



**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, May 3, 2022**  
**6:00 p.m.**  
 City Hall Conference Room  
 800 Game Farm Road, Yorkville, IL

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**Citizen Comments:**

**Minutes for Correction/Approval:** April 5, 2022

**New Business:**

1. EDC 2022-24 Building Permit Report for March 2022
2. EDC 2022-25 Building Inspection Report for March 2022
3. EDC 2022-26 Property Maintenance Report for March 2022
4. EDC 2022-27 Economic Development Report for April 2022
5. EDC 2022-28 Microbrewery/Brewpub/Microwinery Zoning Code Text Amendment
6. EDC 2022-29 Future Land Use Change – South Eldamain Corridor Properties

**Old Business:**

1. EDC 2020-32 Urban Chickens

**Additional Business:**

<b>2019 – 2021 City Council Goals – Economic Development Committee</b>		
<b>Goal</b>	<b>Priority</b>	<b>Staff</b>
“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, May 3, 2022  
6:00 PM  
CITY HALL CONFERENCE ROOM

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**CITIZEN COMMENTS:**

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**MINUTES FOR CORRECTION/APPROVAL:**

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1. April 5, 2022
  - Approved \_\_\_\_\_
  - As presented
  - With corrections

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**NEW BUSINESS:**

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1. EDC 2022-24 Building Permit Report for March 2022

Informational Item

Notes \_\_\_\_\_

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2. EDC 2022-25 Building Inspection Report for March 2022

Informational Item

Notes \_\_\_\_\_

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3. EDC 2022-26 Property Maintenance Report for March 2022

Informational Item

Notes \_\_\_\_\_

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4. EDC 2022-27 Economic Development Report for April 2022

Informational Item

Notes \_\_\_\_\_

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5. EDC 2022-28 Microbrewery/Brewpub/Microwinery Zoning Code Text Amendment

Moved forward to CC \_\_\_\_\_

Approved by Committee \_\_\_\_\_

Bring back to Committee \_\_\_\_\_

Informational Item

Notes \_\_\_\_\_

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6. EDC 2022-29 Future Land Use Change – South Eldamain Corridor Properties

Moved forward to CC \_\_\_\_\_

Approved by Committee \_\_\_\_\_

Bring back to Committee \_\_\_\_\_

Informational Item

Notes \_\_\_\_\_

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**OLD BUSINESS:**

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1. EDC 2020-32 Urban Chickens

Informational Item

Notes \_\_\_\_\_

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**ADDITIONAL BUSINESS:**

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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 – April 5, 2022

**Meeting and Date:** Economic Development Committee – May 3, 2022

**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:

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**UNITED CITY OF YORKVILLE  
ECONOMIC DEVELOPMENT COMMITTEE  
Tuesday, April 5, 2022, 6:00pm  
City Council Chambers  
800 Game Farm Rd., Yorkville, IL**

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

**In Attendance:**

**Committee Members**

Chairman Jason Peterson/in-person  
Alderman Ken Koch/in-person  
Alderman Chris Funkhouser/in-person  
Alderman Joe Plocher/in-person

**Other City Officials**

City Administrator Bart Olson/in-person  
Assistant City Administrator Erin Willrett/in-person  
Community Development Director Krysti Barksdale-Noble/in-person  
Senior Planner Jason Engberg/electronic attendance  
Code Official Pete Ratos/in-person

**Other Guests**

City Consultant Lynn Dubajic Kellogg/in-person  
Troy Mertz, MODA Homes/in-person  
Engineer Dave Schultz, HR Green/in-person  
Brad Winick/electronic attendance  
Scott Shelton/electronic attendance  
Kyle Smith/electronic attendance  
Dawn Graves, Bricolage/electronic attendance  
Dan Maurer, Bristol Bay/in-person  
Ken Knapp, Bristol Bay/in-person  
David Holtzman, Bristol Bay/in-person

The meeting was called to order at 6:01pm by Chairman Jason Peterson.

**Citizen Comments** None

**Minutes for Correction/Approval** February 1, 2022  
The minutes were approved as presented.

## **New Business**

### ***1. EDC 2022-14 Building Permit Reports for January and February 2022***

Mr. Ratos reported 14 single-family detached home permits and 7 commercial permits for January. No further action.

### ***2. EDC 2022-15 Building Inspection Reports for January and February 2022***

There were 481 inspections in January and 427 in February. Mr. Ratos said the weather kept the numbers down. No further action.

### ***3. EDC 2022-16 Property Maintenance Reports for January and February 2022***

In January, 3 cases were heard including 2 cases on Honeysuckle which were found liable and fined. In February there was a roof case and the Honeysuckle address was also fined again.

### ***4. EDC 2022-17 Economic Development Reports for February and March 2022***

Ms. Dubajic Kellogg reported a number of businesses ready to go including 3 restaurants. The Williams Group is doing very well and includes a coffee shop. Other re-development is occurring downtown and the former Millhurst Ale House has a new owner and new concept and will be announced soon.

### ***5. EDC 2022-18 Fiscal Year 2023 Budget Proposal***

Alderman Funkhouser asked about new staffing and in particular, new inspectors. One additional inspector was added last year/mid-year and other employees were shifted to assist with Community Development. Outsourcing of reviews will continue and Mr. Ratos said a new inspector would cost about \$80,000. Mr. Olson discussed the Bright Farms permit fees and he said a survey of fees in other towns had been done to compare.

### ***6. EDC 2022-19 Aging-in-Community Memorandum of Understanding***

Ms. Noble said this proposal originated when she was part of CMAP. This proposal would analyze the aging population and determine what steps can be taken to improve this community. Staff has applied to be part of this pilot program and selections are now in the second round.

Representatives of this program were present via Zoom. Mr. Kyle Smith a Director in the Metropolitan Mayors Caucus, said communities such as Yorkville have been discussing strategies to help make the communities more livable for older adults. He said MMC and CMAP are attempting to obtain free resources for seniors. Mr. Brad Winick said if Yorkville becomes part of this process, there will be a small core team of 2-4 people along with elected officials and citizen reps. Goals will be identified, workshops will be held and a recommendations report will be compiled.

Ms. Noble said this would be the first project prior to a Comp Plan update with the focus on the senior community. Chairman Peterson asked if there are grant opportunities or results from other cities. Grants will not be known until after the goals are identified. She said the county, Senior Services and Parks & Rec would also be involved in this endeavor.

Work on this project will be minimal and can be done by current staff, along with a possible intern and high school students. This program was introduced in other communities with success and staff requested input from EDC regarding participation.

**7. EDC 2022-20 Bricolage 8721 Route 126 Rezoning**

Ms. Noble said petitioner Dawn Graves wants to open a third location for her business at this address. The existing house is part of the Windmill Farms, but the PUD never moved forward and Ms. Graves needs B-3 zoning. The property is part of 13 parcels in the PUD and each parcel needs to be removed and rezoned. If this is approved, the Comp Plan will need to be amended as a commercial zone. Staff did an analysis of the site for parking, setbacks and other items. They support rezoning and this will move forward to Planning and Zoning Commission next week. There was some further brief discussion about the setbacks and parking.

**8. EDC 2022-21 Ordinance Approving the Second Amendment to the Annexation and Planned Unit Development Agreement for a Portion of the Windmill Farms Development (BW Properties Holdings, LLC/Bricolage Wellness, PLLC)**

This is the amendment to carve out the parcel for the above rezoning. Ms. Noble said there were 13 parcels and staff was never able to get all property owners together at one time to repeal the Annexation Agreement. The City Attorney recommended that it be done individually to remove those parcels from the Annexation Agreement. Ms. Noble said there is a draft of the amendment and a Public Hearing will occur next week at City Council. Staff is also in talks with the church which owns 3 parcels, to complete this process and there are 3 remaining lots.

**9. EDC 2022-22 Bristol Bay Unit 3 Final Plat Amendment**

Ms. Noble explained that the remaining lots were purchased by Pulte. The new owner, Troy Mertz, MODA Homes, has a new product, but will need some variances and setbacks. They have an application in process to address some of the issues. Because of the adjustments needed, they must increase the number of units and shift some interior lines which will not increase the overall density. There are architectural standards in the original Annexation Agreement, and the owner has included some architectural features suggested by staff, for some design interest. Ms. Noble detailed the features to be included. The proposed Final Plat is included in the agenda packet. Alderman Funkhouser asked to have a setback verified that seems to be encroaching on a corner unit and Mr. Schultz noted that some of the setbacks overlap.

**10. EDC 2022-23 Bristol Bay Unit 13 Final Plat**

This unit had never been sub-divided. It had a Final Plat in 2006 which was not recorded and is therefore, null and void. It is a 25-acre parcel with 69 lots for single-family including a lot for a park, all under contract by NVR. As part of the approval, a \$50,000 payment must be made to the Parks and Recreation and must occur prior to recording of the Final Plat. When it was owned by Pulte, most of the underground work was completed, but some is also needed. This will move to Planning and Zoning Commission next week for Final Plat.

Kenneth Knapp, a Bristol Bay homeowner, said residents were not notified of the project and he said it is located in the middle of their community. He said they also were not notified of the SSA's which were re-financed and he had concerns about this. Mr. Knapp said that notifications were required to the surrounding residents. He said they were also worried about possible townhouse rentals in the middle of their community and the possible impact on the schools. Mr. Olson responded to these concerns and said Final Plats do not require notifications to nearby property owners as long as the project is generally the same product and unit count. The project owner invited dialog following the meeting.

Mr. Knapp also discussed SSA refinancing and said he wished to convey information to other residents. He also asked if the new lots and townhomes would be part of the SSA. Mr. Olson replied that they will, however, the new owner has the ability to pay off the SSA. Mr. Mertz also addressed the SSA and said he would be glad to meet with homeowners to discuss further.

**Old Business:** None

**Additional Business:**

Alderman Funkhouser asked to have a discussion about urban chickens at the next meeting.

There was no further business and the meeting adjourned at 6:56pm.

Minutes respectfully submitted by  
Marlys Young, Minute Taker/in-person



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 2022-24

### Agenda Item Summary Memo

**Title:** Building Permit Report for March 2022

**Meeting and Date:** Economic Development Committee – May 3, 2022

**Synopsis:** All permits issued in March 2022.

#### 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:

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# UNITED CITY OF YORKVILLE

## BUILDING PERMIT REPORT

### March 2022

	Number of Permits Issued	SFD <i>Single Family Dwelling</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
March 2022	151	28	0	0	15	0	108	8,952,504.00	214,559.97
Calendar Year 2022	262	47	8	0	27	0	180	14,837,093.00	365,760.77
Fiscal Year 2022	1380	197	144	0	102	0	937	66,356,470.00	2,288,793.66
March 2021	165	31	8	0	14	0	112	7,159,342.00	302,706.35
Calendar Year 2021	286	67	22	0	27	0	170	16,125,073.00	617,352.28
Fiscal Year 2021	1725	240	116	0	78	0	1291	64,746,757.00	2,904,962.61
March 2020	96	16	0	0	9	0	71	5,030,842.00	159,926.11
Calendar Year 2020	200	33	2	0	27	0	138	8,261,456.00	334,379.86
Fiscal Year 2020	2061	128	32	0	101	0	1800	49,925,906.00	1,589,099.85
March 2019	64	14	0	0	13	0	37	2,971,112.00	162,265.84
Calendar Year 2019	149	41	0	0	37	0	71	13,146,883.00	472,329.94
Fiscal Year 2019	848	210	0	0	112	0	526	52,445,156.00	1,930,052.22



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 2022-25

### Agenda Item Summary Memo

**Title:** Building Inspection Report for March 2022

**Meeting and Date:** Economic Development Committee – May 3, 2022

**Synopsis:** All inspections scheduled in March 2022.

#### 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:

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DATE: 03/31/2022  
TIME: 12:34:13  
ID: PT4A0000.WOW

UNITED CITY OF YORKVILLE  
CALLS FOR INSPECTION REPORT

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
EEI	_____	015-EFL ENGINEERING - FINAL INSPE	20201285	947 GILLESPIE LN	103		03/18/2022
BF	_____ AM	016-FIN FINAL INSPECTION	20201287	951 GILLESPIE LN	101		03/18/2022
		Comments1: KENDALL MARKETPLACE -- 630-365-7229					
BF	_____ AM	017-FEL FINAL ELECTRIC					03/18/2022
		Comments1: SEE INSPECTION REPORT					
BF	_____ AM	018-FMC FINAL MECHANICAL					03/18/2022
PBF	_____ AM	019-PLF PLUMBING - FINAL OSR READ					03/18/2022
		Comments1: KENDALL MARKET PLACE -- 630-365-7229					
EEI	_____	020-EFL ENGINEERING - FINAL INSPE					03/18/2022
EEI	_____	012-EFL ENGINEERING - FINAL INSPE	20201300	950 GILLESPIE LN	148		03/18/2022
EEI	_____	012-EFL ENGINEERING - FINAL INSPE	20201301	948 GILLESPIE LN	147		03/18/2022
EEI	_____	012-EFL ENGINEERING - FINAL INSPE	20201302	946 GILLESPIE LN	146		03/18/2022
EEI	_____	012-EFL ENGINEERING - FINAL INSPE	20201303	944 GILLESPIE LN	145		03/18/2022
EEI	_____	012-EFL ENGINEERING - FINAL INSPE	20201304	942 GILLESPIE LN	144		03/18/2022
PR	_____ AM	009-FEL FINAL ELECTRIC	20210035	891 HAMPTON LN	134	03/30/2022	
		Comments1: LUKE 708-543-4777					
PR	_____ AM	010-FMC FINAL MECHANICAL				03/30/2022	
PR	_____ AM	011-PLF PLUMBING - FINAL OSR READ				03/30/2022	
		Comments1: RAINTREE -- LUKE 708-543-4777					
PR	_____ AM	012-FIN FINAL INSPECTION				03/30/2022	
PBF	_____	014-PLF PLUMBING - FINAL OSR READ	20210149	3732 BAILEY RD	135		03/21/2022
		Comments1: WRONG INFORMATION WAS GIVEN -- NO REINSP					
		Comments2: ECTION FEE					
EEI	_____	015-EFL ENGINEERING - FINAL INSPE					03/28/2022
		Comments1: ZACH 224-340-5860--WINTER CONDITIONS, OK					
		Comments2: TO TEMP					
EEI	_____	015-EFL ENGINEERING - FINAL INSPE	20210150	3734 BAILEY RD	1354		03/28/2022
		Comments1: ZACH 224-340-5860/WINTER CONDITIONS, OK					
		Comments2: TO TEMP					
GH	_____	016-FIN FINAL INSPECTION	20210151	3736 BAILEY RD	1351		03/23/2022
		Comments1: ZACH 224-340-5860 SEE INSPECTION REPORT					

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____	017-FEL FINAL ELECTRIC					03/23/2022
GH	_____	018-FMC FINAL MECHANICAL					03/23/2022
PR	_____	019-PLF PLUMBING - FINAL OSR READ					03/23/2022
		Comments1: ZACH 224-340-5860					
EEI	_____	020-EFL ENGINEERING - FINAL INSPE					03/24/2022
		Comments1: ZACH 224-340-5860/WINTER CONDITIONS, OK					
		Comments2: TO TEMP					
GH	_____	016-FIN FINAL INSPECTION	20210152	3738 BAILEY RD	1352		03/23/2022
		Comments1: ZACH 224-340-5860					
GH	_____	017-FEL FINAL ELECTRIC					03/23/2022
GH	_____	018-FMC FINAL MECHANICAL					03/23/2022
PR	_____	019-PLF PLUMBING - FINAL OSR READ					03/23/2022
		Comments1: ZACH 224-340-5860					
EEI	_____	020-EFL ENGINEERING - FINAL INSPE					03/24/2022
		Comments1: ZACH 224-340-5860 WINTER CONDITIONS, OK					
		Comments2: TO TEMP					
EEI	_____	015-EFL ENGINEERING - FINAL INSPE	20210153	3740 BAILEY RD	1351		03/21/2022
		Comments1: WINTER CONDITIONS. OK TO TEMP					
GH	_____	016-FEL FINAL ELECTRIC					03/21/2022
GH	_____	017-FIN FINAL INSPECTION					03/21/2022
GH	_____	018-FMC FINAL MECHANICAL					03/21/2022
PBF	_____	019-PLF PLUMBING - FINAL OSR READ					03/22/2022
GH	_____	014-FIN FINAL INSPECTION	20210158	3730 BAILEY RD	1365		03/03/2022
		Comments1: 224-340-5860--SEE INSPECTION REPORT					
GH	_____	015-FEL FINAL ELECTRIC					03/03/2022
GH	_____	016-FMC FINAL MECHANICAL					03/03/2022
PBF	_____	017-PLF PLUMBING - FINAL OSR READ					03/03/2022
		Comments1: GRANDE RESERVE -- 224-340-5860					
EEI	_____	018-EFL ENGINEERING - FINAL INSPE					03/03/2022
		Comments1: WINTER CONDITIONS,					

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE	
BF	_____ AM	006-BG BASEMENT AND GARAGE FLOOR	20210170	3145 JUSTICE DR	692		03/21/2022	
		Comments1: GRANDE RESERVE -- CHRIS 224-358-1606						
GH	_____	007-GPL GREEN PLATE INSPECTION					03/29/2022	
		Comments1: CHRIS/HORTON 224-358-1606						
GH	_____ AM	020-PWK PRIVATE WALKS	20210294	2079 DUNBAR CT	90		03/21/2022	
PR	_____	007-RFR ROUGH FRAMING	20210518	838 ALEXANDRA LN	39		03/03/2022	
		Comments1: GARY/MARKER 630-977-1868						
PR	_____	008-REL ROUGH ELECTRICAL					03/03/2022	
		Comments1: 630-977-1868						
PR	_____	009-RMC ROUGH MECHANICAL					03/03/2022	
		Comments1: 630-977-1868						
PR	_____	010-PLR PLUMBING - ROUGH					03/03/2022	
		Comments1: 630-977-1868						
GH	_____	011-INS INSULATION					03/08/2022	
		Comments1: GARY MARKER/630-977-1868--SEE INSPECTION						
		Comments2: REPORT						
GH	_____	018-WK SERVICE WALK	20210530	2068 WHITEKIRK LN	96		03/22/2022	
GH	_____ AM	019-PPS PRE-POUR, SLAB ON GRADE					03/29/2022	
		Comments1: PATIO -- MIDWEST 815-839-8175						
GH	_____	009-RFR ROUGH FRAMING	20210558	1232 HAWK HOLLOW DR	273		03/10/2022	
		Comments1: 630-549-9538 -- SEE INSPECTION REPORT						
GH	_____	010-REL ROUGH ELECTRICAL					03/10/2022	
GH	_____	011-RMC ROUGH MECHANICAL					03/10/2022	
		Comments1: SEE INSPECTION REPORT						
PBF	_____	012-PLR PLUMBING - ROUGH					03/10/2022	
		Comments1: RAINTREE -- GEORGE 630-549-9538						
GH	_____	013-INS INSULATION					03/14/2022	
		Comments1: 630-549-9538						
GH	_____	014-REI REINSPECTION					03/14/2022	
		Comments1: FRAMING						
GH	_____	015-REI REINSPECTION					03/14/2022	
		Comments1: MECHANICAL						

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH		009-RFR ROUGH FRAMING Comments1: 630-549-9538	20210559	1234 HAWK HOLLOW DR	273		03/14/2022
GH		010-REL ROUGH ELECTRICAL					03/14/2022
GH		011-RMC ROUGH MECHANICAL					03/14/2022
PBF		012-PLR PLUMBING - ROUGH Comments1: RAINTREE VILLAGE --GEORGE 630-549-9538					03/14/2022
GH		013-INS INSULATION Comments1: 630-549-9538					03/16/2022
BF	AM	003-ELE ELECTRIC SERVICE Comments1: 630-365-7229	20210579	3951 HAVENHILL CT	3029		03/28/2022
BF	AM	003-ELE ELECTRIC SERVICE Comments1: 630-365-7229	20210580	3953 HAVENHILL CT			03/28/2022
BF	AM	003-ELE ELECTRIC SERVICE Comments1: 630-365-7229	20210581	3955 HAVENHILL CT			03/28/2022
BF	AM	003-ELE ELECTRIC SERVICE Comments1: 630-365-7229	20210582	3957 HAVENHILL CT			03/28/2022
GH	AM	015-PHD POST HOLE - DECK	20210755	1242 TAUS CIR	121		03/15/2022
PR		016-FIN FINAL INSPECTION Comments1: DAVE 630-878-5792					03/16/2022
PR		017-FEL FINAL ELECTRIC Comments1: DAVE 630-878-5792					03/16/2022
PR		018-FME FINAL MECHANICAL Comments1: DAVE 630-878-5792					03/16/2022
PR		019-PLF PLUMBING - FINAL OSR READ Comments1: DAVE 630-878-5792					03/16/2022
EEI		020-EFL ENGINEERING - FINAL INSPE Comments1: DAVE 630-878-5792				03/17/2022	
BC		008-BSM BASEMENT FLOOR	20210894	1244 HAWK HOLLOW DR	2722		03/02/2022
BC		008-BSM BASEMENT FLOOR	20210895	1242 HAWK HOLLOW DR	2722		03/02/2022
PR		014-FIN FINAL INSPECTION Comments1: TIM 630-878-5291	20210948	1378 SPRING ST	215		03/16/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____	015-FEL FINAL ELECTRIC					03/16/2022
PR	_____	016-FMC FINAL MECHANICAL					03/16/2022
PR	_____	017-PLF PLUMBING - FINAL OSR READ					03/16/2022
EEI	_____ AM	018-EFL ENGINEERING - FINAL INSPE					03/17/2022
		Comments1: TIM 630-878-5291					
PBF	_____	005-PLU PLUMBING - UNDERSLAB	20210951	1264 HAWK HOLLOW DR	270-1		03/10/2022
		Comments1: RAINTREE -- GEORGE 630-549-9538					
GH	_____ PM	006-BG BASEMENT AND GARAGE FLOOR					03/23/2022
		Comments1: JOSE 630-465-1159					
PBF	_____	006-PLU PLUMBING - UNDERSLAB	20210952	1262 HAWK HOLLOW DR	270-2		03/10/2022
		Comments1: RAINTREE -- GEORGE - 630-549-9538					
GH	_____ PM	007-BG BASEMENT AND GARAGE FLOOR					03/23/2022
		Comments1: JOSE 630-465-1159					
PR	_____	005-PLU PLUMBING - UNDERSLAB	20210953	1254 HAWK HOLLOW DR	271-1	03/10/2022	
		Comments1: GEORGE 630-549-9538					
BC	_____	006-GPL GREEN PLATE INSPECTION					03/16/2022
		Comments1: GEORGE -- 630-549-9538					
BF	_____	007-BSM BASEMENT FLOOR					03/24/2022
		Comments1: JOSE 630-465-1151					
PR	_____	005-PLU PLUMBING - UNDERSLAB	20210954	1252 HAWK HOLLOW DR	271-2	03/10/2022	
		Comments1: GEORGE 630-549-9538					
BC	_____	006-GPL GREEN PLATE INSPECTION					03/16/2022
		Comments1: GEORGE -- 630-549-9538					
BF	_____	007-BSM BASEMENT FLOOR					03/24/2022
		Comments1: JOSE 630-465-1159					
GH	_____	013-FIN FINAL INSPECTION	20210981	1154 HAWK HOLLOW DR	304-4		03/07/2022
		Comments1: 847-456-8082--SEE INSPECTION REPORT					
GH	_____	014-FEL FINAL ELECTRIC					03/07/2022
GH	_____	015-FMC FINAL MECHANICAL					03/07/2022
PR	_____	016-PLF PLUMBING - FINAL OSR READ					03/07/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
EEI		017-EFL ENGINEERING - FINAL INSPE					03/07/2022
		Comments1: WINTER CONDITIONS, OK TO TEMP					
GH		012-FIN FINAL INSPECTION	20210982	1156 HAWK HOLLOW DR	304-3		03/03/2022
		Comments1: 847-456-8082 SEE INSPECTION TICKET					
GH		013-FEL FINAL ELECTRIC					03/03/2022
GH		014-FMC FINAL MECHANICAL					03/03/2022
PR		015-PLF PLUMBING - FINAL OSR READ					03/03/2022
EEI		016-EFL ENGINEERING - FINAL INSPE					03/03/2022
		Comments1: WINTER CONDITIONS, OK TO TEMP					
GH		012-FIN FINAL INSPECTION	20210983	1158 HAWK HOLLOW DR	304-2		03/03/2022
GH		013-FEL FINAL ELECTRIC					03/03/2022
GH		014-FMC FINAL MECHANICAL					03/03/2022
PR		015-PLF PLUMBING - FINAL OSR READ					03/03/2022
EEI		016-EFL ENGINEERING - FINAL INSPE					03/03/2022
		Comments1: WINTER CONDITIONS, OK TO TEMP					
GH		013-FIN FINAL INSPECTION	20210984	1162 HAWK HOLLOW DR	304-1		03/24/2022
		Comments1: JEFF 847-456-8082					
GH		014-FEL FINAL ELECTRIC					03/24/2022
		Comments1: JEFF 847-456-8082					
GH		015-FMC FINAL MECHANICAL					03/24/2022
PR		016-PLF PLUMBING - FINAL OSR READ					03/24/2022
		Comments1: JEFF 847-456-8082					
EEI		017-EFL ENGINEERING - FINAL INSPE					03/24/2022
		Comments1: JEFF 847-456-8082 -- WINTER CONDITIONS, Comments2: OK TO TEMP					
GH		013-FIN FINAL INSPECTION	20211012	840 ALEXANDRA LN	40		03/22/2022
		Comments1: GARY - 630-977-1868					
GH		014-FEL FINAL ELECTRIC					03/22/2022
GH		015-FMC FINAL MECHANICAL					03/22/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PBF		016-PLF PLUMBING - FINAL OSR READ					03/22/2022
		Comments1: GARY 630-977-1868					
EEI		017-EFL ENGINEERING - FINAL INSPE					03/22/2022
		Comments1: GARY 630-977-1868 -- CORNER LOT - WINTER					
		Comments2: CONDITIONS					
BC		014-FIN FINAL INSPECTION	20211040	2161 COUNTRY HILLS DR	445		03/10/2022
		Comments1: JEFF-847-456-8082					
BC		015-FEL FINAL ELECTRIC					03/10/2022
BC		016-FMC FINAL MECHANICAL					03/10/2022
PR		017-PLF PLUMBING - FINAL OSR READ					03/10/2022
		Comments1: JEFF 847-456-8082					
EEI		018-EFL ENGINEERING - FINAL INSPE					03/10/2022
		Comments1: WINTER CONDITIONS, OK TO TEMP					
PR		014-FIN FINAL INSPECTION	20211041	2141 COUNTRY HILLS DR	446		03/21/2022
		Comments1: JEFF -- 847-456-8082 -- SEE INSPECTION R					
		Comments2: EPORT					
PR		015-FEL FINAL ELECTRIC					03/21/2022
PR		016-FMC FINAL MECHANICAL					03/21/2022
PR		017-PLF PLUMBING - FINAL OSR READ					03/21/2022
EEI		018-EFL ENGINEERING - FINAL INSPE					03/22/2022
		Comments1: WINTER CONDITIONS, OK TO TEMP					
BC		014-STP STOOP	20211042	2121 COUNTRY HILLS DR	447		03/02/2022
		Comments1: FRONT AND BACK					
GH		015-FIN FINAL INSPECTION					03/22/2022
		Comments1: JEFF -- 847-456-8082					
GH		016-FEL FINAL ELECTRIC					03/22/2022
GH		017-FMC FINAL MECHANICAL					03/22/2022
PBF		018-PLF PLUMBING - FINAL OSR READ					03/22/2022
		Comments1: JEFF -- 847-456-8082					
EEI		019-EFL ENGINEERING - FINAL INSPE					03/22/2022
		Comments1: WINTER CONDITIONS, OK TO TEMP					

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BC		013-STP STOOP Comments1: FRONT AND BACK	20211043	2091 COUNTRY HILLS DR	449		03/02/2022
BC		011-STP STOOP Comments1: FRONT AND BACK	20211044	2101 COUNTRY HILLS DR	448		03/02/2022
BF	AM	018-WK SERVICE WALK Comments1: MIDWEST 815-839-8175	20211074	2851 ALDEN AVE	288		03/22/2022
GH	AM	016-PWK PRIVATE WALKS	20211098	2078 ABERDEEN CT	103		03/21/2022
GH		017-FIN FINAL INSPECTION Comments1: STEVE 630-546-1085					03/28/2022
GH		018-FEL FINAL ELECTRIC					03/28/2022
GH		019-FMC FINAL MECHANICAL					03/28/2022
PBF		020-PLF PLUMBING - FINAL OSR READ Comments1: STEVE 630-546-1085					03/28/2022
EEI		021-EFL ENGINEERING - FINAL INSPE Comments1: STEVE 630-546-1085--- WINTER CONDITIONS, Comments2: OK TO TEMP					03/28/2022
GH	AM	018-PWK PRIVATE WALKS Comments1: MIDWEST 815-839-8175	20211099	2102 WHITEKIRK LN	104		03/21/2022
GH	AM	021-PWK PRIVATE WALKS	20211100	2068 ABERDEEN CT	102		03/21/2022
GH		022-PPS PRE-POUR, SLAB ON GRADE Comments1: DECK PAD					03/21/2022
GH	AM	018-PWK PRIVATE WALKS	20211101	2077 ABERDEEN CT	100		03/21/2022
GH	AM	019-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO-- MIDWEST 815-839-8175				03/29/2022	
BC		008-RFR ROUGH FRAMING	20211113	1143 HAWK HOLLOW DR	307-1		03/01/2022
BC		009-REL ROUGH ELECTRICAL					03/01/2022
BC		010-RMC ROUGH MECHANICAL					03/01/2022
BC		011-GPL GREEN PLATE INSPECTION					03/01/2022
PR		012-PLR PLUMBING - ROUGH					03/01/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH		013-INS INSULATION Comments1: SEE INSPECTION REPORT					03/03/2022
GH		014-STP STOOP Comments1: UPLAND JOSE 630-465-1159					03/18/2022
BC		008-RFR ROUGH FRAMING	20211114	1145 HAWK HOLLOW DR	307-2		03/03/2022
BC		009-REL ROUGH ELECTRICAL					03/03/2022
BC		010-RMC ROUGH MECHANICAL					03/03/2022
PR		011-PLR PLUMBING - ROUGH					03/03/2022
BC		012-GPL GREEN PLATE INSPECTION					03/03/2022
GH		013-INS INSULATION					03/07/2022
GH		014-STP STOOP Comments1: UPLAND JOSE 630-465-1159					03/18/2022
BC		008-RFR ROUGH FRAMING Comments1: JEFF -- 847-456-8082	20211115	1147 HAWK HOLLOW DR	307-3		03/08/2022
BC		009-REL ROUGH ELECTRICAL					03/08/2022
BC		010-RMC ROUGH MECHANICAL					03/08/2022
BC		011-GPL GREEN PLATE INSPECTION					03/08/2022
PR		012-PLR PLUMBING - ROUGH Comments1: JEFF -- 847-456-8082					03/08/2022
GH		013-INS INSULATION Comments1: JEFF-- 847-456-8082-- SEE INSPECTION REP Comments2: ORT					03/10/2022
GH		014-STP STOOP Comments1: UPLAND JOSE 630-465-1159					03/18/2022
BC		008-RFR ROUGH FRAMING Comments1: JEFF--847-456-8082--SEE INSPECTION REP Comments2: T	20211116	1149 HAWK HOLLOW DR	307-4		03/11/2022
BC		009-REL ROUGH ELECTRICAL					03/11/2022
BC		010-RMC ROUGH MECHANICAL					03/11/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BC	_____	011-GPL GREEN PLATE INSPECTION					03/11/2022
PBF	_____	012-PLR PLUMBING - ROUGH Comments1: RAINTREE VILLAGE--JEFF -847-456-8082					03/11/2022
GH	_____	013-INS INSULATION Comments1: JEFF--847-456-8082 -- SEE INSPECTION TIC Comments2: KET					03/15/2022
BC	_____	AM 014-REI REINSPECTION Comments1: MECHANICAL -- JEFF 847-456-8082					03/14/2022
BC	_____	AM 015-REI REINSPECTION Comments1: FRAMING					03/14/2022
GH	_____	016-STP STOOP Comments1: UPLAND JOSE 630-465-1159					03/18/2022
BC	_____	PM 002-FTG FOOTING Comments1: JOHN 630-546-8057	20211120	1376 SPRING ST	216		03/03/2022
BC	_____	AM 003-FOU FOUNDATION Comments1: JOHN 630-546-8057					03/16/2022
PR	_____	004-BKF BACKFILL Comments1: JOHN/SOPRIS 630-546-8057					03/21/2022
GH	_____	014-FIN FINAL INSPECTION Comments1: ZACH - 224-340-5860 -- SEE INSPECTION RE Comments2: PORT	20211121	2466 JUSTICE CT	621		03/21/2022
GH	_____	015-FEL FINAL ELECTRIC					03/21/2022
GH	_____	016-FMC FINAL MECHANICAL					03/21/2022
PBF	_____	017-PLF PLUMBING - FINAL OSR READ Comments1: GRANDE RESERVE -- ZACH 224-340-5860					03/21/2022
E EI	_____	018-EFL ENGINEERING - FINAL INSPE Comments1: WINTER CONDITIONS, OK TO TEMP					03/22/2022
BC	_____	013-FIN FINAL INSPECTION Comments1: ZACH--224-358-1606	20211122	2471 JUSTICE CT	620		03/09/2022
BC	_____	014-FEL FINAL ELECTRIC					03/09/2022
BC	_____	015-FMC FINAL MECHANICAL					03/09/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR		016-PLF PLUMBING - FINAL OSR READ Comments1: ZACH 224-358-1606--SEE INSPECTION REPORT					03/09/2022
E EI		017-EFL ENGINEERING - FINAL INSPE Comments1: WINTER CONDITIONS--OK TO TEMP--ZACH 224- Comments2: 358-1606					03/10/2022
BC		015-FIN FINAL INSPECTION Comments1: ZACH 224-340-5860	20211123	2465 JUSTICE CT	619		03/11/2022
BC		016-FEL FINAL ELECTRIC					03/11/2022
BC		017-FMC FINAL MECHANICAL					03/11/2022
PBF		018-PLF PLUMBING - FINAL OSR READ Comments1: GRANDE RESERVE ZACH ---224-358-1606					03/11/2022
E EI		019-EFL ENGINEERING - FINAL INSPE Comments1: ZACH 224-358-1606/WINTER CONDITIONS, OK Comments2: TO TEMP					03/10/2022
GH	AM	003-FIN FINAL INSPECTION Comments1: tony 630-974-8166 NO EMERGENCY ESCAPE LA Comments2: DDER	20211131	1537 STONERIDGE CT	63		03/17/2022
GH	AM	004-FEL FINAL ELECTRIC Comments1: TONY					03/17/2022
GH		005-REI REINSPECTION Comments1: FINAL FRAME 630-974-8166 -- SEE INSPECTI Comments2: ON REPORT					03/22/2022
PR		013-FIN FINAL INSPECTION Comments1: DAVE/MCCUE 630-878-5792	20211140	1106 CARLY DR	27		03/08/2022
PR		014-FEL FINAL ELECTRIC					03/08/2022
PR		015-FME FINAL MECHANICAL					03/08/2022
PR		016-PLF PLUMBING - FINAL OSR READ Comments1: DAVE/MCCUE 630-878-5792					03/08/2022
E EI		017-EFL ENGINEERING - FINAL INSPE Comments1: DAVE/MCCUE 630-878-5792--WINTER CONDITIO Comments2: NS, OK TO TEMP					03/08/2022
GH	AM	012-PHD POST HOLE - DECK	20211141	966 S CARLY CIR	104		03/15/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BF	_____	AM 016-FIN FINAL INSPECTION Comments1: GRNDE RESERVE -- 630-365-7229	20211146	4023 SHOEGER CT	26		03/14/2022
BF	_____	AM 017-FEL FINAL ELECTRIC					03/14/2022
BF	_____	AM 018-FMC FINAL MECHANICAL					03/14/2022
PBF	_____	AM 019-PLF PLUMBING - FINAL OSR READ Comments1: GRANDE RESERVE 630-365-7229					03/14/2022
E EI	_____	AM 020-EFL ENGINEERING - FINAL INSPE Comments1: WINTER CONDITIONS, OK TO TEMP					03/16/2022
BF	_____	AM 016-FIN FINAL INSPECTION Comments1: GRANDE RESERVE 630-365-7229	20211147	4025 SHOEGER CT	26		03/14/2022
BF	_____	AM 017-FEL FINAL ELECTRIC					03/14/2022
BF	_____	AM 018-FMC FINAL MECHANICAL					03/14/2022
PBF	_____	AM 019-PLF PLUMBING - FINAL OSR READ Comments1: GRANDE RESERVE 630-365-7229					03/14/2022
E EI	_____	020-EFL ENGINEERING - FINAL INSPE Comments1: WINTER CONDITIONS, OK TO TEMP					03/16/2022
BC	_____	009-RFR ROUGH FRAMING Comments1: 224-358-1606	20211156	3841 BISSEL DR	1181		03/03/2022
BC	_____	010-RMC ROUGH MECHANICAL Comments1: SEE INSPECTION TICKET					03/03/2022
BC	_____	011-REL ROUGH ELECTRICAL					03/03/2022
PBF	_____	012-PLR PLUMBING - ROUGH Comments1: GRANDE RESERVE 224-358-1606					03/03/2022
GH	_____	014-INS INSULATION Comments1: 224-358-1606					03/08/2022
GH	_____	AM 015-STP STOOP Comments1: FRONT ONLY -- DAWN 630-232-2255					03/11/2022
GH	_____	AM 010-STP STOOP Comments1: FRONT ONLY - DAWN 630-232-2255	20211157	3845 BISSEL DR	1183		03/11/2022
GH	_____	011-RFR ROUGH FRAMING Comments1: CHRIS - 224-358-1606					03/18/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____	012-REL ROUGH ELECTRICAL					03/18/2022
GH	_____	013-RMC ROUGH MECHANICAL					03/18/2022
PBF	_____	014-PLR PLUMBING - ROUGH					03/18/2022
		Comments1: CHRIS - 224-358-1606					
GH	_____	015-INS INSULATION					03/23/2022
		Comments1: CHRIS 224-358-1606 -- SEE INSPECTION REP					
		Comments2: ORT					
BC	_____	010-RFR ROUGH FRAMING	20211158	3843 BISSEL DR	1182		03/04/2022
		Comments1: CHRIS/DRHORTON 224-358-1606					
BC	_____	011-REL ROUGH ELECTRICAL					03/04/2022
		Comments1: CHRIS/DRHORTON 224-358-1606					
BC	_____	012-RMC ROUGH MECHANICAL					03/04/2022
		Comments1: CHRIS/DRHORTON 224-358-1606					
PBF	_____	013-PLR PLUMBING - ROUGH					03/04/2022
		Comments1: CHRIS/DRHORTON 224-358-1606					
GH	_____	014-INS INSULATION					03/08/2022
		Comments1: 224-358-1606					
GH	_____ AM	015-STP STOOP					03/11/2022
		Comments1: FRONT ONLY DAWN--630-232-2255					
GH	_____ AM	009-STP STOOP	20211159	3847 BISSEL DR	1184		03/11/2022
		Comments1: FRONT ONLY WEST SUB CONC 630-232-2255					
BF	_____	010-RFR ROUGH FRAMING					03/24/2022
		Comments1: CHRIS 224-358-1606 -- SEE INPECTION REPO					
		Comments2: RT					
BF	_____	011-REL ROUGH ELECTRICAL					03/24/2022
BF	_____	012-RMC ROUGH MECHANICAL					03/24/2022
PBF	_____	013-PLR PLUMBING - ROUGH				03/24/2022	
		Comments1: GRANDE RESERVE CHRIS 224-358-1606					
GH	_____	014-INS INSULATION					03/30/2022
		Comments1: CHRIS 224-358-1606					
GH	_____ AM	010-STP STOOP	20211160	3849 BISSEL DR	1185		03/11/2022
		Comments1: FRONT ONLY DAWN--630-232-2255					

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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE	
BF		011-RFR ROUGH FRAMING					03/28/2022	
		Comments1: CHRIS 224-358-1606 -- SEE INSPECTION REP						
		Comments2: ORT						
BF		012-REL ROUGH ELECTRICAL					03/28/2022	
		Comments1: SEE INSPECTION REPORT						
BF		013-RMC ROUGH MECHANICAL					03/28/2022	
		Comments1: SEE INSPECTION REPORT						
PBF		014-PLR PLUMBING - ROUGH					03/28/2022	
		Comments1: GRANDE RESERVE -- CHRIS 224-358-1606						
GH		015-INS INSULATION					03/30/2022	
		Comments1: CHRIS 224-358-1606						
GH		007-RFR ROUGH FRAMING	20211165	1144 HAWK HOLLOW DR	303-4		03/24/2022	
		Comments1: LENNAR 847-456-8082 -- SEE INSPECTION RE						
		Comments2: PORT						
GH		008-REL ROUGH ELECTRICAL					03/24/2022	
		Comments1: LENNAR 847-456-8082						
GH		009-RMC ROUGH MECHANICAL					03/24/2022	
		Comments1: LENNAR 847-456-8082 -- SEE INSPECTION RE						
		Comments2: PORT						
PBF		010-PLR PLUMBING - ROUGH				03/24/2022		
		Comments1: LENNAR 847-456-8082 RAINTREE VILLAGE						
GH		011-INS INSULATION					03/28/2022	
		Comments1: LENNAR 847-456-8082/ SEE INSPECTION REPO						
		Comments2: RT						
GH		012-STP STOOP					03/18/2022	
		Comments1: UPLAND JOSE 630-465-1159						
GH		013-REI REINSPECTION					03/25/2022	
		Comments1: FRAMING						
GH		014-REI REINSPECTION					03/25/2022	
		Comments1: MECHANICAL						
GH		007-RFR ROUGH FRAMING	20211166	1146 HAWK HOLLOW DR	303-3		03/18/2022	
		Comments1: LENNAR 847-456-8082 -- SEE INSPECTION TI						
		Comments2: CKET						
GH		008-REL ROUGH ELECTRICAL					03/18/2022	
		Comments1: LENNAR 847-456-8082						

