



## United City of Yorkville

800 Game Farm Road

Yorkville, Illinois 60560

Telephone: 630-553-4350

[www.yorkville.il.us](http://www.yorkville.il.us)

### AGENDA ECONOMIC DEVELOPMENT COMMITTEE MEETING

**Tuesday, August 2, 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:** July 5, 2022

#### **New Business:**

1. EDC 2022-48 Building Permit Report for June 2022
2. EDC 2022-49 Building Inspection Report for June 2022
3. EDC 2022-50 Property Maintenance Report for June 2022
4. EDC 2022-51 Economic Development Report for July 2022
5. EDC 2022-52 Caledonia – Phase 3 Request for Final Plat Approval

#### **Old Business:**

1. EDC 2020-32 Urban Chickens

#### **Additional Business:**

2019 – 2021 City Council Goals – Economic Development Committee		
Goal	Priority	Staff
“Southside Development”	4	Bart Olson, Krysti Barksdale-Noble & Lynn Dubajic
“Downtown and Riverfront Development”	5	Bart Olson, Tim Evans & Krysti Barksdale-Noble
“Metra Extension”	7	Bart Olson, Rob Fredrickson, Eric Dhuse, Krysti Barksdale-Noble & Erin Willrett
“Manufacturing and Industrial Development”	8 (tie)	Bart Olson, Krysti Barksdale-Noble, Erin Willrett, Lynn Dubajic, Eric Dhuse & Brad Sanderson
“Expand Economic Development Efforts”	10	Krysti Barksdale-Noble & Lynn Dubajic
“Revenue Growth”	13	Rob Fredrickson, Krysti Barksdale-Noble & Lynn Dubajic
“Entrance Signage”	17	Krysti Barksdale-Noble & Erin Willrett

UNITED CITY OF YORKVILLE  
WORKSHEET  
ECONOMIC DEVELOPMENT COMMITTEE  
Tuesday, August 2, 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. July 5, 2022
  - ☐ Approved \_\_\_\_\_
  - ☐ As presented
  - ☐ With corrections

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**NEW BUSINESS:**

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1. EDC 2022-48 Building Permit Report for June 2022
    - ☐ Informational Item
    - ☐ Notes \_\_\_\_\_
- 
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2. EDC 2022-49 Building Inspection Report for June 2022

☐ Informational Item

☐ Notes \_\_\_\_\_  
\_\_\_\_\_  
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3. EDC 2022-50 Property Maintenance Report for June 2022

☐ Informational Item

☐ Notes \_\_\_\_\_  
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4. EDC 2022-51 Economic Development Report for July 2022

☐ Informational Item

☐ Notes \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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5. EDC 2022-52 Caledonia – Phase 3 Request for Final Plat Approval

☐ 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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\_\_\_\_\_

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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 – July 5, 2022

**Meeting and Date:** Economic Development Committee – August 2, 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, July 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**

Vice-Chairman Ken Koch/in-person  
Alderman Chris Funkhouser/in-person  
Alderman Joe Plocher/in-person attendance

Absent: Alderman Jason Peterson

**Other City Officials**

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

**Other Guests**

City Consultant Lynn Dubajic Kellogg/in-person attendance  
David Schultz, HR Green/in-person attendance  
Madeline Larmon, Mackie Consultants/electronic attendance  
Luke Zaroni, Mackie Consultants/electronic attendance  
Rob Costello/electronic attendance  
Kelly Helland, Attorney/electronic attendance  
Thomas Williamson/electronic attendance  
Troy Mertz, Bristol Bay/electronic attendance  
David Courtright, Attorney, Self Storage/in-person attendance

The meeting was called to order at 6:00pm by Vice-Chairman Ken Koch.

**Citizen Comments** None

**Minutes for Correction/Approval** May 3, 2022

The minutes were approved as presented.

**New Business**

***1. EDC 2022-37 Building Permit Reports for April and May 2022***

Mr. Ratos reported 133 permits issued in April and 140 permits in May. This is for information.

**2. EDC 2022-38 Building Inspection Reports for April and May 2022**

There were 793 inspections in April and 896 in May. Mr. Ratos said his department kept as many in-house as possible, but some were outsourced. This is informational.

**3. EDC 2022-39 Property Maintenance Reports for April and May 2022**

Three cases were heard in April and 2 were found liable, both with a \$1,000 fine.

**4. EDC 2022-40 Economic Development Reports for May and June 2022**

Ms. Dubajic said May and June were very busy and she referred the committee to her reports in the agenda packet.

**5. EDC 2022-41 Heads or Tails Dog Grooming Special Use**

Mr. Engberg gave an explanation of the Special Use request. Attorney Kelly Helland has filed a Special Use request for this business in an M-1 district on Wolf St., just west of the Parks and Rec building in the Fox Industrial Park. The business is in the middle of a 6-unit building and is operating as a commercial school. He said there was an error in 2022 when they were granted an occupancy permit and they are now seeking a Special Use authorization. The business stated they are actually a dog-grooming business so they are requesting a Text Amendment. He reported on the parking, signage and conditions of a Special Use. He noted that Parks and Rec had safety concerns since large trucks are going in/out of that area and there is only one entrance for the business. He noted that the regular users of this business know where to enter and park to avoid any conflict with trucks.

Attorney Helland said the primary business is dog-grooming with some classes planned. She addressed the initial unauthorized placement of signs, details about the business, the entrance and parking, etc. She said her client is in agreement with the conditions of a Special Use within a Text Amendment and it would be the best option for them.

Alderman Funkhouser asked for more information about the error that had occurred which was an incorrect interpretation of the business being allowed in that district. In response to his question about the building, it was noted the building belongs to the business owner's parents.

Alderman Koch said the parking is tight in that area with trucks and loaders in and out. Ms. Helland said parking could be designated on the north side only, away from Parks and Rec, but there is only one entrance/driveway. She believes there is a cross-access easement agreement.

Ms. Noble said staff's recommendation is to not recommend as a Special Use for a commercial trade school. The disadvantage to that is to allow dog grooming as a Special Use in the M-1 district, under certain circumstances. Regarding the access, the petitioner would have to provide ample directional signage for their business.

Ms. Noble presented the options for the petitioner: 1) have the petitioner ask for a school designation, 2) amend text and designate this type of business as a Special Use in M-1 or, 3) take no action and the petitioner would have to re-locate.

Alderman Funkhouser does not want to make it difficult for the business, but does not favor a Text Amendment or Special Use. After discussion, Aldermen Plocher and Koch said they were open to a Text Amendment, however, they felt the location is not right. While 3 positive votes are needed to move an issue forward, the Committee decided to let the petition move forward for PZC and Council input. The Committee action is to not recommend a Special Use or Text Amendment at this time.

**6. EDC 2022-42 Comprehensive Plan Amendment (Bricolage Wellness/Windmill Farms)**

Mr. Engberg said rezoning to B-3 was approved in April, 2022 on the property on the SE corner of Rt. 126 and 71. He said this area called for estate/residential. Due to the rezoning, staff proposed an update to the Comprehensive Plan to “destination commercial” for this parcel. The Committee approved and the amendment moves forward to PZC next week.

**7. EDC 2022-43 Ordinance Approving an Agreement by and between the United City of Yorkville and Raging Waves, LLC (Utility Easement)**

Mr. Olson said Raging Waves has been studying options for employee parking and the most recent option has the employee entrance at the east end which adjoins the farm field that is part of the regional stormwater basin. Since development has slowed, there is no longer a need for such a large detention basin. The City has an easement for 200 acres for the basin. The property owner and Raging Waves have reached an agreement and are asking the city to waive their rights to the easement for a small sliver of the area for employee parking. They also want to do gravel parking, which is not permitted by the code, but the city feels it is reasonable for a small portion of the year.

Alderman Funkhouser asked to confirm the request with the easement agreement. Mr. Olson said the ordinance is written to indicate the city still wants the easement, so that nothing permanent can be placed in that location. The request moves forward to City Council with a positive recommendation.

**8. EDC 2022-44 Yorkville Self Storage – 1602 N. Bridge Street Variance**

The storage business is seeking a variance for approval of temporary units becoming permanent accessory structures at the Bridge St. location. Mr. Engberg said the current zoning is B-3 and the 3 existing structures were built in 1988. The temporary structures are located on the site of a previous business that burnt. In 1988 public storage facilities were permitted in a B-3 district, but when the code was updated in the early 2000's, they were then taken out of that classification and made Special Uses in the M-1 and M-2 districts. They are now a legal non-conforming use.

In 2021, the owner applied to put up additional units due to demand. The irregular flag shape lot created the buildable area in the front. The owner received a temporary permit for 38 units and when put in place, the placement was inconsistent with the plan provided by the owner and the permit was revoked until it met standards. After some moving around, the permit was reinstated on a temporary basis for 6 months. A variance has now been requested and the 6-month deadline for their permit application is July 31st.

Mr. David Courtright, Attorney for the new owner, Yorkville Self Storage, said the flag-shaped nature of the lot makes the variance necessary. He said without the variance, the property is unbuildable. Alderman Koch noted that the owner did not advise the city of plans and they are now requesting a variance. Aldermen Plocher and Funkhouser are not in favor either. This request is scheduled for a Public Hearing at the August PZC. At this time, the Committee does not recommend approval, though the request will move forward.

**9. EDC 2022-45 Bristol Bay Units 10 & 12 Proposed Final Plat Approval for Multi-Family Townhome Units**

Ms. Noble said this request is for Unit 10 which will have 119 units, a reduction of 10 units. Unit 12 will have 60 multi-family which is a reduction of 8. The reductions are due to the developer offering different product types and larger lots. She also noted that \$440,000 in building permit revenues will be lost due to the reductions.

Alderman Funkhouser favors the reductions and also noted that Rosenwinkel St. will become more congested with traffic and is the only ingress/egress. He said a remedy will be needed onto Rt. 47, possibly on the west side of the development. He feels the city will need to take action prior to action by IDOT. The developer, Mr. Mertz, said IDOT has reached out to him about a solution. This moves to PZC and then to City Council.

## ***10. EDC 2022-46 Windett Ridge Unit 2 Final Plat***

Ms. Noble said the development is closing out Unit 2 and this is for Final Plat. The portion known as Towns of Windett Ridge, with 16 residential units, was to have a lift station. When the downturn occurred, Towns of Windett Ridge did not move forward. The new developer, CalAtlantic, would like to close it out and have it replatted to 12 single family homes. The developer has been required to provide design plans for the lift station which they have done. Staff has reviewed the plans and provided comments to which the developer has responded. The lift station will be entirely paid by the developer and then conveyed to the city.

Engineer Madeline Larmon, attended via Zoom and answered questions. She said the lift station will only serve the 12 residences. The cost to operate the lift station has not been calculated and the pump size is not known, but she will get this information for the Committee. There will be a 1-year warranty upon acceptance. Committee members approved this and it moves forward to PZC on August 10<sup>th</sup> and then to City Council.

## ***11. EDC 2022-47 Graham C Stores (Rezoning, Special Use, Sign Variance, Final Plat) 107 E. Stagecoach Trl. - Proposed New Fuel Station & Convenience Store***

The gas station requires a Special Use because the developer is rezoning to B-3. They are asking for a sign variance, partially due to state requirements, because the height of the sign is larger than what the code permits. Staff did an assessment of other recent such requests and Graham's request is consistent. The Final Plat will include the lot for the gas station, a detention basin and future outlot, in addition to Graham's. They are requesting only 1 sign in comparison to the two signs Shell has. The outlot can ask for their own sign in the future and Graham's could ask for a second sign of conforming size, said Ms. Noble. She said staff anticipated requests such as this and landscaping is one of the conditions. Alderman Funkhouser said he is not in favor of larger signs and this one sits higher than adjacent signs. Alderman Plocher suggested that the variance include language that provides for only one sign. This is the Committee recommendation, but Alderman Funkhouser does not approve the height. Engineer David Schultz said the petitioner said they would be OK with 1 sign.

Lighting is another issue that has not been resolved and it is too intense in some areas, according to Ms. Noble. Staff is working with them. This will move forward to the August 10<sup>th</sup> PZC and then to City Council.

## **Old Business:**

### ***1. EDC 2020-32 Urban Chickens***

Alderman Koch said the Committee would discuss this matter, however, all 4 members of the Committee should be present for decisions. Ms. Noble summarized comments from previous meetings and reviewed the suggested guidelines from past input. A color-coded map was compiled showing the lots that are eligible for chickens, based on square feet of the lots. Alderman Funkhouser said Oswego does not set a lot size and excludes multi-family. After much discussion, Alderman Plocher suggested Yorkville should emulate Oswego's ordinance, but with no minimum lot size. Alderman Koch asked how enforcement would work and Ms. Noble said criteria are in place for that. It was noted that HOA's may prohibit chickens. Code Official Ratos requested that a provision be added that requires a permit so they can enter the premises in

the event of violations. These revisions will be brought back to the August meeting. A \$25 permit was suggested.

**2. EDC 2021-44 Lisa Pickering Loop – Proposed Virtual Bike Path & Monument**

Mr. Engberg provided an update and said the 25-mile course has been finalized with Ms. Pickering's husband. Since the path runs through many neighborhoods, HOA's have been contacted as a courtesy and also to promote the path. A plaque location with a QR code will be determined and a webpage will be created on the city website. Parks and Rec has suggested Beecher Park as a plaque location.

**Additional Business:** None

There was no further business and the meeting adjourned at 7:39pm.

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 2022-48

### Agenda Item Summary Memo

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

**Meeting and Date:** Economic Development Committee – August 2, 2022

**Synopsis:** All permits issued in June 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

### June 2022

#### TYPES OF PERMITS

	Number of Permits Issued	SFD <i>Single Family Detached</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
June 2022	221	16	9	0	20	0	176	6,452,919.00	219,684.35
Calendar Year 2022	761	98	21	0	61	0	581	31,264,647.00	876,862.75
Fiscal Year 2023	360	38	9	0	28	0	285	12,042,762.00	374,576.00
June 2021	186	16	24	0	11	0	135	6,924,345.00	224,984.36
Calendar Year 2021	915	130	72	0	77	0	636	39,992,182.00	1,362,177.43
Fiscal Year 2022	376	31	48	0	25	0	272	15,240,222.00	469,539.74
June 2020	244	8	10	0	1	0	225	4,753,420.00	85,556.40
Calendar Year 2020	847	64	18	0	44	0	721	20,298,767.00	700,234.96
Fiscal Year 2021	461	20	14	0	4	0	423	8,690,255.00	232,873.39
June 2019	240	9	0	0	11	0	220	3,314,915.00	125,499.42
Calendar Year 2019	650	74	10	0	62	0	504	24,512,878.00	950,158.73
Fiscal Year 2020	369	26	5	0	19	0	319	7,042,898.00	340,829.01





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 2022-49

### Agenda Item Summary Memo

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

**Meeting and Date:** Economic Development Committee – August 2, 2022

**Synopsis:** All inspections scheduled in June 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: 07/01/2022  
TIME: 09:43:36  
ID: PT4A0000.WOW

UNITED CITY OF YORKVILLE  
CALLS FOR INSPECTION REPORT

PAGE: 1

INSPECTIONS SCHEDULED FROM 06/01/2022 TO 06/30/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____	031-PLR PLUMBING - ROUGH Comments1: 10923 BRANDENBURG WAY	10000001	COUNTY INSPECTIONS	0		06/06/2022
PR	_____	032-PLF PLUMBING - FINAL OSR READ Comments1: 5728 WATERS EDGE CT					06/02/2022
PR	_____	AM 033-PLR PLUMBING - ROUGH Comments1: 7 CHEROKEE DR -- OSWEGO					06/13/2022
PR	_____	AM 034-PLF PLUMBING - FINAL OSR READ Comments1: 7251 JOYCE CT - OSWEGO					06/16/2022
PR	_____	035-PLR PLUMBING - ROUGH Comments1: 1910 BELL RD -- MINOOKA					06/15/2022
PR	_____	AM 036-PLF PLUMBING - FINAL OSR READ Comments1: 7386 FAIRWAY DR					06/15/2022
PR	_____	AM 037-REI REINSPECTION Comments1: ROUGH PLUMBING -- 7 CHEROKEE DR -- OSWEG Comments2: 0				06/15/2022	
PR	_____	AM 038-PLF PLUMBING - FINAL OSR READ Comments1: 40 MEYER RD - PLANO					06/21/2022
PR	_____	AM 039-PLF PLUMBING - FINAL OSR READ Comments1: 949 BELL ROAD -- MINOOKA					06/21/2022
PR	_____	040-PLU PLUMBING - UNDERSLAB Comments1: 10AM-12 -- 3601 PLANFIELD RD, OSWEGO					06/20/2022
PR	_____	041-REI REINSPECTION Comments1: 7 CHEROKEE DR -- ROUGH PLUMBING --					06/15/2022
PR	_____	042-PLU PLUMBING - UNDERSLAB Comments1: 7 TIMBERVIEW LN -- YORKVILLE					06/21/2022
PR	_____	043-PLF PLUMBING - FINAL OSR READ Comments1: 3614 WOLF RD -- OSWEGO					06/23/2022
PR	_____	AM 044-PLU PLUMBING - UNDERSLAB Comments1: 19 CAYMAN DR - MONTGOMERY					06/28/2022
PR	_____	AM 045-PLF PLUMBING - FINAL OSR READ Comments1: 7503 FAIRWAY DR -- WHITETAIL					06/29/2022
BF	_____	PM 013-FIN FINAL INSPECTION Comments1: ABBY 630-365-7229	20201300	950 GILLESPIE LN	148		06/29/2022

DATE: 07/01/2022  
TIME: 09:43:36  
ID: PT4A0000.WOW

UNITED CITY OF YORKVILLE  
CALLS FOR INSPECTION REPORT

PAGE: 2

INSPECTIONS SCHEDULED FROM 06/01/2022 TO 06/30/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BF	_____	PM 014-FEL FINAL ELECTRIC					06/29/2022
BF	_____	PM 015-FMC FINAL MECHANICAL					06/29/2022
PBF	_____	PM 016-PLF PLUMBING - FINAL OSR READ Comments1: ABBY 630-365-7229					06/29/2022
BF	_____	AM 013-FIN FINAL INSPECTION Comments1: ABBY 630-365-7229	20201301	948 GILLESPIE LN	147		06/15/2022
BF	_____	AM 014-FEL FINAL ELECTRIC					06/15/2022
BF	_____	AM 015-FMC FINAL MECHANICAL					06/15/2022
PBF	_____	AM 016-PLF PLUMBING - FINAL OSR READ Comments1: SEE INSPECTION REPORT					06/15/2022
BF	_____	PM 017-FIN FINAL INSPECTION Comments1: ABBY 630-365-7229					06/29/2022
BF	_____	PM 018-FEL FINAL ELECTRIC					06/29/2022
BF	_____	PM 019-FMC FINAL MECHANICAL					06/29/2022
PBF	_____	PM 020-PLF PLUMBING - FINAL OSR READ Comments1: ABBY 630-365-7229					06/29/2022
BF	_____	018-REI REINSPECTION Comments1: FOR FAILED FINAL FRAMING --- ABBY 630-3 Comments2: 65-7229	20201302	946 GILLESPIE LN	146		06/30/2022
BF	_____	019-REI REINSPECTION Comments1: FOR FAILED FINAL ELECTRICAL -- ABBY 630- Comments2: 365-7229					06/30/2022
PR	_____	AM 002-FIN FINAL INSPECTION Comments1: 630-708-3084	20201762	2826 CRYDER WAY	451		06/14/2022
PR	_____	AM 003-PLF PLUMBING - FINAL OSR READ					06/14/2022
TS	_____	021-EFL ENGINEERING - FINAL INSPE	20210416	2072 WHITEKIRK LN	97		06/16/2022
TS	_____	022-EFL ENGINEERING - FINAL INSPE Comments1: SEE REPORT	20210421	2078 WHITEKIRK LN	98		06/16/2022
TS	_____	024-EFL ENGINEERING - FINAL INSPE	20210426	463 PARKSIDE LN	362		06/21/2022
TS	_____	022-EFL ENGINEERING - FINAL INSPE Comments1: TEMP TO FINAL	20210485	831 ALEXANDRA LN	26		06/17/2022

DATE: 07/01/2022  
TIME: 09:43:36  
ID: PT4A0000.WOW

UNITED CITY OF YORKVILLE  
CALLS FOR INSPECTION REPORT

PAGE: 3

INSPECTIONS SCHEDULED FROM 06/01/2022 TO 06/30/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____	AM 012-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO -- GREG - 630-977-1869	20210518	838 ALEXANDRA LN	39		06/15/2022
GH	_____	013-EPW ENGINEERING- PUBLIC WALK Comments1: GREG - 630-977-1869					06/15/2022
GH	_____	014-WK SERVICE WALK					06/15/2022
GH	_____	015-EDA ENGINEERING - DRIVEWAY AP					06/15/2022
TS	_____	022-EFL ENGINEERING - FINAL INSPE	20210530	2068 WHITEKIRK LN	96		06/15/2022
TS	_____	028-EFL ENGINEERING - FINAL INSPE	20210578	3963 SHOEGER DR	34		06/17/2022
TS	_____	023-EFL ENGINEERING - FINAL INSPE Comments1: TEMP TO FINAL--SIDEWALK	20210684	1294 HAWK HOLLOW DR	267-1		06/28/2022
TS	_____	025-EFL ENGINEERING - FINAL INSPE Comments1: TEMP TO FINAL -- SIDEWALK	20210685	1292 HAWK HOLLOW DR	267-2		06/28/2022
PR	_____	021-EDA ENGINEERING - DRIVEWAY AP Comments1: RICH 630-273-5932	20210755	1242 TAUS CIR	121		06/10/2022
BC	_____	002-FIN FINAL INSPECTION Comments1: ABOVE GROUND POOL -- HISMAEL 331-452-072 Comments2: 7--SEE INSPECTION REPORT	20210784	1609 CYPRESS LN	33		06/03/2022
BC	_____	003-FIN FINAL INSPECTION Comments1: REINSPECTION ABOVE GROUND POOL 331-452-0 Comments2: 727					06/30/2022
BC	_____	004-BND POOL BONDING					06/30/2022
TS	_____	023-EFL ENGINEERING - FINAL INSPE Comments1: TEMP TO FINAL	20210785	1284 HAWK HOLLOW DR	268		06/28/2022
TS	_____	023-EFL ENGINEERING - FINAL INSPE Comments1: TEMP TO FINAL-- SIDEWALK	20210786	1282 HAWK HOLLOW DR	268		06/28/2022
BC	_____	009-RFR ROUGH FRAMING Comments1: CHRIS 224-358-1606	20210809	3161 JUSTICE DR	697		06/02/2022
BC	_____	010-REL ROUGH ELECTRICAL					06/02/2022
BC	_____	011-RMC ROUGH MECHANICAL					06/02/2022
PBF	_____	012-PLR PLUMBING - ROUGH Comments1: CHRIS 224-358-1606					06/02/2022

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GH		013-INS INSULATION					06/07/2022
		Comments1: CHRIS 224-358-1606 -- SEE INSPECTION REP					
		Comments2: ORT					
BF		AM 014-STP STOOP					06/24/2022
		Comments1: JOSE -- 630-465-1159					
GH		AM 001-WK SERVICE WALK	20210869	2971 GRANDE TR	389		06/15/2022
		Comments1: ANDREW 630-864-7278					
GH		002-PPS PRE-POUR, SLAB ON GRADE					06/15/2022
TS		023-EFL ENGINEERING - FINAL INSPE	20210887	2220 HEARTHSTONE AVE	440		06/21/2022
TS		021-EFL ENGINEERING - FINAL INSPE	20210892	1272 HAWK HOLLOW DR	2691		06/28/2022
		Comments1: TEMP TO FINAL -- SIDEWALK					
TS		021-EFL ENGINEERING - FINAL INSPE	20210893	1274 HAWK HOLLOW DR	2691		06/28/2022
		Comments1: TEMP TO FINAL					
BF		021-FIN FINAL INSPECTION	20210894	1244 HAWK HOLLOW DR	2722		06/10/2022
		Comments1: JEFF -- 847-456-8082					
BF		022-FEL FINAL ELECTRIC					06/10/2022
BF		023-FMC FINAL MECHANICAL					06/10/2022
PBF		024-PLF PLUMBING - FINAL OSR READ					06/10/2022
		Comments1: JEFF -847-456-8082					
TS		025-EFL ENGINEERING - FINAL INSPE					06/10/2022
TS		AM 019-EFL ENGINEERING - FINAL INSPE	20210895	1242 HAWK HOLLOW DR	2722		06/10/2022
GH		020-FIN FINAL INSPECTION					06/17/2022
		Comments1: JEFF -- 847-456-8082					
GH		021-FEL FINAL ELECTRIC					06/17/2022
GH		022-FMC FINAL MECHANICAL					06/17/2022
PBF		023-PLF PLUMBING - FINAL OSR READ					06/17/2022
		Comments1: JEFF - 847-456-8082					
BC		AM 009-FIN FINAL INSPECTION	20210921	2028 SQUIRE CIR	197		06/22/2022
		Comments1: DECK 630-740-2494 DOOR LIFT TOO HEAVY					
BC		AM 010-FIN FINAL INSPECTION					06/22/2022
		Comments1: PAVILLION -- 630-740-2494					

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TS	_____	021-EFL ENGINEERING - FINAL INSPE	20210930	2263 RICHMOND AVE	441		06/21/2022
		Comments1: SIDEWALK					
PWK	_____	024-EFL ENGINEERING - FINAL INSPE	20210942	2954 OLD GLORY DR	265	06/08/2022	
BC	_____	010-RFR ROUGH FRAMING	20210951	1264 HAWK HOLLOW DR	270-1		06/08/2022
		Comments1: JEFF 847-456-8082					
BC	_____	011-REL ROUGH ELECTRICAL					06/08/2022
BC	_____	012-RMC ROUGH MECHANICAL					06/08/2022
PBF	_____	013-PLR PLUMBING - ROUGH					06/08/2022
		Comments1: JEFF - 847-456-8082					
GH	_____	014-INS INSULATION					06/10/2022
		Comments1: JEFF -- 847-456-8082					
BC	_____	011-RFR ROUGH FRAMING	20210952	1262 HAWK HOLLOW DR	270-2		06/10/2022
		Comments1: JEFF 847-456-8082 -- SEE INSPECTION REPO					
		Comments2: RT					
BC	_____	012-REL ROUGH ELECTRICAL					06/10/2022
BC	_____	013-RMC ROUGH MECHANICAL					06/10/2022
		Comments1: SEE INSPECTION REPORT					
PBF	_____	014-PLR PLUMBING - ROUGH					06/10/2022
		Comments1: JEFF 847-456-8082 APPROVED AS NOTED: HAN					
		Comments2: GERS, ANCHORS & SUPPORTS ON WASTE VENTS					
		Comments3: SHALL NOT BE METAL BAND IRON. JEFF TO SE					
		Comments4: ND PICTURES TO INSPECTOR.					
GH	_____	015-INS INSULATION					06/15/2022
		Comments1: JEFF -847-456-8082 -- SEE INSPECTION REP					
		Comments2: ORT					
BC	_____	016-REI REINSPECTION					06/13/2022
		Comments1: REINSPECT FRAMING & MECHANICAL -- JEFF -					
		Comments2: 847-456-8082					
GH	_____	AM 017-WKS PUBLIC & SERVICE WALKS				06/30/2022	
		Comments1: UPLAND 630-465-1159 JOSE					
GH	_____	018-WKS PUBLIC & SERVICE WALKS	20210953	1254 HAWK HOLLOW DR	271-1		06/30/2022
		Comments1: SEE INSPECTION REPORT					
GH	_____	AM 018-WKS PUBLIC & SERVICE WALKS	20210954	1252 HAWK HOLLOW DR	271-2		06/30/2022
		Comments1: UPLAND 630-465-1159 JOSE -- SEE INSPECTI					
		Comments2: ON REPORT					

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TS	_____	023-EFL ENGINEERING - FINAL INSPE	20210980	2202 HEARTHSTONE AVE	439		06/21/2022
GH	_____	AM 018-EPW ENGINEERING- PUBLIC WALK Comments1: PARTIAL -- 630-977-1869	20211012	840 ALEXANDRA LN	40		06/15/2022
GH	_____	AM 019-WK SERVICE WALK					06/15/2022
TS	_____	020-ADA ADA ACCESSIBLE WALK WAY Comments1: GARY -- 630-977-1868					06/22/2022
GH	_____	021-EPW ENGINEERING- PUBLIC WALK					06/22/2022
TS	_____	021-EFL ENGINEERING - FINAL INSPE	20211037	2243 RICHMOND AVE	442		06/21/2022
TS	_____	021-EFL ENGINEERING - FINAL INSPE Comments1: SIDEWALK	20211038	2223 RICHMOND AVE	443		06/21/2022
TS	_____	022-EFL ENGINEERING - FINAL INSPE Comments1: SIDEWALK	20211039	2203 RICHMOND AVE	444		06/21/2022
TS	_____	021-EFL ENGINEERING - FINAL INSPE Comments1: TEMP TO FINAL	20211041	2141 COUNTRY HILLS DR	446		06/27/2022
TS	_____	021-EFL ENGINEERING - FINAL INSPE Comments1: TEMP TO FINAL	20211043	2091 COUNTRY HILLS DR	449		06/27/2022
TS	_____	019-EFL ENGINEERING - FINAL INSPE Comments1: TEMP TO FINAL	20211044	2101 COUNTRY HILLS DR	448		06/27/2022
TS	_____	025-EFL ENGINEERING - FINAL INSPE	20211098	2078 ABERDEEN CT	103		06/15/2022
TS	_____	020-EFL ENGINEERING - FINAL INSPE	20211099	2102 WHITEKIRK LN	104		06/13/2022
TS	_____	026-EFL ENGINEERING - FINAL INSPE	20211100	2068 ABERDEEN CT	102		06/15/2022
TS	_____	022-EFL ENGINEERING - FINAL INSPE Comments1: SEE REPORT	20211101	2077 ABERDEEN CT	100		06/15/2022
GH	_____	PM 015-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO -- JOSE 630-465-1159	20211105	1142 HAWK HOLLOW DR	302-1		06/09/2022
GH	_____	PM 016-WKS PUBLIC & SERVICE WALKS					06/09/2022
BC	_____	017-FIN FINAL INSPECTION Comments1: JEFF - 847-456-8082					06/21/2022
BC	_____	018-FEL FINAL ELECTRIC					06/21/2022

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BC	_____	019-FMC FINAL MECHANICAL					06/21/2022
PBF	_____	020-PLF PLUMBING - FINAL OSR READ Comments1: JEFF -- 847-456-8082					06/21/2022
TS	_____	021-EFL ENGINEERING - FINAL INSPE Comments1: SIDEWALK					06/21/2022
GH	_____	PM 015-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO -- JOSE 630-465-1159	20211106	1138 HAWK HOLLOW DR	302-2		06/09/2022
GH	_____	PM 016-WKS PUBLIC & SERVICE WALKS					06/09/2022
BC	_____	017-FIN FINAL INSPECTION Comments1: JEFF -- 847-456-8082					06/22/2022
BC	_____	018-FEL FINAL ELECTRIC					06/22/2022
BC	_____	019-FMC FINAL MECHANICAL					06/22/2022
PBF	_____	020-PLF PLUMBING - FINAL OSR READ Comments1: 847-456-8082					06/22/2022
TS	_____	021-EFL ENGINEERING - FINAL INSPE Comments1: SIDEWALK					06/22/2022
GH	_____	PM 015-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO -- JOSE 630-465-1159	20211107	1136 HAWK HOLLOW DR	302-3		06/09/2022
GH	_____	PM 016-WKS PUBLIC & SERVICE WALKS					06/09/2022
GH	_____	017-FIN FINAL INSPECTION Comments1: JEFF -847-456-8082 -- SEE INSPECTION REP Comments2: ORT					06/24/2022
GH	_____	018-FEL FINAL ELECTRIC					06/24/2022
GH	_____	019-FMC FINAL MECHANICAL					06/24/2022
PBF	_____	020-PLF PLUMBING - FINAL OSR READ Comments1: JEFF - 847-456-8082					06/24/2022
TS	_____	021-EFL ENGINEERING - FINAL INSPE Comments1: SIDEWALK					06/24/2022
GH	_____	PM 015-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO -- JOSE 630-465-1159	20211108	1134 HAWK HOLLOW DR	302-4		06/09/2022



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GH	_____	PM 016-WKS PUBLIC & SERVICE WALKS					06/09/2022
GH	_____	017-FIN FINAL INSPECTION Comments1: JEFF - 847-456-8082 -- SEE INSPECTION RE Comments2: PORT					06/24/2022
GH	_____	018-FEL FINAL ELECTRIC					06/24/2022
GH	_____	019-FMC FINAL MECHANICAL					06/24/2022
PBF	_____	020-PLF PLUMBING - FINAL OSR READ Comments1: JEFF - 847-456-8082					06/24/2022
TS	_____	021-EFL ENGINEERING - FINAL INSPE Comments1: SIDEWALK					06/24/2022
GH	_____	AM 014-PPS PRE-POUR, SLAB ON GRADE Comments1: JOSE 630-465-1159	20211109	1135 HAWK HOLLOW DR	308-1		06/17/2022
GH	_____	AM 015-EPW ENGINEERING- PUBLIC WALK					06/17/2022
GH	_____	AM 016-WK SERVICE WALK					06/17/2022
GH	_____	AM 014-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO JOSE 630-465-1159	20211110	1137 HAWK HOLLOW DR	308-2		06/17/2022
GH	_____	AM 015-EPW ENGINEERING- PUBLIC WALK					06/17/2022
GH	_____	AM 016-WK SERVICE WALK					06/17/2022
GH	_____	AM 014-PPS PRE-POUR, SLAB ON GRADE Comments1: JOSE 630-465-1159	20211111	1139 HAWK HOLLOW DR	308-3		06/17/2022
GH	_____	AM 015-EPW ENGINEERING- PUBLIC WALK					06/17/2022
GH	_____	AM 016-WK SERVICE WALK					06/17/2022
GH	_____	AM 015-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO -- JOSE 630-465-1159	20211112	1141 HAWK HOLLOW DR	308-4		06/17/2022
GH	_____	AM 016-EPW ENGINEERING- PUBLIC WALK					06/17/2022
GH	_____	AM 017-WK SERVICE WALK					06/17/2022
GH	_____	013-WKS PUBLIC & SERVICE WALKS Comments1: JESSICA 708-469-9446	20211120	1376 SPRING ST	216		06/14/2022
GH	_____	021-WKS PUBLIC & SERVICE WALKS Comments1: CHRIS 224-358-1606	20211121	2466 JUSTICE CT	621		06/02/2022

