

ORDINANCE NUMBER 21 - 03

**An Ordinance Of The Village Of East Dundee, Cook
And Kane Counties, Illinois, Amending Chapter 92 Of The Village Of East Dundee
Village Code Regarding Ducks And Chickens**

WHEREAS, the Village of East Dundee (“Village”) is a home rule unit of local government pursuant to Section 6 of Article VII of the Constitution of the State of Illinois, and has the authority to exercise any power and perform any function pertaining to its government and affairs; and

WHEREAS, the President and Board of Trustees of the Village find that amending Chapter 92 of the Village of East Dundee Village Code (“Village Code”) as set forth below regarding ducks and chickens best serves the public’s health, safety and welfare;

NOW THEREFORE BE IT ORDAINED BY THE VILLAGE PRESIDENT AND BOARD OF TRUSTEES OF THE VILLAGE OF EAST DUNDEE, COOK AND KANE COUNTIES, ILLINOIS, AS FOLLOWS:

SECTION 1: Incorporation. That the recitals above shall be and are hereby incorporated in this Section 1 as if restated herein.

SECTION 2: Amendments. That the Village Code is hereby amended as follows, with additions underlined and deletions struck through:

Amendment One:

Section 37.01(M) of the Village Code, entitled “Animals,” is amended as follows:

- “(1) Cost of impounding: contracted cost to village
- (2) Chicken e Coop permit fees:
 - (a) ~~Initial coop permit fees: \$50~~
 - (b) ~~Annual renewal coop permit fee: \$25~~
 - (c) ~~Annual renewal coop permit fee purchased after beginning of permit year: \$50~~

Amendment Two:

Section 92.03(G)(2)(h) of the Village Code is amended as follows:

“No dog or cat or other domesticated animal, which kills a chicken or duck on ~~off~~ a permitted tract of land, shall for that reason alone be considered a vicious or dangerous animal.”

Amendment Three:

Section 92.03(L) of the Village Code is amended as follows:

“Sections 5-19 through 22 shall not be interpreted to infer or imply that the animals protected thereunder are permitted in the village, because farm animals, other than chickens and ducks, are not permitted pursuant to §§ 92.08 and 92.09 of this Chapter.”

Amendment Four:

Section 92.03(M) of the Village Code is amended as follows:

“Sections 5-~~26~~ 49: Prohibited Acts: shall be amended to permit the purchase of baby chicks and baby ducklings to the extent that it complies with § 92.06: ~~Chickens~~, of this Chapter.”

Amendment Five:

Section 92.05 of the Village Code, entitled “Farm Animals,” is amended as follows:

“No person shall keep or allow to be kept upon or about the premises or upon any vacant property or public streets within the village any cattle, horses, swine, sheep, goats, ~~ducks~~, geese, or poultry (other than chickens and ducks as permitted in § 92.06).”

Amendment Six:

Section 92.06 of the Village Code, entitled “Chickens,” is amended as follows:

“§ 92.06 CHICKENS AND DUCKS.”

(A) *Definitions.* For the purpose of this section, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CHICKEN. A member of the subspecies *Gallus gallus domesticus*, also known as a domesticated fowl.

DUCK. A member of the subspecies *Anas platyrhynchos domesticus*, also known as a domesticated duck.

CHICKEN COOP INCLUDES CHICKEN POULTRY TRACTOR AND CHICKEN POULTRY RUN. A structure that is designed to house chickens and / or ducks. A mobile coop is a **CHICKEN POULTRY TRACTOR**. A **CHICKEN POULTRY RUN** is an outdoor area that is enclosed on all vertical sides by fencing. The run must

be attached to or must surround a ~~chicken~~ coop with a doorway or hatch that allows access into the space by chickens and / or ducks.

PERMITTED TRACT OF LAND. The tract of land as identified by the application upon which a permit is granted by the Village for the keeping chickens and / or ducks.

PERMITTEE. An applicant who has been granted a permit by the Village to raise, harbor or keep chickens and / or ducks.

PERMITTING OFFICER. A person appointed by the Village Administrator.

SINGLE FAMILY DWELLING. Any building that contains only one dwelling unit.

TRACT OF LAND. A property that has one single family dwelling located on that property.

