



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, January 5, 2021
6:00 p.m.
City Hall Conference Room
800 Game Farm Road, Yorkville, IL

Citizen Comments:

Minutes for Correction/Approval: December 1, 2020

New Business:

1. EDC 2021-01 Building Permit Report for November 2020
2. EDC 2021-02 Building Inspection Report November 2020
3. EDC 2021-03 Property Maintenance Report for November 2020
4. EDC 2021-04 Economic Development Report for December 2020
5. EDC 2021-05 Annual Foreclosure Report
6. EDC 2021-06 9261 Kennedy Road (Variance) – 1.5 Mile Review
7. EDC 2021-07 Nonconforming Signs – Text Amendment
8. EDC 2021-08 Sign Code – Discussion

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, January 5, 2021
6:00 PM
CITY HALL CONFERENCE ROOM

CITIZEN COMMENTS:

MINUTES FOR CORRECTION/APPROVAL:

1. December 1, 2020

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

NEW BUSINESS:

1. EDC 2021-01 Building Permit Report for November 2020

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

2. EDC 2021-02 Building Inspection Report for November 2020

☐ Informational Item

☐ Notes _____

3. EDC 2021-03 Property Maintenance Report for November 2020

☐ Informational Item

☐ Notes _____

4. EDC 2021-04 Economic Development Report for December 2020

☐ Informational Item

☐ Notes _____

5. EDC 2021-05 Annual Foreclosure Report

☐ Moved forward to CC _____

☐ Approved by Committee _____

☐ Bring back to Committee _____

☐ Informational Item

☐ Notes _____

6. EDC 2021-06 9261 Kennedy Road (Variance) – 1.5 Mile Review

☐ Moved forward to CC _____

☐ Approved by Committee _____

☐ Bring back to Committee _____

☐ Informational Item

☐ Notes _____

7. EDC 2021-07 Nonconforming Signs – Text Amendment

☐ Moved forward to CC _____

☐ Approved by Committee _____

☐ Bring back to Committee _____

☐ Informational Item

☐ Notes _____

8. EDC 2021-08 Sign Code – Discussion

☐ Moved forward to CC _____

☐ Approved by Committee _____

☐ Bring back to Committee _____

☐ Informational Item

☐ Notes _____

OLD BUSINESS:

1. EDC 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"/>
Community Development	<input type="checkbox"/>
Purchasing	<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 – December 1, 2020

Meeting and Date: Economic Development Committee – January 5, 2021

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:

DRAFT

**UNITED CITY OF YORKVILLE
ECONOMIC DEVELOPMENT COMMITTEE
Tuesday, December 1, 2020, 6:00pm
City Conference Room**

Note: This meeting was held 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. Due to the current Covid-19 pandemic, remote attendance is allowed for this meeting to encourage social distancing.

All meeting participants attended remotely except City Administrator Bart Olson who was present at City Hall.

In Attendance:

Committee Members

Chairman Jackie Milschewski

Alderman Ken Koch

Alderman Joel Frieders

Alderman Jason Peterson

Other City Officials

City Administrator Bart Olson, (in-person attendance)

Assistant City Administrator Erin Willrett

Community Development Director Krysti Barksdale-Noble

Senior Planner Jason Engberg

Alderman Chris Funkhouser

Code Official Pete Ratos

Other Guests

City Consultant Lynn Dubajic

Tim Johnson

Ashley Shields

Bruce Mellen

David Schultz, HR Green

Lucas Robinson

The meeting was called to order at 6:00pm by Chairman Jackie Milschewski.

Citizen Comments & Old Business (out of sequence)

1. EDC 2020-32 Urban Chickens

Citizen Tim Johnson, 401 E. Main St., provided input for this topic. He had written a letter to City Council along with information from his daughters. His family is interested in raising chickens in the future and he said they have over 1.25 acres on which to pursue this interest. He said the Batavia ordinance provided some valuable guidance.

Ms. Noble said she had provided potential regulations at a prior meeting or a hybrid plan could also be implemented. After discussion, committee members recommended the following requirements: a complaint process needs to be included, the chickens need to be kept in an enclosure since they can fly, a limit of 6 chickens as in the “moderate” plan previously presented by Ms. Noble and a minimum 1-acre lot. This matter will come back to the January EDC committee meeting for further review.

Minutes for Correction/Approval October 6, 2020

The minutes were approved as presented.

New Business

1. EDC 2020-49 Building Permit Report for September and October 2020

Mr. Ratos reported 270 single family permits (includes attached and detached homes) as of the end of October. He anticipates exceeding 300 permits for those categories by the end of this year.

2. EDC 2020-50 Building Inspection Report for September and October 2020

There were 800 inspections in two months with about 100 outsourced. Mr. Ratos said he has outsourced more to allow time for a high volume of plan reviews.

3. EDC 2020-51 Property Maintenance Report for September and October 2020

Mr. Ratos said no cases were heard in October, however, many complaints were issued which were brought into compliance. Staff is addressing ongoing issues, but due to coronavirus, they are trying to avoid person-to-person contact. Door hangers have been left and have been a very effective tool.

4. EDC 2020-52 Economic Development Report for October and November 2020

Lynn Dubajic referred to her written report and added that Smoothie King has opened and is doing very well. The owner is also purchasing Blackstone Restaurant and will remodel and change the name. Alderman Koch inquired about the Martini banquet hall and Ms. Dubajic said they have had only one wedding so far.

5. EDC 2020-53 RENEW Incentive Program Repeal

Ms. Noble gave a background of this program which included the B.U.I.L.D. program with incentives for builders and developers to build spec or model homes. The program began in 2014. At that time there was no limit for the program duration and the number of permits and lot purchases were regulated to earn the incentives. She recently spoke with builders and some are not able to purchase the number of lots required while another builder said they would like to see the program continue. She requested committee feedback regarding the staff-recommended repeal of the ordinance.

Alderman Frieders said smaller builders may not be able to participate and wondered if the program rules could be changed to not require a 10-lot minimum purchase. Ms. Noble said it could be reduced to 5 lots. She added that homes are still being built without spec/model homes. Alderman Peterson asked if other towns are using this program and Mr. Olson said is not aware of any. The committee also discussed the amount of money waived over 6 years. They decided to recommend repeal of the program and this moves to City Council.

6. EDC 2020-54 Kendall Marketplace Lot 52 – Phase 2 and 3 – Final Plat of Resubdivision

Mr. Engberg said Abby Properties has filed for a Final Plat for Phases 2 and 3 in Kendall Marketplace which includes 72 more units. A Plan Council meeting was held in November and the developer was asked if they wished to proceed with Phase 4 at the same time, which the developer did not wish to do. Stormwater was also discussed and the developer noted that detention already exists there. This matter goes to Planning and Zoning on January 13th and then to City Council. Models should be ready in January, said Ms. Shields.

7. EDC 2020-55 Grande Reserve – Neighborhood 5 – Units 15 and 22 (Townhomes) – Final Plat

Ms. Noble summarized this project and said DR Horton is seeking a Final Plat amendment for the townhome area at Mill and Kennedy. They purchased 17 EBE lots which are exceptions to blanket easements. The developer platted the area according to the shape of the building rather than individual lots. They are creating fee-simple lots in units 15 and 22 to sell them easier. The developer is looking for an amendment to illustrate the townhomes will have their own lots. Ms. Noble said at the Plan Council meeting it was noted this new Final Plat is only referred to as Neighborhood #5. Staff asked the petitioner to revise the Final Plat to refer to a unit number rather than neighborhood number. This will move forward to the January PZC and if no other changes are needed, it will then proceed to City Council.

Old Business: None

Additional Business:

Alderman Frieders stated that when the Council members start discussion on front-funding the grant program in regards to the pandemic, the original idea was \$200,000 to match the State, but he said it makes more sense to understand \$200,000 would be the smallest amount. He said the dollar amount needs to be increased to help businesses financially.

The meeting adjourned at 6:43pm.

Minutes respectfully submitted by
Marlys Young, Minute Taker (remote attendance)



Reviewed By:	
Legal	<input type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
Community Development	<input checked="" type="checkbox"/>
Purchasing	<input 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 2021-01

Agenda Item Summary Memo

Title: Building Permit Report for November 2020

Meeting and Date: Economic Development Committee – January 5, 2021

Synopsis: All permits issued in November 2020.

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

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

November 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
November 2020	86	14	0	2	0	5	0	65	3,453,154.00	118,496.64
Calendar Year 2020	1753	192	0	94	0	87	0	1380	54,989,730.00	2,494,231.83
Fiscal Year 2021	1366	147	0	90	0	47	0	1082	43,376,218.00	2,025,389.45
November 2019	129	15	0	16	0	15	0	83	7,099,996.00	231,270.55
Calendar Year 2019	2077	137	0	35	0	111	0	1794	57,029,018.00	1,785,181.17
Fiscal Year 2020	1796	89	0	30	0	68	0	1609	39,559,038.00	1,173,451.45
November 2018	71	28	0	0	0	9	0	35	5,765,268.00	191,641.26
Calendar Year 2018	974	201	14	36	0	125	0	598	53,513,146.00	2,432,439.59
Fiscal Year 2019	667	160	0	0	0	69	0	438	37,277,954.00	1,352,580.48
November 2017	43	1	5	0	0	12	0	25	1,455,763.00	98,737.96
Calendar Year 2017	881	60	84	0	1	145	0	591	67,095,104.00	2,334,457.97
Fiscal Year 2018	648	44	56	0	1	101	0	446	56,431,760.00	1,744,988.44



Reviewed By:	
Legal	<input type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
Community Development	<input checked="" type="checkbox"/>
Purchasing	<input 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 2021-02

Agenda Item Summary Memo

Title: Building Inspection Report for November 2020

Meeting and Date: Economic Development Committee – January 5, 2021

Synopsis: All inspections scheduled in November 2020.

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Informational

Council Action Requested: None

Submitted by: D. Weinert Community Development
Name Department

Agenda Item Notes:

DATE: 11/30/2020
TIME: 11:58:32
ID: PT4A0000.WOW

UNITED CITY OF YORKVILLE
CALLS FOR INSPECTION REPORT

PAGE: 1

INSPECTIONS SCHEDULED FROM 11/01/2020 TO 11/30/2020

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____	015-FIN FINAL INSPECTION	20192094	1115 GOLDFINCH AVE	298-3		11/19/2020
PR	_____	016-FEL FINAL ELECTRIC					11/19/2020
PR	_____	017-FME FINAL MECHANICAL					11/19/2020
PR	_____	018-PLF PLUMBING - FINAL OSR READ					11/19/2020
BF	_____	015-FIN FINAL INSPECTION	20192095	1117 GOLDFINCH AVE	298-4		11/13/2020
PBF	_____	016-PLF PLUMBING - FINAL OSR READ					11/13/2020
PR	_____	008-RFR ROUGH FRAMING	20200025	2086 SQUIRE CIR	180		11/17/2020
PR	_____	009-REL ROUGH ELECTRICAL					11/17/2020
PR	_____	010-RMC ROUGH MECHANICAL					11/17/2020
PR	_____	011-PLR PLUMBING - ROUGH					11/17/2020
BC	_____	012-INS INSULATION					11/19/2020
BF	_____	AM 013-WKS PUBLIC & SERVICE WALKS Comments1: CANCEL				11/24/2020	
BC	_____	014-WKS PUBLIC & SERVICE WALKS					11/25/2020
EEI	_____	015-REI REINSPECTION	20200073	1503 MONTROSE CT	9		11/19/2020
BF	_____	015-FIN FINAL INSPECTION Comments1: 224-358-6669	20200155	2135 BLUEBIRD LN	235-2		11/09/2020
PBF	_____	016-PLF PLUMBING - FINAL OSR READ Comments1: 224-358-6669					11/06/2020
EEI	_____	023-REI REINSPECTION	20200252	2492 ANNA MARIA LN	599		11/04/2020
BC	_____	AM 015-WK SERVICE WALK	20200253	2508 ANNA MARIA LN	597	11/20/2020	
BC	_____	AM 016-EPW ENGINEERING- PUBLIC WALK					11/20/2020
BC	_____	AM 015-WK SERVICE WALK	20200254	2520 ANNA MARIA LN	596	11/20/2020	
BC	_____	AM 016-EPW ENGINEERING- PUBLIC WALK					11/20/2020
BC	_____	AM 014-WK SERVICE WALK	20200255	2528 ANNA MARIA LN	595	11/20/2020	
BC	_____	AM 015-EPW ENGINEERING- PUBLIC WALK					11/20/2020

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UNITED CITY OF YORKVILLE
CALLS FOR INSPECTION REPORT

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INSPECTIONS SCHEDULED FROM 11/01/2020 TO 11/30/2020

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____	015-FIN FINAL INSPECTION	20200257	2828 SHERIDAN CT	198	11/02/2020	
PR	_____	016-FEL FINAL ELECTRIC				11/02/2020	
PR	_____	017-FME FINAL MECHANICAL				11/02/2020	
PR	_____	018-PLF PLUMBING - FINAL OSR READ				11/02/2020	
EEI	_____	019-EFL ENGINEERING - FINAL INSPE					11/02/2020
BC	_____	AM 001-FTG FOOTING Comments1: MIDWEST 815-839-8175	20200426	2065 SQUIRE CIR	213		11/18/2020
PR	_____	011-FIN FINAL INSPECTION	20200450	941 BLACKBERRY SHORE LN	28		11/02/2020
PR	_____	012-FEL FINAL ELECTRIC					11/02/2020
PR	_____	013-FME FINAL MECHANICAL					11/02/2020
PR	_____	014-PLF PLUMBING - FINAL OSR READ					11/02/2020
EEI	_____	015-EFL ENGINEERING - FINAL INSPE					11/02/2020
PR	_____	017-FIN FINAL INSPECTION	20200557	906 S CARLY CIR	99		11/17/2020
PR	_____	018-FEL FINAL ELECTRIC					11/17/2020
PR	_____	019-FME FINAL MECHANICAL					11/17/2020
PR	_____	020-PLF PLUMBING - FINAL OSR READ					11/17/2020
EEI	_____	021-EFL ENGINEERING - FINAL INSPE					11/16/2020
PR	_____	017-ABC ABOVE CEILING	20200559	846 EDWARD LN			11/09/2020
PR	_____	018-FIN FINAL INSPECTION					11/17/2020
PR	_____	019-FEL FINAL ELECTRIC					11/17/2020
PR	_____	020-FME FINAL MECHANICAL					11/17/2020
PR	_____	021-PLF PLUMBING - FINAL OSR READ					11/17/2020
BC	_____	002-REI REINSPECTION	20200571	2341 SUMAC DR	17	11/30/2020	
BC	_____	003-FIN FINAL INSPECTION	20200611	321 DRAYTON CT	54		11/10/2020
EEI	_____	018-EFL ENGINEERING - FINAL INSPE	20200693	2155 HARTFIELD AVE	421		11/10/2020

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UNITED CITY OF YORKVILLE
CALLS FOR INSPECTION REPORT

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INSPECTIONS SCHEDULED FROM 11/01/2020 TO 11/30/2020

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____	019-FIN FINAL INSPECTION					11/10/2020
		Comments1: 847-456-8082					
PR	_____	020-PLF PLUMBING - FINAL OSR READ					11/10/2020
		Comments1: 847-456-8082					
PR	_____	021-FEL FINAL ELECTRIC					11/10/2020
PR	_____	022-FME FINAL MECHANICAL					11/10/2020
EEI	_____	023-REI REINSPECTION					11/16/2020
BC	_____	008-PWK PRIVATE WALKS	20200696	889 GILLESPIE LN			11/12/2020
PR	_____	010-RFR ROUGH FRAMING					11/24/2020
PR	_____	011-REL ROUGH ELECTRICAL					11/24/2020
PR	_____	012-RMC ROUGH MECHANICAL					11/24/2020
PR	_____	013-PLR PLUMBING - ROUGH					11/24/2020
BC	_____	008-PWK PRIVATE WALKS	20200697	887 GILLESPIE LN			11/12/2020
PBF	_____	010-PLR PLUMBING - ROUGH					11/20/2020
		Comments1: LATE AS POSSIBLE PLEASE 630-365-7229					
BF	_____	011-RFR ROUGH FRAMING					11/20/2020
		Comments1: LATE AS POSSIBLE PLEASE 630-365-7229					
BF	_____	012-REL ROUGH ELECTRICAL					11/20/2020
		Comments1: LATE AS POSSIBLE PLEASE 630-365-7229					
BF	_____	013-RMC ROUGH MECHANICAL					11/20/2020
		Comments1: LATE AS POSSIBLE PLEASE 630-365-7229					
BC	_____	014-INS INSULATION					11/24/2020
BC	_____	008-PWK PRIVATE WALKS	20200698	885 GILLESPIE LN			11/12/2020
PBF	_____	010-PLR PLUMBING - ROUGH					11/20/2020
		Comments1: LATE AS POSSIBLE PLEASE 630-365-7229					
BF	_____	011-RFR ROUGH FRAMING					11/20/2020
		Comments1: LATE AS POSSIBLE PLEASE 630-365-7229					
BF	_____	012-REL ROUGH ELECTRICAL					11/20/2020
		Comments1: LATE AS POSSIBLE PLEASE 630-365-7229					

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UNITED CITY OF YORKVILLE
CALLS FOR INSPECTION REPORT

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INSPECTIONS SCHEDULED FROM 11/01/2020 TO 11/30/2020

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BF	_____	013-RMC ROUGH MECHANICAL					11/20/2020
		Comments1: LATE AS POSSIBLE PLEASE	630-365-7229				
BC	_____	014-INS INSULATION					11/24/2020
BC	_____	008-PWK PRIVATE WALKS	20200699	883 GILLESPIE LN			11/12/2020
BF	_____	PM 009-RFR ROUGH FRAMING					11/16/2020
BF	_____	PM 010-REL ROUGH ELECTRICAL					11/16/2020
		Comments1: 630-365-7229					
BF	_____	PM 011-RMC ROUGH MECHANICAL					11/16/2020
PBF	_____	PM 012-PLR PLUMBING - ROUGH					11/16/2020
		Comments1: 630-365-7229					
BC	_____	014-RST FIRE OR DRAFT STOPPING					11/17/2020
		Comments1: RE ROUGH					
BC	_____	015-INS INSULATION					11/17/2020
BC	_____	008-PWK PRIVATE WALKS	20200700	881 GILLESPIE LN			11/12/2020
BF	_____	PM 009-RFR ROUGH FRAMING					11/16/2020
		Comments1: 630-365-7229					
BF	_____	PM 010-REL ROUGH ELECTRICAL					11/16/2020
BF	_____	PM 011-RMC ROUGH MECHANICAL					11/16/2020
PBF	_____	PM 012-PLR PLUMBING - ROUGH					11/16/2020
		Comments1: 630-365-7229					
BC	_____	014-RST FIRE OR DRAFT STOPPING					11/17/2020
		Comments1: RE ROUGH					
BC	_____	015-INS INSULATION					11/18/2020
BC	_____	008-PWK PRIVATE WALKS	20200701	891 GILLESPIE LN			11/12/2020
PR	_____	010-RFR ROUGH FRAMING					11/24/2020
PR	_____	011-REL ROUGH ELECTRICAL					11/24/2020
PR	_____	012-RMC ROUGH MECHANICAL					11/24/2020
PR	_____	013-PLR PLUMBING - ROUGH					11/24/2020

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UNITED CITY OF YORKVILLE
CALLS FOR INSPECTION REPORT

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INSPECTIONS SCHEDULED FROM 11/01/2020 TO 11/30/2020

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BC	_____	003-BKF BACKFILL	20200702	890 GILLESPIE LN			11/03/2020
BC	_____	003-BKF BACKFILL	20200703	888 GILLESPIE LN			11/03/2020
BC	_____	004-BSM BASEMENT FLOOR					11/19/2020
BC	_____	003-BKF BACKFILL	20200704	886 GILLESPIE LN			11/03/2020
BC	_____	003-BKF BACKFILL	20200705	884 GILLESPIE LN			11/03/2020
BC	_____	003-BKF BACKFILL	20200706	882 GILLESPIE LN			11/03/2020
BC	_____	003-BKF BACKFILL	20200707	880 GILLESPIE LN			11/03/2020
BF	_____	017-FIN FINAL INSPECTION	20200724	2195 BLUEBIRD LN	240-2		11/05/2020
BF	_____	018-FEL FINAL ELECTRIC				11/05/2020	
BF	_____	019-FME FINAL MECHANICAL					11/05/2020
PBF	_____	020-PLF PLUMBING - FINAL OSR READ					11/05/2020
EEI	_____	021-EFL ENGINEERING - FINAL INSPE					11/05/2020
PR	_____	018-FIN FINAL INSPECTION	20200725	2197 BLUEBIRD LN	240-1		11/12/2020
PR	_____	019-FEL FINAL ELECTRIC					11/12/2020
PR	_____	020-FME FINAL MECHANICAL					11/12/2020
PR	_____	021-PLF PLUMBING - FINAL OSR READ					11/12/2020
BC	_____	012-RFR ROUGH FRAMING	20200729	2010 INGEMUNSON LN	139		11/03/2020
		Comments1: SEE INSPECTION TICKET					
BC	_____	013-REL ROUGH ELECTRICAL					11/03/2020
BC	_____	014-RMC ROUGH MECHANICAL					11/03/2020
		Comments1: SEE INSPECTION TICKET					
BC	_____	015-INS INSULATION					11/05/2020
PBF	_____	016-PLR PLUMBING - ROUGH					11/03/2020
		Comments1: 847-456-8082					
BF	_____	017-PHD POST HOLE - DECK					11/05/2020
		Comments1: 847-551-9066 AM PLEASE					

DATE: 11/30/2020
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UNITED CITY OF YORKVILLE
CALLS FOR INSPECTION REPORT

PAGE: 6

INSPECTIONS SCHEDULED FROM 11/01/2020 TO 11/30/2020

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BC	_____	002-REI REINSPECTION	20200756	533 W BARBERRY CIR	41		11/09/2020
PR	_____	018-FIN FINAL INSPECTION Comments1: 847-456-8082	20200758	2022 INGEMUNSON LN	140		11/10/2020
PR	_____	019-PLF PLUMBING - FINAL OSR READ Comments1: 847-456-8082					11/10/2020
EEI	_____	020-EFL ENGINEERING - FINAL INSPE					11/10/2020
PR	_____	021-REL ROUGH ELECTRICAL					11/10/2020
PR	_____	022-FME FINAL MECHANICAL					11/10/2020
PR	_____	019-FIN FINAL INSPECTION	20200760	2161 BLUEBIRD LN	237-1		11/10/2020
PR	_____	020-FEL FINAL ELECTRIC					11/10/2020
PR	_____	021-FME FINAL MECHANICAL					11/10/2020
PR	_____	022-PLF PLUMBING - FINAL OSR READ					11/10/2020
BC	_____	003-FIN FINAL INSPECTION	20200785	2881 OLD GLORY DR	245		11/19/2020
PR	_____	016-FIN FINAL INSPECTION	20200799	1120 GOLDFINCH AVE	311-3		11/19/2020
PR	_____	017-FEL FINAL ELECTRIC					11/19/2020
PR	_____	018-FME FINAL MECHANICAL					11/19/2020
PR	_____	019-PLF PLUMBING - FINAL OSR READ					11/19/2020
BC	_____	018-PWK PRIVATE WALKS	20200823	2192 BLUEBIRD LN	241-1		11/12/2020
PR	_____	019-EFL ENGINEERING - FINAL INSPE					11/19/2020
PR	_____	020-FIN FINAL INSPECTION					11/19/2020
PR	_____	021-FME FINAL MECHANICAL					11/19/2020
PR	_____	022-PLF PLUMBING - FINAL OSR READ					11/19/2020
EEI	_____	023-EFL ENGINEERING - FINAL INSPE Comments1: OK TO TEMP					11/19/2020
BC	_____	017-PWK PRIVATE WALKS	20200824	2194 BLUEBIRD LN	241-2		11/12/2020
PR	_____	018-FIN FINAL INSPECTION					11/19/2020

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PR	_____	019-FEL FINAL ELECTRIC					11/19/2020
PR	_____	020-FME FINAL MECHANICAL					11/19/2020
PR	_____	021-PLF PLUMBING - FINAL OSR READ					11/19/2020
EEI	_____	022-EFL ENGINEERING - FINAL INSPE Comments1: OK TO TEMP					11/19/2020
BC	_____	013-INS INSULATION	20200844	2046 INGEMUNSON LN	142		11/02/2020
BF	_____	AM 018-PPS PRE-POUR, SLAB ON GRADE Comments1: 847-551-9066 AM PLEASE					11/05/2020
PR	_____	016-FIN FINAL INSPECTION	20200845	1151 BLACKBERRY SHORE LN	49		11/24/2020
PR	_____	017-FME FINAL MECHANICAL					11/24/2020
PR	_____	018-FEL FINAL ELECTRIC					11/24/2020
PR	_____	019-PLF PLUMBING - FINAL OSR READ					11/24/2020
EEI	_____	020-EFL ENGINEERING - FINAL INSPE					11/25/2020
BF	_____	006-PWK PRIVATE WALKS Comments1: 630-977-1868	20200904	803 ALEXANDRA LN	9		11/05/2020
BC	_____	017-PWK PRIVATE WALKS	20200907	2174 BLUEBIRD LN	242		11/12/2020
BC	_____	AM 018-PHD POST HOLE - DECK Comments1: UPLAND 630-330-6705					11/23/2020
BC	_____	017-PWK PRIVATE WALKS	20200908	2172 BLUEBIRD LN	242		11/12/2020
EEI	_____	018-ADA ADA ACCESSIBLE WALK WAY					11/12/2020
BC	_____	AM 019-PHD POST HOLE - DECK Comments1: UPLAND 630-330-6705					11/23/2020
PR	_____	016-FIN FINAL INSPECTION	20200912	1109 HAWK HOLLOW DR	310-1		11/16/2020
PR	_____	017-FEL FINAL ELECTRIC					11/16/2020
PR	_____	018-FME FINAL MECHANICAL					11/16/2020
PR	_____	019-PLF PLUMBING - FINAL OSR READ					11/16/2020
EEI	_____	020-EFL ENGINEERING - FINAL INSPE					11/16/2020

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PR	_____	011-FIN FINAL INSPECTION	20200913	1111 HAWK HOLLOW DR	310-2		11/16/2020
PR	_____	012-FEL FINAL ELECTRIC					11/16/2020
PR	_____	013-FME FINAL MECHANICAL					11/16/2020
PR	_____	014-PLF PLUMBING - FINAL OSR READ					11/16/2020
EEI	_____	015-EFL ENGINEERING - FINAL INSPE					11/16/2020
PR	_____	011-FIN FINAL INSPECTION	20200914	1121 HAWK HOLLOW DR	310-3		11/16/2020
PR	_____	012-FEL FINAL ELECTRIC					11/16/2020
PR	_____	013-FME FINAL MECHANICAL					11/16/2020
PR	_____	014-PLF PLUMBING - FINAL OSR READ					11/16/2020
EEI	_____	015-EFL ENGINEERING - FINAL INSPE					11/16/2020
EEI	_____	015-EFL ENGINEERING - FINAL INSPE	20200915	1123 HAWK HOLLOW DR	310-4		11/16/2020
BF	_____	016-FIN FINAL INSPECTION					11/20/2020
		Comments1: 847-456-8082					
PBF	_____	017-PLF PLUMBING - FINAL OSR READ					11/20/2020
		Comments1: 847-456-8082					
BC	_____	014-INS INSULATION	20200917	1054 CANARY AVE	243-1		11/02/2020
		Comments1: FOAM COMPLETELY AROUND PATIO. SEAL CRACK					
		Comments2: S AROUND CRIPPLES.					
BC	_____	AM 016-STP STOOP					11/23/2020
		Comments1: UPLAND 630-330-6705					
BC	_____	014-INS INSULATION	20200918	1052 CANARY AVE	243-2		11/03/2020
BC	_____	015-INS INSULATION					11/02/2020
		Comments1: WORK NOT COMPLETED					
BC	_____	AM 016-STP STOOP					11/23/2020
		Comments1: UPLAND 630-330-6705					
PR	_____	016-FIN FINAL INSPECTION	20200935	2803 GAINS CT	183	11/10/2020	
PR	_____	017-PLF PLUMBING - FINAL OSR READ				11/10/2020	
PR	_____	016-FIN FINAL INSPECTION	20200936	2038 SQUIRE CIR	194		11/23/2020

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PR	_____	017-FEL FINAL ELECTRIC					11/23/2020
PR	_____	018-FME FINAL MECHANICAL					11/23/2020
PR	_____	019-PLF PLUMBING - FINAL OSR READ					11/23/2020
EEI	_____	020-EFL ENGINEERING - FINAL INSPE					11/23/2020
BC	_____	AM 001-FTG FOOTING	20200944	1064 CANARY AVE	2442		11/04/2020
BC	_____	AM 002-FOU FOUNDATION Comments1: 630-330-6705					11/06/2020
BC	_____	003-BKF BACKFILL					11/12/2020
PR	_____	004-SEW SEWER INSPECTION					11/16/2020
PR	_____	PM 005-WAT WATER					11/16/2020
PBF	_____	006-PLU PLUMBING - UNDERSLAB Comments1: 224-358-6669					11/19/2020
BC	_____	AM 001-FTG FOOTING	20200945	1062 CANARY AVE	2442		11/04/2020
BC	_____	AM 002-FOU FOUNDATION Comments1: 630-330-6705					11/06/2020
BC	_____	003-BKF BACKFILL					11/12/2020
PR	_____	004-SEW SEWER INSPECTION					11/16/2020
PR	_____	005-WAT WATER					11/16/2020
PBF	_____	006-PLU PLUMBING - UNDERSLAB Comments1: 224-358-6669					11/19/2020
PR	_____	011-RFR ROUGH FRAMING	20200975	2548 ANNA MARIA LN	593		11/12/2020
PR	_____	012-REL ROUGH ELECTRICAL					11/12/2020
PR	_____	013-RMC ROUGH MECHANICAL					11/12/2020
PR	_____	014-PLR PLUMBING - ROUGH					11/12/2020
BC	_____	AM 015-INS INSULATION					11/19/2020
BF	_____	008-RFR ROUGH FRAMING Comments1: GEORGE 224-234-3616	20200976	2538 ANNA MARIA LN	594		11/04/2020

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BF	_____	009-REL ROUGH ELECTRICAL Comments1: GEORGE 224-234-3616					11/04/2020
BF	_____	010-RMC ROUGH MECHANICAL Comments1: GEORGE 224-234-3616					11/04/2020
PBF	_____	011-PLR PLUMBING - ROUGH Comments1: GEORGE 224-234-3616					11/04/2020
BC	_____	012-INS INSULATION					11/06/2020
BF	_____	018-FIN FINAL INSPECTION Comments1: 847-456-8082	20200992	581 WARBLER LN	352		11/09/2020
PBF	_____	019-PLF PLUMBING - FINAL OSR READ Comments1: 847-456-8082					11/09/2020
EEI	_____	020-EFL ENGINEERING - FINAL INSPE					11/09/2020
BF	_____	020-FIN FINAL INSPECTION	20200993	656 MANCHESTER LN	381		11/23/2020
PBF	_____	023-PLF PLUMBING - FINAL OSR READ					11/23/2020
EEI	_____	017-EFL ENGINEERING - FINAL INSPE	20200994	632 COACH RD	401		11/09/2020
BF	_____	018-FIN FINAL INSPECTION Comments1: 847-456-8082					11/09/2020
PBF	_____	019-PLF PLUMBING - FINAL OSR READ Comments1: 847-456-8082					11/09/2020
GH	12:00	001-ROF ROOF UNDERLAYMENT ICE & W	20201001	2273 CRYDER CT	434		11/19/2020
PR	_____	017-FIN FINAL INSPECTION	20201002	1423 WOODSAGE AVE	22		11/09/2020
PR	_____	018-FEL FINAL ELECTRIC					11/09/2020
PR	_____	019-FME FINAL MECHANICAL					11/09/2020
PR	_____	020-PLF PLUMBING - FINAL OSR READ					11/09/2020
EEI	_____	021-EFL ENGINEERING - FINAL INSPE					11/12/2020
BF	_____	020-FIN FINAL INSPECTION	20201005	582 COACH RD	404		11/23/2020
PBF	_____	021-PLF PLUMBING - FINAL OSR READ					11/23/2020
PR	_____	016-FIN FINAL INSPECTION	20201006	593 MANCHESTER LN	400		11/16/2020

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PR	_____	017-FEL FINAL ELECTRIC					11/16/2020
PR	_____	018-FME FINAL MECHANICAL					11/16/2020
PR	_____	019-PLF PLUMBING - FINAL OSR READ					11/16/2020
EEI	_____	020-EFL ENGINEERING - FINAL INSPE					11/16/2020
BF	_____	015-FIN FINAL INSPECTION	20201007	2112 HARTFIELD AVE	348		11/23/2020
PBF	_____	016-PLF PLUMBING - FINAL OSR READ					11/23/2020
EEI	_____	017-EFL ENGINEERING - FINAL INSPE					11/25/2020
PBF	_____	004-PLU PLUMBING - UNDERSLAB Comments1: 847-456-8082	20201009	1348 HAWK HOLLOW DR	292-1		11/03/2020
BF	_____	005-PPS PRE-POUR, SLAB ON GRADE Comments1: JEFF 630-330-6705					11/13/2020
BF	_____	006-GAR GARAGE FLOOR					11/13/2020
PBF	_____	004-PLU PLUMBING - UNDERSLAB Comments1: 847-456-8082	20201010	1346 HAWK HOLLOW DR	292-2		11/03/2020
BF	_____	005-PPS PRE-POUR, SLAB ON GRADE					11/13/2020
BF	_____	006-GAR GARAGE FLOOR					11/13/2020
PBF	_____	004-PLU PLUMBING - UNDERSLAB Comments1: 847-456-8082	20201011	1344 HAWK HOLLOW DR	292-3		11/03/2020
BF	_____	005-GAR GARAGE FLOOR					11/13/2020
BF	_____	006-PPS PRE-POUR, SLAB ON GRADE					11/13/2020
PBF	_____	004-PLU PLUMBING - UNDERSLAB Comments1: 847-456-8082	20201012	1342 HAWK HOLLOW DR	292-4		11/03/2020
BF	_____	005-PPS PRE-POUR, SLAB ON GRADE					11/13/2020
BF	_____	006-GAR GARAGE FLOOR					11/13/2020
BC	_____	001-FIN FINAL INSPECTION	20201022	1182 MIDNIGHT PL			11/17/2020
BC	_____	002-FEL FINAL ELECTRIC					11/17/2020
PR	_____	017-FIN FINAL INSPECTION	20201032	2072 SQUIRE CIR	184		11/23/2020

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PR	_____	018-FEL FINAL ELECTRIC					11/23/2020
PR	_____	019-FME FINAL MECHANICAL					11/23/2020
PR	_____	020-PLF PLUMBING - FINAL OSR READ					11/23/2020
EEI	_____	021-EFL ENGINEERING - FINAL INSPE					11/23/2020
BC	_____	AM 001-FOU FOUNDATION Comments1: MIDW 815-839-8175	20201050	2002 SQUIRE CIR	202		11/13/2020
BC	_____	PM 002-BKF BACKFILL					11/17/2020
PBF	14:00	003-WAT WATER Comments1: AL'S FAMILY 630-492-7635				11/18/2020	
PR	_____	004-PLU PLUMBING - UNDERSLAB Comments1: 331-223-6615					11/23/2020
PBF	_____	005-WAT WATER Comments1: 630-492-7635					11/19/2020
BC	_____	PM 006-BSM BASEMENT FLOOR				11/30/2020	
BC	_____	PM 007-GAR GARAGE FLOOR				11/30/2020	
BC	_____	002-FIN FINAL INSPECTION Comments1: HOMEOWNER CONFIRMED THAT WATER BONDING P Comments2: LATE IS IN A PIPE UNDERGROUND	20201063	922 S CARLY CIR	100		11/16/2020
PR	_____	AM 004-PLU PLUMBING - UNDERSLAB	20201088	2073 BLUEBERRY HILL	312-4		11/16/2020
PR	_____	004-PLU PLUMBING - UNDERSLAB	20201089	2075 BLUEBERRY HILL	312-3		11/16/2020
PR	_____	004-PLU PLUMBING - UNDERSLAB	20201090	2077 BLUEBERRY HILL	312-2		11/16/2020
PR	_____	005-PLU PLUMBING - UNDERSLAB	20201091	2079 BLUEBERRY HILL	312-1		11/16/2020
PBF	_____	PM 003-SEW SEWER INSPECTION Comments1: 630-387-2001	20201092	2083 BLUEBERRY HILL	313-4		11/05/2020
PBF	_____	PM 004-WAT WATER Comments1: 630-387-2001					11/05/2020
BC	_____	005-FOU FOUNDATION Comments1: FOUNDATION DOES NOT SIT ON THE FOOTING I Comments2: N SEVERAL LOCATIONS					11/06/2020