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GH	_____	018-FIN FINAL INSPECTION	20211165	1144 HAWK HOLLOW DR	303-4		06/09/2022
		Comments1: JEFF 847-456-8082--SEE INSPECTION REPORT					
GH	_____	019-FEL FINAL ELECTRIC					06/09/2022
GH	_____	020-FMC FINAL MECHANICAL					06/09/2022
PBF	_____	021-PLF PLUMBING - FINAL OSR READ					06/09/2022
		Comments1: JEFF - 847-456-8082					
TS	_____	022-EFL ENGINEERING - FINAL INSPE					06/09/2022
BF	_____	007-RFR ROUGH FRAMING	20211200	1126 HAWK HOLLOW DR	301-3		06/29/2022
		Comments1: JEFF - 847-456-8082					
BF	_____	008-REL ROUGH ELECTRICAL					06/29/2022
BF	_____	009-RMC ROUGH MECHANICAL					06/29/2022
PBF	_____	010-PLR PLUMBING - ROUGH					06/29/2022
		Comments1: JEFF - 847-456-8082					
BF	_____	007-RFR ROUGH FRAMING	20211201	1128 HAWK HOLLOW DR	301-2		06/28/2022
		Comments1: JEFF - 847-456-8082					
BF	_____	008-REL ROUGH ELECTRICAL					06/28/2022
BF	_____	009-RMC ROUGH MECHANICAL					06/28/2022
PBF	_____	010-PLR PLUMBING - ROUGH					06/28/2022
		Comments1: JEFF - 847-456-8082					
GH	_____	011-INS INSULATION					06/30/2022
		Comments1: JEFF - 847-456-8082 -- SEE INSPECTION RE					
		Comments2: PORT					
BF	_____	007-RFR ROUGH FRAMING	20211202	1132 HAWK HOLLOW DR	301-1		06/24/2022
		Comments1: JEFF 847-456-8082					
BF	_____	008-REL ROUGH ELECTRICAL					06/24/2022
BF	_____	009-RMC ROUGH MECHANICAL					06/24/2022
PBF	_____	010-PLR PLUMBING - ROUGH					06/24/2022
		Comments1: JEFF - 847-456-8082					
GH	_____	011-INS INSULATION					06/29/2022
		Comments1: JEFF - 847-456-8082					

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BF	_____	012-GPL GREEN PLATE INSPECTION					06/24/2022
TS	_____	025-EFL ENGINEERING - FINAL INSPE	20211209	2266 RICHMOND AVE	472		06/29/2022
		Comments1: TEMP TO FINAL					
TS	_____	023-EFL ENGINEERING - FINAL INSPE	20211210	2252 RICHMOND AVE	471		06/29/2022
		Comments1: TEMP TO FINAL					
TS	_____	023-EFL ENGINEERING - FINAL INSPE	20211211	2201 COUNTRY HILLS DR	470		06/27/2022
		Comments1: TEMP TO FINAL					
GH	_____	AM 013-WKS PUBLIC & SERVICE WALKS	20211229	3848 BAILEY RD	1191		06/09/2022
		Comments1: WEST SUBURBAN 630-232-2255					
BF	_____	014-FIN FINAL INSPECTION					06/09/2022
		Comments1: BRIAN 224-422-9457					
BF	_____	015-FEL FINAL ELECTRIC					06/09/2022
BF	_____	016-FMC FINAL MECHANICAL					06/09/2022
PBF	_____	017-PLF PLUMBING - FINAL OSR READ					06/09/2022
		Comments1: BRIAN 224-422-9457					
TS	_____	018-EFL ENGINEERING - FINAL INSPE				06/15/2022	
GH	_____	AM 013-WKS PUBLIC & SERVICE WALKS	20211230	3846 BAILEY RD	1192		06/09/2022
		Comments1: WEST SUBURBAN 630-232-2255					
GH	_____	014-FIN FINAL INSPECTION					06/16/2022
		Comments1: CHRIS 224-358-1606 -- SEE INSPECTION REP					
		Comments2: ORT					
GH	_____	015-FEL FINAL ELECTRIC					06/16/2022
GH	_____	016-FMC FINAL MECHANICAL					06/16/2022
PBF	_____	017-PLF PLUMBING - FINAL OSR READ				06/17/2022	
		Comments1: CHRIS 224-358-1606					
TS	_____	018-EFL ENGINEERING - FINAL INSPE				06/17/2022	
GH	_____	AM 014-WKS PUBLIC & SERVICE WALKS	20211231	3844 BAILEY RD	1193		06/09/2022
		Comments1: WEST SUBURBAN 630-232-2255					
GH	_____	015-FIN FINAL INSPECTION					06/22/2022
		Comments1: BRIAN 224-422-9457 -- SEE INSPECTION REP					
		Comments2: ORT					

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GH	_____	016-FEL FINAL ELECTRIC					06/22/2022
GH	_____	017-FMC FINAL MECHANICAL					06/22/2022
PBF	_____	018-PLF PLUMBING - FINAL OSR READ Comments1: BRIAN 224-422-9457					06/22/2022
TS	_____	019-EFL ENGINEERING - FINAL INSPE					06/23/2022
GH	_____	AM 013-WKS PUBLIC & SERVICE WALKS Comments1: WEST SUBURBAN 630-232-2255	20211232	3842 BAILEY RD	1194		06/09/2022
TS	_____	021-EFL ENGINEERING - FINAL INSPE Comments1: JIM 331-223-6615 PROPERTY CORNERS, PUBLI Comments2: C WALK	20211244	2902 ALDEN AVE	323		06/03/2022
TS	_____	020-EFL ENGINEERING - FINAL INSPE Comments1: SIDEWALK	20211245	2898 ROOD ST	303		06/23/2022
BC	_____	016-FIN FINAL INSPECTION Comments1: JEFF 847-456-8082	20211246	621 ASHWORTH LN	513		06/09/2022
BC	_____	017-FEL FINAL ELECTRIC					06/09/2022
BC	_____	018-FMC FINAL MECHANICAL					06/09/2022
PBF	_____	019-PLF PLUMBING - FINAL OSR READ Comments1: JEFF 847-456-8082					06/09/2022
TS	_____	020-EFL ENGINEERING - FINAL INSPE					06/09/2022
GH	_____	017-PPS PRE-POUR, SLAB ON GRADE Comments1: SOPRIS 630-546-8057 DRIVEWAY/APRON	20211257	802 ALEXANDRA LN	19		06/02/2022
GH	_____	018-WKS PUBLIC & SERVICE WALKS					06/02/2022
GH	_____	019-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO AND FIRE PIT PAD					06/02/2022
TS	_____	020-EFL ENGINEERING - FINAL INSPE Comments1: TEMP TO FINAL					06/17/2022
TS	_____	021-EFL ENGINEERING - FINAL INSPE	20211258	2067 ABERDEEN CT	101		06/15/2022
PWK	_____	021-EFL ENGINEERING - FINAL INSPE	20211282	2861 CRYDER WAY	475		06/08/2022
GH	_____	020-WKS PUBLIC & SERVICE WALKS Comments1: CHRIS 224-358-1606	20211290	2464 JUSTICE CT	622		06/02/2022

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GH	_____	PM 018-WKS PUBLIC & SERVICE WALKS Comments1: CHRIS 224-358-1606	20211291	2462 JUSTICE CT	623		06/03/2022
ED	_____	019-ADA ADA ACCESSIBLE WALK WAY Comments1: CHRIS				06/03/2022	
GH	_____	PM 019-WKS PUBLIC & SERVICE WALKS Comments1: CHRIS 224-358-1606	20211292	3108 JUSTICE DR	624		06/03/2022
TS	_____	022-EFL ENGINEERING - FINAL INSPE	20211308	2082 WHITEKIRK LN	99		06/15/2022
TS	_____	024-EFL ENGINEERING - FINAL INSPE Comments1: SIDEWALK	20211309	2274 RICHMOND AVE	473		06/21/2022
TS	_____	025-EFL ENGINEERING - FINAL INSPE Comments1: TEMP TO FINAL					06/29/2022
TS	_____	020-EFL ENGINEERING - FINAL INSPE Comments1: TEMP TO FINAL	20211310	2875 ROOD ST	319		06/15/2022
TS	_____	020-EFL ENGINEERING - FINAL INSPE Comments1: JIM 331-223-6615 3 SQUARES DAMAGED, PROP Comments2: ERTY CORNERS	20211311	2898 ALDEN AVE	324		06/03/2022
TS	_____	021-EFL ENGINEERING - FINAL INSPE Comments1: REINSPECTION					06/16/2022
TS	_____	026-EFL ENGINEERING - FINAL INSPE Comments1: TEMP TO FINAL	20211312	2282 RICHMOND AVE	474		06/29/2022
TS	_____	024-EFL ENGINEERING - FINAL INSPE Comments1: TEMP TO FINAL	20211318	2288 RICHMOND AVE	475		06/29/2022
GH	_____	PM 018-FIN FINAL INSPECTION Comments1: JEFF - 847-456-8082 -- SEE INSPECTION RE Comments2: PORT	20211319	581 ASHWORTH LN	515		06/14/2022
GH	_____	PM 019-FEL FINAL ELECTRIC					06/14/2022
GH	_____	PM 020-FMC FINAL MECHANICAL					06/14/2022
PBF	_____	PM 021-PLF PLUMBING - FINAL OSR READ Comments1: JEFF 847-456-8082					06/14/2022
TS	_____	PM 022-EFL ENGINEERING - FINAL INSPE					06/14/2022
BF	_____	AM 019-EDA ENGINEERING - DRIVEWAY AP Comments1: -- ABBY 630-365-7229	20211332	4028 BRADY ST	6		06/03/2022

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BF	_____	AM 018-EDA ENGINEERING - DRIVEWAY AP	20211333	4026 BRADY ST	6		06/03/2022
		Comments1: -ABBY 630-365-7229					
BF	_____	AM 019-EPW ENGINEERING- PUBLIC WALK	20211334	4003 BRADY ST	8		06/03/2022
		Comments1: ABBY 630-365-7229					
BF	_____	AM 019-EPW ENGINEERING- PUBLIC WALK	20211335	4005 BRADY ST	8	06/03/2022	
		Comments1: ABBY 630-365-7229					
OFD	_____	020-HYD HYDRO TEST					06/07/2022
PBF	_____	AM 023-REI REINSPECTION	20211336	4043 BRADY ST	10		06/02/2022
		Comments1: PLUMBING FINAL -- ABBY 630-365-7229					
TS	_____	024-EFL ENGINEERING - FINAL INSPE					06/13/2022
TS	_____	023-EFL ENGINEERING - FINAL INSPE	20211337	4045 BRADY ST	10		06/13/2022
BF	_____	AM 022-FIN FINAL INSPECTION	20211338	4065 BRADY ST	11		06/08/2022
		Comments1: ABBY 630-365-7229					
BF	_____	AM 023-FEL FINAL ELECTRIC					06/08/2022
BF	_____	024-FMC FINAL MECHANICAL					06/08/2022
PBF	_____	025-PLF PLUMBING - FINAL OSR READ					06/08/2022
		Comments1: ABBY 630-365-7229 -- SEE INSPECTION REPO					
		Comments2: RT					
TS	_____	026-EFL ENGINEERING - FINAL INSPE					06/13/2022
PBF	_____	027-REI REINSPECTION					06/17/2022
		Comments1: FINAL PLUMBING -- ABBY 630-365-7229					
BF	_____	AM 024-REI REINSPECTION	20211339	4063 BRADY ST	11		06/08/2022
		Comments1: FINAL BUILDING, ELECTRIC AND MECHANICAL					
		Comments2: ABBY 630-365-7229					
PBF	_____	026-PLF PLUMBING - FINAL OSR READ					06/08/2022
		Comments1: ABBY -- SEE INSPECTION REPORT					
TS	_____	027-EFL ENGINEERING - FINAL INSPE					06/13/2022
PBF	_____	028-REI REINSPECTION					06/17/2022
		Comments1: FINAL PLUMBING -- JIM 331-223-6615					
BF	_____	PM 018-FEL FINAL ELECTRIC	20211340	4085 BRADY ST	12		06/29/2022
		Comments1: ABBY 630-365-7229					

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BF	_____	PM 019-FMC FINAL MECHANICAL					06/29/2022
BF	_____	PM 018-FEL FINAL ELECTRIC Comments1: ABBY 630-365-7229	20211341	4083 BRADY ST	12		06/29/2022
BF	_____	PM 019-FMC FINAL MECHANICAL					06/29/2022
BF	_____	AM 020-INS INSULATION Comments1: ABBY 630-365-7229	20211361	4097 BRADY ST	13		06/01/2022
OFD	_____	021-HYD HYDRO TEST					06/16/2022
BF	_____	AM 021-RFR ROUGH FRAMING Comments1: ABBY 630-365-7229	20211362	4099 BRADY ST	13		06/03/2022
ED	_____	AM 022-REI REINSPECTION Comments1: ADA RAMP					06/03/2022
BF	_____	AM 025-INS INSULATION Comments1: ABBY 630-365-7229					06/06/2022
TS	_____	026-ADA ADA ACCESSIBLE WALK WAY					06/17/2022
OFD	_____	027-HYD HYDRO TEST					06/16/2022
GH	_____	012-INS INSULATION Comments1: CHRIS 224-358-1606 -- SEE INSPECTION REP Comments2: ORT	20211380	3827 BISSEL DR	1214		06/02/2022
GH	_____	010-RFR ROUGH FRAMING Comments1: CHRIS 224-358-1606 -- SEE INSPECTION REP Comments2: ORT	20211397	3155 JUSTICE DR	695		06/21/2022
GH	_____	011-REL ROUGH ELECTRICAL					06/21/2022
GH	_____	012-RMC ROUGH MECHANICAL					06/21/2022
PBF	_____	013-PLR PLUMBING - ROUGH					06/21/2022
GH	_____	014-INS INSULATION Comments1: CHRIS 224-358-1606 SEE INSPECTION REPORT					06/23/2022
BF	_____	AM 015-STP STOOP Comments1: JOSE 630-465-1159					06/24/2022
BC	_____	010-RFR ROUGH FRAMING Comments1: CHRS 224-358-1606	20211398	3151 JUSTICE DR	694		06/17/2022

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BC	_____	011-REL ROUGH ELECTRICAL					06/17/2022
BC	_____	012-RMC ROUGH MECHANICAL					06/17/2022
PBF	_____	013-PLR PLUMBING - ROUGH Comments1: CHRIS 224-358-1606					06/17/2022
GH	_____	014-INS INSULATION Comments1: CHRIS 224-358-1606 -- SEE INSPECTION REP Comments2: ORT					06/23/2022
GH	_____	020-WKS PUBLIC & SERVICE WALKS Comments1: CHRIS 224-358-1606	20211400	3361 SEELEY ST	805		06/02/2022
ED	_____	021-ADA ADA ACCESSIBLE WALK WAY Comments1: CHRIS 224-358-1606					06/02/2022
GH	_____	018-WKS PUBLIC & SERVICE WALKS Comments1: CHRIS 224-358-1606	20211401	3365 SEELEY ST	806		06/02/2022
ED	_____	019-ADA ADA ACCESSIBLE WALK WAY Comments1: CHRIS 224-358-1606					06/02/2022
GH	_____	019-WKS PUBLIC & SERVICE WALKS Comments1: CHRIS 224-358-1606	20211402	3369 SEELEY ST	807		06/02/2022
ED	_____	014-ADA ADA ACCESSIBLE WALK WAY Comments1: CHRIS 224-358-1606 -- MORE THAN 2% ON LA Comments2: NDING SQUARE	20211403	3364 SEELEY ST	724		06/02/2022
BC	_____	016-FEL FINAL ELECTRIC					06/07/2022
BC	_____	017-FMC FINAL MECHANICAL					06/07/2022
PBF	_____	018-PLF PLUMBING - FINAL OSR READ Comments1: CHRIS 224-358-1606					06/07/2022
TS	_____	019-EFL ENGINEERING - FINAL INSPE					06/08/2022
BF	_____	AM 011-WK SERVICE WALK Comments1: ABBY 630-365-7229	20211411	4006 BRADY ST	7		06/01/2022
BF	_____	AM 012-EDA ENGINEERING - DRIVEWAY AP Comments1: -- ABBY 630-365-7229					06/03/2022
OFD	_____	013-HYD HYDRO TEST					06/07/2022
BF	_____	AM 014-RFR ROUGH FRAMING Comments1: ABBY 630-365-7229					06/14/2022



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BF	_____	AM 015-REL ROUGH ELECTRICAL					06/14/2022
BF	_____	AM 016-RMC ROUGH MECHANICAL					06/14/2022
PBF	_____	AM 017-PLR PLUMBING - ROUGH Comments1: ABBY 630-365-7229					06/14/2022
BF	_____	PM 018-INS INSULATION Comments1: LATE AFTERNOON -- ABBY 630-273-2528					06/17/2022
BF	_____	AM 012-WK SERVICE WALK Comments1: ABBY 630-365-7229	20211412	4008 BRADY ST	7		06/01/2022
BF	_____	AM 013-EDA ENGINEERING - DRIVEWAY AP Comments1: -- ABBY 630-365-7229					06/03/2022
BF	_____	AM 014-RFR ROUGH FRAMING Comments1: ABBY 630-365-7229					06/14/2022
BF	_____	AM 015-REL ROUGH ELECTRICAL					06/14/2022
BF	_____	AM 016-RMC ROUGH MECHANICAL					06/14/2022
PBF	_____	AM 017-PLR PLUMBING - ROUGH Comments1: ABBY 630-365-7229					06/14/2022
BF	_____	PM 018-INS INSULATION Comments1: LATE AFTERNOON -- ABBY 630-273-2528					06/17/2022
BC	_____	AM 006-BSM BASEMENT FLOOR Comments1: OSCAR 847-551-9066	20211434	2196 FAIRFAX WAY	509		06/20/2022
BC	_____	AM 007-GAR GARAGE FLOOR					06/20/2022
GH	_____	AM 016-WKS PUBLIC & SERVICE WALKS Comments1: JUAN 847-551-9066	20211435	2182 FAIRFAX WAY	510		06/09/2022
TS	_____	AM 017-ADA ADA ACCESSIBLE WALK WAY					06/09/2022
PBF	_____	018-SUM SUMP Comments1: CATHY 630-387-2001					06/14/2022
TS	_____	019-EFL ENGINEERING - FINAL INSPE Comments1: SIDEWALK					06/28/2022
GH	_____	020-FIN FINAL INSPECTION Comments1: JEFF - 847-456-8082					06/28/2022

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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____	021-FEL FINAL ELECTRIC					06/28/2022
GH	_____	022-FMC FINAL MECHANICAL					06/28/2022
PBF	_____	023-PLF PLUMBING - FINAL OSR READ Comments1: JEFF - 847-456-8082					06/28/2022
ED	_____	016-ADA ADA ACCESSIBLE WALK WAY Comments1: CHRIS 224-358-1606	20211454	3102 JUSTICE DR	627		06/02/2022
GH	_____	017-WK SERVICE WALK Comments1: UPLAND					06/02/2022
GH	_____	018-FIN FINAL INSPECTION Comments1: BRIAN 224-422-9457 -- SEE INSPECTION REP Comments2: ORT					06/22/2022
GH	_____	019-FEL FINAL ELECTRIC					06/22/2022
GH	_____	020-FMC FINAL MECHANICAL					06/22/2022
PBF	_____	021-PLF PLUMBING - FINAL OSR READ Comments1: BRIAN 224-422-9457					06/22/2022
TS	_____	022-EFL ENGINEERING - FINAL INSPE					06/23/2022
GH	_____	PM 019-WKS PUBLIC & SERVICE WALKS Comments1: CHRIS 224-358-1606	20211455	3106 JUSTICE DR	625		06/03/2022
GH	_____	015-FIN FINAL INSPECTION Comments1: CHRIS 224-358-1606 -- SEE INSPECTION REP Comments2: ORT	20211456	3104 JUSTICE DR	626		06/16/2022
GH	_____	016-FEL FINAL ELECTRIC					06/16/2022
GH	_____	017-FMC FINAL MECHANICAL					06/16/2022
PBF	_____	018-PLF PLUMBING - FINAL OSR READ Comments1: CHRIS 224-358-1606					06/16/2022
TS	_____	019-EFL ENGINEERING - FINAL INSPE					06/17/2022
PR	_____	020-EFL ENGINEERING - FINAL INSPE					06/20/2022
GH	_____	013-FIN FINAL INSPECTION Comments1: BRIAN 224-422-9457 -- SEE INSPECTION REP Comments2: ORT	20211457	3360 SEELEY ST	725		06/21/2022

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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____	014-FEL FINAL ELECTRIC					06/21/2022
GH	_____	015-FMC FINAL MECHANICAL					06/21/2022
PBF	_____	016-PLF PLUMBING - FINAL OSR READ Comments1: BRIAN 224-422-9457					06/21/2022
TS	_____	017-EFL ENGINEERING - FINAL INSPE					06/23/2022
BF	_____	008-RFR ROUGH FRAMING Comments1: CHRIS -- 224-358-1606 -- SEE INSPECTION Comments2: REPORT	20211459	3801 BISSEL DR	122-1		06/14/2022
BF	_____	009-REL ROUGH ELECTRICAL					06/14/2022
BF	_____	010-RMC ROUGH MECHANICAL					06/14/2022
PBF	_____	011-PLR PLUMBING - ROUGH Comments1: CHRIS -- 224-358-1606					06/14/2022
BC	_____	012-INS INSULATION Comments1: CHRIS 224-358-1606					06/16/2022
BF	_____	009-RFR ROUGH FRAMING Comments1: CHRIS 224-358-1606 -- SEE INSPECTION REP Comments2: ORT	20211460	3803 BISSEL DR	122-2		06/21/2022
BF	_____	010-REL ROUGH ELECTRICAL					06/21/2022
BF	_____	011-RMC ROUGH MECHANICAL					06/21/2022
PBF	_____	012-PLR PLUMBING - ROUGH Comments1: CHRIS 224-358-1606					06/21/2022
GH	_____	013-INS INSULATION Comments1: CHRIS 224-358-1606 -- SEE INSPECTION REP Comments2: ORT					06/23/2022
GH	_____	009-RFR ROUGH FRAMING Comments1: DR HORTON 224-358-1606 CHRIS -- SEE INSP Comments2: ECTION REPORT	20211461	3805 BISSEL DR	122-3		06/30/2022
GH	_____	010-REL ROUGH ELECTRICAL Comments1: DR HORTON 224-358-1606 CHRIS					06/30/2022
GH	_____	011-RMC ROUGH MECHANICAL Comments1: DR HORTON 224-358-1606 CHRIS					06/30/2022

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PBF		012-PLR PLUMBING - ROUGH Comments1: DR HORTON 224-358-1606 CHRIS					06/30/2022
GH		009-RFR ROUGH FRAMING Comments1: DR HORTON 224-358-1606 CHRIS -- SEE INSP Comments2: ECTION REPORT	20211462	3807 BISSEL DR	122-4		06/30/2022
GH		010-REL ROUGH ELECTRICAL Comments1: DR HORTON 224-358-1606 CHRIS					06/30/2022
GH		011-RMC ROUGH MECHANICAL Comments1: DR HORTON 224-358-1606 CHRIS					06/30/2022
PBF		012-PLR PLUMBING - ROUGH Comments1: DR HORTON 224-358-1606 CHRIS					06/30/2022
GH		PM 008-STP STOOP Comments1: WEST SUB -- 630-232-2255 - FRONT ONLY (( Comments2: ((CANCELLED)))	20211464	3828 BAILEY RD	123-1	06/23/2022	
GH		PM 009-STP STOOP Comments1: WEST SUB -- 630-232-2255 -- FRONT					06/27/2022
GH		PM 008-STP STOOP Comments1: WEST SUB - 630-232-2255 -- FRONT ((((((C Comments2: ANCELLED))))	20211465	3826 BAILEY RD	123-2	06/23/2022	
GH		009-STP STOOP Comments1: WEST SUB -- 630-232-2255 -- FRONT					06/27/2022
GH		PM 008-STP STOOP Comments1: WEST SUB -- 630-232-2255 - FRONT ((((((C Comments2: ANCELLED))))	20211466	3824 BAILEY RD	123-3	06/23/2022	
GH		009-STP STOOP Comments1: WEST SUB -- 630-232-2255 -- FRONT					06/27/2022
GH		PM 008-STP STOOP Comments1: WEST SUB -- 630-232-2255 -- FRONT ((((((C Comments2: CANCELLED))))))	20211467	3822 BAILEY RD	123-4	06/23/2022	
GH		009-STP STOOP Comments1: WEST SUB -- 630-232-2255 -- FRONT					06/27/2022
GH		AM 010-STP STOOP Comments1: FRONT AND REAR -- JUAN 847-551-9066	20211483	641 ASHWORTH LN	512		06/09/2022
GH		011-RFR ROUGH FRAMING Comments1: JEFF 847-456-8082 -- SEE INSPECTION REPO Comments2: RT					06/15/2022

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GH	_____	012-REL ROUGH ELECTRICAL					06/15/2022
GH	_____	013-RMC ROUGH MECHANICAL					06/15/2022
PBF	_____	014-PLR PLUMBING - ROUGH Comments1: JEFF 847-456-8082					06/15/2022
BC	_____	015-INS INSULATION Comments1: JEFF 847-456-8082					06/20/2022
GH	_____	016-REI REINSPECTION Comments1: ROUGH FRAMING -- JEFF 847-456-8082					06/16/2022
BC	_____	017-WKS PUBLIC & SERVICE WALKS Comments1: JUAN 847-551-9066					06/29/2022
GH	_____	PM 018-FIN FINAL INSPECTION Comments1: JEFF -847-456-8082 SEE INSPECTION REPORT	20211484	2276 FAIRFAX WAY	503		06/14/2022
GH	_____	PM 019-FEL FINAL ELECTRIC					06/14/2022
GH	_____	PM 020-FMC FINAL MECHANICAL					06/14/2022
PBF	_____	PM 021-PLF PLUMBING - FINAL OSR READ Comments1: JEFF - 847-456-8082					06/14/2022
TS	_____	PM 022-EFL ENGINEERING - FINAL INSPE					06/14/2022
GH	_____	AM 005-BSM BASEMENT FLOOR Comments1: OSCAR847-551-9066	20211485	2204 FAIRFAX WAY	508		06/16/2022
GH	_____	AM 006-GAR GARAGE FLOOR Comments1: OSCAR 847-551-9066					06/16/2022
BC	_____	006-BSM BASEMENT FLOOR	20211486	661 ASHWORTH LN	511		06/14/2022
BC	_____	007-GAR GARAGE FLOOR					06/14/2022
GH	_____	008-GPL GREEN PLATE INSPECTION Comments1: JEFF 847-456-8082					06/27/2022
PBF	_____	AM 009-SUM SUMP Comments1: CATHY 630-387-2001	20211487	2282 FAIRFAX WAY	502		06/16/2022
GH	_____	AM 010-STP STOOP Comments1: OSCAR 847-551-9066					06/16/2022
BC	_____	011-RFR ROUGH FRAMING Comments1: JEFF - 847-456-8082					06/23/2022

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BC	_____	012-REL ROUGH ELECTRICAL Comments1: RADON OUTLET IN KITCHEN. Comments2: NSULATION					06/23/2022
BC	_____	013-RMC ROUGH MECHANICAL					06/23/2022
PBF	_____	014-PLR PLUMBING - ROUGH Comments1: JEFF - 847-456-8082					06/23/2022
BC	_____	015-INS INSULATION Comments1: JEFF - 847-456-8082					06/28/2022
BC	_____	016-REI REINSPECTION Comments1: ELECTRIC ROUGH -- JEFF 847-456-8082					06/28/2022
BC	_____	006-BSM BASEMENT FLOOR	20211488	2222 FAIRFAX WAY	507		06/14/2022
BC	_____	007-GAR GARAGE FLOOR					06/14/2022
GH	_____	008-GPL GREEN PLATE INSPECTION Comments1: JEFF - 847-456-8082 -- SEE INSPECTION RE Comments2: PORT					06/27/2022
TS	_____	021-EFL ENGINEERING - FINAL INSPE	20211528	2142 WHITEKIRK LN	107		06/13/2022
TS	_____	025-EFL ENGINEERING - FINAL INSPE	20211529	2162 WHITEKIRK LN	108		06/13/2022
TS	_____	022-EFL ENGINEERING - FINAL INSPE	20211530	2112 WHITEKIRK LN	105		06/13/2022
TS	_____	023-EFL ENGINEERING - FINAL INSPE	20211531	2122 WHITEKIRK LN	106		06/13/2022
GH	_____	016-EPW ENGINEERING- PUBLIC WALK	20211572	2702 NICKERSON CT	171		06/08/2022
TS	_____	017-ADA ADA ACCESSIBLE WALK WAY Comments1: SEE INSPECTION REPORT					06/09/2022
TS	_____	018-ADA ADA ACCESSIBLE WALK WAY Comments1: MIDWESTERN -- 815-839-8175					06/22/2022
TS	_____	022-EFL ENGINEERING - FINAL INSPE	20211573	2881 ALDEN AVE	293		06/28/2022
TS	_____	023-EFL ENGINEERING - FINAL INSPE	20211605	2056 DUNBAR CT	94		06/16/2022
TS	_____	AM 017-ADA ADA ACCESSIBLE WALK WAY Comments1: MIDWESTERN -- 815-839-8175	20211606	2716 POTTER CT	148		06/22/2022
GH	_____	018-FIN FINAL INSPECTION Comments1: ANDREW 331-431-7342					06/29/2022

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GH	_____	019-FEL FINAL ELECTRIC Comments1: HALL & MSTR BATHS ON SAME CIRCUIT (LAST Comments2: HOUSE)					06/29/2022
GH	_____	020-FMC FINAL MECHANICAL					06/29/2022
PBF	_____	021-PLF PLUMBING - FINAL OSR READ Comments1: ANDREW 331-431-7342 -- SEE INSPECTION RE Comments2: PORT					06/29/2022
TS	_____	022-EFL ENGINEERING - FINAL INSPE Comments1: SQUARES AND B-BOX					06/30/2022
TS	_____	022-EFL ENGINEERING - FINAL INSPE	20211607	3002 MCLELLAN BLVD	526		06/23/2022
BC	_____	AM 001-FIN FINAL INSPECTION Comments1: WINDOWS TONY 630-974-8166	20211640	1537 STONERIDGE CT	63		06/09/2022
GH	_____	017-FIN FINAL INSPECTION Comments1: JEFF -- 847-456-8082	20211660	2362 RICHMOND AVE	480		06/17/2022
GH	_____	018-FEL FINAL ELECTRIC					06/17/2022
GH	_____	019-FMC FINAL MECHANICAL					06/17/2022
PBF	_____	020-PLF PLUMBING - FINAL OSR READ Comments1: JEFF -- 847-456-8082					06/17/2022
TS	_____	021-EFL ENGINEERING - FINAL INSPE Comments1: PROPERTY CORNERS, PUBLIC WALK					06/17/2022
BC	_____	001-FIN FINAL INSPECTION Comments1: WINDOWS -- 303-552-1743	20211662	510 W RIDGE ST			06/27/2022
PR	_____	004-REL ROUGH ELECTRICAL	20211678	1002 S BRIDGE ST			06/09/2022
PR	_____	AM 008-UGE UNDERGROUND ELECTRIC Comments1: MIKE -- 331-305-9778 PARTIAL UNDERGROUND Comments2: SLAB	20211679	1735 MARKETVIEW DR			06/15/2022
BC	_____	AM 009-PPS PRE-POUR, SLAB ON GRADE Comments1: TRACY 630-254-2669 -- SEE INSPECTION REP Comments2: ORT					06/17/2022
BC	_____	PM 010-PPS PRE-POUR, SLAB ON GRADE Comments1: TRACY BELLE TIRE 708-544-9440 -- DUMPSE Comments2: PAD, WATER ROOM, STORE FRONT AND FLOOR					06/23/2022

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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
TS	_____	023-EFL ENGINEERING - FINAL INSPE	20211683	2892 ROOD ST	304		06/23/2022
GH	_____	AM 016-EPW ENGINEERING- PUBLIC WALK Comments1: MIDWESTERN 815-839-8175	20211684	2717 POTTER CT	140		06/01/2022
TS	_____	AM 017-ADA ADA ACCESSIBLE WALK WAY Comments1: MIDWESTERN -- 815-839-8175					06/22/2022
GH	_____	018-FIN FINAL INSPECTION Comments1: ANDREW 331-431-7342					06/23/2022
GH	_____	019-FEL FINAL ELECTRIC					06/23/2022
GH	_____	020-FMC FINAL MECHANICAL					06/23/2022
PBF	_____	021-PLF PLUMBING - FINAL OSR READ Comments1: JIM 331-431-7342					06/23/2022
TS	_____	022-EFL ENGINEERING - FINAL INSPE					06/27/2022
TS	_____	023-ADA ADA ACCESSIBLE WALK WAY Comments1: PASSED WHEN DOING FINAL SITE INSPECTION					06/27/2022
TS	_____	027-EFL ENGINEERING - FINAL INSPE	20211685	3063 GRANDE TR	556		06/16/2022
TS	_____	023-EFL ENGINEERING - FINAL INSPE	20211686	3053 GRANDE TR	558		06/16/2022
GH	_____	AM 025-EPW ENGINEERING- PUBLIC WALK Comments1: MIDWESTERN 815-839-8175	20211710	2712 NICKERSON CT	166		06/08/2022
TS	_____	025-EFL ENGINEERING - FINAL INSPE	20211711	3020 MCLELLAN BLVD	528		06/03/2022
BF	_____	PM 003-FIN FINAL INSPECTION Comments1: SOLAR -- PHIL 518-859-6282	20211717	436 SUTTON ST	228		06/02/2022
BF	_____	PM 004-FEL FINAL ELECTRIC					06/02/2022
TS	_____	026-EFL ENGINEERING - FINAL INSPE	20211725	3012 MCLELLAN BLVD	527	06/03/2022	
TS	_____	027-EFL ENGINEERING - FINAL INSPE					06/03/2022
GH	_____	018-FIN FINAL INSPECTION Comments1: AUSTIN -- RYAN HOMES 630-720-1287 -- SE Comments2: E INSPECTION REPORT	20211726	2885 ROOD ST	320		06/07/2022



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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____	019-FEL FINAL ELECTRIC					06/07/2022
GH	_____	020-FMC FINAL MECHANICAL					06/07/2022
PBF	_____	021-PLF PLUMBING - FINAL OSR READ Comments1: AUSTIN--RYAN HOMES 630-720-1287					06/07/2022
TS	_____	022-EFL ENGINEERING - FINAL INSPE Comments1: SITE FINAL					06/15/2022
BC	_____	PM 012-WKS PUBLIC & SERVICE WALKS Comments1: KATHY -- 630-904-2288	20211732	841 GREENFIELD TURN	48		06/17/2022
GH	_____	008-GPL GREEN PLATE INSPECTION Comments1: JEFF -- 847-456-8082 NEED ANCHOR BOLT AT Comments2: NW CORNER OF GARAGE, EXISTING TOO CLOSE Comments3: TO EDGE	20211748	521 ASHWORTH LN	518		06/10/2022
GH	_____	007-GPL GREEN PLATE INSPECTION Comments1: JEFF - 847-456-8082	20211749	501 ASHWORTH LN	519		06/10/2022
TS	_____	018-EFL ENGINEERING - FINAL INSPE	20211750	2493 FAIRFIELD AVE	485		06/28/2022
GH	_____	019-FIN FINAL INSPECTION Comments1: JEFF - 847-456-8082 -- SEE INSPECTION RE Comments2: PORT					06/28/2022
GH	_____	020-FEL FINAL ELECTRIC					06/28/2022
GH	_____	021-FMC FINAL MECHANICAL					06/28/2022
PBF	_____	022-PLF PLUMBING - FINAL OSR READ Comments1: JEFF - 847-456-8082					06/28/2022
PR	_____	AM 012-RFR ROUGH FRAMING Comments1: REMY 630-973-6699	20211751	2001 PRAIRIE GRASS LN	45		06/02/2022
PR	_____	AM 013-REL ROUGH ELECTRICAL					06/02/2022
PR	_____	AM 014-RMC ROUGH MECHANICAL				06/02/2022	
PR	_____	AM 015-PLR PLUMBING - ROUGH					06/02/2022
GH	_____	016-INS INSULATION Comments1: REMY 630-973-6699					06/09/2022
BC	_____	001-FIN FINAL INSPECTION Comments1: WINDOWS -- SAMANTHA 603-521-0444	20211761	872 HAMPTON LN	210		06/03/2022

