifty (50) feet of any property line of the property of the owner of such ~~enclosure~~structure unless such property owner obtains a permit pursuant to this Chapter. (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~~hens 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 ~~few~~ hens shall be kept in rodent-proof containers. (Ord. No. 3060, § 3.)

Section 17. That Section 5.306. is hereby added to read as follows:

5.306. Permit required.

Any pen, coop, building or other enclosure used for the purpose of housing Hens located within fifty (50) feet of any property line of the property of the owner of such structure may be erected only after obtaining a permit as provided for herein.

Section 18. That Section 5.307. is hereby added to read as follows:

5.307. Permit process.

A. An applicant must submit the following to the Community Development Director:

1. A completed application for a permit on forms provided by the Village;
2. Current Plat of Survey accurately depicting the potential location of the proposed structure housing hens on applicant's property;
3. A fully executed consent form, as provided by the Village, acknowledging consent for the placement of the structure from each adjacent property owner and tenant, except property owners that are municipalities or utilities;
 - (i) For purposes of this Section, adjacent property shall mean all parcels of property the applicant's property comes into contact with at one (1) or more points.
4. The required permit fee as set forth in Administrative Regulation entitled "User-Fee, License and Fine Schedule"

B. Any structure housing Hens shall be located in the rear yard and set back at least seven (7) feet from all property lines of an adjacent property.

C. A permit shall not be granted unless the applicant has obtained all necessary building permits and can show proof that a structure that complies with all provisions of this Chapter will be erected.

D. Permits shall be limited to parcels improved with single-family detached homes.

E. Permits shall not run with the land and shall expire and become invalid five (5) years after the date of issuance. A person who wishes to continue to keep hens shall obtain a new permit on or before the expiration date of the previous permit.

Section 19. That Section 5.400ART. is hereby added to read as follows:

5.400ART. Article IV. Care and Treatment

Section 20. That Section 5.401. is hereby added to read as follows:

5.401. Humane care.

No person shall cruelly treat, beat, torment, overload, overwork, slaughter, or otherwise abuse any animal. No owner of an animal shall fail to provide such animal with sufficient and wholesome food and water,

Animals

proper shelter, veterinary care when necessary, and humane care and treatment.

Section 21. 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 22. 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 23. 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 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 24. 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 25. That Section 5.406. is hereby added to read as follows:

Animals

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 26. 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 27. Section 5.3. is hereby repealed in its entirety

5.3. Reserved.

~~Reserved.~~

Section 28. 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 29. 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 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 30. That Section 5.500ART. is hereby added to read as follows:

5.500ART. Article V. Prohibited Acts and Conditions.

Section 31. 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~~

Animals

~~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 32. 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 33. 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 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 34. 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 35. Section 5.30. is hereby renumbered to be Section 5.505.

Animals

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 36. 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 37. 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 38. 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 39. 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 40. That Section 5.510. is hereby added to read as follows:

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 41. 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 42. Section 5.24ART. is hereby renumbered to be Section 5.600ART.

5.24ART. Article VI. Animal Control Officer

Animals

Section 43. 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 44. 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 aAnimal 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 aAnimal 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 aAnimal 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 45. Section 5.7ART. is hereby renumbered to be Section 5.700ART.

5.7ART. Article VII. Impounding

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

5.7. Impounding--Generally.

The police department, the aAnimal eControl eOfficer 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 47. 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.

Animals

Section 48. 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 ~~5-7~~5.701 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 49. 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 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 50. That Section 5.800ART. is hereby added to read as follows:

5.800ART. Article VIII. Fines and Penalties.

Section 51. 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).

Animals

Section 52. 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 53. 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 54. 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 55. 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.~~

~~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 56. 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 57. Section 5.17. is hereby repealed in its entirety

5.17. Reserved.

Animals

~~Reserved.~~

Section 58. 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 59. Section 5.26ART. is hereby repealed in its entirety

5.26ART. Article VI. Dangerous Animals and Vicious Dogs

Section 60. Section 5.26. is hereby repealed in its entirety

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 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.~~

Animals

~~(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 61. 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 62. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Section 63. 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

Zoning Ordinance. They are concerned with consistent application of the court-tested standards, and the draft ordinance proposes to broaden the number of authorized variations, and proposes that all variation requests proceed through the Zoning Board of Appeals as the authorized Board to apply those standards consistently.