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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PBF		007-PLU PLUMBING - UNDERSLAB Comments1: JEFF 847-456-8082					10/20/2020
PBF		PM 003-SEW SEWER INSPECTION Comments1: 630-387-2001	20201093	2085 BLUEBERRY HILL	313-3		11/05/2020
PBF		PM 004-WAT WATER Comments1: 630-387-2001					11/05/2020
BC		005-FOU FOUNDATION Comments1: FOUNDATION DOES NOT SIT ON THE FOOTING I Comments2: N SEVERAL LOCATIONS					11/06/2020
PBF		007-PLU PLUMBING - UNDERSLAB Comments1: JEFF 847-456-8082					11/20/2020
PBF		PM 003-SEW SEWER INSPECTION Comments1: 630-387-2001	20201094	2087 BLUEBERRY HILL	313-2		11/05/2020
PBF		PM 004-WAT WATER Comments1: 630-387-2001					11/06/2020
BC		005-FOU FOUNDATION Comments1: FOUNDATION DOES NOT SIT ON THE FOOTING I Comments2: N SEVERAL LOCATIONS					11/06/2020
PBF		007-PLU PLUMBING - UNDERSLAB Comments1: JEFF 847-456-8082					11/20/2020
PBF		PM 002-SEW SEWER INSPECTION Comments1: 630-387-2001	20201095	2089 BLUEBERRY HILL	313-1		11/05/2020
PBF		PM 003-WAT WATER Comments1: 630-387-2001					11/05/2020
BC		004-FOU FOUNDATION Comments1: FOUNDATION DOES NOT SIT ON THE FOOTING I Comments2: N SEVERAL LOCATIONS					11/06/2020
PBF		006-PLU PLUMBING - UNDERSLAB Comments1: JEFF 847-456-8082					11/20/2020
BC		013-INS INSULATION Comments1: WINDOWS & PATIO DOOR NOT SEALED	20201140	2032 WHITEKIRK LN	48		11/03/2020
BC		014-REI REINSPECTION					11/04/2020
BF		AM 015-BSM BASEMENT FLOOR Comments1: JEFF 630-330-6705				11/06/2020	

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BF	_____	015-WKS PUBLIC & SERVICE WALKS	20201141	2020 WREN RD	32		11/03/2020
		Comments1: 630-330-6705					
BC	_____	018-WK SERVICE WALK	20201150	358 WESTWIND DR	10		11/02/2020
		Comments1: INSTALL REBAR PINS TO STOOP BEFORE POUR					
		Comments2: NG					
BC	_____	013-INS INSULATION	20201154	2011 SQUIRE CIR	205		11/02/2020
BC	_____	014-PWK PRIVATE WALKS					11/04/2020
BC	_____	015-EPW ENGINEERING- PUBLIC WALK					11/04/2020
PR	_____	018-FIN FINAL INSPECTION	20201156	2778 GAINS CT	189		11/23/2020
PR	_____	019-FEL FINAL ELECTRIC					11/23/2020
PR	_____	020-FME FINAL MECHANICAL					11/23/2020
PR	_____	021-PLF PLUMBING - FINAL OSR READ					11/23/2020
EEI	_____	022-EFL ENGINEERING - FINAL INSPE					11/23/2020
PR	_____	012-RFR ROUGH FRAMING	20201157	2028 SQUIRE CIR	197	11/30/2020	
PR	_____	013-REL ROUGH ELECTRICAL				11/30/2020	
PR	_____	014-RMC ROUGH MECHANICAL				11/30/2020	
PR	_____	015-PLR PLUMBING - ROUGH				11/30/2020	
PR	_____	018-FIN FINAL INSPECTION	20201165	812 BRISTOL AVE	7		11/23/2020
PR	_____	019-FEL FINAL ELECTRIC					11/23/2020
PR	_____	020-FME FINAL MECHANICAL					11/23/2020
PR	_____	021-PLF PLUMBING - FINAL OSR READ					11/23/2020
EEI	_____	022-EFL ENGINEERING - FINAL INSPE					11/23/2020
BF	_____	014-EPW ENGINEERING- PUBLIC WALK	20201166	801 ALEXANDRA LN	8		11/04/2020
		Comments1: 630-977-1868 ADA RAMP ALREADY INSPECTED					
BF	_____	015-PWK PRIVATE WALKS					11/05/2020
		Comments1: 630-977-1868					
BF	_____	010-RFR ROUGH FRAMING	20201167	2501 ANNA MARIA LN	712		11/04/2020

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BF	_____	011-REL ROUGH ELECTRICAL					11/04/2020
BF	_____	012-RMC ROUGH MECHANICAL					11/04/2020
PBF	_____	013-PLR PLUMBING - ROUGH					11/04/2020
BC	_____	014-INS INSULATION Comments1: SERV DOOR FROM GAR NOT SEALED, BOTTOM OF Comments2: MIDDLE WINDOW IN MASTER NOT SEALED, 4 O Comments3: THER WINDOWS ON 2 FLOOR NOT PROPERLY SEA Comments4: LED.					11/06/2020
BC	_____	015-REI REINSPECTION Comments1: INSULATION					11/09/2020
BC	_____	AM 016-EPW ENGINEERING- PUBLIC WALK					11/20/2020
EEI	_____	AM 017-EPW ENGINEERING- PUBLIC WALK					11/20/2020
BC	_____	007-BSM BASEMENT FLOOR	20201168	2511 ANNA MARIA LN	713		11/18/2020
BC	_____	008-GAR GARAGE FLOOR					11/18/2020
BC	_____	007-BSM BASEMENT FLOOR	20201169	2521 ANNA MARIA LN	714		11/18/2020
BC	_____	008-GAR GARAGE FLOOR					11/18/2020
BC	_____	009-PPS PRE-POUR, SLAB ON GRADE Comments1: CRAWL					11/18/2020
PR	_____	010-RFR ROUGH FRAMING	20201170	2531 ANNA MARIA LN	715		11/24/2020
PR	_____	011-REL ROUGH ELECTRICAL					11/24/2020
PR	_____	012-RMC ROUGH MECHANICAL					11/24/2020
PR	_____	013-PLR PLUMBING - ROUGH					11/24/2020
BC	_____	014-INS INSULATION				11/30/2020	
BC	_____	007-BSM BASEMENT FLOOR	20201171	2541 ANNA MARIA LN	716		11/04/2020
BC	_____	008-GAR GARAGE FLOOR					11/04/2020
BC	_____	007-BSM BASEMENT FLOOR	20201172	2551 ANNA MARIA LN	717		11/18/2020
BC	_____	008-GAR GARAGE FLOOR					11/18/2020

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BC	_____	AM 002-FOU FOUNDATION	20201173	2561 ANNA MARIA LN	718		11/04/2020
PR	_____	004-WAT WATER					11/16/2020
PR	_____	005-ESS ENGINEERING - STORM					11/16/2020
PR	_____	003-WAT WATER	20201174	2571 ANNA MARIA LN	719		11/16/2020
PR	_____	004-ESS ENGINEERING - STORM					11/16/2020
BF	_____	003-BKF BACKFILL Comments1: 630-453-9281	20201175	2581 ANNA MARIA LN	720		11/13/2020
PR	_____	004-WAT WATER					11/16/2020
PR	_____	005-ESS ENGINEERING - STORM					11/16/2020
BF	_____	AM 002-FOU FOUNDATION Comments1: UPLAND 630-453-9281	20201176	2585 ANNA MARIA LN	721		11/12/2020
BC	_____	003-BKF BACKFILL					11/18/2020
PR	_____	004-WAT WATER					11/19/2020
PR	_____	005-ESS ENGINEERING - STORM					11/19/2020
BF	_____	002-FOU FOUNDATION Comments1: 630-453-9281	20201177	2591 ANNA MARIA LN	722		11/13/2020
BC	_____	003-BKF BACKFILL					11/18/2020
PR	_____	004-WAT WATER					11/19/2020
PR	_____	005-ESS ENGINEERING - STORM					11/19/2020
BF	_____	014-WKS PUBLIC & SERVICE WALKS Comments1: 847-551-9066 AM PLEASE	20201202	576 MANCHESTER LN	385		11/05/2020
GH	11:00	001-PHF POST HOLE - FENCE	20201207	1161 BLACKBERRY SHORE LN	50		11/13/2020
BF	_____	006-BKF BACKFILL Comments1: 630-364-0224	20201214	2372 WINTERTHUR GREEN	183		11/05/2020
GH	11:30	001-PHF POST HOLE - FENCE	20201236	112 CLAREMONT CT	35		11/20/2020
BF	_____	008-PPS PRE-POUR, SLAB ON GRADE Comments1: 630-330-6705	20201241	1932 WREN RD	4		11/03/2020

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BF	_____	009-RFR ROUGH FRAMING Comments1: 630-546-1085 STEVE					11/16/2020
BF	_____	010-REL ROUGH ELECTRICAL Comments1: 630-546-1085 STEVE					11/16/2020
BF	_____	011-RMC ROUGH MECHANICAL Comments1: 630-546-1085 STEVE					11/19/2020
PBF	_____	012-PLR PLUMBING - ROUGH Comments1: 630-546-1085 STEVE					11/16/2020
BF	_____	AM 013-INS INSULATION Comments1: 630-546-1085					11/19/2020
BC	_____	014-REI REINSPECTION Comments1: INSUL					11/23/2020
PR	_____	014-PLU PLUMBING - UNDERSLAB	20201242	1634 SHETLAND LN	45		11/02/2020
PR	_____	AM 015-SEW SEWER INSPECTION					11/12/2020
PR	_____	AM 016-WAT WATER					11/12/2020
BF	_____	013-INS INSULATION Comments1: 630-546-1085	20201243	1610 SHETLAND LN	43		11/18/2020
BF	_____	012-STP STOOP Comments1: 847-551-9066 AM PLEASE	20201275	577 MANCHESTER LN	398		11/05/2020
PR	_____	013-RFR ROUGH FRAMING					11/17/2020
PR	_____	014-REL ROUGH ELECTRICAL					11/17/2020
PR	_____	015-RMC ROUGH MECHANICAL					11/17/2020
PR	_____	016-PLR PLUMBING - ROUGH					11/17/2020
BC	_____	017-INS INSULATION					11/19/2020
BF	_____	010-RFR ROUGH FRAMING Comments1: JIM 331-223-6615	20201276	2061 SQUIRE CIR	212		11/04/2020
BF	_____	011-REL ROUGH ELECTRICAL Comments1: JIM 331-223-6615					11/04/2020
BF	_____	012-RMC ROUGH MECHANICAL Comments1: JIM 331-223-6615					11/04/2020

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PBF	_____	013-PLR PLUMBING - ROUGH Comments1: JIM 331-223-6615					11/04/2020
BC	_____	014-INS INSULATION Comments1: JIM 331-223-6615					11/06/2020
BC	_____	015-WKS PUBLIC & SERVICE WALKS					11/10/2020
BF	_____	010-RFR ROUGH FRAMING	20201277	2251 FAIRFAX WAY	376		11/06/2020
BF	_____	011-REL ROUGH ELECTRICAL Comments1: 847-456-8082					11/06/2020
BF	_____	012-RMC ROUGH MECHANICAL Comments1: 847-456-8082					11/06/2020
PBF	_____	013-PLR PLUMBING - ROUGH Comments1: 847-456-8082					11/06/2020
BC	_____	014-INS INSULATION					11/10/2020
BC	_____	015-PWK PRIVATE WALKS Comments1: STEP IS 2" OUR OF LEVEL SIDE TO SIDE. RI Comments2: SER HEIGHT EXCEEDS 7-3/4".					11/16/2020
BC	_____	016-EPW ENGINEERING- PUBLIC WALK					11/16/2020
BC	_____	017-REI REINSPECTION					11/16/2020
BC	_____	009-STP STOOP Comments1: X2	20201278	2154 HARTFIELD AVE	423		11/16/2020
PR	_____	010-RFR ROUGH FRAMING				11/30/2020	
PR	_____	011-REL ROUGH ELECTRICAL				11/30/2020	
PR	_____	012-RMC ROUGH MECHANICAL				11/30/2020	
PR	_____	013-PLR PLUMBING - ROUGH				11/30/2020	
BC	_____	011-STP STOOP Comments1: X2	20201279	2227 FAIRFAX WAY	379		11/16/2020
PR	_____	010-RFR ROUGH FRAMING Comments1: 847-456-8082	20201280	2243 FAIRFAX WAY	377	11/12/2020	
PR	_____	011-REL ROUGH ELECTRICAL Comments1: 847-456-8082				11/12/2020	

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PR	_____	012-RMC ROUGH MECHANICAL Comments1: 847-456-8082				11/12/2020	
PR	_____	013-PLR PLUMBING - ROUGH Comments1: 847-456-8082				11/12/2020	
BF	_____	014-INS INSULATION Comments1: 847-456-8082					11/16/2020
BC	_____	AM 015-WKS PUBLIC & SERVICE WALKS Comments1: COMEX 847-551-9066					11/20/2020
BC	_____	007-PWK PRIVATE WALKS	20201282	941 GILLESPIE LN	106		11/12/2020
BF	_____	007-EPW ENGINEERING- PUBLIC WALK	20201283	943 GILLESPIE LN	105	11/13/2020	
BC	_____	007-EPW ENGINEERING- PUBLIC WALK	20201284	945 GILLESPIE LN	104		11/12/2020
BC	_____	007-EPW ENGINEERING- PUBLIC WALK	20201285	947 GILLESPIE LN	103		11/12/2020
BF	_____	007-EPW ENGINEERING- PUBLIC WALK	20201286	949 GILLESPIE LN	102	11/13/2020	
BF	_____	007-EPW ENGINEERING- PUBLIC WALK	20201287	951 GILLESPIE LN	101	11/13/2020	
BC	_____	007-EPW ENGINEERING- PUBLIC WALK	20201288	931 GILLESPIE LN	107		11/12/2020
BF	_____	007-EPW ENGINEERING- PUBLIC WALK	20201289	929 GILLESPIE LN	108	11/13/2020	
BF	_____	007-EPW ENGINEERING- PUBLIC WALK	20201290	927 GILLESPIE LN	109	11/13/2020	
BF	_____	007-EPW ENGINEERING- PUBLIC WALK	20201291	925 GILLESPIE LN	110	11/13/2020	
BF	_____	007-EPW ENGINEERING- PUBLIC WALK	20201292	923 GILLESPIE LN	111	11/13/2020	
BC	_____	007-PWK PRIVATE WALKS	20201293	921 GILLESPIE LN	112		11/12/2020
BC	_____	007-PWK PRIVATE WALKS	20201294	911 GILLESPIE LN	113		11/12/2020
BC	_____	007-PWK PRIVATE WALKS	20201295	909 GILLESPIE LN	114		11/12/2020
BC	_____	007-PWK PRIVATE WALKS	20201296	907 GILLESPIE LN	115		11/12/2020
BC	_____	007-PWK PRIVATE WALKS	20201297	905 GILLESPIE LN	116		11/12/2020
BC	_____	007-PWK PRIVATE WALKS	20201298	901 GILLESPIE LN	118		11/12/2020
BC	_____	007-PWK PRIVATE WALKS	20201299	903 GILLESPIE LN	117	11/12/2020	

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BC	_____	001-FTG FOOTING	20201300	950 GILLESPIE LN	148		11/03/2020
BC	_____	002-FOU FOUNDATION				11/06/2020	
BC	_____	003-BKF BACKFILL				11/10/2020	
PR	_____	004-PLU PLUMBING - UNDERSLAB					11/19/2020
BC	_____	005-BG BASEMENT AND GARAGE FLOOR					11/20/2020
BC	_____	001-FTG FOOTING	20201301	948 GILLESPIE LN	147		11/03/2020
BC	_____	002-FOU FOUNDATION					11/06/2020
BC	_____	003-BKF BACKFILL				11/10/2020	
PR	_____	004-PLU PLUMBING - UNDERSLAB					11/19/2020
BC	_____	005-BSM BASEMENT FLOOR					11/20/2020
BC	_____	001-FTG FOOTING	20201302	946 GILLESPIE LN	146		11/03/2020
BC	_____	002-FOU FOUNDATION					11/06/2020
BC	_____	003-BKF BACKFILL				11/10/2020	
PR	_____	004-PLU PLUMBING - UNDERSLAB					11/19/2020
BC	_____	005-BSM BASEMENT FLOOR					11/20/2020
BC	_____	001-FTG FOOTING	20201303	944 GILLESPIE LN	145		11/03/2020
BC	_____	002-FOU FOUNDATION					11/06/2020
BC	_____	003-BKF BACKFILL				11/10/2020	
PR	_____	004-PLU PLUMBING - UNDERSLAB					11/19/2020
BC	_____	005-BSM BASEMENT FLOOR					11/20/2020
BC	_____	001-FOU FOUNDATION	20201304	942 GILLESPIE LN	144		11/06/2020
BC	_____	003-BKF BACKFILL				11/10/2020	
PR	_____	004-PLU PLUMBING - UNDERSLAB					11/19/2020
BC	_____	005-BSM BASEMENT FLOOR					11/20/2020

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BC	_____	001-FTG FOOTING	20201305	940 GILLESPIE LN	143		11/03/2020
BC	_____	002-FOU FOUNDATION					11/06/2020
BC	_____	003-BKF BACKFILL				11/10/2020	
PR	_____	004-PLU PLUMBING - UNDERSLAB					11/19/2020
BC	_____	005-BSM BASEMENT FLOOR					11/20/2020
BC	_____	002-FOU FOUNDATION	20201306	930 GILLESPIE LN	142		11/05/2020
BC	_____	003-BKF BACKFILL				11/10/2020	
PR	_____	004-PLU PLUMBING - UNDERSLAB					11/19/2020
BC	_____	005-BSM BASEMENT FLOOR					11/20/2020
BC	_____	002-FOU FOUNDATION	20201307	928 GILLESPIE LN	141		11/05/2020
BC	_____	003-BKF BACKFILL				11/10/2020	
PR	_____	004-PLU PLUMBING - UNDERSLAB				11/19/2020	
BC	_____	005-BSM BASEMENT FLOOR					11/20/2020
BC	_____	002-FOU FOUNDATION	20201308	926 GILLESPIE LN	140		11/05/2020
BC	_____	003-BKF BACKFILL				11/10/2020	
PR	_____	004-PLU PLUMBING - UNDERSLAB					11/19/2020
BC	_____	005-BSM BASEMENT FLOOR					11/20/2020
BC	_____	002-FOU FOUNDATION	20201310	924 GILLESPIE LN	139		11/05/2020
BC	_____	003-BKF BACKFILL				11/10/2020	
PR	_____	004-PLU PLUMBING - UNDERSLAB					11/19/2020
BC	_____	005-BSM BASEMENT FLOOR					11/20/2020
BC	_____	002-FOU FOUNDATION	20201311	922 GILLESPIE LN	138		11/05/2020
BC	_____	003-BKF BACKFILL				11/10/2020	
PR	_____	004-PLU PLUMBING - UNDERSLAB					11/19/2020

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BC	_____	005-BSM BASEMENT FLOOR					11/20/2020
BC	_____	002-FOU FOUNDATION	20201312	920 GILLESPIE LN	137		11/05/2020
BC	_____	003-BKF BACKFILL				11/10/2020	
PR	_____	004-PLU PLUMBING - UNDERSLAB					11/19/2020
BC	_____	005-BSM BASEMENT FLOOR					11/20/2020
BC	_____	006-GAR GARAGE FLOOR				11/20/2020	
BC	_____	002-FOU FOUNDATION	20201313	910 GILLESPIE LN	136		11/03/2020
BC	_____	003-BKF BACKFILL				11/10/2020	
BC	_____	004-GAR GARAGE FLOOR					11/17/2020
BC	_____	002-FOU FOUNDATION	20201314	908 GILLESPIE LN	135		11/03/2020
BC	_____	003-BKF BACKFILL				11/10/2020	
BC	_____	002-FOU FOUNDATION	20201315	906 GILLESPIE LN	134		11/03/2020
BC	_____	003-BKF BACKFILL				11/10/2020	
BC	_____	002-FOU FOUNDATION	20201316	904 GILLESPIE LN	133		11/03/2020
BC	_____	003-BKF BACKFILL				11/10/2020	
BC	_____	002-FOU FOUNDATION	20201317	902 GILLESPIE LN	132		11/03/2020
BC	_____	003-BKF BACKFILL				11/10/2020	
BC	_____	002-FOU FOUNDATION	20201318	900 GILLESPIE LN	131		11/03/2020
BC	_____	003-BKF BACKFILL				11/10/2020	
BF	_____	003-ABC ABOVE CEILING	20201322	111 W FOX ST			11/06/2020
		Comments1: JEFF 630-200-1351					
BF	_____	007-FEM ROUGH FRM, ELE, MECH	20201327	2024 WHITEKIRK LN	50		11/19/2020
		Comments1: 630-546-1085					
PBF	_____	008-PLR PLUMBING - ROUGH					11/19/2020
		Comments1: 630-546-1085					
BC	_____	009-INS INSULATION					11/23/2020

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BC	_____	010-REI REINSPECTION					11/25/2020
BC	_____	011-EPW ENGINEERING- PUBLIC WALK					11/25/2020
BC	_____	012-PWK PRIVATE WALKS					11/25/2020
GH	_____	002-FIN FINAL INSPECTION	20201328	1111 BLACKBERRY SHORE LN	45		11/02/2020
GH	11:00	001-PHF POST HOLE - FENCE	20201340	701 N BRIDGE ST			11/16/2020
BC	_____	002-BND POOL BONDING	20201345	302 TWINLEAF TR	74		11/04/2020
BC	_____	002-GAR GARAGE FLOOR	20201351	308 WALNUT ST			11/02/2020
BF	_____	007-PPS PRE-POUR, SLAB ON GRADE Comments1: NORWOOD 630-904-2288	20201354	541 OMAHA DR	5		11/20/2020
PR	_____	009-SUM SUMP	20201357	620 MANCHESTER LN	383		11/09/2020
BC	_____	008-BSM BASEMENT FLOOR	20201358	544 MANCHESTER LN	388		11/04/2020
BC	_____	009-GAR GARAGE FLOOR					11/04/2020
PR	_____	010-SUM SUMP					11/09/2020
BF	_____	AM 005-PPS PRE-POUR, SLAB ON GRADE Comments1: 630-330-6705	20201362	2010 WHITEKIRK LN	52		11/03/2020
PBF	_____	006-ESW ENGINEERING - SEWER / WAT Comments1: SERVICE 1ST 815-210-3338				11/18/2020	
BC	_____	009-EPW ENGINEERING- PUBLIC WALK	20201363	2028 WHITEKIRK LN	49		11/25/2020
BC	_____	010-PWK PRIVATE WALKS					11/25/2020
PR	_____	004-PLU PLUMBING - UNDERSLAB	20201364	1912 WREN RD	2		11/02/2020
PR	_____	005-SEW SEWER INSPECTION					11/10/2020
PR	_____	006-WAT WATER					11/10/2020
PR	_____	007-SEW SEWER INSPECTION	20201365	1931 WREN RD	16		11/09/2020
PR	_____	008-WAT WATER					11/09/2020
BC	_____	001-FIN FINAL INSPECTION	20201372	1109 AUBURN DR	88		11/06/2020
PBF	_____	AM 003-WAT WATER Comments1: AL'S FAMILY 815-405-3599	20201381	2001 SQUIRE CIR	203		11/03/2020

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PBF		PM 004-PLU PLUMBING - UNDERSLAB Comments1: 331-223-6615					11/05/2020
BF		PM 005-BKF BACKFILL Comments1: 815-839-8175					11/03/2020
BC		006-BSM BASEMENT FLOOR					11/05/2020
BC		007-GAR GARAGE FLOOR					11/05/2020
BC		008-STP STOOP					11/05/2020
BC		001-FIN FINAL INSPECTION	20201382	1492 WALSH DR	192		11/20/2020
BC		002-FEL FINAL ELECTRIC					11/20/2020
GH	13:30	001-PHF POST HOLE - FENCE	20201383	1610 JOHN ST	132	11/30/2020	
PBF		006-PLU PLUMBING - UNDERSLAB Comments1: 845-456-8082	20201384	602 COACH RD	402		11/03/2020
BC		007-BG BASEMENT AND GARAGE FLOOR Comments1: 847-551-9066 AM PLEASE					11/04/2020
PR		PM 008-SUM SUMP					11/16/2020
BC		AM 001-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO	20201389	712 KENTSHIRE DR	119		11/09/2020
GH		002-FIN FINAL INSPECTION	20201394	547 BURNING BUSH DR	118		11/16/2020
GH	14:00	001-PHF POST HOLE - FENCE	20201406	1450 ASPEN LN		11/30/2020	
BC		001-FIN FINAL INSPECTION	20201410	1109 AUBURN DR	88		11/06/2020
PBF		004-PLU PLUMBING - UNDERSLAB Comments1: 847-456-8082	20201413	562 COACH RD	406		11/05/2020
PBF		006-PLU PLUMBING - UNDERSLAB Comments1: 847-456-8082	20201414	574 COACH RD	405		11/06/2020
BC		AM 008-GAR GARAGE FLOOR	20201421	808 ALEXANDRA LN	16		11/13/2020
BF		010-RFR ROUGH FRAMING Comments1: GARY 630-977-1868					11/18/2020
BF		011-REL ROUGH ELECTRICAL Comments1: GARY 630-977-1868					11/18/2020

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BF		012-RMC ROUGH MECHANICAL Comments1: GARY 630-977-1868					11/18/2020
PBF		013-PLR PLUMBING - ROUGH Comments1: GARY 630-977-1868					11/18/2020
BC		014-INS INSULATION					11/23/2020
GH		001-PHF POST HOLE - FENCE	20201424	367 WESTWIND DR	36		11/19/2020
GH	10:30	001-ROF ROOF UNDERLAYMENT ICE & W	20201425	1404 VIOLET CT	372		11/19/2020
GH	11:00	001-PHF POST HOLE - FENCE	20201430	2481 CATALPA TR	174		11/06/2020
PR		PM 001-FTG FOOTING	20201439	4477 E MILLBROOK CIR	232		11/04/2020
PBF		002-PLU PLUMBING - UNDERSLAB Comments1: JIM 331-223-6615					11/12/2020
BF		PM 003-BKF BACKFILL Comments1: 815-839-8175					11/06/2020
PR	10:30	004-WAT WATER Comments1: CANCEL				11/09/2020	
PR		AM 005-WAT WATER					11/10/2020
BC		006-GAR GARAGE FLOOR					11/16/2020
BC		007-BSM BASEMENT FLOOR					11/16/2020
BF		AM 008-STP STOOP Comments1: 815-839-8175					11/20/2020
PBF		005-PLU PLUMBING - UNDERSLAB Comments1: 331-223-6615	20201440	4476 E MILLBROOK CIR	237		11/04/2020
BC		006-BSM BASEMENT FLOOR					11/04/2020
BC		007-GAR GARAGE FLOOR					11/04/2020
PR		010-RFR ROUGH FRAMING				11/30/2020	
PR		011-REL ROUGH ELECTRICAL				11/30/2020	
PR		012-RMC ROUGH MECHANICAL				11/30/2020	
PR		013-PLR PLUMBING - ROUGH				11/30/2020	

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PBF		AM 006-PLU PLUMBING - UNDERSLAB Comments1: DAVE 630-878-5792	20201442	1172 TAUS CIR	125		11/13/2020
BF		007-BSM BASEMENT FLOOR Comments1: 630-904-2288					11/18/2020
BC	14:00	001-FIN FINAL INSPECTION Comments1: SOLAR	20201444	2877 MCMURTRIE WAY	228		11/05/2020
BC		002-FEL FINAL ELECTRIC Comments1: WIRE MANAGEMENT UNDER ARRAYS, REPAIR FRA Comments2: YED GROUND WIRE IN SUBPANE, SECURE GROUN Comments3: D LUG IN SUBPANEL					11/05/2020
BC		PM 003-REI REINSPECTION Comments1: SOLAR					11/09/2020
GH	13:00	001-PHF POST HOLE - FENCE	20201449	1415 ASPEN LN	88	11/30/2020	
BC		001-FIN FINAL INSPECTION Comments1: WINDOWS	20201450	525 SUTTON ST	213		11/05/2020
BC		001-FTG FOOTING	20201460	2025 SQUIRE CIR	206		11/05/2020
BF		PM 002-FOU FOUNDATION Comments1: 815-839-8175					11/06/2020
PR		AM 004-WAT WATER Comments1: AL'S FAMILY 815-405-3599					11/12/2020
BC		AM 005-BKF BACKFILL Comments1: MIDW 815-839-8175					11/13/2020
PBF		006-PLU PLUMBING - UNDERSLAB Comments1: JIM 331-223-6615					11/18/2020
BF		007-BGS BASEMENT GARAGE STOOPS Comments1: MIDWEST 815-839-8175					11/19/2020
GH	08:30	001-PHF POST HOLE - FENCE	20201462	1489 CORNERSTONE DR	38		11/20/2020
BC		AM 007-FOU FOUNDATION	20201468	801 FREEMONT ST	46		11/03/2020
BF		008-GAR GARAGE FLOOR Comments1: 630-977-1868					11/18/2020
BF		009-STP STOOP Comments1: 630-977-1868					11/18/2020

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GH	14:00	001-PHF POST HOLE - FENCE	20201474	807 MORGAN ST			11/18/2020
BC		003-RFR ROUGH FRAMING Comments1: 1. FINISH ALL FRAMING INCLUDING ROOF STR Comments2: UCTURE. 2. CUT OUT AND FRAME DOORWAY TO Comments3: EXISTING GARAGE. 2 INSTLL A MININ OF ONE Comments4: ELEC OUTLET. 4. ADD 2 ANCHOR BOLTS ON W	20201479	1603 CYPRESS LN	30		11/06/2020
BC		004-REI REINSPECTION Comments1: ROUGH FRAMING & ELECTRIC					11/24/2020
BC		AM 007-BSM BASEMENT FLOOR	20201481	820 ALEXANDRA LN	30		11/13/2020
BC		AM 008-GAR GARAGE FLOOR					11/13/2020
BC		AM 009-STP STOOP					11/13/2020
BF		010-RFR ROUGH FRAMING Comments1: GARY 630-977-1868					11/25/2020
BF		011-REL ROUGH ELECTRICAL					11/25/2020
BF		012-RMC ROUGH MECHANICAL					11/25/2020
PBF		013-PLR PLUMBING - ROUGH Comments1: GARY 630-977-1868				11/25/2020	
BC		003-BKF BACKFILL	20201491	569 MANCHESTER LN	397		11/16/2020
PR		004-SEW SEWER INSPECTION					11/24/2020
PR		005-WAT WATER					11/24/2020
PBF		PM 003-ESW ENGINEERING - SEWER / WAT Comments1: 630-387-2001	20201492	556 MANCHESTER LN	387		11/06/2020
BF		AM 004-BKF BACKFILL Comments1: COMEX 847-551-9066					11/06/2020
PR		PM 005-SUM SUMP					11/16/2020
PBF		006-PLU PLUMBING - UNDERSLAB Comments1: JEFF 847-456-8082					11/18/2020
BC		AM 007-BG BASEMENT AND GARAGE FLOOR Comments1: COMEX 847-551-9066					11/20/2020
BC		AM 002-FOU FOUNDATION	20201503	2688 PATRIOT CT	220		11/02/2020

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PBF		003-PLU PLUMBING - UNDERSLAB					11/12/2020
		Comments1: 331-223-6615					
PBF	11:30 AM	004-WAT WATER					11/06/2020
		Comments1: 630-492-7635					
BC		PM 005-BKF BACKFILL					11/05/2020
BC		PM 006-BSM BASEMENT FLOOR					11/13/2020
BC		PM 007-GAR GARAGE FLOOR					11/13/2020
BC		PM 008-STP STOOP					11/13/2020
BC		AM 001-PPS PRE-POUR, SLAB ON GRADE	20201508	2684 PATRIOT CT	221		11/12/2020
PBF		PM 004-ESW ENGINEERING - SEWER / WAT	20201526	2263 FAIRFAX WAY	375		11/06/2020
		Comments1: 630-387-2001					
PR		005-PLU PLUMBING - UNDERSLAB				11/20/2020	
		Comments1: 847-456-8082					
BC		AM 006-BSM BASEMENT FLOOR					11/24/2020
		Comments1: COMEX					
BC		AM 007-GAR GARAGE FLOOR					11/24/2020
		Comments1: COMEX					
PR		007-RFR ROUGH FRAMING	20201527	2832 SHERIDAN CT	197		11/24/2020
PR		008-REL ROUGH ELECTRICAL					11/24/2020
PR		009-RMC ROUGH MECHANICAL					11/24/2020
PR		010-PLR PLUMBING - ROUGH					11/24/2020
PR		011-INS INSULATION				11/30/2020	
BC		001-PPS PRE-POUR, SLAB ON GRADE	20201536	284 WINDETT RIDGE RD	19		11/02/2020
		Comments1: DRIVE & WALK SALINAS 630-675-8810					
BC		002-PWK PRIVATE WALKS					11/02/2020
BC		003-STP STOOP					11/02/2020
PBF		001-ESW ENGINEERING - SEWER / WAT	20201540	807 FREEMONT ST	43		11/04/2020
		Comments1: JOHN 815-970-2591					

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BC	_____	AM 002-FTG FOOTING					11/12/2020
BC	_____	AM 003-FOU FOUNDATION					11/18/2020
BC	_____	001-FTG FOOTING	20201543	2021 WHITEKIRK LN	74		11/16/2020
BF	_____	002-FOU FOUNDATION Comments1: UPLAND 630-453-9281					11/20/2020
BC	_____	003-BKF BACKFILL				11/30/2020	
BF	_____	AM 001-FTG FOOTING Comments1: MIDWEST 815-839-8174	20201544	1712 CALLANDER TR	55		11/06/2020
BC	_____	002-FOU FOUNDATION					11/12/2020
BC	_____	PM 003-BKF BACKFILL					11/17/2020
PBF	_____	004-PLU PLUMBING - UNDERSLAB Comments1: 630-200-7660					11/20/2020
BC	_____	AM 001-FTG FOOTING	20201545	2051 WHITEKIRK LN	77		11/09/2020
BC	_____	PM 003-BKF BACKFILL					11/17/2020
PBF	_____	004-PLU PLUMBING - UNDERSLAB Comments1: NOT READY				11/20/2020	
PR	_____	004-PLU PLUMBING - UNDERSLAB	20201546	2041 WREN RD	27		11/02/2020
BF	_____	PM 005-PPS PRE-POUR, SLAB ON GRADE Comments1: 815-839-8175					11/03/2020
PR	_____	AM 006-SEW SEWER INSPECTION					11/12/2020
PR	_____	AM 007-WAT WATER					11/12/2020
BC	_____	002-FOU FOUNDATION	20201547	1702 CALLANDER TR	54		11/04/2020
BC	_____	PM 003-BKF BACKFILL					11/09/2020
PBF	_____	004-PLU PLUMBING - UNDERSLAB Comments1: STEVE 630-546-1085					11/13/2020
PBF	_____	005-ESW ENGINEERING - SEWER / WAT Comments1: SERVICE 1ST 815-210-3338				11/18/2020	
GH	12:00	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: PARTIAL	20201550	408 W RIDGE ST			11/02/2020