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____	009-RMC ROUGH MECHANICAL					03/18/2022
PBF	_____	010-PLR PLUMBING - ROUGH Comments1: LENNAR 847-456-8082					03/18/2022
GH	_____	011-INS INSULATION Comments1: LENNAR 847-456-8082					03/23/2022
GH	_____	012-STP STOOP Comments1: UPLAND JOSE 630-465-1159					03/18/2022
GH	_____	AM 013-REI REINSPECTION Comments1: ROUGH FRAMING JEFF -- 847-456-8082					03/21/2022
BC	_____	007-RFR ROUGH FRAMING Comments1: RAINTREE--JEFF/847-456-8082	20211167	1148 HAWK HOLLOW DR	303-2	03/16/2022	
BC	_____	008-REL ROUGH ELECTRICAL				03/16/2022	
BC	_____	009-RMC ROUGH MECHANICAL				03/16/2022	
BC	_____	010-GPL GREEN PLATE INSPECTION				03/16/2022	
PR	_____	011-PLR PLUMBING - ROUGH Comments1: RAINTREE -- JEFF/ 847-456-8082					03/16/2022
GH	_____	012-INS INSULATION Comments1: JEFF/847-456-8082 -- SEE INSPECTION REPO Comments2: RT					03/18/2022
GH	_____	013-STP STOOP Comments1: UPLAND JOSE 630-465-1159					03/18/2022
BF	_____	007-RFR ROUGH FRAMING Comments1: RAINTREE --JEFF 847-456-8082 -- SEE INSP Comments2: ECTION REPORT	20211168	1152 HAWK HOLLOW DR	303-1		03/14/2022
BF	_____	008-REL ROUGH ELECTRICAL Comments1: SEE INSPECTION REPORT					03/14/2022
BF	_____	009-RMC ROUGH MECHANICAL					03/14/2022
BF	_____	010-GPL GREEN PLATE INSPECTION				03/14/2022	
PBF	_____	011-PLR PLUMBING - ROUGH Comments1: RAINTREE -- JEFF/847-456-8082					03/14/2022
GH	_____	012-INS INSULATION Comments1: JEFF-847-456-8082					03/17/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BC		013-REI REINSPECTION Comments1: JEFF 847-456-8082					03/16/2022
GH		014-STP STOOP Comments1: UPLAND JOSE 630-465-1159					03/18/2022
PR		013-FIN FINAL INSPECTION Comments1: JEFF -- 847-456-8082	20211179	1151 HAWK HOLLOW DR	306		03/21/2022
PR		014-FEL FINAL ELECTRIC					03/21/2022
PR		015-FMC FINAL MECHANICAL					03/21/2022
PR		016-PLF PLUMBING - FINAL OSR READ					03/21/2022
EEI		017-EFL ENGINEERING - FINAL INSPE Comments1: WINTER CONDITIONS, OK TO TEMP					03/24/2022
GH		013-FIN FINAL INSPECTION Comments1: JEFF 847-456-8082	20211180	1153 HAWK HOLLOW DR	306		03/24/2022
GH		014-FEL FINAL ELECTRIC					03/24/2022
GH		015-FMC FINAL MECHANICAL					03/24/2022
PR		016-PLF PLUMBING - FINAL OSR READ Comments1: JEFF 847-456-8082					03/24/2022
EEI		017-EFL ENGINEERING - FINAL INSPE Comments1: JEFF - 847-456-8082/WINTER CONDITIONS,OK Comments2: TO TEMP					03/24/2022
EEI		013-EFL ENGINEERING - FINAL INSPE Comments1: WINTER CONDITIONS, OK TO TEMP	20211181	1155 HAWK HOLLOW DR	306		03/24/2022
GH		014-FIN FINAL INSPECTION Comments1: JEFF- 847-456-8082				03/31/2022	
GH		015-FEL FINAL ELECTRIC Comments1: JEFF -- 847-456-8082				03/31/2022	
GH		016-FMC FINAL MECHANICAL Comments1: JEFF-- 847-456-8082				03/31/2022	
PBF		017-PLF PLUMBING - FINAL OSR READ Comments1: RAINTREE -- JEFF/847-456-8082				03/31/2022	
EEI		013-EFL ENGINEERING - FINAL INSPE Comments1: WINTER CONDITIONS/OK TO TEMP	20211182	1157 HAWK HOLLOW DR	306		03/24/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BC	_____	AM 001-FTG FOOTING	20211199	1124 HAWK HOLLOW DR	301-4		03/01/2022
BC	_____	AM 002-FOU FOUNDATION Comments1: JESUS/UPLAND 630-453-9281					03/07/2022
PR	_____	PM 003-SEW SEWER INSPECTION Comments1: CATHY 630-387-2001					03/14/2022
PR	_____	PM 004-WAT WATER Comments1: CATHY 630-387-2001					03/15/2022
BC	_____	AM 001-FTG FOOTING	20211200	1126 HAWK HOLLOW DR	301-3		03/01/2022
BC	_____	AM 002-FOU FOUNDATION Comments1: JESUS/UPLAND 630-453-9281					03/07/2022
PR	_____	PM 003-SEW SEWER INSPECTION Comments1: CATHY 630-387-2001					03/14/2022
PR	_____	PM 004-WAT WATER Comments1: CATHY 630-387-2001					03/15/2022
BC	_____	001-FTG FOOTING	20211201	1128 HAWK HOLLOW DR	301-2		03/01/2022
BC	_____	AM 002-FOU FOUNDATION Comments1: JESUS/UPLAND 630-453-9281					03/07/2022
PR	_____	PM 003-SEW SEWER INSPECTION Comments1: CATHY 630-387-2001					03/14/2022
PR	_____	PM 004-WAT WATER Comments1: CATHY 630-387-2001					03/15/2022
BC	_____	001-FTG FOOTING	20211202	1132 HAWK HOLLOW DR	301-1		03/01/2022
BC	_____	AM 002-FOU FOUNDATION Comments1: JESUS/UPLAND 630-453-9281					03/07/2022
PR	_____	PM 003-SEW SEWER INSPECTION Comments1: CATHY 630-387-2001					03/14/2022
PR	_____	PM 004-WAT WATER Comments1: CATHY 630-387-2001					03/15/2022
GH	_____	010-STP STOOP Comments1: COMEX 847-551-9066	20211209	2266 RICHMOND AVE	472		03/04/2022
BF	_____	011-RFR ROUGH FRAMING Comments1: LENNAR 847-456-8082 -- SEE INPSECTION RE Comments2: PORT					03/17/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BF		012-REL ROUGH ELECTRICAL Comments1: LENNAR 847-456-8082					03/17/2022
BF		013-RMC ROUGH MECHANICAL Comments1: LENNAR 847-456-8082					03/17/2022
PBF		014-PLR PLUMBING - ROUGH Comments1: LENNAR 847-456-8082					03/17/2022
GH		015-INS INSULATION Comments1: LENNAR 847-456-8082 -- SEE INSPECTION RE Comments2: PORT					03/21/2022
GH		010-STP STOOP Comments1: COMEX 847-551-9066 -- SEE INSPECTION REP Comments2: ORT	20211210	2252 RICHMOND AVE	471		03/04/2022
BC		011-RFR ROUGH FRAMING Comments1: JEFF- 847-456-8082					03/14/2022
BC		012-REL ROUGH ELECTRICAL					03/14/2022
BC		013-RMC ROUGH MECHANICAL					03/14/2022
PBF		014-PLR PLUMBING - ROUGH Comments1: RAINTREE VILLAGE JEFF 847-456-8082					03/14/2022
GH		015-INS INSULATION Comments1: JEFF--847-456-8082 -- SEE INSPECTION REP Comments2: ORT					03/16/2022
PR		008-RFR ROUGH FRAMING Comments1: SEE INSPECTION REORT	20211211	2201 COUNTRY HILL DR	470		03/02/2022
PR		009-REL ROUGH ELECTRICAL					03/02/2022
PR		010-RMC ROUGH MECHANICAL					03/02/2022
PR		011-PLR PLUMBING - ROUGH					03/02/2022
GH		012-INS INSULATION Comments1: SEE INSPECTION REPORT					03/04/2022
GH		014-STP STOOP Comments1: COMEX 847-551-9066					03/04/2022
BC		014-STP STOOP Comments1: FRONT	20211212	2221 COUNTRY HILLS DR	469		03/02/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____ AM	015-STP STOOP Comments1: COMEX 847-551-9066				03/04/2022	
GH	_____ AM	007-STP STOOP Comments1: FRONT -- DAWN 630-232-2255	20211229	3848 BAILEY RD	1191		03/11/2022
GH	_____ AM	007-STP STOOP Comments1: FRONT - DAWN 630-232-2255	20211230	3846 BAILEY RD	1192		03/11/2022
GH	_____ AM	007-STP STOOP Comments1: FRONT -- DAWN 630-232-2255	20211231	3844 BAILEY RD	1193		03/11/2022
GH	_____ AM	007-STP STOOP Comments1: FRONT -- DAWN 630-232-2255	20211232	3842 BAILEY RD	1194		03/11/2022
GH	_____	014-FIN FINAL INSPECTION Comments1: JEFF--847-456-8082	20211240	601 ASHWORTH LN	514		03/03/2022
GH	_____	015-FEL FINAL ELECTRIC					03/03/2022
GH	_____	016-FMC FINAL MECHANICAL					03/03/2022
PR	_____	017-PLF PLUMBING - FINAL OSR READ Comments1: JEFF -- 847-456-8082					03/03/2022
EEI	_____	018-EFL ENGINEERING - FINAL INSPE Comments1: WINTER CONDITIONS, OK TO TEMP					03/03/2022
GH	_____ AM	019-WK SERVICE WALK Comments1: MIDWEST 815-839-8175	20211244	2902 ALDEN AVE	323		03/23/2022
BF	_____ AM	018-WK SERVICE WALK Comments1: MIDWEST 815-839-8175	20211245	2898 ROOD ST	303		03/22/2022
GH	_____ AM	008-STP STOOP Comments1: FRONT AND REAR 847-551-9066	20211246	621 ASHWORTH LN	513		03/16/2022
GH	_____ AM	018-PWK PRIVATE WALKS	20211258	2067 ABERDEEN CT	101		03/21/2022
BF	_____	016-FIN FINAL INSPECTION Comments1: ANDREW 331-431-7342	20211272	4822 W MILLBROOK CIR	11		03/11/2022
BF	_____	017-FEL FINAL ELECTRIC Comments1: ANDREW 331-431-7342					03/11/2022
BF	_____	018-FMC FINAL MECHANICAL Comments1: ANDREW 331-431-7342					03/11/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PBF		019-PLF PLUMBING - FINAL OSR READ Comments1: ANDREW 331-431-7342					03/11/2022
EEI		020-EFL ENGINEERING - FINAL INSPE Comments1: WINTER CONDITIONS, OK TO TEMP					03/11/2022
PR	AM	014-FIN FINAL INSPECTION Comments1: CARMELLA--630-364-0224	20211282	2861 CRYDER WAY	475		03/23/2022
PR	AM	015-FEL FINAL ELECTRIC					03/23/2022
PR	AM	016-FMC FINAL MECHANICAL					03/23/2022
PR	AM	017-PLF PLUMBING - FINAL OSR READ Comments1: CARMELLA 630-364-0224					03/23/2022
GH	AM	014-STP STOOP Comments1: REAR -- JOSE 630-465-1159	20211290	2464 JUSTICE CT	622		03/15/2022
GH	AM	012-STP STOOP Comments1: FRONT AND REAR/JOSE 630-465-1159	20211291	2462 JUSTICE CT	623		03/15/2022
GH	AM	008-STP STOOP Comments1: FRONT AND REAR -- JOSE 630-465-1159	20211292	3108 JUSTICE DR	624		03/15/2022
BF		009-RFR ROUGH FRAMING Comments1: CHRIS 224-358-1606 -- SEE INSPECTION REP Comments2: ORT					03/17/2022
BF		010-REL ROUGH ELECTRICAL					03/17/2022
BF		011-RMC ROUGH MECHANICAL					03/17/2022
PBF		012-PLR PLUMBING - ROUGH Comments1: CHRIS 224-358-1606					03/17/2022
BF		013-INS INSULATION Comments1: GRANDE RESERVE -- CHRIS -- 224-358-1606					03/21/2022
GH		019-WK SERVICE WALK	20211308	2082 WHITEKIRK LN	99		03/22/2022
GH		009-STP STOOP Comments1: COMEX 847-551-9066	20211309	2274 RICHMOND AVE	473		03/04/2022
GH		010-RFR ROUGH FRAMING Comments1: JEFF 847-456-8082 -- SEE INSPECTION REPO Comments2: RT					03/28/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____	011-REL ROUGH ELECTRICAL					03/28/2022
GH	_____	012-RMC ROUGH MECHANICAL					03/28/2022
PR	_____	013-PLR PLUMBING - ROUGH					03/28/2022
		Comments1: JEFF 847-456-8082					
GH	_____	014-INS INSULATION					03/30/2022
		Comments1: JEFF 847-456-8082					
GH	_____	013-FIN FINAL INSPECTION	20211310	2875 ROOD ST	319		03/02/2022
GH	_____	014-FEL FINAL ELECTRIC					03/02/2022
GH	_____	015-FMC FINAL MECHANICAL					03/02/2022
PR	_____	016-PLF PLUMBING - FINAL OSR READ					03/02/2022
EEI	_____	017-EFL ENGINEERING - FINAL INSPE					03/02/2022
		Comments1: WINTER CONDITIONS					
GH	_____ AM	018-WK SERVICE WALK					03/23/2022
		Comments1: MIDWEST 815-839-8175					
GH	_____	013-FIN FINAL INSPECTION	20211311	2898 ALDEN AVE	324		03/10/2022
		Comments1: JIM -- 331-223-6615 SEE INSPECTION REPO					
		Comments2: RT					
GH	_____	014-FEL FINAL ELECTRIC					03/10/2022
GH	_____	015-FMC FINAL MECHANICAL					03/10/2022
PBF	_____	016-PLF PLUMBING - FINAL OSR READ					03/10/2022
		Comments1: JIM 331-223-6615					
EEI	_____	017-EFL ENGINEERING - FINAL INSPE					03/10/2022
		Comments1: WINTER CONDITIONS, OK TO TEMP					
GH	_____ AM	018-WK SERVICE WALK					03/23/2022
		Comments1: MIDWEST 815-839-8175					
GH	_____	010-STP STOOP	20211312	2282 RICHMOND AVE	474		03/04/2022
		Comments1: COMEX 847-551-9066					
PBF	_____ PM	011-SUM SUMP					03/18/2022
		Comments1: VERUNA 630-387-2001					
BF	_____	012-RFR ROUGH FRAMING					03/23/2022
		Comments1: JEFF -- 847-456-8082					

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BF	_____	013-REL ROUGH ELECTRICAL					03/23/2022
BF	_____	014-RMC ROUGH MECHANICAL					03/23/2022
PBF	_____	015-PLR PLUMBING - ROUGH Comments1: JEFF 847-456-8082					03/23/2022
GH	_____	016-INS INSULATION Comments1: JEFF 847-456-8082					03/25/2022
PBF	_____	006-PLU PLUMBING - UNDERSLAB Comments1: RAINTREE -- 847-456-8082	20211318	2288 RICHMOND AVE	475		03/03/2022
GH	_____	AM 007-PPS PRE-POUR, SLAB ON GRADE Comments1: BASEMENT & FRONT STOOP COMEX 847-551-906 Comments2: 6					03/04/2022
BF	_____	008-RFR ROUGH FRAMING Comments1: JEFF 847-456-8082--SEE INSPECTION REPORT					03/31/2022
BF	_____	009-REL ROUGH ELECTRICAL					03/31/2022
BF	_____	010-RMC ROUGH MECHANICAL					03/31/2022
PBF	_____	011-PLR PLUMBING - ROUGH Comments1: JEFF 847-456-8082				03/31/2022	
BF	_____	AM 008-BSM BASEMENT FLOOR Comments1: OSCAR 847-551-9066	20211319	581 ASHWORTH LN	515		03/17/2022
BF	_____	015-FIN FINAL INSPECTION Comments1: ANDREW/RYAN 331-431-7342	20211329	4838 W MILLBROOK CIR	9		03/23/2022
BF	_____	016-FEL FINAL ELECTRIC Comments1: ANDREW/RYAN 331-431-7342					03/23/2022
BF	_____	017-FME FINAL MECHANICAL Comments1: ANDREW/RYAN 331-431-7342					03/23/2022
PBF	_____	018-PLF PLUMBING - FINAL OSR READ Comments1: ANDREW/RYAN 331-431-7342					03/23/2022
E EI	_____	019-EFL ENGINEERING - FINAL INSPE Comments1: WINTER CONDITIONS,OK TO TEMP					03/24/2022
BF	_____	AM 005-ELE ELECTRIC SERVICE Comments1: 630-365-7229	20211332	4028 BRADY ST	6		03/28/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BF	_____ AM	005-ELE ELECTRIC SERVICE	20211333	4026 BRADY ST	6		03/28/2022
		Comments1: 630-365-7229					
BF	_____ AM	009-ELE ELECTRIC SERVICE	20211334	4003 BRADY ST	8		03/28/2022
		Comments1: 630-365-7229					
BF	_____ AM	009-ELE ELECTRIC SERVICE	20211335	4005 BRADY ST	8		03/28/2022
		Comments1: 630-365-7229					
OFD	_____	015-HYD HYDRO TEST	20211336	4043 BRADY ST	10		03/01/2022
OFD	_____	015-HYD HYDRO TEST	20211337	4045 BRADY ST	10		03/01/2022
BF	_____ AM	015-INS INSULATION	20211338	4065 BRADY ST	11		03/02/2022
BF	_____ PM	016-REI REINSPECTION					03/03/2022
		Comments1: INSULATION -- GRANDE RESERVE -- 630-365-					
		Comments2: 7229					
OFD	_____	017-HYD HYDRO TEST					03/17/2022
BF	_____ AM	015-INS INSULATION	20211339	4063 BRADY ST	11		03/02/2022
BF	_____ PM	016-REI REINSPECTION					03/03/2022
		Comments1: INSULATION GRANDE RESERVE -- 630-365-72					
		Comments2: 29					
BF	_____ PM	009-RFR ROUGH FRAMING	20211340	4085 BRADY ST	12		03/03/2022
		Comments1: GRANDE RESERVE 630-365-7229					
BF	_____ PM	010-REL ROUGH ELECTRICAL					03/03/2022
BF	_____ PM	011-RMC ROUGH MECHANICAL					03/03/2022
PBF	_____ PM	012-PLR PLUMBING - ROUGH					03/03/2022
		Comments1: GRANDE RESERVE -- 630-365-7229 -- SEE IN					
		Comments2: SPECTION REPORT					
BF	_____ AM	013-INS INSULATION					03/08/2022
		Comments1: GRANDE RESERVE 630-365-7229 -- SEE INSPE					
		Comments2: TION REPORT					
OFD	_____	014-HYD HYDRO TEST					03/17/2022
BF	_____ PM	009-RFR ROUGH FRAMING	20211341	4083 BRADY ST	12		03/03/2022
		Comments1: GRANDE RESERVE 630-365-7229					
BF	_____ PM	010-REL ROUGH ELECTRICAL					03/03/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BF	_____	PM 011-RMC ROUGH MECHANICAL					03/03/2022
PBF	_____	PM 012-PLR PLUMBING - ROUGH Comments1: GRANDE RESERVE -- 630-365-7229					03/03/2022
BF	_____	AM 013-INS INSULATION Comments1: GRANDE RESERVE -630-365-7229 -- SEE INSP Comments2: ECTION REPORT					03/08/2022
OFD	_____	014-HYD HYDRO TEST					03/17/2022
PR	_____	006-PLU PLUMBING - UNDERSLAB Comments1: GARY 630-977-1868	20211375	807 ALEXANDRA LN	11		03/14/2022
BF	_____	007-BSM BASEMENT FLOOR Comments1: GARY/MARKER 630-977-1868					03/21/2022
GH	_____	AM 003-FOU FOUNDATION Comments1: UPLAND 630-453-9281	20211397	3155 JUSTICE DR	695		03/01/2022
BC	_____	004-BKF BACKFILL Comments1: CHRIS/DRHORTON 224-358-1606					03/04/2022
PR	_____	PM 005-WSS WATER & STORM SEWER Comments1: TERY-847-526-3788					03/09/2022
BC	_____	003-BKF BACKFILL Comments1: CHRIS/DRHORTON 224-358-1606	20211398	3151 JUSTICE DR	694		03/04/2022
PR	_____	PM 004-WSS WATER & STORM SEWER Comments1: TERRY 847-526-3788					03/09/2022
GH	_____	011-INS INSULATION Comments1: SEE INSPECTION REPORT	20211401	3365 SEELEY ST	806		03/01/2022
GH	_____	007-RFR ROUGH FRAMING Comments1: 224-358-1606 -- ANCHOR BOLTS TO BE REINS Comments2: PECTED AT INSULATION	20211402	3369 SEELEY ST	807		03/08/2022
GH	_____	008-REL ROUGH ELECTRICAL					03/08/2022
GH	_____	009-RMC ROUGH MECHANICAL					03/08/2022
PR	_____	010-PLR PLUMBING - ROUGH Comments1: 224-358-1606					03/08/2022
GH	_____	011-INS INSULATION Comments1: CHRIS 224-358-1606 **CANCEL**				03/10/2022	

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH		012-INS INSULATION Comments1: CHRIS 224-358-1606					03/11/2022
GH		013-REI REINSPECTION Comments1: ANCHOR BOLTS					03/11/2022
BF	AM	005-ELE ELECTRIC SERVICE Comments1: 630-365-7229	20211411	4006 BRADY ST	7		03/28/2022
BF	AM	005-ELE ELECTRIC SERVICE Comments1: 630-365-7229	20211412	4008 BRADY ST	7		03/28/2022
BC		003-FIN FINAL INSPECTION Comments1: DECK -- DUSTIN 630-461-8361	20211428	362 WESTWIND DR	11		03/16/2022
BC		006-GPL GREEN PLATE INSPECTION Comments1: 847-456-8082	20211435	2182 FAIRFAX WAY	510		03/04/2022
PR		007-PLU PLUMBING - UNDERSLAB Comments1: JEFF 847-456-8082					03/10/2022
BC		005-RFR ROUGH FRAMING Comments1: DAVE/MCCUE 630-878-5792	20211438	1965 MEADOWLARK LN	125		03/07/2022
BC		006-REL ROUGH ELECTRICAL					03/07/2022
BC		007-RMC ROUGH MECHANICAL					03/07/2022
PR		008-PLR PLUMBING - ROUGH Comments1: DAVE/MCCUE 630-878-5792					03/07/2022
PR		009-PLU PLUMBING - UNDERSLAB					03/07/2022
BC		010-BSM BASEMENT FLOOR Comments1: 630-273-5932					03/08/2022
GH		011-INS INSULATION Comments1: DAVID 630-878-5792 -- SEE INSPECTION REP Comments2: ORT					03/09/2022
BC		007-GPL GREEN PLATE INSPECTION Comments1: CHRIS/DR HORTON 224-358-1606	20211454	3102 JUSTICE DR	627		03/08/2022
GH	AM	008-BSM BASEMENT FLOOR Comments1: ZACH -- 224-340-5860					03/16/2022
GH	AM	007-BSM BASEMENT FLOOR Comments1: UPLAND JOSE 630-465-1159	20211455	3106 JUSTICE DR	625		03/03/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BF		008-RFR ROUGH FRAMING Comments1: CHRIS 224-358-1606					03/23/2022
BF		009-REL ROUGH ELECTRICAL					03/23/2022
BF		010-RMC ROUGH MECHANICAL					03/23/2022
PBF		011-PLR PLUMBING - ROUGH Comments1: CHRIS 224-358-1606					03/23/2022
BF		012-INS INSULATION Comments1: CHRIS -- 224-358-1606					03/28/2022
GH	PM	013-PPS PRE-POUR, SLAB ON GRADE Comments1: JOSE UPLAND 630-465-1159 GAR & STOOPS					03/29/2022
GH	AM	007-BSM BASEMENT FLOOR Comments1: JOSE 630-465-1159	20211456	3104 JUSTICE DR	626		03/15/2022
GH	PM	008-PPS PRE-POUR, SLAB ON GRADE Comments1: JOSE UPLAND 630-465-1159 GAR & STOOPS					03/29/2022
BC		007-GPL GREEN PLATE INSPECTION Comments1: CHRIS- 224-358-1606-- 2ND GPL INSPECT. Comments2: REQUIRED AT ROUGH	20211458	3356 SEELEY ST	726		03/09/2022
PBF		005-PLU PLUMBING - UNDERSLAB Comments1: GRANDE RESERVE -- CHRIS 224-358-1606	20211459	3801 BISSEL DR	122-1		03/15/2022
GH	AM	006-PPS PRE-POUR, SLAB ON GRADE Comments1: AND GARAGE ---WEST SUBURBAN--630-232-225 Comments2: 5					03/29/2022
PBF		005-PLU PLUMBING - UNDERSLAB Comments1: GRANDE RESERVE --CHRIS 224-358-1606	20211460	3803 BISSEL DR	122-2		03/15/2022
GH	AM	007-PPS PRE-POUR, SLAB ON GRADE Comments1: AND GARAGE--WEST SUBURBAN 630-232-2255					03/29/2022
PBF		005-PLU PLUMBING - UNDERSLAB Comments1: GRANDE RESERVE -- CHRIS 224-358-1606	20211461	3805 BISSEL DR	122-3		03/15/2022
GH	AM	007-PPS PRE-POUR, SLAB ON GRADE Comments1: AND GARAGE -- WEST SUBURBAN 630-232-225 Comments2: 5					03/29/2022
PBF		005-PLU PLUMBING - UNDERSLAB Comments1: GRANDE RESERVE -- CHRIS 224-358-1606	20211462	3807 BISSEL DR	122-4		03/15/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____ AM	007-PPS PRE-POUR, SLAB ON GRADE Comments1: AND GARAGE --WEST SUBURBAN 630-232-2255					03/29/2022
PBF	_____	005-PLU PLUMBING - UNDERSLAB Comments1: GRANDE RESERVE -- CHRIS 224-358-1606	20211463	3809 BISSEL DR	122-5		03/15/2022
GH	_____ AM	007-PPS PRE-POUR, SLAB ON GRADE Comments1: WEST SUBURBAN 630-232-2255					03/29/2022
BC	_____ AM	014-GAR GARAGE FLOOR Comments1: CANCELLED	20211480	4814 W MILLBROOK CIR	12	03/04/2022	
BC	_____	015-PPS PRE-POUR, SLAB ON GRADE Comments1: GARAGE FLOOR AND STOOPS					03/03/2022
BF	_____ AM	005-BKF BACKFILL	20211483	641 ASHWORTH LN	512		03/02/2022
PBF	_____	006-PLU PLUMBING - UNDERSLAB Comments1: RAINTREE - JEFF 847-456-8082					03/18/2022
PBF	_____	007-PLU PLUMBING - UNDERSLAB Comments1: RAINTREE 847-456-8082	20211484	2276 FAIRFAX WAY	503		03/04/2022
BC	_____	008-BSM BASEMENT FLOOR					03/08/2022
GH	_____ AM	009-STP STOOP Comments1: FRONT AND REAR -- 847-551-9066					03/16/2022
BF	_____ AM	001-FTG FOOTING Comments1: JUAN 847-551-9066	20211486	661 ASHWORTH LN	511		03/31/2022
BC	_____ AM	001-FTG FOOTING	20211487	2282 FAIRFAX WAY	502		03/03/2022
BF	_____ AM	002-FOU FOUNDATION Comments1: RAINTREE --JUAN/847-551-9066					03/14/2022
PBF	_____ PM	003-ESW ENGINEERING - SEWER / WAT Comments1: VERUNA 630-387-2001					03/18/2022
BF	_____ AM	004-BKF BACKFILL Comments1: COMEX 847-551-9066					03/21/2022
BF	_____ AM	001-FTG FOOTING Comments1: JUAN 847-551-9066	20211488	2222 FAIRFAX WAY	507		03/31/2022
PR	_____ PM	001-ESW ENGINEERING - SEWER / WAT Comments1: JOHN JR/JOHN'S EXCAVATING 815-444-8100	20211517	1133 TAUS CIR	108		03/28/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____	AM 013-GAR GARAGE FLOOR	20211528	2142 WHITEKIRK LN	107		03/01/2022
GH	_____	AM 014-PWK PRIVATE WALKS Comments1: MIDWEST 815-839-8175					03/21/2022
BF	_____	AM 017-PPS PRE-POUR, SLAB ON GRADE Comments1: GARAGE AND STOOPS-- PRESTWICK --815-839- Comments2: 8175	20211529	2162 WHITEKIRK LN	108		03/03/2022
GH	_____	AM 018-PWK PRIVATE WALKS Comments1: MIDWEST 815-839-8175					03/21/2022
GH	_____	014-FIN FINAL INSPECTION Comments1: STEVE/KHOV 630-546-1085	20211530	2112 WHITEKIRK LN	105		03/17/2022
GH	_____	015-FEL FINAL ELECTRIC Comments1: STEVE/KHOV 630-546-1085					03/17/2022
GH	_____	016-FME FINAL MECHANICAL Comments1: STEVE/KHOV 630-546-1085					03/17/2022
PBF	_____	017-PLF PLUMBING - FINAL OSR READ Comments1: STEVE/KHOV 630-546-1085					03/17/2022
EEI	_____	018-EFL ENGINEERING - FINAL INSPE Comments1: WINTER CONDITIONS, OK TO TEMP					03/18/2022
GH	_____	AM 019-PWK PRIVATE WALKS Comments1: MIDWEST 815-839-8175					03/21/2022
GH	_____	020-PPS PRE-POUR, SLAB ON GRADE Comments1: DECK PAD					03/21/2022
BF	_____	AM 014-PPS PRE-POUR, SLAB ON GRADE Comments1: GARAGE AND STOOPS -- PRESTWICK-- 815-839 Comments2: -8175	20211531	2122 WHITEKIRK LN	106		03/03/2022
GH	_____	015-PWK PRIVATE WALKS Comments1: MIDWEST 815-839-8175					03/21/2022
GH	_____	016-PPS PRE-POUR, SLAB ON GRADE Comments1: DECK PAD					03/21/2022
PR	_____	017-FIN FINAL INSPECTION Comments1: STEVE 630-546-1085					03/28/2022
PR	_____	018-FEL FINAL ELECTRIC					03/28/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____	019-FMC FINAL MECHANICAL					03/28/2022
PR	_____	020-PLF PLUMBING - FINAL OSR READ Comments1: STEVE 630-546-1085					03/28/2022
EEI	_____	021-EFL ENGINEERING - FINAL INSPE Comments1: STEVE 630-546-1085 -- WINTER CONDITIONS, Comments2: OK TO TEMP					03/28/2022
BF	_____ AM	001-FTG FOOTING Comments1: MIDWEST 815-839-8175	20211572	2702 NICKERSON CT	171		03/24/2022
BF	_____ PM	002-FOU FOUNDATION Comments1: MIDWEST 815-839-8175 (((CANCELLED)))				03/25/2022	
BF	_____ AM	003-FOU FOUNDATION Comments1: MIDWEST 815-839-8175					03/28/2022
EEI	_____	014-EFL ENGINEERING - FINAL INSPE Comments1: WINTER CONDITIONS--JIM 331-223-6615 -- O Comments2: UTSIDE READER NOT YET INSTALLED	20211573	2881 ALDEN AVE	293		03/16/2022
GH	_____	015-FIN FINAL INSPECTION Comments1: JIM -- 331-223-6615 -- SEE INSPECTION RE Comments2: PORT					03/25/2022
GH	_____	016-FEL FINAL ELECTRIC Comments1: SEE INSPECTION REPORT					03/25/2022
GH	_____	017-FMC FINAL MECHANICAL					03/25/2022
PR	_____	018-PLF PLUMBING - FINAL OSR READ Comments1: HIM 331-223-6615					03/25/2022
GH	_____ AM	019-WK SERVICE WALK Comments1: MIDWEST 815-839-8175					03/23/2022
PR	_____ AM	001-RFR ROUGH FRAMING Comments1: CALL WITH TIME OF ARRIVAL -- RICK FRENCH Comments2: 262-744-3092	20211599	945 ERICA LN			03/24/2022
PR	_____ AM	002-UGE UNDERGROUND ELECTRIC Comments1: FRANK SEPHORA 630-329-3435					03/23/2022
PR	_____ AM	003-REL ROUGH ELECTRICAL Comments1: FRANK SEPHORA/KOHL 630-329-3435					03/28/2022
GH	_____	001-FIN FINAL INSPECTION Comments1: WINDOW -- SAMANTHA--603-521-0444 -- SEE Comments2: INSPECTION REPORT	20211601	1610 JOHN ST	132		03/07/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____ AM	013-GAR GARAGE FLOOR	20211605	2056 DUNBAR CT	94		03/17/2022
		Comments1: GARAGE AND FRONT ---- MIDWEST	815-839-8				
		Comments2: 175 -- SEE INSPECTION REPORT					
GH	_____	014-STP STOOP					03/17/2022
GH	_____ AM	015-WK SERVICE WALK					03/29/2022
		Comments1: MIDWESTERN 815-839-8175					
BF	_____ AM	001-FTG FOOTING	20211606	2716 POTTER CT	148		03/17/2022
		Comments1: GRANDE RESERVE -- MIDWEST	815-839-8175				
BF	_____ AM	002-FOU FOUNDATION					03/21/2022
		Comments1: MIDWEST 815-839-8175					
BF	_____ AM	003-BKF BACKFILL					03/24/2022
		Comments1: MIDWEST 815-839-8175					
PBF	_____	004-WAT WATER					03/25/2022
		Comments1: GRANDE RESERVE AL'S 630-492-7635					
E EI	_____	015-EFL ENGINEERING - FINAL INSPE	20211607	3002 MCLELLAN BLVD	526		03/16/2022
		Comments1: WINTER CONDITIONS , OK TO TEMP--	JIM 331				
		Comments2: -223-6615					
GH	_____ AM	016-PWK PRIVATE WALKS					03/23/2022
PBF	_____	005-PLU PLUMBING - UNDERSLAB	20211660	2362 RICHMOND AVE	480		03/09/2022
		Comments1: RAINTREE VILLAGE --JEFF--	847-456-8082				
BF	_____ AM	006-BSM BASEMENT FLOOR					03/17/2022
		Comments1: OSCAR -- 847-551-9066					
GH	_____	001-FIN FINAL INSPECTION	20211669	803 PRAIRIE CROSSING DR	179		03/09/2022
		Comments1: WINDOWS -ADAM 563-370-3246					
NL	12:00	003-PHF POST HOLE - FENCE	20211672	2251 FAIRFAX WAY	376		03/02/2022
		Comments1: PARAMOUNT 630-406-8410					
PR	_____	008-RFR ROUGH FRAMING	20211676	2722 POTTER CT	145		03/08/2022
		Comments1: ANDREW 331-431-7342					
PR	_____	009-REL ROUGH ELECTRICAL					03/08/2022
		Comments1: ANDREW 331-431-7342					
PR	_____	010-RMC ROUGH MECHANICAL					03/08/2022
		Comments1: ANDREW 331-431-7342					

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR		011-PLR PLUMBING - ROUGH Comments1: ANDREW 331-431-7342					03/08/2022
GH		012-INS INSULATION Comments1: ANDREW 331-431-7342/SEE INSPECTION REPOR Comments2: T					03/10/2022
GH	AM	013-PPS PRE-POUR, SLAB ON GRADE Comments1: GARAGE & STOOP -- MIDWEST 815-839-8175					03/17/2022
BF		014-RFR ROUGH FRAMING Comments1: DECK--ANDREW 331-431-7342					03/28/2022
BF	AM	009-PPS PRE-POUR, SLAB ON GRADE Comments1: GARAGE AND STOOPS -815-839-8175(((CANCE Comments2: LLED))))	20211683	2892 ROOD ST	304	03/03/2022	
GH	PM	010-PPS PRE-POUR, SLAB ON GRADE Comments1: GARAGE AND STOOPS					03/04/2022
GH		011-RFR ROUGH FRAMING Comments1: JIM--331-223-6625 -- SEE INSPECTION REPO Comments2: RT					03/15/2022
GH		012-REL ROUGH ELECTRICAL					03/15/2022
GH		013-RMC ROUGH MECHANICAL					03/15/2022
PR		014-PLR PLUMBING - ROUGH Comments1: JIM--331-223-6615					03/15/2022
GH		015-INS INSULATION Comments1: JIM 331-223-6615 -- SEE INSPECTION REPOR Comments2: T					03/17/2022
GH	AM	016-WK SERVICE WALK Comments1: MIDWEST 815-839-8175					03/23/2022
BC	PM	001-FTG FOOTING	20211684	2717 POTTER CT	140		03/10/2022
BF	PM	002-FOU FOUNDATION Comments1: GRANDE RESERVE -- HANNAH 815-839-8175					03/11/2022
BC	AM	003-BKF BACKFILL Comments1: HANNAH 815-839-8175					03/15/2022
PR	PM	004-WAT WATER Comments1: AL'S FAM 630-492-7635					03/16/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PBF		005-PLU PLUMBING - UNDERSLAB					03/23/2022
		Comments1: ANDREW/RYAN 331-431-7342					
BF	AM	006-PPS PRE-POUR, SLAB ON GRADE				03/24/2022	
		Comments1: BASEMENT, GARAGE AND STOOPS -- MIDWEST 8					
		Comments2: 15-839-8175 ((CANCELLED))					
BF	PM	007-PPS PRE-POUR, SLAB ON GRADE					03/25/2022
		Comments1: BASEMENT, GARAGE AND STOOPS -- MIDWEST 8					
		Comments2: 15-839-8175					
GH	AM	010-GAR GARAGE FLOOR	20211685	3063 GRANDE TR	556		03/01/2022
GH	AM	011-STP STOOP					03/01/2022
		Comments1: FRONT					
GH	AM	012-REI REINSPECTION					03/02/2022
		Comments1: REAR STOOP					
GH	AM	013-STP STOOP					03/01/2022
		Comments1: REAR STOOP					
GH		014-RFR ROUGH FRAMING					03/16/2022
		Comments1: JIM -- 331-223-6615-- SEE INSPECTION REP					
		Comments2: ORT					
GH		015-REL ROUGH ELECTRICAL					03/16/2022
GH		016-RMC ROUGH MECHANICAL					03/16/2022
PR		017-PLR PLUMBING - ROUGH					03/16/2022
		Comments1: JIM -- 331-223-6615					
GH		018-INS INSULATION					03/18/2022
GH	AM	019-WK SERVICE WALK					03/23/2022
		Comments1: MIDWEST 815-839-8175					
PR		009-RFR ROUGH FRAMING	20211686	3053 GRANDE TR	558		03/03/2022
PR		010-REL ROUGH ELECTRICAL					03/03/2022
PR		011-RMC ROUGH MECHANICAL					03/03/2022
PR		012-PLR PLUMBING - ROUGH					03/03/2022
GH		013-INS INSULATION					03/07/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
EEI		015-EFL ENGINEERING - FINAL INSPE					03/16/2022
		Comments1: WINTER CONDITIONS, OK TO TEMP - JIM 331-					
		Comments2: 223-6615					
GH		AM 016-WK SERVICE WALK					03/23/2022
		Comments1: MIDWEST 815-839-8175					
BF		AM 017-BG BASEMENT AND GARAGE FLOOR				03/31/2022	
		Comments1: MIDWEST 815-839-8175					
PR		AM 007-FIN FINAL INSPECTION	20211688	2504 LYMAN LOOP	77	03/23/2022	
		Comments1: AM KITCHEDN 630-933-9323					
PR		AM 008-FEL FINAL ELECTRIC				03/23/2022	
		Comments1: AM KITCHEDN 630-933-9323					
PR		AM 009-PLF PLUMBING - FINAL OSR READ					03/23/2022
		Comments1: AM KITCHEDN 630-933-9323					
MT		002-OCC OCCUPANCY INSPECTION	20211703	306 E VETERANS PKWY		03/24/2022	
		Comments1: (((CANCELLED)))					
GH		003-OCC OCCUPANCY INSPECTION					03/24/2022
		Comments1: YORKTOWN VAPE ADAM 773-319-7768--312-45					
		Comments2: 9-7486 -- SEE INSPECTION REPORT					
GH		004-REI REINSPECTION					03/28/2022
		Comments1: OCCUPANCY ADAM 773-319-7768 OR 312-459-					
		Comments2: 7486					
MT		005-FFD BKFD FINAL INSPECTION					03/28/2022
GH	10:30	001-PHF POST HOLE - FENCE	20211705	889 GILLISPIE LN	120		03/08/2022
		Comments1: ACOSTA 815-255-2132					
GH	10:30	001-PHF POST HOLE - FENCE	20211706	907 GILLEPSPIE LN	115		03/08/2022
		Comments1: ACOSTA 815-255-2132 -- SEE INSPECTION RE					
		Comments2: PORT					
BF		AM 001-FIN FINAL INSPECTION	20211708	3194 BOOMBAH BLVD	135		03/04/2022
		Comments1: SOLAR EDDY 801-837-4586**MAKE THIS THE F					
		Comments2: IRST STOP**--SEE INSPECTION REPORT					
BF		AM 002-FEL FINAL ELECTRIC					03/04/2022
GH		AM 004-FIN FINAL INSPECTION	20211709	1212 HAWK HOLLOW DR		03/31/2022	
		Comments1: VICTOR/MATRIX 773-876-2605					

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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____ AM	005-FEL FINAL ELECTRIC				03/31/2022	
		Comments1: VICTOR/MATRIX 773-876-2605					
GH	_____ AM	006-FME FINAL MECHANICAL				03/31/2022	
		Comments1: VICTOR/MATRIX 773-876-2605					
BC	_____	006-GPL GREEN PLATE INSPECTION	20211710	2712 NICKERSON CT	166		03/01/2022
PR	_____	007-PLU PLUMBING - UNDERSLAB					03/07/2022
		Comments1: ANDREW 331-431-7342					
PR	_____ PM	008-BSM BASEMENT FLOOR					03/07/2022
		Comments1: MDW 815-839-8175					
GH	_____ PM	009-REI REINSPECTION					03/08/2022
		Comments1: BASEMENT FLOOR-- HANNAH 815-839-8175					
PBF	_____ AM	010-WAT WATER					03/11/2022
		Comments1: AL'S FAMILY 630-492-7635 GRANDE RESERVE					
BF	_____ AM	011-PPS PRE-POUR, SLAB ON GRADE					03/24/2022
		Comments1: GARAGE AND FRONT STOOP -- MIDWEST 815-83					
		Comments2: 9-8175					
BF	_____	012-RFR ROUGH FRAMING					03/28/2022
		Comments1: ANDREW 331-431-7342-SEE INSPECTION REPOR					
		Comments2: T					
BF	_____	013-REL ROUGH ELECTRICAL					03/28/2022
		Comments1: SEE INSPECTION REPORT					
BF	_____	014-RMC ROUGH MECHANICAL					03/28/2022
		Comments1: SEE INSPECTION REPORT					
PBF	_____	015-PLR PLUMBING - ROUGH					03/28/2022
		Comments1: GRANDE RESERVE -- ANDREW 331-431-7342					
GH	_____	016-INS INSULATION					03/30/2022
		Comments1: ANDREW 331-431-7342					
PBF	_____	006-PLU PLUMBING - UNDERSLAB	20211711	3020 MCLELLAN BLVD	528	03/02/2022	
		Comments1: GRANDE RESERVE -- 331-223-6615 (((((CANC					
		Comments2: ELLED))))					
PBF	_____	007-PLU PLUMBING - UNDERSLAB					03/03/2022
		Comments1: GRANDE RESERVE -- 331-223-6615--NO ACCES					
		Comments2: S					

