



United City of Yorkville

800 Game Farm Road

Yorkville, Illinois 60560

Telephone: 630-553-4350

www.yorkville.il.us

AGENDA ECONOMIC DEVELOPMENT COMMITTEE MEETING

Tuesday, September 1, 2020

6:00 p.m.

City Hall Conference Room
800 Game Farm Road, Yorkville, IL

Citizen Comments:

Minutes for Correction/Approval: August 4, 2020

New Business:

1. EDC 2020-38 Building Permit Report for July 2020
2. EDC 2020-39 Building Inspection Report for July 2020
3. EDC 2020-40 Property Maintenance Report for July 2020
4. EDC 2020-41 Economic Development Report for August 2020
5. EDC 2020-42 Limited Manufacturing Uses in Residential Districts

Old Business:

1. EDC 2020-32 Urban Chickens

Additional Business:

2019/2020 City Council Goals – Economic Development Committee		
Goal	Priority	Staff
“Southside Development”	4	Bart Olson, Krysti Barksdale-Noble & Lynn Dubajic
“Downtown and Riverfront Development”	5	Bart Olson, Tim Evans & Krysti Barksdale-Noble
“Metra Extension”	7	Bart Olson, Rob Fredrickson, Eric Dhuse, Krysti Barksdale-Noble & Erin Willrett
“Manufacturing and Industrial Development”	8 (tie)	Bart Olson, Krysti Barksdale-Noble, Erin Willrett, Lynn Dubajic, Eric Dhuse & Brad Sanderson
“Expand Economic Development Efforts”	10	Krysti Barksdale-Noble & Lynn Dubajic
“Revenue Growth”	13	Rob Fredrickson, Krysti Barksdale-Noble & Lynn Dubajic
“Entrance Signage”	17	Krysti Barksdale-Noble & Erin Willrett

UNITED CITY OF YORKVILLE
WORKSHEET
ECONOMIC DEVELOPMENT COMMITTEE
Tuesday, September 1, 2020
6:00 PM
CITY HALL CONFERENCE ROOM

CITIZEN COMMENTS:

MINUTES FOR CORRECTION/APPROVAL:

1. August 4, 2020

- ☐ Approved _____
- ☐ As presented
- ☐ With corrections

NEW BUSINESS:

1. EDC 2020-38 Building Permit Report for July 2020

- ☐ Informational Item
- ☐ Notes _____
- _____
- _____

2. EDC 2020-39 Building Inspection Report for July 2020

☐ Informational Item

☐ Notes _____

3. EDC 2020-40 Property Maintenance Report for July 2020

☐ Informational Item

☐ Notes _____

4. EDC 2020-41 Economic Development Report for August 2020

☐ Informational Item

☐ Notes _____

5. EDC 2020-42 Limited Manufacturing Uses in Residential Districts

☐ Moved forward to CC _____

☐ Approved by Committee _____

☐ Bring back to Committee _____

☐ Informational Item

☐ Notes _____

OLD BUSINESS:

1. ADM 2020-32 Urban Chickens

☐ Moved forward to CC _____

☐ Approved by Committee _____

☐ Bring back to Committee _____

☐ Informational Item

☐ Notes _____

ADDITIONAL BUSINESS:



Reviewed By:	
Legal	<input type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input type="checkbox"/>
Human Resources	<input type="checkbox"/>
Community Development	<input type="checkbox"/>
Police	<input type="checkbox"/>
Public Works	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>

Agenda Item Number

Minutes

Tracking Number

Agenda Item Summary Memo

Title: Minutes of the Economic Development Committee – August 4, 2020

Meeting and Date: Economic Development Committee – September 1, 2020

Synopsis: _____

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Committee Approval

Submitted by: Minute Taker

Name

Department

Agenda Item Notes:

Have a question or comment about this agenda item?

Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at agendas@yorkville.il.us, post at www.facebook.com/CityofYorkville, tweet us at @CityofYorkville, and/or contact any of your elected officials at <http://www.yorkville.il.us/320/City-Council>

DRAFT

**UNITED CITY OF YORKVILLE
ECONOMIC DEVELOPMENT COMMITTEE
Tuesday, August 4, 2020, 6:00pm
City Council Chambers**

Note: In accordance with Public Act 101-0640 and Gubernatorial Disaster Proclamation issued by Governor Pritzker pursuant to the powers vested in the Governor under the Illinois Emergency Management Agency Act, remote attendance was allowed for this meeting to encourage social distancing due to the current Covid-19 pandemic.

In Attendance:

Committee Members

Chairman Jackie Milschewski/remote

Alderman Ken Koch/remote (6:04pm)

Alderman Jason Peterson/in-person

Alderman Joel Frieders/remote

Other City Officials

City Administrator Bart Olson/in-person

Assistant City Administrator Erin Willrett/remote

Community Development Director Krysti Barksdale-Noble/remote

Senior Planner Jason Engberg/remote

Other Guests

Consultant Lynn Dubajic/remote

Dave Pollock, Hillside Rehabilitation/remote

The meeting was called to order at 6:01pm by Chairman Jackie Milschewski.

Citizen Comments None

Minutes for Correction/Approval July 7, 2020

The minutes were approved by a unanimous voice vote.

New Business

1. EDC 2020-33 Building Permit Report for June 2020

Ms. Noble said there were 18 single family home permits and the trend is on pace for next month. She compared the number of permits with the past couple years. No further discussion.

2. EDC 2020-34 Building Inspection Report for June 2020

There were 550 inspections done in June with none being outsourced. Of those, 90% were done by the Building Department and 10% by EEI with most for new construction. No further discussion.

3. EDC 2020-35 Property Maintenance Report for June 2020

Five cases were heard in June with 4 being dismissed due to compliance and 1 was found liable. Ms. Milschewski mentioned a vacant house/property on Heustis St. which has been tagged for a second mowing.

4. EDC 2020-36 Economic Development Report for July 2020

Ms. Dubajic highlighted the following:

1. All new builds are proceeding. Popeyes should open in September with Verizon and Smoothie King after. The fitness center will also continue their project.
2. Cocina Madre is scheduled to open later this week.
3. Manpower will have a new office.
4. Five businesses were eligible for Childcare Restoration Credit Program grants and all received awards.
5. There has been no word on the downstate Stabilization Program.
6. Raging Waves and Gas n Wash have opened.

Alderman Peterson asked about the status of ribbon-cutting for new businesses. One was held recently and they are trying to hold them outside. They are organized by the Chamber. Ms. Willrett said she reports on them in the Admin Weekly report.

5. EDC 2020-37 Hillside Rehabilitation – Sign Variance

Mr. Engberg reported on the background of this request for Hillside Rehab Center and Mr. Dave Pollock was present on their behalf. The sign variance request is due to the recent Rt. 34 widening and is for a new requested location near Game Farm Road and Rte. 34. The sign meets all criteria except height. The actual sign is 6.5 feet, and the city ordinance allows for a maximum of 12 feet. There is a large topography difference at the proposed location and the request is for 23 feet, 6 inches. Alderman Frieders said the city needs to support the existing businesses and voiced his approval. Mr. Pollock noted that existing spotlights may be repositioned to illuminate the sign. The committee was OK with this request and this matter will proceed to PZC for a Public Hearing on September 9.

Old Business: None

Additional Business:

Alderman Koch asked for an update on the lumber mill property. Ms. Noble said she will get this information and respond promptly. Ms. Milschewski asked for accelerated action on this property and she noted an unidentified change on the west side of the building.

There was no further business and the meeting adjourned at 6:14pm.

Minutes respectfully submitted by
Marlys Young, Minute Taker/remote



Reviewed By:	
Legal	<input type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
Human Resources	<input type="checkbox"/>
Community Development	<input checked="" type="checkbox"/>
Police	<input type="checkbox"/>
Public Works	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>

Agenda Item Number

New Business #1

Tracking Number

EDC 2020-38

Agenda Item Summary Memo

Title: Building Permit Report for July 2020

Meeting and Date: Economic Development Committee – September 1, 2020

Synopsis: All permits issued in July 2020

Council Action Previously Taken:

Date of Action: N/A Action Taken: N/A

Item Number: N/A

Type of Vote Required: Informational

Council Action Requested: None

Submitted by: D. Weinert Community Development
Name Department

Agenda Item Notes:



UNITED CITY OF YORKVILLE

BUILDING PERMIT REPORT

JULY 2020

TYPES OF PERMITS

	Number of Permits Issued	SFD <i>Single Family Detached</i>	B.U.I.L.D <i>Single Family Detached Program Begins 1/1/2012</i>	SFA <i>Single Family Attached</i>	Multi- Family <i>Apartments Condominiums</i>	Commercial <i>Includes all Permits Issued for Commercial Use</i>	Industrial	Misc.	Construction Cost	Permit Fees
July 2020	204	24	0	8	0	14	0	158	6,296,223.00	207,609.60
Calendar Year 2020	1052	89	0	26	0	58	0	879	26,594,990.00	908,034.56
Fiscal Year 2021	666	44	0	22	0	18	0	582	14,896,478.00	440,572.99
July 2019	380	18	0	0	0	9	0	353	7,000,146.00	203,800.08
Calendar Year 2019	1030	92	0	10	0	71	0	857	31,153,024.00	1,154,308.81
Fiscal Year 2020	749	44	0	5	0	28	0	672	14,309,478.00	546,279.09
July 2018	104	19	0	0	0	10	0	75	3,920,993.00	163,603.44
Calendar Year 2018	649	109	14	36	0	89	0	401	35,211,354.00	1,685,260.59
Fiscal Year 2019	341	67	0	0	0	33	0	241	18,846,162.00	594,515.93
July 2017	99	4	5	0	0	10	0	80	9,822,020.00	144,687.19
Calendar Year 2017	553	31	54	0	0	83	0	385	42,786,519.00	1,527,090.03
Fiscal Year 2018	320	15	26	0	0	39	0	240	32,193,175.00	937,880.50



Reviewed By:	
Legal	<input type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
Human Resources	<input type="checkbox"/>
Community Development	<input checked="" type="checkbox"/>
Police	<input type="checkbox"/>
Public Works	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>

Agenda Item Number

New Business #2

Tracking Number

EDC 2020-39

Agenda Item Summary Memo

Title: Building Inspection Report for July 2020

Meeting and Date: Economic Development Committee – September 1, 2020

Synopsis: All inspections scheduled in July 2020

Council Action Previously Taken:

Date of Action: N/A Action Taken: N/A

Item Number: N/A

Type of Vote Required: Informational

Council Action Requested: None

Submitted by: D. Weinert Community Development
Name Department

Agenda Item Notes:

DATE: 07/31/2020
TIME: 14:02:01
ID: PT4A0000.WOW

UNITED CITY OF YORKVILLE
CALLS FOR INSPECTION REPORT

PAGE: 1

INSPECTIONS SCHEDULED FROM 07/01/2020 TO 07/31/2020

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____	003-CMR COMP ROUGH, FRM, ELE, MCH	20180021	407 COLTON ST	1		07/15/2020
		Comments1: PHOTOS VERIFIED BY PR					
PR	_____	004-BSM BASEMENT FLOOR					07/15/2020
		Comments1: PHOTOS VERIFIED BY PR					
EEI	_____	018-EFL ENGINEERING - FINAL INSPE	20180738	3101 LAUREN DR	93		07/14/2020
EEI	_____	019-REI REINSPECTION	20180958	2401 ANNA MARIA LN	703	07/07/2020	
EEI	_____	016-REI REINSPECTION	20180963	2461 ANNA MARIA LN	708		07/07/2020
PR	_____	017-FIN FINAL INSPECTION					07/13/2020
PR	_____	018-PLF PLUMBING - FINAL OSR READ					07/13/2020
PR	_____	002-CMR COMP ROUGH, FRM, ELE, MCH	20190113	542 WINDETT RIDGE RD	170	07/02/2020	
BC	_____	003-INS INSULATION					07/07/2020
BC	_____	007-WKS PUBLIC & SERVICE WALKS	20190133	3112 LAUREN DR	108		07/20/2020
PR	_____	008-RFR ROUGH FRAMING					07/02/2020
BC	_____	003-FIN FINAL INSPECTION	20190182	2411 ALAN DALE LN	134		07/24/2020
PR	_____	010-FIN FINAL INSPECTION	20190317	2681 PATRIOT CT	225		07/31/2020
PR	_____	011-PLF PLUMBING - FINAL OSR READ					07/31/2020
EEI	_____	012-EFL ENGINEERING - FINAL INSPE					07/28/2020
BC	_____	001-FTG FOOTING	20190644	4248 E MILLBROOK CIR	284	07/22/2020	
BC	_____	018-PPS PRE-POUR, SLAB ON GRADE	20190920	2824 OWEN CT	173	07/31/2020	
PR	_____	024-FIN FINAL INSPECTION	20191448	4100 N BRIDGE ST	RET		07/13/2020
		Comments1: LENNY'S PRE FINAL INSPECTION					
PR	_____	025-PLF PLUMBING - FINAL OSR READ					07/13/2020
PR	_____	001-RFR ROUGH FRAMING	20191650	103 E COUNTRYSIDE PKWY	43		07/01/2020
BC	_____	002-FIN FINAL INSPECTION					07/28/2020
GH	_____	004-FIN FINAL INSPECTION	20191802	1131 BLACKBERRY SHORE LN	47		07/08/2020
PR	_____	013-FIN FINAL INSPECTION	20191864	1111 BLACKBERRY SHORE LN	45		07/22/2020

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UNITED CITY OF YORKVILLE
CALLS FOR INSPECTION REPORT

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INSPECTIONS SCHEDULED FROM 07/01/2020 TO 07/31/2020

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____	014-PLF PLUMBING - FINAL OSR READ					07/22/2020
PR	_____	009-CMR COMP ROUGH, FRM, ELE, MCH	20192092	1111 GOLDFINCH AVE	298		07/16/2020
PR	_____	010-INS INSULATION					07/20/2020
PR	_____	009-RFR ROUGH FRAMING	20192093	1113 GOLDFINCH AVE	298-2		07/21/2020
PR	_____	010-INS INSULATION					07/23/2020
PR	_____	011-REL ROUGH ELECTRICAL					07/21/2020
PR	_____	012-RMC ROUGH MECHANICAL					07/21/2020
PR	_____	013-PLR PLUMBING - ROUGH					07/21/2020
PR	_____	009-RFR ROUGH FRAMING	20192094	1115 GOLDFINCH AVE	298-3		07/28/2020
PR	_____	010-REL ROUGH ELECTRICAL					07/28/2020
PR	_____	011-RMC ROUGH MECHANICAL					07/28/2020
PR	_____	012-PLR PLUMBING - ROUGH					07/28/2020
BC	_____	013-INS INSULATION					07/30/2020
PR	_____	009-RFR ROUGH FRAMING	20192095	1117 GOLDFINCH AVE	298-4		07/30/2020
PR	_____	010-REL ROUGH ELECTRICAL					07/30/2020
PR	_____	011-RMC ROUGH MECHANICAL					07/30/2020
PR	_____	012-PLR PLUMBING - ROUGH					07/30/2020
EEI	_____	013-REI REINSPECTION	20192097	1885 WREN RD	2902		07/14/2020
BC	_____	014-PPS PRE-POUR, SLAB ON GRADE	20192100	1121 GOLDFINCH AVE	2971		07/20/2020
BC	_____	011-PPS PRE-POUR, SLAB ON GRADE	20192101	1123 GOLDFINCH AVE	2972		07/20/2020
PR	_____	009-CMR COMP ROUGH, FRM, ELE, MCH	20192102	1125 GOLDFINCH AVE	2973		07/01/2020
BC	_____	010-INS INSULATION					07/06/2020
BC	_____	011-PPS PRE-POUR, SLAB ON GRADE					07/20/2020
PR	_____	009-CMR COMP ROUGH, FRM, ELE, MCH	20192103	1127 GOLDFINCH AVE	2974	07/02/2020	

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UNITED CITY OF YORKVILLE
CALLS FOR INSPECTION REPORT

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INSPECTIONS SCHEDULED FROM 07/01/2020 TO 07/31/2020

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BC	_____	010-INS INSULATION					07/08/2020
BC	_____	011-PPS PRE-POUR, SLAB ON GRADE					07/20/2020
EEI	_____	012-EFL ENGINEERING - FINAL INSPE	20192106	3182 MATLOCK DR	664		07/07/2020
EEI	_____	013-EFL ENGINEERING - FINAL INSPE	20192107	3020 JUSTICE DR	631		07/07/2020
BF	_____	001-FTG FOOTING	20192122	508 SHADOW WOOD DR	101		07/09/2020
		Comments1: MIDWEST 815-839-8175					
BC	_____	002-FOU FOUNDATION					07/10/2020
PR	_____	PM 003-BKF BACKFILL					07/15/2020
PR	_____	PM 004-ESW ENGINEERING - SEWER / WAT					07/17/2020
PR	_____	005-PLU PLUMBING - UNDERSLAB					07/22/2020
BC	_____	AM 006-STP STOOP					07/24/2020
BC	_____	007-BG BASEMENT AND GARAGE FLOOR					07/22/2020
PR	_____	013-CMR COMP ROUGH, FRM, ELE, MCH	20192170	866 EDWARD LN	1A		07/13/2020
PR	_____	014-ELS ELECTRIC SERVICE					07/15/2020
PR	_____	017-PLR PLUMBING - ROUGH					07/13/2020
PR	_____	018-INS INSULATION					07/17/2020
BC	_____	AM 019-EPW ENGINEERING- PUBLIC WALK					07/30/2020
GH	_____	001-ROF ROOF UNDERLAYMENT ICE & W	20192191	405 W CENTER ST			07/24/2020
BC	_____	001-ROF ROOF UNDERLAYMENT ICE & W	20192193	211 WINDHAM CIR	50		07/06/2020
BC	_____	008-STP STOOP	20192211	2010 SQUIRE CIR	200		07/01/2020
		Comments1: MIDWEST 815-839-8175					
PR	_____	009-RFR ROUGH FRAMING					07/17/2020
PR	_____	010-REL ROUGH ELECTRICAL					07/17/2020
PR	_____	011-RMC ROUGH MECHANICAL					07/17/2020
PR	_____	012-PLR PLUMBING - ROUGH					07/17/2020

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UNITED CITY OF YORKVILLE
CALLS FOR INSPECTION REPORT

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INSPECTIONS SCHEDULED FROM 07/01/2020 TO 07/31/2020

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BF		002-FIN FINAL INSPECTION	20200017	110 E PARK ST	19		07/08/2020
		Comments1: SUNRUN 224-301-3055 SOLAR INSTALL					
BF		001-FTG FOOTING	20200022	2689 PATRIOT CT	227		07/08/2020
		Comments1: MIDWEST 815-839-8175					
BC		002-FOU FOUNDATION					07/09/2020
BC		AM 003-BKF BACKFILL					07/13/2020
PR		PM 004-WAT WATER					07/15/2020
PR		005-PLU PLUMBING - UNDERSLAB					07/21/2020
PR		006-BG BASEMENT AND GARAGE FLOOR					07/21/2020
EEI		020-REI REINSPECTION	20200024	512 SHADOW WOOD DR	100		07/22/2020
PR		001-RFR ROUGH FRAMING	20200031	109 BEAVER ST		07/24/2020	
PR		002-REL ROUGH ELECTRICAL				07/24/2020	
PR		PM 003-ABC ABOVE CEILING					07/29/2020
PR		004-FIN FINAL INSPECTION				07/31/2020	
PR	11:00	002-REI REINSPECTION	20200068	1145 N BRIDGE ST			07/21/2020
		Comments1: FINAL OCCUPANCY					
PR		AM 007-FIN FINAL INSPECTION	20200086	234 E VETERANS PKWY	1	07/31/2020	
PR		008-PLF PLUMBING - FINAL OSR READ				07/31/2020	
BC		PM 007-RFR ROUGH FRAMING	20200094	2005 MARKETVIEW DR	4		07/06/2020
BF		AM 008-ABC ABOVE CEILING					07/08/2020
		Comments1: POPEYES, JOHN 708-370-4619 MECHANICAL					
BC		009-REL ROUGH ELECTRICAL					07/10/2020
		Comments1: JOHN 630-688-4443					
PR	08:00	010-PLR PLUMBING - ROUGH					07/13/2020
BC		011-INS INSULATION					07/10/2020
BC		012-TRN TRENCH - (GAS, ELECTRIC,					07/10/2020
		Comments1: TRENCH FOR LIGHTS					

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TIME: 14:02:01
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UNITED CITY OF YORKVILLE
CALLS FOR INSPECTION REPORT

PAGE: 5

INSPECTIONS SCHEDULED FROM 07/01/2020 TO 07/31/2020

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____	PM 013-ABC ABOVE CEILING					07/28/2020
		Comments1: BLACK IRON WELDING ABOVE HOOD					
PR	_____	AM 014-ELS ELECTRIC SERVICE					07/30/2020
BC	_____	015-PPS PRE-POUR, SLAB ON GRADE				07/31/2020	
		Comments1: SERVICE WALK					
PR	_____	007-RFR ROUGH FRAMING	20200098	2088 SQUIRE CIR	179		07/01/2020
PR	_____	008-REL ROUGH ELECTRICAL					07/01/2020
PR	_____	009-RMC ROUGH MECHANICAL					07/01/2020
PR	_____	010-PLR PLUMBING - ROUGH					07/01/2020
BC	_____	011-INS INSULATION					07/06/2020
BC	_____	012-WKS PUBLIC & SERVICE WALKS					07/15/2020
PR	_____	011-FIN FINAL INSPECTION	20200100	2796 GAINS CT	185		07/01/2020
PR	_____	012-PLF PLUMBING - FINAL OSR READ					07/01/2020
GH	_____	001-FIN FINAL INSPECTION	20200103	601 SUTTON ST	160	07/31/2020	
BC	_____	AM 001-FTG FOOTING	20200119	2042 SQUIRE CIR	193		07/15/2020
BC	_____	002-FOU FOUNDATION					07/17/2020
PR	_____	PM 003-WAT WATER					07/22/2020
PR	_____	004-PLU PLUMBING - UNDERSLAB					07/28/2020
BC	_____	005-BKF BACKFILL					07/21/2020
BC	_____	006-BGS BASEMENT GARAGE STOOPS					07/29/2020
BC	_____	003-FIN FINAL INSPECTION	20200122	1121 CARLY DR	41		07/01/2020
PR	_____	011-PLF PLUMBING - FINAL OSR READ	20200129	2176 HARTFIELD AVE	425		07/28/2020
PR	_____	012-FIN FINAL INSPECTION					07/28/2020
EEI	_____	013-EFL ENGINEERING - FINAL INSPE					07/28/2020
		Comments1: PUBLIC WALK 1 SQUARE CRACKED. CAN'T KEY					
		Comments2: BBOX. REINSPECTIONS REQUIRED.					

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TIME: 14:02:01
ID: PT4A0000.WOW

UNITED CITY OF YORKVILLE
CALLS FOR INSPECTION REPORT

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INSPECTIONS SCHEDULED FROM 07/01/2020 TO 07/31/2020

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
EEI	_____	014-REI REINSPECTION					07/31/2020
EEI	_____	015-EFL ENGINEERING - FINAL INSPE	20200145	2491 ANNA MARIA LN	711		07/07/2020
PR	_____	016-PLF PLUMBING - FINAL OSR READ					07/23/2020
PR	_____	017-FIN FINAL INSPECTION					07/23/2020
PR	_____	PM 013-SUM SUMP	20200154	2077 HEARTHSTONE AVE	346		07/27/2020
BC	_____	006-STP STOOP	20200155	2135 BLUEBIRD LN	235-2		07/16/2020
PR	_____	007-RFR ROUGH FRAMING					07/22/2020
BF	_____	008-INS INSULATION Comments1: RICH 224-358-6669					07/24/2020
PR	_____	011-PLR PLUMBING - ROUGH					07/22/2020
BC	_____	006-STP STOOP	20200156	2137 BLUEBIRD LN	235-1		07/16/2020
PR	_____	007-RFR ROUGH FRAMING					07/21/2020
BC	_____	008-INS INSULATION					07/23/2020
PR	_____	009-REL ROUGH ELECTRICAL					07/21/2020
PR	_____	010-RMC ROUGH MECHANICAL					07/21/2020
PR	_____	011-PLR PLUMBING - ROUGH					07/21/2020
PR	_____	008-INS INSULATION	20200157	2125 BLUEBIRD LN	234-1		07/01/2020
BC	_____	AM 009-STP STOOP					07/16/2020
PR	_____	011-INS INSULATION	20200158	2123 BLUEBIRD LN	234-2		07/02/2020
BC	_____	AM 012-STP STOOP					07/16/2020
BC	_____	AM 010-WKS PUBLIC & SERVICE WALKS	20200171	3152 LAUREN DR	112		07/02/2020
PR	_____	011-FIN FINAL INSPECTION					07/29/2020
PR	_____	012-PLF PLUMBING - FINAL OSR READ					07/29/2020
EEI	_____	013-EFL ENGINEERING - FINAL INSPE					07/29/2020
PR	_____	010-FIN FINAL INSPECTION	20200172	2046 SQUIRE CIR	192		07/17/2020

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UNITED CITY OF YORKVILLE
CALLS FOR INSPECTION REPORT

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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____	011-PLF PLUMBING - FINAL OSR READ					07/17/2020
EEI	_____	012-EFL ENGINEERING - FINAL INSPE					07/17/2020
PR	_____	013-FIN FINAL INSPECTION	20200173	2685 PATRIOT CT	226		07/23/2020
PR	_____	014-PLF PLUMBING - FINAL OSR READ					07/23/2020
EEI	_____	015-EFL ENGINEERING - FINAL INSPE					07/23/2020
PR	_____	AM 007-PLR PLUMBING - ROUGH	20200174	1032 S CARLY CIR	115		07/02/2020
BC	_____	PM 008-FEM ROUGH FRM, ELE, MECH Comments1: SEE INSPECTION TICKET, TOO MANY ITEMS TO Comments2: LIST					07/06/2020
BC	_____	009-REI REINSPECTION Comments1: ROUGH FRAMING CHECK STAIRS AT INSUL INSP					07/13/2020
BC	_____	010-INS INSULATION Comments1: ENTRANCE DOOR NOT SEALED, SOME PENETRATI Comments2: ONS NOT SEALED, SEVERAL AIR LEAKS AT CEI Comments3: LING					07/20/2020
BC	_____	AM 011-REI REINSPECTION					07/28/2020
PR	_____	009-EPW ENGINEERING- PUBLIC WALK	20200180	1161 BLACKBERRY SHORE LN	50		07/29/2020
BC	_____	002-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO AND WALKS POURED 3 DAYS BEFORE INS Comments2: PECTION SCHEDULED	20200206	1468 SLATE CT	343	07/09/2020	
GH	_____	001-FIN FINAL INSPECTION Comments1: POD & RIDGE VENTS - SPOKE TO OWNER, HE A Comments2: DDED RIDGE VENTS WHEN ROOF WAS DONE, EXP Comments3: LAINED HE MAY HAVE PROBLEMS WITH TOO MUC Comments4: H ROOF VENTILATION	20200223	103 E COUNTRYSIDE PKWY	43		07/28/2020
PR	_____	007-PLU PLUMBING - UNDERSLAB	20200224	3247 BOOMBAH BLVD	141		07/01/2020
BC	_____	008-BG BASEMENT AND GARAGE FLOOR Comments1: MIDWEST 815-839-8175					07/01/2020
BC	_____	009-STP STOOP					07/01/2020
PR	_____	010-RFR ROUGH FRAMING					07/27/2020
BC	_____	011-INS INSULATION					07/29/2020

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BC	_____	011-WKS PUBLIC & SERVICE WALKS Comments1: MIDWEST 815-839-8175	20200242	2068 SQUIRE CIR	185		07/01/2020
BC	_____	012-STP STOOP					07/01/2020
BC	_____	013-PWK PRIVATE WALKS Comments1: MIDWEST 815-839-8175					07/09/2020
PR	_____	010-RFR ROUGH FRAMING	20200251	2498 ANNA MARIA LN	598		07/27/2020
BC	_____	011-INS INSULATION					07/29/2020
PR	_____	AM 010-RFR ROUGH FRAMING	20200252	2492 ANNA MARIA LN	599		07/22/2020
PR	_____	AM 011-INS INSULATION				07/24/2020	
PR	_____	012-REL ROUGH ELECTRICAL					07/22/2020
PR	_____	013-RMC ROUGH MECHANICAL					07/22/2020
PR	_____	014-PLR PLUMBING - ROUGH					07/22/2020
BC	_____	001-FTG FOOTING	20200253	2508 ANNA MARIA LN	597	07/31/2020	
BC	_____	PM 001-PPS PRE-POUR, SLAB ON GRADE	20200270	604 TERI LN	6		07/02/2020
BF	_____	002-RFR ROUGH FRAMING Comments1: SUNROOM DECK/STEVE 815-693-4084					07/08/2020
BC	_____	002-FIN FINAL INSPECTION	20200277	406 FREEMONT ST			07/30/2020
GH	_____	002-FIN FINAL INSPECTION	20200278	1102 GRACE DR	98		07/08/2020
BC	_____	013-WKS PUBLIC & SERVICE WALKS	20200342	2005 SHETLAND CT	35		07/22/2020
BF	_____	007-STP STOOP Comments1: UPLAND 331-431-3168	20200343	2052 WREN RD	30	07/09/2020	
PR	_____	008-RFR ROUGH FRAMING					07/23/2020
BC	_____	009-INS INSULATION					07/27/2020
PR	_____	011-RMC ROUGH MECHANICAL					07/23/2020
PR	_____	012-PLR PLUMBING - ROUGH					07/23/2020
BC	_____	008-STP STOOP	20200366	2147 BLUEBIRD LN	236-2		07/16/2020

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BC	_____	008-STP STOOP	20200367	2149 BLUEBIRD LN	236-1		07/16/2020
BF	_____	007-STP STOOP	20200368	1637 SHETLAND LN	38		07/09/2020
		Comments1: UPLAND 331-431-3168					
PR	_____	008-RFR ROUGH FRAMING					07/15/2020
PR	_____	009-REL ROUGH ELECTRICAL					07/15/2020
PR	_____	010-RMC ROUGH MECHANICAL					07/15/2020
PR	_____	011-PLR PLUMBING - ROUGH					07/15/2020
BC	_____	012-INS INSULATION					07/17/2020
BC	_____	002-FIN FINAL INSPECTION	20200397	1421 CHESTNUT CT	71		07/08/2020
		Comments1: SKIMMER NOT BONDED,ELECTRICAL RECEPTAC L					
		Comments2: ESS THAN 6FT FROM POOL,POOL MEASURES 32"					
		Comments3: ABOVE GRAD REQUIRING GATE RELEASE MECH					
		Comments4: TO BE 54" MIN FROM GRADE + MORE NOTES					
GH	12:00	001-PHF POST HOLE - FENCE	20200398	205 ELIZABETH ST			07/01/2020
BC	_____	AM 007-STP STOOP	20200408	2135 HEARTHSTONE AVE	430		07/15/2020
BC	_____	009-STP STOOP	20200409	2143 HARTFIELD AVE	351		07/13/2020
PR	_____	010-RFR ROUGH FRAMING					07/22/2020
BC	_____	011-INS INSULATION				07/24/2020	
BC	_____	AM 015-WKS PUBLIC & SERVICE WALKS					07/30/2020
PR	_____	008-RFR ROUGH FRAMING	20200415	2036 SQUIRE CIR	195		07/22/2020
PR	_____	009-REL ROUGH ELECTRICAL					07/22/2020
PR	_____	010-RMC ROUGH MECHANICAL					07/22/2020
PR	_____	011-PLR PLUMBING - ROUGH					07/22/2020
PR	_____	012-INS INSULATION				07/24/2020	
GH	_____	003-FIN FINAL INSPECTION	20200422	1972 WREN RD	8		07/24/2020
PR	_____	008-CMR COMP ROUGH, FRM, ELE, MCH	20200444	2162 HARTFIELD AVE	424		07/13/2020
PR	_____	009-INS INSULATION					07/15/2020

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BC		010-WKS PUBLIC & SERVICE WALKS Comments1: SERVICE WALK CANCELLED					07/23/2020
BF		AM 011-PWK PRIVATE WALKS Comments1: COMEX 847-551-9066					07/24/2020
BC		AM 007-STP STOOP	20200445	2188 HARTFIELD AVE	426		07/13/2020
PR		008-RFR ROUGH FRAMING					07/28/2020
BC		009-INS INSULATION					07/30/2020
BC		007-INS INSULATION Comments1: CANCEL CAN'T GET WINDOWS	20200450	941 BLACKBERRY SHORE LN	28	07/02/2020	
PR		PM 009-INS INSULATION					07/29/2020
GH	10:30	001-PHF POST HOLE - FENCE	20200469	2281 PRAIRIE GRASS LN	298		07/16/2020
GH	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20200474	2621 LILAC WAY	311		07/02/2020
BC		002-FIN FINAL INSPECTION	20200479	315 W KENDALL DR	6		07/16/2020
BC		002-REL ROUGH ELECTRICAL	20200494	1973 MEADOWLARK LN	121		07/13/2020
BC		003-FIN FINAL INSPECTION					07/13/2020
BC		001-PPS PRE-POUR, SLAB ON GRADE Comments1: ADDITION TO DRIVEWAY WIDTH. CLEAN EDGE O Comments2: F OLD DRIVEWAY BEFORE POURING	20200497	1305 EVERGREEN LN	168	07/08/2020	
GH	10:30	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: PARTIAL	20200500	1101 MIDNIGHT PL	277		07/16/2020
GH	10:00	002-ROF ROOF UNDERLAYMENT ICE & W Comments1: PARTIAL - GARAGE AND PORCH					07/17/2020
GH		003-FIN FINAL INSPECTION					07/20/2020
GH		001-PHF POST HOLE - FENCE Comments1: WEST SIDE AND GATES ONLY	20200511	1585 ORCHID ST	187		07/01/2020
GH	11:00	001-PHF POST HOLE - FENCE Comments1: ARRIVED AT 10:354 - FENCE WAS ALREADY FI Comments2: NISHED SO COULD NOT INSPECT DEPTH OF HOL Comments3: ES	20200523	2337 EMERALD LN	103	07/02/2020	
BC		001-PHD POST HOLE - DECK	20200530	807 GREENFIELD TURN	53		07/07/2020

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BC	_____	002-TRN TRENCH - (GAS, ELECTRIC,					07/07/2020
BC	_____	003-RFR ROUGH FRAMING					07/24/2020
BC	_____	001-FIN FINAL INSPECTION	20200542	2967 GRANDE TR	388		07/20/2020
		Comments1: EGRESS WINDOW COVER IS UNOPENABLE DUE TO					
		Comments2: POLYMERIC SAND AROUND IT					
BC	11:00	002-REI REINSPECTION					07/24/2020
BC	_____ PM	001-PPS PRE-POUR, SLAB ON GRADE	20200546	305 WOODWORTH ST			07/21/2020
		Comments1: DRIVEWAY AND APRON					
GH	_____	002-FIN FINAL INSPECTION	20200551	906 STONY CREEK LN	66		07/14/2020
GH	11:00	001-PHF POST HOLE - FENCE	20200552	991 S CARLY CIR	89		07/02/2020
GH	_____	001-FIN FINAL INSPECTION	20200555	1102 GRACE DR	98		07/08/2020
BC	_____ PM	007-BSM BASEMENT FLOOR	20200557	906 S CARLY CIR	99		07/27/2020
		Comments1: NORWOOD 630-904-2288					
BC	_____ PM	006-BSM BASEMENT FLOOR	20200558	1171 BLACKBERRY SHORE LN	51		07/21/2020
PR	_____ AM	001-FTG FOOTING	20200559	846 EDWARD LN			07/23/2020
PR	_____	002-FOU FOUNDATION					07/28/2020
PR	_____	003-FOU FOUNDATION					07/30/2020
BF	_____ AM	010-STP STOOP	20200562	2120 HARTFIELD AVE	347		07/24/2020
		Comments1: COMEX 847-551-9066					
BC	_____	002-BND POOL BONDING	20200565	571 REDBUD DR	43	07/13/2020	
BC	_____	001-FIN FINAL INSPECTION	20200571	2341 SUMAC DR	17		07/08/2020
		Comments1: CHRIS 630-803-1685 GATES MUST BE SELF CL					
		Comments2: OSING & SELF LATCHING WITH RELEASE AT LE					
		Comments3: AST 54" FROM GRADE					
BC	09:00	001-FTG FOOTING	20200583	611 RIVER BIRCH DR	40		07/14/2020
BC	_____	002-GAR GARAGE FLOOR					07/17/2020
PR	_____	003-RFR ROUGH FRAMING					07/30/2020
BC	_____	001-FTG FOOTING	20200593	4364 E MILLBROOK CIR	270		07/07/2020

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BC		001-FIN FINAL INSPECTION	20200601	1438 CHESTNUT LN	53		07/17/2020
		Comments1: TOO MANY TO LIST HERE PLEASE SEE INSP TI					
		Comments2: CKET IN FILE					
GH		PM 001-PHF POST HOLE - FENCE	20200608	3238 BOOMBAH BLVD	138		07/24/2020
BC	09:00	001-TRN TRENCH - (GAS, ELECTRIC,	20200612	2434 WYTHE PL	15		07/06/2020
BC		002-BND POOL BONDING					07/06/2020
		Comments1: BOND POOL SHELL TO SKIMMER BOND WIRE USI					
		Comments2: NG A SPLIT BOLT					
BC		AM 001-PPS PRE-POUR, SLAB ON GRADE	20200615	1093 REDWOOD DR	47		07/06/2020
BC		001-FIN FINAL INSPECTION	20200631	666 WHITE OAK WAY			07/22/2020
PR		PM 002-RFR ROUGH FRAMING	20200635	2568 EMERALD LN			07/02/2020
GH	09:30	001-ROF ROOF UNDERLAYMENT ICE & W	20200640	2364 TITUS DR	242		07/20/2020
GH		001-ROF ROOF UNDERLAYMENT ICE & W	20200641	421 FAIRHAVEN DR	32		07/24/2020
BC		AM 002-RFR ROUGH FRAMING	20200644	872 N CARLY CIR	46		07/01/2020
BC		002-RFR ROUGH FRAMING	20200645	892 N CARLY CIR	49		07/14/2020
		Comments1: LEDGER LOCKS,FLASHING, INSTALL LATERAL L					
		Comments2: OAD CONNECTIONS					
BC		001-TRN TRENCH - (GAS, ELECTRIC,	20200648	479 TWINLEAF TR	89		07/22/2020
GH	11:30	001-PHF POST HOLE - FENCE	20200655	348 BERTRAM DR	1154		07/20/2020
GH	15:00	001-PHD POST HOLE - DECK	20200658	1401 SEQUOIA CIR			07/16/2020
BC		001-FIN FINAL INSPECTION	20200659	4542 GARDINER AVE	1133		07/17/2020
GH	12:00	001-PHF POST HOLE - FENCE	20200660	2071 COUNTRY HILLS DR	340		07/07/2020
GH	12:00	001-PHF POST HOLE - FENCE	20200665	373 PENSACOLA ST	1149		07/20/2020
GH	13:00	001-PHF POST HOLE - FENCE	20200673	305 MCHUGH RD	19		07/17/2020
GH		002-FIN FINAL INSPECTION					07/20/2020
BC		001-FTG FOOTING	20200674	1321 SPRING ST	168		07/16/2020
BC		AM 002-RFR ROUGH FRAMING					07/22/2020

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PR	_____	005-PLU PLUMBING - UNDERSLAB	20200675	391 HAZELTINE WAY	16		07/13/2020
BC	_____	AM 006-BSM BASEMENT FLOOR					07/13/2020
BC	_____	007-GAR GARAGE FLOOR					07/13/2020
BC	_____	AM 008-STP STOOP					07/30/2020
GH	09:30	001-ROF ROOF UNDERLAYMENT ICE & W	20200680	2304 TITUS DR	231		07/20/2020
GH	10:00	001-ROF ROOF UNDERLAYMENT ICE & W	20200685	1304 DAKOTA DR	60		07/24/2020
GH	_____	001-ROF ROOF UNDERLAYMENT ICE & W	20200686	1142 HEARTLAND DR	143		07/08/2020
BC	15:30	002-RFR ROUGH FRAMING	20200687	383 TWINLEAF TR	81		07/22/2020
BC	_____	AM 001-BND POOL BONDING	20200692	591 WINDETT RIDGE RD	73		07/23/2020
BC	_____	002-TRN TRENCH - (GAS, ELECTRIC,					07/27/2020
BC	_____	AM 004-BKF BACKFILL	20200693	2155 HARTFIELD AVE	421		07/01/2020
PR	_____	005-PLU PLUMBING - UNDERSLAB					07/13/2020
BC	_____	AM 006-BG BASEMENT AND GARAGE FLOOR					07/15/2020
BF	_____	AM 007-PHD POST HOLE - DECK Comments1: COMEX 847-551-9066					07/24/2020
BC	_____	008-STP STOOP					07/27/2020
BC	_____	PM 001-PPS PRE-POUR, SLAB ON GRADE Comments1: NEED TO PIN TO FOUNDATION, COVER WOOD BE Comments2: HIND STOOP WITH MEMBRANE	20200694	2312 EMERALD LN	39		07/21/2020
BC	_____	002-REI REINSPECTION					07/22/2020
BC	_____	001-PPS PRE-POUR, SLAB ON GRADE	20200708	1972 WREN RD	8		07/07/2020
BC	_____	001-PPS PRE-POUR, SLAB ON GRADE Comments1: 1. PIN PATIO TO FOUNDATION APPROX EVERY Comments2: 30" 2. INSTALL SOLID MEMBRANE BEHIND STO Comments3: OP TO PROTECT WOOD	20200709	476 WALSH CIR	66		07/08/2020
BC	_____	002-REI REINSPECTION Comments1: PREPOUR PATIO					07/09/2020
BC	_____	001-PHD POST HOLE - DECK	20200716	618 GREENFIELD TURN	88		07/02/2020

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BC		002-RFR ROUGH FRAMING Comments1: DECK					07/07/2020
BC		003-FIN FINAL INSPECTION					07/16/2020
GH	09:30	001-ROF ROOF UNDERLAYMENT ICE & W	20200717	657 RED TAIL CT	32		07/20/2020
BC		001-FIN FINAL INSPECTION Comments1: WINDOWS	20200720	402 E SOMONAUK ST			07/10/2020
BF		AM 003-BKF BACKFILL Comments1: UPLAND 630-465-2021	20200724	2195 BLUEBIRD LN	240-2		07/07/2020
PR		004-ESW ENGINEERING - SEWER / WAT					07/13/2020
PR		005-PLU PLUMBING - UNDERSLAB					07/17/2020
BC		006-BG BASEMENT AND GARAGE FLOOR					07/27/2020
BF		AM 003-BKF BACKFILL Comments1: UPLAND 630-465-2020	20200725	2197 BLUEBIRD LN	240-1		07/07/2020
PR		004-ESW ENGINEERING - SEWER / WAT					07/13/2020
PR		005-PLU PLUMBING - UNDERSLAB					07/17/2020
BC		006-BG BASEMENT AND GARAGE FLOOR					07/27/2020
BC		001-TRN TRENCH - (GAS, ELECTRIC,	20200730	1211 WILLOW WAY	207		07/22/2020
BC		002-BND POOL BONDING					07/22/2020
GH	13:00	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: PARTIAL	20200731	3425 RYAN DR	9		07/08/2020
GH	10:30	002-ROF ROOF UNDERLAYMENT ICE & W					07/09/2020
GH		003-FIN FINAL INSPECTION					07/13/2020
BC		001-PHD POST HOLE - DECK Comments1: holes too shallow	20200733	962 OMAHA DR	27		07/06/2020
BC		001-PPS PRE-POUR, SLAB ON GRADE	20200736	3167 MATLOCK DR	659		07/06/2020
BC		PM 002-FIN FINAL INSPECTION Comments1: DECK	20200740	701 WINDETT RIDGE RD	84		07/09/2020
BC		001-BND POOL BONDING Comments1: AND ELECTIC	20200741	408 CENTER PKWY	46		07/10/2020

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BC	_____	002-FIN FINAL INSPECTION					07/10/2020
GH	13:00	001-PHF POST HOLE - FENCE	20200744	2758 GOLDENROD DR	251		07/20/2020
BC	_____	002-TRN TRENCH - (GAS, ELECTRIC,					07/24/2020
BC	_____	003-BND POOL BONDING					07/24/2020
BC	_____	004-REL ROUGH ELECTRICAL					07/24/2020
BC	_____	005-FIN FINAL INSPECTION Comments1: GATE RELEASE MECHANISM IS BELOW 54"					07/24/2020
BC	_____	001-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO	20200746	2334 TITUS DR	236		07/08/2020
GH	10:30	001-PHF POST HOLE - FENCE	20200748	2366 LAVENDER WAY	94		07/17/2020
GH	_____	002-FIN FINAL INSPECTION	20200751	4646 PLMOUTH AVE	988		07/17/2020
BC	_____	001-FIN FINAL INSPECTION Comments1: WINDOW WEEP HOLE COVERS MISSING ON WINDO Comments2: W NEAR HOT TUB & FRONT RIGHT, WINDOW WEE Comments3: P HOLE RIGHT OF FRONT DOOR PLUGGED WITH Comments4: CAULK	20200756	533 W BARBERRY CIR	41		07/10/2020
BC	_____	AM 003-BKF BACKFILL Comments1: BRACE WALLS BEFORE BACKFILLING	20200758	2022 INGEMUNSON LN	140		07/06/2020
PR	_____	004-ESW ENGINEERING - SEWER / WAT					07/13/2020
PR	_____	005-PLU PLUMBING - UNDERSLAB					07/16/2020
BC	_____	006-BG BASEMENT AND GARAGE FLOOR					07/20/2020
BF	_____	005-BG BASEMENT AND GARAGE FLOOR Comments1: UPLAND 630-431-3168	20200759	2159 BLUEBIRD LN	237-2		07/07/2020
PR	_____	PM 006-SUM SUMP					07/14/2020
BF	_____	AM 005-BG BASEMENT AND GARAGE FLOOR Comments1: UPLAND 630-431-3168	20200760	2161 BLUEBIRD LN	237-1		07/07/2020
PR	_____	PM 006-SUM SUMP					07/14/2020
BC	_____	001-PHD POST HOLE - DECK	20200763	2642 BURR ST	11		07/15/2020
BC	_____	002-FIN FINAL INSPECTION				07/31/2020	

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BC	_____	001-FIN FINAL INSPECTION Comments1: PATIO DOOR	20200764	1545 COTTONWOOD TR	83		07/07/2020
BC	_____	001-FIN FINAL INSPECTION Comments1: PAVER	20200765	2404 SUMAC DR	55		07/01/2020
BC	_____	001-PPS PRE-POUR, SLAB ON GRADE	20200768	855 PARKSIDE LN	196		07/29/2020
BC	_____	001-TRN TRENCH - (GAS, ELECTRIC,	20200769	1958 WILD INDIGO LN	83		07/29/2020
BC	_____	AM 001-PPS PRE-POUR, SLAB ON GRADE	20200772	2266 LAVENDER WAY	59		07/02/2020
GH	11:00	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: BACK & SIDES COMPLETE, STILL WORKING ON Comments2: FRONT	20200774	512 KELLY AVE			07/01/2020
PR	_____	001-PPS PRE-POUR, SLAB ON GRADE	20200775	410 W KENDALL DR	0		07/15/2020
GH	09:30	001-ROF ROOF UNDERLAYMENT ICE & W	20200783	1535 ORCHID ST	196		07/07/2020
PR	_____	001-UGE UNDERGROUND ELECTRIC	20200785	2881 OLD GLORY DR	245		07/15/2020
BC	_____	001-PPS PRE-POUR, SLAB ON GRADE	20200792	2073 SQUIRE CIR	214		07/01/2020
PR	_____	001-FIN FINAL INSPECTION	20200794	2432 SAGE CT	29		07/14/2020
GH	11:00	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: 2 ROWS, GARAGE NOT STIPPED YET	20200797	842 HEARTLAND DR	168		07/01/2020
PR	_____	003-ESW ENGINEERING - SEWER / WAT	20200798	1112 GOLDFINCH AVE	311-4		07/02/2020
PR	_____	004-PLU PLUMBING - UNDERSLAB					07/17/2020
BC	_____	005-BGS BASEMENT GARAGE STOOPS					07/22/2020
BC	_____	006-PPS PRE-POUR, SLAB ON GRADE					07/23/2020
PR	_____	003-ESW ENGINEERING - SEWER / WAT	20200799	1120 GOLDFINCH AVE	311-3		07/02/2020
PR	_____	004-PLU PLUMBING - UNDERSLAB					07/17/2020
BC	_____	005-BGS BASEMENT GARAGE STOOPS					07/22/2020
BC	_____	006-PPS PRE-POUR, SLAB ON GRADE					07/23/2020
PR	_____	003-ESW ENGINEERING - SEWER / WAT	20200800	1122 GOLDFINCH AVE	311-2		07/02/2020
PR	_____	004-PLU PLUMBING - UNDERSLAB					07/17/2020

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BC	_____	005-BGS BASEMENT GARAGE STOOPS					07/22/2020
BC	_____	006-PPS PRE-POUR, SLAB ON GRADE					07/23/2020
PR	_____	003-ESW ENGINEERING - SEWER / WAT	20200801	1124 GOLDFINCH AVE	311-1		07/02/2020
PR	_____	004-PLU PLUMBING - UNDERSLAB					07/17/2020
BC	_____	PM 005-BGS BASEMENT GARAGE STOOPS					07/22/2020
BC	_____	006-PPS PRE-POUR, SLAB ON GRADE					07/23/2020
GH	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20200802	1406 WHITE PINE CT	96		07/02/2020
BC	_____	001-PPS PRE-POUR, SLAB ON GRADE	20200803	2485 ELLSWORTH CT	351	07/16/2020	
		Comments1: CANCELLED					
BC	_____	002-PPS PRE-POUR, SLAB ON GRADE					07/20/2020
BC	_____	AM 002-FIN FINAL INSPECTION	20200805	586 REDBUD DR	37		07/28/2020
PR	_____	001-PPS PRE-POUR, SLAB ON GRADE	20200806	4302 E MILLBROOK CIR	276		07/15/2020
BC	_____	001-FIN FINAL INSPECTION	20200807	102 STRAWBERRY LN			06/30/2020
BC	_____	PM 001-PPS PRE-POUR, SLAB ON GRADE	20200809	476 TWINLEAF TR	139		07/02/2020
GH	10:00	001-ROF ROOF UNDERLAYMENT ICE & W	20200810	495 PARKSIDE LN	107		07/21/2020
BC	_____	001-PPS PRE-POUR, SLAB ON GRADE	20200812	4351 E MILLBROOK CIR	209		07/09/2020
GH	11:00	001-PHF POST HOLE - FENCE	20200815	1402 RUBY DR	360		07/13/2020
		Comments1: WEST SIDE INPSECTED - STILL CLEANING OTH					
		Comments2: ERS					
BC	_____	001-PPS PRE-POUR, SLAB ON GRADE	20200816	806 HEARTLAND DR	170		07/15/2020
BC	_____	AM 002-FOU FOUNDATION	20200823	2192 BLUEBIRD LN	241-1		07/02/2020
BF	_____	AM 003-BKF BACKFILL				07/07/2020	
		Comments1: UPLAND 630-465-2021					
PR	_____	PM 004-ESW ENGINEERING - SEWER / WAT					07/14/2020
PR	_____	005-PLU PLUMBING - UNDERSLAB					07/21/2020
BC	_____	006-BG BASEMENT AND GARAGE FLOOR					07/28/2020

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BC	_____	AM 002-FOU FOUNDATION	20200824	2194 BLUEBIRD LN	241-2		07/02/2020
BF	_____	AM 003-BKF BACKFILL Comments1: UPLAND 630-465-2021					07/07/2020
PR	_____	PM 004-ESW ENGINEERING - SEWER / WAT					07/14/2020
PR	_____	005-PLU PLUMBING - UNDERSLAB					07/21/2020
BC	_____	006-BG BASEMENT AND GARAGE FLOOR					07/28/2020
BC	_____	003-REI REINSPECTION	20200827	3122 LAUREN DR	109		07/17/2020
BC	_____	PM 001-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO	20200828	1037 N CARLY CIR	116	07/06/2020	
BC	_____	001-FIN FINAL INSPECTION	20200830	2469 CATALPA TR	173		07/14/2020
BC	_____	001-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO MUST BE PINNED OR DOWELED TO THE F Comments2: OUNDATION	20200831	1097 CANARY AVE	249		07/07/2020
BC	_____	002-REI REINSPECTION Comments1: PREPOUR PATIO					07/08/2020
BC	_____	AM 001-PPS PRE-POUR, SLAB ON GRADE	20200832	382 POPLAR DR	100		07/09/2020
BC	_____	001-PPS PRE-POUR, SLAB ON GRADE	20200834	2047 SWITCHGRASS LN	139		07/07/2020
GH	10:30	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: FRONT ONLY	20200836	634 ANDREA CT	12		07/17/2020
BC	_____	AM 001-FTG FOOTING	20200845	1151 BLACKBERRY SHORE LN	49		07/06/2020
BC	10:30	002-FOU FOUNDATION					07/13/2020
BC	_____	AM 003-BKF BACKFILL Comments1: BRACE WALKS PRIOR TO BACKFILL					07/21/2020
PR	_____	AM 004-ESW ENGINEERING - SEWER / WAT					07/23/2020
GH	14:00	001-PHF POST HOLE - FENCE	20200847	303 FONTANA DR	57		07/16/2020
GH	08:00	001-PHF POST HOLE - FENCE	20200848	3188 BOOMBAH BLVD	134		07/15/2020
BC	_____	001-PPS PRE-POUR, SLAB ON GRADE Comments1: WALK, DRIVE, PATIO--NO MEMBRANE AT STOOP Comments2: S TO PROTECT BUILDING FRAMING FROM WATER Comments3: INTRUSION	20200851	2953 OLD GLORY DR	256		07/21/2020

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BC	_____	002-REI REINSPECTION					07/22/2020
BC	_____	001-FIN FINAL INSPECTION	20200852	2583 LYMAN LOOP	38		07/08/2020
		Comments1: DECK 1. LEADER BOARD NOT ACHORED PROPERL					
		Comments2: Y 2. BEAM TO POST CONNECTIONS REQUIRE 1/					
		Comments3: 2" BOLTS 3. GUARD STILES MUST BE LESS TH					
		Comments4: AN 4" APART 4. FLASHING REQD ON LEDGER					
BC	_____	002-RFR ROUGH FRAMING				07/17/2020	
		Comments1: CANCELLED					
BC	_____	AM 003-REI REINSPECTION					07/24/2020
PR	_____	001-PPS PRE-POUR, SLAB ON GRADE	20200853	867 HAMPTON LN	132		07/29/2020
BC	_____	AM 001-PHD POST HOLE - DECK	20200855	2021 WREN RD	25		07/21/2020
		Comments1: 42" MINIMUM DEPTH ON POST HOLES					
BC	_____	002-REI REINSPECTION					07/24/2020
GH	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20200859	1847 COLUMBINE DR	71	07/02/2020	
		Comments1: CANCELLED					
BC	_____	AM 001-FTG FOOTING	20200863	584 MANCHESTER LN	384		07/02/2020
BF	_____	AM 002-FOU FOUNDATION					07/07/2020
		Comments1: COMEX 847-551-9066					
BC	_____	AM 003-BKF BACKFILL					07/13/2020
PR	_____	PM 004-ESW ENGINEERING - SEWER / WAT					07/14/2020
PR	_____	005-PLU PLUMBING - UNDERSLAB					07/17/2020
BC	_____	006-BG BASEMENT AND GARAGE FLOOR					07/20/2020
GH	12:00	001-ROF ROOF UNDERLAYMENT ICE & W	20200865	205 E ORANGE ST	9		07/23/2020
BC	_____	001-FIN FINAL INSPECTION	20200866	304 W FOX ST			07/29/2020
		Comments1: BOND POOL. MOVE RECEPTACLE TO 6' MINIMUM					
		Comments2: FROM POOL					
BC	_____	PM 001-PPS PRE-POUR, SLAB ON GRADE	20200867	2024 SQUIRE CIR	198		07/01/2020
		Comments1: SIDEWALK, PATIO & SHED PAD					
BC	_____	PM 002-PHD POST HOLE - DECK					07/01/2020
GH	11:30	001-PHF POST HOLE - FENCE	20200869	1555 MONTROSE CT	34		07/27/2020

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GH	_____	001-ROF ROOF UNDERLAYMENT ICE & W	20200872	2785 CRANSTON CIR	138		07/07/2020
GH	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20200875	412 HONEYSUCKLE LN	182		07/23/2020
BC	_____ PM	001-FIN FINAL INSPECTION	20200876	585 ARROWHEAD DR	88		07/27/2020
GH	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20200877	355 E HYDRAULIC ST			07/23/2020
BC	_____	001-PPS PRE-POUR, SLAB ON GRADE	20200879	2011 WREN RD	24		07/07/2020
GH	_____	001-PHF POST HOLE - FENCE	20200882	431 HONEYSUCKLE LN	149		07/23/2020
BC	_____	001-PPS PRE-POUR, SLAB ON GRADE	20200888	3212 LAUREN DR	117		07/28/2020
BC	14:00	001-PPS PRE-POUR, SLAB ON GRADE	20200892	1422 RUBY DR	359		07/10/2020
GH	10:00	001-ROF ROOF UNDERLAYMENT ICE & W	20200894	2427 EMERALD LN	112		07/16/2020
BC	_____	001-FTG FOOTING	20200895	2104 HARTFIELD AVE	349		07/09/2020
		Comments1: ADD 4 FT OF REBAR TO THE UFER GROUND. MU					
		Comments2: ST BE 20FT IN THE FOOTING					
BC	_____ PM	002-FOU FOUNDATION					07/14/2020
BC	_____	003-BKF BACKFILL					07/17/2020
PR	_____ PM	004-ESW ENGINEERING - SEWER / WAT					07/20/2020
PR	_____	005-PLU PLUMBING - UNDERSLAB				07/24/2020	
BC	_____	006-BG BASEMENT AND GARAGE FLOOR					07/27/2020
GH	10:00	001-ROF ROOF UNDERLAYMENT ICE & W	20200899	1112 AUBURN DR	87		07/02/2020
PR	_____	001-ESW ENGINEERING - SEWER / WAT	20200904	803 ALEXANDRA LN	9		07/23/2020
PR	_____	002-FTG FOOTING					07/23/2020
BC	_____ PM	003-FOU FOUNDATION					07/28/2020
GH	10:00	001-ROF ROOF UNDERLAYMENT ICE & W	20200905	907 STATE ST			07/13/2020
		Comments1: PARTIAL					
GH	10:00	002-ROF ROOF UNDERLAYMENT ICE & W					07/14/2020
		Comments1: 2/2					
GH	_____	003-FIN FINAL INSPECTION					07/17/2020

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BC	_____	001-FTG FOOTING	20200907	2174 BLUEBIRD LN	242		07/20/2020
BF	_____	002-FOU FOUNDATION Comments1: JESUS/UPLAND 630-453-9281					07/24/2020
BC	_____	003-BKF BACKFILL					07/29/2020
BC	_____	001-FTG FOOTING	20200908	2172 BLUEBIRD LN	242		07/20/2020
BF	_____	002-FOU FOUNDATION Comments1: JESUS 630-453-9281					07/24/2020
BC	_____	003-BKF BACKFILL					07/29/2020
BC	_____	PM 001-PPS PRE-POUR, SLAB ON GRADE	20200910	3173 MATLOCK DR	660		07/29/2020
BC	_____	001-FTG FOOTING	20200912	1109 HAWK HOLLOW DR	310-1		07/16/2020
BC	_____	002-FOU FOUNDATION					07/22/2020
PR	_____	004-SEW SEWER INSPECTION				07/31/2020	
BC	_____	001-FTG FOOTING	20200913	1111 HAWK HOLLOW DR	310-2		07/16/2020
BC	_____	002-FOU FOUNDATION					07/22/2020
PR	_____	004-SEW SEWER INSPECTION				07/31/2020	
BC	_____	001-FTG FOOTING	20200914	1121 HAWK HOLLOW DR	310-3		07/16/2020
BC	_____	002-FOU FOUNDATION					07/22/2020
PR	_____	004-SEW SEWER INSPECTION				07/31/2020	
BC	_____	001-FTG FOOTING	20200915	1123 HAWK HOLLOW DR	310-4	07/16/2020	
BC	_____	002-FOU FOUNDATION					07/22/2020
PR	_____	004-SEW SEWER INSPECTION				07/31/2020	
GH	12:00	001-PHF POST HOLE - FENCE	20200916	214 A HILLCREST AVE	11	07/31/2020	
BC	_____	AM 001-FTG FOOTING	20200917	1054 CANARY AVE	243-1		07/28/2020
BC	_____	AM 001-FTG FOOTING	20200918	1052 CANARY AVE	243-2		07/28/2020
GH	10:00	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: OVERLAY ONLY - NO INSPECTION NECESSARY	20200921	2072 RAINTREE RD	88	07/20/2020	

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GH	_____	002-FIN FINAL INSPECTION					07/24/2020
GH	09:30	001-ROF ROOF UNDERLAYMENT ICE & W	20200922	504 W RIDGE ST			07/29/2020
PR	_____	001-PPS PRE-POUR, SLAB ON GRADE	20200924	528 W BARBERRY CIR	71		07/15/2020
PR	15:00	001-BND POOL BONDING	20200927	1554 CRIMSON LN	3	07/30/2020	
BC	_____	001-PHD POST HOLE - DECK	20200929	403 CENTER PKWY	22		07/30/2020
GH	10:00	001-ROF ROOF UNDERLAYMENT ICE & W	20200930	2205 LAVENDER WAY	68		07/22/2020
GH	_____	002-FIN FINAL INSPECTION					07/27/2020
BC	_____	001-PPS PRE-POUR, SLAB ON GRADE Comments1: DOWEL FRONT WALK TO STOOP, APPLY MEMBRAN Comments2: DE TO BACK STOOP TO PROTECT BAND JOIST, Comments3: ADD MORE DOWELS TO FOUND AT PATIO. SEND Comments4: PHOTOS TO BOB	20200931	1202 CANNONBALL TR	4		07/24/2020
BC	_____	002-REI REINSPECTION					07/28/2020
PR	_____ AM	001-FIN FINAL INSPECTION Comments1: SOLAR CALL WITH TIME	20200932	559 BIRCHWOOD DR	135	07/24/2020	
BC	_____ AM	001-FTG FOOTING	20200934	2057 SQUIRE CIR	211		07/30/2020
BC	_____ AM	002-FOU FOUNDATION				07/31/2020	
PR	_____	001-PPS PRE-POUR, SLAB ON GRADE	20200938	598 POPLAR DR	155		07/15/2020
GH	10:00	001-ROF ROOF UNDERLAYMENT ICE & W	20200942	402 W CENTER ST			07/27/2020
GH	10:30	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: PARTIAL - BACK ONLY	20200943	406 E ELM ST	39		07/16/2020
GH	10:30	002-ROF ROOF UNDERLAYMENT ICE & W Comments1: PARTIAL - FRONT ONLY					07/17/2020
GH	_____	001-ROF ROOF UNDERLAYMENT ICE & W	20200946	597 REDHORSE LN	145		07/16/2020
BC	_____	001-FIN FINAL INSPECTION	20200947	306 SANDERS CT	13	07/31/2020	
BC	_____ PM	001-PPS PRE-POUR, SLAB ON GRADE	20200948	231 BURNETT ST	1243		07/22/2020
BC	_____ AM	001-PHD POST HOLE - DECK	20200949	1424 VIOLET CT	371		07/13/2020
BC	_____	002-RFR ROUGH FRAMING					07/17/2020