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GH	12:00	002-ROF ROOF UNDERLAYMENT ICE & W					11/03/2020
BC	_____ AM	004-REI REINSPECTION	20201562	758 KENTSHIRE DR	114		11/16/2020
		Comments1: CALL 903-452-5434 WHEN ON YOUR WAY					
BC	_____	001-TRN TRENCH - (GAS, ELECTRIC,	20201576	961 OMAHA DR	26		11/17/2020
BC	_____	002-BND POOL BONDING					11/17/2020
BC	_____ PM	001-FTG FOOTING	20201581	2089 SQUIRE CIR	217	11/30/2020	
BF	_____ AM	001-FTG FOOTING	20201582	2786 GAINS CT	187		11/20/2020
		Comments1: 815-839-8175					
BF	_____ PM	002-FOU FOUNDATION				11/24/2020	
		Comments1: CANCEL					
BC	_____	003-FOU FOUNDATION					11/25/2020
GH	11:00	001-PHF POST HOLE - FENCE	20201587	507 BUCKTHORN CT	76	11/30/2020	
BC	_____ AM	001-FIN FINAL INSPECTION	20201594	278 WALSH DR	89		11/24/2020
		Comments1: CALL IVAN WHEN ON YOUR WAY 903-452-5434					
PR	_____ AM	001-RFR ROUGH FRAMING	20201603	308 CENTER PKWY			11/02/2020
PR	_____ AM	002-REL ROUGH ELECTRICAL					11/02/2020
BC	_____ AM	003-FIN FINAL INSPECTION					11/18/2020
		Comments1: GARAGE SOFFET VENT COVERS NOT INSTALLED					
		Comments2: GARAGE DOORS NOT INSTLLED WINDOWS MUST B					
		Comments3: E SEALED WITH FOAM					
GH	13:30	001-PHF POST HOLE - FENCE	20201604	2471 ANNA MARIA LN	709		11/18/2020
BC	_____ PM	001-FIN FINAL INSPECTION	20201607	3436 RYAN DR	69		11/20/2020
BC	_____	002-FEL FINAL ELECTRIC					11/20/2020
BC	13:00	001-OCC OCCUPANCY INSPECTION	20201617	507 KENDALL DR	CSD		11/25/2020
BC	_____	001-FIN FINAL INSPECTION	20201620	676 HAYDEN DR	68		11/24/2020
GH	11:30	001-PHF POST HOLE - FENCE	20201626	732 KENTSHIRE DR	117		11/03/2020
GH	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20201630	1121 WHEATLAND CT.	127		11/13/2020
GH	_____	001-PHO PHOTOS I&W	20201631	492 BIRCHWOOD DR			11/25/2020

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GH		002-ROF ROOF UNDERLAYMENT ICE & W	20201635	606 GREENFIELD TURN	83		11/02/2020
		Comments1: PARTIAL BACK					
GH	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20201638	804 TERI LN			11/18/2020
		Comments1: ONLY 1 ROW OF I&W INSTALLED - NOT ENOUGH					
GH	12:30	002-REI REINSPECTION					11/18/2020
		Comments1: ADDED ADDT'L 1/2 ROW					
GH	11:30	001-PHF POST HOLE - FENCE	20201639	404 JOHNSON ST			11/13/2020
BC		AM 004-FOU FOUNDATION	20201645	348 WESTWIND DR	8		11/02/2020
BC		005-PWK PRIVATE WALKS				11/02/2020	
BF		006-BKF BACKFILL				11/04/2020	
		Comments1: RSS 630-546-0735					
BC		AM 003-REI REINSPECTION	20201646	524 BUCKTHORN CT	83		11/18/2020
BC		PM 001-PPS PRE-POUR, SLAB ON GRADE	20201647	635 HAYDEN DR	73		11/03/2020
BC		001-FTG FOOTING	20201665	2423 WYTHE PL	2		11/12/2020
		Comments1: 847-551-9066					
BC		AM 002-FOU FOUNDATION					11/13/2020
		Comments1: COMEX 847-551-9066					
BC		003-BKF BACKFILL					11/16/2020
		Comments1: NOT READY, STILL STRIPPING THE FORMS					
BC		004-REI REINSPECTION					11/19/2020
PR		005-WAT WATER					11/23/2020
		Comments1: 630-387-2001					
PR		006-SEW SEWER INSPECTION					11/23/2020
GH		001-ROF ROOF UNDERLAYMENT ICE & W	20201675	483 PARKSIDE LN	108		11/02/2020
BF	10:30	001-FIN FINAL INSPECTION	20201681	510 WINDETT RIDGE RD	173	11/03/2020	
		Comments1: IVAN 903-452-5434					
BF	10:30	002-FEL FINAL ELECTRIC					11/03/2020
		Comments1: IVAN 903-452-5434					
BF	12:00	001-FIN FINAL INSPECTION	20201682	2422 FITZHUGH TURN	146		11/03/2020
		Comments1: IVAN 903-452-5434					

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BF	12:00	002-FEL FINAL ELECTRIC					11/03/2020
		Comments1: IVAN 903-452-5434					
BC		001-FIN FINAL INSPECTION	20201689	105 E KENDALL DR			11/05/2020
		Comments1: PAVERS					
GH	10:00	001-ROF ROOF UNDERLAYMENT ICE & W	20201690	602 SUTTON ST	165		11/02/2020
GH	11:30	001-ROF ROOF UNDERLAYMENT ICE & W	20201691	1564 WALSH DR	0		11/06/2020
GH	11:30	001-ROF ROOF UNDERLAYMENT ICE & W	20201692	1568 WALSH DR	19		11/06/2020
BC		001-FIN FINAL INSPECTION	20201695	498 SUNFLOWER CT	5		11/09/2020
BC		001-FTG FOOTING	20201697	2411 WYTHE PL	1		11/10/2020
		Comments1: 847-551-9066 COMEX					
BC		PM 002-FOU FOUNDATION					11/12/2020
BC		003-BKF BACKFILL					11/19/2020
PR		004-SEW SEWER INSPECTION					11/23/2020
		Comments1: 630-387-2001					
PR		005-WAT WATER					11/23/2020
GH	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20201700	632 WHITE OAK WAY	58		11/04/2020
		Comments1: 630-688-5671					
GH	11:00	001-PHF POST HOLE - FENCE	20201701	2667 EMERALD LN	385		11/04/2020
BC		001-FIN FINAL INSPECTION	20201702	2935 ELLSWORTH DR	411		11/19/2020
		Comments1: WINDOWS					
GH	12:00	001-ROF ROOF UNDERLAYMENT ICE & W	20201703	811 E MAIN ST	39		11/06/2020
PBF		001-ESW ENGINEERING - SEWER / WAT	20201705	814 ALEXANDRA LN	27		11/13/2020
		Comments1: JOHN 815-970-2591					
BC		AM 002-FTG FOOTING					11/18/2020
BC		AM 003-FOU FOUNDATION					11/25/2020
BC		AM 001-FTG FOOTING	20201706	1162 CLEARWATER DR	245		11/23/2020
BC		AM 002-FOU FOUNDATION					11/25/2020
PBF	12:00	001-SEW SEWER INSPECTION	20201707	1282 DEERPATH DR	228		11/20/2020
		Comments1: REQUESTED TIME 12-1PM TIM GREYER 630-878					
		Comments2: -5291					

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PBF	12:00	002-WAT WATER					11/20/2020
		Comments1: REQUESTED TIME 12-1PM TIM GREYER 630-878					
		Comments2: -5291					
BC	_____	AM 003-FTG FOOTING					11/24/2020
BC	_____	001-FTG FOOTING	20201708	2045 WHITEKIRK LN	76		11/24/2020
BC	_____	001-FTG FOOTING	20201709	2033 WHITEKIRK LN	75		11/19/2020
BC	_____	002-FOU FOUNDATION					11/24/2020
GH	12:00	001-ROF ROOF UNDERLAYMENT ICE & W	20201712	831 GREENFIELD TURN	50		11/05/2020
		Comments1: PARTIAL					
GH	12:00	002-ROF ROOF UNDERLAYMENT ICE & W					11/06/2020
		Comments1: PARTIAL					
BC	_____	001-FTG FOOTING	20201713	2810 SHERIDAN CT	202		11/12/2020
		Comments1: MIDW 815-839-8175					
BC	_____	PM 002-FOU FOUNDATION					11/17/2020
PBF	11:00	003-WAT WATER				11/20/2020	
BF	_____	004-BKF BACKFILL					11/20/2020
		Comments1: 815-839-8175					
GH	11:15	001-PHF POST HOLE - FENCE	20201714	2633 LILAC WAY	314	11/30/2020	
GH	_____	001-ROF ROOF UNDERLAYMENT ICE & W	20201716	1833 WALSH DR	60		11/06/2020
		Comments1: NO ONE WORKING					
GH	_____	001-PHO PHOTOS I&W	20201719	1904 BANBURY AVE	40		11/09/2020
BC	_____	AM 001-FTG FOOTING	20201720	805 BRISTOL AVE			11/06/2020
GH	11:00	001-PHF POST HOLE - FENCE	20201721	2662 FAIRFAX WAY	264		11/20/2020
GH	09:15	001-ROF ROOF UNDERLAYMENT ICE & W	20201722	2164 KINGSMILL DR	117		11/13/2020
GH	_____	AM 001-PHF POST HOLE - FENCE	20201726	4433 PLEASANT CT	1202		11/06/2020
GH	10:30	001-ROF ROOF UNDERLAYMENT ICE & W	20201728	491 WINTERBERRY DR	115		11/06/2020
GH	12:00	001-ROF ROOF UNDERLAYMENT ICE & W	20201730	326 WINDHAM CIR	72		11/03/2020
GH	09:30	001-ROF ROOF UNDERLAYMENT ICE & W	20201732	357 PENSACOLA ST	1146		11/09/2020

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BF	_____	AM 001-FTG FOOTING Comments1: UPLAND JEFF 630-330-6705	20201734	1198 HAWK HOLLOW DR	2772		11/23/2020
BF	_____	AM 001-FTG FOOTING Comments1: UPLAND JEFF 630-330-6705	20201735	1196 HAWK HOLLOW DR	2772		11/23/2020
GH	_____	001-PHO PHOTOS I&W	20201747	2531 EMERALD LN	124	11/07/2020	
BF	_____	AM 001-RFR ROUGH FRAMING Comments1: GARAGE RENOVATION DUSTIN 630-723-1546	20201748	1077 CANARY AVE	251		11/13/2020
BF	_____	AM 002-REL ROUGH ELECTRICAL Comments1: GARAGE RENOVATION DUSTIN 630-723-1546					11/13/2020
GH	_____	001-PHO PHOTOS I&W	20201752	1056 STILLWATER CT	97	11/11/2020	
GH	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20201753	278 WALSH CIR	89		11/05/2020
GH	10:30	001-ROF ROOF UNDERLAYMENT ICE & W	20201754	275 WALSH CIR	27		11/06/2020
GH	13:00	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: PARTIAL - BACK AND LEFT SIDE	20201756	204 OAKWOOD ST	23		11/09/2020
GH	10:00	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: NO ONE WORKING - CALLED BUT NO CALL BACK	20201764	253 WALSH CIR	33		11/13/2020
GH	10:00	001-ROF ROOF UNDERLAYMENT ICE & W	20201769	207 WALSH CIR	44		11/17/2020
GH	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20201771	604 STATE ST			11/12/2020
GH	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20201772	2401 FAIRFAX WAY	240		11/12/2020
GH	11:00	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: FRONT ONLY	20201778	1636 WALSH DR	23		11/13/2020
GH	11:00	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: FRONT ONLY	20201779	1638 WALSH DR	23		11/13/2020
GH	10:00	001-ROF ROOF UNDERLAYMENT ICE & W	20201788	107 E CENTER ST			11/17/2020
BC	_____	001-FIN FINAL INSPECTION	20201791	2445 WYTHE PL	6	11/30/2020	
BC	_____	002-FEL FINAL ELECTRIC				11/30/2020	
GH	11:00	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: NO ONE WORKING	20201795	627 WHITE OAK WAY	52		11/19/2020
GH	11:00	002-ROF ROOF UNDERLAYMENT ICE & W Comments1: ONLY 1 ROW OF I&W INSTALLED					11/20/2020

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GH	12:00	003-REI REINSPECTION					11/20/2020
		Comments1: FRONT ONLY - 2 ROWS NOW INSTALLED					
GH	_____	004-PHO PHOTOS I&W				11/21/2020	
GH	13:00	001-ROF ROOF UNDERLAYMENT ICE & W	20201797	311 DRAYTON CT		11/30/2020	
GH	_____	AM 001-PHF POST HOLE - FENCE	20201804	223 HILLCREST AVE	A	11/30/2020	

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PERMIT TYPE SUMMARY:		ADD ADDITION			2		
		AGP ABOVE-GROUND POOL			1		
		CCO COMMERCIAL OCCUPANCY PERMIT			1		
		COM COMMERCIAL BUILDING			5		
		CRM COMMERCIAL REMODEL			1		
		DCK DECK			1		
		FNC FENCE			20		
		GAR GARAGE			4		
		IGP IN-GROUND POOL			5		
		MIS MISCELLANEOUS			2		
		MSC MISCELLANEOUS			5		
		PRG PERGOLA			1		
		PTO PATIO / PAVERS			4		
		REM REMODEL			1		
		ROF ROOFING			40		
		RS ROOFING & SIDING			1		
		SFA SINGLE-FAMILY ATTACHED			239		
		SFD SINGLE-FAMILY DETACHED			363		
		SOL SOLAR PANELS			18		
		SPA SAUNA / HOT TUB			1		
		WIN WINDOW REPLACEMENT			3		
INSPECTION SUMMARY:		ABC ABOVE CEILING			2		
		ADA ADA ACCESSIBLE WALK WAY			1		
		BG BASEMENT AND GARAGE FLOOR			3		
		BGS BASEMENT GARAGE STOOPS			1		
		BKF BACKFILL			45		
		BND POOL BONDING			2		
		BSM BASEMENT FLOOR			26		
		EFL ENGINEERING - FINAL INSPECTION			23		
		EPW ENGINEERING- PUBLIC WALK			20		
		ESS ENGINEERING - STORM			5		
		ESW ENGINEERING - SEWER / WATER			6		
		FEL FINAL ELECTRIC			28		
		FEM ROUGH FRM, ELE, MECH			1		
		FIN FINAL INSPECTION			53		
		FME FINAL MECHANICAL			23		
		FOU FOUNDATION			44		
		FTG FOOTING			27		
		GAR GARAGE FLOOR			21		
		INS INSULATION			25		
		OCC OCCUPANCY INSPECTION			1		
		PHD POST HOLE - DECK			3		
		PHF POST HOLE - FENCE			19		
		PHO PHOTOS I&W			5		
		PLF PLUMBING - FINAL OSR READY			32		
		PLR PLUMBING - ROUGH			24		

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		PLU PLUMBING - UNDERSLAB		44			
		PPS PRE-POUR, SLAB ON GRADE		14			
		PWK PRIVATE WALKS		26			
		REI REINSPECTION		17			
		REL ROUGH ELECTRICAL		26			
		RFR ROUGH FRAMING		26			
		RMC ROUGH MECHANICAL		23			
		ROF ROOF UNDERLAYMENT ICE & WATER		33			
		RST FIRE OR DRAFT STOPPING		2			
		SEW SEWER INSPECTION		14			
		STP STOOP		11			
		SUM SUMP		4			
		TRN TRENCH - (GAS, ELECTRIC, ETC)		1			
		WAT WATER		27			
		WK SERVICE WALK		4			
		WKS PUBLIC & SERVICE WALKS		6			
INSPECTOR SUMMARY:		BC BOB CREADEUR		264			
		BF B&F INSPECTOR CODE SERVICE		105			
		EEI ENGINEERING ENTERPRISES		27			
		GH GINA HASTINGS		61			
		PBF BF PLUMBING INSPECTOR		66			
		PR PETER RATOS		195			
STATUS SUMMARY:	A	GH		3			
	C	BC		22			
	C	BF		14			
	C	EEI		20			
	C	GH		2			
	C	PBF		8			
	C	PR		74			
	I	BC		240			
	I	BF		91			
	I	EEI		5			
	I	GH		56			
	I	PBF		58			
	I	PR		113			
	T	BC		2			
	T	EEI		2			
	T	PR		8			
REPORT SUMMARY:				718			



Reviewed By:	
Legal	<input type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
Community Development	<input checked="" type="checkbox"/>
Purchasing	<input 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 2021-03

Agenda Item Summary Memo

Title: Property Maintenance Report for November 2020

Meeting and Date: Economic Development Committee – January 5, 2021

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:



Memorandum

To: Economic Development Committee
From: Pete Ratos, Code Official
CC: Bart Olson, Krysti Barksdale-Noble, Lisa Pickering
Date: December 1, 2020
Subject: November Property Maintenance

Property Maintenance Report November 2020

Adjudication:

There were 6 Property Maintenance cases heard in November.

11/09/2020

N 4249	706 Heustis St	Weeds	Dismissed
N 4250	102 Worsley St	Weeds	Dismissed

11/16/2020

N 4251	407 Adams St	Obstructing Sidewalk	Dismissed
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11/23/2020

N 4252	206 Wolf St	Weeds	Liable \$750
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11/30/2020

N4254	471 E Kennedy Rd	Building Code Permits	Continued
N4253	301 Jackson St	Off-Street Parking	Dismissed



Case Report

11/01/2020 - 11/30/2020

Case #	Case Date	ADDRESS OF COMPLAINT	TYPE OF VIOLATION	STATUS	VIOLATION LETTER SENT	FOLLOW UP STATUS	CITATION ISSUED	DATE OF HEARING
20200497	11/30/2020	613 Greenfield Turn	Roof still has tarp from storm damage	TO BE INSPECTED				
20200496	11/25/2020	206 River St	Junk, Trash & Refuse	IN VIOLATION				
20200495	11/20/2020	Parcel 05-10-202-001	Cleared Natural Area Around Pond behind 1543 Montrose Ct	PENDING	11/24/2020			
20200494	11/23/2020	1203 Deer St	Weeds	IN VIOLATION	11/23/2020			
20200493	11/23/2020	311 Walter St	Working without a Permit	CLOSED	11/23/2020	COMPLIANT		
20200492	11/23/2020	1007 N Carly Cir	Working without a Permit	PENDING				
20200491	11/20/2020	1543 Montrose Ct	Cleared Natural Area Around Pond	PENDING	11/24/2020			
20200490	11/19/2020	1023 S Carly Cir	Erosion Control Pillows	COMPLIANT				
20200489	11/18/2020	Parcel # 02-32-403-001 (behind	Dead Tree	IN VIOLATION	11/19/2020			
20200488	11/17/2020	1604 Shetland Ln	Working without a Permit	IN VIOLATION				
20200487	11/16/2020	Greenbriar & Walsh Dr	Subdivision Sign in Need of Repair	CLOSED				
20200486	11/10/2020	Bristol Bay Vacant Lots	Junk, Trash & Refuse	CLOSED		COMPLIANT		
20200485	11/9/2020	1023 S Carly Cir	Junk, Trash & Refuse	CLOSED	11/10/2020	COMPLIANT		
20200484	11/9/2020	301 Sanders Ct	RV Parking	CLOSED		COMPLIANT		
20200483	11/4/2020	206 Heustis St	Inoperable truck, logs in ROW & weeds	IN VIOLATION				
20200482	11/4/2020	125 W Hydraulic Ave	Junk, Trash & Refuse	CLOSED	11/4/2020	COMPLIANT		

20200481	11/3/2020	207 W Hydraulic Ave	Working without a Permit	CLOSED	11/3/2020	COMPLIANT		
20200480	11/3/2020	3178 Boombah Blvd	Working without a Permit	CLOSED		COMPLIANT		
20200479	11/3/2020	207 W Hydraulic	Height of Porch	CLOSED		COMPLIANT		

Total Records: 19

12/1/2020



Reviewed By:	
Legal	<input type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
Community Development	<input type="checkbox"/>
Purchasing	<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 2021-04

Agenda Item Summary Memo

Title: Economic Development Report for December 2020

Meeting and Date: Economic Development Committee – January 5, 2021

Synopsis: _____

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Informational

Council Action Requested: None

Submitted by: Bart Olson Administration
Name Department

Agenda Item Notes:



651 Prairie Pointe Drive, Suite 102 • Yorkville, Illinois • 60560

Phone 630-553-0843 • FAX 630-553-0889

Monthly Report – for January 2021 EDC Meeting of the United City of Yorkville

December 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** actually had a total of **nine** businesses that received **BIG Grant Round 1**, with a total of **\$150,000** in awards. Yorkville had **five** businesses receive **Childcare Restoration Grants** which totaled **\$1,052,396**. In September, Illinois rolled out **the State of IL BIG Grant Round 2**. This program awarded up to \$150,000 per business, and is open to many more of our businesses. The program has now been closed, and all awards have been made. Yorkville had **26 grant award winners** for **BIG 2 Grant Program** for a total of **\$1,540,000**. I have compiled a list so that we have a good understanding of how our businesses did, on these programs.
- **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. The State of Illinois has completed the review of the grants that we submitted and Yorkville has a total of **16 winners** for a total dollar amount of **\$334,250**.
- **There have been 56 Award winners of State of Illinois grants in Yorkville for a total of \$3,076,646**. This dollar amount does NOT include the \$400,000 City of Yorkville program.
- Worked very closely with Erin Willrett on the **City of Yorkville's grant program**. I also worked closely with the business owners on the completion of their applications. This program made a significant difference in these lives of these businesses, and the individual business owners are very grateful to the City of Yorkville for this opportunity. There were 42 award winners for a total of \$400,000. Congratulations to all business, who received grants during this very difficult time.
- With the new Federal Stimulus bill, there will be another round of **PPP Grants**. Information is being released now, but is also changing. I will continue to work with our business community in an effort to provide information, that we receive on both federal and state programs, as it becomes available.
- Continue to work with the Yorkville Chamber to drive information about our local business and the changing regulations during the Covid19 pandemic.
- 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: **Signature Fitness**...Owner remains committed to Yorkville location. Opening will take place early in the new year.
- Kendall Marketplace: Shopping Center owner has decided to big a multi-tenant building on a front out lot (near Target). There has been a great deal of interest in such a building. Construction will begin in 2021.
- Yorkville resident and entrepreneur Yonas Hagos is joining forces with other Yorkville residents Brandon Partridge and Joe Porretta to become the new owners of BlackStone Bar & Grill. The partners are planning to remodel the establishment, and create an outdoor patio area. More information will follow, as it becomes available. Business name will change to **"Silver Fox"**.
- Continue to work City on planning for new City Hall and Municipal Facility at Prairie Pointe.

Respectfully submitted,

Lynn Dubajic

651 Prairie Pointe Drive, Suite 102

Yorkville, IL 60560

lynn@dlkllc.com

630-209-7151 cell



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

Agenda Item Number

New Business #5

Tracking Number

EDC 2021-05

Agenda Item Summary Memo

Title: Annual Foreclosure Tracking

Meeting and Date: Economic Development Committee – January 5, 2021

Synopsis: Annual update on newly filed foreclosures from calendar year 2020

Council Action Previously Taken:

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

Item Number: N/A

Type of Vote Required:

Council Action Requested:

Submitted by: Jason Engberg Community Development
Name Department

Agenda Item Notes:

See attached memo. Informational Item.



Memorandum

To: Economic Development Committee
From: Jason Engberg, Senior Planner
CC: Bart Olson, City Administrator
Krysti Barksdale-Noble, Community Development Director
Date: December 16, 2020
Subject: Annual Foreclosure Update – Calendar Year 2020

Below is the foreclosure comparison from calendar year 2020. These results are compared to the same months for 2019 and all data is provided by <http://www.public-record.com>. Based on these results, the total number of foreclosures decreased from 51 in CY 2019 to 19 in CY 2020. The following graphs illustrate the trend in foreclosures month by month for 2019 and 2020. It also breaks down the amount of foreclosures by ward, subdivision and property type (residential, commercial, etc.).

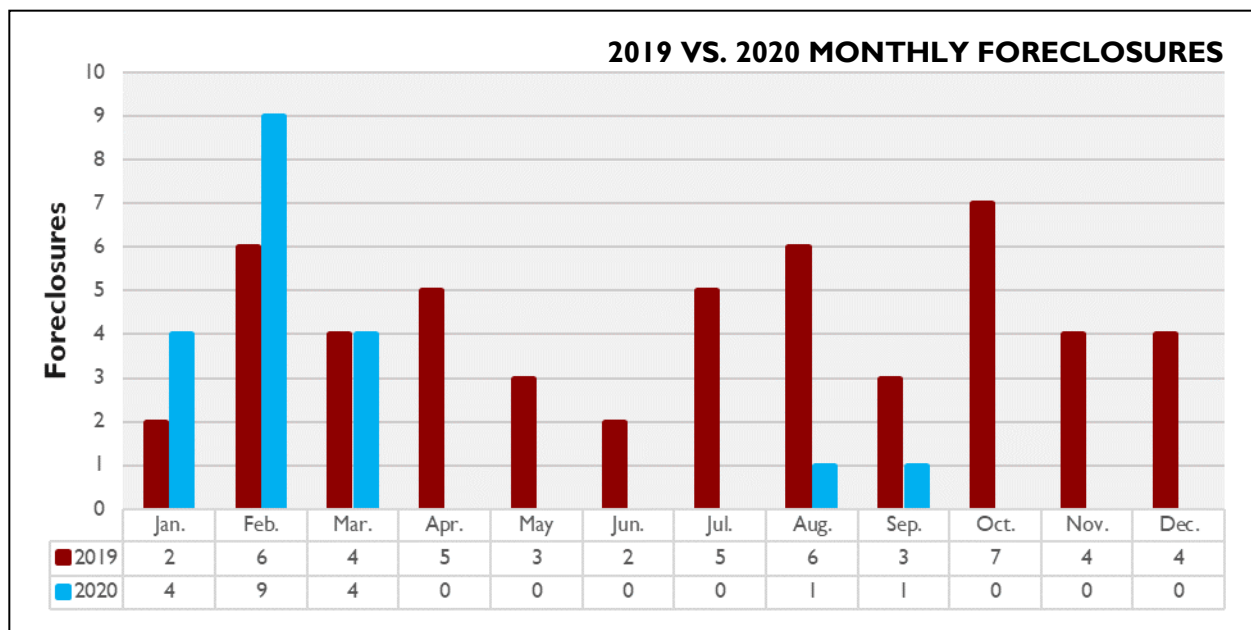
COVID-19 IMPACT

The data for this past year is subject to the impact COVID-19 has had at the national, regional, and local levels. Due to the increase in unemployment and the recession caused by the pandemic, the Federal Government passed the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) on March 25, 2020. The CARES act had significant effect over the total foreclosure numbers for the calendar year by providing financial assistance to homeowners.

The most influential in terms of foreclosure rates was the establishment of the forbearance period. Under the CARES Act, any borrower of a federally backed mortgage can request forbearance from having to make mortgage payments for a period of up to one year. The borrower may request forbearance from payment every three months. The relief provided by the bill has drastically reduced the number of foreclosures in Yorkville which is apparent from the data and charts illustrated in this memorandum.

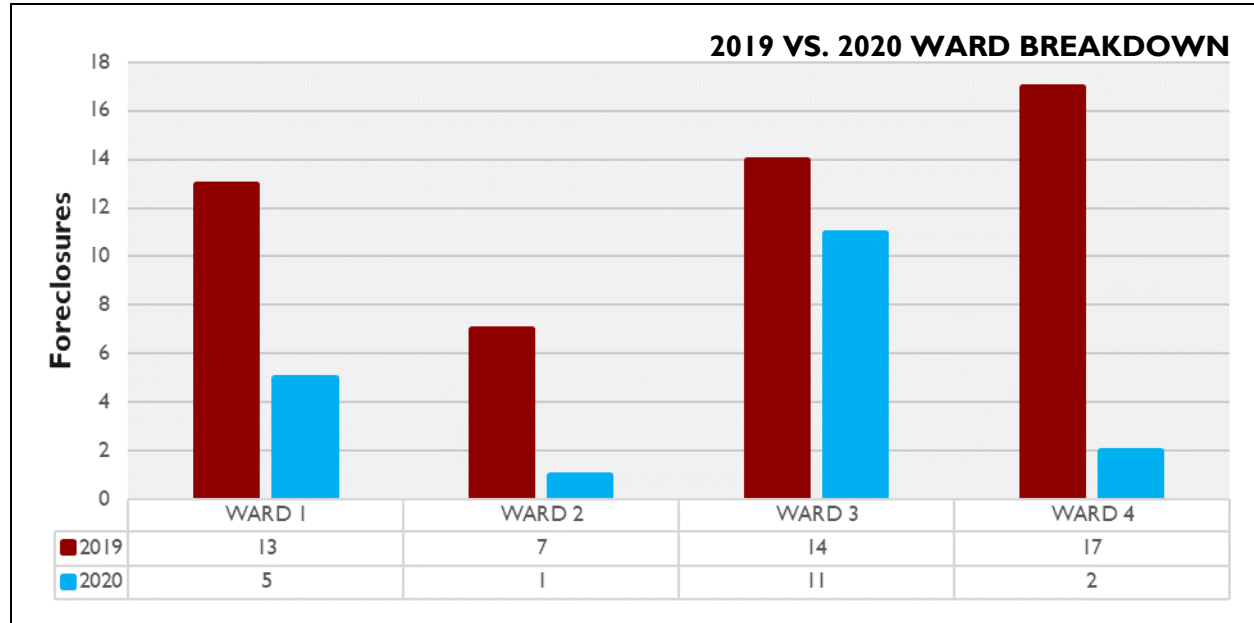
MONTHLY BREAKDOWN

The number of total foreclosures from 2019 to 2020 decreased by approximately 63%. In total, there were 51 newly filed foreclosures in 2019 and 19 in 2020, a decrease by thirty-two (32) less filings. While this represents a substantial decline in foreclosure filings, the data before the CARES Act was fairly consistent with 2019 rates.



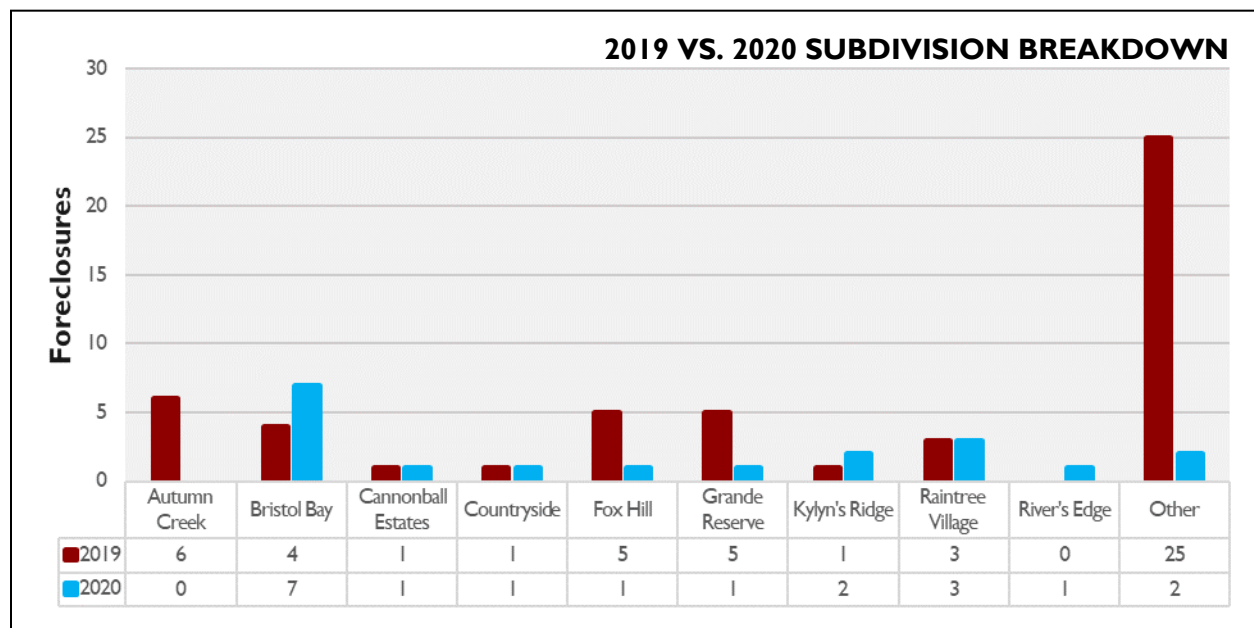
WARD BREAKDOWN

As indicated in the graph below, all Wards saw a decrease in total foreclosures in 2020. Ward 3 had the most foreclosures filed with a total of 11 and Ward 4 saw the largest decrease from 17 filings in 2019 to 2 filings in 2020. If projecting out for an entire normal year, it would be likely that Ward 3 would surpass its 2019 total. This ward saw only 3 less foreclosures in the span of 3 months versus the entire year of 2019.



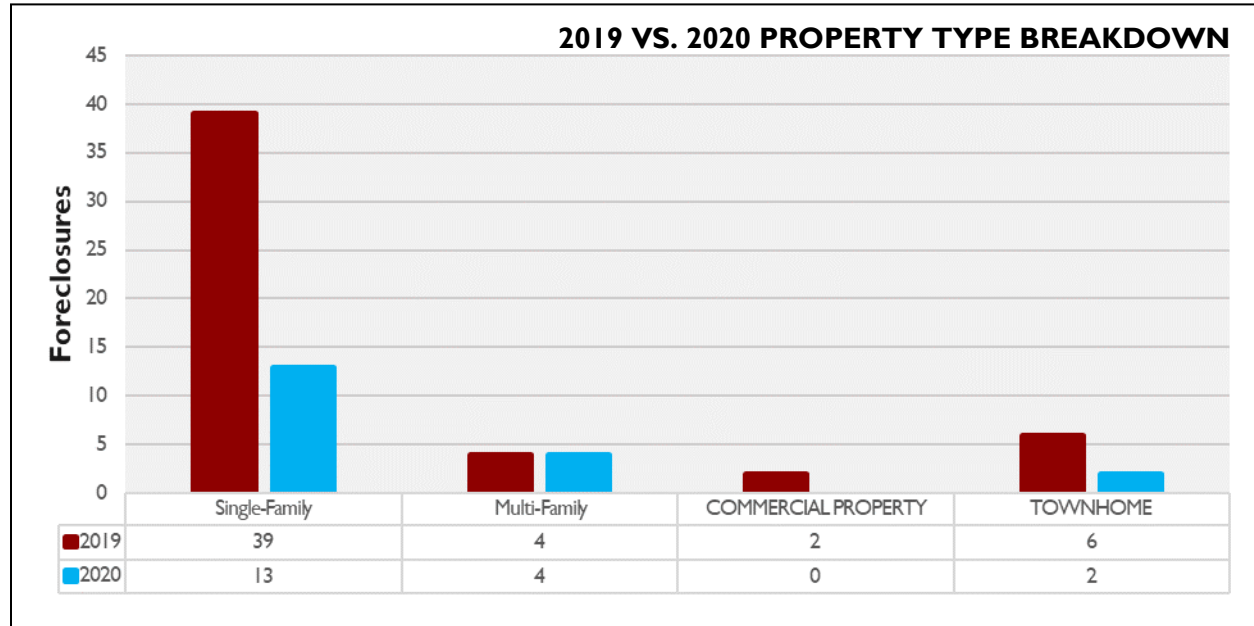
SUBDIVISION BREAKDOWN

There were numerous subdivisions throughout the City that recorded newly filed foreclosures. Staff took 9 subdivisions for a comparison and grouped all other subdivisions into the “Other” category. As indicated in the graph below, Bristol Bay had the highest amount of newly filed foreclosures in 2020 which surpassed the 2019 filings. Kyn’s Ridge saw an increase of 1 and Raintree Village equaled its 2019 total. Additionally, Autumn Creek saw no foreclosures in 2020 and many of the other smaller subdivisions saw a sizeable decrease as well.