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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE	
PBF		008-PLU PLUMBING - UNDERSLAB					03/04/2022	
		Comments1: GRANDE RESERVE -- 331-223-6615						
BC		PM 009-BSM BASEMENT FLOOR					03/04/2022	
		Comments1: SEE INSPECTION REPORT						
GH		AM 010-GAR GARAGE FLOOR					03/16/2022	
		Comments1: MWC 815-839-8175 -- SEE INSPECTION REPO						
		Comments2: T						
GH		011-RFR ROUGH FRAMING					03/25/2022	
		Comments1: JIM -- 331-223-6615--SEE INSPECTION REPO						
		Comments2: RT						
GH		012-REL ROUGH ELECTRICAL					03/25/2022	
GH		013-RMC ROUGH MECHANICAL					03/25/2022	
PR		014-PLR PLUMBING - ROUGH					03/25/2022	
		Comments1: JIM- 331-223-6615						
GH		015-INS INSULATION					03/29/2022	
		Comments1: JIM 331-23-6615						
BF		AM 017-STP STOOP					03/22/2022	
		Comments1: MIDWEST 815-839-8175						
GH		AM 001-PHF POST HOLE - FENCE	20211713	2548 ANNA MARIA LN	593		03/15/2022	
		Comments1: MIKE -- 630-406-8410, EXT 208, after 10:						
		Comments2: 00 if possible						
BC		AM 006-GPL GREEN PLATE INSPECTION	20211725	3012 MCLELLAN BLVD	527		03/04/2022	
		Comments1: 331-223-6615						
PBF		007-PLU PLUMBING - UNDERSLAB					03/10/2022	
		Comments1: JIM/RYAN 331-223-6615 GRANDE RESERVE						
BF		AM 008-BSM BASEMENT FLOOR					03/11/2022	
		Comments1: GRANDE RESERVE -- HANNAH 815-839-8175						
GH		AM 009-GAR GARAGE FLOOR					03/16/2022	
		Comments1: MWC 815-839-8175						
BF		AM 011-STP STOOP					03/22/2022	
		Comments1: MIDWEST 815-839-8175						
GH		012-RFR ROUGH FRAMING				03/31/2022		
		Comments1: JIM 331-223-6615						

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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH		013-RMC ROUGH MECHANICAL Comments1: JIM 331-223-6615				03/31/2022	
GH		014-REL ROUGH ELECTRICAL				03/31/2022	
PBF		015-PLR PLUMBING - ROUGH Comments1: JIM 331-223-6615				03/31/2022	
BF		PM 003-BKF BACKFILL	20211726	2885 ROOD ST	320		03/02/2022
PBF		PM 004-WAT WATER Comments1: AL'S 630-492-7635					03/02/2022
PBF		AM 005-WAT WATER Comments1: AL'S GRANDE RESERVE 630-492-7635					03/04/2022
BC		AM 006-GPL GREEN PLATE INSPECTION Comments1: JIM -- 331-223-6615					03/11/2022
PR		007-PLU PLUMBING - UNDERSLAB Comments1: JIM 331-223-6615					03/15/2022
BF		AM 008-BSM BASEMENT FLOOR Comments1: MIDWEST 815-839-8175 GRANDE RESERVE					03/18/2022
BF		AM 009-PPS PRE-POUR, SLAB ON GRADE Comments1: STOOPS AND GARAGE -- MIDWEST 815-839-817 Comments2: 5					03/31/2022
PR		AM 004-PLU PLUMBING - UNDERSLAB Comments1: DAVE 630-878-5792	20211732	841 GREENFIELD TURN	48	03/15/2022	
GH		AM 005-BSM BASEMENT FLOOR Comments1: NORWOOD 630-878-6103					03/24/2022
PBF		005-PLU PLUMBING - UNDERSLAB Comments1: RAINTREE -- JEFF 847-456-8082	20211747	541 ASHWORTH LN	517		03/10/2022
GH		AM 006-BG BASEMENT AND GARAGE FLOOR Comments1: 847-551-9066					03/16/2022
BF		007-GPL GREEN PLATE INSPECTION Comments1: JEFF- 847-456-8082				03/23/2022	
BC		AM 001-FTG FOOTING Comments1: JUAN 847-551-9066	20211748	521 ASHWORTH LN	518		03/16/2022
BF		AM 002-FOU FOUNDATION Comments1: RAINTREE -- JUAN 847-551-9066					03/25/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BF	_____ AM	003-BKF BACKFILL					03/29/2022
		Comments1: JUAN 847-551-9066					
BC	_____ AM	001-FTG FOOTING	20211749	501 ASHWORTH LN	519		03/16/2022
BF	_____ AM	002-FOU FOUNDATION					03/29/2022
		Comments1: JUAN 847-551-9066					
BC	_____	005-GPL GREEN PLATE INSPECTION	20211750	2493 FAIRFIELD AVE	485		03/02/2022
PBF	_____	006-PLU PLUMBING - UNDERSLAB					03/09/2022
		Comments1: RAINTREE VILLAGE -- JEFF-847-456-8082					
BF	_____	005-ELE ELECTRIC SERVICE	20211752	936 HAYDEN DR	44		03/18/2022
		Comments1: REMY 630-379-9610					
GH	_____ AM	001-PHF POST HOLE - FENCE	20211757	2028 SQUIRE CIR	197	03/09/2022	
		Comments1: MIKE -630-406-8410, EXT 208 (((CANCELLED					
		Comments2: )))					
GH	_____ AM	002-PHF POST HOLE - FENCE					03/16/2022
		Comments1: MIKE -- 630-406-8410, EXT 208					
GH	_____ AM	001-OCC OCCUPANCY INSPECTION	20211758	210 COMMERCIAL DR C			03/22/2022
		Comments1: 9:30 AND 10:30 JEANETTE 630-742-3675					
BKF	_____ AM	002-FFD BKFD FINAL INSPECTION				03/22/2022	
		Comments1: 9:30 AND 10:30					
PBF	_____	005-PLU PLUMBING - UNDERSLAB	20220002	2333 FAIRFIELD AVE	498		03/18/2022
		Comments1: RAINTREE --JEFF 847-456-8082					
BC	_____ AM	002-FOU FOUNDATION	20220003	2327 FAIRFIELD AVE	499		03/07/2022
PR	_____ PM	003-WSS WATER & STORM SEWER				03/09/2022	
		Comments1: CATHY-630-387-2001(((CANCELLED)))					
PR	_____ PM	004-ESW ENGINEERING - SEWER / WAT					03/15/2022
		Comments1: CATHY 630-387-2001					
BC	_____ AM	005-BKF BACKFILL					03/15/2022
		Comments1: JUAN 847-551-9066					
BC	_____ AM	001-FTG FOOTING	20220004	2305 FAIRFIELD AVE	500		03/03/2022
BC	_____ AM	002-FOU FOUNDATION					03/10/2022
BC	_____ AM	003-BKF BACKFILL					03/15/2022
		Comments1: JUAN 847-551-9066					

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PBF	_____ PM	004-ESW ENGINEERING - SEWER / WAT					03/18/2022
		Comments1: VERUNA 630-387-2001					
PR	_____	005-PLU PLUMBING - UNDERSLAB	20220005	2264 FAIRFAX WAY	504		03/10/2022
		Comments1: JEFF 847-456-8082					
BC	_____ AM	006-BG BASEMENT AND GARAGE FLOOR					03/15/2022
		Comments1: OSCAR 847-551-9066					
GH	_____	007-GPL GREEN PLATE INSPECTION					03/22/2022
		Comments1: JEFF -- 847-456-8082					
BC	_____	005-REI REINSPECTION	20220006	2248 FAIRFAX WAY	505		03/01/2022
		Comments1: BACKFILL COMEX 847-551-9066					
PR	_____	006-PLU PLUMBING - UNDERSLAB					03/10/2022
		Comments1: JEFF 847-456-8082					
BC	_____ AM	007-BG BASEMENT AND GARAGE FLOOR					03/15/2022
		Comments1: OSCAR 847-551-9066					
BC	_____ AM	002-FOU FOUNDATION	20220007	2236 FAIRFAX WAY	506		03/03/2022
		Comments1: COMEX 847-551-9066					
BC	_____	003-BKF BACKFILL					03/07/2022
PR	_____ PM	004-WSS WATER & STORM SEWER					03/09/2022
		Comments1: CATHY 630-387-2001					
BC	_____	002-RFR ROUGH FRAMING	20220008	1503 MONTROSE CT	9		03/02/2022
		Comments1: CHRIS UPPER DECK 630-330-8038					
GH	_____	003-FIN FINAL INSPECTION				03/21/2022	
		Comments1: DECK --CHRIS 630-330-8038					
PR	_____	001-RFR ROUGH FRAMING	20220012	794 HAYDEN DR	62		03/07/2022
		Comments1: JOHN 815-790-9574 BASEMENT FINISH					
PR	_____	002-REL ROUGH ELECTRICAL					03/07/2022
PR	_____	003-RMC ROUGH MECHANICAL					03/07/2022
PR	_____	004-PLR PLUMBING - ROUGH					03/07/2022
BF	_____ AM	001-FIN FINAL INSPECTION	20220015	1314 SPRING ST	184		03/04/2022
		Comments1: SOLAR SIGIE 773-908-6016--SEE INSPECTION					
		Comments2: REPORT					

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BF		AM 002-FEL FINAL ELECTRIC Comments1: SOLAR SIGIE 773-908-6016					03/04/2022
BF		PM 001-FIN FINAL INSPECTION Comments1: PHIL SOLAR 518-859-6282	20220019	476 WALSH CIR	66		03/03/2022
BF		PM 002-FEL FINAL ELECTRIC Comments1: PHIL SOLAR 518-859-6282					03/03/2022
BF	13:00	001-FIN FINAL INSPECTION Comments1: EDDY 801-837-4586	20220021	1024 S CARLY CIR	114		03/24/2022
BF	13:00	002-FEL FINAL ELECTRIC Comments1: SOLAR EDDY 801-837-4586					03/24/2022
PBF		PM 001-PLU PLUMBING - UNDERSLAB Comments1: FIRE DAMAGED REPAIR BOBBY 331-254-0679	20220028	2942 GRANDE TR	419	03/31/2022	
PR		006-PLU PLUMBING - UNDERSLAB Comments1: JEFF 847-456-8082	20220031	2288 FAIRFAX WAY	501		03/10/2022
GH		007-GPL GREEN PLATE INSPECTION Comments1: JEFF 847-456-8082					03/30/2022
PBF		005-PLU PLUMBING - UNDERSLAB Comments1: RAINTREE --JEFF- 847-456-8082	20220032	2401 FAIRFIELD AVE	493		03/18/2022
BC		AM 004-BKF BACKFILL Comments1: COMEX 847-551-9066	20220033	508 BRAEMORE LN	535		03/07/2022
PR		PM 005-WSS WATER & STORM SEWER Comments1: CATHY 630-387-2001					03/09/2022
BC		AM 001-FTG FOOTING Comments1: TOM 708-417-4841	20220034	362 BENJAMIN ST	36		03/16/2022
GH		AM 001-PHD POST HOLE - DECK Comments1: CHRIS 630-330-8083	20220035	4830 W MILLBROOK CIR	10		03/22/2022
PR		AM 005-PLF PLUMBING - FINAL OSR READ Comments1: JIM FREER 630-878-8244	20220039	397 WINDHAM CIR	25		03/14/2022
BF		PM 001-FTG FOOTING Comments1: MW 815-839-8175	20220049	3073 GRANDE TR	554		03/17/2022
BF		AM 002-FOU FOUNDATION Comments1: MIDWEST 815-839-8175					03/21/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BF	_____ AM	003-BKF BACKFILL Comments1: MIDWEST 815-839-8175					03/24/2022
PBF	_____	004-WAT WATER Comments1: GRANDE RESERVE AL'S 630-492-7635					03/25/2022
PBF	_____	005-PLU PLUMBING - UNDERSLAB Comments1: GRANDE RESERVE -- JIM 331-223-6615				03/31/2022	
PR	_____ PM	005-OCC OCCUPANCY INSPECTION Comments1: DAVID 630-608-9308	20220062	181 WOLF ST	C		03/14/2022
PR	_____ PM	006-PLF PLUMBING - FINAL OSR READ					03/14/2022
BKF	_____	007-FFD BKFD FINAL INSPECTION				03/14/2022	
BF	_____ AM	001-FIN FINAL INSPECTION Comments1: SOLAR EDDIE 801-837-4586/SEE INSPECTION Comments2: REPORT	20220064	2753 GOLDENROD DR	236		03/04/2022
BF	_____ AM	002-FEL FINAL ELECTRIC Comments1: SOLAR EDDIE 801-837-4586/SEE INSPECTION Comments2: REPORT					03/04/2022
GH	11:30	001-PHF POST HOLE - FENCE Comments1: AMERICA'S BACKYARD ADRIANA 331-452-2271	20220065	2838 OLD GLORY DR	281		03/03/2022
BC	_____ PM	001-FTG FOOTING Comments1: HANNAH 815-839-8175	20220066	2874 OLD GLORY DR	274		03/08/2022
BC	_____ PM	002-FOU FOUNDATION					03/10/2022
BC	_____ AM	003-BKF BACKFILL Comments1: HANNAH 815-839-8175					03/15/2022
PR	_____ PM	004-WAT WATER Comments1: AL'S FAM 630-492-7635					03/16/2022
PBF	_____	005-PLU PLUMBING - UNDERSLAB Comments1: JIM--331-223-6615					03/23/2022
BF	_____ AM	006-BG BASEMENT AND GARAGE FLOOR Comments1: MIDWEST 815-839-8175					03/23/2022
GH	_____ AM	007-GPL GREEN PLATE INSPECTION Comments1: JIM/RYAN 331-223-6615--SEE INSPECTION TI Comments2: CKET					03/28/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____ PM	008-STP STOOP Comments1: MIDWESTERN 815-839-8175					03/29/2022
BF	_____ AM	001-FIN FINAL INSPECTION Comments1: SUN RUN EDDY 801-837-4586--SEE INSPECTIO Comments2: N REPORT	20220072	2779 GOLDENROD DR	231		03/04/2022
BF	_____ AM	002-FEL FINAL ELECTRIC Comments1: SOLAR EDDY 801-837-4586					03/04/2022
BC	_____ AM	001-FTG FOOTING Comments1: JESUS/UPLAND 630-453-9281	20220073	1125 HAWK HOLLOW DR	309-1		03/10/2022
BC	_____ AM	002-FOU FOUNDATION Comments1: CAP JESUS 630-453-9281					03/15/2022
PR	_____ AM	003-ESW ENGINEERING - SEWER / WAT Comments1: CATHY 630-387-2001					03/28/2022
BC	_____ AM	001-FTG FOOTING Comments1: JESUS/UPLAND 630-453-9281	20220074	1127 HAWK HOLLOW DR	309-2		03/10/2022
BC	_____ AM	002-FOU FOUNDATION Comments1: CAP JESUS 630-453-9281					03/15/2022
PR	_____ AM	003-ESW ENGINEERING - SEWER / WAT Comments1: CATHY 630-387-2001					03/28/2022
BC	_____ AM	001-FTG FOOTING Comments1: JESUS/UPLAND 630-453-9281	20220075	1129 HAWK HOLLOW DR	309-3		03/10/2022
BC	_____ AM	002-FOU FOUNDATION Comments1: CAP JESUS 630-453-9281					03/15/2022
PR	_____ AM	003-ESW ENGINEERING - SEWER / WAT Comments1: CATHY 630-387-2001					03/28/2022
BC	_____ AM	001-FTG FOOTING Comments1: JESUS/UPLAND 630-453-9281	20220076	1131 HAWK HOLLOW DR	309-4		03/10/2022
BC	_____ AM	002-FOU FOUNDATION Comments1: CAP JESUS 630-453-9281					03/15/2022
PR	_____ AM	003-ESW ENGINEERING - SEWER / WAT Comments1: CATHY 630-387-2001					03/28/2022
BC	_____ AM	001-FTG FOOTING Comments1: JESUS/UPLAND 630-453-9281	20220077	1122 HAWK HOLLOW DR	300-1		03/10/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BC		AM 002-FOU FOUNDATION Comments1: CAP JESUS 630-453-9281					03/14/2022
PBF		PM 003-ESW ENGINEERING - SEWER / WAT Comments1: RAINTREE -- CATHY 630-387-2001					03/29/2022
BC		AM 001-FTG FOOTING Comments1: JESUS/UPLAND 630-453-9281	20220078	1120 HAWK HOLLOW DR	300-2		03/10/2022
BC		AM 002-FOU FOUNDATION Comments1: CAP JESUS 630-453-9281					03/14/2022
PBF		PM 003-ESW ENGINEERING - SEWER / WAT Comments1: RAINTREE -- CATHY 630-387-2001					03/29/2022
BC		AM 001-FTG FOOTING Comments1: JESUS/UPLAND 630-453-9281	20220079	1112 HAWK HOLLOW DR	300-3		03/10/2022
BC		AM 002-FOU FOUNDATION Comments1: CAP JESUS 630-453-9281					03/14/2022
PBF		PM 003-ESW ENGINEERING - SEWER / WAT Comments1: RAINTREE -- CATHY 630-387-2001					03/29/2022
BC		AM 001-FTG FOOTING Comments1: JESUS/UPLAND 630-453-9281	20220080	1110 HAWK HOLLOW DR	300-4		03/10/2022
BC		AM 002-FOU FOUNDATION Comments1: CAP JESUS 630-453-9281					03/14/2022
PBF		PM 003-ESW ENGINEERING - SEWER / WAT Comments1: RAINTREE -- CATHY 630-387-2001					03/29/2022
NL	12:30	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: TTLC 815-280-8501	20220081	575 KELLY AVE	5		03/01/2022
BF		AM 001-FTG FOOTING Comments1: MIDWEST 815-839-8175 -- SEE INSPECTION R Comments2: EPORT	20220089	2863 ROOD ST	318		03/24/2022
BF		PM 002-FOU FOUNDATION Comments1: MIDWEST 815-839-8175					03/25/2022
GH		AM 003-BKF BACKFILL Comments1: CHRIS 815-839-8175					03/30/2022
GH		AM 001-PHF POST HOLE - FENCE Comments1: ALEX 708-840-3211	20220092	535 COACH RD	413		03/14/2022

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH		002-ROF ROOF UNDERLAYMENT ICE & W	20220093	607 HEUSTIS ST	4		03/01/2022
		Comments1: ALPHA 630-923-2285					
GH		003-FIN FINAL INSPECTION					03/09/2022
BC		PM 001-FTG FOOTING	20220094	2475 FAIRFAX WAY	246		03/11/2022
		Comments1: CARMELLA 630-364-0224					
BF		002-FIN FINAL INSPECTION					03/21/2022
		Comments1: WINDETT RIDGE--CLEAN EDGE 630-364-0224					
BC		AM 002-RFR ROUGH FRAMING	20220097	284 WINDETT RIDGE RD	19		03/11/2022
		Comments1: DECK -- CHRIS 630-330-8038					
GH	11:15	001-PHF POST HOLE - FENCE	20220100	1332 DEERPATH DR	223		03/29/2022
		Comments1: MIKE/PARAMOUNT 630-406-8410X208					
GH	11:00	001-PHF POST HOLE - FENCE	20220102	1178 HAWK HOLLOW DR	282-4		03/08/2022
		Comments1: IL FENCE 708-840-3211					
GH		PM 001-PHF POST HOLE - FENCE	20220103	575 COACH RD	417		03/28/2022
		Comments1: CLASSIC 630-551-3400					
GH	11:30	001-PHF POST HOLE - FENCE	20220105	1616 COTTONWOOD TR	24		03/03/2022
		Comments1: CEDAR MTN 815-836-8731					
GH		002-FIN FINAL INSPECTION					03/08/2022
		Comments1: LETITIA 815-370-6514 -- SEE INSPECTION T					
		Comments2: ICKET					
GH		AM 001-PHF POST HOLE - FENCE	20220108	2867 ALDEN AVE	291		03/07/2022
		Comments1: 708-840-3211 -- WOULD LIKE 11:30ISH					
GH		PM 001-PHF POST HOLE - FENCE	20220109	567 COACH RD	416		03/28/2022
		Comments1: CLASSIC 630-551-3400					
GH	13:00	001-PHF POST HOLE - FENCE	20220110	2483 ELLSWORTH CT	350		03/10/2022
		Comments1: CARLA/CEDAR RUSTIC 815-741-1635					
GH	12:00	001-PHF POST HOLE - FENCE	20220111	2181 HEARTHSTONE AVE	427		03/10/2022
		Comments1: IL FENCE 708-840-3211					
GH		PM 001-PHF POST HOLE - FENCE	20220115	2220 HEARTHSTONE AVE	440		03/14/2022
		Comments1: ALEX 708-840-3211					
GH		002-FIN FINAL INSPECTION					03/18/2022
		Comments1: CHANTAL 773-957-3525					

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	12:00	001-ROF ROOF UNDERLAYMENT ICE & W	20220116	605 HEARTLAND DR	76		03/09/2022
		Comments1: 630-923-2285					
GH		002-FIN FINAL INSPECTION					03/15/2022
		Comments1: FINAL ROOF -- TONY 630-853-9269 -- SEE I					
		Comments2: NSPECTION REPORT					
GH		PM 001-PHF POST HOLE - FENCE	20220121	3105 REHBEHN CT	638		03/24/2022
		Comments1: CLASSIC 630-551-3400					
GH		002-FIN FINAL INSPECTION				03/31/2022	
		Comments1: REBECCA 815-531-5730					
GH	08:00 AM	001-PHF POST HOLE - FENCE	20220125	482 OMAHA DR	83		03/14/2022
		Comments1: ANNABELLE 630-808-9233					
GH	13:00	001-PHF POST HOLE - FENCE	20220128	2281 FAIRFAX WAY	373		03/10/2022
		Comments1: CEDAR/CARLA 815-460-3449					
GH		AM 001-RFR ROUGH FRAMING	20220137	1102 GRACE DR	98	03/31/2022	
		Comments1: MATT -- 630-995-5513					
GH		AM 002-REL ROUGH ELECTRICAL				03/31/2022	
GH		003-RMC ROUGH MECHANICAL				03/31/2022	
PBF		AM 004-PLR PLUMBING - ROUGH				03/31/2022	
		Comments1: HEARTLAND CIRCLE -- MATT 630-995-5513					
BC		001-OCC OCCUPANCY INSPECTION	20220139	634 W VETERANS PKWY CD	C&D		03/14/2022
		Comments1: BUD 815-582-7202 -- SEE INSPECTION REPOR					
		Comments2: T					
BKF		002-FFD BKFD FINAL INSPECTION				03/14/2022	
GH		003-REI REINSPECTION					03/29/2022
GH		AM 001-PHF POST HOLE - FENCE	20220142	2765 CROOKER DR	60	03/31/2022	
		Comments1: CLASSIC 630-551-3400					
BF		PM 001-FTG FOOTING	20220153	1956 MEADOWLARK LN	82		03/22/2022
		Comments1: NORWOOD 630-878-6103					
BF		AM 002-FOU FOUNDATION					03/25/2022
		Comments1: NORWOOD 630-878-6103					
BF		003-BKF BACKFILL					03/31/2022
		Comments1: NORWOOD 630-904-2288					

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	11:00	001-PHF POST HOLE - FENCE Comments1: AM BKVD, ADRIANNA 331-452-2271	20220154	2835 ALDEN AVE	285		03/17/2022
GH	_____ AM	001-PHF POST HOLE - FENCE Comments1: 815-570-7026 -- NOT READY	20220171	486 WINTERBERRY DR	93		03/15/2022
GH	_____ AM	002-PHF POST HOLE - FENCE					03/16/2022
GH	_____ AM	001-PPS PRE-POUR, SLAB ON GRADE Comments1: TRAVIS LAFFEY 630-688-4528	20220176	2578 ANNA MARIA LN	590		03/29/2022
GH	_____	001-PHD POST HOLE - DECK Comments1: ADRIANA 331-452-2271	20220200	2441 ANNA MARIA LN	706		03/22/2022
GH	11:30	001-PHF POST HOLE - FENCE Comments1: IL FENCE 815-981-0472	20220201	1610 SHETLAND LN	43		03/29/2022
GH	11:00	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: CANCELLED 3/24/22 TTLC/AUSTIN 815-205-15 Comments2: 00 X4004	20220203	613 GREENFIELD TURN	74	03/24/2022	
GH	11:00	002-ROF ROOF UNDERLAYMENT ICE & W Comments1: SEE INSPECTION REPORT					03/25/2022
GH	_____ AM	001-RFR ROUGH FRAMING Comments1: CANCELLED 3/28/22 DAVE 630-664-3283 -- B Comments2: ASEMENT	20220208	577 MANCHESTER LN	398	03/28/2022	
GH	_____ AM	002-REL ROUGH ELECTRICAL Comments1: CANCELLED 3/28/22				03/28/2022	
GH	09:30	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: JASON/ABC 331-575-7705	20220209	507 W DOLPH ST			03/29/2022
PR	14:00	001-FIN FINAL INSPECTION Comments1: KATHLEEN SULIVAN 630-383-1886, WATER HEA Comments2: TER REPLACEMENT	20220225	146 CLAREMONT CT			03/23/2022
GH	_____ AM	001-PHD POST HOLE - DECK Comments1: DENISE & HARRY 630-222-6317 (((CANCELLE Comments2: D)))	20220226	492 BIRCHWOOD DR	160	03/28/2022	
GH	_____	002-PHD POST HOLE - DECK Comments1: DENISE					03/31/2022
GH	_____ PM	001-FME FINAL MECHANICAL Comments1: FURNACE & AC INSTALL DAN 708-828-0031	20220266	2397 SUMAC DR	186	03/31/2022	

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
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PERMIT TYPE SUMMARY:		BSM BASEMENT REMODEL				16	
		CCO COMMERCIAL OCCUPANCY PERMIT				9	
		CRM COMMERCIAL REMODEL				6	
		DCK DECK				9	
		FNC FENCE				29	
		HVC HVAC UNIT/S				1	
		PTO PATIO / PAVERS				1	
		REM REMODEL				4	
		REP REPAIR				5	
		ROF ROOFING				8	
		SFA SINGLE-FAMILY ATTACHED				277	
		SFD SINGLE-FAMILY DETACHED				387	
		SOL SOLAR PANELS				12	
		WHR WATER HEATER REPLACEMENT				1	
		WIN WINDOW REPLACEMENT				2	

INSPECTION SUMMARY:		BG BASEMENT AND GARAGE FLOOR				8	
		BKF BACKFILL				17	
		BSM BASEMENT FLOOR				17	
		EFL ENGINEERING - FINAL INSPECTION				44	
		ELE ELECTRIC SERVICE				11	
		ESW ENGINEERING - SEWER / WATER				12	
		FEL FINAL ELECTRIC				44	
		FFD BKFD FINAL INSPECTION				4	
		FIN FINAL INSPECTION				55	
		FMC FINAL MECHANICAL				31	
		FME FINAL MECHANICAL				6	
		FOU FOUNDATION				28	
		FTG FOOTING				28	
		GAR GARAGE FLOOR				6	
		GPL GREEN PLATE INSPECTION				20	
		HYD HYDRO TEST				5	
		INS INSULATION				37	
		OCC OCCUPANCY INSPECTION				5	
		PHD POST HOLE - DECK				6	
		PHF POST HOLE - FENCE				25	
		PLF PLUMBING - FINAL OSR READY				39	
		PLR PLUMBING - ROUGH				37	
		PLU PLUMBING - UNDERSLAB				34	
		PPS PRE-POUR, SLAB ON GRADE				24	
		PWK PRIVATE WALKS				11	
		REI REINSPECTION				17	
		REL ROUGH ELECTRICAL				39	
		RFR ROUGH FRAMING				42	
		RMC ROUGH MECHANICAL				37	
		ROF ROOF UNDERLAYMENT ICE & WATER				6	
		SEW SEWER INSPECTION				4	

INSPECTIONS SCHEDULED FROM 03/01/2022 TO 03/31/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
		STP STOOP				38	
		SUM SUMP				1	
		UGE UNDERGROUND ELECTRIC				1	
		WAT WATER				11	
		WK SERVICE WALK				12	
		WSS WATER & STORM SEWER				5	
-----							
INSPECTOR SUMMARY:		BC BOB CREADEUR				117	
		BF B&F INSPECTOR CODE SERVICE				128	
		BKF BRISTOL KENDALL FIRE DEPT				3	
		EEI ENGINEERING ENTERPRISES				44	
		GH GINA HASTINGS				275	
		MT MICHAEL TORRENCE				2	
		NL NICK LEVITA				2	
		OFD OSWEGO MIRE MARSHAL				5	
		PBF BF PLUMBING INSPECTOR				73	
		PR PETER RATOS				118	
STATUS SUMMARY:	C	BC				1	
	C	BF				3	
	C	BKF				1	
	C	EEI				2	
	C	GH				7	
	C	MT				2	
	C	PBF				1	
	C	PR				5	
	I	BC				106	
	I	BF				111	
	I	BKF				2	
	I	EEI				14	
	I	GH				201	
	I	NL				2	
	I	OFD				5	
	I	PBF				60	
	I	PR				85	
	T	BC				10	
	T	BF				14	
	T	EEI				28	
	T	GH				67	
	T	PBF				12	
	T	PR				28	

REPORT SUMMARY: 767



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 2022-26

### Agenda Item Summary Memo

**Title:** Property Maintenance Report for March 2022

**Meeting and Date:** Economic Development Committee – May 3, 2022

**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, Jori Behland  
Date March 29, 2022  
Subject: March Property Maintenance

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## Property Maintenance Report March 2022

There was 1 case heard in March 2022.

**3/7/2022**

N 5810

204 A Hillcrest Ave Motor Vehicle on Property

Dismissed



# Case Report

3/1/2022 - 3/31/2022

Case #	Case Date	ADDRESS OF COMPLAINT	TYPE OF VIOLATION	STATUS	VIOLATION LETTER SENT	FOLLOW UP STATUS	CITATION ISSUED	DATE OF HEARING
20220057	3/30/2022	206 River St	Junk, Trash & Refuse	IN VIOLATION				
20220056	3/24/2022	2272 Emerald Ln	Patio Installed without a Permit	IN VIOLATION				
20220055	3/24/2022	2268 Emerald Ln	Patio Installed without a Permit	IN VIOLATION				
20220054	3/21/2022	206 Wolf St	Open Burning (Wire)	CLOSED				
20220053	3/18/2022	425 Sutton St	Trash	CLOSED		COMPLIANT		
20220052	3/18/2022	NWC Tuscany & Crooker	Construction Debris	CLOSED		COMPLIANT		
20220051	3/17/2022	1981 Meadowlark Ln	Play Equipment Stored on Park Property	CLOSED		COMPLIANT		
20220050	3/16/2022	210 E Center St	Leaves Left at Curb	IN VIOLATION	3/25/2022			
20220049	3/16/2022	794 Hayden Dr	Working Without a Permit	COMPLIANT				
20220048	3/15/2022	3348 Seeley	Dumping	CLOSED		COMPLIANT		
20220047	3/14/2022	Allegiance	Dumping	CLOSED		COMPLIANT		
20220046	3/8/2022	206 Wolf St	Squatters & Dogs Running at Large	CLOSED		COMPLIANT		
20220045	3/7/2022	1463 Crimson Ln	Junk, Trash & Refuse	CLOSED		COMPLIANT		



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 2022-27

### Agenda Item Summary Memo

**Title:** Economic Development Report for April 2022

**Meeting and Date:** Economic Development Committee – May 3, 2022

**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:

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



651 Prairie Pointe Drive • Yorkville, Illinois • 60560  
Phone 630-553-0843 • Mobile 630-209-7151

Monthly Report – for May 2022 EDC Meeting of the United City of Yorkville

#### April 2022 Activity

##### New Development:

- **Kendall Marketplace: Sephora inside Kohl's**, opening the first week of May 2022.
- **Yorkville Crossing: A/K/A Menard's Center: Belle Tire**, previously reported, construction has begun...opening in late 2022.
- **Yorkville Crossing: A/K/A Menard's Center: Multi-Tenant building:**  
**Noodles & Co**, quick casual restaurant will open at 1789 Marketview Drive. This is the multi-tenant building in front of Menards. The restaurant will occupy 1,877 square feet. They will offer dine in, take out, and also have a "pick up" window. The remodel of the space will begin shortly, and Noodles anticipates opening in late summer of 2022. Noodles & Company is an American fast-casual restaurant that offers international and American noodle dishes in addition to soups and salads. Every bowl is prepared to order, allowing guests to customize any dish their way with the fresh, high-quality ingredients that they offer. Noodles & Company was founded in 1995 and is headquartered in Broomfield, Colorado. The company went public in 2013 and traded on NLDS (NASDAQ). They have over 450 locations in the USA, and have over 10,500 employees in 30 states
- **Yorkville Crossing: A/K/A Menard's Center: Multi-Tenant building:**  
**Pets Supply Plus**, will also be expanding and remodeling the existing store at 1755 Marketview Dr. Pets Supplies Plus is updating the self-serve dog washes, by replacing the existing 5 wash bays with 6 brand new self-serve dog washes, and also adding a full-service grooming shop to the store. The expansion will also allow them to add additional pet food product lines. This expansion is anticipated to be completed by late summer of 2022, and ownership is planning on having a re-grand opening event to celebrate the expansion.
- **Gerber Collison & Glass**, previously reported. Their architect, and civil are working on plans. They are planning an opening in late 2022/early 2023.
- **BP and Graham's Marketplace**. (The northeast corner of Route 47 & Route 71) Previously reported... opening in late 2022. They have applied for rezoning, and special use.
- **Chipotle Mexican Grill**: Permit has been issued. Demo and rebuild will begin shortly. Opening targeted for fall of 2022.
- **Caring Hands Thrift Shop**: 4,000 square foot business expansion. The store will remain open during the construction. The project will be completed in late spring 2022.
- **The Williams Group: Former Investor Tools**. Purchase complete and redevelopment continues. All space has been leased.
- **Second Chance Cardiac Solutions** – This Yorkville business will be relocating from their existing location on Garden Street to the office space in the Williams Group building, on June 1<sup>st</sup>.
- **Iconic Coffee Shop**- Yorkville resident, Laura Intrain, will open this new café in 750 square feet at 109 S. Bridge (The Williams Group). She is focusing on opening around July 1<sup>st</sup>, and will serve coffee, teas, espresso, baked goods, and snack bites.
- **Fox's Den Meadery**: Yorkville resident, Enrico "Rico" Bianchi, is preparing to be the first tenant in the 101 S. Bridge, redevelopment (The Williams Group). They will occupy 1,116 square feet on the first floor and 2,000 square feet in the basement. This business will make "Mead Wine". It is considered a micro-winery. Anticipated opening is around July 1<sup>st</sup>.
- **Dakotas** - New restaurant concept from Yorkville resident, Yonas Hagos. Restaurant will be Located at 227 Heustis Street, and opening is planned for summer 2022.
- **Craft'd**– Barry Michael and Cory Knowles, restaurant industry veterans with a combined 50+ years of experience, are excited about purchasing the former property Millhurst Ale House. They will be remodeling the space and plan to open in early fall of 2022.
- **Continue working with a variety of other potential business owners**. There are a variety of parties doing due diligence on space to lease and buildings and land to purchase. Information will be forthcoming.

Respectfully submitted,

Lynn Dubajic  
651 Prairie Pointe Drive  
Yorkville, IL 60560  
[lynn@dlkllc.com](mailto:lynn@dlkllc.com)  
630-209-7151 cell



Reviewed By:	
Legal	<input checked="" type="checkbox"/>
Finance	<input type="checkbox"/>
Engineer	<input type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
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 2022-28

### Agenda Item Summary Memo

**Title:** PZC 2022-10 Microbrewery/Brewpub/Microwinery (Text Amendment)

**Meeting and Date:** Economic Development Committee – May 3, 2022

**Synopsis:** Proposed text amendment to microbrewery/brewpub/microwinery uses to align with liquor license code

**Council Action Previously Taken:**

Date of Action: PZC – 04/13/22 Action Taken: Moved forward to EDC agenda.

Item Number: PZC 2022-10

**Type of Vote Required:** Majority

**Council Action Requested:** Vote

**Submitted by:** Jason Engberg 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: April 26, 2022  
Subject: **PZC 2022-10 Microbrewery/Brewpub/Microwinery  
(Text Amendment)**

## Summary

The City has recently received interest from a business owner to open a microwinery within an existing building in the downtown. In April, the City amended Title 3 of the municipal code regarding liquor license classes to add microwinery/winery to the existing brewpub/microbrewery class to help accommodate the new business. In addition, the maximum allowable amount of wine which may be produced within a year was set to 50,000 gallons which coincides with the current state statute.

The City's zoning ordinance defines the uses of microbrewery/brewpub and microwinery separately and regulates which districts each may be located. Staff is recommending a text amendment to Chapter 2 and Chapter 6 of the code. The proposed changes will assist in clarifying each use and will better align the zoning ordinance with the liquor license code. Additionally, these amendments will ensure that the zoning regulations will match the state statute regarding production of alcohol for these land uses.

## Liquor License Background

Yorkville was approached by the owner of Fox Den Meadery to open a microwinery in downtown Yorkville. As the City's Clerks Office staff worked with the petitioner on determining the potential required liquor license, they realized there was not a class category for "microwinery" or "winery" defined within the Liquor Control regulations of the City Code. However, the City does have an existing class for microbrewery/brewpub, but it only addresses the brewing of beer. To streamline the classes, the Clerk's Office proposed an amendment to the liquor license regulations to add microwinery and winery to this existing class. As part of that amendment, the requirement to be ancillary to a restaurant was removed, and the maximum amount of wine allowed to be produced in a year was established at 50,000 gallons per year. The City chose the latter regulation to mirror the current state statute<sup>1</sup> for the maximum amount of alcohol to be produced. The entire adopted regulation can be seen below:

### **3-3-4(A)(4) Classes of Licenses:**

M - Microbrewery/brewpub/micro-winery/winery. A microbrewery/brewpub/micro-winery/winery license authorizes the manufacture, only at the designated licensed premises, less than one hundred fifty-five thousand (155,000) gallons of beer or fifty thousand (50,000) gallons of wine per year for sale on the premises for either on-premises or off-premises consumption. Sales may also be made to importing distributors, distributors, and to non-licensees for use and consumption. Microbrewery/brewpub/micro-winery/winery is also authorized to:

- a) furnish samples of the manufactured/produced wine or beer for consumption on the premises,
- b) sell the manufactured/produced wine or beer by the glass for consumption on the premises,

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<sup>1</sup> [235 ILCS 5/ Liquor Control Act of 1934 – Article V](#)

- c) sell the manufactured/produced wine or beer in the original corked, capped or sealed and labeled container for consumption on or off the premises, and
- d) permit a patron to remove one unsealed and partially consumed bottle of wine for off-premises consumption. A partially consumed bottle of wine that is to be removed from the premises shall be securely sealed by the licensee or an agent of the licensee prior to removal from the premises and placed in a transparent onetime use tamperproof bag. The licensee or agent of the licensee shall provide a dated receipt for the bottle of wine to the patron.

**Zoning Ordinance Background**

With regards to these types of alcoholic manufacturing and tasting uses, the Yorkville Zoning Ordinance regulates their definitions in Chapter 2 and their permitted locations and special conditions for each in Chapter 6. The Yorkville Zoning Ordinance currently has separate definitions for “Microbrewery or brewpub”, “Microdistillery”, “Microwinery”. These definitions are stated below:

**Microbrewery or brewpub:** A restaurant-brewery that brews beer primarily for sale in the restaurant and/or bar and is dispensed directly from the brewery's storage tanks. Total production capacity shall not exceed one hundred fifty-five thousand (155,000) gallons per calendar year. One (1) U.S. barrel is equivalent to thirty-one (31) gallons.

**Microdistillery:** A small scale artisan manufacturing business that blends, ferments, processes, packages, distributes and serves alcoholic spirits on and off the premises and produces no more than fifteen thousand (15,000) gallons per calendar year on-site. The microdistillery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Off-site distribution of the alcoholic beverages shall be consistent with state law.

**Microwinery:** Combination retail, wholesale and small scale artisan manufacturing business that blends, ferments, processes, packages, distributes and serves wine for sale on or off-site, and produces no more than one hundred thousand (100,000) gallons per year. The microwinery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Off-site distribution of the vinous beverages shall be consistent with state law.

All of these uses are permitted in the following districts shown below (extracted from Table 10.06.03):

**Table 10.06.03 – Business Uses - Excerpt**

	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Microbrewery/brewpub, microdistillery and microwinery <sup>2</sup>	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P

Section 10-6-1 applies each of these special conditions to the uses in the table:

**G. Microbrewery/brewpubs:**

- 1. Microbreweries/brewpubs, where if off-premises consumption is allowed, all sales must be in a hand capped, sealed container with a total maximum production of one hundred fifty-five thousand (155,000) gallons per calendar year inclusive of on-premises and off-premises sales.

2. Microbrewery/brewpub operations will be ancillary to a restaurant or eating establishment, and the brewing component of the facility shall be no more than twenty-five percent (25%) of the total floor area.

#### **H. Microdistilleries and microwineries:**

1. Outdoor storage of equipment, production waste or product for microdistilleries and microwineries is strictly prohibited when located in a business district. However, outdoor storage of spent grains or grapes may be permitted to be stored outdoors in appropriate silos or containers in the manufacturing districts, provided the storage is screened from public view. Screening may be with fencing, landscaping or a combination of both.
2. All microdistilleries and microwineries are subject to chapter 13, article C, "Performance Standards", of this title with regards to foul odors, fire and explosive hazards and smoke.
3. All microdistilleries and microwineries located in business districts must have off-street or rear accessible loading and unloading facilities.
4. Microdistilleries or microwineries located in business districts must include an ancillary tasting room with a minimum of one hundred fifty (150) square feet. Retail sales of the product from a microdistillery or microwinery are permitted on-site and shall be consistent with state and City laws.

#### **Proposed Text Amendment**

Community Development staff is proposing a text amendment to both Chapter 2 and Chapter 6 of the Zoning Ordinance to align the zoning ordinance regulations to current state statute and the City's updated liquor license regulations. Staff is proposing the following changes to the definitions for each land use (redline version of Chapters attached):

**Brewpub:** A restaurant-brewery that brews beer primarily for sale in the restaurant and/or bar and is dispensed directly from the brewery's storage tanks. Total production capacity shall not exceed one hundred fifty-five thousand (155,000) gallons per calendar year.

**Microbrewery/Microwinery:** A combination retail, wholesale, and/or small-scale artisan manufacturing business that brews, ferments, processes, packages, distributes, and serves either beer or wine for sale on or off-site. A microbrewery shall produce no more than one hundred fifty-five thousand (155,000) gallons of beer per year and a microwinery shall produce no more than fifty thousand (50,000) gallons of wine per year for sale on the premises for either on-premises or off-premises consumption. These facilities may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Off-site distribution of the beverages shall be consistent with state law.

**Microdistillery:** A small scale artisan manufacturing business that blends, ferments, processes, packages, distributes and serves alcoholic spirits on and off the premises and produces no more than fifteen thousand (15,000) gallons per calendar year on-site. The microdistillery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Off-site distribution of the alcoholic beverages shall be consistent with state law.

The above amendments create a separate definition for a brewpub while combining the microbrewery/microwinery definitions. The microdistillery definition has remained unchanged. This is being proposed to align the zoning ordinance land uses with the new amendments within the liquor license code. Since the amended liquor code removed the requirement for microbreweries and microwineries to be part of a restaurant use, the zoning code definitions now reflect that change. However, a brewpub is the

only use which still requires a restaurant component to the business. This was done since the business model of a brewpub is to provide food and beverage service, including onsite produced beer. Additionally, the total maximum amount of wine produced in a year for a “microwinery” has been reduced to 50,000 gallons to meet the previously mentioned state statute.