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GH	10:00	001-ROF ROOF UNDERLAYMENT ICE & W	20200952	2947 ELLSWORTH DR	408		07/17/2020
BC	08:00	001-PPS PRE-POUR, SLAB ON GRADE	20200953	500 PARKSIDE LN	106		07/15/2020
BC	_____	002-RFR ROUGH FRAMING					07/20/2020
GH	10:00	001-ROF ROOF UNDERLAYMENT ICE & W	20200956	4668 PLYMOUTH AVE	984		07/21/2020
BC	_____	001-FTG FOOTING	20200957	481 HAZELTINE WAY	10		07/20/2020
BC	_____	002-FOU FOUNDATION					07/23/2020
PR	_____	PM 003-ESW ENGINEERING - SEWER / WAT					07/27/2020
BC	_____	004-BKF BACKFILL					07/28/2020
PR	_____	005-PLU PLUMBING - UNDERSLAB				07/31/2020	
GH	13:30	001-ROF ROOF UNDERLAYMENT ICE & W	20200962	988 HOMESTEAD DR			07/28/2020
BC	_____	AM 001-PHD POST HOLE - DECK	20200964	1421 CHESTNUT CT	71		07/15/2020
BC	_____	002-RFR ROUGH FRAMING					07/28/2020
		Comments1: R311.7.8. HANDRAILS SHALL BE PROVIDED ON					
		Comments2: NOT LESS THAN 1 SIDE OF EACH FLIGHT OF					
		Comments3: STIARS WITH 4 OR MORE RISERS. WILL INSPE					
		Comments4: CT AT FINAL.					
GH	09:30	001-ROF ROOF UNDERLAYMENT ICE & W	20200966	409 SANDERS CT			07/23/2020
GH	12:00	001-ROF ROOF UNDERLAYMENT ICE & W	20200981	410 POPLAR DR			07/13/2020
GH	12:00	002-ROF ROOF UNDERLAYMENT ICE & W					07/14/2020
GH	13:00	001-PHF POST HOLE - FENCE	20200982	2835 OLD GLORY DR	232		07/30/2020
BC	_____	001-PHD POST HOLE - DECK	20200984	488 HONEYSUCKLE LN	164		07/23/2020
BC	_____	001-PHD POST HOLE - DECK	20200985	2312 WINTERTHUR GREEN	177		07/15/2020
BC	_____	002-RFR ROUGH FRAMING					07/21/2020
BC	_____	001-FIN FINAL INSPECTION	20200988	4388 E MILLBROOK CIR	268		07/29/2020
GH	10:00	001-ROF ROOF UNDERLAYMENT ICE & W	20200989	1408 WHITE PINE CT			07/20/2020
GH	11:30	001-ROF ROOF UNDERLAYMENT ICE & W	20200991	861 OMAHA DR	21		07/16/2020
		Comments1: PARTIAL ONLY (FRONT)					

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BC	_____	001-FTG FOOTING	20200992	581 WARBLER LN	352		07/23/2020
BC	_____	002-FOU FOUNDATION					07/28/2020
BC	_____	AM 003-BKF BACKFILL				07/31/2020	
BC	_____	001-FTG FOOTING	20200993	656 MANCHESTER LN	381		07/29/2020
BC	_____	001-FTG FOOTING	20200994	632 COACH RD	401		07/23/2020
BC	_____	AM 002-FOU FOUNDATION					07/30/2020
PR	12:00	001-ESW ENGINEERING - SEWER / WAT	20201002	1423 WOODSAGE AVE	22		07/15/2020
PR	_____	002-FTG FOOTING					07/20/2020
PR	_____	003-FOU FOUNDATION					07/23/2020
PR	_____	004-BKF BACKFILL					07/29/2020
BC	_____	001-FTG FOOTING	20201005	582 COACH RD	404		07/29/2020
BC	_____	001-FTG FOOTING	20201006	593 MANCHESTER LN	400		07/28/2020
BC	_____	AM 002-FOU FOUNDATION				07/31/2020	
GH	09:30	001-ROF ROOF UNDERLAYMENT ICE & W	20201015	2511 EMERALD LN	122		07/20/2020
BC	_____	001-PPS PRE-POUR, SLAB ON GRADE	20201018	385 SHADOW WOOD DR	122	07/31/2020	
BC	_____	PM 001-PPS PRE-POUR, SLAB ON GRADE	20201019	4404 E MILLBROOK CIR	266	07/27/2020	
		Comments1: CANCELLED					
BC	_____	002-PPS PRE-POUR, SLAB ON GRADE					07/29/2020
BC	_____	001-FIN FINAL INSPECTION	20201020	38 W COUNTRYSIDE PKWY	0		07/29/2020
BC	_____	001-PHD POST HOLE - DECK	20201025	712 KENTSHIRE DR	119		07/17/2020
GH	_____	001-ROF ROOF UNDERLAYMENT ICE & W	20201026	309 MULHERN CT		07/16/2020	
		Comments1: NORTH SIDE ONLY OF 307 MULHERN CT					
GH	12:00	001-ROF ROOF UNDERLAYMENT ICE & W	20201027	528 W BARBERRY CIR	71		07/22/2020
		Comments1: PARTIAL - MAIN ROOF ONLY					
GH	12:00	001-PHF POST HOLE - FENCE	20201028	904 HARVEST TR			07/23/2020
BC	_____	001-PPS PRE-POUR, SLAB ON GRADE	20201035	1864 ASTER DR	115		07/17/2020

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GH		001-ROF ROOF UNDERLAYMENT ICE & W	20201038	1072 E SPRING ST	81		07/20/2020
		Comments1: FRONT					
GH	11:00	002-ROF ROOF UNDERLAYMENT ICE & W					07/21/2020
		Comments1: RIGHT SIDE					
GH	11:00	003-ROF ROOF UNDERLAYMENT ICE & W					07/22/2020
		Comments1: LEFT AND BACK OF HOUSE					
GH	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20201040	2003 PRAIRIE ROSE LN	93		07/17/2020
GH	12:00	001-ROF ROOF UNDERLAYMENT ICE & W	20201042	1823 COLUMBINE DR	68		07/17/2020
PR		AM 001-FTG FOOTING	20201047	1985 MARKETVIEW DR			07/30/2020
		Comments1: ROSATI'S PERGOLA					
GH	09:30	001-ROF ROOF UNDERLAYMENT ICE & W	20201048	1876 ASTER DR	116		07/21/2020
GH	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20201049	1101 AUBURN DR	90		07/27/2020
		Comments1: PARTIAL					
GH	11:00	002-ROF ROOF UNDERLAYMENT ICE & W				07/28/2020	
		Comments1: PARTIAL - BACK MAIN ROOF ONLY					
GH	11:00	003-ROF ROOF UNDERLAYMENT ICE & W				07/30/2020	
		Comments1: DELAYED DUE TO RAIN, WHEN I RETURNED, IT					
		Comments2: WAS ALREADY SHINGLED					
GH	11:30	001-ROF ROOF UNDERLAYMENT ICE & W	20201055	2876 CRANSTON CIR	92		07/29/2020
GH	10:00	002-ROF ROOF UNDERLAYMENT ICE & W				07/30/2020	
		Comments1: FRONT ONLY					
GH	10:00	001-ROF ROOF UNDERLAYMENT ICE & W	20201056	2244 MEADOWVIEW LN	12		07/22/2020
GH	12:30	001-ROF ROOF UNDERLAYMENT ICE & W	20201069	268 BALTRUSOL CT	141		07/24/2020
GH	10:45	001-PHF POST HOLE - FENCE	20201073	1578 CORAL DR	185		07/28/2020
GH	10:00	001-ROF ROOF UNDERLAYMENT ICE & W	20201079	301 SANDERS CT	1		07/23/2020
BC		001-FOU FOUNDATION	20201082	4248 E MILLBROOK CIR	284		07/23/2020
BC		002-FTG FOOTING					07/22/2020
BC		PM 003-BKF BACKFILL					07/27/2020
PR		004-WAT WATER				07/30/2020	

DATE: 07/31/2020
TIME: 14:02:01
ID: PT4A0000.WOW

UNITED CITY OF YORKVILLE
CALLS FOR INSPECTION REPORT

PAGE: 26

INSPECTIONS SCHEDULED FROM 07/01/2020 TO 07/31/2020

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BC	_____	AM 001-PPS PRE-POUR, SLAB ON GRADE	20201085	1053 CANARY AVE	253	07/31/2020	
BC	_____	001-PPS PRE-POUR, SLAB ON GRADE	20201086	2539 EMERALD LN	125		07/30/2020
BC	_____	001-PPS PRE-POUR, SLAB ON GRADE	20201087	302 WOODWORTH ST	19		07/24/2020
		Comments1: SIDEWALK AND STOOP					
BC	_____	001-PPS PRE-POUR, SLAB ON GRADE	20201101	572 REDBUD DR	35		07/28/2020
GH	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20201103	1143 TAUS CIR	109		07/30/2020
GH	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20201108	531 ARROWHEAD DR	84		07/28/2020
GH	_____	002-FIN FINAL INSPECTION				07/31/2020	
GH	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20201109	403 E BARBERRY CIR	157		07/29/2020

DATE: 07/31/2020
TIME: 14:02:01
ID: PT4A0000.WOW

UNITED CITY OF YORKVILLE
CALLS FOR INSPECTION REPORT

PAGE: 27

INSPECTIONS SCHEDULED FROM 07/01/2020 TO 07/31/2020

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE

PERMIT TYPE SUMMARY:		ADD ADDITION		5			
		AGP ABOVE-GROUND POOL		24			
		CCO COMMERCIAL OCCUPANCY PERMIT		1			
		COM COMMERCIAL BUILDING		19			
		CRM COMMERCIAL REMODEL		6			
		DCK DECK		31			
		DRV DRIVEWAY		3			
		ESN ELECTRIC SIGN		1			
		FNC FENCE		26			
		IGP IN-GROUND POOL		3			
		MIS MISCELLANEOUS		3			
		MSC MISCELLANEOUS		2			
		PRG PERGOLA		3			
		PTO PATIO / PAVERS		42			
		REM REMODEL		2			
		ROF ROOFING		68			
		RPZ RPZ - BACKFLOW PREVENTION		1			
		RS ROOFING & SIDING		6			
		SDW SIDEWALK		5			
		SFA SINGLE-FAMILY ATTACHED		99			
		SFD SINGLE-FAMILY DETACHED		179			
		SHD SHED/ACCESSORY BUILDING		4			
		SID SIDING		1			
		SOL SOLAR PANELS		3			
		SPA SAUNA / HOT TUB		3			
		WIN WINDOW REPLACEMENT		3			
INSPECTION SUMMARY:		ABC ABOVE CEILING		3			
		BG BASEMENT AND GARAGE FLOOR		13			
		BGS BASEMENT GARAGE STOOPS		5			
		BKF BACKFILL		18			
		BND POOL BONDING		7			
		BSM BASEMENT FLOOR		4			
		CMR COMP ROUGH, FRM, ELE, MCH PLR		7			
		EFL ENGINEERING - FINAL INSPECTION		9			
		ELS ELECTRIC SERVICE		2			
		EPW ENGINEERING- PUBLIC WALK		2			
		ESW ENGINEERING - SEWER / WATER		16			
		FEM ROUGH FRM, ELE, MECH		1			
		FIN FINAL INSPECTION		60			
		FOU FOUNDATION		24			
		FTG FOOTING		31			
		GAR GARAGE FLOOR		2			
		INS INSULATION		25			
		PHD POST HOLE - DECK		14			
		PHF POST HOLE - FENCE		21			
		PLF PLUMBING - FINAL OSR READY		11			

DATE: 07/31/2020
TIME: 14:02:01
ID: PT4A0000.WOW

UNITED CITY OF YORKVILLE
CALLS FOR INSPECTION REPORT

PAGE: 28

INSPECTIONS SCHEDULED FROM 07/01/2020 TO 07/31/2020

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
		PLR PLUMBING - ROUGH			14		
		PLU PLUMBING - UNDERSLAB			18		
		PPS PRE-POUR, SLAB ON GRADE			54		
		PWK PRIVATE WALKS			2		
		REI REINSPECTION			17		
		REL ROUGH ELECTRICAL			13		
		RFR ROUGH FRAMING			33		
		RMC ROUGH MECHANICAL			10		
		ROF ROOF UNDERLAYMENT ICE & WATER			63		
		SEW SEWER INSPECTION			4		
		STP STOOP			18		
		SUM SUMP			3		
		TRN TRENCH - (GAS, ELECTRIC, ETC)			8		
		UGE UNDERGROUND ELECTRIC			1		
		WAT WATER			3		
		WKS PUBLIC & SERVICE WALKS			7		
INSPECTOR SUMMARY:		BC BOB CREADEUR		247			
		BF B&F INSPECTOR CODE SERVICE		20			
		EEI ENGINEERING ENTERPRISES		14			
		GH GINA HASTINGS		99			
		PR PETER RATOS		163			
STATUS SUMMARY:	A	GH		2			
	C	BC		47			
	C	BF		1			
	C	EEI		12			
	C	GH		13			
	C	PR		24			
	I	BC		199			
	I	BF		19			
	I	EEI		2			
	I	GH		84			
	I	PR		137			
	T	PR		2			
	V	BC		1			
REPORT SUMMARY:				543			



Reviewed By:	
Legal	<input type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
Human Resources	<input type="checkbox"/>
Community Development	<input checked="" type="checkbox"/>
Police	<input type="checkbox"/>
Public Works	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>

Agenda Item Number

New Business #3

Tracking Number

EDC 2020-40

Agenda Item Summary Memo

Title: Property Maintenance Report for July 2020

Meeting and Date: Economic Development Committee – September 1, 2020

Synopsis: _____

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Informational

Council Action Requested: None

Submitted by: Pete Ratos Community Development
Name Department

Agenda Item Notes:

Have a question or comment about this agenda item?

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Memorandum

To: Economic Development Committee
From: Pete Ratos, Code Official
CC: Bart Olson, Krysti Barksdale-Noble, Lisa Pickering
Date: July 29, 2020
Subject: July Property Maintenance

Property Maintenance Report July 2020

Adjudication:

3 Property Maintenance Case heard in July

7/27/2020

N 4243	706 Heustis St	Weeds	Liabe \$1,000
N 4244	555 Bluestem Dr	Weeds	Dismissed
N 4245	2000 Ogden Ave	Weeds	Dismissed



Case Report

7/1/2020 - 7/31/2020

Case #	Case Date	ADDRESS OF COMPLAINT	TYPE OF VIOLATION	STATUS	VIOLATION LETTER SENT	FOLLOW UP STATUS	CITATION ISSUED	DATE OF HEARING	POSTED	FINDINGS	PUBLIC WORKS TO MOW
20200342	7/31/2020	1483 Orchid St	Junk, Trash & Refuse	IN VIOLATION	7/31/2020						
20200341	7/31/2020	3131 Lauren Dr	Watering Lawn Outside of Permitted Hours of Water Use	IN VIOLATION							
20200340	7/30/2020	2422 Fitzhugh Turn	Watering Lawn Outside of Permitted Hours of Water Use	IN VIOLATION							
20200339	7/29/2020	372-378 Sutton St	Junk, Trash & Refuse	IN VIOLATION							
20200338	7/29/2020	15 Cannonball Tr	Truck & Trailer Parking	IN VIOLATION	7/29/2020						
20200337	7/29/2020	2444 Alan Dale Ln	Watering Lawn Outside of Permitted Hours of Water Use	IN VIOLATION							
20200336	7/28/2020	579 Kendall Dr	Weeds	IN VIOLATION	7/28/2020						
20200335	7/28/2020	All Vacant Lots	Weeds & Grass	CLOSED		COMPLIANT					
20200334	7/28/2020	509 Morgan St	Chickens In Yard	IN VIOLATION	7/28/2020						
20200333	7/28/2020	121 Strawberry Ln	Watering Lawn Outside of Permitted Hours of Water Use	IN VIOLATION							
20200332	7/27/2020	706 Heustis St	Grass Height	IN VIOLATION					7/27/2020		
20200331	7/27/2020	684 W Veterans Pkwy	Dead Trees	IN VIOLATION							
20200330	7/27/2020	684 W Veterans Pkwy	Junk, Trash & Refuse	IN VIOLATION							
20200329	7/24/2020	1304, 1228 &	Weeds	CLOSED		COMPLIANT					

20200328	7/24/2020	2422 Fitzhugh Turn	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200327	7/24/2020	2811 Cryder	Weeds	CLOSED		COMPLIANT			7/24/2020		
20200326	7/24/2020	2896 McLellan	Weeds	CLOSED		COMPLIANT			7/24/2020		
20200325	7/23/2020	3232 Lauren Dr	Weed and Construction Debris	CLOSED		COMPLIANT					
20200324	7/22/2020	206-7 River Rd	Unlicensed Vehicle	IN VIOLATION	7/22/2020						
20200323	7/22/2020	684 W Veterans	Weeds & Grass	CLOSED							
20200322	7/22/2020	599 W Barberry	Weeds & Grass	CLOSED							
20200321	7/22/2020	4100 N Bridge St	Watering Lawn Outside of Permitted Hours of Water Use	IN VIOLATION			7/23/2020	8/24/2020			
20200320	7/22/2020	206-7 River Rd	Junk, Trash & Refuse	IN VIOLATION	7/22/2020						
20200319	7/22/2020	1331 E Spring St	Weeds	IN VIOLATION					7/22/2020		
20200318	7/22/2020	1133 Taus Cir	Weeds	IN VIOLATION					7/22/2020		
20200317	7/21/2020	853 Prairie Crossing Dr	Camper Obstructing Public Walk	CLOSED		COMPLIANT					
20200316	7/21/2020	906 N Carly Cir	Grass & Weeds	CLOSED		COMPLIANT			7/21/2020		
20200315	7/21/2020	983 S Carly Cir	Grass & Weeds	CLOSED		COMPLIANT			7/21/2020		
20200314	7/21/2020	1023 S Carly Cir	Grass & Weeds	CLOSED		COMPLIANT			7/21/2020		
20200313	7/21/2020	1162 Taus Cir	Grass & Weeds	IN VIOLATION					7/21/2020		
20200312	7/21/2020	1610 Cypress Ln	Tree/Branches Obstructing Public Walk	IN VIOLATION							
20200311	7/20/2020	Redwood Dr	Grass & Weeds	CLOSED		COMPLIANT					
20200310	7/20/2020	Berrywood Ave	Junk, Trash & Refuse	CLOSED							
20200309	7/20/2020	Rt 34 & Americana Way	Bike Path Signage Obstructed View	CLOSED							

20200308	7/20/2020	0208100006	NOXIOUS ODOR COMING FROM GREEN ORGANICS	PENDING							
20200307	7/17/2020	2311 Prairie Grass Ln	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200306	7/17/2020	2998 Ellsworth Dr	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200305	7/17/2020	2994 Ellsworth Dr	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200304	7/17/2020	4100 N Bridge St	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200303	7/17/2020	1433 Pleasant Ct	Weeds	CLOSED		COMPLIANT					
20200302	7/17/2020	517 Cheshire Ct	Weeds	CLOSED		COMPLIANT					
20200301	7/17/2020	4473 Tampa Dr	Weeds	CLOSED		COMPLIANT					
20200300	7/17/2020	2486 Ellsworth Ct	Working without a Permit	CLOSED		COMPLIANT					
20200299	7/14/2020	1213 S Bridge St	Cars Parked on Grass	CLOSED		COMPLIANT					
20200298	7/14/2020	2036 Wren Rd	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200297	7/14/2020	3405 Ryan Dr	Installing Temp Pool over Electric Lines	CLOSED		COMPLIANT					
20200296	7/13/2020	212 S Bridge St	Cigarette butts	CLOSED							
20200295	7/13/2020	309 Muhern Ct	Working without a Permit	CLOSED		COMPLIANT					
20200294	7/13/2020	385 Shadow Wood Dr	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					

20200293	7/13/2020	453 Poplar Dr	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200292	7/13/2020	1962 Meadowlark Ln	Grass & Weeds	IN VIOLATION							
20200291	7/13/2020	2036 Wren Rd	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200290	7/13/2020	2001 Wren Rd	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200289	7/10/2020	871 Purcell St	Weeds	CLOSED		COMPLIANT					
20200288	7/10/2020	847 Greenfield	Weeds	CLOSED		COMPLIANT					
20200287	7/10/2020	905 Stony Creek	Grass & Weeds	CLOSED		COMPLIANT			7/10/2020		
20200286	7/10/2020	471 E Kennedy Rd	Adding Fill and Affecting Drainage	IN VIOLATION	7/20/2020						
20200285	7/8/2020	2491 Anna Maria Ln	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200284	7/8/2020	3182 Matlock Dr	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200283	7/8/2020	2481 Anna Maria Ln	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200282	7/8/2020	2461 Anna Maria Ln	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200281	7/8/2020	2451 Anna Maria Ln	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					

20200280	7/8/2020	2796 Gains Ct	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200279	7/8/2020	512 Shadow Wood Dr	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200278	7/8/2020	3252 Lauren Dr	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200277	7/8/2020	111 Madison St	LEAD PAINT	TO BE INSPECTED							
20200276	7/8/2020	MILL ST SIDE OF	ITEMS IN PARKWAY	TO BE INSPECTED							
20200275	7/7/2020	2444 Alan Dale Ln	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200274	7/7/2020	1503 Montrose Ct	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200273	7/7/2020	2001 Wren Rd	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200272	7/7/2020	2036 Wren Rd	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200271	7/7/2020	2031 Wren Rd	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200270	7/7/2020	2120 Hearthstone Ave	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					

20200269	7/7/2020	2121 Hearthstone Ave	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200268	7/7/2020	599 Parkside Ln	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200267	7/7/2020	752 Kentshire	Weeds	CLOSED		COMPLIANT					
20200266	7/7/2020	712 Kentshire Dr	Watering Lawn Outside of Permitted Hours of Water Use	CLOSED		COMPLIANT					
20200265	7/7/2020	1297 Chestnut Ln	Junk, Trash & Refuse	CLOSED	7/7/2020	COMPLIANT					
20200264	7/6/2020	402	GOATS	PENDING							
20200263	7/6/2020	710 Heustis St	WEEDS, TRASH, TRUCKS ON SIDEWALK	IN VIOLATION							

Total Records: 80

7/31/2020



Reviewed By:	
Legal	<input type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
Human Resources	<input type="checkbox"/>
Community Development	<input type="checkbox"/>
Police	<input type="checkbox"/>
Public Works	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>

Agenda Item Number

New Business #4

Tracking Number

EDC 2020-41

Agenda Item Summary Memo

Title: Economic Development Report for August 2020

Meeting and Date: Economic Development Committee – September 1, 2020

Synopsis: See attached.

Council Action Previously Taken:

Date of Action: N/A Action Taken: _____

Item Number: _____

Type of Vote Required: _____

Council Action Requested: _____

Submitted by: Bart Olson Administration
Name Department

Agenda Item Notes:

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Phone 630-553-0843 • FAX 630-553-0889

Monthly Report – for September 2020 EDC Meeting of the United City of Yorkville

August 2020 Activity

COVID-19:

- Continuously working with the Small Business Development Center (SBDC), the State of Illinois (DCEO), the State of Illinois Treasurer's Office, and the Small Business Administration (SBA); to collect information for the business community on loans, grants and other programs of assistance. The programs rolled out in late June/early July are the **State of IL BIG Grant program, and the Childcare Restoration Credit Program**. Since these programs focus on very specific businesses, I have personally reached out to all eligible businesses to provide links and info. **Yorkville winners of the BIG Grants include:** Stephen Alan Salon, Venus Nails, LA Tan, Grace Coffee & Wine, Lakeview Grille, Sunfield's Restaurant. Wings Etc. Grill & Pub, and Taekwondo Korea Center. The BIG grants totaled \$130,000. **Yorkville winners of the Childcare Restoration Credit Program** are The Heartland School, We Grow Kids, Little Learners Academy, and Lighthouse Academy.
- **The Downstate Small Business Stabilization Program (DSBSP)** has offered a unique opportunity to our business community through the State of Illinois. That application, and overall process is quite lengthy. We have a total of 28 businesses who have moved forward in applying for this grant, which could result in up to \$25,000 for the awardee. We are waiting to learn how our businesses have done. At the time of this writing, we do NOT have any results on awards for our businesses from the State of Illinois.
- **Phase 4 of Reopening Illinois**, allows our restaurants to open with both indoor and outdoor seating. Continue to work with all of our local restaurants and businesses as they pivot, to open under current guidelines. I am also working with restaurants to begin to plan for the colder weather, and uncover ways the City can help these businesses to be as successful as possible.
- The **PPP Program** is now moving into the "Loan Forgiveness" application. This process is even more complex than the application process was. Also, the rules of the program have changed significantly. I am working with individuals from government, banks, and other resources to assist businesses begin to complete the next application.
- Continue to work with the Yorkville Chamber to drive information about our local business and the Phase 4 opening of businesses.
- Locate other grant programs through associations and other organizations, that may assist employees of certain business, and assist in getting information out to these businesses and their employees.
- Personally, spoke with other businesses owners to collect data to assist in City of Yorkville for planning purposes, as requested.
- Participate in weekly tele-conferences with my colleagues from the SBDC, other municipalities of our County, and Kendall County representative to discuss programs, challenges, best practices, and general information.
- Identified, promoted and participated in a variety of Webinars that provided information on various assistance programs, at all levels.

New Development:

- Kendall Marketplace: **Verizon...** Construction complete, building turned over to Verizon for final preparation and September opening.
- Kendall Marketplace: **Smoothie King...** Construction is underway. Owner, Yonas Hagos, hopes to open in late fall 2020.
- Kendall Marketplace: **Signature Fitness...** Owner remains committed to Yorkville location. Opening will take place in late fall/early winter 2020.
- Yorkville Crossing: **Popeye's...** Construction is complete. Hiring being wrapped up. Waiting for Nicor to bring natural gas to the restaurant. That should happen on Friday, August 28th. Opening in early September.
- **Gas N Wash:** Opened as planned on July 18th. While the Gas N Wash opened, Dunkin was not able to open, at that time. They plan to open around September 1st. Full store Ribbon cutting is scheduled for September 25th.
- **Raging Waves Waterpark:** Park is now open on weekends only, and will close for the season after Labor Day.
- Fountain Village: The new restaurant called **Cocina Madre** (which means Mom's kitchen) in the former Subway space is open.
- Yorkville Marketplace: Owner of **Pho Shack**, TJ Nguyen, remains committed to the restaurant location in Yorkville. Opening will take place by the end of summer 2020.
- **Taekwondo Korea Center** has relocated to 288 E. Veterans Parkway. This is the building with Maciano's Pizza, directly in front of Jewel/Osco.

Lynn Dubajic

651 Prairie Pointe Drive, Suite 102

Yorkville, IL 60560

lynn@dlkllc.com

630-209-7151 cell



Reviewed By:	
Legal	<input checked="" type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
Human Resources	<input type="checkbox"/>
Community Development	<input checked="" type="checkbox"/>
Police	<input checked="" type="checkbox"/>
Public Works	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>

Agenda Item Number

New Business #5

Tracking Number

EDC 2020-42

Agenda Item Summary Memo

Title: Limited Manufacturing Uses in Residence District

Meeting and Date: Economic Development Committee – September 1, 2020

Synopsis: Discussion regarding permitting limited manufacturing uses, specifically firearm manufacturing, in residentially zoned districts.

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: _____

Council Action Requested: Direction

Submitted by: Krysti Barksdale-Noble, AICP Community Development
Name Department

Agenda Item Notes:

See attached memo.



Memorandum

To: Economic Development Committee
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Jason Engberg, Senior Planner
Bart Olson, City Administrator
Date: August 25, 2020
Subject: **Limited Manufacturing Uses permitted in Residential Districts**
Request to allow gun manufacturing as a permitted or special use in residentially zoned districts.

Summary:

Staff is seeking direction from the Economic Development Committee regarding a request by Alderman Funkhouser to amend the City's Zoning Ordinance to permit limited manufacturing uses in residentially zoned districts, specifically the ability to allow the manufacturing of firearms for owners with a Type 7 Federal Firearms License.

Background:

In June, staff was contacted by a resident who owns a local gun manufacturing business located in the Yorkville Business Center on a property zoned as M-1 Limited Manufacturing District. The resident is looking to relocate his operation into his home garage to reduce the overhead of leasing space. Due to the nature of the work conducted as part of the business, the owner has a Type 7 Federal Firearms License (FFL) which is for manufacturers of firearms.

Staff informed the businessowner that the current zoning ordinance only permits the manufacturing of firearms in the M-1 and M-2 districts, per an ordinance passed in 2012. Alderman Funkhouser has asked that the City Council consider an amendment to the Zoning Ordinance to allow home operations for FFL holders who manufacture firearms.

Manufacturing of Firearms & Ammunition in M-1 & M-2 Districts:

Currently, the City's zoning ordinance defines and identifies "manufacturing of firearms and ammunition" as a permitted use only with the M-1 Limited Manufacturing and M-2 General Manufacturing Districts for the purposes of allowing the transport, shipping and receiving firearms and ammunition, as well as the repairing, making or fitting special barrels, stocks or trigger mechanisms to firearms.

A Manufacturer of Firearms and Ammunition is defined as "*Any person or entity engaged in (A) the business of transporting, shipping and receiving firearms and ammunition for the purpose of sale or distribution (B) selling firearms at wholesale or retail, (C) repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms and operating under the provisions of the applicable local, state and federal licenses.*"

As with any manufacturer of firearms and/or ammunition, a federal license issued by the U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is required. A copy of application information for Federal Firearms License (FFL) has been attached for your reference. According to the ATF, a Type 7 Federal Firearms License allows for the manufacturing of firearms, other than destructive devices.

According to the ATF Federal Firearms Reference Guide, a Type 7 Federal Firearms License allows for pawnbroker's sale and the sale of firearms and ammunition at retail. This was discussed by the then Planning Commission and City Council in 2012 and the ability to manufacture firearms in residential districts was recommended against after staff recommendation and brief discussion. Staff occasionally

receives calls from the local ATF field office to confirm if a location listed in an FFL application permits the type of use per our zoning ordinance.

Staff Comments:

Staff is concerned this use would be similar to a “home occupation” with the potential for selling firearms within a residential setting. Additionally, there is the possibility that the manufacturing use would require special equipment not customary in a residence and/or the need to operate in a space separate from the main residence (i.e., garage, detached shed/accessory structure). All of which is contrary to the provisions for a permitted home occupation in the Zoning Ordinance.

Additional research of area municipalities and their zoning regulations of firearm manufacturing is currently underway by staff, and additional information will be provided at the EDC meeting. We have also reached out to the Police Department for their input. Feedback from Police staff should also be available at Tuesday night’s meeting. However, if the Committee were to consider such a use in the residential district, staff’s initial recommendation would be to require Special Use authorization.

We are seeking formal direction from the Economic Development Committee (EDC) to pursue a text amendment to permit limited manufacturing uses, specifically firearm manufacturing, in residentially zoned districts. If it is the concurrence of the Committee to amend, staff and the City Attorney will prepare the appropriate ordinance language per your direction and bring back to the Committee prior to presenting at a public hearing before the Planning and Zoning Commission.

Attachments

1. Staff memorandum to Planning Commission dated May 3, 2012 for the June 13, 2012 Plan Commission meeting re: Text Amendment to the M-1 & M-2 Manufacturing Districts to identify Indoor Shooting Gallery/Range as a Special Use and allow as a permitted use the Manufacturing of Firearms and Ammunition.
2. Public Hearing transcript and minutes from the June 13, 2012 Plan Commission meeting.
3. Ordinance 2012-22 approving text amendment to the M-1 and M-2 Manufacturing Districts to identify Indoor Shooting Gallery/Range as a Special Use and allow as a permitted use the Manufacturing of Firearms and Ammunition.
4. ATF Federal Firearms License Infographics
5. ATF Application Form



Memorandum

To: Plan Commission
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Bart Olson, City Administrator
Date: May 3, 2012
Subject: **Text Amendment to the M-1 & M-2 Manufacturing Districts to identify Indoor Shooting Gallery/Range as a Special Use and allow as a permitted use the Manufacturing of Firearms and Ammunition.**

Special Use for Indoor Shooting Gallery/Range Request:

As proposed, the operation of an indoor shooting gallery/gun range would be allowed as a special use within both the M-1 Limited Manufacturing and M-2 General Manufacturing Districts. This would include the indoor practicing of target shooting open to the public within an enclosed building and offer ancillary retail sales of firearms and associated products. Currently, indoor shooting galleries are not permitted within any district of the City; however, the sale of firearms is permissible within sporting goods stores and pawn shops. The zoning ordinance would be amended to define an “indoor shooting gallery/gun range” as follows:

Shooting Gallery/Gun Range, Indoor: *an enclosed facility, public or private, specifically for the purpose of providing a place in which to discharge various types of firearms, shoot air guns and/or archery equipment at designated targets and designed to contain all projectiles fired within the confines of the building. Auxiliary training and instructional classroom facilities may also be provided, as well as ancillary retail sales of firearms, ammunition and associated products upon proof of applicable local, state and federal licensure.*¹

The M-1 and M-2 Manufacturing districts in the city’s zoning ordinance are intended to regulate the production, processing, cleaning, servicing, testing or repair of products, as well as the storage of materials, goods or products which conforms to the performance standards established for the districts. Although an indoor shooting gallery/gun range may broadly fall under the “testing of products” use, identifying and defining it as a special use in the manufacturing districts allows the city more discretion on a case-by-case basis of where each facility will be located and operated.

Zoning/Land Use

The bulk requirements for the M-1 and M-2 Manufacturing Districts are as follows:

	Yard Areas	Lot Coverage	Floor Area Ratio
M-1 Limited Manufacturing District	Front: Min. 25 ft. ²	Max. 60% of the lot area	Max. 0.8
	Side: Min. 10% of lot width/Max. 20 ft.		
M-2 General Manufacturing District	Front: Min. 25 ft. ²	Max. 60% of the lot area	Max. 0.85
	Side: Min. 10% of lot width/Max. 20 ft.		

Currently, there are nearly 100 parcels within the M-1 and M-2 zoning districts within the City of Yorkville, a majority of which are located in the Fox Industrial Park and the Yorkville Business

¹ Definition derived, in part, from the National Rifle Association (NRA) *The Range Source Book – A Guide to Planning and Construction* and the U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) *Federal Firearms Regulations Reference Guide 2005*.

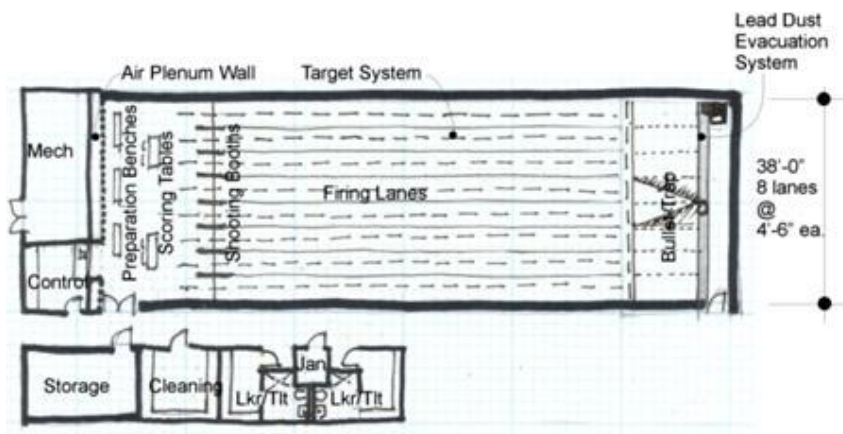
² However, where lots within the same block and comprising 40% of frontage on the same street are already developed with an average depth of less than 25 feet, then such average depth shall be the required front yard depth for such frontage in said block (Section 10-8A-4 of the Yorkville Zoning Ordinance).

Center. The attached map illustrates the M-1 and M-2 districts within the City that may be affected by the proposed text amendment. Aside from the required yard setbacks, there are no provisions within the zoning code regulating the minimum distance between an enclosed building in a manufacturing district and a residentially zoned property.

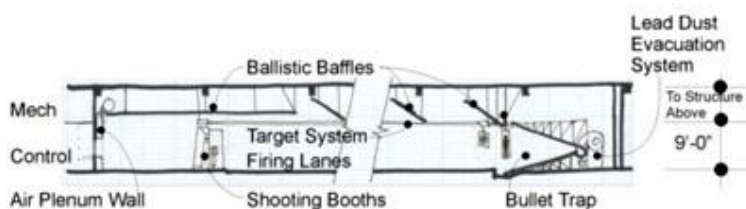
Therefore, **staff is also proposing** to establish a minimum building setback of fifty (50) feet from any property line for indoor shoot gallery/gun range facilities which abuts a residentially zoned property. This restriction with regards to proximity of adjacent homes will provide an appropriate buffer between the differing land uses and address any perceived noise and safety (i.e. projectiles penetrating walls) concerns.

Facility Design Considerations

According to the National Rifle Association (NRA), a typical indoor shooting gallery is designed with four (4) main construction considerations: shooter needs, type of shooting activity to be conducted, number of firing points and the number of users anticipated. Building design industry standards estimate an indoor firing range consisting of eight (8) firing lanes will utilize approximately 6,000 square feet of tenant space. The following diagrams are representative of typical tenant plans for an indoor gun range.³



Firing Range Space Type



Firing Range Section

Parking Regulations

Off-street parking requirements should also be considered for indoor shooting gallery/gun range facilities, as they are a unique user category and may not be adequately addressed in Section 10-11-4 Schedule of Parking Requirements in the City's Zoning Ordinance. According to staff research and the American Planning Association (APA) Planning Advisory Service 2002 Parking Standards manual, an indoor shooting range should have a minimum of one (1) parking space per firing lane and one (1) space per staff member. These parking standards are in addition to any required parking for auxiliary training classrooms and ancillary retail area.

³Source: Whole Building Design Guide (WBDG) a program of the National Institute of Building Sciences
www.wbdg.org/design/firing_range.php.

Based upon the APA's recommendation and discussions with other area planners regarding the popularity of such uses, **staff recommends** a minimum of two (2) parking spaces per firing lane; one (1) parking space per staff member; eight (8) parking spaces for each instructional classroom, if any; plus all other parking requirements for any associated office and/or retail use within or on the premises of an indoor shooting gallery/gun range.

Other Departmental/Agency Considerations

Police

The proposed text amendment is not contradictory to Section 5-3-6: Weapons; Air Rifles under Police Regulations of the City Code which states “[n]o person shall fire or discharge any gun, pistol or other firearm within the limits of the city except upon the premises used by a duly a licensed shooting gallery, a gun club or a rifle club, or upon prior application to the chief of police on the city and prior written approval by the said chief of police; and provided further, that the provisions of this section shall not apply to the discharge of firearms by police or other officers in the discharge of their duties.”

Building

Any proposed shooting gallery/gun range will need to meet the current building code standards adopted by the city. The 2009 International Building Code (IBC) would classify this type of use as a Storage Group S and an incidental use in the Assembly (A), Business (B), Educational (E), Industrial (I), Manufacturing (M) or Residential (R) occupancy groups requiring fire sprinklers and separation from other occupancies by a minimum 2-hour fire wall (partition).

Particular consideration will be given to the following operational systems: (1) ventilation – indoor ranges may contain elevated levels of airborne lead which can be a potential threat to the health of those working in or patronizing the facility. Specific guidelines for supply and exhaust systems for indoor ranges are provided for in the 2009 IBC; (2) construction – specific materials are required in the construction of side walls, baffles, bullet traps, overhead containment and other areas where a projectile can impact or ricochet in an indoor shooting range; (3) noise – recommended maximum noise levels permitted for an indoor shooting range is 85 decibels to ensure the ability for communication between the shooters and range officials, as well as mitigate excessive noise to surrounding properties; and finally (4) lighting – special energy efficient fluorescent light fixtures are required to be used in indoor shooting ranges to create ambient and targeted lighting, minimizing glare on wall surfaces.

Fire District

The Bristol Kendall Fire District will enforce the city's adopted 2009 International Fire Code (IFC) when reviewing plans and inspecting any proposed indoor shooting gallery/gun range facilities, should the text amendment be approved. As mentioned previously, all such uses will be required to be fire sprinkled and provide a fire detection device.

Manufacturing of Firearms & Ammunition in M-1 & M-2 Districts:

For the purposes of allowing the transport, shipping and receiving firearms and ammunition as well as the repairing, making or fitting special barrels, stocks or trigger mechanisms to firearms within the manufacturing districts, **staff proposes** to amend the City's zoning ordinance to define and identify “manufacturing of firearms and ammunition” as a permitted use with the M-1 Limited Manufacturing and M-2 General Manufacturing Districts. The following proposed new definition would also be added in the zoning ordinance:

Manufacturer, Firearms and Ammunition: *Any person or entity engaged in (A) the business of transporting, shipping and receiving firearms and ammunition for the purpose of sale or distribution (B)*

*selling firearms at wholesale or retail, (C) repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms and operating under the provisions of the applicable local, state and federal licenses.*⁴

As with any manufacturer of firearms and/or ammunition, a federal license issued by the U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) is required. A copy of application information for Federal Firearms License (FFL) has been attached for your reference.

Finally, since it is envisioned that sale of firearms and ammunition will be ancillary to the indoor shooting gallery/gun range use, **staff proposes** that the retail component of the facility be no more than twenty-five percent (25%) of the total floor area. This will ensure that the majority of the space is used for manufacturing purposes and not merely as a gun shop.

Other Communities:

Staff has queried local communities to determine if and how shooting galleries/gun ranges or similar type uses are permitted and regulated within their respective zoning ordinances. The following table provides information about how each surveyed community identifies shooting galleries and/or gun ranges, how they are classified, and the zoning district which they are allowed. This should serve as a guide for the Plan Commission as to how Yorkville's proposed text amendment to allow indoor shooting galleries/gun ranges in the manufacturing districts might compare to nearby communities.

Community	Identified Use(s)	Permitted or Special Use	Zoning District(s) Allowed
Kendall County	Indoor Target Practice	Special Use	A-1, B-Districts, M-1, M-2
	Outdoor Target Practice	Special Use	M-1, M-2
	Outdoor Commercial Sporting Activities	Special Use	A-1
North Aurora	Unspecified Uses	Special Use	I-2
Montgomery	Indoor Gun Range	Special Use	M-1
	Manufacturing of Ammunition	Permitted	M-1, M-2
Sugar Grove	Practice Pistol & Rifle Ranges, Skeet or Trap Shooting	Special Use	A-1
	Gun Assembly	Permitted Use	M-1
Oswego	Recreational/Training Use	Special Use	B-2, B-3, M-1, M-2
	Production of Firearms and Equipment	Permitted Use	M-1

Staff Recommendation Summary:

1. Amend Title 10-8A-3 to identify “***indoor shooting gallery/gun range***” as a special use within the M-1 Limited Manufacturing District and Title 10-8B-3 of the M-2 General Manufacturing District.
2. Amend Title 10-2-3 of the Zoning Ordinance to include the following definition:

Shooting Gallery/Gun Range, Indoor: *an enclosed facility, public or private, specifically for the purpose of providing a place in which to discharge various types of firearms, shoot air guns and/or archery equipment at designated targets and designed to contain all projectiles fired within the confines of the building. Auxiliary training and instructional classroom facilities may*

⁴ Definition derived, in part, from Section 478.41 (B) of the United States Gun Control Act.
<http://www.atf.gov/publications/download/p/atf-p-5300-4.pdf>

also be provided, as well as ancillary retail sales of firearms, ammunition and associated products upon proof of applicable local, state and federal licensure.

3. Require a minimum building setback of fifty (50) feet from any property line for indoor shoot gallery/gun range facilities which abuts a residentially zoned property.
4. Require a minimum of two (2) parking spaces per firing lane; one (1) parking space per staff member; eight (8) parking spaces for each instructional classroom, if any; plus all other parking requirements for any associated office and/or retail use within or on the premises of an indoor shooting gallery/gun range.
5. Amend Titles 10-8A-1 and 10-8B-1 to identify “***manufacturing of firearms and ammunition***” as a permitted use within the M-1 Limited Manufacturing and M-2 General Manufacturing Districts.
6. Amend Title 10-2-3 of the Zoning Ordinance to include the following definitions:
Manufacturer, Firearms and Ammunition: *Any person or entity engaged in (A) the business of transporting, shipping and receiving firearms and ammunition for the purpose of sale or distribution (B) selling firearms at wholesale or retail, (C) repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms and operating under the provisions of the applicable local, state and federal licenses.*
7. Require that retail operations be ancillary to an indoor shooting gallery/gun range facility with no more than twenty-five percent (25%) of the total floor area.

Staff will be available to answer any questions the Plan Commission may have regarding the proposed text amendment. Should the Plan Commission decide to recommend approval of the proposed text amendment, draft motion language has been prepared below for your convenience.

Proposed Motion:

In consideration of testimony presented during a Public Hearing on May 9, 2012 and approval of the amended findings of fact, the Plan Commission recommends approval to the City Council of a request for text amendment to Title 10, Chapter 8, Article A M-1 Limited Manufacturing District and Article B M-2 General Manufacturing District of the United City of Yorkville’s City Code, as presented by staff in a memorandum dated May 3, 2012, and further subject to {insert any additional conditions of the Plan Commission}...

Attachments:

1. Current Title 10, Chapter 8, Article A. M-1 Limited Manufacturing District of the United City of Yorkville’s Municipal Zoning Ordinance.
2. Current Title 10, Chapter 8, Article B. M-2 General Manufacturing District of the United City of Yorkville’s Municipal Zoning Ordinance.
3. M-1 and M-2 Zoning District Maps.
4. Federal Firearms License (FFL) application information (U.S. Department of Justice Bureau of Alcohol, Tobacco, Firearms and Explosives).
5. Copy of Public Notice.

UNITED CITY OF YORKVILLE
PLAN COMMISSION
City Council Chambers
Wednesday, June 13, 2012 7:00pm

Commission Members in Attendance:

Chairman Tom Lindblom	Sandra Adams
James Weaver	Charles Kraupner
Art Prochaska	Jack Jones

Absent: Michael Crouch, Jeff Baker, Jane Winninger

Other City Staff

Krysti Barksdale-Noble, Community Development Director

Other Guests –

Angie Phipps, Depo Court

Meeting Called to Order

Chairman Tom Lindblom called the meeting to order at 7pm.

Roll Call

Roll call was taken and a quorum was established.

Previous Meeting Minutes April 11, 2012

The minutes were approved as read on a motion by Adams and Kraupner. Voice vote approval.

Citizen's Comments None

Public Hearings

- 1. PC 2012-03 United City of Yorkville is proposing to amend Title 10, Chapter 8, Article A the M-1 Limited Manufacturing District and Article B the M-2 General Manufacturing District, of the Yorkville Zoning Ordinance to permit as a special use and provide regulations for indoor shooting galleries/ranges; and to also add as a permitted use the manufacturing of firearms and ammunition within those Manufacturing Districts.**

A motion was made by Jones and seconded by Prochaska to enter into Public Hearing. Voice vote approval. Chairman Lindblom read the proposal aloud. Since no one from the public was in attendance for the Public Hearing, a motion was made by Prochaska and seconded by Jones to close the Public Hearing. Voice vote approval.

Old Business none

New Business

1. PC 2012-03 (same as above)

Ms. Barksdale-Noble said this case is a text amendment and accomplishes 2 things:

1. Amends the M1 and M2 districts to permit indoor shooting galleries/ranges as a special use.
2. Amends the same manufacturing districts to allow the manufacture of firearms and ammunition as a permitted use.

Staff members, the police and other towns provided feedback and staff members provided 7 recommendations:

1. To amend the title to identify indoor shooting galleries, gun ranges as a special use within the M1 and M2 manufacturing districts.
2. To incorporate new definition for shooting gallery or range indoor as follows: enclosed facility, public or private, specifically to provide a place to discharge various types of firearms, air guns or archery equipment at designated targets and designed to contain all projectiles fired. Auxiliary training and classroom facilities may also be provided and allow ancillary retail sales of firearms, ammunition and associated products upon proof of all licensing.
3. Require a minimum building setback of 50 feet from any property line or indoor shooting gallery gun range facilities.
4. Require minimum of 2 parking spaces per fire lane, 1 per staff member, 8 spaces for each instructional classroom, plus all other applicable parking requirements
5. Amend both titles to identify manufacture of firearms as a permitted use and to add a definition for manufacture of firearms and ammunition
6. Amend Title 10-2-3 of the Zoning Ordinance to include the following definitions:
Manufacturer, Firearms and Ammunition: Any person or entity engaged in (A) the business of transporting, shipping and receiving firearms and ammunition for the purpose of sale or distribution (B) selling firearms at wholesale or retail, (C) repairing firearms or of making or fitting special barrels, stocks, or trigger mechanisms to firearms and operating under the provisions of the applicable local, state and federal licenses.
7. Require retail operation be ancillary to the indoor gun range with no more than 25% of the floor area.

The floor was then opened for questions. Commissioner Prochaska asked why this matter was being relegated to manufacturing district in view of the manufacturing definition. Since the sale of ammunition is reserved for manufacturing, he asked how any store could open anywhere else. Ms. Barksdale-Noble said the sale is not being restricted to manufacturing, rather it allows sales to occur there. The sales are also allowed in the business district.

Krysti said she was approached by a local business last year about obtaining their Federal Firearms License (FFL) for a shooting gallery/instructional area and there was no mechanism in place. Another resident requested the same operation in a residential area, however, the City does not want this use tied to a residence. The licenses also have various levels. Mr. Prochaska asked if there is a benefit to prevent someone in this type

of business, from being in the business district. Krysti said she could add business district as being allowed to have a shooting gallery, to the text amendment if the Commissioners wished. Chairman Lindblom agreed with this.

It was decided to continue this matter to the next meeting to allow for the revisions to be made. Mr. Prochaska moved and Mr. Jones seconded the motion to continue PC 2012-03 to the July meeting. Voice vote approval.

2. Development Applications and Plan Commission Procedures for Findings of Fact

Krysti said there were discussions in the past to amend the development forms. These revisions would allow petitioners to write their answers to the standards for variations and special uses which would provide a written record. Staff will revise all the applications. The Commission agreed this would be beneficial. Mr. Prochaska said it allows the petitioner to know upfront what is needed and Chairman Lindblom said it places the responsibility on the petitioner.

Additional Business

Ms. Barksdale-Noble will provide Rt. 47 updates in an email and IDOT will provide updates as the project moves along farther.

Adjournment

There was no further business and Prochaska moved and Jones seconded the motion to adjourn. Meeting adjourned at 7:20pm

Respectfully submitted by
Marlys Young, Minute Taker

UNITED CITY OF YORKVILLE

YORKVILLE, ILLINOIS

PLAN COMMISSION MEETING

PUBLIC HEARING

800 Game Farm Road

Yorkville, Illinois

Wednesday, June 13, 2012

7:00 p.m.



1300 Iroquois Avenue, Suite 145
Naperville, IL 60563

630-983-0030 • Fax: 630-778-4824

Email: depocourt@depocourt.com • www.depocourt.com

1 PRESENT:

2 Mr. Tom Lindblom, Chairman,

3 Mr. Art Prochaska,

4 Mr. Charles Kraupner,

5 Ms. Sandra Adams,

6 Mr. James Weaver.

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9 ALSO PRESENT:

10 Ms. Krysti Noble, Community Development

11 Director;

12 Ms. Marlys Young, Minute Taker.

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1 CHAIRMAN LINDBLOM: For the record, I would
2 entertain a motion for public hearing, PC 2012-03.

3 MR. PROCHASKA: So moved.

4 MR. WEAVER: Second.

5 CHAIRMAN LINDBLOM: Moved and seconded.
6 Comments on the motion? Opposed?

7 (No response.)

8 CHAIRMAN LINDBLOM: For the record, let me
9 read the notice on this. PC 2012-03, United City of
10 Yorkville is proposing to amend Title 10, Chapter 8,
11 Article A, the M-1 Limited Manufacturing District and
12 Article B, the M-2 General Manufacturing District, of
13 the Yorkville Zoning Ordinance to permit as a special
14 use and provide regulations for indoor shooting
15 galleries/ranges; and to also add as a permitted use
16 the manufacturing of firearms and ammunition within
17 those Manufacturing Districts.

18 With that, I don't see anyone here for the
19 public hearing. I suspect we can close the public
20 hearing, and we can discuss this.

21 MR. PROCHASKA: Move to close the public
22 hearing.

23 MS. ADAMS: Second.

24 CHAIRMAN LINDBLOM: Moved and seconded to

1 close public hearing. All in favor, say aye.

2 (A chorus of ayes.)

3 CHAIRMAN LINDBLOM: The public hearing is
4 closed.

5 (Which were all the
6 proceedings had.)

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1 STATE OF ILLINOIS)

)SS.

2 COUNTY OF KENDALL)

3 I, Angela Phipps, a Certified Shorthand
4 Reporter for the State of Illinois, do hereby certify
5 that I reported in shorthand the proceedings had at the
6 hearing of the above-entitled cause and the foregoing
7 Report of Proceedings, Pages 1 through 4, inclusive, is
8 a true, correct, and complete transcript of my
9 shorthand notes taken at the time and place aforesaid.

10 I further certify that I am neither counsel
11 for nor related to counsel for any of the parties to
12 these proceedings, nor am I in any way related to any
13 of the parties to these proceedings, nor am I in any
14 way interested in the outcome thereof.

15 I further certify that my certificate annexed
16 hereto applies to the original transcript and copies
17 thereof, signed and certified under my hand only. I
18 assume no responsibility for the accuracy of any
19 reproduced copies not made under my control.

20 IN TESTIMONY WHEREOF, I have hereunto set my
21 hand this 10th day of July, 2012.

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ANGELA PHIPPS, CSR

CSR No. 084-003506

**UNITED CITY OF YORKVILLE
KENDALL COUNTY, ILLINOIS**

ORDINANCE NO. 2012-22

AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS,
APPROVING AMENDMENTS TO THE YORKVILLE ZONING ORDINANCE
PROVIDING FOR INDOOR SHOOTING RANGES AS SPECIAL USES AND FOR THE
MANUFACTURING OF FIREARMS AND AMMUNITION AS A PERMITTED USE

Passed by the City Council of the
United City of Yorkville, Kendall County, Illinois
This 24th day of July, 2012

Published in pamphlet form by the
authority of the Mayor and City Council
of the United City of Yorkville, Kendall
County, Illinois on July 27, 2012.

Ordinance No. 2012- 22

AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, APPROVING AMENDMENTS TO THE YORKVILLE ZONING ORDINANCE PROVIDING FOR INDOOR SHOOTING RANGES AS SPECIAL USES AND FOR THE MANUFACTURING OF FIREARMS AND AMMUNITION AS A PERMITTED USE

WHEREAS, the United City of Yorkville (the “City”) is a duly organized and validly existing non home-rule municipality created in accordance with the Constitution of the State of Illinois of 1970 and the laws of the State; and,

WHEREAS, pursuant to Section 10-14-7 of the Yorkville Zoning Code the City may initiate amendments to the Yorkville Zoning Ordinance; and,

WHEREAS, the City filed seeking an amendment to the Yorkville Zoning Code to allow as special uses in the M-1 Limited Manufacturing District and the M-2 General Manufacturing District indoor shooting gallery/gun ranges and the manufacturing of firearms and ammunition as a permitted use and to allow indoor shooting gallery/gun ranges as a special use in the B-1, B-2, B-3 and B-4 Business Districts; and,

WHEREAS, the Plan Commission convened and held a public hearing on the 13th day of June 2012, to consider the request to amend the Yorkville Zoning Ordinance adding the special use and permitted use as described above; and

WHEREAS, the Plan Commission reviewed the standards as required in Section 10-14-7 of the Yorkville Zoning Code, , and made a recommendation to approve the proposed amendments to the Yorkville Zoning Ordinance; and,

WHEREAS, the City Council has reviewed the Plan Commission’s recommendations and hereby approves said amendments to the Yorkville Zoning Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the United City of Yorkville, Kendall County, Illinois, as follows:

Section 1. The above recitals are incorporated and made a part of this Ordinance.

Section 2. That Section 10-2-3, entitled “DEFINITIONS” of the Yorkville City Code, as amended, be and is hereby amended by adding the following definitions to read as follows:

SHOOTING GALLERY/GUN RANGE, INDOOR: an enclosed facility, public or private, specifically for the purpose of providing a place in which to discharge various types of firearms, shoot air guns and/or archery equipment at designated targets and designed to contain all projectiles fired within the confines of the building. Auxiliary training and instructional classroom facilities may also be provided, as well as ancillary retail sales of firearms, ammunition and associated products upon proof of applicable local, state and federal licensure.

MANUFACTURER, FIREARMS AND AMMUNITION: Any person or entity in (A) the business of transporting, shipping and receiving firearms and ammunition for the purpose of sale or distribution (B) selling firearms at wholesale or retail, (C) repairing firearms or making or fitting special barrels, stocks or trigger mechanisms to firearms and operating under the provisions of the applicable local, state and federal licenses.”

Section 3. That Section 10-8A-3 and Section 10-8B-3 of the Yorkville City Code, as amended, be and is hereby amended by adding the following special use to read as follows:

“Indoor shooting gallery/gun range with any accessory retail operations to occupy not more than twenty-five percent (25%) of the total floor area.”

Section 4. That Section 10-8A-4 of the Yorkville City Code, as amended, be and is hereby amended by adding subsection C. read as follows:

“C. The minimum building setback for indoor shooting gallery/gun range facilities shall be fifty (50) feet from any property line that abuts a residentially zoned property.”

Section 5. That Section 10-11-4, entitled “Schedule of Parking Requirements” of the Yorkville City Code, as amended, be and is hereby amended by adding subsection L. to read as follows:

“L. Indoor shooting gallery/gun range. Two (2) parking spaces per firing lane; one (1) parking space per staff member; eight (8) parking spaces for each instructional classroom, if any; plus all other parking requirements for any associated office and/or retail use within or on the premises.”

Section 6. That Section 10-7B-2, Section 10-7C-2, Section 10-7D-2 and Section 10-7E-2 of the Yorkville City Code, as amended, be and is hereby amended by adding the following special use to read as follows:

“Indoor shooting gallery/gun range that when located in a multiple tenant building shall only be located in an end-unit and with the gallery/range not adjacent to an adjoining unit.”

Section 7. That Section 10-7B-4 of the Yorkville City Code, as amended, be and is hereby amended by adding subsection E. read as follows:

“E. The minimum building setback for indoor shooting gallery/gun range facilities shall be fifty (50) feet from any property line that abuts a residentially zoned property.”

Section 8. That Section 10-7C-4 of the Yorkville City Code, as amended, be and is hereby amended by adding subsection E. read as follows:

“E. The minimum building setback for indoor shooting gallery/gun range facilities shall be fifty (50) feet from any property line that abuts a residentially zoned property.”

Section 9. That Section 10-7D-4 of the Yorkville City Code, as amended, be and is hereby amended by adding subsection F. read as follows:

“F. The minimum building setback for indoor shooting gallery/gun range facilities shall be fifty (50) feet from any property line that abuts a residentially zoned property.”

Section 10. That Section 10-8A-1 and Section 10-8B-1 of the Yorkville City Code, as amended, be and is hereby amended by adding the following permitted use to read as follows:

“Manufacturer, firearms and ammunition”

Section 11. This Ordinance shall be in full force and effect upon its passage, approval, and publication as provided by law.

Passed by the City Council of the United City of Yorkville, Kendall County, Illinois this
24 day of July, A.D. 2012.

Beth Warner
CITY CLERK

ROSE ANN SPEARS Y
GEORGE GILSON JR. N
CARLO COLOSIMO Y
CHRIS FUNKHOUSER Y

DIANE TEELING Y
JACKIE MILSCHEWSKI Y
MARTY MUNNS Y
LARRY KOT N

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this
26 day of JULY 2012.

Harry J. Volinski
MAYOR



Types of Federal Firearms Licenses (FFLs)

WHAT IS AN FFL?

An individual who is licensed to engage in the business of manufacturing, importing and/or dealing in firearms. Persons must be licensed by ATF to engage in the business of firearms.