PROPERTY TYPE BREAKDOWN

As indicated in the graph below, Single-Family Residential properties remains the most foreclosed upon unit type in Yorkville. There was a decrease in total number of filings from 39 in calendar year 2019 to 13 in 2020. Multi-Family units stayed equal while townhomes saw a slight decrease in the number of filings. Commercial properties saw a decline in the number of newly filed foreclosures, while there were no Industrial foreclosures in 2019 or 2020.



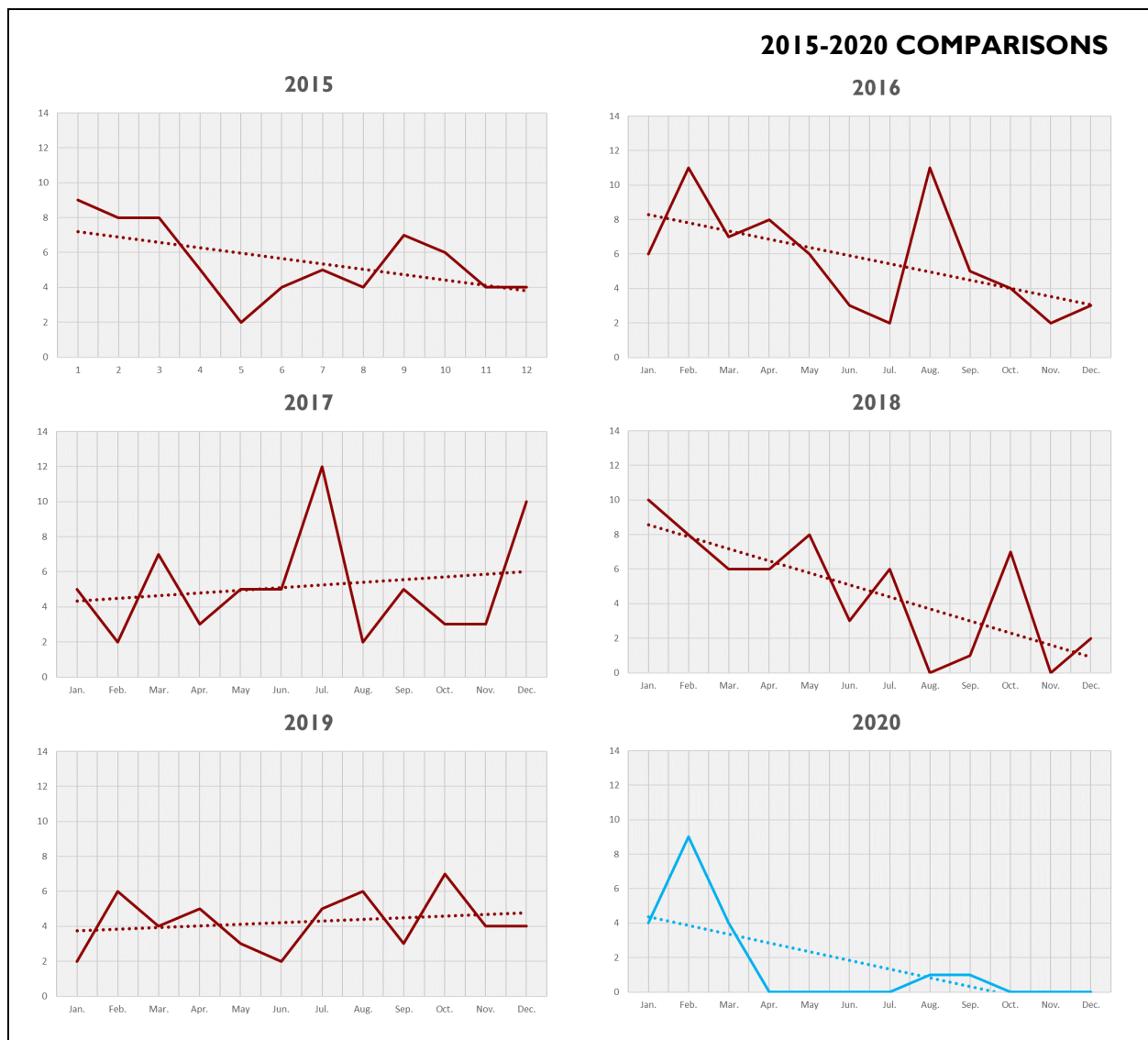
SUMMARY

Month Breakdown:

The monthly breakdown of foreclosures indicates a fluctuating pattern from month to month in years from 2015 and 2020. However, following the trend lines for each year, typically foreclosure filings are high at the beginning of the year and tend to decline over the year. Foreclosures in 2020 followed this trend but was expected due to the CARES Act. The decrease towards the end of the year has happened 4 out of the past 6 years. The other 2 years, 2017 and 2019, saw slight increases over the year but were generally consistent throughout the year. The graphs at the top of the following page illustrate the monthly results since 2015.

Ward Breakdown:

Ward 3 had the highest amount of newly filed foreclosures of all the wards in Yorkville with 11 filings in 2020 which made up approximately 58% of all foreclosures. Bristol Bay is one of the larger subdivisions in Ward 3 in terms of population density, which would indicate the reason for the higher amount of foreclosures. Ward 1 had the second most newly filed foreclosures in 2020, which accounted for about 26% of all foreclosures. Raintree Village, which is also one of the larger residential developments in the City is in Ward 1 produced the most foreclosures within this ward. Finally, Wards 4 and 1 had the fewest number of filings with 3 foreclosures combined which accounts for just 16% of filings.



Subdivision Breakdown:

Bristol Bay had the highest amount of newly filed foreclosures in calendar year 2020 which is understandable due to the higher density of population within the single-family, townhome, and condominium development. Unfortunately, the amount of foreclosures surpassed the 2019 total within only 3 months before the CARES Act was passed. Also, the 7 filings in Bristol Bay is almost equal to the 2018 filings (8).

However, Autumn Creek saw no foreclosures in 2020 which is down from its typical 6-8 over the past few years. Both Grande Reserve and Fox Hill saw a decrease in their filings numbers with both only having 1 foreclosure in 2020 compared to 5 each in 2019. This is positive but is likely due to COVID-19 as projecting these numbers out for a whole year would put them near the previous year's filings. Finally, all of the dwellings within the other areas of Yorkville, such as the original Bristol and Yorkville areas, have seen a significant decrease in filings (25 in 2019 to 2 in 2020).

Property Type Breakdown:

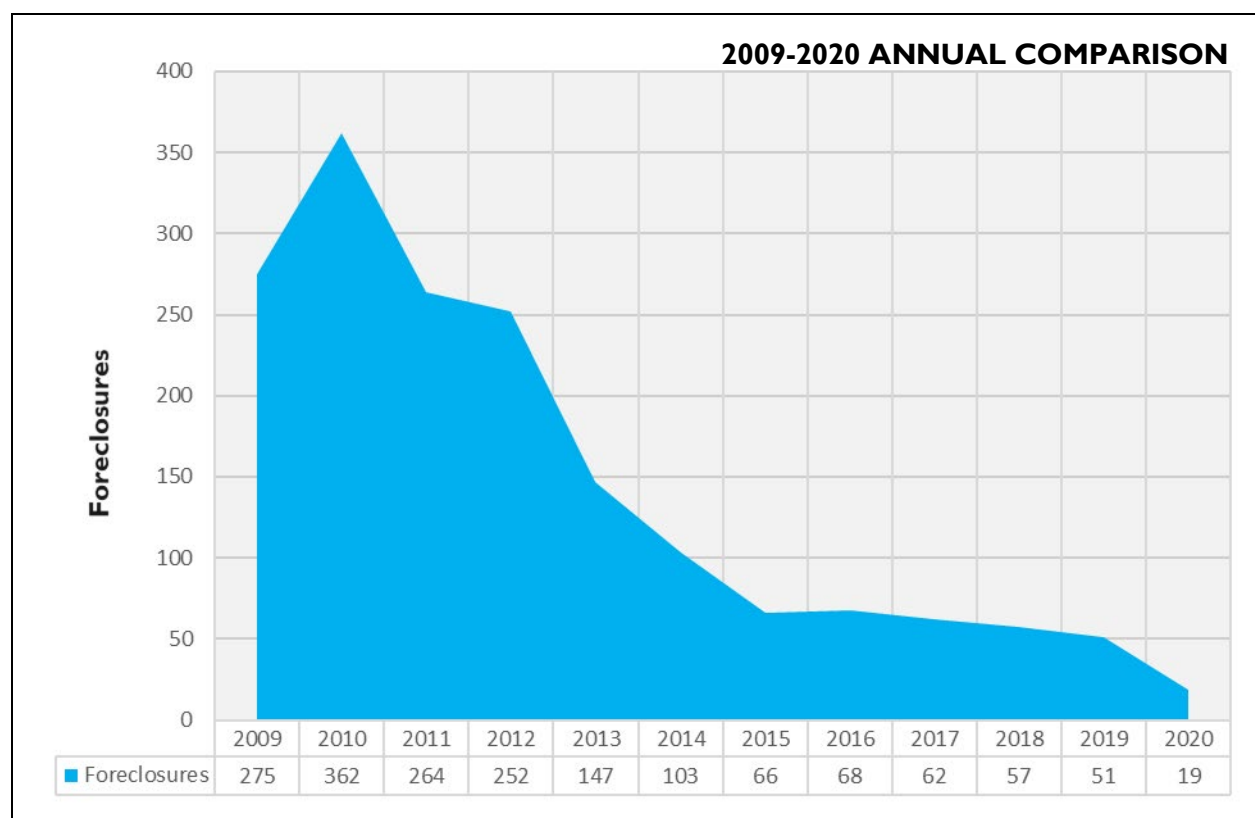
The largest amount of newly filed foreclosures in calendar year 2020 continues to be single-family residences. Since a majority of the housing stock in Yorkville is single family-detached, this statistic is anticipated.

Future Trends:

According to *RealtyTrac* (<http://www.realtytrac.com/statsandtrends/foreclosuretrends/il>), Illinois has a newly filed foreclosure rate of 1 in every 7,268 homes (down from 1 in every 1,336 in 2019). Kendall County has a nearly identical rate as the state with a newly filed foreclosure rate of 1 in every 7,225 homes. Yorkville fared even better than both the state and county with a filed foreclosure rate of 1 in every 8,721 homes, as of November 2020.

These rates are extremely low compared to the 2019 data. For example, Kendall County had a rate of 1 in every 840 homes and Yorkville had a rate of 1 in every 872 homes in 2019. The provisions in the CARES Act has created a drop-off in foreclosure rates in the City, County, and State for a majority of 2020.

As with most issues in 2020, making a prediction or having an expectation for the future is uncertain. Whenever the pandemic is over and/or the CARES Act provisions are no longer valid, one would expect to see foreclosure rates to rise back to 2015-2019 levels. There is a flaw in this assumption as the economy has now entered a recession and the duration of the downturn is completely unknown. Additionally, the CARES Act provides temporary relief with the forbearance period of 1 year but does not regulate how the mortgage companies can collect on their loans after the period has expired. If no regulations are passed, then the mortgage companies could ask lenders for a lump some payment or increase payment amounts directly after the forbearance period ends. This would probably result in a larger than usual amount of foreclosure filings. Since it is known that the forbearance period lasts until March 2021, we can assume that the beginning of 2021 will be similar to the end of 2020.





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

Agenda Item Number

New Business #6

Tracking Number

EDC 2021-06

Agenda Item Summary Memo

Title: PZC 2020-13 9261 Kennedy Road Variance (1.5 mile review)

Meeting and Date: Economic Development Committee – January 5, 2021

Synopsis: Mile and one-half review of a variance request in Kendall County for a driveway location

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: _____

Council Action Requested: _____

Submitted by: Jason Engberg, AICP Community Development
Name Department

Agenda Item Notes:

See attached memorandum.

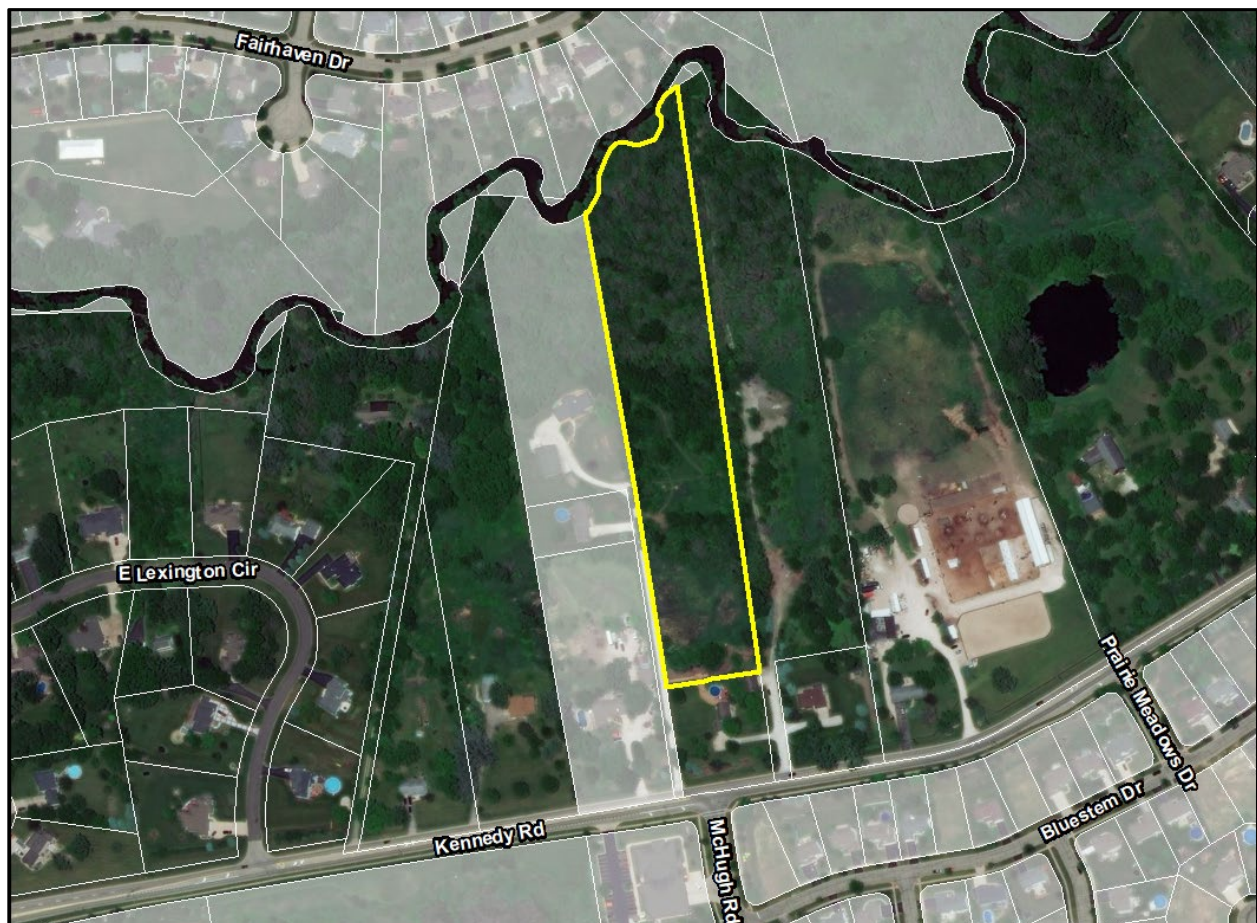


Memorandum

To: Economic Development Committee
From: Jason Engberg, Senior Planner
CC: Bart Olson, City Administrator
Krysti J. Barksdale-Noble, Community Development Director
Date: November 25, 2020
Subject: **PZC 2020-13 –County Case 20-30 9261 Kennedy Road (Variance)
1.5 Mile Review**

SUMMARY:

Staff has reviewed a request from Kendall County Planning and Zoning Department along with the subsequent documents attached. This property is located within one and a half miles of the planning boundary for Yorkville, allowing the City the opportunity to review and provide comments to Kendall County. The petitioners, Kris and Hillary Wieschhaus, are requesting a variance to allow installation of a driveway at zero feet (0') from the eastern property line instead of the required five-foot (5') setback. The approximately 6.4-acre property is located at 9261 Kennedy Road which is about a half mile east of Route 47 on the north side of Kennedy Road. The property is adjacent to the rear of 9227 Kennedy Road which fronts the right-of-way.



PROPOSED PROJECT:

According to the site plan, as shown in the illustration to the right, the petitioner plans to install an eighteen foot (18') wide driveway along the eastern boundary of the property. An access point and private drive already exist along Kennedy Road and this driveway would provide better access to the property.

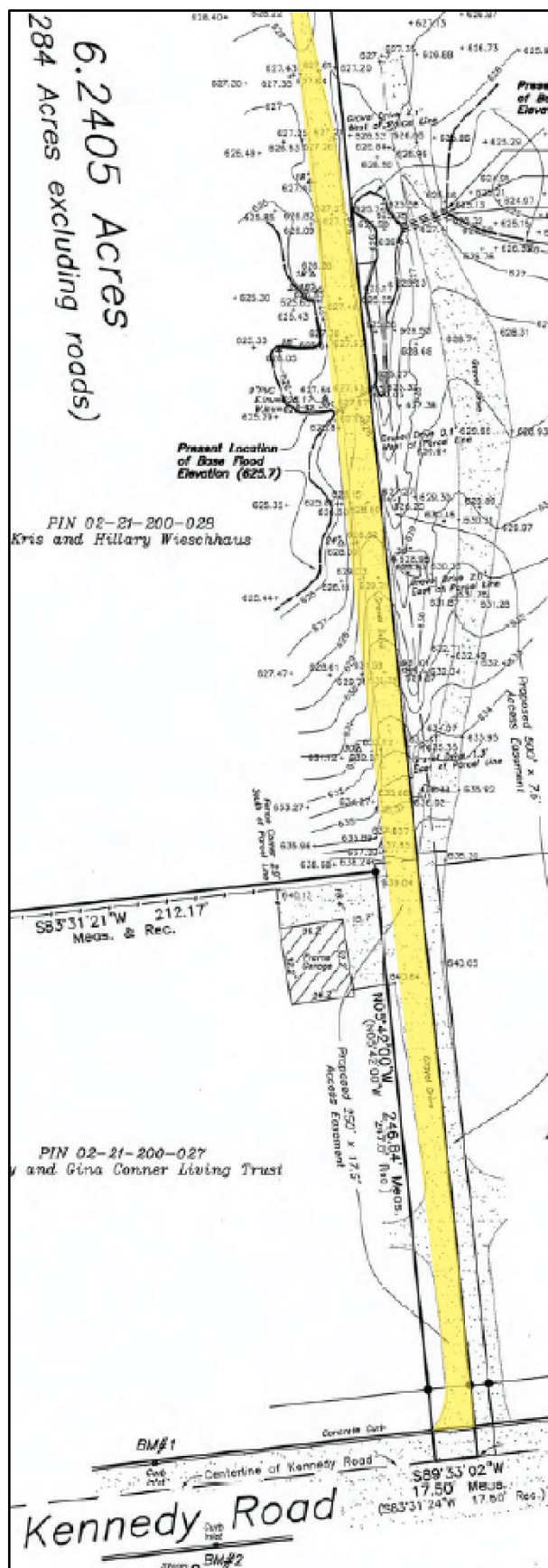
The petitioner is requesting relief from the Kendall County Zoning Ordinance to allow installation of a driveway at zero feet (0') from the eastern property line instead of the required five-foot (5') setback. The petitioner is making this request to avoid the 100-year floodplain on the property (see petition attached). The only location outside of the floodplain is along the eastern boundary of the parcel.

In the future, the owner plans on constructing a single-family detached home on the property. This house would be located north of the floodplain and near the end of the proposed driveway.

YORKVILLE COMPREHENSIVE PLAN:

Yorkville's 2016 Comprehensive Plan designation for this property is Estate/Conservation Residential. This future land use is intended to provide flexibility for residential design in areas of Yorkville that can accommodate low-density detached single-family housing but also include sensitive environmental and scenic features that should be retained and enhanced. The most typical form of development within this land use will be detached single family homes on large lots.

The proposed variance for a driveway will not affect the future land use designated in the Comprehensive Plan. As stated in the petitioner's application, they plan on constructing a single-family home on this parcel in the future which aligns with Yorkville's future land use plan.



Additionally, the property is not likely to be annexed into the City any time soon and if the property were annexed into the City, it would most likely be part of a larger redevelopment project which would have this driveway removed.

Staff Recommendation & Comments

Staff has reviewed the request for variance authorization and **does not** have an objection to the petitioner's request. Staff is seeking input from the Economic Development Committee for this request. This review will also be brought to the Planning and Zoning Commission at the January 13, 2021 meeting. This item was delivered to the City on November 19, 2020.

Attachments

1. Application with Attachments



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

Petition 20-30**Kris and Hillary Wieschhaus
Driveway Setback Variance****INTRODUCTION**

Kris and Hillary Wieschhaus installed a driveway without a permit at 9261 Kennedy Road in Bristol Township.

A large portion of the property is within the one hundred (100) year floodplain (Zone AE).

The driveway was constructed within the required setback to avoid the floodplain.

The application materials are included as Attachment 1. The plat of survey is included as Attachment 2. The aerial of the property with showing the driveway floodplain is included as Attachment 3.

SITE INFORMATION

PETITIONER Kris and Hillary Wieschhaus

ADDRESSES 9261 Kennedy Road, Yorkville

LOCATION Approximately 0.4 Miles East of Route 47 on the North Side of Kennedy Road

TOWNSHIP Bristol

PARCEL #S 02-21-200-028

LOT SIZE 6.4 +/- Acres

EXITING LAND USE Vacant

ZONING R-1

LRMP	Current Land Use	Vacant
	Future Land Use	Suburban Residential (1.00 DU/Acre Max)
	Roads	Kennedy Road is a Minor Collector Road Maintained by Bristol Township
	Trails	Yorkville has Trail Planned Along Kennedy Road
	Floodplain/ Wetlands	Blackberry Creek is Located North of the Property and a Large Portion of the Property is in the 100 Year Flood Plain (Zone AE); Base Flood Elevation is 625.7

REQUESTED ACTION Variance to allow installation of a driveway at zero feet (0') from the eastern property line instead of the required five feet (5') setback.

APPLICABLE REGULATIONS §11:02.F.7.b – Side Yard Setback for Driveways

§13:04 – Variation Procedures and Requirements

SURROUNDING LAND USE				
Location	Adjacent Land Use	Adjacent Zoning	LRMP	Zoning within ½ Mile
North	Single Family Residential	R-2 (Yorkville)	Suburban Neighborhoods (Yorkville)	R-2 and M-2 (Yorkville)
South	Single Family Residential	R-3 (County)	Suburban Residential (1.00 DU/Acre Max)	R-3 (County) R-2 (South)
East	Single Family Residential and Vacant	R-1 (County)	Suburban Residential	A-1 and R-3 (County)
West	Farmstead	R-1 (Yorkville)	Estate Residential (Yorkville)	A-1 and R-3 (County) R-1 and B-3 (Yorkville)

GENERAL INFORMATION

The Petitioners wish to construct a house on the property in the future.

As noted on the plat of survey (Attachment 2), the base flood elevation is 625.7. The driveway elevations are above the base flood elevation.

As noted on the aerial (Attachment 3), the driveway is not located in the one hundred (100) year floodplain, but is located in the five hundred (500) year flood plain.

The proposed driveway will be approximately eighteen feet (18') in width.

The property has been zoned R-1 since 1988.

BRISTOL TOWNSHIP

Bristol Township was emailed this proposal on November 19, 2020.

UNITED CITY OF YORKVILLE

The United City of Yorkville was emailed this proposal on November 19, 2020.

BRISTOL-KENDALL FIRE PROTECTION DISTRICT

The Bristol-Kendall Fire Protection District was emailed this proposal on November 19, 2020.

FINDINGS OF FACT

§ 13:04.A.3 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals must make in order to grant variations. They are listed below in *italics*. Staff has provided findings in **bold** below based on the recommendation:

*That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out. **Because of the large amount of one-hundred-year floodplain on the property, the***

Petitioners are limited to where a driveway can be installed. The proposed location allows the Petitioners to install the driveway without impacting the floodplain.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification. This is true. The Petitioners wish to obtain the variance because of the location of the floodplain on the property and no other condition.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property. The owners did not create the floodplain on the property and have limited options for constructing a driveway at other locations on the property without impacting the floodplain.

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located. The requested variance should not negatively impact any of the neighbors and will not be detrimental to the public welfare or injurious to other property or improvements in the neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood. Adding the proposed driveway will not impair any of the above items.

RECOMMENDATION

Staff recommends approval of the requested variance subject to the following conditions:

1. The setback on the east side of the subject property may be reduced to zero feet (0') for the installation of the driveway only. This variation shall not apply to any of the other required setbacks contained in the Kendall County Zoning Ordinance.
2. The driveway shall be installed at substantially the location shown on the plat of survey shown on Attachment 2.
3. Installation of the driveway shall follow all applicable Federal, State, and Local laws.
4. This variance shall be treated as a covenant running with the land and is binding on the successors, heirs, and assigns.

ATTACHMENTS

1. Application (Including Petitioner's Findings of Fact)
2. Plat of Survey
3. Aerial



DEPARTMENT OF PLANNING, BUILDING & ZONING

111 West Fox Street • Yorkville, IL • 60560
(630) 553-4141 Fax (630) 553-4179

APPLICATION

PROJECT NAME _____ FILE #: _____

NAME OF APPLICANT Kris & Hillary Wieschhaus		
CURRENT LANDOWNER/NAME(s) Kris & Hillary Wieschhaus		
SITE INFORMATION ACRES 6	SITE ADDRESS OR LOCATION 9261 Kennedy Rd	ASSESSOR'S ID NUMBER (PIN) 02-21-200-028
EXISTING LAND USE Vacant (future home site)	CURRENT ZONING Residential	LAND CLASSIFICATION ON LRMP Suburban Residential
REQUESTED ACTION (Check All That Apply):		
<input type="checkbox"/> SPECIAL USE <input type="checkbox"/> MAP AMENDMENT (Rezone to _____) <input type="checkbox"/> VARIANCE <input type="checkbox"/> ADMINISTRATIVE VARIANCE <input type="checkbox"/> A-1 CONDITIONAL USE for: _____ <input type="checkbox"/> SITE PLAN REVIEW <input type="checkbox"/> TEXT AMENDMENT <input type="checkbox"/> RPD (<input type="checkbox"/> Concept; <input type="checkbox"/> Preliminary; <input type="checkbox"/> Final) <input type="checkbox"/> ADMINISTRATIVE APPEAL <input type="checkbox"/> PRELIMINARY PLAT <input type="checkbox"/> FINAL PLAT <input type="checkbox"/> OTHER PLAT (Vacation, Dedication, etc.) <input type="checkbox"/> AMENDMENT TO A SPECIAL USE (<input type="checkbox"/> Major; <input type="checkbox"/> Minor)		
¹PRIMARY CONTACT Kris Wieschhaus	PRIMARY CONTACT MAILING ADDRESS	PRIMARY CONTACT EMAIL
PRIMARY CONTACT PHONE #	PRIMARY CONTACT FAX #	PRIMARY CONTACT OTHER # (Cell, etc.)
²ENGINEER CONTACT	ENGINEER MAILING ADDRESS	ENGINEER EMAIL
ENGINEER PHONE #	ENGINEER FAX #	ENGINEER OTHER # (Cell, etc.)
I UNDERSTAND THAT BY SIGNING THIS FORM, THAT THE PROPERTY IN QUESTION MAY BE VISITED BY COUNTY STAFF & BOARD/ COMMISSION MEMBERS THROUGHOUT THE PETITION PROCESS AND THAT THE PRIMARY CONTACT LISTED ABOVE WILL BE SUBJECT TO ALL CORRESPONDANCE ISSUED BY THE COUNTY.		
I CERTIFY THAT THE INFORMATION AND EXHIBITS SUBMITTED ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND THAT I AM TO FILE THIS APPLICATION AND ACT ON BEHALF OF THE ABOVE SIGNATURES.		
SIGNATURE OF APPLICANT		DATE

FEE PAID:\$ _____
CHECK #: _____

¹Primary Contact will receive all correspondence from County

²Engineering Contact will receive all correspondence from the County's Engineering Consultants

Please fill out the following findings of fact to the best of your capabilities. § 13.04 of the Zoning Ordinance outlines findings that the Zoning Board of Appeals shall take into consideration the extent to which the following conditions have been established by the evidence:

Overview:

This variance is to allow the placement of a driveway directly along the east side of 9261 Kennedy Road (02-21-200-028). The driveway to the property was placed on the property line and lacks the 5 foot setback required by code.

The adjoining neighbor has agreed that the placement of the driveway is fine and has no issues with the current configuration.

That the particular physical surroundings, shape, or topographical condition of the specific property involved would result in a particular hardship or practical difficulty upon the owner if the strict letter of the regulations were carried out.

Due to the topographical condition of the property it is impracticable to place the driveway anywhere else to low-lying areas of the property.

That the conditions upon which the requested variation is based would not be applicable, generally, to other property within the same zoning classification.

That the alleged difficulty or hardship has not been created by any person presently having an interest in the property.

It has not

That the granting of the variation will not materially be detrimental to the public welfare or substantially injurious to other property or improvements in the neighborhood in which the property is located.

It will not.

Note: This property is not part of a neighborhood.

That the proposed variation will not impair an adequate supply of light and air to adjacent property, or substantially increase the congestion in the public streets or increase the danger of fire, or endanger the public safety or substantially diminish or impair property values within the neighborhood.

The variation will have no impact on light or supply of air to the adjacent property.

Form No. 1402.06
ALTA Owner's Policy



Policy Page 1
Policy Number: [REDACTED]

OWNER'S POLICY OF TITLE INSURANCE

ISSUED BY

First American Title Insurance Company

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at the address shown in Section 18 of the Conditions.

COVERED RISKS

SUBJECT TO THE EXCLUSIONS FROM COVERAGE, THE EXCEPTIONS FROM COVERAGE CONTAINED IN SCHEDULE B AND THE CONDITIONS, FIRST AMERICAN TITLE INSURANCE COMPANY, a Nebraska corporation (the "Company") insures, as of Date of Policy and, to the extent stated in Covered Risks 9 and 10, after Date of Policy, against loss or damage, not exceeding the Amount of Insurance, sustained or incurred by the Insured by reason of:

1. Title being vested other than as stated in Schedule A.
2. Any defect in or lien or encumbrance on the Title. This Covered Risk includes but is not limited to insurance against loss from
 - (a) A defect in the Title caused by
 - (i) forgery, fraud, undue influence, duress, incompetency, incapacity, or impersonation;
 - (ii) failure of any person or Entity to have authorized a transfer or conveyance;
 - (iii) a document affecting Title not properly created, executed, witnessed, sealed, acknowledged, notarized, or delivered;
 - (iv) failure to perform those acts necessary to create a document by electronic means authorized by law;
 - (v) a document executed under a falsified, expired, or otherwise invalid power of attorney;
 - (vi) a document not properly filed, recorded, or indexed in the Public Records including failure to perform those acts by electronic means authorized by law; or
 - (vii) a defective judicial or administrative proceeding.
 - (b) The lien of real estate taxes or assessments imposed on the Title by a governmental authority due or payable, but unpaid.
 - (c) Any encroachment, encumbrance, violation, variation, or adverse circumstance affecting the Title that would be disclosed by an accurate and complete land survey of the Land. The term "encroachment" includes encroachments of existing improvements located on the Land onto adjoining land, and encroachments onto the Land of existing improvements located on adjoining land.
3. Unmarketable Title.
4. No right of access to and from the Land.
5. The violation or enforcement of any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (a) the occupancy, use, or enjoyment of the Land;
 - (b) the character, dimensions, or location of any improvement erected on the Land;
 - (c) the subdivision of land; or
 - (d) environmental protection
 if a notice, describing any part of the Land, is recorded in the Public Records setting forth the violation or intention to enforce, but only to the extent of the violation or enforcement referred to in that notice.
6. An enforcement action based on the exercise of a governmental

police power not covered by Covered Risk 5 if a notice of the enforcement action, describing any part of the Land, is recorded in the Public Records, but only to the extent of the enforcement referred to in that notice.

7. The exercise of the rights of eminent domain if a notice of the exercise, describing any part of the Land, is recorded in the Public Records.
8. Any taking by a governmental body that has occurred and is binding on the rights of a purchaser for value without Knowledge.
9. Title being vested other than as stated in Schedule A or being defective
 - (a) as a result of the avoidance in whole or in part, or from a court order providing an alternative remedy, of a transfer of all or any part of the title to or any interest in the Land occurring prior to the transaction vesting Title as shown in Schedule A because that prior transfer constituted a fraudulent or preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws; or
 - (b) because the instrument of transfer vesting Title as shown in Schedule A constitutes a preferential transfer under federal bankruptcy, state insolvency, or similar creditors' rights laws by reason of the failure of its recording in the Public Records
 - (i) to be timely, or
 - (ii) to impart notice of its existence to a purchaser for value or to a judgment or lien creditor.
10. Any defect in or lien or encumbrance on the Title or other matter included in Covered Risks 1 through 9 that has been created or attached or has been filed or recorded in the Public Records subsequent to Date of Policy and prior to the recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

The Company will also pay the costs, attorneys' fees, and expenses incurred in defense of any matter insured against by this policy, but only to the extent provided in the Conditions.

First American Title Insurance Company

[REDACTED]
Dennis J. Gilmore, President

[REDACTED]
Greg L. Smith, Secretary

EXCLUSIONS FROM COVERAGE

The following matters are expressly excluded from the coverage of this policy, and the Company will not pay loss or damage, costs, attorneys' fees, or expenses that arise by reason of:

1. (a) Any law, ordinance, permit, or governmental regulation (including those relating to building and zoning) restricting, regulating, prohibiting, or relating to
 - (i) the occupancy, use, or enjoyment of the Land;
 - (ii) the character, dimensions, or location of any improvement erected on the Land;
 - (iii) the subdivision of land; or
 - (iv) environmental protection;
 or the effect of any violation of these laws, ordinances, or governmental regulations. This Exclusion 1(a) does not modify or limit the coverage provided under Covered Risk 5.
 - (b) Any governmental police power. This Exclusion 1(b) does not modify or limit the coverage provided under Covered Risk 6.
2. Rights of eminent domain. This Exclusion does not modify or limit the coverage provided under Covered Risk 7 or 8.
3. Defects, liens, encumbrances, adverse claims, or other matters
 - (a) created, suffered, assumed, or agreed to by the Insured Claimant;
 - (b) not Known to the Company, not recorded in the Public Records at Date of Policy, but Known to the Insured Claimant and not disclosed in writing to the Company by the Insured Claimant prior to the date the Insured Claimant became an Insured under this policy;
 - (c) resulting in no loss or damage to the Insured Claimant;
 - (d) attaching or created subsequent to Date of Policy (however, this does not modify or limit the coverage provided under Covered Risks 9 and 10); or
 - (e) resulting in loss or damage that would not have been sustained if the Insured Claimant had paid value for the Title.
4. Any claim, by reason of the operation of federal bankruptcy, state insolvency, or similar creditors' rights laws, that the transaction vesting the Title as shown in Schedule A, is
 - (a) a fraudulent conveyance or fraudulent transfer; or
 - (b) a preferential transfer for any reason not stated in Covered Risk 9 of this policy.
5. Any lien on the Title for real estate taxes or assessments imposed by governmental authority and created or attaching between Date of Policy and the date of recording of the deed or other instrument of transfer in the Public Records that vests Title as shown in Schedule A.