Mayor Tully said that also seems to make good common sense. Variations limited to a two-page list doesn't make sense. There has to be equal and consistent application to what does make sense.

Mr. Fieldman said this is an issue of customer service and efficiency. A zoning ordinance that allows more flexibility could result in fewer variations.

Commissioner Rheintgen said that they are also talking about decreased costs to the petitioner.

Mr. Dabareiner then discussed Article 13 - Administration and Enforcement. This includes violations, penalties and enforcement. Currently the language is at the beginning of the Zoning Ordinance and specifies that violation of provisions can result in fines or court action. The new language is clearer for staff and applicants. There is a list of nine ways to violate the ordinance, which is helpful to Code Enforcement officers. He reiterated that it is a clarification of how they handle things today.

Mr. Dabareiner said next week he will present information on the districts and uses.

Mayor Tully thanked Mr. Dabareiner for his presentation, which was easily understandable and well conveyed.

Mr. Macarus asked as to the long-term vision for the Village. Mayor Tully said that would be found in the Village's Comprehensive Plan, which is available on the Village's website.

Mayor Tully said that Agenda Item 9-B would be covered in the Committee Room; however, Agenda Items 10-13 will be covered before adjourning to the Committee Room.

Indexes: Zoning Ordinance

ORD 00-05442

B. Ordinance: Amend Chapter 5 of the Municipal Code regarding Animals and Fowl (Discussion to be held in the Committee Room)

Sponsors: Manager's Office

Mayor Tully introduced this item. He said this issue came up over a year ago and there has been an extensive amount of input and research on this matter. At the January 22, 2013, meeting, no changes were made to the ordinance, but there was an expressed intention at the end of the meeting of the desire to look for grounds for compromise. At this time Council is considering whether there should be changes to the rules and regulations of the fowl ordinance and whether there is common ground so direction can be given to staff to craft an ordinance. No action will be taken tonight. The Mayor said the format is very informal. Public comments will be taken after Council discussion.

He referred to the options under consideration that are outlined on the white board. These are concepts that could be used to form the basis for an ordinance. This subject was identified during long range planning as a medium priority item to be addressed.

The Mayor read Commissioner Olsen's comments into the record: "I regret that I cannot be present at tonight's continued discussion of revisions to the fowl ordinance. For the benefit of my Council colleagues, Village staff and fellow residents, my initial preference in this matter is

for Option 1 as presented in the staff report. However, this initial preference does not benefit from the comments, questions and thoughts which will be shared tonight and may evolve based on additional information or policy options presented tonight or in the future."

Mayor Tully reminded everyone that Option 1 proposes no major changes.

Commissioner Rheintgen said this is a nationwide issue. We are reviewing it because we said we would and because it is important to people that want to have chickens on their property. She would like an ordinance crafted that addresses fears and also provides for those who are in favor of chickens. She favors Option 3 as it creates dialogue between you and your neighbor. People are afraid of how coops would look and a building permit would address that as well as who has coops. She recommends this be done on a trial basis and that it be reviewed in six months. We pride ourselves on being a green community and this is a chance to embrace it.

Mayor Tully said there are legitimate reasons people may want to keep chickens. He knows more tonight than he did a year ago about this issue. The perceived impact does not have the validity it once did with him. The existing ordinance has been in place for decades without impact. The concerns about impact are greatly diminished. There is a high barrier to entry in terms of investment of time and money. It is not realistic to think that the numbers of chicken owners will go from 500 to 5,000. The Mayor said he prefers Option 3. He does not want to add a burden on the Community Development staff. He noted that Option 3 provides for notification. He does not prefer the neighbor veto provision of Option 2. This creates a burden on staff and is not required in other issues in the Village such as building permits, etc. He favors Option 3. He asked about limiting the time period when this will be reviewed or the number of property owners with chickens.

Commissioner José said he found 30 towns across the nation point to the neighbor consent model. If the barriers to entry are what the Mayor says, then the administrative burden on staff will be small. He suggested people sign a written consent. He would prefer Option 2 if we move away from Option 1. He feels the balance is with Option 2.

Commissioner Neustadt said he has been involved in neighbor disputes. They add to the burden of staff. He feels private property rights are very important. He supports Option 3. He noted that the Village Council can change any ordinance at any time. He is interested in trying this. It is important to a number of people and should be addressed. He is in favor of Option 3. Having chickens is a time-consuming and labor intensive endeavor. He also suggested reviewing the ordinance in a certain time period.