TYPES OF FFLs



Dealer

01

Dealer in firearms other than destructive devices

02

Pawnbroker in firearms other than destructive devices

09

Dealer in destructive devices

Other

03

Collector of curios and relics



Manufacturer

06

Manufacturer of ammunition for firearms other than ammunition for destructive devices or armor piercing ammunition

07

Manufacturer of firearms other than destructive devices

10

Manufacturer of destructive devices, ammunition for destructive devices or armor piercing ammunition



Importer

08

Importer of firearms or ammunition for firearms other than destructive devices or ammunition other than armor piercing ammunition

11

Importer of destructive devices, ammunition for destructive devices or armor piercing ammunition

Application for Federal Firearms License

Part A

1. Applicant's Business/Activity is: <input type="checkbox"/> Individual Owner (<i>Sole Proprietor</i>) <input type="checkbox"/> Partnership <input type="checkbox"/> Corporation <input type="checkbox"/> LLC <input type="checkbox"/> Collector (<i>which can be an individual/partnership/corporation or LLC</i>) <input type="checkbox"/> Other (<i>specify</i>) _____		
2. Licensee Name (<i>Enter name of Owner/Sole Proprietor OR Partnership (include name of each partner) OR Corporation Name OR LLC Name</i>) _____		
3. Trade or Business Name(s), if any _____	4. Employer Identification Number (EIN), if any (<i>see definition #17</i>) _____	5. Name of County in which Business/Activity is Located _____
6. Business/Activity Address (<i>RFD or Street Number, City, State, and ZIP Code</i>) (<i>NOTE: This address CANNOT be a P.O. Box.</i>) _____		7. Mailing Address (<i>if different from address in item #6</i>) _____
8. Contact Numbers (<i>Include Area Code</i>) Business/Activity Phone _____ Fax Number _____ Cell Phone _____ Business Email _____		
9. Describe the specific activity applicant is engaged in or intends to engage in, which requires a Federal Firearms License (<i>sale of ammunition alone does not require a Federal Firearms License</i>). _____		

10. Application is made for a license under 18 U.S.C. Chapter 44 as a: (*Place an "X" in the appropriate box(es). Multiple license types may be selected- see instruction #8. Submit the fee noted next to the box(es) with the application. Licenses are issued for a 3-year period. See instruction #5 for payment information.*)

Type	Description of License Type	Fee
01	Dealer in Firearms Other than Destructive Devices (<i>Includes: rifles, shotguns, pistols, revolvers, gunsmith activities, and National Firearms Act (NFA) weapons</i>) (<i>see instruction #10</i>)	\$200 <input type="checkbox"/>
02	Pawnbroker in Firearms Other than Destructive Devices (<i>Includes: rifles, shotguns, pistols, revolvers, gunsmith activities, and National Firearms Act (NFA) weapons</i>) (<i>see instruction #10</i>)	\$200 <input type="checkbox"/>
03	Collector of Curios and Relics (<i>NOTE: This is not a license to conduct business, see instruction #8</i>)	\$30 <input type="checkbox"/>
06	Manufacturer of Ammunition for Firearms Other Than Ammunition for Destructive Devices or Armor Piercing Ammunition (<i>see instruction #11</i>)	\$30 <input type="checkbox"/>
07	Manufacturer of Firearms Other than Destructive Devices (<i>see instruction #11</i>)	\$150 <input type="checkbox"/>
08	Importer of Firearms Other than Destructive Devices or Ammunition for Firearms Other than Destructive Devices, or Ammunition Other than Armor Piercing Ammunition (<i>NOTE: Importer of handguns and rifles, see instruction #9</i>)	\$150 <input type="checkbox"/>
09	Dealer in Destructive Devices (<i>see instruction #10</i>)	\$3000 <input type="checkbox"/>
10	Manufacturer of Destructive Devices, Ammunition for Destructive Devices, or Armor Piercing Ammunition (<i>see instruction #11</i>)	\$3000 <input type="checkbox"/>
11	Importer of Destructive Devices, Ammunition for Destructive Devices, or Armor Piercing Ammunition (<i>see instruction #9</i>)	\$3000 <input type="checkbox"/>

11. Method of Payment (*Check one*)

☐ Check (*Enclosed*) ☐ Cashier's Check or Money Order (*Enclosed*) ☐ Visa ☐ Mastercard ☐ American Express ☐ Discover ☐ Diner's Club

Credit/Debit Card Number (<i>No dashes</i>) _____	Name as Printed on Your Credit/Debit Card _____	Expiration Date (<i>MM/YY</i>) _____
---	---	--

Credit/Debit Card Address: _____
Billing Address: _____
City: _____ State: _____ ZIP Code: _____

Please complete to ensure payment is credited to the correct application:

I am paying the application fee for the following Person, Corporation, or Partnership: _____	Total Application Fees: \$ _____
--	----------------------------------

I authorize ATF to charge my Credit/Debit Card the above amount. Your credit/debit card will be charged the above stated amount upon receipt of your application and a charge from "ATF Licensing Fee" will be reflected on your credit/debit card statement. In the event a license is NOT issued, the above amount will be credited to the credit/debit card noted above.

Signature of Cardholder

Date

12. Hours of Operation and/or Availability of Business/Activity (please provide at least one hour in which you can be contacted by ATF personnel)

	Sun	Mon	Tues	Wed	Thu	Fri	Sat
Hour(s): Please indicate AM or PM							

IF YOU ARE **ONLY** APPLYING FOR A TYPE 03 (COLLECTOR OF CURIOS AND RELICS) LICENSE, SKIP ITEMS 13-17 AND GO TO ITEM 18.
FOR ALL OTHER LICENSE TYPES, CONTINUE WITH ITEM 13.

13. Was the business obtained from someone else? (If "Yes," please provide the name of the previous business and their FFL Number) ☐ Yes ☐ No

Name of Previous Business

Federal Firearms License Number

14. Indicate type of business premises

Zoned Residential:

- ☐ Single Family Dwelling
☐ Condominium/Apartment
☐ Hotel/Motel
☐ Public Housing

Zoned Commercial:

- ☐ Store Front
☐ Office
☐ Rod & Gun Club
☐ Military Installation (see instruction #13-additional information required)
☐ Other (specify) _____

15. Applicant's business premises is:

☐ Owned Premises

☐ Military Installation

☐ Rented/Leased Premises- provide name, telephone number, and address **of the property owner:**

Name

Street Address

Telephone Number (with area code)

City, State, and ZIP Code

16. Do you intend to sell firearms at Gun Shows and/or conduct Internet sales? ☐ Yes ☐ No

17. Do you intend to use your license **ONLY** to acquire firearms to enhance your personal collection? ☐ Yes ☐ No

18. Name of Chief Law Enforcement Officer (CLEO) (Please print the name of the CLEO to whom a copy of this application was provided. See instruction #4 and definition #1.)

19. Address of CLEO (Include Number, Street, City, County, State, and ZIP Code)

County: _____

ATTENTION Chief Law Enforcement Officer (CLEO): This form provides notification of a person's intent to apply for a Federal Firearms License (FFL). It requires no action on your part. However, should you have information that may disqualify the person from obtaining a Federal Firearms License, please contact the Federal Firearms Licensing Center toll free at 1-866-662-2750. Issuance of an FFL in no way guarantees the business or activity is not in violation of State and/or local law.

20. **Applicant Certification** (Please read **AND INITIAL** each box)

- ☐ a. The business/activity to be conducted under the Federal Firearms License is not prohibited by State or local law at the premises shown in item 6. This includes compliance with zoning ordinances. (Please contact your local zoning department **PRIOR TO** submitting application)
- ☐ b. Within 30 days after the application is approved, the business/activity will comply with the requirements of State and local law applicable to the conduct of the business/activity.
- ☐ c. Business/activity will not be conducted under the license until the requirements of State and local law applicable to the business/activity have been met.
- ☐ d. A completed copy of this application has been sent (mailed or delivered) to the Chief Law Enforcement Officer (CLEO) of the locality in which the premises listed in item 6 is located (see instruction #4 and definition #1).
- ☐ e. As required by 18 U.S.C. 923 (d)(1)(G), I certify that secure gun storage or safety devices will be available at any place in which firearms are sold under this Federal Firearms License to persons who are not licensees. (See definition #4) (If applying for a Type 03, Collector of Curios and Relics License **ONLY** write "N/A" instead of initialing this certification box.)
- ☐ f. Part B of this application has been completed and will be submitted for **EACH** responsible person (RP) (See definition #3)

21. Certification: Under the penalties imposed by 18 U.S.C. 924, I declare that I have examined this application in its entirety and the documents submitted in support thereof and to the best of my knowledge and belief, they are true, correct, and complete. This signature, when presented by a duly authorized representative of the U.S. Department of Justice, will constitute consent and authority for the appropriate U.S. Department of Justice representative to examine and obtain copies and abstracts of records and to receive statements and information regarding the background of the applicant. Specifically, I hereby authorize the release of the following data or records to ATF: Military information/records, medical information/records, police and criminal records. This certification must be signed by a Responsible Person (see instruction #2 and definition #3).

Print Applicant Name (First, Middle, Last)

Applicant Signature

Date

Check Application Status (For ATF Use Only)

☐ Approved

☐ Abandoned

☐ Withdrawn

☐ Denied

Reason for Denial: _____

Signature of Licensing Official: _____

Date: _____

Part B - Responsible Person Questionnaire

1. **EACH RESPONSIBLE PERSON MUST COMPLETE AND SIGN A SEPARATE QUESTIONNAIRE/ATF Form 7/7CR Part B.** In the future, if you need to add an additional Responsible Person to your FFL, the Responsible Person being added may complete this Part B-Responsible Person Questionnaire (*see instruction #7*).
2. Issuance of your license or addition as a Responsible Person will be delayed if Part B is incomplete or otherwise improperly prepared.
3. **IMPORTANT!** All new responsible persons must submit a properly prepared FD-258 (*Fingerprint Card*) with this questionnaire. The fingerprints must be clear for accurate classification and taken by someone properly equipped to take them. The FD-258 should include "WVATF1100 ATF-FFLC, MARTINSBURG, WV" in the ORI block to facilitate processing of fingerprints.
4. List any given, married, and maiden names in Item 4, e.g., "Mary Alice (Smith) Jones," not "Mrs. John Jones." (*If additional space is needed, attach a separate sheet. See instruction #1*)

1. License or Applicant Name (<i>From block 2 of Part A</i>)			2. Federal Firearms License Number (<i>If being added to an existing FFL</i>)			
3. Name of Responsible Person (<i>Last, First, Middle</i>)		4. Aliases (<i>Include given, married, maiden names</i>)		5. Position/Title		
6. Social Security Number	7. Date of Birth (<i>MM/DD/YYYY</i>)	8. Place of Birth (<i>City & State OR foreign country</i>)				
9. Current Residence Address			10. Telephone Number (<i>Personal Contact # with Area Code</i>)			
			11. E-mail Address			
12. Previous Address(es) - Please provide every address you have had in the last five years and dates which you lived at the address(es) (<i>If additional space is needed attach a separate sheet. See instruction #1</i>)		13. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	14. Height ____ Feet ____ Inches	15. Weight ____ (lbs)	16. Eye Color <input type="checkbox"/> Black <input type="checkbox"/> Blue <input type="checkbox"/> Brown <input type="checkbox"/> Gray <input type="checkbox"/> Green <input type="checkbox"/> Hazel <input type="checkbox"/> Maroon <input type="checkbox"/> Multiple <input type="checkbox"/> Pink <input type="checkbox"/> Other _____	
		18. Ethnicity Hispanic or Latino <input type="checkbox"/> Yes <input type="checkbox"/> No		17. Hair Color <input type="checkbox"/> Bald <input type="checkbox"/> Black <input type="checkbox"/> Blond <input type="checkbox"/> Brown <input type="checkbox"/> Gray <input type="checkbox"/> Red <input type="checkbox"/> Sandy <input type="checkbox"/> White <input type="checkbox"/> Other _____		
		19. Race (<i>Please check one or more boxes</i>) <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> Asian <input type="checkbox"/> White				
For the following questions give full details on a separate sheet for all "Yes" answers (<i>see instruction #1</i>)						
					Yes	No
20. Have you ever held a Federal Firearms License? (<i>If so, please include FFL#</i>) _____						
21. Have you ever been a Responsible Person on a Federal Firearms License? (<i>If so, please include FFL#</i>) _____						
22. Have you ever been an officer in a corporation holding a Federal Firearms License? (<i>If so, please include FFL#</i>) _____						
23. Have you ever been an employee of a Federal Firearms Licensee?						
24. Have you ever been denied a Federal Firearms License?						
25. Have you ever had a Federal Firearms License revoked?						
26. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (<i>See definition #10</i>)						
27. Have you ever been convicted in any court for a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (<i>See definition #10</i>)						
28. Are you a fugitive from justice? (<i>See definition #11</i>)						
29. Are you under 21 years of age?						
30. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.						
31. Have you ever been adjudicated as a mental defective OR have you ever been committed to a mental institution? (<i>See definitions #12 and #13</i>)						
32. Have you been discharged from the Armed Forces under dishonorable conditions?						
33. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (<i>See definition #5</i>)						
34. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (<i>See definition #7</i>)						

35. Country of Citizenship: (Check/List more than one, if applicable. Nationals of the United States may check U.S.A.)

☐ United States of America ☐ Other Country/Countries (specify): _____

	Yes	No
36. Have you ever renounced United States citizenship?		
37. Are you an alien illegally or unlawfully in the United States?		
38. a. Are you an alien who has been admitted to the United States under a nonimmigrant visa? (See definition #8)		
b. If "yes", do you fall within any of the exceptions stated in definition #9? Attach supporting documentation to the application. <input type="checkbox"/> N/A		

39. If you are an alien, record your U.S.-Issued Alien or Admission number (AR#, USCIS#, or I94#): _____

40. Under the penalties imposed by 18 U.S.C. § 924 and 1001, I declare that I have examined any related documents submitted in regard to this questionnaire/ATF Form 7/7CR Part B, and to the best of my knowledge and belief, they are true, correct and complete. This signature, when presented by a duly authorized representative of the U.S. Department of Justice, will constitute consent and authority for the appropriate U.S. Department of Justice representative to examine and obtain copies and abstracts of records and to receive statements and information regarding my background. Specifically, I hereby authorize the release of the following data or records to ATF: Military information/records, medical information/records, police and criminal records.

Signature

Printed Name

Date

EACH RESPONSIBLE PERSON MUST COMPLETE AND SIGN A SEPARATE QUESTIONNAIRE/ATF FORM 7/7CR PART B

**Attach a 2" X 2"
Photograph Here**

**If you are applying for a Type 03
ONLY a photograph is not required**

1. Photo must have been taken within the last six months.
2. Photo must have been taken in full face view without a hat or head covering that obscures the hair or hairline.
3. On back of photograph print full name, last 4 of SSN, and business address.

If applying for a NEW FFL:

Mail application, fingerprint cards, photographs, and application fees, including a separate questionnaire/Part B for EACH Responsible Person, to:

Federal Firearms Licensing Center
P.O. Box 6200-20
Portland, OR 97228-6200

If only adding a RP to an existing FFL:

Each Responsible Person being added must complete a separate questionnaire/ATF Form 7/7CR Part B and mail it, along with their fingerprint card and photograph, to: ATF, Attn: FFLC, 244 Needy Rd, Martinsburg, WV 25405

Type 03 Applicants:

A photograph and fingerprint card are not required if you are applying for a Type 03 Collector of Curios and Relics license only.

Questions:

If you have any questions relating to this form, please contact the ATF Federal Firearms Licensing Center at 1-866-662-2750, or your local ATF Industry Operations Office.

Print Full Name

Paperwork Reduction Act Notice

This request is in accordance with the Paperwork Reduction Act of 1995. The information collection is used to determine the eligibility of the applicant to engage in certain operations, to determine the location and extent of operations, and to determine whether the operations will be in conformity with Federal laws and regulations. The information requested is required in order to obtain or retain a benefit and is mandatory by statute (18 U.S.C. § 923).

The estimated average burden associated with this collection of information is 60 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to Reports Management Officer, Resource Management Staff, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Instructions/Definitions for ATF Form 7 (5310.12)/7CR (5310.16)
(Do not return this sheet when submitting your application)

Issuance of your license will be delayed if the fee is not included or incorrect, or if the application is incomplete or otherwise improperly prepared.

Instructions

1. **Completion of Application** - TYPE or PRINT with ball-point pen. Any attached sheets should:
 - a. be identified at the top of each page with your name and Employer Identification Number or Social Security Number.
 - b. refer to the item/question(s) being answered.
2. **Person Who Signs the Application** - The certification in Part A, item #21 must be signed by a Responsible Person (*see definition #3*).
3. **Release of Information** - This application package requires you to authorize the release of certain information to ATF such as medical information/records (*see Part A, item #21*). This information is used to determine, for example, whether the applicant has ever been adjudicated as a mental defective or committed to any mental institution. This information is protected by the Privacy Act of 1974.
4. **Chief Law Enforcement Officer (CLEO)** - Applicants must submit a copy of the completed application to the Chief Law Enforcement Officer (CLEO) of the locality in which the premises sought to be licensed is located (*see definition #1*). Part A, item #20d requires certification that a completed copy of the application has been sent.
5. **Payment** - You may pay the application fee by credit/debit card, check, or money order, payable to ATF (*see instruction #14 on the following page for the address to send payment and completed application package*). Do not send cash. Postdated checks are not acceptable. Licenses are issued for a period of three years. No refund of any part of a license fee shall be made where the operations of the license are, for any reason, discontinued during the period.
6. **Fingerprint Cards & Photographs** - The following items must accompany this application. Failure to submit these items will delay processing and may result in denial of the application. **NOTE: A fingerprint card and photograph are NOT required if applying for a Type 03 license only.**
 - a. ATF Form 7/7CR Part B, Responsible Person Questionnaire, must be completed and submitted for ALL responsible persons (*see definition #3*).
 - b. A properly prepared fingerprint card (form FD-258) must be submitted for ALL responsible persons, unless they have previously submitted one as an RP for another FFL. The fingerprints must be clear for accurate classification and taken by someone properly equipped to take them. To facilitate processing of fingerprints, the FD-258 should list "WVATF1100 ATF-FFLC, MARTINSBURG, WV" in the ORI block.
 - c. A 2 inch by 2 inch photograph of EACH responsible person. The photograph should be attached to the back of their ATF Form 7/7CR Part B, Responsible Person Questionnaire. Please ensure that each photograph is clearly identified on the reverse with the full name of the responsible person to whom the photograph applies.
7. **Adding Additional Responsible Persons** - You can use Part B of this application to add a Responsible Person(s) to an existing FFL. If you are only submitting Part B for this purpose, send Part B, along with the Responsible Person's fingerprint card and photograph, to ATF-FFLC, 244 Needy Road, Martinsburg, WV 25405. Only send to this address if you are just adding a Responsible Person(s) to an existing license. Sending an application to obtain a new FFL to this address will result in delays in the processing of your application.
8. **License Types** -
A Type 03 license issued under 18 U.S.C. Chapter 44:
 - a. Is **NOT** a license to carry, use, or possess a firearm.
 - b. Confers **NO** right or privilege to conduct an activity contrary to State or other law.
 - c. Will entitle you to acquire firearms, classified as curios or relics, in interstate or foreign commerce. You may dispose of curios and relics to any person, not otherwise prohibited by the Gun Control Act of 1968, residing within your State, and to any other Federal firearms licensee in any State. It must be emphasized that the collector's license being applied for pertains exclusively to firearms classified as curios and relics, and its purpose is to facilitate a personal collection. You may NOT engage in the business of buying and selling any type of firearm with a type 03 license. Applicants intending to engage in the firearms business should apply for a license other than a Type 03, Collector of Curios and Relics, license.
Type 01, 02, 06, 07, 08, 09, 10, and 11 licenses issued under 18 U.S.C. Chapter 44:
 - a. Are **NOT** licenses to carry, use, or possess a firearm.
 - b. Confer **NO** right or privilege to conduct business or activity contrary to State or other law. State laws or local laws or ordinances may have requirements affecting your proposed firearms business. Contact your State and local authorities for specific information on their requirements.
 - c. Are business licenses, and will **NOT** be issued to an applicant solely intending to enhance a personal firearms collection.
 - d. Are **NOT** licenses to sell ammunition only.
NOTE: Multiple Licenses - You can apply for more than one license if the business is to be conducted at the same location, by checking more than one type of license in Part A, item #10. If business is to be conducted at multiple locations, **a separate application and license fee is required for each business location.**
9. **Imports** - Applicants intending to import firearms and/or ammunition may need to register with ATF under the provisions of the Arms Export Control Act. Contact the Firearms and Explosives Imports Branch at (304) 616-4550 for further information on registration.

10. **National Firearms Act (NFA)/Special Occupational Tax (SOT)** - Applicants intending to deal in, import, or manufacture weapons subject to the NFA (e.g., machine guns, short-barreled shotguns, silencers, destructive devices, etc.) are required to pay a SOT (*see definition #18*). Contact the NFA Branch at (304) 616-4500.
11. **Manufacturing** - Generally, persons holding a manufacturer's license (FFL Type 06, 07 or 10) must register as a manufacturer with the Department of State unless exempted by the Directorate of Defense Trade Control (DDTC), regardless of whether the manufacturer actually exports any of the items manufactured. Therefore, applicants intending to manufacture and/or export defense articles, as defined on the United States Munitions List (Part 121 of the ITAR), may need to register with Directorate of Defense Trade Controls (DDTC). Questions should be directed to the DDTC at 202-663-2980 or www.pmdt.state.gov.
12. **Denial of Application** - If you do not qualify for a license, you will be advised in writing of the reasons for denial and your application fee will be refunded.
13. **Military Installation** - If "Military Installation" was selected in Part A, item #14 as the type of business premises, you must attach a copy of written authorization from the Base Commander to conduct a firearms business on the military installation.
14. **Where to Send Application** - MAKE A COPY OF YOUR COMPLETED APPLICATION FOR YOUR RECORDS, THEN FORWARD THE APPLICATION WITH FEE, ONE ATF FORM 7/7CR PART B, RESPONSIBLE PERSON QUESTIONNAIRE, FOR EACH RESPONSIBLE PERSON (WITH PROPERLY IDENTIFIED PHOTO ATTACHED), AND FINGERPRINT CARD(S) TO:

**Federal Firearms Licensing Center
P.O. Box 6200-20
Portland, OR 97228-6200**
15. **Contact Us** - If you have any questions relating to this application, please contact the ATF Federal Firearms Licensing Center, 244 Needy Road, Martinsburg, WV 25405, Toll free 1-866-662-2750, or your local ATF Industry Operations Office. Contact information for your local office can be found at WWW.ATF.GOV.

Definitions

1. **Chief Law Enforcement Officer** - The Chief of Police, Sheriff, or an equivalent designee of such individual, of the locality in which the premises sought to be licensed, is located.
2. **Licensed Collector** - A collector of curios and relics only and licensed under the provisions of 18 U.S.C. 923. You may not use the license to obtain firearms that are not classified as curios and relics. Collectors are not licensed to conduct any business.
3. **Responsible Person** - In addition to a Sole Proprietor, a Responsible Person is, in the case of a Corporation, Partnership, or Association, any individual possessing, directly or indirectly, the power to direct or cause the direction of the management, policies, and practices of the Corporation, Partnership, or Association, insofar as they pertain to firearms.
4. **Secure Gun Storage or Safety Device** - (A) a device that, when installed on a firearm, is designed to prevent the firearm from being operated without first deactivating the device; (B) a device incorporated into the design of the firearm that is designed to prevent the operation of the firearm by anyone not having access to the device; or (C) a safe, gun safe, gun case, lock box, or other device that is designed to be or can be used to store a firearm and that is designed to be unlocked only by means of a key, a combination, or other similar means.
5. **Restraining Order** - Under 18 U.S.C. § 922(g)(8), firearms may not be possessed or received by persons subject to a court order that: (A) was issued after a hearing of which the person received actual notice and had an opportunity to participate in; (B) restrains such person from harassing, stalking, or threatening an intimate partner or child of such intimate partner or person, or engaging in other conduct that would place an intimate partner in reasonable fear of bodily injury to the partner or child; and (C)(i) includes a finding that such person represents a credible threat to the physical safety of such intimate partner or child, or (ii) by its terms explicitly prohibits the use, attempted use, or threatened use of physical force against such intimate partner or child that would reasonably be expected to cause bodily injury.
6. **Intimate Partner** - With respect to a person, the spouse of the person, a former spouse of the person, an individual who is a parent of a child of the person, or an individual who cohabitates or has cohabitated with the person.
7. **Misdemeanor Crime of Domestic Violence** - A Federal, State, local, or tribal offense that is a misdemeanor under Federal, State, or tribal law and has, as an element, the use or attempted use of physical force, or the threatened use of a deadly weapon, committed by a current or former spouse, parent, or guardian of the victim, by a person with whom the victim shares a child in common, by a person cohabitating with, or has cohabitated with the victim as a spouse, parent, or guardian, or by a person similarly situated to a spouse, parent, or guardian of the victim. The term includes all misdemeanors that have as an element the use or attempted use of physical force or the threatened use of a deadly weapon (e.g., assault and

battery), if the offense is committed by one of the defined parties. (See *Exception in the definition of "Prohibited Person"*). A person who has been convicted of a misdemeanor crime of domestic violence also is not prohibited unless; (1) the person was represented by a lawyer or gave up the right to a lawyer; or (2) if the person was entitled to a jury, was tried by a jury, or gave up the right to a jury trial. Persons subject to this exception should mark "no" in the applicable box.

8. **An Alien Admitted to the United States Under a Nonimmigrant Visa** - Includes, among others, persons visiting the United States temporarily for business or pleasure, persons studying in the United States who maintain a residence abroad, and certain temporary foreign workers. The definition does **NOT** include permanent resident aliens nor does it apply to nonimmigrant aliens admitted to the United States pursuant to either the Visa Waiver Program or to regulations otherwise exempting them from visa requirements.
9. **Exceptions to Prohibition on Aliens Admitted Under a Nonimmigrant Visa** - An alien admitted to the United States under a nonimmigrant visa is not prohibited from purchasing, receiving, or possessing a firearm if the alien: (1) is in possession of a hunting license or permit lawfully issued by the Federal Government, a State, or local government, or an Indian tribe federally recognized by the Bureau of Indian Affairs, which is valid and unexpired; (2) was admitted to the United States for lawful hunting or sporting purposes; (3) has received a waiver from the prohibition from the Attorney General of the United States; (4) is an official representative of a foreign government who is accredited to the United States Government or the Government's mission to an international organization having its headquarters in the United States; (5) is en route to or from another country to which that alien is accredited; (6) is an official of a foreign government or a distinguished foreign visitor who has been so designated by the Department of State; or (7) is a foreign law enforcement officer of a friendly foreign government entering the United States on official law enforcement business.
10. **Prohibited Person** - Generally, 18. U.S.C. § 922 (g) prohibits the shipment, transportation, receipt, or possession in or affecting interstate commerce of a firearm by one who: has been convicted of a misdemeanor crime of domestic violence; has been convicted of a felony, or any other crime, punishable by imprisonment for a term exceeding one year (*this does not include State misdemeanors punishable by imprisonment of two years or less*); is a fugitive from justice, is an unlawful user of, or addicted to, marijuana or any depressant, stimulant, or narcotic drug, or any other controlled substance; has been adjudicated as a mental defective or has been committed to a mental institution; has been discharged from the Armed Forces under dishonorable conditions, has renounced his or her U.S. citizenship; is an alien illegally in the United States or an alien admitted to the United States under a nonimmigrant visa; or is subject to certain restraining orders. Furthermore, Section 922 (n) prohibits the shipment, transportation, or receipt in or affecting interstate commerce of a firearm by one who is under indictment or information for a felony in any Federal, State or local court, or any other crime, punishable by imprisonment for a term exceeding one year. An information is a formal accusation of a crime verified by a prosecutor.

EXCEPTION: A person who has been convicted of a felony, or any other crime, for which the judge could have imprisoned the person for more than one year, or who has been convicted of a misdemeanor crime of domestic violence, is not prohibited from purchasing, receiving, or possessing a firearm if: (1) under the law of the jurisdiction where the conviction occurred, the person has been pardoned, the conviction has been expunged or set aside, or the person has had their civil rights (*the right to vote, sit on a jury, and hold public office*) taken away and later restored AND (2) the person is not prohibited by the law of the jurisdiction where the conviction occurred from receiving or possessing firearms. Persons subject to this exception should mark "no" in the applicable box.

11. **Fugitive From Justice** - Any person who has fled from any State to avoid prosecution for a felony or a misdemeanor, or any person who leaves the State to avoid giving testimony in any criminal proceeding. The term also includes any person who knows that misdemeanor or felony charges are pending against such person and who leaves the State of prosecution.
12. **Adjudicated as a Mental Defective** - A determination by a court, board, commission, or other lawful authority that a person, as a result of marked subnormal intelligence, or mental illness, incompetency, condition, or disease: (1) is a danger to himself or to others; or (2) lacks the mental capacity to contract or manage his own affairs. This term shall include: (1) a finding of insanity by a court in a criminal case; and (2) those persons found incompetent to stand trial or found not guilty by reason of lack of mental responsibility.
13. **Committed to a Mental Institution** - A formal commitment of a person to a mental institution by a court, board, commission, or other lawful authority. The term includes a commitment to a mental institution involuntarily. The term includes commitment for mental defectiveness or mental illness. It also includes commitments for other reasons, such as for drug use. The term does not include a person in a mental institution for observation or a voluntary admission to a mental institution.

EXCEPTION: Under the NICS Improvement Amendments Act of 2007, a person who has been adjudicated as a mental defective or committed to a mental institution in a State proceeding is not prohibited by the adjudication or commitment if the person has been granted relief by the adjudicating/committing State pursuant to a qualifying mental health relief from disabilities program. Also, a person who has been adjudicated as a mental defective or committed to a mental institution by a department or agency of the Federal Government is not prohibited by the adjudication or commitment if either: (a) the person's adjudication or commitment was set-aside or expunged by the adjudicating/committing agency; (b) the person has been fully released or discharged from all mandatory treatment, supervision, or monitoring by the agency; (c) the person was found by the agency to no longer suffer from the mental health condition that served as the basis of the initial adjudication/commitment; (d) the adjudication or commitment, respectively, is based solely on a medical finding of disability, without an opportunity for a hearing by a court, board, commission, or other lawful authority, and the person has not been adjudicated as a mental defective consistent with section 922(g)(4) of title 18, United States Code; or (e) the person was granted relief from the adjudicating/committing agency pursuant to a qualified mental health relief from disabilities program. Persons who fall within one of the above exceptions should mark "no" in the applicable box. This exception to an adjudication or commitment by a Federal department or agency does **not** apply to any person who was adjudicated to be not guilty by reason of insanity, or based on a lack of mental responsibility, or found incompetent to stand trial, in any criminal case or under the Uniform Code of Military Justice.

14. **Gun Control Act (GCA)** - Title 18, United States Code, Chapter 44. The implementing regulations are found in Title 27, Code of Federal Regulations, Part 478.
15. **Firearm** - The term "firearm" means: (A) any weapon (*including a starter gun*) which will or is designed to or may readily be converted to expel a projectile by the action of an explosive; (B) the frame or receiver of any such weapon; (C) any firearm muffler or firearm silencer; or (D) any destructive device. Such term does not include an antique firearm.
16. **Federal Firearms License (FFL)** - A license issued under the provisions of the GCA to manufacture, import, or deal in firearms.
17. **Employer Identification Number (EIN)** - An EIN is also known as a Federal Tax Identification Number, and is used to identify a business entity. Generally, businesses need an EIN. For more information on who needs an EIN and how to apply for one, go to www.irs.gov or refer to 27 CFR § 179.35.
18. **Special (Occupational) Tax (SOT)** - Required by the National Firearms Act to be paid by a Federal firearms licensee engaged in the business of importing, manufacturing, or dealing in NFA firearms. Questions regarding SOT should be directed to the ATF NFA Branch at (304) 616-4500.

Privacy Act Information

The following information is provided pursuant to Section 3 of the Privacy Act of 1974 (5 U.S.C. § 552 a(e)(3)):

1. **Authority:** Solicitation of this information is authorized pursuant to 18 U.S.C. § 923(a) of the Gun Control Act of 1968. Disclosure of this information is mandatory if the applicant wishes to obtain a Federal Firearms License. System of Record Notice (SORN) Justice/ATF-008 Regulatory Enforcement Record System FR Vol. 68 No. 163558 dated January 24, 2003.
2. **Purpose:** To determine the identity and eligibility of the applicant to obtain a Federal Firearms License, the identity and eligibility of all responsible persons, the ownership of the business, the type of firearms or ammunition to be dealt in, the business hours, and the business history.
3. **Routine Uses:** The information will be used by ATF to make determinations set forth in paragraph 2. In addition, information may be disclosed to other Federal, State, foreign and local law enforcement and regulatory agency personnel to verify information on the application and to aid in the performance of their duties with respect to the enforcement and regulation of firearms and/or ammunition where such disclosure is not prohibited by law. The information may further be disclosed to the Justice Department if it appears that the furnishing of false information may constitute a violation of Federal law. Finally, the information may be disclosed to members of the public in order to verify the information on the application when such disclosure is not prohibited by law.
4. **Effects of Not Supplying Information Requested:** Failure to supply complete information will delay processing and may result in denial of the application.

Part A

2. Licensee Name (Enter name of Owner/Sole Proprietor OR Partnership (include name of each partner) OR Corporation Name OR LLC Name)

5. Name of <u>County</u> in which Business/Activity is Located

7. Mailing Address (if different from address in item #6)

Cell Phone _____ Business Email _____

10. Application is made for a license under 18 U.S.C. Chapter 44 as a: *(Place an "X" in the appropriate box(es). Multiple license types may be selected-see instruction #8. Submit the fee noted next to the box(es) with the application. Licenses are issued for a 3-year period. See instruction #5 for payment information).*

12. Hours of Operation and/or Availability of Business/Activity *(please provide at least one hour in which you can be contacted by ATF personnel)*

Hour(s): Please indicate AM or PM	Sun	Mon	Tues	Wed	Thu	Fri	Sat

IF YOU ARE **ONLY** APPLYING FOR A TYPE 03 (COLLECTOR OF CURIOS AND RELICS) LICENSE, SKIP ITEMS 13-17 AND GO TO ITEM 18.
FOR ALL OTHER LICENSE TYPES, CONTINUE WITH ITEM 13.

13. Was the business obtained from someone else? (If "Yes," please provide the name of the previous business and their FFL Number) ☐ Yes ☐ No

Name of Previous Business

Federal Firearms License Number

14. Indicate type of business premises

Zoned Residential:

Zoned Commercial:

- ☐ Single Family Dwelling
☐ Condominium/Apartment
☐ Hotel/Motel
☐ Public Housing

- ☐ Store Front
☐ Office
☐ Rod & Gun Club
☐ Military Installation (*see instruction #13-additional information required*)
☐ Other (*specify*)

15. Applicant's business premises is:

- ☐
- Owned Premises

- ☐
- Military Installation

- ☐ Rented/Leased Premises- provide name, telephone number, and address of the property owner:

Name

Street Address

Telephone Number (with area code)

City, State, and ZIP Code

16. Do you intend to sell firearms at Gun Shows and/or conduct Internet sales? ☐ Yes ☐ No

17. Do you intend to use your license **ONLY** to acquire firearms to enhance your personal collection? ☐ Yes ☐ No

18. Name of Chief Law Enforcement Officer (CLEO) (Please print the name of the CLEO to whom a copy of this application was provided. See instruction #4 and definition #1.)

19. Address of CLEO (Include Number, Street, City, County, State, and ZIP Code)

county:

ATTENTION Chief Law Enforcement Officer (CLEO): This form provides notification of a person's intent to apply for a Federal Firearms License (FFL). It requires no action on your part. However, should you have information that may disqualify the person from obtaining a Federal Firearms License, please contact the Federal Firearms Licensing Center toll free at 1-866-662-2750. Issuance of an FFL in no way guarantees the business or activity is not in violation of State and/or local law.

20. Applicant Certification *(Please read AND INITIAL each box)*

- ☐ a. The business/activity to be conducted under the Federal Firearms License is not prohibited by State or local law at the premises shown in item 6. This includes compliance with zoning ordinances. *(Please contact your local zoning department PRIOR TO submitting application)*
- ☐ b. Within 30 days after the application is approved, the business/activity will comply with the requirements of State and local law applicable to the conduct of the business/activity.
- ☐ c. Business/activity will not be conducted under the license until the requirements of State and local law applicable to the business/activity have been met.
- ☐ d. A completed copy of this application has been sent *(mailed or delivered)* to the Chief Law Enforcement Officer (CLEO) of the locality in which the premises listed in item 6 is located *(see instruction #4 and definition #1)*.
- ☐ e. As required by 18 U.S.C. 923 (d)(1)(G), I certify that secure gun storage or safety devices will be available at any place in which firearms are sold under this Federal Firearms License to persons who are not licensees. *(See definition #4) (If applying for a Type 03, Collector of Curios and Relics License ONLY, write "N/A" instead of initialing this certification box.)*
- ☐ f. Part B of this application has been completed and will be submitted for EACH responsible person (RP) *(See definition #3)*

21. Certification: Under the penalties imposed by 18 U.S.C. 924, I declare that I have examined this application in its entirety and the documents submitted in support thereof and to the best of my knowledge and belief, they are true, correct, and complete. This signature, when presented by a duly authorized representative of the U.S. Department of Justice, will constitute consent and authority for the appropriate U.S. Department of Justice representative to examine and obtain copies and abstracts of records and to receive statements and information regarding the background of the applicant. Specifically, I hereby authorize the release of the following data or records to ATF: Military information/records, medical information/records, police and criminal records. This certification must be signed by a Responsible Person (*see instruction #2 and definition #3*).

Print Applicant Name (First, Middle, Last)

Applicant Signature

Date _____

Check Application Status (For ATF Use Only) ☐ Approved ☐ Abandoned ☐ Withdrawn ☐ Denied Reason for Denial:

Signature of Licensing Official:

Date:

Part B - Responsible Person Questionnaire

1. **EACH RESPONSIBLE PERSON MUST COMPLETE AND SIGN A SEPARATE QUESTIONNAIRE/ATF Form 7/7CR Part B.** In the future, if you need to add an additional Responsible Person to your FFL, the Responsible Person being added may complete this Part B-Responsible Person Questionnaire (*see instruction #7*).
2. Issuance of your license or addition as a Responsible Person will be delayed if Part B is incomplete or otherwise improperly prepared.
3. **IMPORTANT!** All new responsible persons must submit a properly prepared FD-258 (*Fingerprint Card*) with this questionnaire. The fingerprints must be clear for accurate classification and taken by someone properly equipped to take them. The FD-258 should include "WVATF1100 ATF-FFLC, MARTINSBURG, WV" in the ORI block to facilitate processing of fingerprints.
4. List any given, married, and maiden names in Item 4, e.g., "Mary Alice (Smith) Jones," not "Mrs. John Jones." (*If additional space is needed, attach a separate sheet. See instruction #1*)

1. License or Applicant Name (<i>From block 2 of Part A</i>)	2. Federal Firearms License Number (<i>If being added to an existing FFL</i>)
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3. Name of Responsible Person (<i>Last, First, Middle</i>)	4. Aliases (<i>Include given, married, maiden names</i>)	5. Position/Title
--	--	-------------------

6. Social Security Number	7. Date of Birth (<i>MM/DD/YYYY</i>)	8. Place of Birth (<i>City & State OR foreign country</i>)
---------------------------	--	--

9. Current Residence Address	10. Telephone Number (<i>Personal Contact # with Area Code</i>)
11. E-mail Address	

12. Previous Address(es) - Please provide every address you have had in the last five years and dates which you lived at the address(es) (<i>If additional space is needed attach a separate sheet. See instruction #1</i>)	13. Sex <input type="checkbox"/> Male <input type="checkbox"/> Female	14. Height _____ Feet _____ Inches	15. Weight _____ (lbs)	16. Eye Color <input type="checkbox"/> Black <input type="checkbox"/> Blue <input type="checkbox"/> Brown <input type="checkbox"/> Gray <input type="checkbox"/> Green <input type="checkbox"/> Hazel <input type="checkbox"/> Maroon <input type="checkbox"/> Multiple <input type="checkbox"/> Pink <input type="checkbox"/> Other _____	17. Hair Color <input type="checkbox"/> Bald <input type="checkbox"/> Black <input type="checkbox"/> Blond <input type="checkbox"/> Brown <input type="checkbox"/> Gray <input type="checkbox"/> Red <input type="checkbox"/> Sandy <input type="checkbox"/> White <input type="checkbox"/> Other _____
18. Ethnicity Hispanic or Latino <input type="checkbox"/> Yes <input type="checkbox"/> No					
19. Race (<i>Please check one or more boxes</i>) <input type="checkbox"/> American Indian or Alaska Native <input type="checkbox"/> Black or African American <input type="checkbox"/> Native Hawaiian or Other Pacific Islander <input type="checkbox"/> Asian <input type="checkbox"/> White					

For the following questions give full details on a separate sheet for all "Yes" answers (<i>see instruction #1</i>)	Yes	No
20. Have you ever held a Federal Firearms License? (<i>If so, please include FFL#</i>) _____		
21. Have you ever been a Responsible Person on a Federal Firearms License? (<i>If so, please include FFL#</i>) _____		
22. Have you ever been an officer in a corporation holding a Federal Firearms License? (<i>If so, please include FFL#</i>) _____		
23. Have you ever been an employee of a Federal Firearms Licensee?		
24. Have you ever been denied a Federal Firearms License?		
25. Have you ever had a Federal Firearms License revoked?		
26. Are you under indictment or information in any court for a felony, or any other crime, for which the judge could imprison you for more than one year? (<i>See definition #10</i>)		
27. Have you ever been convicted in any court for a felony, or any other crime, for which the judge could have imprisoned you for more than one year, even if you received a shorter sentence including probation? (<i>See definition #10</i>)		
28. Are you a fugitive from justice? (<i>See definition #11</i>)		
29. Are you under 21 years of age?		
30. Are you an unlawful user of, or addicted to, marijuana or any depressant, stimulant, narcotic drug, or any other controlled substance? Warning: The use or possession of marijuana remains unlawful under Federal law regardless of whether it has been legalized or decriminalized for medicinal or recreational purposes in the state where you reside.		
31. Have you ever been adjudicated as a mental defective OR have you ever been committed to a mental institution? <i>(See definitions #12 and #13)</i>		
32. Have you been discharged from the Armed Forces under dishonorable conditions?		
33. Are you subject to a court order restraining you from harassing, stalking, or threatening your child or an intimate partner or child of such partner? (<i>See definition #5</i>)		
34. Have you ever been convicted in any court of a misdemeanor crime of domestic violence? (<i>See definition #7</i>)		

35. Country of Citizenship: (Check/List more than one, if applicable. Nationals of the United States may check U.S.A.)

☐ United States of America ☐ Other Country/Countries (specify): _____

36. Have you ever renounced United States citizenship?

Yes	No

37. Are you an alien illegally or unlawfully in the United States?

38. a. Are you an alien who has been admitted to the United States under a nonimmigrant visa? (See definition #8)

b. If "yes", do you fall within any of the exceptions stated in definition #9? Attach supporting documentation to the application. ☐ N/A

39. If you are an alien, record your U.S.-Issued Alien or Admission number (AR#, USCIS#, or I94#): _____

40. Under the penalties imposed by 18 U.S.C. § 924 and 1001, I declare that I have examined any related documents submitted in regard to this questionnaire/ATF Form 7/7CR Part B, and to the best of my knowledge and belief, they are true, correct and complete. This signature, when presented by a duly authorized representative of the U.S. Department of Justice, will constitute consent and authority for the appropriate U.S. Department of Justice representative to examine and obtain copies and abstracts of records and to receive statements and information regarding my background. Specifically, I hereby authorize the release of the following data or records to ATF: Military information/records, medical information/records, police and criminal records.

Signature

Printed Name

Date

EACH RESPONSIBLE PERSON MUST COMPLETE AND SIGN A SEPARATE QUESTIONNAIRE/ATF FORM 7/7CR PART B

**Attach a 2" X 2"
Photograph Here**

**If you are applying for a Type 03
ONLY a photograph is not required**

1. Photo must have been taken within the last six months.
2. Photo must have been taken in full face view without a hat or head covering that obscures the hair or hairline.
3. On back of photograph print full name, last 4 of SSN, and business address.

Print Full Name

If applying for a NEW FFL:

Mail application, fingerprint cards, photographs, and application fees, including a separate questionnaire/Part B for EACH Responsible Person, to:

Federal Firearms Licensing Center
P.O. Box 6200-20
Portland, OR 97228-6200

If only adding a RP to an existing FFL:

Each Responsible Person being added must complete a separate questionnaire/ATF Form 7/7CR Part B and mail it, along with their fingerprint card and photograph, to: ATF, Attn: FFLC, 244 Needy Rd, Martinsburg, WV 25405

Type 03 Applicants:

A photograph and fingerprint card are not required if you are applying for a Type 03 Collector of Curios and Relics license only.

Questions:

If you have any questions relating to this form, please contact the ATF Federal Firearms Licensing Center at 1-866-662-2750, or your local ATF Industry Operations Office.

Paperwork Reduction Act Notice

This request is in accordance with the Paperwork Reduction Act of 1995. The information collection is used to determine the eligibility of the applicant to engage in certain operations, to determine the location and extent of operations, and to determine whether the operations will be in conformity with Federal laws and regulations. The information requested is required in order to obtain or retain a benefit and is mandatory by statute (18 U.S.C. § 923).

The estimated average burden associated with this collection of information is 60 minutes per respondent or recordkeeper, depending on individual circumstances. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to Reports Management Officer, Resource Management Staff, Bureau of Alcohol, Tobacco, Firearms and Explosives, Washington, DC 20226.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.



Reviewed By:	
Legal	<input checked="" type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
Human Resources	<input type="checkbox"/>
Community Development	<input checked="" type="checkbox"/>
Police	<input checked="" type="checkbox"/>
Public Works	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>

Agenda Item Number

Old Business #1

Tracking Number

EDC 2020-32

Agenda Item Summary Memo

Title: Urban (Domesticated) Chickens

Meeting and Date: Economic Development Committee – September 1, 2020

Synopsis: Discussion regarding permitting and regulating urban (domesticated) chickens in
residentially zoned districts.

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: _____

Council Action Requested: _____

Submitted by: Krysti Barksdale-Noble, AICP Community Development
Name Department

Agenda Item Notes:

See attached memo.



Memorandum

To: Economic Development Committee
From: Krysti J. Barksdale-Noble, Community Development Director
CC: Jason Engberg, Senior Planner
Peter Ratos, Building Code Official
Bart Olson, City Administrator
Date: July 20, 2020
Subject: **Urban (Domesticated) Chickens**

Summary:

At the July Economic Development Committee (EDC) meeting, it was recommended that staff move forward with preparing policy options for permitting “urban/domesticated” chickens in single-family residentially zoned districts within the city. Since the communities’ staff researched regulate urban/domesticated chickens to varying degrees, we are offering three (3) policy options: (1) permitted with limited regulation; (2) permitted with moderate regulation; and (3) permitted with substantial regulations.

Research:

In staff’s research of the decades old movement toward bringing agricultural practices into city/suburban lifestyles, the raising of non-traditional domesticated animals, such as chickens, has risen in popularity. Cities have generally responded to this trend by either banning such practices outright or permitting the practice with a wide range of regulations. Those municipalities that chose to permit the practice of raising chickens in non-agriculturally zoned districts typically focused on the following regulations:

Regulation	Best Practice	Reasoning
<i>Permitted Zoning Districts</i>	Single-Family Zoning Districts	<ul style="list-style-type: none">• Generally, single-family dwelling units are located on larger lots, able to accommodate needed setbacks to house a coop.• Multi-family dwelling units are limited in lot size to permit every unit to have the opportunity to keep a chicken coop.
<i>Maximum number of chickens</i>	Typically permits a maximum of six (6) chickens.	<ul style="list-style-type: none">• Chickens are stock animals which do not thrive alone, so most owners have a minimum of four (4) to maintain a proper “social order”.• Allows for owners to have hens that still produce eggs and keep those hens that are still valued by the owner but can no longer lay eggs.• Capping the number of hens to less than six (6) may lead owners who raise chickens for eggs to limit their flock to only egg producers and burden animal shelters with cast-off older hens.
<i>Minimum lot size requirement</i>	If specified, varies depending on Zoning Ordinance requirements (typically 2,500 - 8,000 sq. ft.).	<ul style="list-style-type: none">• Generally, the requirement of a minimum lot size reduces the number of residentially zoning districts allowable for urban/backyard chickens (i.e., only permit in E-1 and R-1 districts and not in R-2)• Needlessly creates obstacles to raising chickens in residential districts otherwise suited for the use.

<i>Location and/or Setback Requirements</i>	<p>Located only in rear yards.</p> <p>Minimum of 25 ft. from any side/rear property line.</p>	<ul style="list-style-type: none"> • Typically seen as an “accessory use” to the primary residential land use, the location is most appropriate in rear yards. • Minimum 25 ft. setback is far enough to reduces nuisance of noise and odor, but also allows smaller properties to meet the standard.
<i>Sanitation Requirements (i.e. Performance Standards)</i>	<p>Requires coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors and accumulation of waste.</p> <p>Prohibit feed from being scattered on the ground and requiring chickens to be fed from a trough.</p>	<ul style="list-style-type: none"> • Typically, can be enforced through existing performance standards in Zoning Ordinance and Property Maintenance Code. • Goal is to reduce odor, rodent and accumulation of waste without implementing stringent cleaning requirements which would be impossible to enforce.
<i>Enclosure/Coop Construction</i>	<p>Constructed with a covered, predator-proof roof which allows for two (2) square feet per hen.</p> <p>Some ordinances provide sample construction diagram of wall/roof section and allowed materials.</p> <p>Typically requires a fenced “chicken run” area or located in a fenced yard.</p>	<ul style="list-style-type: none"> • Ensures adequate protection from natural predators (e.g. foxes, dogs, coyotes, etc.) and designed for easy access for cleaning. • Proposed size of 2 sq. ft. per hen provides adequate space for movement but small enough to keep birds warm in winter. • Fencing is required to allow birds to roam during cleaning but precludes chickens from running at large.
<i>Slaughtering</i>	Prohibited	<ul style="list-style-type: none"> • Intent of ordinance is for chickens as pets or for raising of hens for eggs, not for meat. • Addresses concerns of health/hygiene concerns related to backyard slaughtering/butchering of chickens.
<i>Roosters</i>	Prohibited or only permitted under four (4) months of age.	<ul style="list-style-type: none"> • Addresses concerns of noise (crowing) and are not needed for hens to produce eggs for feeding.
<i>Permit Required</i>	<p>Varies by community.</p> <p>Those that require a permit (\$0 - \$50), city inspection and an annual renewal requirement.</p> <p>Recommended not to permit, but establish regulations, similar to regulating home occupations.</p>	<ul style="list-style-type: none"> • Inefficient use of City staff time to require a permit/license, review plans and maintain records. • Permit fees, especially if annual, could prove cost prohibitive for chicken owner. • Enforcement of regulations can still occur through the property maintenance process on a complaint basis.

Policy Proposals:

In consideration of a policy permitting urban/domesticated chickens, staff took into account the above referenced best practices from research gathered in planning related studies, model ordinances and surrounding community zoning codes to create a tier of three (3) options with varying degrees of regulations:

	LIMITED REGULATION	MODERATE REGULATION	SUBSTANTIAL REGULATION
PERMITTED ZONING	<ul style="list-style-type: none">• E-1 (4 parcels)• <u>R-1 (264 parcels)</u> Total 268 parcels	<ul style="list-style-type: none">• E-1 (4 parcels)• R-1 (264 parcels)• <u>R-2 (6,358 parcels)</u> Total 6,626 parcels	<ul style="list-style-type: none">• E-1 (4 parcels)• R-1 (264 parcels)• R-2 (6,358 parcels)• <u>R-2D (207 parcels)</u> Total 6,833 parcels
MAX. NUMBER	Max. 8 chickens	Max. 6 chickens	Max. 4 chickens
MIN. LOT SIZE	N/A	12,000 sq. ft.	10,000 sq. ft.
LOCATION/SETBACK	Rear/Side Yard	Rear/Side Yard 25 ft. setback	Rear Yard Only 25 ft. setback
SANITATION	Performance Standards & Property Maintenance Code applies.	Performance Standards & Property Maintenance Code applies. Prohibit feed from being scattered on the ground.	Performance Standards & Property Maintenance Code applies Prohibit feed from being scattered on the ground <u>and</u> requiring chickens to be fed from a trough.
ENCLOSURE/COOP	Enclosure Required. No specifications.	Enclosure constructed with a covered, predator-proof roof which allows for two (2) square feet per hen. Chicken run and/or yard fence required.	Enclosure constructed with a covered, predator-proof roof which allows for two (2) square feet per hen. Built per sample construction diagram of wall/roof section and allowed materials. Chicken run and/or yard fence required.
SLAUGHTERING	Prohibited	Prohibited	Prohibited
ROOSTERS	Permitted	Permitted up to 4 months of age	Prohibited
PERMIT REQUIRED	Not Required	Required w/o Inspection (\$25.00 one-time fee)	Required w/Inspection (\$50.00 one-time fee)

Examples of a “Limited Regulation”, “Moderate Regulation” and “Substantial Regulation” ordinances are attached to this memo.

Potential Code Amendments:

Current sections of the City Code would be impacted and require amending if any measure permitting domesticated chickens and backyard coops/enclosures are allowed as accessory uses/structure. These include Chapter 2: Animals of Title 5: Police Regulations; Chapter 3: General Zoning Provisions of Title 10: Zoning; and Title 8: Building Regulations.

However, staff recommends amending the Zoning Ordinance only if the City Council decides to implement the “Limited Regulations” which does not require a building permit for approval. Otherwise, we recommend amendments only to the Police and Building titles of the City Code if the “moderate” and “substantial” regulations are adopted, as this is consistent with how the Beekeeping Regulations were approved.

The following are areas in each aforementioned section which would require amending, text in red is proposed to be **added**:

Title 5: Police Regulations, Chapter 2: Animals

“Agricultural Animal” definition in Section 5-2-1: Definitions will need to be amended to read as follows: “AGRICULTURAL ANIMAL: Livestock, poultry **with the exception of domesticated chickens as regulated in (insert section)**, and other farm animals.”

“Domestic Animal” definition in Section 5-2-1: Definitions will need to be amended to read as follows: “DOMESTIC ANIMAL: Dogs, cats and any other types of animals or fowl, **including domesticated chickens as regulated in (insert section)**, normally maintained as a household pet or guardian.”

Creation of a new definition in Section 5-2-1: Definitions for “domesticated chickens” to read as follows: **“DOMESTICATED CHICKENS: A subspecies of the species Gallus Domesticus which are kept in an enclosure in the rear or side yard of a residentially zoned property as permitted and regulated in (insert section).”**

Title 5: Police Regulations, Section 5-2-5: Agricultural Animals

Section 5-2-5: Agricultural Animals will need to be amended to read as follows:

“Agricultural animals are prohibited within the corporate limits of the city, unless they **are domesticated chickens regulated in (insert section)** or are confined within an enclosure on land zoned A-1 agricultural zoning district, in accordance with title 10, chapter 9 of this code.”

Title 8: Building Regulations

Should the City Council pursue the moderate or substantial regulations, staff recommends creating a new chapter, **Chapter 19: Domesticated Chickens**, which will provide all regulatory requirements for permitting chickens in designated residential districts.

Title 10: Zoning, Chapter 3: General Zoning Provisions

Should the City Council pursue the limited regulations, staff recommends creating a new section in the General Zoning Provisions, **Section 10-3-15: Domesticated Chickens**, which will provide all regulatory requirements for permitting chickens in designated residential districts.

Creation of a new definition in Section 10-2-3: Definitions for “domesticated chickens” to read as follows: **“DOMESTICATED CHICKENS: A subspecies of the species Gallus Domesticus which**

are kept in an enclosure in the rear or side yard of a residentially zoned property as permitted and regulated in (insert section).”

Potential Enforcement Options:

In regard to potential enforcement options, the following options exist:

1. **Property Maintenance Code** – existing provisions within the 2018 International Property Maintenance Code (IPMC) allows for the enforcement of public nuisances such as rodent harborage, maintenance of accessory structures, and proper rubbish and garbage containment, all which may result from unkept chicken coops.
2. **Animals At Large** – existing provisions within 5-2-4: Domestic Animals, prohibits domestic animals from running at large, with or without a tag fastened to its collar, within the corporate limits of the city. When any domestic animal is found on any public street, sidewalk, alley or any unenclosed place it is deemed to be running at large unless firmly held on a leash or is in an enclosed vehicle. This can be an issue if chickens are let loose in a backyard without secure fencing.
3. **Performance Standards** – located in the Zoning Ordinance, performance standards regulate noise (also regulated in Public Health and Safety ordinance the City Code) and odor which are also concerns related to permitting domestic chickens in residential districts.
4. **Permit Revocation** – the Building Code Official has the ability to revoke any valid permit if a violation is found and not corrected.

All of the above provisions would require processing through the City’s Administration Adjudication procedures which, in addition, can lead to forced compliance, but fines and/or fees.

Additionally, staff has received feedback from the Police Department which expressed concerned regarding nuisance and noise complaints, as well as conflicts between this ordinance and HOA regulations. While the proposed enforcement options address the noise and nuisance complaints, the City has no authority to enforce HOA regulations.

To ensure communication between residents and their homeowners association is made prior to application submittal, staff can require a letter or approval from the HOA board as part of the permitting process. The attached permit example from the City of Batavia is provided for reference.

Municipalities with Similar Ordinance Feedback

Staff has reached out to four (4) area municipalities with existing urban (domesticated) chicken ordinances to seek their experiences administering and enforcing those regulations to share with the committee. Those communities were the cities of Naperville, Evanston, Batavia and the Village of Plainfield. Most of the communities adopted their regulations within the last 10 years and on average have had approximately twelve (12) applications during that time. None have reported any major complaints and administration of the regulations a non-issue.

Staff Comments:

Staff is seeking formal direction from the Economic Development Committee (EDC) to permit, define and regulate urban/domestic chickens within the city, and to what degree. If it is the concurrence of the Committee to amend, staff and the City Attorney will prepare the appropriate ordinance language per your direction and present it to the appropriate committees and/or commission at a future meeting with a recommendation to the City Council for final approval.

Attachments

1. *Illegal Fowl: A Survey of Municipal Laws Relating to Backyard Poultry and a Model Ordinance for Regulating City Chickens*, Jamie Bouvier, Environmental Law Institute, 2012.
2. *Feeding the Locavores, One Chicken at a Time: Regulating Backyard Chickens*, Patricia Salkin, Zoning and Planning Law report, Vol. 34, No. 3, p. 1, March 2011.
3. City of Batavia – Chicken and Coop Requirements (Permit Application example)
4. Village of Plainfield – Keeping of Chickens regulations (Limited Regulation example)
5. City of Naperville – Urban Livestock Ordinance (Moderate Regulation example)
6. City of Evanston – Urban Livestock Ordinance (Substantial Regulation example)
7. Emails from residents regarding chickens

Illegal Fowl: A Survey of Municipal Laws Relating to Backyard Poultry and a Model Ordinance for Regulating City Chickens

by Jaime Bouvier

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Cleveland-Marshall College of Law.

Summary

As the movement toward keeping backyard chickens continues to grow, many cities are facing the decision of whether to allow residents to keep chickens and, if so, how to effectively regulate the practice. A survey of municipal ordinances in the top 100 most populous cities in the United States that concern keeping and raising chickens offers lessons that may be applied to designing a model ordinance. This survey reveals that chickens are, perhaps surprisingly, legal in the vast majority of large cities. The survey also identifies regulatory norms and some effective and less effective ways to regulate the keeping of chickens. A proposed model ordinance, based on the background information and survey results, could be adopted by a city or easily modified to fit a city's unique needs.

So much depends
upon
a red wheel
barrow
glazed with rain
water
beside the white
chickens.

William Carlos Williams, 1923.

The movement toward bringing agricultural practices into the city has continued to expand during the last decade.¹ As we learn more about the problems with our modern commercial agricultural practices—like keeping large numbers of animals crowded in small indoor facilities with little or no access to fresh air or sunlight and growing vast amounts of corn and soy in a monoculture environment to feed those animals²—many city-dwellers are taking it into their own hands to provide solutions.³ Community gardens are increasing in cities across the country.⁴ Market farms and even full-scale urban farms are popping up both in cities where the foreclosure epidemic has caused an abundance of abandoned properties and in cities where property has maintained or even increased in value.⁵ And, farmer's markets have increased exponentially across the country—allowing smaller scale local farmers to directly link to consumers and sell their produce for far above the wholesale amounts they could get from selling through

Author's Note: I would like to thank my research assistant Hannah Markel. I would also like to thank Heidi Gorovitz Robertson and Carolyn Broering-Jacobs for their support and mentorship.

1. Kimberly Hodgson et al., *Urban Agriculture: Growing Healthy Sustainable Places*, American Planning Association, Planning Advisory Service, Report No. 563 (Jan. 2011); JANINE DE LA SALLE & MARK HOLLAND, *AGRICULTURAL URBANISM, HANDBOOK FOR BUILDING SUSTAINABLE FOOD & AGRICULTURAL SYSTEMS IN 21ST CENTURY CITIES*, 9-12 (2010).
2. *E.g.*, FOOD, INC. (Magnolia Pictures 2009); MICHAEL POLLAN, *THE OMNIVORE'S DILEMMA: A NATURAL HISTORY OF FOUR MEALS* (2006); ERIC SCHLOSSER, *FAST FOOD NATION: THE DARK SIDE OF THE ALL AMERICAN MEAL* (2002); MARION NESTLE, *FOOD POLITICS: HOW THE FOOD INDUSTRY INFLUENCES NUTRITION AND HEALTH* (2002).
3. *E.g.*, LISA TAYLOR, *YOUR FARM IN THE CITY: AN URBAN DWELLER'S GUIDE TO GROWING FOOD AND RAISING LIVESTOCK* (2011); THOMAS J. FOX, *URBAN FARMING: SUSTAINABLE CITY LIVING IN YOUR BACKYARD*, IN *YOUR COMMUNITY, AND IN THE WORLD* (2011); KELLY COYNE & ERIK KNUTZEN, *THE URBAN HOMESTEAD: YOUR GUIDE TO SELF-SUFFICIENT LIVING IN THE HEART OF THE CITY* (2010); KURT B. REIGHLEY, *THE UNITED STATES OF AMERICANA: BACKYARD CHICKENS, BURLESQUE BEAUTIES, AND HOMEMADE BITTERS* (2010).
4. Jane E. Schukoske, *Community Development Through Gardening: State and Local Policies Transforming Urban Open Space*, 3 N.Y.U. J. LEGIS. & PUB. POL'Y 315, 354 (1999-2000).
5. Hodgson, *supra* note 1, at 3-4.

more established channels like supermarkets and convenience stores.⁶

Part of the greater urban agriculture movement involves urban animal husbandry—raising livestock in an urban setting.⁷ While many cities have allowed for bees, goats, and other livestock in the city,⁸ this Article will focus on how cities regulate chickens.⁹ Many people in urban environments are seeking to raise chickens to assert control over their food. This may be in reaction to increasing reports of how large industrial farms raise chickens in abusive and unsanitary settings—settings that not only are unhealthy for the chickens but negatively affect the health of people who live near such farms, as well as anyone who eats the eggs or meat from those chickens.¹⁰ Many people view raising chickens and other urban agricultural practices as a way to combat a broken food system and a way to assert individual political power against the large corporations that control much of our food.¹¹

In response to a growing demand from city-dwellers to raise their own chickens, either as part of a community

garden, urban farm, or just in their own backyard, cities across the country are amending their ordinances to allow for and regulate backyard chickens.¹² This Article will first provide a primer on what a city-dweller should know about chickens. This is especially targeted to city-dwellers who serve as councilpersons, mayors, or law directors and know little or nothing about chickens. Because many municipal officials lack agricultural knowledge, they lack a basis for understanding whether chickens can peacefully co-exist with their constituents in a cosmopolitan area. And, even if officials believe that residents should be able to keep chickens, they may still feel unequipped to figure out how to properly regulate chickens to head off practical concerns with noise, odor, and nuisance.