Chapter 6 of the Zoning Ordinance is being amended to reflect the changes made to each definition. Staff is proposing to change the existing 10.06.03 Business Uses Table to the following:

**Table 10.06.03 – Business Uses – Proposed Amendment**

	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Brewpub <sup>2</sup>	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P
Microbrewery/microwinery and microdistillery <sup>2</sup>	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P
Microdistillery <sup>2</sup>	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P

Now, each of the defined uses has its own line on the land use table. This helps align the zoning ordinance with the liquor code, as well as provide flexibility if one of these uses is amended in the future

Finally, to correspond with the new definitions and land use table, the following special conditions have been reformatted in Section 10-6-1 of the code:

**G. Brewpub:** Brewpub operations will be ancillary to a restaurant or eating establishment, and the brewing component of the facility shall be no more than twenty-five percent (25%) of the total floor area. If off-premises consumption is allowed, all sales must be in a hand capped, sealed container with a total maximum production of one hundred fifty-five thousand (155,000) gallons per calendar year inclusive of on-premises and off-premises sales.

**H. Microbreweries/microwineries and microdistilleries:**

1. Microbreweries where if off-premises consumption is allowed, all sales must be in a hand capped, sealed container with a total maximum production of one hundred fifty-five thousand (155,000) gallons per calendar year inclusive of on-premises and off-premises sales.
2. Outdoor storage of equipment, production waste or product for microdistilleries and microwineries is strictly prohibited when located in a business district. However, outdoor storage of spent grains or grapes may be permitted to be stored outdoors in appropriate silos or containers in the manufacturing districts, provided the storage is screened from public view. Screening may be with fencing, landscaping or a combination of both.
3. All microdistilleries and microwineries are subject to chapter 13, article C, "Performance Standards", of this title with regards to foul odors, fire and explosive hazards and smoke.
4. All microdistilleries and microwineries located in business districts must have off-street or rear accessible loading and unloading facilities.
5. Microdistilleries or microwineries located in business districts must include an ancillary tasting room with a minimum of one hundred fifty (150) square feet. Retail sales of the product from a microdistillery or microwinery are permitted on-site and shall be consistent with state and City laws.

### **Staff Comments**

The original definitions and permitted district regulations for a microbrewery and brewpub was established in 2010. In 2015, the City approved a text amendment to add microwinery and microdistillery to its definitions and land uses as well as update special regulations for each. At that time, the City chose to keep microbreweries and brewpubs as a single land use which required each to be part of a restaurant use. As evident of the recent change to the liquor license code, **staff is recommending** the removal of this requirement from microbrewery uses. Brewpub uses will still require a restaurant use to be part of the business. Staff is seeking comments from the Economic Development Committee on these amendments and will be available to answer any questions on Tuesday night.

Staff will be conducting a public hearing before the Planning and Zoning Commission on the proposed text amendments to the Zoning Ordinance at the May 11, 2022 meeting.

### **Attachments**

1. Public Hearing Notice
2. Section 10-2-3 Definitions (redline)
3. Section 10-6-0 Uses Tables (redline)
4. Section 10-6-1 Special Conditions (redline)

**PUBLIC NOTICE OF A HEARING BEFORE  
THE UNITED CITY OF YORKVILLE  
PLANNING AND ZONING COMMISSION  
PZC 2022-10**

NOTICE IS HEREWITH GIVEN THAT the United City of Yorkville, Kendall County, Illinois, petitioner, is proposing a text amendment to Section 10-2: “Rules and Definitions” and Section 10-6: “Permitted and Special Uses” within the United City of Yorkville Zoning Ordinance. The amendment proposes to amend the definitions of microbrewery, brewpub, and microwinery to provide consistency with current State statutes and the City’s liquor license regulations. Additionally, the land use designation table and special conditions in Section 10-6 of the Yorkville Zoning Ordinance will also be amended to reflect the proposed definitions.

NOTICE IS HEREWITH GIVEN THAT the Planning and Zoning Commission for the United City of Yorkville will conduct a public hearing at a meeting on said amendments on **Wednesday, May 11, 2022 at 7:00 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.

Jori Behland  
City Clerk

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### 10-2-3: Definitions:

The following words and terms, wherever they occur in this title, shall be interpreted as herein defined:

*Abutting:* To have a common property line or zoning district.

*Accessory building or use:* One which:

- A. Is subordinate to and serves a principal building or principal use.
- B. Is subordinate in area, extent or purpose to the principal building or principal use served.
- C. Contributes to the comfort, convenience or necessity of occupants of the principal building or principal use served.
- D. Is located on the same lot and in the same zoning district as the principal use.

*Acre:* A measure of land containing forty-three thousand five hundred sixty (43,560) square feet.

*Acreage:* Any tract or parcel of land having an area of one (1) acre or more which has not been subdivided or platted.

*Agricultural sales and service:* A use primarily engaged in sale or rental of farm tools and implements, feed, grain, tack, animal care products, and farm supplies and farm machinery repair services that are accessory to the principal use.

*Agricultural use:* The employment of land for the primary purpose of raising, harvesting, and selling crops, or feeding (including grazing), breeding, managing, selling, or producing livestock, poultry, furbearing animals or honeybees, or by dairying and the sale of dairy products, by any other horticultural, floricultural or viticulture use, by animal husbandry, or by any combination thereof. It also includes the current employment of land for the primary purpose of obtaining a profit by stabling or training equines including, but not limited to, providing riding lessons, training clinics and schooling shows.

*Airport:* Any area of land designated, set aside, used, or intended for use, for the landing and takeoff of aircraft, and any appurtenant areas and uses such as airport buildings or other airport facilities, including approach zones.

*Alcoholic beverage:* Any beverage that is the product of distillation of fermented liquids, whether rectified or diluted, whatever may be the origin thereof, and includes synthetic ethyl alcohol but does not include denatured alcohol or wood alcohol.

*Alley:* A public way, not more than thirty feet (30') wide, which affords only a secondary means of access to abutting property.

*Amphitheater:* A commercial structure with tiers of spectator seating rising around a field or court, intended primarily for use of viewing musical, theatrical, sporting or other similar entertainment events and specifically designed as a place of assembly.

*Amusement park:* A commercially operated facility which may include structures and buildings, with a predominance of outdoor games and activities for entertainment, including motorized rides, water slides, miniature golf, batting cages and similar activities.

*Animal hospital:* Any building, or portion thereof, designed or used for the care, observation or treatment of domestic animals.

*Antique sales:* A building or areas within a building to provide space for the sale of antiques by antique dealers, for items such as clocks, lamps, clothing, rugs, toys, furniture, and similar household goods.

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**Auction house:** A structure, area, or areas within a building used for the public sale of goods, wares, merchandise, or equipment to the highest bidder.

**Automobile rental:** Leasing or renting of automobiles, motorcycles and light trucks and vans, including incidental parking and servicing of vehicles for rent or lease. This definition excludes commercial truck and trailer rental.

**Automobile repair:** Engine rebuilding or major reconditioning of worn or damaged motor vehicles or trailers; collision service, including body, frame or fender straightening or repair and painting of vehicles including incidental repairs, replacement of parts, and motor service to automobiles. Automobile repair excludes repair to semi-trucks as defined in this section.

**Bakery, retail:** An establishment primarily engaged in the retail sale of baked products. The products may be prepared either on- or off-site.

**Bakery, wholesale:** A bakery in which there is permitted the production and/or wholesaling of baked goods, excluding retail bakery.

**Bank:** A building for the custody, loan, or exchange of money, for the extension of credit and for facilitating the transmission of funds. This definition includes credit unions, savings and loan facilities, payday loans, personal loan agencies.

**Basement:** That portion of a building that is partly or completely below grade.

**Bed and breakfast inn (B&B):** A private, owner/operator occupied residence with guestrooms, providing overnight accommodations and a morning meal for compensation to transients/travelers. A bed and breakfast inn is operated primarily as a business.

**Billiard parlor:** A business establishment for a principal use as a billiard facility.

**Block:** A tract of land bounded by streets or, in lieu of a street or streets, by public parks, cemeteries, railroad rights-of-way, bulkhead lines or shorelines of waterways or corporate boundary lines of municipalities.

**Boat sales and rental:** A marine retail sales and service use in which boats are rented or sold.

**Boat storage:** A facility where boats are stored including indoor and outdoor. Outdoor facilities shall be enclosed by an opaque fence or wall a minimum six feet (6') in height.

**Bowling alley:** A business establishment with a principal use for the sport of tenpin bowling which may include incidental food services.

**Brewery:** An establishment that engages in the manufacture of beer as such terms are defined in the Liquor Control Act of 1934, as amended, and has obtained a liquor license from the City.

**Brewpub:** A restaurant-brewery that brews beer primarily for sale in the restaurant and/or bar and is dispensed directly from the brewery's storage tanks. Total production capacity shall not exceed one hundred fifty-five thousand (155,000) gallons per calendar year. See definition of Microbrewery or brewpub.

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**Buffer:** A strip of land, including landscaping, berms, walls, and fences, that is located between land uses of different character and is intended to physically and visually separate one use area from another.

**Buildable area:** The space remaining on a building lot after the minimum yard requirements of this title have been complied with.

**Building:** Any structure with substantial walls and roof securely affixed to the land and entirely separated on all sides from any other structure by space or by walls in which there are not communicating doors, windows or openings; and which is designed or intended for the shelter, enclosure or protection of persons, animals or chattels.

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**Building, completely enclosed:** A building separated on all sides from the adjacent open space, or from other buildings or other structures, by a permanent roof and by exterior walls or party walls, pierced only by windows and normal entrance or exit doors.

**Building, detached:** A building surrounded by open space on the same zoning lot.

**Building height:** The vertical distance measured from the sidewalk level or its equivalent established grade opposite the middle of the front of the building to the highest point of the roof in the case of a flat roof; to the deck line of a mansard roof; and to the mean height level between eaves and the ridge of a gable, hip or gambrel roof; provided, that where buildings are set back from the street line, the height of the building may be measured from the average elevation of the finished lot grade at the front of the building. (See section 10-2-4 of this chapter for diagram.)

**Building Inspector:** The designated City official responsible for inspecting buildings within the City.

**Building line:** A line or lines, including the building setback line, on the horizontal surface of a lot, parallel to the front, side and rear lot lines, and located at a distance prescribed by the yard regulations of this title beyond which no portion of a building may extend except as provided by this title. (See section 10-2-4 of this chapter for diagram.)

**Building, material sales:** Establishments or places of business primarily engaged in retail or wholesale sale, from the premises, of materials used in the construction of buildings or other structures.

**Building, nonconforming:** Any building which does not conform to the regulations of this title prescribing the use, required yards, lot coverage, height and setbacks, minimum required spacing between buildings on a single lot, and minimum required usable open space for the district in which such building is located.

**Building, principal:** A nonaccessory building in which the principal use of the zoning lot on which it is located is conducted.

**Building setback line:** A line parallel to the street line of a distance from it, regulated by the front yard requirements set up in this title. (See section 10-2-4 of this chapter for diagram.)

**Building, temporary:** Any building not designed to be permanently located in the place where it is, or where it is intended to be placed or affixed.

**Bulk:** The term used to describe the size and mutual relationships of buildings and other structures, as to size, height, coverage, shape, location of exterior walls in relation to lot lines, to the centerlines of the streets, to other walls of the same buildings, and to other buildings or structures, and to all open spaces relating to the building or structure.

**Business:** Any occupation, employment or enterprise wherein merchandise is exhibited or sold, or which occupies time, attention, labor and materials, or where services are offered for compensation.

**Campground:** Any area that is occupied or intended or designed or improved for occupancy by transients using recreational vehicles, travel trailers, and/or tents.

**Car wash:** A building or portion thereof containing facilities for washing more than two (2) motor vehicles, using production line methods. The use of personnel for one (1) or more phases of this operation in conjunction with or without complete automatic or mechanical devices does not alter its classification. Coin-operated devices operated on a self-service basis shall be construed to be the same.

**Carport:** An automobile shelter with two (2) or more sides open.

**Cemetery:** Land used or dedicated to the interment of human or animal remains or cremated remains, including crematoriums, mausoleums, necessary sales, and maintenance facilities. Mortuaries shall be included when operating within the boundary of such cemetery.

**City:** The United City of Yorkville or the City of Yorkville.

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*City council:* The City Council of the City of Yorkville.

*Club or lodge, private:* A for profit or nonprofit association of persons who are bona fide members paying annual dues which owns, hires or leases a building, or portion thereof, the use of such premises being restricted to members and their guests. It shall be permissible to serve food and meals on such premises provided that adequate dining room space and kitchen facilities are available. The sale of alcoholic beverages to members and their guests shall be allowed in conjunction with the operation of a dining room for the purpose of serving food and meals, though such beverages may be served in a separate room or rooms, and provided that such sale of alcoholic beverages is in compliance with the applicable local, federal and state laws, and county ordinances. (See title 3, chapter 3 of this Code.)

*College:* A private or public college or technical institution which provides full-time or part-time education beyond high school that grants Associate, Baccalaureate, or higher degrees.

*Commercial feeding:* A land use or facility used for the confined feeding operation for fish, poultry, swine or livestock.

*Commercial school, trade school:* A school established to provide for the teaching of industrial, clerical, managerial, artistic skills or alternative education. This definition applies to schools that are owned and operated privately for profit or not for profit. Such schools may not contain an auditorium, gymnasium, or any other sort of recreational facilities.

*Community center:* A building or structure used as a place of meeting, recreation or social activity, generally open to the public and designed to accommodate and serve significant segments of the community.

*Conforming building or structure:* A building or structure which:

- A. Complies with all the regulations of this title or of any amendment hereto governing bulk of the district in which said building or structure is located; and
- B. Is designed or intended for a permitted or special use as allowed in the district in which it is located.

*Contractor facility:* A facility where a construction contractor maintains its principal office or a permanent business office including outdoor storage incidental to the business and enclosed with an opaque fence or wall a minimum of six feet (6') in height.

*Contractor offices:* A building used for conducting contracting business that does not use any exterior storage area.

*Court:* An open unoccupied space, other than a yard, on the same lot with a building or group of buildings and which is bounded on two (2) or more sides by such building or buildings.

*Cultivation center:* A facility registered by the Department of Agriculture to perform activities to provide only registered medical cannabis dispensing organizations with usable medical cannabis in compliance with the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 et seq.

*Curb level:* The level of the established curb in front of the building measured at the center of such front. Where a building faces on more than one (1) street, the "curb level" shall be the average of the levels of the curbs at the center of the front of each street. Where no curb elevation has been established, the mean level of the land immediately adjacent to the building shall be considered the "curb level".

*Dance hall:* A place of assembly, open to the public and operated for profit, where dances, parties, receptions and other gatherings are held.

*Datum point:* Any reference point of known or assumed coordinates from which calculation or measurements may be taken.

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*Daycare facility:* Any childcare facility licensed by the State Department of Children and Family Services (DCFS) which regularly provides daycare for less than twenty-four (24) hours per day for more than three (3) children under the age of twelve (12) in a facility other than a family home, 225 ILCS 10/2.09.

*Daycare facility, adult:* Any facility, public or private, regulated by the State of Illinois in accordance with the Older Adult Services Act which provides care for less than twenty-four (24) hours per day for older adults (seniors) such as nutritious meals, planned program of activities, and social and health related services.

*Daycare facility, part day:* Any facility licensed by the State Department of Children and Family Services (DCFS) and which is conducted by a church, religious organization or social service agency in which individual children are provided care, on an intermittent basis, for up to ten (10) hours per seven (7) day week. Any facility which provides intermittent care for up to ten (10) hours per seven (7) day week shall not provide such care for more than eight (8) hours in any given day during the seven (7) day week. Any facility which provides intermittent care for up to ten (10) hours per seven (7) day week shall provide at least one (1) caregiver per twenty (20) children, 225 ILCS 10/2.10.

*Daycare home, group:* Any in home childcare service licensed by the State Department of Children and Family Services (DCFS) which regularly provides care for less than twenty-four (24) hours per day for more than three (3) and up to a maximum of sixteen (16) children under the age of twelve (12) in a family home. The number of children allowed includes the family's natural or adopted children and all other persons under the age of twelve (12), 225 ILCS 10/2.20.

*Daycare, in home:* Any in home childcare service licensed by the State Department of Children and Family Services (DCFS) which regularly provides care for less than twenty-four (24) hours per day for more than three (3) and up to a maximum of twelve (12) children under the age of twelve (12) in a family home. The term does not include facilities which receive only children from a single household, 225 ILCS 10/2.09.

*Decibel (dB):* A unit of measurement of the intensity (loudness) of sound. Sound level meters which are employed to measure the intensity of sound are calibrated in "decibels".

*Density, gross:* A ratio of the total number of dwelling units on a site, divided by the total acreage of the site, to include streets, schools, parks, etc., expressed as dwelling units per acre.

*Density, net:* A ratio of the total number of dwelling units on a site, divided by the number of acres used exclusively for a residential type acreage not to include schools, parks, streets, etc., expressed as dwelling units per acre.

*Department store:* A retail business which is conducted under a single owner's name wherein a variety of unrelated merchandise and services are housed enclosed and are exhibited and sold directly to the consumer for whom the goods and services are furnished.

*Displacement (Earth):* The amplitude or intensity of an earthborn vibration measured in inches. The displacement or amplitude is one-half (½) the total earth movement.

*District:* A section or part of the unincorporated portion of the City for which the use regulations are uniform.

*Drive-through service establishment:* A business or establishment which provides all or some of its services through a building opening or window to its patrons who remain in their vehicles.

*Driveway:* A paved or unpaved private roadway providing vehicular access between the right-of-way of the street and a parking space, garage, dwelling or other structure.

*Dry cleaning establishment:* An establishment or business maintained for the pick up and delivery of dry cleaning and/or laundry without the operation of any laundry or dry cleaning equipment or machinery on the premises.

*Dry cleaning plant:* A building, or portion of a building or premises used or intended to be used for cleaning fabrics, textiles, wearing apparel, or articles of any sort by immersion and agitation, or by immersions only, in

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cleaning solvents including, but not limited to, nonflammable solvents and/or class I and above combustible liquid solvents.

*Dwelling*: A building or portion thereof, but not including a house trailer or mobile home, designed or used exclusively for residential occupancy, including single-family dwelling units, duplex dwelling units, townhomes and multiple-family dwelling units, but not including hotels, motels, boarding or lodging houses.

*Dwelling, duplex*: A building designed or altered to provide dwelling units for occupancy by two (2) families within a single structure on separate lots, each of which has independent living quarters with direct access to the outside.

*Dwelling, group*: A group of two (2) or more single-family, duplex, townhome and/or multiple-family dwellings occupying a parcel of land under a single ownership and having a yard or court in common, excluding hotels and motels.

*Dwelling, multiple-family*: A building or portion thereof, designed or altered for occupancy by two (2) or more families living independently of each other within a single or attached structure on one (1) lot, which may or may not share common entrances or other spaces and includes apartments, group homes, and condominiums.

*Dwelling, single-family*: A dwelling unit designed exclusively for use and occupancy by one (1) family which is detached from any other dwelling unit and surrounded on all sides by open space on the same lot.

*Dwelling, townhouse*: A single-family dwelling unit constructed in a group of three (3) or more attached units on separate lots in which each unit extends from foundation to roof and with a yard or public way on at least two (2) sides.

*Dwelling unit*: A single unit providing complete independent living facilities for one (1) or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

*Easement*: A grant by a property owner for the use of a parcel of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

*Efficiency unit*: A dwelling unit consisting of one (1) principal room, exclusive of bathroom, kitchen, hallway, closets or dining alcove, directly off the principal room.

*Equivalent opacity*: The shade on the Ringelmann Chart that most closely corresponds to the density of smoke, other than black or gray.

*Erect*: The act of placing or affixing a component of a structure upon the ground or upon another such component.

*Establishment, business*: A separate place of business having the following three (3) characteristics:

- A. The ownership and management of all operations conducted within such establishment is separate and distinct from the ownership and management of operations conducted within other establishments on the same or adjacent zoning lots.
- B. Direct public access to such "business establishment" is separate and distinct from direct access to any other "business establishment".
- C. There is no direct public access from within such establishment to any other such establishment.

When adjacent places of business lack any one (1) of the aforesaid characteristics with respect to one another, they shall then be considered as a single "business establishment" for the purpose of this title.

*Family*: One (1) or more persons related by blood, marriage or adoption, or a group of not more than five (5) persons (excluding servants) who need not be related by blood, marriage or adoption, living together and maintaining a common household.

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*Fence:* A structure, including gates, or tree or shrub hedge which is a barrier and used as a boundary or means of protection or confinement.

*Fence, open:* A fence which has over its entirety at least fifty percent (50%) of the surface area in open space as viewed at right angles from the fence; except, that the required open space in louver type fences may be viewed from any angle.

*Fence, solid:* A fence which conceals from view, from adjoining properties, streets or alleys, activities conducted behind it.

*Floor area, gross (for determining floor area ratio):* The sum of the gross horizontal areas of the several floors, including also the basement floor of a building, measured from the exterior faces of the exterior walls or from the centerlines of walls separating two (2) buildings. The "floor area" shall also include the horizontal areas on each floor devoted to:

- A. Elevator shafts and stairwells.
- B. Mechanical equipment, except if located on the roof, when either open or enclosed, i.e., bulkheads, water tanks and cooling towers.
- C. Habitable attic space as permitted by the building code.
- D. Interior balconies and mezzanines.
- E. Enclosed porches.
- F. Accessory uses.

The "floor area" of structures used for bulk storage of materials, i.e., grain elevators and petroleum tanks, shall also be included in the "floor area" and such "floor area" shall be determined on the basis of the height of such structures with one (1) floor for each ten feet (10') of structure height and if such structure measures less than ten feet (10') but not less than five feet (5') over such floor height intervals, it shall be construed to have an additional floor. The horizontal area in each floor of a building devoted to off-street parking and off-street loading facilities shall not be included in the "floor area".

"Floor area" when prescribed as the basis of measurement for off-street parking spaces and off-street loading spaces for any use shall be the sum of the gross horizontal area of the several floors of the building, excluding areas used for accessory off-street parking facilities and the horizontal areas to the basement floors that are devoted exclusively to uses accessory to the operation of the entire building. All horizontal dimensions shall be taken from the exterior of the walls.

*Floor area, livable:* Any floor area within outside walls of a residential building exclusive of areas in basements, lookout basements, unfinished attics, garages, open porches and accessory buildings, but including any area "roughed in" but not completed which is designed and intended for human occupancy.

*Floor area ratio:* The numerical value obtained by dividing the floor area within a building or buildings on a lot by the area of such lot. The floor area ratio as designated for each district when multiplied by the lot area in square feet shall determine the maximum permissible floor area for the building or buildings on the lot. (See section 10-2-4 of this chapter for diagram.)

*Foot-candle:* A unit of illumination, equivalent to the illumination at all points which are one foot (1') distant from a uniform point source of one (1) candlepower.

*Foot-lambert:* A unit of brightness, usually of a reflecting surface. A diffusion surface of uniform brightness reflecting or emitting the equivalent of the light from one (1) candle at one foot (1') distant over one (1) square foot has a brightness of one (1) foot-lambert.

*Frequency:* The number of oscillations per second in a sound wave, measuring the pitch of the resulting sound.

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*Garage, bus:* Any building used or intended to be used for the storage of three (3) or more passenger motor buses or motor coaches used in public transportation, excluding school buses.

*Garage, private:* An accessory building or an accessory portion of the principal building which is intended for and used to store the private passenger vehicles of the family or families resident upon the premises, and in which no business, service or industry connected directly or indirectly with automotive vehicles is carried on; provided, that not more than one-half (½) of the space may be rented for the private vehicles of persons not resident on the premises; except, that all the space in a garage of one (1) or two (2) car capacity may be so rented. Such a garage shall not be used for more than one (1) commercial vehicle and the load capacity of such vehicle shall not exceed five (5) tons.

*Gasoline service station:* A place where gasoline, stored only in underground tanks, kerosene, lubricating oil or grease, for operation of automobiles, are offered for sale directly to the public on the premises, and including minor accessories and the services of automobiles, mechanical or manual washing of automobiles, but not including major automobile repairs. Gasoline service stations shall not include sale or storage of automobiles or trailers (new or used).

*Golf course:* A facility providing a private or public golf recreation area designed for regulation play along with accessory golf support facilities including golf related retail sales, restaurant, golf driving range but excluding miniature golf.

*Golf driving range:* An area equipped with distance markers, clubs, balls and tees for practicing golf drives and putting which may include incidental retail sales and food services, but excludes miniature golf.

*Grade:* The established grade of the street or sidewalk. Where no such grade has been established, the grade shall be the elevation of the sidewalk at the property line. Where no sidewalks exist, the grade shall be the average elevation of the street adjacent to the property line. Except in cases of unusual topographic conditions, as determined by the Director of Public Works, grade shall be the average elevation of the finished surface of the ground adjoining the exterior walls of a building at the base of a structure based upon any technical advice that the Director of Public Works deems necessary.

*Grocery store:* Stores where most of the floor area is devoted to the sale of food products for home preparation and consumption, which typically also offer other home care and personal care products.

*Group home:* A single-family dwelling housing not more than eight (8) service dependent or developmentally disabled people living with professional care staff.

*Guest, permanent:* A person who occupies or has the right to occupy a lodging house, rooming house, boarding house, hotel, apartment hotel or motel accommodation as his domicile and place of permanent residence.

*Health and fitness club/center:* A facility which provides for individual or group exercise activities. Programs may include, but are not limited to aerobics, calisthenics, weight training, running, swimming, court games, studio lessons and all types of instructional classes related to physical fitness. Health and fitness clubs/centers may offer a variety of recreational and fitness amenities such as weightlifting machines, free weights, swimming pools, gymnasiums, studios, sport courts, shower and changing areas and may include incidental uses such as childcare facilities, food services, saunas, and pro shops oriented towards customers during their use of the club/center.

*Home occupation:* An accessory use of a residential dwelling unit which complies with the requirements of section 10-3-9 of this title.

*Hospital:* An institution devoted primarily to the maintenance and operation of facilities for the diagnosis, treatment or care, for not less than twenty-four (24) hours in any week, of three (3) or more nonrelated individuals suffering from illness, disease, injury, deformity or other abnormal physical conditions. The term "hospital", as used in this title, does not apply to institutions operating solely for the treatment of mentally ill or chemically

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dependent persons, or other types of cases necessitating restraint of patients, and the term "hospital" shall not be used for convalescent, nursing, shelter or boarding homes.

*Hotel, motel, or inn:* An establishment containing lodging accommodations designed for use by transients, or travelers, or temporary guests. Facilities provided may include maid service, laundering of linen used on the premises, telephone and secretarial or desk service, restaurants, cocktail lounges, meeting rooms and ancillary retail uses, provided access to such uses are from the exterior of the principal use.

*Householder:* The occupant of a dwelling unit who is either the owner or lessee thereof.

*Impact noise:* A short duration sound such as those from a forging hammer or punch press.

*Incombustible:* A material which will not ignite nor actively support combustion during an exposure for five (5) minutes to a temperature of one thousand two hundred degrees Fahrenheit (1,200°F).

*Kennel, commercial:* Any lot or premises or portion thereof on which more than four (4) dogs, cats and other household domestic animals, over four (4) months of age, are kept for sale, or on which more than two (2) such animals are boarded for compensation.

*Laboratory, commercial:* A place devoted to experimental study such as testing and analyzing. Manufacturing assembly or packaging of products is not included within this definition.

*Land banking:* Land that is part of a single lot or development that is set aside or reserved for a later approved use or development.

*Laundry:* A business that provides coin-operated, self-service type washing, drying, dry cleaning and ironing facilities; provided that:

- A. Not more than four (4) persons, including owners, are employed on the premises; and
- B. No pick up or delivery service is maintained.

*Library:* A public facility for the use, but not sale, of literary, musical, artistic, or reference materials.

*Loading and unloading space, off-street:* An open, hard surfaced area of land other than a street or public way, the principal use of which is for the standing, loading and unloading of motor vehicles, tractors and trailers to avoid undue interference with public streets and alleys. Such space shall not be less than ten feet in width, twenty-five feet in length and fourteen feet in height (10' x 25' x 14'), exclusive of access aisles and maneuvering space.

*Lookout basement:* A story having more than one-half (½) of its height below the curb level or below the highest level of the adjoining ground. A lookout basement shall not be counted as a story for the purposes of height measurement.

*Lot:* A parcel of land legally described as a distinct portion or piece of land of record. (See section 10-2-4 of this chapter for diagram of lot types.)

*Lot area:* The area of a horizontal plane bounded by the front, side and rear lot lines.

*Lot, corner:* A lot situated at the junction of and abutting on two (2) or more intersecting streets; or a lot at the point of deflection in alignment of a single street, the interior angle of which is one hundred thirty-five degrees (135°) or less. (See section 10-2-4 of this chapter for diagram.)

*Lot coverage:* The area of a zoning lot occupied by the principal building or buildings, accessory buildings and all other impervious areas such as driveways, roads, sidewalks, parking lots and structures, and any area of concrete asphalt.

*Lot depth:* The mean horizontal distance between the front and rear lot lines of a lot measured within the lot boundaries.

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*Lot, flag:* A lot not fronting or abutting a public roadway and where access to the public roadway is limited to a narrow driveway or strip of land between abutting lots, thereby not meeting the minimum lot frontage requirements. (See section 10-2-4 of this chapter for diagram.)

*Lot frontage:* The front of a lot shall be that boundary of a lot along a public or private street; for a corner lot, the front shall be the narrowest side of the lot fronting upon a street; provided that the owner may orient the building toward either street but once frontage is established it shall be maintained.

*Lot, interior:* A lot other than a corner lot or reversed corner lot. (See section 10-2-4 of this chapter for diagram.)

*Lot line:* A property boundary line of any lot held in single or separate ownership; except, that where any portion of the lot extends into the abutting street or alley, the lot line shall be deemed to be the street or alley line.

*Lot line, front:* A lot line which abuts a street shall be the front lot line. For corner lots, the narrowest side of the lot fronting upon a street shall be considered the front of the lot; provided that the owner may orient the building toward either street but once frontage is established it shall be maintained.

*Lot line, interior:* A side lot line common with another lot.

*Lot line, rear:* The rear lot line is the lot line or lot lines most nearly parallel to and more remote from the front lot line.

*Lot line, side:* Lot lines other than front or rear lot lines are side lot lines.

*Lot of record:* A lot which is a part of a subdivision or a parcel of land described by deed and where both the map and the deed were recorded in the Office of the County Recorder.

*Lot, reversed corner:* A corner lot, the rear of which abuts upon the side of another lot, whether across an alley or not. (See section 10-2-4 of this chapter for diagram.)

*Lot, through:* A lot having frontage on two (2) parallel or approximately parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines. (See section 10-2-4 of this chapter for diagram.)

*Lot width:* The mean horizontal distance between the side lot lines measured within the lot boundaries, or the minimum distance between the side lot lines within the buildable area.

*Lot, zoning:* A plot of ground made up of one (1) or more contiguous parcels which are under single ownership and may be occupied by a use, building or buildings, including the yards and open spaces required by this title.

*Manufacturer, firearms and ammunition:* Any person or entity in: a) the business of transporting, shipping and receiving firearms and ammunition for the purpose of sale or distribution, b) selling firearms at wholesale or retail, c) repairing firearms or making or fitting special barrels, stocks or trigger mechanisms to firearms and operating under the provisions of the applicable local, state and federal licenses.

*Manufacturing establishment:* An establishment, the principal use of which is manufacturing, fabricating, processing, assembly, repairing, storing, cleaning, servicing or testing of materials, goods or products.

*Marina:* A facility for secure mooring of boats, including facilities for storage and repair of boats and sale of boating supplies and fuel.

*Massage establishment:* Any establishment having a source of income or compensation derived from the practice of "massage" as defined in section 10 of the Massage Licensing Act, 225 ILCS 57/10 and which has a fixed place of business where any person, firm, association or corporation engages in or carries on any of the activities defined in title 3, chapter 9, "Massage Establishments", of this Code.

*Medical cannabis dispensing organization:* A facility operated by an organization or business that is registered by the Department of Financial and Professional Regulation to acquire medical cannabis from a registered cultivation center for the purpose of dispensing cannabis, paraphernalia, or related supplies and educational materials to registered qualified patients in compliance with the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 et seq.

*Medical clinic:* An establishment where patients are admitted for special study and treatment by two (2) or more licensed physicians or dentists and their professional associates, practicing medicine together.

*Microbrewery or brewpub/Microwinery:* A combination retail, wholesale, and/or small-scale artisan manufacturing business that brews, ferments, processes, packages, distributes, and serves either beer or wine for sale on or off-site. A microbrewery shall produce no more than one hundred fifty-five thousand (155,000) gallons of beer per year and a microwinery shall produce no more than fifty thousand (50,000) gallons of wine per year for sale on the premises for either on-premises or off-premises consumption. These facilities may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Off-site distribution of the beverages shall be consistent with state law. A restaurant brewery that brews beer primarily for sale in the restaurant and/or bar and is dispensed directly from the brewery's storage tanks. Total production capacity shall not exceed one hundred fifty-five thousand (155,000) gallons per calendar year. One (1) U.S. barrel is equivalent to thirty-one (31) gallons.

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*Microdistillery:* A small scale artisan manufacturing business that blends, ferments, processes, packages, distributes and serves alcoholic spirits on and off the premises and produces no more than fifteen thousand (15,000) gallons per calendar year on-site. The microdistillery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Off-site distribution of the alcoholic beverages shall be consistent with state law.

*Microwinery:* Combination retail, wholesale and small scale artisan manufacturing business that blends, ferments, processes, packages, distributes and serves wine for sale on or off-site, and produces no more than one hundred thousand (100,000) gallons per year. The microwinery facility may include an ancillary tasting room and retail component in which guests/customers may sample and purchase the product. Off-site distribution of the vinous beverages shall be consistent with state law.

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*Miniature golf course:* A novelty version of golf played with a putter and golf ball on a miniature course, typically theme oriented with artificial playing surfaces and including obstacles such as bridges and tunnels.

*Mobile home:* A manufactured home structure transportable in one (1) or more sections, which in the traveling mode is eight (8) body feet or more in width and forty (40) body feet or more in length or when erected on-site is three hundred twenty (320) square feet or more and which is built on a permanent chassis and designed to be used as a dwelling unit with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning and electrical systems that may be contained therein; except that such term shall include any structure that meets all the requirements of this definition except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary (HUD) and complies with the standards established under this title. For manufactured homes built prior to June 15, 1976, a label certifying compliance to the standard for mobile homes, NFPA 501, in effect at the time of manufacture is required.

*Mobile home park:* A lot, parcel or tract of land developed with facilities for accommodating two (2) or more mobile homes, provided each mobile home contains a kitchen, flush toilet and shower or bath; and such park shall be for use only by nontransient dwellers remaining continuously for more than one (1) month, whether or not a charge is made. It shall not include a sales lot in which automobiles or unoccupied mobile homes or other trailers are parked for the purpose of inspection or sale, except mobile homes located on a site in the mobile home park which are occupied or vacant for not more than ninety (90) days after occupancy may be sold or offered for sale.

*Modular construction:* A structure not built on-site, but which is placed on a permanent foundation and meets building code requirements.

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*Motels, motor lodges, tourist courts:* A group of attached or detached buildings containing individual sleeping units, designed for or used temporarily by automobile tourists or transients, with garage attached or parking space conveniently located to each unit, including auto courts, motels or motor lodges, but not including mobile homes.

*Motor freight terminal:* A building in which freight, brought to said building by motor truck, is assembled and sorted for routing in intrastate and interstate shipment by motor truck.

*Motor vehicle:* A passenger vehicle, truck, truck trailer, trailer or semitrailer propelled or drawn by mechanical power.

*Nonconforming use:* Any building, structure or land lawfully occupied by use or lawfully established which does not conform to the current regulations of the zoning ordinance.

*Noxious matter:* Material which is capable of causing injury to living organisms by chemical reaction or is capable of causing detrimental effects upon the physical, social or economic well being of human beings.

*Nursery:* Retail business whose principal activity is the selling of plants and having outdoor storage, growing and/or display of plants.

*Nursing home:* A home for the care of children or the aged or infirm, or a place of rest for those suffering bodily disorders, but not including facilities for the treatment of sickness or injuries or for surgical care.

*Octave band:* A means of dividing the range of sound frequencies into octaves in order to classify sound according to pitch.

*Octave band filter:* An electrical frequency analyzer designed according to standards formulated by the American Standards Association and used in conjunction with a sound level meter to take measurements in specific octave intervals. (American Standard For Sound-Level Meters/ASA - No. 224.3 - 1944.)

*Odor threshold:* The lowest concentration of odorous matter in air that will produce an olfactory response in a human being. Odor thresholds shall be determined in accordance with ASTM method D 1391-57, "Standard Method For Measurement of Odor in Atmospheres (Dilution Method)".

*Odorous matter:* Any material that produces an olfactory response among human beings.

*Office:* A place, such as a building, room or suite, in which services, clerical work, professional duties or the like are carried out.

*Open sales lot:* Any land used or occupied for the purpose of buying and selling new or secondhand passenger cars or trucks, motor scooters, motorcycles, boats, trailers, aircraft, monuments, etc., and for the storing of same prior to sale.

*Outdoor music venue:* A property where sound equipment is used to amplify sound that is not fully enclosed by permanent, solid walls or roof.

*Parapet:* An architectural feature of a building where that portion of an exterior wall extends above the roof deck.

*Parking area, private:* An open, hard surfaced area, other than a street or public way, designed, arranged and made available for the storage of private passenger automobiles only of occupants of the building or buildings for which the parking area is developed and is accessory.

*Parking area, public:* An open, hard surfaced area, other than a street or public way, intended to be used for the storage of passenger automobiles and commercial vehicles under one and one-half (1½) tons' capacity, and available to the public, whether for compensation, free or as an accommodation to clients or customers.

*Parking space, automobile:* Space within a public or private parking area designed in conformance with section 10-16-3 of this title, exclusive of access drives, or aisles, ramps, columns or office and work areas, for the storage of one (1) passenger automobile or commercial vehicle under one and one-half (1½) tons' capacity.

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*Parking structure:* An attached or detached structure that is fully or partially enclosed with one (1) or more levels and is used exclusively for the parking or storage of motor vehicles. This does not include private one-story garages for single-, two-, or multiple-family residential uses. Parking structures may either be above or below grade.

*Particulate matter:* Material which is suspended in or discharged into the atmosphere in finely divided form as a liquid or solid at atmospheric pressure and temperature.

*Party wall:* An interior wall of adjoining structures extending from its footing to the underside of the roof, and which separates and is in common use by such adjoining structures.

*Pawnbroker/pawnshop:* Any person who lends money on deposit or pledge of personal property, or deals in the purchase of personal property on condition of selling the same back at a stipulated price, or who publicly displays at his or her place of business the sign generally used by pawnbrokers to denote the pawnbroker's business, or who publicly displays a sign which indicates, in substance, a business on the premises which "loans money for personal property, or deposit or pledge". The business of a pawnbroker shall not include the lending of money on deposit or pledge of title to property.

*Performance standard:* A criterion to control noise, odor, smoke, toxic or noxious matter, vibration, fire and explosive hazards, or glare or heat generated by or inherent in uses of land or buildings.

*Philanthropic institution:* Any building or group of buildings devoted to and supported by charity.

*Plan commission:* The Plan Commission of the City of Yorkville.

*Planned unit development:* A tract of land which is developed as a unit under single ownership or control, which includes two (2) or more principal buildings, and which is at least four (4) acres in area, except for planned developments operated by a municipal corporation which shall be at least two (2) acres in area, and planned unit developments in manufacturing districts which shall be at least ten (10) acres in area.

*Porch:* A roofed over structure, projecting out from the wall or walls of a main structure and commonly open to the weather in part.

*Preferred frequencies:* A set of octave bands described by the band center frequency and standardized by the American Standards Association in ASA standard N. S1.6-1960, "Preferred Frequencies For Acoustical Measurements".

*Principal use:* The main use of land or buildings as distinguished from a subordinate or accessory use.

*Professional services:* A business that offers any type of professional service to the public which requires, as a condition precedent to the rendering of such service, the obtaining of a license or other legal authorization. By way of example, and without limiting the generality of this definition, professional services include services rendered by certified public accountants, engineers, chiropractors, dentists, physicians, podiatrists, architects, veterinarians, attorneys at law, physical therapists and insurance agents.

*Public open space:* Any publicly owned open area, including, but not limited to, the following: parks, playgrounds, forest preserves, beaches, waterways, parkways and streets.

*Public utility:* Any person, firm, corporation or municipal department duly authorized to furnish, under public regulation, to the public, electricity, gas, steam, telephone, sewers, transportation or water.

*Railroad passenger station:* A facility for the boarding of passengers and related ticketing sales and offices.

*Railroad right-of-way:* A strip of land with tracks and auxiliary facilities for track operation, but not including depot loading platforms, stations, train sheds, warehouses, car shops, car yards, locomotive shops, water towers, etc.

*Recreation center:* A building or structure used as a place of recreation, generally open to the public and designed to accommodate and serve significant segments of the community.

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*Recreational camp private:* An establishment consisting of permanent buildings used periodically by an association of persons where seasonal accommodations for recreational purposes are provided only to the members of such association and not to anyone who may apply.

*Recreational vehicle:* Any type of vehicle used primarily for recreational pleasure or bearing recreational vehicle registration license plates. Examples include, but are not limited to, motor homes, boats, snowmobiles, and all-terrain vehicles.

*Refuse:* All waste products resulting from human habitation, except sewage.

*Religious institution, large:* A building, having four hundred (400) or more seats or larger than eight thousand (8,000) square feet of total gross floor area, wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes church, synagogue, temple, mosque or other such place for worship and religious activities.

*Religious institution, small:* A building, having four hundred (400) or fewer seats or no larger than eight thousand (8,000) square feet of total gross floor area, wherein persons regularly assemble for religious worship and which is maintained and controlled by a religious body organized to sustain public worship, together with all accessory buildings and uses customarily associated with such primary purpose. Includes church, synagogue, temple, mosque or other such place for worship and religious activities.

*Resale dealer:* Any individual, firm, corporation or partnership engaged in the business of operating a business for profit which buys, sells, possesses on consignment for sale or trades jewelry, stamps, audio-video equipment or any precious metals which may have been previously owned by a consumer; or which derives more than thirty-five percent (35%) of its gross receipts from the sale, consignment for sale, pledge or trade of any goods, wares or merchandise which have previously been owned by a consumer, including, but not limited to, furniture, appliances, clothing, automobile accessories, books or metals, whether in bulk or manufactured state.

- A. The term "resale dealer" shall include, but not be limited to, businesses commonly known as swapshop operators, stamp dealers, coin dealers and jewelers that purchase and resell items from persons other than dealers and suppliers and engage in disassembling, melting and otherwise altering jewelry. The term "resale dealer" shall not include pawnbrokers.
- B. The fact that any business does any of the following acts shall be prima facie proof that such business is a resale dealer:
  1. Advertise in any fashion that it buys or sells used items. Such advertisements shall include, but not be limited to, media advertisements, websites, telephone listings, and signs whether in the exterior or interior of business.
  2. Devotes a significant segment or section of the business premises to the purchase or sale of used items.

*Research laboratory:* A building or group of buildings in which are located facilities for scientific research, investigation, testing or experimentation, but not facilities for the manufacture or sale of products, except as incidental to the main purpose of the laboratory.

*Residence:* The act or condition of residing or dwelling in a place.

*Rest home:* See definition of *Nursing home*.

*Restaurant:* Any land, building or part thereof where meals are provided for compensation, including a cafe, cafeteria, coffee shop, lunchroom, drive-in stand, tearoom and dining room, and including the serving of alcoholic beverages when served with and incidental to the serving of meals, where permitted.