Commissioner Barnett said he was not convinced at the last meeting that allowing more chickens would cause a major health risk. He said that almost any argument can be made from either side, but you won't solve obnoxious behavior. We are trying to move forward with those that want it and address those that fear it. It is trying to manage expectations. Most people don't expect to move next to chickens but it does not mean that there will be negative consequences. He feels there should be neighbor consent. It is a matter of how to start down this road while also providing assurances. He prefers Option 2. He thinks the number of participants is limited and the owners will talk to their neighbors. He is inclined to support Option 2 and asked that staff talk to other communities that allow this.

Commissioner Durkin said he has rethought this as well and would like to support those who are in favor of this. He supports Option 2 as it address all his concerns. If a neighbor objects, it is a solid objection. He has found that raising chickens is a neighborhood event and is often not just one house. In terms of the rights of property owners, Option 2 is the right way to go.

Commissioner Barnett said Option 3 seems like a problem because it does not assure that staff will not be burdened. Option 2 requires a public statement.

Commissioner Neustadt said we are talking about small flocks; some people move to Downers Grove because they want chickens and they are already allowed.

Commissioner José noted that under the current ordinance the private property right has been taken away from people whose lot is not big enough. The Council could ban chickens altogether as many other communities have done. He doesn't think any of the options is necessarily an infringement on private property rights.

Mayor Tully said six Council members want to go forward with changes and making this available to our residents. It is a question of degrees. Approval is the ultimate insurance policy because if one's neighbors say okay, no one can criticize.

Village Manager Dave Fieldman spoke of his experience with administering the ordinance in Palatine where consent was required. He said it was an administrative burden for staff. It shifted the staff's job from providing information to being mediators. The applicant feels that when they can convince one more person they will then be able to do this, and that changes the dynamic. The applicant feels they are one neighbor consent away which puts the staff in a completely different position. He said both the applicant and neighbor felt they were in an unfair position. It was also a situation where unelected officials are making decisions. There is an administrative burden in Option 2. Palatine moved away from the consent requirement. With neighbor notification, there is still frustration, but there are standards.

The Mayor said he understand the neighbor consent perspective.

Commissioner Barnett asked about licensing.

Mr. Fieldman said licensing usually goes with a privilege. Licenses don't comport well with land use law.

Commissioner Barnett said licensing is a long-term check on the seriousness of the endeavor.

In response to Commissioner Barnett, Mr. Fieldman said tagging is a different kind of administrative burden; we could build a model around that.

Commissioner Rheintgen said the big difference between Option 2 and Option 3 is consent vs. notification.

Mayor Tully reiterated that six Council members want to find a way to make this available to our residents. The direction is to make this available to more people.

Commissioner Rheintgen asked that staff research the impact of this on those towns that allow chickens.

Mayor Tully asked about the incremental burden.

Mr. Fieldman said we can expect 30 or less households to apply based on research.

Commissioner Durkin suggested that written comments from the public be included in the record.

Wayne Enerson, 4805 Cross, said he does not see this as a green initiative. He asked what

happened with the Option 0 - no chickens in Downers Grove. He asked about the language of chickens vs. fowl. Fowl includes chickens, ducks, geese and turkeys. Option 2 would be burdensome on the Village and the applicant. He suggested it would be a burden on the neighbors. He asked the Mayor if he has chickens.

Mayor Tully replied that he does have chickens. He gave a resident permission to have chickens on his property. Whether this ordinance is changed or not will not change his situation as his property meets the setback requirements for chickens.

Mr. Enerson said there is a big difference between 50' and 20'. He said people do not move into the Village because of chickens.

Bernadette Calvino, 605 Gierz Street, said she can only eat farm fresh eggs due to allergies. She has heard more noise from kids than chickens. She also noted that she learned from chickens. They were wonderful. She has family members that have moved to a community due to their ability to have chickens in a particular town.

Don Jankowski, 1312 Blanchard, said he has learned that people are very dedicated to chickens. He feels there are many people breaking the law because it is a bad law. He objects to Option 1 and he objects to Option 2 due to the neighbor consent provision. He noted that the setback requirements were instituted in 1987.