(B) *Permit required.*

(1) No person shall raise, harbor or keep chickens and / or ducks within the Village without obtaining a valid ~~chicken~~ coop permit from the Village.

(2) In order to obtain a permit, an applicant must submit a completed application with a fee as established by the annual fee schedule. If for any reason, the permit is not issued, the fee will be refunded. Once granted, a permit shall remain in effect until the earliest of (a) its suspension or revocation, (b) the repeal of this Section or (c) abandonment of the permit, which shall occur without further action of the Village if no chickens and / or ducks are kept on a tract of land for six or more consecutive months. ~~For annual renewal, the permit fee shall be as established by the annual fee schedule.~~

(3) Requirements to obtain a permit shall include:

(a) That all requirements of this section are met;

(b) That all fees for the permit are paid in full;

(c) That all judgments in the Village's favor and against the applicant have been paid in full;

(d) That the tract of land to be permitted shall contain only one single family dwelling occupied and be used as such by the applicant;

(e) That the applicant has provided notice to the residents of all immediately adjacent dwellings of the applicant's intent to obtain a permit;

(f) That the applicant has successfully completed an approved class in raising chickens and / or ducks in an urban setting;

(g) That a permit shall only be issued after the ~~chicken~~ coop has been inspected and determined to meet all requirements of this section;

(h) That the issuance of a permit will not be detrimental to or endanger the public health, safety, comfort or general welfare of the community or neighboring residents;

(i) That the issuance of a permit will not be injurious to the enjoyment of property by property owners in the immediate vicinity.

(4) If the permitting officer concludes as a result of the information contained in the application that the requirements for a permit have been met, then the officer shall issue the permit.

(5) If the applicant is found to be in violation of this Section, he/she will be given a reasonable time to come into compliance and, upon compliance, the permit shall be issued; or, if not in compliance, the application and fee shall be returned and a new application must be filed.

(C) *Coop permits.*

~~(1)~~ Coop permits are non-transferrable.

~~(2)~~ If an annual permit is not purchased prior to the beginning of the permit year, the annual permit fee shall double.

~~(3)~~ The maximum number of permits issued by the Village shall be ten.

(D) *Suspension or revocation of a coop permit.*

(1) The permitting officer may seek suspension or revocation of a coop permit pursuant to the applicable regulations and procedures of § 110.12, Revocation and Suspension, for the following violations:

(a) False statements on any application or report required by this Section;

(b) Failure to pay any fee;

(c) Failure to correct deficiencies noted in notices of violation within the time specified in the notice;

(d) Failure to maintain the ~~chicken~~ coop in compliance with this Section;

(e) Failure to comply with the provisions of an approved mitigation or remediation plan ordered by the Village President as a penalty at a violation hearing; or

(f) Failure to comply with any provision of this section.

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

(E) *Number and type of chickens and / or ducks allowed.* The maximum number of chickens and / or ducks allowed per tract of land is four in total, meaning that no more than four of any combination of chickens and / or ducks are allowed per tract of land. Roosters are prohibited.

(F) *Zoning districts allowed.* A ~~chicken~~ coop can only be permitted in those residential areas zoned E-Estate Residence District; or R-1, R-2 or R-3 Single-Family Residence Districts.

(G) *Enclosures.*

(1) ~~Chicken~~ eCoops shall be located in the rear yard, must be located at least ten feet from the property line and at least 25 feet from any adjacent residential dwelling, church, school, or place of business, and must be closer to the permittee's residence than any adjoining residential dwelling, church, school, or place of business.

(2) ~~Chicken~~ eCoops will be kept clean, dry, secure, odor free, neat and sanitary at all times. Manure, uneaten and discarded feed, feathers and other waste must be removed from the ~~chicken~~ coop regularly and at a minimum of once per week.

(3) ~~Chicken e~~Coops shall be designed to provide safe and healthy living conditions.

(4) The ~~chicken~~ poultry tractor shall provide a minimum of four square feet per ~~hen~~ chicken and / or duck while minimizing adverse impacts to other residents in the neighborhood.

(5) The ~~chicken~~ poultry run shall provide a minimum of ten square feet of floor area per ~~hen~~ chicken and / or duck while minimizing adverse impacts to other residents in the neighborhood.