Many people may be surprised to learn that even in cities where raising chickens is illegal, many people are doing so anyway.¹³ For instance, in a suburb of Cleveland, Jennifer,¹⁴ a young mother of two boys, built a coop in her backyard and bought four chicks.¹⁵ These chicks grew up to be egg-laying hens and family pets before she learned that her city outlawed chickens. The city told her that if she did not get rid of the chickens, she would be subject to continuing expensive citations for violating the city's ordinance. Because both she and her children

6. Patricia E. Salkin & Amy Lavine, *Regional Foodsheds: Are Our Local Zoning and Land Use Regulations Healthy?*, 22 FORDHAM ENVTL. L. REV. 599, 617 (2011); Brandon Baird, *The Pending Farmer's Market Fiasco: Small-Time Farmers, Part-Time Shoppers, and a Big-Time Problem*, 1 KYJEANRL 49, 49-50 (2008-2009). See also Kirk Johnson, *Small Farmers Creating a New Business Model as Agriculture Goes Local*, N.Y. TIMES, July 1, 2012, http://www.nytimes.com/2012/07/02/us/small-scale-farmers-creating-a-new-profit-model.html?_r=1&ref=agriculture.
7. Hogdson, *supra* note 1, at 17. See, e.g., ROBERT & HANNAH LITT, A CHICKEN IN EVERY YARD (2011); HARVEY USSERY, THE SMALL-SCALE POULTRY FLOCK: AN ALL-NATURAL APPROACH TO RAISING BACKYARD AND URBAN CHICKENS (2011); ANDY SCHNEIDER, THE CHICKEN WHISPERER'S GUIDE TO KEEPING CHICKENS, EVERYTHING YOU NEED TO KNOW . . . AND DIDN'T KNOW YOU NEEDED TO KNOW ABOUT RAISING CHICKENS (2011); TARA LAYMAN WILLIAMS, THE COMPLETE GUIDE TO RAISING CHICKENS: EVERYTHING YOU NEED TO KNOW EXPLAINED SIMPLY (2010); JEROME D. BELANGER, THE COMPLETE IDIOT'S GUIDE TO RAISING CHICKENS (2010); CARLEE MADIGAN, THE BACKYARD HOMESTEAD (2009); KIMBERLY WILLIS & ROB LUDLOW, RAISING CHICKENS FOR DUMMIES (2009).
8. E.g., Heather Wooten & Amy Ackerman, *Seeding the City: Land Use Policies to Promote Urban Agricultural*, NATIONAL POLICY & LEGAL ANALYSIS NETWORK TO PREVENT CHILDHOOD OBESITY, 34 (2011); Kailee Neuner et al., *Planning to Eat: Innovative Local Government Plans and Policies to Build Healthy Food Systems in the United States*, FOOD SYSTEMS PLANNING AND HEALTHY COMMUNITIES LAB, UNIVERSITY OF BUFFALO, THE STATE UNIVERSITY OF NEW YORK, 17 (2011).
9. See also Patricia Salkin, *Feeding the Locavores, One Chicken at a Time: Regulating Backyard Chickens*, 34:3 ZONING & PLAN. L. REP. 1 (2011) (briefly surveying chicken laws); Mary Wood et al., *Promoting the Urban Homestead: Reform of Local Land Use Laws to Allow MicroLivestock on Residential Lots*, 37 ECOLOGY L. CURRENTS 68 (2010).
10. See, e.g., Nicholas D. Kristof, *Is an Egg for Breakfast Worth This?*, N.Y. TIMES, Apr. 11, 2012, <http://www.nytimes.com/2012/04/12/opinion/kristof-is-an-egg-for-breakfast-worth-this.html>; Nicholas D. Kristof, *Arsenic in Our Chicken*, N.Y. TIMES, Apr. 4, 2012, <http://www.nytimes.com/2012/04/05/opinion/kristof-arsenic-in-our-chicken.html>.
11. Hugh Bartling, *A Chicken Ain't Nothing but a Bird: Local Food Production and the Politics of Land-Use Change*, LOCAL ENVIRONMENT 17(a) (Jan. 2012). For a different take on the political reasons behind backyard chickens, see Shannon Hayes, *Radical Homemakers: Reclaiming Domesticity From a Consumer Culture* (2005) (asserting that urban farming can be a feminist response to modern urbanization).

12. Sarah Grieco, *Backyard Bees, Chickens, and Goats Approved*, NBCSANDIEGO, Feb. 1, 2012, <http://www.nbcsandiego.com/news/local/Backyard-Bees-Chickens-Goats-Approved-138507104.html>; Michael Cass, *Backyard Chickens Make Gains in Nashville*, THE TENNESSEAN, Jan. 5, 2012, <http://www.healthynashville.org/modules.php?op=modload&name=News&file=article&sid=20163>; Peter Applebome, *Envisioning the End of "Don't Cluck, Don't Tell"*, N.Y. TIMES, Apr. 30, 2009, <http://www.nytimes.com/2009/4/30/nyregions/30town?>; Jessica Bennet, *The New Coop de Ville, the Craze for Urban Poultry Farming*, NEWSWEEK, Nov. 16, 2008, <http://www.thedailybeast.com/newsweek/2008/11/16/the-new-coop-de-ville.img.jpg>. And this movement is not just in the United States; Australia, Canada, and Europe also are experiencing a surge in the number of people keeping backyard hens. See, e.g., *Surge in Backyard Poultry Numbers*, BRITISH FREE RANGE EGG PRODUCERS ASSOCIATION (Jan. 9, 2011), http://www.theranger.co.uk/news/Surge-in-backyard-poultry-numbers_21660.html (last visited Feb. 24, 2012); BACKYARD CHICKENS IN TORONTO, ONTARIO, http://torontochickens.com/Toronto_Chickens/Blog/Blog.html (last visited Feb. 22, 2012) (advocacy group seeking to legalize chickens in Toronto); Chris Mayberry & Peter Thomson, *Keeping Chickens in the Backyard*, DEPARTMENT OF AGRICULTURE AND FOOD, GOVERNMENT OF WESTERN AUSTRALIA (Aug. 2004), http://www.agric.wa.gov.au/content/aap/pou/man/gn2004_022.pdf (last visited Feb. 22, 2012); ANDREA GAYNOR, *HARVEST OF THE SUBURBS: AN ENVIRONMENTAL HISTORY OF GROWING FOOD IN AUSTRALIAN CITIES* (2006); Catharine Higginson, *Living in France-Keeping Chickens*, LIVING FRANCE, <http://www.livingfrance.com/real-life-living-and-working-living-in-france-keeping-chickens-94936> (last visited Feb. 22, 2012).
13. See, e.g., *Where Chickens Are Outlawed Only Outlaws Will Have Chickens*, BACKYARDCHICKENS.COM, <http://www.backyardchickens.com/t/616955/where-chickens-are-outlawed-only-outlaws-will-have-chickens-t-shirt> (last visited Feb. 15, 2012) (forum for people who own chickens illegally); Heather Cann et al., *Urban Livestock: Barriers and Opportunities Faces by Homesteaders in the City of Waterloo*, Dec. 6, 2011, <http://www.wrfoodsystem.ca/studentresearch> (last visited Feb. 22, 2012) (interviewing several people who own chickens illegally in the Waterloo region of Canada).
14. Not her real name.
15. Interview with Jennifer, July 18, 2011 (on file with author).

had grown close to the hens, they did not want to simply dispose of them or give them away. Instead, Jennifer moved to a neighboring city that had recently passed an ordinance legalizing backyard hens and started a chicken cooperative.¹⁶ Now, a group of neighbors take turns caring for the chickens and share the eggs. Neither in the suburb where she started raising the chicks nor in the city where she started the cooperative did neighbors complain about odor, noise, or any other potential nuisance. And the suburb, by prohibiting chickens, lost the opportunity Jennifer was willing to provide to build strong community ties with her neighbors.¹⁷

Instead of moving away, others are seeking to change the law to raise chickens in the city where they already live. For instance, Cherise Walker has been advocating for a new ordinance in her community.¹⁸ Ms. Walker is a veteran of the Iraq war who became interested in hens when she read that keeping chickens can help relieve post-traumatic stress disorder.¹⁹ She subscribes to *Backyard Poultry*—a magazine dedicated to backyard chickens²⁰; she became certified in hen-keeping by the Ohio State University Extension; and, she began assembling the materials to build a coop in her yard. But, she soon learned that her city outlaws hens as dangerous animals, placing them in the same category as lions, tigers, bears, and sharks.²¹ Unwilling to become an outlaw hen-keeper, she, like countless others across the country, is attempting to lobby her mayor and city council-people to educate them about chickens and encourage them to adopt a more chicken-friendly ordinance.²²

Because of the growing popularity of keeping backyard chickens, cities can benefit from well-thought-out ordinances that avert possible nuisance and make it easy and clear for would-be chicken owners to find out what they need to do to comply with the law.

Changing these ordinances, however, is often a contentious issue.²³ It has caused one mayor in Minnesota to say, “there is a lot of anger around this issue for some reason.

More so than the war by far.”²⁴ City leaders are understandably concerned that chickens may cause nuisances.²⁵ They have raised such concerns as decreasing property values²⁶ and increasing greenhouse emissions,²⁷ as well as concerns about excessive clucking and overwhelming odors bothering the neighbors.²⁸ Some express the belief that chickens, and other agricultural practices, simply do not belong in cities.²⁹ The controversy over backyard chicken regulation has been so contentious that at least one law review article uses it as a case study for the Coase theorem to illustrate how we unnecessarily inflate the costs of processes related to legal change.³⁰

In Part I, this Article will discuss the benefits of backyard chickens. Part II will investigate concerns that many people have with keeping chickens in the city. Part III will provide some background about chickens and chicken behavior that municipalities should understand before crafting any ordinance. Part IV will survey ordinances related to keeping chickens in the 100 most populous cities in the United States, identifying regulatory norms and particularly effective and ineffective means of regulation. Finally, Part V will put forward a model ordinance that regulates keeping chickens in an urban setting while providing sufficient regulation to abate nuisance concerns.

16. CLEVELAND, OHIO, CODIFIED ORDINANCES §§205.04, 347.02 (2011).

17. See *infra* Part I.E. (discussing how participating in urban agriculture can increase social connections and civic responsibility).

18. Interview with Jennifer, July 18, 2011 (on file with author).

19. Megan Zotterelli, *Veterans Farming*, THE LEAFLET: NEWSLETTER OF THE CENTRAL COAST CHAPTER OF CALIFORNIA RARE FRUIT GROWERS (July/Aug. 2011), <http://centralcoastfoodie.com/2011/08/veterans-farming/> (noting that the Farmer Veterans Coalition that seeks to link veterans with farming has done so not only to provide veterans with economic opportunities, but because “the nurturing environment of a greenhouse or a hatchery has helped these veterans make impressive strides in their recovery and transition”).

20. *Backyard Poultry Magazine* has been published since 2006 by Countryside Publications, Inc. It currently has a circulation of approximately 75,000 readers. See ADVERTISING INFORMATION FOR BACKYARD POULTRY, <http://www.backyardpoultrymag.com/advertise.html> (last visited Feb. 22, 2012).

21. LAKEWOOD MUN. ORDINANCE §505.18.

22. Interview with Cherise Walker, Mar. 18, 2012 (on file with author).

23. Barak Y. Orbach & Frances R. Sjoberg, *Debating Over Backyard Chickens*, Arizona Legal Studies, Discussion Paper No. 11-02 (Feb. 2012) (listing conflicts in dozens of cities where people were seeking to change ordinances to either legalize or ban chickens); see also Salkin, *supra* note 9, at 1 (describing criticism of efforts to allow chickens in neighborhoods as including “worry that property values will plummet, that chickens will create foul odors and noise, and that they will attract coyotes, foxes, and other pests”).

24. Orbach & Sjoberg, *supra* note 23, at 24.

25. P.J. Huffstutter, *Backyard Chickens on the Rise, Despite the Neighbor's Clucks*, L.A. TIMES, June 15, 2009, <http://articles.latimes.com/2009/jun/15/nation/na-chicken-economy15>.

26. Tiara Hodges, *Cary: No Chickens Yet*, INDYWEEK.COM, Feb. 10, 2012, <http://www.indyweek.com/BigBite/archives/2012/02/10/cary-no-chickens-yet> (last visited Feb. 17, 2012); *Backyard Chickens: Good or Bad Idea*, KVAL.COM, Mar. 3, 2009, <http://www.kval.com/news/40648802.html> (last visited Feb. 17, 2012).

27. Valerie Taylor, *Chickens for Montgomery* (2009), <http://www.scribd.com/doc/16509728/Changing-Your-Citys-Chicken-Laws> (last visited Feb. 17, 2012) (addressing a concern that Montgomery council people voiced about greenhouse gases).

28. Josie Garthwaite, *Urban Garden? Check. Now, Chickens*, N.Y. TIMES, Feb. 7, 2012, <http://green.blogs.nytimes.com/2012/02/07/urban-garden-check-now-chickens/>.

29. Orbach & Sjoberg, *supra* note 23, at 19 (citing one mayor from Franklinton, Louisiana, as stating the “city has changed and grown so much since the original ordinance. We are trying to look to the future. You can’t raise animals or livestock (in the city).”); Barry Y. Orbach & Frances R. Sjoberg, *Excessive Speech, Civility Norms, and the Clucking Theorem*, 44 CONN. L. REV. 1 (2011) (stating that an alderman in Chicago was seeking to ban chickens in part because, “[a]ll things considered, I think chickens should be raised on a farm”); Jerry Kaufman & Martin Bailkey, *Farming Inside Cities*, 13 LANDLINES 1 (2001).

30. See Orbach & Sjoberg, *supra* note 29.

I. The Benefits of Backyard Chickens

In 1920, an elementary school textbook recommended that every family in America keep a small flock of backyard chickens.³¹ The textbook provided that “every family is better off for having a few chickens, provided they are kept out of the garden and at a suitable distance from any house.”³² It noted that of the millions of dollars worth of eggs that were sold each year at that time, comparatively little came from large poultry farms, but came instead “from the hundreds and thousands of farms and town lots where a few chickens and other fowls are kept in order that they may turn to profit food materials that otherwise would be wasted.”³³ The textbook asserted that chickens were a good value because, as scavengers and omnivores, it was relatively cheap to feed them scraps and receive in return fresh eggs. Also, the textbook championed city flocks because chickens eat insects and thus prevent the increase of insect pests.³⁴

The U.S. government was in agreement with the textbook’s advice. During World War I, the United States exhorted every person in America to raise chickens. The U.S. Department of Agriculture (USDA) issued posters with titles like “Uncle Sam Expects You to Keep Hens and Raise Chickens.”³⁵ One such poster encourages chicken ownership by exhorting that “even the smallest backyard has room for a flock large enough to supply the house with eggs.”³⁶ The poster goes on to say that because chickens eat table scraps and require little care, every household should contribute to a bumper crop of poultry and eggs in 1918.³⁷

These recommendations are still valid today, as many are reevaluating the suburbanization of America that occurred after World War II and reincorporating agricultural practices into daily life.³⁸ Keeping domesticated fowl has been a part of human existence for millennia,³⁹ and only in the last century has been seen as something that should be kept separate from the family and the home.⁴⁰ While humanity has long understood the benefits of keeping domesticated chickens, many city-dwellers have lost touch with what

Uncle Sam Expects You To Keep Hens and Raise Chickens



Two Hens in the Back Yard for Each Person in the House Will Keep a Family In Fresh Eggs

EVEN the smallest back yard has room for a flock large enough to supply the house with eggs. The cost of maintaining such a flock is small. Table and kitchen waste provide much of the feed for the hens. They require little attention—only a few minutes a day.

An interested child, old enough to take a little responsibility, can care for a few fowls as well as a grown person.

Every back yard in the United States should contribute its share to a bumper crop of poultry and eggs in 1918.

**In Time of Peace a Profitable Recreation
In Time of War a Patriotic Duty**

For information about methods of Back-Yard Poultry Keeping suited to your location and conditions, write

Your State Agricultural College
or
The United States Department of Agriculture
Washington, D. C.

USDA Poster from Scott Doyon, *Chickens: WWI Solution to Almost Everything*, *Better Cities & Towns*, Nov. 4, 2011, <http://bettercities.net/news-opinion/blogs/scott-doyon/15562/backyard-chickens-wwi-era-solution-almost-everything> (last visited Feb. 15, 2012).

chickens have to offer. There continue to be many benefits to raising hens. Some of the benefits are apparent—like getting fresh free eggs. Some are less apparent—like hen manure being a surprisingly pricey and effective fertilizer and research findings that urban agricultural practices in general raise property values and strengthen the social fabric of a community. The benefits of keeping hens will be discussed more thoroughly below.

A. Chickens Are a Source of Fresh Nutritious Eggs

The most obvious benefit of keeping chickens in the backyard is the eggs. A hen will generally lay eggs for the first five to six years of her life, with peak production in the first two years.⁴¹ Hens lay more during the spring and summer months when they are exposed to more light because of the longer days.⁴² Hens also lay far more eggs when they are younger, starting off with between 150 to 300 eggs per year depending on the breed and dwindling down by about 20% each year.⁴³ Young hens or pullets often start out lay-

31. WILLIAM THOMPSON SKILLING, *NATURE-STUDY AGRICULTURE* (World Book Co. 1920).

32. *Id.* at 296.

33. *Id.*

34. *Id.*

35. Scott Doyon, *Chickens: WWI Solution to Almost Everything*, *BETTER CITIES & TOWNS*, Nov. 4, 2011, <http://bettercities.net/news-opinion/blogs/scott-doyon/15562/backyard-chickens-wwi-era-solution-almost-everything> (last visited Feb. 15, 2012).

36. *Id.*

37. *Id.*

38. Hodgson, *supra* note 1, at 11-12. See, e.g., ROBERT M. FOGELSON, *BOURGEOIS NIGHTMARES* 168-81 (2005) (noting that backyard poultry-keeping went from being universal and encouraged to being banned as a nuisance when newly developed suburbs aimed toward attracting wealthy residents began instituting policies to ban all household pets in an effort to distinguish themselves from both the urban and rural lower class).

39. Barbara West & Ben-Xiong Zhou, *Did Chickens Go North? New Evidence for Domestication*, 44 *WORLD'S POULTRY SCI. J.* 205-18 (1999). CHRISTINE HEINRICH, *HOW TO RAISE CHICKENS: EVERYTHING YOU NEED TO KNOW* (2007).

40. See, e.g., ANDREA GAYNOR, *HARVEST OF THE SUBURBS* 133 (2006); JANINE DE LA SALLE & MARK HOLLAND, *AGRICULTURAL URBANISM: HANDBOOK FOR BUILDING SUSTAINABLE FOOD & AGRICULTURE SYSTEMS IN 21ST CENTURY CITIES* 23 (2010).

41. LITT, *supra* note 7, at 168-69.

42. *Id.* at 169.

43. *Id.*

ing abnormal-looking or even double-yolked eggs, but as they mature begin laying more uniform eggs.⁴⁴ Although hens can live up to 15 or even 20 years, the average hen's lifespan is between four to eight years, so most hens will lay eggs during most of their life—but production will drop off considerably as they age.⁴⁵

Although some have argued that raising backyard chickens will save money that would have been used to buy eggs over time, this claim is dubious.⁴⁶ It would take many years to recoup the cost of the chickens, the chicken feed, and the coops.⁴⁷ But cost is only part of the equation.

Eggs from backyard hens have been scientifically shown to taste better.⁴⁸ First, they taste better because they are fresher.⁴⁹ Most eggs bought in a grocery store are weeks if not months old before they reach the point of sale.⁵⁰ Recent studies in agriculture science, moreover, demonstrate that if a chicken is allowed to forage for fresh clover and grass, eat insects, and is fed oyster shells for calcium, her eggs will have a deeper colored yolk, ranging from rich gold to bright orange, and the taste of the egg will be significantly fresher.⁵¹

Next, eggs from backyard hens are more nutritious.⁵² Poultry scientists have long known that a hen's diet will affect the nutrient value of her eggs.⁵³ Thus, most commercial hens are subjected to a standardized diet that provides essential nutrients; but even with this knowledge, large-scale operations cannot provide chickens with an optimal diet under optimal conditions.⁵⁴ Tests have found that eggs from small-flock pasture-raised hens actually have a remarkably different nutritional content than your typical store-bought egg—even those certified organic.⁵⁵ This is because backyard chickens can forage for fresh grass and other greens and get access to insects and other more natural chicken food.⁵⁶ The nutritional differences may also be attributed to the fact that hens are less stressed because

they are kept in a more natural environment with exposure to sun, weather, and adequate companionship.⁵⁷ Scientific nutritional analyses have proven that eggs from hens that are kept in small flocks and allowed to forage, when compared with store-bought eggs, have

- 1/3 less cholesterol
- 1/4 less saturated fat
- 2/3 more vitamin A
- 2 times more omega-3 fatty acids
- 3 times more vitamin E
- 7 times more beta-carotene.⁵⁸

Thus, four to six hens can easily provide enough eggs for a typical household and sometimes enough for the neighbors as well. And, the eggs are more nutritious, fresher, and tastier than those available in stores.

B. Chickens Provide Companionship as Pets

Many people who own a small flock of chickens consider their chickens to be pets and a part of their family—just like a dog or a cat.⁵⁹ Chickens have personalities, and many people and children bond with them just like any other pet.⁶⁰ Several forums exist on the Internet where people can trade stories about hen antics⁶¹ or debate what breed of chicken is best for children.⁶² Chicken owners tend to name their hens, and many can easily describe each hen's temperament and personality.⁶³

Perhaps recognizing this, many cities, as shown below, actually regulate chickens as pets—and place no further burden on chicken owners than it would on dog or cat owners.⁶⁴

C. Chicken Manure Is a Surprisingly Valuable Fertilizer

Chicken manure is an excellent and surprisingly valuable fertilizer. Currently, 20-pound bags of organic chicken manure fertilizer can fetch a price of between \$10 and

44. Bernal R. Weimer, *A Peculiar Egg Abnormality*, 2-4:10 POULTRY SCI. 78-79 (July 1918).

45. LITT, *supra* note 7, at 173.

46. GAIL DAMEROW, *BACKYARD HOMESTEAD GUIDE TO RAISING CHICKENS* (2011).

47. LITT, *supra* note 7, at 16. William Neuman, *Keeping Their Eggs in Their Backyard Nests*, N.Y. TIMES, Aug. 3, 2009, <http://www.nytimes.com/2009/08/04/business/04chickens.html?pagewanted=all> (acknowledging that backyard chicken enthusiasts do not typically save money by not buying eggs).

48. Klaus Horsted et al., *Effect of Grass Clover Forage and Whole-Wheat Feeding on the Sensory Quality of Eggs*, 90:2 J. SCI. FOOD & AGRIC. 343-48 (Jan. 2010).

49. LITT, *supra* note 7, at 17.

50. *Id.*

51. Horsted et al., *supra* note 48.

52. LITT, *supra* note 7, at 179 (citing Cheryl Long & Tabitha Alterman, *Meet Real Free-Range Eggs*, MOTHER EARTH NEWS, Oct./Nov. 2007, <http://www.motherearthnews.com/Real-Food/2007-10-01/Tests-Reveal-Healthier-Eggs.aspx>; Artemis P. Simopoulos & Norman Salem Jr., *Egg Yolk: A Source of Long-Chain Polyunsaturated Fats in Infant Feeding*, 4 AM. J. CLINICAL NUTRITION 411 (1992) (finding a significant increase in nutrition and significant decrease in harmful fats in small-flock free-range eggs).

53. WILLIAM J. STADELMAN & OWEN J. COTTERILL, *EGG SCIENCE & TECHNOLOGY* 185 (1995).

54. *Id.*

55. LITT, *supra* note 7, at 17.

56. *Id.*; Simopoulos & Salem Jr., *supra* note 52.

57. *Id.*

58. LITT, *supra* note 7, at 179.

59. *Id.* at 4-10.

60. See, e.g., Carolyn Bush, *A Chicken Christmas Tale*, BACKYARD POULTRY MAG., Jan. 2010, http://www.backyardpoultrymag.com/issues/5/5-6/a_chicken_christmas_tale.html (describing her pet chickens and mourning one of their deaths); CHICKENVIDEO.COM, <http://www.chickenvideo.com/outlawchickens.html> (last visited July 2, 2012) (collecting stories from people who keep chickens as pets despite their illegality).

61. *Funny, Funny Chicken Antics*, BACKYARDCHICKENS.COM, <http://www.backyardchickens.com/forum/viewtopic.php?id=380593> (last visited July 2, 2012).

62. *What Breeds Are Best for Children to Show in 4-H?*, BACKYARDCHICKENS.COM, <http://www.backyardchickens.com/forum/viewtopic.php?pid=5726813> (last visited July 2, 2012).

63. LITT, *supra* note 7, at 4.

64. See *infra* Part IV.C.1.

\$20.⁶⁵ Poultry waste has long been used as a fertilizer—it provides necessary nutrients for plants and works well as an addition to compost.⁶⁶ Large amounts of uncomposted chicken manure applied directly to a garden will overwhelm or burn the plants, because its nitrogen content is too high.⁶⁷ But, the amount of manure that a backyard flock of four to six hens would produce is not enough to harm the plants and can be beneficial to a home garden, even without first being composted.⁶⁸

A small flock of chickens, moreover, does not actually produce much manure. A fully grown four-pound laying hen produces approximately a quarter-pound of manure per day.⁶⁹ In comparison, an average dog produces three-quarters of a pound per day, or three times as much waste as one hen.⁷⁰ As cities have been able to deal with waste from other pets like dogs and cats with proper regulation, even though there is no market for their waste, cities should be confident that the city and chicken owners can properly manage chicken waste.

D. Chickens Eat Insects

Chickens, like other birds, eat insects such as ants, spiders, ticks, fleas, slugs, roaches, and beetles.⁷¹ Chickens also occasionally eat worms, small snakes, and small mice.⁷² Insects provide protein that the chickens need to lay nutritionally dense eggs.⁷³ Small flocks of chickens are recommended as a way to eliminate weeds, although a chicken does not discriminate between weeds and plants and, if left in a garden for too long, will eat the garden plants as well.⁷⁴ But, because chickens like to eat insects and other garden pests, allowing the chicken occasional and limited access

to a garden can eliminate a need to use chemicals or other insecticides and prevent insect infestations.⁷⁵

E. Chickens Help Build Community

Several studies have found that urban agriculture can increase social connections and civic engagement in the community.⁷⁶ Agricultural projects can provide a centerpiece around which communities can organize and, by doing so, become more resilient.⁷⁷ Building a sense of community is often especially valuable for more marginalized groups—like recent immigrants and impoverished inner-city areas.⁷⁸

Keeping chickens easily fits into the community-building benefit of urban agriculture. Because chickens lay more eggs in the spring and summer, an owner often has more eggs than he can use: neighbors, thus, become the beneficiaries of the excess eggs. Because chickens are still seen as a novelty in many communities, many chicken owners help to educate their neighbors and their communities by inviting them over for a visit and letting neighbors see the coops and interact with the chickens.⁷⁹ Finally, like the example of Jennifer above, keeping chickens can become a community endeavor; many people have formed chicken cooperatives where neighbors band together to share in the work of tending the hens and also share in the eggs.⁸⁰

II. Cities' Concerns With Backyard Hens

Never mind what you think.
The old man did not rush
Recklessly into the coop at the last minute.
The chickens hardly stirred
For the easy way he sang to them.

Bruce Weigl, *Killing Chickens*, 1999.

65. Black Gold Compost Chicken Fertilizer sold for \$13.43 for 20 pounds on Amazon. AMAZON.COM, <http://www.amazon.com/Black-Compost-Chick-Manure-60217/dp/B00292YAQC> (last visited July 2, 2012). Chickety-doo-doo sold for \$47.75 for 40 pounds on EBay. EBAY, <http://www.ebay.com/itm/ws/eBayISAPI.dll?ViewItem&item=260889160166&chlp=false> (last visited Jan. 6, 2012).

66. Adam A. Hady & Ron Kean, *Poultry for Small Farms and Backyard*, UW COOPERATIVE EXTENSION, <http://learning.store.uwex.edu/assets/pdfs/A3908-03>.

67. LITT, *supra* note 7, at 9.

68. *Id.*

69. *Ohio Livestock Manure Management Guide*, OHIO STATE UNIVERSITY EXTENSION, Bulletin 604-06, p. 3, T. 1 2006, <http://ohioline.osu.edu/b604/> (providing that a four-pound laying hen produces 0.26 of a pound per day of manure).

70. Leah Nemiroff & Judith Patterson, *Design, Testing and Implementation of a Large-Scale Urban Dog Waste Composting Program*, 15:4 COMPOST SCI. & UTILIZATION 237-42 (2007) ("On average, a dog produces 0.34 [kilograms (kg)] (0.75 lbs) of feces per day:").

71. Simopoulos & Salem Jr., *supra* note 52, at 412. Schneider, *supra* note 8, at 15.

72. *Id.*

73. *Id.*

74. John P. Bishop, *Chickens: Improving Small-Scale Production*, Echo technical note, ECHO.NET, 1995, http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CFMQFjAA&url=http%3A%2F%2Fwww.echocommunity.org%2Fresource%2Fcollection%2FE66CDFDB-0A0D-4DDE-8AB1-74D9D8C3EDD4%2FChickens.pdf&ei=39zxT41Sh7etAdSUmY8C&usq=AFQJCNHh0_bkG_5sVmlvgngOXD53AJagA&sig2=_cgyLnv7jDV7hGIVZty89g (last visited July 2, 2012).

75. TARA LAYMAN WILLIAMS, *THE COMPLETE GUIDE TO RAISING CHICKENS: EVERYTHING YOU NEED TO KNOW* 95 (2011).

76. Hodgson, *supra* note 1, at 3 (citing LORRAINE JOHNSON, *CITY FARMER: ADVENTURES IN URBAN FOOD GROWING* (2010), and PATRICIA HYNES, *A PATCH OF EDEN: AMERICA'S INNER CITY GARDENERS* (1996)).

77. Hodgson, *supra* note 1, at 94.

78. *Id.* See also *Iowa Concentrated Animal Feeding Operations Air Quality Study, Final Report*, IOWA STATE UNIVERSITY AND THE UNIVERSITY OF IOWA STUDY GROUP 148, Feb. 2002, http://www.ehsrc.uiowa.edu/cafo_air_quality_study.html (finding that in rural areas communities where farms were smaller, were owner-operated, and used the labor of the operating family, the community "had a richer civic and social fabric: residents of all social classes were more involved in community affairs, more community organizations served people of both middle and working class background, and there were more local businesses and more retail activity").

79. LITT, *supra* note 7, at 12-13. See, e.g., Jeff S. Sharp & Molly B. Smith, *Social Capital and Farming at the Rural-Urban Interface: The Importance of Non-farmer and Farmer Relations*, 76 AGRIC. SYS. 913-27 (2003) (finding that communities benefit and agricultural uses have more support when farmers develop social relationships with non-farmers).

80. E.g., Abby Quillen, *How to Share a Chicken or Two*, SHAREABLE: CITIES (Nov. 22, 2009), <http://shareable.net/blog/how-to-share-a-chicken> (last visited Feb. 12, 2012).

A. Noise

The most frequently expressed concern is that hens will be noisy. This may come from associating roosters with hens. Roosters are noisy.⁸¹ Hens are not particularly noisy. While they will cluck, the clucking is neither loud nor frequent.⁸² The clucking of hens is commonly compared to human conversation—both register around 65 decibels.⁸³ By contrast, the barking of a single dog can reach levels well over 100 decibels.⁸⁴

It should also be noted that chickens have a homing instinct to roost and sleep at night. A hen will return to her coop at night and generally fall asleep before or at sundown.⁸⁵ Thus, there should be little concern with clucking hens disturbing a neighborhood at night.

B. Odor

Many people are concerned that chicken droppings will cause odors that reach neighbors and perhaps even affect the neighborhood. These concerns may stem from publicized reports of odors from large poultry operations.⁸⁶ While it is no doubt true that the odors coming from these intensive commercial-scale chicken farms is overwhelming and harmful,⁸⁷ these operations often have hundreds of thousands of chickens in very small spaces.⁸⁸

Most of the odor that people may associate with poultry is actually ammonia. Ammonia, however, is a product of a poorly ventilated and moist coop.⁸⁹ Coop designs for backyard hens should take this into account and allow for proper ventilation. And, if coops are regularly cleaned, there should be little to no odor associated with the hens.⁹⁰

C. Diseases

Two diseases are frequently raised in discussions of backyard hens: avian flu and salmonella. For different reasons, neither justifies a ban on backyard hens.⁹¹

First, with the attention that avian flu has received in the past few years, some have expressed a concern that allowing backyard chickens could provide a transition point for an avian virus to infect humans.⁹² While no one can predict whether this virus will cross over to cause widespread illness or how it might do so, it is important to note that avian flu, right now, would have to mutate for it to become an illness that can spread from person to person.⁹³ Even the H5N1 strain of the virus, a highly pathogenic form that garnered news in the early 2000s because it infected humans, is very difficult for humans to catch and has not been shown to spread from person to person.⁹⁴ And that strain of the virus does not exist in the United States—it has not been found in birds, wild or domestic, in North or South America.⁹⁵

Encouraging a return to more small-scale agriculture, moreover, may prevent such a mutation from occurring. Many world and national governmental health organizations that are concerned with the possible mutation of avian flu link the increased risks of disease to the intensification of the processes for raising animals for food—in other words, large-scale factory farms.⁹⁶ For instance, the Centers for Disease Control and Prevention (CDC) blamed “the intensification of food-animal production” in part on the increasing threat.⁹⁷ The Council for Agricultural Science and Technology, an industry-funded group, created a task force including experts from the World Health Organization, the World Organization for Animal Health, and the USDA, and issued a report in 2006 finding that modern intensive animal farming techniques increase the risk of new virulent diseases.⁹⁸ The report stated “a major impact of modern intensive production systems is that they allow the rapid selection and amplification of pathogens that arise from a virulent ancestor (frequently by

81. *Management of Noise on Poultry Farms*, Poultry Fact Sheet, BRITISH COLUMBIA, MINISTRY OF AGRICULTURE AND FOOD (Aug. 1999), <http://www.agf.gov.bc.ca/poultry/publications/documents/noise.pdf>.

82. *Id.*

83. *Protecting Against Noise*, NATIONAL AG SAFETY DATABASE, THE OHIO STATE UNIVERSITY EXTENSION, <http://nasdonline.org/document/1744/d001721/protecting-against-noise.html> (last visited Feb. 22, 2012) (explaining that a chicken coop and human conversation are both about 65 decibels).

84. Crista L. Coppola et al., *Noise in the Animal Shelter Environment: Building Design and the Effects of Daily Noise Exposure*, 9(1) J. APPLIED ANIMAL WELFARE SCI. 1-7 (2006).

85. Williams, *supra* note 75, at 92. Robert Plamondon, *Range Poultry Housing*, ATTRA 11 (June 2003).

86. E.g., William Neuman, *Clean Living in the Henhouse*, N.Y. TIMES, Oct. 6, 2010, <http://www.nytimes.com/2010/10/07/business/07eggfarm.html?scp=2&sq=large%20chicken%20farms%20and%20odor&st=cse>.

87. Doug Gurian Sherman, *CAFOS Uncovered, The Untold Costs of Animal Feeding Operations*, UNION OF CONCERNED SCIENTISTS, Apr. 2008, http://www.ucsusa.org/assets/documents/food_and_agriculture/cafos-uncovered.pdf; *Iowa Concentrated Animal Feeding Operations and Air Quality Study*, Final Report, IOWA STATE UNIVERSITY AND THE UNIVERSITY OF IOWA STUDY GROUP (Feb. 2002) (finding extensive literature documenting acute and chronic respiratory diseases and dysfunction among poultry workers exposed to complex mixtures of particulates, gases, and vapors within CAFO units).

88. *Id.*

89. *Id.*

90. GAIL DAMEROW, *THE BACKYARD HOMESTEAD GUIDE TO RAISING FARM ANIMALS* 35 (2011) (“A chicken coop that smells like manure or has the pungent odor of ammonia is mismanaged. These problems are easily avoided by keeping litter dry, adding fresh litter as needed to absorb droppings, and periodically removing the old litter and replacing it with a fresh batch.”).

91. Sue L. Pollock et al., *Raising Chickens in City Backyards: The Public Health Role*, J. COMMUNITY HEALTH, DOI: 10.1007/s10900-011-9504-1 (2011) (finding that public health concerns about infectious diseases and other nuisances that might be caused by keeping hens in an urban setting cannot be supported by literature specific to the urban agriculture context and recommending that public health practitioners approach this issue in a manner analogous to concerns over keeping domestic pets).

92. E.g., Orbach & Sjöberg, *supra* note 23, at 29.

93. *Avian Influenza*, USDA, <http://www.ars.usda.gov/News/docs.htm?docid=11244> (last visited July 2, 2012).

94. *Avian Influenza, Questions & Answers*, FOOD AND AGRIC. ORG. OF THE UNITED NATIONS, <http://www.fao.org/avianflu/en/qanda.html> (last visited July 26, 2012).

95. *Id.*

96. Michael Greger, *Bird Flu, A Virus of Our Own Hatching*, BIRDFLUBOOK.COM (2006-2008), <http://birdflubook.com/a.php?id=50> (last visited Feb. 21, 2012) (finding that the Food and Agriculture Organization of the United Nations, the World Health Organization, and the World Organization for Animal Health attribute risk factors for the emergence of new diseases from animals to the increasing demand for animal protein).

97. *Id.*

98. *Id.* (citing *Global Risks of Infectious Animal Diseases*, Council for Agric. Sci. and Tech., Issue Paper No. 28, 2005).

subtle mutation), thus, there is increasing risk for disease entrance and/or dissemination.”⁹⁹ The report concludes by stating, “because of the Livestock Revolution, global risks of disease are increasing.”¹⁰⁰ It is for this reason that many believe that the movement toward backyard chickens and diverse small-scale poultry farming, rather than being a problem, is a solution to concerns about mutating avian viruses.¹⁰¹

Another theory for how an avian flu mutation may occur is that it will first occur in wild birds that could pass it on to domesticated birds.¹⁰² In this case, backyard hens could provide a transition point. For this reason the USDA, rather than advocating a ban on backyard hens, has instead offered some simple-to-follow precautionary procedures for small flock owners: the USDA counsels backyard bird enthusiasts to separate domesticated birds from other birds by enclosing coops and runs, to clean the coops regularly, and to wash their hands before and after touching the birds.¹⁰³

Another illness that causes concern because it can be transferred to humans is salmonella.¹⁰⁴ Chickens, like other common household pets—including dogs, turtles, and caged birds—can carry salmonella.¹⁰⁵ For this reason, the CDC counsels that people should wash their hands after touching poultry, should supervise young children around poultry, and make sure that young children wash their hands after touching chicks or other live poultry.¹⁰⁶

Chickens, like other pets, can get sick and carry disease. But public health scholars have found that there is no evidence that the incidence of disease in small flocks of backyard hens merits banning hens in the city and counsel city officials to regulate backyard hens like they would any other pet.¹⁰⁷

D. Property Values

Another common concern is that keeping backyard chickens will reduce surrounding property values.¹⁰⁸ Several studies, however, have found that agricultural uses within the city actually increase property values.¹⁰⁹ Community gardens increase neighboring property values by as much as 9.4% when the garden is first implemented.¹¹⁰ The property value continues to increase as the gardens become more integrated into the neighborhood.¹¹¹ The poorest neighborhoods, moreover, showed the greatest increase in property values.¹¹² Studies have also found that rent increased and the rates of home ownership increased in areas surrounding a newly opened community garden.¹¹³

Studies concerning pets, moreover, find that apartment owners can charge higher rent for concessions such as allowing pets.¹¹⁴ Thus, accommodating pets has been shown to raise property values.

As of yet, no studies have been done on how backyard chickens in particular affect property values, but given that communities express little concern that other pets, such as dogs or cats, reduce property values, and given research showing that pets and urban agricultural practices can increase them, there is little reason to believe that allowing backyard chickens will negatively affect them.¹¹⁵

E. Slaughter

Some people are concerned that chicken owners will kill chickens in the backyard.¹¹⁶ People are concerned that it may be harmful to children in the neighborhood to watch a chicken being killed and prepared for a meal.¹¹⁷ Others are concerned that backyard slaughtering may be unsanitary.¹¹⁸

First, many who raise chickens keep the hens only for the eggs.¹¹⁹ Most egg-laying breeds do not make for tasty meat.¹²⁰ Many people become attached to their chickens, as they would a cat or a dog, and treat a death

99. *Id.*

100. *Id.*

101. Ben Block, *U.S. City Dwellers Flock to Raising Chickens*, WORLDWATCH INSTITUTE, <http://www.worldwatch.org/node/5900> (last visited Feb. 22, 2012); *Fowl Play, the Poultry Industry's Central Role in the Bird Flu Crisis*, GRAIN, <http://www.grain.org/article/entries/22-fowl-play-the-poultry-industry-s-central-role-in-the-bird-flu-crisis> (last visited Feb. 22, 2012); *Putting Meat on the Table: Industrial Farm Animal Production in America*, A REPORT OF THE PEW COMMISSION ON INDUSTRIAL FARM ANIMAL PRODUCTION (2006), <http://www.ncifap.org/> (last visited Feb. 21, 2012).

102. Rachel Dennis, *CAFOs and Public Health: Risks Associated With Welfare Friendly Farming*, Purdue Univ. Extension, Aug. 2007, https://mdc.itap.purdue.edu/item.asp?itemID=18335#.T_Hjd3CZOOU.

103. *Backyard Biosecurity, 6 Ways to Prevent Poultry Disease*, USDA, May 2004, http://www.aphis.usda.gov/animal_health/birdbiosecurity/biosecurity/basicspoultry.htm (last visited Feb. 21, 2012).

104. *Keeping Live Poultry*, CDC, <http://www.cdc.gov/features/SalmonellaPoultry/> (last visited Feb. 21, 2012).

105. See Shaohua Zhao, *Characterization of Salmonella Enterica Serotype Newport Isolated From Humans and Food Animals*, 41 J. CLINICAL MICROBIOLOGY, No. 12, 5367 (2003) (stating that dogs and pigeons, as well as chickens, can carry salmonella); J. Hidalgo-Villa, *Salmonella in Free Living Terrestrial and Aquatic Turtles*, 119:2-4 VETERINARY MICROBIOLOGY 311-15 (Jan. 2007).

106. *Keeping Live Poultry*, CDC, <http://www.cdc.gov/features/SalmonellaPoultry/> (last visited Feb. 21, 2012).

107. Sue L. Pollock et al., *Raising Chickens in City Backyards: The Public Health Role*, J. COMMUNITY HEALTH, DOI: 10.1007/s10900-011-9504-1 (2011).

108. Salkin, *supra* note 9, at 1.

109. Hodgson, *supra* note 1, at 21.

110. *Id.*

111. *Id.*

112. *Id.*

113. *Id.*

114. G. Stacy Sirmans & C.F. Sirmans, *Rental Concessions and Property Values*, 5:1 J. REAL ESTATE RES. 141-51(1990); C.A. Smith, *Apartment Rents—Is There a “Complex” Effect*, 66:3 APPRAISAL J. (1998) (finding that average apartment unit commands \$50 more rent per unit by allowing pets).

115. Michael Broadway, *Growing Urban Agriculture in North American Cities: The Example of Milwaukee*, 52:3-4 FOCUS ON GEOGRAPHY 23-30 (Dec. 2009).

116. NEIGHBORS OPPOSED TO BACKYARD SLAUGHTER, <http://noslaughter.org> (last visited Feb. 22, 2012).

117. *Id.*

118. *Id.*

119. LITT, *supra* note 7, at 3 (stating that “the vast majority of backyard chicken keepers regard their chickens as pets and find it unsettling—if not outright upsetting—to consider eating them”).

120. JAY ROSSIER, *LIVING WITH CHICKENS: EVERYTHING YOU NEED TO KNOW TO RAISE YOUR OWN BACKYARD FLOCK* 4 (2002).

similarly.¹²¹ Veterinarians, moreover, have avenues for disposing of dead animals that are generally accepted in most communities.¹²²

But, if a person did want to use her chickens for meat, there are other methods for butchering a chicken rather than doing so in the backyard. As part of the local food movement, small-scale butchers have made a comeback in the last few years, and many are particularly interested in locally raised animals.¹²³ Thus, legalizing backyard chickens does not necessarily mean that a city must also legalize backyard chicken slaughtering.¹²⁴

F. Greenhouse Gases

Although worries that chickens will increase greenhouse gases appears to be a bit over the top, at least one city raised this as a concern when contemplating allowing chickens. In Montgomery, Ohio, at least one city council member was fearful that allowing chickens to be raised in the city might contribute to global warming.¹²⁵

While chickens do produce methane as a natural byproduct of digestion just like any other animal (including humans), the amount they produce is negligible in comparison to other livestock. Methane production is a concern largely confined to ruminant animals, such as cows, goats, and buffaloes.¹²⁶ These animals produce a large amount of methane every year because of the way in which they digest carbohydrates.¹²⁷ Cows produce an average of 55 kilograms (kg) per year per cow.¹²⁸ A goat will produce 5 kg per year, a pig 1.5, and a human 0.05.¹²⁹ Chickens, because they are nonruminant animals, and because they are much smaller than humans, produce less than 0.05 kg per year per chicken.¹³⁰

Finally, there is no reason to believe that an urban chicken would cause a net increase in the production of methane. A person who gets her eggs from her pet hen will likely be buying fewer eggs from the supermarket. Thus, there is unlikely to be a net increase in egg consumption, so there is unlikely to be a net increase in chickens. Thus, any

increase in methane production caused by urban chickens is not only negligible, but also likely offset by a decrease in rural chickens.¹³¹

G. Winter Weather

Northern cities may be concerned that their climate is not suitable for chickens. Chickens, however, were bred to thrive in certain climates. There are breeds of chicken that are more suited to warm or even hot climates. And, there are chickens that were bred specifically to thrive in colder weather, such as Rhode Island Reds or Plymouth Rocks.¹³²

While even cold-hardy breeds can be susceptible to frostbite in extreme winter weather, a sturdy coop with some extra insulation and perhaps a hot water bottle on frigid nights can protect the birds from harm.¹³³

H. Running Wild

Of all of the chicken ordinances that this Article will later discuss, it appears that one of the most popular regulations is to prohibit chickens running wild in the streets.¹³⁴ Chickens, like dogs and cats, sometimes escape their enclosures. While it would be irresponsible to presume that no chicken will ever escape its enclosure, city officials can rest assured that chicken keepers do not want to see their hens escape any more than city officials want to see hens running loose on the streets.

For this reason, and also to protect against predators, cities should ensure that chickens are kept in an enclosure at all times.

III. Some Necessary Background on Hens for Developing Urban Hen-Keeping Ordinances

His comb was finest coral red and tall,
And battlemented like a castle wall.
His bill was black and like the jet it glowed,
His legs and toes like azure when he strode.
His nails were whiter than the lilies bloom,
Like burnished gold the color of his plume.

Geoffrey Chaucer, *The Canterbury Tales*,
The Nun's Priest's Tale¹³⁵

121. Jose Linares, *Urban Chickens*, AM. VETERINARY MED. ASS'N WELFARE FOCUS, Apr. 2011, http://www.avma.org/issues/animal_welfare/AWFocus/110404/urban_chickens.asp.

122. *Id.*

123. Elizabeth Keyser, *The Butcher's Back*, CONN. MAG., Apr. 2011, <http://www.connecticutmag.com/Connecticut-Magazine/April-2011/The-Butcher-039s-Back/>.

124. *But see* Simon v. Cleveland Heights, 188 N.E. 308, 310 (Ohio Ct. App. 1933) (holding that a ban on poultry slaughtering applied to a small business butcher violated the Ohio Constitution because it prohibited the conduct of a lawful business).

125. Valerie Taylor, CHICKENS FOR MONTGOMERY (June 2009) <http://www.scribd.com/doc/16509728/Changing-Your-Citys-Chicken-Laws> (last visited July 2, 2012) (responding to city's concerns about increase in greenhouse gases).

126. *See Methane, Sources, and Emissions*, U.S. EPA, <http://www.epa.gov/methane/sources.html> (last visited July 2, 2012).

127. *Id.*

128. Paul J. Crutzen et al., *Methane Production by Domestic Animals, Wild Ruminants, Other Herbivorous Fauna and Humans*, 38B TELLUS B. 271-74 (July-Sept. 1986).

129. *Id.*

130. *Id.*

131. Letter from Brian Woodruff, Environmental Planner Department of Natural Resources, to Cameron Gloss (June 12, 2008), <http://www.scribd.com/doc/16509728/Changing-Your-Citys-Chicken-Laws>.

132. LITT, *supra* note 7, at 119.

133. *Id.*

134. *See infra* Part IV.C.5.a.

135. Ronald Ecker trans., Hodge & Braddock Publishers 1993.

A. Hens Are Social Animals

Chickens are social animals and do better if they are kept in flocks.¹³⁶ Chickens can recognize one another and can remember up to 50 or 60 other chickens.¹³⁷ Because of this, large flocks of chickens, like those found in most intensive farming operations, are socially unstable and can cause aggressive behavior.¹³⁸ In the wild, most flocks form sub-groups of between four to six chickens.¹³⁹

Chickens show affiliative behavior, eating together, preening together, gathering together in small groups if they are given space to do so, and sleeping at the same time.¹⁴⁰ Chickens also learn behaviors from one another—for instance, chickens that watch another trained chicken peck a key to obtain food will learn this task more quickly than other chickens that are not exposed to the behavior.¹⁴¹

Because chickens are flock animals, a chicken left alone generally will not thrive.¹⁴² An isolated hen will often exhibit disturbed and self-destructive behaviors, like chasing its own tail and exhibiting excessive aggression.¹⁴³ Because eating is social behavior, there are some reports that single chickens stop eating or eat less.¹⁴⁴ While scientific studies have yet to prove that a hen feels loneliness,¹⁴⁵ backyard hen enthusiasts are well aware that an isolated hen will often appear depressed or ill.¹⁴⁶

B. The Pecking Order

We often use the term pecking order to describe a hierarchy in a community. The term comes from the tendency for chickens to peck at one another and display aggressive behavior until a hierarchy is established.¹⁴⁷ Once the hier-

archy is established, the aggressive behavior will lessen or even abate until new birds are added to the flock or until a hen mounts a challenge to someone above her in the pecking order.¹⁴⁸

Studies have shown, however, that incidence of pecking is greatly reduced when hens are kept in lower densities.¹⁴⁹ (Feather pecking is often a problem in large-scale chicken farms.)¹⁵⁰ When densities were approximately six or fewer birds per 10 square feet, pecking behaviors abated or were significantly reduced.¹⁵¹

Because a new introduction into the flock will upset the pecking order, some farmers advocate for introducing at least two chicks at a time.¹⁵² This will help spread out the abuse that could be laid on a solitary young hen. It will also more fully upset the pecking order, so that the birds are forced to find a new hierarchy that will include the new birds instead of leaving one isolated hen at the bottom of the flock.¹⁵³

For these reasons, chicken owners should always be allowed to keep, at a minimum, four chickens. This ensures that city regulations do not stand in the way of good flock management: if any hens are lost through injury, illness, or old age, the chicken owner can ensure that the flock never goes below two hens before seeking to add new hens. This will also allow the owner to introduce new hens into the flock two at a time.

C. Chickens and Predators

Backyard hens in a metropolitan area may, in some ways, be better protected from predators than their rural counterparts, because there are fewer predators in the city. The more prevalent chicken predators in the United States—foxes, coyotes, and bobcats—are found less often in the city than they are in more rural areas.¹⁵⁴ Other predators, however, such as hawks and raccoons, are frequently found in the city.¹⁵⁵

These predators are one reason why chickens must have sturdy coops that are designed to protect hens from assault. Chickens have an instinct to return to their coop each night.¹⁵⁶ And most predators are more active at night when

136. MICHAEL C. APPLEBY ET AL., *POULTRY BEHAVIOR AND WELFARE* 35, 77-82 (2004); HEINRICH, *supra* note 39, at 11 (2007).

137. Nicolas Lampkin, *Organic Poultry Production*, Welsh Inst. of Rural Studies 20 (Mar. 1997), available at http://orgprints.org/9975/1/Organic_Poultry_Production.pdf.

138. APPLEBY ET AL., *supra* note 136 (noting that chickens have increased aggression and increased growth of adrenal glands when they come in contact with other chickens they do not know and also noting that chickens are stressed by being kept in large flocks because it is unlikely that birds in large flocks can form a hierarchy: they are instead “in a constant state of trying to establish a hierarchy but never achieving it”).

139. *Id.* at 71; Lampkin, *supra* note 137, at 20.

140. APPLEBY ET AL., *supra* note 136, at 77-79.

141. *Id.* at 79.

142. IAN J.H. DUNCAN & PENNY HAWKINS, *THE WELFARE OF DOMESTIC FOWL & OTHER CAPTIVE BIRDS* 68-69 (2010).

143. D.G.M. WOOD-GUSH, *THE BEHAVIOR OF THE DOMESTIC FOWL* 124 (1971).

144. D.W. Rajecki et al., *Social Factors in the Facilitation of Feeding in Chickens: Effects of Imitation, Arousal, or Disinhibition?*, 32 J. PERSONALITY & SOC. PSYCHOL. 510-18 (Sept. 1975). Martine Adret-Hausberger & Robin B. Cumming, *Social Experience and Selection of Diet in Domestic Chickens*, 7 BIRD BEHAVIOR 37-43 (1987) (finding that isolated young broilers had lower growth rates than those placed with other birds).

145. APPLEBY ET AL., *supra* note 136, at 142 (suggesting that poultry may suffer from loneliness and boredom and that “[c]onsidering the barrenness of many husbandry systems, boredom would seem to be a good candidate for further studies”).

146. See, e.g., *Do Chickens Get Lonely*, BACKYARD POULTRY FORUM (Friday, Feb. 13, 2009), <http://forum.backyardpoultry.com/viewtopic.php?f=5&t=7970419&start=0> (last visited Mar. 4, 2012).

147. Alphaeus M. Guhl, *Social Behavior of the Domestic Fowl*, 71 TRANSACTIONS KAN. ACAD. SCI. (1968). Gladwyn K. Noble, *The Role of Dominance in the*

Social Life of Birds, 56 THE AUK 263 (July 1939).

148. LITT, *supra* note 7, at 122. Alphaeus M. Guhl et al., *Mating Behavior and the Social Hierarchy in Small Flocks of White Leghorns*, 18 PHYSIOLOGICAL ZOOLOGY 365-68 (Oct. 1945).

149. B. Huber-Eicher & L. Audigé, *Analysis of Risk Factors for the Occurrence of Feather Pecking Among Laying Hen Growers*, 40 BRITISH POULTRY SCI. 599-604 (1999) (demonstrating through a study of commercial hen farms in Switzerland that hens were far less likely to feather peck if they were kept in low-density environments and if they had access to elevated perches).

150. *Id.*

151. *Id.*

152. LITT, *supra* note 7, at 122-23.

153. *Id.*

154. See, e.g., Stanley D. Gehrt et al., *Home Range and Landscape Use of Coyotes in a Metropolitan Landscape: Conflict or Coexistence*, J. MAMMALOGY, 1053-55 (2009); Seth P.D. Riley, *Spatial Ecology of Bobcats and Gray Foxes in Urban and Rural Zones of a National Park*, 70(5) J. WILDLIFE MGMT. 1425-35 (2006).

155. WILLIAMS, *supra* note 75, at 88-89.

156. LITT, *supra* note 7, at 71.

the chickens are sleeping in their coops.¹⁵⁷ While there is no guarantee that predators will not find a way to prey on chickens, ensuring that coops are sturdily built with the intention to keep out predators can help ameliorate concerns with predators.¹⁵⁸

D. Roosters Like to Crow

Even city-dwellers who have never met a rooster know that roosters crow. But the popular belief, passed on in children's cartoons, that roosters crow in the morning like an alarm clock to welcome the rising sun is largely a myth. Roosters may crow in the morning, but they also crow in the afternoon or evening or, basically, whenever they feel like it.¹⁵⁹ While the frequency of crowing depends on the breed and the individual rooster, many roosters crow a lot.¹⁶⁰ In fact, because domestic roosters crow so much more frequently than their wild kin, one theory postulates that they were bred over many centuries for loud, long, and frequent crowing because such crowing played an important role in Zoroastrian religious ceremonies.¹⁶¹

Because roosters are noisy and frequently so, cities that have more dense urban environments should consider banning them—at least on smaller lot sizes. Some cities have allowed an exception for “decrowed” roosters¹⁶²: some veterinarians used to offer a “decrowing” procedure that would remove the rooster's voicebox. Because of its high mortality rate—over 50%—veterinarians no longer offer this procedure.¹⁶³ Because this procedure is dangerous and cruel to the rooster, cities that have such an exception should consider amending it so as not to encourage mistreatment of roosters.

E. Hens Don't Need Roosters to Lay Eggs

A common myth is that hens will not lay eggs without a rooster around. This is simply not true; hens do not need roosters to lay eggs.¹⁶⁴ In fact, it is likely that every egg you have ever eaten was produced by a hen that never met a rooster.¹⁶⁵

The only reason that hens require roosters is to fertilize the eggs, so that the eggs will hatch chicks.¹⁶⁶ Because this can be an easier way to propagate a flock, rather than sending away for mail-order chicks, some chicken owners would like to keep a rooster around or at least allow it to visit. To address this concern, at least one city that bans roosters allows “conjugal visits.” Hopewell Town-

ship, New Jersey, allows roosters that are certified disease-free to visit a hen flock for 10 days out of every year.¹⁶⁷ Although news about the township's policy garnered national attention for its quirkiness, it may work as a solution for hen owners seeking to add to their flock without having to buy new chicks.¹⁶⁸

IV. The Current State of Municipal Ordinances Governing Backyard Chickens

Such a fine pullet ought to go
All coiffured to a winter show,
And be exhibited, and win.
The answer is this one has been—

And come with all her honors home.
Her golden leg, her coral comb,
Her fluff of plumage, white as chalk,
Her style, were all the fancy's talk

Robert Frost, *A Blue Ribbon at Amesbury* (1916).

A. Introduction

To determine the current state of chicken legislation in the United States, the laws of the top 100 cities by population, according to the 2000 census are surveyed in this Article.¹⁶⁹ Currently, 94% of these cities allow for chickens in some manner.¹⁷⁰ While many cities impose various restrictions

167. *NJ Town Limits Conjugal Visits Between Roosters & Hens*, HUFFINGTON POST, Apr. 27, 2011, http://www.huffingtonpost.com/2011/04/28/nj-limits-chicken-mating_n_854404.html.

168. Because chick hatcheries have been a source of salmonella, some backyard hen keepers may prefer to propagate their own flock. See, e.g., Serena Gordon, *They're Cute, But Baby Chicks Can Harbor Salmonella*, U.S. NEWS & WORLD REPORT, May 30, 2012, <http://health.usnews.com/health-news/news/articles/2012/05/30/theyre-cute-but-baby-chicks-can-harbor-salmonella>.

169. *Cities With 100,000 or More Population in 2000 Ranked by Population, 2000 in Rank Order*, U.S. CENSUS, <http://www.census.gov/statab/cdb/cit1020r.txt> (last visited Jan. 26, 2012).

170. AKRON, OHIO, CODE OF ORDINANCES §92-18 (2011); ALBUQUERQUE, N.M., CODE OF ORDINANCES §9-2-4-3 (2011); ANAHEIM, CAL., MUN. CODE §18.38.030 (2011); ANCHORAGE, ALASKA, CODE OF ORDINANCES tit. 17, 21 (2011); ARLINGTON, TEX., ORDINANCES GOVERNING ANIMALS §5.02 (2010); ATLANTA, GA., CODE OF ORDINANCES §18-7 (2011); AUGUSTA-RICHMOND, GA., CODE OF ORDINANCES tit. 4, art. 2 (2007); AURORA, COLO., CODE OF ORDINANCES §14-8 (2011); AUSTIN, TEX., CODE OF ORDINANCES tit. III, ch. 3.1.1 (2011); BALTIMORE, MD., HEALTH CODE §10-312 (2011); BAKERSFIELD, CAL., MUN. CODE §6.08.10 (2011); BATON ROUGE, LA., CODE OF ORDINANCES §14:224 (2011); BIRMINGHAM, ALA., ZONING ORDINANCE §2.4.1 (2007); BOS., MASS., CODE OF ORDINANCES §16-1.8A (2010); BUFFALO, N.Y., CITY CODE §341-11 (2009); CHARLOTTE, N.C., CODE OF ORDINANCES §3-102 (2010); CHESAPEAKE, VA., CODE OF ORDINANCES ch. 10 (2011); *id.* ZONING art. 3; CHI., ILL., CODE OF ORDINANCES §17-12-300 (2011); CINCINNATI, OHIO, CODE OF ORDINANCES ch. 701 (2011); CLEVELAND, OHIO, CODIFIED ORDINANCES §205.04, 347.02 (2011); COLORADO SPRINGS, COLO., CITY CODE §6.7.106(D) (2011); COLUMBUS, OHIO, CITY CODE tit. III, ch. 221 (2011); CORPUS CHRISTI, TEX., CODE OF ORDINANCES §§6-153, 6-154 (2011); DALLAS, TEX., CODE OF ORDINANCES §7-1.1 (2011); DENVER, COLO., MUN. CODE §8-91 (2011); DES MOINES, IOWA, CODE OF ORDINANCES §18-4 (2011); EL PASO, TEX., MUN. CODE §7.24.020 (2011); FORT WORTH, TEX., CODE OF ORDINANCES §11A-22 (2011); FREMONT, CAL., MUN. CODE §3-5803 (2011); FRESNO, CAL., MUN. CODE §§10.201-10.205 (2011); GARLAND, TEX., CODE OF

157. Gehrt, *supra* note 154, at 1053.

158. WILLIAMS, *supra* note 75, at 88-89.

159. HEINRICHS, *supra* note 39, at 16.

160. *Id.*

161. APPLEBY ET AL., *supra* note 136, at 36-37.

162. See, e.g., PHOENIX, ARIZ., CITY CODE §8-7(c) (2011).

163. *Small and Backyard Flocks*, KY. U. EXT., <http://www.ca.uky.edu/smallflocks/faq.html#Q31> (last visited Feb. 17, 2012).

164. *Small and Backyard Flocks*, KY. U. EXT., <http://www.ca.uky.edu/smallflocks/faq.html#Q11> (last visited Feb. 17, 2012).

165. *Id.*

166. *Id.*

on keeping chickens through zoning, setbacks, and permitting requirements, only three of the top 100 cities have ordinances that clearly ban the keeping of chickens within city limits: Detroit, Aurora, and Yonkers.¹⁷¹ Three others have unclear ordinances that city officials have interpreted as banning backyard chickens: Grand Rapids, Fort Wayne, and Lubbock.¹⁷² An additional 10 cities, while allowing for chickens, restrict them to either very large lots or only to

agriculturally zoned land.¹⁷³ Because such restrictions will exclude most people within the city from being able to keep hens, if such restrictions are interpreted to be a ban on chickens, then 84% of cities can be considered to allow for chickens.

Within that 84%, there is a wide range of how cities regulate chickens—ranging from no regulation¹⁷⁴ to a great deal of very specific ordinances governing where chickens can be located,¹⁷⁵ how coops must be built,¹⁷⁶ and how often chickens must be fed and coops must be cleaned.¹⁷⁷ Some of these cities also have restrictive setbacks or other regulations that will prohibit some residents from owning chickens—especially residents in multi-family dwellings or who live on small lots in a dense area of the city.¹⁷⁸ As described more fully below, there is no uniformity in the ways that cities regulate chickens; each city's ordinance is unique. Regulations are placed in different areas of a city's codified ordinances. Some regulations are spread throughout the code, making it difficult for a chicken owner to determine how to comply with the city's ordinances. Some cities regulate through zoning, others through animal regulations, and others through the health code.¹⁷⁹ Some cities simply define chickens as pets and provide no regulations at all.¹⁸⁰ Each of these methods of regulation will be explored in more detail below.