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BC	_____	011-RFR ROUGH FRAMING	20220002	2333 FAIRFIELD AVE	498		06/02/2022
		Comments1: JEFF 847-456-8082 -- SEE INSPECTION REPO					
		Comments2: RT					
BC	_____	012-REL ROUGH ELECTRICAL					06/02/2022
BC	_____	013-RMC ROUGH MECHANICAL					06/02/2022
PBF	_____	014-PLR PLUMBING - ROUGH					06/02/2022
		Comments1: JEFF 847-456-8082					
GH	_____	015-INS INSULATION					06/07/2022
		Comments1: JEFF 847-456-8082 -- SEE INSPECTION REPO					
		Comments2: RT					
PBF	_____	AM 016-SUM SUMP					06/16/2022
		Comments1: CATHY 630-387-2001					
JP	_____	017-STP STOOP					06/23/2022
		Comments1: REAR JUAN 847-551-9066					
GH	_____	AM 018-EPW ENGINEERING- PUBLIC WALK					06/28/2022
		Comments1: OSCAR 847-557-9066					
GH	_____	AM 019-WK SERVICE WALK					06/28/2022
PBF	_____	AM 009-SUM SUMP	20220003	2327 FAIRFIELD AVE	499		06/16/2022
		Comments1: CATHY 630-387-2001					
BF	_____	010-RFR ROUGH FRAMING					06/24/2022
		Comments1: JEFF - 847-456-8082					
BF	_____	011-REL ROUGH ELECTRICAL					06/24/2022
BF	_____	012-RMC ROUGH MECHANICAL					06/24/2022
PBF	_____	013-PLR PLUMBING - ROUGH					06/24/2022
		Comments1: JEFF - 847-456-8082					
GH	_____	014-INS INSULATION					06/28/2022
		Comments1: JEFF - 847-456-8082					
JP	_____	AM 015-STP STOOP					06/23/2022
		Comments1: FRONT AND REAR -- JUAN 847-551-9066					
GH	_____	PM 009-GPL GREEN PLATE INSPECTION	20220004	2305 FAIRFIELD AVE	500		06/06/2022
		Comments1: JEFF/LENNAR 847-456-8082 --SEE INSPECTIO					
		Comments2: N REPORT					

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GH		PM 010-REI REINSPECTION Comments1: GREEN PLATE -- SEE INSPECTION REPORT					06/07/2022
PBF		AM 011-SUM SUMP Comments1: CATHY 630-387-2001					06/16/2022
JP		AM 012-STP STOOP Comments1: FRONT AND REAR JUAN 847-551-9066					06/23/2022
PBF		015-SUM SUMP Comments1: CATHY 630-387-2001	20220005	2264 FAIRFAX WAY	504		06/14/2022
PBF		009-SUM SUMP Comments1: CATHY 630-387-2001	20220006	2248 FAIRFAX WAY	505		06/14/2022
GH		AM 010-STP STOOP Comments1: OSCAR 847-551-9066 -- FRONT ONLY					06/16/2022
GH		AM 011-PHD POST HOLE - DECK Comments1: 4 DECK POST HOLES					06/16/2022
BF		012-RFR ROUGH FRAMING Comments1: JEFF -- 847-456-8082 -- SEE INSPECTION R Comments2: EPORT					06/22/2022
BF		013-REL ROUGH ELECTRICAL					06/22/2022
BF		014-RMC ROUGH MECHANICAL					06/22/2022
PBF		015-PLR PLUMBING - ROUGH Comments1: JEFF -- 847-456-8082					06/22/2022
GH		016-INS INSULATION Comments1: JEFF -- 847-456-8082					06/27/2022
PBF		AM 009-SUM SUMP Comments1: CATHY 630-387-2001	20220007	2236 FAIRFAX WAY	506		06/16/2022
GH		010-STP STOOP Comments1: COMEX 847-551-9066					06/16/2022
GH		011-PHD POST HOLE - DECK					06/16/2022
GH		AM 009-WK SERVICE WALK Comments1: MIDWESTERN 815-839-8175	20220017	2711 NICKERSON CT	162		06/01/2022
GH		010-RFR ROUGH FRAMING Comments1: ANDREW 331-431-7342 NEED TO ADD ANCHOR B Comments2: OLTS (2) KITCHEN WALL					06/03/2022

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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____	011-REL ROUGH ELECTRICAL					06/03/2022
GH	_____	012-RMC ROUGH MECHANICAL					06/03/2022
PBF	_____	013-PLR PLUMBING - ROUGH Comments1: ANDREW 331-431-7342					06/03/2022
GH	_____	014-INS INSULATION Comments1: ANDREW 331-431-7342 -- SEE INSPECTION RE Comments2: PORT					06/07/2022
PR	11:30	002-RFR ROUGH FRAMING Comments1: FIRE DAMAGE 630-432-3753 JIM	20220028	2942 GRANDE TR	419		06/13/2022
PR	11:30	003-REL ROUGH ELECTRICAL Comments1: FIRE DAMAGE 630-432-3753 JIM					06/13/2022
PR	11:30	004-RMC ROUGH MECHANICAL Comments1: FIRE DAMAGE 630-432-3753 JIM					06/13/2022
PR	11:30	005-PLR PLUMBING - ROUGH Comments1: FIRE DAMAGE 630-432-3753 JIM					06/13/2022
PBF	_____	015-SUM SUMP Comments1: CATHY 630-387-2001	20220031	2288 FAIRFAX WAY	501		06/14/2022
GH	_____	AM 016-STP STOOP Comments1: OSCAR 847-551-9066					06/16/2022
BC	_____	017-WKS PUBLIC & SERVICE WALKS Comments1: COMEX 847-551-9066					06/30/2022
BC	_____	010-RFR ROUGH FRAMING Comments1: JEFF 847-456-8082 - SEE INSPECTION REPOR Comments2: T -- REINSPECT AT INSULATION	20220032	2401 FAIRFIELD AVE	493		06/07/2022
BC	_____	011-REL ROUGH ELECTRICAL					06/07/2022
BC	_____	012-RMC ROUGH MECHANICAL					06/07/2022
PBF	_____	013-PLR PLUMBING - ROUGH					06/07/2022
BC	_____	014-INS INSULATION Comments1: JEFF 847-456-8082					06/10/2022
PBF	_____	015-SUM SUMP Comments1: CATHY 630-387-2001					06/14/2022

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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
GH	_____	AM 016-EPW ENGINEERING- PUBLIC WALK Comments1: OSCAR 847-551-9066					06/28/2022
GH	_____	AM 017-WK SERVICE WALK					06/28/2022
BC	_____	010-RFR ROUGH FRAMING Comments1: JEFF 847-456-8082	20220033	508 BRAEMORE LN	535		06/14/2022
BC	_____	011-REL ROUGH ELECTRICAL Comments1: JEFF 847-456-8082					06/14/2022
BC	_____	012-RMC ROUGH MECHANICAL					06/14/2022
PBF	_____	013-PLR PLUMBING - ROUGH Comments1: JEFF 847-456-8082					06/14/2022
GH	_____	014-INS INSULATION Comments1: JEFF 847-456-8082 -- SEE INSPECTION REPO Comments2: RT					06/16/2022
BC	_____	015-WKS PUBLIC & SERVICE WALKS Comments1: COMEX 847-551-9066					06/30/2022
GH	_____	AM 009-BSM BASEMENT FLOOR Comments1: MIDWESTERN 815-839-8175 -- SEE INSPECTIO Comments2: N REPORT	20220034	362 TIMBER OAK LN	36		06/16/2022
PR	_____	010-RFR ROUGH FRAMING Comments1: JASON 630-632-7433					06/28/2022
PR	_____	011-REL ROUGH ELECTRICAL					06/28/2022
PR	_____	012-RMC ROUGH MECHANICAL					06/28/2022
PR	_____	013-PLR PLUMBING - ROUGH					06/28/2022
GH	_____	014-GAR GARAGE FLOOR Comments1: MIDWESTERN 815-839-8175 -- SEE INSPECTIO Comments2: N REPORT					06/23/2022
GH	_____	015-STP STOOP Comments1: FRONT					06/23/2022
GH	_____	AM 015-WKS PUBLIC & SERVICE WALKS Comments1: MIDWESTERN 815-839-8175	20220038	2706 NICKERSON CT	169		06/01/2022
BC	_____	017-FIN FINAL INSPECTION Comments1: AUSIN 630-720-1287	20220049	3073 GRANDE TR	554		06/28/2022

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INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BC	_____	018-FEL FINAL ELECTRIC					06/28/2022
BC	_____	019-FMC FINAL MECHANICAL					06/28/2022
PBF	_____	020-PLF PLUMBING - FINAL OSR READ Comments1: AUSTIN 630-720-1287					06/28/2022
TS	_____	021-EFL ENGINEERING - FINAL INSPE				06/28/2022	
PR	_____	001-FIN FINAL INSPECTION Comments1: GENERATOR	20220051	10318 GALENA RD	2		06/08/2022
BC	11:00	001-FOU FOUNDATION Comments1: ADDITION 708-624-8872 LEF	20220055	1991 MEADOWLARK LN	113		06/23/2022
BC	_____	009-RFR ROUGH FRAMING Comments1: ANDREW 331-431-7342	20220067	2727 ELLORY CT	127		06/15/2022
BC	_____	010-REL ROUGH ELECTRICAL					06/15/2022
BC	_____	011-RMC ROUGH MECHANICAL					06/15/2022
PBF	_____	012-PLR PLUMBING - ROUGH Comments1: ANDREW 331-431-7342					06/15/2022
BC	_____	013-INS INSULATION Comments1: ANDREW 331-431-7342					06/17/2022
JP	_____ PM	001-PHF POST HOLE - FENCE Comments1: CLASSIC -- 630-551-3400	20220069	1567 SIENNA DR	82		06/14/2022
JP	_____	002-FIN FINAL INSPECTION Comments1: FENCE -- ROB 847-875-7637					06/17/2022
PBF	_____	005-PLU PLUMBING - UNDERSLAB Comments1: ANDREW 331-431-7342	20220085	4831 W MILLBROOK CIR	153		06/02/2022
GH	_____ AM	006-BGS BASEMENT GARAGE STOOPS Comments1: MIDWEST 815-839-8175 -- SEE INSPECTION R Comments2: EPORT					06/07/2022
BC	_____	007-RFR ROUGH FRAMING Comments1: ANDREW 331-431-7342 -- SEE INSPECTION RE Comments2: PORT					06/30/2022
BC	_____	008-REL ROUGH ELECTRICAL					06/30/2022
BC	_____	009-RMC ROUGH MECHANICAL					06/30/2022

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PBF		010-PLR PLUMBING - ROUGH Comments1: ANDREW 331-431-7342					06/30/2022
BF		008-RFR ROUGH FRAMING Comments1: RYAN 331-223-6615 JIM -- SEE INSPECTION Comments2: REPORT	20220086	3021 MCLELLAN BLVD	561		06/30/2022
BF		009-REL ROUGH ELECTRICAL Comments1: RYAN 331-223-6615 JIM					06/30/2022
BF		010-RMC ROUGH MECHANICAL Comments1: RYAN 331-223-6615 JIM					06/30/2022
PBF		011-PLR PLUMBING - ROUGH Comments1: JIM 331-223-6615					06/30/2022
BC		011-RFR ROUGH FRAMING Comments1: JIM 331-223-6615	20220087	3069 GRANDE TR	555		06/02/2022
BC		012-REL ROUGH ELECTRICAL					06/02/2022
BC		013-RMC ROUGH MECHANICAL					06/02/2022
PBF		014-PLR PLUMBING - ROUGH Comments1: JIM 331-223-6615					06/02/2022
GH		015-INS INSULATION Comments1: JIM 331-223-6615					06/06/2022
GH		AM 016-WKS PUBLIC & SERVICE WALKS Comments1: MIDWESTERN 815-839-8175					06/09/2022
GH		008-RFR ROUGH FRAMING Comments1: JIM --331-223-6615	20220088	2868 OLD GLORY DR	275		06/06/2022
GH		009-REL ROUGH ELECTRICAL					06/06/2022
GH		010-RMC ROUGH MECHANICAL					06/06/2022
PBF		011-PLR PLUMBING - ROUGH Comments1: JIM -- 331-223-6615					06/06/2022
GH		012-INS INSULATION Comments1: JIM 331-223-6615 -- SEE INSPECTION REPOR Comments2: T					06/08/2022
GH		AM 013-WK SERVICE WALK Comments1: MIDWESTERN 815-839-8175					06/09/2022

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JP	_____	AM 014-EPW ENGINEERING- PUBLIC WALK Comments1: MIDWESTERN -- 815-839-8175					06/22/2022
JP	_____	AM 015-WK SERVICE WALK					06/22/2022
GH	_____	AM 009-WK SERVICE WALK Comments1: MIDWESTERN 815-839-8175	20220090	3022 GRANDE TR	535		06/09/2022
BF	_____	010-RFR ROUGH FRAMING Comments1: JIM 331-223-6615					06/24/2022
BF	_____	011-REL ROUGH ELECTRICAL					06/24/2022
BF	_____	012-RMC ROUGH MECHANICAL					06/24/2022
PBF	_____	013-PLR PLUMBING - ROUGH Comments1: JIM 331-223-6615					06/24/2022
BC	_____	014-INS INSULATION Comments1: JIM 331-223-6615					06/28/2022
BC	_____	005-BKF BACKFILL Comments1: TIM 630-878-5291	20220101	3495 RYAN DR	1		06/01/2022
PBF	_____	005-PLU PLUMBING - UNDERSLAB Comments1: ANDREW 331-431-7342	20220106	4886 W MILLBROOK CIR	3		06/06/2022
GH	_____	AM 006-BG BASEMENT AND GARAGE FLOOR Comments1: MIDWEST 815-839-8175					06/07/2022
GH	_____	007-GPL GREEN PLATE INSPECTION Comments1: ANDREW 331-431-7342 -- SEE INSPECTION RE Comments2: PORT					06/23/2022
GH	_____	001-FIN FINAL INSPECTION Comments1: SERVICE, BASEMENT & BACK W/ STORM-- VICK Comments2: I 630-553-6168	20220114	105 E KENDALL DR			06/07/2022
PR	_____	AM 008-SEW SEWER INSPECTION Comments1: JASON 630-392-3382 WATER & WASTE TEST	20220130	651 PRAIRIE POINTE DR	1		06/14/2022
PR	_____	009-RFR ROUGH FRAMING Comments1: JASON 630-392-3382					06/24/2022
PR	_____	010-REL ROUGH ELECTRICAL					06/24/2022
PR	_____	011-RMC ROUGH MECHANICAL					06/24/2022



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PR	_____	012-PLR PLUMBING - ROUGH					06/24/2022
PR	_____	013-STK STACK TEST					06/24/2022
BC	_____ AM	006-FIN FINAL INSPECTION Comments1: MATT 630-995-5513	20220137	1102 GRACE DR	98		06/17/2022
BC	_____ AM	007-FEL FINAL ELECTRIC					06/17/2022
BC	_____	008-FMC FINAL MECHANICAL					06/17/2022
PBF	_____	009-PLF PLUMBING - FINAL OSR READ Comments1: BASEMENT -- MATT 630-995-5513					06/17/2022
PR	_____	005-PLU PLUMBING - UNDERSLAB Comments1: DAVE/MCCUE 630-878-5792	20220153	1956 MEADOWLARK LN	82		06/08/2022
GH	_____ AM	006-BSM BASEMENT FLOOR Comments1: KATHY -- 630-904-2288					06/13/2022
BC	_____ AM	007-GAR GARAGE FLOOR Comments1: JUAN 847-551-9066	20220160	542 ASHWORTH LN	522		06/23/2022
BC	_____ AM	008-BSM BASEMENT FLOOR					06/23/2022
BF	_____ AM	003-BKF BACKFILL Comments1: JUAN 847-551-9066	20220162	2349 FAIRFIELD AVE	497		06/01/2022
PBF	_____ PM	004-ESW ENGINEERING - SEWER / WAT Comments1: VERUNA 630-387-2001					06/06/2022
BF	_____ AM	006-BG BASEMENT AND GARAGE FLOOR Comments1: OSCAR 847-551-9066	20220163	502 ASHWORTH LN	520		06/28/2022
BC	_____ AM	002-FOU FOUNDATION Comments1: JUAN 847-551-9066	20220164	522 ASHWORTH LN	521		06/01/2022
PBF	_____ PM	003-ESW ENGINEERING - SEWER / WAT Comments1: VERUNA 630-387-2001					06/06/2022
BC	_____ AM	004-BKF BACKFILL Comments1: COMEX 847-551-9066					06/06/2022
BC	_____ AM	006-BSM BASEMENT FLOOR Comments1: JUAN 847-551-9066	20220165	572 ASHWORTH LN	523		06/29/2022
BC	_____ AM	007-GAR GARAGE FLOOR					06/29/2022

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BC	_____	AM 008-GAR GARAGE FLOOR Comments1: JUAN 847-551-9066	20220166	561 ASHWORTH LN	516		06/23/2022
BC	_____	AM 009-BSM BASEMENT FLOOR					06/23/2022
BF	_____	AM 001-FTG FOOTING Comments1: COMEX 847-551-9066	20220167	2387 FAIRFIELD AVE	494		06/07/2022
BC	_____	AM 002-FOU FOUNDATION Comments1: JUAN 847-551-9066					06/09/2022
BC	_____	AM 003-BKF BACKFILL Comments1: JUAN 847-551-9066					06/14/2022
PBF	_____	PM 004-ESW ENGINEERING - SEWER / WAT Comments1: CATHY 630-387-2001					06/20/2022
BC	_____	AM 002-RFR ROUGH FRAMING Comments1: DECK -- GARRETT 630-401-5891	20220170	431 WINTERBERRY DR	109		06/01/2022
BC	_____	003-FIN FINAL INSPECTION Comments1: GARRETT 630-401-5891					06/10/2022
BC	_____	AM 006-REI REINSPECTION Comments1: RE CHECK SMOKE DETECTORS -- KENA 708-488 Comments2: -7473	20220175	2051 RAINTREE RD	69		06/01/2022
PBF	_____	006-PLU PLUMBING - UNDERSLAB Comments1: JEFF 847-456-8082	20220179	505 BRAEMORE LN	534		06/14/2022
BC	_____	007-BG BASEMENT AND GARAGE FLOOR Comments1: COMEX 847-551-9066					06/30/2022
BF	_____	AM 001-FTG FOOTING Comments1: MIDWESTERN 815-839-8175	20220185	2736 ELLORY CT	134		06/10/2022
BC	_____	PM 002-FOU FOUNDATION Comments1: MIDWESTERN 815-839-8175					06/14/2022
PBF	_____	AM 003-WAT WATER Comments1: LOUISE 630-492-7635					06/17/2022
GH	_____	AM 004-BKF BACKFILL Comments1: MIDWESTERN -- 815-839-8175 -- ALREADY DO Comments2: NE					06/22/2022
PBF	_____	005-PLU PLUMBING - UNDERSLAB Comments1: ANDREW 331-431-7342					06/28/2022

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BC	_____ AM	001-FTG FOOTING Comments1: MIDWESTERN 815-839-8175	20220187	3079 GRANDE TR	553		06/08/2022
BC	_____ PM	002-FOU FOUNDATION Comments1: MIDWESTERN 815-839-8175					06/09/2022
GH	_____ PM	003-BKF BACKFILL Comments1: MIDWESTERN - 815-839-8175 -- SEE INSPECT Comments2: ION REPORT					06/13/2022
PBF	_____ PM	004-WAT WATER Comments1: LOUISE -- 630-492-7635					06/13/2022
GH	_____	005-REI REINSPECTION Comments1: BACKFILL -- SEE INSPECTION REPORT					06/13/2022
PBF	_____	006-PLU PLUMBING - UNDERSLAB Comments1: JIM - 331-223-6615					06/22/2022
GH	_____ AM	007-BSM BASEMENT FLOOR Comments1: MIDWESTERN 815-839-8175 -- SEE INSPECTIO Comments2: N REPORT					06/23/2022
GH	_____ AM	008-GAR GARAGE FLOOR					06/23/2022
GH	_____ PM	009-STP STOOP Comments1: MIDWESTERN 815-839-8175					06/27/2022
BF	_____ AM	001-FTG FOOTING Comments1: MIDWESTERN 815-839-8175	20220188	3089 GRANDE TR	551		06/01/2022
BC	_____	002-FOU FOUNDATION					06/03/2022
BF	_____ PM	003-BKF BACKFILL Comments1: MIDWESTERN 815-839-875					06/09/2022
PBF	_____ PM	004-WAT WATER Comments1: AL'S 630-492-7635					06/13/2022
PBF	_____	005-PLU PLUMBING - UNDERSLAB Comments1: JIM -- 331-223-6615					06/20/2022
GH	_____ AM	006-GPL GREEN PLATE INSPECTION Comments1: JIM -- 331-223-6615 -- SEE INSPECTION RE Comments2: PORT					06/24/2022
GH	_____ AM	007-BSM BASEMENT FLOOR Comments1: MIDWESTERN -- 815-839-8175 SEE INSPECTIO Comments2: N REPORT					06/23/2022

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GH	_____	AM 008-GAR GARAGE FLOOR					06/23/2022
BC	_____	PM 010-STP STOOP Comments1: MIDWESTERN -- 815-839-8175					06/24/2022
PBF	_____	AM 003-WAT WATER Comments1: AL'S FAMILY 630-492-7635	20220189	3025 MCLELLAN BLVD	560		06/06/2022
BC	_____	AM 004-BKF BACKFILL Comments1: MIDWEST 815-839-8175					06/06/2022
PBF	_____	PM 005-PLU PLUMBING - UNDERSLAB Comments1: JIM -- 331-223-6615					06/14/2022
GH	_____	PM 006-BSM BASEMENT FLOOR Comments1: MIDWESTERN -- 815-839-8175					06/15/2022
GH	_____	PM 007-GAR GARAGE FLOOR Comments1: SEE INSPECTION REPORT RE: GARAGE AND BAS Comments2: EMENT					06/15/2022
GH	_____	PM 008-STP STOOP					06/15/2022
GH	_____	AM 009-GPL GREEN PLATE INSPECTION					06/17/2022
PBF	_____	005-PLU PLUMBING - UNDERSLAB Comments1: ANDREW 331-431-7342	20220190	4763 W MILLBROOK CIR	149		06/07/2022
GH	_____	PM 006-BSM BASEMENT FLOOR Comments1: MIDWESTERN -- 815-839-8175					06/13/2022
GH	_____	007-PPS PRE-POUR, SLAB ON GRADE					06/13/2022
BF	_____	AM 001-FTG FOOTING Comments1: MIDWESTERN 815-839-8175	20220191	2713 NICKERSON CT	163		06/02/2022
BF	_____	PM 002-FOU FOUNDATION Comments1: MIDWESTERN 815-839-8175					06/07/2022
BF	_____	AM 003-BKF BACKFILL Comments1: MIDWESTERN 815-839-8175					06/09/2022
PBF	_____	PM 004-WAT WATER Comments1: AL'S 630-492-7635					06/13/2022
PBF	_____	005-PLU PLUMBING - UNDERSLAB Comments1: ANDREW 331-431-7342					06/30/2022

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GH		PM 010-GPL GREEN PLATE INSPECTION Comments1: RYAN/JIM 331-223-6615	20220193	3131 GRANDE TR	491		06/03/2022
JP		AM 001-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO CRACK ATTACK 630-842-5007 - SEE IN Comments2: SPECTION REPORT	20220196	2435 WYTHE PL	4		06/01/2022
GH		AM 001-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO KIMBERLY 331-222-0364 -- SEE INSPE Comments2: CTION REPORT	20220206	1052 CANARY AVE	243-2		06/02/2022
PR		PM 001-PLU PLUMBING - UNDERSLAB Comments1: RON 630-615-0858	20220232	1789 MARKETVIEW DR	8		06/21/2022
PR		PM 002-UGE UNDERGROUND ELECTRIC Comments1: RON 630-615-0858					06/22/2022
PR		PM 003-PPS PRE-POUR, SLAB ON GRADE Comments1: RON 630-615-0858					06/23/2022
BC		AM 003-REI REINSPECTION Comments1: FINAL -- POOL -- ERIC 815-712-7362	20220234	205 SPRUCE CT	19		06/15/2022
BC		PM 001-TRN TRENCH - (GAS, ELECTRIC, Comments1: ABOVE GROUND POOL SCOTT 779-206-0896	20220244	952 CANYON TRAIL CT			06/01/2022
BC		PM 002-BND POOL BONDING					06/01/2022
JP	09:00	001-PHF POST HOLE - FENCE Comments1: SHERRI 815-836-8731 -- SEE INSPECTION RE Comments2: PORT	20220247	205 SPRUCE CT	19		06/02/2022
BC		AM 002-FIN FINAL INSPECTION Comments1: FENCE -- ERIC 815-712-7362					06/15/2022
PR		AM 002-FIN FINAL INSPECTION Comments1: DEMISING WALL TOM 878-9104	20220249	928 N BRIDGE ST			06/10/2022
GH		PM 006-PPS PRE-POUR, SLAB ON GRADE Comments1: FOUNDATION -- JOSE 630-465-1159	20220258	3345 SEELEY ST	801		06/22/2022
GH		PM 007-GAR GARAGE FLOOR					06/22/2022
BF		006-BGS BASEMENT GARAGE STOOPS Comments1: CHRIS 224-358-1606	20220259	3349 SEELEY ST	802		06/10/2022
BF		006-BGS BASEMENT GARAGE STOOPS Comments1: CHRIS 224-358-1606	20220260	3353 SEELEY ST	803		06/10/2022

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GH		006-PPS PRE-POUR, SLAB ON GRADE Comments1: STOOPS, GARAGE, SLAB CHRIS	20220261	3357 SEELEY ST	804		06/01/2022
BC		003-REI REINSPECTION Comments1: RE POOL ELEC RAPHAEL 630-788-9188(((((( Comments2: (CANCELLED))))))	20220273	402 E BARBERRY CIR	126	06/08/2022	
BC		AM 004-REI REINSPECTION Comments1: AGP -- RALPH 630-788-9188					06/14/2022
GH		AM 001-FTG FOOTING Comments1: MIDWESTERN 815-839-8175	20220282	3035 GRANDE TR	530		06/29/2022
BF		AM 002-FOU FOUNDATION Comments1: MIDWEST 815-839-8175					06/30/2022
BC		AM 003-FIN FINAL INSPECTION Comments1: DERRICK 630-878-9538	20220286	181 CLAREMONT CT	22		06/07/2022
BF		PM 001-FIN FINAL INSPECTION Comments1: EDDIE -- 801-837-4586	20220287	2320 EMERALD LN	40		06/21/2022
BF		002-FEL FINAL ELECTRIC					06/21/2022
PR		AM 006-ABC ABOVE CEILING Comments1: MIKE 630-917-4584	20220290	101 S BRIDGE ST			06/30/2022
BF		PM 002-FEL FINAL ELECTRIC Comments1: SOLAR NORMAN 815-414-1788	20220294	409 CENTER PKWY			06/02/2022
BC		002-RFR ROUGH FRAMING Comments1: DECK MIKE 708-819-2929	20220315	344 BERTRAM DR	1155		06/03/2022
JP	08:00	001-PHF POST HOLE - FENCE Comments1: PAULETTE 630-554-2673	20220318	204 CANNONBALL TR A	17		06/02/2022
BC		AM 002-FOU FOUNDATION Comments1: JOE 630-816-8023	20220327	2892 CRYDER WAY	440		06/01/2022
PR		AM 003-BKF BACKFILL Comments1: RANDY 630-816-8023					06/10/2022
PBF		PM 003-WAT WATER Comments1: CATHY 630-387-2001	20220328	1842 WREN RD	2871		06/06/2022
PR		PM 004-SEW SEWER INSPECTION Comments1: CATHY 630-387-2001					06/03/2022

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PBF		005-PLU PLUMBING - UNDERSLAB Comments1: JEFF - 847-456-8082					06/17/2022
BF		006-PPS PRE-POUR, SLAB ON GRADE Comments1: SLAB & GARAGE -- JOSE - 630-465-1159 -- Comments2: SEE INSPECTION REPORT					06/24/2022
PR		PM 003-WAT WATER Comments1: CATHY 630-387-2001 -- SITE WAS BACKFILLE Comments2: D	20220329	1844 WREN RD	287-2		06/03/2022
PR		PM 004-SEW SEWER INSPECTION Comments1: CATHY 630-387-2001					06/03/2022
PBF		005-PLU PLUMBING - UNDERSLAB Comments1: JEFF - 847-456-8082					06/17/2022
BF		006-PPS PRE-POUR, SLAB ON GRADE Comments1: SLAB AND GARAGE -- JOSE 630-465-1159 -- Comments2: SEE INSPECTION REPORT					06/24/2022
PR		PM 003-WAT WATER Comments1: CATHY 630-387-2001	20220330	1846 WREN RD	287-3		06/03/2022
PR		PM 004-SEW SEWER INSPECTION Comments1: CATHY 630-387-2001					06/03/2022
PBF		005-PLU PLUMBING - UNDERSLAB Comments1: JEFF - 847-456-8082					06/17/2022
BF		006-PPS PRE-POUR, SLAB ON GRADE Comments1: SLAB AND GARAGE -- JOSE 630-465-1159					06/24/2022
PR		PM 003-WAT WATER Comments1: CATHY 630-387-2001	20220331	1848 WREN RD	287-4		06/03/2022
PR		PM 004-SEW SEWER INSPECTION Comments1: CATHY 630-387-2001					06/03/2022
PBF		005-PLU PLUMBING - UNDERSLAB Comments1: JEFF - 847-456-8082					06/17/2022
BF		006-PPS PRE-POUR, SLAB ON GRADE Comments1: SLAB AND GARAGE -- JOSE 630-465-1159					06/24/2022
BC		AM 001-PPS PRE-POUR, SLAB ON GRADE Comments1: FEW SIDEWALK SQUARES -- RYAN 630-956-393 Comments2: 1	20220339	1222 MARKETPLACE DR			06/08/2022

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PR	_____	AM 001-PLU PLUMBING - UNDERSLAB Comments1: WOJCICH 773-519-0730 -- 8-11 AM	20220341	1755 MARKETVIEW DR	8		06/08/2022
PR	_____	AM 002-PLR PLUMBING - ROUGH Comments1: WOJCIECH 773-519-0730					06/14/2022
PR	_____	AM 003-PLU PLUMBING - UNDERSLAB					06/14/2022
BC	10:00	004-RFR ROUGH FRAMING Comments1: PET SUPPLIES PLUS 630-849-5766					06/15/2022
BC	10:00	005-REL ROUGH ELECTRICAL Comments1: PET SUPPLIES PLUS 630-849-5766					06/15/2022
BC	_____	006-RMC ROUGH MECHANICAL					06/15/2022
PR	_____	007-PPS PRE-POUR, SLAB ON GRADE Comments1: CONCRETE AT 11, PET SUPPLIES PLUS EXPANS Comments2: ION 630-849-5766 DREW					06/30/2022
JP	13:00	001-PHF POST HOLE - FENCE Comments1: CARLA 815-460-3449	20220345	2844 ALDEN AVE	334		06/07/2022
BC	_____	001-FTG FOOTING Comments1: JEFF -- 630-330-6705	20220351	3746 BISSEL DR	131-1		06/28/2022
BC	_____	001-FTG FOOTING Comments1: JEFF - 630-330-6705	20220352	3744 BISSEL DR	131-2		06/28/2022
BC	_____	001-FTG FOOTING Comments1: JEFF - 630-330-6705	20220353	3742 BISSEL DR	131-3		06/28/2022
BC	_____	001-FTG FOOTING Comments1: JEFF - 630-330-6705	20220354	3738 BISSEL DR	131-4		06/28/2022
BC	_____	001-FTG FOOTING Comments1: JEFF - 630-330-6705	20220355	3736 BISSEL DR	131-5		06/28/2022
BC	_____	001-FTG FOOTING Comments1: CHRIS 224-358-1606	20220356	3726 BISSEL DR	1321		06/27/2022
BC	_____	002-FOU FOUNDATION Comments1: JEFF 630-330-6705					06/30/2022
BC	_____	001-FTG FOOTING Comments1: CHRIS 224-358-1606	20220357	3728 BISSEL DR	1322		06/27/2022
BC	_____	002-FOU FOUNDATION Comments1: JEFF 630-330-6705					06/30/2022



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BC		001-FTG FOOTING Comments1: CHRIS 224-358-1606	20220358	3732 BISSEL DR	1323		06/27/2022
BC		002-FOU FOUNDATION Comments1: JEFF 630-330-6705					06/30/2022
BC		001-FTG FOOTING Comments1: CHRIS 224-358-1606	20220359	3734 BISSEL DR	1324		06/27/2022
BC		002-FOU FOUNDATION Comments1: JEFF 630-330-6705					06/30/2022
JP		AM 002-PHF POST HOLE - FENCE Comments1: 11-12 -- SHERI 815-836-8750	20220364	2067 ABERDEEN CT	101		06/10/2022
BC		AM 001-FTG FOOTING Comments1: MIDWESTERN 815-839-8175	20220370	3059 GRANDE TR	557		06/16/2022
BC		PM 002-FOU FOUNDATION Comments1: MIDWESTERN 815-839-8175					06/20/2022
GH		AM 003-BKF BACKFILL Comments1: MIDWESTERN 815-839-8175					06/23/2022
PBF		PM 004-WAT WATER Comments1: ALS -- 630-492-7635					06/24/2022
PBF		005-PLU PLUMBING - UNDERSLAB Comments1: JIM 331-223-6615					06/29/2022
JP		AM 001-PHF POST HOLE - FENCE Comments1: CLASSIC 630-551-3412	20220378	2775 CROOKER DR	61		06/07/2022
PR		001-ESW ENGINEERING - SEWER / WAT Comments1: JOHN 630-546-8057	20220380	1192 TAUS CIR	123		06/14/2022
BC		AM 002-FTG FOOTING Comments1: ADAM 630-450-4751					06/23/2022
PR		005-FIN FINAL INSPECTION Comments1: CLEAN EDGE AARON 630-364-0224	20220385	2452 EMERALD LN	19		06/30/2022
PR		006-FEL FINAL ELECTRIC					06/30/2022
PR		007-PLF PLUMBING - FINAL OSR READ					06/30/2022
BC		AM 003-FIN FINAL INSPECTION Comments1: DANIEL 815-258-8068 DECK	20220388	789 KENTSHIRE DR	142		06/09/2022