CONDITIONS**1. DEFINITION OF TERMS**

The following terms when used in this policy mean:

- (a) "Amount of Insurance": The amount stated in Schedule A, as may be increased or decreased by endorsement to this policy, increased by Section 8(b), or decreased by Sections 10 and 11 of these Conditions.
- (b) "Date of Policy": The date designated as "Date of Policy" in Schedule A.
- (c) "Entity": A corporation, partnership, trust, limited liability company, or other similar legal entity.
- (d) "Insured": The Insured named in Schedule A.
 - (i) The term "Insured" also includes
 - (A) successors to the Title of the Insured by operation of law as distinguished from purchase, including heirs, devisees, survivors, personal representatives, or next of kin;
 - (B) successors to an Insured by dissolution, merger, consolidation, distribution, or reorganization;
 - (C) successors to an Insured by its conversion to another kind of Entity;
 - (D) a grantee of an Insured under a deed delivered without payment of actual valuable consideration conveying the Title
 - (1) if the stock, shares, memberships, or other equity interests of the grantee are wholly-owned by the named Insured,
 - (2) if the grantee wholly owns the named Insured,
 - (3) if the grantee is wholly-owned by an affiliated Entity of the named Insured, provided the affiliated Entity and the named Insured are both wholly-owned by the same person or Entity, or
 - (4) if the grantee is a trustee or beneficiary of a trust created by a written instrument established by the Insured named in Schedule A for estate planning purposes.

- (ii) With regard to (A), (B), (C), and (D) reserving, however, all rights and defenses as to any successor that the Company would have had against any predecessor Insured.

- (e) "Insured Claimant": An Insured claiming loss or damage.
- (f) "Knowledge" or "Known": Actual knowledge, not constructive knowledge or notice that may be imputed to an Insured by reason of the Public Records or any other records that impart constructive notice of matters affecting the Title.
- (g) "Land": The land described in Schedule A, and affixed improvements that by law constitute real property. The term "Land" does not include any property beyond the lines of the area described in Schedule A, nor any right, title, interest, estate, or easement in abutting streets, roads, avenues, alleys, lanes, ways, or waterways, but this does not modify or limit the extent that a right of access to and from the Land is insured by this policy.
- (h) "Mortgage": Mortgage, deed of trust, trust deed, or other security instrument, including one evidenced by electronic means authorized by law.
- (i) "Public Records": Records established under state statutes at Date of Policy for the purpose of imparting constructive notice of matters relating to real property to purchasers for value and without Knowledge. With respect to Covered Risk 5(d), "Public Records" shall also include environmental protection liens filed in the records of the clerk of the United States District Court for the district where the Land is located.
- (j) "Title": The estate or interest described in Schedule A.
- (k) "Unmarketable Title": Title affected by an alleged or apparent matter that would permit a prospective purchaser or lessee of the Title or lender on the Title to be released from the obligation to purchase, lease, or lend if there is a contractual condition requiring the delivery of marketable title.

2. CONTINUATION OF INSURANCE

The coverage of this policy shall continue in force as of Date of Policy in favor of an Insured, but only so long as the Insured retains an estate or interest in the Land, or holds an obligation secured by a purchase money Mortgage given by a purchaser from the Insured, or only so long as the Insured shall have liability by reason of warranties in any transfer or conveyance of the Title. This policy shall not continue in force in favor of any purchaser from the Insured of either (i) an estate or interest in the Land, or (ii) an obligation secured by a purchase money Mortgage given to the Insured.

3. NOTICE OF CLAIM TO BE GIVEN BY INSURED CLAIMANT

The Insured shall notify the Company promptly in writing (i) in case of any litigation as set forth in Section 5(a) of these Conditions, (ii) in case Knowledge shall come to an Insured hereunder of any claim of title or interest that is adverse to the Title, as insured, and that might cause loss or damage for which the Company may be liable by virtue of this policy, or (iii) if the Title, as insured, is rejected as Unmarketable Title. If the Company is prejudiced by the failure of the Insured Claimant to provide prompt notice, the Company's liability to the Insured Claimant under the policy shall be reduced to the extent of the prejudice.

4. PROOF OF LOSS

In the event the Company is unable to determine the amount of loss or damage, the Company may, at its option, require as a condition of payment that the Insured Claimant furnish a signed proof of loss. The proof of loss must describe the defect, lien, encumbrance, or other matter insured against by this policy that constitutes the basis of loss or damage and shall state, to the extent possible, the basis of calculating the amount of the loss or damage.

5. DEFENSE AND PROSECUTION OF ACTIONS

- (a) Upon written request by the Insured, and subject to the options contained in Section 7 of these Conditions, the Company, at its own cost and without unreasonable delay, shall provide for the defense of an Insured in litigation in which any third party asserts a claim covered by this policy adverse to the Insured. This obligation is limited to only those stated causes of action alleging matters insured against by this policy. The Company shall have the right to select counsel of its choice (subject to the right of the Insured to object for reasonable cause) to represent the Insured as to those stated causes of action. It shall not be liable for and will not pay the fees of any other counsel. The Company will not pay any fees, costs, or expenses incurred by the Insured in the defense of those causes of action that allege matters not insured against by this policy.
- (b) The Company shall have the right, in addition to the options contained in

Section 7 of these Conditions, at its own cost, to institute and prosecute any action or proceeding or to do any other act that in its opinion may be necessary or desirable to establish the Title, as insured, or to prevent or reduce loss or damage to the Insured. The Company may take any appropriate action under the terms of this policy, whether or not it shall be liable to the Insured. The exercise of these rights shall not be an admission of liability or waiver of any provision of this policy. If the Company exercises its rights under this subsection, it must do so diligently.

- (c) Whenever the Company brings an action or asserts a defense as required or permitted by this policy, the Company may pursue the litigation to a final determination by a court of competent jurisdiction, and it expressly reserves the right, in its sole discretion, to appeal any adverse judgment or order.

6. DUTY OF INSURED CLAIMANT TO COOPERATE

- (a) In all cases where this policy permits or requires the Company to prosecute or provide for the defense of any action or proceeding and any appeals, the Insured shall secure to the Company the right to so prosecute or provide defense in the action or proceeding, including the right to use, at its option, the name of the Insured for this purpose. Whenever requested by the Company, the Insured, at the Company's expense, shall give the Company all reasonable aid (i) In securing evidence, obtaining witnesses, prosecuting or defending the action or proceeding, or effecting settlement, and (ii) in any other lawful act that in the opinion of the Company may be necessary or desirable to establish the Title or any other matter as insured. If the Company is prejudiced by the failure of the Insured to furnish the required cooperation, the Company's obligations to the Insured under the policy shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation, with regard to the matter or matters requiring such cooperation.
- (b) The Company may reasonably require the Insured Claimant to submit to examination under oath by any authorized representative of the Company and to produce for examination, inspection, and copying, at such reasonable times and places as may be designated by the authorized representative of the Company, all records, in whatever medium maintained, including books, ledgers, checks, memoranda, correspondence, reports, e-mails, disks, tapes, and videos whether bearing a date before or after Date of Policy, that reasonably pertain to the loss or damage. Further, if requested by any authorized representative of the Company, the Insured Claimant shall grant its permission, in writing, for any authorized representative of the Company to examine, inspect, and copy all of these records in the custody or control of a third party that reasonably pertain to the loss or damage. All information designated as confidential by the Insured Claimant provided to the Company pursuant to this Section shall not be disclosed to others unless, in the reasonable judgment of the Company, it is necessary in the administration of the claim. Failure of the Insured Claimant to submit for examination under oath, produce any reasonably requested information, or grant permission to secure reasonably necessary information from third parties as required in this subsection, unless prohibited by law or governmental regulation, shall terminate any liability of the Company under this policy as to that claim.

7. OPTIONS TO PAY OR OTHERWISE SETTLE CLAIMS; TERMINATION OF LIABILITY

In case of a claim under this policy, the Company shall have the following additional options:

- (a) To Pay or Tender Payment of the Amount of Insurance.
To pay or tender payment of the Amount of Insurance under this policy together with any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment or tender of payment and that the Company is obligated to pay. Upon the exercise by the Company of this option, all liability and obligations of the Company to the Insured under this policy, other than to make the payment required in this subsection, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.
- (b) To Pay or Otherwise Settle With Parties Other Than the Insured or With the Insured Claimant.
 - (i) To pay or otherwise settle with other parties for or in the name of an Insured Claimant any claim insured against under this policy. In addition, the Company will pay any costs, attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay; or
 - (ii) To pay or otherwise settle with the Insured Claimant the loss or damage provided for under this policy, together with any costs,

attorneys' fees, and expenses incurred by the Insured Claimant that were authorized by the Company up to the time of payment and that the Company is obligated to pay.

Upon the exercise by the Company of either of the options provided for in subsections (b)(i) or (ii), the Company's obligations to the Insured under this policy for the claimed loss or damage, other than the payments required to be made, shall terminate, including any liability or obligation to defend, prosecute, or continue any litigation.

8. DETERMINATION AND EXTENT OF LIABILITY

This policy is a contract of indemnity against actual monetary loss or damage sustained or incurred by the Insured Claimant who has suffered loss or damage by reason of matters insured against by this policy.

- (a) The extent of liability of the Company for loss or damage under this policy shall not exceed the lesser of
 - (i) the Amount of Insurance; or
 - (ii) the difference between the value of the Title as insured and the value of the Title subject to the risk insured against by this policy.
- (b) If the Company pursues its rights under Section 5 of these Conditions and is unsuccessful in establishing the Title, as insured,
 - (i) the Amount of Insurance shall be increased by 10%, and
 - (ii) the Insured Claimant shall have the right to have the loss or damage determined either as of the date the claim was made by the Insured Claimant or as of the date it is settled and paid.
- (c) In addition to the extent of liability under (a) and (b), the Company will also pay those costs, attorneys' fees, and expenses incurred in accordance with Sections 5 and 7 of these Conditions.

9. LIMITATION OF LIABILITY

- (a) If the Company establishes the Title, or removes the alleged defect, lien, or encumbrance, or cures the lack of a right of access to or from the Land, or cures the claim of Unmarketable Title, all as insured, in a reasonably diligent manner by any method, including litigation and the completion of any appeals, it shall have fully performed its obligations with respect to that matter and shall not be liable for any loss or damage caused to the Insured.
- (b) In the event of any litigation, including litigation by the Company or with the Company's consent, the Company shall have no liability for loss or damage until there has been a final determination by a court of competent jurisdiction, and disposition of all appeals, adverse to the Title, as insured.
- (c) The Company shall not be liable for loss or damage to the Insured for liability voluntarily assumed by the Insured in settling any claim or suit without the prior written consent of the Company.

10. REDUCTION OF INSURANCE; REDUCTION OR TERMINATION OF LIABILITY

All payments under this policy, except payments made for costs, attorneys' fees, and expenses, shall reduce the Amount of Insurance by the amount of the payment.

11. LIABILITY NONCUMULATIVE

The Amount of Insurance shall be reduced by any amount the Company pays under any policy insuring a Mortgage to which exception is taken in Schedule B or to which the Insured has agreed, assumed, or taken subject, or which is executed by an Insured after Date of Policy and which is a charge or lien on the Title, and the amount so paid shall be deemed a payment to the Insured under this policy.

12. PAYMENT OF LOSS

When liability and the extent of loss or damage have been definitely fixed in accordance with these Conditions, the payment shall be made within 30 days.

13. RIGHTS OF RECOVERY UPON PAYMENT OR SETTLEMENT

- (a) Whenever the Company shall have settled and paid a claim under this policy, it shall be subrogated and entitled to the rights of the Insured Claimant in the Title and all other rights and remedies in respect to the claim that the Insured Claimant has against any person or property, to the extent of the amount of any loss, costs, attorneys' fees, and expenses paid by the Company. If requested by the Company, the Insured Claimant shall execute documents to evidence the transfer to the Company of these rights and remedies. The Insured Claimant shall permit the Company to sue, compromise, or settle in the name of the Insured Claimant and to use the name of the Insured Claimant in any transaction or litigation involving these rights and remedies.

If a payment on account of a claim does not fully cover the loss of the Insured Claimant, the Company shall defer the exercise of its right to recover until after the Insured Claimant shall have recovered its loss.

- (b) The Company's right of subrogation includes the rights of the Insured to indemnities, guaranties, other policies of Insurance, or bonds, notwithstanding any terms or conditions contained in those instruments that address subrogation rights.

14. ARBITRATION

Either the Company or the Insured may demand that the claim or controversy shall be submitted to arbitration pursuant to the Title Insurance Arbitration Rules of the American Land Title Association ("Rules"). Except as provided in the Rules, there shall be no joinder or consolidation with claims or controversies of other persons. Arbitrable matters may include, but are not limited to, any controversy or claim between the Company and the Insured arising out of or relating to this policy, any service in connection with its issuance or the breach of a policy provision, or to any other controversy or claim arising out of the transaction giving rise to this policy. All arbitrable matters when the Amount of Insurance is \$2,000,000 or less shall be arbitrated at the option of either the Company or the Insured. All arbitrable matters when the Amount of Insurance is in excess of \$2,000,000 shall be arbitrated only when agreed to by both the Company and the Insured. Arbitration pursuant to this policy and under the Rules shall be binding upon the parties. Judgment upon the award rendered by the Arbitrator(s) may be entered in any court of competent jurisdiction.

15. LIABILITY LIMITED TO THIS POLICY; POLICY ENTIRE CONTRACT

- (a) This policy together with all endorsements, if any, attached to it by the Company is the entire policy and contract between the Insured and the Company. In interpreting any provision of this policy, this policy shall be construed as a whole.
- (b) Any claim of loss or damage that arises out of the status of the Title or by any action asserting such claim shall be restricted to this policy.
- (c) Any amendment of or endorsement to this policy must be in writing and authenticated by an authorized person, or expressly incorporated by Schedule A of this policy.

- (d) Each endorsement to this policy issued at any time is made a part of this policy and is subject to all of its terms and provisions. Except as the endorsement expressly states, it does not (i) modify any of the terms and provisions of the policy, (ii) modify any prior endorsement, (iii) extend the Date of Policy, or (iv) increase the Amount of Insurance.

16. SEVERABILITY

In the event any provision of this policy, in whole or in part, is held invalid or unenforceable under applicable law, the policy shall be deemed not to include that provision or such part held to be invalid, but all other provisions shall remain in full force and effect.

17. CHOICE OF LAW; FORUM

- (a) Choice of Law: The Insured acknowledges the Company has underwritten the risks covered by this policy and determined the premium charged therefor in reliance upon the law affecting interests in real property and applicable to the interpretation, rights, remedies, or enforcement of policies of title insurance of the jurisdiction where the Land is located. Therefore, the court or an arbitrator shall apply the law of the jurisdiction where the Land is located to determine the validity of claims against the Title that are adverse to the Insured and to interpret and enforce the terms of this policy. In neither case shall the court or arbitrator apply its conflicts of law principles to determine the applicable law.
- (b) Choice of Forum: Any litigation or other proceeding brought by the Insured against the Company must be filed only in a state or federal court within the United States of America or its territories having appropriate jurisdiction.

18. NOTICES, WHERE SENT

Any notice of claim and any other notice or statement in writing required to be given to the Company under this policy must be given to the Company at 1650 W. Big Beaver Road, P.O. Box 1289, Troy, MI 48099.

POLICY OF TITLE INSURANCE



**First American Title Insurance Company
ALTA Owner's Policy
Schedule A**

File No. [REDACTED]

Amount of Insurance
[REDACTED]

Date of Policy

June 5, 2020
or the date of recording of the
Vesting Deed, whichever is later

Name of Insured:

Kristopher T Wieschhaus and Hillary M Wieschhaus

1. The estate or interest in the land described herein and which is covered by this policy is:

Fee Simple

2. Title to the estate or interest in the land is vested in:

Kristopher T Wieschhaus and Hillary M Wieschhaus, husband and wife as joint tenants

3. The land referred to in this policy is described as follows:

THAT PART OF THE EAST HALF OF SECTION 21, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHEAST CORNER OF SECTION 22, TOWNSHIP AND RANGE AFORESAID; THENCE WEST 23.05 CHAINS; THENCE NORTH 35°30' WEST 11.02 CHAINS TO THE CENTER LINE OF THE ORIGINAL BRISTOL AND OSWEGO ROAD; THENCE NORTH 34°59' WEST 2054.6 FEET; THENCE SOUTH 52°08' WEST 825.4 FEET; THENCE NORTH 38°06' WEST 2500.6 FEET TO THE NORTHERLY LINE OF THE KENNEDY FARM; THENCE NORTH 33°44' WEST ALONG SAID NORTHERLY LINE 254.4 FEET; THENCE SOUTH 84°37' WEST ALONG SAID NORTHERLY LINE 513.2 FEET; THENCE NORTH 80°53' WEST ALONG SAID NORTHERLY LINE 286.6 FEET; THENCE NORTH 45°39' WEST ALONG SAID NORTHERLY LINE 45.7 FEET; THENCE SOUTH 5°42' EAST 1401.55 FEET TO THE CENTERLINE OF KENNEDY ROAD; THENCE SOUTH 83°31'24" WEST ALONG SAID CENTERLINE 217.22 FEET FOR THE POINT OF BEGINNING; THENCE SOUTH 83°31'24" WEST ALONG SAID CENTERLINE 17.50 FEET THENCE NORTH 05°42'00" WEST 247.0 FEET; THENCE SOUTH 83°31'21" WEST 212.17 FEET TO THE LINE OF A FENCE; THENCE NORTH 05°56'56" WEST ALONG SAID FENCE LINE 1084.31 FEET TO SAID NORTHERLY LINE; THENCE SOUTH 85°45'05" East ALONG SAID NORTHERLY LINE 44.75 FEET; THENCE NORTH 39°21'00" EAST ALONG SAID NORTHERLY LINE 269.09 FEET TO A DRAWN NORTH 05°42'00" WEST FROM THE POINT OF BEGINNING; THENCE SOUTH 05°42'00" EAST 1509.73 FEET TO THE POINT OF BEGINNING (EXCEPT THAT PART LYING NORTHERLY OF THE CENTERLINE OF BLACKBERRY CREEK IN BRISTOL TOWNSHIP, KENDALL COUNTY, ILLINOIS.

Issuing Agent:

Herbert & Eckburg, LLC



**First American Title Insurance Company
ALTA Owner's Policy
Schedule B**

File No. [REDACTED]

This policy does not insure against loss or damage (and the Company will not pay costs, attorneys' fees or expenses) which arise by reason of:

A. STANDARD EXCEPTIONS:

- (1) Rights or claims of parties in possession not shown by the public records.
- (2) Easements, or claims of easements, not shown by the public records.
- (3) Encroachments, encumbrance, violation, variation or adverse circumstance affecting title that would be disclosed by an accurate survey pursuant to the "minimum Standards of Practice," 68 Ill. Admin Code, Sec. 1270.56(b)(6)(P) for residential property or the ALTA/NSPS land title survey standards for commercial/industrial property.
- (4) Any lien, or right to a lien, for services, labor, or materials heretofore or hereafter furnished, imposed by law and not shown by the public records.
- (5) Taxes, or special assessments, if any, not shown as existing liens by the public records.
- (6) Loss or damage by reason of there being recorded in the public records, any deeds, mortgages, lis pendens, liens or other title encumbrances subsequent to the Commitment date and prior to the effective date of the final Policy.

B. SPECIAL EXCEPTIONS:

1. There are various ongoing closures and inaccessibility of certain records in counties and municipalities across the country due to the COVID-19 Emergency. If unable to record documents in the Public Records due to closure or inaccessibility, execution of a Declaration of Understanding and Indemnity and Hold Harmless Agreement Due to the COVID-19 Emergency is required by the parties (other than the Lender) to the contemplated transaction.
2. General taxes and assessments for the year 2nd of 2019, 2020 and subsequent years which are not yet due and payable.

Tax identification no.: 02-21-200-028

3. Rights of the Public, the State of Illinois and the Municipality in and to that part of the land, if any, taken or used for road purposes.
4. Rights of way for drainage tiles, ditches, feeders and laterals, if any.
5. Rights of the interested parties to the free and unobstructed flow of the waters of the stream which may flow on or through the land.
6. Rights of parties in possession in and to the land falling between the fence(s) location(s) and the property line(s) due to the failure of the fence(s) to follow the property line(s) as disclosed by survey presented at the closing.

NOTE: If any document referenced herein contains a covenant, condition or restriction violative of 42 USC 3604(c), such covenant, condition or restriction to the extent of such violation is hereby deleted.

End of Schedule B

Issuing Agent:


Herbert & Eckburg, LLC



ENDORSEMENT

ISSUED BY

First American Title Insurance Company

Attached to Policy No. 

THE STANDARD EXCEPTIONS 1, 4 THROUGH 6 ARE HEREBY DELETED.

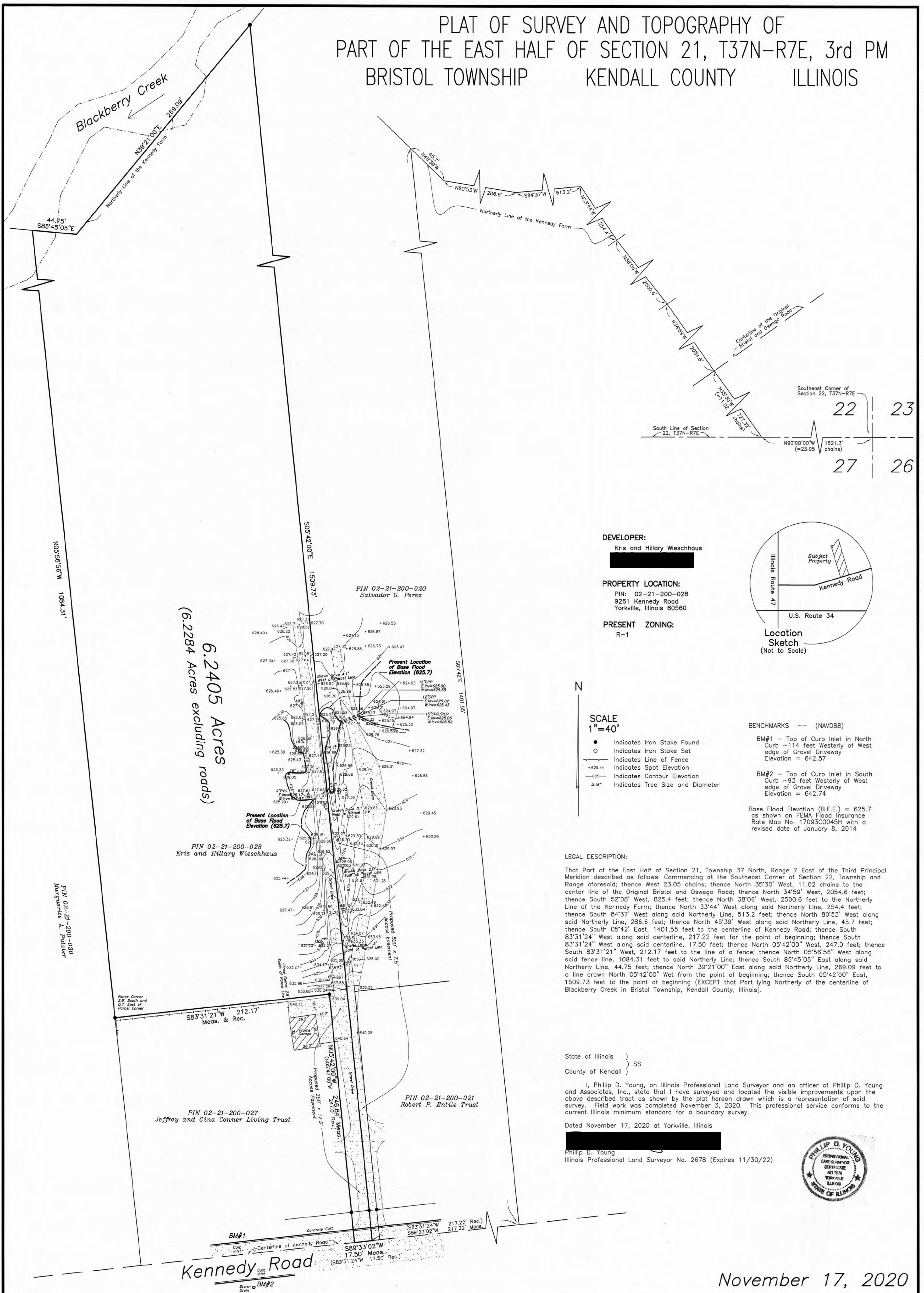
This endorsement is made a part of the policy and is subject to all of the terms and provisions thereof and any prior endorsements thereto. Except to the extent expressly stated, it neither modifies any of the terms and provisions of the policy and any prior endorsements, nor does it extend the effective date of the policy and any prior endorsements, nor does it increase the face amount thereof.

First American Title Insurance Company

Dated:



Christian Poulsen





JOB NO.	20287		Phillip D. Young and Associates, Inc. LAND SURVEYING - TOPOGRAPHIC MAPPING - Lic.#184-002775	1107B South Bridge Street Yorkville, Illinois 60560 Telephone (630)553-1580
JOB NAME	WIESCHHAUS			
DWG FILE	20287			
REVISION DATE				

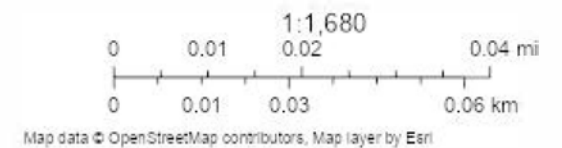


November 18, 2020

 Kendall County Address Points
 Parcels
 parcel

USA Flood Hazard Areas
 1% Annual Chance Flood Hazard
 0.2% Annual Chance Flood Hazard

Incorporated Areas
 Yorkville



PUBLIC NOTICE
KENDALL COUNTY
****ZONING BOARD OF APPEALS****

Notice is hereby given that Zoning Board of Appeals will hold a public hearing on 12/14/2020 at 7:00 PM

The location of the meeting is at the East Wing Conference Room of the Kendall County Historic Courthouse at 109 W. Ridge Street, Yorkville, IL 60560.

The purpose of this hearing is to consider testimony and make a determination regarding Petition # 20-30.
(Application #)

Kris & Hillary Wieschhaus is/are seeking a variance from Section 11:02.F.7.b
(Name(s) of Applicant) (Section #)

of the Kendall County Zoning Ordinance to: *"Permit placement of driveway 0' from the east property line instead of the required 5' side-yard setback".*

The property is located at 9261 Kennedy Road, is identified by Parcel Identification Number 02-21-200-028 and is legally described in Exhibit "A" attached.

The petitioner is acting for himself or in the capacity of agent, alter ego, or representative of a principal.
(is/is not)

The petitioner is not a corporation.
(is/is not)

The petitioner is not a business or entity doing business under an assumed name.
(is/is not)

The petitioner is not a Partnership, Joint Venture, Syndicate or Unincorporated Voluntary Association.
(is/is not)

This petition and related documents may be reviewed at the Planning, Building and Zoning Department, Room 203, 111 West Fox Street, Yorkville, IL 60560 or the Kendall County Website: <http://www.co.kendall.il.us/planning-building-zoning/petitions>. Questions can be directed to the same department at phone number (630) 553-4139.

All interested persons may attend and be heard. Written testimony should be directed to the Department but shall only be entered as part of the record at the discretion of the Kendall County Zoning Board of Appeals.

If special accommodations or arrangements are needed to attend this County meeting, please contact the Administration Office at 630-553-4171, a minimum of 24-hours prior to the meeting time. Please attend the hearing/meeting by computer or call 1-309-248-0701 and entering conference ID 756 909 888#

Kris & Hillary Wieschhaus

Name(s) of Applicant

Exhibit A

LEGAL DESCRIPTION OF TRACT:

That Part of the East Half of Section 21, Township 37 North, Range 7 East of the Third Principal Meridian described as follows: Commencing at the Southeast Corner of Section 22, Township and Range aforesaid; thence West 23.05 chains; thence North 35°30' West, 11.02 chains to the center line of the Original Bristol and Oswego Road; thence North 34°59' West, 2054.6 feet; thence South 52°08' West, 825.4 feet; thence North 38°06' West, 2500.6 feet to the Northerly Line of the Kennedy Farm; thence North 33°44' West along said Northerly Line, 254.4 feet; thence South 84°37' West along said Northerly Line, 513.2 feet; thence North 80°53' West along said Northerly Line, 286.6 feet; thence North 45°39' West along said Northerly Line, 45.7 feet; thence South 05°42' East, 1401.55 feet to the centerline of Kennedy Road; thence South 83°31'24" West along said centerline, 217.22 feet for the point of beginning; thence South 83°31'24" West along said centerline, 17.50 feet; thence North 05°42'00" West, 247.0 feet; thence South 83°31'21" West, 212.17 feet to the line of a fence; thence North 05°56'56" West along said fence line, 1084.31 feet to said Northerly Line; thence South 85°45'05" East along said Northerly Line, 44.75 feet; thence North 39°21'00" East along said Northerly Line, 269.09 feet to a line drawn North 05°42'00" West from the point of beginning; thence South 05°42'00" East, 1509.73 feet to the point of beginning (EXCEPT that Part lying Northerly of the centerline of Blackberry Creek in Bristol Township, Kendall County, Illinois)

Kendall County Zoning Board of Appeals 12-14-2020 Remote Meeting Attendance



In accordance with the Governor's Executive Order 2020-07, Kendall County Board Chairman Scott Gryder is encouraging social distancing by allowing remote attendance to the Kendall County Zoning Board of Appeals Meeting/Hearing scheduled for Monday, December 14, 2020, at 7:00 p.m. Instructions for joining the meeting are listed below.

For your safety and others, please attend the hearing/meeting by phone or computer, if possible. The East Wing Conference Room located at the Kendall County Historic Courthouse at 110 W. Madison Street (also addressed as 109 W. Ridge Street), in Yorkville, will have limited seating available. Masks are required when social distancing is not possible. If you plan to attend in person, please follow all social distancing requirements.

If anyone from the public would like to make a comment during the hearing/meeting there will be an allotted time on the agenda for public comment, and all of the county board rules of order still apply. We will also accept public comment by emailing: masselmeier@co.kendall.il.us. Members of the public may contact Kendall County PBZ Department prior to the meeting for assistance making public comment at 630-553-4139; email correspondence is preferred.

Microsoft Teams Meeting

[Click here to join the meeting](#)

Or call in (audio only)

+1 309-248-0701 United States, Rock Island (Toll)

Phone Conference ID: 756 909 888#

[Find a local number](#) | [Reset PIN](#)

Kendall County

[Learn More](#) | [Meeting options](#) | [Legal](#)

Kendall County Zoning Board of Appeals Information:

<https://www.co.kendall.il.us/transparency/agendas-packets-and-meetings-schedules/planning-building-and-zoning/zba-zoning-board-of-appeals>

For information about how to join a Microsoft Teams meeting, please see the following link.

<https://support.office.com/en-us/article/join-a-meeting-in-teams-1613bb53-f3fa-431e-85a9-d6a91e3468c9>



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

Agenda Item Number

New Business #7

Tracking Number

EDC 2021-07

Agenda Item Summary Memo

Title: Nonconforming Signs – Text Amendment

Meeting and Date: Economic Development Committee – January 5, 2021

Synopsis: Proposed text amendment regarding legally nonconforming monument signs.

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: Majority

Council Action Requested: Vote

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: Bart Olson, City Administrator
Date: December 24, 2020
Subject: **PZC 2020-14 Nonconforming Signs (Text Amendment)**
Proposal to exempt certain nonconforming signs from elimination if replacing a static message board with an electronic message board

Summary

A proposed text amendment to Sections 10-20-4: Definitions and 10-20-11: Nonconforming Signs of the City's Zoning Ordinance to allow for certain existing nonconforming freestanding monument signs to be modified without the requirement to bring the sign fully into compliance with the current code regulations. Specifically, allowing a one-for-one replacement of an existing static message board sign (i.e., manual changeable copy) with a new electronic message board of the same size for those non-residential land uses seeking to upgrade to current technology. Staff originally published the request to limit the text amendment to only affect signs located along major thoroughfares such as IL-47, US-34, IL-71 and Eldamain Road.

Additionally, the text amendment proposes to define the word "maintenance" in the Zoning Ordinance to provide further clarity for staff and the public about activities permitted in the upkeep of existing nonconforming signs.

Background

Over the past decade, the City Council approved two (2) comprehensive revisions to the Sign Ordinance, the first in 2008 and the most recent in 2014. In both of these comprehensive revisions, the City Council has tightened its regulations on signs with specific requirements related to type, material, number and size. Many signs, particularly those located along major roadways, were constructed in the 1990s and 2000s and are generally "legally nonconforming" to the current standards. Meaning they were legally erected and met the sign ordinance at the time of their installation but are not congruent with the current regulations.

It was contemplated that all nonconforming signs would transition to comply with the current code within 5 years after the adoption of the general nonconforming uses and structures chapter of the zoning ordinance (Section 10-15-4). However, compliance of this transition period was not strictly enforced after the adoption of specific criteria for nonconforming signs in Section 10-20-11. However, compliance is sought when business owners seek building permit approval for any alteration or modification, outside of routine maintenance, to a nonconforming sign.

Typically, business owners or their sign companies are aware of the City's ordinances and apply for the permits in compliance with the regulations (dozens of sign permits are issued each year without conflict). While there are occasions when sign permits for nonconforming sign alterations are denied, the sign company or business owner usually retools their design and resubmits to the City without incident.

Recently, a local businessowner wanted to replace their existing static message board sign with an electronic message board sign of roughly the same size but was denied due to the existing sign's nonconformities with the current ordinance's regulations related to the sign type, overall size and

height. The businessowner stated it would be a financial hardship to bring the sign into full compliance. Based upon this, it was direction from the Mayor at a recent City Council meeting for staff to revisit this section of the sign ordinance to allow for certain modifications/upgrades to existing nonconforming signs without the added expense of bringing the entire sign into conformance with the current ordinance.

Proposed Text Amendment

Considering the recent economic stress on businesses during the pandemic, recent roadway improvements to widen and reconstruct major thoroughfares in Yorkville to accommodate increased vehicular travel, and industry changes to sign technology, staff proposes the following text amendments to the Sections 10-20-4: Definitions and 10-20-11: Nonconforming Signs of the City's Zoning Ordinance to define the term "maintenance" as it relates to nonconforming signs and provide for an exemption to certain nonconforming signs to allow the installation of electronic message boards:

Section 10-20-4: Definitions

Amend and **insert** the following definition:

MAINTENANCE: care associated with the general upkeep of a sign which includes minor repair of rusted or damaged components, including nailing, cleaning and replacement of nuts and bolts, repainting, replacing of malfunctioning parts, and re-facing of existing signs when the re-facing does not result in any structural alterations, additional signs or additional sign appendages. Lighting fixtures may be repaired or replaced with fixtures of a similar size, including but not limited to repairs or replacements that increase energy efficiency. Routine maintenance of a nonconforming sign shall not include any addition of or increase in illumination, structural alterations, enlargements or expansions unless the alteration, enlargement or expansion will result in the elimination of the nonconforming aspects of the signs.

Section 10-20-11: Nonconforming Signs

Amend and **insert** the following:

G. The replacement of an existing non-conforming freestanding static message board signs with an electronic message board sign is permitted if such replacement does not increase the overall existing sign size.

Analysis of Existing Nonconforming Signs

Staff conducted a very cursory review of existing signage along the City's major thoroughfares (IL-126, IL-71, IL-47, US-34 and Eldamain Road), and commercial/industrially zoned areas not along major roadways. The following charts provide an overview of the number of signs per roadway, number of signs that are covered by an annexation, planned unit development (PUD) or other agreement, and the number/percent signs which are potentially legally nonconforming.