Shanon Tully said she disagrees with the first speaker. She said problems could be addressed under the nuisance ordinance.

Mr. Fieldman said we will have to have measurable performance standards.

Frank Falesch asked if roosters will be allowed.

Mr. Fieldman said staff is recommending a rooster ban.

Jo Potts, 216 Lincoln, asked if the only fowl allowed under the ordinance is chickens.

Mr. Fieldman said the ordinance has a broad definition of fowl.

Village Attorney Enza Petrarca read the definition of fowl in the current ordinance.

Ms. Potts suggested clarifying "farm animals."

Ms. Petrarca said a new definition of farm animals is in the proposed ordinance.

Ms. Potts asked if the ordinance allows for four dogs and four cats, or a total of four dogs and cats.

Ms. Petrarca said the ordinance clarifies that it is four total.

Debbie Phillips, 5708 Hillcrest, spoke regarding consent and notification. The underlying concern is control of the environment and fear. People want to have control over their property.

A resident said he raised chickens. At the time there were no more than a dozen chicken owners. He said benefits included family participation, wholesome food, educating his children, providing a real life experience, and advantageous use of one's property.

Laura Severt, 418 Grant, asked about reducing setback requirements.

Mr. Fieldman said staff is looking for general policy direction.

Ms. Severt spoke about neighbor consent. They have had three neighbors in 13 years. If a new neighbor doesn't like chickens, they would lose their investment. This would also happen with regard to the trial period.

Jordan Macarus, 300 Burlington, spoke of disclosure laws. A new neighbor would have to know that the house next door has chickens.

The Mayor said this is a detail that would have to be addressed.

Mike Harrison, 110 7th Street, said he would support allowing no roosters and limiting the number of chickens to eight. If there are a limited number of licenses' he might want to get one now even if he did not currently have chickens.

William Waldack said he disagrees with the Mayor's opening remarks. No one has addressed the risk of having chickens. The Centers for Disease Control (CDC) warns about risks of in-town flocks specifically to senior citizens, children under five, pregnant women and people going through chemotherapy. There is a risk. Chickens can put you and your health in danger. They can also affect your property values.

The Mayor noted that the risk is incremental. It has always been there. One would need to look at the risk of having another 20 chickens in the Village.

Mr. Waldack said if you expand the rules, you expand the risk. This should be reviewed in terms of adversely affecting the health, safety and welfare of the community. You are affecting your neighbors. It puts people in danger and people with health concerns may not have any choice. He suggested that you can do what you want with your property, but don't harm me. Further, predators to chickens will be in the neighbor's property. Hatcheries are regulated and inspected. He asked who will do local inspections. Mr. Waldack said he is concerned about other people who are concerned about their health.

Commissioner Durkin asked about handling chicken waste.

Mr. Fieldman said staff has addressed this and he will provide that information.

Dawn Konters, 5709 Hillcrest, said she supports Option 3 and a pilot study. This would allow people to see if their fears materialize.

LeAnn Lolli, 4117 Highland, said she has owned chickens and no one in her family has suffered consequences. The CDC has a list of dos and don'ts and explains how people get infected. We are not pioneers in this venture. She has not heard of salmonella outbreaks. She referenced a DePaul University study of communities that have had chickens which found no complaints. She said that to require neighbor consent sets a precedent. It has been legal to have roosters. We have had a low number of complaints in the Village. Chickens have become pets. She said we have an incredible amount of wildlife in Downers Grove and you will not get rid of them. In response to Commissioner Durkin, Ms. Lolli said her neighbors did not have a problem with her chickens, although she did have an anonymous complaint.

Commissioner José said public health risks are legitimate and he wants to avoid minimizing them. The risk of salmonella is there if proper precautions are not taken. That is one of the reasons he is supporting Option 2.

Tom Brown, 5617 Dunham, said he feels this should be given a chance.

Mr. Enerson said he hopes the setback requirements will be established and that ample notice will be given. He is in favor of no chickens whatsoever.

George Calvino, 605 Gierz, said he has had chicks in his house. He considers chickens farm animals. He has a problem with neighbor consent in terms of neighbors having rights over your property. He would want to be notified if his neighbors has chickens. He said he doesn't see the need to reduce the setback requirements.

A resident asked if consent would be from the owner or the person living on the property. She also asked about vacant property.

The Mayor said these are points that need to be addressed.