Although other surveys of urban chicken laws have been done, no basis was given for the choice of the cities sur-

ORDINANCES §22.14 (2011); GLENDALE, ARIZ., CODE OF ORDINANCES pt. II, art. 5 (2010); GLENDALE, CAL., MUN. CODE §6.04.130 (2011); GREENSBORO, N.C., CODE OF ORDINANCES §30-8-11.3 (2011); HIALEAH, FLA., CODE OF ORDINANCES §10.1, 10.2 (2011); HONOLULU, HAW., REV. ORDINANCES §7-2.5(d) (1990); HOUSTON, TEX., CODE OF ORDINANCES ch. 6, art. II (2010); INDIANAPOLIS, IND., REV. CODE tit. III, ch. 531 (2011); IRVING, TEX., CODE OF ORDINANCES 6-1 (2011) (not regulating chickens at all); JACKSONVILLE, FLA., ORDINANCE CODE tit. XIII, ch. 462, tit. XVII, ch. 656 (2011); JERSEY CITY, N.J., CODE OF ORDINANCES §90-6 (2011); KANSAS CITY, MONT., CODE OF ORDINANCES §14-15 (2011); LAS VEGAS, NEV., MUN. CODE §7.38.050 (2011); LEXINGTON-FAYETTE, KY., CODE OF ORDINANCES §4-10 (2011); LINCOLN, NEB., MUN. CODE §6.04.040 (2011); LONG BEACH, CAL., MUN. CODE §6.20.020 (2011); L.A., CAL., MUN. CODE §§12.01, 12.05-12.09 (2011); LOUISVILLE, KY., METRO CODE ch. 91 (2011); MADISON, WIS., CODE OF ORDINANCES ch. 28 (no date listed); *id.* §7.29; *id.* §9.52; MEMPHIS, TENN., CODE OF ORDINANCES §8-8-1 (2009); MESA, ARIZ., CITY CODE §8-6-21 (2011); MIAMI, FLA., CODE OF ORDINANCES §6-1(b) (2011); MILWAUKEE, WIS., CODE OF ORDINANCES §78-6.5 (2011); MINNEAPOLIS, MINN., CODE OF ORDINANCES §70.10 (2011); MOBILE, ALA., CODE OF ORDINANCES §7-102 (2011); MONTGOMERY, ALA., CODE OF ORDINANCES ch. 4, art. I (2011); *id.* app. C, art. VII; NASHVILLE-DAVIDSON, TENN., MUN. CODE §§8-12-020, 17-16-330 (2011); NEW ORLEANS, LA., CODE OF ORDINANCES pt. II, ch. 18, art. VI (2011); N.Y.C., MUN. CODE §65-23 (1990); NEWARK, N.J., GENERAL ORDINANCES §6:2-30 (2010); NORFOLK, VA., CODE OF ORDINANCES §§4-05, 6.1-7 (2011); OAKLAND, CAL., CODE OF ORDINANCES §6-04-320 (2011); OKLAHOMA CITY, OKLA., MUN. CODE tit. 8, 59 (2011); OMAHA, NEB., CODE OF ORDINANCES §6-266 (2011); PHILA., PA., CODE §10-112 (2011); PHOENIX, ARIZ., CITY CODE §§8-7, 8-10 (2011); PITTSBURGH, PA., CODE OF ORDINANCES §§635.02, 911.04.A.2 (2011); PLANO, TEX., CODE OF ORDINANCES §4-184 (2011); PORTLAND, OR., CITY CODE §13.05.015 (2011); RALEIGH, N.C., CODE OF ORDINANCES §12-3001, 12-3004 (2011); RICHMOND, VA., CODE OF ORDINANCES §10-88 (2011); RIVERSIDE, CAL., CODE OF ORDINANCES §6.04.20 (2011); *id.* tit. 17; ROCHESTER, N.Y., CITY ORDINANCES §§30-12, 30-19 (no date listed); SACRAMENTO, CAL., CITY CODE §9-44-340 (2011); ST. LOUIS, MO., CODE OF ORDINANCES §10.20.015 (2010); ST. PAUL, MINN., §198.02 (2011); ST. PETERSBURG, FLA., CODE OF ORDINANCES §4-31 (2011); SAN ANTONIO, TEX., CODE OF ORDINANCES §5-109 (2011); SAN DIEGO, CAL., MUN. CODE §42.0709 (2011); SAN FRANCISCO, CAL., HEALTH CODE §37 (2011); SAN JOSE, CAL., CODE OF ORDINANCES tit. 7 (2007); SANTA ANA, CAL., CODE OF ORDINANCES §5.6 (2011); SCOTTSDALE, ARIZ., CODE OF ORDINANCES §4-17 (2011); SEATTLE, WASH., MUN. CODE §23.42.052 (2011); SHREVEPORT, LA., CODE OF ORDINANCES ch. 106 (2011); SPOKANE, WASH., MUN. CODE §17C.310.010 (no date listed); STOCKTON, CAL., MUN. CODE §6.04.420, 16.80.060 (2011); TACOMA, WASH., MUN. CODE §5.30.010 (2011); TAMPA, FLA., CODE OF ORDINANCES §19.76 (2008); TUCSON, ARIZ., CODE OF ORDINANCES ch. 4, art. VI (2011); TOLEDO, OHIO, MUN. CODE §§505.07(a)(4), 1705.07 (2011); TULSA, OKLA., CODE OF ORDINANCES §200(d)(e) (2011); WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §902.1 (no date listed); WICHITA, KAN., CODE OF ORDINANCES §6.04.157 (2011).

171. AURORA, COLO., CODE OF ORDINANCES §14-8 (2011); DETROIT, MICH., CITY CODE §6-1-3 (2010); YONKERS, N.Y.C., MUN. CODE §65-23 (1990).

172. FORT WAYNE, IND., CODE OF ORDINANCES §157.104 (2011) (banning livestock within the city, even though chickens are not listed in the definition of livestock, the animal control department says that the city interprets chicken as livestock); GRAND RAPIDS, MICH., CODE OF ORDINANCES §8.582 (2010) ("No farm animal shall be kept or allowed to be kept within any dwelling or dwelling unit or within one hundred (100) feet of any dwelling, dwelling unit, well, spring, stream, drainage ditch or drain."); LUBBOCK, TEX., CITY ORDINANCE §4.07.001 (2011) (permitting chickens "in those areas appropriately permitted by the zoning ordinances of the city" when zoning ordinances are silent).

173. BIRMINGHAM, ALA., ZONING ORDINANCE §2.4.1 (2007) (restricting chickens to land zoned for agricultural use); CHESAPEAKE, VA., CODE OF ORDINANCES ch. 10 (2011); *id.* ZONING art. 3 (restricting to low-density zones and restricting to properties of one acre or more); HIALEAH, FLA., CODE OF ORDINANCES §§10.1, 10.2 (2011) (restricting chickens to land zoned for agricultural use); JACKSONVILLE, FLA., ORDINANCE CODE tit. XIII, ch. 462, tit. XVII, ch. 656 (2011) (restricting chickens to agricultural or low-density residential zones); MONTGOMERY, ALA., CODE OF ORDINANCES ch. 4 art. I (2011); *id.* app. C, art. VII (restricting chickens to agricultural or low-density residential zones); NORFOLK, VA., CODE OF ORDINANCES, app. A, art. II, §4-0.5 (2011) (restricting chickens to properties of five acres or more); OKLAHOMA CITY, OKLA., MUN. CODE tit. 8, 59 (2011) (restricting chickens to properties with one acre or more); PHILA., PA., CODE OF ORDINANCES §10-112 (2011) (restricting chickens to properties with three acres or more); RICHMOND, VA., CODE OF ORDINANCES §10-88 (2011) (restricting chickens to properties with one acre or more); VIRGINIA BEACH, VA., CITY CODE §5-545, app. A (2011) (restricting chickens to land zoned for agricultural use).

174. *E.g.*, N.Y.C., MUN. CODE §65-23 (1990) (only regulating chickens if they are kept for sale: "A person who holds a permit to keep for sale or sell live rabbits or poultry shall keep them in coops and runways and prevent them from being at large."); CHI., ILL., CODE OF ORDINANCES §17-12-300 (2011) ("No person shall own keep, or otherwise possess, or slaughter any . . . poultry, rabbit, dog, cat, or any other animal intending to use such animal for food purposes.") Chicago's ordinance has been interpreted to allow keeping chickens for eggs. Kara Spak, *Raising Chickens Legal in Chicago, and People Are Crowing About It*, CHI. SUN TIMES, Aug. 13, 2011, <http://www.suntimes.com/news/metro/6942644-418/city-of-chicken-coops.html>; IRVING, TEX., CODE OF ORDINANCES 6-1 (2011) (not regulating chickens).

175. *See infra* V.C.2

176. *See infra* V.C.5.c.

177. *See infra* V.C.5.b.

178. *See infra* V.C.4.

179. *See infra* V.B.

180. *See infra* V.A.

veyed¹⁸¹ and the survey sizes were far smaller.¹⁸² By choosing the largest cities in the United States by population, this survey is meant to give a snapshot of what kind of laws govern the most densely populated urban areas. An understanding of how large cosmopolitan areas approach backyard chickens can help smaller cities determine the best way to fashion an ordinance.¹⁸³

Several aspects of these ordinances will be examined. First, the area within the codified ordinances that the city chooses to regulate chickens will be discussed.¹⁸⁴ Next, regulations based on space requirements, zoning requirements, and setbacks will be examined.¹⁸⁵ After that, the different sorts of sanitation requirements that cities impose will be examined, including looking at how specific or general those requirements are.¹⁸⁶ Then, the coop construction requirements, including how much space a city requires per chicken, will be examined.¹⁸⁷ Next, cities' use of permits to regulate chickens will be evaluated.¹⁸⁸ The Article will then discuss anti-slaughter laws.¹⁸⁹ Finally, the prevalence of banning roosters will be discussed, while noting

that quite a few cities do expressly allow roosters.¹⁹⁰ Examining each aspect of the ordinance piecemeal is designed to provide a thorough overview of ordinances regulating backyard chickens and classification of common concerns. Through this review, regulatory norms will be identified and especially effective, novel, or eccentric regulations will be noted.

Norms and effective regulations will be taken into account in constructing a model ordinance. The most thoughtful, effective, and popular regulations from each of these ordinances will be incorporated into these recommendations. Also, data discussed in the first part of this Article about chickens, chicken behavior, and chicken-keeping will inform the model ordinance.

But, before delving into each of these aspects of the ordinances, some more general impressions from this analysis will be discussed. These more general impressions will include identifying some themes in these regulations based on population size and region.

I. The More Populous the City, the More Likely It Is to Allow for Backyard Chickens

When reviewing the overall results of the survey concerning whether a city allows chickens or bans them, a pattern emerges based on population size. At least among the top 100 cities by population, the smaller the city, the greater the chance that the city will ban chickens. Of the top 10 cities by population, all of them allow for chickens in some way.¹⁹¹ Of those top 10 cities, however, Philadelphia has fairly strict zoning restrictions that only allows chickens in lots of three acres or larger.¹⁹² And, of the top 50 cities by population, only one city bans chickens outright: Detroit.¹⁹³

But in the last 20 of the top 100 cities, four of them ban chickens: Yonkers, Grand Rapids, Fort Wayne, and Lubbock.¹⁹⁴ So, within that subset, only 80% of the cit-

181. See Orbach & Sjöberg, *Debating Backyard Chickens*; Sarah Schindler, *Of Backyard Chickens and Front Yard Garden: The Conflict Between Local Government and Locavores*, 87 TUL. L. REV. (forthcoming Nov. 2, 2012); Patricia Salkin, *Feeding the Locavores, One Chicken at a Time: Regulating Backyard Chickens*, 34:3 ZONING & PLAN. L. REP. 1 (Mar. 2011); Kieran Miller, *Backyard Chicken Policy: Lessons From Vancouver, Seattle, and Niagara Falls*, QSPACE AT QUEENS U. (2011), <http://qspace.library.queensu.ca/handle/1974/6521>; Katherine T. Labadie, *Residential Urban Keeping: An Examination of 25 Cities*, U.N.M. RESEARCH PAPER (2008) http://www.google.com/url?sa=t&rc=t=j&q=&esrc=s&source=web&cd=1&ved=0CE0QFjAA&url=http%3A%2F%2F66.147.242.185%2F-urbanch5%2Fwp-content%2Fuploads%2F2012%2F02%2FOrdinance-research-paper.pdf&ei=f_T5T8jOLcrjqgGP5NGKCQ&usq=AFQjCNE-ArE_uYe4XcKDFhMrwS4mOLfQw&sig2=UcWfdU1smoifnqTiE_vvA; Jennifer Blecha, *Urban Life With Livestock: Performing Alternative Imaginaries Through Small Stock Urban Livestock Agriculture in the United States*, PROQUEST INFORMATION AND LEARNING COMPANY (2007). See also *Chicken L.O.R.E Project: Chicken Laws and Ordinances and Your Rights and Entitlements*, BACKYARD CHICKENS.COM, <http://www.backyardchickens.com/t/310268/chicken-lore-project-find-submit-local-chicken-laws-ordinances> (last visited Feb. 20, 2012) (providing an extensive community-created database of municipal chicken laws).

182. *Poultry 2010, Reference of the Health and Management of Chicken Stocks in Urban Settings in Four U.S. Cities*, USDA, May 2011 (studying the urban chicken population in Denver, Los Angeles, Miami, and New York City).

183. Also, this survey is necessarily frozen in time for publicly accessible ordinances as of December of 2011. This is because at least two cities have already changed their ordinances to allow for more comprehensive and permissive livestock regulations—Pittsburgh and San Diego. Diana Nelson-Jones, *Pittsburgh Urban Chicken Coop Tour to Be Held on Sunday*, PITTSBURGH POST-GAZETTE, June 9, 2011, <http://www.post-gazette.com/pg/11160/1152234-34.stm> (stating that Pittsburgh had amended its ordinances to allow for 3 chickens for every 2,000 square feet of property); Adrian Florino, *San Diego City Council Approves Backyard Chickens, Goats, and Bees*, KPBS, Feb. 1, 2012, <http://www.kpbs.org/news/2012/feb/01/san-diego-city-council-approves-backyard-chickens/>. These ordinances, however, have not yet been codified within the cities code and, thus, are not yet publicly accessible. Although this Article intends to use the most recent ordinances, because of the size of the sample, and because of the scattered news coverage and the significant lag time in updating city codes, the author cannot be sure that other cities have not amended their ordinances. Thus, this study can do no more than provide a snapshot in time for these ordinances.

184. *Infra* V.B.

185. *Infra* V.C.1-4.

186. *Infra* V.C.5.

187. *Infra* V.C.5.

188. *Infra* V.C.6.

189. *Infra* V.C.7.

190. *Infra* V.C.8.

191. The top 10 cities by population from most populous to least populous: N.Y.C., MUN. CODE §65-23 (1990); L.A., CAL., MUN. CODE §§12.01, 12.05-12.09 (2011); PHILA., PA., CODE §10-112 (2011); CHI., ILL., CODE OF ORDINANCES §17-12-300 (2011); PHOENIX, ARIZ., CITY CODE §8-7, 8-10 (2011); SAN DIEGO, CAL., MUN. CODE §42.0709 (2011); DALLAS, TEX., CODE OF ORDINANCES §7-1.1 (2011); SAN ANTONIO, TEX., CODE OF ORDINANCES §5-109 (2011); HOUSTON, TEX., CODE OF ORDINANCES ch. 6, art. II (2010).

192. PHILA., PA., CODE §10-112 (2011).

193. DETROIT, MICH., CITY CODE §6-1-3 (2010).

194. The last 20 of the top 100 cities from most populous to least populous: GLENDALE, ARIZ., CODE OF ORDINANCES pt. II, art. 5 (2010); AKRON, OHIO, CODE OF ORDINANCES §92-18 (2011); GARLAND, TEX., CODE OF ORDINANCES §22.14 (2011); MADISON, WIS., CODE OF ORDINANCES ch. 28 (no date listed); *id.* §7.29; *id.* §9.52; FORT WAYNE, IND., CODE OF ORDINANCES §157.104 (2011); FREMONT, CAL., MUN. CODE §3-5803 (2011); SCOTTSDALE, ARIZ., CODE OF ORDINANCES §4-17 (2011); MONTGOMERY, ALA., CODE OF ORDINANCES ch. 4 art. I (2011); *id.* app. C, art. VII; SHREVEPORT, LA., CODE OF ORDINANCES ch. 106 (2011); LUBBOCK, TEX., CITY CODE §4.07.001 (2011); CHESAPEAKE, VA., CODE OF ORDINANCES ch. 10 (2011); *id.* ZONING art. 3; MOBILE, ALA., CODE OF ORDINANCES §7-102 (2011); DES MOINES, IOWA, CODE OF ORDINANCES §18-4 (2011); GRAND RAPIDS, MICH., CODE OF ORDINANCES §8.582 (2010); RICHMOND, VA., CODE OF ORDINANCES §10-88 (2011); YONKERS, N.Y., §65-23 (1990); SPOKANE, WASH., MUN. CODE §17C.310.100 (no date listed); AUGUSTA-

ies allow for chickens. This may go against popular belief that chickens would be more prevalent in bucolic suburbs and less popular in densely populated cosmopolitan areas. Because this survey only includes large urban areas, the percentage of smaller cities, suburbs, and exurbs that allow for chickens is not known. But, based on this limited survey, it appears that more populous cities have largely accepted chickens, and the pursuit of more chicken-friendly legislation has moved to smaller cities and the suburbs.

2. Some Regional Observations

Although it is difficult to draw regional distinctions from a limited set of data, it does appear that the states in what is colloquially called the Rustbelt are more likely to ban chickens. In Michigan, both cities within the top 100, Detroit and Grand Rapids, ban chickens.¹⁹⁵ And in Pennsylvania, similarly, both of its most populated cities, for the most part, ban chickens.¹⁹⁶ Philadelphia only allows chickens on lots of three acres or more—far more than the average lot size in Philadelphia.¹⁹⁷ Pittsburgh, although it recently amended its ordinances,¹⁹⁸ used to allow chickens only on parcels of five acres or more.¹⁹⁹ In either event, in both cities, keeping chickens is limited to property sizes that are far larger than the average for an urban area.

Within the Rustbelt states, Ohio stands out for legalizing chickens. All five of its major cities currently allow for chickens: Akron, Cincinnati, Cleveland, Columbus, and Toledo.²⁰⁰ Columbus and Akron have far more restrictive

ordinances, however. Columbus requires a permit to keep chickens and allows its Health Commissioner discretion over granting and revoking that permit.²⁰¹ Akron requires chickens to be kept at least 100 feet from any dwelling, which will restrict owners of small parcels in densely populated areas from raising chickens.²⁰²

In 2009, Cleveland passed a comprehensive ordinance legalizing chickens and bees.²⁰³ Cleveland allows for one chicken per 800 square feet, which would allow up to six chickens on a standard residential lot.²⁰⁴ Cleveland also has minimal setbacks and detailed coop requirements.²⁰⁵ And Cincinnati and Toledo have even more liberal ordinances, allowing for chickens as long as they do not create a nuisance.²⁰⁶

Virginia also stands out for restricting chickens. All four of Virginia's cities within the top 100 cities by population—Chesapeake, Norfolk, Richmond, and Virginia Beach—restrict chickens to large lots or to lands zoned agricultural.²⁰⁷

B. Where Regulations Concerning Chickens Are Placed Within a City's Codified Ordinances

The survey reveals that there is little consistency in where cities choose to locate chicken regulations within their codified ordinances. Most cities regulate chickens in sections devoted to animals, zoning, health, or nuisances. Each method of regulation will be examined for how often it is used and how effective it is.

RICHMOND, GA., CODE OF ORDINANCES tit. 4, art. 2 (2007); GLENDALE, CAL., MUN. CODE §6.04 (2011); TACOMA, WASH., MUN. CODE §5.30.010 (2011); IRVING, TEX., CODE OF ORDINANCES pt. II, ch. 6 (2011).

195. DETROIT, MICH., CITY CODE §6-1-3 (2010) (prohibits owning farm animals and defines chickens as farm animals); GRAND RAPIDS, MICH., CODE OF ORDINANCES §8.582 (2010) (prohibiting farm animals within 100 ft. of any dwelling unit, well, spring, stream, drainage ditch, or drain. City officials have interpreted this to ban chickens.); *but see* ANN ARBOR, MICH., CODE OF ORDINANCES tit. IX, ch. 107, §9:42 (allowing up to four chickens in single-family or two-family dwellings if a permit is secured and regulations are followed).

196. PHILA. §10-112; PITTSBURGH, PA., CODE OF ORDINANCES §§635.02, 911.04.A.2 (2011).

197. Susan Wachter, *The Determinants of Neighborhood Transformations in Philadelphia Identification and Analysis: The New Kensington Pilot Study*, Spring 2005, THE WHARTON SCHOOL, http://www.google.com/url?sa=t&rcit=j&q=&esrc=s&source=web&cd=1&ved=0CCMQFjAA&url=http%3A%2F%2Fkabbaffiliates.org%2FuploadedFiles%2FKAB_Affiliates.org%2FWharton%2520Study%2520NK%2520final.pdf&ei=X40hT56_OOjCsQLogpyhCQ&usg=AFQjCNH-DYO3ImfVNsESWY6QZ9-79aW87A&sig2=C2IvyXmR7twhY4K5RZYk-A (last visited Jan. 26, 2012) (finding that the average lot size within the New Kensington area of Philadelphia was just over 1,000 square feet).

198. Diana Nelson-Jones, *Pittsburgh Urban Chicken Coop Tour to Be Held on Sunday*, PITTSBURGH POST-GAZETTE, June 9, 2011, <http://www.post-gazette.com/pg/11160/1152234-34.stm> (stating that Pittsburgh had amended its ordinances to allow for three chickens for every 2,000 square feet of property).

199. PITTSBURGH, PA., CODE OF ORDINANCES §911.04(A)(2) (2011).

200. AKRON, OHIO, CODE OF ORDINANCES §92-18 (2011); CINCINNATI, OHIO, CODE OF ORDINANCES ch. 701 (2011); CLEVELAND, OHIO, CODIFIED ORDINANCES §§205.04, 347.02 (2011); COLUMBUS, OHIO, CITY CODE tit. III, ch. 221 (2011); TOLEDO, OHIO, MUN. CODE §§505.07(a)(4), 1705.07 (2011).

201. COLUMBUS §221.05:

The Health Commissioner may grant permission only after it is determined that the keeping of such animals: (1) creates no adverse environmental or health effects; (2) is in compliance with all other sections of this chapter; and (3) in the judgment of the Health Commissioner, after consultation with the staff of the Health Department and with the surrounding occupants of the place of keeping such animals, and considering the nature of the community (i.e., residential or commercial single or multiple dwellings, etc.), is reasonably inoffensive. The health commissioner may revoke such permission at any time for violation of this chapter or any other just cause.

202. AKRON §92-18.

203. CLEVELAND §§347.02 & 205.04.

204. *Id.*

205. *Id.*

206. CINCINNATI §701-17; *id.* §00053-11 (“No live geese, hens, chickens, pigeons, ducks, hogs, goats, cows, mules, horses, dogs, cats, other fowl or any other domestic or non-domestic animals shall be kept in the city so as to create a nuisance, foul odors, or be a menace to the health of occupants or neighboring individuals.”); TOLEDO §§1705.05 & 505.07 (“No person shall keep or harbor any animal or fowl in the City so as to create noxious or offensive odors or unsanitary conditions which are a menace to the health, comfort or safety of the public.”).

207. CHESAPEAKE, VA., CODE OF ORDINANCES ch. 10 (2011); *id.* ZONING art. 3 (restricting to low-density zones and restricting to properties of one acre or more); NORFOLK, VA., CODE OF ORDINANCES, app. A, art. II §4-0.5 (2011) (restricting chickens to properties of five acres or more); RICHMOND, VA., CODE OF ORDINANCES §10-88 (2011) (restricting chickens to properties with one acre or more); VIRGINIA BEACH, VA., CITY CODE §5-545, app. A (2011) (restricting chickens to land zoned for agricultural use).

I. Animal Control Regulations

Seventy-one of the cities regulate chickens under their animal control ordinances.²⁰⁸ This makes sense, because chickens are animals and this is the natural place for would-be chicken owners to look to make sure that they won't get into legal trouble. Regulating chickens under animal control also leads to fairly easy-to-follow ordinances. Chickens are either allowed, or they are not. And, if there are further regulations concerning lot size, setbacks, or coop requirements, they are usually all in one place.

208. AKRON, OHIO, CODE OF ORDINANCES §92-18 (2011); ANCHORAGE, ALASKA, CODE OF ORDINANCES tit. 17, 21 (2011); AUGUSTA-RICHMOND, GA., CODE OF ORDINANCES tit. 4, art. 2 (2007); AURORA, COLO., CODE OF ORDINANCES §14-8 (2011); AUSTIN, TEX., CODE OF ORDINANCES tit. III, ch. 3.1.1 (2011); ATLANTA, GA., CODE OF ORDINANCES §18-7 (2011); BAKERSFIELD, CAL., MUN. CODE §6.08.10 (2011); BALTIMORE, MD., HEALTH CODE §10-312 (2011); BATON ROUGE, LA., CODE OF ORDINANCES §14:224 (2011); CHARLOTTE, N.C., CODE OF ORDINANCES §3-102 (2010); CINCINNATI, OHIO, CODE OF ORDINANCES ch. 701 (2011); COLORADO SPRINGS, COLO., CITY CODE §6.7.106(D) (2011); CORPUS CHRISTI, TEX., CODE OF ORDINANCES §§6-153, 6-154 (2011); DALLAS, TEX., CODE OF ORDINANCES §7-1.1 (2011); DENVER, COLO., MUN. CODE §8-91 (2011); DES MOINES, IOWA, CODE OF ORDINANCES §18-4 (2011); DETROIT, MICH., CITY CODE §6-1-3 (2010); EL PASO, TEX., MUN. CODE §7.24.020 (2011); FREMONT, CAL., MUN. CODE §3-5803 (2011); GARLAND, TEX., CODE OF ORDINANCES §22.14 (2011); GLENDALE, ARIZ., CODE OF ORDINANCES pt. II, art. 5 (2010); GLENDALE, CAL., MUN. CODE §6.04 (2011); GRAND RAPIDS, MICH., CODE OF ORDINANCES §8.582 (2010); HIALEAH, FLA., CODE OF ORDINANCES §§10.1, 10.2 (2011); HONOLULU, HAW., REV. ORDINANCES §7-2.5(d) (1990); HOUSTON, TEX., CODE OF ORDINANCES ch. 6, art. II (2010); INDIANAPOLIS, IND., REV. CODE tit. III, ch. 531 (2011); IRVING, TEX., CODE OF ORDINANCES 6-1 (2011); JERSEY CITY, N.J., CODE OF ORDINANCES §90-6 (2011); KANSAS CITY, MO., CODE OF ORDINANCES §14-15 (2011); LAS VEGAS, NEV., MUN. CODE §7.38.050 (2011); LEXINGTON-FAYETTE, KY., CODE OF ORDINANCES §4-10 (2011); LINCOLN, NEB., MUN. CODE §6.04.040 (2011); LONG BEACH, CAL., MUN. CODE §6.20.020 (2011); LOUISVILLE, KY., METRO CODE ch. 91 (2011); MEMPHIS, TENN., CODE OF ORDINANCES §8-8-1 (2009); MIAMI, FLA., CODE OF ORDINANCES §6-1(b) (2011); MILWAUKEE, WIS., CODE OF ORDINANCES §78-6.5 (2011); MINNEAPOLIS, MINN., CODE OF ORDINANCES §70.10 (2011); MOBILE, ALA., CODE OF ORDINANCES §7-102 (2011); MONTGOMERY, ALA., CODE OF ORDINANCES ch. 4, art. I (2011); *id.* app. C, art. VII; NEWARK, N.J., GEN. ORDINANCES §6:2-29 (2010); NEW ORLEANS, LA., CODE OF ORDINANCES pt. II, ch. 18, art. VI (2011); N.Y.C., MUN. CODE §65-23 (1990); NORFOLK, VA., CODE OF ORDINANCES §§4-05, 6.1-7 (2011); OAKLAND, CAL., CODE OF ORDINANCES §6-04-320 (2011); OKLAHOMA CITY, OKLA., MUN. CODE tit. 8, 59 (2011); OMAHA, NEB., CODE OF ORDINANCES §6-266 (2011); PHILA., PA., CODE §10-112 (2011); PHOENIX, ARIZ., CITY CODE §§8-7, 8-10 (2011); PITTSBURGH, PA., CODE OF ORDINANCES §§635.02, 911.04.A.2 (2011); PLANO, TEX., CODE OF ORDINANCES §4-184 (2011); PORTLAND, OR., CITY CODE §13.05.015 (2011); RALEIGH, N.C., CODE OF ORDINANCES §§12-3001, 12-3004 (2011); RICHMOND, VA., CODE OF ORDINANCES §10-88 (2011); ROCHESTER, N.Y., CITY ORDINANCES §30-12, 30-19 (no date listed); SACRAMENTO, CAL., CITY CODE §9-44-340 (2011); ST. LOUIS, MO., CODE OF ORDINANCES §10.20.015 (2010); ST. PETERSBURG, FLA., CODE OF ORDINANCES §4-31 (2011); ST. PAUL, MINN., §198.02 (2011); SAN ANTONIO, TEX., CODE OF ORDINANCES §5-109 (2011); SAN JOSE, CAL., CODE OF ORDINANCES tit. 7 (2007); SANTA ANA, CAL., CODE OF ORDINANCES §5.6 (2011); SCOTTSDALE, ARIZ., CODE OF ORDINANCES §4-17 (2011); STOCKTON, CAL., MUN. CODE §6.04.420, 16.80.060 (2011); TOLEDO, OHIO, MUN. CODE §505.07(a)(4); TUCSON, ARIZ., CODE OF ORDINANCES ch. 4, art. VI (2011); TULSA, OKLA., CODE OF ORDINANCES §200(d)(e) (2011); VIRGINIA BEACH, VA., CITY CODE §5-545, app. A (2011); WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §902.1 (no date listed); WICHITA, KAN., CODE OF ORDINANCES §6.04.157 (2011); YONKERS, N.Y., §65-23 (1990).

2. Zoning Regulations

Fourteen cities regulate chickens primarily under their zoning laws.²⁰⁹ These cities are much more likely to substantially restrict raising hens.²¹⁰ It also makes it much more difficult for a resident to determine whether he can legally raise chickens. Such a resident must not only determine in what zone chickens may be raised, but he must also determine whether his property falls within that zone. These laws also tend to sow unnecessary confusion. For instance, Lubbock Texas' law on paper would seem to allow for hens, but the city has exploited its vagaries to ban backyard chickens. Lubbock creates a loop within its ordinances by providing within the animal section of its code that chickens are allowed if the zoning ordinance permits it,²¹¹ and then providing in its zoning ordinance that chickens are allowed if the animal code permits it.²¹² The Lubbock city clerk resolved the loop by stating that the city interprets these provisions to entirely ban chickens within the city.²¹³

Finally, cities that regulate chickens primarily through zoning laws do so, presumptively, because they want to restrict raising chickens to certain zones. This, however, can cause unnecessary complications. Raising chickens is not only for residential backyards. Because of declining population and urban renewal projects in many cities, urban farms, market gardens, and community gardens are located in other zones, including business, commercial, and even industrial zones. Each time these farms or gardens would like to add a few chickens, they would have to petition the city for a zoning variance or seek a change in the law. This is not an efficient use of a city's limited resources.²¹⁴

In addition, other regulations pertaining to chickens, such as setbacks, coop construction, or sanitary requirements, can get lost among the many building regulations within the zoning code. Zoning codes are generally written for an expert audience of businesses, builders, and developers, and not for the lay audience that would comprise

209. ANAHEIM, CAL., MUN. CODE §18.38.030 (2011); BIRMINGHAM, ALA., ZONING ORDINANCE §2.4.1 (2007); CHESAPEAKE, VA., CODE OF ORDINANCES ch. 10 (2011); *id.* ZONING art. 3; FRESNO, CAL., MUN. CODE §§12-205.1-12-207.5 (2011); GLENDALE, CAL., MUN. CODE §6.04 (2011); GREENSBORO, N.C., CODE OF ORDINANCES §30-8-11.3 (2011); JACKSONVILLE, FLA., ORDINANCE CODE tit. XIII, ch. 462, tit. XVII, ch. 656 (2011); L.A., CAL., MUN. CODE §§12.01, 12.05-12.09 (2011); LUBBOCK, TEX., CITY CODE §4.07.001 (2011); MADISON, WIS., CODE OF ORDINANCES ch. 28 (no date listed); *id.* §7.29; SEATTLE, WASH., MUN. CODE §23.42.052; WASH., MUN. CODE OF ORDINANCES §6.04.20 (2011); *id.* tit. 17; *id.* §9.52; SHREVEPORT, LA., CODE OF ORDINANCES ch. 106 (2011); SPOKANE, WASH., MUN. CODE §17C.310.100.

210. Anaheim, Birmingham, Jacksonville, and Lubbock either ban hens altogether or restrict hens to certain zones. See ANAHEIM §18.38.030; BIRMINGHAM §2.4.1; JACKSONVILLE tit. XVIII, ch. 462, tit. XVII, ch. 656; LUBBOCK §4.07.001.

211. LUBBOCK §4.07.001.

212. *Id.* §40.03.3103.

213. See Interview with Lubbock city clerk (on file with author).

214. E.g., Schindler, *supra* note 181, 68-71 (arguing that the movement toward urban agriculture should cause cities to reconsider Euclidean zoning because such zoning no longer serves the needs of the cities and its residents).

chicken owners.²¹⁵ If cities are concerned about raising chickens too near businesses or neighbors, other regulations like setbacks from the street and neighboring properties can ameliorate this concern without having to include the regulation in the zoning code.

Regulations placed within the animal code, as described above, are generally in one place and often within a single ordinance. This leads to a better understanding of the law for chicken owners and, thus, easier enforcement for city officials. Unless the zoning regulations have a subsection devoted specifically to animals, like the ones in Spokane²¹⁶ or Greensboro,²¹⁷ the most sensible place for regulating chickens is within the animal code.

3. Health Code

Another popular place within a municipality's code to regulate chickens is within the health code. Seven cities regulate chickens primarily within the health code.²¹⁸ Many of these, however, have a separate section concerning animals or animal-related businesses within the health code.²¹⁹ Again, unless the code has such a separate section concerning animals, the better place to regulate is within the animal code.

4. Other

Of the remaining cities, there is very little uniformity. Two, Boston and Columbus, regulate through permit sections within their codified ordinances.²²⁰ Because these cities require permits to keep chickens and give a great deal of discretion to city officials to grant or deny permits on a case-by-case basis, locating a chicken regulation within the permit section of the codified ordinance makes sense for those cities. But, as argued later, allowing such discretion is neither a good use of city resources nor a fair and consistent way to regulate chickens.

The only other pattern within these ordinances is that two other cities—Buffalo and Tampa—regulate chickens

under the property maintenance area of the code.²²¹ This is not an ideal place to locate such an ordinance, because potential chicken owners are unlikely to look for chicken regulations there.

Finally, one city—Arlington, Texas—places its chicken regulations in a section of the code entitled sale and breeding of animals.²²² Because backyard chicken owners generally do not raise their chickens for sale, and also likely do not consider themselves to be breeders, this area of the code is not well-suited to this regulation.

C. How Cities Regulate Chickens

1. Chickens Are Defined as Pets or Domestic Animals

Seven cities—Dallas, Indianapolis, Jacksonville, New Orleans, Plano, Raleigh, and Spokane—define chickens as domestic animals or pets, and thus subject them to the same enclosure and nuisance regulations as other domestic animals like cats and dogs.²²³ These cities' ordinances appear to be long-standing and were not recently modified in response to the backyard chicken movement.²²⁴ While many cities may want to more explicitly regulate chickens, this is a workable approach. General nuisance laws already regulate things like odor and noise.²²⁵ While many regulations particular to chickens duplicate nuisance ordinances, it is unclear whether such duplication actually reduces nuisances. More precise requirements on sanitation, coop standards, setbacks, and permits may signal to chicken owners that the city is serious about regulating chickens, protecting neighbors, and protecting the health and well-being of chickens. But, as chickens regain prevalence in urban areas, cities that regulate chickens as pets or domestic animals may find that—through inertia—they have taken the most efficient approach, both in terms of preserving city resources and curbing potential nuisances.

2. Space Requirements

Of the 94 cities that allow for raising chickens, 31 of them impose restrictions based upon how big the property is, either explicitly through lot size requirements, or implicitly through zoning requirements.²²⁶ Of those, 16 cities restrict

215. See Lea S. VanderVelde, *Local Knowledge, Legal Knowledge, and Zoning Law*, IOWA L. REV., May 1990, at 1057 (describing zoning law as "arcane"). Also, the sheer number of law treatises for zoning laws demonstrates that zoning laws require expertise to navigate. *E.g.*, PATRICIA SALKIN, AMERICAN LAW OF ZONING (5th ed. 2012); JULIAN CONRAD JUERGENSMEYER & THOMAS E. ROBERTS, LAND USE PLANNING AND DEVELOPMENT REGULATION LAW (2d ed. 2003); EDWARD H. ZIEGLER JR., RATHKOPF'S THE LAW OF ZONING AND PLANNING (4th ed. 2012).

216. SPOKANE, WASH., MUN. CODE tit. 17C LAND USE STANDARDS, ch. 17C.310 ANIMAL KEEPING (no date listed).

217. GREENSBORO, N.C., CODE OF ORDINANCES §30-8-11.3 (2011).

218. ALBUQUERQUE, N.M., CODE OF ORDINANCES §9-2-4-3 (2011); CLEVELAND, OHIO, CODIFIED ORDINANCES §§205.04, 347.02 (2011); COLUMBUS, OHIO, CITY CODE tit. III, ch. 221 (2011); MESA, ARIZ., CITY CODE §8-6-21 (2011); SAN DIEGO, CAL., MUN. CODE §42.0709 (2011); SAN FRANCISCO, CAL., HEALTH CODE §37 (2011); TACOMA, WASH., MUN. CODE §5.30.010 (2011).

219. *E.g.*, SAN DIEGO §42.0709; CLEVELAND §§204.04, 347.02; TACOMA §5.3.010.

220. BOS., MASS., CODE OF ORDINANCES §16-1.8A (2010); COLUMBUS tit. III, ch. 221.

221. BUFFALO, N.Y., CITY CODE §341-11 (2009); TAMPA, FLA., CODE OF ORDINANCES §19.76 (2008).

222. ARLINGTON, TEX., ORDINANCES GOVERNING ANIMALS §5.02 (2010).

223. DALLAS, TEX., CODE OF ORDINANCES §7-1.1 (2011); INDIANAPOLIS, IND., REV. CODE tit. III, ch. 531.101 (2011); JACKSONVILLE, FLA., ORDINANCE CODE §656.1601 (2011); NEW ORLEANS, LA., CODE OF ORDINANCES §18-2.1 (2011); RALEIGH, N.C., CODE OF ORDINANCES §12-3001 (2011); PLANO, TEX., CODE OF ORDINANCES §4-184 (2011); SPOKANE, WASH., MUN. CODE §17C.310.100 (no date listed).

224. *Supra* note 223.

225. Every city surveyed had general nuisance provisions in its code regulating odor and noise.

226. Cities that impose lot size requirements: Anaheim, Cleveland, Fort Wayne, Fremont, Garland, Greensboro, Nashville, Norfolk, Oklahoma, Philadelphia, Phoenix, Pittsburgh, Richmond, Rochester, Stockton, and Tampa. ANAHEIM, CAL., MUN. CODE §18.38.030 (2011); CLEVELAND, OHIO,

based on lot size and 17 restrict based on zoning. This adds up to 33, rather than 31, because two cities restrict based on both lot size and zoning.²²⁷ These restrictions range from draconian, practically banning chickens in most of the city by restricting chickens to extremely large lots,²²⁸ to extremely liberal, allowing up to 30 chickens per 240 square feet—or 30 chickens in an area approximately the size of a large bedroom.²²⁹ As discussed below, an additional 10 cities should be considered unfriendly to keeping hens because, while they do allow chickens under some circumstances, those circumstances are restricted to very large lots or agriculturally zoned land.²³⁰

a. Lot Size Requirements

Of the 15 cities that restrict based on lot size only, six of them restrict chickens to property that is one acre or more: Nashville, Norfolk, Oklahoma City, Philadelphia, Pittsburgh, and Richmond.²³¹ Nashville, Norfolk, and Pittsburgh appear to limit chickens to property of more than five acres, which in any urban area is a practical ban.

CODIFIED ORDINANCES §347.02 (2011); FORT WAYNE, IND., CODE OF ORDINANCES §157.104 (2011); FREMONT, CAL., MUN. CODE §3-5803 (2011); GARLAND, TEX., CODE OF ORDINANCES §22.14 (2011); GREENSBORO, N.C., CODE OF ORDINANCES §30-8-11.3 (2011); NASHVILLE-DAVIDSON, TENN., MUN. CODE §17-16-330 (2011); NORFOLK, VA., CODE OF ORDINANCES §§4-05, 6.1-7 (2011); OKLAHOMA CITY, OKLA., MUN. CODE §59-9350(c) (2011); PHILA., PA., CODE §10-112 (2011); PHOENIX, ARIZ., CITY CODE §8-10 (2011); PITTSBURGH, PA., CODE OF ORDINANCES §§635.02, 911.04.A.2 (2011); RICHMOND, VA., CODE OF ORDINANCES §10-88 (2011); ROCHESTER, N.Y., CITY ORDINANCES §§30-12, 30-19 (no date listed); STOCKTON, CAL., MUN. CODE §16.80.060 (2011); TAMPA, FLA., CODE OF ORDINANCES §19.76 (2008). Cities that impose zoning restrictions: Bakersfield, Birmingham, Chesapeake, Dallas, Fresno, Glendale, Arizona, Greensboro, Hialeah, Jacksonville, Los Angeles, Madison, Memphis, Montgomery, San Diego, Shreveport, Stockton, and Virginia Beach. BAKERSFIELD, CAL., MUN. CODE tit. 17 (2011); BIRMINGHAM, ALA., ZONING ORDINANCE §2.4.1 (2007); CHESAPEAKE, VA., CODE OF ORDINANCES ZONING art. 3 (2011); DALLAS, TEX., CODE OF ORDINANCES §7-1.1 (2011); FRESNO, CAL., MUN. CODE ch. 12 (2011); GLENDALE, ARIZ., CODE OF ORDINANCES §§5.132 & 5.212 (2011); GREENSBORO, N.C., CODE OF ORDINANCES §30-8-11.3 (2011); HIALEAH, FLA., CODE OF ORDINANCES ch. 98 (2011); JACKSONVILLE, FLA., ORDINANCE CODE ch. 656 (2011); L.A., CAL., MUN. CODE §§12.01, 12.05-12.09 (2011); MADISON, WIS., CODE OF ORDINANCES ch. 28 (no date listed); MEMPHIS, TENN., CODE OF ORDINANCES tit. 16 (2009); MONTGOMERY, ALA., CODE OF ORDINANCES, app. C, art. VII (2011); SAN DIEGO, CAL., MUN. CODE §42.0709 (2011); SHREVEPORT, LA., CODE OF ORDINANCES ch. 106 (2011); STOCKTON, CAL., MUN. CODE §§6.04.420, 16.80.060 (2011); VIRGINIA BEACH, VA., CITY CODE §5-545, app. A (2011).

227. GREENSBORO, N.C., CODE OF ORDINANCES §30-8-11.3 (2011); STOCKTON, CAL., MUN. CODE §§6.04.420 & 16.80.060 (2011).

228. *E.g.*, NASHVILLE-DAVIDSON, TENN., MUN. CODE §§8-12-020, 17-16-330 (2011); PHILA., PA., CODE §10-112 (2011).

229. *See* ROCHESTER, N.Y., CITY ORDINANCES §§30-12, 30-19 (no date listed).

230. BIRMINGHAM, ALA., ZONING ORDINANCE §2.4.1 (2007); CHESAPEAKE, VA., CODE OF ORDINANCES ch. 10 (2011); HIALEAH, FLA., CODE OF ORDINANCES §§10.1, 10.2 (2011); JACKSONVILLE, FLA., ORDINANCE CODE §656.331(2011); MONTGOMERY, ALA., CODE OF ORDINANCES ch. 4, art. I (2011); *id.* app. C, art. VII; NORFOLK, VA., CODE OF ORDINANCES, app. A, art. II §4-0.5 (2011); OKLAHOMA CITY, OKLA., MUN. CODE §59-9350 (2011); PHILA., PA., CODE §10-112 (2011); RICHMOND, VA., CODE OF ORDINANCES §10-88 (2011); VIRGINIA BEACH, VA., CITY CODE §5-545, app. A (2011).

231. NASHVILLE-DAVIDSON, TENN., MUN. CODE §17-16-330(b) (2011); PITTSBURGH, PA., CODE OF ORDINANCES §§635.02, 911.04.A.2 (2011); PHILA., PA., CODE §10-112 (2011); OKLAHOMA CITY, OKLA., MUN. CODE §59-9350 (2011); RICHMOND, VA., CODE OF ORDINANCES §10-88 (2011).

Norfolk appears to allow for an exception to the five-acre minimum²³² by allowing a would-be chicken owner to procure a permit to keep hens,²³³ but in practice, the city will not issue this permit to chicken hobbyists.²³⁴ But, as discussed below, Nashville and Pittsburgh have interpreted their restrictive ordinances to allow for chickens on much smaller parcels of property.

In Nashville, the zoning code conflicts with the health code, and the health code apparently won out. The zoning ordinance limits “common domestic farm animals” to a lot size of five acres or more, but the ordinance does not define what qualifies as a common domestic farm animal.²³⁵ Nashville’s health code, by contrast, specifically allows for chickens, as long as they do not create a nuisance.²³⁶ Nashville issued a memorandum in 2009 providing that the Board of Zoning Appeals held that the health code takes precedence over the zoning code.²³⁷ In so holding, the Board allowed a property owner to keep her chickens, because their owner considered them to be pets and the chickens did not create a nuisance.²³⁸

In Pittsburgh, while agricultural uses were limited to property of five acres or more, like Nashville, the code did not specifically define whether raising chickens was considered an agricultural use.²³⁹ Pittsburgh, thus, would allow chicken keepers to seek a variance for raising chickens on property of less than five acres.²⁴⁰ Apparently, though it is not yet codified, Pittsburgh recently made it much easier to raise chickens, and also bees, by allowing up to three hens and two beehives on property of 2,000 square feet or more.²⁴¹

So, both Nashville and Pittsburgh, while appearing to ban chickens, have become chicken-friendly.

The next most restrictive ordinance is in Philadelphia. Philadelphia restricts chickens to property of three acres or more. Philadelphia, however, apparently means it. In Philadelphia, the code specifically defines poultry as a farm animal,²⁴² and only allows farm animals on a parcel of property of three acres or more.²⁴³

232. NORFOLK, VA., CODE OF ORDINANCES, ZONING ORDINANCE, app. A, §4-05 (2011) (“Except as otherwise noted, there shall be no raising or keeping of . . . poultry, fowl, . . . on less than five acres.”).

233. NORFOLK, VA., CODE OF ORDINANCES §6.1-7 (2011) (allowing for a person wishing to raise poultry to procure a permit issued by the department of public health).

234. Amelia Baker, *Backyard Chickens: Now You’re Clucking*, ALT DAILY, June 2, 2010, <http://www.altdaily.com/features/food/backyard-chickens-now-youre-clucking.html> (providing that the city will only issue permits for sentinel chickens that the city has on surveillance to check for mosquito-borne diseases).

235. NASHVILLE-DAVIDSON §17.16.330(b).

236. *Id.* §8.12.020.

237. Memo from John Cooper, Director Metropolitan Council Office, to All Members of Metropolitan Council (Sept. 1, 2009) (on file with author).

238. *Id.*

239. PITTSBURGH §911.04.

240. Diana Nelson Jones, *Ordinance Changes Bother Keepers of Bees and Chickens*, PITTSBURGH POST GAZETTE, Feb. 8, 2010, <http://www.post-gazette.com/pg/10039/1034293-53.stm>.

241. Diana Nelson Jones, *Pittsburgh Urban Coop Tour to Be Held Sunday*, PITTSBURGH POST GAZETTE, June 9, 2011, <http://www.post-gazette.com/pg/11160/1152234-34.stm>.

242. PHILA. §10-100.

243. *Id.* §10-112.

Oklahoma City and Richmond both require at least one acre. Oklahoma City restricts raising chickens to property that is at least one acre, but apparently if the property owner has one acre, there is no restriction on how many chickens can be kept on that acre.²⁴⁴ Richmond requires 50,000 square feet, or slightly more square footage than the 43,560 square feet in an acre.²⁴⁵

After these, the lot sizes are far more lenient. Two cities, Garland and Stockton, require at least ½ acre.²⁴⁶ Three cities, Fremont, Greensboro, and Phoenix, require between 6,000 and 10,000 square feet, or between a little less than 1/8 to a little less than 1/4 acre.²⁴⁷ And four cities, Anaheim, Cleveland, Rochester, and Tampa, require between 240 to 1,800 square feet, or from not much larger than a shed to about the size of a modern master bedroom.²⁴⁸ So, out of the 15 cities that restrict based on lot size, the majority of them allow most residents to raise backyard chickens.

b. Zoning Requirements

Seventeen cities restrict chickens to certain zones. Of these, three of the cities restrict chickens only to land zoned for agricultural use: Birmingham, Hialeah, and Virginia Beach.²⁴⁹ Three more cities restrict chickens to agricultural or very low-density residential zones: Chesapeake, Jacksonville, and Montgomery.²⁵⁰ Thus, six of the 17 cities confine chickens to so few zones that it excludes the possibility of raising chickens for most families.

The remaining eleven cities, however, while still restricting chickens to certain zones, allow chickens in many or most residential zones.²⁵¹ Dallas only applies zoning

requirements if chickens are being raised for commercial purposes.²⁵² Memphis merely applies different building restrictions for coops depending on the zone.²⁵³ And two cities employ zoning laws to augment the area where chickens are allowed: Cleveland and Stockton specifically allow raising chickens in industrially zoned areas.²⁵⁴

c. Multi-Family Units

Two cities, Minneapolis and Newark, specifically regulate multi-family dwellings such as apartments. Both of these cities require permits, but will not grant one to certain multi-family dwellings. Minneapolis will not grant a permit to someone who lives in a multi-family home with four or more dwelling units.²⁵⁵ Newark will not grant one to anyone living in any multi-family home.²⁵⁶

d. Using Lot Size to Determine the Number of Chickens

Many other cities do not restrict chickens to certain lot sizes, but use lot size to determine how many chickens a property can have. There is no uniformity to these ordinances. Some ordinances set a maximum number of chickens for property of a certain size and under, and then allow for more chickens as the property size increases. For instance, Seattle allows up to eight chickens for lots under 10,000 square, and one more chicken for each additional 1,000 square feet.²⁵⁷ Fremont has an intricate step system, with four chickens for at least 6,000 square feet, six for at least 8,000 square feet, 10 for at least 10,000, 20 for at least ½ acre, and 25 for more than one acre.²⁵⁸ Riverside allows for up to four chickens on property between 7,200 and 40,000 square feet and up to 12 on property 40,000 square feet or more in residentially zoned areas.²⁵⁹

Some cities decide the number of chickens based on zoning. El Paso allows for up to six chickens on land not zoned agricultural.²⁶⁰ Tulsa allows up to six adults and 14 chicks under eight weeks of age on land not zoned agricul-

244. OKLAHOMA CITY §59-8150 (definitions); *id.* §59-9350 (confining to one acre).

245. RICHMOND, VA., CODE OF ORDINANCES §10-88(b) (2011).

246. GARLAND, TEX., CODE OF ORDINANCES §22.14 (2011); STOCKTON, CAL., MUN. CODE §16.80.060 (2011).

247. FREMONT, CAL., MUN. CODE §3-5803 (2011) (6,000 sq. ft.); GREENSBORO, N.C., CODE OF ORDINANCES §30-8-11.3 (2011) (7,000 sq. ft.); PHOENIX, ARIZ., CITY CODE §8-7(b) (2011) (10,000 sq. ft.).

248. ANAHEIM, CAL., MUN. CODE §18.38.030 (2011) (1,800 sq. ft.); CLEVELAND, OHIO, CODIFIED ORDINANCES §347.02 (2011) (800 sq. ft. for residential, and 400 for commercial); ROCHESTER, N.Y., CITY ORDINANCES §30-12, 30-19 (no date listed) (240 sq. ft.); TAMPA, FLA., CODE OF ORDINANCES §19.76 (2008) (1,000 sq. ft.).

249. BIRMINGHAM, ALA., ZONING ORDINANCE §2.4.1 (2007); HIALEAH, FLA., CODE OF ORDINANCES §10.1 & 10.2 (2011); VIRGINIA BEACH, VA., CITY CODE §5-545 app. A (2011).

250. CHESAPEAKE, VA., CODE OF ORDINANCES ch. 10 (2011); *id.* ZONING art. 3; JACKSONVILLE, FLA., ORDINANCE CODE tit. XIII, ch. 462, tit. XVII, ch. 656 (2011); MONTGOMERY, ALA., CODE OF ORDINANCES app. C, art. VII (2011).

251. BAKERSFIELD, CAL., MUN. CODE §17.12.010-RS & 17.32.020 (2011) (permitting chickens in agriculture and residential suburban areas); DALLAS, TEX., CODE OF ORDINANCES §7-1.1 (2011) (requiring chickens that are raised for commercial purposes to be on agriculturally zoned land, otherwise chickens are regulated as pets); FRESNO, CAL., MUN. CODE §12-204.11-12-207.5 (2011) (providing different setbacks depending on zone); GLENDALE, ARIZ., CODE OF ORDINANCES §§5.132 & 5.212 (2011) (restricting poultry to rural residential and suburban residential zones); GREENSBORO, N.C., CODE OF ORDINANCES §30-8-11.3 (2011) (allowing chickens as an accessory on single-family detached dwellings on R-3, E-5, R-7, RM-9, RM-12, and RM-18 districts); L.A., CAL., MUN. CODE §12.01, 12.05-12.09 (2011) (allowing chickens in agricultural and

residential districts including districts zoned A1, A2, RA, RE, RS R1, and RMP); MADISON, WIS., CODE OF ORDINANCES ch. 28 (no date listed); *id.* §7.29; *id.* §9.52 (allowing chickens in both residential and commercial districts); MEMPHIS, TENN., CODE OF ORDINANCES tit. 16, app. A (2009) (applying complex zoning requirements for outbuildings to chicken coops); SAN DIEGO, CAL., MUN. CODE §42.0709 (2011) (using zoning to define different kinds of setbacks, but allowing chickens in most zones); SHREVEPORT, LA., CODE OF ORDINANCES ch. 106 (2011) (allowing poultry raising in residential and agricultural districts by right, and in most other zones through a special exception from the zoning board); STOCKTON, CAL., MUN. CODE §6.04.420, 16.80.060 (2011) (allowing chickens in residential and industrially zoned areas).

252. DALLAS, TEX., CODE OF ORDINANCES §7-1.1 (2011).

253. MEMPHIS, TENN., CODE OF ORDINANCES tit. 16 (2010).

254. CLEVELAND, OHIO, CODIFIED ORDINANCES §347.02 (2011); STOCKTON, CAL., MUN. CODE §16.80.060 (2011).

255. MINNEAPOLIS, MINN., CODE OF ORDINANCES §70.10(c) (2011).

256. NEWARK, N.J., GENERAL ORDINANCES §6:2-33 (2010).

257. SEATTLE, WASH., MUN. CODE §23.42.052(C) (2011).

258. FREMONT, CAL., MUN. CODE §3-5803 (2011).

259. RIVERSIDE, CAL., CODE OF ORDINANCES §17.24 (2011).

260. EL PASO, TEX., MUN. CODE §7.24.020(B) (2011).

tural.²⁶¹ Neither city restricts the amount of chickens on agriculturally zoned land.²⁶²

Instead of using square footage or zoning, many cities divide by acre. These ordinances range between four to 12 chickens for property under ½ acre. For instance, Fort Worth allows for no more than 12 chickens on lots under ½ acre, no more than 20 on lots between ½ and one acre, and no more than 50 on lots of one acre or more.²⁶³ Mesa City allows for 10 rodents or fowl on ½ acre or less, and an additional 10 for each ½ acre, but no longer limits the number of chickens after 2 ½ acres.²⁶⁴ Louisville allows for five chickens on property of less than ½ acre, and no limit above that.²⁶⁵ Arlington provides for four on less than ½ acre, 10 for lots between ½ and one acre, and 25 for lots over one acre.²⁶⁶ And, Charlotte requires a permit and restricts chickens to 20 per acre.²⁶⁷

Des Moines' ordinance employs a similar step system but provides for a mix of other livestock. It allows for no more than 30 of any two species for property less than one acre. For property greater than one acre, one can have a total of 50 animals divided among up to six species.²⁶⁸

Lincoln, Nebraska, has one of the more unique chicken ordinances when it comes to limiting the number, in that it not only provides for a maximum number of chickens, but also a minimum. It also specifies the weight of the chickens. So, for property under one acre, with a permit, a person can have seven to 30 chickens under three pounds, three to 20 chickens between three and five pounds, and two to five chickens between five and 20 pounds.²⁶⁹ It allows chicken owners to double the number for each additional acre. Lincoln's ordinance should be applauded for recognizing that chickens are flock animals and thus require, at least, a minimum of two. It should also be applauded for not penalizing an owner for keeping less than two and only making it unlawful to keep numbers greater than the maximum.²⁷⁰ After all, if it penalized keeping less than a minimum number of chickens, Lincoln might be unique among cities for making it unlawful not to keep chickens.

More problematic are cities that do not allow owners to own a minimum number of four chickens. Several cities allow one chicken per a certain square footage area. Greensboro provides for one chicken for every 3,000 square feet, as long as the area is greater than 7,000 square feet.²⁷¹ Anaheim allows one chicken for each 1,800 square feet, but it does provide that if the calculation results in more than half an animal, the owner can round up to the next whole

animal.²⁷² Tampa provides five per 5,000 square feet. And, Cleveland allows for one chicken for each 800 square feet if residential and each 400 square feet if commercial or industrial.²⁷³ Cleveland, at least, has stated in its ordinance that these square feet requirements are meant to allow six chickens on an average-sized Cleveland lot. While many of these cities provide a small enough chicken to square foot ratio that the average single-family home should be able to accommodate four or more chickens, this method still leaves open the possibility that a chicken owner would be restricted to one or two chickens. An ordinance that allows only one chicken per a certain area does not take into account that chickens are flock animals that do not thrive when left alone.

3. Limit Number of Chickens

Many other cities limit the number of chickens any household can keep, no matter the size of the property. Thirty cities place a simple limit on the number of chickens.²⁷⁴ Of those cities that simply limit the number of chickens, the average number they allow is 12, the median number is nine, and the most popular number is a tie between four and 25.²⁷⁵ The lowest number is Garland and Honolulu with two.²⁷⁶ Somewhat surprisingly, the highest number comes from Jersey City—with 50.²⁷⁷ Jersey City collapses ducks and pigeons within the restriction of 50 fowl.²⁷⁸ Jersey City also requires a permit to keep chickens.²⁷⁹

At least four cities set a maximum number of chickens that can be owned before it is necessary to procure a per-

261. TULSA, OKLA., CODE OF ORDINANCES §200(E) (2011).

262. EL PASO, TEX., MUN. CODE §7.24.020(B); TULSA, OKLA., CODE OF ORDINANCES §200(A).

263. FORT WORTH, TEX., CODE OF ORDINANCES §11A-22(c), (d), (e) (2011).

264. MESA, ARIZ., CITY CODE §8-6-21(A) (2011).

265. LOUISVILLE/JEFFERSON COUNTY METRO CODE §91.011 RESTRAINT (8) (2011).

266. ARLINGTON, TEX., ORDINANCES GOVERNING ANIMALS §5.02 (2010).

267. CHARLOTTE, N.C., CODE OF ORDINANCES §3-102(c)(1), (g) (2010).

268. DES MOINES, IOWA, CODE OF ORDINANCES §18-4 (2011). Des Moines also allows up to two fowl to be kept as pets. *Id.* §18-136.

269. LINCOLN, NEB., MUN. CODE tbl. 6.04.040 (2011).

270. *Id.* §6.04.040(b)(1).

271. GREENSBORO, N.C., CODE OF ORDINANCES §30-8-11.3(B) (2011).

272. ANAHEIM, CAL., MUN. CODE §18.38.030.050 (2011).

273. CLEVELAND, OHIO, CODIFIED ORDINANCES §347.02(b)(2) (2011).

274. From lowest to highest: HONOLULU, HAW., REV. ORDINANCES §7-2.5(d) (1990) (two); GARLAND, TEX., CODE OF ORDINANCES §22.14 (2011) (two); PORTLAND, OR., CITY CODE §13.05.015(b) & (e) (2011) (three); SACRAMENTO, CAL., CITY CODE §9.44.860(A)(1) (2011) (three); WICHITA, KAN., CODE OF ORDINANCES §6.04.157 (2011) (three); SAN FRANCISCO, CAL., HEALTH CODE §37 (2011) (four); MILWAUKEE, WIS., CODE OF ORDINANCES §78-6.5(3) (2011) (four); ST. LOUIS, MO., CODE OF ORDINANCES §10.20.015 (2010) (four); SANTA ANA, CAL., CODE OF ORDINANCES §5.6 (2011) (four); MADISON, WIS., CODE OF ORDINANCES ch. 28 (no date listed); *id.* §7.29; *id.* §9.52 (four); BUFFALO, N.Y., CITY CODE §341-11 (2009) (five); SAN JOSE, CAL., CODE OF ORDINANCES §7.60.815 (2007) (six); EL PASO, TEX., MUN. CODE §7.24.020 (2011) (six); CORPUS CHRISTI, TEX., CODE OF ORDINANCES §6-154 (2011) (six); HOUSTON, TEX., CODE OF ORDINANCES ch. 6, art. II (2010) (seven); AUSTIN, TEX., CODE OF ORDINANCES tit. III, ch. 3.1.1 (2011) (nine); COLORADO SPRINGS, COLO., CITY CODE §6.7.106(D) (2011) (10); PLANO, TEX., CODE OF ORDINANCES §4-184 (2011) (10); GLENDALE, CAL., MUN. CODE §6.04.130 (2011) (12); ALBUQUERQUE, N.M., CODE OF ORDINANCES §9-2-4-3 (2011) (15); KANSAS CITY, MO., CODE OF ORDINANCES §14-15(f) (2011) (15); MIAMI, FLA., CODE OF ORDINANCES §6-1(b) (2011) (15); LONG BEACH, CAL., MUN. CODE §6.20.020 (2011) (20); TUCSON, ARIZ., CODE OF ORDINANCES §4-56 (2011) (24); FREMONT, CAL., MUN. CODE §3-5803 (2011) (25); SAN DIEGO, CAL., MUN. CODE §42.0708 (2011) (25); BOS., MASS., CODE OF ORDINANCES §16-1.8A (2010) (25); BIRMINGHAM, ALA., ZONING ORDINANCE §2.4.1 (2007) (25); MOBILE, ALA., CODE OF ORDINANCES §7-103 (2011) (25); JERSEY CITY, N.J., CODE OF ORDINANCES §90-6 (2011) (50).