Major Thoroughfare	Number of Signs	Annexation/PUD/Other Agreement	Potentially Legally Nonconforming
IL-47 (Bridge)	79	20	38
US 34 (Veterans)	39	15	13
Eldamain	0	0	0
IL-71 (Stagecoach)	5	1	3

IL-126 (Schoolhouse)	5	0	2
TOTAL	128	36	56

Non-Major Thoroughfare	Number of Signs	Annexation/PUD/Other Agreement	Potentially Legally Nonconforming
Van Emmon St.	1	0	1
Hydraulic St.	1	0	1
Boombah Blvd./Commercial Drive (Yorkville Business Center)	3	2	1
Deer/Badger/Wolf/Beaver (Fox Industrial Park)	15	0	10
McHugh Rd.	4	3	1
Cannonball Trail	4	3	1
Galena Rd.	1	0	0
Kendall Drive/Center Pkwy/Countryside	13	5	9
John St.	3	3	1
TOTAL	45	16	25

Based upon the preliminary data above regarding the existing ground-mounted signage along the five (5) major thoroughfares in Yorkville, 36 (28%) of the 128 signs are permitted through an annexation, planned unit development or another approving ordinance (i.e. variance). Of those existing signs, there are 56 (44%) potentially legally nonconforming. Most of the legally non-conforming signs are located along IL-47 (Bridge). When further amendments to the Sign Ordinance are proposed, considerable attention should be given to the number and location of these signs.

In regard to the preliminary data related to existing ground-mounted signage along the non-major thoroughfares in Yorkville, 16 (35%) of the 45 signs are allowed as part of an annexation, planned unit development or another approving ordinance (i.e. variance). Of those existing signs, there are 25 (55%) potentially legally nonconforming. The majority of the legally nonconforming signs are within the Fox Industrial Park and along Kendall Drive/Center Parkway/Countryside Parkways roadways, which are in the oldest areas in the City and developed long before the more recent revisions to the Sign Ordinances in 2009 and 2014.

Staff Comments/Recommendation:

Staff believes the proposed text amendment allowing for certain existing nonconforming freestanding monument signs to be modified so that static message boards can be replaced with a same-sized electronic message boards without bringing the entire sign fully into compliance would be beneficial to city businesses. While the original proposed text amendment focused on those businesses located along major thoroughfares which have been heavily impacted by recent roadway widenings where existing stationary signs may be deemed less effective and inefficient when updating consumer messaging, there is some merit in expanding it to non-residential uses throughout the city. Based upon this, staff feels the text amendment is warranted and appropriate.

A public hearing is scheduled for the January 13, 2021 Planning and Zoning Commission (PZC) meeting to consider the proposed text amendment. Following the PZC meeting, a formal recommendation will be forwarded to the City Council at the January 26th meeting. Staff will be available at Tuesday night's meeting to answer any questions.

Attachments

1. Title 10: Zoning, Chapter 20: Signs
2. Public Hearing Notice
3. 2020 Zoning Map
4. 2020 Development Map

CHAPTER 20

SIGNS

SECTION:

10-20-1: Principles

10-20-2: Purpose

10-20-3: Scope

10-20-4: Definitions

10-20-5: Signs Exempt From This Chapter

10-20-6: General Provisions

10-20-7: Prohibited Signs

10-20-8: Permitted Signs; Agricultural And Residential Zoning Districts

10-20-9: Permitted Signs; Business Zoning Districts

10-20-10: Permitted Signs; Manufacturing Zoning Districts

10-20-11: Nonconforming Signs

10-20-12: Permitting Procedures

10-20-13: Sign Variations

10-20-1: PRINCIPLES:

The provisions of this chapter recognize that:

A. There is a significant relationship between the manner in which signs are displayed and public safety and the value, quality of life and economic stability of adjoining property and overall city.

B. The reasonable display of signs is necessary as a public service and necessary to the conduct of competitive commerce and industry.

C. Signs are a constant and very visible element of the public environment and as such should meet the same high standards of quality set for other forms of development in the city. (Ord. 2014-73, 11-25-2014)

10-20-2: PURPOSE:

The regulation of signs by this chapter is intended to promote and protect the public health, safety and welfare by:

A. Enhancing the economic condition of the city by promoting reasonable, orderly and effective use and display of signs.

B. Enhancing the physical appearance of the city.

C. Protecting the general public from damage and injury which might be caused by the faulty and uncontrolled and inappropriate construction and use of signs within the city.

D. Protecting the public use of streets and rights of way by reducing advertising distractions that may increase traffic accidents and congestion.

E. Preserving the value of private property by assuring the compatibility in design and scale of signs with adjacent properties and uses.

Accordingly, it is deemed necessary and in the public interest to regulate signs. To this end, this chapter:

A. Establishes minimum standards for the display of signs in direct relationship to the functional use of property and to the intensity of development as permitted within the zoning districts which are provided in this chapter.

B. Regulates the size, location, height, installation and other pertinent features of new signs.

C. Requires the removal of derelict signs and the amortization of nonconforming signs.

D. Provides for the effective administration and enforcement of these regulations. (Ord. 2014-73, 11-25-2014)

10-20-3: SCOPE:

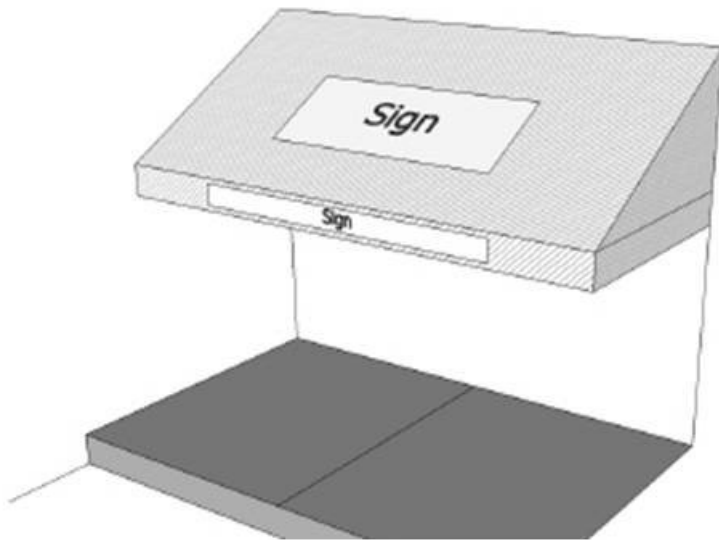
The regulations of this chapter shall govern and control the erection, enlargement, expansion, alteration, operation, maintenance, relocation and removal of all signs within the city and any sign not expressly permitted by these regulations shall be prohibited.

The regulations of this chapter relate to the location of signs, by function and type, within zoning districts and shall be in addition to provisions of the city of Yorkville building code and the city of Yorkville electrical code. (Ord. 2014-73, 11-25-2014)

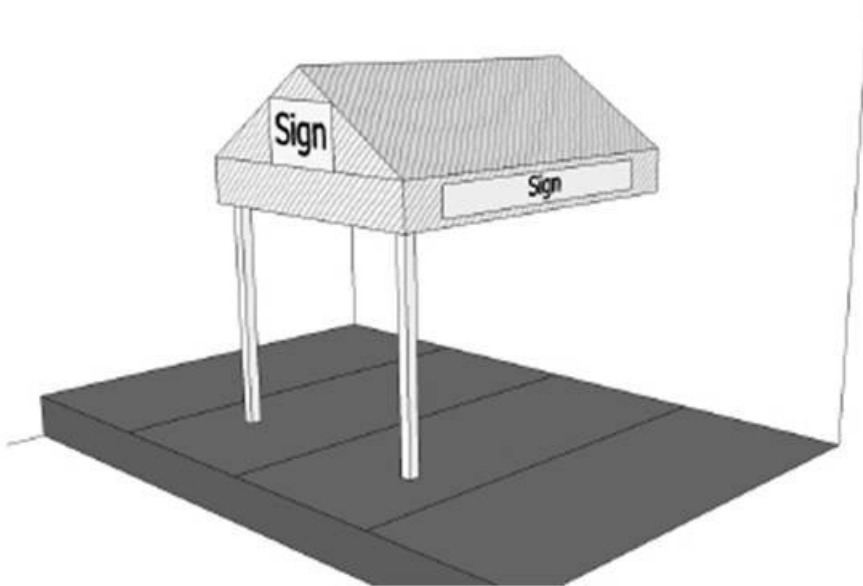
10-20-4: DEFINITIONS:

ANIMATED, FLASHING OR MOVING SIGN: Any sign that uses lights that flash or alternate or which include action or motion or the appearance of action or motion either physically or electronically.

AWNING, CANOPY OR MARQUEE SIGN: A sign that is mounted or painted on, or attached to, an awning, canopy or marquee that is otherwise permitted by this chapter. The construction materials and the manner of construction of all awnings, canopies and marquees shall be in accordance with the Yorkville building code.



Awning



Canopy

Canopy

BANNER: Any sign made of vinyl, fabric, or similar material that is displayed on a pole or building. National, state or municipal flags, and official flags of any institution or business shall not be considered banners.

BILLBOARD: A structure for the permanent display of off premises advertisement which directs attention to a business, commodity, service or entertainment conducted, sold, or offered at a location other than the lot on which the sign is located. For the purposes of this chapter, this definition does not include off premises sponsorship banners.

BUSINESS SIGN: A sign which directs attention to a business or profession conducted, or to a commodity or service sold, offered or manufactured, or to an entertainment offered, on the premises where the sign is located or to which it is affixed. A business sign shall be a wall, canopy, awning, marquee, or window sign.

COLD AIR INFLATABLE DEVICE: An inflatable device, without a frame, used as a portable sign for promotions, sales or special events. A cold air balloon shall be ground mounted.

CONSTRUCTION SIGN: A sign erected on a lot on which construction is taking place, indicating the names of the architects, engineers, landscape architects, contractors, and similar artisans, and the owners, financial supporters, sponsors and similar persons or firms having a role or interest with respect to the structure or project. Said sign shall be erected only so long as construction is occurring on the lot. A construction sign shall be a wall or freestanding sign.

ELECTRONIC MESSAGE DISPLAY PANEL: A separate portion of a lawful sign capable of displaying fixed or changing text, characters, figures or images using light emitting diodes (LEDs), liquid crystal display (LCD), fiber optics, light bulbs or other illumination devices that can be electronically changed by remote or automatic means. The following terms for electronic message display panels shall be defined as follows:

Animation: The illusion of movement to drawings, models or inanimate objects by putting separate pictures together to form the illusion of continuous motion.

Character: A letter, number, punctuation mark or decimal point.

Dissolve: Where static messages are changed by means of varying light intensity or pattern, where the first message gradually appears to dissipate and lose legibility simultaneous to the gradual appearance and legibility of the subsequent message.

Fade: Where static messages are changed by means of varying light intensity, where the first message gradually reduces intensity to the point of not being legible and the subsequent message gradually increases intensity to the point of legibility.

Nits: A luminance unit equal to one foot-candle per square meter measured perpendicular to the rays from the source.

Scrolling: Where the message is changed by the apparent vertical movement of the letters or graphic elements of the message.

Static: Graphics having no motion or movement of any type.

Text: Graphics consisting of letters, words, numbers, punctuation or decimal points only that do not include any animation or video.

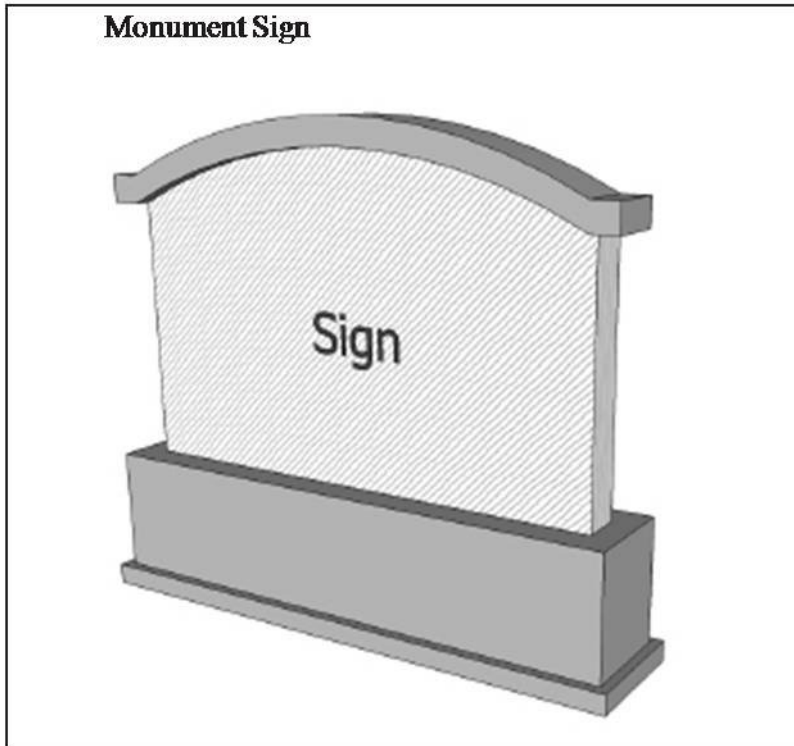
Travel: Where the message is changed by the apparent horizontal movement of the letters or graphic elements of the message.

Video: Moving images that are a sequence of images of continuous motion and breaking it up into discrete frames for subsequent display.

FREESTANDING SIGN: Any sign supported by structures or supports that are placed on or anchored in the ground and that are independent from any building or other structure.

GRAND OPENING TEMPORARY SIGN: A temporary sign used for the purpose of advertising a grand opening of a new business. A grand opening temporary sign may be a wall, marquee, canopy, awning, or freestanding sign. Promotions, anniversary sales, special sales, or going out of business sales do not apply.

GROUND MOUNTED/MONUMENT SIGN: A sign that is supported on a base that is equal in width and depth to the frame of the sign itself. A ground mounted/monument sign must be constructed of materials to match the principal structure.



IDENTIFICATION SIGN: A sign giving the name and address of a residential building, business, development, industry, or other building or establishment. Such signs may be wholly or partly devoted to a readily recognized symbol. An identification sign shall be a freestanding, wall, canopy, awning, or marquee sign.

MENU BOARD SIGN: A sign at a remote location on a lot giving product and price information about products sold on the lot to motorists in a waiting vehicle.

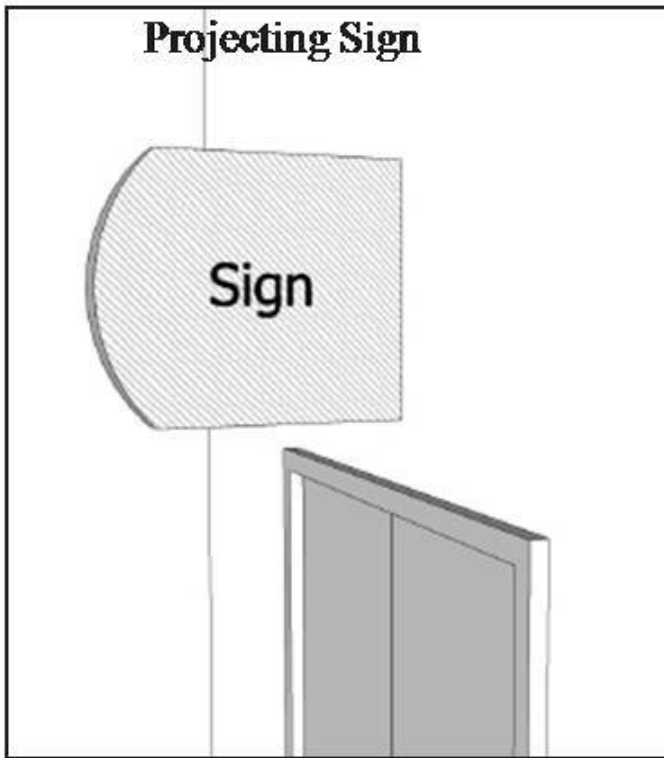
MESSAGE BOARD SIGN: A sign designed so that characters, letters or illustrations can be changed manually without altering the face or surface of the sign.

OFF PREMISES SPONSORSHIP BANNER: Temporary signs which display advertisement for sponsors of an event or facility, such as an athletic event or field, on the location where the sign is located.

POLE SIGN: A freestanding sign supported by a column or columns whose total width is less than fifty percent (50%) of the sign face depth.

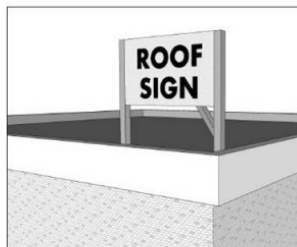
PORTABLE SIGN: A movable sign, excluding trailer signs, that is not attached to a structure or affixed to the ground or surface upon which it is located.

PROJECTING SIGN: A sign which in whole or in part is dependent upon the building for support and projects more than twelve inches (12") from such building, except for awning, canopy and marquee signs.



REAL ESTATE SIGN: A sign indicating the sale, rental, lease, or development of the lot, a portion of the lot, or a building on the lot on which the sign is located. A real estate sign shall be a wall or freestanding sign.

ROOF SIGN: A sign that is wholly dependent upon a building for support or mounted on the roof, which projects more than six inches (6") above the highest point of a building or roof to which it is attached.



SANDWICH SIGN OR A-FRAME SIGN: A temporary, portable sign constructed of two (2) boards hinged together toward the top to permit the sign to stand when the bottom edges of the boards are spread; each side of which is no more than twelve (12) square feet.

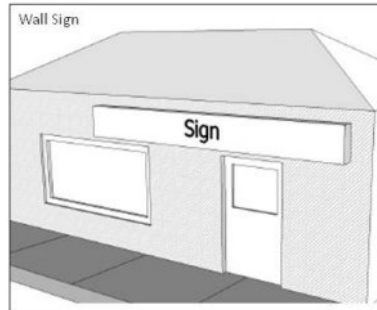
SNIFE SIGNS: A temporary or permanent nongovernmental sign in a public right of way which is tacked, nailed, posted, pasted, glazed or otherwise affixed to a pole, stake, fence, traffic sign, traffic control device, utility pole, tree or the ground.

TEMPORARY SIGNS: Any sign, banner, pennant, streamer, or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other lightweight material.

TRAILER SIGN: A sign mounted on a chassis with or without wheels.

VEHICLE SIGN: Any vehicle primarily situated to serve as a sign rather than as transportation. An automobile, van, or truck displaying the name and/or other information regarding the related establishment used for normal business operation or for employee transportation is not a vehicle sign.

WALL SIGN: A sign fastened to or painted on the wall of a building or structure in such a manner that the wall becomes the supporting structure for, or forms the background surface of, the sign and which does not project more than twelve inches (12") from such building or structure.



WIND FEATHER (Also Known As WIND FLAG, TEARDROP BANNER AND BLADE): Fabric or plastic attention getting devices supported by a single pole and having a tall, narrow orientation whose rotation is determined by the wind direction.

WINDOW SIGN: A sign which is applied or attached to or located within three feet (3') of the interior of a window, which sign may be seen through the window from the exterior of the structure. (Ord. 2014-73, 11-25-2014)

10-20-5: SIGNS EXEMPT FROM THIS CHAPTER:

Nothing in this chapter shall be construed as exempting the following signs from the building code or those portions of this code applicable to signs. The following signs are otherwise exempt from regulations of this chapter:

A. Flags, symbols or crests of nations, states, cities or political, fraternal, religious or civic organizations. One logo flag of a business shall be permitted on a lot provided that it is flown with the American flag and shall not be larger than the American flag.

B. Decorations customarily and commonly associated with a national, local or religious holiday, celebration or anniversary provided that such decorations shall not be displayed for more than sixty (60) consecutive days.

C. Signs four (4) square feet or less in area and mounted five feet (5') in height or less on private property regulating on premises traffic and parking.

D. Bulletin boards, message boards, and similar devices no greater than thirty two (32) square feet in area, five feet (5') high and not in the vision triangle, used solely to give information about and accessory to a public, charitable, educational or religious institution located on the lot.

E. Legal notices, identification, informational, directional, traffic or other sign erected or required by governmental authority.

F. Memorial signs or tablets eight (8) square feet or less in area, containing the names of a building and the date of construction, when cut into any masonry surface so as to be part of the building or when constructed of bronze or some other noncombustible material and permanently attached to a building.

G. Nonilluminated window signs painted on or covering no more than fifty percent (50%) of the window area, excluding glass doors.

H. Real estate signs six (6) square feet or less in area, provided that no more than one such sign shall be permitted in each yard abutting a street. Real estate signs shall be freestanding signs and set back a minimum of five feet (5') from any lot line and shall be five feet (5') or less in height and shall not be illuminated.

I. Menu boards accessory to a restaurant drive-up window facility, provided such signs are thirty six (36) square feet or less in area.

J. Signs used to identify the type of model home when used in conjunction with a developing residential subdivision. Each type of model home is allowed one sign not to exceed eight (8) square feet in area and five feet (5') in height. Such sign shall be located on the lot where the model home is located and shall be removed upon occupancy of the home for normal residential use.

K. "No Trespassing", "Beware Of Dog" and other similar warning signs four (4) square feet or less in area.

L. Name and address plates which give only the name and address of the resident(s) of the building less than three (3) square feet on single- and two-family dwellings and five (5) square feet for multi-family dwellings.

M. Garage sale, farm produce sale signs provided there is only one sign per lot and it is present only during the duration of the sale and is less than four (4) square feet in area.

N. Building interior signage.

O. Political signs. Signs sixteen (16) square feet or less in area and announcing candidates for political office or political issues.

P. Construction signs under eight (8) square feet.

Q. Illuminated window signs covering no more than sixty percent (60%) of the window area excluding glass doors.

R. Permanent, nonflashing signs on vending machines, gas pumps, ice and propane storage units. (Ord. 2014-73, 11-25-2014)

10-20-6: GENERAL PROVISIONS:

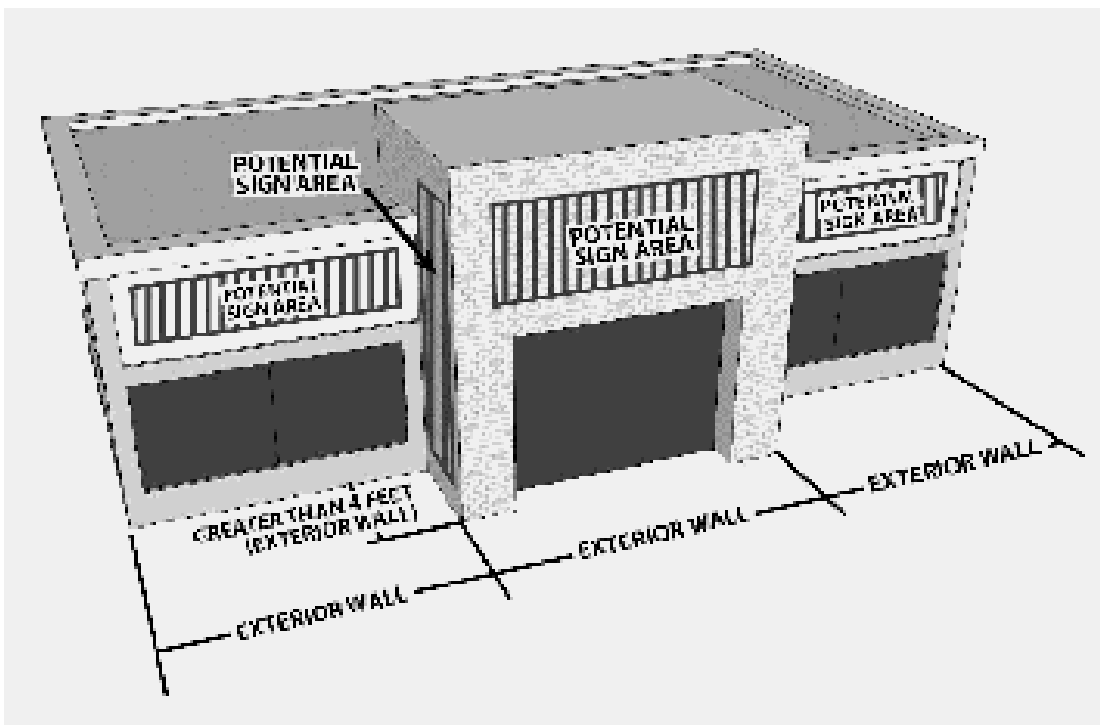
A. Sign Area: The area of the sign face which is also the sign area of a wall sign or other sign with only one face shall be computed by means of the smallest square, rectangle, circle, triangle or combination thereof that will encompass the extreme limits of the writing representation, emblem or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign from the backdrop or structure against which it is placed. It does not include any supporting framework, bracing or decorative fence or wall when such fence or wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself. A double faced sign shall count as a single sign.

Building mounted wall sign area calculations are based on each wall of an exterior building facing a lot line and a public right-of-way. An exterior building wall which faces a lot line may contain more than a single wall for sign area calculation purposes. If portions of the exterior building wall face the same lot line and are separated by four feet (4') or more in depth from that lot line, then they are considered two (2) separate walls for sign area calculation purposes. If separated by less than four feet (4') they shall be considered a single exterior building wall for sign area calculation purposes. If two (2) exterior walls create an angle greater than one hundred thirty five degrees (135°) on the horizontal plane then it shall be considered a single exterior wall. Any two (2) exterior walls which create an angle of less than one hundred thirty five degrees (135°) on the horizontal plane shall be considered two (2) separate walls.

Additionally, for any multi-tenant building, if the area where a building mounted sign is being placed is located between two (2) pillars, posts, or other architectural features, the area between the features will be considered the exterior wall for sign area calculations.

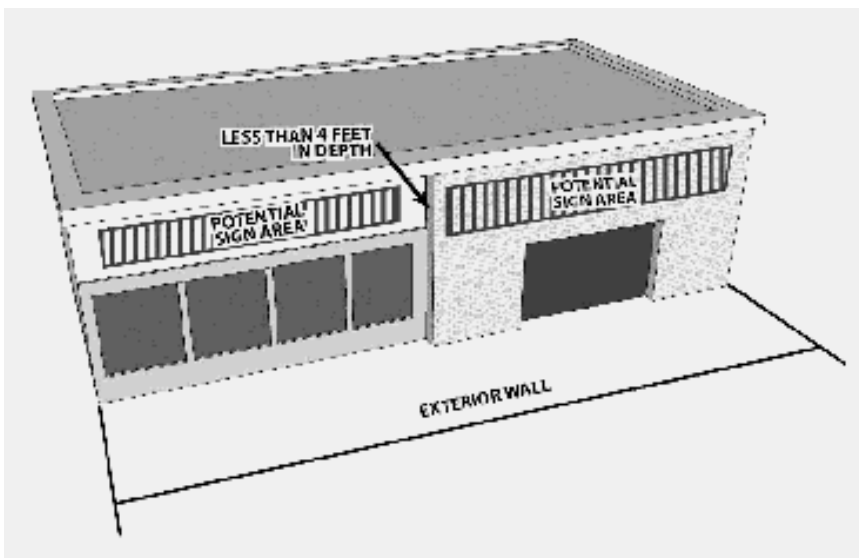
EXAMPLE 1: SINGLE USE BUILDING

(DEPTH GREATER THAN 4 FEET)

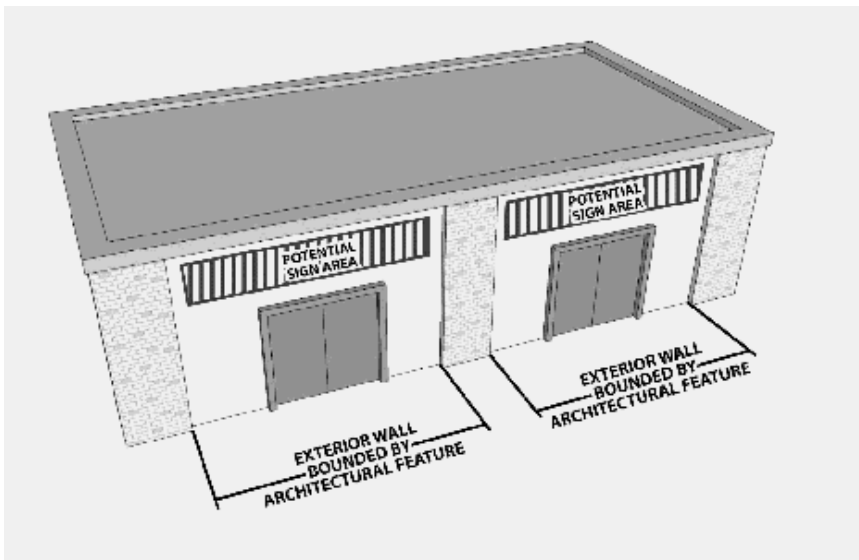


EXAMPLE 2: SINGLE USE BUILDING

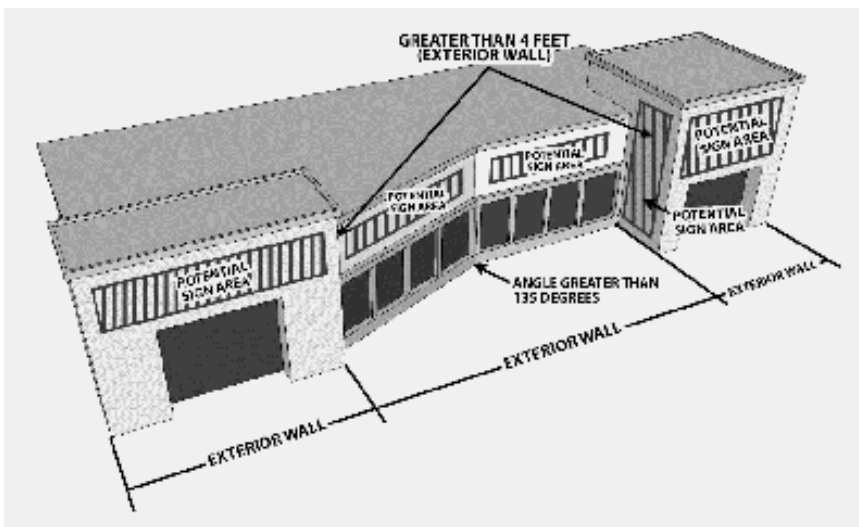
(DEPTH LESS THAN 4 FEET)



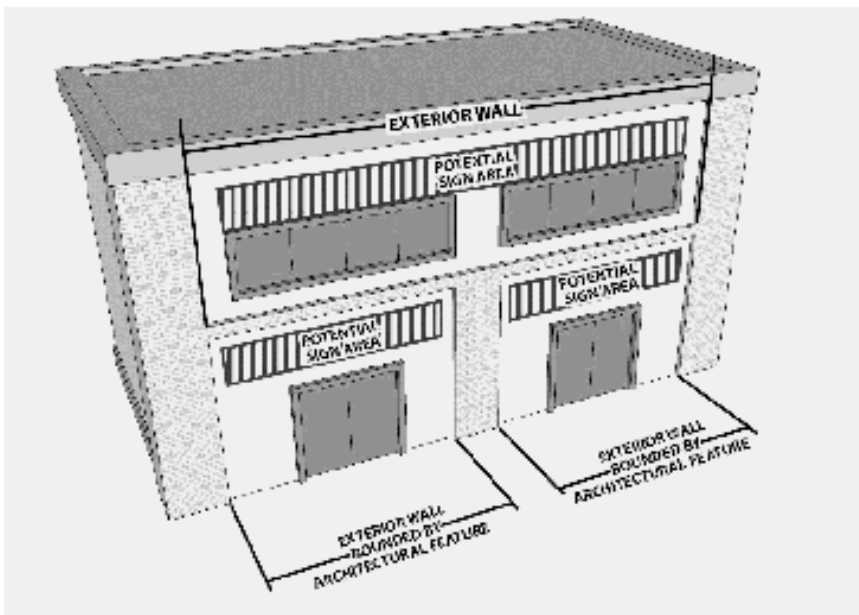
EXAMPLE 3: MULTI-TENANT BUILDING
(BETWEEN ARCHITECTURAL FEATURES)



EXAMPLE 4: MULTI-TENANT BUILDING



EXAMPLE 5: MULTI-STORY, MULTI-TENANT BUILDING



(Ord. 2018-57, 10-23-2018)

B. Sign Height: The height of a sign shall be computed as the distance from the grade of the centerline of the adjacent street to the top of the highest attached component of the sign.

C. Yard Requirements: Except as otherwise provided, signs shall be located at least five feet (5') from any driveway and lot line. Furthermore, no sign shall be erected or located in a public right-of-way except as established by the authorized public entity responsible for the right-of-way. No sign having a height more than thirty inches (30") shall be located within that part of the yard or open area of a corner lot included within a triangular area of twenty five feet (25') from the point of intersection of two (2) street right-of-way lines forming such a corner lot.

D. Illumination Of Signs: The illumination of all signs shall be diffused or indirect and shall be so arranged that there will be no direct or reflecting rays into the public way or any lot on the perimeter of the premises on which the sign is located. Exposed light bulbs, neon tubing, flashing, blinking, traveling and similar illumination, including illuminated canopies are not permitted.

Illuminated signs permitted in or adjacent to residential areas shall not be illuminated between the hours of eleven o'clock (11:00) P.M. and five o'clock (5:00) A.M. unless the use to which the sign pertains is open.

E. Sign Maintenance: The owner of a sign and the owner of the premises on which the sign is located shall be jointly and severally liable to maintain such sign or signs subject to the following standards:

1. Signs shall be maintained in a neat and orderly condition and good working order, including illumination sources, at all times.
2. Signs shall be properly painted unless galvanized or otherwise treated to prevent rust or deterioration.
3. Signs shall conform to maintenance provisions of the building and electrical codes as adopted by the city of Yorkville.

F. Abandoned Signs: Except as otherwise provided in this chapter, any temporary sign installed for a period of thirty (30) days or more, or any sign which pertains to a time, event, or purpose which no longer applies, shall be removed. Permanent signs applicable to a business because of change in ownership or management of such business shall be deemed abandoned if the property remains vacant for a period of six (6) months or more. An abandoned sign is prohibited and shall be removed by the owner of the sign or owner of the premises.

G. Removal Of Signs: Any sign found to be improperly maintained, abandoned or otherwise in violation of this chapter which is not removed or repaired within thirty (30) days of written notice of the code official may be removed by the code official. Any expense incidental to such removal or repair shall be charged to the owner of the property upon which the sign is located and shall constitute a lien upon the property. (Ord. 2014-73, 11-25-2014)

10-20-7: PROHIBITED SIGNS:

The following signs shall not be permitted:

- A. Moving, animated and flashing signs, except electronic message boards.
- B. Roof signs.
- C. Vehicle signs.
- D. Signs which constitute a hazard to public health or safety.
- E. Signs which obstruct ingress or egress from any fire escape, door, window, or other exit or entrance.
- F. Signs which, by reason of size, location, content, color, or manner of illumination, obstruct the vision of motorists or interfere with the visibility or effectiveness of any traffic sign or control device on public streets.
- G. Signs which make use of words such as "stop", "look", "one-way", "danger", "yield" or any similar word, phrase, symbol or light so as to interfere with or confuse pedestrian or vehicular traffic.
- H. Billboards.
- I. Trailer signs, except directional or informational signs exempted by subsection 10-20-5E of this chapter.
- J. Searchlights, except searchlights for grand openings and special civic events.
- K. Snipe signs.

L. Signs displaying obscene or indecent matter.

M. Moving, rotating or animated signs except traditional barber poles not exceeding two feet (2') in height and projecting not more than twelve inches (12") from the building utilized only to identify a haircutting establishment.

N. Pole signs. (Ord. 2014-73, 11-25-2014)

10-20-8: PERMITTED SIGNS; AGRICULTURAL AND RESIDENTIAL ZONING DISTRICTS:

A. Permanent Signs:

1. Freestanding Identification Or Business Signs: All nonresidential uses in the agricultural and residential zoning districts may have one freestanding business or identification sign. Nonresidential uses in the agricultural and residential zoning districts on a corner lot with entrances on both streets may have one freestanding sign on each street frontage. Said sign shall be thirty two (32) square feet or less in area, five feet (5') or less in height and set back at least ten feet (10') from the street or entrance drive.

Freestanding signs must be constructed with the base and supporting columns, if present, of the same brick, stone or masonry material that the exterior walls of the principal building are made of. The sign panel containing the type and the type must match the color and type used on any wall mounted signage.

No more than fifty percent (50%) of the freestanding sign area may be composed of a message board sign.

2. Building Mounted Identification Or Business Signs: All nonresidential uses in the agricultural or residential zoning districts shall be permitted to have identification or business signage for each exterior wall of that part of the building facing a public right of way. No more than fifty percent (50%) of the building mounted sign area may be composed of a message board sign. Building mounted signage cannot extend more than seventy five percent (75%) of the building facade of the building to which it is attached.