Mr. Waldack said coyotes take advantage of opportunities. Chickens would be protected, but other animals may not be. He then referenced drainage issues with chickens as discussed by Dr. Schnell. With respect to enforcement, he said the existing ordinance is the easiest to enforce. Enforcement will be complicated with a change.

Ms. Lolli spoke regarding runoff. Ten chickens lay less fecal matter than a 40 pound dog.

Kathy Crosby, 5713 Hillcrest, said she lived next door to a chicken owner. It was a positive experience and she found no health risks. It was a small flock. She does not think neighbor consent is fair.

Ms. Tully said that probably hundreds of people put out wild bird seed that attract mice and other rodents.

Julie Harrison, 110 7th Street, said she hopes the Council will support Option 3.

The Mayor thanked everyone for their comments and patience. We have direction.

Attorney Petrarca said staff will not be prepared to present an ordinance next week.

Written comments submitted regarding this matter:

First Name: Daria

Last Name: Skrzypczynski

Email Send To: 8800

Description: I would like to ask you to lift the restrictions on residents owning chickens. This is such an environmentally smart thing for families to do.

First Name: Patricia

Last Name: Harte

Email :

Send To : 8800

Description: I understand that the fowl ordinance will be up for discussion again tonight, Jan 14th.

I wish to express my support for expanding this ordinance so that it is more accessible to the average property owner.

I believe every Downers Grove home owner should have the right to keep a small flock of chickens. The controversy is essentially about having the right to make decisions about how one wants to use one's own private property, and how much control the government has in these decisions. I believe the rights and well-being of all citizens of Downers Grove can be protected by drawing up fair and reasonable guidelines agreed upon by all involved parties. Chicago and many neighboring suburbs have permitted this practice for some time, presenting proof of its workability.

Many citizens would like to be more self-sufficient, and to provide their families with safe, healthy food. I believe elected government representatives have a mandate to support their constituents' wishes for security and autonomy in this regard.

*First Name: Renee
Last Name: Wilhelm
Email :
Send To : 8800*

*Description: RE: Foul Ordinance (I was not able to access the link to the feedback site)
Dear Council Members.*

I would like to express my support for an update to the fowl ordinance that allows the keeping/housing of chickens on DG residential that reduces the prior ordinance's restrictions. There are many lots in DG that do not qualify and should. These restrictions should be minimized in a manner that allows a larger percentage of lot sizes to have chickens/hens in a manner that is humane to the chickens and considerate of neighbors.

Noise should not be a consideration as dogs are allowed pets that can be a nuisance greater than that of chickens. There is no downside to this other than complaints of DG citizens that lack understanding/education on the matter. This should not effect a decision to approve as it is simply a lack of education. With so many residents moving to organics- vegetable/fruit delivery, dairy, etc. A revised and more accepting fowl ordinance surely supports the direction toward more natural food sources.

*I myself would have a hard time thinking of a chicken as a pet - but then I don't like reptile type pets either and would not condemn anyone for their preferences. Who am I to judge!
Thankyou!
Ranee Wilhelm
4713 Lee Avenue*

*First Name: Cynthia
Last Name: Adams
Email Send To :8800*

Description: Dear Mayor, Council, and Commissioners,

I have wanted the choice and ability to raise backyard chickens for some time here in DG. Chickens would be a great compliment to my garden and sustainable lifestyle. I and my family believe in eating organic pastured and free range whenever possible. I consciously make healthy food and nutrition choices believing that this is my health insurance. I want control of my food. I want to eat as healthy as I can. This is another step in right direction. Healthy happy chickens equals healthy eggs. Dr. Joseph Marcola just wrote an extensive article and interview with Joel Salatin. Dr. Marcola states that pastured eggs have 2/3 more Vitamin A, 3x's more Vitamin E, 2x's more omega-3 fatty acids, and 7x's more beta carotene! Neurosurgeon Dr. Jack Kruse stated in a recent Bulletproof Executive podcast that pastured eggs are the 2nd best way to replenish iodine which is necessary for brain and cell health (1st was raw oysters but they're hard to get here in the midwest). For me and my family backyard chickens are a health ANSWER I would like the freedom/ability to choose to raise backyard chickens. Thank you for your consideration In this matter.

Sincerely,
Cynthia Adams

*Dear Mayor Tully and Downers Grove Commissioners,
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 such a decision appears to fly in the face of common sense and logic, I certainly hope that I am mistaken.*

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.