275. *Supra* note 274 and accompanying text.

276. GARLAND, TEX., CODE OF ORDINANCES §22.14 (2011) (two); HONOLULU, HAW., REV. ORDINANCES §7-2.5(d) (1990) (two).

277. JERSEY CITY, N.J., CODE OF ORDINANCES §90-6 (2011).

278. *Id.*

279. *Id.*

mit.²⁸⁰ Wichita allows three chickens, Santa Ana allows four, and San Jose and El Paso both allow up to six.²⁸¹ This appears to be the most workable system, because it takes into account that there are different levels of chicken-keeping in an urban agriculture context. It provides a bright-line rule for people who want small backyard flocks, while still allowing owners of market gardens, urban farms, or chicken cooperatives the opportunity to expand their operations without seeking to change the ordinance. It also conserves city resources by not forcing every would-be chicken owner to procure a permit. Finally, because there is no permit, it saves the city from any obligations to monitor the backyard operation. If any problem arises with a small backyard flock, the city can rely on its nuisance laws, or other setback or coop requirements within the statute to resolve the problem.

Some cities always require a permit, but set a relatively high number of chickens allowed. As noted earlier, with a permit, Jersey City allows up to 50,²⁸² and Boston and Mobile allow up to 25.²⁸³ According to several Bostonians who want chickens, however, Boston does not easily grant this permit.²⁸⁴ Miami allows up to 15 hens with a permit.²⁸⁵

Some cities take a belt-and-suspenders approach and require both a permit and restrict hens to a small number. With a permit, Milwaukee only allows four,²⁸⁶ and Sacramento, three.²⁸⁷

Several other cities, perhaps understanding that the hens may occasionally be used to produce more chickens, allow considerably more chicks than full-grown chickens. Both Miami and Kansas City allow only 15 grown hens, but Miami allows 30 chicks,²⁸⁸ and Kansas City allows 50.²⁸⁹ Tulsa allows seven adults and 14 chicks.²⁹⁰ Colorado Springs allows 10 hens and an unlimited number of chicks.²⁹¹ And Garland, even though it allows only two hens, does not limit the number of chicks less than one-month old.²⁹²

And for pure eccentricity, Houston has the most interesting restriction on the number of chickens. Houston allows up to seven hens if a person can present a written certification from a licensed physician that the person needs “fresh unfertilized chicken eggs for serious reasons

pertaining to said person’s health.”²⁹³ This ordinance was passed in 2010,²⁹⁴ presumably because Houstonites were able to show that fresh eggs help alleviate certain medical ailments.

4. Setbacks

Setbacks are, by far, the most popular way to regulate chickens. Sixty-three cities have some sort of setback requirement in their ordinances. The most popular setback is a setback from a neighboring dwelling: 56 cities require that chickens and chickens coops be kept a certain distance from other residences.²⁹⁵ The next most popular is a setback

293. HOUSTON, TEX., CODE OF ORDINANCES §6-38 (2010).

294. *Id.*

295. AKRON, OHIO, CODE OF ORDINANCES §92-18 (2011) (100 ft.); ANAHEIM, CAL., MUN. CODE §18.38.030.0202 (2011) (50 ft.); ANCHORAGE, ALASKA, CODE OF ORDINANCES §§21.40.060 & 21.40.080 (2011) (25-100 ft.); ARLINGTON, TEX., ORDINANCES GOVERNING ANIMALS §5.02 (2010) (50 ft.); ATLANTA, GA., CODE OF ORDINANCES §18-7 (2011) (50 ft.); AUSTIN, TEX., CODE OF ORDINANCES §3.2.16 (2011) (50 ft.); BAKERSFIELD, CAL., MUN. CODE §17.12.010 R-S (2011) (50 ft.); BATON ROUGE, LA., CODE OF ORDINANCES §14-224 (c)(1)(b) (2011) (50 ft.); BIRMINGHAM, ALA., ZONING ORDINANCE §2.4.1 (2007) (300 ft. from residence or 100 ft. from any residential structure); BOS., MASS., CODE OF ORDINANCES §16-1.8A, ZONING, art. 8, No. 75 (2010) (100 ft.); BUFFALO, N.Y., CITY CODE §341-11.3 (2009) (20 ft. from door or window); CORPUS CHRISTI, TEX., CODE OF ORDINANCES §6-154 (2011) (100 ft. if not enclosed); DES MOINES, IOWA, CODE OF ORDINANCES §18-4 (2011) (25 ft.); EL PASO, TEX., MUN. CODE §7.24.030 (2011) (30 ft.); FORT WORTH, TEX., CODE OF ORDINANCES §11A-22(b) & (f) (2011) (50 ft.); FRESNO, CAL., MUN. CODE §12.207.5 (2011) (40 ft.); GARLAND, TEX., CODE OF ORDINANCES §22.14 (2011) (30 ft.); GLENDALE, CAL., MUN. CODE §6.04.030 (2011) (50 ft. from dwelling or 100 ft. from school or hospital); GLENDALE, ARIZ., CODE OF ORDINANCES pt. II, art. 5 (2010) (100 ft.); GRAND RAPIDS, MICH., CODE OF ORDINANCES §8.582 (2010) (100 ft. from any dwelling unit, well, spring, stream, drainage ditch, or drain); GREENSBORO, N.C., CODE OF ORDINANCES §30-8-11.3(B) (2011) (50 ft.); HIALEAH, FLA., CODE OF ORDINANCES §10.4 (2011) (100 ft.); HONOLULU, HAW., REV. ORDINANCES §7-2.5(d) (1990) (300 ft.); HOUSTON, TEX., CODE OF ORDINANCES §6-31 (2010) (100 ft.); JERSEY CITY, N.J., CODE OF ORDINANCES §90-6 (2011) (25 ft.); KANSAS CITY, MO., CODE OF ORDINANCES §14-15 (2011) (100 ft.); LINCOLN, NEB., MUN. CODE §6.04.040 (2011) (50 ft.); LONG BEACH, CAL., MUN. CODE §6.20.030 (2011) (50 ft.); L.A., CAL., MUN. CODE §§53.58 & 53.59 (2011) (Department of Animal Services promulgated regulations that require chicken coops to be 35 ft. from neighbor’s dwelling and 20 ft. from owner’s dwelling); MADISON, WIS., CODE OF ORDINANCES ch. 28 (no date listed) (25 ft.); MESA, ARIZ., CITY CODE §8-6-21(g) & (h) (2011) (40 ft.); MIAMI, FLA., CODE OF ORDINANCES §6-1(b) (2011) (100 ft.); MILWAUKEE, WIS., CODE OF ORDINANCES §78-6.5(3)(g)-(j) (2011) (25 ft.); MOBILE, ALA., CODE OF ORDINANCES §§7-88 & 7-103 (2011) (150 ft. if not grandfathered in); NASHVILLE-DAVIDSON, TENN., MUN. CODE §17-16-330(B) (2011) (250 ft.); N.Y.C., MUN. CODE §161.09 (1990) (25 ft.); NEWARK, N.J., GENERAL ORDINANCES §6:2-35 (2010) (20 ft.); OAKLAND, CAL., CODE OF ORDINANCES §6-04-320 (2011) (50 ft.); OKLAHOMA CITY, OKLA., MUN. CODE 59-9350 (2011) (200 ft.); PHOENIX, ARIZ., CITY CODE §8-7 (2011) (80 ft.); RICHMOND, VA., CODE OF ORDINANCES §10-88 (2011) (500 ft.); RIVERSIDE, CAL., CODE OF ORDINANCES §6.04.20 (2011); *id.* tit. 17 (50 ft.); ROCHESTER, N.Y., CITY ORDINANCES §30-19(H) (no date listed) (25 ft.); SACRAMENTO, CAL., CITY CODE §9.44.860 (2011) (20 ft.); SAN ANTONIO, TEX., CODE OF ORDINANCES §5-109(c) (2011) (100 ft. or 50 ft. with permit); SAN DIEGO, CAL., MUN. CODE §42.0709 (2011) (50 ft.); SAN FRANCISCO, CAL., HEALTH CODE §37(b) (2011) (20 ft. from door or window); SAN JOSE, CAL., CODE OF ORDINANCES §7.60.815 (2007) (20 ft. but more if have more chickens); SANTA ANA, CAL., CODE OF ORDINANCES §5-18 (2011) (100 ft.); SEATTLE, WASH., MUN. CODE §23.42.052(c)(3) (2011) (10 ft.); ST. PETERSBURG, FLA., CODE OF ORDINANCES §4-31 (2011) (100 ft. unless have permission from neighbors); STOCKTON, CAL., MUN. CODE §§6.04.420, 16.80.060 (2011) (50 ft.); TACOMA, WASH., MUN. CODE §5.30.010 (2011) (50 ft. unless have permission from neighbors); TAMPA, FLA., CODE OF ORDINANCES §19.76 (2008) (200 ft.); TUCSON, ARIZ., CODE

280. WICHITA, KAN., CODE OF ORDINANCES §6.04.157(a) (2011); SANTA ANA, CAL., CODE OF ORDINANCES §5.6 (2011); SAN JOSE, CAL., CODE OF ORDINANCES tit. 7 (2007); EL PASO, TEX., MUN. CODE §7.24.020 (2011).

281. *See supra* note 280.

282. JERSEY CITY, N.J., CODE OF ORDINANCES §90-7 (2011).

283. BOS., MASS., CODE OF ORDINANCES §16-1.8A, ZONING art. 8 No. 75 (2010); MOBILE, ALA., CODE OF ORDINANCES §7-103 (2011).

284. *See, e.g.*, LEGALIZE CHICKENS IN BOSTON, <http://legalizechickensinboston.org/> (last visited July 5, 2012) (stating that the city of Boston denies chicken permits and seeking a more reasonable legislative solution to regulate chickens in Boston).

285. MIAMI, FLA., CODE OF ORDINANCES §6-1(b) (2011).

286. MILWAUKEE, WIS., CODE OF ORDINANCES §78-6.5 (2011).

287. SACRAMENTO, CAL., CITY CODE §9.44.860(a)(1) (2011).

288. MIAMI, FLA., CODE OF ORDINANCES §6-1(b) (2011).

289. KANSAS CITY, MO., CODE OF ORDINANCES §14-15(f) (2011).

290. TULSA, OKLA., CODE OF ORDINANCES §200(d), (e) (2011).

291. COLORADO SPRINGS, COLO., CITY CODE §6.7.106(D) (2011).

292. GARLAND, TEX., CODE OF ORDINANCES §22.14 (2011).

from the property line: 20 cities require chickens to be kept away from the neighbor's property, even if the neighbor's actual house is much further away.²⁹⁶ Three cities require a setback from the street.²⁹⁷ Six cities ban chickens from the front yard.²⁹⁸ This adds up to more than 63, because several cities employ more than one kind of setback. Finally, several cities have unique setback requirements that will be discussed later.

a. Setbacks From Neighboring Buildings

Of the 56 cities that require that chickens be kept a certain distance away from neighboring residences,²⁹⁹ the setbacks range from 10³⁰⁰ to 500 feet.³⁰¹ The average of all of the setbacks is 80 feet,³⁰² although only one city, Phoenix, actually has a setback of 80 feet.³⁰³ The median and the mode are both 50 feet.³⁰⁴ The average is higher than both the median and the mode, because several cities that also require large lots, or agriculturally zoned land, also have very large setbacks.³⁰⁵ The mode, the most common set-

back, comprises 17 cities.³⁰⁶ After that, the most popular setbacks are the following:

- Fifteen cities have setbacks of less than 30 feet, with two at 30 feet,³⁰⁷ seven at 25 feet,³⁰⁸ six at 20 feet,³⁰⁹ and one at 10 feet.³¹⁰
- Thirteen cities have setbacks of 100 feet.³¹¹ Of those, three of them allow for smaller setback under certain conditions: St. Petersburg will allow for a smaller setback if the owner seeks permission from neighboring property owners; San Antonio will allow for a smaller setback with a permit; and Corpus Christi will allow for a smaller setback if the coop is enclosed.³¹²
- Seven cities have setbacks of more than 100 feet.³¹³ Of those, Mobile, Alabama, has a 150-foot setback, but allows chicken coops that were built before the ordinance passed to be grandfathered in.³¹⁴ Oklahoma City has a 200-foot setback and, puzzlingly, will waive these setbacks from horses, mules, donkeys, and pigs, but not for chickens.³¹⁵ Oklahoma City also has an additional 400-foot setback for roosters.³¹⁶

Several cities will shrink their setbacks under certain conditions. In what appears to be a thoughtful approach to requiring a neighbor's consent, four cities provide a standard setback, but provide relief from the setback if the owner gets permission from his neighbors to keep chickens.³¹⁷ And one city, San Antonio, as mentioned

OF ORDINANCES §4-57 (2011) (50 ft.); WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §902.7(a) & (b) (no date listed) (50 ft.).

296. ANAHEIM, CAL., MUN. CODE §18.38.030.0202 (2011) (20 ft. from property line); BATON ROUGE, LA., CODE OF ORDINANCES §14-224(c)(1)(b) (2011) (10 ft. from property line); BIRMINGHAM, ALA., ZONING ORDINANCE §2.4.1 (2007) (100 ft. from property line); BUFFALO, N.Y., CITY CODE §341-11.3 (2009) (18 inches from rear lot); CHARLOTTE, N.C., CODE OF ORDINANCES §3-102(c) (2010) (25 ft. from property line); CHESAPEAKE, VA., CODE OF ORDINANCES ch. 10 (2011) (20 ft. from property line); CLEVELAND, OHIO, CODIFIED ORDINANCES §347.02(b)(1)(B) (2011) (5 ft. from side yard and 18 inches from rear yard); FRESNO, CAL., MUN. CODE §12-206.1 (2011) (100 ft. from property line); GREENSBORO, N.C., CODE OF ORDINANCES §30-8-11.3 (2011) (25 ft. from property line); JACKSONVILLE, FLA., ORDINANCE CODE §656.401 (2011) (50 ft. from property line); KANSAS CITY, MO., CODE OF ORDINANCES §14-15(f) (2011) (25 ft. from property line); MONTGOMERY, ALA., CODE OF ORDINANCES ch. 4 art. I (2011); *id.* app. C, art. VII (200 ft. from property line); PLANO, TEX., CODE OF ORDINANCES §3-204 (2011) (5 ft. from property line); PORTLAND, OR., CITY CODE §13.05.015(b) & (e) (2011) (50 ft. from residence or business where food is prepared); RIVERSIDE, CAL., CODE OF ORDINANCES §6.04.20 (2011) (20 ft. from property line); SEATTLE, WASH., MUN. CODE §23.42.052(c)(3) (2011) (10 ft. from property line); TAMPA, FLA., CODE OF ORDINANCES §19.76 (2008) (200 ft. from property line); TULSA, OKLA., CODE OF ORDINANCES §200(d) & (e) (2011) (50 ft., but 100 ft. if zoned agricultural); WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §902.7(a) & (b) (no date listed) (250 ft. unless have neighbor's consent).

297. BAKERSFIELD, CAL., MUN. CODE §17.12.010-RS (2011) (100 ft.); BIRMINGHAM, ALA., ZONING ORDINANCE §2.4.1 (2007) (300 ft.); BOS., MASS., CODE OF ORDINANCES §16-1.8A, ZONING, art. 8, No. 75 (2010) (100 ft.).

298. BUFFALO, N.Y., CITY CODE §341-11.3 (2009); CLEVELAND, OHIO, CODIFIED ORDINANCES §347.02(b)(1)(B) (2011); DES MOINES, IOWA, CODE OF ORDINANCES §18-4 (2011); MILWAUKEE, WIS., CODE OF ORDINANCES §78-6.5(3)(g)-(j) (2011); PHOENIX, ARIZ., CITY CODE §8-7 (2011); SACRAMENTO, CAL., CITY CODE §9.44.860 (2011).

299. *See supra* note 295.

300. SEATTLE, WASH., MUN. CODE §23.42.052(c)(3) (2011).

301. RICHMOND, VA., CODE OF ORDINANCES §10-88 (2011). Since Richmond also requires an acre of land to even own chickens, this setback doesn't exclude any additional would-be chicken owners.

302. *See supra* note 295.

303. PHOENIX, ARIZ., CITY CODE §8-10 (2011) (80 ft. unless have permission from neighbor).

304. *See supra* note 295.

305. BIRMINGHAM, ALA., ZONING ORDINANCE §2.4.1 (2007) (300 ft.); HONOLULU, HAW., REV. ORDINANCES §7-2.5(d) (1990) (300 ft.); and RICHMOND, VA., CODE OF ORDINANCES §10-88 (2011) (500 ft.).

306. Anaheim; Arlington; Austin; Bakersfield; Baton Rouge; Fort Worth; Glendale, California; Greensboro; Lincoln; Long Beach (but 20 if just had one chicken); Portland; Riverside; San Diego; Stockton; Tacoma; Tucson; Washington.

307. EL PASO, TEX., MUN. CODE §7.24.030 (2011) (30 ft., but only 20 ft. if separated by a fence that is at least six ft.); GARLAND, TEX., CODE OF ORDINANCES §22.14(A) (2011).

308. ANCHORAGE, ALASKA, CODE OF ORDINANCES §§21.40.060 & 21.40.080 (2011); DES MOINES, IOWA, CODE OF ORDINANCES §18-4(h)(1) (2011); JERSEY CITY, N.J., CODE OF ORDINANCES §90-6 (2011); MADISON, WIS., CODE OF ORDINANCES ch. 28 (no date listed); MILWAUKEE, WIS., CODE OF ORDINANCES §78-6.5 (2011); N.Y.C., MUN. CODE §161.09 (1990) (for poultry market coops only—poultry not intended for sale is not regulated); ROCHESTER, N.Y., CITY ORDINANCES §30-19(H) (no date listed).

309. BUFFALO, N.Y., CITY CODE §341-11.3 (2009); NEWARK, N.J., GENERAL ORDINANCES §6:2-35 (2010); OAKLAND, CAL., CODE OF ORDINANCES §6-04-320 (2011); SACRAMENTO, CAL., CITY CODE §9.44.860 (2011); SAN FRANCISCO, CAL., HEALTH CODE §37 (2011); SAN JOSE, CAL., CODE OF ORDINANCES §7.60.815 (2007) (applying setback to all small animals, not just chickens).

310. SEATTLE, WASH., MUN. CODE §23.42.052(C) (2011).

311. Akron, Atlanta, Boston, Corpus Christi, Glendale, Grand Rapids, Hialeah, Houston, Kansas City, Miami, San Antonio, Santa Ana, St. Petersburg.

312. ST. PETERSBURG, FLA., CODE OF ORDINANCES §4-31 (2011) (100 ft. unless have permission from neighbors); SAN ANTONIO, TEX., CODE OF ORDINANCES §5-109(c) (2011) (100 ft. with permit); CORPUS CHRISTI, TEX., CODE OF ORDINANCES §6-154 (2011) (100 ft. if not enclosed).

313. Mobile, Oklahoma, Tampa, Nashville, Birmingham, Honolulu, Richmond.

314. MOBILE, ALA., CODE OF ORDINANCES §7-88(d) (2011) (150 ft. if not grandfathered in), *but see id.* §7-103(d) (allowing for 20 ft. from the property line in a residential area).

315. OKLAHOMA CITY, OKLA., MUN. CODE §59-9350(F) & (I) (2011).

316. *Id.* §59-9350(H).

317. LAS VEGAS, NEV., MUN. CODE §7.38.050 (2011) (300 ft. without permission); PHOENIX, ARIZ., CITY CODE §8-10 (2011) (80 ft. without permission); ST. PETERSBURG, FLA., CODE OF ORDINANCES §4-31(d) (2011) (100 ft. without permission); TACOMA, WASH., MUN. CODE §§5.30.010 & 5.30.030 (2011) (50 ft. without permission).

above, will shrink its 100-foot setback to 50 feet if a permit is secured.³¹⁸

Two cities do not frame the setback as from a neighboring residence or building, but more specifically to a door or a window of the building. Both Buffalo and San Francisco have a 20-foot setback from any door or window of a building.³¹⁹

Several cities define the setback more broadly than a neighboring dwelling, and include schools, hospitals, and other businesses within the setback.³²⁰ Grand Rapids, Michigan, however, goes further; it has a 100-foot setback from any “dwelling unit, well, spring, stream, drainage ditch or drain.”³²¹ This, in effect, bans all chickens within the city.

b. Setbacks From Property Line

Twenty cities mandate setbacks from the property line;³²² those setbacks range from 18 inches³²³ to 250 feet.³²⁴ The average setback is 59 feet, but no city actually has such a setback. The closest are Jacksonville and Tulsa, which both have a setback of 50 feet.³²⁵ Again, a few cities with very large setbacks are raising the average.³²⁶ The median set-

back is 25 feet.³²⁷ And the mode, or most popular, setback is tied at either 20³²⁸ or 25 feet.³²⁹

Washington, D.C., which has the largest setback at 250 feet, allows relief from this setback if the owner has his neighbor's consent to keep chickens.³³⁰

c. Setbacks From the Street

Three cities require chickens to be kept away from the street: Bakersfield, Birmingham, and Boston.³³¹ All of these setbacks are relatively large, ranging from 100 to 300 feet. Presumably, this is to stop chickens from being kept in the front yard or on a corner lot from a vantage point where passersby can easily see the coop. Bakersfield, provides a specific setback for corner lots, requiring that chicken coops be kept at least 10 feet away from the street side of a corner lot.³³² Another way that cities do this, perhaps more effectively, is by simply barring chickens from front yards, as six cities do.³³³

d. Other Kinds of Setbacks

While many ordinances exclude the owner's house from the definition of a dwelling,³³⁴ two cities provide a separate setback requirement for an owner's own dwelling. Atlanta requires chickens to be kept at least five feet away from an owner's own house,³³⁵ and Los Angeles requires that the chickens be kept at least 20 feet away from the owner's house.³³⁶

Three cities do not provide for explicit setbacks, but leave each setback up to some city official's discretion. In Wichita, the chief of police can examine the property and determine the setback.³³⁷ In St. Paul, it is up to the Health Inspector's discretion.³³⁸ And, in Fremont, it is the Animal Services Supervisor who has discretion.³³⁹

318. SAN ANTONIO, TEX., CODE OF ORDINANCES §5-109 (2011).

319. BUFFALO, N.Y., CITY CODE §341-11 (2009); SAN FRANCISCO, CAL., HEALTH CODE §37 (2011).

320. *E.g.*, FORT WORTH, TEX., CODE OF ORDINANCES §11A-22 (2011); GLENDALE, CAL., MUN. CODE §6.04.130 (2011).

321. GRAND RAPIDS, MICH., CODE OF ORDINANCES §8.582(2) (2010).

322. ANAHEIM, CAL., MUN. CODE §18.38.030.0202 (2011) (20 ft. from property line); BATON ROUGE, LA., CODE OF ORDINANCES §14-224(c)(1)(b) (2011) (10 ft. from property line); BIRMINGHAM, ALA., ZONING ORDINANCE §2.4.1 (2007) (100 ft. from property line); BUFFALO, N.Y., CITY CODE §341-11.3 (2009) (18 inches from rear lot); CHARLOTTE, N.C., CODE OF ORDINANCES §3-102(c) (2010) (25 ft. from property line); CHESAPEAKE, VA., CODE OF ORDINANCES ch. 10 (2011) (20 ft. from property line); CLEVELAND, OHIO, CODIFIED ORDINANCES §347.02(b)(1)(B) (2011) (5 ft. from side yard and 18 inches from rear yard); FRESNO, CAL., MUN. CODE §12-206.1 (2011) (100 ft. from property line); GREENSBORO, N.C., CODE OF ORDINANCES §30-8-11.3 (2011) (25 ft. from property line); JACKSONVILLE, FLA., ORDINANCE CODE §656.401 (2011) (50 ft. from property line); KANSAS CITY, MO., CODE OF ORDINANCES §14-15(f) (2011) (25 ft. from property line); MONTGOMERY, ALA., CODE OF ORDINANCES ch. 4 art. I (2011); *id.* at app. C, art. VII (200 ft. from property line); PLANO, TEX., CODE OF ORDINANCES §3-204 (2011) (5 ft. from property line); PORTLAND, OR., CITY CODE §13.05.015(b) & (c) (2011) (50 ft. from residence or business where food is prepared); RIVERSIDE, CAL., CODE OF ORDINANCES §6.04.20 (2011) (20 ft. from property line); SEATTLE, WASH., MUN. CODE §23.42.052(c)(3) (2011) (10 ft. from property line); TAMPA, FLA., CODE OF ORDINANCES §19.76 (2008) (200 ft. from property line); TULSA, OKLA., CODE OF ORDINANCES §200(d) & (e) (2011) (50 ft., but 100 ft. if zoned agricultural); WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §902.7(a) & (b) (no date listed) (250 ft. unless have neighbor's consent).

323. CLEVELAND, OHIO, CODIFIED ORDINANCES §347.02 (2011); BUFFALO, N.Y., CITY CODE §341-11.3 (2009).

324. WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §902.7 (no date listed) (250 ft. setback without consent of neighbors).

325. JACKSONVILLE, FLA., ORDINANCE CODE §656.401 (2011) (50 ft. from property line); TULSA, OKLA., CODE OF ORDINANCES §200(d), (e) (2011).

326. TULSA, OKLA., CODE OF ORDINANCES §200(d), (e) (2011) (200 ft.); TAMPA, FLA., CODE OF ORDINANCES §19.76 (2008) (200 ft.); WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §902.7(a) & (b) (no date listed) (250 ft.).

327. CHARLOTTE, N.C., CODE OF ORDINANCES §3-102(c)(1), (f) (2010); GREENSBORO, N.C., CODE OF ORDINANCES §30-8-11.3 (2011); KANSAS CITY, MO., CODE OF ORDINANCES §14-15 (2011).

328. ANAHEIM, CAL., MUN. CODE §18.38.030.0202 (2011); CHESAPEAKE, VA., CODE OF ORDINANCES ch. 10 (2011); RIVERSIDE, CAL., CODE OF ORDINANCES §6.04.20 & tit. 17(2011).

329. *See supra* note 327.

330. WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §902.7(b) (no date listed).

331. BOS., MASS., CODE OF ORDINANCES §16-1.8A, ZONING, art. 8, No. 75 (2010); BAKERSFIELD, CAL., MUN. CODE §17.12.010-RS (2011); BIRMINGHAM, ALA., ZONING ORDINANCE §2.4.1 (2007).

332. BAKERSFIELD, CAL., MUN. CODE §17.12.010-RS (2011).

333. BUFFALO, N.Y., CITY CODE §341-11.3 (2009); CLEVELAND, OHIO, CODIFIED ORDINANCES §347.02(b)(1)(B) (2011); DES MOINES, IOWA, CODE OF ORDINANCES §18-4 (2011); MILWAUKEE, WIS., CODE OF ORDINANCES §78-6.5(3)(i) (2011); PHOENIX, ARIZ., CITY CODE §8-7 (2011); SACRAMENTO, CAL., CITY CODE §9.44.860 (2011).

334. *E.g.*, AUSTIN, TEX., CODE OF ORDINANCES §3.2.16 (2011) (50 ft.); ANAHEIM, CAL., MUN. CODE §18.38.030.0202 (2011).

335. ATLANTA, GA., CODE OF ORDINANCES §18-7 (2011).

336. L.A., CAL., MUN. CODE §§53.58 & 53.59 (2011) (Department of Animal Services promulgated regulations requiring coops to be 20 ft. from owner's dwelling).

337. WICHITA, KAN., CODE OF ORDINANCES §6.04.173(c) (2011).

338. ST. PAUL, MINN., §198.05 (2011).

339. FREMONT, CAL., MUN. CODE §3-5803 (2011).

Finally, St. Louis wins for the most eccentric setback. It doesn't have any setbacks for neighboring buildings, or the property line, but it does require that chickens be kept out of the milking barn.³⁴⁰

5. Coop Requirements

Many cities regulate how the chicken coop should be built and maintained. There is a broad range in these regulations, and no two ordinances are alike. Some simply decree that it is unlawful for chickens to run at large, and thus implicitly mandate that the coop be constructed in a secure enough way so that chickens can't easily escape. Some appear to look out for animal welfare by decreeing that chickens should be provided adequate food, water, and shelter in sanitary conditions. And, some appear to try to proactively head off any potential problems by regulating the dimensions of the coop, how it must be built, and exactly how often it must be cleaned. First, some of the more common elements in these statutes will be explored. Then, more unique elements will be discussed.

a. No Running at Large

First, 33 cities prohibit chickens particularly or animals in general from running at large.³⁴¹ Most of those cities simply prohibit chickens from running at large, but some provide for a little more nuance. For instance, Cincinnati does not allow chickens to run at large "so as to do damage to gardens, lawns, shrubbery or other private property."³⁴² So, presumably, a chicken could run free, as long as it didn't damage anything. Five cities, instead of making it unlawful to run at large, provide that the chicken must be kept enclosed in the coop and

not allowed to escape.³⁴³ And two cities, Richmond and Stockton, frame it in terms of trespass and do not allow chicken trespassers.³⁴⁴ In any event, all of these statutes imply that a coop, minimally, must be constructed so that the birds cannot escape.

b. Coops Must Be Clean and Sanitary

Forty-six cities impose some sort of cleaning requirements on chicken owners.³⁴⁵ While many cities have cleaning requirements that apply to any animal,³⁴⁶ these cities ordinances are, for the most part, specific to chickens.

Nearly all of these ordinances mandate that the chicken coop be kept in a clean and sanitary condition and free from offensive odors. The degree to which each city regulates this, however, varies. Most cities have a variation on a general requirement that the coop be clean or sani-

343. BUFFALO, N.Y., CITY CODE §341-11.3 (2009); CLEVELAND, OHIO, CODIFIED ORDINANCES §603.01 (2011); FORT WORTH, TEX., CODE OF ORDINANCES §11A-22(c)(3) (2011); FRESNO, CAL., MUN. CODE §10.205 (2011); LOUISVILLE, KY., METRO CODE §91.001 NUISANCE (2011).

344. RICHMOND, VA., CODE OF ORDINANCES §10-88 (2011) (providing that fowl may not trespass); STOCKTON, CAL., MUN. CODE §6.04.130 (2011) (fowl [shall not] to run or go upon the public or private premises of any other person, firm, or corporation; or upon any park or public street or highway within the city).

345. ALBUQUERQUE, N.M., CODE OF ORDINANCES §9-2-2-2 (2011); AUSTIN, TEX., CODE OF ORDINANCES §10-5-21 (2011); BATON ROUGE, LA., CODE OF ORDINANCES §14:224(c)(1)(c) & (d) (2011); BUFFALO, N.Y., CITY CODE §341-11.3(C) (2009); CHARLOTTE, N.C., CODE OF ORDINANCES §3-102 (2010); CHICAGO, ILL., CODE OF ORDINANCES §7-12-290(b) (2011); CINCINNATI, OHIO, CODE OF ORDINANCES ch. 701-35 (2011); DALLAS, TEX., CODE OF ORDINANCES §7-3.2 (2011); DENVER, COLO., MUN. CODE §8-92 (2011); DES MOINES, IOWA, CODE OF ORDINANCES §18-4(h) (2011); EL PASO, TEX., MUN. CODE §7.24.030 (2011); FORT WAYNE, IND., CODE OF ORDINANCES §91.017 (2011); FORT WORTH, TEX., CODE OF ORDINANCES §11A-22(h) (2011); FRESNO, CAL., MUN. CODE §10.203 (2011); GARLAND, TEX., CODE OF ORDINANCES §22.17 (2011); GLENDALE, ARIZ. MUN. CODE §25-24 (2010); GLENDALE, CAL., MUN. CODE §6.04.020 (2011); HOUSTON, TEX., CODE OF ORDINANCES §6-36 (2010); IRVING, TEX., CODE OF ORDINANCES §6-6 (2011); JERSEY CITY, N.J., CODE OF ORDINANCES §90-8 (2011); KANSAS CITY, MO., CODE OF ORDINANCES §§14-18 & 14-19 (2011); LAS VEGAS, NEV., MUN. CODE §7.36.050 (2011); LINCOLN, NEB., MUN. CODE §6.04.050 (2011); LONG BEACH, CAL., MUN. CODE §6.20.070 (2011); MEMPHIS, TENN., CODE OF ORDINANCES §8-8-1 (2009); MESA, ARIZ., CITY CODE §8-6-22 (2011); MIAMI, FLA., CODE OF ORDINANCES §6-1 (2011); MILWAUKEE, WIS., CODE OF ORDINANCES §78-6.5 (2011); MOBILE, ALA., CODE OF ORDINANCES §7-103 (2011); NEW ORLEANS, LA., CODE OF ORDINANCES §18-2.1 (2011); NEWARK, N.J., GENERAL ORDINANCES §6:2-35 (2010); OMAHA, NEB., CODE OF ORDINANCES §6-261 (2011); PHOENIX, ARIZ., CITY CODE §8-7(d) (2011); RICHMOND, VA., CODE OF ORDINANCES §10-88(d) (2011); SAN ANTONIO, TEX., CODE OF ORDINANCES §5-109 (2011); SAN DIEGO, CAL., MUN. CODE §42.0709 (2011); SAN JOSE, CAL., CODE OF ORDINANCES §7.60.755 (2007); SANTA ANA, CAL., CODE OF ORDINANCES §5.6(b) (2011); SCOTTSDALE, ARIZ., CODE OF ORDINANCES §4-18 (2011); ST. PAUL, MINN., §198.04-05 (2011); ST. PETERSBURG, FLA., CODE OF ORDINANCES §4-31(c) (2011); TOLEDO, OHIO, MUN. CODE §1705.07 (2011); TUCSON, ARIZ., CODE OF ORDINANCES §4-58 (2011); TULSA, OKLA., CODE OF ORDINANCES §200(d), (e) & 406 (2011); WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §902.10-13 (no date listed); WICHITA, KAN., CODE OF ORDINANCES §6.04.174 (2011).

346. *E.g.*, ANCHORAGE, ALASKA, CODE OF ORDINANCES §17.10.030 (2011); ATLANTA, GA., CODE OF ORDINANCES §18-8 (2011); FREMONT, CAL., MUN. CODE §3-5600 (2011); MONTGOMERY, ALA., CODE OF ORDINANCES §4-3 (2011); NORFOLK, VA., CODE OF ORDINANCES §6.1-2 ADEQUATE SHELTER (2011); PLANO, TEX., CODE OF ORDINANCES §4-51 (2011); TAMPA, FLA., CODE OF ORDINANCES §19.77 (2008).

340. ST. LOUIS, MO., CODE OF ORDINANCES §11.46.410 (2010).

341. AKRON, OHIO, CODE OF ORDINANCES §92.01 (2011); ALBUQUERQUE, N.M., CODE OF ORDINANCES §9-2-4-3(D) (2011); ARLINGTON, TEX., ORDINANCES GOVERNING ANIMALS §5.02(e) (2010); BUFFALO, N.Y., CITY CODE §341-11.3 (2009); CINCINNATI, OHIO, CODE OF ORDINANCES §701-33 (2011); CLEVELAND, OHIO, CODIFIED ORDINANCES §603.01 (2011); FORT WORTH, TEX., CODE OF ORDINANCES §11A-22(c)(3) (2011); FRESNO, CAL., MUN. CODE §10.205 (2011); GARLAND, TEX., CODE OF ORDINANCES §22.03 (2011); INDIANAPOLIS, IND., REV. CODE §531.102 (2011); IRVING, TEX., CODE OF ORDINANCES §6-2 (2011); LAS VEGAS, NEV., MUN. CODE §7.36.030 (2011); LEXINGTON-FAYETTE, KY., CODE OF ORDINANCES §4-10 (2011); LONG BEACH, CAL., MUN. CODE §6.20.080 (2011); LOUISVILLE, KY., METRO CODE ch. 91.001 NUISANCE (2011); MEMPHIS, TENN., CODE OF ORDINANCES §8-8-2 (2009); MESA, ARIZ., CITY CODE §8-6-21(I) (2011); MIAMI, FLA., CODE OF ORDINANCES §6-2 (2011); NEWARK, N.J., GENERAL ORDINANCES §6:2-34 (2010); OAKLAND, CAL., CODE OF ORDINANCES §6-04-200 (2011); NORFOLK, VA., CODE OF ORDINANCES §6.1-7 (2011); OMAHA, NEB., CODE OF ORDINANCES §6-263 (2011); PITTSBURGH, PA., CODE OF ORDINANCES §635.02 (2011); RALEIGH, N.C., CODE OF ORDINANCES §12-3004 (2011); RICHMOND, VA., CODE OF ORDINANCES §10-88 (2011); ST. PETERSBURG, FLA., CODE OF ORDINANCES §4-31(b) (2011); SAN JOSE, CAL., CODE OF ORDINANCES §7.60.750 (2007); SPOKANE, WASH., MUN. CODE §10.24 (no date listed); STOCKTON, CAL., MUN. CODE §6.04.130 (2011); TACOMA, WASH., MUN. CODE §5.30.020 (2011); TOLEDO, OHIO, MUN. CODE §505.10 (2011); TUCSON, ARIZ., CODE OF ORDINANCES §4-55 (2011); WICHITA, KAN., CODE OF ORDINANCES §6.04.173 (2011).

342. CINCINNATI, OHIO, CODE OF ORDINANCES §701-33 (2011).

tary.³⁴⁷ Most cities also expressly prohibit odors or offensive odors.³⁴⁸

Some cities are a little more explicit and require that the coop be cleaned regularly or routinely.³⁴⁹ Some cities go further and require the coop to be clean at all times.³⁵⁰ And some cities regulate precisely how often the coop must be cleaned. Houston is the most fastidious. In Houston, the coop must be cleaned once per day, limed once every other day, and all containers containing chicken manure must be properly disposed of once per week.³⁵¹ Milwaukee also requires coops to be cleaned daily and additionally “as is necessary.”³⁵² The next two most fastidious cities, Des Moines and Santa Ana, require that the coop be cleaned at least every other day.³⁵³ Seven cities require that the coop be cleaned at least twice a week.³⁵⁴ And another four cities require that the coop be cleaned at least once a week.³⁵⁵ And, splitting the difference, Jersey City requires the coop to be cleaned once a week from November to May, and twice a week from May to November.³⁵⁶

Many cities also have a particular concern with either flies or rodents. Fourteen cities specify that attracting flies will be a nuisance.³⁵⁷ Cities that specifically mention flies

within their ordinances are congregated mostly in the South or the Southwest.³⁵⁸ Several mandate that chicken feed or chicken waste be kept in fly-tight containers.³⁵⁹ Miami requires that a chicken’s droppings be treated to destroy fly maggots before it can be used as fertilizer.³⁶⁰ Mesa has four cleaning requirements all designed to keep flies away: (1) droppings must be removed twice weekly; (2) “fowl excreta” must be stored in fly-tight containers; (3) water and feed troughs must be kept sanitary; and (4) food and food waste must be kept in a fly-proof container—all explicitly “to prevent the breeding of flies.”³⁶¹

Kansas City’s concern with flies will stand in the way of keeping hens for eggs that would meet organic standards; it mandates the use of insecticide by providing that “all structures, pens or coops wherein fowl are kept or permitted to be shall be sprayed with such substances as will eliminate such insects.”³⁶² Because chickens eat insects, and because the protein they gain from eating those insects has a beneficial effect on the nutritional value of their eggs, this regulation stands at odds with a reason many people are interested in keeping backyard hens.

Glendale, California, appears to be the most concerned about flies, going so far as to mandate that the owner adhere to impossible building requirements. Glendale requires chickens to be kept in a fly-proof enclosure; it defines fly-proof quite specifically as “a structure or cage of a design which prevents the entry therein or the escape therefrom of any bee, moth or fly.”³⁶³ Because a chicken must enter into and exit from its enclosure, and because one would want the chicken to have access to fresh air and sunlight, such a structure presents itself as an architectural impossibility.

Ten cities are particularly concerned with rats.³⁶⁴ Of these cities, several are concerned about both flies and rats.³⁶⁵ Most of these cities simply mandate that the coop be free of rats,³⁶⁶ but three cities require that food be kept

347. *E.g.*, AUSTIN, TEX., CODE OF ORDINANCES §10-5-21 (2011); FRESNO, CAL., MUN. CODE §10.203 (2011); LONG BEACH, CAL., MUN. CODE §6.20.070 (2011); OMAHA, NEB., CODE OF ORDINANCES §6-261 (2011); SAN ANTONIO, TEX., CODE OF ORDINANCES §5-109 (2011); SAN JOSE, CAL., CODE OF ORDINANCES §7.60.755 (2007); TOLEDO, OHIO, MUN. CODE §1706.07 (2011); WICHITA, KAN., CODE OF ORDINANCES §6.04.174 (2011).

348. *E.g.*, AUSTIN, TEX., CODE OF ORDINANCES §10-5-21 (2011); CINCINNATI, OHIO, CODE OF ORDINANCES §701-35 (2011); DALLAS, TEX., CODE OF ORDINANCES §7-3.2 (2011); FORT WAYNE, IND., CODE OF ORDINANCES §91.017 (2011); FRESNO, CAL., MUN. CODE §10.203 (2011); GARLAND, TEX., CODE OF ORDINANCES §22.17 (2011); KANSAS CITY, MO., CODE OF ORDINANCES §§14-18 & 14-19 (2011); LAS VEGAS, NEV., MUN. CODE §7.36.050 (2011); LINCOLN, NEB., MUN. CODE §6.04.050 (2011); MIAMI, FLA., CODE OF ORDINANCES §6-1 (2011); NEW ORLEANS, LA., CODE OF ORDINANCES §18-2.1 (2011); OMAHA, NEB., CODE OF ORDINANCES §6-261 (2011); ST. PETERSBURG, FLA., CODE OF ORDINANCES §4-31(c) (2011); TOLEDO, OHIO, MUN. CODE §1705.07 (2011); WICHITA, KAN., CODE OF ORDINANCES §6.04.174 (2011).

349. *E.g.*, BATON ROUGE, LA., CODE OF ORDINANCES §14:224(c)(1)(c) & (d) (2011); NEW ORLEANS, LA., CODE OF ORDINANCES §18-2.1 (2011); TULSA, OKLA., CODE OF ORDINANCES §§200(d), (e) & 406 (2011).

350. *E.g.*, BUFFALO, N.Y., CITY CODE §341-11.3 (2009); CHARLOTTE, N.C., CODE OF ORDINANCES §3-102(c) (2010).

351. HOUSTON, TEX., CODE OF ORDINANCES §6-36 (2010).

352. MILWAUKEE, WIS., CODE OF ORDINANCES §78-6.5 (2011).

353. DES MOINES, IOWA, CODE OF ORDINANCES §18-137 (2011); SANTA ANA, CAL., CODE OF ORDINANCES §5.6(b) (2011).

354. GARLAND, TEX., CODE OF ORDINANCES §22.17 (2011); GLENDALE, ARIZ., MUN. CODE §25-24(h) (2010); IRVING, TEX., CODE OF ORDINANCES §6-6 (2011); MESA, ARIZ., CITY CODE §8-6-22 (2011); MIAMI, FLA., CODE OF ORDINANCES §6-1 (2011); PHOENIX, ARIZ., CITY CODE §8-7(d) (2011); SCOTTSDALE, ARIZ., CODE OF ORDINANCES §4-18 (2011).

355. ALBUQUERQUE, N.M., CODE OF ORDINANCES §9-2-2-2(B)(1) (2011); LINCOLN, NEB., MUN. CODE §6.04.050 (2011); NEWARK, N.J., GENERAL ORDINANCES §6:2-35 (2010); SAN DIEGO, CAL., MUN. CODE §42.0709 (2011).

356. JERSEY CITY, N.J., CODE OF ORDINANCES §90-8(C) (2011).

357. AUSTIN, TEX., CODE OF ORDINANCES §10-5-21 (2011); FORT WORTH, TEX., CODE OF ORDINANCES §11A-22(h) (2011); GARLAND, TEX., CODE OF ORDINANCES §22.17 (2011); GLENDALE, CAL., MUN. CODE §6.04.040 (2011); HOUSTON, TEX., CODE OF ORDINANCES §6-36 (2010); KANSAS CITY, MO., CODE OF ORDINANCES §14-19 (2011); LAS VEGAS, NEV., MUN. CODE §7.36.050 (2011); LINCOLN, NEB., MUN. CODE §6.04.050 (2011); MESA, ARIZ., CITY CODE §8-6-23 (2011); MIAMI, FLA., CODE OF ORDINANCES §6-1 (2011); SAN JOSE, CAL., CODE OF ORDINANCES §7.60.755 (2007); SANTA ANA, CAL., CODE OF ORDINANCES §5.6(b) (2011); SCOTTSDALE,

ARIZ., CODE OF ORDINANCES §4-17 & 4-18 (2011); WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §902.11-13 (no date listed).

358. *See supra* note 357.

359. HOUSTON, TEX., CODE OF ORDINANCES §6-36 (2010); MESA, ARIZ., CITY CODE §8-6-23 (2011); SANTA ANA, CAL., CODE OF ORDINANCES §5.6(b) (2011).

360. MIAMI, FLA., CODE OF ORDINANCES §6-1 (2011).

361. MESA, ARIZ., CITY CODE §8-6-23 (2011).

362. KANSAS CITY, MO., CODE OF ORDINANCES §14-15(d) (2011).

363. GLENDALE, CAL., MUN. CODE §6.04.040 (2011).

364. BUFFALO, N.Y., CITY CODE §341-11.13(B)(8) (2009); CINCINNATI, OHIO, CODE OF ORDINANCES §§604.17 & 00053-11 (2011); DENVER, COLO., MUN. CODE §8-92 (2011); FORT WORTH, TEX., CODE OF ORDINANCES §11A-22(h) (2011); KANSAS CITY, MO., CODE OF ORDINANCES §14-15 (2011); LAS VEGAS, NEV., MUN. CODE §7.36.050 (2011); MOBILE, ALA., CODE OF ORDINANCES §7-103 (2011); NEW ORLEANS, LA., CODE OF ORDINANCES §18-2.1 (2011); RICHMOND, VA., CODE OF ORDINANCES §10-88 (2011); SCOTTSDALE, ARIZ., CODE OF ORDINANCES §4-17 (2011); WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §902.12 & 902.13 (no date listed).

365. *E.g.*, CINCINNATI, OHIO, CODE OF ORDINANCES §§604.17 & 00053-11 (2011); KANSAS CITY, MO., CODE OF ORDINANCES §14-15 (2011); LAS VEGAS, NEV., MUN. CODE §7.36.050 (2011); MOBILE, ALA., CODE OF ORDINANCES §7-102 (2011); SCOTTSDALE, ARIZ., CODE OF ORDINANCES §4-17 & 4-18 (2011); WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §902.12 (no date listed).

366. CINCINNATI, OHIO, CODE OF ORDINANCES §00053-11 (2011); FORT WORTH, TEX., CODE OF ORDINANCES §11A-22(d) (2011); KANSAS CITY, MO., CODE OF ORDINANCES §14-15 (2011); LAS VEGAS, NEV., MUN. CODE

within a rat-proof container.³⁶⁷ Denver appears to have the same antipathy toward rats as Glendale does toward flies. Denver requires that chickens be kept in a rat-proof building. A rat-proof building is one that is made with no “potential openings that rats could exploit and built with “material impervious to rat-gnawing.”³⁶⁸ While an opening for a rat would necessarily be bigger than an opening for a fly, because chickens will still have to enter and exit the structure, Denver appears to demand similarly impossible architecture.

c. Coop Construction Requirements

Thirty-seven cities regulate the construction of the chicken coop.³⁶⁹ Like the cleaning regulations, many of these cities’ ordinances are not particular to chickens, but cover any structure meant to house an animal.³⁷⁰ But, as demonstrated below, most specifically regulate chicken coops.

Most of these ordinances require that chickens be kept within an enclosure, and many add that the enclosure must

be secure.³⁷¹ Some further require that the enclosure keep animals protected from inclement weather.³⁷² Outside of this, however, there is no consistency to these statutes.

Of the cities that have promulgated shelter requirements specific to chickens, nine of them mandate that each chicken be given a specific amount of space.³⁷³ Of these cities, the average amount of space per chicken is five square feet, although no city actually mandates that.³⁷⁴ The median amount of space per chicken is four square feet. The mode, or most popular amount, is also four square feet.³⁷⁵ The next most popular is between two and two-and-one-half square feet.³⁷⁶ Cleveland requires 10 square feet per chicken, but specifies that this is for the outdoor run, not for the enclosed coop.³⁷⁷ Rochester also takes the difference between a chicken coop and a chicken run into account and requires at least four square feet per chicken in both the coop and the run.³⁷⁸ Long Beach does not give a particular square footage per chicken, but requires that each coop be at least twice as big as the bird.³⁷⁹

Instead of regulating coop size so specifically, some cities require that the coops not be cramped or overcrowded.³⁸⁰ Others state that the coop should be big enough for the chicken to move about freely,³⁸¹ or have space to stand,

§7.36.050 (2011); NEW ORLEANS, LA., CODE OF ORDINANCES §18-2.1 (2011); SCOTTSDALE, ARIZ., CODE OF ORDINANCES §4-17 (2011); WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §902.12 & 902.13 (no date listed).

367. BUFFALO, N.Y., CITY CODE §341-11.3 (2009); DES MOINES, IOWA, CODE OF ORDINANCES §18-4(h) (2011); RICHMOND, VA., CODE OF ORDINANCES §10-88 (2011).

368. DENVER, COLO., MUN. CODE §§40.41 & 40.51 (2011).

369. ALBUQUERQUE, N.M., CODE OF ORDINANCES §9-2-2-2 (2011); ANCHORAGE, ALASKA, CODE OF ORDINANCES §17.05.010 (2011); ARLINGTON, TEX., ORDINANCES GOVERNING ANIMALS §1.01 SECURE ENCLOSURE (2010); ATLANTA, GA., CODE OF ORDINANCES §18-7 (2011); AUSTIN, TEX., CODE OF ORDINANCES §3-2-11 (2011); BALTIMORE, MD., HEALTH CODE §10-409 (2011); BUFFALO, N.Y., CITY CODE §341-11.3 (2009); CHARLOTTE, N.C., CODE OF ORDINANCES §3-102(c) (2010); CINCINNATI, OHIO, CODE OF ORDINANCES §00053-11 (2011); CLEVELAND, OHIO, CODIFIED ORDINANCES §347.02(a)(1)(D) & (E) (2011); COLORADO SPRINGS, COLO., CITY CODE §6.7.106(D) (2011); CORPUS CHRISTI, TEX., CODE OF ORDINANCES §6-154 (2011); DES MOINES, IOWA, CODE OF ORDINANCES §18-3(h) (2011); FRESNO, CAL., MUN. CODE §10.205 (2011); GLENDALE, CAL., MUN. CODE §6.04.040 (2011); HOUSTON, TEX., CODE OF ORDINANCES §6-36 (2010); IRVING, TEX., CODE OF ORDINANCES §6-1 SHELTER (2011); JERSEY CITY, N.J., CODE OF ORDINANCES §90-8 (2011); KANSAS CITY, MO., CODE OF ORDINANCES §14-15 (2011); LINCOLN, NEB., MUN. CODE §6.04.050 (2011); LONG BEACH, CAL., MUN. CODE §6.20.100 (2011); LOUISVILLE, KY., METRO CODE §91.001 RESTRAINT (2011); MADISON, WIS., CODE OF ORDINANCES §28.08 (no date listed); MOBILE, ALA., CODE OF ORDINANCES §7-88 (2011); MONTGOMERY, ALA., CODE OF ORDINANCES §4-161 (2011); NEW ORLEANS, LA., CODE OF ORDINANCES §18-2.1 (2011); NORFOLK, VA., CODE OF ORDINANCES §6.1-2 (2011); OKLAHOMA CITY, OKLA., MUN. CODE §8-96(c) & (e) (2011); PLANO, TEX., CODE OF ORDINANCES §4-1 SECURE ENCLOSURE & SHELTER (2011); ROCHESTER, N.Y., CITY ORDINANCES §30-19 (no date listed); SAN ANTONIO, TEX., CODE OF ORDINANCES §5-9 (2011); SAN JOSE, CAL., CODE OF ORDINANCES §§7.20.020 & 7.60.760 (2007); SANTA ANA, CAL., CODE OF ORDINANCES §5.6(b) (2011); SEATTLE, WASH., MUN. CODE §23.42.052(c)(3) (2011); TACOMA, WASH., MUN. CODE §17.01.010 (2011); TUCSON, ARIZ., CODE OF ORDINANCES §4-3(2) (c) (2011); TULSA, OKLA., CODE OF ORDINANCES §406 (2011).

370. ALBUQUERQUE, N.M., CODE OF ORDINANCES §9-2-2-2 (2011); ANCHORAGE, ALASKA, CODE OF ORDINANCES §17.05.010 (2011); ARLINGTON, TEX., ORDINANCES GOVERNING ANIMALS §1.01 SECURE ENCLOSURES (2010); BALTIMORE, MD., HEALTH CODE §10-409 (2011); IRVING, TEX., CODE OF ORDINANCES §6-1 (2011); MOBILE, ALA., CODE OF ORDINANCES §7-15 (2011); MONTGOMERY, ALA., CODE OF ORDINANCES §4-161 (2011); NEW ORLEANS, LA., CODE OF ORDINANCES §18-2.1 (2011); NORFOLK, VA., CODE OF ORDINANCES §6.1-2 (2011); PLANO, TEX., CODE OF ORDINANCES §4-1 (2011); TUCSON, ARIZ., CODE OF ORDINANCES §4-3(2)(c) (2011).

371. *E.g.*, ALBUQUERQUE, N.M., CODE OF ORDINANCES §9-2-2-2 (2011); ANCHORAGE, ALASKA, CODE OF ORDINANCES §17.05.010 (2011); ARLINGTON, TEX., ORDINANCES GOVERNING ANIMALS §1.01 SECURE ENCLOSURES (2010); ATLANTA, GA., CODE OF ORDINANCES §18-7 (2011); AUSTIN, TEX., CODE OF ORDINANCES §3-2-11 (2011); BUFFALO, N.Y., CITY CODE §341-11.3 (2009); DES MOINES, IOWA, CODE OF ORDINANCES §18-3(h) (2011); GLENDALE, CAL., MUN. CODE §6.04.040 (2011); IRVING, TEX., CODE OF ORDINANCES §6-1 (2011); KANSAS CITY, MO., CODE OF ORDINANCES §14-15 (2011); LOUISVILLE, KY., METRO CODE §91.001 (2011); MADISON, WIS., CODE OF ORDINANCES §28.08 (no date listed); MONTGOMERY, ALA., CODE OF ORDINANCES §4-161 (2011); NORFOLK, VA., CODE OF ORDINANCES §6.1-2 (2011); PLANO, TEX., CODE OF ORDINANCES §4-1 (2011); TACOMA, WASH., MUN. CODE §17.01.010 (2011).

372. *E.g.*, NORFOLK, VA., CODE OF ORDINANCES §6.1-2 (2011) (providing that a shelter must protect “each animal from injury, rain, sleet, snow, hail, direct sunlight”); PLANO, TEX., CODE OF ORDINANCES §4-1 (2011) (providing that fowl should be housed in a “structure that is capable of providing cover and protection from the weather”); TULSA, OKLA., CODE OF ORDINANCES §406 (2011) (“Natural or artificial shelters appropriate to the local climatic conditions for the particular species of animal or fowl shall be provided for all animals or fowl kept outdoors.”).

373. ATLANTA, GA., CODE OF ORDINANCES §18-7(1)(d) (2011) (2 sq. ft.); BUFFALO, N.Y., CITY CODE §341-11.3(B)(3) (2009) (2 sq. ft.); CHARLOTTE, N.C., CODE OF ORDINANCES §3-102(c) (2010) (4 sq. ft.); CLEVELAND, OHIO, CODIFIED ORDINANCES §347.02(b)(1)(D) & (E) (2011) (10 sq. ft.); COLORADO SPRINGS, COLO., CITY CODE §6.7.106(D) (2011) (4 sq. ft.); LONG BEACH, CAL., MUN. CODE §6.20.100 (2011) (twice the size of the fowl); MOBILE, ALA., CODE OF ORDINANCES §7-88 (2011) (15 sq. ft.); ROCHESTER, N.Y., CITY ORDINANCES §30-19 (no date listed) (4 sq. ft.); SANTA ANA, CAL., CODE OF ORDINANCES §5.6(b)(3) (2011) (2.5 sq. ft.).

374. *See supra* note 373.

375. CHARLOTTE, N.C., CODE OF ORDINANCES §3-102(c) (2010); COLORADO SPRINGS, COLO., CITY CODE §6.7.106(D) (2011); ROCHESTER, N.Y., CITY ORDINANCES §30-19 (no date listed).

376. ATLANTA, GA., CODE OF ORDINANCES §18-7(1)(d) (2011); BUFFALO, N.Y., CITY CODE §341-11.3(B)(3) (2009); SANTA ANA, CAL., CODE OF ORDINANCES §5.6(b)(3) (2011).

377. CLEVELAND, OHIO, CODIFIED ORDINANCES §347.02(b)(1)(D) & (E) (2011).

378. ROCHESTER, N.Y., CITY ORDINANCES §30-19 (no date listed).

379. LONG BEACH, CAL., MUN. CODE §6.20.100 (2011).

380. *E.g.*, CINCINNATI, OHIO, CODE OF ORDINANCES §701-35 (2011).

381. CLEVELAND, OHIO, CODIFIED ORDINANCES §347.02(b)(1)(D) (2011).

turn around, and lie down.³⁸² Des Moines is unique, in that it looks to state or national standards for the coop size, providing that “such enclosures shall be of sufficient size to house the number of animals or fowl permitted by state or national standards.”³⁸³

Some cities also mandate how large the coop can be. The coop sizes also lack uniformity—both Buffalo and Cleveland provide that the coop can be no larger than 32 square feet, but Cleveland will allow the coop to be up to 15 feet high, while Buffalo caps height at seven feet.³⁸⁴ Seattle allows for up to 1,000 square feet and caps the height at 12 feet.³⁸⁵ Finally, Charlotte is the only city that provides for a minimum height by requiring the coops to be at least 18 inches high.³⁸⁶

Other requirements that turn up in more than one city is that the coop’s floor be impervious,³⁸⁷ the coop be adequately ventilated,³⁸⁸ and the coop be kept dry or allow for drainage.³⁸⁹ Some cities mandate that the enclosure protect the chickens from predators.³⁹⁰ And, Buffalo, Cleveland, and Colorado Springs require that the chickens have access to an outdoor run.³⁹¹

Two cities stand at odds on the issue of keeping chickens within solid walls. Baltimore prohibits chickens from being confined in a cage entirely of solid walls,³⁹² while Corpus Christi, to avoid large setbacks, requires that chickens be confined entirely within solid walls.³⁹³

And some cities have entirely unique ordinances. Irving is concerned with protecting chickens from inclement weather; it requires protection from the direct rays of the

sun when the temperature is over 90 degrees and protection from direct exposure to wind when the temperature is below 50 degrees.³⁹⁴ Jersey City’s ordinance stands out for its thoughtfulness.³⁹⁵ It requires that the coop contain windows if possible, that the coop be white-washed or painted, and that the coop contain removable perches and nests, so that they can be cleaned on a regular basis.³⁹⁶ Rochester does not allow fowl to be kept in a cellar.³⁹⁷ And San Antonio requires that the coop be built so that the chicken’s feet do not fall through the floor.³⁹⁸

d. Giving Authority Over Coop Requirements to a City Official

Instead of legislating coop requirements through City Council, four cities delegate to some other city official. San Francisco requires the coop structure to be approved by the Department of Health³⁹⁹; Washington, D.C., assigns it to the Director of the Department of Human Services.⁴⁰⁰ Columbus requires its Health Commissioner to approve the structure.⁴⁰¹ St. Louis allows its Animal Health Commissioner to set standards for coop construction.⁴⁰² And finally, Rochester mandates that the coop will, at all times, be subject to inspection and subject to the orders of its Chief of Police.⁴⁰³

e. Feed and Water Requirements

Eleven cities are concerned that chickens receive enough food and water.⁴⁰⁴ Most of these simply mandate that chickens receive adequate or sanitary food and water, but three of the cities show special concern with the chicken’s welfare. Long Beach and Los Angeles require chickens to be given water every 12 hours.⁴⁰⁵ Memphis and Omaha require that the chickens not only be given sufficient food but also “wholesome” food and water.⁴⁰⁶ And Buffalo requires that chickens be fed only through an approved

382. LONG BEACH, CAL., MUN. CODE §6.20.100 (2011) (providing that animals must have enough space to stand in a naturally erect position); NEW ORLEANS, LA., CODE OF ORDINANCES §18-2.1(a)(2) (2011); PLANO, TEX., CODE OF ORDINANCES §4-1 SECURE ENCLOSURE & SHELTER (2011); TUCSON, ARIZ., CODE OF ORDINANCES §4-3(2)(c) (2011).

383. DES MOINES, IOWA, CODE OF ORDINANCES §18-3(h) (2011).

384. CLEVELAND, OHIO, CODIFIED ORDINANCES §347.02(b)(1)(D) (2011); BUFFALO, N.Y., CITY CODE §341-11.3(B)(7) (2009).

385. SEATTLE, WASH., MUN. CODE §23.42.052(c)(3) (2011).

386. CHARLOTTE, N.C., CODE OF ORDINANCES §3-102(c) (2010).

387. *E.g.*, ARLINGTON, TEX., ORDINANCES GOVERNING ANIMALS §1.01 SECURE ENCLOSURE (2010); GLENDALE, CAL., MUN. CODE §6.04.040 (2011); LINCOLN, NEB., MUN. CODE §6.04.050 (2011) (requiring that, if a coop is less than 7,500 square feet, that the flooring be made of hard surface material); NEW ORLEANS, LA., CODE OF ORDINANCES §18-2.1(a)(1) (2011); PLANO, TEX., CODE OF ORDINANCES §4-1 SECURE ENCLOSURE & SHELTER (2011); SANTA ANA, CAL., CODE OF ORDINANCES §5.6(b)(2) (2010) (providing that the “floors of every such building shall be smooth and tight”).