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BC	_____	AM 002-PPS PRE-POUR, SLAB ON GRADE	20220390	522 HEARTLAND DR	185		06/16/2022
		Comments1: SLAB FOR HOT TUB -- GUS 331-717-8254					
BC	_____	AM 002-TRN TRENCH - (GAS, ELECTRIC,	20220396	2838 ALDEN AVE	333		06/27/2022
		Comments1: GAS TRENCH -- SONIA 630-551-2561					
BC	_____	AM 003-FIN FINAL INSPECTION					06/27/2022
		Comments1: PAVERS					
BF	_____	PM 001-FTG FOOTING	20220400	642 ASHWORTH LN	526		06/07/2022
		Comments1: JUAN 847-551-9066					
BC	_____	AM 002-FOU FOUNDATION					06/15/2022
		Comments1: JUAN 847-551-9066					
BC	_____	PM 003-BKF BACKFILL					06/20/2022
		Comments1: COMEX 847-551-9066					
PBF	_____	004-ESW ENGINEERING - SEWER / WAT					06/20/2022
BC	_____	AM 001-FTG FOOTING	20220403	538 BRAEMORE LN	536		06/21/2022
		Comments1: JUAN 847-551-9066					
BC	_____	002-FOU FOUNDATION					06/23/2022
		Comments1: JUAN 847-551-9066					
BC	_____	AM 001-FTG FOOTING	20220404	668 BRAEMORE LN	539		06/21/2022
		Comments1: JUAN 847-551-9066					
BF	_____	AM 002-FOU FOUNDATION					06/24/2022
		Comments1: JUAN 847-551-9066					
BF	_____	AM 001-FTG FOOTING	20220407	2451 FAIRFIELD AVE	488		06/07/2022
		Comments1: COMEX 847-551-9066					
BF	_____	AM 002-FOU FOUNDATION					06/10/2022
		Comments1: JUAN 847-551-9066					
GH	_____	AM 003-BKF BACKFILL					06/15/2022
		Comments1: JUAN 847/551-9066					
PBF	_____	PM 004-ESW ENGINEERING - SEWER / WAT					06/20/2022
		Comments1: CATHY 630-387-2001					
BF	_____	PM 001-FTG FOOTING	20220409	648 BRAEMORE LN	538		06/07/2022
		Comments1: JUAN 847-551-9066					
BC	_____	AM 002-FOU FOUNDATION					06/14/2022
		Comments1: JUAN - 847-551-9066					

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BC		PM 003-BKF BACKFILL Comments1: WINDOW WELL NOT INSTALLED, WALLS NOT BRA Comments2: CED					06/20/2002
PBF		PM 004-ESW ENGINEERING - SEWER / WAT Comments1: CATHY 630-387-2001					06/20/2022
BC		AM 005-REI REINSPECTION Comments1: BACKFILL					06/21/2022
BF		AM 003-REI REINSPECTION Comments1: FINAL SOLAR -- JOSH 512-619-5854	20220417	2558 LYMAN LOOP	68		06/22/2022
BF		AM 004-REI REINSPECTION Comments1: FINAL ELECTRIC					06/22/2022
BC		AM 001-TRN TRENCH - (GAS, ELECTRIC, Comments1: AGP CAMERON 630-742-9950	20220425	391 SUTTON ST	203		06/10/2022
BC		002-FIN FINAL INSPECTION Comments1: POOL -- CAMRON 630-742-9950					06/16/2022
BC		003-FEL FINAL ELECTRIC Comments1: POOL					06/16/2022
JP		PM 001-PHD POST HOLE - DECK Comments1: CHRIS 630-330-8038	20220429	386 SUTTON ST	223		06/08/2022
GH		AM 001-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO -- TERRY 630-207-1387 -- SEE INSPE Comments2: CTION REPORT	20220437	358 TWINLEAF TR	65		06/14/2022
GH		AM 002-REI REINSPECTION Comments1: PATIO -- TERRY 630-207-1387					06/28/2022
GH		PM 001-PHF POST HOLE - FENCE Comments1: 2:30 MONICA-- 630-327-7066	20220450	404 W VAN EMMON ST			06/24/2022
GH	10:00	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: ONLY 1 ROW OF I&W INSTALLED AT GARAGE, R Comments2: ETURNED & CHECKED FOR 2 ROWS ON MAIN ROO Comments3: F, SUNROOM & PORCH ALREADY SHINGLED, COU Comments4: LD NOT VIEW	20220454	261 WALSH CIR	31		06/03/2022
GH		PM 003-BKF BACKFILL Comments1: CARMELLA 630-364-0224	20220457	2968 OLD GLORY DR	263		06/02/2022
PR		PM 004-ESW ENGINEERING - SEWER / WAT Comments1: CLEAN EDGE 630-364-0224					06/03/2022

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PBF		AM 005-PLU PLUMBING - UNDERSLAB Comments1: CARMELLA 630-364-0224					06/17/2022
BC		AM 006-BSM BASEMENT FLOOR Comments1: CARMELLA 630-364-0224					06/27/2022
GH		AM 001-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO -- 630-401-6511 -- SEE INSPECTION Comments2: REPORT	20220462	459 PARKSIDE LN	363		06/14/2022
BC		001-PPS PRE-POUR, SLAB ON GRADE Comments1: CEMENTRIX 630-862-8053	20220465	3177 MATLOCK DR	661		06/10/2022
JP		001-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO CEMENTRIX 630-862-8053 -- SEE INS Comments2: PECTION REPORT	20220467	2714 NICKERSON CT			06/16/2022
BC		003-FIN FINAL INSPECTION Comments1: TOM 630-688-2557 -- NO ACCESS	20220469	2845 MCMURTRIE WAY	258		06/07/2022
BC		004-FIN FINAL INSPECTION Comments1: DECK -- CRYSTAL 630-567-9551					06/08/2022
GH		AM 001-PPS PRE-POUR, SLAB ON GRADE Comments1: JUAN 630-675-8810	20220479	2454 WAVERLY CIR	239		06/03/2022
GH		002-WK SERVICE WALK					06/03/2022
BC		AM 002-RFR ROUGH FRAMING Comments1: DERRICK 630-220-8758	20220480	2623 MCLELLAN BLVD	44		06/13/2022
BC		AM 003-REL ROUGH ELECTRICAL					06/13/2022
BC		AM 002-FIN FINAL INSPECTION Comments1: DECK -- CARMELLA 630-364-0224 --SEE IN Comments2: SPECTION REPORT	20220484	2868 MCMURTRIE WAY	213		06/07/2022
PR		PM 003-REI REINSPECTION Comments1: CARRMELLA -- 630-364-0224					06/15/2022
BC	11:30	001-OCC OCCUPANCY INSPECTION Comments1: MENTAL HEALTH COUNSELING, GARY 630-553-7 Comments2: 653	20220487	308 N BRIDGE ST			06/06/2022
BKF		002-OCC OCCUPANCY INSPECTION				06/06/2022	
JP		AM 001-PHF POST HOLE - FENCE Comments1: 9:30-- SHERRIE - 815-836-8731	20220491	301 E FOX RD	1		06/16/2022

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JP	_____	001-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO LAFFEY 630-688-4528	20220493	2394 SUMAC DR	53		06/21/2022
JP	_____	003-FIN FINAL INSPECTION Comments1: ROOF	20220497	2931 OLD GLORY DR	250		06/21/2022
GH	_____	002-ROF ROOF UNDERLAYMENT ICE & W Comments1: PICTURES -- 2 rows	20220498	205 W KENDALL DR			06/24/2022
JP	_____	PM 001-PHF POST HOLE - FENCE Comments1: CARLA -- 815-460-3449	20220501	2878 OLD GLORY DR	273		06/16/2022
JP	_____	001-PHF POST HOLE - FENCE Comments1: ALEX 708-840-3211 -- SEE INSPECTION REPO Comments2: RT	20220502	333 POPLAR DR	90		06/14/2022
JP	_____	002-FIN FINAL INSPECTION					06/20/2022
JP	_____	AM 001-ROF ROOF UNDERLAYMENT ICE & W Comments1: 11:00 -- GARY 630-818-7427	20220503	1210 SUNSET AVE	56		06/13/2022
BC	_____	PM 001-RFR ROUGH FRAMING Comments1: DECK -- TOM 630-244-2390	20220504	2223 RICHMOND AVE	443		06/13/2022
BC	_____	AM 001-RFR ROUGH FRAMING Comments1: GREG - 773-501-1477	20220505	1141 KATE DR	38		06/09/2022
BC	_____	AM 002-REL ROUGH ELECTRICAL					06/09/2022
BC	_____	AM 003-RMC ROUGH MECHANICAL					06/09/2022
PBF	_____	AM 004-PLR PLUMBING - ROUGH Comments1: BASEMENT -- GREG 773-501-1477					06/09/2022
BC	_____	AM 005-INS INSULATION Comments1: GREG 773-501-1477--REINSPECT ELECTRICAL					06/13/2022
BC	_____	006-REI REINSPECTION Comments1: ROUGH ELECTRICAL					06/13/2022
JP	_____	PM 001-PHF POST HOLE - FENCE Comments1: MONICA 630-327-7066	20220511	409 WOODWORTH ST			06/09/2022
JP	_____	002-FIN FINAL INSPECTION Comments1: FINAL FENCE -- MONICA 630-327-7066					06/23/2022
JP	_____	001-PHF POST HOLE - FENCE	20220512	594 W BARBERRY CIR	58		06/17/2022

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JP	09:00	002-REI REINSPECTION					06/21/2022
		Comments1: PH - FENCE -- TIM 779-707-2787 -- SEVERA					
		Comments2: L POST HOLES NOT DONE, 2 HOLES NEED FURT					
		Comments3: HER DEPTH. NO ONE ON SITE					
JP	_____	003-REI REINSPECTION					06/23/2022
		Comments1: POST HOLE FENCE					
PR	_____	001-PPS PRE-POUR, SLAB ON GRADE	20220516	201 W ORANGE ST			06/09/2022
		Comments1: WALK & PATIO FRANK WILLMAN 630-744-9477					
BC	_____ AM	001-FTG FOOTING	20220519	2805 BERRYWOOD LN	798		06/03/2022
		Comments1: JESUS					
BC	_____ AM	002-FOU FOUNDATION					06/09/2022
		Comments1: JOSE - 630-465-1159					
BC	_____ AM	003-BKF BACKFILL					06/13/2022
		Comments1: JESUS -- 630-453-9281					
PBF	_____ PM	004-WSS WATER & STORM SEWER					06/20/2022
		Comments1: JOE 708-278-3109					
PBF	_____	005-PLU PLUMBING - UNDERSLAB					06/29/2022
		Comments1: CHRIS 224-358-1606					
BC	_____ AM	001-FTG FOOTING	20220520	2801 BERRYWOOD LN	797		06/03/2022
		Comments1: JESUS					
BF	_____ AM	002-FOU FOUNDATION					06/10/2022
		Comments1: JESUS -- 630-465-1159					
BC	_____ AM	003-BKF BACKFILL					06/16/2022
		Comments1: JESUS -- 630-453-9281					
PBF	_____ PM	004-WSS WATER & STORM SEWER					06/20/2022
		Comments1: JOE 708-278-3109					
PBF	_____	005-PLU PLUMBING - UNDERSLAB					06/29/2022
		Comments1: CHRIS 224-358-1606					
BF	_____ AM	001-FTG FOOTING	20220521	2797 BERRYWOOD LN	796		06/07/2022
		Comments1: JESUS 630-453-9281					
BC	_____ AM	002-FOU FOUNDATION					06/13/2022
		Comments1: JESUS 630-453-9281					
BC	_____ AM	003-BKF BACKFILL					06/16/2022
		Comments1: JESUS 630-453-9281					

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PBF		PM 004-WSS WATER & STORM SEWER Comments1: JOE 708-278-3109					06/20/2022
PBF		005-PLU PLUMBING - UNDERSLAB Comments1: CHRIS 224-358-1606					06/29/2022
BC		AM 001-FTG FOOTING Comments1: JESUS	20220522	3352 SEELEY ST	727		06/03/2022
BF		AM 002-FOU FOUNDATION Comments1: JESUS 630-453-9281					06/07/2022
PBF		PM 003-WAT WATER Comments1: JOE 708-278-3109					06/20/2022
PBF		004-PLU PLUMBING - UNDERSLAB Comments1: CHRIS 224-358-1606					06/29/2022
JP		AM 003-FIN FINAL INSPECTION Comments1: ROOF -- LIZ 630-631-7556	20220524	1092 CARLY DR	30		06/09/2022
JP	11:00	001-PHF POST HOLE - FENCE Comments1: MIKE 630-406-8410, EXT 208	20220526	3053 GRANDE TR	558		06/23/2022
BC		001-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO -- LAFFEY 630-688-4528	20220528	514 W WASHINGTON ST			06/16/2022
JP		AM 001-ROF ROOF UNDERLAYMENT ICE & W Comments1: 11:00AM -- TIM 847-269-7384	20220531	1858 COLUMBINE DR	77		06/13/2022
JP	11:30	001-PHF POST HOLE - FENCE Comments1: 708-840-3211 PERLA	20220535	4064 SHOEGER CT	29		06/30/2022
GH		AM 001-PHD POST HOLE - DECK Comments1: PERGOLA -- OSCAR 60-659-4307	20220538	2361 IROQUOIS LN	11		06/29/2022
PR		001-FIN FINAL INSPECTION Comments1: AGAMA SIGN, VINCE 630-999-1616	20220541	664 W VETERANS PKWY A			06/27/2022
BC		AM 001-BND POOL BONDING Comments1: DAN 630-857-8910	20220542	1963 MEADOWLARK LN	126		06/03/2022
BC		AM 002-TRN TRENCH - (GAS, ELECTRIC,					06/03/2022
BC		AM 001-TRN TRENCH - (GAS, ELECTRIC, Comments1: AGP	20220547	2709 GOLDENROD DR	243		06/21/2022
JP		002-ROF ROOF UNDERLAYMENT ICE & W Comments1: PARTIAL ROOF 224-587-6429 -- SEE INSPECT Comments2: ION REPORT	20220548	742 GREENFIELD TURN	103		06/01/2022

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BC	11:30	001-PHF POST HOLE - FENCE	20220551	2033 WHITEKIRK LN	75		06/20/2022
		Comments1: AMERICAS BACKYARD 331-452-2271					
JP		AM 002-FIN FINAL INSPECTION				06/21/2022	
		Comments1: DARREN -- 847-845-5363 --(((CANCELLED)))					
		Comments2: ))					
BC		AM 002-FIN FINAL INSPECTION	20220558	937 STONY CREEK LN	62		06/03/2022
		Comments1: WATER HEATER -- DOUG 630-730-0850					
JP		002-FIN FINAL INSPECTION	20220563	804 E SPRING ST	7		06/01/2022
		Comments1: ROOF SAVAGE 815-630-4279					
BC		AM 001-FTG FOOTING	20220565	2793 BERRYWOOD LN	795		06/09/2022
		Comments1: JOSE 630-465-1159					
BC		AM 002-FOU FOUNDATION					06/14/2022
		Comments1: JESUS 630-453-9281					
PBF		PM 003-WSS WATER & STORM SEWER					06/20/2022
		Comments1: JOE 708-278-3109					
PBF		004-PLU PLUMBING - UNDERSLAB					06/29/2022
		Comments1: CHRIS 224-358-1606					
JP		AM 001-PHF POST HOLE - FENCE	20220567	481 HONEYSUCKLE LN	154		06/20/2022
		Comments1: 1:00PM -- JOSE 321-257-1401					
GH		001-PPS PRE-POUR, SLAB ON GRADE	20220569	2520 ANNA MARIA LN	596		06/08/2022
		Comments1: VICTOR 630-788-1934 PATIO -- SEE INSPECT					
		Comments2: ION REPORT					
BF		PM 001-FIN FINAL INSPECTION	20220571	2072 WHITEKIRK LN	97		06/06/2022
		Comments1: SOLAR -- EDDIE 801-837-4586					
BF		PM 002-FEL FINAL ELECTRIC					06/06/2022
		Comments1: SOLAR					
JP	12:00	001-PHF POST HOLE - FENCE	20220573	407 ELM ST A			06/22/2022
		Comments1: PAULETTE 630-554-2673					
JP		001-FIN FINAL INSPECTION	20220574	4862 W MILLBROOK CIR	6		06/10/2022
		Comments1: PAVERS SCOTT 847-344-2466					
GH		AM 001-PHF POST HOLE - FENCE	20220575	2293 GRANDE TR	170		06/13/2022
		Comments1: TIJON 630-994-6273 -- SEE INSPECTION REP					
		Comments2: ORT					



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GH		AM 001-PPS PRE-POUR, SLAB ON GRADE	20220576	2293 GRANDE TR	170		06/13/2022
		Comments1: TIJON 630-994-6273 SEE INSPECTION REPOR					
		Comments2: T					
GH		AM 002-REI REINSPECTION					06/21/2022
		Comments1: PATIO -- JASON - 630-608-3723 -- SEE INS					
		Comments2: PECTION REPORT					
GH		AM 003-REI REINSPECTION					06/22/2022
		Comments1: PATIO -- JASON 630-608-3723 -- SEE INSPE					
		Comments2: CTION REPORT					
BC		AM 001-PHD POST HOLE - DECK	20220579	1069 HOMESTEAD DR	126		06/03/2022
		Comments1: PATIO COVER -- RYDER 815-791-7317					
BC		AM 002-REL ROUGH ELECTRICAL					06/29/2022
		Comments1: RYDER 815-791-7317 -- PATIO ROOF					
BC		AM 001-PPS PRE-POUR, SLAB ON GRADE	20220580	512 WARBLER LN	359		06/20/2022
		Comments1: ASHLEY - 630-888-0119					
BC		002-STP STOOP					06/20/2022
		Comments1: REAR					
GH		AM 001-PPS PRE-POUR, SLAB ON GRADE	20220582	2704 NICKERSON CT	170		06/21/2022
		Comments1: PATIO -- JUDY 630-220-1445					
GH		AM 002-PPS PRE-POUR, SLAB ON GRADE					06/21/2022
		Comments1: DRIVEWAY EXT					
GH	10:00	001-ROF ROOF UNDERLAYMENT ICE & W	20220584	2173 KINGSMILL ST			06/03/2022
		Comments1: 815-280-3176 AMENITY CHUCK NO ONE WORKIN					
		Comments2: G					
JP		AM 002-ROF ROOF UNDERLAYMENT ICE & W					06/09/2022
		Comments1: CHUCK 815-280-3176					
JP	11:00	001-ROF ROOF UNDERLAYMENT ICE & W	20220585	1866 WALSH DR	62		06/07/2022
		Comments1: 630-882-9244					
JP		002-FIN FINAL INSPECTION					06/13/2022
		Comments1: JOSEPH JAMES ENT 630-882-9244 ROOF					
JP		AM 001-PHD POST HOLE - DECK	20220586	567 COACH RD	416		06/10/2022
		Comments1: WINNINGER 630-364-8848					
JP		AM 002-PHD POST HOLE - DECK					06/16/2022
		Comments1: 11-12 -- DECK STAIRS					

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PR	_____	AM 003-RFR ROUGH FRAMING Comments1: DECK - CONNOR 630-364-8848					06/24/2022
GH	_____	AM 001-PPS PRE-POUR, SLAB ON GRADE Comments1: ALPHONSO VASQUEZ 630-401-1115	20220587	2075 DUNBAR CT	91		06/08/2022
GH	_____	002-PWK PRIVATE WALKS					06/08/2022
GH	_____	AM 003-REI REINSPECTION Comments1: PATIO					06/13/2022
GH	_____	AM 001-PHD POST HOLE - DECK Comments1: CHRIS 630-921-0869	20220588	4822 W MILLBROOK CIR	11		06/13/2022
BF	_____	001-FIN FINAL INSPECTION Comments1: SOLAR -- EDDIE 801-837-4586	20220590	1972 WREN RD	8		06/28/2022
BF	_____	002-FEL FINAL ELECTRIC Comments1: SOLAR					06/28/2022
JP	_____	AM 001-ROF ROOF UNDERLAYMENT ICE & W Comments1: 10-11 AM -- ANGEL 630-554-3317 (((CANCE Comments2: LLED)))	20220591	1210 EVERGREEN LN	153	06/07/2022	
JP	_____	AM 002-ROF ROOF UNDERLAYMENT ICE & W Comments1: 10-11 AM -- ANGEL 630-554-3317 -- SEE Comments2: INSPECTION REPORT					06/09/2022
JP	_____	003-FIN FINAL INSPECTION Comments1: ROOF --- ANGEL 630-554-3317					06/14/2022
JP	_____	AM 001-ROF ROOF UNDERLAYMENT ICE & W Comments1: 10-11 AM ANGEL 630-554-3317	20220592	502 LIBERTY ST			06/07/2022
JP	_____	002-FIN FINAL INSPECTION Comments1: ANGEL 630-554-3317 -- SEE INSPECTION REP Comments2: ORT					06/14/2022
GH	_____	AM 001-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO TIM 630-842-5007	20220593	1637 SHETLAND LN	38		06/03/2022
GH	_____	002-PWK PRIVATE WALKS					06/03/2022
GH	_____	AM 001-PPS PRE-POUR, SLAB ON GRADE Comments1: CHRISTINE 630-533-8426 PATIO - CANNOT US Comments2: E GRINDINGS FOR BASE (SPOKE TO OWNER)	20220599	2461 JUSTICE CT	617		06/03/2022
GH	_____	AM 002-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO -- BO -- 630-669-9965 -- SEE INSPE Comments2: CTION REPORT					06/13/2022

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GH		AM 001-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO MARVA KING 630-440-5200 Comments2: BE LOWERED AT DOWNSPOUT	20220605	323 FONTANA DR	58		06/03/2022
JP		AM 001-PPS PRE-POUR, SLAB ON GRADE Comments1: DRIVEWAY 630-362-2109 MELISSA	20220608	358 SUTTON STREET	219		06/14/2022
BC	11:30	001-PHF POST HOLE - FENCE Comments1: BONNIE 815-255-2132	20220615	2056 DUNBAR CT	94		06/20/2022
BC		PM 001-PHD POST HOLE - DECK Comments1: TERRY	20220617	1932 WREN RD	4		06/03/2022
BC		002-RFR ROUGH FRAMING Comments1: DECK TERRY - 708-289-6339					06/29/2022
GH		AM 001-WK SERVICE WALK Comments1: GILBERT 773-575-2940	20220619	2005 SHETLAND CT	35		06/10/2022
JP		AM 001-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO -- SERGIO 815-909-5737	20220620	383 FONTANA DR	61		06/20/2022
JP		AM 001-PHF POST HOLE - FENCE Comments1: DAISY 708-548-2780 -- SEE INSPECTION REP Comments2: ORT	20220623	610 STATE ST	7		06/07/2022
BF		001-FIN FINAL INSPECTION Comments1: SOLAR -- EDDIE 801-837-4586	20220624	2055 DUNBAR CT	93		06/28/2022
BF		002-FEL FINAL ELECTRIC Comments1: SOLAR					06/28/2022
BF		001-FIN FINAL INSPECTION Comments1: SOLAR -- EDDIE 801-837-4586	20220626	1307 WILLOW WAY	217		06/28/2022
BF		002-FEL FINAL ELECTRIC Comments1: SOLAR					06/28/2022
BF		001-FIN FINAL INSPECTION Comments1: ****PLEASE DO THIS ONE FIRST**** SOLAR Comments2: -- EDDIE 801-837-4586	20220627	2051 WHITEKIRK LN	77		06/28/2022
BF		002-FEL FINAL ELECTRIC Comments1: SOLAR					06/28/2022
JP	11:00	001-PHF POST HOLE - FENCE Comments1: AMERICAS BACKYARD -- 331-452-2271	20220630	3152 JUSTICE DR	608		06/20/2022

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BC	_____	PM 001-OCC OCCUPANCY INSPECTION	20220631	34-46 SARAVANOS			06/07/2022
		Comments1: JACK 331-625-3059					
BKF	_____	PM 002-OCC OCCUPANCY INSPECTION				06/07/2022	
JP	_____	AM 001-ROF ROOF UNDERLAYMENT ICE & W	20220634	2857 MCLELLAN BLVD	484		06/10/2022
		Comments1: ANNA 630-664-7471					
JP	10:00	001-ROF ROOF UNDERLAYMENT ICE & W	20220636	4512 HARRISON ST	1122		06/13/2022
		Comments1: EVAN 331-269-7132					
JP	10:00	001-ROF ROOF UNDERLAYMENT ICE & W	20220637	1401 ASPEN LN	93		06/17/2022
		Comments1: SAVAGE 815-630-4279					
JP	_____	001-PHF POST HOLE - FENCE	20220638	1607 COTTONWOOD TR	3		06/27/2022
PR	_____	AM 001-PLU PLUMBING - UNDERSLAB	20220640	1213 DEER ST	2		06/20/2022
		Comments1: RESTORATION CHAD 630-803-8546					
PR	_____	002-RFR ROUGH FRAMING					06/20/2022
		Comments1: CHAD 630-803-8546					
PR	_____	003-REL ROUGH ELECTRICAL					06/20/2022
PR	_____	004-PLR PLUMBING - ROUGH					06/24/2022
		Comments1: CHAD -- 630-803-8547 -- STUD GUARDS NEED					
		Comments2: ED					
BC	_____	001-FIN FINAL INSPECTION	20220646	104 W KENDALL DR	12		06/27/2022
		Comments1: AGP -- VICKI 630-768-1082 - SEE INSPECT					
		Comments2: ION REPORT					
JP	_____	AM 001-PHD POST HOLE - DECK	20220647	2432 FITZHUGH TURN	147		06/16/2022
		Comments1: 10-12 -- JOE 847-489-8588					
BC	_____	PM 002-RFR ROUGH FRAMING					06/24/2022
		Comments1: DECK -- JOE 847-489-8588					
BC	_____	001-TRN TRENCH - (GAS, ELECTRIC,	20220658	532 WINDETT RIDGE RD	171		06/27/2022
		Comments1: CHELSEA 630-347-0465 -- SEE INSPECTION R					
		Comments2: EPORT					
JP	_____	PM 001-PPS PRE-POUR, SLAB ON GRADE	20220664	2399 AUTUMN CREEK BLVD	266		06/16/2022
		Comments1: PATIO -- 630-675-7102 -- SEE INSPECTION					
		Comments2: REPORT					
GH	_____	AM 001-PPS PRE-POUR, SLAB ON GRADE	20220665	494 WINTERBERRY DR	92		06/27/2022
		Comments1: PATIO -- BRANDON 630-780-7904 II SEE INS					
		Comments2: PECTION REPORT					

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INSPECTIONS SCHEDULED FROM 06/01/2022 TO 06/30/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
BC		PM 001-RFR ROUGH FRAMING Comments1: AIZA 630-999-7471	20220667	2645 N BRIDGE ST			06/24/2022
BC		PM 002-REL ROUGH ELECTRICAL					06/24/2022
BC		AM 001-PPS PRE-POUR, SLAB ON GRADE Comments1: JOHN 630-862-8053	20220672	2004 WHITEKIRK LN	53		06/29/2022
JP		001-PPS PRE-POUR, SLAB ON GRADE Comments1: PATIO -- CHEWY	20220677	405 SHADOW WOOD DR	51		06/23/2022
JP	11:00	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: 630-774-8474 GUILLERMO	20220679	652 WHITE OAK WAY	27		06/15/2022
JP		AM 001-ROF ROOF UNDERLAYMENT ICE & W Comments1: 9:30 AM -- BETTY - 224-800-6072	20220680	1005 SUNSET AVE	62		06/16/2022
JP		AM 001-PPS PRE-POUR, SLAB ON GRADE Comments1: JOHN 815-301-7268	20220681	2032 WHITEKIRK LN	48		06/30/2022
BF		001-PPS PRE-POUR, SLAB ON GRADE Comments1: MARIA -- 630-270-8238	20220682	3171 JUSTICE DR	699		06/24/2022
GH		PM 001-PHF POST HOLE - FENCE Comments1: ADAM 630-297-3572	20220686	509 W DOLPH ST			06/24/2022
JP		PM 001-PHF POST HOLE - FENCE Comments1: MONICA 630-327-7066	20220689	2295 LAVENDER WAY	72		06/29/2022
JP	11:00	001-PHF POST HOLE - FENCE Comments1: BONNIE 815-255-2130 CANCELLED	20220692	903 A FAWN RIDGE CT.		06/28/2022	
JP		AM 002-PHF POST HOLE - FENCE Comments1: ACOSTA 815-255-2130					06/29/2022
JP		001-FIN FINAL INSPECTION Comments1: SIDING EXPERT ROOFING AIVA 847-532-3785	20220708	1301 EVERGREEN LN	166		06/17/2022
JP		AM 001-ROF ROOF UNDERLAYMENT ICE & W	20220716	1104 SUNSET AVE	49		06/27/2022
JP		AM 001-PPS PRE-POUR, SLAB ON GRADE Comments1: 331-717-8254	20220721	520 MANCHESTER LN	390		06/17/2022
PR		001-RFR ROUGH FRAMING Comments1: CHRIS 630-688-0331	20220729	2078 ABERDEEN CT	103		06/22/2022
PR		002-REL ROUGH ELECTRICAL					06/22/2022

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ID: PT4A0000.WOW

UNITED CITY OF YORKVILLE  
CALLS FOR INSPECTION REPORT

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INSPECTIONS SCHEDULED FROM 06/01/2022 TO 06/30/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
PR	_____	003-PLR PLUMBING - ROUGH					06/22/2022
PR	_____	004-INS INSULATION					06/22/2022
GH	_____ AM	001-PHD POST HOLE - DECK Comments1: CARMELLA 630-364-0224	20220734	26 GAWNE LN			06/24/2022
BC	_____ AM	001-PPS PRE-POUR, SLAB ON GRADE Comments1: DRIVEWAY -- MIKE 815-378-4299	20220736	207 W VAN EMMON			06/22/2022
JP	11:30	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: PARTIAL MARIO 630-210-2258	20220737	2273 CRYDER CT	434	06/28/2022	
PR	08:00	002-ROF ROOF UNDERLAYMENT ICE & W Comments1: PARTIAL -- MARIO -- 630-210-2258					06/29/2022
JP	08:00	003-ROF ROOF UNDERLAYMENT ICE & W Comments1: PARTIAL -- SENDING PIC OF NORTH SIDE OF Comments2: GARAGE					06/30/2022
JP	_____	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: WENT AND NOTHING HAS BEEN STARTED	20220746	406 WOODWORTH ST		06/29/2022	
BC	_____ PM	001-PPS PRE-POUR, SLAB ON GRADE Comments1: CHUY 630-330-7580 PATIO	20220751	2464 JUSTICE CT	622		06/22/2022
JP	11:00	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: AUSTIN 815-280-8501	20220754	831 HAMPTON LANE			06/28/2022
JP	09:30	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: NEW HORIZON EDGAR 224-587-6429	20220757	373 PENSACOLA ST	1149		06/30/2022
JP	_____ AM	001-PHF POST HOLE - FENCE Comments1: LATE AM -- CLASSIC -- 630-551-3400	20220764	664 DENISE CT	38		06/27/2022
BC	_____ AM	001-OCC OCCUPANCY INSPECTION Comments1: OCCUPANCY -- YANOS 630-303-1467 -- SEE I Comments2: NSPECTION REPORT	20220765	227 HEUSTIS ST			06/29/2022
JP	_____ AM	001-ROF ROOF UNDERLAYMENT ICE & W Comments1: 10-11 AM ESTEBEN 630-392-5447	20220772	1921 BANBURY AVE	21		06/27/2022
JP	_____ AM	001-PHF POST HOLE - FENCE Comments1: LATE AM -- CLASSIC- 630-551-3400	20220778	1732 COLUMBINE CT	15		06/30/2022
GH	_____ PM	001-PPS PRE-POUR, SLAB ON GRADE Comments1: GNT CONC GUS 331-717-8254 PATIO & WALK	20220785	2046 INGEMUNSON LN	142		06/28/2022

DATE: 07/01/2022  
TIME: 09:43:36  
ID: PT4A0000.WOW

UNITED CITY OF YORKVILLE  
CALLS FOR INSPECTION REPORT

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INSPECTIONS SCHEDULED FROM 06/01/2022 TO 06/30/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
-----							
PERMIT TYPE SUMMARY:		ADD ADDITION			2		
		AGP ABOVE-GROUND POOL			13		
		BDO COMMERCIAL BUILD-OUT			3		
		BSM BASEMENT REMODEL			16		
		CCO COMMERCIAL OCCUPANCY PERMIT			5		
		COM COMMERCIAL BUILDING			3		
		CRM COMMERCIAL REMODEL			21		
		DCK DECK			22		
		DRV DRIVEWAY			6		
		ESN ELECTRIC SIGN			1		
		FNC FENCE			35		
		GEN STAND BY GENERATOR			1		
		IGP IN-GROUND POOL			1		
		MSC MISCELLANEOUS			15		
		PRG PERGOLA			1		
		PTO PATIO / PAVERS			43		
		REM REMODEL			4		
		REP REPAIR			4		
		ROF ROOFING			32		
		SDW SIDEWALK			3		
		SFA SINGLE-FAMILY ATTACHED			224		
		SFD SINGLE-FAMILY DETACHED			428		
		SID SIDING			1		
		SOL SOLAR PANELS			17		
		WHR WATER HEATER REPLACEMENT			1		
		WIN WINDOW REPLACEMENT			4		
INSPECTION SUMMARY:		ABC ABOVE CEILING			1		
		ADA ADA ACCESSIBLE WALK WAY			13		
		BG BASEMENT AND GARAGE FLOOR			3		
		BGS BASEMENT GARAGE STOOPS			3		
		BKF BACKFILL			18		
		BND POOL BONDING			3		
		BSM BASEMENT FLOOR			14		
		EDA ENGINEERING - DRIVEWAY APRON			6		
		EFL ENGINEERING - FINAL INSPECTION			84		
		EPW ENGINEERING- PUBLIC WALK			15		
		ESW ENGINEERING - SEWER / WATER			8		
		FEL FINAL ELECTRIC			41		
		FIN FINAL INSPECTION			71		
		FMC FINAL MECHANICAL			31		
		FOU FOUNDATION			24		
		FTG FOOTING			27		
		GAR GARAGE FLOOR			12		
		GPL GREEN PLATE INSPECTION			10		
		HYD HYDRO TEST			4		
		INS INSULATION			29		

DATE: 07/01/2022  
TIME: 09:43:36  
ID: PT4A0000.WOW

UNITED CITY OF YORKVILLE  
CALLS FOR INSPECTION REPORT

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INSPECTIONS SCHEDULED FROM 06/01/2022 TO 06/30/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
		OCC OCCUPANCY INSPECTION			5		
		PHD POST HOLE - DECK			11		
		PHF POST HOLE - FENCE			28		
		PLF PLUMBING - FINAL OSR READY			39		
		PLR PLUMBING - ROUGH			39		
		PLU PLUMBING - UNDERSLAB			28		
		PPS PRE-POUR, SLAB ON GRADE			57		
		PWK PRIVATE WALKS			2		
		REI REINSPECTION			29		
		REL ROUGH ELECTRICAL			40		
		RFR ROUGH FRAMING			45		
		RMC ROUGH MECHANICAL			34		
		ROF ROOF UNDERLAYMENT ICE & WATER			24		
		SEW SEWER INSPECTION			5		
		STK STACK TEST			1		
		STP STOOP			23		
		SUM SUMP			10		
		TRN TRENCH - (GAS, ELECTRIC, ETC)			6		
		UGE UNDERGROUND ELECTRIC			2		
		WAT WATER			11		
		WK SERVICE WALK			18		
		WKS PUBLIC & SERVICE WALKS			28		
		WSS WATER & STORM SEWER			4		
INSPECTOR SUMMARY:		BC BOB CREADEUR			191		
		BF B&F INSPECTOR CODE SERVICE			116		
		BKF BRISTOL KENDALL FIRE DEPT			2		
		ED ERIC DHUSE			6		
		GH GINA HASTINGS			235		
		JP JOHN PETRAGALLO			75		
		OFD OSWEGO MIRE MARSHAL			4		
		PBF BF PLUMBING INSPECTOR			110		
		PR PETER RATOS			76		
		PWK PUBLIC WORKS			2		
		TS TOM SOELKE			89		
STATUS SUMMARY:	A	JP			1		
	A	PR			15		
	C	BC			15		
	C	BF			7		
	C	BKF			1		
	C	ED			2		
	C	GH			48		
	C	JP			16		
	C	PBF			20		
	C	PR			1		



DATE: 07/01/2022  
TIME: 09:43:36  
ID: PT4A0000.WOW

UNITED CITY OF YORKVILLE  
CALLS FOR INSPECTION REPORT

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INSPECTIONS SCHEDULED FROM 06/01/2022 TO 06/30/2022

INSPECTOR	TIME	TYPE OF INSPECTION	PERMIT	ADDRESS	LOT	SCHED. DATE	COMP. DATE
		C	TS		53		
		I	BC		170		
		I	BF		109		
		I	BKF		1		
		I	ED		1		
		I	GH		164		
		I	JP		58		
		I	OFD		4		
		I	PBF		85		
		I	PR		59		
		I	PWK		1		
		I	TS		10		
		T	BC		6		
		T	ED		3		
		T	GH		23		
		T	PBF		5		
		T	PR		1		
		T	PWK		1		
		T	TS		26		

REPORT SUMMARY: 906



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 2022-50

### Agenda Item Summary Memo

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

**Meeting and Date:** Economic Development Committee – August 2, 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:

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\_\_\_\_\_



# Memorandum

To: Economic Development Committee  
From: Pete Ratos, Code Official  
CC: Bart Olson, Krysti Barksdale-Noble, Jori Behland  
Date July 1, 2022  
Subject: June Property Maintenance

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## Property Maintenance Report June 2022

There were 12 cases heard in June 2022.