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. 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!

*Jan Writer
4113 Highland Avenue*

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.

*Virginia Nottelmann
4116 Lindley Street*

I would like the village to expand the ability to raise backyard chickens. It's 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.

*Cynthia Adams
P.O. Box 213*

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.

*Maureen Fear
324 Shady lane*

Indexes: Fowl Regulations

10. Mayor's Report

Materials to be Placed on File

11. Manager's Report**12. Attorney's Report**

Village Attorney Enza Petrarca said she was presenting one item to Council: An ordinance amending Chapter 5 animal and fowl regulations.

Future Active Agenda**13. Council Member New Business**

There was no new business. Mayor Tully called for a five-minute break, and asked everyone to reconvene to the Committee Room across the hall for the discussion on the Fowl Ordinance.

14. Adjournment

Mayor Tully asked for a Motion to adjourn.

Commissioner Neustadt moved to adjourn. Commissioner Durkin seconded the Motion.

Mayor Tully declared the motion carried by voice vote, and the meeting adjourned at 10:14 p.m.

Sponsors: Public Works

Mr. Fieldman asked Nan Newlon, Director, Public Works, to address this item.

Nan Newlon, Director, Public Works, said staff is requesting that a contract be awarded for the 2014 water main improvements Contract A to Swallow Construction in the amount of \$902,246.70. This is the first of a few contracts. This contract is for installation of approximately 1/2 mile of water mains. The locations are 41st Street from Earlston Road to Glendenning Road; Highland Avenue from Grant Street to Chicago Avenue; and Grant Street from Highland Avenue to Washington Street. She said 11 bids were received as a result of a call for bids and Swallow Construction was the low bidder.

Commissioner Neustadt asked if this is for water mains only.

Ms. Newlon said it is for installation of water mains, replacement of approximately 42 residential water services, sidewalk and driveway removal and replacements, and parkway restoration.

Commissioner Rheintgen said she was happy to see that the completion date is scheduled for July 3 as there are events scheduled in this area for July 4.

Commissioner Rheintgen asked if Swallow did water main improvements for the Village last year.

Ms. Newlon said it was not Swallow.

Indexes: Water Main Improvements

ORD 00-05442

D. Ordinance: Amend Chapter 5 of the Municipal Code regarding Animals and Fowl (Discussion to be held in the Committee Room)

Sponsors: Manager's Office

This portion of the Council meeting began at 7:30 p.m. in the Committee Room.

Mayor Tully said this is to discuss amendments to Chapter 5 of the Municipal Code regarding fowl.

Mr. Fieldman said the objective is to get direction from Council with respect to which of the three options should be reflected in the draft ordinance. Option 1 is no major changes. Option 2 is to require neighbor consent. Option 3 is to require neighbor notification. Staff has provided additional information as requested.

The next steps are to receive general direction, prepare a draft ordinance and consider the ordinance on the First Reading portion of a future Council agenda.

Mayor Tully said that at the last meeting on January 14, 2014, the majority of the Council was in favor of some type of further allowing residents to keep hens, above and beyond what is currently allowed, on a trial basis or for some period of time. They were split, however, as to which option was preferred. The current ordinance, in place for 30 years, allows chickens provided certain setbacks are met. The Mayor said he is fine without consent or notification; however, if this is done on a trial basis, he would agree with notification which he finds to be sufficient. Notification provides a heightened sense of awareness and focus on this issue. He thinks the number of people that will keep chickens is relatively small. He has concerns with neighbor consent because he thinks it is an unwarranted intrusion upon property rights that could also apply to a number of other issues.

Commissioner Durkin said he has not changed his position: He prefers neighbor consent.

Commissioner José said he also prefers neighbor consent. He commented that there are certain expectations when living in a suburban community, which he feels are reasonable. It is reasonable not to expect chickens next door, and it is not unreasonable to want them. The way to balance that is with the consent model.

Commissioner Barnett said he feels that the change in expectations warrants caution. He prefers neighbor consent.

Commissioner Olsen said he agrees with Commissioner Barnett's comments regarding expectations. Commissioner Olsen said he is unconvinced that any major change is needed to the existing ordinance. He preference Option 1 - no major changes.