388. *E.g.*, BUFFALO, N.Y., CITY CODE §341-11.3(B)(7) (2009); CHARLOTTE, N.C., CODE OF ORDINANCES §3-102(c) (2010); JERSEY CITY, N.J., CODE OF ORDINANCES §90-8 (2011); NEW ORLEANS, LA., CODE OF ORDINANCES §18-2.1(a)(1) (2011); PLANO, TEX., CODE OF ORDINANCES §4-1 SECURE ENCLOSURE & SHELTER (2011).

389. *E.g.*, JERSEY CITY, N.J., CODE OF ORDINANCES §90-8 (2011); NEW ORLEANS, LA., CODE OF ORDINANCES §18-2.1(a)(1) (2011); SANTA ANA, CAL., CODE OF ORDINANCES §5.6(b)(2) (2011).

390. BUFFALO, N.Y., CITY CODE §341-11.3(B)(3) & (4) (2009); CLEVELAND, OHIO, CODIFIED ORDINANCES §347.02(b)(1)(D). *See also* Nashville-Davidson, Memo from John Cooper, Director Metropolitan Council Office, to All Members of Metropolitan Council (Sept. 1, 2009) (on file with author) (providing that coops must be kept in a predator-proof enclosure).

391. BUFFALO, N.Y., CITY CODE §341-11.3(B)(1) (2009); CLEVELAND, OHIO, CODIFIED ORDINANCES §347.02(b)(1)(D) & (E) (2011); COLORADO SPRINGS, COLO., CITY CODE §6.7.106(D) (2011).

392. BALTIMORE, MD., HEALTH CODE §10-409 (2011).

393. CORPUS CHRISTI, TEX., CODE OF ORDINANCES §6-154 (2011).

394. IRVING, TEX., CODE OF ORDINANCES §6-1 SHELTER (2011).

395. JERSEY CITY, N.J., CODE OF ORDINANCES §90-8 (2011).

396. *Id.*

397. ROCHESTER, N.Y., CITY ORDINANCES §30-19 (no date listed).

398. SAN ANTONIO, TEX., CODE OF ORDINANCES §5-9 (2011).

399. SAN FRANCISCO, CAL., HEALTH CODE §37(b) (2011).

400. WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §902.7(c) (no date listed).

401. COLUMBUS, OHIO, CITY CODE §221.05(b) (2011).

402. ST. LOUIS, MO., CODE OF ORDINANCES §10.20.016 (2010).

403. ROCHESTER, N.Y., CITY ORDINANCES §30-19 (no date listed).

404. BATON ROUGE, LA., CODE OF ORDINANCES §14:224(c)(1)(d) (2011); BUFFALO, N.Y., CITY CODE §341-11.3(B)(9) (2009); CHICAGO, ILL., CODE OF ORDINANCES §7-12-290(b) (2011); CINCINNATI, OHIO, CODE OF ORDINANCES §701-35 (2011); LONG BEACH, CAL., MUN. CODE §6.20.090 (2011); L.A., CAL., MUN. CODE §53.46 (2011); MEMPHIS, TENN., CODE OF ORDINANCES §8-8-1 (2009); MESA, ARIZ., CITY CODE §8-6-23(C) (2011); MILWAUKEE, WIS., CODE OF ORDINANCES §78-6.5 (2011); MONTGOMERY, ALA., CODE OF ORDINANCES §4-161 (2011); OMAHA, NEB., CODE OF ORDINANCES §6-261 (2011).

405. LONG BEACH, CAL., MUN. CODE §6.20.090 (2011); L.A., CAL., MUN. CODE §53.46 (2011).

406. MEMPHIS, TENN., CODE OF ORDINANCES §8-8-1 (2009); OMAHA, NEB., CODE OF ORDINANCES §6-261 (2011).

trough and prohibits feeding them through scattering food on the ground.⁴⁰⁷

6. Permit Requirements

Thirty-eight cities require a permit to keep chickens under certain circumstances.⁴⁰⁸ Like all of the other regulations, there is very little consistency. Eleven cities require permits for more than a maximum number of chickens.⁴⁰⁹ The average number the city allows before requiring a permit is seven. The average is high because San Diego allows up to 20 chickens before seeking a permit.⁴¹⁰ The median is five and the mode, with three cities, Saint Louis, Santa Ana and Spokane, is four. Two cities, El Paso and San Jose, allow for six.⁴¹¹ And, two cities, Portland and Wichita allow for three.⁴¹² Two cities require a permit if one seeks

to place the chickens within the legislated setbacks.⁴¹³ And one city, Riverside, only requires a permit if one wants to keep roosters.⁴¹⁴

The remaining 24 cities require a permit to keep chickens under all circumstances.⁴¹⁵ Permit renewal periods and fees also differ substantially among cities. Of the cities that require permits to keep chickens in all circumstances, there is little agreement for how long these permits should last or how much they should cost. At least 10 of them require permit holders to renew annually.⁴¹⁶ Two have an initial term of one year, but then either allow or require five-year permits after that.⁴¹⁷ Cleveland has a biennial permit.⁴¹⁸ Mobile allows for the permit to remain valid until revoked by the health officer.⁴¹⁹ And several simply don't specify how long the permit will last.⁴²⁰

There is also a lot of variety among cities in where to go to get the permit. Cleveland, Columbus, Omaha, and Norfolk grant the public health departments the authority to grant permits⁴²¹; Newark gives it to the Director of the Department of Child and Family Well-Being⁴²²; Sacramento to the Animal Care Services Operator⁴²³; Tacoma

407. BUFFALO, N.Y., CITY CODE §341-11.3(B)(9) (2009).

408. BALTIMORE, MD., HEALTH CODE §10-312 (2011); BOS., MASS., CODE OF ORDINANCES §16-1.8A (2010); BUFFALO, N.Y., CITY CODE §341-11.4 (2009); CHARLOTTE, N.C., CODE OF ORDINANCES §3-102 (2010); CLEVELAND, OHIO, CODIFIED ORDINANCES §347.02(i) & (j) (2011); COLUMBUS, OHIO, CITY CODE §221.05 (2011); DENVER, COLO., MUN. CODE §8-91 (2011); DES MOINES, IOWA, CODE OF ORDINANCES §18-4(i), (j) (2011); EL PASO, TEX., MUN. CODE §§7.24.020 & 7.24.050 (2011); FREMONT, CAL., MUN. CODE §3-5803 (2011); HOUSTON, TEX., CODE OF ORDINANCES §6-38 (2010); JERSEY CITY, N.J., CODE OF ORDINANCES §90-7 (2011); KANSAS CITY, MO., CODE OF ORDINANCES §14-15(h) (2011); LINCOLN, NEB., MUN. CODE §6.04.070 (2011); MADISON, WIS., CODE OF ORDINANCES §9.52 (no date listed); MIAMI, FLA., CODE OF ORDINANCES §6-1(b) (2011); MILWAUKEE, WIS., CODE OF ORDINANCES §78-6.5 (2011); MINNEAPOLIS, MINN., CODE OF ORDINANCES §70.10 (2011); MOBILE, ALA., CODE OF ORDINANCES §7-102 (2011); NEWARK, N.J., GENERAL ORDINANCES §6:2-30 (2010); NORFOLK, VA., CODE OF ORDINANCES §6.1-7 (2011); OMAHA, NEB., CODE OF ORDINANCES §6-266 (2011); PHILA PLANO, TEX., CODE OF ORDINANCES §4-81 (2011); PORTLAND, OR., CITY CODE §13.05.015 (2011); RIVERSIDE, CAL., CODE OF ORDINANCES §17.206.020 (2011); ROCHESTER, N.Y., CITY ORDINANCES §§30-12 & 30-15 (no date listed); SACRAMENTO, CAL., CITY CODE §§9.44.870 & 9.44.880 (2011); SAN ANTONIO, TEX., CODE OF ORDINANCES §5-109(c) (2011); SAN DIEGO, CAL., MUN. CODE §42.0713 (2011); SAN FRANCISCO, CAL., HEALTH CODE §37(d) (2011); SAN JOSE, CAL., CODE OF ORDINANCES §7.60.700 (2007); SANTA ANA, CAL., CODE OF ORDINANCES §§5.6 & 23.42.051(B) (2011); SPOKANE, WASH., MUN. CODE §17C.310.100 (no date listed); ST. LOUIS, MO., CODE OF ORDINANCES §10.20.015(c) (2010); ST. PAUL, MINN., §198.02 (2011); TACOMA, WASH., MUN. CODE §5.30.010 (2011); WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §§902.1 & 902.3-4 (no date listed); WICHITA, KAN., CODE OF ORDINANCES §6.04.157 (2011).

409. EL PASO, TEX., MUN. CODE §7.24.020 (2011) (requiring permit if more than six); LINCOLN, NEB., MUN. CODE §6.04.040 (2011) (requiring permit if more than 5, if fowl weigh over five pounds and more than 20 for fowl between three and five pounds); PLANO, TEX., CODE OF ORDINANCES §4-81 (2011) (requiring permit if more than 10); PORTLAND, OR., CITY CODE §13.05.015(E) (2011) (requiring permit if more than three); SAN ANTONIO, TEX., CODE OF ORDINANCES §5-109(c) (2011) (requiring permit if more than five); SAN DIEGO, CAL., MUN. CODE §42.0713 (2011) (requiring permit if more than 25); SAN JOSE, CAL., CODE OF ORDINANCES §7.60.700(A) (2007) (requiring permit if more than six); SANTA ANA, CAL., CODE OF ORDINANCES §5.6 (2011) (requiring permit if more than four); SPOKANE, WASH., MUN. CODE §§17C.310.100 & 10.20.015(c) (no date listed) (requiring permit if more than four); ST. LOUIS, MO., CODE OF ORDINANCES §10.20.015(c) (2010) (requiring permit if more than four); WICHITA, KAN., CODE OF ORDINANCES §6.04.157 (2011) (requiring permit if more than three).

410. SAN DIEGO, CAL., MUN. CODE §42.0713 (2011).

411. EL PASO, TEX., MUN. CODE §7.24.020 (2011); SAN JOSE, CAL., CODE OF ORDINANCES §7.60.700(A) (2007).

412. PORTLAND, OR., CITY CODE §13.05.015(E) (2011); WICHITA, KAN., CODE OF ORDINANCES §6.04.157 (2011).

413. KANSAS CITY, MO., CODE OF ORDINANCES §14-15(h) (2011) (requiring permit if want to be within setback); TACOMA, WASH., MUN. CODE §5.30.010 (2011) (requiring permission from city clerk to put coop within setback).

414. RIVERSIDE, CAL., CODE OF ORDINANCES §17.206.020 (2011).

415. BALTIMORE, MD., HEALTH CODE §10-312 (2011); BOS., MASS., CODE OF ORDINANCES §16-1.8A (2010); BUFFALO, N.Y., CITY CODE §341-11.4 (2009); CHARLOTTE, N.C., CODE OF ORDINANCES §3-102 (2010); CLEVELAND, OHIO, CODIFIED ORDINANCES §347.02(i) & (j) (2011); COLUMBUS, OHIO, CITY CODE §221.05 (2011); DENVER, COLO., MUN. CODE §8-91 (2011); DES MOINES, IOWA, CODE OF ORDINANCES §18-4(i), (j) (2011); FREMONT, CAL., MUN. CODE §3-5803 (2011); HOUSTON, TEX., CODE OF ORDINANCES §6-38 (2010); JERSEY CITY, N.J., CODE OF ORDINANCES §90-7 (2011); MADISON, WIS., CODE OF ORDINANCES §9.52 (no date listed); MIAMI, FLA., CODE OF ORDINANCES §6-1(b) (2011); MILWAUKEE, WIS., CODE OF ORDINANCES §78-6.5 (2011); MINNEAPOLIS, MINN., CODE OF ORDINANCES §70.10 (2011); MOBILE, ALA., CODE OF ORDINANCES §7-102 (2011); NEWARK, N.J., GENERAL ORDINANCES §6:2-30 (2010); NORFOLK, VA., CODE OF ORDINANCES §6.1-7 (2011); OMAHA, NEB., CODE OF ORDINANCES §6-266 (2011); ROCHESTER, N.Y., CITY ORDINANCES §§30-12 & 30-15 (no date listed); SACRAMENTO, CAL., CITY CODE §§9.44.870 & 9.44.880 (2011); SAN FRANCISCO, CAL., HEALTH CODE §37(d) (2011); ST. PAUL, MINN., §198.02 (2011); WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §§902.1 & 902.3-4 (no date listed).

416. BUFFALO, N.Y., CITY CODE §341-11.4 (2009); CHARLOTTE, N.C., CODE OF ORDINANCES §3-102(a) (2010); FREMONT, CAL., MUN. CODE §3-5906 (2011); JERSEY CITY, N.J., CODE OF ORDINANCES §90-7 (2011); LINCOLN, NEB., MUN. CODE §6.04.110 (2011); MADISON, WIS., CODE OF ORDINANCES §9.52 (no date listed); NEWARK, N.J., GENERAL ORDINANCES §6:2-30 (2010); OMAHA, NEB., CODE OF ORDINANCES §6-271 (2011); ROCHESTER, N.Y., CITY ORDINANCES §30-15 (no date listed); ST. PAUL, MINN., §198.04 (2011); WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §902.3 (no date listed).

417. KANSAS CITY, MO., CODE OF ORDINANCES §14-15(h) (2011); MINNEAPOLIS, MINN., CODE OF ORDINANCES §70.10 (2011) (five-year period offered as a choice).

418. CLEVELAND, OHIO, CODIFIED ORDINANCES §205.04 (2011).

419. MOBILE, ALA., CODE OF ORDINANCES §7-102 (2011).

420. *E.g.*, NORFOLK, VA., CODE OF ORDINANCES §6.1-7 (2011); PLANO, TEX., CODE OF ORDINANCES §4-81 (2011); SANTA ANA, CAL., CODE OF ORDINANCES §5.6 (2011); TACOMA, WASH., MUN. CODE §5.30.010 (2011).

421. CLEVELAND, OHIO, CODIFIED ORDINANCES §205.04 (2011); COLUMBUS, OHIO, CITY CODE §221.05 (2011); OMAHA, NEB., CODE OF ORDINANCES §6-266 (2011); NORFOLK, VA., CODE OF ORDINANCES §6.1-7 (2011).

422. NEWARK, N.J., GENERAL ORDINANCES §6:2-30 (2010).

423. SACRAMENTO, CAL., CITY CODE §9-44-870 (2011).

to the City Clerk⁴²⁴; and Boston to the Inspectional Services Department.⁴²⁵ Most cities, however, do not state in the ordinance by what means a person actually procures a permit.⁴²⁶

Three cities use the permit process to make sure that would-be chicken owners have the consent of their neighbors. St. Paul, Minnesota, requires that an applicant show, through written consent, that 75% of the owners or occupants of property within 150 feet have given permission for the chickens.⁴²⁷ Las Vegas requires written consent of neighbors within 350 feet.⁴²⁸ Buffalo and Milwaukee also requires written consent from adjacent landowners to secure a permit.⁴²⁹ Riverside, California, allows residents to keep hens without a permit, but requires a permit, with written permission from the neighbors, to keep more than six roosters.⁴³⁰

Finally, some cities use the permitting schemes to ensure that chicken owners comply with a long list of regulations. For instance, Buffalo has set forth a labyrinthine process for securing a “chicken license.”⁴³¹ It requires the license seeker to provide his name, address, number of chickens sought, and the location of the coop. The city then notifies neighboring landowners with property within 50 feet of the applicant’s property of the application and allows them to provide written comments. The city also notifies the mayor and City Council. If the city clerk does not receive any comments, the clerk can issue a license for up to five hens. But if anyone lodges a negative comment, then the permit goes to City Council and Council must determine, after taking in the entire record before it, if the city will grant the license. If the Council approves it, it goes to the mayor, who has the power to veto it; if he does so—it would require a 2/3 majority at the following Council meeting to

pass.⁴³² If the permit is granted, then the Animal Control Officer must inspect the coop before the licensee is actually allowed to get chickens.⁴³³ Then, the licensee has to procure a separate license from the building department to build the chicken coop.⁴³⁴

And then Buffalo requires similar procedures for renewing the license each year. Each license automatically expires on June 1. From May 1 to June 1, the city opens up a comment period for anyone to complain about licensed chickens. The City Council is to consider all of these comments and any rebuttals to them before deciding whether to renew the license. The City Council can also revoke the license at any time if it hears any complaints about the licensee.⁴³⁵

This licensing scheme appears designed to ameliorate concerns that the city will be overwhelmed with complaints. But the resources the city puts into this process and the time it is requiring councilmembers and the mayor to put into it if a single person registers a negative comment must far outweigh any resources the city would be using to prosecute rogue chickens owners.

Many cities also charge fees for these permits. Because many cities do not list their fees on any publicly accessible website, it is difficult to draw strong conclusions on the norm for how much a city charges. But, 14 cities’ fees were identified.⁴³⁶ Three of the 14 charged an initial fee, Milwaukee charged a \$25 initial fee, Minneapolis \$50, and St. Paul \$72.⁴³⁷ Thirteen cities, including Minneapolis and St. Paul, charged annual fees.⁴³⁸ The fees ranged from specifying that the permit would be free to \$50 per year. The average annual fee was \$29, although no city charged that amount. The median fee and the mode are both \$25 per year. Two cities legislated late charges into the statute, Lincoln has a \$25 late fee,⁴³⁹ and Madison charges \$5 if a permit is renewed late.⁴⁴⁰ Finally, Minneapolis gives a \$50 discount from the annual fee if a licensee renews for five years, instead of paying \$40 a year, one can pay \$150 for a five-year period.⁴⁴¹

424. TACOMA, WASH., MUN. CODE §5.30.010 (2011).

425. BOS., MASS., CODE OF ORDINANCES §16-1.8A (2010).

426. E.g., CHARLOTTE, N.C., CODE OF ORDINANCES §3-102(a) (2010) (providing that the “bureau” will issue the permit.); JERSEY CITY, N.J., CODE OF ORDINANCES §90-7 (2011) (providing that the “licensing issuing authority” will grant the permit).

427. ST. PAUL, MINN., §198.04(b) (2011):

The applicant for any permit required under the provisions of section 198.02 shall provide with the application the written consent of seventy-five (75) percent of the owners or occupants of privately or publicly owned real estate within one hundred fifty (150) feet of the outer boundaries of the premises for which the permit is being requested or, in the alternative, proof that applicant’s property lines are one hundred fifty (150) feet or more from any structure. However, where a street separates the premises for which the permit is being requested from other neighboring property, no consent is required from the owners or occupants of property located on the opposite side of the street. Where a property within one hundred fifty (150) feet consists of a multiple dwelling, the applicant need obtain only the written consent of the owner or manager, or other person in charge of the building.

428. LAS VEGAS, NEV., MUN. CODE §7.38.050 (2011).

429. BUFFALO, N.Y., CITY CODE §341-11.2 (2009) (“No chicken hens shall be allowed without the express written consent of all residents residing on property adjacent to that of the applicant.”); MILWAUKEE, WIS., CODE OF ORDINANCES §78-6.5 (2011) (Before a permit is issued for the keeping of chickens, the applicant shall obtain the written consent of the owner of the property where the chickens shall be kept and owners of all directly or diagonally abutting properties, including those across an alley.”)

430. RIVERSIDE, CAL., CODE OF ORDINANCES §6.05.020 (2011).

431. BUFFALO, N.Y., CITY CODE §341-11.4 (2009).

432. BUFFALO, N.Y., CITY CHARTER §3-19.

433. BUFFALO, N.Y., CITY CODE §341-11.4 (2009).

434. *Id.*

435. *Id.*

436. BUFFALO, N.Y., CITY CODE §341-11.1(G) (2009) (\$25 annual fee); CHARLOTTE, N.C., CODE OF ORDINANCES §3-102(a) (2010) (\$50 annual fee); DENVER, COLO., MUN. CODE §8-91 (2011) (\$50 annual fees as listed on city website at <http://www.denvergov.org/FrequentlyAskedQuestionsandRelatedLinks/tabid/434759/Default.aspx>); JERSEY CITY, N.J., CODE OF ORDINANCES §90-7 (2011) (\$25 annual fee); LINCOLN, NEB., MUN. CODE §6.04.090 (2011) (\$50 annual fee with a \$25 late fee); MADISON, WIS., CODE OF ORDINANCES §9.52 (no date listed) (\$10 annual fee with a \$5 late fee); MILWAUKEE, WIS., CODE OF ORDINANCES §60-7 (2011) (\$35 initial fee); MINNEAPOLIS, MINN., CODE OF ORDINANCES §70.10(f) (2011) (\$50 initial fee and \$40 annual fee); MOBILE, ALA., CODE OF ORDINANCES §7-102 (2011) (specifies that permits are free); NEWARK, N.J., GENERAL ORDINANCES §6:2-31 (2010) (\$10 annual fee); ROCHESTER, N.Y., CITY ORDINANCES §30-16 (no date listed) (\$37 annual fee); ST. LOUIS, MO., CODE OF ORDINANCES §10.20.013(f) (2010) (\$40 annual fee); ST. PAUL, MINN., §198.04(c) (2011) (\$72 initial fee and \$25 annual fee); WICHITA, KAN., CODE OF ORDINANCES §6.04.157 (2011) (\$25 annual fee).

437. *Supra* note 436 and accompanying text.

438. *Id.*

439. LINCOLN, NEB., MUN. CODE §6.04.090 (2011).

440. MADISON, WIS., CODE OF ORDINANCES §9.52 (no date listed).

441. MINNEAPOLIS, MINN., CODE OF ORDINANCES §70.10(g) (2011).

7. Slaughtering

Thirteen cities regulate slaughtering⁴⁴²; however, of those, only six ban slaughtering altogether.⁴⁴³ Three cities, Buffalo, Charlotte, and Pittsburgh, allow chickens to be slaughtered, but require that it not occur outdoors or in a public place.⁴⁴⁴ Cleveland allows a chicken to be slaughtered on site, but only if it is meant to be consumed on the occupant's premises.⁴⁴⁵ San Francisco requires that any slaughter occur in an "entirely separate" room than the one that fowl occupy.⁴⁴⁶ Rochester requires a poulturer's license to both keep chickens and slaughter them.⁴⁴⁷ And, Glendale, in keeping with its aversion to rats described above, only allows for slaughter if it occurs in a rat-proof structure.⁴⁴⁸

Several other cities only ban slaughter if a person is killing another's chickens without permission.⁴⁴⁹ Chesapeake is particularly concerned with dogs killing chickens. Chesapeake mandates compensation of no more than \$10 per fowl, if a dog or hybrid dog kills a chicken.⁴⁵⁰

Finally, several cities stand directly opposed concerning the killing of chickens for animal sacrifice. Chicago's ordinance banning the slaughter of chickens is directed toward chickens killed for animal sacrifice; it provides in the ordinance that this "section is applicable to any cult that kills (sacrifices) animals for any type of ritual, regard-

less of whether or not the flesh or blood of the animal is to be consumed."⁴⁵¹ Wichita, however, while banning the slaughter of chickens, states that the ordinance does not apply "to the slaughter of animals as part of religious practices."⁴⁵² And, Los Angeles expressly allows slaughter both for food and religious purposes.⁴⁵³

8. Roosters

Many cities that allow for hens ban roosters. Twenty-six cities prohibit roosters.⁴⁵⁴ Of these cities, four have exceptions: Phoenix will allow a rooster only if it is incapable of making vocal noises⁴⁵⁵; Rochester and San Jose will allow roosters under four months of age⁴⁵⁶; and Sacramento only prohibits roosters on developed lots used exclusively for residential purposes.⁴⁵⁷ Fort Wayne does not say anything about roosters, but its ordinance effectively bans them by defining poultry only as "laying hens."⁴⁵⁸

Many cities, instead of banning roosters altogether impose very large setbacks for roosters, require a larger property size for roosters, or relegate roosters to agriculturally zoned land. Four cities require relatively large setbacks for roosters: Cleveland requires 100-foot setbacks⁴⁵⁹; Kansas City, 300 feet⁴⁶⁰; Oklahoma City, 400 feet⁴⁶¹; and Glendale, California, requires 500 feet.⁴⁶² Wichita will also allow for roosters if they are more than 500 feet from any residentially zoned lot.⁴⁶³ Three cities require greater

442. BUFFALO, N.Y., CITY CODE §341-11.3(d) (2009); CHARLOTTE, N.C., CODE OF ORDINANCES §3-102(c)(4) (2010); CHI., ILL., CODE OF ORDINANCES §17-12-300 (2011); CLEVELAND, OHIO, CODIFIED ORDINANCES §347.02(h) (2011); GLENDALE, CAL., MUN. CODE §8.48.020 (2011); MADISON, WIS., CODE OF ORDINANCES §2809(9)(b)(6) (no date listed); MILWAUKEE, WIS., CODE OF ORDINANCES §78-6.5(3)(b) (2011); Nashville-Davidson, Tenn. Memo from John Cooper, Director Metropolitan Council Office, to All Members of Metropolitan Council (Sept. 1, 2009) (on file with author); PITTSBURGH, PA., CODE OF ORDINANCES §911.04.A.2 (2011); ROCHESTER, N.Y., CITY ORDINANCES §30-12 (no date listed); SACRAMENTO, CAL., CITY CODE §9.44.860 (2011); SAN FRANCISCO, CAL., HEALTH CODE §37(d)(5) (2011); WICHITA, KAN., CODE OF ORDINANCES §6.04.175(p) (2011).

443. CHI., ILL., CODE OF ORDINANCES §17-12-300 (2011) ("No person shall own, keep or otherwise possess, or slaughter any sheep, goat, pig, cow or the young of such species, poultry, rabbit, dog, cat, or any other animal, intending to use such animal for food purposes."); MADISON, WIS., CODE OF ORDINANCES §2809(9)(b)(6) (no date listed) ("No person shall slaughter any chickens."); MILWAUKEE, WIS., CODE OF ORDINANCES §78-6.5(3)(b) (2011); ("No person shall slaughter any chickens."); Nashville-Davidson, Tenn. Memo from John Cooper, Director Metropolitan Council Office, to All Members of Metropolitan Council (Sept. 1, 2009) (on file with author); SACRAMENTO, CAL., CITY CODE §9.44.860 (2011) ("No hen chickens shall be slaughtered on any developed lot used exclusively for residential purposes."); WICHITA, KAN., CODE OF ORDINANCES §6.04.175(p) (2011) (prohibiting slaughtering "on residentially zoned lots or lots utilized for residential purposes").

444. BUFFALO, N.Y., CITY CODE §341-11.3(d) (2009) ("There shall be no outdoor slaughtering of chicken hens."); CHARLOTTE, N.C., CODE OF ORDINANCES §3-102(c)(4) (2010); (providing that any slaughter "shall be done only in a humane and sanitary manner and shall not be done open to the view of any public area or adjacent property owned by another"); PITTSBURGH, PA., CODE OF ORDINANCES §911.04.A.2 (2011) ("Killing or dressing of poultry raised on the premises shall be permitted if conducted entirely within an enclosed building.");

445. CLEVELAND, OHIO, CODIFIED ORDINANCES §347.02(h) (2011).

446. SAN FRANCISCO, CAL., HEALTH CODE §37(d)(5) (2011).

447. ROCHESTER, N.Y., CITY ORDINANCES §30-12 (no date listed).

448. GLENDALE, CAL., MUN. CODE §8.48.020 (2011).

449. AKRON, OHIO, CODE OF ORDINANCES §92.03 (2011); AUSTIN, TEX., CODE OF ORDINANCES §3-2-61 (2011); PHOENIX, ARIZ., CITY CODE §8-3 (2011).

450. CHESAPEAKE, VA., CODE OF ORDINANCES §10-19 (2011).

451. CHI., ILL., CODE OF ORDINANCES §17-12-300 (2011) (but exempting Kosher slaughtering from this ordinance).

452. WICHITA, KAN., CODE OF ORDINANCES §6.04.175(p) (2011).

453. L.A., CAL., MUN. CODE §53.67 (2011).

454. BUFFALO, N.Y., CITY CODE §341-11.1(d) (2009); COLORADO SPRINGS, COLO., CITY CODE §6.7.110(A) (2011); FORT WAYNE, IND., CODE OF ORDINANCES ch. 157 (2011); FRESNO, CAL., MUN. CODE §§12-204.11 & 12-205.1 & 12-206.1 (2011); GARLAND, TEX., CODE OF ORDINANCES §22.14 (2011); LAS VEGAS, NEV., MUN. CODE §7.38.050(a)(2) (2011); LINCOLN, NEB., MUN. CODE §6.04.041 (2011); LONG BEACH, CAL., MUN. CODE §6.20.050 (2011); MIAMI, FLA., CODE OF ORDINANCES §6-1(b)(2) (2011); MADISON, WIS., CODE OF ORDINANCES ch. 28 (no date listed); MILWAUKEE, WIS., CODE OF ORDINANCES §78-6.5(3)(a) (2011); N.Y.C., HEALTH CODE §§161.19(a) & 161.01(b)(11) (1990); NEWARK, N.J., GENERAL ORDINANCES §6:2-36 (2010); OAKLAND, CAL., CODE OF ORDINANCES §6.04.320 (2011); PHOENIX, ARIZ., CITY CODE §8-7(c) (2011); PORTLAND, OR., CITY CODE §13.10.010 (2011); ROCHESTER, N.Y., CITY ORDINANCES §30-19 (no date listed); SACRAMENTO, CAL., CITY CODE §9.44.860(B) (2011); ST. PAUL, MINN., §198.03 (2011); ST. PETERSBURG, FLA., CODE OF ORDINANCES §4-31(e) (2011); SAN JOSE, CAL., CODE OF ORDINANCES §7.60.820 (2007); SANTA ANA, CAL., CODE OF ORDINANCES §5-6.5 (2011); SEATTLE, WASH., MUN. CODE §23.42.052(c)(2) (2011); STOCKTON, CAL., MUN. CODE §6.04.440 (2011); TUCSON, ARIZ., CODE OF ORDINANCES §4-59 (2011); WICHITA, KAN., CODE OF ORDINANCES §6.04.171 (2011).

455. PHOENIX, ARIZ., CITY CODE §8-7(c) (2011). Removing a roosters vocal chords was routinely done by vets many years ago. But because of the extremely high mortality rate (over 50%) most vets will no longer perform this procedure. See *Small and Backyard Flocks*, Ky. U. EXT., <http://www.ca.uky.edu/smallflocks/faq.html#Q31> (last visited July 8, 2012).

456. ROCHESTER, N.Y., CITY ORDINANCES §30-19 (no date listed); SAN JOSE, CAL., CODE OF ORDINANCES §7.60.820 (2007).

457. SACRAMENTO, CAL., CITY CODE §9.44.860(B) (2011).

458. FORT WAYNE, IND., CODE OF ORDINANCES ch. 157 (2011).

459. CLEVELAND, OHIO, CODIFIED ORDINANCES §347.02(b)(1)(c) (2011).

460. KANSAS CITY, MO., CODE OF ORDINANCES §14-15(f) (2011).

461. OKLAHOMA CITY, OKLA., MUN. CODE §59-9350(c), (d) (2011).

462. GLENDALE, ARIZ., CODE OF ORDINANCES pt. II, art. 5 (2010) (multiple provisions in zoning code relating to roosters).

463. WICHITA, KAN., CODE OF ORDINANCES §6.04.171 (2011).

acreage for roosters: Cleveland requires at least one acre⁴⁶⁴; Baton Rouge requires two acres⁴⁶⁵; and Fremont California allows one rooster for ½ acre, and two roosters for more than one acre.⁴⁶⁶ Three cities, Anaheim, Arlington, and Dallas, relegate roosters to agriculturally zoned land.⁴⁶⁷

Many cities do not ban roosters but have noise regulations that would effectively cause any rooster to be a nuisance, at least a rooster that crows.⁴⁶⁸

Finally, nine cities expressly allow for roosters.⁴⁶⁹ Most of these cities, however, limit the number of roosters allowed. Three cities allow for only one rooster.⁴⁷⁰ Two cities allow for two roosters.⁴⁷¹ El Paso allows for up to three roosters with a permit.⁴⁷² And Riverside allows up to six and only requires a permit to keep seven or more roosters.⁴⁷³ San Diego and San Francisco allow for unlimited roosters; however, San Francisco animal control authorities stated that they do not recommend that San Franciscans keep roosters due to the number of complaints they have received concerning roosters.⁴⁷⁴

And, winning the award for most eccentric rooster ordinance is the city that allows roosters conjugal visits. While this city is not within the top 100 surveyed, Hopewell Township, New Jersey, as discussed above, allows roosters that are certified disease-free to visit a hen flock for 10 days out of every year.⁴⁷⁵

464. CLEVELAND, OHIO, CODIFIED ORDINANCES §347.02(b)(1)(c) (2011).

465. BATON ROUGE, LA., CODE OF ORDINANCES §14-224(b) (2011).

466. FREMONT, CAL., MUN. CODE §3-5803 (2011).

467. ANAHEIM, CAL., MUN. CODE §18.38.030.050 (2011); ARLINGTON, TEX., ORDINANCES GOVERNING ANIMALS §5.02(f) (2010); DALLAS, TEX., CODE OF ORDINANCES §7-7.3 (2011).

468. *E.g.*, ANCHORAGE, ALASKA, CODE OF ORDINANCES §17.10.015 (2011); BAKERSFIELD, CAL., MUN. CODE §6.04.230 (2011); COLUMBUS, OHIO, CITY CODE §2327.14(A) (2011) (“No person shall keep or harbor any animal which howls, barks, or emits audible sounds that are unreasonably loud or disturbing and which are of such character, intensity and duration as to disturb the peace and quiet of the neighborhood or to be detrimental to life and health of any individual.”); CORPUS CHRISTI, TEX., CODE OF ORDINANCES §31-2 (2011); GREENSBORO, N.C., CODE OF ORDINANCES §30-8-11.3(B) (2011) (“No poultry animals that make sounds clearly audible off-site are permitted.”); LEXINGTON-FAYETTE, KY., CODE OF ORDINANCES §4-12 (2011); NASHVILLE-DAVIDSON, TENN., MUN. CODE §8.12.010 (2011) (“It is unlawful for any person to keep any animal, dog, bird or fowl which, by causing frequent or loud continued noise, disturbs the comfort or repose of any person in the vicinity.”); RALEIGH, N.C., CODE OF ORDINANCES §12-5007 (2011); ST. LOUIS, MO., CODE OF ORDINANCES §15.50.040 (2010).

469. ALBUQUERQUE, N.M., CODE OF ORDINANCES §9-2-4-3 (2011); BIRMINGHAM, ALA., ZONING ORDINANCE §2.4.1 (2007); EL PASO, TEX., MUN. CODE §7.24.020(B)(1) (2011); FORT WORTH, TEX., CODE OF ORDINANCES §11A-22(c)(2) (2011); L.A., CAL., MUN. CODE §53.71 (2011); LOUISVILLE, KY., METRO CODE §91.001 (2011); RIVERSIDE, CAL., CODE OF ORDINANCES §6.05.010 (2011); SAN DIEGO, CAL., MUN. CODE §42.0708 (2011); SAN FRANCISCO, CAL., HEALTH CODE §37 (2011).

470. ALBUQUERQUE, N.M., CODE OF ORDINANCES §9-2-4-3 (2011); L.A., CAL., MUN. CODE §53.71 (2011); LOUISVILLE, KY., METRO CODE §91.001 (2011).

471. FORT WORTH, TEX., CODE OF ORDINANCES §11A-22(c)(2) (2011); BIRMINGHAM, ALA., ZONING ORDINANCE §2.4.1 (2007).

472. EL PASO, TEX., MUN. CODE §7.24.020(B)(1) (2011).

473. RIVERSIDE, CAL., CODE OF ORDINANCES §§6.05.010 & 6.05.020 (2011).

474. SAN DIEGO, CAL., MUN. CODE §42.0708 (2011); SAN FRANCISCO, CAL., HEALTH CODE §37 (2011); Interview with San Francisco animal control (on file with author).

475. *NJ Town Limits Conjugal Visits Between Roosters & Hens*, HUFFINGTON POST, Apr. 27, 2011, http://www.huffingtonpost.com/2011/04/28/nj-limits-chicken-mating_n_854404.html (last visited July 8, 2012).

V. Model Ordinance

A. *Reasons Behind the Choices in the Model Ordinance*

Because many cities are recognizing that keeping chickens in the city should be allowed, but would like to regulate it properly so that the city can stop any nuisances before they arise, a model ordinance is provided below. Through surveying the ordinances of the most populous American cities, many types of regulatory schemes have already been identified and discussed. While different regulatory schemes may work better for different kinds of cities, depending on the density and variety of their residential, commercial, and industrial neighborhoods, the model ordinance provided should be easy to adapt to any city. First, each section of the model ordinance will be described and the reasons for choosing the regulation will be set out. Then, the model ordinance will be set out in full.

1. Chickens Should Be Regulated in a Unified Ordinance Within the Section Concerning Animals

Most cities regulate chickens within the animal code. This also appears to be the best option for where to place regulations affecting chickens within a city's codified ordinances. This is the natural place for a person to look to see if the city allows chickens. By placing the regulation within the animal code, it also allows for all of the regulations affecting chickens to be in one place. This will help a chicken owner to more easily find and follow the city's law.

If a city still wishes to incorporate zoning restrictions within a chicken ordinance, the city can easily do so within the unified ordinance located within the animal section by restricting chickens to certain zones. And if a city wishes to require a permit to keep chickens, the permit requirement may also easily be placed in a unified ordinance.

2. Chickens Should Be Limited to a Small Flock

A chicken ordinance should allow for at least four chickens. Because chickens are flock animals, they do not thrive when left alone. And, because chickens enforce a dominant social order by harassing new chicks, it is always best to introduce at least two chicks to a new flock. By allowing a minimum of four chickens, the city does not leave a chicken owner in a position of having to leave a hen in a solitary environment if another chicken dies. It also allows the chicken owner to introduce at least two new chicks to an existing flock of two.

The model ordinance sets out a maximum of six chickens. This number is still below the average number of chickens allowed in most cities, but is sufficient to keep a balanced backyard flock. Six hens will allow plenty of eggs for the hen-keepers, while still allowing an owner to keep

hens that no longer produce many eggs but are still valued by the owner for their companionship.

Cities may want to consider allowing even more chickens. Allowing more chickens will allow owners to keep chickens that are no longer producing eggs. Chicken owners who raise hens for eggs may feel pressured to rid themselves of older hens when they are faced with limitations on their flock.⁴⁷⁶ This has raised concerns in some areas that those chickens will burden animal shelters.⁴⁷⁷ Allowing a slightly larger flock may help to alleviate any burden.

3. Lot Size Should Not Be Restricted

The majority of cities do not require a specific lot size before a person can keep chickens. Lot size restrictions, moreover, often do little more than prohibit the majority of city residents from keeping hens. The concern that cities are mainly addressing through lot size, that of making sure that chickens are not located too close to neighbors, can better be addressed through setbacks.

For this reason, the model ordinance does not restrict through lot size. If a city has a wide variety of lot sizes, however, a city may wish to allow more hens for larger lot sizes. The city, for instance, can legislate a maximum number of chickens for lot sizes of ½ acre or below, and then increase the number of chickens for larger lot sizes.

4. Setbacks

Because there is a universal concern with keeping chickens too close to neighbors, a setback, rather than lot size, provides the best solution for this concern. A setback actually ensures that the chickens will be kept at an appropriate distance from neighbors without unduly restricting people who own smaller properties from owning chickens. The model ordinance proposes a setback of 25 feet from the doors or windows of any dwelling or occupied structure other than the owner's dwelling. This setback is less than the median setback of 80 feet and the most popular setback of 50 feet, but is in line with the setbacks of many cities that have recently amended their ordinances. A setback of 25 feet is far enough that any noise or odor from the hens should not cause nuisance to the neighbors, while allowing homeowners in smaller properties to keep hens. The addition of requiring the setback to be from doors or windows also allows more flexibility for where a coop can be placed, while still ensuring that it will not annoy neighbors.

Setbacks from a neighboring residence make sense because it can be assumed that no one wants someone keeping any pet, including chickens, very close to their house. A setback from the property line, however, may make less sense depending on where on the property chickens are kept. While a neighbor may be concerned that his neigh-

bor does not build a coop abutting his property that is also right next to a frequently used patio or deck, these sorts of setbacks may also overreach. For instance, these setbacks may require a coop to be located far from a little-used or overgrown part of a neighbor's property. It may also require the coop to be located far from an area of the neighbor's property where a garage or shed already provides a barrier. For these reasons, setbacks from property lines should be employed with care. But, it is understandable that a neighbor would not want a coop built directly next to a frequently used area of the yard, nor does a neighbor want to be responsible for cleaning errant droppings. For this reason, the model ordinance proposes minimal setbacks from property lines along the lines of the newly passed ordinances in Cleveland and Buffalo, of five feet from the side yard and 18 inches from the rear yard line.

Finally, the model ordinance provides that chickens may not be kept in the front yard. Because most cities are justifiably concerned that easily accessible chickens will attract vandalism, theft, or pranks, or possibly cause neighborhood dogs to behave in a predatory manner, instead of setting elaborate setbacks from the street, it is more efficient and more clear to simply ban chickens from the front yard.

5. Sanitation Requirements

The model ordinance requires that the coop and outdoor enclosure be kept in a sanitary condition and free from offensive odors. It also requires that the coop and outdoor enclosure be cleaned on a regular basis to prevent the accumulation of animal waste. The model ordinance does not go into further detail because more stringent cleaning requirements will be difficult to police and impossible to enforce. A city inspector will be able to tell if a coop is clean and odor-free when inspecting the coop. Unless the city inspector monitors a coop closely with daily visits, the inspector will be unable to tell if an owner cleaned it daily, or every other day, or weekly. It is unlikely that any city inspector would want to devote that much time to surveillance of chicken coops.

Also, because there are several different methods for cleaning a coop, and there continue to be new innovations in chicken-keeping and maintenance (witness the evolution of cat litter over the past few decades), legislating one particular method of cleaning might foreclose more efficient, more sanitary, and more attractive cleaning options. The city's concern is with sanitation and odor. Thus, the city should address its regulations to these concerns, rather than to more specific cleaning methods.

Concerns with flies will also be taken care of through requiring clean and odor-free coops and enclosures. As flies are attracted to waste, any problem with flies should be eliminated through requiring a sanitary coop. Rats are attracted to easily procured food. If the city is particularly concerned with rats, it may add that chicken feed be kept in a rat-proof container. But this regulation appears

476. E.g., Kim Severson, *When the Problems Come Home to Roost*, N.Y. TIMES, Oct. 22, 2009, <http://www.nytimes.com/2009/10/23/dining/23sfdine.html>.

477. *Id.*

unnecessary in light of the fact that many people keep dog and cat food in bulk, as well as food for their own consumption, without regulations that the food be kept in a rat-proof container. There is no logical basis for the belief that rats will be more attracted to chicken feed than other food. If a city is concerned that feed scattered on the ground will attract rats, instead of legislating a rat-proof container for keeping the feed, a city may be better off following Buffalo's lead by prohibiting feed from being scattered on the ground and requiring chickens to be fed from a trough.

6. Enclosures

The model ordinance provides specific requirements for coops and outdoor runs. It also requires that hens should remain in the coop or outdoor run at all times, except when an adult is directly supervising the hen.

First, the model ordinance requires a covered, predator-proof coop or cage that is well-ventilated and designed to be easily accessed for cleaning. It also requires that the coop provide at least two square feet per hen. Finally, it requires that the birds have access to an outdoor run that is adequately fenced to contain the birds on the property and prevent predators from access to the birds. This ordinance is designed to address the city's concerns with odor, with the chicken's well-being, and with not attracting predators looking for an easy meal. The ordinance allows for only two square feet per hen to give each hen adequate space, but also to allow for a smaller coop size that can help to keep birds warm in the winter. The ordinance avoids giving too many instructions on building a coop that could preclude future innovations in coop design.⁴⁷⁸ If the city, however, wants to prohibit coops over a specific dimension, or will waive a building permit for coops under a specific dimension that are not permanent structures, the city can easily insert such a provision here.

The model ordinance also provides that chickens should not be allowed out of their coops, except when supervised by an adult. This addresses a city's concern with chickens running free on the streets while also recognizing that owners will need to remove hens from the coop and run occasionally to clean the areas, to inspect a bird more closely, or to allow a chicken to briefly roam the yard or garden to forage for fresh greens.

7. Slaughtering

The model ordinance prohibits slaughtering chickens outdoors. Because many people are concerned that neighbors or neighbors' children will accidentally witness a bird being killed and are also concerned with the lack of hygiene in backyard butchering, this regulation is included in the ordinance. Also, because most backyard hen enthusiasts are raising hens for eggs and companionship, and not for meat, most will not object to this regulation.

8. Roosters

The model ordinance prohibits roosters. It does so because roosters are noisy and are much more likely to bother neighbors than hens. Because, as discussed above, most backyard hen enthusiasts are interested in eggs, and roosters are not necessary to egg production, prohibiting roosters will not likely meet with much objection.

Because bringing in a rooster on occasion can help to cheaply and easily propagate a flock, cities may explore rooster "conjugal visits," like Hopewell township has done. While the township's regulation attracted press because of its eccentricity, it was a thoughtful solution to the practical effects of banning roosters. Most hen owners, however, are willing to add to their flocks through other means where they can be better assured of procuring only female fowl.

9. Permits

The model ordinance, following the ordinances of many other cities, does not require a permit, as long as the ordinance is followed. Because chickens are novel to many communities, city officials naturally want to closely monitor how well owners are maintaining their flocks. But, regulating through a permitting or licensing process, dedicating a city official to overseeing it, and maintaining the records that such a process will require appears to be an inefficient use of city resources. It is also expensive for owners to pay permitting fees on an annual basis and is a barrier to entry to keeping chickens to those with low or modest incomes. The fees that some cities charge, over \$50 annually, effectively prohibit poorer people from owning chickens.

The permitting process, moreover, does not necessarily give the city more control. If the city prohibits hens unless its ordinance is followed, it can enforce its laws in the same way that it enforces its laws against errant dog, cat, or bird owners. Requiring a permit, thus, appears to provide an unnecessary, inefficient, and expensive layer to the process of legalizing hens.

The model ordinance does require a permit, however, if the chicken owner puts forth a proposal for why she should not have to comply with the city's regulations—for instance if the owner wishes to keep more than the maximum amount of hens, wishes to keep hens in a multi-family dwelling, wishes to keep hens on a parcel of land that is unconnected to a dwelling, or wishes to keep a rooster.

478. Many companies sell commercially made coops, runs, and chicken tractors (portable enclosed structures that allow the owner to move the chickens around the yard) with novel designs. See, e.g., *Say Hello to the Brand New Eglu Go*, OMLET, http://www.omlet.us/products_services/products_services.php?cat=Eglu+Go (last visited July 25, 2012) (offering a plastic portable chicken coop and run designed for two chickens); *Chicken Coops*, SHEDS UNLIMITED, <http://www.shedsunlimited.net/portable-chicken-runs-and-coops-for-sale.html?gclid=CKXzvd2ruLECFEDQAodeCIAkw> (last visited July 25, 2012) (offering Amish-built chicken coops and runs); CHICKENSALOON.COM, <http://chickensaloon.com/?gclid=COLs7qysuLECFYS6KgodGBAAsw> (last visited July 25, 2012); THE GREEN CHICKEN COOP, <http://www.greenchickencoop.com/> (last visited July 25, 2012).

This permit is set up to allow people to keep chickens within setbacks, or to allow for more intensive chicken-keeping for urban agricultural uses, perhaps on an urban farm or market garden. As urban agriculture gains support and becomes more prevalent in the city, this will allow for people who wish to keep more chickens, or keep a rooster, as part of a market garden a set path for doing so without seeking to amend the ordinance. The permit process is designed to allow for more flexibility within the ordinance, while still laying down firm standards that all chicken owners must follow.

B. *Model Ordinance*

Below is a model ordinance designed for a city to either adopt or use as a starting point when deciding whether to allow hens in the city and how to regulate them:

(a) **Purpose.** The following regulations will govern the keeping of chickens and are designed to prevent nuisances and prevent conditions that are unsanitary or unsafe. No person shall keep chickens unless the following regulations are followed:

- a. **Number.** No more than six (6) hens shall be allowed for each single-family dwelling.
- b. **Setbacks.** Coops or cages housing chickens shall be kept at least twenty-five (25) feet from the door or window of any dwelling or occupied structure other than the owner's dwelling. Coops and cages shall not be located within five (5) feet of a side-yard lot line, nor within eighteen (18) inches of a rear-yard lot line. Coops and cages shall not be located in the front yard.
- c. **Enclosure.** Hens shall be provided with a covered, predator-proof coop or cage that is well-ventilated and designed to be easily accessed for cleaning. The coop shall allow at least two square feet per hen. Hens shall have access to an outdoor enclosure that is adequately fenced to contain the birds on the property and to prevent predators from access to the birds. Hens shall not be allowed out of these enclosures unless a responsible individual, over 18 years of age, is directly monitoring the hens and able to immediately return the hens to the cage or coop if necessary.
- d. **Sanitation.** The coop and outdoor enclosure must be kept in a sanitary condition and free from offensive odors. The coop and outdoor enclosure must be cleaned on a regular basis to prevent the accumulation of waste.
- e. **Slaughtering.** There shall be no outdoor slaughtering of chickens.
- f. **Roosters.** It is unlawful for any person to keep roosters.

(b) **Permit.** A permit shall not be required if the above regulations are followed. If a person wishes to keep more than the maximum allowed number of hens, wishes to keep hens within the setback required, wishes to keep hens in a multi-family dwelling, wishes to keep hens on a parcel of land that is unconnected to a dwelling, or wishes to keep a rooster, a permit will be required. An application for a permit must contain the following items:

- a. The name, phone number, and address of the applicant.
- b. The size and location of the subject property.
- c. A proposal containing the following information.
 - i. The number of hens the applicant seeks to keep on the property.
 - ii. A description of any coops or cages or outdoor enclosures providing precise dimensions and the precise location of these enclosures in relation to property lines and adjacent properties.
 - iii. The number of roosters the applicant seeks to keep on the property.
- d. If the applicant proposes to keep chickens in the yard of a multi-family dwelling, the applicant must present a signed statement from any and all owners or tenants of the multi-family dwelling consenting to the applicant's proposal for keeping chickens on the premises.
- e. If the applicant proposes to keep more chickens than allowed in the above ordinance or wishes to keep a rooster, the applicant must present a signed statement from all residents of property adjacent to or within 50 feet of the applicant's property consenting to the applicant's proposal for keeping chickens on the premises. If the applicant proposes to keep chickens within a required setback, the applicant must present a signed statement from all residents of the property affected by that setback.

(c) **Permit Renewal.** Permits will be granted on an annual basis. If the city receives no complaints regarding the permit holder's keeping of chickens, the permit will be presumptively renewed and the applicant may continue to keep chickens under the terms and condition of the initial permit. The city may revoke the permit at any time if the permittee does not follow the terms of the permit, if the city receives complaints regarding the permit holder's keeping of chickens, or the city finds that the permit holder has not maintained the chickens, coops, or outdoor enclosures in a clean and sanitary condition.



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"A nuisance may be merely a right thing in the wrong place, like a pig in the parlor instead of the barnyard." Village of Euclid, Ohio v Ambler Realty Co., 272 U.S. 365, 388, 47 S.Ct. 114, 118 (1926).

I. Introduction

The clucking sound of chickens, once only heard on farms across the rural countryside, is becoming more commonplace in suburban and urban backyards as locavores¹ search for more "green living" and a diet of fresh, locally grown and raised food.² In addition to producing eggs and meat, chickens provide the valuable service of eating garden pests and kitchen scraps.³ They are relatively inexpensive, and do not need a particularly large area of space.⁴ Some people have also started to welcome chickens into their homes and yards as domesticated pets.⁵ Longmont, Colorado of-

fers a good illustration of the growing interest in raising backyard chickens, as the municipality has issued 72 permits to keep them, and maintains a waiting list of 100 more requests.⁶ Hundreds of other cities across the country, including Austin, Nashville, St. Louis, Tulsa, New York, Seattle, Portland, Houston and San Francisco, as well as smaller towns and villages, have permitted the keeping of chickens in residential neighborhoods,⁷ and changes have been proposed in other cities, including Lafayette, Colorado;⁸ Batavia, Illinois;⁹ Albany, New York;¹⁰ and North Salt Lake, Utah.¹¹ Although some communities have welcomed backyard chickens, others have expressed overwhelming opposition.¹² People who criticize efforts to allow chickens in neighborhoods worry that property values will plummet,¹³ that chickens will create foul odors and noise, and that they will attract coyotes, foxes, and other pests.¹⁴ Efforts to allow chickens have recently been defeated in Springville, Utah,¹⁵ and Grand

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Rapids, Michigan,¹⁶ and in February of this year, officials in Ludlow, Kentucky have bucked the trend as they announced efforts to amend their local laws to effectively prohibit the keeping of backyard chickens.¹⁷

Although some communities have welcomed backyard chickens, others have expressed overwhelming opposition.

Favoring locally grown foods, while popular today, is not new. Early settlers were self-sustaining farmers, and while the era of industrialization may have altered farming patterns, Americans tried to reclaim some self-sufficiency during both World War I and World War II, with the implementation of victory gardens.¹⁸ The federal government encouraged these efforts to reduce food shortages, and by 1943 the country's 20 million victory gardens reportedly produced eight million tons of food.¹⁹ Food gardens surged in popularity again in the 1960s and 1970s through the "back to the land" movement, as environmentally conscientious consumers became aware of the pesticides, fertilizers, and other potentially dangerous chemicals used for industrial agricultural production.²⁰ Economic, environmental, and philosophical issues have recently renewed the public's interest in home-based food production, community gardens, and local sourcing.²¹ With respect to chickens, the zoning ordinance of Cherokee County, Georgia explains that "[t]he keeping of hens supports a local, sustainable food system by providing an affordable, nutritious food source of fresh eggs. The keeping of hens also provides free nitrogen-rich fertilizer; chemical-free pest control; animal companionship and pleasure; and weed control, among other notable benefits."²² While it is true that the impetus for the growing backyard chicken movement is owing primarily to the local and regional foodshed movement, the internet and the newspapers boast stories and posts about urban dwellers who simply enjoy keeping chickens as pets, and others who have taken an interest in raising chickens specifically for 4-H showings and other agricultural competitions.

This is no “Chicken Little” story; if chicken lovers are not present in your community today, chances are they are coming soon.

II. Federal and State Government Regulation

Although backyard chickens are primarily regulated at the local level, a number of federal and state health and food safety laws apply to egg and poultry production. For example, the United States Department of Agriculture (USDA) takes an active role in disease prevention²³ and regulates various aspects regarding the sale, transport and slaughter of chicken and egg products under the Poultry Products Inspection Act²⁴ and the Egg Products Inspection Act.²⁵ Although most people who own only a few birds are exempt from the regulations,²⁶ these laws still prohibit the adulteration and misbranding of poultry and egg products, regardless of exemption status.²⁷ Therefore, those who raise chickens in order to sell eggs and poultry at local farmers’ markets must comply with the federal regulations. Additionally, while the Center for Disease Control has no direct regulatory authority over backyard chicken farmers, the agency provides safety tips to prevent exposure to salmonella or campylobacter, bacteria that cause mild to severe gastrointestinal illness in humans and are associated with chickens.²⁸

People who own chickens for personal use are often exempted from state licensing and inspection requirements as well.²⁹ However, state regulations regarding avian diseases usually apply to all chicken owners, regardless of the size of their flocks and whether the birds are kept for food or as pets.³⁰ Additionally, health and safety statutes often apply to egg sales and may cover people who own small flocks and wish to sell eggs at farmers’ markets or to local restaurants. In Texas, for example, “A vendor must obtain a permit . . . to sell yard eggs at a farmers market. The eggs must be stored at a temperature of 45° Fahrenheit or less. The egg cartons or other containers must be labeled as ‘ungraded’ and provide the producer’s . . . name and address.”³¹ Kentucky requires retail and wholesale egg sellers to obtain a license, but exempts producers who sell directly to consumers and sell no more than 60 dozen eggs per

week.³² Chicken owners in Alabama who sell eggs from their homes or farms are not required to obtain a license, but if they transport their eggs to farmers’ markets, then they must follow the Alabama Shell Egg Law.³³ Other states exempt small-scale egg sellers from licensing regulations and handling requirements. In Michigan, for example, the egg law does not apply to people who sell eggs of their own production directly to consumers or first receivers,³⁴ and in Oregon, “eggs may be sold at farmers’ markets or roadside stands without an egg handler’s license and without labeling.”³⁵

Sales of poultry from small-scale producers may also be subject to health and safety regulations regarding slaughter and handling. In Michigan, poultry producers who sell fewer than 20,000 poultry per year must have their birds processed at a plant inspected by either the USDA or the state department of agriculture,³⁶ while in Oregon, all poultry must be USDA inspected and slaughtered at a USDA plant. The Oregon Department of Agriculture also licenses custom slaughter and processing operations, but these licenses do not allow retail sales and are primarily intended to allow persons to consume home-raised meat.³⁷

Various other regulations may affect backyard chicken owners. In New York, it is illegal to keep chickens and other livestock on apartment building premises unless the use is specifically permitting by local regulations.³⁸ A similar law in Michigan prohibits the keeping of chickens on any dwelling lot, except under appropriate regulations, in cities and villages with more than 10,000 residents.³⁹ Additionally, all states prohibit or criminalize chicken fighting,⁴⁰ and some prohibit chicken owners from using dye to change the birds’ colors,⁴¹ a practice that is apparently popular to produce multi-colored chicks for Easter.⁴²

III. Nuisance Law and Restrictive Covenants

Over the years, courts have had the opportunity to determine whether various impacts associated with the keeping of chickens can constitute a nuisance. In an early case decided in Louisiana, it was held that rooster crowing is not a nuisance per se.⁴³ The neighbor in the case cited a loss of sleep and physical discomfort caused by early morning crowing, which produced nervousness and potential

physical and mental disorders. In applying the reasonable person test, the court asked whether “such a condition . . . in the judgment of reasonable men is naturally producing of actual physical discomfort to normal persons of ordinary sensibilities and of ordinary tastes and habits,” and found that the crowing was not a nuisance, but rather a symbol of “good cheer and happiness.”⁴⁴ However, keeping an excessive number of chickens may be deemed a nuisance if the noise or odors would offend persons of ordinary sensibility.⁴⁵ Where neighbors were inundated by noise from a rooster farm, an Ohio appeals court remarked that the noise—which disrupted the plaintiffs’ sleep, forced them to keep their windows sealed at all times, and prevented them from inviting guests to their home—could be distinguished from “typical sounds of the country[.]”⁴⁶ The court concluded that the amount of noise created by the roosters was greater than that which is reasonably anticipated in the countryside and ordered the defendants to keep less than six roosters.⁴⁷

Even a small number of chickens or roosters may be considered a nuisance, depending on the character of the neighborhood and the amount of noise they produce.

Even a small number of chickens or roosters may be considered a nuisance, depending on the character of the neighborhood and the amount of noise they produce. St. Louis, Missouri, has designated the keeping of more than four chickens within city limits a public nuisance.⁴⁸ Roosters are especially likely to create nuisances. In a Minnesota case, a woman living in St. Paul was convicted for keeping a rooster in her house without the requisite municipal permit. The court found that the health officer was justified in denying her permit request and upheld the conviction, as the numerous complaints from neighbors regarding the bird’s frequent crowing at inconvenient hours demonstrated that it was a nuisance.⁴⁹ The same woman was cited again several years later for keeping her rooster in a St. Paul suburb. The ordinance under which she was charged prohibited the “raising or handling of livestock or animals causing a nuisance,” but the court reversed her conviction because it determined that a rooster was not livestock.⁵⁰ In a Hawaii case, the court reversed on pro-

cedural grounds three convictions sustained by the defendant for keeping a rooster in violation of an animal nuisance ordinance.⁵¹

Because chickens tend to create odors and noise, even if these do not rise to the level of a nuisance, the keeping of chickens is often prohibited by restrictive covenants and homeowners’ associations. In one case, homeowners who raised chickens on their property were found to be in violation of covenants prohibiting poultry and poultry houses. Because the covenant clearly prohibited “poultry of any kind,” the court rejected the homeowners’ contention that their birds were “pets” and not “poultry.”⁵² In a similar case, it was explained that “the clear intent expressed in the covenants as a whole is to create a desirable, pleasant residential area. It is clear that the exception as to pets was intended to limit the ownership of animals upon the property to that normally associated with residential, family living. We do not consider it in character with a planned residential community for a person to maintain a flock of 21 assorted poultry on his property.”⁵³ The city of Homewood, Alabama recently amended its code to provide, “It shall be unlawful for any person to keep, harbor, or possess any chicken, duck, goose, turkey, guineas or other fowl within the city, except . . . [u]nder circumstances where no noise, odor, or pollution violation or nuisance is occasioned thereby,”⁵⁴ perhaps leaving it open to interpretation as to what exactly would constitute a nuisance with backyard chickens.

IV. Using Zoning and Other Local Controls to Regulate Backyard Chickens

State and federal statutes regulating chicken raising focus mainly on food safety and disease prevention, leaving local governments the ability to regulate the location and intensity of residential chicken raising, as well as the physical aspects of chicken coops. Many communities across the country have enacted zoning and land use measures to effectively balance the desire to maintain small numbers of poultry for food or pets against concerns relating to noise and odors. Some of the common issues covered by local ordinances include limits on the number of birds, setbacks for coops and pens, requirements for neighbor consent, restrictions against roosters, requirements for proper feed storage, and pest control provisions.

Structures constructed for the housing of chickens, such as coops or fences, are also subject to zoning rules pertaining to cage size, height, and materials. Local laws may also include requirements for inspections by code enforcement officers, especially in the event of a complaint, as well as penalties for violations.

Because of their noisy habits, roosters are prohibited under many residential chicken laws.

Because of their noisy habits, roosters are prohibited under some residential chicken laws.⁵⁵ In Stamford, Connecticut, residents may keep roosters, but only so long as their crowing is not “annoying to any person occupying premises in the vicinity.” It is clear that local ordinances vary widely in approach to meet the particular challenges of a given community. What follows are examples of specific existing local approaches to regulating urban chickens.