### 6/13/2022

N 5817	451 Honeysuckle Ln	Working Without Permit	Liabe \$750
N 3549	451 Honeysuckle Ln	Unauthorized Tampering	Liabe \$750
N 3550	451 Honeysuckle Ln	Unlawful Continuance	Liabe \$750
N 5818	307 Illini Dr	Roofs Drainage	Liabe \$500

### 6/20/2022

N 5819	2397 Sumac Dr	Weeds	Dismissed
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### 6/27/2022

N 5820	906 N Carly Cir	Weeds	Dismissed
N 5821	983 S Carly Cir	Weeds	Dismissed
N 5822	1023 S Carly Cir	Weeds	Dismissed
N 5823	2192 Henning Ln	Weeds	Dismissed
N 5824	555 Bluestem Dr	Weeds	Liabe \$500
N 5825	363 Windham Cir	Weeds	Dismissed
N 5851	363 Windham Cir	Offensive Condition	Dismissed



## Case Report

06/01/2022 - 06/30/2022

Case #	Case Date	ADDRESS OF COMPLAINT	TYPE OF VIOLATION	STATUS	VIOLATION LETTER SENT	FOLLOW UP STATUS	CITATION ISSUED	DATE OF HEARING	POSTED
20220235	6/30/2022	3156 Justice Dr	Watering Restrictions	IN VIOLATION					
20220234	6/30/2022	2864 Alden Ave	Watering Restrictions	IN VIOLATION					
20220233	6/30/2022	2505 Lyman Loop	Watering Restrictions	IN VIOLATION					
20220232	6/30/2022	1242 Hawk Hollow Dr	Watering Restrictions	IN VIOLATION					
20220231	6/30/2022	1232 Hawk Hollow Dr	Watering Restrictions	IN VIOLATION					
20220230	6/30/2022	568 Manchester Ln	Watering Restrictions	IN VIOLATION					
20220229	6/30/2022	556 Manchester Ln	Watering Restrictions	IN VIOLATION					
20220228	6/30/2022	546 Coach Rd	Watering Restrictions	IN VIOLATION					
20220227	6/30/2022	1521 Orchid	Watering Restrictions	IN VIOLATION					
20220226	6/30/2022	1082 Spring St	Watering Restrictions	IN VIOLATION					
20220225	6/30/2022	3146 Matlock Dr	Watering Restrictions	IN VIOLATION					
20220224	6/30/2022	1315 E Spring St	Watering Restrictions	IN VIOLATION					
20220223	6/29/2022	1331 E Spring St	Watering Restrictions	IN VIOLATION					
20220222	6/29/2022	2491 Anna Maria Ln	Watering Restrictions	IN VIOLATION					
20220221	6/29/2022	567 Coach	Watering Restrictions	IN VIOLATION					
20220220	6/29/2022	3183 Matlock Dr	Watering Restrictions	IN VIOLATION					
20220219	6/29/2022	1722 Callander tr	Watering Restrictions	IN VIOLATION					
20220218	6/29/2022	2068 Whitekirk Ln	Watering Restrictions	IN VIOLATION					
20220217	6/29/2022	223 Leisure St	Home Occupancy Regulations	IN VIOLATION					
20220216	6/28/2022	3176 Matlock Dr	Watering Restrictions	IN VIOLATION					

20220215	6/28/2022	2122 Whitekirk Ln	Watering Restrictions	IN VIOLATION					
20220214	6/28/2022	2112 Whitekirk Ln	Watering Restrictions	IN VIOLATION					
20220213	6/28/2022	2078 Whitekirk	Grass/Weeds Height	IN VIOLATION					
20220212	6/28/2022	231 Greenbriar Rd	Grass/Weeds Height	CLOSED		COMPLIANT			
20220211	6/27/2022	703 Clover Ct	Grass/Weeds Height	IN VIOLATION					6/27/2022
20220210	6/27/2022	3012 McLellan Blvd	Watering Restrictions	IN VIOLATION					
20220209	6/27/2022	3063 Grande Tr	Watering Restrictions	IN VIOLATION					
20220208	6/27/2022	1981 Wren Rd	Watering Restrictions	IN VIOLATION					
20220207	6/24/2022	2266 RICHMOND AVE	WATERING RESTRICTIONS	IN VIOLATION					
20220206	6/24/2022	2061 COUNTRY HILLS DR	WATERING RESTRICTIONS	IN VIOLATION					
20220205	6/24/2022	2162 WHITEKIRK LN	WATERING RESTRICTIONS	IN VIOLATION					
20220204	6/24/2022	2909 OLD GLORY DR	WATERING RESTRICTIONS	IN VIOLATION					
20220203	6/24/2022	831 HAMPTON LN	WATERING RESTRICTIONS	IN VIOLATION					
20220202	6/24/2022	2867 ALDEN AVE	WATERING RESTRICTIONS	IN VIOLATION					
20220201	6/24/2022	2867 CRYDER WAY	WATERING RESTRICTIONS	IN VIOLATION					
20220200	6/24/2022	2899 CRYDER WAY	WATERING RESTRICTIONS	IN VIOLATION					
20220199	6/24/2022	4807 Millbrook Cir	Watering Restrictions	IN VIOLATION					
20220198	6/23/2022	2058 Squire Cir	Watering Restrictions	IN VIOLATION					
20220197	6/23/2022	2024 Squire Cir	Watering Restrictions	IN VIOLATION					
20220196	6/23/2022	2504 Lyman Loop	Watering Restrictions	IN VIOLATION					

20220195	6/23/2022	2898 Rood	Watering Restrictions	IN VIOLATION	1/1/1900		1/1/1900	1/1/1900	1/1/1900
20220194	6/23/2022	2972 Old Glory	Watering Restrictions	IN VIOLATION					
20220193	6/22/2022	2823 Cryder Way	Grass/Weeds Height	IN VIOLATION					6/22/2022
20220192	6/22/2022	2811 Cryder Way	Grass/Weeds Height	IN VIOLATION					6/22/2022
20220191	6/22/2022	2286 Cryder Ct	Grass/Weeds Height	IN VIOLATION					6/22/2022
20220190	6/22/2022	2954 Old Glory	Watering Restrictions	CLOSED		COMPLIANT			
20220189	6/22/2022	2892 Rood St	Watering Restrictions	CLOSED		COMPLIANT			
20220188	6/22/2022	722 Omaha Dr	Watering Restrictions	CLOSED		COMPLIANT			
20220187	6/22/2022	1153 Taus Cir	Watering Restrictions	CLOSED		COMPLIANT			
20220186	6/22/2022	1082 Grace Dr	Watering Restrictions	CLOSED		COMPLIANT			
20220185	6/21/2022	547 Coach Rd	Watering Restrictions	IN VIOLATION					
20220184	6/21/2022	2868 Alden Ave	Watering Restrictions	IN VIOLATION					
20220183	6/21/2022	2878 Old Glory Dr	Watering Restrictions	IN VIOLATION					
20220182	6/21/2022	3122 Matlock Dr	Watering Restrictions	IN VIOLATION					
20220181	6/21/2022	104 Apple Tree Ct	Grass/Weeds Height	CLOSED		COMPLIANT			
20220180	6/21/2022	2168 Hearthstone Ave	Grass/Weeds Height	CLOSED		COMPLIANT			
20220179	6/21/2022	2066 Kingsmill Ct	Grass/Weeds Height	CLOSED		COMPLIANT			6/21/2022
20220178	6/20/2022	2204 Kingsmill St	Grass/Weeds Height	CLOSED		COMPLIANT			6/20/2022
20220177	6/17/2022	451 Parkside Ln	Watering Restrictions	IN VIOLATION					
20220176	6/17/2022	2561 Anna Maria Ln	Water Restrictions	CLOSED		COMPLIANT			
20220175	6/17/2022	501 Windett Ridge	Watering Restrictions	CLOSED		COMPLIANT			
20220174	6/16/2022	106 W Kendall Dr	Occupancy/Grass/Weeds Height	CLOSED		COMPLIANT			
20220173	6/16/2022	2881 Alden Ave	Watering Restrictions	CLOSED		COMPLIANT			
20220172	6/15/2022	2093 INGEMUNSON	Dead Trees	CLOSED		COMPLIANT			

20220171	6/15/2022	2252 Richmond Ave	Water Restrictions	CLOSED		COMPLIANT			
20220170	6/15/2022	2161 Country Hills Dr	Water Restrictions	CLOSED		COMPLIANT			
20220169	6/15/2022	Parcel # 02-33-155-006 (Next to 206	Fence Maintenance	CLOSED	6/17/2022	COMPLIANT			
20220168	6/14/2022	1737 John St	Grass/Weeds Height	CLOSED		COMPLIANT			
20220167	6/14/2022	106 Kendall Dr	Grass/Weeds Height	CLOSED		COMPLIANT			
20220166	6/10/2022	1301 Evergreen Ln	Working w/o Permit	CLOSED		COMPLIANT			
20220165	6/13/2022	308 Ryan Ct	Grass & Weeds	CLOSED		COMPLIANT			
20220164	6/13/2022	203 Center Pkwy	Fence Maint/Pool Enclosure/Weeds/ Grass Height	CLOSED		COMPLIANT			
20220163	6/13/2022	314 Blackberry Ln	Backyard Chickens with- in City Limits	CLOSED		COMPLIANT			
20220162	6/13/2022	356 Bertram Dr	Grass/Weeds Height	CLOSED		COMPLIANT			
20220161	6/13/2022	YORKVILLE	GARBAGE	CLOSED		COMPLIANT			
20220160	6/13/2022	2201 Country Hills Dr	Watering Outside of Allowed Hours	IN VIOLATION					
20220159	6/13/2022	2033 Whitekirk Ln	Chickens in Residential Area	IN VIOLATION					
20220158	6/10/2022	129 Commercial Dr #9	No Occupancy Permit	IN VIOLATION	6/28/2022				
20220157	6/10/2022	1602 N Bridge St	Sign Installed without Permit	CLOSED		COMPLIANT			
20220156	6/9/2022	207 W Van Emmon St	Working w/o Permit (service walks)	CLOSED		COMPLIANT			
20220155	6/8/2022	Lot 7 Blacks Addition	Weeds & Grass	IN VIOLATION					
20220154	6/8/2022	1872 Walsh Dr	Grass/Weeds Height	CLOSED		COMPLIANT			
20220153	6/8/2022	7144 Route 47	Grass & Weeds	IN VIOLATION					
20220152	6/8/2022	301 S Bridge	Grass/Weeds Height	CLOSED		COMPLIANT			
20220151	6/7/2022	544 W Barberry Cir	Weeds/Grass	CLOSED		COMPLIANT			
20220150	6/7/2022	2400 Block Anna	Grass/Weeds	CLOSED		IN VIOLATION			
20220149	6/7/2022	212 E Spring St	Fence Maintenance	IN VIOLATION					
20220148	6/6/2022	1818 A Country Hills	Stagnant Water	IN VIOLATION					

20220147	6/6/2022	506 Heustis St	Grass/Weeds Height/Open Burning	CLOSED		COMPLIANT			
20220146	6/3/2022	S/E Corner of Sycamore Rd/Rt 34	Grass/Weeds Height	CLOSED		COMPLIANT			
20220145	6/3/2022	1477 Wood Sage Ave	Weeds/Grass Height	CLOSED		COMPLIANT			
20220144	6/3/2022	2506 Lyman Loop	Grass/Weeds Height	TO BE INSPECTED					
20220143	6/3/2022	2246 Lavender Way	Grass/Weeds Height	CLOSED		COMPLIANT	6/8/2022	7/11/2022	6/2/2022
20220142	6/2/2022	544 W BARBERRY CIR	Grass/Weed Height	CLOSED		COMPLIANT			
20220141	6/2/2022	Lot 3, Prestwick	Weeds/Grass Height	IN VIOLATION	1/1/1900		1/1/1900	1/1/1900	1/1/1900
20220140	6/2/2022	Millbrook Cir - Vacant Lots	Grass/Weeds Height; Stagnant Water	IN VIOLATION					
20220139	6/2/2022	206 River Rd	Trash/Rubbish/Debris	CLOSED		COMPLIANT			
20220138	6/2/2022	110 Fox St	Grass/Weeds Height	CLOSED		COMPLIANT			
20220137	6/2/2022	1607 Cypress Ln	Trash/Rubbish/Debris	CLOSED	6/7/2022	COMPLIANT			
20220136	6/1/2022	Grand Reserve Sub	Weeds/Grass Height	CLOSED		COMPLIANT			

Total Records: 100

7/1/2022





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 2022-51

### Agenda Item Summary Memo

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

**Meeting and Date:** Economic Development Committee – August 2, 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:

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



651 Prairie Pointe Drive • Yorkville, Illinois • 60560

Phone 630-553-0843 • Mobile 630-209-7151

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

July 2022 Activity New Development:

- **Kendall Marketplace: Taco Dale.** This new business will be located on an out-lot at Kendall Marketplace immediately east of Smoothie King. Experienced restaurateur and owner Ilda Rodriguez purchased the property, and looks forward to beginning construction in 2023. Currently there are 4 Taco Dale restaurants located in the western suburbs of Chicagoland. The restaurant offers breakfast, lunch and dinner options, as well as homemade desserts, catering, and alcoholic refreshments. Learn more about Taco Dale at <https://tacodale.com/>
- **Cannonball Run: Highly Skilled Grooming.** New “Barber Lounge” opening at 664 W. Veterans Parkway in August 2022.
- **Noir Cut and Shave Club:** New barber & styling business opened at 110 E. Countryside Parkway, Suite A, opened July 2022.
- **Kendall Crossing: Coldwell Banker Real Estate Group.** Existing business expanding to take entire 4,000 square foot building at 38 Countryside Parkway. Renovations will be complete in fall 2022.
- **Heartland Center Office: Manpower.** Existing business relocating and expanding to 608 E. Veterans Parkway Suite 3. Renovations will be complete in fall 2022.
- **Downtown Yorkville: Salon Social.** Existing business located at 223 S. Bridge Street, explaining into a portion of the former Mandrake space and adding two new stylist stations. Renovations will be complete in fall 2022

July 2022 Previously Reported Updates:

- **Kendall Crossing: Burnt Barrel Social,** building a 560 square foot addition onto their existing dining room. Work has begun, it is expected to open at the end of 2022.
- **Kendall Crossing: Station One Smokehouse,** Family-owned, family-friendly, central Texas-style barbecue restaurant will open at Kendall Crossing. Permits have been applied for, and work will begin as soon as possible. The opening will take place late in late 2022. Learn more about award winning Station One Smokehouse at [www.stationonesmokehouse.com](http://www.stationonesmokehouse.com)
- **Little Fox Clubhouse:** Yorkville resident Aizabelle Manuel, will be opening an indoor 2,400 square foot children’s playground at 2645 N. Bridge Street (River North Center). Opening in August of 2022.
- **Yorkville Crossing: A/K/A Menard’s Center: Belle Tire,** Construction well underway. Opening in mid-September 2022.
- **Yorkville Crossing: A/K/A Menard’s Center: Multi-Tenant building: Noodles & Co,** Construction underway. Opening will take place in fall 2022.
- **Yorkville Crossing: A/K/A Menard’s Center: Multi-Tenant building: Pets Supply Plus.** Remodeling underway, and re-grand opening will take place in the fall.
- **Gerber Collison & Glass,** Architect, and civil are working on plans. They are planning to build and open in 2023.
- **BP and Graham’s Marketplace.** Gasoline service station with convenience store located at the northeast corner of Route 47 & Route 71. Opening in late 2023. They have applied for rezoning, and special use.
- **Chipotle Mexican Grill:** Demo is complete and construction has begun. Opening targeted for end of 2022 or early 2023.
- **Caring Hands Thrift Shop:** 4,000 square foot business expansion. The store closed on July 11<sup>th</sup>. Original building will reopen mid-August, and new addition will open later in 2022.
- **Second Chance Cardiac Solutions** – This Yorkville business is relocating from their former location on Garden Street to the office space in the Williams Group building. Opening early August 2022.
- **Iconic Coffee Shop-** Yorkville resident, Laura Intrain, will open this new café in 750 square feet at 109 S. Bridge (The Williams Group). Opening mid-August 2022.
- **Fox’s Den Meadery:** Yorkville resident, Enrico “Rico” Bianchi, is preparing the space at in the 101 S. Bridge, redevelopment (The Williams Group). This business will make “Mead Wine” and is considered a micro-winery. Production will begin in Late summer, and tasting room open in early 2023.
- **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. Remodeling the space as begun. Opening in late 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 checked="" type="checkbox"/>
City Administrator	<input checked="" type="checkbox"/>
Purchasing Manager	<input type="checkbox"/>
Community Development	<input checked="" type="checkbox"/>
Police	<input type="checkbox"/>
Public Works	<input type="checkbox"/>
Parks and Recreation	<input type="checkbox"/>

Agenda Item Number

New Business #5

Tracking Number

EDC 2022-52

### Agenda Item Summary Memo

**Title:** Caledonia – Phase 3 (Final Plat)

**Meeting and Date:** Economic Development Committee – August 2, 2022

**Synopsis:** Proposed Final Plat of Subdivision of Phase 3 in the Caledonia Subdivision

#### Council Action Previously Taken:

Date of Action: \_\_\_\_\_ Action Taken: \_\_\_\_\_

Item Number: PZC 2022-16

**Type of Vote Required:** Majority

**Council Action Requested:** Vote

**Submitted by:** Krysti J. Barksdale-Noble, AICP

Community Development

Name

Department

#### Agenda Item Notes:

See attached memorandum.

*Have a question or comment about this agenda item?*

*Call us Monday-Friday, 8:00am to 4:30pm at 630-553-4350, email us at [agendas@yorkville.il.us](mailto:agendas@yorkville.il.us), post at [www.facebook.com/CityofYorkville](https://www.facebook.com/CityofYorkville), tweet us at @CityofYorkville, and/or contact any of your elected officials at [http://www.yorkville.il.us/gov\\_officials.php](http://www.yorkville.il.us/gov_officials.php)*

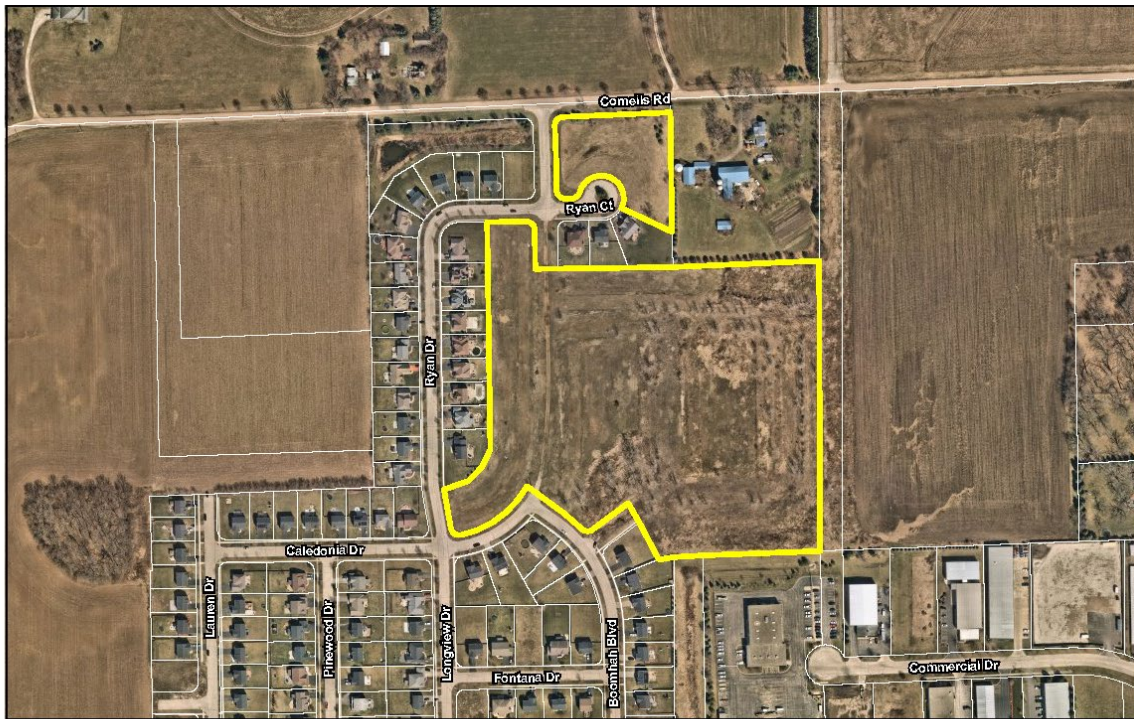


# Memorandum

To: Economic Development Committee  
From: Krysti J. Barksdale-Noble, Community Development Director  
CC: Bart Olson, City Administrator  
Brad Sanderson, EEI, City Engineer  
Date: July 12, 2022  
Subject: **PZC 2022-16 Caledonia – Phase 3 (Final Plat of Subdivision)**  
Proposed Final Plat Approval for 61 Single-Family Lots

## Summary:

The petitioner, John McFarland, on behalf of CalAtlantic Group, LLC, is seeking Final Plat approval to subdivide two (2) undeveloped parcels totaling approximately 22.77 into 62 lots consisting of 61 single-family units and a 37,809-square foot open pace lot in Caledonia – Phase 3. The proposed Final Plat would complete the buildout of the overall master planned subdivision of 206 single family detached residential lots.



## **Caledonia Phase 3 Location**

United City of Yorkville, Illinois  
July 12, 2022



## Development Background/Request:

In November 2004, the City approved a planned unit development (PUD) agreement via Ordinance No. 2003-72 and 2003-72A for the Caledonia subdivision. The Caledonia subdivision is generally located west of IL Rte. 47 and just south of Cornelia Road and consists of approximately 85-acres zoned R-2 Single-Family Residence as a Planned Unit Development (PUD). Master planned as a 206-lot development to be built in three (3) phases as Phase 1 (73 lots), Phase 2 (72 lots) and Phase 3 (61 lots), however only Phases 1 and 2 have been final platted. Phase 3 remains unimproved as two (2) separate parcels totaling approximately 22 acres.

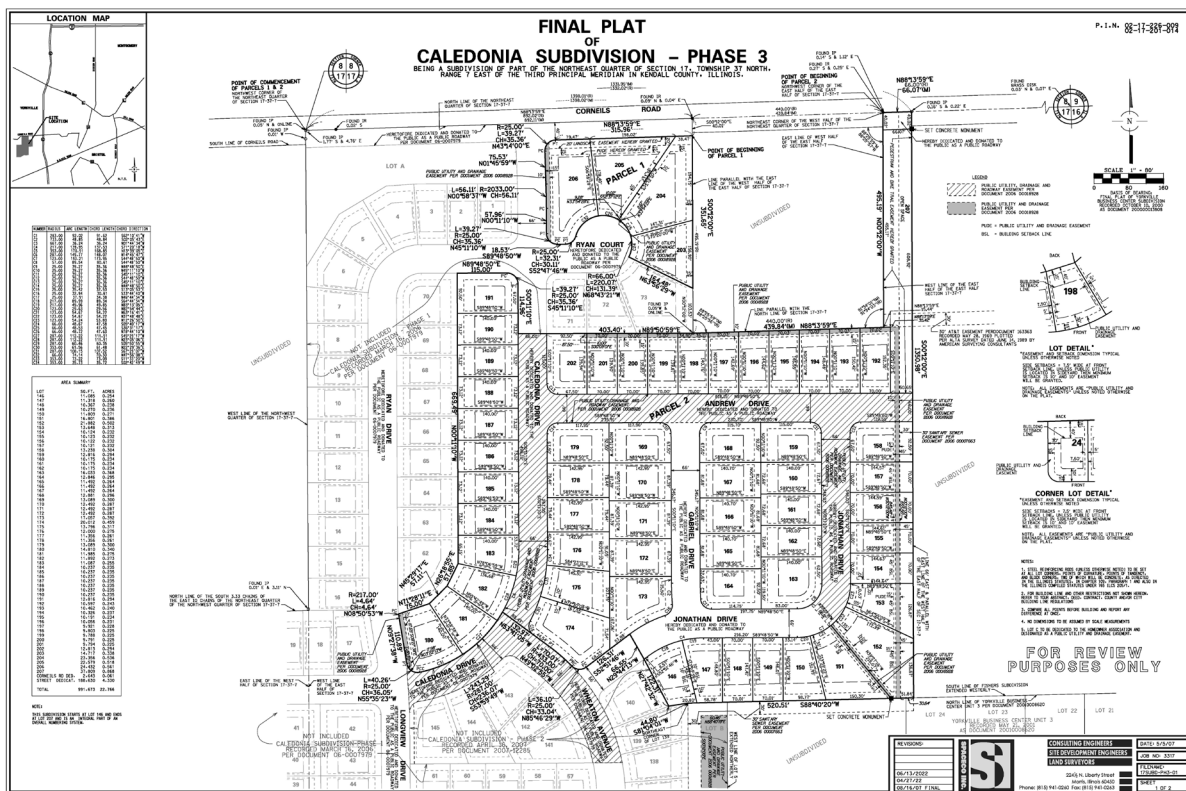
While the development stalled during the economic downturn in the late 2000's, in 2016 the successor developers requested the City reaffirm and clarify the terms of the original development

agreement with regards to developer/builder fees and obligations via Ordinance 2016-08 (attached) to position the lots for sale to interested homebuilders. The 2016 ordinance locked in reduced building permit fees until November 25, 2023, established that all parkway trees and sidewalk improvements were the responsibility of the builder, and permitted the subdivision to maintain and utilize up to three (3) offsite identification marketing signs. Additionally, Section 4 of the agreement acknowledged that a sanitary sewer connection fee of \$2,000 is due upon building permit issuance for each residential unit to pay for the remaining unpaid balance for the Rob Roy Interceptor. A dormant special service area (SSA 2016-1) was also established in 2016 to ensure the open spaces and common areas of the Caledonia subdivision is maintained should the existing homeowner's association defaults.

All public infrastructure such as streets, stormwater management systems, water mains and other utilities were subsequently constructed and a majority of the lots within the platted portion of the subdivision were built upon by a successor builder. As of June 2022, approximately five (5) single family lots remain vacant in Phases 1 and 2. Therefore, the final phase of Caledonia is under contract by CalAtlantic Group to complete the subdivision as planned.

### **Proposed Final Plat of Resubdivision:**

The proposed Final Plat of Subdivision for Caledonia – Phase 3 was prepared by Spaceco, Inc., date last revised 06-13-2022, illustrates the proposed 61 single-family lots and open space lot, as seen below:



This matter was discussed at the July 14, 2022 Plan Council meeting and is scheduled for the August 10, 2022 Planning and Zoning Commission meeting. Final City Council consideration of the requested Final Plat Amendment is proposed for August 23, 2022. Should you have any questions regarding this matter; staff will be available at Tuesday night's meeting.

**Attachments:**

1. Copy of Petitioner's Application
2. Final Plat of Caledonia Subdivision -Phase 3 prepared by Spaceco, Inc. date last revised 06/13/22.
3. Plan Council Packet for July 14, 2022
4. EEI Letter to the City dated June 7, 2022
5. Ordinance 2016-08



[illegible]



United City of Yorkville  
800 Game Farm Road  
Yorkville, Illinois, 60560  
Telephone: 630-553-4350  
Fax: 630-553-7575  
Website: [www.yorkville.il.us](http://www.yorkville.il.us)

## APPLICATION FOR FINAL PLAT/REPLAT

<b>ATTORNEY INFORMATION</b>	
NAME:	COMPANY:
MAILING ADDRESS:	
CITY, STATE, ZIP:	TELEPHONE:
EMAIL:	FAX:
<b>ENGINEER INFORMATION</b>	
NAME: Jason Wiesbrock	COMPANY: Space Co.
MAILING ADDRESS: 224 1/2 N. Liberty St.	
CITY, STATE, ZIP: Morris, IL	TELEPHONE: 815-941-0260
EMAIL: <a href="mailto:jwiesbrock@spacecoinc.com">jwiesbrock@spacecoinc.com</a>	FAX: 815-941-0263
<b>LAND PLANNER/SURVEYOR INFORMATION</b>	
NAME: Jason Wiesbrock	COMPANY: Space Co.
MAILING ADDRESS: 224 1/2 N. Liberty St.	
CITY, STATE, ZIP: Morris, IL 60450	TELEPHONE: 815-941-0260
EMAIL: <a href="mailto:jwiesbrock@spacecoinc.com">jwiesbrock@spacecoinc.com</a>	FAX: 815-941-0263
<b>ATTACHMENTS</b>	
Petitioner must attach a legal description of the property to this application and title it as "Exhibit A".	
<b>AGREEMENT</b>	
<p>I VERIFY THAT ALL THE INFORMATION IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND AND ACCEPT ALL REQUIREMENTS AND FEES AS OUTLINED AS WELL AS ANY INCURRED ADMINISTRATIVE AND PLANNING CONSULTANT FEES WHICH MUST BE CURRENT BEFORE THIS PROJECT CAN PROCEED TO THE NEXT SCHEDULED COMMITTEE MEETING.</p> <p>I UNDERSTAND ALL OF THE INFORMATION PRESENTED IN THIS DOCUMENT AND UNDERSTAND THAT IF AN APPLICATION BECOMES DORMANT IT IS THROUGH MY OWN FAULT AND I MUST THEREFORE FOLLOW THE REQUIREMENTS OUTLINED ABOVE.</p>	
<p><u>John McFarland</u> 4/26/22 John McFarland / Lennar Corporation / Cat PETITIONER SIGNATURE</p> <p>OWNER HEREBY AUTHORIZES THE PETITIONER TO PURSUE THE APPROPRIATE ENTITLEMENTS ON THE PROPERTY.</p> <p><u>[Signature]</u> 4/27/22 Ben Henry and Renee of direction OWNER SIGNATURE holder of title holding / Mrs. Most</p>	





United City of Yorkville  
800 Game Farm Road  
Yorkville, Illinois, 60560  
Telephone: 630-553-4350  
Fax: 630-553-7575  
Website: [www.yorkville.il.us](http://www.yorkville.il.us)

# APPLICATION FOR FINAL PLAT/REPLAT

## ATTORNEY INFORMATION

NAME: COMPANY:

MAILING ADDRESS:

CITY, STATE, ZIP: TELEPHONE:

EMAIL: FAX:

## ENGINEER INFORMATION

NAME: Jason Wiesbrock COMPANY: Space Co.

MAILING ADDRESS: 224 1/2 N. Liberty St.

CITY, STATE, ZIP: Morris, IL TELEPHONE: 815-941-0260

EMAIL: [jwiesbrock@spacecoinc.com](mailto:jwiesbrock@spacecoinc.com) FAX: 815-941-0263

## LAND PLANNER/SURVEYOR INFORMATION

NAME: Jason Wiesbrock COMPANY: Space Co.

MAILING ADDRESS: 224 1/2 N. Liberty St.

CITY, STATE, ZIP: Morris, IL 60450 TELEPHONE: 815-941-0260

EMAIL: [jwiesbrock@spacecoinc.com](mailto:jwiesbrock@spacecoinc.com) FAX: 815-941-0263


## ATTACHMENTS

Petitioner must attach a legal description of the property to this application and title it as "Exhibit A".

## AGREEMENT

I VERIFY THAT ALL THE INFORMATION IN THIS APPLICATION IS TRUE TO THE BEST OF MY KNOWLEDGE. I UNDERSTAND AND ACCEPT ALL REQUIREMENTS AND FEES AS OUTLINED AS WELL AS ANY INCURRED ADMINISTRATIVE AND PLANNING CONSULTANT FEES WHICH MUST BE CURRENT BEFORE THIS PROJECT CAN PROCEED TO THE NEXT SCHEDULED COMMITTEE MEETING.

I UNDERSTAND ALL OF THE INFORMATION PRESENTED IN THIS DOCUMENT AND UNDERSTAND THAT IF AN APPLICATION BECOMES DORMANT IT IS THROUGH MY OWN FAULT AND I MUST THEREFORE FOLLOW THE REQUIREMENTS OUTLINED ABOVE.

 4/26/22 John McFarland / Lennar Corporation / C<sub>2</sub>  
PETITIONER SIGNATURE

OWNER HEREBY AUTHORIZES THE PETITIONER TO PURSUE THE APPROPRIATE ENTITLEMENTS ON THE PROPERTY.