Commissioner Neustadt said his preference is for neighbor notification. He referenced a survey conducted by staff of six different communities that permit fowl. The survey results did not demonstrate a burden in terms of staff time in administering the program and issuing permits. Commissioner Neustadt said he could support neighbor consent; however, he would like to be able to change the ordinance over time. He said that limiting what people can do on private property is an issue. He would want to discuss this again at a future time to change the ordinance from neighbor consent to neighbor notification.

Commissioner Rheintgen said she was more in favor of neighbor notification, but if the Council is divided, she will opt toward neighbor consent with the understanding that the ordinance would be reviewed. Staff's research shows that administering the ordinance would not entail a great deal of work, but there is fear about this in our community.

Mayor Tully said he is glad Council is moving forward. He spoke of the requirement of notification with respect to new construction. He said he hopes Council can remove the consent requirement as time goes on.

Commissioner Barnett commented that this is the biggest non-issue the Council has touched on in a long time. He feels that down the road there will be no problem, but neighbor consent is the vehicle to get there.

The Mayor noted that the current ordinance has been in the community for 30 years. What is being proposed is incremental change.

Commissioner Durkin asked how soon this item can be on a Council agenda as a First Reading.

The Manager said it will be presented at the last Council meeting in April - the third meeting.

Wayne Enerson, 4805 Cross, said this is a fowl ordinance, but it only allows hens. The fowl is chickens and the gender is hens. Mr. Enerson said this started over a year ago when a couple of people were caught with illegal chickens. This will reward them for breaking the law.

Commissioner Rheintgen said she brought this up before it was determined that people were in violation of the current ordinance.

Mr. Enerson said he does not see why this is such an important issue. He noted that Mr. Fieldman reported that about 30 people would want to have chicken coops. This will satisfy 3/100 of the homeowners in the Village. He supports Option 1 or no coops allowed.

Dale Irvin, 5712 Dunham, spoke in favor of Option 1. He said the lots in his neighborhood are deep and his entertainment center is at the back of the yard. His neighbors have chickens at the back of their yard, and the smell is bad.

David Thompson, 5354 Washington, said he was railroaded into having chickens. They are excellent, fun and great. The neighbors are excited about them as well. His coop is clean and nice. He agrees with Option 2. He does not want to be involved in a community that does not care about their neighbors. Option 2 is perfect.

Shanon Tully, 5413 Main Street, said she is permitted to have chickens under the current ordinance. The problem she has with the neighbor consent model is when a neighbor says no. Her preference is to allow more people to have chickens. She noted that caring for chickens is a lot of work. She said it is not right to tell someone what they can and cannot do on their property when it is not problematic. There are seminars all over the country to instruct people. These birds are the safest birds to have. She said she respects the Mayor for being open minded about this matter. It would be better to handle problems through the nuisance ordinance. It is admirable to try to find common ground, but no one needs to be afraid.

Bill Waldack, 1409 Willard, said he is concerned about diseases. This is being forced on other people. This community started out as farm land and at some point, it was decided not to have farm animals any longer. There is a current ordinance, with setbacks, that works. There are 900 lots where people can legally have chickens. He asked why this should be forced on people who do not want it. He further asked if expansion is worth the risk. There is disease, including histoplasmosis and salmonella, and there are problems with chickens. He has an expectation of not having farm animals and that includes chickens. He referenced a conversation he had with a man who was very ill when he young. His illness was caused by the chickens next door and testing saved his life. Mr. Waldack said he worries about diseases and predators. He believes in property rights but he has rights, too. He asked if anyone has looked at diseases and the Village's liability if there were a disease outbreak. There is already an ordinance that provides adequate distance and protection. He urged continuation of the existing ordinance.

Don Jankowski, 1312 Blanchard, said the Village asks people to compost. Composting smells but it is not offensive. He asked if anyone has looked at the legislative history that led to the original ordinance. It was two neighbors arguing. This is bad legislation and it should be repealed. People are not having problems with other people having chickens.

Dawn Konters, 5709 Hillcrest, said histoplasmosis is most commonly carried in pigeons. Salmonella is most commonly found in food. With respect to Option 1, Ms. Konters said the Village has heard from many residents asking for a change. The majority of people are in favor of a more inclusive ordinance. A well-written ordinance would include provisions whereby neighbors could call the Village if someone is in violation of the ordinance. She does not think neighbor consent is a good idea and she does not think that neighbor notification is necessary. People make a large financial commitment to have chickens. They would not like to make their commitment and then lose their chickens. It would also mean giving up their pets. In terms of managing expectations, it is a trend to have more options on one's land.