*Restaurant, convenience:* An establishment commonly referred to as "fast casual" dining with the following characteristics: a) limited menu items are made to order and are prepared only upon request; b) food is either

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ordered and picked up at a counter or served at the patron's table in a limited dine in area; and c) usually part of a chain or franchise establishment.

*Restaurant, fast-food:* A quick service restaurant with the following characteristics: a) typically includes drive-through service; b) limited menu items consisting of prepackaged or quickly prepared food items; c) food is ordered and picked up at a counter with no table service provided; d) limited dine in area; and e) usually part of a chain or franchise establishment.

*Retail store:* A building or portion of a building providing area for the selling of new or used goods, wares, and merchandise directly to the consumer for whom the goods are furnished.

*Ringelmann chart:* A chart which is described in the U.S. Bureau of Mines Information Circular 6888, and on which are illustrated graduated shades of gray for use in estimating the light obscuring capacity of smoke.

*Ringelmann number:* The number of the area on the Ringelmann Chart that coincides most nearly with the visual density of smoke emission.

*Roadside stand:* A temporary structure which is used solely for the display or sale of farm produce and related materials. No roadside stand shall be more than three hundred (300) square feet in ground area and there shall be no more than one (1) roadside stand on any one (1) premises.

*Roadway:* That portion of a street which is used or intended to be used for the travel of motor vehicles.

*Runway:* A strip or area of pavement used exclusively for the landing and taking off of aircraft, or for the movement of vehicles incidental to such use.

*Salvage yard:* An open area where waste, scrap metal, paper, rags or similar materials are bought, sold, exchanged, stored, baled, packed, disassembled or handled, including auto, farm implements and machinery, and building wrecking yards, but excluding similar uses taking place entirely within a completely enclosed building.

*School:* Elementary, high school or college, public or private, or nonprofit junior college, college or university, other than trade, commercial and business schools, including instructional and recreational uses, with or without living quarters, dining rooms, restaurants, heating plants and other incidental facilities for students, teachers and employees. These schools typically contain an auditorium, gymnasium, cafeteria, or other recreational facilities.

*Semi-truck:* A tractor unit which is used to tow or move semi-trailers. A semi-truck typically has two (2) or three (3) axles and is built for hauling large amounts of products, goods, and heavy machinery.

*Semi-truck repair:* Engine rebuilding or major reconditioning of worn or damaged semi-trucks; collision service, including body, frame or fender straightening or repair and painting including incidentals repairs, replacement of parts and motor service to semi-trucks.

*Setback:* The minimum distance maintained between a street right-of-way and the nearest supporting member of any structure on the lot, except where otherwise regulated in this title.

*Setback, established:* When forty percent (40%) or more of the lots fronting on one (1) side of a street within a block are improved, the existing setbacks of such improved lots shall be the "established setback" for determining the depth of the required front yards for the remainder of the lots along such street frontage, as regulated in this title.

*Setback line, building:* See definition of building setback line.

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

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*Short-term rental:* A home occupation of a single-family dwelling unit that is used as a primary residence by owners or renters, or a portion of such a dwelling unit that is rented for less than thirty (30) days at a time to transients and temporary guests.

*Skating rink:* An establishment that provides facilities for participant skating.

*Smoke:* Small gasborne particles other than water that form a visible plume in the air.

*Smoke unit:* The number obtained by multiplying the smoke density in Ringelmann numbers by the time of emission in minutes. For the purpose of this chart, Ringelmann density reading is made at least once every minute during the period of observation; each reading is then multiplied by the time in minutes during which it is observed, and the various products are added together to give the total number of smoke units observed during the total period under observation.

*Sound level meter:* An electronic instrument which includes a microphone, an amplifier and an output meter which measures noise and sound pressure levels in a specified manner. It may be used with the octave band analyzer that permits measuring the sound pressure level in discrete octave bands.

*Sound pressure level:* The intensity of a sound measured in decibels mathematically described as twenty (20) times the logarithm to the base-10 of the ratio of the pressure of the sound to a reference pressure of 0.0002 microbar.

*Stable, private:* Any building which is located on a lot on which a dwelling is located and which is designed, arranged, used or intended to be used for housing horses for the private use of occupants of the dwelling.

*Stable, public (riding or boarding stable):* A building and grounds which are designed, arranged, used or intended to be used for the storage, boarding or breeding of horses, including accessory uses which may include riding and horsemanship instructions and the hire of riding horses.

*Stacking requirements:* The number of cars that must be accommodated in a reservoir space while awaiting ingress or egress to specified business or service establishments.

*Stadium:* Any facility, building, corral, arena, or structure of any kind designed for use as either a sports facility (including animal sports, i.e., rodeos, horseraces, etc.), entertainment facility, whether for profit or not, where activities are to be undertaken generally for the entertainment of others. Said description includes ball fields, when any type of structure is involved, skating rinks, racetracks, football or soccer fields, softball fields, gymnasiums, swimming facilities, music halls, theaters, stages or any other type of field or facility.

*Story:* That portion of a building included between the surface of any floor and the surface of the floor above it, or if there is no floor above, then the space between the floor and ceiling next above it. Any portion of a story exceeding fourteen feet (14') in height shall be considered as an additional story for each fourteen feet (14') or fraction thereof.

*Story, half:* That portion of a building under a gable, hip or mansard roof, the wall plates of which on at least two (2) opposite exterior walls are not more than four and one-half feet (4½') above the finished floor of each story. In the case of one-family dwellings, two-family dwellings and multiple-family dwellings less than three (3) stories in height, a half story in a sloping roof shall not be counted as a story for the purpose of this title. In the case of multiple-family dwellings three (3) or more stories in height, a half story shall be counted as a story.

*Street:* A way other than an alley which affords a primary means of access to abutting property.

*Street line:* A line separating an abutting lot, piece or parcel from a street.

*Structural alterations:* Any change other than incidental repairs which would prolong the life of the supporting members of a building or structure such as bearing walls, columns, beams and girders.

*Structure:* Anything constructed or erected which requires location on the ground or is attached to something having location on the ground.

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*Tattoo and body piercing establishments:* Any establishment which performs or provides services for tattooing and/or body piercing as defined in title 3, chapter 10 of this Code.

*Tavern or lounge:* A building where liquors are sold to be consumed on the premises, but not including restaurants where the principal business is serving food.

*Taxicab business:* A service that offers transportation in passenger automobiles and vans to persons in return for remuneration. The business may include facilities for servicing, repair, and fueling the taxicabs or vans.

*Terrace, open:* A level and rather narrow plane or platform which, for the purpose of this title, is located adjacent to one (1) or more faces of the principal structure and which is constructed not more than four feet (4') in height above the average level of the adjoining ground.

*Theater:* A structure used for dramatic, operatic, motion pictures for admission to which money is received. Such establishments may include related services such as food and beverage sales and other concessions.

*Title:* Reference to "title" herein shall be construed to be the Yorkville Zoning Ordinance.

*Toxic materials:* Substances (liquid, solid or gaseous) which are inherently harmful and likely to destroy life or impair health or capable of causing injury to the well being of persons or damage to property.

*Trailer:* A vehicle without motive power, designed to be towed by another vehicle but not designed for human occupancy and which may include a utility trailer, boat trailer, horse trailer or cargo trailer.

*Trailer, camping:* A trailer designed and constructed for temporary dwelling purposes which does not contain built in sanitary facilities and has a gross floor area of less than one hundred thirty (130) square feet.

*Trailer house or mobile home:* See definition of *Mobile home*.

*Trailer, travel:* A trailer designed and constructed for dwelling purposes which may contain cooking, sanitary and electrical facilities and has a gross floor area of one hundred thirty (130) square feet or more but less than three hundred twenty (320) square feet.

*Treatment center:* One (1) or more buildings designed and used for the medical and surgical diagnosis and treatment. This definition excludes hospitals and nursing homes.

*Truck and trailer rental:* Leasing or renting of trucks and trailers, including incidental parking and servicing of vehicles for rent or lease.

*Truck storage yard:* Any land used or intended to be used for the storage or parking of trucks, trailers, tractors, and including commercial vehicles, while not loading or unloading, and which exceed one and one-half (1½) tons in capacity.

*Usable open space:* Ground area of a lot, landscaping and recreational facilities may qualify as usable open space provided that it is an area unobstructed from the ground to the sky and which:

- A. Is not devoted to public or private roadways or driveways and off-street parking and loading;
- B. Is accessible and available only to occupants of dwelling units on the premises, except balconies;
- C. Is not covered by buildings, except not more than five percent (5%) of the required open space may be recreational facilities enclosed within a building for the use of occupants of the dwelling units on the premises;
- D. Has not less than ten feet (10') at its narrowest dimension between either a lot line and an area not qualifying as usable open space; and
- E. Is developed, landscaped and maintained suitable for pedestrian, recreational and leisure use.

*Use:* The purpose for which land or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

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*Use, lawful:* The use of any building, structure or land that conforms with all of the regulations of this title and which conforms with all of the codes, ordinances and other legal requirements as existing when the structure or land is being examined.

*Use, nonconforming:* See definition of *Nonconforming use*.

*Use, permitted:* Any use which is or may be lawfully established in a particular district or districts, provided it conforms with all requirements, regulations, and when applicable, performance standards of this title for the district in which such use is located.

*Use, principal:* The dominant use of land or buildings as distinguished from a subordinate or accessory use.

*Use, special:* A use that has unusual operational, physical or other characteristics that may be different from those of the predominant permitted uses in a district, but which is a use that complements and is otherwise, or can be made, compatible with the intended overall development within a district. Compliance with special standards not necessarily applicable to other permitted or conditional uses in the district shall be required as regulated in this title.

*Vacant land:* A lot or parcel of land on which no improvements or structures have been constructed or actively used for any land use purpose.

*Vibration:* The periodic displacement, measured in inches, of earth at designated frequency cycles per second.

*Warehouse:* A structure, part thereof, or an area used principally for the storage of goods and merchandise for wholesale or distribution, excluding bulk storage of materials that are inflammable or explosive or that present hazards.

*Yard:* An open area on a lot which is unobstructed from its lowest level to the sky, except as otherwise provided in this title.

*Yard, front:* A yard extending along the full width of a front lot line between the side lot lines, and has a depth between the front lot line and the front yard line.

*Yard, interior side:* A side yard which adjoins another lot or an alley separating such side yard from another lot.

*Yard line:* A line in a lot that is parallel to the lot line along which the applicable yard extends and which is not nearer to such lot line at any point than the required depth or width of the applicable yard. A building, structure or other obstruction shall not encroach into the area between the "yard line" and such adjacent lot line, except for such permitted obstructions in yards as are set forth in this title. (See section 10-2-4 of this chapter for diagram.)

*Yard, rear:* A yard extending along the width of the rear lot line between the side lot lines, and from the rear lot line to the rear yard line in depth.

*Yard, side:* A yard extending along the length of a side lot line between the rear yard line and front yard line, from the side yard line to the side lot line in width.

*Yard, side adjoining a street:* A yard which is bounded by the front lot line, side yard adjoining a street line and rear lot line.

*Yard, transitional:* A yard that must be provided on a lot in a business district which adjoins a lot in a residential district as a buffer and subject to regulations provided in the landscape ordinance.

*Zone:* A "district", as defined in this section.

*Zoning Board of Appeals:* See title 2, chapter 2 of this Code.

(Ord. 2014-73, 11-25-2014; amd. Ord. 2015-32, 6-9-2015; Ord. 2016-35, 4-26-2016; Ord. 2017-02, 1-24-2017; Ord. 2017-32, 5-23-2017; Ord. 2019-08, 1-29-2019; Ord. 2019-29, 5-14-2019; Ord. 2019-40, 7-23-2019)

10-6-0: Use tables:

TABLE 10.06.01  
RESIDENTIAL USES

Use Category	Zoning Districts															
	Ag		Open Space			Residential					Business				Manufacturing	
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Dwelling, duplex	-	-	-	-	-	-	P	P	P	-	-	-	-	-	-	-
Dwelling, multi-family	-	-	-	-	-	-	-	P	P	-	P <sup>2</sup>	S <sup>2</sup>				
Dwelling, single-family	P	-	-	P	P	P	P	P	P	-	-	-	-	-	-	-
Dwelling, townhouse	-	-	-	-	-	-	-	P	P	-	-	-	-	-	-	-
Mobile home park	-	-	-	-	-	-	-	S <sup>1</sup>	S <sup>1</sup>	-	-	-	-	-	-	-
Short-term rental	-	-	-	P	P	P	P	P	P	-	-	-	-	-	-	-

P = Permitted use	S = Special use	- = Not permitted use
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Notes:

- 10 acre minimum.
- Apartments above the first floor in a building used for business or as live/work space above a manufacturing use shall be permitted up to a maximum of 2 apartments.

(Ord. 2014-73, 11-25-2014; amd. Ord. 2019-29, 5-14-2019)

TABLE 10.06.02  
INSTITUTIONAL USES

Use Category	Zoning Districts															
	Ag		Open Space			Residential					Business				Manufacturing	
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Cemetery	S	S	S	S	S	S	S	S	S	-	-	-	-	-	-	-
College, university or junior college	S	-	-	S	S	S	S	S	S	P	P	P	P	P	-	-

Hospital	S	-	-	S	S	S	S	S	S	S	-	P	P	P	P	-	-
Library	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Nursing home/rest home	S	-	-	S	S	S	S	S	S	-	P	P				-	-
Philanthropic institution	S	-	-	S	S	S	S	S	S	-	-	-	-	-	-	-	-
Religious institution, large	S	-	-	S	S	S	S	S	S	P	P	P	P	P	S		S
Religious institution, small	S	-	-	S	S	S	S	S	S	P	P	P	P	P	S		S
School, public or private	-	-	-	P	P	P	P	P	P	-	-	-	-	-	-	-	-

P = Permitted use	S = Special use	- = Not permitted use
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(Ord. 2014-73, 11-25-2014)

**TABLE 10.06.03  
BUSINESS USES**

Use Category	Zoning Districts																
	Ag	Open Space		Residential					Business				Manufacturing				
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2	
Adult daycare facility	-	-	S	S	S	S	S	S	-	S	S	S	S	S	S	S	
Adult oriented uses	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Advertising agency	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	
Agricultural implement sales, storage and services of agriculturally oriented products <sup>2</sup>	S	-	-	-	-	-	-	-	-	-	-	-	S	P	-	-	
Agricultural uses	P	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-	
Amphitheater	-	-	P	-	-	-	-	-	-	-	S	S	S	S	S	S	
Amusement park	S	-	S	-	-	-	-	-	-	-	-	-	S	S	S	S	
Animal feed, storage preparation, mixing and wholesale and retail	S																
Animal hospital	S	-	-	-	-	-	-	-	-	-	-	-	S		-	-	
Antique sales	-	-	-	S	-	S	-	S	S	-	P	P	P	P	-	-	

(Supp. No. 2)

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Apiaries	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Appliance - service	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Art galleries/art studio	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P
Auction house	P	-	-	-	-	-	-	-	-	-	-	-	-	P	-	-	-
Automobile parts/accessories sales	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-
Automobile rental	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-
Automobile repair	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P
Automobile sales and service/ open sales lot	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Bakery, retail	-	-	-	-	-	-	-	-	-	-	P	P	P	P	S <sup>1</sup>	S <sup>1</sup>	S <sup>1</sup>
Bank with drive-through facilities	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-
Barber/beauty shop	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-	-
Bed and breakfast inn	S	-	-	S	S	-	-	-	-	-	S	S	S	-	-	-	-
Bicycle shop/repair	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-	-
Billiard parlor	-	-	-	-	-	-	-	-	-	-	S	P	P	P	-	-	-
Boat sales and rental	-	S	S	-	-	-	-	-	-	-	P	P	P	P	-	-	-
Boat storage	-	S	S	-	-	-	-	-	-	-	S	S	S	S	S	S	S
Bookkeeping service	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-	-
Bookstore	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Bowling alley	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Brewery	-	-	-	-	-	-	-	-	-	-	S	S	S	S	P	P	P
Brewpub	!	!	!	!	!	!	!	!	!	!	!	!	!	!	!	!	!
Building equipment, building materials, lumber, coal, sand and gravel yards, and yards for contracting equipment of public agencies, or public utilities, or materials or equipment of similar nature, ready mix batch plants, and asphalt manufacturing plants	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S	S
Building material sales	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-
Campground	S	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Car wash without mechanical repair	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P
Carpet and rug cleaning	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P
Catering service	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-	-

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Clothes - pressing and repair	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Club/lodge, private <sup>2</sup>	S	-	-	-	-	-	-	-	-	P	P	P	P	P	-	S
Coffee shop	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Commercial feeding of fish, poultry, livestock	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Commercial laboratory	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Commercial school, trade school - offering training in classroom study	-	-	-	-	-	-	-	-	-	P	P	P	P	P	S	S
Community center	-	-	P	-	-	S	S	S	S	-	P	P	P	P	S	S
Contractor facilities with outdoor storage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Contractor offices	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Cultivation of nonfood crops and seeds used of cellulosic biofuels production	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Dance hall	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Daycare facility and preschools	S	-	S	S	S	S	S	S	-	S	S	S	S	S	S	S
Department store	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Detective agency	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Dressmaker-seamstress	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Dry cleaning establishment	-	-	-	-	-	-	-	-	-	S	P	P	P	P	-	-
Dry cleaning plant	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Employment office	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Farming	P	S	S	-	-	-	-	-	-	-	-	-	-	-	-	-
Fertilizer sales with storage and mixture	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Forestation	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Funeral home/ mortuary/ crematorium	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Furniture repair and refinishing	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Gasoline service station	-	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S
Golf course <sup>2</sup>	S	-	S	P	P	P	P	P	P	-	-	-	-	-	-	-
Golf course, miniature	S	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Golf driving range	S	-	S	-	-	-	-	-	-	-	-	-	P	P	-	-
Grain elevators and storage	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-

Grocery store	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Health and fitness club/center	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-
Heavy machinery and equipment rental	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Hotel/motel/motor lodges/tourist courts	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Indoor shooting gallery/gun range <sup>2</sup>	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	S
Interior decorating studio	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Kennel, commercial or private dog kennels	S	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Liquor store	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Locksmith	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Massage establishment	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Medical clinic	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-
Microbrewery/ brewpub, microdistillery and microwinery <sup>2</sup>	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P
Microdistillery	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P
Milk processing and distribution <sup>2</sup>	S	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Motorcycle sales and service	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Musical instrument sales/repair	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Newspaper publishing	-	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P
Nursery/greenhouses	S	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Off-track betting (OTB) establishments	-	-	-	-	-	-	-	-	-	-	-	S	-	-	-	-
Outdoor music venues	-	-	P	-	-	-	-	-	-	-	S	S	S	S	S	S
Parks	-	P	P	P	P	P	P	P	P	P	P	P	P	P	-	-
Pawnbrokers/pawnshops	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Pet stores/pet supply	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Photography studio/camera repair shop	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Playground	-	P	P	P	P	P	P	P	P	-	P	P	P	P	-	-
Post office/retail mail or package service	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Professional services/offices	-	-	-	-	-	-	-	-	-	P	P	P	P	P	-	-

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Public storage facilities/miniwarehouse storage <sup>2</sup>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Radio and television studios	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Recreation center	-	-	P	-	-	-	-	-	-	-	P	P	P	P	P	P
Recreational camp - private	S	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-
Recreational vehicle sales and service	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Repair of household or office machinery or equipment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Resale dealers	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Restaurant, convenience and fast food	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Retail store includes pharmacy/drugstore	-	-	-	-	-	-	-	-	-	S	P	P	P	P	S	-
Riding academies with stables	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Roadside stand	P	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Salvage yard <sup>2</sup>	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Semi-truck repair	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Shoe and hat repair	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Skating rink	-	-	S	-	-	-	-	-	-	-	-	-	P	P	-	-
Stables or paddocks	P	-	S	-	-	-	-	-	-	-	-	-	-	-	-	-
Stadium	-	-	S	-	-	-	-	-	-	-	-	-	S	S	S	S
Swimming pool - indoor	-	-	S	-	-	-	-	-	-	-	P	P	P	P	-	-
Tattoo and body piercing establishment	-	-	-	-	-	-	-	-	-	-	P	P	P	P	P	P
Tavern - nightclub or lounge	-	-	-	-	-	-	-	-	-	-	S	S	S	S	S	S
Taxidermist	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Theater	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Trailer camp/park	S	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Treatment center	-	-	-	-	-	-	-	-	-	-	P	P	P	P	-	-
Truck and trailer rental	-	-	-	-	-	-	-	-	-	-	-	-	S	P	-	-
Truck, truck-tractor, truck trailer, car trailer or bus storage yard - not include motor freight terminal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Upholstery shop	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-
Veterinary clinic	-	-	-	-	-	-	-	-	-	-	-	-	P	P	-	-

Watch and clock sales and repair	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-
Weaving and mending - custom	-	-	-	-	-	-	-	-	-	-	-	-	P	P	P	-	-

P = Permitted use	S = Special use	- = Not permitted use
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Notes:

1. Appurtenant to wholesale.
2. See section 10-6-1, "Special Conditions", of this chapter.

(Ord. 2014-73, 11-25-2014; amd. Ord. 2015-32, 6-9-2015; Ord. 2015-33, 6-9-2015; Ord. 2016-35, 4-26-2016; Ord. 2017-02, 1-24-2017; Ord. 2017-32, 5-23-2017; Ord. 2019-08, 1-29-2019; Ord. 2019-13, 2-26-2019)

**TABLE 10.06.04  
MANUFACTURING USES**

Use Category	Zoning Districts															
	Ag	Open Space		Residential						Business				Manufacturing		
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Any assembly, production, manufacturing, testing, repairing or processing that can and does operate in compliance with performance standards <sup>1</sup>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Aggregate materials extraction, processing and site reclamation (stone and gravel quarries)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Bakery (wholesale -	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P

retail component special use)																
Blacksmith or welding shop	S	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Manufacturer of firearms and ammunition	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Medical cannabis cultivation center and dispensaries <sup>1</sup>	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Research laboratories	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Wholesaling and warehousing - local cartage express facilities - not including motor freight terminal	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P

P = Permitted use	S = Special use	- = Not permitted use
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Notes:

1. See section 10-6-1, "Special Conditions", of this chapter.

**TABLE 10.06.05  
TRANSPORTATION USES**

Use Category	Zoning Districts															
	Ag		Open Space			Residential					Business				Manufacturing	
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Airport	S	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Bus or truck garage or streetcar house	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P
Bus or truck storage yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P

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Marina	-	-	S	-	-	-	-	-	-	-	-	S	S	S	S	S
Motor freight terminals	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Railroad passenger station	S	-	-	S	S	S	S	S	S	S	S	S	S	S	S	S
Railroad repair shops, maintenance buildings and switching yards	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S
Taxicab business	-	-	-	-	-	-	-	-	-	-	-	-	P	P	S	S

P = Permitted use      S = Special use      - = Not permitted use

**TABLE 10.06.06  
UTILITY USES**

Use Category	Zoning Districts															
	Ag	Open Space		Residential					Business				Manufacturing			
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Communications use	S	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-
Electric substation	S	S	S	S	S	S	S	S	S	-	P	P	P	P	P	P
Filtration plant	S	-	-	S	S	S	S	S	S	-	-	-	-	-	P	P
Fire station	S	-	-	S	S	S	S	S	S	P	P	P	P	P	P	P
Police station	S	-	-	S	S	S	S	S	S	P	P	P	P	P	P	P
Public utility - electric substations and distribution centers, gas regulation centers and underground gas holder stations	S	S	S	-	-	-	-	-	-	-	-	-	-	-	P	P

Other public utility facilities	S	-	S	P	P	P	P	P	P	P	-	-	-	-	-	P	P
Radio and television towers - commercial	S	-	-	S	S	S	S	S	S	S	-	-	-	-	-	P	P
Sanitary landfill	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Sewage treatment plant	-	-	-	S	S	S	S	S	S	S	-	-	-	-	-	P	P
Solid waste disposal site	-	-	-	-	-	-	-	-	-	S	S	S	S	S	P	P	
Utility company maintenance yard	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	
Utility service yard or garage	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	
Watchman quarters (dwelling units)	-	-	-	-	-	-	-	-	-	-	-	-	-	-	P	P	

P = Permitted use	S = Special use	- = Not permitted use
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**TABLE 10.06.07  
ALTERNATIVE ENERGY USES**

Use Category	Zoning Districts															
	Ag	Open Space		Residential					Business				Manufacturing			
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Solar farm	S	S	S	-	-	-	-	-	-	S	-	-	-	-	-	-
Building-mounted solar energy systems (BSES)	S	-	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Freestanding solar energy systems (FSES)	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S	S
Wind farm	S	-	S	-	-	-	-	-	-	S	-	-	-	-	-	-
Building-mounted	S	-	P	S	S	S	S	S	S	S	S	S	S	S	S	S

wind energy system (BWES)																
Freestanding wind energy system (FWES)	S	S	S	S	S	S	-	-	-	S	-	-	-	-	S	S

P = Permitted use      S = Special use      - = Not permitted use

**TABLE 10.06.08  
MISCELLANEOUS USES**

Use Category	Zoning Districts															
	Ag	Open Space		Residential						Business				Manufacturing		
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Accessory building/use and structures	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Planned unit development (PUD)	S	-	-	S	S	S	S	S	S	S	S	S	S	S	S	S

P = Permitted use      S = Special use      - = Not permitted use

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

**TABLE 10.06.09  
ADULT USE CANNABIS BUSINESSES**

Use Category	Zoning Districts															
	Ag	Open Space		Residential						Business				Manufacturing		
	A-1	OS-1	OS-2	E-1	R-1	R-2	R-2D	R-3	R-4	O	B-1	B-2	B-3	B-4	M-1	M-2
Adult-use cannabis craft grower	S	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Adult-use cannabis	S	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S

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cultivation center																	
Adult-use cannabis dispensing organization	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	S	S
Adult-use cannabis infuser organization or infuser	-	-	-	-	-	-	-	-	-	-	-	-	-	S	-	S	S
Adult-use cannabis processing organization or processor	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S
Adult-use cannabis transporting organization or transporter	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	S	S

P = Permitted use	S = Special use	- = Not permitted use
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(Ord. 2019-84, 11-26-2019)

**10-6-1: Special conditions:**

- A. *Agricultural implementation sales, storage and service of agriculturally oriented products:*
  - 1. Sales yards, wholesale or retail, for agricultural products in A-1, Agricultural District; refer to section 10-9-3, "Special Uses", of this title.
- B. *Club/lodge, private:*
  - 1. Private clubs or lodges in A-1, Agricultural District; refer to section 10-9-3, "Special Uses", of this title.
- C. *Golf courses:*
  - 1. Regulation size golf courses are permitted provided that no clubhouse or accessory building shall be nearer than five hundred feet (500') to any dwelling on an adjacent zoning lot.
  - 2. Golf courses, miniature golf courses and driving ranges in A-1, Agricultural District; refer to section 10-9-3, "Special Uses", of this title.
- D. *Indoor shooting galleries/gun ranges:*
  - 1. When located in a multiple-tenant building, shall only be located in an end unit and with the gallery/range not adjacent to an adjoining unit.

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2. The minimum building setback for indoor shooting gallery/gun range facilities shall be fifty feet (50') from any property line that abuts a residentially zoned property.
3. The retail operations of any indoor shooting gallery/gun ranges shall occupy not more than twenty-five percent (25%) of the total floor area.

E. *Manufacturing uses:*

1. All business, production, servicing and processing shall take place within completely enclosed buildings unless otherwise specified. Within one hundred fifty feet (150') of a residence district, all storage shall be in completely enclosed buildings or structures, and storage located elsewhere in the manufacturing districts may be open to the sky but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet (8') high, but in no case lower in height than the enclosed storage and suitably landscaped.
2. However, open off-street loading facilities and open off-street parking of motor vehicles under one and one-half (1½) tons' capacity may be unenclosed throughout the manufacturing districts, except for such screening of parking and loading facilities as may be required under provisions of chapter 16 of this title.

F. *Medical cannabis cultivation center:*

Cultivation center and medical cannabis dispensing organization in compliance with the Compassionate Use of Medical Cannabis Pilot Program Act, 410 ILCS 130/1 et seq., provided, that the distance requirements set forth in that Act are also required for public parks and religious institutions for such use.

G. *Microbrewery/brewpubs:*

1. ~~Microbreweries/brewpubs~~ ~~where operations will be ancillary to a restaurant or eating establishment, and the brewing component of the facility shall be no more than twenty-five percent (25%) of the total floor area.~~ ~~If off-premises consumption is allowed, all sales must be in a hand capped, sealed container with a total maximum production of one hundred fifty-five thousand (155,000) gallons per calendar year inclusive of on-premises and off-premises sales.~~
2. ~~Microbrewery/brewpub operations will be ancillary to a restaurant or eating establishment, and the brewing component of the facility shall be no more than twenty-five percent (25%) of the total floor area.~~

H. *Microbreweries/microwineries and Microdistilleries and microwineries:*

1. ~~Microbreweries where if off-premises consumption is allowed, all sales must be in a hand capped, sealed container with a total maximum production of one hundred fifty-five thousand (155,000) gallons per calendar year inclusive of on-premises and off-premises sales.~~
2. Outdoor storage of equipment, production waste or product for microdistilleries and microwineries is strictly prohibited when located in a business district. However, outdoor storage of spent grains or grapes may be permitted to be stored outdoors in appropriate silos or containers in the manufacturing districts, provided the storage is screened from public view. Screening may be with fencing, landscaping or a combination of both.
- 2.3. All microdistilleries and microwineries are subject to chapter 13, article C, "Performance Standards", of this title with regards to foul odors, fire and explosive hazards and smoke.
- 3.4. All microdistilleries and microwineries located in business districts must have off-street or rear accessible loading and unloading facilities.

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45. Microdistilleries or microwineries located in business districts must include an ancillary tasting room with a minimum of one hundred fifty (150) square feet. Retail sales of the product from a microdistillery or microwinery are permitted on-site and shall be consistent with state and City laws.

I. *Milk processing and distribution:*

1. When located in the A-1, agricultural district milk processing and distribution, including pasteurizing and manufacture of ice cream, but not including the processing or manufacture of cheese, shall be considered a special use.

J. *Public storage facilities/miniwarehouse storage:*

1. Whenever a special use is granted for miniwarehouse storage under the M-1 zoning district or any other permitted zoning district, the following restrictions shall apply:
- a. If the facility is within one hundred fifty feet (150') of a residential district, all storage shall be in completely enclosed buildings or structures, and storage located elsewhere in this district may be open to the sky, but shall be enclosed by solid walls or fences (including solid doors or gates thereto) at least eight feet (8') high, but in no case lower in height than the enclosed storage buildings and suitably landscaped consistent with the City's landscape ordinance.
  - b. A minimum of three (3) parking spaces shall be provided.
  - c. There shall be a minimum of twenty feet (20') between buildings.

K. *Salvage yards:*

1. Salvage yards in A-1, agricultural district; refer to section 10-9-3, "Special Uses", of this title.

L. *Cannabis businesses:*

1. *Definitions:*

*Cannabis craft grower:* A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, dry, cure and package cannabis and perform other necessary activities to make cannabis available for sale at a dispensing organization or use at a processing organization, per the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

*Cannabis cultivation center:* A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to cultivate, process, transport and perform necessary activities to provide cannabis and cannabis-infused products to licensed cannabis business establishments, per the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

*Cannabis dispensing facility or dispensary:* A facility operated by an organization or business that is licensed by the Illinois Department of Financial and Professional Regulation to acquire cannabis from licensed cannabis business establishments for the purpose of selling or dispensing cannabis, cannabis-infused products, cannabis seeds, paraphernalia or related supplies to purchasers or to qualified registered medical cannabis patients and caregivers, per the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

*Cannabis infuser facility or infuser:* A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to directly incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis-infused product, per the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

*Cannabis processing facility or processor:* A facility operated by an organization or business that is licensed by the Illinois Department of Agriculture to either extract constituent chemicals or compounds

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to produce cannabis concentrate or incorporate cannabis or cannabis concentrate into a product formulation to produce a cannabis product, per the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

*Cannabis transporting business or transporter:* An organization or business that is licensed by the Illinois Department of Agriculture to transport cannabis on behalf of a cannabis business establishment or a community college licensed under the Community College Cannabis Vocational Training Pilot Program, per the Cannabis Regulation and Tax Act (P.A. 101-0027), as it may be amended from time to time, and regulations promulgated thereunder.

2. *Special use distance requirements and restrictions:*

a. *Cannabis craft grower:*

- (1) Facility may not be located within five hundred feet (500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, public parks or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this section.
- (2) Facility may not be located within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes, unless in the A-1 zoning district where the residential use is owned by the same owner as the adult-use cannabis craft grower, regardless of corporate boundary.
- (3) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (4) Cannabis craft growers may co-locate with a dispensing organization or a cannabis infuser organization, or both, only on properties zoned within the M-1 or M-2 districts.
- (5) For purposes of determining required parking, cannabis craft grower shall be classified as "industrial uses" per section 10-16-3 Off-Street Parking Requirements, provided, however, that the City may require that additional parking as part of the special use conditions.
- (6) Cannabis craft grower shall be limited to one (1) facility within the boundaries of the City.

b. *Cannabis cultivation center:*

- (1) Facility may not be located within five hundred feet (500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, public parks or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this section.
- (2) Facility may not be located within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes, regardless of corporate boundary.
- (3) Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (4) For purposes of determining required parking, adult-use cannabis craft growers shall be classified as "industrial uses" per section 10-16-3 Off-Street Parking Requirements, provided, however, that the City may require that additional parking as part of the special use conditions.

- 
- (5) Cannabis cultivation center shall be limited to one (1) facility within the boundaries of the City.

c. *Cannabis dispensing organization:*

- (1) Facility may not be located within five hundred feet (500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, public parks or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this section.
- (2) Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes, regardless of corporate boundary.
- (3) Facility shall have a maximum gross floor area of five thousand (5,000) square feet, of which at least seventy-five percent (75%) of the floor area occupied by a dispensing organization shall be devoted solely to the activities the dispensing cannabis or cannabis products as authorized by the Act, and shall not sell food or alcohol for consumption on the premises.
- (4) Drive-through facilities are prohibited.
- (5) E-commerce delivery service platforms are prohibited.
- (6) The facility shall be classified as "commercial uses" per section 10-16-3 Off-Street Parking Requirements, provided, however, that the City may require that additional parking as part of the special use conditions.
- (7) Cannabis dispensing organizations shall be limited to one (1) facility within the boundaries of the City.

d. *Cannabis infuser organization:*

- (1) Facility may not be located within five hundred feet (500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, public parks or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this section.
- (2) Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes, regardless of corporate boundary.
- (3) Infuser organizations may co-locate with a dispensing organization or a cannabis craft grower organizations, or both, only on properties zoned within the M-1 or M-2 districts. In such instances, the maximum gross floor area dedicated to the dispensing organization shall be five thousand (5,000) square feet of which seventy-five percent (75%) of the floor area must be devoted to the activities authorized by the Act.
- (4) For purposes of determining required parking, said facilities shall be classified as "industrial uses" per section 10-16-3 Off-Street Parking Requirements, provided, however, that the City may require that additional parking as part of the special use conditions.
- (5) Cannabis infuser organizations shall be limited to one (1) facility within the boundaries of the City.

e. *Cannabis processing organization:*

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- (1) Facility may not be located within five hundred feet (500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, public parks or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this section.
  - (2) Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes, regardless of corporate boundary.
  - (3) At least seventy-five percent (75%) of the floor area occupied by a dispensing organization shall be devoted solely to the activities the dispensing cannabis or cannabis products as authorized by the Act, and shall not sell food or alcohol for consumption on the premises.
  - (4) For purposes of determining required parking, said facilities shall be classified as "industrial uses" per section 10-16-3 Off-Street Parking Requirements, provided, however, that the City may require that additional parking as part of the special use conditions.
  - (5) Cannabis processing organizations shall be limited to one (1) facility within the boundaries of the City.

f. *Cannabis transporting organization:*

- (1) Facility may not be located within five hundred feet (500') of the property line of a pre-existing public or private nursery school, preschool, primary or secondary school, day care center, day care home, residential care home, public parks or religious institutions, regardless of corporate boundary. Commercial/trade schools shall not be classified as a public or private school for purposes of this section.
- (2) Facility may not be located in a dwelling unit or within two hundred fifty feet (250') of the property line of a pre-existing property zoned or used for residential purposes, regardless of corporate boundary.
- (3) The transporting organization shall be the sole use of the space in which it is located. Facility may not conduct any sales or distribution of cannabis other than as authorized by the Act.
- (4) For purposes of determining required parking, said facilities shall be classified as "industrial uses" per section 10-16-3 Off-Street Parking Requirements, provided, however, that the City may require that additional parking as part of the special use conditions.
- (5) Cannabis transporting organization shall be limited to one (1) within the boundaries of the City.

3. *Business hours:* Business hours for all cannabis businesses shall be from 10:00 a.m. to 8:00 p.m. Monday through Saturday and 12:00 p.m. to 5:00 p.m. on Sundays.
4. *On-premises consumption:* On-premises consumption of cannabis products in all cannabis businesses operations is prohibited.
5. *Signage:*
  - a. Recreational cannabis dispensaries shall be limited to one (1) wall-mounted sign per business.
  - b. All cannabis establishments shall be prohibited from having electronic message board signs.
  - c. Signage for cannabis establishments shall not contain cannabis imagery such as leaves, plants, smoke, paraphernalia, or cartoonish imageries.

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6. *Special use application requirements:*

- a. Applicant name and the business name of the proposed adult use cannabis establishment for which the special use is sought, including addresses, telephone numbers and e-mail addresses of: (1) sole proprietors; (2) business entities with financial interest in the business, and (3) all officers, directors, partners, managers and owners. A post office box may not be submitted as the address of the applicant.
- b. Copy of licensure or registration that the organization is authorized to conduct an adult use cannabis business establishment in the State of Illinois.
- c. The commonly known address, permanent index number (PIN) and legal description of the proposed location of the adult-use cannabis establishment.
- d. Property ownership information. Written statement that the applicant owns or has under contract the property of the proposed adult-use cannabis establishment.
- e. The proposed hours of operation.
- f. Copy of a business plan to be kept on file with the Yorkville Police Department and confidential to the extent permitted by law, including but not limited to the following:
  - (1) Proposed number of employees.
  - (2) A description of the products and services that the proposed adult use cannabis establishment will offer.
  - (3) Description or statement of training and education that will be provided to the proposed adult use cannabis dispensary agents/staff.
  - (4) A security plan that will describe how the proposed use will address concerns related to inventory tracking and prevention of theft; measures to control customer overflow and access to restricted areas; employee restrictions to limited access areas and restricted area; and video surveillance/alarm system.
- g. Aerial map of the subject property identifying the current zoning and land uses of all surrounding parcels within five hundred feet (500').
- h. Site plan including, but not limited to, nearest utility connection, points of access, internal site circulation, lighting/photometric plan, landscape plan, off-street parking, trip generation calculations.
- i. Floor plans and elevations of proposed adult use cannabis establishment, including the location of enclosed and secured loading and trash handling and disposal facilities.
- j. Signage plans.
- k. Information on co-location with another adult-use cannabis establishment.

7. *Standards for special use for cannabis businesses:*

- a. Impact of the proposed facility on the existing or planned uses located within the vicinity of the subject property.
- b. Suitability of the proposed facility and its co-location with another cannabis business establishment.
- c. Adequate waste management plan for the storage, security and disposal of discarded cannabis products and materials.
- d. Distance to existing cannabis establishment.

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(Ord. 2014-73, 11-25-2014; amd. Ord. 2015-32, 6-9-2015; Ord. 2019-84, 11-26-2019)



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 type="checkbox"/>
Public Works	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>

Agenda Item Number

New Business #6

Tracking Number

EDC 2022-29

**Agenda Item Summary Memo**

**Title:** PZC 2022-09 Kendall County Petition 22-09 (Future Land Use Change)

**Meeting and Date:** Economic Development Committee – May 3, 2022

**Synopsis:** Review of changes being proposed on Kendall County Future Land Use Map

**Council Action Previously Taken:**

Date of Action: PZC – 04/13/22 Action Taken: Moved forward to EDC agenda.

Item Number: PZC 2022-09

**Type of Vote Required:** Majority

**Council Action Requested:** Vote

**Submitted by:** Jason Engberg 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: April 26, 2022  
Subject: **PZC 2022-09 Kendall County Petition 22-09 (Future Land Use Change)  
South Eldamain Corridor Properties**

## **SUMMARY:**

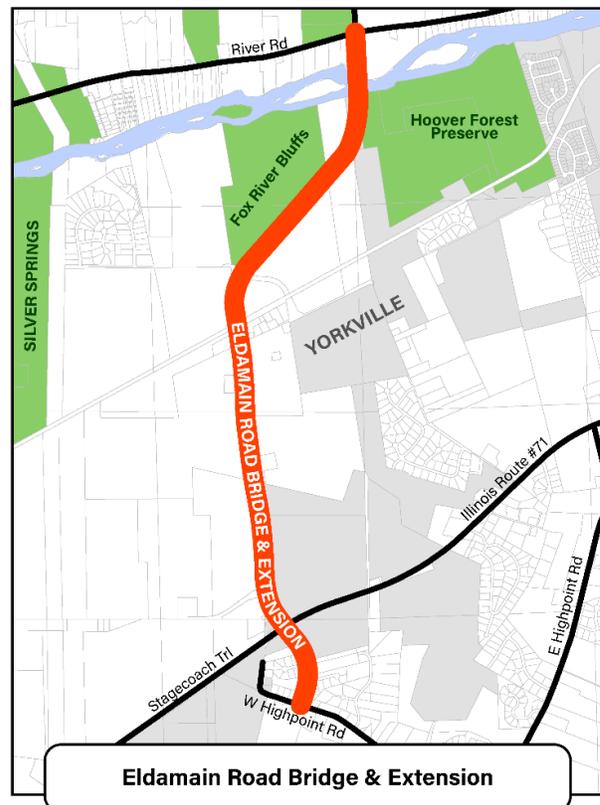
Staff has received a petition from the Kendall County Planning, Building, and Zoning Department along with the subsequent attached documents. In the fall of 2020, the Kendall County Comprehensive Land Plan and Ordinance Committee initiated discussions regarding the funding for the Eldamain Road Bridge and Extension project and potential future land uses along the southern leg of the new thoroughfare.