OWNER SIGNATURE



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Yorkville, Illinois, 60560  
Telephone: 630-553-4350  
Fax: 630-553-7575  
Website: www.yorkville.il.us

## APPLICANT DEPOSIT ACCOUNT/ ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

PROJECT NAME:	FUND ACCOUNT NUMBER:	PROPERTY ADDRESS: Cornelis Road and Caledonia Avenue
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### PETITIONER DEPOSIT ACCOUNT FUND:

It is the policy of the United City of Yorkville to require any petitioner seeking approval on a project or entitlement request to establish a Petitioner Deposit Account Fund to cover all actual expenses occurred as a result of processing such applications and requests. Typical requests requiring the establishment of a Petitioner Deposit Account Fund include, but are not limited to, plan review of development approvals/engineering permits. Deposit account funds may also be used to cover costs for services related to legal fees, engineering and other plan reviews, processing of other governmental applications, recording fees and other outside coordination and consulting fees. Each fund account is established with an initial deposit based upon the estimated cost for services provided in the **INVOICE & WORKSHEET PETITION APPLICATION**. This initial deposit is drawn against to pay for these services related to the project or request. Periodically throughout the project review/approval process, the Financially Responsible Party will receive an invoice reflecting the charges made against the account. At any time the balance of the fund account fall below ten percent (10%) of the original deposit amount, the Financially Responsible Party will receive an invoice requesting additional funds equal to one-hundred percent (100%) of the initial deposit if subsequent reviews/fees related to the project are required. In the event that a deposit account is not immediately replenished, review by the administrative staff, consultants, boards and commissions may be suspended until the account is fully replenished. If additional funds remain in the deposit account at the completion of the project, the city will refund the balance to the Financially Responsible Party. A written request must be submitted by the Financially Responsible Party to the city by the 15th of the month in order for the refund check to be processed and distributed by the 15th of the following month. All refund checks will be made payable to the Financially Responsible Party and mailed to the address provided when the account was established.

### ACKNOWLEDGMENT OF FINANCIAL RESPONSIBILITY

NAME: John McFarland

COMPANY: Lennar Corporation / Calatlantic, LLC

MAILING ADDRESS: 1700 E. Golf Road Suite 1100

CITY, STATE, ZIP: Schaumburg, IL 60173

TELEPHONE: 773-593-9493

EMAIL: john.mcfarland@lennar.com

FAX:

### FINANCIALLY RESPONSIBLE PARTY:

I acknowledge and understand that as the Financially Responsible Party, expenses may exceed the estimated initial deposit and, when requested by the United City of Yorkville, I will provide additional funds to maintain the required account balance. Further, the sale or other disposition of the property does not relieve the individual or Company/Corporation of their obligation to maintain a positive balance in the fund account, unless the United City of Yorkville approves a Change of Responsible Party and transfer of funds. Should the account go into deficit, all City work may stop until the requested replenishment deposit is received.

John McFarland

Entitlements Manager

PRINT NAME

TITLE

SIGNATURE\*

DATE

*\*The name of the individual and the person who signs this declaration must be the same. If a corporation is listed, a corporate officer must sign the declaration (President, Vice-President, Chairman, Secretary or Treasurer)*

### INITIAL ENGINEERING/LEGAL DEPOSIT TOTALS

#### ENGINEERING DEPOSITS:

Up to one (1) acre	\$5,000
Over one (1) acre, but less than ten (10) acres	\$10,000
Over ten (10) acres, but less than forty (40) acres	\$15,000
Over forty (40) acres, but less than one hundred (100)	\$20,000
In excess of one hundred (100.00) acres	\$25,000

#### LEGAL DEPOSITS:

Less than two (2) acres	\$1,000
Over two (2) acres, but less than ten (10) acres	\$2,500
Over ten (10) acres	\$5,000



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# APPLICATION FOR FINAL PLAT/REPLAT

INVOICE & WORKSHEET PETITION APPLICATION			
<b>CONCEPT PLAN REVIEW</b>	<input type="checkbox"/> Engineering Plan Review deposit	\$500.00	Total: \$
<b>AMENDMENT</b>	<input type="checkbox"/> Annexation <input type="checkbox"/> Plan <input type="checkbox"/> Plat <input type="checkbox"/> P.U.D.	\$500.00 \$500.00 \$500.00 \$500.00	Total: \$
<b>ANNEXATION</b>	<input type="checkbox"/> \$250.00 + \$10 per acre for each acre over 5 acres  _____ - 5 = _____ x \$10 = _____ + \$250 = \$ _____ # of Acres                      Acres over 5                      Amount for Extra Acres                      Total Amount		Total: \$
<b>REZONING</b>	<input type="checkbox"/> \$200.00 + \$10 per acre for each acre over 5 acres <i>If annexing and rezoning, charge only 1 per acre fee; if rezoning to a PUD, charge PUD Development Fee - not Rezoning Fee</i>  _____ - 5 = _____ x \$10 = _____ + \$200 = \$ _____ # of Acres                      Acres over 5                      Amount for Extra Acres                      Total Amount		Total: \$
<b>SPECIAL USE</b>	<input type="checkbox"/> \$250.00 + \$10 per acre for each acre over 5 acres  _____ - 5 = _____ x \$10 = _____ + \$250 = \$ _____ # of Acres                      Acres over 5                      Amount for Extra Acres                      Total Amount		Total: \$
<b>ZONING VARIANCE</b>	<input type="checkbox"/> \$85.00 + \$500.00 outside consultants deposit		Total: \$
<b>PRELIMINARY PLAN FEE</b>	<input type="checkbox"/> \$500.00		Total: \$
<b>PUD FEE</b>	<input type="checkbox"/> \$500.00		Total: \$
<b>FINAL PLAT FEE</b>	<input checked="" type="checkbox"/> \$500.00		Total: \$ 500
<b>ENGINEERING PLAN REVIEW DEPOSIT</b>	<input type="checkbox"/> Less than 1 acre <input type="checkbox"/> Over 1 acre, less than 10 acres <input checked="" type="checkbox"/> Over 10 acres, less than 40 acres <input type="checkbox"/> Over 40 acres, less than 100 acres <input type="checkbox"/> Over 100 acres	\$5,000.00 \$10,000.00 \$15,000.00 \$20,000.00 \$25,000.00	Total: \$ 15000
<b>OUTSIDE CONSULTANTS DEPOSIT</b> <i>Legal, land planner, zoning coordinator, environmental services</i>  For Annexation, Subdivision, Rezoning, and Special Use:  <input type="checkbox"/> Less than 2 acres <input type="checkbox"/> Over 2 acres, less than 10 acres <input checked="" type="checkbox"/> Over 10 acres			\$1,000.00 \$2,500.00 \$5,000.00  Total: \$ 5000
<b>TOTAL AMOUNT DUE:</b>			20,500

# Proposed Lot Areas and Dimensions

Lot Dimension Summary		Lot Area Summary		
Lot #	Diminsion	LOT	SQ. FT.	ACRES
146		146	11,085	0.254
147		147	11,318	0.260
148	70 x 147	148	10,367	0.238
149	70 x 146	149	10,270	0.236
150	70 x 152	150	11,809	0.271
151	70 x 218	151	16,801	0.386
152	70 x 173	152	21,882	0.502
153	70 x 144	153	13,648	0.313
154	70 x 144	154	10,124	0.232
155	70 x 144	155	10,123	0.232
156	70 x 144	156	10,122	0.232
157	70 x 144	157	10,121	0.232
158	92 x 144	158	13,238	0.304
159	92 x 140	159	12,816	0.294
160	72 x 140	160	10,175	0.234
161	72 x 140	161	10,175	0.234
162	72 x 140	162	10,175	0.234
163	119 x 140	163	16,033	0.368
164	92 x 140	164	12,846	0.295
165	81 x 140	165	11,492	0.264
166	81 x 140	166	11,492	0.264
167	81 x 140	167	11,492	0.264
168	92 x 140	168	12,881	0.296
169	92 x 143	169	13,089	0.300
170	87 x 143	170	12,492	0.287
171	87 x 143	171	12,492	0.287
172	87 x 143	172	12,492	0.287
173	167 x 143	173	17,057	0.392
174	140 x 167	174	20,012	0.459
175	107 x 145	175	13,796	0.317
176	91 x 143	176	12,000	0.275
177	79 x 143	177	11,356	0.261
178	79 x 143	178	11,356	0.261
179	92 x 143	179	13,089	0.300
180	75 x 140	180	14,810	0.340
181	100 x 140	181	11,985	0.275
182	100 x 140	182	11,892	0.273
183	90 x 140	183	11,087	0.255
184	73 x 140	184	10,237	0.235
185	73 x 140	185	10,237	0.235
186	73 x 140	186	10,237	0.235
187	73 x 140	187	10,237	0.235
188	73 x 140	188	10,237	0.235
189	73 x 140	189	10,237	0.235
190	73 x 140	190	10,237	0.235
191	92 x 140	191	12,816	0.294
192	70 x 152	192	10,597	0.243
193	70 x 150	193	10,462	0.240
194	70 x 148	194	10,326	0.237
195	70 x 146	195	10,191	0.234
196	70 x 144	196	10,056	0.231
197	70 x 142	197	9,921	0.228
198	70 x 140	198	9,803	0.225
199	70 x 140	199	9,768	0.225
200	70 x 140	200	9,791	0.225
201	70 x 140	201	9,794	0.225
202	92 x 140	202	12,813	0.294
203	70 x 164	203	14,717	0.338
204	70 x 233	204	23,356	0.536
205	70 x 178	205	22,579	0.518
206	70 x 178	206	24,432	0.561
		LOT C	37,809	0.868
		CORNEILS RD DED.	2,643	0.061
		STREET DEDICAT.	180,630	4.330
		TOTAL	991,673	22.766

## Exhibit A

### CALEDONIA SUBDIVISION PHASE 3 LEGAL DESCRIPTION:

#### PARCEL 1:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, ILLINOIS, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 17; THENCE NORTH 88 DEGREES 13 MINUTES 59 SECONDS EAST, ON AN ASSUMED BEARING BEING THE NORTH LINE OF SAID NORTHEAST QUARTER, 892.02 FEET RECORD, 892.11 MEASURED; THENCE SOUTH 00 DEGREES 12 MINUTES 00 SECONDS EAST PARALLEL WITH THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF SAID SECTION 17, A DISTANCE OF 40.01 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING SOUTH 00 DEGREES 12 MINUTES 00 SECONDS EAST 351.65 FEET; THENCE NORTH 63 DEGREES 56 MINUTES 29 SECONDS WEST 164.48 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE WESTERLY 220.07 FEET ALONG SAID CURVE TO THE LEFT, HAVING A RADIUS OF 66.00 FEET AND WHOSE CHORD BEARS NORTH 68 DEGREES 43 MINUTES 21 SECONDS WEST 131.39 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE SOUTHWESTERLY 32.31 FEET, ALONG SAID NON-TANGENT TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND WHOSE CHORD BEARS SOUTH 52 DEGREES 47 MINUTES 46 SECONDS WEST 30.11 FEET TO A POINT OF TANGENCY; THENCE SOUTH 89 DEGREES 48 MINUTES 50 SECONDS WEST 18.53 FEET TO A POINT OF CURVATURE; THENCE NORTHWESTERLY 39.27 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND WHOSE CHORD BEARS NORTH 45 DEGREES 11 MINUTES 10 SECONDS WEST 35.36 FEET TO A POINT OF TANGENCY; THENCE NORTH 00 DEGREES 11 MINUTES 10 SECONDS WEST 57.96 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY 56.11 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 2033.00 FEET AND WHOSE CHORD BEARS NORTH 00 DEGREES 58 MINUTES 37 SECONDS WEST 56.11 FEET; THENCE NORTH 01 DEGREES 45 MINUTES 59 SECONDS WEST, NON-TANGENT TO THE LAST DESCRIBED CURVE, 75.53 FEET TO A POINT OF CURVATURE; THENCE NORTHEASTERLY 39.27 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND WHOSE CHORD BEARS NORTH 43 DEGREES 14 MINUTES 00 SECONDS EAST 35.36 FEET TO A POINT OF TANGENCY ON A LINE LYING 40.00 FEET SOUTH OF AND PARALLEL WITH SAID NORTH LINE OF SAID NORTHEAST QUARTER;

THENCE NORTH 88 DEGREES 13 MINUTES 59 SECONDS EAST ALONG SAID PARALLEL LINE 315.96 FEET TO THE POINT OF BEGINNING,

ALSO  
PARCEL 2:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, ILLINOIS, BOUNDED AND DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 17; THENCE NORTH 88 DEGREES 13 MINUTES 59 SECONDS EAST, ON AN ASSUMED BEARING BEING THE NORTH LINE OF SAID NORTHEAST QUARTER, 1332.02 FEET RECORD, 1331.95 MEASURED TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF SAID SECTION 17, SAID POINT BEING THE POINT OF BEGINNING; THENCE CONTINUING NORTH 88 DEGREES 13 MINUTES 59 SECONDS EAST 66.07 FEET TO A POINT ON A LINE LYING 66 FEET EAST OF AND PARALLEL WITH THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF SAID SECTION 17; THENCE SOUTH 00 DEGREES 12 MINUTES 00 SECONDS EAST ALONG THE LAST DESCRIBED PARALLEL LINE 1350.98 FEET TO A POINT ON THE SOUTH LINE OF FISHERS SUBDIVISION EXTENDED WESTERLY; THENCE SOUTH 88 DEGREES 40 MINUTES 20 SECONDS WEST ALONG THE LAST DESCRIBED LINE 520.51 FEET TO THE NORTHEAST CORNER OF LOT 139 IN CALEDONIA SUBDIVISION – PHASE 2, RECORDED APRIL 16, 2007 AS DOCUMENT NUMBER 2007-12285; THENCE WESTERLY THE FOLLOWING NINE COURSES ALONG THE NORTHERLY LINE OF SAID CALEDONIA SUBDIVISION – PHASE 2: SOUTH 81 DEGREES 04 MINUTES 01 SECONDS WEST 44.80 FEET; THENCE NORTH 27 DEGREES 42 MINUTES 32 SECONDS WEST 122.31 FEET; THENCE NORTH 29 DEGREES 44 MINUTES 13 SECONDS WEST 66.55 FEET; THENCE SOUTH 52 DEGREES 51 MINUTES 46 SECONDS WEST 126.31 FEET TO A POINT OF CURVATURE; THENCE WESTERLY 36.10 FEET ALONG SAID A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND WHOSE CHORD BEARS NORTH 85 DEGREES 46 MINUTES 29 SECONDS WEST 33.04 FEET TO A POINT OF REVERSE CURVATURE; THENCE NORTHWESTERLY 70.07 FEET ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 433.00 FEET AND WHOSE CHORD BEARS NORTH 49 DEGREES 02 MINUTES 55 SECONDS WEST 70.00 FEET TO A POINT OF TANGENCY; THENCE NORTH 53 DEGREES 41 MINUTES 05 SECONDS WEST 132.97 FEET TO A POINT ON A NON-TANGENT CURVE; THENCE SOUTHWESTERLY 243.29 FEET ALONG SAID CURVE TO THE RIGHT HAVING A RADIUS OF 287.00 FEET AND WHOSE CHORD BEARS SOUTH 53 DEGREES 59 MINUTES 49 SECONDS WEST 236.07 FEET TO A POINT OF COMPOUND CURVATURE; THENCE NORTHWESTERLY 40.26 FEET ALONG A CURVE TO THE RIGHT HAVING A

RADIUS OF 25.00 FEET AND WHOSE CHORD BEARS NORTH 55 DEGREES 35 MINUTES 23 SECONDS WEST 36.05 FEET TO A POINT OF TANGENCY ON THE EASTERLY LINE OF CALEDONIA SUBDIVISION – PHASE 1, RECORDED MARCH 16, 2006 AS DOCUMENT NUMBER 06-0007979; THENCE NORTH AND EAST ALONG THE EASTERLY AND SOUTHERLY LINES OF SAID CALEDONIA SUBDIVISION – PHASE 1 THE FOLLOWING TEN COURSES: NORTH 09 DEGREES 27 MINUTES 38 SECONDS WEST 110.89 FEET TO A POINT OF CURVATURE; THENCE NORTHERLY 4.64 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 217.00 FEET AND WHOSE CHORD BEARS NORTH 08 DEGREES 50 MINUTES 53 SECONDS WEST 4.64 FEET; THENCE NORTH 71 DEGREES 28 MINUTES 11 SECONDS EAST NON-TANGENT TO THE LAST DESCRIBED CURVE 75.00 FEET; THENCE NORTH 45 DEGREES 29 MINUTES 17 SECONDS EAST 57.11 FEET; THENCE NORTH 26 DEGREES 18 MINUTES 55 SECONDS EAST 57.85 FEET; THENCE NORTH 00 DEGREES 11 MINUTES 10 SECONDS WEST 669.49 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 50 SECONDS EAST 115.00 FEET TO A POINT OF CURVATURE; THENCE SOUTHEASTERLY 39.27 FEET ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET AND WHOSE CHORD BEARS SOUTH 45 DEGREES 11 MINUTES 10 SECONDS EAST 35.36 FEET TO A POINT OF TANGENCY; THENCE SOUTH 00 DEGREES 11 MINUTES 10 SECONDS EAST 114.96 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 59 SECONDS EAST 403.40 FEET TO A POINT ON A LINE PARALLEL WITH THE NORTH LINE OF SAID SECTION 17; THENCE NORTH 88 DEGREES 13 MINUTES 59 SECONDS EAST ALONG SAID PARALLEL LINE 439.84 FEET TO A POINT ON THE EAST LINE OF THE WEST HALF OF THE EAST HALF OF SAID SECTION 17; THENCE NORTH 00 DEGREES 12 MINUTES 00 SECONDS WEST ALONG THE LAST DESCRIBED LINE 495.19 FEET TO THE POINT OF BEGINNING, ALL IN KENDALL COUNTY, ILLINOIS.

SAID PARCEL CONTAINING 991,673 SQUARE FEET OR 22.766 ACRES, MORE OR LESS.

PREPARED June 8, 2007  
SPACECO, INC., cbl

N:\DGN\3317\Survey\Legal\phase3-lgl.doc











# Memorandum

To: Plan Council  
From: Krysti Barksdale-Noble, Community Development Director  
Date: June 16, 2022  
Subject: **PZC 2022-16 Caledonia – Phase 3 (Final Plat of Subdivision)**  
Proposed Final Plat Approval for 61 Single-Family Homes

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I have reviewed the application for Final Plat of Subdivision for Caledonia – Phase 3, as submitted by John McFarland on behalf of CalAtlantic Group, LLC, Petitioner. The Final Plat Caledonia Subdivision – Phase 3 was prepared by Spaceco, Inc. and date last revised 06/13/22.

The petitioner is seeking Final Plat approval to subdivide the approximately 22.77-acre parcel into 62 lots consisting of 61 single-family units and a 37,809-square foot open space lot (Lot C or Lot 203) in Caledonia – Phase 3. Based upon my review of the applications, documents, and plans; I have compiled the following comments:

## **GENERAL PUD/ANNEXATION AGREEMENT COMMENTS:**

1. **PLANNED UNIT DEVELOPMENT (PUD)** – Per Ordinance No. 2003-72A, the subject property is currently zoned R-2 Single-Family Traditional Residence District as a Planned Unit Development (PUD).
2. **VARIATIONS**– Per Ordinance No. 2003-72, the Caledonia PUD Agreement permitted the following bulk regulation variances:
  - Lot size minimum of 9,350 sq. ft.
  - Minimum front yard setback of 30 feet.
  - Minimum rear yard setback of 40 feet.
  - Minimum side yard setback of 7.5 feet.
  - Minimum lot width of 70 feet.
  - Minimum corner lot width of 92.5 feet.
  - Minimum radius to centerlines of a minor street of 90 feet.
  - Minimum roadway width of 30 feet measured from back of curb.
  - Minimum right of way of 66 feet.
3. **BUILDING PERMIT FEES** – Per Ordinance No. 2016-08 the Clarification and Restatement of the PUD Agreement for Caledonia, the attached building permit fee schedule which is set to expire **November 25, 2023**.
4. **PARKWAY TREES & SIDEWALKS** - Per Ordinance No. 2016-08 the Clarification and Restatement of the PUD Agreement for Caledonia, the successor builder agrees that all parkway trees and sidewalk improvements required in the subdivision will be the responsibility of the builder.

5. **OFF-SITE PROJECT SIGNS** – Per Ordinance No. 2016-08 the Clarification and Restatement of the PUD Agreement for Caledonia, the subdivision is permitted to maintain and utilize up to three (3) offsite identification, marketing and location signs, subject to the following:

- Each offsite sign may be double faced.
- Each sign may not exceed twenty feet (20') in height.
- Each sign may not exceed two hundred (200) square feet in area.

**FINAL PLAT OF RESUBDIVISION COMMENTS:**

1. **DORMANT SPECIAL SERVICE AREA** – Per Ordinance No. 2016-39, the City established Special Service Area (SSA) No. 2016-1 for the certain lots within the Caledonia subdivision. The SSA was created as a backup mechanism should the maintenance, repair or reconstruction be needed of infrastructure in common areas indicated as Lot A, Lot B and Lot C.



June 7, 2022

Ms. Krysti Barksdale-Noble  
Community Development Director  
United City of Yorkville  
800 Game Farm Road  
Yorkville, IL 60560

**Re: Caledonia – Unit 3  
Final Plat of Subdivision Review  
United City of Yorkville, Kendall County, Illinois**

Dear Krysti:

We are in receipt of the following items for the above referenced project:

- Final Plat for Caledonia Subdivision – Phase 3 dated May 5, 2007 and prepared by Spaceco, Inc.

Our review of these plans is to generally determine their compliance with local ordinances and whether the improvements will conform to existing local systems and equipment. This review and our comments do not relieve the designer from his duties to conform to all required codes, regulations, and acceptable standards of engineering practice. Engineering Enterprises, Inc.'s review is not intended as an in-depth quality assurance review, we cannot and do not assume responsibility for design errors or omissions in the plans. As such, we offer the following comments:

## **General**

1. The following are required and should be provided to the City when obtained. The City and EEI should be copied on all correspondence with the agencies.
  - Confirmation of Yorkville Bristol Sanitary District approval
  - IEPA construction permits for water main and sanitary sewer
  - Subdivision Bond or Letter of Credit
2. An engineer's estimate for the public, stormwater and soil erosion control improvements should be provided. This will be used to determine the amount for the Subdivision Bond or Letter of Credit.
3. Updated engineering plans with current standards and details should be submitted for review.
4. An updated landscape plan should be submitted for review.

## **Final Plat**

5. The City Planning and Zoning certificate should be modified to say Planning and not Plan.
6. All lots shall be numbered and not lettered.

Ms. Krysti Barksdale-Noble  
June 7, 2022  
Page 2 of 2

The Developer should make the necessary revisions and re-submit plans and plat and supporting documents along with a disposition letter for further review. If you have any questions or require additional information, please contact our office.

Respectfully Submitted,

ENGINEERING ENTERPRISES, INC.

  
Bradley P. Sanderson, P.E.  
Chief Operating Officer / President

pc: Mr. Bart Olson, City Administrator (via e-mail)  
Ms. Erin Willrett, Assistant City Administrator (via e-mail)  
Mr. Jason Engberg, Senior Planner (via e-mail)  
Mr. Eric Dhuse, Director of Public Works (via e-mail)  
Mr. Pete Ratosh, Building Department (via e-mail)  
Ms. Dee Weinert, Permit Tech (via e-mail)  
Ms. Jori Behland, City Clerk (via e-mail)  
Mr. John McFarland, Lennar (via e-mail)  
Mr. Jason Wiesbrock, Spaceco, Inc. (via e-mail)  
NLS EEI (Via e-mail)





201600017021

DEBBIE  
GILLETTE  
KENDALL COUNTY, IL

RECORDED: 10/28/2016 12:06 PM  
ORDI: 59.00 RHSPS FEE: 10.00  
PAGES: 14

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

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**ORDINANCE NO. 2016-08**

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**ORDINANCE APPROVING A  
CLARIFICATION AND RESTATEMENT OF A PLANNED UNIT DEVELOPMENT  
AGREEMENT BETWEEN THE UNITED CITY OF YORKVILLE AND  
INLAND LAND APPRECIATION FUNDS, L.P.  
(Caledonia Subdivision)**

This is an amendment to Ordinance No. 2003-72 regarding a Planned Unit Development Agreement for Caledonia Subdivision recorded as Document # 200500003178 and also Ordinance No. 2003-72-A regarding the First Amendment to the Annexation Agreement and Planned Development Agreement for Caledonia Subdivision recorded as Document #200500003179

Passed by the City Council of the  
United City of Yorkville, Kendall County, Illinois  
This 12<sup>th</sup> day of January, 2016

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Prepared by and Return to:  
United City of Yorkville  
800 Game Farm Road  
Yorkville, IL 60560

Published in pamphlet form by the  
authority of the Mayor and City Council  
of the United City of Yorkville, Kendall  
County, Illinois on October 29, 2016.

**ORDINANCE APPROVING A  
CLARIFICATION AND RESTATEMENT OF A PLANNED UNIT DEVELOPMENT  
AGREEMENT BETWEEN THE UNITED CITY OF YORKVILLE AND INLAND LAND  
APPRECIATION FUNDS, L.P.**

**WHEREAS**, the United City of Yorkville, Kendall County, Illinois (the “*City*”), is a unit of local government organized under the laws of the State of Illinois and as such has authority to promote the health, safety and welfare of the City and its citizens; authority to encourage private investment in industry, business and housing in order to enhance the tax base of the City; authority to ameliorate blight; and, authority to enter into contractual agreements with third persons to achieve these purposes; and,

**WHEREAS**, in or around March 3, 2004, the United City of Yorkville entered into a Planned Unit Development Agreement (the “*Development Agreement*”) with Inland Land Appreciation Fund, L.P., (the “*Original Developer*,”) a Delaware Limited Partnership that owned and developed certain real property commonly known as the Caledonia Subdivision (the “*Subject Property*”) which agreement of which provided for the performance of specific standards for the development of the Caledonia Subdivision; and

**WHEREAS**, over a decade has passed since the execution of the Development Agreement and a majority of the parcels on the Subject Property remain undeveloped; and,

**WHEREAS**, Ziemia, LLC, an Illinois limited liability company; Romans Development Holdings, LLC, an Illinois limited liability company; and, Chicago Title and Trust Company Number 8002363609 (hereafter collectively referred to as “*Successors*”) are successors in interest to 96 parcels of property on the Subject Property (68 parcels owned by Ziemia, 28 parcels owned by Romans Development and 1 unsubdivided parcel owned by Chicago Title and Trust Company) which were previously owned by the Original Developer; and

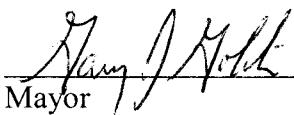
**WHEREAS,** Successors desire to proceed with the construction of single family residences on their parcels of the Subject Property in accordance with the performance standards as set forth in the Development Agreement, and Successors requested clarification of the obligations which must be satisfied by Successors; and

**WHEREAS,** the City and the Successors determined that it was necessary and in the best interest of the current and future residents of the Caledonia Subdivision to enter into a new agreement in order to clarify and restate the outstanding obligations of the parties with respect to the future development of the Subject Property; and

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and City Council of the United City of Yorkville, Kendall County, Illinois, that the Clarification and Restatement of the Planned Unit Development Agreement, by and between the City and Successors, in the form attached hereto and made a part hereof is hereby approved and the Mayor and City Clerk are hereby authorized to execute same.

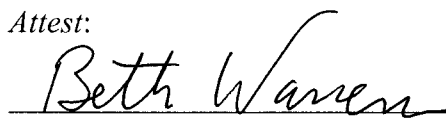
**PASSED** this 12 day of January, 2016.

**APPROVED:**

  
Mayor

AYES: 8  
NAYS: \_\_\_\_\_  
ABSENT: \_\_\_\_\_

*Attest:*

  
City Clerk



**CLARIFICATION AND RESTATEMENT OF A PLANNED UNIT DEVELOPMENT  
AGREEMENT BETWEEN THE UNITED CITY OF YORKVILLE AND INLAND LAND  
APPRECIATION FUNDS, L.P., A DELAWARE LIMITED PARTNERSHIP, OWNER AND  
DEVELOPER OF THE CALEDONIA SUBDIVISION**

**THIS CLARIFICATION AND RESTATEMENT** of a Planned Unit Development Agreement dated March 3, 2004 (hereinafter the “*Development Agreement*”), between the United City of Yorkville and Inland Land Appreciation Fund, L.P., a Delaware Limited Partnership, Owner and Developer of the Caledonia Subdivision (the “*Original Agreement*”) is hereby entered into among the United City of Yorkville (the “*City*”) and Ziemia, LLC, an Illinois limited liability (“*Ziemia*”), Romans Development Holdings, LLC, an Illinois limited company (“*Romans Development*”) and Chicago TitleLand Trust Company Trust Number 8002363609 (“*Chicago TitleLand Trust*”), successors in interest to certain parcels of property previously owned by the Original Developer (hereafter the collectively referred to as “*Successors*”) this \_\_\_\_ day of \_\_\_\_\_, 2015; and,

**WHEREAS**, in 2004, the City and the Original Developer entered into the Development Agreement which provided for specific performance standards for the development of certain real property commonly known as the Caledonia Subdivision and legally described on *Exhibit A* to the Development Agreement and comprising approximately 85.28 acres (the “*Subject Property*”); and,

**WHEREAS**, the Development Agreement also defined that the obligations of the Original Developer pursuant to the Annexation Agreement recorded against the Subject Property for a land contribution to the Yorkville Community School District #115 or cash in lieu of the land contribution; for a land dedication to the City for use as parks and open space or cash in lieu of land dedication; consent to a Special Service Area for maintenance of open space and trail areas in the event a homeowners’ association to be formed failed to do so; and, compliance with

the City Reimbursement of Consultants and Review Fee Ordinances, City School Transition Fee Ordinance, City Department Fee Ordinance and Siren Fee; and,

**WHEREAS**, over a decade has passed since the execution of the Development Agreement and while a Preliminary Plat and thereafter a Final Plat for Unit 1 and Unit 2 of the Subject Property was approved and recorded subdividing the Subject Property into 145 developable parcels, a majority of said parcels remain undeveloped; and Unit 3 remained unsubdivided but was to contain 61 developable parcels; and,

**WHEREAS**, the Successors, who jointly own 96 of the parcels (68 parcels owned by Ziemia, 27 parcels owned by Romans Development and 1 unsubdivided parcel owned by Chicago Title~~and~~ Trust) now desire to proceed with the construction of single family residences in accordance with the performance standards as set forth in the Development Agreement and have requested clarification of certain outstanding obligations which remain and must be satisfied by the Successors; and,

**WHEREAS**, the Original Developer did satisfy the City's Land/Cash Ordinance through a contribution of cash rather than a conveyance of land for a school site to the Yorkville Community School District #115 and completed the dedication of open space as required for parks pursuant to City Code; however, the cash contribution as required for park development remains outstanding; and,

**WHEREAS**, the Successors also understand that a fee is required with each building permit for the sanitary sewer system connection to the Rob Roy Interceptor and a Special Service Area (as hereinafter defined) is to be put into place to provide for the maintenance to open space and trail areas in the event the homeowners association fails to do so; and,

**WHEREAS**, the Successors have also requested the City to apply its policy of accepting components of infrastructure upon completion of construction so long as such infrastructure component can operate independently; and,

**WHEREAS**, the City and the Successors have determined that it is necessary and in the best interest of the current and future residents of the Caledonia Subdivision to enter into this Development Agreement in order to clarify and restate the outstanding obligations of the parties hereto with respect to the future development of the Subject Property.

**NOW, THEREFORE** for and in consideration of the mutual promises and covenants hereinafter set forth, the parties agree as follows:

*Section 1.* The foregoing preambles are hereby incorporated into this Development Agreement as if fully restated herein.

*Section 2.* The Successors and the City hereby agree that a payment of \$1,006.68 shall be due and payable at the time of the issuance of a building permit for any single family residence on the Subject Property in full satisfaction of the City's Land Cash Ordinance requirements for park development to serve the Caledonia Subdivision.

*Section 3.* The Successors hereby agree to consent to the creation of a Special Service Area pursuant to the Illinois Special Service Area Tax Law (35 ILCS 200/27-5 *et seq.*) in order to provide for the maintenance of open space and trail areas but only in the event the homeowners association for the Caledonia Subdivision fail to do so.

*Section 4.* The Successors hereby acknowledge that a connection fee of \$2,000.00 is due and payable upon the issuance of a building permit for each residential unit in the Caledonia Subdivision for connection of the sanitary sewer system to the Rob Roy Interceptor until the total remaining unpaid balance of One Hundred and Ninety Eight Thousand Dollars (\$198,000) is

paid in full. At the time of purchasing its parcels, Ziemia prepaid the sum of \$114,000 for 57 of its owned parcels and consequently owes and will pay the balance of \$2,000 a lot for the remaining eleven (11) lots at the time of its requesting a building permit for its first eleven parcels for a total remaining total payment of \$22,000 upon payment of which sum its obligation for the Rob Roy Interceptor connection fee shall be deemed paid in full. Roman Development will pay the balance due on its lots of \$54,000 at the rate of \$2,000 per lot for the first 27 of its parcels at the time of its requesting a building for each lot upon payment of which sum its obligation for the Rob Roy Interceptor connection fee shall be deemed paid in full. Once platted and subdivided, Chicago Titleland Trust will pay the balance due on its lots of \$122,000 at the rate of \$2,000 per lot for the first 61 of its parcels at the time of its requesting a building for each lot upon payment of which sum its obligation for the Rob Roy Interceptor connection fee shall be deemed paid in full.

*Section 5.* The City hereby agrees to apply a policy of “early acceptance” of the roadway improvements required in the Caledonia Subdivision by deviating from the Standard Specification requirements that the roadway surface course must not be placed and accepted by the City unless seventy percent (70%) of the private improvements upon the adjacent properties (homes) have been completed.

*Section 6.* On or before May 30, 2016, the Successor Ziemia agrees to erect all required streetlights in accordance with approved plans and specifications and to connect such streetlights as necessary for operation.

*Section 7.* The City and the Successors agree that all parkway trees and sidewalk improvements required in connection with the development of the Caledonia Subdivision shall

be the responsibility of the builder of the improvements on each lot and the Successors shall not be required to post security for such parkway trees and sidewalk improvements.

*Section 8.* Following the date of this Agreement and through the date of the issuance of the final occupancy permit for the Caledonia Property, SUCCESSORS shall be entitled to construct, maintain and utilize up to three (3) offsite subdivision identification, marketing and location signs at such locations within or without the corporate limits of the CITY as SUCCESSORS may designate (individually an "Offsite Sign" and collectively the "Offsite Signs"). SUCCESSORS shall be responsible, at its expense, for obtaining all necessary and appropriate legal rights for the construction and use of each of the Offsite Signs. Each of the Offsite Signs may be double faced signs which shall not exceed twenty (20) feet in height with an area for each sign face not exceeding two hundred (200) square feet, subject to the requirements of any permitting authority other than the CITY.

*Section 9.* Any notice or communication required or permitted to be given under this Agreement shall be in writing and shall be deposited in the U.S. mail, postage prepaid. Unless otherwise provided in this Agreement, notices shall be deemed received on the date that is three (3) business days after deposit in the U.S. mail. By notice complying with the requirements of this Section, each party to this Agreement shall have the right to change the address or the addressee, or both, for all future notices and communications to them, but no notice of a change of addressee, or both, for all future notices and communications to them, but no notice of a change of addressee or address shall be effective until actually received.