3. Subdivision And Residential Complex Identification Signs: Two (2) permanent subdivision or residential complex identification signs, one on each side of the street, at primary entrances to a residential subdivision or complex containing no commercial advertising is permitted. Such signs shall be thirty two (32) square feet or less in area and eight feet (8') or less in height and constructed out of premium building materials such as brick or stone. For the purposes of this provision this sign may be installed in two (2) components, one on each side of the street.

B. Temporary Signs:

1. Real Estate Signs: On nonsingle-family residential lots, one real estate sign per street frontage no greater than thirty two (32) square feet in area or five feet (5') in height.

2. Residential Marketing Signs: Residential marketing signs at major entrances to residential subdivisions not to exceed one hundred (100) square feet and twelve feet (12') in height.

3. Off Site Marketing Signs: Residential off site marketing signs to call attention to and give directions to residential developments in Yorkville shall be allowed at no more than four (4) off site locations, and shall be no greater than one hundred (100) square feet in area and twelve feet (12') in height. Signs for a given development may be located in any zoning district provided that there is at least one-fourth ($\frac{1}{4}$) mile separation from the other off site marketing signs of that development and that no off site marketing sign be closer to a residence than one hundred feet (100'). Off site marketing signs for different developments must be at least two hundred fifty feet (250') from any other off site marketing sign.

4. Grand Opening Signs: One grand opening sign not to exceed thirty two (32) square feet in area and eight feet (8') in height.

5. Construction Signs: One construction sign per nonsingle-family lot not to exceed thirty two (32) square feet in area and five feet (5') in height.

6. Off Premises Sponsorship Banner: Banners shall be on city property. Individual banners shall be mounted on an outfield fence, backstop or scoreboard. Banners mounted on an outfield fence shall be a dimension of three feet by six feet (3' x 6') in size and shall face the playing field. Banners mounted on a scoreboard or backstop shall be a maximum area of thirty two (32) square feet. (Ord. 2014-73, 11-25-2014)

10-20-9: PERMITTED SIGNS; BUSINESS ZONING DISTRICTS:

A. Permanent Signs:

1. Freestanding Business Signs: On lots less than three (3) acres with one street frontage, one freestanding business sign thirty two (32) square feet or less in area and twelve feet (12') or less in height shall be allowed. If the lot has more than one street frontage, one freestanding business sign thirty two (32) square feet or less in area and twelve feet (12') or less in height per street frontage with an entrance/exit shall be allowed.

On lots three (3) acres or larger with one street frontage, one freestanding business sign sixty four (64) square feet or less in area and twelve feet (12') or less in height shall be allowed. If the lot has more than one street frontage, one freestanding business sign sixty four (64) square feet or less in area and twelve feet (12') or less in height per street frontage with an entrance/exit shall be allowed.

On lots three (3) acres or larger that have a street frontage(s) in excess of eight hundred feet (800') with two (2) entrances/exits at least six hundred feet (600') apart may have two (2) freestanding business signs sixty four (64) square feet or less in area and twelve feet (12') or less in height on each street frontage.

Freestanding signs must be constructed with the base and supporting columns, if present, constructed of the same brick, stone or masonry material that the exterior walls of the principal building are made of. The sign panel color and type must match the color and type used on any wall mounted signage.

No more than fifty percent (50%) of the freestanding sign area may be composed of a message board sign. (Ord. 2014-73, 11-25-2014)

2. Building Mounted Business/Identification Signs:

a. Single Use Building:

(1) A business having a public entrance in an exterior building wall or having an exterior wall facing a public right-of-way shall be permitted to have building mounted identification signage or building mounted business signage for each exterior wall of that part of the building in which it is located, provided said wall contains a public entrance or faces a public right-of-way. The maximum area of such sign shall not exceed two (2) square feet for each one linear foot of the exterior wall of the building. No wall sign shall extend more than seventy five percent (75%) of the width of the exterior wall to which it is attached and shall be no closer than one foot (1') from the vertical or horizontal edge of any wall to which it is affixed. The business cannot transfer sign area between its adjoining exterior walls.

(2) In addition to the signs permitted in subsection A2a(1) of this section, a business on an exterior wall not having a public entrance or facing a public right-of-way may have a building mounted business/identification sign on such a wall not exceeding in size one square foot in area for each one linear foot of the width of that exterior wall and shall not extend more than fifty percent (50%) of the length of that exterior wall and shall be no closer than one foot (1') from the vertical or horizontal edge

of any wall to which it is affixed. Such a sign shall not be illuminated either internally or externally if that sign faces residential land uses.

b. Multi-Tenant Buildings:

(1) Each tenant having a public entrance in an exterior building wall or having an exterior wall facing a public right-of-way shall be permitted to have building mounted business or building mounted identification signage for each such exterior wall that is adjacent or a part of its owned or leased premises. The maximum area of such a sign shall not exceed two (2) square feet in area for each one linear foot of the tenant's exterior wall. No wall sign shall extend more than seventy five percent (75%) of the width of that part of the tenant's exterior wall and shall be no closer than one foot (1') from the vertical or horizontal edge of any wall to which it is affixed.

(2) In addition to the signs permitted in subsection A2b(1) of this section, a tenant on an exterior wall not having a public entrance or facing a public right-of-way may have a building mounted business/identification sign, on that portion of a wall that is adjacent or a part of its owned or leased premises. The size of such a sign shall not exceed one square foot in area for each one linear foot of the width of the tenant's exterior wall and shall not extend more than fifty percent (50%) of the length of the tenant's exterior wall and shall be no closer than one foot (1') from the vertical or horizontal edge of any wall to which it is affixed. Such a sign shall not be illuminated either internally or externally if that sign faces residential land uses. (Ord. 2018-57, 10-23-2018)

3. Electronic Message Display Panel:

a. There shall only be one permitted sign per lot that may contain an electronic message display panel.

b. A permanent freestanding business sign may be composed of an electronic message display panel.

c. The electronic message display panel shall not make the sign otherwise not in compliance with all the requirements of this title and this Code.

d. Except for an electronic message display panel in a permitted sign for a movie theater, all other electronic message display panels shall not display video but may display static text and animation that dissolves, fades, scrolls or travels. Between each display shall be the delay indicated in table 10.20.01 of this section.

e. The brightness of the electronic message display panels shall not be more than five thousand (5,000) nits in the daytime and one thousand seven hundred fifty (1,750) nits in the nighttime.

f. Prior to issuing a permit for a sign that contains an electronic message display panel, the applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified in this section and the intensity level is protected from end user manipulation by password protected software or other method deemed appropriate by the City.

g. Malfunctioning electronic message display panels shall automatically turn off or be turned off within twenty four (24) hours of the malfunction.

h. A sign with an electronic message display panel shall be constructed with the other components of the sign in a natural material in the same brick, stone or masonry construction of the principal building's exterior walls.

i. Table 10.20.01 of this section shows the maximum size of the electronic message display panel.

TABLE 10.20.01

SIZE OF ELECTRONIC MESSAGE SIGNS

(COMMERCIAL)

Type Of Commercial Building And Location	Maximum Area Of Electronic Message Display Panel	Minimum Time Between Video, Animation Or Static Text
Single commercial tenant building on parcel adjacent to major arterial (Illinois Routes 47, 126, and 71, and U.S. Route 34)	32 sq. ft.	5 seconds
Multiple commercial tenant building on parcel adjacent to major arterial	32 sq. ft.	5 seconds
Single commercial tenant building on parcel not adjacent to major arterial	32 sq. ft.	8 seconds
Multiple commercial tenant building on parcel not adjacent to major arterial	24 sq. ft.	8 seconds
Commercial planned unit development Maximum sign height - 10 feet	75 sq. ft.	5 seconds

B. Temporary Signs:

1. Searchlights.
2. Cold air inflatable devices.
3. Grand opening signs. One grand opening sign not to exceed thirty two (32) square feet in area and eight feet (8') in height.
4. Commercial real estate signs. On commercial lots, one real estate sign per street frontage no greater than thirty two (32) square feet in area and five feet (5') in height.
5. Construction signs. One construction sign per lot not to exceed thirty two (32) square feet in area and five feet (5') in height.
6. Wind feathers. No limit on the quantity per lot. Time period not to exceed thirty (30) days.
7. Banners. One special business event sign per business not to exceed thirty two (32) square feet in area.
8. Portable signs. One portable sign per business not to exceed sixteen (16) square feet in area.
9. Off premises sponsorship banner. Banners shall be on City property. Individual banners shall be mounted on an outfield fence, backstop, or scoreboard. Banners mounted on an outfield fence shall be a dimension of three feet by six feet (3' x 6') in size and shall face the playing field. Banners mounted on a scoreboard or backstop shall be a maximum area of thirty two (32) square feet. (Ord. 2014-73, 11-25-2014)

10-20-10: PERMITTED SIGNS; MANUFACTURING ZONING DISTRICTS:

A. Permanent Signs:

1. Freestanding Business Sign: On lots less than three (3) acres or on lots that face a residentially zoned or used lot with one street frontage, one freestanding business sign shall be allowed. Said sign shall be thirty two (32) square feet or less in area and twelve feet (12') or less in

height. If the lot has more than one street frontage, one freestanding business sign thirty two (32) square feet or less in area and twelve feet (12') or less in height per street frontage with an entrance/exit shall be allowed.

On lots three (3) acres or larger with one street frontage, one freestanding business sign shall be allowed. Said sign shall be a maximum of sixty four (64) square feet or less in area and twelve feet (12') or less in height shall be allowed. If the lot has more than one street frontage, one freestanding business sign sixty four (64) square feet or less in area and twelve feet (12') or less in height per street frontage with an entrance/exit shall be allowed.

On lots three (3) acres or larger that have a street frontage(s) in excess of eight hundred feet (800') with two (2) entrances/exits at least six hundred feet (600') apart may have two (2) freestanding business signs sixty four (64) square feet or less in area and twelve feet (12') or less in height on each street frontage.

Freestanding signs must be constructed with the base and supporting columns, if present, of the same brick, stone or masonry material that the exterior walls of the principal building are made of. The sign panel containing the type and the type must match the color and type used on any wall mounted signage.

No more than fifty percent (50%) of the freestanding sign area may be composed of a message board sign. (Ord. 2014-73, 11-25-2014)

2. Building Mounted Business/Identification Signs:

a. Single Use Building:

(1) A business having a public entrance in an exterior building wall or having an exterior wall facing a public right-of-way shall be permitted to have building mounted identification signage or building mounted business signage for each exterior wall of that part of the building in which it is located, provided said wall contains a public entrance or faces a public right-of-way. The maximum area of such sign shall not exceed two (2) square feet for each one linear foot of the exterior wall of the building. No wall sign shall extend more than seventy five percent (75%) of the width of the exterior wall to which it is attached and shall be no closer than one foot (1') from the vertical or horizontal edge of any wall to which it is affixed. The business cannot transfer sign area between its adjoining exterior walls.

(2) In addition to the signs permitted in subsection A2a(1) of this section, a business on an exterior wall not having a public entrance or facing a public right-of-way may have a building mounted business/identification sign on such a wall not exceeding in size one square foot in area for each one linear foot of the width of that exterior wall and shall not extend more than fifty percent (50%) of the length of that exterior wall and shall be no closer than one foot (1') from the vertical or horizontal edge of any wall to which it is affixed. Such a sign shall not be illuminated either internally or externally if that sign faces residential land uses.

b. Multi-Tenant Buildings:

(1) Each tenant having a public entrance in an exterior building wall or having an exterior wall facing a public right-of-way shall be permitted to have building mounted business or building mounted identification signage for each such exterior wall that is adjacent or a part of its owned or leased premises. The maximum area of such a sign shall not exceed two (2) square feet in area for each one linear foot of the tenant's exterior wall. No wall sign shall extend more than seventy five percent (75%) of the width of that part of the tenant's exterior wall and shall be no closer than one foot (1') from the vertical or horizontal edge of any wall to which it is affixed.

(2) In addition to the signs permitted in subsection A2b(1) of this section, a tenant on an exterior wall not having a public entrance or facing a public right-of-way may have a building mounted business/identification sign, on that portion of a wall that is adjacent or a part of its owned or leased

premises. The size of such a sign shall not exceed one square foot in area for each one linear foot of the width of the tenant's exterior wall and shall not extend more than fifty percent (50%) of the length of the tenant's exterior wall and shall be no closer than one foot (1') from the vertical or horizontal edge of any wall to which it is affixed. Such a sign shall not be illuminated either internally or externally if that sign faces residential land uses. (Ord. 2018-57, 10-23-2018)

3. Electronic Message Display Panel:

- a. There shall only be one permitted sign per lot that may contain an electronic message display panel.
- b. A permanent freestanding business sign may be composed of an electronic message display panel.
- c. The electronic message display panel shall not make the sign otherwise not in compliance with all the requirements of this title and this Code.
- d. Except for an electronic message display panel in a permitted sign for a movie theater, all other electronic message display panels shall not display video but may display static text and animation that dissolves, fades, scrolls or travels. Between each display shall be the delay indicated in table 10.20.02 of this section.
- e. The brightness of the electronic message display panels shall not be more than five thousand (5,000) nits in the daytime and one thousand seven hundred fifty (1,750) nits in the nighttime.
- f. Prior to issuing a permit for a sign that contains an electronic message display panel, the applicant shall provide a written certification from the sign manufacturer that the light intensity has been factory preset not to exceed the levels specified in this section and the intensity level is protected from end user manipulation by password protected software or other method deemed appropriate by the city.
- g. Malfunctioning electronic message display panels shall automatically turn off or be turned off within twenty four (24) hours of the malfunction.
- h. A sign with an electronic message display panel shall be constructed with the other components of the sign in a natural material in the same brick, stone or masonry construction of the principal building's exterior walls.
- i. Table 10.20.02 of this section shows the maximum size of the electronic message display panel.

TABLE 10.20.02
SIZE OF ELECTRONIC MESSAGE SIGNS
(MANUFACTURING)

Size Of Parcels	Maximum Area Of Electronic Message Display Panel	Minimum Time Between Video, Animation Or Static Text
Manufacturing parcel of 3 acres or less	32 sq. ft.	8 seconds
Manufacturing parcel of more than 3 acres	36 sq. ft.	8 seconds

B. Temporary Signs:

1. Real Estate Signs: On industrial lots, one real estate sign per street frontage no greater than thirty two (32) square feet in area or five feet (5') in height.
2. Construction Signs: One construction sign per industrial lot not to exceed thirty two (32) square feet in area and ten feet (10') in height.
3. Banners/Special Business Event Sign: One banner/special business event sign per business not to exceed thirty two (32) square feet in area and ten feet (10') in height.
4. Portable Sign: One portable sign per business not to exceed sixteen (16) square feet in area.
5. Wind Feathers: No limit on the quantity per lot. Time period not to exceed thirty (30) days.
6. Off Premises Sponsorship Banner: Banners shall be on city property. Individual banners shall be mounted on an outfield fence, backstop or scoreboard. Banners mounted on an outfield fence shall be a dimension of three feet by six feet (3' x 6') in size and shall face the playing field. Banners mounted on a scoreboard shall be a maximum area of thirty two (32) square feet. (Ord. 2014-73, 11-25-2014)

10-20-11: NONCONFORMING SIGNS:

A. Any sign for which a permit has been lawfully granted prior to the effective date of this or any subsequent amendment to this chapter and which does not comply with the provisions of such amendment may nonetheless be completed in accordance with the approved plans, provided construction of the sign is started within ninety (90) days after the passage of the chapter amendment and is completed within sixty (60) days after beginning construction.

B. Whenever a nonconforming sign has been discontinued for a period of six (6) months, or whenever there is evidence of a clear intent on the part of the owner to abandon a nonconforming sign, such sign shall not, after being discontinued or abandoned, be reestablished and the sign hereafter shall be in conformity with the regulations of this chapter.

C. Normal maintenance of a nonconforming sign is permitted, including necessary nonstructural repairs or incidental alterations which do not extend or intensify the nonconforming features of the sign.

D. No structural alteration, enlargement or extension shall be made in a nonconforming sign except when the alteration will actually result in eliminating the nonconformance.

E. If a nonconforming sign is damaged or destroyed by any means to the extent of fifty percent (50%) or more of the replacement value at the time, the sign can be rebuilt or used thereafter only for a conforming use and in compliance with the provisions of this chapter. In the event the damage or destruction is less than fifty percent (50%) of its replacement value based upon prevailing costs, the sign may then be restored to its original condition and the use may be continued which existed at the time of such partial destruction until the nonconforming sign is otherwise abated by the provisions of this chapter. In either event, a permit for restoration or repair must be applied for within a period of thirty (30) days from the date of damage or destruction, and be completed within sixty (60) days after beginning restoration or repair.

F. Existing temporary signs shall expire at the termination date specified on the permit, but in no case later than six (6) months from the passage date hereof. New temporary signs shall be allowed only in conformance with the provisions contained in this chapter. Such signage must be removed by the close of business of the day the temporary sign permit expires. (Ord. 2014-73, 11-25-2014)

10-20-12: PERMITTING PROCEDURES:

Permits for permanent and temporary signs:

A. Permit Required: No sign shall be erected, enlarged, expanded, altered or relocated unless the person proposing to erect, alter or move such sign shall obtain a permit from the code official. Such permit shall be issued only when the sign complies with all of the applicable provisions of this chapter.

The fee for granting such a permit for signs shall be established by the city council. The schedule of fees for signs shall be posted in the city offices and may be amended only by the city council. A deposit of fifty dollars (\$50.00) shall be required at the time of permit application for any temporary banner sign, which deposit shall be returned to the applicant upon removal of the temporary banner sign, unless the applicant is in violation of the provisions of this chapter.

Routine sign maintenance, changing of parts designed for change, or changing the content of a sign in any manner which does not change the functional classification of the sign shall not, standing alone, be considered an alteration of the sign requiring the issuance of a permit, unless such change of parts or content relates to or is occasioned by a change in the ownership or nature of the activity to which the sign relates or which is conducted on the premises on which the sign is located.

B. Application For Permit: Any person desiring a permit for a permanent or temporary sign shall file a permit application which shall contain or have attached the following information:

1. A copy of plans and specifications showing the method of construction, illumination, if any, and support of such sign. Calculations showing the sign is designed for dead load and wind pressure in any direction in the amount required by other applicable laws and ordinances of the city may be required.

2. A plat of survey showing the location of the sign(s) on the lot and a drawing indicating the location of the sign(s) on any building or structure on the lot.

3. A sketch, drawn to scale, showing sign faces, exposed surface areas and the proposed message and design, accurately represented as to size, area, proportion and color.

4. The written consent of the owner(s) or agent of the building, structure, or land on which the sign is erected.

5. The name, address and phone number of the applicant.

6. The name of the person, firm, corporation or association erecting, altering or moving the sign.

C. Temporary Sign Permit Frequency And Duration Per Business:

TABLE 10.20.03

TEMPORARY SIGN PERMIT FREQUENCY AND DURATION

Type Of Sign	Maximum Duration	Maximum Frequency
Banners	30 days	5 times per year
Cold air inflatable device	72 hours	Once per year
Commercial real estate	6 months	Renewable
Construction	During active building permit issuance	
Grand opening	45 days	Once per business
Industrial real estate	6 months	Renewable
Off premises sponsorship banner	8 months: March through October	
Residential marketing	6 months	Renewable
Sandwich board or A-frame	6 months	Renewable

Searchlights	72 hours	Once per year
Wind feather (per property)	30 days (\$25.00 fee)	Renewable (\$5.00 fee)

(Ord. 2014-73, 11-25-2014)

10-20-13: SIGN VARIATIONS:

In addition to the procedures and standards listed in section 10-4-7 of this title regarding variations from the requirements, the zoning board of appeals shall also consider the following factors in hearing testimony and making decisions regarding sign variance requests:

- A. If the sign was erected legally with a sign permit.
- B. If there are any unique physical characteristics of the property.
- C. If there are limited available locations for signage on the property.
- D. The cost to the applicant of complying with the requirements of this chapter.
- E. If the sign is on or faces a street with a forty (40) mile per hour or higher speed limit.
- F. If the sign is on a street with twenty thousand (20,000) or higher vehicle trips per day.
- G. If the sign would be blocked by existing or required landscaping.
- H. If it is a wall sign facing a public right of way without a public entrance.

(Ord. 2014-73, 11-25-2014)

PUBLIC NOTICE OF A HEARING BEFORE
THE UNITED CITY OF YORKVILLE
PLANNING AND ZONING COMMISSION
PZC 2020-14

NOTICE IS HEREWITH GIVEN THAT the United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment for consideration of updates to “Chapter 20: Signs” of the United City of Yorkville Zoning Ordinance. The amendment to the text is related to non-conforming signs which proposes to define the term “maintenance” of said signage. Additionally, the text amendment will provide an exemption for the replacement of existing non-conforming freestanding monument static message board signs with electronic message board signs along a major thoroughfare, if such replacement does not increase the overall existing sign size.

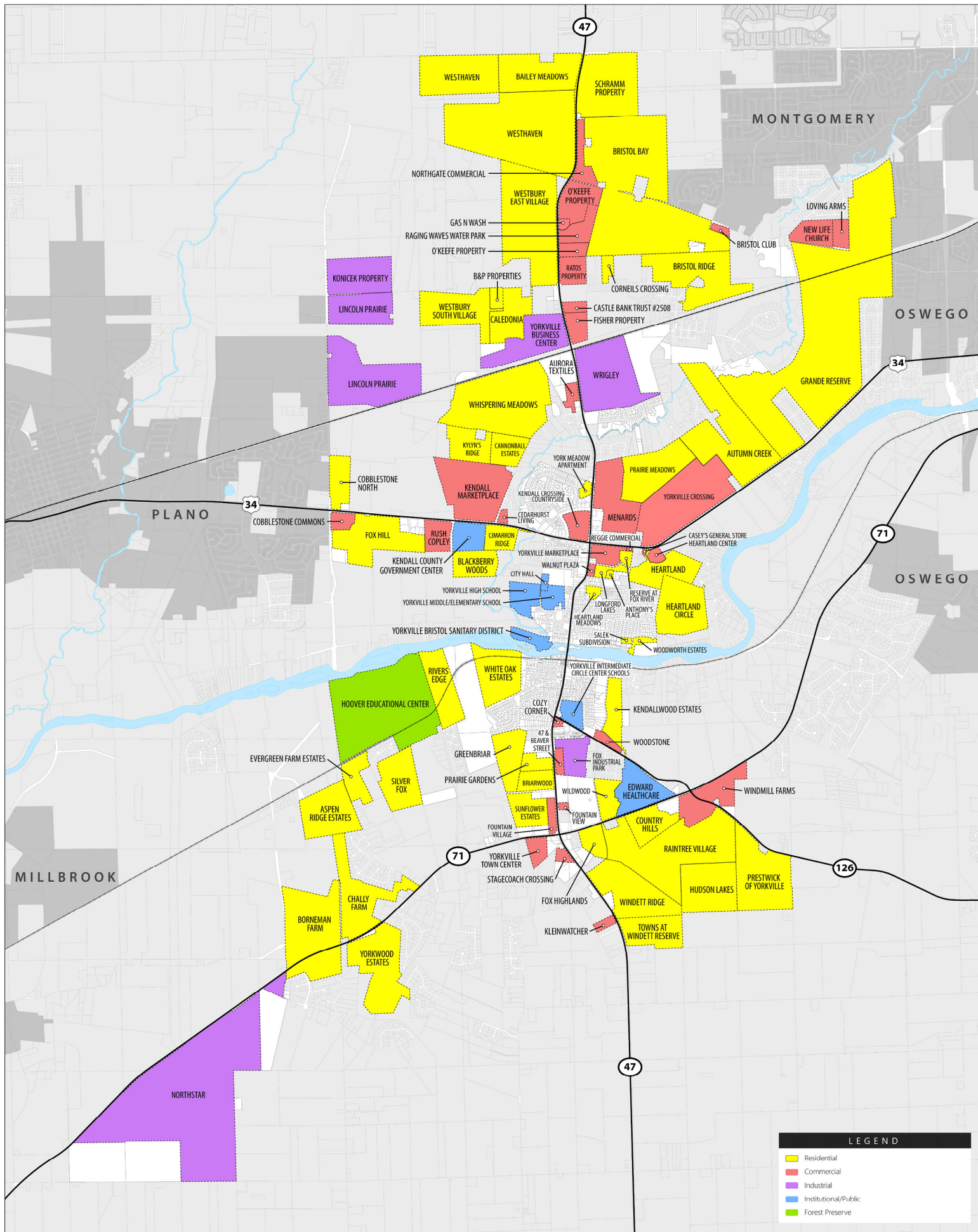
NOTICE IS HEREWITH GIVEN THAT the Planning and Zoning Commission for the United City of Yorkville will conduct a public hearing on Wednesday, January 13, 2021 at 7 p.m. at the Yorkville City Hall, located at 800 Game Farm Road, Yorkville, Illinois 60560.

The public hearing may be continued from time to time to dates certain without further notice being published.

All interested parties are invited to attend the public hearing and will be given an opportunity to be heard. Any written comments should be addressed to the United City of Yorkville Community Development Department, City Hall, 800 Game Farm Road, Yorkville, Illinois, and will be accepted up to the date of the public hearing.

By order of the Corporate Authorities of the United City of Yorkville, Kendall County, Illinois.

LISA PICKERING
City Clerk



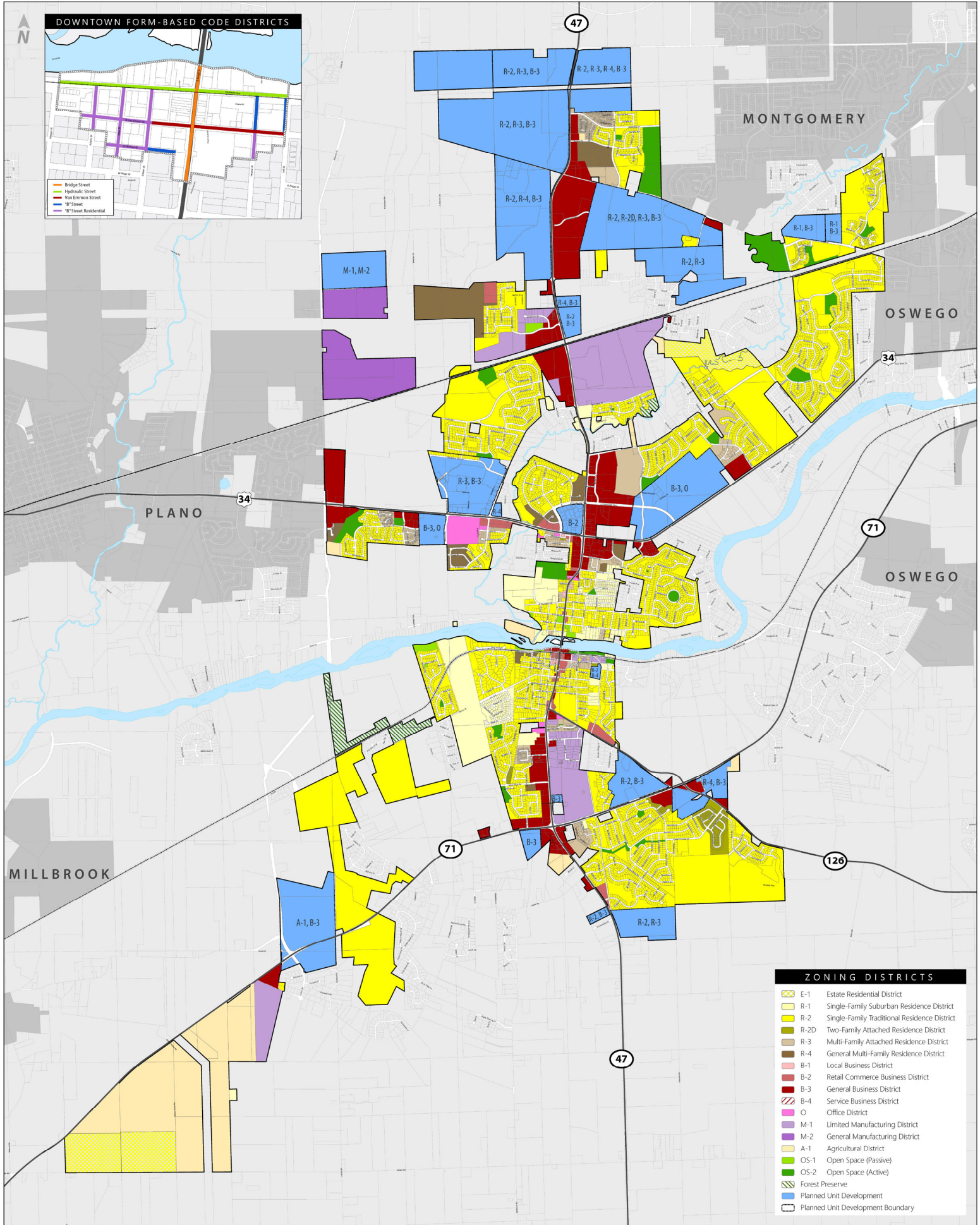
2020 DEVELOPMENT MAP UNITED CITY OF YORKVILLE, ILLINOIS

ADDRESS: 800 Game Farm Road, Yorkville Illinois

DATE: March 25, 2020

DATA: All permit data and geographic data are property of the United City of Yorkville

LOCATION: (1:)/Yearly Maps/Development Map/2020 Development Map



2020 ZONING MAP UNITED CITY OF YORKVILLE, ILLINOIS

ADDRESS: 800 Game Farm Road, Yorkville Illinois

DATA: All permit data and geographic data are property of the United City of Yorkville

LOCATION: (I-)/Yearly Maps/Zoning Map/2020 Zoning Map

DATE: March 20, 2020



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

Agenda Item Number

New Business #8

Tracking Number

EDC 2021-08

Agenda Item Summary Memo

Title: Sign Code – Discussion

Meeting and Date: Economic Development Committee – January 5, 2021

Synopsis: A discussion will take place at the meeting.

Council Action Previously Taken:

Date of Action: _____ Action Taken: _____

Item Number: _____

Type of Vote Required: _____

Council Action Requested: _____

Submitted by: _____ **Bart Olson** _____ **Administration**
Name Department

Agenda Item Notes:



Reviewed By:	
Legal	<input checked="" type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
Community Development	<input checked="" type="checkbox"/>
Purchasing	<input 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 – January 5, 2021

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: Majority

Council Action Requested: Vote

Submitted by: Krysti J. 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: December 8, 2020
Subject: **Urban (Domesticated) Chickens**

Summary:

At the December 2020 Economic Development Committee (EDC) meeting staff was given direction to draft an ordinance permitting urban (domesticated) chickens for single-family residentially zoned parcels one (1) acre or larger in size. The EDC also recommended the proposed regulations be modeled after the moderate scope of regulations presented in staff's memo dated July 20, 2020 and include specific language regarding enforcement.

Policy Proposals:

Based on the feedback provided to staff from the EDC, the following regulations have been incorporated into the attached draft ordinance:

	PROPOSED REGULATIONS
PERMITTED ZONING <i>(see attached map)</i>	Lot must be used for residential purposes <ul style="list-style-type: none">• E-1 (2 parcels)• R-1 (24 parcels)• <u>R-2 (39 parcels)</u> Total 65 parcels
MIN. LOT SIZE	One (1) acre
MAX. NUMBER OF CHICKENS	Max. of 8 chickens
LOCATION/SETBACK	Rear/Side Yard 25 ft. setback from property lines
SANITATION	Performance Standards & Property Maintenance Code applies. Prohibit feed from being scattered on the ground.
ENCLOSURE/COOP	Enclosure constructed with a covered, predator-proof roof which allows for two (2) square feet per hen. Chicken run and/or yard fence required.
SLAUGHTERING	Prohibited
ROOSTERS	Permitted up to 4 months of age
PERMIT REQUIRED	Required w/o Inspection (\$25.00 one-time fee)

Proposed Code Amendments:

The regulations permitting domesticated chickens are proposed as an amendment to Title 8: Building Regulations as an allowed accessory use/structure, similar to the ordinance approving beekeeping on residential properties. Additional amendments to Title 5: Police Regulations will also be required.

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

Title 8: Building Regulations

Creation of a new chapter, **Chapter 19: Domesticated Chickens**, providing all regulatory requirements for permitting chickens in designated residential districts.

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 Title 8 Chapter 19**, 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 Title 8 Chapter 19**, 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 Title 8 Chapter 19.**”

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 Title 8 Chapter 19** or are confined within an enclosure on land zoned A-1 agricultural zoning district, in accordance with title 10, chapter 9 of this code.”

Proposed Enforcement & Concerns:

In regard to proposed enforcement, the following exist regulations would apply:

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.

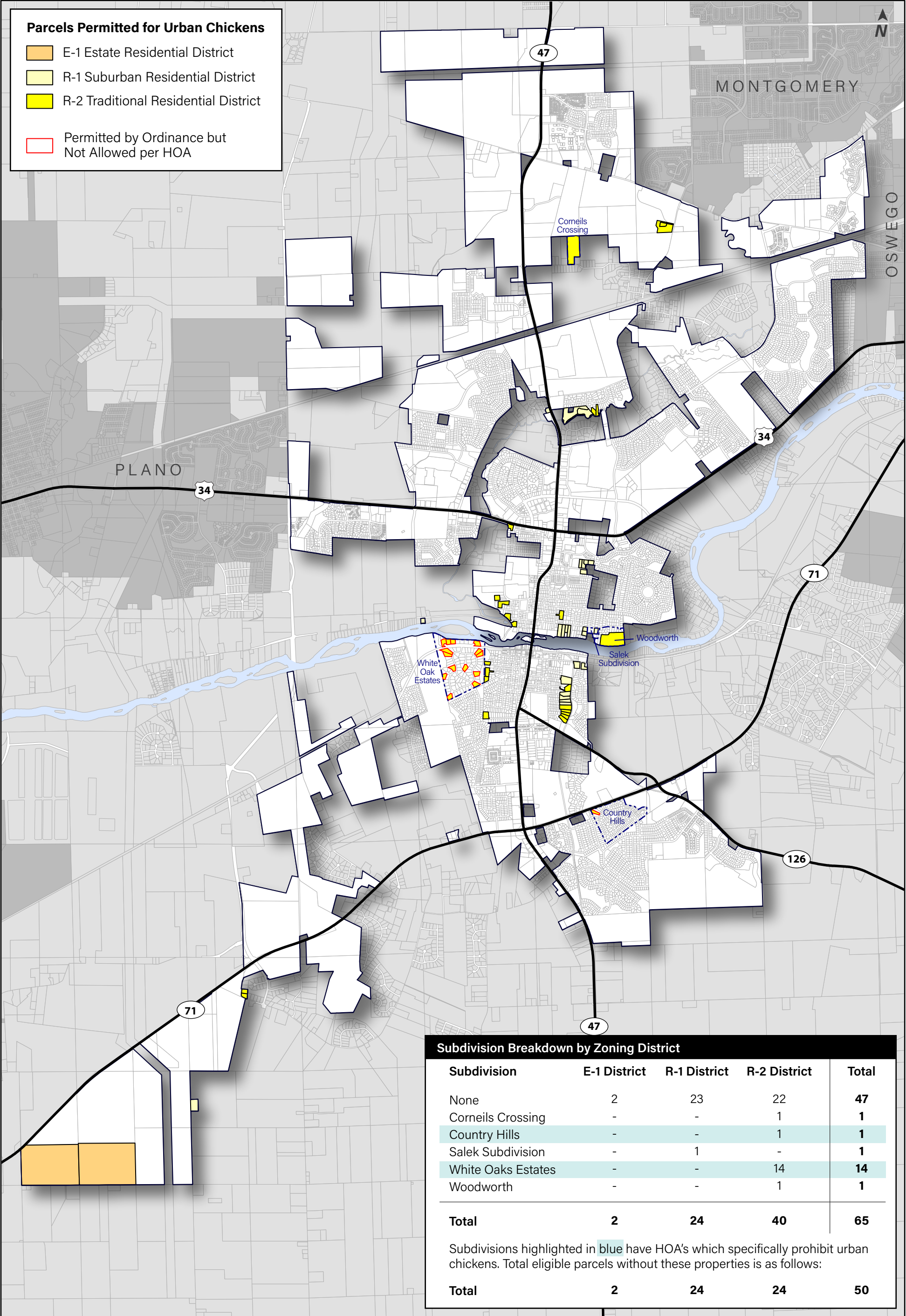
4. **Permit Revocation** – the Building Code Official has the ability to revoke any valid permit if a violation is found and not corrected. Additionally, the draft ordinance provides that approval of a permit would allow building staff to have the right to inspect any enclosure or coop between the hours of 8:00 a.m. and 5:00 p.m. with prior notice to the permittee, when practical.
5. **Administration Adjudication** - All of the above provisions would require processing through the City's Administration Adjudication procedures which, in addition to compel compliance, but may also issue fines and/or fees to violators.
6. **Enforcement Concerns** - the Police Department has expressed concern 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. Chief Jensen will be in attendance at the EDC meeting to discuss their concerns in detail.