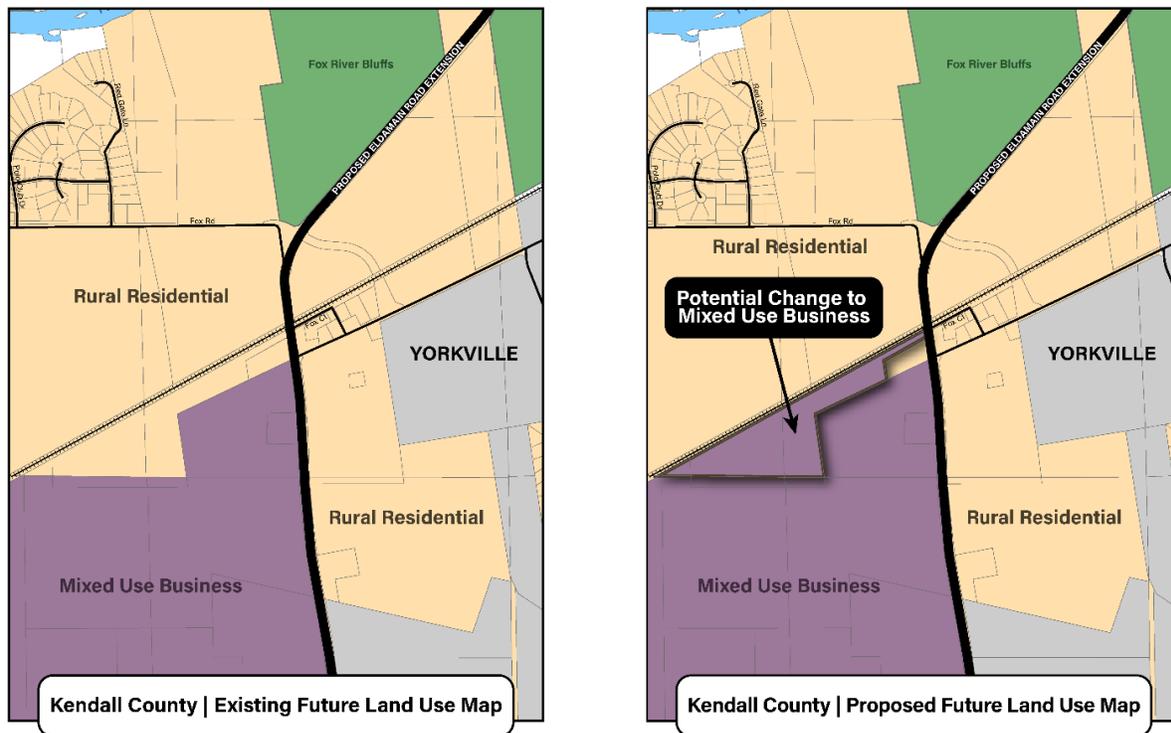
Since then, the Committee has been in discussion with the adjacent communities, including Yorkville, about each municipality's plans for the future of the area. After debating the topic in more depth and reaching out to property owners in the area, the Committee has decided to move forward and have proposed to amend the Kendall County Future Land Use map. They are proposing to redesignate three (3) properties west of Eldamain and south of the railway from "Rural Residential" to "Mixed Use Business."

## **BACKGROUND & PROPOSED CHANGES:**

It was announced at the end of 2020 that the planned bridge construction and extension of Eldamain Road south of the Fox River was funded and construction began in 2021. The extension begins at River Road and crosses the river heading south and connects to the existing W Highpoint Road. It terminates after Stagecoach Trail (State Route 71) at a realigned Highpoint Road.

After the announcement of funding, the Kendall County Comprehensive Land Plan and Ordinance Committee began discussing the potential future land uses along the southern extension. The committee felt the area would be ideal for Mixed Use Business, as this new roadway connects State Route 71 with U.S. Route 30. In the spring of 2021, the County contacted the surrounding communities to evaluate the future land use plans along the extension. City staff attended the meeting to discuss potential future land use changes.





Staff informed the committee that Eldamain Road creates the boundary between Yorkville and Plano’s future planning areas which is also stipulated in the municipalities’ boundary agreement. Therefore, only the properties on the east side of the roadway were designated for future Yorkville annexation. The current 2016 Comprehensive Plan has these areas designated as “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. It is very similar to the County’s “Rural Residential” land use designation. The committee requested that Yorkville consider changing their future land use designations in the area to align with the County’s plans. This information was provided to the elected officials in the summer of 2021.

Since then, the committee has been contacting property owners in the area which are currently designated for “Rural Residential” land uses on the existing Kendall County Future Land Use Map (shown above) to see if they wanted to have their properties changed to the Mixed Use Business category. Contacting the owners is an essential step in any long-term planning process as it will have an effect on the properties’ future development potential.

After reaching out to many of the property owners in the area, a majority wanted to remain within the “Rural Residential” designation. There was a single property owner who was interested in converting three (3) of their parcels from “Rural Residential” to “Mixed Use Business” (shown above). The Kendall County Comprehensive Land Plan and Ordinance Committee has decided to move forward with amending the County’s Future Land Use Map for these three (3) properties. The public hearings for this amendment were held on April 27, 2022 in front of the Kendall County Regional Plan Commission at 7:00PM and May 2, 2022 in front of the Kendall County Zoning Board of Appeals at 7:00PM. Both hearings will be held at the Kendall County Office Building, Rooms 209 and 210, at 111 W. Fox Street, Yorkville, IL.

### **Staff Comments**

Staff has reviewed the materials and has no objections to the County's Future Land Use Map amendment. The proposed future land use designations are on the west side of Eldamain Road which is outside the City's planning boundary. Also, the conversions of these properties to the County's "Mixed Use Business" designation has little, to no effect, on the City's future planning efforts.

It should be noted that the new bridge and improved roadway may affect potential future land uses in the area. As stated in the attached June 3, 2021 memorandum to the Planning and Zoning Commission, there are many considerations to be contemplated when changing a future land use designation. Staff's recommendation is to reevaluate the potential for different types of future developments in this area when the City begins updating its Comprehensive Plan within the next few years.

Staff is seeking comments from the Economic Development Committee regarding the proposed Kendall County Future Land Use map amendment and will forward them to the County. This item is scheduled to be reviewed by the Planning and Zoning Commission on June 8, 2022 and by City Council on June 28, 2022.

### **Attachments**

1. Petition 22-09 with attachments
2. Yorkville Future Land Use Map
3. Planning and Zoning Commission Memorandum - June 3, 2021



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**DEPARTMENT OF PLANNING, BUILDING & ZONING**

111 West Fox Street • Room 203

Yorkville, IL • 60560

(630) 553-4141

Fax (630) 553-4179

**MEMORANDUM**

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**To:** Kendall County ZPAC**From:** Matthew H. Asselmeier, AICP, CFM Senior Planner**Date:** 3/25/2022**Subject:** Potential Changes to the Future Land Use Map Along the Eldamain Road Corridor

In October 2020, the Kendall County Comprehensive Land Plan and Ordinance Committee initiated discussions regarding changing the Future Land Use Map for properties located along the Eldamain Road Corridor south of the Fox River, in light of the funding for the Eldamain Road Bridge and the abandonment of the centerline for the Prairie Parkway. In particular, the Committee discussed possible commercial and/or manufacturing investment in this area.

The Kendall County Future Land Use Map currently calls for this area to be Rural Residential (Max Density 0.65 DU/Acre) and Mixed Use Business. A copy of the existing Future Land Use Map is attached.

The Yorkville Future Land Use Map currently calls for this area to be Estate Residential. The Millbrook Future Land Use Map currently calls for this area to be Business Park Office and Commercial with Industrial near the former Prairie Parkway alignment. The Plano Future Land Use Map currently calls for the area in their planning jurisdiction to be Estate Residential (0-0.8 DU/Acre). Copies of all of the Future Land Use Maps for this area are attached.

Following meetings with property owners in the area in October and December 2021, the Committee decided to limit changes to three (3) properties along the railroad tracks west of Fox Road. Letters to impacted property owners were mailed in mid-December 2021, mid-February 2022, and mid-March 2022.

At their meeting on February 23, 2022, the Comprehensive Land and Ordinance Committee voted to forward the proposal to the Kendall County Regional Planning Commission.

At their meeting on March 24, 2022, the Kendall County Regional Planning Commission voted to initiate the amendment to the Future Land Use Map.

A copy of the updated map is attached.

Petition information will be sent to Fox Township, the Village of Millbrook, and the United City of Yorkville on March 28, 2022.

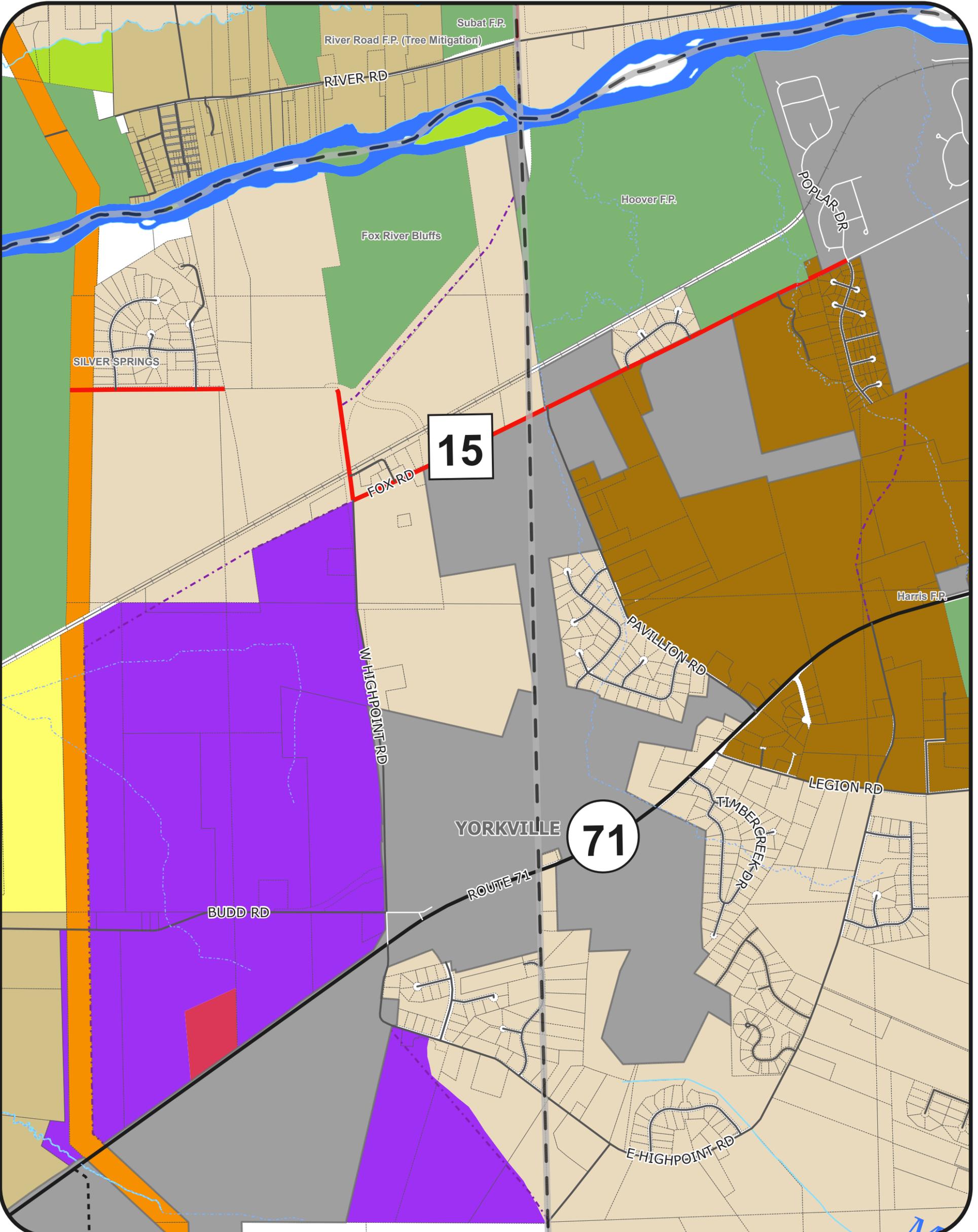
If you have any questions regarding this memo, please let me know.

Thanks,

MHA

Encs.: Kendall County Future Land Use Map  
Proposed Changes to Kendall County Future Land Use Map  
United City of Yorkville Future Land Use Map  
Village of Millbrook Future Land Use Map  
City of Plano Future Land Use Map

# Future Land Use Plan in Kendall County, IL



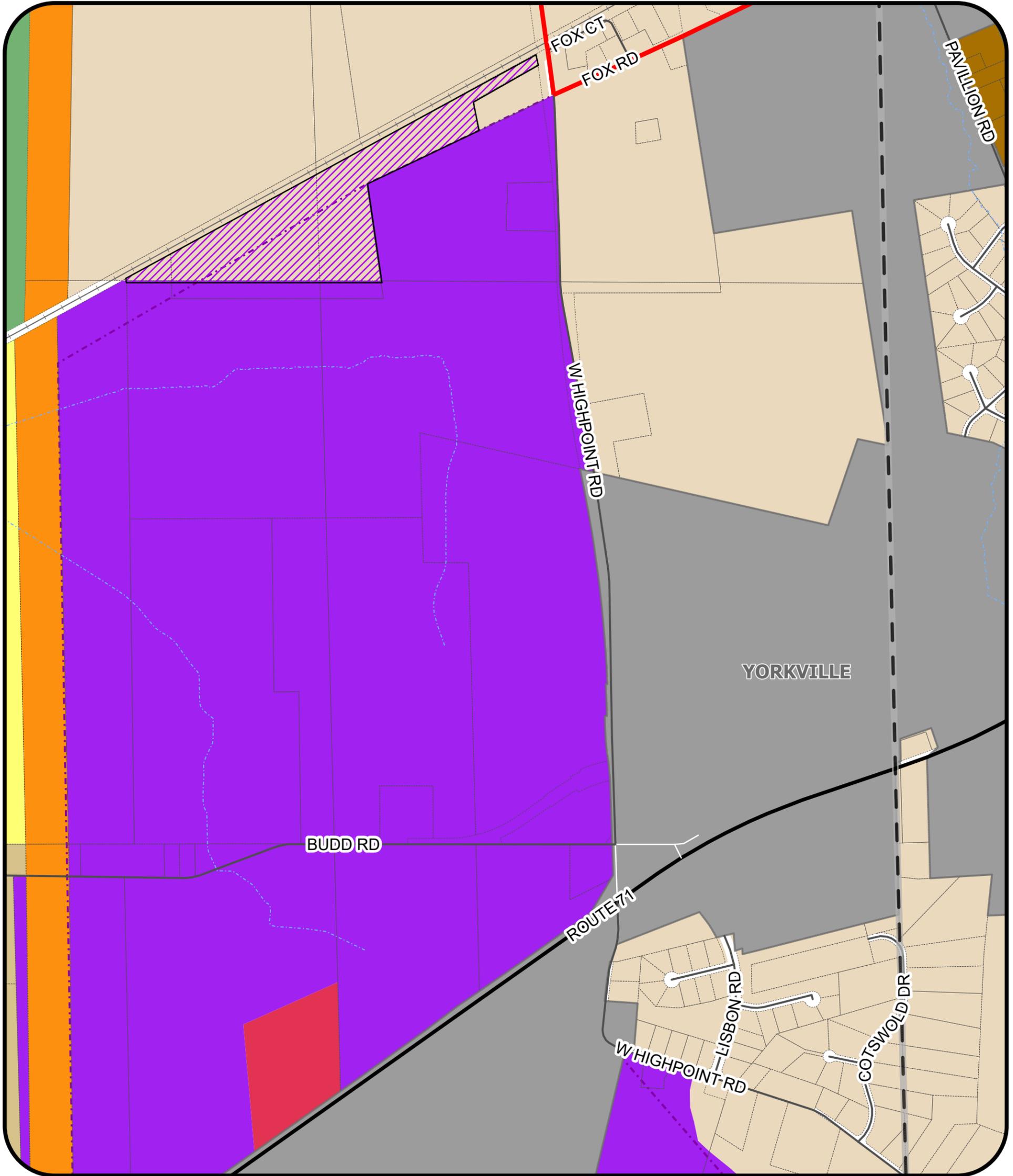
TOWNSHIPS	RURAL RESIDENTIAL MAX DENSITY 0.65 DU ACRES	COUNTRYSIDE RESIDENTIAL MAX DENSITY 0.33 DU ACRE	COMMONWEALTH EDISON	AGRICULTURE
URBAN AREAS - INCORPORATED	RURAL ESTATE RESEDENTIAL MAX DENSITY 0.45 DU ACRE	COMMERCIAL	TRANSPORTATION CORRIDORS	FOREST PRESERVE / STATE PARKS
SUBURBAN RESIDENTIAL - MAX DENSITY 1.00 DU ACRES		MIXED USE BUSINESS	MINING	OPEN SPACE
			POTENTIAL MINING DISTRICT	PROPOSED ROADWAY IMPROVEMENTS
			PUBLIC / INSTITUTIONAL	



**Kendall County GIS**  
 111 West Fox Street - Room 308  
 Yorkville, Illinois 60560  
 630.553.4212

Created: 11/19/2020

# Proposed Future Land Use Plan



**LAND USE TYPE**

URBAN AREAS - INCORPORATED

SUBURBAN RESIDENTIAL - MAX DENSITY 1.00 DU ACRES

RURAL RESIDENTIAL MAX DENSITY 0.65 DU ACRES

RURAL ESTATE RESEDENTIAL MAX DENSITY 0.45 DU ACRE

COUNTRYSIDE RESIDENTIAL MAX DENSITY 0.33 DU ACRE

COMMERCIAL

MIXED USE BUSINESS

COMMONWEALTH EDISON

PROPOSED ROADWAY IMPROVEMENTS

TOWNSHIPS

PROPOSED MIXED USE BUSINESS



Miles

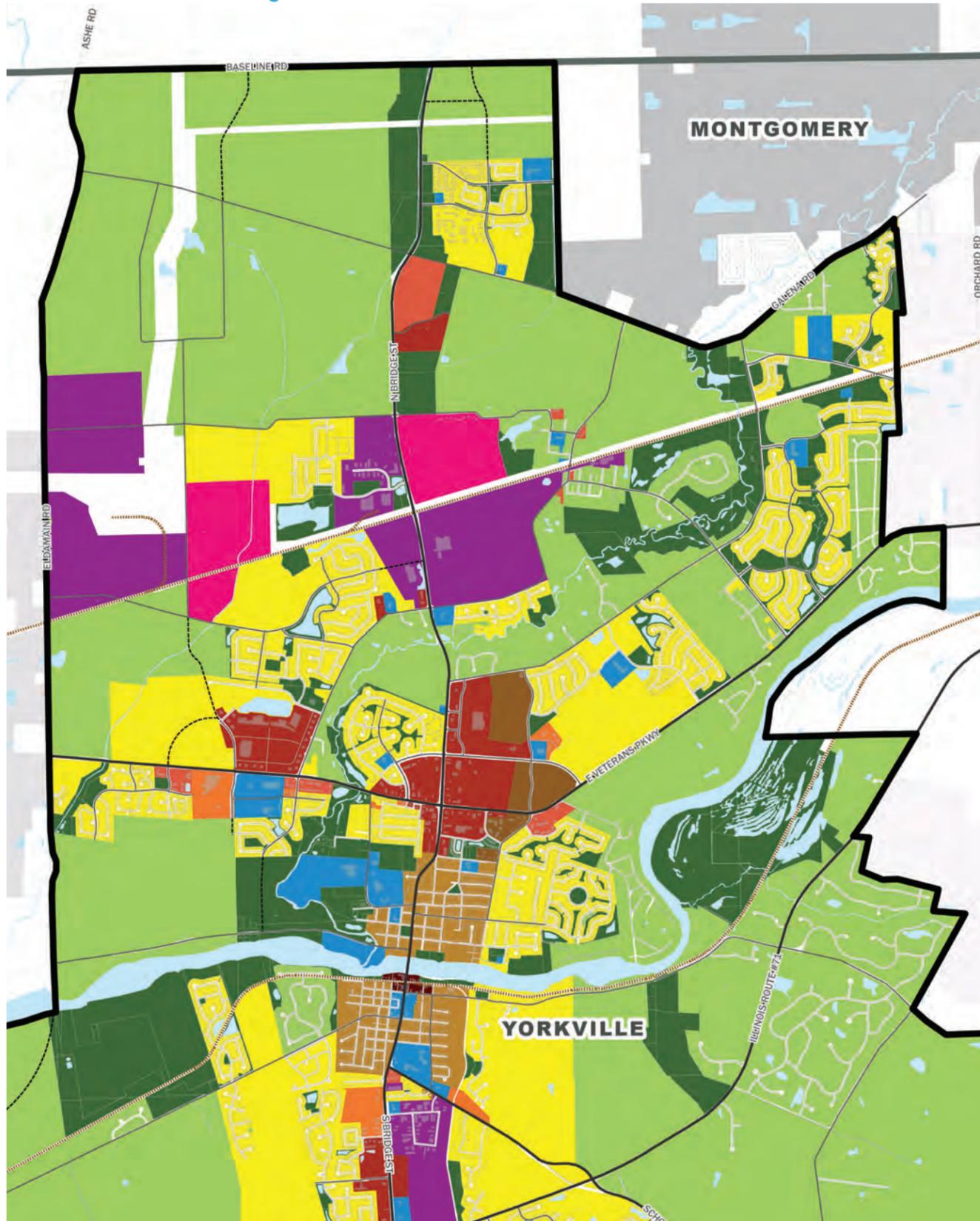


**Kendall County GIS**

111 West Fox Street - Room 308  
Yorkville, Illinois 60560  
630.553.4212

Created: 12/27/2021

Figure 4.1: Future Land Uses North of the Fox River



## LAND USE CHANGES

The Land Use Strategy and Future Land Use Map presented above describes the distribution of general land use categories (Residential, Commercial, industrial, Open Space and Parks, and so on) that will set the framework for achieving the goals of the Comprehensive Plan. It is not a zoning map but should set the stage for future changes and modifications to the Yorkville Zoning Ordinance. The Land Use Strategy seeks to “re-position” Yorkville’s future land use pattern given current development conditions in Yorkville since the 2008 economic downturn and the unlikelihood that the Prairie Parkway will be constructed within this Plan’s time horizon. Several changes in land use classifications are proposed from those included in the 2008 Comprehensive Plan. Changes in the land use categories are summarized below:

### RESIDENTIAL

A Mid-Density Residential land use zone is proposed in order to encourage new multi-family housing types in Yorkville; new housing types could diversify housing opportunities and provide housing at different price points that what is currently offered in Yorkville’s housing market. The Rural Neighborhood land use classification in the 2008 Comprehensive Plan is eliminated given that such residential development is unlikely to occur in the southeastern portions of the Yorkville planning area where there are significant infrastructure and market constraints. The primary infrastructure constraint is the need to construct a lift station along a ridge line, generally located south of Illinois Route 71. In its place, an Estate/Conservation Residential land use category has been created to accommodate large-lot residential development in areas where infrastructure exists and smaller-lot single family residential subdivisions are less likely

to be supported by market demand. Conservation subdivisions should also be encouraged in order to preserve significant environmental and topographical features, provide alternative housing types, and provide opportunities to expand Yorkville’s open space network. A Metra Station TOD zone is also included to plan accordingly for future development even if the Metra Station is years away from construction.

### COMMERCIAL

Several new commercial land use categories are suggested in this Comprehensive Plan. A Downtown Mixed-Use Core zone is intended to focus revitalization and redevelopment efforts in Yorkville’s traditional downtown; new mixed-use development is envisioned on various opportunity sites that expand the Downtown’s footprint further to the east on Van Emmon Street with potential residential and commercial development. The need to address particular development design and land use issues within the Downtown necessitates the need for a Downtown-specific land use classification.

The general Commercial land use classification in the 2008 Plan is now designated Destination Commercial to recognize that a high percentage of commercial land in Yorkville accommodates large format and chain store formats, usually located along major transportation thoroughfares. Destination Commercial uses have their own particular physical design and development issues and should be distinguished from commercial uses located in the Downtown and in neighborhood retail areas.

A Commercial Office land use category has been created to accommodate small-scaled office uses in single developments or as part of an office park setting;

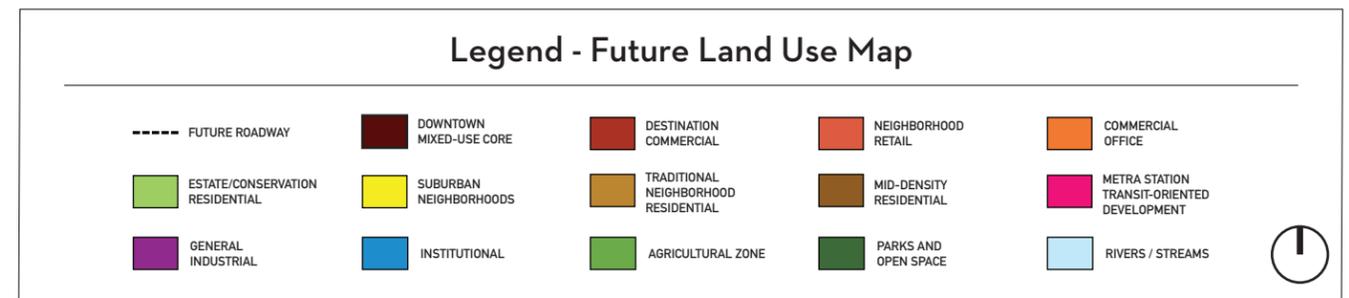
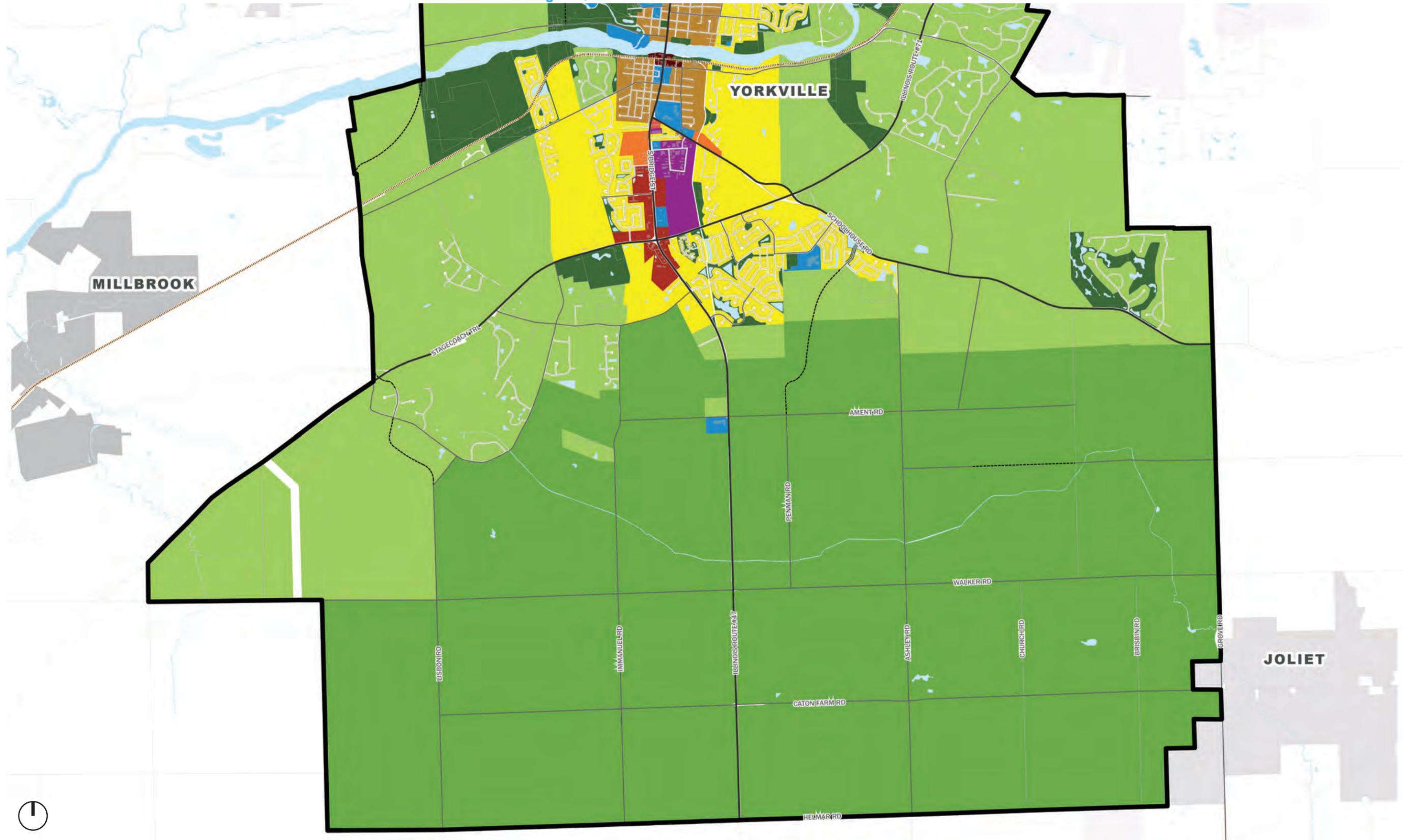
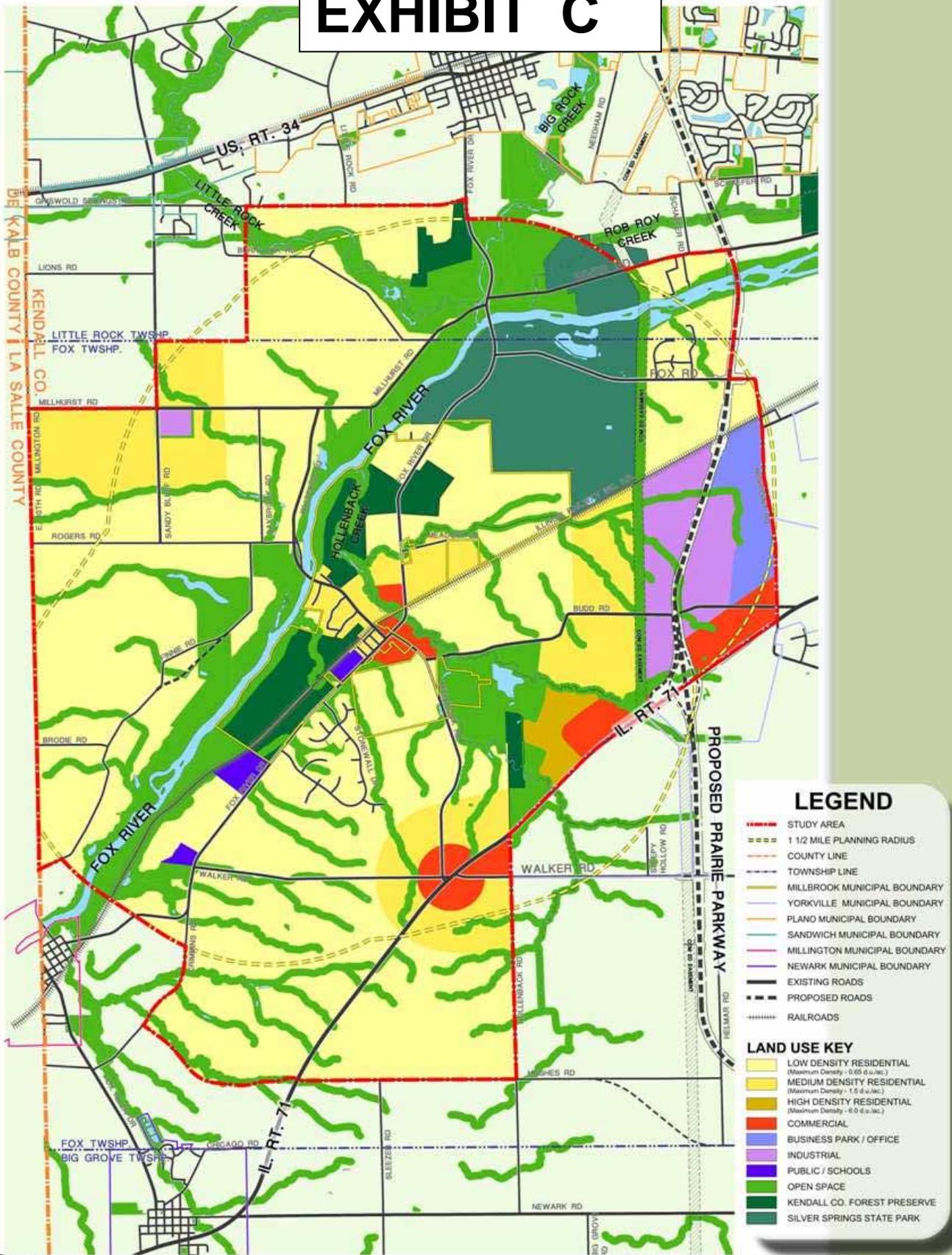


Figure 4.1 - Future Land Uses North of the Fox River

Figure 4.2: Future Land Uses South of the Fox River



# EXHIBIT C



## LEGEND

- STUDY AREA
- 1 1/2 MILE PLANNING RADIUS
- COUNTY LINE
- TOWNSHIP LINE
- MILLBROOK MUNICIPAL BOUNDARY
- YORKVILLE MUNICIPAL BOUNDARY
- PLANO MUNICIPAL BOUNDARY
- SANDWICH MUNICIPAL BOUNDARY
- MILLINGTON MUNICIPAL BOUNDARY
- NEWARK MUNICIPAL BOUNDARY
- EXISTING ROADS
- PROPOSED ROADS
- RAILROADS

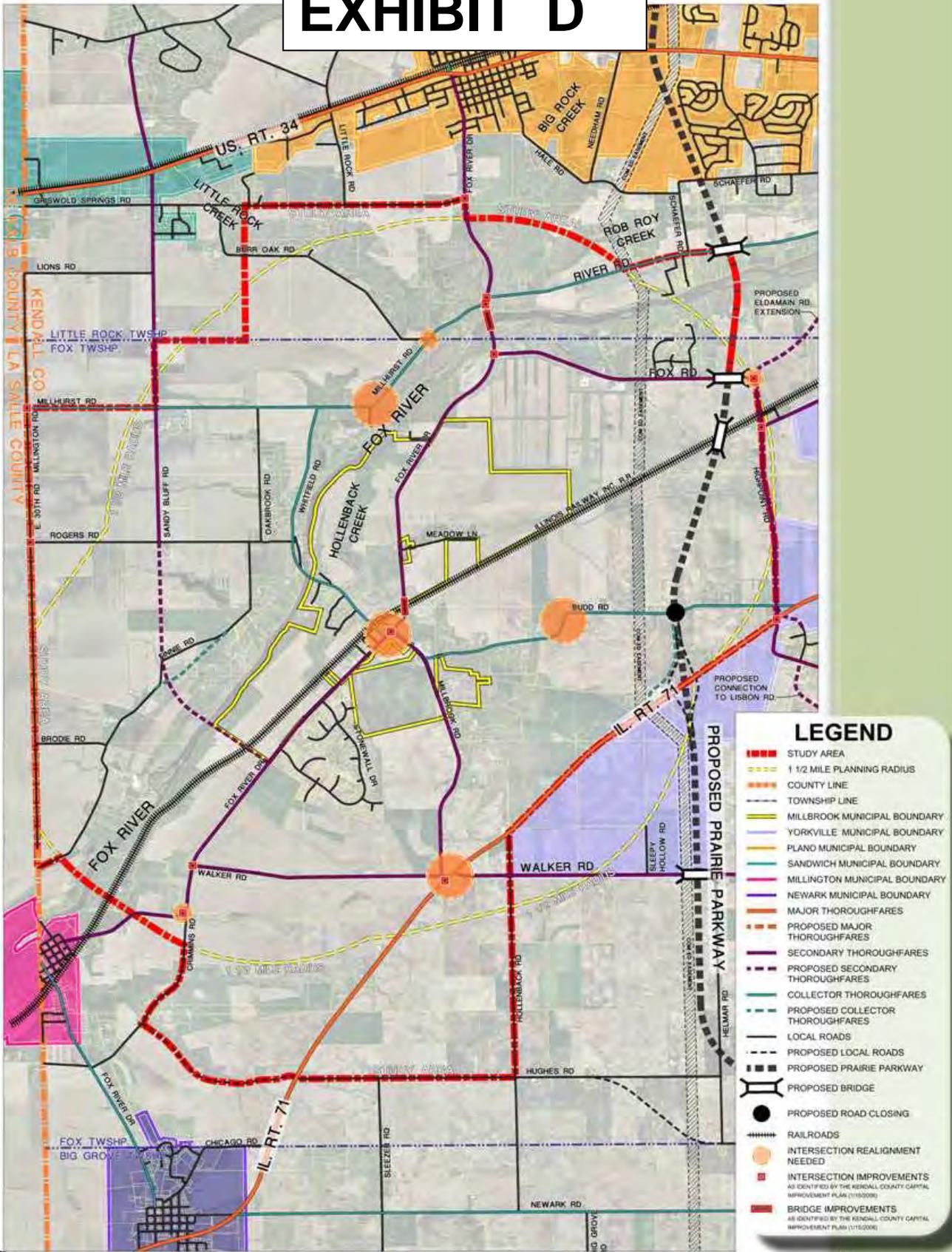
## LAND USE KEY

- LOW DENSITY RESIDENTIAL  
(Maximum Density - 0.65 d.u./ac.)
- MEDIUM DENSITY RESIDENTIAL  
(Maximum Density - 1.5 d.u./ac.)
- HIGH DENSITY RESIDENTIAL  
(Maximum Density - 6.0 d.u./ac.)
- COMMERCIAL
- BUSINESS PARK / OFFICE
- INDUSTRIAL
- PUBLIC / SCHOOLS
- OPEN SPACE
- KENDALL CO. FOREST PRESERVE
- SILVER SPRINGS STATE PARK

## FUTURE LAND USE PLAN - DRAFT



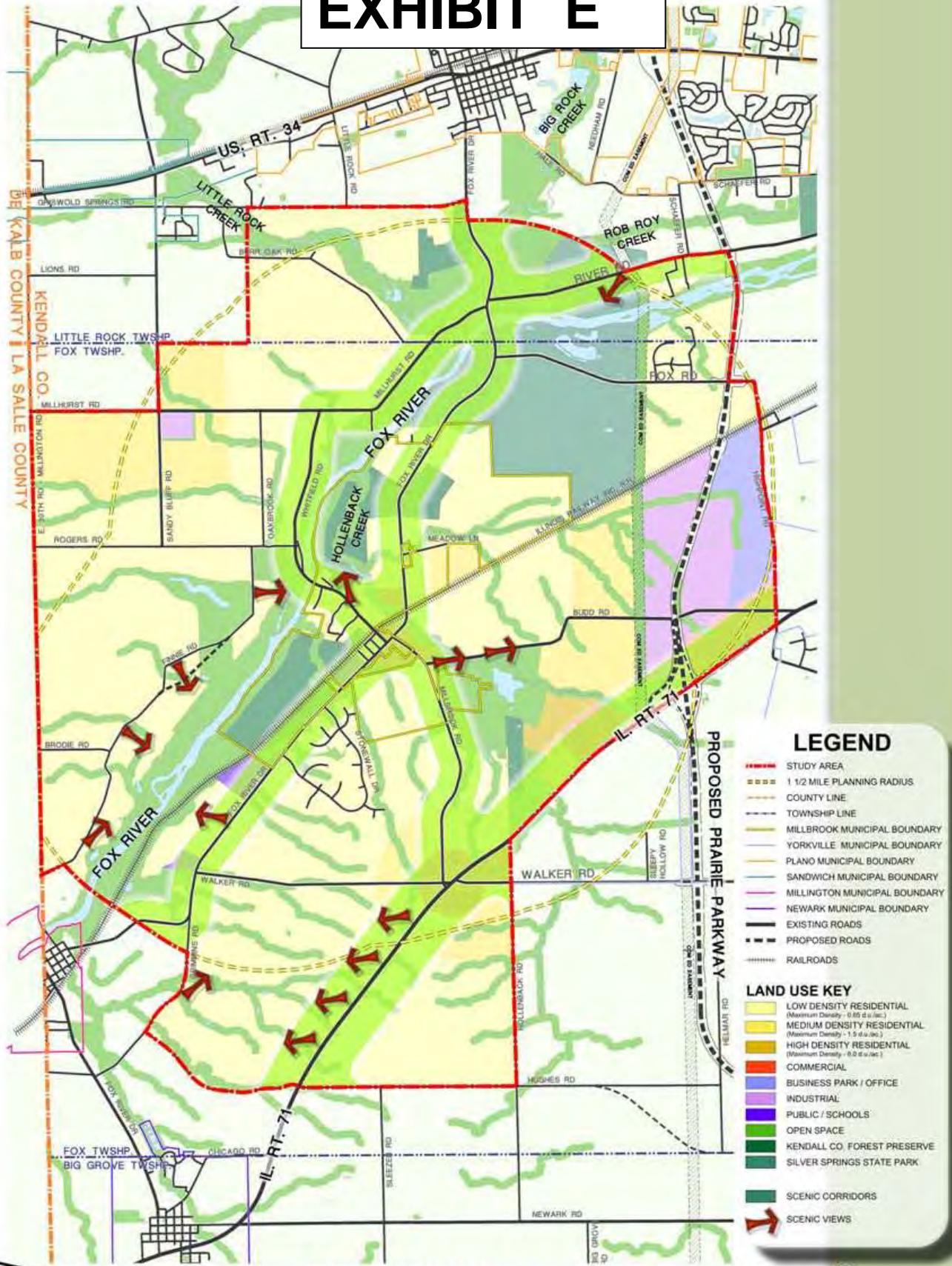
# EXHIBIT D



## TRANSPORTATION PLAN - DRAFT



# EXHIBIT E

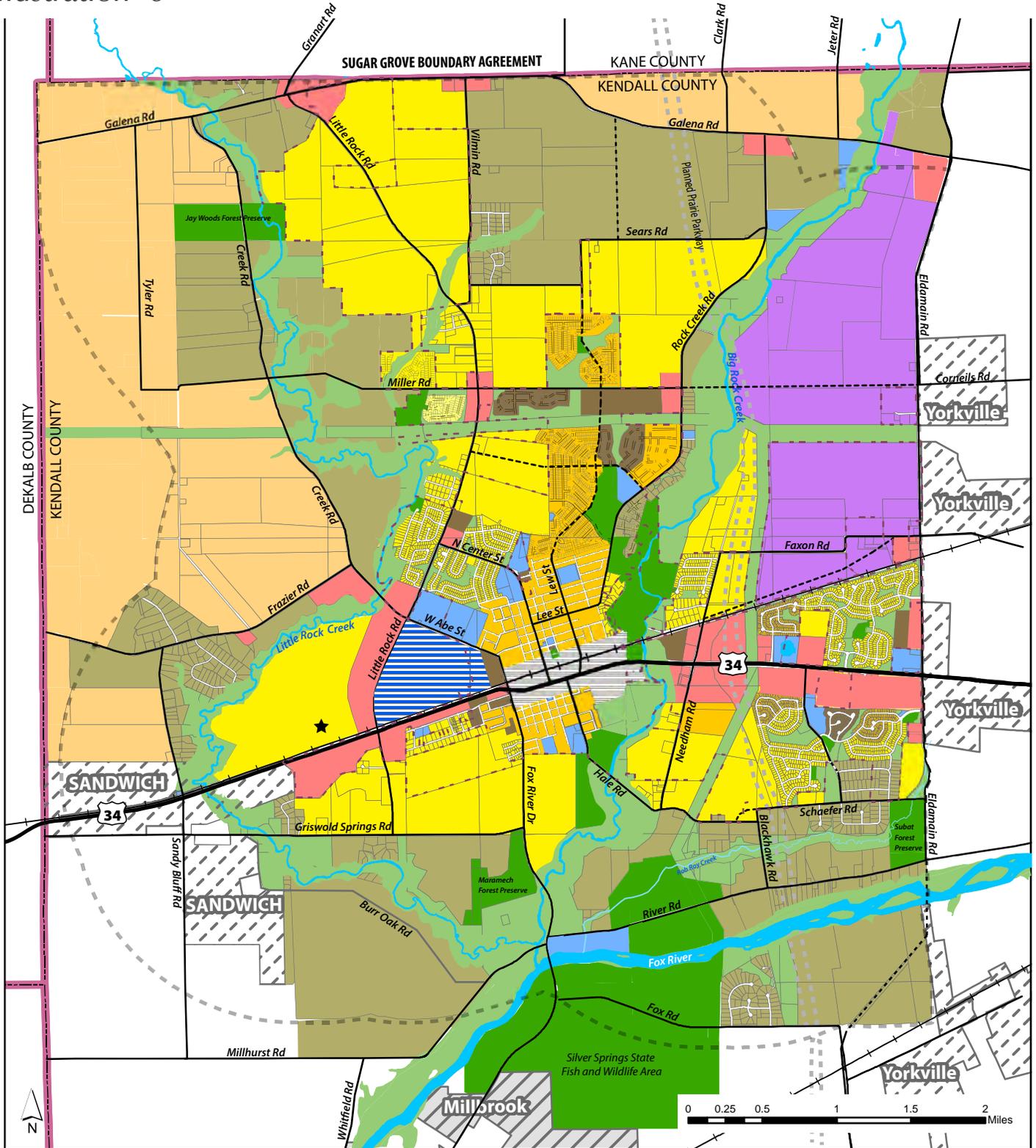


## SCENIC CORRIDORS - DRAFT

NORTH  
Scale: 1" = 1,320'