Notices and communications to the City shall be addressed to, and delivered at, the following address:

***To the City*** : United City of Yorkville  
800 Game Farm Road

Yorkville, Illinois 60560

*With a copy to* : Kathleen Field Orr, City Attorney  
Kathleen Field Orr & Associates  
53 West Jackson Blvd., Suite 964  
Chicago, Illinois 60604

Notices and communications to the Successor Developers shall be addressed to, and delivered at, the following address:

***Successors:*** Roman Development Holdings, LLC  
  
Chicago Title and Trust Company  
Trust Number 8002363609  
Attn: Wade Light  
Wade Light & Associates, Atty at Law

Ziemia, LLC  
Attn: Brian Lansu  
2550 Southwind Blvd.  
Bartlett, IL 60103

*With a copy to:* Richard Guerard  
Guerard, Kalina & Butkus  
310 S. County Farm Road  
Wheaton, IL 60187

*Section 9.* All other matters relating to the development of the Caledonia Subdivision as set forth in the Development Agreement are hereby affirmed as if fully restated herein.

*Section 10.* The City hereby warrants and represents to the Successors that the persons executing this Clarification and Restatement on its behalf have been properly authorized to do so by the Corporate Authorities. The Successors hereby warrant and represent to the City that it has the full and complete right, powers and authority to enter into this Clarification and Restatement and to agree to the terms, provisions and conditions set forth herein; and it has taken all legal actions needed to authorize the execution, delivery and performance of this Clarification and Restatement.

*Section 11.* After the execution of this Clarification and Restatement, the City shall promptly cause this Clarification and Restatement be recorded in the office of the Recorder of Kendall County, Illinois.

*Section 12.* This Clarification and Restatement may be executed in several counterparts, each of which, when executed, shall be deemed to be an original, but all of which together shall constitute one and the instrument.

IN WITNESS WHEREOF, the parties hereto have caused this Redevelopment Agreement to be executed by their duly authorized officers on the above date at Yorkville, Illinois.

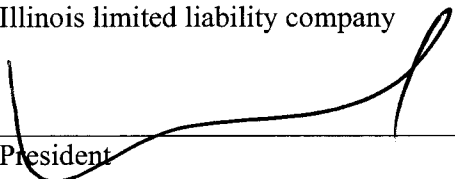
United City of Yorkville, an Illinois  
municipal corporation

By:   
Mayor

Attest:

  
City Clerk

Romans Development Holdings, LLC, an  
Illinois limited liability company

By:   
President

Attest:

  
Secretary

Ziemia, LLC, an Illinois limited liability  
company

By: \_\_\_\_\_

Attest:

\_\_\_\_\_  
Secretary



**IN WITNESS WHEREOF**, the parties hereto have caused this Redevelopment Agreement to be executed by their duly authorized officers on the above date at Yorkville, Illinois.

United City of Yorkville, an Illinois  
municipal corporation

By: \_\_\_\_\_  
Mayor

*Attest:*

\_\_\_\_\_  
City Clerk

Romans Development Holdings, LLC, an  
Illinois limited liability company

By: \_\_\_\_\_  
President

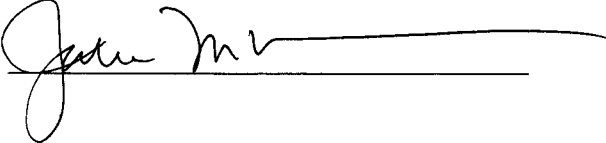
*Attest:*

\_\_\_\_\_  
Secretary

Ziemia, LLC, an Illinois limited liability  
company

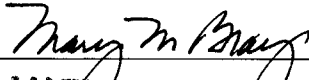
By:  \_\_\_\_\_

*Attest:*

 \_\_\_\_\_

This instrument is executed by the undersigned Land Trustee, not personally but solely as Trustee in the exercise of the power and authority conferred upon and vested in it as such Trustee. It is expressly understood and agreed that all the warranties, indemnities, representations, covenants, undertakings and agreements herein made on the part of the Trustee are undertaken by it solely in its capacity as Trustee and not personally. No personal liability or personal responsibility is assumed by or shall at any time be asserted or enforceable against the Trustee on account of any warranty, indemnity, representation, covenant, undertaking or agreement of the Trustee in this instrument. By:

Chicago Title Land Trust Company, an Illinois  
~~limited liability company~~ CORPORATION, AS TRUSTEE  
UNDER TRUST # 8002363609 AND NOT PERSONALLY

  
MARY M. BRAY TRUST OFFICER

Attest: ☒ Attestation not required  
pursuant to corporate by-laws.

\_\_\_\_\_  
Secretary

## **EXHIBIT A**

### **LEGAL DESCRIPTION OF PROPERTY**

#### **Parcel 1:**

ALL OF THE CALEDONIA SUBDIVISION, PHASE 1 BEING A SUBDIVISION OF PART OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SUBDIVISION RECORDED MARCH 16, 2006 AS DOCUMENT 200600007979 IN KENDALL COUNTY, ILLINOIS, INCLUDING BUT NOT LIMITED TO THE FOLLOWING LOTS: 1, 2, 3, 4, 5, 10, 14, 15, 19, 20, 24, 28, 31, 32, 33, 35, 37, 38, 39, 44, 47, 48, 52, 54, 55, 59, 61, 62 AND 72 BUT SPECIFICALLY EXCEPTING THE FOLLOWING LOTS: 6, 7, 8, 9, 11, 12, 13, 16, 17, 18, 21, 22, 23, 25, 26, 27, 29, 30, 34, 36, 40, 41, 42, 43, 45, 46, 49, 50, 51, 53, 56, 57, 58, 60, 63, 64, 65, 66, 67, 68, 69, 70, 71 AND 73.

#### **Parcel 2:**

ALL OF THE CALEDONIA SUBDIVISION, PHASE 2 BEING A SUBDIVISION OF PART OF SECTION 17, TOWNSHIP 37 NORTH, RANGE 7 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SUBDIVISION RECORDED APRIL 16, 2007 AS DOCUMENT 200700012285 IN KENDALL COUNTY, ILLINOIS, INCLUDING BUT NOT LIMITED TO THE FOLLOWING LOTS; 74, 75, 76, 77, 78, 79, 80, 85, 86, 87, 91, 92, 93, 94, 95, 96, 97, 98, 103, 104, 106, 107, 114, 115, 123, 127, 128, 129, 131, 132, 133, 134, 135, 136, 137, 138, 139, 143, 144, 145 AND B, D AND E; BUT SPECIFICALLY EXCEPTING THE FOLLOWING LOTS 81, 82, 83, 84, 88, 89, 90, 91, 99, 100, 101, 102, 105, 108, 109, 110, 111, 112, 113, 116, 117, 118, 119, 120, 121, 122, 124, 125, 126, 130, 140, 141 AND 142.



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

Agenda Item Number

Old Business #1

Tracking Number

EDC 2020-32

### Agenda Item Summary Memo

**Title:** Urban (Domesticated) Chickens

**Meeting and Date:** Economic Development Committee – August 2, 2022

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

#### Council Action Previously Taken:

Date of Action: \_\_\_\_\_ Action Taken: \_\_\_\_\_

Item Number: \_\_\_\_\_

**Type of Vote Required:** Majority

**Council Action Requested:** Direction

**Submitted by:** Krysti J. Barksdale-Noble, AICP

Community Development

Name

Department

#### Agenda Item Notes:

See attached memo.



# Memorandum

To: Economic Development Committee  
 From: Krysti J. Barksdale-Noble, Community Development Director  
 CC: Jason Engberg, Senior Planner  
 Peter Ratos, Building Code Official  
 Bart Olson, City Administrator  
 Date: July 13, 2022  
 Subject: **Urban (Domesticated) Chickens**

## Summary:

At the July 5<sup>th</sup> Economic Development Committee (EDC) meeting, staff was given direction to draft an ordinance permitting urban (domesticated) chickens for single-family residentially zoned parcels mirroring the Village of Oswego's Ordinance No. 17-26 adopted by their board in May 2017. The attached draft ordinance has been prepared for the consideration of the EDC. The following is a comparison of staff's most recently proposed regulations presented in July and the currently proposed regulations of the Oswego ordinance:

	PREVIOUSLY PROPOSED REGULATIONS	CURRENTLY PROPOSED REGULATIONS (OSWEGO ORDINANCE)
<b>PERMITTED ZONING</b> <i>(see attached map)</i>	<b>Lot must be used for residential purposes</b> <ul style="list-style-type: none"> <li>E-1 (2 parcels)</li> <li>R-1 (38 parcels)</li> <li><u>R-2 (305 parcels)</u></li> </ul> Total 345 parcels	<b>R-1 Zoning District (Oswego)</b> Lots must be used for residential purposes  Oswego's R-1 District is similar to Yorkville's R-2 District. Yorkville is proposing permitting urban chickens in the following districts: E-1 (2 parcels) R-1 (121 parcels) <u>R-2 (4,294 parcels)</u> Total 4,417 parcels
<b>MIN. LOT SIZE</b>	20,000 sq. ft.	12,000 sq. ft.
<b>MAX. NUMBER OF CHICKENS</b>	Max. of 5 chickens	Max. of 6 domestic hens
<b>LOCATION/SETBACK</b>	Rear/Side Yard 15 ft. setback from property lines	Rear Yard only. Enclosures and fenced areas shall be set back thirty (30) feet from any occupied residential structure, other than that of the owner, but not less than the minimum setback required for accessory structures in the zoning district.
<b>SANITATION</b>	Performance Standards & Property Maintenance Code applies. Prohibit feed from being scattered on the ground.	All structures shall be constructed and maintained in such a manner as to be free of rodent infestation. All feed shall be protected in a container with a tightly fitted lid.
<b>ENCLOSURE/COOP</b>	Enclosure constructed with a covered, predator-proof roof which allows for two (2) square feet per hen. Privacy or solid yard fence required. Chicken-run optional.	Hens shall be provided with a covered inside enclosure up to 144 square feet and an adjacent outside fenced area. The outside area shall be no less than 32 square feet. Electric service to enclosures shall not be provided by an extension cord.
<b>SLAUGHTERING</b>	Prohibited	Prohibited, except for humane or religious reasons.

<b>ROOSTERS</b>	Permitted up to 4 months of age	Prohibited
<b>PERMIT REQUIRED</b>	Required w/o Inspection (\$25.00 one-time fee)	Required, must have HOA approval

### **Additional Required Code Amendments:**

As in the Village of Oswego ordinance, the regulations permitting domesticated chickens are proposed as an allowed accessory use/structure. This will require an amendment to Title 8: Building Regulations, 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 Hens**, 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 hens 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 hens 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 HENS: 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 hens 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:**

Reiterating the discussion of the EDC at the July meeting regarding sanitation concerns, existing enforcement regulations for public health and safety would apply to properties permitted to have domesticated chickens:

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 previously expressed concern regarding nuisance and noise complaints, as well as conflicts between this ordinance and HOA regulations. While the existing enforcement City regulations address the noise and nuisance complaints, the City has no authority to enforce HOA regulations.

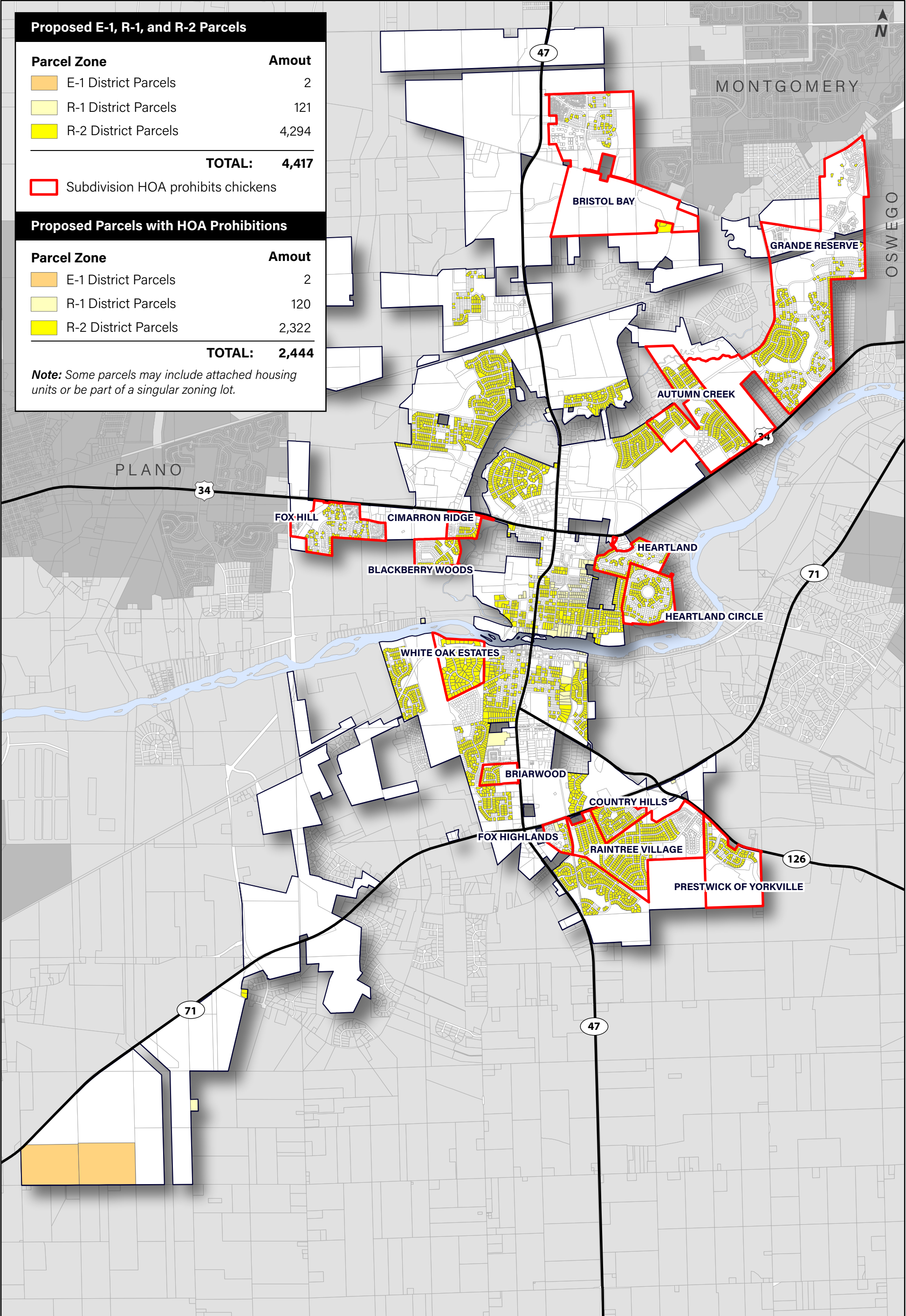
#### **Staff Comments:**

Staff is seeking formal direction from the Economic Development Committee (EDC) on the proposed revised draft ordinance based on the Oswego residential chicken regulations. 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. Current Draft Ordinance
2. Village of Oswego Ordinance 17-26
3. Village of Oswego Chicken Coop Permit Form
4. July 5, 2022 EDC Packet Materials







**AN ORDINANCE OF THE UNITED CITY OF YORKVILLE, KENDALL COUNTY, ILLINOIS, ALLOWING BACKYARD COOPS/ENCLOSURES FOR DOMESTICATED HENS 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 hens 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 HENS**

**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 Hen” 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, with the exception for humane or religious reasons.

### **8-19-2: Certain conduct declared unlawful.**

- A. The keeping by any person of domesticated hens 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 hen 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 hens 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 hens shall be permitted on lots used for single-family detached residential purposes of twelve thousand (12,000) square feet 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 six (6) domesticated hens shall be permitted on any lot.
- C. Roosters shall be prohibited in the City limits.
- D. Domesticated hens and associated enclosures, coops and fencing shall be located within the rear yard of any lot and must maintain a minimum setback of thirty (30) feet from any occupied residential structure, other than of the owner, but not less than the minimum setback required for accessory structures in the zoning district.
- E. Slaughtering of domesticated hens shall be prohibited in City limits, except for humane or religious reasons.

### **8-19-3: Coop and fence type.**

- A. Hens shall be provided with a covered inside enclosure up to 144 square feet and an adjacent outside fenced area. The outside fenced area shall be no less than 32 square feet in area.
- B. Electric service to enclosures shall not be provided by an extension cord.
- C. Hens shall be kept in the enclosure and fenced area at all times.

#### **8-19-4: Sanitation**

- A. Enclosures or coops for domesticated hens shall be constructed and maintained in such a manner as to be free of rodent infestation, 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 and other items that are associated with the keeping of domesticated hens that likely to attract or become infested with 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. No feed shall be scattered on the ground.
- C. All areas where hens are kept shall be free of undue accumulation of waste such as to cause odors detectable on adjacent properties.
- D. No person shall allow domesticated hens to produce noise loud enough to disturb the peace of persons of reasonable sensitivity.

#### **8-19-5: Permit.**

- A. Permit applications for domesticated hens 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 hens if the property is not owner occupied;
  - 2. Submit proof of authorization from the applicable homeowner's association; and
  - 3. 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 hens 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 hens as regulated in Title 8 Chapter 19, normally maintained as a household pet or guardian.”

“DOMESTICATED HENS: A subspecies of the species Gallus Domesticus which are kept in an enclosure in the rear 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 hens 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 \_\_\_\_\_, 2022.

\_\_\_\_\_  
CITY CLERK

KEN KOCH \_\_\_\_\_

DAN TRANSIER \_\_\_\_\_

ARDEN JOE PLOCHER \_\_\_\_\_

CRAIG SOLING \_\_\_\_\_

CHRIS FUNKHOUSER \_\_\_\_\_

MATT MAREK \_\_\_\_\_

SEAVER TARULIS \_\_\_\_\_

JASON PETERSON \_\_\_\_\_

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

\_\_\_\_\_  
MAYOR



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

Agenda Item Number

Old Business #1

Tracking Number

EDC 2020-32

### Agenda Item Summary Memo

**Title:** Urban (Domesticated) Chickens

**Meeting and Date:** Economic Development Committee – July 5, 2022

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

#### Council Action Previously Taken:

Date of Action: EDC 05/03/22 Action Taken: Bring back to committee.

Item Number: EDC 2020-32

**Type of Vote Required:** Majority

**Council Action Requested:** Direction

**Submitted by:** Krysti J. Barksdale-Noble, AICP

Community Development

Name

Department

#### Agenda Item Notes:

See attached memo.



# Memorandum

To: Economic Development Committee  
 From: Krysti J. Barksdale-Noble, Community Development Director  
 CC: Jason Engberg, Senior Planner  
 Peter Ratos, Building Code Official  
 Bart Olson, City Administrator  
 Date: June 2, 2022  
 Subject: **Urban (Domesticated) Chickens**

## Summary:

At the May 3<sup>rd</sup> Economic Development Committee (EDC) meeting, staff was given direction to draft an ordinance permitting urban (domesticated) chickens for single-family residentially zoned parcels on smaller lot sizes than the previously proposed one (1) acre lot minimum and slightly less restrictive setbacks than the minimum 25 ft proposed in January 2021. The EDC also requested regulations related to privacy or solid fencing, required enclosures and a maximum of 4-6 chickens per lot. However, no specific direction given regarding enforcement criteria.

## Policy Proposals:

Based on the feedback provided to staff from the EDC, the following regulations have been revised (in red) from the January 2021 proposal and incorporated into the attached draft ordinance:

	PREVIOUSLY PROPOSED REGULATIONS	CURRENTLY PROPOSED REGULATIONS
<b>PERMITTED ZONING</b> <i>(see attached map)</i>	<b>Lot must be used for residential purposes</b> <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> Total 65 parcels	<b>Lot must be used for residential purposes</b> <ul style="list-style-type: none"> <li>E-1 (2 parcels)</li> <li>R-1 (38 parcels)</li> <li><u>R-2 (305 parcels)</u></li> </ul> Total 345 parcels
<b>MIN. LOT SIZE</b>	One (1) acre	20,000 sq. ft.
<b>MAX. NUMBER OF CHICKENS</b>	Max. of 8 chickens	Max. of 5 chickens
<b>LOCATION/SETBACK</b>	Rear/Side Yard 25 ft. setback from property lines	Rear/Side Yard 15 ft. setback from property lines
<b>SANITATION</b>	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.
<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.	Enclosure constructed with a covered, predator-proof roof which allows for two (2) square feet per hen. Privacy or solid yard fence required. Chicken-run optional.
<b>SLAUGHTERING</b>	Prohibited	Prohibited
<b>ROOSTERS</b>	Permitted up to 4 months of age	Permitted up to 4 months of age
<b>PERMIT REQUIRED</b>	Required w/o Inspection (\$25.00 one-time fee)	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:**

Although not discussed at the May 2022 meeting, existing enforcement regulations for public health and safety would apply to properties permitted to have domesticated chickens:

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 previously expressed concern regarding nuisance and noise complaints, as well as conflicts between this ordinance and HOA regulations. While the existing enforcement City regulations address the noise and nuisance complaints, the City has no authority to enforce HOA regulations.

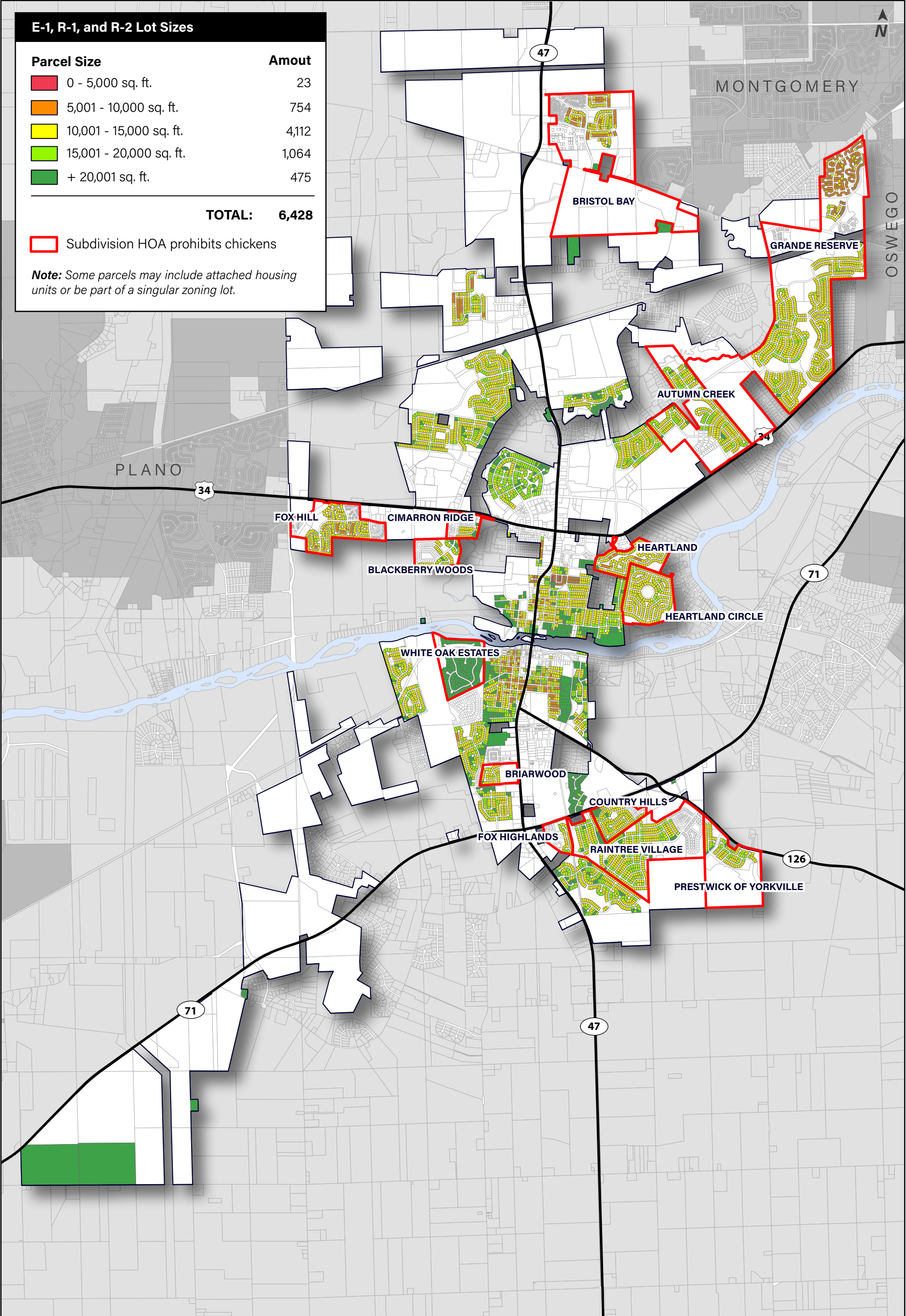
**Staff Comments:**

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. Map of Residential Parcels Permitted by Current Draft Ordinance
2. Revised Proposed Draft Ordinance
3. 12-1-20 EDC Packet Materials





E-1, R-1, and R-2 Lot Sizes

Parcel Size	Amount
0 - 5,000 sq. ft.	23
5,001 - 10,000 sq. ft.	754
10,001 - 15,000 sq. ft.	4,112
15,001 - 20,000 sq. ft.	1,064
+ 20,001 sq. ft.	475

TOTAL: 6,428

Subdivision HOA prohibits chickens

*Note: Some parcels may include attached housing units or be part of a singular zoning lot.*



URBAN CHICKEN LOT SIZE COMPARISON  
UNITED CITY OF YORKVILLE, ILLINOIS

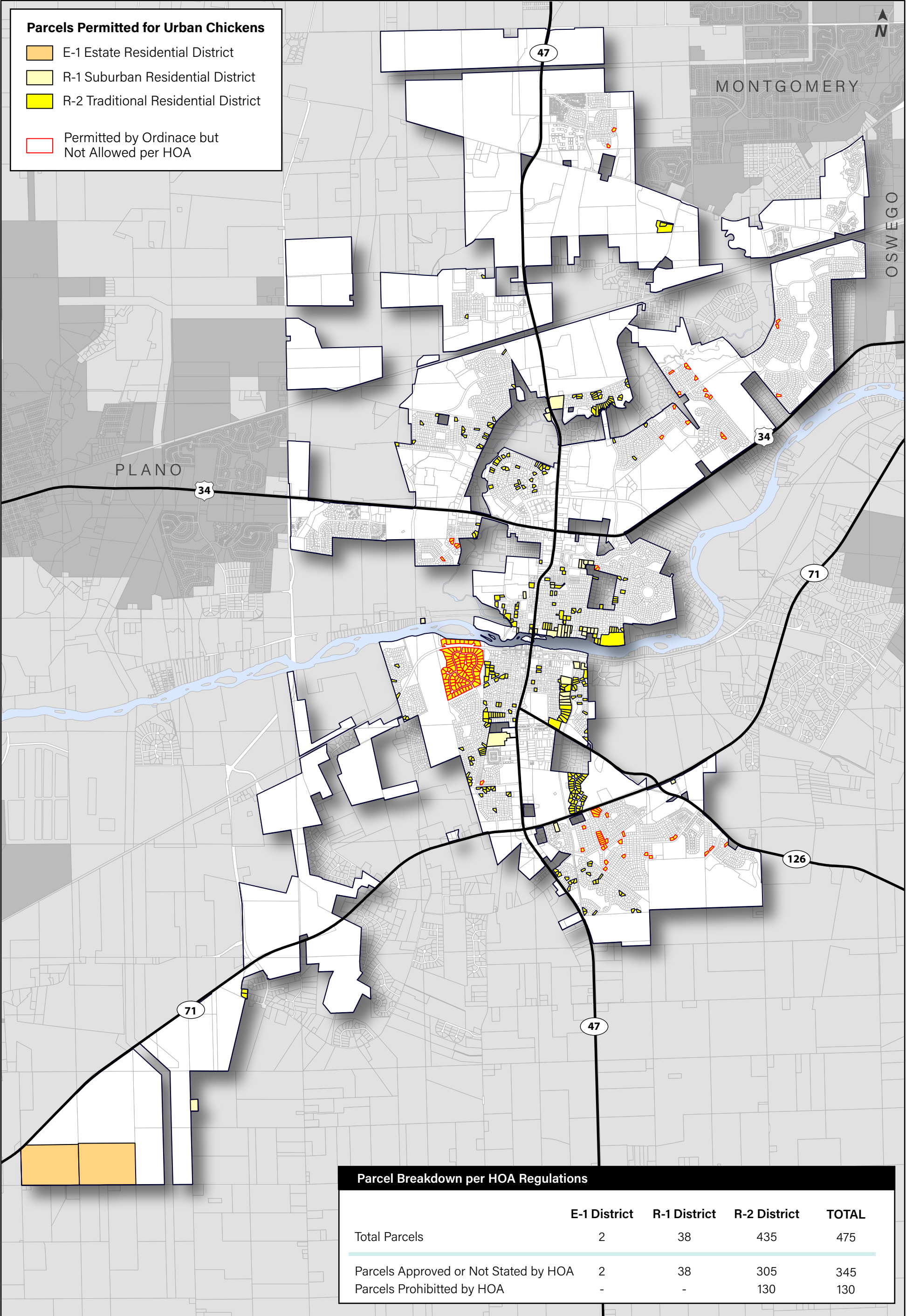
ADDRESS: 800 Game Farm Road, Yorkville Illinois

DATE: June 2, 2022

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

LOCATION: (I:)//Community Development/Urban Chickens/Chicken Heat Map





Parcel Breakdown per HOA Regulations

	E-1 District	R-1 District	R-2 District	TOTAL
Total Parcels	2	38	435	475
Parcels Approved or Not Stated by HOA	2	38	305	345
Parcels Prohibited by HOA	-	-	130	130



**URBAN CHICKEN PERMITTED LOCATIONS (LOTS OVER 20,000 SQUARE FEET)**  
UNITED CITY OF YORKVILLE, ILLINOIS

ADDRESS: 800 Game Farm Road, Yorkville Illinois

DATE: June 2, 2022

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

LOCATION: (I:)//Community Development/Urban Chickens/Complete Chicken Places 6-2-22

	NUMBER OF PARCELS			TOTAL
	E-1 Estate Residence District	R-1 Single-Family Suburban Residence District	R-2 Single-Family Traditional Residence District	
Autumn Creek	-	-	13	
Blackberry Creek North	-	-	25	
Blackberry Woods	-	-	5	
Briarwood	-	-	1	
Bristol Bay	-	-	2	
Caledonia	-	-	2	
Cannonball Estates	-	-	11	
Country Hills	-	-	6	
Countryside	-	-	25	
Grande Reserve	-	-	3	
Greenbriar	-	-	13	
Heartland	-	-	2	
Kendall Marketplace	-	-	1	
Kylyn's Ridge	-	-	3	
None	2	38	106	
Prairie Meadows	-	-	3	
Prestwick	-	-	3	
Raintree Village	-	-	20	
River's Edge	-	-	5	
Sunflower Estates	-	-	11	
Timber Ridge Estates	-	-	16	
Whispering Meadows	-	-	3	
White Oak Estates	-	-	95	
Wildwood	-	-	39	
Windett Ridge	-	-	22	
<b>TOTALS:</b>	<b>2</b>	<b>38</b>	<b>435</b>	<b>475</b>
<b>TOTAL PARCELS HOA APPROVED</b>	<b>2</b>	<b>38</b>	<b>305</b>	<b>345</b>
<b>TOTAL PARCELS HOA PROHIBITED</b>	<b>0</b>	<b>0</b>	<b>130</b>	<b>130</b>

**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~~twenty thousand (20,000) square feet 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)~~five (5) 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)~~fifteen (15) 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 privacy or solid~~ fence shall be required. A chicken run is optional.

### 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~~4:30 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~~2022.

\_\_\_\_\_  
CITY CLERK

KEN KOCH \_\_\_\_\_

DAN TRANSIER \_\_\_\_\_

~~JACKIE MILSCHEWSKI~~CRAIG SOLING \_\_\_\_\_

ARDEN JOE PLOCHER

\_\_\_\_\_  
CHRIS FUNKHOUSER \_\_\_\_\_

~~JOEL FRIEDERS~~MATT MAREK

\_\_\_\_\_  
SEAVER TARULIS \_\_\_\_\_

JASON PETERSON \_\_\_\_\_

Approved by me, as Mayor of the United City of Yorkville, Kendall County, Illinois, this  
\_\_\_\_\_ day of \_\_\_\_\_ ~~2021~~2022.

\_\_\_\_\_  
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: December 8, 2020  
Subject: **Urban (Domesticated) Chickens**

## Summary:

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

## Policy Proposals:

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

	PROPOSED REGULATIONS
<b>PERMITTED ZONING</b> <i>(see attached map)</i>	<b>Lot must be used for residential purposes</b> <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> Total 65 parcels
<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.