Staff Comments:

Staff is seeking formal direction from the Economic Development Committee (EDC) on the proposed draft ordinance. If it is the concurrence of the Committee to adopt the regulations for urban chickens as presented, staff recommends forwarding the ordinance to the next City Council for final consideration.

Attachments

1. Proposed Draft Ordinance
2. 12-1-20 EDC Packet Materials



AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, ALLOWING BACKYARD COOPS/ENCLOSURES FOR DOMESTICATED CHICKENS IN CERTAIN RESIDENTIAL DISTRICTS AS A PERMITTED ACCESSORY STRUCTURE AND SUBJECT TO CERTAIN REGULATIONS

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, domesticated chickens are of benefit to mankind by providing fresh eggs, garden fertilizer services, and companionship to their owners; and,

WHEREAS, pursuant to sections 11-5-3, 11-5-6, and 11-20-9 of the Illinois Municipal Code, as amended, (65 ILCS 5/11-5-3, 5/11-5-6, and 5/11-20-9) the City has the power and authority to regulate the licensing, treatment and prevention of nuisances regarding animals in the City.

WHEREAS, the Mayor and City Council deem it necessary to allow and regulate domesticated chickens in order to promote the health, safety, and welfare of the City’s residents.

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

Section 1: That Title 8 of the United City of Yorkville Code of Ordinances is hereby amended by adding Chapter 19 to read as follows:

**CHAPTER 19
DOMESTICATED CHICKENS**

8-19-1: Definitions

As used in this chapter, the following words and terms shall have the meanings ascribed in this section unless the context of their usage clearly indicates another meaning:

- A. “Coop” means an enclosure constructed with a covered roof.
- B. “Domesticated Chicken” means all life stages of the 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 this Title.
- C. “Rooster” means an adult male chicken of the subspecies of the species Gallus Domesticus.
- D. “Slaughtering” means the killing of an animal for food or other reason.

8-19-2: Certain conduct declared unlawful.

- A. The keeping by any person of domesticated chickens in the City is prohibited except in compliance with this Chapter or upon any property zoned for agricultural uses.
- B. The purpose of this article is to establish certain requirements of sound domesticated chicken practices, which are intended to avoid problems that may otherwise be associated with the keeping of chickens in populated areas.
- C. Notwithstanding compliance with the various requirements of this Chapter, it shall be unlawful for any persons to keep any domesticated chickens in such a manner or of such disposition as to cause any unhealthy condition, interfere with the normal enjoyment of human or animal life of others, or interfere with the normal use and enjoyment of any public property or property of others.

8-19-2: Restrictions

- A. Domesticated chickens shall be permitted on lots used for residential purposes of one (1) acre or greater in area and zoned within the E-1 Estate, R-1 Single-Family Suburban Residence and R-2 Single-Family Traditional Residence districts.
- B. A maximum of eight (8) chickens shall be permitted on any lot.
- C. Roosters shall be prohibited.
- D. Domesticated chickens and associated enclosures, coops and fencing shall be located within rear or side yard of any lot and must maintain a minimum setback of twenty-five (25) feet from any property line.
- E. Slaughtering of domesticated chickens shall be prohibited.

8-19-3: Coop and fence type.

All domesticated chicken enclosures or coops shall be constructed with a covered, predator-proof roof which allows for a minimum of two (2) square feet per chicken. A chicken run or yard fence shall be required.

8-19-4: Sanitation

- A. Enclosures or coops for domesticated chickens shall be kept 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.
- B. All feed for domesticated chickens shall be kept in containers that are rodent proof until put out for consumption in appropriate feeding vessel. No feed shall be scattered on the ground.

8-19-5: Permit.

- A. Permit applications for domesticated chickens shall be obtained from and submitted to the Community Development Director or his/her designee. At the time of permit application, the applicant shall:
 - 1. Submit proof of authorization from the property owner to allow domesticated chickens if the property is not owner occupied; and
 - 2. Pay a twenty-five dollar (\$25.00) nonrefundable application fee.
- B. Permit approval shall allow the Community Development Director or designees to have the right to inspect any enclosure or coop between the hours of 8:00 a.m. and 5:00 p.m. Where practicable, prior notice shall be given to the permittee.

8-19-6: Compliance.

Upon receipt of information that any domesticated chicken enclosure or coop situated within the City is not being kept in compliance with this article, the Community Development Director or designee shall cause an investigation to be conducted. If grounds are found to exist to believe that one or more violations have occurred notices of violation for administrative adjudication pursuant to Chapter 14 of Title 1 may be issued or a complaint filed in the circuit court of Kendall County.

Section 2: That Subsection 5-2-1: Definitions of the United City of Yorkville Police Regulations of the Yorkville City Code is hereby amended to read as follows:

“AGRICULTURAL ANIMAL: Livestock, poultry with the exception of domesticated chickens as regulated in Title 8 Chapter 19, and other farm animals.”

“DOMESTIC ANIMAL: Dogs, cats and any other types of animals or fowl, including domesticated chickens as regulated in Title 8 Chapter 19, normally maintained as a household pet or guardian.”

“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 Title 8 Chapter 19.”

Section 3: That Subsection 5-2-5: Agricultural Animals of the United City of Yorkville Police Regulations of the Yorkville City Code is hereby amended to read as follows:

“Agricultural animals are prohibited within the corporate limits of the city, unless they are domesticated chickens regulated in Title 8 Chapter 19 or are confined within an enclosure on land zoned A-1 agricultural zoning district, in accordance with title 10, chapter 9 of this code.”

Section 4: 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 ____ day of _____, 2021.

CITY CLERK

KEN KOCH _____

DAN TRANSIER _____

JACKIE MILSCHEWSKI _____

ARDEN JOE PLOCHER _____

CHRIS FUNKHOUSER _____

JOEL FRIEDERS _____

SEAVER TARULIS _____

JASON PETERSON _____

APPROVED by me, as Mayor of the United City of Yorkville, Kendall County, Illinois
this ____ day of _____, 2021.

MAYOR



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: September 30, 2020
Subject: **Urban (Domesticated) Chickens**

Summary:

At the September 1st Economic Development Committee (EDC) meeting, it was recommended that staff research the existing residential subdivision's homeowners' association (HOA) declarations to determine if there are any restrictions in place prohibiting "urban/backyard" chickens which would make the proposed zoning amendment to permit chickens in residential districts moot. This is due to a significant portion of Yorkville's residentially zoned land is part of a master planned development. Additionally, staff was tasked with creating a brief web survey presented to the community about the topic of allowing chickens in residential districts.

Subdivision Homeowner's Association Research:

Staff researched all residential subdivision homeowners' associations (HOA) declarations on file with the Kendall County Recorder's Office to determine if there were any restrictions to allowing backyard chickens in the City's master-planned developments. Below is a chart of the findings:

	Name of Current Development	Unit Type(s)	Covenant Record Doc. #	Date of Covenant	Restrictions/ Prohibits Chickens (Y/N)	Covenant Section & Language
1	Autumn Creek	Single Family Town Homes	#20060008954	3/27/2006	Y	Sec. 8.5 pg. 18: "No animals, livestock or poultry..."
2	Blackberry Woods	Single Family	#201000012125	7/14/2010	Y	Sec. 6 Animals: "No animals, livestock, or poultry of any kind shall be raised, bred, or kept on Lot, except that dogs, cats or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose."
3	Briarwood	Single Family	#200700000625	1/5/2007	Y	Sec. 3.2 (j) pg. 7 "No animals, livestock or poultry..."
4	Bristol Bay	Single Family Duplex Town Homes Condominiums	#200600003313	1/31/2006	Y	Article VIII Sec. 1 (f) pg. 13 "No animals, reptiles, rabbits, livestock, fowl or poultry..."
5	Caledonia	Single Family	#200600026078	8/21/2006	N	No language specific to pets

6	Cannonball Estates	Single Family	Not Recorded	N/A	N	N/A
7	Cimarron Ridge	Single Family Duplex	#199200921219	2/10/1992	Y	Article III Sec. 1 pg. 2 "No poultry..."
8	Country Hills	Single Family Duplex	#199509501815	3/17/1995	Y	Article III Sec. 16 (g) pg. 8 "No animals other than household pets such as cats and dogs."
9	Fox Highlands	Single Family Town Homes Duplex	#200100012188	7/10/2001	Y	Article V Sec. 6 pg. 14 "No animals except cats or dogs..."
10	Fox Hill	Single Family Town Homes Duplex	#199509500419 #199509507391 #200700032452	01/18/1995 09/13/1995 11/02/2007	Y	Article III Sec. 3.9 pg. 6 "No chickens..." Article 7 Sec. 7.6 pg 18 "No animals except cats and dogs..." Article 3 Section 3.10 (f) pg 18 "No animals or any kind shall be raised, bred or kept in any Unit or in the Common Elements except for those animals assisting disabled persons or animals that are being examined or treated by a certified veterinarian who is maintaining a veterinary medicine practice in any of the Units."
11	Grande Reserve	Single Family Duplex Town Homes Apartments	#200500002378	1/25/2005	Y	Article X Sec. 10.02 pg 42 "No poultry..."
12	Greenbriar	Single Family Duplex	#199709707331	7/28/1997	N	No language specific to pets
13	Heartland Circle	Single Family	#2004000002598	1/30/2004	Y	Sec. 5.03 (a) pg. 9 "No poultry..."
14	Heartland Subdivision	Single Family	#200100006495	4/19/2001	Y	Sec. 5.03 (a) pg. 11 "No poultry..."
15	Heartland Meadows	Single Family	Not Recorded	N/A	N/A	N/A

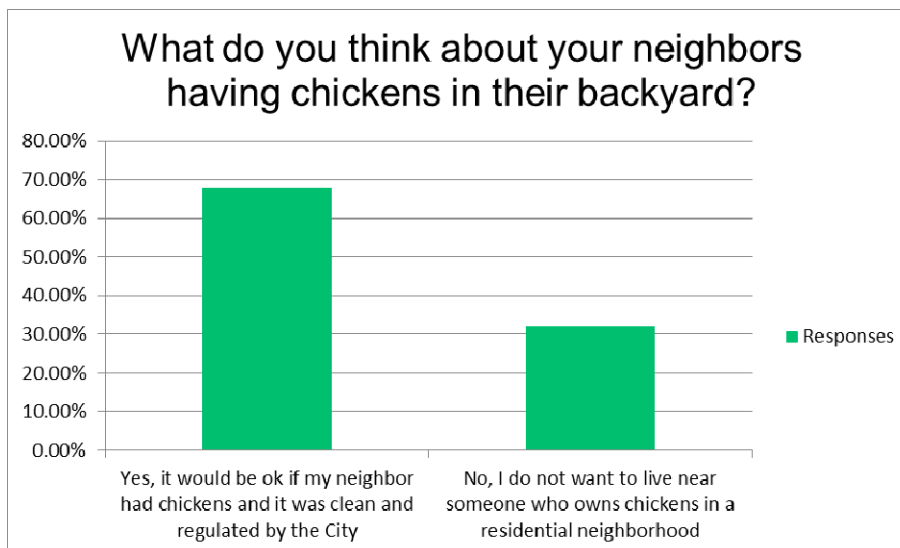
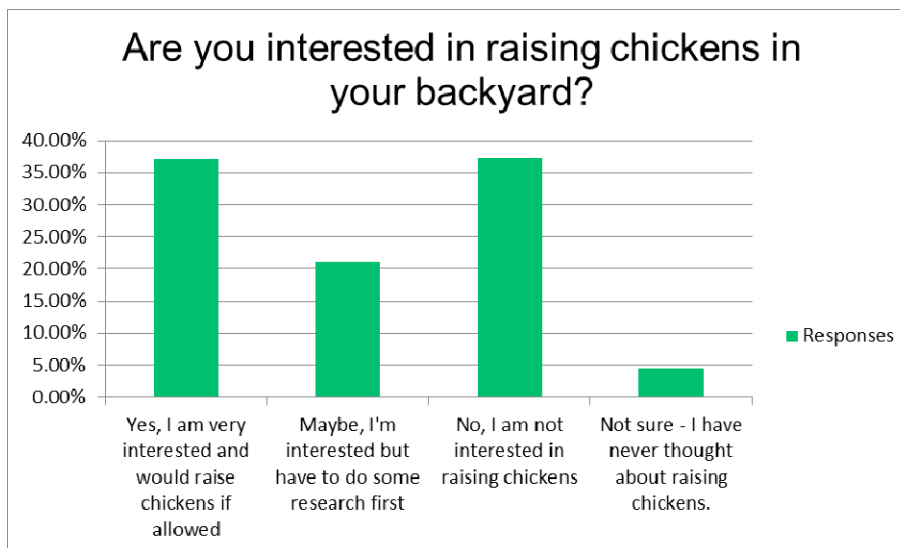
16	Kendall Marketplace	Single Family Town Homes	Not Recorded	N/A	N/A	N/A
17	Kylyn's Ridge	Single Family	200300036916	30-Sep-03	N	No language specific to pets
18	Longford Lakes	Townhomes	200400000827	12-Jan-04	N	No language specific to pets
19	Prairie Gardens	Age Restricted	200400006116	15-Mar-04	N	No language specific to pets
20	Prairie Meadows	Single Family Multi-Family	200500003507	3-Feb-05	N	No language specific to pets
21	Prestwick of Yorkville	Single Family	200700014390	2-May-07	Y	4.3.11 Dogs and Cats: No more than a total of two (2) dogs or two (2) cats or one (1) dog and one (1) cat can be maintained, kept or housed in any residential unit whether or not such animal is the property of the owner of such residential unit. No such animal shall be allowed outside of a residential unit unless accompanied and attended at all times by an occupant of such residential unit and no dogs shall be allowed to bark as to create any type of nuisance to neighbors.
22	Raintree Village	Single Family Duplex Town Homes	201900008500	26-Jun-19	Y	Section 8.04 Pets: No animals, livestock or poultry of any kind shall be raised, bred, or kept in the Community Area. The Board may from time to time adopt rules and regulations governing (a) the keeping of pets in Detached Home or Duplex Home, which may include prohibiting certain species of pets from being kept in a Detached Home or Duplex Home and (b) the use of the Community Area by pets.
23	River's Edge	Single Family	200100025428	31-Dec-01	N	No language specific to pets
24	Sunflower Estates	Single Family	200700019804	27-Jun-07	N	HOA Rescinded
25	Whispering Meadows	Single Family	200500011560	25-Apr-05	N	No language specific to pets
26	White Oak Estates	Single Family	198900895534	27-Sep-89	Y	Article VII, Section 7: No animals, livestock, or poultry of any kind shall be raised, bred, or kept on any lot except that dogs, cats, or other household pets may be kept provided that they are not kept, bred, or maintained for any commercial purpose.

27	Wildwood	Single Family	198900891588	27-Mar-89	N	No language specific to pets
28	Windett Ridge	Single Family	200300034331	22-Mar-03	N	No language specific to pets

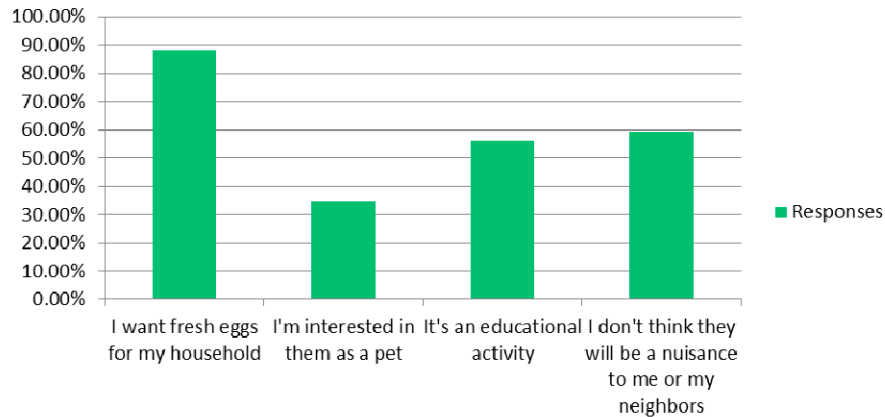
From the information in the above table, 14 of the 28 developments (50.0%) have regulations that specifically do not allow chickens within their HOA covenants. Of the remaining 14 (indicated in **red** in the table), 10 of the developments (35.7%) have no language specific to any pets and 4 (14.3%) have no HOA covenants recorded.

Urban Chicken Public Survey Results:

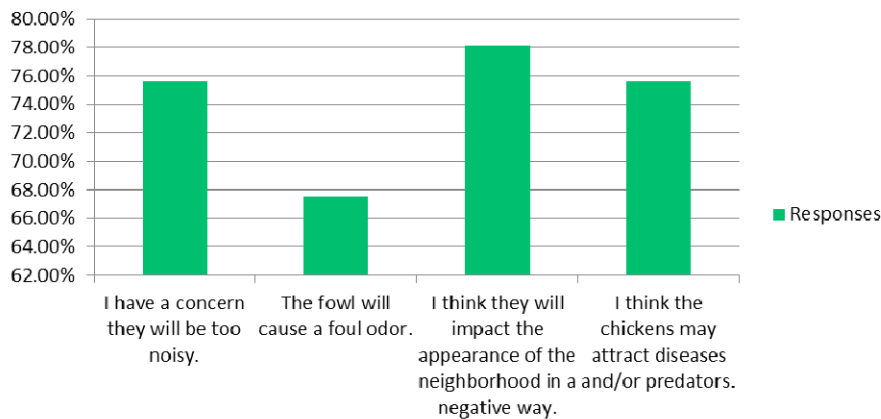
In regard to the public survey, the following summarizes the questions asked and the responses provided as of the date of this memo:



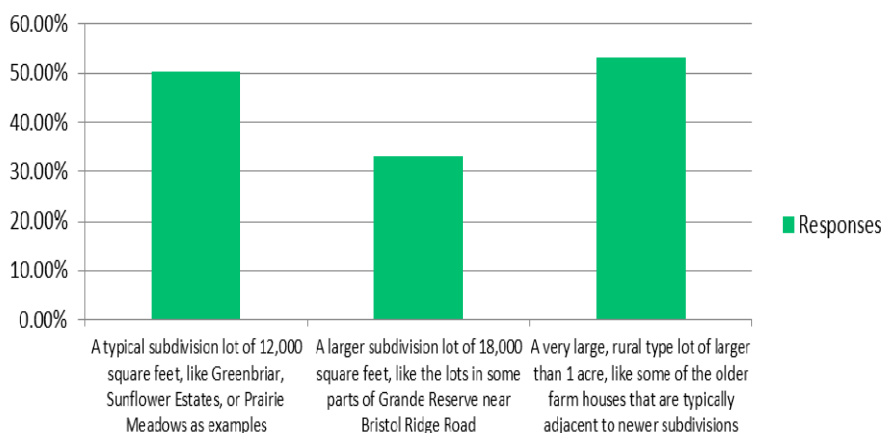
What are your reasons to support having chickens in a residential neighborhood?

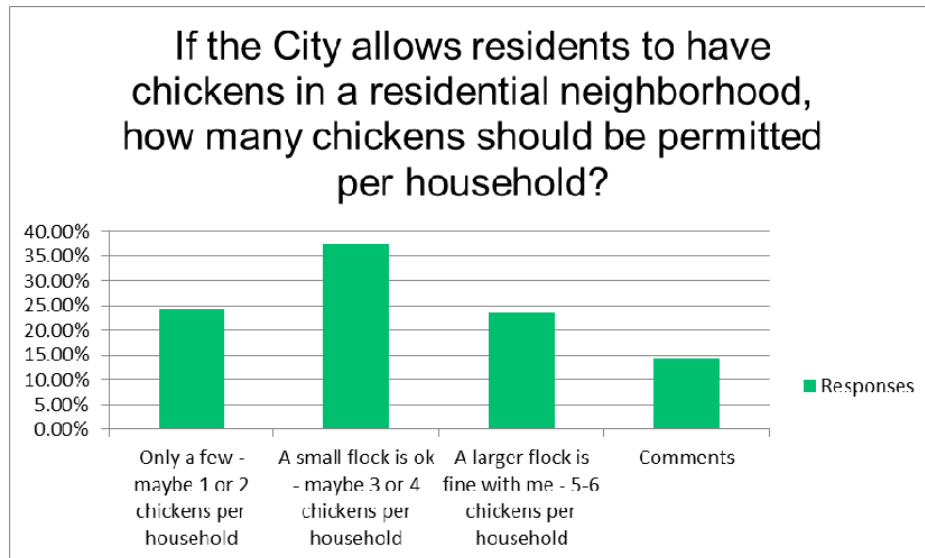


What are your reasons for opposing chickens in a residential neighborhood?



If the City allows residents to have chickens in a residential neighborhood, what property / lot sizes do you think is appropriate? (examples provided below are for illustrative purposes only and do not reflect whether a homeowner's association would allow)





From the preliminary results of the survey, respondents are split (37% Yes to 37% No) to interest in raising chickens in their backyards, but an overwhelming percentage of respondents (68%) are okay with their neighbor having the right to raise backyard chickens if it was clean and regulated by the City.

As far as respondents in support of backyard chickens, 87% would want them for their fresh eggs, while those opposed cited the impact to appearance (78%), the noise (75%) and disease and/or predators has major concerns.

Finally, respondents preferred very large rural lots (53%) and typical subdivision lots of 12,000 square feet (50%) to raise backyard chickens and overwhelming thought a small flock of 3-4 chickens was appropriate (37%).

Staff Comments:

Based upon the research of the City's HOA covenants, only 50% have specific language restricting the raising of backyard chickens. This is consistent with the resident survey responses with 50% supporting backyard chickens in residential subdivisions and 50% opposed. **Therefore, staff is seeking formal direction from the Economic Development Committee (EDC) regarding the request 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 the City's Code, 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. Memorandum to Economic Development Committee (EDC) from staff dated July 20, 2020 with attachments presented at the September 9, 2020 meeting.



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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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=AFQjCjNHH0_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 TALE*¹³⁵

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_T5T8jOLCjrjgGP5NGKCQ&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-1>. 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.



Legal Studies Research Paper Series

Feeding the Locavores, One Chicken at a Time: Regulating Backyard Chickens

Zoning and Planning Law Report, Vol. 34, No. 3, p. 1, March 2011

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Dean and Professor of Law

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ZONING AND PLANNING LAW REPORT



MARCH 2011 | Vol. 34 | No. 3

Feeding the Locavores, One Chicken at a Time: Regulating Backyard Chickens

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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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Specialty Composition/Rochester Desktop Publishing

Zoning and Planning Law Report (USPS# pending) is issued monthly, except in August, 11 times per year; published and copyrighted by Thomson Reuters, 610 Opperman Drive, P.O. Box 64526, St. Paul, MN 55164-0526. Application to mail at Periodical rate is pending at St. Paul, MN.

POSTMASTER: Send address changes to Zoning and Planning Law Report, 610 Opperman Drive, P.O. Box 64526, St. Paul MN 55164-0526.

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ISSN 0161-8113

Editorial Offices: 50 Broad Street East, Rochester, NY 14694

Tel.: 585-546-5530 Fax: 585-258-3774

Customer Service: 610 Opperman Drive, Eagan, MN 55123

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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).
2. See, e.g., Adrian Higgins, Hot Chicks: Legal or Not, Chickens Are the Chic New Backyard Addition, The

- Washington Post, May 14, 2009, <http://www.washingtonpost.com/wp-dyn/content/article/2009/05/13/AR2009051301051.html> (visited February 2011); William Neuman, Keeping Their Eggs in Their Backyard Nests, *The New York Times*, Aug. 3, 2009, available at: http://www.nytimes.com/2009/08/04/business/04chickens.html?_r=1 (visited February 2011); Katherine Houstoun, The Backyard Chicken Movement, *Richmond.com*, <http://www2.richmond.com/lifestyles/2010/jun/16/backyard-chicken-movement-ar-592398> (visited February 2011). There has been some skepticism, however, over the booming popularity of backyard chickens. Jack Shafer, Bogus Trend of the Week: Raising Backyard Chickens, *Slate*, May 14, 2009, <http://www.slate.com/id/2218390/> (visited February 2011).
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).
 4. Amy Eddings, What the Cluck?! Backyard Chicken-Keeping Booming in New York City, *WNYC*, Jul. 8, 2010, <http://www.wnyc.org/articles/wnyc-news/2010/jul/08/what-the-cluck-backyard-chicken-keeping-booming-in-new-york-city/> (visited February 2011).
 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.
 6. Monte Whaley, Backyard-Chickens Just Cage Rattling Longmont Learns, *Denverpost.com* (Nov. 2, 2010), available at: http://www.denverpost.com/news/ci_16496049 (visited February 2011).
 7. Dan Flynn, Nations' Cities Debate Backyard Chickens, *Food Safety News*, <http://www.foodsafetynews.com/2010/06/nations-cities-debate-backyard-chickens> (visited February 2011); Amy Eddings, What the Cluck?! Backyard Chicken-Keeping Booming in New York City, *WNYC*, Jul. 8, 2010, <http://www.wnyc.org/articles/wnyc-news/2010/jul/08/what-the-cluck-backyard-chicken-keeping-booming-in-new-york-city/>; Carol Lloyd, Urban Farming: Back to the land in your tiny backyard, *San Francisco Chronicle*, Jun. 27, 2008, http://articles.sfgate.com/2008-06-27/entertainment/17120257_1_pot-bellied-pigs-animal-care-and-control-horses-and-goats (visited February 2011); Catherine Price, A Chicken on Every Plot, a Coop in Every Backyard, *New York Times* (Sept. 19, 2007), available at <http://www.nytimes.com/2007/09/19/dining/19yard.html> (visited February 2011).
 8. John Aguilar, Lafayette Gives Initial OK to Backyard Chickens, *Daily Camera* (February 1, 2011), available at: http://www.dailycamera.com/news/ci_17262635 (visited February 2011).
 9. Linda Girardi, Batavia Resumes Chicken Debate, *Beacon News* (Jan. 24, 2011), available at: <http://beaconnews.suntimes.com/news/3426295-418/story.html> (visited February 2011); Linda Girardi, March Hearing Set on Batavia's Chicken Issue, *The Courier News* (February 7, 2011), available at: <http://couriernews.suntimes.com/news/3671554-418/chickens-issue-batavia-committee-residents.html> (visited February 2011).
 10. <http://www.scribd.com/doc/44855544/Proposed-Albany-Chicken-Law-Amendment> (visited February 2011).
 11. Jennifer Wardell, NSL Pecks at Backyard Chicken Idea, *Davis County Clipper* (Jan. 24, 2011), available at: http://www.clippertoday.com/view/full_story/11112756/article-NSL-pecks-at-backyard-chicken-idea?instance=secondary_stories_left_column (visited February 2011).
 12. For surveys showing different responses to backyard chickens, see, e.g., Kyle Slavin, Survey Says: Chickens OK in Saanich Backyards, *Saanich News* (January 16, 2011), available at: http://www.bclocalnews.com/vancouver_island_south/saanichnews/news/113846889.html (visited February 2011); Tamara Cunningham, Chicken Survey Says: Not In My Backyard, *Canada.com* (February 4, 2011), available at: <http://www.canada.com/Chicken+survey+says+backyard/4223769/story.html> (visited February 2011).
 13. Eggheads Seek to Educate About Backyard Chickens, <http://www.wxow.com/Global/story.asp?S=13977512> (visited February 2011).
 14. See, e.g., Dan Flynn, Nations' Cities Debate Backyard Chickens, *Food Safety News*, <http://www.foodsafetynews.com/2010/06/nations-cities-debate-backyard-chickens> (visited February 2011); Jill Richardson, How to get your city to allow backyard chickens, *Grist*, Jan. 5, 2011, <http://www.grist.org/article/food-2011-01-05-how-to-get-your-city-to-allow-backyard-chickens>.
 15. No Backyard Chickens for Springville Residents, *Daily Herald* (January 24, 2011), available at: http://www.heraldextra.com/news/state-and-regional/utah/article_2916f1c1-5436-53b3-aea2-c226d175e85e.html (visited February 2011).
 16. Jim Harger, City Commissioner James White Says He Agrees With Backyard Chicken Ban For Grand Rapids Though He Missed Vote on Issue, *MLive.com* (August 24, 2010), available at: <http://www.mlive.com/news/grand-rapids/index.ssf/2010/08/>

- city_commissioner_james_white.html (visited February 2011).
17. Cindy Schroeder, Cities Cry Fowl Over Residential Chickens, *Cincinnati.com* (Feb. 12, 2011), available at: <http://news.cincinnati.com/article/20110212/NEWS0103/102130335/Cities-cry-fowl-over-residential-chickens?odyssey=tab%7Ctopnews%7Ctext%7CFRONTPAGE> (visited February 2011).
 18. Devra First, Back to the Land, *Boston Globe* (May 27, 2009), available at: http://www.boston.com/lifestyle/green/articles/2009/05/27/back_to_the_land/?page=2 (visited February 2011).
 19. Mary MacVean, Victory Gardens Sprout Up Again, *Los Angeles Times* (January 109, 2009), available at: <http://articles.latimes.com/2009/jan/10/home/hm-victory10> (visited February 2011).
 20. J.E. Ikerd, Current Status and Future Trends in American Agriculture: Farming with Grass, available at: <http://web.missouri.edu/~ikerdj/papers/Oklahoma%20Farming%20with%20Grass%20-%20Status%20%20Trends.htm>, p.6 (visited February 2011).
 21. See Kathryn A. Peters, Creating a Sustainable Urban Agriculture Revolution, 25 *Env'tl. 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.slp1.lib.mo.us/cco/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)

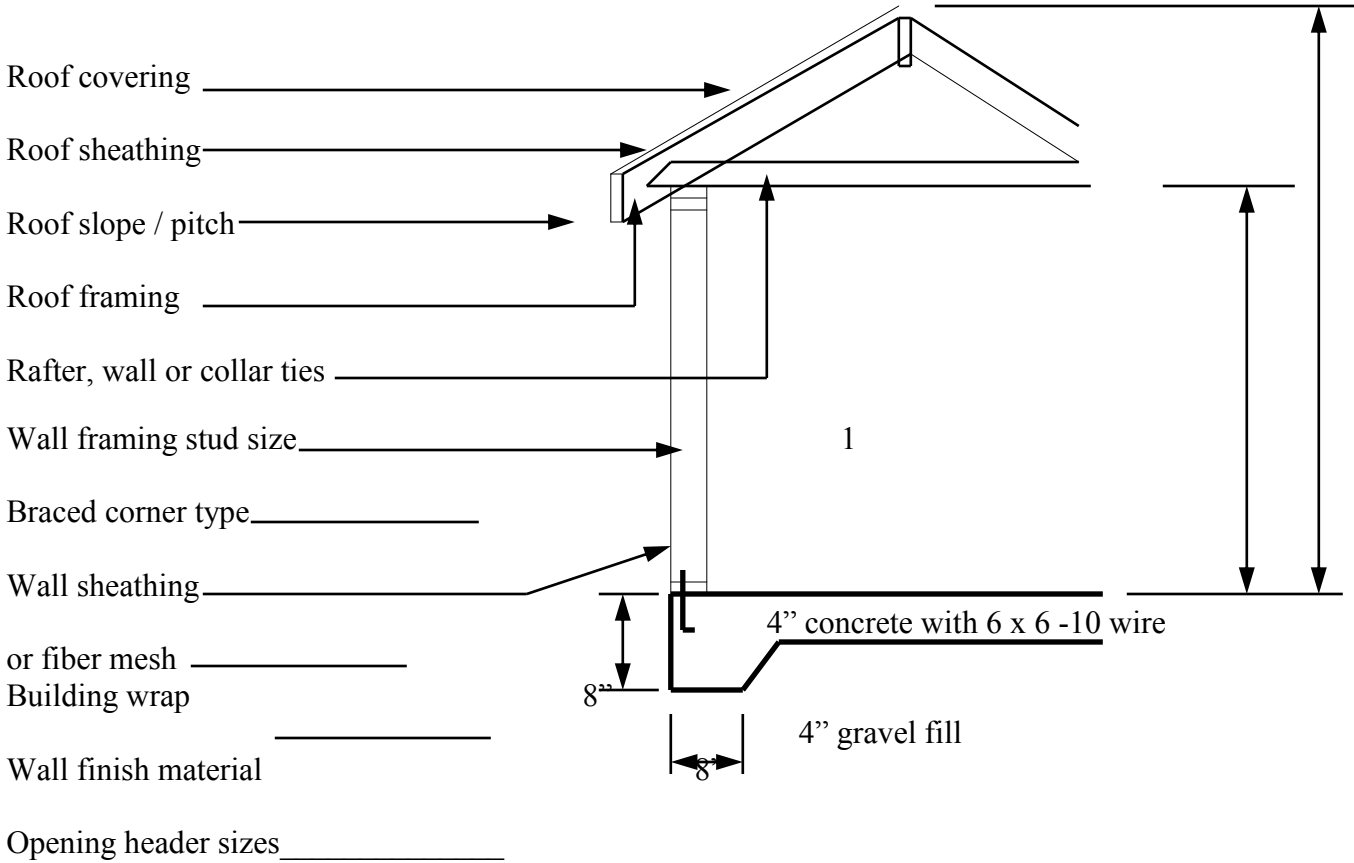
- Electric service to enclosures shall not be provided by an extension cord or cords.
- Hens shall be kept in the enclosure and fenced area at all times.
- All chickens and enclosures shall be kept in the rear yard.
- All areas where hens are kept shall be maintained neat and clean and free of undue 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.

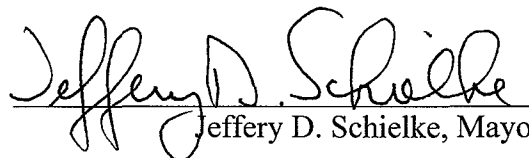
SECTION 2: That this Ordinance 11-04 shall be in full force and effect upon its presentation, passage and publication according to the law.

CITY OF BATAVIA. ILLINOIS ORDINANCE 11-04

PRESENTED to the City Council of the City of Batavia, Illinois, this 16th day of May, 2011.

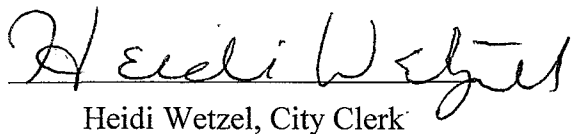
PASSED by the City Council of the City of Batavia, Illinois, this 16th day of May, 2011.

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:

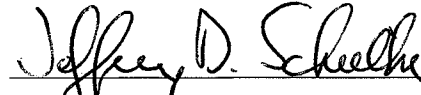
5-4B-8-B. The registration form shall include written permission for any building division staff member to access the rear yard of the residence or to access the school property for the purpose of verifying compliance with this code on a periodic basis. The form shall also acknowledge receipt of a copy 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

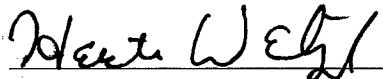
PRESENTED to and **PASSED** by the City Council of the City of Batavia, Illinois, this 2nd day of November, 2015.

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!