Illustration 6

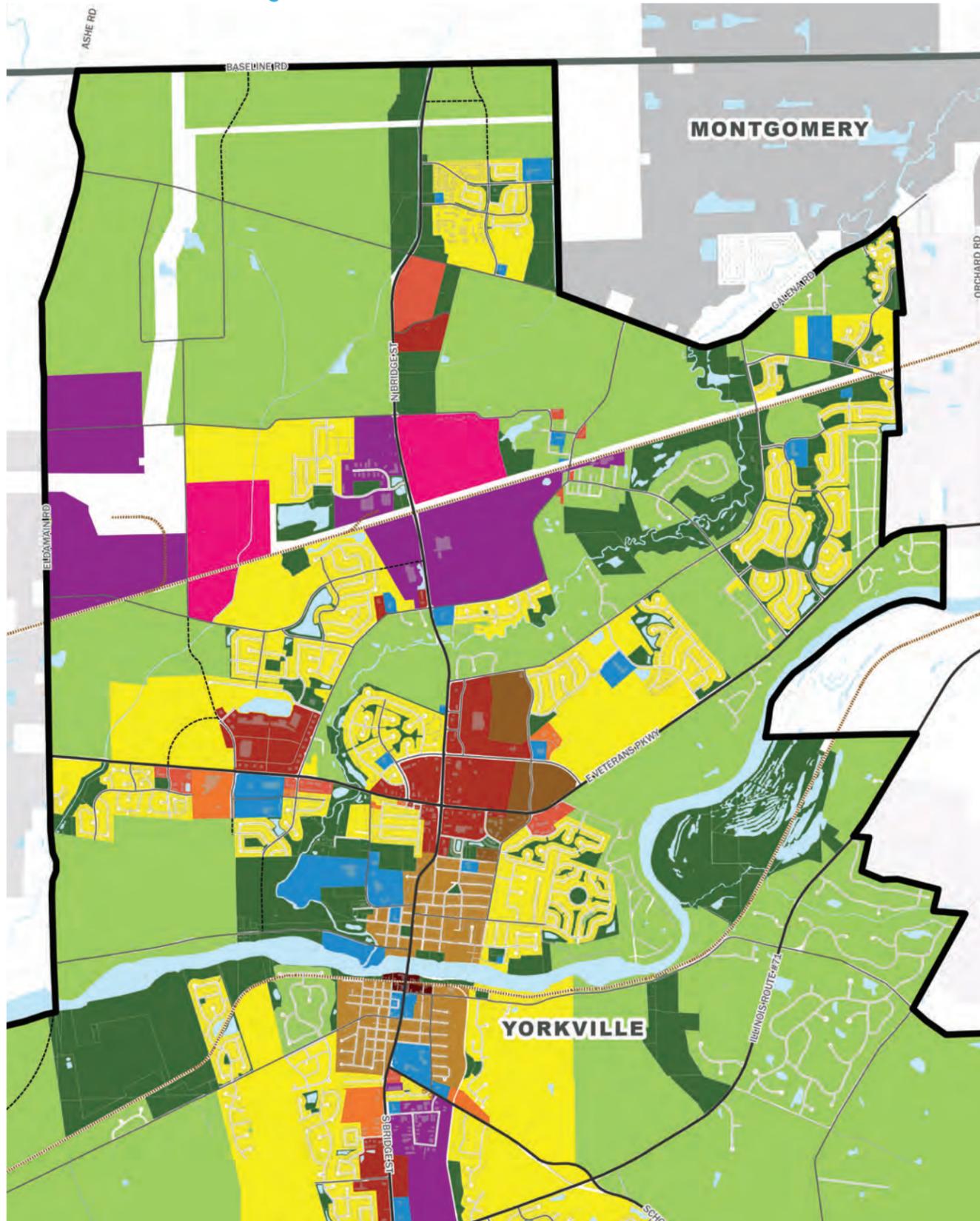


### Future Land Use



- Agricultural
  - Estate Residential (0 - .8 DU/AC)
  - Low Density Residential (.9 - 2.25 DU/AC)
  - Medium Density Residential (2.26 - 6 DU/AC)\*
  - High Density Residential (>6 DU/AC)\*
  - Parks
  - Open Space
  - General Business
  - Institutional/Public
  - Industrial/Office/Research
  - Transit Oriented Development
  - City Center Mixed Use
  - Plano Boundary
  - Planning Boundary
  - Proposed Roadway
  - Planned Prairie Parkway
  - ★ Alternate Transit Oriented Development
- \*Existing built densities are not planned to increase

Figure 4.1: Future Land Uses North of the Fox River



## LAND USE CHANGES

The Land Use Strategy and Future Land Use Map presented above describes the distribution of general land use categories (Residential, Commercial, industrial, Open Space and Parks, and so on) that will set the framework for achieving the goals of the Comprehensive Plan. It is not a zoning map but should set the stage for future changes and modifications to the Yorkville Zoning Ordinance. The Land Use Strategy seeks to “re-position” Yorkville’s future land use pattern given current development conditions in Yorkville since the 2008 economic downturn and the unlikelihood that the Prairie Parkway will be constructed within this Plan’s time horizon. Several changes in land use classifications are proposed from those included in the 2008 Comprehensive Plan. Changes in the land use categories are summarized below:

### RESIDENTIAL

A Mid-Density Residential land use zone is proposed in order to encourage new multi-family housing types in Yorkville; new housing types could diversify housing opportunities and provide housing at different price points that what is currently offered in Yorkville’s housing market. The Rural Neighborhood land use classification in the 2008 Comprehensive Plan is eliminated given that such residential development is unlikely to occur in the southeastern portions of the Yorkville planning area where there are significant infrastructure and market constraints. The primary infrastructure constraint is the need to construct a lift station along a ridge line, generally located south of Illinois Route 71. In its place, an Estate/Conservation Residential land use category has been created to accommodate large-lot residential development in areas where infrastructure exists and smaller-lot single family residential subdivisions are less likely

to be supported by market demand. Conservation subdivisions should also be encouraged in order to preserve significant environmental and topographical features, provide alternative housing types, and provide opportunities to expand Yorkville’s open space network. A Metra Station TOD zone is also included to plan accordingly for future development even if the Metra Station is years away from construction.

### COMMERCIAL

Several new commercial land use categories are suggested in this Comprehensive Plan. A Downtown Mixed-Use Core zone is intended to focus revitalization and redevelopment efforts in Yorkville’s traditional downtown; new mixed-use development is envisioned on various opportunity sites that expand the Downtown’s footprint further to the east on Van Emmon Street with potential residential and commercial development. The need to address particular development design and land use issues within the Downtown necessitates the need for a Downtown-specific land use classification.

The general Commercial land use classification in the 2008 Plan is now designated Destination Commercial to recognize that a high percentage of commercial land in Yorkville accommodates large format and chain store formats, usually located along major transportation thoroughfares. Destination Commercial uses have their own particular physical design and development issues and should be distinguished from commercial uses located in the Downtown and in neighborhood retail areas.

A Commercial Office land use category has been created to accommodate small-scaled office uses in single developments or as part of an office park setting;

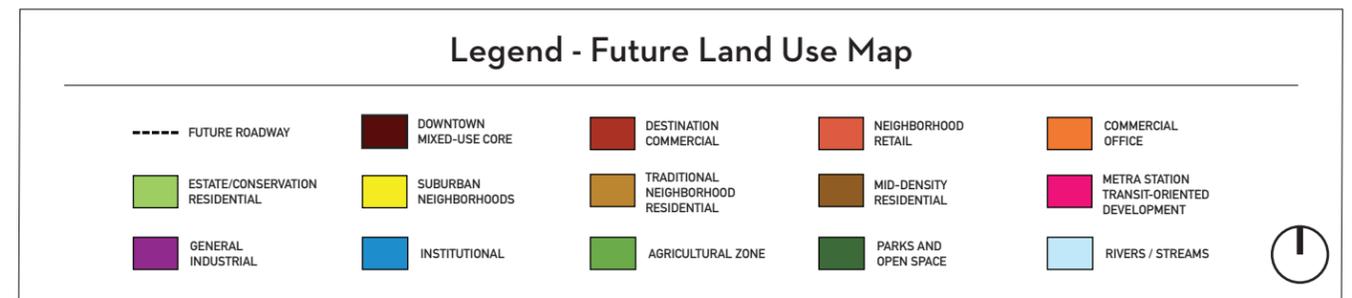
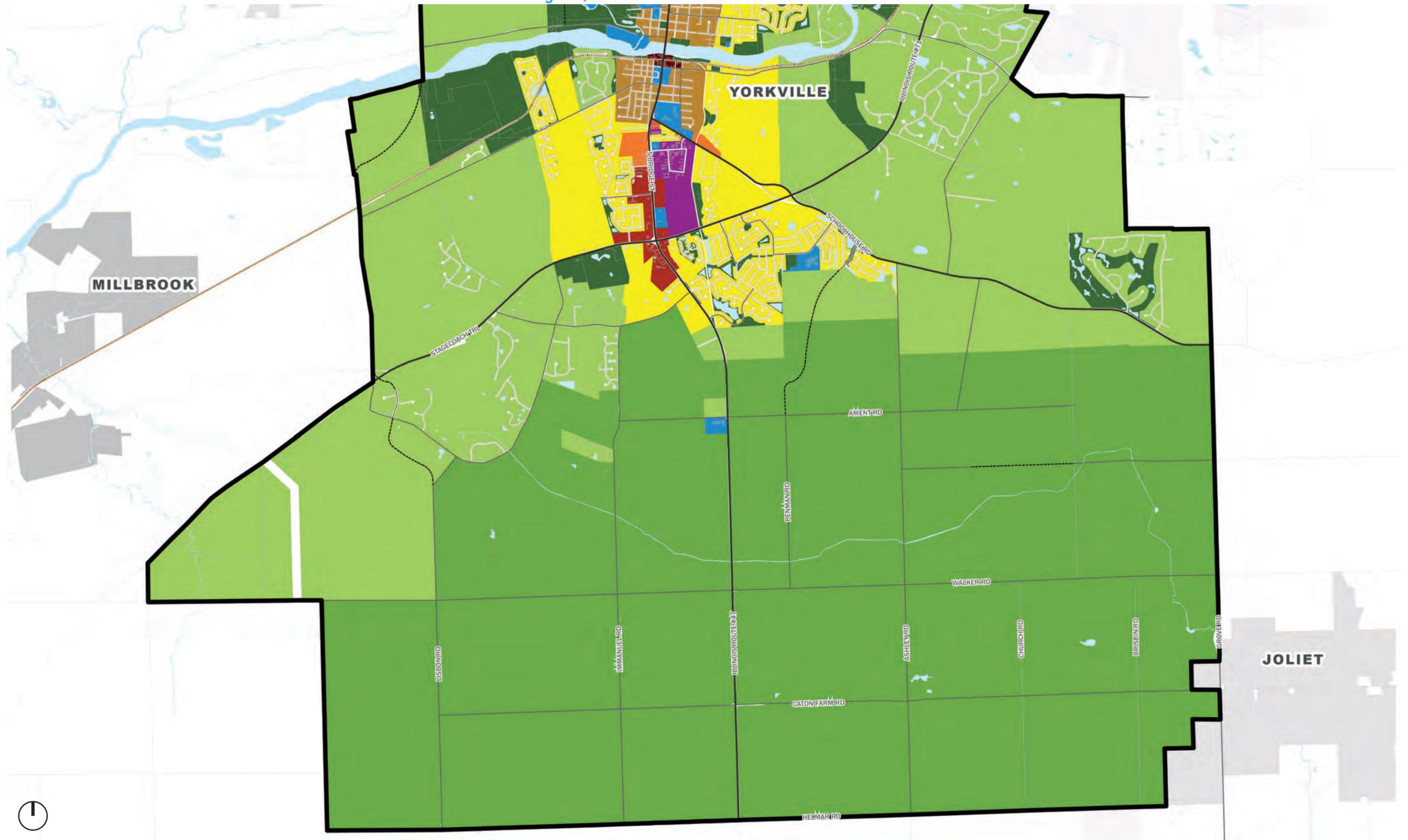


Figure 4.1 - Future Land Uses North of the Fox River

Figure 4.2: Future Land Uses South of the Fox River



# Memorandum



To: Planning and Zoning Commission  
From: Jason Engberg, Senior Planner  
CC: Bart Olson, City Administrator  
Krysti J. Barksdale-Noble, Community Development Director  
Date: June 3, 2021  
Subject: Comprehensive Plan – Future Land Use Review

## **Summary**

On March 24, 2021, Community Development staff attended a meeting upon request of the Kendall County Comprehensive Land Plan and Ordinance Committee to discuss future land use plans for the area south of the river along Highpoint Road. The long-planned road extension and expansion received partial funding last year and is considered under “Initial Construction” per the Illinois Department of Transportation (IDOT).

To view a map of the project, click the link below.

<https://www.gettingaroundillinois.com/MapViewer/?config=ANNconfig.json>.

The road creates the southern planning boundary between Yorkville on the east side and Plano on the west side. Similar to the roadway improvements on North Eldamain Road, this new thoroughfare and access across the river may change the potential long-term land uses in and around the area. The committee requested that staff discuss the idea of reviewing the proposed future land uses outlined in the City’s Comprehensive Plan with City officials to consider possible revisions to the plan.



## **Kendall County Comprehensive Land Plan and Ordinance Committee Meeting**

The meeting held in March was attended by members of the committee, County staff, Yorkville staff, and representatives from Plano and Millbrook. There was a broad discussion about what the County’s future land use plan has designated for the unincorporated areas along the future South Eldamain Road. Currently, per their Land Resource Management Plan’s Future Land Use Map (attached) the western side of the road is currently designated as mixed-use business while the eastern portions which are not within Yorkville’s boundary are designated for Rural Residential. The members of the committee considered designating all of this area for mixed-used business. They then asked municipal representatives what their plans for this area currently are and if they would be open to discuss changes to align with Kendall County’s plans.

As seen in the image above, the entire eastern edge of the road is a light shade of green which designates this area for Estate/Conservation Residential Land Use. 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 properties to the west of the road are outside the City’s planning boundary as Eldamain Road is the border of an existing boundary agreement with Plano. Therefore, the City does not have a future land use for this area.

Staff stated that the request to review the City's future land use map would be brought to the attention of elected officials. The extension of Eldamain Road across the river and its connection to Route 71 will definitely have an impact and future development in the area. Before amending the Comprehensive Plan, there are many factors to consider as outlined below.

### **Considerations**

The County is seeking to expand the mixed-use business designation on their future land use map and have requested that Yorkville evaluate their future land use map to better coincide with the County's plan. While strategizing regionally is a solid planning principle, there are many factors to consider when making the decision to reevaluate the City's Comprehensive Plan's Future Land Use Map.

### **Current Projections**

The current designated future land use as Estate/Conservation Residential was provided as this area is currently outside of the City's boundary and far from the planning the other developed parts of town. The 2016 plan focused on development and improvement of Yorkville's core and existing unfinished developments from the 2008 recession. The properties east of Highpoint Road are on the edge of the City's planning boundary and were designated this way as development of this area was unlikely when the plan was created. Considerations need to be made on determining whether the Eldamain Road extension will change the possibility of development in this area being located far from the City's current developments.

### **Scope of the Plan**

The 2016 Comprehensive Plan has a general planning horizon of 10 years. When developing a Comprehensive Plan, all existing conditions, imminent projects, and future projections are all considered during the drafting of the plan. Making projections past this 10-year horizon is difficult as certain local, regional, and national events can impact the projection. Some examples include funding for a new road, an economic recession, or global pandemic.

Community Development staff have scheduled for a new or updated plan to be drafted by 2026. This project would require extensive research into the existing conditions and focus on changes from the 2016 plan. Similar to the previous plan, an update or new plan will require assistance from a consultant and would most likely be a two-year process. Which means the evaluating of current conditions of the area could start between 2023-2024. With a potential update occurring in the next few years along with the length of time it will take to have the roadway built, it might be best to consider waiting until a full update of the plan is complete.

### **Metra Rail Access**

While the extension of Eldamain Road will definitely impact traffic flows and potential types of development in the area, there are other potential factors that may play into future land uses in this area such as a commuter train station. Metra is currently creating a long-term plan for extended rail service to Montgomery, Oswego, Yorkville, Plano, and Sandwich. Metra has been in contact with staff and officials to determine where a commuter station could be located. At this moment, there are two possible locations including one near Route 47 and the other near Eldamain Road which both intersect the BNSF railway. Both locations could change the type of potential uses in this area. While just a plan for potential future expansion of rail service, this needs to be taken into consideration when drafting future plans for the City as well.

### **Utility Access**

Any major development whether it is residential, commercial, or industrial will need utilities provided to them. Currently, this area has no major water or sanitary facilities in the area with the closest being at the Route 71 and Route 47 intersection. Development of this area will depend on a developer or business installing and paying for utilities to be brought to these properties. Again, this needs to be considered when determining the future land use of an area due to its likelihood for future growth within the plans horizon.

### Guide for Development

It should always be noted that while a Comprehensive Plan is a necessary tool for proper growth and implementing a vision for the community, it is still a guiding document that is not codified. As has happened in the past, certain developments may be better suited in some areas even though the future land use map illustrates a different designated use. Things change and a written long-term document cannot predict certain events or developments. It is up to committee members and elected officials to determine if a proposed project meets the vision of the community and whether the designation on the future land use map is justified at the time. Therefore, the Estate/Conservation Residential land use is not set in stone and does not hinder development of potential future projects.

### Potential Other Land Uses

In conjunction with the other considerations in the memorandum, the County has expressed interest into expanding their mixed-use business land use designation but there may be better and more likely future land uses in the area. The development of a large mixed-use business area is enticing as it would provide jobs and tax revenue for the City, it does not necessarily mean this area is not better utilized for another land use. With all the other forces in play as listed above, considerations into all types of land uses should be considered.

### Economic Development Committee

This item was brought forth for review at the May 4, 2021 Economic Development Committee Meeting. The committee stated it would discuss the request at a City Council level on June 8, 2021 as it wanted input from all members of the Council. At the time of this PZC meeting, the item will have been discussed by City Council and staff will relay their comments to this committee.

### Staff Comments/Next Steps

Staff is seeking input from the Planning and Zoning Commission on the request from the Kendall County Comprehensive Land Plan and Ordinance Committee. Staff is seeking input and feedback from the committee to provide to the County.

### Attachments

1. Yorkville's Future Land Use Map
2. Kendall County Land Resource Management Plan Map
3. Yorkville and Kendall County Future Land Use Comparison Map





# 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:

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

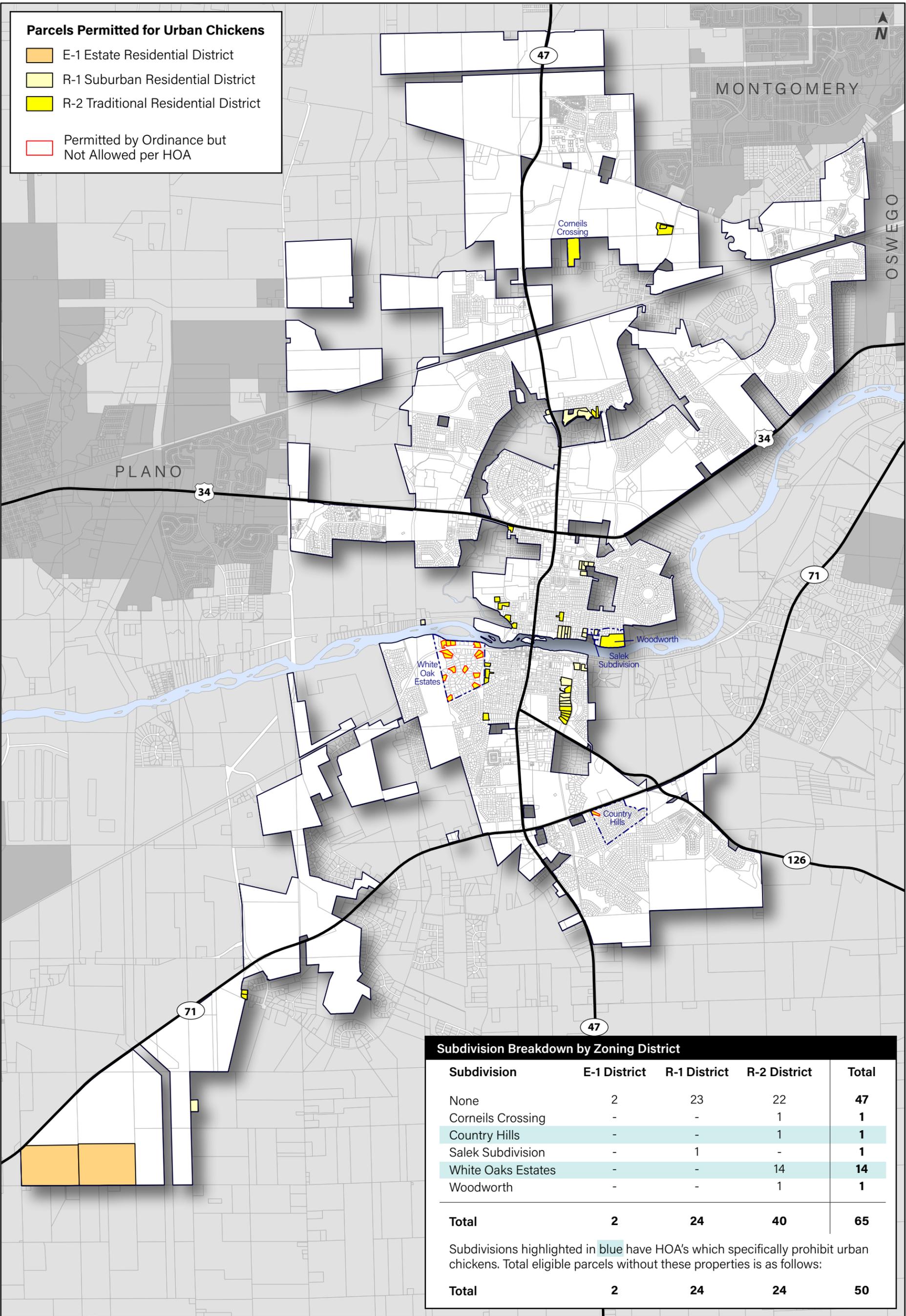
4. **Permit Revocation** – the Building Code Official has the ability to revoke any valid permit if a violation is found and not corrected. Additionally, the draft ordinance provides that approval of a permit would allow building staff to have the right to inspect any enclosure or coop between the hours 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



Subdivision Breakdown by Zoning District				
Subdivision	E-1 District	R-1 District	R-2 District	Total
None	2	23	22	47
Cornells Crossing	-	-	1	1
Country Hills	-	-	1	1
Salek Subdivision	-	1	-	1
White Oaks Estates	-	-	14	14
Woodworth	-	-	1	1
<b>Total</b>	<b>2</b>	<b>24</b>	<b>40</b>	<b>65</b>
Subdivisions highlighted in blue have HOA's which specifically prohibit urban chickens. Total eligible parcels without these properties is as follows:				
<b>Total</b>	<b>2</b>	<b>24</b>	<b>24</b>	<b>50</b>



**URBAN CHICKEN PERMITTED LOCATIONS**  
UNITED CITY OF YORKVILLE, ILLINOIS

ADDRESS: 800 Game Farm Road, Yorkville Illinois

DATE: December 8, 2020

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

LOCATION: (I:)//Community Development/Urban Chickens

**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	<b>Autumn Creek</b>	Single Family Town Homes	#20060008954	3/27/2006	Y	Sec. 8.5 pg. 18: "No animals, livestock or poultry..."
2	<b>Blackberry Woods</b>	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	<b>Briarwood</b>	Single Family	#200700000625	1/5/2007	Y	Sec. 3.2 (j) pg. 7 "No animals, livestock or poultry..."
4	<b>Bristol Bay</b>	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	<b>Caledonia</b>	Single Family	#200600026078	8/21/2006	N	No language specific to pets

6	<b>Cannonball Estates</b>	Single Family	Not Recorded	N/A	N	N/A
7	<b>Cimarron Ridge</b>	Single Family Duplex	#199200921219	2/10/1992	Y	Article III Sec. 1 pg. 2 "No poultry..."
8	<b>Country Hills</b>	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	<b>Fox Highlands</b>	Single Family Town Homes Duplex	#200100012188	7/10/2001	Y	Article V Sec. 6 pg. 14 "No animals except cats or dogs..."
10	<b>Fox Hill</b>	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	<b>Grande Reserve</b>	Single Family Duplex Town Homes Apartments	#200500002378	1/25/2005	Y	Article X Sec. 10.02 pg 42 "No poultry..."
12	<b>Greenbriar</b>	Single Family Duplex	#199709707331	7/28/1997	N	No language specific to pets
13	<b>Heartland Circle</b>	Single Family	#2004000002598	1/30/2004	Y	Sec. 5.03 (a) pg. 9 "No poultry..."
14	<b>Heartland Subdivision</b>	Single Family	#200100006495	4/19/2001	Y	Sec. 5.03 (a) pg. 11 "No poultry..."
15	<b>Heartland Meadows</b>	Single Family	Not Recorded	N/A	N/A	N/A

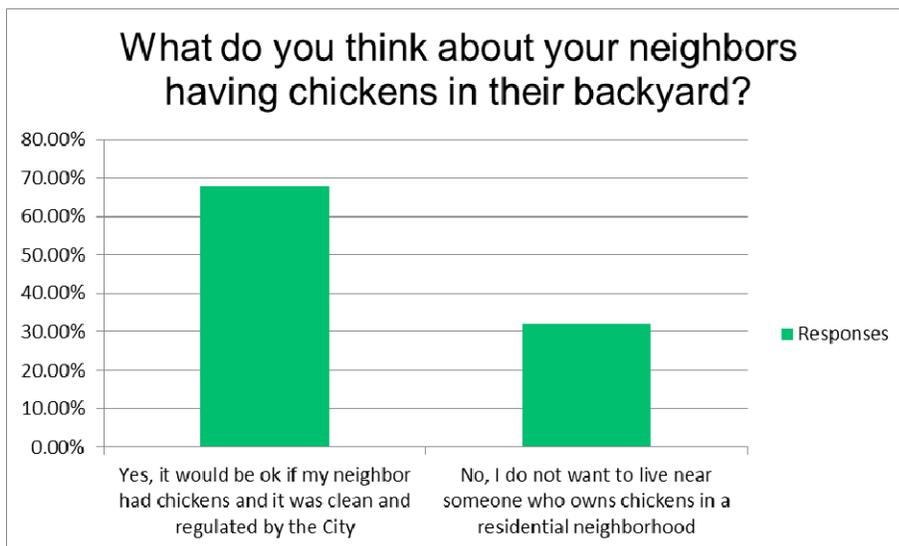
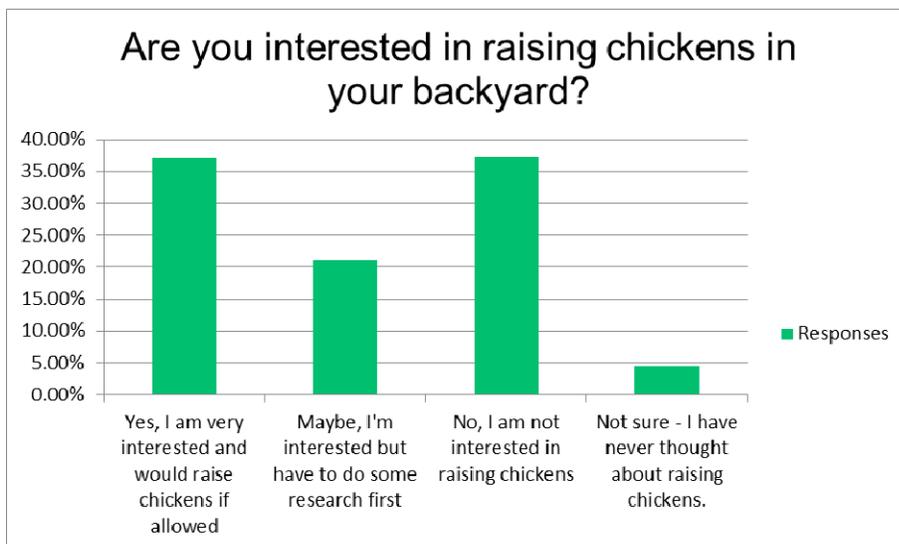
16	<b>Kendall Marketplace</b>	Single Family Town Homes	Not Recorded	N/A	N/A	N/A
17	<b>Kylyn's Ridge</b>	Single Family	200300036916	30-Sep-03	N	No language specific to pets
18	<b>Longford Lakes</b>	Townhomes	20040000827	12-Jan-04	N	No language specific to pets
19	<b>Prairie Gardens</b>	Age Restricted	200400006116	15-Mar-04	N	No language specific to pets
20	<b>Prairie Meadows</b>	Single Family Multi-Family	200500003507	3-Feb-05	N	No language specific to pets
21	<b>Prestwick of Yorkville</b>	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	<b>Raintree Village</b>	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	<b>River's Edge</b>	Single Family	200100025428	31-Dec-01	N	No language specific to pets
24	<b>Sunflower Estates</b>	Single Family	200700019804	27-Jun-07	N	HOA Rescinded
25	<b>Whispering Meadows</b>	Single Family	200500011560	25-Apr-05	N	No language specific to pets
26	<b>White Oak Estates</b>	Single Family	198900895534	27-Sep-89	Y	<b>Article VII, Section 7:</b> 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

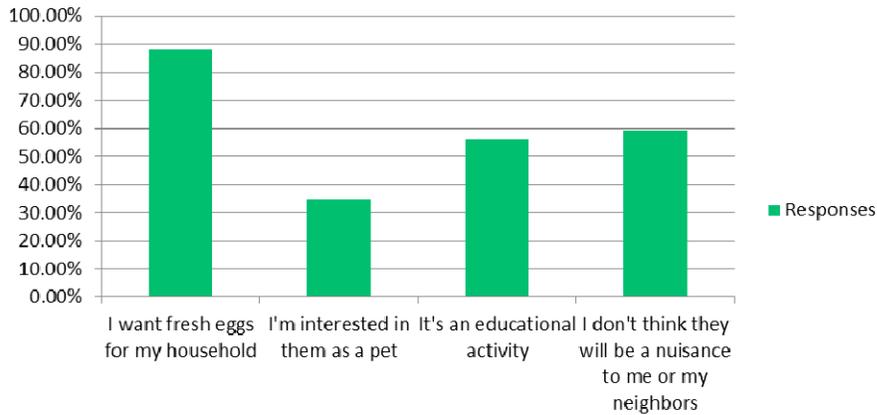
From the information in the above table, 14 of the 28 developments (50.0%) have regulations that specifically do not allow chickens within their HOA covenants. Of the remaining 14 (indicated in red in the table), 10 of the developments (35.7%) have no language specific to any pets and 4 (14.3%) have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

**Urban Chicken Public Survey Results:**

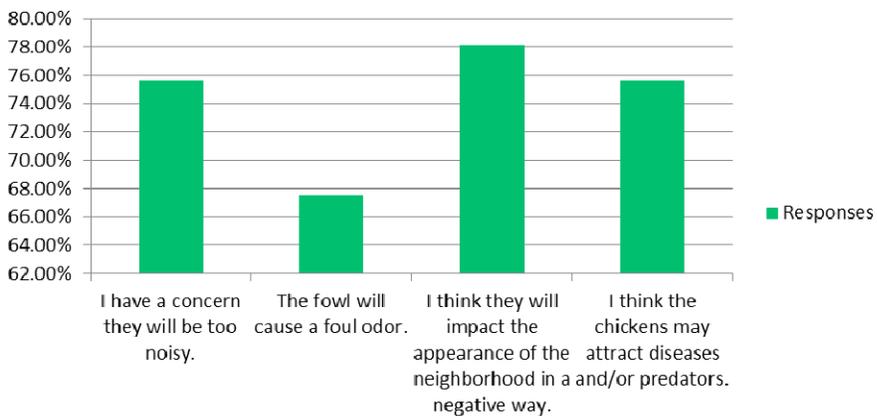
In regard to the public survey, the following summarizes the questions asked and the responses provided as of the date of this memo:



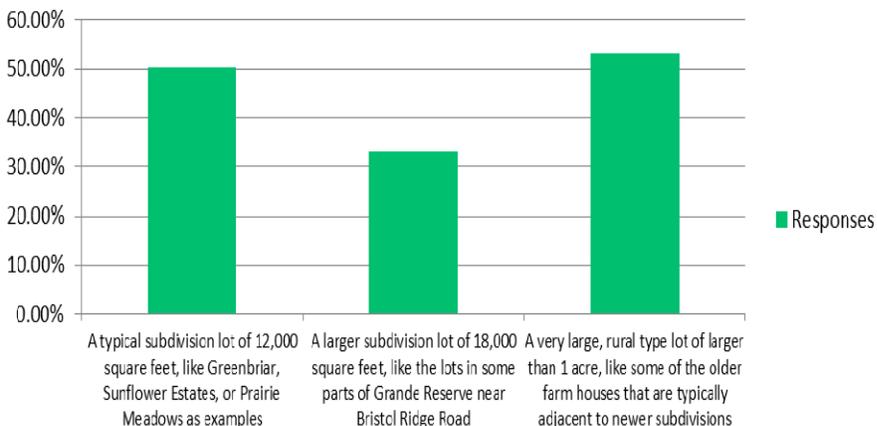
## What are your reasons to support having chickens in a residential neighborhood?

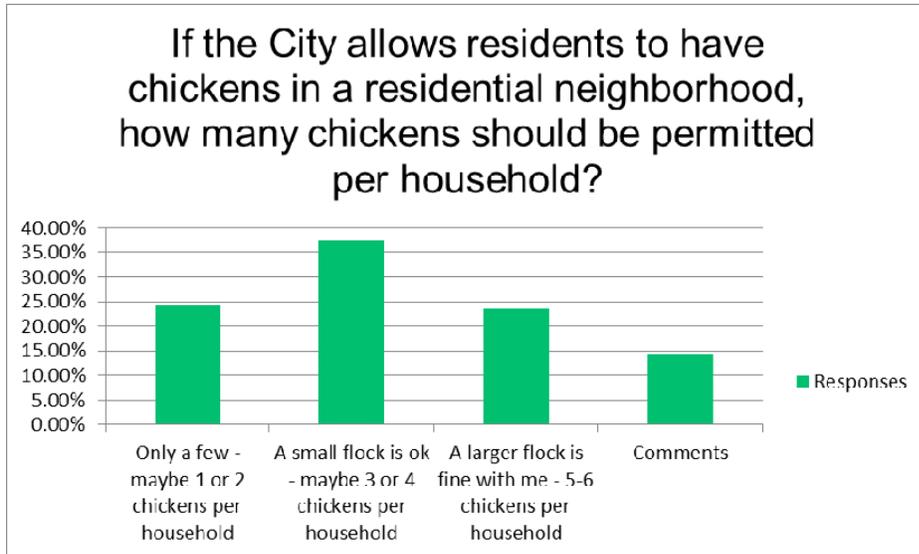


## What are your reasons for opposing chickens in a residential neighborhood?



## 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:

<b>Regulation</b>	<b>Best Practice</b>	<b>Reasoning</b>
<i>Permitted Zoning Districts</i>	Single-Family Zoning Districts	<ul style="list-style-type: none"> <li>• Generally, single-family dwelling units are located on larger lots, able to accommodate needed setbacks to house a coop.</li> <li>• Multi-family dwelling units are limited in lot size to permit every unit to have the opportunity to keep a chicken coop.</li> </ul>
<i>Maximum number of chickens</i>	Typically permits a maximum of six (6) chickens.	<ul style="list-style-type: none"> <li>• Chickens are stock animals which do not thrive alone, so most owners have a minimum of four (4) to maintain a proper “social order”.</li> <li>• 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.</li> <li>• 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.</li> </ul>
<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"> <li>• 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)</li> <li>• Needlessly creates obstacles to raising chickens in residential districts otherwise suited for the use.</li> </ul>

<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"> <li>• Typically seen as an “accessory use” to the primary residential land use, the location is most appropriate in rear yards.</li> <li>• Minimum 25 ft. setback is far enough to reduces nuisance of noise and odor, but also allows smaller properties to meet the standard.</li> </ul>
<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"> <li>• Typically, can be enforced through existing performance standards in Zoning Ordinance and Property Maintenance Code.</li> <li>• Goal is to reduce odor, rodent and accumulation of waste without implementing stringent cleaning requirements which would be impossible to enforce.</li> </ul>
<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"> <li>• Ensures adequate protection from natural predators (e.g. foxes, dogs, coyotes, etc.) and designed for easy access for cleaning.</li> <li>• Proposed size of 2 sq. ft. per hen provides adequate space for movement but small enough to keep birds warm in winter.</li> <li>• Fencing is required to allow birds to roam during cleaning but precludes chickens from running at large.</li> </ul>
<i>Slaughtering</i>	<p>Prohibited</p>	<ul style="list-style-type: none"> <li>• Intent of ordinance is for chickens as pets or for raising of hens for eggs, not for meat.</li> <li>• Addresses concerns of health/hygiene concerns related to backyard slaughtering/butchering of chickens.</li> </ul>
<i>Roosters</i>	<p>Prohibited or only permitted under four (4) months of age.</p>	<ul style="list-style-type: none"> <li>• Addresses concerns of noise (crowing) and are not needed for hens to produce eggs for feeding.</li> </ul>
<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"> <li>• Inefficient use of City staff time to require a permit/license, review plans and maintain records.</li> <li>• Permit fees, especially if annual, could prove cost prohibitive for chicken owner.</li> <li>• Enforcement of regulations can still occur through the property maintenance process on a complaint basis.</li> </ul>

**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
<b>PERMITTED ZONING</b>	<ul style="list-style-type: none"> <li>• E-1 (4 parcels)</li> <li>• <u>R-1 (264 parcels)</u></li> </ul> <b>Total 268 parcels</b>	<ul style="list-style-type: none"> <li>• E-1 (4 parcels)</li> <li>• R-1 (264 parcels)</li> <li>• <u>R-2 (6,358 parcels)</u></li> </ul> <b>Total 6,626 parcels</b>	<ul style="list-style-type: none"> <li>• E-1 (4 parcels)</li> <li>• R-1 (264 parcels)</li> <li>• R-2 (6,358 parcels)</li> <li>• <u>R-2D (207 parcels)</u></li> </ul> <b>Total 6,833 parcels</b>
<b>MAX. NUMBER</b>	Max. 8 chickens	Max. 6 chickens	Max. 4 chickens
<b>MIN. LOT SIZE</b>	N/A	12,000 sq. ft.	10,000 sq. ft.
<b>LOCATION/SETBACK</b>	Rear/Side Yard	Rear/Side Yard 25 ft. setback	Rear Yard Only 25 ft. setback
<b>SANITATION</b>	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.
<b>ENCLOSURE/COOP</b>	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.
<b>SLAUGHTERING</b>	Prohibited	Prohibited	Prohibited
<b>ROOSTERS</b>	Permitted	Permitted up to 4 months of age	Prohibited
<b>PERMIT REQUIRED</b>	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

Jaime Bouvier is Visiting Legal Writing Professor,  
Cleveland-Marshall College of Law.

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## Summary

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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.

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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.<sup>1</sup> 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 animals<sup>2</sup>—many city-dwellers are taking it into their own hands to provide solutions.<sup>3</sup> Community gardens are increasing in cities across the country.<sup>4</sup> 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.<sup>5</sup> 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

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*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.<sup>6</sup>

Part of the greater urban agriculture movement involves urban animal husbandry—raising livestock in an urban setting.<sup>7</sup> While many cities have allowed for bees, goats, and other livestock in the city,<sup>8</sup> this Article will focus on how cities regulate chickens.<sup>9</sup> 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.<sup>10</sup> 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.<sup>11</sup>

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.<sup>12</sup> 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.<sup>13</sup> For instance, in a suburb of Cleveland, Jennifer,<sup>14</sup> a young mother of two boys, built a coop in her backyard and bought four chicks.<sup>15</sup> 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](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 Agriculture*, 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](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](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](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.<sup>16</sup> 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.<sup>17</sup>

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.<sup>18</sup> 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.<sup>19</sup> She subscribes to *Backyard Poultry*—a magazine dedicated to backyard chickens<sup>20</sup>; 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.<sup>21</sup> 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.<sup>22</sup>

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.<sup>23</sup> 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.”<sup>24</sup> City leaders are understandably concerned that chickens may cause nuisances.<sup>25</sup> They have raised such concerns as decreasing property values<sup>26</sup> and increasing greenhouse emissions,<sup>27</sup> as well as concerns about excessive clucking and overwhelming odors bothering the neighbors.<sup>28</sup> Some express the belief that chickens, and other agricultural practices, simply do not belong in cities.<sup>29</sup> 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.<sup>30</sup>

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.<sup>31</sup> 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.”<sup>32</sup> 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.”<sup>33</sup> 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.<sup>34</sup>

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.”<sup>35</sup> 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.”<sup>36</sup> 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.<sup>37</sup>

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.<sup>38</sup> Keeping domesticated fowl has been a part of human existence for millennia,<sup>39</sup> and only in the last century has been seen as something that should be kept separate from the family and the home.<sup>40</sup> 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

**E**VEN 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.<sup>41</sup> Hens lay more during the spring and summer months when they are exposed to more light because of the longer days.<sup>42</sup> 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.<sup>43</sup> 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.<sup>44</sup> 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.<sup>45</sup>

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.<sup>46</sup> It would take many years to recoup the cost of the chickens, the chicken feed, and the coops.<sup>47</sup> But cost is only part of the equation.