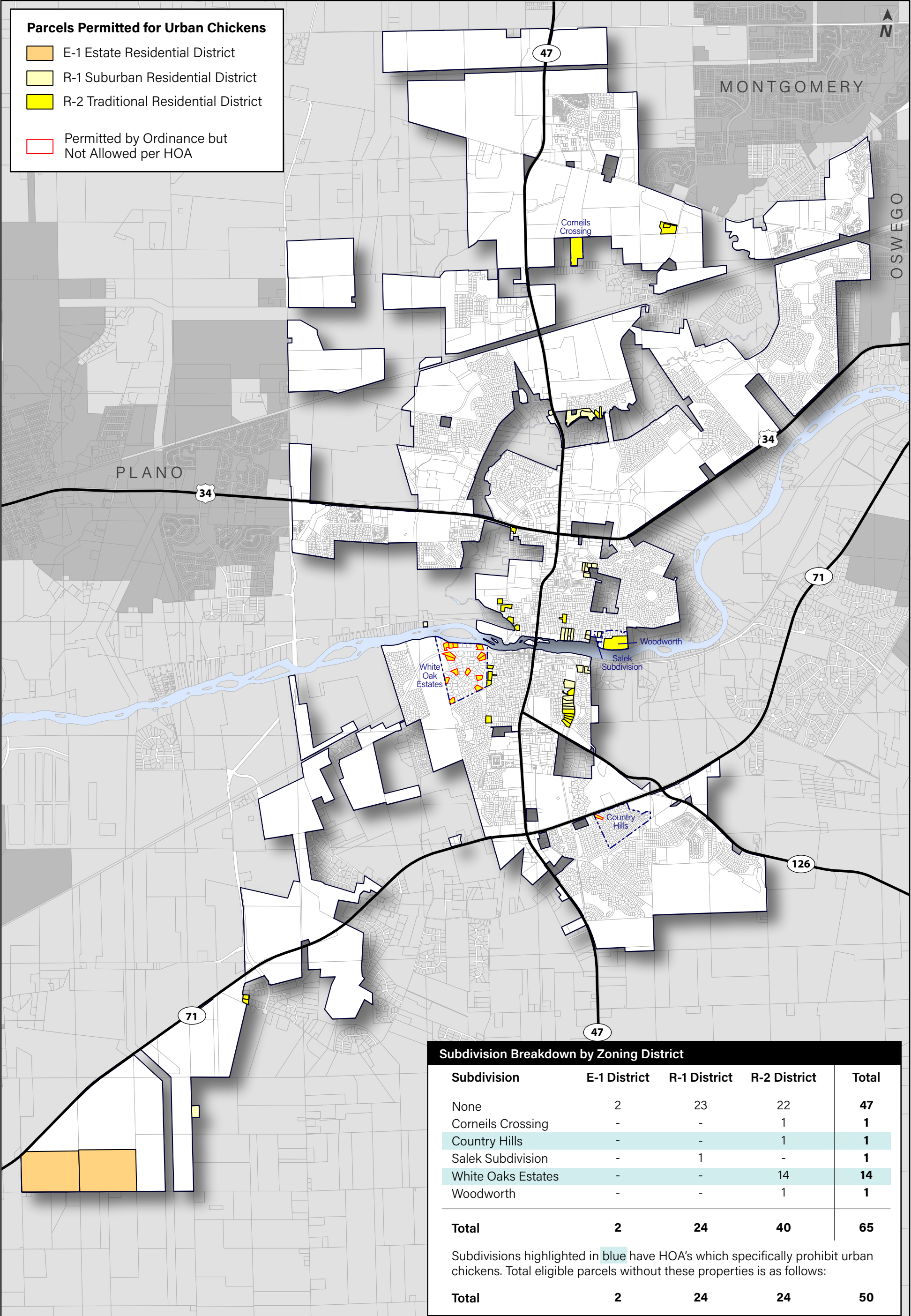
4. **Permit Revocation** – the Building Code Official has the ability to revoke any valid permit if a violation is found and not corrected. Additionally, the draft ordinance provides that approval of a permit would allow building staff to have the right to inspect any enclosure or coop between the hours 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
Total	2	24	40	65
Subdivisions highlighted in blue have HOA's which specifically prohibit urban chickens. Total eligible parcels without these properties is as follows:				
Total	2	24	24	50



**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.
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- 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:

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“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 \_\_\_\_\_

SEAVAR TARULIS \_\_\_\_\_

JASON PETERSON \_\_\_\_\_

**APPROVED** by me, as Mayor of the United City of Yorkville, Kendall County, Illinois  
this \_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
MAYOR



# Memorandum

To: Economic Development Committee  
From: Krysti J. Barksdale-Noble, Community Development Director  
CC: Jason Engberg, Senior Planner  
Peter Ratos, Building Code Official  
Bart Olson, City Administrator  
Date: September 30, 2020  
Subject: **Urban (Domesticated) Chickens**

## Summary:

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

## Subdivision Homeowner's Association Research:

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

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



6	<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

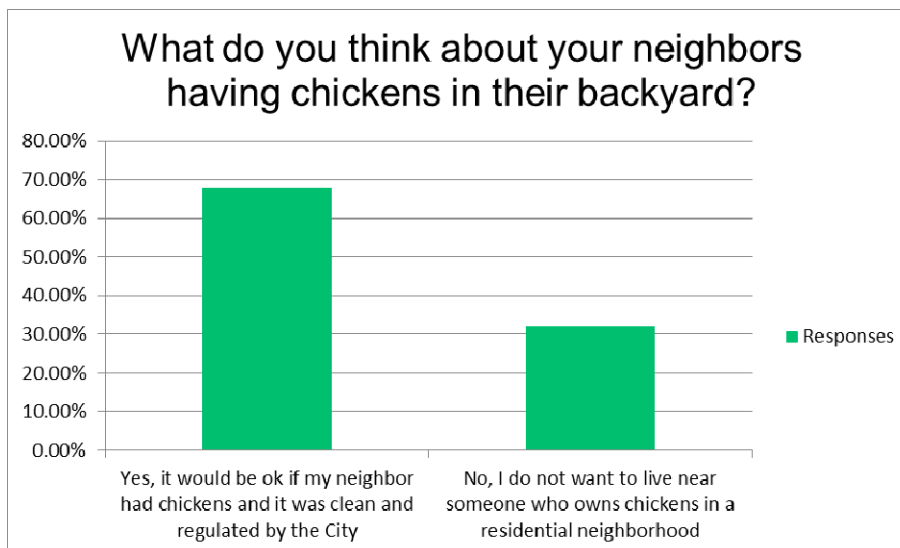
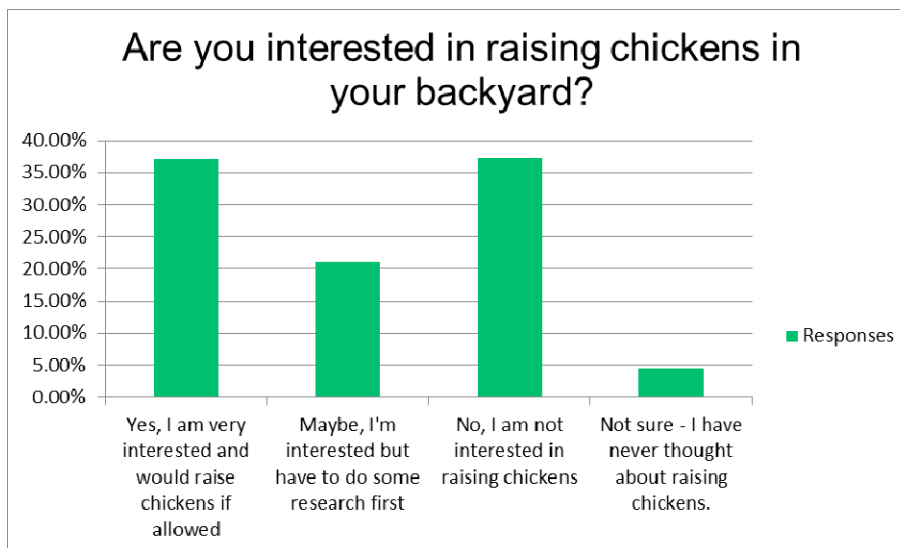
16	<b>Kendall Marketplace</b>	Single Family Town Homes	Not Recorded	N/A	N/A	N/A
17	<b>Kylyn's Ridge</b>	Single Family	200300036916	30-Sep-03	N	No language specific to pets
18	<b>Longford Lakes</b>	Townhomes	200400000827	12-Jan-04	N	No language specific to pets
19	<b>Prairie Gardens</b>	Age Restricted	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

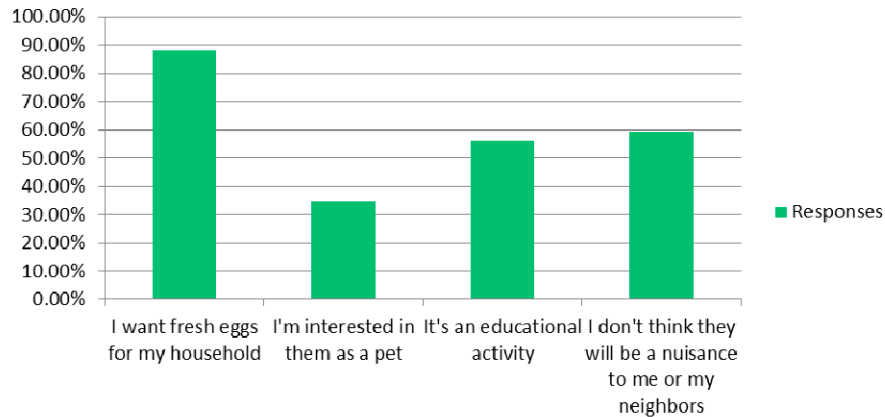
From the information in the above table, 14 of the 28 developments (50.0%) have regulations that specifically do not allow chickens within their HOA covenants. Of the remaining 14 (indicated in **red** in the table), 10 of the developments (35.7%) have no language specific to any pets and 4 (14.3%) have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

### Urban Chicken Public Survey Results:

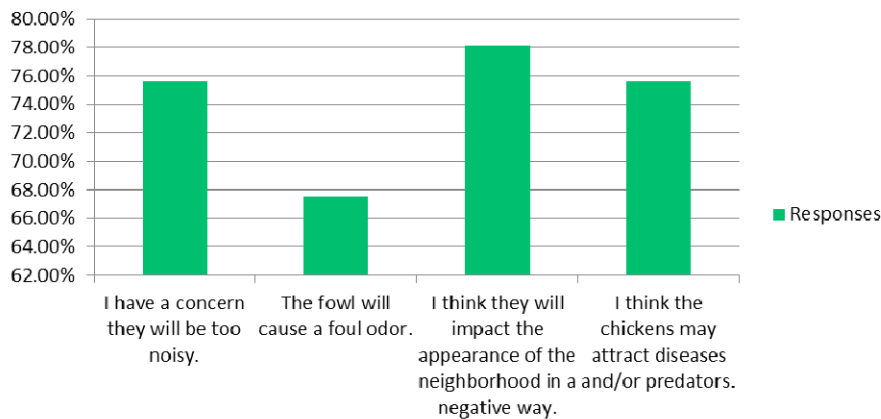
In regard to the public survey, the following summarizes the questions asked and the responses provided as of the date of this memo:



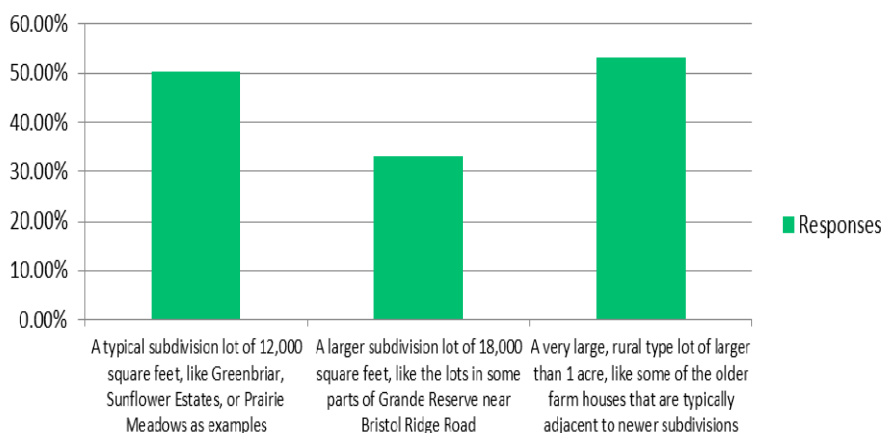
## What are your reasons to support having chickens in a residential neighborhood?

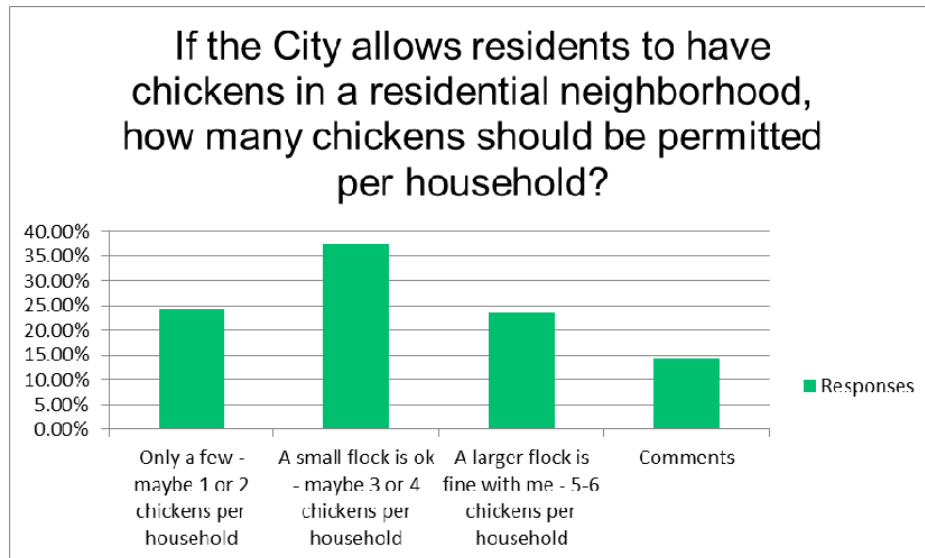


## What are your reasons for opposing chickens in a residential neighborhood?



## 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>	Prohibited	<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>	Prohibited or only permitted under four (4) months of age.	<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
PERMITTED ZONING	<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>
MAX. NUMBER	Max. 8 chickens	Max. 6 chickens	Max. 4 chickens
MIN. LOT SIZE	N/A	12,000 sq. ft.	10,000 sq. ft.
LOCATION/SETBACK	Rear/Side Yard	Rear/Side Yard 25 ft. setback	Rear Yard Only 25 ft. setback
SANITATION	Performance Standards & Property Maintenance Code applies.	Performance Standards & Property Maintenance Code applies.  Prohibit feed from being scattered on the ground.	Performance Standards & Property Maintenance Code applies  Prohibit feed from being scattered on the ground <u>and</u> requiring chickens to be fed from a trough.
ENCLOSURE/COOP	Enclosure Required. No specifications.	Enclosure constructed with a covered, predator-proof roof which allows for two (2) square feet per hen.  Chicken run and/or yard fence required.	Enclosure constructed with a covered, predator-proof roof which allows for two (2) square feet per hen.  Built per sample construction diagram of wall/roof section and allowed materials.  Chicken run and/or yard fence required.
SLAUGHTERING	Prohibited	Prohibited	Prohibited
ROOSTERS	Permitted	Permitted up to 4 months of age	Prohibited
PERMIT REQUIRED	Not Required	Required w/o Inspection (\$25.00 one-time fee)	Required w/Inspection (\$50.00 one-time fee)



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

### **Potential Code Amendments:**

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

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

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

#### **Title 5: Police Regulations, Chapter 2: Animals**

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

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

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

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

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

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

#### **Title 8: Building Regulations**

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

#### **Title 10: Zoning, Chapter 3: General Zoning Provisions**

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

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

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

### **Potential Enforcement Options:**

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

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

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

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

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

### **Municipalities with Similar Ordinance Feedback**

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

### **Staff Comments:**

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

## **Attachments**

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

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

by Jaime Bouvier

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 Agricultural*, NATIONAL POLICY & LEGAL ANALYSIS NETWORK TO PREVENT CHILDHOOD OBESITY, 34 (2011); Kailee Neuner et al., *Planning to Eat: Innovative Local Government Plans and Policies to Build Healthy Food Systems in the United States*, FOOD SYSTEMS PLANNING AND HEALTHY COMMUNITIES LAB, UNIVERSITY OF BUFFALO, THE STATE UNIVERSITY OF NEW YORK, 17 (2011).
9. See also Patricia Salkin, *Feeding the Locavores, One Chicken at a Time: Regulating Backyard Chickens*, 34:3 ZONING & PLAN. L. REP. 1 (2011) (briefly surveying chicken laws); Mary Wood et al., *Promoting the Urban Homestead: Reform of Local Land Use Laws to Allow MicroLivestock on Residential Lots*, 37 ECOLOGY L. CURRENTS 68 (2010).
10. See, e.g., Nicholas D. Kristof, *Is an Egg for Breakfast Worth This?*, N.Y. TIMES, Apr. 11, 2012, <http://www.nytimes.com/2012/04/12/opinion/kristof-is-an-egg-for-breakfast-worth-this.html>; Nicholas D. Kristof, *Arsenic in Our Chicken*, N.Y. TIMES, Apr. 4, 2012, <http://www.nytimes.com/2012/04/05/opinion/kristof-arsenic-in-our-chicken.html>.
11. Hugh Bartling, *A Chicken Ain't Nothing but a Bird: Local Food Production and the Politics of Land-Use Change*, LOCAL ENVIRONMENT 17(a) (Jan. 2012). For a different take on the political reasons behind backyard chickens, see Shannon Hayes, *Radical Homemakers: Reclaiming Domesticity From a Consumer Culture* (2005) (asserting that urban farming can be a feminist response to modern urbanization).

12. Sarah Grieco, *Backyard Bees, Chickens, and Goats Approved*, NBCSANDIEGO, Feb. 1, 2012, <http://www.nbcsandiego.com/news/local/Backyard-Bees-Chickens-Goats-Approved-138507104.html>; Michael Cass, *Backyard Chickens Make Gains in Nashville*, THE TENNESSEAN, Jan. 5, 2012, <http://www.healthynashville.org/modules.php?op=modload&name=News&file=article&sid=20163>; Peter Applebome, *Envisioning the End of "Don't Cluck, Don't Tell"*, N.Y. TIMES, Apr. 30, 2009, <http://www.nytimes.com/2009/4/30/nyregions/30town?>; Jessica Bennet, *The New Coop de Ville, the Craze for Urban Poultry Farming*, NEWSWEEK, Nov. 16, 2008, <http://www.thedailybeast.com/newsweek/2008/11/16/the-new-coop-de-ville.img.jpg>. And this movement is not just in the United States; Australia, Canada, and Europe also are experiencing a surge in the number of people keeping backyard hens. See, e.g., *Surge in Backyard Poultry Numbers*, BRITISH FREE RANGE EGG PRODUCERS ASSOCIATION (Jan. 9, 2011), [http://www.theranger.co.uk/news/Surge-in-backyard-poultry-numbers\\_21660.html](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%2F%2Fwww.echocommunity.org%2Fresource%2Fcollection%2FE66CDFDB-0A0D-4DDE-8AB1-74D9D8C3EDD4%2FChickens.pdf&ei=39zxT41Sh7etAdSUmY8C&usq=AFQJCNHh0\\_bkG\\_5sVmlvgngOXD53AJagA&sig2=\\_cgyLnv7jDV7hGIVZty89g](http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CFMQFjAA&url=http%3A%2F%2Fwww.echocommunity.org%2Fresource%2Fcollection%2FE66CDFDB-0A0D-4DDE-8AB1-74D9D8C3EDD4%2FChickens.pdf&ei=39zxT41Sh7etAdSUmY8C&usq=AFQJCNHh0_bkG_5sVmlvgngOXD53AJagA&sig2=_cgyLnv7jDV7hGIVZty89g) (last visited July 2, 2012).

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

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

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

78. *Id.* See also *Iowa Concentrated Animal Feeding Operations Air Quality Study, Final Report*, IOWA STATE UNIVERSITY AND THE UNIVERSITY OF IOWA STUDY GROUP 148, Feb. 2002, [http://www.ehsrc.uiowa.edu/cafo\\_air\\_quality\\_study.html](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>

## 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

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.”).

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

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

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

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

95. *Id.*

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

97. *Id.*

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

subtle mutation), thus, there is increasing risk for disease entrance and/or dissemination.”<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/cit1020r.txt> (last visited Jan. 26, 2012).

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

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

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

159. 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-urbanch5%2Fwp-content%2Fuploads%2F2012%2F02%2FOrdinance-research-paper.pdf&ei=f\\_T5T8jOLCjrjgGP5NGKCQ&usq=AFQjCNE-ArE\\_uYe4XcKDFhMrwS4mOLfQw&sig2=UcWfdU1smoifnqTiE\\_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-urbanch5%2Fwp-content%2Fuploads%2F2012%2F02%2FOrdinance-research-paper.pdf&ei=f_T5T8jOLCjrjgGP5NGKCQ&usq=AFQjCNE-ArE_uYe4XcKDFhMrwS4mOLfQw&sig2=UcWfdU1smoifnqTiE_vvA); Jennifer Blecha, *Urban Life With Livestock: Performing Alternative Imaginaries Through Small Stock Urban Livestock Agriculture in the United States*, PROQUEST INFORMATION AND LEARNING COMPANY (2007). See also *Chicken L.O.R.E Project: Chicken Laws and Ordinances and Your Rights and Entitlements*, BACKYARD CHICKENS.COM, <http://www.backyardchickens.com/t/310268/chicken-lore-project-find-submit-local-chicken-laws-ordinances> (last visited Feb. 20, 2012) (providing an extensive community-created database of municipal chicken laws).

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

183. Also, this survey is necessarily frozen in time for publicly accessible ordinances as of December of 2011. This is because at least two cities have already changed their ordinances to allow for more comprehensive and permissive livestock regulations—Pittsburgh and San Diego. Diana Nelson-Jones, *Pittsburgh Urban Chicken Coop Tour to Be Held on Sunday*, PITTSBURGH POST-GAZETTE, June 9, 2011, <http://www.post-gazette.com/pg/11160/1152234-34.stm> (stating that Pittsburgh had amended its ordinances to allow for 3 chickens for every 2,000 square feet of property); Adrian Florino, *San Diego City Council Approves Backyard Chickens, Goats, and Bees*, KPBS, Feb. 1, 2012, <http://www.kpbs.org/news/2012/feb/01/san-diego-city-council-approves-backyard-chickens/>. 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&rcit=j&q=&esrc=s&source=web&cd=1&ved=0CCMQFjAA&url=http%3A%2F%2Fkabbaffiliates.org%2FuploadedFiles%2FKAB\\_Affiliates.org%2FWharton%2520Study%2520NK%2520final.pdf&ei=X40hT56\\_OOjCsQLogpyhCQ&usg=AFQjCNH-DYO3ImfVNsESWY6QZ9-79aW87A&sig2=C2IvyXmR7twhY4K5RZYk-A](http://www.google.com/url?sa=t&rcit=j&q=&esrc=s&source=web&cd=1&ved=0CCMQFjAA&url=http%3A%2F%2Fkabbaffiliates.org%2FuploadedFiles%2FKAB_Affiliates.org%2FWharton%2520Study%2520NK%2520final.pdf&ei=X40hT56_OOjCsQLogpyhCQ&usg=AFQjCNH-DYO3ImfVNsESWY6QZ9-79aW87A&sig2=C2IvyXmR7twhY4K5RZYk-A) (last visited Jan. 26, 2012) (finding that the average lot size within the New Kensington area of Philadelphia was just over 1,000 square feet).

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

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

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

201. COLUMBUS §221.05:

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

202. AKRON §92-18.

203. CLEVELAND §§347.02 & 205.04.

204. *Id.*

205. *Id.*

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

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

## I. Animal Control Regulations

Seventy-one of the cities regulate chickens under their animal control ordinances.<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 ordinances by providing within the animal section of 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.

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

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

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

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

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

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

Norfolk appears to allow for an exception to the five-acre 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>

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

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

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

235. NASHVILLE-DAVIDSON §17.16.330(b).

236. *Id.* §8.12.020.

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

238. *Id.*

239. PITTSBURGH §911.04.

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

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

242. PHILA. §10-100.

243. *Id.* §10-112.

Oklahoma City and Richmond both require at least one acre. Oklahoma City restricts raising chickens to property that is at least one acre, but apparently if the property owner has one acre, there is no restriction on how many chickens can be kept on that acre.<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 (2010).

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

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

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

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

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

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

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

tural.<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) (50 ft.); OKLAHOMA CITY, OKLA., MUN. CODE 59-9350 (2011) (200 ft.); PHOENIX, ARIZ., CITY CODE §8-7 (2011) (80 ft.); RICHMOND, VA., CODE OF ORDINANCES §10-88 (2011) (500 ft.); RIVERSIDE, CAL., CODE OF ORDINANCES §6.04.20 (2011); *id.* tit. 17 (50 ft.); ROCHESTER, N.Y., CITY ORDINANCES §30-19(H) (no date listed) (25 ft.); SACRAMENTO, CAL., CITY CODE §9.44.860 (2011) (20 ft.); SAN ANTONIO, TEX., CODE OF ORDINANCES §5-109(c) (2011) (100 ft. or 50 ft. with permit); SAN DIEGO, CAL., MUN. CODE §42.0709 (2011) (50 ft.); SAN FRANCISCO, CAL., HEALTH CODE §37(b) (2011) (20 ft. from door or window); SAN JOSE, CAL., CODE OF ORDINANCES §7.60.815 (2007) (20 ft. but more if have more chickens); SANTA ANA, CAL., CODE OF ORDINANCES §5-18 (2011) (100 ft.); SEATTLE, WASH., MUN. CODE §23.42.052(c)(3) (2011) (10 ft.); ST. PETERSBURG, FLA., CODE OF ORDINANCES §4-31 (2011) (100 ft. unless have permission from neighbors); STOCKTON, CAL., MUN. CODE §§6.04.420, 16.80.060 (2011) (50 ft.); TACOMA, WASH., MUN. CODE §5.30.010 (2011) (50 ft. unless have permission from neighbors); TAMPA, FLA., CODE OF ORDINANCES §19.76 (2008) (200 ft.); TUCSON, ARIZ., CODE

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

281. *See supra* note 280.

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

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

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

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

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

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

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

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

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

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

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

from the property line: 20 cities require chickens to be kept away from the neighbor's property, even if the neighbor's actual house is much further away.<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. 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) & (c) (2011) (50 ft. from residence or business where food is prepared); RIVERSIDE, CAL., CODE OF ORDINANCES §6.04.20 (2011) (20 ft. from property line); SEATTLE, WASH., MUN. CODE §23.42.052(c)(3) (2011) (10 ft. from property line); TAMPA, FLA., CODE OF ORDINANCES §19.76 (2008) (200 ft. from property line); TULSA, OKLA., CODE OF ORDINANCES §200(d) & (e) (2011) (50 ft., but 100 ft. if zoned agricultural); WASH., D.C., MUN. REGULATIONS FOR ANIMAL CONTROL §902.7(a) & (b) (no date listed) (250 ft. unless have neighbor's consent).

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

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

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

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

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

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

329. *See supra* note 327.

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

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

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

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

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

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

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

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

338. ST. PAUL, MINN., §198.05 (2011).

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

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

#### 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 hen-house 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>

#### 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>

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



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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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  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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  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).
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  41. See, e.g., D.C. Code § 8-1808; Fla. Stat. § 828.161.

42. See Multi-coloured chicks for Easter, BBC News, <http://news.bbc.co.uk/2/hi/3615191.stm> (visited February 2011).
43. *Myer v. Minard*, 21 So. 2d 72, 74 (La. Ct. App. 2d Cir. 1945).
44. *Myer*, supra n. 44, 21 So. 2d at 76.
45. See, e.g., *Singer v. James*, 130 Md. 382, 100 A. 642 (1917) (finding a nuisance where the defendant kept five hundred chickens, fifty geese, fifty dogs, forty hogs, and various guinea fowl, turkeys, cows, calves, and horses).
46. *Forrester v. Webb*, 1999 WL 74543 (Ohio Ct. App. 12th Dist. Butler County 1999).
47. *Forrester*, supra n. 46.
48. Laws of the City of St. Louis, Missouri Chapter 10 § 20-015 (<http://www.slp1.lib.mo.us/cco/code/data/t1020p1.htm>). See also Code of Ordinances, City of Oak Ridge, Tennessee, Title 10 Chapter 1 § 10-114 ([http://www.mtas.utk.edu/public/municodesweb.nsf/5cde681dbdedc10f8525664000615fc4/aa36ab28994d11e585256faa006a8613/\\$FILE/Oakridge.t10.pdf](http://www.mtas.utk.edu/public/municodesweb.nsf/5cde681dbdedc10f8525664000615fc4/aa36ab28994d11e585256faa006a8613/$FILE/Oakridge.t10.pdf)) (prohibiting the keeping of any livestock, including fowl, within city limits, except in areas specifically zoned for that purpose).
49. *City of St. Paul v. Nelson*, 404 N.W.2d 890 (Minn. Ct. App. 1987).
50. *State v. Nelson*, 499 N.W.2d 512 (Minn. Ct. App. 1993).
51. *State v. Nobriga*, 81 Haw. 70, 912 P.2d 567 (Ct. App. 1996), as amended, (Mar. 11, 1996) (involving an ordinance that providing that “[i]t is unlawful to be the owner of an animal, farm animal or poultry engaged in animal nuisance” and defining “animal nuisance” as including “any animal, farm animal or poultry which: (a) Makes noise continuously and/or incessantly for a period of 10 minutes or intermittently for one-half hour or more to the disturbance of any person”).
52. *Buck Hill Falls Co. v. Clifford Press*, 2002 PA Super 17, 791 A.2d 392 (2002). See also *Olsen v. Kilpatrick*, 2007 WY 103, 161 P.3d 504 (Wyo. 2007) (holding that pheasants were prohibited by covenant).
53. *Becker v. Arnfeld*, 171 Colo. 256, 466 P.2d 479 (1970).
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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).
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57. Code of Ordinances, City of Charlotte, NC, sec. 3-102, available at [http://library1.municode.com:80/default/template.htm?view=browse&doc\\_action=setdoc&doc\\_keytype=tocid&doc\\_key=1c56ab278fcac109f43f0a5468a9a640&infobase=19970](http://library1.municode.com:80/default/template.htm?view=browse&doc_action=setdoc&doc_keytype=tocid&doc_key=1c56ab278fcac109f43f0a5468a9a640&infobase=19970).
58. Code of Ordinances, City of Knoxville, Tennessee, Part 2 Chapter 5 Article IV § 5-107 (<http://library.municode.com/index.aspx?clientId=11098&stateId=42&stateName=Tennessee&customBanner=11098.jpg&imageclass=L&ccl=11098.txt>).
59. City of Salem, Oregon, *Chicken License Application*, see <http://www.cityofsalem.net/Departments/CommunityDevelopment/BAS/Documents/Chicken%20License%20Application.pdf> (visited February 2011).
60. City of Adair Village *Backyard Chicken Permit Application*, available at: <http://www.cityofadairvillage.org/Planning/2010%20Building%20Permits/Backyard-Chicken-Permit-Application-FINAL.pdf> (visited February 2011).
61. City of Ann Arbor *Permit to Keep Backyard Chickens*, [http://www.a2gov.org/government/city\\_administration/City\\_Clerk/Documents/Backyard%20Chickens%20Permit%200708.pdf](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**

- 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.

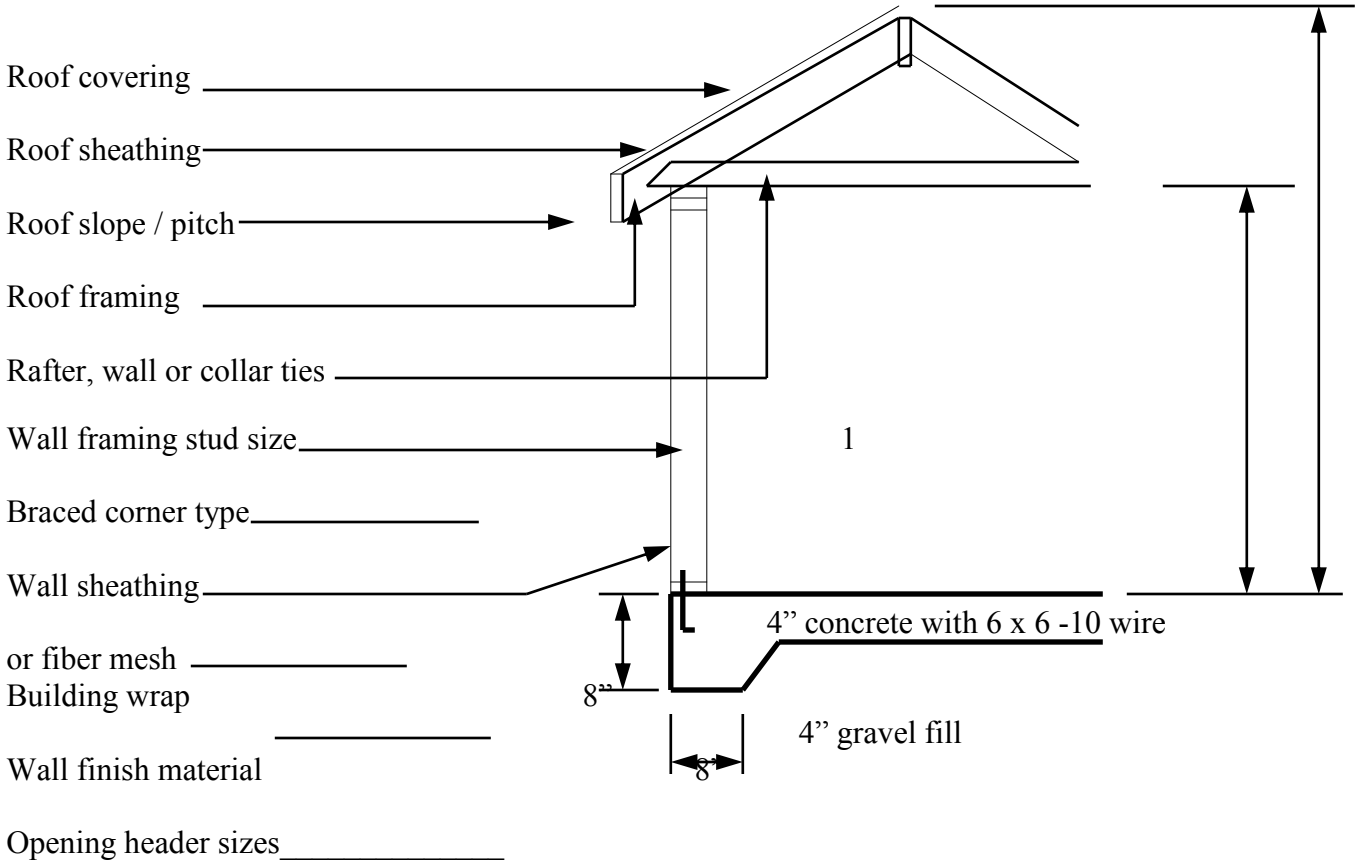
## Application Procedure

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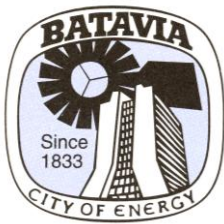
1. Submit a completed Building Permit Application to the Building Division of the Community Development Department.
  2. Pay required minimum submittal fee.
  3. Attach two (2) copies of drawings to the application showing the construction details, see attached sample.
  1. Attach two (2) copies of the 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.

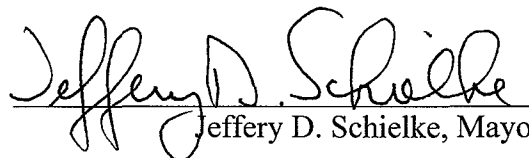
CITY OF BATAVIA. ILLINOIS ORDINANCE 11-04

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

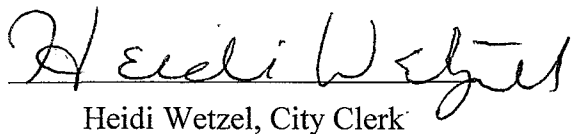
**PASSED** by the City Council of the City of Batavia, Illinois, this 16<sup>th</sup> day of May, 2011.

**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										
VOTE:		9 Ayes	5 Nays	0 Absent		Abstention(s)				
Total holding office:		Mayor and 14 aldermen								

ATTEST:

  
 Heidi Wetzels, City Clerk

**CITY OF BATAVIA, ILLINOIS  
ORDINANCE 15-45**

**AMENDING TITLE 5 OF THE MUNICIPAL CODE  
RELATING TO ALLOWING CHICKENS ON CERTAIN  
RESIDENTIAL PROPERTIES IN THE  
CITY OF BATAVIA**

**ADOPTED BY THE  
MAYOR AND CITY COUNCIL  
THIS 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:

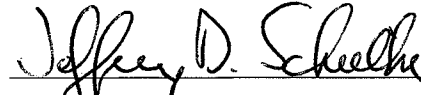
5-4B-8-B. The registration form shall include written permission for any building division staff member to access the rear yard of the residence or to access the school property for the purpose of verifying compliance with this code on a periodic basis. The form shall also acknowledge receipt of a copy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

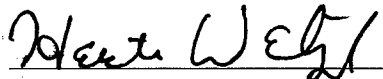
**PRESENTED** to and **PASSED** by the City Council of the City of Batavia, Illinois, this 2<sup>nd</sup> day of November, 2015.

**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				Thelin Atac	x			
6	Cerone	x				Russotto		<del>x</del>	<del>x</del>	
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)

[REDACTED]



NAME: Scarlett Johnson  
Age: 10

# Chickens

Why I want chickens. I think chickens would be so fun to have and here is why, I would want to feed them because it would be fun to have more animals to love. I think that chickens would be a big responsibility but it would be fun! Chickens seem like they would listen. While being a big responsibility they would be fun and loving. Me and my family would take great care of them. We have a dog and we take great care of him. Chickens seem really fun I would hang out with them and feed them all the time!