(6) ~~Chicken e~~Coops must provide adequate ventilation, sun and shade, protection from precipitation, protection from cold weather, fresh water and must be impermeable to rodents, wild birds and predators including cats and dogs.

(7) Chickens and / or ducks must be kept in an enclosure and fenced area at all times and not allowed to run free. Chickens and / or ducks must be secured in a ~~chicken~~ coop or ~~chicken~~ poultry tractor during non-daylight hours.

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

(9) The materials used in making the coop ~~hen house~~ or ~~chicken~~ poultry tractor shall be uniform for each element of the structure, such that the walls are made of the same material, the roof has the same shingles or other covering and any windows or openings be constructed of the same materials. The use of scrap, washboard, sheet metal or similar materials is prohibited. ~~Chicken e~~Coops and ~~chicken~~ poultry tractors shall be well maintained.

(10) Any enclosed ~~chicken~~ poultry run shall consist of sturdy wire fencing, a minimum of six feet in height, and covered with wire, aviary netting or solid roofing.

(H) *Odor and noise.*

(1) Odors from chickens and / or ducks, chicken and / or duck manure or other chicken and / or duck related substances shall not be perceptible beyond the boundaries of the permitted tract of land.

(2) Noise from chickens and / or ducks shall not be loud enough to disturb persons of reasonable sensitivity beyond the boundaries of the permitted tract of land at the property boundaries.

(I) *Predators, rodents, insects and parasites.* The permittee shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens and / or ducks found to be infested with insects or parasites that may result in unhealthy conditions to humans or chickens and / or ducks shall be removed immediately from the permitted tract of land.

(J) *Feed and water.* Chickens and / or ducks shall be provided with access to feed and clean water at all times. The feed and water shall be unavailable to rodents, wild birds and predators. Feed must be stored in a fully enclosed, rodent proof container.

(K) *Waste storage and removal.*

(1) Manure must be stored and disposed of in compliance with this Section and the Village Code. All stored manure shall be covered by a fully enclosed structure with a lid over the entire structure. No more than three cubic feet of manure shall be stored on the permitted tract of land.

(2) The ~~chicken~~ coop and surrounding area must be kept free from trash and accumulated droppings. Uneaten feed shall be removed in a timely manner.

(L) *Chickens and / or ducks at large.* The permittee shall not allow the permittee's chickens and / or ducks to run at large upon any street, alley or unenclosed lot within the Village. No dog or cat or other domesticated animal, which kills a chicken and / or duck off the permitted tract of land, shall for that reason alone be considered a dangerous or aggressive animal or the Village's responsibility to enforce its animal control provisions.

(M) *Unlawful acts.*

(1) It shall be unlawful for any person to keep chickens and / or ducks in violation of any provision of this section.

(2) It shall be unlawful for any owner, renter or leaseholder of property to allow chickens and / or ducks to be kept on the property in violation of the provisions of this section.

(3) No person shall keep chickens and / or ducks inside a single family dwelling unit, multifamily dwelling unit or rental unit.

(4) No person shall slaughter any chickens and / or ducks within the Village.

(5) No person shall keep a rooster.

(6) No person shall keep chickens and / or ducks on a vacant or uninhabited tract of land.

(7) No permittee shall engage in chicken and / or duck breeding or fertilizer production for commercial purposes.”

SECTION 3: Continuation. That all provisions of the Village Code not amended herein shall remain in full force and effect.

SECTION 4: Severability. That if any Section, paragraph or provision of this Ordinance shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such Section, paragraph or provision shall not affect any of the remaining provisions of this Ordinance.

SECTION 5: Repeal. That all ordinances, resolutions, motions or parts thereof in conflict with this Ordinance shall be and the same are hereby repealed.

SECTION 6: Effect. That this Ordinance shall be in full force and effect upon its adoption, approval and publication in pamphlet form as provided by law.

ADOPTED this 18th day of January, 2021 pursuant to a roll call vote as follows:

AYES: Trustees Lynam, Selep, Mahony, Andresen and Kunze

NAYES: None

ABSENT: Trustee Wood

APPROVED by me this 18th day of January, 2021.



Lael Miller, Village President

ATTEST:



Katherine Diehl, Village Clerk

Published in pamphlet form this 18th day of January, 2021, under the authority of the Village President and Board of Trustees.

Recorded in the Village records on January 19, 2021.