A. Permits

It is not uncommon for municipalities to regulate residential chicken raising through licensing and permitting laws. An ordinance in Ann Arbor, Michigan, allows residents to apply for a permit to keep up to four “backyard chickens.” The permit costs \$20 and requires proof of consent by adjacent neighbors.⁵⁶ Similarly, residents of Charlotte, North Carolina, may apply for a permit to have “chickens, turkeys, ducks, guineas, geese, pheasants, pigeons or other domestic fowl[.]” Before a permit may be issued, a city employee must inspect the premises and determine that keeping the desired fowl will not “endanger the health, safety, peace, quiet, comfort, enjoyment of or otherwise become a public nuisance to nearby residents or occupants or places of business.”⁵⁷ In Knoxville, Tennessee, city residents may apply for an annual permit to keep up to six hens on their property. They must also obtain a building permit for any hen-house or chicken pen.⁵⁸ In Salem, Oregon, residents are required to obtain a license, valid for up to three years, at a cost of \$50 per year.⁵⁹ The City of Adair Village, Oregon, which charges \$10 for a permit, requires applicants to initial on the application that the space intended to house backyard chickens is currently in accordance with sight-obscuring fence and

setback requirements, and that the chicken coop and fenced chicken area enclosure is in accordance with the square footage size and sanitation maintenance standards associated with backyard chickens. Applicants also have to acknowledge the requirement that chickens must be shut into their coops from sunset to sunrise, and otherwise remain protected from natural predators, and they must attest to having read the backyard chicken information sheet provided by the city.⁶⁰

B. Neighbor Consent

A number of municipalities require consent of neighbors before permits will be issued for backyard chickens. For example, in Ann Arbor, Michigan, neighbors are asked to complete the Adjacent Neighbor Consent Form, and “[n]o permit shall be issued . . . and no chickens shall be allowed to be kept unless the owners of all residentially zoned adjacent properties . . . consent in writing to the permit.”⁶¹ Similar consent requirements have been enacted in Brainerd, Minnesota.⁶² In Mankato, Minnesota, consent is required not only from abutting owners, but also from three-fourths of the residents living within 300 feet of the proposed chicken coop.⁶³ Under the regulations enacted in Durham, North Carolina, a neighbor’s objection can warrant an administrative review.⁶⁴ And in Longmont, Colorado, nonconforming coops located six feet from the property line must obtain the neighbors’ approval. Longmont also requires neighbors’ consent for free-ranging chickens.⁶⁵

C. Keeping Chickens for Personal Use

Backyard chicken ordinances often limit residents to keeping chickens for personal use, and prohibit them from selling eggs or poultry on-site. For example, the zoning regulation in Portland, Maine, provides that its purpose is “to enable residents to keep a small number of female chickens on a non-commercial basis while creating standards and requirements that ensure that domesticated chickens do not adversely impact the neighborhood surrounding the property on which the chickens are kept.”⁶⁶ In San Francisco, residents are also prohibited from raising or breeding chickens for commercial purposes, and chicken operations that qualify as commercial are subject to different regulations.⁶⁷ In addition to al-

lowing up to seven backyard chickens for personal egg consumption, Houston allows residents to keep show chickens intended purely for public exhibition.⁶⁸ In Windsor Heights, Iowa, no more than two chickens are allowed and they must be kept in a pen or coop at all times.⁶⁹

D. Backyard Chickens Permitted as Accessory Uses

In Larimer County, Colorado, up to six backyard chickens are permitted as a residential accessory use. They must be provided with appropriate shelter and have access to a fenced outdoor enclosure no larger than 120 square feet.⁷⁰ Seattle, Washington also allows chickens in residential districts as accessory uses.⁷¹ If chickens are not specifically permitted in a residential district, a homeowner can also try to receive approval for them as an accessory use.⁷² This tactic has been successful in some cases involving farm animals and agricultural structures,⁷³ but the courts have not tended to accept chickens as residential accessory uses.⁷⁴ As backyard chickens become more commonplace, however, they may be more likely to be treated as a use customarily found in connection with residential uses.

E. Minimum Lot Size and Setback Requirements

Rather than setting a limit on the number of chickens allowed, a number of municipalities set minimum lot size and setback requirements for keeping chickens in the backyard. This approach can serve a number of purposes: it can bar chickens from particularly dense neighborhoods, prevent residents from keeping large flocks, and ensure that chickens have enough space to live comfortably. However, if such requirements are too restrictive, they may create obstacles to chicken raising in neighborhoods otherwise suited for that use. The 150-foot setback required in Concord, New Hampshire, for example, effectively limits backyard chicken raising to single-family homes on large lots.⁷⁵ Minimum lot size requirements for chickens vary. In Grand Rapids, Minnesota, only one chicken is permitted per 2,500 square feet of lot size,⁷⁶ while in Pima County, Arizona, 24 chickens may be kept per 8,000 square feet of lot space in single-family zones.⁷⁷ In Hayden, Idaho, up to ten chickens “may be kept on premises containing a minimum of three-fourths (3/4) acre of securely

fenced, irrigated open space, exclusive of a homesite, and containing at least one acre in total[.]”⁷⁸

Setbacks also vary. Little Rock, Arkansas has a 25-foot setback requirement,⁷⁹ while Topeka, Kansas,⁸⁰ and Stamford, Connecticut,⁸¹ have 50-foot setback requirements. Setbacks are often measured from other residential uses or districts, or uses that could be sensitive to nearby chickens. In Sacramento, for example, a chicken coop may not be located “nearer than seventy-five (75) feet to any building or structure on adjacent property used for dwelling purposes, food preparation, food service, school, hotel or as a place of public assembly.”⁸² In Lenexa, Kansas, chickens are subject to minimum lot size requirements and coops must also be set back at least 100 feet from any adjacent building (except the owner’s), 100 feet from any front lot line, and 25 feet from any side or rear lot line.⁸³ Chicken coops in Atlanta, in addition to being set back at least 50 feet from any neighboring residence or business, must also be set back at least five feet from the owner’s residence.⁸⁴

F. Chicken Coop Design, Site Placement, Materials and Maintenance

Local laws permitting backyard chickens often regulate the size, height, and site placement of chicken coops and pens, as well as requiring them to be adequately cleaned and safeguarded from predators. For example, the city of Knoxville, Tennessee, requires that hens be kept inside a fenced enclosure at all times during the day and secured inside a coop during non-daylight hours. If the fenced enclosure is not covered, then it must be at least 42 inches high and the hens’ wings must be clipped. A building permit is required for construction of a coop, which must be made of uniform materials, have a roof and doors that can be tightly secured, be properly ventilated, and have adequate sunlight.⁸⁵ In Atlanta, Georgia, chicken coops must have solid floors made out of cement or another washable material, unless the enclosure is more than 75 feet away from the nearest neighbor’s residence or business.⁸⁶ The size of coops and fenced enclosures is often determined by the number of hens kept in the flock. In Knoxville⁸⁷ and Atlanta,⁸⁸ coops must give each chicken at least two square feet of space. Mobile, Alabama, requires four feet of space per chicken in chicken houses,⁸⁹

while at least six square feet of space per chicken is required in Concord, New Hampshire coops.⁹⁰

Maintenance laws are also common. In Baton Rouge, for example, “[a]ll enclosures shall be cleaned regularly to prevent an accumulation of food, fecal matter, or nesting material from creating a nuisance or unsanitary condition due to odor, vermin, debris, or decay.”⁹¹ The New York City Health Code requires coops to be “whitewashed or otherwise treated in a manner approved by the Department at least once a year . . . in order to keep them clean.”⁹²

G. Special Use Permits

Some communities allow for the keeping of urban chickens subject to a special use permit. This permits the municipality to assess the particular impacts of a given application on the character of the neighborhood. The zoning ordinance for Overland Park, Kansas requires that people wishing to keep chickens on less than three acres must apply for a special use permit.⁹³ Recently, in Jamestown, New York, the zoning board of appeals approved a special use permit based on the following conditions and restrictions: No more than ten hens would be housed on the property at any one time; no roosters would be housed on the property; a fence would be placed around the border on the property line; no slaughtering of chickens would be permitted; chickens would be in the coops from approximately dusk to dawn; and no storage of chicken manure would occur within 20 feet of the property line.⁹⁴ The permit was granted for one year, at the end of which time the property owners would be required to appear before the board for review and potential renewal of the permit.⁹⁵ In Leadville, Colorado, the Council recently issued a conditional use permit for the keeping of six chickens on residential property with the following conditions imposed: the special use shall not run with the land, but will sunset when the applicant no longer occupies the premises; that fresh water will be available for the chickens at all times; and that all representations made by the applicant and relied upon by the Planning and Zoning Commission and/or the City Council in evaluating the Conditional Use Permit shall be deemed a part of the application and binding upon the applicant.⁹⁶

H. Slaughter

Abattoirs and slaughtering are restricted or prohibited in many cities, and they may also be subject to federal and state regulations, as discussed above. Some cities, such as Rogers, Arkansas,⁹⁷ and Buffalo, New York,⁹⁸ prohibit slaughtering outside. Madison, Wisconsin,⁹⁹ and Knoxville, Tennessee,¹⁰⁰ prohibits chicken slaughtering in residential districts, while Chicago allows slaughtering only by licensed slaughtering establishments.¹⁰¹ In San Francisco, slaughtering must be carried out in a separate room, away from any chickens.¹⁰² Most of the ordinances and zoning provisions addressing the slaughtering of chickens apply to larger commercial operations, and ordinances relating to urban chickens are quiet on this matter.

V. Conclusion

The bottom line is that this is no “Chicken Little” story, and if chicken lovers are not present in your community today, chances are they are coming soon. In addition to significant websites and blogs¹⁰³ that boast thousands of active members and readers, a quick search on Amazon.com reveals dozens of books about how to raise urban and backyard chickens, and magazines are on the market catering to this growing interest. Municipalities would be wise to proactively address these issues now, by reviewing the experience in other communities and by studying the various methods for most effectively regulating the keeping of hens and roosters in non-rural residential neighborhoods.

NOTES

1. “Locavore” was chosen as the Oxford American Dictionary’s 2007 word of the year. As the dictionary explained, “The ‘locavore’ movement encourages consumers to buy from farmers’ markets or even grow or pick their own food, arguing that fresh, local products are more nutritious and taste better. Locavores also shun supermarket offerings as an environmentally friendly measure, since shipping food over long distances often requires more fuel for transportation.” Oxford University Press Blog, Oxford Word of The Year: Locavore, Nov. 12, 2007, <http://blog.oup.com/2007/11/locavore/> (visited February 2011).
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3. Mary MacVean, Victory Gardens Sprout Up Again, *Los Angeles Times* (January 10, 2009), available at: <http://articles.latimes.com/2009/jan/10/home/hm-victory10/2> (visited February 2011).
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 5. Although he admits to considering whether to eat it, food writer Jonathan Gold tells the story of how he came to have a pet chicken in *This American Life* Episode 343: Poultry Slam 2007, available to stream or download at <http://www.thisamericanlife.org/radio-archives/episode/343/poultry-slam-2007> (visited February 2011). In Cambridge, Massachusetts, residents attempted to seek approval for five chickens and ducks as residential accessory uses, arguing that the birds were pets. Xi Yu, Chicken and Duck Owners in Cambridge Lose Appeal, *The Harvard Crimson*, Feb. 12, 2010.
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 21. See Kathryn A. Peters, *Creating a Sustainable Urban Agriculture Revolution*, 25 *Envtl. L. & Litig.* 203, 214-215 (2010) (discussing the forces popularizing urban agriculture).
 22. http://www.cherokeega.com/departments/planningandzoning/uploads/File/OrdChanges/backyard_chicken_ord_7.7-9_version_09-16.pdf (visited February 2011).
 23. See Sandra B. Eskin, *Putting All Your Eggs in One Basket: Egg Safety and the Case for a Single Food-Safety Agency*, 59 *Food Drug L.J.* 441 (2004); http://www.aphis.usda.gov/animal_health/birdbiosecurity/ (visited February 2011).
 24. 21 U.S.C.A. § 451 et seq.
 25. 21 U.S.C.A. § 1031 et seq.
 26. 7 C.F.R. § 57.100 (egg products); 9 C.F.R. § 381.10 (poultry products); see also http://www.fsis.usda.gov/oppde/rdad/fsisnotices/poultry_slaughter_exemption_0406.pdf at 5 (providing a flow chart to determine whether a poultry producer is exempt). See generally Geoffrey S. Becker, CRS Report for Congress RL32922, *Meat and Poultry Inspection: Background and Selected Issues*, Mar. 22, 2010, available at <http://www.nationalaglawcenter.org/assets/crs/RL32922.pdf> (visited February 2011).
 27. http://www.fsis.usda.gov/oppde/rdad/fsisnotices/poultry_slaughter_exemption_0406.pdf at 2 (visited February 2011).
 28. See <http://www.cdc.gov/Features/SalmonellaPoultry/> and http://www.cdc.gov/healthypets/pdf/intown_flocks.pdf.
 29. See, e.g., Md. Agriculture Code Ann. § 4-217 (authorizing exemptions similar to those under the federal Poultry Products Inspection Act); COMAR § 15.04.01.09(A)(3) (requiring registration of packers who keep fewer than 3,000 chickens but exempting them from registration and inspection fees); N.Y. Agr. & M. § 90-c (requiring domestic animal health permits only for chicken wholesalers and transporters).
 30. See, e.g., Conn. Gen. Stat. § 22-324 (specifically including poultry kept as pets); N.Y. Ag. & M. § 73.
 31. Texas Dept. of State Health Services, *Food Establishments Group Regulatory Clarifications*, http://www.dshs.state.tx.us/foodeestablishments/pdf/RegClarifications/E23-13195_FEGRC_9.pdf (revised May 1, 2009). See also <http://agr.wa.gov/FoodAnimal/Eggs/Licensing.aspx> (visited February 2011).
 32. K.R.S. §§ 260.540 et seq. See also 2010-2011 Kentucky Farmers' Market Manual, Kentucky Dept. of Agriculture, <http://www.kyagr.com/marketing/farm-market/documents/20102011KyFarmersMarketManualwCover.pdf> 73-75.
 33. State of Alabama Farmers Market Authority, *Guidance re: Sale of Farm Raised Eggs at Farmers Markets*, Jan. 27, 2009, http://www.fma.alabama.gov/PDFs_NEW/Shell_Eggs.pdf.
 34. M.C.L. § 289.333. A "first receiver" is a person who receives eggs from a producer at any place of business where such eggs are to be candled, graded, sorted and packed or packaged. M.C.L. § 289.321(d). See also Michigan Department of Agriculture, *Operating Policy for Egg Sales at Farmers' Markets*, <http://www.michigan.gov/mda/0,1607,7-125--212367--,00.html>.
 35. Oregon Dept. of Agriculture, *Farm Direct: Specific commodities: Eggs*, http://www.oregon.gov/ODA/pub_fd_commodities.shtml#Eggs.
 36. Michigan Department of Agriculture, *Farmers' Market FAQ*, http://www.michigan.gov/mda/0,1607,7-125-1568_2387_46671_46672-169336--,00.html.
 37. Oregon Dept. of Agriculture, *Farm Direct: Specific commodities: Meat and poultry*, http://www.oregon.gov/ODA/pub_fd_commodities.shtml#Meat_and_poultry. See also North Carolina Dept. of Agriculture & Consumer Services, *Meat & Poultry Inspection Information Statement*, <http://www.ncagr.gov/meatpoultry/info.htm>.
 38. N.Y. Mult. D. § 12(2).
 39. MCL § 125.479 (prohibited uses); MCL § 125.401 (scope of act).
 40. See Humane Society of the United States, *Cockfighting: State Laws*, http://www.humanesociety.org/assets/pdfs/animal_fighting/cockfighting_statelaws.pdf (listing statutes) (last updated June 2010); Brandi Grissom, *Cockfighting Outfits Evade the Law, and Continue to Prosper*, The New York Times, Dec. 23, 2010, <http://www.nytimes.com/2010/12/26/us/26ttcockfighting.html>. (visited February 2011).
 41. See, e.g., D.C. Code § 8-1808; Fla. Stat. § 828.161.

42. See Multi-coloured chicks for Easter, BBC News, <http://news.bbc.co.uk/2/hi/3615191.stm> (visited February 2011).
43. *Myer v. Minard*, 21 So. 2d 72, 74 (La. Ct. App. 2d Cir. 1945).
44. *Myer*, supra n. 44, 21 So. 2d at 76.
45. See, e.g., *Singer v. James*, 130 Md. 382, 100 A. 642 (1917) (finding a nuisance where the defendant kept five hundred chickens, fifty geese, fifty dogs, forty hogs, and various guinea fowl, turkeys, cows, calves, and horses).
46. *Forrester v. Webb*, 1999 WL 74543 (Ohio Ct. App. 12th Dist. Butler County 1999).
47. *Forrester*, supra n. 46.
48. Laws of the City of St. Louis, Missouri Chapter 10 § 20-015 (<http://www.spl.lib.mo.us/cc/code/data/t1020p1.htm>). See also Code of Ordinances, City of Oak Ridge, Tennessee, Title 10 Chapter 1 § 10-114 ([http://www.mtas.utk.edu/public/municodesweb.nsf/5cde681dbdedc10f8525664000615fc4/aa36ab28994d11e585256faa006a8613/\\$FILE/Oakridge.t10.pdf](http://www.mtas.utk.edu/public/municodesweb.nsf/5cde681dbdedc10f8525664000615fc4/aa36ab28994d11e585256faa006a8613/$FILE/Oakridge.t10.pdf)) (prohibiting the keeping of any livestock, including fowl, within city limits, except in areas specifically zoned for that purpose).
49. *City of St. Paul v. Nelson*, 404 N.W.2d 890 (Minn. Ct. App. 1987).
50. *State v. Nelson*, 499 N.W.2d 512 (Minn. Ct. App. 1993).
51. *State v. Nobriga*, 81 Haw. 70, 912 P.2d 567 (Ct. App. 1996), as amended, (Mar. 11, 1996) (involving an ordinance that providing that “[i]t is unlawful to be the owner of an animal, farm animal or poultry engaged in animal nuisance” and defining “animal nuisance” as including “any animal, farm animal or poultry which: (a) Makes noise continuously and/or incessantly for a period of 10 minutes or intermittently for one-half hour or more to the disturbance of any person”).
52. *Buck Hill Falls Co. v. Clifford Press*, 2002 PA Super 17, 791 A.2d 392 (2002). See also *Olsen v. Kilpatrick*, 2007 WY 103, 161 P.3d 504 (Wyo. 2007) (holding that pheasants were prohibited by covenant).
53. *Becker v. Arnfeld*, 171 Colo. 256, 466 P.2d 479 (1970).
54. *Homewood, Alabama, Code of Ordinances Related to Animal Offenses, Fowl*, sec. 4-8. Available at: http://search.municode.com/html/11743/level3/COOR_CH4ANFO_ARTIIIOFREAN.html#COOR_CH4ANFO_ARTIIIOFREAN_S4-8FO (visited February 2011).
55. See, e.g., the codes of Fullerton, California (http://www.cityoffullerton.com/depts/dev_serv/code_enforcement/animal_regulations.asp) (visited February 2011); and Portland, Oregon (<http://www.portlandonline.com/auditor/index.cfm?a=13510&c=28231>) (visited February 2011).
56. *Ann Arbor Ord. No. 08-19*. A copy of the permit application is available at http://www.a2gov.org/government/city_administration/City_Clerk/Documents/Backyard%20Chickens%20Permit%200708.pdf. See also Thelma Guerrero-Huston, *After big flap, only five chicken license applied for in Salem*, *The Statesman Journal*, Jan. 29, 2011, <http://www.statesmanjournal.com/article/20110129/NEWS/101290312/After-big-flap-only-five-chicken-licenses-applied-Salem> (visited February 2011; discussing the permit requirement in Salem, Oregon, which is valid for three years and costs \$50 per year).
57. Code of Ordinances, City of Charlotte, NC, sec. 3-102, available at http://library1.municode.com:80/default/template.htm?view=browse&doc_action=setdoc&doc_keytype=tocid&doc_key=1c56ab278fcac109f43f0a5468a9a640&infobase=19970.
58. Code of Ordinances, City of Knoxville, Tennessee, Part 2 Chapter 5 Article IV § 5-107 (<http://library.municode.com/index.aspx?clientId=11098&stateId=42&stateName=Tennessee&customBanner=11098.jpg&imageclass=L&ccl=11098.txt>).
59. City of Salem, Oregon, *Chicken License Application*, see <http://www.cityofsalem.net/Departments/CommunityDevelopment/BAS/Documents/Chicken%20License%20Application.pdf> (visited February 2011).
60. City of Adair Village *Backyard Chicken Permit Application*, available at: <http://www.cityofadairvillage.org/Planning/2010%20Building%20Permits/Backyard-Chicken-Permit-Application-FINAL.pdf> (visited February 2011).
61. City of Ann Arbor *Permit to Keep Backyard Chickens*, http://www.a2gov.org/government/city_administration/City_Clerk/Documents/Backyard%20Chickens%20Permit%200708.pdf (visited February 2011).
62. City of Brainerd *Permit to Keep Chickens*, <http://www.ci.brainerd.mn.us/administration/docs/chickenpermit.pdf> (visited February 2011).
63. Dan Linehan, *Mankato Council Approves Chicken Ordinance*, *The Free Press* (June 14, 2010) available at: <http://mankatofreepress.com/local/x1996924618/Mankato-City-Council-Urban-chicken-hearing-Live> (visited February 2011).
64. http://www.ci.durham.nc.us/departments/planning/limited_ag_permit.cfm (visited February 2011).
65. http://www.ci.longmont.co.us/planning/permits/documents/chicken_permit.pdf (visited February 2011).
66. Portland, Maine, Code § 5-403, <http://www.portlandmaine.gov/citycode/chapter005.pdf>.

67. San Francisco Health Code, art. 1, § 37; see http://library.municode.com/HTML/14136/level1/ART1AN.html#ART1AN_S37KEFESMANPOGABI (visited February 2011).
68. Houston, Code §§ 6-34 (show chickens), 6-38 (chicken hens); available at: <http://library.municode.com/index.aspx?clientId=10123&stateId=43&stateName=Texas> (visited February 2011).
69. Windsor Heights, Iowa, City Code, Section 32.02, available at: <http://www.windsorheights.org/City%20Code/Ch%2032%20Animal%20Control.pdf> (visited February 2011).
70. http://www.co.larimer.co.us/planning/planning/land_use_code/amendmentsadopted111510backyardchickens.pdf (visited February 2011).
71. Seattle Municipal Code 23.42.052, as amended Aug. 23, 2010, available at <http://clerk.ci.seattle.wa.us/%7Escripts/nph-brs.exe?s1=&s3=116907&s4=&s2=&s5=&Sect4=AND&l=20&Sect2=THESON&Sect3=PLURON&Sect5=CBORY&Sect6=HITOFF&d=ORDF&p=1&u=%2F%7Epublic%2Fcbory.htm&r=1&f=G> (visited February 2011).
72. See, e.g., Xi Yu, *Chicken and Duck Owners in Cambridge Lose Appeal*, *The Harvard Crimson*, Feb. 12, 2010.
73. See, e.g., *Simmons v. Zoning Bd. of Appeals of Newburyport*, 60 Mass. App. Ct. 5, 798 N.E.2d 1025 (2003) (stabling three horses found not to be “agricultural,” but permitted as an accessory residential use); *Anderson v. Board of County Com’rs of Teton County*, 2009 WY 122, 217 P.3d 401 (Wyo. 2009) (upholding the board’s determination that a barn/equestrian center was an accessory residential structure).
74. See, e.g., *De Benedetti v. River Vale Tp.*, Bergen County, 21 N.J. Super. 430, 91 A.2d 353 (App. Div. 1952) (“Certainly, chicken houses could not be considered as accessory to, or complementary to, the main building of plaintiffs’ premises, which is the dwelling house.”); *Lawrence v. Zoning Bd. of Appeals of Town of North Branford*, 158 Conn. 509, 264 A.2d 552 (1969) (holding that the board did not act illegally or arbitrarily in determining that the raising of chickens and goats was not an accessory use to residential property located in the center of town under an ordinance permitting accessory uses customarily incidental to uses in rural residential and agricultural districts).
75. Code of Ordinances, City of Concord, New Hampshire Title IV Chapter 28(4)(28); see <http://library.municode.com/index.aspx?clientId=10210&stateId=29&stateName=New%20Hampshire> (visited February 2011).
76. Grand Rapids, MN Code § 10-72; see also http://www.facebook.com/note.php?note_id=134300076826 (visited February 2011).
77. Pima County Code of Ordinances, § 18.25.010; see http://library.municode.com/html/16119/level2/TIT18ZO_CH18.25SIREZO.html (visited February 2011).
78. http://sterlingcodifiers.com/codebook/getBookData.php?section_id=600663 (visited February 2011).
79. Little Rock City Code, Little Rock, Arkansas Chapter 6 Article 4(44); see <http://library.municode.com/index.aspx?clientId=11170&stateId=4&stateName=Arkansas> (visited February 2011).
80. Municipal Code of Topeka, Kansas Title 6 §40; see <http://www.codepublishing.com/KS/Topeka/> (visited February 2011).
81. Code of the City of Stamford, Connecticut §111-6; see http://library2.municode.com/default-test/home.htm?infobase=13324&doc_action=whatsnew (visited February 2011).
82. Sacramento Code §9.44.340, http://www.qcode.us/codes/sacramento/view.php?topic=9-9_44-iii-9_44_360&frames=on (visited February 2011).
83. Lenexa Code § 3-2-H-1, <http://www.ci.lenexa.ks.us/LenexaCode/codetext.asp?section=003.002.008> (visited February 2011).
84. City of Atlanta, GA Zoning Code, <http://library.municode.com/index.aspx?clientId=10376&stateId=10&stateName=Georgia> Art. II sec. 18-7 (visited February 2011).
85. Code of Ordinances, City of Knoxville, Tennessee, Part 2 Chapter 5 Article IV § 5-107 (<http://library.municode.com/index.aspx?clientId=11098&stateId=42&stateName=Tennessee&customBanner=11098.jpg&imageclass=L&cl=11098.txt>).
86. City of Atlanta, GA, Zoning Code, <http://library.municode.com/index.aspx?clientId=10376&stateId=10&stateName=Georgia> Art. II sec. 18-7 (visited February 2011).
87. Code of Ordinances, City of Knoxville, Tennessee, Part 2 Chapter 5 Article IV § 5-107 (<http://library.municode.com/index.aspx?clientId=11098&stateId=42&stateName=Tennessee&customBanner=11098.jpg&imageclass=L&cl=11098.txt>) (visited February 2011).
88. City of Atlanta, GA., Zoning Code, <http://library.municode.com/index.aspx?clientId=10376&stateId=10&stateName=Georgia> Art. II sec. 18-7 (visited February 2011).
89. http://search.municode.com/html/11265/level4/CICO_CH7ANFO_ARTIVLIPO_DIV2PO.html (visited February 2011).
90. Code of Ordinances, City of Concord, New Hampshire Title IV Chapter 28(4)(28) (<http://library.municode.com/index.aspx?clientId=10210&stateId=29&stateName=New%20Hampshire>).
91. Baton Rouge Code §14:224 (c)(1) (<http://library.municode.com/index.aspx?clientId=10107&stateId=18&stateName=Louisiana>).

92. New York City Health Code §161.19, <http://www.nyc.gov/html/doh/downloads/pdf/zoo/zoo-animal-healthcode.pdf> (visited February 2011).
93. Unified Development Code, City of Overland Park, KS, Sec. 18.370.020, available at: <http://law.opkansas.org/lpBin22/lpext.dll?f=templates&fn=main-hit-h.htm&2.0> (visited February 2011).
94. Geoff Campbell, Zoning Board Rejects In-Law Apartment, Approves Chicken Coops, The Jamestown Press (Nov. 4, 2010), available at: http://www.jamestownpress.com/news/2010-11-04/News/Zoning_Board_rejects_inlaw_apartment_approves_chic.html (visited February 2011).
95. Geoff Campbell, Zoning Board Rejects In-Law Apartment, Approves Chicken Coops, The Jamestown Press (Nov. 4, 2010), available at: http://www.jamestownpress.com/news/2010-11-04/News/Zoning_Board_rejects_inlaw_apartment_approves_chic.html (visited February 2011).
96. See, Minutes of the Leadville Planning and Zoning Commission Joint Meeting, July 6, 2010, available at: <http://www.cityofleadville.com/reports/PZMinutes/2010PZMinutes/20100706AppMinutes.pdf> (visited February 2011).
97. Rogers, Arkansas Ordinance No. 06-100, <http://www.rogersarkansas.com/clerk/chkordinance.asp> (visited February 2011).
98. Buffalo Code § 341-11.3(D), <http://www.ecode360.com/?custId=BU1237> (visited February 2011).
99. Madison, Wisconsin Code § 28.08(2)(b)8.j.ii, <http://library.municode.com/index.aspx?clientId=50000&stateId=49&stateName=Wisconsin> (visited February 2011).
100. Knoxville Code Art. II § 5-107, <http://library.municode.com/index.aspx?clientId=11098&stateId=42&stateName=Tennessee&customBanner=11098.jpg&imageclass=L&cl=11098.txt> (visited February 2011).
101. Chicago Code § 7-12-300, [http://www.amlegal.com/nxt/gateway.dll/Illinois/chicago_il/municipalcodeofchicago?f=templates\\$fn=default.htm\\$3.0\\$vid=amlegal:chicago_il](http://www.amlegal.com/nxt/gateway.dll/Illinois/chicago_il/municipalcodeofchicago?f=templates$fn=default.htm$3.0$vid=amlegal:chicago_il) (visited February 2011).
102. San Francisco Code, <http://library.municode.com/index.aspx?clientId=14136&stateId=5&stateName=California> (visited February 2011).
103. See for example, The City Chicken at <http://home.centurytel.net/thecitychicken/index.html>; and Backyard Chickens at: <http://www.backyardchickens.com> (visited February 2011).

OF RELATED INTEREST

Discussion of matters related to the subject of the above article can be found in:

Salkin, American Law of Zoning § 18:10

Zeigler, Rathkopf's The Law of Zoning and Planning § 33:16

Keeping Poultry as Nuisance, 2 A.L.R.3d 965

CITY OF BATAVIA
CHICKEN AND COOP REQUIREMENTS



City of Batavia
Building Division
Community Development Department
100 North Island Avenue
Batavia, Illinois 60510
Tel: (630)454-2700
Fax: (630) 454-2775
<http://www.cityofbatavia.net>

Please direct all questions to the City of Batavia Building Division of the Community Development Department, Monday through Friday from 8 AM to 5 PM at (630) 454-2700.

This is a summary of the City of Batavia Ordinances allowing chickens and chicken coops. This is intended to interpret and explain the ordinances but does not represent or replace the actual ordinance language. Every effort has been made to ensure the accuracy and timeliness of this information.

12/04/15

Requirements for the keeping of hens and coops

- A maximum of eight (8) domestic hens shall be kept on a property that is zoned and occupied for single family residential use, or zoned PFI Public Facilities and Institutional and occupied by Schools, Public and Private only.
- The keeping of roosters and the slaughter of any chickens is prohibited.
- Hens shall be provided with a covered inside enclosure and adjacent covered outside fenced area. The outside area shall not be less than 32 square feet in area.
- For all properties, enclosures and the adjacent occupied fence area shall be setback a minimum of thirty (30) from any adjacent occupied residential structure, other than that of the owner; but not less than the minimum property line setback required for accessory structures in the Zoning District. Additionally for PFI zoned properties, the enclosures and adjacent occupied fenced area shall be set back a minimum of one hundred and fifty feet (150') from all streets and located not between the principal structures and adjacent streets
- All enclosures shall be constructed and maintained in manner to be free of rodent infestation.
- A building permit is required for all enclosures. The permit fee is the same as a shed permit.

Requirements for the keeping of hens and coops (Continued)

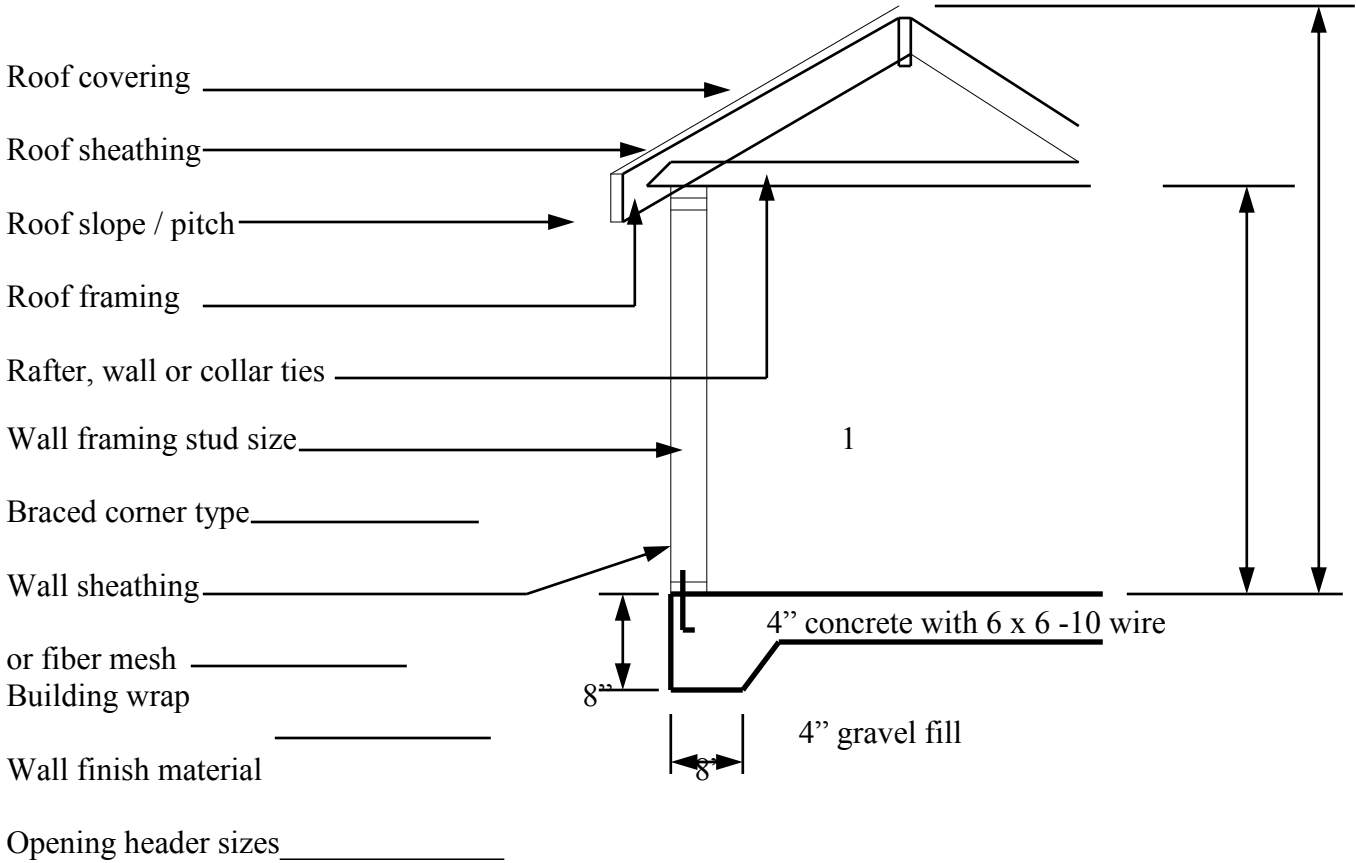
- Electric service to enclosures shall not be provided by an extension cord or cords.
- Hens shall be kept in the enclosure and fenced area at all times.
- All chickens and enclosures shall be kept in the rear yard.
- All areas where hens are kept shall be maintained neat and clean and free of undue accumulation of waste such as to cause odors detectable on adjacent property.
- No person shall allow chickens to produce noise loud enough to disturb the peace of persons of reasonable sensitivity and shall not allow the nuisance to exist.

Application Procedure

1. Submit a completed Building Permit Application to the Building Division of the Community Development Department.
 2. Pay required minimum submittal fee.
 3. Attach two (2) copies of drawings to the application showing the construction details, see attached sample.
 1. Attach two (2) copies of the plat of survey showing the location of the coop and outside fenced area, setbacks to property lines, setbacks to any adjacent occupied residential structures, and all utilities (electric, gas, phone, sewer, water, etc.) *(sample attached)*
Survey shall be to scale, not reduced or enlarged when copied.
 5. Call J.U.L.I.E (Joint Underground Location for Inspectors and Engineers) at least 48 hours prior to any digging to locate any underground utilities. (Dial 811 or 800-892-0123)
 6. Complete the Keeping of Chickens registration form.
 7. If property is not owner occupied, Property owner's signature will be required on the building application and chicken and coop registration form.
 8. Schedule the required inspections with the City of Batavia Building Division at least 48 hours in advance to insure that we can meet your schedule.
-

Wall & Roof Section

INDICATE DIMENSIONS AND MATERIALS



- Indicate the location with dimensions of the coop and the run area on the property.
- Show the location and distance of all occupied residential structures that surround the property applying for permit.



City of Batavia
Community Development Department
100 North Island Avenue
Batavia IL 60510
Phone (630) 454-2000
Fax (630) 454-2775

CHICKEN REGISTRATION APPLICATION

Registration number: ____ - ____ - ____

Building Address: _____
Building Owner: _____
Email: _____ Phone: _____
Responsible Party of Chickens: _____
Email: _____ Phone: _____
Property Owner Occupied: Yes ___ No ___ If no, Owner Address: _____

PLEASE READ THE FOLLOWING CONDITIONS REGARDING THE KEEPING OF CHICKENS

All persons keeping chickens in the City of Batavia shall keep no more than 8 hens.
Roosters shall not be kept anywhere on premise.
Slaughter of any chickens shall not be allowed except for humane reasons only.
Hens shall be provided with a covered inside enclosure and an adjacent covered outside fence area not less than 32 square feet.
All hens will be kept in the enclosures and fenced areas at all times.
All hens are kept in the rear yard.
All enclosure (s) will remain 30 feet from any adjacent residential structure, other than the owner, but not less than the minimum property line setback required for accessory structures in the Zoning District.
PFI zoned properties shall keep enclosures and fenced areas 150 feet from all streets and not between the principal structure and adjacent streets.
Electric service to enclosure will not be provided by electrical cord or cords.
All enclosures and areas will be kept clean, sanitary and rodent free at all times.
All feed shall be contained in containers with tightly fitted lids.
Owner will ensure that the hens do not produce unreasonable noise.
Owner agrees to allow Building Division staff personnel to access the rear yard of the residence for the purpose of verifying compliance with the above and Title 5, Chapter 4, and 5-4B7 of the Municipal Code.

If it has been found that violation exists and correction has not been made within the timeframe given by the Code Compliance Officer, fines in the amount of \$100.00 a day, every day the violation exists will be implemented as well as an appearance in front of the Adjudication Hearing Officer. If there have been three documented violations within any twelve month period, there will be a loss of permission to keep chickens on the property. Keeping chickens after permission has been revoked will result in a \$750.00 fine a day every day the violation exists and an appearance in front of the Adjudication Hearing Officer.

By signing this document, I understand and agree to the conditions set forth.

Responsible Party: _____ Date: _____

Property Owner: _____ Date: _____

Witness: _____ Date: _____

Approved: _____ Yes _____ No _____ Date: _____ Inspector: _____

License # _____

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 11-04
AMENDING TITLE 5 OF THE MUNICIPAL CODE
RELATING TO ALLOWING CHICKENS ON CERTAIN
RESIDENTIAL PROPERTIES IN THE
CITY OF BATAVIA**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 16TH DAY OF MAY, 2011**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 17th day of May, 2011

Prepared by:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

CITY OF BATAVIA, ILLINOIS
ORDINANCE 11-04
AMENDING TITLE 5 OF THE MUNICIPAL CODE
RELATING TO ALLOWING CHICKENS ON CERTAIN
RESIDENTIAL PROPERTIES IN THE
CITY OF BATAVIA

WHEREAS, the City of Batavia's Municipal Code has for many years prohibited the keeping of chickens on residential property in the City limits; and

WHEREAS, the City Council has been requested by several residents to change the City Code to permit the keeping of chickens on residential property in the city limits; and

WHEREAS, there has been significant public input presented to the City demonstrating that there is substantial community benefit from permitting residents to keep a limited number of chickens for personal use in the residential areas of the City; and

WHEREAS, those communities who permit a limited number of chickens to be kept in residential areas have experienced few problems resulting from that action; and

WHEREAS, there are demonstrated health benefits from allowing residents to raise chickens; and

WHEREAS, many communities in the region have adopted ordinances permitting residents to keep up to eight hens for personal uses; and

WHEREAS, the City Services Committee has studied the issue and held several public meetings where residents were afforded an opportunity to express their opinions about a potential change to the City Code to permit chickens on residential property; and

WHEREAS, the County Health Department has noted its approval for the adoption of an ordinance allowing up to eight hens on a residential property; and

WHEREAS, the City Services Committee has voted to recommend approval of Ordinance 11-04 to the City Council; and

WHEREAS, the City Council has reviewed the recommendation of the City Services Committee for changes to Municipal Code Title 5; and

WHEREAS, it is in the best interests of the City of Batavia and its residents that the proposed ordinance be adopted by the City Council of the City of Batavia.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois:

SECTION 1: That Title 5 of the Municipal Code be revised as follows:

Chapter 4 ANIMAL CONTROL, Article 4B ANIMALS

5-4B-1: KEEPING OF ANIMALS RESTRICTED

The words “other than eight (8) domestic hens” shall be inserted following the words “fowl and poultry” in sentence one. The last sentence, beginning with the words “In regard to fowl/poultry...”, shall be deleted.

Add new Section 5-4B-7: STANDARDS FOR KEEPING OF CHICKENS

- A. Up to eight domestic hens may be kept on properties zoned and occupied for single family residential use only.
- B. Roosters are prohibited in the city limits.
- C. No person shall slaughter any chickens in the city limits, except for humane reasons.
- D. Hens shall be provided with a covered inside enclosure and an adjacent covered outside fenced area. The outside fenced area shall be no less than 32 square feet in area.
- E. The enclosures and adjacent fenced area shall be set back:
 - 1. thirty feet from any adjacent occupied residential structure, other than that of the owner; but
 - 2. not less than the minimum property line setback required for accessory structures in the Zoning district.
- F. All enclosures shall be constructed and maintained in such a manner as to be free of rodent infestation.
- G. A building permit shall be required for all enclosures. The permit fee shall be the same as for a shed.
- H. Electric service to enclosures shall not be provided by an extension cord or cords.

- I. Hens shall be kept in the enclosure and fenced area at all times.
- J. All feed and other items that are associated with the keeping of chickens that are likely to attract or to become infested with rats, mice or other rodents shall be protected in a container with a tightly fitted lid so as to prevent rodents from gaining access to or coming into contact with them.
- K. All chickens shall be kept in the rear yard.
- L. All areas where hens are kept shall be maintained in a neat and clean manner, free of undue accumulation of waste such as to cause odors detectable on adjacent properties.
- M. No person shall allow chickens to produce noise loud enough to disturb the peace of persons of reasonable sensitivity, and it is hereby declared a nuisance and shall be unlawful for any person to allow such nuisance to exist.

Add new Section 5-4B-8. REGISTRATION AND PENALTIES

- A. All persons keeping chickens in the City shall register with the Code Compliance officer prior to acquiring the chickens. Registration shall be on a form established by the Community Development Department. Registration forms will not be accepted until the enclosure has passed a final inspection by the Building Division. Persons having chickens as of the effective date of this Ordinance shall have 30 days to bring their property into compliance with this Ordinance.
- B. The registration form shall include written permission for any Building Division staff member to access the rear yard of the residence for the purpose of verifying compliance with this Code on a periodic basis. The form shall also acknowledge receipt of a copy of the standards set forth in Section 5-4B-7 above by person registering.
- C. There shall be no fee charged for registration.
- D. Failure to notify the Code Compliance Officer in accordance with "A" above or failure to allow an inspection in accordance with "B" above shall constitute a violation of the City Code and shall be punishable by a fine of no more than \$100 plus hearing costs, the amount to be established by the Code Hearing Officer.
- E. Violation of any standard in Section 5-4B-7 above shall be punishable by a fine not to exceed \$100 plus court costs, such fine to be established by the Code Hearing Officer. Each day a violation continues shall be considered a separate offense.

- F. Three violations of this Ordinance on a property within any twelve month period shall result in loss of permission to keep chickens on the property. Keeping of chickens after permission has been revoked shall be punishable by a fine not to exceed \$750 plus court costs, such fine to be established by the Code Hearing Officer. Each day a violation continues shall be considered a separate offense.

Add new section 5-4B-9. CONFLICT WITH PRIVATE COVENANTS

Nothing in this Chapter shall be construed to permit the keeping of chickens when such activity is prohibited by private covenants, conditions or restrictions governing the use of property, or by rules, regulations or orders issued by the Illinois Department of Public Health or the Kane County Health Department.

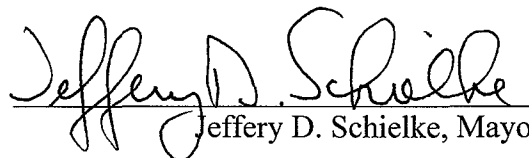
SECTION 2: That this Ordinance 11-04 shall be in full force and effect upon its presentation, passage and publication according to the law.

CITY OF BATAVIA. ILLINOIS ORDINANCE 11-04

PRESENTED to the City Council of the City of Batavia, Illinois, this 16th day of May, 2011.

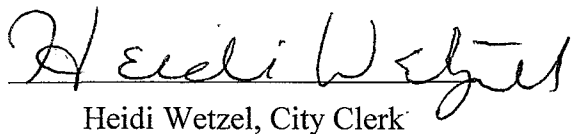
PASSED by the City Council of the City of Batavia, Illinois, this 16th day of May, 2011.

APPROVED by me as Mayor of said City of Batavia, Illinois, this 16th day of May, 2011


 Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien		x			Sparks	x			
2	Dietz	x				Wolff	x			
3	Jungels		x			Chanzit	x			
4	Volk	x				Stark	x			
5	Frydendall	x				Thelin Atac	x			
6	Liva	x				Clark		x		
7	Tenuta		x			Brown		x		
Mayor Schielke										
VOTE:		9 Ayes	5 Nays	0 Absent		Abstention(s)				
Total holding office:		Mayor and 14 aldermen								

ATTEST:


 Heidi Wetzels, City Clerk

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 15-45**

**AMENDING TITLE 5 OF THE MUNICIPAL CODE
RELATING TO ALLOWING CHICKENS ON CERTAIN
RESIDENTIAL PROPERTIES IN THE
CITY OF BATAVIA**

**ADOPTED BY THE
MAYOR AND CITY COUNCIL
THIS 2ND DAY OF NOVEMBER, 2015**

Published in pamphlet form
by authority of the Mayor
and City Council of the City of Batavia,
Kane & DuPage Counties, Illinois,
This 3rd day of November, 2015

Prepared by:

City of Batavia
100 N. Island Ave.
Batavia, IL 60510

**CITY OF BATAVIA, ILLINOIS
ORDINANCE 15-45**

**AMENDING TITLE 5 OF THE MUNICIPAL CODE
RELATING TO ALLOWING CHICKENS ON CERTAIN
RESIDENTIAL PROPERTIES IN THE
CITY OF BATAVIA**

WHEREAS, the City of Batavia's Municipal Code had for many years prohibited the keeping of chickens in the City limits; and

WHEREAS, in 2011, the City Council, in response to citizen request, adopted Ordinance 11-04 that amended the Municipal Code to permit the keeping of chickens on certain residential property; and

WHEREAS, few negative effects have been experienced with keeping of chickens on residential property; and

WHEREAS, the City received a request to permit keeping of chickens on a private school property; and

WHEREAS, the City recognizes the educational and developmental opportunities that caring for chickens provides to students; and

WHEREAS, the City Council has found that applying similar rights and restrictions for keeping of chickens on residential properties is appropriate to extend to school properties; and

WHEREAS, the City Council's Committee of the Whole has voted to recommend approval of Ordinance 15-45 to the City Council; and

WHEREAS, the City Council has reviewed the recommendation of the Committee for changes to Municipal Code Title 5; and

WHEREAS, it is in the best interests of the City of Batavia and its residents that the proposed ordinance be adopted by the City Council of the City of Batavia.

NOW THEREFORE, BE IT ORDAINED, by the City Council of the City of Batavia, Kane and DuPage Counties, Illinois:

CITY OF BATAVIA ORDINANCE 15-45

SECTION 1: That the following Sections of Municipal Code Section 5-4B-7: STANDARDS FOR KEEPING OF CHICKENS be amended to read as follows:

5-4B-7-A. Up to eight (8) domestic hens may be kept only on properties zoned and occupied for single-family residential use or zoned PFI Public Facilities and Institutional and occupied by Schools, Public and Private, as defined in Title 10 herein, only.

5-4B-7-E. The enclosures and adjacent fenced area shall be set back:

1. A minimum of one hundred and fifty feet (150') from all streets and located not between the principal structures and adjacent streets on properties zoned PFI;
2. Thirty feet (30') from any occupied residential structure on an adjacent property, other than that of the owner; but
3. Not less than the minimum property line setback required for accessory structures in the zoning district.

5-4B-7-K. All chickens shall be kept in the rear yard on residential properties.

SECTION 2: That the following Subsection of Municipal Code Section 5-4B-8: REGISTRATION AND PENALTIES FOR CHICKENS be amended to read as follows:

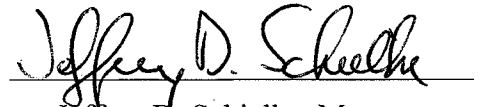
5-4B-8-B. The registration form shall include written permission for any building division staff member to access the rear yard of the residence or to access the school property for the purpose of verifying compliance with this code on a periodic basis. The form shall also acknowledge receipt of a copy of the standards set forth in section 5-4B-7 of this article by person registering.

SECTION 3: That this Ordinance 15-45 shall be in full force and effect upon its presentation, passage and publication according to the law.

CITY OF BATAVIA ORDINANCE 15-45

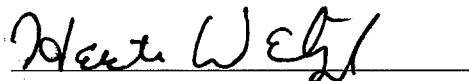
PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 2nd day of November, 2015.

APPROVED by me as Mayor of said City of Batavia, Illinois, 2nd day of November, 2015.


Jeffery D. Schielke, Mayor

Ward	Aldermen	Ayes	Nays	Absent	Abstain	Aldermen	Ayes	Nays	Absent	Abstain
1	O'Brien	x				Fischer	x			
2	Callahan	x				Wolff	x			
3	Hohmann	x				Chanzit	x			
4	Mueller	x				Starks	x			
5	Botterman	x				Thelin Atac	x			
6	Cerone	x				Russotto		x	x	
7	McFadden	x				Brown	x			
Mayor Schielke										
VOTE:		13 Ayes	0 Nays	1 Absent	Abstention(s)					
Total holding office: Mayor and 14 aldermen										

ATTEST:


Heidi Wetzel, City Clerk

It shall be unlawful for any person to keep any chickens within the village, on any lot, piece or parcel of land, except as provided in subsections (a) through (i) below.

- (a) *Permitted locations.* Domestic hens may be kept within the village only on property zoned and occupied for single family residential use. All hens shall be kept in the rear yard of the permitted location.
- (b) *Maximum number.* It shall be unlawful for any person to keep more than eight (8) hens, of any age, on property zoned and occupied for single family residential use within the village.
- (c) *Keeping of roosters.* It shall be unlawful for any person to keep a rooster(s) within the village.
- (d) *Slaughtering of chickens.* It shall be unlawful for any person to slaughter any chickens within the village, except for a humane reason.
- (e) *Shelter and fenced areas.* All hens kept in the village pursuant to this article, shall at all times be provided a shelter and an adjacent covered outside fenced area. All hens shall be kept in a shelter or adjacent outside fenced area at all times. The outside fenced area shall be no less than thirty-two (32) square feet in area and shall be demarcated with a fence constructed of wood or metal, excluding barbed wire or razor wire, of sufficient height to contain the hens. The shelter shall be no less than sixteen (16) square feet in area and no more than six (6) feet in height. The shelter shall contain an independent electric/heat source. Such utilities shall not be maintained with the use of extension cords.

The shelter and adjacent outside fenced area shall also be:

- (1) Thirty (30) feet from any adjacent occupied residential structure other than that of the owner or occupant of the real property on which the shelter and adjacent outside fenced area are located;
 - (2) Not less than the minimum property line setback required for accessory structures in an R-1 zoning district as defined by the village's zoning code; and
 - (3) Constructed in such a manner as to contain the hens to the shelter or the adjacent outside fenced area at all times and to keep the shelter and adjacent outside fenced area free from rodent infestation.
- (f) *Property maintenance.* All areas in which hens are kept shall be maintained in a neat and clean manner, free from undue accumulation of waste such as to cause odors detectable on adjacent properties. All feed for hens shall, except when placed for consumption by the hens, be kept in containers with tightly fitted lids that are rodent-proof.
 - (g) *Permit/inspection required.* A permit shall be required for construction of a shelter utilized to contain hens. The permit shall be issued by the village's building department. The fee for the permit for construction of the shelter shall be twenty dollars (\$20.00). Two (2) inspections by the village's building department officials shall be required during construction of the shelter. The first shall occur upon installation of the base/floor of the shelter and prior to any further construction of the shelter; and the second shall occur upon completion of the shelter and prior to the owner acquiring hens to occupy the shelter. The inspections are required to confirm compliance with this article and the village's building code. A fee of thirty dollars (\$30.00) shall be charged for each inspection. The owner/occupant of the property shall be responsible for contacting the village's building department to schedule each inspection of the shelter.
 - (h) *Registration.* All persons keeping hens in the village shall register with the village's planning department prior to acquiring the hens. Registration shall be on a form established by the village's planning department and shall include written permission for any village building or code enforcement official to access the rear yard of the property where the hens are located for the purpose of verifying compliance with applicable village Code. Registration shall not be permitted until the shelter has passed final inspection by the village's building department.
 - (i) *Compliance.* All persons having chickens as of the effective date of this ordinance shall have ninety (90) days to bring their property into compliance with this article.

10-4-6: - FOWL AND LIVESTOCK:

1. Housing: All fowl and livestock shall be kept within a pen, coop, building or other enclosure sufficient in size and strength to confine such animals to the owner's property, except that livestock may be tethered securely to a fixed object outside the enclosure, but only if the animal is so confined to the owner's property. A permit shall be obtained from the City of Naperville prior to the construction, addition, or modification of any pen, coop, building or other enclosure used for the purposes of housing fowl or livestock.
2. Zoning: Fowl and livestock may be kept in any area in the City except as otherwise provided by this Chapter or the City's Zoning Ordinance. ^[8]
3. Restrictions:
 - 3.1. A maximum of eight (8) fowl shall be permitted on any property. Roosters shall be prohibited.
 - 3.2. No livestock shall be kept, housed, maintained, or pastured within a distance of two hundred (200) feet of any occupied residence other than that of the owner.
 - 3.3. No pen, coop, building or other enclosure used for the purpose of housing fowl (with the exception of homing pigeons) shall be erected or maintained within thirty (30) feet of any occupied residence other than that of the owner.
 - 3.4. Every person maintaining a pen, coop, building, yard or enclosure for fowl or livestock shall keep such area clean and sanitary at all times. Any dirt or refuse resulting from the fowl or livestock shall be disposed in a clean and sanitary fashion.
 - 3.5. All feed for fowl or livestock shall be kept in containers that are rodent-proof until put out for consumption by fowl or livestock.
 - 3.6. Any pen, coop, or other structure used for the purpose of housing fowl that is not fully-enclosed shall be screened to a height of six (6) feet. Said screening shall be comprised of fences or walls six (6) feet in height, landscaping of at least seventy-five percent (75%) opacity, such as non-deciduous plantings, or equivalent screening and shall be located either along the perimeter of the lot where the pen, coop, building or other enclosure used for the purpose of housing fowl is located, or around the perimeter of the pen, coop, or enclosure itself.

(Ord. No. 12-013, § 2, 2-7-2012)

Editor's note— Section 3 of Ord. No. 12-013 states the following: "Any housing for fowl or livestock lawfully established prior to February 7, 2012 shall be permitted to continue operating in accordance with provisions of law and the Municipal Code related to nonconforming uses for a six-month period expiring August 8, 2012. Upon completion of the amortization period, all housing for fowl or livestock shall operate in compliance with the provisions of Section 10-4-6 (Fowl and Livestock)."

--- (8) ---

See Title 6 of this Code.

9-4-5. - CERTAIN ANIMALS PROHIBITED.

- (A) It shall be unlawful, and is hereby declared a nuisance for any person to keep or allow to be kept any animal of the species of horse, mule, swine, sheep, goat, cattle, poultry (with the exception of hens as herein provided), skunks, or poisonous reptiles within the corporation limits of the City of Evanston.
- (B) Hens shall mean the female of the species Gallus Gallus Domesticas.
- (C) It shall be unlawful to keep roosters within City limits.
 - 1. The number of hens allowed shall be no less than two (2), and no more than six (6).
 - 2. Any structures housing hens shall be termed an "accessory structure" as defined in Title 6, Chapter 18, Section 3 of the Evanston City Code, and shall abide by all requirements set forth in Title 6, Chapter 4, Section 6-2, "General Provisions for Accessory Uses and Structures," and Title 5, Chapter 1, "Property Maintenance Code" of the Evanston City Code.
 - 3. Applicants shall register with the Illinois Department of Agriculture Livestock Premises Registration, and must have proof of registration on-site.
 - 4. Care for hens shall follow the provisions set forth in this Chapter.
 - 5. Hens shall be kept in such a way so as not to cause a nuisance as defined in Title 1, Chapter 3, Section 2, and enumerated in Title 8, Chapter 4, Section 1 of the Evanston City Code and shall be kept in conformance with the following requirements:
 - a. Hen yards and coops shall be constructed and maintained to reasonably prevent the collection of standing water; and shall be cleaned of hen droppings, uneaten or discarded feed, feathers, and other waste with such frequency as is necessary to ensure the hen yard and coop do not become nuisances as defined in Title 8, Chapter 4, Section 1 of the Evanston City Code.
 - b. Hens shall be kept in an enclosure which shall be maintained in such a manner so as to protect the hens from predators and trespassers.
 - c. Hen coops shall be built and kept in such a manner so as to allow for easy ingress and egress for the hens and shall offer protection from weather elements including cold temperatures.
 - d. Hen coops and yards shall be large enough to provide at least four (4) feet per hen.
 - 6. Licenses for coops must be obtained and shall meet the rules of this Chapter where applicable.
 - a. Prior to a license being granted to an applicant, the applicant must show proof of notice to all adjacent landowners except landowners that are municipalities or utilities.
 - b. A license shall not be granted unless the applicant has obtained all necessary building permits and can show proof that a hen yard and coop that comply with this Section have been erected.
 - c. Coop licenses shall not run with the land.
 - d. Applications shall be submitted to the City of Evanston Public Health Director who shall have the authority to enforce this Section.
 - e. An applicant who lives in an apartment or condominium building is not eligible to receive a coop license.
 - f. No more than twenty (20) valid coop licenses shall be active within the City of Evanston at any given time for the first calendar year that the ordinance codified in this Section is in effect.
 - 7. No person shall slaughter any hen, or any other animal, within City limits. Nothing in this Section is to be interpreted as prohibiting any establishment that is licensed to slaughter, from slaughtering for food purposes any animals which are specifically raised for food purposes.
 - 8. Any person found to be in violation of this Section shall be fined not less than fifty dollars (\$50.00), nor more than seven hundred fifty dollars (\$750.00) for each offense. In the event that an owner is adjudged to have three (3) violations of this Section, the owner's coop license shall be revoked. Each day an owner is not

compliant with this Section shall constitute a separate offense.

(Ord. No. 43-0-74; Ord. No. 23-0-10, § 1, 9-27-2010; Ord. No. 85-0-10, § 1, 12-13-2010; Ord. No. 8-0-12, (49-0-11(exh. B, § 9-4-5)), 1-23-2012)

From: [Joel Frieders](#)
To: [Krysti Barksdale-Noble](#); [Bart Olson](#); [Jackie Milschewski](#)
Subject: Fwd: In favor of chickens
Date: Tuesday, July 7, 2020 6:33:08 PM

----- Forwarded message -----

From: a m <[REDACTED]>
Date: Tue, Jul 7, 2020 at 6:30 PM
Subject: Re: In favor of chickens
To: Joel Frieders <joelfrieders.ward3@gmail.com>

Joel,

Thank you for asking! I wish more people would be curious about many topics. I appreciate this as a human and a political figure.

Yes, as a former agricultural educator, I helped children learn tangible life lessons with chickens. They learned responsibility, economics and husbandry to name a few. I watched as some students who have autism and struggled with social situations "come out of their shell" around chickens. Chickens offer a glimpse into the birdworld that we cant often have with wild animals, they are a domesticated animal but they do have similar behaviours to some of our wild feathered friends. I have friends who live in areas where chickens are allowed and for them its chance to do micro homesteading, earn a small amount of extra income (usually only enough to buy chicken feed) and reduce their food miles. Chickens also are insectivores they can aid in eating ticks, mosquitos and may other pests that annoy us or carry disease. They themselves cannot get lymes disease so it's a win win.

Please feel free to ask anymore questions and share this information.

April Morris

On Tue, Jul 7, 2020 at 5:47 PM Joel Frieders <joelfrieders.ward3@gmail.com> wrote:
any reasons why you support it?

On Tue, Jul 7, 2020 at 5:06 PM a m <[REDACTED]> wrote:
Hi I am in favor of backyard chickens here in Yorkville!

--

Joel Frieders
Alderman, Third Ward
United City of Yorkville
800 Game Farm Rd
Yorkville, IL 60560
630-992-7516

PLEASE NOTE: I do not email after 5pm CST or on weekends, for the sanctity of my sanity.

--

Joel Frieders

Alderman, Third Ward
United City of Yorkville
800 Game Farm Rd
Yorkville, IL 60560
630-992-7516

PLEASE NOTE: I do not email after 5pm CST or on weekends, for the sanctity of my sanity.

Dear Yorkville City Council,

I appreciate Alderman Funkhouser's efforts bringing the topic of Urban Chickens forward to the council. My family lives on a unique piece of property in town. We own ~1.25 acres between two connected parcels on Main Street. Main Street lets people go back in time surrounded by historic homes and the occasional glimpse of the Fox River. Many of these properties would have maintained chickens and other fowl to provide for those families. Recently, my son found remnants of an old chicken coop in our back woods. Our property offers a unique habitat for chicken and some would say other animals as well.

I had to put some thought into how much I really wanted chickens. Chickens are extra work, the costs take years to recover, and you must take into consideration end of life. We are a busy and expensive family of 7 plus our puppy Leo. However, I know these animals would quickly become family. I think of the unique opportunity it would offer my children and neighboring friends. I think of sustainability in these COVID days. The regular supply of fresh eggs offered by the hens is a great and healthy perk. Chickens also eliminate many nescient pests without spraying chemicals over our properties. They are also substantially quieter than the Route 47 traffic I can hear 4 blocks away.

I hope you continue discussions and find an agreement as you did bringing apiaries into town. No matter the decision, I appreciate you taking the time and consideration as many Illinois towns have over recent years.

Sincerely,

Tim Johnson & Family (DeeDee, Claudia, Dylan, Scarlett, Monreau, Fiona, and Leo)

[REDACTED]

NAME: Scarlett Johnson
Age: 10

Chickens

Why I want chickens. I think chickens would be so fun to have and here is why, I would want to feed them because it would be fun to have more animals to love. I think that chickens would be a big responsibility but it would be fun! Chickens seem like they would listen. While being a big responsibility they would be fun and loving. Me and my family would take great care of them. We have a dog and we take great care of him. Chickens seem really fun I would hang out with them and feed them all the time!