Eggs from backyard hens have been scientifically shown to taste better.<sup>48</sup> First, they taste better because they are fresher.<sup>49</sup> Most eggs bought in a grocery store are weeks if not months old before they reach the point of sale.<sup>50</sup> 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.<sup>51</sup>

Next, eggs from backyard hens are more nutritious.<sup>52</sup> Poultry scientists have long known that a hen's diet will affect the nutrient value of her eggs.<sup>53</sup> 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.<sup>54</sup> 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.<sup>55</sup> This is because backyard chickens can forage for fresh grass and other greens and get access to insects and other more natural chicken food.<sup>56</sup> 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.<sup>57</sup> 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.<sup>58</sup>

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.<sup>59</sup> Chickens have personalities, and many people and children bond with them just like any other pet.<sup>60</sup> Several forums exist on the Internet where people can trade stories about hen antics<sup>61</sup> or debate what breed of chicken is best for children.<sup>62</sup> Chicken owners tend to name their hens, and many can easily describe each hen's temperament and personality.<sup>63</sup>

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.<sup>64</sup>

### 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](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.<sup>65</sup> Poultry waste has long been used as a fertilizer—it provides necessary nutrients for plants and works well as an addition to compost.<sup>66</sup> Large amounts of uncomposted chicken manure applied directly to a garden will overwhelm or burn the plants, because its nitrogen content is too high.<sup>67</sup> 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.<sup>68</sup>

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.<sup>69</sup> In comparison, an average dog produces three-quarters of a pound per day, or three times as much waste as one hen.<sup>70</sup> 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.<sup>71</sup> Chickens also occasionally eat worms, small snakes, and small mice.<sup>72</sup> Insects provide protein that the chickens need to lay nutritionally dense eggs.<sup>73</sup> 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.<sup>74</sup> 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.<sup>75</sup>

#### E. Chickens Help Build Community

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

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.<sup>79</sup> 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.<sup>80</sup>

## 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%2Fwww.echocommunity.org%2Fresource%2Fcollection%2FE66CDFDB-0A0D-4DDE-8AB1-74D9D8C3EDD4%2FChickens.pdf&ei=39zxT41Sh7etAdSUmY8C&usq=AFQjCNHh0\\_bkG\\_5sVmlovgngOXD53A&sig2=\\_cgyLnv7jDV7hGIVZty89g](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CFMQFjAA&url=http%3A%2Fwww.echocommunity.org%2Fresource%2Fcollection%2FE66CDFDB-0A0D-4DDE-8AB1-74D9D8C3EDD4%2FChickens.pdf&ei=39zxT41Sh7etAdSUmY8C&usq=AFQjCNHh0_bkG_5sVmlovgngOXD53A&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](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.<sup>81</sup> Hens are not particularly noisy. While they will cluck, the clucking is neither loud nor frequent.<sup>82</sup> The clucking of hens is commonly compared to human conversation—both register around 65 decibels.<sup>83</sup> By contrast, the barking of a single dog can reach levels well over 100 decibels.<sup>84</sup>

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.<sup>85</sup> 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.<sup>86</sup> While it is no doubt true that the odors coming from these intensive commercial-scale chicken farms is overwhelming and harmful,<sup>87</sup> these operations often have hundreds of thousands of chickens in very small spaces.<sup>88</sup>

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.<sup>89</sup> 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.<sup>90</sup>

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](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.”).

## 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.<sup>91</sup>

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.<sup>92</sup> 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.<sup>93</sup> 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.<sup>94</sup> 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.<sup>95</sup>

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.<sup>96</sup> For instance, the Centers for Disease Control and Prevention (CDC) blamed “the intensification of food-animal production” in part on the increasing threat.<sup>97</sup> 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.<sup>98</sup> 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

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 & Sjoberg, *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.”<sup>99</sup> The report concludes by stating, “because of the Livestock Revolution, global risks of disease are increasing.”<sup>100</sup> 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.<sup>101</sup>

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.<sup>102</sup> 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.<sup>103</sup>

Another illness that causes concern because it can be transferred to humans is salmonella.<sup>104</sup> Chickens, like other common household pets—including dogs, turtles, and caged birds—can carry salmonella.<sup>105</sup> 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.<sup>106</sup>

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.<sup>107</sup>

## D. Property Values

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

Studies concerning pets, moreover, find that apartment owners can charge higher rent for concessions such as allowing pets.<sup>114</sup> 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.<sup>115</sup>

## E. Slaughter

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

First, many who raise chickens keep the hens only for the eggs.<sup>119</sup> Most egg-laying breeds do not make for tasty meat.<sup>120</sup> 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](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](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.<sup>121</sup> Veterinarians, moreover, have avenues for disposing of dead animals that are generally accepted in most communities.<sup>122</sup>

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.<sup>123</sup> Thus, legalizing backyard chickens does not necessarily mean that a city must also legalize backyard chicken slaughtering.<sup>124</sup>

## 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.<sup>125</sup>

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.<sup>126</sup> These animals produce a large amount of methane every year because of the way in which they digest carbohydrates.<sup>127</sup> Cows produce an average of 55 kilograms (kg) per year per cow.<sup>128</sup> A goat will produce 5 kg per year, a pig 1.5, and a human 0.05.<sup>129</sup> Chickens, because they are nonruminant animals, and because they are much smaller than humans, produce less than 0.05 kg per year per chicken.<sup>130</sup>

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.<sup>131</sup>

## 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.<sup>132</sup>

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.<sup>133</sup>

## 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.<sup>134</sup> 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*<sup>135</sup>

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](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.<sup>136</sup> Chickens can recognize one another and can remember up to 50 or 60 other chickens.<sup>137</sup> Because of this, large flocks of chickens, like those found in most intensive farming operations, are socially unstable and can cause aggressive behavior.<sup>138</sup> In the wild, most flocks form sub-groups of between four to six chickens.<sup>139</sup>

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.<sup>140</sup> 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.<sup>141</sup>

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

## 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.<sup>147</sup> 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.<sup>148</sup>

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

Because a new introduction into the flock will upset the pecking order, some farmers advocate for introducing at least two chicks at a time.<sup>152</sup> 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.<sup>153</sup>

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.<sup>154</sup> Other predators, however, such as hawks and raccoons, are frequently found in the city.<sup>155</sup>

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.<sup>156</sup> 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](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.<sup>157</sup> 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.<sup>158</sup>

#### 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.<sup>159</sup> While the frequency of crowing depends on the breed and the individual rooster, many roosters crow a lot.<sup>160</sup> 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.<sup>161</sup>

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” roosters<sup>162</sup>: 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.<sup>163</sup> 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.<sup>164</sup> In fact, it is likely that every egg you have ever eaten was produced by a hen that never met a rooster.<sup>165</sup>

The only reason that hens require roosters is to fertilize the eggs, so that the eggs will hatch chicks.<sup>166</sup> 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.<sup>167</sup> 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.<sup>168</sup>

### 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.<sup>169</sup> Currently, 94% of these cities allow for chickens in some manner.<sup>170</sup> 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](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/cit1020.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. HEINRICH, *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.<sup>171</sup> Three others have unclear ordinances that city officials have interpreted as banning backyard chickens: Grand Rapids, Fort Wayne, and Lubbock.<sup>172</sup> An additional 10 cities, while allowing for chickens, restrict them to either very large lots or only to

agriculturally zoned land.<sup>173</sup> 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 regulation<sup>174</sup> to a great deal of very specific ordinances governing where chickens can be located,<sup>175</sup> how coops must be built,<sup>176</sup> and how often chickens must be fed and coops must be cleaned.<sup>177</sup> 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.<sup>178</sup> 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.<sup>179</sup> Some cities simply define chickens as pets and provide no regulations at all.<sup>180</sup> 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.

veyed<sup>181</sup> and the survey sizes were far smaller.<sup>182</sup> 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.<sup>183</sup>

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

that quite a few cities do expressly allow roosters.<sup>190</sup> 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.<sup>191</sup> Of those top 10 cities, however, Philadelphia has fairly strict zoning restrictions that only allows chickens in lots of three acres or larger.<sup>192</sup> And, of the top 50 cities by population, only one city bans chickens outright: Detroit.<sup>193</sup>

But in the last 20 of the top 100 cities, four of them ban chickens: Yonkers, Grand Rapids, Fort Wayne, and Lubbock.<sup>194</sup> 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-urbanchickens%2Fwp-content%2Fuploads%2F2012%2F02%2FOrdinance-research-paper.pdf&ei=f\\_T5T8jOLCrljgGp5NGKCCQ&usq=AFQjCNE-ArE\\_uYe4XcKDFhMrwS44mOLfQw&sig2=UcWfdU1smpoifnqTiE\\_vvA](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-urbanchickens%2Fwp-content%2Fuploads%2F2012%2F02%2FOrdinance-research-paper.pdf&ei=f_T5T8jOLCrljgGp5NGKCCQ&usq=AFQjCNE-ArE_uYe4XcKDFhMrwS44mOLfQw&sig2=UcWfdU1smpoifnqTiE_vvA); Jennifer Blecha, *Urban Life With Livestock: Performing Alternative Imaginaries Through Small Stock Urban Livestock Agriculture in the United States*, PROQUEST INFORMATION AND LEARNING COMPANY (2007). See also *Chicken L.O.R.E Project: Chicken Laws and Ordinances and Your Rights and Entitlements*, BACKYARD CHICKENS.COM, <http://www.backyardchickens.com/t/310268/chicken-lore-project-find-submit-local-chicken-laws-ordinances> (last visited Feb. 20, 2012) (providing an extensive community-created database of municipal chicken laws).

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

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

184. *Infra* V.B.

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

186. *Infra* V.C.5

187. *Infra* V.C.5

188. *Infra* V.C.6.

189. *Infra* V.C.7.

190. *Infra* V.C.8.

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

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

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

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

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

## 2. Some Regional Observations

Although it is difficult to draw regional distinctions from a limited set of data, it does appear that the states in what is colloquially called the Rustbelt are more likely to ban chickens. In Michigan, both cities within the top 100, Detroit and Grand Rapids, ban chickens.<sup>195</sup> And in Pennsylvania, similarly, both of its most populated cities, for the most part, ban chickens.<sup>196</sup> Philadelphia only allows chickens on lots of three acres or more—far more than the average lot size in Philadelphia.<sup>197</sup> Pittsburgh, although it recently amended its ordinances,<sup>198</sup> used to allow chickens only on parcels of five acres or more.<sup>199</sup> 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.<sup>200</sup> 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.<sup>201</sup> 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.<sup>202</sup>

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

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.<sup>207</sup>

### 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&rcct=j&q=&esrc=s&source=web&cd=1&ved=0CCMQFjAA&url=http%3A%2F%2Fkabaaffiliates.org%2FuploadedFiles%2FKAB\\_Affiliates.org%2FWharton%2520Study%2520NK%2520final.pdf&ei=X40hT56\\_OOjCsQLogpyhCQ&usq=AFQjCNH-DYO3ImfVNsESWY6QZ9-79aW87A&sig2=C2IvyXmR7twhy4K5RZYk-A](http://www.google.com/url?sa=t&rcct=j&q=&esrc=s&source=web&cd=1&ved=0CCMQFjAA&url=http%3A%2F%2Fkabaaffiliates.org%2FuploadedFiles%2FKAB_Affiliates.org%2FWharton%2520Study%2520NK%2520final.pdf&ei=X40hT56_OOjCsQLogpyhCQ&usq=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 may 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.<sup>208</sup> 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.<sup>209</sup> These cities are much more likely to substantially restrict raising hens.<sup>210</sup> 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 code that chickens are allowed if the zoning ordinance permits it,<sup>211</sup> and then providing in its zoning ordinance that chickens are allowed if the animal code permits it.<sup>212</sup> The Lubbock city clerk resolved the loop by stating that the city interprets these provisions to entirely ban chickens within the city.<sup>213</sup>

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.<sup>214</sup>

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.<sup>215</sup> 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 Spokane<sup>216</sup> or Greensboro,<sup>217</sup> 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.<sup>218</sup> Many of these, however, have a separate section concerning animals or animal-related businesses within the health code.<sup>219</sup> 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.<sup>220</sup> 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.<sup>221</sup> 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.<sup>222</sup> 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.<sup>223</sup> These cities' ordinances appear to be long-standing and were not recently modified in response to the backyard chicken movement.<sup>224</sup> 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.<sup>225</sup> 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.<sup>226</sup> 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.<sup>227</sup> These restrictions range from draconian, practically banning chickens in most of the city by restricting chickens to extremely large lots,<sup>228</sup> 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.<sup>229</sup> 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.<sup>230</sup>

### 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.<sup>231</sup> Nashville, Norfolk, and Pittsburgh appear to limit chickens to property of more than five acres, which in any urban area is a practical ban.

Norfolk appears to allow for an exception to the five-acre minimum<sup>232</sup> by allowing a would-be chicken owner to procure a permit to keep hens,<sup>233</sup> but in practice, the city will not issue this permit to chicken hobbyists.<sup>234</sup> 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.<sup>235</sup> Nashville’s health code, by contrast, specifically allows for chickens, as long as they do not create a nuisance.<sup>236</sup> Nashville issued a memorandum in 2009 providing that the Board of Zoning Appeals held that the health code takes precedence over the zoning code.<sup>237</sup> 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.<sup>238</sup>

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.<sup>239</sup> Pittsburgh, thus, would allow chicken keepers to seek a variance for raising chickens on property of less than five acres.<sup>240</sup> 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.<sup>241</sup>

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,<sup>242</sup> and only allows farm animals on a parcel of property of three acres or more.<sup>243</sup>

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).

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*, ALTDAILY, 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.<sup>244</sup> Richmond requires 50,000 square feet, or slightly more square footage than the 43,560 square feet in an acre.<sup>245</sup>

After these, the lot sizes are far more lenient. Two cities, Garland and Stockton, require at least ½ acre.<sup>246</sup> 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.<sup>247</sup> 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.<sup>248</sup> 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.<sup>249</sup> Three more cities restrict chickens to agricultural or very low-density residential zones: Chesapeake, Jacksonville, and Montgomery.<sup>250</sup> 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.<sup>251</sup> Dallas only applies zoning

requirements if chickens are being raised for commercial purposes.<sup>252</sup> Memphis merely applies different building restrictions for coops depending on the zone.<sup>253</sup> 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.<sup>254</sup>

### 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.<sup>255</sup> Newark will not grant one to anyone living in any multi-family home.<sup>256</sup>

### 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.<sup>257</sup> 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.<sup>258</sup> 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.<sup>259</sup>

Some cities decide the number of chickens based on zoning. El Paso allows for up to six chickens on land not zoned agricultural.<sup>260</sup> 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 (2009).

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.<sup>261</sup> Neither city restricts the amount of chickens on agriculturally zoned land.<sup>262</sup>

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.<sup>263</sup> 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.<sup>264</sup> Louisville allows for five chickens on property of less than ½ acre, and no limit above that.<sup>265</sup> Arlington provides for four on less than ½ acre, 10 for lots between ½ and one acre, and 25 for lots over one acre.<sup>266</sup> And, Charlotte requires a permit and restricts chickens to 20 per acre.<sup>267</sup>

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.<sup>268</sup>

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.<sup>269</sup> 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.<sup>270</sup> 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.<sup>271</sup> 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.<sup>272</sup> 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.<sup>273</sup> 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.<sup>274</sup> 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.<sup>275</sup> The lowest number is Garland and Honolulu with two.<sup>276</sup> Somewhat surprisingly, the highest number comes from Jersey City—with 50.<sup>277</sup> Jersey City collapses ducks and pigeons within the restriction of 50 fowl.<sup>278</sup> Jersey City also requires a permit to keep chickens.<sup>279</sup>

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.<sup>280</sup> Wichita allows three chickens, Santa Ana allows four, and San Jose and El Paso both allow up to six.<sup>281</sup> 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,<sup>282</sup> and Boston and Mobile allow up to 25.<sup>283</sup> According to several Bostonians who want chickens, however, Boston does not easily grant this permit.<sup>284</sup> Miami allows up to 15 hens with a permit.<sup>285</sup>

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,<sup>286</sup> and Sacramento, three.<sup>287</sup>

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,<sup>288</sup> and Kansas City allows 50.<sup>289</sup> Tulsa allows seven adults and 14 chicks.<sup>290</sup> Colorado Springs allows 10 hens and an unlimited number of chicks.<sup>291</sup> And Garland, even though it allows only two hens, does not limit the number of chicks less than one-month old.<sup>292</sup>

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.”<sup>293</sup> This ordinance was passed in 2010,<sup>294</sup> 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.<sup>295</sup> 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) (20 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.<sup>296</sup> Three cities require a setback from the street.<sup>297</sup> Six cities ban chickens from the front yard.<sup>298</sup> 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,<sup>299</sup> the setbacks range from 10<sup>300</sup> to 500 feet.<sup>301</sup> The average of all of the setbacks is 80 feet,<sup>302</sup> although only one city, Phoenix, actually has a setback of 80 feet.<sup>303</sup> The median and the mode are both 50 feet.<sup>304</sup> 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.<sup>305</sup> The mode, the most common set-

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

- Fifteen cities have setbacks of less than 30 feet, with two at 30 feet,<sup>307</sup> seven at 25 feet,<sup>308</sup> six at 20 feet,<sup>309</sup> and one at 10 feet.<sup>310</sup>
- Thirteen cities have setbacks of 100 feet.<sup>311</sup> 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.<sup>312</sup>
- Seven cities have setbacks of more than 100 feet.<sup>313</sup> Of those, Mobile, Alabama, has a 150-foot setback, but allows chicken coops that were built before the ordinance passed to be grandfathered in.<sup>314</sup> Oklahoma City has a 200-foot setback and, puzzlingly, will waive these setbacks from horses, mules, donkeys, and pigs, but not for chickens.<sup>315</sup> Oklahoma City also has an additional 400-foot setback for roosters.<sup>316</sup>

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.<sup>317</sup> 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. or 50 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.<sup>318</sup>

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.<sup>319</sup>

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

### b. Setbacks From Property Line

Twenty cities mandate setbacks from the property line;<sup>322</sup> those setbacks range from 18 inches<sup>323</sup> to 250 feet.<sup>324</sup> 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.<sup>325</sup> Again, a few cities with very large setbacks are raising the average.<sup>326</sup> The median set-

back is 25 feet.<sup>327</sup> And the mode, or most popular, setback is tied at either 20<sup>328</sup> or 25 feet.<sup>329</sup>

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.<sup>330</sup>

### c. Setbacks From the Street

Three cities require chickens to be kept away from the street: Bakersfield, Birmingham, and Boston.<sup>331</sup> 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.<sup>332</sup> Another way that cities do this, perhaps more effectively, is by simply barring chickens from front yards, as six cities do.<sup>333</sup>

### d. Other Kinds of Setbacks

While many ordinances exclude the owner's house from the definition of a dwelling,<sup>334</sup> 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,<sup>335</sup> and Los Angeles requires that the chickens be kept at least 20 feet away from the owner's house.<sup>336</sup>

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.<sup>337</sup> In St. Paul, it is up to the Health Inspector's discretion.<sup>338</sup> And, in Fremont, it is the Animal Services Supervisor who has discretion.<sup>339</sup>

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) & (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).

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.<sup>340</sup>

## 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.<sup>341</sup> 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."<sup>342</sup> 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.<sup>343</sup> And two cities, Richmond and Stockton, frame it in terms of trespass and do not allow chicken trespassers.<sup>344</sup> 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.<sup>345</sup> While many cities have cleaning requirements that apply to any animal,<sup>346</sup> 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.<sup>347</sup> Most cities also expressly prohibit odors or offensive odors.<sup>348</sup>

Some cities are a little more explicit and require that the coop be cleaned regularly or routinely.<sup>349</sup> Some cities go further and require the coop to be clean at all times.<sup>350</sup> 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.<sup>351</sup> Milwaukee also requires coops to be cleaned daily and additionally “as is necessary.”<sup>352</sup> The next two most fastidious cities, Des Moines and Santa Ana, require that the coop be cleaned at least every other day.<sup>353</sup> Seven cities require that the coop be cleaned at least twice a week.<sup>354</sup> And another four cities require that the coop be cleaned at least once a week.<sup>355</sup> 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.<sup>356</sup>

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

within their ordinances are congregated mostly in the South or the Southwest.<sup>358</sup> Several mandate that chicken feed or chicken waste be kept in fly-tight containers.<sup>359</sup> Miami requires that a chicken’s droppings be treated to destroy fly maggots before it can be used as fertilizer.<sup>360</sup> 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.”<sup>361</sup>

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.”<sup>362</sup> 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.”<sup>363</sup> 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.<sup>364</sup> Of these cities, several are concerned about both flies and rats.<sup>365</sup> Most of these cities simply mandate that the coop be free of rats,<sup>366</sup> 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.<sup>367</sup> 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.”<sup>368</sup> 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.<sup>369</sup> Like the cleaning regulations, many of these cities’ ordinances are not particular to chickens, but cover any structure meant to house an animal.<sup>370</sup> 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.<sup>371</sup> Some further require that the enclosure keep animals protected from inclement weather.<sup>372</sup> 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.<sup>373</sup> Of these cities, the average amount of space per chicken is five square feet, although no city actually mandates that.<sup>374</sup> The median amount of space per chicken is four square feet. The mode, or most popular amount, is also four square feet.<sup>375</sup> The next most popular is between two and two-and-one-half square feet.<sup>376</sup> Cleveland requires 10 square feet per chicken, but specifies that this is for the outdoor run, not for the enclosed coop.<sup>377</sup> 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.<sup>378</sup> 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.<sup>379</sup>

Instead of regulating coop size so specifically, some cities require that the coops not be cramped or overcrowded.<sup>380</sup> Others state that the coop should be big enough for the chicken to move about freely,<sup>381</sup> 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.<sup>382</sup> 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.”<sup>383</sup>

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.<sup>384</sup> Seattle allows for up to 1,000 square feet and caps the height at 12 feet.<sup>385</sup> Finally, Charlotte is the only city that provides for a minimum height by requiring the coops to be at least 18 inches high.<sup>386</sup>

Other requirements that turn up in more than one city is that the coop’s floor be impervious,<sup>387</sup> the coop be adequately ventilated,<sup>388</sup> and the coop be kept dry or allow for drainage.<sup>389</sup> Some cities mandate that the enclosure protect the chickens from predators.<sup>390</sup> And, Buffalo, Cleveland, and Colorado Springs require that the chickens have access to an outdoor run.<sup>391</sup>

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,<sup>392</sup> while Corpus Christi, to avoid large setbacks, requires that chickens be confined entirely within solid walls.<sup>393</sup>

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.<sup>394</sup> Jersey City’s ordinance stands out for its thoughtfulness.<sup>395</sup> 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.<sup>396</sup> Rochester does not allow fowl to be kept in a cellar.<sup>397</sup> And San Antonio requires that the coop be built so that the chicken’s feet do not fall through the floor.<sup>398</sup>

#### 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 Health<sup>399</sup>; Washington, D.C., assigns it to the Director of the Department of Human Services.<sup>400</sup> Columbus requires its Health Commissioner to approve the structure.<sup>401</sup> St. Louis allows its Animal Health Commissioner to set standards for coop construction.<sup>402</sup> 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.<sup>403</sup>

#### e. Feed and Water Requirements

Eleven cities are concerned that chickens receive enough food and water.<sup>404</sup> 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.<sup>405</sup> Memphis and Omaha require that the chickens not only be given sufficient food but also “wholesome” food and water.<sup>406</sup> 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.<sup>407</sup>

## 6. Permit Requirements

Thirty-eight cities require a permit to keep chickens under certain circumstances.<sup>408</sup> Like all of the other regulations, there is very little consistency. Eleven cities require permits for more than a maximum number of chickens.<sup>409</sup> 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.<sup>410</sup> 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.<sup>411</sup> And, two cities, Portland and Wichita allow for three.<sup>412</sup> Two cities require a permit if one seeks

to place the chickens within the legislated setbacks.<sup>413</sup> And one city, Riverside, only requires a permit if one wants to keep roosters.<sup>414</sup>

The remaining 24 cities require a permit to keep chickens under all circumstances.<sup>415</sup> 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.<sup>416</sup> Two have an initial term of one year, but then either allow or require five-year permits after that.<sup>417</sup> Cleveland has a biennial permit.<sup>418</sup> Mobile allows for the permit to remain valid until revoked by the health officer.<sup>419</sup> And several simply don't specify how long the permit will last.<sup>420</sup>

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 permits<sup>421</sup>; Newark gives it to the Director of the Department of Child and Family Well-Being<sup>422</sup>; Sacramento to the Animal Care Services Operator<sup>423</sup>; 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 Clerk<sup>424</sup>; and Boston to the Inspectional Services Department.<sup>425</sup> Most cities, however, do not state in the ordinance by what means a person actually procures a permit.<sup>426</sup>

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.<sup>427</sup> Las Vegas requires written consent of neighbors within 350 feet.<sup>428</sup> Buffalo and Milwaukee also requires written consent from adjacent landowners to secure a permit.<sup>429</sup> 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.<sup>430</sup>

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.”<sup>431</sup> 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.<sup>432</sup> If the permit is granted, then the Animal Control Officer must inspect the coop before the licensee is actually allowed to get chickens.<sup>433</sup> Then, the licensee has to procure a separate license from the building department to build the chicken coop.<sup>434</sup>

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.<sup>435</sup>

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.<sup>436</sup> Three of the 14 charged an initial fee, Milwaukee charged a \$25 initial fee, Minneapolis \$50, and St. Paul \$72.<sup>437</sup> Thirteen cities, including Minneapolis and St. Paul, charged annual fees.<sup>438</sup> 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,<sup>439</sup> and Madison charges \$5 if a permit is renewed late.<sup>440</sup> 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.<sup>441</sup>

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 slaughtering<sup>442</sup>; however, of those, only six ban slaughtering altogether.<sup>443</sup> Three cities, Buffalo, Charlotte, and Pittsburgh, allow chickens to be slaughtered, but require that it not occur outdoors or in a public place.<sup>444</sup> Cleveland allows a chicken to be slaughtered on site, but only if it is meant to be consumed on the occupant's premises.<sup>445</sup> San Francisco requires that any slaughter occur in an "entirely separate" room than the one that fowl occupy.<sup>446</sup> Rochester requires a poulturer's license to both keep chickens and slaughter them.<sup>447</sup> And, Glendale, in keeping with its aversion to rats described above, only allows for slaughter if it occurs in a rat-proof structure.<sup>448</sup>

Several other cities only ban slaughter if a person is killing another's chickens without permission.<sup>449</sup> 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.<sup>450</sup>

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."<sup>451</sup> 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."<sup>452</sup> And, Los Angeles expressly allows slaughter both for food and religious purposes.<sup>453</sup>

## 8. Roosters

Many cities that allow for hens ban roosters. Twenty-six cities prohibit roosters.<sup>454</sup> Of these cities, four have exceptions: Phoenix will allow a rooster only if it is incapable of making vocal noises<sup>455</sup>; Rochester and San Jose will allow roosters under four months of age<sup>456</sup>; and Sacramento only prohibits roosters on developed lots used exclusively for residential purposes.<sup>457</sup> Fort Wayne does not say anything about roosters, but its ordinance effectively bans them by defining poultry only as "laying hens."<sup>458</sup>

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 setbacks<sup>459</sup>; Kansas City, 300 feet<sup>460</sup>; Oklahoma City, 400 feet<sup>461</sup>; and Glendale, California, requires 500 feet.<sup>462</sup> Wichita will also allow for roosters if they are more than 500 feet from any residentially zoned lot.<sup>463</sup> 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 acre<sup>464</sup>; Baton Rouge requires two acres<sup>465</sup>; and Fremont California allows one rooster for ½ acre, and two roosters for more than one acre.<sup>466</sup> Three cities, Anaheim, Arlington, and Dallas, relegate roosters to agriculturally zoned land.<sup>467</sup>

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.<sup>468</sup>

Finally, nine cities expressly allow for roosters.<sup>469</sup> Most of these cities, however, limit the number of roosters allowed. Three cities allow for only one rooster.<sup>470</sup> Two cities allow for two roosters.<sup>471</sup> El Paso allows for up to three roosters with a permit.<sup>472</sup> And Riverside allows up to six and only requires a permit to keep seven or more roosters.<sup>473</sup> 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.<sup>474</sup>

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.<sup>475</sup>

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](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.<sup>476</sup> This has raised concerns in some areas that those chickens will burden animal shelters.<sup>477</sup> 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.<sup>478</sup> 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](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*

**Patricia Salkin**  
*Dean and Professor of Law*

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# ZONING AND PLANNING LAW REPORT



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## 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 locavores<sup>1</sup> search for more “green living” and a diet of fresh, locally grown and raised food.<sup>2</sup> In addition to producing eggs and meat, chickens provide the valuable service of eating garden pests and kitchen scraps.<sup>3</sup> They are relatively inexpensive, and do not need a particularly large area of space.<sup>4</sup> Some people have also started to welcome chickens into their homes and yards as domesticated pets.<sup>5</sup> 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.<sup>6</sup> 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,<sup>7</sup> and changes have been proposed in other cities, including Lafayette, Colorado;<sup>8</sup> Batavia, Illinois;<sup>9</sup> Albany, New York;<sup>10</sup> and North Salt Lake, Utah.<sup>11</sup> Although some communities have welcomed backyard chickens, others have expressed overwhelming opposition.<sup>12</sup> People who criticize efforts to allow chickens in neighborhoods worry that property values will plummet,<sup>13</sup> that chickens will create foul odors and noise, and that they will attract coyotes, foxes, and other pests.<sup>14</sup> Efforts to allow chickens have recently been defeated in Springville, Utah,<sup>15</sup> and Grand

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Rapids, Michigan,<sup>16</sup> 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.<sup>17</sup>

*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.<sup>18</sup> 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.<sup>19</sup> 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.<sup>20</sup> Economic, environmental, and philosophical issues have recently renewed the public’s interest in home-based food production, community gardens, and local sourcing.<sup>21</sup> 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.”<sup>22</sup> 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.

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*This is no “Chicken Little” story; if chicken lovers are not present in your community today, chances are they are coming soon.*

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## 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 prevention<sup>23</sup> and regulates various aspects regarding the sale, transport and slaughter of chicken and egg products under the Poultry Products Inspection Act<sup>24</sup> and the Egg Products Inspection Act.<sup>25</sup> Although most people who own only a few birds are exempt from the regulations,<sup>26</sup> these laws still prohibit the adulteration and misbranding of poultry and egg products, regardless of exemption status.<sup>27</sup> 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.<sup>28</sup>

People who own chickens for personal use are often exempted from state licensing and inspection requirements as well.<sup>29</sup> 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.<sup>30</sup> 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.”<sup>31</sup> 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.<sup>32</sup> 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.<sup>33</sup> 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,<sup>34</sup> and in Oregon, “eggs may be sold at farmers’ markets or roadside stands without an egg handler’s license and without labeling.”<sup>35</sup>

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,<sup>36</sup> 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.<sup>37</sup>

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.<sup>38</sup> 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.<sup>39</sup> Additionally, all states prohibit or criminalize chicken fighting,<sup>40</sup> and some prohibit chicken owners from using dye to change the birds’ colors,<sup>41</sup> a practice that is apparently popular to produce multi-colored chicks for Easter.<sup>42</sup>

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## 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.<sup>43</sup> 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.”<sup>44</sup> However, keeping an excessive number of chickens may be deemed a nuisance if the noise or odors would offend persons of ordinary sensibility.<sup>45</sup> 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[.]”<sup>46</sup> 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.<sup>47</sup>

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*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.*

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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.<sup>48</sup> 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.<sup>49</sup> 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.<sup>50</sup> 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.<sup>51</sup>

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.”<sup>52</sup> 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.”<sup>53</sup> 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,”<sup>54</sup> perhaps leaving it open to interpretation as to what exactly would constitute a nuisance with backyard chickens.

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#### 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.

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*Because of their noisy habits, roosters are prohibited under many residential chicken laws.*

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Because of their noisy habits, roosters are prohibited under some residential chicken laws.<sup>55</sup> 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.

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#### 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.<sup>56</sup> 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.”<sup>57</sup> 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 henhouse or chicken pen.<sup>58</sup> In Salem, Oregon, residents are required to obtain a license, valid for up to three years, at a cost of \$50 per year.<sup>59</sup> 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.<sup>60</sup>

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#### 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.”<sup>61</sup> Similar consent requirements have been enacted in Brainerd, Minnesota.<sup>62</sup> 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.<sup>63</sup> Under the regulations enacted in Durham, North Carolina, a neighbor’s objection can warrant an administrative review.<sup>64</sup> 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.<sup>65</sup>

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#### 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.”<sup>66</sup> 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.<sup>67</sup> 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.<sup>68</sup> In Windsor Heights, Iowa, no more than two chickens are allowed and they must be kept in a pen or coop at all times.<sup>69</sup>

#### 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.<sup>70</sup> Seattle, Washington also allows chickens in residential districts as accessory uses.<sup>71</sup> If chickens are not specifically permitted in a residential district, a homeowner can also try to receive approval for them as an accessory use.<sup>72</sup> This tactic has been successful in some cases involving farm animals and agricultural structures,<sup>73</sup> but the courts have not tended to accept chickens as residential accessory uses.<sup>74</sup> 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.<sup>75</sup> Minimum lot size requirements for chickens vary. In Grand Rapids, Minnesota, only one chicken is permitted per 2,500 square feet of lot size,<sup>76</sup> while in Pima County, Arizona, 24 chickens may be kept per 8,000 square feet of lot space in single-family zones.<sup>77</sup> 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[.]”<sup>78</sup>

Setbacks also vary. Little Rock, Arkansas has a 25-foot setback requirement,<sup>79</sup> while Topeka, Kansas,<sup>80</sup> and Stamford, Connecticut,<sup>81</sup> 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.”<sup>82</sup> 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.<sup>83</sup> 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.<sup>84</sup>

#### 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.<sup>85</sup> 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.<sup>86</sup> The size of coops and fenced enclosures is often determined by the number of hens kept in the flock. In Knoxville<sup>87</sup> and Atlanta,<sup>88</sup> coops must give each chicken at least two square feet of space. Mobile, Alabama, requires four feet of space per chicken in chicken houses,<sup>89</sup>

while at least six square feet of space per chicken is required in Concord, New Hampshire coops.<sup>90</sup>

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.”<sup>91</sup> 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.”<sup>92</sup>

### 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.<sup>93</sup> 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.<sup>94</sup> 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.<sup>95</sup> 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.<sup>96</sup>

### 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,<sup>97</sup> and Buffalo, New York,<sup>98</sup> prohibit slaughtering outside. Madison, Wisconsin,<sup>99</sup> and Knoxville, Tennessee,<sup>100</sup> prohibits chicken slaughtering in residential districts, while Chicago allows slaughtering only by licensed slaughtering establishments.<sup>101</sup> In San Francisco, slaughtering must be carried out in a separate room, away from any chickens.<sup>102</sup> 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 blogs<sup>103</sup> that boast thousands of active members and readers, a quick search on Amazon.com reveals dozens of books about how to raise urban and backyard chickens, and magazines are on the market catering to this growing interest. Municipalities would be wise to proactively address these issues now, by reviewing the experience in other communities and by studying the various methods for most effectively regulating the keeping of hens and roosters in non-rural residential neighborhoods.

### NOTES

1. “Locavore” was chosen as the Oxford American Dictionary’s 2007 word of the year. As the dictionary explained, “The ‘locavore’ movement encourages consumers to buy from farmers’ markets or even grow or pick their own food, arguing that fresh, local products are more nutritious and taste better. Locavores also shun supermarket offerings as an environmentally friendly measure, since shipping food over long distances often requires more fuel for transportation.” Oxford University Press Blog, Oxford Word of The Year: Locavore, Nov. 12, 2007, <http://blog.oup.com/2007/11/locavore/> (visited February 2011).
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3. Mary MacVean, Victory Gardens Sprout Up Again, *Los Angeles Times* (January 10, 2009), available at: <http://articles.latimes.com/2009/jan/10/home/hm-victory10/2> (visited February 2011).
  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](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](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).
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  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](http://www.clippertoday.com/view/full_story/11112756/article-NSL-pecks-at-backyard-chicken-idea?instance=secondary_stories_left_column) (visited February 2011).
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  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>.
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  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](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/](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](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](http://www.fsis.usda.gov/oppde/rdad/fsisnotices/poultry_slaughter_exemption_0406.pdf) at 2 (visited February 2011).
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  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](http://www.humanesociety.org/assets/pdfs/animal_fighting/cockfighting_statelaws.pdf) (listing statutes) (last updated June 2010); Brandi Grissom, *Cockfighting Outfits Evade the Law, and Continue to Prosper*, *The New York Times*, Dec. 23, 2010, <http://www.nytimes.com/2010/12/26/us/26ttcockfighting.html>. (visited February 2011).
  41. See, e.g., D.C. Code § 8-1808; Fla. Stat. § 828.161.

42. See Multi-coloured chicks for Easter, BBC News, <http://news.bbc.co.uk/2/hi/3615191.stm> (visited February 2011).
43. *Myer v. Minard*, 21 So. 2d 72, 74 (La. Ct. App. 2d Cir. 1945).
44. *Myer*, supra n. 44, 21 So. 2d at 76.
45. See, e.g., *Singer v. James*, 130 Md. 382, 100 A. 642 (1917) (finding a nuisance where the defendant kept five hundred chickens, fifty geese, fifty dogs, forty hogs, and various guinea fowl, turkeys, cows, calves, and horses).
46. *Forrester v. Webb*, 1999 WL 74543 (Ohio Ct. App. 12th Dist. Butler County 1999).
47. *Forrester*, supra n. 46.
48. Laws of the City of St. Louis, Missouri Chapter 10 § 20-015 (<http://www.spl.lib.mo.us/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\\_ARTIIOFREAN.html#COOR\\_CH4ANFO\\_ARTIIOFREAN\\_S4-8FO](http://search.municode.com/html/11743/level3/COOR_CH4ANFO_ARTIIOFREAN.html#COOR_CH4ANFO_ARTIIOFREAN_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](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](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&infoalse=19970](http://library1.municode.com:80/default/template.htm?view=browse&doc_action=setdoc&doc_keytype=tocid&doc_key=1c56ab278fcac109f43f0a5468a9a640&infoalse=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&cl=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](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](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](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](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](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](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](http://library.municode.com/html/16119/level2/TIT18ZO_CH18.25SIREZO.html) (visited February 2011).
78. [http://sterlingcodifiers.com/codebook/getBookData.php?section\\_id=600663](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](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](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](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](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](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).

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## 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

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- 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)

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- 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.

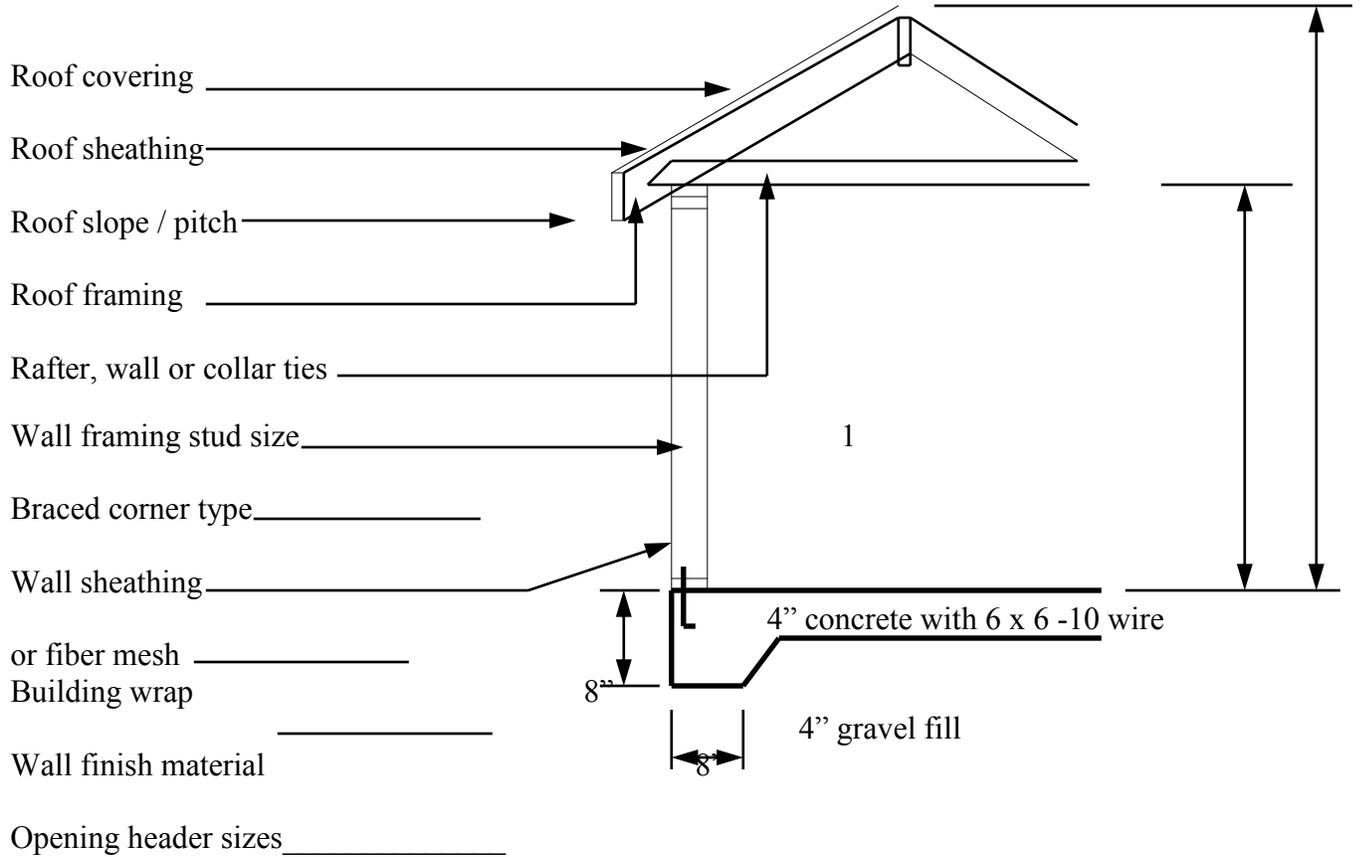
## Application Procedure

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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 16<sup>TH</sup> 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 17<sup>th</sup> 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.

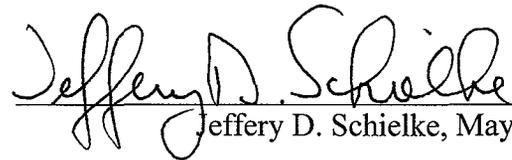
CITY OF BATAVIA, ILLINOIS ORDINANCE 11-04

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**PRESENTED** to the City Council of the City of Batavia, Illinois, this 16<sup>th</sup> day of May, 2011.

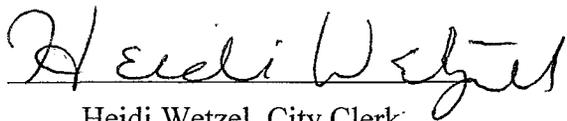
**PASSED** by the City Council of the City of Batavia, Illinois, this 16<sup>th</sup> day of May, 2011.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, this 16<sup>th</sup> 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										
<b>VOTE:</b>		9 Ayes	5 Nays	0 Absent	Abstention(s)					
<b>Total holding office:</b>		Mayor and 14 aldermen								

ATTEST:

  
 Heidi Wetzel, 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 2<sup>ND</sup> 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 3<sup>rd</sup> 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

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**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:

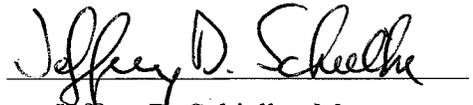
5-4B-8-B. The registration form shall include written permission for any building division staff member to access the rear yard of the residence or to access the school property for the purpose of verifying compliance with this code on a periodic basis. The form shall also acknowledge receipt of a copy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

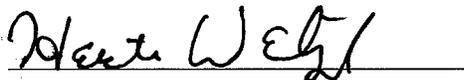
**PRESENTED** to and **PASSED** by the City Council of the City of Batavia, Illinois, this 2<sup>nd</sup> day of November, 2015.

**APPROVED** by me as Mayor of said City of Batavia, Illinois, 2<sup>nd</sup> 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				Thelein Atac	x			
6	Cerone	x				Russotto		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. <sup>[8]</sup>
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

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----- 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](mailto: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](mailto: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)



# Chickens

name: scallett Johnson  
age: 10

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!