LeAnn Lolli, 4117 Highland, noted that there have been few complaints in 30 years. People have a tendency to talk to each other. There probably are people with legitimate health concerns. She feels that the neighbor consent provision tells people that we expect them to be jerks. She thinks people will do the right thing. She does not want legislation for the lowest common denominator; she would rather trust people. Chickens, goats and ducks are permitted in Chicago. This is not new and it is done all over the country. Local ordinances do not ask

for consent or notification.

Mr. Jankowski asked if staff has heard about problems in Chicago with their ordinance.

Mr. Fieldman said staff did not research it.

Commissioner Durkin said Council would like to move forward. Without consent, he will not support this.

Mayor Tully said the new ordinance will be more permissive even though there will be restrictions. He reiterated that perhaps the ordinance can be reviewed in a year and amended, if necessary.

Tom LeCren, 545 Chicago, noted that Mr. Waldack brought up health issues at the last discussion. If one has a compromised health issue, this could be a problem. Mr. LeCren said staff did no review of health issues.

The Mayor said Council has received reams of information from staff and others.

Mr. LeCren asked if inspections are required.

A member of the audience said inspections are only required if the eggs will be used in preparation of food for other people.

Ms. Tully said the neighbor consent model is a big problem. She asked what would happen if a neighbor moved and the new neighbors did not give their consent.

The Mayor said Council and staff would strive to address this in the ordinance.

Mr. Enerson said he did some research regarding cleaning chicken coops. Two diseases are transmitted through manure dust. It is important to wear a mask when cleaning a coop.

Commissioner Barnett said the existing ordinance has setbacks and we do not have problems with that distance. Consent voluntarily sets the distance.

The Mayor said the Council is trying to allow this to go forward.

Kiley Fields, 821 Birch Avenue, said what is being discussed is a compromise. She appreciates the importance of consent and she hopes there will be parameters. Ms. Fields said she is a private chef. She believes in the slow food movement and she feels this is a great opportunity.

Commissioner José referenced the comment about a complaint-driven code. If no one is complaining about chickens then they have tacitly agreed. This would be formalizing that approach. We have a fowl ordinance that places restrictions on lot size. Property rights are not unfettered. To a certain extent, property rights lie with the Village Council.

Marge Earl, 4720 Florence, said her lot is large enough to have chickens with the current ordinance. She said she is immunosuppressed, which has become more common. Birds need to be far enough away such that she will not be affected. Nothing has been said about the placement of a coop in relation to another house. Immunosuppression is a valid concern and a bigger portion of the population suffers from it than ever before.

Commissioner Olsen said his preference is Option 1, but Option 2 is a compromise. Good feedback has been heard on both sides. He appreciates the thoughtfulness and looks forward

to moving ahead with details. Having neighbors talk to one another is good and positive. He said he does not have a stake in the ground with Option 1. We are starting down a positive path. There are many questions to consider, including how to handle current properties that allow or do have chickens.

The Mayor said the focus is on incremental permissiveness. Concerns will be addressed in the ordinance.

Mr. Waldack said there is a fungus in every chicken area. It is a major concern for all chicken coops. He said people can do what they want with their property, but do not infringe on his property.

Ms. Lolli said she is uncomfortable with government mandating that people talk with their neighbors.

Ms. Tully said we do not live in bubbles. We all have raccoons and other rodents that can be problematic.

Indexes: Fowl Regulations

10. Mayor's Report

Materials to be Placed on File

11. Manager's Report

No report.

12. Attorney's Report

Village Attorney Enza Petrarca said she was presenting two (2) items to Council: 1) An ordinance adopting mitigation standards for new residential construction in accordance with the State of Illinois Radon Resistant Construction Act; and 2) An ordinance adopting and approving publication of the Village of Downers Grove 2014 Zoning Map.

Future Active Agenda

13. Council Member New Business

14. Adjournment

Mayor Tully asked for a Motion to adjourn.

Commissioner Neustadt moved to adjourn. Commissioner Durkin seconded the Motion.

Mayor Tully declared the motion carried by voice vote, and the meeting adjourned at 8:50 p.m.